



# Bradford Local Plan Core Strategy Examination - Hearing Statement

## Representations on behalf of CEG Land Promotions Ltd (CEG)

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Representor Reference     495  
Date:                             February 2015

### **Matter 7D: Environment**

#### ***Key issue:***

***Does the Plan provide a clear, effective and soundly based framework for working together, managing housing delivery, promoting sustainable transportation, protecting, maintaining and enhancing the high quality environment within Bradford, ensuring an adequate supply of sustainable minerals and waste management, and achieving good design, which is fully justified with evidence, positively prepared and consistent with the latest national policy?***

#### ***Question 7.17: Policy EN2 - Biodiversity and Geodiversity***

***a) Is the approach to protecting Biodiversity and Geodiversity, including North/South Pennine Moors, Locally Designated Sites, Habitats and Species outside Designated Sites and Enhancement to biodiversity fully justified by evidence, is it effective, deliverable, soundly based and consistent with the latest national guidance (NPPF/PPG)?***

- 1.1                     A detailed consideration of this policy and its approach to protecting the North/South Pennine Moors is set out within CEG's review of the December 2014 Habitats Regulations Assessment. This is contained at Appendix 1 of CEG's statement to Matter 1 and discussed within that statement.
- 1.2                     As identified in the CEG Matter 1 Statement, Policy SC8 is potentially unnecessary in light of Policy EN2 if that policy is worded appropriately. In order to be considered sound, to accord with the requirements of the Habitats Regulations and to afford the necessary protection, balanced against the other strategic objectives of the plan, it is proposed that the policy is revised to read as follows:

#### **EN2: Biodiversity and Geodiversity**

*North and South Pennine Moors*

*A. Any development that would be likely to have a significant effect on a European Site either alone or in combination with other plans or projects will be subject to assessment under the Habitat Regulations at project application stage. If it cannot be ascertained that there will be no adverse effect on site integrity then the project will have to be refused, unless the derogation tests of Article 6(4) Habitats Directive can be met ie where there is no alternative solution; there are imperative reasons of overriding public interest including those of a social or economic nature; and compensatory measures can be provided to ensure that the overall coherence of Natura 2000 is protected*

#### *Locally Designated Sites*

*B. Development likely to have an adverse effect on a site of ecological/geological importance (SEGIs and RIGS) or a site of local nature conservation value (Bradford Wildlife Areas) will not be permitted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the site. When assessing whether proposals are likely to have an adverse impact on such sites the following criteria will be relevant;*

- 1. Whether works are necessary for management of the site in the interests of conservation.*
- 2. Whether adequate buffer strips and / or other mitigation has been incorporated into the proposals to protect species and habitats for which the Locally Designated Site has been designated.*
- 3. Whether the development would be expected to result in no overall loss of habitat; or whether mitigation could be expected to include compensatory habitats adjacent to or within the vicinity of any losses proposed. Existing habitats and proposed mitigation should be quantified.*

#### *Habitats and Species outside Designated Sites*

*C. 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*

*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.*

*Development which would cause serious fragmentation of habitats, wildlife corridors or have a significantly adverse impact on biodiversity networks or connectivity will be resisted unless it can be clearly demonstrated that there are reasons for the proposal which outweigh the need to safeguard the substantive nature conservation value of the features of interest.*

*Enhancement*

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

*They should seek to protect and enhance species of local, national and international importance and to reverse the decline in these species. The Council will seek to promote the creation, expansion and improved management of important habitats within the district and more ecologically connected patchworks of grasslands, woodlands and wetlands. Opportunities for specific habitat creation within development proposals will be sought, including provision for future management.*

*Subject to Policy SC8 being retained, the following should be added: Subject to Policy SC8, habitats of the moorland will be enhanced and landowners or occupiers will be actively encouraged to manage areas for bird foraging to ensure continued provision of suitable habitat*

*Subject to Policy SC8 being retained, the following should be added: Subject to Policy SC8, the Council will recognise the importance of foraging/ commuting areas for protected and SPA species outside the statutory designated area as a material consideration in the preparation of development plans and in the determination of planning applications. Where appropriate foraging sites, currently outside the SPA/SAC, whose loss to development could not be adequately mitigated, will be considered for designation.*