

## External Memo: **Technical Note**

<b>To</b>	Anne Storah, Rossendale Borough Council
<b>From</b>	Catherine Wright, Lepus Consulting
<b>Subject</b>	Gypsy and Traveller Site - Land at Former Sharneyford Quarry
<b>Code</b>	LC-595 Rossendale Local Plan Examination Support
<b>Date</b>	9th January 2020
<b>CC</b>	Nathaele Davies, Rossendale Borough Council and Neil Davidson, Lepus Consulting



### Summary

*This Technical Note should be read alongside the ‘Sustainability Appraisal and Strategic Environmental Assessment of the Rossendale Borough Council Local Plan: Regulation 19 Report’<sup>1</sup> and the ‘Habitats Regulations Assessment of the Rossendale Borough Council Local Plan: Appropriate Assessment’<sup>2</sup> and other relevant SA and HRA documents.*

*Land at former Sharneyford Quarry has been proposed as an allocated Gypsy and Traveller Transit site as part of the Rossendale Local Plan 2019 - 2034<sup>3</sup>.*

*As Futures Park is no longer available for the Gypsy and Travellers Transit site (due to planning permission being issued in April 2019), an alternative site at Land at former Sharneyford Quarry has been put forward. It has been assumed that, for the purpose of this assessment, this transit site will accommodate four pitches as per the original Futures Park transit allocation.*

<sup>1</sup> Lepus Consulting (2018) Sustainability Appraisal and Strategic Environmental Assessment of the Rossendale Borough Council Local Plan: Regulation 19 Report. Available at: [https://www.rossendale.gov.uk/downloads/file/14783/sustainability\\_appraisal\\_2018](https://www.rossendale.gov.uk/downloads/file/14783/sustainability_appraisal_2018) [Date Accessed: 08/01/20]

<sup>2</sup> Lepus Consulting (2018) Habitats Regulations Assessment of the Rossendale Borough Council Local Plan: Appropriate Assessment. Available at: [https://www.rossendale.gov.uk/downloads/file/14785/habitat\\_regulations\\_assessment\\_-\\_appropriate\\_assessment\\_2018](https://www.rossendale.gov.uk/downloads/file/14785/habitat_regulations_assessment_-_appropriate_assessment_2018) [Date Accessed: 08/01/20]

<sup>3</sup> Rossendale Borough Council (2019) Rossendale Local Plan Submission Version. Available at: [https://www.rossendale.gov.uk/downloads/file/14779/local\\_plan\\_submission\\_version\\_written\\_statement](https://www.rossendale.gov.uk/downloads/file/14779/local_plan_submission_version_written_statement) [Date Accessed: 08/01/20]

## Sustainability Appraisal

1. This Technical Note supplements earlier SA outputs which have been prepared alongside development of the Rossendale Local Plan. These were prepared by Lepus Consulting and include the following:
  - 2017 Reasonable Alternatives SA<sup>4</sup>;
  - 2018 Regulation 19 SA Report<sup>5</sup>; and
  - 2019 SA Addendum<sup>6</sup>.
2. This Technical Note does not contain all information normally presented in an SA and should be read in conjunction with the SA documents listed above. The purpose of this note is to determine likely sustainability impact of the Gypsy and Traveller Transit Site allocation.
3. Reasonable alternatives to Gypsy and Traveller sites were assessed in the Reasonable Alternatives SA Report. The three reasonable alternatives considered in this report include; Land at the north of Haslingden Tip and Under Brow Farm; Land at former Sharneyford Quarry; and Land at former Landgate Quarry.
4. As part of the SA Addendum to the Regulation 19 SA Report, Futures Park, Bacup was assessed to include the provision for Gypsy and Traveller accommodation.
5. Land at former Sharneyford Quarry has now been identified as a proposed site for Gypsy and Traveller accommodation provision. As such, the site assessment has

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<sup>4</sup> Lepus Consulting (2017) Sustainability Appraisal of the Rossendale Local Plan: Reasonable alternatives. Available at: [https://www.rossendale.gov.uk/downloads/file/13688/sustainability\\_appraisal\\_of\\_the\\_local\\_plan\\_2017](https://www.rossendale.gov.uk/downloads/file/13688/sustainability_appraisal_of_the_local_plan_2017) [Date Accessed: 08/01/20]

<sup>5</sup> Lepus Consulting (2018) Sustainability Appraisal and Strategic Environmental Assessment of the Rossendale Borough Council Local Plan: Regulation 19 Report. Available at: [https://www.rossendale.gov.uk/downloads/file/14783/sustainability\\_appraisal\\_2018](https://www.rossendale.gov.uk/downloads/file/14783/sustainability_appraisal_2018) [Date Accessed: 08/01/20]

<sup>6</sup> Lepus Consulting (2019) Sustainability Appraisal of the Rossendale Local Plan: Addendum to the Regulation 19 SA/SEA Report. Available at: [https://www.rossendale.gov.uk/downloads/file/14784/sustainability\\_appraisal\\_addendum\\_2019](https://www.rossendale.gov.uk/downloads/file/14784/sustainability_appraisal_addendum_2019) [Date Accessed: 08/01/20]

been re-visited to ensure consistency with all allocated site assessments within the Regulation 19 SA Report.

6. The site has been assessed for its likely impacts on each objective of the SA Framework (see **Table 1**). The methodology which has been used to carry out this assessment can be found in Chapter 4 of the Regulation 19 SA Report.
7. The SA assessment has identified positive and adverse impacts across the 13 SA Objectives. In comparison to the Regulation 18 SA assessment, SA Objective 7 and 13 are now identified as minor adverse, to match with the methodology set out in the Regulation 19 SA Report. These adverse impacts relate to the loss of green infrastructure and limited access to both rail and bus services.

*Table 1: SA matrix for Land at former Sharneyford Quarry*

Land at Former Sharneyford Quarry	
1: Landscape	Minor adverse impact L3
2: Cultural Heritage	Minor adverse impact CH3
3: Biodiversity & Geodiversity	Negligible
4: Water & Flooding	Flood Zone 1
5: Natural Resources	Minor adverse impact NR1
6: Climate Change Mitigation	Minor adverse impact CCM1
7: Climate Change Adaptation	Minor adverse impact CCA1
8: Health	Minor adverse impact H1
9: Material Assets	Minor adverse impact MA1
10: Housing	Minor net increase in housing
11: Employment (location)	Negligible
12: Employment (skills)	Minor adverse impact ES1
13: Transport	Minor adverse impact T1

8. The reasons for selecting Land at former Sharneyford Quarry as a Gypsy and Traveller Transit site have been identified by the Council as follows:
  
9. *“The site is regarded as a brownfield site, with good access to the highway network and would have a limited impact upon the landscape and also the amenities of the nearest members of the settled community. The Council’s Consultants (ARC4) who undertook the Gypsy & Traveller Accommodation Assessment (GTAA), which underpins the Emerging Local Plan have reviewed the Sharneyford site and found it to be suitable for development as a Transit Site”.*

## Habitats Regulations Assessment

10. The purpose of HRA is to help ensure the protection of the Natura 2000 Network, including all the protected species and habitats associated with it. The Natura 2000 Network is a European suite of sites comprised of Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar sites.
  
11. This Technical Note supplements earlier HRA outputs which have been prepared alongside development of the Rossendale Local Plan. These were prepared by Lepus Consulting and include the following:
  - 2016 HRA Screening Report<sup>7</sup>;
  - 2018 HRA Appropriate Assessment<sup>8</sup>; and
  - 2019 HRA Addendum<sup>9</sup>.
  
12. This Technical Note does not contain all information normally presented in an HRA and should be read in conjunction with the HRA documents listed above. The purpose of this note is to determine whether the conclusions of the HRA remain valid in light of modifications proposed to the Local Plan in terms of the Gypsy and Traveller Transit Site allocation.
  
13. The following European sites were identified within a 20km area of search from the border of the borough of Rossendale during the HRA screening.
  - Rochdale Canal SAC;
  - South Pennine Moors SAC;
  - South Pennine Moors Phase 2 SPA; and

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<sup>7</sup> Lepus Consulting (2016) Habitats Regulations Assessment of the Rossendale Local Plan: HRA Screening Document. Available at: [https://www.rossendale.gov.uk/downloads/file/13689/habitats\\_regulation\\_assessment\\_2016](https://www.rossendale.gov.uk/downloads/file/13689/habitats_regulation_assessment_2016) [Date Accessed: 09/01/20]

<sup>8</sup> Lepus Consulting (2018) Habitats Regulations Assessment of the Rossendale Borough Council Local Plan: Appropriate Assessment. Available at: [https://www.rossendale.gov.uk/downloads/file/14785/habitat\\_regulations\\_assessment\\_-\\_appropriate\\_assessment\\_2018](https://www.rossendale.gov.uk/downloads/file/14785/habitat_regulations_assessment_-_appropriate_assessment_2018) [Date Accessed: 08/01/20]

<sup>9</sup> Lepus Consulting (2019) Habitats Regulations Assessment of the Rossendale Local Plan 2019 – 2034 (Submission Version). Available at: [https://www.rossendale.gov.uk/downloads/file/14786/habitats\\_regulation\\_assessment\\_2019\\_update](https://www.rossendale.gov.uk/downloads/file/14786/habitats_regulation_assessment_2019_update) [Date Accessed: 09/01/20]

- Manchester Mosses SAC.

14. Each European site has its own set of qualifying features and conservation objectives and therefore its own set of threats and pressures to which they are vulnerable. This information is drawn from the Joint Nature Conservancy Council (JNCC) and Natural England (NE) and is presented in the above listed HRA documentation.

#### Summary of previous HRA Work

15. The 2016 screening report concluded that, based on the best available data, no part of the Local Plan would result in an LSE at any European site. It also acknowledged that the assessment process should be revisited at the Regulation 19 stage, Publication (Pre-Submission). However, following discussions with Natural England, and in light of the Sweetman Ruling<sup>10</sup>, it was agreed that an HRA Appropriate Assessment (AA) exercise would be the best way to proceed with further HRA appraisal.
16. The topics listed below were therefore explored in more detail as part of the AA and the following conclusions reached:
- Changes in hydraulic and hydrological conditions. It was considered that an LSE as a result of hydrological or hydraulic changes could remain objectively ruled out for all European sites as per the original Screening findings in September 2016. On this basis there were considered to be no adverse effects on site integrity of any European site arising in terms of any hydraulic or hydrological changes caused by the Local Plan.
  - Physical modifications to Rochdale Canal SAC. It was considered that an LSE as a result of hydrological or hydraulic changes could remain objectively ruled out

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<sup>10</sup> InfoCuria (2018) Case C-323/17. Available at: <http://curia.europa.eu/juris/document/document.jsf?docid=200970&doclang=EN> [Date Accessed: 09/01/20]

for all European sites as per the original Screening findings in September 2016. On this basis there were considered to be no adverse effects on site integrity at Rochdale Canal SAC.

- Recreational disturbances. The Local Plan was not considered to have any adverse effect on site integrity at South Pennine Moors Phase 2 SPA or South Pennine Moors SAC, alone. A small scale effect was considered possible in terms of recreational disturbance but it was considered that this was unlikely to be significant. In-combination effects with other plans and programmes were therefore considered in more detail.

17. The HRA concluded that there would be no in-combination effects at Rochdale SAC or Manchester Mosses SAC arising from the Local Plan. The HRA evaluated the likelihood of in-combination effects arising from the Local Plan due to recreational impacts in-combination with other local plans at South Pennine Moors SAC and South Pennine Moors Phase 2 SPA in more detail. It concluded that there was uncertainty regarding an in-combination effect with Calderdale's Local Plan. To overcome the uncertainty the Council included, in Policy ENV4, a commitment to *"work with other authorities and partner organisations in the South Pennines to develop a Visitor Management Plan for the South Pennines Special Protection Area (SPA)"*. This policy is considered necessary to mitigate potential in-combination effects associated with recreational disturbance. In addition, Policy ENV4 makes it clear that *"development proposals that have potential to affect a national or locally-designated site as shown on the Policies Map and its immediate environs or on protected habitats or species will be expected to be accompanied by relevant surveys and assessments detailing likely impacts"*.

18. The HRA concluded that, in light of the above mitigation, it is unlikely that the Local Plan will lead to adverse effects on site integrity at either the South Pennine Moors

SAC or South Pennine Moors Phase 2 SPA alone or in-combination with other plans. Similarly, no adverse effects on site integrity were associated with Rochdale Canal SAC or Manchester Mosses SAC.

#### Assessment of modification

19. The proposed modification to the Gypsy and Traveller site location will not result in a change to the scale of development that was proposed in the Local Plan and which was subject to previous HRA work. In addition, given the short term transient nature of Gypsy and Travellers who are considered likely to use the transit site, it is considered that there will not be a significant effect, alone or in-combination, on any European site. It is therefore concluded that this modification will not change the conclusions of the 2018 and 2019 HRA as no new likely significant effects are anticipated.

#### Next Steps

20. This note has been prepared in accordance with the Conservation of Habitats and Species Regulations 2017<sup>11</sup> (the Habitats Regulations).
21. This report will be submitted to Natural England, the statutory nature conservation body, for formal consultation. The Council must 'have regard' to their representations under the provisions of Regulations 63(3) and 105(2) prior to making a final decision as to whether they will 'adopt' the conclusions set out within this report as their own.

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<sup>11</sup> The Conservation of Habitats and Species Regulations 2017 (2017) SI No. 2017/1012, TSO (The Stationery Office), London.