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Holme Valley Neighbourhood Development Plan

Habitats Regulations Assessment Screening

HRA Screening Report
Prepared by LUC
July 2019

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Holme Valley Neighbourhood Plan

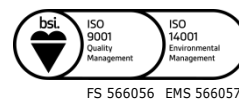
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1 Introduction

- 1.1 LUC has been commissioned by Kirklees Council to carry out a Habitats Regulations Assessment (HRA) of the Holme Valley Neighbourhood Development Plan 2019 to 2031. This report presents the methodology and findings of the HRA screening of the Holme Valley Neighbourhood Development Plan 2019 -2031 regulation 14 draft prior to public consultation. .

Background

- 1.2 The Holme Valley Neighbourhood Development Plan¹ (NDP) sets out policies to guide future development within the area, to 2031. The NDP adds detail to the policies contained within the District-wide Kirklees Local Plan, which was adopted in February 2019, and planning applications in the Holme Valley will be considered against both plans, once the Neighbourhood Plan is made.
- 1.3 The Parish Council applied to become a designated neighbourhood planning body in September 2014. Applications were sent to both Kirklees Council and Peak District National Park Authority. The neighbourhood area is the same as the Civil Parish boundary and was approved on 13th February 2015.
- 1.4 Holme Valley Vision network, a body represented on the NDP Steering Group undertook considerable research in 2013 to understand what mattered most to people in the Holme Valley area. The research undertaken at that time, with involvement for local businesses, young people and residents has been updated and expanded and the data gathered about the interests and make-up of the local population have informed the draft Neighbourhood Plan. The strap line for the project was “making the Holme Valley a good place to live and work in and to visit”. This has now been developed into a vision for the Holme Valley Parish and underpins its Neighbourhood Plan.
- 1.5 The Holme Valley Parish is a large administrative area covering two key centres of Holmfirth and Honley with more than a dozen other small villages. Two European sites are situated within the south west of the Holme Valley Parish itself; South Pennine Moors Special Area of Conservation (SAC) and Peak District Moors (South Pennine Moors Phase 1) Special Protection Area (SPA). The Neighbourhood Plan has sought to identify the common themes which apply to the whole area whilst recognising the distinct character areas within the Valley. The plan therefore seeks to identify an overarching vision and then a range of geographically specific policies which offer more detail for certain areas where appropriate.
- 1.6 The HRA screening of the NDP considers whether the plan could have a likely significant effect on internationally important wildlife sites², either alone or in combination with other plans.

The requirement to undertake HRA of development plans

- 1.7 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007³; the currently applicable version is the Conservation of Habitats and Species Regulations 2017⁴ (as amended).

¹ <https://www.holmevalleyparishcouncil.gov.uk/UserFiles/Files/Planning/NDP-Holme-Valley-First-Draft-Full-Plan-for-Public-Consultation-Final-Reduced.pdf>

² The following section explains which types of sites are considered through the HRA process.

³ *The Conservation (Natural Habitats, &c.) (Amendment) Regulations 2007* (2007) SI No. 2007/1843. TSO (The Stationery Office), London.

⁴ *The Conservation of Habitats and Species Regulations 2017* (2017) SI No. 2017/1012, TSO (The Stationery Office), London.

- 1.8 HRA refers to the assessment of the potential effects of a development plan on one or more European sites, including SPAs and SACs:
- SACs are designated under the European Habitats Directive and target particular habitat types (Annex 1) and species (Annex II). The listed habitat types and species (excluding birds) are those considered to be most in need of conservation at a European level.
 - SPAs are classified in accordance with Article 4(1) of the European Union Birds Directive⁵ for rare and vulnerable birds (as listed in Annex I of the Directive), and under Article 4(2) for regularly occurring migratory species not listed in Annex I.
- 1.9 Potential SPAs (pSPAs)⁶, candidate SACs (cSACs)⁷, Sites of Community Importance (SCIs)⁸ and Ramsar sites should also be included in the assessment.
- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).
- 1.10 For ease of reference during HRA, these designations can be collectively referred to as European sites⁹ despite Ramsar designations being at the international level.
- 1.11 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or the whole development plan, would adversely affect the integrity of the European site in question either alone or in combination with other plans and projects. This is judged in terms of the implications of the plan for the 'qualifying features' for which the European site was designated, i.e.:
- SACs – Annex I habitat types and Annex II species¹⁰;
 - SPAs – Annex I birds and regularly occurring migratory species not listed in Annex I¹¹;
 - Ramsar sites – the reasons for listing the site under the Convention¹².
- 1.12 Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

Stages of HRA

- 1.13 The HRA of development plans is undertaken in stages (as described below) and should conclude whether or not a proposal would adversely affect the integrity of the European site in question.
- 1.14 LUC has been commissioned by Kirklees Council to carry out HRA work on the Council's behalf, although this is to be reported to and considered by the Council, as the competent authority, before adopting the Neighbourhood Development Plan. The HRA also requires close working with Natural England as the statutory nature conservation body¹³ in order to obtain the necessary information, agree the process, outcomes and mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and

⁵ Council Directive 2009/147/EC of 30 November 2009 on the conservation of wild birds (the codified version of Council Directive 79/409/EEC, as amended).

⁶ Potential SPAs are sites that have been approved by the Minister for formal consultation but not yet proposed to the European Commission, as listed on the [GOV.UK website](#).

⁷ Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted, as listed on the JNCC's [SAC list](#).

⁸ SCIs are sites that have been adopted by the European Commission but not yet formally designated as SACs by the UK Government.

⁹ The term 'Natura 2000 sites' can also be used interchangeably with 'European sites' in the context of HRA, although the latter term is used throughout this report.

¹⁰ As listed in the site's citation on the JNCC website (all features of European importance, both primary and non-primary, need to be considered).

¹¹ As identified in sections 3.1, 3.2 and 4.2 of the SPA's standard data form on the JNCC website; at sites where there remain differences between species listed in the [2001 SPA Review](#) and the extant site citation in the standard data form, the relevant country agency (Natural England or Natural Resources Wales) should be contacted for further guidance.

¹² As set out in section 14 of the relevant 'Information Sheet on Ramsar Wetlands' available on the JNCC website.

¹³ Regulation 5 of the Habitats Regulations 2017.

information throughout the process as it is required to undertake HRA for its existing licences and future licensing of activities.

Requirements of the Habitats Regulations

- 1.15 In assessing the effects of a Neighbourhood Plan in accordance with Regulation 105 of the Conservation of Habitats and Species Regulations 2017 (as amended), there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed if necessary by an Appropriate Assessment which would inform the 'Integrity Test'. The relevant sequence of questions is as follows:
- 1.16 Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not, as is the case for the Holme Valley Neighbourhood Development Plan, proceed to Step 2.
- 1.17 Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on a European site, either alone or in combination with other plans or projects (the 'Significance Test'). If yes, proceed to Step 3.

[Steps 1 and 2 are undertaken as part of Stage 1: HRA Screening in Table 1.1.]

- 1.18 Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the European site in view of its current conservation objectives (the 'Integrity Test'). In so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public.

[This step is undertaken during Stage 2: Appropriate Assessment shown in Table 1.1.]

- 1.19 Step 4: In accordance with Reg. 105(4), but subject to Reg. 107, give effect to the land use plan only after having ascertained that the plan would not adversely affect the integrity of a European site.
- 1.20 Step 5: Under Reg. 107, if Step 4 is unable to rule out adverse effects on the integrity of a European site and no alternative solutions exist then the competent authority may nevertheless agree to the plan or project if it must be carried out for 'imperative reasons of overriding public interest' (IROPI).

Typical stages

- 1.21 **Table 1.1** summarises the stages and associated tasks and outcomes typically involved in carrying out a full HRA, based on various guidance documents^{14 15 16}.

¹⁴ European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

¹⁵ DCLG (2006) Planning for the Protection of European Sites: Appropriate Assessment

¹⁶ RSPB (2007) The Appropriate Assessment of Spatial Plans in England. A guide to why, when and how to do it.

Table 1.1 Stages of HRA

Stage	Task	Outcome
Stage 1: HRA Screening	Description of the development plan and confirmation that it is not directly connected with or necessary to the management of European sites. Identification of potentially affected European sites and factors contributing to their integrity. Review of other plans and projects. Assessment of likely significant effects of the development plan alone or in combination with other plans and projects, prior to consideration of avoidance or reduction ('mitigation') measures ¹⁷ .	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (where Stage 1 does not rule out likely significant effects)	Information gathering (development plan and European Sites). Impact prediction. Evaluation of development plan impacts in view of conservation objectives. Where impacts are considered to affect qualifying features, identify how these effects will be avoided or reduced ('mitigation').	Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided or reduced, including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.22 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the inclusion of mitigation measures designed to avoid or reduce effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with both the Government and European Commission.

¹⁷ In line with the CJEU judgment in Case C-323/17 People Over Wind v Coillte Teoranta, mitigation must only be taken into consideration at this stage and not during Stage 1: HRA Screening.

2 Holme Valley Neighbourhood Development Plan

- 2.1 The Holme Valley Neighbourhood Development Plan 2019 to 2031 provides an overall vision and objectives, along with 13 policies. The NDP also includes a number of actions that indicate how the parish will ensure the policies are followed.
- 2.2 These are summarised below, along with an explanation of the aspects of the plan that are relevant to this HRA.

Summary of the Neighbourhood Development Plan

- 2.3 The plan's vision states:

"The Holme Valley of the future will continue to be a beautiful rural landscape offering safe environments for wildlife and celebrating its heritage and its culture, heritage and splendour for the benefit of local people and visitors. It will be home to a vibrant and welcoming community whose people live and/or work within its thriving settlements. It will offer the services and facilities for modern life, whilst sustaining a strong sense of identity and belonging for everyone."

- 2.4 In order to achieve this vision, the plan outlines 9 core objectives under four themes:

- A. To preserve and promote the distinctive characteristics of the Holme Valley.
- B. To protect important open spaces, views and landscape of the Holme Valley.
- C. To promote the type of housing that meets the needs of the local population and ensure that all new development meets appropriate design and building standards.
- D. To promote growth of the economy, employment and tourism in the Holme Valley.
- E. To promote education and life-long learning for all through investment in improved local community facilities.
- F. To promote the health and well-being of residents.
- G. To improve accessibility, infrastructure and movement around the Valley by promoting sustainable transport choices.
- H. To promote sustainability, reduce impact on climate change and move towards a zero-carbon local economy.

- 2.5 The plan includes thirteen draft policies to achieve these objectives:

- Draft Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
- Draft Policy 2 – Protecting and Enhancing the Built Character and Conservation Areas of the Holme Valley and Promoting High Quality Design.
- Draft Policy 3 – Conserving and Enhancing Local Non-Designated Heritage Assets.
- Draft Policy 4 – Design Codes for High Quality Shopfronts and Advertisements.
- Draft Policy 5 – Promoting High Quality Public Realm.
- Draft Policy 6 – Building Homes for the Future in Areas Not Protected by Green Belt.
- Draft Policy 7 – Supporting Business Generation.
- Draft Policy 8 – Facilitating Development in Holmfirth, Honley and other Local Centres.

- Draft Policy 9 – Protecting and Enhancing Local Community Facilities.
- Draft Policy 10 – Protecting Local Green Space.
- Draft Policy 11 – Improving Transport, Accessibility and Local Infrastructure.
- Draft Policy 12 – Promoting Sustainability.
- Draft Policy 13 – Focusing Developer Contributions on Local Priorities.

2.6 The Holme Valley Neighbourhood Plan policies will be applied by Kirklees Council in consideration of any planning applications submitted within the designated NDP area of Holme Valley Parish once the plan has been made.

3 HRA Screening Methodology






- 3.1 HRA screening of the NDP has been undertaken in line with current available guidance and draws upon the approach undertaken by Kirklees Local Plan HRA and seeks to meet the requirements of the Habitats Regulations, and takes into account relevant case law (see below). The tasks that have been undertaken during the screening stage of the HRA are described in detail below.

European sites which may be affected by the Neighbourhood Development Plan

- 3.2 The HRA of the Kirklees Local Plan used a screening distance of 15km to identify European sites which could be affected by development from the plans. This distance has generally been considered reasonable in other local authority HRAs to ensure that all designated sites that could potentially be affected by development are identified and included in the assessment. As such, the same screening distance has been applied in this HRA.
- 3.3 The following European sites lie wholly or partly within 15km of Holme Valley and have been included in the HRA:
- South Pennine Moors SAC.
 - Peak District Moors (South Pennine Moors Phase 1) SPA.
 - South Pennine Moors Phase 2 SPA.
 - Denby Grange Colliery Ponds SAC.
 - Rochdale Canal SAC.
- 3.4 No additional sites beyond this 15km buffer were identified as being potentially connected to the plan area.
- 3.5 Detailed information about the location, qualifying features and vulnerabilities of the European sites included in the assessment is presented in **Appendix 1**. The locations of the European sites are mapped in **Figure 3.1**.

Holme Valley Neighbourhood Plan

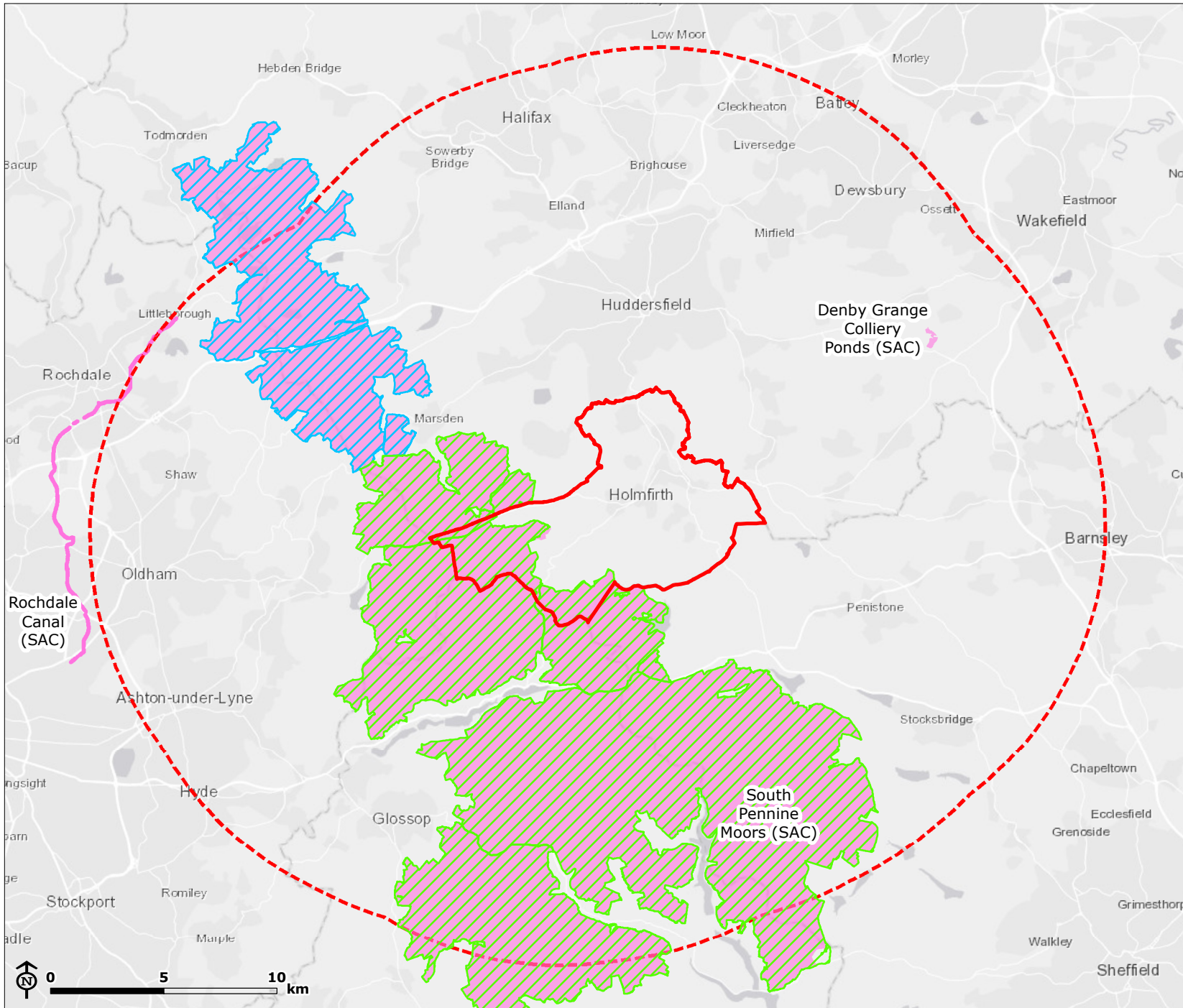
Figure 3.1: European Sites within 15km of Holme Valley

-  Holme Valley Boundary
-  Holme Valley 15km Boundary
-  Special Area of Conservation
-  Special Protection Area (Phase 1)
-  Special Protection Area (Phase 2)

Map Scale @ A4: 1:240,000

LUC

Source: Natural England, LUC



Assessment of 'likely significant effects' of the Neighbourhood Development Plan

- 3.6 As required under Regulation 105 of the Conservation of Habitats and Species Regulations 2017¹⁸ (the 'Habitats Regulations'), an assessment has been undertaken of the 'likely significant effects' of the NDP. Consideration has been given to the potential for the development proposed to result in significant effects associated with:
- Physical loss of/damage to habitat.
 - Non-physical disturbance e.g. noise/vibration or light pollution.
 - Air pollution.
 - Recreation and urban impacts.
 - Water quantity and quality.
- 3.7 The determination of which likely significant effects to include in the HRA screening of the NDP is designed to be consistent with those included in the HRA screening undertaken of the Kirklees Local Plan.
- 3.8 A risk-based approach involving the application of the precautionary principle has been adopted in the assessment, such that a conclusion of 'no likely significant effect' has only been reached where it is considered very unlikely, based on current knowledge and the information available, that a proposal in the NDP would have a significant effect on a European site.

Interpretation of 'likely significant effect'

- 3.9 Relevant case law helps to interpret when effects should be considered as a likely significant effect, when carrying out HRA of a land use plan.
- 3.10 In the Waddenzee case¹⁹, the European Court of Justice ruled on the interpretation of Article 6(3) of the Habitats Directive (translated into Reg. 105 in the Habitats Regulations), including that:
- An effect should be considered 'likely', "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site" (para 44);
 - An effect should be considered 'significant', "if it undermines the conservation objectives" (para 48); and
 - Where a plan or project has an effect on a site "but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on the site concerned" (para 47).
- 3.11 A relevant opinion delivered to the Court of Justice of the European Union²⁰ commented that:
- "The requirement that an effect in question be 'significant' exists in order to lay down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by Article 6(3), activities on or near the site would risk being impossible by reason of legislative overkill."*
- 3.12 This opinion (the 'Sweetman' case) therefore allows for the authorisation of plans and projects whose possible effects, alone or in combination, can be considered 'trivial' or *de minimis*; referring

¹⁸ SI No. 2017/1012

¹⁹ ECJ Case C-127/02 "Waddenzee" Jan 2004.

²⁰ Advocate General's Opinion to CJEU in Case C-258/11 Sweetman and others v An Bord Pleanala 22nd Nov 2012.

to such cases as those "that have no appreciable effect on the site". In practice, such effects could be screened out as having no likely significant effect; they would be 'insignificant'.

Relevant Case Law Changes

- 3.13 This HRA has been prepared in accordance with recent case law findings, including most notably the recent 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).
- 3.14 The 'People over Wind, Peter Sweetman v Coillte Teoranta' judgement ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:
- "Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.*
- 3.15 In light of the above, the HRA screening stage has not relied upon avoidance or mitigation measures to draw conclusions as to whether the Neighbourhood Development Plan would result in likely significant effects on European sites, with any such measures requiring consideration at the Appropriate Assessment stage as appropriate.
- 3.16 This HRA also fully considers the Holohan v An Bord Pleanala (9 Nov 2018) CJEU judgement which stated that:
- Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.*
- Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.*
- Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'appropriate assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.*
- 3.17 In undertaking this HRA, LUC has fully considered the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for off-site impacts, such as through impacts to functionally linked land, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, has also been fully considered in this assessment.

Identification of other plans and projects which may have 'in-combination' effects

- 3.18 Regulation 105 of the Habitats Regulations 2017 requires an Appropriate Assessment where "*a land use plan is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site*".
- 3.1 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the NDP may affect the European sites that were the focus of this assessment. Plans that are relevant to this assessment are those that increase the number of homes locally or significantly alter the flow of traffic through other means (for example major transport schemes). The Kirklees Local Plan, locals plans for surrounding local authorities and neighbourhood plans for surrounding and parishes have been identified as the most likely source of in-combination effects. These will be considered further in the screening assessment in **Chapter 4**.

4 HRA Screening Assessment

Screening Assessment

- 4.1 For some types of impacts, screening for likely significant effects has been determined on a proximity basis, using GIS data to determine the proximity of potential development locations to the European sites that are the subject of the assessment. Where an impact pathway from the NDP to a European site cannot be identified, such impacts can be screened out of further assessment. The findings of this screening process are described below in relation to each type of potential impact that the Neighbourhood Development Plan could give rise to.

Physical loss of or damage to habitat

- 4.2 There are two European sites within the NDP area, Peak District Moors (South Pennines Moors Phase 1) SPA and South Pennines SAC, therefore loss of habitat from within the boundaries of a European site could occur as a result of development within the plan area. Loss of habitat from outside of the boundaries of a European site could also affect the integrity of that site if it occurs in an area used by the qualifying species of the site (e.g. for off-site breeding, foraging or roosting). While the NDP does not allocate any sites for development, Policies 6, 7 and 8 support developments within the existing urban areas, however this is not expected to be over and above that set out in spatial strategy of the Kirklees Local Plan. The Kirklees Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur.
- 4.3 **Likely significant effects arising from physical loss of or damage to European site habitats (on-site or off-site) can therefore be screened out of further assessment.**

Non-physical disturbance: noise, vibration and light pollution

- 4.4 Noise and vibration effects, e.g. during the construction of new housing development, are most likely to disturb bird species and are thus a key consideration with respect to European sites where birds are the qualifying features, although such effects may also impact upon some mammals and fish species.
- 4.5 Using a precautionary approach, we have assumed that the effects of noise, vibration and light are most likely to be significant if development takes place within 500 metres of a European site with qualifying features sensitive to these disturbances, or known off-site breeding, foraging or roosting areas. While the NDP does not allocate any sites for development, Policies 6, 7 and 8 support developments within the existing urban areas, however this is not expected to be over and above that set out in spatial strategy of the Kirklees Local Plan. The Kirklees Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur. In addition, the urban areas are unlikely to be used by the Peak District Moors (South Pennines Moors Phase 1) SPA birds for off-site breeding, foraging and roosting areas.
- 4.6 **Therefore, likely significant effects in relation to noise, vibration and light pollution can be screened out of further assessment.**

Air pollution

- 4.7 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by any deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the pH and nitrogen availability that can then affect plant health, productivity and species composition.

- 4.8 In terms of vehicle traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.
- 4.9 Based on the Highways Agency Design for Road and Bridges (DMRB) Manual Volume 11, Section 3, Part 1²¹ (which was produced to provide advice regarding the design, assessment and operation of trunk roads (including motorways)), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.
- 4.10 The DMRB Guidance for the assessment of local air quality in relation to highways developments provides criteria that should be applied at the screening stage of an assessment of a plan or project, to ascertain whether there are likely to be significant impacts associated with routes or corridors. Based on the DMRB guidance, affected roads which should be assessed are those where:
- Daily traffic flows will change by 1,000 AADT (Annual Average Daily Traffic) or more; or
 - Heavy duty vehicle (HDV) flows will change by 200 AADT or more; or
 - Daily average speed will change by 10 km/hr or more; or
 - Peak hour speed will change by 20 km/hr or more; or
 - Road alignment will change by 5 m or more.
- 4.11 It has been assumed that only those roads forming part of the primary road network (motorways and 'A' roads) might be likely to experience any significant increases in vehicle traffic as a result of development (i.e. greater than 1,000 AADT). As such, where a site is not within 200m of a motorway or 'A' road, likely significant effects from traffic-related air pollution can be ruled out.
- 4.12 The European sites within 15km of Holme Valley that are within 200m of strategic roads are South Pennines SPA (A628), South Pennines SAC (A628), Rochdale Canal SAC (A664) and Denby Grange Colliery Ponds SAC (A637). The Peak District Moors (South Pennines Moors Phase 1) SPA and South Pennines SAC are located partially within Holme Valley. The qualifying habitats and species of the South Pennine Moors SAC, South Pennine Moors SPA (Phases 1 and 2) and Rochdale Canal SAC are potentially sensitive to air pollution – the Site Improvement Plans for these sites identify the impact of atmospheric nitrogen deposition as priority issues for the sites. While the Site Improvement Plan for Denby Grange Colliery Ponds SAC does not identify increased air pollution as a priority issue, the qualifying species, great crested newt, is potentially vulnerable to increased nitrogen deposition which can result in changes to vegetation and water chemistry.
- 4.13 While the NDP does not allocate any sites for development, Policies 6, 7 and 8 support developments within the existing urban areas, however this is not expected to be over and above that set out in spatial strategy of the Kirklees Local Plan. The Kirklees Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur.
- 4.14 **Therefore, likely significant effects in relation to air pollution can be screened out of further assessment.**

Recreation and urban impacts

- 4.15 Recreation activities and human presence more generally can have an adverse effect on the integrity of a European site, for example as a result of disturbance of sensitive animal species, trampling of plant species or habitat erosion. Where development is likely to result in an increase in the local population, the potential for an increase in visitor numbers and the associated impacts at sensitive European sites has been considered.
- 4.16 We have assumed that all of the sites within the scope of the HRA have the potential to be vulnerable to recreation impacts such as erosion, trampling or species disturbance to some

²¹ <http://www.standardsforhighways.co.uk/ha/standards/dmr/vol11/section3/ha20707.pdf>

degree. Those European sites that are closest to, most accessible to, or most attractive to use by the residents of Holme Valley, are most likely to be affected by the NDP. While the NDP does not allocate any sites for development, Policies 6, 7 and 8 support developments within the existing urban areas, however this is not expected to be over and above that set out in spatial strategy of the Kirklees Local Plan. The Kirklees Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur.

- 4.17 **Therefore, likely significant effects in relation to recreation and urban impacts can be screened out of further assessment.**

Water quantity and quality

- 4.18 European sites at which aquatic or wetland environments support qualifying features have the potential to be affected by changes in water quantity or quality. The following sites close to Holme Valley have aquatic or wetland habitats:
- Rochdale Canal SAC: the canal supports floating water-plantain has been identified as sensitive to dredging and draining of the canal;
 - Denby Grange Colliery Ponds SAC: its ponds support great crested newts, but changes to water quality or quantity have not been identified as an issue at this site; and
 - South Pennine Moors SAC: supports blanket bog and transition mires and quaking bogs, which are sensitive to hydrological changes.
- 4.19 The NDP is not expected to result in changes to water levels at Rochdale Canal SAC, as the canal is not hydrologically connected to the plan area. As above, although Policies 6, 7 and 8 support developments within the existing urban areas, this is not expected to be over and above that set out in spatial strategy of the Kirklees Local Plan, therefore no additional water abstraction elsewhere will occur as a result of the NDP. The Kirklees Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur. Furthermore, Yorkshire Water's Water Resources Management Plan (WRMP) allows for balancing a deficit of water within the 25 year plan and the HRA of this concluded no adverse effects on integrity of European sites, including the South Pennine Moors SAC. Historically, water quality issues relating to blanket bog at the South Pennine Moors SAC have arisen as a result of air pollution and wildfires, as well as land use management, none of which will be influenced by the NDP. Furthermore, the existing Meltham and Clayton West waste water treatment works that serve the plan area are downstream of the South Pennine Moors SAC, and therefore would not affect water quality at these sites as there is no hydrological connection. **Potential water quantity and quality likely significant effects have therefore been screened out of further assessment for all sites.**

In-combination effects

- 4.20 As explained in **Chapter 3**, the plans most likely to have effects in-combination with the NDP are the Kirklees Local Plan, local plans of adjacent local authorities and neighbourhood plans for surrounding parishes. Holme Valley neighbourhood plan area is adjacent to the following local authority areas:
- Barnsley Metropolitan Borough.
 - High Peak Borough.
 - Oldham.
- 4.21 Holme Valley is adjacent to one other neighbourhood plan area, Saddleworth, which lies within Oldham. However, the plan and any policies have yet to be drafted.
- 4.22 The screening assessment above demonstrates that the Holme Valley NDP will not give rise to any effects on European sites. As such, there is no potential for likely significant in-combination effects to arise.

Screening Conclusions

- 4.23 As described above in this chapter, an initial screening assessment based on a set of screening assumptions has been carried out in order to identify the potential for likely significant effects of the NDP on nearby European sites. Overall, no significant effects are considered likely, largely because the NDP does not allocate development sites. Whilst the NDP supports some development, this is limited to development within the existing urban areas, which does not include any land within or adjacent to the European sites within the plan area. Furthermore, it should be noted that the NDP is in conformity with the Kirklees Local Plan and development proposals in the Holme Valley would be subject to the policies in both the Local Plan and the NDP (once made). The development supported through the NDP is not over and above that set out in the Kirklees Local Plan. The Kirklees Local Plan was subject to an HRA, which concluded that the plan would have no likely adverse effects on the integrity of any European sites.

Significant effects likely

- 4.24 **None of the policies** in the NDP are considered **likely** to result in significant effects on the European sites within 15km of Holme Valley.

Significant effects unlikely

- 4.25 Significant effects are considered **unlikely** in relation to **all of the NDP policies**, this is because the policies will not result in new development over and above that set out in the Kirklees Local Plan, and therefore will not have an effect on European sites.
- 4.26 The following policies are screened out because they will not result directly in development:
- Draft Policy 1 – Protecting and Enhancing the Landscape Character of Holme Valley.
 - Draft Policy 2 – Protecting and Enhancing the Built Character and Conservation Areas of the Holme Valley and Promoting High Quality Design.
 - Draft Policy 3 – Conserving and Enhancing Local Non-Designated Heritage Assets.
 - Draft Policy 4 – Design Codes for High Quality Shopfronts and Advertisements.
 - Draft Policy 5 – Promoting High Quality Public Realm.
 - Draft Policy 9 – Protecting and Enhancing Local Community Facilities.
 - Draft Policy 10 – Protecting Local Green Space.
 - Draft Policy 11 – Improving Transport, Accessibility and Local Infrastructure.
 - Draft Policy 12 – Promoting Sustainability.
 - Draft Policy 13 – Focusing Developer Contributions on Local Priorities.
- 4.27 Although not directly allocating new development Policies 6, 7 and 8 support developments within the existing urban areas of Holme Valley. Policy 6, Building Homes For the Future in Areas Not Protected by Green Belt, states that new housing development, in addition to allocations within the Local Plan, will be supported within existing settlements. Policy 7, Supporting Business Generation, states that proposals will be supported which result in the creation of sustainable expansion of existing and new businesses. And finally, Policy 8, Facilitating Development in Holmfirth, Honley and other Local centres, states that development for retail, leisure, office, commercial, cultural and tourism and other main town centre uses will be supported. While these policies support developments within the existing urban areas, it is not expected to be over and above that set out in spatial strategy of the Kirklees Local Plan. The Kirklees Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur.

Significant effects uncertain

- 4.28 **None of the policies** in the NDP are considered to result in **uncertain** significant effects on the European sites within 15km of Holme Valley.

Mitigation

- 4.29 In Natural England's comments on the SEA screening of the NDP²², they were in general agreement with the SEA conclusions reached, but asked that, to ensure clarity, specific text to protect the European sites could be included. Whilst European sites are not directly mentioned in any of the NDP policies, Policy 12 of the NDP seeks to protect and enhance green infrastructure and biodiversity. Furthermore, all development proposals within the NDP area will also be subject to the policies of the Local Plan. Policy LP30 of Kirklees Local Plan seeks to protect and enhance the biodiversity and geodiversity of Kirklees and to continue the strong protection each European site in the area in accordance with legislation. This policy is explicit that development should not adversely affect European sites and would apply to any development coming forward within the Holme Valley. However, these policies have not been considered as 'mitigation' through the screening process and the same conclusions would be drawn for the HRA of the NDP in the absence of this policy. As the NDP does not need to repeat Local Plan policy, no recommendations are made for revisions to the NDP policies as a result of the Screening conclusions of this HRA.

²² Kirklees Council (2018), Holme Valley Neighbourhood Plan SEA Screening opinion (<https://www.kirklees.gov.uk/beta/planning-policy/pdf/holme-valley-sea-determination-letter.pdf>)

5 Conclusions

- 5.1 The HRA screening of the Holme Valley Neighbourhood Development Plan 2019 to 2031 has been undertaken in accordance with currently available guidance and based on a precautionary approach as required under the Habitats Regulations.
- 5.2 The HRA screening has concluded that likely significant effects on the integrity of European sites within and around Holme Valley from policies in the NDP will not occur in relation to:
- Physical loss of or damage to habitat.
 - Non-physical disturbance: noise, vibration and light pollution.
 - Water quantity and quality.
 - Air pollution.
 - Recreation and urban impacts.
- 5.3 Although Policies 6, 7 and 8 support development within the existing urban areas, this is not expected to be over and above that set out in spatial strategy of the Kirklees Local Plan. As such, the NDP does not propose any additional development; rather it will guide and inform that development as it comes forward. The Kirklees Local Plan was subject to HRA which concluded no adverse impacts on the integrity of European sites would occur. Therefore, the Holme Valley NDP does not need to be assessed further.
- 5.4 **In conclusion, the Holme Valley Neighbourhood Plan 2019 to 2031 will not give rise to likely significant effects on European sites, either alone or in-combination with other plans or projects, and Appropriate Assessment is therefore not required.**

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Appendix 1 - Attributes of European sites within Holme Valley Parish (+15km)

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
European sites within Holme Valley Parish				
South Pennine Moors SAC	64,983	Fragmented sites to the north and west of the boundary, some within the boundary and some parts further out towards the 15km buffer boundary.	<u>Annex I Habitats:</u> European Dry Heaths Blanket Bogs (priority feature ²³) Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles Northern Atlantic Wet Heaths with <i>Erica Tetralix</i> Transition mires and quaking bogs ²⁴	<ul style="list-style-type: none"> • Agricultural activities and moorland management regime, particularly rotational burning and fire management are thought to be altering plant species composition and soil nutrients. Current management plans may be maintaining unfavourable conditions. • Changes to the hydrological regime, have led to erosion and lowering of the water table. This is a threat to the hydrological integrity of blanket bog habitat. • Public recreation activities such as rock climbing and dog walking, are likely to disturb qualifying features, particularly at sensitive times of the year. Poor air quality puts pressure on this site, as levels of nitrogen deposits are in exceedance of critical loads. <p>The conservation objectives are to²⁵ -</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its</p>

²³ Some of the natural habitats and species listed in the Habitats Directive and for which SACs or SPAs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Directive and the Habitats Regulations.

²⁴ South Pennine Moors SAC Site Citation, 2005 (from <http://publications.naturalengland.org.uk/publication/4973604919836672?category=5758332488908800>).

²⁵ European Site Conservation Objectives for South Pennine Moors SAC (UK0030280), Natural England, July 2014.

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p>Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> The extent and distribution of the qualifying natural habitats. The structure and function (including typical species) of the qualifying natural habitats. The supporting processes on which the qualifying natural habitats rely.
Peak District Moors SPA (South Pennine Moors Phase 1)	45,270	Fragmented site lying to the south and west of Kirklees, very slightly within the district boundary to the south and stretching out towards the 15km buffer.	<p><u>Annex 1 Birds (breeding):</u></p> <p>Merlin <i>Falco columbarius</i></p> <p>European Golden plover <i>Pluvialis apricaria</i></p> <p>Short-eared Owl <i>Asio flammeus</i></p> <p><u>Non-qualifying species of interest²⁶:</u></p> <p>The site supports a rich upland breeding bird assemblage which, as well as the qualifying species listed above, includes important numbers of</p> <p>Peregrine <i>Falco peregrinus</i></p> <p>Lapwing <i>Vanellus vanellus</i></p> <p>Dunlin <i>Calidris alpina schinzii</i></p> <p>Snipe <i>Gallinago gallinago</i></p> <p>Curlew <i>Numenius arquata</i></p>	<ul style="list-style-type: none"> Historic air pollution, fires and land management have led to erosion, gullyng, lowered water tables and other hydrological changes. These threaten a range of qualifying species and their supporting habitat. The moorland management regime, particularly rotational burning and fire management are thought to be altering plant species composition and soil nutrients. Current management plans may be maintaining unfavourable conditions. Major urban and industrial centres near to the Peak District Moors provide significant visitor pressure. Grazing pressure is generally being lowered and appropriate burning encouraged by two separate ESAs which encourage and support habitat restoration. Low breeding success is an issue at this site, as suitable habitat exists to support more breeding pairs than

²⁶ Whilst not listed on the Natura 2000 Standard Data Form, these species are listed on the site citation document: Peak District Moors (South Pennine Moors Phase 1) SPA Site Citation, 2000 (from <http://publications.naturalengland.org.uk/publication/6145889668169728?category=5758332488908800>).

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
			<p>Redshank <i>Tringa tetanus</i></p> <p>Common Sandpiper <i>Actitis hypoleucos</i></p> <p>Whinchat <i>Saxicola rubetra</i></p> <p>Wheatear <i>Oenanthe oenanthe</i></p> <p>Ring Ouzel <i>Turdus torquatus</i></p> <p>Twite <i>Carduelis flavirostris</i></p>	<p>currently recorded. It is thought this may be linked to hunting/poaching as, since 2000, two gamekeepers with responsibility for land management within the SPA have been convicted of wildlife crimes.</p> <p>The conservation objectives are to²⁷ -</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features. • The structure and function of the habitats of the qualifying features. • The supporting processes on which the habitats of the qualifying features rely. • The population of each of the qualifying features. • The distribution of the qualifying features within the site.
South Pennine Moors SPA (Phase 2)	20,936	Fragmented site lying to the north and west of Kirklees, slightly within the district boundary and stretching out over the 15km buffer line.	<p><u>Article 4.1: Annex 1 Birds (breeding):</u></p> <p>Merlin <i>Falco columbarius</i></p> <p>Golden plover <i>Pluvialis apricaria</i></p> <p>Dunlin <i>Calidris alpina schinzii</i></p>	<ul style="list-style-type: none"> • Historic air pollution, fires and land management have led to erosion, gullyng, lowered water tables and other hydrological changes. These threaten a range of qualifying species and their supporting habitat. • The moorland management regime, particularly rotational burning and fire

²⁷ European Site Conservation Objectives for Peak District Moors (South Pennine Moors Phase 1) SPA (UK9007021), Natural England, June 2014.

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
			<p><u>Article 4.2: Regularly occurring migratory birds – internationally important assemblage of breeding birds²⁸:</u></p> <p>Golden plover <i>Pluvialis apricaria</i> Northern Lapwing <i>Vanellus vanellus</i> Dunlin <i>Calidris alpina</i> Snipe <i>Gallinago gallinago</i> Curlew <i>Numenius arquata</i> Redshank <i>Tringa totanus</i> Common Sandpiper <i>Actitis hypoleuca</i> Short-eared owl <i>Asio flammeus</i> Whinchat <i>Saxicola rubetra</i> Wheatear <i>Oenanthe oenanthe</i> Ring Ouzel <i>Turdus torquatus</i> Twite <i>Carduelis flavirostris</i></p>	<p>management are thought to be altering plant species composition and soil nutrients. Current management plans may be maintaining unfavourable conditions.</p> <ul style="list-style-type: none"> • Large numbers of people use the area for recreational activities, particularly those from large nearby urban areas. • Pressures outside the site, in particular the loss of functionally connected land through agricultural intensification, increase the vulnerability of the bird populations. • Low breeding success is an issue at this site, as suitable habitat exists to support more breeding pairs than currently recorded. It is thought this may be linked to hunting/poaching as, since 2000, two gamekeepers with responsibility for land management within the SPA have been convicted of wildlife crimes. <p>The conservation objectives are to²⁹ -</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p>

²⁸ Of these, only Dunlin is listed on the Natura 2000 Standard Data Form. The others are all listed on the site citation document only: South Pennine Moors SPA (Phase 2) Site Citation, 1995 (from <http://publications.naturalengland.org.uk/publication/4885083764817920?category=5758332488908800>).

²⁹ European Site Conservation Objectives for South Pennine Moors Phase 2 SPA (UK9007022), Natural England, March 2015. This document updates and replaces earlier versions dated 29 May 2012 and 30 June 2014 to reflect Natural England's Strategic Standard on European Site Conservation Objectives 2014. Previous references to the additional features identified in the 2001 UK SPA Review (Peregrine, Short-eared Owl, Dunlin) have been removed.

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<ul style="list-style-type: none"> • The extent and distribution of the habitats of the qualifying features. • The structure and function of the habitats of the qualifying features. • The supporting processes on which the habitats of the qualifying features rely. • The population of each of the qualifying features. • The distribution of the qualifying features within the site.
European sites within 15km of Holme Valley but outside the parish boundary				
Denby Grange Colliery Ponds SAC	18	Very small site located approximately 2km outside of the site boundary to the east.	<u>Annex II Species:</u> Great crested newt <i>Triturus cristatus</i> ³⁰	<ul style="list-style-type: none"> • Hydrological pressures include the fact that the Old Pond dries out too early to allow newts to develop their terrestrial stage. • Maintenance of a buffer of appropriate terrestrial habitat should allow greater habitat connectivity and strengthen the metapopulation, consisting of populations both inside and outside the SAC. • The surrounding woodland needs managing to ensure that the margins of the ponds are not shaded, as this reduces growth of plants suitable for egg-laying. • Himalayan Balsam, a non-native invasive species, could dominate the woodland flora and hamper tree regeneration. This could over-shade the Old Pond and reduce suitability of surrounding terrestrial habitat. • Groundwater pollution is associated with

³⁰ Denby Grange Colliery Ponds SAC Site Citation, 2005 (from <http://publications.naturalengland.org.uk/publication/5474466230435840?category=5758332488908800>).

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p>poor water quality of the Old Pond.</p> <p>The conservation objectives are to³¹ -</p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> • The extent and distribution of the habitats of qualifying species. • The structure and function of habitats of qualifying species. • The supporting processes on which qualifying natural habitats rely. • The populations of qualifying species. • The distribution of qualifying species within the site.
Rochdale Canal SAC	25	A long thin site to the west of Kirklees, stretching inwards from the 15km buffer to around 5km from the site boundary.	<p><u>Annex II Species:</u></p> <p>Floating water-plantain <i>Luronium natans</i>³²</p>	<ul style="list-style-type: none"> • Changes in hydrology, such as dredging and draining of the canal are likely to have negative effects on the site's qualifying feature. • Air pollution has been identified as a pressure on the site, as current nitrogen deposition is in exceedance of critical loads at the site. <p>The conservation objectives are to³³ -</p> <p>Ensure that the integrity of the site is</p>

³¹ European Site Conservation Objectives for Denby Grange Colliery Ponds Special Area of Conservation Site Code: UK0030036, Natural England, March 2014.

³² Rochdale Canal SAC Site Citation, 2005 (from <http://publications.naturalengland.org.uk/publication/6015060228964352?category=4582026845880320>).

³³ European Site Conservation Objectives for Rochdale Canal Special Area of Conservation Site code: UK0030266, Natural England, June 2014.

Site name	Area (ha)	Location	Qualifying features	Key vulnerabilities and environmental conditions to support site integrity
				<p data-bbox="1556 256 2096 400">maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul data-bbox="1556 427 2096 681" style="list-style-type: none"> <li data-bbox="1556 427 2018 483">• The extent and distribution of the habitats of qualifying species. <li data-bbox="1556 483 2096 539">• The structure and function of habitats of qualifying species. <li data-bbox="1556 539 2033 595">• The supporting processes on which qualifying natural habitats rely. <li data-bbox="1556 595 2063 630">• The populations of qualifying species. <li data-bbox="1556 630 2051 681">• The distribution of qualifying species within the site.