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# Draft Kirklees Local Plan

## Habitats Regulations Assessment Report

Prepared by LUC  
October 2015

**Project Title:** Habitats Regulations Assessment of the Kirklees Local Plan

**Client:** Kirklees Council

<b>Version</b>	<b>Date</b>	<b>Version Details</b>	<b>Prepared by</b>	<b>Checked by</b>	<b>Approved by</b>
1	16/10/15	HRA Report for the Draft Kirklees Local Plan	Kate Nicholls Kieran Moroney	Taran Livingston	Taran Livingston
2	30/10/15	Final HRA Report for the Draft Kirklees Local Plan	Kate Nicholls Kieran Moroney	Taran Livingston	Taran Livingston



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# 1 Introduction

- 1.1 Kirklees Council is producing a new Local Plan to set the framework for development in the district over the next 15-20 years. Once adopted, the Local Plan will replace the saved policies from the existing Kirklees Unitary Development Plan.
- 1.2 LUC was appointed by Kirklees Council in August 2014 to undertake Habitats Regulations Assessment (HRA) of the emerging Local Plan on its behalf. This HRA Report relates to the Draft Local Plan (November 2015) which comprises two parts: "Strategy and Policies" and "Allocations and Designations". This report should therefore be read in conjunction with those documents.

## Background to the preparation of the new Local Plan

- 1.3 Kirklees Council worked on the preparation of a new Local Development Framework (LDF) Core Strategy between 2005 and 2013. The Core Strategy was intended to set the framework for planning decisions in Kirklees up to 2028, including how much development should take place and broadly where, and setting out policies to ensure that development would take place in a sustainable way.
- 1.4 Several iterations of the Core Strategy were produced during its development, including a Preferred Options Consultation Report (2006), an Options Consultation Report (2009), a Draft Proposals Consultation (2010) and the Proposed Submission version (2011).
- 1.5 The Core Strategy was submitted to the Secretary of State in 2012; however in October 2013 the decision was made to withdraw the Core Strategy and move towards the production of a new-style Local Plan. The new Local Plan will have a broader scope than the Core Strategy – as well as setting out the overarching development strategy for the district over the next 15-20 years it will include site allocations for different types of development. It will also set out the planning policies that will be used to assess planning applications.
- 1.6 Prior to the preparation of the current Draft version of the Local Plan, an Early Engagement Report for the new Local Plan was consulted on by the Council between April and May 2014. That document set out information about what would be included in the Local Plan and when and how the document would be prepared. It also presented the Vision and Strategic Objectives from the withdrawn Core Strategy and invited comments on how they might be amended for inclusion in the new Local Plan.

## The requirement to undertake Habitats Regulations Assessment of Development Plans

- 1.7 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010<sup>1</sup> and again in 2012<sup>2</sup>. Therefore when preparing the new Local Plan, Kirklees Council is required by law to carry out a Habitats Regulations Assessment although consultants can undertake the HRA on its behalf. The requirement for authorities to comply with the Habitats Regulations when preparing a Local Plan is explained in the online National Planning Practice Guidance (NPPG).

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<sup>1</sup> The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. HMSO Statutory Instrument 2007 No. 1843. From 1 April 2010, these were consolidated and replaced by the Conservation of Habitats and Species Regulations 2010 (SI No. 2010/490). Note that no substantive changes to existing policies or procedures have been made in the new version.

<sup>2</sup> The Conservation of Habitats and Species (Amendment) Regulations 2012. Statutory Instrument 2012 No. 1927.

- 1.8 The HRA refers to the assessment of the potential effects of a development plan on one or more Natura 2000 sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- SPAs are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
  - SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.
- 1.9 Potential SPAs (pSPAs)<sup>3</sup>, candidate SACs (cSACs)<sup>4</sup>, Sites of Community Importance (SCIs)<sup>5</sup> and Ramsar sites should also be included in the assessment.
- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- 1.10 For ease of reference during HRA, these designations can be collectively referred to as European sites, despite Ramsar designations being at the international level. The term 'European site' is interchangeable with the term 'Natura 2000 site' in the context of HRA. The latter is used throughout this report.
- 1.11 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or whole development plan, would adversely affect the integrity of the site in question either alone or in combination with other plans. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

## Stages of the Habitats Regulations Assessment

- 1.12 **Table 1.1** below summarises the stages involved in carrying out a full HRA, based on various guidance documents<sup>6,7,8</sup>.

**Table 1.1 Stages in HRA**

<b>Stage</b>	<b>Task</b>	<b>Outcome</b>
Stage 1: Screening (the 'Significance Test')	Description of the plan. Identification of potential effects on Natura 2000 sites. Assessing the effects on Natura 2000 sites (taking into account potential mitigation provided by other policies in the plan).	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (the 'Integrity Test')	Gather information (plan and Natura 2000 sites). Impact prediction. Evaluation of impacts in view of conservation objectives. Where impacts considered to affect qualifying features, identify	Appropriate Assessment report describing the plan, Natura 2000 site baseline conditions, the adverse effects of the plan on the Natura 2000 site, how these effects will be avoided through, firstly, avoidance, and secondly,

<sup>3</sup> Potential SPAs are sites that have been approved by Government and are currently in the process of being classified as SPAs.

<sup>4</sup> Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted.

<sup>5</sup> SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the Government.

<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 Commission Environment DG, November 2001.

<sup>7</sup> *Planning for the Protection of Natura 2000 sites. Guidance for Regional Spatial Strategies and Local Development Documents.* Department for Communities and Local Government (DCLG), August 2006.

<sup>8</sup> *The Appropriate Assessment of Spatial Plans in England. A guide to why, when and how to do it.* RSPB. August 2007.

<b>Stage</b>	<b>Task</b>	<b>Outcome</b>
	alternative options. Assess alternative options. If no alternatives exist, define and evaluate mitigation measures where necessary.	mitigation including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify and demonstrate 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.13 In assessing the effects of the Kirklees Local Plan in accordance with Regulation 102 of the Conservation of Habitats and Species Regulations 2012, there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which will inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 102(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
- Step 2: Under Reg. 102(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the 'Significance Test'). *[These two steps are undertaken as part of Stage 1: Screening shown in Table 1.1 above.]* If Yes –
- Step 3: Under Reg. 102(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 102(2) to consult Natural England, and optional under Reg. 102(3) to take the opinion of the general public. *[This step is undertaken during Stage 2: Appropriate Assessment shown in Table 1.1 above.]*
- Step 4: In accordance with Reg.102(4), but subject to Reg.103, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the Natura 2000 site.

1.14 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.

1.15 The HRA should be undertaken by the 'competent authority' - in this case Kirklees Council, and LUC has been commissioned to do this on its behalf. The HRA also requires close working with Natural England as the statutory nature conservation body<sup>9</sup> in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

<sup>9</sup> Regulation 5 of *The Conservation of Habitats and Species Regulations 2010*. HMSO Statutory Instrument 2010 No. 490.

## HRA work carried out previously for the Core Strategy

- 1.16 As described above, the Kirklees Core Strategy reached a late stage in its development before being withdrawn, and the Core Strategy was subject to HRA screening by LUC throughout its development (the Appropriate Assessment stage of the HRA was not undertaken). The most recent HRA Screening Report for the Core Strategy was produced in May 2012 in relation to the Proposed Submission version of the Core Strategy.
- 1.17 Therefore, there is already a significant body of fairly recent HRA work available relating to Kirklees District, which is being drawn on where relevant to inform the HRA of the Local Plan. However, the HRA of the Local Plan is being carried out as a separate process to the earlier HRA of the Core Strategy and any information that is being drawn on from the HRA of the Core Strategy is being fully reviewed and updated.

## Structure of this report

- 1.18 This chapter (**Chapter 1**) has described the background to the production of the Kirklees Local Plan and the requirement to undertake HRA. The remainder of the report is structured into the following sections:
  - **Chapter 2: The Local Plan** summarises the content of the Draft Local Plan (November 2015), which is the subject of this HRA report.
  - **Chapter 3: HRA Screening Methodology** sets out the approach taken and the tasks carried out during the screening stage of the HRA.
  - **Chapter 4: HRA Screening Assessment of the Draft Local Plan** summarises the findings of the screening stage of the HRA and describes whether significant effects on Natura 2000 sites are likely to result from the implementation of the Draft Local Plan.
  - **Chapter 5: Appropriate Assessment** describes the approach taken to the Appropriate Assessment stage of the HRA and summarises the findings.
  - **Chapter 6: Conclusions** summarises the HRA conclusions for the Draft Local Plan and describes the next steps to be undertaken.

## 2 The Draft Kirklees Local Plan

- 2.1 The Draft Kirklees Local Plan (November 2015) comprises two parts: "Strategy and Policies" and "Allocations and Designations". Together these two documents set the framework for development in Kirklees up to 2031.
- 2.2 The Strategy and Policies document sets out an overall Vision for Kirklees as follows:

In 2031, Kirklees will be a great place to live, work and invest in, delivered through an integrated approach to housing and employment. Development will have taken place in a sustainable way (balancing economic, social and environmental priorities) and by making efficient and effective use of land and buildings supported by necessary infrastructure and with minimal effect on the environment. Health inequalities will have been reduced, enabling higher standards of health and well-being resulting from improved access to training and job opportunities, a decent and affordable home, access to services and green spaces and opportunities for physical activity and a healthy lifestyle.

The diverse character of the district as a whole and within its different character areas will be retained and enhanced while creating opportunities to build thriving communities which respond to local needs.

Kirklees will be ideally placed to encourage inward investment and stimulate economic growth. This will be achieved through the provision of new prime employment land, sites of strategic importance for employment with a focus on manufacturing and engineering including Cooper Bridge and Chidswell and safeguarded employment land which, as a whole, provide the opportunities to grow businesses, improve economic resilience and increase the district's ability to compete with other areas.

There will be a focus on regenerating our towns whilst safeguarding and reinforcing those elements which make them distinctive. Huddersfield Town Centre will be revitalised through an enhanced independent retail, cultural and leisure offer; mixed use development of the Waterfront and St. George's Quarters and other key sites; and next generation digital connectivity. Dewsbury will be transformed by building on its strategic location, driven by integrated housing and economic development in the town centre and connected to communities. Supporting the rural economy will be encouraged and opportunities facilitated by high speed broadband.

There will be a mix of high quality housing which offers choice and meets the needs of all our communities including affordable housing. The challenges of an ageing population will have been addressed and a range of housing and employment choices available to attract and retain younger age groups within the district to build sustainable communities.

People will have access to a range of local facilities including services, health-care and education provision, and adequate infrastructure. Places will be well-connected encouraging sustainable travel including increased opportunities for walking and cycling and improved links to other parts of the Leeds City Region and beyond.

The local character and distinctiveness of Kirklees and its places will be retained. The natural, built and historic environment will be maintained and enhanced through high quality, inclusive design and safe environments, opportunities for play and sport, the protection and enhancement of green infrastructure, enhancement of distinctive and contrasting landscapes, tree and woodland protection, opportunities for local food growing, the enhancement of biodiversity and geodiversity and the protection and enhancement of heritage assets.

- 2.3 The Draft Local Plan (Strategy and Policies document) then sets out 10 Strategic Objectives which summarise the measures needed to achieve the overall vision:

- 1 Support the growth and diversification of the economy, to increase skill levels and employment opportunities including the provision of a high quality communication infrastructure.

- 2 Strengthen the role of town centres, particularly Huddersfield, Dewsbury and Batley, to support their vitality and viability.
  - 3 Improve transport links within and between Kirklees towns and with neighbouring towns and cities, giving priority to public transport, commercial traffic, and to cycling and walking.
  - 4 Provide new homes which meet the needs of the community offering a range of size, tenure and affordability, with good access to employment, public transport, shops and services.
  - 5 Tackle inequality and give all residents the opportunity of a healthy lifestyle, free from crime and to achieve their potential in work and education.
  - 6 Protect and improve green infrastructure so that residents have access to good quality open spaces, sport and recreation opportunities, and for wildlife to flourish.
  - 7 Promote development that helps to mitigate climate change, and development which is adapted so that the potential impact from climate change is reduced.
  - 8 Protect and enhance the characteristics of the built, natural and historic environment, and local distinctiveness which contribute to the character of Kirklees.
  - 9 Promote the use of brownfield land to meet development needs and support the regeneration of areas.
  - 10 Facilitate the sustainable use and management of minerals and waste.
- 2.4 Chapters 4-17 of the Draft Local Plan (Strategy and Policies document) then set out draft policies within the following sections:
- Delivering growth and sustainable development
  - Place shaping
  - Economy
  - Homes
  - Retailing and Town Centres
  - Transport
  - Design
  - Climate Change
  - Natural Environment
  - Historic Environment
  - Minerals
  - Waste
  - Health and supporting communities
  - Green belt and open spaces
- 2.5 The final section of the Strategy and Policies document sets out proposals for monitoring the Local Plan.
- 2.6 The second part of the Local Plan, the Allocations and Designations document, makes site-specific allocations for residential, employment and mixed use development, and for open space, Traveller sites, minerals and waste sites. These allocations will provide for the overall quantum of development set out in the Strategy and Policies document. [The draft plan also identifies safeguarded land which will potentially accommodate development beyond the end of the plan period.](#)

## Potential impacts of the Local Plan on Natura 2000 sites

2.7 **Table 2.1** below sets out the range of potential impacts that development in general and related activities may have on Natura 2000 sites.

**Table 2.1 Potential impacts and activities adversely affecting Natura 2000 sites**

Broad categories and examples of potential impacts on Natura 2000 sites	Examples of activities responsible for impacts
<b>Physical loss</b> <ul style="list-style-type: none"> <li>• Removal (including offsite effects, e.g. foraging habitat)</li> <li>• Mine collapse</li> <li>• Smothering</li> <li>• Habitat degradation</li> </ul>	Development (e.g. housing, employment, infrastructure, tourism) Infilling (e.g. of mines, water bodies) Alterations or works to disused quarries Structural alterations to buildings (bat roosts) Afforestation Tipping Cessation of or inappropriate management for nature conservation
<b>Physical damage</b> <ul style="list-style-type: none"> <li>• Sedimentation / silting</li> <li>• Prevention of natural processes</li> <li>• Habitat degradation</li> <li>• Erosion</li> <li>• Trampling</li> <li>• Fragmentation</li> <li>• Severance / barrier effect</li> <li>• Edge effects</li> <li>• Fire</li> </ul>	Flood defences Dredging Mineral extraction Recreation (e.g. motor cycling, cycling, walking, horse riding, water sports, caving) Development (e.g. infrastructure, tourism, adjacent housing etc.) Vandalism Arson Cessation of or inappropriate management for nature conservation
<b>Non-physical disturbance</b> <ul style="list-style-type: none"> <li>• Noise</li> <li>• Vibration</li> <li>• Visual presence</li> <li>• Human presence</li> <li>• Light pollution</li> </ul>	Development (e.g. housing, industrial) Recreation (e.g. dog walking, water sports) Industrial activity Mineral extraction Navigation Vehicular traffic Artificial lighting (e.g. street lighting)
<b>Water table/availability</b> <ul style="list-style-type: none"> <li>• Drying</li> <li>• Flooding / stormwater</li> <li>• Water level and stability</li> <li>• Water flow (e.g. reduction in velocity of surface water)</li> <li>• Barrier effect (on migratory species)</li> </ul>	Water abstraction Drainage interception (e.g. reservoir, dam, infrastructure and other development) Increased discharge (e.g. drainage, runoff)
<b>Toxic contamination</b> <ul style="list-style-type: none"> <li>• Water pollution</li> <li>• Soil contamination</li> <li>• Air pollution</li> </ul>	Agrochemical application and runoff Navigation Oil / chemical spills Tipping Landfill Vehicular traffic Industrial waste / emissions

<b>Broad categories and examples of potential impacts on Natura 2000 sites</b>	<b>Examples of activities responsible for impacts</b>
<b>Non-toxic contamination</b> <ul style="list-style-type: none"> <li>• Nutrient enrichment (e.g. of soils and water)</li> <li>• Algal blooms</li> <li>• Changes in salinity</li> <li>• Changes in thermal regime</li> <li>• Changes in turbidity</li> <li>• Air pollution (dust)</li> </ul>	Agricultural runoff Sewage discharge Water abstraction Industrial activity Flood defences Navigation Construction
<b>Biological disturbance</b> <ul style="list-style-type: none"> <li>• Direct mortality</li> <li>• Out-competition by non-native species</li> <li>• Selective extraction of species</li> <li>• Introduction of disease</li> <li>• Rapid population fluctuations</li> <li>• Natural succession</li> </ul>	Development (e.g. housing areas with domestic and public gardens) Predation by domestic pets Introduction of non-native species (e.g. from gardens) Fishing Hunting Agriculture Changes in management practices (e.g. grazing regimes, access controls, cutting/clearing)

### 3 HRA Screening Methodology

- 3.1 HRA Screening of the Draft Kirklees Local Plan (November 2015) has been undertaken in line with current guidance and seeks to meet the requirements of the Habitats Regulations. The tasks that have been undertaken during the Screening stage of the HRA are described in detail below.

#### Identification of Natura 2000 sites which may be affected by the Local Plan and the factors contributing to and defining the integrity of these sites

- 3.2 During the HRA of the now-withdrawn Core Strategy, an initial investigation was undertaken to identify the Natura 2000 sites within or adjacent to the Kirklees district boundary which may be affected by development. This involved the use of GIS data to map the locations and boundaries of Natura 2000 sites using publicly available data from Natural England.
- 3.3 All Natura 2000 sites lying partially or wholly within 15km from the district boundary were included in the HRA of the Core Strategy, in order to address the fact that development resulting from a plan may affect Natura 2000 sites which are located outside the administrative boundary of the plan. This distance has generally been considered reasonable in other local authority HRAs to ensure that all designated sites that could potentially be affected by development are identified and included in the assessment. For this reason the same buffer distance is being applied during the HRA of the Local Plan, although it is recognised that sites beyond 15km from the Kirklees boundary could be affected by development within the district, for example if the water resources used to supply the district come from a source that lies further afield and which is subject to European designation. Therefore, if information obtained during the HRA indicates that other Natura 2000 sites could be affected they will be included in the assessment.
- 3.4 Four Natura 2000 sites are located within 15km of the Kirklees District boundary, although only the South Pennine Moors SAC, the South Pennine Moors SPA (Phase 2) and a tiny part of the Peak District Moors (South Pennine Moors Phase 1) SPA actually fall within the district (all lie in the south western corner). There are no Ramsar sites present within Kirklees (+15km). The four Natura 2000 sites within 15km of Kirklees are listed below in **Table 3.1** and are mapped in **Figure 3.1** at the end of this section.

**Table 3.1 Natura 2000 sites within 15km of Kirklees District**

Special Areas of Conservation (SACs)	Special Protection Areas (SPAs)
South Pennine Moors	South Pennine Moors – this site comprises two designations: - Peak District Moors SPA (South Pennine Moors Phase 1) - South Pennine Moors SPA (Phase 2)
Rochdale Canal	
Denby Grange Colliery Ponds	Where both of these sites are referred to together they are referred to as 'phases 1 and 2'.

- 3.5 The attributes of these sites which contribute to and define their integrity have been described (see **Appendix 1**). In doing so, reference was made to the original citation submitted to the European Commission at the time of classification, the species present in qualifying numbers during the SPA Review undertaken by the Joint Nature Conservation Committee (JNCC) and

published in 2001, the Natura 2000 standard data forms published on the JNCC website<sup>10</sup>, and the most recent conservation objectives published on the Natural England website (most were published in 2014)<sup>11</sup>. However, each of these sources presents different information regarding the reasons for designating the sites and their qualifying features. It is noted that advice was sought from Natural England in relation to this matter during the preparation of the HRA Report for the Bradford Core Strategy<sup>12</sup>, which indicated that the species listed on the SPA citation should be used in that assessment. Therefore, the same approach has been taken in this HRA Report for the Kirklees Local Plan, but it is noted that the species listed in the SPA citations are slightly different from those listed in Natural England's more recent conservation objective papers for each SPA.

- 3.6 This analysis has enabled Natura 2000 site interest features to be identified, along with the features of each site which determine site integrity and the specific sensitivities of the site. This information allows an analysis of how the potential impacts of the Draft Kirklees Local Plan may affect the integrity of each site.

## Assessment of 'likely significant effects' of the Local Plan

- 3.7 As required under Regulation 102 of the Conservation of Habitats and Species Regulations 2010<sup>13</sup> an assessment has been undertaken of the 'likely significant effects' of the Draft Local Plan. A screening matrix was prepared in order to assess which components of the Local Plan would be likely to have a significant effect on Natura 2000 sites. The findings of the screening assessment are summarised in **Chapter 4** and the full screening matrix can be found in **Appendix 3**.
- 3.8 A risk-based approach involving the application of the precautionary principle was adopted in the assessment, such that a conclusion of 'no significant effect' was only reached where it was considered very unlikely, based on current knowledge and the information available, that a proposal in the Local Plan would have a significant effect on the integrity of a Natura 2000 site.
- 3.9 A 'traffic light' approach has been used to record the likely impacts of the policies and site allocations on Natura 2000 sites and their qualifying habitats and species, using the colour categories shown below.

Red	There are likely to be significant effects (Appropriate Assessment required).
Amber	There may be significant effects, but this is currently uncertain (Appropriate Assessment required).
Green	There are unlikely to be significant effects (Appropriate Assessment <b>not</b> required).

## Screening assumptions and information used in reaching conclusions about likely significant effects

- 3.10 The screening stage of the HRA has taken the approach of screening each Local Plan policy individually, which is consistent with current guidance. For the site allocations, the very high number of allocations means that they have been screened in groups by type (e.g. residential sites, employment sites etc.). This approach allows the screening matrix to reflect the different effects that certain development types would have, for example employment development is less likely than residential development to increase recreation pressure on nearby Natura 2000 sites.
- 3.11 For some types of impacts, screening for likely significant effects has been determined on a proximity basis, using GIS data to determine the proximity of potential development locations to

<sup>10</sup> [www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk)

<sup>11</sup> <http://publications.naturalengland.org.uk/category/6490068894089216>

<sup>12</sup> Habitats Regulations Assessment for the City of Bradford District Core Strategy. Appropriate Assessment Report for the Publication Draft Document (Feb 2014). Urban Edge Environmental Consulting, December 2014.

<sup>13</sup> SI No. 2010/490

the Natura 2000 sites that are the subject of the assessment. However, there are many uncertainties associated with using set distances as there are very few standards available as a guide to how far impacts will travel. Therefore, during the screening stage a number of assumptions have been applied in relation to assessing the likely significant effects on Natura 2000 sites that may result from the Local Plan, as explained below. These assumptions draw from the information gathered during the HRA screening of the Core Strategy as appropriate, as well as the conclusions of that work (see box below).

### **Conclusions of the HRA Screening Report for the Core Strategy**

As described in the May 2012 HRA Screening Report for the Core Strategy, likely significant effects on Natura 2000 sites were not able to be ruled out for a number of proposals in the Proposed Submission version of the Core Strategy. This was because the policies in question were considered likely to lead (either directly or indirectly) to development but the precise nature and location of that development was unknown. Some of the 12 policies for which uncertainty was identified could also have led to an increase in visitor numbers at Natura 2000 sites, or to an increase in the volume of vehicle traffic in the area. Therefore, the potential effects identified included physical loss or damage to habitat from development as well as erosion/trampling from increased recreation and non-physical disturbance including air, noise and light pollution.

Although the Core Strategy did not specify the precise nature and location of individual developments, and this would not have been known until either a more specific DPD was prepared or planning applications came forward, most of the potential effects identified through the screening exercise related to the South Pennine Moors SAC and the Peak District Moors SPA (South Pennine Moors Phase 1) due to housing, employment and other types of development (e.g. minerals, transport improvements) being proposed in settlements in the south-west of the district. It was also noted that these effects could combine with effects from development proposed in adjacent authorities to the south and west of Kirklees.

However, despite the uncertainty that was flagged up, Appropriate Assessment was not undertaken in relation to the Proposed Submission Core Strategy. This was because the proposals that could potentially lead to significant effects on Natura 2000 sites would either be assessed in more detail during the preparation of lower tier plans or because effects would depend on how the proposals would eventually be implemented, and undertaking Appropriate Assessment in relation to the Core Strategy would not allow for more solid conclusions to be reached. Natural England was consulted on the HRA Screening Report and agreed with the conclusions and the decision not to undertake Appropriate Assessment<sup>14</sup>.

The conclusions of the HRA Screening Report for the Core Strategy are being drawn on throughout the HRA of the Local Plan as appropriate, although the wider scope of the Local Plan (in particular the fact that it will allocate specific sites for development) should mean that it is possible to reach more certain conclusions with regards to the potential for significant effects on Natura 2000 sites.

### **Physical loss of habitat**

- 3.12 Any development resulting from the new Local Plan will be located within Kirklees District; therefore loss of habitat from within the boundaries of a Natura 2000 site can be ruled out in relation to those sites that lie entirely outside of Kirklees (i.e. Rochdale Canal SAC and Denby Grange Colliery Ponds SAC). However, the potential for loss of habitat from within the boundaries of the Natura 2000 sites that lie partially within the district (South Pennine Moors SAC, Peak District Moors SPA (South Pennine Moors Phase 1) and South Pennine Moors SPA (Phase 2)) needs to be considered if Local Plan proposals could result in development coming forward in those areas.
- 3.13 In addition, loss of habitat from outside of the boundaries of a Natura 2000 site, could still affect the site if it occurs in an area used for offsite foraging or roosting by the qualifying species of the site (land in an area used for foraging or roosting by SPA birds, for example, would be functionally connected to the Natura 2000 site). Therefore, consideration needs to be given to whether the

<sup>14</sup> Letter received from Natural England dated 1st June 2011.

Natura 2000 sites in and around Kirklees have transient species amongst their qualifying features which could be affected by habitat loss resulting from development on functional land outside of the Natura 2000 site boundary. This consideration is relevant to the Peak District Moors SPA (South Pennine Moors Phase 1) and South Pennine Moors SPA (Phase 2) as these designations have bird species as their qualifying features. LUC is aware of ongoing PhD research being carried out by a student at Manchester Metropolitan University, which is looking at the potential impacts of development plans on SPA birds around Kirklees, Calderdale and Bradford. Until this research is published, there is no definitive map available of all the areas of functionally connected land that are used by the SPA birds. However, the Kirklees Biodiversity Officer has provided LUC with data from 2012 bird surveys of SPA fringe habitats undertaken by West Yorkshire Ecology, which show a number of SPA birds using areas up to 2km from the SPA boundary. The Biodiversity Officer was also able to confirm that golden plover, twite and short-eared owl may travel 1-2km from the SPA to forage and roost, and curlew may also travel 1km. Therefore, it is assumed that the potential for physical loss or damage to offsite functionally connected habitat is most likely to be significant if development takes place within 2km of the SPA

- 3.14 Impacts relating to offsite habitat loss can be screened out in relation to the South Pennine Moors SAC and Rochdale Canal SAC because these sites do not include transient species amongst their qualifying features. Impacts relating to offsite habitat loss can also be screened out in relation to Denby Grange Colliery Ponds SAC because this site is located approximately 1km outside of Kirklees district (at the nearest point) where any development resulting from the Local Plan would be located, and the qualifying great crested newt is not expected to travel that far<sup>15</sup>.
- 3.15 **Therefore, effects relating to physical loss of habitat onsite need to be considered in relation to only South Pennine Moors SAC, Peak District Moors SPA (South Pennine Moors Phase 1) and South Pennine Moors SPA (Phase 2). Loss of habitat offsite needs to be considered only in relation to Peak District Moors SPA (South Pennine Moors Phase 1) and South Pennine Moors SPA (Phase 2).**

#### **Non-physical disturbance (noise, vibration and light pollution)**

- 3.16 Noise and vibration effects, e.g. during the construction of new housing or other development, are most likely to disturb bird species and are therefore a key consideration with respect to Natura 2000 sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species. Artificial lighting at night (e.g. from street lamps, flood lighting and security lights) is most likely to affect bat populations and some nocturnal bird species, and therefore have an adverse effect on the integrity of Natura 2000 sites where bats or nocturnal birds are a qualifying feature. None of the Natura 2000 sites within and around Kirklees are designated for bats.
- 3.17 It is assumed that the effects of noise, vibration and light are most likely to be significant if development takes place within 2km<sup>16</sup> of a Natura 2000 site with qualifying features sensitive to these disturbances, or mapped off-site functional land used for foraging or roosting.
- 3.18 As Rochdale Canal SAC and Denby Grange Colliery Ponds SAC lie well outside of Kirklees District, impacts associated with noise, vibration and light pollution can be screened out in relation to those sites. Similarly, the South Pennine Moors SAC only has habitats amongst its qualifying features which are not vulnerable to these types of impacts. **Therefore, the impacts of noise, vibration and light pollution only needed to be considered in relation to South Pennine Moors SPA (Phases 1 and 2).**

#### **Air pollution**

- 3.19 Air pollution is most likely to affect Natura 2000 sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to

<sup>15</sup> Government guidance on Great crested newts: Surveys and Mitigation for Development Projects indicates that a buffer distance of 500m is adequate when considering great crested newt travel distances from water bodies: <https://www.gov.uk/guidance/great-crested-newts-surveys-and-mitigation-for-development-projects>

<sup>16</sup> Golden plover, twite and short-eared owl may travel 1-2km from the SPA to forage and roost, and curlew may also travel 1km (pers. comm. Kirklees Biodiversity Officer).

the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.

- 3.20 In terms of vehicle traffic, nitrogen oxides (NOx, i.e. NO and NO<sub>2</sub>) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NOx can cause eutrophication of soils and water.
- 3.21 Based on the Highways Agency Design for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 1<sup>17</sup> (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.
- 3.22 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied at the screening stage of an assessment of a plan or project, to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, affected roads which should be assessed are those where:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
  - Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
  - Daily average speed will change by 10 km/hr or more; or
  - Peak hour speed will change by 20 km/hr or more; or
  - Road alignment will change by 5 m or more.
- 3.23 Traffic forecast data (based on the planned level of growth) will be needed to determine if increases in vehicle traffic in and around Kirklees are likely to be significant. Work on a district-wide transport model is currently being undertaken, and this will be drawn on to inform the HRA when it becomes available.
- 3.24 An assessment has been undertaken to identify which Natura 2000 sites lie within 200m of the strategic road network. The South Pennine Moors SAC and South Pennine Moors SPA (Phases 1 and 2) both have a number of strategic roads running through the sites, while Denby Grange Colliery Ponds is within 200m of the A637 to the south and Rochdale Canal SAC cuts across a number of strategic roads. Therefore, impacts relating to increased air pollution were not able to be screened out in relation to any of the Natura 2000 sites included in the HRA on the basis of their distance from the strategic road network.
- 3.25 The qualifying habitats and species of the South Pennine Moors SAC, South Pennine Moors SPA (Phases 1 and 2) and Rochdale Canal SAC are potentially sensitive to air pollution – the Site Improvement Plans for these sites identify the impact of atmospheric nitrogen deposition as priority issues for the sites. While the Site Improvement Plan for Denby Grange Colliery Ponds SAC does not identify increased air pollution as a priority issue, the qualifying great crested newt is potentially vulnerable to increased nitrogen deposition which can result in changes to vegetation and water chemistry. **Therefore, the potential for increased air pollution to impact any of the Natura 2000 sites in Kirklees (+15km) needs to be considered at this stage.**
- 3.26 Where employment and waste management development is proposed, consideration is being given to whether activities on the site could potentially result in effects on Natura 2000 sites as a result of increased air pollution from industry and waste management processes.

### **Recreation and urban impacts**

- 3.27 Recreation activities and general human presence can have an adverse impact on the integrity of a Natura 2000 site as a result of physical disturbance, e.g. through erosion, arson and trampling as well as disturbance to species including breeding birds. Where policies or site allocations in the Local Plan are likely to result in an increase in the local population, or where an increase in

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<sup>17</sup> Design Manual for Road and Bridges. Highways Agency. <http://dft.gov.uk/ha/standards/dmr/index.htm>

tourism is considered likely, the potential for an increase in visitor numbers and the associated impacts at sensitive Natura 2000 sites has been identified. Consideration has been given to factors such as the characteristics and current use of the Natura 2000 sites and their accessibility from potential development areas. On this basis, recreation and urban impacts were considered to be key considerations with regards to the South Pennine Moors SAC and SPA but are less likely to be significant in relation to Denby Grange Colliery Ponds and Rochdale Canal SAC.

- 3.28 Visitor survey work undertaken by the City of Bradford Metropolitan District Council, which informed the HRA of the Bradford Core Strategy<sup>18</sup>, resulted in the identification of a 'zone of influence' for recreational impacts on the South Pennine Moors SAC and South Pennine Moors SPA (Phases 1 and 2). This represents the area from within which most recreational visitors to the SAC and SPA are expected to originate and was found to extend to approximately 10.5km around the SAC and SPA boundaries. 'Urban edge' impacts (which include fly tipping, off-road vehicle use, wildfire and increased predation) were considered to be experienced primarily where development takes place within 400m of the Natura 2000 sites (on the basis of work carried out in the south of England in relation to heathland areas). The HRA Report concluded that adverse effects on the integrity of the South Pennine Moors SAC and SPA could not be ruled out due to recreation pressure, loss of functionally linked land used by the breeding bird assemblage and urban edge pressures. Therefore, a policy was developed for inclusion in the submitted Bradford Core Strategy setting out the measures which will avoid and/or mitigate these impacts and reflected the distances identified through survey work: a 400m exclusion zone around the SPA and SAC where only exceptional development will be permitted to mitigate urban edge effects; a 2.5km zone within which important foraging areas outside the SPA will be protected; and a 7km zone within which residential developments contribute to greenspace improvements that deflect visitors away from the SPA (and avoid effects), the implementation of onsite access management measures and a programme of habitat management and monitoring. This approach has been scrutinised during the Examination in Public into the Bradford Core Strategy and may be amended through the Main Modifications stage that is due to take place in November 2015. The research undertaken for the HRA of the Bradford Core Strategy is being drawn on as appropriate to inform the HRA of the Kirklees Local Plan in relation to potential recreation-related impacts on the SAC and SPA.
- 3.29 The nature of development proposed is also being taken into account, for example employment sites are considered less likely to result in increased recreation pressure than residential sites as employees will be at work within the development site for the majority of the time.
- 3.30 Particular consideration is being given to the potential need to take a strategic approach to mitigation of recreation pressure on the South Pennine Moors SAC and SPA and offsite areas of functional land, in the form of buffers for development and provision of alternative natural green spaces.
- 3.31 **Therefore, at this stage, recreation-related impacts needed to be considered in relation to all of the Natura 2000 sites within Kirklees (+15km) but are a more significant consideration in relation to South Pennine Moors SAC and South Pennine Moors SPA (Phases 1 and 2).**

### **Water quantity and quality**

- 3.32 New development has the potential to result in increased demand for water abstraction and treatment. During the HRA of the now-withdrawn Kirklees Core Strategy it was concluded that significant effects on Natura 2000 sites were not expected to result from increased demand for water abstraction because Yorkshire Water's Water Resources Management Plan (WRMP) at that time<sup>19</sup> indicated that there was available capacity to accommodate the planned growth in the area from the existing sources of supply. It was also noted that Yorkshire Water's water abstraction licences had been assessed through the Environment Agency's review of consents work and had remained unchanged following that review. Yorkshire Water's WRMP has since been updated, and the latest version<sup>20</sup>, which sets out the water company's plans to maintain a balance

<sup>18</sup> Habitats Regulations Assessment for the City of Bradford District Core Strategy. Appropriate Assessment Report for the Publication Draft Document (Feb 2014). Urban Edge Environmental Consulting, December 2014.

<sup>19</sup> At the time, the latest version was: Yorkshire Water (2010) Final Water Resources Management Plan 2010-2035.

<sup>20</sup> Yorkshire Water (2014) Water Resources Management Plan: Yorkshire Water Services Ltd.

between supply and demand for the 25 year period from 2015/16 to 2039/40, indicates that there will be a significant deficit in water supply over the planning period in the Grid Surface Water Zone (SWZ) in which Kirklees District lies. This is attributed in part to the impacts of climate change. The WRMP sets out a number of options for balancing the deficit, and the preferred approach involves a combination of demand reduction (including reducing leakage and processing losses) and ways of increasing supply (including increasing abstraction from certain boreholes). On the basis of that preferred solution, it is concluded that a surplus can be achieved during the 25 year planning period. The preferred solution was subject to HRA and it was concluded that there would be no significant effects on Natura 2000 sites<sup>21</sup>. **Therefore, it is possible to conclude that the new Local Plan will not have significant effects on Natura 2000 sites as a result of increased demand for water consumption.**

- 3.33 Likely significant effects in relation to water quality were also able to be ruled out during the HRA of the Core Strategy, because Yorkshire Water confirmed<sup>22</sup> that the existing Meltham and Clayton West waste water treatment works that serve Kirklees are downstream of the South Pennine Moors SPA (Phases 1 and 2) and the South Pennine Moors SAC, and therefore would not affect water quality at these sites as there is no hydrological connection. Although water supplied to the Rochdale Canal in part arises from the Pennines<sup>23</sup>, the Rochdale Canal SAC is to the west of Kirklees District on the other side of the Pennines, and would not be affected by discharges from the waste water treatment works that serve Kirklees. Significant effects of this nature can therefore be screened out in relation to Rochdale Canal SAC. Denby Grange Colliery Ponds is also not understood to be hydrologically connected to waterbodies within Kirklees that receive discharges from the waste water treatment works that serve Kirklees.
- 3.34 It should also be noted that there are established regulatory mechanisms over the treatment of waste water that take into account environmental impacts including likely significant effects on Natura 2000 sites, which should provide safeguards to ensure no adverse effects on integrity arise.
- 3.35 **Therefore, issues associated with water quality and quantity were able to be screened out in relation to all Natura 2000 sites in Kirklees (+15km).**
- 3.36 **Table 3.2** below summarises the types of effects that have been screened in and out of the assessment, based on the screening assumptions described above.

**Table 3.2 Summary of screening assumptions used for the Kirklees Local Plan**

	<b>South Pennine Moors SAC</b>	<b>South Pennine Moors SPA (Phases 1 and 2)</b>	<b>Rochdale Canal SAC</b>	<b>Denby Grange Colliery Ponds SAC</b>
Physical loss of or damage to habitat	Screened in (onsite)	Screened in (both onsite and offsite)	Screened out (both onsite and offsite)	Screened out (both onsite and offsite)
	Screened out (offsite)			
Non-physical disturbance	Screened out (both onsite and offsite)	Screened in (both onsite and offsite)	Screened out (both onsite and offsite)	Screened out (both onsite and offsite)
Air pollution	Screened in	Screened in	Screened in	Screened in
Recreation and urban impacts	Screened in	Screened in	Screened in	Screened in
Water quantity	Screened out	Screened out	Screened out	Screened out
Water quality	Screened out	Screened out	Screened out	Screened out

<sup>21</sup> Referred to in the Revised Draft Water Resources Management Plan 2013 – Strategic Environmental Assessment Report, Cascade in association with Arup, November 2013.

<sup>22</sup> Emails between Yorkshire Water and Kirklees Council dated 14th April 2011.

<sup>23</sup> Rochdale Canal Site Improvement Plan. Natural England, October 2014.

## Interpretation of 'likely significant effect'

- 3.37 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.
- 3.38 In the Waddenzee case<sup>24</sup>, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:
- An effect should be considered 'likely', "*if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site*" (para 44).
  - An effect should be considered 'significant', "*if it undermines the conservation objectives*" (para 48).
  - Where a plan or project has an effect on a site "*but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned*" (para 47).
- 3.39 Another opinion delivered to the Court of Justice of the European Union<sup>25</sup> commented that:
- "The requirement that an effect in question be 'significant' exists in order to lay down a de minimus threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."*
- 3.40 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or *de minimus*; referring to such cases as those "*that have no appreciable effect on the site*". In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

## Mitigation provided by the Local Plan

- 3.41 Some of the potential effects of the Draft Local Plan could be mitigated through the implementation of other policies in the plan itself, such as those relating to the provision of improved sustainable transport links (which could help to mitigate potential increases in air pollution associated with increased vehicle traffic) and the provision of green infrastructure within new developments (which could help mitigate increased pressure from recreation activities at Natura 2000 sites). During the HRA of the Core Strategy, most of the mitigation referred to was set out in other Core Strategy policies covering topics such as those listed above. It was also noted that the use of good practice construction techniques may help to mitigate potential noise and light pollution effects associated with new development. The extent to which mitigation may be achieved through the Local Plan has been considered during the screening process and has influenced the screening conclusions (see **Appendix 3** and **Chapter 4**).

## Identification of other plans and projects which may have 'in-combination' effects

- 3.42 Regulation 102 of the Amended Habitats Regulations 2010 requires an Appropriate Assessment where "*a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site*". Therefore, where likely significant effects are identified from the new Kirklees Local Plan, it is necessary to consider whether there may also be significant effects in combination with other plans or projects. This exercise has been carried out as part of the screening stage of the HRA.

<sup>24</sup> ECJ Case C-127/02 "Waddenzee" Jan 2004.

<sup>25</sup> Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanala 22nd Nov 2012.

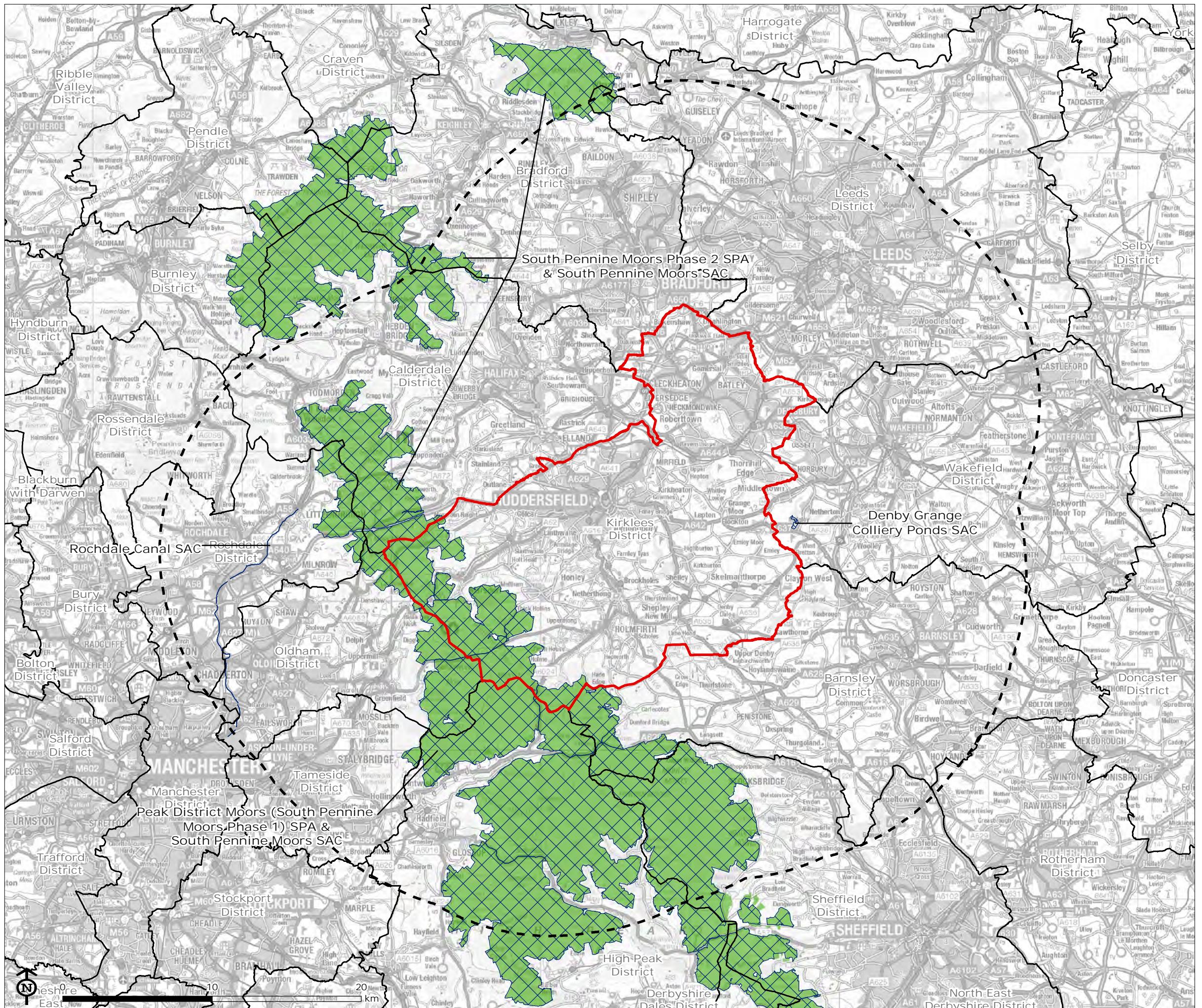
- 3.43 The first stage in identifying ‘in-combination’ effects involves identifying which other plans and projects in addition to the new Kirklees Local Plan may affect the Natura 2000 sites that will be the focus of this assessment. This exercise was previously carried out as part of the HRA of the now-withdrawn Core Strategy and the information about relevant plans that was presented in Appendix 2 of the May 2012 HRA report has been reviewed and updated in order to identify those components of nearby plans that could have an impact on the Natura 2000 sites within the Kirklees boundary (+15km), e.g. areas or towns where additional housing or employment development is proposed near to the Natura 2000 sites (as there could be effects from the transport, water use, infrastructure and recreation pressures associated with the new developments).
- 3.44 There are a large number of potentially relevant plans; therefore the review has focussed on planned spatial growth within authorities adjacent to Kirklees as well as other authorities that are adjacent to the Natura 2000 sites included in this HRA. The findings of any associated HRA work for those plans have been reviewed where available.
- 3.45 **Appendix 2** presents the updated review of other plans, outlining the components of each plan that could have an impact on nearby Natura 2000 sites and considering the findings of the accompanying HRA work (where available). This information is also summarised in **Chapter 4** and will be updated as appropriate as the HRA of the Local Plan progresses. The following authorities’ plans and HRA work has been included:

**Shared boundary with Kirklees District:**

- Bradford Metropolitan District
- Leeds City
- Wakefield District (*includes Denby Grange Colliery Ponds SAC within its boundary*)
- Barnsley Metropolitan Borough
- Calderdale District
- Rochdale District (*includes part of Rochdale Canal SAC within its boundary*)
- Oldham District (*includes part of Rochdale Canal SAC within its boundary*)
- High Peak District
- Peak District National Park

**Shared boundary with South Pennine Moors SAC/SPA and/or Rochdale Canal SAC:**

- Tameside District (HRA Report considered in-combination effects with Oldham District)
- Sheffield District
- Craven District
- Pendle District
- Burnley District



SA and HRA of Kirklees Local Plan

Map 3.1

Natura 2000 Sites Within Kirklees District (+15km)

- Kirklees borough boundary**
- District boundary**
- 15km buffer**
- SAC**
- SPA**

Map Scale @ A3: 1:250,000



Source: Natural England

## 4 HRA Screening Assessment of the Draft Local Plan

- 4.1 As described in **Chapter 3**, a screening assessment has been carried out in order to identify the likely significant effects of the Draft Kirklees Local Plan on the Natura 2000 sites in and around the district. The full screening matrix used for this assessment can be found in **Appendix 3** and the findings are summarised below.
- 4.2 This HRA report has taken the approach of screening each policy and group of site allocations individually, which is consistent with current guidance. In reality, however, the Local Plan policies will combine to deliver the overall scale of development within the district and the in-combination effects of the policies together have therefore been taken into consideration where relevant.

### Significant effects likely

- 4.3 **None of the policies or site allocations** in the Local Plan are considered **likely** to result in significant effects on the Natura 2000 sites in and around Kirklees District.

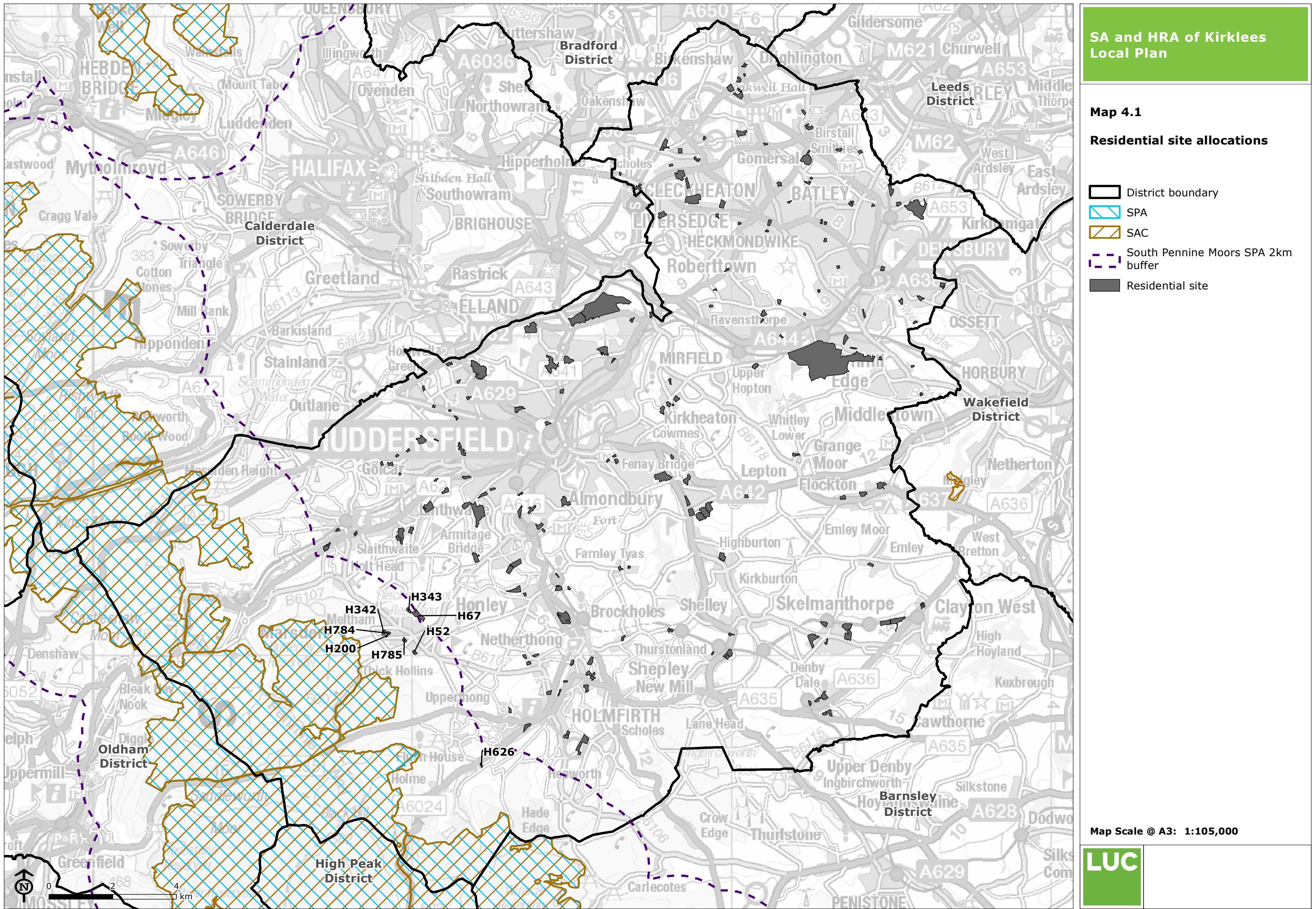
### Significant effects unlikely

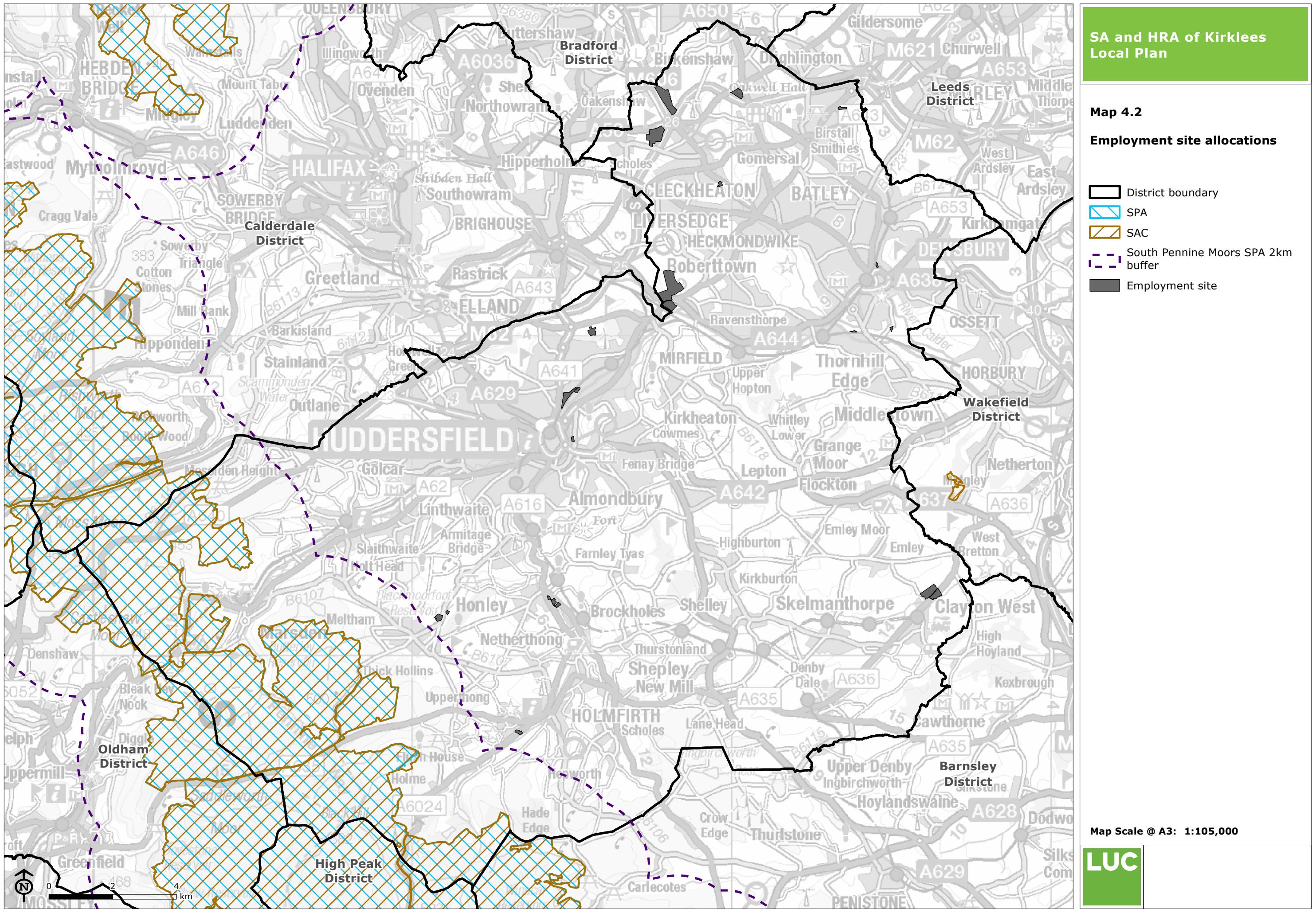
- 4.4 Significant effects are considered **unlikely** in relation to **most of the Local Plan policies**. The following 37 policies are screened out because they will not result directly in development (i.e. they set out criteria for development that will be determined under other more specific policies, which have been screened separately for their impacts on Natura 2000 sites):
- DLP1: Presumption in favour of sustainable development
  - DLP2: Location of new development
  - DLP4: Masterplanning large sites
  - DLP6: Efficient and effect use of land and buildings
  - DLP7: Place shaping
  - DLP8: Safeguarding employment land and premises
  - DLP9: Supporting skilled communities
  - DLP11: Affordability and mix of housing
  - DLP13: Town centre uses
  - DLP14: Shopping frontages
  - DLP16: Food and drink uses and the evening economy
  - DLP22: Parking
  - DLP24: Core walking and cycling network
  - DLP25: Design
  - DLP26: Advertisements and Shop Fronts
  - DLP28: Flood risk
  - DLP29: Drainage
  - DLP30: Management of water bodies
  - DLP32: Strategic Green Infrastructure
  - DLP33: Landscape

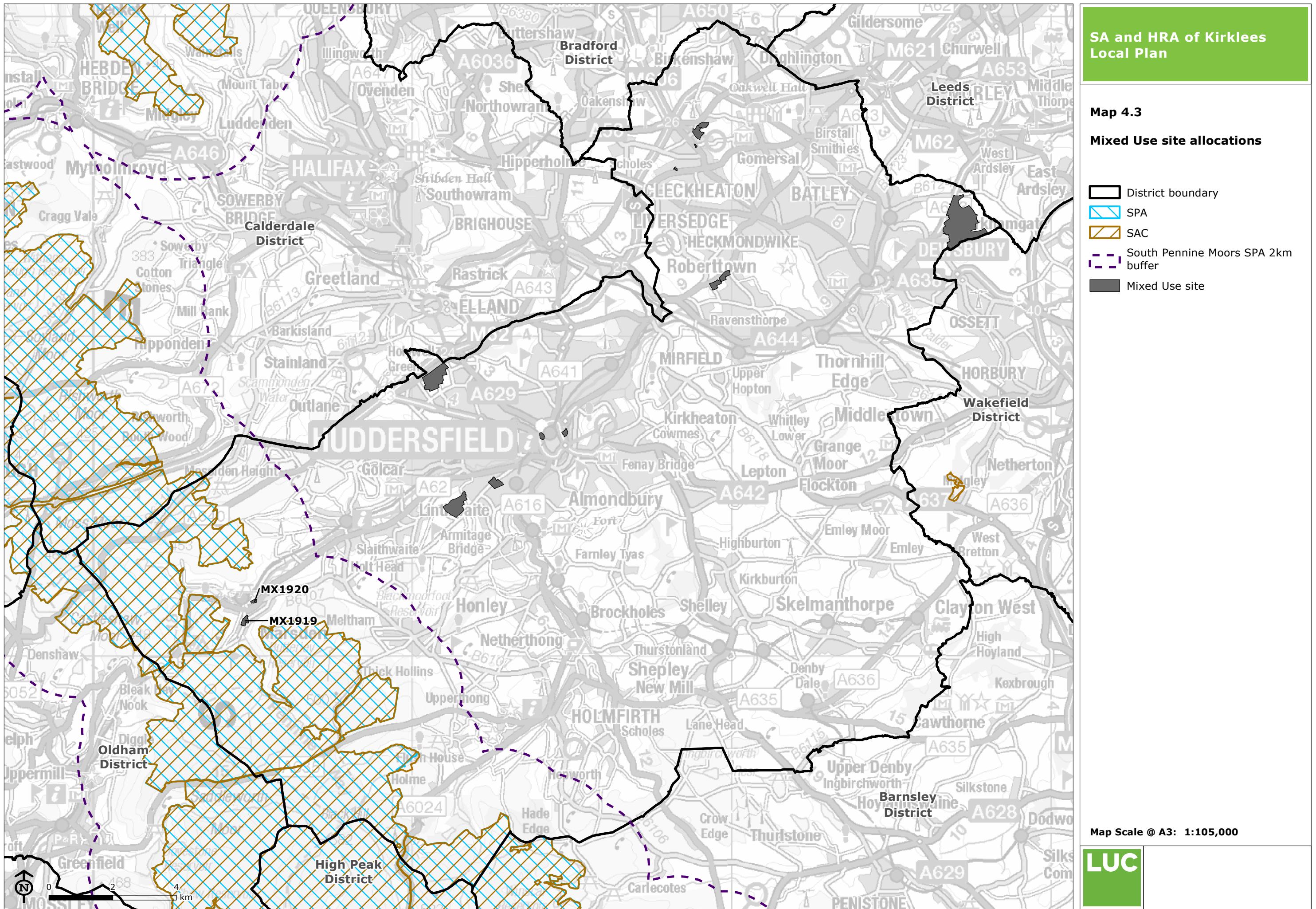
- DLP34: Trees
  - DLP35 Conserving and enhancing the water environment
  - DLP36: Historic environment
  - DLP38: Site restoration and aftercare
  - DLP39: Minerals safeguarding
  - DLP40: Protecting existing and planned minerals infrastructure
  - DLP44: Waste management hierarchy
  - DLP51: Protection and improvement of local air quality
  - DLP52: Protection and improvement of environmental quality
  - DLP53: Contaminated and unstable land
  - DLP55: Development in the green belt
  - DLP60: Garden extensions
  - DLP61: Infilling and redevelopment of brownfield sites
  - DLP62: The re-use and conversion of buildings
  - DLP63: Urban green space
  - DLP64: Local green space
- 4.5 Another two policies are unlikely to have significant effects on Natura 2000 sites because they could help to mitigate the potential effects of development proposed elsewhere in the Local Plan as follows:
- DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars, which could provide mitigation for the air pollution impacts of development in Kirklees.
  - DLP31: Biodiversity and geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.
- 4.6 In addition, the 504 allocations that the Local Plan makes for local and urban green space (referred to collectively as open space allocations in the screening matrix) in the Allocations and Designations document have also been screened out from having likely significant effects as they will not result in development. The potential for these allocations to provide mitigation for the effects associated with pressure for recreation space from other Local Plan policies on Natura 2000 sites has been considered separately below.
- 4.7 A number of other Local Plan policies could result in development in any part of Kirklees which could therefore potentially be located within close proximity of the Natura 2000 sites within Kirklees and/or could result in an increase in traffic generation or demand for recreation pressure. However, there is no detail available at this stage about the location of the development that could result from these policies (or in several cases the nature of the development). The areas of Kirklees in which development would need to be located to affect Natura 2000 sites through physical loss of habitat or direct disturbance are very small, and are located away from the main urban areas in the north of the District where the spatial strategy directs the majority of development. In addition, policy DLP31: Biodiversity and Geodiversity is considered to provide robust mitigation about the potential for effects on Natura 2000 sites, as described above. The policies that have been screened out as unlikely to have significant effects on this basis are:
- DLP3: Providing infrastructure
  - DLP15: Residential in town centres policy
  - DLP17: Huddersfield town centre
  - DLP18: Dewsbury town centre

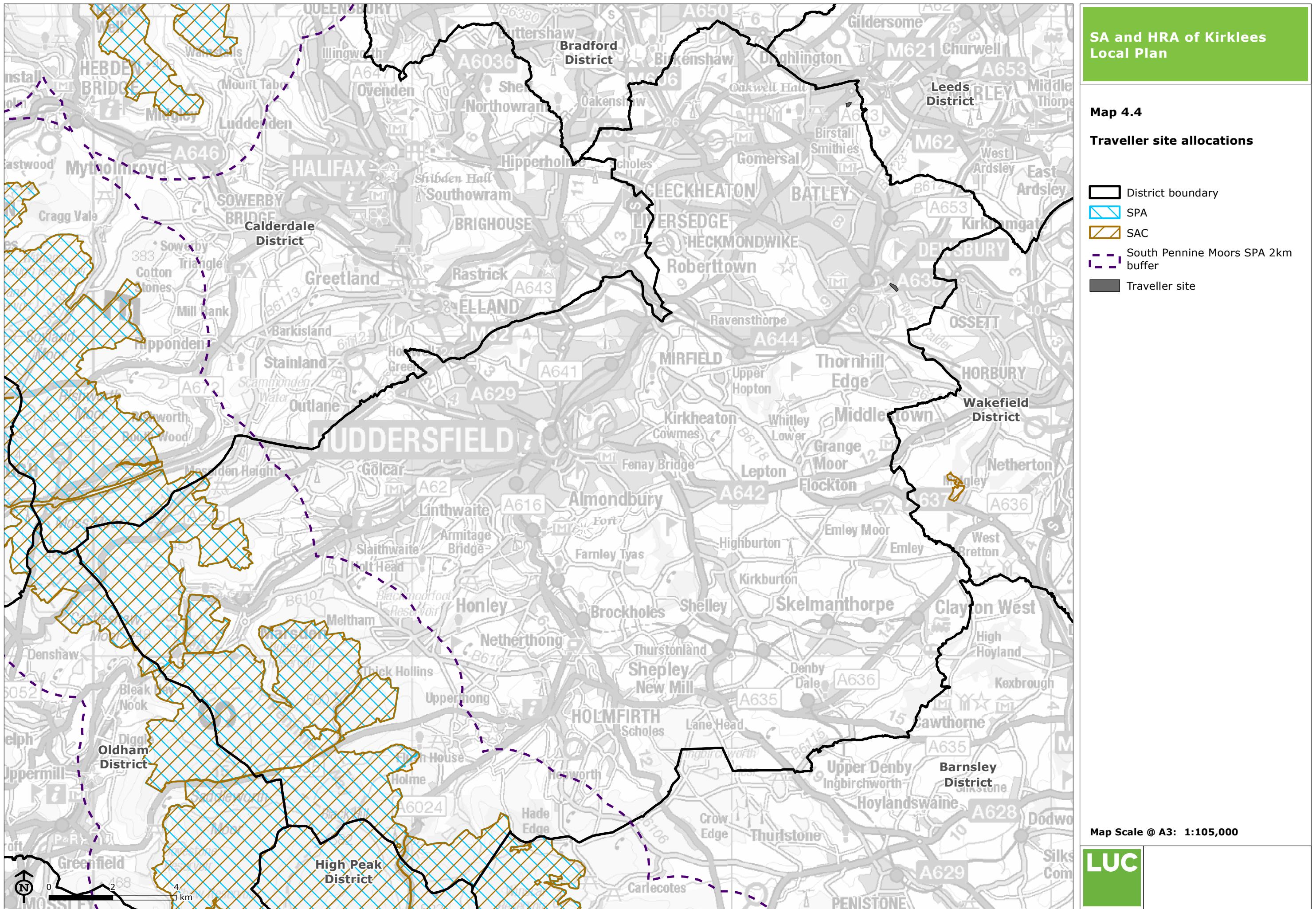
- DLP19: Strategic transport infrastructure
  - DLP21: Highways and access
  - DLP23: Core road and bus networks
  - DLP27: Renewable and low carbon energy
  - DLP41: Alternative development on protected minerals infrastructure sites
  - DLP42: Proposals for exploration and appraisal of hydrocarbons
  - DLP43: Proposals for production of hydrocarbons
  - DLP45: New waste management facilities
  - DLP46: Safeguarding waste management facilities
  - DLP47: Waste disposal
  - DLP48: Healthy, active and safe lifestyles
  - DLP49: Community facilities and services
  - DLP50: Educational and health care needs
  - DLP54: Sports and physical activity
  - DLP56: Buildings for agriculture and forestry
  - DLP57: Agricultural and forestry workers' dwellings
  - DLP58: Facilities for outdoor sport, outdoor recreation and cemeteries
  - DLP59: The extension, alteration or replacement of existing buildings
  - DLP65: New open space
- 4.8 The site allocations that are made in the Allocations and Designations document for Traveller sites and waste management are also screened out, as described in **Appendix 3**. The two Traveller site and one waste site allocations are all located in the north of the District, away from Natura 2000 sites and are not considered likely to result in a significant amount of traffic generation or increased demand for recreation space and are therefore unlikely to have a significant effect on Natura 2000 sites. The potential for these allocations to contribute to cumulative effects on Natura 2000 sites from the overall scale of growth proposed in the Local Plan is considered separately further ahead in this report.
- Significant effects uncertain**
- 4.9 For a number of the Local Plan proposals it was concluded that there **may** be a significant effect on one or more Natura 2000 sites, **although this is uncertain**. Therefore, in line with the precautionary approach being applied in the HRA, until significant effects can be ruled out they are identified as likely significant effects.
- 4.10 The following proposals would all result in development which could combine to increase air pollution from vehicle traffic and/or pressure for recreation space. In addition, depending on the location of development resulting from the proposals there is a chance that physical damage/loss of habitat or non-physical disturbance could affect the South Pennine Moors SAC or SPA (Phases 1 and 2).
- 4.11 The following proposals were therefore highlighted as having potential in-combination but uncertain significant effects on Natura 2000 sites:
- DLP5: Safeguarded land (Land to be safeguarded for potential future development)
  - DLP10: Supporting the rural economy
  - DLP12: Accommodation for Travellers
  - DLP37: Proposals for mineral extraction

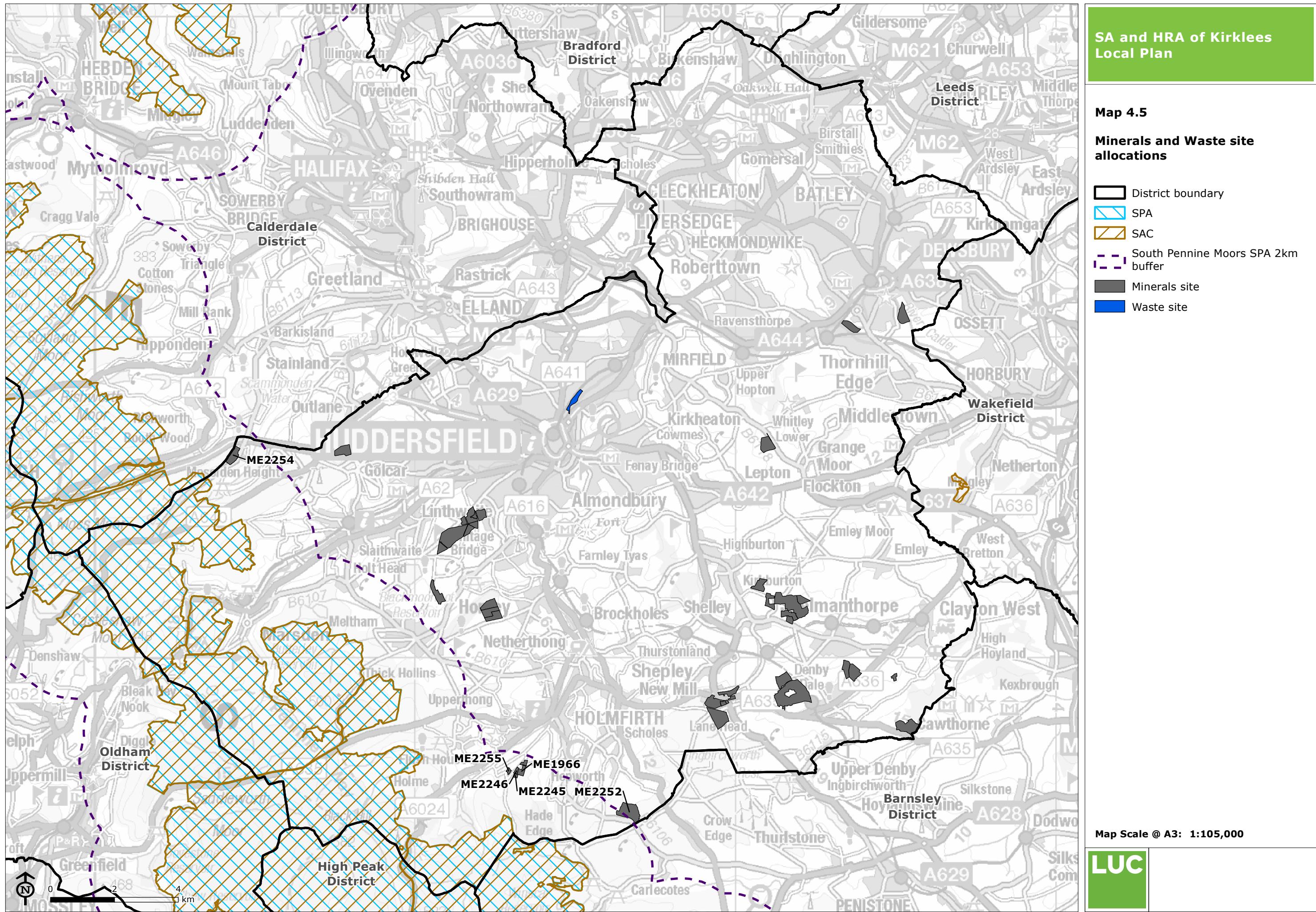
- 4.12 In addition, the proposals for the overall quantum of development in Kirklees were also not able to be screened out for the same reasons (these proposals are set out in the supporting text of the Local Plan rather than in draft policies):
- Provision of 32,194 jobs
  - Development of 29,340 homes
- 4.13 The specific site allocations for residential development (194 sites), employment development (19 sites), mixed use development (12 sites) and minerals site allocations (38 sites), plus the additional safeguarded land sites (66 sites) were also not able to be screened out. The locations of the allocated sites are shown in **Maps 4.1-4.5** and the safeguarded land sites in **Map 4.6** at the end of this section. While none of the safeguarded land sites, residential, employment or mixed use site allocations are within the boundaries of Natura 2000 sites and so physical loss of habitat from within the boundaries of Natura 2000 sites is not likely, eight of the residential site allocations, two of the mixed use site allocations and six of the safeguarded land sites are within 2km of the South Pennine Moors SPA (Phases 1 and 2) and so could result in offsite habitat loss or damage or non-physical disturbance such as noise, vibration and light pollution, which could have a significant effect on the SPA. The scale of development resulting from the site allocations and safeguarded land sites in combination would also contribute to increased vehicle traffic and the associated air pollution, as well as pressure for recreation space. The impacts of air pollution could potentially affect any of the Natura 2000 sites within 15km of Kirklees but are concluded more likely to have significant effects on the South Pennine Moors SAC and SPA (Phases 1 and 2) due to their closer proximity to the development proposed. Recreation-related impacts are also more likely to have significant effects on the South Pennine Moors SAC and SPA (Phases 1 and 2).





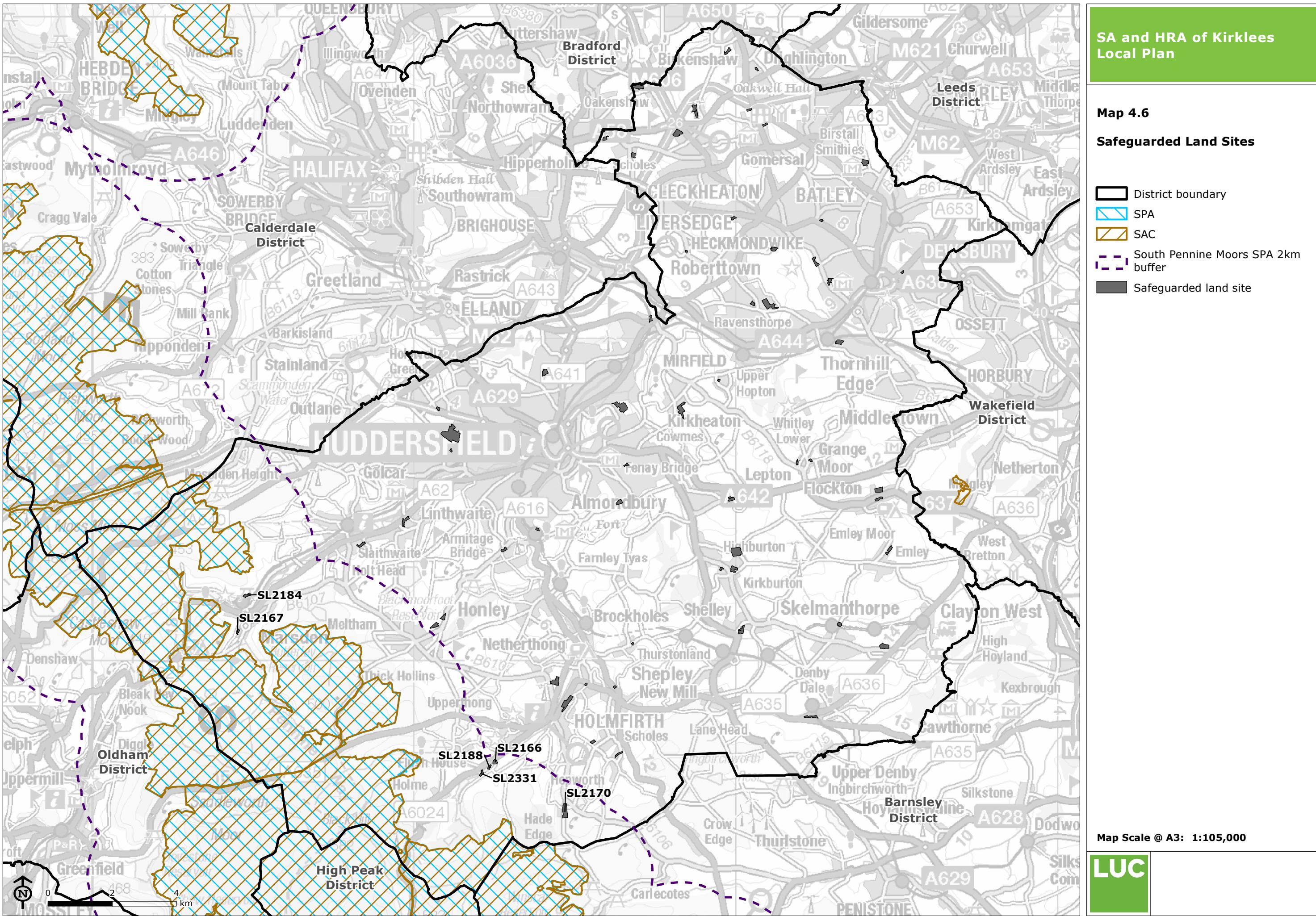






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CB:Green\_C EB:Green\_C LUCLON 6225-01\_012\_Sites\_Allocated\_European\_Sites 19/10/2015 Source: Kirklees Council



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CB:Green\_C EB:Green\_C LUCON 6225-01\_013\_Safeguarded\_Land 30/10/2015 Source: Kirklees Council

## 5 Appropriate Assessment

### Appropriate Assessment

- 5.1 Following the screening stage, if likely significant effects on Natura 2000 sites are unable to be ruled out, the plan-making authority is required under Regulation 102 of the Habitats Regulations 2010 to make an 'Appropriate Assessment' of the implications of the plan for Natura 2000 sites, in view of their conservation objectives. EC Guidance<sup>26</sup> states that the Appropriate Assessment should consider the impacts of the plan (either alone or in combination with other projects or plans) on the integrity of Natura 2000 sites with respect to their conservation objectives and to their structure and function.
- 5.2 A site's integrity depends on it being able to sustain its 'qualifying features' (i.e. those Annex 1 habitats, Annex II species, and Annex 1 bird populations for which it has been designated) and to ensure their continued viability. A high degree of integrity is considered to exist where the potential to meet a site's conservation objectives is realised and where the site is capable of self-repair and renewal with a minimum of external management support.
- 5.3 An Appropriate Assessment has therefore been undertaken for all of the Natura 2000 sites in Kirklees District (+15km) where likely significant from the Draft Local Plan were identified (or were not able to be ruled out) during the screening stage, i.e. in relation to the potential for in-combination effects from:
- Development of 29,340 homes
  - Provision of 32,194 jobs
  - DLP5: Safeguarded land
  - DLP10: Supporting the rural economy
  - DLP12: Accommodation for Travellers
  - DLP37: Proposals for mineral extraction
  - Site allocations for residential development (194 sites), employment development (19 sites), mixed use development (12 sites) and minerals site allocations (38 sites).
  - Safeguarded land sites (66 sites).
- 5.4 In addition, eight of the residential site allocations, two of the mixed use site allocations and six of the safeguarded land sites are within 2km of the South Pennine Moors SPA (Phases 1 and 2) and so could result in offsite habitat loss or damage or non-physical disturbance such as noise, vibration and light pollution, which could have a significant effect on the SPA.
- 5.5 As described in **Chapter 1**, a conclusion needs to be reached as to whether or not a policy or site allocation in the Local Plan would adversely affect the integrity of a Natura 2000 site. As stated in the EC Guidance, assessing the effects on the site(s) integrity involves considering whether the predicted impacts of the Local Plan policies (either alone or in combination) have the potential to:
- Cause delays to the achievement of conservation objectives for the site.
  - Interrupt progress towards the achievement of conservation objectives for the site.
  - Disrupt those factors that help to maintain the favourable conditions of the site.
  - Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site.

<sup>26</sup> *Assessment of plans and projects significantly affecting European sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.* European Commission Environment DG, November 2001.

- Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem.
  - Change the dynamics of relationships that define the structure or function of the site (e.g. relationships between soil and water, or animals and plants).
  - Interfere with anticipated natural changes to the site.
  - Reduce the extent of key habitats or the population of key species.
  - Reduce the diversity of the site.
  - Result in disturbance that could affect the population, density or balance between key species.
  - Result in fragmentation.
  - Result in the loss of key features.
- 5.6 The conservation objectives for each Natura 2000 site (listed in **Appendix 1**) are generally to maintain the qualifying features in favourable condition. The Site Improvement Plans for each Natura 2000 site provide a high level overview of the issues (both current and predicted) affecting the condition of the Natura 2000 features on the site(s) and outlines the priority measures required to improve the condition of the features. These have been drawn on to help to understand what is needed to maintain the integrity of the Natura 2000 sites.
- 5.7 For each Natura 2000 site where an uncertain likely significant effect was identified at the screening stage in relation to a policy or group of site allocations in the Local Plan (i.e. those listed at paragraph 5.3 and shaded orange in the screening matrix in **Appendix 3**), the potential impacts have been set out below and judgements made (based on the information available) regarding whether the impact will have an adverse effect on the integrity of the site. Consideration has been given to the potential for mitigation measures to be implemented that could reduce the likelihood or severity of the potential impacts such that there would not be an adverse effect on the integrity of the site.

### **South Pennine Moors SPA (Phases 1 and 2)**

- 5.8 As concluded in **Chapter 4**, Local Plan proposals have the potentially to significantly affect the SPA in relation to physical damage/loss of habitat (both onsite and offsite), non-physical disturbance, increased air pollution and recreation and urban impacts. The policies and proposals in the Draft Kirklees Local Plan that could result in these impacts in-combination are DLP5: Safeguarded land, DLP10: Supporting the rural economy, DLP12: Accommodation for Travellers, DLP37: Proposals for mineral extraction and the proposals for the overall quantum of development in Kirklees (provision of 32,194 jobs and development of 29,340 homes). Impacts on water quality and quantity were able to be screened out.
- Physical damage/loss of habitat*
- 5.9 The SPA extends within the boundaries of Kirklees District and the Site Improvement Plan for the South Pennine Moors identifies 'planning permission: general' as a priority issue for the site, and something that could potentially affect the qualifying bird species of the SPA.
- 5.10 While the Local Plan does not allocate any development within the boundaries of the SPA, three policies (DLP10: Supporting the rural economy, DLP12: Accommodation for Travellers and DLP37: Proposals for mineral extraction) could potentially result in development anywhere in the District. However, the safeguards provided by policy DLP31: Biodiversity and Geodiversity mean that **it is highly unlikely that development of these types would take place resulting in damage to or loss of habitat from within the boundaries of the SPA**.
- 5.11 However, as described in **Chapter 3**, consideration also needs to be given to the potential for development to impact upon offsite, functionally connected habitat areas used by the qualifying bird species of the SPA, which are known to travel up to 2km from the SPA boundaries for foraging and roosting. Species that are particularly likely to travel outside of the SPA boundaries for foraging and roosting are the golden plover, short eared owls, merlin and peregrine.<sup>27</sup>

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<sup>27</sup> Emails with Kirklees Council Biodiversity Officer.

- 5.12 The Local Plan allocates eight sites for residential development, two sites for mixed use development and six safeguarded land sites within 2km of the SPA, and therefore, physical loss or damage to functionally connected land used by the SPA birds could occur. However, policy DLP31: Biodiversity and Geodiversity would still apply, which states that '*proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive*'.
- 5.13 While a number of sites are allocated or safeguarded for development within 2km of the SPA, physical loss or damage to functionally connected land may not occur at all of those sites as it will depend how close they are to the functionally connected land (which is not currently mapped and would need to be assessed on a site by site basis). Effects would also only occur if planning applications come forward on those allocated sites or safeguarded land, the sites are within or close to functionally connected land used by the SPA birds and planning permission were granted. The extent of loss or damage to functionally connected land is unable to be known until the planning application stage when specific proposals are put forward for the development of each site and detailed habitat and species surveys could be undertaken.

It is therefore recommended that, for the site allocations and safeguarded land sites that are within 2km of the South Pennine Moors SPA, reference to the potential to affect habitat that is functionally connected to the SPA is added to the relevant site allocations and safeguarded land sites in the Allocations and Designations document (for example in the 'constraints' section of the allocation boxes). It should be clearly specified that potential for physical loss or damage to functionally connected land and impacts on the qualifying bird species of the SPA, should be assessed, and avoided or mitigated as required prior to granting permission for the development of these sites.

- 5.14 **Provided that the above recommendation is addressed in the Local Plan**, it is considered that there is adequate mitigation incorporated into the Plan to enable a conclusion of **no adverse effects on integrity of the South Pennine Moors SPA (Phases 1 and 2) as a result of physical disturbance or loss of habitat, either onsite or offsite**.

#### *Non-physical disturbance*

- 5.15 The impacts of noise, vibration and light pollution can affect the qualifying bird species of the SPA, and as with loss of habitat, could be significant up to 2km from the SPA due to the use of offsite functionally connected habitat by the SPA qualifying bird species. Therefore, development at the allocated sites within 2km of the SPA could result in noise and vibration affecting SPA birds, particularly during construction of any new development. Light pollution could occur during construction, but also occupation of new developments. However, good practice construction methods and specific design measures could be required to reduce noise, vibration and light pollution during and post-construction.
- 5.16 Policy DLP31: Biodiversity and Geodiversity provides general mitigation for impacts on the SPA, including in relation to non-physical disturbance. Policy DLP27: Design seeks to ensure that development contributes towards enhancement of the natural environment, supports biodiversity and connects to and enhances ecological networks. Policy DLP39: Proposals for mineral extraction, will only permit mineral extraction sites that do not cause significant disturbance to residents from dust, noise and vibration (and this requirement would also help to reduce these effects on SPA birds). Policy DLP53: Protection and Improvement of Environmental Quality requires development proposals to evaluate the potential to increase pollution from noise, vibration, light, dust, odour and incorporate measures to prevent or reduce the pollution.
- 5.17 **If the recommendation made above is also implemented** in the Allocations and Designations document it can be concluded that there is sufficient mitigation incorporated into the Kirklees Local Plan to conclude that will be **no adverse effects on integrity of the South Pennine Moors SPA as a result of non-physical disturbance**.

#### *Air pollution*

- 5.18 A number of strategic roads run through the South Pennine Moors SPA, including the A62 Manchester Road which runs between Huddersfield and Manchester, the A640, also between Huddersfield and Manchester, and the A635 between Holmfirth and Manchester. Natural

England's Site Improvement Plan for the site identifies air pollution, specifically the impact of atmospheric nitrogen deposition, as one of the priorities for the site and something which can affect the qualifying merlin, golden plover, short-eared owl, as well as the peregrine and dunlin species of interest.

- 5.19 The overall scale of residential, employment and other types of development proposed through the Local Plan is likely to result in an increase in traffic on the strategic road network in and around Kirklees, and the fact that there are allocations for housing, employment and mixed use development within the south and west of the District near to the SPA means that increases in traffic in that area are likely, as new residents may commute along the A62, A640 and A635 to work or to access larger services and facilities. The measures in the Local Plan seeking to encourage the use of sustainable modes of transport may provide some mitigation; however overall increases in traffic within the District may still occur due to the increased population. However, in the absence of detailed traffic modelling relating to the scale and location of development in the Local Plan, it is not possible to judge whether the increases along the roads within 200m of the SPA are likely to be significant, i.e. an increase of more than 1,000 AADT (see **Chapter 3**). Therefore, until the transport modelling work that is currently being undertaken in relation to the Local Plan on behalf of the Council is available, **adverse effects on integrity in relation to air pollution at the South Pennine Moors SPA (Phases 1 and 2) cannot be ruled out**. This conclusion will be reviewed at the next stage of the HRA, once the transport modelling work is complete.

#### *Recreation and urban impacts*

- 5.20 The South Pennine Moors SPA is accessible and attractive for recreational use and its location within the boundary of Kirklees District means that the population growth resulting from the Local Plan is likely to lead to an increase in visitor numbers. The SPA is located in the south west of Kirklees, away from the main urban areas where most development will be focussed (the SPA is approximately 8.5km from the centre of Huddersfield). However, there are allocations for residential and other types of development within the south and western parts of the District within fairly close proximity of the SPA, where people would need to travel much shorter distances to use the moors for recreational purposes. In addition, recreational pressure from new development within other authorities surrounding this large SPA is also likely to occur and could cause in-combination effects.
- 5.21 The Site Improvement Plan for the South Pennine Moors SPA identifies public access/disturbance as one of the priority issues for the site, and the impacts of wildfire/arson as another and these impacts could affect the habitats supporting the SPA. The South Pennine Moors Integrated Management Strategy and Conservation Action Programme listed popular types of recreation activities on the South Pennine Moors as including walking, horse-riding, cycling/mountain biking, hang gliding, rock climbing, model aircraft flying, orienteering, fell running, off-road driving (including 4x4 and scrambling), grouse shooting and angling. Effects on breeding birds are most likely to result from uncontrolled dogs, orienteering, large walking events, model aircraft, hang gliders and uncontrolled fires<sup>28</sup>.
- 5.22 While the provision of green infrastructure (including the allocation of large areas of open space) elsewhere in the District through the Local Plan may provide some mitigation for the potential increased pressure for recreation space at the SPA, the open space provided through allocations for local and urban green space is unlikely to be comparable in nature to the South Pennine Moors SPA and would not provide locations for many of the activities enjoyed by visitors to the moors such as rock climbing or hang gliding.
- 5.23 As noted in **Chapter 3**, the approach taken in the submitted Bradford Core Strategy was to identify a 'zone of influence' for recreational impacts on the South Pennine Moors SAC and South Pennine Moors SPA (Phases 1 and 2). This represents the area from within which most recreational visitors to the SAC and SPA are expected to originate and was found to extend to approximately 10.5km around the SAC and SPA boundaries. 'Urban edge' impacts (which include fly tipping, off-road vehicle use, wildfire and increased predation) were considered to be experienced primarily where development takes place within 400m of the SAC and SPA (on the basis of work carried out in the south of England in relation to the Thames Basin Heaths and

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<sup>28</sup> South Pennine Moors Integrated Management Strategy and Conservation Action Programme (1998)

Dorset Heathlands SPAs). A policy was developed for inclusion in the submitted Bradford Core Strategy setting out the measures which will avoid and/or mitigate these impacts and reflects the distances identified through survey work: a 400m exclusion zone around the SPA and SAC where only exceptional development will be permitted to mitigate urban edge effects; a 2.5km zone within which important foraging areas outside the SPA will be protected; and a 7km zone within which residential developments contribute to greenspace improvements that deflect visitors away from the SPA (and avoid effects), the implementation of onsite access management measures and a programme of habitat management and monitoring. This approach has been scrutinised during the Examination in Public into the Bradford Core Strategy and may be amended through the Main Modifications stage that is due to take place in November 2015.

- 5.24 Most of the sites allocated for development in the Kirklees Local Plan are more than 400m from the SPA, although one mixed use site allocation, MX1919, which would incorporate residential development, is within 385m of the SPA at the nearest point (most of the site is more than 400m from the SPA, however). In addition, one of the safeguarded land sites, SL2167, is approximately 250m from the SPA. A large number of other site allocations are within 10.5km of the SPA.

Therefore, it is recommended that the Kirklees Local Plan takes a similar approach to the policy safeguards that are being put in place in the Bradford Core Strategy, i.e. a policy specifying zones of influence and the specific requirements for development within those areas in order to protect the integrity of the South Pennine Moors SPA (and SAC). If a 400m exclusion zone were to be adopted, then the site allocation for MX1919 and safeguarded land site SL2167 may need to be reviewed, or a requirement added into the Allocations and Designations document that specifies that residential development within the allocated or safeguarded site should be located outside of the 400m exclusion zone.

- 5.25 **Provided that the recommended policy mitigation (or similar) is incorporated in the Kirklees Local Plan it should be able to be concluded that the Local Plan would not result in adverse effects on the integrity of the South Pennine Moors SPA as a result of increased recreation pressure and urban edge impacts.**

### **South Pennine Moors SAC**

- 5.26 As described in **Chapter 3**, Local Plan proposals could potentially affect the South Pennine Moors SAC in relation to physical damage/loss of habitat (onsite), increased air pollution and recreation and urban impacts. The policies and proposals that could result in these impacts in-combination are DLP5: Safeguarded land, DLP10: Supporting the rural economy, DLP12: Accommodation for Travellers, DLP37: Proposals for mineral extraction and the proposals for the overall quantum of development in Kirklees (provision of 32,194 jobs and development of 29,340 homes). Physical damage/loss of habitat (offsite), non-physical disturbance and impacts on water quality and quantity were able to be screened out.

#### *Physical damage/loss of habitat (onsite)*

- 5.27 While the Local Plan does not allocate any development within the boundaries of the SAC, three policies (DLP10: Supporting the rural economy, DLP12: Accommodation for Travellers and DLP37: Proposals for mineral extraction) could potentially result in development anywhere in the District. However, the safeguards provided by policy DLP31: Biodiversity and Geodiversity are considered adequate to ensure that new development locations will not be permitted within the boundary of the SAC and **there will not be an adverse effect on the integrity of the South Pennine Moors SAC as a result of physical damage/loss of onsite habitat.**

#### *Air pollution*

- 5.28 As described above in relation to the South Pennine Moors SPA (which has very similar boundaries to the SAC), a number of strategic roads run through the South Pennine Moors SAC, including the A62 Manchester Road which runs between Huddersfield and Manchester, the A640, also between Huddersfield and Manchester, and the A635 between Holmfirth and Manchester. Natural England's Site Improvement Plan for the site identifies air pollution, specifically the impact of atmospheric nitrogen deposition, as one of the priorities for the site and something which can affect the qualifying habitats of the SAC including European dry heaths, blanket bogs, woodland and quaking bogs.

- 5.29 The overall scale of residential, employment and other types of development proposed through the Local Plan is likely to result in an increase in traffic on the strategic road network in and around Kirklees, and the fact that there are allocations for housing, employment and mixed use development within the south and west of the District near to the SAC means that increases in traffic in that area are likely. The measures in the Local Plan seeking to encourage the use of sustainable modes of transport may provide some mitigation; however overall increases in traffic are still likely. However, in the absence of detailed traffic modelling it is not possible to judge whether the increases along the roads within 200m of the SAC are likely to be significant, i.e. an increase of more than 1,000 AADT. Therefore, until the transport modelling work that is currently being undertaken in relation to the Local Plan on behalf of the Council is available, **adverse effects on integrity in relation to air pollution at the South Pennine Moors SAC cannot be ruled out**. This conclusion will be reviewed at the next stage of the HRA, once the transport modelling work is complete.

#### *Recreation and urban impacts*

- 5.30 The boundaries of the South Pennine Moors SAC and SPA (phases 1 and 2) are very similar; therefore much of the information set out above in relation to the South Pennine Moors SPA (Phases 1 and 2) with regards to recreational use of the site is also relevant to the South Pennine Moors SAC. While the disturbance-related impacts of recreation activities are less applicable to the SAC than the SPA, because it is designated on the basis of habitats rather than bird species, the habitats of the SAC can be damaged by human activities such as trampling resulting from people diverting from original paths, due to overuse and erosion and lighting fires.
- 5.31 **Provided that the recommendation set out above in relation to the South Pennine Moors SPA (Phases 1 and 2) is implemented, it can also be concluded that the Kirklees Local Plan would not result in adverse effects on the integrity of the South Pennine Moors SAC.**

#### **Denby Grange Colliery Ponds SAC**

- 5.32 As described in **Chapter 3**, Local Plan proposals could potentially affect this SAC in relation to increased air pollution and recreation and urban impacts. The policies and proposals that could result in these impacts in-combination are DLP5: Safeguarded land, DLP10: Supporting the rural economy, DLP12: Accommodation for Travellers, DLP37: Proposals for mineral extraction and the proposals for the overall quantum of development in Kirklees (provision of 32,194 jobs and development of 29,340 homes). Impacts on water quality and quantity were able to be screened out.

#### *Air pollution*

- 5.33 Denby Grange Colliery Ponds is within 200m of the A637 to the south. Air pollution resulting from an increase in traffic along that route could indirectly affect the qualifying great crested newt as a result of changes to vegetation or water chemistry. However, Natural England's Site Improvement Plan for the SAC does not identify air pollution as a priority issue for the site.
- 5.34 The overall scale of residential, employment and other types of development proposed through the Local Plan is likely to result in an increase in traffic on the strategic road network in and around Kirklees. The measures in the Local Plan seeking to encourage the use of sustainable modes of transport may provide some mitigation; however overall increases in traffic are still likely. However, in the absence of detailed traffic modelling it is not possible to judge whether the increases along the A637 are likely to be significant, i.e. an increase of more than 1,000 AADT. Therefore, until the transport modelling work that is currently being undertaken on behalf of the Council is available, **adverse effects on integrity of the Denby Grange Colliery Ponds SAC in relation to air pollution cannot be ruled out**. This conclusion will be reviewed at the next stage of the HRA, once the transport modelling work is complete.

#### *Recreation and urban impacts*

- 5.35 Denby Grange Colliery Ponds SAC is located approximately 1km to the east of the Kirklees District boundary; therefore is relatively accessible for people travelling from the north of Kirklees where most development is proposed. However, the site is not known to be widely used for recreation activities and Natural England's Site Improvement Plan does not identify recreation-related issues or disturbance as a priority issue for the site. Therefore, particularly in light of the mitigation

provided through the open space allocations and green infrastructure provisions in the Local Plan, **adverse effects on the integrity of Denby Grange Colliery Ponds SAC as a result of recreation and urban impacts are able to be ruled out.**

### Rochdale Canal SAC

- 5.36 As described in **Chapter 3**, Local Plan proposals could potentially affect this SAC in relation to increased air pollution and recreation and urban impacts. Impacts on water quality and quantity were able to be screened out. The policies and proposals that could result in these impacts in-combination are DLP5: Safeguarded land, DLP10: Supporting the rural economy, DLP12: Accommodation for Travellers, DLP37: Proposals for mineral extraction and the proposals for the overall quantum of development in Kirklees (provision of 32,194 jobs and development of 29,340 homes).

#### *Air pollution*

- 5.37 Rochdale Canal SAC cuts across a number of strategic roads including the M62 which runs along the northern edge of Kirklees and links with Manchester. Natural England's Site Improvement Plan for the SAC identifies air pollution, specifically the impact of atmospheric nitrogen deposition, as one of the priority issues for the site and something which can affect the qualifying floating water plantain.
- 5.38 The overall scale of residential, employment and other types of development proposed through the Local Plan is likely to result in an increase in traffic on the strategic road network in and around Kirklees. The measures in the Local Plan seeking to encourage the use of sustainable modes of transport may provide some mitigation; however overall increases in traffic are still likely. However, in the absence of detailed traffic modelling it is not possible to judge whether the increases along the roads within 200m of the SAC are likely to be significant, i.e. an increase of more than 1,000 AADT. Therefore, until the transport modelling work that is currently being undertaken on behalf of the Council is available, **adverse effects on the integrity of Rochdale Canal SAC in relation to air pollution at cannot be ruled out**. This conclusion will be reviewed at the next stage of the HRA, once the transport modelling work is complete.

#### *Recreation and urban impacts*

- 5.39 Rochdale Canal SAC is located over 7km to the west of the Kirklees District boundary at the closest point; therefore it is not considered to be a particularly convenient and accessible location for day to day recreation activities, particularly for people living in the north of Kirklees where the Local Plan directs the majority of new development. The SAC is designated for the presence of floating water-plantain within the watercourse; therefore the integrity of the site could be affected by boating activities but other types of recreation activities are not likely to impact upon the designation. The impacts of population growth within Kirklees on levels of boating activity on the canal are likely to be minimal and the Site Improvement Plan for the SAC does not include recreation-related issues or disturbance as a priority issue for the site. Therefore, **adverse effects on the integrity of Rochdale Canal SAC as a result of recreation and urban impacts arising from the Kirklees Local Plan are able to be ruled out.**

## In-combination effects with neighbouring Local Plans

- 5.40 In most cases, the current HRA work carried out for neighbouring Local Plans has concluded that the plans in question would not result in likely significant effects on Natura 2000 sites, and therefore in-combination effects with the Kirklees Local Plan can be ruled out. However, as noted earlier in this chapter, the HRA work for the Bradford Core Strategy<sup>29</sup> identified that without adequate policy avoidance or mitigation measures, adverse effects on the integrity of the South Pennine Moors SAC and SPA could occur due to recreation pressure, loss of functionally linked land used by the breeding bird assemblage and urban edge pressures. These adverse effects should be able to be avoided or mitigated through the inclusion of the specific measures in Strategic Core Policy 8 in the submitted Bradford Core Strategy and a planned Supplementary

<sup>29</sup> Habitats Regulations Assessment for the City of Bradford District Core Strategy. Appropriate Assessment Report for the Publication Draft Document (Feb 2014). Urban Edge Environmental Consulting, December 2014.

Planning Document to guide implementation of the South Pennine Moors Zones of Influence set out in the policy, which includes developer contributions towards greenspace improvements to deflect visitors away from the SPA (and avoid effects), implementation of onsite access management measures and a programme of habitat management and monitoring (for residential developments within 7km of the SAC/SPA boundary). **There is potential for development within Kirklees to have similar impacts on the areas of the South Pennine Moors SAC/SPA within Kirklees, which, in combination with the effects identified from the Bradford Core Strategy could cause adverse effects on the integrity of the SAC/SPA. However, provided that the recommendation made in this HRA report is implemented in relation to the inclusion of similar policy safeguards in the Kirklees Local Plan, adverse effects on integrity as a result of the two plans in combination should be able to be avoided.**

- 5.41 In the case of Calderdale District, HRA work for the new combined plan<sup>30</sup> is not yet available, and the Burnley and Craven Local Plans are still at an early stage in development, therefore HRA work has either not yet started or has not yet been able to draw any firm conclusions. In addition, in the case of the High Peak Local Plan, the HRA report was only able to conclude that there would be no likely significant effects on Natura 2000 sites on the basis of a number of recommendations being addressed in the next iteration of the plan and the HRA report, which are not yet available. Therefore, as the assessment of in-combination effects is revised and updated throughout the forthcoming HRA work for the Kirklees Local Plan, the work undertaken in these districts will need to be revisited.

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<sup>30</sup> The Calderdale Core Strategy previously reached Preferred Options stage but is now being amalgamated into a combined plan along with the Land Allocations plan that was previously to be prepared.

## 6 Conclusions and Next Steps

- 6.1 The HRA of the Draft Kirklees Local Plan (November 2015) has been undertaken in accordance with currently available guidance and based on a precautionary approach as required under the Habitats Regulations. The overall HRA findings reached during the Appropriate Assessment stage are presented in **Chapter 5** of this report and the HRA conclusions and recommendations are summarised below.
- 6.2 At this stage in the Kirklees Local Plan preparation, provided that the identified mitigation and recommendations are implemented, adverse effects on the integrity of Natura 2000 sites around Kirklees from policies and site allocations in the Local Plan will not occur in relation to:
- Physical loss or damage to offsite habitat.
  - Noise/vibration and light pollution.
  - Recreation.
  - Changes to water quality or quantity.
- 6.3 However, until the transport modelling work in relation to the Local Plan which is currently being undertaken on behalf of Kirklees Council is complete, adverse effects on the integrity of South Pennine Moors SAC, South Pennine Moors SPA (Phases 1 and 2), Rochdale Canal SAC and Denby Grange Colliery Ponds SAC cannot be ruled out. This issue will therefore need to be examined further during later stages of the HRA process for the Local Plan.
- 6.4 The conclusion of no adverse effects on integrity in relation to physical loss or damage to habitat at the South Pennine Moors SPA (Phases 1 and 2) as a result of development in the vicinity of the SPA depends on the implementation of the following recommendation, as set out in **Chapter 5**:
- It is recommended that, for the site allocations and safeguarded land sites that are within 2km of the South Pennine Moors SPA, the potential to affect habitat that is functionally connected to the SPA is added to the relevant site allocations in the Allocations and Designations document (for example in the 'constraints' section of the allocation boxes). It should be clearly specified that potential for physical loss or damage to functionally connected land and impacts on the qualifying bird species of the SPA, should be assessed, and avoided or mitigated as required prior to granting permission for the development of these sites
- 6.5 The conclusion of no adverse effects on integrity in relation to recreation and urban edge pressures at the South Pennine Moors SAC and SPA (Phases 1 and 2) depends on the implementation of the following recommendation, also set out in **Chapter 5**:
- It is recommended that the Kirklees Local Plan takes a similar approach to the policy safeguards that are being put in place in the Bradford Core Strategy, i.e. a policy specifying zones of influence and the specific requirements for development within those areas in order to protect the integrity of the South Pennine Moors SPA (and SAC).

### Next steps

- 6.6 This HRA report will be sent to Natural England for comment, and the findings will be taken into account during the preparation of the next iteration of the Local Plan. The HRA (both screening and Appropriate Assessment stages) will need to be updated to reflect any advice and comments from Natural England as well as any further changes that may be made to the policies and site allocations in the Local Plan before it is submitted for Examination.

LUC  
October 2015

## **Appendix 1**

### Attributes of Natura 2000 sites within Kirklees District (+15km)

<b>Site name</b>	<b>Area (ha)</b>	<b>Location</b>	<b>Qualifying features</b>	<b>Key vulnerabilities and environmental conditions to support site integrity</b>
<b>Natura 2000 sites within Kirklees District</b>				
South Pennine Moors SAC	64,983	Fragmented sites to the north and west of the boundary, some within the boundary and some parts further out towards the 15km buffer boundary.	<u>Annex I Habitats:</u> European Dry Heaths Blanket Bogs (priority feature <sup>31</sup> ) Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Northern Atlantic Wet Heaths with <i>Erica Tetralix</i> Transition mires and quaking bogs <sup>32</sup>	<ul style="list-style-type: none"> <li>Grazing and moorland management regime.</li> <li>Hydrological regime.</li> <li>Disturbance levels.</li> </ul> <p>The conservation objectives are to<sup>33</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;</p> <ul style="list-style-type: none"> <li>The extent and distribution of the qualifying natural habitats.</li> <li>The structure and function (including typical species) of the qualifying natural habitats.</li> <li>The supporting processes on which the qualifying natural habitats rely.</li> </ul>
Peak District Moors SPA (South Pennine Moors Phase 1)	45,270	Fragmented site lying to the south and west of Kirklees, very slightly within the district boundary to the south and stretching out towards the 15km buffer.	<u>Annex 1 Birds (breeding):</u> <i>Merlin Falco columbarius</i> <i>Golden plover Pluvialis apricaria</i> <i>Short-eared Owl Asio flammeus</i> <u>Non-qualifying species of interest:</u> The site supports a rich upland breeding bird assemblage which, as	<ul style="list-style-type: none"> <li>Major urban and industrial centres near to the Peak District Moors provide significant visitor pressure.</li> <li>Grazing pressure is generally being lowered and appropriate burning encouraged by two separate ESAs which encourage and support habitat restoration.</li> <li>Major urban and industrial centres near</li> </ul>

<sup>31</sup> Some of the natural habitats and species listed in the Habitats Directive and for which SACs or SPAs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations.

<sup>32</sup> South Pennine Moors SAC Site Citation, 2005 (from <http://publications.naturalengland.org.uk/publication/4973604919836672?category=5758332488908800>).

<sup>33</sup> European Site Conservation Objectives for South Pennine Moors SAC (UK0030280), Natural England, July 2014.

<b>Site name</b>	<b>Area (ha)</b>	<b>Location</b>	<b>Qualifying features</b>	<b>Key vulnerabilities and environmental conditions to support site integrity</b>
			<p>well as the qualifying species listed above, includes important numbers of</p> <p>Peregrine <i>Falco peregrinus</i></p> <p>Lapwing <i>Vanellus vanellus</i></p> <p>Dunlin <i>Calidris alpina schinzii</i></p> <p>Snipe <i>Gallinago gallinago</i></p> <p>Curlew <i>Numenius arquata</i></p> <p>Redshank <i>Tringa tetanus</i></p> <p>Common Sandpiper <i>Actitis hypoleucos</i></p> <p>Whinchat <i>Saxicola rubetra</i></p> <p>Wheatear <i>Oenanthe oenanthe</i></p> <p>Ring Ouzel <i>Turdus torquatus</i></p> <p>Twite <i>Carduelis flavirostris</i><sup>34</sup></p>	<p>to the Peak District Moors provide significant visitor pressure.</p> <ul style="list-style-type: none"> <li>• Grazing pressure is generally being lowered and appropriate burning encouraged by two separate ESAs which encourage and support habitat restoration.</li> <li>• Notwithstanding these schemes, evidence suggests that breeding birds in the south-west of the area may be declining on both open moorland and enclosed rough grazing land, possibly due to general agricultural improvement of the surrounding areas which are used by some species for some of their habitat requirements; e.g. golden plovers feed on in-bye land off the moor.</li> </ul> <p>The conservation objectives are to<sup>35</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of the qualifying features.</li> <li>• The structure and function of the habitats of the qualifying features.</li> <li>• The supporting processes on which the habitats of the qualifying features rely.</li> <li>• The population of each of the qualifying</li> </ul>

<sup>34</sup> Peak District Moors (South Pennine Moors Phase 1) SPA Site Citation, 2000 (from <http://publications.naturalengland.org.uk/publication/6145889668169728?category=5758332488908800>).

<sup>35</sup> European Site Conservation Objectives for Peak District Moors (South Pennine Moors Phase 1) SPA (UK9007021), Natural England, June 2014.

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p>features.</p> <ul style="list-style-type: none"> <li>The distribution of the qualifying features within the site.</li> </ul>
South Pennine Moors SPA (Phase 2)	20,936	Fragmented site lying to the north and west of Kirklees, slightly within the district boundary and stretching out over the 15km buffer line.	<u>Article 4.1: Annex 1 Birds (breeding):</u> Merlin <i>Falco columbarius</i> Golden plover <i>Pluvialis apricaria</i> <u>Article 4.2: Regularly occurring migratory birds – internationally important assemblage of breeding birds:</u> Golden plover <i>Pluvialis apricaria</i> Northern Lapwing <i>Vanellus vanellus</i> Dunlin <i>Calidris alpina</i> Snipe <i>Gallinago gallinago</i> Curlew <i>Numenius arquata</i> Redshank <i>Tringa totanus</i> Common Sandpiper <i>Actitis hypoleuca</i> Short-eared owl <i>Asio flammeus</i> Whinchat <i>Saxicola rubetra</i> Wheatear <i>Oenanthe oenanthe</i> Ring Ouzel <i>Turdus torquatus</i> Twite <i>Carduelis flavirostris</i> <sup>36</sup>	<ul style="list-style-type: none"> <li>Large numbers of people use the area for recreational activities: large nearby urban areas.</li> <li>Maintenance of the ecosystems on which the birds depend relies on appropriate grazing levels and burning regimes, and overgrazing by sheep is a key pressure on the site.</li> <li>Management of grazing is further complicated by the presence of a large number of commons within the SPA.</li> <li>Pressures outside the site, in particular the loss of functionally connected land through agricultural intensification, increase the vulnerability of the bird populations.</li> </ul> <p>The conservation objectives are to<sup>37</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> <li>The extent and distribution of the habitats of the qualifying features.</li> <li>The structure and function of the habitats of the qualifying features.</li> <li>The supporting processes on which the habitats of the qualifying features rely.</li> </ul>

<sup>36</sup> South Pennine Moors SPA (Phase 2) Site Citation, 1995 (from <http://publications.naturalengland.org.uk/publication/4885083764817920?category=5758332488908800>).

<b>Site name</b>	<b>Area (ha)</b>	<b>Location</b>	<b>Qualifying features</b>	<b>Key vulnerabilities and environmental conditions to support site integrity</b>
				<ul style="list-style-type: none"> <li>The population of each of the qualifying features.</li> <li>The distribution of the qualifying features within the site.</li> </ul>
<b>Natura 2000 sites within 15km of Kirklees but outside the district boundary</b>				
Denby Grange Colliery Ponds SAC	18	Very small site located approximately 2km outside of the site boundary to the east.	<u>Annex II Species:</u> Great crested newt <i>Triturus cristatus</i> <sup>38</sup>	<ul style="list-style-type: none"> <li>Maintenance of pond area, depth, water quality, vegetation and lack of fish.</li> <li>Maintenance of a buffer of appropriate terrestrial habitat.</li> </ul> <p>The conservation objectives are to<sup>39</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> <li>The extent and distribution of the habitats of qualifying species.</li> <li>The structure and function of habitats of qualifying species.</li> <li>The supporting processes on which qualifying natural habitats rely.</li> <li>The populations of qualifying species.</li> <li>The distribution of qualifying species within the site.</li> </ul>
Rochdale Canal SAC	25	A long thin site to the west of Kirklees, stretching inwards from	<u>Annex II Species:</u> Floating water-plantain <i>Luronium</i>	<ul style="list-style-type: none"> <li>Dredging, draining and pollution of the canal.</li> <li>Shading of the canal as a result of</li> </ul>

<sup>37</sup> European Site Conservation Objectives for South Pennine Moors Phase 2 SPA (UK9007022), Natural England, March 2015. This document updates and replaces earlier versions dated 29 May 2012 and 30 June 2014 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014. Previous references to the additional features identified in the 2001 UK SPA Review (Peregrine, Short-eared Owl, Dunlin) have been removed.

<sup>38</sup> Denby Grange Colliery Ponds SAC Site Citation, 2005 (from <http://publications.naturalengland.org.uk/publication/5474466230435840?category=5758332488908800>).

<sup>39</sup> European Site Conservation Objectives for Denby Grange Colliery Ponds Special Area of Conservation Site Code: UK0030036, Natural England, March 2014.

<b>Site name</b>	<b>Area (ha)</b>	<b>Location</b>	<b>Qualifying features</b>	<b>Key vulnerabilities and environmental conditions to support site integrity</b>
		the 15km buffer to around 5km from the site boundary.	<i>natans</i> <sup>40</sup>	<p>development nearby.</p> <ul style="list-style-type: none"> <li>• Increased boat traffic on the canal.</li> <li>• Use of herbicides in or adjacent to the canal.</li> </ul> <p>The conservation objectives are to<sup>41</sup>:</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of qualifying species.</li> <li>• The structure and function of habitats of qualifying species.</li> <li>• The supporting processes on which qualifying natural habitats rely.</li> <li>• The populations of qualifying species.</li> <li>• The distribution of qualifying species within the site.</li> </ul>

<sup>40</sup> Rochdale Canal SAC Site Citation, 2005 (from <http://publications.naturalengland.org.uk/publication/6015060228964352?category=4582026845880320>).

<sup>41</sup> European Site Conservation Objectives for Rochdale Canal Special Area of Conservation Site code: UK0030266, Natural England, June 2014.

## **Appendix 2**

### Review of Potential for In-Combination Effects with other Local Authority Plans

## **Local Plans**

### **Bradford Core Strategy: Publication version (February 2014) (submitted for Examination December 2014)**

*As at early October 2015, the Council is in the process of finalising its proposed Main and Additional Modifications to the Plan. Work is also continuing to complete the Habitat Regulations Assessment Review and the Gypsy and Traveller Assessment. When finalised, the Main Modifications will be published for formal consultation.*

Bradford Metropolitan District lies to the north of Kirklees and includes almost the entire area Rombalds/Ilkley Moor (part of the South Pennine Moors SAC/SPA) in the north of the District, and edges of the central SSSI component South Pennine Moors SAC/SPA along the western boundary of the District.

#### **Housing**

The provision of 42,100 dwellings will be accommodated in the District between 2013 and 2030. Most will be apportioned (28,650) to the Regional City of Bradford (with Shipley and Lower Baildon), 6,700 to the Principal Towns of Ilkley, Keighley and Bingley, 3,400 to the Local Growth Centres at Queensbury, Silsden, Steeton with Eastburn and Thornton and the remaining 3,350 to the Local Service Centres.

#### **Employment Land Provision**

The Core Strategy supports the delivery of at least 2,897 jobs through planning for a supply of at least 135 ha of developable employment land over the Local Plan period by allocating a range of sites for general employment purposes; distributed as follows:

1. 100 ha within City of Bradford
2. 30 ha in the Airedale Corridor
3. 5 ha in the Wharfedale corridor

#### **HRA Findings**

The December 2014 HRA Report for the Bradford Core Strategy identifies that without adequate policy avoidance or mitigation measures, adverse effects on the integrity of the South Pennine Moors SAC and SPA could occur due to recreation pressure, loss of functionally linked land used by the breeding bird assemblage and urban edge pressures. These adverse effects should be able to be avoided or mitigated through the inclusion of the specific measures in Strategic Core Policy 8 in the Bradford Core Strategy and a planned Supplementary Planning Document to guide implementation of the South Pennine Moors Zones of Influence set out in the policy, which includes developer contributions towards greenspace improvements to deflect visitors away from the SPA (and avoid effects), implementation of onsite access management measures and a programme of habitat management and monitoring (for residential developments within 7km of the SAC/SPA boundary). Due to Natural England concerns raised during the Examination that there has not currently been sufficient demonstration of how the mitigation measures will be achieved, part of the Council's current work on the Core Strategy and HRA is trying to address this, and progress on the HRA and Core Strategy will be kept under review and updated in subsequent iterations of this HRA for the Kirklees Local plan. **There is potential for development within Kirklees to have similar impacts on the areas of the South Pennine Moors SAC/SPA within Kirklees, which, in combination with the effects identified from the Bradford Core Strategy could cause adverse effects on the integrity of the SAC/SPA. Therefore, a similar approach to avoidance and mitigation measures may need to be considered within the Kirklees Local Plan, if similar development pressures and potential adverse effects are identified through this HRA.**

### **Leeds Core Strategy: Adopted (November 2014)**

Leeds lies to the north east of Kirklees and includes a very small portion of the South Pennine Moors SAC/SPA in its north western corner.

#### **Housing**

The provision of 70,000 new dwellings will be accommodated in Leeds between 2012 and 2028. This will be distributed most heavily through the centre and south of the District, with less housing development taking

## **Local Plans**

place to the north of the city centre. The Outer South West Housing Market Characteristic Area, which borders Kirklees, will accommodate 7,200 new homes, which equates to 11% of the new housing proposed in the District.

### **Employment Land Provision**

Spatial Policy 9 sets out the provision that will be made for offices, industry and warehouse employment land and premises. It specifies that a minimum of 706,250sqm of office floorspace will be provided within the District, with a minimum of an additional 160,000sqm to be identified in or on the edge of the city centre and town centres.

A minimum of 493ha of general employment land for uses such as research and development, industrial and distribution/warehousing uses will be provided in the District.

### **HRA Findings**

The December 2012 HRA Screening Report for the Core Strategy (taking into account Pre-Submission changes) revisited the conclusion of the earlier Habitats Regulations Assessment: Screening Determination (February 2012) that the Core Strategy policies do not give rise to any likely significant effects on the nature conservation objectives of European designated sites, either alone or in-combination with other plans and/or projects and therefore that an Appropriate Assessment was not required. It was again concluded that, even taking into account the Pre-Submission changes to the Core Strategy, Appropriate Assessment was not required as the new and amended policies did not give rise to any likely significant effects on the nature conservation objectives of European designated sites, either alone or in-combination with other plans and/or projects. Where needed, avoidance mechanisms had already been built into policies either in the Natural Resources and Waste DPD or the Core Strategy. No further updates to the HRA Report were made during the Examination. **Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out.**

## **Wakefield Core Strategy: Adopted (April 2009)**

Wakefield District lies to the east of Kirklees and includes the Denby Colliery Grange Ponds SAC in the west of the district, near to the border with Kirklees.

### **Housing**

The largest number of additional houses will be built in Wakefield, with smaller, but significant, numbers in Castleford and Pontefract. As a Sub Regional City it is expected that the urban area of Wakefield, including its suburbs will accommodate at least 30% of the district's housing requirement. As Principal Towns, Castleford and Pontefract are expected to accommodate at least 20% and 10% respectively.

The towns of Normanton, Featherstone, Knottingley, Hemsworth and South Elmsall/Kirkby will be the main focus for new housing growth after the Sub Regional City and Principal Towns. The towns of Horbury, Ossett and Stanley/Outwood have experienced significant growth in recent years and therefore growth will be more constrained in these settlements in order to ensure a sustainable development pattern. Together these settlements are expected to accommodate at least 25% of the district's housing requirement.

### **Employment Land Provision**

In total a gross supply of 350 ha of prime employment land is proposed in the district up to 2021. 255 hectares of this land is available as follows:

- 75 hectares will be primarily for commercial office development;
- 85 hectares will be primarily for light and general industry;
- 95 hectares will be primarily for wholesale and freight distribution.

An additional 95 ha of new land will be identified for wholesale and freight distribution. Beyond 2021 employment land will come forward in accordance with the requirements of the spatial development strategy and in accordance with policy CS8: The Local Economy, which states that most new employment development will be located within the urban areas of the district, particularly within city and town centres, Employment Zones, and on sites allocated for employment use.

### **HRA Findings**

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The Appropriate Assessment Report for the Core Strategy and Development Policies Development Plan Documents (January 2008) considered the potential impacts on Denby Grange Colliery Ponds SAC and concluded that the majority of the objectives, policies and proposals will not have any impact on the integrity of the SAC. Some objectives and proposals were identified as likely to have an impact on the SAC; however when considered in combination with policies that provide mitigation, no likely significant effects were identified and the full Appropriate Assessment stage of the HRA was not required. **Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out.**

### **Barnsley Core Strategy: Adopted Version (September 2011)**

Barnsley borough is located to the south east of Kirklees and includes a small portion of the South Pennine Moors SAC/SPA in its western corner.

#### **Housing**

The adopted Core Strategy states that the Council will seek to complete 21,500 new homes between 2008 and 2026. These are to be distributed as follows:

- Urban Barnsley – 9,800
- Cudworth – 1,800
- Goldthorpe – 3,000
- Hoyland – 1,800
- Penistone – 1,100
- Royston – 1,000
- Wombwell – 2,000
- Other settlements – 1,000

#### **Employment Land Provision**

350ha of land is to be provided to meet the development needs of business and industry. Barnsley town centre will be the focus for office development and employment in new technologies, with up to 155ha of employment land being provided there. The actual requirements may be closer to 500ha; however it is not considered realistic that this level of provision will be possible.

#### **HRA Findings**

The February 2010 Appropriate Assessment Screening Report for the Core Strategy concluded that the Core Strategy was not likely to have any significant effects on Natura 2000 sites, and that the full Appropriate Assessment stage of the HRA was not required. **Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out.**

### **High Peak Local Plan Submission Version (April 2014)**

*The Examination started in January 2015, but further work on housing land supply and a housing needs update needed to be undertaken, and various Main Modifications have been consulted upon, the latest of which was completed at the beginning of August 2015.*

High Peak District lies to the south of Kirklees and includes a large area of the southern part of the South Pennine Moors SAC/SPA.

#### **Housing**

Provision will be made for at least 7,200 dwellings over the period 2011-2031 at an overall average annual development rate of 360 dwellings. The Glossopdale Sub area will accommodate 27-35%, the Central Sub Area will accommodate 30-33% and the Buxton Sub Region will accommodate 32-43% of this provision.

#### **Employment Land Provision**

The Local Plan identifies gross employment land requirements from 2011 to 2031 of 45.216ha. Employment land for offices is to be encouraged primarily in the main Market Towns while the focus of retail, leisure and office developments should be town centres. The local plan states that a minimum of 7.7ha of employment land should be allocated by the Neighbourhood Plan for Chapel-en-le-Frith Parish to

## **Local Plans**

support the Borough wide identified need for employment land.

### **HRA Findings**

The March 2014 Habitats Regulations Assessment for the Local Plan presents the findings of the screening and Appropriate Assessment stages of the HRA and concluded that likely significant effects could not be ruled out in relation to the Plan as currently worded in relation to certain Natura 2000 sites, including South Pennine Moors SAC and Peak District Moors (South Pennine Moors Phase 1) SPA. The potential significant effects relate to possible air quality effects from operation of employment development close to the sites, possible urban effects associated with development close to the site and (in the case of Peak District Moors (South Pennine Moors Phase 1) SPA), the possible effects of wind turbine development on designated birds.

However, mitigation measures have been suggested for the remaining potential adverse effects identified and these should be such that, once the mitigation is included in a revised Appropriate Assessment, it will be possible to conclude that no adverse effects will occur on any Natura 2000 site as a result of the High Peak Local Plan. **Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out, provided that the mitigation is incorporated into the High Peak Local Plan and the HRA. This issue will need to be considered further during the HRA of the Kirklees Local Plan as the High Peak Local Plan is finalised in the last stages of the Examination.**

## **Oldham Joint Core Strategy and Development Management Policies: Adopted Version (November 2011)**

Oldham Borough lies to the west of Kirklees and includes edges of the central SSSI component South Pennine Moors SAC/SPA along the eastern boundary of the Borough.

### **Housing**

The council will allocate sufficient land, in whole or as part of a mixed use scheme in the Site Allocations DPD, to accommodate at least 289 dwellings per year, net of clearance, on average over the LDF plan period up to 2026, informed by the findings of the SHLAA. At least 80% of the housing provision will be on previously developed land. Around 60% of the new dwellings will be provided in East and West Oldham, while 10% will be distributed within each of Failsworth and Hollinwood, Saddleworth and Lees, Royton, Shaw and Crompton, and Chadderton.

From 2010/11 to 2025/26 the borough will provide sufficient land for 4,624 new dwellings.

### **Employment Land Provision**

Approximately 82 ha of land will be allocated for business, industry and office developments. The focus will be on areas that are accessible by public transport, walking and cycling as alternatives to the car. This includes Oldham Town Centre and the centres of Chadderton, Failsworth, Hill Stores, Lees, Royton, Shaw and Uppermill. Other accessible employment areas – known as ‘Business and Employment Areas’ and ‘Saddleworth Employment Areas’ - will be designated as part of Oldham’s economic land supply. The principal employment areas will form an ‘arc of opportunity’ from Oldham Town Centre through to Foxdenton and on to Hollinwood Business District with its links to Manchester City Centre.

### **HRA Findings**

The November 2011 HRA Report for the Joint Core Strategy and Development Management Policies DPD concluded at the screening stage that the Rochdale Canal SAC could experience significant effects in relation to the development proposed in the Plan. The Appropriate Assessment stage of the HRA was then carried out, and it was concluded that, although development is proposed in areas relatively close to the SAC, providing that mitigating plans, policies and strategies are adopted and implemented appropriately through the development management process, development areas planned for in the Joint DPD can be allowed to go forward without harm being caused to the special interest of the Rochdale Canal SAC. **Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out.**

## **Rochdale Core Strategy Submission version (January 2013)**

*Please note that Hearing Sessions of the Examination took place in the first two weeks of October 2013. Following his consideration of all the evidence submitted, the Inspector requested that the Council*

## **Local Plans**

*undertake some additional work to provide him with the appropriate basis to assess the 'soundness' of the Core Strategy. This additional work related specifically to up to date evidence of objectively assessed housing need. In order to undertake this work the Council sought a suspension of the examination in order to carry out an update of its Strategic Housing Market Assessment (SHMA). The Examination hearings resumed in June 2015, and no Main Modifications appear to be currently available.*

Rochdale lies to the west of Kirklees and includes the Rochdale Canal SAC as well as edges of the central SSSI component South Pennine Moors SAC/SPA along the north eastern boundary of the District.

### **Housing**

The Core Strategy seeks to provide sufficient land to deliver at least 400 net additional dwellings per year up to 2028. It aims to maximise the potential of previously developed sites and targets development of 80% of housing on previously developed land. The south of the borough has been highlighted as the focus of the majority of future housing development due to its accessibility to the core of the city region. Development in the north of the borough will be of an overall scale and density that reflects the accessibility and character of the Pennine fringe.

### **Employment Land Provision**

The Core Strategy makes provision for the supply of up to 210ha of land for employment needs. This land is provided mostly in the south of the borough in the following growth corridors:

- Rochdale town centre / Kingsway corridor
- Sandbrook Park / Crown Business Park / Castleton corridor
- Middleton town centre / Oldham Road corridor
- South Heywood employment sites
- Stakehill Business Park

Office development is mainly to be confined to town centres. In the north of the borough the Core strategy aims to protect existing employment zones.

### **HRA Findings**

The January 2013 HRA report for the Rochdale Core Strategy concluded that, providing the recommended mitigation measures, which take the form of amending and controlling development in the strategic locations through the Plan and amending the core policies, are put into place, controlled development within the identified areas can proceed without harm being caused to the special interests of any Natura 2000 sites. It is therefore important that the Plan must restrict the scale, form and location of development within the strategic locations identified in the Plan, but it is not justifiable to not allow development at all in these areas. From the Examination library, there is a letter from Natural England to the Council in August 2013, explaining that the proposed changes to the HRA the Core Strategy outlined in a note by the Council to the Inspector (dated August 2013), follow a meeting between Natural England and Rochdale Borough Council on 1 August 2013, where Natural England's discussed concerns with the publication draft of the plan; in particular our view that the Core Strategy did not adequately contain mitigation measures recommended by the HRA. Natural England's letter states that provided the changes outlined in the note to Inspector are incorporated into the Core Strategy and amendments made to the HRA, Natural England is satisfied with the conclusions made by the Council. The HRA confirms that the Core Strategy will not give rise to any likely significant effects as sufficient mitigation and avoidance measures are contained within the Plan. As such an Appropriate Assessment is not required. However, Natural England notes that further assessment will be necessary with respect to lower tier development plan documents, particularly in relation to subsequent land allocations Development Plan Documents and any future Masterplans. The Core Strategy HRA has assessed as much as possible at this stage without having the exact details of land allocations and future proposals. **Therefore, in-combination effects of any lower tier plans with the new Kirklees Local Plan will need to be kept under review as the HRA progresses.**

### **Calderdale Core Strategy Preferred Options (2012)**

*Please note that the Council is in the process of streamlining the production of the Local Plan and will merge the Core Strategy and Land Allocations into a single plan. A Call for Sites and Local Green Space consultation have recently been undertaken.*

## **Local Plans**

Calderdale District lies to the north west of Kirklees and includes areas of the South Pennine Moors SAC/SPA in the southwest and northwest parts of the District.

### **Housing**

The Core strategy makes provision for 16,800 additional dwellings to be created within Calderdale between 2008 and 2029. This housing requirement will be delivered in two phases:

- Phase 1: 2008 - 2015 = 600 units per annum
- Phase 2: 2016 - 2029 = 900 units per annum

Priority will be given to using brownfield land with an interim target of approximately 55% for the proportion of new housing built on brownfield land or arising through the conversion of existing buildings. Housing development is proposed to be concentrated to the larger towns of Halifax and Brighouse with each location allocated 47.9% and 20.0% of new housing to be completed in the District respectively. The Local Towns of Elland (10.0%), Sowerby Bridge (8.0%), Todmorden (6.0%) and Hebden Bridge (2.4%) have been designated as areas where smaller levels of housing development are to be located.

### **Employment Land Provision**

The employment gross floorspace requirement in the District until 2029 has been projected at a minimum of 98,000m<sup>2</sup> of (B1a) office space and 215,000m<sup>2</sup> of (B1b,c, B2, B8) industrial/ warehouse space. Sites of this development have been identified in masterplans for Halifax, Brighouse, Elland, Todmorden and Sowerby Bridge town centres.

### **HRA Findings**

No HRA work in relation to the emerging new Local Plan for Calderdale has yet been carried out, **therefore it is not yet possible to reach a conclusion regarding the potential for in-combination effects with the Kirklees Local Plan.**

## **Peak District National Park Core Strategy: Adopted version (October 2011)**

The Peak District National Park area covers part of the south of Kirklees District and includes a large area of the South Pennine Moors SPA/SAC.

### **Housing**

Housing land is not identified in the Core Strategy; however new housing can be accepted in exceptional circumstances where it addresses particular local needs, provides housing for key workers or it is required for conservation reasons e.g. the enhancement of local vernacular.

### **Employment Land Provision**

New sites and buildings for business development will be permitted within or on the edge of the named settlements in the overarching development strategy. Proposals must be of a scale that is consistent with the needs of the local population.

Proposals for business development in the countryside outside the Natural Zone and the named settlements must take account of certain principles including a preference for using existing buildings that fit with local character and the need to conserve and enhance landscape character.

### **HRA Findings**

The HRA Report for the Core Strategy (August 2010) concluded that it should be entirely possible to avoid and mitigate any adverse impacts on Natura 2000 Sites as a result of the Core Strategy, either alone or in combination with other plans or projects, providing that a number of recommendations are implemented.

**Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out.**

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### **LOCAL AUTHORITIES THAT DO NOT BORDER KIRKLEES BUT INCLUDE THE SOUTH PENNINE MOORS SAC/SPA AND ROCHDALE CANAL SAC**

#### **Tameside Joint Core Strategy and Development Management Policies Document: Preferred Options (January 2013)**

Tameside Metropolitan Borough lies to the south west of Kirklees and includes a very small portion of the South Pennine Moors SAC/SPA on its eastern boundary.

##### **Housing**

The Core Strategy makes provision for 11,000 additional dwellings to be created within Tameside between 2012 and 2029. Phased housing targets are set out in five year intervals over the Plan period, to be reviewed every 2 to 3 years:

- Phase 1: Years 1-5 = 500 units per annum (total homes = 2,500)
- Phase 2: Years 6-10 = 650 units per annum (total homes = 3,250)
- Phase 3: Years 11-17 = 750 units per annum (total homes = 5,250)

A target for the provision of affordable housing has been set at around 20% of new residential developments. Priority will be given to using brownfield land with a target of 80% being setting with regard future development occurring on brownfield land. Housing is proposed to be supplied in sustainable locations – Ashton-under-Lyne (16%), the other towns and villages in the Borough [Droylsden (5%), Hyde (10%), Longdendale and Hattersley (15%), Denton and Audenshaw (18%), and Stalybridge (21%)], and at appropriate locations that are, or could become, sustainable and accessible, utilising public transport, walking and cycling options available.

##### **Employment Land Provision**

The Plan proposes focussing employment development in Ashton-under-Lyne, the Borough's other town centres, existing employment sites and the identified proposed strategic sites (Ashton Moss West, Mottram M67 and Dukinfield Gate Street). The primary focus of the strategic sites is expected to be employment related uses and development.

##### **HRA Findings**

The HRA Report for the Joint Core Strategy and Development Management Policies DPD (August 2012) includes an assessment of the likely in-combination effects of the Core Strategy with other plans and proposals. This involved reviewing the emerging plans for the neighbouring authorities, including Oldham District which is located between Tameside and Kirklees Districts and includes fragments of the South Pennine Moors SAC and Peak District Moors (South Pennine Moors Phase 1) SPA. The review of the HRA of Oldham Council's Joint Core Strategy and Development Policies DPD identified a number of potential site allocations and other potential threats which could have a potential significant effect on the Rochdale Canal SAC. However, it was concluded that providing mitigating plans, policies and strategies are adopted and implemented appropriately through the development management process, development within these sites could proceed without harm being caused to the special interest of the SAC. No likely significant in-combination effects on the South Pennine Moors SAC and Peak District Moors (South Pennine Moors Phase 1) SPA were identified. **Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out.**

##### **Sheffield Core Strategy (March 2009)**

*Work has commenced on the preparation of a new Local Plan but the first iteration has not yet been published and no HRA work has been published.*

Sheffield lies to the south east of Kirklees and includes a large area of the South Pennine Moors SAC/SPA in the northwest of the district.

##### **Housing**

The Core Strategy identifies a net requirement for 29,750 new houses in Sheffield for the period 2004/05 to

## **Local Plans**

2025/26. This overall provision of housing has been targeted for the city as follows:

- Net annual requirement 2004/05 to 2015/16: 1,292 homes (15,500 homes total)
- Net annual requirement 2016/17 to 2020/21: 1,425 homes (7,125 homes total)
- Net annual requirement 2020/21 to 2025/26: 1,425 homes (7,125 homes total)

The Core Strategy also identifies that total net supply of dwellings for the same period is 28,305 giving a margin of 1,445 dwellings for the period 2004/05 to 2025/26. The majority (at least 90%) of new housing development is to be concentrated within or adjacent to the main urban area of Sheffield at suitable, sustainably located sites. Further new housing development for the period 2008/09 to 2020/21 is to be concentrated in the Stocksbridge/Deepcar urban area. After 2020/21, and before then as opportunities arise, additional housing growth is targeted to be supplied in parts of the city where significant change and regeneration are taking place. This is identified as being primarily in the main urban area of Sheffield (with an emphasis on the Lower Don Valley and North East Urban Area) and Stocksbridge/Deepcar. Priority is to be given to housing development on previously developed sites and over the period of 2004/05 and 2025/26 no more than 12% of dwelling completions will be on greenfield sites.

## **Employment Land Provision**

The Core Strategy identified a requirement for 72ha of land for office use and 450ha of land for other business and industry use for the period 2008-2026. This development is to be focussed to brownfield sites and the Core Strategy stipulated that no more than 4 hectares or 2.5% of all land developed for business and industry use over any five-year period, whichever is the lowest, will be greenfield land. Development locations for offices will be concentrated in the City Centre and its edges and this will make up at least 65% of total office development in the city.

## **HRA Findings**

The HRA Report for the Core Strategy (November 2007) concluded that detrimental effects on the integrity of Natura 2000 as a result of the policies of the Strategy are unlikely. **Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out.**

## **Pendle Core Strategy Pre-Submission version (September 2014)**

*Main Modifications were consulted on between August and September 2015.*

Pendle Borough lies to the north west of Kirklees District (beyond Calderdale) and includes a small area of the South Pennine Moors SAC/SPA in the southeast of the borough.

## **Housing**

Over the 19 year period from 2011 to 2030 provision will be made to deliver 5,662 (net) dwellings, equating to an average of 298 dwellings per annum. The majority will be delivered in the M65 Corridor and the remainder in the West Craven Towns and rural Pendle.

## **Employment Land Provision**

The Local Plan will ensure that 68.0 hectares (gross) of land is brought forward for employment uses – Use Classes B1, B2 and B8 – over the plan period.

## **HRA Findings**

The HRA Screening Report for the Core Strategy (September 2014) notes that only 9.1% of the South Pennine Moors SAC/SPA, is within the Borough boundary. The other Natura 2000 sites are at least 10.8 Km distant from Borough boundary therefore, it is concluded that any effects of the Pendle Borough Council Core Strategy (Pre-Submission Report) DPD upon Natura 2000 Sites are not likely to be significant and therefore the sites can be screened out as being unlikely to be affected. The proposed plan is not likely to have a significant effect on a Natura 2000 Site (in combination with other plans or projects). **Therefore, in-combination effects with the new Kirklees Local Plan can be ruled out.**

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### **Craven Local Plan Pre-Publication Draft (September 2014)**

Craven District lies to the north west of Kirklees District (beyond Bradford) and includes a small area of the South Pennine Moors SAC/SPA in the south of the borough.

#### **Housing**

Over the plan period, a minimum of 2,400 new homes will be provided, within the plan area, to meet local housing requirements. The majority will be delivered in the main town of Skipton in the south of the District.

#### **Employment Land Provision**

The Local Plan will ensure that about 25 hectares of land is brought forward for B use classes over the plan period, again with the majority at Skipton.

#### **HRA Findings**

The Draft Craven Local Plan Update from February 2015<sup>42</sup> states that in relation to HRA: "A Screening exercise is currently being undertaken by the Planning Policy team to determine whether an Appropriate Assessment will be required. The Bradford Core Strategy Local Plan is of note, as during the preparation of the Core Strategy, the HRA process in considering the scale of growth for the district together with the proximity to designated sites (including the South Pennine Moors SPA/SAC) has necessitated modifications to the distribution strategy to limit potential impacts." **Therefore it is not yet possible to reach a conclusion regarding the potential for in-combination effects with the Kirklees Local Plan.**

### **Burnley Local Plan Issues and Options (February 2014)**

Burnley District lies to the north west of Kirklees District (beyond Calderdale) and includes a small area of the South Pennine Moors SAC/SPA in the east of the borough.

#### **Housing**

Three growth scenarios for housing provision of 60 (Low), 100 (Medium) and 150 (High) new dwellings per year are proposed.

#### **Employment Land Provision**

Three growth scenarios for employment land provision of 30ha (Low), 65 ha (Medium) and 90ha (High) over the Plan period are also proposed.

#### **HRA Findings**

The Local Plan HRA Report (February 2014) notes that the Local Plan is currently at a very early stage in its development and the spatial options are broad and have not yet been developed in detail, making their likely significant effects on Natura 2000 sites difficult to predict with any accuracy. Similarly, there is a lack of detail about the scale, design and exact nature of the development that would come forward at any of the housing and employment site options. As such, it has not been possible at this stage to rule out the possibility of significant effects on any of Natura 2000 sites considered. As the spatial options are developed further, more information relating to how they will be implemented and how the resulting development would be distributed will become available and future iterations of the HRA will be able to assess their likely effects with more certainty. Similarly, as more detailed proposals for specific sites are developed, it will also be possible to assess the likely effects of developing those sites with more certainty.

**Therefore it is not yet possible to reach a conclusion regarding the potential for in-combination effects with the Kirklees Local Plan.**

<sup>42</sup> <http://www.cravendc.gov.uk/newlocalplan>

## **Appendix 3**

### HRA Screening of the Draft Kirklees Local Plan

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
DLP1: Presumption in favour of sustainable development	None - while this policy sets out a presumption in favour of sustainable development, the likely effects on Natura 2000 sites of any development proposed are considered separately in relation to other Local Plan policies. In addition, the policy aims to ensure that development improves the environmental conditions of the area.	N/A	N/A	N/A	N/A
DLP2: Location of new development	None – the policy sets out the broad spatial strategy for directing development within Kirklees but does not determine the amount or type of development that will take place – this is considered separately below in relation to other more specific policies. In addition, directing most development to the larger urban areas will help to steer it away from sensitive Natura 2000 sites.	N/A	N/A	N/A	N/A

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
DLP 3: Providing infrastructure	Infrastructure development	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as noise/vibration and light pollution.</p>	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p>	No: While this policy could lead to the development of infrastructure there is no certainty about its type or location until the planning application stage. The Natura 2000 sites within Kirklees are in the south western corner of the district away from the main urban areas where most development is allocated, which reduces the likelihood of significant effects, and policy DLP31 provides robust mitigation for impacts on the SAC and SPA.
DLP 4: Masterplanning large sites	None – the policy will not itself result in new development; rather it sets out criteria that will apply to new development proposed under other Local Plan policies. In	N/A	N/A	N/A	N/A

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
	addition, the policy requires masterplans for developments to demonstrate a good understanding and respect for the natural environment.				
DLP 5: Safeguarded land (Land to be safeguarded for potential future development)	Future development  Increase in recreation pressure  Increased vehicle traffic  Increased demand for water treatment	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.  Air pollution.  Disturbance from recreation.	Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.  Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees bit is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.	Uncertain: The policy would result in future development (after the plan period) within Kirklees which could have significant effects on Natura 2000 sites and this needs to be considered in more detail during the Appropriate Assessment stage of the HRA. Specific safeguarded sites have been subject to HRA screening separately further ahead in this matrix.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
			Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.  The allocation of open space in Kirklees through the Local Plan and improvements to green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased recreation pressure on Natura 2000 sites.	
DLP6: Efficient and effective use of land and buildings	None – the policy will not itself result in new development.				
DLP7: Place shaping	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
Provision of 32,194 jobs	Employment development  Increased vehicle traffic	Physical damage/loss of habitat.	Physical damage/loss of habitat and non-physical disturbance	Policy DLP31: Biodiversity and Geodiversity states that	Uncertain: The policy would result in large-scale employment

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
	Increased demand for water treatment	Non-physical disturbance such as noise/vibration and light pollution.  Air pollution.	could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.  Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.  Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.	development within Kirklees which could have significant effects on Natura 2000 sites and this needs to be considered in more detail during the Appropriate Assessment stage of the HRA. Specific sites allocated for employment development have been subject to HRA screening separately further ahead in this matrix.
DLP8: Safeguarding employment land and	None – the policy will not itself result in new	N/A	N/A	N/A	N/A

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
premises	development.				
DLP9: Supporting skilled communities	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP10: Supporting the rural economy	Economic and tourism-related development in rural areas Increase in recreation pressure Increased vehicle traffic Increased demand for water treatment	Physical damage/loss of habitat. Non-physical disturbance such as noise/vibration and light pollution. Disturbance from recreation. Air pollution.	Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA. Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees but is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees. Air pollution could	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive. Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase. Policy DLP20:	Uncertain: This policy could result in development in rural areas of Kirklees, which could be within close proximity of the Natura 2000 sites in the south west of the District. As it could stimulate tourism-related activities it could also contribute to an increase in visitor pressure at the South Pennine Moors SAC and South Pennine Moors SPA (Phases 1 and 2) in combination with other development. There may also be an increase in vehicle movements in and around the District with the associated air pollution, and demand for water treatment could increase. These issues

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
			affect any of the Natura 2000 sites in and around Kirklees.	<p>Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.</p> <p>The allocation of open space in Kirklees through the Local Plan and improvements to green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased recreation pressure on Natura 2000 sites.</p>	therefore need to be considered in more detail during the Appropriate Assessment stage of the HRA.
Development of 29,340 homes	Residential development Increase in recreation pressure Increased vehicle traffic Increased demand for water treatment	Physical damage/loss of habitat. Non-physical disturbance such as noise/vibration and light pollution. Air pollution. Disturbance from recreation.	Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA. Disturbance from recreation could affect	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal	Uncertain: The policy would result in large-scale residential development within Kirklees which could have significant effects on Natura 2000 sites and this needs to be considered in more detail during the Appropriate Assessment stage of the HRA. Specific site

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
			<p>any of the Natura 2000 sites in and around Kirklees bit is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees.</p> <p>Air pollution could affect any of the Natura 2000 sites in and around Kirklees.</p>	<p>meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p> <p>Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.</p> <p>The allocation of open space in Kirklees through the Local Plan and improvements to green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased recreation pressure on Natura 2000 sites.</p>	allocations for residential development have been subject to HRA screening separately further ahead in this matrix.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
DLP11: Affordability and mix of housing	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP12: Accommodation for Travellers	<p>Development of sites for Gypsies, Travellers and Travelling Showpeople</p> <p>Increase in recreation pressure</p> <p>Increased vehicle traffic</p> <p>Increased demand for water treatment</p>	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as noise/vibration and light pollution.</p> <p>Air pollution.</p> <p>Disturbance from recreation.</p>	<p>Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.</p> <p>Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees bit is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees.</p> <p>Air pollution could affect any of the Natura 2000 sites in</p>	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.</p> <p>The allocation of open space in Kirklees through the Local Plan</p>	<p>Uncertain: The policy would result in the development of sites for Gypsies, Travellers and Travelling Showpeople within Kirklees, which in combination with other development, could contribute to increases in traffic and pressure for recreation which could have significant effects on Natura 2000 sites. This needs to be considered in more detail during the Appropriate Assessment stage of the HRA. Specific site allocations for Gypsies, Travellers and Travelling Showpeople have been subject to HRA screening separately further ahead in this matrix.</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
			and around Kirklees.	and improvements to green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased recreation pressure on Natura 2000 sites.	
DLP13: Town centre uses	None – the policy seeks to direct development to the main urban centres and therefore away from sensitive Natura 2000 sites.	N/A	N/A	N/A	N/A
DLP14: Shopping frontages	None – the policy seeks to direct development to the main urban centres and therefore away from sensitive Natura 2000 sites.	N/A	N/A	N/A	N/A
DLP15: Residential in town centres policy	Residential development  Increase in recreation pressure  Increased vehicle traffic  Increased demand for	Air pollution.  Disturbance from recreation.	Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees but is most likely to affect South Pennine Moors SAC,	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation	No: The policy would result in residential development in town centres, which would therefore be located away from sensitive Natura 2000 sites and so would

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
	water treatment		<p>South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees.</p> <p>Air pollution could affect any of the Natura 2000 sites in and around Kirklees.</p>	<p>objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.</p> <p>The allocation of open space in Kirklees through the Local Plan and improvements to green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased recreation pressure on Natura 2000 sites.</p>	<p>not have impacts associated with habitat loss or non-physical disturbance. While the policy could contribute to an increase in the population and therefore increased traffic, recreation pressure and demand for water treatment, these issues are considered separately through the HRA of the overall quantum of development for Kirklees.</p>
DLP16: Food and drink uses and the evening	None – the policy relates to criteria that would apply	N/A	N/A	N/A	N/A

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
economy	to proposals for food and drink uses in defined centres.				
DLP17: Huddersfield town centre	Residential development Employment development Increase in recreation pressure Increased vehicle traffic Increased demand for water treatment	Air pollution. Disturbance from recreation.	Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees bit is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees. Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive. Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars. The allocation of open space in Kirklees through the Local Plan and improvements to	No: Any development resulting from the policy would be at Huddersfield which is located away from sensitive Natura 2000 sites. While the policy could contribute to an increase in the population and economic activity in Kirklees and therefore increased traffic, recreation pressure and demand for water treatment, these issues are considered separately through the HRA of the overall quantum of development for Kirklees.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased recreation pressure on Natura 2000 sites.	
DLP18: Dewsbury town centre	Residential development  Employment development  Increase in recreation pressure  Increased vehicle traffic  Increased demand for water treatment	Air pollution.  Disturbance from recreation.	Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees bit is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees.  Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in	No: Any development resulting from this policy would be at Dewsbury which is located away from sensitive Natura 2000 sites. While the policy could contribute to an increase in the population and economic activity in Kirklees and therefore increased traffic, recreation pressure and demand for water treatment, these issues are considered separately through the HRA of the overall quantum of development for Kirklees.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				<p>place of cars.</p> <p>The allocation of open space in Kirklees through the Local Plan and improvements to green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased recreation pressure on Natura 2000 sites.</p>	
DLP19: Strategic transport infrastructure	Development of transport infrastructure	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as noise/vibration and light pollution.</p>	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p>	<p>No: Most of the transport improvement schemes identified in the policy are located away from sensitive Natura 2000 sites. While improvements to the M62 (smart motorway between junctions 20 and 25) could affect the South Pennine Moors SAC and the South Pennine Moors SPA (Phases 1 and 2) as the motorway cuts through the sites, the scheme is coming forward separately to the</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
					Local Plan and it is assumed that it is being subject to HRA at the project level.
DLP20: Sustainable travel and demand management	None – the policy will not itself result in new development.	N/A	N/A	The policy promotes the use of sustainable modes of transport and as such may provide mitigation for the impacts of other policies in relation to increased car use and the associated air pollution.	N/A
DLP21: Highways and access	Development of transport infrastructure	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.	No: While this policy could lead to the development of transport infrastructure there is no certainty with regards to its nature or location until the planning application stage. The Natura 2000 sites within Kirklees are in the south western corner of the district away from the main urban areas where most development is directed through the Local Plan, which reduces the

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
					likelihood of significant effects, and policy DLP31 provides robust mitigation for impacts on the SAC or SPA.
DLP22: Parking	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP23: Core road and bus networks	Improvements to the highway network	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.	No: While this policy could lead to improvements to transport infrastructure there is no certainty with regards to its nature or location until the planning application stage. The Natura 2000 sites within Kirklees are in the south western corner of the district away from the main urban areas where most development is directed through the Local Plan, which reduces the likelihood of significant effects, and policy DLP31 provides robust mitigation for impacts on the SAC or

<b>Local Plan policy/ allocation</b>	<b>Likely activities (operations) to result as a consequence of the proposal</b>	<b>Likely effects if proposal implemented</b>	<b>Natura 2000 site(s) potentially affected</b>	<b>Potential mitigation measures – if implemented would avoid likely significant effect</b>	<b>Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?</b>
					SPA.
DLP24: Core walking and cycling network	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP25: Design	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP26: Advertisements and Shop Fronts	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP27: Renewable and low carbon energy	Development of renewable energy infrastructure	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.	No: While this policy could lead to the development of renewable energy infrastructure there is no certainty with regards to its type or location until the planning application stage. Policy DLP31 provides robust mitigation for impacts on the SAC or SPA and it is assumed that the potential impacts of specific proposals would be subject to HRA at the planning application

<b>Local Plan policy/ allocation</b>	<b>Likely activities (operations) to result as a consequence of the proposal</b>	<b>Likely effects if proposal implemented</b>	<b>Natura 2000 site(s) potentially affected</b>	<b>Potential mitigation measures – if implemented would avoid likely significant effect</b>	<b>Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?</b>
					stage if required.
DLP28: Flood risk	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP29: Drainage	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP30: Management of water bodies	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP31: Biodiversity and geodiversity	None – the policy will not itself result in new development.	N/A	N/A	This policy does not permit development which would directly or indirectly compromise achieving the conservation objectives of Natura 2000 sites unless the proposal were to meet the requirements relating to Article 6 (3) - (4) of the Habitats Directive. Therefore, it provides mitigation for the potential impacts of other Local Plan policies on Natura 2000 sites.	N/A

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
DLP32: Strategic Green Infrastructure	None – the policy will not itself result in new development.	N/A	N/A	This policy should help to provide mitigation against the potential impacts of the development proposed elsewhere in the Local Plan as it seeks to protect and enhance existing Green Infrastructure and to provide for the delivery of new Green Infrastructure. This could help to mitigate the potential impacts of development in terms of increased recreation pressure at Natura 2000 sites. However, it is uncertain how effective this will be at mitigating increased recreational use of Natura 2000 sites, as it will depend on factors such as the comparable nature and quality of the greenspace to be protected under this policy.	N/A

<b>Local Plan policy/ allocation</b>	<b>Likely activities (operations) to result as a consequence of the proposal</b>	<b>Likely effects if proposal implemented</b>	<b>Natura 2000 site(s) potentially affected</b>	<b>Potential mitigation measures – if implemented would avoid likely significant effect</b>	<b>Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?</b>
DLP33: Landscape	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP34: Trees	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP35 Conserving and enhancing the water environment	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP36: Historic environment	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP37: Proposals for mineral extraction	Minerals-related development  Increased vehicle traffic  Increased demand for water treatment	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.  Air pollution.	Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.  Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats	Uncertain: The policy could result in minerals-related development within Kirklees which could have significant effects on Natura 2000 sites and this needs to be considered in more detail during the Appropriate Assessment stage of the HRA. Specific site allocations for minerals-related development have been subject to HRA screening separately

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				Directive.  Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.	further ahead in this matrix.
DLP38: Site restoration and aftercare	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP39: Minerals safeguarding	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP40: Protecting existing and planned minerals infrastructure	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP41: Alternative development on protected minerals infrastructure sites	Redevelopment of sites containing minerals infrastructure  Increase in recreation pressure (if sites are redeveloped for residential uses)  Increase in vehicle traffic (depending on what use)	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.  Disturbance from recreation.	Physical damage/loss of habitat and non- physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site	No: The policy could result in the redevelopment of sites containing minerals infrastructure which, depending on the nature of the redevelopment could have significant effects on Natura 2000 sites. However, there is

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
	sites are redeveloped for)  Increased demand for water treatment.	Air pollution.	Phase 1) SPA.  Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees bit is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees.  Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.  The allocation of open space in Kirklees through the Local Plan and improvements to green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased	no certainty with regards to the type or location of development that may result until the planning application stage and policy DLP31 provides robust mitigation for impacts on Natura 2000 sites.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				<p>recreation pressure on Natura 2000 sites.</p> <p>The allocation of open space in Kirklees through the Local Plan and improvements to green infrastructure through policies such as DLP32: Strategic Green Infrastructure may help to mitigate the potential impacts of increased recreation pressure on Natura 2000 sites.</p>	
DLP42: Proposals for exploration and appraisal of hydrocarbons	Onshore oil and gas exploration	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as noise/vibration and light pollution.</p>	<p>Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.</p>	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p>	<p>No: While the policy could result in the exploration of onshore oil and gas within Kirklees, there is no certainty about the nature or location of activities until the planning application stage. In addition, policy DLP31 and DLP42 itself provide robust mitigation for impacts on Natura 2000 sites.</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				Policy DLP42 itself requires that any adverse impacts must be avoided or mitigated to the satisfaction of the Mineral Planning Authority, with safeguards to protect environmental interests put in place as necessary.	
DLP43: Proposals for production of hydrocarbons	Production of hydrocarbons	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as noise/vibration and light pollution.</p>	<p>Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.</p>	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Policy DLP43 itself requires that any adverse impacts, both</p>	<p>No: While the policy could result in the production of hydrocarbons within Kirklees, there is no certainty about the nature or location of activities until the planning application stage. In addition, policy DLP31 and DLP43 itself provide robust mitigation for impacts on Natura 2000 sites.</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				individual and cumulative are avoided or mitigated to the satisfaction of the Mineral Planning Authority.	
DLP44: Waste management hierarchy	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP45: New waste management facilities	Development of waste management facilities  Increased vehicle traffic  Increased demand for water treatment	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.  Air pollution.	Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.  Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	Policy DLP45 itself states that proposals for waste management facilities should be located in sustainable locations where potentially adverse impacts on biodiversity can be avoided or adequately mitigated.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.  Policy DLP31: Biodiversity and	No: While the policy could result in the development of waste management facilities within Kirklees, there is no certainty about the nature or location of developments until the planning application stage. In addition, policy DLP31 and policy DLP45 itself provide robust mitigation for impacts on Natura 2000 sites. The waste site allocation made in the Local Plan has been subject to HRA screening separately further ahead in this matrix.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				<p>Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.</p>	
DLP46: Safeguarding waste management facilities	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP47: Waste disposal	<p>Development of waste management facilities (landfill or land raising)</p> <p>Increased vehicle traffic</p>	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as</p>	<p>Physical damage/loss of habitat and non-physical disturbance could affect South Pennine Moors SAC,</p>	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly	No: While the policy could result in the development of landfill facilities at a number of former quarries, two of

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
	Increased demand for water treatment	noise/vibration and light pollution.  Air pollution.	South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.  Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.	which are located within 2km of the South Pennine Moors SAC and SPA (Phase 2), or in landfilling at other locations, the policy makes it clear that this type of development will only take place if need cannot be met by treatment higher in the waste hierarchy. There is no certainty about the likelihood of such developments or their location until the planning application stage. In addition, policy DLP31 provides robust mitigation for impacts on Natura 2000 sites and it is assumed that proposals for waste management facilities would be assessed at that time in relation to their potential impacts on Natura 2000 sites.
DLP48: Healthy, active and safe lifestyles	Development of sports, leisure and cultural facilities	Physical damage/loss of habitat.  Non-physical	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors	Policy DLP31: Biodiversity and Geodiversity states that proposals which may	No: The policy could result in the development of sports, leisure and cultural facilities which

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
		disturbance such as noise/vibration and light pollution.	(South Pennine Moors Phase 1) SPA.	<p>directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p> <p>Policy DLP48 itself provides for well maintained and accessible open spaces which may help to mitigate pressure on Natura 2000 sites for recreation resulting from other Local Plan policies.</p>	<p>could result in damage or disturbance to Natura 2000 sites; however there is no certainty with regards to the type or location of development that may result until the planning application stage and policy DLP31 provides robust mitigation for impacts on the SAC or SPA.</p>
DLP49: Community	Development of	Physical damage/loss of	South Pennine Moors	Policy DLP31:	No: The policy could

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
facilities and services	community services and facilities	habitat. Non-physical disturbance such as noise/vibration and light pollution.	SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.	result in the development of community services and facilities which could result in damage or disturbance to Natura 2000 sites; however there is no certainty until the planning application stage with regards to the type or location of development that may result and policy DLP31 provides robust mitigation for impacts on the SAC or SPA.
DLP50: Educational and health care needs	Development of education and healthcare facilities	Physical damage/loss of habitat. Non-physical disturbance such as noise/vibration and light pollution.	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a	No: The policy could result in the development of education and healthcare facilities which could result in damage or disturbance to Natura 2000 sites; however there is no certainty with

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				<p>designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p>	<p>regards to the type or location of development that may result until the planning application stage and policy DLP31 provides robust mitigation for impacts on the SAC or SPA.</p>
DLP51: Protection and improvement of local air quality	None – the policy will not itself result in new development.	N/A	N/A	<p>This policy requires development which has the potential to increase levels of local air pollution to unsafe levels to incorporate mitigation measures.</p> <p>As such, the policy could provide mitigation for the potential impacts of other Local Plan policies on Natura 2000 sites in relation to increased air pollution.</p>	N/A

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
DLP52: Protection and improvement of environmental quality	None – the policy will not itself result in new development.	N/A	N/A	This policy requires development which has the potential to increase pollution in Kirklees to incorporate mitigation to avoid unacceptable impacts on the environment. The policy also states that development should where possible improve the existing environment. As such, the policy could provide mitigation for the potential impacts of other Local Plan policies on Natura 2000 sites in relation to air or water pollution.	N/A
DLP53: Contaminated and unstable land	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP54: Sports and physical activity	Development of sport and leisure facilities	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving	No: The policy could result in the development of sport and leisure facilities which could result in damage or disturbance to Natura

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
		pollution.	Phase 1) SPA.	<p>the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p>	2000 sites; however there is no certainty with regards to the type or location of development that may result until the planning application stage and policy DLP31 provides robust mitigation for impacts on the SAC or SPA.
DLP55: Development in the green belt	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP56: Buildings for agriculture and forestry	Development of buildings for agriculture and forestry in the green belt	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as noise/vibration and light pollution.</p>	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate	No: The policy could result in the development of buildings for agriculture and forestry in the Green Belt which could result in damage or disturbance to Natura 2000 sites (the Green Belt in Kirklees overlaps

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				<p>European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p>	<p>with the South Pennine Moors SAC and the South Pennine Moors SPA (Phase 2) and is adjacent to the Peak District Moors (South Pennine Moors Phase 1) SPA; however there is no certainty until the planning application stage with regards to the type or location of development that may result and policy DLP31 provides robust mitigation for impacts on the SAC or SPA.</p>
DLP57: Agricultural and forestry workers' dwellings	Development of residential properties for agricultural and forestry workers in the green belt	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as noise/vibration and light pollution.</p>	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats</p>	<p>No: The policy could result in the development of dwellings for agriculture and forestry workers in the Green Belt which could result in damage or disturbance to Natura 2000 sites (the Green Belt in Kirklees overlaps with the South Pennine Moors SAC and the South Pennine Moors SPA (Phase 2) and is adjacent to the Peak District Moors (South</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				<p>Directive.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p>	<p>Pennine Moors Phase 1) SPA; however there is no certainty until the planning application stage with regards to the type or location of development that may result and policy DLP31 provides robust mitigation for impacts on the SAC or SPA.</p>
DLP58: Facilities for outdoor sport, outdoor recreation and cemeteries	Development of sport and recreation facilities in the green belt	<p>Physical damage/loss of habitat.</p> <p>Non-physical disturbance such as noise/vibration and light pollution.</p>	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Using good practice construction techniques could mitigate the</p>	<p>No: The policy could result in the development of sport and recreation facilities in the Green Belt which could result in damage or disturbance to Natura 2000 sites (the Green Belt in Kirklees overlaps with the South Pennine Moors SAC and the South Pennine Moors SPA (Phase 2) and is adjacent to the Peak District Moors (South Pennine Moors Phase 1) SPA; however there is no certainty until the planning application stage with regards to the type or location of</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				potential impacts of noise, vibration and light pollution during the construction phase.	development that may result and policy DLP31 provides robust mitigation for impacts on the SAC or SPA.
DLP59: The extension, alteration or replacement of existing buildings	Extension, alteration or replacement of existing buildings in the green belt	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.	No: The policy could result in the redevelopment or extension of existing buildings in the Green Belt which could result in damage or disturbance to Natura 2000 sites (the Green Belt in Kirklees overlaps with the South Pennine Moors SAC and the South Pennine Moors SPA (Phase 2) and is adjacent to the Peak District Moors (South Pennine Moors Phase 1) SPA; however there is no certainty until the planning application stage with regards to the type or location of development that may result and policy DLP31 provides robust mitigation for impacts on the SAC or SPA. In

<b>Local Plan policy/ allocation</b>	<b>Likely activities (operations) to result as a consequence of the proposal</b>	<b>Likely effects if proposal implemented</b>	<b>Natura 2000 site(s) potentially affected</b>	<b>Potential mitigation measures – if implemented would avoid likely significant effect</b>	<b>Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?</b>
					addition, the policy relates to the replacement or extension of existing buildings rather than entirely new development.
DLP60: Garden extensions	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
DLP61: Infilling and redevelopment of brownfield sites	None – the policy could result in the redevelopment of or infilling at existing brownfield sites but is not expected to result in new development.	N/A	N/A	N/A	N/A
DLP62: The re-use and conversion of buildings	None – the policy would potentially permit the reuse or conversion of existing buildings within the green belt but is not expected to result in new development.	N/A	N/A	N/A	N/A
DLP63: Urban green space	None – the policy seeks to protect urban green space and would not result in new development.	N/A	N/A	This policy will protect urban green spaces in Kirklees. This may help to mitigate impacts of	N/A

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				the development proposed elsewhere in the Local Plan in terms of increased recreation pressure at Natura 2000 sites.	
DLP64: Local green space	None – the policy seeks to protect local green space and would not result in new development.	N/A	N/A	This policy will protect local green spaces in Kirklees. This may help to mitigate impacts of the development proposed elsewhere in the Local Plan in terms of increased recreation pressure at Natura 2000 sites.	N/A
DLP65: New open space	Development of sport and recreation facilities	Physical damage/loss of habitat.  Non-physical disturbance such as noise/vibration and light pollution.	South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions	No: The policy could result in the development of sport and recreation facilities which could result in damage or disturbance to Natura 2000 sites; however there is no certainty with regards to the type or location of development that may result until the planning application stage and policy DLP31

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				specified in Article 6 (3) - (4) of the Habitats Directive.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.	provides robust mitigation for impacts on the SAC or SPA.
Residential site allocations (the Allocations and Designations document identifies 194 site allocations for residential development).	Residential development  Increase in recreation pressure  Increased vehicle traffic  Increased demand for water treatment	Physical damage/loss of habitat offsite (none of the residential site allocations are located within the boundaries of Natura 2000 sites).  Non-physical disturbance such as noise/vibration and light pollution.  Air pollution.  Disturbance from recreation.	Physical damage/loss of habitat (offsite) and non-physical disturbance could affect South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.  Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees bit is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Policy DLP20: Sustainable travel and demand management seeks to encourage the	Uncertain: The residential site allocations in combination would result in large-scale residential development within Kirklees which could result in an increase in vehicle traffic and the associated air pollution, increased pressure for recreation and increased demand for water treatment. While none of the allocated residential sites are within the boundaries of Natura 2000 sites, as shown in <b>Map 4.1</b> in <b>Chapter 4</b> a number are within close proximity of offsite areas

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
			Phase 1) SPA as they are within Kirklees.  Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	use of sustainable modes of transport in place of cars.  Policy DLP48 provides for well maintained and accessible open spaces which may help to mitigate pressure on Natura 2000 sites for recreation resulting from other Local Plan policies.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.	known to be used by the qualifying bird species of the South Pennine Moors SPA (Phases 1 and 2) and so could result in habitat loss and/or non-physical disturbance in those areas, particularly during the construction phase. These issues therefore need to be considered in more detail during the Appropriate Assessment stage of the HRA.
Employment site allocations (the Allocations and Designations document identifies 19 site allocations for employment development).	Employment development  Increased vehicle traffic  Increased demand for water treatment	Physical damage/loss of habitat offsite (none of the employment site allocations are located within the boundaries of Natura 2000 sites).  Non-physical disturbance such as noise/vibration and light pollution (offsite).	Physical damage/loss of habitat (offsite) and non-physical disturbance (also offsite) could affect South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted	Uncertain: The employment site allocations in combination would result in large- scale employment development within Kirklees which could result in an increase in vehicle traffic and the associated air pollution and increased demand

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
		Air pollution.	Air pollution could affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2), Peak District Moors (South Pennine Moors Phase 1) SPA and Rochdale Canal SAC.	unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.  Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.	for water treatment. None of the allocated employment sites are within the boundaries of Natura 2000 sites or within 2km (as shown in <b>Map 4.2 in Chapter 4</b> ); however, a number of the employment site allocations are within 2km of known offsite areas used by the qualifying bird species of the South Pennine Moors SPA (Phases 1 and 2); therefore the potential for habitat loss and non-physical disturbance in those areas (particularly during the construction phase) needs to be considered in more detail during the Appropriate Assessment stage of the HRA.
Mixed use site allocations (the Allocations and Designations document identifies 12 site allocations for mixed use)	Mixed use development  Increase in recreation pressure  Increased vehicle traffic	Physical damage/loss of habitat offsite (none of the mixed use site allocations are located within the boundaries of	Physical damage/loss of habitat (offsite) and non-physical disturbance (also offsite) could affect South Pennine Moors	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving	Uncertain: The mixed use site allocations in combination would result in large-scale development within Kirklees which could

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
development).	Increased demand for water treatment	Natura 2000 sites). Non-physical disturbance such as noise/vibration and light pollution (offsite). Air pollution.	SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA. Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	<p>the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.</p> <p>Policy DLP48 provides for well maintained and accessible open spaces which may help to mitigate pressure on Natura 2000 sites for recreation resulting from other Local Plan policies.</p> <p>Using good practice construction techniques could mitigate the potential impacts of</p>	<p>result in an increase in vehicle traffic and the associated air pollution and increased demand for water treatment. None of the allocated mixed use sites are within the boundaries of Natura 2000 sites (as shown in <b>Map 4.3</b> in <b>Chapter 4</b>); however a number are within 2km of the South Pennine Moors SPA (Phases 1 and 2) and known offsite areas used by the qualifying bird species and so could result in habitat loss and/or non-physical disturbance in those areas. Therefore, these issues need to be considered in more detail during the Appropriate Assessment stage of the HRA.</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				noise, vibration and light pollution during the construction phase.	
Open space site allocations (the Allocations and Designations document identifies 504 site allocations for local and urban greenspace).	None – the allocations for open space in Kirklees would not result in new development.	N/A	N/A	The allocation of open space may help to mitigate impacts of the development proposed elsewhere in the Local Plan in terms of increased recreation pressure at Natura 2000 sites.	N/A
Traveller site allocations (the Allocations and Designations document identifies two site allocations for Traveller sites).	Development of sites for Gypsies, Travellers and Travelling Showpeople  Increase in recreation pressure  Increased vehicle traffic  Increased demand for water treatment	Air pollution.  Disturbance from recreation.	Disturbance from recreation could affect any of the Natura 2000 sites in and around Kirklees but is most likely to affect South Pennine Moors SAC, South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA as they are within Kirklees.  Air pollution could affect any of the Natura 2000 sites in	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.  Policy DLP20:	No: The Local Plan allocates two sites for Travellers; however they are both located in the north of the District, well away from the nearest Natura 2000 sites as shown in <b>Map 4.4</b> in <b>Chapter 4</b> . While the allocation of the sites could contribute to an increase in vehicle traffic and the associated air pollution, increased pressure for recreation space and increased demand for water

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
			and around Kirklees.	<p>Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.</p> <p>Policy DLP48 provides for well maintained and accessible open spaces which may help to mitigate pressure on Natura 2000 sites for recreation resulting from other Local Plan policies.</p>	<p>treatment, these impacts are likely to be minimal due to the small number of site allocations and the distance of the site allocations from Natura 2000 sites means that significant effects are unlikely.</p>
Minerals site allocations (the Allocations and Designations document identifies 38 site allocations for minerals development).	<p>Minerals-related development</p> <p>Increased vehicle traffic</p> <p>Increased demand for water treatment</p>	<p>Physical damage/loss of habitat offsite (none of the minerals site allocations are located within the boundaries of Natura 2000 sites).</p> <p>Non-physical disturbance such as noise/vibration and light pollution (offsite).</p> <p>Air pollution.</p>	<p>Physical damage/loss of habitat (offsite) and non-physical disturbance (also offsite) could affect South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.</p> <p>Air pollution could affect any of the Natura 2000 sites in and around Kirklees.</p>	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats</p>	<p>Uncertain: These site allocations would result in minerals-related development within Kirklees which could result in an increase in vehicle traffic and the associated air pollution and increased demand for water treatment.</p> <p>None of the allocated minerals sites are within the boundaries of Natura 2000 sites; however a number are within 2km of</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				Directive.  Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.	the South Pennine Moors SPA (Phases 1 and 2) and known offsite areas used by the qualifying bird species (as shown in <b>Map 4.5 in Chapter 4</b> ) and so could result in habitat loss and/or non-physical disturbance in those areas. Therefore, these issues need to be considered in more detail during the Appropriate Assessment stage of the HRA.
Waste site allocation (the Allocations and Designations document identifies one site allocation for waste development).	Development of waste management facility at Emerald Street, Huddersfield  Increased vehicle traffic  Increased demand for water treatment	Air pollution.	Air pollution could affect any of the Natura 2000 sites in and around Kirklees.	Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3)	No: This site is located in the north of Kirklees, well away from the nearest Natura 2000 sites (as shown in <b>Map 4.5 in Chapter 4</b> ) and the site is already in operation as a waste management facility. Policy DLP31 provides robust mitigation for impacts on Natura 2000 sites.

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				<p>- (4) of the Habitats Directive.</p> <p>Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable modes of transport in place of cars.</p>	
Safeguarded land (the Allocations and Designations document identifies 66 sites to be safeguarded for future development).	<p>Future development (beyond the plan period)</p> <p>Increase in recreation pressure</p> <p>Increased vehicle traffic</p> <p>Increased demand for water treatment</p>	<p>Physical damage/loss of habitat offsite (none of the safeguarded land sites are located within the boundaries of Natura 2000 sites).</p> <p>Non-physical disturbance such as noise/vibration and light pollution (offsite).</p> <p>Air pollution.</p>	<p>Physical damage/loss of habitat (offsite) and non-physical disturbance (also offsite) could affect South Pennine Moors SPA (Phase 2) and Peak District Moors (South Pennine Moors Phase 1) SPA.</p> <p>Air pollution could affect any of the Natura 2000 sites in and around Kirklees.</p>	<p>Policy DLP31: Biodiversity and Geodiversity states that proposals which may directly or indirectly compromise achieving the conservation objectives of a designated or candidate European protected site will not be permitted unless the proposal meets the conditions specified in Article 6 (3) - (4) of the Habitats Directive.</p> <p>Policy DLP20: Sustainable travel and demand management seeks to encourage the use of sustainable</p>	<p>Uncertain: The safeguarded land sites in combination with the allocated sites would result in large-scale development within Kirklees which could result in an increase in vehicle traffic and the associated air pollution and increased demand for water treatment.</p> <p>None of the safeguarded land sites are within the boundaries of Natura 2000 sites (as shown in <b>Map 4.6 in Chapter 4</b>); however six are within 2km of the South Pennine Moors SPA (Phases 1 and 2) and known offsite</p>

Local Plan policy/ allocation	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	Natura 2000 site(s) potentially affected	Potential mitigation measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on Natura 2000 sites (taking mitigation into account)?
				<p>modes of transport in place of cars.</p> <p>Policy DLP48 provides for well maintained and accessible open spaces which may help to mitigate pressure on Natura 2000 sites for recreation resulting from other Local Plan policies.</p> <p>Using good practice construction techniques could mitigate the potential impacts of noise, vibration and light pollution during the construction phase.</p>	<p>areas used by the qualifying bird species and so could result in habitat loss and/or non-physical disturbance in those areas. Therefore, these issues need to be considered in more detail during the Appropriate Assessment stage of the HRA.</p>