

# External Memo: **technical advice note**

<b>To</b>	Anne Stora, Rossendale BC
<b>From</b>	Neil Davidson, Lepus Consulting
<b>Subject</b>	The Habitat Regulations Assessment of the proposed Main Modifications to the Rossendale Local Plan (August 2021)
<b>Code</b>	LC-729
<b>Date</b>	20 <sup>th</sup> August 2021
<b>CC</b>	



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## Summary

*This technical note has been prepared to inform the Habitats Regulations Assessment of the proposed Main Modifications to the Rossendale Local Plan (August 2021)*

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## Previously in the HRA

1. The HRA<sup>1</sup> previously concluded that there would be no adverse impact on site integrity either alone or in-combination as a consequence of the proposed Submission Version of the Local Plan.
2. Notwithstanding these conclusions, the Appropriate Assessment of the Local Plan recognised that Policy ENV4 was important since it sought to improve and enhance the overall level of understanding and appreciation of recreational demand in the wider area adjacent to Rossendale by working with other local planning authorities.

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<sup>1</sup> Lepus Consulting (2019) Habitats Regulations Assessment of the Rossendale Local Plan 2019-2034 (Submission Version); March, 2019

### Main Modifications

3. Whilst numerous, the Main Modifications amount to small scale change in terms of the overall plan as submitted in 2019. The amended spatial strategy constitutes a minor change to the Submission Version of the plan. No new settlements have been introduced to the spatial strategy; however, some settlements have been re-classified to better reflect their size and/or provision of services, for example Facit, Stubbins and Britannia are now considered to be Rural Local Service Centres. Furthermore, the ‘Major Sites’ are no longer considered as part of the settlement hierarchy.
4. The spatial implications of the new approach are minor. This would not be expected to lead to any significant change to the HRA findings of the previously assessed version of Policy SS within the HRA Addendum.
5. Likewise, the overall quanta of housing remains very close to that of the submission version; an increase of eleven dwellings has be proposed through the Main Modifications; whilst delivery period has increased by two years up to 2036.
6. There is therefore no change to the HRA conclusions made at the Submission Stage.

### Policy ENV4

7. MM038, which modifies Policy ENV4 (see Table 1), has removed any reference to SANGS (Suitable Alternative Natural Green Space). It has also introduced former supporting text from para 184 of the Submission Version of the Local Plan (2019). I have highlighted this in purple and would suggest that this is entirely deleted. I say this since (1) the reference to impacts is unnecessary and confusing in the context of the HRA conclusions, and (2) the reference to 100 dwellings has no substantive basis.

**Table 1: Main Modification (MM038) proposal for ENV4**

MM038	ENV4	Pages 81 to 84 para 184	<p><b>Policy ENV4: Biodiversity, Geodiversity and Ecological Networks</b></p> <p>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. A sequential approach should be followed to avoid harm and where possible enhance biodiversity, and where not possible, provide appropriate mitigation and, as a last resort, on and off-site compensatory measures to offset the impact of development. Any development that adversely affects or damages a Site of Special Scientific Interest (SSSI) will not normally be granted permission.</p> <p>Development proposals should protect areas of biodiversity and protected species; areas of geodiversity and ecological networks, and where possible enhance sites and linkages. Any adverse effects should be first of all avoided; if this is not possible, minimised and mitigated against, and</p>
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		<p>where this cannot be achieved, compensated for. <del>with a net gain for biodiversity demonstrated. All</del> <u>development proposals should seek to protect and enhance biodiversity, and will be requested to quantify any net gains.</u></p> <p>Key components of Ecological Networks have been identified on the Policies Map. As well as designated ecological areas these include “Greenlands” which are areas of open space including parks, cemeteries and open land, many of which were previously included in the Core Strategy. Opportunities to enhance components of the Ecological Network, particularly the defined “core areas” and “Stepping Stones” and the linkages between them, will be supported with development proposals affecting them expected to identify how this is being addressed. A Supplementary Planning Document (SPD) will be produced setting out more fully the elements within and the role of Ecological Networks.</p> <p>The design and layout of new development should retain and enhance existing features of biodiversity or geodiversity value within and immediately adjacent to the site. Ecological networks should be conserved, enhanced and expanded. Development proposals will be expected to demonstrate how ecological networks are incorporated within the scheme.</p> <p>Where appropriate, development should incorporate habitat features of value to wildlife, especially priority species, within the development (including within building design). <del>Developments of 100 dwellings or more will be expected to undertake an “Appropriate Assessment” of the impact of the proposal on the Breeding Bird Assemblage for the South Pennine Special Protection Area that are also present within the Borough. Development proposals should demonstrate they will not adversely affect the integrity of any European site of nature conservation.</del> The Appropriate Assessment should identify measures necessary to avoid, minimise or mitigate against harm.</p> <p><del>Provision of, or contributions to creation of, Sites of Suitable Alternative Natural Green Space (SANGS) will be sought where development would have an individual or cumulative impact on Priority Species resident in or making use of habitat in the Borough.</del></p> <p>The Council will work with other authorities and partner organisations in the South Pennines to develop a Visitor Management Plan for the South Pennine <u>Moors Phase 2</u> Special Protection Area (SPA).</p> <p>The Habitat Regulations Assessment for the Local Plan identified potential impacts of new residential development within Rossendale on 12 species of birds present in the South Pennine <u>Moors Phase 2</u> Special Protection Area (SPA)/ <u>South Pennines Moor</u> Special Area of Conservation (SAC). While not located in the SPA residents of the Borough, including those in new dwellings, contribute to the recreational impacts on the birds that live there. At a sub-regional level the Council will work with partners to develop a Visitor Management Plan for the South Pennines <u>Moors Phase 2</u> SPA/<u>South Pennines Moor</u> SAC area in order to minimise the recreational impacts of Rossendale residents. Many of the species of the birds present in the SPA/SAC also utilise upland areas of Rossendale for feeding and breeding. These can be impacted by recreational use and also predation by domestic cats. For large developments of 100 dwellings or over the Council will require an</p>
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			<p>“Appropriate Assessment” to be undertaken in line with the Habitat Assessment Regulations and any appropriate action taken. <del>This may include the creation of Sites of Alternative Natural Greenspace (SANGS) to compensate for any damaged habitat.</del></p>
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