Habitats Regulations Assessment of the Kirklees Local Plan Update 2026

HRA Scoping Report - Kirklees Council Emerging Local Plan 2026

Kirklees Council

Final report

Prepared by LUC

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Chapter 2
Introduction

2.1 LUC has been commissioned by Kirklees Council (KC) to carry out a Habitats Regulations Assessment (HRA) of the Kirklees Local Plan update. At this early stage of the Local Plan development, an HRA scoping exercise has been carried out to:

- Identify which designated Habitats Sites have the potential to be affected by the Local Plan, including establishing key information such as threats and vulnerabilities, current pressures and any species and habitat interdependencies; and
- Set out the intended scope of the HRA screening and subsequent Appropriate Assessment, if required.

2.2 This work makes reference to and builds upon previous HRA work undertaken of the current local plan. As the Local Plan update develops, further HRA tasks will be carried out, following the methodology set out in this Scoping Report.

Context of the Local Plan update

2.3 The Kirklees Local Plan currently comprises the Local Plan strategy and policies (adopted 27 February 2019). The review of the Local Plan was completed in October 2023 and found the plan to be out-of-date in several areas. The Local Plan update will replace the existing document and set out the strategy for growth and development of Kirklees over the next 19 years.

2.4 The Council is at an early stage in the development of the Local Plan update. A Call for Sites has been open since February 2020 to help identify potential sites that may be able to help meet the district's development needs in the future. Evidence collection for the Local Plan update is underway. The

timetable for its production is set out in the Kirklees Local Development Scheme.

Previous HRA work

2.5 LUC undertook the HRA work for the adopted Local Plan in 2017. Based on our previous HRA work for Kirklees, there are four Habitats Sites within or close to the district that we expect to require assessment in the new HRA:

- South Pennine Moors Special Area of Conservation (SAC);
- Rochdale Canal SAC;
- Denby Grange Colliery Ponds SAC; and
- South Pennine Moors Special Protection Area (SPA) comprising Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA.

2.6 Three of these are located within Kirklees District, namely South Pennine Moors SAC, South Pennine Moors SPA and a tiny part of the Peak District Moors (South Pennine Moors Phase 1) SPA. There are no Ramsar sites present within Kirklees.

2.7 All Habitats Sites were able to be ruled out as having adverse effects on integrity in the 2017 HRA work, due to a lack of impact pathway (Denby Grange Colliery Ponds SAC), the scale of impact (Rochdale Canal SAC) or sufficient mitigation measures being included in the Local Plan (South Pennine Moors SAC and South Pennine Moors SPA Phases 1 and 2).

2.8 This HRA will draw on the previous HRA work and conclusions; however, the HRA screening for the Local Plan update will need to reconsider the potential impact pathways in light of changes in case law, changes to the Local Plan and changes to the baseline (e.g. through recent ecological or visitor surveys, or traffic modelling). This is discussed further below and in Chapter 2.

The requirement to undertake Habitats Regulations Assessment of development plans

2.9 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007 **[See reference 1]**; which is now known as the Habitats Regulations 2017 (as amended).

2.10 When preparing development plans, Kirklees Council is therefore required by law to carry out an HRA. KC can commission consultants to undertake HRA work on its behalf and this (the work documented in this report) is then reported to and considered by KC as the 'competent authority'. KC will consider this work and would usually only progress a Plan to Examination if it considers that the Plan will not adversely affect the integrity **[See reference 2]** of any of the Habitats Sites, as defined below (the exception to this would be where 'imperative reasons of overriding public interest' can be demonstrated). The requirement for authorities to comply with the Habitats Regulations when preparing a local plan is also noted in the Government's online Planning Practice Guidance (PPG) **[See reference 3]**.

2.11 HRA refers to the assessment of the potential effects of a development plan on one or more sites afforded the highest level of protection in the UK: Special Protected Areas (SPAs) and Special Areas of Conservation (SACs). These were classified under European Union (EU) legislation but since 1 January 2021 are protected in the UK by the Habitats Regulations 2017 (as amended) **[See reference 4]**. Although the EU Directives from which the UK's Habitats Regulations originally derived are no longer binding, the Regulations still make reference to the lists of habitats and species that the sites were designated for, which are listed in annexes to the EU Directives:

- SACs are designated for particular habitat types (specified in Annex 1 of the EU Habitats Directive **[See reference 5]**) and species (Annex II). The listed habitat types and species (excluding birds) are those considered to be most in need of conservation at a European level. Designation of SACs also has regard to the threats of degradation or destruction to which the sites are exposed and, before EU exit day, to the coherence of the 'Natura

2000' network of 'European sites'. After EU exit day, the emphasis is now on the importance of such sites for the coherence of the UK's 'National Site Network'.

- SPAs are classified for rare and vulnerable birds (Annex I of the EU Birds Directive) **[See reference 6]** and for regularly occurring migratory species not listed in Annex I.

2.12 The term 'European Sites' was previously commonly used in HRA to refer to 'Natura 2000' sites **[See reference 7]** and Ramsar sites (internationally designated under the Ramsar Convention). However, a Government Policy Paper **[See reference 8]** on changes to the Habitats Regulations 2017 post-Brexit states that:

- Any references to Natura 2000 in the 2017 Regulations and in guidance now refer to the 'National Site Network';
- The National Site Network includes existing SACs and SPAs; and new SACs and SPAs designated under these Regulations; and
- Designated Wetlands of International Importance (known as Ramsar sites) do not form part of the national site network. Many Ramsar sites overlap with SACs and SPAs and may be designated for the same or different species and habitats.

2.13 Although Ramsar sites do not form part of the National Site Network, Government guidance **[See reference 9]** states that:

> "Any proposals affecting the following sites would also require an HRA because these are protected by government policy:
>
> - Proposed SACs
> - Potential SPAs
> - Ramsar sites – wetlands of international importance (both listed and proposed)

- Areas secured as sites compensating for damage to a European site."

2.14 Furthermore, the NPPF **[See reference** 10**]** and practice guidance **[See reference** 11**]** currently state that competent authorities responsible for carrying out HRA should treat Ramsar sites in the same way as SACs and SPAs. The legislative requirement for HRA does not apply to other nationally designated wildlife sites such as Sites of Special Scientific Interest or National Nature Reserves.

2.15 For simplicity, and in line with common usage, this report uses the term 'Habitats Site' to refer to all types of designated site within the 'National Site Network' for which Government guidance **[See reference** 12**]** requires an HRA.

2.16 The overall purpose of an HRA is to conclude whether or not a proposal or policy, or a whole development plan would adversely affect the integrity of the Habitats Site in question. 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. Where uncertainty or doubt remains, an adverse effect should be assumed.

Structure of this report

2.17 This chapter has introduced the requirement to undertake HRA of the Local Plan. The remainder of the report is structured as follows:

- **Chapter 2** describes the proposed approach to the HRA, taking into account the requirements of the Habitats Regulations and relevant case law.
- **Chapter 3** identifies and describes the Habitats Sites that could be affected by the Local Plan and summarises the key sensitivities of those sites that will need to be considered during the HRA.
- **Chapter 4** sets out the assumptions that will underpin the HRA judgements made and also identifies which of the Habitats Sites should be

scoped in or out of the HRA screening in relation to each type of potential impact.

- **Chapter 5** describes the next steps that will be carried out in the HRA of the Local Plan.

2.18 The information in the main body of the report is supported by the following appendices:

- **Appendix A** presents a map showing the Habitats Sites in Kirklees Local Plan area and within 15km of the Local Plan area boundary.
- **Appendix B** sets out detailed information about the Habitats Sites that are the focus of the HRA.

Chapter 3

Approach to HRA

3.1 This chapter describes the approach that will be taken to the HRA of the Kirklees Local Plan update throughout its development.

Stages of HRA

3.2 The HRA of development plans is undertaken in stages (as described below) and should conclude whether or not a proposal would adversely affect the integrity of the Habitats Site in question.

3.3 LUC has been commissioned by Kirklees Council to carry out HRA work on the Council's behalf, and the outputs will be reported to and considered by Kirklees Council, as the competent authority, before adopting the Plan.

3.4 The HRA also requires close working with Natural England as the statutory nature conservation body **[See reference** 13**]** in order to obtain the necessary information, agree the process, outcomes and mitigation proposals. Non-statutory consultees may also be in a strong position to provide advice and information throughout the process; for example the Environment Agency, as it is required to undertake HRA for its existing licences and future licensing of activities. Chapter 5 provides further information on anticipated consultation and next steps.

Requirements of the Habitats Regulations

3.5 In assessing the effects of a Local Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended) (the 'Habitats Regulations'), there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an

Appropriate Assessment which would inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, proceed to Step 2.
- Step 2: Under Reg. 105(1)(a), consider whether the plan is likely to have a significant effect on a Habitats Site, either alone or in combination with other plans or projects (the 'Significance Test'). If yes, proceed to Step 3. [Steps 1 and 2 are undertaken as part of Stage 1: HRA Screening.]
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the Habitats Site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public. [This step is undertaken during Stage 2: Appropriate Assessment.]
- Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use plan only after having ascertained that the plan would not adversely affect the integrity of a Habitats Site. [This step follows Stage 2 where a finding of 'no adverse effect' is concluded. If it cannot be concluded, it proceeds to Step 5 as part of Stage 3 of the HRA process].
- Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a Habitats Site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it must be carried out for 'imperative reasons of overriding public interest' (IROPI). [This step is undertaken during Stage 3: Assessment where no alternatives exist, and adverse impacts remain taking into account mitigation].

Typical stages

3.6 The following sections summarise the stages and associated tasks and outcomes typically involved in carrying out a full HRA of a development plan,

based on various guidance documents **[See reference** 14**]** **[See reference** 15**]** **[See reference** 16**]**. In addition to Habitats Site citations and conservation objectives, key information sources for understanding factors contributing to the integrity of Habitats Sites include (where available) conservation objectives, supplementary advice and Site Improvement Plans prepared by Natural England. This HRA Scoping Report presents the outputs of the first two tasks outlined below, under Stage 1: HRA Screening.

Stage 1: HRA Screening

Tasks

- Description of the development plan and confirmation that it is not directly connected with or necessary to the management of Habitats Sites.
- Identification of potentially affected Habitats Sites and their conservation objectives **[See reference** 17**]**.
- Assessment of likely significant effects of the development plan alone or in combination with other plans and projects, prior to consideration of avoidance or reduction ('mitigation') measures **[See reference** 18**]**.

Outcome

- 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 (where Stage 1 does not rule out likely significant effects)

Tasks

- Information gathering (development plan and Habitats Sites) **[See reference** 19**]**.
- Impact prediction.
- Evaluation of development plan impacts in view of conservation objectives of Habitats Sites.
- Where impacts are considered to directly or indirectly affect qualifying features of Habitats Sites, identify how these effects will be avoided or reduced ('mitigation').

Outcome

- Appropriate assessment report describing the plan, Habitats Site baseline conditions, the adverse effects of the plan on the Habitats Site, how these effects will be avoided or reduced, 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

Tasks

- Identify 'imperative reasons of overriding public interest' (IROPI).

- Demonstrate no alternatives exist.
- Identify potential compensatory measures.

Outcome

- This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

3.7 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 or reduce 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' are likely to be justified only very occasionally and would involve engagement with the Government.

Case law

3.8 This HRA will be prepared in accordance with relevant case law, including most notably the 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).

3.9 The People over Wind, Peter Sweetman v Coillte Teoranta (April 2018) judgment ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:

> "Article 6(3) ……must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of

measures intended to avoid or reduce the harmful effects of the plan or project on that site."

3.10 In light of the above, the HRA screening stage will not rely upon avoidance or mitigation measures to draw conclusions as to whether the Local Plan could result in likely significant effects on Habitats Sites, with any such measures being considered at the Appropriate Assessment stage as relevant.

3.11 This HRA will also be undertaken in line with the Holohan v An Bord Pleanala (November 2018) judgement which stated that:

"Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site."

3.12 In undertaking this HRA, LUC will fully consider the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of Habitats Sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally linked land (FLL), and or species and habitats located beyond the boundaries of the Habitats Site, but which may be important in supporting the ecological processes of the qualifying features, will also be fully considered in this HRA.

3.13 In addition to this, the HRA will take into consideration the 'Wealden' judgement from the CJEU.

3.14 Wealden District Council v Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority (2017) ruled that it was not appropriate to scope out the need for a detailed assessment for an individual plan or project based on the annual average daily traffic (AADT) figures detailed in the Design Manual for Roads and Bridges or the critical loads used by Defra or Environmental Agency without considering the in-combination impacts with other plans and projects.

3.15 In light of this judgement, the HRA will therefore consider traffic growth based on the effects of development from the Local Plan in combination with other drivers of growth such as development proposed in neighbouring boroughs and demographic change.

3.16 The HRA will also take into account the Grace and Sweetman (July 2018) judgement from the CJEU which stated that:

> "there is a distinction to be drawn between protective measures forming part of a project and intended to avoid or reduce any direct adverse effects that may be caused by the project in order to ensure that the project does not adversely affect the integrity of the area, which are covered by Article 6(3), and measures which, in accordance with Article 6(4), are aimed at compensating for the negative effects of the project on a protected area and cannot be taken into account in the assessment of the implications of the project."
>
> "As a general rule, any positive effects of the future creation of a new habitat, which is aimed at compensating for the loss of area and quality of that habitat type in a protected area, are highly difficult to forecast with any degree of certainty or will be visible only in the future."
>
> "A mitigation strategy may only be taken into account at AA (a.6(3)) where the competent authority is "sufficiently certain that a measure will make an

effective contribution to avoiding harm, guaranteeing beyond all reasonable doubt that the project will not adversely affect the integrity of the area."

"Otherwise it falls to be considered to be a compensatory measure to be considered under a.6(4) only where there are: 'imperative reasons of overriding public interest'"

3.17 The Appropriate Assessment of the Local Plan will therefore only consider the existence of measures to avoid or reduce its direct adverse effects (mitigation) if the expected benefits of those measures are beyond reasonable doubt at the time of the assessment.

Stage 1: Screening methodology

3.18 HRA Screening of the Local Plan will be undertaken in line with current available guidance and seek to meet the requirements of the Habitats Regulations.

3.19 The purpose of the screening stage is to:

- Identify all aspects of the plan which would have no effect on a Habitats Site, so that that they can be eliminated from further consideration in respect of this and other plans;
- Identify all aspects of the plan which would not be likely to have a significant effect on a Habitats Site (i.e. would have some effect, because of links/connectivity, but which are not significant), either alone or in combination with other aspects of the same plan or other plans or projects, which therefore do not require 'appropriate assessment'; and
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a Habitats Site, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require appropriate assessment.

3.20 Each Local Plan policy (and option or site allocation, where relevant) will be considered, alone and in-combination with other policies, site allocations and/or plans from neighbouring authorities.

3.21 For some types of impacts, the potential for likely significant effects can be determined on a proximity basis, using GIS data to determine the proximity of potential development locations to the Habitats 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, where assumptions are to be made, these are set out in Chapter 4; these will be reviewed as the HRA progresses.

3.22 The Appropriate Assessment will then focus on those policies/options/site allocations that have been screened in.

Identification of Habitats Sites which may be affected by the Local Plan

3.23 To initiate the search of Habitats Sites that could potentially be affected by the Local Plan, it is established practice in HRAs to consider Habitats Sites within the local planning authority area covered by a Plan, and also within a buffer distance from the boundary of the Plan area.

3.24 A distance of 15km from the Local Plan area boundary has been used as a starting point to identify Habitats Sites that could be affected by impacts relating to the Local Plan. The use of this distance presents a precautionary approach to the screening assessment. In addition, consideration has been given to Habitats Sites beyond this distance that may be functionally connected to the plan area, for example through hydrological pathways or recreational visits by residents of Kirklees.

3.25 Impacts from development in areas outside of the Habitats Site boundaries may also occur where habitat contributes towards maintaining the interest

feature for which the Habitats Site is designated. This includes land which may provide offsite foraging and roosting habitat for birds.

3.26 The term 'functional linkage' can be used to refer to the role or 'function' that land or other habitats beyond the boundary of a Habitats Site might fulfil in supporting the species populations for which the site was designated or classified. Such an area is therefore 'linked' to the site in question because it provides a (potentially important) role in maintaining or restoring a protected population at favourable conservation status.

3.27 While the boundary of a Habitats Site will usually be drawn to include key supporting habitat for a qualifying species, this cannot always be the case where the population for which a site is designated or classified is particularly mobile. Individuals of the population will not necessarily remain in the site all the time. Sometimes, the mobility of qualifying species is considerable and may extend so far from the key habitat that forms the Habitats Site that it would be entirely impractical to attempt to designate or classify all of the land or sea that may conceivably be used by the species. HRA therefore considers whether any qualifying species of nearby (or linked) Habitats Sites make use of FLL, and the impacts that could affect those 'off-site' habitats.

Potential impacts of the Local Plan on Habitats Sites

3.28 In our experience of HRA of Local Plans, and based on previous statutory consultee comments on HRAs undertaken elsewhere, the types of development (and related activities) that are allocated by Local Plans have the potential to result in the following broad types of impacts that could affect Habitats Sites:

- Physical loss of or damage to habitats e.g. from development or activities within the Habitats Sites themselves or at functionally-linked sites;
- Non-physical disturbance e.g. noise, vibration or light from construction or development in close proximity to sensitive species;

- Air pollution e.g. from changes in traffic volumes on roads close to sensitive habitats; and
- Recreation pressure e.g. dog walking, cycling, trampling, littering, fire, or predation by pets;
- Changes in water quality or quantity e.g. changes in flow caused by abstraction/discharge, accidental pollution, or increase nutrient loading from sewage treatment.

3.29 Further consideration of the types of impact that could be relevant to the Local Plan and possible impact pathways to Habitats Sites is provided in Chapter 4.

Assessment of 'likely significant effect'

3.30 As required under Regulation 105 of the Habitats Regulations 2017 (as amended), an assessment will be undertaken of the 'likely significant effects' of the policy approaches (including possible site allocations) set out within the Local Plan update. The assessment will be undertaken to identify which policies would be likely to have a significant effect on Habitats Sites in Kirklees Local Plan area (+15km). This assessment will need to be repeated with each HRA iteration of the Local Plan.

3.31 A risk-based approach involving the application of the precautionary principle will be adopted in the assessment, such that a conclusion of 'no significant effect' will only be reached where it is 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 Habitats Site.

Interpretation of 'likely significant effect'

3.32 Relevant case law helps to interpret when effects should be considered as being likely to result in a significant effect, when carrying out HRA of a Plan.

3.33 In the Waddenzee case **[See reference** 20**]**, 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); and
- 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).

3.34 An opinion delivered to the Court of Justice of the European Union **[See reference** 21**]** commented that:

> "The requirement that an effect in question be 'significant' exists in order to lay down a de minimis 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.

3.35 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 minimis; referring to such cases as those "which 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'.

In-combination effects

3.36 Regulation 105 of the 2017 Habitats Regulations (as amended) requires an Appropriate Assessment where the Local Plan is likely to have an effect on a Habitats Site, either alone or in combination with other plans or projects. If the HRA Screening determines that the Local Plan will have a particular type of effect (e.g. due to water pollution) on its own but it is not likely to be significant, the in-combination assessment at Screening stage will need to determine whether there may also be the same type of effect from other plans or projects that could combine with the Local Plan to produce a significant effect. If so, this likely significant effect arising from the Local Plan in combination with other plans or projects would then need to be considered through the Appropriate Assessment stage to determine if it would have an adverse effect on integrity of the relevant Habitats Site. However, if the screening assessment concludes that there is no impact pathway by which development proposed in the Local Plan could affect the conditions necessary to maintain qualifying features of a Habitats Site, then there will be no in-combination effects to assess at the Screening or Appropriate Assessment stage. This approach accords with recent guidance on HRA **[See reference** 22**]**.

3.37 If impact pathways are found to exist for a particular type of effect but it is not likely to be significant from the Local Plan alone, the in-combination assessment will identify which other plans and programmes could result in the same impact on the same Habitats Site. This will focus on planned growth (including housing, employment, transport, minerals and waste) around the affected site, or along the impact corridor. For example, if impacts could arise as a result of changes to a waterway, then planned growth in local authorities along that waterway will be considered.

3.38 The potential for in-combination impacts will therefore focus on plans prepared by local authorities that include or are in proximity to the Habitats Site that are within the scope of this HRA. The findings of any associated HRA work for those plans will be reviewed where available. Where relevant, any strategic projects in the area that could have in-combination effects with the Local Plan will also be identified and reviewed.

3.39 The online HRA Handbook suggests the following plans and projects may be relevant to consider as part of the in-combination assessment:

- Applications lodged but not yet determined, including refusals subject to an outstanding appeal or legal challenge;
- Projects subject to periodic review e.g. annual licences, during the time that their renewal is under consideration;
- Projects authorised but not yet started;
- Projects started but not yet completed;
- Known projects that do not require external authorisation;
- Proposals in adopted plans; and
- Proposals in draft plans formally published or submitted for final consultation, examination or adoption.

3.40 The need for in-combination assessment also arises at the Appropriate Assessment stage, as discussed in the Appropriate Assessment section below.

Stage 2: Appropriate Assessment methodology

3.41 Following the screening stage, if likely significant effects on the Habitats Site are unable to be ruled out, the plan-making authority is required under Regulation 105 of the 2017 Habitats Regulations (as amended) to make an 'Appropriate Assessment' of the implications of the plan for the Habitats Site, in view of their conservation objectives. European Commission Guidance 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 the Habitats Site with respect to their conservation objectives and to their structure and function.

Assessing the effects on site integrity

3.42 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.

3.43 A conclusion needs to be reached as to whether or not the Local Plan would adversely affect the integrity of the Habitats Site. As stated in the European Commission 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;
- 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; or
- Result in the loss of key features.

3.44 The conservation objectives for each Habitats Site (**Appendix B**) are generally to maintain the qualifying features in favourable condition. The Site Improvement Plans for each Habitats Site provide a high-level overview of the issues (both current and predicted) affecting the condition of the European features on the site(s) and outline 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 Habitats Site.

3.45 For each Habitats Site where an uncertain or likely significant effect is identified in relation to the Local Plan, the potential impacts will be set out and judgements made (based on the information available) regarding whether the impact will have an adverse effect on the integrity of the site. Consideration will be 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.

Chapter 4

Habitats Sites in and around Kirklees

4.1 Following the methodology set out in **Chapter 2**, a Geographical Information System (GIS) has been used to map the locations and boundaries of Habitats Sites in and within 15km of the Local Authority boundary (**Appendix A**), using publicly available data from Natural England.

4.2 All Habitats Sites lying partially or wholly within 15km have been scoped in for the HRA of the Local Plan. No Habitats Sites beyond 15km of Kirklees District boundary have been scoped in as it is considered that there are no potential pathways by which they could be impacted at this distance as a result of the Local Plan.

4.3 Habitats Sites scoped in for the HRA of the Local Plan are listed in **Table 3.1** below. Detailed information about each site is provided in **Appendix B**.

Table 4.1: Habitat Sites scoped in to the HRA of the Kirklees Local Plan within 15km of the district

Habitat Sites	Closest distance/direction from the district area
South Pennine Moors (Phase 2) SPA	Partially within and north of district
Peak District Moors (South Pennine Moors Phase 1) SPA	Partially within and south of district
South Pennine Moors SAC	Partially within district (overlaps with the two SPAs)
Denby Grange Colliery Ponds SAC	c.1.0km east of district
Rochdale Canal SAC	c.6.4km northwest / west of district

4.4 The attributes of the scoped in Habitats Sites that contribute to and define their integrity have been described in **Appendix B**. In doing so, reference has been made to the Natura 2000 standard data forms published on the JNCC website **[See reference** 23**]**, Natural England's Site Improvement Plans **[See reference** 24**]** and Conservation Objectives Supplementary Advice **[See reference** 25**]**. Analysis of these information sources has enabled Habitats Site interest features to be identified, along with the features of each site that determine site integrity and the specific sensitivities of the site. This information will inform assessment of how the potential impacts of the Local Plan may affect the integrity of each Habitat Site.

Functionally linked land

4.5 HRA considers whether any qualifying species of nearby (or linked) Habitats Sites make use of functionally linked land, and the impacts that could affect those linked habitats. Habitats Sites within 15km of the plan area that are designated for mobile species that could make use of FLL are identified below.

- Denby Grange Colliery Ponds SAC: great crested newts;
- Peak District Moors (South Pennine Moors Phase 1) SPA: merlin, golden plover, short-eared owl; and
- South Pennine Moors (Phase 2) SPA: merlin, golden plover, dunlin and breeding bird assemblage (which includes merlin, golden plover, dunlin, short-eared owl and twite). Note that dunlin were not listed on the original 1995 citation apart from as part of breeding bird assemblage, but were included in the JNCC 2001 reassessment as qualifying feature.

Amphibians

4.6 Great crested newts typically have sub populations occupying ponds connected within a wider area by suitable terrestrial habitat all used by a meta population; i.e. newts travel between connected ponds. They also make use of habitats surrounding ponds, for example to forage and hibernate, and are

usually found in ponds situated amongst grassland, heathland, scrub and woodland. Although they can travel approximately 1km (up to 1.3km distance from breeding sites have been reported **[See reference** 26**]**), the distance is usually less than this as newts commonly move between ponds that are within 250m of each other. It is therefore considered that FLL used by great crested newts could occur within 500m of Denby Grange Colliery Ponds SAC and will be considered in the HRA. Denby Grange Colliery Ponds SAC is c.1km from the plan area, so potential FLL will not occur in Kirklees.

Birds

4.7 The area in which FLL can occur is influenced by how far the SPA/Ramsar bird species typically range, for example for foraging or breeding. SPA birds will regularly use habitat outside the SPA boundary, for example for additional food sources, and this habitat may therefore be of significance in maintaining SPA bird populations, i.e. it is 'functionally linked.' Extensive work was carried out as part of the 2017 HRA **[See reference** 27**]** of the adopted Kirklees Local Plan to identify locations in which bird FLL could occur. Natural England agreed that "The screening distance for foraging birds in Kirklees would be considered to be 2.5km, which is appropriate for the species present at the South Pennine Moors SPAs… and consistent with the foraging distance used for birds in the South Pennines in the HRA of the Bradford Core Strategy.''

4.8 The City Of Bradford Metropolitan District Council has since undertaken further work, to inform their 'South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document' (SPD), and the 2.5km distance in which FLL could occur remains valid. The SPD is linked directly to the adopted Core Strategy DPD Strategic Core Policy SC8: Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence **[See reference** 28**]**. The study sets out evidence to underpin the zones which include supporting habitat from 0-2.5km. Use of non-SPA habitats by the qualifying bird species of the two South Pennine Moors SPAs (taken from the 2017 HRA for the Kirklees Local Plan) are as follows:

4.9 Both SPAs:

- Golden plover: Extensive usage. Foraging is primarily on grassland habitats outside of the SPA. Various wet grassland habitats are preferred, depending on availability of invertebrate prey. Females forage during the day (6.6-7.4 km from nest) and males forage at night (2.4 to 2.7 km from nest). The moorland edge is avoided for nesting.
- Merlin: Will use land outside of the SPA however, as an aerial predator this species' distribution is linked to distribution of prey and there is little fidelity for specific sites.

4.10 Peak District Moors (South Pennine Moors Phase 1) SPA:

- Short eared owl: Will use land outside of the SPA. This species is a predator of voles primarily. Therefore, the distribution is linked to the distribution of habitat suitable for voles. This is likely to be found in areas of lower agricultural intensification, particularly rough pastures.

4.11 South Pennine Moors (Phase 2) SPA:

- Dunlin: Largely restricted to upland habitats of the SPA for both nesting and foraging during the breeding season.
- Breeding bird assemblage: Of the bird species comprising the assemblage, the following will make use of land outside of the boundary of the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors Phase 2 SPA.
    - Twite travel between 0.1 and 2.6 km from the nest when feeding, and forage almost exclusively on dandelion and sorrel seeds found in unimproved grassland.
    - Curlew breeds within the SPA, utilises wet grassland and arable fields during migration and prefers wet grassland for foraging during the breeding season. Can fly up to 2 km to forage, however will typically use the closest available suitable foraging site.
    - Lapwing may breed within the SPA but are more typical of the moorland fringe. Adult birds will chaperone newly hatched and

unfledged chicks to adjacent land to forage. Therefore, in instances where lapwing are breeding within the SPA, only immediately adjacent habitat is likely to be functionally linked to the SPA.

- Peregrine hunt over a wide area and where this species is breeding within the SPA it is likely that these individuals will hunt over habitats outside of the SPA. However, as an aerial predator, this species shows low fidelity for individual sites.

4.12 Other species of the assemblage are restricted to the habitats of the SPA, or are discussed above.

Chapter 5

Assessment assumptions

5.1 This chapter sets out the assumptions and information that have informed the identification of key impact pathways and which will be used in reaching conclusions about likely significant effect when HRA Screening of the Local Plan update is undertaken.

Physical loss of habitat

5.2 Any development resulting from the Local Plan update will be located within Kirklees District; therefore loss of habitat from within the boundaries of a Habitats Site can be ruled out in relation to those sites that lie entirely outside of Kirklees (i.e Denby Grange Colliery Ponds SAC and Rochdale Canal SAC).

5.3 However, the potential for loss of habitat from within the boundaries of any Habitat Sites within the district (South Pennine Moors SAC, Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA; and FLL within 2.5km of the SPAs, see paragraphs 4.7 & 4.8) needs to be considered if Local Plan proposals could result in development coming forward in those areas.

5.4 Therefore, impacts relating to physical loss of habitat onsite need to be considered in relation only to South Pennine Moors SAC, Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA. Loss of FLL needs to be considered in relation to Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA.

Non physical disturbance (noise, vibration and light pollution)

5.5 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 Habitats 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 Habitats Sites where bats or nocturnal birds are a qualifying feature. None of the Habitats Sites within and around Kirklees are designated for bats. Some bird species which are not strictly nocturnal, such as the curlew (a qualifying feature of Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA can also be adversely affected by artificial lighting.

5.6 It has been assumed (on a precautionary basis and based on our experience of previous HRAs and consultation with Natural England) that the effects of noise, vibration and light pollution are capable of causing an adverse effect if development takes place within 500m of a Habitats Site (or FLL) with qualifying features sensitive to these disturbances. FLL associated with the two SPAs may occur within 2.5km of the SPAs.

5.7 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.

5.8 Therefore, the impacts of noise, vibration and light pollution only need to be considered in relation to Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA and their FLL.

Air pollution

5.9 Air pollution is most likely to affect Habitats Sites where plant communities or terrestrial and aquatic 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 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.

5.10 In terms of vehicle traffic, nitrogen oxides (NOx, i.e. NO and NO2) 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.

5.11 All of the SACs therefore have the potential to be affected by air pollution directly, as they have qualifying habitats. Deterioration of the South Pennine Moors SAC habitats could also indirectly affect the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA . Air pollution also has the potential to affect FLL, although it is not usually considered likely that there would be significant effects on any Habitats Sites due to air pollution at FLL. Air pollution at FLL would need to be large in scale to prevent a Habitats Site's conservation objectives from being met.

5.12 The JNCC's 'Guidance on decision-making thresholds for air pollution' **[See reference** 29**]** states that, when assessing the air pollution impacts of a development plan, 10km should be used as a zone of influence within which the plan is likely to have significant effects on air quality, i.e. Habitats Sites and roads beyond 10km from the plan area can be scoped out in relation to air pollution. None of the Habitats Sites scoped into the HRA are wholly located greater than 10km from the plan area; however, parts of the South Pennine Moors SAC are beyond 10km away. The assessment will therefore focus on roads and SAC habitats within 10km.

5.13 Based on paragraph 2.25 of the Highways Agency Design Manual for Road and Bridges (DMRB) **[See reference** 30**]**, 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.

5.14 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.

5.15 The South Pennine Moors SAC (and therefore the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA) have a number of strategic roads running through the sites, Rochdale Canal SAC cuts across a number of strategic roads, and Denby Grange Colliery Ponds SAC lies close to the A637. If the Local Plan increases traffic flow on roads within 200m of the Habitats Sites and within 10km of the plan area by >1,000 AADT (200 HDVs), there may be air pollution impacts.

5.16 Therefore, impacts relating to air pollution need to be considered in relation to South Pennine Moors SAC (and the Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA, indirectly), Rochdale Canal SAC, and Denby Grange Colliery Ponds SAC.

Recreation and urban impacts

5.17 Recreation activities and general human presence can have an adverse impact on the integrity of a Habitats Sites 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 (e.g. due to new homes), or where an increase in tourism is considered likely, an increase in visitor numbers and the associated impacts at sensitive Habitats Sites may occur.

5.18 The qualifying feature of Rochdale Canal SAC is floating water-plantain. This is unlikely to be affected by increases in recreation pressure, as visitors are likely to mainly be walkers and cyclists using the towpath. Denby Grange Colliery Ponds SAC has some limited public access, e.g. footpaths in the woodland; however recreation pressure is not known to be an issue at this site. These two sites do not need to be considered in relation to recreation pressure.

5.19 Each Habitats Site that is visited for recreation can be thought of as having a 'Zone of Influence' (ZOI) within which increases in population or tourism would be expected to result in likely significant effects. ZOIs are usually established following targeted visitor surveys and the findings are therefore typically specific to each Habitats Site (and often to specific areas within a Habitats Site). The findings are likely to be influenced by a number of complex and interacting factors and therefore it is not always appropriate to apply a generic or non-specific ZOI to a Habitats Site. This is particularly the case in relation to coastal Habitats Sites (none present near to Kirklees), which have the potential to draw large number of visitors from areas much further afield.

5.20 In contrast to coastal Habitats Sites, the ZOI for non-coastal Habitats Sites are typically less variable, with visitors travelling from areas more local to the site. Although these sites are unique in their own right, they do not have the same draw as coastal sites and with recreational activities more easily managed and directed to alternative greenspace in the area. Using a precautionary approach and based on the findings of visitor surveys elsewhere (e.g. the well-studied Thames Basin Heath Delivery Framework), a ZOI of 7km

can be applied to all non-coastal Habitats Sites where alternative ZOI are not known.

5.21 Recent visitor survey work undertaken in 2019 by Footprint Ecology on behalf of the City of Bradford Metropolitan District Council has established a ZOI for the South Pennine Moors SAC and South Pennine Moors (Phase 2) SPA of 7km. The requirements for mitigation established by this work and the evidence underpinning it have been published as a Supplementary Planning Document **[See reference** 31**]**. Although this study was not about the Peak District Moors (South Pennine Moors Phase 1) SPA, this site shares many of the characteristics of the South Pennine Moors (Phase 2) SPA (the South Pennine Moors SAC overlaps with both) and it is likely to have a similar draw for recreation visits. 7km is considered an appropriate ZOI to use of all of the South Pennine Habitats Sites.

5.22 'Urban edge' impacts (which include fly tipping, off-road vehicle use, wildfire and increased predation) are considered to be experienced primarily where development takes place within 400m of the Habitats Sites (on the basis of work carried out to inform the Bradford Core Strategy).

5.23 Therefore, impacts related to recreation pressure and urban effects need to be considered in relation to Peak District Moors (South Pennine Moors Phase 1) SPA, South Pennine Moors (Phase 2) SPA and South Pennine Moors SAC.

Water quantity and quality

5.24 Changes in water quality or quantity can affect Habitats Sites due to:

- Pollution from direct run-off between new development and waterbodies.
- Abstraction for water supply affecting the hydrology of the aquifer or waterbody being abstracted;
- Discharge of wastewater affecting water quality of a receiving water body, for example due to nutrient loading or other pollutants; and

5.25 Habitats Sites with the potential to be most significantly affected by changes in water quantity or quality that result from development are those that that support qualifying features of freshwater, estuarine, coastal and marine habitats either lie within the Local Plan area boundary or that are hydrologically connected to the Local Plan. However, all habitats have the potential to be affected by pollution from direct run-off (for example if development is adjacent to a Habitats Site).

5.26 The ponds at Denby Grange Colliery SAC are understood to be fed by a combination of shallow groundwater, Stony Cliffe Beck, and surface water flows; Stony Cliffe Beck is not connected to any other surface water bodies upstream of the SAC. While the site overlies a bedrock aquifer with connectivity to the whole of Kirklees District, this is not connected to the ponds and there is no connectivity via the surface aquifer that would mean that development in Kirklees could affect the site.

5.27 The water in the Rochdale Canal is sourced mainly from Hollingsworth Lake Reservoir, which is owned by United Utilities, with some water also drawn from adjoining canals supplied by other reservoirs **[See reference** 32**]** Other reservoirs supplying the canal are at Light Hazzles, Blackstone Edge, Warland, Chelburn and White Holme, all operated by United Utilities. The reservoirs are also a source of mains water; however, United Utilities does not supply Kirklees district with water. Therefore, increased demand for water supply associated with the Local Plan will not affect Rochdale Canal SAC. There are no other hydrological links to this site.

5.28 Due to the lack of hydrological connectivity, the following Habitats Sites are scoped out of further assessment for water quality / quantity impacts:

- Denby Grange Colliery Ponds SAC; and
- Rochdale Canal SAC.

Direct pollution (run-off)

5.29 Pollution from direct run-off is most likely to affect Habitats Sites that are within, downstream of, or immediately adjacent to the plan area, i.e.:

- South Pennine Moors SAC;
- Peak District Moors (South Pennine Moors Phase 1) SPA; and
- South Pennine Moors (Phase 2) SPA.

5.30 These sites are upland, i.e. likely to be uphill from most development, but are scoped in on a precautionary basis. The habitats of the SAC could be affected by pollution directly, and the two SPAs indirectly (as the SAC habitats support the SPA qualifying bird species).

Abstraction

5.31 Impacts associated with abstraction occur where water supplied to a plan area is drawn from a source within or connected to a Habitats Site. Water is supplied to Kirklees by Yorkshire Water. The Pennines and the valleys of the rivers Don, Aire, Wharfe, Calder, Nidd and Colne are the largest upland sources of water for the region. Kirklees is in the area largely supplied with water from lowland rivers (e.g. the River Calder) and reservoirs in the Pennines **[See reference 33]** (i.e. Blackmoorfoot, Digley and Ramsden reservoirs within the plan area; and Winscar, Ingbirchworth, Royd Moor and Scout Dike reservoirs, just outside the plan area **[See reference 34]**). None of these are within the Habitats Sites, although Digley, Ramsden and Winscar reservoirs are close or adjacent to South Pennine Moors SAC.

5.32 Yorkshire Water's draft Water Resources Management Plan 2024 (WRMP; see reference 34 above) sets out how Yorkshire Water will meet the demand for water supply (and treatment) and takes into account development that could arise from the Kirklees Local Plan update. The WRMP identifies some risks to the future supply-demand balance; however, Yorkshire Water has a duty to

comply with the Habitats Regulations when supplying water. The HRA of the accompanying drought plan **[See reference** 35**]** (which plans for water supply in drought conditions, i.e. a worst case) concludes that there will be no adverse effects on the integrity of Habitats Sites associated with measures proposed in the WRMP.

5.33 The 2024 WRMP is currently in draft form. It is expected that impacts associated with abstraction will be scoped out of the HRA, but this conclusion will be reviewed once the final 2024 WRMP and its accompanying HRA are published by Yorkshire Water.

Wastewater treatment

5.34 Impacts associated with wastewater treatment and discharge occur where wastewater treatment works (WWTW) discharge into or upstream of Habitats Sites, or where development with on-site treatment works discharges to groundwater (see direct pollution). Yorkshire Water provide sewerage services to Kirklees and the WWTWs serving Kirklees discharge into the rivers Colne, Calder, Holme and Dearne **[See reference** 36**]**. These flow away from the Pennines (and therefore the Pennines Habitats Sites) and ultimately to the Humber Estuary **[See reference** 37**]**. The Humber Estuary is designated as a SAC, SPA and Ramsar site; however, it is sufficiently far from the plan area (>45km) that impacts associated with wastewater treatment to serve development from the Kirklees Local Plan are not expected.

5.35 Therefore, impacts relating to water quality / quantity need to be considered for South Penning Moors SAC (and Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors (Phase 2) SPA, indirectly), for direct pollution only.

Summary of HRA scoping

5.36 Table 4.1 below summarises the impact pathways that will be considered further in the Screening stage of HRA, for each Habitats Site, i.e. those impacts that are ‘scoped in’.

5.37 Where functionally linked land (FLL) associated with a Habitats Site may also be affected, this is indicated.

5.38 Most of the impact pathways are relevant only to the three Pennines Habitats Sites (South Pennine Moors SAC, Peak District Moors (South Pennine Moors Phase 1) SPA, and South Pennine Moors (Phase 2) SPA). However, Rochdale Canal SAC and Denby Grange Colliery Pond SAC have been scoped in in relation to possible air pollution impacts. Impacts associated with water abstraction and wastewater treatment have been scoped out for all Habitats Sites.

Table 5.1: Summary of HRA scoping

Impact pathway	South Pennine Moors SAC	Peak District Moors (South Pennine Moors Phase 1) SPA	South Pennine Moors (Phase 2) SPA	Rochdale Canal SAC	Denby Grange Colliery Ponds SAC
Physical loss of or damage to habitat	Scoped in	Scoped in (incl. FLL)	Scoped in (incl. FLL)	Scoped out	Scoped out
Non-physical disturbance	Scoped out	Scoped in (incl. FLL)	Scoped in (incl. FLL)	Scoped out	Scoped out
Air pollution	Scoped in	Scoped in (indirect, via impacts on SAC)	Scoped in (indirect, via impacts on SAC)	Scoped in	Scoped in
Recreation and urban impacts	Scoped in	Scoped in	Scoped in	Scoped out	Scoped out
Direct pollution (run off)	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out
Abstraction	Scoped out	Scoped out	Scoped out	Scoped out	Scoped out
Wastewater treatment	Scoped in	Scoped in (incl. FLL)	Scoped in (incl. FLL)	Scoped out	Scoped out

Chapter 6

Next steps

6.1 This scoping report has introduced the HRA process that will be undertaken in relation to the Kirklees Local Plan update. It has been produced as an early reference point for Kirklees Council and Natural England to comment on the scope of the HRA.

6.2 The Council and Natural England are invited to consider the following questions in particular:

- Have we correctly identified the Habitats Sites that should be scoped-in to the HRA of the Local Plan (see Chapter 3 and Appendix A)?
- Have we correctly identified the sensitivities of the scoped-in Habitats Sites to potential impacts from the Local Plan (see Chapter 4 and Appendix B)?
- Is the proposed approach to HRA of the Local Plan reasonable (see Chapter 2 and Chapter 4)?

6.3 The HRA will be progressed alongside development of the Local Plan update, with an HRA report being published at each stage of consultation for comment by Natural England and other stakeholders.

6.4 After the HRA scoping report has been reviewed by the Council and Natural England, the next stage of the HRA process (screening) will determine whether the Local Plan will result in any likely significant effects on the Habitats Sites scoped into further assessment.

6.5 Where HRA screening is unable to rule out likely significant effects on Habitats Sites, the HRA will proceed to appropriate assessment stage to determine whether the Local Plan will result in adverse effects on the integrity of any Habitats Sites. The appropriate assessment stage can also take into

account any mitigation, such as safeguards embedded within Local Plan policies.

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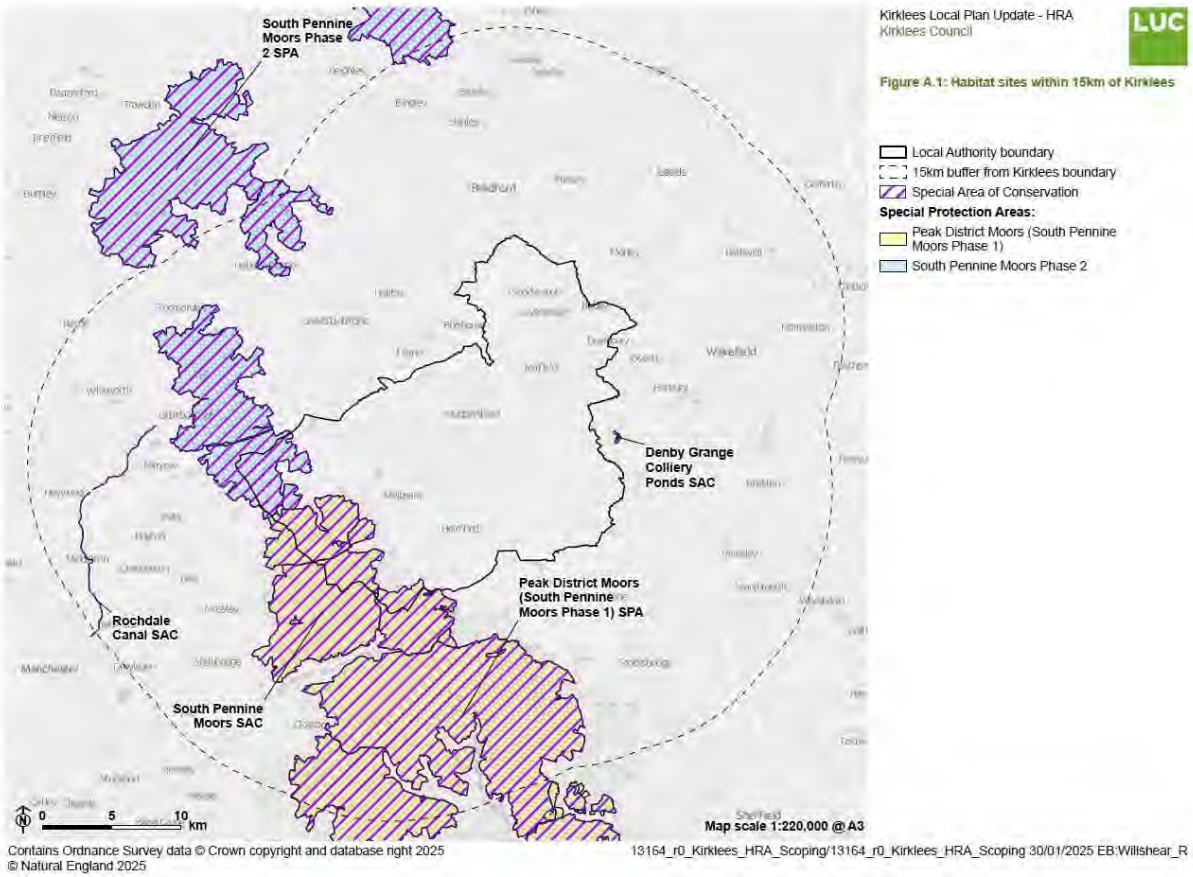
February 2025

Appendix A

Map of Habitats Sites within 15km of Kirklees

Appendix A Map of Habitats Sites within 15km of Kirklees

Figure A.1: Habitats Sites within 15km of Kirklees



Appendix B

Habitats Sites information

B.1 The text below sets out relevant information about each of the Habitats Sites considered in this HRA. This data is compiled from the following sources:

- Summary of reasons for designation: conservation objectives documents (SACs & SPAs), SAC citations, SPA standard data forms, and Ramsar information sheets.
- Habitats Sites pressures and threats: Site Improvement Plans (SACs and SPAs only; therefore applied to corresponding Ramsar sites where they share features with SPA/SAC designation).
- Conservation objectives: conservation objectives documents (SACs and SPAs only; therefore applied to corresponding Ramsar sites where they share features with SPA/SAC designation).

B.2 Non qualifying habitats and species on which the qualifying habitats and/or species depend: supplementary advice for conservation objectives (SACs & SPAs), British Trust for Ornithology 'Bird Facts', professional expertise.

Peak District Moors (South Pennine Moors Phase 1) SPA

B.3 Information sources: **[See reference** 38**], [See reference** 39**], [See reference** 40**]**.

Summary of reasons for designation and conservation objectives

B.4 Qualifying species:

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

B.5 The conservation objectives are to -

B.6 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.

Habitats Site pressures and threats

B.7 Hydrological changes: The hydrological integrity of the blanket bog habitat (H7140) has been adversely affected across the site by a range of external factors, principally historic air pollution and wild fires which in some areas has been added to by historical and continuing land use management practices

B.8 Managed rotational burning: burn rotation length needs to be appropriate to avoid deterioration. Managed burning can have both positive and negative impacts on the habitat for SPA birds through changes to vegetation.

B.9 Low breeding success / poor recruitment: there is a strong correlation between actively keepered moorland and the lower than expected numbers of raptors.

B.10 Inappropriate management practices: the condition of blanket bog habitat in particular is under pressure from changes in: recreational use, land management (commercial grouse moor management, farming and restoration practices availability of agreement packages) and some illegal activity.

B.11 Public access / disturbance: disturbances/activities located in sensitive site areas or at sensitive times of the year (e.g. bird breeding season or during heavily waterlogged periods) can have a negative impact upon notified features. Particular activities which impact include rock climbing, walking (incl. dog walkers), legal activities (byway usage), hang-gliding and the flying of model aircrafts.

B.12 Air pollution: nitrogen deposition is currently exceeding site relevant critical loads.

B.13 Wildfire/arson: Wildfire will vary year to year depending on the condition of the vegetation and this will result in varying levels of impact The cause of ignition is generally accepted to be of human origin with deliberate intent a

pattern on some parts of the site and elsewhere careless behaviour near to footpaths and car parks appear to be the chief cause of ignition.

B.14 Vehicles: vehicle use damages notified features and affects bird nesting activity. This can be motorbikes, quad bikes, 4x4s and pedal cycles.

B.15 Overgrazing: Increased stocking levels are affecting the mosaic of dwarf-shrubs and are replacing them with grassland. Overgrazing has a likely long term impact leading to unfavourable condition for bog and heath communities.

B.16 Forestry and woodland management: Inappropriate tree planting may result in introduction of infected species. Planting can affect blanket bog or increase predation risks for breeding waders on adjacent moorland, for example inappropriate planting on in-bye land which is used by breeding birds for feeding.

B.17 Changes in species distributions: Changes in species distribution are occurring across the site, caused by varying factors such as air pollution, current land management, erosion and the effects of climate change.

B.18 Disease: The fungus-like pathogen Phytophthora spp. is known to be killing various species within the SAC.

B.19 Undergrazing: undergrazing in some areas of the SAC affects both the habitats of the breeding birds and the notified feature habitats.

B.20 Invasive species: Bracken and rhododendron need to be controlled on a wider scale across the site to avoid the suppression of the SAC heath, blanket bog and mire communities.

B.21 Planning permission: Local development frameworks, infrastructure programs and planning permissions need to be evaluated on a whole site basis, for example wind turbines and housing developments. The 'in combination' and cumulative effects of numerous applications are, potentially, fragmenting the

site and slowing the chances of a joined up landscape scale delivery resilient site.

Non qualifying habitats and species on which the qualifying habitats and/or species depend

Merlin

B.22 Merlin nest in a shallow scrape on the ground, which is lined with small twigs, pieces of heather, bracken and other material, and concealed by heather.

B.23 This species feeds on smaller birds (passerines), small mammals and insects. Merlin will nest where there is an abundance of prey, and also require an area that is not disturbed by human activity. The core area around the nest in which disturbance should be avoided is of radius 500-800m.

B.24 Merlin require mature heather habitat for nesting. The surrounding habitat should support small passerines, i.e. bog, heath, scrub / scattered trees, bracken, rush beds and hedges.

B.25 Merlin favour large areas of open terrain, largely free of obstructions in around its nesting, roosting and feeding areas. This ensures visibility of predators and may also help facilitate the movement of birds between the SPA and any off site supporting habitat.

B.26 The habitats which support this species rely on good air quality.

European golden plover

B.27 Golden plover nest in a shallow scrape on the ground often hidden by moorland vegetation. Birds will use a variety of vegetation types from high heather cover to high sedge cover. They avoid deep vegetation, areas that are overlooked and areas of high disturbance.

B.28 The diet of golden plover consists of invertebrates (mainly beetles, crane-fly larvae and earthworms), and so marginal or low-intensity grassland and marshy areas rick in invertebrate food, adjacent or near to moorland nesting habitat, are important feeding grounds in the summer. Golden plover will use adjacent grassland within 4km of moorlands (used for nesting) for feeding.

B.29 Folden plover seek remote open moors away from significant activity and actively select wet blanket bog at altitude for breeding habitat.

B.30 Changes in source, depth, duration, frequency, magnitude and timing of water supply or flow can affect this habitat. Poor water quality can affect the availability and suitability of breeding, rearing, feeding and roosting habitats. The habitats which support golden plover are also sensitive to changes in air quality.

B.31 Golden plover move between nesting, feeding and roosting areas within the SPA boundary and off-site habitats. They favour large areas of open terrain, largely free of obstructions, in and around nesting areas. This ensures visibility of predators and may also help facilitate the movement of birds between the SPA and off-site supporting habitat.

Short-eared owl

B.32 Short-eared owls are ground nesting birds that use long heather and tall rushes to provide cover for the nest.

B.33 Short-eared owl feed principally on voles. Extensive, low nutrient and naturally vegetated open ground supports vole populations. Short-eared owls require extensive open habitat of grass/sedge or low shrub, which should contain some stands of bracken, rushbeds and tall dwarf shrub.

B.34 The habitats which support short-eared owl rely on good air quality, soil health, and an appropriate hydrological regime (water quality and quantity).

B.35 This species nests on the ground and they are vulnerable to predation.

B.36 Short-eared owls favour large areas of open terrain, largely free of obstructions in around its nesting, roosting and feeding areas. This ensures visibility of predators and may also help facilitate the movement of birds between the SPA and any off-site supporting habitat.

South Pennine Moors (Phase 2) SPA

B.37 Information sources: **[See reference** 41**] [See reference** 42**].**

Summary of reasons for designation and conservation objectives

B.38 Qualifying species:

- A098 Merlin, Falco columbarius (Breeding)
- A140 European golden plover, Pluvialis apricaria (Breeding)
- Breeding bird assemblage (Breeding), which includes:
  - Golden plover Pluvialis apricaria
  - Northern Lapwing Vanellus vanellus
  - Dunlin Calidris alpina
  - Snipe Gallinago gallinago
  - Curlew Numenius arquata
  - Redshank Tringa totanus
  - Common Sandpiper Actitis hypoleuca
  - Short-eared owl Asio flammeus
  - Whinchat Saxicola rubetra
  - Wheatear Oenanthe oenanthe
  - Ring Ouzel Turdus torquatus
  - Twite Carduelis flavirostris.

B.39 Note that dunlin were not listed in the 1995 citation apart from as part of breeding bird assemblage, but were included in the JNCC 2001 reassessment as qualifying feature.

B.40 The conservation objectives are to:

B.41 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.

Habitats Site pressures and threats

B.42 As for Peak District Moors (South Pennine Moors Phase 1) SPA, above.

Non qualifying habitats and species on which the qualifying habitats and/or species depend

Merlin

B.43 As for Peak District Moors (South Pennine Moors Phase 1) SPA, above.

European golden plover

B.44 As for Peak District Moors (South Pennine Moors Phase 1) SPA, above.

B.45 In addition for this site, breeding occurs on upland blanket bogs, wet heaths and acid grassland. Marginal pasture land adjacent to the SPA are known to be important feeding grounds.

B.46 Golden plover usually feed on short grazed pastures and molehill abundance can be a good surrogate measure for food availability (i.e. earthworm density). Wetter, undrained pastures are preferred for feeding; larger more level fields are preferred compared to steep slopes.

B.47 Ground nesting birds such as waders can be at particular risk from disturbance. This feature is particularly sensitive and can be affected by people over 200m away.

Breeding bird assemblage

B.48 Common sandpiper predominantly use the dense vegetation in close proximity to the major reservoir complexes in the SPA. The central block of the SPA support the core breeding area for Dunlin. Twite predominantly use the southern block of the SPA, with the core breeding area being north of the M62 on the edges of Soyland and Rishworth Moor. Snipe use the eastern side of the central block. Curlew are present throughout the SPA with Oxenhope moor and Heptonstall Moor supporting high densities during the breeding season. Whinchat are scarce across the SPA and therefore difficult to determine local use across the site. Redshank can be found in the damp moorland fringe habitat near to Oxenhope Moor and Heptonstall Moor. Ring ouzel are scarce across the SPA and therefore difficult to determine local use across the site. Lapwing predominantly use the moorland fringe with shorter vegetation and Oxenhope moor supports the highest breeding pairs on the site.

B.49 At this SPA the principal habitats supporting the assemblage of species are: blanket bogs, European dry heaths, acid grassland, northern Atlantic wet heaths and dense bracken beds when associated with populations of Twite. The site's ability to support and sustain the assemblage is reliant on the quality and diversity of habitats that support them.

B.50 Generally speaking, the specific attributes of each supporting habitat may include vegetation characteristics and structure, surface water depth, food availability, connectivity between nesting, roosting and feeding areas both within and outside the SPA.

South Pennine Moors SAC

B.51 Information sources: **[See reference** 43**]** **[See reference** 44**]** [and ref.42].

Summary of reasons for designation and conservation objectives

B.52 Qualifying habitats:

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

B.53 The conservation objectives are to -

B.54 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.
- The supporting processes on which the qualifying natural habitats rely.

Habitats Site pressures and threats

B.55 As for Peak District Moors (South Pennine Moors Phase 1) SPA, above.

Non qualifying habitats and species on which the qualifying habitats and/or species depend

B.56 For all of the qualifying habitats, the following is the case:

B.57 The qualifying habitat relies on good air quality, soil health, and an appropriate hydrological regime (surface and groundwater, including: source, depth, duration, frequency, magnitude and timing of water supply; and water quality).

B.58 Transitions between adjacent but different vegetation communities usually relate to naturally occurring changes in soil, aspect or slope. Such 'ecotones' retains characteristics of each bordering community and can add value, often containing species not found in the adjacent communities. Variation in structure is also required to maintain diversity and species richness.

B.59 The resilience of the habitat requires connectivity between heath habitats, as fragmentation reduces the mobility of species and genetic exchange between sites, increases edge habitat (which may be less suitable for some species than interior habitat) and reduce resilience to environmental change.

Northern Atlantic wet heaths

B.60 The qualifying feature comprises a vegetation community that includes: heather, cross leaved heath, bilberry, carnation sedge, common cottongrass, deergrass, and sundew.

B.61 Northern Atlantic wet heaths are recorded frequently in mosaics with other Upland habitats (e.g. dry heath habitat and blanket bog) throughout the SAC.

B.62 Active management is required to reduce spread of bracken and (in some locations) gorse. Undesirable species may include: common bent, Yorkshire fog, common reed, bracken, rhododendron, creeping buttercup, common nettle, willowherb, creeping thistle, soft rush.

European dry heaths

B.63 The qualifying feature comprises a vegetation community that includes: heather, cross leaved heath, and bilberry.

B.64 European dry heaths are often found within North Atlantic wet heaths and to a lesser extent blanket bogs. They are recorded frequently in mosaics of bracken beds, rushy flushes, acid grasslands and stands of Molinia.

B.65 Maintenance of this feature requires management of scrub, bracken, gorse, and trees. Undesirable species include: creeping thistle, spear thistle, common sorrel, creeping buttercup, and common nettle.

Blanket bog

B.66 The qualifying feature comprises a vegetation community that includes: heather, cross leaved heath, bell heather, crowberry, cowberry, common cottongrass, hare's tail cottongrass, and Sphagnum mosses.

B.67 This feature is defined by the presence of deep peat (>40cm depth) and features associated with that soil type.

B.68 Maintenance of this feature requires management of rhododendron, birch, pine, and willow. Undesirable species include: common bent-grass, Yorkshire fog, and bracken.

Transition mires and quaking bogs

B.69 The qualifying feature comprises a vegetation community that includes: sedges, common cottongrass, bryophytes, and a number of other notable species.

B.70 For this wetland habitat type, maintaining some continuous extent of exposed, open ground surface is required to support the establishment of component species.

B.71 Maintenance of this feature requires management of bracken, bramble, and purple moor-grass. Undesirable species include: common reed, canary grass, great manna grass, hairy willowherb, common nettle, rough stalked feather moss, common feather moss.

Old sessile oak woods

B.72 This qualifying feature comprises a vegetation community that includes: sessile oak, holly, alder, birch, hazel, elder, rowan, hawthorn, aspen, beech.

B.73 Dead and decaying wood is an important part of the woodland ecosystem; and variety in woodland structure (e.g. size and canopy cover) supports a diversity of species.

B.74 Maintenance of this feature requires control of grazing by sheep and cattle, and management of invasive or introduced non-native species. Undesirable species include: rhododendrons, snowberry, Japanese knotweed,

giant hogweed, Himalayan balsam. The fungus-like pathogen Phytophthora spp. Is known to be killing various species in the SAC.

Rochdale Canal SAC

B.75 Information sources: **[See reference** 45**]**, **[See reference** 46**]** and **[See reference** 47**]**.

Summary of reasons for designation and conservation objectives

B.76 Qualifying species:

- S1831 Floating water-plantain, *Luronium natans*

B.77 The conservation objectives are to:

B.78 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.
- The distribution of qualifying species within the site.

Habitats Site pressures and threats

B.79 Physical modification: over-shading and leaf drop from developing bank-side trees denies opportunity for Floating water plantain to establish on large and growing sections of the canal.

B.80 Air pollution: Nitrogen deposition exceeds site-relevant critical loads for the supporting habitat which is in unfavourable condition.

Non qualifying habitats and species on which the qualifying habitats and/or species depend

Floating water-plantain

B.81 Floating water-plantain occurs in a range of freshwater situations, including nutrient poor lakes in the uplands, slowly-flowing lowland rivers, pools, ditches and canals that are moderately nutrient rich. The plant communities found in the Rochdale Canal are characteristics of mesotrophic water bodies, i.e. those which are moderately nutrient rich.

B.82 The water habitat that supports this feature is sensitive to changes in water quality and quantity, as well as changes in air quality.

B.83 The plant thrives best in open situations with a moderate degree of disturbance, where the growth of emergent vegetation is held in check.

B.84 Resilience of the feature requires continuity of habitat. Fragmentation may result in a greater amount of open edge habitat, which will differ in the amount of light, temperature, wind that it receives compared to its interior. Edge conditions may not be suitable for this feature.

B.85 Floating water-plantain requires suitable habitat substrate: cohesive sediments that are not too course.

B.86 Competition from invasive non-native species can adversely affect the qualifying plant species. Other introduced species may also have effects on ecosystem functioning e.g. artificially large waterfowl populations or non native crayfish.

Denby Grange Colliery Ponds SAC

B.87 Information sources: **[See reference** 48**] [See reference** 49**] [See reference** 50**]**.

Summary of reasons for designation and conservation objectives

B.88 Qualifying species:

- S1166 Great crested newt, *Triturus cristatus*

B.89 The conservation objectives are to:

B.90 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 the habitats of qualifying species;
- The supporting processes on which the habitats of qualifying species rely;
- The populations of qualifying species; and,
- The distribution of qualifying species within the site.

Habitats Site pressures and threats

B.91 Hydrological changes: the Old Pond dries out too early in the year to allow newts to develop to their terrestrial stage. The hydrological changes are thought

to be due to a number of factors including a reduction in catchment input, changes to the terrestrial and groundwater flow and reduction of water input due to the closure of the colliery.

B.92 Forestry and woodland management: both breeding ponds are situated within woodland which results in heavy shading of the pond margins causing a lack of macrophytes suitable for newt egg-laying.

B.93 Water pollution: The Environment Agency have been asked to investigate the water quality of an unconsented discharge to the pond.

B.94 Invasive species: Himalayam balsam is present within the woodland and the basin of the Old Pond. If this species is left unchecked it could come to dominate the woodland flora, shading saplings and hampering tree regeneration. This could be a problem for the Great crested newt in the long run as the woodland provides important terrestrial habitat for the newts. Himalayan balsam within the pond will shade macrophytes which could reduce or prevent the development of species utilised by Great crested newts for egg-laying.

B.95 Habitat fragmentation: there are only two Great crested newt breeding ponds within the SAC. This leaves the site vulnerable to change e.g. from impacts of pollution events, establishment of fish, or pond drying of a single pond. Further suitable breeding ponds are required for metapopulation dynamics to establish.

B.96 Habitat connectivity: Appropriate management of Great crested newt habitat is required outwith the SAC to improve metapopulation dynamics.

Non qualifying habitats and species on which the qualifying habitats and/or species depend

Great crested newt

B.97 Newts require aquatic habitats for breeding. Juveniles spend most time on land, and all terrestrial phases may range a considerable distance from breeding sites.

B.98 Breeding sites are mainly medium-sized ponds, though ditches and other water body types may also be used less frequently. Ponds with ample aquatic vegetation (used for egg laying) seem to be preferred.

B.99 Great crested newts can be found in rural, urban and post-industrial settings, with populations less able to thrive where there are high degrees of fragmentation.

B.100 The connectivity of the landscape is important as the newts often occur in meta-populations that encompass a cluster of several or many ponds. The SAC is c.170m from three ponds at Stockmoor Common nature reserve. The main newt breeding pond at Stockmoor Common is c.460m from the main breeding pond at the SAC. It is likely that great crested newts move between these ponds. The undesignated land between the SAC and Stockmoor Common includes permanent pastures, hedgerows and a woodland copse. The woodland within the SAC also forms part of this commuting habitat.

B.101 Marginal and emergent vegetation are important for a great crested newt pond, for egg laying. Good plants for this include: water forget-me-not, flote/sweet grass, and great hairy willowherb. Undesirable species include New Zealand stonecrop and Canadian pondweed. High densities of waterfowl can adversely affect newts by removing vegetation and through predation of larvae.

B.102 Ponds should have a high degree of permanence (i.e. never or rarely dry out other than through natural drought). This may be affected by changes in supply or flow of water. Air quality, water quality and soil / substrate quality also support ecosystem function.

B.103 Good quality terrestrial habitat, particularly within 500m of the breeding ponds, provides important sheltering, dispersing and foraging conditions and can include all semi-natural habitat along with meadows, rough tussocky grassland, scrub, woodland, as well as 'brownfield' land or low-intensity farmland. Good quality terrestrial habitat for Great crested newts has structural diversity which can be provided by features such as hedges, ditches, stonewalls, old farm buildings, loose stone/rocks, rabbit burrows and small mammal holes. Good habitat provides a range of invertebrates, such as earthworms, insects, spiders and slugs, on which Great crested newts are known to feed.

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