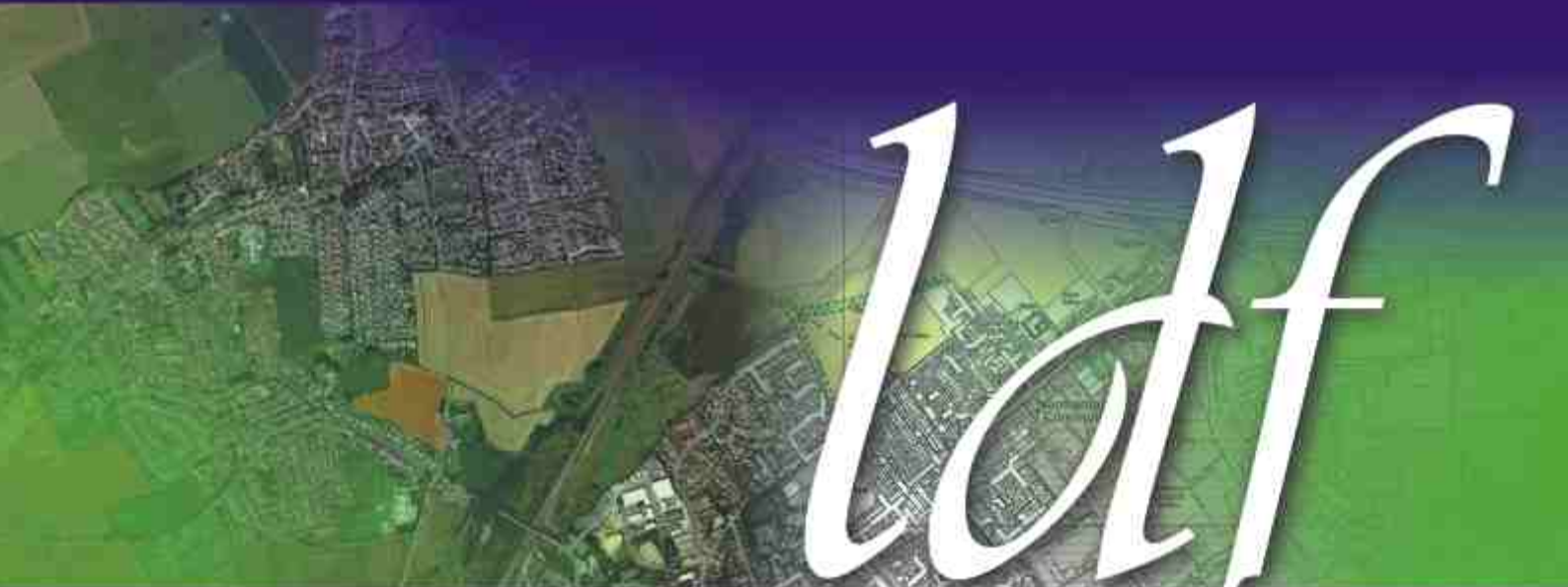


Site Specific Proposals  
Development Plan Document

**Appropriate Assessment  
Screening Report**



# Local Development Framework

Site Specific Proposals  
Development Plan Document

**Appropriate Assessment  
Screening Report**

## INFORMATION

This document is available to view and download on the Council's website at: [www.wakefield.gov.uk/ldf](http://www.wakefield.gov.uk/ldf). Copies are also available to view at main libraries and Council offices and can be obtained free of charge from the above address or by ringing (01924) 306495. If you would like to talk to a planning officer working on the Local Development Framework about any aspect of this document please contact the Spatial Policy Group on (01924) 306620 or 306536.

**If you would like an extract or summary of this document on cassette, in large type, in Braille or any other format, please call the Spatial Policy Group on (01924) 306495.**

دیکھو سنو

اگر آپ کو اس لیفلٹ کی کاپی آڈیو کیسٹ، بڑی  
لکھائی، بریل یا کسی اور زبان میں اس کا ترجمہ  
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Yorkshire Planning Aid provides a free, independent and professional planning advice service to individuals and groups within the Yorkshire and Humber region who cannot afford professional fees. The organisation may be able to assist groups and individuals who would like support and advice in order to get involved in this consultation process.

Contact the Regional Co-ordinator on 0113 2378486.

Email [ykco@planningaid.rtpi.org.uk](mailto:ykco@planningaid.rtpi.org.uk) for further information.

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## 1 Introduction

- 1.1 Articles 6(3) and 6(4) of the Habitats Directive <sup>(1)</sup> require Appropriate Assessment to be carried out for plans and projects that are likely to affect a Natura 2000 site <sup>(2)</sup> such as a Special Area of Conservation (SAC), a Special Protection Area (SPA) or a Ramsar Site. Appropriate Assessment (AA) is a process which assesses the implications and potential affects of plans such as the Local Development Framework on the conservation objectives of the site, and determines whether or not policies or proposals will significantly affect the integrity of these objectives. The process or stages of AA are outlined below.

### Stages of Appropriate Assessment

1. **Screening.** Determines whether the LDF is likely to have a significant affect on any European sites and whether a full AA is needed. Screening focuses on avoidance and mitigation of impacts.
2. **Appropriate Assessment.** Determines whether, in view of the sites conservation objectives, the plan would have a significant affect on the integrity of the site. The emerging LDF should be developed to ensure that significant affects on European sites are avoided. This will render Stages 3 and 4 unnecessary.
3. **Assessment of Alternative Solutions.** Where the LDF is assessed as having an adverse affect on the integrity of a site, alternatives should be examined. Alternatives that avoid adverse affects on European sites should be developed and considered from the earliest stages.
4. **Assessment where no alternative solutions remain and where adverse impacts remain.** Compensation measures are required for any adverse affects, and are permitted only where the plan would be necessary for imperative reasons of overriding public interest.

### Links to the Sustainability Appraisal of the LDF

- 1.2 Strategic Environmental Assessment (SEA) involves the systematic identification and evaluation of the impacts of a plan or programme on the environment. Sustainability Appraisal (SA) broadens the SEA to also address economic and social impacts to encompass the three dimensions of sustainable development. All LDF Development Plan Documents (DPDs) and Supplementary Planning Documents (SPDs) are required to have an SA under the Planning and Compulsory Purchase Act 2004.
- 1.3 There are clear parallels between AA, SA and SEA since all three are processes for assessing and minimising the environmental and sustainability impacts of plans. It is generally accepted that AA and SA/SEA should be undertaken in parallel, however AA requires a clear, separate statement for each plan or DPD. The following AA appraisal is consistent with that carried out for the SA of the Site Specific Proposals DPD .

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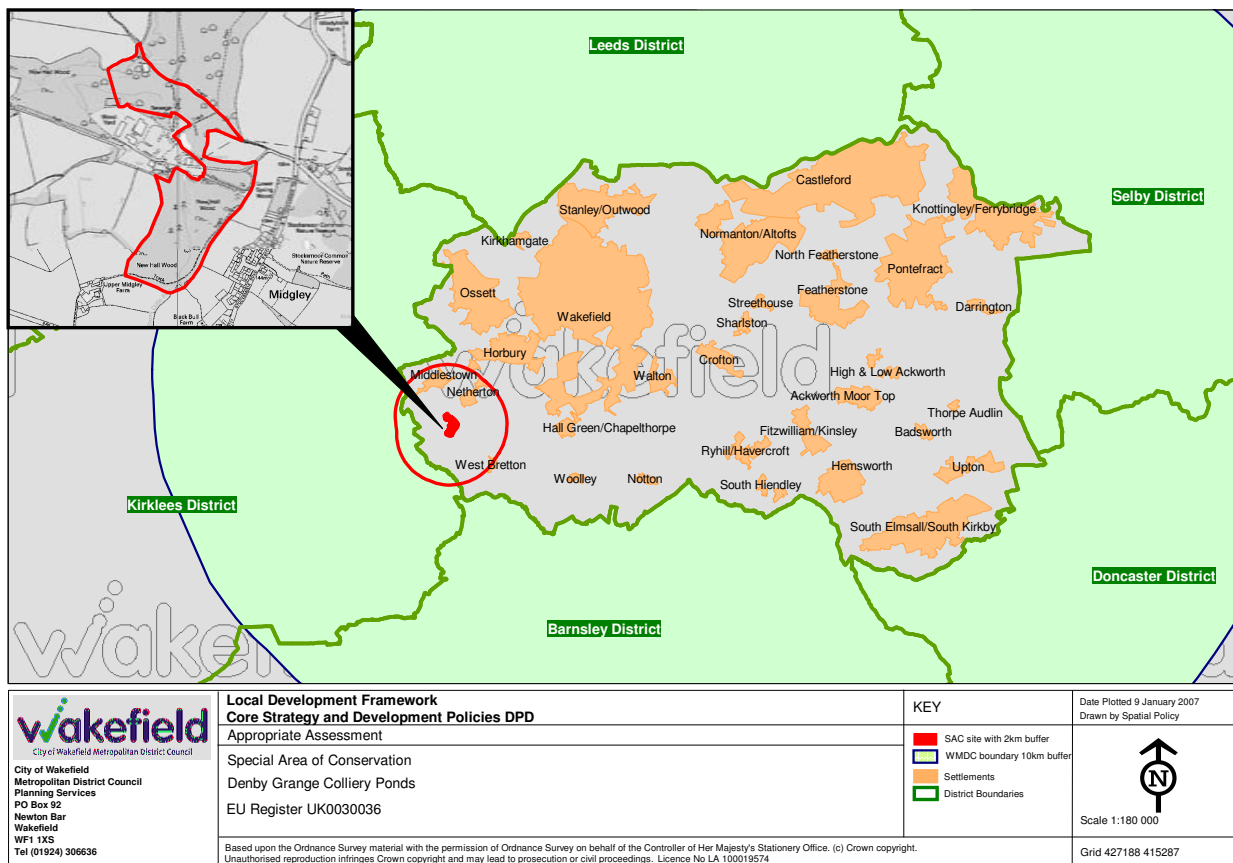
1 Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora

2 Natura 2000 sites are those identified as sites of Community importance under the Habitats Directive or classified as special protection areas (SPA's) under the Birds Directive 79/409/EEC

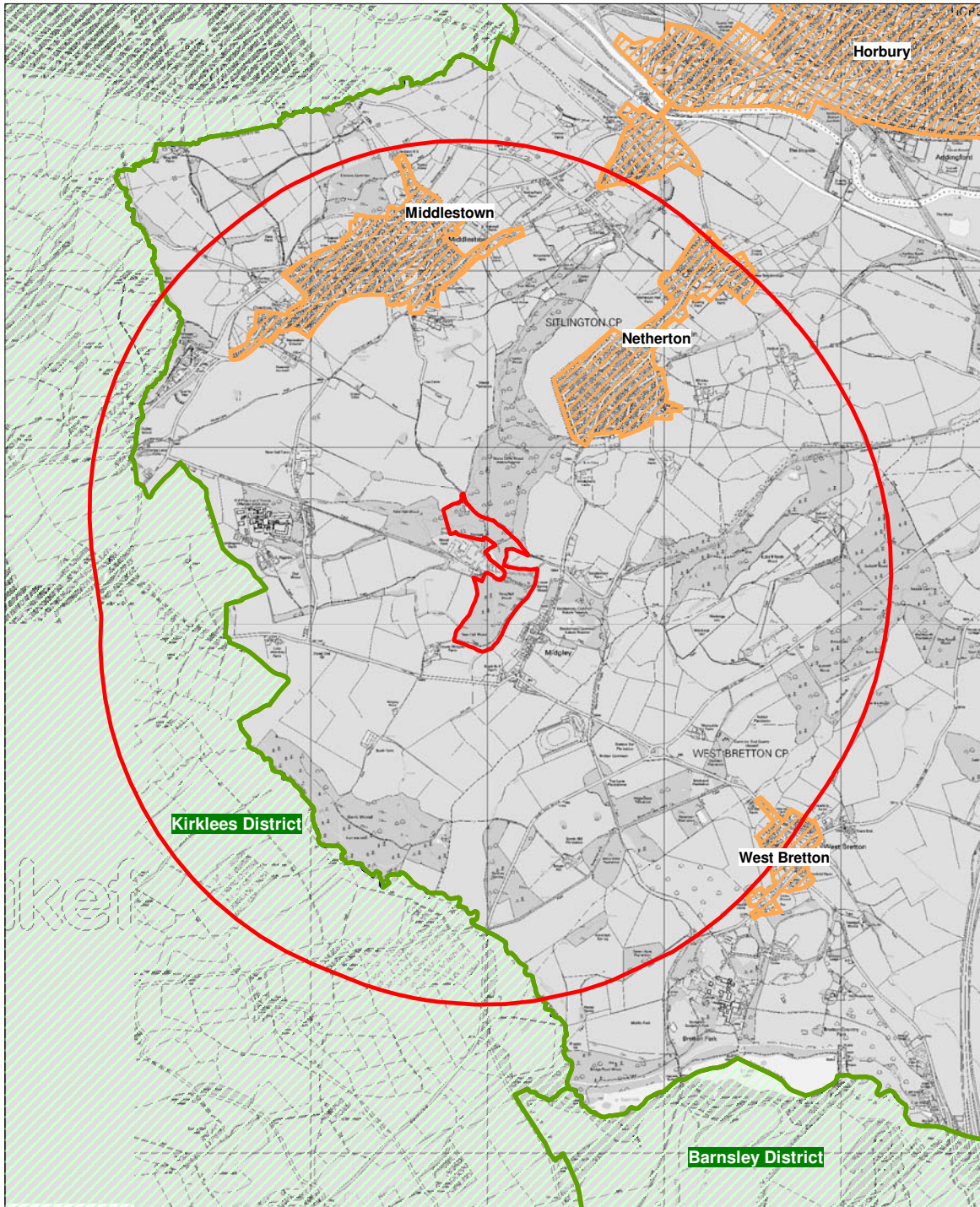







## 2 Appropriate Assessment Screening Report of the Site Specific Proposals DPD

- 2.1 The scope of this AA is to appraise the potential impact of policies and proposals in the Site Specific Proposals Development Plan Document (DPD). The DPD covers the geographical area of Wakefield Metropolitan District. Within the District there is one designated European site, Denby Grange Colliery Ponds SAC. There are no neighbouring Natura 2000 sites within 10 km of the District boundary.
- 2.2 Denby Grange Colliery Ponds and New Hall Wood are also a designated SSSI and are within the Green Belt and Wildlife Habitat Network. New Hall Wood is also designated Ancient Woodland. In consultation with Natural England a buffer zone of 2km has been established around the SAC.



Map 1 Location of SAC in Wakefield District



 City of Wakefield Metropolitan District Council Planning Services PO Box 92 Newton Bar Wakefield WF1 1XS Tel (01924) 306636	<b>Local Development Framework</b> <b>Core Strategy and Development Policies DPD</b> Appropriate Assessment		Plotted 9 January 2007 Drawn by Spatial Policy
	Special Area of Conservation Denby Grange Colliery Ponds EU Register UK0030036		<b>KEY</b>  SAC site with 2km buffer  WMDC boundary 10km buffer  Settlements  District Boundaries
Based upon the Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. (c) Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.		Grid 427188 415287 Licence No LA 100019574	

Map 2 Denby Grange Colliery Ponds SAC

## Determining the factors that support the integrity of the SAC

- 2.3 The purpose of the AA is to determine whether any LDF proposal/policy directly or indirectly affects the integrity of the SAC. Integrity is described in Circular 06/2005: Bio-diversity and Geological Conservation as: "*The site's coherence, ecological structure and function across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of population of species for which it was classified*". The integrity of the SAC relies on the maintenance of the environment which will sustain its qualifying features and ensure their continuing viability, which includes those environmental conditions which enable key ecological processes and functions to persist. These would include maintaining vegetation, topographical features and water quality.

## Denby Grange Colliery Ponds - Special Area of Conservation

### Reasons for designation

- 2.4 Denby Grange Colliery Ponds were designated on 1 April 2005. The site is located in the valley of Stony Cliffe Beck, a tributary of the River Calder, which is within south west Wakefield near the hamlet of Midgley. The villages of Middlestown, Netherton and West Bretton are within 2 km of the SAC. Denby Grange Colliery Pond was created by coal mining activity and is surrounded by replanted ancient woodland with adjacent anthropogenic habitat associated with the previous mining activities. The site covers an area of 18.53 ha and supports the largest known breeding colony of great crested newt *Triturus cristatus* in West Yorkshire. A large new pond was created recently to help support the population. The two breeding ponds have associated terrestrial habitat of mainly birch and oak dominated woodland and rough grassland. The site also contains substantial populations of smooth newt *Triturus vulgaris*, palmate newt *Triturus helveticus*, common frog *Rana temporaria* and common toad *Bufo bufo* making it the most outstanding amphibian assemblage in West Yorkshire.

### Types of operation likely to damage the SAC

- Cultivation including ploughing, rotovating, harrowing or re-seeding
- The introduction of grazing and changes in grazing regime (including type of stock, intensity or seasonal pattern of grazing)
- The introduction of stock feeding and changes in stock feeding practice
- Mowing or other methods of cutting vegetation and changes in the mowing or cutting regime
- Application of manure, fertilizers or lime
- Application of Pesticides and herbicides
- Dumping, spreading or discharge of any materials
- Burning and changes in the pattern or frequency of burning
- The release of any wild, feral or domestic animal\*, plant or seed
- The killing or removal of any wild animal\*, including pest control
- The destruction, displacement, removal or cutting of any plant or plant remains, including tree, shrub, herb, dead or decaying wood, moss, lichen, leaf-mould etc.
- The introduction of and changes in tree and/or woodland management including afforestation, planting, felling, thinning and coppicing
- Drainage (including gripping and the use of mole, tile, tunnel or other artificial drains)
- Modification of the structure of water courses (eg streams, ditches, drains) including their banks and beds, as by any re-alignment, regarding and dredging
- Management of aquatic and bank vegetation for drainage purposes
- The changing of water levels and tables and water utilisation (including irrigation, storage and abstraction from existing water bodies through boreholes)
- Infilling of ditches, drains, ponds, pools, marshes or pits
- The introduction of and changes in freshwater fishery production and/or management (including sporting fishing and angling)
- Extraction of minerals including coal, clay, topsoil, sub-soil and spoil
- Construction, removal or destruction of roads, tracks, walls, fences, herdstands, banks, ditches or other earthworks, or the laying, maintenance or removal of pipelines and cables above or below ground
- Storage of materials

- Erection of permanent or temporary structures, or the undertaking of engineering works, including drilling
- Modification of natural and man-made features, clearance of boulders, large stones or loose rock and battering, buttressing or grading cuttings, infilling of pits and quarries
- Use of vehicles or craft likely to damage features of interest
- Recreational or other activities likely to damage features of interest
- The introduction of, and changes in, game and wildfowl management and hunting practice.

2.5 \*animal includes any mammal, reptile, amphibian, bird, fish or invertebrate

#### **Site vulnerability**

2.6 No real problems currently exist. The public footpath has been re-routed away from the pond. A new pond has been created to stabilise the Great crested newt population. The site's owners have made an agreement with the Forestry Commission to manage the terrestrial habitat.

## 3 Policy Background

### Local Development Framework

- 3.1 The LDF includes strategies, policies and proposals for the development and use of land in the Wakefield District for the period to 2026. The LDF takes account of national planning policy and is in general conformity with the Regional Spatial Strategy (RSS) which now forms part of Wakefield's development plan.
- 3.2 In addition the LDF has a key role in helping co-ordinate and deliver other strategies at regional, district and local level. The LDF is closely linked to Wakefield District Partnership's Community Strategy, addressing issues which relate to land use and development in different places, with the overall intention of making Wakefield District a more attractive and prosperous place to live in. The LDF also addresses the land-use consequences of other policies and programmes of the Council and stakeholders, and will not be restricted to matters which are implemented through the planning system.
- 3.3 As the LDF takes account of all these plans, strategies and programmes there should not be any adverse cumulative impact in combination with LDF policies on the integrity of the SAC.

### LDF Core Strategy

- 3.4 The Core Strategy settlement hierarchy and spatial development strategy supports and conforms to RSS and the Community Strategy. The LDF has a key role in providing a spatial dimension for many strategies and policies prepared by a variety of bodies and agencies, which in turn help determine the approach taken in the LDF. As well as seeking to achieve its own vision and objectives, the LDF can also help to deliver other action plans and programmes. The Core Strategy identifies where there is a particular link with another strategy or programme to ensure that each takes account of and is consistent with the other.
- 3.5 The Core Strategy:
  - sets out the context within which the LDF is being prepared, including the issues facing the district;
  - defines the spatial vision for Wakefield District to 2026;
  - set out a series of objectives designed to achieve the vision;
  - identifies five themes to provide focus and link the objectives to the development strategy and policies;
  - includes a spatial development strategy embracing all five themes to meet the objectives and accommodate new development, including that needed to deliver the Community Strategy;
  - includes strategic policies, grouped under the five themes, to guide and control the overall scale, type and location of new development and investment which will enable the vision, objectives and strategy to be achieved; and
  - includes a statement of the number of additional dwellings to be provided in the district.

### LDF Development Policies

- 3.6 The Development Policies document sets out policies which will be used, in conjunction with the strategic policies, when determining planning applications to guide and control specific types of development in different locations. Ensuring that new development conforms to its strategy and policies is one of key ways in which the vision and objectives of the LDF and the Community Strategy will be delivered. The strategy and strategic policies provide direction for the scale, type and location of development and investment whilst more detailed policies set out the requirements which development proposals should adhere to.
- 3.7 The LDF Core Strategy and Development Policies have been subject to AA and it has been demonstrated that they can be implemented without any adverse impact on the integrity of Denby Grange Colliery Ponds SAC.

## Regional Spatial Strategy

- 3.8 The Regional Spatial Strategy for Yorkshire & the Humber (RSS) issued in December 2004 provides the regional policy context for the preparation of the LDF. New RSS is currently being prepared by the Yorkshire & Humber Assembly. The strategy and policies of the LDF must generally conform to the RSS and recent legislative changes<sup>(3)</sup> mean that the RSS now forms part of Wakefield's statutory development plan, alongside the UDP.
- 3.9 RSS sets out the number of houses to be provided in each local authority area, the regional transport strategy, sub-regional targets for renewable energy production and waste recycling and policies on a range of topics such as climate change and sustainable construction. This will be updated in the new RSS.
- 3.10 Draft new RSS sets out overall regional policies providing direction and the rationale for sub-area policies, housing requirement figures and the approach to employment land. These will be based around a Regional Settlement Hierarchy. Regional and Sub-Regional Cities (Wakefield) will be the prime focus for housing, employment, shopping, leisure, education, health and cultural activities and facilities. Principal Service Towns (including main urban areas such as Castleford and Pontefract) will be the focus for local development and services. In Local Service Centres priority will be to retain and improve services and facilities by allowing limited development to meet local needs. In rural areas the priority is to protect and enhance settlement and landscape diversity and character and to create vibrant communities by retaining and improving services, supporting economic diversification and meeting locally generated housing need by allowing very limited development.

## The Community Strategy

- 3.11 The Wakefield District Community Strategy, *Fast Forward*, published by the Wakefield District Partnership in 2003, represents a shared commitment by key organisations to work together to achieve a long-term vision of Wakefield District, to secure the future well being of people who live and work in the area. The Council and its partners are using the framework of 'vision', 'key challenges', 'principles' and 'priorities' in *Fast Forward* to draw up plans for action throughout the District.
- 3.12 The Community Strategy has been reviewed and updated<sup>(4)</sup>. The original vision and challenges have been largely retained but priority for the next three years is 'developing knowledge communities', i.e. building up levels of skills and confidence in individuals and communities. The Council entered into a Local Area Agreement in April 2006 which focuses on Families and Neighbourhoods and is the main delivery plan for the revised Community Strategy.
- 3.13 Aspects of the vision, particularly creating a dynamic local economy, achieving attractive environments, improving the quality of housing, improving accessibility and increasing the range of services available locally, have a spatial dimension (i.e. they take a different form in different parts of Wakefield District) which the LDF can help deliver. A number of priorities for action to meet the Community Strategy challenges are proposed. These are being co-ordinated by the Wakefield District Partnership through a Local Area Agreement, to ensure a framework is in place to secure funding and deliver the necessary action.
- 3.14 The LDF will be the means by which the spatial elements of the Community Strategy, especially those which relate to the use and development of land in different ways in different parts of the District, are expanded and implemented. The Community Strategy stresses the importance of the way its challenges are met. The principles included in the Community Strategy, relating to involving local people and making sure that actions promote social cohesion and sustainability, are equally relevant to the LDF.

3 Planning and Compulsory Purchase Act 2004

4 Developing Knowledge Communities: The Wakefield District Community Strategy, Wakefield District Partnership, March 2007

## 4 Site Specific Proposals DPD Screening Report Conclusions

### ASSESSING THE POTENTIAL IMPACT OF POLICIES AND PROPOSALS ON THE SAC

4.1 The following table summarises the reason for designating the SAC and the conservation objectives together with a list of recommendations on how harm can be avoided.

DENBY GRANGE COLLIERY PONDS SAC	
<b>SAC Qualifying Features &amp; conservation objectives</b>	Great crested newt
<b>Key environmental features that support site integrity</b>	Ponds, Ancient woodland, Rough grassland, Terrestrial hibernation habitat
<b>Recommendations on how to avoid harm and support integrity of the SAC</b>	
Avoid proposals which could affect the water bodies e.g. impact on drainage and water quality	
Avoid proposals which could result in damage to habitat or cause disturbance e.g. pollution, inappropriate land use	

Table 1 Potential Impact on SAC

Planning policies and proposed uses of land/development that may potentially cause pollution, could have an impact on the water bodies (such as drainage or extraction), or may otherwise damage or disturb the site and its ecology should be avoided. Because of the site's location within the Green Belt and other protective designations within the LDF such as Ancient Woodland and Wildlife Habitat Network it is unlikely that there would be any significant direct threats from proposals for development. The impact of any policies or proposals affecting the use of land within two kilometres of the SAC will require assessment, as will district wide policies to ensure that there is no indirect impact. The main threats to the integrity of the SAC are likely to be from changes in management, agricultural or forestry practices within the site or in the surrounding 2km buffer zone. These operations do not often require planning consent and are not within the scope of the LDF.

4.2 Options will be selected or rejected according to the following principles:

- Options that are likely to have a negative impact on the SAC should be rejected;
- Where there is a potential negative impact options should be rejected unless the option in combination with other policies would avoid harm to the integrity of the the SAC;
- Options that are likely to have a positive impact and would help to protect the integrity of the the SAC should be selected;
- Options where no impact is identified should be selected.

4.3 The following table sets out the the potential impact of policies and land allocations within the Sac and its 2 km buffer zone.

Land Allocations within Denby Grange Colliery Ponds SAC and its Buffer Zone	
Green Belt: The SAC and surrounding land is allocated as Green Belt.	
Neutral Impact	Green Belt offers protection from some types of land use (indirect positive affect) but allows for rural and farming development (potentially negative impact on the SAC). Potential impact of any development on the SAC is assessed when the Council considers planning applications. This allocation in combination with other policies and allocations to protect biodiversity and habitat should ensure that potentially damaging development is not permitted. On balance it is considered that Green Belt will have a neutral impact on the integrity of the SAC.
Wildlife Habitat Network: The SAC and surrounding land is allocated as Wildlife Habitat Network.	

Land Allocations within Denby Grange Colliery Ponds SAC and its Buffer Zone	
Positive Impact	This positive measure to protect biodiversity and habitat will help to protect the integrity of the SAC.
Ancient Woodland: The SAC and surrounding woodland is allocated as Ancient Woodland.	
Positive Impact	This positive measure to protect biodiversity and habitat will help to protect the integrity of the SAC.
SSSI: The SAC and New Hall Wood is allocated as as Site of Special Scientific Interest.	
Positive Impact	This positive measure to protect biodiversity and habitat will help to protect the integrity of the SAC.
SSI: Stony Cliffe Wood adjoining the SAC is allocated as a Site of Scientific Interest.	
Positive Impact	This positive measure to protect biodiversity and habitat will help to protect the integrity of the SAC.
WNA: Stocksmoor Common within 2km of the SAC is allocated as a Wakefield Nature Area.	
Positive Impact	This positive measure to protect biodiversity and habitat will help to protect the integrity of the SAC.

Table 2 Site Specific Proposals DPD Land Allocations

## SITE SPECIFIC PROPOSALS SCREENING REPORT CONCLUSIONS

- 4.4 No land allocations for new development are proposed within the 2km buffer zone around the SAC. Allocations for housing and employment are concentrated in the main settlements and local service centres which are some distance from the SAC. It is considered that these allocations will not have any direct or indirect impacts on the SAC, rather by focusing development away from the SAC the proposals actually have an indirect positive impact towards protecting it.
- 4.5 It is proposed that New Hall Wood which forms part of the SAC is designated as Ancient Woodland and the SAC will be within the proposed Wildlife Habitat Network. Existing SSSI, SSI, LNR and Green Belt allocations cover or adjoin the SAC. All these allocations and associated policies give a high degree of protection to habitat and ecology, and are therefore considered to have positive impacts that will help to preserve the integrity of the SAC.
- 4.6 Proposals for limited development may be submitted through the planning applications process for villages within the 2km buffer zone. When the Council determines planning applications the impact of development on the integrity of the SAC is assessed within the process. The Core Strategy and Development Policies Development Plan Documents contain positive policies to protect the SAC and other designated sites, ecology and the environment generally, and development which may harm the integrity of the SAC would not be permitted.
- 4.7 It is considered that policies in the Site Specific Proposals DPD would not result in any harm to Denby Grange Colliery Ponds SAC. By concentrating development in larger settlements and proposing new environmental and habitat protection allocations the Site Specific Proposals DPD will help to protect the integrity of the SAC.