

Matter 1 – South Pennine Moors

The Council has reviewed and updated the Habitats Regulations Assessment (HRA) and has consequently amended the approach towards the South Pennine Moors SPA/SAC in Policy SC8

Key Issue:

Is the revised approach towards the South Pennine Moors appropriate, effective, positively prepared and justified with soundly based evidence, including the updated Habitats Regulations Assessment, and in line with the latest national guidance and good practice (NPPF/PPG)

a. Is the revised approach towards new development, in the South Pennine Moors SPA/SAC and its Zone of Influence appropriate, effective, positively prepared, justified, soundly based and consistent with the latest national policy?

1. In our response to the Main Modifications (MM) we supported the totality of the strategic approach proposed in the re-drafted Policy SC8. However we proposed some detailed amendments to the wording of the policy in order to enhance clarity and to facilitate the subsequent interpretation and implementation of the policy for all participants in the site allocations and planning application processes. None of these detailed amendments affect the strategic intent and integrity of the re-drafted policy.
2. We consider that the re-drafted policy is sound and meets the tests of soundness summarised in this question. The policy is generally consistent with the summary policy approach in paragraphs 117 to 119 inclusive of the National Planning Policy Framework (the Framework) relating to biodiversity and the following paragraphs on plan-making: 157, 158, and 165 to 167 inclusive. The positive approach to be taken to plan-making and the need to significantly boost the supply of housing as set out in paragraph 47 of the Framework also have to be taken into account. The approach is one of assessing plans and projects in a full planning balance.
3. The National Planning Practice Guidance (NPPG) provides clear and succinct advice on biodiversity and emphasises a two-pronged central approach to enhancing biodiversity. The latest NPPG is revision 06-03-2014. The two-pronged approach is summarised as:
 - a) Minimising impacts on biodiversity
 - b) Providing net gains in biodiversity where possible
4. As with the consideration of all environmental and sustainability criteria this involves assessing the negative and positive impacts of development in a planning balance. The Framework makes it clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature. In the NPPG at paragraph 008 (ref ID8-008-20140306) guidance is given on how to develop and deliver a strategic approach to protecting and improving the natural environment. The following statement represents the distillation of the positive part which development planning can play to achieve an appropriate planning balance when promoting development.

“Equally they (Local Planning Authorities and Neighbourhood Planning Authorities) should consider the opportunities that individual development proposals may provide to enhance biodiversity and contribute to wildlife and habitat connectivity in the wider area.”

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5. Policy SC8 as re-drafted now provides a more appropriate and balanced strategic approach to the protection and enhancement of biodiversity in the South Pennine Moors SAC and SPA and their adjacent habitats and areas. The revised policy moves away from an overly precautionary approach to one where a more appropriate and positive planning balance is capable of being achieved where impacts can be mitigated, biodiversity can be enhanced and development can assist in habitat and species enhancement.
6. This balanced approach now needs to be clearly articulated in the supporting text to Policy SC8, in the subsequent SPD and in the Allocations DPD, now in the first stage of production. This will enable the higher levels of housing delivery being proposed for the settlements in Wharfedale and Upper Airedale. It should be noted in this context that we have advocated a higher housing requirement for Bradford than the minimum 42,100 dwellings leading to a higher pro rata distribution to most settlements. Evidence on the enhanced requirement has been provided and the issue is not being re-considered under the selected MM's contained in the Inspector's questions. However the distribution of the requirement is being considered under Matter 3.
7. Essentially many of the local councils and community groups as well as individual respondents in Wharfedale and to a more limited extent in Airedale are arguing that it is either not possible or not appropriate to achieve this planning balance. These respondents do not seem to recognise the contributions which development can make to the protection and enhancement of the environment in general and biodiversity in particular.
8. We accept the Inspector's guidance for the EIP into specific MM's that it is not appropriate to provide new evidence or to raise new issues at this stage. Consequently we can only make the general statement that via our detailed work on settlements and sites in Wharfedale and Airedale to date on behalf of landowners and developers we have already identified key opportunities for mitigation of any impacts on the SPA/SAC arising from development as well as opportunities for enhancement of biodiversity through better management of habitats, creation of new supporting habitats and the provision of new recreation areas which will assist in relieving any recreation pressures experienced within the SPA/SAC. We do however wish to state that the work which we and others have carried out goes far beyond the SHLAA and Growth Study assessments which provide part of the evidence base for the Core Strategy.
9. Area and Neighbourhood Plans together with the work on the Allocations DPD provide the opportunities for detailed policies and proposals related to each settlement and its locality. Within this emerging context negotiations with landowners and developers will make the achievement of the following improvements possible:
 - Provision of new supporting habitat
 - Introduction of new/revised land management practices so as to better conserve habitats and the species they help to support including the SPA protected bird species.
 - Enhancement or restoration of existing habitats and the creation of improved habitat network linkages.
 - Introduction of new recreation and public access areas and networks away from the SPA designated moorland but with strong physical and visual links to these moorland areas.

- Improved management of the SPA/SAC in the South Pennines particularly in terms of those areas which are nearest to the settlements.
 - Financial contributions where the above provisions cannot be directly or indirectly achieved.
10. These approaches are advocated in the revised HRA and in the framework which it proposes for the subsequent Supplementary Planning Document (SPD) which the Council propose. We agree with the approach to the production of the SPD as generally advocated in the revised HRA. We consider that it is most important that the SPD performs a wider and more significant role than simply setting out the mechanism for the calculation of financial contributions. In many cases we anticipate from our experience that direct enhancements via individual and collective development proposals will make a more important contribution than the financial one. The SPD should provide clear guidance on the ways in which developers and landowners, often working together, can directly provide habitat mitigation and enhancement on or close to future allocations for development. Paragraph 5.3.3 of the HRA proposes a similar set of measures and this approach and content should be included in the supporting text to Policy SC8.
11. Paragraph 017 of the NPPG sets out how development can not only protect but also enhance biodiversity. We argue that those who oppose the levels of development proposed in the settlements of Wharfedale and Airedale should consider the contents of paragraph 017 of the NPPG and the related earlier paragraphs we have referred to. The objectors to the revised Policy SC8 and the redistribution of housing numbers to Wharfedale and Airedale settlements also need to take account of the following subsequent steps which will assist in the positive implementation of these strategic policies:
- The framework and content of the SPD as advocated in the HRA
 - The production of a Strategic Access and Monitoring Strategy (see paragraph 5.3.4 of the HRA)
 - The site selection approach for allocations and the ability to include detailed and specific policy content to control the delivery of an allocated development including the provision of actions which positively contribute to the biodiversity of a locality.
- b. Is the updated HRA evidence and Sustainability Appraisal soundly based and are there any outstanding issues from Natural England or other relevant parties?***
12. In general the updated HRA evidence is more soundly based than the content of the predecessor documents, however we still have some significant residual concerns. In our response to question a.) we have referred to the more detailed work we have carried out for clients in Airedale and Wharfedale. We state that this work goes way beyond the very broad brush analysis in SHLAA 3.
13. At Section 6 of the HRA paragraphs 6.2.33 to 6.2.56 together with associated tables present results of site specific surveys related to SHLAA 2 information. As with most SHLAA analyses this assumes a gross residential development area will occur. This is clearly not the case and there are some dramatic net to gross development area ratios revealed when masterplanning and full constraints / opportunities analysis has taken place. In our evolving location and site specific proposals for a number of sites / locations in Wharfedale and Airedale we have already identified clear opportunities for habitat enhancement, provision of supporting habitat and new greenspace recreation areas.

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14. The impacts which are implied are inaccurate and can only be adequately assessed at the Allocations Stage. At paragraph 6.2.52 of the HRA the author's state that there is insufficient data arising from these surveys to "conclusively categorise each site in accordance with" ... the red, amber, green site ratings.
15. At paragraph 6.2.56 of the HRA it is suggested that while some caution needs to be applied that the results of these surveys are adequate at a strategic level. We dispute this conclusion. The first sentence of 6.2.57 also states that the data "allows a reasonable assessment of risk to be made at the Core Strategy level and a response to be identified." It is however acknowledged later in this paragraph that proposals will be "subject to further and more detailed assessment when more information is available, in relation to choice of sites." The use of the Solent survey as a comparator is lacking in justification.
16. With regard to the recreation surveys referred to in the revised HRA (November 2015) we refer to our original evidence provided for the March 2015 EIP. We retain our concerns with regard to the survey methodology and the results being relied on (Matter 3.5 Question 6).
 - c. ***Have the implications of the revised approach towards the South Pennine Moors SPA/SAC been reflected in the proposed amendments to the text accompanying Policy SC8 and other associated policies and accompanying text (e.g. Policies WD1 & EN1-EN2)?***
17. See response to a, above.
 - d. ***Have the implications of the revised HRA evidence for the overall strategy, the settlement hierarchy, spatial location and distribution of development and other key aspects of the development strategy been fully considered and explained?***
18. We see this primarily as a question to be answered by the Council. From our reading of the HRA and associated evidence documents relating to these issues we generally conclude that the matters have been appropriately considered at a strategic planning level. However we do feel that more explanation would assist public understanding.