

Date: 26 July 2023
Our ref: 441506
Your ref: 3/2023/0465



Will Hopcroft
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BY EMAIL ONLY

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Dear Will Hopcroft

Planning consultation: 3/2023/0465 - 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
Location: Black Moss Farm, Elmridge Lane, Chipping, PR3 2NY

Thank you for your consultation on the above dated and received by Natural England on 10 July 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES AND PROTECTED LANDSCAPES

As submitted, the application could have potential significant effects on:

- Bowland Fells Special Protection Area (SPA)
- Bowland Fells Site of Special Scientific Interest (SSSI)
- Red Scar and Tun Brook Woods SSSI

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A [Habitats Regulations Assessment](#) (HRA)¹ is required which will assess all potential impacts on the qualifying features of the European designated sites and their conservation objectives
- A SSSI impact assessment which considers impacts to birds and hydrology

Without this information, Natural England may need to object to the proposal.

¹ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

European Site

Bowland Fells SPA

The Bowland Fells SPA is contiguous with the Bowland Fells SSSI and is located approximately 4km north of the Application Site. It is an outlier of the Pennine Range encompassing the main upland block within the area of Lancashire known as the Forest of Bowland.

During the breeding season, the SPA regularly supports hen harriers with at least 12 pairs, equivalent to 2.4% of the breeding population in Great Britain and Between 2002 and 2017, 117 nests were recorded in the SPA representing 62.6% of all nests in England during this period. Merlin are present on the Bowland Fells SPA during the breeding season. The SPA was designated in 1993 for holding 21 pairs of Merlin which at that time represented 3.2% of the population in Great Britain.

Habitats Regulations Assessment

Despite the proximity of the European sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a [Habitats Regulations Assessment](#)².

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any Appropriate Assessment your authority may decide to make.

There has been no consideration of [qualifying features](#)³, condition status or [conservation objectives](#)⁴ of the designated site which is fundamental when assessing likely significant effects and whether the conservation objectives will be undermined.

Natural England has also published Conservation Advice packages which should be used to aid your assessment. The packages set out the conservation objectives of each site, detailed information on the qualifying features and other useful information to inform your assessment. Our Conservation Advice Packages can be found [here](#)⁵.

We advise that you obtain the following information to help you undertake a HRA:

- Consider all possible effects of the proposal, at every phase, on the designated features of the site from site clearance to operational use, including impacts that are direct and indirect, temporary and permanent
- Discuss how these impacts may cause harm to qualifying features/ site conservation objectives of the designated site
- Assess combined effects on the designated site with other plans and projects
- Check if there is a risk or possibility of a significant effect based on the evidence
- Consider the impacts of in-combination with other plans and project

² <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

³ <https://designatedsites.naturalengland.org.uk/>

⁴ <https://publications.naturalengland.org.uk/category/6490068894089216>

⁵ <https://www.gov.uk/government/publications/irish-sea-marine-area-index-map-and-site-packages>

This development has the potential to effect the nearby designated sites through impacts via air and water quality & disturbance on qualifying bird species utilising the site and wider area as functionally-linked land. Assessment will need to cover all activities involved in the proposals such as construction, decommission of a slurry store, hardstanding, solar panels and associated hard standing.

We recommend you obtain the following information to help you undertake a Habitats Regulations Assessment:

Impacts to Bird Populations

It is not clear from the information in support of this application what the impact on protected bird species which form part of the European designation will be. We would encourage the authority to ask the applicant to provide further information that clearly describes the impact of the proposal on these protected bird species and any proposed mitigation together with evidence to show how they concluded what the impacts will be.

As birds are mobile species, they may also rely on land outside of the designated area. This may form part of a passage route and supporting habitats may be utilised in this region. These supporting habitats, otherwise known as Functionally Linked Land (FLL) may be used by the designated site bird population or just some of this population, some or all of the time. FLL can play an important role in maintaining the bird populations of the designated site, and proposals affecting them may have the potential to affect the European site. It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of European designated interest features that are located outside the site boundary.

If designated species are using the site or surrounding FLL and are likely to be affected by the development, then the authority should ensure that appropriate mitigation is proposed and secured through the use of conditions. Further guidance is provided in our standing advice⁶.

To help assess the impact to FLL, it may be beneficial to:

- Use the Designated sites system⁷ to find out which habitats and species are special features of a site, and which activities are likely to damage them
- Use the 'Magic' map⁸ to view all designations, impact risk zones, waterways and other land features including potential FLL
- Read specific guidance on responsibilities for protecting wild birds and their habitats⁹ - for example where bird species may be a special feature of a designated site and could be affected by work on other land where they feed or nest¹⁰
- Obtain site specific information from appropriate bodies such as the local records centre¹¹, wildlife trusts, or recording societies
- However, please note an absence of a record does not mean there is no presence, but may indicate that there is no survey data available for that location. Therefore, on-site habitat and potential FLL habitat in the vicinity should be examined in relation to their suitability for qualifying bird species
- This can include habitat type and description, farming regime (if known), visibility, field

⁶ <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

⁷ <https://designatedsites.naturalengland.org.uk/>

⁸ <https://magic.defra.gov.uk/MagicMap.aspx>

⁹ <https://www.gov.uk/guidance/wild-birds-protection-surveys-and-licences>

¹⁰ <https://www.gov.uk/guidance/sites-of-special-scientific-interest-public-body-responsibilities>

¹¹ <https://www.alerc.org.uk/>

boundaries, areas of water and should be species specific

- Assess the site in the context of its size and surroundings in relation to the habitat preference/site suitability of the qualifying species
- Use survey and desk based data to establish trends in behaviour, timings and sensitive periods (including breeding and overwintering)
- Analysis of the significance of bird numbers in comparison to the population size at the SSSI
- If distribution and historical records suggest bird species which form part of the designated site are present, further bird surveys¹² are recommended
- You may wish to utilise evidence such as the Key Habitat Attributes for Birds and Bird Assemblages in England¹³ to understand the habitat requirements of qualifying bird species to inform potential impacts to qualifying bird habitat and tailored mitigation

Impacts to Hydrology and Water Quality

There has been no assessment of potential water quality impacts arising from water run-off or the decommission and construction process.

We advise that the floating covers can often prevent rainfall interception into the slurry which you may wish to consider within the Screening stage of your HRA. The HRA can also refer to the distance to nearest water course and other barriers to hydrological connectivity between the Application Site and the designated sites.

Impacts from Air Quality Changes

Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present.

To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision: initial screening has indicated that 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. This has also been calculated with detailed modelling and it was assumed that the most sensitive feature of each designation is located at the boundary closest to the project. This in accordance to the Ammonia Assessment: 6499r1 (dated 10th July 2023).

Impacts From Other Plans and Projects

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there is: a reduction in the amount or quality of designated habitats or the habitats that support designated species, a limit to the potential for restoring designated habitats in the future a significant disturbance to the designated species, disruption to the natural processes that support the site's designated features, only reduction or offset measures in place. If, in combination, a proposal could have a significant effect on the European site, an Appropriate Assessment is needed. Further information can be found [here](#)¹⁴.

¹² <https://www.gov.uk/guidance/wild-birds-advice-for-making-planning-decisions>

¹³ <http://publications.naturalengland.org.uk/publication/275076>

¹⁴ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

Checks can be made by searching new planning permission, changes in permission, granted permissions that have not begun or been completed, those needing renewal and those drafted but not adopted. The methods used must be clearly stated within the HRA.

Nationally Designated Sites

Natural England acknowledge that the European designation shares qualifying features with Bowland Fells SSSI. However, we would expect qualifying features which do not share overlapping designation to be assessed for potential impacts. This can be presented as a separate document or as an annex/supplementary paragraph within the HRA.

Our concerns with the European site coincide with those that are designated nationally. Natural England would expect the SSSI impact assessment to include impacts to qualifying bird species and water quality.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Bowland Fells SSSI

The SSSI designation includes the following designated features: hen harrier, lesser black backed gull, merlin, upland moorland and grassland with water bodies, a variety of heathland types, a series of mire and bog pool communities, *Juncus effusus/acutiflorus* - *Galium palustre* rush pasture, *Philonotis fontana* - *Saxifraga stellaris* spring, *Ranunculus omiophyllus* - *Montia fontana* and a series of woodland types.

Red Scar and Tun Brook Woods SSSI

Red Scar and Tun Brook Woods (including Boilton and Nab Woods) constitute one of the largest areas of deciduous woodland in the county, consisting of Ash-Wych elm woodland on neutral clay soils with a rich ground flora. It is located approximately 6.4km south of the Application Site. Red Scar has Alder woodland supporting lime-loving plants such as Pendulous sedge and Giant horsetail. There is also a wide range of other flora including Yellow archangel. The woods support a good population of birds and some Badger setts. The White-letter hairstreaked butterfly and Oak bush cricket are notable species for the North West of England.

Other advice

Natural England offer the following additional advice:

Forest of Bowland Area of Outstanding Natural Beauty

The proposed development is within Forest of Bowland Area of Outstanding Natural Beauty (AONB). Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraph 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals outside the designated area but impacting on its natural beauty.

Slurry Investment Scheme and Grant

Defra have launched a Slurry Investment Scheme and Grant (SIG) which will allow pig, dairy and beef farmers producing slurry to access funding to contribute towards improving their slurry storage. This is a step by government to reduce nutrient pollution from agriculture. The infrastructure allowed under the grant will be subject to conditions and safeguards and underpinned by existing regulations. The degree of impact on the natural environment should be considered on a case-by-case basis, but in principle, Natural England support this scheme and expect that most projects will reduce nutrient pollution through better slurry management. You may want to confirm with the applicant if the proposal is subject to the SIG scheme. Defra have produced information [here](#)¹⁵ about the SIG scheme which may aid your decision-making on this application.

Reducing Emissions

Signposting is attached with example emission reducing proposals and guidance.



Annex A - Reducing Emissions.pdf

Discretionary Advice Service

Should the developer wish to explore options for avoiding or mitigating the effects described above with Natural England, we advise they seek advice through our [Discretionary Advice Service](#)¹⁶.

If you have any queries relating to the advice in this letter, or any additional information or consultation requests, please contact consultations@naturalengland.org.uk.

Yours sincerely

Zoe Haysted, Sustainable Development Lead Adviser
Wetlands, Water and Woodlands (Cheshire to Lancashire)

¹⁵ <https://www.gov.uk/government/publications/slurry-infrastructure-grant>

¹⁶ <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>