

ADDENDUM TO

Calderdale Local Plan Habitats Regulations Assessment:

FINAL 25th June 2019

1 Purpose of the Addendum

- 1.1 This Addendum addresses matters raised by Natural England regarding the Habitats Regulations Assessment that was produced in support of the Calderdale local Plan. In particular Natural England require three additional pieces of work, which are set out in their letter dated: 19th September 2018 and attached as Appendix 2 to this Addendum.
- 1.2 In summary Natural England have asked for:
 - a. additional description and consideration of “Recreational Use and Urban edge impacts” within Calderdale. In discussion with Natural England this additional work should take account of neighbouring authorities’ Housing Allocations to address “in-combination” effects across a wider area. In particular, this work should take account of the advice of Natural England and assess allocations within 7km of the Special Protection Area (SPA) and Special Area of Conservation (SAC) which are contiguous in Calderdale and spread across a number of authorities in the South Pennine Area. (The Maps of the SPA/SAC can be found in the HRA 2019 (Submission Document SD12.4 Figure 1 page 10).
 - b. Consideration of the “People over Wind” Judgement of the Court of Justice of the European union (CJEU), and assessment of the Calderdale Local Plan’s allocations and policies to ensure appropriate consideration is given to the Judgement, and to determine whether Modifications to the Published Local Plan are required to appropriately reflect upon the outcome of the judgement.
 - c. To address Air Quality Implications of traffic growth from the Calderdale local Plan on the SPA/SAC. In particular in-combination effects along the M62 through the protected areas and the other A Class roads in Calderdale which lie within 200m of the protected areas. This separate document is attached at the end of this Report.
- 1.3 The rest of this Addendum deals with each of the matters in turn.

a. RECREATIONAL USE AND URBAN EDGE IMPACTS

- 2.1 The HRA Screening Report for the Calderdale Local Plan could not objectively rule out likely significant effects (LSE) on the SPA/SAC as a result of an increase in disturbances associated with public access brought about by the Calderdale Local Plan.
- 2.2 This Addendum has further considered the potential for Likely Significant Effects arising from the potential growth of disturbances associated with the associated with the Calderdale Local Plan.
- 2.3 The most up to date information available for the whole of the South Pennines area is the work undertaken by Natural England between 2009 and 2012 released in 2014. This monitor looked at the manner in which people engage with the South Pennines, from local authority areas bounding the South Pennines as well as from further afield. There is no other locally relevant information which can be used as a data source for this assessment. *Data source: Natural England Report NECR150 “Monitor of engagement with the Natural environment survey (2009-2012): Visit taking in the South Pennines (16 May 2014).* There is no local assessment of visitor usage of the South Pennines that can be used.
- 2.4 For the purposes of this addendum the local authorities across the South Pennines and the consideration of “in-combination effects” have been taken to be those established in Table 1.

Table 1: Places of Residence of visitors to the South Pennines

(ONLY South Pennine Authorities shown)

Place	Annual Volume of visits (millions)	% of all visits to South Pennines	Per Capita Visits taken to South Pennines
Kirklees	4.3	21.8%	13
Burnley	1.7	8.9%	16
Pendle	1.6	8.1%	14
Rosendale	0.8	4.1%	24
CALDERDALE	0.5	2.3%	3
Bradford	0.1	0.5%	<1
Rochdale	0.3	1.7%	2
Oldham	0.2	0.8%	1

Table 2: Additional Places of Residence for Visitors to the South Pennines

Place	Annual Volume of visits (millions)	% of all visits to South Pennines	Per Capita Visits to South Pennines
Bolton	4.1	20.7%	19
Bury	1.3	6.4%	9
Leeds	1.1	5.4%	2
Chorley	0.4	1.9%	9
Manchester	0.4	1.8%	1
Blackburn with Darwen	0.3	1.4%	3
Barnsley	0.3	1.4%	1
Sheffield	0.3	1.3%	1
Newham	0.2	0.9%	1
Wakefield	0.2	0.8%	1
Warrington	0.2	0.8%	1
Hyndburn	0.1	0.7%	7
Sefton	0.1	0.6%	1
South Ribble	0.1	0.5%	1
Birmingham	0.1	0.5%	<1
Cheltenham	0.1	0.5%	1
Stockport	0.1	0.55	<1

Table 3: Places of Residence of Visitors to the South Pennines

Place	Annual volume of visits taken to South Pennines	% of visits taken to South Pennines	Per capita annual visits taken to South Pennines
South Pennines	7.1	36%	35
South Pennines Catchment area	3.6	18%	3
Rest of England	9	46%	<1

2.5 The Monitor of Engagement with the Natural Environment Survey (2009-2012) has identified the following activities as being popular on the South Pennines for visitors who live within the south Pennines.

Table 4: Activities undertaken by Visitors to the South Pennines

Activity	% of visit purpose
Walking WITHOUT a dog	23%
Walking WITH a dog	68%
Wildlife watching	1%
Informal games and sport	1%
Eating and drinking	1%
Playing with children	5%
Appreciating the scenery from a car	<1%
Running	2%
Visiting an attraction	<1%
Fishing	<1%
Picnicking	1%
Road cycling	<1%
Off road cycling/mountain biking	2%

2.6 All these activities can result in disturbances for the breeding bird assemblage of the South Pennine Moors SPA, such as a dog running in close proximity to ground nesting birds. Recreational activities such as walking and cycling can also result in erosion and trampling of sensitive habitats and in extreme circumstances arson can result in moorland fires.

Main Visitor Attractions in Calderdale within the SPA/SAC

- **Pennine Way:** this national trail crosses Calderdale in a north - south direction. The trail accommodates around 15,000 long distance walkers every year who undertake the full route from Edale (Derbyshire) to Kirk Yetholm in the Scottish Borders. The full trail is 268 miles long, with the stretch in Calderdale being 32.61km. The Pennine Way runs through the SPA/SAC (15.11km). Across the full Pennine Way it is estimated that 250,000 day walkers use parts of the trail every year. There is no data relating to usage within Calderdale. The Pennine Way passes Stoodley Pike where it also crosses the Calderdale Way.
- **Stoodley Pike:** a popular destination for walks from the Calder Valley including Fell-Running and past which the Pennine and Calderdale Ways pass. Stoodley Pike lies within the SPA/SAC.

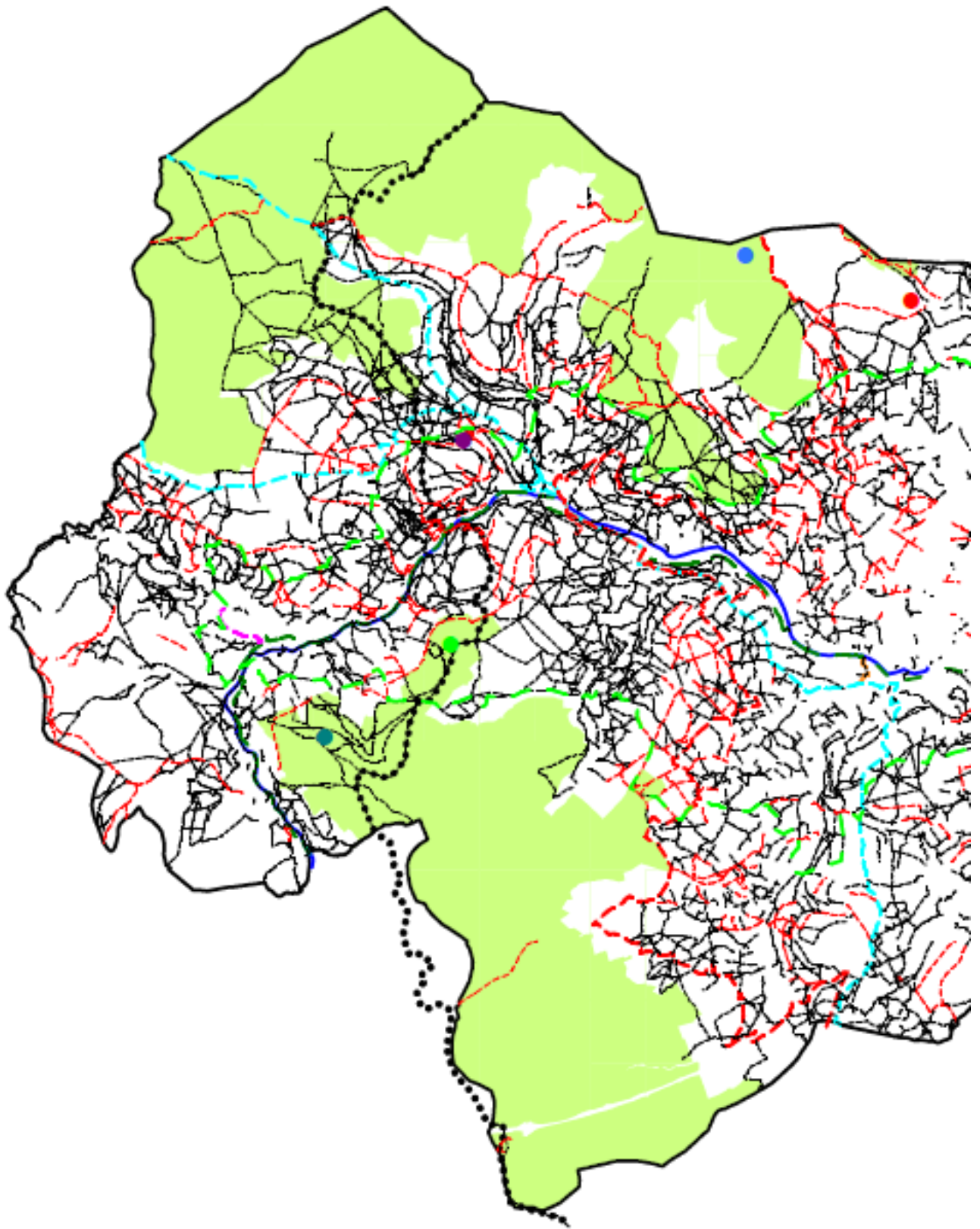
- **Hardcastle Crags:** this area is owned by the National Trust, and lies outside the SPA/SAC. It lies within the wooded valley of the Hebden Water and is approximately 400 acres in area. There are over 40km of footpaths through the site. It is an important attraction for walkers and day-trippers. Being in the valley bottom it is separated from the SPA/SAC and given the steep hillsides it is likely that few people trek up onto the protected areas from this popular attraction.
- **Calderdale Way:** this is a circular walk of about 50 miles in length. The Calderdale Way in part runs through the SPA/SAC particularly near Stoodley Pike.
- **Gaddings Dam, Todmorden Beach:** this is a reservoir created in 1833 using an earth embankment. To provide water supply to the mills in Lumbutts. It fell into disuse following the introduction of steam power and was to have been drained in 2001. It was saved by local residents and it is now a popular destination for wild swimmers and day trippers. In good weather it becomes a destination for people wanting to use the highest beach in England. It lies within the SPA/SAC, and therefore there is potential for effects on both the protected habitats and species. The reservoir is a significant walk from the nearest road, where parking is limited. The Council has introduced more restrictive management of the parking since the good weather of 2018 led to congestion, disruptive parking and inconsiderate use of the site.
- **Ogden Reservoir, Halifax:** this popular attraction lies to the north of Halifax outside the SPA/SAC, but adjacent to it. It is managed by the Council's Countryside Service (Safer, Greener, Cleaner). Large numbers of people undertake the circular walk around the reservoir and venture into the managed woodlands. It is not known how many venture up the steep sides of the hills and into the SPA/SAC.
- **Warley Moor Reservoir, Halifax Sailing Club:** The Halifax Sailing Club uses Warley Moor Reservoir which lies within the SPA/SAC. It is the highest sailing club in England at 1,350ft above sea level.
- **Rochdale Canal:** the Rochdale Canal starts at Sowerby Bridge and follows the Calder Valley through the Pennines to Rochdale. The Towpath of the canal in Calderdale is an important footpath and cycleway and is attractive to day trippers and commuters. The Canal lies away from the SAC in Calderdale but in Rochdale District it becomes an SAC in its own right given the importance of the habitat for Water Plantain (*Luronium natans*) and species associated with it.

- **Calderdale Footpath and Bridleway Network:** the Calderdale footpath and Bridleway network is extensive. The following map shows the extent of the network and its association with the designated areas.

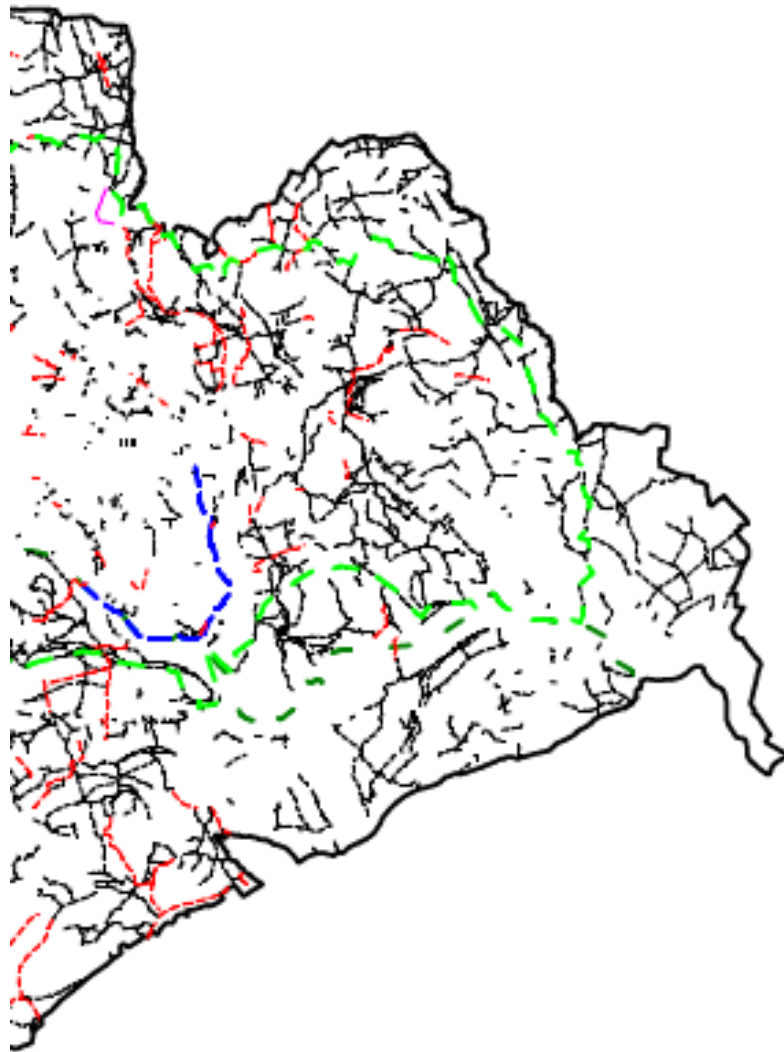
There is a wide range of access points to the South Pennine Moors SPA/SAC and the road and footpath network extending to 142.73km. Whilst this means that the opportunity for significant disturbance within the SPA/SAC, the wide range of alternative routes also means that the disturbance can be more spread, resulting in potentially lower overall impacts in any location. The heart of the SPA/SAC site generally does not have foot paths across it, thus reducing potential impacts in those locations.

As indicated in the survey report around 68% of visitors to the South Pennines are “walking with a dog”. The survey also identified that people walking with a dog travelled no more than 8 km to reach their dog walking location.



Special Protection Area / Special Area



Area of Conservation: Footpaths and Attractions Map



Key

-  Calderdale Boundary
-  Special Protection Area / Special Area of Conservation

Main Visitor Attractions

-  Pennine Way
-  Rochdale Canal
-  Calderdale Way
-  Ogden Reservoir
-  Hardcastle Crag
-  Stoodley Pike
-  Gaddings Dam / Todmorden Beach
-  Warley Moor Reservoir / Halifax Sailing Club

Cycle Routes

-  West Yorkshire Cycle Route
-  Todmorden High Sale Cycle Route
-  Pennine Cycleway
-  Hebble Trail Cycleway
-  Arnie Woods Cycleway
-  Calder Valley Cycleway

Rights of Way

-  Bridleway
-  Footpath



Calderdale
Council

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Consideration of Recreational Use and Urban Edge Impacts

- 2.7 As shown in Table 1 Calderdale residents made 3 visits to the south Pennines per capita accounting for about 500,000 or 2.3% of the overall total.
- 2.8 For the purposes of this assessment, 7km has been taken to be the threshold distance at which development could result in impact upon the SPA/SAC. This distance is derived from studies supporting the Bradford Core Strategy and has been reaffirmed in the HRA supporting the Kirklees Local Plan (March 2017). It is also the distance that encompasses most of the trips made to the South Pennines identified in the Natural England NERC150 Report 2014.

2.9 Calderdale Allocations within 7km of the SPA/SAC

Deriving Population Estimates for Site Allocations:

2016 Mid-Year Estimates (ONS) released 2018

Population: 207,540;

Households: 91,533

Average Household Size: 2.267 persons per household.

Table 5: Housing Sites Proposed to be Allocated within 7km of the SPA/SAC

2.10 The Calderdale Local Plan allocates 4,126 new dwellings within 7 km of the SPA/SAC.

- **Average household Size = 2.267 persons per household.**
- **4,126 new homes x 2.67 = 9,353 new persons**
- **3 visits per capita = 28,060 new visits per year.**

2.11 For Calderdale's Local Plan as a whole there is a requirement to deliver **12,600 new dwellings** over the Plan Period to 2032/33. (This includes allocations for 9,418 new dwellings together with extant planning permissions and an allowance for windfalls). For the sites within 7km of the SPA/SAC the derived visitor numbers are set out in paragraph 2.10. For Calderdale as a whole the 12,600 new dwellings will produce **85,692 additional trips**, of which 28,060 will be from within 7km of the SPA/SAC.

2.12 Calderdale residents contribute 2.3% or 0.5 million visits out the 20 million identified in the NERC150 monitor. Therefore the allocated sites within 7km will be about 0.14% of the total annual trips to the South Pennines.

2.13 Given that the SPA/SAC is most likely to receive additional visitors from those areas within 7km, additional consideration has been given to the allocations within neighbouring Local Council's Plans, which lie within this distance.

Table 6: Potential Visitor Trips from Potential Allocations in Adjoining Neighbouring Authorities

	Household population 2016	Households 2016	Average household size 2016	Annual volume of visits taken to the South Pennines (m)	% of the 20m visits taken to the South Pennines	Per capita annual visits taken to South Pennines	New Dwellings within 7km of SPA/SAC	New Persons	New Visits per year	% of the total annual trips to the South Pennines
Bradford	525,233	200,922	2.614	0.1	0.5	<1	No allocations	n/a	n/a	n/a
Burnley	86,527	37,489	2.308	1.7	8.9	16	626	1,445	23,117	0.12
Calderdale	207,540	91,533	2.267	0.5	2.3	3	4,126	9,354	28,061	0.14
Craven	55,235	25,452	2.170	Not recorded as represents <0.5% of visits			n/a	n/a	n/a	n/a
Kirklees	429,426	177,668	2.417	4.3	21.8	13	702	1,697	22,058	0.11
Oldham	230,574	91,736	2.513	0.2	0.8	1	No allocations	n/a	n/a	n/a
Pendle	89,881	37,918	2.370	1.6	8.1	14	No allocations	n/a	n/a	n/a
Rochdale	214,073	89,534	2.391	0.3	1.7	2	396	947	1,894	0.01
Rossendale	69,019	29,917	2.307	0.8	4.1	24	933	2,152	51,658	0.26

2.15 **The cumulative total of increased visitor numbers to the South Pennines is 126,788 from all identifiable sites within Local Plans. This would equate to around a 0.6% increase overall in visitor trips generated to the South Pennines derived from sites within 7km of the SPA/SAC located in Calderdale. This can be regarded as a relatively small increase in overall trips and is considered unlikely to result in adverse effects on the integrity of the South Pennine Moors SPA, as a result of increased recreation pressure and urban edge impacts.**

2.16 In order to ensure that appropriate consideration is undertaken of development proposals, when more details are available, the need to address the potential for adverse impact is already written within Policy GN3.

POLICY GN3 Natural Environment

The Council will seek to achieve better management of Calderdale's natural environment by requiring developments to:

- i. Conserve and enhance the biodiversity and geological features of the Borough by protecting and improving habitats, species, sites of wildlife and geological value and maximising biodiversity and geodiversity opportunities in and around new developments;*
- ii. Conserve, enhance and restore the habitats, water quality, physical structure and local distinctiveness of the Borough's canal and river*

corridors as natural floodplains, functioning ecosystems and important strategic wildlife habitat networks allowing the free movement of wildlife;

- iii. Ensure there are no residual adverse impacts resulting from a proposed development, where in exceptional circumstances the reasons for the proposed development clearly outweigh the value of the ecological feature adversely affected and there are no appropriate alternatives. The adverse impacts of the development must be proportionately addressed in accordance with the hierarchy of: mitigation, compensation and finally offsetting. When appropriate, conditions will be put in place to make sure appropriate monitoring is undertaken and make sure mitigation, compensation and offsetting is effective;*
- iv. Take appropriate steps to maintain or enhance the favourable conservation status of populations of protected species and species of conservation concern;*
- v. Protect, restore and enhance other features of natural environmental importance, in line with local environmental priorities;*
- vi. Design-in wildlife, maximise multi-functionality and provide appropriate management, ensuring development follows the mitigation hierarchy and achieves net gains in biodiversity;*
- vii. Contribute towards the targets set out for Habitats and Species of Principal Importance and the environmental priorities of Local Nature Partnerships and biodiversity offsetting schemes, as appropriate;*
- viii. Deliver enhancement and compensation, commensurate with their scale, which contributes towards the achievement of a coherent and resilient ecological network;*
- ix. Protect and enhance the distinctive landscape character of Calderdale;*
- x. Adopt good environmental site practices as appropriate, including in the form of a Construction Environmental Management Plan (CEMP) where appropriate;*
- xi. Be informed by adequate ecological information, prepared by a competent ecology professional, conforming to British Standard BS42020, Biodiversity - Code of practice for planning and development; and*
- xii. Where opportunities arise, water bodies should be taken out of culvert, or daylighted if not possible, and physical barriers made passable to fish species. Under exceptional circumstances where culverting is delivered, daylighting should be integrated for habitat protection.*

Development proposals which are likely to have a significant adverse impact on a site with one or more of the following designations, habitats or species will not be permitted except in exceptional circumstances where the reasons for the proposed development clearly outweigh the value of the ecological feature adversely affected and there are no appropriate alternatives:

- i. *Local Nature Reserves (LNR);*
- ii. *Local Wildlife Sites (LWS);*
- iii. *Local Geological Sites (LGS);*
- iv. *Calderdale Wildlife Habitat Network (or similar designation);*
- v. *Priority habitats and species within the Calderdale Biodiversity Action Plan;*
- vi. *Habitats and Species of Principal Importance within the UK Biodiversity Action Plan;*
- vii. *Habitats and species listed in respect of Section 41 of The Natural Environment and Rural Communities Act 2006;*
- viii. *Legally protected species;*
- ix. *Areas of Ancient and Semi-Natural Woodland; and*
- x. *Nature Improvement Areas.*

Development proposals which are likely to have a significant adverse impact on a site with one or more of the following national or international designations will not be permitted:

- i. *Special Protection Areas (SPAs);*
- ii. *Special Areas of Conservation (SACs);*
- iii. *Sites of Special Scientific Interest (SSSI); and*
- iv. *Sites identified, or required, as compensatory measures for adverse effects on European sites.*

An ecological assessment will be required for development located within the 2.5km South Pennine Moors (phase 2) SPA & SAC buffer and outside the urban area in order to establish if the land is of functional importance to designated South Pennine Moors (phase 2) SPA species.

Any proposed development which may directly or indirectly compromise the conservation objectives of a SAC or SPA will not be permitted unless the proposal meets the conditions specified in regulation 61 and 62 of the Conservation of Habitats and Species Regulations 2010 (Habitats Regulations).

2.17 In light of the requirements of this policy it is considered necessary to make it clear within the Appendix to the Local Plan (SD01.2) where sites are within close proximity to the SPA/SAC to assess the extent to which they are a functional part of the SPA/SAC. Where this connection is made through the assessment it may be possible to provide appropriate avoidance or mitigation which may include:

- Avoidance of areas used by significant numbers of SPA birds (to be determined by a project level Habitats Regulations Assessment);
- Provision of equivalent or greater quantity and quality of replacement habitat on-site (or as a last resort off site within 2.5km) with improved management to ensure use by SPA birds;

- Timing of works (construction, operation and decommissioning) outside the period most frequently used by SPA birds;
- Monitoring of impacts to assess bird use over time.

2.18 The proposed wording for the note within the “Reports Required section of the Appendix could read:

- **Constraints** – “Site is within 2.5km of the SPA/SAC”
- **Reports Required** – “Further surveys will be required at planning application stage to assess detailed impacts on SPA/SAC.
- **Site Specific Considerations** - “If found to be necessary, appropriate avoidance and/or mitigation measures will be required to address any identified impacts from the SPA/SAC surveys in line with GN3”

2.19 The implications of this amendment cross link to the consideration of “people over Wind” set out below.

b. CONSIDERATION OF “PEOPLE OVER WIND JUDGEMENT”

3.1 The HRA for the Calderdale Local Plan was completed in June 2018 and was undertaken in line with the guidance available at the time of publication as well as with input from Natural England. A further update was released in January 2019, but this did not address the implications of the Judgement.

3.2 The screening report concluded that providing the mitigation and avoidance measures recommended in the report are adopted, the plan is unlikely to result in significant adverse effects to any of the identified Natura 2000 sites (South Pennine Moors SPA (phase 1 & 2), South Pennine Moors SAC, Rochdale Canal SAC and Denby Grange Colliery Ponds SAC) in relation to (1) physical loss of land (including off-site functionally connected land) (2) non-physical disturbance and (3) impacts on water quality and quantity.

3.3 It was however still uncertain at that stage as to whether some elements of the plan have the potential to result in significant adverse effects to the South Pennine Moors (phase 2) SPA & SAC. This is the result of the impact of air pollution from traffic and recreational impact on the moor.

People Over Wind

3.4 In April 2018, a notable Judgement, in an unrelated case, centred on the role of mitigation measures when carrying out screening, was issued. The Calderdale Local Plan HRA has therefore been reviewed in light of the People Over Wind judgement.

- 3.5 In *People over Wind* the CJEU confirmed that, when assessing the effect a plan or project will have on the conservation objectives of a Special Area of Conservation (SAC) for the purposes of Article 6(3) of the Habitats Directive, “it is not appropriate, at the screening stage [i.e. considering whether the plan or project is ‘likely to have a significant effect’ on the SAC] to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site” (para 40). The CJEU clarified that “a full and precise analysis of the measures capable of avoiding or reducing any significant effects on the site must be carried out not at the screening stage, but specifically at the stage of appropriate assessment” (para 36).
- 3.6 This is directly contrary to the previously settled position established in domestic case-law (*R (Hart DC) v SSCLG* [2008] EWHC 1204 and *Champion v North Norfolk DC* [2015] UKSC 52 (para 42)).
- 3.7 In light of *People over Wind* the Planning Inspectorate issued Note 05/2018 (9 May 2018) in which they advised as follows with regards to the Local Plan examinations:

“8. For local plan examinations which are ongoing or for which examining Inspectors have not yet issued their recommendations by 12 April 2018 (the date of the CJEU judgment), the HRA report for the plan should be reviewed:

- If the HRA report identifies that the plan is likely to have significant effects on European site(s) and their designated features and an appropriate assessment of the plan has been carried out then no further action is required.

- If the HRA report includes information that concludes that there are no pathways for the policies/allocations in the plan to cause significant effects on European site(s) and their designated features then no further action is required.

- If the HRA report includes information that identifies likely significant effects on European site(s) and their designated features but concludes that they can be mitigated through avoidance or reduction measures (and does not go on to the AA stage) then examining Inspectors should:

- Ask the... LPA to confirm the extent to which they consider their HRA report is legally compliant in light of the judgment and ask them to re-visit the screening assessment in doing so.*
- If the revised screening assessment concludes that an AA is required this should be carried out.*

- Consider whether the AA necessitates any main modifications (MM) to the plan. The extent to which MM are likely will decrease where adequate avoidance and reduction measures were already identified and secured. If the avoidance and reduction measures are adequate to exclude adverse effects on European site(s) integrity, the approach required is primarily a procedural one ensuring that the AA has been undertaken where required.”

Amendments to the Habitats Regulations Assessment in light of People over Wind

Document	Chapter / Paragraph	Amendment
Habitats Regulations Assessment (HRA) – Appropriate Assessment Report Update Appendix 5	(Appendix 5) Table – column 6	Existing mitigation measures that would avoid likely significant effect / overall screening conclusion Comments
Habitats Regulations Assessment (HRA) – Appropriate Assessment Report Update Appendix 5	(Appendix 5) Table – column 6 Policy IM6 – Telecommunications and Broadband	<i>Whereas the Policy may result in the development of telecommunications infrastructure the policy wording will likely prevent developments impacting Natura 2000 sites.</i> <i>The policy itself states that developments will not be granted if the “quality or special interest of any environmentally sensitive areas are not detrimentally or adversely affected”. The policy supporting text specifically mentions SPA and SAC sites as well as in-by-land around it as “environmentally sensitive areas” and also states that “the Council will apply more stringent control over the siting and design of telecommunications installations, refusing proposals likely to demonstrably harm interests of acknowledged importance unless there are overriding circumstances that justify approval”.</i>

Document	Chapter / Paragraph	Amendment
		<p>Policy EN1 Natural Environment will also prevent any development which may result directly or indirectly compromise the conservation objectives of a Natura 2000 site.</p> <p><i>As well as this any infrastructure project would have to undergo its own HRA if proposed near or within a Natura 2000 site.</i></p> <p><i>Therefore due to the existing mitigation within the policy wording itself and the requirement placed upon such infrastructure projects, the proposal is unlikely to have any negative effects on Natura 2000 sites as it does not directly result in development.</i></p> <p><i>Therefore it is unlikely to cause significant effects. Therefore - (Appropriate Assessment not required).</i></p>

3.8 Following discussions with Natural England, it has been agreed that additional wording should be added to the ‘Constraints’, ‘Reports Required’ and ‘Site Specific Considerations’ within ‘Appendix 1 Site Allocations – Supporting Information’ for sites within 2.5km of the SPA/SAC:

- **Constraints** – “Site is within 2.5km of the SPA/SAC”
- **Reports Required** – “Further surveys will be required at planning application stage to assess detailed impacts on SPA/SAC.
- **Site Specific Considerations** - “If found to be necessary, appropriate avoidance and/or mitigation measures will be required to address any identified impacts from the SPA/SAC surveys in line with GN3”

3.9 The following sites fall within 2.5km of the SPA/SAC which require the additional wording in the ‘Appendix 1 Site Allocations – Supporting Information’:

New Employment Sites

Mytholmroyd

- LP1622 - Top Land, Cragg Vale, Hebden Bridge, HX7 5RW

Mixed Use Sites

Hebden Bridge

- LP0922 - Former Hebden Bridge Fire Station, Valley Road, Hebden Bridge, HX7 7BY

Housing Sites

Halifax

- LP0234 - Swinton, Hays Lane, Mixenden, Halifax
- LP0238 - Land at rear of former St Bernadettes Church, Clough Lane, Mixenden, Halifax
- LP0242 - Land opposite 109-119, Mixenden Road, Mixenden, Halifax
- LP1009 - Site of demolished School, Clough Lane / Brow Bottom Lane, Mixenden, Halifax, HX3
- LP1379 - Heathmoor Park Road/Field Head Lane, Illingworth, Halifax
- LP1486 - Land off, Hambleton Drive, Mixenden, Halifax
- LP1487 - Land off, Balkram Road, Mixenden, Halifax
- LP1488 - Land off, Hambleton Crescent, Mixenden, Halifax
- LP1489 - Land south of, Hambleton Crescent, Mixenden, Halifax
- LP1547 - Land at, Abbey Park, Illingworth, Halifax, HX2 9LQ

Hebden Bridge

- LP1501 - Land east of, Manor Drive, Hebden Bridge
- LP1503 - Land at, Stoney Lane, Hebden Bridge

Mytholmroyd

- LP0253 - Junction of Grosvener Place, Burnley Road, Luddenden Foot, Halifax

Ripponden

- LP0938 - Holme House, Holme House Lane, Rishworth, Sowerby Bridge, HX6 4PY

Todmorden

- LP0053 - Land off Key Syke Lane, Kilnhurst, Todmorden, OL14 6AW
- LP0635 - Land off, Fir Street, Walsden, Todmorden
- LP0640 - Land off The Hollins,, Stansfield Hall Road, Todmorden, OL15
- LP0651 - Land off, Stoney Royd Lane, Todmorden
- LP0658 - Cinderhill Mills, Halifax Road, Todmorden, OL145TH
- LP0659 - Land rear of 302, Halifax Road, Todmorden
- LP0901 - Land off, Woodlands Avenue, Todmorden

- LP0914 - Land Opposite 46-48, Hollins Road, Walsden, Todmorden, OL14 8BJ
- LP1534 - Birks Mill, Birks Lane, Walsden, Todmorden
- LP1637 - Land in front of, Bradnor House, Todmorden, OL148RA

APPENDIX 1:

SITES WITHIN 7Km of the SPA/SAC ALL Authorities:

BURNLEY: Local Plan Adopted

Site No	Area	Site Capacity	Population at Burnley average of 2.308 ppd
HS1/6	Lambert Howarth	100	231
HS1/7	Ridge Wood	18	42
HS1/8	Red Lees Road, Cliviger	125	289
HS1/10	Land at Burnley General Hospital	64	148
HS1/16	Gordon Street Mill	39	90
HS1/20	Ridge Avenue	24	55
HS1/21	Land adjacent 2 Queens Park Road	29	67
HS1/26	Land adjacent 250 Brownside Road	18	42
HS1/9	Higher Saxifield	120	277
HS1/12	Former Heckenhurst Reservoir	35	81
HS1/30	Land West of Smithyfield Avenue	30	69
HS1/32	Butchers Farm	24	55
		626	1,446

CALDERDALE: Local Plan Submitted January 2019

Site No	Area	Site Capacity	Population at Calderdale average of 2.267ppd
LP0011	Tenterfields, Burnley Road, Luddenden Foot, Halifax, HX2 7	63	143
LP0044	Cemetery Lane, Lower Bentley Royd, Sowerby Bridge, HX6 1DN	112	254
LP0046	Goosegate Farm, Heathy Lane, Holmfield, Halifax, HX2 9UN	25	57
LP0053	Land off Key Syke Lane, Kilnhurst, Todmorden, OL14 6AW	13	29
LP0075	Land at Laithe Croft Farm, Bowling Green Road, Stainland, Elland, HX4 9PF	11	25
LP0103	Land at, Horley Green Road, Claremount, Halifax	56	127
LP0146	Land to the west of West View, Church Lane, Stainland, Elland	31	70
LP0164	Site of High Level Works, Pellon Lane, Pellon, Halifax	34	77
LP0221	Land at, Spring Head, Northowram, Halifax, HX4	46	104
LP0234	Swinton, Hays Lane, Mixenden, Halifax	93	211

Site No	Area	Site Capacity	Population at Calderdale average of 2.267ppd
LP0238	Land at rear of former St Bernadettes Church, Clough Lane, Mixenden, Halifax	12	27
LP0242	Land opposite 109-119, Mixenden Road, Mixenden, Halifax	14	32
LP0253	Junction of Grosvener Place, Burnley Road, Luddenden Foot, Halifax	11	25
LP0261	Land at, Turner Avenue South, Ovenden, Halifax	91	206
LP0264	Car Park Between, Well Lane / King Street, Halifax	10	23
LP0287	Land rear of 287, Willowfield Road, Halifax	8	18
LP0289	Land off, King Cross Street, Halifax, HX1 2SH	10	23
LP0397	Land adjacent to Daisy Bank, Savile Park, Halifax, HX2	10	23
LP0400	Land off, Birdcage Lane, Savile Park, Halifax	6	14
LP0407	Spring Hall Mills, Mile Cross Road, Halifax	16	36
LP0435	Land off, Haugh End Lane, Sowerby, Sowerby Bridge, HX6 3BJ	14	32
LP0438	Land off, Dean Lane, Sowerby, Sowerby Bridge	13	29
LP0452	Land at Ovenden Green, Ovenden, Halifax	98	222
LP0454	Land off, Wheatley Road, Lee Mount, Halifax	20	45
LP0478	Hartwell Ford garage, Skircoat Road, Halifax	11	25
LP0523	Land at, Furness Avenue, Illingworth, Halifax	104	236
LP0531	Land off Whitehill Road, Keighley Road, Illingworth, Halifax	130	295
LP0589	Land Adjacent to & Rear of 8 Back Clough, Northowram, Halifax, HX3 7HH	15	34
LP0635	Land off, Fir Street, Walsden, Todmorden	37	84
LP0640	Land off The Hollins,, Stansfield Hall Road, Todmorden, OL15	53	120
LP0651	Land off, Stoney Royd Lane, Todmorden	62	141
LP0658	Cinderhill Mills, Halifax Road, Todmorden, OL145TH	24	54
LP0659	Land rear of 302, Halifax Road, Todmorden	17	39
LP0749	Stoney Royd Mill Albion Mills, Bailey Hall Road, Halifax	79	179
LP0759	Land off, Belle Vue Rise, Shelf, Halifax	16	36
LP0782	Land off, Cock Hill Lane, Shelf, Halifax	166	376
LP0814	Land at Richmond Street, Stannary Place, Halifax	45	102
LP0815	Works Depot, Stannary Place, Halifax	73	165
LP0901	Land off, Woodlands Avenue, Todmorden	16	36
LP0914	Land Opposite 46-48, Hollins Road, Walsden, Todmorden, OL14 8BJ	46	104
LP0922	Former Hebden Bridge Fire Station, Valley Road, Hebden Bridge, HX7 7BY	11	25
LP0938	Holme House, Holme House Lane, Rishworth, Sowerby Bridge, HX6 4PY	11	25
LP0968	Land at West End Golf Club, Paddock Lane, Highroad Well, Halifax, HX2 ONT	81	184

Site No	Area	Site Capacity	Population at Calderdale average of 2.267ppd
LP0990	Land off, Denfield Lane, Wheatley, Halifax	31	70
LP1004	Land off, Burnley Road, Warley, Halifax, HX2 7NB	26	59
LP1009	Site of demolished School, Clough Lane / Brow Bottom Lane, Mixenden, Halifax, HX3	55	125
LP1019	Land adjacent to White House Farm, Riley Lane, Holmfield, Halifax, HX2 9SZ	41	93
LP1023	Land off, Halifax Road, Triangle, Sowerby Bridge	17	39
LP1027	Land North of, Stonelea, Barkisland, Sowerby Bridge, HX4 0HD	12	27
LP1041	Land at, West Street & Halifax Road, Shelf, Halifax	21	48
LP1137	Horley Green Works, Horley Green Road, Claremount, Halifax, HX3 6AS	27	61
LP1170	Mulcture Hall Road, Halifax	42	95
LP1180	Old Lane Dyeworks, Old Lane, Halifax	63	143
LP1215	Land adjacent, Boothtown Road, Boothtown, Halifax	11	25
LP1216	Land off, Mill Lane and Old Lane, Boothtown, Halifax, HX36TP	197	447
LP1224	Land North of Meadowcroft Lane, Halifax Road, Ripponden, Sowerby Bridge	30	68
LP1229	Near Royd, Ovenden, Halifax, HX3 5QP	474	1075
LP1287	Northgate House / Central Library, Northgate, Halifax	40	91
LP1292	Cow Green Car Park, Halifax	141	320
LP1356	Hollins Park, Cemetery Lane, Sowerby Bridge	10	23
LP1368	Furness Drive/Turner Avenue South, Illingworth, Halifax	9	20
LP1379	Heathmoor Park Road/Field Head Lane, Illingworth, Halifax	41	93
LP1391	Upper Bentley Royd, Sowerby Bridge	20	45
LP1398	Land on the West Side of Brockwell Lane, Triangle, Sowerby Bridge, HX6 3PQ	87	197
LP1407	Land Off, Scar Bottom Lane, Greetland, Elland, HX4 8PQ	16	36
LP1412	Land North of, Lower Brockwell Lane, Sowerby Bridge, HX6 3PB	8	18
LP1415	Wakefield Road, Sowerby Bridge	12	27
LP1429	Former St Catherines High School, Holdsworth Road, Holmfield, Halifax, HX2 9TH	83	188
LP1431	Former Mayfield Garage, Queens Road, King Cross, Halifax	17	39
LP1481	Former St Catherines High School Grounds, Holdsworth Road, Halifax	32	73
LP1486	Land off, Hambleton Drive, Mixenden, Halifax	27	61
LP1487	Land off, Balkram Road, Mixenden, Halifax	14	32
LP1488	Land off, Hambleton Crescent, Mixenden, Halifax	11	25
LP1489	Land south of, Hambleton Crescent, Mixenden, Halifax	14	32
LP1501	Land east of, Manor Drive, Hebden Bridge	29	66
LP1503	Land at, Stoney Lane, Hebden Bridge	27	61

Site No	Area	Site Capacity	Population at Calderdale average of 2.267ppd
LP1534	Birks Mill, Birks Lane, Walsden, Todmorden	18	41
LP1543	Land North and North West of, Wade House Road, Shelf, Halifax	331	750
LP1547	Land at, Abbey Park, Illingworth, Halifax, HX2 9LQ	75	170
LP1603	Land rear of 115, Claremount Road, Halifax, HX3 6JQ	16	36
LP1609	Land at, Titan Works, Claremount Road, Boothtown, Halifax, HX3 6NT	49	111
LP1632	Land at, Horton Street/New Road, Halifax	47	107
LP1637	Land in front of, Bradnor House, Todmorden, OL148RA	25	57
LP1654	Politt Fields, 8 Ripon House, Sowerby Bridge, HX6 2LQ	44	100
LP1655	Rawson Wood, Wood Croft, Sowerby, Sowerby Bridge, HX6 1LJ	22	50
		4,126	9,354

KIRKLEES: Local Plan Adopted February 2019

Site No	Area	Site Capacity	Population at Kirklees average of 2.417 ppd
HS148	Land to the south of, Parkwood Road, Golcar, Huddersfield,	125	302
HS128	Land to the east of, Upper Clough, Linthwaite	53	128
HS124	Land east of, Howgate Road, Slaithwaite	36	87
HS151	Land west of, Ashford Park, Golcar	18	44
HS152	Land to the south of, Swallow Lane, Golcar, Huddersfield,	49	118
HS153	Land to the east of, Fullwood Drive, Golcar	8	19
HS127	Land North West of, Gordon Street, Slaithwaite	25	60
HS123	Black Rock Mills, Waingate, Linthwaite	113	273
HS126	Land south of, Hillside View, Linthwaite	65	157
HS131	Former Gees Garage, New Hey Road, Outlane, Huddersfield	29	70
HS130	Land to the South west of, Victoria Terrace, Marsden	28	68
HS155	Land to the north of, Leymoor Road, Golcar	20	48
HS157	Land between Carr Top Lane and Brook Lane, Golcar	16	39

Site No	Area	Site Capacity	Population at Kirklees average of 2.417 ppd
HS125	Land to the north of, Lingards Road, Slaithwaite, Huddersfield,	36	87
HS158	Land to the South of 5 - 25 Clay Well, Golcar, Huddersfield	14	334
MXS10	Bank Bottom Mills, Mount Road, Marsden	38	92
MXS11	New Mills, Brougham Road, Marsden	29	70
		702	1,886

ROCHDALE: Adopted Land Allocations

Site No	Area	Site Capacity	Population at Rochdale average of 2.391 ppd
SH 1550	FORMER AKZO NOBEL SITE, H	90	215
SH 2214	PROOFINGS TECHNOLOGY LTD,	36	86
SH 2227	LAND OFF NEW ROAD, LITTLE	90	215
SH 2279	DALE MILL, DALE STREET, M	68	163
SH 2285	LAND ADJACENT TO THE LADY	37	88
SH 2287	DENE WORKS ,EDGAR STREET,	21	50
SH 2292	DEARNLEY OLD HALL ,NEW RO	14	33
SH 2293	SLADEN MILL ,HALIFAX ROAD	40	96
		396	947

ROSSENDALE: Local Plan Submitted: February 2019

Site No	Address	Site Capacity	Population at Rossendale average of 2.307 ppd
H20	Old Market Hall, Bacup	16	37
H21	Reed Street, Bacup	13	30
H22	Former Bacup Health Centre	22	51

Site No	Address	Site Capacity	Population at Rossendale average of 2.307 ppd
H26	Land off Greensnook Lane	26	60
H28	Sheephouse Reservoir, Britannia	63	145
H29	Land off Pennine Road, Bacup	84	194
H30	Tong Farm, Bacup	51	118
H31	Lower Stack Farm	10	23
H33	Land off Rockcliffe Road and Moorlands Terrace	63	145
H34	Land at Higher Cross Row, Bacup	17	39
H37	Land off Gladstone Street	63	145
H38	Land off Burnley Road and Meadows Avenue	6	14
H39	Land Off Cowtoot Lane	151	348
H40	Land off Todmorden Road, Bacup	53	122
H41	Thorn Bank	46	106
H42	Land south of The Weir Public House	52	120
H43	Land west of Burnley Road, Weir	10	23
H44	Irwell Springs, Weir	46	106
H65	Albert Mill, Whitworth	49	113
H66	Land North Of King Street	5	12
H67	Land Behind Buxton Street	28	65
H69	Cowm water treatment works, Whitworth	20	46
M1	Waterside Mill, Bacup	39	90
		933	2,152

APPENDIX 2: Letter from Natural England dated 19th September 2018

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Date: 19 September 2018
Our ref: 255404



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BY EMAIL ONLY

Dear Local Plan Team

Planning consultation: Calderdale Local Plan Publication Draft 2018

Thank you for your consultation on the above dated 10 August 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

1. Summary of advice

Natural England broadly welcomes the plan and supporting Habitats Regulations Assessment and Sustainability Appraisal however we have a number of outstanding comments and concerns, set out below which we advise you consider in order to ensure soundness and legal compliance.

2. Soundness Concerns

2.1 Habitats Regulations Assessment

2.1.1 Recreational use and urban edge impacts

Natural England agrees with the conclusions of the assessment in relation to the South Pennine Moors Phase 2 Special Protection Area (SPA) and South Pennine Moors Special Area of Conservation (SAC) that recreation impacts arising from the allocation and policies screened in from the Calderdale Local Plan and in combination with other plans cannot be ruled out at this stage due to the lack of evidence. Until this evidence is provided and the implications of the evidence is appropriately addressed in the plan we do not consider that the plan can be considered sound or legally compliant.

2.1.2 Air Quality

Natural England is concerned that sufficient evidence regarding the assessment of traffic emissions on European sites may not be available at this stage. We note that the assessment relies upon existing traffic modelling undertaken for the previous Draft Core Strategy and that further modelling is being undertaken for the new Local Plan. However we advise that the assessment should be clear where there are omissions or incompatibilities in the existing modelling for the Draft Core Strategy which the further modelling will resolve. We note that no figures or tables relating to the emissions modelling has been provided in support of the assessment.

In addition we do not agree with the conclusions of para 10.26 that the M62 can be omitted from the assessment on the basis of Highway's England's role in the process. We are aware that Highways England are currently planning works to the M62 adjacent to the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA and that they will need to assess the impact of their scheme on these European sites. However it is the responsibility of Calderdale Metropolitan District Council, as

the competent authority, to assess the contribution of the Calderdale Local Plan to traffic levels consequent emissions on the M62. We advise that this should be included in the forthcoming traffic modelling.

Until this evidence is provided and the implications of the evidence is properly addressed in the plan we do not consider that the plan can be considered sound or legally compliant.

3. Other Comments

3.1 Sustainability Appraisal

Natural England welcomes the Sustainability Appraisal of the Calderdale Local Plan Publication Draft August 2018 which we consider to be broadly compliant with the legislation. However we advise that the assessment will need to be updated based on the evidence collected regarding air quality and recreational use as discussed in section 2 above.

3.2 Calderdale Local Plan Publication Draft 2018

Notwithstanding our concerns regarding the Habitats Regulations Assessment set out in section 2 above, Natural England welcomes the Publication Draft of the Local Plan. We have the following comments to make.

3.2.1 Policy GN3 Natural Environment

Natural England notes and welcomes the inclusion of wording suggested in paragraph 10.21 of the Habitats Regulations Assessment regarding functionally connected land and non-physical disturbance in policy GN3. We also welcome the inclusion of requirements relating to this issue in the supporting information for relevant allocations.

3.2.4 Natural England notes the consideration given to public rights of way in policies IM4 and IM7 but is disappointed to note the lack of reference to enhancing the existing rights of way networks including National Trails, given the opportunities provided by the Pennine Way and Pennine Bridleway National Trails and the requirements of the NPPF.

3.3 Habitats Regulations Assessment

Setting aside the concerns and identified evidence gaps discussed in part 2 of this letter, Natural England broadly welcomes the assessment which we consider to be thorough and well presented. We have a number of further comments to make regarding the assessment which we advise that you consider.

3.3.1 Terminology

Natural England advises that you ensure that the terminology used throughout the assessment is clear and consistent. We note for instance that some of the conclusions in the Appropriate Assessment refer to likely significant effects. We advise that, for clarity, it is best practice to refer to 'likely significant effects' in relation to the screening section of the assessment and then 'adverse effects on integrity' in the Appropriate Assessment section. We also advise that you ensure that the assessment and plan refers to the Conservation of Habitats and Species Regulations 2017 rather than 2010.

3.3.2 Policy HS6 Affordable Housing

Natural England concurs with advice in para 10.22 of the assessment which states that the reference to 'policies to protect the countryside' in policy HS6 is not clear enough and that there should be a clear cross reference to policy GN3 in the policy.

3.3.3 People over wind

A recent judgment from the Court of Justice of the European Union ([Case C-323/17 People Over Wind v Coillte Teoranta](#)) has provided authoritative interpretation relating to the use of mitigation measures at the screening stage of a Habitats Regulations Assessment ('HRA') when deciding whether an appropriate assessment of a plan or project is required. The court concluded that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the

preceding screening stage. This means that it is no longer appropriate to rely on these measures when deciding whether a plan or project is likely to have a significant effect on a European site(s).

In light of this judgment, Natural England advises that local plan-making authorities may wish to take legal advice on the implications of the judgment to fully understand whether any further assessment of, or changes to, their Plans are now required to ensure their compliance with the Conservation of Habitats & Species Regulations 2017.

We advise that, if reviewing a draft HRA of a Plan, plan-making authorities consider whether there are measures in the Plan that are intended to avoid or reduce the risk or the possibility of significant effects on European Sites that are being relied upon to rule out the need for an appropriate assessment. Where you consider this to be the case, we advise that an appropriate assessment should be undertaken to consider the impacts on the integrity of the European site(s), either alone or in-combination with other plans and projects, in view of the available advice about the site's [conservation objectives](#). However, when determining whether the plan will have an adverse effect on the integrity of the European site at the appropriate assessment stage, a competent authority may take account of those avoidance and mitigation measures. Natural England must be consulted on any appropriate assessment.

Plan-making authorities may also wish to consider the advice about this judgment currently provided by the Planning Inspectorate ([PINS Note 05/2018](#)), which recommends that, where planning cases are on-going and still being determined, any HRAs drafted which contain screening decisions that have taken into account mitigation measures should be re-examined and an appropriate assessment conducted where necessary.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter please contact Merlin Ash at Merlin.ash@naturalengland.org.uk or on 02080 266382. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours faithfully

Merlin Ash
Yorkshire and Northern Lincolnshire Team
Natural England