



Ministry of Housing,
Communities &
Local Government

Mr Richard Price
Loxley

Sent via e-mail to:
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Please ask for: Maria Bowen

Tel: [REDACTED]

Email: [REDACTED]

Your ref: RDP/7984.1

Our ref: PCU/EIASC/M9496/3217242

Date: 8 March 2019

Dear Mr Price

**Request for a Screening Direction
Town and Country Planning (Environmental Impact Assessment) Regulations
2017.**

**The laying of geotextile matting and log rafts at Land at Mickleden Edge,
Midhope Moor, Bradford.**

I refer to your client's request dated 26 November 2018, made under 6(10) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017(S.I. 2017/571) ("the 2017 Regulations") for the Secretary of State's screening direction the matter of whether or not the above development is 'EIA development' within the meaning of the 2017 Regulations.

The above development falls within the description at paragraph 10 Infrastructure of Schedule 2 to the 2017 Regulations and is located in a sensitive area namely the Peak District National Park, within an area designated as a SSSI, SAC & SPA. Therefore, the Secretary of State considers the proposal to be 'Schedule 2 development' within the meaning of the 2017 Regulations.

However, having taken into account the selection criteria in Schedule 3 to the 2017 Regulations the Secretary of State does not consider that the proposal is likely to have significant effects on the environment, see the attached written statement which gives the reasons for direction as required by 5(6) of the EIA Regulations.

Accordingly, in exercise of the powers conferred on him by regulation 7(5) of the 2017 Regulations the Secretary of State hereby directs that the proposed development described in your client's request and the documents submitted with it, **is not 'EIA development'** within the meaning of the 2017 Regulations.

Any permitted development rights which your client's proposal may enjoy under the Town and Country Planning (General Permitted Development) Order 2015 (SI 596) as amended are therefore unaffected.

Planning Casework Unit
Ministry of Housing, Communities and Local Government
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You will bear in mind that the Secretary of State's opinion on the likelihood of the development having significant environmental effects is reached only for the purposes of this direction.

I am sending a copy of this letter and the written statement to Jane Newman of the Peak District National Park Authority.

Yours sincerely

A black rectangular redaction box covers the signature area. A small red square is visible at the top left corner of the redaction.

Maria Bowen
Planning Officer
(With the authority of the Secretary of State)

Town & Country Planning (EIA) Regulations 2017
Secretary of State Screening Direction – Written Statement

Application name:	Land at Mickleden Edge
SoS case reference:	PCU/EIA/M9496/3217242
Schedule and category of development:	Schedule 2, 10 Infrastructure, (f) roads.

Full statement of reasons as required by 5(5)(a) of the 2017 EIA Regulations including conclusions on likelihood of significant environmental effects.

The Secretary of State has considered whether the above proposal is likely to have significant environmental effects. He has undertaken this screening taking into account the criteria set out in Schedule 3 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

The development comprises a stretch of geotextile matting (670 m in length and 2m width) which has been laid along a length of pre-existing track situated at Mickledon Edge, Midhope Moor, within the Peak District National Park. Additionally, a number of wooden poles which are strapped together to form log 'rafts' have been laid along two short stretches of the track extending to approximately 15-20m in length each.

The site lies within the Peak District National Park, the Dark Peak Site of Special Scientific Interest, a Special Area of Conservation, and a Special Protection Area. Therefore, the site is located in a 'sensitive area' as defined by the 2017 EIA regulations.

As this is a retrospective screening as construction has already taken place, the Secretary of State, in his role in assessing the environmental impact of a development, cannot comment on the effects during construction. Therefore, matters relating to the construction method, and the impact are not relevant in this case and are not covered by this screening opinion.

The Secretary of State has also consulted Historic England, the Environment Agency and Natural England with regard to potential significant effects from this project on heritage and ecological/landscape designations and features in the vicinity.

Historic England state that it 'does not consider the case is likely to have a significant impact on designated heritage assets'. The Environment Agency state that 'this type/location of development is not within its remit so therefore has no comments to make'.

Natural England (NE) although recognising the sensitive location of the development site, state that it does not have a role in commenting on whether a development is a type covered by Schedule 2 of the Town and Country Planning Act (Environmental Impact Assessment) Regulations 2017'. NE were asked by the Secretary of State to specifically comment on how these works fitted with the aims and objectives of the Midhope Moors Management Plan (MMMP). The MMMP is an agreement between the land owner and NE which covers the site area and the Dark Peak SSSI. The management plan details the main management of the moorland fulfilling land manager obligations under the HLS agreement and the SSSI legislation. The plan provides consent for moorland management. In relation to these specific works NE state that they were agreed and confirm they are in accordance with the Midhope Moors Management Plan aims and objectives.

The council considers this development is EIA development and it falls within Schedule 2 (10 Infrastructure, (f) construction of roads). It believes that the development has resulted in a loss of moorland habitat, and it is 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. It states 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. As previously stated, the Secretary of State cannot comment on the retrospective element of the development.

The Secretary of State has concluded that any significant visual and landscape effects on the Peak District National Park, the SSSI, SAC or SPA would be limited and temporary. He recognises that initially the geotextile matting will be visible. However, the matting allows grass, heather and other vegetation to grow up through the matting. Therefore, the visual impact of this project in this greenfield location would reduce over time. The 'log raft' will also have an initial negative visual impact. However, this impact is not considered to be significant in EIA terms and, over time, due to the natural weathering of the logs, this visual impact will also reduce.

Planning Practice Guidance (Mar 2014) requires the Secretary of State to also consider the potential cumulative impacts of a proposal. It states that each application should be considered on its own merits. However, there are no issues relating to the cumulative impact of the development as there is no other similar approved or existing development in the vicinity of the site.

In relation to impacts on the ecological and historic environment the Secretary of State has carefully assessed all of the evidence before him and has had due regard to the views of statutory consultees. He notes they do not have any comments or concerns in respect of this development. He also notes that the site covers a relatively small area of land, which is the site of a pre-existing track, and that although visual impacts will initially be evident, these are not considered to be significant, even at their highest level, and that they will reduce over time due to the nature and characteristics of the materials used.

The Secretary of State concludes that although there would be an initial visual impact, this impact is not deemed significant and will be temporary. After carefully assessing all of the evidence before him, the Secretary of State has concluded that there are no other issues or factors in this case, in this specific location, that either in isolation, or cumulatively, indicate a likelihood of there being significant environmental effects from this proposal. **EIA is not required.**

Is an Environmental Statement required?	No
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Name	Maria Bowen
Date	08/03/19