

Bradford Local Plan

Core Strategy Examination

Matter 3

Further Statement on SC8

Date: 10th March

Venue: Victoria Hall, Saltaire

Item 40

Attached is the re-drafted SC8. This is part of the outcome of the process started by the inspector on the first day of the examination. Discussions took place on the afternoon of 4th March between CEG representatives, Natural England, the Council and Urban Edge, consultants who prepared the HRA Report, on behalf of the Council. Following this, the Council, Urban Edge and Natural England put forward the following, which was emailed to the programme officer on Friday 6th March.

Bradford Local Plan Core Strategy Examination

Statement of Common Ground

**City of Bradford MDC, Natural England, Royal Society for the Protection of Birds, CEG
Land Promotions (CEG)**

Citation: In order to make progress with terms of reference, it is agreed that all parties positions in relation to the citation are noted.

The following is proposed as a way forward following discussion at the previous meeting:

Functional habitat: It is agreed that:

1. Natural England's advice in its letter dated 1 August 2014, namely that:

"When determining whether there is an adverse effect upon the assemblage, the HRA should consider: the numbers of assemblage birds present within functionally linked areas; identify those locations frequently visited by these birds; and the numbers present compared against their populations. Unless there is an in-combination effect, Natural England would caution against the removal of potential allocations on the basis that a single assemblage bird was recorded."

could not be adhered to because SPA bird population data necessary to complete the analysis were not available.

2. Further to point 2, Natural England has recently confirmed that its South Pennine Moors Phase 2 SPA Breeding Bird Survey 2014 data is ready for release. This data will be used to identify areas of land which are likely to be functionally linked to the SPA in accordance with Natural England's advice in point 2 by:
 - a. identifying those locations outside of the SPA where there are clusters of Annex 1 and/or assemblage birds (as shown in the South Pennine Moorland Fringe Breeding Bird Surveys undertaken by West Yorkshire Ecology in 2013);

- b. comparing the numbers present against their SPA populations (as shown in the 2014 SPA Breeding Bird Survey); and
 - c. referring to the extent of potentially suitable habitat (as indicated by the 2013 Moorland Fringe Habitat Survey).
3. The “breeding bird assemblage” means the birds of the species listed in the assemblage which are at any time breeding within the SPA.
 4. In identifying SPA “functional land” for birds of the breeding bird assemblage, the starting point is to look for land which is used for feeding by birds of the species for which the SPA is classified (as per NE’s letter to the Council dated 31 March 2014 (page 2) “feeding habitats beyond the SPA”).
 5. The approach described in 5 in relation to identifying functional land should be regarded as precautionary as it would not be possible to know, from information about birds seen outside the SPA, whether those birds are in fact breeding within the SPA. Apart from overflying birds, it must be assumed that they are part of the breeding bird assemblage unless there is evidence to show they are not.
 6. In identifying SPA functional land for birds of the breeding bird assemblage, one should ignore those birds which, in the relevant survey, are proven to be breeding outside the SPA, as those individual birds are not part of the breeding bird assemblage of the SPA. Sites with breeding birds may also have feeding birds from the SPA, as sites suitable for breeding birds are also likely to have habitats suitable for feeding birds from the SPA.
 7. Land within 2.5km of the SPA which appears to provide suitable feeding habitat for SPA bird species should not be regarded as having no functional link with the SPA simply because there are no records of SPA birds using the land in the South Pennine Moorland Fringe Breeding Bird Surveys undertaken by West Yorkshire Ecology in 2013.

Policy SC8: It is agreed that:

8. Policy SC8 should read:

Development will not be permitted where it would be likely to lead to an adverse effect upon the integrity, directly or indirectly, on the South Pennine Moors Phase 2 Special Protection Area and South Pennine Moors Special Area of Conservation (collectively referred to below as the Designated Sites). To ensure these sites are not harmed, a number of zones have been identified:

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Zone A

No development involving a net increase in dwellings would be permitted within a suitable buffer area around the Designated Sites (normally 400m) unless, as an

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exception, the form of residential development would not have an adverse effect upon the sites' integrity.

Zone B

Zone B would apply within 2.5km of the Designated Sites' boundary.

Within Zone B the Council will take a precautionary approach to the review and identification of potential Greenfield sites for development based on an assessment of carrying capacity using the available evidence from bird and habitat surveys and appropriate additional monitoring. The underlying principles will be to avoid loss or degradation of areas outside European Sites that are important to the integrity of sites and that sufficient foraging resources continue to be available, in order to ensure the survival of bird populations.

Zone C

Zone C would apply up to 7km of the Designated Sites' boundary.

Within Zone C residential developments that result in a net increase of one or more dwellings, and therefore contribute to increased recreation impacts (including disturbance and trampling) within the Designated Sites, will be required to demonstrate how such impacts will be mitigated (i.e. avoided, reduced or cancelled) within the development site. If it is not possible to fully mitigate the impacts on site, the development will make a planning contribution, to:

1. The provision of additional natural greenspace and appropriate facilities to deflect recreational pressure from moorland habitats and species, and the long-term maintenance and management of that greenspace; and

2. The implementation of access management measures, which may include further provision of wardens, in order to reduce the impact of visitors; and

3. A programme of habitat management and manipulation and subsequent monitoring and review of measures.

To mitigate impacts on the Designated Sites due to the increase in population, an approach will be adopted that sets out a mechanism for the calculation of the planning contribution.

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Zones Bi and Bii¶

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Further discussions took place on the afternoon of 10th March and the re-drafted policy SC8 is the outcome. Due to the difficulty in tracking the amendments to the policy from the original, it is presented as a re-drafted policy.

Strategic Core Policy (SC8): Protecting the South Pennine Moors and their zone of influence

Development will not be permitted where it would be likely to lead to an adverse effect upon the integrity, directly or indirectly, of the South Pennine Moors Special Protection Area and Special Area of Conservation. To ensure these sites are not harmed, a number of zones have been identified:

Zone A

No development involving a net increase in dwellings would be permitted within a suitable buffer area around the upland heath/ South Pennine Moors (normally 400m) unless, as an exception, the form of residential development would not have an adverse effect upon the sites' integrity.

Zone Bi

Zone Bi would apply between 400m and 2.5km of the designated Site boundary

Within Zone Bi the Council will take a precautionary approach to the review and identification of potential Greenfield sites for development based on an assessment of carrying capacity using the available evidence from bird and habitat surveys and appropriate additional monitoring. The underlying principles will be to avoid loss or degradation of areas outside European Sites that are important to the integrity of sites and that sufficient foraging resources continue to be available, in order to ensure the survival of bird populations.

Zone Bii

Zone Bii would apply between 2.5km and up to 7km of the designated Site boundary

Within Zone Bii appropriate assessment is still likely to identify significant adverse effects in combination with other proposals, however appropriate avoidance or mitigation measures should allow development to take place.

Zones Bi and Bii

Within Zones Bi (taking into account the need to avoid loss or degradation of areas outside European Sites that are important to the integrity of the sites) and Zone Bii 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 that sets out a mechanism for the calculation of the planning contribution.

Strategic Core Policy (SC8): Protecting the South Pennine Moors SPA and the South Pennine Moors SAC and their zone of influence

In this Policy:

Zone A is land up to 400m from the South Pennine Moors Special Protection Area (“**SPA**”) and South Pennine Moors Special Area of Conservation (“**SAC**”) boundary;

Zone B is land up to 2.5km from the SPA and SAC boundary; and.

Zone C is land up to 7km from the SPA and SAC boundary.

Subject to the derogation tests of Article 6(4) of the Habitats Directive, in all Zones development will not be permitted where it would be likely to lead, directly or indirectly, to an adverse effect (either alone or in combination with other plans or projects), which cannot be effectively mitigated, upon the integrity of the SPA or the SAC.

In conducting the above assessment the following approach will apply:

In Zone A no development involving a net increase in dwellings would be permitted unless, as an exception, the development and/or its use would not have an adverse effect upon the integrity of the SPA or SAC.

In Zone B it will be considered, based on such evidence as may be reasonably required, whether land proposed for development affects foraging habitat for qualifying species of the SPA.

In Zone C, in respect of residential developments that result in a net increase of one or more dwellings, it will be considered how recreational pressure on the SPA or SAC, that such development might cause, will be effectively mitigated. The mitigation may be:

- (i) such that the developer elects to offer, either on-site and / or deliverable outside the boundary of the development site, such as the provision of accessible natural greenspace and/or other appropriate measures; or
- (ii) in the form of a financial contribution from the developer to:
 1. the provision of additional natural greenspace and appropriate measures 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 the SPA and SAC due to the increase in population, an SPD will set out a mechanism for the calculation of the financial contributions, by reference to development types,

the level of predicted recreational impact on the SPA or SAC, and the measures upon which such contributions will be spent.