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1.0 Introduction

1.1 This document is the Habitat Regulations Assessment for the Issues and Options for the Core Strategy and Development Control Policies Development Plan Document (DPD).

1.2 The Core Strategy will set out a long-term spatial vision and strategic objectives for the Borough. It will also contain a spatial strategy, core policies and a monitoring and implementation framework. The Core Strategy will set the strategic direction for the Council’s Local Development Framework (LDF) up to 2025/26. The Development Control Policies DPD will set out generic policies that will manage development in the Borough. Here in Oldham, the Core Strategy and the Development Control Policies DPD will be prepared as a single document. (From this point on the DPD is referred to simply as ‘the Core Strategy’.)

1.3 There are a number of key steps to be undertaken in preparing the Core Strategy. These include issues and options, preferred options, submission document and independent examination.

1.4 The Issues and Options is the first formal stage in the preparation of the Core Strategy. It describes the key challenges facing the Borough and the possible choices that are available to address these. It sets out broad issues that the Core Strategy will have to consider and presents alternative spatial options to help shape the future development pattern of the Borough. However, in preparing this document, it is recognised that a great deal of thinking about the Borough’s future direction, role and prospects has already taken place in recent years by the Council, key partners, the community and stakeholders. The Issues and Options report therefore has great regard to this earlier work.

1.5 The Issues and Options report sets out three alternative spatial options, which are:

- Option A  Focused Regeneration
- Option B  Urban Concentration
- Option C  Urban Concentration including Planned Expansion.

Full details of these three alternative spatial options can be found in the Issues and Options report.
2.0 Purpose of the Habitat Regulations Assessment

2.1 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.

2.2 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). Appendix 1 contains a map showing the location of these sites in Oldham Metropolitan Borough.

2.3 To meet this requirement the Council requested the Greater Manchester Ecology Unit to carry out a HRA on the Issues and Options report for the Core Strategy. In accordance with draft guidance from the Department for Communities and Local Government\(^1\), this process involves 3 stages:

- AA task 1 – Identifying likely significant effects
- AA task 2 – Appropriate assessment and ascertaining the effect on site integrity
- AA task 3 – Mitigating measures and alternative solutions

3.0 Task 1 – Identifying Likely Significant Effects

3.1 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 concludes that at this stage necessary steps have been taken to ensure that the emerging Core Strategy gives due consideration to the presence of European protected sites in the Borough, and is consistent with national statute and policy for the conservation of these sites. This is subject to recommendations for further mitigation being incorporated into the emerging Plan. These have been taken on board.

3.2 The spatial options presented could, however, potentially have an impact on the Rochdale Canal SAC, and an indirect impact on the South Pennine Moors SAC/SPA. The Unit therefore recommend that the Plan should be subjected to further, more detailed, Screening Opinions and/or Appropriate Assessment at the Preferred Options stage of Plan, in relation to both sites.

3.3 At the Preferred Options stage the potential impacts of specific policies, and the preferred spatial development option, on the special interest of the sites will need to be assessed in more detail against the special sites.

\(^1\) 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)
interest of the sites and the factors regarded as important for safeguarding their integrity.

3.2 The results of task 1 are included as Appendices 2 and 3. Appendix 2 assesses the likely impact of the Issues and Options on the Rochdale Canal. Appendix 3 assesses the likely impact of the Issues and Options on the South Pennines Moor.

4.0 How to comment on the Habitat Regulations Assessment

4.1 You may comment on the Habitats Regulations Assessment during the six week public consultation period as indicated on the public notice and comments form.
Appendix 1 - Map Showing Location of European Designated Sites in 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

September 2007

1 Introduction

1.1 Article 6(3) of the European Habitats Directive dealing with the conservation of European protected sites states that

‘Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.’

The purpose of Appropriate Assessment (AA) of land use plans is to ensure that protection of the integrity of European sites is a part of the planning process at a regional and local level. Appropriate Assessment can be seen as having a number of discrete stages -

1 Stage 1 - Screening
2 Stage 2 – Appropriate Assessment
3 Stage 3 – Assessment of Alternatives
4 Stage 4 – Assessment where no alternatives are available

This document comprises Stage 1 of an Appropriate Assessment process and contributes to the fulfillment of the Councils statutory duty as regards Article 6(3); that is, it is a Screening Opinion on whether or not the Oldham MBC Core Strategy and Development Control Policies Issues and Options Development Plan Document (hereafter referred to as ‘the Plan’) will have an impact on the special interest of the Rochdale Canal SAC and therefore needs to undergo further Screening Opinions or a full Appropriate Assessment as the Plan develops.

1.2 The Greater Manchester Ecology Unit (GMEU), as the specialist ecological adviser to Oldham MBC, has prepared this Screening Opinion. Natural England and the Joint Nature Conservation Committee were consulted for information on the conservation objectives and favourable condition tables for the Rochdale Canal. GMEU ecologists, who are familiar with the SAC and its special interest, reviewed the ecological information for the site. The key vulnerabilities and sensitivities of the Canal are well understood by GMEU allowing for an informed assessment of the possible effects of the Plan, and any specific aims, objectives and policies contained in the Plan.
2 **Brief description of the Plan**

The Plan is a consultation document aimed at facilitating the development of a long-term spatial vision and strategic objectives for the borough of Oldham (the ‘Core Strategy’ of the Local Development Framework). The document presents a description of the current social, economic and environmental characteristics of the borough and sets out the challenges faced by the borough when planning to achieve the overall vision for Oldham. The document then sets out specific topic areas for discussion (for example, housing), presents the current situation pertaining in the borough and then asks specific questions to seek views about how best to develop these topics, and policies relating to these topics, as part of the Core Strategy.

The document then presents three alternative Spatial Strategies for the borough and seeks views as to which of these Spatial Strategies should be taken forward.

The document refers only to broad locations or strategic sites and to development in general terms. No specific site allocations are made. Although three different broad Spatial Strategies are proposed, these are still potential development options out for consultation so there is as yet no definitive plan that could be subject to the full rigour of Appropriate Assessment.

The purpose of this Initial Screening Opinion, then, is to ensure that even at this early stage the emerging Core Strategy gives due consideration to the presence of European protected sites in the Borough and is consistent with national statute and policy for the conservation of these sites.

2.1 **Relationship of the Plan to other land use planning documents and strategies**

2.1.1 **Relationship of the plan to the North West Regional Spatial Strategy (RSS)**

The Core Strategy Issues and Options Document has to interpret at a district level, and consequently implement the aims, objectives and policies of, the North West Regional Spatial Strategy. For example, the overall type/quantum level and locations for growth in the North West region are set out in the RSS and are therefore not in the control of the borough Council or the Plan. The RSS has itself been subject to screening for Appropriate Assessment.

2.1.2 **Relationship of the plan to other documents making up the Oldham LDF**

The Council has prepared a number of Supplementary Planning Documents (SPD). These documents supplement policies in the existing Oldham Metropolitan Borough Unitary Development Plan.

All of the SPDs prepared by the Council to date have been subject to screening by GMEU for their potential impact on the Rochdale Canal SAC under the terms of the Habitats Regulations.
2.1.3 Relationship of the Plan to other development plan documents being prepared by neighbouring authorities

The Plan recognises that it is important for the Oldham LDF to have regard to cross boundary relationships and influences (para 3.24). Reassurances are given that the Plan is not being developed in isolation but will pay due regard to the need for joint working and to the need for plans to complement each other.

The Greater Manchester Authorities immediately adjacent to Oldham (Manchester, Tameside and Rochdale) are at earlier stages in the development of LDF Core Strategy documents and no documents are yet available from these authorities to assess in combination with this Plan.

Existing Unitary Development Plans for neighbouring authorities all contain policies aimed at protecting European protected sites or sites of nature conservation importance.

3 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). Only part of the Canal is within the borough of Oldham. 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.

4 Primary reason for designation of the Rochdale Canal as a European protected site

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.

The conservation objective for the European interest of the SAC is to maintain, in favourable condition, the habitats for the population of Floating water-plantain (*Luronium natans*). Maintenance implies restoration if the feature is not currently in favourable condition.

4.1 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.

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

- Dredging of the canal
- Draining of the canal
- Pollution of the canal
- Shading of the canal
- Increased boat traffic using the canal
- Use of herbicides in or adjacent to the canal

When assessing the Plan for its possible impact on the Rochdale Canal SAC the potential of aims, objectives and policies in the Plan to cause the above listed damaging operations have been considered when reaching a decision as to whether the plan needs to undergo further screening or a full Appropriate Assessment. For example, if it is considered that a particular development described in the Plan (eg new housing development) has the potential for causing any of the above damaging operations, and no mitigation is described, then it would be considered that either changes should be made to the Plan to incorporate appropriate mitigation or the Plan should be subject to full Appropriate Assessment.

The potential impact of aims, objectives and policies in the Plan have been considered against the criteria used by Natural England to assess the favourable condition of the SAC/SPA when reaching a decision as to whether the plan needs to incorporate proposals for mitigating these possible impacts or undergo a full Appropriate Assessment.

6 Assessment of the Impact of the Core Strategy Issues and Options report on the special interest of the SAC

6.1 The Plan outlines a need for more housing and appropriate economic development in Oldham. All of the spatial development options put forward in the document will to some extent involve development in urban areas. Since the Rochdale Canal SAC runs through some urban areas or areas of priority economic development in Oldham all of the options put forward have potential to cause a significant damaging effect on the SAC, although because specific locations and types of development are not described it is at this stage of the
plan process impossible to carry out more detailed assessments of the impact of
development.

It is assumed that, since no spatial development option is put forward that avoids
the Canal or areas adjacent to the Canal, it is unlikely that there will be an
opportunity to re-define a spatial option that guides development to areas distant
from the Canal and therefore make it less likely that development will have a
harmful impact upon the Canal.

At this stage then it is therefore important that there are appropriate safeguards
in the aims, objectives and policy wording of the Core Strategy and
Development Control Policies DPD to ensure that -

1. The important nature conservation status of the Canal is recognised
2. The responsibilities of the Council and of developers in regard to the
   conservation of the SAC are made clear
3. No developments are likely to be brought forward with the potential to
   cause harm to the special interest of the SAC or
4. If developments are to be brought forward that are considered to have the
   potential to harm the integrity of the SAC that the need for these
   developments to undergo Appropriate Assessment is made clear

6.2 Current mitigation for potential impact on the SAC described in the Plan

6.2.1 The Plan refers to the need for competing land uses to be balanced in terms of
environmental, social and economic effects and the need for the Local
Development Framework to contribute to the achievement of sustainable
development (para. 3.1)

6.2.2 The Plan makes specific reference to the presence of European protected sites
in the Borough, including the Rochdale Canal, and provides a brief description of
the site and its special interest (6.59).

6.2.3 The Plan asks questions about whether the Core Strategy should identify
protected sites, how best to protect and enhance biodiversity and what factors
would be included in a [nature conservation] policy. It is implicit in these
questions that the Core Strategy should aim to protect and enhance the SACs
within the Borough, but this is not stated explicitly.

6.2.4 The Plan sets out a strategic objective for improving and valuing the Borough’s
environment by protecting the diverse and environmentally sensitive open parts
of the Borough, including…the Rochdale Canal SAC (SO4 ii) from inappropriate
development.

6.3 Recommendations for further mitigation at this stage of the Plan process

6.3.1 At some stage in this developing document it should be made clear that the
Council has a statutory duty (Regulation 48 of the Habitats Regulations) to
assess all developments which are considered likely to significantly affect the
Rochdale Canal by requiring that an appropriate assessment is first carried out
of the implications of the development for the site’s conservation objectives.
Protection of European designated sites is not an option for the Plan, but a requirement.

6.3.2 Reference should be made to this document, or this document made an Appendix of the Plan, since it outlines the important features of the Rochdale Canal SAC and factors likely to damage the special interest of the Canal, and in this sense may be an important source of information for developers, stakeholders and others.

6.3.3 Reference should be made to the need to consult Natural England at an early stage on any developments considered to have the potential to affect the special interest of the SAC.

6.3.4 Reference should be made to the need to enhance the nature conservation value of the SAC wherever possible, and not simply to protect the existing resource.

6.4 Recommendations for further Screening/Appropriate Assessment

6.4.1 Providing that the recommendations outlined in 6.3 are implemented, at this stage it can be concluded that necessary steps have been taken to ensure that the emerging Core Strategy gives due consideration to the presence of European protected sites in the Borough and is consistent with national statute and policy for the conservation of these sites.

6.4.1 However, since it has been identified that the spatial development options put forward in the Plan may have an impact on the Rochdale Canal SAC it is recommended the Plan should be subjected to further, more detailed Screening Opinions and/or Appropriate Assessment at the Preferred Options Stage of plan development.

At the Preferred Options stage the potential impacts of specific policies, and the preferred spatial development option, on the special interest of the SAC will need to be assessed in more detail against the special interest of the site and the factors regarded as important for safeguarding the integrity of the site.
Appendix 3

Initial Screening Opinion on the Impact of the Oldham MBC Core Strategy and Development Control Policies Issues and Options Development Plan Document on the South Pennine Moors SAC/SPA

September 2007
Screening Opinion on the Impact of the Oldham MBC Core Strategy and Development Control Policies Issues and Options Development Plan Document on the South Pennine Moors SAC/SPA

1 Introduction

1.1 Article 6(3) of the European Habitats Directive dealing with the conservation of European protected sites states that

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.'

The purpose of Appropriate Assessment (AA) of land use plans is to ensure that protection of the integrity of European sites is a part of the planning process at a regional and local level. Appropriate Assessment can be seen as having a number of discrete stages -

1 Stage 1 - Screening
2 Stage 2 – Appropriate Assessment
3 Stage 3 – Assessment of Alternatives
4 Stage 4 – Assessment where no alternatives are available

This document comprises Stage 1 of the Appropriate Assessment process and contributes to the fulfillment of the Councils statutory duty as regards Article 6(3); that is, it is a Screening Opinion on whether or not the Oldham MBC Core Strategy and Development Control Policies Issues and Options Development Plan Document (hereafter referred to as ‘the Plan’) may have an impact on the special interest of the South Pennine Moors SAC/SPA and therefore needs to undergo further Screening Opinions or a full Appropriate Assessment as the Plan develops.

1.2 The Greater Manchester Ecology Unit (GMEU), as the specialist ecological adviser to Oldham MBC, has prepared this Screening Opinion. Natural England and the Joint Nature Conservation Committee were consulted for information on the conservation objectives and favourable condition tables for the South Pennine Moors. GMEU ecologists, who are familiar with the site and its special interest, reviewed the ecological information for the site. The key vulnerabilities and sensitivities of the South Pennine Moors are well understood by GMEU allowing for an informed assessment of the possible effects of the Plan, and any specific aims, objectives and policies contained in the Plan.
2 Brief description of the Plan

The Plan is a first-stage consultation document aimed at facilitating the development of a long-term spatial vision and strategic objectives for the borough of Oldham (the ‘Core Strategy’ of the Local Development Framework). The document presents a description of the current social, economic and environmental characteristics of the borough and sets out the challenges faced by the borough when planning to achieve the overall vision for Oldham. The document then sets out specific topic areas for discussion (for example, housing), presents the current situation pertaining in the borough and then asks specific questions to seek views about how best to develop these topics, and policies relating to these topics, as part of the Core Strategy.

The document then presents three alternative Spatial Strategies for the borough and seeks views as to which of these Spatial Strategies should be taken forward.

The document refers only to broad locations or strategic sites and to development in general terms. No specific site allocations are made. Although three different broad Spatial Strategies are proposed, these are still potential development options out for consultation so there is as yet no definitive plan that could be subject to the full rigour of Appropriate Assessment.

No preferred policies are presented, since this is a consultation stage document, and therefore it is not possible to fully assess the likely impact of specific policies on the SAC at this stage.

The purpose of this initial Screening Opinion, then, is to ensure that, even at this early stage, the emerging Core Strategy gives due consideration to the presence of European protected sites in the Borough and is consistent with national statute and policy for the conservation of these sites.

2.1 Relationship to other plans

It is important to take into account other strategies, plans and policies which may affect the integrity of the SACs in combination with the Core Strategy. The Core strategy itself takes into account many of these plans, such as the emerging South East Plan.

2.2 Relationship of the plan to the North West Regional Spatial Strategy (RSS)

The Core Strategy Issues and Options Document has to interpret at a district level, and consequently implement the aims, objectives and policies of, the North West Regional Spatial Strategy. For example, the overall type/quantum level and locations for growth in the North West region are set out in the RSS and are therefore not in the control of the borough Council or the Plan. The RSS has itself been subject to screening for Appropriate Assessment.

2.3 Relationship of the plan to other documents making up the Oldham LDF
The Council has prepared a number of Supplementary Planning Documents. These documents supplement policies in the existing Oldham Metropolitan Borough Unitary Development Plan.

All of the SPDs prepared by the Council to date have been subject to screening by GMEU for their potential impact on the South Pennine Moors SAC/SPA under the terms of the Habitats Regulations.

2.4 Relationship of the Plan to other development plan documents being prepared by neighbouring authorities

The Plan recognises that it is important for the Oldham LDF to have regard to cross boundary relationships and influences (para 3.24). Reassurances are given that the plan is not being developed in isolation but will pay due regard to the need for joint working and to the need for plans to complement each other.

The authorities immediately adjacent to Oldham (Manchester, Tameside and Rochdale) are at earlier stages in the development of LDF Core Strategy documents and no documents are available from these authorities to assess in combination with this Plan.

Existing Unitary Development Plans for neighbouring authorities all contain policies aimed at protecting European protected sites or sites of nature conservation importance.

3 Description of the South Pennine Moors SAC/SPA

3.1 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.
3.2 SPA

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

4.1 The site supports the following important habitats

4.1.1 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.

4.1.2 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.

4.1.3 Old Sessile Oak woods
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

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

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 Natural England lists the conservation objectives for the South Pennine Moors as follows:

To maintain*, in favourable condition, the habitats for the populations of Annex 1 species of European importance, with particular reference to:

- blanket mire
- dwarf shrub heath
- acid grassland
- gritstone edges

+ golden plover, merlin, short-eared owl

to maintain*, in favourable condition, the:

- blanket bog (active only)
- dry heaths
- Northern Atlantic wet heaths with *Erica tetralix*
- transition mires and quaking bogs
- old oak woods with *Ilex* and *Blechnum* in the British Isles
* maintenance implies restoration if the feature is not currently in favourable condition.

7 Operations that may damage the special interest of the SAC/SPA include

7.1 Cultivation
7.2 Grazing
7.3 Mowing or cutting
7.4 Application of manure, fertilisers or lime
7.5 Application of pesticides
7.6 Burning
7.7 Drainage
7.8 Extraction of minerals including peat, topsoil and subsoil
7.9 Construction or removal of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks or the laying or removal of pipelines and cables
7.10 Erection of permanent structures
7.11 Use of vehicles likely to damage the vegetation
7.12 Pollution
7.13 Recreational activities
7.14 Agricultural intensification leading to loss of bird feeding areas outside the designated site

When assessing the Plan for its possible impact on the South Pennine Moors SAC/SPA the potential of aims, objectives and policies in the Plan to cause the above listed damaging operations have been considered when reaching a decision as to whether the plan needs to undergo a full Appropriate Assessment. For example, if it is considered that a particular development described in the Plan (for example, new housing development) has the potential for causing any of the above damaging operations, and no mitigation is described, then it would be considered that either changes should be made to the plan to incorporate appropriate mitigation or the plan should be subject to full Appropriate Assessment.

The potential impact of aims, objectives and policies in the Plan have been considered against the criteria used by Natural England to assess the favourable condition of the SAC/SPA when reaching a decision as to whether the plan needs to incorporate proposals for mitigating these possible impacts or undergo a full Appropriate Assessment.
8 Impact of the Core Strategy Issues and Options report on the special interest of the SAC

8.1 All of the spatial development options put forward in the document will involve to some extent development in urban areas. Since the South Pennine Moors SAC/SPA is distant from urban development it is considered that none of the options presented have a high potential to significantly affect the special interest of the SAC/SPA, although it is recognised that there may be indirect effects (for example an increase in housing numbers may lead to an increase in recreation pressures on the Moors).

At this stage then it is therefore important that there are appropriate general safeguards in the aims, objectives and policy wording of the Core Strategy and Development Control Policies DPD to ensure that -

1. The important nature conservation status of the South Pennine Moors is recognised
2. The responsibilities of the Council and of developers in regard to the conservation of the SAC/SPA are made clear
3. No developments are likely to be brought forward with the potential to cause harm to the special interest of the SAC/SPA or
4. If developments are to be brought forward that are considered to have the potential to harm the integrity of the SAC/SPA that the need for these developments to undergo Appropriate Assessment is made clear

8.2 Current mitigation for potential impact on the SAC/SPA described in the Plan

8.2.1 The Plan refers to the need for competing land uses to be balanced in terms of environmental, social and economic effects and the need for the Local Development Framework to contribute to the achievement of sustainable development (para. 3.1)

8.2.2 The Plan makes specific reference to the presence of European protected sites in the Borough, including the South Pennine Moors, and provides a brief description of the site and its special interest (6.59).

8.2.3 The Plan asks questions about whether the Core Strategy should identify protected sites, how best to protect and enhance biodiversity and what factors would be included in a [nature conservation] policy. It is implicit in these questions that the Core Strategy should aim to protect and enhance the SACs within the Borough, but this is not stated explicitly.

8.2.4 The Plan sets out a strategic objective for improving and valuing the Borough’s environment by protecting the diverse and environmentally sensitive open parts of the Borough, including…the South Pennine Moors SPA/SAC (SO4 ii) from inappropriate development.

8.3 Recommendations for further mitigation at this stage of the Plan process

8.3.1 At some stage in this developing document it should be made clear that the Council has a statutory duty (Regulation 48 of the Habitats Regulations) to assess all developments which are considered likely to significantly affect the
South Pennine Moors by requiring that an appropriate assessment is first carried out of the implications of the development for the site’s conservation objectives. Protection of European designated sites is not an option for the Plan, but a requirement.

8.3.2 Reference should be made to this document, or this document made an Appendix of the Plan, since it outlines the important features of the South Pennine Moors SAC/SPA and factors likely to damage the special interest of the Moors, and in this sense may be an important source of information for developers, stakeholders and others.

8.3.3 Reference should be made to the need to consult Natural England at an early stage on any developments considered to have the potential to affect the special interest of the SAC/SPA.

8.3.4 Reference should be made to the need to enhance the nature conservation value of the SAC/SPA wherever possible, and not simply to protect the existing resource.

8.4 **Recommendations for further Screening/Appropriate Assessment**

8.4.1 Providing that the recommendations outlined in 8.3 are implemented, at this stage it can be concluded that necessary steps have been taken to ensure that the emerging Core Strategy gives due consideration to the presence of European protected sites in the Borough and is consistent with national statute and policy for the conservation of these sites.

8.4.2 However, since it has been identified that certain development options put forward in the Plan may have at least an indirect impact on the South Pennine Moors SAC/SPA it is recommended the Plan should be subjected to further, more detailed Screening Opinions and/or Appropriate Assessment at the Preferred Options Stage of plan development.

At the Preferred Options stage the potential impacts of specific policies, and the preferred spatial development option, on the special interest of the SAC/SPA will need to be assessed in more detail against the special interest of the site and the factors regarded as important for safeguarding the integrity of the site.