

Atom Valley Innovation Centre, Kingsway Business Park, Plot R2

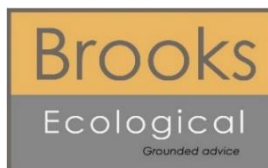


Shadow Habitat Regulations Assessment (HRA) Report
Assessment of Likely Significant Effects on a European Site(s)

DLA Architecture

Report Title:	Shadow HRA Report Atom Valley Innovation Centre, Kingsway Business Park, Plot R2
Report Reference:	ER-6649-04
Written by:	Josh Birchall BSc (Hons) MCIEEM Senior Ecologist
Technical Review:	Peter Brooks BSc (Hons), MA CIEEM, CEnv Managing Director
QA:	Charlie Foreman BSc (Hons) Ecologist
Approved for Issue:	Peter Brooks BSc (Hons), MA CIEEM, CEnv Managing Director
Date:	25/04/2024
Report Duration:	In accordance with CIEEM (2019), unless otherwise stated the findings of this report remain valid for a period of 18 months. After this period advice should be sought on the scope of any updating work required.

Brooks Ecological Ltd has prepared this report for the sole use of DLA Architecture. The information which we have prepared and provided is in accordance with the CIEEM's Code of Professional Conduct. We confirm that the opinions expressed are our true and professional bona fide opinions. This report does not constitute legal advice. The report is in accordance with the agreement under which our services were performed. No warranty, express or implied, is made as to the advice in this report or any other service provided by us. This report may not be relied upon by any other party except the person, company, agent or any third party for whom the report is intended without the prior written permission of Brooks Ecological Ltd. This report presents a snapshot of the site at the date it was surveyed; the conditions and the species recorded present, or likely absent, can change rapidly. Resurvey is recommended to any third-party seeking reliance on this report. The content of this report may, in part, be based upon information provided by others and on the assumption that all relevant information has been provided by those parties from whom it has been requested. Information obtained from any third party has not been independently verified by Brooks unless otherwise stated in the report. This report is the copyright of Brooks Ecological Ltd. Unauthorised reproduction or usage by any person is prohibited.



Unit A, 1 Station Road, Guiseley,
Leeds, LS20 8BX
01943 884451
admin@brooks-ecological.co.uk
www.brooks-ecological.co.uk
Registered in England Number 5351418



Introduction

1. Brooks Ecological Ltd. was commissioned by DLA Architecture to carry out a Shadow Habitat Regulation Assessment (HRA) for their proposed development Site known as Atom Valley Innovation Centre, Kingsway Business Park, Plot R2.
2. This is to assess whether the proposed activities associated with the Site's development are likely, under the Habitat Regulations, to have a significant effect on Rochdale Canal SAC or its qualifying interests in anticipation of the local planning authority requesting such a document.

Proposals

3. Proposals are for an office building with associated parking, other infrastructure and landscaping, as summarised in Figure 2 overleaf.

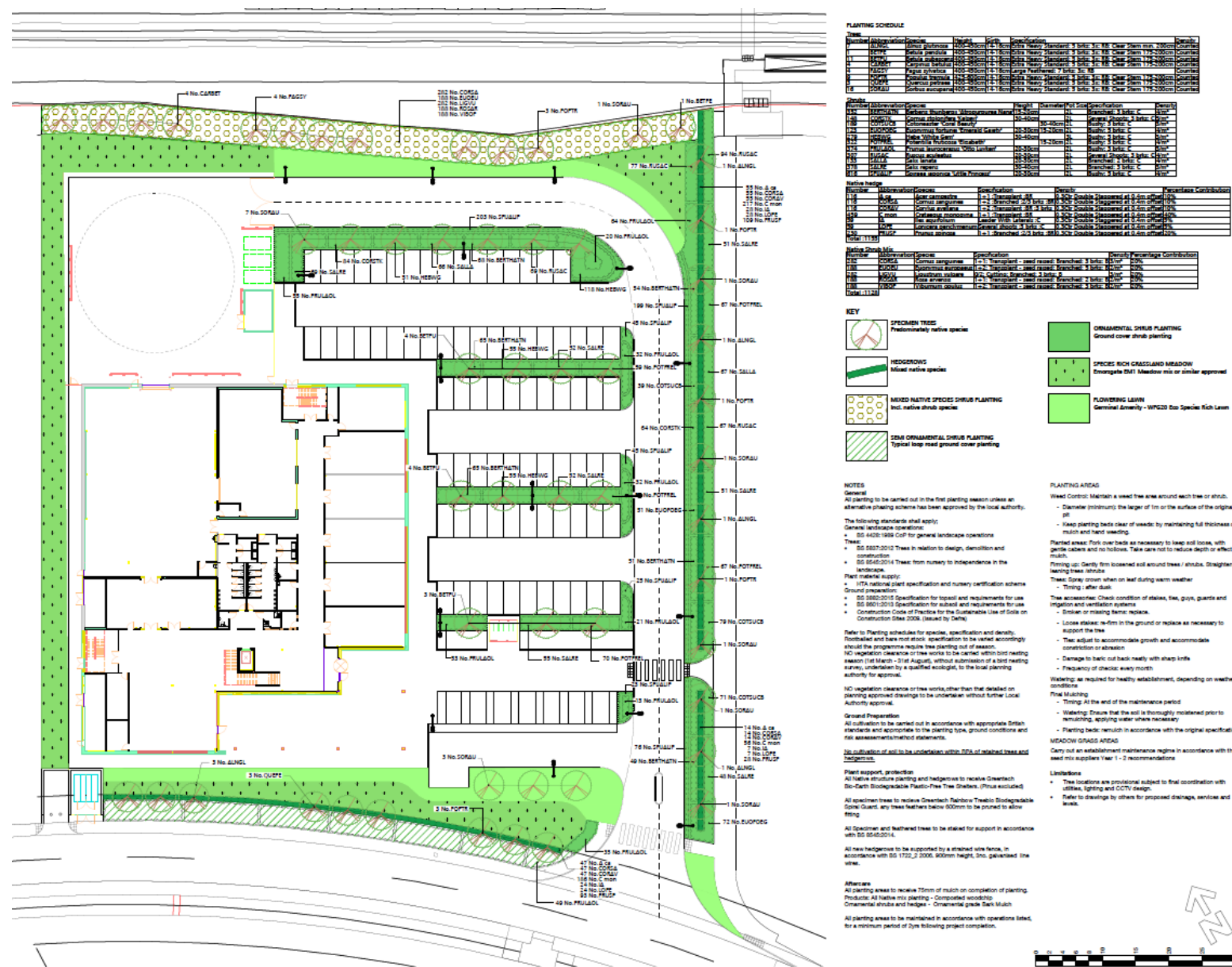
Reports / Plans to Reference

4. The following assessment is informed by ecological studies, undertaken in 2022. These include:
 - Preliminary Ecological Appraisal Report. Brooks Ecological Report Ref. ER-6649-01 (April 2024).

Figure 1 The Site boundary



Figure 2 Proposed layout



Principles of Habitat Regulation Assessments

The Habitat Regulations Directive (92/43/EEC) established a network of Natura 2000 sites, with the goal of protecting sites of exceptional ecological importance. These include Special Protection Areas (SPA's), Special Areas of Conservation (SAC) and (according to national planning policy) Ramsar sites.

The Habitat Regulations Directive (92/43/EEC) is transposed into UK law as the Conservation of Habitats and Species Regulations (Amendment) (EU Exit) Regulation 2019. Following the UK's exit from the EU, SAC's and SPA's in the UK no longer form part of the EU's Natura 2000 ecological network and instead fall within the new National Site Network (NSN).

Under the Habitats Regulations the granting of approval for developments is restricted if they are likely to have a significant effect on an SAC, SPA or Ramsar site. Guidance on undertaking assessment of plans or projects that may impact upon designated European sites recommends a staged approach. These stages are:

1. Screening- to check if the proposal is likely to have a significant effect on the site's conservation objectives. If not, you do not need to go through the appropriate assessment or derogation stages.

2. Appropriate assessment- to assess the likely significant effects of the proposal in more detail and identify ways to avoid or minimise any effects.

3. Derogation- to consider if proposals that would have an adverse effect on a European site qualify for an exemption.

Stage 1 - Screening

This stage is a simple assessment to check or screen if a proposal is (i) directly connected with or necessary for the conservation management of a European site, (ii) risks having a significant effect on a European site on its own or in combination with other proposals. This stage considers the effects of development in the absence of mitigation. Mitigation measures are only considered if the assessment progresses to Stage 2 - Appropriate Assessment.

Assess the likely significant effect

Stage 1 seeks to assess if the proposal could have a significant effect on a European site that could affect its conservation objectives. This should only consider the risk or possibility of a significant effect based on evidence, not hypothetical risks.

The following should be considered: (i) the area over which the proposed activity would take place, (ii) any overlaps or interaction with the protected features of a site in a direct or indirect way, and (iii) the effect of any essential parts of the proposal, such as its location, timing or design.

Only where the risk of the proposal having a significant effect can not be ruled out, does the assessment progress to Stage 2.

In combined effects:

It must be checked if this effect could combine with any other proposal planned or underway and affects the same site, that on its own also does not have a significant effect. If, in combination, the proposal could have a significant effect on the European site, the assessment will then progress to Stage 2.

To assess in combination effects, the following will be reviewed:

- applications for a new permission
- applications to change an existing permission
- granted permissions that have not begun or been completed
- granted permissions that need renewing
- plans that have been drafted but not yet adopted

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there's:

- a reduction in the amount or quality of designated habitats or the habitats that support designated species
- a limit to the potential for restoring designated habitats in the future
- a significant disturbance to the designated species
- disruption to the natural processes that support the site's designated features
- only reduction or offset measures in place

If there's no likely significant effect on the site, either alone or in combination, then the assessment does not need to progress to Stage 2.

Stage 2 - Appropriate Assessment (AA)

Where there is a risk of a likely significant effect occurring, or there is not enough evidence to rule out a risk, then a more detailed and thorough assessment is required, which is appropriate for the nature and complexity of the proposals. The AA should:

- assess the likely significant effects of a proposal on the integrity of the site and its conservation objectives
- consider ways to avoid or reduce (mitigate) any potential for an 'adverse effect on the integrity of the site'

The AA appropriate assessment aims to demonstrate whether an adverse effect on the integrity of the site from the proposal can be ruled out or not. As part of the assessment, any mitigation measures that have been included as part of the proposal to remove or reduce potential adverse effects should be considered.

Test the Integrity of a European Site

The integrity of the site will be adversely affected if a proposal could, for example:

- destroy, damage or significantly change all or part of a designated habitat
- significantly disturb the population of a designated species, for example, its breeding birds or hibernating bats
- harm the site's ecological connectivity with the wider landscape, for example, harm a woodland that helps to support the designated species from a nearby European site
- harm the site's ecological function, or its ability to survive damage, and reduce its ability to support a designated species
- change the site's physical environment, for example, by changing the chemical makeup of its soil, increasing the risk of pollution or changing the site's hydrology
- restrict access to resources outside the site that are important to a designated species, for example, food sources or breeding grounds
- prevent or disrupt restoration work, or the potential for future restoration, if it undermines the site's conservation objectives

If mitigation measures are needed to avoid adverse effects, the Competent Authority should attach conditions or take other necessary steps to make sure the measures are carried out.

Baseline Information

Landscape Appraisal

- 5. The Site is located at the northern edge of Kingsway Business Park a large phased development, with outline planning permission, itself located c. 1.7km east of Rochdale Town Centre and c. 1.2km north west of the M62.
- 6. The area is characterised by light industrial development and infrastructure associated with Kingsway Business Park, with many of the previous plots already built out to the south. To the north, west and east some remaining undeveloped business park plots remain but the area otherwise supports sub-urban housing associated with Milnrow and Rochdale, increasing in density to the south and west. To the north and east development gives way to more open pastoral farms and eventually more upland areas associated with the South Pennine Moors.
- 7. Locally distinctive habitats are centred on the Stanney Brook Corridor c. 100m south west. This being a locally designated 'Site of Biological Interest' containing Stanney Brook and associated riparian habitat. The area was designed as strategic greenspace within the wider Kingsway Business Park development.

Habitat Baseline

- 8. The Site is almost entirely occupied by either modified grassland reflecting its use as historic pasture or developing other neutral grassland establishing due to a lack of ongoing management facilitating succession to a more semi-natural state. A recently created footpath runs through the Site facilitating pedestrian access between the adjacent tram stop and business park.

Faunal Baseline

- 9. Potential impact on all protected or notable faunal species were ruled out at the Preliminary Ecological Appraisal Stage, with the exception of standard impacts on nesting birds and badger associated with clearance of the site.
- 10. Potential impacts on nesting birds will be dealt with through precautions of clearing the site outside the nesting window or carrying out dedicated nesting bird surveys prior to any clearance within the nesting season. Specific survey for little ringed plover was outlined as a precaution should the site be cleared and then left for long periods. Similarly, though currently absent, a precautionary check for badger has been advised due to known presence locally.

International Sites Considered within Influencing Distances

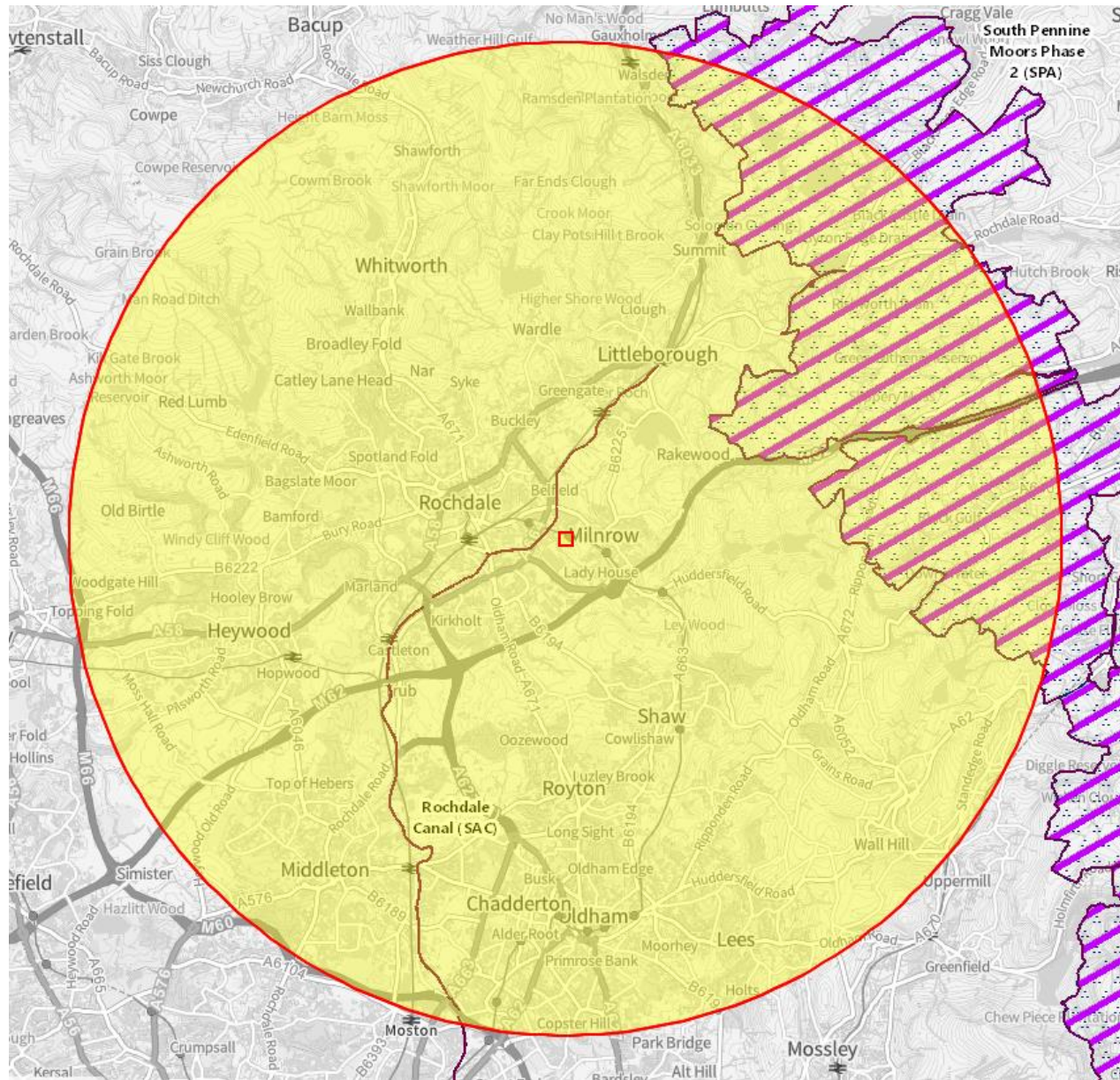
- 11. The Site is located within 10km of the following International Designated sites (distances as measured from the centre of the Site):

Table 1 European Designated sites

Site name	Designation	Distance
Rochdale Canal	Special Area of Conservation (SAC)	c.310m west
South Pennine Moors	SAC	c.3.9km north east
	Special Protection Area (SPA)	
	Site of Special Scientific Interest (SSSI)	

- 12. For the purpose of this report, on the Rochdale Canal International Designated site is considered within the Ecological Zone of Influence and as such has been taken forward for Stage 1: Screening assessment.
- 13. The South Pennine Moors has been scoped out of being within influencing distance from the development site in this instance due to its distance from the site, the scale and nature of development and intervening development further restricting functional linkage.
- 14. The locations of these NSN sites relative to the proposed development are shown on Figure 3 overleaf.
- 15. A summary of the NSN sites scoped in for assessment and potential impact pathways are given below.

Figure 3 NSN sites in relation to the application site. 10km buffer shown around application site, image taken from 'Magic' maps.



Rochdale Canal SAC

16. Rochdale Canal SAC designation covers a c. 18km long stretch of canal with an area of around 24.8ha. The surrounding areas are a mix of urban, sub-urban and more rural land uses. It is designated due to supporting the Annex 2 species *Luronium natans*, floating water plantain, in botanically diverse aquatic plant community including other *potamogeton* species. The canal is a predominantly mesotrophic water body.

Qualifying features

Annex I habitats (Primary Reason for Selection)

- N/a

Annex I habitats (Qualifying Feature)

- N/a

Annex II species (Primary Reason for Selection)

- 1831 Floating water-plantain *Luronium natans*

Annex I habitats (Qualifying feature)

- Otter

Conservation Objectives

17. With regard to the natural habitats and/or species for which the site has been designated and subject to natural change;
18. 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 and habitats of qualifying species
 - The structure and function of the habitats of qualifying species

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

Current threats

19. The SAC is managed by Natural England. The main identified threats are; human induced changes to hydraulic conditions and air pollution and air borne pollutants.

Stage 1: Screening - Test of Likely Significant Effect (TOLSE)

20. The following table provides Stage 1 of the shadow Habitats Regulations Assessment - the Test of Likely Significant Effects (TOLSE) for each of the NSN sites to be assessed - in this case the Rochdale Canal SAC.

Sensitive Interest Feature:	Impact:	Assessment
Rochdale Canal SAC <u>Annex I habitats</u> <i>n/a</i> <u>Annex II species</u> <i>Floating Water Plantain (Luronium natans)</i>	Direct physical loss or damage to habitat	The scale of the proposed development and its separation from the designation, via c. 310m of rough ground associated with undeveloped plots, mean direct physical damage or loss of habitat would not be envisaged. <u>Significant effect likely to occur:</u> No <u>Progress to Appropriate Assessment:</u> No
	Damage to habitats resulting from increased recreational pressure.	The Site is a commercial development which is unlikely to result in any appreciable increase in recreational visits to the canal. The existing towpath and footpath network is likely to facilitate high levels of recreational walking and other disturbance, development is unlikely to result in anything other than a very negligible increase in such activity. <u>Significant effect likely to occur:</u> No <u>Progress to Appropriate Assessment:</u> No
	Contamination e.g. introduction of heavy metals, pesticides, nutrients, air and water pollution, introduction of non-native species etc	Rochdale Canal is c.310m from the Site boundary, where most traffic related air pollution would occur. The site is also too far away (over 200m) to be affected by any dust generated by the development. Stanney Brook, the most obvious potential hydrological link c. 75m south west is culverted beneath Rochdale Canal to the northwest, after which it resurfaces on the other side of the canal and as such any hydrological links are actually not apparent. There are no other watercourses linking the development site to Rochdale Canal which could transport contamination and in some areas particularly to the north west of the site the canal appears to be raised up above surrounding levels further minimising the risk of any contamination by the flow of water. No invasive species were found on the current development site and invasive species are avoided in Site landscaping post development. As such the risk of spreading invasives appears minimal. <u>Significant effect likely to occur:</u> No <u>Progress to Appropriate Assessment:</u> No

Sensitive Interest Feature:	Impact:	Assessment
	Changes to Hydrology	Despite the nearby Stanney Brook there is no direct hydrological link between the Site and Rochdale Canal SAC. Canals being man made water bodies which generally use other man made structures to control water levels and often lined to prevent water loss so are as such not connected to ground water. <u>Significant effect likely to occur:</u> No <u>Progress to Appropriate Assessment:</u> No

In-combination Assessment

21. A search of the Rochdale local planning portal has been undertaken to identify similar projects within the vicinity of this application which could lead to in combination effects which may impact the highlighted designations.
22. A number of granted or pending applications of a similar nature, as set out below. Minor home applications have not been included.

Planning Ref.	Address	Status	Description
23/01230/FUL	Land at Junction of Sir Isaac Newton Way/ Michael Faraday Avenue, OL16 4PS	Awaiting Decision	Erection of petrol filling station, EV charging and two fast food units.
24/000149/FUL	Moss Bridge House, OL16 5EA	Awaiting Decision	Construction of single storey office block
24/00295/DOC	Plot M Kingsway Business Park OL16 4NG	Completed, submission of details to comply with condition 9	Construction of new light industrial/ warehouse units
23/01324/FUL	Plot L Kingsway Business Park, John Milne Avenue	Awaiting Decision	Erection of four industrial/ warehouse units and infrastructure
23/01352/DOC	Plot J2 Kingsway Business Park, OL16 4NR	Decided, request completed	Erection of two industrial units/ warehouses with infrastructure. Submission of details to comply with condition 5.
23/00707/FUL	Sonoco Industrial Products Station	Awaiting Decision	Erection of additional industrial unit.

23. Application 23/01324/FUL and 23/01352/DOC relates to one approved and one pending application for new industrial units associated with the planned

developments at Kingsway Business Park. Both were subject to a similar Shadow HRA, which was accepted by Natural England who ultimately raised no objection.

24. Additionally, 23/01230/FUL and 24/00295/DOC are additional developments of commercial and further warehouses respectively, in keeping with the business park development strategy. 24/00295/DOC has now been built out and 23/01230/FUL is awaiting decision. Again it is anticipated that impacts associated with such developments can be avoided or will not act in combination with the proposed development, due to it avoiding impacts.
25. The apparently minor developments at 24/000149/FUL and 23/00707/FUL, resulting in additional office and industrial unit are again considered unlikely to result in any in combination impacts due to the nature of proposals.
26. Overall the similar nature of proposals being for office space, commercial and warehousing units are considered unlikely to result in any significant increase in recreational pressure on Rochdale SAC, particularly above levels already present, due to a lack of proposed new residents likely to use the canal for recreation regularly. Similarly, a lack of hydrological connections to the canal locally indicates impacts on hydrology can also be avoided. As such there are no likely significant effects anticipated because of in-combination impacts including this proposed development.

Stage 2: Appropriate Assessment

27. The test of Likely Significant Effect (TOLSE) has found no significant effects are likely to occur at any of the identified European protected sites, as such the Appropriate Assessment stage of the HRA is not required.

Conclusion

28. Stage 1 (Screening) has concluded that any significant effects upon the conservation status of the outlined European Designations or their qualifying features as a result of the development are highly unlikely.
29. This conclusion largely draws upon the small scale of the proposed development, nature of development (office space), lack of hydrological connectivity and their likely ability to absorb any limited increases in recreational pressure.
30. Furthermore, the incorporation of the Stanney Brook Corridor and recreational footpath through the wider Kingsway Business Park will help to further mitigate pressures on local habitats and alleviate any residual recreational pressure.