

**OLDHAM METROPOLITAN BOROUGH COUNCIL**

**LOCAL DEVELOPMENT FRAMEWORK**

**HABITATS REGULATIONS ASSESSMENT**

**FOR THE**

**DRAFT CONTAMINATED LAND  
SUPPLEMENTARY PLANNING DOCUMENT**

**JANUARY 2007**

**OLDHAM**   
*Metropolitan Borough* 



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## 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 a map showing the location of the European sites is included in appendix 1.
- iii To meet this requirement the Council requested the Greater Manchester Ecology Unit to carry out a HRA on the draft Supplementary Planning Document (SPD) 'Contaminated Land'. In accordance with draft guidance from the Department for Communities and Local Government<sup>1</sup> 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 has concluded, subject to changes to the SPD which have been incorporated, that the SPD would only have a positive effect on the special interest of the SAC and therefore carrying out a full appropriate assessment of the plan is considered unnecessary.
- v The results of task 1 are included as appendices 2 and 3. Appendix 2 assesses the likely impact of the SPD on the Rochdale Canal. Appendix 3 assesses the likely impact of the 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.

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<sup>1</sup> 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 draft contaminated land supplementary planning document on the Rochdale Canal Special Area of Conservation Provided by Greater Manchester Ecology Unit

#### 1 Brief description of the plan

1.1 The supplementary planning document sets out the views of Oldham MBC on how it will deal with applications for development that may have an impact on contaminated land. It provides guidance on

- The type of development where a contaminated land assessment would be required
- What information a contaminated land assessment should contain and
- Measures that could be introduced to ensure safe development and future occupancy of contaminated land

1.2 The document is not site specific but covers potential development across the whole district. Operations affected by the document could therefore occur within, or immediately adjacent to, the SAC.

1.3 The overall aim of the document is to prevent unacceptable impacts on the environment or human health arising from developments affecting contaminated land.

#### 2 Description of the Rochdale Canal SAC

2.1 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 of the Rochdale Canal Special Area of Conservation

3.1 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.

#### 4 Floating water-plantain; description and ecological characteristics

4.1 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.

4.2 *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.

#### 5 Operations that may damage the special interest of the SAC include operations and activities that affect the growth of *Luronium natans*

- 5.1 Dredging
- 5.2 Draining
- 5.3 Pollution
- 5.4 Shading
- 5.5 Increased boat traffic
- 5.6 Use of herbicides in or adjacent to the canal

#### 6 Impact of the contaminated land SPD on the special interest of the SAC

Potentially Damaging Operation	Impact of SPD	Mitigation
Dredging of the canal	None	None required
Draining of the canal	None	None required

Pollution of the canal	There is potential for pollution of the canal arising from operations aimed at developing contaminated land, since these operations may involve disturbance of contaminated ground and increased surface water run-off	Specific mention should be made of the nature conservation designation applying to the canal in the SPD. All operations and developments subject to control through the SPD and located within 100m of the canal should, in any documents prepared as a requirement of the SPD, take due account of the important nature conservation features of the canal and provide specific and explicit information about how these features will be protected during operations and developments
Shading of the canal	None	None required
Increase in boat traffic	None	None required
Use of herbicides	None	None required

## 7 Conclusions and recommendations

7.1 Clearly the damaging operation most likely to be affected by this SPD is pollution. Any development affecting contaminated land within 100m of the canal has the potential to cause pollution of the canal through disturbance of the contaminated land and (possibly) through increased surface water run-off from disturbed sites and air-borne dust arising from remediation work.

7.2 However, the overall impact of the SPD on the SAC is positive, since the objective of the document is to make safe contaminated land and to actively prevent any developments affecting contaminated land from causing any increased risk to people and the environment. In this sense the detailed recommendations in the document can be regarded as positive for the SAC, in that they either advocate avoiding any impact of development on contaminated land or require appropriate precautions to be taken during the development of contaminated land.

7.3 In particular, the requirements for developers described in Section 7 of the document 'Model Procedures for Land Contamination' will, if applied appropriately, serve to protect the special interest of the SAC

7.4 I would **recommend** that specific mention of the Rochdale Canal SAC be made in the document. Developments within 100m of the canal should be considered as having the potential to introduce pollution into the canal and therefore the potential to have a significant impact on the special interest of the SAC. Developers should be required to give recognition to the special importance of the canal and to provide *specific* and *explicit* information as to how any potential pollution of the canal is to be avoided during the course of any development. This should be considered during any pre-application discussions with the Council and/or with an application for planning permission.

7.5 Providing this recommendation is incorporated into the SPD, my conclusion is that there will be **no significant damaging effects** arising from this document on the special interest of the Rochdale Canal SAC. Any effects on the SAC arising from the implementation of the procedures described in the document should be positive. It can be concluded that the supplementary planning document would only have a positive effect on the special interest of the 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 MBC draft contaminated land supplementary planning document on the South Pennine Moors Special Area of Conservation Provided by Greater Manchester Ecology Unit**

#### **1 Brief description of the plan**

1.1 The supplementary planning document sets out the views of Oldham MBC on how it will deal with applications for development that may have an impact on contaminated land. It provides guidance on

- The type of development where a contaminated land assessment would be required
- What information a contaminated land assessment should contain and
- Measures that could be introduced to ensure safe development and future occupancy of contaminated land

1.2 The document is not site specific but covers potential development across the whole district. Operations affected by the document could therefore occur within, or immediately adjacent to, the SAC.

1.3 The overall aim of the document is to prevent unacceptable impacts on the environment or human health arising from developments affecting contaminated land.

#### **2 Description of South Pennine Moors SAC**

2.1 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 gravely mineral soils occurring only on the lower slopes.

2.2 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

#### The site supports the following important habitats

##### European Dry Heaths

3.1 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

3.2 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**

3.3 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 19<sup>th</sup> 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 contaminated land SPD on the special features of the South Pennine Moors SAC**

<b>Potentially Damaging Operation</b>	<b>Impact of SPD</b>	<b>Mitigation</b>
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	None	
Extraction of minerals	See comments under pollution	
Construction or removal of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks or the laying or removal of pipelines and cables	See comments under pollution	
Erection of permanent structures	See comments under pollution	
Use of vehicles likely to damage the vegetation	See comments under pollution	
Pollution	Areas of contaminated land may exist within or adjacent to the SAC There is potential for developments affecting contaminated land to damage the special interest of the SAC through causing damaging effects on habitats and species	Specific mention should be made of the nature conservation designation applying to the South Pennine Moors in the SPD. All operations and developments subject to control through the SPD and located within 500m of the SAC should, in any documents prepared as a requirement of the SPD, take due account of the important nature conservation features of the SAC and provide specific and explicit information about how these features will be protected during operations

## 6 Conclusions and recommendations

6.1 The overall impact of the SPD on the South Pennine Moors SAC is positive, since the objective of the document is to minimise possible pollution impacts arising from development affecting contaminated land. In this sense the detailed recommendations in

the document can be regarded as positive , in that they either advocate avoiding any impact of development on contaminated land or require appropriate precautions to be taken during any operation likely to affect contaminated land such that these effects are avoided or minimised.

- 6.2 I would **recommend** that specific mention of the South Pennine Moors SAC be made in the document. Developments within 500m of the SAC that may affect contaminated land should be considered as having the potential to damage important habitats and species in the SAC and therefore the potential to have a significant impact on the special interest of the SAC. Developers should be required to give recognition of the special importance of the SAC and to provide *specific* and *explicit* information as to how any potentially damaging impact is to be avoided during the course of any development. This should be considered during any pre-application discussions with the Council and/or with an application for planning permission.
- 6.3 Providing this recommendation is incorporated into the SPD, my conclusion is that there will be **no significant damaging effects** arising from this document on the special interest of the South Pennine Moors SAC. Any effects on the SAC arising from the implementation of the procedures described in the document should in fact be positive. It can be concluded that the supplementary planning document will only have a positive effect on the special interest of the SAC and therefore carrying out a full appropriate assessment of the plan is considered unnecessary.