

Iteration number: **3**
 Date assessment completed: **18 September 2017**
 Completed by: **Tom Stephenson**
 Relevant application number(s): **2016/91967 & 2017/91623**

Stage 2 Habitats Regulations Assessment (Appropriate Assessment)

Dunford Road, Hade Edge

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	
	Provided on:		Requested on:
Vantage Point Surveys 2017 (AES Ltd, 2017) [2017/91623]	30 May 2017	Click here to enter text.	Click here to enter a date.
Transport Statement (Sanderson Associates Ltd) [2016/91967]	08 November 2016	Click here to enter text.	Click here to enter a date.
Click here to enter text.	Click here to enter a date.	Click here to enter text.	Click here to enter a date.

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	1) The erection of 66 dwellings within approximately 1.1 km from the SAC and associated local increase in human population and domestic pets. 2) The erection of 66 dwellings within approximately 1.1 km from the SAC and associated increase in local traffic.
Peak District Moors (South Pennine Moors Phase 1) Special Protection Area	1) The erection of 66 dwellings within approximately 1.1 km of the SPA and associated increase in human population and domestic pets. 2) The erection of 66 dwellings within approximately 1.1 km from the SPA and associated increase in local traffic. 3) The construction of 66 dwellings within approximately 1.1 km of the SPA and associated loss of grassland habitat.
South Pennine Moors Phase 2 Special Protection Area	1) None
Denby Grange Colliery Ponds Special Area Conservation	1) None

*Describe how the project or plan will affect key species and key habitats.
 Acknowledge uncertainties and any gaps in*

South Pennine Moors Special Area Conservation
 1) An increase of 66 dwellings is anticipated to result in a local population increase of up to 158

(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 20 dogs. These additional 158 people, with 20 dogs, are anticipated to use the SAC for recreation, although it is uncertain to what extent.

- 2) The transport assessment for the outline application indicates that the proposals will result in an additional 365 vehicle movements per day. The increase of 365 annual average daily traffic (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. Insufficient information is available to model actual NO_x contributions, however, as the DMRB threshold is not exceeded, detailed modelling is not considered necessary.

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

- 1) An increase of 66 dwellings is anticipated to result in a local population increase of up to 158 (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 20 dogs. These additional 158 people, with 20 dogs, are anticipated to use the SPA for recreation, although it is uncertain to what extent.
- 2) The transport assessment for the outline application indicates that the proposals will result in an additional 365 vehicle movements per day. The increase of 365 annual average daily traffic (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. Insufficient information is available to model actual NO_x contributions, however, as the DMRB threshold is not exceeded, detailed modelling is not considered necessary.
- 3) Bird survey information submitted by the applicant indicates that the site is not used by the

	qualifying bird species of the SPA. Therefore, the loss of functionally connected habitat is not anticipated. South Pennine Moors Phase 2 Special Protection Area 1) None Denby Grange Colliery Ponds Special Area Conservation 1) None
<i>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.</i>	South Pennine Moors Special Area Conservation 1) 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 extent to which new residents will use the SAC is unclear, but is considered likely to be minor. 2) 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. Peak District Moors (South Pennine Moors Phase 1) Special Protection Area 1) 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 extent to which new residents will use the SPA is unclear, but considered likely to be minor. 2) 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 habitats that support the qualifying features of the SPA. The actual NO_x and nitrogen deposition process contribution of the development has not been calculated. 3) No loss of functionally connected land is anticipated, therefore there is no predicted impact on the SPA as a result of loss of offsite foraging resource. South Pennine Moors Phase 2 Special Protection Area 1) None Denby Grange Colliery Ponds Special Area Conservation 1) 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. This information will also be passed to the local community *via* a leafleting exercise. Path surfaces will be maintained to encourage people to remain on identified routes within the SAC.

Alternative dog walking routes will be identified.

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 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 keeping dogs under close control during the breeding season. This information will also be passed to the local community *via* a leafleting exercise. Path surfaces will be maintained to encourage people to remain on identified routes within the SPA.

Alternative dog walking routes will be identified.

South Pennine Moors Phase 2 Special Protection Area

None

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 1.1 km of the South Pennine Moors SAC and Peak District Moors (South Pennine Moors Phase 1) 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. Mitigation measures have been proposed to manage this increased visitor pressure 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 third 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 April 2012, for the area within a 1 km radius of the centre of the proposed development at Hade Edge. 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 SAC/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 for an additional 11 dwellings within 1 km of the project site. There are no other Local Plan allocations within the search radius.

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

A total of 77 households, including the additional 11 from extant permissions or applications being considered, are predicted, based on the sources referred to above, to contribute approximately 185 people and 23 dogs to the local population. This increase is considered to result in a minor effect on the SAC/SPA.

Transport assessments for the small scale planning applications within 1 km of the Dunford Road site are not available. However, the additional 11 households, which are more widely distributed than the 66 households at the proposed Dunford Road development, 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. The 66 proposed new households at Dunford Road are predicted to contribute an additional 365 AADT, the majority of which will not involve routes immediately adjacent to the SAC/SPA.

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.
-

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

<i>List measures to be introduced.</i>	<i>Explain how the measures will avoid the adverse effects on the integrity of the site.</i>	<i>Explain how the measures will reduce the adverse effects on the integrity of the site.</i>	<i>Provide evidence of how they will be implemented and by whom.</i>
i. Signage at entrances to SAC/SPA explaining 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. ii. 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. ii. Will reduce instances of dog fowling, of people straying from identified routes and of uncontrolled dogs during the breeding bird season, and of dog walkers using the SAC/SPA.	i. Content, location and installation and maintenance of signage will be secured through planning condition or obligation.
ii. Leafletting exercise to ensure wider circulation of above information, and identify alternative dog walking routes.	iii. Avoidance of people straying from paths is likely in specific circumstances where poor path condition encourages use of adjacent habitat, such as to avoid deep mud.	iii. Some reduction in instances of users straying from paths can be expected across the improved length.	ii. Content and distribution will be secured through planning condition. iii. Scope, including geographic extent and nature of maintenance, will be secured through planning obligation.
iii. Introduce a program of path maintenance.			
<i>List mitigation measures (as above).</i>	<i>Provide evidence of the degree of confidence in their likely success.</i>	<i>Provide timescale, relative to the project or plan, when they will be implemented.</i>	<i>Explain the proposed monitoring scheme and how any mitigation failure will be addressed.</i>
i. Signage at entrances to SAC/SPA explaining importance of avoiding dog fowling, keeping to identified routes and keeping dogs under close control at sensitive times of year.	i. Definitive evidence is not currently available. ii. Definitive evidence is not currently available.	i. Prior to occupation of the residential units. ii. Prior to occupation of the residential units.	i. 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 of erosion and dog fowling. If
ii. Leafletting exercise to ensure wider circulation of above	iii. Path improvement works are commonly used in National Parks to combat erosion cause by visitor pressure.	iii. Prior to occupation of the residential units.	

information, and identify alternative dog walking routes.	significant impacts are detected this will be addressed through introduction of a warden, to be secured through planning obligation.
iii. Introduce a program of path maintenance.	ii. Monitoring of impacts and means of addressing mitigation failure as for (i).
	iii. Monitoring of impacts as for (i), mitigation failure will be through review of path maintenance program.

Post-assessment step – Consultation

Natural England

	Consultation date:	Response date:
When was Natural England consulted, and a formal response received?	13 June 2017	20 July 2017
Summarise Natural England's comments.	In respect of Habitat Regulations Assessment: Natural England confirms that the results of the site specific bird survey indicate that the project site is not functionally linked to the SPA. However, it is also indicated that Appropriate Assessment is required and should include consideration of the impact from visitor pressure and increased vehicle movements.	
When was Natural England consulted, and a formal response received?	04 August 2017	23 August 2017
Summarise Natural England's comments.	In response to Iteration 1 of this Appropriate Assessment, Natural England is satisfied that the impacts of the proposed development on the SAP and SAC have been considered and appropriate mitigation described. However, potential in combination effects need to be considered.	
When was Natural England consulted, and a formal response received?	01 September 2017	12 September 2017
Summarise Natural England's comments.	In response to an Annex to Iteration 1 of this Appropriate Assessment, Natural England states that an investigation of the in combination effects specific to the development project at Dunford Road is required.	
When was Natural England consulted, and a formal response received?	13 September 2017	18 September 2017
Summarise Natural England's comments.	In response to Iteration 2 of this Appropriate Assessment, Natural England are satisfied that appropriate consideration has been given to impacts arising as a result of the proposals, including in combination effects.	

General Public

Does Kirklees Council consider it appropriate to seek public opinion, and why?

No specific consultation with the general public has been undertaken. However, HRA documents have been made available through the Council's website. Due to the active local opposition to the project it was not considered necessary to advertise for comments from the general public.

If appropriate, provide start and end dates for public consultation period.

Consultation started:

[Click here to enter a date.](#)

Consultation ended:

[Click here to enter a date.](#)

If appropriate, summarise opinion of general public.

The general public is opposed to the proposed development. However, no additional information has been provided that affects the outcome of the present HRA.

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.

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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.

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