

Mirfield Neighbourhood Development Plan

Strategic Environmental Assessment (SEA) / Habitats Regulations Assessment (HRA)

Screening Determination Statement

**Under Regulation 9 and 11 of the Environmental Assessment of
Plans and Programmes 2004**

August 2026

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Determination Statement

1. Background

- 1.1. This statement has been produced to ensure the Mirfield Neighbourhood Development Plan (MNDP) will, when examined, comply with the Neighbourhood Planning (General) Regulations 2012 (as amended) and, in particular, Regulation 32 and Regulation 15(1) e (ii) of the Neighbourhood Planning (General) (Amendment) Regulations 2015.
- 1.2. A neighbourhood plan is required to meet certain basic conditions, which are set out in the Town and Country Planning Act 1990. One of these is that it must not breach and must be otherwise compatible with EU and Human Rights obligations. This requires neighbourhood plans to fully consider the requirements of the SEA regulations that transpose the EU's SEA Directive into domestic law. These regulations require anyone preparing a plan that could affect the environment to consider whether it is likely to have significant environmental effects.
- 1.3. Regulation 32 in the Neighbourhood Planning (General) Regulations 2012 (as amended) sets out an additional basic condition to those set out in primary legislation. Regulation 32 states: "The making of the neighbourhood plan is not likely to have a significant effect on a European site (as defined in the Conservation of Habitats and Species Regulations 2010 (d)) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007 (e)) (either alone or in combination with other plans or projects).

2. Screening Opinion

- 2.1. A Strategic Environmental Assessment (SEA) Screening Opinion (included in Appendix 5.1) was prepared by Kirklees Council for the MNDP in June 2026. A Habitats Regulations Assessment (HRA) Screening Opinion (included in Appendix 5.2) was prepared by Land Use Consultants on behalf of Kirklees Council in June 2026. The screening opinions considered that the MNDP would not have a significant effect on the environment in so far as:
 - the MNDP at the present time will not play a role in allocating land for housing or employment;
 - the MNDP is unlikely to affect any designated sites in the vicinity or lead to other environmental effects;
 - the MNDP seeks to align with the adopted Development Plan, which has been subject to full SEA and HRA and Sustainability Appraisal; and

- the small spatial extent and the magnitude of the population affected are not considered significant for the purpose of the SEA.

3. Consultation with Statutory Bodies

3.1. The three statutory environmental bodies (Natural England, Historic England and Environment Agency) were consulted on the SEA and HRA Screening Opinions on 29th June 2026 for a six-week period. Consultation responses were received from all three bodies. The responses confirmed that no additional Screening was required.

3.2. Summaries of their conclusions are set out below, and their full comments are included in Appendix 5.3.

- **Natural England:** Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice. Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision-making process.
- **Historic England:** Based on the analysis set out in the Screening Opinion, and within the areas of interest to Historic England, we agree that the emerging plan is unlikely to result in significant environmental effects and, therefore, it does not need SEA and/or a Habitats Regulations Assessment (HRA).
- **Environment Agency:** The Environment Agency do not have any objections to the Submission of the Mirfield Neighbourhood Plan and agree with the conclusion in the SEA/ HRA report that no further action is required.

4. Conclusions

4.1. The implementation of the MNDP is not expected to result in likely significant effects. The SEA and HRA Screening Opinions (June 2026) determined that the MNDP does not require a full SEA or HRA and these findings were not disputed by the statutory consultation bodies. The Council therefore concludes that the MNDP does not require a full SEA or HRA.

5. Appendices

5.1 Strategic Environmental Assessment Screening



Strategic Environmental Assessment (SEA) Screening Statement for the Mirfield Neighbourhood Development Plan

June 2026

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1 Introduction

Kirklees Council is supporting Mirfield Town Council in the preparation of a Neighbourhood Development Plan (NDP) for the designated Mirfield Neighbourhood Area. As the qualifying body, Mirfield Town Council is progressing the plan towards the pre-submission stage (Regulation 14 consultation), at which point the draft plan will be subject to statutory consultation with stakeholders and the local community.

In advance of this stage, it is necessary to determine whether the plan is likely to result in significant environmental effects and therefore requires a Strategic Environmental Assessment (SEA) in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. In parallel, consideration must also be given to the potential for impacts on European designated sites, through the undertaking of a Habitats Regulations Assessment (HRA) screening, in line with the Conservation of Habitats and Species Regulations 2017 (as amended).

This SEA screening opinion has therefore been prepared to assess whether the emerging Mirfield Neighbourhood Development Plan is likely to give rise to significant environmental effects, taking into account its scope, content, and the nature of the policies proposed. The findings of both the SEA screening and the HRA screening, which has been carried out separately, will inform whether further assessment work is required prior to consultation and subsequent submission of the plan.

1.1 The Requirement to Undertake SEA

Neighbourhood plans are subject to the requirements of the Strategic Environmental Assessment (SEA) Directive (2001/42/EC), as transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004. An SEA is required where a neighbourhood plan is likely to have significant environmental effects, particularly where it sets a framework for future development consent or influences the use of land.

However, not all neighbourhood plans automatically require a full SEA. Instead, a screening process must be undertaken to determine whether the proposals within the plan are likely to result in significant environmental effects. This involves assessing the scope, scale, and content of the plan, alongside the characteristics of the area likely to be affected. Where significant effects are identified, a full SEA will be necessary to ensure that environmental considerations are appropriately integrated into the plan-making process.

1.2 Stages of SEA

The SEA Regulations set out a series of sequential steps that must be undertaken as part of any SEA. The Planning Practice Guidance (PPG) reflects these in a six-stage process for undertaking SEA for a Neighbourhood Plan, which appears as follows:

Stage A: Screening

1. Determine whether the neighbourhood plan is likely to have significant environmental effects.
2. Consult the environmental assessment consultation bodies.

Stage B: Setting the context and objectives, establishing the baseline and deciding on the scope

1. Identify other relevant policies, plans and programmes, and sustainability objectives.
2. Collect baselines information.
3. Identify sustainability issues and problems.
4. Develop the strategic environmental assessment framework.
5. Consult the environmental assessment consultation bodies on the scope of the strategic environmental assessment.

Stage C: Developing and refining alternatives and assessing effects

1. Test the neighbourhood plan objectives against the strategic environmental assessment framework.
2. Develop the neighbourhood plan options including reasonable alternatives.
3. Evaluate the likely effects of the neighbourhood plan and alternatives.
4. Consider ways of mitigating adverse effects and maximising beneficial effects.
5. Propose measures to monitor the significant effects of implementing the neighbourhood plan.

Stage D: Prepare the Environmental Report

Stage E: Publish and consult the consultation bodies and the public on the environmental report

Stage F: Post making reporting and monitoring

1. Prepare and publish post-adoption statement
2. Monitor significant effects of implementing the neighbourhood plan
3. Respond to adverse effects

2 Mirfield Neighbourhood Development Plan

The Mirfield Neighbourhood Area was designated by the Council on 19 December 2016 in accordance with the Town and Country Planning Act 1990, the Localism Act 2011, and the Neighbourhood Planning (General) Regulations 2012 (as amended). Mirfield Town Council is the qualifying body responsible for the preparation of the Neighbourhood Development Plan. A draft Plan has now been prepared, which forms the basis of this screening report.

The Mirfield Neighbourhood Development Plan (MNDP) sets out a framework of draft planning policies, supported by a series of practical actions and longer-term aspirations for the Mirfield community, underpinned by an overarching vision. Collectively, these provisions seek to guide future development within the neighbourhood area in a manner that reflects locally identified priorities and community views. The MNDP includes objectives aiming to increase the provision of suitable and affordable housing, support increased prosperity and investment within the District Centre, and enhance valued community assets, including play areas, green spaces, and the public rights of way network.

The overarching vision for Mirfield for the period up to 2035 is:

Mirfield in 2035 has coped well with the rapid expansion of its population. It remains a vibrant, clean and attractive place to live, study, work in and to visit. Development is of a high-quality design and respects Mirfield's distinct character and heritage. The town provides better quality amenities for residents in response to their changing needs and benefits from enhanced pedestrian and cycling alternatives in the electric vehicle era. The town centre is buoyant whilst much of Mirfield's village-like character remains. Overall Mirfield successfully balances conserving what is best about the town's past, with the demands of today's residents whilst ensuring the natural environment is protected and enhanced.

7 objectives have been prepared to help ensure the vision is delivered by 2035, each supported by a corresponding planning policy:

1. **Housing:** To support the development of high quality, sustainable homes which meet the identified needs of the community in terms of size, tenure, affordability and which are sympathetic to their setting.
2. **High Quality and Sustainable Design:** To ensure all new development and conversions are of high-quality design which responds positively to Mirfield's distinctive local character, and which embeds sustainability principles in response to the challenges of climate change.
3. **The Green Environment:** To conserve and enhance the natural environment including landscape character, biodiversity and wildlife.
4. **The Historic Environment:** To conserve and enhance the built heritage of the town including the historic core / District Centre and Upper Hopton Conservation Area.

5. **Health and Well-being:** To protect and improve local community facilities, green spaces and amenities so that Mirfield has a safe and welcoming environment which supports improved health and wellbeing for all.
6. **Traffic and Transport:** To support the District Centre's role as a transport hub which provides improved accessibility for all and to improve opportunities for sustainable and active travel across Mirfield and linking to the wider area.
7. **Employment and Economy:** To promote the development of Mirfield as a destination Market Town, reinforcing its role as a focus for local shopping community and leisure activities, including a vibrant, diversified high street and town centre with a distinct history and identity.

The plan comprises 14 draft policies, which are as follows:

- Policy HOU1: Housing Mix
- Policy D1: Development in Local Character Areas
- Policy D2: Sustainable Design
- Policy GE1: Topography and Flood Risk
- Policy GE2: Landscape Features
- Policy GE3: Biodiversity and Habitats
- Policy GE4: Routes of Former Spenn Valley Railway and Canal Corridor
- Policy HE1: Mirfield Historic Core / Town Centre
- Policy HE2: Upper Hopton Conservation Area
- Policy HWS1: Local Green Spaces
- Policy HWS2: Supporting Improvements in Community, Health and Recreation Provision
- Policy TT1: Public Rights of Way (PROW) Network and Walkable Neighbourhoods
- Policy TT2: Design Guidance for Streets and the Town Centre
- Policy EE1: Lifelong Learning and Skills

The MNDP does not seek to allocate sites for development.

2.1 Kirklees Local Plan

The Kirklees Local Plan, adopted 2019, provides the statutory planning framework for the district, setting out the strategic vision, spatial strategy, and policies to guide development and land use over the plan period. It identifies the scale and distribution of growth, including housing and employment, alongside policies to protect and enhance the natural and built environment. The Local Plan forms the primary basis for determining planning applications and establishes the strategic context within which neighbourhood plans, including the MNDP, must be prepared. MNDP has been prepared to be in general conformity with the strategic policies set out in the adopted Local Plan (2019).

3 Screening Opinion

The document "A Practical Guide to the Strategic Environmental Assessment Directive" (ODPM, 2005), sets out the criteria to be applied when determining whether a plan or programme requires a full Strategic Environmental Assessment (SEA). The tables below present the screening assessment of the Neighbourhood Development Plan against these criteria, following the recommended methodology outlined in the guidance.

Application of the SEA Directive to Mirfield Neighbourhood Development Plan

Table 1: Application of the SEA Directive to Mirfield Neighbourhood Development Plan

Assessment Criteria	Yes / No	Reason
1. Is the Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by parliament or government? (Art. 2(a))	Yes	The Mirfield Neighbourhood Plan is being prepared under the Town and Country Planning Act 1990 (as amended by the Localism Act 2011). Following its preparation, and subject to a successful outcome at examination and a positive referendum, the Plan will be formally adopted ("made") by Kirklees Council and will form part of the statutory development plan for the district.

Assessment Criteria	Yes / No	Reason
2. Is the Plan required by legislative, regulatory or administrative provisions? (Art. 2(a))	No	The Mirfield Neighbourhood Plan is being prepared under the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and is in conformity with the Neighbourhood Planning (General) Regulations 2012 as amended. The preparation of a Neighbourhood Plan is not a statutory requirement under this legislation however, there is a legislative process to be followed. However, once the Mirfield Neighbourhood Plan becomes 'made' it will form part of the statutory development plan for Kirklees.
3. Is the Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consents or projects in Annexes I and II to the EIA Directive? (Art. 3.2(a))	Yes and No	The Mirfield Neighbourhood Plan is being prepared for town and country planning and land use purposes; however, it does not establish a framework for future development consents of projects listed in Annexes I and II of the EIA Directive.
4. Will the Plan, in view of its effects on sites, require a Habitats Regulations Assessment? (Art. 3.2(b))	No	A Habitats Regulations Assessment (HRA) Screening Assessment of the Mirfield Neighbourhood Plan has been undertaken separately to assess the likely impacts of the plan on European sites. The Screening Report concluded that no likely significant effects are predicted on Habitat Sites as a result of the Mirfield Neighbourhood Development Plan, either alone or in combination with other policies and proposals.
6. Does the Plan set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	Yes	Mirfield Neighbourhood Plan does not allocate sites for development; however, it includes policies against which proposals for development within the Mirfield Neighbourhood Area will be assessed.

Assessment Criteria	Yes / No	Reason
8. Is it likely to have a significant effect on the environment? (Art. 3.5)* *The Directive requires Member States to determine whether plans or programmes in this category are likely to have significant environmental effects. These determinations may be made on a case by case basis and/or by specifying types of plan or programme.	No	See tables 2 and 3.

Criteria for determining the likely significance of effects referred to in Article 3(5)

Table 2: Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to:	Comments
- the degree to which the plan sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,	Once 'made', the Mirfield Neighbourhood Development Plan will form part of the statutory development plan for Kirklees. The neighbourhood plan does not seek to allocate sites for development; however, it includes policies against which proposals for development within Mirfield Neighbourhood Area will be assessed. The Kirklees Local Plan adopted in 2019 identifies 6 housing allocations, 1 mixed use allocation, 1 safeguarded land site and 5 priority employment areas within the Mirfield Neighbourhood Area. The Local Plan 2019 made provision for approximately 1,439 houses in the Mirfield Neighbourhood Area. This figure includes a small portion of strategic allocation HS61, which has an indicative capacity of 4000. Approximately 15% of this strategic allocation is within the neighbourhood area boundary. As of March 2026, 241 homes have been built on the housing allocations in Mirfield Neighbourhood Area.

1. The characteristics of plans and programmes, having regard, in particular, to:	Comments
- the degree to which the plan influences other plans and programmes including those in a hierarchy,	The Mirfield Neighbourhood Development Plan must be in general conformity with, and plan positively to support, the strategic policies of the Kirklees Local Plan 2019. It must also have regard for the National Planning Policy Framework. The Neighbourhood Development Plan will not have influence over other plans. Once 'made', the Mirfield Neighbourhood Development Plan will form part of the statutory development plan for Kirklees, and will be used in the determination of planning applications submitted within the Mirfield Neighbourhood Area.
- the relevance of the plan for the integration of environmental considerations in particular with a view to promoting sustainable development,	One of the basic conditions that a draft neighbourhood plan must meet in order to proceed to referendum is condition (d), which requires that the making of the neighbourhood plan contributes to the achievement of sustainable development.
- environmental problems relevant to the plan,	Environmental issues of relevance to the plan include the presence of ancient woodland and priority habitats within the Mirfield Neighbourhood Area, as well as an established wildlife habitat network, local wildlife sites and urban green spaces identified in the Kirklees Local Plan 2019. The area also contains land within Flood Zones 2 and 3, in addition to designated heritage assets, including conservation areas, listed buildings and archaeological sites.
- the relevance of the plan for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).	N/A

Table 3: Criteria for determining the likely significance of effects referred to in Article 3(5)

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:	Comments
- the probability, duration, frequency and reversibility of the effects,	The Mirfield Neighbourhood Development Plan does not allocate sites for development; however, it establishes a framework of policies against which development proposals within the Mirfield Neighbourhood Area will be assessed. As the Plan does not propose site allocations, its effects are anticipated to be indirect in nature. However, the implementation of the Plan's policies is anticipated to give rise to effects that are permanent.
- the cumulative nature of the effects,	The Mirfield Neighbourhood Development Plan does not allocate sites for development. However, there is some but limited potential for cumulative effects to arise from the Plan when considered in combination with development in the surrounding areas.
- the transboundary nature of the effects,	The Mirfield Neighbourhood Development Plan focuses on Mirfield Neighbourhood Area only.
- the risks to human health or the environment (e.g. due to accidents),	The Neighbourhood Plan is not expected to pose any risks to human health or the environment.
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),	The Mirfield Neighbourhood Plan covers the Mirfield Neighbourhood Area, which has a population of approximately 20,171 (Kirklees Observatory, 2024).
- the value and vulnerability of the area likely to be affected due to: - o special natural characteristics or cultural heritage, - o exceeded environmental quality standards or limit values, - o intensive land-use,	Mirfield Neighbourhood Area includes priority species and habitats, including ancient woodland. There are 7 Local Wildlife Sites, and areas of Grade 3 agricultural land. There are approximately 48 listed assets within the neighbourhood area boundary.
- the effects on areas or landscapes which have a recognised national, Community or international protection status.	There are no designated landscapes within or close to Mirfield Neighbourhood Area.

4 Conclusion

A screening assessment has been undertaken in accordance with the criteria set out in the SEA Directive and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004 to determine whether the Mirfield Neighbourhood Development Plan is likely to result in significant environmental effects.

The MNDP establishes a locally distinctive framework of planning policies to guide development within the Mirfield Neighbourhood Area. Whilst the Plan will, once made, form part of the statutory development plan for Kirklees and will be used in the determination of planning applications in the Mirfield Neighbourhood Area, it does not allocate sites for development, nor does it introduce additional growth beyond that already established through the adopted Kirklees Local Plan (2019). The Plan does not materially influence the scale, location, or quantum of development, but instead seeks to positively manage the form and quality of development coming forward within the Neighbourhood Area, including that arising through planning applications.

Furthermore, the Habitats Regulations Assessment Screening Report (June 2026) concludes that the MNDP will not result in likely significant effects on European sites, either alone or in combination with other policies and proposals.

Taking these factors into account, it is concluded that the Mirfield Neighbourhood Development Plan is unlikely to give rise to significant environmental effects and, therefore, a full Strategic Environmental Assessment is not required.

5 Future Actions

This SEA screening opinion will be shared with the three statutory consultees (Natural England, Historic England and the Environment Agency) and will be reviewed where necessary in light of any comments received.

5.2 Habitats Regulations Assessment Screening

Mirfield Neighbourhood Plan 2025-2035



Habitats Regulations Assessment Screening Report

Kirklees Council

Final report
Prepared by LUC
June 2026

Version	Status	Prepared	Checked	Approved	Date
1	Draft HRA Screening Report	A. Eardley S. Hockings	David Green	David Green	14.06.2026



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Mirfield Neighbourhood Plan 2025-2035

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Chapter 1

Introduction

1.1 LUC has been commissioned by Kirklees Council (KC) to carry out Habitats Regulations Assessment (HRA) Screening of the Mirfield Neighbourhood Development Plan (MNDP). The MNDP is being prepared by Mirfield Town Council in accordance with the requirements of the Government's Neighbourhood Planning Regulations and will cover the period 2025-2035. This HRA Screening Report relates to the draft MNDP dated May 2024.

The requirement to undertake Habitats Regulations Assessment of development plans

1.2 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]; the currently applicable version is the Habitats Regulations 2017 [See reference 2], as amended. Neighbourhood plans, once 'made' (adopted), become part of the statutory development plan therefore an HRA is required by law to be carried out by the 'competent authority', in this case Kirklees Council. The Council can commission consultants to undertake HRA work on their behalf and this (the work documented in this report) is then reported to and considered by the Council as the 'competent authority'. The Council will consider this work and would usually only progress a Plan if it considers that the Plan will not adversely affect the integrity [See reference 3] of any 'European site' / 'Habitat Site', as defined below (the exception to this would be where 'imperative reasons of overriding public interest' can be demonstrated; see paragraph 1.14). The requirement for authorities to comply with the Habitats Regulations when preparing a Plan is also noted in the Government's online Planning Practice Guidance (PPG) [See reference 4].

1.3 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 Protection 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). 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. Before EU exit day, designation of SACs also had regard to the coherence of the 'Natura 2000' network of 'European sites'. After EU exit day, regard is had to 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.

1.4 The term 'European sites' has been commonly used in HRA to refer to 'Natura 2000' sites [See reference 7] and Ramsar sites (international 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 refers to the new '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.

1.5 Although Ramsar sites do not form part of the new 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."

1.6 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.

1.7 For simplicity, this report uses the term 'Habitat Site' to refer to all types of designated site within the 'National Site Network' for which Government guidance [See reference 12] requires an HRA.

1.8 The overall purpose of an HRA is to conclude whether or not a proposal or policy, or whole development plan would adversely affect the integrity of the Habitat 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.

Stages of Habitat Regulation Assessment

1.9 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 Habitat Site in question.

1.10 LUC has been commissioned by KC to carry out HRA work on the Councils' behalf, and the outputs will be reported to and considered by the Councils as the competent authority.

1.11 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. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

Requirements of the Habitats Regulations

1.12 In assessing the effects of a 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 Habitat Site, either alone or in combination with other plans or projects (the 'Significance Test'). [These two steps are undertaken as part of Stage 1: Screening, shown below in the 'Typical stages' section.] If yes, proceed to Step 3.
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the Habitat 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, described in the 'Typical stages' section below.]
- 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 Habitat Site. [This step follows Stage 2 where a finding of 'no adverse effect' is concluded. If it cannot be 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 Habitat 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 considering mitigation, described in the 'Typical stages' section overleaf.]

Typical stages

1.13 The section below summarises 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]. This report presents the methodology and findings of Stage 1: Screening.

Stage 1: Screening (the 'Significance Test')

Tasks

- Description of the development plan and confirmation that it is not directly connected with or necessary to the management of Habitat Sites.
- Identification of potentially affected Habitat 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 (the 'Integrity Test')

Task

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

Outcome

- Appropriate Assessment report describing the plan, Habitat Site baseline conditions, the adverse effects of the plan on the Habitat 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

Task

- 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.

1.14 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid 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' (IROPI) are likely to be justified only very occasionally and would involve engagement with the Government.

Case law changes

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

1.16 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."

1.17 In light of the above, the HRA Screening stage does not rely upon avoidance or mitigation measures to draw conclusions as to whether the neighbourhood plan could result in likely significant effects on Habitat Sites, with any such measures are to be considered at the Appropriate Assessment stage as relevant.

1.18 This HRA also fully considers the *Holohan v An Bord Pleanála* (November 2018) judgment 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."

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

1.20 Similarly, effects on both qualifying and supporting habitats and species on functionally linked land (FLL) or habitat will be considered where needed in the HRA, in line with the High Court judgment in *RSPB and others v Secretary of State and London Ashford Airport Ltd* [2014 EWHC 1523 Admin] (paragraph 27), which stated that:

"There is no authority on the significance of the non-statutory status of the FLL. However, the fact that the FLL was not within a protected site does not mean that the effect which a deterioration in its quality or function could have on a protected site is to be ignored. The indirect effect was still protected. Although the question of its legal status was mooted, I am satisfied... that while no particular legal status attaches to FLL, the fact that land is functionally linked to protected land means that the indirectly adverse effects on a protected site, produced by effects on FLL, are scrutinised in the same legal framework just as are the direct effects of acts carried out on the protected site itself. That is the only sensible and purposive approach where a species or effect is not confined by a line on a map or boundary fence. This is particularly important where the boundaries of designated sites are drawn tightly as may be the UK practice."

1.21 In addition to this, the HRA will take into consideration the 'Wealden' judgment from the Court of Justice for the European Union.

1.22 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.

1.23 In light of this judgment, the HRA will therefore, where needed, consider traffic growth based on the effects of development from the MNDP in combination with other drivers of growth such as development proposed in neighbouring districts and demographic change.

1.24 The HRA also takes into account the Grace and Sweetman (July 2018) judgment from the CJEU which stated that:

"There is a distinction to be drawn between protective measures forming part of a project and intended 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".

1.25 Therefore, if an Appropriate Assessment of the MNDP is required, it will 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.

Structure of this report

1.26 This chapter (Chapter 1) has described the background to the production of the MNDP Plan and the requirement to undertake HRA. The remainder of the report is structured as follows:

- Chapter 2: Mirfield Neighbourhood Plan - summarises the content of the Pre-Submission Draft plan, which is the subject of this report.
- Chapter 3: Method - sets out the approach and the specific tasks undertaken during the Screening stage of the HRA.
- Chapter 4: Screening Assessment - describes the findings of the Screening stage of the HRA.
- Chapter 5: Conclusions and Next Steps - summarises the HRA Screening conclusions for the Mirfield Neighbourhood Plan and describes the next steps to be undertaken.

Chapter 2

Mirfield Neighbourhood Plan

Vision and Objectives

2.1 The overarching vision for Mirfield for the period up to 2035 is:

Mirfield in 2035 has coped well with the rapid expansion of its population. It remains a vibrant, clean and attractive place to live, study, work in and to visit. Development is of a high-quality design and respects Mirfield's distinct character and heritage.

The town provides better quality amenities for residents in response to their changing needs and benefits from enhanced pedestrian and cycling alternatives in the electric vehicle era. The town centre is buoyant whilst much of Mirfield's village-like character remains. Overall Mirfield successfully balances conserving what is best about the town's past, with the demands of today's residents whilst ensuring the natural environment is protected and enhanced.

2.2 The vision is supported by seven objectives. Each objective has informed and guided the content of the planning policies within the Neighbourhood Plan. The objectives are as follows:

1. **Housing:** To support the development of high quality, sustainable homes which meet the identified needs of the community in terms of size, tenure, affordability and which are sympathetic to their setting.
2. **High Quality and Sustainable Design:** To ensure all new development and conversions are of high-quality design which responds positively to Mirfield's distinctive local character, and which embeds sustainability principles in response to the challenges of climate change.
3. **The Green Environment:** To conserve and enhance the natural environment including landscape character, biodiversity and wildlife.
4. **The Historic Environment:** To conserve and enhance the built heritage of the town including the historic core/ District Centre and Upper Hopton Conservation Area.

5. **Health and well-being:** To protect and improve local community facilities, green spaces and amenities so that Mirfield has a safe and welcoming environment which supports improved health and wellbeing for all.
6. **Traffic and transport:** To support the District Centre's role as a transport hub which provides improved accessibility for all and to improve opportunities for sustainable and active travel across Mirfield and linking to the wider area.
7. **Employment and Economy:** To promote the development of Mirfield as a destination Market Town, reinforcing its role as a focus for local shopping community and leisure activities, including a vibrant, diversified high street and town centre with a distinct history and identity.

Policies

2.3 The 14 policies within the MNDP are as follows:

- Policy HOU1: Housing mix
- Policy D1: Development in local character areas
- Policy D2: Sustainable design
- Policy GE1: Topography and flood risk
- Policy GE2: Landscape features
- Policy GE3: Biodiversity and habitats
- Policy GE4: Routes of former Spenn Valley railway and canal corridor
- Policy HE1: Mirfield Historic Core/ District Centre
- Policy HE2: Upper Hopton Conservation Area
- Policy HWS1: Local Green Spaces
- Policy HWS2: Supporting improvements in community, health and recreation provision
- Policy TT1: Public rights of way (PROW) network and walkable neighbourhoods
- Policy TT2: Design guidance for streets and the District Centre
- Policy EE1: Lifelong learning and skills

2.4 The MNDP does not seek to allocate development sites.

Chapter 3

Methodology

Screening Assessment

3.1 HRA Screening of the MNDP has been undertaken in line with current available guidance and has sought to meet the requirements of the Habitats Regulations. The tasks that have been undertaken during the Screening stage of the HRA are described in detail below and the conclusions are presented in the next chapter.

3.2 The purpose of the Screening stage is to:

- Identify all aspects of the plan that would have no effect on a Habitat Site. These can be eliminated from further consideration in respect of this and other plans.
- Identify all aspects of the plan that would not be likely to have a significant effect on a Habitat Site (i.e. would have some effect because of links/connectivity but the effect is not significant), either alone or in combination with other aspects of the same plan or other plans or projects. These do not require 'Appropriate Assessment'.
- Identify those aspects of the plan where it is not possible to rule out the risk of significant effects on a Habitat 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.

Identifying Habitat Sites that may be affected and their conservation objectives

3.3 As a first step in identifying Habitat Sites that could potentially be affected by a development, it is established practice in HRA to consider sites within the area covered by the plan, and other sites that may be affected beyond this area.

3.4 A distance of 15km from the Neighbourhood Plan area boundary has been used as a starting point to identify Habitats Sites that could be affected by impacts relating to the MNDP. In line with HRA requirements, the application of a 15km buffer is considered a precautionary distance with relation to potential

impacts to the surrounding area. It aligns with the distance employed in the HRA prepared for the Kirklees Local Plan update.

3.5 The assessment also considers areas that may be functionally linked to the Habitat Sites. The term 'functional linkage' is used to refer to the role or 'function' that land beyond the boundary of a Habitat Site might fulfil in terms of 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.

3.6 While the boundary of a Habitat 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 SAC or SPA 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 [See reference 20]. HRA therefore considers whether any Habitat Sites make use of functionally linked habitats, and the impacts that could affect those habitats.

3.7 Habitat Sites scoped in the HRA of the MNDP are listed in Table 1.1.

Table 1.1: Habitat Sites scoped in to the HRA of the Kirklees Local Plan within 15km of the Neighbourhood Area

Habitat Site	Closest distance/ direction from the Neighbourhood Area
South Pennine Moors SPA (Phase 1) SPA	Phase 1: c. 14.9km to the southwest
South Pennine Moors (Phase 2) SPA	Phase 2: c. 14.8km to the west
South Pennine Moors SAC	c. 15.3km to the southwest
Denby Grange Colliery Ponds SAC	c. 5.3km southeast

3.8 The locations of these sites are illustrated in Figure A.1 in Appendix A.

3.9 Detailed information about the listed Habitats is provided in Appendix B, described with reference to Standard Data Forms for the SPAs and SACs and Natural England's Site Improvement Plans [See reference 21]. Natural England's conservation objectives [See reference 22] for the sites have also been reviewed. These state that site integrity must be maintained or restored by maintaining or restoring the habitats of qualifying features, the supporting processes on which they rely, and populations of qualifying species.

Functionally linked habitats

3.10 The assessment also takes into account areas that may be functionally linked to the Habitat Sites. The term 'functional linkage' can be used to refer to the role or 'function' that land or other habitats beyond the boundary of a Habitat 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.

3.11 While the boundary of a Habitat 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 SAC or SPA 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) Habitat Sites make use of functionally linked habitats, and the impacts that could affect those habitats.

3.12 Habitat Sites susceptible to the indirect effects of habitat loss are restricted to those sites with qualifying species that rely on offsite habitat. This is the case for the following Habitat Sites within 15km of the Neighbourhood Plan area:

- Peak District Moors (South Pennine Moors Phase 1) SPA; golden plover
- South Pennine Moors (Phase 2) SPA; golden plover and lapwing

3.13 Further consideration is given below to the potential for functionally linked land (FLL) used by these species to occur within the MNDP area. In summary, the only functionally linked habitats that could occur within the MNDP area are those associated with birds, as explained below.

Birds

3.14 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.'

3.15 The distance for consideration of offsite functionally linked habitat for birds is dependent on many factors such as species and local conditions. Natural England generally advises that 2km from Habitats site boundaries is an appropriate distance for the consideration of offsite functionally linked land although for certain species, including most notably golden plover and lapwing, a much greater distance of up to 15km may be appropriate. These buffers have been considered in relation to each of the Habitats sites that are identified above as being designated for supporting bird species. Increased distances may also be appropriate where significant landscape scale features provide important functional linkages within Habitats sites, for example, where river catchment flood plains and valleys extend considerable distances from a Habitats site. No such landscape scale features have been identified in relation to the Habitats sites scoped into this assessment and therefore the above buffers have been considered appropriate for each of the Habitats sites designated for supporting qualifying bird species.

3.16 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.

3.17 South Pennine Moors (Phase 2) SPA:

- Breeding bird assemblage: Of the species comprising the assemblage, lapwing are the only species known to travel the distance of 15km.

3.18 All other species and assemblages are considered to either be restricted to the habitats of the Habitats sites, or unable to travel the distance required to reach the MNDP area from the Habitats sites.

Assessment of ‘likely significant effects’ of the plan

3.19 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017 [See reference 23] (as amended), an assessment has been undertaken of the ‘likely significant effects’ of the plan. The assessment has been prepared in order to identify which policies or site allocations would be likely to have a significant effect on Habitat Sites. The Screening assessment has been conducted without taking mitigation into account, in accordance with the ‘People over Wind’ judgment.

3.20 If the potential for policies to have likely significant effects is identified, consideration would then be given to the potential for the development proposed to result in significant effects associated with:

- Physical loss or damage to habitat;
- Non-physical disturbance (noise, vibration and light pollution);
- Air pollution (vehicle emissions and dust);
- Recreational pressure; and
- Changes to hydrology, including water quantity and quality.

3.21 This thematic/impact category approach allows for consideration to be given to the cumulative effects of policies and any site allocations, rather than focussing exclusively on individual developments provided for by the plan.

3.22 A Screening assessment was undertaken (Chapter 4), to document consideration of the potential for likely significant effects resulting from each policy in the MDNP. A risk-based approach involving the application of the precautionary principle was adopted in the assessment, such that a conclusion of ‘no significant effect’ would only be reached where it was considered unlikely, based on current knowledge and the information available, that a policy would have a significant effect on the integrity of a Habitat Site.

Interpretation of ‘likely significant effects’

3.23 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.

3.24 In the Waddenzee case [See reference 24], 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" (paragraph 44). An effect should be considered 'significant', "if it undermines the conservation objectives" (paragraph 48). Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (paragraph 47).

3.25 A relevant opinion delivered to the Court of Justice of the European Union 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."

3.26 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 "that have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect – they would be 'insignificant'.

3.27 The HRA Screening assessment therefore considers whether the policies in the draft MNDP (dated May 2026) could have likely significant effects either alone or in combination.

Mitigation provided by the plan

3.28 Some of the potential effects of a plan could be mitigated through the implementation of other policies in the plan itself, such as the provision of green infrastructure within new developments (which could help mitigate increased pressure from recreation activities at Habitat Sites). Nevertheless, in accordance with the 'People over Wind' judgment, avoidance and mitigation

measures cannot be relied upon at the Screening stage, and therefore, where such measures exist, they will be considered at the Appropriate Assessment stage for impacts and policies where likely significant effects, either alone or in-combination, cannot be ruled out.

Assessment of potential in-combination effects

3.29 Regulation 105 of the Habitats Regulations 2017 requires an Appropriate Assessment where “a land use plan is likely to have a significant effect on a Habitat Site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site”. Therefore, where likely insignificant effects are identified for the plan alone, it is necessary to consider whether these may become significant effects in combination with other plans or projects.

3.30 Where the plan is likely to have an effect on its own (due to impact pathways being present), but it is not likely to be significant, the in-combination assessment at Screening stage needs to determine whether there may also be the same types of effect from other plans or projects that could combine with the plan to produce a significant effect. If so, this likely significant effect arising from the plan in combination with other plans or projects, would then need to be considered through the Appropriate Assessment stage to determine if the impact pathway would have an adverse effect on integrity of the relevant Habitat Site. Where the Screening assessment has concluded that there is no impact pathway between development proposed in the plan and the conditions necessary to maintain qualifying features of a Habitat 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 25].

3.31 If impact pathways are found to exist for a particular effect but it is not likely to be significant from the plan alone, the in-combination assessment will identify which other plans and programmes could result in the same impact on the same Habitat Site. This will focus on planned growth (including housing, employment, transport, minerals and waste) around the affected site, or along the impact corridor.

3.32 The potential for in-combination impacts will therefore focus on plans prepared by local authorities that overlap with Habitat Sites 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 plan will also be identified and reviewed.

3.33 The online HRA Handbook [\[See reference 26\]](#) 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; and
- Proposals in adopted plans.

Chapter 4

Screening Assessment

4.1 As described in Chapter 3, a Screening assessment was carried out in order to identify the likely significant effects of the MNDP on the scoped-in Habitat Sites. The detailed Screening assessment of the policies in the emerging MNDP can be found below.

HRA Screening of policies

Policy HOU1: Housing mix

Potential likely significant effects

4.2 None – This policy sets out that housing development must contribute to meeting the existing and future needs of the Neighbourhood Area. The policy supports the provision of dwellings that meet the housing needs of the Neighbourhood Area in terms of type, size, and tenure. In particular, it supports smaller homes (in terms of numbers of bedrooms) suited to those starting out on the housing ladder, young families and those wishing to downsize. The policy will not directly result in development.

Policy D1: Development in local character areas

Potential likely significant effects

4.3 None – This policy identifies local Character Areas that have been defined within the Neighbourhood Area and sets out the core design principles for each. This includes issues such as materials, layout, building heights and garden size. The policy is underpinned by the Mirfield Neighbourhood Area Design Guide 2023, which has been prepared as part of the MNDP. The policy will not directly result in development.

Policy D2: Sustainable design

Potential likely significant effects

4.4 None – This policy supports high-quality, sustainable development that will contribute mitigating the impacts of climate change and the move towards net zero. It is underpinned by the Mirfield Neighbourhood Area Design Guide 2023, which sets out more detailed information on this matter. The policy will not directly result in development.

Policy GE1: Topography and flood risk

Potential likely significant effects

4.5 None – This policy outlines that all new development is required to incorporate the guidance set out in the Mirfield Neighbourhood Area Design Guide 2023 in order to mitigate any flooding impacts. In particular, this guidance relates to considering the topography and hydrology of the Calder River Valley, which is integral to the settlement and is susceptible to flooding. The policy will not directly result in development.

Policy GE2: Landscape features

Potential likely significant effects

4.6 None – This policy recognises the features of the landscape that contribute to the character of Mirfield. This includes both designated features and also others that are typical of the area, such as hedgerows, woodland, street trees, mill and ponds and stone walls. In addition, the policy seeks to ensure that the any adverse impacts of development on views of the open countryside and notable landmarks are carefully considered and, where possible avoided or mitigated. The policy will not directly result in development.

Policy GE3: Biodiversity and habitats

Potential likely significant effects

4.7 None - This policy supports seeks to ensure that biodiversity net gain is delivered in the most appropriate and effective way within Mirfield parish. Where on-site delivery is not (wholly) possible, it identifies a number of biodiversity opportunity areas, which should be prioritised locally. In this way, the policy supports local habitats and biodiversity. The policy will not result in development.

Policy GE4: Routes of former SPEN Valley railway and canal corridor

Potential likely significant effects

4.8 None – This policy recognises the role that the Spen Valley Railway corridor and river and canal corridors (Spen River and the Calder & Hebble Navigation) play in contributing to the wider green and blue infrastructure network. They bring a range of benefits including as wildlife habitats and corridors, recreational spaces and local movement routes. The policy seeks to safeguard them from any adverse impacts of development and, where practicable, provide greater linkages to them. The policy will not result in development.

Policy HE1: Mirfield Historic Core/ District Centre

Potential likely significant effects

4.9 None - This policy relates specifically to the area identified as the Historic Core/ District Centre within Mirfield. Whilst not a Conservation Area, it displays a number of features that contribute to its overall character and sense of place. The policy, which is underpinned by the Mirfield Neighbourhood Area Design Guide 2023, sets out design expectations including the need to contribute positively to the area for instance through sympathetic use of materials, layout, building heights and scale. In addition, the policy sets out design principles to ensure that shopfronts respect and contribute to local character. The policy will not result in development.

Policy HE2: Upper Hopton Conservation Area

Potential likely significant effects

4.10 None – The policy relates to the Upper Hopton Conservation Area for which a Conservation Area Appraisal has not been prepared. In the absence of this, the Mirfield Neighbourhood Area Design Guide 2023, identifies the prevailing natural and built characteristics of the area (identified as Character Area 1 in the guidance) and the policy seeks to ensure that development contributes positively to this. The policy will not result in development.

Policy HWS1: Local Green Spaces

Potential likely significant effects

4.11 None – This policy seeks to designate two areas as Local Green Space, which are considered to meet the national requirements for this designation. The policy will not result in development.

Policy HWS2: Supporting improvements in community, health and recreation provision

Potential likely significant effects

4.12 None – This policy supports the improvement of community, health and recreational provision in the parish. It sets out particular needs, based on local engagement, including recreational spaces for younger people, parks and semi-natural green, and allotments. The policy will not result in development.

Policy TT1: Public rights of way (PROW) network and walkable neighbourhoods

Potential likely significant effects

4.13 None – This policy supports the concept of 'walkable neighbourhoods', with the aim of encouraging development proposals to help enable a shift

towards reducing reliance on private vehicles, particularly for journeys within the parish and to the town centre. The policy will not result in development.

Policy TT2: Design guidance for streets and the District Centre

Potential likely significant effects

4.14 None – This policy sets out design principles that should be considered in relation to the secondary and tertiary streets in the town. It is underpinned by the Mirfield Neighbourhood Area Design Guide 2023 and seeks to encourage walking and cycling, alongside safeguarding local character and sense of place. The policy will not result in development.

Policy EE1: Lifelong learning and skills

Potential likely significant effects

4.15 None – The policy provides support for the provision of a new lifelong learning hub in the District Centre. This will enable further access locally to further / higher education opportunities. The policy will not result in development.

Screening conclusion

4.16 Since none of the policies of the Mirfield Neighbourhood Plan are expected to directly result in development (for the reasons detailed above), they will not result in significant effects on Habitat Sites. Therefore, consideration does not need to be given to the potential impact pathways to each Habitat Site.

Chapter 5

Conclusion and next steps

5.1 At the Screening stage of the HRA, no likely significant effects are predicted on Habitat Sites as a result of the Mirfield Neighbourhood Development Plan, either alone or in combination with other policies and proposals.

Next steps

5.2 An Appropriate Assessment is not required for the Mirfield Neighbourhood Development Plan as none of the policies will result directly in development and likely significant effects from the plan can therefore be ruled out.

5.3 HRA is an iterative process and as such, this assessment should be updated if any relevant, newly available evidence or comments from key consultees are received prior to the plan being finalised. It is recommended that this report is subject to consultation with Natural England to confirm that the conclusions of the assessment are considered appropriate at this stage of plan-making.

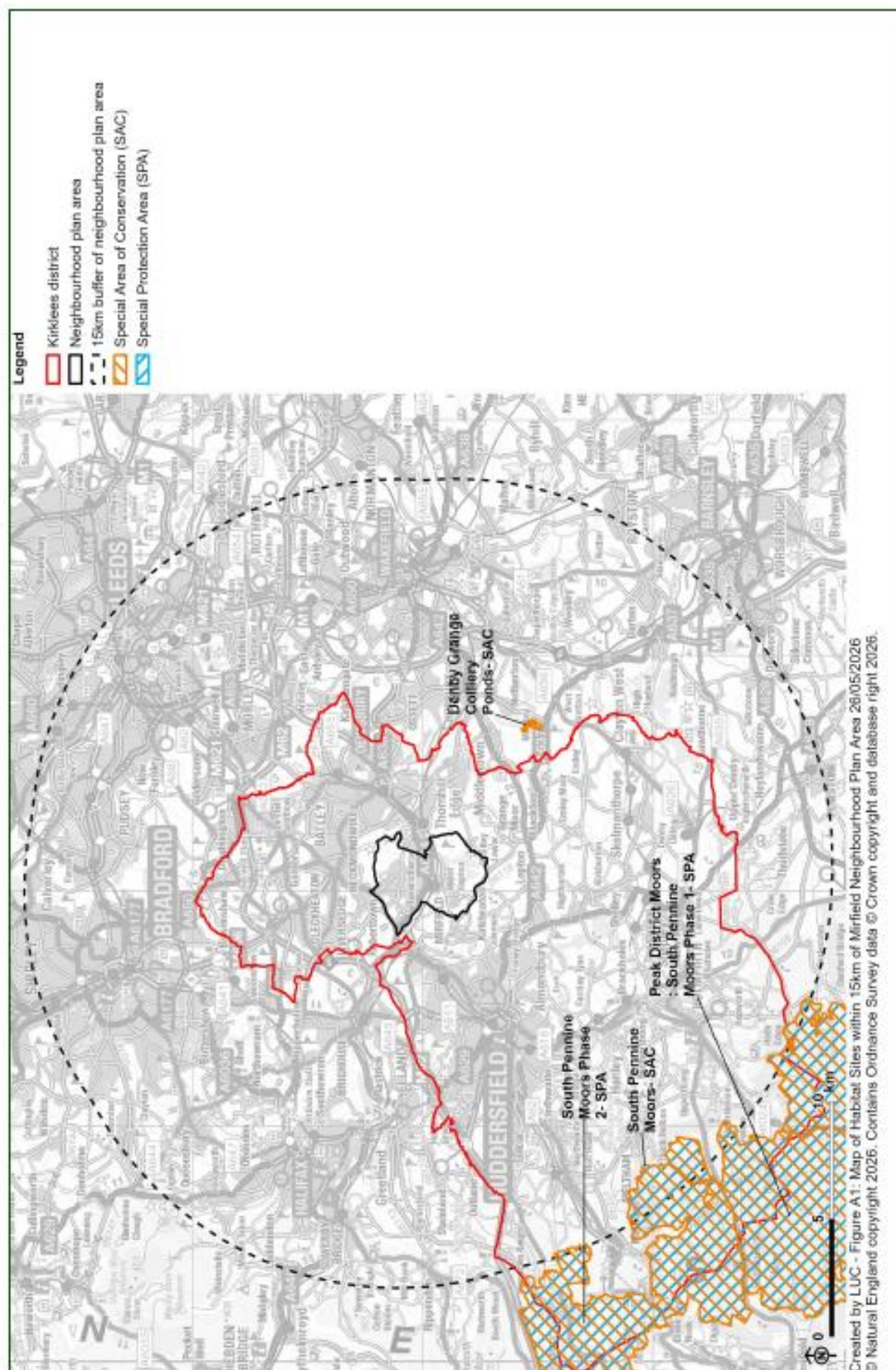
LUC
June 2026

Appendix A Map of Habitat Sites within 15km of Mirfield Neighbourhood
Plan Area

Appendix A

Map of Habitat Sites within 15km of Mirfield Neighbourhood Plan Area

Figure A1: Map of Habitat sites within 15km of Mirfield Neighbourhood Plan Area



Appendix B

Attributes of Habitat Sites

B.1 This appendix contains information on the Habitat Sites that have been scoped into the HRA. Site areas and designated features are drawn from SAC and SPA Standard Data Forms and Ramsar Site Information Sheets [See reference 27]. The overviews of sites and their locations are drawn from Natural England's Site Improvement Plans [See reference 28] Site conservation objectives are drawn from Natural England's website and are only available for SACs and SPAs [See reference 29].

Peak District Moors (South Pennine Moors Phase

1) SPA

B.2 Information sources: [See reference 30], [See reference 31], [See reference 32].

Summary of reasons for designation and conservation objectives

B.3 Qualifying species:

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

The conservation objectives are to:

B.4 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:

Appendix B Attributes of Habitat Sites

- 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.5 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 wildfires which in some areas has been added to by historical and continuing land use management practices

B.6 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.7 Low breeding success / poor recruitment: There is a strong correlation between actively kept moorland and the lower-than-expected numbers of raptors.

B.8 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.9 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 (inc. dog

Appendix B Attributes of Habitat Sites

walkers), legal activities (byway usage), hang-gliding and the flying of model aircrafts.

B.10 Air pollution: Nitrogen deposition is currently exceeding site relevant critical loads.

B.11 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.12 Vehicles: Vehicle use damages notified features and affects bird nesting activity. This can be motorbikes, quad bikes, 4x4s and pedal cycles.

B.13 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.14 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.15 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.16 Disease: The fungus-like pathogen *Phytophthora* spp. is known to be killing various species within the SAC.

B.17 Undergrazing: Undergrazing in some areas of the SAC affects both the habitats of the breeding birds and the notified feature habitats.

Appendix B Attributes of Habitat Sites

B.18 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.19 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.20 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.21 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.22 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.23 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.

Appendix B Attributes of Habitat Sites

B.24 The habitats which support this species rely on good air quality.

European golden plover

B.25 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.26 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 rich 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.27 Golden plover seek remote open moors away from significant activity and actively select wet blanket bog at altitude for breeding habitat.

B.28 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.29 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.

Appendix B Attributes of Habitat Sites

Short-eared owl

B.30 Short-eared owls are ground nesting birds that use long heather and tall rushes to provide cover for the nest.

B.31 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.32 The habitats which support short-eared owl rely on good air quality, soil health, and an appropriate hydrological regime (water quality and quantity).

B.33 This species nests on the ground and they are vulnerable to predation.

B.34 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.35 Information sources: [\[See reference 33\]](#), [\[See reference 34\]](#).

Summary of reasons for designation and conservation objectives

B.36 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*.

Appendix B Attributes of Habitat Sites

B.37 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.

The conservation objectives are to:

B.38 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.39 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.40 As for Peak District Moors (South Pennine Moors Phase 1) SPA, above.

Appendix B Attributes of Habitat Sites

European golden plover

B.41 As for Peak District Moors (South Pennine Moors Phase 1) SPA, above.

B.42 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.43 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.44 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.45 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.

Appendix B Attributes of Habitat Sites

B.46 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.47 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.48 Information sources: [\[See reference 35\]](#), [\[See reference 36\]](#)

Summary of reasons for designation and conservation objectives

B.49 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

The conservation objectives are to -

B.50 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.51 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.52 For all of the qualifying habitats, the following is the case:

B.53 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.54 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.55 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.56 The qualifying feature comprises a vegetation community that includes: heather, cross leaved heath, bilberry, carnation sedge, common cottongrass, deergrass, and sundew.

Appendix B Attributes of Habitat Sites

B.57 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.58 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.59 The qualifying feature comprises a vegetation community that includes: heather, cross leaved heath, and bilberry.

B.60 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.61 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.62 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.63 This feature is defined by the presence of deep peat (>40cm depth) and features associated with that soil type.

Appendix B Attributes of Habitat Sites

B.64 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.65 The qualifying feature comprises a vegetation community that includes: sedges, common cottongrass, bryophytes, and a number of other notable species.

B.66 For this wetland habitat type, maintaining some continuous extent of exposed, open ground surface is required to support the establishment of component species.

B.67 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.68 This qualifying feature comprises a vegetation community that includes: sessile oak, holly, alder, birch, hazel, elder, rowan, hawthorn, aspen, beech.

B.69 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.70 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,

Appendix B Attributes of Habitat Sites

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

Denby Grange Colliery Ponds SAC

B.71 Information sources: [See reference 37], [See reference 38], and [See reference 39].

Summary of reasons for designation and conservation objectives

B.72 Qualifying species:

- S1166 Great crested newt, *Triturus cristatus*

B.73 The conservation objectives are to:

B.74 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.75 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

Appendix B Attributes of Habitat Sites

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.76 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.77 Water pollution: The Environment Agency have been asked to investigate the water quality of an unconsented discharge to the pond.

B.78 Invasive species: Himalayan 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.79 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.80 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.81 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.82 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.83 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.84 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.85 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.

Appendix B Attributes of Habitat Sites

B.86 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.87 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.

References

- 1 [HM Government \(2007\) The Conservation \(Natural Habitats, &c.\) \(Amendment\) Regulations 2007 \(SI No. 2007/1843\)](#)
- 2 [HM Government \(2017\) The Conservation of Habitats and Species Regulations 2017 \(SI No. 2017/1012\), as amended by HM Government \(2019\) The Conservation of Habitats and Species \(Amendment\) \(EU Exit\) Regulations 2019 \(SI No. 2019/579\)](#)
- 3 The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated. (Source: UK Government Planning Practice Guidance)
- 4 [Department for Levelling Up, Housing and Communities \(2019\) Appropriate assessment: Guidance on the use of Habitats Regulations Assessment](#)
- 5 Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora (the 'Habitats Directive').
- 6 Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the 'Birds Directive').
- 7 [The network of protected areas identified by the EU: European Commission \(2008\) Natura 2000](#)
- 8 [Department for Environment, Food and Rural Affairs \(2021\) Changes to the Habitats Regulations 2017](#)
- 9 [Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales \(2021\) Habitats regulations assessments: protecting a European site](#)
- 10 [Ministry of Housing, Communities and Local Government \(2024\) National Planning Policy Framework \(paragraph 194\)](#)
- 11 [David Tyldesley & Associates \(undated\) The HRA Handbook \(Section A3\) – A subscription based online guidance document](#)
- 12 [Department for Environment, Food and Rural Affairs, Natural England, Welsh Government and Natural Resources Wales \(2021\) Habitats regulations assessments: protecting a European site](#)
- 13 Regulations 5 of the Habitats Regulations 2017.

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- 14 [Department for Levelling Up, Housing and Communities \(2019\) Appropriate assessment: Guidance on the use of the Habitats Regulations Assessment](#)
 - 15 European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC
 - 16 [David Tyldesley & Associates \(undated\) The HRA Handbook \(Section A3\)](#) – A subscription based online guidance document
 - 17 [Natural England \(undated\) Conservation Objectives for European Sites](#)
 - 18 In line with the CJEU judgement in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening.
 - 19 In addition to SAC and SPA citations and conservation objectives, key information sources for understanding factors contributing to the integrity of the sites include (where available) conservation objectives supplementary advice and Site Improvement Plans prepared by Natural England: [Natural England \(undated\) Site Improvement Plans by region](#)
 - 20 Chapman, C. & Tyldesley, D. (2016) Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects 0 a review of authoritative decisions. Natural England Commissioned Reports, Number 207
 - 21 Obtained from the [Natural England website](#).
 - 22 [Natural England \(undated\) Conservation Objectives for European Sites](#)
 - 23 SI No. 2017/2012.
 - 24 ECJ Case C-127/02 "Waddenzee" Jan 2004.
 - 25 [David Tyldesley & Associates \(undated\) The HRA Handbook \(Section A3\)](#) – A subscription based online guidance document
 - 26 [David Tyldesley & Associates \(undated\) The HRA Handbook \(Section A3\)](#) – A subscription based online guidance document
 - 27 [JNCC \(2019\) UK Protected Area Datasets for Download](#)
 - 28 [Natural England \(2014-2015\) Site Improvement Plans: East of England](#)
 - 29 [Natural England \(undated\) Conservation Objectives for European Sites](#)

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- 30 Natural England (2014 & 2019) European Site Conservation Objectives for Peak District Moors (South Pennine Moors Phase I) SPA. Citation (2014) and Conservation Objectives (2019).
<https://publications.naturalengland.org.uk/publication/6145889668169728>
- 31 Natural England (2014) Site Improvement Plan: South Pennine Moors,
<https://publications.naturalengland.org.uk/publication/5412834661892096>
- 32 Natural England (2019) Supplementary advice on conserving and restoring site features: Peak District Moors (South Pennine Moors Phase 1) SPA, <https://designatedsites.naturalengland.org.uk>
- 33 Natural England (2014 & 2019) European Site Conservation Objectives for South Pennine Moors (Phase 2) SPA. Citation (2014) and Conservation Objectives (2019).
<https://publications.naturalengland.org.uk/publication/4885083764817920>
- 34 Natural England (2018) Supplementary advice on conserving and restoring site features: South Pennine Moors (Phase 2) SPA,
<https://designatedsites.naturalengland.org.uk>
- 35 Natural England (2014 & 2018) European Site Conservation Objectives for South Pennine Moors SAC. Citation (2014) and Conservation Objectives (2018).
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- 36 Natural England (2019) Supplementary advice on conserving and restoring site features: South Pennine Moors SAC,
<https://designatedsites.naturalengland.org.uk>
- 37 Natural England (2014 & 2018) European Site Conservation Objectives for Denby Grange Colliery Ponds SAC. Citation (2014) and Conservation Objectives (2018).
<https://publications.naturalengland.org.uk/publication/5474466230435840>
- 38 Natural England (2014) Site Improvement Plan: Denby Grange Colliery Ponds,
<https://publications.naturalengland.org.uk/publication/5650492214476800>
- 39 Natural England (2014) Supplementary advice on conserving and restoring site features: Denby Grange Colliery Ponds SAC.
<https://designatedsites.naturalengland.org.uk>

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Environmental Impact Assessment / Landscape Planning & Assessment
Landscape Management / Ecology / Historic Environment / GIS & Visualisation

5.3 Natural England

Date: 31 July 2026
Our ref: 552327
Your ref: Mirfield Neighbourhood Plan

Planning Policy Group
Kirklees Council

BY EMAIL ONLY
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Dear Sir/Madam

Mirfield Neighbourhood Plan - SEA & HRA Screening Consultation

Thank you for your consultation on the above dated 29 June 2026.

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

Further information on when to consult Natural England on planning proposals is here- [Planning and transport authorities: get environmental advice on planning - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/planning-and-transport-authorities-get-environmental-advice-on-planning)

Natural England is not able to provide specific advice on this application and therefore has no comment to make on its details. Although we have not been able to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes, we offer the further advice and references to Standing Advice.

Natural England advises Local Planning Authorities to use the following tools to assess the impacts of the proposal on the natural environment:

Impact Risk Zones:

Natural England has provided Local Planning Authorities (LPAs) with Impact Risk Zones (IRZs) which can be used to determine whether the proposal impacts statutory nature conservation sites. Natural England recommends that the LPA uses these IRZs to assess potential impacts. If proposals do not trigger an Impact Risk Zone then Natural England will provide an auto-response email.

Standing Advice:

Natural England has published Standing Advice. Links to standing advice are in Annex A

If after using these tools, you consider there are significant risks to statutory nature conservation sites or protected landscapes, please set out the specific areas on which you require Natural England's advice.

Further information on LPA duties relating to protected sites and areas is here- [Protected sites and areas: how to review planning applications - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/consultations/protected-sites-and-areas-how-to-review-planning-applications)

Further guidance is also set out in Planning Practice Guidance on the natural environment [Natural environment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/natural-environment) and on Habitats Regulations Assessment [Appropriate assessment - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/appropriate-assessment)

Non detailed advice from Natural England does not imply that there are no impacts on the natural environment. It is for the local planning authority to determine whether or not the proposal is consistent with national and local environmental policies. Other bodies and individuals may provide information and advice on the environmental value of this site and the impacts of the proposal on the natural environment to assist the decision making process.

Should the proposal change, please consult us again.

Yours faithfully

Sally Wintle
Consultations Team

5.4 Historic England



Kirklees Planning Policy Group

Planning and Building Control

Place – Skills and Regeneration

Kirklees Council

Email: local.development@kirklees.gov.uk

Our ref: PL00802440

Your ref:

Telephone 01904601879

3rd August 2026

Environmental Assessment Regulations 2004: Regulation 9

Mirfield Neighbourhood Plan: SEA / HRA Screening Opinion, Aug 2026

Dear Kirklees Planning Policy Group,

Thank you for consulting Historic England on the above Strategic Environment Assessment (SEA) / Habitats Regulations Assessment (HRA) Screening Opinion. Historic England is a public organisation that protects and brings new life to the heritage that matters to us all, so it lives on and is loved for longer. We are pleased to offer our comments.

Based on the analysis set out in the Screening Opinion, and within the areas of interest to Historic England, we agree that the emerging plan is unlikely to result in significant environmental effects and, therefore, it does not need SEA and/or a Habitats Regulations Assessment (HRA).

In coming to this view please note: the screening report should not rely solely on the absence of allocations but should clearly explain why the Plan's heritage and design policies are unlikely to generate significant environmental effects.

As such, from the perspective of our area of interest, the need for SEA and/or a Habitats Regulations

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Assessment (HRA) of the draft plan can be screened out as it is unlikely to result in significant environmental effects positive or negative. However, the views of the other two statutory consultees should be taken into account before you conclude on whether SEA is needed. According to Regulation 11 of the above Regulations, I look forward to receiving a copy of your determination in this case.

We reserve the right to review our opinion should the plan change materially in its content and direction. Please do not hesitate to contact us if you have any queries relating to our comments or would like any further information.

Yours sincerely

John Lambe

John Lambe

Historic Places Adviser

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5.5 Environment Agency



Kirklees Council
Planning Policy Team ([via email](#))

Our ref: Mirfield NDP/ Mirfield
Your ref: Mirfield NDP Reg 16

cc Mirfield Town Council

Date: 03 August 2026

Dear Planning Policy Team

**REGULATION 16 – PUBLIC CONSULTATION
TOWN AND COUNTRY PLANNING ACT 1990, THE LOCALISM ACT 2011 AND
THE NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012 (AS
AMENDED)**

SUBMISSION OF MIRFIELD NEIGHBOURHOOD DEVELOPMENT PLAN

Thank you for inviting the Environment Agency to comment upon the Submission of the Mirfield Neighbourhood Development Plan and supporting documents, including screening of the Strategic Environmental Assessment and Habitat Regulations Assessment.

We note that Mirfield Town Council has formally submitted a Neighbourhood Development Plan for the parish area in conjunction with the local community. This process is in accordance with the Town and Country Planning Act 1990, the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 (as amended).

Environment Agency position

The Environment Agency do not have any objections to the Submission of the Mirfield Neighbourhood Plan (MNP).

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www.gov.uk/environment-agency
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We will take the opportunity to comment on key elements that fall within our land-use planning remit and, importantly, where we consider small improvements could be made to deliver clarity and maximise opportunities.

Key headlines will frame that we continue to support key elements of sustainable development, design and an emphasis on the value of green infrastructure. We remain cautious that the Submission MNP falls short in raising the profile of climate change, while also it doesn't quite underline the need to conserve and enhance the interaction development has with the water environment. We consistently champion this aspect as the blue environment.

The Environment Agency maintains its support to contribute towards future development and key issues that have been identified of importance by local communities. We will however underline key omissions that we consider are missed opportunities for positive outcomes and you may want to reflect upon these in the future.

Screening Opinion for Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment (HRA)

We have reviewed and agree with the conclusion in the SEA/ HRA report that no further action is requirement. We recommend that this position should be monitored and reviewed, alongside the development of the Kirklees Council Local Plan.

Neighbourhood Context, Characteristics & Sustainable Development

Neighbourhood Development Plan Vision and Objectives

The Environment Agency has no critical comment on the Vision or Objectives. We note that climate change and flood risk are each considered as major issues for the Mirfield area in the Local Plan and yet remain omitted in this Submission MNP.

We again underline that there is a missed opportunity to better reflect and promote the valuable natural asset of water resources, while integrating Green-Blue Infrastructure as potential mitigating solutions.

We welcome the added reference to the River Aire but highlight the limited consideration of other named watercourses, becks or tributaries.

Climate Change

The Environment Agency recognises that a Climate Emergency was declared by Kirklees Council in 2019. We support and welcome an underlined link between climate change resilience and likelihood of extreme weather episodes, including increased flooding events.

This remains of fundamental importance to the remit of the Environment Agency.

We continue to strongly advocate that in the context of climate change mitigation and/ or resilience, appropriate reference should be provided to adequately reflect measures that seek to conserve and enhance the water environment, natural resources and biodiversity.

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Such an approach should be integrated through all future Local Plan documents and cascaded to the MNP. Policies that promote the wider benefits of Green-Blue Infrastructure could be reinforced and supporting text used as a clear justification to combat the negative effects of climate change.

Reference to only flood risk mitigation is limited. It omits obvious development tools to possibly exploit win-win outcomes with ecology, such as: sustainable drainage systems (SuDS), flood risk standing advice, opportunities for flood storage and integration with natural flood management (NFM). We acknowledge there is indirect reference to some of these measures in the design guide.

Flood Risk

Flood risk should be a major consideration in your Plan. We acknowledge that the Submission MNP will likely seek to avoid duplication with other aspects of the Local Development Plan and welcome the cross-reference to related policies. Reference to flood, flooding and/or flood risk should ideally include reference to both fluvial (river) and pluvial (surface) water flood risk.

These aspects will continue be a challenge of particular relevance to aspects of physical development, such as housing, new business, retail and employment land. Relevant signposting to national and local plan policy and guidance may assist applicants. We welcome the drafted supporting text to provide evidence and a justification.

We note that there is no reference to the Strategic Flood Risk Assessment (SFRA). At the very least, the Submission MNP should ideally alert all stakeholders to the importance of the SFRA and its mapping when considering any future development in areas of high flood risk.

It is recommended that you consult your Lead Local Flood Authority (LLFA) regarding the proposed development and management of surface water within the Submission MNP. The LLFA is now the responsible authority for commenting on the surface water drainage arrangements.

Site Allocations

We note that the Submission MNP does not include any specific housing or employment land site allocations. Any broad political ambitions or community aspirations should be guided by both national and local planning policy.

The Environment Agency further notes that, while importantly underlining valued community aims, Neighbourhood Plans are limited in their overall influence. As such we understand the Plan does not allocate specific sites for development and when supporting existing or promoting any new allocations it will work in accordance with the Kirklees Council Local Plan. We acknowledge that to allocate within MNP would only duplicate any allocation carried out by Kirklees Council.

In terms of flood risk most housing development remains either a more or highly vulnerable land-use classification. From an advance stage we would prefer that this highlighted when considering future housing proposals, particularly windfall

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development. These comments may be equally applied to new business, retail and employment land, including reference to the relevant vulnerability classification.

The Environment Agency will conclude that the Submission MNP will therefore follow the instruction and direction of the Kirklees Local Plan.

Water Framework Directive

Any new development should take the objectives of the Water Framework Directive into account. The Water Framework Directive (WFD) is a European Directive that seeks improvements to the water environment to ensure that they are achieving a 'good' overall ecological status (or potential). The WFD sets targets for all waterbodies to achieve 'good' status or potential by 2027 at the latest (unless a lower status objective is proposed). The WFD is implemented regionally by way of River Basin Management Plans (RBMPs). You can access the details of the relevant catchments and watercourses at our Catchment Data Explorer pages <https://environment.data.gov.uk/catchment-planning/>

We would strongly support a requirement for developers to carry out WFD actions when they are developing on sites adjacent to the relevant stretches of river. Where applicable, your plan could include a policy encouraging the removal of weirs, installation of fish passes and improvements to the morphology of the rivers to improve watercourses so that they achieve 'good' status.

Water Resources and Quality

Effective management is important to protect water quality and as a natural resource, both for groundwater and surface water. Drainage misconnections can occur in new developments, redevelopments, extensions or through refurbishment. Developers must ensure that they do not connect any foul drainage (including sinks, showers, washing machine/dishwasher outlets and toilets) to a surface water sewer, as this can send polluted water into watercourses. Similarly, developers should ensure that they do not connect surface water drainage (e.g. roof gutter downpipes) into foul sewers as this can cause overloading of the foul sewer during heavy rainfall.

Polluted surface water flows from areas like car parks or service yards should always have sufficient pollution prevention measures in place to ensure the protection of groundwater and watercourses from specific pollutants like petrol (hydrocarbons) and suspended solids. Developers should follow appropriate pollution prevention guidance when designing formal drainage for large areas of hardstanding.

Ideally, applicants should introduce more 'surface' or 'green' drainage solutions to aid improvements in water quality, such as swales along hardstanding boundaries, or a more advanced reed bed system for larger sites. These solutions are easier to access and maintain than engineered solutions like petrol/oil interceptors, which require regular maintenance to ensure they operate correctly.

We note that our suggested has not been included for a policy or clear signposted reference elsewhere which requires a clear pathway in the delivery of and expectations from Biodiversity Net Gain through all development, as part of the adopted West Yorkshire Local Nature Recovery Strategy (LNRS).

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Groundwater

Protecting surface and groundwater from potentially polluting development and activity is a primary responsibility for the Environment Agency.

Sources of groundwater supply will be protected using the SPZs identified in the Environment Agency's existing mapping. The approach is documented in our Groundwater Protection: Principles and Practice, within SPZ1, we will normally object in principle to certain types of development.

Within Source Protection Zones 2 and 3, a risk-based approach will be applied to the consideration of development proposals. If neither the use of a soakaway or a direct discharge is possible, a system without any discharge (such as a sealed cess pool or chemical toilet) may be considered. Given their capacity to overflow and discharge raw sewage directly into the water environment, such systems are usually a last resort. These types of systems also require regular maintenance, they can create additional carbon emissions through excess traffic movements, which can impact on the overall sustainability of a proposal.

We would welcome these details are reflected in your Plan so that applicants are aware of the most sustainable options for their foul drainage when they are not able to connect to the main foul sewer network. In particular, we would like you to highlight that where a non-mains drainage solution is proposed, the applicant must submit the relevant Foul Drainage Assessment form with their planning application.

We note that neither groundwater nor the need to connect to the main foul sewer network have been included in the Submission MNP.

Green Infrastructure And Biodiversity

Nature does not recognise borders. Strategic approaches and the integration with partnership working in the LNRS will be pivotal to maximise the statutory application of Biodiversity Net Gain (BNG). The water environment and habitats should be identified as key assets, both in terms of resource and quality to support other environmental goals.

We continue to provide limited support to the approach for green space and associated infrastructure. The Environment Agency still insists that broader scope is provided, and stakeholder expectations are established, to reflect that the water environment also forms part of the natural environment.

Indeed, watercourses can perform an essential role in the enhancement of biodiversity and ecological habitats. We particularly would like to emphasise that watercourses can also benefit from the application of BNG and could perform a key role in the adaptation to and mitigation from climate change.

Equally, we would suggest that the MNP should consider reference to and alignment with the emergence of the LNRS, which will seek to provide a pivotal link between vision and development across West Yorkshire. We do note there is reference to biodiversity opportunity zones and (existing) Local Wildlife Sites. Water (and Blue Infrastructure) is not underlined despite this asset being a key aspect of nature

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recovery and biodiversity net gain opportunities in broad corridors, such as the River Calder and its tributaries.

We would invite that a greater emphasis is applied to the opportunities of Green-Blue Infrastructure. We are uncertain if adequate links to the Local Plan have been made in the Submission MNP and that future development ambiguity has not been avoided.

Finally, in Policy GE3: Biodiversity and Habitats we would recommend that the text is changed to underline that mandatory nature of BNG. We suggest the text should read: *"Development proposals will be required to deliver...unless satisfactory evidence is presented to demonstrate..."*

Site Design

The Environment Agency welcomes relevant direction presented to developers that all proposals will need to address issues of sustainability. We would like to propose that a positive emphasis here could be revised to promote sustainability opportunities. A drive towards delivering the conservation and enhancement of natural environment elements could still be strengthened however by clearly defining, where and how, tools such as Biodiversity Net Gain and Climate Change Mitigation could deliver meaningful improvement.

We continue to underline that this has not been added or signposted to information elsewhere.

Sustainable Construction

The Submission MNP could also positively contribute to your community by reducing costs through sustainable construction.

Neighbourhood planning is an opportunity for communities to encourage efficient water and waste management systems in new buildings. You could also help to promote the use of sustainable materials in construction and encourage energy efficiency measures for new builds. These measures will reduce the cost of construction for developers and help to reduce utility bills for those occupying the building. This will also contribute to the efficient environmental management by reducing emissions and improving air quality. We welcome the inclusion of these details in the design guide and also the framed emphasis to be both efficient and innovative when developers deliver solutions.

We advocate and support suitable details for rainwater harvesting and waste collection in design. We would welcome the signposting to the design guide but question if this is adequate to provide the necessary instruction to developers and stakeholders such as local residents. scope has been given to both the process and material selection to reflect energy efficiency and climate change adaptation.

We hope that the structured detail of this reply will enable Mirfield Town Council to take corrective action as necessary and that the Mirfield Neighbourhood Development Plan becomes an integral component of the local development plan for

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the community.

Yours sincerely

**Mr. Neil Wallace
Planning Specialist**

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