

Habitat Regulations Assessment

Stage 2 (Appropriate Assessment)

Iteration number	<i>1</i>
Date assessment completed	<i>29/11/2022</i>
Project location	<i>Land at, Lingards Road, Slaithwaite, Huddersfield, HD7 5HY</i>
Relevant application number(s)	<i>2020/93954</i>
Assessment by	<i>Gareth Hey</i>

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
Lingards Road, Slaithwaite - Ecological Impact Assessment (EcIA) - MBE/ECO/2020/13/4	25/11/2022

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
Publication Draft Kirklees Local Plan: Habitats Regulation Assessment Report (LUC, 2017)	30/03/2017

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

Report title or other information source description	Date obtained
Letter - Subject: Consultation Response from Kirklees Council – 2020/93954 Land at Lingards Road, Slaithwaite.	08/01/2020

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 Phase 2 Special Protection Area Potential for loss of functionally connected land used by SPA birds. Non-physical disturbance, such as noise. Peak District Moors (South Pennine Moors Phase 1) Special Protection Area Potential for loss of functionally connected land used by SPA birds. Non-physical disturbance, such as noise.

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

Peak District Moors (South Pennine Moors Phase 1) Special Protection Area and South Pennine Moors Phase 2 Special Protection Area

The applicant has submitted the results of a bird survey undertaken in order to, among other aims, determine the presence or likely absence of foraging SPA birds within the proposed development site; and so, determine if the site is functionally connected to the SPA. The surveys were undertaken at an appropriate time of year, although the survey effort (number of visits) was less than has been undertaken at other sites (three rather than five). As the fields to be developed as part of the proposals display few positive suitability factors for the presence of foraging Golden Plover (as identified in the Kirklees Publication Draft Local Plan HRA) the reduced survey effort is considered to be justifiable.

The proposed development site is more than 2km from both the Peak District Moors (South Pennine Moors Phase 1) SPA and the South Pennines Phase 2 SPA. Taking distance from these SPAs into account together with a consideration of site habitats (heavily grazed grassland) and topography (steep ground) impacts upon bird species for which the SPAs are designated are considered to be extremely unlikely. This assessment concurs with the site assessment undertaken during the Local Plan HRA. In addition to the above, the site provides reduced suitability for Golden Plover (diurnally or nocturnally), which have been shown not to either nest or forage on ground slopes exceeding angles of 10° (Cramp and Simmons, 1982). Furthermore, it should be noted that the site is limited in size and is surrounded on three sides by residential properties which is a strong negative factor affecting its suitability to attract any of the bird species for which the nearby SPAs have been designated. Golden Plover are birds of moorland which do not typically tolerate enclosed sites.

No Golden Plover were recorded during the suite of surveys. A total of 12 species were recorded during the three survey visits including three red listed species within the Birds of Conservation Concern (Eaton et al., 2021). There is no evidence to suggest any of the species identified on the surveys are nesting on site. The site is not considered to be used for foraging by qualifying SPA species that are breeding within the SPA, and the site is therefore not considered to be functionally linked to the SPA. The proposals are not considered to affect land functionally connected to the SPA.

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

District Moors (South Pennine Moors Phase 1) Special Protection Area and South Pennine Moors Phase 2 Special Protection Area

The site is considered unsuitable for any bird species for which the SPA is designated for. Therefore, no mitigation is proposed.

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.

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, complete the integrity of site checklist below.

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.)?	☐	☒

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	Explain how the measures will reduce the adverse effects	Provide evidence of how they will be implemented and by
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	on the integrity of the site.	on the integrity of the site.	whom.
i. None proposed.	i.	i.	i.
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.	i.	i.	i.

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?

TBC

On what date did Natural England formally respond?

[Click here to enter a date.](#)

Summarise Natural England's comments.

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 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?

n/a

If appropriate, summarise opinion of general public.

n/a

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.

