



RE: Land off Tongue Lane, Fairfield, Buxton: Habitat Regulations Assessment Screening

Background

Rachel Hacking Ecology Limited was commissioned to provide ecology consultancy services in connection with the proposed residential development of 147 units at Land off Tongue Lane, Fairfield, Buxton (O.S. grid reference: SK 07484 73117).

Initial assessment identified that the site is within close proximity to three European protected sites; Peak District Dales Special Area of Conservation (SAC) is approximately 150m east of the site; South Pennine Moors SAC is approximately 3.7km west of the site. This site shares the same boundary as the Peak District Moors (South Pennine Moors Phase I) Special Protection Area (SPA) (see Figure 1).

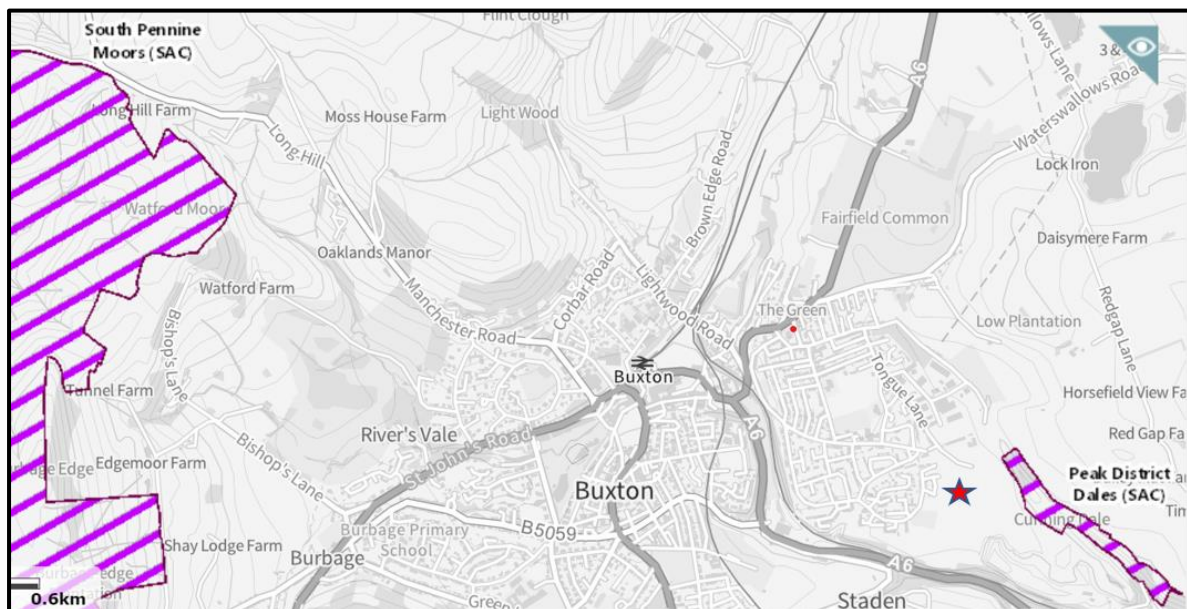


Figure 1 Site location (red star) in relation to European protected sites (www.magic.defra.gov.uk)

Statutory Requirement for Habitat Regulations Assessment

As a public body, the local planning authority is identified as a 'competent authority' within the Habitats Regulations, and the requirement to assess the implications for European sites is applicable in situations where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. A Habitats Regulations Assessment (HRA) considers the implications of a plan or project for European protected sites. It assesses any possible harm to the habitats and species that form an interest feature of the European sites, which could occur as a result of the plan or project being put in place, or as a result of the plan or project in-combination with other plans or projects. In-combination effects include those cumulative effects that might arise from multiple plans or projects together.

The requirement for the HRA derives from the EU Habitats Directive and, notwithstanding the UK's withdrawal from the EU, UK law and policy remains currently

largely unchanged. The legislation transposing the EU Directives has been changed so that they continue to operate effectively from 1st January 2021. The changes have been made by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Stage 1 Habitat Regulations Assessment

The first stage of HRA is a screening exercise; is there potential for the project to result in likely significant effects (LSEs) on the qualifying features of the protected sites? If there are pathways for effects then the HRA must progress to stage 2 Appropriate Assessment. Mitigation measures cannot be taken into consideration at stage 1.

Peak District South Dales SAC

Annex I habitats that are primary reason for site selection:

- 6210 Semi-natural dry grasslands and scrubland facies: on calcareous substrates (Festuco-Brometalia), (note that this includes the priority feature "important orchid rich sites")
- 9180 Tilio-Acerion forests of slopes, screes and ravines

Annex I habitats that are present as a qualifying feature, but not a primary reason for site selection:

- 4030 European dry heaths
- 6130 Calaminarian grasslands of the *Violetalia calaminariae*
- 7230 Alkaline fens
- 8120 Calcareous and calcshist screes of the montane to alpine levels (*Thlaspietea rotundifolii*)
- 8210 Calcareous rocky slopes with chasmophytic vegetation

Annex II species that are a primary reason for site selection:

- 1092 White-clawed (or Atlantic stream) crayfish *Austropotamobius pallipes*

Annex II species that are present as a qualifying feature, but not a primary reason for site selection:

- 1096 Brook lamprey *Lampetra planeri*
- 1163 Bullhead *Cottus gobio*

South Pennine Moors SAC

Annex I habitats that are primary reason for site selection:

- 4030 European dry heaths
- 7130 Blanket bogs
- 91A0 Old sessile oak woods with *Ilex* and *Blechnum* in the British Isles

Peak District Moors (South Pennine Moors Phase I) SPA

Qualifying species: The site qualifies under article 4.1 of the Birds Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain population of a species listed in Annex I, in any season:

Annex I species	Estimated population & season	Period	% GB pop.
Merlin <i>Falco columbarius</i>	30 - 36 pairs - breeding	1990/1998	2.3 - 2.8%
Golden Plover <i>Pluvialis apricaria</i>	435 - 445 pairs - breeding	1990/1998	1.9 - 2.0%
Short-eared Owl <i>Asio flammeus</i>	22 - 25 pairs - breeding	1990/1998	2.2 - 2.5%

Impact Pathways

The following impact pathways are assessed for the project:

- Direct habitat loss (screened out as no development will take place within a protected site)
- Loss or degradation of functionally linked land (screened out as the habitats within the project area are not suitable for the qualifying features of the protected sites)
- Recreational impacts (screened in as the project may result in increased visitor pressure to the protected sites, leading to disturbance and habitat degradation)
- Changes in air quality leading to increased deposition of nitrogen on sensitive habitats (screened out as the project will not result in any new major roads within 200m of a protected site)
- Changes in water quality or levels (screened in as increased inputs to the wastewater system could lead to increased levels of phosphates entering the River Wye)

Conclusion

The stage 1 HRA has determined that the project will result in LSEs due to recreational impacts and changes in water quality. The HRA must progress to stage 2; appropriate mitigation measures must be identified to demonstrate beyond scientific doubt that the project will not result in adverse effects to the integrity of the protected sites.

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