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**BY EMAIL ONLY**

Dear Sir/Madam

**Planning consultation:** Core Strategy – Publication Draft

**Location:** City of Bradford Metropolitan District

Thank you for your consultation on the above dated 17 February 2014 which was received by Natural England on the same day.

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.

Having reviewed the Publication Draft Core Strategy Natural England's opinion is that the Core Strategy is not supported by a robust Habitats Regulations Assessment or Sustainability Appraisal. These concerns relate to the impacts of the core strategy upon the South Pennine Moors Natura 2000 site, and the effectiveness and delivery of viable avoidance and mitigation measures.

Consequently in our view the plan has not been justified, may not be effective, and is not consistent with national planning policy.

Natural England also makes below representations on thematic policies which should deliver environmental protection and enhancement. These representations suggest amendments which ensure greater consistency with national planning policy and better environmental outcomes.

**Habitats Regulations Assessment**

Prior to this consultation, Natural England provided considerable advice to Bradford Council regarding the supporting Habitats Regulations Assessment (HRA). This advice focused on the potential indirect impacts of additional housing upon the South Pennine Moors Special Protection Area (SPA) and Special Area of Conservation (SAC) due to the loss of functionally linked land, urban edge effects and recreational disturbance and trampling of habitat.

Natural England has also provided advice on the Core Strategy's effects upon air quality, and the impact of wind turbines upon SPA birds (strikes and/or disturbance).

This pre-publication advice was intended to ensure that adverse effects upon integrity are avoided

or mitigated within the Core Strategy. This is required by regulation 102 of the Conservation of Habitats and Species Regulations 2010 (as amended).

Having reviewed the HRA of the Publication Draft Core Strategy, Natural England consider the screening of likely significant effects (Stage 1 of the HRA) is compliant with the EU Habitats Directives and national regulations.

Natural England is however concerned that the subsequent appropriate assessment (Stage 2), particularly the avoidance and mitigation measures, are not supported by sufficient evidence that they are justified, viable and deliverable. Without this evidence the Core Strategy's housing policies may be considered unsound.

### **Screening of Likely Significant Effects**

Natural England concur with the HRA's initial screening that likely significant effects could not be ruled out as a result of the following impacts:

- loss of feeding habitat (functionally linked land);
- increased emissions to air from road; collision and displacement due to wind turbines;
- increased recreational impacts (trampling and disturbance);
- and urban edge effects.

These have been carried forward to the appropriate assessment.

### **Appropriate Assessment**

Natural England considers the evidence supporting the assessment of the Core Strategy's likely impacts upon the moorland SPAs and SACs is comprehensive.

Natural England concurs with the appropriate assessment's conclusions that – with mitigation and further assessment of the subsequent allocations document – adverse effects upon the North Pennine Moors SPA and North Pennine Moors SAC can be avoided.

However, given the scale and distribution of development proposed in the Core Strategy and its proximity to the South Pennine Moors SPA and SAC, adverse effects upon their interest features are harder to mitigate and a clearer solution needs to be in place at this stage.

Natural England has previously expressed concerns that the loss of functionally linked land (feeding habitats beyond the SPA), recreational disturbance of SPA birds (on and off-site) and trampling of SAC habitat requires a robust assessment to determine the scale of impact and the effectiveness and deliverability of mitigation.

#### **Loss of Functional Land – South Pennine Moors SPA**

Natural England previously advised that due to evidence of feeding distances of Pennine moorland SPA birds beyond the site boundary (2.5km for Golden Plover), the HRA should include evidence that the housing targets for settlements within this distance can be delivered within the subsequent allocations development plan. If sufficient sites, without feeding habitat or evidence of SPA birds are not available, the Core Strategy's housing distribution may not be deliverable.

The publication draft has reduced the number of dwellings within Airedale and Wharfedale, this has been justified in terms of impacts on the SPA/SAC. The HRA however has not justified the redistribution of housing from settlements within Wharfedale and Airedale to Bradford. Policy HO3

may therefore be challenged as unsound.

Prior to publication Natural England advised that further bird and habitat surveys would indicate whether sufficient sites within 2.5km of the Natura 2000 site could be allocated. We welcome the inclusion of the 2013 bird and habitat surveys. Table 5.3 and Appendix III provide confidence that potential housing sites (identified in the SHLAA) can be allocated without the direct loss or disturbance to SPA birds. Given this conclusion, the redistribution of housing to avoid adverse effects on the SPA and SAC, does not appear justified.

The HRA has identified bird species which are typical to the South Pennine Moors SAC, these include Twite, Skylark, and Meadow Pipit. Wading birds (redshank and curlew, neither of which are SPA species) have also been surveyed to indicate important grassland sites for biodiversity and therefore of potential value to SPA birds. Whilst the inclusion of these birds within the surveys provide additional confidence that allocations will not adversely affect SPA birds (through loss of feeding habitat or prey for raptors), typical moorland SAC and SSSI bird species should not be used by themselves to discount allocations and reduce a settlement's housing or employment target. The existence of SPA birds is should be the focus of the HRA; namely merlin, short eared owl, golden plover and dunlin.

Natural England does not agree with the assertion, in para 7.4.1, that the loss of typical bird species within the South Pennine Moorland SA, due to loss of feeding/functional habitat and recreational disturbance, would adversely affect SAC interest features (dry heath, wet heath, sessile oak woods, blanket bog and transition mires). These habitats are not dependent on the presence of these species. The effects on these species should be addressed though the SA, as these are SSSI interest features.

The publication draft has reduced development targets for settlements within 2.5km of the SPAs in order to avoid adverse effects. Given the low number of SPA birds identified on SHLAA sites (or neighbouring land) within 2.5km and the requirements of policy SC8 (Protecting the South Pennine Moors and their Zones of Influence), this may be unnecessary. . Prior to any reduction in housing targets, the HRA must prove that sufficient sites, to meet the previous settlement targets, cannot be allocated without adverse effects on integrity. Without this, any reduction may be challenged and found unsound. From the information provided to date, Natural England considers there to be sufficient availability of land and adequate mitigation safeguards proposed in the Core Strategy to provide confidence that sites can be delivered, without the need to reduce the housing target **in relation to the South Pennine Moors SPA.**

Whilst the survey data indicates that sufficient development sites may be allocated, given the inherent uncertainties where an higher tier plan is likely to affect mobile interest features (SPA birds), Policy SC8 part Bi provides further confidence that appropriate avoidance and mitigation measures are in place to ensure allocations can deliver the Core Strategy's development targets without significant losses of feeding habitat.

The data identifying SSSI bird interest features (Curlew and Twite) should inform the Sustainability Appraisal (SA). The SA should determine whether the distribution and scale of housing will adversely affect the SSSI and, in accordance with the mitigation hierarchy, ensure that sites that are likely to be used by SSSI interest features are avoided. If shown to be the most sustainable option any loss of significant areas favourable feeding habitat should be mitigated.

#### Recreational Disturbance and Trampling – South Pennine Moors SPA and South Pennine Moors SAC

Natural England welcomes the addition of further visitor survey data within the HRA. However full data analysis has not yet been undertaken of the 2013 visitor survey (this data should inform further

development of mitigation). Given this late stage in the plan making process, the absence of this analysis is a serious concern and Natural England is unable to concur with the findings of the HRA, especially the justification for and effectiveness of mitigation without having been consulted on the finalised analysis of results. Advice in relation to the information provided to date is provided below:

The 2000 and 2013 visitor surveys indicate that the majority (58%) of visitors use the Natura site regularly (weekly) for walking with or without dogs. The 2013 survey also indicates that the majority of residents within Bradford (75%) travelled approximately 5km by car to access the Natura 2000 site.

Due to the size of the Natura 2000 site however, the levels of recreational activity vary according to the site's proximity to neighbouring settlements and its accessibility (car access, parking and rights of way). Most notably, Rombalds Moor (including Ilkley Moor) were used more regularly than SPA and SAC moorland areas in the west of the Borough.

Whilst the detailed surveys of recreational activity within the South Pennine Moors have not yet been analysed (distances people walk into the site and where they go), the HRA has applied evidence collected for the southern lowland heaths and other empirical studies. These indicate that 50% of visitors could walk approximately 860m into a site<sup>1</sup> and potentially disturb birds nesting within 200m where routes are not paved. This distance is reduced to 50m where paving occurs<sup>2</sup>.

This indicates that 68% of Rombalds Moor is likely to be disturbed. The bird surveys support this finding. Given the evidence available, Natural England concurs with the HRA's conclusion that there is significant potential for additional recreational disturbance and trampling of habitat as a result of the strategy's housing policies. Therefore adverse effects on the SPA cannot be ruled out and mitigation is required.

Policy SC8 sets out three methods of mitigating the effects of recreational disturbance which is generated within 7km of the SPA/SAC. These include additional natural greenspace to deflect pressure, access management measures, and habitat management and monitoring. These are standard approaches which have been employed elsewhere (most notably Thames Basins Heath). In order for the plan to comply with the Habitats Regulations, implementation strategies or supporting SPDs which deliver these measures should be referred to in the Core Strategy. Whilst these may not have been completed, confidence in the delivery of additional green space, access and site management measures is required to provide certainty that mitigation will prevent adverse effects.

The Council has recognised that further work needs to be undertaken to identify opportunities for new green space (paragraph 6.5.3). As part of this work, Bradford Council should consider whether existing green infrastructure or open space strategies provide a starting point for identifying opportunities for new or improved natural green space. The Core Strategy should ensure that green infrastructure is a priority within Airedale and Wharfedale Sub Areas (see advice below).

Management plans for the Natura 2000 sites may also provide evidence that opportunities for on-site mitigation measures exist and their cost.

### Urban Edge Effects

Given the proximity of settlements to the South Pennine Moor SPA/SAC and the distribution of development proposed, Natural England concurs that adverse effects upon the Natura 2000 site as

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<sup>1</sup> Mean distance of Dorset and Thames Basin Heaths, Ashdown Forest and Wealdon Heaths

<sup>2</sup> Finney SK, Pearce-Higgins JW & Yalden DW (2005): The effects of recreational disturbance on an upland breeding bird, the golden plover



a result of urban edge effects cannot be ruled out.

Policy S8 seeks to avoid such effects by restricting residential developments within 400m. This should not prevent the delivery of housing within the Borough as the bird and habitat surveys indicate that development sites outside 400m exist.

However in Ilkley sustainably located brownfield allocations which are within 400m of the SPA/SAC will require assessment of mitigation measures.

### **Sustainability Appraisal**

Natural England considers the framework which underpins the Sustainability Appraisal (SA) compliant with the SEA Directive (2001/42/EC), Planning and Compulsory Purchase Act 2004, The Environmental Assessment of Plans and Programmes Regulations 2004, and DCLG's Practical guide to the Strategic Environmental Assessment Directive (2005).

The SA would however benefit from a clearer examination of alternatives. Whilst the Issue and Options Consultations in 2007 and 2008 would have provided alternatives, it is critical that the SA explain why the objectives and subsequent policies were chosen and others not.

There are a number of background papers, including two on housing and employment, the findings of which should be incorporated within the SA as these should inform the assessment of alternatives.

### **Suggested Amendments**

The SA has identified a number of mitigation measures and amendments to the strategy (Table NTS3). Natural England welcome and support those amendments which would reduce the generation of waste in accordance with the waste hierarchy and PPS 10 (retained) and ensure impacts on biodiversity are considered within policy CS5 (Location of Development).

### **Habitats Regulations Assessment**

Paragraph 1.3 (Habitats Regulations Assessment) refers to a Report to Inform Screening for Appropriate Assessment. This should be updated to reflect the conclusions of the screening assessment, the appropriate assessment and subsequent amendments to the strategy which avoid or mitigate adverse effects. The comprehensive bird, habitat and visitor survey work which underpins the HRA should also inform the SA.

### **Spatial Distribution (Policy HO3)**

The appraisal of the core strategy spatial distribution should consider the bird and habitat surveys undertaken to support the HRA. These would indicate whether the distribution can be achieved without significant effects upon the bird interests of the South Pennine Moors SSSI (see HRA advice above). As a result the uncertainties within Table 5.4 may be resolved. Whilst it would appear that the Core Strategy is unlikely to result in the significant loss of feeding habitat for SPA birds, this is not the case for SSSI interest features, notably curlew, which were recorded widely across the survey area. This distribution reflects their preference for breeding sites within semi-improved areas adjacent the moors.

Paragraph 2.5.1 summarises the effects of development distribution. It refers to the proximity of Principle Towns to the South Pennine Moors SPA, SAC and SSSI as a significant consideration. Whilst the HRA addresses impacts on the SPA/SAC, the SA should determine whether harm to the SSSI is significant.

In accordance with paragraph 118 of the NPPF, any significant harm should then be weighed against the benefits of housing in these strategic locations.

### **Sub Area Policies**

Unlike the assessment of the sub area policies for Wharfedale, the likely significant effects of Airedale sub area policies upon the South Pennine Moors SSSI is not considered within section 5.3.2. Given the proximity of Bingley, Keighley, Steeton, Eastburn and Silsden, this needs addressing within next iteration of the SA.

### **Monitoring**

In addition to the effects on the interest features of the SPA and SACs, monitoring should also assess impacts on SSSI interest features. This can be done through changes to its unit conditions.

The protection and creation of priority habitats (formally BAP habitats) is also a potential indicator of the Core Strategy's positive ecological impacts. BAP targets are identified in Appendix A (protection and enhancement of hedgerow, in-bye land, upland oak and river habitats). These should be mirrored within SA indicators.

### **Assessment of Policies (Appendix D)**

#### Policy SC4

The assessment of policy SC4 against SA objective 5 (conservation and enhancement of wildlife) refers to local sites. It should also consider impacts on SSSI interest features.

#### Policy SC8

The SA refers to zones around the SPA/SAC within which development is restricted (it also refers to exclusions zones elsewhere). This is incorrect, the 400m, 2.5km and 7km zones proposed within the Council's HRA are intended to ensure development can proceed whilst avoiding or mitigating their adverse effects. Natural England therefore advises that reference to 'exclusion zones' may be misleading and suggests that 'zones of influence' may be more appropriate.

#### Policy SC9

This policy would score positively if, as Natural England advises, it made specific requirements to incorporate biodiversity within new developments (see advice on policy SC9).

#### Policy AD1

The SA determines that policy AD1 will positively conserve and enhance wildlife (Objective 5). As it proposes urban extensions and the likely loss of greenfield sites, this achievement will be dependent on the allocations selected and the application of policies which seek to protect and enhance biodiversity. Until allocations are identified, its effects upon wildlife are likely to be uncertain.

#### Policy AD2

This policy would score positively against objective 5 if green infrastructure (including natural greenspace) were an infrastructure priority (see advice on policy AD2). Prioritising Green Infrastructure would also assist the delivery of climate change adaptation, recreation and health

objectives.

## Policy WD2

See advice on AD2. Prioritising green infrastructure within Wharfedale will assist the delivery of biodiversity, climate change, health and recreational objectives.

## **Publication Core Strategy**

### **Policy SC5**

The SA suggests that policy SC5 (Location of Development) should refer to wildlife or habitats within the site selection criteria. The NPPF requires planning policies minimise effects of development upon wildlife through the mitigation hierarchy (avoid, mitigate, and as a last resort, compensate). Therefore the selection of allocations must consider the existence of nature conservation sites, priority habitats and priority species to ensure effects are avoided. Whilst biodiversity is a consideration when allocating brownfield sites, it is not clear how biodiversity is considered within categories 2 to 4.

### **Policy SC6**

The HRA has identified new or improved natural green space (alongside access management) as mitigation measures to address increased recreational disturbance/trampling on the South Pennine Moors Natura 2000 site. Policy SC6 should reflect this as a sub-regional driver for green infrastructure. We advise that a fourth bullet should therefore be included; this could state:

*“Mitigating the adverse effects of increased recreation upon the South Pennine Moors SPA/SAC.”*

This could then be explained further within supporting text.

Whilst part b refers to the river corridors and South Pennine Moors as key green infrastructure, policy SC6 should explicitly refer to biodiversity/ecological networks. In accordance with NPPF paragraph 114 the Core Strategy should set out a strategic approach for the creation, protection, enhancement and management of networks of biodiversity as well as green infrastructure. Policy SC6 should also ensure that other biodiversity networks (identified through the BAP) are enhanced. These habitats include hedgerows, in-bye land, river corridors, and upland oak woodland.

This strategic approach would be delivered through the applications of policies SC9 and HO7 during the selection of allocations and determination of planning applications.

### **Policy SC8**

Policy SC8 is required to avoid adverse effects upon the South Pennine Moors SPA and SAC. The zones and avoidance/mitigation measures have been identified through the HRA process and their inclusion within the plan is required to ensure the strategy complies with the EU Habitats Directives and national regulations.

Natural England believe this policy could be simplified. Instead of separating the policy between Zones A, Bi, Bii, and Bi and Bii, it could simply set out a policy for Zone A (up to 400m), Zone B (400 - 2.5km) and Zone C (or Bi) (400-7km). Developments/allocations within 2.5km will be within Zones B and C and therefore have to address both loss of functional land and recreational disturbance.

Zone C (or Bi) could usefully read:

*“Zone C would apply between 400m and up to 7km of the South Pennine Moor SPA and SAC. Due to increased recreational disturbance and trampling of their interest features, residential*

*developments within Zone C will adversely affect the South Pennine Moor SPA and SAC. However appropriate mitigation measures should allow development to take place.*

*Within Zone C residential developments that result in a net increase of one or more dwellings will be required to contribute to:*

- 1. The provision of additional natural greenspace and appropriate facilities to deflect pressure from moorland habitats and the long-term maintenance and management of that greenspace.*
- 2. The implementation of access management measures, which may include further provision of wardens, in order to reduce the impact of visitors*
- 3. A programme of habitat management and manipulation and subsequent monitoring and review of measures*

*To mitigate impacts on European Sites due to the increase in population, an approach will be adopted within the XXX SPD. This will set out a mechanism for the calculation of the planning contribution."*

The reference to an appropriate assessment under Zone Bii is not required, as proposals which accord with policy SC8 should not adversely affect site integrity.

As delivery mechanisms have not been identified or assessed through the HRA, Natural England advises that the Core Strategy should identify an SPD which will outline the mitigation measures and calculate the required developer contributions. The Core Strategy should also be supported by evidence (within or supporting the HRA) which provides confidence that opportunities for additional greenspaces and access management measures exist and can be delivered.

In the interim period, between adoption of the Core Strategy, adoption of the Allocations DPD, and development of mitigation delivery mechanisms, residential developments within 7km will require appropriate assessment in accordance with Core Strategy policy EN2 and the Habitats Regulations.

### **Policy SC9**

Policy SC9 should promote, where possible, the protection and enhancement of the natural environment within developments. The NPPF seeks to deliver net-gains in biodiversity and encourages planning authorities to take opportunities to incorporate biodiversity in around developments. Without reference to incorporating nature within a policy which seeks to 'make great places', the LPA will be unable to take these opportunities. Disregarding the natural environment, ignores this key pillar of sustainable development.

### **Policy AD2 and WD2**

Given the requirement to deliver natural green space to mitigate the effects of recreational disturbance upon the South Pennine Moors Natura 2000 site, investment in green infrastructure should be a priority within the Airedale and Wharfedale Sub Areas. This would increase confidence that mitigation will be delivered.

Multi-functional green infrastructure would also compliment other priorities, notably managing flood risk and providing cycling and walking infrastructure.

### **Policy HO3**

See advice regarding HRA and justification for reducing housing in Wharfedale.

### **Policy HO7**



Whilst Natural England supports the general approach within policy HO7 (allocation selection), part F2 (maximising environmental benefits) should go beyond ensuring there is no net loss in biodiversity. It should ensure that developments achieve net gains in bio-diversity and enhancements to the ecological network. This accords with paragraphs 6, 109 and 152 of the NPPF. Part F2 should therefore read:

*"Would achieve net-gains in biodiversity and enhancements to biodiversity networks"*

Part G3 (minimising environmental impacts) should read:

*"Avoiding development of sites which would result in the fragmentation of the biodiversity network or isolation of natural habitats;"*

#### **Policy EN1**

Policy EN1 should ensure natural greenspace, required to mitigate the effects of increased recreational pressure upon the South Pennine Moors is delivered through a supporting Supplementary Planning Document. Whilst the requirements of the HRA are identified in paragraph 5.4.22, given the consequences of not delivering alternative greenspaces (non-compliance with the habitats regulations and failure to deliver the housing policies), the policy should include the following paragraph:

*"Mitigating Recreational Pressure*

*In accordance with policy SC8, residential developments which contribute to recreational pressure upon the South Pennine Moors Natura 2000 site will be required to mitigate these effects through provision of new recreational natural greenspaces, contributions to off-site natural greenspaces or improvements to existing open spaces.*

*The requirements and delivery of these natural greenspaces will be set out in the XXX Supplementary Planning Document."*

#### **Policy EN2**

This policy does not include a criteria for the protection or enhancement of Sites of Special Scientific Interests (SSSIs). Bradford has four SSSI, including the South Pennine Moors, Bingley South Bog, and Trench Meadows. These may be joined by other sites during the plan period.

Whilst the moors are also internationally protected, the interest features for the SSSI include a wider variety of breeding birds and habitats. Consequently developments may not affect the SAC/SPA but have adverse effects upon the SSSI.

Policy EN2 should ensure that SSSI interest features are protected in accordance with paragraph 118 of the NPPF. This is required to ensure the Core Strategy distinguishes between internationally, nationally and locally protected sites.

Natural England welcomes and supports the designation of areas shown to support feeding SPA birds as local wildlife sites. This complies with the NPPF's requirement to enhance the biodiversity network and BAP.

#### **Policy EN4**

Natural England supports the Core Strategy's landscape policy.

This concludes Natural England's advice regarding the soundness of the Publication Draft Core Strategy. We appreciate this response is lengthy but believes it offers much helpful to your authority and Natural England welcomes further engagement before the examination.

We would be happy to comment further prior to submission but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact [redacted] King on [redacted]  
[redacted] For any new consultations, or to provide further information on this consultation please send your correspondences to [redacted]

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

[redacted] O'Halloran  
Principal Adviser Land Use