



Indigo Ltd
S u r v e y s

190 Milkstone Road

James Campbell Associates

231356

Habitat Regulations Assessment

SD 90112 12137

9th August 2023

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Revision 1

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Disclaimer

This report has been prepared by Steven Whitcher for the sole use of the commissioning party. The report may not be relied upon by any other party without written agreement from Steven Whitcher.

In line with Chartered Institute of Environmental and Ecological Management (CIEEM) recommendations the findings of this survey are deemed valid for 18 months from the date of the survey.

1. Introduction

1.1. Background and Rationale

1.1.1. Planning permission is being sought for the conversion of an existing dwelling, 190 Milkstone Road, into a multiple occupancy dwelling, reference 22/01401/FUL.

1.1.2. As part of the planning process Rochdale Borough Council advised that a Habitat Regulations Assessment (HRA) was required due to the proximity of the site to the Rochdale Canal Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI).

1.1.3. Indigo Surveys Ltd were commissioned to prepare a HRA to address the concerns raised by Rochdale Borough Council.

1.2. Designated Sites

1.2.1. 190 Milkstone Road has no statutory designation for nature conservation.

1.2.2. The site lies 50m northwest, at the closest point, from the Rochdale Canal SAC & SSSI.

1.3. Scope of Report

1.3.1. This HRA provides information to assist Rochdale Borough Council in their consideration of whether the proposed development will have likely significant effects (LSE) on European sites, and in ascertaining any adverse effects on their integrity.

2. Baseline Conditions and Site Proposals

2.1. Baseline Conditions

2.1.1. The site comprises an existing residential property and associated gardens extending to approximately 150m². A baseline ecological survey of the site has not been carried out.

2.1.2. The site comprises an existing brick end terrace building with a tiled pitched roof.

2.1.3. To the front (northeast) the property displays a small fenced off-street area that comprises paving flags.

2.1.4. To the rear the garden of the property displays concrete walls or concrete post and wooden panel fencing with existing vehicle access to a garage in the basement of the building.

2.2. Scope of Development

2.2.1. The planning application is for ‘*Change of use from C3 Dwellinghouse to Sui Generis (9-bedroom HMO) insertion of a window to first floor side elevation, alteration to existing garage door into a window including provision of parking areas at rear.*’

2.3. Rochdale Canal Special Area of Conservation (SAC)

2.3.1. The Rochdale Canal SAC comprises a 24.86 hectare (ha) linear site that extends throughout Rochdale and the neighbouring towns with an approximate central location of SD893038.

2.3.2. The qualifying feature of the SAC is the presence of floating water plantain (*Luronium natans*) with the citation for the site stating:

‘The Rochdale Canal Contains important habitats for submerged plants and emergent vegetation, including extensive colonies of nationally scarce floating water-plantain (Luronium natans). The site also supports a diverse assemblage of aquatic flora, in particular nine species of pondweed (Potamogeton spp). The plant communities found in the Rochdale Canal are characteristic of mesotrophic water bodies, i.e. those which are moderately nutrient-rich.’

3. Screening of Likely Significant Effects

3.1. Introduction

3.1.1. The assessment of LSE is the first stage of a HRA and is intended to be a simple exercise to address the question:

'is the project, either alone or in combination with other relevant projects and plans, likely to result in significant effect on the conservation objectives and integrity of the European site.'

3.1.2. To address this question it is necessary to identify and consider the realistic and credible pathways/mechanisms by which the development proposal may lead to an effect on the European site.

3.2. Potential Pathways of Impact

3.2.1. Rochdale Borough Council prepared the 'Draft Allocations Plan Habitats Regulations Assessment of the Impact on European Protected Sites' during September 2018.

3.2.2. The document screened in 'AL/6 – Sites allocated for residential development' and identified the following potential impacts on the Rochdale Canal SAC, which the site has been screened against as a stand-alone development and in combination with other sites in Table 1 below.

Table 1: Screening against potential impacts

Site Name	Qualifying Feature	Potential Pathway	Is the scheme likely to have a significant effect on European Sites alone	Is the scheme likely to have a LSE on European Sites in combination with other sites	Screened in
Rochdale Canal SAC	Floating water-plantain (<i>Luronium natans</i>)	Dredging of the canal	No, works won't directly impact on the canal	No, works won't directly impact on the canal	No
		Draining of the canal	No, works won't directly impact on the canal	No, works won't directly impact on the canal	No
		Pollution of the canal	Yes, from surface water run-off or pollution during the construction phase of the development. No long-term impacts likely	Yes, from surface water run-off or pollution during the construction phase of the development. No long-term impacts likely	Yes
		Shading of the canal	No, works are 50m from the canal and will not cause shading	No, works are 50m from the canal and will not cause shading	No
		Increased boat traffic using the canal	No increase in boat traffic envisioned	No increase in boat traffic envisioned	No
		Use of herbicides in or adjacent to the canal	No herbicide use proposed during the development	No herbicide use proposed during the development	No

		Introduction of invasive species	No, minimal landscaping proposed and no invasive species to be used	No, minimal landscaping proposed and no invasive species to be used	No
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4. Appropriate Assessment

4.1. Likely Significant Effects

4.1.1. Screening out in Section 3.2 has identified that, in the absence of mitigation, the proposed development may have a LSE on the Rochdale Canal SAC through pollution or surface water run-off. 190 Milkstone Road is located 50m northwest of the site with vehicle access to the site via Windsor Street, which lies within 10m of the SAC.

4.1.2. Increased surface water run-off and traffic from machinery during the construction, including spills/leaks, could reach the SAC via the existing sealed surfaces that lead directly to the canal.

4.2. Mitigation Measures

4.2.1. During the construction phase of the development vehicular access to the rear of the property will be restricted to essential machinery only, with the remaining vehicles utilising the Milkstone Road and the surrounding public highways for access and parking.

4.2.2. In order to avoid pollution events during the development all relevant activities will adhere to the Pollution Prevention Guidelines for Businesses provided by the Department for Environment, Food & Rural Affairs (DEFRA) with particular note the section 'Construction, inspection and maintenance', which includes a section on 'work in, over or near a river, stream, lake or pond'. The control measures will include but not be limited to:

- Safe storage/use of fuel and careful refuelling procedures,
- Safe storage/use of solvents, cements, adhesives, grout and concrete,
- Sufficient spill kits available on site,
- Strict adherence to COSHH procedure,
- Minimising the escape of dust and mud,
- Prevention of water pollution through run off via the use of fully guards, straw bales, gravel traps, silt fencing, etc,
- Emergency protocol should a major pollution incident occur.

4.2.3. During the occupation of the property parking will be provided at the rear of the property for two vehicles with the parking spaces being constructed from permeable materials, which will prevent additional run-off. Therefore, the occupation of the building post development will not cause an increase in vehicle activity to the rear of the building, with parking and garage access currently available to the rear of the building.

5. Conclusion

5.1. Given the site's proximity to the Rochdale Canal SAC the proposed development has been subject to a HRA.

5.2. The screening assessment confirmed that in the absence of mitigation there are potential LSE on the SAC.

5.3. The screening exercise completed as part of this report confirms that impact pathways are restricted to impacts resulting from increased run-off or pollution during the construction phase of the development.

5.4. Pollution impacts will be mitigated through restrictions in access and parking and strict adherence to the DEFRA's Pollution Prevention Guidelines for Businesses during the construction phase of the development.

5.5. With the adoption of the mitigation measures detailed in this document all LSE's identified during the screening assessment can be successfully mitigated for.

6. References

CIEEM (2017) Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

Rochdale Council (2018) Draft Allocations Plan, Habitats Regulations Assessment of the Impact on European Protected Sites. Available at http://consultations.rochdale.gov.uk/council-wide/consultation-on-draft-allocations-plan/supporting_documents (Accessed 9th August 2023).

Natural England (2014) Rochdale Canal SAC Citation. Available at <http://publications.naturalengland.org.uk/publication/6015060228964352> (Accessed 9th August 2023)

Legislation and Policy.

Conservation of Habitats and Species Regulations 2017. Available at <http://www.legislation.gov.uk/ukxi/2017/1012/contents/made> (Accessed 5th April 2022).

Countryside Rights of Way Act 2000. Available at <http://www.legislation.gov.uk/ukpga/2000/37/contents> (Accessed 5th April 2022).

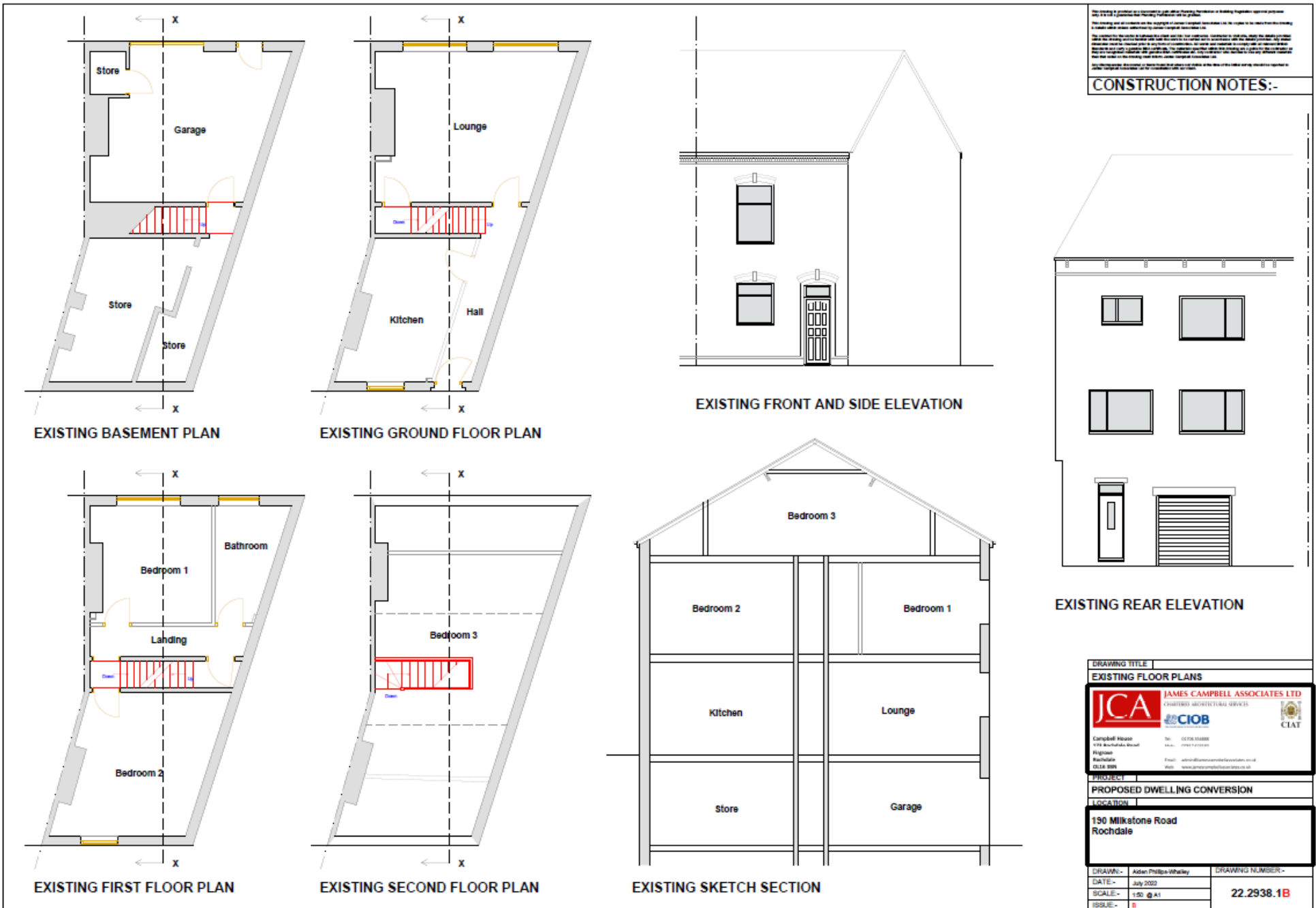
The Habitats Directive. Available at http://www.ec.europa.eu/environment/nature/legislation/habitatsdirective/index_en.htm (Accessed 5th April 2022).

National Planning Policy Framework (2021). Available at <http://www.gov.uk/guidance/national-planning-policy-framework> (Accessed 5th April 2022).

Natural Environment and Rural Communities (NERC) Act 2006. Available at <http://www.legislation.gov.uk/ukpga/2006/16/contents> (Accessed 5th April 2022).

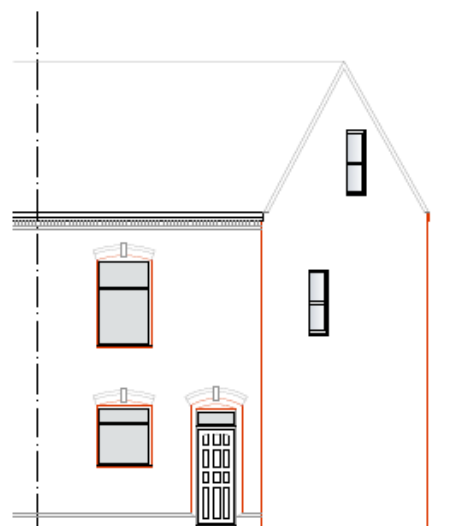
The Wildlife and Countryside Act 1981. Available at <http://www.legislation.gov.uk/ukpga/1981/69> (Accessed 5th April 2022).

Appendix I: Development Plans

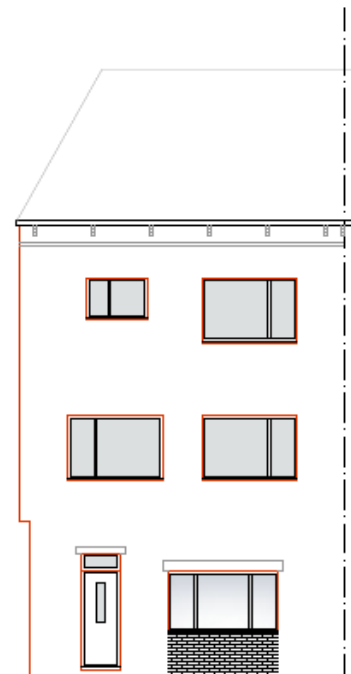


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CONSTRUCTION NOTES:-

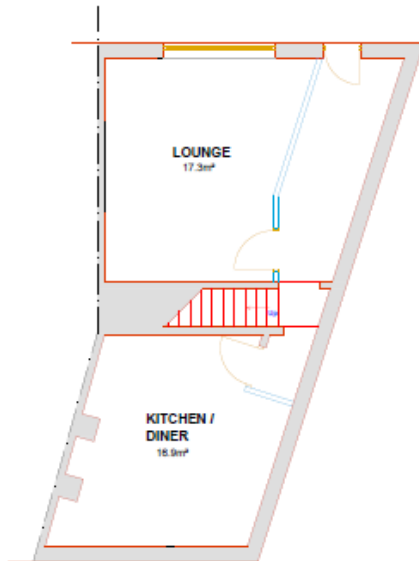


PROPOSED FRONT AND SIDE ELEVATION

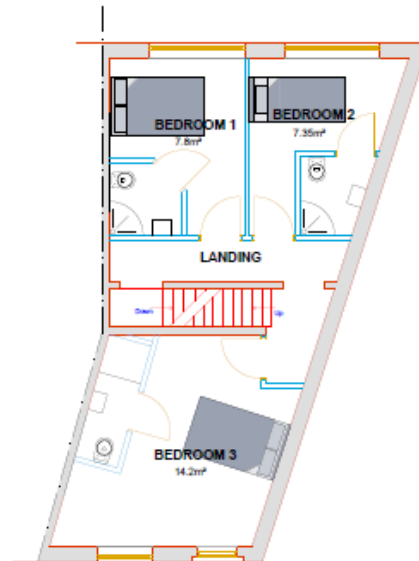


PROPOSED REAR ELEVATION

DRAWING TITLE	
SCHEME 2 - PROPOSED DETAILS	
 JAMES CAMPBELL ASSOCIATES LTD CHARTERED ARCHITECTURAL SERVICES  	
Campbell House 179 Rochdale Road Rochdale OL16 3BN	Tel: 01706 333888 Fax: 01706 333889 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk
PROJECT	
PROPOSED DWELLING CONVERSION	
LOCATION	
190 Milkstone Road Rochdale	
DRAWN:-	Aiden Phillips-Wheley
DATE:-	July 2022
SCALE:-	1:50 @ A1
ISSUE:-	C
DRAWING NUMBER:-	
22.2938.SC.2.2C	



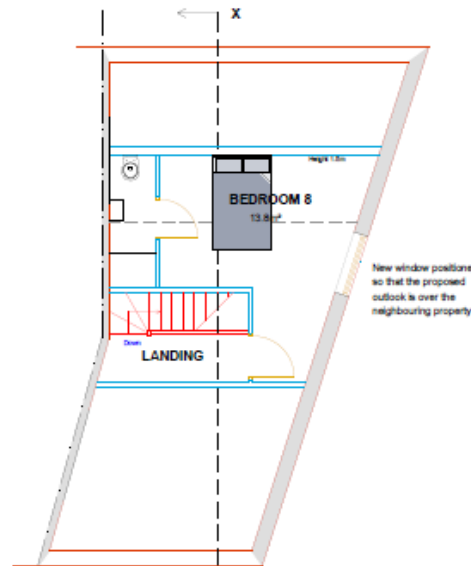
PROPOSED BASEMENT PLAN



PROPOSED GROUND FLOOR PLAN



PROPOSED FIRST FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

BEDROOM 2
10.3m²

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CONSTRUCTION NOTES:-

HMO STANDARDS

As per guidance from Sheltered England, the proposed scheme has been designed to meet the required National standards of HMO developments and the proposed bedroom spaces as advised by Gov HMO Standards.

Bedroom Area Requirements (as of October 2018):

- 8.51 square metres for a person aged 10 or over
- 10.22 square metres for 2 people aged 10 or over
- 4.64 square metres for a child under 10 years old

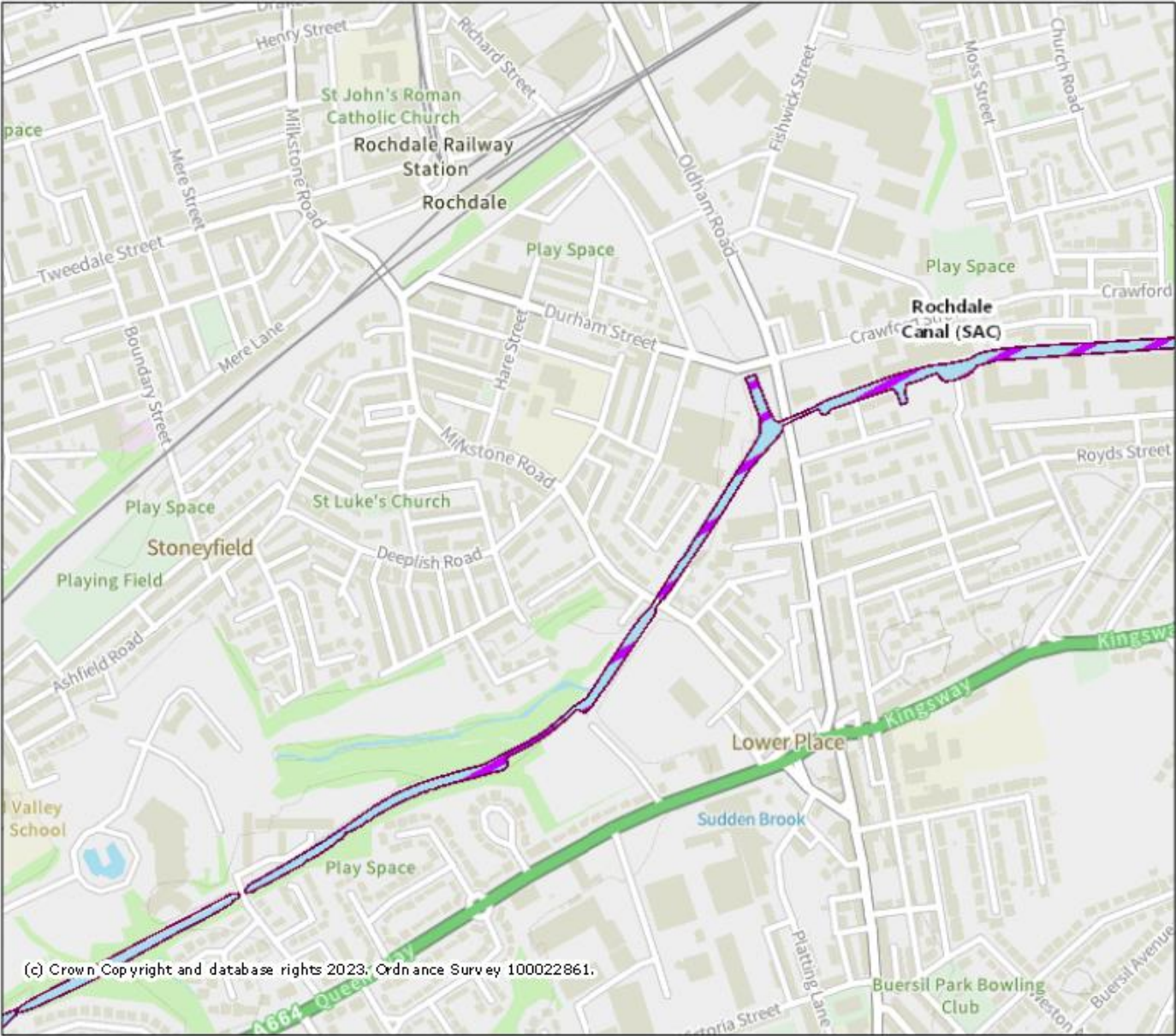
BEDROOM SCHEDULE

No. of Bedrooms

Bedroom 1	7.8m²
Bedroom 2	7.35m²
Bedroom 3	14.2m²
Bedroom 4	7.8m²
Bedroom 5	7.35m²
Bedroom 6	6.83m²
Bedroom 7	6.9m²
Bedroom 8	13.8m²

DRAWING TITLE	
SCHEME 2 - PROPOSED DETAILS	
 	
 	
Campbell House 171A Rochdale Road Rochdale OL16 9BB	
Tel: 0161 558888 Fax: 0161 558888 Email: admin@jamescampbellassociates.co.uk Web: www.jamescampbellassociates.co.uk	
PROJECT	
PROPOSED DWELLING CONVERSION	
LOCATION	
190 Milkstone Road Rochdale	
DRAWN:-	Asien Phillips-Wheley
DATE:-	July 2022
SCALE:-	1:50 @ A1
ISSUE:-	C
DRAWING NUMBER:-	
22.2938.SC2.1C	

Appendix II: Designated Site Map



Legend

 Special Areas of Conservation (England)

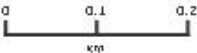
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ymin = 411500

xmax = 391600

ymax = 412900



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Appendix II: **Planning Policy and Species Legislation Summary**

1. Planning Policy

1.1. The National Planning Policy Framework (NPPF, 2019) sets out the governments planning policies and how they should be applied. Section 15 of the policies refers to 'Conserving and enhancement the natural environment'. This outlines how local authorities should deal with biodiversity when considering planning applications.

1.2. NPPF paragraph 180 States:

When determining planning applications, local planning authorities should apply the following principles;

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) Development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.*