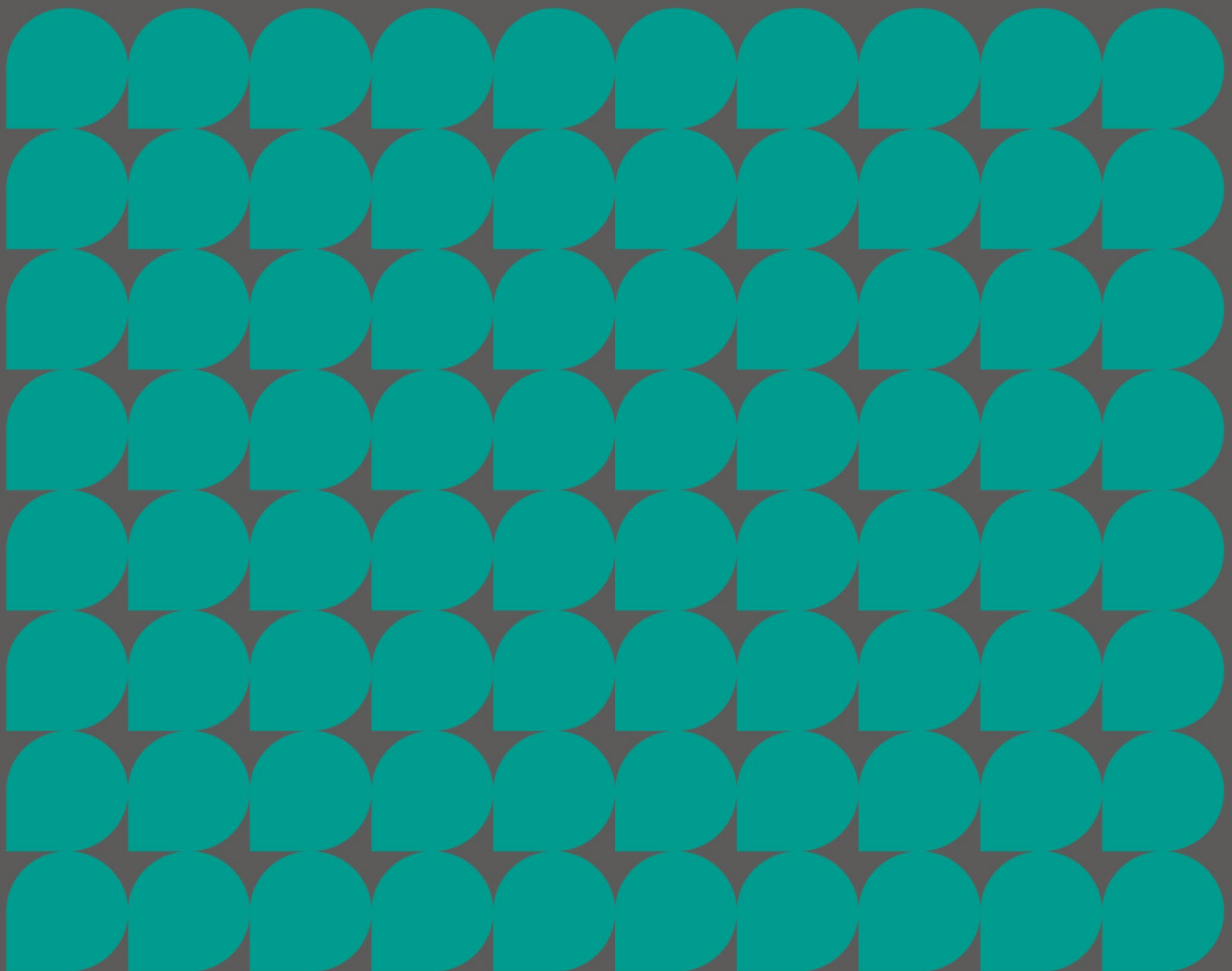


South Pennine Moors Special Area of Conservation (SAC) / Special Protection Areas (SPAs) Joint Supplementary Planning Document

Consultation Draft

November 2024



1.Introduction

Purpose of document

1.1. This jointly produced Supplementary Planning Document (SPD) provides guidance on how criterion 7 (parts a and b) of Policy JP-G5 of Places for Everyone (PfE) Joint Development Plan will be implemented across the boroughs of Rochdale, Oldham and Tameside. The aims of the SPD are to:

- Provide clear advice to developers as to what development within 400m of the South Pennine Moors SAC/SPAs boundaries may be considered an exception, where the development and/or its use would not have an adverse effect on the integrity of the SAC or SPAs; and
- Provide clear advice to developers as to the type and scope of assessment required to determine if development sites within 2.5km of the South Pennine Moors SPAs provide foraging habitats for qualifying bird species, and set out the types of applications that would require said assessment. The SPD also details that where such an assessment has identified the potential for functional linked habitats to the SPA, further evidence, including species surveys, will need to be provided and avoidance or mitigation measures also provided.

Consultation

1.2. This document is being published by the Greater Manchester Combined Authority (GMCA) on behalf of Oldham Council, Rochdale Council and Tameside Council for consultation for a period of six weeks. Full details on how to respond to the consultation on the draft SPD are set out in the Consultation Statement and Guidance Note, available on GMCA website.

1.3. Following the period of public consultation, the responses received will be considered. If considered necessary, amendments will be made to the document prior to Oldham Council, Rochdale Council and Tameside Council adopting the document. Once adopted, the SPD will be one of a number of documents constituting material considerations in the determination of planning applications in the authorities.

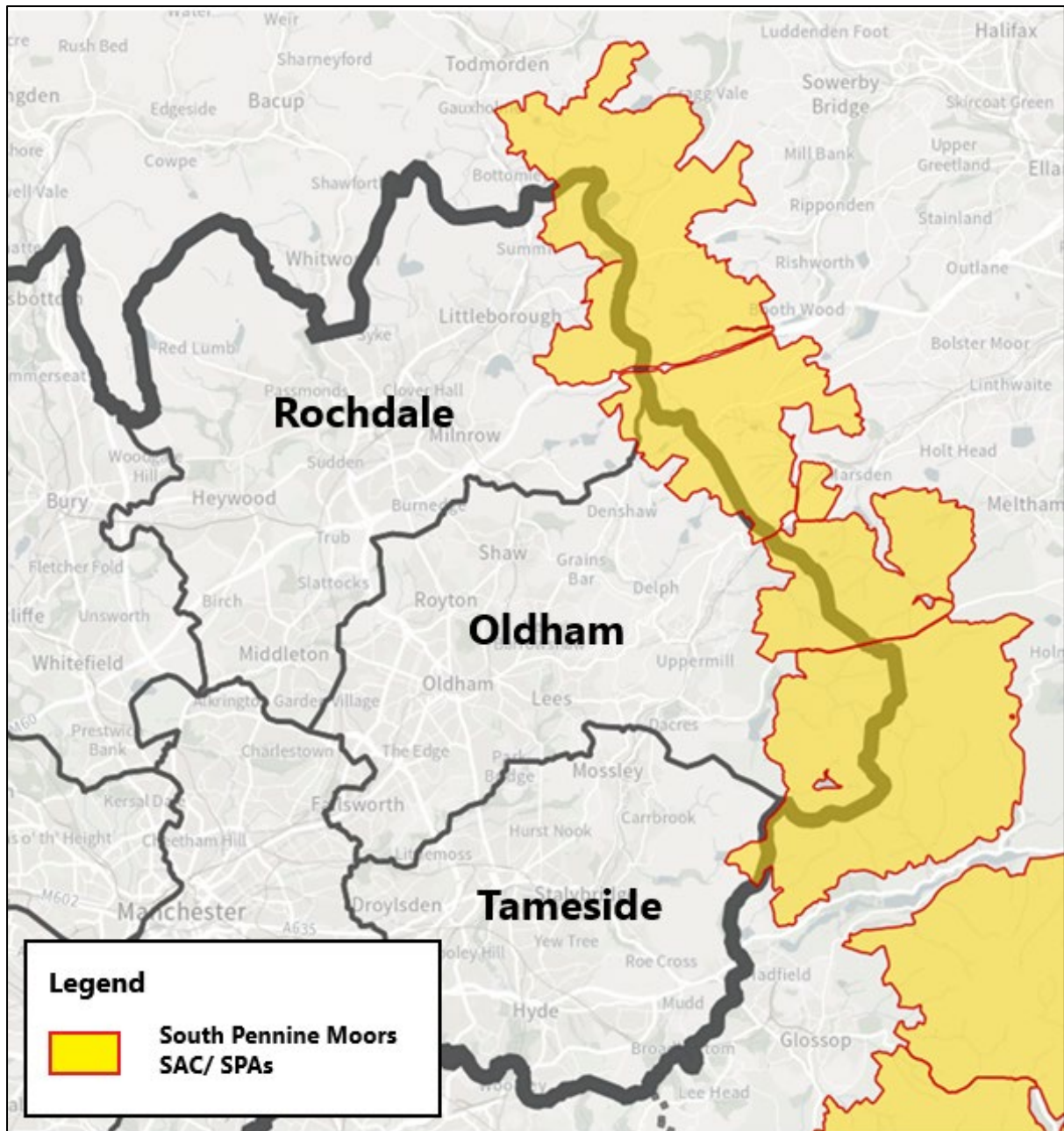
Sustainability appraisal and strategic environmental assessment

- 1.4. The South Pennine Moors SAC/SPAs SPD has been screened for the need to undertake a sustainability appraisal and strategic environmental assessment (including a Habitat Regulation Assessment) and it has been determined that assessments were not required.
- 1.5. The determination statements can be viewed on the GMCA website.

The South Pennine Moors SAC/SPAs

- 1.6. The importance of the South Pennine Moors is reflected in a range of international, national and local habitat designations. It supports important breeding bird populations and is classified as a Special Area of Conservation (SAC) and two Special Protection Areas (SPA) and as such the SPD relates to the South Pennine Moors SAC; Peak District Moors SPA and the South Pennine Moors Phase 2 SPA.
- 1.7. The SAC and SPAs are European designated habitat sites which overlap each other. When referring to all three designations together, this SPD refers to the South Pennine Moors SAC/SPAs. The European sites are shown on Map 1 and details of their qualifying features and species are summarised in Appendix 1.
- 1.8. The SPD is applicable to the local authority areas of Oldham (not including the area covered by the Peak District National Park)¹, Rochdale and Tameside.

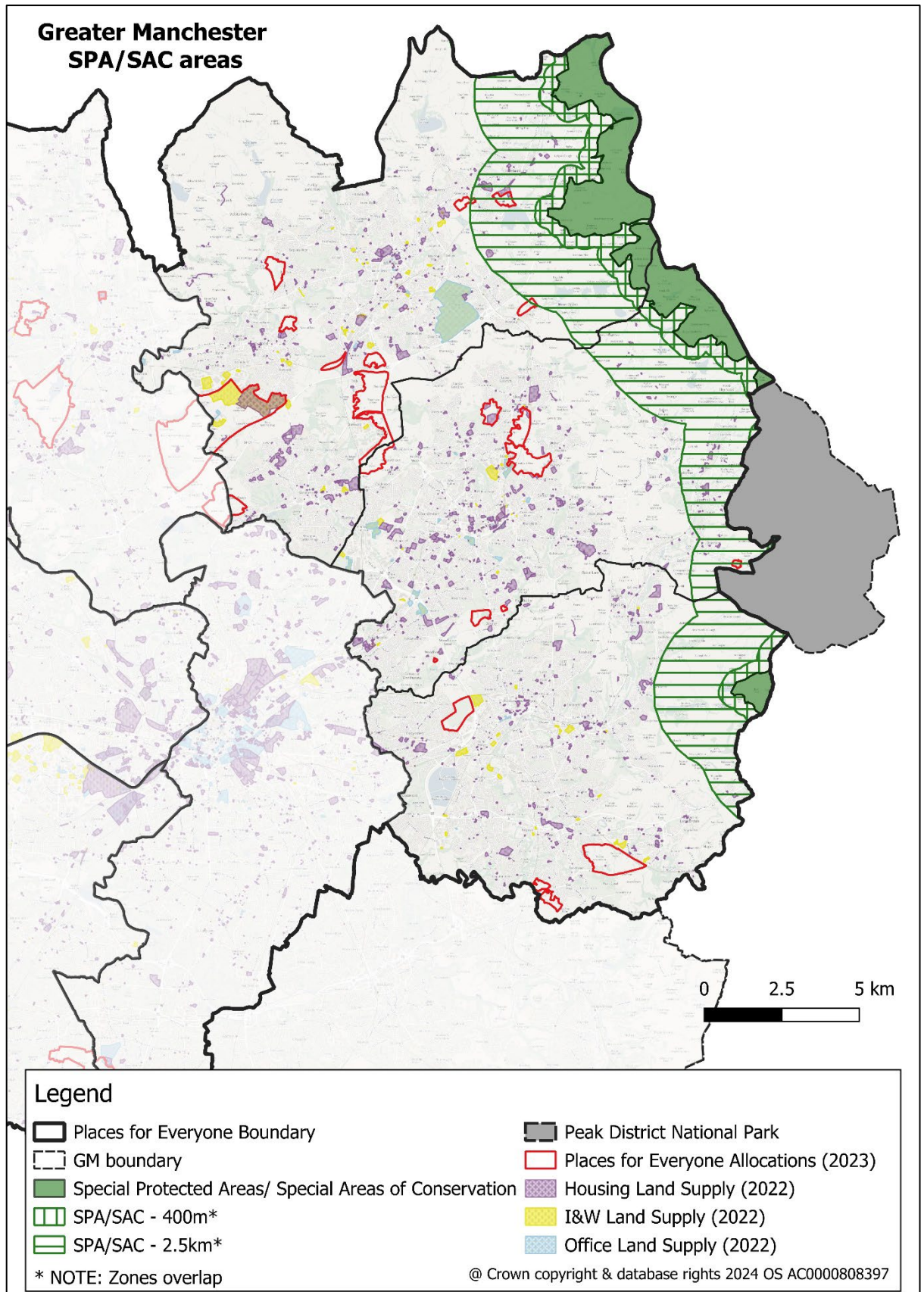
¹ Due to the presence of the Peak District National Park in the eastern part of the borough of Oldham, it should be noted that the Places for Everyone Plan, including Policy JP-G5, is applicable to the whole of the borough of Oldham except that part which falls within the Peak District National Park. Developments within the National Park should refer to Development Plan Documents prepared by the Peak District National Park Authority.



Map 1: South Pennine Moors SAC/SPAs

2. Policy

- 2.1. PfE Policy JP-G5 parts 7a and 7b seek to ensure that new development does not have an adverse impact on protected habitats and species of the South Pennine Moors SAC/SPAs from urban edge effects (within 400m of the SAC and SPAs boundaries) and loss of and/or disturbance to functionally linked habitats (within 2.5km of the SPAs boundaries).
- 2.2. PfE Policy JP-G5 part 7c relates to a potential recreation impact zone - up to 7km from the SAC and SPAs. Within this zone new residential development could result in recreational disturbance impacts on the SAC and SPAs and development may be required to mitigate this impact. Since the production of the HRA for the PfE, Natural England has now indicated that there is no evidence of credible risk to the habitats and species on the SAC and SPAs from recreation impacts. Consequently, Natural England considers that new development within the PfE area, specifically the three authority areas of Oldham, Tameside and Rochdale, does not need to provide mitigation in accordance with part 7c of JP-G5. If further evidence is prepared on recreational impacts from new development, at a strategic level, i.e. across the whole South Pennine Moors area and not at a local level, such as the three PfE authorities, then Natural England will review its position. A copy of Natural England's statement setting out their revised position is at Appendix 2. Considering Natural England's revised position, the SPD only provides further guidance on parts 7a and 7b of JP-G5. Should suitable evidence be prepared in the future, consideration will be given to reviewing this SPD.
- 2.3. It should be noted that requirements of JP-G5 parts 7a and 7b are cumulative. If an application site is within 400m of the South Pennine Moors then it follows that it is also within 2.5km and those requirements will also apply. Requirements lessen the further an application site is from the South Pennine Moors.
- 2.4. This is illustrated in Map 2, and details of the relevant considerations applicable are set out in more detail below. The flow chart in Figure A4 in Appendix 4 illustrates the process for a planning application.



Map 2: 0-400m zone and 0-2.5km zone from the South Pennine Moors SAC/SPAs

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3. Up to 400m – Urban Edge

SP 1 – Urban Edge

Development should not be permitted within 400m of the South Pennine Moors SAC/SPAs, unless as an exception the development and/or its use would not have an adverse effect on the integrity of the SAC or SPAs.

Residential development exceptions are:

1. Householder development;
2. Replacement dwellings within the C3 use class; and
3. Replacement houses in multiple occupation within the C4 use class.

Non-residential development exceptions may also be acceptable following careful consideration on a case-by-case basis of the development's potential to disturb habitats on SAC and SPAs including from animals, noise and light disturbance, and recreation activities.

Pet covenants, fencing or the presence of other buildings between the South Pennine Moors SAC/SPAs and an application site are not sufficient to rule out potential adverse effects from residential development and will not be considered as an acceptable way to overcome the policy approach.

- 3.1. The 400m zone is necessary to: provide protection for the supporting habitat around the periphery of the European site boundary; to reduce the impacts from recreation; and to address adverse urban effects, including: fly tipping; dumping of garden waste and resultant introduction of invasive/ alien plants; off-road vehicles leading to track erosion; disturbance to grazing livestock; increased incidents of wildfire; and predation from domestic pets and urban scavengers. As such the presumption is that no development will be permitted within this zone. Meeting an exception in SP1 does not mean that there are no other material planning reasons as to why development may not be acceptable, such as Green Belt policy. Plans and the policies within them should always be read as a whole.

- 3.2. Householder development, replacement dwellings and replacement houses in multiple occupation are unlikely to intensify existing residential uses such that adverse impacts would occur on the protected habitats and species on the South Pennine Moors. As such these types of development are considered to be exceptions and are permitted within 400m of the South Pennine Moors SAC/SPAs.
- 3.3. All other residential development should not be permitted within 400m of the South Pennine Moors SAC/SPAs.
- 3.4. Leasehold and freehold covenants on property that restrict keeping of domestic animals in dwellings are not always effective or enforceable and therefore are not sufficient safeguards against pets disturbing the protected habitats and species of the SAC/SPAs.
- 3.5. Non-residential development may only be permitted within 400m of the SAC/ SPAs by exception, on a case-by-case basis. Applicants should demonstrate that there will be no adverse impacts on the protected habitats and species of the SAC/SPAs paying particular attention to the impact from animals, noise and light disturbance, and recreation activities that could arise from the development.

4. Up to 2.5km - Sites that are Functionally Linked to the SPAs

SP 2 – Functionally Linked Habitats

Applications for development within 2.5km of the South Pennine Moors should be accompanied by a habitat survey undertaken by a suitably qualified ecologist with experience of the relevant bird species to determine if the site provides, or has the potential to provide, foraging habitats for the qualifying bird species of the SPAs. The survey should be submitted to and agreed by the local planning authority.

The following habitats, if present on or adjacent to the application site, could indicate the presence of foraging habitats:

- i. Grassland with abundant molehills;
- ii. Semi-improved pasture or rough grazing;
- iii. Hay-meadows; and / or
- iv. Floodplain grassland or wet grassland habitat.

Foraging habitats could be ruled out if the entire site comprised one or more of the following:

- a. Curtilage of an existing dwellinghouse or agricultural building;
- b. Land within, or within 25m of the edge of an urban area, town or village;
- c. Land within 25m of a classified or trunk road (Motorway, A road, B road);
- d. Woodland;
- e. Arable land; and/ or
- f. Previously developed land, free from grassland or pasture.

Where the habitat survey has identified the potential for functional linked habitats to the SPA, further evidence, including species surveys, will need to be provided and avoidance or mitigation measures also provided.

Applications which result in adverse impacts after avoidance or mitigation will not be supported.

- 4.1. Areas of land outside the boundary of the South Pennine Moors SPAs could be important in supporting birds for which the SPAs have been designated. Therefore, up to 2.5km from the South Pennine Moors it is necessary for applicants to confirm, via habitat survey(s), the scope of which to be agreed with the Local Planning Authority, whether or not relevant habitats (that could indicate a functional link to the SPA) are present.
- 4.2. The habitat survey will need to be site specific and extend to take into account any supporting infrastructure such as roads or power lines that may be required for the proposed development and the land directly adjacent to the site.
- 4.3. The list of habitats in points i-iv of SP2 is not exhaustive, as there might be other land uses which support foraging habitats.
- 4.4. In determining whether a site is within 25m of the edge of an urban area, town or village, a judgement should be made as to what constitutes the 'edge' where settlement boundaries are not defined. Where boundaries are defined by adopted planning policy (for example Rochdale Borough has a 'Defined Urban Area' boundary) these boundaries should be used.
- 4.5. A list of classified roads (Motorways, A roads and B roads) within 2.5km of the South Pennine Moors SAC/SPAs is provided in Appendix 3.
- 4.6. Where the habitat survey has identified the potential for supporting habitat to the SPAs, then bird surveys will be necessary.
- 4.7. Applicants will need to provide information on the potential scale of any loss and/or deterioration of the supporting habitat in light of the conservation objectives for the SPAs.
- 4.8. Areas that hold large field systems (e.g. over 5ha in size), or where there are fields supporting high earthworm density (e.g. abundant molehills) are likely to be particularly important.
- 4.9. Options for mitigation are limited but could include modifying the design to avoid impact; and/or creation of open habitats suitable for the SPAs qualifying species (Short-eared Owls, Merlins and Golden Plovers).

- 4.10. Four PfE allocations are within 2.5km of the SPAs: Chew Brook Vale in Oldham; and Land North of Smith Bridge, Roch Valley and Newhey Quarry in Rochdale. The HRA for the PfE ruled out functionally linked habitats connected to the SPAs on these sites. As such applications on these sites do not need to assess the sites potential to provide functionally linked habitats.
- 4.11. Potential site allocations may also be screened as part of the HRA for each district's Local Plan to assess whether they could provide functionally linked habitats.

Appendix 1: Nature Conservation Interests of the South Pennine Moors SAC/SPAs (Phases 1 and 2)

The following details are derived from information available from Natural England and the Joint Nature Conservation Committee and from information held by the Greater Manchester Ecology unit (GMEU).

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 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.

Description of the South Pennine Moors SPAs

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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

Appendix 2: Statement from Natural England on PFE Policy JP-G5

Date: 07 August 2024



Greater Manchester Combined Authority

Customer Services
Hombear House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

Dear Mr McDyre,

Thank you for your time on 16th July 2024 when we met via Teams to discuss Natural England's position on the Greater Manchester Combined Authority (GMCA) Strategic Solution to address recreational disturbance on protected sites surrounding Greater Manchester.

As agreed, the purpose of this letter is to provide a formal, written version of that advice for your records. The Places for Everyone Joint Development Plan Document (PFE) was recently found sound and adopted, with a policy relating to the uplands (Policy JP-G5: Uplands). Point 7 of the Policy has three separate sections listed as a), b) and c) and specifically relates to the South Pennine Moors Phase 2 Special Protection Area (SPA), the Peak District Moors SPA and South Pennine Moors Special Area of Conservation (SAC). This part of the policy was instigated due to potential recreational disturbance impacts and loss of functionally linked land, identified through the Habitats Regulations Assessment (HRA) process. It was considered that without mitigation, these impacts could adversely affect the integrity of the designated sites. At the time, Natural England agreed with this approach.

Natural England have no concerns relating to 7a) and 7b) of that policy. Those parts of the policy refer to potential loss of Functionally Linked Land and is a different impact pathway to that of recreational disturbance. This letter relates **solely** to section 7c) namely:

Within 7km of the SAC and SPAs boundaries, new residential development will be required to mitigate recreation disturbance impacts on the SAC and SPAs through:

- i. the provision of on-site suitable alternative natural greenspace or financially contribute to off-site provision of such greenspace; and*
- ii. financial contribution to the implementation of a Strategic Access, Monitoring and Management Strategy for the SAC and SPAs.*

Since we provided advice at the statutory consultation phase of PFE and your plan has subsequently been found sound, Natural England's evidence requirements around Strategic Solutions have been reformed. We have recently put in place new organisational wide policies around the instigation of Strategic Solutions for recreational disturbance. For Natural England to support a new strategic solution, we now require evidence of impact upon the

conservation status of the site due to recreational pressure, or a bespoke piece of evidence highlighting the impact of recreational pressure.

As far as we are currently aware, there is no piece of ecological evidence showing impact to either the bird species (Golden Plover, Dunlin or various raptor species) for the SPAs, or for the habitats the SAC is classified for. If relevant evidence becomes available, then please let us know and we reserve the right to review it accordingly.

Natural England are in receipt of the *2024 Recreation use of the South Pennine Moors and implications for strategic housing growth* report produced by Footprint Ecology. This demonstrates the distribution of visits to the SAC/SPAs but does not include evidence of impacts to the interest features. We are considering the implications of this and what further work may be required and will continue to work proactively with all our partners.

There is a consideration of ecological risk under the precautionary principle which is part of the HRA process. It is correct for the competent authorities to take a precautionary approach which should be proportionate to the level of credible and foreseeable risk to a site's features. Our advice is that without any ecological evidence, the credible risk is not currently there. In summary, without evidence showing that there is an impact upon the integrity of the designated sites, Natural England do not consider that new development within the PfE boundary of Greater Manchester needs to provide mitigation towards South Pennine Moors Phase 2 SPA, Peak District Moors SPA and South Pennine Moors SAC under the specific requirements of the Habitats Regulations.

Next Steps

- Natural England are keen to work with GMCA through the annual monitoring process to allow development to proceed without mitigation for part 7c) of Policy JP-G5: Uplands
- We will work with each individual Local Planning Authority (LPA) through their own Local Plan processes to update the requirements of this policy
- If the required ecological evidence is collected across the breadth of the SAC/SPA aligned with the results of the 2024 Footprint Ecology report, we will then review our position and advice to LPAs

Natural England Lead Contacts

For any queries relating to the specific advice in this letter please contact

[REDACTED]

Yours sincerely,

[REDACTED]

Ginny Hinton
Deputy Director – Cheshire to Lancashire Team

Appendix 3: Classified roads (motorways, A roads and B roads) within 2.5km of the South Pennine Moors SAC/SPAs

Oldham
M62
A672
A62
A640
A670
A635
A6052
A669
B6175
A6050
A6051
B6194
B6197
Rochdale
M62
A6033 – Todmorden Road
A58 – Rochdale Road / Halifax Road / Featherstall Road / Church Street / New Road
A640 – Rochdale Road / Huddersfield Road
B6225 – Milnrow Road / Wildhouse Lane / Smithy Bridge Road / Hollingworth Road / Lake Bank / Canal Street
M62
A6033 – Todmorden Road
A58 – Rochdale Road / Halifax Road / Featherstall Road / Church Street / New Road

A640 – Rochdale Road / Huddersfield Road
Tameside
A57 at Hollingworth
A628 at Hollingworth

Appendix 4: Figure A4: Flow Chart for Planning Applications process for the South Pennine Moors SAC/SPAs

