

Habitats Regulations Assessment of the Rossendale Local Plan

HRA Screening Document



Habitats Regulations Assessment of the Rossendale Local Plan Reasonable

HRA Screening Document

LC-258	Document Control Box
Client	Rossendale Borough Council
Report Title	Habitats Regulations Assessment of the Rossendale Local Plan
Number	2
Status	Final
Filename	LC-258_Rossendale_HRA_6_160916RC.docx
Date	September 2016
Author	RMC
Reviewed	FG
Approved	NJD

Photo: View from Hutch Bank Quarry, Haslingden by Rosie Cox

Contents

1	Introduction.....	1
1.1	Background.....	1
1.2	Approach to report preparation.....	1
1.3	The HRA process	1
1.4	About the Rossendale Local Plan	3
1.5	HRA process to date	4
2	Methodology.....	5
2.1	Guidance and best practice.....	5
2.2	Habitats Regulations Assessment methodology	6
2.3	Dealing with uncertainty.....	6
2.4	Likely significant effect	7
3	European Sites	9
3.1	About European sites	9
3.2	Ecological information.....	10
3.3	Previous HRA work.....	11
4	Potential Effects	12
4.1	Introduction	12
4.2	Conservation objectives	13
4.3	Site pressures and threats	13
4.4	Scoping out pressures and threats.....	17
4.5	Potential pressures and threats	17
4.6	Air pollution.....	17
4.7	Changes in hydraulic conditions.....	18
4.8	Wildfire and arson.....	19
4.9	Public access, outdoor sports and recreational activities	20
4.10	Vehicles	21
4.11	Planning Permission: general	22
4.12	Physical modification	22
4.13	Conservation Objectives.....	22
5	Conclusions and Recommendations	24
5.1	Assessment findings.....	24
5.2	Limitations.....	24
5.3	Next steps.....	24

APPENDIX A	Conservation objectives for European sites
APPENDIX B	Flow chart of HRA process
APPENDIX C	Natural England Impact Risk Zones

Figures

Figure 4.1 Map illustrating location of European sites within 20km of Rossendale Borough

Tables

Table 2.1 Synoptic version of the flow chart in **Appendix B** identifying screening and appropriate assessment stages within the HRA process

Table 3.1 Criteria for identification of European sites (SNH, 2015)

Table 4.1 Vulnerabilities of European sites

Acronyms

AA	Appropriate Assessment
DEFRA	Department for Environment, Food, and Rural Affairs
ha	Hectares
JNCC	Joint Nature Conservation Committee
LNR	Local Nature Reserve
LPA	Local Planning Authority
LSE	Likely Significant Effect
NE	Natural England
NPPF	National Planning Policy Framework
RBC	Rossendale Borough Council
SAC	Special Area of Conservation
SNH	Scottish Natural Heritage
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest

Executive Summary

- E1** This HRA report has carefully considered the effects that might be associated with development as part of the Rossendale Borough Council (RBC) Local Plan.
- E2** There are no sites of European Importance within the Rossendale Borough. Of those that have been identified from a 20km area of search, and others that have been included through hydrological pathways that lie beyond this search zone, none are expected to experience adverse effects from any part of the Plan.
- E3** The following four sites were included in this HRA report:
- Rochdale Canal SAC
 - South Pennines Moors SAC
 - South Pennines Moors Phase II SPA
 - Manchester Mosses SAC
- E4** A number of vulnerabilities were considered during the assessment, including: visitor pressure and recreation, habitat management, air quality and agricultural intensification.

This page has been left intentionally blank for the purposes of double sided printing.

1 Introduction

1.1 Background

1.1.1 Lepus Consulting has prepared this Habitats Regulations Assessment (HRA) report to inform the Rossendale Local Plan on behalf of Rossendale Borough Council (RBC). This is a requirement of Regulation 102 of the Conservation of Habitats and Species Regulations 2010¹ (the Habitats Regulations).

1.1.2 The following European sites were identified using a 20km area of search around the Rossendale Borough as well as including sites which are potentially connected (e.g. hydrologically) beyond this distance:

- Rochdale Canal SAC
- South Pennines Moors SAC
- South Pennines Moors Phase II SPA
- Manchester Mosses SAC

1.1.3 Potential significant effects were identified and were explored for each site. These included visitor pressure and recreation, air quality and human interference.

1.2 Approach to report preparation

1.2.1 The outputs of this report include information in relation to:

- The HRA process;
- Methodology for HRA;
- Evidence gathering in relation to European sites;
- Understanding vulnerabilities of sites;
- Assessing potential effects of the plan; and
- Conclusions and recommendations.

1.2.2 This report is a screening assessment under the Habitats Regulations to assess any likely significant effects of development proposals in the RBC Local Plan.

1.3 The HRA process

1.3.1 The application of HRA to land-use plans is a requirement of the Conservation of Habitats and Species Regulations 2010, the UK's transposition of European Directive 92/43/EEC *on the conservation of natural habitats and of wild fauna and flora* (the Habitats Directive). HRA applies to all Local Development Documents in England and Wales.

¹ UK Government, (2010), The Conservation of Habitats and Species Regulations 2010

- 1.3.2 The HRA process assesses the potential effects of a land-use plan against the conservation objectives of any European sites designated for their importance to nature conservation. These sites form a system of internationally important sites throughout Europe and are known collectively as the 'Natura 2000 network'.
- 1.3.3 European sites provide valuable ecological infrastructure for the protection of rare, endangered or vulnerable natural habitats and species of exceptional importance within the EU. These sites consist of Special Areas of Conservation (SAC), designated under the Habitats Directive and Special Protection Areas (SPA), designated under European Directive 2009/147/EC *on the conservation of wild birds* (the Birds Directive). Additionally, Government policy requires that sites designated under the Ramsar Convention (The Convention on Wetlands of International Importance, especially as Waterfowl Habitat) are treated as if they are fully designated European sites for the purpose of considering development proposals that may affect them.
- 1.3.4 Under Regulation 102 of the Habitats Regulations, the assessment must determine whether or not a plan will adversely affect the integrity of the European sites concerned. The process is characterised by the precautionary principle. The European Commission describes the principle as follows:
- 1.3.5 "If a preliminary scientific evaluation shows that there are reasonable grounds for concern that a particular activity might lead to damaging effects on the environment, or on human, animal or plant health, which would be inconsistent with protection normally afforded to these within the European Community, the **Precautionary Principle** is triggered."
- 1.3.6 Decision-makers then have to determine what action/s to take. They should take account of the potential consequences of no action, the uncertainties inherent in scientific evaluation, and should consult interested parties on the possible ways of managing the risk. Measures should be proportionate to the level of risk, and to the desired level of protection. They should be provisional in nature pending the availability of more reliable scientific data.
- 1.3.7 Action is then undertaken to obtain further information, enabling a more objective assessment of the risk. The measures taken to manage the risk should be maintained so long as scientific information remains inconclusive and the risk is unacceptable.

1.3.8 The hierarchy of intervention is important: where significant effects are likely or uncertain, plan makers must firstly seek to avoid the effect through for example, a change of policy. If this is not possible, mitigation measures should be explored to remove or reduce the significant effect. If neither avoidance, nor subsequently, mitigation is possible, alternatives to the plan should be considered. Such alternatives should explore ways of achieving the plan's objectives that do not adversely affect European sites.

1.3.9 If no suitable alternatives exist, plan-makers must demonstrate under the conditions of Regulation 103 of the Habitats Regulations, that there are Imperative Reasons of Overriding Public Interest (IROPI) to continue with the proposal.

1.4 About the Rossendale Local Plan

1.4.1 The aim of Rossendale's Local Plan will be to guide development in the borough until 2034. The Local Plan will designate land and buildings for future uses to meet the Borough's needs and set out what developments should look like and how they should fit in with their surroundings.

1.4.2 The Local Plan is being prepared in accordance with national planning policies and (National Planning Policy Framework and National Planning Policy Guidance).

1.4.3 The Council has taken the decision (24th February 2016) to withdraw the Site Allocations and Development Management Policies Plan Document (SADMPD). Instead of continuing with the SADMPD the decision has been taken by the Council (9th December 2015) to embark on a review of the whole Local Plan and prepare a single document. There will be three elements to the new Local Plan:

- Review of the policies set out in the adopted Core Strategy (2011), where appropriate, such as the development requirements
- Identifying sufficient land to meet development needs (e.g. for housing, employment land, etc)
- Draft Development Management policies to guide development

1.4.4 All future development will need to be supported by suitable physical and social infrastructure and set within environments that reflect the character and history of the borough. Across the borough all development must be well designed, accessible and safe. Schools, health care facilities, shops and other services need to be available in accessible locations along with parks, sports facilities and well-maintained local public open space, forming part of a wider 'green infrastructure network' threading through the towns and linking to the open countryside beyond.

1.4.5 The Council has identified reasonable alternative site options for allocation in the Local Plan for different types of development including residential, employment, and mixed-use development.

1.5 HRA process to date

1.5.1 The HRA process is iterative and assesses different stages of the plan making process. The HRA process of this report draws on the methodology prepared by David Tyldesley Associates for Scottish Natural Heritage (2015), as explained in **Section 2.1**. This methodology sets out 13 stages of the HRA process, shown in **Table 2.1**.

1.5.2 RBC has determined the need for HRA and has commissioned Lepus Consulting to undertake the screening stages to inform the Local Plan. This includes the completion of stages 1-7 (**Table 2.1**).

2 Methodology

2.1 Guidance and best practice

- 2.1.1 Guidance on HRA has been published in draft form by the Government (DCLG, 2006) and Natural England in conjunction with David Tyldesley Associates (Local Development Plan Documents under the Provisions of the Habitats Regulations, 2009); both draw, in part, on European Union guidance (European Commission, 2001) regarding the methodology for undertaking appropriate assessment of plans.
- 2.1.2 All guidance recognises that there is no statutory method for undertaking HRA and that the adopted method must be appropriate to its purpose under the Habitats Directive and Regulations; this concept is one of the reasons why HRA is often referred to as appropriate assessment.
- 2.1.3 Due to a moratorium on the publication of new guidance as issued by the Government, the draft guidance may not be published. As an alternative, Natural England has suggested that the guidance on HRA published by Scottish Natural Heritage (SNH, 2015) can be used to assess land use plans.
- 2.1.4 For the purposes of this report Habitats Regulations Appraisal and Habitats Regulations Assessment are synonymous.
- 2.1.5 Paragraph 1.3 of the SNH guidance states that “the procedure referred to in this guidance is that of ‘Habitats Regulations Appraisal’ (HRA) which encompasses the requirements of Article 6(3) of the Habitats Directive...The procedure is sometimes referred to as an ‘appropriate assessment’, but this can be confusing because an appropriate assessment is only one particular stage in the process of Habitats Regulations Appraisal. Not all plans undergoing Habitats Regulations Appraisal will reach the stage of appropriate assessment, because some plans would not be likely to have a significant effect on a European site”.
- 2.1.6 The term ‘Habitats Regulations Appraisal’ is used here to encompass the decision on whether the plan should be subject to appraisal, the ‘screening’ process for determining whether an ‘appropriate assessment’ is required, as well as any ‘appropriate assessment’ that may be required. It is important to remember that an appropriate assessment is only required where the plan-making body determines that the plan is likely to have a significant effect on a European site in Great Britain, or a European Offshore Marine Site, either alone or in combination with other plans or projects, and the plan is not directly connected with or necessary to the management of the site.

2.2 Habitats Regulations Assessment methodology

2.2.1 The HRA process follows the methodology prepared by David Tyldesley Associates for Scottish Natural Heritage (SNH, 2015). A step-by-step methodology is outlined in the guidance (see **Appendix B**) and has been summarised in **Table 2.1**. Stages 1 to 7 are relevant to this report.

2.3 Dealing with uncertainty

2.3.1 The assessment of effects can be affected by uncertainty in a number of ways; some of these are addressed below.

2.3.2 **Regulatory Uncertainty:** Some plans will include references to proposals that are planned and implemented through other planning and regulatory regimes, for example, trunk road or motorway improvements. These will be included because they have important implications for spatial planning, but they are not proposals of the LPA, nor are they proposals brought forward by the plan itself. Their potential effects will be assessed through other procedures. The LPA may not be able to assess the effects of these proposals. Indeed, it may be inappropriate for them to do so, and would also result in unnecessary duplication.

2.3.3 There is a need to focus the Habitats Regulations Assessment on the proposals directly promoted by the plan, and not all and every proposal for development and change, especially where these are planned and regulated through other statutory procedures, which will be subject to a Habitats Regulations Assessment.

2.3.4 **Planning Hierarchy Uncertainty:** The higher the level of a plan in the hierarchy the more general and strategic its provisions will be and therefore the more uncertain its effects will be. The protective regime of the Directive is intended to operate at differing levels. In some circumstances assessment 'down the line' will be more effective in assessing the potential effects of a proposal on a particular site and protecting its integrity. However, three tests should be applied.

2.3.5 It will be appropriate to consider relying on the Habitats Regulations Assessments of lower tier plans, in order for an LPA to ascertain a higher tier plan would not have an adverse effect on the integrity of a European site, only where:

A] The higher tier plan assessment cannot reasonably assess the effects on a European site in a meaningful way; whereas

B] The Habitats Regulations Assessment of the lower tier plan, which will identify more precisely the nature, scale or location of development, and thus its potential effects, will be able to change the proposal if an adverse effect on site integrity cannot be ruled out, because the lower tier plan is free to change the nature and/or scale and/or location of the proposal in order to avoid adverse effects on the integrity of any European site (e.g. it is not constrained by location specific policies in a higher tier plan); and

C] The Habitats Regulations Assessment of the plan or project at the lower tier is required as a matter of law or Government policy.

2.3.6 It may be helpful for the Habitats Regulations Assessment of the higher tier plan to indicate what further assessment may be necessary in the lower tier plan.

2.3.7 **Implementation Uncertainty:** In order to clarify the approach where there is uncertainty because effects depend on how the plan is implemented, and to ensure compliance with the Regulations, it may be appropriate to impose a caveat in relevant policies, or introduce a free-standing policy, which says that any development project that could have an adverse effect on the integrity of a European site will not be in accordance with the plan.

2.3.8 This would help to enable the assessors to reasonably conclude, on the basis of objective information, that even where there are different ways of implementing a plan, and even applying the precautionary principle, no element of the plan can argue that it draws support from the plan, if it could adversely affect the integrity of a European site.

2.4 Likely significant effect

2.4.1 The plan and its component policies are assessed to determine and identify any potential for 'likely significant effect' (LSE) upon European sites. The guidance (SNH, 2015) provides the following interpretation.

2.4.2 "A likely effect is one that cannot be ruled out on the basis of objective information. The test is a 'likelihood' of effects rather than a 'certainty' of effects. Although some dictionary definitions define 'likely' as 'probable' or 'well might happen', in the Waddenzee case the European Court of Justice ruled that a project should be subject to appropriate assessment "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site, either individually or in combination with other plans and projects". Therefore, 'likely', in this context, should not simply be interpreted as 'probable' or 'more likely than not', but rather whether a significant effect can objectively be ruled out".

Table 2.1: Synoptic version of the flow chart in **Appendix B** identifying screening and appropriate assessment stages within the HRA process

Group		HRA Stage
Determination of Need and Compilation of Evidence Base	Stage 1	Determination of need
	Stage 2	Identification of European sites that should be considered in the appraisal
	Stage 3	Gathering information on European sites
	Stage 4	Discretionary discussions on the method and scope of the appraisal
Screen all aspects of plan (Screening)	Stage 5	Screening the plan
	Stage 6	Applying mitigation measures at screening stage to avoid likely significant effects
	Stage 7	Rescreen the plan and decide on the need for appropriate assessment
Appropriate Assessment	Stage 8	The appropriate assessment – site integrity, conservation objectives and the precautionary principle
	Stage 9	Amending the plan until there would be no adverse effects on site integrity
Consultation of Draft	Stage 10	Preparing a draft of HRA
	Stage 11	Consultation
	Stage 12	Proposed modifications
	Stage 13	Modifying and completing HRA

3 European Sites

3.1 About European sites

- 3.1.1 Each site of European importance has its own intrinsic qualities, besides the habitats or species for which it has been designated, that enables the site to support the ecosystems that it does. An important aspect of this is that the ecological integrity of each site can be vulnerable to change from natural and human induced activities in the surrounding environment. For example, sites can be affected by land use plans in a number of different ways, including the direct land take of new development, the type of use the land will be put to (for example, an extractive or noise emitting use), the pollution a development generates and the resources used (during construction and operation for instance).
- 3.1.2 An intrinsic quality of any European site is its functionality at the landscape ecology scale. This refers to how the site interacts with the zone of influence of its immediate surroundings, as well as the wider area. This is particularly the case where there is potential for developments resulting from the plan to generate water or air-borne pollutants, use water resources or otherwise affect water levels. Adverse effects may also occur via impacts to mobile species occurring outside of a designated site but which are qualifying features of the site. For example, there may be effects on protected birds that use land outside the designated site for foraging, feeding, roosting or loafing.
- 3.1.3 During the screening process, as a starting point to explore and identify which European sites may be affected by development, a 20km area of search was applied. The guidance (SNH, 2015) specifies no specific size of search area. The inclusion of a specific search area was to facilitate the use of the following list of criteria for identification of European sites. Other sites beyond this zone were also reviewed on the basis that they are connected physiographically.

Table 3.1: Criteria for identification of European sites (SNH, 2015)

Selection of European sites that should be considered in the appraisal	
Criteria	European sites to check
All plans	Sites within the plan area, including those for the criteria listed below
For plans that could affect the aquatic environment	Sites upstream or downstream of the plan area in the case of a river or estuary
	Peatland and other wetland sites with relevant hydrological links to land within the plan area, irrespective of distance from the plan area
For plans that could affect mobile species	Sites which have significant ecological links with land in the plan area, for example, land in the plan area may be used by migratory birds, which also use a SPA, outside the plan area, at different times of year
For plans that could increase recreational pressure on European sites potentially vulnerable to such pressure	European sites in the plan area
	European sites within a reasonable travel distance of the plan area boundaries that may be affected by local recreational or other visitor pressure within the plan area (the appropriate distance in each case will need to be considered on its merits, in light of any available evidence)
	European sites within a longer travel distance of the plan area, which are major (regional or national) visitor attractions such as European sites which are National Nature Reserves where public visiting is promoted, sites in National or Regional Parks, coastal sites and sites in other major tourist or visitor destinations (the appropriate distance in each case will need to be considered on its merits, in light of any available evidence)
For plans that would increase the amount of development	Sites that are used for, or could be affected by, water abstraction in or close to the plan area
	Sites used for, or which could be affected by, discharge or effluent from waste water treatment works or other waste management streams serving land in the plan area, irrespective of distance from the plan area
	Sites could be affected by transport or other infrastructure (e.g. by noise or visual disturbance)
	Sites that could be affected by increased deposition of air pollutants arising from the proposals, including emissions from significant increases in traffic
For plans that could affect the coast	Sites in the same coastal 'cell', or part of the same coastal ecosystem, or where there are interrelationships with or between different physical coastal processes

3.2 Ecological information

3.2.1 Table 3.1 presents information about the criteria used for the identification of European sites in the HRA process. **Appendix A** provides conservation objectives for the four European sites identified as being potentially connected to Rossendale Borough. The information is drawn from the Joint Nature Conservancy Council (JNCC) and Natural England (NE).

3.3 Previous HRA work

3.3.1 Previous HRA work was undertaken for the Rossendale Borough Core Strategy Development Plan Document (CSDPD) (2010)². The work examined likely significant effects the CSDPD could have on the following five European sites:

- Rochdale Canal SAC
- South Pennines Moors SAC
- South Pennines Moors Phase II SPA
- Manchester Mosses SAC
- Bowland Fells SPA

3.3.2 It was concluded that none of the 24 policies in the CSDPD will have significant effects individually or in combination on the five European sites and therefore were not taken forward to Appropriate Assessment (AA).

3.3.3 Further HRA work was undertaken in for the Rossendale Borough Council Site Allocations and Development Management Plan Document (SADMPD) (2015)³. The work considered the effects that might be associated with development as part of the SADMPD on sites of European Importance identified within a 20km area of search. The following four sites were included in the assessment:

- Rochdale Canal SAC
- South Pennines Moors SAC
- South Pennines Moors Phase II SPA
- Manchester Mosses SAC

3.3.4 The assessment found uncertainty associated with potential effects that could arise from increased visits to the South Pennines Moors Phase II SPA. Further research was suggested in this respect before any judgement could be made on the need for AA.

² Atkins, (2010), Habitats Regulations Assessment of the Core Strategy Development Plan Document

³ Lepus Consulting (2015) Habitats Regulation Assessment Screening Report of the Rossendale Borough Council Site Allocations and Development Management Plan Document

4 Potential Effects

4.1 Introduction

4.1.1 Baseline research identified four potential European sites for assessment:

- Rochdale Canal SAC
- South Pennines Moors SAC
- South Pennines Moors Phase II SPA
- Manchester Mosses SAC

4.1.2 The location of these sites is illustrated in **Figure 4.1**. All of these sites are assessed in this document.

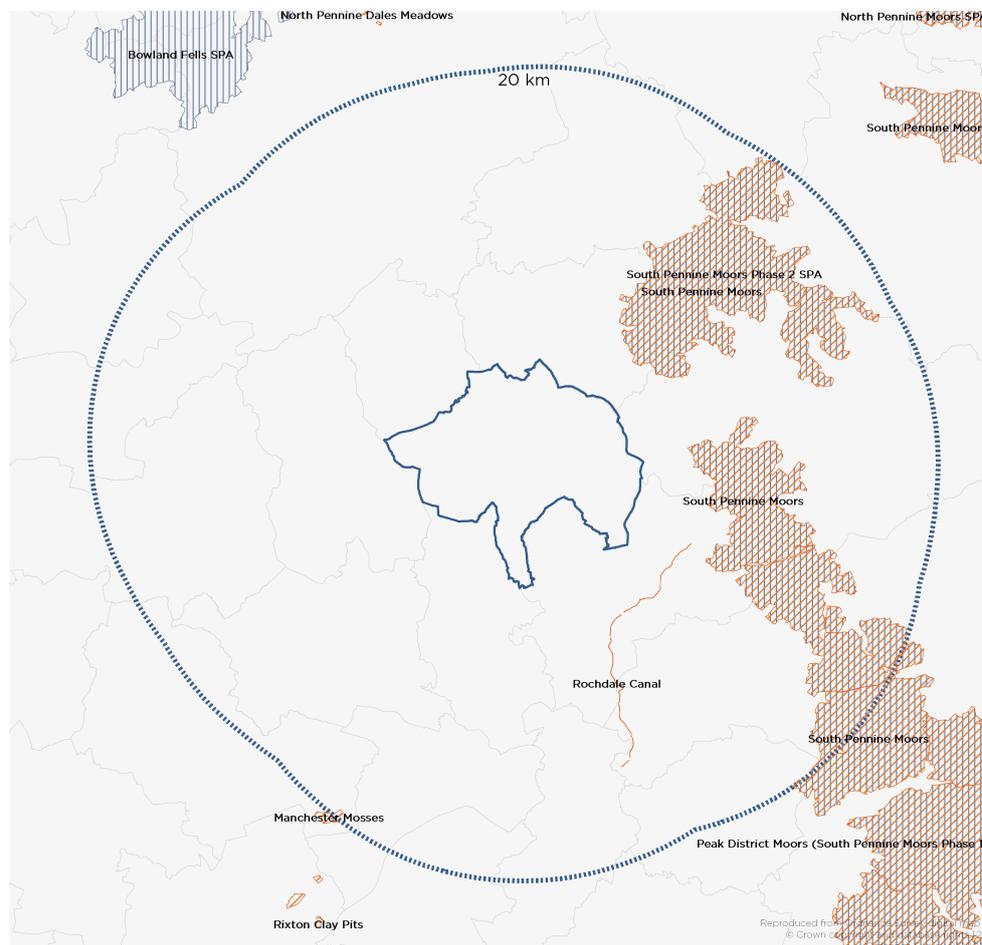


Figure 4.1: Map illustrating location of European sites within 20km of Rossendale Borough

4.2 Conservation objectives

- 4.2.1 The Waddenzee case⁴ demonstrates that the effect of a plan or project on a European site cannot be considered to be significant if it 'is not likely to undermine its conservation objectives'. The conservation objectives and qualifying features of each European site are presented in Appendix A. To help determine whether these conservation objectives will be undermined, this report considers whether any existing pressures on or threats to the site will be exacerbated.

4.3 Site pressures and threats

- 4.3.1 Site pressures and threats have been derived from data held by the JNCC and Natural England. SAC and SPA information is held on Natura 2000 Data Forms, including threats and pressures that would have a negative impact on the SAC and activities and management that would have a positive effect on each site. Site Improvement Plans (SIPs) have been developed for each European site as part of the Improvement Programme for England's Natura 2000 sites (IPENS). These set out an overview of current and predicted issues at the site. Information regarding pressures and threats from Natura 2000 Data Forms and SIPs are summarised in **Table 4.1** and discussed in the following sections.

⁴ European Commission Case C-127/02 Reference for a Preliminary Ruling 'Waddenzee' 07/9/2004 (para 45)

Table 4.1: Threats and pressures for each European site identified as potentially being affected by the Rossendale Local Plan

Threats and pressures	Rochdale Canal SAC	South Pennine Moors SAC	South Penine Moors Phase II SPA	Manchester Mosses SAC
Air pollution	✓ ^{ab} All qualifying features	✓ ^{ab} All qualifying features	✓ ^b All qualifying features	✓ ^{ab} All qualifying features
Changes in hydraulic conditions	✓ ^a	✓ ^{ab} Wet Heathland with cross-leaved heath Blanket bogs Very wet mires often identified by an unstable 'quaking' surface	✓ ^{ab} Golden Plover Breeding bird assemblage	✓ ^{ab} All qualifying features
Wildfire and arson		✓ ^{ab} All qualifying features	✓ ^{ab} All qualifying features	
Managed rotational burning		✓ ^b Wet Heathland with cross-leaved heath European dry heaths Blanket bogs	✓ ^b All qualifying features	
Agriculture activities		✓ ^a		
Public access, outdoor sports and recreational activities		✓ ^{ab} Wet Heathland with cross-leaved heath European dry heaths Blanket bogs Very wet mires often identified by an unstable 'quaking' surface	✓ ^{ab} Breeding bird assemblage	

Low breeding success			✓ ^{ab} Merlin	
Inappropriate management practices, (including commercial management for game)		✓ ^b All qualifying features	✓ ^{ab} All qualifying features	
Vehicles		✓ ^b Wet Heathland with cross-leaved heath European dry heaths Blanket bogs Very wet mires often identified by an unstable 'quaking' surface	✓ ^b All qualifying features	
Grazing regime (over- and undergrazing)		✓ ^b All qualifying features	✓ ^b Merlin Breeding bird assemblage	
Forestry and woodland management		✓ ^b Old sessile/acidic oak woods		
Changes in species distributions			✓ ^b Merlin Breeding bird assemblage	
Disease		✓ ^b European dry heaths Blanket bogs Old sessile/acidic oak woods		

Invasive species		✓ ^b Wet Heathland with cross-leaved heath European dry heaths Old sessile/acidic oak woods		
Planning permission: general			✓ ^b Merlin Golden Plover	
Physical modification	✓ ^b All qualifying features			

^a Indicates that this is highlighted as a threat / pressure in the relevant Natura 2000 Data Form

^b Indicates that this is highlighted as a threat in the relevant Site Improvement Plan

4.4 Scoping out pressures and threats

4.4.1 The following threats and pressures identified in **Table 4.1** have been scoped out of further discussion due to the lack of any impact sources arising from the plan and/or a lack of impact pathways from the plan to the receptors (i.e. European sites). These relate to the management of sites, which is beyond the influence of the plan, and are follows:

- Managed rotational burning;
- Agricultural activities;
- Low breeding success;
- Disease;
- Changes in species distribution;
- Invasive species;
- Inappropriate management practices;
- Grazing regime; and
- Forestry and woodland management

4.4.2 None of the site options considered for development are within or immediately adjacent to the boundaries of the European sites; therefore the potential for direct physical loss of or disturbance to habitat from development can be ruled out.

4.5 Potential pressures and threats

4.5.1 The following pressures and threats have been identified within **Table 4.1** as requiring further discussion as part of the screening process.

4.6 Air pollution

4.6.1 Air pollution, in particular, atmospheric nitrogen deposition, is a pressure relevant to all European sites considered in this HRA.

4.6.2 Manchester Mosses SAC is located near to heavy industry and any atmospheric pollution or air quality arising from this may have an impact on Sphagnum regeneration, a key issue for maintaining the integrity of the qualifying feature of the European site.

4.6.3 South Pennine Moors SAC lists air quality as a prioritised issue threatening the condition of the features. Long-term influence of historic atmospheric pollution has depleted the lichen and bryophyte flora and may be affecting dwarf-shrubs. This can degrade the hydrological integrity of the site, which, in turn can impact on the qualifying features such as bog and heath. It is less clear what can be done to reverse the situation other than to try and ensure continued improvements in air quality to allow affected species to recolonise if they can.

- 4.6.4 Air pollution can be associated with industrial estates, such as those in the valley bottom at Rossendale and vehicular emissions. It is not anticipated that the plan will promote or include any industrial types that would lead to significant environmental effects on the European Sites. The scale, nature and location of industrial employment sites do not trigger the indicative MAGIC thresholds, which are considered by Natural England to be worthy of screening. In more detail, these are as follows: 'General combustion processes >50MW energy input. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion'.
- 4.6.5 An increase in housing in Rossendale Borough may result in an increase in car users. According to the Department of Transport's Guidance⁵, "*beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant*". On this basis, since the main arterial road routes lie beyond the 200m zone from the European sites, no adverse effects arising from air pollution from vehicles are likely to occur.
- 4.6.6 Effects are anticipated to be a localised decrease in air quality and not at such a level to impact the European sites: South Pennines Moors SAC is located approximately 3.1km from the borough and Rochdale Canal SAC 3km from the borough.
- 4.6.7 The two Air Quality Management Areas (AQMAs) in the borough are located more than 5km from the European sites, thus it is anticipated that proposed development will not have an impact on the integrity of the qualifying features.

4.7 Changes in hydraulic conditions

- 4.7.1 Hydrological changes have been identified as a pressure / threat against all European sites considered in this HRA.
- 4.7.2 Abstraction of any materials can impact water table levels. As Manchester Mosses SAC is designated for being one of the best areas of degraded raised bogs, water table levels are crucial to the integrity of this.

⁵ DfT (2016) Webtag guidelines available at <https://www.gov.uk/guidance/transport-analysis-guidance-webtag>

- 4.7.3 South Pennine Moors SAC is also designated for supporting important habitats such as blanket bog. Atmospheric pollution over the last few hundred years has depleted the lichen and bryophyte flora and may be affecting dwarf-shrubs. The impact appears to have been greatest on blanket bog, wet heath and transition-mire where the bog-building Sphagnum mosses have been largely lost. Adversely affecting the hydrological integrity of blanket bog in particular leads to areas of bare and eroding peat, surface gullying and sub-surface peat pipes, loss of peat forming species, lowered water tables and altered hydrology.
- 4.7.4 It is not expected that any part of the Plan will lead to water or mineral abstraction in the area surrounding Manchester Mosses SAC and is therefore is not thought to produce any significant like effects.
- 4.7.5 Rochdale Canal SAC is designated as it supports important habitats for submerged aquatic plants, namely Water Plantain (*Luronium natans*).
- 4.7.6 None of the sites put forward by the plan are expected to change the hydraulic conditions of any European sites, due to a combination of site size and location.

4.8 Wildfire and arson

- 4.8.1 Wildfire and arson is a pressure / threat against South Pennine Moors SAC and South Pennine Moors Phase II SPA.
- 4.8.2 Wildfires in the past have caused damage to vegetation at South Pennine Moors SAC, adversely affecting the ecosystem services delivered. Wildfires are a periodic threat across the site and directly impact on upland habitats including SAC features; blanket bog, wet heath and dry heath.
- 4.8.3 Wildfire Prevention Plans, as part of Moorland Management Plans, are proposed to tackle the issue and are to be implemented by 2020. Additionally, areas of the SAC are closed to the public at times of high fire risk.
- 4.8.4 The Plan is not expected to affect the frequency or nature of wildfires, as this is dependent on the existing site management regime and climatic factors. Any increase in the risk of arson arising from the Plan is negligible.

4.9 Public access, outdoor sports and recreational activities

- 4.9.1 Public access, outdoor sports and recreation are identified as a threat/pressure at South Pennine Moors SAC and South Pennine Moors Phase II SPA. These European Sites are largely enclosed on two sides by large industrial urban areas, which means that large numbers of people use the areas for recreational activities.
- 4.9.2 Public accesses, outdoor sports and recreational activities at both the SAC and SPA can adversely impact the features for which the sites are designated. At South Pennine Moors SAC, visitors may deviate from the pathways, thus damaging priority habitat.
- 4.9.3 South Pennine Moors Phase II SPA is designated as it supports breeding populations of Short-Eared Owl (*Asio flammeus*), Merlin (*Falco columbarius*) and Golden Plover (*Pluvialis apricaria*).
- 4.9.4 Those who visit South Pennine Moors Phase II SPA for recreational purposes are at risk of disturbing bird populations including breeding bird assemblages. As with South Pennine Moors SAC, walkers who deviate from distinct paths may disturb habitat that support birds and discourage these birds from using it. Particular disturbances take place at sensitive times of the year (e.g. bird breeding season or during heavily waterlogged periods).
- 4.9.5 Within easy access to 12 million people in the combinations of Manchester, Leeds, Bradford and other major industrial towns⁶, the absence of co-ordinated visitor management is a chief threat to the moors. Management of access is currently being resolved through the installation of flagstone paths and stabilising and restoring adjoining bare peat on SAC blanket bog sites.
- 4.9.6 The Pennine Bridleway connects the heart of the Rossendale Borough with the South Pennine Moors SAC and South Pennine Moors Phase II SPA. The Pennine Moors are popular for walkers, dog walkers, horse riders and those undertaking other recreational activities⁷. Visitors for recreation can place the habitats and birds under pressure. Birds may be displaced or their nests destroyed and the habitat may be degraded through trampling and accidental or intentional fires.

⁶ LIFE95 NAT/UK/000824 (1999) South Pennine Moors - An Integrated Management Strategy and Conservation Action Programme

⁷ Ibid

- 4.9.7 Unlike other SACs and SPAs that are vulnerable to recreational activities, sufficient data looking at the extent of the visitor problem is not available for South Pennine Moors SAC and South Pennine Moors Phase II SPA. The presence of the footpath between the borough and South Pennine Moors and lack of a large area of recreational green space in Rossendale Borough may result in an increase in visitors to the South Pennine Moors with an increase in housing in the Rossendale Borough.
- 4.9.8 A large proportion of recreation takes place on well-developed access networks and facilities, reducing the proportion of habitat degradation and disturbance of birds at the site.
- 4.9.9 Access management has been a key issue at the sites, and with proposals under the Countryside and Rights of Way Act, will continue as such. The increase in Rossendale's housing numbers may result in more people making trips to the SPA and SAC. It is not possible, without further detail about likely frequency of visits or nature of the receptor locations in terms of capacity to hold additional visitors, to determine whether such an increase may lead to significant adverse effects arising at the sites. Further research is required to answer these questions.

4.10 Vehicles

- 4.10.1 Vehicles are identified as a threat/ pressure at South Pennine Moors SAC and South Pennine Moors Phase II SPA.
- 4.10.2 Vehicle use is an issue causing damage across the sites, impacting notified features and affecting bird nesting activity. Vehicles likely to impact the sites include motorbikes, quad bikes, 4x4s and pedal cycles.
- 4.10.3 Increasing pressure has been put on highways authorities and owners to manage PRow. By improving the management of the site, on-going damage to features should be avoided.
- 4.10.4 The Pennine Bridleway connects the heart of the Rossendale Borough with the South Pennine Moors SAC and South Pennine Moors Phase II SPA. This makes the sites a popular area for cyclists, quad bikers and other recreational activities that may involve vehicle use.

4.10.5 The increase in Rossendale's housing numbers may result in more people making trips in vehicles to the SPA and SAC. By using Natural England's SSSI Impact Risk Zones (IRZ), assessment can be made as to the potential risk posed by development proposals to European Sites. SSSI IRZ's define zones around each site, which reflect the particular sensitivities of the features for which it is notified and indicate the types of development proposal, which could potentially have adverse impacts⁸.

4.10.6 As Natural England's SSSI Risk Zones are not triggered from the Plan area (**Appendix C**), it is not anticipated that proposed development would have an impact on the integrity of the qualifying features.

4.11 Planning Permission: general

4.11.1 The Local Plan proposals will not lead to the allocation of sites in any European site. This will not lead to any direct impacts on sites identified in the zone of search (**Figure 4.1**). Indirect effects of planning permissions likely to arise through the Local Plan are discussed throughout **Chapter 4**.

4.12 Physical modification

4.12.1 This pressure / threat has been identified in relation to Rochdale Canal SAC.

4.12.2 The SIP identifies physical modifications such as over-shading and leaf drop from developing bank-side trees. The implication of this is that the qualifying feature; Floating water-plantain (*Luronium natans*) is denied opportunity to establish on large and growing sections of the canal.

4.12.3 Management techniques at the site are proposed to reduce shading effects and leaf litter input, such as bankside tree removal and livestock fencing.

4.12.4 It is not thought that any part of the plan is likely to contribute to the pressure/ threat of physical modifications to the SAC.

4.13 Conservation Objectives

4.13.1 There are no likely significant effects for any part of the Plan on the European sites identified. This is because the assessments of vulnerabilities in **Sections 4.6 to 4.12** do not identify any risk of the Plan affecting:

- The extent and distribution of the habitats of the qualifying features;

⁸ Natural England (2016) SSSI Impact Risk Zones – Datasets available at: <https://data.gov.uk/dataset/sss-i-impact-risk-zones>

- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;
- The populations of the qualifying features; or
- The distribution of the qualifying features within the site.

5 Conclusions and Recommendations

5.1 Assessment findings

- 5.1.1 This HRA report has carefully considered the effects that might be associated with development as part of the RBC Local Plan.
- 5.1.2 There are four European sites within 20km of Rossendale Borough. Of those that have been identified from a 20km area of search and others that have been included through hydrological pathways that lie beyond this search zone, none are expected to experience adverse effects from the Plan.

5.2 Limitations

- 5.2.1 This report has been prepared using the best available data. References are cited in the text where appropriate.
- 5.2.2 The Local Plan has not yet been developed in detail and there is a lack of knowledge on the design and exact nature of development at any of the proposed sites. The HRA screening process should be repeated at the Regulation 19 stage of the plan making hence facilitating iteration in the plan making process.
- 5.2.3 Other limitations concern habitat and species information for the European sites, which was collected more than ten years ago, and in some cases longer than that. **Table 4.1** states the date that the JNCC Standard Data Form was prepared. This information was taken from the most up-to-date data forms available. Lepus Consulting has collected no primary data in the preparation of this report.

5.3 Next steps

- 5.3.1 This report is subject to consultation with Natural England as part of the consultation arrangements for the RBC Local Plan. Any views received from Natural England will be incorporated into the plan making process.

This page has been left intentionally blank for the purposes of double sided printing.

References

David Tyldesley and Associates (2015), Habitats Regulations Appraisal of Plans: Guidance for Plan-making Bodies in Scotland, Version 2.0

European Commission (2001), Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Articles 6(3) and (4) of the Habitats Directive 92/43/EEC

European Commission (1992), Directive 92/43/EEC of 21 May 1992 on the Conservation of Natural Habitats of Wild Fauna and Flora

European Commission (2000) Directive 2000/60/EC on Establishing a Framework for Community Action in the Field of Water Policy

European Commission (2006) Directive 2006/7/EC on the Management of Bathing Water Quality (Repealing Directive 76/160/EEC)

European Commission (2009), Directive 2009/147/EC on the Conservation of Wild Birds

JNCC, (2001), Natura 2000 Standard Data Form: Manchester Mosses, [online] Available at: <http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030200.pdf>

JNCC, (2001), Natura 2000 Standard Data Form: South Pennine Moors, [online] Available at: <http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030280.pdf>

JNCC, (1998), Natura 2000 Standard Data Form: Rochdale Canal, [online] Available at: <http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030266.pdf>

JNCC, (1995), Natura 2000 Standard Data Form: South Pennine Moors Phase II, [online] Available at: <http://jncc.defra.gov.uk/pdf/SPA/UK9007022.pdf>

APPENDIX A

European sites: Conservation Objectives (where available from Natural England).

* Denotes a priority natural habitat or species

Rochdale Canal SAC

Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying species
- The structure and function of the habitats of the qualifying species
- The supporting processes on which the habitats of the qualifying species rely
- The populations of qualifying species, and,
- The distribution of the qualifying species within the site.

Qualifying Features:

- S1831: *Luronium natans*; Floating water-plantain

South Pennine Moors SAC

Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features;
- The structure and function (including typical species) of the habitats of the qualifying natural habitats; and,
- The supporting processes on which the qualifying natural rely.

Qualifying Features:

- H4010. Northern Atlantic wet heaths with *Erica tetralix*; Wet heathland with cross-leaved heath
- H4030. European dry heaths
- H7130. Blanket bogs*
- H7140. Transition mires and quaking bogs; Very wet mires often identified by an unstable `quaking` surface
- H91A0. Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

South Pennine Moors Phase II SPA

Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Wild Birds Directive, by maintaining or restoring:

- The extent and distribution of the habitats of the qualifying features;
- The structure and function of the habitats of the qualifying features;
- The supporting processes on which the habitats of the qualifying features rely;

- The populations of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

Qualifying Features:

- A098 *Falco columbarius*; Merlin (Breeding)
- A140 *Pluvialis apricaria*; European golden plover (Breeding)
- A6.96 *Asio flammeus*; Short-eared Owl (Breeding)
- Breeding bird assemblage

Manchester Mosses SAC

Conservation objectives:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats
- The structure and function (including typical species) of qualifying natural habitats, and,
- The supporting processes on which the qualifying natural habitats rely

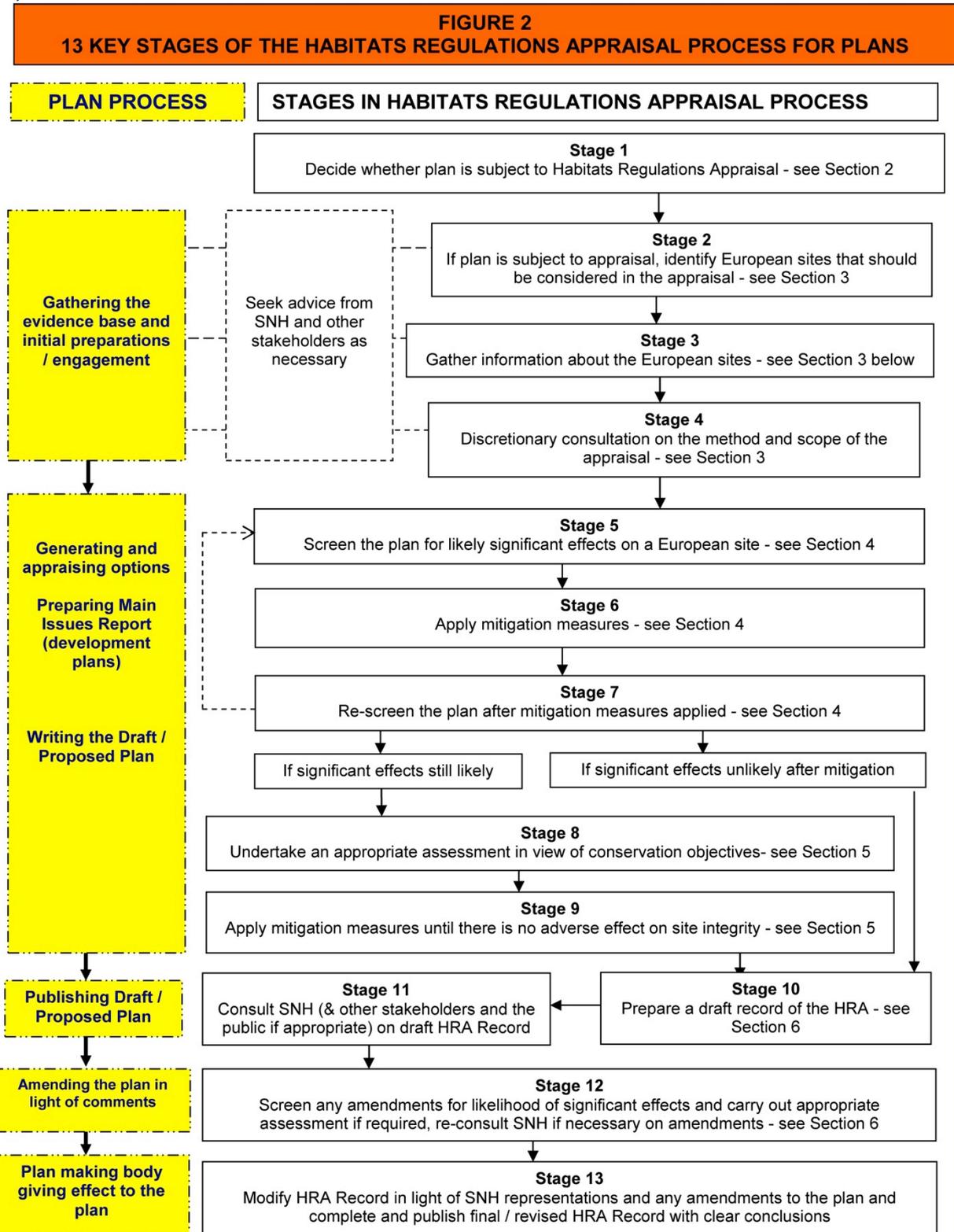
Qualifying Features:

- H7120. Degraded raised bogs still capable of natural regeneration

APPENDIX B:

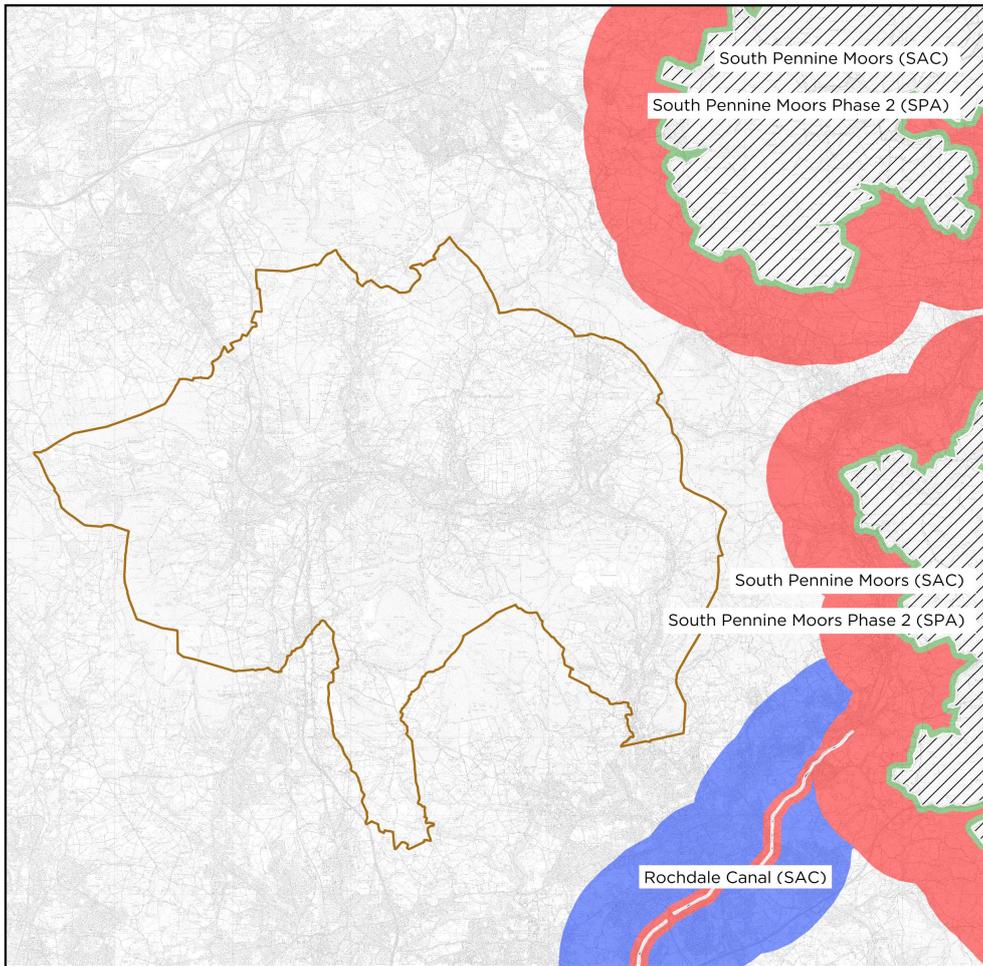
Flow chart of HRA process.

The 13 Key Stages of the Habitats Regulations Appraisal Process (reproduced from SNH, 2015)



APPENDIX C

Natural England Impact Risk Zones



Legend

Rossendale Borough Boundary

SAC & SPA

Impact Risk Zone

Residential development of 10 units or more.

Residential development of 50 units or more.

Residential development of 100 units or more.

PROJECT: LC-258 Rossendale HRA

CLIENT: Rossendale Borough Council

DRAWING: SAC & SPA Impact Risk Zones (Residential)

DRAWING NUMBER: LC-258_IRZ_R

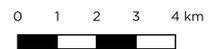
DRAWN: WPE

CHECKED: NJD

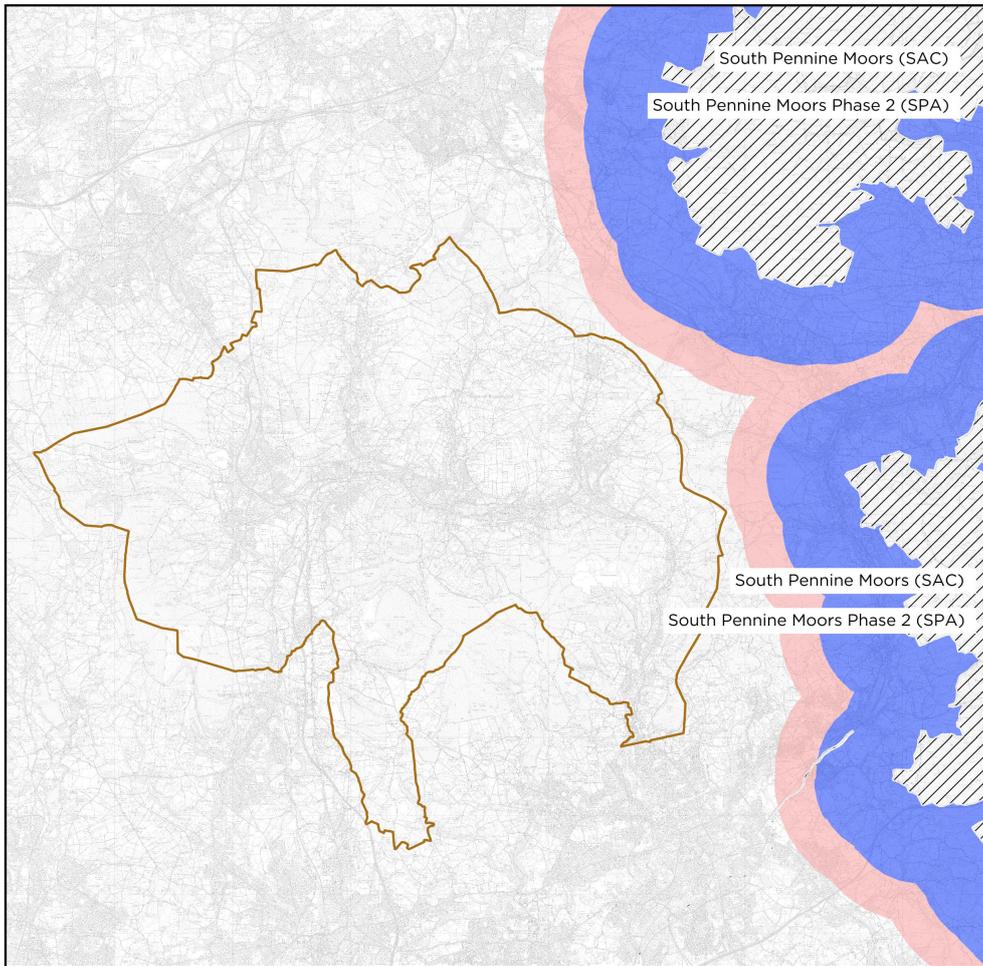
SCALE: 1:25,000

DATE: 09.09.16

Contains OS data © Crown copyright and database right (2016)



1 Bath Street, Cheltenham, GL50 1YE
 T: 01242 525 222
 www.lepusconsulting.com



Legend

Rossendale Borough Boundary

SAC & SPA

Impact Risk Zone

Solar schemes with footprint > 0.5ha, all wind turbines.

Wind turbines.

PROJECT: LC-258 Rossendale HRA

CLIENT: Rossendale Borough Council

DRAWING: SAC & SPA Impact Risk Zones (Wind & Solar Energy)

DRAWING NUMBER: LC-258_IRZ_WS

DRAWN: WPE

CHECKED: NJD

SCALE: 1:25,000

DATE: 09.09.16

Contains OS data © Crown copyright and database right (2016)



1 Bath Street, Cheltenham, GL50 1YE
 T: 01242 525 222
 www.lepusconsulting.com



LEPUS CONSULTING
LANDSCAPE, ECOLOGY, PLANNING & URBAN SUSTAINABILITY

© Lepus Consulting Ltd

1 Bath Street Cheltenham GL50 1YE

T: 01242 525222

E: enquiries@lepusconsulting.com

www.lepusconsulting.com

CHELtenham ● Gloucestershire



Lepus Consulting
1 Bath Street
Cheltenham
Gloucestershire GL50 1YE

t: 01242 525222
w: www.lepusconsulting.com
e: enquiries@lepusconsulting.com