

17 July 2015

Our ref:

Your ref:



Mr D Richmond-Watson  
Wakefield Farms Ltd  
The Estate Office  
Wakefield Lodge Estate  
Potterspury  
Northants  
NN12 7QX

Natural England

Mail Hub Block B,  
Whittington Road,  
Worcester,  
WR5 2LQ

Dear Dan

### **Midhope Moor - Creation of a track requiring planning permission**

Thank you for copying to Natural England the letter from Mr Cook of the PDNPA Planning Department. I would like to start by saying that the project between Wakefield Farms Ltd and Natural England is improving the SSSI and delivering positive benefits for the interests of both parties. For this reason we believe that the appropriate action is for you to seek to secure the necessary permission for this work.

It is not always clear when planning permission is required, but judgement on whether the construction of the track is development that will require planning permission is a matter for the PDNPA. The PDNPA will consider that the appropriate party to obtain planning permission is the party that undertook the works regardless of where the funding for that work was obtained. That is why they have written to you.

It is not for Natural England to advise on whether a particular operation is of a type that will require planning permission. We did not know whether or not this particular operation would require planning permission at the time we reviewed the plan, submitted by you, that included the proposal to use mesh. Natural England supported the work financially and granted SSSI consent for the work, however in the consent issued by Natural England we drew your attention to the need to gain all necessary permissions for work.

Natural England considers that operations carried out should meet the planning requirements of the PDNPA which in this case, it appears can be met by Wakefield Farms Ltd making an application for retrospective planning permission for the laying of this surface material. Natural England has already granted consent for the works and will be a consultee that the PDNPA are required to consult for the purposes of considering the



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application. We will provide advice to the PDNPA in accordance with our duties. In order to assist you with your application, I am attaching a copy of the advice we are likely to give the PDNPA when consulted on the planning application. This advice is based on the assumption that the application will be for permission to carry out the works as they have been carried out, in their current form. I am happy to discuss this with you further.

Our view is that this work was proposed by your contractor to both restore any additional damage to the route that was created through the works necessary for conservation and enhancement of the SSSI and allow the estate to maintain light use of the track whilst recovery took place. The whole route taken by the machines that undertook the restoration has not been resurfaced or repaired; only some of those areas already partly degraded by previous estate management. This work has been in the interest of restoring land within the SSSI and enabling the Estate to continue using this route.

Yours sincerely



Richard Pollitt  
Land Management and Conservation Adviser  
Natural England  
East Midlands Team

## PEAK DISTRICT MOORS SPA/SOUTH PENNINE MOORS SAC/THE DARK PEAK SSSI

Midhope Moor restoration – repair to estate management route

### Protected Site Advice

The purpose of the application of the plastic mesh, which we understand is to be the subject of a planning application, is to allow recovery of semi-natural vegetation cover to exposed soils in the vicinity of the route, to enable continued limited use of light vehicles (quad bike or argocat) along a specific line for the purpose of estate management without further degradation of the surface and to allow general recovery of the surrounding habitat within the SSSI.

This is a route created by and for estate vehicular use for the purpose of estate management. It also served as a single pass access route onto the moor for heavy machinery for the purpose of restoration work under the same programme of works that has restored the route to light use. There was some impact to the route through the passage of heavy machinery (3 loaded diggers) but disturbance to the surface was already present, caused by previous activity.

The route is approximately 660m in length and the habitat breakdown of the ground crossed is as follows:

Dry heath	160m
Dry heath/acid grassland	190m
Bracken	55m
Marshy grassland/ <i>Juncus</i> flush	180m
Flush/Stony ground/River bed	25m
Blanket bog	50m

Total area of mesh laid is 1320m<sup>2</sup>

The actual route and several alternatives were, at the start of restoration works, bare ground with some rutting and some ad hoc repairs (using timber and stone). Currently there is about 3500m<sup>2</sup> of habitat affected by vehicle use along this section of the route (including what constitutes the route defined by the mesh). The use of a mesh surface will limit use and disturbance to about one third of this quantity. In some places on the route the least damaged ground has been selected for the mesh route.

The effect of the work will limit the extent of vehicle use to a narrow band at 2m width and allow some limited recovery of vegetation using techniques of moorland restoration (spreading nurse crop grass seed and boosting growth with limited lime and fertilizer). The effects of this restoration will be greater on the disturbed area away from the mesh track where no vehicle disturbance will enable a fuller vegetation community to develop. Continued use of the route is not compatible with complete revegetation of the mesh surface and should not be expected.

The alternative to this practical work to protect the surface from further damage would be to close the route and to insist that the estate management work was done in accordance with the Management Plan that permits the use of vehicles everywhere providing such use does not cause rutting (it may incidentally damage vegetation).

The habitats that would be used as alternative routes to the route that has been surfaced are of greater interest within the description of the SSSI/SAC and are more vulnerable to disturbance through the use of vehicles, the area that would be used are primarily blanket

bog. The effect of this would be, in the opinion of Natural England, to increase the extent of disturbance and increase the exposure of more sensitive habitats to further disturbance.

The HLS Moorland Management Plan is due for 5 year review at 31<sup>st</sup> July 2018 and the mesh track and other access arrangements on Midhope Moor will be reviewed at this time. This review will include an assessment of the general use of vehicles and the level of use that is appropriate with respect to the SSSI/SPA/SAC

#### Landscape Advice

We advise consultation with the Peak District National Park Authority landscape specialists on the landscape impact of the mesh track. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the National Park designation. They will also be able advise on whether the development accords with the aims and policies set out in the National Park management plan

A Landscape and Visual Impact Assessment (LVIA) may be required to accompany the planning application. This would need to include assessments from different viewpoints including any nearby footpaths and bridleways to show the overall impact of the track on the landscape. Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition) which sets out methodology for landscape and visual impact assessment.

08/02/2016

Our ref: PD/S/31

Your ref:



The Planning Officer  
Peak District National Park Authority  
Aldern House  
Bakewell  
Derbyshire DE45 1AE

Natural England  
Mail Hub,  
County Hall,  
Spetchley Road,  
Worcester WR5 2NP

Dear Sir/Madam

**PEAK DISTRICT MOORS SPA/SOUTH PENNINE MOORS SAC/THE DARK PEAK SSSI  
Midhope Moor restoration – repair to estate management route**

Natural England write in support of the retrospective planning application for the lightweight temporary trackway laid over the soil and vegetation along the route from Lost Lad to Mickleden Grouse Butts within the above named designated sites.

Natural England approved this work as part of a wider habitat restoration project within the Environmental Stewardship Agreement AG00444068. In supporting and agreeing to these works Natural England had in mind the duty to conserve and enhance the special features of the protected sites which was the purpose of the project (erosion control, rewetting and vegetation re-establishment on deep peat habitat). In order to deliver this management it was necessary to position heavy machines on the moor and this was most effectively done by using an existing access route.

This access route was acknowledged (in previous discussions with the Estate) to be in poor condition and not ideally suited to the use Natural England had planned however, the alternative to such use required tracking over a longer distance on the SAC habitat of blanket bog. In previous arrangements with the Estate remedy to the erosion problem was to suspend use of the route. If Natural England were to use the route then such a remedy was no longer consistent or fair.

It was determined that restoration to a use-limited track by placing a lightweight material on the surface (fixed by hand) that reduced soil impacts by (low ground pressure all terrain) vehicle passage and allowed (assisted) recovery of vegetation both within and around the route was a reasonable solution that reflected the Estate need and desire to manage their land without creating alternative routes with associated disturbance.

At the time that this work was consented Natural England were not aware that the positioning of plastic mesh (including the strimming of vegetation and the fixing by hand) qualified as a development requiring planning permission by the appropriate authority.

The purpose of the application of the plastic mesh, which is currently subject to planning permission, is to allow recovery of semi-natural vegetation cover to exposed soils in the vicinity of the route, to enable continued limited use of light vehicles (quad bike or argocat) along a specific line for the purpose of estate



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management without further degradation of the surface and to allow general recovery of the surrounding habitat within the SSSI.

This is a route created by and for estate vehicular use for the purpose of estate management. It also served as a single pass access route onto the moor for heavy machinery for the purpose of restoration work under the same programme of works that has restored the route to light use. There was some impact to the route through the passage of heavy machinery (3 loaded diggers) but significant disturbance to the surface was already present, caused by previous activity.

The route is approximately 660m in length and the habitat breakdown of the ground crossed is as follows:

Dry heath	160m
Dry heath/acid grassland	190m
Bracken	55m
Marshy grassland/Juncus flush	180m
Flush/Stony ground/River bed	25m
Blanket bog	50m

The actual condition of the ground crossed may not correspond to the habitat described in the list above due to previous use of the route, therefore Natural England does not consider that the effect of this work is the complete loss of the amounts of the habitats described. Total area of mesh laid is 1320m<sup>2</sup>

The actual route and several alternatives were, at the start of restoration works, bare ground with some rutting and some ad hoc repairs (using timber and stone). Currently there is about 3500m<sup>2</sup> of habitat affected by vehicle use along this section of the route (including what constitutes the route defined by the mesh). The use of a mesh surface will limit use and disturbance to about one third of this quantity. In some places on the route the least damaged ground has been selected for the mesh route.

The effect of the work will limit the extent of vehicle use to a narrow band at 2m width and allowing some limited recovery of vegetation using techniques of moorland restoration (spreading nurse crop grass seed and boosting growth with limited lime and fertilizer). The effects of this restoration will be greater on the disturbed area away from the mesh track where no vehicle disturbance will enable a fuller vegetation community to develop. Continued use of the route is not compatible with complete revegetation of the mesh surface and this should not be expected.

The alternative to this practical work to protect the surface from further damage would be to close the route and to insist that the estate management work was done in accordance with the Management Plan that permits the use of (all terrain) vehicles everywhere providing such use does not cause rutting (it may incidentally damage vegetation).

The habitats that would be used as alternative routes to the route that has been surfaced are of greater interest within the description of the SSSI/SAC and are more vulnerable to disturbance through the use of vehicles, the area that would be used are primarily blanket bog. The effect of this would be, in the opinion of Natural England, to increase the extent of disturbance and increase the exposure of more sensitive habitats to further disturbance. Natural England in its HRA for the work considered that the use of heavy machines within the project were 'necessary for the management of the site' for the SAC/SPA features.

Natural England will be happy to support the Authority in making any assessment of this proposal with regard to protected sites and species including a Habitats Regulation Assessment.

Yours faithfully

*RAP POLLITT*

Richard Pollitt  
Land Management and Conservation Adviser - Dark Peak  
Natural England  
East Midlands Area Team  
[richard.pollitt@naturalenland.org.uk](mailto:richard.pollitt@naturalenland.org.uk)

23/02/2016

Our ref: PD/S/31

Your ref:



The Planning Officer  
Peak District National Park Authority  
Aldern House  
Bakewell  
Derbyshire DE45 1AE

Natural England  
Mail Hub,  
County Hall,  
Spetchley Road,  
Worcester WR5 2NP

Dear Sir/Madam

**PEAK DISTRICT MOORS SPA/SOUTH PENNINE MOORS SAC/THE DARK PEAK SSSI**

Midhope Moor restoration – Access Matting

Natural England write in support of the retrospective planning application for the lightweight access matting laid over the soil and vegetation along the route from Lost Lad to Mickleden Grouse Butts within the above named designated sites.

Natural England approved this work as part of a wider SSSI habitat restoration project and funded it within the Environmental Stewardship Agreement AG00444068. In supporting and agreeing to these works Natural England had in mind the duty to conserve and enhance the special features of the protected sites which was the purpose of the project (erosion control, rewetting and vegetation re-establishment on deep peat habitat). In order to deliver this management it was necessary to position heavy machines on the moor and this was most effectively done by using an existing access route.

This access route was acknowledged (in previous discussions with the Estate) to be in poor condition and not ideally suited to the use Natural England had planned however, the alternative to such use required tracking over a longer distance on the SAC habitat of blanket bog.

It was determined that restoration to a use-limited track by placing a lightweight material on the surface (fixed by hand) that reduced soil impacts by (low ground pressure all terrain) vehicle passage and allowed (assisted) recovery of vegetation both within and around the route was a reasonable solution that reflected the Estates need and desire to manage their land without creating alternative routes with associated disturbance.

The purpose of the installation of the plastic mesh, is to allow recovery of semi-natural vegetation cover to exposed soils in the vicinity of the route, creating a single pass access route onto the moor for heavy machinery for the purpose of restoration work under the same programme of works. This also enabled the routes continued us by light vehicles (quad bike or argocat) along a specific line for the purpose of estate management without degradation of the surface and to allow general recovery of the surrounding habitat within the SSSI.



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The route is approximately 660m in length and the habitat breakdown of the ground crossed is as follows:

Dry heath 160m  
Dry heath/acid grassland 190m  
Bracken 55m  
Marshy grassland/Juncus flush 180m  
Flush/stony ground/river bed 25m  
Blanket bog 50m

The actual condition of the ground crossed may not correspond to the habitat described in the list above due to previous intensive use of the route by the previous moor owner. Total area of mesh laid is 1320m<sup>2</sup>. The actual route and several alternatives were, at the start of restoration works, bare ground with some rutting and some ad hoc repairs (using timber and stone). Currently there is about 3500m<sup>2</sup> of habitat affected by historic vehicle use, by the previous moor owner, along this section of the route (including what constitutes the route defined by the mesh). The use of a mesh surface will limit use and disturbance to about one third of this quantity.

The effect of the work will limit the extent of vehicle use to a narrow band at 2m width and allowing some limited recovery of vegetation using techniques of moorland restoration (spreading nurse crop grass seed and boosting growth with limited lime and fertilizer). The benefits of this restoration will be greater on the disturbed area away from the mesh track where no vehicle disturbance will enable a fuller vegetation community to develop.

Natural England will be happy to support the Authority in making any assessment of this proposal with regard to protected sites and species including a Habitats Regulation Assessment.

Yours faithfully

*RAP Pollitt*

Richard Pollitt  
Land Management and Conservation Adviser -Dark Peak  
Natural England  
East Midlands Area Team

[richard.pollitt@naturalenland.org.uk](mailto:richard.pollitt@naturalenland.org.uk)



From: Pollitt, Richard (NE) Richard.Pollitt@naturalengland.org.uk  
Subject: RE: Midhope  
Date: 30 June 2017 17:09  
To: Richard Howson Richard.Howson@davis-bowring.co.uk  
Cc: Dan Richmond-Watson dan@wakefieldestate.co.uk

File  
Midhope - Meeting

Richard

I promised some sort of response on the points raised.

I am of the opinion that the repair to the work on the track if it is not subject of a planning permission is a matter for SSSI consent. Depending upon the proposal it is likely that NE will consent it (same route, floating articulated timber raft anchored x 4 at each end). I would need to see a written notice or discuss the plans prior to issuing a consent.

by one

This action would mean taking up the plastic mesh in one short section, which might be seen as a template for the operation over the whole length.

On the remainder of the track I consider that the route is still the preferred option for access to the restoration areas for staff making return visits to the work area, although not for machinery which will access in a single pass to site (along a route yet to be determined). The surface is, in that sense, still performing the temporary function it was performing upon establishment.

Assessment of the condition of the surface and the likely impact of removal should not be undertaken now because the condition may change with further use and removal of the surface itself now would prevent use of this route for the immediate future. I think we can be open about this with the planning authority.

It is important that the authority understand that they still have the option to impose the enforcement within the time limits for that process, but they do not need to do that at this point (because the temporary function is still in action); and that it still remains a possibility for the landowner to submit a planning application for the surface of the estate track to remain beyond temporary use, again this is not appropriate right now since the use as a temporary track is still underway.

The HRA undertaken for the wider project does not provide detailed assessment of the surfacing of the track because NE considered that the route was one that was established (therefore it was not to be given up) and that repair would enhance the general condition. Furthermore NE placed constraints upon the works prior to any HRA that limited the extent of the surface away from the main SAC habitats (although there is de minimis overlap) and so the HRA concluded overall enhancement of the site through the whole capital works plan. I think it is reasonable to assume that there will be a separate HRA for any planning application (indeed there is likely to be one for an enforcement action) but these have not been produced and the responsibility for the HRA in both cases rests with the planning authority (with NE being a statutory consultee).

NE would want to be able to work with Wakefield Farms Ltd to prepare an application that was to the benefit of the special interest and that might include a reasoned case regarding the Natura 2000 interest however the HRA would be the assessment undertaken by the relevant authority.

It would be useful to have a meeting later this month (possibly 21<sup>st</sup>, 24<sup>th</sup> or 26<sup>th</sup>) to discuss this with you and with Dan, it is likely that the Team Leader for The Peak District, Felicite Dodd, would come along as well. I will be in touch about this if I do not hear from you before then.

With regards

Richard

Richard Pollitt  
Conservation and Land Management Adviser – The Dark Peak  
East Midlands Area Team  
Natural England

07876216554

Contractual Home-Worker, Please post mail to:

Richard Pollitt, **Mail Hub**, Natural England, County Hall, Spetchley Road, Worcester WR5 2NP

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**We are here to secure a healthy natural environment for people to enjoy, where wildlife is protected and England's traditional landscapes are safeguarded for future generations.**

In an effort to reduce Natural England's carbon footprint, I will, wherever possible, avoid travelling to meetings and attend via audio, video or web conferencing.

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**From:** Richard Howson [mailto:Richard.Howson@davis-bowring.co.uk]

**Sent:** 26 June 2017 14:03

**To:** Pollitt, Richard (NE)

**Cc:** 'Dan Richmond-Watson'

**Subject:** RE: Midhope

Richard

Thank you for the below and please see attached.

When we spoke I mentioned Dan's desire to progress the remedial works to the wet sections as you suggested using timber poles. What do you require to authorise this work or are you satisfied it is covered under the existing consent?

Have you been able to progress the provision of a HRA for this element of the wider restoration? I personally believe it is extremely important to have this to accompany the application to show a united front for the reason for its installation and future retention.

I look forward to hearing from you.

Regards

Richard

R J Howson  
Lane House, LA6 2HH  
01524274439  
07585400309  
[www.davis-bowring.co.uk](http://www.davis-bowring.co.uk)

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**From:** Pollitt, Richard (NE) [mailto:Richard.Pollitt@naturalengland.org.uk]

**Sent:** 19 June 2017 13:48

**TO:** Richard Howson  
**CC:** 'Dan Richmond-Watson'  
**Subject:** RE: Midhope

Richard

Thanks for those pictures. Your earlier email was unsuccessful and so I think that the reduced size is the maximum image size for this purpose. The areas shown suggest the matting is delivering what was aimed for. Are there any pictures of the wetter ground or the rise on the western side of the beck?

Richard

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**From:** Richard Howson [<mailto:Richard.Howson@davis-bowring.co.uk>]  
**Sent:** 19 June 2017 08:27  
**To:** Pollitt, Richard (NE)  
**CC:** 'Dan Richmond-Watson'  
**Subject:** FW: Midhope

Richard

Not sure you received the below due to photo sizes so I have reduced the file sizes and resend.

Regards

Richard

R J Howson  
Lane House, LA6 2HH  
01524274439  
07585400309  
[www.davis-bowring.co.uk](http://www.davis-bowring.co.uk)

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**From:** Richard Howson  
**Sent:** 16 June 2017 17:10  
**To:** 'Richard.Pollitt@naturalengland.org.uk'  
**CC:** 'Dan Richmond-Watson'  
**Subject:** Midhope

Richard

It was good to speak earlier and I look forward to catching up next week regarding the consent and HRA or other documents for inclusion within the planning application on behalf of NE once you have discussed with your peers.

As promised please see attached a few photographs to show the rate of recover, which is one of the best I have seen on previously disturbed ground!

Regards

Richard

**Richard Howson** MRICS

