



# Memo

**Department of Place**

**Countryside and Rights of Way  
Service**

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**BD1 1HX**

Your Ref: 22/01170/MAF

Date: 25/04/2022

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**Application Number: 22/01170/MAF Re-opening of Horn Crag Quarry**

**Grid Ref: 405261 447976**

**Proposal: Re-opening of Horn Crag Quarry for the purpose of releasing a proven, locally distinctive building stone resource.**

**Location: Horn Crag Quarry Off Fishbeck Lane Silsden Keighley West Yorkshire**

The application site is an old quarry site which has naturally regenerated to heath, gorse scrub and acid grassland with scattered trees. The wider site, to the east, also contains improved grassland pasture. There is at least one flush present.

The regenerated site supports distinctive Bradford Biodiversity Action Plan (BAP) habitat, in-bye grassland, which displays some characteristic species suggestive of potential value for twite, a Bradford BAP species and a species subject to significant declines in the South Pennines due to the loss of unimproved acid grasslands.

The application site is within the Wildlife Habitat Network, identified for its grassland. It represents a valuable part of Bradford's network of habitats that provide connectivity throughout the district.

The quarry face remains exposed rock displaying strata and offering potential for roosting bats and nesting birds in crevices and ledges. The loss of existing exposed faces of approx. 15m will be replaced by 5m high faces following completion of quarrying is a substantial reduction in the rock face with associated losses of exposed rock habitat.

The level of ecological survey information and the quality of the reporting is good although additional survey and assessment will be required prior to determination. These should include:

- A detailed botanical survey during the growing season;
- Bat hibernation survey;

- Breeding and passage bird survey (five survey visits minimum between March and September);
- Full badger survey and assessment.

#### **Detail from Pre-app Letter of 18<sup>th</sup> August 2020**

*“The biodiversity officer has commented that if assessments conclude that the development can be accepted, net gain for biodiversity must be delivered over a reasonable timescale and action plans to retain the maximum habitats and protect wildlife in the interim.*

*The biodiversity officer has note the PEA, but has advised that full ecological impact assessment is probable, which is likely to include bird surveys and other protected species surveys undertaken strictly to accepted standards. Additionally, they comment that a very good habitat baseline will need to be established with surveys undertaken at the correct time of year. The Defra Beta 2 metric should be applied to the development (with a high connectivity variant used) and enhancements should be retained in the development area without offsets.”*

#### **Ecological Impact Assessment**

This proposal will require a full Ecological Impact Assessment, prepared in accordance with CIEEM guidance by a Suitably Experienced Ecologist.

The requirement for an EclA is also detailed in the Preliminary Ecological Appraisal (Brooks, 2021).

This would be necessary to fully identify the value of the habitats and species present and to assess impacts and effects on ecological features in appropriate detail.

#### **Biodiversity Net Gain**

Although the Biodiversity Officer response from August 2020 specified the use of Metric 2.0, as the BNG calculation was carried out in November 2021, use of Metric 3.0 would be more appropriate. Ideally the BNG calculation would be updated to make use of the new metric. Metric 3.0 allows for the inclusion of delays for habitat creation which are of particular relevance for a scheme such as this where habitat creation cannot commence until completion of works and where the working period is expected to be 20 years.

Currently the BNG Assessment (Brooks, 2021) indicates that, despite the restoration plan, the proposed reopening of the quarry will result in a loss of 16.04 or 27.48% of the baseline biodiversity unit value.

This contradicts assertions made in Schematic Restoration Scheme (MPG, 2021) which states that:

*“6.2 The restoration design would generate long-term, meaningful, biodiversity net gains and create an appropriate landscape feature.”*

Timescales and phasing planned for extraction and commencement of restoration mean habitat creation, and therefore the realisation of any on-site net gain would not commence until the expected completion of the quarrying operation in 2042. This means, in a best-case scenario, the establishment to full condition of the heath and proposed rock and scree habitats would not be expected until 2062 at the earliest. Restoration of upland acid grassland habitat creation would not be expected until 2052 at the earliest. This assumes quarrying would be completed by 2042, which is not certain and that habitat creations and management to condition would run smoothly following completion.

This long-term loss of high and medium distinctiveness habitats, is not acceptable, particularly considering the strategic location of these habitats and their particular value in Bradford District.

A Biodiversity Gain Information and subsequent Plan should prioritise the retention and early creation, enhancement and protection of these habitats on-site where possible or off-site (but in close proximity). Given the extent of the quarrying planned within the red line boundary (RLB) it is unlikely that retained habitats would maintain their condition due to indirect effects such as dust deposition. It is also not considered possible to provide new or enhanced habitats within the RLB. This means the calculation and biodiversity gain plan for the site omits essential information and does not offer any locations for realistic habitat retention or creation.

As stated in the BNG Assessment, following completion of the works, restoration to the proposed standard would result in a significant net loss of biodiversity.

Based on the information provided a suitable Net Gain Plan for the proposals is not possible due to the loss of valuable BAP and other habitats for at least 30 years. There would be a significant uncertainty in recreating and enhancing habitats lost in the surrounding areas due to existing levels of agricultural improvement and the significant probable differences in soil and ground conditions. Therefore, the biodiversity team cannot support the proposal.

#### **Detailed botanical survey**

The habitat survey detailed in the Preliminary Ecological Appraisal (Brooks, 2021) provide a summary of the habitats found on the application site with a species list which is useful and illustrative. As the habitat survey was conducted in March, outside of the growing season, the species list provided may not include species of note and therefore may not have correctly identified the quality or condition of the grassland.

A detailed NVC botanical survey prior to determination would be required of the application site in order to assess its significance. The botanical survey should also refer to West Yorkshire Ecology's Local Wildlife Site Selection Criteria when assessing the quality of the habitats present in order to identify if the site meets LWS criteria.

#### **Wildlife Habitat Network**

The connectivity of the mapped habitat network would not be severed completely by the proposals however it will be weakened for the length of time it will take to complete extraction and for the recreated habitats to reach maturity. Although the network is more extensive here than just the application site, the remaining grassland areas would appear to be subject to more agricultural improvement, rendering them of considerable less value in their own right and for priority species.

The proposals therefore represent a significant impact on the network for which no suitable mitigation or compensation is proposed. Therefore, the biodiversity team cannot support the proposal.

#### **Bat Hibernation Survey**

The recommendations of the Bat Emergence Survey Report are that a hibernation survey should be carried out at the quarry. We fully support this recommendation. However, this survey information should have been provided in order for the application to be determined. The Planning Application Supporting Statement appears to suggest that this survey should be carried out as a pre-commencement survey.

*3.2.4. Prior to any works commencing, a hibernation bat monitoring survey would be need to be carried out by a suitably qualified ecologist.*

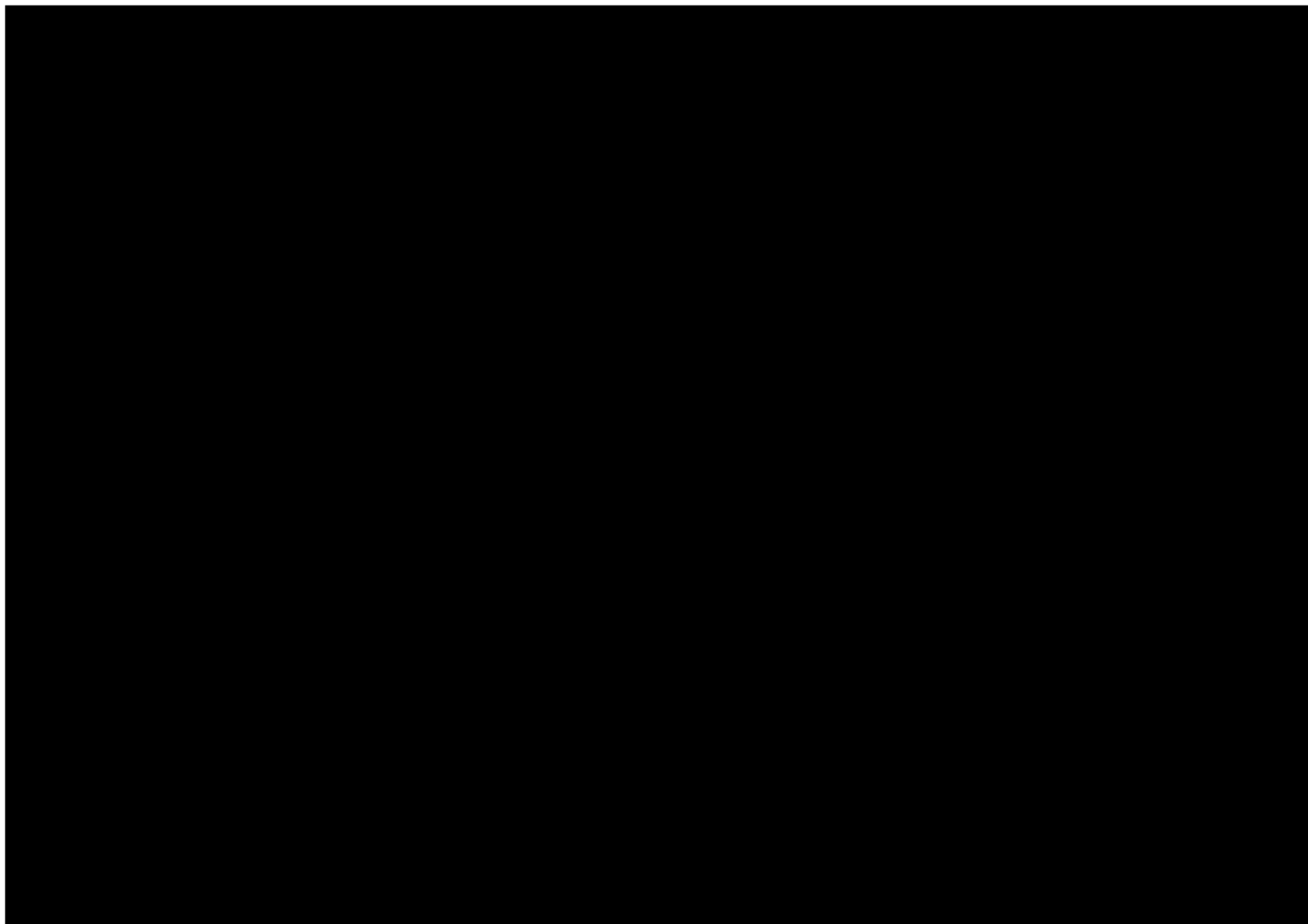
This is a risk to both bats and the scheme programme should a hibernation roost be discovered prior to commencement. As such the hibernation survey should be completed and the results provided to the LPA prior to determination. This will have to be programmed in for autumn 2022 at the earliest.

No recommendations or indications of how appropriate mitigation or compensation for loss or disturbance to a hibernation roost could be secured. Therefore, we are unable to assess the potential impacts on European Protected Species with the information provided.

Without appropriate detail on protected species Bradford MDC are unable to determine an application as it will be unable to assess the impacts on biodiversity and thus meet the requirements of the NPPF, Policy EN2 of the Bradford MDC Core Strategy Development Plan and the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) 2019.

Section 99 of ODPM Circular 06/2005 states;

'It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances, with the result that the surveys are carried out after planning permission has been granted. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of the species being present and affected by development. Where this is the case, the survey should be completed and any necessary measures to protect the species should be in place, through conditions and / or planning obligations, before permission is granted.'





### **Bird Survey**

Although the bird surveys for SPA foraging birds meets the WYE requirements, the breeding bird survey included just three visits which is a low degree of survey effort and leaves open the potential for species to be missed, especially passerines later in the season.

A minimum of five survey visits is required across the breeding season (March to August) in order to permit a detailed assessment of the use of the site by breeding birds. As such the existing bird survey work requires updating prior to determination.

Please refer to <https://birdsurveyguidelines.org/>

### **Access Route**

All ecological survey and assessment focuses on the main quarry site without any consideration of any works which may be required to improve the existing highways or create a new access route. Further detail is required on the nature of any required road improvement works and the potential impacts on habitats and species along the route.

In the absence of this information we are unable to appropriately assess the potential impacts of the proposals.

### **Policy and Legislation**

The likely impacts of the proposals are unacceptable for the Biodiversity Team and mean the scheme does not comply with the NPPF or Environment Act which require measurable Net Gains for Biodiversity. The scheme also does not comply with Bradford MDC's Core Strategy Policy EN2 Biodiversity and Geodiversity which states:

*"Habitats and Species outside Designated Sites*

- D. Proposals that may have an adverse impact on important habitats and species outside designated sites need to be assessed according to the following criteria:*
- 1. The potential for adverse impact on important/priority habitats that occur outside designated sites*
  - 2. The potential for adverse impact on species of international, national and local importance*
  - 3. The extent to which appropriate measures to mitigate any potentially harmful impacts can be identified and carried out*
  - 4. As a last resort, the extent to which appropriate measures to compensate any potentially harmful impacts can be identified and carried out. The assessment needs to take account of: West Yorkshire Local Site Selection Criteria and where*

*relevant developers will be expected to submit (European) Protected Species surveys and other ecological assessment related information with their application.*

*Enhancement*

*E. Plans, policies and proposals should contribute positively towards the overall enhancement of the District's biodiversity resource."*

The scheme also fails to comply with Policy EN9 (B.4): New and Extended Mineral Extraction Sites which states that developments would be supported only if:

*"The development would not lead to a long-term net loss of biodiversity, to the loss or significant deterioration of any irreplaceable habitats, or to the permanent disruption of a significant ecological network"*

***Considering the ecological value of the site the Biodiversity Team cannot support the application based on the information provided. It is not considered that suitable mitigation and enhancements could be made for the ecological features present on the application site and that the timeframes for mitigation, compensation and enhancement are too long to realise net gains for biodiversity. Even if further information/surveys were provided, it is still considered that the fundamental matters regarding, mitigation, enhancements and net gain are highly unlikely to be achieved.***