

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

**Habitat Regulation Assessment Determination
Statement**

November 2024



1. Introduction

- 1.1. Oldham Council, Rochdale Council and Tameside Council are jointly preparing a South Pennine Moors SAC/SPA Joint Supplementary Planning Document (SPD). The three authorities are the “competent authorities” for the purposes of this HRA screening statement.
- 1.2. This statement sets out the competent authorities’ assessment (screening assessment) on whether the SPD is likely to have significant adverse effects on the national network of biodiversity sites in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended)¹ and European Directive 92/43/EEC (the Habitats Directive)².

2. Habitat Regulations Assessment Context

- 2.1. The requirement for a Habitat Regulations Assessment (HRA) is set out within Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended) and Articles 6(3) and 6(4) of the Habitats Directive. Legislation requires an Appropriate Assessment of any plan or project to be undertaken to assess if it is likely to have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, now known as the national site network (formerly known as Natura 2000 sites).
- 2.2. The Habitats Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (as amended) published in November 2017.
- 2.3. European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna – the ‘Habitats Directive’ provides legal protection for

¹ <https://www.gov.uk/government/publications/changes-to-the-habitats-regulations-2017/changes-to-the-habitats-regulations-2017>

² [Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora \(legislation.gov.uk\)](https://www.legislation.gov.uk/uk/eu/directives/1992/43/consolidated-versions/19920521/consolidated-versions/19920521-19920521)

habitats and species of European importance. The national site network objectives are to:

- maintain or, where appropriate, restore habitats and species listed in Annexes I and II of the Habitats Directive to a favourable conservation status (FCS).
- contribute to ensuring, in their area of distribution, the survival and reproduction of wild birds and securing compliance with the overarching aims of the Wild Birds Directive (Directive 2009/147/EC).

2.4. The purpose of a HRA is to assess the impacts of a land-use plan against the conservation objectives of the national network of sites (formerly known as Natura 2000 Sites). The assessment must determine whether the plan would adversely affect the integrity of the site in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.

2.5. The South Pennine Moors SAC/SPAs SPD will provide further guidance on the implementation of Policy JP-G5 Uplands of The Places for Everyone (PfE) Plan. The PfE, including Policy JP-G5, has been subject to an HRA that has developed iteratively over a number of years in parallel to the drafting of the PfE and has fully assessed the impacts of the PfE on the national network of sites at each plan making stage. The HRA documents for the PfE can be found on the GMCA website at: [Adoption - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk) for the submission and examination stages of the Plan and at [Modifications Documentation 2023 - Greater Manchester Combined Authority \(greatermanchester-ca.gov.uk\)](https://www.greatermanchester-ca.gov.uk) for the main modifications stage the Plan.

3. The South Pennines Moors SAC/SPAs Joint Supplementary Planning Document

3.1. National Planning Policy Framework (NPPF) defines Supplementary Planning Documents (SPDs) as documents which add further detail to the

policies in the Development Plan. As SPDs do not have the same status as policies contained within the Development Plan, they are not subject to independent examination.

- 3.2. The SPD seeks to provide further guidance on how criterion 7 of Policy JP-G5 of the PfE will be implemented, which seeks to ensure new development does not have an adverse impact on the protected habitats and species on the South Pennine Moors.
- 3.3. The SPD is applicable to the local authority areas of Oldham (not including the area covered by the Peak District National Park), Rochdale and Tameside.
- 3.4. The PfE Plan is the “parent DPD”, which has already been subject to a HRA.
- 3.5. The SPD does not introduce new policy or affect the location or amount of new development proposed. It expands upon Policy JP-G5 to provide guidance on the application of the policy.
- 3.6. The SPD will be used, as a material consideration, to inform Development Management decisions, for development on sites allocated through the PfE Plan and through the planning application process for sites not identified in the PfE Plan.
- 3.7. The level of growth in the PfE plan has been subject to HRA, as part of the HRA process of the PfE Plan.

4. Screening Assessment

- 4.1. The competent authorities consider that the South Pennine Moors SAC/SPAs SPD will not have significant adverse effects on any sites in the national sites network, either alone or in combination with other plans and projects. The reason for this is set out below.
- 4.2. The South Pennine Moors SAC/SPAs SPD will supplement policy JP-G5 of the PfE Plan, which has already been subject to a robust HRA.

- 4.3. The SPD does not introduce new policy or affect the location or amount of new development proposed. It expands upon Policy JP-G5 to provide guidance on the application of the policy.
- 4.4. The requirements of Policy JP-G5 and the guidance that will be within SPD were recommended as mitigation measures from the HRA of the PfE to ensure that new development does not have an adverse impact on the protected habitats and species on the South Pennine Moors SAC/SPA;
- 4.5. Accordingly, the competent authorities consider that no 'appropriate assessment' is required to be made under Regulations 63, 64 and 65 of the Conservation of Habitats and Species Regulations 2017 (as amended) before the competent authorities decides to undertake, or give any consent, permission, or other authorisation for this SPD.

5. Consultation with the statutory bodies

- 5.1. Having prepared an initial screening determination statement, the competent authorities consulted the Environment Agency, Historic England and Natural England, in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004. On behalf of the competent authorities, the documents, were, at the same time, also made available on the GMCA's website. The purpose of this consultation was to establish whether organisations agreed with the outcome of the initial screening.
- 5.2. Each of the statutory bodies have confirmed that they agree with the competent authorities' conclusion that the proposed South Pennine Moors SAC/SPAs SPD would not require a full Strategic Environmental Assessment or a Habitats Regulations Assessment.
- 5.3. The relevant correspondence is attached at Appendix 1.

6. Conclusion

- 6.1. Given the outcome of this assessment and the response of the statutory consultees, provided at Appendix 1, the competent authorities have concluded

that a full Habitats Regulations Assessment is not required for the South Pennine Moors SAC/SPAs SPD.

Appendix 1

Responses from statutory consultees in relation to the initial screening





Email: [REDACTED]
[REDACTED]

Our ref: PL00796575
Your ref: PL00796577

Date: 7 August 2024

Dear Clare

Consultation: Places for Everyone SEA Screening for Holcroft Moss SPD and South Pennines Moors SPD

Thank you for your email dated 29 July 2024 regarding the proposed SPDs.

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

Historic England has produced a document, which you might find helpful in providing guidance on the effective assessment of the historic environment in Strategic Environmental Assessments. This can be found at <https://www.historicengland.org.uk/images-books/publications/sustainability-appraisal-and-strategic-environmental-assessment-advice-note-8/>.

In terms of our area of interest, we would concur with your assessment that the documents are unlikely to result in any significant environmental effects and will simply provide additional guidance on existing policies which have already been subject to a Sustainability Appraisal. As a result, we would endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the two documents.

If you have any queries about this matter or would like to discuss anything further, please do not hesitate to contact me.

Yours sincerely,

Emily Hrycan
Historic Environment Planning Adviser (North West)
Historic England
E-mail: [REDACTED]



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Please note that Historic England operates an access to information policy.

Correspondence or information which you send us may therefore become publicly available.



Date: 02 September 2024
Our ref: 483664
Your ref: Clare Taylor



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[REDACTED]
BY EMAIL ONLY

Dear Clare Taylor,

Holcroft Moss and South Pennine Moors SPD – Initial Environmental Screening Assessments (SEA, HRA Screening)

Thank you for your consultation on the following documents dated and received by Natural England on 03 July 2024:

- South Pennine Moors Special Area of Conservation (SAC) / Special Protection Areas (SPA) Supplementary Planning Document - Initial SEA Determination Statement
- South Pennine Moors Special Area of Conservation (SAC) / Special Protection Areas (SPA) Supplementary Planning Document – Habitats Regulations Assessment Screening Statement
- Holcroft Moss Planning Obligations Supplementary Planning Document Initial SEA Determination Statement
- Holcroft Moss Planning Obligations Supplementary Planning Document – Habitats Regulations Assessment Screening Statement

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils), that there are unlikely to be significant environmental effects from the proposed SPDs that were not covered in the Integrated Assessment and the Habitats Regulations Assessment of the adopted Places for Everyone Strategy. Therefore, the proposed SPDs would not require a full Strategic Environmental Assessment or a Habitats Regulations Assessment.

Yours sincerely

Janet Baguley
Senior Officer Strategic Planning
Cheshire to Lancashire Team