

Report of	Meeting	Date
Director of Customer and Digital	Development Control Committee	17 January 2016

EXECUTIVE SUMMARY OF REPORT

WEST PENNINE MOORS SITE OF SPECIAL SCIENTIFIC INTEREST (SSSI), LANCASHIRE; GREATER MANCHESTER: NOTIFICATION UNDER SECTION 28C (ENLARGEMENT) OF THE WILDLIFE AND COUNTRYSIDE ACT 1981 - IMPLICATIONS OF SSSI STATUS FOR CHORLEY.

PURPOSE OF REPORT

1. To outline the implications of the SSSI status for the West Pennine Moors and Specifically Chorley.

RECOMMENDATION(S)

2. To endorse the SSSI status; and instruct officers to convey the Council’s support to Natural England.

BACKGROUND

3. Natural England has reviewed the notification of White Coppice Flush SSSI and has enlarged the SSSI boundary to include more land of special interest, including all of the land previously notified as Oak Field SSSI and Longworth Clough SSSI. These changes were notified to owners, occupiers, the Local Planning Authority and the Secretary of State for Environment, Food and Rural Affairs today on 17 November 2016. The enlarged site is now known as the West Pennine Moors SSSI. The enlarged notification under Section 28C takes effect immediately.

Natural England notifies land as a SSSI when they consider its wildlife or geology to be of special interest. SSSIs include England’s most valuable nature conservation sites and, as such, receive legal protection under the Wildlife and Countryside Act 1981. This protection is tailored to individual sites. Natural England has identified the West Pennine Moors SSSI as particularly important for its mosaic of upland and moorland fringe habitats and the range of wildlife they support.

4. The legal background

The following legal papers are required by section 28C the Wildlife and Countryside Act 1981:

- a citation detailing the reasons for notification under section 28C (*Annex 1*);
- a statement of Natural England’s views on the management of the SSSI (*Annex 2*);
- a list of operations requiring Natural England’s consent (*Annex 3*); and
- maps identifying the land subject to this notification under section 28C (*Annex 4*). *A paper copy of the maps are available in the members room.*

Full details are available from the links below:-

The SSSI notification document containing the legal papers (a Citation, a Views about Management Statement, a list of operations requiring Natural England consent and a boundary map), is available from Natural England's website at <http://www.sssi.naturalengland.org.uk/Special/sssi/notification.asp> or alternatively visit the following website and search for 'West Pennine Moors': https://consult.defra.gov.uk/consultation_finder/.

This notification has several effects. The key ones can be summarised as follows:

- owners and occupiers must give Natural England notice before carrying out, causing or permitting to be carried out any of the activities in the list of operations at Annex 3;
- owners of land included in the SSSI have a legal obligation to notify Natural England within 28 days if the ownership or occupancy of the land changes;
- it is an offence for any person intentionally or recklessly to destroy or damage the special features of the SSSI or to disturb any of the fauna; and
- other public bodies must consult Natural England before carrying out or authorising any works that may damage the SSSI.

5. Making representations

You have a legal right to make objections and representations about this notification. Any representations, including those supporting the notification, or objections should be made in writing to Natural England's Cheshire, Greater Manchester, Merseyside & Lancashire Area Team by **17 March 2017**.

West Pennine Moors SSSI Team
 Natural England
 Second floor, Arndale House
 The Arndale Centre
 Manchester
 M4 3AQ
 Telephone: 0300 060 0050
 Email: westpenninemoors@naturalengland.org.uk

Natural England's Cheshire, Greater Manchester, Merseyside & Lancashire Area Team will consider your objections or representations and will try to resolve them. If there are no unresolved objections, approval to confirm the notification will be considered by an appropriate Natural England Director within nine months of this notification.

Any unresolved objections or representations will be considered by the Board of Natural England within nine months of this notification. If there are unresolved objections, confirmation of this notification is likely to be considered at the Board meeting provisionally scheduled for July 2017. Please note the desirability of the notification (for instance, for socio-economic reasons) will not form part of the Board's decision. Following consideration of objections and representations, the Board of Natural England may confirm or withdraw all or part of this notification. In reaching its decision the Board will consider whether, in light of the objections and representations received, Natural England remains of the opinion that the site is of special scientific interest. If you wish to emphasise any of your objections or representations to the Board in person, you should tell us when you write to us. You will then be advised of the date and location of the Board meeting.

Confidential report Please bold as appropriate	Yes	No
--	-----	----

CORPORATE PRIORITIES

6. This report relates to the following Strategic Objectives:

Involving residents in improving their local area and equality of access for all		A strong local economy	
Clean, safe and healthy communities		An ambitious council that does more to meet the needs of residents and the local area	

BACKGROUND

7. In Chorley the only land covered by the SSSI in the ownership of the Council is Rivington Pike. This is open access land which is largely unmanaged and the SSSI status is unlikely to make any change on a day to day basis. We do occasionally get asked permission for access over/use of CBC land and have granted licences where appropriate – Chorley Council will now have to seek Natural England’s consent in accordance with the guidance provided. This may lead to a slight delay in the process and we will have to oblige the Licensees to have regard for the SSSI.

8. Planning Policy

Within the Local Plan part of the West Pennine Moor is known as an Area of Open Countryside, this area tends to be the most rural, while other parts of the West Pennine Moors are contained within the Green Belt. It is important all these areas are protected from unacceptable development which would harm its open and rural character.

The Local Plan has Policy BNE 2 – Development in the Area of Other Open Countryside –

In the Area of Open Countryside, as shown on the Policies Map, development will be permitted provided the applicant can demonstrate that:

- a) **It is needed for the purpose of agriculture or forestry or other uses appropriate to a rural area;**
- b) **It involves the rehabilitation and re-use of existing rural buildings where their form, bulk and general design are appropriate to the character of the surrounding countryside.**

The National Planning Policy Framework covers Green Belt policy.

All sites with international, national and local environmental designations are recognised by the Central Lancashire Core Strategy (adopted 2012) and are afforded a level of protection from any adverse impacts of development through Core Strategy Policy 22: Biodiversity and Geodiversity.

Chorley has an extensive network of sites important for biodiversity. These include Sites of Special Scientific Interest (SSSI) which are statutory sites of national conservation value. The Local Plan records there are presently two SSSIs in Chorley Borough, at White Coppice and Charnock Richard. The locations of these sites are shown on the Local Plan Policies Map: Chorley Borough Map 1 and any associated Inset Map. The introduction of an enlargement of the boundary of White Coppice Flush SSSI will require an amendment to the Local plan Policies Map 1 and any associated Inset Map when it is reviewed.

The amended boundary of the SSSI will need to be put on our GIS mapping system – My Map for internal and external use. Therefore we will require a GIS shape file of the SSSI designation.

The Council also protects SSSI sites through Local plan Policy BNE9 Biodiversity and Nature Conservation:

In Chorley, Biodiversity and Ecological Network resources will be protected, conserved, restored and enhanced:

Priority will be given to:

- i. Protecting and safeguarding all designated sites of international, national, regional, county and local level importance including all Ramsar sites, Special Protection Areas, Special Areas of Conservation, national nature reserves, sites of special scientific interest and biological

- heritage sites, geological heritage sites, local nature reserves and wildlife corridors together with any ecological network approved by the Council;
- ii. Protecting, safeguarding and enhancing habitats for European, nationally and locally important species;
 - iii. The ecology of the site and the surrounding area (safeguarding existing habitats / features such as but not exclusive to trees, hedgerows, ponds and streams), unless justified otherwise;
 - iv. When considering applications for planning permission, protecting, conserving, restoring and enhancing Chorley's ecological network and providing links to the network from and/or through the proposed development site.

In addition development must adhere to the provisions set out below:

- a) The production of a net gain in biodiversity where possible by designing in wildlife and by ensuring that any adverse impacts are avoided or if unavoidable are reduced or appropriately mitigated and/or compensated;
- b) The provision of opportunities for habitats and species to adapt to climate change;
- c) The support and encouragement of enhancements which contribute to habitat restoration;
- d) Where there is reason to suspect that there may be protected habitats/species on or close to a proposed development site, the developer will be expected to carry out all necessary surveys in the first instance; planning applications must then be accompanied by a survey assessing the presence of such habitats/species and, where appropriate, make provision for their needs;
- e) In exceptional cases where the need for development in that location is considered to significantly outweigh the impact on the natural environment, appropriate and proportionate mitigation measures or as a last resort compensatory habitat creation and/or restoration will be required through planning conditions and/or planning obligations.

The following definition of what constitutes damage to natural environmental assets will be used in assessing applications potentially impacting upon assets:

- Loss of the undeveloped open character of a part, parts or all of the ecological network;
- Reducing the width or causing direct or indirect severance of the ecological network or any part of it;
- Restricting the potential for lateral movement of wildlife;
- Causing the degradation of the ecological functions of the ecological network or any part of it;
- Directly or indirectly damaging or severing links between green spaces, wildlife corridors and the open countryside; and
- Impeding links to ecological networks recognised by neighbouring planning authorities.
- Significant adverse effect on the interest features of a designated nature conservation site.

The Central Lancashire authorities have also prepared the Central Lancashire Biodiversity and Nature Conservation Supplementary Planning Document (2015) which provides additional guidance to the above policy.

This explains the Council's approach towards conserving, protecting and enhancing biodiversity. It provides guidance for applicants in terms of understanding the relevant policies and what is required as part of the planning application process in order to protect, conserve and enhance biodiversity. It also provides information on how to consider planning applications having an impact on ecological networks, which are links between sites of biodiversity importance. In Lancashire they have been mapped by Lancashire County Council and the Wildlife Trust for Lancashire, Manchester and North Merseyside (LWT) on behalf of the Lancashire Local Nature Partnership who has produced associated Grassland and Woodland Ecological Network Maps, and the Lancashire Ecological Network Approach and Analysis.

9. The West Penning Moors Area Management Committee welcome and support the SSSI status. The committee have long been working together to protect and enhance the West Pennine Moors and this extra protection and status of the land will hopefully open up funding opportunities to help to deliver projects in the West Pennine Moors Management Plan.

IMPLICATIONS OF REPORT

10. This report has implications in the following areas and the relevant Directors' comments are included:

Finance		Customer Services	
Human Resources		Equality and Diversity	
Legal		Integrated Impact Assessment required?	
No significant implications in this area	*	Policy and Communications	*

COMMENTS OF THE STATUTORY FINANCE OFFICER

11. This report has no financial implications

COMMENTS OF THE MONITORING OFFICER

12. The right to make positive or negative representations concerning the notification from Natural England is addressed in the body of the report.

ASIM KHAN
DIRECTOR OF CUSTOMER AND DIGITAL

Background Papers			
Document	Date	File	Place of Inspection
http://www.sssi.naturalengland.org.uk/Special/sssi/notification.asp https://consult.defra.gov.uk/consultation_finder/	20/12/2016	***	web

Report Author	Ext	Date	Doc ID
Lindsey Blackstock	5218	20/12/2016	***