

**HABITAT REGULATIONS ASSESSMENT OF WYRE
PLANNING APPLICATION 20/01026/FUL
Field West of New Road Wardleys Lane Stalmine**

Prepared by

The Greater Manchester Ecology Unit
Tameside Council
Dukinfield Town Hall
King Street
Dukinfield
Tameside SK16 4LA

gmeu@tameside.gov.uk

For

Wyre Council

November 2020

CONTENTS

- 1 Introduction**
- 2 Brief description of the Application being assessed**
- 3 Identification of European designated sites concerned**
- 4 The Nature Conservation Interest of Morecambe Bay and Duddon Estuary Special Protection Area**
- 5 Screening Opinion**
- 6 Assessment of Likely Significant Effects Screened In**
- 7 Consideration of 'in combination effects'**
- 8 Conclusion and Recommendations**

Figures

Figure 1: Location of the application site in relation to the European site concerned

Figure 2: Phase 1 Habitat Survey of the site

Figure 3: Detailed Site Layout

1 Introduction

- 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.'

- 1.2 Two new holiday chalets are planned to be installed on land within 150m of the Morecambe Bay and Duddon Estuary Special Protection Area (SPA) and Ramsar, a European protected site. Because of this proximity the development is considered to have some potential to have an impact on the special interest of the European Sites and therefore an assessment of the development is required under the terms of the above legislation.
- 1.3 European protected sites (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 European protected sites is an integral part of the planning process at a regional and local level. The network of European protected sites comprises Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites. Government guidance advises that potential SPAs (pSPA), candidate SACs (cSAC) and potential Ramsar (pRamsar) sites are also included in HRAs.
- 1.4 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
- 1.5 This document comprises Stage 1 and Stage 2 of the Habitats Regulation Assessment process and contributes to the fulfilment of Fylde Council's statutory duty as regards Article 6(3). That is, it is an Opinion on, and an Assessment of, whether the planned development may have a significant effect on the special interest of any European designated protected sites. It is also an Opinion on, and an Assessment of, whether any of the identified effects (if any) can be avoided or mitigated or whether any of the actions proposed in the planning application need to be amended.
- 1.6 The Greater Manchester Ecology Unit (GMEU), as the specialist ecological adviser to Wyre Council, has prepared this Assessment. Natural England and the JNCC were consulted for information on the conservation objectives and favourable condition tables for the European Sites concerned (the information is summarised below). The author has visited the site.

2 Brief description of the planned development

2.1 The application site

The application site is located on the outskirts of the rural settlement of Hambleton to the west of Wardleys Lane and to the south of the New Lane Junction. To the north of the application site is a stable building but the surrounding area is agricultural.

The application site is currently part (0.33 ha) of a field supporting species-poor grassland of limited intrinsic nature conservation value, although there are a number of ponds within 100m of the site. The field is adjacent to, and contiguous with, the Estuary.

Fig 1 Location of the application site in relation to the European protected site

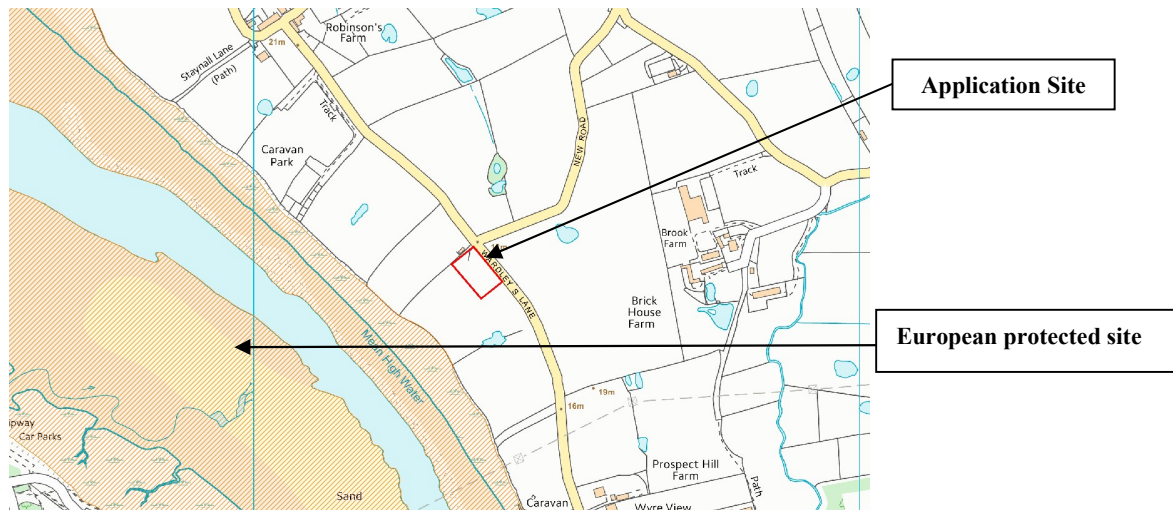


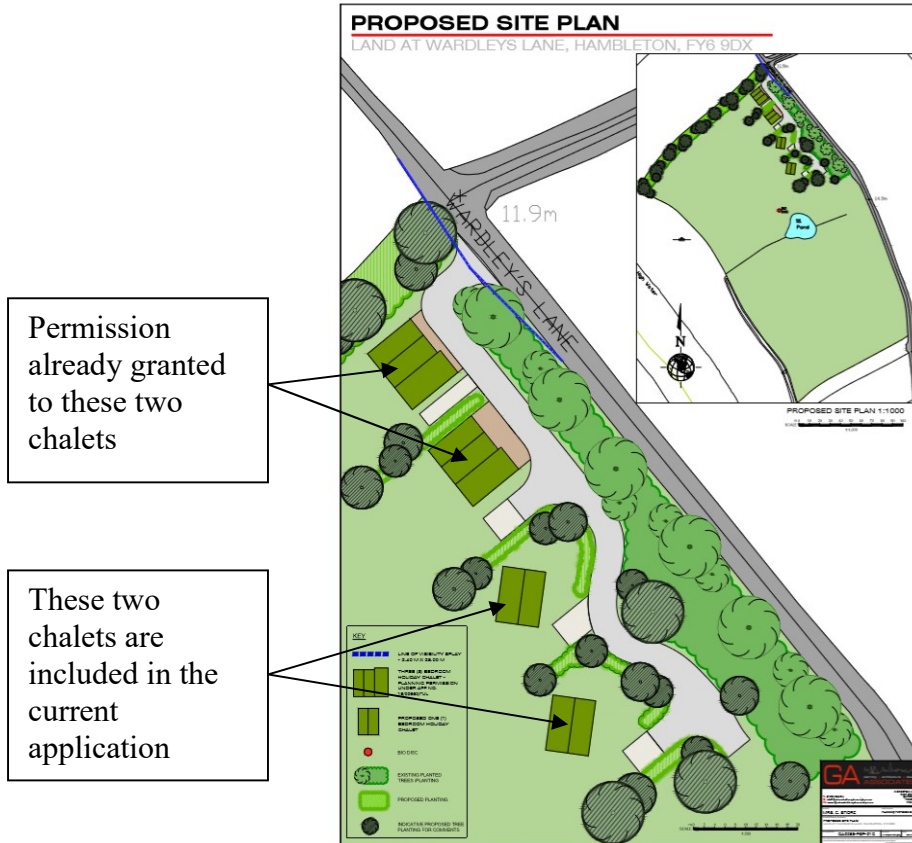
Fig 2 Phase 1 Habitat Survey of the (wider) application site (*ERAP 2019*)



2.2 The development

The proposed development is a change of use of land for the siting of two accessible to all holiday chalets together with an access track. The site already has permission for two further chalets (App 19-00950-FUL refers).

Fig 3 Masterplan of the proposed development



3 Identification of European designated sites concerned

Only one European designated site is considered to be within the Zone of Influence of the planned (relatively small) development, this is Morecambe Bay and Duddon Estuary SPA and Ramsar.

10km is a buffer zone accepted by the Environment Agency and Natural England for the identification of any impacts on European sites. Outside 10km any potentially harmful effects are considered to be negligible or very difficult to detect.

4 The Nature Conservation Interest of Morecambe Bay and Duddon Estuary European Site(s)

Morecambe Bay and Duddon Estuary has been designated because it supports internationally important populations of seabirds and wading birds, together with the habitats that support the birds.

The following information is derived from information available on-line from Natural England and the Joint Nature Conservation Committee.

4.1 Conservation Objectives of Morecambe Bay and Duddon Estuary Special Protection Area and RAMSAR

Natural England lists the conservation objectives for Morecambe Bay and Duddon Estuary SPA and Ramsar as follows:

to maintain*, in favourable condition, the habitats for the populations of Annex 1 species of European importance, with particular reference to:

A040 *Anser brachyrhynchus*; Pink-footed goose (Non-breeding)
A048 *Tadorna tadorna*; Common shelduck (Non-breeding)
A054 *Anas acuta*; Northern pintail (Non-breeding)
A130 *Haematopus ostralegus*; Eurasian oystercatcher (Non-breeding)
A137 *Charadrius hiaticula*; Ringed plover (Non-breeding)
A141 *Pluvialis squatarola*; Grey plover (Non-breeding)
A143 *Calidris canutus*; Red knot (Non-breeding)
A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
A157 *Limosa lapponica*; Bar-tailed godwit (Non-breeding)
A160 *Numenius arquata*; Eurasian curlew (Non-breeding)
A162 *Tringa totanus*; Common redshank (Non-breeding)
A169 *Arenaria interpres*; Ruddy turnstone (Non-breeding)
A191 *Sterna sandvicensis*; Sandwich tern (Breeding)
Waterbird assemblage
Seabird assemblage

4.2 List of potentially operations that could potentially damage the special interests of the European Site(s)

- Direct Land Take
- Land take, or disturbance, of Functionally Linked Land
- Disturbance (noise and recreation)
- Water Pollution
- Air Pollution
- Introduction of invasive Species
- Changes to Hydrology
- Inappropriate Pest Control

- The operation of unsustainable fisheries
- Dredging

4.3 When screening the possible impacts of a development project on Morecambe Bay and Duddon Estuary the potential of the project to cause any or all of the above listed damaging operations has to be considered when reaching a decision as to whether the project needs to undergo a full Appropriate Assessment.

Recent case law (*People over Wind*) has established that where a project is considered to have the potential to cause a Likely Significant Effect (LSE) on the special interest of a European site it must be formally Assessed, taking into account details of any proposed mitigation measures for the LSE.

5 Screening of Potential Impacts

Potential Effect	Discussion	LSE?	Screening Opinion
Direct Land Take	The development will not result in land take of the European site	No	Screened Out
Land take, or disturbance, of Functionally Linked Land	The application site and the immediate surroundings could act as Functionally Linked (to the Estuary). That is, it may regularly support important bird species associated with the Estuary.	Potential LSE	Screened In
Disturbance	The development may result in some noise disturbance during any construction period and recreational disturbance during operation of the chalets.	Potential LSE	Screened In
Water Pollution	There is some potential for the development to cause harm to the European site through surface water and foul water surface runoff.	Potential LSE	Screened In
Air Pollution	Increased traffic movements to and from the site for two chalets are regarded as <i>de minimis</i> and will have no significant effects on local air quality.	No	Screened Out
Introduction of invasive Species	The development will not result in the introduction or spread of any invasive species	No	Screened Out
Changes to Hydrology	The development will not result in changes to hydrology	No	Screened Out
Inappropriate Pest Control	The development does not involve any pest control	No	Screened Out
The operation of unsustainable fisheries	The development does not involve the operation of a fishery	No	Screened Out
Dredging	The development will not involve any dredging of the Estuary	No	Screened Out

6 Assessment

Since some potential LSE have been identified, these effects need to be Assessed and any mitigation measures considered.

6.1 Water Pollution

A Foul and Surface Water Drainage Strategy for the development has been produced by REFORD (September, 2019). Surface water runoff from the two holiday chalets roofs will be collected by a piped system and discharged into the pond that lies within the middle of the field. Surface water from the access drive will runoff and soak into the surrounding soft ground at the track margins. A calculation has been carried out by consultants working for the developer to demonstrate that the pond will provide sufficient storage for rainfall events up to the 100 year critical rain storm plus 30% on stored volumes (the additional 30% is to allow for climate change and has been included in the surface water volume). While the pond has an overflow into the River Wyre (part of the Estuary), this will be just surface water from the chalets roofs and will not pose a risk of pollution.

Foul water from the development will be collected by a piped system to discharge into an on-site sewage treatment plant. Following treatment, the residual effluent from the plant will discharge into the adjacent field. The drainage field is located to the west of the pond, with the discharge point approximately 70m from the edge of the SPA. The design of the drainage field is compliant with Building Regulations and, based on the maximum occupancy of 16 people of all four chalets on the site, the system will not have any significant effects on the European site.

6.2 Potential of the site to be Functionally Linked Land

The probability of the site acting as Functionally Linked Land to the European sites concerned has been discussed at some length in the 'shadow' HRA prepared on behalf of the applicant. It has been concluded that the application site itself is too small to support important numbers of birds associated with the Estuary, although the surrounding land could well be described as Functionally Linked. The development could therefore lead to disturbance of birds using the nearby functionally linked land through construction noise and increased recreational pressure.

These potential effects are discussed below.

6.3 Indirect disturbance effects on birds using the Estuary from increased population

The application site is within 110m of the SPA at its closest point and there is direct linkage between the application site and the Estuary.

However, the Wyre Country Park Holiday Park lies 250m north of the site and Wardleys Yacht club, 0.6km to the south. On the opposite side of the River Wyre is the Wyre Estuary Country Park with a network of paths leading visitors through a variety of estuary and riverside views, picnic sites, family area and cafe. North of the Country Park lies another holiday park, beyond which lies industrial development alongside the River Wyre. 1.5km upstream on the River Wyre lies the Blackpool and Fleetwood Yacht Club. The Wyre Way long distance footpath runs along Wardley's Lane adjacent to the site. This section of the Estuary is therefore subject to existing disturbance from recreational, industrial and agricultural activities.

The very small local population uplift which may arise from the construction of two holiday chalets with a maximum occupancy of 4 people, and which are most likely to be occupied during the summer months when important bird numbers are low, is considered to be very unlikely to cause a measurable increase in disturbance effects on the Estuary.

Nevertheless, a precautionary approach should be taken. The provision of a 'Visitors Information Pack' explaining the importance of the Estuary and the need to avoid disturbance to birds is regarded as a proportionate response to the risk of harm to the SPA. Providing that the Pack is provided to all users of the site it is concluded that harm to birds using the estuary resulting from increased recreational disturbance can be avoided.

6.4 Noise

The most significant disturbance effects arising from noise will occur during any construction period. Noise effects could be mitigated by –

- Carrying out construction only during the period April to September inclusive when there will be fewer birds using the Estuary.
- Restricting working hours to daylight hours when birds will not be congregating in roosts.

7 Consideration of 'In Combination' Effects with Other Plans and Proposals

- 7.1 The Habitats Regulation Assessment must consider the likely significant effect of the project in relation to other proposals and plans current or planned within the area, other administrative authorities and prepared by other statutory organisations (e.g. Environment Agency, United Utilities) and in combination with the identified effects of those Plans.
- 7.2 This development is an extension to an existing permission for two holiday chalets (app ref 19/00950/FUL), bring the total number of chalets on the site to four. However it is not envisaged that the two additional chalets will significantly add to the visitor numbers to the site, since the original chalets are now to have reduced capacity. According to the applicant the total number of occupants of the chalets will be 16, the same number as is currently permitted for the first two chalets.
- 7.3 There are new residential developments within 5km of the site which could lead to a cumulative impact on the European site arising from increases in recreational disturbance. But relevant developments have been Assessed for this impact and it has been concluded that, with mitigation taken into account, recreational disturbance will not cause any significant harm.

This development is small; there will be a maximum of sixteen occupants in the chalets, with maximum numbers only likely in the summer months. Any cumulative impacts will be very small, probably *de minimis*, and in any case mitigation has been proposed for recreational disturbance issues.

- 7.4 It is therefore concluded that no cumulative effects will occur.
- 7.5 Given that this application represents an extension of an already approved application the LPA should be cognisant of any further proposals to extend development on the site. Any further increases in population on the site must be subject to further Appropriate Assessment.

8 Conclusions and Recommendations

8.1 Screening of European protected sites has established that the following sites have the potential to be affected by the implementation of Wyre planning application 19/00950/FUL

- Morecambe bay and Duddon Estuary SPA and Ramsar

8.2 Following Screening of the special qualifying features of interest of the Morecambe Bay and Duddon Estuary SPA/Ramsar and subsequent Assessment of potentially harmful operations on these features arising from the implementation of the planned development, consideration of measures available for mitigating identified effects and consideration of possible in-combination effects from other nearby developments, it has been concluded that the implementation of the application will not have any Likely Significant Impacts on the special interest of European Protected Site concerned.

8.3 It is **recommended** that the proposed measures identified to mitigate the effects of increased recreational disturbance on the special interest of the SPA is implemented in full.

That is, the proposed **Visitor Information Pack** should be required to be issued to all future occupants of the holiday chalets and Construction should be restricted to certain times of year and certain times of the day.

Construction works should be undertaken during the period April to September inclusive.