

Agenda item

Habitat Regulations Assessment in relation to retrospective planning consent on Midhope Moor to restore and repair previously damaged access route to include the laying of plastic access mesh to facilitate vehicular access. Open moorland site, split by the Cut Gate Path and crossing Mickleden Beck on Midhope Moor

- [Meeting of Planning Committee, Friday 15th June 2018 10.00 am \(Item 67/18\)](#)
- This matters?

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Minutes:

The Officer informed Members of an amendment to the conclusion and recommendations 2 & 3 of the recommendation in the report.

The conclusion should include the addition of the work 'temporary' on line 2. The following wording should be inserted at the end: 'In the event of a grant of permission for the development in the manner proposed on a permanent basis, there is a likelihood of harm to the SPA and SAC which cannot be mitigated and therefore a Habitat Regulations Assessment would be required prior to the grant of permission.'

Point 2 should now read after the words European designated site " but can be controlled by condition, including that it be for a limited time".

Point 3 should read after the words LC17 "on this basis the application is recommended for refusal. If this Authority is minded to grant permission on a permanent basis, this is likely to have a significant impact on the SPA and SAC and the special qualities for which they are designated. In this event, the application would need to be subject to an HRA assessment"

The officer then went on to introduce the report and explain to Members that the Habitat Regulation Assessment was a piece of legislation which required the Authority, to make an assessment,

about whether the proposal would have the potential to have a significant impact on a European Designation Site in this case a SPA and SAC.

The Officer recommendation to adopt the report, was moved, seconded, put to the vote and carried.

RESOLVED:

- 1. That this report be adopted as the Authority's Habitat Regulations Assessment in relation to the proposed development in relation to application NP/S/1217/1304.**

- 2. It is determined that restoration and repair of previously damaged access route including the laying of plastic access mesh to facilitate vehicular access to the open moorland site, Midhope Moor has potential to have a significant effect on the integrity of a European designated site but can be controlled by condition including that it be for a limited time period. Thus, approval of application NP/S/1217/1304, the subject of a separate report to Planning Committee, would not be contrary to the provisions of Regulation 61 of the Conservation of Habitats and Species Regulations 2010(as amended) (the 'Habitats Regulations') and the EU Habitats Directive and an Appropriate Assessment is not considered necessary.**

- 3. Harm to the moorland ecology and habitat along the length of the application site from the initial installation of the matting and associated groundworks coupled with the damage caused subsequently from the increased vehicle use of the route contrary to policies L2 and LC17, on this basis the application is recommended for refusal. If this Authority is minded to grant permission on a permanent basis, this is likely to have a significant impact on the SPA and SAC and the special qualities for which they are designated. In this event, the application would need to be subject to an HRA assessment.**