

Stage 2 Habitats Regulations Assessment (Appropriate Assessment)

Cellars Clough Mill

Step 1 – Information Required

Detailed habitat information or species specific survey information is likely to be required for Appropriate Assessment, along with detailed information on the project or plan. Describe the information available, required or requiring clarification or amendment.

Information provided by applicant	Information/clarification requested from applicant
<p>Transport Statement (PAH Highway Consultants, 2015)</p> <p>Click here to enter text.</p> <p>Click here to enter text.</p>	<p>Provided on: 13 May 2016</p> <p>Click here to enter a date.</p> <p>Click here to enter a date.</p>
<p>Click here to enter text.</p>	<p>Requested on: Click here to enter a date.</p> <p>Click here to enter a date.</p> <p>Click here to enter a date.</p>
<p>Click here to enter text.</p>	<p>Click here to enter text.</p> <p>Click here to enter text.</p> <p>Click here to enter text.</p>

Step 2a – Predicted Impact of Proposals

Describe the elements of the project or plan that are likely to give rise to significant effects on the site (from screening assessment).

South Pennine Moors Special Area Conservation	<ol style="list-style-type: none"> 1). Erection of 55 dwellings within approximately 850 m of the SAC and associated increase in local traffic. 2). Erection of 55 dwellings within approximately 850 m of the SAC and associated increase in human population and domestic pets.
Peak District Moors (South Pennine Moors Phase 1) Special Protection Area	<ol style="list-style-type: none"> 1). Erection of 55 dwellings within approximately 1.4 km of the SPA and associated increase in local traffic. 2). Erection of 55 dwellings within approximately 1.4 km of the SPA and associated increase in human population and domestic pets.
South Pennine Moors Phase 2 Special Protection Area	<ol style="list-style-type: none"> 1). Erection of 55 dwellings within approximately 850 m of the SPA and associated increase in local traffic. 2). Erection of 55 dwellings within approximately 850 m of the SPA and associated increase in human population and domestic pets.
Denby Grange Colliery Ponds Special Area Conservation	None

Describe how the project or plan will affect key species and key habitats.

South Pennine Moors Special Area Conservation
<ol style="list-style-type: none"> 1). The transport statement for the application indicates an additional 287 annual average

Acknowledge uncertainties and any gaps in information.

daily traffic (AADT) movements as a result of the proposals. The increase of 287 AADT is below the Design Manual for Roads and Bridges (DfT, 2007) threshold of 1,000 AADT, which is intended to identify 'affected' roads and below which significant air pollution contributions are unlikely. Significant effects resulting from increased NO^x emissions from traffic are therefore considered unlikely.

- 2). An increase of 55 dwellings is anticipated to result in a local population increase of up to 132 (based on average household size of 2.4 from 2011 Census). Pet Food Manufacturers Association research (PMFA, 2017) indicates that 23% of households in Yorkshire and Humberside own dogs. National statistics indicate that, where a household includes dogs, 75% have one dog, 21% have 2 dogs and the remainder have 3 or 4 dogs. This provides an estimated addition of approximately 16 dogs. These additional 132 people, with 16 dogs, are anticipated to use the SAC for recreation, although it is uncertain to what extent.

Peak District Moors (South Pennine Moors Phase 1) Special Protection Area

- 1). The transport statement for the application indicates an additional 287 annual average daily traffic (AADT) movements as a result of the proposals. The increase of 287 AADT is below the Design Manual for Roads and Bridges (DfT, 2007) threshold of 1,000 AADT, which is intended to identify 'affected' roads and below which significant air pollution contributions are unlikely. Significant effects resulting from increased NO^x emissions from traffic are therefore considered unlikely.
- 2). An increase of 55 dwellings is anticipated to result in a local population increase of up to 132 (based on average household size of 2.4 from 2011 Census). Pet Food Manufacturers Association research (PMFA, 2017) indicates that 23% of households in Yorkshire and Humberside own dogs. National statistics indicate that, where a household includes dogs, 75% have one dog, 21% have 2 dogs and the remainder have 3 or 4 dogs. This provides an estimated addition of approximately 16 dogs. These additional 132 people, with 16 dogs, are anticipated to use the SPA for recreation, although it is uncertain to what extent.

South Pennine Moors Phase 2 Special Protection Area

- 1). The transport statement for the application indicates an additional 287 annual average

daily traffic (AADT) movements as a result of the proposals. The increase of 287 AADT is below the Design Manual for Roads and Bridges (DfT, 2007) threshold of 1,000 AADT, which is intended to identify 'affected' roads and below which significant air pollution contributions are unlikely. Significant effects resulting from increased NO^x emissions from traffic are therefore considered unlikely.

- 2). An increase of 55 dwellings is anticipated to result in a local population increase of up to 132 (based on average household size of 2.4 from 2011 Census). Pet Food Manufacturers Association research (PMFA, 2017) indicates that 23% of households in Yorkshire and Humberside own dogs. National statistics indicate that, where a household includes dogs, 75% have one dog, 21% have 2 dogs and the remainder have 3 or 4 dogs. This provides an estimated addition of approximately 16 dogs. These additional 132 people, with 16 dogs, are anticipated to use the SPA for recreation, although it is uncertain to what extent.

Denby Grange Colliery Ponds Special Area Conservation

None

Describe how the integrity of the site (determined by structure and function and conservation objectives) is likely to be affected by the project or plan (e.g. loss of habitat, disturbance, disruption, chemical changes, hydrological changes and geological changes, etc.).

Acknowledge uncertainties and any gaps in information.

South Pennine Moors Special Area Conservation

- 1). The predicted increase in annual average daily traffic is not considered sufficient to significantly contribute to the current levels of NO^x and nitrogen deposition that affect the SAC. The actual NO^x and nitrogen deposition process contribution of the development has not been calculated.
- 2). Heavy use of the SAC by dog walkers could potentially result in localised trampling and nutrient enrichment, which could have minor implications for the conservation objectives for the SAC. The closest part of the SAC to the development is 850 m, however the footpaths connecting the site and the SAC includes steep gradients and it is considered unlikely that a route that leads to within the SAC would be used as a regular dog walk. The extent to which new residents will use the SAC is not fully understood.

Peak District Moors (South Pennine Moors Phase 1) Special Protection Area

- 1). The predicted increase in annual average daily traffic is not considered sufficient to significantly contribute to the current levels of NO^x and nitrogen deposition that affect the SPA. The actual NO^x and nitrogen deposition process contribution of the development has not been calculated.
- 2). Heavy use of the SPA by dog walkers with uncontrolled dogs could potentially disturb ground nesting birds during the breeding season, resulting in reduced breeding success of the qualifying features. The SPA is located 1.4 km south of the site and the footpath network connecting the two areas either includes steep gradients or extends this distance by following the contours. It is considered unlikely that a route that leads to within the SPA would be used as a regular dog walk, although the extent to which new residents will use the SPA is not fully understood.

South Pennine Moors Phase 2 Special Protection Area

- 1). The predicted increase in annual average daily traffic is not considered sufficient to significantly contribute to the current levels of NO^x and nitrogen deposition that affect the SPA. The actual NO^x and nitrogen deposition process contribution of the development has not been calculated.
 - 2). Heavy use of the SPA by dog walkers with uncontrolled dogs could potentially disturb ground nesting birds during the breeding
-

season, resulting in reduced breeding success of the qualifying features.

- 3). The SPA is located 850 m north of the site, however the footpaths connecting the site and the SPA includes steep gradients and it is considered unlikely that a route that leads to within the SAC would be used as a regular dog walk. The extent to which new residents will use the SPA is not fully understood.

Denby Grange Colliery Ponds Special Area Conservation

None

Describe what mitigation measures are to be introduced to avoid or reduce the adverse effects on the integrity of the site.

Acknowledge uncertainties and any gaps in information.

South Pennine Moors Special Area Conservation

The extent to which the increased local population will impact the ability of the site to meet its conservation objectives is uncertain; however, this impact is anticipated to be minor.

As mitigation for this anticipated minor impact, clear signage will be installed at all local entrances to the SAC with information on the importance of preventing dog fouling and keeping to existing paths.

Peak District Moors (South Pennine Moors Phase 1) Special Protection Area

The extent to which the increased local population will impact the ability of the site to meet its conservation objectives is uncertain; however, this impact is anticipated, due to the distance between the site and the SPA to be negligible. No mitigation is proposed in this respect.

South Pennine Moors Phase 2 Special Protection Area

The extent to which the increased local population will impact the ability of the site to meet its conservation objectives is uncertain; however, this impact is anticipated to be minor.

As mitigation for this anticipated minor impact, clear signage will be installed at all local entrances to the SPA with information on the importance keeping dogs under close control during the breeding season.

Denby Grange Colliery Ponds Special Area Conservation

None

Step 2b – Predicted Impacts in Combination with other Plans or Projects

Where the impacts identified above cannot be fully avoided through the proposed mitigation measures, it is necessary to identify and characterise cumulative impacts arising as a result of any existing or proposed projects or plans.

Summarise residual effects from the project or plan, after proposed mitigation measures are applied.

An increase in the human and domestic pet population within 850 m of the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA is predicted to have a minor impact on the ability of these sites to meet their conservation objectives as a result of increased visitor pressure. No significant effect is considered likely to occur in respect of Peak District Moors (South Pennine Moors Phase 1) SPA, which is located approximately 1.4 km from the proposed development.

Mitigation measures have been proposed to manage this increased visitor pressure on the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA, and to minimise the effect of this impact. However, due to the inherent uncertainties in characterising the effects of visitor pressure and visitor management measures, it is not possible to confirm that negative impacts will be completely avoided.

The effect of increased nitrogen deposition resulting from increased vehicle movements has not been fully modelled. However, the predicted increase in annual average daily traffic (AADT) is approximately one quarter of threshold specified in the Design Manual for Roads and Bridges (DfT, 2007) that is used to identify likely significant air pollution contributions. Due to the level of uncertainty that remains in the absence of modelling, despite the absence of a predicted significant impact, the effect of nitrogen deposition will be treated as a residual effect for the purpose of consideration of in combination effects.

Identify plans and projects that could result in impacts that act in combination with the identified residual effects.

A search has been undertaken to identify any draft Local Plan allocations, and all planning applications since 12th April 2013 (a five year period), for the area within a 1 km radius of the centre of the proposed development. This radius has been chosen to identify any cumulative additions to the specific local impacts of the project that have been identified through this HRA. These local impacts are visits to the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA where residents walk directly from their homes, rather than drive to one of the 'honeypot' locations discussed in the Local Plan HRA, and additional vehicle trips by new residents close to the SAC/SPA. A radius of 1 km is considered appropriate to quantify these impacts.

Planning permission exists or is being considered that could result in a net increase of 13 dwellings within 1 km of the project site. There are no Local Plan allocations within the search radius that could facilitate development of any type.

Describe and quantify the cumulative effect of the identified in combination impacts.

A total of 68 households, including the additional 13 from extant permissions or applications being considered, are predicted, based on the sources referred to above, to contribute approximately 163 people and 20 dogs to the local population. This increase is considered to result in a minor effect on the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA.

A transport assessment is available for permission 2015/93750, which is for 8 residential units. No transport assessment is available for the remaining applications, which will all facilitate additional single dwellings. The available transport assessment indicates an additional AADT of up to 24 vehicle movements. The additional vehicle movements associated with these additional 13 residential units are considered highly unlikely to result in an increase in annual average daily traffic (AADT) that exceeds the Design Manual for Roads and Bridges (DfT, 2007) threshold of 1,000 AADT.

Describe what mitigation measures are to be introduced to avoid or reduce the adverse effects on the integrity of the site.

No additional mitigation measures are to be included in respect of cumulative impacts. Mitigation measures included in respect of impacts arising from the project are considered sufficient in respect of the identified cumulative impacts.

Step 3 – Conservation Objectives

Qualifying Features and Conservation Objectives of the Natura 2000 sites most likely to be affected by projects and plans undertaken within Kirklees district are listed below, and should be used to inform Step 4 below.

South Pennine Moors Special Area Conservation

Qualifying Features

H4010 Northern Atlantic wet heaths with *Erica tetralix*
H4030 European dry heaths
H7130 Blanket bogs (Annex I Priority Habitat)
H7140 Transition mires and quaking bogs
H91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

Conservation Objectives

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;

- The extent and distribution of the qualifying natural habitats
 - The structure and function (including typical species) of the qualifying natural habitats, and,
 - The supporting processes on which the qualifying natural habitats rely.
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Peak District Moors (South Pennine Moors Phase 1) Special Protection Area

Qualifying Features

A098 *Falco columbarius*; Merlin (Breeding)
A140 *Pluvialis apricaria*; European golden plover (Breeding)
A222 *Asio flammeus*; Short-eared owl (Breeding)

Conservation Objectives

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;

- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely
 - The population of each of the qualifying features, and,
 - The distribution of the qualifying features within the site.
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South Pennine Moors Phase 2 Special Protection Area

Qualifying Features

A098 *Falco columbarius*; Merlin (Breeding)
A140 *Pluvialis apricaria*; European golden plover (Breeding)
Breeding bird assemblage

Conservation Objectives

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;

- The extent and distribution of the habitats of the qualifying features
 - The structure and function of the habitats of the qualifying features
 - The supporting processes on which the habitats of the qualifying features rely
 - The population of each of the qualifying features, and,
 - The distribution of the qualifying features within the site.
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Denby Grange Colliery Ponds Special Area Conservation

Qualifying Features

S1166 *Triturus cristatus*; Great crested newt

Conservation Objectives

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;

- The extent and distribution of the habitats of qualifying species
- The structure and function of habitats of qualifying species
- The supporting processes on which qualifying natural habitats rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

Step 4 – Mitigation Measures

Describe mitigation measures to be provided in respect of the predicted impacts.

Mitigation Measures

List measures to be introduced.

Explain how the measures will avoid the adverse effects on the integrity of the site.

Explain how the measures will reduce the adverse effects on the integrity of the site.

Provide evidence of how they will be implemented and by whom.

i. Signage where public footpaths connecting to the proposed development enter the nearest point of the SAC and Phase 2 SPA. Signage to explain the importance of avoiding dog fowling, keeping to identified routes and keeping dogs under close control at sensitive times of year.

i. Complete avoidance of impacts is unlikely through this measure.

i. Will reduce instances of dog fowling, of people straying from identified routes and of uncontrolled dogs during the breeding bird season.

i. Content, location and installation and maintenance of signage will be secured through planning condition or obligation.

List mitigation measures (as above).

Provide evidence of the degree of confidence in their likely success.

Provide timescale, relative to the project or plan, when they will be implemented.

Explain the proposed monitoring scheme and how any mitigation failure will be addressed.

i. Signage where public footpaths connecting to the proposed development enter the nearest point of the SAC and Phase 2 SPA. Signage to explain the importance of avoiding dog fowling, keeping to identified routes and keeping dogs under close control at

i. Definitive evidence is not currently available.

i. Prior to occupation of the residential units.

ii. Signage will be maintained through planning condition or obligation. Kirklees Council will undertake monitoring after 2 years to identify any impact to habitats. This will include a visual inspection of evidence or erosion and dog fowling. If significant impacts are detected this will be addressed

sensitive times of year.

through introduction of a warden, to be secured through planning obligation.

Post-assessment step – Consultation

Natural England

<i>When was Natural England consulted, and a formal response received?</i>	Consultation date: 16 April 2018	Response date: 23 April 2018
<i>Summarise Natural England's comments.</i>	Natural England concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured.	

General Public

Does Kirklees Council consider it appropriate to seek public opinion, and why?	Due to the scale of the proposals, it is not considered necessary to consult public in general.	
If appropriate, provide start and end dates for public consultation period.	Consultation started: N/A	Consultation ended: N/A
If appropriate, summarise opinion of general public.	N/A	

Outcome

Is there an adverse effect on integrity of a Natura 2000 site as a result of the proposals?

	Select appropriate statement
The appropriate assessment indicates, or insufficient information is available to determine with certainty otherwise, that the proposals, either alone or in combination with others, will adversely affect the integrity of a Natura 2000 site, such that this will affect the ability of the site to meet its conservation objectives.	<input type="checkbox"/>
OR	
It can be concluded with certainty that the proposals, directly or indirectly, either alone or in combination with others, will not adversely affect the integrity of a Natura 2000 site, and will not harm the ability of the site to meet its conservation objectives.	<input checked="" type="checkbox"/>
