

OLDHAM METROPOLITAN BOROUGH COUNCIL

LOCAL DEVELOPMENT FRAMEWORK

HABITATS REGULATIONS ASSESSMENT

FOR THE

**DRAFT OPEN SPACE, SPORT AND
RECREATION PROVISION
SUPPLEMENTARY PLANNING DOCUMENT**

MARCH 2008

OLDHAM METROPOLITAN BOROUGH LOCAL DEVELOPMENT FRAMEWORK

Supplementary Planning Document

The Government has reformed the system of development planning in England. Development Plans are used to control and guide the development and use of land. As part of the reformed system, Oldham Metropolitan Borough Council must prepare a “Local Development Framework”.

The Local Development Framework will be a folder of different documents, including Development Plan Documents, which set out the Council’s approach to future development in the Borough.

This document is part of a Supplementary Planning Document (SPD). SPDs are documents that expand on policy outlined in a Development Plan Document or provide more detail on it to help in its implementation. They are not formally part of the statutory Development Plan but are material considerations in determining planning applications.

Supplementary Planning Documents have three supporting documents:

- a Sustainability Appraisal,
- a Habitats Regulations Assessment, and
- an Equalities Impact Assessment.

Members of the public may comment on the Supplementary Planning Document and any of the three supporting documents. A document outlining who has been consulted in the preparation of the Supplementary Planning Document, and issues they raised, is also available alongside these documents. This is called a Consultation Statement.

Members of the public may comment on this document during the six-week public consultation period as indicated on the public notice and comments form.

Comments made on the document cannot be treated as confidential.

If you would like further help in interpreting this document please contact the Strategic Planning and Information section on the following telephone numbers: 0161 770 1673 / 4163.

You can also email the team on spi@oldham.gov.uk.

All documents connected with the Local Development Framework are available on the Council’s web site at www.oldham.gov.uk.

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If you would like to receive this information in another format, such as large print, Braille, audio or alternative languages, please call us on 0161 770 4151 or 4163 or 4139.

Introduction

- i The Council is required under Articles 6(3) and (4) of the Habitats Directive to assess the potential effects of its policies on European Sites which lie within and outside the Borough. The purpose of Habitats Regulations Assessment (HRA) is to ensure that the protection of the integrity of European sites is a part of the planning process.
- ii There are two European designated sites which fall partly within the Borough, namely the Rochdale Canal which is a Special Area of Conservation (SAC) and South Pennine Moors which is a SAC and a Special Protection Area (SPA). For information Appendix 1 contains a map showing the location of the European sites in Oldham Metropolitan Borough.
- iii To meet this requirement the Council requested the Greater Manchester Ecology Unit carry out a HRA on the draft Supplementary Planning Document (SPD) 'Open Space, Sport and Recreation Provision'. In accordance with draft guidance from the Department for Communities and Local Government¹ this process involves 3 stages:
 - o AA task 1 – Identifying likely significant effects
 - o AA task 2 – Appropriate assessment and ascertaining the effect on site integrity
 - o AA task 3 – Mitigating measures and alternative solutions
- iv Task 1, also referred to as 'screening', determines whether the subsequent steps (tasks 2 and 3) of appropriate assessment are required. In this instance the Greater Manchester Ecology Unit (GMEU) has concluded, subject to changes to the draft SPD, which have been incorporated, that there will be no significant damaging effects arising from the implementation of this document on the special interest of the Rochdale Canal SAC and therefore carrying out a full Appropriate Assessment of the plan is considered unnecessary. GMEU also concluded that there will be no significant damaging effects arising from application of the principles outlined in the SPD on the special interest of the South Pennine Moors SAC and therefore carrying out a full appropriate assessment of the document is considered unnecessary.
- v The results of task 1 are included as Appendices 2 and 3. Appendix 2 assesses the likely impact of the draft SPD on the Rochdale Canal. Appendix 3 assesses the likely impact of the draft SPD on South Pennines Moor.
- vi Members of the public may comment on the Habitats Regulations Assessment during the six week public consultation period as indicated on the public notice and comments form.

¹ Planning for the Protection of European Sites: Appropriate Assessment – Guidance for Regional Spatial Strategies and Local Development Documents (Department for Communities and Local Government, August 2006)

Appendix 2 – AA task 1 – Identifying Significant Effects

Screening Opinion on the Impact of the Oldham MBC open space, sport and recreation provision supplementary planning document on the Rochdale Canal Special Area of Conservation (SAC)

1 Brief description of the plan

The Supplementary Planning Document provides information to assist with the implementation of Oldham Metropolitan Borough Unitary Development Plan (UDP) policies on how the Council will seek open space, sport and recreation provision where it may be lost through alternative development or sought as part of a residential development. The draft SPD provides guidance and advice on:

1. The mechanisms for seeking a replacement facility and/or financial contribution where an open space, sport or recreation facility is lost as a result of development; and
2. The mechanisms for seeking open space, sport and recreation provision as part of a residential development

The intention of the SPD is not to form a Greenspace Strategy, but simply to set out the process for seeking planning obligations that may be sought through policies R1.1 and R2.1 within the Unitary Development Plan.

2 Description of the Rochdale Canal SAC

The Rochdale Canal extends approximately 20 km from Littleborough to Failsworth, passing through urban and industrialised parts of Rochdale and Oldham and the intervening areas of agricultural land (mostly pasture). Water supplied to the Rochdale Canal in part arises from the Pennines. This water is acidic and relatively low in nutrients, while water from other sources is mostly high in nutrients. The aquatic flora of the canal is thus indicative of a mesotrophic water quality (i.e. is moderately nutrient-rich) although there is evidence of some local enrichment.

3 Primary reason for designation

The Rochdale Canal supports a significant population of **floating water-plantain *Luronium natans*** in a botanically diverse waterplant community which also holds a wide range of pondweeds *Potamogeton* spp. The canal has predominantly mesotrophic water. This population of *Luronium* is representative of the formerly more widespread canal populations of north-west England, although the Rochdale Canal supports unusually dense populations of the plant.

3.1 Floating water-plantain; description and ecological characteristics

Floating water-plantain *Luronium natans* occurs in a range of freshwater situations, including nutrient-poor lakes in the uplands (mainly referable to 3130 Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*) and slowly-flowing lowland rivers, pools, ditches and canals that are moderately nutrient-rich.

Luronium natans occurs as two forms: in shallow water with floating oval leaves, and in deep water with submerged rosettes of narrow leaves. The plant thrives best in open situations with a moderate degree of disturbance, where the growth of emergent vegetation is held in check. Populations fluctuate greatly in size, often increasing when water levels drop to expose the bottom of the water body. Populations fluctuate from year to year, and at many sites records of ***L. natans*** have been infrequent, suggesting that only small populations occur, in some cases possibly as transitory colonists of the habitat. Populations tend to be more stable at natural sites than artificial ones, but approximately half of recent (post-1980) records are from canals and similar artificial habitats. Its habitat in rivers has been greatly reduced by channel-straightening, dredging and pollution, especially in lowland situations.

4 Operations that may damage the special interest of the canal include operations and activities that affect the growth and survival of *Luronium natans*

- 4.1 Dredging of the canal
- 4.2 Draining of the canal
- 4.3 Pollution of the canal
- 4.4 Shading of the canal
- 4.5 Increased boat traffic using the canal
- 4.6 Use of herbicides in or adjacent to the canal

5 Impact of the open space, sport and recreation provision SPD on the special interest of the SAC

Potentially Damaging Operation	Impact of SPD	Mitigation proposed in the SPD
Dredging of the canal	None	None required
Draining of the canal	None	None required
Pollution of the canal	It is possible that during the development and operation of new open spaces, sports facilities and recreation facilities some pollution could be caused to the Canal	<p>Para. 2.3 (i) reiterates the objective within the Oldham UDP that open space, sport and recreation provision should ensure that ‘the use of sport and recreational facilities does not harm nature conservation and biodiversity’</p> <p>The SPD also (in para. 10.1) states that the location and design of any new, replacement or enhanced open space and facilities should comply with the specifications outlined in the Urban Design Guide SPD. The Urban Design Guide SPD specifies that new open spaces should not damage existing important nature conservation features and should contribute to biodiversity enhancement.</p>
Shading of the canal	None	None required
Increase in boat traffic	The Canal is a recreational resource, and it is possible that the provision of new and/or improved recreational facilities could result in more boat traffic on the Canal (although it should be recognised that the main focus of this SPD is the provision of good quality public open space rather than improvements to the Canal as a recreational resource)	<p>Para. 2.3 (i) reiterates the objective within the Oldham UDP that open space, sport and recreation provision should ensure that ‘the use of sport and recreational facilities does not harm nature conservation and biodiversity’</p> <p>The SPD also (in para. 10.1) states that the location and design of any new, replacement or enhanced open space and facilities should comply with the specifications outlined in the urban Design Guide SPD. This SPD specifies</p>

		that new open spaces should not damage existing important nature conservation features and should contribute to biodiversity enhancement.
Use of herbicides	None	None required

6 Conclusions and recommendations for further mitigation

It is considered very unlikely that the improvement of existing open space or the creation of new areas of open space, or the provision of enhanced sport or recreation facilities, will have a significant impact on the special interest of the Rochdale Canal SAC, *unless* the provision of recreation facilities is taken to include enhanced provision for boating on the Canal. It is unclear from the document whether such recreational provision on the Canal would be provided for under the policies in the SPD. If it is intended that recreational facilities could in fact include enhanced boating provision on the Canal then I would **recommend** that the special nature conservation status of the Canal be referred to specifically in the SPD, and that attention be drawn to the need to demonstrate that enhanced recreational provision on the Canal will not harm the special nature conservation value of the Canal.

However, the main focus of the SPD is clearly on the provision of new areas of public open space, which by their nature are unlikely to have any significant impact on the Canal unless they are immediately adjacent to the Canal.

In the event that a new area of open space or a new sports or recreation facility is in fact to be created adjacent to the Canal, sufficient safeguards are in place in the SPD (para 2.3 and 10.1) to ensure that the nature conservation interest of the Canal will not be damaged.

Providing, then, that the recommendation described above is incorporated into the document, the overall impact of the Open Space, Sport and Recreation Provision SPD on the Rochdale Canal SAC is assessed as **neutral**,

My conclusion is that there will be **no significant damaging effects** arising from the implementation of this document on the special interest of the Rochdale Canal SAC and therefore carrying out a full Appropriate Assessment of the plan is considered unnecessary.

Appendix 3 - AA task 1 – Identifying Significant Effects

Screening opinion on the Impact of the Oldham and Rochdale Open Space, Sport and Recreation Provision Supplementary Planning Document on the South Pennine Moors Special Area of Conservation

1 Brief description of the plan

The supplementary planning document provides information to assist with the implementation of Oldham Metropolitan Borough Unitary Development Plan (UDP) policies on how the Council will seek open space, sport and recreation provision where it may be lost through alternative development or sought as part of a residential development. The draft SPD provides guidance and advice on:

- 1 the mechanisms for seeking a replacement facility and/or financial contribution where an open space, sport or recreation facility is lost as a result of development; and
- 2 the mechanisms for seeking open space, sport and recreation provision as part of a residential development

The intention of the SPD is not to form a Greenspace Strategy, but simply to set out the process for seeking planning obligations that may be sought through policies R1.1 and R2.1 within the Unitary Development Plan.

2 Description of South Pennine Moors SAC

This site forms part of the Southern Pennines lying between Ilkley in the north and the Peak District National Park boundary in the south. The majority of the site is within West Yorkshire but it also covers areas of Lancashire, Greater Manchester and North Yorkshire. The largest moorland blocks are Ilkley Moor, the Haworth Moors, Rishworth Moor and Moss Moor. The underlying rock is Millstone Grit which outcrops at Boulsworth Hill and on the northern boundary of Ilkley Moor. The moorlands are on a rolling dissected plateau between 300m and 450m AOD with a high point of 517m at Boulsworth Hill. The greater part of the gritstone is overlain by blanket peat with the coarse gravelly mineral soils occurring only on the lower slopes. The site is the largest area of unenclosed moorland within West Yorkshire and contains the most diverse and extensive examples of upland plant communities in the county. Extensive areas of blanket bog occur on the upland plateaux and are punctuated by species rich acidic flushes and mires. There are also wet and dry heaths and acid grasslands. Three habitat types which occur on the site are rare enough within Europe to be listed on Annex 1 of the EC habitats and Species Directive (92/43) EEC. These communities are typical of and represent the full range of upland vegetation classes found in the South Pennines. This mosaic of habitats supports a moorland breeding bird assemblage which, because of the range of species and number of breeding birds it contains, is of regional and national importance. The large numbers of breeding merlin *Falco columbarius*, golden plover *Pluvialis apricaria* and twite *Carduelis flavirostris* are of international importance.

3 Primary reason for designation of the SAC

3.1 The site supports the following important habitats

European Dry Heaths

The site is representative of upland dry heath at the southern end of the Pennine range, the habitat's most south-easterly upland location in the UK. 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 **7130 blanket bogs**. The upland heath of the South Pennines is strongly dominated by heather *Calluna vulgaris*. Its main NVC types are H9 *Calluna vulgaris* – *Deschampsia flexuosa* heath and H12 *Calluna vulgaris* – *Vaccinium myrtillus* heath. More rarely H8 *Calluna vulgaris* – *Ulex gallii* heath and H10 *Calluna vulgaris* – *Erica cinerea*

heath are found. On the higher, more exposed ground H18 *Vaccinium myrtillus* – *Deschampsia flexuosa* heath becomes more prominent. In the cloughs, or valleys, which extend into the heather moorlands, a greater mix of dwarf shrubs can be found together with more lichens and mosses. The moors support a rich invertebrate fauna, especially moths, and important bird assemblages.

Blanket Bogs

This site represents **blanket bog** in the south Pennines, the most south-easterly occurrence of the habitat in Europe. The bog vegetation communities are botanically poor. Hare's-tail cottongrass *Eriophorum vaginatum* is often overwhelmingly dominant and the usual bog-building *Sphagnum* mosses are scarce. Where the blanket peats are slightly drier, heather *Calluna vulgaris*, crowberry *Empetrum nigrum* and bilberry *Vaccinium myrtillus* become more prominent. The uncommon cloudberry *Rubus chamaemorus* is locally abundant in bog vegetation. Bog pools provide diversity and are often characterised by common cottongrass *E. angustifolium*. Substantial areas of the bog surface are eroding, and there are extensive areas of bare peat. In some areas erosion may be a natural process reflecting the great age (9000 years) of the south Pennine peats.

Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

Around the fringes of the upland heath and bog of the south Pennines are blocks of **old sessile oak woods**, usually on slopes. These tend to be dryer than those further north and west, such that the bryophyte communities are less developed (although this lowered diversity may in some instances have been exaggerated by the effects of 19th century air pollution). Other components of the ground flora such as grasses, dwarf shrubs and ferns are common. Small areas of alder woodland along stream-sides add to the overall richness of the woods.

4 Operations that may damage the special interest of the SAC include

- 4.1 Cultivation
- 4.2 Grazing
- 4.3 Mowing or cutting
- 4.4 Application of manure, fertilisers or lime
- 4.5 Application of pesticides
- 4.6 Burning
- 4.7 Drainage
- 4.8 Extraction of minerals including peat, topsoil and subsoil
- 4.9 Construction or removal of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks or the laying or removal of pipelines and cables
- 4.10 Erection of permanent structures
- 4.11 Use of vehicles likely to damage the vegetation
- 4.12 Pollution

5 Impact of the Oldham Open Space, Sport and Recreation SPD on the special features of the South Pennine Moors SAC

Potentially Damaging Operation	Impact of SPD	Mitigation
Cultivation	None	None required
Grazing	None	None required
Mowing or cutting	None	None required
Application of manure, fertilisers or lime	None	None required
Application of pesticides	None	None required
Burning	None	None required
Drainage	If new open space, sport and recreation provision is to be provided in the SAC it is possible that such provision will require small parts of the SAC to be drained.	<p>Since the aim of the SPD is to assist the provision of new open space, sports and recreation provision close to existing and new communities, and there are no communities within the SAC or likely to be established within it, the probability of this damaging operation being undertaken is very low.</p> <p>In the unlikely event that such provision is to be required within the SAC the SPD does state that, in line with objectives outlined in the Oldham UDP, the use of sport and recreational facilities will not harm nature conservation and biodiversity interests. Para. 2.3 (i) reiterates the objective within the Oldham UDP that open space, sport and recreation provision should ensure that ‘the use of sport and recreational facilities does not harm nature conservation and biodiversity’</p> <p>The SPD also (in para. 10.1) states that the location and design of any new, replacement or enhanced open space and facilities should comply with the specifications outlined in the Urban Design Guide SPD. The Urban Design Guide SPD specifies that new open spaces should not damage existing important nature conservation features and should contribute to biodiversity enhancement.</p>

Extraction of minerals	None	
Construction or removal of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks or the laying or removal of pipelines and cables	It is possible that new sport and recreation provision could involve the construction of new roads, tracks, fences, hardstands or other earthworks in the SAC. Should additional built development be allowed in the SAC there will be a direct impact from land-take (habitat and species loss) and indirect impact from habitat fragmentation and increased public pressure.	<p>Since the aim of the SPD is to assist the provision of new open space, sports and recreation provision close to existing and new communities, and there are no communities within the SAC or likely to be established within it, the probability of this damaging operation being undertaken is very low.</p> <p>In the unlikely event that such provision is to be required within the SAC the SPD does state that, in line with objectives outlined in the Oldham UDP, the use of sport and recreational facilities will not harm nature conservation and biodiversity interests. Para. 2.3 (i) reiterates the objective within the Oldham UDP that open space, sport and recreation provision should ensure that ‘the use of sport and recreational facilities does not harm nature conservation and biodiversity’</p> <p>The SPD also (in para. 10.1) states that the location and design of any new, replacement or enhanced open space and facilities should comply with the specifications outlined in the Urban Design Guide SPD. The Urban Design Guide SPD specifies that new open spaces should not damage existing important nature conservation features and should contribute to biodiversity enhancement.</p>
Erection of permanent structures	It is possible that new sport and recreation provision could involve the erection of new permanent structures within the SAC. Should additional built development be allowed in the SAC there will be a direct impact from land-take (habitat and species loss) and indirect impact from habitat fragmentation and increased public pressure.	<p>Since the aim of the SPD is to assist the provision of new open space, sports and recreation provision close to existing and new communities, and there are no communities within the SAC or likely to be established within it, the probability of this damaging operation being undertaken is very low.</p> <p>In the unlikely event that such provision is to be required within the SAC the SPD does state that, in line with objectives outlined in the Oldham UDP, the use of sport and recreational facilities will not harm nature conservation and biodiversity interests. Para. 2.3 (i) reiterates the objective within the Oldham UDP that open space, sport and recreation provision should ensure that ‘the use of sport and recreational facilities does not harm nature conservation and</p>

		<p>biodiversity'</p> <p>The SPD also (in para. 10.1) states that the location and design of any new, replacement or enhanced open space and facilities should comply with the specifications outlined in the Urban Design Guide SPD. The Urban Design Guide SPD specifies that new open spaces should not damage existing important nature conservation features and should contribute to biodiversity enhancement.</p>
Use of vehicles likely to damage the vegetation	None	None required
Pollution	Built development may cause pollution of the SAC through air water and ground sources.	<p>Since the aim of the SPD is to assist the provision of new open space, sports and recreation provision close to existing and new communities, and there are no communities within the SAC or likely to be established within it, the probability of this damaging operation being undertaken is very low.</p> <p>In the unlikely event that such provision is to be required within the SAC the SPD does state that, in line with objectives outlined in the Oldham UDP, the use of sport and recreational facilities will not harm nature conservation and biodiversity interests.</p>

6 Conclusions and recommendations

It is very unlikely that new or replacement open space, sports or recreation provision associated with new development will be provided within the South Pennine Moors SAC, because such developments will be associated with existing communities and new residential developments. There are no communities currently within the SAC boundary and the probability that new communities will be established within the SAC is very low. It is very unlikely that developers will be asked to contribute to 'off-site' open space, sport or recreation provision within the SAC.

In the unlikely event that such provision is to be required within the SAC the SPD does state that, in line with objectives outlined in the Oldham UDP, the use of sport and recreational facilities will not harm nature conservation and biodiversity interests.

My conclusion is that there will be **no significant damaging effects** arising from application of the principles outlined in this document on the special interest of the South Pennine Moors SAC and therefore carrying out a full appropriate assessment of the document is considered unnecessary.