



Horn Crag Quarry

Summary Proof of Evidence of Ms Erica Kemp

AD Calvert Architectural Stone Supplies

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1. Introduction

- 1.1. This Proof of Evidence has been written by Ms Erica Kemp. I am a Chartered Environmentalist and ecologist with over 20 years' experience of undertaking ecological surveys and impact assessment, in a broad range of habitats including upland and moorland sites. I am familiar with the site having visited on 20th September 2023 and 5th January 2024.
- 1.2. Insofar as the contents of this summary proof are within my personal knowledge, they are true, otherwise they are true to the best of my knowledge, information and belief. Where facts and matters are outside my own knowledge, I have identified the source of my information or belief.

2. Background and site description

- 2.1. A description of the site and its ecology is included in Section 2 of my Proof of Evidence.
- 2.2. The Site is approximately 5.99 hectares, 1.78 ha of which will be retained throughout the works. It is not subject to any statutory or non-statutory designation for nature conservation but has been identified by Bradford Metropolitan Borough Council as part of Bradford Wildlife Habitat Network.
- 2.3. The site comprises a mosaic of habitats including upland heathland, acid grassland, gorse scrub and bracken. Upland heathland habitat is listed as a Habitat of Principal Importance in the NERC Act of local importance. The habitats on site have largely naturally regenerated on previously worked areas. The presence of bracken is an ecological disbenefit and likely to result in progressive deterioration of the existing habitats over time.
- 2.4. Quarrying operations will be phased and subject to phased restoration with less than 50% of the site being worked at any one time. The restoration plan includes a programme of progressive creation of locally appropriate habitats including upland heath and acid grassland. There will be a net increase in heathland habitats on site on completion of restoration. Conditions are proposed to ensure that restoration can be implemented, managed and monitored to deliver net long term gains to biodiversity.

- 2.5. The site supports a breeding population of badgers and a strategy has been developed to ensure the works can be undertaken without resulting in an offence under the Protection of Badgers Act. The strategy includes closure of a single hole sett close to the access road, creation of an artificial sett away from the working area in the northwest corner of the site and ongoing monitoring of the badger population. There are no other protected species issues relating to the site.

3. Reasons for refusal and relevant policies

- 3.1. Reasons 3 and 4 of the reasons for refusal relate to nature conservation and are included in full in Section 3 of my Proof. The main issues are:
- Whether the proposals will contribute positively towards the overall enhancement of the District's biodiversity resource within an acceptable timeframe
 - Whether the proposals will result in a weakening of or permanent disruption to the Wildlife Habitat Network
 - Whether the proposals provide adequate information relating to protected species (specifically badgers)
- 3.2. The relevant policies and legislation (for the purposes of my evidence) are Parts D and E of Policy EN2, and Policies EN9 and EN10 E (3) of the Bradford Core Strategy, paragraph 174 of the National Planning Policy Framework, and the Environment Act, 2021. These policies are included in full within my main Proof of Evidence.
- 3.3. The site falls to be considered under Parts D and E of Policy EN2 of the current development plan, which relate to "habitats and species outside designated sites" and "enhancement". As the possibility that the site might become a Locally Designated Site in any future development plan cannot be ruled out, I have also considered the Council's reasons for refusal in the context of both Parts C (relating to locally designated sites) and of Policy EN2.

4. Consideration Against Relevant Policies and Legislation

- 4.1. Parts C, D or E of Policy EN2 do not require delivery of Biodiversity Net Gain. Part E requires that proposals do not result in net total losses to biodiversity. No specific method for demonstrating timescales for delivery of enhancements are specified.
- 4.2. The proposals will not result in total losses to biodiversity. Whilst there will be temporary losses of priority upland heathland habitat during operations, the phasing of works and restoration will limit the extent of the affected area at any one time. There will be a net increase in upland heathland habitat on site on completion of restoration. The ongoing management of the site will prevent future deterioration of heathland habitats that is expected to occur in the absence of such management thereby safeguarding the future value of the site. On this basis the proposals are not considered to conflict with Parts C and D of Policy EN2.
- 4.3. The works will require temporary landtake of land within the Bradford Wildlife Habitat Network. However, an intact corridor of c. 34 m will maintain connectivity with adjacent land parcels within the network throughout the duration of works and the phasing of quarrying operations and restoration will minimise the extent of the network at any one time. There will be no permanent adverse impacts on the network and the restored site will provide a net benefit to the ecological resilience and function of the network through creation and management of locally important habitats. The network will not cause serious fragmentation of or significantly impact the connectivity of the habitat network and does not conflict with Policy EN2 Part E.
- 4.4. The proposals will 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 and do not conflict with Policies EN9 or EN 10(3).
- 4.5. The proposals will protect and enhance the resilience and coherence of the ecological network in the long term through creation and management of high quality habitats and do not conflict with Paragraph 174 of the NPPF or the 'general biodiversity objective' as set out in The Environment Act.

5. Conclusions

- 5.1. The third and fourth reasons for refusal relate to the failure of the proposals to contribute positively towards the overall enhancement of the District's biodiversity resource within an acceptable timeframe, delivery of Biodiversity Net Gain (including the timescales over which it will be delivered), the impacts on the Wildlife Habitat Network and the potential for impacts to protected species, specifically badgers.
- 5.2. The only priority habitats present on site are upland heathland habitats and the proposals will deliver a net increase in upland heathland habitats on completion of restoration. The proposals will not seriously disrupt or sever the Bradford Wildlife Habitat Network at any point, and there will be no permanent adverse effect to this network.
- 5.3. Management of the restored site for nature conservation will enhance the quality and resilience of the habitats present on site and the Bradford Wildlife Habitat Network and represent a long term positive impact compared to a 'do nothing' scenario. Mandatory net gain is not applicable to this application and local planning policy requires only that proposals do not result in net losses of biodiversity. No timescales for delivery of biodiversity gains and enhancements are specified in the local plan.
- 5.4. Operational impacts associated with quarrying activities will be limited at any one time and the site will be subject to phased restoration with early phases being restored prior to commencement of operations on later phases. This will protect the integrity of the Wildlife Habitat Network whilst the quarry is active. There will be no permanent deterioration of the Wildlife Habitat Network.
- 5.5. The proposals will not result in any loss of irreplaceable habitats or adversely affect protect species. A strategy to ensure that the works are undertaken in compliance with The Protection of Badgers Act has been prepared and works with potential to disturb badgers or their setts would be subject to licence from Natural England. Based on current patterns of activity there is no reason that an appropriate licence would not be obtainable.
- 5.6. Potential effects to ecology and biodiversity can be minimised through the imposition of appropriately worded planning conditions requiring phased restoration, enhancement of retained habitats and regular updates to badger surveys and mitigation planning.

- 5.7. The proposals do not conflict with local or national planning policy or legislation in relation to biodiversity and there is no need for refusal of the application on ecological grounds.