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Ecological Consultants
Environmental and Rural Chartered Surveyors

Shadow Habitat Regulations Assessment

Application Number: 3/2023/0465

Address: Black Moss Farm, Elmridge Lane, Chipping, PR3 2NY

Proposal: Erection of dairy cattle building with underground slurry tanks, associated hard standing & solar panels, removal of redundant slurry store & erection of two concrete slurry tanks with canopies



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ACCURACY OF REPORT

This report has been compiled based on the methodology as detailed and the professional experience of the surveyor. Whilst the report reflects the situation found as accurately as possible, all of the protected species this survey covers are wild and can move freely from site to site. Their presence or absence detailed in this report does not entirely preclude the possibility of a different past, current or future use of the site surveyed.

We would ask all clients acting upon the contents of this report to show due diligence when undertaking work on their site and/or in their interaction with protected species. If protected species are found during a work programme, and continuing the work programme could result in their disturbance, injury or death, either directly or indirectly an offence may be committed.

If in doubt, stop work and seek further professional advice.

QUALITY AND ENVIRONMENTAL ASSURANCE

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1. INTRODUCTION

1.1.1 Article 6(3) of the European Habitats Directive dealing with the conservation of European protected sites states that:

'Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to assessment of its implications for the site in view of the site's conservation objectives. In 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 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.'

1.1.2 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 transposed the European Habitats Directive into UK Law. Former European Protected Sites are now referred to as Natura 2000 sites.

1.1.3 It is proposed there is erection of a dairy cattle building with underground slurry tanks, associated hard standing & solar panels, removal of redundant slurry store & erection of two concrete slurry tanks with canopies. This site is in proximity to Bowland Fells Special Protection Area (SPA).

1.1.4 Because the development is not necessary to manage the Natura 2000 site for nature conservation purposes but could cause harm to the special nature conservation interests of the Natura 2000 site the development is considered to have some potential to have an impact on the special interest of the Natura 2000 site and therefore an Assessment of the development is required under the terms of the above legislation.

1.1.5 The 'Natura 2000 Network' are of exceptional importance for the conservation of important species and natural habitats within the European Union. The purpose of Habitats Regulation Assessment (HRA) of land use plans is to ensure that protection of the integrity of Natura 2000 sites is an integral part of the planning process at a regional and local level. The network of Natura 2000 protected sites comprises Special Protection Areas (SPAs), Special Areas of Conservation (SACs), Marine Conservation Zones (MCZs) and Ramsar sites. Government guidance advises that potential SPAs (pSPA), candidate SACs (cSAC) and potential Ramsar (pRamsar) sites are also included in HRAs.

1.1.6 Habitats Regulation Assessments can be seen as having a number of discrete stages -

- Stage 1 - Screening
- Stage 2 - Appropriate Assessment
- Stage 3 - Assessment of Alternatives
- Stage 4 - Assessment where no alternatives are available

1.1.7 Following recent Case Law it has been established that where a potentially harmful impact on a Natura 2000 site has been identified and mitigation measures have been put forward, which are not an integral part of the development, these mitigation measures can only be considered as part of a more formal Assessment (Stage 2).

1.1.8 In the case under consideration here, potentially harmful effects arising from the development proposal have been screened out and mitigation measures have not been proposed. This Assessment therefore constitutes a Stage 1 - a Screening Assessment.

1.1.9 Envirotech was commissioned, to undertake a Shadow Habitat Regulations Assessment of the potential impacts of the proposed works (The Project) on the nearby Natura 2000 sites in accordance with the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

1.1.10 This study was led by Andrew Gardner (Envirotech).

2. BRIEF DESCRIPTION OF THE APPLICATION BEING ASSESSED

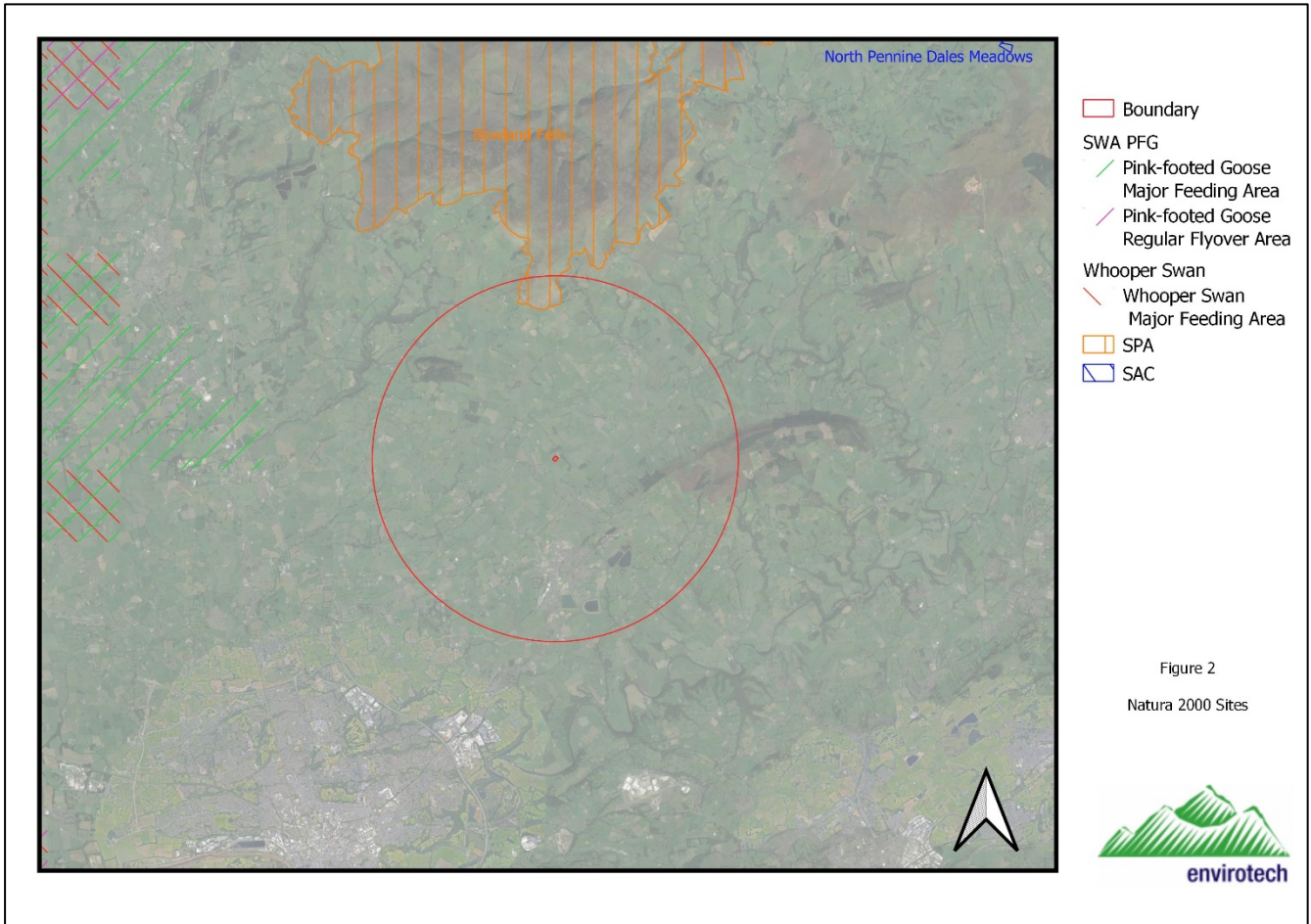
2.1.1 The proposal under consideration is a planning application for “Erection of dairy cattle building with underground slurry tanks, associated hard standing & solar panels, removal of redundant slurry store & erection of two concrete slurry tanks with canopies”.

2.1.2 The site comprises an open area of improved grassland next to a farmstead at Black Moss Farm, Elmridge Lane, Chipping, PR3 2NY, SD 6010 4033, Figure 1.



3. IDENTIFICATION OF NATURA 2000 DESIGNATED SITES CONCERNED

- 3.1.1 This Assessment has first screened Natura 2000 protected sites to decide which of these sites are likely to be affected by implementation of the planned development.
- 3.1.2 In carrying out this screening process the Assessment has considered the main possible **sources** of effects on the Natura 2000 sites arising from the project, possible **pathways** to the Natura 2000 sites and the effects on possible sensitive **receptors** in the Natura 2000 sites. Only if there is an identifiable source, a pathway and a receptor is there likely to be a significant effect.
- 3.1.3 Natura 2000 sites more than 5km from the application site have been screened out of the assessment because given the scale and type of development planned it is considered very unlikely that the development will cause any harm to sites at this distance from the source of any harm. In assessing Natura 2000 sites, mapped functionally linked land has also been included.
- 3.1.4 The only Natura 2000 site within 5km of the site is Bowland Fells SPA.
- 3.1.5 In the case of the development under consideration there will be no direct impacts on any Natura 2000 sites. There is no direct land take to a Natura 2000 site. There are no direct pathways to Natura 2000 sites.
- 3.1.6 It is considered land adjacent but not on site may be considered as Functionally Linked Land. There may be an indirect disturbance to birds on FLL. Further analysis is required in this regard.
- 3.1.7 Other indirect effects are considered very unlikely to occur.
- 3.1.8 Given the above considerations only the following Natura 2000 sites have been 'Screened-In' to the Assessment. That is, the following Natura 2000 designated sites have been identified as having some potential to be at risk from the development proposal.
- Bowland Fells (SPA)



4. THE NATURE CONSERVATION INTEREST OF THE NATURA 2000 SITES CONCERNED

- 4.1.1 Bowland Fells SPA has been designated because it supports internationally important populations of birds, together with the habitats that support the birds.
- 4.1.2 The criteria for designation derived from information available on-line from Natural England and the Joint Nature Conservation Committee are appended.
- 4.1.3 List of operations that could potentially damage the special interests of the above Natura 2000 Site(s)
- Direct Physical impacts
 - Direct Disturbance
 - Indirect disturbance
 - Water Pollution
 - Air Pollution
 - Indirect disturbance to birds using FLL
- 4.1.4 When assessing the possible impacts of a development project on the Natura 2000 Sites concerned the potential of the Plan or Project to cause any or all of the above listed damaging operations have to be considered when reaching a decision as to whether the proposed works will cause harm to the integrity of the Natura 2000 sites concerned.

Desktop surveys

- 4.1.5 A records search was undertaken of the Envirotech, BTO, NE and RSPB data base. Records of the site and up to 2km away were analyzed and our findings are detailed below.

Records

- 4.1.6 The data search shows 54 records of five species of bird associated with upland Natura 2000 sites within 2km. There are no records of birds on the site, Figure 3. The records are clustered due to the intersection of a 1km Grid square and 1km resolution being provided to the records.
- 4.1.7 Bowland Fells SPA is designated for
- 082 Circus cyaneus; Hen harrier (Breeding)
 - A098 Falco columbarius; Merlin (Breeding)

*Additional Qualifying Features**

- A183. Larus fuscus; Lesser black-backed gull (Breeding)
- 4.1.8 These species are not recorded within 2km.

Analysis

- 4.1.9 The site is not within the Natura 2000 site boundaries. The proposal is an open and exposed improved pasture field adjacent existing buildings. The site is too remote from the Natura 2000 site for a direct disturbance to birds or habitats to occur.
- 4.1.10 The site is not hydrologically linked to the Natura 2000 site and is downstream from it. The site is upstream of the River Loud but this does not connect with a Natura 2000 site within 5km of the site, Figure 4. There are no apparent open water bodies adjacent the site which would be sensitive to site works either during construction or operation following embedded mitigation in the cross-compliance regulations for agriculture.
- 4.1.11 The site is too remote from the Natura 2000 sites for air pollution to be an impact. Assessment of the

process contribution (PC) for all pollutants at all sites will be <1% of the relevant critical level or load for the most sensitive habitat at each site and as such the project, alone and in-combination, is unlikely to have adverse effects on the designated sites.

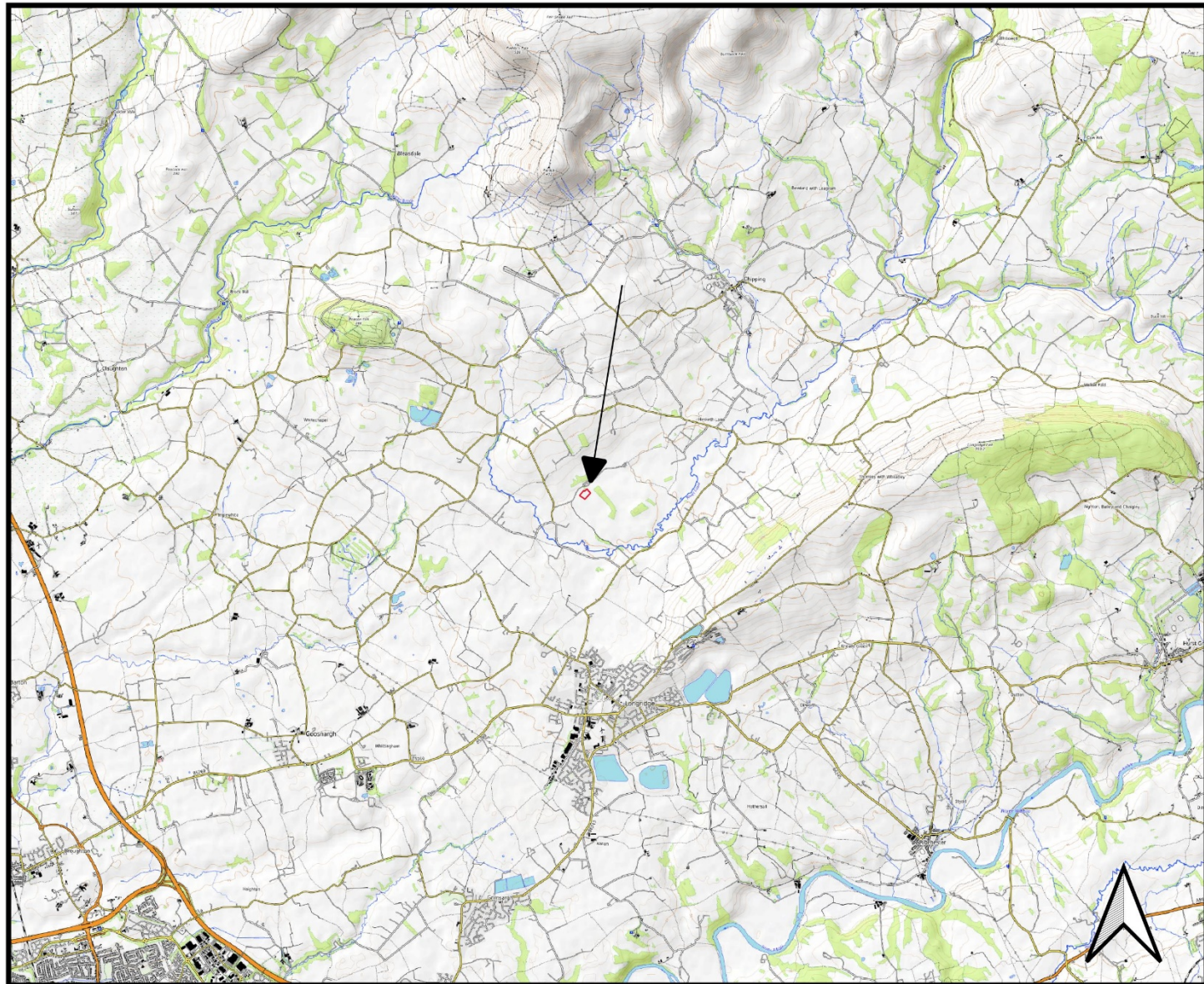
- 4.1.12 The site is subject to existing elevated disturbance from use of the adjacent farm buildings. There would be a slight increase in operational use of the site and adjacent environs as a result of the proposal. This would be small given existing use of the site but still an increase. This may result in increased disturbance of the adjacent fields. This may lead to indirect disturbance/ impact on Functionally Linked Land used by species from the Natura 2000 site.
- 4.1.13 There are records of birds associated with upland Natura 2000 within 2km. The development site is however close to an existing farmstead and comprises improved, disturbed pasture which would be of low value to feeding birds associated with the Natura 2000 site. The occurrence of soil invertebrates is likely to be very low, given the intensive agricultural use made of the field and use of bovine worming medication.
- 4.1.14 The habitats on site would not support breeding Hen harrier or Merlin. Lesser black-backed gull are generalists and known to feed on refuse disposal sites at Lancaster. The site is enclosed by hedgerows and as such a disturbance to adjacent fields during construction, which will only be in daylight hours, is unlikely. During operation, disturbance levels at the site are likely to be no higher than existing.



-  Boundary
-  Black-headed Gull
-  Common Gull
-  Curlew
-  Lapwing
-  Redshank

Figure 3
Bird Records





□ Boundary

Figure 4
Watercourses



5. INITIAL SCREENING OPINION WITHOUT CONSIDERATION OF PROPOSED MITIGATION MEASURES

Table 1 Assessment of the Potential impacts

Potential Harmful Impacts on Natura 2000 Sites	Comments	Potential Harmful Impact on the SPA/SAC	Potential Mitigation
Direct Physical Impacts	The development will not involve any direct land take, dredging or any other physical impact of Natura 2000 sites	None	None required
Direct Disturbance to Qualifying Species	There will be no direct impacts on the Natura 2000 sites. The development site is more than 4km from the nearest Natura 2000 site.	None	None required
Indirect Disturbance to Qualifying Species	The proposal will not result in an increase in recreational pressure on the Natura 2000 site	None	None required
Water Pollution	There is no direct pathway for water pollution from the site to the Natura 2000 site via drains or overland.	None	None required

Air Pollution	Given that the site is near an existing farmstead with existing elevated background levels of air pollution, it is considered that there will be no harmful increase in air pollution. Screening has shown the proposal will result in less than 1% of the PC contribution to the Natura 2000 site	None	None required
Indirect disturbance to birds using Functionally connected Land	Land in the wider landscape may be used by species associated with the Natura 2000 site. Disturbance during the construction and operational phase is unlikely given the habitat quality on site and adjacent. Disturbance during construction is possible but would be limited in duration and extent as works will only occur during daylight.	None	None required

6. IN COMBINATION EFFECTS

- 6.1.1 The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 requires the assessment of likely significant effects either alone or in combination with other plans or projects. In combination effects differ from cumulative effects in EIA in that these are effects which may or may not interact with each other, but which could affect the same receptor or interest feature. Cumulative effects refer to occasions where another project could have an impact via the same pathway e.g. if both proposals caused disturbance to birds.
- 6.1.2 At this site impacts are considered negligible and as such there will be no in combination impacts.

7. CONCLUSIONS AND RECOMMENDATIONS

- 8.1.1 Following screening of the special qualifying features of interest of the Natura 2000 sites concerned, consideration of potentially harmful operations on these features which could arise from the implementation of the planned development, consideration of the proposed mitigation for potentially harmful operations and consideration of possible in-combination effects it has been concluded that the implementation of the application even without mitigation will not have a significant impact on the special interest of the Natura 2000 Sites concerned.
- 8.1.2 That is, it has been ascertained that the proposed development will not have any harmful effects on special nature conservation interest of the Natura 2000 sites concerned and will not adversely affect the integrity of the Natura 2000 Sites concerned.