

Delegated Cabinet Member Decision Report

Decision Maker and Portfolio area:	Councillor Robert, Cabinet Member for Housing
Date of Decision:	21 November 2019
Subject:	Report on Update of Sites of Biological Importance
Report Author:	Georgina Brownridge
Ward(s) Affected:	Failsworth East and West, Waterhead and Shaw

Reason for the decision: The reason for this decision is to adopt changes, which have occurred to designated Sites of Biological Importance (SBIs) within the borough and to note the SBI Review – 2017, Oldham District Synopsis' report.

Summary: This report outlines changes to SBIs from site surveys carried out by the Greater Manchester Ecology Unit (GMEU) in 2017 (received in 2019). A summary of the reviews is also included for information.

Designation of an SBI brings no statutory protection and does not allow the authority any additional powers of control over the land. The land also remains in its present ownership. Designation does, however, mean that the sites are given consideration under the under NPPF and the Local Plan which seeks to avoid harm to ecology.

What are the alternative option(s) to be considered? Please give the reason(s) for recommendation(s):

Option 1 - To adopt the changes to the SBIs listed in Table 1. The advantage of this option is that the changes to SBIs will be subject to the principles set out in National Planning Policy Framework (NPPF) to avoid, mitigate and as a last resort compensate any harm. There are no

disadvantages to this option. If development was proposed it would be expected to comply with NPPF and Local Plan policies.

Option 2 - Not to adopt the changes to the SBIs listed in Table 1. There are no advantages to this option. The disadvantage is that boundary changes will not have been adopted and therefore the full extent of the SBI's may not be given due consideration under NPPF and the Local Plan.

Recommendation(s):

Option 1 - To adopt the changes to the SBIs listed in Table 1. The advantage to this option is that the changes to SBIs will be subject to the principles set out in NPPF of avoid, mitigate and as a last resort compensate any harm.

Implications:

*What are the **financial** implications?*

There are no financial implications arising directly from this report.

(James Postle)

*What are the **procurement** implications?*

None.

*What are the **legal** implications?*

Designating land as a Site of Biological Importance enables appropriate planning policies in the NPPF and the Council's Local Plan to be applied in respect of planning applications affecting the land. In accordance with the revised scheme of delegation for Local Development Framework matters agreed by Council in September 2012, updates to the Sites of Biological Importance can be regarded as part of the evidence base for the Local Plan and therefore the report can be approved by the Portfolio Member in consultation with the Executive Director. (A Evans)

*What are the **Human Resources** implications?*

None.

Equality and Diversity Impact Assessment attached or not required because (please give reason)

None as report relates to biodiversity and reports on assessments carried out by Greater Manchester Ecology Unit.

*What are the **property** implications*

It is noted that the Council owns land within the SBIs at Medlock Headwater & Strinesdale, Medlock Vale & Lumb Clough (North) and Shaw Side. The proposed boundary changes however have no implications on the Council from a property perspective. (Mark Elton)

Risks:

No risk comments (M Stenson).

Co-operative agenda

The Report on Updates to Sites of Biological Importance follows the values of the Cooperative Agenda. When surveying sites GMEU follow the guidelines set out in the GMEU 'SBI Selection Guidelines'. This Report is presented in an open and transparent manner. The Report demonstrates the council working together with GMEU to identify any changes to SBIs so that they can be given consideration under NPPF and the Local Plan.

Has the relevant Legal Officer confirmed that the recommendations within this report are lawful and comply with the Council's Constitution?

Yes

Has the relevant Finance Officer confirmed that any expenditure referred to within this report is consistent with the Council's budget?

Yes

Are any of the recommendations within this report contrary to the Policy Framework of the Council?

No

Reason why this Is a Key Decision

(2) to be significant in terms of its effects on communities living or working in an area comprising two or more Wards or electoral divisions in the area of the local authority.

The Key Decision made as a result of this report will be published within **48 hours** and cannot be actioned until **five working days** have elapsed from the publication date of the decision, i.e. before 3 December 2019, unless exempt from call-in.

This item has been included on the Forward Plan under reference HSG-09-19.

List of Background Papers under Section 100D of the Local Government Act 1972:

Title	Available from
Greater Manchester Sites of Biological Importance Selection Guidelines (revised 2016)	Room 310 or https://www.tameside.gov.uk/ecologyunit/sbi/guidelines.pdf

Report Author Sign-off:	<i>G.Brownridge</i>
Date:	15 November 2019

Please list any appendices:-

Appendix number or letter	Description
1	Sites of Biological Importance Maps. Maps are shown for sites where SBIs have had a site boundary change.

Background:

This report provides an update on changes, which have occurred to designated Sites of Biological Importance (SBIs) within the borough. These are sites which have been surveyed by the Greater Manchester Ecology Unit (GMEU) in the review year January to December 2017 and reported in 2019.

SBIs are given protection through section 15 of the National Planning Policy Framework (NPPF) and in our Local Plan through Joint Core Strategy and Development Management Policies Development Plan Document (Joint DPD) Policy 6 'Green Infrastructure' and Policy 21 'Protecting Natural Environmental Assets'.

NPPF sets out the following two paragraphs:

174. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation; and
- b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

175. When determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

GMEU periodically surveys the sites as part of a continuous process, and notifies the council when there are changes, such as boundaries or gradings being changed, or where new sites are identified, or existing sites deleted.

Oldham has 38 SBIs, including one SBI which falls within the Peak District National Park. The SBIs cover a total area of 3455.0 hectares (ha), with a net change of +0.1 ha from 2016 (see Table 1 below).

Within the Borough we have:

- 11 SBIs Grade A, measuring 3298.2. No net change in the total area of Grade A SBIs since 2016;
- 13 SBIs Grade B, measuring 113.8 ha. There was a net change of -1 site and - 2.1ha in Grade B SBIs since 2016. Please note this was the deletion of Royton moss SBI which was approved on 10 May 2018;
- 14 SBIs Grade C, measuring 43.0 ha. There was the addition of 2.2 hectares since 2016.

Proposals:

Changes to individual SBIs for 2017 are summarised in Table 1 below. Maps are attached for SBIs where there are boundary changes in Appendix 1.

Table 1: Changes to Sites of Biological Importance 2017

Site	Grade	Change	Area Change (Hectares)	Reason
Royton Moss	B	Site Deleted	-2.3	Deletion already approved on 10 May 2018.
Brookdale Clough (East)	C	Description Change Only	N/A	Description change.
Medlock Headwater & Strinesdale	B	SBI boundary	+0.2 ha	Additional Marsh Area (0.1 ha) and Technical gain new OS base (0.1 ha)
Medlock Vale and Lumb Clough (North)	C	SBI boundary	+0.3	Inclusion of additional area of woodland and river
Shaw Side	C	SBI Boundary	+1.9	Expansion of wetland habitat

The following SBIs were visited but had no changes:

- a) Crime Lake & Fairbottom Canal; and
- b) Moorgate Quarry.

The GMEU also circulated the 'SBI Review – 2017, Oldham District Synopsis'. GMEU visited seven SBIs representing 18% of Oldham's SBIs during the annual review period (January – December 2017). The synopsis summarises the changes made to SBIs (Appendix 2).

Implications of adopting changes recommended by GMEU:

It should be noted that by adopting the boundary changes for Shaw Side SBI this may result in implications for the Greater Manchester Strategic Framework proposed strategic allocation Beal Valley:

- Indicative plot C would be covered by the SBI boundary change. Plot C is currently proposed for 30 dwellings;
- Indicative plot A would be partially covered by the SBI (land to the south of the secondary road). This may reduce the capacity of plot A which proposes 87 dwellings in total.

The GMSF Beal valley allocation policy should reflect the revised SBI boundary and require applicants to follow the hierarchy of firstly avoiding harm to the SBI as set out in NPPF (paragraph 175). This may reduce the capacity of the strategic allocation if an alternative plot cannot be located to replace Plot C, or it may require additional mitigation / compensation for the Beal Valley in accordance with NPPF.

The council can choose not to adopt the SBI boundary change. However, this may be conflict with other environmental objectives at a Greater Manchester and local plan level. In not adopting the SBI changes this does not mean that the ecology present on the site is not addressed at the planning application stage. Applicants would still be expected to follow the hierarchy of avoid, mitigate and compensate for any loss or harm to biodiversity present on site.

Conclusions:

To adopt changes, which have occurred to designated SBIs within the borough.

Hannah Roberts, Housing

In consultation with

(Relevant Executive Director/Director



Date: 20/11/19