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Your ref: 2017/91623



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Dear Louise

Planning consultation: Erection of 59 dwellings and associated means of access

Location: Land at Dunford Road, Hade Edge, Holmfirth

Thank you for your consultation on the above dated 17 July 2017. Please note that this represents our response to both 2017/91623 and the outline application 2016/60/91967/W.

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

**WILDLIFE & COUNTRYSIDE ACT 1981 (AS AMENDED)
CONSERVATION OF HABITATS & SPECIES REGULATIONS 2010 (AS AMENDED)**

Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as Dark Peak Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

¹ Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process. The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

Further information required

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment (HRA).

In advising your authority on the requirements relating to HRA, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.

The results of the vantage point surveys indicate that the site is not used by significant numbers of birds which are qualifying species of the SPA, such as golden plover. We therefore do not consider that the proposal is likely to result in the direct loss of land which is functionally linked to the SPA. However, it may result in an increase in recreational visits to the SPA / SAC which is approximately 1km from the development site. Due to the scale of the development, these impacts are not likely to be significant when considered alone. However, we advise that the impacts of increased recreational pressure in combination with other housing proposals in the vicinity are considered as part of the HRA. The Habitats Regulations Assessment of the Publication Draft Kirklees Local Plan states that development within 7km of the SPA / SAC could result in recreational impacts, and that while open space allocations in the Local Plan may provide some mitigation for these impacts, they are unlikely to be comparable in terms of opportunities offered to visitors. Recreational impacts can also be mitigated through the use of site management plans, as detailed in Section 5.35 of the HRA.

It should also be noted that the development will result in an increase in traffic movements in the vicinity of the SPA, and consequently an increase in air emissions. As above, this is unlikely to be significant when considered for this project alone, but potential impacts of air emissions in combination with other plans and projects should be considered as part of the HRA. We note that a Transport Statement has been produced in accordance with the Local Plan, which will provide useful information for this part of the assessment.

SSSI

Our advice regarding the potential impacts upon Dark Peak SSSI coincide with our advice regarding the potential impacts upon the Peak District Moors SPA / South Pennine Moors SAC as detailed above.

Should the details of this application change, Natural England draws your attention to Section 28(I) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Landscape

The proposed development is located approximately 1km from the Peak District National Park. The applicant has not submitted a Landscape and Visual Impact Assessment. The proposed development has the potential to impact on views from the National Park, and on the landscape character of its setting. We therefore advise that an assessment is carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment² and that you seek the views of the Peak District National Park Authority, as their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the special qualities of the National Park.

We also advise that you consider the following policies within the Kirklees Local Plan (Publication Draft):

Policy PLP32 – Landscape

² Guidelines for Landscape and Visual Impact Assessment (3rd Edition), Landscape Institute / Institute of Environmental Assessment and Management 2013.

Proposals should be designed to take into account and seek to enhance the landscape character of the area considering in particular:

- a. The need to protect the setting and special qualities of the Peak District National Park, views in and out of the park and views from surrounding viewpoints;
- b. The setting of settlements and buildings within the landscape;
- c. The patterns of woodland, trees and field boundaries;
- d. The appearance of rivers, canals reservoirs and other water features within the landscape.

Kirklees Landscape Character Assessment

D7: Peak Fringe Upland Pastures

The Landscape Character Area is described as follows:

- Land is divided into a patchwork of small, square fields enclosed by gritstone walls or post and wire fencing, with areas of larger intakes and common land on the moorland fringes.
- Remnant unimproved upland pastures including colourful species-rich hay meadows and damp pastures form an integral part of the upland mosaic.
- Dispersed settlement pattern comprising scattered farmsteads and occasional short terraces of houses. The density of residential properties increases towards the edges of Huddersfield.
- Parts crossed by the A640 and A635. Elsewhere, a network of minor roads and narrow winding lanes connect farmsteads. Stone walls with small grass verges often bound the lanes.

Protected species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at consultations@naturalengland.org.uk.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups

can be found at [Wildlife and Countryside link](#).

Biodiversity enhancements and green infrastructure

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Your authority should also consider how the development can contribute to the provision of green infrastructure. We advise that you refer to Policies PLP 31 (Strategic Green Infrastructure Network) and PLP 63 (new open space) in the Local Plan.

We would be happy to comment further should the need arise but if in the meantime you have any queries, please contact James Walsh on 0208 026 8639. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

Yours sincerely

James Walsh
Yorkshire & Northern Lincolnshire Team