



## **Report of the Strategic Director of Place to the meeting of the Executive to be held on 4<sup>th</sup> January 2022**

---

**Subject:** **AQ**

**South Pennine Moors Special Protection Area (SPA) / Special Area of Conservation (SAC) Planning Framework**

### **Summary statement:**

Following Executive decision to formally adopt the South Pennine Moors Special Protection Area (SPA) / Special Area of Conservation (SAC) Planning Framework as a Supplementary Planning Document (SPD) on 6<sup>th</sup> July 2021, a limited number of additional representations were identified post Executive decision which have now been reviewed and included within the Statement of Consultation with subsequent minor amendments made to the SPD. This report therefore seeks Executive approval to formally adopt a slightly amended version SPD for use in the determination of planning applications. This SPD is in support of Policy SC8 in the adopted Local Plan Core Strategy.

Its purpose will be to provide the information necessary to enable planning officers and developers to understand the necessary steps to ensure compliance with the Habitats Regulations. It is an enabling strategy, unblocking potential Habitats Regulations Assessment (HRA) issues at the individual development project level where recreation pressure is difficult to mitigate on a piecemeal basis because it relies on a suite of integrated activities.

The SPD also sets out the level of developer contributions that should be provided to fund the measures required to avoid or mitigate any adverse impacts on the internationally protected species and habitats that arise from development within the Bradford District. The South Pennine Moors SPA/SAC Planning Framework was subject to a public consultation which ran for a period of 6 weeks from the 8<sup>th</sup> February to 24<sup>th</sup> March 2021, in tandem with the consultation for Regulation 18 draft Local Plan. This report provides details of the key issues which have arisen from the consultation and the subsequent changes which are proposed to the SPD as a result.

### **EQUALITY & DIVERSITY**

The SPD has been developed through a workshop involving representatives including: Landowners and managers including Yorkshire Water; Statutory consultees including

Natural England, RSPB and Historic England; and special interest local groups such as walking groups and friends of the moors and Council officers from relevant departments including Planning, Legal, Countryside & Rights of Way, and Parks & Greenspaces. This represented a diverse section of the community representing various interests.

The strategy will enable and support the enhancement of local green spaces, improved signage and pathways which are used by the public free of charge. Improvements could increase equality of opportunity for access to the green space. This impact is positive and will not lead to an adverse impact on the socio-economic disadvantaged.

The strategy also includes an education budget to develop educational material for children and community groups.

An 'Equalities Impact Assessment Scoping Report' of the Framework was published at the public consultation stage and concluded that the document had positive implications for equality and diversity.

---

Jason Longhurst  
Strategic Director of Place

Report Contact: Andrew Marshall  
Phone: (01274) 434050  
E-mail: [andrew\\_marshall@bradford.gov.uk](mailto:andrew_marshall@bradford.gov.uk)

**Portfolio:**  
**Regeneration, Planning & Transport**

**Overview & Scrutiny Area:**  
**Regeneration & Environment**

## **1. SUMMARY**

- 1.1 Following Executive decision to formally adopt the South Pennine Moors Special Protection Area (SPA) / Special Area of Conservation (SAC) Planning Framework as a Supplementary Planning Document (SPD) on 6<sup>th</sup> July 2021, a limited number of additional representations were identified post Executive decision which have now been reviewed and included within the Statement of Consultation with subsequent minor amendments made to the SPD. This report therefore seeks Executive approval to formally adopt a slightly amended version SPD for use in the determination of planning applications. This SPD is in support of Policy SC8 in the adopted Local Plan Core Strategy.
- 1.2 Its purpose will be to provide the information necessary to enable planning officers, applicants and developers to understand the necessary steps to ensure compliance with the Habitats Regulations. It is an enabling strategy, unblocking potential Habitats Regulations Assessment (HRA) issues at the individual development project level where recreation pressure is difficult to mitigate on a piecemeal basis because it relies on a suite of integrated activities.
- 1.3 The SPD also sets out the level of developer contributions that should be provided to fund the measures required to avoid or mitigate any adverse impacts on the internationally protected species and habitats that arise from development within the Bradford District.
- 1.4 The South Pennine Moors SPA/SAC Planning Framework was subject to a public consultation which ran for a period of six-weeks from the 8th February to 24th March 2021, in tandem with the consultation for the Regulation 18 draft Local Plan. This report provides details of the key issues which have arisen from the consultation and the subsequent changes which are proposed to the SPD as a result.

## **2. BACKGROUND**

### **2.1 The SPA / SAC**

- 2.1.1 The South Pennine Moors Special Protection Area (SPA) is a network of moorland sites which are designated for their ability to provide key feeding areas for some key moorland-breeding species in particular both Merlin and Golden Plover. The Special Area of Conservation (SAC) contains habitats such as blanket bog, which is of international importance.

### **2.2 Habitats Regulations Assessment (HRA)**

- 2.2.1 Due to the presence of these designations the Council is required to undertake a Habitats Regulations Assessment (HRA). This derives from the EU Habitats Directive and, notwithstanding the UK's withdrawal from the EU, UK law and policy remains currently largely unchanged. The legislation transposing the EU Directives has been changed so that they continue to operate effectively from 1st January 2021. This is referred to as the Conservation of Habitats and Species Regulations 2017 (as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) ('the Habitats Regulations').
- 2.2.2 As a public body, the Council is identified as a 'competent authority' within the Habitats Regulations, and the requirement to assess the implications on an SPA or SAC is applicable in situations where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. A HRA considers the implications of a plan or project for the SPA or SAC. It assesses any possible harm to the habitats and species that form an interest feature of these sites, which could occur as a result of the plan or project being put in place.
- 2.2.3 The HRA undertaken for the Core Strategy identified that any proposals for development around the habitats sites (within 7km) pose risks that need to be addressed before planning permission can be granted. Policy SC8 of the adopted Core Strategy states "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."
- 2.2.4 In response to the requirements of Policy SC8, this planning framework has been prepared, with the help of highly experienced consultants (Footprint Ecology Ltd.) who have worked closely with departments across the Council and with wider stakeholders to provide a solution to the legislative duties placed on Bradford Council as the competent authority.

### **2.3 Preparation of the Framework**

- 2.3.1 In April 2019, Footprint Ecology Ltd. were commissioned to prepare a draft South Pennine Moors SPA/SAC Planning Framework ready for public consultation. The original commission was to address just Zone C, the recreational impact zone. However, following internal consultations, the decision was made to expand the scope of the Framework to include guidance on Zones A (0.4 km, urban edge effects) and Zone B (2.5 km, supporting foraging land).
- 2.3.2 During the preparation of the Framework the consultants led workshops with representatives of Departments from across the Council (including Planning, Legal, Countryside & Rights of Way, and Parks & Greenspaces) and also with a number of key stakeholders (landowners and managers including Yorkshire Water; Statutory

consultees including Natural England, RSPB and Historic England; and Special interest local groups such as walking groups and Friends of the Moors).

- 2.3.3 This has helped to create a framework which is specific to Bradford and responsive to the challenges and opportunities in the District. The consultants completed their final draft in January 2021 and this was the document which was subject to consultation.

## **2.4 Public Consultation**

- 2.4.1 The formal six-week consultation period took place between 8th February and 24th March 2021, in tandem with the consultation for the Regulation 18 draft Local Plan and allowed members of the wider public and other organisations to have input into the content of the Framework.
- 2.4.2 Written representations were received from a variety of different perspectives and raised a number of different issues. There was a lot of general support for the Framework along with many comments and suggestions on specific matters where it could be improved.
- 2.4.3 The comments and suggestions have been incorporated into the document as far as possible. A revised 'Statement of Consultation' has been produced (in accordance with the Council's Statement of Community Involvement) detailing the consultation that has taken place. This includes both the engagement with key stakeholders during the preparation of the Framework and the comments received during the formal public consultation period.
- 2.4.4 The Statement of Consultation sets out the issues raised and explains how the representations received have been addressed. The statement is attached as Appendix 1 to this report.

## **2.5 Summary of key changes**

- 2.5.1 A full schedule of the recommended changes to the Framework is set out in the Statement of Consultation – see Appendix 1. For aid of reference the representations that were not included in the original statement are detailed in purple underline and any changes derived from these representations in either purple text and strikethrough (removed text) or purple text and underline (new text). The statement also includes minor changes to the text variously detailed in red text underline (new) or red text strikethrough (text deletions) as mainly points of clarification.
- 2.5.2 The original set of proposed changes to the SPD following the formal consultation were focused upon technical aspects of the document and the wider context in which the SPD operates – there have been no significant changes to the application

or purpose of the SPD. The original changes to the SPD include:

- Clearer explanations of the HRA process including mitigation measures.
- Rewording and update of the section describing the SPD's relationship with the Local Plan.
- Clarification on the use of habitat surveys within the 400m-2.5km zone reflecting representations raised during the consultation.
- Clarification regarding the Use Classes in Table 1.
- Change to para 4.4 to clarify mitigation streams following representations made by Natural England.

2.5.3 The most significant changes to the SPD which are attributable to the new additional representations include:

- Adding text to the document to clarify the Council's position on bespoke mitigation schemes and the HRA process.
- New text added to clarify functional linkages (land) outside the SPA and definition of functionally linked land amended to aid understanding.
- New easier to understand flow-chart setting out the overall approach.
- Further clarifications on significant effects
- Link to survey guidance added.
- References relating to the effectiveness of Suitably Accessible Natural Greenspace (SANGS) added to the SPD.

2.5.4 For aid of reference, the original set of changes linked to the original Statement of Consultation have been integrated within the document and additional minor changes following previous reporting to Executive have been displayed in the SPD document as red text underline (new text) and red text strikethrough (text deletions). The changes originating from the updated representations are detailed separately in either purple text and underline (new text) or purple text and strike through (deleted text).

### **3. OTHER CONSIDERATIONS**

#### **3.1 Bradford Local Plan Review**

3.1.1 The Core Strategy Development Plan Document (DPD) covers the period from 2013 up to 2030 and was adopted in July 2017. The South Pennine Moors SPA/SAC Planning Framework is linked to Policy SC8 of the Core Strategy.

3.1.2 In 2018 the Council embarked on a Partial Review of the Core Strategy, in response to Government changes to the National Planning Policy Framework and a new methodology for calculating the housing requirement. A Preferred Options Report was produced and consulted on from July – September 2019.

3.1.3 The Council has however now moved to a single plan approach with an emerging Draft Local Plan underway. The Regulation 18 Preferred Options Report was published for consultation concurrently with the South Pennine Moors SPA/ SAC Planning Framework SPD in February 2021 and the two documents have a close relationship with each other. In the review of the Local Plan, Policy SC8 will be updated and referred to as a Strategic Core Policy ‘Protecting the South Pennine Moors SPA / SAC and their Zone of Influence’. Once the Local Plan is adopted the SPD will be reviewed to take account of the requirements of new Strategic Core Policy and the revised housing requirement.

#### **4. FINANCIAL & RESOURCE APPRAISAL**

- 4.1 The costs of preparing the SPD have been funded through the agreed Local Plan budget. The preparation of the SPD is a key requirement of implementing Policy SC8 of the Core Strategy.
- 4.2 The SPD sets out the Framework for the collection of monies from new development which will fund a mitigation strategy which has been developed to focus on three key mitigation streams: dedicated staff (delivery offers and rangers), education, and the enhancement of existing green spaces. It is envisaged the new posts will sit under the Countryside Service. Further work will be carried out to determine the needs of the service against the monies collected determining the affordability of this, as detailed through the early stage work on the mitigation strategy.
- 4.3 There may be a requirement for the Council to put the personnel in place before the fees have been fully collected to ensure that any recreational impacts from development can be mitigated from the outset. It is proposed that the first officer position to be filled is the delivery officer. This would be considered as part of the mitigation strategy work and a business case made for the creation of any new posts which sets out their role and funding.
- 4.4 The Council will prepare a standardised unilateral undertaking form which will be the legal mechanism for the tariff collection. A unilateral undertaking is a legal document made pursuant to Section 106 of the Town and Country Planning Act 1990.
- 4.5 Applicants will be expected to meet the Council’s administration and monitoring costs associated with any drafting, checking, overseeing and approving the unilateral undertaking. The SPD does not set the financial detail of the application / monitoring fee but it will be published separately on the Bradford Council website once the SPD is adopted. This fee will be subject to an annual review to ensure it is proportionate and reasonable and reflects the actual cost of administration and monitoring.

- 4.6 The SPD includes reference to an instalments policy to allow, developers the option, where the contribution is large, to pay their Unilateral Undertaking tariff in instalments to provide flexibility and assist with development viability and delivery by improving the cash flow of a development. This instalments policy will be linked to the SPD document but published on the Council's website to allow for flexibility and potential updates annually.

## **5. RISK MANAGEMENT AND GOVERNANCE ISSUES**

- 5.1 It is not foreseen that any substantial legal, financial, reputation or other risks will arise if options 1 or 2 (see section 9 below) are selected by Members and the recommendation of this report is accepted. If option 3 is selected there are potentially some financial and reputation risks, as outlined under this option in section 9.

## **6. LEGAL APPRAISAL**

- 6.1 The production of an SPD forms part of a legal regulatory process and it is important that all formal presentations are duly considered in finalising the document.
- 6.2 The preparation of the draft South Pennine Moors SPA/ SAC Planning Framework is included within the updated Local Development Scheme and the public consultation period have been in compliance with relevant legislation and guidance regarding supplementary planning documents including Regulations 11 to 16 of the Town and Country Planning (Local Development) (England) Regulations 2012 and the government's Planning Practice Guidance (revised 15 March 2019). The adoption of the Framework would also be carried out in accordance with the Regulations.
- 6.3 The applicant contributing to the strategy (where appropriate) will be required to complete a simple HRA statement and where relevant a Unilateral Undertaking as part of the planning process. This will require changes to be made to the Council's Local Validation criteria in relation to planning applications.

## **7. OTHER IMPLICATIONS**

### **7.1 SUSTAINABILITY IMPLICATIONS**

- 7.1.1 The preparation of the Framework has included input from officers in Ecology and the Countryside Service amongst others. It is considered that it will have positive implications in terms of sustainability through introducing measures which will have

a positive impact on the moorland habitat and species and also through education and fostering of more sustainable behaviours. The preparation of the SPD is a requirement of the Core Strategy – which was subject to Sustainability Appraisal and aims to support the sustainable development of the District.

- 7.1.2 A Strategic Environmental Assessment (SEA) Scoping Report was published at the public consultation stage and concluded that the South Pennine Moors SPA/ SAC Planning Framework would have positive implications in terms of Sustainability and the environment.

## **7.2 GREENHOUSE GAS EMISSIONS IMPACTS**

- 7.2.1 The Framework will have no impact on greenhouse gas emissions.

## **7.3 COMMUNITY SAFETY IMPLICATIONS**

- 7.3.1 Some capital works such as Improved footpaths, parking arrangements or signage may have positive impacts on community safety.

## **7.4 HUMAN RIGHTS ACT**

- 7.4.1 Members of the public have had an opportunity to comment on the draft version of the Framework within a six-week consultation period, and the comments received have been taken into account and fully documented. No conflict with the Human Rights Act is foreseen.

## **7.5 TRADE UNION**

- 7.5.1 There are no Trade Union implications.

## **7.6 WARD IMPLICATIONS**

- 7.6.1 If adopted, the South Pennine Moors SPA/ SAC Planning Framework SPD will influence applications for housing development throughout the areas of Bradford District within seven kilometres of the SPA/SAC.

## **7.7 AREA COMMITTEE ACTION PLAN IMPLICATIONS**

- 7.7.1 As stated above, the South Pennine Moors SPA/ SAC Planning Framework SPD, if adopted, will influence applications for housing development throughout the areas of Bradford District within seven kilometres of the SPA/SAC.

## **7.8 IMPLICATIONS FOR CHILDREN AND YOUNG PEOPLE**

7.8.1 There are no negative implications for children and young people.

## **7.9 ISSUES ARISING FROM PRIVACY IMPACT ASSESSMENT**

7.9.1 With regard to the public consultation the General Data Protection Regulation (GDPR) principles relating to individuals' data and rights under the Data Protection Act 2018 are being respected.

## **8. NOT FOR PUBLICATION DOCUMENTS**

8.1 None.

## **9. OPTIONS**

The Executive is requested to consider the following options:

### **9.1 Option 1 (Recommended)**

9.1.1 Adopt the South Pennine Moors SPA/ SAC Planning Framework (Appendix 2) with the changes as detailed (Appendix 1) as a Supplementary Planning Document (SPD) to be used in the determination of planning applications.

9.1.2 The selection of this option will allow the Framework to progress to adoption with its final application dependent upon consultation and approved changes to the Council's local validation criteria.

### **9.2 Option 2**

9.2.1 Subject to further changes beyond those proposed, adopt the South Pennine Moors SPA/ SAC Planning Framework as an SPD to be used in the determination of planning applications.

9.2.2 The selection of this option will allow Members to shape and influence the content of the final Framework prior to adoption. However, it may cause some delay, depending on the scope of the proposed amendments and whether or not the Executive, an alternative Committee or individual Members wish to be re-consulted prior to formal adoption. Any fundamental or major changes to the SPD may require further public consultation before it could be considered for adoption.

### **9.3 Option 3**

- 9.3.1 Refuse to adopt the South Pennine Moors SPA/ SAC Planning Framework as an SPD.
- 9.3.2 Should Members be deeply unsatisfied with the document or the principle of adopting a South Pennine Moors SPA/SAC Planning Framework SPD then selection of this option will allow them to halt or put an end to its progression.
- 9.3.3 It should be noted that the Council's adopted Core Strategy states that an SPD will be prepared to support the implementation of Policy SC8 and the Core Strategy's Habitats Regulations Assessment. Selection of this option would effectively put an end to this work and would undermine the purpose of the Core Strategy Policy.
- 9.3.4 Also, Council departments including Development Management, Ecology and Countryside Management have provided input into the preparation of the Framework and selection of this option may prevent their aspirations from being met. Development proposals may also be unduly delayed or even prohibited as they could be reliant on a strategic mitigation strategy to ensure they meet the requirements of the Habitats Regulations.

## **10. RECOMMENDATIONS**

- 10.1 **That the South Pennine Moors SPA/ SAC Planning Framework with the changes as detailed, attached in Appendix 1, be adopted as a Supplementary Planning Document.**
- 10.2 **That authority be delegated to the Strategic Director Place in consultation with the Portfolio Holder to carry out any minor amendments of a drafting or similar nature necessary, prior to the formal publication of the adopted South Pennine Moors SPA/ SAC Planning Framework SPD.**

## **11. APPENDICES**

- 11.1 Appendix 1. Statement of Consultation (including Recommended Changes)
- 11.2 Appendix 2. South Pennine Moors SPA/ SAC Planning Framework Supplementary Planning Document, Final Draft June 2021 (with integrated changes)

## **12. BACKGROUND DOCUMENTS**

- 12.1 A number of background documents have been used to inform the writing of this report. All are published and readily available to the public.
  - Core Strategy Development Plan Document (Adopted 2017)
  - Town and Country Planning (Local Development) (England) Regulations 2012

- [South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document, Consultation Draft February 2021.](#)
- [Report of the Strategic Director of Place to the meeting of the Executive – 6<sup>th</sup> July 2021: South Pennine Moors Special Protection Area \(SPA\) / Special Area of Conservation \(SAC\) Planning Framework](#)