

Habitat Regulations Assessment

Stage 2 (Appropriate Assessment)

Iteration number	2
Date assessment completed	22/10/2018
Project location	land off, Netherley Drive, Marsden, Huddersfield, HD7 6HL
Relevant application number(s)	2018/92216
Assessment by	Tom Stephenson

Step 1 – Information Required

Detailed habitat information or species specific survey information is likely to be required for Appropriate Assessment, along with detailed information on the project or plan.

State the information sources provided by the applicant.

Report title or other information source description	Date provided
Preliminary Ecological Appraisal (Delta-Simons, 2018)	06/08/2018
	Click here to enter a date.

State the information sources available for use in the following assessment, other than those provided by the applicant.

Report title or other information source description	Date obtained
Golden plover data set from Local Plan HRA	Between Dec. 2016 and Jan. 2017
	Click here to enter a date.

Describe information requested from the applicant, including clarification and update of reports and survey information.

Report title or other information source description	Date obtained
	Click here to enter a date.
	Click here to enter a date.

Step 2 – Predicted Impact of Proposals

From Step 4 in the Stage 1 Assessment, identify all likely significant effects of the project, either alone or in combination with other plans or projects.

South Pennine Moors SAC
The project site is directly connected to the SAC via numerous public rights of way. For this reason likely significant effects resulting from increased recreational use have been screened in.
Peak District Moors (South Pennine Moors Phase 1) SPA and South Pennine Moors Phase 2 SPA
The application site is close to both phases of the SPA and a record of golden plover during the breeding season is located approximately 360 m from the site. The grassland habitats to be lost are

not considered suitable for foraging SPA birds. However, due to the proximity of existing records to the site, it cannot be ruled out that the proposals will result in disturbance of SPA birds using the grassland habitats to the east of the application area.

The project site is directly connected to the SPAs via numerous public rights of way. For this reason likely significant effects resulting from increased recreational use and resultant disturbance of breeding SPA birds has been screened in.

Describe how the project or plan (including in combination effects) will affect key species and key habitats, acknowledging any uncertainties and gaps in information.

South Pennine Moors SAC

An increase of 47 dwellings (including the 42 dwellings from identified in combination projects) is anticipated to result in a local population increase of up to approximately 113 (based on average household size of 2.4 from 2011 Census). These additional 113 people are anticipated to use the SAC for recreation, although it is uncertain to what extent. However, the habitats most likely to be affected are those closest to the application area, which are predominantly grass moorlands and not one of the qualifying features of the SAC. Localised trampling resulting from increased recreational use associated with the proposals, and in combination projects, is not anticipated to significantly affect qualifying feature of the SAC.

Peak District Moors (South Pennine Moors Phase 1) SPA

Qualifying bird species originating from Phase 1 of the SPA would be required to overfly existing development to forage on the grasslands to the east of the application area. There are also other potentially suitable foraging habitats in closer proximity to Phase 1 of the SPA. As a result it is considered unlikely that golden plover that are breeding within Phase 1 of the SPA, which is the only qualifying species of this phase that regularly forages on sites outside of the designated area, will be using these grasslands for foraging.

In addition to the anticipated additional 113 people the increase of 47 dwellings (including the 42 dwellings from identified in combination projects) is anticipated to result in an increase of 14 dogs (based on average household dog ownership for Yorkshire and Humberside (Pet Food Manufacturers Association, 2017)). These additional 113 people and 14 dogs are anticipated to use the SPA (Phase 1) for recreation, although it is uncertain to what extent. However, the public right of way connections between Phase 1 of the SPA and the application area are not direct, and the similar habitats of Phase 2 of the SPA are considered to be more accessible, therefore recreational visits by foot are less likely to be to Phase 1 of the SPA. Recreational use of Phase 1 of the SPA is not anticipated to result in significant disturbance of breeding qualifying bird species.

South Pennine Moors Phase 2 SPA

An existing record of a golden plover during the breeding season is located 360 m from the application area, and within Phase 2 of the SPA. A breeding bird assemblage is also a qualifying feature of Phase 2, which includes curlew and twite. These species also regularly forage outside of the protected area. The grasslands to the east of the application area are not suitable for foraging twite, but are potentially suitable for foraging curlew and golden plover. The grasslands to the east of the application area are not separated from Phase 2 of the SPA by significant areas of existing development, however, the relative steepness of these grasslands makes them less suitable for foraging curlew and golden plover.

A small residual risk of these grasslands supporting foraging golden plover and curlew remains, although no specific bird survey has been undertaken to determine presence or likely absence.

Phase 2 of the SPA is directly connected to the application area via the existing public right of way network. As a result, the anticipated 113 people and 14 dogs are anticipated to use Phase 2 of the SPA in preference to Phase 1. The extent to which this will occur is unknown. There is potential for this recreational use to result in disturbance of SPA birds during the breeding season.

Briefly describe proposed mitigation measures in respect of the identified effects.

South Pennine Moors SAC

None required.

Peak District Moors (South Pennine Moors Phase 1) SPA

None required.

South Pennine Moors Phase 2 SPA

The habitats to be directly affected by the proposals are not considered suitable for supporting foraging golden plover or curlew. However, due to the small residual risk of these species using the adjacent habitats for foraging, the proposals will incorporate measures to prevent access between the application area and the grasslands to the east. This is anticipated to reduce the incidence of this area being used for recreation, such as dog walking.

To reduce the potential impact of recreational visits to Phase 2 of the SPA resulting in disturbance of breeding birds, clear signage will be installed at local entrances to the SPA with information on the importance of keeping to established paths and keeping dogs under close control during the bird breeding season.

Step 3 – Conservation Objectives

List the Qualifying Features and Conservation Objectives of the Natura 2000 sites considered to be affected by the project, including in combination effects. These attributes should inform the assessment of impacts to site integrity below.

South Pennine Moors Special Area of Conservation

Qualifying Features

H4010 Northern Atlantic wet heaths with *Erica tetralix*

H4030 European dry heaths

H7130 Blanket bogs (Annex I Priority Habitat)

H7140 Transition mires and quaking bogs

H91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

Conservation Objectives

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 qualifying natural habitats

- The structure and function (including typical species) of the qualifying natural habitats, and,
- The supporting processes on which the qualifying natural habitats rely.

Peak District Moors (South Pennine Moors Phase 1) Special Protection Area

Qualifying Features

A098 *Falco columbarius*; Merlin (Breeding)

A140 *Pluvialis apricaria*; European golden plover (Breeding)

A222 *Asio flammeus*; Short-eared owl (Breeding)

Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

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

South Pennine Moors Phase 2 Special Protection Area

Qualifying Features

A098 *Falco columbarius*; Merlin (Breeding)

A140 *Pluvialis apricaria*; European golden plover (Breeding)

Breeding bird assemblage

Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

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

Considering the project, and any in combination effects, in the absence of mitigation complete the integrity of site checklist below.

South Pennine Moors Special Area of Conservation

Conservation objectives		
<i>Does the project or plan have the potential to:</i>	Yes	No
cause delays in progress towards achieving the conservation objectives of the site?	☐	☒
interrupt progress towards achieving the conservation objectives of the site?	☐	☒
disrupt those factors that help to maintain the favourable conditions of the site?	☐	☒
interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site?	☐	☒
Other indicators		
<i>Does the project or plan have the potential to:</i>	Yes	No

cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?	☐	☒
change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the site?	☐	☒
interfere with predicted or expected natural changes to the site (such as water dynamics or chemical composition)?	☐	☒
reduce the area of key habitats?	☐	☒
reduce the population of key species?	☐	☒
change the balance between key species?	☐	☒
reduce diversity of the site?	☐	☒
result in disturbance that could affect population size or density or the balance between key species?	☐	☒
result in fragmentation?	☐	☒
result in loss or reduction of key features (e.g. tree cover, tidal exposure, annual flooding, etc.)?	☐	☒

Peak District Moors (South Pennine Moors Phase 1) Special Protection Area

Conservation objectives

Does the project or plan have the potential to:

Yes

No

cause delays in progress towards achieving the conservation objectives of the site?

☐

☒

interrupt progress towards achieving the conservation objectives of the site?

☐

☒

disrupt those factors that help to maintain the favourable conditions of the site?

☐

☒

interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site?

☐

☒

Other indicators

Does the project or plan have the potential to:

Yes

No

cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?

☐

☒

change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the site?

☐

☒

interfere with predicted or expected natural changes to the site (such as water dynamics or chemical composition)?

☐

☒

reduce the area of key habitats?

☐

☒

reduce the population of key species?

☐

☒

change the balance between key species?

☐

☒

reduce diversity of the site?

☐

☒

result in disturbance that could affect population size or density or the balance between key species?

☐

☒

result in fragmentation?

☐

☒

result in loss or reduction of key features (e.g. tree cover, tidal exposure, annual flooding, etc.)?

☐

☒

South Pennine Moors Phase 2 Special Protection Area

Conservation objectives		
<i>Does the project or plan have the potential to:</i>	Yes	No
cause delays in progress towards achieving the conservation objectives of the site?	☒	☐
interrupt progress towards achieving the conservation objectives of the site?	☐	☒
disrupt those factors that help to maintain the favourable conditions of the site?	☐	☒
interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site?	☒	☐
Other indicators		
<i>Does the project or plan have the potential to:</i>	Yes	No
cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?	☐	☒
change the dynamics of the relationships (between, for example, soil and water or plants and animals) that define the structure and/or function of the site?	☐	☒
interfere with predicted or expected natural changes to the site (such as water dynamics or chemical composition)?	☐	☒
reduce the area of key habitats?	☐	☒
reduce the population of key species?	☐	☒
change the balance between key species?	☐	☒
reduce diversity of the site?	☐	☒
result in disturbance that could affect population size or density or the balance between key species?	☒	☐
result in fragmentation?	☐	☒
result in loss or reduction of key features (e.g. tree cover, tidal exposure, annual flooding, etc.)?	☐	☒

Based on the information above, and in the absence of any mitigation, is the project expected to have an adverse effect on the integrity of the Natura 2000 site?

South Pennine Moors SAC
No adverse effect.
Peak District Moors (South Pennine Moors Phase 1) SPA
No adverse effect.
South Pennine Moors Phase 2 SPA
Mitigation required to avoid adverse effect.

Step 4 – Mitigation Measures

Describe mitigation measures to be provided in respect of the predicted impacts.

Mitigation measures			
List measures to be introduced.	Explain how the measures will avoid the adverse effects on	Explain how the measures will reduce the adverse effects on	Provide evidence of how they will be

	the integrity of the site.	the integrity of the site.	implemented and by whom.
i. Reinstate and strengthen those field boundaries within the landownership that are to be retained. ii. Erect signage at local entrances to Phase 2 of the SPA, to explain importance of keeping to established routes and keeping dogs under close control at sensitive times of year.	i. Will prevent access between the application area and the grassland habitats to the east, therefore avoiding disturbance to foraging SPA birds via this route. ii. Complete avoidance of impacts is unlikely through this measure.	i. Will close a direct access route between the eastern fields and existing housing in the area. ii. Will reduce instances of people straying from identified routes and of uncontrolled dogs during the breeding bird season.	i. The measures will be secured through a planning condition. ii. Content, location and installation and maintenance of signage will be secured through planning condition or obligation.
List mitigation measures (as above).	Provide evidence of the degree of confidence in their likely success.	Provide timescale, relative to the project or plan, when they will be implemented.	Explain the proposed monitoring scheme and how any mitigation failure will be addressed.
i. Reinstate and strengthen those field boundaries within the landownership that are to be retained. ii. Erect signage at local entrances to Phase 2 of the SPA, to explain importance of keeping to established routes and keeping dogs under close control at sensitive times of year.	i. Definitive evidence is not available. ii. Definitive evidence is not available.	i. Prior to occupation of the residential units. ii. Prior to occupation of the residential units.	i. A requirement to maintain the boundary treatments will be included in the planning condition. ii. Signage will be maintained through planning condition or obligation.

Consultation

Natural England

Consultation with Natural England is required at the Appropriate Assessment stage of Habitat Regulations Assessment. The Competent Authority is required to have regard to any representations made by Natural England.

When was Natural England consulted?

02/10/2018

On what date did Natural England formally respond?

19/10/2018

Summarise Natural England's comments.

Natural England's response indicates that it agrees with the proposed mitigation measures and conclusion of the Stage 2 assessment.

General Public

If the Competent Authority considers it appropriate, the opinion of the general public should be taken.

Does the Competent Authority consider it appropriate to seek public opinion, and why?

Due to the nature and scale of the proposals the opinion of the general public has not been sought.

If appropriate, provide start and end dates for public consultation period.

Start date: Click here to enter a date.

End date: Click here to enter a date.

If appropriate, how was public opinion sought?

If appropriate, summarise opinion of general public.

Conclusion of Stage 2 Assessment

Is there an adverse effect on integrity of a Natura 2000 site as a result of the proposals?

It can be concluded with certainty that the proposals, directly or indirectly, either alone or in combination with others, will not adversely affect the integrity of a Natura 2000 site, or will not harm the ability of the site to meet its conservation objectives.