

17 July 2015

Our ref:

Your ref:



Mr D Richmond-Watson  
Wakefield Farms Ltd  
The Estate Office  
Wakefield Lodge Estate  
Potterspurty  
Northants  
NN12 7QX

Natural England

Mail Hub Block B,  
Whittington Road,  
Worcester,  
WR5 2LQ

Dear Dan

### **Midhope Moor - Creation of a track requiring planning permission**

Thank you for copying to Natural England the letter from Mr Cook of the PDNPA Planning Department. I would like to start by saying that the project between Wakefield Farms Ltd and Natural England is improving the SSSI and delivering positive benefits for the interests of both parties. For this reason we believe that the appropriate action is for you to seek to secure the necessary permission for this work.

It is not always clear when planning permission is required, but judgement on whether the construction of the track is development that will require planning permission is a matter for the PDNPA. The PDNPA will consider that the appropriate party to obtain planning permission is the party that undertook the works regardless of where the funding for that work was obtained. That is why they have written to you.

It is not for Natural England to advise on whether a particular operation is of a type that will require planning permission. We did not know whether or not this particular operation would require planning permission at the time we reviewed the plan, submitted by you, that included the proposal to use mesh. Natural England supported the work financially and granted SSSI consent for the work, however in the consent issued by Natural England we drew your attention to the need to gain all necessary permissions for work.

Natural England considers that operations carried out should meet the planning requirements of the PDNPA which in this case, it appears can be met by Wakefield Farms Ltd making an application for retrospective planning permission for the laying of this surface material. Natural England has already granted consent for the works and will be a consultee that the PDNPA are required to consult for the purposes of considering the



Natural England is accredited to the Cabinet Office Service Excellence Standard

[www.gov.uk/natural-england](http://www.gov.uk/natural-england)

application. We will provide advice to the PDNPA in accordance with our duties. In order to assist you with your application, I am attaching a copy of the advice we are likely to give the PDNPA when consulted on the planning application. This advice is based on the assumption that the application will be for permission to carry out the works as they have been carried out, in their current form. I am happy to discuss this with you further.

Our view is that this work was proposed by your contractor to both restore any additional damage to the route that was created through the works necessary for conservation and enhancement of the SSSI and allow the estate to maintain light use of the track whilst recovery took place. The whole route taken by the machines that undertook the restoration has not been resurfaced or repaired; only some of those areas already partly degraded by previous estate management. This work has been in the interest of restoring land within the SSSI and enabling the Estate to continue using this route.

Yours sincerely

A handwritten signature in black ink, appearing to read 'RAP Pollitt', written in a cursive style.

Richard Pollitt  
Land Management and Conservation Adviser  
Natural England  
East Midlands Team

## PEAK DISTRICT MOORS SPA/SOUTH PENNINE MOORS SAC/THE DARK PEAK SSSI

Midhope Moor restoration – repair to estate management route

### Protected Site Advice

The purpose of the application of the plastic mesh, which we understand is to be the subject of a planning application, is to allow recovery of semi-natural vegetation cover to exposed soils in the vicinity of the route, to enable continued limited use of light vehicles (quad bike or argocat) along a specific line for the purpose of estate management without further degradation of the surface and to allow general recovery of the surrounding habitat within the SSSI.

This is a route created by and for estate vehicular use for the purpose of estate management. It also served as a single pass access route onto the moor for heavy machinery for the purpose of restoration work under the same programme of works that has restored the route to light use. There was some impact to the route through the passage of heavy machinery (3 loaded diggers) but disturbance to the surface was already present, caused by previous activity.

The route is approximately 660m in length and the habitat breakdown of the ground crossed is as follows:

Dry heath	160m
Dry heath/acid grassland	190m
Bracken	55m
Marshy grassland/ <i>Juncus</i> flush	180m
Flush/Stony ground/River bed	25m
Blanket bog	50m

Total area of mesh laid is 1320m<sup>2</sup>

The actual route and several alternatives were, at the start of restoration works, bare ground with some rutting and some ad hoc repairs (using timber and stone). Currently there is about 3500m<sup>2</sup> of habitat affected by vehicle use along this section of the route (including what constitutes the route defined by the mesh). The use of a mesh surface will limit use and disturbance to about one third of this quantity. In some places on the route the least damaged ground has been selected for the mesh route.

The effect of the work will limit the extent of vehicle use to a narrow band at 2m width and allow some limited recovery of vegetation using techniques of moorland restoration (spreading nurse crop grass seed and boosting growth with limited lime and fertilizer). The effects of this restoration will be greater on the disturbed area away from the mesh track where no vehicle disturbance will enable a fuller vegetation community to develop. Continued use of the route is not compatible with complete revegetation of the mesh surface and should not be expected.

The alternative to this practical work to protect the surface from further damage would be to close the route and to insist that the estate management work was done in accordance with the Management Plan that permits the use of vehicles everywhere providing such use does not cause rutting (it may incidentally damage vegetation).

The habitats that would be used as alternative routes to the route that has been surfaced are of greater interest within the description of the SSSI/SAC and are more vulnerable to disturbance through the use of vehicles, the area that would be used are primarily blanket

bog. The effect of this would be, in the opinion of Natural England, to increase the extent of disturbance and increase the exposure of more sensitive habitats to further disturbance.

The HLS Moorland Management Plan is due for 5 year review at 31<sup>st</sup> July 2018 and the mesh track and other access arrangements on Midhope Moor will be reviewed at this time. This review will include an assessment of the general use of vehicles and the level of use that is appropriate with respect to the SSSI/SPA/SAC

### Landscape Advice

We advise consultation with the Peak District National Park Authority landscape specialists on the landscape impact of the mesh track. Their knowledge of the location and wider landscape setting of the development should help to confirm whether or not it would impact significantly on the purposes of the National Park designation. They will also be able advise on whether the development accords with the aims and policies set out in the National Park management plan

A Landscape and Visual Impact Assessment (LVIA) may be required to accompany the planning application. This would need to include assessments from different viewpoints including any nearby footpaths and bridleways to show the overall impact of the track on the landscape. Natural England supports the publication *Guidelines for Landscape and Visual Impact Assessment*, produced by the Landscape Institute and the Institute of Environmental Assessment and Management in 2013 (3rd edition) which sets out methodology for landscape and visual impact assessment.