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Burnley Local Plan: Proposed Submission Local Plan

Habitats Regulations Assessment Report

Prepared by LUC
March 2017

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1 Introduction

- 1.1 Burnley Borough Council is preparing a new-style Local Plan to guide development in the Borough up to 2032. Once adopted, the new Local Plan will replace the saved policies from the Burnley Local Plan Review (2006).
- 1.2 LUC has been appointed by Burnley Borough Council to undertake a Habitats Regulation Assessment (HRA) of the emerging Local Plan on its behalf. LUC undertook an HRA of the Preferred Options Draft version of the Local Plan. Burnley Local Plan: Preferred Options Draft was published for consultation between July and August 2016.
- 1.3 This HRA Report relates to the Proposed Submission version of the Local Plan (March 2017) and it should be read in conjunction with that document.
- 1.4 This HRA report is being published alongside the Proposed Submission version of the Local Plan document and it is also being sent to Natural England for comment.

The requirement to undertake Habitats Regulations Assessment of Development Plans

- 1.5 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in July 2007 and updated in 2010¹ and again in 2012². Therefore when preparing its new Local Plan, Burnley Borough Council is required by law to carry out a Habitats Regulations Assessment.
- 1.6 The HRA refers to the assessment of the potential effects of a development plan on one or more European Sites, including Special Protection Areas and Special Areas of Conservation:
 - SPAs are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of wild birds and their habitats (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
 - SACs are designated under the Habitats Directive and target particular habitats (Annex 1) and/or species (Annex II) identified as being of European importance.
- 1.7 Currently, the Government also expects potential SPAs (pSPAs), candidate SACs (cSACs) and Ramsar sites to be included within the assessment³.
 - Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- 1.8 For ease of reference during HRA, these three designations are collectively referred to as European sites, despite Ramsar designations being at the wider international level.
- 1.9 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or whole development plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated). Significantly, HRA is based on the precautionary principle - where uncertainty or doubt remains, an adverse impact should be assumed.

¹ The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007. HMSO Statutory Instrument 2007 No. 1843. From 1 April 2010, these were consolidated and replaced by the Conservation of Habitats and Species Regulations 2010 (SI No. 2010/490). Note that no substantive changes to existing policies or procedures have been made in the new version.

² The Conservation of Habitats and Species (Amendment) Regulations 2012. Statutory Instrument 2012 No. 1927.

³ *Planning Policy Statement 9: Biodiversity and Geological Conservation*. OPDM, 2005.

Stages of the Habitats Regulations Assessment

1.10 **Table 1.1** below summarises the stages involved in carrying out a full HRA, based on various guidance documents^{4,5}.

Table 1.1 Stages in HRA

Stage	Task	Outcome
Stage 1: Screening (the 'Significance Test')	Description of the plan. Identification of potential effects on European Sites. Assessing the effects on European Sites (taking into account potential mitigation provided by other policies in the plan).	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (the 'Integrity Test')	Gather information (plan and European Sites). Impact prediction. Evaluation of impacts in view of conservation objectives. Where impacts considered to affect qualifying features, identify alternative options. Assess alternative options. If no alternatives exist, define and evaluate mitigation measures where necessary.	Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided through, firstly, avoidance, and secondly, mitigation including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify 'imperative reasons of overriding public interest' (IROPI). Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.11 When assessing the effects of the Burnley Local Plan in accordance with Regulation 102 of the Conservation of Habitats and Species Regulations 2010 there are potentially two tests to be applied by the competent authority: a 'Significance Test' followed if necessary by an Appropriate Assessment which will inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 102(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
- Step 2: Under Reg. 102(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the 'Significance Test'). *[These two steps are undertaken as part of Stage 1: Screening shown in Table 1.1 above.]* If Yes –
- Step 3: Under Reg. 102(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 102(2) to consult Natural England, and optional under Reg. 102(3) to take the opinion of the general public. *[This step is undertaken during Stage 2: Appropriate Assessment shown in Table 1.1 above.]*

⁴ Planning for the Protection of European Sites. Guidance for Regional Spatial Strategies and Local Development Documents. Department for Communities and Local Government (DCLG), August 2006.

⁵ The HRA Handbook. David Tyldesley Associates, online resource: <https://www.dtapublications.co.uk/handbooks>.

- Step 4: In accordance with Reg.102(4), but subject to Reg.103, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the European site.
- 1.12 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.
- 1.13 The HRA should be undertaken by the 'competent authority' - in this case Burnley Borough Council, and LUC has been commissioned to do this on its behalf. The HRA also requires close working with Natural England as the statutory nature conservation body⁶ in order to obtain the necessary information and agree the process, outcomes and any mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

Structure of the HRA Report

- 1.14 This chapter has introduced the requirement to undertake HRA of the Burnley Local Plan. The remainder of the report is structured as follows:
- **Chapter 2: The Burnley Local Plan: Proposed Submission Draft** summarises the content of the Proposed Submission document (November 2016), which is the subject of this report.
 - **Chapter 3: HRA Screening Methodology** sets out the approach used and the specific tasks undertaken during the screening stage of the HRA.
 - **Chapter 4: HRA Screening Assessment of the Burnley Local Plan** summarises the findings of the screening stage of the HRA for the Preferred Options Draft and Proposed Submission Local Plan and describes whether significant effects on European sites are likely to result from the implementation of the Plan.
 - **Chapter 5: Appropriate Assessment of the Burnley Local Plan** sets out the Appropriate Assessment of the elements of the Burnley Local Plan which were identified at screening as having likely significant effects.
 - **Chapter 6: Conclusions** summarises the overall HRA conclusions for the Burnley Local Plan: Proposed Submission and describes the required mitigation.

⁶ Regulation 5 of *The Conservation of Habitats and Species Regulations 2010*. HMSO Statutory Instrument 2010 No. 490.

2 The Burnley Local Plan: Proposed Submission Draft

- 2.1 The Burnley Local Plan: Proposed Submission Draft (March 2017) sets out a proposed development strategy and draft policies to guide development in the Borough up to 2032. The document includes a proposed Vision for the Borough as follows:

In 2032:

"The Borough is a place of choice. Its excellent road and rail links to Manchester, Preston and Leeds and its attractive countryside setting have encouraged people to remain and to move into the borough. It is a place where businesses want to invest because of its skilled workforce, entrepreneurial culture, its competitive modern economy and its reputation for advanced manufacturing and engineering. Burnley town centre has firmly established itself as a vibrant retail and service centre for much of Pennine Lancashire. It is complemented by the more specialist independent retail and leisure offer provided by the attractive historic market town of Padiham.

The borough's rich industrial heritage and attractive countryside and recreational offer have helped it become firmly established as a prime residential location. The Leeds & Liverpool Canal is now flanked, in the regenerated Weavers' Triangle, by contemporary homes and bars. Fine historic parks form part of a well-connected network of greenspaces, including the Brun Valley Forest Park, linked to the wider countryside and the South Pennine uplands. This network has significantly improved the health of residents and the quality of the environment, extended the range of visitor opportunities and helped Burnley adapt to climate change. The borough's heritage is a source of pride that runs alongside the celebration of the multicultural and diverse nature of its communities that play such an important part in invigorating its economic, cultural and social life.

The borough is a desirable place to live offering a choice of affordable high quality homes as well as a diverse range of high quality, employment opportunities. The Burnley Bridge Business Park, the Knowledge Park and a vibrant cultural and educational offer centred on the Weavers' Triangle have secured Burnley's reputation as an important employment centre for Pennine Lancashire. Education and training has been key to this. The Borough has established itself as a hub of educational excellence with attainment levels above the national average and quality training and apprenticeship opportunities at the secondary schools, Burnley College and the University of Central Lancashire.

- 2.2 The Vision is supported by 11 Objectives for the Borough, which are divided into the following categories:
- Delivering sustainable growth
 - Population and housing
 - Economy and employment
 - The natural environment
 - The built environment
 - Accessibility, transport and other infrastructure
 - Community involvement
- 2.3 A total of 53 draft policies are then set out in the remaining chapters of the Local Plan document, in the following sections:
- Strategic policies
 - Housing

- Economy and employment
- Retail and town centres
- Historic environment
- Natural environment
- Climate
- Infrastructure and connectivity

2.4 Proposed site allocations are included within the following policies:

- Policy HS1 includes residential site allocations.
- Policy HS7 includes a Gypsy and Traveller site allocation.
- Policy EMP1 includes employment site allocations.
- Policy TC4 includes town centre site allocations.

Potential impacts of the Local Plan on European sites

2.5 **Table 2.1** below sets out the range of potential impacts that development in general and related activities may have on European sites.

Table 2.1 Potential impacts and activities adversely affecting European sites

Broad categories and examples of potential impacts on European sites	Examples of activities responsible for impacts
Physical loss <ul style="list-style-type: none"> • Removal (including offsite effects, e.g. foraging habitat) • Mine collapse • Smothering • Habitat degradation 	Development (e.g. housing, employment, infrastructure, tourism) Infilling (e.g. of mines, water bodies) Alterations or works to disused quarries Structural alterations to buildings (bat roosts) Afforestation Tipping Cessation of or inappropriate management for nature conservation
Physical damage <ul style="list-style-type: none"> • Sedimentation / silting • Prevention of natural processes • Habitat degradation • Erosion • Trampling • Fragmentation • Severance / barrier effect • Edge effects • Fire 	Flood defences Dredging Mineral extraction Recreation (e.g. motor cycling, cycling, walking, horse riding, water sports, caving) Development (e.g. infrastructure, tourism, adjacent housing etc.) Vandalism Arson Cessation of or inappropriate management for nature conservation
Non-physical disturbance <ul style="list-style-type: none"> • Noise • Vibration • Visual presence • Human presence • Light pollution 	Development (e.g. housing, industrial) Recreation (e.g. dog walking, water sports) Industrial activity Mineral extraction Navigation Vehicular traffic Artificial lighting (e.g. street lighting)
Water table/availability <ul style="list-style-type: none"> • Drying 	Water abstraction Drainage interception (e.g. reservoir,

Broad categories and examples of potential impacts on European sites	Examples of activities responsible for impacts
<ul style="list-style-type: none"> • Flooding / stormwater • Water level and stability • Water flow (e.g. reduction in velocity of surface water) • Barrier effect (on migratory species) 	dam, infrastructure and other development) Increased discharge (e.g. drainage, runoff)
Toxic contamination <ul style="list-style-type: none"> • Water pollution • Soil contamination • Air pollution 	Agrochemical application and runoff Navigation Oil / chemical spills Tipping Landfill Vehicular traffic Industrial waste / emissions
Non-toxic contamination <ul style="list-style-type: none"> • Nutrient enrichment (e.g. of soils and water) • Algal blooms • Changes in salinity • Changes in thermal regime • Changes in turbidity • Air pollution (dust) 	Agricultural runoff Sewage discharge Water abstraction Industrial activity Flood defences Navigation Construction
Biological disturbance <ul style="list-style-type: none"> • Direct mortality • Out-competition by non-native species • Selective extraction of species • Introduction of disease • Rapid population fluctuations • Natural succession 	Development (e.g. housing areas with domestic and public gardens) Predation by domestic pets Introduction of non-native species (e.g. from gardens) Fishing Hunting Agriculture Changes in management practices (e.g. grazing regimes, access controls, cutting/clearing)

3 HRA Screening Methodology

- 3.1 HRA screening of the Burnley Local Plan: Proposed Submission Draft has been undertaken in line with current available guidance and seeks to meet the requirements of the Habitats Regulations. The tasks that have been undertaken during the screening stage of the HRA are described in detail below.
- 3.2 An earlier HRA report was prepared to accompany the consultation on the Issues and Options document, which took place in early 2014. That HRA report (February 2014) was initially drafted by Burnley Borough Council officers and LUC was commissioned to finalise the report on behalf of the Council. The information in this document was updated and presented in the HRA report for the Preferred Options Draft Local Plan.
- 3.3 The information presented in the Preferred Options Draft Local Plan HRA report has been drawn on and updated during the preparation of this HRA report for the Proposed Submission Local Plan.
- 3.4 Consultation responses received in relation to the HRA Report for the Issues and Options and Preferred Options are presented in **Appendix 1**, along with an explanation of how each one has been addressed during the preparation of this updated HRA report.

Identification of European sites which may be affected by the Local Plan and the factors contributing to and defining the integrity of these sites

- 3.5 The HRA report for the Issues and Options version of the Local Plan identified the European sites within or adjacent to the Burnley Borough boundary which may be affected by the Local Plan. This involved identifying European sites using publicly available data from Natural England. All European sites lying partially or wholly within 15km from the Borough boundary were included in order to address the fact that Local Plan policies may affect European sites which are located outside the administrative boundary of the plan. This distance has generally been considered reasonable in other local authority HRAs to ensure that all designated sites that could potentially be affected by development are identified and included in the assessment.
- 3.6 The following three European sites are included in the HRA because they are located within 15km of Burnley Borough:
 - South Pennine Moors SAC.
 - South Pennine Moors Phase 2 SPA.
 - Rochdale Canal SAC.
- 3.7 The locations of these European sites are mapped in **Figure 3.1** at the end of this section and it can be seen that South Pennine Moors SAC and South Pennine Moors Phase 2 SPA lie partly within the Borough boundary, while Rochdale Canal SAC lies entirely outside of the Borough.
- 3.8 The attributes of these sites which contribute to and define their integrity have been described (see **Appendix 2**). In doing so, reference was made to Standard Data Forms for SACs and SPAs⁷ as well as Natural England's Site Improvement Plans⁸. This analysis enabled European site interest features to be identified, along with the features of each site which determine site integrity and the specific sensitivities and threats facing the site. This information was then used

⁷ These were obtained from the Joint Nature Conservation Committee and Natural England websites (www.jncc.gov.uk and www.naturalengland.org.uk)

⁸ Natural England is in the process of compiling Site Improvement Plans for all Natura 2000 sites in England as part of the Improvement programme for England's Natura 2000 sites (IPENS).

to inform an assessment of how the potential impacts of the Burnley Local Plan may affect the integrity of the site in question.

- 3.9 In response to comments by Natural England on the Preferred Options Draft, other European sites which lie further than 15km from Burnley Borough Council were also identified and considered for potential pathways from development within Burnley, and are also included in Appendix 2. Sites identified include:
- Bowland Fells SPA – located approximately 20km to the north west of Burnley.
 - North Pennine Moors SPA and SAC – located approximately 20km to the north east of Burnley
 - North Pennine Dales Meadows SAC – located approximately 20km to the north west of Burnley.
- 3.10 Analysis of the potential pathways between Burnley and the sites which lie further than 15km from Burnley identified:
- Bowland Fells: potential recreational pressure resulting in physical disturbance to SPA species and physical damage / loss of habitat.
 - North Pennine Moors SPA and SAC: potential recreational pressure resulting in physical disturbance to SPA species and physical damage / loss of habitat.
 - North Pennine Dales Meadows SAC: the small scale of these sites, combined with the sensitivities of the sites and distance to Burnley means that no potential pathway was identified.
- 3.11 Although potential increases in recreational pressure have been identified as a pathway, the Bowland Fells SPA and North Pennine Moors SPA and SAC are further from Burnley than the South Pennine Moors Phase 2 SPA and SAC which also offers upland recreational opportunities. Therefore any potential increases should be viewed within the context of the more accessible recreational offer closer to Burnley, and in line with the scale of housing proposed within Burnley impacts are identified as negligible and no likely significant effects are identified.

Assessment of 'likely significant effects' of the Proposed Submission Burnley Local Plan

- 3.12 As required under Regulation 102 of the Conservation of Habitats and Species Regulations 2010⁹ an assessment of the 'likely significant effects' of the Proposed Submission Burnley Local Plan was undertaken. A screening matrix was prepared in order to assess which proposed policies and site allocations would be likely to have a significant effect on European sites. The screening assessment was undertaken for the Preferred Options Draft, and updated for the Proposed Submission Local Plan. The findings of the screening assessment are summarised in **Chapter 4** and the full matrix can be found in **Appendix 4**.
- 3.13 A risk-based approach involving the application of the precautionary principle was adopted in the assessment, such that a conclusion of 'no likely significant effect' was only reached where it was considered, based on current knowledge and the information available, that a draft policy or site allocation would not have a significant effect on the integrity of a European site.

Screening assumptions and information used in reaching conclusions about likely significant effects

- 3.14 During the screening stage of the HRA each draft policy was screened individually, which is consistent with current guidance. For some types of impacts, screening for likely significant effects has been determined on a proximity basis, using GIS data to determine the proximity of

⁹ SI No. 2010/490

potential development locations to the European sites that are the subject of the assessment. However, there are many uncertainties associated with using set distances as there are very few standards available as a guide to how far impacts will travel. Therefore, during the screening stage a number of assumptions have been applied in relation to assessing the likely significant effects on European sites that may result from the Local Plan, as described below.

Physical damage/loss of habitat

Onsite

- 3.15 Any development resulting from the Local Plan would take place within Burnley Borough; therefore only European sites within the Borough boundary could be affected through physical damage or loss of habitat from within the site boundaries.
- 3.16 The only European sites that fall partly within the Borough boundary are South Pennine Moors SAC and South Pennine Moors Phase 2 SPA; therefore onsite habitat loss or damage needed to be considered only in relation to those sites.

Likely significant effects relating to on site physical loss or damage to habitat is relevant to:

- South Pennine Moors SAC
- South Pennine Moors Phase 2 SPA

Offsite

- 3.17 Loss of habitat from outside the boundaries of a European site could still have an effect on site integrity if that habitat supports qualifying species from within the European sites, for example habitat that is used for foraging or roosting by birds. The qualifying features of South Pennine Moors SAC are all habitats and there are no qualifying transient species which could be affected by offsite habitat damage or disturbance.
- 3.18 However, the potential for offsite habitat loss or damage to affect South Pennine Moors Phase 2 SPA needs to be considered as areas outside of the SPA within the Borough boundary could be used by the qualifying bird species of the site. The only other European site within 15km of Burnley Borough is Rochdale Canal SAC and the qualifying floating water-plantain would not be affected by offsite habitat loss or damage.

Likely significant effects relating to offsite habitat loss is relevant to:

- South Pennine Moors Phase 2 SPA

Non-physical disturbance (noise, vibration and light)

- 3.19 Noise and vibration effects, e.g. during the construction of new housing or employment development, are most likely to disturb bird species and are thus a key consideration with respect to European sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species. Artificial lighting at night (e.g. from street lamps, flood lighting and security lights) is most likely to affect nocturnal species, and therefore have an adverse effect on the integrity of European sites where bats or nocturnal birds/animals are a qualifying feature.

- 3.20 It has been assumed that the effects of noise, vibration and light are most likely to be significant within a distance of 2.5km¹⁰ from a European site with qualifying features sensitive to these disturbances, or mapped offsite functional land used for foraging or roosting.
- 3.21 Rochdale Canal SAC is approximately 10.5km from the Burnley Borough boundary at the closest point and so is not expected to be affected by non-physical disturbance such as noise, vibration and light pollution. The qualifying features of South Pennine Moors SAC are all habitats which would not be affected by noise, vibration or light pollution.

Likely significant effects of onsite and offsite noise, vibration and light pollution is relevant to:

- South Pennine Moors Phase 2 SPA

Air pollution

- 3.22 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.
- 3.23 In terms of vehicle traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.
- 3.24 Based on the Highways Agency Design Manual for Road and Bridges (DMRB) Volume 11, Section 3, Part 1¹¹ (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.
- 3.25 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied at the screening stage of an assessment of a plan or project, to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, affected roads which should be assessed are those where:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
 - Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
 - Daily average speed will change by 10 km/hr or more; or
 - Peak hour speed will change by 20 km/hr or more; or
 - Road alignment will change by 5 m or more.
- 3.26 Traffic forecast data (based on the planned level of growth) are therefore needed to determine if increases in vehicle traffic in and around Burnley Borough are likely to be significant. Traffic forecast data of this nature is not currently available, however.
- 3.27 In the absence of traffic forecast data it has been assumed that only those roads forming part of the primary road network (motorways and 'A' roads) are likely to experience any significant increases in vehicle traffic as a result of development proposed in the Burnley Local Plan (i.e. greater than 1,000 AADT). As such, where a site is within 200m of only minor roads, no significant effect from traffic-related air pollution is considered to be the likely outcome.

¹⁰ During LUC's work on the HRA for the Kirklees Local Plan, discussions took place with the Kirklees Biodiversity Officer and Natural England who explained from his understanding of local survey information that golden plover, twite and short-eared owl may travel 1-2km from the SPA to forage and roost, and curlew may also travel 1km. Further discussion with Natural England identified that a threshold of 2.5km should be used.

¹¹ *Design Manual for Road and Bridges*. Highways Agency. <http://dft.gov.uk/ha/standards/dmrbr/index.htm>

- 3.28 All three European sites within 15km of Burnley Borough are within 200m of strategic roads as follows:
- South Pennine Moors SAC is within 200m of the M62 as well as numerous 'A' roads (A5004, A53, A537, A54, A57, A58, A6013, A6024, A6033, A6187, A619, A62, A621, A624, A625, A628, A635, A640 and A672).
 - South Pennine Moors Phase 2 SPA is within 200m of the M62 as well as the A58, A6033, A62, A640 and A672.
 - Rochdale Canal SAC is within 200m of the M60, M62 and A627 (M) as well as the A6104, A6193, A62, A640, A663, A664, A669 and **A671**.
- 3.29 The A roads and motorways within Burnley Borough are the **A671**, the A6068, A679, A682, A646, A6114 and M65. Only the A671 which is within 200m of the Rochdale Canal SAC connects directly with Burnley Borough, and has junctions with several other main road routes, before it passes close to the Rochdale Canal SAC. Therefore direct connectivity between the named roads within 200m of the European sites and Burnley is limited.
- 3.30 In the absence of local traffic forecast data, the impact of development in the Proposed Burnley Local Plan on these main routes outside of Burnley Borough needs to be assessed. As none of these routes are within Burnley Borough, information has been sought on the travel patterns of residents in Burnley to the surrounding areas.
- 3.31 Analysis of commuting patterns looking at movement from Burnley Borough based on the 2011 census data¹² shows the following levels of commuting by all modes of transport.
- Calderdale - 289
 - Pendle - 4,692
 - Ribble Valley - 1,187
 - Hyndburn - 2,152
 - Rossendale - 825
 - Blackburn with Darwen - 2,103
 - Preston - 468
- 3.32 This shows the highest levels of commuting along the M65 corridor, north to Pendle, and west to Hyndburn and Blackburn with Darwen, and not in the direction of the named motorways and 'A' roads identified within 200m of the European sites.
- 3.33 In relation to the Rochdale Canal SAC, the A671 connects Burnley with Rossendale in the south. Based on commuting patterns, the level of flow from Burnley to Rossendale, in 2011 was 825. and the potential increases in traffic flow on this route based on the Proposed Submission Local Plan are not identified as significant.
- 3.34 Based on analysis of commuting patterns, and the location of the major road network, the Proposed Submission Local Plan for Burnley would not result in any significant increase on the named roads which lie within 200m of the South Pennine Moors SPA/SAC.
- 3.35 There is likely to be a minor overall increase in traffic levels within Burnley and the surrounding road network, however this is not identified as significant in relation to air quality impacts on the European sites alone.

No likely significant effects of air pollution identified in relation to the European sites.

¹² http://www3.lancashire.gov.uk/office_of_the_chief_executive/lancashireprofile/ia/IA_TTW_LAs_GB/atlas.html [accessed 16/11/16]

Recreation and urban impacts

- 3.36 Recreation activities and human presence can have an adverse impact on the integrity of a European site as a result of erosion and trampling or general disturbance. Where Local Plan policies are likely to result in an increase in the local population, or where an increase in visitor numbers to the area is considered likely, the potential for an increase in visitor numbers and the associated potential impacts at sensitive European sites was identified in the screening matrix. Consideration has been given to factors such as the characteristics and current use of the European sites and their accessibility from potential development areas. On this basis, recreation impacts were considered to be key considerations with regards to the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA but are less likely to be significant in relation to Rochdale Canal SAC.
- 3.37 The nature of development proposed is also being taken into account, for example employment sites are considered less likely to result in increased recreation pressure than residential sites as employees will be at work within the development site for the majority of the time.
- 3.38 Visitor survey work undertaken by the City of Bradford Metropolitan District Council, which informed the HRA of the Bradford Core Strategy¹³, resulted in the identification of a 'zone of influence' for recreational impacts on the South Pennine Moors SAC and South Pennine Moors SPA (Phases 1 and 2). This represents the area from within which most recreational visitors to the SAC and SPA are expected to originate and was found to extend to approximately 10.5km around the SAC and SPA boundaries. 'Urban edge' impacts (which include fly tipping, off-road vehicle use, wildfire and increased predation) were considered to be experienced primarily where development takes place within 400m of the Natura 2000 sites (on the basis of work carried out in the south of England in relation to heathland areas). The HRA Report concluded that adverse effects on the integrity of the South Pennine Moors SAC and SPA could not be ruled out due to recreation pressure, loss of functionally linked land used by the breeding bird assemblage and urban edge pressures. Therefore, a policy was developed for inclusion in the submitted Bradford Core Strategy setting out the measures which will avoid and/or mitigate these impacts and reflected the distances identified through survey work: a 400m exclusion zone around the SPA and SAC where only exceptional development will be permitted to mitigate urban edge effects; a 2.5km zone within which important foraging areas outside the SPA will be protected; and a 7km zone within which residential developments contribute to greenspace improvements that deflect visitors away from the SPA (and avoid effects), the implementation of onsite access management measures and a programme of habitat management and monitoring. This approach has been scrutinised during the Examination in Public into the Bradford Core Strategy.

Recreation impacts

- 3.39 A 2014 study by Natural England¹⁴ provides additional information that can be drawn upon to inform the assumptions used in the assessment of recreational impacts in this HRA. The study analysed the results of visitor surveys and identified the following:
- 73% of visits to the South Pennines involve travel distances of five miles or less; and
 - Residents of Burnley make 16 annual visits to the South Pennines per capita, which contributes 8.9% or 1.7 million visits to the 20 million visits made each year (based on an average of annual visits between 2009 and 2012) to the South Pennines.
- 3.40 With reference to the Natural England study and the Bradford Core Strategy HRA, 7km is considered an appropriately conservative screening distance, inside which recreational pressure impacts could require mitigation.
- 3.41 The nature of development proposed is also being taken into account, for example employment sites are considered less likely to result in increased recreation pressure than residential sites as employees will be at work within the development site for the majority of the time.

¹³ Habitats Regulations Assessment for the City of Bradford District Core Strategy (Proposed Modifications). Urban Edge Environmental Consulting, November 2015.

¹⁴ Natural England (2014) Monitor of engagement with the natural environment survey (2009-2012): Visit taking in the South Pennines

- 3.42 The Burnley Proposed Submission Document sets out Policy SP2: Housing Requirement 2012 – 2032 makes provision for 4,180 additional dwellings over the plan period, which supports population growth across the plan area, but also accommodates household projections.
- 3.43 Population increase in the District as a whole and in certain settlements could increase recreational pressure on the SPA. This would give rise to a potential in combination effect with development in neighbouring districts.

Likely significant effects relating to recreation impacts is relevant to:

- South Pennine Moors Phase 2 SPA
- South Pennine Moors SAC
- Rochdale Canal SAC

Water quantity and quality

- 3.44 An increase in demand for water abstraction and treatment resulting from the growth proposed in the Burnley Local Plan could result in changes in hydrology at European sites, specifically a decrease in water quality or changes to water levels. Depending on the qualifying features and particular vulnerabilities of the European sites, there could be a likely significant effect on site integrity.

Water quantity

- 3.45 Water in Burnley Borough is supplied by United Utilities. United Utilities' Water Resources Management Plan (WRMP)¹⁵ describes in detail the company's assessment of the available water supplies and the demand for water by customers over the period between 2015 and 2040. The plan also sets out the proposed strategy for water resources and demand management to ensure that there are adequate water supplies to serve customers. The supply area is divided up into four resource zones and Burnley Borough lies within the 'Integrated Resource Zone'. No deficit of supply is forecast in that zone and the overall conclusion in the WRMP is that water supply reliability will continue to be achieved across the region up to 2040. The WRMP was subject to HRA during its preparation and it was concluded that there would be no significant effects on European sites¹⁶. **Therefore, it is possible to conclude that the new Local Plan will not have significant effects on any of the European sites in and around Burnley Borough as a result of increased demand for water consumption.**

Water quality

- 3.46 Water treatment in Burnley Borough is also carried out by United Utilities, through sewage treatment works (STWs) whose discharge points, volume and quality is licensed to strict limits by the Environment Agency. The Environment Agency measures the performance of all the water companies in England annually and the July 2015 Report¹⁷ found United Utilities to have met 98.3% of its discharge standards. The United Utilities website states that it has plans in place to improve this performance, including upgrades to STWs. Therefore, it is likely that STW capacity serving Burnley Borough will be sufficient to meet the population growth anticipated in Burnley, and should not increase water pollution in receiving waters.
- 3.47 The Site Improvement Plans for South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC do not identify changes in water quality as a key vulnerability for these European sites.
- 3.48 **Therefore, it is possible to conclude that the new Local Plan will not have significant effects on any of the European sites in and around Burnley Borough as a result of increased demand for waste water treatment .**

¹⁵ United Utilities: Final Water Resources Management Plan (March 2015)

¹⁶ United Utilities - Habitats Regulations Assessment of the Draft Water Resources Management Plan: Addendum to draft Habitats Regulations Assessment (Amec, November 2013)

¹⁷ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/448334/LIT_10132.pdf

No likely significant effects on water quality or quantity identified in relation to the European sites.

Summary of screening assumptions

3.49 **Table 3.1** below summarises the screening assumptions that were applied during the preparation of the screening matrix for the Preferred Options Draft Burnley Local Plan and Table 3.2 summarises the assumptions applied during the screening of the Proposed Submission Burnley Local Plan.

Table 3.1 Summary of screening assumptions for the Preferred Options Draft Burnley Local Plan

	Physical damage/loss of habitat (onsite)	Physical damage/loss of habitat (offsite)	Noise, vibration and light pollution	Air pollution	Impacts of recreation	Water quantity	Water quality
South Pennine Moors SAC	Screened in	Screened out	Screened out	Screened in	Screened in	Screened out	Screened out
South Pennine Moors Phase 2 SPA	Screened in	Screened in	Screened in	Screened in	Screened in	Screened out	Screened out
Rochdale Canal SAC	Screened out	Screened out	Screened out	Screened in	Screened in	Screened out	Screened out

Table 3.2 Summary of screening assumptions for the Proposed Submission Burnley Local Plan

	Physical damage/loss of habitat (onsite)	Physical damage/loss of habitat (offsite)	Noise, vibration and light pollution	Air pollution	Impacts of recreation	Water quantity	Water quality
South Pennine Moors SAC	Screened in	Screened out	Screened out	Screened out	Screened in	Screened out	Screened out
South Pennine Moors Phase 2 SPA	Screened in	Screened in	Screened in	Screened out	Screened in	Screened out	Screened out
Rochdale Canal SAC	Screened out	Screened out	Screened out	Screened out	Screened in	Screened out	Screened out
Bowland Fells SPA	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
North Pennine Moors SPA and SAC	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out
North Pennine Dales Meadows	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out	Screened out

Interpretation of 'likely significant effect'

- 3.50 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.
- 3.51 In the Waddenzee case¹⁸, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 102 in the Habitats Regulations), including that:
- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44).
 - An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48).
 - Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).
- 3.52 An opinion delivered to the Court of Justice of the European Union¹⁹ commented that:
- "The requirement that an effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."*
- 3.53 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or *de minimis*; referring to such cases as those "which have no appreciable effect on the site". In practice such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

Mitigation provided by the Local Plan

- 3.54 Some of the potential effects of the Burnley Local Plan could be mitigated through the implementation of other policies in the Local Plan itself, such as the provision of green infrastructure within new developments (which could help mitigate increased pressure from recreation activities at European sites).
- 3.55 The extent to which avoidance measures are included in the policies in the emerging Local Plan was considered during the screening stage and has influenced the screening conclusions (see **Appendix 4** and **Chapter 4**).

Identification of other plans and projects which may have 'in-combination' effects

- 3.56 Regulation 102 of the Amended Habitats Regulations 2010 requires an Appropriate Assessment where 'a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site'. Therefore, where likely significant effects have been identified, it is necessary to consider whether there may also be significant effects in combination with other plans or projects.
- 3.57 The Scottish Natural Heritage (2015) *Habitats Regulations Appraisal of Plans Guidance for Plan-making bodies in Scotland*²⁰ explores the role of the 'trivial' or *de minimis* effects, in relation to the assessment of cumulative effects. It recognises that small scale effects will not have a likely

¹⁸ ECJ Case C-127/02 "Waddenzee" Jan 2004.

¹⁹ Advocate General's Opinion to CJEU in Case C-258/11 *Sweetman and others v An Bord Pleanala* 22nd Nov 2012.

²⁰ Scottish Natural Heritage (2015) *Habitats Regulations Appraisal of Plans Guidance for Plan-making bodies in Scotland* Version 3.0 January 2015, Initially Prepared by David Tyldesley Associates <http://www.snh.gov.uk/docs/A1500925.pdf>

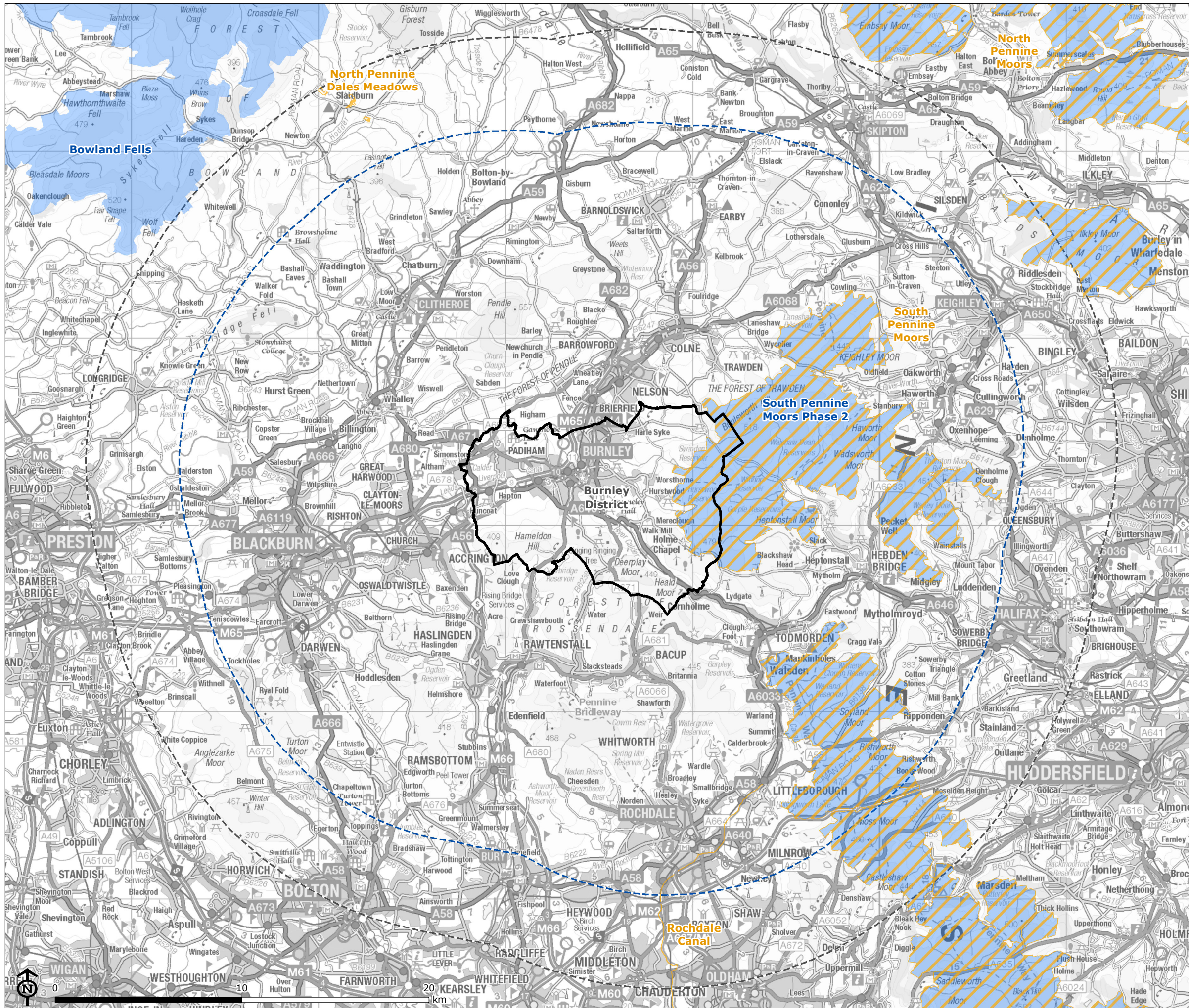
significant effect alone, but that they should be considered in relation to in-combination effects, and the potential for in-combination likely significant effects. In addition a Natural England Commissioned Report²¹ which reviewed the authoritative decisions that have considered the scale of effects, where these were judged to have been relatively small in the context of the case. This identified that in the case of small scale effects on a supporting habitat for a species (whether a designated SAC species or a classified SPA species), the decisions reviewed suggest it is the ecological functioning of that supporting habitat which is most influential: that is, what ecological function the affected area was performing, or could perform, and its importance to the population of the species for which the site had been designated / classified. The contribution made by the area affected to the ability of the site to support the populations for which it had been designated or classified exerted a stronger influence over decision makers than the spatial extent of the effect.

- 3.58 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the Burnley Local Plan may affect the European sites that were the focus of this assessment. There are a large number of potentially relevant plans and projects which could be considered; therefore the review at this stage focused on planned spatial growth within the authorities adjacent to Burnley Borough as these are the ones most likely to give rise to in-combination effects. Burnley Borough Council did not consider that there are any major development projects in the planning system within the Borough that are not already identified as within the Proposed Submission document. Therefore, it is not considered likely that there will be any in-combination effects from other projects. **Appendix 3** lists the relevant plans that were considered, outlining the components of each that could have an impact on nearby European sites and considering the findings of the accompanying HRA work (where available).
- 3.59 The purpose of the review of other plans was to identify any components that could have an impact on the European sites that could also be affected by the Burnley Local Plan, e.g. proposals for development near to the European sites which could have implications in terms of increased traffic, water use and recreation pressures and infrastructure development. The potential for the effects of these plans to combine with the effects of the Proposed Submission Burnley Local Plan has been considered in **Chapter 4** and updated where necessary during further iterations of the HRA.

²¹A Natural England Commissioned Report CHAPMAN, C. & TYLDESLEY, D. 2016. Small scale effects: How the scale of effects has been considered in respect of plans and projects affecting European sites - a review of authoritative decisions. Natural England Commissioned Reports, Number 205. In the case of small scale effects on a supporting habitat for a species (whether a designated SAC species or a classified SPA species), the decisions reviewed suggest it is the ecological functioning of that supporting habitat which is most influential: that is, what ecological function the affected area was performing, or could perform, and its importance to the population of the species for which the site had been designated / classified. The contribution made by the area affected to the ability of the site to support the populations for which it had been designated or classified exerted a stronger influence over decision makers than the spatial extent of the effect.

BURNLEY BOROUGH Habitats Regulations Appraisal

**Figure 3.1: Natura 2000 Sites
around Burnley Borough**



- Burnley Borough boundary
- 15km from Burnley Borough
- 20km from Burnley Borough
- Natura 2000 Sites**
- Special Area of Conservation
- Special Protection Area

Map Scale @ A3: 1:200,000



4 HRA Screening Assessment of the Proposed Submission Burnley Local Plan

Screening conclusions

- 4.1 As described in **Chapter 3**, a screening assessment was carried out in order to identify the likely significant effects of the Burnley Local Plan: Preferred Options Draft (July 2016) on the European sites in and around Burnley Borough. The process was repeated for the Proposed Submission Burnley Local Plan March 2017.
- 4.2 The purpose of the screening stage is to:
- Identify all aspects of the plan which would have **no effect** on a European site, so that that they can be eliminated from further consideration in respect of this and other plans;
 - identify all aspects of the plan which would not be likely to have a significant effect on a European site (i.e. would have **some effect**, because of links/connectivity, but which are **not significant**), either alone or in combination with other aspects of the same plan or other plans or projects, which therefore do not require 'appropriate assessment'; and
 - identify those aspects of the plan where it is **not possible to rule out the risk of significant effects on a European site**, either alone or in combination with other plans or projects. This provides a clear scope for the parts of the plan that will require appropriate assessment.
- 4.3 Some modifications to the screening results were made during the second screening stage. These include:
- the re-screening of policy HS2: Affordable Housing as 'no effect on European sites'. This reflects the nature of the policy in guiding the type of housing, but not the principle, quantity or location.
 - The screening out of air quality impacts on the South Pennine Moors SAC and Rochdale Canal SAC, to reflect the lack of pathway between the roads identified at screening and Burnley Borough. As discussed in Chapter 3, air pollution impacts from increased vehicle traffic on roads within 200m of the European sites is not identified as significant alone, due to the location of these roads in relation to Burnley Borough. In-combination impacts of air pollution with other plans should be considered in those relevant HRA documents.
 - Identification of 'de minimis' effects to allow in-combination assessment.
- 4.4 Table 4.1 below sets out a Summary of changes made to the Plan between Preferred Options and Proposed Submission Draft Local Plan Stages and impacts on the HRA. The majority of changes to the plan did not result in impacts on the HRA.

Table 4.1 Summary of changes made to the Plan between Preferred Options and Proposed Submission Draft Local Plan Stages and impacts on the HRA

Plan section	Summary of changes between Preferred Options and Proposed Submission Local Plan	Impacts on the HRA
Vision and objectives	Minor wording change	No change
Strategic policies	Minor wording change	No change
Housing	Amendment to the indicative number of dwellings of some residential allocations in Policy HS1 and wording changes to specific housing allocation policies. Minor wording changes to Policy HS3:	<ul style="list-style-type: none"> HS1/36 Land West of Smithyfield Avenue (as an individual site, separate from the previous site boundary)

Plan section	Summary of changes between Preferred Options and Proposed Submission Local Plan	Impacts on the HRA
	<p>Housing Density and Mix</p> <p>Minor wording changes to Policy HS4: Housing Developments</p> <p>Minor wording changes to Policy HS5: House Extensions and Alterations</p> <p>Proposed Submission Draft Local Plan has allocated residential sites HS1/35 (HEL/256): Lodge Mill, HS1/37 (HEL/260): Barden Mill, and HS1/38 (HEL/019): Butchers Farm all of which were not considered at the Preferred Options stage. HS1/36 (HEL/105): Land West of Smithyfield Avenue was previously incorporated within the larger site of HS1/15 (HEL/033): Heckenhurst Reservoir/Former Heckenhurst Reservoir and is now a separate site.</p>	<p>and HS1/38 Butchers Farm have been included in the assessment</p>
	<p>HEL/254: Land at Nelson Road, Saxifield has come forward as a reasonable alternative site option for the first time in the Proposed Submission Draft Local Plan.</p>	<p>Not an allocated site, therefore not assessed at Preferred Options or Proposed Submission.</p>
	<p>Boundary changes have been made to allocated residential sites HS1/7 (HEL/231): Ridge Wood, HS1/10 (HEL/074): Higher Saxifield, HS1/11 (HEL/066): Land at Burnley General Hospital and HS1/20 (HEL/039): Gordon Street Mill, Worsthorne. The Boundary of site HS1/15 (HEL/033): Heckenhurst Reservoir/Former Heckenhurst Reservoir has also been amended. The remainder of the former larger site is now site HS1/36: Land West of Smithyfield Avenue as mentioned above.</p>	<ul style="list-style-type: none"> • HS1/15 Former Heckenhurst Reservoir HS1/20 Gordon Street Mill, HS1/36 Land West of Smithyfield Avenue are located within 2.5km of the South Pennine Moors SPA and SAC
	<p>Site HS1/8: New Hall Street/Barden Lane has been removed as an allocation as it is no longer considered to be a reasonable alternative as the approved housing scheme is now under construction.</p> <p>HS1/22 Lawrence Avenue has been removed as an allocation.</p>	<ul style="list-style-type: none"> • No change
<p>Town Centres</p>	<p>Changes to Policy TC2: Development within Burnley and Padiham Town Centres</p> <p>Renaming of Policy TC5 to 'Uses within the Weaver's Triangle and minor wording changes made</p> <p>Minor wording changes to Policy TC6: District Centres</p> <p>Minor wording changes to Policy TC7: Hot Food Takeaways</p> <p>Minor wording changes to Policy TC8:</p>	<ul style="list-style-type: none"> • No change

Plan section	Summary of changes between Preferred Options and Proposed Submission Local Plan	Impacts on the HRA
	Shopfront and Advertisement Design Boundary change has been made to site TC4/1: Former Pioneer, Curzon Street	
Employment	Amendments to policy for site EMP1/3	No change
	Boundary changes have been made to allocated employment sites EMP1/2: Burnley Bridge Business Park, EMP1/7: Westgate and EMP1/12: Burnley Bridge Extension.	No change
	Site EMP1/7: Westgate is considered to be on brownfield land rather than greenfield as previously assessed.	No change
Historic Environment	Minor wording changes to Policy HE1: Identifying and Protecting Burnley's Historic Environment Minor wording changes to Policy HE2: Designated Heritage Assets Minor wording changes to Policy HE3: Non-Designated Heritage Assets Changes to Policy HE4: Scheduled Monuments and Archaeological Assets	No change
Natural Environment	Minor wording changes to: Policy NE1: Biodiversity and Ecological Networks Policy NE2: Protected Open Space Policy NE4: Protected Trees, Hedgerows and Woodland Policy NE5: Environmental Protection: Minor changes to light pollution text and addition of text on unstable land	No change
Climate change	Minor wording changes	No change
Infrastructure	Minor wording changes to Policy IC5: Protection and Provision of Social and Community Infrastructure.	No change
	New Policy IC6 Telecommunications	Policy screened
	Policy IC6: Taxis and Taxi Booking Offices has been renumbered to IC7 and minor wording changes have been made.	No change

4.5 The full screening matrix used for this assessment can be found in **Appendix 4** and the findings are summarised below.

No effect on European sites

4.6 Forty five of the policies in the Burnley Local Plan: Proposed Submission Draft Local Plan as well as the Vision and objectives for the Local Plan, are not expected to have significant effects on European sites.

4.7 The Vision and objectives for the Local Plan will not themselves lead to development, which will instead be implemented through other more detailed policies in the Local Plan that have been subject to HRA screening separately.

4.8 The following policies would not result directly in development, and many instead set out criteria relating to development proposed under other policies which have been subject to HRA screening separately:

- SP1: Achieving Sustainable Development
- SP4: Development Strategy
- SP5: Development Quality and Sustainability
- SP6: Green Infrastructure
- SP7: Protecting the Green Belt
- HS2: Affordable Housing
- HS3: Housing Density and Mix
- HS4: Housing Design
- HS5: House Extensions and Alterations
- HS9: Gypsy and Traveller Site Occupancy Condition
- EMP2: Protected Employment Sites
- EMP6: Conversion of Rural Buildings
- TC7: Hot Food Takeaways
- TC8: Shopfront and Advertisements Design
- HE1: Identifying and Protecting Burnley's Historic Environment
- HE2: Designated Heritage Assets
- HE3: Non-Designated Heritage Assets
- HE4: Scheduled Monuments & Archaeology
- NE3: Landscape Character
- NE4: Trees, Hedgerows and Woodland
- CC4: Development and Flood Risk
- CC5: Surface Water Management and Sustainable Drainage Systems(SUDs)
- IC2: Managing Transport & Travel Impacts
- IC3: Car Parking Standards
- IC4: Infrastructure and Planning Contributions
- IC7: Taxis and Taxi Booking Offices

4.9 In addition, a number of the Local Plan policies would not result in development and include avoidance measures which could avoid the potential effects of development proposed elsewhere in the Local Plan as follows:

- Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.
- Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality.
- IC1: Sustainable Travel seeks to encourage the use of sustainable transport, which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.

- NE2: Protected Open Space seeks to protect and enhance open space provision in the Borough and so could help to mitigate the impacts of increased recreation pressure at European sites (although the effectiveness of this avoidance measure will depend to some extent on the nature of the open spaces provided).

Policies resulting in development where the scale and location of the impact is negligible

4.10 The following policies could result in some development, but the development arising would be either located away from sensitive European sites within the urban area or would be small in scale so would not be expected to contribute significantly to increased vehicle traffic, recreation pressure or loss of off-site habitat:

- HS6: Agricultural Worker's Dwellings
- HS7: Gypsy and Traveller Site Allocation
- HS8: Gypsy and Traveller Site Criteria
- EMP3: Supporting Existing Employment
- TC1: Retail Hierarchy
- TC2: Development within Burnley & Padiham Town Centres
- TC3: Burnley Town Centres Primary & Secondary Frontages
- TC4: Development Opportunities in Burnley Town Centres
- TC5: The Weavers' Triangle
- TC6: District Centres

Trivial or 'de minimis' effect on European sites

4.11 The following policies were identified as having potential pathways to European sites, and although these effects were not identified as significant alone, were identified for consideration for in-combination effects in the Appropriate Assessment:

- EMP5: Rural Business and Diversification;
- EMP7: Equestrian Development;
- CC1: Renewable and Low Carbon Energy (not including wind energy)
- CC2: Suitable Areas for Wind Energy Development
- CC3: Wind Energy Development
- IC5: Protection & Provision of Social and Community Infrastructure
- IC6: Telecommunications

4.12 The above policies are identified for their potential impacts on the South Pennine Moors Phase 2 SPA in relation to physical damage / loss of offsite habitat, non-physical disturbance from development, erosion / trampling or general disturbance from increased recreation. For the South Pennine Moors SAC impacts are identified for policies EMP5 and EMP7 in relation to erosion / trampling or general disturbance from increased recreation.

Likely significant effects

4.13 The following policies are highlighted as having pathways to European sites and likely significant effects:

- SP2: Housing Requirement 2012-2032
- SP3: Employment Land Requirement 2012-2032
- HS1: Housing Allocations
- EMP1: Employment Allocations

- 4.14 These policies support housing and/or employment development which could have adverse effects in relation to **physical disturbance/loss of offsite habitat** and **non-physical disturbance** from development, and **erosion/trampling or general disturbance** from increased recreation activities.
- 4.15 As described in **Chapter 3**, onsite physical disturbance/loss of habitat and non-physical disturbance needed to be considered only in relation to South Pennine Moors SAC and South Pennine Moors Phase 2 SPA, while offsite physical disturbance/ loss of habitat and non-physical disturbance needed to be considered only in relation to South Pennine Moors Phase 2 SPA. In all cases, the housing and employment site allocations in the Proposed Submission document are outside of the boundaries of the SAC and SPA, as shown in **Figure 4.1** at the end of this section. Therefore, onsite physical disturbance/loss of habitat and non-physical disturbance could be ruled out in relation to both South Pennine Moors SAC and South Pennine Moors Phase 2 SPA.
- 4.16 However, policy HS1: Housing Allocations allocates housing sites, six of which (HS1/9 Red Lees Road, Cliviger, HS1/15 Former Heckenhurst Reservoir, HS1/20 Gordon Street Mill, HS1/31 Land adjacent to 250 Brownside Road, HS1/36 Land West of Smithyfield Avenue and HS1/38 Butchers Farm) which are within 2.5km of the SPA boundary; therefore likely significant effects in relation to offsite physical disturbance/loss of habitat and non-physical disturbance affecting the qualifying bird species of South Pennine Moors SPA could not be ruled out for these allocated sites at this stage.

Table 4.2 Housing allocations within 2.5km of the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA

Site reference	Site name	Site area (ha)	Greenfield/Brownfield ²²
HS1/9	Red Lees Road, Cliviger	5.00	Greenfield
HS1/15	Former Heckenhurst Reservoir	1.38	Brownfield (open pasture)
HS1/20	Gordon Street Mill	1.41	Greenfield/Brownfield (factory buildings and open pasture field to the north)
HS1/31	Land adjacent to 250 Brownside Road	0.73	Greenfield / Brownfield (small area of brownfield and scrubby trees to south, open pasture to the north with occasional hedgerow trees)
HS1/36	Land West of Smithyfield Avenue	1.72	Greenfield (open pasture)
HS1/38	Butchers Farm	1.17	Brownfield / Greenfield (northern part of site comprises farm buildings and yard, southern section comprises open pasture at settlement edge)

- 4.17 Erosion/trampling and disturbance from increased recreation pressure could potentially affect South Pennine Moors SAC, South Pennine Moors SPA Phase 2 and Rochdale Canal SAC.
- 4.18 No employment allocations are located within 2.5km of the South Pennine Moors Phase 2 SPA. Table 4.3 overleaf summarises the relevant policies and impacts on the European sites.

²² As identified within the Proposed Submission Burnley Local Plan

Table 4.3 Summary of policies and European sites taken forward for Appropriate Assessment

		SP2 Housing requirement	SP3 Employment land	HS1: Housing Allocations	EMP1: Employment Allocations
South Pennine Moors Phase 2 SPA	Physical damage / loss of offsite habitat	Y	Y	Y	Y
	Non physical disturbance from development (noise, light, vibration)	Y	-	Y (preferred sites listed in Table 4.2)	-
	Erosion / trampling or general disturbance from increased recreation	Y	Y	Y	Y
South Pennine Moors SAC	Physical disturbance / loss of offsite habitat	-	-	-	-
	Non physical disturbance from development (noise, light, vibration)	-	-	-	-
	Erosion / trampling or general disturbance from increased recreation	Y	Y	Y	Y
Rochdale Canal SAC	Physical disturbance / loss of offsite habitat	-	-	-	-
	Non physical disturbance from development (noise, light, vibration)	-	-	-	-
	Erosion / trampling or general disturbance from increased recreation	Y	Y	Y	-

Potential avoidance measures

- 4.19 As described above, a number of the Local Plan policies include avoidance measures for the potential effects of development on European sites and this has been reflected in the screening matrix in **Appendix 4** and has informed the screening conclusions.

Summary of approach to assessing in-combination effects from Screening









- 4.20 In-combination effects can arise from those effects on a European site which are not significant alone. The first stage in this iterative process is to examine in-combination effects within the plan itself. This process can first be undertaken following screening, and also following appropriate assessment. As such, the approach to in-combination effects arising from the policies and proposals of the Proposed Submission Burnley Local Plan is set out in the Appropriate Assessment to allow consideration of 'de minimis' effects from mitigated policies.

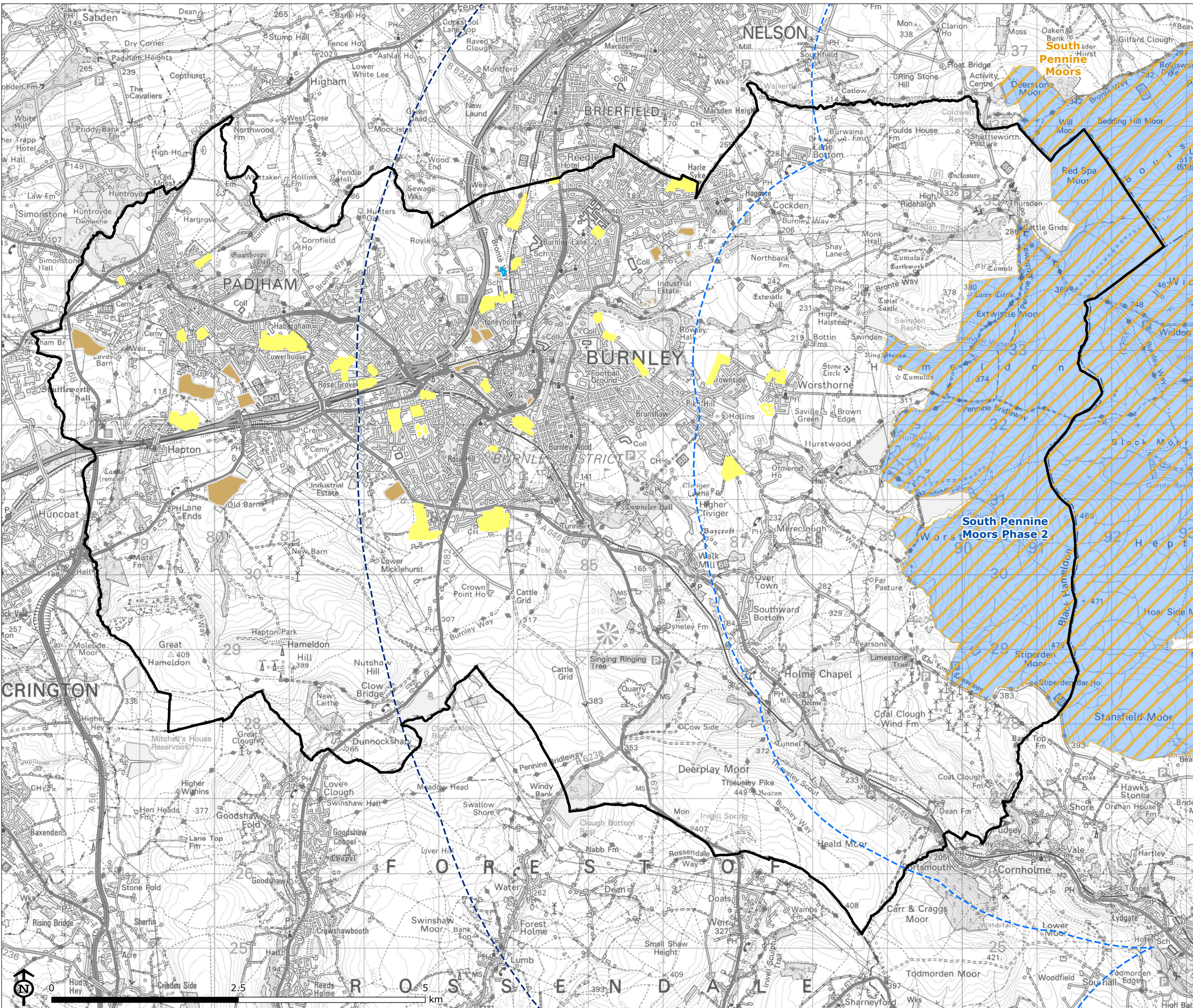
In-combination Effects with other plans and projects

- 4.21 As described in **Chapter 2**, it is necessary to consider the potential for the Burnley Local Plan to have significant effects in combination with other plans, as well as individually. A review was therefore undertaken of other plans that may result in significant effects in combination with the policies in the Local Plan, as a result of development being proposed in other areas which could affect the same European sites in and around Burnley Borough. The findings of this review can be seen in full in **Appendix 3** and are summarised below.
- 4.22 The review of HRA work carried out by neighbouring districts in relation to their emerging development plans did not identify any likely significant effects which may combine with the effects of the Burnley Local Plan. However, further consideration will need to be given to the potential in-combination effects of the Burnley Local Plan and other nearby plans and projects during later stages of the HRA, once the HRA conclusions for both the Burnley Local Plan and other local plans are more certain. In particular, the potential for likely significant effects in combination with the Rossendale, Pendle, Ribble Valley and Calderdale Local Plans will need to be given further consideration once those Plans have developed further and additional HRA work is published.

BURNLEY BOROUGH
Habitats Regulations
Appraisal

Figure 4.1: Location of Proposed Submission Local Plan Site Allocations

-  Burnley Borough boundary
-  Employment site
-  Gypsy and traveller site
-  Housing site
- Natura 2000 Sites**
-  Special Area of Conservation
-  Special Protection Area
-  2.5km from SAC/SPA
-  7km from SAC/SPA



Map Scale @ A3: 1:50,000



Screening Conclusions for the Preferred Options Draft July 2016

- 4.23 HRA screening of the Burnley Local Plan: Preferred Options Draft was undertaken in accordance with currently available guidance and based on a precautionary approach, as required under the Habitats Regulations.
- 4.24 The HRA screening conclusions for the Preferred Options Draft Local Plan were likely significant effects on European sites as follows:
- Offsite damage/disturbance to habitats and non-physical disturbance affecting the qualifying bird species of South Pennine Moors Phase 2 SPA.
 - Increased air pollution and increased recreation pressure affecting South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.
- 4.25 The Burnley Local Plan: Preferred Options Draft was published for consultation between July and August 2016. The HRA Screening Report was published alongside the consultation document and was sent to Natural England for comment.

Screening conclusions for the Proposed Submission Local Plan March 2017

- 4.26 Further analysis of the roads within 200m of the South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC revised the Preferred Options Draft Local Plan screening conclusion of likely significant effects in relation to air quality.
- 4.27 The HRA screening conclusions for the Proposed Submission Local Plan are likely significant effects on European sites as follows:
- Offsite damage/disturbance to habitats of South Pennine Moors Phase 2 SPA.
 - Non-physical disturbance affecting the qualifying bird species of South Pennine Moors Phase 2 SPA.
 - Increased recreation pressure affecting South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.
- 4.28 Based on the above conclusions, the following policies were taken forward for Appropriate Assessment as having likely significant effects alone:
- SP2 Housing requirement;
 - SP3 Employment land;
 - HS1: Housing Allocations;
 - EMP1: Employment Allocations.

5 Appropriate Assessment

Appropriate Assessment approach

- 5.1 Following the screening stage, if likely significant effects on Natura 2000 sites are unable to be ruled out, the plan-making authority is required under Regulation 102 of the Habitats Regulations 2010 to make an 'Appropriate Assessment' of the implications of the plan for Natura 2000 sites, in view of their conservation objectives. EC Guidance²⁶ states that the Appropriate Assessment should consider the impacts of the plan (either alone or in combination with other projects or plans) on the integrity of Natura 2000 sites with respect to their conservation objectives and to their structure and function.
- 5.2 A site's integrity depends on it being able to sustain its 'qualifying features' (i.e. those Annex 1 habitats, Annex II species, and Annex 1 bird populations for which it has been designated) and to ensure their continued viability. A high degree of integrity is considered to exist where the potential to meet a site's conservation objectives is realised and where the site is capable of self repair and renewal with a minimum of external management support.
- 5.3 An Appropriate Assessment has therefore been undertaken for all of the Natura 2000 sites in Burnley Borough (+15km) where likely significant effects from the Proposed Submission document **alone** were identified (or were not able to be ruled out) during the screening stage.
- 5.4 As described in **Chapter 1**, a conclusion needs to be reached as to whether or not a policy or site allocation in the Local Plan would adversely affect the integrity of a Natura 2000 site. As stated in the EC Guidance, assessing the effects on the site(s) integrity involves considering whether the predicted impacts of the Local Plan policies (either alone or in combination) have the potential to:
- Cause delays to the achievement of conservation objectives for the site.
 - Interrupt progress towards the achievement of conservation objectives for 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.
 - 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 relationships that define the structure or function of the site (e.g. relationships between soil and water, or animals and plants).
 - Interfere with anticipated natural changes to the site.
 - Reduce the extent of key habitats or the population of key species.
 - Reduce the diversity of the site.
 - Result in disturbance that could affect the population, density or balance between key species.
 - Result in fragmentation.
 - Result in the loss of key features.

South Pennine Moors Phase 2 SPA

Appropriate Assessment of Elements of the Proposed Plan with Likely Significant Effects alone

- 5.5 The following policies have been identified through the screening process as having LSE alone:
- SP2 Housing requirement: sets out the quantum of development over the 20 year period from 2012 to 2032. The additional population has potential recreational impacts on the South Pennine moors Phase 2 SPA and SAC. The spatial location of the housing is set out in policy HS1: Housing Allocations.
 - SP3 Employment land: sets out the Employment Land Requirement over the 20 year period from 2012 to 2032. The Employment land requirement could increase the recreational pressure on the South Pennine moors Phase 2 SPA and SAC. The spatial location of the employment land is set out in policy EMP1: Employment Allocations.
 - HS1: Housing Allocations: sets out the housing allocations which will meet the housing requirement of Policy SP2. The housing allocations could result in loss of offsite habitat and nonphysical disturbance for the South Pennine Moors Phase 2 SPA such as noise, vibration and light pollution. The increased population could result in physical damage / loss of habitat to the South Pennine Moors SPA and SAC through increased recreational pressure. Six housing allocations are identified within 2.5km of the South Pennine Moors SPA and SAC (see Table 5.1 below)
 - EMP1: Employment Allocations: sets out the employment allocations which meet the employment requirement of Policy SP3. All of the employment allocations are located more than 2.5km from the South Pennine Moors Phase 2 SPA. The Employment land allocations could increase the recreational pressure on the South Pennine moors Phase 2 SPA and SAC.
- 5.6 While none of the residential or employment sites are within the boundaries of Natura 2000 sites and so physical loss of habitat from within the boundaries of Natura 2000 sites is not likely, six of the residential site allocations are within 2.5km of the South Pennine Moors SPA (Phases 1 and 2) and could support habitat that could be used by qualifying bird species from the SPAs. Development of these sites could therefore result in offsite habitat loss or damage or non-physical disturbance such as noise, vibration and light pollution, which could have a significant effect on the SPAs.

Table 5.1 Site allocations within 2.5km of the South Pennine Moors SPA Phases 1 and 2

Site reference	Site name	Site area (ha)	Greenfield/Brownfield ²³	Surrounding land use
HS1/9	Red Lees Road, Clivinger	5.00	Greenfield (open pasture)	Adjoins private gardens, road and is crossed by two public rights of way, the surrounding land use is pasture.
HS1/15	Former Heckenhurst Reservoir	1.38	Brownfield (open pasture)	A public right of way passes to the east of the site boundary. Private gardens adjoin the southern edge of the site, with pasture to the other site boundaries.
HS1/20	Gordon Street Mill	1.41	Greenfield/Brownfield (factory buildings and open pasture to the north)	A public right of way passes to the north of the site boundary, adjacent to playing fields. The southern part of the site comprises a large factory building which adjoins the settlement, and pasture is

²³ As identified within the Proposed Submission Burnley Local Plan

Site reference	Site name	Site area (ha)	Greenfield/Brownfield ²³	Surrounding land use
				found to the north.
HS1/31	Land adjacent to 250 Brownside Road	0.73	Greenfield / Brownfield (small area of brownfield and scrubby trees to south, open pasture to the north with occasional hedgerow trees)	A public right of way passes alongside the northern site boundary with pasture to the west, and amenity grassland to the north.
HS1/36	Land West of Smithyfield Avenue	1.72	Greenfield (open pasture)	Private gardens adjoin the eastern boundary of the site, with pasture to the other site boundaries.
HS1/38	Butchers Farm	1.17	Brownfield / Greenfield (eastern part of site comprises farm buildings and yard, southern section comprises open pasture at settlement edge)	The site adjoins the urban edge and is bounded by pasture to the other boundaries.

South Pennine Moors Phase 2 SPA – Offsite Habitat Loss

- 5.7 The proposed plan does not advocate the loss of habitat for qualifying species within the SPA boundary itself. However, allocations for development within the Burnley area could result in the loss of foraging or roosting habitat which, although not part of the SPA, plays an important role in the life cycles of qualifying species and could, therefore, affect the overall integrity of the SPA. For the purposes of completeness it is important to consider all potential housing and employment allocations proposed in the plan.
- 5.8 The qualifying features of the SPA include breeding populations of:
- Merlin
 - Short-eared owl
 - Peregrine
 - Dunlin
 - Golden plover
- 5.9 Species that are particularly likely to travel up to 2.5km from the SPA boundaries for foraging and roosting are the golden plover, short eared owls, and merlin.
- 5.10 **Merlin, short-eared owl and peregrine** can be categorised as birds of prey. While each species has its own specific breeding and foraging requirements, all three are closely associated with undisturbed, upland habitat. Merlin and short-eared owl take advantage of dense, extensive heather moors to create ground nests and prey on smaller birds and small mammals. Peregrine normally nest on rocky outcrops, cliff ledges or quarry faces. Very rarely do peregrines in the UK nest in trees.
- 5.11 The foraging requirements of each species relate less to specific habitat types and more to the abundance of prey species. While each species requires a large foraging area, they are well adapted to hunting in large open areas, which comprise moorland, wetland, agricultural land and, in the case of peregrine, urban areas.
- 5.12 In considering the off-site habitat requirements of these species in relation to the plan, it is noted that many of the proposed housing and employment allocations are generally small and located on the edge of urban areas. Many of the allocations comprise existing developed land closely associated with existing settlements, while others comprise intensively managed agricultural land immediately adjoining developed areas. Detailed surveys of qualifying species have not been undertaken to inform this HRA, however **it can be confidently concluded that the proposed allocations will not result in the loss of important off-site habitat for merlin, short-eared owl or peregrine.** While, in theory, small areas of suitable foraging habitat, primarily agricultural land, could be lost, there remains extensive suitable foraging habitat for these

species, both within the optimal conditions of the SPA, and the wider undeveloped countryside of agricultural land.

- 5.13 **Dunlin** is a resident species in the UK. It generally spends its summers on upland breeding grounds, such as the South Pennine Moors Phase 2 SPA, which supports 140 pairs, before migrating to the UK's coasts for winter. During breeding, Dunlin maintain territories, the size of which vary in relation to the quality of habitat. However, generally, dunlin territories range in size from 0.25ha to 7.5ha. In the absence of survey data, it is not known how many Dunlin maintain territories across the SPA, however it is assumed that territories are very unlikely to extend beyond the extensive area of the SPA boundary and into the plan allocations, most of which are closely associated with existing development. Given the species tendency to maintain small territories during the breeding season and its migration to coastal areas for winter, it is **considered unlikely that the plan will result in significant off-site effects on this species.**
- 5.14 **Golden plover** is partially migratory in the UK. While the species breeds in upland moorland habitats, it utilises nearby lowland grass pasture and, occasionally, arable stubble, for roosting and wintering. In the absence of survey data, it is not possible to confirm how golden plover associated with the South Pennine Moors Phase 2 SPA use the extensive adjacent pasture habitats within Burnley and the other local authorities areas within proximity of the SPA. While extensive suitable habitat exists, **it cannot be assumed that some of the allocations associated with the plan, particularly those to the east of Burnley, are not used by this species during its life cycle.** Applying the precautionary principle, it is considered that a significant effect may occur if development takes place within the allocations (set out in Table 5.1) within 2.5km of the South Pennine Moors Phase 2 SPA.
- 5.15 To confirm that golden plover are or are not using the sites would require bird surveys during breeding season; the timing of which has not allowed survey results to feed into this HRA Report. Therefore this Appropriate Assessment has taken the approach of assuming, as a precaution, that the sites are functionally connected to the SPA for golden plover. If that is the case, development at the sites could adversely affect the integrity of the SPA if the loss of habitat affects a foraging site used by a significant proportion of the golden plover population of the South Pennine Moors SPA, or causes golden plover to move elsewhere, such that the SPA population is affected.
- 5.16 There is a high proportion of grass pasture across Burnley and the fields surrounding the sites could provide suitable alternative habitat if golden plover were displaced from the sites which are located in the countryside. Golden plover can remain faithful to specific fields; therefore mitigation may be required in the form of management of nearby fields specifically to improve their suitability for golden plover.
- Mitigation: Golden plover*
- 5.17 In light of this conclusion the following mitigation measures are proposed for the sites within 2.5km of the South Pennine Moors SPA Phase 2 which could ameliorate effects:
- Appropriate surveys are undertaken at the time of any planning application within relevant allocations. Relevant allocations include those which currently comprise agricultural land and enjoy limited disturbance from adjacent land uses and recreation;
 - Where surveys identify golden plover on allocated land, an assessment is made of the relative value of that land and its importance to the conservation objectives of the SPA;
 - If land is considered important to the conservation objectives of the SPA, on site or off site mitigation or compensation is considered. This may include the retention of particularly suitable land or the creation or long-term maintenance of alternative suitable habitat.
- 5.18 All of the site specific policies with the exception of HS1/36 Land West of Smithyfield Avenue include the requirement for an ecological survey to accompany any planning application to address issues in accordance with Policy NE1.

RECOMMENDATION: the site specific policy for HS1/36 – Land West of Smithyfield Avenue should include the requirement for an ecological survey to address issues in accordance with Policy NE1.

The ecological survey mentioned in the site specific policy for all of the sites listed in Table 5.2 should require survey for qualifying species of the SPA, and an assessment of the relative value of that land and its importance to the conservation objectives of the SPA.

- 5.19 Assuming mitigation measures can be delivered, and within the context of extensive additional suitable land within the plan area, **it is considered there would be no adverse effects on the integrity of the South Pennine Moors SPA as a result of off-site habitat loss.**

South Pennine Moors Phase 2 SPA – offsite Noise, vibration and light

- 5.20 Following the methods set out in the HRA Screening Report, allocations within 2.5km of the SPA boundary could result in non-physical disturbance through noise, vibration and/or light.
- 5.21 Six housing allocations are beyond 1km, but within 2.5km, of the SPA, as set out in Table 5.1.
- 5.22 No employment allocations are within 2.5km of the SPA boundary.
- 5.23 All six sites are relatively small and closely associated with existing developed areas, and the human disturbance associated with these. While it is possible that the construction stages of development could lead to disturbance of qualifying species both onsite and offsite, it is considered that the relatively small nature of the sites and, consequently, the limited duration of construction activities, would only result in limited disturbance. The limited nature of this disturbance is very unlikely to affect the breeding success of qualifying features thus **no adverse effect on the integrity of the South Pennine Moors SPA would arise from off-site noise, vibration or light from the cumulative effects of these sites.**

South Pennine Moors Phase 2 SPA, South Pennine Moor SAC, Rochdale Canal SAC – Recreational pressure

- 5.24 The South Pennine Moors SPAs are accessible and attractive for recreational use. The Site Improvement Plan for the South Pennine Moors SPA identifies public access/disturbance as one of the priority issues for the site, and the impacts of wildfire/arson as another and these impacts could affect the habitats supporting the SPA. The South Pennine Moors Integrated Management Strategy and Conservation Action Programme lists popular types of recreation activities on the South Pennine Moors as including walking, horse-riding, cycling/mountain biking, hang gliding, rock climbing, model aircraft flying, orienteering, fell running, off-road driving (including 4x4 and scrambling), grouse shooting and angling. Effects on breeding birds are most likely to result from uncontrolled dogs, orienteering, large walking events, model aircraft, hang gliders and uncontrolled fires²⁸.
- 5.25 While the provision of green infrastructure elsewhere in the Borough through the Local Plan may provide some mitigation for the potential increased pressure for recreation space at the SPA, the open space provided through allocations for local and urban green space is unlikely to be comparable in nature to the South Pennine Moors SPA and would not provide locations for many of the activities enjoyed by visitors to the moors such as rock climbing or hang gliding.
- 5.26 As explained in **Chapter 3**, 7km has been taken to be the threshold distance at which development could result in significant impacts upon the South Pennine Moors SPA (and SAC). This is the distance at which studies supporting the Bradford Core Strategy have determined that mitigation may be required for recreation impacts. It is also a distance which encompasses most of the trips made to the South Pennines as identified in Natural England’s visitor study²⁴.
- 5.27 Potential effects on the designated sites include degradation of qualifying SAC habitats through inappropriate access and land uses; disturbance to qualifying SPA species through increased human disturbance and, less likely, increased mortality and predation of qualifying species through uncontrolled dog walking.
- 5.28 The housing requirement within the Proposed Submission Local Plan indicates there will be 4,180 new dwellings within Burnley over the plan period, giving an estimated population increase of

²⁴ Natural England (2014) Monitor of engagement with the natural environment survey (2009 – 2012): Visit taking in the South Pennines

7,000 over the plan period. The 2015 population of Burnley Borough²⁵ was 87,400, and the estimated population increase over the plan period represents a growth of 8%. However, this growth must be taken within the context of overall historic population decline in Burnley Borough since 1998 when the population was 91,279.

- 5.29 Recent studies suggest that visitors from Burnley account for less than 10% of total visits to the South Pennine Moors. While projected population growth is relatively small, given the duration of the plan, increased recreational pressure is likely.
- 5.30 The potential effects cannot be quantified at this stage.
- 5.31 The Site Improvement Plan for the South Pennine Moors (covering South Pennine Moors Phase 1 and 2 and the SAC) includes actions against the issue of Public Access / Disturbance. This involves the implementation of habitat and species management plans related to specific disturbance issues. It also includes actions for the following issues:
- Monitoring of sensitive Natura features where disturbance is a factor (or potential factor) to discern trends and refine advice on recreational activities.
 - Develop and implement habitat and species management plans in relation to specific disturbance issues, potentially as part of a public access management plan.
 - Manage erosion issues away from Public Rights of Way Act (PROW), caused by public access (open access desire lines and informal paths), by installing flagstone paths and stabilising and restoring adjoining bare peat on SAC blanket bog sites.
 - Increase awareness of the importance of the sites in terms of SAC/SPA designation (including Habitats Regulations) and the impact of potentially disturbing activities (including open access) on them, through access and community projects. Develop and implement a Peak Park events web-based application system.
 - Increase pressure on highways authorities and owners to manage PROWs, to avoid ongoing damage to features.
- 5.32 Delivery bodies for the Site Improvement Plan are listed as the local authorities (amongst other stakeholders). This approach to the management of recreational pressures within the South Pennine Moors Phase 1 and 2 and SAC will provide a co-ordinated strategic management response to recreational pressures which reflects changes in recreational pressure.
- 5.33 **The relatively small increase in overall trips to the South Pennine Moors SPA and SAC likely to arise from the increased population within Burnley, coupled with the existing mitigation in place, means that it is possible to conclude that the Local Plan will not result in adverse effects on the integrity of the South Pennine Moors SPA as a result of increased recreation pressure.**

Rochdale Canal SAC

- 5.34 Potential impacts on the Rochdale Canal SAC must be considered within the context of the recreational offer provided by the Rochdale Canal, and its location in relation to residents of Burnley (approximately 10.5km at its closest point). Furthermore the Leeds Liverpool Canal passes through Burnley and provides a very similar recreation opportunity within a much closer distance to Burnley residents. **It is therefore concluded that the Rochdale Canal SAC is unlikely to suffer effects of increased recreational pressure as a result of population increase in Burnley Borough, and no adverse effects on the integrity of the SAC.**

²⁵ Based on the Mid Year Population Estimates 2015 accessed via <http://www.burnley.gov.uk/business/business-support-advice/statistics>

In-combination effects

- 5.35 Following the implementation of the mitigation outlined above, the minor residual effects of the Proposed Submission Local Plan, and the minor effects identified through the screening process are summarised in **Table 5.3**. In combination effects are identified in relation to the South Pennine Moors Phase 2 SPA and South Pennine Moors SAC. No in-combination effects are identified in relation to the Rochdale Canal SAC or the European sites beyond 15km of Burnley Borough.
- 5.36 The following policies are identified from the screening process as having potential minor effects in-combination.
- SP2 Housing requirement
 - SP3 Employment land
 - HS1: Housing Allocations
 - IC5: Protection & Provision of Social and Community Infrastructure
 - IC6: Telecommunications
 - EMP1: Employment Allocations
 - EMP5: Rural Business and Diversification
 - EMP7: Equestrian Development
 - CC1: Renewable and Low Carbon Energy (not including wind energy)
 - CC2: Suitable Areas for Wind Energy Development
 - CC3: Wind Energy Development
- 5.37 Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.

In-combination assessment South Pennine Moors Phase 2 SPA

- 5.38 **Table 5.2** sets out the policies and effects which have been identified as requiring in-combination assessment for the South Pennine Moors Phase 2 SPA.

Table 5.2 Policies resulting in minor impacts considered for assessment of in-combination effects: South Pennine Moors Phase 2 SPA

Policy	Impact		
	Physical damage / loss of offsite habitat	Non physical disturbance from development (noise, light, vibration)	Erosion / trampling or general disturbance from increased recreation
SP2 Housing requirement	Y	Y	Y
SP3 Employment land	Y	-	Y
HS1: Housing Allocations	Y	Y	Y
EMP1: Employment Allocations	Y	-	-
EMP5: Rural Business and Diversification	Y	Y	Y
EMP7: Equestrian Development	Y	Y	Y
IC5: Protection & Provision	Y	-	-

	Impact		
of Social and Community Infrastructure			
IC6: Telecommunications	Y	-	-
CC1: Renewable and Low Carbon Energy (not including wind energy)	Y	Y	-
CC2: Suitable Areas for Wind Energy Development	Y	Y	-
CC3: Wind Energy Development	Y	Y	-

5.39 The purpose of this stage of the HRA process is to establish, through screening, if cumulatively these small scale effects could result in likely significant effects, taking the mitigation set out in the Appropriate Assessment into account. If likely significant effects are identified, these will then be examined through Appropriate Assessment. Please note that when considering in-combination effects the policies and proposals included are only those with effects on European sites which are neither significant nor negligible.

Physical damage / loss of offsite habitat

5.40 The quantum and location of housing and employment land is known through the policies and site allocations. These have been assessed, and mitigation is proposed. However the potential for some loss of offsite habitat, although mitigated, is established, and other policies within the plan may also result in small scale development within 2.5km of the South Pennine Moors Phase 2 SPA. The purpose of the in-combination assessment is to identify if cumulatively small scale impacts on offsite habitats resulting from different policies could result in adverse effects on the integrity of the South Pennine Moors Phase 2 SPA.

5.41 Policy IC5: Protection and Provision of Social and Community Infrastructure could result in the loss of offsite habitat, should development take place within 2.5km of the South Pennine Moors Phase 2 SPA. The policy requires development to be provided close to the need arising and with good accessibility by walking, cycling and public transport. The majority of the urban area of Burnley is beyond 2.5km of the South Pennine Moors Phase 2 SPA, however development could come forward in locations which could impact on potential off-site habitat.

5.42 EMP5: Rural Business and Diversification and EMP7 Equestrian Development, along with the IC6 Telecommunications and the renewable energy policies CC1: CC2 and CC3 all include the potential for development in the open countryside. The location, scale and extent of this development is unknown, but could be within 2.5km of the South Pennine Moors Phase 2 SPA.

5.43 **Therefore there are several policies which could result in new development within 2.5km of the South Pennine Moors Phase 2 SPA. Aside from the impacts from the housing allocations, the potential scale, location and extent of these developments is unknown, but could result in impacts on offsite habitat.**

Non physical disturbance from development (noise, light, vibration)

5.44 EMP5: Rural Business and Diversification, EMP7 Equestrian Development and the renewable energy policies CC1, CC2 and CC3 all include the potential for development in the open countryside, the development and operation of which could result in noise, light and vibration.

5.45 The location, scale and extent of this development is unknown, but could be within 2.5km of the South Pennine Moors Phase 2 SPA and in addition to the potential impacts of disturbance from the housing allocations.

5.46 **Therefore there are several policies which could result in new development within 2.5km of the South Pennine Moors Phase 2 SPA. Aside from the impacts from the housing allocations, the potential scale, location and extent of these developments is unknown, but could result in non-physical disturbance.**

Erosion / trampling or general disturbance from increased recreation

- 5.47 In addition to the increased erosion / trampling or general disturbance from increased recreation from the increased population in Burnley resulting from the housing and employment policies and allocations, policies EMP5: Rural Business and Diversification and EMP7 Equestrian Development could also increase recreational impacts on the South Pennine Moors Phase 2 SPA and the South Pennine Moors SAC. The nature and location of any increased recreational impacts from these policies is unknown, however in line with the mitigation provided in Policy NE1 which requires that development proposals which are likely to have a significant effect on a European Site (SAC/SPA) (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment, it is **concluded that there would not be adverse effects on the integrity of the South Pennine Moors Phase 2 SPA in relation to erosion / trampling or general disturbance from increased recreation.**

In-combination assessment South Pennine Moors Phase SAC

- 5.48 Table 5.3 sets out the policies and effects which have been identified as requiring in-combination assessment for the South Pennine Moors Phase SAC.

Table 5.3 Policies resulting in minor impacts identified for assessment of in-combination effects: South Pennine Moors SAC

Policy	Impact		
	Physical damage / loss of offsite habitat	Non physical disturbance from development (noise, light, vibration)	Erosion / trampling or general disturbance from increased recreation
SP2 Housing requirement	-	-	Y
SP3 Employment land	-	-	Y
HS1: Housing Allocations	-	-	Y
EMP5: Rural Business and Diversification	-	-	Y
EMP7: Equestrian Development	-	-	Y

- 5.49 In combination effects resulting from the plan policies listed in Table 5.3 which could result in increased recreation and the associated erosion / trampling of habitats have been assessed. In addition to the increased erosion / trampling or general disturbance from increased recreation from the increased population in Burnley as a result of housing and employment, policies EMP5: Rural Business and Diversification and EMP7 Equestrian Development could also potentially increase recreational impacts on the South Pennine Moors SAC.
- 5.50 The nature and location of any increased recreational impacts from these policies is unknown, however in line with the mitigation provided in Policy NE1 which requires that development proposals which are likely to have a significant effect on a European Site (SAC/SPA) (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment, it is **concluded that there would not be adverse effects on the integrity of the South Pennine Moors Phase 2 SPA in relation to erosion / trampling or general disturbance from increased recreation.**

In-combination assessment Rochdale Canal SAC

- 5.51 No in-combination effects have been identified in relation to the Rochdale Canal SAC.

Conclusions

- 5.52 The policies judged to have minor effects have been assessed in combination with any small scale effects from the policies which have been subject to mitigation through the Appropriate Assessment process, in order to identify any likely significant effects.
- 5.53 In line with the proposed mitigation for the housing allocations, Policy EMP5: Rural Business and Diversification, Policy EMP7 Equestrian Development and Policy IC5: Protection and Provision of Social and Community Infrastructure, Policy IC6: Telecommunications and Policy CC1: Renewable and Low Carbon Energy (not including wind energy), Policy CC2: Suitable Areas for Wind Energy Development and CC3: Wind Energy Development could result in offsite habitat loss within 2.5km of the South Pennine Moors Phase 2 SPA, and disturbance through construction and operation to the qualifying species of the SPA using off site habitat.
- 5.54 Therefore in order to avoid adverse effects on the integrity of the South Pennine Moors Phase 2 SPA **the following mitigation is proposed:**
- the wording of Policy NE1: Biodiversity and Ecological Networks should be amended to include reference to the role of offsite habitat in supporting the qualifying features and conservation objectives of the sites of international importance, and the requirement for appropriate surveys to be carried out at the time of any planning application to establish the presence of qualifying species on land likely to be suitable in providing offsite habitat.
 - Where surveys identify qualifying species on proposed land, an assessment is made of the relative value of that land and its importance to the conservation objectives of the SPA;
 - If land is considered important to the conservation objectives of the SPA, on site or off site mitigation or compensation is considered. This may include the retention of particularly suitable land or the creation or long-term maintenance of alternative suitable habitat.
- 5.55 In addition to the increased erosion / trampling or general disturbance from increased recreation from the increased population in Burnley as a result of housing and employment, policies EMP5: Rural Business and Diversification and EMP7 Equestrian Development could also potentially increase recreational impacts on the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA. Proposals which would result in significant increased recreational use of the South Pennine Moors SAC/SPA would be addressed by the mitigation in Policy NE1 which requires that development proposals which are likely to have a significant effect on a European Site (SAC/SPA) (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment.
- 5.56 The incorporation of the proposed mitigation into the plan will allow the conclusion that in-combination effects are judged to be negligible and the Proposed Submission Plan will not adversely affect the integrity of the South Pennine Moors Phase 2 SPA or South Pennine Moors SAC.

6 Conclusions

- 6.1 The HRA of the Proposed Submission Burnley Local Plan (March 2017) has been undertaken in accordance with currently available guidance and based on a precautionary approach as required under the Habitats Regulations. The overall HRA findings reached during the Appropriate Assessment stage are presented in Chapter 5 of this report and the HRA conclusions and recommendations are summarised below.
- 6.2 Four policies and six proposals within the Proposed Submission Local Plan were identified as having a likely significant effect in their own right on the South Pennine Moors Phase 2 SPA, South Pennine Moors SAC and Rochdale Canal SAC.
- 6.3 In combination effects were considered for South Pennine Moors Phase 2 SPA in relation to physical damage / loss of offsite habitat, non physical disturbance from development and erosion / trampling or general disturbance from increased recreation.
- 6.4 In combination effects were considered for the South Pennine Moors SAC in relation to erosion / trampling or general disturbance from increased recreation.
- 6.5 No in-combination effects were identified for the Rochdale Canal SAC.

Proposed mitigation

- 6.6 The following text summarises the proposed mitigation:
 - The site specific policy for HS1/36 – Land West of Smithyfield Avenue should include the requirement for an ecological survey to address issues in accordance with Policy NE1.
 - The ecological survey mentioned in the site specific policy for all of the sites listed in Table 5.2 should require survey for qualifying species of the SPA, and an assessment of the relative value of that land and its importance to the conservation objectives of the SPA.
 - The wording of Policy NE1: Biodiversity and Ecological Networks should be amended to include reference to the role of offsite habitat in supporting the qualifying features and conservation objectives of the sites of international importance, and the requirement for appropriate surveys to be carried out at the time of any planning application to establish the presence of qualifying species on land likely to be suitable in providing offsite habitat.
 - Where surveys identify qualifying species on allocated land, an assessment is made of the relative value of that land and its importance to the conservation objectives of the SPA;
 - If land is considered important to the conservation objectives of the SPA, on site or off site mitigation or compensation is considered. This may include the retention of particularly suitable land or the creation or long-term maintenance of alternative suitable habitat.
- 6.7 It has been demonstrated that, with mitigation, these proposals alone and in-combination will not adversely affect the integrity of the South Pennine Moors Phase 2 SPA and South Pennine Moors SAC.
- 6.8 It has not been possible to assess the 'de minimis' effects of the Proposed Submission Local Plan in combination with the 'de minimis' effects of other plans and projects due to the lack of recording of these effects within other relevant documents.

LUC
March 2017

Appendix 1

Consultation responses on HRA report for Issues and Options and Preferred Options

Consultee Comment	Response/action taken
Issues and Options	
Natural England	
Natural England is satisfied that the Habitat Regulations Assessment Report fully covers our concerns and considers that the Local plan options have undergone a full screening assessment, (that can be achieved at this stage) in line with appropriate legislation and guidance. However we advise that the wording under paragraph 5.3 'mitigation' is confusing and could be misleading. At the Likely Significant Effects (LSE stage), 'avoidance measures' should be looked into to avoid LSE on European Protected sites. The HRA process takes a sequential approach and mitigation measures are looked into when LSE cannot be avoided and adverse impacts on the integrity of the site are assessed via the Appropriate Assessment stage. We therefore confirm that we agree with the Report's conclusions.	Noted. The wording in this updated HRA report has been amended to refer to 'avoidance measures' as opposed to 'mitigation measures' at the Screening stage.
[Further comment received in relation to the Additional Sites Consultation in August 2014] We have only been in receipt of a Habitats Regulation Assessment (HRA) in relation to the Issues and Options paper, which we were consulted on earlier in the year, not in relation to the additional sites. Therefore Natural England is unable to make substantial comments at this stage without the results of an updated HRA. Natural England advises that the additional sites should be screened under the Habitats Regulations as soon as possible to ensure that impacts on internationally designated sites are considered from the outset.	No HRA work was undertaken in relation to the Additional Sites consultation at that time. This updated HRA report assesses the sites that are now included in the Local Plan as preferred options, some of which were originally included in the Issues and Options or Additional Sites consultations and others that have come forward previously.
Environment Agency	
We have no comments to make on the document at this time.	Noted, no action required.

Consultee Comment	Response/action taken
Preferred Options	
Natural England	
We welcome the inclusion of the map clearly showing the location of European sites.	
A general comment to make is in relation to the criteria used to select the European sites being assessed. The criteria of selecting sites within 15km of the borough is perfectly acceptable as a guideline but should not be used as a definitive way of identifying European sites for Habitats Regulations Assessments. The criteria used to identify European sites should be related to the pathways/impacts of the plan, for example, the impacts of a new major housing development could have impacts much further than 15km away.	Additional European sites were screened in to the assessment.
Natural England noted the conclusions within the HRA report, and that these should be progressed as soon as possible to ensure there are no deliverability issues at the	Noted.

Consultee Comment	Response/action taken
project stages.	
Environment Agency	
No comments made on the HRA.	

Appendix 2

Attributes of European Sites included in this HRA

European site	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
South Pennine Moors SAC	64,983	Fragmented sites within and to the east of the Borough boundary.	<u>Annex I Habitats:</u> European Dry Heaths Blanket Bogs (priority feature ²⁶) Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Northern Atlantic Wet Heaths with <i>Erica Tetralix</i> Transition mires and quaking bogs ²⁷	Grazing and moorland management regime. Hydrological regime. Disturbance levels. The conservation objectives are to ²⁸ : 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. The supporting processes on which the qualifying natural habitats rely. Natural England's Site Improvement Plan for the South Pennine Moors identifies the key priorities and issues facing the site as: Hydrological changes Managed rotational burning Low breeding success/poor recruitment Inappropriate management practices Public access/disturbance Air pollution (impact of atmospheric nitrogen deposition) Wildfire/arson Vehicles Overgrazing Forestry and woodland management Changes in species distributions

²⁶ Some of the natural habitats and species listed in the Habitats Directive and for which SACs or SPAs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations.

²⁷ South Pennine Moors SAC Site Citation, 2005 (from <http://publications.naturalengland.org.uk/publication/4973604919836672?category=5758332488908800>).

²⁸ European Site Conservation Objectives for South Pennine Moors SAC (UK0030280), Natural England, July 2014.

European site	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p>Disease</p> <p>Undergrazing</p> <p>Invasive species</p> <p>Planning permission (general)</p>
South Pennine Moors SPA (Phase 2)	20,936	Fragmented sites within and to the east of the Borough boundary.	<p><u>Article 4.1: Annex 1 Birds (breeding):</u></p> <p>Merlin <i>Falco columbarius</i></p> <p>Golden plover <i>Pluvialis apricaria</i></p> <p><u>Article 4.2: Regularly occurring migratory birds – internationally important assemblage of breeding birds:</u></p> <p>Golden plover <i>Pluvialis apricaria</i></p> <p>Northern Lapwing <i>Vanellus vanellus</i></p> <p>Dunlin <i>Calidris alpina</i></p> <p>Snipe <i>Gallinago gallinago</i></p> <p>Curlew <i>Numenius arquata</i></p> <p>Redshank <i>Tringa totanus</i></p> <p>Common Sandpiper <i>Actitis hypoleuca</i></p> <p>Short-eared owl <i>Asio flammeus</i></p> <p>Whinchat <i>Saxicola rubetra</i></p> <p>Wheatear <i>Oenanthe oenanthe</i></p> <p>Ring Ouzel <i>Turdus torquatus</i></p> <p>Twite <i>Carduelis flavirostris</i>²⁹</p>	<p>Large numbers of people use the area for recreational activities: large nearby urban areas.</p> <p>Maintenance of the ecosystems on which the birds depend relies on appropriate grazing levels and burning regimes, and overgrazing by sheep is a key pressure on the site.</p> <p>Management of grazing is further complicated by the presence of a large number of commons within the SPA.</p> <p>Pressures outside the site, in particular the loss of functionally connected land through agricultural intensification, increase the vulnerability of the bird populations.</p> <p>The conservation objectives are to³⁰:</p> <p>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:</p> <p>The extent and distribution of the habitats of the qualifying features.</p> <p>The structure and function of the habitats of the qualifying features.</p> <p>The supporting processes on which the habitats of the qualifying features rely.</p> <p>The population of each of the qualifying features.</p> <p>The distribution of the qualifying features within the</p>

²⁹ South Pennine Moors SPA (Phase 2) Site Citation, 1995 (from <http://publications.naturalengland.org.uk/publication/4885083764817920?category=5758332488908800>).

³⁰ European Site Conservation Objectives for South Pennine Moors Phase 2 SPA (UK9007022), Natural England, March 2015. This document updates and replaces earlier versions dated 29 May 2012 and 30 June 2014 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014. Previous references to the additional features identified in the 2001 UK SPA Review (Peregrine, Short-eared Owl, Dunlin) have been removed.

European site	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p>site.</p> <p>Natural England's Site Improvement Plan for the South Pennine Moors identifies the key priorities and issues facing the site as:</p> <ul style="list-style-type: none"> Hydrological changes Managed rotational burning Low breeding success/poor recruitment Inappropriate management practices Public access/disturbance Air pollution (impact of atmospheric nitrogen deposition) Wildfire/arson Vehicles Overgrazing Forestry and woodland management Changes in species distributions Disease Undergrazing Invasive species Planning permission (general)
Rochdale Canal SAC	25	A long thin site to the south of Burnley Borough, approximately 10.5km from the Borough boundary at the closest point.	<p><u>Annex II Species:</u></p> <p>Floating water-plantain <i>Luronium natans</i>³¹</p>	<p>Dredging, draining and pollution of the canal.</p> <p>Shading of the canal as a result of development nearby.</p> <p>Increased boat traffic on the canal.</p> <p>Use of herbicides in or adjacent to the canal.</p> <p>The conservation objectives are to³²:</p> <p>Ensure that the integrity of the site is maintained or</p>

³¹ Rochdale Canal SAC Site Citation, 2005 (from <http://publications.naturalengland.org.uk/publication/6015060228964352?category=4582026845880320>).

³² European Site Conservation Objectives for Rochdale Canal Special Area of Conservation Site code: UK0030266, Natural England, June 2014.

European site	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p>restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <p>The extent and distribution of the habitats of qualifying species.</p> <p>The structure and function of habitats of qualifying species.</p> <p>The supporting processes on which qualifying natural habitats rely.</p> <p>The populations of qualifying species.</p> <p>The distribution of qualifying species within the site.</p> <p>Natural England's Site Improvement Plan for Rochdale Canal identifies the key priorities and issues facing the site as:</p> <p>Physical modification</p> <p>Air pollution (impact of atmospheric nitrogen deposition)</p>
Bowland Fells SPA	16,002	located approximately 20km to the north west of Burnley	<p>Article 4.1 Annex I</p> <p>Circus cyaneus; Hen harrier (Breeding)</p> <p>Falco columbarius; Merlin (Breeding)</p> <p>Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Lesser Black-backed Gull <i>Larus fuscus</i> (during the breeding season)</p>	<p>The conservation objectives are to:</p> <p>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;</p> <p>The extent and distribution of the habitats of the qualifying features</p> <p>The structure and function of the habitats of the qualifying features</p> <p>The supporting processes on which the habitats of the qualifying features rely</p> <p>The population of each of the qualifying features, and, The distribution of the qualifying features within the site.</p> <p>Natural England's Site improvement plan for the Bowland Fells SPA identifies the following issues facing the site:</p> <p>Illegal persecution of raptors can affect survival</p> <p>Disturbance resulting from game management of</p>

European site	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p>grouse moors</p> <p>Cutting, drainage and or overgrazing of rushy pastures and rough grazing.</p> <p>Hydrological changes to the bog which provides the habitat used by the qualifying species.</p> <p>Hen harrier are sensitive to disturbance, particularly at nesting time. Disturbance due to walking, cycling and other leisure activities on the fells will affect nesting success.</p> <p>Nitrogen deposition exceeds the site-relevant critical load for ecosystem protection and hence there is a risk of harmful effects.</p> <p>Invasive species and predation of hen harrier chicks.</p>
North Pennine Moors SPA	147,246	Located approximately 20km to the north east of Burnley	<p><u>North Pennine Moors SPA</u></p> <p><u>Article 4.1 Annex I</u></p> <p>Circus cyaneus; Hen harrier (Breeding)</p> <p>Falco columbarius; Merlin (Breeding)</p> <p>Falco peregrinus Peregrine (Breeding)</p> <p>Pluvialis apricaria Golden plover (Breeding)</p> <p>Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:</p> <p>Curlew <i>Numenius arquata</i></p> <p>Dunlin <i>Calidris alpina schinzii</i></p> <p>North Pennine Moors SAC</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <p>Alkaline fens. (Calcium-rich springwater-fed fens)</p> <ul style="list-style-type: none"> • Blanket bogs* • Calaminarian grasslands of the <i>Violetalia calaminariae</i>. (Grasslands on soils rich in heavy metals) • Calcareous rocky slopes with chasmophytic 	<p>For the SPA the Conservation objectives are:</p> <p>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;</p> <p>The extent and distribution of the habitats of the qualifying features</p> <p>The structure and function of the habitats of the qualifying features</p> <p>The supporting processes on which the habitats of the qualifying features rely</p> <p>The population of each of the qualifying features, and,</p> <p>The distribution of the qualifying features within the site.</p> <p>For the SAC, the site conservation objectives are:</p> <p>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;</p> <p>The extent and distribution of qualifying natural habitats and habitats of qualifying species</p>

European site	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
			<p>vegetation. (Plants in crevices in base-rich rocks)</p> <ul style="list-style-type: none"> • European dry heaths • Juniperus communis formations on heaths or calcareous grasslands. (Juniper on heaths or calcareous grasslands) • Northern Atlantic wet heaths with Erica tetralix. (Wet heathland with cross-leaved heath) • Old sessile oak woods with Ilex and Blechnum in the British Isles. (Western acidic oak woodland) • Petrifying springs with tufa formation (Cratoneurion). (Hard-water springs depositing lime)* • Semi-natural dry grasslands and scrubland facies: on calcareous substrates (FestucoBrometalia). (Dry grasslands and scrublands on chalk or limestone) • Siliceous alpine and boreal grasslands. (Montane acid grasslands) <ul style="list-style-type: none"> • Siliceous rocky slopes with chasmophytic vegetation. (Plants in crevices on acid rocks) • Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani). (Acidic scree) <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <p>Saxifraga hirculus; Marsh saxifrage</p>	<p>The structure and function (including typical species) of qualifying natural habitats</p> <p>The structure and function of the habitats of qualifying species</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</p> <p>The populations of qualifying species, and,</p> <p>The distribution of qualifying species within the site.</p>
North Pennine Moors SAC	147,246	Located approximately 20km to the north east of Burnley	<p>North Pennine Moors SAC</p> <p>Qualifying habitats: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:</p> <p>Alkaline fens. (Calcium-rich springwater-fed fens)</p> <ul style="list-style-type: none"> • Blanket bogs* • Calaminarian grasslands of the Violetalia calaminariae. (Grasslands on soils rich in heavy metals) • Calcareous rocky slopes with chasmophytic vegetation. (Plants in crevices in base-rich rocks) 	<p>Natural England's Site improvement plan for the North Pennine Moors SPA and SAC identifies the following issues facing the site:</p> <p>Illegal persecution of raptors can affect survival</p> <p>Managed rotational burning</p> <p>Inappropriate grazing</p> <p>Change in land management</p> <p>Disease of juniper</p> <p>Hydrological changes</p> <p>Game management of grouse moors</p>

European site	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
			<ul style="list-style-type: none"> • European dry heaths • Juniperus communis formations on heaths or calcareous grasslands. (Juniper on heaths or calcareous grasslands) • Northern Atlantic wet heaths with Erica tetralix. (Wet heathland with cross-leaved heath) • Old sessile oak woods with Ilex and Blechnum in the British Isles. (Western acidic oak woodland) • Petrifying springs with tufa formation (Cratoneurion). (Hard-water springs depositing lime)* • Semi-natural dry grasslands and scrubland facies: on calcareous substrates (FestucoBrometalia). (Dry grasslands and scrublands on chalk or limestone) • Siliceous alpine and boreal grasslands. (Montane acid grasslands) <ul style="list-style-type: none"> • Siliceous rocky slopes with chasmophytic vegetation. (Plants in crevices on acid rocks) • Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani). (Acidic scree) <p>Qualifying species: The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:</p> <p>Saxifraga hirculus; Marsh saxifrage</p>	<p>Direct land take from development</p> <p>Air pollution: risk of atmospheric nitrogen disposition</p> <p>Fertilizer use</p> <p>Inappropriate cutting/mowing</p> <p>Invasive species</p> <p>Agricultural management practices</p> <p>Vehicles</p> <p>Public access/disturbance</p> <p>Deer</p> <p>Lack of data on feature location, extent and condition</p> <p>Climate change</p>
North Pennine Dales Meadows SAC		A series of isolated fields within the higher parts of the enclosed valley bottoms of several north Pennine and Cumbrian valleys, including some located approximately 20km to the north west of Burnley	<p>Molinia meadows on calcareous, peaty or clayey-silt-laden soils (Molinion caeruleae); Purple moor-grass meadows</p> <p>Mountain hay meadows</p>	<p>Conservation objectives:</p> <p>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;</p> <p>The extent and distribution of qualifying natural habitats</p> <p>The structure and function (including typical species) of qualifying natural habitats, and</p> <p>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely.</p>

European site	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p>Natural England's Site improvement plan for the North Pennine Dales Meadows SAC identifies the following issues facing the site:</p> <ul style="list-style-type: none"> Fertilizer use Change in land management Air pollution: impact of atmospheric nitrogen deposition Inappropriate cutting/mowing Changes in species distributions Inappropriate CSS/ESA prescription Drainage Overgrazing Undergrazing Hydrological changes Inappropriate weed control Invasive species Direct impact from third party

Appendix 3

Plans with the Potential for In-Combination Effects with the Burnley Local Plan

Local Plans and Strategies

Rossendale Core Strategy (Local Plan Part 1) (Adopted November 2011)

Rossendale lies to the south of Burnley Borough. Rossendale Borough Council was previously working on the preparation of a Site Allocations and Development Management Policies DPD (Local Plan Part 2) to sit alongside the adopted Core Strategy; however that was withdrawn by the Council in February 2016 in favour of preparing a new Local Plan to cover the period 2019-2034. The new Local Plan is now at a very early stage in its development and the first iteration has not yet been published. Therefore, the most up to date information about the scale and location of development proposed in Rossendale is set out in the Core Strategy, and this is summarised below.

Housing:

Policy 2: Meeting Rossendale's Housing Requirement sets out the proposed housing target for at least 3,700 new homes between 2011 and 2026. The policy states that approximately 65% of all development will be on previously developed land across the Borough. Policy 3: Distribution of Additional Housing states that the largest number of homes will be built in the Rawtenstall area (Hareholme, Longholme and Cribden wards), equating to approximately 30% of the overall requirement. Smaller but significant numbers of additional homes will be built in the towns of Bacup, Haslingden and Whitworth, equating to approximately 50% of the overall housing requirement. The remaining 20% of the housing requirement will be distributed to new areas of Helmshore, Edenfield, Goodshaw, Loveclough, Waterfoot, Stacksteads, Britannia, Facit and Shawforth.

Employment Land:

Policy 10: Provision for Employment states that the Council will seek to provide sufficient employment land to meet the Borough's requirement of 20.84 hectares of B1, B2 and B8 use classes (i.e. for Business, General Industrial and Storage and Distribution) for the period up to 2026. New sites are needed to meet demand in Rawtenstall area and the Bacup, Waterfoot and Stacksteads Corridor. In particular, the Council will seek to protect and make best use of key employment locations in Rawtenstall (New Hall Hey), Bacup (Futures Park), Haslingden (Carrs Industrial Estate) and Rising Bridge. Office development (B1 and A2 uses) should be primarily located in or adjacent to the town centres of Rawtenstall, Bacup and Haslingden.

HRA Findings

The HRA Screening Report for the adopted Rossendale Core Strategy was prepared by Atkins on behalf of Rossendale Borough Council in November 2010. This considered the potential for the Core Strategy to have likely significant effects on Rochdale Canal SAC, South Pennine Moors SAC, South Pennine Moors Phase 2 SPA, Peak District Moors (South Pennine Moors Phase 1) SPA and Bowland Fells SPA. The report concluded that none of the policies in the Rossendale Core Strategy DPD (Publication Version) would lead to likely significant effects on those five European sites. However, it was recognised that the Core Strategy did not determine the location of development and that lower tier plans such as the Site Allocations and Development Management DPD would set out this information.

HRA work was also carried out during the preparation of the Site Allocations and Development Management DPD (September 2015). That report concluded that there was uncertainty associated with potential effects that could arise from increased visits to the South Pennines Moors Phase 2 SPA and further research was suggested in this respect before making any judgement about the need for Appropriate Assessment. However, as the DPD has now been withdrawn, the conclusions of this work cannot be used to determine the likelihood of in-combination effects from development in Rossendale with Burnley's Local Plan.

Therefore, the potential for in-combination effects with Burnley's Local Plan is currently uncertain and the progress of the new Rossendale Local Plan and its HRA will need to be reviewed at the next stage of the Burnley Local Plan HRA.

Hyndburn Core Strategy (Adopted January 2012)

Hyndburn lies to the west of Burnley Borough. Its new Local Plan is currently being prepared and the Core Strategy, which will form a part of the Local Plan, was adopted in January 2012. Therefore, the most up to

date information about the scale and location of development proposed in Hyndburn is set out in the Core Strategy, and this is summarised below.

Housing:

The housing requirement for Hyndburn between 2011 and 2026 is for 3,200 dwellings, as set out in Core Strategy Policy H1. The Core Strategy determines that the majority of new housing will be distributed as follows:

- Accrington and Townships and Knuzden - 75%
- Great Harwood - 15%
- Rishton - 10%

Employment Land:

Through Policy E1, the Core Strategy allocates approximately 58 hectares of employment land over the plan period between 2011 and 2026. With the exception of land at Huncoat and south of Altham Business Park, the Core Strategy states that sites will be identified within the existing urban area on either previously developed land or on greenfield land.

HRA Findings

The Hyndburn Appropriate Assessment Screening Report for the Core Strategy DPD and Accrington Action Area Plan (August 2010) considered the potential for likely significant effects on Bowland Fells SPA, South Pennine Moors SPA/SAC, Ribble and Alt Estuaries SPA and Ramsar site, Rochdale Canal SAC and North Pennine Dales Meadows. It concluded that there would not be any significant effects, either alone or in combination, on the function or viability of any of the European sites and that the DPDs would not prevent any of the European sites from maintaining their species or habitats in favourable condition; therefore Appropriate Assessment was not required. **Therefore, significant in-combination effects with the Burnley Local Plan are not considered likely.**

Ribble Valley Core Strategy (Adopted December 2014)

Ribble Valley lies to the north-west of Burnley Borough. The Core Strategy forms the central document of the [Local Development Framework \(LDF\)](#), establishing the vision, underlying objectives and key principles that will guide the development of the area to 2028. Therefore, the most up to date information about the scale and location of development proposed in Ribble Valley is set out in the Core Strategy, and this is summarised below.

Housing:

Key Statement H1: Housing Provision states that land will be made available to deliver 5,600 dwellings over the period 2008 to 2028, with an annual target of 280 dwellings. Further detail on housing allocations would be given in the Housing and Economic Development DPD. The only information currently available with regards to the progress of this DPD is a number of proposed interim settlement boundaries which are published on the Council's website.

Employment Land:

Key Statement EC1L: Business and Employment Development states that the Council will allocate 8 hectares of employment land between 2008 and 2028. Employment development will be directed to the main settlement of Clitheroe, Whalley and Longridge as the preferred locations to accommodate employment growth, together with land at Barrow Enterprise Site, the Lancashire Enterprise Zone at Samlesbury and locations well related to the A59 corridor.

HRA Findings:

The HRA Screening Report for the Core Strategy (September 2012) considered the potential for the Plan to have likely significant effects on the 15 European sites within 15km of Ribble Valley, including South Pennine Moors Phase 2 SPA and South Pennine Moors SAC. It was concluded that the Publication Core Strategy was unlikely to have any significant effects on European Sites, either alone or in-combination with other plans or projects. As such, Appropriate Assessment was not undertaken. **Therefore, significant in-combination effects with Burnley's Local Plan are not considered likely although this will be considered further during later stages of Burnley's Local Plan preparation when further information about the Ribble Valley Housing and Economic Development DPD may**

become available.

Pendle Local Plan Part 1: Core Strategy (Adopted 2015)

Pendle lies to the north of Burnley Borough. Pendle Borough Council is also working on the preparation of a Site Allocations and Development Policies DPD; however this is at an early stage and a draft version is not yet available. The new Pendle Local Plan Part 1: Core Strategy was adopted by Pendle Council on Thursday 17th December 2015. This new plan replaces some of the policies in the Replacement Pendle Local Plan (2001-2016). The Core Strategy therefore provides the latest details about the scale of proposed housing and employment development.

Housing:

Policy LIV 1: Housing Provision and Delivery states that between 2011 and 2030 provision will be made for the delivery of a minimum of 5,662 dwellings, equating to an average of 298 dwellings per year.

Policy LIV 2 allocates a strategic housing site at Trough Laithe, Barrowford. The forthcoming Local Plan Part 2: Site Allocations and Development Policies will allocate specific sites to meet the remainder of demand. Policy SDP 3: Housing Distribution sets out a guide for locating new sites, including allocated sites, as follows:

- M65 Corridor – 70% of supply
- West Craven Towns – 18% of supply
- Rural Pendle – 12% of supply

Employment Land:

Policy WRK 2 states that the Council and its partners will ensure that 68.0 hectares (gross) of land is brought forward for employment uses – use Classes B1, B2 and B8 – over the Plan period. Policy SDP 4: Employment Distribution provides a guide for the spatial distribution of new employment sites, including the allocated sites, as follows:

- M65 Corridor - 78.5% of supply
- West Craven Towns - 18.5% of supply
- Rural Pendle - 3.0% of supply

HRA Findings:

The HRA Screening Report for the Submission version of the Core Strategy (September 2014) considered the potential for likely significant effects on European sites including South Pennine Moors SAC and South Pennine Moors Phase 2 SPA. The report concluded that any effects of the Pendle Borough Council Core Strategy (Pre-Submission Report) DPD upon European Sites are not likely to be significant and therefore the sites can be screened out as being unlikely to be affected, and Appropriate Assessment was not required. **Therefore, significant in-combination effects with the Burnley Local Plan are not considered likely. However, this will need to be reviewed at later stages of the Burnley Local Plan preparation process, when further work on the Site Allocations and Development Policies DPD may have been undertaken and additional HRA work may be available.**

Calderdale Local Plan: Consultation on Potential Sites and other Aspects of the Local Plan (November 2015)

Calderdale lies to the east of Burnley Borough. Calderdale Metropolitan Borough Council is currently working on the preparation of a new Local Plan which will eventually supersede the Replacement Calderdale Unitary Development Plan (UDP). The Council is preparing the Calderdale Local Plan as a single document which combines the functions of a Core Strategy and Land Allocations and Designations Plan. Consultation on Potential Sites and Other Aspects of the Local Plan took place during November and December 2015.

Housing:

Policy CP1: Provision of Housing states that provision will be made for approximately 17,600 additional dwellings (net) to be created within Calderdale between 1st April 2015 and 31st March 2032, or 1,038 dwellings per annum, in order to meet the housing needs of the district.

Policy CP2: Distribution of Growth states that Halifax will continue to be the focus for development,

followed by Brighouse and then the local towns of Elland, Sowerby Bridge, Todmorden and Hebden Bridge. A total of 365 potential site allocations are then identified.

Employment land:

The consultation document states that the Local Plan will include policies to encourage employment growth to meet the needs of the population and benefit the economy of the District, and that it will identify land allocations to provide for new employment uses and expansion of existing industry and commerce. Work is continuing to assess the number of new jobs required within the plan period.

HRA Findings:

No HRA work has yet been published in relation to the emerging Calderdale Local Plan. **Therefore, it is not yet possible to conclude whether there could be likely significant effects from the Burnley Local Plan in combination with the Calderdale Local Plan and this issue will need to be examined further during later stages of the HRA.**

Appendix 4

HRA Screening of the Proposed Submission Draft version of the Burnley Local Plan (March 2017)

Table A4.1 Plan policies with no pathway to European Sites

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
Vision	None – the Vision will not itself lead to development, which will instead be implemented through other more detailed policies in the Local Plan that have been subject to HRA screening separately below.	N/A	N/A	N/A	N/A
Objectives	None – the objectives will not themselves lead to development, which will instead be implemented through other more detailed policies in the Local Plan that have been subject to HRA screening separately below.	N/A	N/A	N/A	N/A
Strategic Policies					
SP1: Achieving Sustainable Development	None – the policy will not itself lead to development.				
SP4: Development Strategy	None – the policy will not itself result in new development, rather it provides an overview of the locations for the development provided for through other Local Plan policies. The policy sets out the settlement hierarchy for the Borough. The specific locations proposed for housing, employment and other development have been subject to HRA screening separately.	N/A	N/A	N/A	N/A
SP5: Development Quality and Sustainability	None – the policy will not itself result in new development, rather it sets	N/A	N/A	N/A	N/A

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
	out criteria that will apply to developments proposed under other Local Plan policies.				
SP6: Green Infrastructure	None – the policy will not itself result in new development.	N/A	N/A	The measures in this policy seeking to retain and enhance green infrastructure in the Borough could help to mitigate the potential impacts of housing development proposed under other policies in terms of increased recreation pressure at European sites.	N/A
SP7: Protecting the Green Belt	None – the policy will not itself result in new development, rather it sets out information about development that will be considered appropriate in the Green Belt. While the policy refers to amendments to the Green Belt boundary to accommodate development, those site allocations have been subject to HRA screening separately.	N/A	N/A	N/A	N/A
Housing					
HS2: Affordable Housing	None – the policy will not itself result in new development, rather it sets out criteria that will apply to housing developments proposed under other Local Plan policies.	N/A	N/A	N/A	N/A
HS3: Housing Density and Mix	None – the policy will not itself result in new	N/A	N/A	N/A	N/A

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
	development, rather it sets out criteria that will apply to housing developments proposed under other Local Plan policies.				
HS4: Housing Design	None – the policy will not itself result in new development, rather it sets out criteria that will apply to housing developments proposed under other Local Plan policies.	N/A	N/A	The requirement in this policy for housing developments to incorporate open space provision could help to mitigate the potential impacts of housing development proposed under other policies in terms of increased recreation pressure at European sites.	N/A
HS5: House Extensions and Alterations	None – the policy will not itself result in new development, rather it sets out criteria that will apply to proposals for extensions and alterations to existing properties.	N/A	N/A	N/A	N/A
HS9: Gypsy & Traveller Site Occupancy Condition	None – the policy will not itself result in new development, rather it sets out criteria that will apply to Gypsy and Traveller sites proposed under other Local Plan policies.	N/A	N/A	The requirement in this policy for housing developments to incorporate open space provision could help to mitigate the potential impacts of housing development proposed under other policies in terms of increased recreation pressure at European sites.	N/A
Economy and Employment					
EMP2: Protected Employment Sites	None – the policy will not itself result in new	N/A	N/A	N/A	N/A

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
	development, rather it relates to the protection of existing employment sites.				
EMP3: Supporting Existing Employment	None – the policy mainly relates to existing employment sites, and although it could result in some new development this would be within development boundaries and therefore away from sensitive European sites.	N/A	N/A	N/A	N/A
EMP4: Office Development	Office development within the settlement boundary Increased vehicle traffic	Physical damage/loss of habitat Non-physical disturbance such as noise, vibration and light pollution Increased air pollution	Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2 SPA. Increased air pollution could affect South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.	Development of offices will be mainly focussed in the town centres and within the development boundaries of Burnley, Padiham, Hapton and Worsthorne and therefore away from sensitive European sites. Sustainable transport links are generally good in those areas, which will help to mitigate increases in vehicle traffic. Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be	No for physical damage/loss of habitat and non-physical disturbance: as the preferred employment sites are all located more than 2.5km from the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA boundary. No for air pollution: None of the major roads within Burnley are within 200m of the European sites, and although the employment allocations are close to major roads no likely significant effects as a result of air pollution are identified.

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
				<p>permitted.</p> <p>Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality.</p> <p>A number of policies in the emerging Local Plan seek to encourage the use of sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.</p>	
EMP6: Conversion of Rural Buildings	None – the policy will not itself result in new development, rather it relates to the conversion or alternation of existing buildings.	N/A	N/A	N/A	N/A
Retail and Town Centres					
TC1: Retail Hierarchy	None – this policy steers retail development to town centres and therefore away from sensitive European sites.	N/A	N/A	N/A	N/A
TC2: Development within Burnley & Padiham Town Centres	None – this policy relates to development in town centres and therefore away from sensitive European sites.	N/A	N/A	N/A	N/A
TC3: Burnley Town Centres Primary & Secondary Frontages	None – this policy relates to development in town centres	N/A	N/A	N/A	N/A

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
	and therefore away from sensitive European sites.				
TC4: Development Opportunities in Burnley Town Centres	None – this policy relates to development in town centres and therefore away from sensitive European sites.	N/A	N/A	N/A	N/A
TC5: Uses within the Weavers’ Triangle	None – this policy relates to development in town centres and therefore away from sensitive European sites.	N/A	N/A	N/A	N/A
TC6: District Centres	None – this policy relates to development in District centres and therefore away from sensitive European sites.	N/A	N/A	N/A	N/A
TC7: Hot Food Takeaways	None – this policy will not itself result in new development, rather it sets out criteria specifically relating to hot food takeaways.	N/A	N/A	N/A	N/A
TC8: Shopfront & Advertisements Design	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
Historic Environment					
HE1: Identifying and Protecting Burnley’s Historic Environment	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
HE2: Designated Heritage Assets	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
HE3: Non-Designated Heritage Assets	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
HE4: Scheduled Monuments &	None – the policy will not itself result in new	N/A	N/A	N/A	N/A

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
Archaeology	development.				
Natural Environment					
NE1: Biodiversity and Ecological Networks	None – the policy will not itself result in new development.	N/A	N/A	This policy includes avoidance measures for the potential impacts of development proposed under other policies, as it states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.	N/A
NE2: Protected Open Space	None – the policy will not itself result in new development.	N/A	N/A	This policy includes avoidance measures for the potential impacts of development proposed under other policies in relation to increased recreation pressure at European sites, as it seeks to protect open spaces.	N/A
NE3: Landscape Character	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
NE4: Trees, Hedgerows and Woodland	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
NE5: Environmental Protection	None – the policy will not itself result in new	N/A	N/A	The policy includes avoidance measures for the potential impacts of	N/A

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
	development.			development proposed under other policies in relation to increased pollution as it requires development proposals to demonstrate that environmental risks have been evaluated and minimised.	
Climate					
CC4: Development and Flood Risk	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
CC5: Surface Water Management and Sustainable Drainage Systems(SUDs)	None – the policy will not itself result in new development.	N/A	N/A	N/A	N/A
Infrastructure and Connectivity					
IC1: Sustainable Travel	None – the policy will not itself result in new development.	N/A	N/A	The requirements in this policy for new developments to promote and facilitate sustainable travel should help to mitigate the potential impacts of development proposed under other policies in relation to increased air pollution from vehicle traffic.	N/A
IC2: Managing Transport & Travel Impacts	None – the policy will not itself result in new development.	N/A	N/A	The requirements in this policy for new developments to promote and facilitate sustainable travel through the production of Travel Plans should help to mitigate the potential impacts of development proposed under other policies in relation to increased air	N/A

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
				pollution from vehicle traffic.	
IC3: Car Parking Standards	None – the policy will not itself result in new development.	N/A	N/A	The requirement in this policy for developments to incorporate cycle parking should help to mitigate increases in vehicle traffic.	N/A
IC4: Infrastructure and Planning Contributions	None – the policy will not itself result in new development, rather it relates to the funding arrangements for the infrastructure required to support new development.	N/A	N/A	The types of infrastructure improvements referred to in the policy include biodiversity enhancements, open space provision and new walking and cycle facilities – this may help avoid the effects of development including in relation to increased pressure for recreation space and increased vehicle traffic.	N/A
IC7: Taxis and Taxi Booking Offices	None – the policy will not itself result in new development, rather it sets out criteria that will apply to proposals for taxi offices. The policy relates to development that will be focussed in urban areas and therefore away from sensitive European sites.	N/A	N/A	N/A	N/A

Table A4.2 Plan policies with potential pathway to European Sites

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
Strategic Policies					
<p>SP2: Housing Requirement 2012-2032</p>	<p>Housing development (around 4,180 new homes) Increased vehicle traffic Increased recreation pressure</p>	<p>Physical damage/loss of habitat Non-physical disturbance such as noise, vibration and light pollution Increased air pollution Disturbance/damage from recreation</p>	<p>Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2 SPA. Increased air pollution and disturbance from recreation could affect South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.</p>	<p>Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted. Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality. A number of policies in the emerging Local Plan seek to encourage the use of sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.</p>	<p>No for physical damage/loss of habitat and non-physical disturbance for most of the proposed sites as the proposed housing sites allocated in policy HS1 are mostly located more than 2.5km from the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA boundary. Uncertain for off-site habitat loss for South Pennine Moors Phase 2 SPA as the housing sites include greenfield allocations. Uncertain for physical damage/loss of habitat and non-physical disturbance for six of the proposed sites (HS1/9, HS1/15, HS1/20, HS1/31, HS1/36 and HS1/38) as those proposed sites are located within 2.5km of the South Pennine Moors SAC and South</p>

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
				Policies in the Local Plan that seek to protect and enhance open space provision in the Borough (such as NE2: Protected Open Space) could help to mitigate the impacts of increased recreation pressure at European sites although the effectiveness of this avoidance measure will depend to some extent on the nature of the open spaces provided.	<p>Pennine Moors Phase 2 SPA boundary.</p> <p>Uncertain for recreation: Given the overall scale of housing development proposed in Burnley Borough it is not possible to rule out likely significant effects on South Pennine Moors SAC, South Pennine Moors Phase 2 SPA or Rochdale Canal SAC as a result of increased recreation pressure, despite the identified avoidance measures.</p> <p>No for air pollution: None of the major roads within Burnley are within 200m of the European sites.</p>
SP3: Employment Land Requirement 2012-2032	<p>Establishes the quantum of employment land (90ha of employment land)</p> <p>Increased vehicle traffic</p>	<p>Physical damage/loss of habitat</p> <p>Non-physical disturbance such as noise, vibration and light pollution</p> <p>Increased air pollution</p>	<p>Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite).</p> <p>Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.</p> <p>Increased air pollution could affect South Pennine Moors SAC,</p>	Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a	Uncertain for recreation: Given the overall scale of employment development proposed in Burnley Borough it is not possible to rule out likely significant effects on South Pennine Moors SAC, South Pennine Moors Phase 2 SPA or Rochdale Canal SAC

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
			South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.	<p>European Site will not be permitted.</p> <p>Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality.</p> <p>A number of policies in the emerging Local Plan seek to encourage the use of sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.</p>	<p>as a result of increased recreation pressure, despite the identified avoidance measures.</p> <p>Uncertain for off site habitat loss for South Pennine Moors Phase 2 SPA.</p> <p>No for air pollution: None of the major roads within Burnley are within 200m of the European sites.</p> <p>No for physical damage/loss of habitat and non-physical disturbance as the proposed employment sites are all located more than 2.5km from the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA boundary.</p>
Housing					
HS1: Housing Allocations	<p>Housing development</p> <p>Increased vehicle traffic</p> <p>Increased recreation pressure</p>	<p>Physical damage/loss of habitat</p> <p>Non-physical disturbance such as noise, vibration and light pollution</p> <p>Increased air pollution</p> <p>Disturbance/damage from recreation</p>	<p>Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite).</p> <p>Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.</p> <p>Increased air pollution</p>	<p>Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely</p>	<p>No for physical damage/loss of habitat and non-physical disturbance for most of the proposed sites are located more than 2.5km from the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA boundary.</p>

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
			<p>and disturbance from recreation could affect South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.</p>	<p>affect the integrity of a European Site will not be permitted.</p> <p>Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality.</p> <p>A number of policies in the emerging Local Plan seek to encourage the use of sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.</p> <p>Policies in the Local Plan that seek to protect and enhance open space provision in the Borough (such as NE2: Protected Open Space) could help to mitigate the impacts of increased recreation pressure at European sites although the effectiveness of this avoidance measure will depend to some extent on the nature of the open spaces provided.</p>	<p>Uncertain for physical damage/loss of habitat and non-physical disturbance for three of the proposed sites (HS1/9, HS1/20 and HS1/31) as those proposed sites are located within 2.5km of the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA boundary.</p> <p>No for air pollution: None of the major roads within Burnley are within 200m of the European sites.</p> <p>Uncertain for recreation disturbance: Given the overall scale of housing development proposed in Burnley Borough through the sites allocated in this policy, it is not possible to rule out likely significant effects on South Pennine Moors SAC, South Pennine Moors Phase 2 SPA or Rochdale Canal SAC, despite the identified avoidance measures.</p> <p>Uncertain for off site habitat loss for South Pennine Moors</p>

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
					Phase 2 SPA as the housing sites include greenfield allocations.
HS6: Agricultural Worker's Dwellings	<p>Small-scale housing development</p> <p>Increased vehicle traffic</p> <p>Increased recreation pressure</p>	<p>Physical damage/loss of habitat</p> <p>Non-physical disturbance such as noise, vibration and light pollution</p> <p>Increased air pollution</p> <p>Disturbance/damage from recreation</p>	<p>Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite).</p> <p>Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.</p> <p>Increased air pollution and disturbance from recreation could affect South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.</p>	<p>Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.</p> <p>Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality.</p> <p>A number of policies in the emerging Local Plan seek to encourage the use of sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.</p>	No: the likely scale of development and additional residents arising from this policy would be so small scale that it would not have a likely significant effect on any of the European sites.

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
				Policies in the Local Plan that seek to protect and enhance open space provision in the Borough (such as NE2: Protected Open Space) could help to mitigate the impacts of increased recreation pressure at European sites although the effectiveness of this avoidance measure will depend to some extent on the nature of the open spaces provided.	
HS7: Gypsy & Traveller Site Allocation	Development of Gypsy and Traveller sites Increased vehicle traffic Increased recreation pressure	Physical damage/loss of habitat Non-physical disturbance such as noise, vibration and light pollution Increased air pollution Disturbance/damage from recreation	Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2 SPA. Increased air pollution and disturbance from recreation could affect South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.	Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted. Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality. A number of policies in the emerging Local Plan seek to encourage the use of	No: there is only one Gypsy and Traveller site allocation, therefore the likely scale of development and additional residents arising from this policy would be so small scale that it would not have a likely significant effect on any of the European sites.

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
				<p>sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.</p> <p>Policies in the Local Plan that seek to protect and enhance open space provision in the Borough (such as NE2: Protected Open Space) could help to mitigate the impacts of increased recreation pressure at European sites although the effectiveness of this avoidance measure will depend to some extent on the nature of the open spaces provided.</p>	
HS8: Gypsy & Traveller Site Criteria	<p>Development of Gypsy and Traveller sites</p> <p>Increased vehicle traffic</p> <p>Increased recreation pressure</p>	<p>Physical damage/loss of habitat</p> <p>Non-physical disturbance such as noise, vibration and light pollution</p> <p>Increased air pollution</p> <p>Disturbance/damage from recreation</p>	<p>Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite).</p> <p>Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.</p> <p>Increased air pollution and disturbance from recreation could affect South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.</p>	<p>Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.</p> <p>Policy NE5: Environmental Protection includes avoidance measures in</p>	No: the likely scale of development and additional residents arising from this policy would be so small scale that it would not have a likely significant effect on any of the European sites.

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
				<p>relation to air pollution, stating that development should not have an unacceptable negative impact on air quality.</p> <p>A number of policies in the emerging Local Plan seek to encourage the use of sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.</p> <p>Policies in the Local Plan that seek to protect and enhance open space provision in the Borough (such as NE2: Protected Open Space) could help to mitigate the impacts of increased recreation pressure at European sites although the effectiveness of this avoidance measure will depend to some extent on the nature of the open spaces provided.</p>	
Economy and Employment					
EMP1: Employment Allocations	Employment development Increased vehicle traffic	Physical damage/loss of habitat Non-physical disturbance such as noise, vibration and light pollution Increased air pollution	Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2	Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should	No for physical damage/loss of habitat and non-physical disturbance: as the proposed employment sites are all located more than 2.5km from the South Pennine Moors

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
			<p>SPA.</p> <p>Increased air pollution could affect South Pennine Moors SAC, South Pennine Moors Phase 2 SPA and Rochdale Canal SAC.</p>	<p>be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.</p> <p>Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality.</p> <p>A number of policies in the emerging Local Plan seek to encourage the use of sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.</p>	<p>SAC and South Pennine Moors Phase 2 SPA boundary.</p> <p>No for air pollution: None of the major roads within Burnley are within 200m of the European sites, and although the employment allocations are close to other major roads no likely significant effects as a result of air pollution are identified.</p>
EMP5: Rural Business and Diversification	Employment development Increased vehicle traffic	Physical damage/loss of habitat Non-physical disturbance such as noise, vibration and light pollution Increased air pollution	Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2 SPA. Increased air pollution could affect South Pennine Moors SAC, South Pennine Moors	Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be	No: the likely scale of development and additional employees arising from this policy would be so small scale that it would not have a likely significant effect on any of the European sites.

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
			Phase 2 SPA and Rochdale Canal SAC.	permitted. Policy NE5: Environmental Protection includes avoidance measures in relation to air pollution, stating that development should not have an unacceptable negative impact on air quality. A number of policies in the emerging Local Plan seek to encourage the use of sustainable transport use (in particular policy IC1: Sustainable Travel), which should help to mitigate the impacts of development in terms of increased air pollution from vehicle traffic.	
EMP7: Equestrian Development	Equestrian development	Physical damage/loss of habitat Non-physical disturbance such as noise, vibration and light pollution	Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.	Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.	No: the likely scale of development arising from this policy would be so small scale that it would not have a likely significant effect on any of the European sites.
Climate					
CC1: Renewable and Low Carbon Energy (not including wind)	Development of renewable and low carbon energy infrastructure	Physical damage/loss of habitat	Physical damage/loss of habitat could affect South Pennine Moors SAC	The policy itself requires that renewable energy developments do not have	No: The scale of development resulting from this

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
energy)		Non-physical disturbance such as noise, vibration and light pollution	(onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.	an unacceptable impact on ecology. Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.	policy is likely to be small and avoidance measures are provided through policy NE1 and policy CC1 itself.
CC2: Suitable Areas for Wind Energy Development	Development of renewable and low carbon energy infrastructure	Physical damage/loss of habitat Non-physical disturbance such as noise, vibration and light pollution	Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.	The policy itself states that detailed consideration of environmental impacts in line with Policy CC3 will be required. Policy CC3 requires that measures are taken to avoid and where appropriate mitigate any negative effect of the development in terms of ecology or hydrology, including impacts on nature conservation features, biodiversity and geodiversity including habitats and species. Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either	No: The scale of development resulting from this policy is likely to be small and the areas suitable for wind energy development exclude the South Pennine Moors SAC and South Pennine Moors Phase 2 SPA. Also, avoidance measures are provided through policy NE1 and policy CC3.

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
				individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.	
CC3: Wind Energy Development	Wind energy development	Physical damage/loss of habitat Non-physical disturbance such as noise, vibration and light pollution	Physical damage/loss of habitat could affect South Pennine Moors SAC (onsite only) and South Pennine Moors Phase 2 SPA (onsite and offsite). Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.	The policy itself requires that measures are taken to avoid and where appropriate mitigate any negative effect of the development in terms of ecology or hydrology, including impacts on nature conservation features, biodiversity and geodiversity including habitats and species. Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.	No: The scale of development resulting from this policy is likely to be small and avoidance measures are provided through policy NE1 and policy CC3 itself.
Infrastructure and connectivity					
IC5: Protection &	Development of social and	Physical damage/loss of	Physical damage/loss of	Policy NE1: Biodiversity	No: The allocation of

Local Plan policy	Likely activities (operations) to result as a consequence of the proposal	Likely effects if proposal implemented	European site(s) potentially affected	Potential avoidance measures – if implemented would avoid likely significant effect	Could the proposal have likely significant effects on European sites (taking avoidance measures into account)?
Provision of Social and Community Infrastructure	community facilities including cemetery extensions at Burnley and Padiham	<p>habitat</p> <p>Non-physical disturbance such as noise, vibration and light pollution</p>	<p>habitat could affect South Pennine Moors Phase 2 SPA (onsite and offsite).</p> <p>Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.</p>	<p>and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.</p>	<p>the cemetery extension at Burnley and Padiham is beyond 2.5km of the South Pennine Moors Phase 2 SPA and within the urban boundary.</p> <p>The location and scale of other types of development resulting from this policy is unknown but could include provision of a range of facilities. Avoidance measures are provided through policy NE1.</p>
IC6: Telecommunications	Development of telecommunications apparatus and equipment on existing sites and new sites.	<p>Physical damage/loss of habitat</p> <p>Non-physical disturbance such as noise, vibration and light pollution</p>	<p>Physical damage/loss of habitat could affect South Pennine Moors Phase 2 SPA (onsite and offsite).</p> <p>Non-physical disturbance could affect South Pennine Moors Phase 2 SPA.</p>	<p>Policy NE1: Biodiversity and Ecological Networks states that development proposals which are likely to have a significant effect on a European Site (either individually or in combination with other plans and projects) should be subject to an Appropriate Assessment. Development that is considered to adversely affect the integrity of a European Site will not be permitted.</p>	<p>No: The scale of development resulting from this policy is likely to be small and avoidance measures are provided through policy NE1.</p>

