

UDP

KIRKLEES UNITARY DEVELOPMENT PLAN

WRITTEN STATEMENT – REVISED WITH EFFECT FROM 28 SEPTEMBER 2007

As a result of a Direction issued by the Secretary of State for Communities and Local Government, from 28 September 2007 some of the policies in the UDP continue to have effect ('saved policies') and some do not as they were not saved. This updated version of the UDP contains explanatory text for each not saved policy. Further information about policy saving can be found on the Kirklees website at

<http://www.kirklees.gov.uk/business/regeneration/udp/savedPolicies.aspx>

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KIRKLEES UNITARY DEVELOPMENT PLAN

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3. THE NATURAL ENVIRONMENT

STRATEGY

- 3.1 The natural environment comprises topography or landform together with plant and animal habitats. However, few, if any, of these elements can be described as truly "natural" in view of the many changes wrought over centuries by man through building, quarrying, tree clearance and agricultural practices. Man-made elements forming part of the natural environment can have value through cultural or historic significance. An essential role of the plan is to safeguard the natural environment, primarily by protecting valuable areas from detrimental development, and also to seek its enhancement when development is permitted, for example, by requiring tree planting as a means of increasing habitat quality.
- 3.2 A key influence on the natural environment is the management of land, which is largely beyond planning control. However, the Council can seek to influence this by its current practice of increasingly managing its own land in the interests of nature conservation and the wider environment, by concluding management agreements with owners of land with particular environmental value and by more general advocacy of good environmental practices. Voluntary groups have an important role in this process and their involvement will be encouraged.

~~**NE1 THE NATURAL ENVIRONMENT WILL BE SAFEGUARDED WHEN DEVELOPMENT PROPOSALS ARE CONSIDERED.**~~

This policy was not saved because the issues it refers to are covered in PPS 9 the relevant text of which follows: ¹

<p><i>1 (ii) Plan policies and planning decisions should aim to maintain, and enhance, restore or add to biodiversity and geological conservation interests. In taking decisions, local planning authorities should ensure that appropriate weight is attached to designated sites of international, national and local importance; protected species; and to biodiversity and geological interests within the wider environment.</i></p>

NATURE CONSERVATION

- 3.3 The Council has adopted a Charter for Wildlife and an Ecological Strategy committing it to taking a series of actions to promote nature conservation interests. The role of the planning

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process is to seek to protect habitats from the adverse consequences of development and to secure habitat enhancement where permission for development is granted. Tree Preservation Orders and management agreements are also to be employed to safeguard nature conservation interests.

Site Protection

- 3.4 There are three categories of site of nature conservation value which are afforded specific protection; Sites of Special Scientific Interest (SSSI's), Sites of Scientific Interest (SSI's) and Sites of Wildlife Significance (SWS's). These sites are shown on the proposals map. All except five, including the two canals are located within the green belt and are therefore afforded protection from many development pressures. However, conflict could arise where uses appropriate in the green belt are proposed, particularly development to accommodate outdoor sport or recreation.

Sites of Special Scientific Interest and Special Protection Areas

- 3.5 SSSI's are sites of national significance notified by English Nature and are subject to statutory protection. Local planning authorities must consult English Nature on any planning application involving land within, or in the vicinity of, an SSSI. Special Protection Areas (SPA's) are designated by the Department of the Environment on the advice of English Nature as a result of the requirements of the European Community Council. The government is obliged to provide for the protection, management and control of all species of naturally occurring wild birds and to take special measures to conserve the habitat of rare and migratory birds. This requirement is satisfied by the designation of SPA's within which appropriate steps have to be taken to avoid pollution or deterioration of the habitat and to protect the birds. All SPA's in the UK are also notified SSSI's. There are currently 2 SSSI's in Kirklees, one of which is also an SPA. The SPA will be subject to management arrangements set out in an integrated strategy and conservation action plan produced for the South Pennine Moors by the Standing Conference of South Pennine Authorities, English Nature, the RSPB, Yorkshire Water and North West Water. The other SSSI at Honley Station cutting is a geological formation and there are no specific management arrangements for this site.

~~NE2 DEVELOPMENT PROPOSALS WITHIN OR IN THE VICINITY OF A SITE OF SPECIAL SCIENTIFIC INTEREST WILL NOT BE PERMITTED UNLESS THE CHARACTER AND QUALITIES OF THE SITE CAN BE MAINTAINED.~~

~~NE2A DEVELOPMENT HAVING A SIGNIFICANT EFFECT ON THE ECOLOGICAL OBJECTIVES OR INTEGRITY OF A SPECIAL PROTECTION AREA WILL NOT BE PERMITTED UNLESS THERE IS NO ALTERNATIVE SITE OR BETTER PRACTICAL APPROACH AVAILABLE AND THE DEVELOPMENT CAN BE SHOWN TO BE PURSUANT TO AN OVERRIDING PUBLIC INTEREST. WHERE A SITE HOSTING A PRIORITY HABITAT OR SPECIES WILL BE AFFECTED DEVELOPMENT WILL NOT BE PERMITTED UNLESS THERE IS NO~~

~~ALTERNATIVE AND THE DEVELOPMENT IS REQUIRED FOR REASONS OF HUMAN HEALTH, PUBLIC SAFETY OR ACHIEVING BENEFITS OF PRIMARY IMPORTANCE TO THE ENVIRONMENT, OR PURSUANT TO THE ADVICE OF THE EUROPEAN COMMISSION.~~

These policies were not saved because the issues they refer to are covered in PPS9. The relevant text is as follows:²

International Sites

6. *The most important sites for biodiversity are those identified through international conventions and European Directives. Local planning authorities should identify these sites on proposals maps and may need to cross-refer to the statutory protection given to these sites in the explanatory texts in local development documents. Since they enjoy statutory protection specific policies in respect of these sites should not be included in local development documents (see also Part I of ODPM/Defra Circular ODPM 06/2005, Defra 01/2005). The Habitats Regulations do not provide statutory protection for potential Special Protection Areas (pSPAs) or to candidate Special Areas of Conservation (cSACs) before they have been agreed with the European Commission. For the purposes of considering development proposals affecting them, as a matter of policy, the Government wishes pSPAs and cSACs included in a list sent to the European Commission, to be considered in the same way as if they had already been classified or designated. Listed Ramsar sites, also as a matter of policy, should receive the same protection as designated SPAs and SACs.*

Sites of Special Scientific Interest (SSSIs)

7. *Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection under the planning system (see also Part II of ODPM/Defra Circular ODPM 06/2005, Defra 01/2005) through appropriate policies in plans.*
8. *Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), planning permission should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that*

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make it of special scientific interest and any broader impacts on the national network of SSSIs. Local authorities should use conditions and/or planning obligations to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest.

Sites of Scientific Interest

- 3.6 SSI's are sites of nature conservation value in a West Yorkshire context. They are identified on the basis of work undertaken by the Ecological Advisory Service and the West Yorkshire Regionally Important Geological Sites Selection Panel. There are 21 SSI's in Kirklees. Unlike SSSI's, owners of land designated as SSI's are not required to give notification of their intention to make changes to the management of the land. None of the existing SSI's is currently subject to management agreements and landowners may be unaware of the site's significance for nature conservation. It will normally be inappropriate to permit development which would adversely affect an SSI. However, in some cases the need for development may be such that it overrides the normal presumption in favour of protecting such sites.

NE3 DEVELOPMENT PROPOSALS WITHIN OR IN THE VICINITY OF A SITE OF SCIENTIFIC INTEREST WILL NOT NORMALLY BE PERMITTED UNLESS THERE IS AN EXCEPTIONAL REQUIREMENT FOR THE DEVELOPMENT AND MEASURES WILL BE TAKEN TO MINIMISE ANY DETRIMENT TO THE SITE.

Sites of Wildlife Significance

- 3.7 These are sites which have been identified by local conservation groups rather than a comprehensive survey of the District, and are shown on the proposals map. None is currently managed in the interest of nature conservation. While not having a county-wide value, their significance for nature conservation is based on their contribution to the range and diversity of wildlife in Kirklees. As such it is appropriate to seek to secure a continuing role for nature conservation when development is proposed which would adversely affect an SWS.

NE4 DEVELOPMENT PROPOSALS WHICH WOULD AFFECT A SITE OF WILDLIFE SIGNIFICANCE WILL NOT NORMALLY BE PERMITTED UNLESS PROVISION CAN BE MADE TO MAINTAIN THE SITE'S ROLE FOR NATURE CONSERVATION.

Local Nature Reserves

- 3.8 An SSI or SWS can also be given the status of Local Nature Reserve, which offers a mechanism for the management of sites of nature conservation importance. LNR's can be established by the Council, with the co-operation of landowners. Local authorities have to

consult English Nature about establishing LNR's and various bylaws may be used to protect them. In Kirklees there are 3 LNR's, at Upper Park Wood, Honley; Dalton Bank, Huddersfield; and Spen Valley, Ravensthorpe. The Council has also approved in principle the designation of a further 5 sites. Because LNR's are a means of securing management of sites which are designated as SSI's or SWS's they are not shown as specific allocations on the proposals map. The Council will look at opportunities for designating further LNR's.

Wildlife Corridors

- 3.9 The Kirklees Ecological Strategy identified the need to protect and strengthen links between areas of semi-natural habitat in order to accommodate the range of needs of wildlife for feeding, breeding and dispersal. This concept underlies the green corridor policy which is intended to promote such links within urban areas.³ Within the countryside there is an equivalent role for wildlife corridors linking, if possible, with green corridors. The topography of Kirklees suggests that the main river valleys and their tributaries are the most significant corridors for wildlife, containing as they do watercourses and water areas frequently with wooded margins. SSI's and SWS's together with woodlands provide other links in a pattern of wildlife corridors.
- 3.10 A number of wildlife corridors based on the main river valleys are shown on the proposals map. Smaller watercourses and valleys have not been designated as wildlife corridors because the extent of current information is considered to be inadequate to justify the definition of boundaries. However, ecological assessment work is on going and further sites of value as wildlife corridors may be found and it is likely that unpolluted watercourses in rural areas will be found to be of importance to wildlife.
- 3.11 As wildlife corridors are located within the green belt they are afforded protection from most development. However, where development proposals which are likely to affect wildlife corridors satisfy green belt requirements, it will be necessary to ensure that they are implemented in such a way as to maintain the continuity of the corridor, and protect the nature conservation value of the land affected.

NE5 DEVELOPMENT PROPOSALS INVOLVING LAND IDENTIFIED ON THE PROPOSALS MAP AS PART OF A WILDLIFE CORRIDOR SHOULD MAKE PROVISION FOR THE RETENTION OF THE CORRIDOR AND THE PROTECTION OF THE WILDLIFE VALUE OF THE LAND.

- 3.12 The protection of wildlife corridors from the adverse consequences of development will be of benefit to nature conservation. However, wildlife interests are frequently prejudiced by proposals to improve the drainage of agricultural land, to carry out forestry schemes and to undertake other land management measures. Within wildlife corridors it will be appropriate to seek the modification or avoidance of such works through management agreements especially where there will be eligibility for grant assistance for ecologically acceptable

³ See chapter 2 paragraphs 2.19 and 2.29

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practices from MAFF and other sources. The Council will seek the co-operation of landowners, voluntary and statutory bodies and adjoining local authorities to ensure that the interests of nature conservation are secured.

Water and Wetlands

- 3.13 Water areas in Kirklees vary from large, mainly acidic, reservoirs to fast flowing and virtually unpolluted streams most of which drain into the slower flowing and heavily polluted River Calder. Along the river valleys there are the remnants of mill ponds, often stagnant and reed filled, some of which are fished. Elsewhere the occasional pond or pool occurs, perhaps as a result of previous mineral extraction. There are, however, no significant areas of marshland or other wetland in Kirklees.
- 3.14 Two water areas, Blackmoorfoot Reservoir and Brownhill Reservoir are designated as SSI's.
- 3.15 There is continuing pressure for the drainage of small water areas. Under normal circumstances there are no planning powers to prevent drainage. However, where development is proposed on a site containing a water area it is possible for the Council to seek its retention by condition or agreement linked to a grant of planning permission.

NE6 WHERE IT IS PROPOSED TO DEVELOP A SITE CONTAINING A WATER AREA PLANNING PERMISSION WILL NORMALLY BE SUBJECT TO A CONDITION OR LEGAL AGREEMENT TO RETAIN THE WATER AREA.

- 3.16 Where development requires flow balancing arrangements to deal with storm water drainage or improvements to increase the capacity of a watercourse, the opportunity may exist to engineer these requirements in such a way that water habitats are enhanced rather than destroyed. In this respect the Environment Agency has a statutory responsibility to consider the interests of nature conservation.

~~**NE7 WHERE DEVELOPMENT PROPOSALS INCLUDE IMPROVEMENTS TO LAND DRAINAGE, PLANNING PERMISSION WILL NORMALLY BE SUBJECT TO A CONDITION OR LEGAL AGREEMENT TO SECURE MEASURES WHICH WILL PROTECT NATURE CONSERVATION INTERESTS.**~~

This policy was not saved because the issues it refers to are covered in PPS 9, the relevant text of which follows:⁴

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Biodiversity within Developments

14. *Development proposals provide many opportunities for building-in beneficial biodiversity or geological features as part of good design. When considering proposals, local planning authorities should maximise such opportunities in and around developments, using planning obligations where appropriate.*

LANDSCAPE

- 3.17 Kirklees contains a diversity of landscape ranging from gritstone moorland in the west to undulating mature farmland in the east. The landscape is subject to constant change arising from factors such as loss of tree cover, hedgerows and ponds, decay of stone boundary walls and changes in the vegetation cover. Many of these changes are attributable to changing agricultural and forestry practices stimulated by financial incentives from the European Community and national government and by changing taxation structures. The landscape is also affected by the spread of urban development. Although this is largely restricted to the periphery of the main urban areas as a result of green belt policy, the re-use and adaptation of disused rural buildings and the introduction of development involving the keeping of horses has on occasion led to a noticeable degree of suburbanisation.
- 3.18 With the exception of a number of areas on the periphery of the built-up areas which have open land designations⁵, all the countryside in Kirklees is within the green belt. Green belt policies and policies for countryside recreation and mineral extraction set out requirements for landscape conservation which proposed developments will need to satisfy.

Areas of High Landscape Value

- 3.19 Areas of high landscape value are defined on the proposals map. Within these areas development proposals will be considered in terms of their impact on the landscape. Should this impact be such that there would be a serious threat to landscape quality which could not be overcome by proposed measures to screen the development, it will be inappropriate to grant planning permission.
- 3.20 Areas of high landscape value in Kirklees tend to be uplands (the river valleys being largely urbanised) which are particularly sensitive to the effect of changing agricultural practice and declining agricultural viability. Reduced investment in the maintenance of buildings and walls and in woodland management brings about deterioration in the visual quality of key elements in the landscape. This can be exacerbated by the consequences of inappropriately designed building conversions, the creation of garden areas and the introduction of horse stabling, grazing and exercising, as new uses replace agriculture.

⁵ Urban greenspace (chapter 2, paragraphs 2.11 – 2.14) or provisional open land (chapter 2, paragraphs 2.15 – 2.18)

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- 3.21 The deterioration of the landscape in these areas and the change and decline in the agricultural system which gave rise to many of the established landscape features are therefore inextricably linked. Whilst there is no realistic prospect of a return to former agricultural and woodland management, it is possible to secure measures to conserve or enhance landscape quality in association with the grant of planning permission for replacement uses. As the areas of high landscape value are within the green belt, planning permission is only likely to be granted for small-scale development although, exceptionally, road building, quarrying or waste disposal may be permitted. Measures to protect or create landscape features where development is permitted will help to minimise the potential adverse consequences for the landscape as agriculture gives way to other uses.
- 3.22 It will be particularly important to consider the treatment of land associated with a development proposal. For example, where a barn conversion is proposed within an agricultural holding, measures could be taken to improve the landscape value of surrounding land within the holding. These measures could include the provision of planted areas or reconstruction of boundary walls around the building.

~~**NES DEVELOPMENT WHICH WOULD ADVERSELY AFFECT LANDSCAPE QUALITY WILL NOT BE PERMITTED WITHIN AREAS OF HIGH LANDSCAPE VALUE. IN THESE LOCATIONS PARTICULAR ATTENTION SHOULD BE PAID TO SITING, DESIGN AND CONSTRUCTION MATERIALS AND THE TREATMENT OF ASSOCIATED LAND.**~~

This policy was not saved because it has been superseded by the content of PPS7 whereby landscape quality is replaced by landscape character. The relevant text is as follows: ⁶

Local landscape designations

24. *The Government recognises and accepts that there are areas of landscape outside nationally designated areas that are particularly highly valued locally. The Government believes that carefully drafted, criteria-based policies in LDDs, utilising tools such as landscape character assessment, should provide sufficient protection for these areas, without the need for rigid local designations that may unduly restrict acceptable, sustainable development and the economic activity that underpins the vitality of rural areas.*

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25. *Local landscape designations should only be maintained or, exceptionally, extended where it can be clearly shown that criteria-based planning policies cannot provide the necessary protection. LDDs should state what it is that requires extra protection, and why. When reviewing their local area-wide development plans and LDDs, planning authorities should rigorously consider the justification for retaining existing local landscape designations. They should ensure that such designations are based on a formal and robust assessment of the qualities of the landscape concerned.*

The Peak District National Park

- 3.22a The special status of the Peak District National Park is recognised in paragraph 1.5a. In accordance with this status it is appropriate that attention is given to the potential effect on views into and out of the national park arising from development proposals. As it is clear that potential impact on the national park will not be confined to development located in designated areas of high landscape value this factor may be a relevant consideration for development proposals arising in many parts of the District. The extent to which the impact on the national park will be significant will depend mainly on the prominence of a proposed development against its background and the degree to which points from which the development is open to view are accessible to the general public.

NE8a DEVELOPMENT WHICH WOULD BE INTRUSIVE IN VIEWS FROM WITHIN THE PEAK DISTRICT NATIONAL PARK, OR HAVE A HARMFUL IMPACT ON VIEWS INTO THE PARK, WILL NOT BE PERMITTED.

Sources of grant aid for landscape conservation

- 3.23 The Countryside Agency offers grant aid to landowners and farmers to support landscape conservation measures and environmentally friendly practices. The Council operates a landscape conservation grant scheme on behalf of the Countryside Agency providing grants of up to 50% of the cost of qualifying projects which have mainly been small scale tree planting schemes. MAFF also operates a farm conservation grant scheme to encourage farm management which will conserve historic landscape features and benefit nature conservation. The take up of MAFF grants has been very low.
- 3.24 As resources of this nature are very limited in relation to the potential scale of deterioration in landscape quality it is appropriate to raise awareness of their availability, if maximum benefit to landscape conservation and enhancement is to be achieved. The Council will, therefore, seek to increase awareness of grant aid for measures to conserve and enhance the landscape amongst landowners and farmers.
- 3.25 A small part of Kirklees outside the Peak District National Park is within the North Peak Environmentally Sensitive Area where MAFF provides direct grant aid to farmers to pursue agricultural practices sympathetic to the local environment, for example, reducing sheep

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numbers and maintaining boundary walls so that heather growth is encouraged. In 1993 the North Peak ESA was extended further into Kirklees to encompass Marsden Moor and the area around Deanhead and Scammonden Dam.

TREES AND WOODLANDS

- 3.26 About 2.6% of Kirklees (approximately 1,100 hectares) is covered by trees, considerably less than the regional average which is 5.3%. However, much of the tree cover in Kirklees is on valley sides unsuitable for agricultural or urban development but visible over a wide area, which gives the impression that wooded areas are relatively extensive. There is also a high degree of fragmentation of woodland with only 13 woods in excess of 25 hectares.
- 3.27 About one-third of existing tree cover is considered to be ancient woodland, land where there has been tree cover since at least 1600. Unless there has been replanting these woodlands are dominated by sessile oak and birch, although the predominant broadleaf tree in Kirklees is the sycamore.
- 3.28 Some 88% of woodland is in private ownership with many woods having several owners. Consequently management tends to be poor to non-existent leading to deterioration in tree quality. In this respect a major problem is that woodland boundaries are neglected leading to uncontrolled grazing which restricts natural regeneration. The fragmentation of ownership militates against the conclusion of management agreements between the Council and landowners. The remaining woodlands are in Council ownership and managed primarily for amenity and recreation and also to protect ecological interests.
- 3.29 In the absence of management agreements the protection and enhancement of the tree stock has relied on the use of Tree Preservation Orders (TPO's), together with initiatives to secure new planting particularly on steep hillsides incapable of other beneficial use, within urban areas and in wooded cloughs.
- 3.30 The Standing Conference of South Pennine Authorities aims to secure an increase in the amount and distribution of tree cover and improvements to the management of existing woodland in the South Pennines. An advisory strategy has been produced to direct new planting, which should be of British native species, to locations such as cloughs and main valley sides. Such new planting will need to be compatible with the conservation of important wildlife habitats.

Tree Protection

- 3.31 Within the urban areas of the District there is a general lack of trees. Such trees as exist tend to be concentrated in particular areas, especially Almondbury, Birkby, Edgerton and Fixby in Huddersfield, Northfields in Dewsbury, and parts of Mirfield, Gomersal and Birstall. Elsewhere tree cover is insignificant and substantial areas, particularly older industrial and housing areas, town centres and newer housing estates, are bereft of trees.

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- 3.32 Urban trees have a high amenity value which contributes to local character. The Council utilises its powers to serve and enforce Tree Preservation Orders (TPO's) as a means of retaining such trees. However, the use of such procedures can do little to bring about effective tree management or promote the diversification of species away from the dominant sycamore.
- 3.33 In the countryside there tend to be few protected trees because TPO's are mainly used where trees are under threat from development or other pressures which occur more often in urban areas.
- 3.34 The amenity value of trees results not only from their visual quality, either singly or in groups, but also from their importance as wildlife habitats. Many areas of woodland are included within SSI's and SWS's. However, the habitat value of trees is not in itself sufficient reason for serving a TPO. A more significant means of protecting woodland is through the felling licence system operated by the Forestry Authority. The Council will continue to press the Forestry Authority to refuse or amend felling licences in the interests of preserving wildlife habitats.

Management

- 3.35 The use of TPO's secures the retention of trees but does not provide for their management or enhancement. Although there are practical difficulties involved in establishing woodland management agreements, co-operation between landowners and the Council is potentially a significant means of protecting woodlands and ensuring their continued health. The Council will therefore seek the agreement of landowners to establish programmes of woodland management.

New Planting

- 3.36 Given that Kirklees has a relatively small amount of woodland which is generally poorly managed there is a clear need for the creation of new woodland, both to replenish losses in the existing tree stock and to achieve a greater coverage. An increase in woodland would be beneficial in amenity and landscape terms, provided that chosen locations, planting formations and tree species respect the characteristics of the landscape, and in ecological terms as woodland provides a potentially rich habitat for many species of fauna and flora.
- 3.37 In order to secure maximum amenity and ecological benefit from woodland creation, priority locations for planting should be green corridors, wildlife corridors, SSI's and SWS's, except where there would be conflict with established aspects of nature conservation value, sport and recreation facilities, such as golf courses, where there are extensive opportunities for integrating woodlands into the development, and as a major element of restoration proposals for derelict land, mineral workings and other areas requiring environmental improvement.

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- 3.38 New tree planting is achieved by means of conditions on planning permissions and planning obligations where development is proposed, and through derelict land reclamation schemes. There are also grants from the Forestry Authority and Countryside Agency for planting and subsequent management and the Council provides some grant aid for tree planting. In addition MAFF encourages new tree planting through the Farm Woodland Premium Scheme.
- 3.39 The Council pursues a number of other actions to improve the quality and distribution of tree cover in urban areas. The planting of trees is encouraged in school grounds to bring educational as well as amenity and wildlife benefits. Programmes of tree planting take place in highway margins, parks and public open space and in association with housing area improvement programmes and the Council's own development. An urban woodland programme supported by the Forestry Authority is in operation and will secure the implementation of tree planting proposals identified in former local plans. Most of this planting is on Council-owned land and is in the form of small woodlands and copses.
- 3.40 In some parts of the District, particularly the Colne Valley, voluntary organisations play a very significant part in achieving increases in tree cover.

Development Proposals Affecting Trees

- 3.41 The replacement of mature trees by new planting in order to accommodate development is usually less acceptable than the retention of existing trees because of the time required for replacement trees to mature and provide an equivalent level of amenity. A further consideration where development is proposed on sites containing mature trees is that there may be a threat to the trees resulting not only from the siting of buildings but also from changed ground levels, drainage works and the formation of access roads. If trees on development sites are to be effectively protected no disturbance should be permitted within the area defined by the crown spread of the trees, unless specific precautionary measures are taken. Proposals for a site which includes mature trees should be accompanied by a detailed survey identifying the location, species and welfare of the trees. The retention and protection of trees within the body of a minerals working site or a waste disposal site will rarely be possible because of the nature of the development. The recognition that permission for such development will almost certainly preclude retention of mature trees within the site and the relative importance of the trees which would be lost will be considered in the context of the environmental considerations in policies M3 and WD5.
- NE9 DEVELOPMENT PROPOSALS SHOULD NORMALLY RETAIN ANY MATURE TREES WITHIN THE APPLICATION SITE. WHERE DEVELOPMENT IS APPROVED ON SITES CONTAINING MATURE TREES NO CONSTRUCTION, INCLUDING CHANGES IN LEVELS, DRAINAGE WORKS AND THE FORMATION OF ACCESS ROADS WILL BE PERMITTED WITHIN THE CROWN SPREAD OF THE TREES UNLESS IT CAN BE DEMONSTRATED THAT SATISFACTORY PRECAUTIONS WILL BE TAKEN TO ENSURE THEIR CONTINUED VIABILITY.**

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3.42 Where permission for development is granted it is the practice of the Council to impose planning conditions requiring a landscaping scheme to be incorporated.⁷ Such schemes usually provide for a general distribution of trees throughout the site. However, on sites of sufficient size it will be appropriate to create copses or small woods. This will assist tree management and benefit visual amenity and wildlife interests.

~~**NE10 LANDSCAPING SCHEMES SHOULD HAVE REGARD TO THE POTENTIAL TO GROUP TREES TO CREATE COPSES OR SMALL WOODS.**~~

This policy was not saved. The intention of the policy can be achieved by the application of planning conditions on any approved development.

⁷ See policies BE2 and EP11