



**PEAK
DISTRICT
NATIONAL
PARK**

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017: Regulation 37 Notice

1. This notice is served by the Peak District National Park Authority ('the Authority') under regulation 37 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017 No. 871) in connection with the Authority's enforcement notice dated 21 September 2018 issued in respect of:

Without planning permission, engineering operations consisting of the laying of geotextile matting and wooden log 'rafts' on the Land to form a track.

Land at:

Mickleden Edge, Midhope Moor, Bradfield in the County of South Yorkshire

2. 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'.

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.

3. Accordingly, subject to any direction of the Secretary of State to the contrary, any appeal under section 174 of the Town and Country Planning Act 1990 against the Enforcement Notice or a deemed planning application must be accompanied by two copies of an Environmental Statement relating to the EIA development. Please read the notes below for information about appeals, directions and Environmental Statements.

Dated: **6 November 2018**

Signed:

Jane Newman
Head of Development Management

Notes

Appeals

If you wish to appeal against the enforcement notice, you must follow the instructions provided with that notice. Please remember that the Secretary of State cannot consider your arguments against the enforcement notice if you fail to observe the time limit for appeal specified in the notice.

Directions

You may apply to the Secretary of State for a direction as to whether the development requires the submission of an Environmental Statement. The Secretary of State will give his direction in writing and will send a copy of it to the Authority.

Environmental Statements

An Environmental Statement is a document or series of documents prepared for the purposes of enabling the Secretary of State to assess the likely impact on the environment of the development to which this notice relates.

For guidance on Environmental Statements generally please see Department of the Environment, Transport and the Regions Circular 02/99. General guidance about preparing environmental statements can be found in the HMSO publication "Preparation of Environmental Statements for Planning Projects that Require Environmental Assessment: A Good Practice Guide" (ISBN 0-11-753207-X) although it should be read in conjunction with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (SI 2017 No 871) themselves since the guidance predates these revised requirements.

IMPORTANT: Please remember that an application for a direction in connection with this Regulation 37 Notice does not affect the time limit for appeal specified in the enforcement notice. Any appeal against that notice must be received by the Secretary of State before the date specified in the enforcement notice as the date on which it takes effect.

