

## **Delegated Officer Report**

<b>Decision Maker:</b>	<b>Paul Clifford, Director of Economy</b>
<b>Date of Decision:</b>	<b>22 July 2024</b>
<b>Subject:</b>	<b>Approval of the initial Strategic Environmental Assessment (SEA) Determination Statements and Habitat Regulation Assessment (HRA) Screening Statements for the South Pennines Special Area of Conservation (SAC) and Special Protection Area (SPA) Supplementary Planning Document (SPD) and the Holcroft Moss Planning Obligations SPD</b>
<b>Report Author:</b>	<b>Elizabeth Dryden-Stuart, Strategic Planning and Information</b>
<b>Ward (s):</b>	All wards

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**Reason for the decision:** *To approve the initial Strategic Environmental Assessment (SEA) Determination Statements and Habitat Regulation Assessment (HRA) Screening Statements for the South Pennines Special Area of Conservation (SAA) and Special Protection Area (SPA) Supplementary Planning Document (SPD) and Holcroft Moss Planning Obligations SPD for consultation with the Environment Agency, Historic England, and Natural England on whether an environmental assessment is required.*

*In accordance with:*

- a) Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) and European Directive 92/43/EEC (the Habitats Directive); and*
- b) Regulation 9 (3) of the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC.*

*The statements will also be published on the GMCA's website and made available via [www.oldham.gov.uk](http://www.oldham.gov.uk).*

## Summary:

### Introduction

To support implementation of the Places for Everyone, the following Supplementary Planning Documents (SPDs) have been prepared:

- *Holcroft Moss Planning Obligations SPD, to support Policy JP-C8: Transport Requirements of New Development.*
- *South Pennine Moors SAC / SPA SPD, to support Policy JP-G5 and specifically criterion 7 which seeks to ensure new development does not have an adverse impact on the protected habitats and species on the South Pennine Moors.*

### The requirement for a HRA Screening Statement

*The requirement for a HRA is set out within Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended) and Articles 6(3) and 6(4) of the Habitats Directive. Legislation requires an Appropriate Assessment of any plan or project to be undertaken to assess if it is likely to have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, now known as the national site network (formerly known as Natura 2000 sites). As part of carrying out the assessment the competent authorities must consult the appropriate nature conservation body (Natural England) and have regard to any representations made by that body. In addition, if they consider it appropriate the competent authorities must also take the opinion of the general public.*

*This statement sets out the competent authorities' assessment (screening assessment) on whether the SPD is likely to have significant adverse effects on the national network of biodiversity sites in accordance with Regulation 63 (see above) and European Directive 92/43/EEC (the Habitats Directive) .*

### The requirement for an initial SEA Determination Statement

*The requirement for a SEA is set out in the Environmental Assessment of Plans and Programmes Regulations 2004 (the Regulations), which implements the*

*requirements of the European Directive 2001/42/EC. Its purpose is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development”. It requires the determination as to whether the plan or programme under assessment is likely to have significant environmental effects, taking account of the criteria set out in Schedule 1 of the Regulations.*

*The Regulations require that the results of this process are set out in a Screening Determination Statement. This will be made available alongside the associated SPD when it is published for consultation. Before making a formal determination in relation to the SEA, there is a requirement to consult the three statutory consultation bodies designated in the Regulations (the Environment Agency, Historic England, and Natural England) on whether environmental assessment is required.*

*The initial SEA Determination Statements and the HRA Screening Statements will also be published on the GMCA’s website and made available via [www.oldham.gov.uk](http://www.oldham.gov.uk).*

*Further details regarding each of the SPDs are provided below.*

#### *South Pennine Moors SAC / SPA SPD*

*Oldham Council, Rochdale Council and Tameside Council have prepared a SPD on the South Pennine Moors to support implementation of PfE Policy JP-G5.*

*In relation to the HRA, the competent authorities consider that the South Pennine Moors SAC/SPAs SPD will not have significant adverse effects on any sites in the national sites network, either alone or in combination with other plans and projects. The reasons for this are set out in paragraphs 4.2 to 4.5 of the HRA statement.*

*The three authorities also consider that after having regard to the Environmental Assessment of Plans and Programmes Regulations 2004 the South Pennine Moors SPD does not require a*

*SEA. The reasons for this are set out in paragraphs 4.3 to 4.6 of the SEA statement.*

#### *Holcroft Moss SPD*

*The Holcroft Moss Planning Obligations SPD sets out how the nine PfE Plan authorities will seek to secure contributions from developers to mitigate the impacts of development proposals on Holcroft Moss, which emerged through the PfE Plan making process (and also Warrington's Local Plan) and through detailed discussions with Natural England.*

*The SPD supports implementation of PfE Policy JP-C8: Transport Requirements of New Development.*

*In relation to the HRA, the competent authorities consider that the Holcroft Moss Planning Obligations SPD will not have significant adverse effects on any sites in the national sites network, either alone or in combination with other plans and projects. The reasons for this are set out at paragraphs 4.2 to 4.5 of the HRA statement.*

*The PfE Plan authorities also consider that after having regard to the Environmental Assessment of Plans and Programmes Regulations 2004 the Holcroft Moss SPD does not require a Strategic Environmental Assessment (SEA). The reasons for this are set out at paragraph 4.3 of the SEA statement.*

#### *Next Steps*

*The statements will be reviewed and updated, if required once responses from the three statutory consultees have been received and considered as part of the iterative screening process.*

*Final screening statements will be provided as part of the formal public consultation stage for both the South Pennine Moors SAC/SPA SPD and the Holcroft Moss Planning Obligations SPD.*

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

***Option 1 – To approve the initial Strategic Environmental Assessment (SEA) Determination Statements and Habitat Regulation Assessment (HRA) Screening Statements for the South***

*Pennines SAC / SPA SPD and Holcroft Moss Planning Obligations SPD for consultation with the Environment Agency, Historic England, and Natural England on whether an environmental assessment is required.*

*In accordance with:*

*a). Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) and European Directive 92/43/EEC (the Habitats Directive); and*

*b). Regulation 9 (3) of the Environmental Assessment of Plans and Programmes Regulations 2004 and European Directive 2001/42/EC.*

*The statements will also be published on the GMCA's website and made available via [www.oldham.gov.uk](http://www.oldham.gov.uk).*

**Option 2** - *To not approve the initial screening determinations for the South Pennines SAC / SPA SPD and Holcroft Moss Planning Obligations SPD for consultation with the Environment Agency, Historic England, and Natural England on whether an environmental assessment is required. This would not be in accordance with the relevant regulations and would undermine preparation of both SPDs.*

**Consultation: including any conflict of interest declared by relevant Cabinet Member consulted.**

*Not applicable*

**Recommendation(s):**

*To approve the initial Strategic Environmental Assessment (SEA) Determination Statements and Habitat Regulation Assessment (HRA) Screening Statements for the South Pennines SAC / SPA SPD and Holcroft Moss Planning Obligations SPD for consultation with the Environment Agency, Historic England, and Natural England on whether an environmental assessment is required. The statements will also be published on the GMCA's website and made available via [www.oldham.gov.uk](http://www.oldham.gov.uk).*

**Implications:**

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

*There are no financial implications.*

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

*The final decision on the screening*

determinations will be taken after consultation with the relevant statutory consultation bodies pursuant to Regulation 9(2) of the Environmental Assessment of Plans and Programmes Regulations 2004 and Regulation 63(3) of the Conservation of Habitats and Species Regulations 2017. It is therefore necessary to approve the initial screening determinations to allow the statutory consultation to occur. (A Evans)

What are the **procurement** implications?

*There are no procurement implications.*

What are the **Human Resources** implications?

*There are no Human Resources implications.*

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

*The initial SEA Determination Statements are for the South Pennines and Holcroft Moss SPDs which support policies in the Places for Everyone (PfE) Joint Development Plan. PfE was subject to, and informed by, an Integrated Assessment which included an Equality Impact Assessment.*

What are the **property** implications

*There are no property implications.*

**Risk assessments:**

*The recommended option ensure that the Council is acting in line with the appropriate legislation and European Directives. The service should ensure that when the consultation with the organisations has concluded that their recommendations in relation to the environmental assessment are considered. The service should also review the screening determination when it is published by GMCA.*

*(Vicki Gallacher, Head of Insurance and Information Governance)*

**Co-operative implications**

*The initial SEA Determination Statements are for the South Pennines and Holcroft Moss Planning Obligations SPDs which support policies in the Places for Everyone (PfE) Joint Development Plan.*

**IT implications**  
**Environmental and Health and Safety implications**

*There are no IT implications. PfE was subject to, and informed by, an Integrated Assessment which included an Equality Impact Assessment.*

**Community cohesions, including crime and disorder implications**

*PfE was subject to, and informed by, an Integrated Assessment which included an Equality Impact Assessment.*

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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? No

Are any of the recommendations within this report contrary to the Policy Framework of the Council? No

**There are no background papers for this report**

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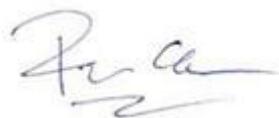
<b>Report Author Sign-off:</b>	<i>E. Dryden-Stuart</i>
<b>Date:</b>	17 July 2024

Please list and attach any appendices:-

<b>Appendix number or letter</b>	<b>Description</b>
Appendix 1	South Pennine Moors Special Area of Conservation (SAC) / Special Protection Areas (SPA) Supplementary Planning Document - Initial SEA Determination Statement
Appendix 2	South Pennine Moors Special Area of Conservation (SAC) / Special Protection Areas (SPAs) Supplementary Planning Document – Habitat Regulation Assessment Screening Statement
Appendix 3	Holcroft Moss Planning Obligations Supplementary Planning Document Initial SEA Determination Statement
Appendix 4	Holcroft Moss Planning Obligations Supplementary Planning Document HRA Screening Statement

In consultation with Director

Signed :



Date: 22/07/24