

SCREENING OPINION

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017

ENF: 15/0057

Location:

Land at Mickleden Edge, Midhope Moors, Bradfield

Development:

1) Without planning permission, the carrying out of an engineering operation consisting of the laying of plastic matting and timber 'rafts' to form a surfaced track.

PLEASE INDICATE BELOW WHICH SCHEDULE THE DEVELOPMENT FALLS WITHIN AND FOR SCHEDULE 2 PROJECTS INDICATE WHETHER AN EIA IS REQUIRED GIVING REASONS

1. ~~The development falls within Schedule 1 and therefore an EIA has to be provided.~~
2. The development falls within Schedule 2 of the regulations and an EIA is required for the following reasons:
3. ~~The development falls within Schedule 2 of the regulations but an EIA is not required for the following reasons:~~

The site lies within the Peak District National Park and the Dark Peak Site of Special Scientific Interest. It also lies within an area which has been designated as a Special Area of Conservation (SAC), as defined in the European Union's Habitats Directive (92/43/EEC), and a Special Protection Area under the European Union Directive on the Conservation of Wild Birds. The site is thus considered to be a 'sensitive area' for the purposes of the regulations. Planning Practice Guidance advises that projects listed in Schedule 2 which are located in a sensitive area need to be screened even if they are below the thresholds or do not meet the criteria.

Accordingly having taken account of the criteria of Schedule III of the regulations, the Peak District National Park Authority, as the relevant Local Planning Authority, and in consideration of sufficient information for the purpose, has adopted a screening opinion that the development as described falls within Schedule 2 [10 Infrastructure projects (f) construction of roads] of the EIA Regulations and **IS EIA DEVELOPMENT** for the following reasons:

Ecology

The unauthorised development has resulted in a loss of moorland habitat. It is also likely that compaction and hydrological damage has occurred through the construction method used (levelling the route with a tracked vehicle and the inversion technique that was carried out along 45m of the route). The surfacing may lead to an increased use of this route in preference to other informal tracks in the area, which would exacerbate this problem. It would be difficult to avoid harm through modifications, conditions or restrictions and restrictions on track use in terms of type of vehicle use would be impossible to enforce. As such the impact on biodiversity is considered to be significant.

Landscape

The development is situated in an elevated and prominent position in an area of very attractive open moorland and is clearly visible from the Cut Gate bridleway. As the public has a right to roam on foot, without being confined to public rights of way, the development is also visible to the public from a much wider area. The development can be clearly seen over long sections and in close views where it is an incongruous and intrusive feature on an otherwise open moor. Even where the matting has been largely hidden by vegetation the resulting route appears mainly as a grass rich, green swathe running through the very contrasting darker heather moorland vegetation either side of the route. The difference in appearance is marked and this green strip has become a landscape feature which detracts considerably from the established and valued character and appearance of the dark peak moorland. The harmful impact of the development has been exacerbated by the recent addition of log 'rafts'.

Enforcement Action


It is also necessary to consider whether removal of the track, resulting from the proposed enforcement action, requires EIA assessment. It is anticipated that the steps for compliance in an enforcement notice would require removal of the plastic mesh surfacing, log rafts and any imported soil, stone or other materials used in the construction of the track. It is also intended to require revegetation work to be carried out in order to re-establish the former dwarf shrub vegetation, rather than the grassland which may otherwise establish. It is anticipated that the actual removal of materials and revegetation works could be carried out without the use of heavy machinery or vehicles. Given the remote upland location, the use of vehicles to transport personnel and materials to and from the site would be expected. However, for both purposes the use of low ground pressure tracked vehicles, equipment or machinery would be adequate and can be specified in the enforcement notice requirements. With regard to timescale, it is anticipated that the removal of surfacing materials and most of the revegetation works could be carried out in a matter of weeks. However, the time periods for compliance will be designed to avoid works taking place in the bird breeding season (i.e. March to August), thereby further reducing any potential impacts. Overall, it is considered that any adverse impact on the moorland habitat as a result of enforcement action, is likely to be very limited and short-lived.

Conclusion

It is considered that the unauthorised development detracts from the environmental quality of the local area and has a significant effect on the environment by virtue of its nature, size and location. The impacts, as described above, are considered to be of such complexity or magnitude to conclude that the development is EIA development.

Any adverse impact on the moorland habitat as a result of enforcement action, is likely to be very limited and short-lived. For this reason the impacts are considered not to be of such complexity or magnitude to conclude that an EIA assessment would be required in respect of the proposed enforcement action.

Authorised signature:



Date: 20/9/15

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Peak District National Park Authority