

OLDHAM METROPOLITAN BOROUGH COUNCIL

LOCAL DEVELOPMENT FRAMEWORK

FINAL HABITATS REGULATIONS ASSESSMENT

FOR THE

**ASSESSMENT OF EMPLOYMENT SITES
SUPPLEMENTARY PLANNING DOCUMENT**

**Adopted on 29th October 2007
by
Oldham Metropolitan Borough Council**

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વિનંતી કરવાથી, કાઉન્સિલ દ્વારા આ દસ્તાવેજ વિવિધ રૂપમાં ઉપલબ્ધ કરવામાં આવશે. દા.ત., મોટા છાપેલાં અક્ષરોમાં, સીડી કે ઓડિયો ટેઇપ પર અને વિવિધ સમાજની ભાષાઓનો સમાવેશ થાય છે. કૃપા કરી, વધારે માહિતી માટે, 0161 770 4151, 4163 અથવા 4139 નંબર પર ફોન કરો.

કાઉન્સિલ, এই દલિલટિકે અનુરોધ સાપેક્ષે એવંચિત્ ઉપયુક્ત હય-અન્યન્ય ભાવે પાઠ્યાર વ્યવસ્થા કરવે, યાર અસ્તુરૂક્ત હલ વડ અક્ષરે, ઇલેક્ટ્રોનિકભાવે એવંચિત્ કમિયુનિટીર વિભિન્ન ભાષાય. દયા કરે આરંબ વિસ્તારિત તથેર જન્ય ટેલિફોન કરન 0161 770 4151, 4163 અથવા 4139 એઈ નમ્બરગુલોતે.

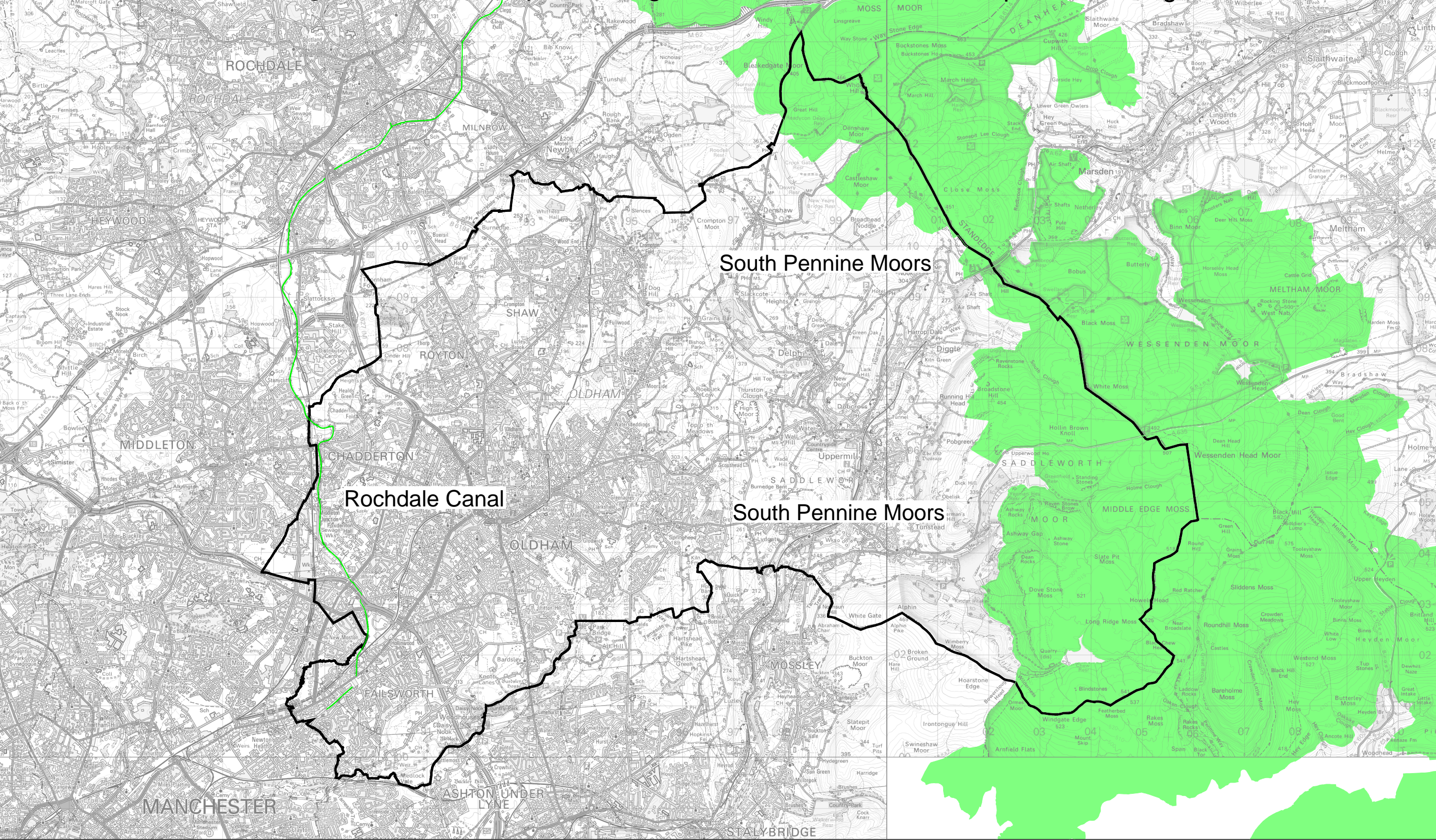
اگر مانگ ہوئی اور مناسب ہو تو کونسل اس دستاویز کو موٹی لکھائی، ٹیپ یا سی ڈی وغیرہ اور کمیونٹی کی زبانوں میں بھی فراہم کرنے کا انتظام کرے گی۔ مزید معلومات کیلئے 0161 770 4151 یا 0161 770 4163 یا 0161 770 4139 پر فون کریں۔

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 Supplementary Planning Document (SPD) 'Assessment of Employment Sites'. In accordance with 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 has concluded, subject to changes to the SPD which have been incorporated, that an Appropriate Assessment will not be required, since there are sufficient safeguards in the document to ensure that there will be no damaging effects caused by the implementation of the SPD on the European designated sites.
- 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 The Greater Manchester Ecology Unit has confirmed that proposed changes to the SPD, following consultation on the draft, do not result in the need for a further screening (Appendix 4).

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 1 - Map Showing Location of European Designated Sites in Oldham Metropolitan Borough



OLDHAM 
Metropolitan Borough 

Regeneration Directorate
Oldham MBC
Oldham Business Centre
Cromwell Street
Oldham
OL1 1WR



Drawn by:	
Division	
Drawing No:	
Date: 01:06:07	Scale: 1:75000

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Appendix 2 – AA task 1 – Identifying Significant Effects

Screening Opinion on the Impact of the Oldham MBC assessment of employment site supplementary planning document on the Rochdale Canal Special Area of Conservation (SAC) 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 assess planning applications for the development of residential and/or community uses on sites in Primary Employment Zones (PEZs) and existing employment sites outside of PEZs. The SPD provides guidance and advice on -
 - How the Council defines the term ‘market assessment’ and ‘viability’ and Housing Market Renewal (HMR) objectives
 - The nature of any assessments required, and how the Council intends to assess such information submitted with applications
 - Circumstances where planning obligations will be appropriate for meeting the HMR criteria
- 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 document could potentially control a very wide range of different development types and developments at different spatial scales. It is not therefore possible for the document to give comprehensive details of all operations and developments that may be controlled by the SPD, and therefore it is impossible to address specific potential impacts of developments on the SAC. Instead, a general assessment has been made about possible impacts of the document as a whole on the SAC.

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

- 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 canal include operations and activities that affect the growth and survival of *Luronium natans*

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

6 Impact of the assessment of employment sites SPD on the special interest of the SAC

Potentially Damaging Operation	Impact of SPD	Mitigation
Dredging of the canal	It is possible that the development of employment sites adjacent to the SAC for other uses could potentially lead to dredging of the canal (e.g. to enhance leisure use of the canal adjacent to a community use development).	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 that may result in any potential damage to the special interest of the site.
Draining of the canal	It is possible that the development of employment sites adjacent to the SAC for other uses could potentially lead to the draining of the canal (e.g. to facilitate residential use by improving canal banks)	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 that may result in any potential damage to the special interest of the site.

Pollution of the canal	It is possible that the development of employment sites adjacent to the SAC for other uses could potentially lead to pollution of the canal during the construction and operational phases of any development. It is also possible that pollution could be reduced, e.g. by relocation or cessation of a polluting industrial use	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 that may result in any potential damage to the special interest of the site.
Shading of the canal	It is possible that the development of employment sites adjacent to the SAC for other uses could potentially lead to shading of the canal. It is also possible that shading could be reduced, e.g. by the removal of large industrial buildings	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 that may result in any potential damage to the special interest of the site.
Increase in boat traffic	It is possible that development of employment sites adjacent to the SAC for other uses could potentially lead to an	Specific mention should be made of the nature conservation designation applying to the canal in the SPD. All operations and developments subject to

	increase in boat traffic (e.g. to enhance leisure use of the canal adjacent to a community use development).	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 that may result in any potential damage to the special interest of the site.
Use of herbicides	It is possible that development of employment sites adjacent to the SAC for other uses could potentially lead to the use of herbicides either within or adjacent to the canal (e.g. to enhance leisure use of the canal adjacent to a community use development, or during development of a site)	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 that may result in any potential damage to the special interest of the site.

7 Conclusions and recommendations

- 7.1 The overall aim of the document is to ensure that applications for residential and/or community uses within PEZs and other existing employment sites outside of PEZs, are subjected to close scrutiny, so that changes of land-use are only permitted where detailed special circumstances apply. The SPD requires that part of this scrutiny will involve a thorough assessment of the possible impacts of a development on the special interest of the SAC and,

accordingly, for operations and developments likely to have a significant impact on the SAC, these impacts will be avoided or mitigated or where they cannot be avoided or mitigated the development will not be permitted.

- 7.2 I would **recommend** that specific mention of the Rochdale Canal SAC be made in the document. Developers of sites within 100m of the Rochdale Canal SAC should be advised that, at the earliest opportunity, they should consult with the Council, Natural England and/or with the Greater Manchester Ecology Unit to discuss the development proposals.
- 7.3 Developers should be required to give recognition of the special importance of the canal and to provide *specific* and *explicit* information as to how any potential damage to 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.
- 7.4 Providing that the recommendations outlined in this opinion are incorporated into the SPD, my overall conclusion is that there will be **no significant damaging effects** arising from the implementation of the document on the special interest of the Rochdale Canal SAC.

Appendix 3 - AA task 1 – Identifying Significant Effects

Screening opinion on the Impact of the Oldham MBC assessment of employment sites supplementary planning document on the South Pennine Moors Special Area of Conservation and the South Pennine Moors Special Protection Area (SPA) 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 assess planning applications for the development of residential and/or community uses on sites in Primary Employment Zones (PEZs) and existing employment sites outside of PEZs. The SPD provides guidance and advice on -
 - How the Council defines the term ‘market assessment’ and ‘viability’ and Housing Market Renewal (HMR) objectives
 - The nature of any assessments required, and how the Council intends to assess such information submitted with applications
 - Circumstances where planning obligations will be appropriate for meeting the HMR criteria
- 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 document could potentially control a very wide range of different development types and developments at different spatial scales. It is not therefore possible for the document to give comprehensive details of all operations and developments that may be controlled by the SPD, and therefore it is impossible to address specific potential impacts of developments on the SAC. Instead, a general assessment has been made about possible impacts of the document as a whole on the SAC.

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 gravelly 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 Description of the South Pennine Moors SPA

- 3.1 Special Protection Areas (SPAs) are strictly protected sites classified in accordance with Article 4 of the [EC Directive on the conservation of wild birds \(79/409/EEC\)](#), also known as the Birds Directive, which came into force in April 1979. They are classified for rare and vulnerable birds, listed in Annex I to the Birds Directive, and for regularly occurring migratory species. The South Pennine Moors SPA includes the major moorland blocks of the South Pennines from Ilkley in the north to Leek and Matlock in the south. It covers extensive tracts of semi-natural moorland habitats including upland heath and blanket mire. The site is of European importance for several upland breeding bird species including birds of prey and waders.

4 Primary reason for designation of the SAC

The site supports the following important habitats

European Dry Heaths

- 4.1 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

- 4.2 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

- 4.3 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 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.

5 Primary reason for the designation of the SPA

- 5.1 The site qualifies for the designation by supporting populations of European importance of the following species listed on Annex I of the Directive:

During the breeding season:

- Golden plover *Pluvialis apricaria*, at least 3.3% of the breeding population in Great Britain

- Merlin *Falco columbarius*, at least 5.9% of the breeding population in Great Britain
- Peregrine *Falco peregrinus*, at least 1.4% of the breeding population in Great Britain
- Short-eared owl *Asio flammeus*, at least 2.5% of the breeding population in Great Britain

5.2 The SPA supports an internationally important assemblage of birds. During the breeding season the area regularly supports:

Actitis hypoleucos, Calidris alpina schinzii, Carduelis flavirostris, Gallinago gallinago, Numenius arquata, Oenanthe oenanthe, Saxicola rubetra, Tringa tetanus, Turdus torquatus, Vanellus vanellus

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

- 6.1 Cultivation
- 6.2 Grazing
- 6.3 Mowing or cutting
- 6.4 Application of manure, fertilisers or lime
- 6.5 Application of pesticides
- 6.6 Burning
- 6.7 Drainage
- 6.8 Extraction of minerals including peat, topsoil and subsoil
- 6.9 Construction or removal of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks or the laying or removal of pipelines and cables
- 6.10 Erection of permanent structures
- 6.11 Use of vehicles likely to damage the vegetation
- 6.12 Pollution
- 6.13 Recreational activities
- 6.14 Agricultural intensification leading to loss of bird feeding areas outside the designated site

7 Impact of the assessment of employment sites SPD on the special interest of the 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	None	None required
Extraction of minerals	None	None required
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 operations and development controlled by this SPD could lead to this impact	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 Moors should, in any documents prepared as a requirement of the SPD, take due account of the important nature conservation features of the Moors and provide specific and explicit information about how these features will be protected during operations that may result in any potential damage to the special interest of the site.
Erection of permanent structures	It is possible that operations and development controlled by this SPD could lead to this impact	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 Moors should, in any documents prepared as a requirement of the SPD, take due account of the important nature conservation features of

		the Moors and provide specific and explicit information about how these features will be protected during operations that may result in any potential damage to the special interest of the site.
Use of vehicles likely to damage the vegetation	None	None required
Pollution	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 Moors should, in any documents prepared as a requirement of the SPD, take due account of the important nature conservation features of the Moors and provide specific and explicit information about how these features will be protected during operations that may result in any potential damage to the special interest of the site.
Recreational activities	None	None required
Agricultural intensification	None	None required

8 Conclusions and recommendations

- 8.1 The overall aim of the document is to ensure that applications for residential and/or community uses within PEZs and existing employment sites outside of PEZs, are subjected to close scrutiny, so that changes of land-use are only permitted where detailed special circumstances apply. The SPD requires that part of this scrutiny will involve a thorough assessment of the possible impacts

of a development on the special interest of the SAC/SPA and, accordingly, for operations and developments likely to have a significant impact on the SAC/SPA, these impacts will be avoided or mitigated or where they cannot be avoided or mitigated the development will not be permitted.

- 8.2 I would **recommend** that specific mention of the South Pennine Moors SAC/SPA be made in the document. Developers of sites within 500m of the South Pennine Moors SAC/SPA should be advised that, at the earliest opportunity, they should consult with the Council, Natural England and/or with the Greater Manchester Ecology Unit to discuss the development proposals.
- 8.3 Developers should be required to give recognition of the special importance of the Moors and to provide *specific* and *explicit* information as to how any potential damage to the Moors 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.
- 8.4 Providing that the recommendations outlined in this opinion are incorporated into the SPD, my overall conclusion is that there will be **no significant damaging effects** arising from the implementation of the document on the special interest of the South Pennine Moors SAC/SPA.

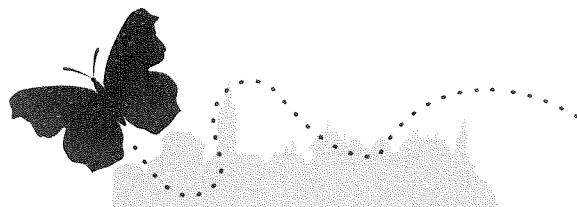
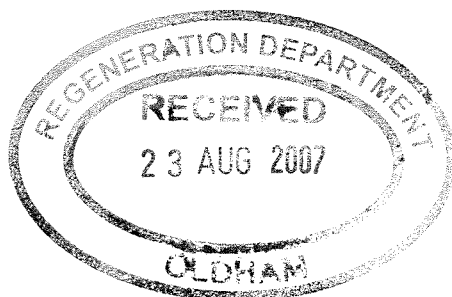
Appendix 4: Letter from Greater Manchester Ecology Unit

GREATER MANCHESTER ECOLOGY UNIT

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Principal Ecologist
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Greater Manchester Ecology Unit

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OL1 1WR

Your ref : SPD
Our ref : OldSPD
Doc ref : DR20-1
Contact : Derek Richardson
Date : 20th August 2007

Dear Clare Moran

Re Oldham's draft SPD on Assessment of Employment Sites – response to consultation regarding Appropriate Assessment

In response to the comments from Natural England, I would suggest that Para iv could perhaps be reworded as:

'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 draft SPD which have been incorporated, that an Appropriate Assessment will not be required, since there are sufficient safeguards in the Document to ensure that there will be no damaging effects caused by the implementation of the SPD on the European designated sites'

The distance thresholds quoted in the screening opinion for the Appropriate Assessment are based on our advice, arrived at in consultation with Natural England and British Waterways. GMEU intends to prepare a paragraph justifying these distance thresholds shortly (within the next week or so, we need to consult Natural England and British Waterways on the final wording).

Since there are no planned material changes to the SPD I do not consider that any changes to the Screening Opinion are necessary, and our opinion that full Appropriate Assessment of the SPD is not considered to be necessary is unchanged.

Yours sincerely

A handwritten signature in cursive script that reads 'Derek Richardson'.

Derek Richardson MIEEM
Principal Ecologist

