

Habitats Regulations Assessment (Screening) of the Oldham Local Plan Issues and Options Report

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APPENDICES

Details of European designated sites Screened In to the HRA

1 Introduction

- 1.1 European protected sites are of exceptional importance for the conservation of important species and natural habitats. The purpose of Habitats Regulation Assessment (HRA) of land use plans is to ensure that protection of the integrity of European protected sites is an integral part of the planning process at a regional and local level.

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 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 it is 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 Oldham Local Plan Issues and Options Report is regarded as a Plan which is considered likely to have significant effect on one or more European protected site and should therefore be subject to assessment.

- 1.2 Habitats Regulation Assessments can be seen as having a number of discrete stages
- Stage 1 - Screening
 - Stage 2 – Appropriate Assessment
 - Stage 3 – Assessment of Alternatives
 - Stage 4 – Assessment where no alternatives are available

This document summarises Stage 1 of the Habitats Regulation Assessment process and contributes (in part) to the fulfilment of the statutory duty of Oldham Council as regards Article 6(3). That is, it is an Opinion on whether the Oldham Local Plan Issues and Options Report may have a significant effect on the special interest of any European designated protected sites.

1.3 Stage 1 – Screening

The purpose of the Screening stage of the HRA process is to initially identify the risk or the possibility of significant adverse effects on a European site which could undermine the achievement of a site's conservation objectives and which therefore require further detailed examination through an appropriate assessment. If risks which might undermine a site's conservation objectives can clearly be ruled out (based on the consideration of objective information), a proposal will have no likely significant effect (LSE) and no appropriate assessment will be needed.

In order for a policy or an allocation in a Plan to be screened out of the HRA process a conclusion must be made 'beyond reasonable scientific doubt' that the policy or allocation will not have an LSE on the Natura 2000 site or its qualifying features.

Case law has established in relation to screening that -

- An effect is likely if it 'cannot be excluded on the basis of objective information' (Waddenzee C127-02 ∞ 45). This requires consideration and a conclusion made against known and presented data/survey or results/scientific evidence (e.g. literature review).
- An effect is significant if it 'is likely to undermine the conservation objectives' [of the European protected site (Waddenzee (C127-02 ∞ 48)]. This excludes from consideration other impacts not related to the qualifying features and their conservation objectives.
- In undertaking a screening assessment for likely significant effects 'it is not that significant effects are probable, a risk is sufficient, but there must be credible evidence (see above) that there is 'a real, rather than a hypothetical, risk' Boggis v Natural England & Waveney District

Council. This refines the understanding of the ‘precautionary principle’ as it applies to the Habitats Regulations.

- The Sweetman (case C258-11) also offers some simple guidance that the screening step ‘operates merely as a trigger’, in order to progress to further assessment stages through the process.

1.4 **Stage 2 – Appropriate Assessment**

In 2017 the decision of the Court of Justice of the European Union (People over Wind, case C323/17) concluded that it was not appropriate within the Screening Stage to consider measures that would mitigate for impacts on the qualifying or designated features of the Natura 2000 site. This ruling has resulted in an update to the Habitats Regulations 2017 as they have been translated into UK domestic legislation.

In a Stage 2 – Appropriate Assessment, evidence and detail should be considered which can demonstrate that a Plan including any embedded measures or additional mitigation can result in a conclusion that there would be no ‘adverse effect on integrity’ (AEIOI), when considering a Natura 2000 site’s conservation objectives.

In applying the Stage 2 – Appropriate Assessment the relevant competent Authority – in this case the Local Authorities concerned - must also consider whether there is a relevant planning mechanism (which may apply at a different level of the planning hierarchy) which can secure the necessary mitigation via either conditions or obligations.

In the case of a high level Strategic Plan the level of detail in land use plans concerning developments that will be permitted under the Plan at some time in the future is rarely sufficient to allow the fullest quantification of potential adverse effects. It is therefore necessary to be cognisant of the fact that HRAs for plans can be tiered, with assessments being undertaken with increasing specificity at lower tiers. This is in line with DCLG guidance and court rulings that the level of detail of the assessment, whilst meeting the relevant

requirements of the Habitats Regulations, should be 'appropriate' to the level of plan or project that it addresses.

Government guidance says:

"The scope and content of an appropriate assessment will depend on the nature, location, duration and scale of the proposed plan or project and the interest features of the relevant site. 'Appropriate' is not a technical term. It indicates that an assessment needs to be proportionate and sufficient to support the task of the competent authority in determining whether the plan or project will adversely affect the integrity of the site."

That is, the Plan must make every effort to ensure that no Policies or Allocations will cause harm to the special nature conservation interest of European sites. But where some doubt remains as to whether harm will occur the plan must show that sufficient safeguards will be in place in other levels of the planning hierarchy to ensure that no harm will be caused to the special interest of European sites.

A precautionary approach should always be taken.

The advice of Advocate-General Kokott to the European Court of Justice (9th June 2005, Case C-6/04) is relevant. She commented that:

"It would ...hardly be proper to require a greater level of detail in preceding plans [rather than planning applications] or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the Plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure"

1.5 In Combination Assessment

The Habitats Regulations also include a requirement for an assessment not only for a Plan alone but also for consideration of any LSE in combination with other projects or plans. An ‘in combination’ assessment should be undertaken for any impact which is shown to have an effect even where it might be considered ‘*de minimis*’ for the plan in isolation. In the application of the in combination test projects or plans are also considered to include reasonably foreseeable proposals (RFP), which may include projects, plans or schemes which have not concluded their passage through the development planning process, whether they are in full or outline or include other strategic planning documents.

The implication of ‘in combination’ considerations for a plan with the scale of the Oldham Local Plan Issues and Options Report may be profound, since a very wide range of other plans and proposals may be influenced by the operation of the Oldham Local Plan Issues and Options Report, and *vice versa*. It would be practically impossible for a detailed analysis to be undertaken of every possible plan or proposal which may be influenced by the Oldham Local Plan Issues and Options Report in isolation. Instead, this Screening Assessment has taken a high level precautionary approach and assumed that the impacts arising from the operation of the Oldham Local Plan Issues and Options Report are likely to result in in-combination effects. This precautionary principle particularly relates to impacts which may arise from air pollution and recreational impact effects.

1.6 The Competent Authority – identification and roles

Under the terms of the Habitats Regulations the role of the competent authority is the body which undertakes the assessment of likely significant effects (LSE). This is usually the Local Planning Authority in relation to the preparation of Plans or the consideration of planning applications, but may also be another statutory body who has authority and powers to permit, consent or licence activities (e.g. the Environment Agency).

Oldham Council is ‘the competent authority’ in this case.

Natural England as the statutory government advisor in these matters also has a role in the process to ensure that the Plan will not have any likely significant harmful effects on European sites. Natural England have advised the Councils during the preparation of this HRA.

A recent Judicial Review (*R (Preston) v Cumbria County Council* [2019] EWHC 1362) concerning a project level HRA ruled that a Local Planning Authority cannot rely on the future decisions and assessment of another permitting competent authority within their own conclusions on the Screening (Stage 1) and must give consideration of sufficient securing measures (Stage 2 – Appropriate Assessment) at the time of their own determination of an application for development.

Government guidance in this regard which seems relevant to plans, outline proposals or operations which might require an additional consent/permit from a third party indicates: -

“a competent authority is permitted to grant a plan or project consent which leaves the applicant free to determine subsequently certain parameters relating to the construction phase, only if that authority is certain that the consent includes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.”

While this Plan, and the HRA, are at a high tier of the planning process, this is important when considering any necessary mitigation for identified effects.

1.7 The Greater Manchester Ecology Unit

The Greater Manchester Ecology Unit (GMEU), as the specialist ecological adviser to Oldham Council, has prepared this Screening Opinion. Natural England and the JNCC were consulted for information on the conservation objectives and favourable condition tables for the European Sites concerned (the information is summarised below).

GMEU ecologists, who are familiar with the European sites concerned and their special interests, reviewed the ecological information for the site. The key vulnerabilities and sensitivities of the European sites concerned 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.

GMEU has prepared a number of HRAs for District-level Local Plans and Strategies, prepares HRAs for individual planning applications across GM and Lancashire on a regular basis and is often consulted on HRAs prepared by others.

1.8 Scope of the Assessment

This report has Screened the overall Visions and Objectives of the Plan and the key Issues and Options described in the Plan .

2 Description of the Plan

- 2.1 The Plan being Screened is the Oldham Local Plan Issues and Options Report (2020).

Oldham's Local Plan will guide development in the borough of Oldham up to 2037. It will eventually replace the current plan (Joint Core Strategy and Development Management Policies DPD) which was adopted in November 2011 and any saved older planning policies from the Unitary Development Plan (UDP) 2006.

The Local Plan is at a relatively early stage of development and is still in an early consultation phase. Policies and potential Allocations for future development have not yet emerged.

The document being Screened is called Issues and Options and follows on from a public consultation that was carried out in the summer of 2017, called the 'Regulation 18 Notification'. It builds upon the comments Oldham received at this stage and has been informed by on-going studies and pieces of evidence work. It describes the key challenges facing Oldham, sets out broad issues and presents options and questions that Oldham needs residents, businesses and interested parties in the borough to help answer.

The HRA Screening exercise examines the Issues being considered at this stage of Plan production and identifies any of these Issues which may need in future to be subject to further Screening and Assessment for their potential impacts on European designated sites.

- 2.2 The Plan specifically addresses the environmental capacity of Oldham, setting out how the Plan can enhance and protect the quality of the natural environment, conserve wildlife and tackle low carbon and flood risk issues, so that growth can be accommodated sustainably.
- 2.3 The Plan includes early proposals and aspirations for achieving environmental enhancement, including environmental gain and biodiversity gain, and undertakings to prepare and implement a Nature Recovery Network (NRN) for

Greater Manchester (including Oldham), part of a national initiative to develop a national NRN.

Environmental enhancement and net gain go beyond simple mitigation and compensation for ecological harm caused by development to also require habitat creation and repair. Gain can take place either within the development boundary or, importantly for this Screening, off-site and potentially some distance from where the development takes place. The implication of this is that development managed by the operation of the Plan may contribute directly to habitat repair within European sites. The contribution that these policies could make to the enhancement of European sites is uncertain at this stage.

The creation and enhancement of Green Infrastructure close to strategic allocations may have a role to play in reducing the harm caused to European sites by public disturbance by encouraging people to enjoy outdoor activities closer to home, reducing the need to travel long distances to European sites.

- 2.4 In the planning hierarchy the Oldham Local Plan is informed by a higher level Strategic Plan, called 'Places for Everyone'. Places for Everyone is due for public consultation in August of 2021. Places for Everyone has itself been subject to HRA Screening and Assessment and the results of this Screening are material to the Screening of the Oldham Issues and Options Report.

3 The European designated sites concerned

- 3.1 This Screening exercise has first screened European protected sites in the North West of England to decide which of these sites are most likely to be affected by development in Oldham. When assessing the impact of a Plan on European protected sites it is important to consider the impact on sites not only within the administrative area covered by The Plan but also those which fall outside The Plan boundary, as these could still potentially be affected by the implementation of the Plan.
- 3.2 In carrying out this initial screening process the Assessment has considered the main possible sources of effects on the European sites arising from the Plan, possible pathways to the European sites and the effects on possible sensitive receptors in the European sites. Only if there is an identifiable source, a pathway and a receptor is there likely to be a significant effect.
- 3.3 Possible sources and pathways for effects arising from development implemented as a result of Plan adoption, and used in the screening of European sites, were considered to include:
- Land take (direct habitat loss)
 - Cultivation (agriculture)
 - Diffuse and localised air pollution including dust and odour
 - Noise disturbance
 - Light spill or shading
 - Human presence/disturbance
 - Emissions to water (surface or ground water) containing pollutants or sediments
 - Ground water depression or flow interception
 - Decrease in surface water run-off e.g. through interception in a void
 - Increase in surface water run-off
 - Introduction and spread of invasive species
 - Effects on functionally linked land*

- Changes to predator/prey relationships

More specific sources of harm to particular designated sites are listed in the summary descriptions of screened in European sites provided in Appendix 1.

** Areas of land or sea outside of the boundary of a European site may be important ecologically in supporting the populations for which the site has been designated or classified. Occasionally impacts to such habitats can have a significant effect upon the species interest of such sites, where these habitats are considered to be 'functionally linked' to the site.*

- 3.4 Guidance from the Environment Agency (EA) concerning distances at which significant effects on European sites are caused by water or air pollution has been taken into account during the screening of European sites. The EA has set recommended buffer zones for certain types of 'most damaging' operation (in particular, waste treatment operations) that are in part applicable to other types of operation. Outside of these buffer zones significant effects on European sites arising from water and air pollution are considered unlikely to arise. The largest (most cautious) buffer zone considered by the EA is 15km; that is, most operations with the potential of causing direct water and/or air pollution impacts located further than 15km from the boundary of a European site are considered very unlikely to have a significant effect on the special interest of that site.

Natural England also publish SSSI 'Impact Risk Zones' (IRZs) providing guidance on the types of development which should be considered for their possible impacts on SSSIs and which impacts should be considered. All European designated sites are also designated as SSSIs. IRZs have also been taken into account when screening European sites which could be affected by the Plan.

Although this guidance has been taken into account when screening European protected sites, in the case of a Plan affecting the development of a very large entire Metropolitan Region, the 15km buffer zone should be

regarded as important but not as definitive – for example, this buffer zone may not be sufficient when assessing certain very large-scale developments or secondary impacts. In particular, applying the 15km buffer may not be appropriate where the most likely effect on a European site will be caused by diffuse air or water pollution that may arise from large scale development, or where there are secondary recreational pressures on more distant protected sites arising from increased regional and sub-regional populations.

Functionally linked land may also be located at very large distances from the relevant European site; for example in the case of some seabird species the nesting/overwintering sites may be within a European site but the feeding areas or important stop-over locations may be located many km away.

- 3.5 Since the Oldham Local Plan Issues and Options Report is a high-level, large-scale strategic plan where the main impacts on European sites are likely to be diffuse and cumulative it is considered that certain potential diffuse or indirect sources will be more likely to result from the Plan than more direct sources of harm. None of the proposed allocations in the Plan will result in direct land-take of any European sites

These sources are considered to include –

- air pollution,
- diffuse water pollution and
- recreational pressures.

- 3.6 Taking all of the above the above into account, the following European protected sites were Screened In -

1. Rochdale Canal Special Area of Conservation (SAC)
2. Peak District Moors South Pennines (Phase 1) Special Area of Conservation (SAC)
3. Peak District Moors South Pennines (Phase 1) Special Protection Area (SPA)

4. South Pennine Moors (Phase 2) Special Area of Conservation (SAC)
5. South Pennine Moors (Phase 2) Special Protection Area (SPA)

In practice sites 3,4, 5 and 6 are contiguous and support similar species and habitat types. Together they encompass a very large area of the South Pennines and they are sometimes referred to collectively in this Assessment as the 'South Pennine Moors European protected sites'

Details of the special nature conservation interest of these sites is given in Appendix 1.

Other European protected sites were considered to be too distant to fall under the influence of the Plan, or too distant for measurable effects to be discernible.

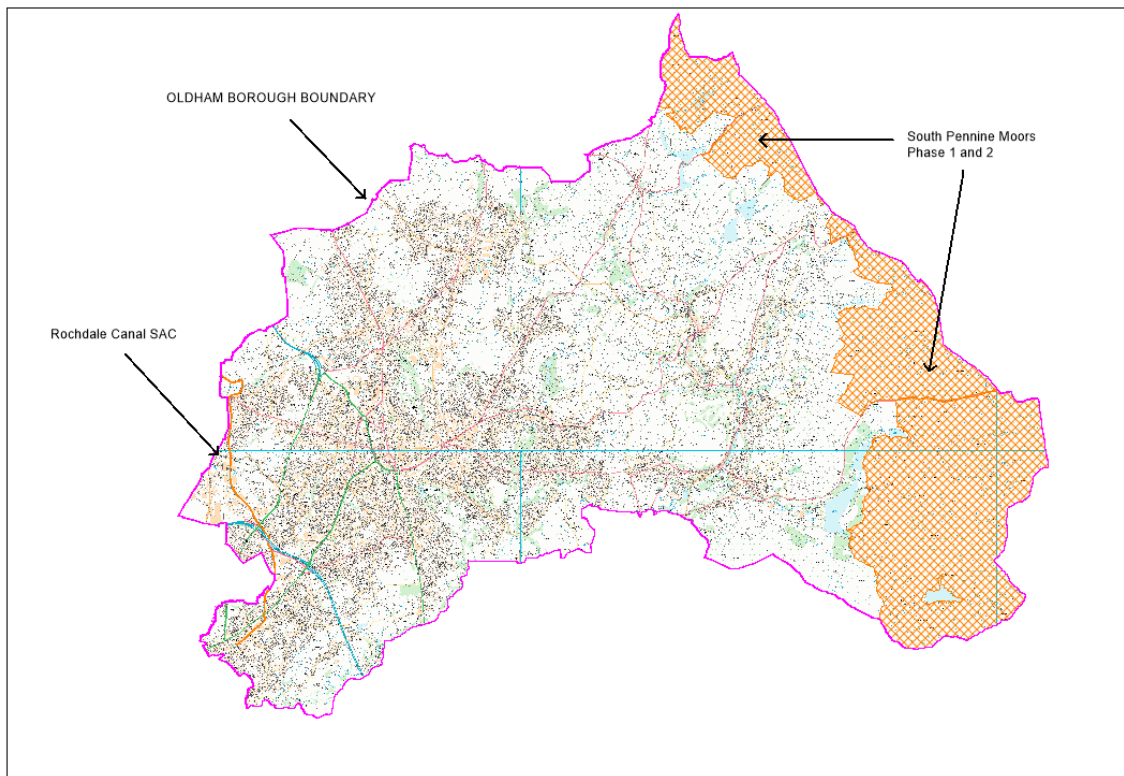


Fig 1 Location and extent of the Plan area in relation to relevant European sites

4 Initial Screening of potential Likely Significant Effects (LSE)

4.1 Given the distances of the allocations from the European sites concerned and the special nature conservation interests of the European sites the following impacts can be effectively screened out of the assessment as being very unlikely to be caused through the operation of the Plan, or any effects will be so diffuse or diluted so as to be *nugatory* (that is, too small to be distinguished from background)

- Cultivation
- Direct Land take
- Noise disturbance
- Ground water depression or flow interception
- Decrease in surface water run-off e.g. through interception in a void
- Changes to predator/prey relationships

4.2 The following impacts have been screened in to the assessment as considered to have the potential to cause likely significant effects –

- Diffuse and localised air pollution including dust and odour
- Human presence/disturbance
- Emissions to water (surface or ground water) containing pollutants
- Increase in surface water run-off
- Loss of functionally linked land
- Light spill or shading [relevant to the Rochdale Canal SAC only]
- Introduction and spread of invasive species

The following brief discussion of these impacts is included to give an understanding of the rationale for the conclusions reached in the subsequent Screening process, summarised in Table 5.1 and Table 5.2

4.3 Air Pollution

The main types of air pollutants likely to have an adverse effect on ecological sites are:

- Oxides of Nitrogen (NO_x)
- Ammonia (NH₃)
- Dust (including particulates)
- Sulphur Dioxide (SO₂)
- Low level Ozone (O₃)

(Scott Wilson Ltd 2007)

4.3.1 Of these NO_x (nitrates) are considered to be the most likely to arise as a result of development controlled by the plan under consideration here. Dust and low level ozone only have effects very close to the source. Ammonia emissions are most closely associated with certain types of intensive agricultural production not identified as a significant land-use within Oldham or not in the scope of the plan being assessed. The emissions of sulphur dioxide are most closely associated with certain industrial operations not in the scope of the Plan being assessed.

Nitrates can cause harm to habitats in two ways –

- Direct effects on species health, particularly to some plant species
- Favouring the growth of some plants (e.g. grasses) over others, leading to increased competition and simplified plant communities

The main sources of these pollutants are road traffic and industrial processes. The greatest damage caused by nitrates occurs within 200 - 250 m of the source.

4.3.2 The Environment Agency has advised that levels of nitrate deposition arising from particular operations which are below 1% of the expected 'background' nitrate deposition levels can be regarded as insignificant when carrying out Appropriate Assessments no matter what levels of nitrate are currently present on sites. But the European sites of concern to this Assessment are already exceeding nitrate levels which would be considered harmful to sensitive habitats on these sites (*source* Natural England and APIS), so any level of increased nitrate pollution, no matter how small, could be considered to be harmful. A precautionary approach has therefore been applied to the Screening process, bearing this fact in mind.

4.4 Diffuse Water Pollution

Pollutants of water courses can be highly mobile and can have discernible impacts on receptors distant from the source.

The most likely source of water pollution arising as a result of plan operation is the discharge of sewage to water courses. Where proposed developments within Oldham are considered to have the potential to result in this type of diffuse pollution arising and affecting a European site, these have been screened into this Assessment.

This is of particular relevance to proposed development close to the Rochdale Canal SAC because this site is designated for its aquatic plant communities which are sensitive to water pollution.

The Rochdale Canal is a somewhat unusual SAC because it is a man-made artefact running through heavily industrialised and built-up areas of Greater Manchester, and because it has been designated for the presence of a single species rather than a complex of habitats or a community of species, an aquatic plant called floating water plantain (*Luronium natans*). There is limited understanding of the effects of water pollution on this plant, and even less is known about the effects of air pollution; a precautionary approach has therefore been taken in relation to potential impacts on the Canal.

4.5 Recreational Pressures (Disturbance)

The effects of significantly increased regional and sub-regional populations on recreational pressures on the north west's European protected sites has been considered in this Assessment because it is recognised that this could be an important harmful impact on the special interest of some European sites.

Recreational use of an internationally designated site has potential to:

- Cause damage through excessive erosion (trampling, wear and tear)

- Cause nutrient enrichment
- Cause disturbance to sensitive species, particularly nesting and overwintering birds
- Prevent appropriate management or exacerbate existing management difficulties

Different types of internationally designated sites are subject to different types of recreational pressures and have different vulnerabilities. The best studied effects of disturbance are concerned with birds, although even with birds studies across a wide range of species have shown that the effects from recreational disturbance can be complex. The outcomes of many of these studies therefore need to be treated with caution. For instance, the effect of disturbance is not necessarily correlated with the impact of disturbance, i.e. the most easily disturbed species are not necessarily those that will suffer the greatest impacts. It has been shown that, in some cases, the most easily disturbed birds simply move to other feeding sites if these are available, whilst others may remain (possibly due to an absence of alternative sites) and thus suffer greater impacts on their population. These facts have to be taken into account when attempting to predict the impacts of future recreational pressure on internationally designated sites, something that is particularly difficult when trying to assess the effects of a large-scale Strategic Plan.

As with diffuse water pollution effects recreational pressures can also be (very) diffuse and it can therefore be difficult to accurately apportion any harmful impacts to a particular development; for example, increased recreational pressures on European sites within the South Pennines may be caused by increases in the population of Oldham, but such pressures may also be caused by increases in national and even international visitors.

For these reasons a precautionary approach has been taken when Screening policies and areas for this effect.

4.6 Functionally Linked Land

For an area to be considered to be functionally linked to a European site it must be shown to regularly support significant numbers of species for which a European site has been designated. 'Regularly' is taken to mean over a number of years, but there is no accepted standard definition of what may constitute 'significant numbers' because this will depend on the species concerned.

The concept has been most often studies in relation to birds, bats and marine species, because these species are highly mobile in their habits and can rely on sites very far apart to complete their life cycles.

For an area to be Screened in to this Assessment the following criteria have been used –

- Area supports habitat suitable for use by species for which the European site has been designated
- Area has habitat connectivity with the European site which would facilitate species movement between the designated site and the allocated area

In practice, species associated with the the Rochdale Canal SAC are not mobile in their habits and will not rely on other land to complete their life cycles. The South Pennine Moors SPA have been designated for important bird species which are highly mobile in their habits and may rely on land outside of the designated sites to complete their life cycle.

4.7 Surface Water Run-off

Although the scale of built development being planned for in Oldham could potentially cause an increase in surface water run-off (that is, the quantity of water rather than the quality) it is not considered that this effect will cause any harm to any European designated sites.

4.8 Light spill and shading

These effects will only apply to the Rochdale Canal SAC, because development may take place close to the Canal and *Luronium natans* is known to be affected by both high artificial light levels and by excessive

shading. Whether this impact occurs, and if it does how it is mitigated, depends on the detail of any particular development (e.g. how close buildings are to the Canal banks and/or how high the buildings are) and may be best dealt with at project level rather than in the HRA of a high level strategic plan.

SCREENING SUMMARY TABLES

TABLE 5.1 – SCREENING OF PLAN OBJECTIVES



Screened out



Screened In for further Assessment

[Objective References may be subject to change]

Objective	Brief Summary	Screening Outcome
PO1	Building quality homes to meet local need and diversify the housing offer	Likely Significant Effect arising from possible increases in road traffic (air Pollution), recreational impacts, water pollution, functionally linked land and shading
PO2	Providing opportunities to learn and gain new skills	The objective includes provision for new development related to the objective. Likely Significant Effect arising from possible increases in road traffic (air Pollution), water pollution, functionally linked land and shading
PO3	Providing opportunities to grow local businesses and create jobs	The objective includes provision for new development related to the objective. Likely Significant Effect arising from possible increases in road traffic (air Pollution), water pollution, functionally linked land and shading

P04	Support for thriving centres	Development centres occur close to the Rochdale Canal SAC and Likely Significant Effects could occur from water pollution, traffic pollution and shading
P05	Ensuring Oldham is the greenest Borough	No Likely Significant Effect – potential positive effect on European sites
P06	Embedding sustainability, energy efficiency and low carbon	No Likely Significant Effect – potential positive effect on European sites
P07	Improving life chances and the health and well-being of residents and local communities	The objective includes provision for new development related to the objective. Likely Significant Effect arising from possible increases in road traffic (air Pollution), water pollution, functionally linked land and shading
P08	Improving and valuing a better environment, including the Borough's historic environment	No Likely Significant Effect – potential positive effect on European sites
P09	Ensuring residents and workforce have fit for purpose and modern connectivity	No Likely Significant Effect – potential positive effect on European sites

OLDHAM LOCAL PLAN ISSUES AND OPTIONS REPORT HRA SCREENING - ISSUES



Screened out



Screened In for further Assessment

ISSUE	Screening Outcome
Homes	Depending on the future locations of new residential development Likely Significant Effects could arise from possible increases in road traffic (air Pollution), water pollution, functionally linked land and shading
Economy and Employment	Depending on the future locations of new residential development Likely Significant Effects could arise from possible increases in road traffic (air Pollution), water pollution, functionally linked land and shading
Centres	Development centres do occur close to the Rochdale Canal SAC and therefore Likely Significant Effects could arise from water pollution, air pollution and shading
Addressing Climate Change	No Likely Significant Effect; possible positive effect
The Natural Environment and Open Land	No Likely Significant Effect; possible positive effect
Green Infrastructure	No Likely Significant Effect; possible positive effect
The Built Environment	No Likely Significant Effect
Transport and Improving Connectivity	No Likely Significant Effect; possible positive effect; the issue concerns the promotion of sustainable travel and reduction of road traffic

Communities	No Likely Significant Effect
Infrastructure	Possible Likely Significant Effect depending on the type and location of infrastructure required

6 In-Combination Assessment

As previously stated in the case of a high-level, very large scale Plan such as the Oldham Local Plan a very large number of other plans, strategies and projects could act in combination with the Plan and result in a likely significant effect on European sites where the plan operating in isolation would not.

At all stages of the Screening process potential cumulative impacts have been considered.

In particular a precautionary approach which assumes that in-combination effects will occur has been taken in relation to the Screening of –

- Air Pollution Effects
- Recreational Impacts
- Water Pollution effects

7 Discussion and Conclusions

It is concluded that the parts of the developing Oldham Local Plan could result in Likely Significant Effects on European designated sites.

European designated sites which could be affected are –

- The Rochdale Canal SAC
- The South Pennine Moors SAC/SPA Phases 1 and 2

Effects could arise from –

- Air Pollution
- Water Pollution
- Recreational disturbance
- Effects on functionally linked land
- Shading

Parts of the Plan which could cause harmful Effects, and which have been Screened in, are –

Plan Objectives

- PO1 – Homes
- PO2 – Learning and Life Skills
- PO3 – Growing Local Businesses and Creating Jobs
- PO7 – Improving Life Chances

Plan Issues and Options –

- Homes
- Economy and Employment
- Centres
- Infrastructure

The above Objectives and Issues must be subject to further Screening, and possible Assessment, when future proposals and details emerge from further iterations of the Local Plan.

Other parts of the Plan may have positive effects on the special interests of the European sites concerned.

APPENDIX 1

The Nature Conservation Interests of the “Screened In” European Sites

The following details are derived from information available from Natural England and

the Joint Nature Conservation Committee, and from information held by GMEU

Rochdale Canal SAC

Description of the Rochdale Canal SAC

The Rochdale Canal SAC extends approximately 20 km from Littleborough at Ben Healey Bridge to Failsworth, passing through urban and industrialised parts of the Metropolitan Boroughs 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 waterbody (i.e. is moderately nutrient-rich) although there is evidence of some local enrichment. The canal continues through Failsworth and terminates at Castlefield in Manchester City, although this section of the canal is not included within the SAC.

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 Site Conservation Objectives for the Rochdale Canal are to –

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring

- The extent and distribution of the habitats of qualifying species
- The structure and function of the habitats of qualifying species
- The supporting processes on which the habitats of qualifying species rely
- The populations of the qualifying species, and
- The distribution of the qualifying species within the site.

The main qualifying feature for the site is the presence of Floating water-plantain.

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.

The operations that may damage the special interest of the SAC which have to be considered include:

- Application of pesticides
- Dredging
- Drainage, both within and outside the boundaries of the site
- Construction or removal of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks or the laying or removal of pipelines and cables
- Erection of permanent structures next to the Canal (shading)
- Diffuse air pollution
- Diffuse water pollution
- Increased boat movements (recreation)
- Climate change

South Pennine Moors SAC/SPA (Phases 1 and 2)

Description of the South Pennine Moors SAC

This very large 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. 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.

Description of the South Pennine Moors SPAs

Special Protection Areas (SPAs) are strictly protected sites classified in accordance with Article 4 of the EC Directive on the conservation of wild birds, 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.

Primary reason for designation of the South Pennine Moors SAC

The site supports the following important habitats

European Dry Heath

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 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 Bog

This site represents blanket bog in the south Pennines, the most south-easterly occurrence of the habitat in Europe. The bog vegetation communities are generally botanically poor. Hare's-tail cotton-grass *Eriophorum vaginatum* is often overwhelmingly dominant, although bog-building *Sphagnum* mosses are present. 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 cotton-grass *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

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.

Primary reason for the designation of the South Pennine Moors SPAs

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

For Phase 1 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:

Common sandpiper (*Actitis hypoleucos*), Dunlin (*Calidris alpina schinzii*), Twite (*Carduelis flavirostris*), Snipe (*Gallinago gallinago*), Curlew (*Numenius arquata*), Wheatear (*Oenanthe oenanthe*), Redshank (*Tringa totanus*), Ring ouzel (*Turdus torquatus*), Lapwing (*Vanellus vanellus*)

For Phase 2 during the breeding season:

- Golden plover (*Pluvialis apricaria*), at least 1.9% of the breeding population in Great Britain
- Merlin (*Falco columbarius*), at least 2.3% of the breeding population in Great Britain
- Breeding Bird Assemblage

Conservation Objectives of the South Pennine Moors

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.

The operations that may damage the special interest of the SPA which have to be considered include:

- Cultivation
- Grazing
- Mowing or cutting
- Application of manure, fertilisers or lime
- Application of pesticides
- Burning
- Drainage, both within and outside the boundaries of the site
- Extraction of minerals including peat, topsoil and subsoil

- Construction or removal of roads, tracks, walls, fences, hardstands, banks, ditches or other earthworks or the laying or removal of pipelines and cables
- Erection of permanent structures
- Use of vehicles likely to damage the vegetation
- Diffuse air pollution
- Diffuse water pollution
- Climate change

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