



City of
BRADFORD
METROPOLITAN DISTRICT COUNCIL

Appropriate Assessment of Residential Proposals within 7km of the South Pennine Moors Special Area of Conservation and South Pennine Moors Phase II Special Protection Area

Application Reference: 24/00522/FUL

Site address: 75 South Street, Keighley, West Yorkshire, BD21 1AD

Description of proposal: Change of use from domestic to hot food takeaway with new shopfront and access ramp to ground floor and 2 no. flats above or Change of use to ground floor to Class 'E' with 2 no. flats above. Installation of extractor flue

In accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) ("The Habitats Regulations) and findings of *People Over Wind & Sweetman v Coillte Teoranta* (Case C-323/17), City of Bradford Metropolitan District Council has concluded that, in the absence of mitigation the above application will have a Likely Significant Effect on the National Site Network Habitat (European) sites within the Bradford District: South Pennine Moors Special Area of Conservation (SAC) and South Pennine Moors Phase II Special Protection Area (SPA).

The pathway of effect addressed in this Appropriate Assessment relates exclusively to recreational impacts identified in the Habitat Regulations Assessments of City of Bradford MDC's Core Strategy:

- Urban Edge Environmental Consulting, Jonathan Cox Associates (2014) Habitats Regulations Assessment for the City of Bradford District Core Strategy Appropriate Assessment Report for the Publication Draft Document.
- Urban Edge Environmental Consulting, Jonathan Cox Associates (2015) Habitats Regulations Assessment for the Bradford District Core Strategy (Proposed Modifications).

City of Bradford MDC's strategic mitigation of recreational effects resulting from new residential developments is described in the Supplementary Planning Document, which has been subject to public consultation and scrutiny by the Statutory Nature Conservation Organisation, Natural England and was adopted by the council on 4th January 2022 and came into effect on 1st April 2022:

- Liley, D. & Hoskin, R. (2020) South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document.

Having concluded that the proposals in the above application would in the absence of mitigation, either alone or in combination, result in Likely Significant Effects due to increased recreational use of the SPA/SAC, this document represents the Appropriate Assessment undertaken by City of Bradford MDC as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017(as amended), Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 (as amended) to the purpose of conserving biodiversity. Consideration of National Site Network Habitat (European) is a matter of government policy set out in the National Planning Policy Framework 2021.

The authority has concluded that the likely significant effects arising from the proposal are wholly consistent with and inclusive of the effects detailed in the above Habitat Regulations Assessments and Supplementary Planning Document and that the proposal could secure the necessary measures to prevent adverse effects on site integrity detailed within the documents listed above. Adherence to the strategic mitigation described in the Supplementary Planning Document provides the necessary measures to remove identified adverse effects and can be adequately secured through payment of the strategic mitigation fee at application or through a Unilateral Undertaking or Section 106 Agreement at a point agreed following commencement of construction. Secured fees will be used by City of Bradford MDC as described in the Supplementary Planning Document for the implementation of habitat creation, restoration and protection to mitigate adverse recreational effects.

It can therefore be concluded that following appropriate assessment and with the necessary mitigation measures secured, there will be no adverse effect on the integrity of the designated sites identified above (Passes Appropriate Assessment)

It is hereby confirmed that:

- **The Habitat Mitigation Fee of £375.61 has been paid in accordance with the requirements of strategic mitigation**

Signed



Position: Biodiversity Officer

Date: 07/03/2024