

Project No: 314047

**Habitats Regulations Assessment: Holy Trinity Church,
Peak Dale.**

Prepared for:

Peak Architects Limited

Broom Hall
8-10 Broomhall Road
Sheffield
South Yorkshire
S10 2DR

Contents Amendment Record

This report has been issued and amended as follows:

Revision	Description	Date	Signed
0.1	Draft	26 October 2023	D. Kilpatrick
0.2	Draft	12 December 2023	D. Kilpatrick
1.0	Final	12 December 2023	V Smith



SAFETY
SCHEMES IN
PROCUREMENT



Constructionline
Gold Member



Mabbett & Associates Ltd, Corporate and Registered Office: 13 Henderson Road, Inverness, UK, IV1 1SN

Registered in Scotland No: SC 163378 info@mabbett.eu www.mabbett.eu

**Anglesey | Belfast | Caerphilly | Carlisle | Dublin | Dundee | Edinburgh | Forres | Glasgow | Inverness | Leicester |
Manchester | Winchester**

© 2023, Mabbett & Associates Ltd. All Rights Reserved. The name Mabbett and the Mabbett logo are Trade Marks licensed to Mabbett & Associates Ltd.

Acknowledgement

This report has been prepared for the sole and exclusive use of Peak Architects Ltd (Peak Architects Ltd) in accordance with the scope of work presented in Mabbett & Associates Ltd (Mabbett) Letter Agreement (314047/LA/JR), dated 26 September 2023. This report is based on information and data collected by Mabbett. Should any of the information be incorrect, incomplete, or subject to change, Mabbett may wish to revise the report accordingly.

This report has been prepared by the following Mabbett personnel:

MABBETT & ASSOCIATES LTD



Douglas Kilpatrick
Senior Ecologist

MABBETT & ASSOCIATES LTD



Vince Smith, MCIEEM
Director, Ecology

Executive Summary

Mabbett and Associates Ltd was commissioned by Peak Architects Ltd to complete a shadow Habitats Regulations Assessment (HRA) with respect to the conversion of the Holy Trinity Church, Peak Dale, into a 6-bedroom holiday let, with accompanying modifications, road access and external artificial bat roost.

The following European sites are located within the Zone of Influence of the Proposed Development:

- Peak District Dales SAC – 3.1 km from the site boundary.
- South Pennine Moors SAC – 5.1 km from the site boundary.
- South Pennine Moors SPA – 5.1 km from the site boundary.

Potential for likely significant effects were identified as a result of the construction and operational phases of the Proposed Development via the following impact pathways:

- Dust pollution
- Water pollution

The following mitigation is considered to be required in order to avoid negative impacts on Peak District Dales SAC and South Pennine Moors SAC:

- A Construction Environmental Management Plan (CEMP) to be produced. The plan should include the following:
 - Machinery and materials to be used;
 - Dust Management Plan to limit dust emissions throughout the construction phase;
 - Species Protection Plan outlined in the Ecological Appraisal by Dunelm Ecology (June 2023).
- Offsite mitigation measures to maintain nutrient neutrality within the Peak District Dales SAC to prevent increases in Nitrogen and Phosphorus as per Natural England Water Quality and Nutrient Neutrality Advice (2022).
- An Ecological Clerk of Works (ECoW) to regularly visit the site during the construction phase to monitor the implementation of the protocols outlined in the CEMP. The ECoW would have the authority to intervene during the works, including the powers to stop works if necessary.

Table of Contents

Section 1.0: Introduction	3
1.1 Project Background	3
1.2 Site Location	3
1.3 Project Description	3
1.4 Designated Sites	4
1.5 Purpose of this Report	4
Section 2.0: Screening Assessment	5
2.1 European Sites within Search Area	5
2.2 European sites within the Zone of Influence	Error! Bookmark not defined.
2.3 Conservation Objectives	6
2.4 European Sites Screening Assessment	6
2.4.1 Peak District Dales SAC	Error! Bookmark not defined.
2.5 Conclusions	12
Section 3.0: Appropriate Assessment	13
3.1 Peak District Dales SAC	Error! Bookmark not defined.
3.1.1 Assessment of Effects	13
Section 4.0: Bibliography	15
Figures	16
Appendix A: Legislation Summary	
Appendix B: Proposed Site Layout	

Section 1.0: Introduction

1.1 Project Background

Mabbett and Associates Ltd was commissioned by Peak Architects Ltd to complete a shadow Habitats Regulations Assessment (HRA) with respect to the conversion of the Holy Trinity Church, Peak Dale, into a 6-bedroom holiday let, with accompanying modifications, road access and external artificial bat roost.

High Peak Borough Council has recently received a letter from Natural England about the high levels of nutrients in the catchment area for the Peak District Dales Special Area of Conservation (SAC).

In light of a court Judgement (known as Dutch N), Natural England have advised High Peak Borough Council that, due to the unfavourable condition of the river Wye, before determining a planning application that may give rise to additional phosphates within the catchment, competent authorities should undertake an HRA.

Therefore, bespoke nutrient load calculations in line with Natural England guidelines are to be completed to support the planning application and to enable suitable mitigation measures to be proposed, if deemed necessary, as part of any associated HRA.

This shadow HRA was completed by Mabbett Senior Ecologist Douglas Kilpatrick MSc MA BSc (Hons). The report was prepared following CIEEM guidance (CIEEM, 2017). The results and recommendations in this report relate to the site boundary and description of the Proposed Development provided by the client at the time of reporting.

1.2 Site Location

The site is located in the small village of Peak Dale within the Peak District National Park. It is located on School Road, Upper End, Peak Dale, Buxton, SK17 8AJ, centred on Grid Reference SK08737646, at an elevation of 337 m above sea level. The site is approximately 0.4 ha and consists of a church. The churches' accompanying graveyard does not form part of the property. The site is bordered to a primary school to the south and residential buildings to the north. The site is bordered by agricultural fields to east and west. The site is in a rural setting with predominantly arable land in the wider landscape as well as a sizeable open and restored quarry 130 m to the east.

1.3 Project Description

The Proposed Development will include a change of use of the existing church into a holiday let with 8 bedrooms and will include associated building modifications as well as landscape works. A conversion of the existing outbuilding into an artificial bat roost has been accepted as bat mitigation (Dunelm Ecology, 2023). The road access will also be amended.



Photo 1: Holy Trinity Church (site)

1.4 Designated Sites

A search for sites designated under the Conservation (Natural Habitats, & c.) Regulations 1994 (summary of legislation is presented in Appendix A) was carried out in October 2023. Special Protection Areas (SPAs) and Special Areas of Conservation (SACs) within the potential Zone of Influence (Zoi) (within 5 km) of the Proposed Development are identified below:

- Peak District Dales SAC
- South Pennine Moors SAC
- Peak District Moors (South Pennine Moors Phase 1) SPA

The location of the above SACs in relation to the Proposed Development are shown in Figure 1.

1.5 Purpose of this Report

The overall aim of the report is to provide information to inform the HRA, which will be undertaken by High Peak Borough Council as competent authority for the consideration of the Proposed Development.

The objectives of the report are to:

- Outline the qualifying features of the European sites and screen for likely significant effects as a result of the Proposed Development.
- For any qualifying features of the European sites not screened out during the first stage, carry out an assessment of the likely effects of the proposed works on the feature.
- Where appropriate, present mitigation proposals and an overall assessment of the impact of the works on site integrity for the European sites.
- Calculate the nutrient loading in terms of excess nitrogen and phosphorus of the holiday let as per Natural England Water Quality and Nutrient Neutrality Advice.

Section 2.0: Screening Assessment

2.1 European Sites within Search Area

All European sites (Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)) are designated under the Conservation (Natural Habitats, & c.) Regulations 1994 and any development proposals that could affect them will require an HRA. Development proposals affecting the following sites also require an HRA because these are protected by government policy: proposed SACs, potential SPAs and Ramsar sites.

2.2 European sites within the Zone of Influence

Because the Proposed Development is a change of use from a church into a holiday let and therefore considered a low impact development, a 5 km search area was considered adequate to cover the potential Zone of Influence.

One European site (Peak District Dales SAC) is located within the search area; while two other European sites (South Pennines Moors SAC and Peak District Moors SPA), are just outside the ZoL. Therefore, they have been included in this Screening Assessment. The qualifying features of the European Sites are presented in Table 1.

Table 1: European Protected Sites (Natura 2000) within 5 km of the Proposed Development.

Site Name and Designation	Proximity to Site	Designated Qualifying Features
Peak District Dales SAC	3.1 km south / 3.2 km east	Annex I 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (Festuco-Brometalia) 9180 Tilio-Acerion forests of slopes, screes and ravines 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 1092 White-clawed Crayfish Austropotamobius pallipes 1096 Brook lamprey Lampetra planeri 1163 Bullhead Cottus gobio
South Pennines Moors SAC	5.1 km southwest	Annex I 4030 European dry heaths 7130 Blanket bogs 91A0 Old sessile oak woods with Ilex and Blechnum in the British Isles 4010 Northern Atlantic wet heaths with Erica tetralix 7140 Transition mires and quaking bogs
Peak District Moors (South Pennine Moors Phase 1) SPA	5.1 km southwest	Annex I - A098 Falco columbarius; Merlin (Breeding) - A140 Pluvialis apricaria; European golden plover (Breeding) - A222 Asio flammeus; Short-eared owl (Breeding)

2.3 Conservation Objectives

Natural England states that the conservation objectives for the Peak District Dales Special Area of Conservation are to:

“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 qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.”*

Natural England states that the conservation objectives for the South Pennine Moors Special Area of Conservation are to:

“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, and,*
- *The supporting processes on which the qualifying natural habitats rely”*

Natural England states that the conservation objectives for the South Pennine Moors Special Protection Area are to:

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 and,*
- *The supporting processes on which the qualifying natural habitats rely*

2.4 European Sites Screening Assessment

2.4.1 Peak District Dales SAC

The potential for likely significant effect (LSE) on the Peak District Dales SAC arising from the Proposed Development is assessed in Table 2. An effect is considered to be likely if the project is capable of having an effect.

Table 2: Peak District Dales SAC Likely Significant Impacts.

Pathway for Effect	Potential for LSE	Rationale
Land take	No	Construction: All works are within the existing site boundary. The site is over 3 km from the SAC at its closest point. Due to the distance of the site from the SAC, no LSE associated with Land Take is anticipated.

		Operation: Increased levels of recreational users, brought to the area by the development of the holiday let may lead to increased recreational pressures, although this would likely be negligible.
Visual disturbance	No	Construction and Operation: The Proposed Development will not change the exterior of the building (excluding maintenance such as repointing) as it is a change of use. In addition, the site boundary is over 3 km from the SAC at its closest point. Due to the distance of the site from the SAC, no LSE associated with Visual Disturbance is anticipated.
Dust	Yes	Construction: A new access road layout is proposed which will require groundworks. In addition, general construction work and landscaping has the potential to create dust. However, the site boundary is over 3 km from the SAC at its closest point. Due to the distance of the site from the SAC and the implementation of a CEMP to include dust suppression methods, no LSE associated with dust is anticipated. Operation: No significant change in dust generation over baseline levels is anticipated from the Proposed Development. Therefore, no LSE on the SAC qualifying features or supporting habitat as a result of dust is anticipated.
Noise	No	Construction: General construction work and machinery has the potential to create noise. However, the site is located over 3 km from the SAC. Due to the distance the noise generation is negligible. Operation: No exceedingly loud noise will be generated by the holiday let during operation. Therefore, no LSE associated with noise is anticipated
Vibration	No	Construction: A potential for large contractor vehicles to create localised vibrations. In addition, new access road installation works has the potential to create vibrations if using compactors. However, the site boundary is over 3 km from the SAC at its closest point. Due to the distance of the site from the SAC, no LSE associated with vibrations is anticipated. Operation: No vibration generation is anticipated from operations.
Air pollution	No	Construction:

		A temporary increase in vehicle exhaust fumes is likely to occur due to the increased vehicle traffic to site by contractors. However, due to the distance of the site from the SAC, no LSE associated with Air Pollution is anticipated. Operation: No significant change in air pollution generation over baseline levels is anticipated from the operation of the Proposed Development. Therefore, no LSE on the SAC is anticipated.
Water pollution	Yes	Construction: The site is located within the catchment area of the SAC. However, the nearest water course is the river Wye, 3.1 km to the south with no connecting water courses located nearby. The nearest water source to site is an old quarry lake, 120 m northeast of site, though no connecting water courses are present between the site and the lake, nor between the lake and wider landscape. Due to the absence of connecting water courses and the limited scope of the development, no LSE is anticipated. Operation: There will be an increase in nitrogen and phosphorus generation within black water originating from the increased occupancy rate of the site. Calculations have been made in the accompanying Mabbett report: Phosphate Budget Calculations: Holy Trinity Church, Peak Dale.
Hydrological changes	No	Construction: The groundworks are limited to new access road construction and superficial landscaping. No alterations in local groundwater is expected, and water runoff from the access road will percolate into the soil within the site. The site is located within the catchment area of the SAC. However, the nearest water course is the river Wye, 3.1 km to the south with no connecting streams nearby. The nearest water source to site is an old quarry lake, 120 m northeast of site, though no connecting waterways are present between the site and the lake, nor between the lake and wider landscape. Due to the absence of connecting water courses and the limited scope of the development, no LSE is anticipated. Operation: No groundworks will be conducted during operation and no additional water runoff is generated.
Waste pollution	No	Construction:

		Due to the distance of the site to the SAC, no LSE on the SAC is expected. Operation: Providing operations have waste management in place, no waste pollution is expected.
--	--	---

2.4.2 South Pennines Moors SAC

The potential for likely significant effect (LSE) on the South Pennines Moors SAC arising from the Proposed Development is assessed in Table 4. An effect is considered to be likely if the project is capable of having an effect.

Table 3: South Pennines Moors SAC Likely Significant Impacts.

Pathway for Effect	Potential for LSE	Rationale
Land take	No	Construction: The site boundary is 5 km from the SAC at its closest point. In addition, the development of the building is internal only; therefore, no land will be lost as a result of the development. Operation: Increased levels of recreational users, brought to the area by the development of the holiday let may lead to increased recreational pressures, although this would likely be negligible.
Visual disturbance	No	Construction and Operation: The Proposed Development will not change the exterior of the building, and is more than 5 km from the SAC; therefore no LSE will take place.
Dust	Yes	Construction: A new access road layout is proposed which will require groundworks. In addition, general construction work and landscaping has the potential to create dust. However, the site boundary is over 5 km from the SAC at its closest point. Due to the distance of the site from the SAC and the implementation of a CEMP to include dust suppression methods, no LSE associated with dust is anticipated. Operation: No significant change in dust generation over baseline levels is anticipated from the Proposed Development. Therefore, no LSE on the SAC qualifying features or supporting habitat as a result of dust is anticipated.
Noise	No	Construction: The site is located 5 km from the SAC with no piling works or large construction noise is expected. Due to the distance the noise generation of general building works is negligible. Operation:

		No exceedingly loud noise will be generated by the lodge during operation.
Vibration	No	Construction: A potential for large contractor vehicles to create localised vibrations. In addition, new access road installation works has the potential to create vibrations if using compactors. However, the site boundary is over 3 km from the SAC at its closest point. Due to the distance of the site from the SAC, no LSE associated with vibrations is anticipated. Operation: No vibration generation will be generated.
Air pollution	No	Construction: A temporary increase in car exhaust fumes is likely to occur due to the increased vehicle traffic to site by contractors. Due to the significant distance the effect on the SAC is negligible. Operation: A slight increase in local car exhaust related pollution may incur due to the increased occupancy rate. However, at a distance of over 5 km this increase is negligible.
Water pollution	No	Construction: The site is located within the catchment area of the Peak District Dales; a different water catchment. Due to the distance of the site to the SAC, no LSE will occur. Operation: The site is located within the catchment area of the Peak District Dales; a different water catchment. Therefore, no LSE will occur.
Hydrological changes	No	Construction: The site is located within the catchment area of the Peak District Dales; a different water catchment. No hydrological changes are made. Therefore, no LSE will occur.
Waste pollution	No	Construction: The site is located over 5 km from the SAC boundary. Therefore, no LSE from waste pollution is anticipated. Operation: The site is located over 5 km from the SAC boundary. Therefore, no LSE from waste pollution is anticipated.

2.4.3 South Pennines Moors SPA

The potential for likely significant effect (LSE) on the South Pennines Moors SPA arising from the Proposed Development is assessed in Table 4. An effect is considered to be likely if the project is capable of having an effect.

Table 4: South Pennines Moors SPA Likely Significant Impacts.

Pathway for Effect	Potential for LSE	Rationale
Land take	No	Construction: The site boundary is 5 km from the SAC at its closest point. In addition, the development of the building is internal only; therefore, no land will be lost as a result of the development. Operation: Increased levels of recreational users, brought to the area by the development of the holiday let may lead to increased recreational pressures, although this would likely be negligible.
Visual disturbance	No	Construction and Operation: The Proposed Development will not change the exterior of the building, and is more than 5 km from the SAC; therefore no LSE will take place.
Dust	Yes	Construction: A new access road layout is proposed which will require groundworks. In addition, general construction work and landscaping has the potential to create dust. However, the site boundary is over 5 km from the SAC at its closest point. Due to the distance of the site from the SAC and the implementation of a CEMP to include dust suppression methods, no LSE associated with dust is anticipated. Operation: No significant change in dust generation over baseline levels is anticipated from the Proposed Development. Therefore, no LSE on the SAC qualifying features or supporting habitat as a result of dust is anticipated.
Noise	No	Construction: The site is located 5 km from the SAC with no piling works or large construction noise expected. Due to the distance the noise generation from general building works is negligible. Operation: No exceedingly loud noise will be generated by the lodge during operation.
Vibration	No	Construction: A potential for large contractor vehicles to create localised vibrations. In addition, new access road installation works has the potential to create vibrations if using compactors.

		However, the site boundary is over 3 km from the SAC at its closest point. Due to the distance of the site from the SAC, no LSE associated with vibrations is anticipated. Operation: No vibration generation will be generated.
Air pollution	No	Construction: A temporary increase in car exhaust fumes is likely to occur due to the increased vehicle traffic to site by contractors. Due to the significant distance the effect on the SAC is negligible. Operation: A slight increase in local car exhaust related pollution may incur due to the increased occupancy rate. However, at a distance of over 5 km this increase is negligible.
Water pollution	No	Construction: The site is located within the catchment area of the Peak District Dales, a different water catchment. Due to the distance of the site to the SAC, no LSE will occur. Operation: The site is located within the catchment area of the Peak District Dales; a different water catchment. Therefore, no LSE will occur.
Hydrological changes	No	Construction: The site is located within the catchment area of the Peak District Dales; a different water catchment. No hydrological changes are made. Therefore, no LSE will occur.
Waste pollution	No	Construction: The site is located over 5 km from the SAC boundary. Therefore, no LSE from waste pollution is anticipated. Operation: The site is located over 5 km from the SAC boundary. Therefore, no LSE from waste pollution is anticipated.

2.5 Conclusions

As a result of the above Screening Assessment, an Appropriate Assessment has been carried out on the Peak District Dales SAC, the South Pennine Moors SAC and the South Pennine Moors SPA in Section 3 in respect of the site's conservation objectives.

Section 3.0: Appropriate Assessment

3.1 Peak District Dales SAC

3.1.1 Assessment of Effects

Following the Screening Assessment, it has been assessed that the Proposed Development may impact the designated features of the Peak District Dales SAC through the following pathways:

- Dust;
- Water pollution (operational phase).

Dust may be generated during the construction phase. Demolition of the interior sections of the building as well as groundworks for the proposed road and the landscaping has limited potential to generate dust.

The Peak District Dales SAC primary designation is the Annex II Species: White-Clawed Crayfish. This freshwater species is dependent on clean, unpolluted water as they are very sensitive to water quality. The river Dove is the primary habitat in the Dales for the white-clawed crayfish (*Austropotamobius pallipes*). The river represents a high-quality, upland limestone river, in the north-east of the species' UK range. An excess in Nitrogen and Phosphorus can lead to eutrophic conditions in the river system due to the increased nutrient loading, indirectly impacting White-Clawed Crayfish by altering water conditions.

Water pollution may also increase as a result of the higher occupancy rate (6-bedrooms with respective bathrooms). Higher visitor numbers will generate more black water to the sewage treatment works. This has the potential to increase nitrogen and phosphate when it is discharged.

Calculations made in the accompanying report by Mabbett; *Phosphate Budget Calculations: Holy Trinity Church, Peak Dale* (2023), a total output of 4.098 kg/TP/yr is predicted because site operations are to be limited to less than 281 days a year. It has been concluded that the site is be nutrient neutral.

3.1.2 Proposed Mitigation

The following mitigation is required in order to avoid negative impacts on Peak District Dales SAC:

- A Construction Environmental Management Plan (CEMP) will be produced. The plan will include the following:
 - Machinery and materials to be used;
 - Dust Management Plan to limit dust emissions throughout the construction phase; and
 - Species Protection Plan outlined in the Ecological Appraisal by Dunelm Ecology (June 2023).
- An Ecological Clerk of Works (ECoW) will regularly visit the site during the construction phase to monitor the implementation of the protocols outlined in the CEMP. The ECoW would have the authority to intervene during the works, including the powers to stop works if necessary.

3.2 South Pennines Moors SAC

3.2.1 Assessment of Effects

Following the Screening Assessment, it has been assessed that the Proposed Development may impact the designated features of the South Pennines Moors SAC through the following pathways:

- Dust;

Dust may be generated during the construction phase. Demolition of the interior sections of the building as well as groundworks for the proposed road and the landscaping has limited potential to generate dust.

3.2.2 Proposed Mitigation

A Construction Environmental Management Plan (CEMP) (as described above in section 3.1.2) will be produced to reduce the likelihood of any Dust occurring during the construction of the proposed development.

3.3 South Pennines Moors SPA

3.3.1 Assessment of Effects

Following the Screening Assessment, it has been assessed that the Proposed Development may impact the designated features of the South Pennines Moors SPA through the following pathways:

- Dust;

Dust may be generated during the construction phase. Demolition of the interior sections of the building as well as groundworks for the proposed road and the landscaping has limited potential to generate dust.

It is considered that at the distance of 5.1 km from the site, the three Annex II birds (merlin, European golden plover and short-eared owl) will not be impacted any dust generated.

This notwithstanding a CEMP will be included in the proposals (see 3.3.2)

3.3.2 Proposed Mitigation

A Construction Environmental Management Plan (CEMP) (as described above in section 3.1.2) will be produced to reduce the likelihood of any Dust occurring during the construction of the proposed development.

Section 4.0: Conclusions

On the basis of the Appropriate Assessment, provided the mitigation specified above is applied, it is concluded that the proposed development would not have a likely significant effect on the conservation objectives for any qualifying features of these European sites and that site integrity will be maintained for all sites.

Section 5.0: Bibliography

CIEEM. (2017). *Guidelines on Ecological Report Writing*. Winchester: Chartered Institute of Ecology and Environmental Management. Retrieved from CIEEM (2017) Guidelines on Ecological Report Writing. Chartered Institute of Ecology and Environmental Management, Winchester.

Peak District Dales Designated Special Area of Conservation (SAC). Retrieved October 2023.
<https://sac.jncc.gov.uk/site/UK0019859>

South Pennine Moors Designated Special Area of Conservation (SAC). Retrieved October 2023.
<https://sac.jncc.gov.uk/site/UK0030280>

High Peak Borough Council Planning application details for Holy Trinity Church. Retrieved October 2023.
<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=262190>

Nutrient Budget Calculator Guidance Document (Natural England). Retrieved October 2023.
https://www.peakdistrict.gov.uk/_data/assets/pdf_file/0022/445180/Nutrient-Budget-Calculator-Guidance-Document-Peak-District-Dales.pdf

Natural England Water Quality and Nutrient Neutrality Advice (16 March 2022) (NE785). Retrieved October 2023.
<https://publications.naturalengland.org.uk/publication/4792131352002560>

South Pennine Moors SPA/SAC Planning Framework Supplementary Planning Document (SPD). Retrieved October 2023.
<https://bradford.moderngov.co.uk/mgConvert2PDF.aspx?ID=36269>

Holy Trinity Church, Peak Dale. Ecological Appraisal. Dunelm Ecology (June 2023). Date retrieved October 2023.
<http://planning.highpeak.gov.uk/portal/servlets/AttachmentShowServlet?ImageName=525249>

Peak District Dales Special Area of Conservation Evidence Pack. August 2022. Natural England Technical Information Note TIN192.

Phosphate Budget Calculations: Holy Trinity Church, Peak Dale. Mabbett Ltd. (November 2023)

European Site Conservation Objectives for Peak District Moors (South Pennine Moors Phase 1). Special Protection Area. Site Code: UK9007021. Natural England. Date retrieved November 2023.
[UK9007021-Peak-District-Moors-\(South-Pennine-Moors-Phase-1\)-SPA-V2019.pdf](https://publications.naturalengland.org.uk/publication/4973604919836672)

EC Directive 79/409 on the Conservation of Wild Birds Special Protection Area (SPA). Compilation date: November 2000 Version: 0.9. English Nature. Date retrieved November 2023.
<https://publications.naturalengland.org.uk/publication/4973604919836672>

Figures

Figure	Title
1	Site Location Boundary
2	Designated Sites within a 5 km buffer.

Appendix A: Legislation Summary

Legislative Background

Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (“The Habitats Directive”), provides legal protection for habitats and species of European importance. Articles 3 to 9 provide the legislative means to protect habitats and species through the establishment and conservation of an EU-wide network of sites. This network, known as Natura 2000, is a European ecological network of special areas of importance for nature conservation, composed of sites hosting rare and vulnerable habitats and species. This network is designed to enable the natural habitat types and the species' habitats concerned to be maintained or, where appropriate, restored at a favourable conservation status in their natural range.

The UK has designated sites of nature conservation importance which form part of a network of Natura 2000 Sites. As mentioned above, Natura 2000 Sites comprise SACs designated under the EC Habitats Directive and SPAs designated under the EC Wild Birds Directive. In addition, as clarified by paragraphs 207 to 211 of the Scottish Planning Policy 2014¹, proposed SACs and SPAs (i.e. sites which have been approved by Scottish Ministers for formal consultation but which have not yet been designated) are treated as if they had been fully designated, and wetlands of international importance designated under the Ramsar Convention (Ramsar sites) are also treated as designated Natura 2000 Sites and/or Sites of Special Scientific Interest (SSSI) and are therefore also considered in HRAs.

The procedures that must be followed when considering developments affecting Natura 2000 Sites are set out in Article 6 of the Habitats Directive. In Scotland, this process is implemented through the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (“The Habitats Regulations”).

Habitats Directive Article 6(3) set out the decision-making tests for plans and projects likely to have a significant effect on or to adversely affect the integrity of European sites (Annex 1.1). Article 6(3) establishes the requirement for Appropriate Assessment (AA):

“Any plan or project not directly connected with or necessary to the management of the [Natura 2000] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subjected to appropriate assessment of its implications for the site in view of the site’s conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.”

Both EU and national guidance exists in relation to Member States fulfilling their requirements under the EU Habitats Directive, with particular reference to Article 6(3) and 6(4) of that Directive. The methodology followed in this report to inform the Article 6 assessments has had regard to the following guidance and legislation:

- Guidance:

Scottish Natural Heritage (2018). Natura sites and the Habitats Regulations: How to consider proposals affecting SACs and SPAs in Scotland. The essential quick guide.

- Legislation:

Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (also known as the ‘Habitats Directive’);

Council Directive 2009/147/EC on the conservation of wild birds, codified version, (also known as the ‘Birds Directive’); and

The European Communities (Birds and Natural Habitats) Regulations 2011 to 2015.

Overview of Appropriate Assessment Stages

A HRA is a process to determine Likely Significant Effect (LSE) through Stage 1 screening and (where such likely effects are identified) assess whether there are adverse impacts on the integrity of a Natura Site by means of an Appropriate Assessment (AA) (Stage 2).

The threshold for an LSE is treated in the screening exercise as being above a trivial or 'de minimis' level. A de minimis effect is a level of risk that is too small to be concerned with when considering ecological requirements of an Annex I habitat or a population of Annex I (bird) or Annex II (non-avian) species present on a European site necessary to ensure their favourable conservation status. If low level effects on habitats or individuals of species are judged to be in this order of magnitude, and that judgment has been made in the absence of reasonable scientific doubt, then those effects are not considered to be significant.

Based on the outcome of the AA, the Competent Authority shall agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the Natura 2000 site concerned.

The European Commission (2018) states that the 'integrity of the site' can be usefully defined as the coherent sum of the site's ecological structure, function and ecological processes, across its whole area, which enables it to sustain the habitats, complex of habitats and/or populations of species for which the site is designated. They go on to state the following:

"The integrity of the site involves its constitutive characteristics and ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the habitats and species for which the site has been designated and the site's conservation objectives."

When considering the 'integrity of the site', it is therefore important to take into account a range of factors, including the possibility of effects materialising in the short, medium and long-term.

The recent judgement (May 2018) of Case C-323/17 ("People Over Wind") affirms that ecological mitigation measures cannot be considered during Stage 1, and the European Commission (2018) therefore now considers that mitigation measures must be directly linked to the likely impacts that have been identified in Stage 2; they can therefore only be defined once these impacts have been described and assessed by the competent authority through an Appropriate Assessment.

Mitigation measures, which aim to avoid or reduce impacts or prevent them from happening in the first place, must not be confused with compensatory measures, which are intended to compensate for any damage that may be caused by the project. Compensatory measures can only be considered under Article 6(4) if the plan or project has been accepted as necessary for IROPI and where no alternatives exist.

Where a competent authority concludes through an AA that there will be an adverse effect on the integrity of a Natura 2000 Site, the Competent Authority may only agree to a plan or project if:

- It is evidenced that there are no alternative solutions (Stage 3); and
- There are Imperative Reasons of Overriding Public Interest (IROPI) for the advancement of the project (Stage 4).

Appendix B: Existing Site Layout

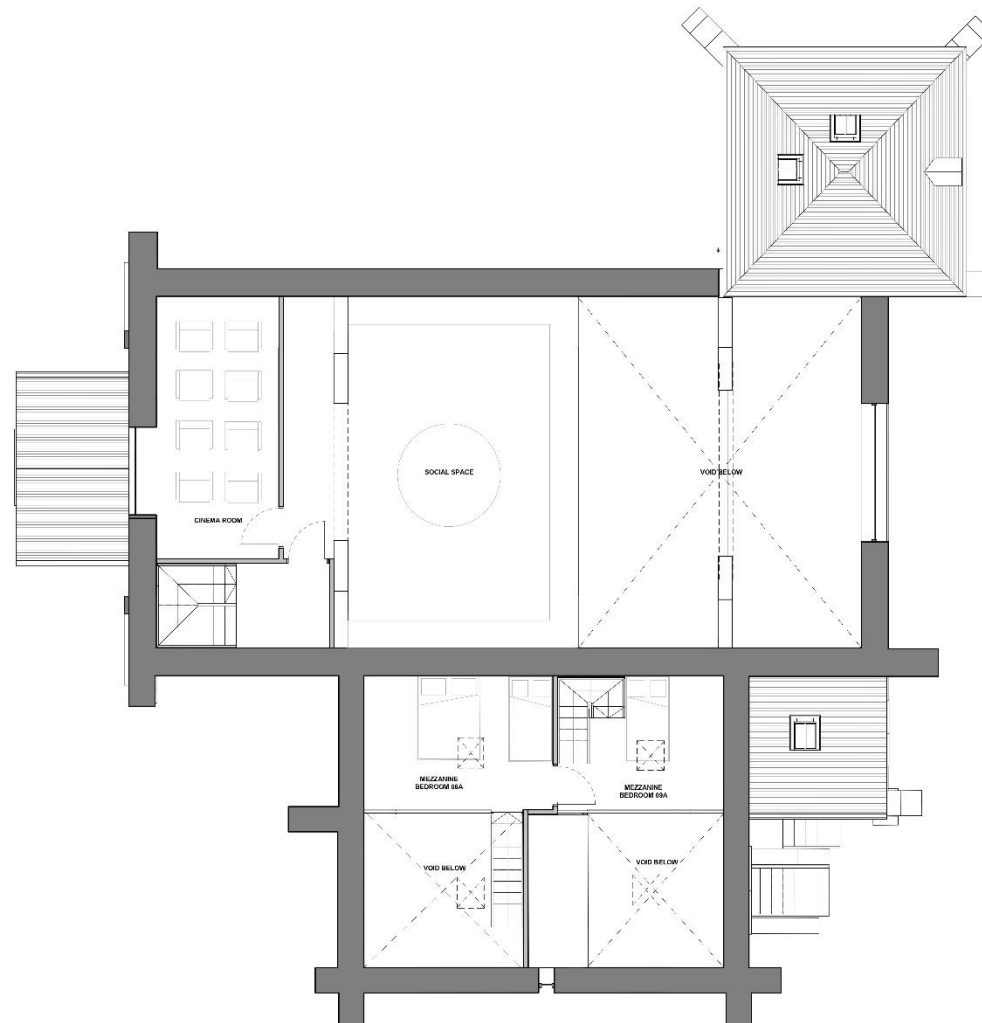


Appendix C: Proposed Site Layout









Peak
© 20

Appendix D: Peak District Dales SAC Catchment Map.

