

Date: 8th June 2016
Our ref:
Your ref:



Jane Scott
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sent by e-mail

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Dear Jane,

BRADFORD CORE STRATEGY - AMENDMENTS TO HRA POLICIES AGREED AT THE EXAMINATION

I apologise for the slight delay in our response. After some consideration Natural England would like to make the following comments and advice with regard to amendments to the supporting text Policy SC8, specifically to the proposed amendment to revise and include..... *“Where necessary for the protection of the South Pennine Moors SPA, mitigate (which may include avoidance) loss or deterioration of important foraging land within the SPA’s zone of influence.”*

Natural England do not consider that the criterion should be pre-fixed with the phrase “Where necessary for the protection of the South Pennine Moors SPA...”. We consider that this appears to contradict the findings of Habitats Regulations Assessment (HRA) that the loss of supporting habitats and urbanisation impacts are assessed as likely to affect the South Pennine Moors SAC/SPA.

In accordance with the precautionary principle plan policy should assume that avoidance or mitigation is necessary unless evidence at the site level proves otherwise. The HRA conclusions and recommendation support the need for both avoidance and mitigation measures.

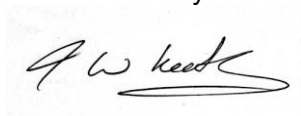
Furthermore, although we accept that the term mitigation may be used to encompass avoidance measures in a legal sense, we advise that the planning policy is intended for a wider public audience and should reflect that. Natural England advises that locations within the SPA Zone of Influence may prove to be undeliverable without adverse effects on the integrity of the South Pennine Moors Phase 2 SPA and that such locations should be avoided.

Natural England considers that the suggested amendment from *“Avoid loss of important foraging land within the SPA’s zone of influence, and mitigate the impacts”* to *“mitigate (which may include avoidance)”* has the effect of obscuring the fact that some locations may need to be avoided. It is recommended to stop any confusion the inclusion of *“(which*

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may include avoidance)” should be replaced with ‘avoid’, giving clarity between the terms to avoid and/or to mitigate.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Tom Keatley', with a stylized flourish at the end.

Tom Keatley
Team Leader
South & West Yorkshire Team
Yorkshire & north Lincolnshire