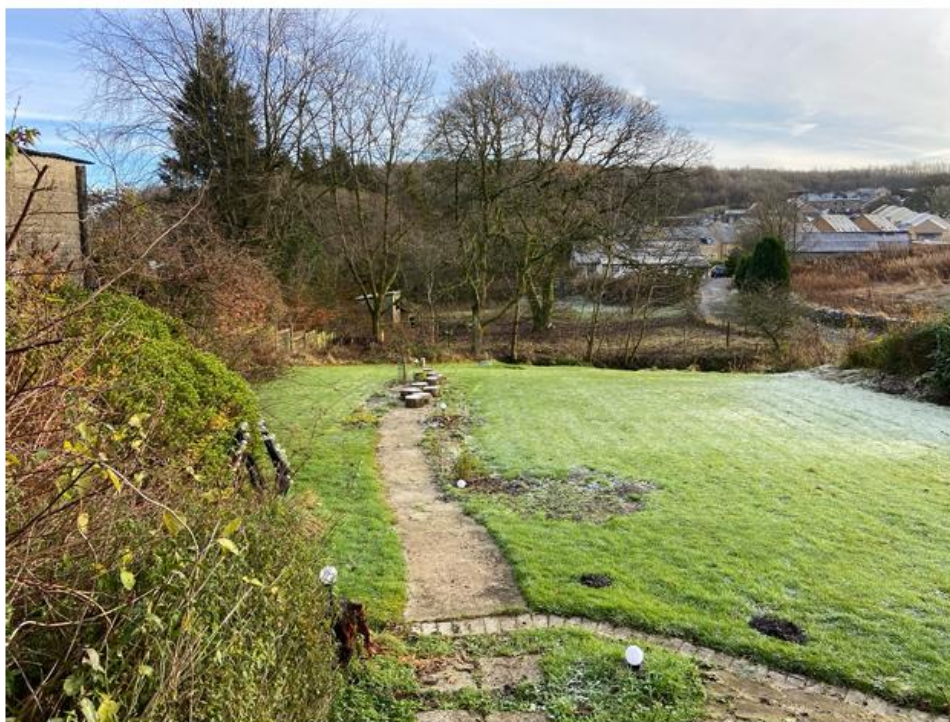


Shadow Habitats Regulations Assessment



17 Level Lane, Buxton
3rd February 2025

10028_R01_LC



DUNHAM
ECOLOGY

Project No:	Report No.	Date	Author	Revision
10028	R01	3rd February 2025	Lisa Campbell BSc (Hons) MA ACIEEM	a

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17 Level Lane, Buxton
Shadow HRA

10028_R01_3rd February 2025_LC



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Summary

- S.1. This shadow Habitats Regulations Assessment (HRA) report has been prepared by Dunham Ecology Ltd on behalf of Mr Piper.
- S.2. The subject of this shadow HRA report relates to the erection of two dwellings within the grounds of 17 Level Lane, Buxton (OS grid reference: SK 03810 72369). The area of proposed development is hereafter referred to as the 'Site'.
- S.3. This report uses available data to examine likely effects of the proposed development on statutory designated European sites, both alone and in combination with other proposals; it sets out information required to inform an Appropriate Assessment (AA), which will ultimately be carried out by the competent authority (High Peak Borough Council). The following internationally designated sites were identified within 10km:
- South Pennine Moors SAC;
 - Peak District Moors (South Pennine Moors Phase 1) SPA; and
 - Peak District Dales SAC.
- S.4. The HRA screening exercise outlined in this report has identified the potential for construction and operation phase impacts on the Annexe II qualifying features of the Peak District Dales SAC. Other internationally designated sites have been screened out of further assessment through this exercise.
- S.5. Information to inform an appropriate assessment is provided, including information on potential construction and operation phase impacts on the Annexe II qualifying features of the Peak District Dales SAC, and proposed mitigation measures to control such impacts.
- S.6. It is anticipated that implementation of the mitigation measures outlined in this report during the site's construction and operation allows the competent authority to conclude that there will be no Likely Significant Effects (LSEs) arising from the proposed scheme on the Conservation Objectives or the qualifying features of the Peak District Dales SAC.



Section 1: Introduction

Introduction

- 1.1. This shadow Habitats Regulations Assessment (HRA) report has been prepared by Dunham Ecology Ltd on behalf of Mr Piper.
- 1.2. The subject of this shadow HRA report relates to the erection of an additional dwelling within the grounds of 17 Level Lane, Buxton (OS grid reference: SK 03810 72369). The area of proposed development is hereafter referred to as the 'Site'.
- 1.3. The Site is defined by the application red-line boundary, shown in **Figure 1.1** below.

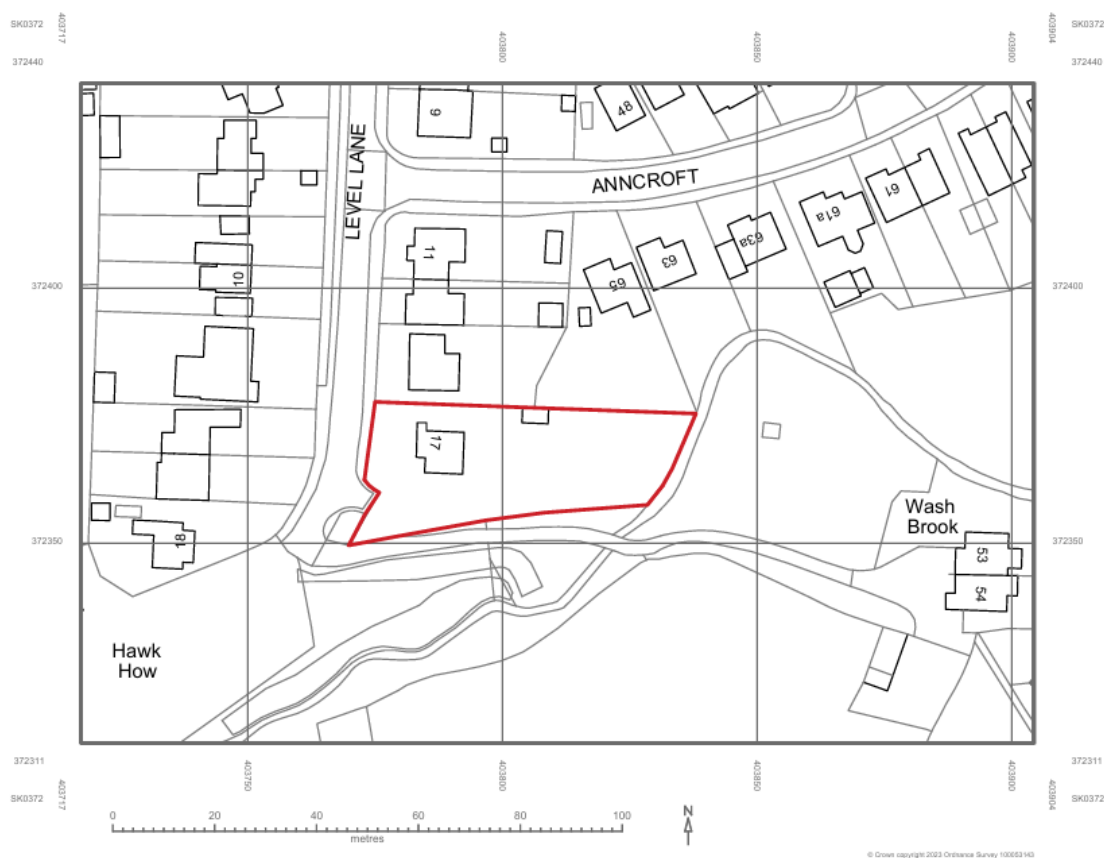


Figure 1.1. Indicative red line boundary (© SWOFO Architects)

Purpose

- 1.4. This report provides information to inform High Peak Borough Council (as the 'competent authority') to undertake a HRA of the proposed development in accordance with requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).



- 1.5. It uses available data to examine likely effects of the proposed development on statutory designated European sites, both alone and in combination with other proposals.

Limitations

- 1.6. This report has been undertaken in as detailed a way as possible, using data provided by third parties including publicly available information, where it exists.



Section 2: Relevant Legislation and Policy

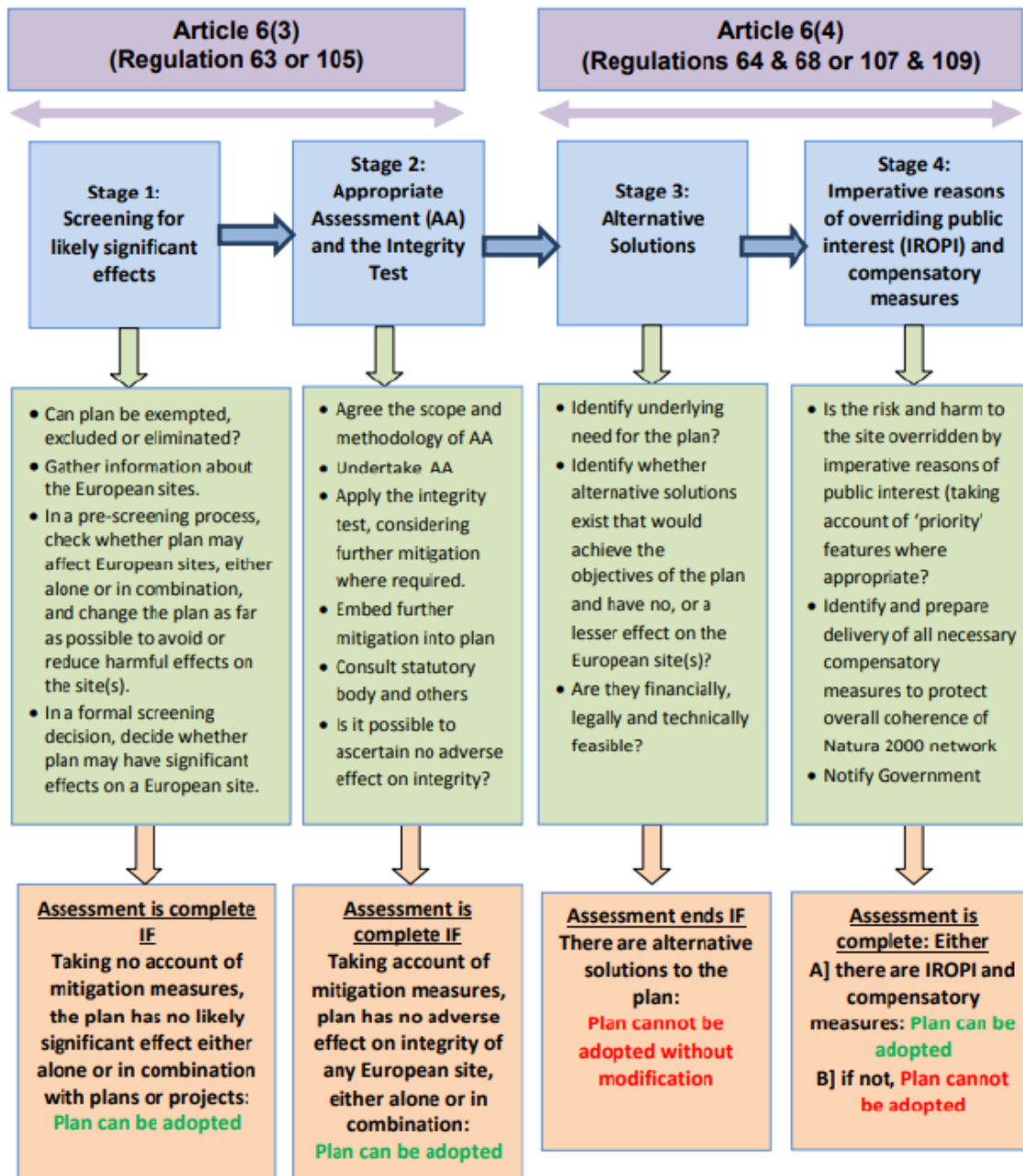
Legislation and national policy

- 2.1. The European Council Directive on the Conservation of Natural Habitats and of Wild Flora and Fauna, 1992, often referred to as the 'Habitats Directive', provides for the protection of key habitats and species considered of European importance (listed under Annex I, II and IV of the Directive). The Birds Directive (formally known as Council Directive 2009/147/EC on the conservation of wild birds) was also adopted in 2009. These directives have been transposed into UK law through The Conservation of Habitats and Species Regulations 2017 (as amended), hereafter referred to as 'the Habitats Regulations'.
- 2.2. It should be noted that the UK's departure from the European Union (EU) does not alter the implementation of this legislation in the UK at the time of writing. Section 6 of the EU (Withdrawal) Act 2018 (as amended) requires retained EU law such as the Conservation of Habitat and Species Regulations 2017 (as amended) to be interpreted in line with "retained case law" which includes retained EU case law.
- 2.3. European designated sites under the Habitats Regulations comprise:
 - Special Areas of Conservation (SACs) and candidate SACs (cSACs) designated under the Habitats Directive;
 - Special Protection Areas (SPAs) and potential SPAs (pSPAs), designated under the Birds Directive; and
 - European Marine Sites (EMS).
- 2.4. Ramsar sites, which are designated under the Convention on Wetlands of International Importance and are given equivalent protection under national planning policy, are also included in the term 'European Sites' for the purposes of this report.
- 2.5. Under the Habitats Regulations, competent authorities are required to consider impacts of any plans / projects which are likely to have LSEs on European designated sites - either alone or in-combination with other plans / projects. The assessment of the potential effects is termed an HRA, which is split into four stages, as described below:
 - **Stage 1:** Stage 1 is a screening stage to determine if the development is likely to have an LSE on a European site, either alone or in combination with other plans or projects and therefore if Appropriate Assessment (AA) is required;
 - **Stage 2:** If required, Stage 2 refers to an AA which is used to determine whether the project will adversely affect the integrity of any given European site(s) (through also considering proposed avoidance and mitigation measures), in view of their conservation objectives. Conservation objectives specify the overall target for a site's qualifying features (habitats and species / populations listed in Annex I and II) in order for that feature to be maintained or restored, to reach favourable conservation status;
 - **Stage 3:** Stage 3 is triggered if significant adverse effects are identified in stage 2 that cannot be avoided or mitigated. This stage requires alternative options to be examined to avoid significant impacts on European sites; and



- **Stage 4:** If it is deemed that the project should proceed for Imperative Reasons of Overriding Public Interest (IROPI), Stage 4 comprises an assessment of compensatory measures which would be required

2.6. The above stages are set out in **Figure 2.1** below.



Extract from *The Habitats Regulations Assessment Handbook*, www.dtapublications.co.uk
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Figure 2.1. The HRA process



- 2.7. The responsibility of undertaking AA, if required, lies with the competent authority who is responsible for granting consent for the scheme. In this case, High Peak Borough Council. However, it is the applicant's obligation to provide information to the competent authority to enable them to undertake the assessment. In this case, the applicant is Mr Piper.
- 2.8. This report aims to provide sufficient information to inform AA by High Peak Borough Council. Under the Habitats Regulations, the competent authority also has an obligation to consult with statutory nature conservation organisations - in this case Natural England.
- 2.9. The National Planning Policy Framework (NPPF) 2024 requires development plans to identify, map and safeguard international, national and locally designated sites of importance for biodiversity, such as European designated sites. Under the requirements of the NPPF, unless it has been concluded that the proposed development will not adversely affect the integrity of European designated sites, the usual presumption in favour of sustainable development does not apply.

Local Planning Policy

- 2.10. The High Peak Local Plan was adopted in 2016. Planning policy EQ5 states the following with respect to European designated sites:

"Conserving and enhancing sites of international, European, and national importance. On these sites the Council will not permit any development proposal that has an adverse effect on the integrity of a European site (or wildlife site given the same protection as European sites under the NPPF) either alone or in combination with other plans or projects. Local planning policy relevant to the proposed development is summarised below."



Section 3: Methodology

- 3.1. This report provides information relevant to HRA Screening (Stage 1) and AA (Stage 2).

HRA Stage 1: Screening

- 3.2. Screening aims to determine if the proposed development is likely to have an LSE on a European site. An effect is considered 'likely significant' if, in the absence of mitigation, it cannot be excluded based on objective information and it might undermine a European site's conservation objectives.
- 3.3. The scope of the assessment was determined by undertaking a desk-based assessment, including review of the following resources:
- The Habitats Regulations;
 - UK government guidance on the use of Habitats Regulations Assessment and AA;
 - Joint Nature Conservation Committee (JNCC) for citations of internationally designated sites;
 - Natural England's web resources for citations of European sites and associated conservation objective and site improvement plan documents (Natural England 2024);
 - Multi-Agency Geographic Information for the Countryside (MAGIC) Interactive Maps for locations of statutory sites (DEFRA 2024); and
 - High Peak Borough Council Local Plan HRA (2014)
 - High Peak Local Plan (2016) – Local Planning Policy EQ5
 - High Peak Borough Council Nutrient Neutrality advice
- 3.4. To assess whether LSEs may occur, the following information is provided:
- Identification of European sites and their respective qualifying features;
 - Identification and understanding of the conservation objectives the identified sites;
 - Estimation of the likely magnitude, duration, location and extent of effects on European sites if any are anticipated in the absence of mitigation; and
 - Identification of whether any element of the proposed development will have an LSE on any qualifying feature, either alone or in-combination with other projects and plans.

In-combination assessment

- 3.5. This report considers the potential for in-combination effects on European sites from the development both alone, and when considered in-combination with other relevant plans / projects.

HRA Stage 2: Appropriate Assessment

- 3.6. Where LSEs are likely, or it is uncertain if there would be significant effects following Stage 1, Screening, AA is required. This report provides information to inform AA, to be completed by High Peak Borough Council. AA must demonstrate whether an adverse effect on the integrity of relevant European sites can be ruled out or not, following inclusion of mitigation measures. Natural England must also be consulted at the AA stage.



- 3.7. For an AA, the implication of a plan or project on each European site to potentially be affected must be assessed in light of its conservation objectives. The development of conservation objectives is required by the 1992 Habitats' Directive (92/43/EEC); an objective of this legislation is to achieve 'favourable conservation status' (see below) of the habitats and / or species features for which the site is designated.
- 3.8. Favourable conservation status in the Habitats Directive Conservation status for habitats is defined in Article 1(e) as:

"[The] conservation status of natural habitats [is] the sum of influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species... The conservation status of natural habitats will be taken as 'favourable' when:

- its natural range and areas it covers within that range are stable or increasing; and*
- the species structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and*
- the conservation status of its typical species is favourable."*

- 3.9. Conservation status for species is defined in Article 1(i) as:

"[The] conservation status of a species means the sum of the influences acting on the species concerned that may affect the long-term distribution and abundance of its populations within [its] territory...The conservation status of species will be taken as 'favourable' when:

- population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats; and*
- the natural range of the species is neither being reduced for the foreseeable future; and*
- there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis."*



Assessment of effects and mitigation measures

- 3.10. An assessment of the implications for European sites in view of their conservation objectives is made, in terms of the magnitude, duration, location and extent of effects, both alone and in-combination with other developments.
- 3.11. The CJEU in the case of *People Over Wind, Peter Sweetman v Coillte Teoranta* (C 323/17, CJEU 2018) ruled that “in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site”. Hence it is not acceptable for the Stage 1 screening assessment to rely on avoidance or reduction (mitigation) measures. Therefore, if it cannot be concluded that there will be no LSE in the absence of mitigation measures, HRA Stage 2 (AA) is required.
- 3.12. This AA therefore considers any potential mitigation measures which would be required to determine if the magnitude, duration, location and extent of effects can be reduced / removed. These mitigation measures would form part of the planning consent, controlled by planning conditions, for the proposed development, if approved. Mitigation measures can include both avoidance measures and reduction measures, but the former approach is preferred.

Consultation

- 3.13. The following response was received from High Peak Borough Council following a pre-application request, dated the 18/10/2023:

The site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC). The Council has been notified that action must be taken to address exceedances of phosphorus in the River. As such, the Council cannot grant consent for development unless it can rule out “likely significant effects” on the SAC. A Habitats Regulations Assessment (HRA) will be required when the plan or project creates a source of water pollution or has an impact on water quality and when it is within the catchment of the SAC. Initially, a screening assessment will be required to consider if “likely significant effects” (alone or in-combination) on the SAC can be ruled out. If not, this will be followed by an “Appropriate Assessment” where the impact of the plan or project is considered in detail. Given that the proposal amounts to development that results in both an increase in surface area, and an increase in overnight stays, any application would need to be supported by an Appropriate Assessment as required by the Habitat Regulations 2017, which should firstly calculate the level of discharge that would be created by the proposal, having regard to an appropriate and agreed methodology, and secondly provide a detailed mitigation strategy that neutralises the impacts generated by the development, to the satisfaction of Natural England.

Integrity test

- 3.14. The integrity test requires the competent authority to ascertain if the development (alone and in-combination with other plans / projects) will not have a significant adverse effect on a European site’s integrity, which is defined as:
- 3.15. “the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the level of populations for the species for which it was classified.”



Monitoring

- 3.16. Details of any required monitoring are described where appropriate, either for the purposes of validating the findings of the AA, or as an early warning which would enable any actions resulting in an unexpected adverse impact to be stopped, paused, reduced, altered or removed.



Section 4: European Sites

- 4.1. The site is not covered by a statutory designation. Three European sites were identified within 10 km of the site: South Pennine Moors SAC, Peak District Moors (South Pennine Moors Phase 1) SPA and Peak District Dales SAC.
- 4.2. Details of European sites considered within this report are provided within **Table 4.1**.



Table 4.1: Relevant European sites

European Site Name	Distance and direction from the site	European Site size (hectares)	Reasons for designation (JNCC 2024)
South Pennine Moors SAC	200m West	65025.5	Annex I habitats that are a primary reason for selection of this site • 4030 European dry heaths • 7130 Blanket bogs (* if active bog) * Priority feature • 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site • 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> • 7140 Transition mires and quaking bogs
Peak District Moors (South Pennine Moors Phase 1) SPA	200m West	45300.57	Qualifying species: The site qualifies under article 4.1 of the 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: • 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% Non-qualifying species of interest: The site supports a rich upland breeding bird assemblage which, as well as the qualifying species listed above, includes important numbers of Peregrine <i>Falco peregrinus</i>, Lapwing <i>Vanellus vanellus</i>, Dunlin <i>Calidris alpina schinzii</i>, Snipe <i>Gallinago gallinago</i>, Curlew <i>Numenius arquata</i>, Redshank <i>Tringa totanus</i>, Common Sandpiper <i>Actitis hypoleucos</i>, Whinchat <i>Saxicola rubetra</i>, Wheatear <i>Oenanthe oenanthe</i>, Ring Ouzel <i>Turdus torquatus</i> and Twite <i>Carduelis flavirostris</i>.
Peak District Dales SAC	4km East and hydrologically linked by the River Wye	2331.52	Annex I habitats that are a primary reason for selection of this site • 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important on sites) • 9180 Tilio-Acerion forests of slopes, screes and ravines * Priority feature Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site • 4030 European dry heaths • 6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> • 7230 Alkaline fens • 8120 Calcareous and calcshist screes of the montane to alpine levels (<i>Thlaspietea rotundifolii</i>) • 8210 Calcareous rocky slopes with chasmophytic vegetation Annex II species that are a primary reason for selection of this site • 1092 White-clawed (or Atlantic stream) crayfish <i>Austropotamobius pallipes</i> Annex II species present as a qualifying feature, but not a primary reason for site selection • 1096 Brook lamprey <i>Lampetra planeri</i> • 1163 Bullhead <i>Cottus gobio</i>



Conservation objectives

4.3. Conservation objectives are set out by Natural England for SPAs and SACs in order to help public bodies comply with the law and to protect these sites. The conservation objectives for the European sites relevant to this assessment are set out below:

- South Pennine Moors SAC: *“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”*
- Peak District Moors (South Pennine Moors Phase 1) SPA: *“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;*
 - *The extent and distribution of the habitats of the qualifying features*
 - *The structure and function of the habitats of the qualifying features*
 - *The supporting processes on which the habitats of the qualifying features rely*
 - *The population of each of the qualifying features, and,*
 - *The distribution of the qualifying features within the site.”*
- Peak District Dales SAC: *“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.”*



Section 5: Stage 1 Screening Assessment

- 5.1. The aim of the HRA Screening is to establish whether construction or operation of the proposed development at the site is likely to result in a Likely Significant Effect (LSE) on European Sites.
- 5.2. In this stage, the following information is required:
- Identification of internationally designated sites;
 - Identification / understanding of conservation objectives of each interest/ qualifying feature;
 - Estimation of the likely magnitude, duration, location and extent of effects of the changes on internationally designated sites, as far as can be reasonably predicted; and
 - Identification of whether any element of the development will have an LSE on any feature or interest, either alone or in combination with other projects / plans
- 5.3. **Table 5.1** below summarises the potential impact pathways and LSEs considered as part of this assessment.



Table 5.1: HRA Screening Assessment

European Site Name	Qualifying Features	Potential for effects on Qualifying Features	Is the scheme likely to have a significant effect on European site(s) (yes/no)?	Effect in combination with other plans / projects?
South Pennine Moors SAC	Annex I habitats that are a primary reason for selection of this site • 4030 European dry heaths • 7130 Blanket bogs (* if active bog) * Priority feature • 91A0 Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site • 4010 Northern Atlantic wet heaths with <i>Erica tetralix</i> • 7140 Transition mires and quaking bogs	The South Pennine Moors SAC sits approximately 200m west of the site and is separated by further residential dwellings and Macclesfield Old Road. The site does not contain any habitat, nor is it adjacent to any qualifying habitat. The proposals are small scale, with a net increase of one residential dwelling and are contained to the existing curtilage of 17 Level Lane. Given the scale of the development, the distance and the temporary, short term nature of construction, no impacts from dust generation or noise, resulting in an adverse impact on any habitat feature, are anticipated. During operation, there is the potential for damage/disturbance to qualifying habitats from increased recreational pressure. There is also the potential for habitat degradation from increased emissions from additional vehicle usage. However, given the very small scale of the development, this is not considered to result in an adverse impact on any habitat feature.	No	No
Peak District Moors (South Pennine Moors Phase 1) SPA	Qualifying species: The site qualifies under article 4.1 of the 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: • 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%	The Peak District Moors SPA sits approximately 200m west of the site and is separated by further residential dwellings and Macclesfield Old Road. The site does not contain any habitat nor is it adjacent to any suitable habitat, with the potential to support any of the qualifying bird species of the SPA. It is anticipated that there will be increased noise during construction of the dwellings. However, the site is very contained in its suburban setting, with no suitable habitat adjacent. The construction period will also be short term and temporary, with other noise, for which the birds are habituated present along Macclesfield Old Road. For this reason, no construction phase impacts are considered likely, and this impact pathway is not considered further. During operation, there is the potential for damage/disturbance to qualifying bird species through increased recreational pressure. However, given the very small scale of the development, this is not considered to result in an adverse impact on any qualifying feature.	No	No
Peak District Dales SAC	Annex I habitats that are a primary reason for selection of this site 6210 Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) 9180 Tilio-Acerion forests of slopes, screes and ravines * Priority feature Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site • 4030 European dry heaths • 6130 Calaminarian grasslands of the <i>Violetalia calaminariae</i> • 7230 Alkaline fens • 8120 Calcareous and calcshist screes of the montane to alpine levels (<i>Thlaspietea rotundifolii</i>) • 8210 Calcareous rocky slopes with chasmophytic vegetation Annex II species that are a primary reason for selection of this site • 1092 White-clawed (or Atlantic stream) crayfish <i>Austropotamobius pallipes</i> Annex II species present as a qualifying feature, but not a primary reason for site selection • 1096 Brook lamprey <i>Lampetra planeri</i> • 1163 Bullhead <i>Cottus gobio</i>	The Peak District Dales SAC sits approximately 4km east of the site and is separated by town of Buxton. However, the site is immediately adjacent to the River Wye which is considered functionally and hydrologically linked to the SAC for the Annexe II species for which it is designated. Given the distance from the site to the European site, no construction phase impacts are anticipated to the Annexe 1 habitats present, and these features are not considered further. However, there are potential impacts to the Annexe II species through physical damage and non-toxic contamination from construction activities, in the absence of a Construction Environmental Management Plan (CEMP), from sedimentation and fuel/chemical spills running off into the River Wye. This could lead to mortality of white clawed crayfish, brook lamprey and bullhead. During operation, given the distance of the site from the European site and the small scale of development, no impacts to the annexe I habitats are anticipated through increased recreational pressure, therefore, these features are not considered further. Given, the site lies within the catchment of the River Wye which forms the Peak District Dales Special Area of Conservation (SAC), non-toxic contamination through nutrient enrichment (phosphorous) has the potential for effect on Annexe II qualifying species during operation of the project through foul and surface water discharge. This was confirmed by High Peak Borough Council through the pre-application response, detailed in Table 3.1, following a letter from Natural England to the Council in March 2022 outlining the requirement for Nutrient Neutrality as follows:	Yes (for Annexe II species only)	Yes for Annexe II species only)



European Site Name	Qualifying Features	Potential for effects on Qualifying Features	Is the scheme likely to have a significant effect on European site(s) (yes/no)?	Effect in combination with other plans / projects?
		<i>“Nutrient neutrality advice requires that competent authorities under the Habitats Regulations carefully consider the nutrient impacts of any new plans and projects on habitats sites, and whether those impacts may have an adverse effect on the integrity of a habitats site that requires mitigation.”</i> The elevated levels of nutrients can cause eutrophication, leading to algal blooms which disrupt normal ecosystem function and cause major changes in the aquatic community. These algal blooms can result in reduced levels of oxygen within the water, which in turn can lead to the death of many aquatic organisms including invertebrates and fish. Algal growth in the waterbody can also lead to a loss of suitable substrate condition for bullhead and lamprey through sedimentation. In the absence of mitigation, the proposals are unlikely to be nutrient neutral, so in line with the methodology set out in Section 3, further assessment is required at Stage 2 AA.		



Section 6: Stage 2 Appropriate Assessment

- 6.1. This section sets out information to inform AA in relation to potential LSEs on the Annexe II species of the Peak District Dales SAC. The potential for the project to adversely affect the integrity of the Peak District Dales SAC has been considered with reference to its respective conservation objectives (Natural England, 2024), as defined in **Section 4**.

The proposed development alone

Impact Assessment

- 6.2. As detailed in the screening section of this report, the proposed development has been screened in for a Stage 2 AA based on LSEs regarding non-toxic contamination during both construction and operation on the Annexe II species of the Peak District Dales SAC. The following section details these impact pathways for both the construction and operational phase of the development.

Construction Phase

- 6.3. Construction phase impacts have been identified on the Annexe II qualifying species of the Peak District Dales SAC, potential impacts comprise:
- Physical damage/mortality through sedimentation of supporting riverine habitats or eggs; and
 - Physical damage/mortality through water quality impacts from fuel/chemical spills, reducing dissolved oxygen in the watercourse.
- 6.4. Given the unfavourable status of the SAC, the above impacts have the potential to compromise the following conservation objectives, which could be conservation an adverse effect on integrity:
- *The extent and distribution of qualifying natural habitats and habitats of qualifying species;*
 - *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.*

Operation Phase

- 6.5. Operational phase impacts have been identified on the Annexe II qualifying species of the Peak District Dales SAC, potential impacts comprise:
- Physical damage/mortality through water quality impacts from phosphorous enrichment, accelerating macrophyte growth and reducing dissolved oxygen in the watercourse available for Annexe II fish species.
- 6.6. Given the unfavourable status of the SAC, the above impacts have the potential to compromise the following conservation objectives, which could be conservation an adverse effect on integrity:



- *The extent and distribution of qualifying natural habitats and habitats of qualifying species;*
- *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.*

6.7. Enviren were appointed by Mr Piper to undertake a Development Nutrient Budget Calculator, as per Natural England guidance. This assessment¹ confirmed that the foul water drainage from the proposed dwelling would be treated at Buxton WwTW and the surface water from the site would be discharged to the adjacent River Wye. The calculator concluded that there would be an additional 0.02kg/year of phosphorous from foul water arisings. This illustrates the potential for an impact pathway to the qualifying species. The balance of existing land use and proposed land use requires consideration, but this is presented under mitigation below, with the inclusion of the proposed SuDS design.

Mitigation Measures

Construction Phase

6.8. In order to mitigate for potential for sedimentation and water quality pollution in the River Wye, the construction phase of the proposed works will need to proceed in accordance with an approved Construction and Environmental Management Plan (CEMP), which can be secured via planning condition. The following measures are considered appropriate to serve as mitigation within the CEMP, but are not an exhaustive list:

- Maintenance of a suitable buffer from the River Wye (10m buffer recommended, noting the small incursion of this buffer, reducing to a 8.5m buffer on the proposed layout), free from all construction activity and storage of materials, to be fenced off with Heras fencing;
- Adherence with best practice pollution prevention measures, PPG 6² to include the following:
 - Design SuDS for the construction phase to control surface water run-off – quantity and quality;
 - Identify drains at risk from spills, contamination or misuse. Protect them where ‘pollution risky’ activities or pollutants that are a hazard e.g. oil / fuel / chemical / waste storage areas, refuelling areas, vehicle / cement mixing or washing out, dewatering;
 - Provide protection facilities for any vulnerable drainage;
 - Identify existing protection measures, e.g. gullies and silt traps and oil separators (see PPG 3);
 - Inspect existing protection measures; repair, empty and clean out before you start work on site; and

¹ Enviren (2024) Nutrient Neutrality Assessment and Mitigation Strategy (NNMAMS) 17 Level Lane, Buxton, Reference: 2300307-ENV-S1-EM-TR-E-0001, 06/12/2024

² Environment Agency 2012 Working at construction and demolition sites: PPG6 Pollution Prevention Guidelines <https://assets.publishing.service.gov.uk/media/5a7f0ca340f0b6230268d1f1/pmho0412bwfe-e-e.pdf>



- Inspect drains and protection measures frequently and maintain them during the work; well maintained drains will also reduce risks of flooding; and
- Implementation of silt protection measures, including silt fencing adjacent the River Wye, to be subject to regular maintenance.

Operation Phase

- 6.9. The Enviren report³ proposes that runoff from the site will be treated by permeable paving, with a phosphorous removal rate of 39%. The SuDs features would require ongoing maintenance as per the recommendations in Appendix 3 of the Enviren report⁴. With use of these SuDs, this reduces the phosphorous runoff into the River Wye from the existing 0.11kg/year to 0.07kg/year, a balance of minus 0.04kg/year. Therefore, despite the additional dwelling contributing 0.02kg/year, the overall balance of phosphorous entering the River Wye will be reduced by 0.02kg/year compared to baseline, achieving nutrient neutrality in accordance with Natural England guidance⁵.

The proposed development in combination with other plans or projects

- 6.10. There is no residual effect anticipated from the proposed development alone following implementation of the mitigation measures set out above. Therefore, in the absence of a discernible impact, no in combination assessment is required with other plans or projects.

Integrity Test

- 6.11. It is anticipated that implementation of the above mitigation measures during construction and operation allows the competent authority to conclude that there will be no significant adverse effects arising from the proposed scheme, on the Conservation Objectives or the qualifying features of the designated sites.
- 6.12. The information provided in this report, should provide High Peak Borough Council, the competent authority, sufficient information to undertake an AA.

Monitoring

- 6.13. There is sufficient confidence in the mitigation measures proposed and their success that no monitoring is proposed.

Shadow AA (HRA Stage 2) conclusion

- 6.14. Considering the above information, providing the avoidance and mitigation measures described above are employed, no LSEs on the integrity of the Peak District Dales SAC are anticipated from the proposed development, either alone or in-combination with other plans and projects. Therefore, it is not considered necessary to complete HRA stages 3 and 4.

³ Enviren (2024) Nutrient Neutrality Assessment and Mitigation Strategy (NNMAMS) 17 Level Lane, Buxton, Reference: 2300307-ENV-S1-EM-TR-E-0001, 06/12/2024

⁴ Enviren (2024) Nutrient Neutrality Assessment and Mitigation Strategy (NNMAMS) 17 Level Lane, Buxton, Reference: 2300307-ENV-S1-EM-TR-E-0001, 06/12/2024

⁵ WOOD, A., WAKE, H. and MCKENDRICK-SMITH, K. 2024. Peak District Dales Special Area of Conservation – Evidence Pack Third Edition. Natural England Technical Information Note TIN192.

