

# Habitat Regulations Assessment of the Rossendale Borough Council Local Plan

## Appropriate Assessment

July 2018



**LEPUS** CONSULTING  
LANDSCAPE, ECOLOGY, PLANNING & URBAN SUSTAINABILITY

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Photo: Twite (*Carduelis flavirostris*) by Imran Shah

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This document constitutes a Habitat Regulations Assessment Appropriate Assessment of the Regulation 19 Rossendale Local Plan. HRA is a tool for predicting potential significant effects. The actual effects may be different from those identified. Prediction of effects is made using an evidence based approach and incorporates a judgement.

The assessments are based on the best available information, including that provided to Lepus by the Council and information that is publicly available.

No attempt to verify secondary data sources have been made and they are assumed to be accurate as published.

Every attempt has been made to predict effects as accurately as possible using the available information. Many effects will depend on the size and location of development, building design, construction, proximity to sensitive receptors and the range of uses that takes place. The report was prepared April – July 2018 and is subject to, and limited by, the information available during this time.

The report is not intended to be a substitute for Environmental Impact Assessment or Strategic Environmental Assessment.

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## Acronyms

<b>AA</b>	Appropriate Assessment
<b>AADT</b>	Average Annual Daily Traffic
<b>AONB</b>	Area of Outstanding Natural Beauty
<b>CAMS</b>	Catchment Area Management Strategy
<b>DEFRA</b>	Department for Environment, Food, and Rural Affairs
<b>EA</b>	Environment Agency
<b>EU</b>	European Union
<b>GIS</b>	Geographic Information Systems
<b>HRA</b>	Habitats Regulations Assessment
<b>IPENS</b>	Improvement Programme for England's Natura 2000 sites
<b>IROPI</b>	Imperative Reasons of Overriding Public Interest
<b>JNCC</b>	Joint Nature Conservation Committee
<b>LERN</b>	Lancashire Environmental Records Network
<b>LPA</b>	Local Planning Authority
<b>LSE</b>	Likely Significant Effect
<b>MoU</b>	Memorandum of Understanding
<b>NE</b>	Natural England
<b>NPPF</b>	National Planning Policy Framework
<b>RSPB</b>	Royal Society for the Protection of Birds
<b>ppSPA</b>	Possible Potential Special Protection Area
<b>PDNP</b>	Peak District National Park
<b>PDNPA</b>	Peak District National Park Authority
<b>RBC</b>	Rossendale Borough Council
<b>SAC</b>	Special Area of Conservation
<b>SANGS</b>	Suitable Alternative Natural Greenspace
<b>SIP</b>	Site Improvement Plan
<b>SNH</b>	Scottish Natural Heritage
<b>SoS</b>	Secretary of State
<b>SPA</b>	Special Protection Area
<b>SSSI</b>	Site of Special Scientific Interest
<b>WWF</b>	World Wide Fund for Nature

# Executive Summary

- E1** Lepus Consulting (Lepus) has prepared this Habitat Regulations Assessment (HRA) Appropriate Assessment (AA) report of the emerging Rossendale Local Plan 2019 - 2034 (Local Plan) on behalf of Rossendale Borough Council (RBC). This follows on from the HRA Screening Report prepared by Lepus in 2016.
- E2** 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) and Special Protection Areas (SPA).
- E3** The HRA process includes various stages of investigation and analysis beginning with a Screening stage. Within the 2016 HRA screening report it was initially concluded that a likely significant effect (LSE) on any European site, caused by the RBC Plan either alone or in-combination, was unlikely. This report, and its conclusion, was consulted on with Natural England (the relevant statutory body) in 2016. Natural England disagreed with the conclusion that all potential LSEs could be ruled out and requested further information in the HRA as per the following (their full response to the screening report is presented in **Appendix A**):
- *“Natural England would like to see a full audit trail and an explanation for why each policy and allocation will not have a significant effect;*
  - *Natural England agrees with the statements in the HRA but it could be an option to provide further explanation for why there are no impacts;*
  - *Further explanation is required for point 4.12.4 to explain why not part of the Plan is likely to contribute to the pressure/threats of physical modification. This could be because of the proximity of allocations, which requires further details; and*
  - *Recreational disturbance has not been addressed in the HRA because of the lack of available data. Further clarification is required to explain how the HRA proposed to address recreational disturbance.”*
- E4** This HRA AA report has addressed and investigated the above queries in detail. After a close analysis of the best available data it is concluded in this report that no part of the RBC Plan will lead to any LSEs on any European site, either alone or in-combination with other plans and projects. In order to help ensure this is the case, recommendations to the Council were provided in **Chapter 6** and RBC have adopted these into their Plan. The RBC Plan is considered to satisfy the Habitats Directives and to be legally compliant in light of relevant HRA case law.

# 1 Introduction

## 1.1 Background

1.1.1 Lepus Consulting (Lepus) has prepared this Habitat Regulations Assessment (HRA) Appropriate Assessment (AA) report of the emerging Rossendale Local Plan 2019 - 2034 (Local Plan) on behalf of Rossendale Borough Council (RBC).

1.1.2 This AA follows the HRA Screening Report<sup>1</sup> prepared in 2016 by Lepus on behalf of RBC. The Screening Report carefully considered the conservation objectives of European sites that might be impacted by proposals in the Local Plan. It explored the extent to which the Local Plan could potentially undermine the conservation objectives of each European site by exacerbating known vulnerabilities.

1.1.3 European sites provide valuable ecological infrastructure for the protection of rare, endangered or vulnerable natural habitats and species of exceptional importance within Europe. These sites consist of Special Areas of Conservation (SACs), designated under European Directive 92/43/EEC *on the conservation of natural habitats and of wild fauna and flora* (the Habitats Directive), and Special Protection Areas (SPAs), classified under European Directive 2009/147/EC *on the conservation of wild birds* (the Birds Directive). Additionally, Government policy requires that sites listed under the Ramsar Convention (The Convention on Wetlands of International Importance, especially as Waterfowl Habitat) are to be treated as if they are fully designated European sites for the purpose of considering development proposals that may affect them. The requirements of the Habitats and Birds Directives are transposed into UK law through Regulation 102 of the Conservation of Habitats and Species Regulations 2010<sup>2</sup> (the Habitats Regulations).

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<sup>1</sup> Lepus Consulting (2016) Habitat Regulations Assessment of the Rossendale Local Plan, Screening Report, September 2016. Available online at: [https://www.rossendale.gov.uk/downloads/download/10831/sustainability\\_appraisal\\_and\\_habitats\\_regulation\\_assessment\\_of\\_the\\_local\\_plan](https://www.rossendale.gov.uk/downloads/download/10831/sustainability_appraisal_and_habitats_regulation_assessment_of_the_local_plan)

<sup>2</sup> UK Government, (2010), The Conservation of Habitats and Species Regulations 2010



1.1.4 For the purposes of satisfying the Habitats Directive, it is necessary for RBC to show that the Plan will not result in a likely significant effect (LSE) on any European site. The following European sites were identified within 20km of the borough of Rossendale (i.e. the Plan area) during the HRA screening (see **Figure 3.1**):

- Rochdale Canal SAC;
- South Pennine Moors SAC;
- South Pennine Moors Phase 2 SPA; and
- Manchester Mosses SAC.

1.1.5 The 2016 HRA Screening report initially concluded that, based on the best available data, no part of the RBC Plan would result in an LSE at any European site. The Screening report was consulted on with the statutory body, Natural England, for six weeks and their full response is presented in **Appendix A**. In their response, Natural England disagreed with the conclusion of the Screening report and stated that an LSE could not yet be objectively ruled out for all European sites. Each of Natural England’s comments specifically relating to the HRA are presented in **Table 1.1**. The purpose of this report is to provide an appropriate assessment of the potential LSEs highlighted by Natural England.

**Table 1.1:** Feedback from Natural England and where it has been addressed in this report

	Natural England Comment	Response
1	<u>The HRA has not shown how each policy and allocation has been screened out;</u> Natural England would like to see a full audit trail and an explanation for why each policy and allocation will not have a significant effect.	See Summary Screening Table, <b>Appendix F</b>
2	<u>Changes in hydraulic conditions;</u> Natural England agrees with the statements in the HRA but it could be an option to provide further explanation for why there are no impacts.	See <b>Chapter 4</b>
3	<u>Physical modification;</u> Further explanation is required for point 4.12.4 to explain why no part of the Plan is likely to contribute to the pressure/threats of physical modification. This could be because of the proximity of allocations, which requires further details.	See <b>Chapter 4</b>
4	<u>Public access, outdoor sports and recreational activities;</u> Recreational disturbance has not been addressed in the HRA because of the lack of available data. Further clarification is required to explain how the HRA proposes to address recreational disturbance.	See <b>Chapter 5</b>

## 1.2 Appropriate Assessment

1.2.1 Because it was ultimately not possible to objectively rule out an LSE on all European sites following the HRA screening stage, it is necessary to prepare this AA. This is in line with the 7<sup>th</sup> September 2004 'Waddenzee' ruling<sup>3</sup>:

*"any plan or project... is to be subject to an appropriate assessment... if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects."*

1.2.2 In order to rule out an LSE on any European site, it may be necessary for RBC to adopt mitigation measures into the Plan. In line with the recent 12<sup>th</sup> April 2018 'People Over the Wind' ruling<sup>4</sup>, an analysis of measures for avoiding or reducing a significant effect must be carried out in an appropriate assessment:

*"...a full and precise analysis of the measures capable of avoiding or reducing any significant effects on the site concerned must be carried out not at the screening stage, but specifically at the stage of the appropriate assessment..."*

1.2.3 This report constitutes an HRA Appropriate Assessment of the potential impacts of the RBC Plan on European sites (see **Figure 2.1**). The outputs of this report include information in relation to:

- The HRA process;
- Methodology for HRA;
- Assessment of likely significant effects on European Sites;
- Considerations of how to mitigate likely adverse impacts; and
- Conclusions and recommendations.

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<sup>3</sup>EC Case C-127/02 Reference for a Preliminary Ruling 'Waddenzee' 7<sup>th</sup> September 2004 Advocate General's Opinion (para 107)

<sup>4</sup>Case C-323/17 People Over Wind, Peter Sweetman v Coillte Teoranta, available online at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A62017CJ0323>

## 1.3 Regulations, Guidance and Methodology

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 the Habitats Directive. HRA applies to plans and projects, including all Local Development Documents in England and Wales.

1.3.2 This AA has been informed by the following guidance:

- Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites' - European Commission, 2001<sup>5</sup>;
- The Habitat Regulations Assessment Handbook - David Tyldesley and Associates, 2013; and
- The Appropriate Assessment of Spatial Plans in England – A Guide to How, When and Why to do it - RSPB, 2007.

1.3.3 This is not a legal document. It is an appropriate assessment of the RBC Plan which satisfies the Directives and which is legally compliant in light of relevant case law, including the recent judgment in April 2018; Case C-323/17 People Over Wind And Sweetman<sup>6</sup>. A primary consequence of this recent ruling is that mitigation measures should not be considered during the HRA screening stage. Where an LSE has been identified, an appropriate assessment is required during which mitigation may be considered.

## 1.4 About the Rossendale Local Plan 2019 - 2034

1.4.1 The Local Plan sets out a description of the area and the current issues it is facing. It describes the kind of place Rossendale could be by 2034 and proposes a range of policies to help plan and manage growth and development.

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<sup>5</sup> Assessment of plans and projects significantly affecting European sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC. European Commission Environment DG, November 2001

<sup>6</sup> Main proceedings and judgement text available online at:  
<http://curia.europa.eu/juris/liste.jsf?language=en&td=ALL&num=C-323/17>

- 1.4.2 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. It is expected that the Plan will deliver 212 dwellings per annum (dpa) in the borough over the 15 year Plan period, along with new employment floorspace, in order to support a growing population and economy.
- 1.4.3 Each proposal of the Plan has been assessed for its potential impacts on a European site. A summary assessment table of this process is provided in **Appendix F**.

## 2 Methodology

### 2.1 Habitats Regulations Assessment Methodology

- 2.1.1 HRA is a rigorous precautionary process centered on the conservation objectives of a Site's qualifying interests. It is intended to ensure that designated European sites are protected from impacts that could adversely affect their integrity, as required by the Birds and Habitats Directives. A step-by-step guide to this methodology is outlined in the Practical Guidance and has been reproduced in **Figure 2.1**, of which this report constitutes the AA stages.
- 2.1.2 AA provides a better understanding of potential effects and their nature, magnitude and permanence in order to inform the decision making of planners.
- 2.1.3 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 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.
- 2.1.4 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. 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) in order to continue with the proposal.
- 2.1.5 Natural England, or the relevant statutory body, is also consulted over the findings of the HRA.

## 2.2 Dealing With Uncertainty

2.2.1 Uncertainty is an inherent characteristic of HRA and decisions can be made only on the currently available and relevant information. This concept is reinforced in the 2004 'Waddenzee' ruling<sup>7</sup>:

*"However, the necessary certainty cannot be construed as meaning absolute certainty since that is almost impossible to attain. Instead it is clear from the second sentence of Article 6(3) of the habitats directive that the competent authorities must take a decision having assessed all the relevant information which is set out in particular in the Appropriate Assessment. The conclusion of this assessment is, of necessity, subjective in nature. Therefore, the competent authorities can, from their point of view, be certain that there will be no adverse effects even though, from an objective point of view, there is no absolute certainty."*

2.2.2 As per WWF UK and RSPB –v- SNH, SoS Scotland, Highland Council, HIE and Cairngorm Chairlift Co Judicial Review:

*"There can never be an absolute guarantee about what will happen in the future, and the most that can be expected of a competent authority [and others involved] is to identify potential risks, so far as they may be reasonably foreseeable, in light of such information as can reasonably be obtained, and put in place a legally enforceable framework with a view to preventing these risk from materializing."*

## 2.3 Precautionary Principle

2.3.1 Because there is an element of uncertainty, the HRA process is characterised by the Precautionary Principle. This is described by the European Commission:

*"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."*

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<sup>7</sup>EC Case C-127/02 Reference for a Preliminary Ruling 'Waddenzee' 7<sup>th</sup> September 2004 Advocate General's Opinion (para 107)

## 2.4 Likely Significant Effect

2.4.1 The Local Plan and its component policies are assessed to determine and identify any potential for '**likely significant effect**' (LSE) upon European sites. The guidance<sup>8</sup> provides the following interpretation of LSE:

*"In this context, 'likely' means risk or possibility of effects occurring that cannot be ruled out on the basis of objective information. 'Significant' effects are those that would undermine the conservation objectives for the qualifying features potentially affected, either alone or in-combination with other plans or projects... even a possibility of a significant effect occurring is sufficient to trigger an 'Appropriate Assessment'."*

2.4.2 With reference to a species given conservation status in the Habitats or Birds Directives, the following examples would be considered to constitute a 'significant effect':

- Any event which contributes to the long-term decline of the population of the species on the site;
- Any event contributing to the reduction or to the risk of reduction of the range of the species within the site; and
- Any event which contributes to the reduction of the size of the habitat of the species within the site.

2.4.3 Rulings from the 2012 'Sweetman'<sup>9</sup> case provides further clarification:

*"The requirement that the effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."*

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<sup>8</sup>Tyldesley, D. (2013) The Habitats Regulations Assessment Handbook – Chapter F. DTA Publications

<sup>9</sup> Source: EC Case C-258-11 Reference for a Preliminary Ruling, Opinion of Advocate General Sharpston 'Sweetman' delivered on 22<sup>nd</sup> November 2012 (para 48)

2.4.4 Therefore, it is not necessary for RBC to show that the Local Plan will result in no effects whatsoever on any European site. Instead, RBC are required to show that the Local Plan, either alone or in-combination with other plans and projects, will not result in an effect which undermines the conservation objectives of one or more qualifying features.

2.4.5 Determining whether an effect is significant requires careful consideration of the environmental conditions and characteristics of the European site in question, as per the 2004 'Waddenzee'<sup>10</sup> case:

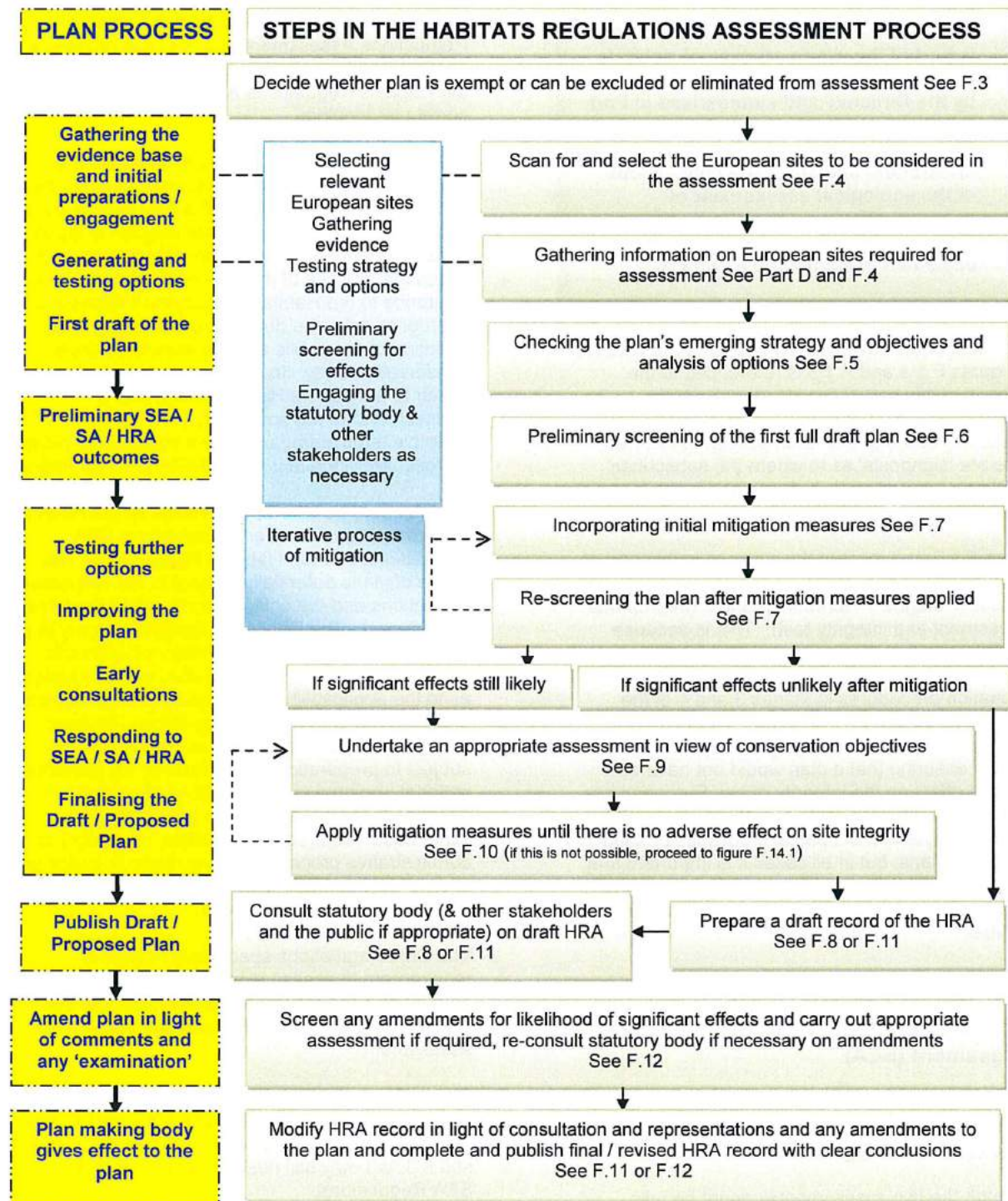
*"in assessing the potential effects of a plan or project, their significance must be established in the light, inter alia, of the characteristics and specific environmental conditions of the site concerned by that plan or project".*

2.4.6 The conservation objectives for each European site are presented in **Appendix A**. These should be read in conjunction with the Qualifying Features for each site as set out in **Appendix B**. 'Conservation status' is indicative of the status for all extents of that habitat class in the UK (not just within the one European site).

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<sup>10</sup> Source: EC Case C-127/02 Reference for a Preliminary Ruling 'Waddenzee' 7<sup>th</sup> Sept 2004 (para 48)





**Figure 2.1:** Relationship of steps in the Habitats Regulations Assessment with a typical plan-making process (reproduced from DTA, 2013<sup>11</sup>)

<sup>11</sup> Tyldesley, D. (2013) The Habitats Regulations Assessment Handbook – Chapter F. DTA Publications

## 3 European sites

### 3.1 About European sites

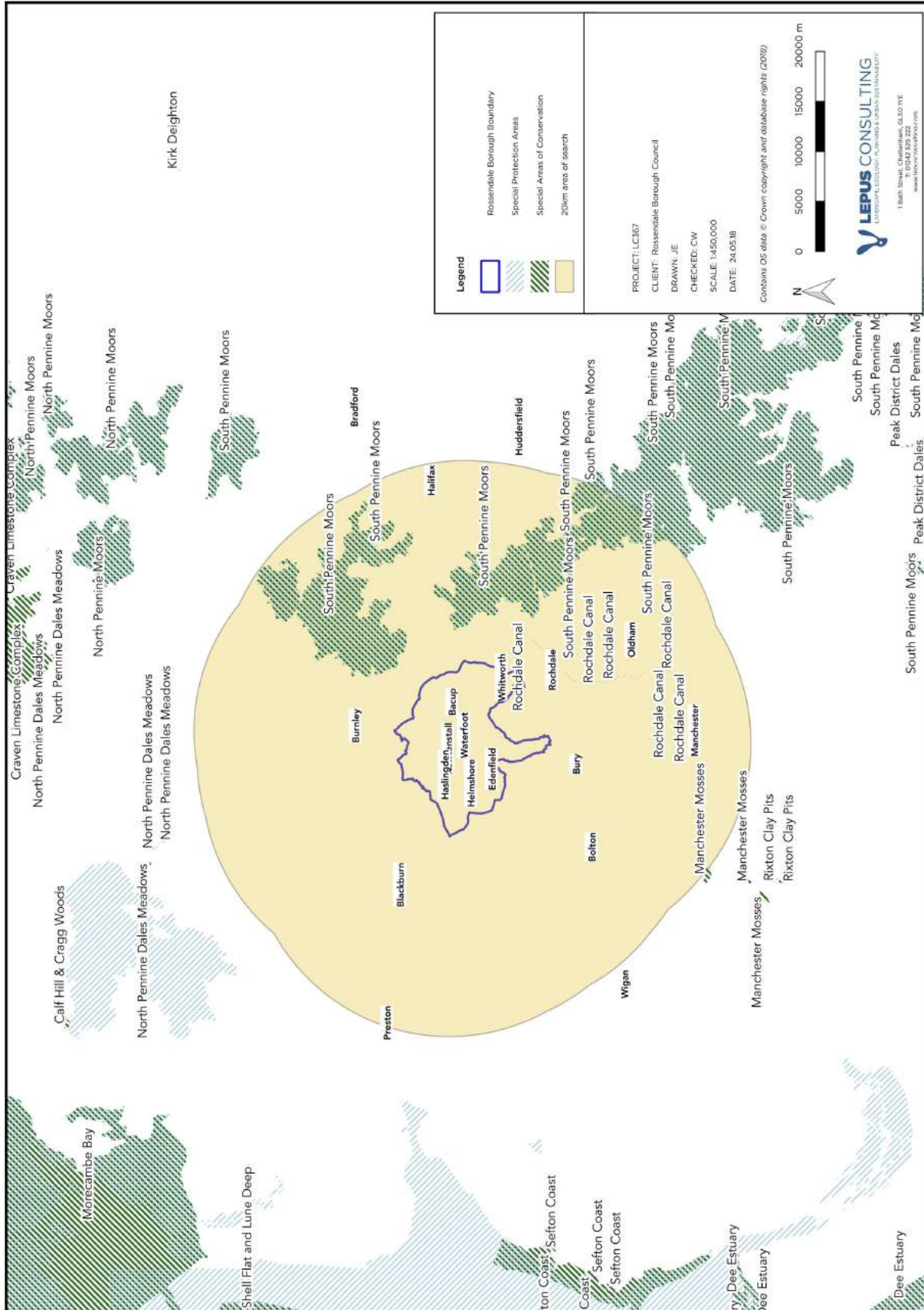
3.1.1 Each site of European importance has its own intrinsic qualities, besides the habitats or species for which it has been designated, that enables the site to support the ecosystems that it does. An important aspect of this is that the ecological integrity of each site can be vulnerable to change from natural and human induced activities in the surrounding environment. These are referred to as threats and pressures.

### 3.2 Identification of relevant European sites

3.2.1 As a starting point, the HRA screening took into consideration all European sites within 20km of the borough, as well as those connected hydrologically (see **Figure 3.1**). The following European sites were identified, and it is these sites that comprise the focus of this assessment:

- Rochdale Canal SAC;
- South Pennine Moors SAC;
- South Pennine Moors Phase 2 SPA; and
- Manchester Mosses SAC.

3.2.2 Each European site has its own set of qualifying features and conservation objectives (see **Appendix C**). Each European site therefore has its own set of threats and pressures to which they are vulnerable (**Appendix B**). This information is drawn from the Joint Nature Conservancy Council (JNCC) and Natural England (NE).



**Figure 3.1:** European sites in relation to Rossendale Borough. Data sourced from Natural England.

## 4 Response to NE comments

### 4.1 Overview

4.1.1 In response to the HRA Screening Report, Natural England advised the following (full response is presented in **Appendix A**):

- The HRA has not shown how each policy and allocation has been screened out;
- There could be further explanation of why there will be no hydraulic changes impacts;
- Further clarification is required on recreational disturbances; and
- Further explanation is required to explain why no part of the RBC Plan will contribute to the pressure/threat of physical modification of a European site (specifically related to section 4.12.4 of the HRA Screening report<sup>12</sup>).

### 4.2 Summary screening

4.2.1 In order to provide clarity on the proposals and allocations of the RBC Plan, and how they have each been screened out, policies and screening categories (based on DTA guidance) is provided in the summary screening table of **Appendix C**.

### 4.3 Changes in hydraulic and hydrological conditions

4.3.1 Natural England advised that they agreed with the conclusion that no hydraulic condition based LSE would arise, but that further explanation could be provided for this. Rochdale Canal SAC and Manchester Mosses SAC are vulnerable to the threat of hydraulic or hydrological changes (see **Appendix B**).

4.3.2 **Figure 3.1** shows the European sites in relation to Rossendale. No residential or employment sites allocated in the plan coincide with, or are adjacent to, a European site. It is therefore considered that the RBC Plan will not directly impact on the hydraulic conditions of any European site due to any specific allocation.

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<sup>12</sup> Lepus Consulting (2016) Habitat Regulations Assessment of the Rossendale Local Plan, Screening Report, September 2016. Available online at: [https://www.rossendale.gov.uk/downloads/download/10831/sustainability\\_appraisal\\_and\\_habitats\\_regulation\\_assessment\\_of\\_the\\_local\\_plan](https://www.rossendale.gov.uk/downloads/download/10831/sustainability_appraisal_and_habitats_regulation_assessment_of_the_local_plan)

4.3.3 The Plan area is covered by the Northern Manchester CAMS<sup>13</sup>. Consumptive abstraction is available, for the majority of the Plan area, 95% of the time. Whilst the Plan will be likely to increase water consumption in Rossendale to some extent, water efficiency is expected to improve and there are no concerns over water availability to support the growth planned in Rossendale.

4.3.4 The following was taken from the Site Improvement Programme (SIP) form for each European site under 'Issues and Actions':

- **Manchester Mosses SAC SIP:** The combination of historic peat cutting, fragmentation, drainage and peat wastage and some of the early restoration work has significantly modified the hydrological function of all the component mosses. Considerable work has been done and is ongoing within the sites to manage the hydrology and restore the conditions for bog development. Working with partners and stakeholders we have been able to establish hydrological buffer zones around parts of the moss. However there are still areas where agricultural and transport infrastructure requires deep drainage on adjacent land that still dries out or impacts on parts of the mosses.
- **South Pennine Moors SIP:** The hydrological integrity of the blanket bog habitat (H7140) has been adversely affected across the site by a range of external factors, principally historic air pollution and wild fires which in some areas has been added to by historical and continuing land use management practices. Leading 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. Certain elements of current restoration work have a clear link to recovery of some or all of these listed factors and estimates for restoration costs assume this work is undertaken across the site, however for some aspects of the challenge (surface vegetation, macropores, erosion gullies and subsurface peat pipes) there is insufficient understanding of the issue and this has led to trialling new restoration methods and monitoring the impacts. Consequently the extent of restoration to deliver favourable condition cannot be fully quantified. The complexity of the pattern of degraded hydrology from surface vegetation to subterranean pipes means that one, several or all of the actions described may be required; the production of a restoration plan for each blanket bog unit should provide the necessary detail.

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<sup>13</sup> Environment Agency (2013 & 2014) Abstraction Licensing Strategies (CAMS Process) Available online at: <https://www.gov.uk/government/collections/water-abstraction-licensing-strategies-cams-process>

4.3.5 The RBC Plan will clearly not exacerbate the causes of hydrological and hydraulic concerns at the European sites. Water abstraction will also not increase to the extent that it adversely impacts the European sites. It is therefore considered that an LSE as a result of hydrological or hydraulic changes can be objectively ruled out for all European sites at this stage.

#### 4.4 Physical modifications

4.4.1 Rochdale Canal SAC is vulnerable to the threat of physical modification. The SIP for the SAC states: *“Over-shading and leaf drop from developing bank-side trees denies opportunity for Floating water plantain to establish on large and growing sections of the canal.”*

4.4.2 Section 4.12.4 of the HRA Screening Report states: *“It is not thought that any part of the plan is likely to contribute to the pressure/threat of physical modifications to the SAC”.*

4.4.3 Following consultation, Natural England requested further information for section 4.12.4 of the HRA Screening Report to explain why no part of the Plan is likely to contribute to the pressure/threats of physical modifications.

4.4.4 Rochdale Canal SAC sits just under 4km south of Rossendale and runs near the centre of the town of Rochdale. The nearest site allocations in the RBC Local Plan to the SAC are those in the south east of the borough, just south of Whitworth. As these sites are over 4.5km north of the SAC, it is clear that the development proposed at these locations will not result in physical modifications of the SAC. Due to the distance between the SAC and development proposals it is concluded that an LSE on Rochdale SAC as a result of physical modifications caused by the RBC Plan can be objectively ruled out at this stage.

#### 4.5 Recreational disturbances

4.5.1 Due to the complexity of this issue, this has been thoroughly analysed in **Chapter 5**.

## 5 Recreational disturbances

### 5.1 Vulnerability to recreational disturbance

5.1.1 It is necessary to establish whether the RBC Plan could potentially increase recreational disturbances at a European site, either when considered alone or when considered in-combination with other plans and projects, to the extent that it undermines the conservation objectives of the site's qualifying features. Recreational disturbances are a threat to (see **Appendix B**):

- South Pennine Moors SAC; and
- South Pennine Moors Phase 2 SPA.

5.1.2 The SAC is designated for the internationally important habitats it supports, each of which is vulnerable to the threat of erosion and trampling. The SPA is classified for the breeding bird assemblage it supports, as well as for the habitats these birds rely on. These habitats are vulnerable to erosion and trampling (see **Table 5.1**). **Table 5.2** presents an overview of the relative sensitivity of each habitat type within the Moors. **Table 5.2** shows that several species associated with blanket bog and dry heath, which are both Annex 1 habitats prevalent at the SPA and SAC, have a high sensitivity to the impacts of trampling. Off-path activities such as hiking and mountain biking are popular in the South Pennines. Anderson (1990) found 23.4% of visitors to be off the path, particularly near small rivers and blanket bogs<sup>14</sup>. Some visitors choose to stray off path, even primary routes like the Pennine Way, due to the intensity of use and the ensuing erosion and boggy ground at some points of the path.

5.1.3 In addition to off-path erosion, to satisfy the growing number of visitors to the Moors the network of paths there has proliferated in extent and density whilst deteriorating in quality.

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<sup>14</sup> Anderson P (1990): Moorland Recreation and Wildlife in the Peak District. Peak Park Joint Planning Board, Bakewell

- 5.1.4 Birds flush from their nest more readily, more frequently and at greater distances when disturbed by dogs than when disturbed by humans alone<sup>15</sup>. Following disturbance from a dog, birds typically spend several minutes off their nest, during which predation of eggs is a concern. The presence of dogs delays the arrival of birds at feeding areas, makes them depart feeding areas earlier and reduces the amount they eat whilst there due to increased vigilance<sup>16,17,18</sup>.
- 5.1.5 Dogs are a particular concern for ground nesting birds due to the increased risk of predation and trampling.
- 5.1.6 Areas of the moors with high recreational use tend to have the lowest values for bird community diversity, evenness and richness. The sites with the highest recreational use are typically closer to towns and roads, and had good quality footpaths and car parking facilities<sup>19</sup>. An MSc thesis study into the attitudes and actions of recreational users within South Pennine Moor SPA found that of the 558 users surveyed, 59% (328) were non-local participants (travelled over 3 miles to get to the Moors) whilst 62% of those surveyed (344) did not know the site was protected.

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<sup>15</sup> Murison, G. (2002) The impact of human disturbance on the breeding success of nightjar *Caprimulgus europaeus* on heathlands in south Dorset, England. *English Nature*, Peterborough.

<sup>16</sup> Yalden, P. E. and Yalden, D. W. (1990). Recreational disturbance of breeding golden plovers *Pluvialis apricarius*. *Biological Conservation* 51, 243-262.

<sup>17</sup> Lafferty, Kevin D. "Birds at a Southern California beach: seasonality, habitat use and disturbance by human activity." *Biodiversity and Conservation* 10.11 (2001): 1949-1962.

<sup>18</sup> Miller, Scott G., Richard L. Knight, and Clinton K. Miller. "Wildlife responses to pedestrians and dogs." *Wildlife Society Bulletin* (2001): 124-132.

<sup>19</sup> Dowling, P. (2012). Attitudes and Actions of Recreational Users within South Pennine Moor Special Protection Area, Site of Special Scientific Interest, in Regards to Moorland Bird Conservation. MSc Thesis: Manchester Metropolitan University.




**Table 5.1:** Summary of potential significance of access impacts on mountain and moor, assuming a high level of use<sup>20</sup>. X indicates significance.

Habitat	Direct impacts		Indirect impacts	
	Trampling	Disturbance	Fire	Management
Dry dwarf-shrub heath	xx		xxx	
Wet dwarf-shrub heath	xxx		xx	
Blanket mire	xxx		xxx	
Mountain	xxx		x	
Acid grassland	xx		xx	
Calcareous grassland	xx			xx
Flushes/springs	xxx			
Rock ledges	xx			
Screes	xx			
Breeding birds		xxx	xxx	xx
Wintering birds (raptor roosts)		x		
Invertebrates	xx		xx	x
Deer		xx		
Earth heritage	x?			

<sup>20</sup> Anderson P (1990): Moorland Recreation and Wildlife in the Peak District. Peak Park Joint Planning Board, Bakewell AND as presented in the HRA of the Bradford Core Strategy, UE Consultants, 2015

**Table 5.2:** Sensitivity of plants and habitats to trampling<sup>21</sup>

Sensitivity	Species	Comments
Least sensitive  Most sensitive	Common bent/crested dog's tail grasses	As in some in-bye land. This is species is not a major component of the SAC's Annex 1 habitats.
	Wavy hair – grass/sheep's fescue	On mineral soils. Often a minor component of SAC and dry heath habitat.
	Heather	Young and major component of Annex dry heath and blanket bog habitats.
	Mat-grass	Usually on drier, thin peats or peat mineral soils. Often a component of heavily grazed dry heath habitat.
	Purple moor-grass	Usually on wetter flushed peaty soils.
	Bracken	Young plants. Can be invasive on drier heath and acid grassland habitats.
	Heather	Major component of Annex 1 dry heath and blanket bog habitats. Important for nesting SPA species
	Crowberry/bilberry	On peat. A major component of Annex 1 dry heath and blanket bog habitats.
	Cotton-grass spp.	Cotton-grass mire on peat. A major component of Annex 1 blanket bog habitats.
	<i>Sphagma</i>	Flushes, mire on peat. Major component of blanket bogs and transition mire habitats.

## 5.2 South Pennine Moors

5.2.1 Visitors to the South Pennine Moors enjoy partaking in activities can have an unfortunate side effect of disturbing the local breeding bird assemblage and result in trampling, erosion and damage to habitats and the PRoW. South Pennine Moors is designated as a SAC and also classified as a SPA. Both European sites share one Site Improvement Plan (SIP).

5.2.2 The SIP for South Pennine Moors states, in relation to the threat/pressure of public access/disturbance:

*“Disturbances/activities located in sensitive site areas or at sensitive times of the year (e.g. bird breeding season or during heavily waterlogged periods) can have a negative impact upon notified features. Particular activities which impact include rock climbing, walking (incl. dog walkers), legal activities (byway usage), hang-gliding and the flying of model aircrafts.”*

<sup>21</sup> Anderson P (1990): Moorland Recreation and Wildlife in the Peak District. Peak Park Joint Planning Board, Bakewell AND as presented in the HRA of the Bradford Core Strategy, UE Consultants, 2015

5.2.3 South Pennine Moors SAC is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I<sup>22</sup>:

- Blanket bogs;
- European dry heaths;
- Northern Atlantic wet heaths with *Erica tetralix*. (Wet heathland with cross-leaved heath);
- Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles. (Western acidic oak woodland); and
- Transition mires and quaking bogs (Very wet mires often identified by an unstable 'quaking' surface).

5.2.4 South Pennine Moors Phase 2 SPA is an upland of international importance which provides a habitat for an important assemblage of breeding moorland and moorland fringe birds, including:

- Merlin (*Falco columbarius*);
- Golden plover (*Pluvialis apricaria*);
- Lapwing (*Vanellus vanellus*);
- Dunlin (*Calidris alpina*);
- Snipe (*Gallinago gallinago*);
- Curlew (*Numenius arquata*);
- Redshank (*Tringa totanus*);
- Common sandpiper (*Actitis hypoleucos*);
- Short-eared owl (*Asio falmmeus*);
- Winchat (*Saxicola rubetra*);
- Wheatear (*Oenanthe oenanthe*);
- Ring ouzel (*Turdus torquatus*); and
- Twite (*Carduelis flavirostris*).

5.2.5 The SIP for South Pennine Moors sets out which qualifying features are vulnerable to the threat/pressure of public access/disturbance:

- Breeding bird assemblage;

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<sup>22</sup>Citation for Special Area of Conservation (SAC) South Pennine Moors. Available online at: <http://publications.naturalengland.org.uk/publication/4885083764817920>

- H4010 Wet heathland with crossleaved heath;
- H4030 European dry heaths;
- H7130 Blanket bogs;
- H7140 Very wet mires often identified by an unstable `quaking` surface; and
- H9180 Mixed woodland on base-rich soils associated with rocky slopes.

5.2.6 It is therefore necessary to establish if the RBC Local Plan could potentially undermine the conservation objectives of one of the above listed qualifying features by exacerbating recreational disturbances.

5.2.7 The Conservation Objectives for South Pennine Moors SAC are:

*“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 qualifying natural habitats*
- *The structure and function (including typical species) of the qualifying natural habitats, and,*
- *The supporting processes on which the qualifying natural habitats rely.”*

5.2.8 The Conservation Objectives for South Pennine Moors Phase 2 SPA are:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of 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 population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.”*

## 5.3 Environmental conditions of the sites

- 5.3.1 Sites of Special Scientific Interest (SSSI) are areas in the United Kingdom designated for conservation by Natural England. SSSIs are the building blocks of site based nature conservation in the UK. Most other conservation designations, such as national nature reserves, are based on their location. SSSIs are therefore regularly found at the same location as European designated SACs and SPAs, although the reasons for its designation can be entirely different to those for which the same area is designated as a SAC or SPA.
- 5.3.2 Natural England periodically assesses the conservation conditions of each SSSI unit, assigning it a status of one of the following:
- Favourable;
  - Unfavourable – recovering;
  - Unfavourable – no change; or
  - Unfavourable – declining.
- 5.3.3 A SSSI may be in an unfavourable state due to the condition of features unrelated to its European designation. However, it is considered that the conservation status of SSSI units that overlap with European designated sites offer a useful indicator of habitat health at that location. For example, a SSSI unit in an unfavourable condition because of excess Nitrogen deposition, which is resulting in changes in local flora species composition, may indicate that habitats at this location are particularly sensitive to increases in atmospheric nitrogen deposition.
- 5.3.4 European sites in the South Pennines coincide with hundreds of SSSIs, the significant majority of which are in an ‘unfavourable – recovering’ condition (see **Figure 5.1**). Recreational disturbances are not the primary cause of a lack of favourability in condition at any of the coinciding SSSI units.

5.3.5 Moorlands in England are typically managed for grouse shooting or sheep farming. Natural England suggest that 14% of moorland SSSIs in England are in a favourable condition, the main causes for the lack of favourability being overgrazing and inappropriate burning<sup>23</sup>. These causes are beyond the influence of the RBC Plan.

## 5.4 Management of the sites

5.4.1 South Pennine Moors SAC partially coincides with Peak District National Park (see **Figure 5.2**). South Pennine Moors Phase 2 SPA sits just outside the National Park and adjacent to its northern perimeter.

5.4.2 Peak District National Park is managed by the Peak District National Park Authority (PDNPA). The driving purpose of the PDNPA is in part to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park. The 2018 – 2023 Peak District National Park Management Plan <sup>24</sup>is, at the time of writing, out for consultation. The Management Plan sets out the Park's Special Qualities which the PDNPA will seek to conserve and enhance and which includes internationally important and locally distinctive wildlife and habitats;

5.4.3 European sites within the Peak District National Park are being proactively and effectively managed to protect and enhance wildlife and biodiversity and adverse impacts caused by recreational disturbances will largely be avoided and mitigated to a large extent by the PDNPA Management Plan 2018 – 2023.

5.4.4 A small number of organisations, with relatively limited budgets, are tasked with protecting wildlife in the South Pennines. The South Pennines Local Nature Partnership run via Pennine Prospects<sup>25</sup> coordinates the South Pennine Fire Operations Group, which aims to reduce uncontrolled burning or moorland, and runs South Pennines Moorwatch, which has been set up to enable the reporting of antisocial behaviour such as illegal off-road driving.

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<sup>23</sup> Moors for the Future Partnership, Sustainable Uplands & Moors for the Future Research Note No. 14. Available online at:

<http://www.moorsforthefuture.org.uk/sites/default/files/documents/MFF%20RN14%202007%20Looking%20after%20grouse%20moor%20habitats.pdf>

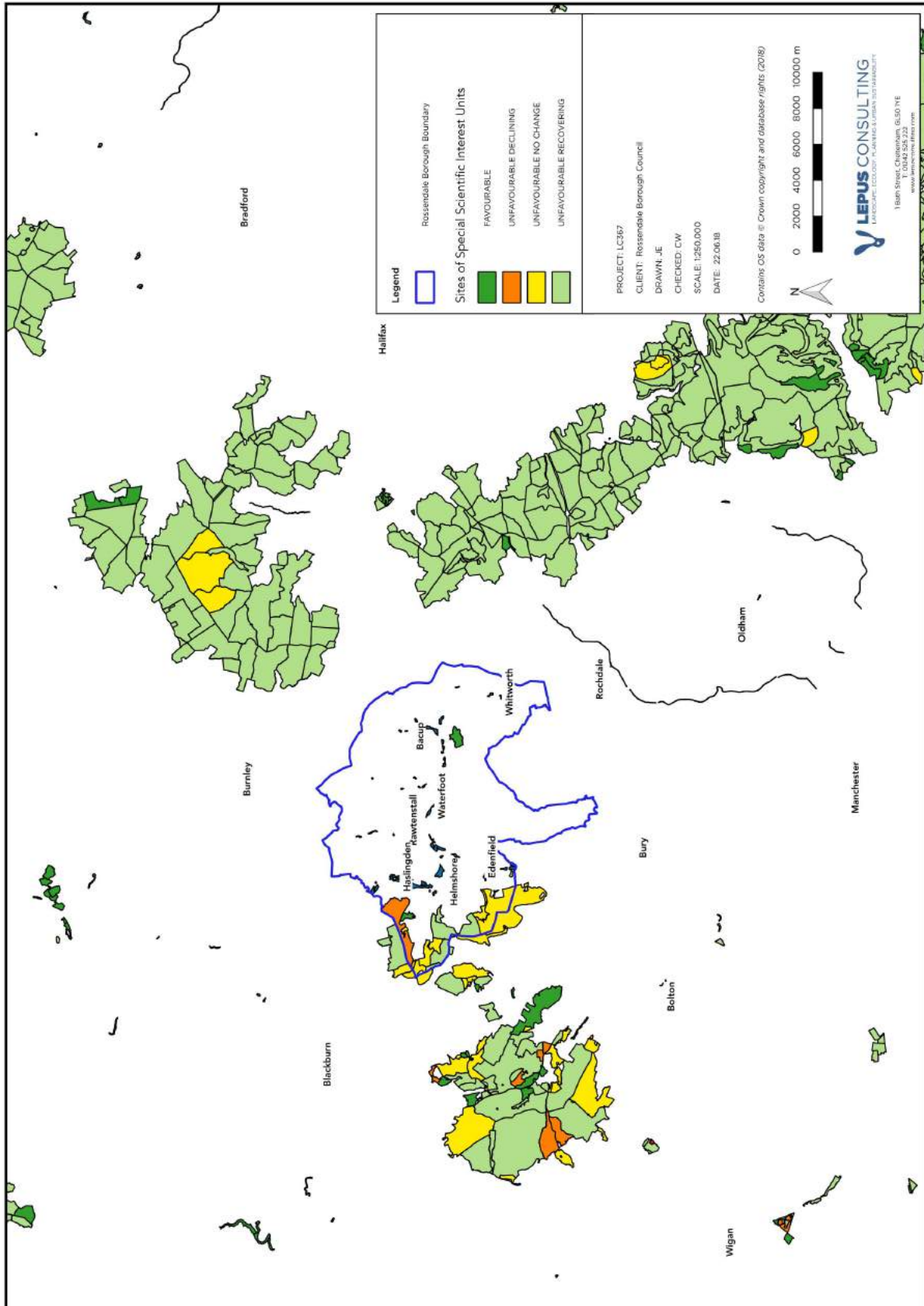
<sup>24</sup> Available online at : [http://www.peakdistrict.gov.uk/\\_\\_data/assets/pdf\\_file/0005/1133942/NPMP-18-23-V5.pdf](http://www.peakdistrict.gov.uk/__data/assets/pdf_file/0005/1133942/NPMP-18-23-V5.pdf) . Accessed 31.03.18

<sup>25</sup> More info available on their website at: [www.pennineprospects.co.uk/local](http://www.pennineprospects.co.uk/local)

- 5.4.5 The Moors for the Future Partnership (TMFTFP)<sup>26</sup>, which includes landowners, Natural England, the RSPB and Environment Agency, works to restore and protect moorland within the Yorkshire Dales, Peak District and South Pennines, including the South Pennine Moors SAC/SPA. Visitor pressure is managed through a combination of stabilising peat, improving habitats, and path management. MoorLIFE, managed by TMFTFP, is a five year project that began in 2015 and aims to restore and protect blanket bog in the South Pennine Moors. The project includes measures to stabilise eroded peat and strategies for reducing the risk of wildfire.
- 5.4.6 Just north of the South Pennine Moors is the Forest of Bowland Area of Outstanding Natural Beauty (AONB) and the Nidderdale AONB.

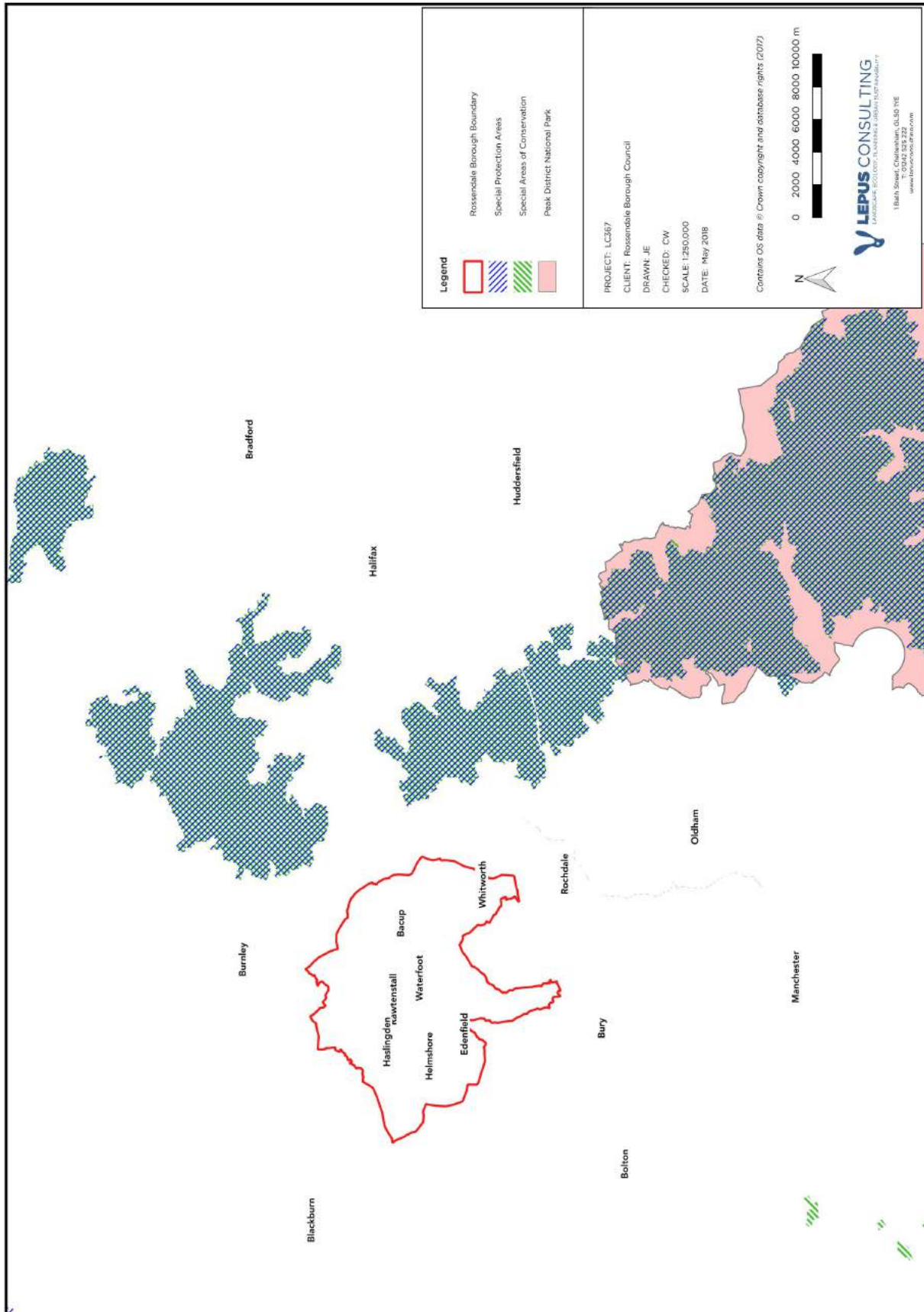
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<sup>26</sup> More info available on their website at: <http://www.moorsforthefuture.org.uk/>



**Figure 5.1:** Condition of SSSI units near Rossendale (some SSSI units shown on the map do not correlate with a European site). Data sourced from Natural England.





**Figure 5.2:** European sites in relation to Peak District National Park. Data sourced from Natural England.

## 5.5 Distribution of qualifying features at South Pennine Moors Phase 2 SPA

5.5.1 The SPA is approximately 21,000ha in size. **Table 5.3** presents the list of species comprising the breeding bird assemblage protected at the SPA, along with their habitat requirements and counts of territories based on Natural England data.

**Table 5.3:** Breeding bird survey data for South Pennine Moors Phase 2 SPA. There were no records of the Common Sandpiper (*Actitis hypoleucos*) post-2010<sup>27</sup>

Qualifying species	Habitat requirements	Territories recorded		
		1990	2004/05	2014
Golden Plover	<b>Feeding and nesting:</b> Mix of short and taller vegetation <b>Roosting:</b> Open, short vegetation and bare ground Areas with unrestricted views over an effective field size (>10ha)	435	490	n/a
Short Eared Owl	<b>Nesting:</b> predominantly short to medium ground vegetation, scrub or trees <b>Feeding:</b> Open ground Areas with unrestricted views over tree or scrub cover	19	24	n/a
Merlin	<b>Nesting:</b> Medium to tall ground vegetation and scattered trees <b>Feeding:</b> Short grassland swards	33	28	18
Curlew	<b>Feeding:</b> short vegetation <b>Nesting:</b> short with patches of taller vegetation Open terrain, relatively free of obstructions Areas with unrestricted views over an effective field size (>10ha)	295	461	456
Dunlin	<b>Feeding:</b> Wet fields with surface pools, ditches or channels <b>Nesting and roosting:</b> Open ground with dense cover of wet vegetation	52	34	46
Lapwing	<b>Feeding:</b> Wet fields with surface pools, ditches or channels <b>Nesting and roosting:</b> Open ground with dense cover of wet vegetation	41	115	133
Redshank	<b>Feeding:</b> Wet fields with surface pools, ditches or channels <b>Nesting and roosting:</b> Open ground with dense cover of	36	20	12

<sup>27</sup> Natural England data. South Pennine Moors SPA Statues and Management for Favourable Conservation Status. Available online at: <http://www.moorsforthefuture.org.uk/sites/default/files/2%20-%20Richard%20Pollitt.pdf>

	wet vegetation			
Ring Ouzel	Nesting: Heather and bracken abundance Feeding: Nearby pasture	0	14	2
Snipe	Feeding: Wet fields with surface pools, ditches or channels Nesting and roosting: Open ground with dense cover of wet vegetation 20-30% soggy or flooded, 80% vegetation cover Areas with unrestricted views over an effective field size (>10ha)	40	89	106
Twite	Nesting: Areas of bracken and heather moorland Feeding: Improved meadows and fields rich in dandelion and sorrel seeds	219	57	34
Wheatear	Nesting: Short sheep or rabbit grazed grassland with abundance of grass root caterpillars Nesting: Under rocks, in mountain screes or holes in stone walls	27	25	20
Whinchat	Nesting: low scrub with low gorse scrub Feeding: Areas of short grass such as roadside verges	25	22	9

5.5.2 The fluctuations in population numbers for each species is largely a result of changes in land management practices, with different impacts in different locations for different species. There appears to be a slightly positive trend overall for species in the South Pennine Moors, with reductions in population numbers for Redshank, Twite and Whinchat contrasting with significant population increases for Snipe, Lapwing and Curlew. These changes have occurred over a time when the intensity of grouse-moor management in the Peak District has remained stable or increased, whilst there have been considerable reductions in sheep stocking levels, as large areas of moorland have been entered into agri-environment schemes such as ESA agreements<sup>28</sup>.

<sup>28</sup> Moors for the future Partnership (2006) Analysis of Moorland Breeding Bird Distribution and Change in the Peak District, available online at: <http://www.moorsforthefuture.org.uk/sites/default/files/documents/MFF%20RR11%20Pearce-Higgins%20J%202006%20%20Analysis%20of%20moorland%20breeding%20bird%20distribution%20and%20change%20in%20the%20Peak%20District.pdf> . Accessed 23.05.18

5.5.3 The conservation objectives for the SPA include protecting the habitats on which the Annex 1 bird species rely. It is therefore necessary for the RBC Plan to avoid adverse impacts on the birds themselves as well as the habitats they rely on and the supporting processes for these. Natural England data shows how Snipe, Twite, Curlew and Lapwing are distributed widely throughout Rossendale and its immediate environs, as well as the European sites (see **Appendix D**).

5.5.4 Natural England also provide data on the distribution of priority habitats. **Figure 5.3** shows the prevalence of priority habitats in the region of the South Pennine Moors Phase 2 SPA which can support a range of species comprising the local breeding bird assemblage.

## 5.6 Distribution of qualifying features at South Pennine Moors SAC

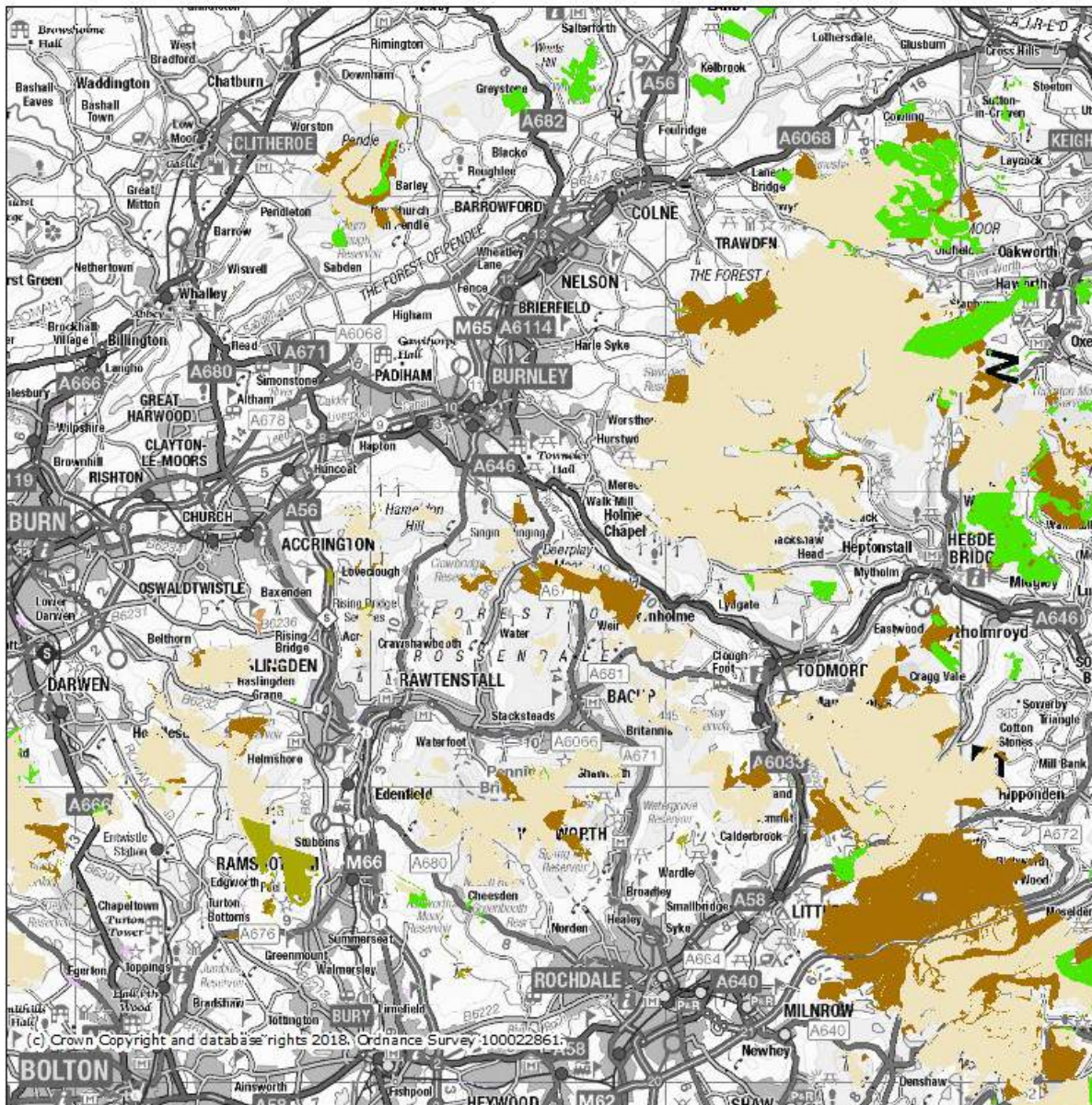
5.6.1 South Pennine Moors SAC covers 66,207ha. **Table 5.4** lists the qualifying features for the SAC with some background information on each habitat. **Figure 5.4** shows the distribution of priority habitats within the South Pennine Moors SAC.

**Table 5.4:** Habitat survey data for South Pennine Moors SAC<sup>29</sup>

Qualifying habitats	Habitat requirements
European dry heaths	Dry heath covers extensive areas, occupies the lower slopes of the moors on mineral soils or where peat is thin and occurs in transitions to acid grassland, wet heath and blanket bogs. Upland heaths of the South Pennines are dominated by <i>Calluna vulgaris</i> .
Blanket bogs (priority feature)	South Pennine Moors represent the most south easterly extent of this habitat in Europe. Vegetation community is somewhat limited in diversity. Blanket bog and dry heath often form intimate mosaics of vegetation in the South Pennines.
Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	Stands of old sessile woods are found on the slopes and fringes of the South Pennine uplands where grasses, dwarf shrubs and ferns are common and where there is a relatively low bryophyte diversity.
Northern Atlantic wet heaths with <i>Erica tetralix</i>	Dominated by cross leaved heath, heath, grasses, sedges and bog-mosses this habitat is found in small areas of the Pennine Moors.
Transition mires and quaking bogs	With surface conditions ranging from acidic to slightly base-rich, vegetation is transitional between the acid bog and alkaline fens. The mires typically occupy the transition between bog and fen vegetation. They may also be in a process of succession from fen to bog.

<sup>29</sup> Natural England data. South Pennine Moors SPA Statues and Management for Favourable Conservation Status. Available online at: <http://www.moorsforthefuture.org.uk/sites/default/files/2%20-%20Richard%20Pollitt.pdf>

# MAGiC Priority habitats

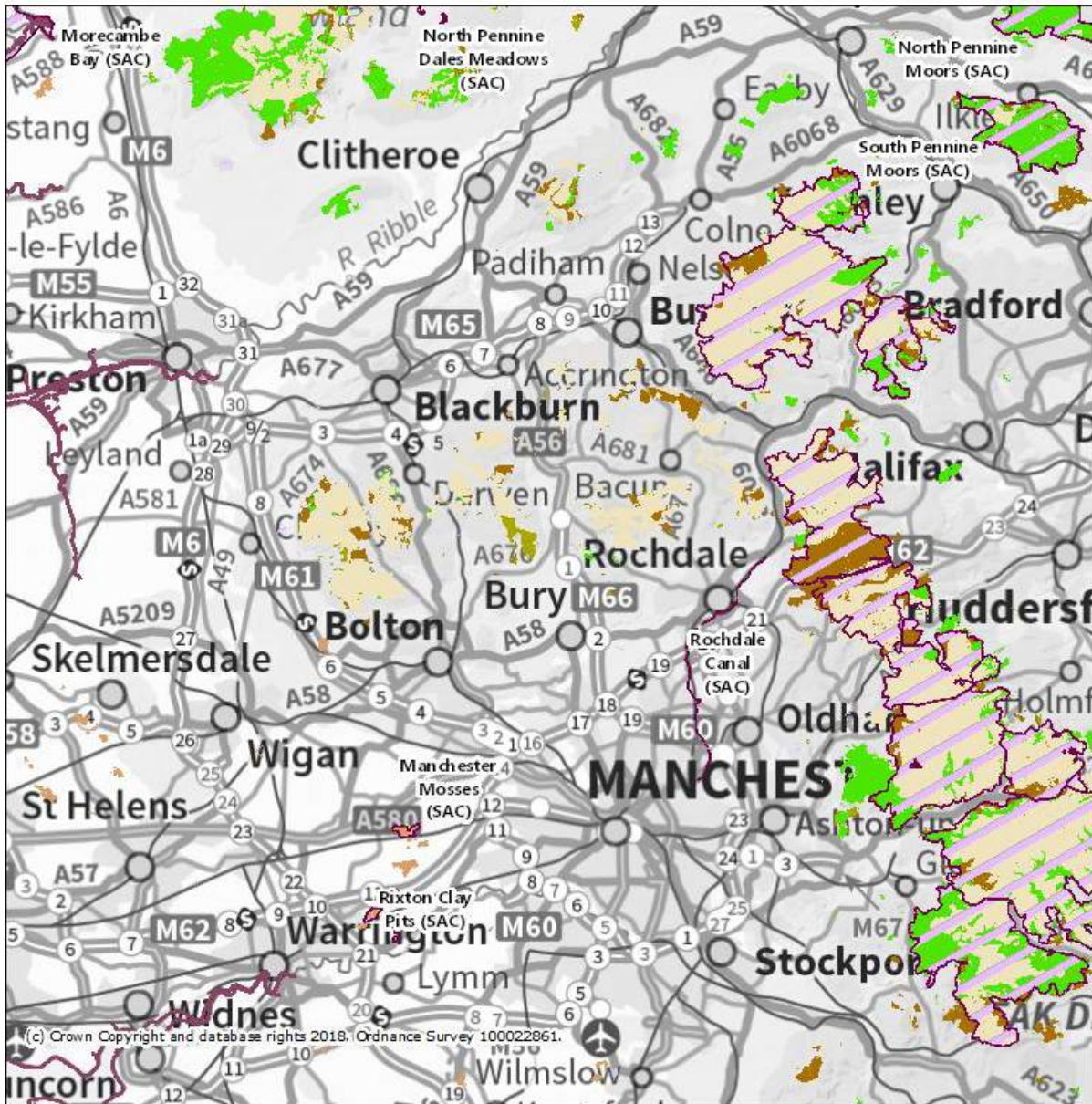


<p><b>Legend</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #e6e6fa; border: 1px solid black; margin-right: 5px;"></span> Priority Habitat Inventory - Lowland Heathland (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #800080; border: 1px solid black; margin-right: 5px;"></span> Priority Habitat Inventory - Mountain Heaths and Willow Scrub (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #90ee90; border: 1px solid black; margin-right: 5px;"></span> Priority Habitat Inventory - Upland Heathland (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #f5deb3; border: 1px solid black; margin-right: 5px;"></span> Priority Habitat Inventory - Blanket Bog (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #d2b48c; border: 1px solid black; margin-right: 5px;"></span> Priority Habitat Inventory - Lowland Raised Bog (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #9acd32; border: 1px solid black; margin-right: 5px;"></span> Priority Habitat Inventory - Upland Flushes, Fens and Swamps (England)</li> <li><span style="display: inline-block; width: 15px; height: 15px; background-color: #808000; border: 1px solid black; margin-right: 5px;"></span> Priority Habitat Inventory - Grass Moorland (Non Priority) (England)</li> </ul>	<div style="text-align: center;"> <p>0      5.5      11 km</p> </div> <p>Projection = OSGB36                  xmin = 347500                  ymin = 407000                  xmax = 424700                  ymax = 448500</p> <p>Map produced by MAGIC on 24 May, 2018.                  Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.</p>
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**Figure 5.3:** Distribution of various priority habitats in the region of Rossendale and the South Pennine Moors Phase 2 SPA capable of supporting qualifying species of the SPA. *Source: magic.defra.gov.uk*

# MAGiC

## Priority habitats



Legend	
	Special Areas of Conservation (England)
	Priority Habitat Inventory - Lowland Heathland (England)
	Priority Habitat Inventory - Mountain Heaths and Willow Scrub (England)
	Priority Habitat Inventory - Upland Heathland (England)
	Priority Habitat Inventory - Blanket Bog (England)
	Priority Habitat Inventory - Lowland Raised Bog (England)
	Priority Habitat Inventory - Upland Flushes, Fens and Swamps (England)
	Priority Habitat Inventory - Grass Moorland (Non Priority) (England)

Projection = OSGB36  
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 ymin = 372500  
 xmax = 444800  
 ymax = 460000  
 Map produced by MAGIC on 24 May, 2018.  
 Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.

Figure 5.4: Supporting habitat distribution in South Pennine Moors SAC and beyond. Source: [magic.defra.gov.uk](http://magic.defra.gov.uk)

## 5.7 Qualifying features in Rossendale

5.7.1 As stated earlier, the conservation objectives for South Pennine Moors Phase 2 SPA are:

*“Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of 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 population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.”*

5.7.2 Bird survey records are available which clearly show that Rossendale provides an important extent of supporting habitat for qualifying features of the Phase 2 SPA. It is an essential requirement of the Directives to avoid adversely impacting the population of these qualifying features (i.e. the local population of each species comprising the breeding bird assemblage).

5.7.3 The wider geographical context of the borough of Rossendale has the coast to the west and the South Pennine Moors to its east. Many of the species comprising the breeding bird assemblage at the SPA head to the coast at winter and back to the Moors for the summer. Rossendale is therefore geographically important to the functioning of these populations and several of the species comprising the SPA’s breeding bird assemblage are known to rely on supporting habitat within the borough. **Figures 5.3** and **5.4** show how suitable breeding habitats are not only prevalent in the SPA and SAC but also within Rossendale.

5.7.4 The Lancashire Environmental Record Network (LERN) has provided records for the breeding bird assemblage in Rossendale dating back to 1980 (see **Table 5.5**).

5.7.5 Of particular importance in Rossendale is ‘Lee Quarry’, where for several species the majority of records (with a known location) were taken. Lee Quarry is just south of Bacup, no more than 900m from the A681, and is a highly popular mountain biking location.

**Table 5.5:** LERN records for the breeding bird assemblage in Rossendale, with a column for records before the year 2000, post 2000 and a column of the location where the records for each species were most commonly taken

Species	Records pre- 2000	Records post-2000	Primary locations of records
Common Sandpiper	14	0	Clowbridge Reservoir
Curlew	162	171	Lee Quarry
Dunlin	5	5	Oswaltdwistle Moor, Haslingden Moor and Thirteen Stone Hill
Golden Plover	8	10	Oswaltdwistle Moor, Haslingden Moor and Thirteen Stone Hill as well as Cowpe Moss and Brandwood Moor
Lapwing	174	169	Lee Quarry, Oswaltdwistle Moor, Haslingden Moor and Thirteen Stone Hill
Merlin	10	10	Harden Moor and Brandwood Moor
Redshank	30	19	Lee Quarry, Oswaltdwistle Moor, Haslingden Moor and Thirteen Stone Hill
Ring Ouzel	39	24	Lee Quarry
Short Eared Owl	6	0	Swinshaw Moor
Snipe	89	104	Lee Quarry, Oswaltdwistle Moor, Haslingden Moor as well as Cowpe Moss and Brandwood Moor
Twite	140	112	Lee Quarry, Haslingden Moor, Oswaltdwistle Moor and Clowbridge Reservoir
Wheatear	43	50	Lee Quarry
Whinchat	8	33	Oswaltdwistle Moor, Haslingden Moor and Thirteen Stone Hill

### 5.7.6

In addition to LERN data there are several locations in Rossendale where bird counts have been completed by volunteers of the Bird Trust for Ornithology (BTO) through the Wetland Bird Survey (WeBS). The survey focusses on wetland birds and therefore many of the bird species of the breeding assemblage this report is concerned with are not accounted for. However, this data does give a useful indication of the prevalence of some species within the borough. Of the WeBS survey locations in Rossendale, one is found to be supporting local populations of Curlew, Dunlin, Lapwing, Redshank and Snipe (see **Table 5.6**). This location, found at Haslingden Grane Reservoirs, is spread across three reservoirs just west of Haslingden and south of the B6232. The nearest site allocation in the RBC Plan is Haslingden Grane Village; a partially greenfield 6.6ha site, situated 100m east of the most easterly reservoir at Haslingden Grane Reservoirs, and proposed for 160 new homes.



**Table 5.6:** WeBS data on the presence of species comprising the SPA’s breeding bird assemblage within Rossendale

Species	Curlew	Dunlin	Lapwing	Redshank	Snipe
Five year average count at Haslingden Grane Reservoirs	1	0	88	1	4

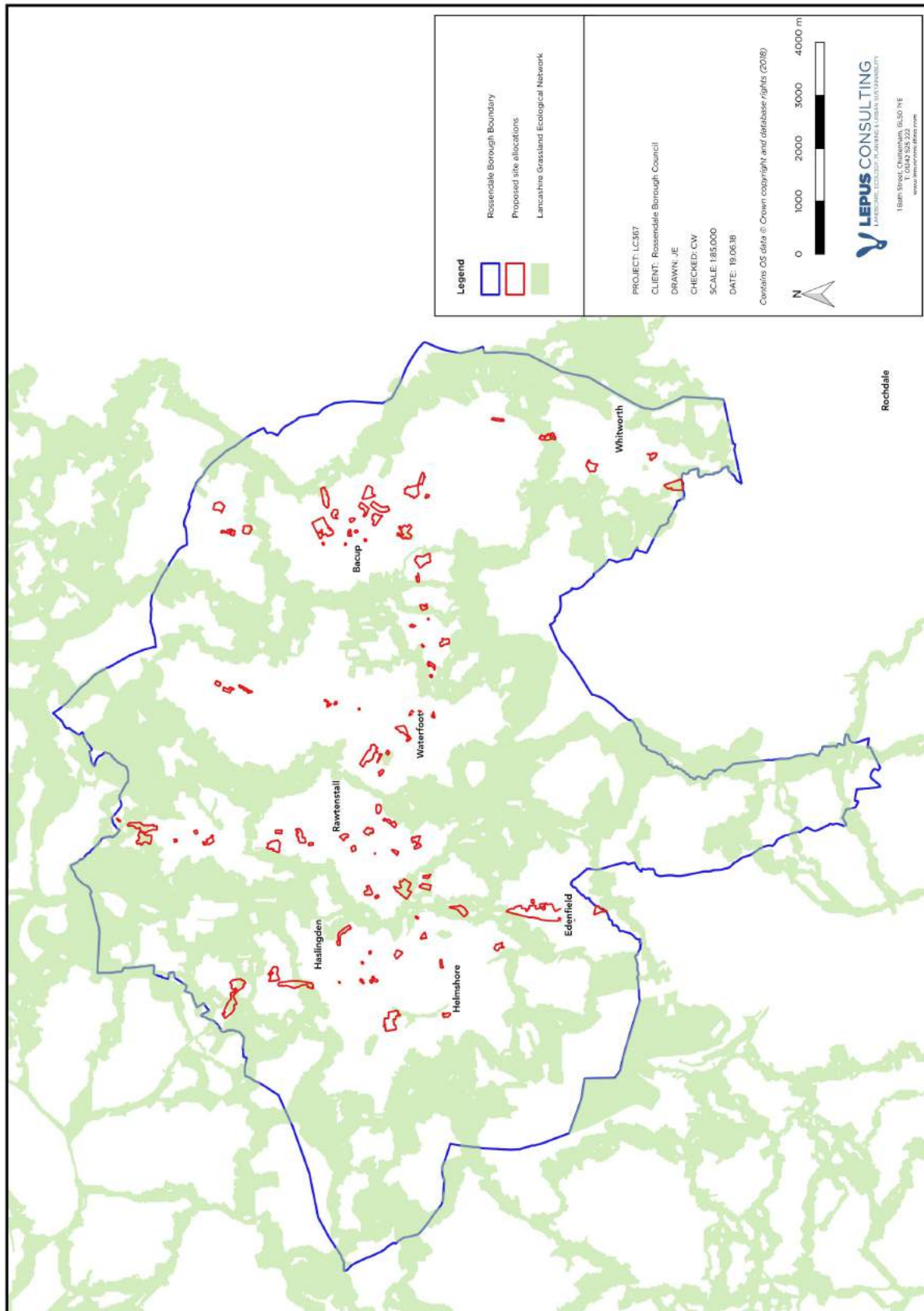
5.7.7 The majority of sites allocated for development in the Plan are previously undeveloped greenfield sites, many of which are outside the boundary of existing urban areas. There could therefore potentially be development occurring on land within the borough which currently provides important supporting habitat to species of the SPA’s breeding bird assemblage. However, the Plan is considered to have made best efforts to direct development away from important and sensitive bird areas with the allocated sites being situated away from the moorland and heathland ecological networks.

5.7.8 LERN has established a grassland and woodland ecological network for the county. **Figures 5.5** and **5.6** show how sites allocated for development in the Plan are predominantly outside these ecological networks.

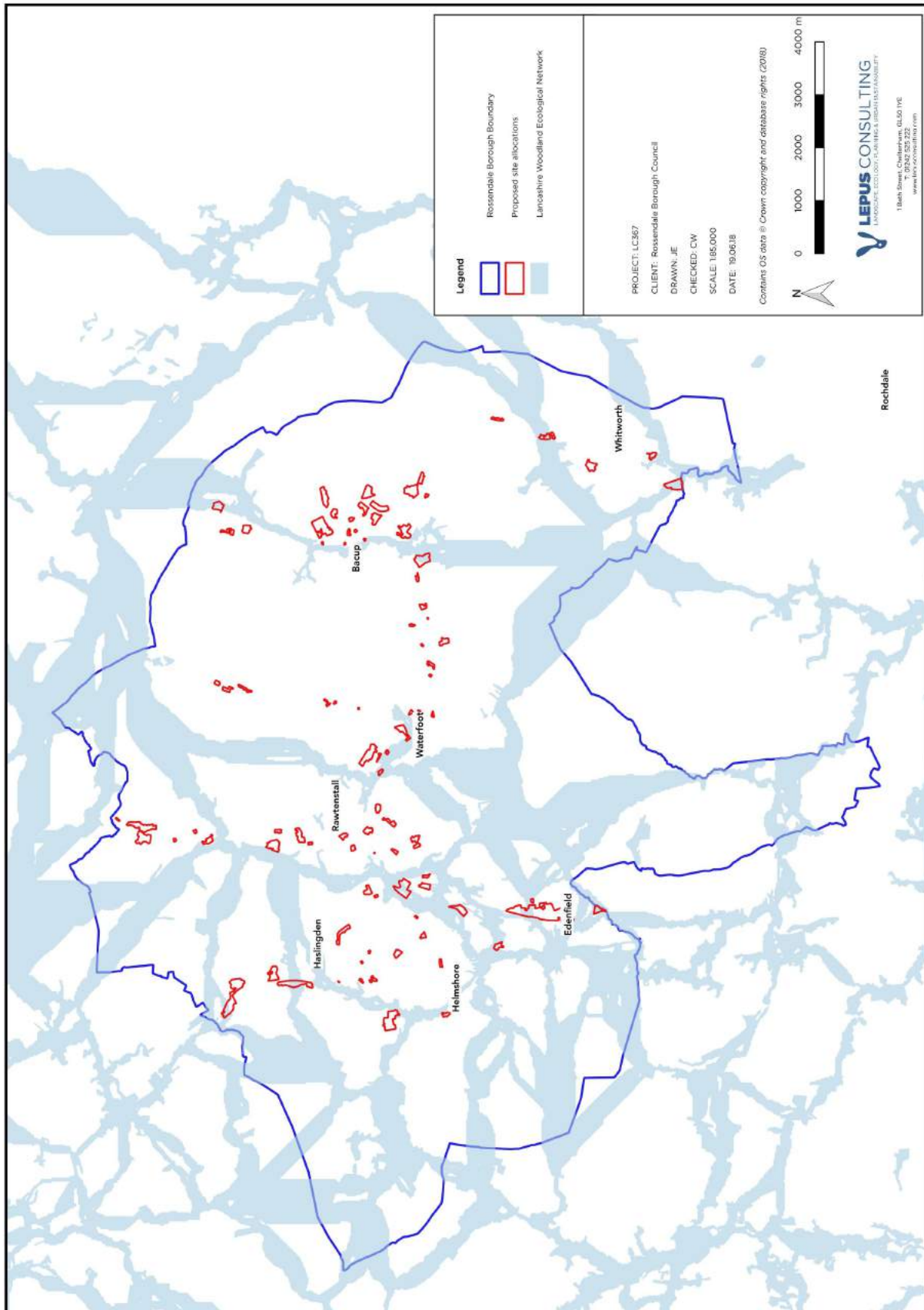
5.7.9 In 2014 LERN prepared a map of the wetland and heath network in the Borough, highlighting the core areas as well as stepping stones and corridors (see **Appendix E**). No site allocation in the RBC Plan coincides with a recognised core area or stepping stone habitat. A limited number of the greenfield site allocations likely contain supporting habitat to some extent.

5.7.10 There is also an extent of moorland in the borough providing important supporting habitat to the moorland and fringe moorland breeding bird assemblage of the SPA. This is based on Natural England’s definition for moorland as being unenclosed land of the English uplands. **Figure 5.7** shows how no site allocation proposal of the RBC Plan coincides with moorland habitat. It is considered to be unlikely that any development proposed in the RBC Plan will adversely impact the quality or quantity of habitat that supports the Phase II SPA’s breeding bird assemblage.

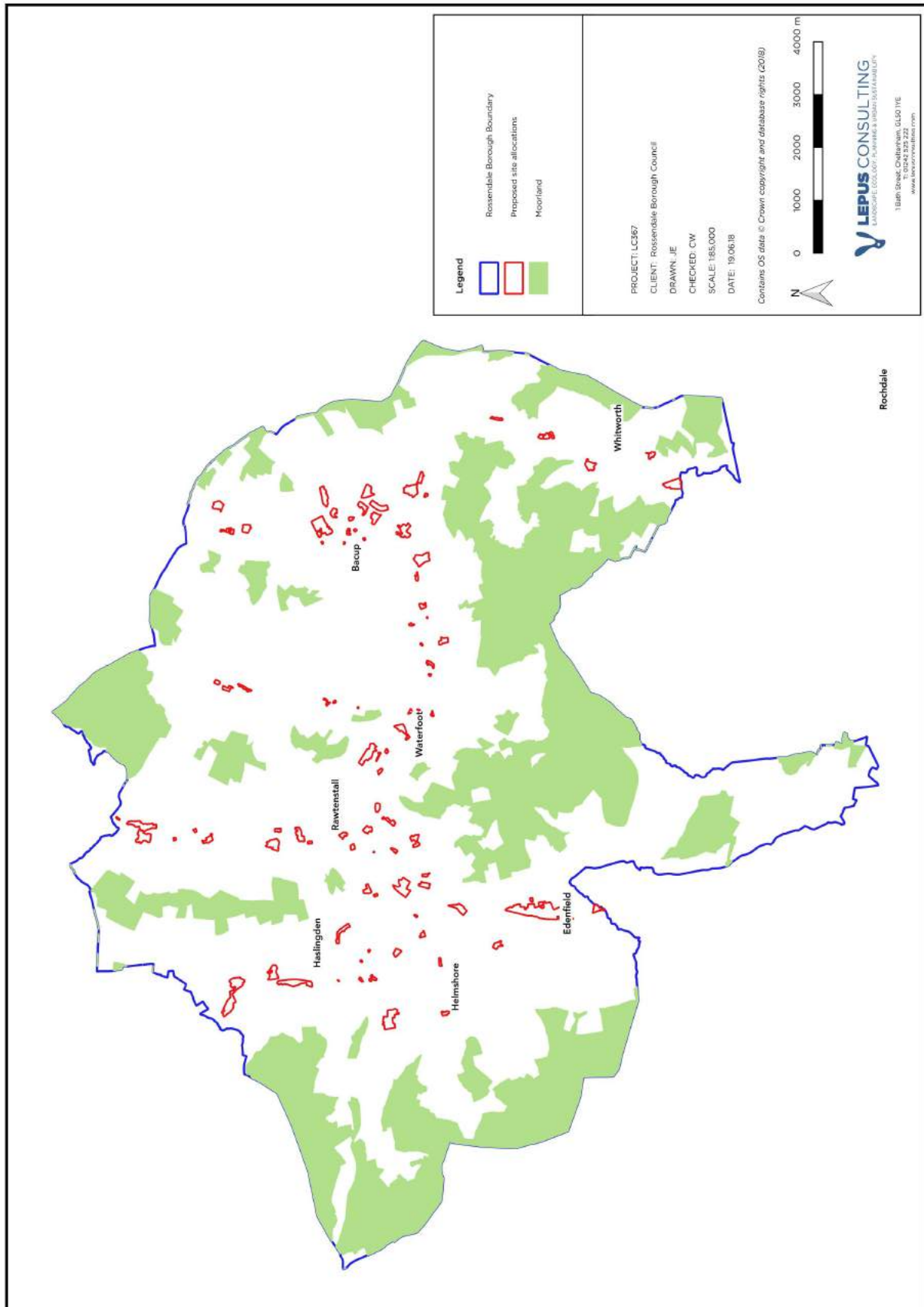
5.7.11 It is uncertain the extent to which development in the borough may adversely impact populations of the breeding bird assemblage in the borough in the future as their prevalence and distribution change over time. To help ensure adverse impacts as a result of development, both directly (such as the impacts of construction) and indirectly (such as the impacts of new residents walking dogs in sensitive bird areas) are avoided or mitigated, recommendations have been put forward to the Council in **Chapter 6**.



**Figure 5.5:** Proposed site allocations in the Regulation 19 Plan in relation to Lancashire's grassland ecological network



**Figure 5.6:** Proposed site allocations in the Regulation 19 Plan in relation to Lancashire’s woodland ecological network



**Figure 5.7:** Moorland habitat in Rossendale in relation to the proposed site allocations in the Regulation 19 Plan. No proposed site allocations coincide with moorland habitat.

## 5.8 Increase in Annual Visits to South Pennine Moors

5.8.1 The HRA Screening Report was unable to objectively rule out an LSE on South Pennine Moors Phase 2 SPA and South Pennine Moors SAC as a result of an increase in public access associated disturbances caused by the Rossendale Plan.

5.8.2 The South Pennine Moors Integrated Management Strategy and Conservation Action Programme identifies the following recreational activities as being popular on the South Pennine Moors:

- Walking (including dog walking);
- Horse-riding;
- Cycling/mountain biking;
- Hang gliding;
- Rock climbing;
- Model aircraft flying;
- Orienteering;
- Fell running;
- Off-road driving;
- Grouse shooting; and
- Angling.

5.8.3 These activities can result in disturbances for the breeding bird assemblage of South Pennine Moors Phase 2 SPA, such as due to a dog running in close proximity to ground nests. Recreational activities can also result in erosion, arson and trampling of sensitive habitats such as those protected in South Pennine Moors SAC and those supporting the breeding bird assemblage.

5.8.4 The South Pennine Moors SPA and SAC are highly accessible via road and car with numerous entrance points and car parks as well as an extensive footpath network.

- 5.8.5 Dog walkers are a particular threat to the breeding bird assemblage of the European sites. The 2014 Natural England report found 50% of those surveyed at South Pennine Moors to be 'Walking With a Dog'<sup>30</sup>. A high proportion of visitors to the South Pennine Moors walk their dogs, stray off path and let their dogs off the lead. In 2015 there were approximately 8.5 million pet dogs in the UK<sup>31</sup> with 26% of households home to at least one dog (based on a sample of 4,000 people)<sup>32</sup>. If you exclude the region of London from consideration, approximately 30% of households are home to at least one dog<sup>33</sup>. Results from the Natural England Monitor of Engagement with the Natural Environment (MENE) survey found that in between 2014 and 2015, 92% of the 5,479 people surveyed who were walking their dog travelled no more than 8km to reach the dog walking location.
- 5.8.6 It is expected that the Plan will deliver approximately 3,180 homes over the Plan period, at a rate of 212dpa for 15 years. Assuming an average household size of 2.3 people per dwelling (the Rossendale average), the Plan could potentially contribute towards an increase in the local population by approximately 7,314.
- 5.8.7 A 2014 Natural England report on visits to the South Pennine Moors<sup>34</sup>, based on the Monitor of Engagement with the Natural Environment (MENE), looked at the complicated nature of visitor data at the Moors. The report<sup>35</sup> provides 'visits per capita' estimates for local authorities. Lepus has discussed these figures at length with the researchers behind MENE and those who prepared the report and it has become apparent that the 'per capita' figures are inaccurate and unreliable and should not be used in this assessment.

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<sup>30</sup> Natural England, NECR150, Monitor of Engagement with the Natural Environment survey (2009 -2012): Visit taking in the South Pennines. Published 16 May 2014.

<sup>31</sup> RSPCA (2015) Facts and figures. Available online at: <https://media.rspca.org.uk/media/facts> . Accessed 17.05.17

<sup>32</sup> Pet Food Manufacturer's Association (2015/16) Pet population 2016. Available online at: <http://www.pfma.org.uk/pet-population-2016> . Accessed 17.05.17

<sup>33</sup> Pet Food Manufacturer's Association (2015/16) Regional pet population 2016. Available online at: <http://www.pfma.org.uk/regional-pet-population-2016> . Accessed 17.05.17.

<sup>34</sup> Natural England, NECR150, Monitor of Engagement with the Natural Environment survey (2009 -2012): Visit taking in the South Pennines. Published 16 May 2014.

<sup>35</sup> Natural England, NECR150, Monitor of Engagement with the Natural Environment survey (2009 -2012): Visit taking in the South Pennines. Published 16 May 2014.

- 5.8.8 The report also states 4.1% of those surveyed at the Moors were residents of Rossendale. Applying this to the estimated 20 million total annual visits, the report calculates there to be 820,000 annual visits to the South Pennine Moors from residents of Rossendale.
- 5.8.9 The population of Rossendale is approximately 69,800<sup>36</sup>. Residents of the borough currently make approximately 820,000 visits to the Moors every year and so there could be considered to be 11.75 visits per person per year (i.e. 820,000/69,800).
- 5.8.10 If the Plan increases the local population by 7,314, at 11.75 annual visits each the Plan would result in 86,000 additional annual visits.
- 5.8.11 The South Pennine Moors currently receive 20,000,000 visits each year, spread out over 66,207ha. The SAC and SPA are relatively large European sites and are significantly greater than the size of Rossendale (see **Figure 5.3**). An increase in annual visits of 86,000 would constitute a 0.44% increase in annual visits in relation to existing levels. These visitors would be spread over several thousand hectares.
- 5.8.12 However, it is considered to be a somewhat ill fit to apply an average visits per capita to the anticipated net increase in Rossendale's population. The South Pennine Moors are not the only outdoor attraction for Rossendale's residents and some residents are much more likely to visit the Moors than others, such as due to proximity or ease of access.
- 5.8.13 The 2014 Natural England report on visits to the South Pennine Moors found that 73% of visits involve travel distances of 8km or less. Approximately 82% involve travel journeys of less than 16km.

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<sup>36</sup> <http://www.lancashire.gov.uk/lancashire-insight/population-and-households/population/mid-year-population-estimates>



5.8.14 Recently, the Habitat Regulations Assessment Screenings and Appropriate Assessments have been published for Burnley Borough Council, Kirklees Borough Council and Bradford Borough Council. Each have undertaken an assessment of the likely increase in visitor numbers at the South Pennine Moors as a result of their proposed Local Plans. The HRA for Kirklees BC<sup>37</sup> and Burnley BC<sup>38</sup> state that:

*“7km has been taken to be the threshold distance at which development could result in impacts upon the South Pennine Moors SPA (and SAC). This is the distance at which studies supporting the Bradford Core Strategy have determined that mitigation may be required for recreation impacts. It is also a distance which encompasses most of the trips made to the South Pennines, as identified in Natural England’s visitor study”.*

5.8.15 With reference to the HRAs for Burnley, Kirklees and Bradford as well as the 2014 Natural England survey, a 7km buffer has been applied to the SAC and SPA in **Figure 5.8**. The sites allocated for development in the Rossendale Regulation 19 Local Plan, which fall within the 7km buffer zone, are focused on in **Figure 5.9**. This includes the following residential site proposals:

- H21 – Old Market Hall, Bacup - 14 dwellings;
- H22 – Reed Street, Bacup - 13 dwellings;
- H23 – Former Bacup Health Centre - 22 dwellings;
- H27 – Land off Greensnook Lane - 33 dwellings;
- H29 – Sheepphouse Reservoir, Britannia - 63 dwellings;
- H30 – Land off Pennine Road, Bacup - 84 dwellings;
- H31 – Tong Farm, Bacup - 76 dwellings;
- H32 – Lower Stack Farm - 10 dwellings;
- H34 – Land off Rockcliffe Road (East of Empire Theatre) - 63 dwellings;
- H35 – Land at Higher Cross Row - 17 dwellings;
- H38 – Land off Gladstone Street - 63 dwellings;
- H40 – Land off Cowtoot Lane - 151 dwellings;
- H41 – Land off Todmorden Road - 53 dwellings;
- H42 – Thorn Bank - 46 dwellings;
- H43 – Land south of the Weir Public House - 52 dwellings;
- H44 – Land west of Burnley Road, Weir - 10 dwellings;
- H45 – Irwell Springs, Weir - 46 dwellings;
- H66 – Hargreaves Fold Lane, Chapel Bridge, Lumb - 23 dwellings;
- H67 – Albert Mill, Whitworth - 49 dwellings;

<sup>37</sup> Land Use Consultants (March 2017), Habitats Regulations Assessment Report, Publication Draft Kirklees Local Plan

<sup>38</sup> Land Use Consultants (March, 2017), Habitats Regulations Assessment Report, Burnley Local Plan: Proposed Submission Local Plan

- H68 – Land North of King Street - 5 dwellings;
- H69 – Land Behind Buxton Street - 28 dwellings; and
- H71 – Cowm Water Treatment Works, Whitworth - 20 dwellings.

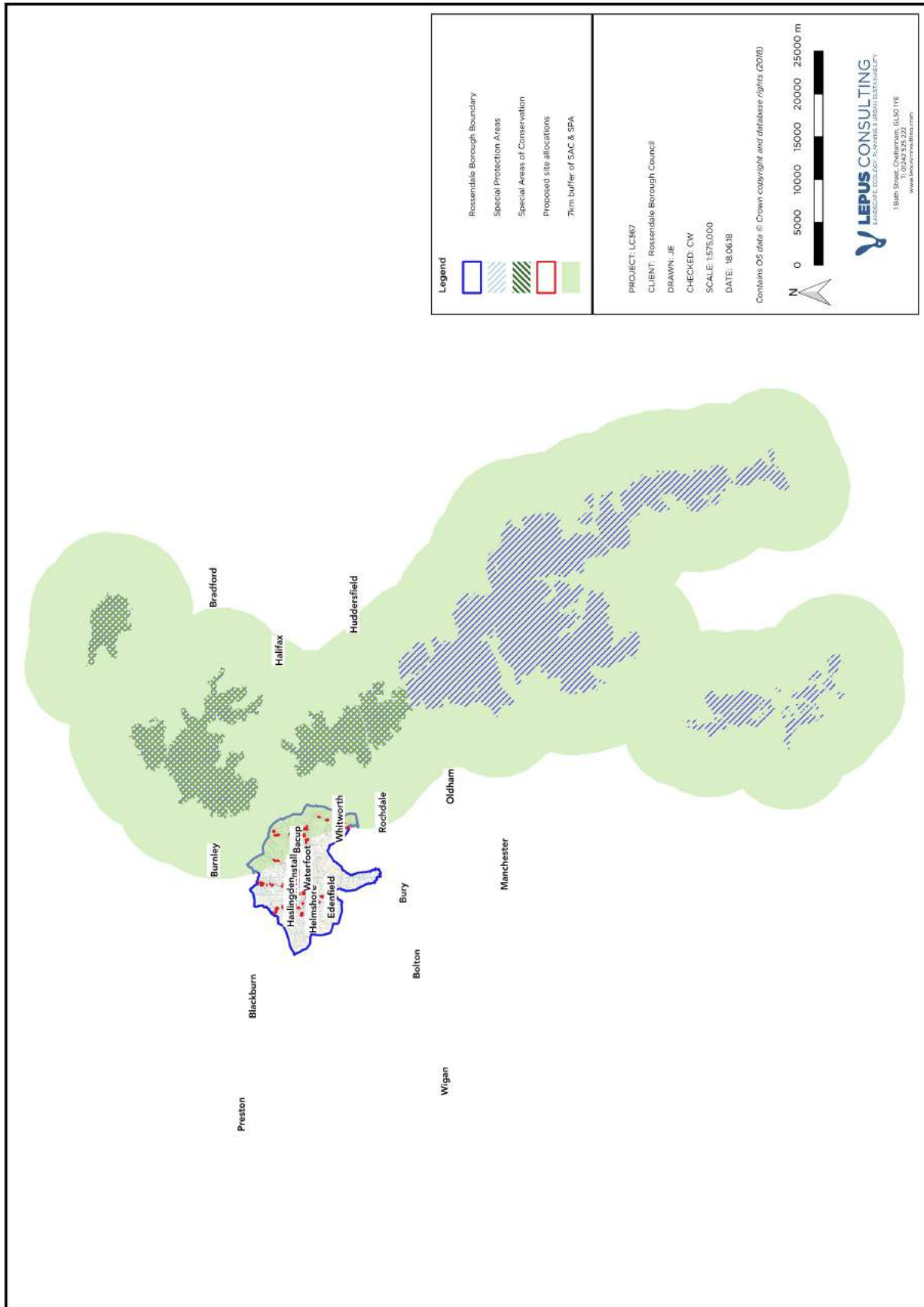
5.8.16 These sites propose a total of 941 new dwellings. Assuming a 2.3 average dwelling occupancy, 941 new homes could be expected to result in 2,164 new residents situated within the 7km buffer zone. At 11.75 annual visits per person per year, this would increase the number of annual visits to the Moors by approximately 25,430 which, as a proportion of existing levels, would constitute a 0.14% increase.

5.8.17 Approximately 1,927ha of the SPA and SAC are within 7km of sites proposed for residential development (new homes) in the RBC Plan. The Plan may therefore result in an additional 25,430 annual visits to the European designations, primarily distributed across 1,927ha of the Moors, which equates to a 14 additional annual visits per hectare.

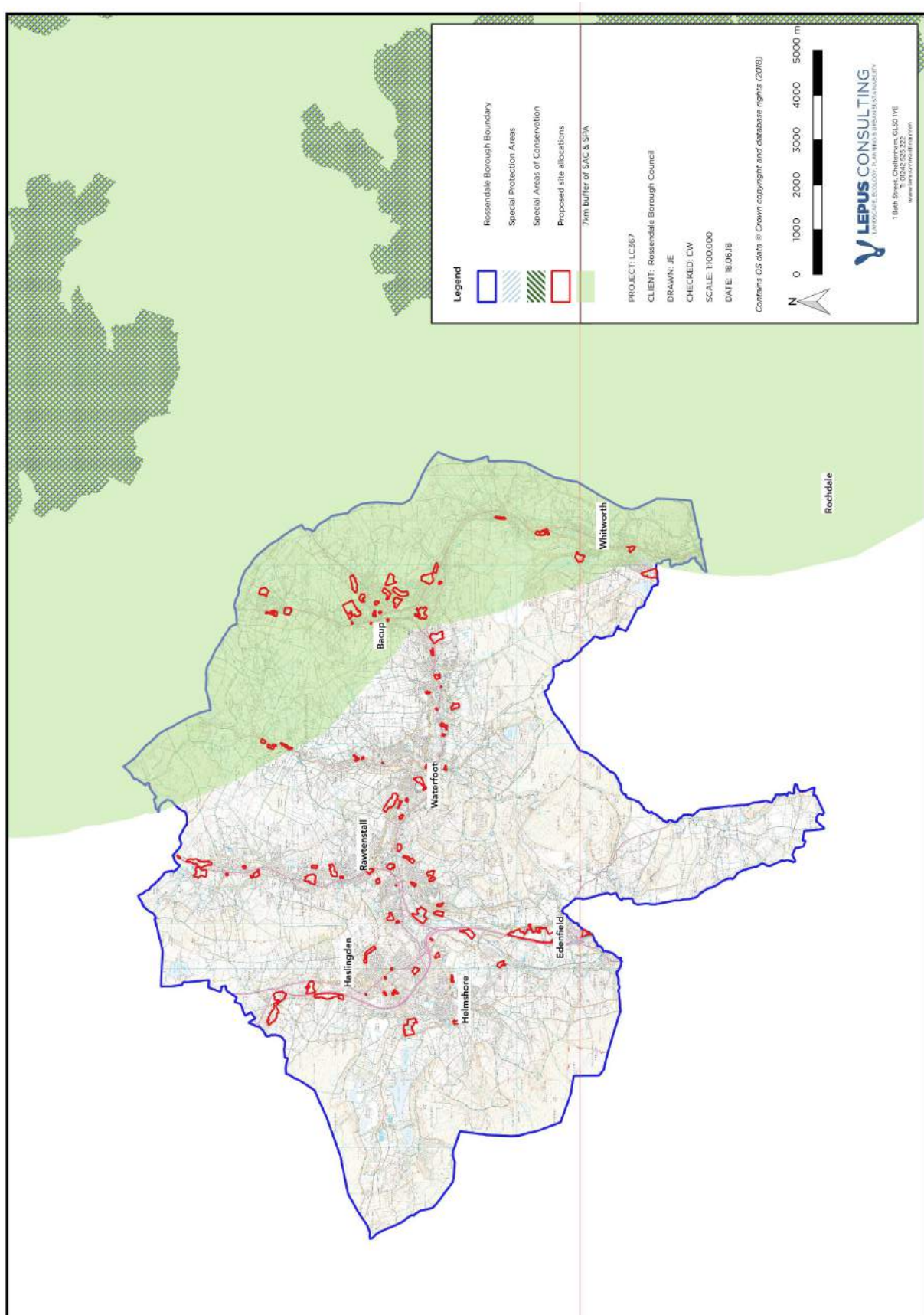
5.8.18 It can be stated with confidence that the increase in visitor numbers anticipated for the Moors to be caused by the RBC Plan will include an increase in the number of people walking their dogs there and therefore the risk of disturbance. If the RBC Plan were to increase annual visits to South Pennine Moors by around 25,430 – 86,000, the number of people walking a dog at the Moors could potentially increase by 10,500 – 43,000.

5.8.19 The above calculations on the likely increase in visitors to the SAC and SPA as a result of development proposed in the Rossendale Local Plan are estimates based on the best available data with a degree of uncertainty. However, the approximate calculations show that:

- As a proportion of existing levels, the increase in annual visits would be likely to be relatively negligible and to constitute less than a 0.5% increase; and
- The additional annual visits will be distributed across several thousand hectares of land, with a very low increase in annual visits when considered 'per hectare'. It should be noted that there will be likely to be larger numbers of visitors at honey pots such as popular walking paths or renowned views.



**Figure 5.8:** South Pennine Moors SAC and SPA with a 7km buffer zone in relation to Rossendale



**Figure 5.9:** Site allocations in the Rossendale Regulation 19 Local Plan in relation to the 7km buffer zone applied to South Pennine Moors SAC and South Pennine Moors Phase 2 SPA

## 5.9 Mitigation in the Local Plan

- 5.9.1 Thus far this chapter has assessed the potential impacts of development proposed in the Local Plan on European sites through an increase in recreational disturbances. The Local Plan also proposes a range of development management policies, many of which will be likely to help mitigate the potential adverse impacts to some extent (see **Table 5.7**).
- 5.9.2 A range of policies proposed in the RBC Local Plan are designed to help ensure that important biodiversity assets in the borough are protected and enhanced as a result of development and adverse impacts on sensitive and important bird habitats are highly unlikely as a consequence.
- 5.9.3 Policies proposed in the Plan will also help to ensure that new and existing residents have excellent access to a diverse range of high quality and distinctive natural habitats and outdoor greenspaces. These spaces will be closer and more accessible to Rossendale's residents than the South Pennine Moors and will therefore reduce the likelihood of new and existing residents relying on the Moors for outdoor recreational purposes.
- 5.9.4 Overall, the RBC Plan alone is expected to result in a negligible/minor increase in visitor numbers at South Pennine Moors Phase II SPA and SAC, with the additional annual visits spread out over a vast distance. Mitigation incorporated into Local Plan policies will also be likely to limit the increase in visitor numbers and to protect qualifying features in the borough.
- 5.9.5 It is concluded that an LSE on South Pennine Moors SAC or South Pennine Moors Phase 2 SPA, as a result of recreational disturbances caused by the RBC Plan alone, can be objectively ruled out.

**Table 5.7:** Likely mitigating impact of Local Plan policies

Policy	Anticipated mitigating impact in relation to HRA
<b>Biodiversity, Geodiversity and Ecological Networks</b>	<ul style="list-style-type: none"> <li>- This policy requires all development proposals which may adversely affect a nationally or locally designated site to be accompanied by the relevant surveys and assessments detailing the impacts. Proposals are expected to accord with the avoid &gt; mitigate &gt; compensate hierarchy. Development which harms a SSSI (including Lee Quarry) will not be permitted.</li> <li>- This policy also sets out protection for the ecological networks within the borough, for which a Supplementary Planning Document will be produced to more fully set out the elements of this protection. Overall, it is unlikely that development which adversely impacts the ecological networks in the borough will be permitted.</li> <li>- The protection and enhancement of green spaces and biodiversity assets under this policy will help to ensure existing and new residents have access to high quality green spaces and natural habitats within the borough, thereby reducing the likelihood of them visiting European sites on a regular basis.</li> <li>- Through this policy, RBC set out the requirement for development proposals of 100 homes or more to prepare an appropriate assessment of the likely development impacts on the Breeding Bird Assemblage in Rossendale.</li> <li>- RBC intend to seek out provisions for the creation of Suitable Alternative Natural Green Spaces (SANGS) where proposals may result in an individual or cumulative impact on Priority Species in the Borough.</li> <li>- Through this policy, RBC set out their commitment to work with other authorities and partner organisations in the South Pennines to develop a Visitor Management Plan for the South Pennine Moors SPA.</li> </ul>
Private Residential Garden Development	<ul style="list-style-type: none"> <li>- This policy will help to protect residential gardens from being lost to development, thereby protecting open and green spaces in the borough. This will be likely to help reduce the likelihood of new residents relying on sensitive bird areas for outdoor recreational pursuits or frequent dog walking whilst also preserving vegetation cover and the presence of trees in the Borough.</li> </ul>
Open Space Requirements in New Housing Developments	<ul style="list-style-type: none"> <li>- This policy will require housing developments of 10 or more dwellings to make provision for open space and recreation facilities where there are deficiencies. This will help to ensure new residents have good access to high quality green and outdoor spaces as well as natural habitats, thereby reducing the likelihood of new residents visiting sensitive bird areas or European sites.</li> </ul>
Private Outdoor Amenity Space	<ul style="list-style-type: none"> <li>- New developments will be required to provide adequate private outdoor amenity space, typically in the form of gardens. The provision of outdoor greenspaces will be likely to help reduce the likelihood of new residents relying on sensitive bird areas or moorland habitat for regular outdoor recreation.</li> </ul>
High Quality Development in the Borough	<ul style="list-style-type: none"> <li>- This policy sets out a range of requirements for development in the borough which will, amongst other things, help to ensure that new development protects local biodiversity and green infrastructure assets. As all proposals will be required to show that there is no adverse impact to the natural environment, or that any such impacts will be adequately mitigated, there will be limited scope</li> </ul>

	adverse impacts on biodiversity in the borough, as a result of development, to occur.
Green Infrastructure Networks	In accordance with this policy, development proposals will be expected to support, protect, manage, enhance and connect the green infrastructure network in the borough. This will help to protect important bird areas from the adverse impacts of development, as well as to conserve outdoor green spaces and natural habitats – thereby reducing the reliance of residents on European sites for recreational purposes.
Footpaths, Cycleways and Bridleways	<p>In accordance with this policy, the Council will seek to help develop and enhance a strategic Public Rights of Way (PRoW) network in the borough, including surfacing, signage and feeder routes.</p> <p>Residents in the borough have excellent access to high quality and distinctive landscapes of a countryside nature prevalent throughout the borough typified by valleys with enclosed uplands. These areas are likely to be highly attractive destinations for residents pursuing outdoor activities such as dog walking.</p> <p>This policy will improve the accessibility of outdoor greenspaces and natural habitats in the borough, which will reduce the likelihood of residents relying on European sites for outdoor recreational activities.</p>

## 5.10 In-combination assessment

- 5.10.1 Based on limited visitor survey data currently available, the potential increase in annual visits to the South Pennine Moors as a result of the RBC Plan - when considered alone – was roughly calculated as being 25,430 – 87,786 across 1,927ha – 66,000ha (see **Section 5.5**).
- 5.10.2 South Pennine Moors are currently thought to be receiving 20 million annual visits. As a proportion of existing numbers, the Rossendale Plan will be likely to result in a negligible increase of less than 0.5%. However, the Rossendale Local Plan will not be adopted in a vacuum and in reality impacts of the Plan on the SAC and SPA will be in-combination with impacts from other plans and projects. Several other local authorities in the nearby area are also in the process of preparing local planning documents, each of which proposes several thousand new homes to accommodate their forecast population and economic growth. Each of these will be likely to increase visitor numbers to some extent with natural variances in the distribution of visitors (i.e. visitors from each authority are more likely to visit some parts of the Moors than others).

- 5.10.3 The local planning authorities listed in **Table 5.8** are within 7km of the same portions of the South Pennine Moors Phase 2 SPA and SAC that Rosendale is, and these have therefore been included within the in-combination assessment (see **Figure 5.10**).
- 5.10.4 Each of the Plans in **Table 5.8** has undergone their own HRA process, within which the potential for in-combination effects was also considered. A review of each of these has found that no Plan in any of the relevant LPAs are anticipated to have an in-combination effect at the SPA. The Local Plan for Rossendale proposes less development, at locations usually further away from the European sites, than most other local authorities in the area.
- 5.10.5 The HRA reports for the local planning documents in Kirklees, Burnley and Bradford were unable to rule out an LSE on South Pennine Moors Phase 2 SPA through recreational disturbances without first incorporating mitigation measures into the Plans. The HRA of the Calderdale Plan currently concludes that an LSE on the Phase 2 SPA, as a result of recreational disturbances alone, cannot be ruled out yet. Calderdale is in the process of preparing targeted visitor surveys to inform a detailed mitigation strategy.
- 5.10.6 Of the relevant LPAs, where plans may potentially have an adverse impact on the South Pennine Moors appropriate avoidance and mitigation schemes have been adopted to help ensure they do not arise, such as in Bradford, Kirklees and Burnley. Several plans have conducted in-combination assessments which considered future development in Rossendale and ruled out an LSE. It is therefore considered that an in-combination LSE which undermines the conservation objectives of the European sites at South Pennine Moors can be objectively ruled out.



5.10.7 There is likely to be a growing concern over the coming years about the impacts of visitor numbers at South Pennine Moors, caused by development and population growth in riparian authorities as well as across the country. This threat will be likely to be exacerbated by the lack of an authoritative or well-resourced management structure, such as National Park Authority, at South Pennine Moors. RBC recognise this problem and are committed to cooperating with the relevant authorities and organisations (including neighbouring LPAs, Pennine Prospects and Natural England) over the coming years to prepare and adopt an appropriate Visitor Management Plan for the SPA/SAC which studies, manages and mitigates the impacts of visitors. This is clarified within the RBC Plan in the explanatory text of Policy ENV4, which states:

*“The Council will 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).”*

**Table 5.8:** Plans with which the RBC Plan could potentially have an in-combination effect alongside the conclusions of the relevant HRA documents

Local Planning Authority	Expected level of growth	Plan & HRA latest
Calderdale Metropolitan Borough	The Local Plan will seek to deliver 1,125dpa over until 2032 for a total of 16,871 new dwellings.	Calderdale Council are in the process of preparing their Calderdale Local Plan, aiming for approval in 2019. The HRA for Calderdale concludes that an LSE on South Pennine Moors SAC/SPA, as a result of air pollution as well as recreational disturbances, cannot be objectively ruled out at that time.
Burnley Borough	The Burnley Local Plan Proposed Main Modifications sets out a minimum of 3,880 new dwellings over the 2012 – 2032 Plan period.	The Burnley Local Plan was submitted to the SoS for Examination on 20 July 2017. The Council are in the process of consulting on Main Modifications. The HRA calculated that the Burnley Plan could potentially result in an additional 100,000 annual visits to the South Pennine Moors SPA and SAC. The HRA concluded, in relation to South Pennine Moors Phase 2 SPA and South Pennine Moor SAC, that for an LSE through recreational disturbances (i.e. an increase in visitor numbers) to be avoided the Council should commit to a 'Visitor Management Plan' for the South Pennine Moors. The Visitor Management Plan, for which details are not currently available from Burnley BC or Burnley's HRA consultants, will include the following objectives: <ul style="list-style-type: none"> <li>• To understand the spatial use of the site by qualifying species</li> <li>• To understand the condition of qualifying habitats</li> <li>• To understand primary visitor access locations and from where visitors travel</li> <li>• To understand the primary recreational activities undertaken at the site</li> <li>• To actively manage visitor access to avoid spatial and temporal ecological sensitivities.</li> <li>• To develop and fund appropriate habitat management and restoration where required, on an ongoing basis</li> <li>• To develop on-site visitor education to encourage sensitive recreational use of the site.</li> </ul>
Pendle Borough	The Core Strategy sets out a need for 298dpa for a total of 5,662 new dwellings by 2030.	The Local Plan Part 1 Core Strategy was adopted by the Council in 2015 to help guide development until 2030. The Council intend to publically consult on the Local Plan Part 2 Site Allocations and Development Policies in the summer of 2018. The HRA of the Core Strategy concludes that no LSEs will arise due to any policy. The Site Allocations and Development Policies, and its HRA, are not yet available.

Rochdale Borough	The Core Strategy seeks to deliver 460dpa over 15 years for a total of 6,900 new dwellings.	Rochdale adopted their Core Strategy in 2016. The 2013 HRA Report concluded that, providing the recommended mitigation measures, which take the form of amending and controlling development in the strategic locations through the Plan and amending the core policies, are put into place, controlled development within the identified areas can proceed without harm being caused to the special interests of any Natura 2000 sites.
Kirklees District	The Plan seeks to deliver 27,300 new homes by 2031.	The Kirklees Local Plan was submitted in April 2017 and is currently being examined. The HRA adopted a 7km threshold distance at which development may impact the SPA through recreational disturbance. The Plan allocates 4,579 new homes within 7km which was calculated to increase the number of annual visitors at the SPA by 136,900 – 142,900. Because that would constitute a 0.3% increase in visitor numbers in relation to existing levels, an LSE is ruled out. The HRA rules out an in-combination effect for all European sites.
Oldham Metropolitan Borough	The Site Allocations DPD will seek to deliver 289dpa for a total of 4,624 new dwellings by 2025/26.	The Council are in the process of preparing their Site Allocations Development Plan Document to accompany the Joint DPD. The HRA ruled out an LSE on all European sites.

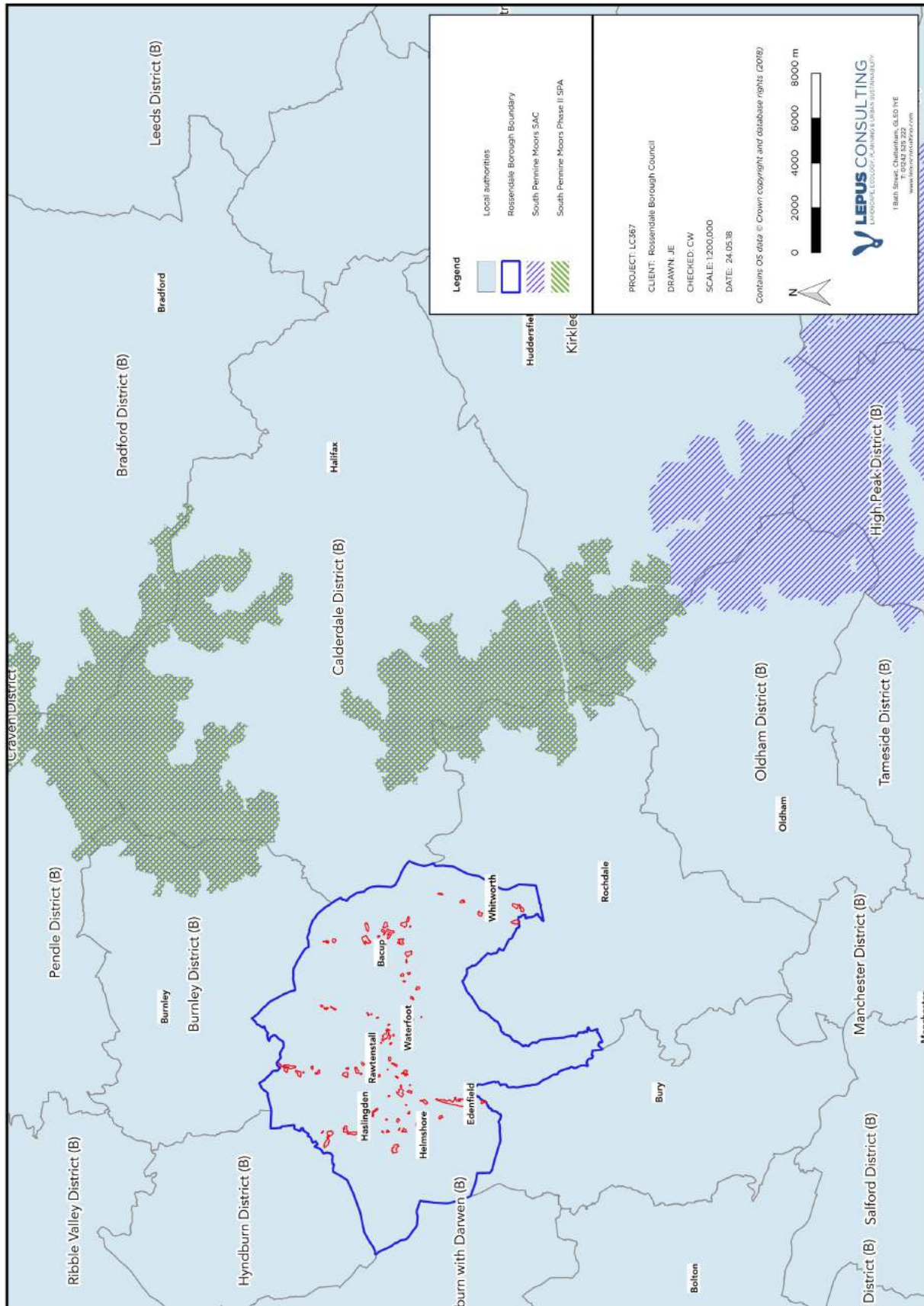


Figure 5.10: Local authorities in relation to Rossendale and the European sites

## 6 Recommendations

### 6.1 Recreational disturbances

- 6.1.1 This HRA AA has concluded that, based on the best available data, the RBC Local Plan could potentially result in an additional 25,430 – 87,786 annual visits to the Moors. As a proportion of the existing visitor numbers at the Moors, estimated to be 20,000,000 a year, 25,430 – 87,786 is considered to be a relatively negligible increase in visitor numbers that is unlikely to have a significant effect on the conservation objectives of the European sites. The avoidance and mitigation proposals in the Plan will be likely to have a positive impact on the quality and distribution of supporting habitat within Rossendale. To help ensure that an in-combination LSE does not arise, [Recommendation 1](#) has been put forward in **Box 6.1**.

### 6.2 Qualifying features in Rossendale

- 6.2.1 The breeding bird assemblage for which South Pennine Moors Phase 2 SPA is classified relies on habitats within Rossendale to maintain their population and distribution. It is considered to be unlikely that any development proposal in the RBC Plan will adversely impact the quality, quantity or distribution of these habitats. This is based on the site proposals not coinciding with moorland, wetland and heathland as well as the avoidance and mitigation schemes incorporated into the RBC Plan and the requirement for development proposals to provide evidence on their impacts on biodiversity. To help ensure that adverse impacts on the habitats in Rossendale are avoided, [Recommendation 2](#) has been put forward in **Box 6.1**.

### Box 6.1: Mitigation recommendations

#### Recommendation 1 – Visitor Management Plan

There is expected to be a net increase in annual visits to South Pennine Moors SAC and South Pennine Moors Phase 2 SPA in the order of several hundred thousand, or several million, by 2030 as a result of development and population growth in nearby authorities as well as across the country.

RBC is committed to future cooperation with neighbouring authorities and Pennine Prospects to help prepare and adopt an appropriate management scheme which will study, manage and mitigate recreational disturbances (see Policy ENV4). It is recommended that RBC ensure that a Visitor Management Plan is adopted, potentially through Pennine Prospects or an alternative delivery scheme, which seeks:

- To understand the condition of qualifying habitats;
- To understand the spatial use of the site by qualifying species;
- To understand primary visitor access locations and from where visitors travel;
- To understand the primary recreational activities undertaken at the site;
- To actively manage visitor access to avoid spatial and temporal ecological sensitivities;
- To develop and fund appropriate habitat management and restoration where required, on an ongoing basis; and
- To develop on-site visitor education to encourage sensitive recreational use of the site.

#### Recommendation 2 – HRA of Development Proposals

The distribution of the breeding bird assemblage and the habitats on which they rely is liable to change over time. At this stage it is therefore uncertain, to some extent, whether development proposals will reduce the quality or quantity of these habitats in the borough. To help ensure that this isn't the case, the Council is committed to requiring proposals for 100 homes or more to prepare an appropriate assessment of the likely impacts of the proposed development on the Breeding Bird Assemblage in Rossendale (the Assemblage for which South Pennine Moors SPA was classified) (see Policy ENV4).

It is recommended that these assessments carefully consider the likely development impacts on:

- The breeding bird assemblage (comprising the twelve species listed in **Table 5.3**) for which South Pennine Moors Phase 2 SPA is classified; and
- The habitats and supporting processes on which these birds rely.

Common impacts of construction include loss of habitat, direct harm to habitats, loss of supporting habitats and increased disturbance.

Common impacts of new residents in the vicinity of important bird areas of principle concern is the increased risk and regularity of disturbance from people and their pets (including increased risk of predation by pet cats and disturbance from pet dogs off the lead).

Proposals which would adversely impact the breeding bird assemblage, or the habitats on which they rely, without following the necessary avoid > mitigate > compensate hierarchy, should not be supported in principle.

# 7 Conclusions and next steps

## 7.1 Assessment findings

7.1.1 Lepus Consulting (Lepus) has prepared this Habitat Regulations Assessment (HRA) Appropriate Assessment (AA) report of the emerging Rossendale Local Plan 2019 - 2034 (Local Plan) on behalf of Rossendale Borough Council (RBC). This follows on from the HRA Screening Report prepared by Lepus in 2016.

7.1.2 The purpose of HRA is to objectively rule out a Likely Significant Effect (LSE) on a European site (either a Special Area of Conservation (SAC) or a Special Protection Area (SPA) as a result of the Local Plan either alone or in-combination with other Plans and Projects. Following consultation on the HRA Screening Report, it was agreed with Natural England that the following impacts required further investigation before an LSE could be objectively ruled out:

- Natural England would like to see a full audit trail and an explanation for why each policy and allocation will not have a significant effect;
- Natural England agrees with the statements in the HRA but it could be an option to provide further explanation for why there are no impacts;
- Further explanation is required for point 4.12.4 to explain why not part of the Plan is likely to contribute to the pressure/threats of physical modification. This could be because of the proximity of allocations, which requires further details; and
- Recreational disturbance has not been addressed in the HRA because of the lack of available data. Further clarification is required to explain how the HRA proposed to address recreational disturbance.

7.1.3 This HRA AA report has investigated the above issues in detail. After a close analysis of the best available data, it is concluded in this report that an LSE on all European sites, caused by the RBC Plan alone and in-combination, can be objectively ruled out.

7.1.4 The potential impacts of the RBC Plan on visitor numbers at South Pennine Moors was explored closely in this assessment. The likely increase in visitor numbers to the Moors caused by the RBC Plan alone, based on the best available data, will be negligible in relation to existing visitor numbers.

7.1.5 The likely increase in visitors at the Moors as a result of the RBC Plan in-combination with other Plans and Projects could potentially be relatively significant - although calculating a precise figure for this is not possible. To help ensure a recreational disturbance LSE caused by the cumulative impact of multiple plans in-combination does not arise, RBC have adopted mitigation into their Plan and other LPAs in the local area, such as Burnley, Bradford and Kirklees, have done the same. Policy ENV4 in the RBC Plan which will commit the Council to:

- Working with local authorities on a Visitor Management Plan for South Pennine Moors SPA; and
- Requiring development, where appropriate, to incorporate habitat features of value to wildlife. Additionally, *'proposals of 100 dwellings or more will be expected to undertake an "Appropriate Assessment" of the impact of the proposals on the Breeding Bird Assemblage for the South Pennine Special Protection Area that are also present within the Borough'.*

7.1.6 It is concluded that an LSE on all European sites, caused by the RBC Plan alone or in-combination with other plans and projects, can be objectively ruled out at this stage.

## 7.2 Next steps

7.2.1 This report is subject to consultation with the statutory body Natural England.



# APPENDIX A

## Response from Natural England to the HRA Screening Report

Date: 23 October 2017  
Our ref: 221949  
Your ref: Draft Local Plan for Rossendale (Regulation 18)



Adrian Smith  
Rossendale Borough Council  
Forward Planning  
Business Centre  
Futures Park  
Bacup  
OL13 0BB  
**BY EMAIL ONLY**

Customer Services  
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CW1 6GJ

T 0300 060 3900

Dear Adrian

**Planning consultation:** Draft Local Plan for Rossendale (Regulation 18)

**Location:** Rossendale

Thank you for your consultation which was received by Natural England on 28 September 2017.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **Delivering Sustainable Development**

We would like to see reference to The Natural Environment and Rural Communities Act (NERC) 2006 that places a duty of every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those function, to the purpose of conserving biodiversity.

#### **Policy SD1: Presumption in Favour of Sustainable Development**

The National Planning Policy Framework's (NPPF) presumption in favour of sustainable development has been fully captured in the Draft Local Plan for Rossendale, which we support.

#### **Chapter 4: Environment**

##### **Policy ENV5: Biodiversity, Geodiversity and Ecological Networks**

The protection and enhancement of biodiversity is addressed in Policy ENV5 of the Draft Local Plan. Overall Policy ENV5 sets out a strategy for the protection and enhancement of biodiversity and geodiversity that includes strategic policies to deliver this and promotes a network for future habitat creation and enhancement. The Draft Local Plan Policy ENV5 states:

*“Development proposals that have potential to affect a national or locally-designated site and its immediate environs as shown on the Policies Map or protected habitats or species will be expected to be accompanied by relevant surveys and assessments detailing likely impacts, proposals to avoid harm and where possible enhance biodiversity, and where necessary appropriate mitigation and on and off-site compensatory measures to offset the impact of development.”*

In consideration of the above the Policy ENV5 has not fully demonstrated the requirements of the mitigation hierarchy as stated in the NPPF (paragraph:118). Development Management policies should set out criteria to firstly avoid, then mitigate and, as a last resort compensate for adverse impacts on biodiversity, which the Draft Local Plan for Rossendale currently does not clearly demonstrate. More guidance on how to advise on avoidance, mitigation and compensation can be found here: [Application of the mitigation hierarchy in local plans](#).

Environment Policy ENV5 needs to clearly set out that any proposal that adversely affects or causes significant harm to a Site of Special Scientific Interest (SSSI) will not normally be granted

permission. With regards to local sites, the Draft Local Plan should set criteria based policies to guide decision on developments impacting upon local sites. Appropriate weight should be given to the importance of local sites and the contribution they make to the wider ecological network. Draft Local Plan Policy ENV5 states:

*“Development proposals should protect areas of biodiversity and ecological networks and where possible enhance sites and linkages. Any unavoidable adverse effects should be minimised and mitigated against, and where this cannot be achieved, compensated for with a net gain for biodiversity demonstrated.”*

The above Draft Local Plan Policy ENV5 includes policy wording that overall seeks to minimise impacts to biodiversity and ecological networks, as well as where possible provide enhancements. For priority species and habitats the Draft Local Plan should promote the protection and recovery of priority species and habitats, which should be linked to national as well as local targets. For further information see: [Habitats and species of principal importance in England](#) lists priority species and habitats (i.e. those material to planning).

Net gain is discussed in the Draft Local Plan Policy ENV5 as an outcome of compensation, which is not consistent with the NPPF. Natural England would like to see additional wording added to this policy that makes it clear that the Draft Local Plan seeks to achieve a net gain in biodiversity. The NPPF (paragraph 9) states: *“Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment as well as in people’s quality of life, including (but not limited to): ... moving from a net loss of bio-diversity to achieving net gains for nature.”* It is not clear that there is an aim to achieve a net gain in biodiversity, in the current Draft Local Plan that is inconsistent with the NPPF (paragraph 9). This has not been fully reflected in the current policy wording. Moreover, the NPPF (paragraph 109) also states: *“The planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible ..., contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.”* In consideration of the above the Draft Local Plan Policy ENV5 does not fully encompass the NPPF’s principles for a net gain policy, rather the currently policy only seeks to implement a net gain approach at the compensation stage.

We welcome the Ecological Networks that have been identified in the Draft Local Plan Policies Map, as well the designated ecological areas referred to as “Greenlands”. The Draft Local Plan Policy ENV5 also states:

*“Opportunities to enhance components of the Ecological Network 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.”*

Natural England welcomes the above policy wording in the Draft Local Plan and specifically the opportunities for enhancement, as well as the specific comments relating to Ecological Networks. On this point, we would like to see details of specific habitat types that would be most appropriate for enhancement, placing the emphasis on increase size, quality and quantity of priority habitats within cores areas, corridors or stepping stones that improves connectivity for habitats and movement of species. The SPD that will set out in detail the specific elements and role of Ecological Networks that is welcome and a document that Natural England would like to be consulted upon at the earliest possible stage.

### **Policy ENV6: Green Infrastructure**

We welcome Draft Local Plan Policy ENV6 that seeks to protect and enhance the green infrastructure network. For clarity and consistency, Natural England recommends that the NPPF definition of Green Infrastructure is referred to and acknowledged in the document to form the basis of discussions regarding policies contained in the Draft Local Plan for Rossendale.

Green Infrastructure is defined by the NPPF as “a network of multifunctional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits.” (NPPF page 52).

We also refer to the National Planning Policy Guidance (NPPG) (paragraph 027) for further clarity: <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/green-infrastructure/>

The Natural England definition could also be used to give a wider interpretation of Green Infrastructure that can be found using the following link:

<http://publications.naturalengland.org.uk/publication/35033>

### **Policy ENV8: Wind Turbine Areas of Search**

Natural England has reviewed the Wind Turbine Areas of Search (Policy ENV8) identified in the Draft Local Plan and recommends that areas containing deep peat are avoided. Natural England generally regards deep peat as peat of 40cm or deeper. The above point specifically relates to peaty soils not priority habitats.

The Draft Local Plan needs to address priority habitats, such as Blanket Bog. For priority habitats the NPPF paragraphs 117 and 118 that applies the mitigation hierarchy of avoidance, mitigation or as a last resort compensation is applicable in this context. No blanket bog should be included in the wind farm area of search because removing and relocating deep peat will invariably present significant habitat degradation and potential carbon release. All deep peat (40cm or deeper) is understood by Natural England to be Blanket Bog. We recommend that all Blanket Bog should be removed from the Area of Search. As there may be deep peat in the Area of Search that is currently not mapped as Blanket Bog we recommend that further investigation is carried out into the Wind Turbine Areas of Search (Policy ENV8) to determine the areas of deep peat and priority habitats for this area.

To help provide guidance on the siting we refer your authority to the following report: Assessing Impacts of Wind Farm Development on Blanket Peatland in England Project Report and Guidance (2009) by Maslen Environmental (please see Annex 1 for further information).

### **Sustainability Appraisal**

We have not reviewed the Sustainability Appraisal (SA) because of time constraints and instead decided to concentrate our advice by concentrating our efforts on key parts of the Draft Local Plan for Rossendale.

### **Habitats Regulation Assessment (HRA)**

Natural England has the following comments with regards to the HRA:

The HRA has not shown how each policy and allocation has been screened out. Natural England would like to see a full audit trail and an explanation for why each policy and allocation will not have a significant effect.

### **Changes in hydraulic conditions (4.7)**

Natural England agrees with the statements in the HRA but it could be an option to provide further explanation for why there are no impacts.

### **Public access, outdoor sports and recreational activities (4.9)**

Recreational disturbance has not been addressed in the HRA because of the lack of available data. Further clarification is required to explain how the HRA proposed to address recreational disturbance.

### **Physical modification (4.12)**

Further explanation is required for point 4.12.4 to explain why no part of the plan is likely to contribute to the pressure/threats of physical modifications. This could be because of the proximity of allocations, which requires further details.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Alexander Rowe on 07810 851015. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Alex Rowe  
Lead Advisor Planning  
Cheshire, Greater Manchester, Merseyside and Lancashire Area Team

## Annex 1:

**Planning consultation:** Draft Local Plan for Rossendale (Regulation 18)

**Location:** Rossendale

### **Assessing Impacts of Wind Farm Development on Blanket Peatland in England Project Report and Guidance (2009) by Maslen Environmental:**

#### **5.4 Siting of Wind Farms on Blanket Bog**

*“The following guidelines should be followed:*

- 1. Where there is a mixture of habitats the infrastructure should be concentrated on the non-blanket bog areas, as indicated by the depth of peat, rather than by contemporary vegetation.*
- 2. In general infrastructure should avoid areas of deep peat (i.e. greater than 0.5 m depth). On many sites there are areas of deep and shallower peat – the deep peat should be avoided in the site design. There should be evidence in the EIA that deep peat has been avoided where choices exist.*
- 3. Where the blanket bog is reasonably intact and not dissected by gullies which cut the full thickness of the peat, the roads should be located away from deep peat.*
- 4. If roads do cross deep degraded peat they should be constructed in a manner not to disrupt the flow of water through or over the bog, but to stem the flow through the gullies in favour of a wide spread over the peat surface.*
- 5. The hydrological impact of a wind farm on degraded peat where the peat body is dissected into a number of separate peat areas may be less than on an intact bog, though if poorly designed can simply exacerbate an already bad erosive condition. The design of the wind farm layout, location of turbines, roads and mitigation measures has the potential to help or hinder the future restoration of the blanket bog.
  - a. Construction of tracks crossing gullies has the potential to be used to partially block the gullies and to construct partial blocking of gullies, to reduce erosion, runoff and promote blanket bog restoration. Care will be needed to manage this geotechnically, to avoid peat slippage.*
  - b. The orientation of roads has the potential to be located either parallel or across the natural drainage through the peat, and consideration of the impacts of this needs to be made.
    - i. Drainage associated with tracks located parallel to natural drainage, need to be designed so that there are checks in the drainage channels to reduce runoff rates and velocities to background levels.*
    - ii. Tracks perpendicular to natural drainage lines will disrupt the diffuse nature of flow, but may also impede flow which may be currently directed down erosional channels. The impact of this needs to be assessed in the EIA.***
- 6. It is very important that the mitigation measures indicated in the EIA are carried forward to the construction method statement and so implemented on site. For this purposes it is important that the mitigation measures are specific and quantified. Use of contractors familiar with working on peat sites is an advantage. The use of mitigation measures and proposed restoration should be controlled via a planning condition. Monitoring may also be specified in planning conditions.*
- 7. Provision should be made for the potential to incorporate restoration measures into the site design. These could include:
  - a. Blocking of erosional drainage channels;*
  - b. Promoting of re-vegetation of degraded areas.”.**

# APPENDIX B

**Table B.1:** Threats and pressures for each European site identified as potentially being affected by the Rossendale Local Plan

Threats & pressures	Rochdale Canal SAC	South Pennine Moors SAC	South Pennine Moors Phase 2 SPA	Manchester Mosses SAC
Air pollution	✓ <sup>ab</sup> All qualifying features	✓ <sup>ab</sup> All qualifying features	✓ <sup>b</sup> All qualifying features	✓ <sup>ab</sup> All qualifying features
Changes in hydraulic conditions	✓ <sup>a</sup>	✓ <sup>ab</sup> Wet Heathland with cross-leaved heath Blanket bogs Very wet mires often an unstable 'quaking' surface	✓ <sup>ab</sup> Golden Plover Breeding bird assemblage	✓ <sup>ab</sup> All qualifying features
Wildfire and arson		✓ <sup>ab</sup> All qualifying features	✓ <sup>ab</sup> All qualifying features	
Managed rotational burning		✓ <sup>b</sup> Wet Heathland with cross-leaved heath European dry heaths Blanket bogs	✓ <sup>b</sup> All qualifying features	
Agriculture activities		✓ <sup>a</sup>		
Public access, outdoor sports and recreational activities		✓ <sup>ab</sup> Wet Heathland with cross-leaved heath European dry heaths Blanket bogs Very wet mires often identified by an unstable 'quaking' surface	✓ <sup>ab</sup> Breeding bird assemblage	
Low breeding success			✓ <sup>ab</sup> Merlin	
Inappropriate management practices		✓ <sup>b</sup> All qualifying features	✓ <sup>ab</sup> All qualifying features	

Vehicles		✓ <sup>b</sup> Wet Heathland with cross-leaved heath European dry heaths Blanket bogs Very wet mires often identified by an unstable 'quaking' surface	✓ <sup>b</sup> All qualifying features	
Grazing regime (over- and undergrazing)		✓ <sup>b</sup> All qualifying features	✓ <sup>b</sup> Merlin Breeding bird assemblage	
Forestry and woodland management		✓ <sup>b</sup> Old sessile/acidic oak woods		
Changes in species distributions			✓ <sup>b</sup> Merlin Breeding bird assemblage	
Disease		✓ <sup>b</sup> European dry heaths Blanket bogs Old sessile/acidic oak woods		
Invasive species		✓ <sup>b</sup> Wet Heathland with cross-leaved heath European dry heaths Old sessile/acidic oak woods		
Planning permission: general			✓ <sup>b</sup> Merlin Golden Plover	
Physical modification	✓ <sup>b</sup> All qualifying features			

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

<sup>b</sup> Indicates that this is highlighted as a threat in the relevant Site Improvement Plan



# Appendix C

## European Sites Conservation objectives

\* 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 2 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 D

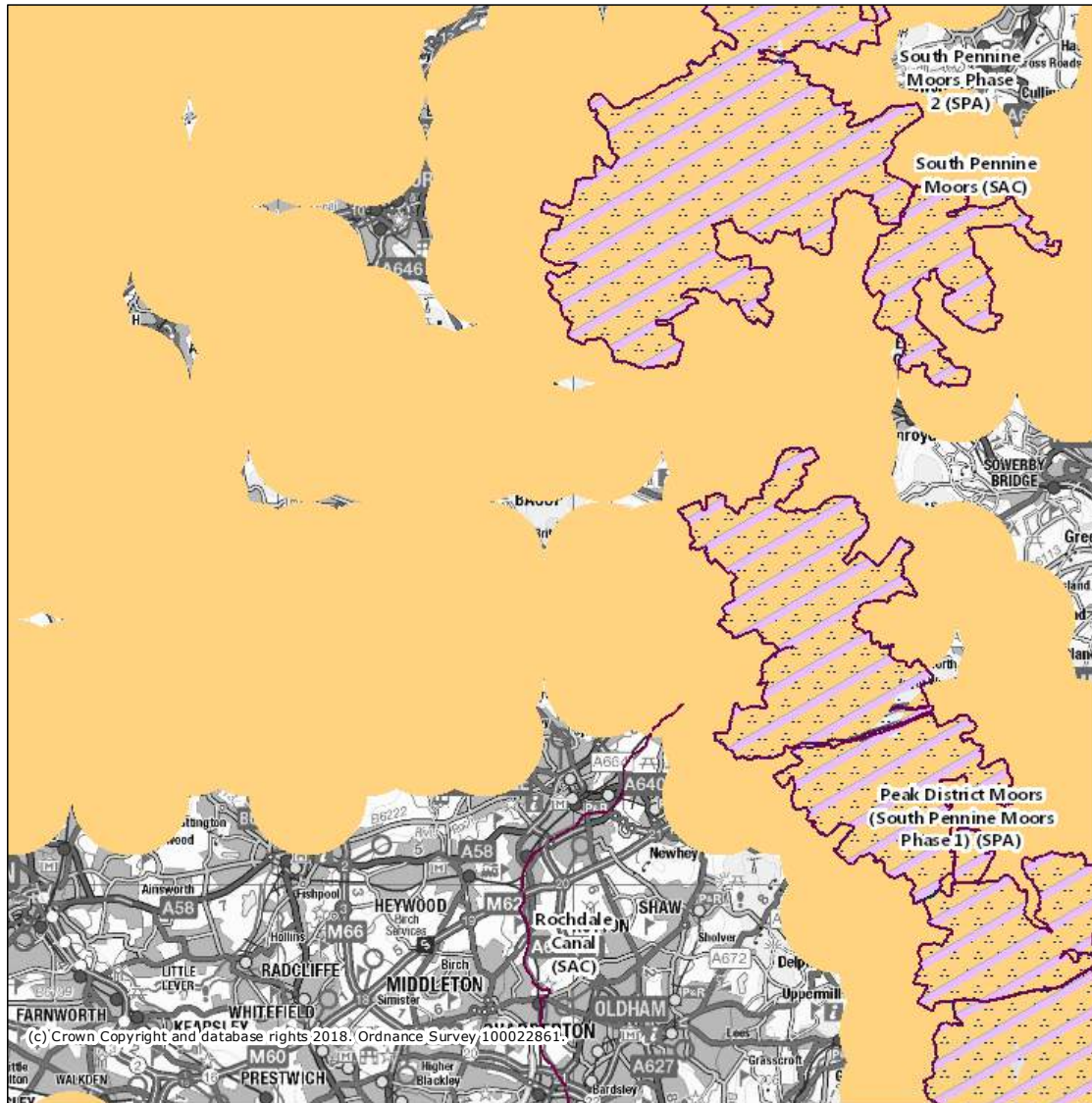
Distribution of lapwing, twite, curlew and snipe in and around Rossendale (Natural England data)

MAGiC




## Lapwing



<b>Legend</b>		0                      5.5                      11 km	
	Special Areas of Conservation (England)	Projection = OSGB36 xmin = 353400 ymin = 402600 xmax = 420000 ymax = 444100 Map produced by MAGIC on 24 May, 2018. Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.	
	Special Protection Areas (England)		
	Lapwing (England)		



**Legend**

-  Special Areas of Conservation (England)
-  Special Protection Areas (England)
-  Curlew (England)

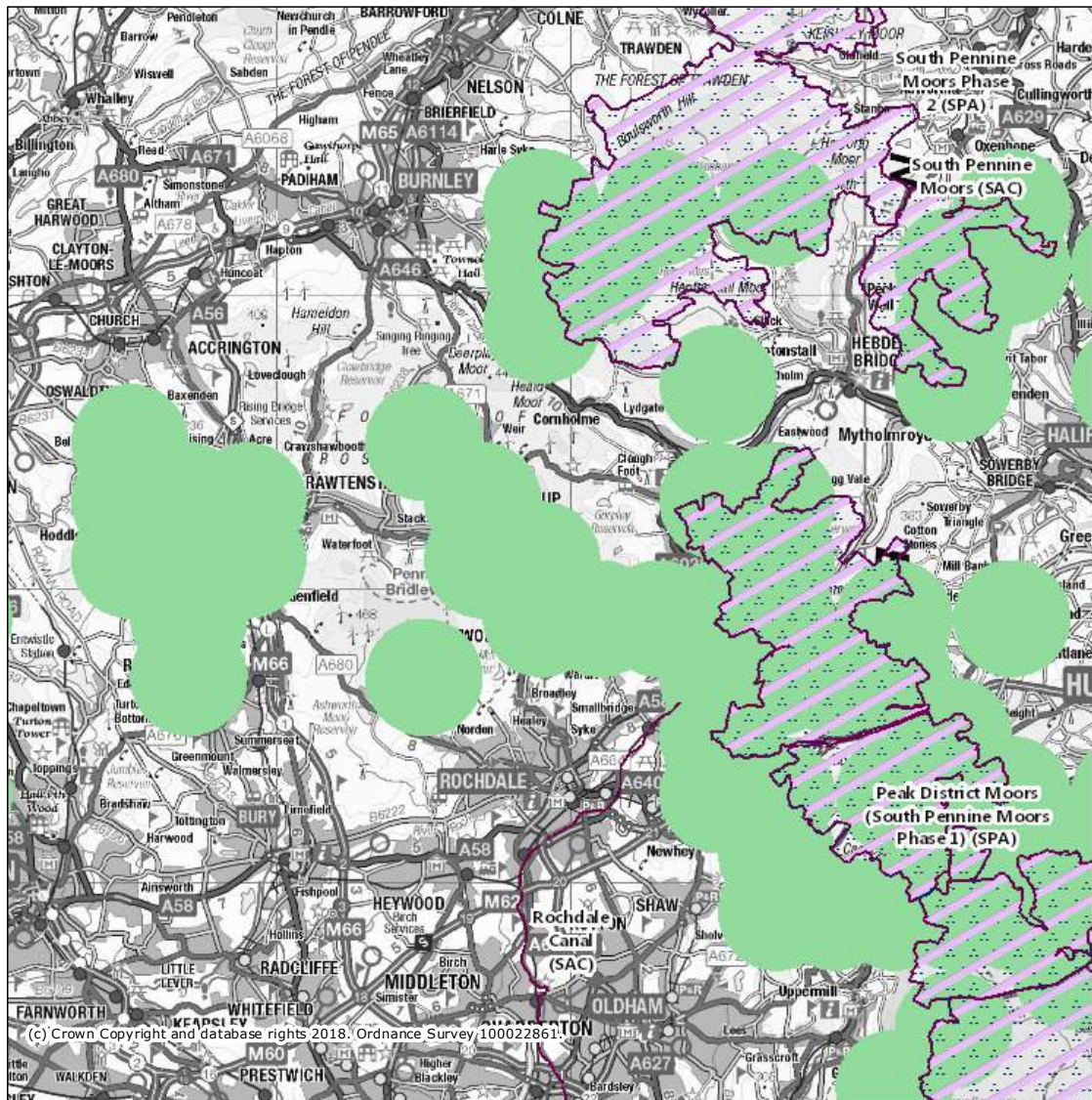
0 5.5 11  
km

Projection = OSGB36  
 xmin = 356000  
 ymin = 400400  
 xmax = 422600  
 ymax = 441900




Map produced by MAGIC on 24 May, 2018.  
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<p><b>Legend</b></p> <ul style="list-style-type: none"> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px solid purple; margin-right: 5px;"></span> Special Areas of Conservation (England)</li> <li><span style="display: inline-block; width: 15px; height: 10px; border: 1px dashed blue; margin-right: 5px;"></span> Special Protection Areas (England)</li> <li><span style="display: inline-block; width: 15px; height: 10px; background-color: brown; margin-right: 5px;"></span> Snipe (England)</li> </ul>	
	<p>Projection = OSGB36  xmin = 356000  ymin = 400400  xmax = 422600  ymax = 441900</p> <p>Map produced by MAGIC on 24 May, 2018.  Copyright resides with the data suppliers and the map must not be reproduced without their permission. Some information in MAGIC is a snapshot of the information that is being maintained or continually updated by the originating organisation. Please refer to the metadata for details as information may be illustrative or representative rather than definitive at this stage.</p>



### Legend

-  Special Areas of Conservation (England)
-  Special Protection Areas (England)
-  Twite (England)

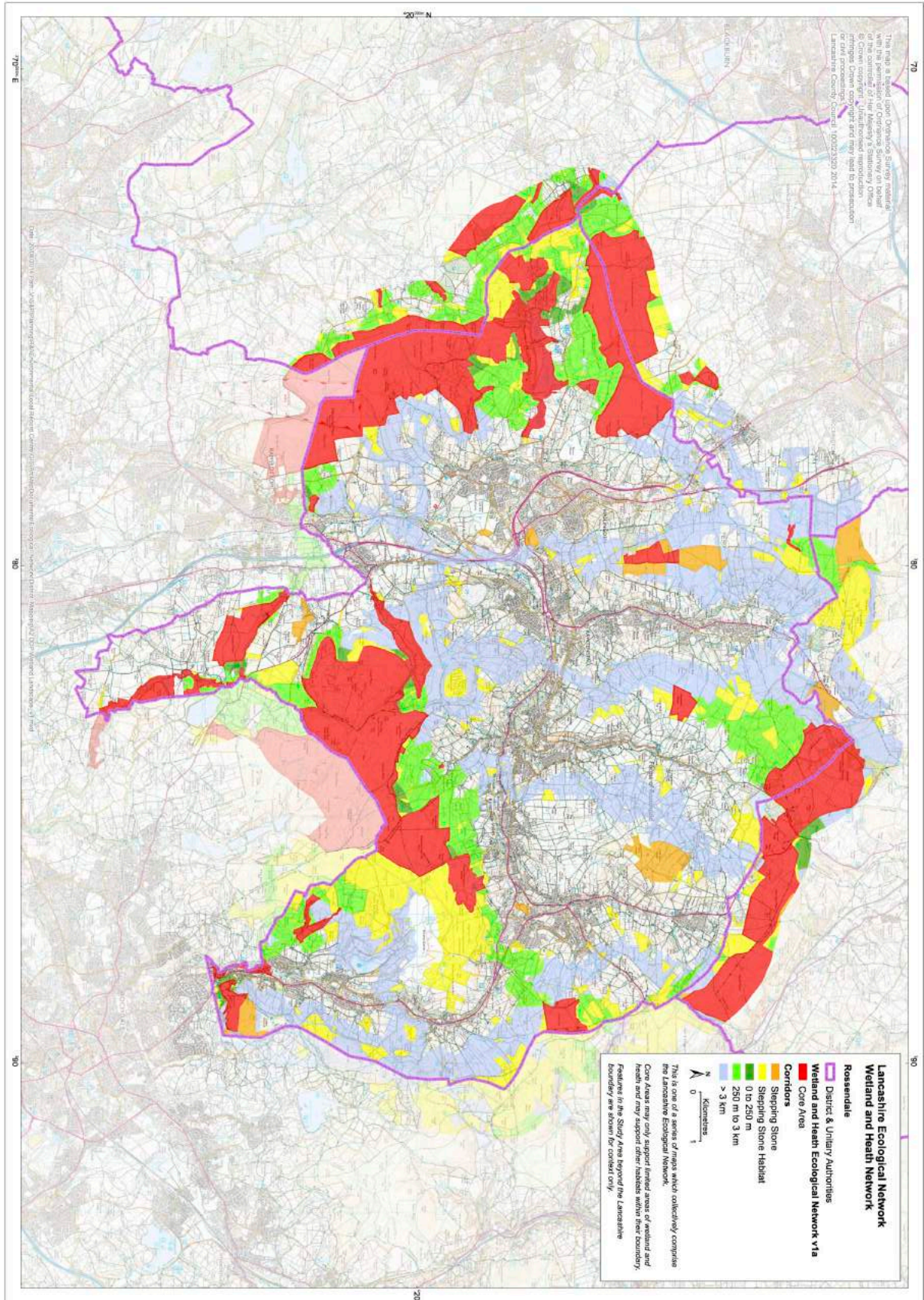


Projection = OSGB36  
 xmin = 356000  
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 xmax = 422600  
 ymax = 441900

Map produced by MAGiC on 24 May, 2018.  
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# Appendix E

## Wetland and heath network in Rossendale (LERN data)



# Appendix F

## Summary assessment categories

Assessment and reasoning categories from Chapter F of The Habitats Regulations Assessment Handbook (DTA Publications, 2013):

- A. General statements of policy / general aspirations
- B. Policies listing general criteria for testing the acceptability / sustainability of proposals
- C. Proposal referred to but not proposed by the plan
- D. Environmental protection / site safeguarding policies
- E. Policies or proposals that steer change in such a way as to protect European sites from adverse effects
- F. Policies or proposals that cannot lead to development or other change
- G. Policies or proposals that could not have any conceivable or adverse effect on a site
- H. Policies or proposals the (actual or theoretical) effects of which cannot undermine the conservation objectives (either alone or in combination with other aspects of this or other plans or projects)
- I. Policies or proposals with a likely significant effect on a site alone
- J. Policies or proposals not likely to have a significant effect alone
- K. Policies not likely to have a significant effect either alone or in combination
- L. Policies or proposals likely to have a significant effect in combination

## Summary assessment table

Policy ref.	Policy name	Assessment category
SD1	Presumption in Favour of Sustainable Development	D
SD2	Urban Boundary and Green Belt	D
HS1	Meeting Rossendale's Housing Requirement	A
HS2	Housing Site Allocations	K
HS3	Edenfield	K
HS4	Affordable Housing	G
HS5	Housing Density	G
HS6	Housing Standards	D
HS7	Private Residential Garden Development	D
HS8	Open Space Requirements in New Housing Developments	D
HS9	Playing Pitch Requirements in New Housing Developments	D
HS10	Private Outdoor amenity space	D
HS11	House Extensions	G
HS12	Replacement Dwellings	K
HS13	Rural Affordable Housing – Rural Exception Sites	K
HS14	Conversion and Re-Use of Rural Buildings in the Countryside	K
HS15	Rural Workers Dwellings	K
HS16	Gypsies, Travellers and Travelling Showpeople	K
HS17	Specialist Housing	K
HS18	Self-Build and Custom Built Houses	K
EMP1	Provision for Employment	K
EMP2	Employment Site Allocations	K
EMP3	Employment Site and Premises	K
EMP4	Development Criteria for Employment Generating Development	K
EMP5	Employment Development in non-allocated employment areas	K
EMP6	Futures Park	K
EMP7	New Hall Hay	K



R1	Retail and Other Town Centre Uses	G
R2	Rawtenstall Town Centre Extension	G
R3	Development and Change of Use in District and Local Centres	G
R4	Existing Local shops	G
R5	Hot Food Takeaways	G
R6	Shopfronts	G
ENV1	High Quality Development in the Borough	D
ENV2	Heritage Assets	G
ENV3	Local List	G
ENV4	Landscape Character and Quality	D
ENV5	Biodiversity, Geodiversity and Ecological Networks	D
ENV6	Green Infrastructure	D
ENV7	Environmental Protection	D
ENV8	Wind Turbine Areas of Search	K
ENV9	Wind Farms and Individual Turbines	K
ENV10	Other forms of Renewable Energy generation	G
ENV11	Surface Water Run-Off, Flood Risk, Sustainable Drainage and Water Quality	D
ENV12	Trees and Hedgerows	D
LT1	Protection of Playing Pitches, Existing Open Space and Sport and Recreation Facilities	D
LT2	Community Facilities	G
LT3	Tourism	D
LT4	Overnight Visitor Accommodation	K
LT5	Equestrian Development	K
LT6	Farm Diversification	K
TR1	Strategic Transport	G
TR2	Footpaths, Cycleways and Bridleways	D
TR3	Road Schemes and Development Access	G
TR4	Parking	G

Habitat Regulations Assessments  
Sustainability Appraisals  
Strategic Environmental Assessments  
Landscape Character Assessments  
Landscape and Visual Impact Assessments  
Green Belt Reviews  
Expert Witness  
Ecological Impact Assessments  
Habitat and Ecology Surveys



**LEPUS** CONSULTING  
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