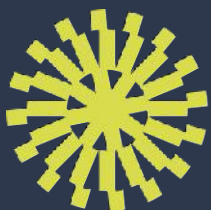


Shadow Appropriate Assessment



**Tyler
Grange**

**Hollingworth Road
Littleborough**

4th July 2024

TG Report No. 11833_R07_NB_NA

Report No:	Date	Revision	Author	Approved
11833_R07	4th July 2024	-	Nick Bell BA (Hons) MCIEEM	John Moorcroft BSc MSc MCIEEM Cenv

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Summary

- S.1. This report has been prepared by Tyler Grange Group Ltd (TG) on behalf of Bloor Homes Ltd. It sets out the findings of a 'shadow' Appropriate Assessment (AA). It has been prepared to accompany a Hybrid planning application for residential development at Hollingworth Road land parcel, Littleborough hereinafter referred to as 'the site'. The site covers an area of c. 18ha (**Appendix 1**).
- S.2. This report uses available data to examine likely effects of the proposed development on statutory designated European sites, both alone and in combination with other proposals; it sets out information required to inform a Habitat Regulations Assessment (HRA), which will ultimately be carried out by the competent authority (Rochdale Borough Council). The following internationally designated sites were identified within 10km:
- Rochdale Canal Special Area of Conservation (SAC);
 - South Pennine Moors SAC, and;
 - South Pennine Moors (Phase 1 & Phase 2) Special Protection Area (SPA).
- S.3. The HRA screening exercise outlined in this report has identified the potential for construction phase and operation phase impacts on the qualifying features of Rochdale Canal SAC, South Pennine Moors SAC and South Pennine Moors (Phase 1 & Phase 2), (SPA).
- S.4. Information to inform an appropriate assessment is provided, including information on potential construction and operation phase impacts on qualifying features of the designated sites, and proposed mitigation measures to control such impacts, as outlined in the Construction and Environmental Management Plan appended at **Appendix 2**.
- S.5. Breeding bird surveys were undertaken by Tyler Grange to establish LSEs in relation to functionally linked/lost land. Details of the bird the surveys undertaken at the site are presented in in **Appendix 3**.
- S.6. It is anticipated that implementation of the mitigation measures outlined in this report during construction and operation allows the competent authority to conclude that there will be no likely significant adverse effects arising from the proposed scheme on the Conservation Objectives or the qualifying features of the designated sites considered namely:
- Rochdale Canal SAC;
 - South Pennine Moors SAC, and;
 - South Pennine Moors (Phase 1 & Phase 2) SPA.



Section 1: Introduction

- 1.1. This 'shadow' Appropriate Assessment (AA) has been prepared by Tyler Grange Group Ltd (TG) for Bloor Homes Ltd, for the development of land north of Smithy Bridge, Littleborough.
- 1.2. A hybrid planning application is being sought, comprising planning permission for residential development including the construction of vehicular/pedestrian accesses, landscaping, open space and associated works at land off Hollingworth Road, alongside reconfiguration of and extension to the existing car park and associated works off Rakewood Road; and outline permission for the development of a primary school (access into the school site to be considered – all other matters reserved for future approval).
- 1.3. This document relates to the proposed residential development on the 'Hollingworth Road land parcel', which is centred on OS Grid Reference SD 93331 15422 and is hereafter referred to as 'the site'. The Hollingworth Road land parcel is located to the north-east of Smithy Bridge and north of Hollingworth Lake. The site is around 4 miles east of the town of Rochdale and is approximately 18 ha in size. The extents of the Hollingworth Road site are outlined below in **Figure 1**. This document does not assess the Rakewood Road land parcel as impacts do not trigger the requirement for Habitat Regulations Assessment (as detailed in the Environment Statement submitted as part of the planning application).



Figure 1: Site context and site boundary (red line). (Aerial Imagery © Google Earth 2022)

Planning Context and Background

- 1.4. The Greater Manchester Places for Everyone (PfE) plan was adopted, took effect and became part of the statutory development plan for each of the nine PfE authorities on March 21st 2024. The PfE



plan identifies the site as a proposed housing allocation for around 300 new homes and a primary school ('Policy JPA20 Land North of Smithy Bridge').

- 1.5. As part of emerging PfE works, The Greater Manchester Ecology Unit (GMEU) undertook preliminary ecological appraisals / screening of the site, and identified the requirement for a Habitat Regulation Assessment (HRA) at the Hollingworth Road land parcel as the site falls within the Zone of Influence (Zol) of the following designated sites:
- Rochdale Canal SAC;
 - South Pennine Moors SAC, and;
 - South Pennine Moors (Phase 1 & Phase 2) SPA.
- 1.6. GMEU undertook a HRA as part of the Places for Everyone (PfE) joint development plan¹. The assessment identified the site as having potential to impact the above described designated sites through "potential water pollution, shading and recreational effects. Site may act as Functionally Linked to the SPA".
- 1.7. As the South Pennine Moors Phase 1 and 2 are "contiguous and support similar species and habitat types", and "together they encompass a very large area of the South Pennines, they are sometimes referred to as the 'South Pennine Moors European protected sites'¹. Therefore, as with GMEU's HRA for PfE, this report shall group Phase 1 and Phase 2 together for ease of reference and simply be referenced to as South Pennine Moors SPA.

Purpose

- 1.8. This report sets out 'shadow' HRA stage 1 screening and provides information to inform HRA stage 2 AA.

¹ [online] Habitats Regulations Assessment of the Places for Everyone Joint Development Plan <https://www.greatermanchester-ca.gov.uk/media/5669/110301-pfe-hra-submission-2022.pdf>



Section 2: Legislation and Planning Policy

- 2.1. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance (listed under Annex I, II and IV of the Directive). The Birds Directive (formally known as Council Directive 2009/147/EC on the conservation of wild birds) was also adopted in 2009. These directives have been transposed into UK law through The Conservation of Habitats and Species Regulations, hereafter referred to as 'the Habitats Regulations 2017 (as amended)', and incorporated protections for European sites.
- 2.2. It should be noted that the UK's departure from the European Union (EU) does not alter the implementation of this legislation in the UK at the time of writing. Section 6 of the EU (Withdrawal) Act 2018 (as amended) requires retained EU law such as the Conservation of Habitat and Species Regulations 2017 (as amended) to be interpreted in line with "retained case law" which includes retained EU case law.
- 2.3. European sites comprise:
- SACs and candidate SACs (cSACs) designated under the Habitats Directive;
 - SPAs and potential SPAs (pSPAs), classified under the Birds Directive;
 - Ramsar sites, designated under the Convention on Wetlands of International Importance; and
 - European Marine Sites (EMS).
- 2.4. Under the Habitats Regulations, competent authorities are required to consider impacts of any plans / projects which may result in Likely Significant Effect (LSE) and/or adverse effects on the integrity of European sites - either alone or in-combination with other plans / projects. The assessment of the potential effects is termed an HRA, which is split into four stages, as described below, and shown in **Figure 2**:
- **Stage 1** is a screening stage to determine if the proposed development is expected to have an LSE on a European site. If an LSE is determined, AA, Stage 2, is required;
 - If required, **Stage 2** refers to an AA which is used to determine whether the project will adversely affect the integrity of any given European site(s) (through also considering proposed avoidance and mitigation measures), in view of their conservation objectives. Conservation objectives specify the overall target for a site's qualifying features (habitats and species / populations listed in Annex I and II) in order for that feature to be maintained or restored, to reach favourable conservation status;
 - **Stage 3** is triggered if significant adverse effects are identified in stage 2 that cannot be avoided or mitigated. This stage requires alternative options to be examined to avoid significant impacts on European sites; and
 - If it is deemed that the project should proceed for Imperative Reasons of Overriding Public Interest (IROPI), **stage 4** comprises an assessment of compensatory measures which would be required.



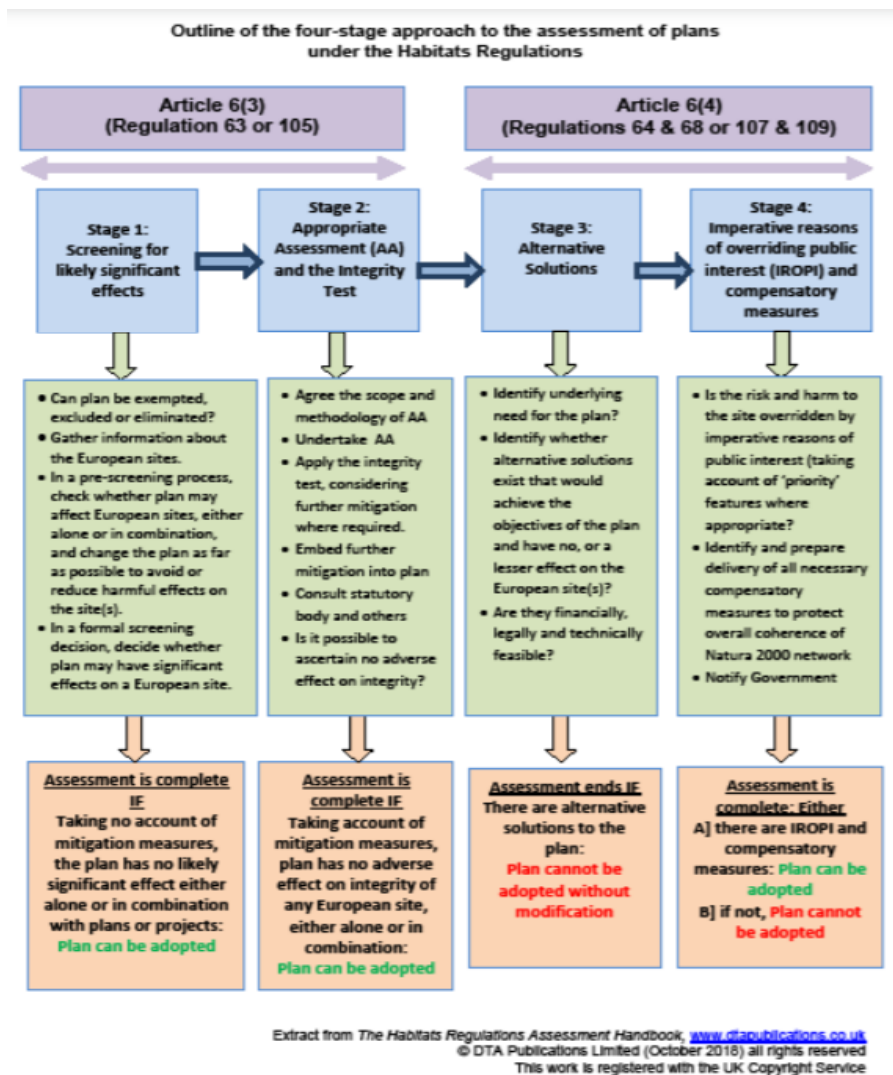


Figure 2: HRA stages²

- 2.5. The responsibility of undertaking AA, if required, lies with the competent authority who is responsible for granting consent for the scheme - in this case, it is assumed that this will be the Local Planning Authority (LPA). However, it is the applicant's obligation to provide information to the competent authority to enable them to undertake the assessment. In this case, the applicant is Bloor Homes Ltd.
- 2.6. This report aims to provide sufficient information relevant to HRA screening (HRA stage 1) to demonstrate to the LPA that AA (HRA stage 2) is only required for potential adverse effects relating to loss of functionally-linked land and pollution impacts.
- 2.7. The National Planning Policy Framework (NPPF) 2023 requires development plans to identify, map and safeguard international, national and locally designated sites of importance for biodiversity, such as European designated sites. Under the requirements of the NPPF, unless it has been concluded that the proposed development will not adversely affect the integrity of European designated sites, the usual presumption in favour of sustainable development does not apply.

² Reproduced from DTA publications (2018) HRA handbook [Online] Available at: <https://www.dtapublications.co.uk> [Accessed: 14/11/2022].



Section 3: Methodology

- 3.1. This report provides information relevant to HRA screening (stage 1) and AA (stage 2) and aims to determine if the proposed development is likely to have an LSE on any European sites. Detailed methodology at each stage is set out below.
- 3.2. To inform the scope of the Stage 1 Screening, and potential for LSEs, the preliminary ecological appraisal of the site has been undertaken by Tyler Grange. Tyler Grange produced a scoping report³ which scoped-in the potential for LSEs at Rochdale Canal SAC and South Pennine Moors SAC, SPA and have assessed the site through and Environmental Statement as part of the planning application for the proposed development.
- 3.3. To assess for the potential of the site to be Functionally Linked land to South Pennine Moors SPA, bird surveys were undertaken by Tyler Grange. The methodology utilised for the bird surveys is outlined in **Appendix 3** of this report.

HRA Stage 1: Screening

- 3.4. Screening aims to determine if the proposed development is expected to have any LSE's on European sites. An effect is considered 'likely significant' if, in the absence of mitigation, it cannot be excluded based on objective information and it might undermine a European site's conservation objectives.
- 3.5. To assess whether LSE's may occur, the following information is provided:
 - Identification of relevant European sites and their respective qualifying features (presented in **Section 4, European sites**);
 - Identification and understanding of the conservation objectives of the the identified sites (presented in **Section 4, European sites**);
 - Where relevant, an estimation of the likely magnitude, duration, location and extent of effects on European sites if any are anticipated (presented in **Section 5, HRA screening (stage 1)**; and
 - Identification of whether any element of the proposed development will have an LSE on any qualifying feature, either alone or in-combination with other projects and plans (presented in **Section 5, HRA screening (stage 1)**).
- 3.6. This assessment has been informed by thorough review of the proposed development proposals (set out in **Section 1** above) and the concept masterplan (**Appendix 1**) In addition, the following resources were reviewed to inform this report:
 - The Habitats Regulations 2017 (as amended);
 - UK government guidance on the use of Habitats Regulations Assessment⁴ ;

³ 11833_R01_Ecology Technical Note: www.greatermanchester-ca.gov.uk/places-for-everyone/supporting-documents

⁴ Ministry of Housing, Communities and Local Government (2019) Guidance Appropriate assessment: Guidance on the use of Habitats Regulations Assessment, [Online] Available at: <https://www.gov.uk/guidance/appropriate-assessment> [Accessed: 14/11/2022].



- Joint Nature Conservation Committee for citations of European sites and associated conservation objective and site improvement plan documents⁵ ;
- Natural England’s web resources for citations of European sites and associated conservation objective and site improvement plan documents;
- Multi-Agency Geographic Information for the Countryside (MAGIC) interactive maps for locations of statutory sites (DEFRA 2020) within a 10km search radius of the site⁶ ;
- Rochdale Local Plan⁷;
- Places for Everyone Joint Development Plan⁸;
- Places for Everyone: JPA22 Land North of Smithy Bridge Allocation Topic, and;
- HRA of the Places for Everyone Joint Development Plan¹.

3.7. In order to establish the European sites which may be affected by the proposed development a 10km search radius was used from the site boundary.

3.8. The CJEU in the case of People Over Wind, Peter Sweetman v Coillte Teoranta ruled that “in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site”⁹ . Hence it is not acceptable for the stage 1 screening assessment to rely on avoidance or reduction (mitigation) measures alone. Therefore, if it cannot be concluded that there will be no LSE in the absence of mitigation measures at the screening stage, HRA stage 2 (AA) is required.

In-combination Assessment

3.9. This report considers the potential for ‘in-combination effects’ on European sites from the development.

Assessment of Effects and Mitigation Measures

3.10. An assessment of the potential effects of the development on European sites in view of their conservation objectives is made, in terms of the magnitude, duration, location and extent of effects, both alone and in-combination with other developments.

3.11. Mitigation measures can include both avoidance measures and reduction measures, but the former approach is preferred.

⁵ JNCC (2020) Joint Nature Conservation Committee for citations of internationally designated sites, [Online] Available at: <https://jncc.gov.uk/our-work/uk-protected-areas/> [Accessed 14/11/2022].

⁶ [Online] Available at: <https://magic.defra.gov.uk/> [Accessed 14/11/2022]

⁷ [Online] Available at <https://www.rochdale.gov.uk/local-planning-policy/local-plan>

⁸ [online] Available at www.greatermanchester-ca.gov.uk/media/4838/places-for-everyone.pdf

⁹ Court of Justice of the European Union (CJEU) (2018) Judgement of 12.4.2018 - Case C-323/17 People Over Wind and Sweetman



Integrity Test

- 3.12. The integrity test requires the competent authority to ascertain if the development (alone and in combination with other plans / projects) will not have a significant adverse effect on a European site's integrity, which is defined as:
- 3.13. *"The coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the level of populations for the species for which it was classified."*¹⁰

¹⁰ The Department for Levelling Up, Housing and Communities and Ministry of Housing, Communities & Local Government (2019) Guidance: Appropriate Assessment, [Online] Available at: <https://www.gov.uk/guidance/appropriate-assessment> [Accessed: 14/11/2022]



Section 4: European Sites

- 4.1. The site falls within the Zone of Influence for two European sites identified by MAGIC, listed in **Table 4.1** below. Qualifying features and threats¹¹ of each designated site are provided in **Table 4.2**.

Table 4.1: European statutory designated sites within the search radius of 10km.

Site Name	Designation	EU Code	Area (ha)	Distance and Direction from Site
Rochdale Canal	SAC ¹²	UK0030266	24.86	0.0km (Adjacent, north)
South Pennine Moors	SAC ¹³	UK0030280	65024.32	1.04km east
	SPA (Phase 2)	UK9007022	61538.23	

- 4.2. Both Rochdale Canal and South Pennine Moors are nationally designated sites, qualifying as Sites of Special Scientific Interest (SSSI). Their qualifying features overlap with those for the international designations. Therefore, any potential impacts of the proposed development (and therefore suggested mitigation) on the internationally designated site will also be relevant to the SSSIs.
- 4.3. Given that the site does not lie within the Zol for any other European sites and none are present within 10km of the site, effects on European sites other than those listed in **Table 4.2** have been scoped out of this assessment and are discussed no further within this report.

Table 4.2. European sites assessed as part of the screening stage including qualifying features and threats of each site.

Site Name	Qualifying Features	Threats
Rochdale Canal SAC	<u>Species</u> Floating water-plantain <i>Luronium natans</i> Rochdale Canal supports a significant population of floating water-plantain in a botanically diverse waterplant community which also holds a wide range of pondweeds <i>Potamogeton</i> spp. The canal has predominantly mesotrophic water. This population of <i>Luronium</i> is representative of the formerly more widespread canal populations of north-west England.	Threats ¹⁴ include physical modification, recreational pressure and pollution of the Canal.
South Pennine Moors SAC	<u>Annex I Habitats</u> - European dry heaths - Blanket Bogs - Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> - Northern Atlantic wet heaths with <i>Erica tetralix</i> - Transition mires and quaking bogs	Need to enter threats here inc. potential for NOX deposition affecting blanket bog habitat.

¹¹ [Online] Available at: <http://publications.naturalengland.org.uk/category/6329101765836800> [Accessed 16/11/2023]

¹² [Online] Available at: <https://sac.incc.gov.uk/site/UK0030266> [Accessed 24/01/2024]

¹³ [Online] Available at: <https://sac.incc.gov.uk/site/UK0030280> [Accessed 24/01/2024]

¹⁴ [Online] Available at: <http://publications.naturalengland.org.uk/publication/6227629417955328> [Accessed 24/01/2024]



Site Name	Qualifying Features	Threats
South Pennine Moors SPA	<u>Breeding birds</u> • Merlin <i>Falco columbarius</i> • Golden Plover <i>Pluvialis apricaria</i> • Peregrine <i>Falco peregrinus</i> • Short-eared owl <i>Asio flammeus</i> <u>Summer Assemblage of birds</u> • Merlin • Golden Plover • Lapwing <i>Vanellus vanellus</i> • Dunlin <i>Calidris alpina</i> • Snipe <i>Gallinago gallinago</i> • Curlew <i>Numenius arquata</i> • Redshank <i>Tringa tetanus</i> • Common sandpiper <i>Actitis hypoleucos</i> • Short-eared owl <i>Asio flammeus</i> • Whinchat <i>Saxicola rubetra</i> • Wheatear <i>Oenanthe Oenanthe</i> • Ring ouzel <i>Turdus torquatus</i> • Twite <i>Carduelis flavirostris</i>	Threats¹⁵ to the Moors include loss of functionally linked land, air/ water pollution, visual and noise disturbance and habitat degradation, through recreational impacts

¹⁵ [online] Available at: <http://publications.naturalengland.org.uk/publication/5412834661892096> [Accessed 24/01/2023]



Conservation Objectives

- 4.4. Conservation objectives are set out by Natural England to help public bodies comply with the law and to protect European sites.
- 4.5. Conservation objectives for the European protected sites are set out below in **Table 4.3**. 'To 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':

Table 4.3. European protected sites conservation objectives

Site Name	Conservation objectives
Rochdale Canal SAC	• 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 species rely; • The population of each of the qualifying features; and • The distribution of the qualifying features within the site.
South Pennine Moors SAC	• 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
South Pennine Moors SPA	• 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.



Section 5: HRA Screening (Stage 1)

- 5.1. The aim of the HRA Screening is to establish whether construction or operation of the proposed development at the site is likely to result in a LSE on European Sites.
- 5.2. In this stage, the following information is required:
- Identification of internationally designated sites;
 - Identification / understanding of conservation objectives of each interest/ qualifying feature;
 - Estimation of the likely magnitude, duration, location and extent of effects of the changes on internationally designated sites, as far as can be reasonably predicted; and
 - Identification of whether any element of the development will have an LSE on any feature or interest, either alone or in combination with other projects / plans

Site Context

- 5.3. The site measures approximately 18ha and predominantly comprises modified grassland with areas of rush, associated with sheep grazed pasture, with scattered trees and defunct hedgerow. **Plan 1** provides an aerial view of the site in proximity to the European Protected Sites and **Plan 2** the habitat features plan shows the habitats present on site.

Potential Likely Significant Effects (LSEs)

- 5.4. **Table 5.1** below summarises the potential impact pathways and LSEs considered as part of this assessment. The following section outlines the potential LSEs on the nearby European protected sites.



Table 5.1. European sites assessed as part of the screening stage.

Site Name	Qualifying Features	Potential for effects on qualifying features	Is the scheme likely to have a LSE on European Sites alone?
Rochdale Canal SAC	<u>Species</u> Floating water-plantain.	No works are proposed within the boundary of the designation. Through appropriate buffering, no works immediately adjacent to the designation. <u>Physical Modification</u> No physical modification of the canal is proposed as part of the proposed development during either the construction or operation of the site. A buffer of approximately 70 m has been proposed, from the nearest area of developed land to the canal/ SAC. The buffer will ensure the canal will have no change in shading (for example, from development or additional vegetation planting) and vegetation is proposed to be managed to avoid overshadowing of the canal. Therefore LSE's on floating water plantain from physical modification is considered unlikely. <u>Recreational Pressure</u> Potential pressure on the qualifying feature relates to increases in pleasure boat traffic¹ in the operational phase of the proposed development. The site does not propose any changes or additions to boat mooring opportunities for residents. The site does no propose to utilise the canal for construction traffic and/ or construction activities. Therefore LSE's on floating water plantain from recreational pressure is considered unlikely. <u>Pollution</u> It is possible that the proposed development could have an LSE on the Rochdale Canal SAC through air and water pollution, both in the construction and operational phases. The potential for an LSE on floating water plantain from pollution during the construction and operation of the	YES In relation to potential air and water pollution resulting from the construction and operation of the proposed development



		proposed development is therefore possible	
South Pennine Moors SAC	<u>Annex I Habitats</u> • European dry heaths • Blanket Bogs • Old sessile oak woods with Ilex and Blechnum • Northern Atlantic wet heaths with Erica tetralix • Transition mires and quaking bogs	No works are proposed within the boundary of the designation or adjacent to it. <u>Functionally Linked Land</u> The qualifying features of the South Pennine Moors SAC are not considered to be mobile and therefore do not have attributes relating to offsite habitats. LSE's are therefore not anticipated through loss of functionally linked land. <u>Pollution</u> Water pollution and/ or run-off is considered unlikely due to the topography of the proposed development to the designated site (the SAC essentially being uphill, 1.04km south-west). The PFE HRA describes the potential for airborne ammonia, nitrogen and acid deposition to "have only a marginal effect on the South Pennine Moors, and would not result in any measurable reduction in the extent of blanket bog or other specified habitats" for the PFE plan. Therefore, no impacts arising from airborne pollution during the construction and operational phases are anticipated from the Hollingworth Road land parcel. LSE's are therefore not anticipated through pollution. <u>Visual and Noise Disturbance</u> Noise disturbance was screened out as a LSE for all designated sites for the PFE HRA¹. The proposed development is considered sufficient enough distance from the SAC for visual disturbance (construction lighting, operational lighting) to be considered a LSE for the qualifying habitat features at the site. <u>Recreational Impacts</u>	YES In relation to the proposed development during operation to have a recreational impact through degradation of the featured habitats at the SAC.



		The PfE HRA¹ report considers all housing allocations within 7km of the South Pennine Moors SAC as potential for increased recreational pressure. The site is, at its nearest point, is 1.04km from the SAC. Therefore LSE's on the SAC through recreational impacts is possible.	
South Pennine Moors SPA	<u>Annex 1 Breeding birds</u> • Merlin <i>Falco columbarius</i> • Golden Plover <i>Pluvialis apricaria</i> <u>Summer Assemblage of breeding birds</u> • Merlin • Golden Plover • Lapwing <i>Vanellus vanellus</i> • Dunlin <i>Calidris alpina</i> • Snipe <i>Gallinago gallinago</i> • Curlew <i>Numenius arquata</i> • Redshank <i>Tringa tetanus</i> • Common sandpiper <i>Actitis hypoleucos</i> • Short-eared owl <i>Asio flammeus</i> • Whinchat <i>Saxicola rubetra</i> • Wheatear <i>Oenanthe Oenanthe</i> • Ring ouzel <i>Turdus torquatus</i> • Twite <i>Carduelis flavirostris</i>	No works are proposed within the boundary of the site, or adjacent to it. <u>Functionally Linked Land</u> It is considered unlikely that merlin, golden plover, whinchat, ring ouzel and twite would breed on the site, due to the low value of suitable breeding habitat present; with the aforementioned species having a propensity to breed within upland/ moorland habitat, which is not present at the site. The site offers low value suitable breeding habitat for common sandpiper (breeding near fast flowing rivers and lakes), redshank (breeding near flooded fields/ wetlands) and short-eared owl (rough grasslands and moors). However, the site offers suitable breeding habitat for lapwing, snipe, curlew and wheatear, as all four species will utilise farmland habitat for breeding (with snipe favouring more rush-like habitat, which is also present at the site). Therefore LSE on lapwing, snipe, curlew and wheatear (qualifying species) of the SPA are possible. <u>Pollution</u> Water pollution and/ or run-off is considered unlikely due to the topography of the proposed development to the designated site (the SAC essentially being uphill, 1.04km south-west). The PfE HRA describes the potential for airborne ammonia, nitrogen and acid deposition to "have only a marginal effect on the South Pennine Moors, and	YES In relation habitat degradation through the loss of functionally linked land for lapwing, snipe, curlew and wheatear. Potential for the proposed development during operation to have a recreational impact through disturbance of the featured species at the SPA



		would not result in any measurable reduction in the extent of blanket bog or other specified habitats” for the PFE plan. Therefore, no impacts arising from airborne pollution during the construction and operational phases are anticipated from the Hollingworth Road land parcel. LSE’s are therefore not anticipated through pollution. <u>Visual and Noise Disturbance</u> Noise disturbance was screened out as a LSE for all designated sites for the PFE HRA¹. The proposed development is considered sufficient enough distance from the SAC for visual disturbance (construction lighting, operational lighting) to be considered a LSE for the qualifying habitat features at the site. <u>Recreational Impacts</u> The PFE HRA¹ report considers all housing allocations within 7km of the South Pennine Moors as potential for increased recreational pressure. The site is, at its nearest point, is 1.04km from the SPA. Impact pathways through an increase in dog walkers, which could impact breeding birds at the SPA. Therefore LSE’s on the SPA through recreational impacts is possible.	
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Table 5.2. HRA stage 1 Screening Summary

Site Name	Is the scheme likely to have a significant effect on European site(s) alone?	Effect in combination with other plans/projects?	Stage 2 Appropriate Assessment Required?
Construction Phase			
Rochdale Canal SAC	Yes	Yes	Yes
South Pennine Moors SAC	No	Yes	Yes
South Pennine Moors SPA	Yes	Yes	Yes
Operation Phase			
Rochdale Canal SAC	Yes	Yes	Yes
South Pennine Moors SAC	Yes	Yes	Yes
South Pennine Moors SPA	Yes	Yes	Yes



Section 6: Appropriate Assessment (Stage 2)

Approach to Appropriate Assessment

- 6.1. Where significant effects are likely, or it is uncertain if there would be significant effects, an Appropriate Assessment is required.
- 6.2. For an AA, the implication of the plan/project on each affected site must be assessed in light of its conservation objectives. The development of conservation objectives is required by the 1992 Habitats' Directive (92/43/EEC); an objective of this legislation is to achieve 'favourable conservation status' (see **Box 6.1**) of the habitats and / or species features for which the site is designated.

Box 6.1: Favourable conservation status, as defined in the Habitats Directive

Conservation status for habitats is defined in Article 1(e) as:

"[The] conservation status of natural habitats [is] the sum of influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species... The conservation status of natural habitats will be taken as 'favourable' when:

- *its natural range and areas it covers within that range are stable or increasing; and*
- *the species structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and*
- *the conservation status of its typical species is favourable."*

Conservation status for species is defined in Article 1(i) as:

"[The] conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within [its] territory... The conservation status of species will be taken as 'favourable' when:

- *population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; and*
- *the natural range of the species is neither being reduced for the foreseeable future; and*
- *there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis."*

Impact Assessment

- 6.3. Following the screening described in **Section 3**, the need for an AA has been identified for Rochdale Canal and South Pennine Moors SAC and South Pennine Moors SPA sites (listed in **Table 5.2**). In this section, an assessment of the implications for this site in view of the surrounding site's conservation objectives is made, in terms of the magnitude, duration, location and extent of effects. Assessments for each designated site are considered separately, below.
- 6.4. The sites are screened in for a further assessment for potential construction and operational phase impacts.



Mitigation Measures

- 6.5. The 'Information to Inform an AA' section also looks at potential mitigation measures which would be required to determine if the magnitude, duration, location and extent of effects can be reduced/removed. These mitigation measures would form part of the planning consent, including related planning conditions, for the proposed scheme, if approved. Mitigation measures can include both avoidance measures and reduction measures, but the former approach is preferred. Mitigation measures for each qualifying feature of the SPA/Ramsar/SAC are considered separately, below.

In-Combination Impacts

- 6.6. In-combination assessment of impacts should also be made in light of the development and other relevant plans / projects.

Integrity Test

- 6.7. The integrity test requires the competent authority to ascertain if the development (alone and in combination with other plans / projects) will not have a significant adverse effect on a site's integrity, which is defined as:
- 6.8. "the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the level of populations for the species for which it was classified".

Monitoring

- 6.9. Details of required monitoring are described, either for the purposes of validating the findings of the AA, or as an early warning which would enable any actions resulting in an unexpected adverse impact to be stopped, paused, reduced, altered or removed.

Information to Inform an Appropriate Assessment

- 6.10. As laid out in the scoping section, the scheme was identified as having potentially significant effects on European site(s) alone during construction and in-combination during construction and operation (**Table 5.2**).
- 6.11. Information to inform an Appropriate Assessment for each of these sites is given below. This information includes an impact assessment comprising descriptions of the qualifying features of the designated sites (**Table 4.3**.) and their conservation objectives (**Table 4.3**.), as well as in-combination mitigation measures.
- 6.12. An outline of a Construction and Environmental Management Plan (CEMP) has been produced (**Appendix 2**), the principles of which must be adopted in a final version via planning condition.

Impact Assessment

- 6.13. As detailed in the screening section of this report, the proposed development has been screened in for an Appropriate Assessment based on LSEs regarding loss of functionally linked land, air and



water pollution and recreational pressure. The following section details these impact pathways for both the construction and operational phase of the development.

Construction Phase

Loss of Functionally Linked Land

- 6.14. The land sits within the ZOI of the South Pennine Moors SPA and therefore loss of functionally linked land for the qualifying bird species of the SAC was considered a LSE. Tyler Grange completed a suite of breeding bird surveys at the site (**Appendix 3**) during 2019 and 2022, with update habitat assessments conducted in 2023. The breeding bird surveys confirmed the absence of the two breeding birds for which the South Pennine Moors SPA is designated for. Two birds (lapwing, wheatear) which are 'assemblage' features of the SPA were recorded on multiple surveys, but only in small numbers. It is therefore considered that this does not represent a significant assemblage of both species.
- 6.15. The Tyler Grange assessment and the PfE HRA¹ have concluded that the land at the proposed development is not considered to be functionally linked to the SPA, therefore no mitigation is proposed.

Contamination through Air and Water pollution

- 6.16. The Rochdale Canal SAC is located adjacent to the northern site boundary. It is designated solely for floating water plantain. Places for Everyone (PfE) HRA describes potential impacts on this species, noting that it "may not be particularly sensitive to changes in water chemistry", and therefore any temporary changes as a result of the construction phase is unlikely to have an adverse, permanent impact. However, in the absence of mitigation measures, impacts on the qualifying features may still arise. Impacts arising from air pollution during construction (such as dust and litter) may also arise.

Recreational Pressure

- 6.17. No recreational pressure impacts are expected as a result of the construction phase of the proposed development.

Operational Phase

Loss of Functionally Linked Land

- 6.18. No loss of functionally linked land is expected as a result of the operational phase of the proposed development.

Contamination through Air and Water pollution and Overshading/ Suppression

- 6.19. Water pollution during the operational phase is considered to be a potential impact pathway, through run-off and hydrological connections to the Rochdale Canal. Although there is "limited understanding of the effects of water pollution on this floating water plantain"¹, in the absence of mitigation long term impacts arising from water pollution during the operational phase is still considered to be a potential LSE. Mitigation for operational water pollution is therefore proposed.



- 6.20. The Air Quality assessment for the consented adjacent scheme (21/01146/FUL) concluded that air pollution from the operational phase was not predicted to be significant. In addition, Table 9.1 of the PFE HRA¹ describes Airborne NO_x and NH₃ as indicating no adverse effects on the qualifying feature of the Rochdale Canal. Impacts arising from Air pollution as a result of the operational phase is therefore considered to be negligible. Mitigation for air quality impacts are therefore not proposed.
- 6.21. Overshading of the Canal through vegetation encroachment and shading from development may also adversely impact floating water plantain. Mitigation measures are therefore discussed below.

Recreational Pressure

- 6.22. The PFE HRA considers housing developments of more than 50 houses and within 7km of the SAC/SPA as potential impact pathways for recreational pressure. Recreational pressures resulting from the operational phase of the development therefore may lead to habitat degradation and disturbance of qualifying bird species.

Mitigation Measures

Construction Phase

Contamination through Air and Water pollution

- 6.23. Primary mitigation shall be embedded into the scheme proposals which includes a drainage strategy to mitigate for water pollution through the use of temporary drainage systems. In summary, the temporary drainage systems will be implemented onsite to cater for the surface water run-off generated by the construction phase; this system will collect, direct and attenuate surface water to discharge into the Rochdale Canal. The temporary drainage system will ensure the protection of water quality in the receiving waterbodies. A variety of other good environmental practices (such as silt traps) will be implemented to minimise any effects of sediment loading at the source.
- 6.24. Other LSE's during the construction phase (e.g. dust and litter) can also be adequately controlled through a robust Construction and Environmental Management Plan (CEMP). To give the competent authority and Natural England assurance that such measures have been considered prior to determination, the ecological components required in the CEMP (ultimately prepared by the appointed contractor for the works) are detailed in **Appendix 2**. In summary, these measures comprise:
- Minimising dust generation through dust suppression techniques (i.e. regular irrigation of site), using dust suppressors on machinery, providing wheel wash facilities, site layout plans to locate dust causing activities away from receptors, enclosed specific operations);
 - Following appropriate pollution prevention measures;
 - Adequate spill kit provision;
 - Ensure sand and other aggregates are stored in bunded areas and are not allowed to dry out to avoid windblown dust, and;



- Ensuring bulk cement and other fine powders are delivered and stored in closed tankers and silos.

Operational Phase

Contamination through Water pollution and Overshading/ Suppression

- 6.25. Measures to mitigate for contamination through water and overshading are:
- 6.26. Water pollution and sedimentation: in accordance with the SuDS Manual (CIRIA 753) and the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) all sites should endeavour to achieve as close to pre-development greenfield rates as is viable. Based on the development area, the pre-development greenfield rate (QBar) is calculated to be 13.3l/s using the FEH Statistical Method. The proposals are therefore to restrict the surface water run-off to mimic the pre-development greenfield situation. This rate has been calculated based on the existing greenfield area (1.01ha) that currently discharges into the canal (for further detailed assessment see Hydrology and Drainage Chapter of the Environmental Statement for the Hollingworth Road planning application).
- 6.27. Physical Damage/ Suppression: suppression from overshading and out-competing shall not occur as a 70m buffer from the development area has been embedded into primary mitigation (scheme design), meaning no overshading from buildings/ structures is proposed. However, vegetation management of the Canal bankside shall be included as mitigation, and controlled within a Landscape and Ecological Management Plan (LEMP) via planning conditions.

Recreational Pressure

- 6.28. Once operational there is a risk of increased recreational pressure on the South Pennine Moors. For the scale of development sought, a proportionate response is considered to be the provision of homeowner packs to all occupants. The contents of the pack would provide educational material on the sustainable use of the moors and include, but not be restricted to:
- Information on the sustainable use of the moors/countryside (i.e. the countryside code);
 - Information on alternative public areas for recreation in the vicinity and how to get there;
 - Areas of the nearby moors which have public facilities/bird watching opportunities at a safe distance
- 6.29. In addition, mitigation regarding recreational pressure is also dealt with at a strategic level whereby the applicant will provide a proportionate financial contribution to the council for the ongoing/enhanced management for the moors, which could be provided to local Nature Recovery Networks.

Integrity Test

- 6.30. It is anticipated that implementation of the above mitigation measures during construction and operation allows the competent authority to conclude that there will be no significant adverse effects arising from the proposed scheme, on the Conservation Objectives or the qualifying features of the designated sites.



- 6.31. The CEMP provided in **Appendix 2** should also provide enough detail to satisfy the details regarding timing of works and construction methods/materials to conclude that there would be no LSE's as a result of construction related pollution.
- 6.32. The information provided in this report, should provide the competent authority with sufficient information to undertake an AA.



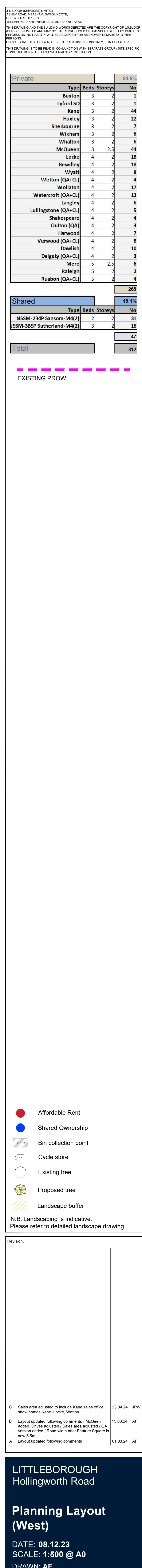
Section 7: Conclusions

- 7.1. The site lies within the Zols of Rochdale Canal SAC, South Pennine Moors SAC and South Pennine Moors SPA. No other European sites are considered to be close enough to be affected by the proposed works.
- 7.2. Rochdale Canal SAC and South Pennine Moors SAC, SPA sites have been screened in for potential LSEs through air and water pollution (including species suppression) arising from construction and operational activities. Also identified was the potential for LSEs through recreational impacts brought about by the proposed development, resulting in habitat degradation of the habitat components of the SACs. Loss of functionally linked land was also considered to be a LSE for the South Pennines SPA.
- 7.3. A suite of breeding bird surveys were conducted and concluded that the land at the proposed development is not considered to be functionally linked to the SPA, therefore no mitigation is proposed. LSEs arising from air and water pollution (including species suppression) can be mitigated for through a robust construction drainage strategy and CEMP (**Appendix 2**) during the construction phase, and a sustainable operational drainage strategy and management regimes to avoid overshadowing of the Rochdale Canal during the operational phase. LSEs arising from increased recreational pressure can be mitigated for through the provisions of homeowner packs and contributions to local Nature Recovery Networks.



Appendix 1: Site Boundary





Appendix 2: CEMP



Appendix 3: Breeding Bird Data

Legislation and Conservation status

See the main body of this report for the legislation surrounding European-designated sites.

South Pennine Moors SPA is situated between 0.9km and 1.04km of the site and are designated for their internationally significant populations of breeding birds.

The habitats within the site and directly adjacent to the north of the site are considered unsuitable for merlin and golden plover due to their topography and habitat (expanses of heavily grazed modified grassland) however, given their proximity to the SPA/Ramsar, surveys were completed. Given the habitats present, however, the site does not provide potential breeding habitat for any of the breeding species concerned.

Survey Methodology

The aim of the surveys was to assess the presence and status of the qualifying bird species associated with the SPA/Ramsars within the site.

Surveys took place at first light, to understand if the site is being used by the qualifying species for breeding. Table **A3.1** below outlines the survey dates and weather conditions/surveyors for each survey.

Table A3.1: Survey date, time and weather conditions

Survey	Date	Time	Weather Conditions	Surveyors
V1	17/04/2019	06:30-08:10	Temperature 8C, 100% cloud cover and foggy	John Moorcroft
V2	16/05/2019	06:15-07:45	Temperature 8C, 0% cloud cover and dry/ clear	Joe Dance
V3	04/06/2019	05:15-07:15	Temperature 11C, 95% cloud cover and dry/ clear	Joe Dance
V4	10/05/2022	05:35-07:35	Temperature 12C, 95% cloud cover and dry/ clear	Josh Broster
V5	25/05/2022	05:25-07:35	Temperature 10C, 80% cloud cover and dry/ clear	Josh Broster
V6	09/06/2022	05:20-07:30	Temperature 10C, 50% cloud cover and dry/ clear	Nick Bell
V7	23/06/2022	06:15-08:00	Temperature 15C, 0% cloud cover and dry/ clear	Amy Sherwin

Surveys were undertaken by experienced ecologists and comprised a short walk of the site followed by a one-hour vantage point survey of the site. A full transect survey was considered unnecessary given the small size of the site.



All birds seen or heard within the study area were recorded on a map.

Survey Limitations

The weather conditions during the first survey were sub-optimal with fog but visibility was enough that the site and surrounding field could be surveyed with a high level of confidence on the results.

Survey Results

During the surveys, two species for which the SPA is designated were recorded within the site in low numbers, which are confirmed in **Table A3.2** below.

Table A3.2: SPA species recorded during each survey visit

Survey	Species	Observations
1	Lapwing <i>Vanellus vanellus</i>	25 observed in field south-west of farm buildings.
4	Lapwing	2 adults and 2 chicks in field adjacent east of the farm buildings
	Wheatear <i>Oenanthe oenanthe</i>	Single bird observed feeding in northern field
5	Lapwing	4 adults and 3 chicks in field adjacent east of the farm buildings
6	Lapwing	21 observed in field south-west of farm buildings., two observed displaying in field adjacent east of the farm buildings
7	Lapwing	1 observed in field south-west of farm buildings.

Incidental species recorded during the survey visits comprised:

- Robin *Erithacus rubecula*
- Snipe *Gallinago gallinago*
- Meadow pipit *Anthus pratensis*
- Carrion crow *Corvus corone*
- Magpie *Pica pica*
- Woodpigeon *Columbus palumbus*
- House sparrow *Passer domesticus*
- Cormorant *Phalacrocorax carbo*



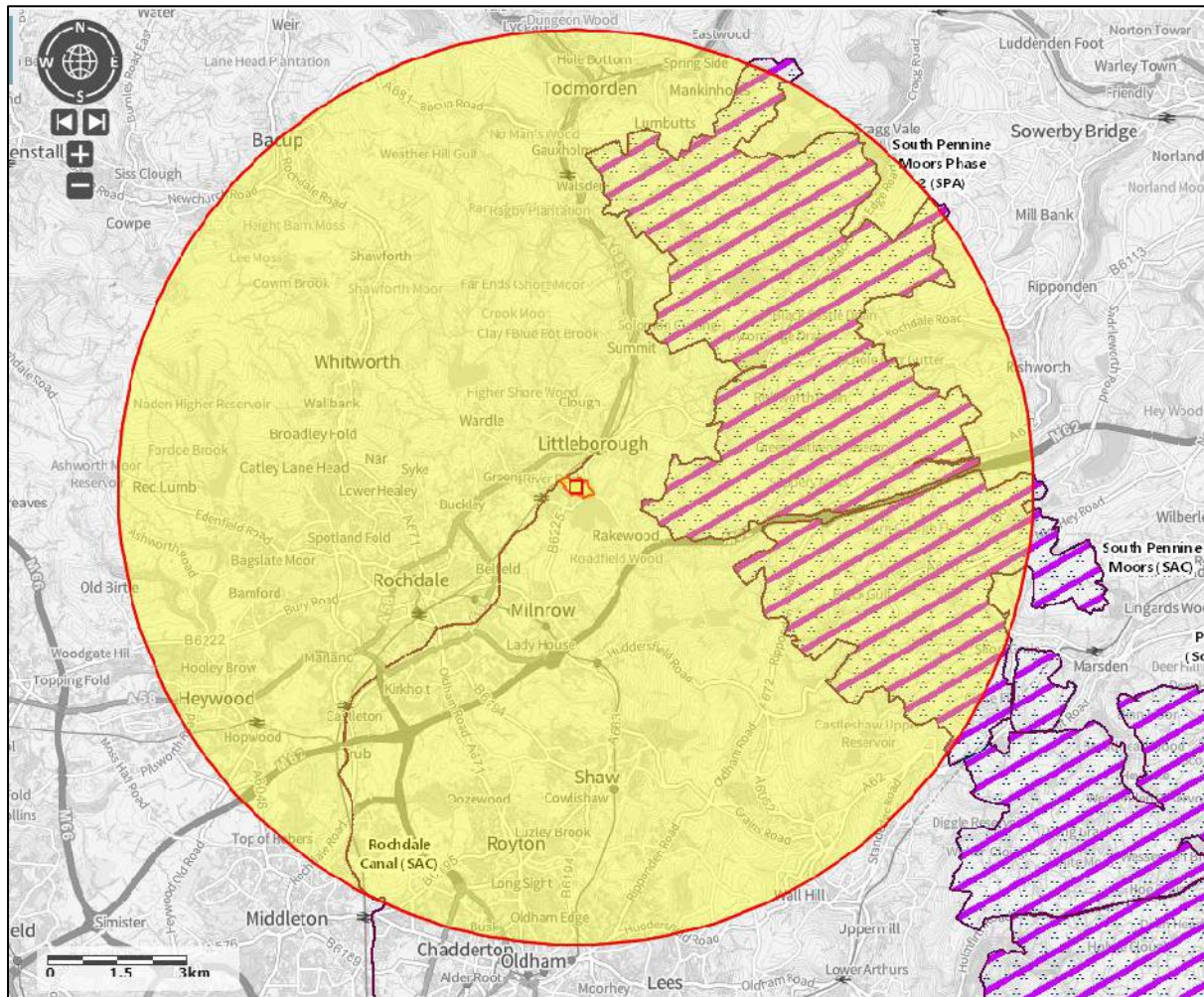
- Great Tit *Parus Major*
- Starling *Sturnus vulgaris*
- Blackbird *Turdus merula*
- Oystercatcher *Haematopus ostralegus* (fly-over)
- Sparrowhawk *Accipiter Nisus*
- Tawny owl *Strix aluco*
- Goldfinch *Carduelis carduelis*
- Chaffinch *Fringilla coelebs*
- Blue tit *Cyanistes caeruleus*

Breeding bird surveys undertaken by Tyler Grange in 2019 and 2022 confirmed the absence of the breeding birds for which the South Pennine Moors SPA is designated for. This assessment and the PFE HRA¹ have concluded that the proposed development is not considered to be functionally linked, therefore loss of functionally linked land is not considered to be a LSE.



Plans:

Plan 1: European Protected Sites Plan



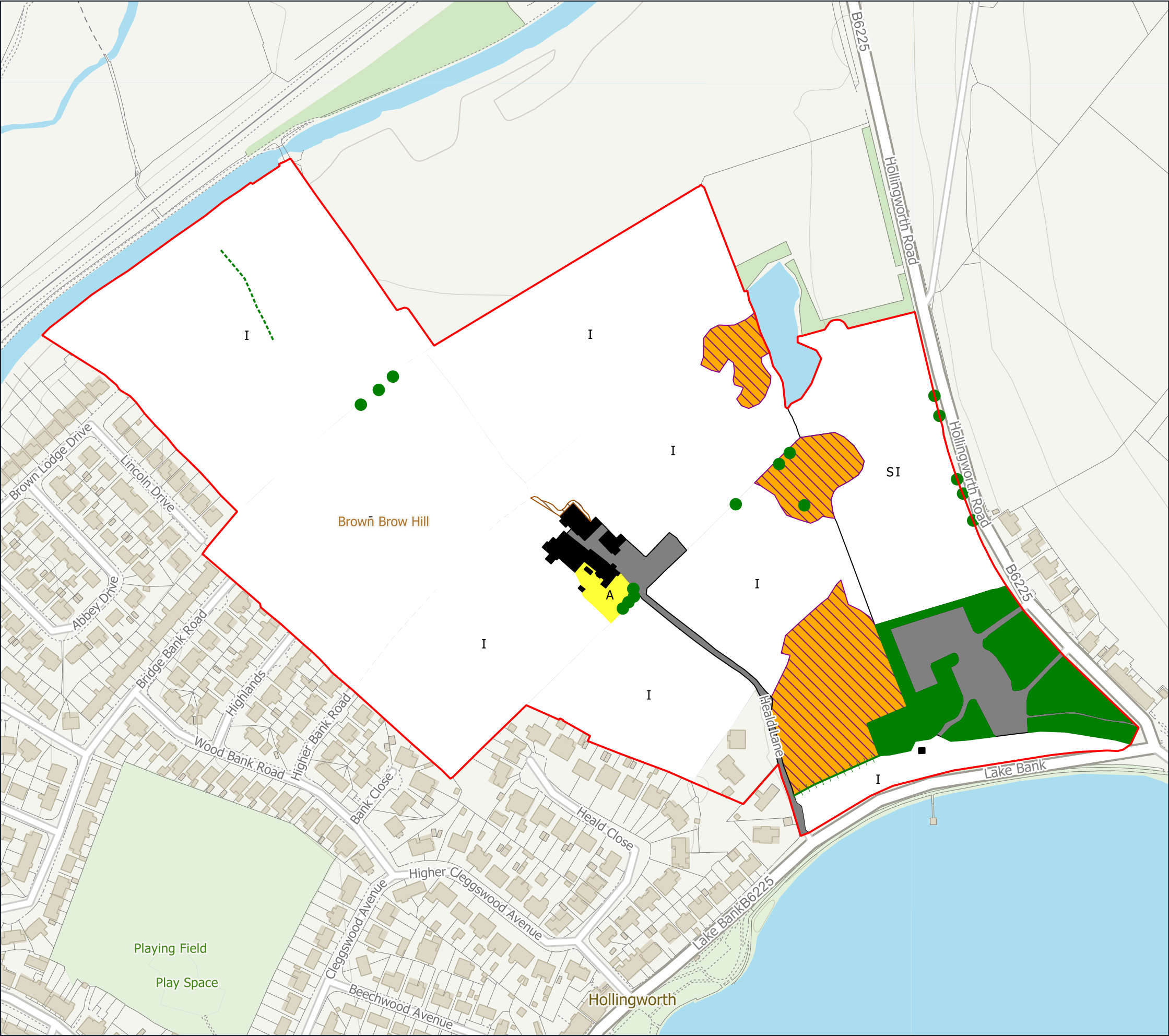
Plan 1: Showing the three internationally designated sites within 10km of the site

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Plan 2: Habitat Features Plan





- Redline Boundary
- A Amenity grassland
- Broadleaved woodland
- Buildings
- Hardstanding
- I Improved grassland
- Marshy grassland
- Other tall herb and fern - ruderal
- SI Poor semi-improved grassland
- Scattered tree
- Hedgerow - Defunt
- Hedgerow - Native Species with Tree



Project	Littleborough Mixed Use Development
Drawing Title	Habitat Features Plan
Scale	As Shown (Approximate)
Drawing No.	11833 Figure 7.4.1
Date	February 2024
Checked	NB/JM

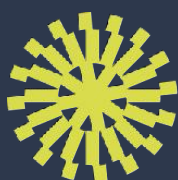


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