

## Cook Andrew

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**From:** Pollitt, Richard [REDACTED]  
**Sent:** 01 March 2019 15:08  
**To:** Maria Bowen  
**Cc:** Butterfield, Ian; Dodd, Felicite; Aspden, Louisa  
**Subject:** RE: Response - Land at Mickleden Edge Request for EIA Screening Opinion  
**Attachments:** Midhope HLS Track Casework Summary Mar 2019 edit.doc; Midhope HRA Form Reg 21.pdf; Midhope Site Restoration Plan and Specification 2014 5.pdf

Hello Maria

I have been asked to provide a response to the points that you raise in response to some information provided to you by my colleague Louisa Aspden. I was, at the time of the work under discussion, the responsible officer for the SSSI and the HLS agreement.

The work done to place matting along the line of what was an estate access route was completed as part of the capital works plan for the HLS agreement. The aim of the capital works plan was to outline eligible paid for works that furthered the environmental objectives of the agreement. In this case – as was common with large moorland agreements on SSSIs – the objectives were the conservation and enhancement of the special interest. In this plan it was primarily blanket bog restoration.

For straightforward works such as a fence or a wall there is a standard specification, but for more complex and large scale work there is quite often firstly an outline plan covering broad areas and actions and then within that a separate detailed plan/specification is commissioned. In this case DMS (the contractors) developed the plan for the agreement holder to deliver the agreed actions. Within that plan there was some work to repair the route used for access by machines and staff to the works area. So the plan for the repair of the route was embedded in a larger landscape scale restoration plan, and in my mind, I agreed all the work in the plan (subject to any minor modifications agreed with the project manager [Dan Richmond-Watson]). The email exchange around June 2014 describes this.



Re Midhope - Capital Works Management Plan.msg

In agreeing the plan Natural England agreed to the restoration works and the remedial work to the route, not only that, but Natural England paid for the work – or a substantial part of it. At the time Natural England did not have the guidance from PDNPA on planning control and tracks. This was considered to be an estate track and the work was considered minor in that it really didn't appear to involve heavy engineering work. I think I must have had some awareness of sensibilities since I asked the project manager to keep the repair work off the blanket bog where it might have otherwise continued for 400m, but as I recall my concern was about the precedent of establishing new tracks on blanket bog and I recall I thought the estate track as a single entity stopped short of the butts and the gamekeeper then chose one of a series of directions to progress along depending upon his work.

In 2015 I prepared a casework summary of the process and history (I have edited slightly to add information) I attach this along with the capital works plan, the Habitats Regulations Assessment for the plan and a letter sent by NE to PDNPA when the estate was submitting a retrospective planning application.

If you think I can be of any further assistance please get in touch.

Regards

Richard

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

[REDACTED]  
Contractual Home-Worker, Please post mail to:

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

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**From:** Maria Bowen [REDACTED]  
**Sent:** 26 February 2019 17:02  
**To:** Aspden, Louisa [REDACTED]  
**Subject:** RE: Response - Land at Mickleden Edge Request for EIA Screening Opinion  
**Importance:** High

Hi Louisa,

Many thanks for your response. From your response you state you have no comments to make, however I would like to just clarify this with you a bit further.

I note from the application that the applicant that he has a Midhope Mooreland Management Plan which covers the application area, this is an agreement that covers Dark Peak SSSI and is made together with the applicant and Natural England.

As I understand it the agreed management plan details the main management of the moorland fulfilling land manager obligations under the High Level Stewardship agreement and the SSSI legislation. The management plan specifically mentions 'Tracks' and state that routine management of the track is permitted under this plan: as are repairs to track surfaces if the same materials and methods of the existing surface are used; tracks are not widened or lengthened; drain and drainage channels are not widened and deepened; and, all machinery used complies with specified requirements. It also goes on to say that improvements or upgrading of existing tracks will be assessed by examining the effects in the interest features of the SSSI/SAC/SPA and will be agreed if they do not impact significantly on the interest features or affect site integrity. Please see an extract from the HLS agreement below for ref:

## 4.7 Tracks

Natural England appreciate that tracks may sometimes be necessary to facilitate management on grouse moors including both shooting and grazing management and that they can therefore be required in some situations to achieve or maintain appropriate management.

Existing tracks are shown on map 5. Routine maintenance of existing tracks is permitted under this plan provided:

- repairs to track surfaces use the same materials and methods as the existing surface
- tracks are not widened or lengthened
- drains and drainage channels are not widened or deepened
- all machinery used complies with requirements of section 4.6 (Vehicles ) above

The improvement or upgrading of existing tracks will require separate consultation and consent from Natural England.

Proposals for new tracks will be assessed by examining the effects on the interest features of the SSSI/SAC/SPA and will be agreed if they do not impact significantly on the interest features or affect site integrity.

Please can you let me know if Natural England have agreed to the works with the applicant, and confirm the date that this information was given. If you have not agreed to this work what action will be taken now, if any, and also provide me with your view of the work completed. For ease I have re-attached the paperwork that I originally sent you.

Please could you respond by 09/03/19 as this case is also wrapped up in LPA enforcement action and I am being pressed for a decision.

Kind regards,  
Maria



**Ministry of Housing,  
Communities &  
Local Government**

Maria Bowen MSc | Planning Officer | Planning Casework Unit  
Ministry of Housing, Communities and Local Government  
1<sup>st</sup> Floor, Coburg House, Mayflower Street, Plymouth. PL1 1DJ.

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**From:** Aspden, Louisa [redacted]  
**Sent:** 05 February 2019 11:18  
**To:** Maria Bowen [redacted]  
**Cc:** Deeming, Roslyn [redacted]  
**Subject:** Response - Land at Mickleden Edge Request for EIA Screening Opinion

Dear Maria

With apologies for the delay, I attach our response to your request for advice of 3 December 2018.

Yours sincerely

Louisa

Louisa Aspden  
Team Leader, Sustainable Growth and Marine  
East Midlands Area Team  
Natural England  
Apex Court, City Link,  
Nottingham, NG2 4LA

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