



Habitats Regulations
Assessment

Rosemount Avenue,
Preesall

Ref: P.1946.24

Date: February 2024

(See revision dates below)

Rev	Date	Details

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P.1946.24

Habitats Regulations Assessment

Of

Rosemount Avenue, Preesall

For

Breck Homes Limited

5 February 2024

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EXECUTIVE SUMMARY

A Preliminary Ecological Appraisal was carried out at Rosemount Avenue, Preesall on 13th July 2023 by Lizzie Atkinson and updated on 30th January 2024. The ecological report identified the proximity of the proposed development site to Morecambe Bay and Morecambe Bay Special Area of Conservation (SPC), Special Protection Area (SPA) & RAMSAR.

The site comprises a poor semi-improved field encroached with dense scrub and tall ruderal vegetation. Sections of species poor hedgerow partially border the northern and southern site boundaries and scattered trees are present throughout. A seasonally wet ditch lines the western, eastern and southern site boundaries.

1.0 Introduction

Ascerta has been instructed by Breck Homes Limited to produce a Shadow Habitats Regulations (HRA) report for the proposed development site at Rosemount Avenue, Preesall (hereafter referred to as the site). The site OS grid reference is SD 3629 4860.

This report has been produced to address the comments received from the local council in the relation to the sites suitability to support wintering bird species and its proximity to Morecambe Bay Special Area of Conservation (SPC), Special Protection Area (SPA) & RAMSAR.

Our client seeks planning consent for residential dwellings with associated access roads, a footpath and area of open space within the northern sector of the site.

2.0 Designated Sites for Nature Conservation

As part of the pre planning application consultation process the local council have advised that:

As the site is also within 3.5km of Morecambe Bay Special Area of Conservation (SPC), Special Protection Area (SPA) and RAMSAR site any impacts upon these sites should be fully assessed. Natural England are likely to require a Habitats Regulations

The site lies within a FC/BTO Wader Zone, a Pink-footed Goose Main Roost Area, a Pink-footed Goose Major Feeding Area and a Whooper Swan Sensitive Waterbird Area (SWA)

The site lies approximately 250m north of Morecambe Bay Special Area of Conservation (SPC), Special Protection Area (SPA) & RAMSAR.

The nearest Impact Risk Zone to the designated site requires the Local Planning Authority to consult with Natural England on likely risks from the following development categories (Ordnance Survey, 2019). The site lies within a Natural England SSSI Impact Risk Zone for Residential development of 10 units or more.

1. DOES PLANNING PROPOSAL FALL INTO ONE OR MORE OF THE CATEGORIES BELOW?

2. IF YES, CHECK THE CORRESPONDING DESCRIPTION(S) BELOW. LPA SHOULD CONSULT NATURAL ENGLAND ON LIKELY RISKS FROM THE FOLLOWING:

All Planning Applications

All planning applications (except householder) outside or extending outside existing settlements/urban areas affecting greenspace, farmland, semi natural habitats or landscape features such as trees, hedges, streams, rural buildings/structures.

Infrastructure

Pipelines and underground cables, pylons and overhead cables. Any transport proposal including road, rail and by water (excluding routine maintenance). Airports, helipads and other aviation proposals.

Wind & Solar Energy

Solar schemes with footprint > 0.5ha, all wind turbines.

Minerals, Oil & Gas

Planning applications for quarries, including: new proposals, Review of Minerals Permissions (ROMP), extensions, variations to conditions etc. Oil & gas exploration/extraction.

Rural Non Residential

Large non residential developments outside existing settlements/urban areas where net additional gross internal floorspace is > 1,000m² or footprint exceeds 0.2ha.

Residential

Residential development of 10 units or more.

Rural Residential

Any residential developments outside of existing settlements/urban areas with a total net gain in residential units.

Air Pollution

Any development that could cause AIR POLLUTION (incl: industrial/commercial processes, livestock & poultry units, slurry lagoons & digestate stores, manure stores).

Combustion

All general combustion processes. Incl: energy from waste incineration, other incineration, landfill gas generation plant, pyrolysis/gasification, anaerobic digestion, sewage treatment works, other incineration/ combustion.

Waste

Mechanical and biological waste treatment, inert landfill, non-hazardous landfill, hazardous landfill, household civic amenity recycling facilities construction, demolition and excavation waste, other waste management.

Composting

Any composting proposal. Incl: open windrow composting, in-vessel composting, anaerobic digestion, other waste management.

Discharges

Any discharge of water or liquid waste that is discharged to ground (ie to seep away) or to surface water, such as a beck or stream.

Water Supply**Notes 1**

New residential developments in this area should consider recreational disturbance impacts on the coastal designated sites. Please consider this issue in the HRA screening.

Notes 2**GUIDANCE - How to use the Impact Risk Zones**

[/Metadata for magic/SSSI IRZ User Guidance MAGIC.pdf](#)

OK Cancel

3.0 Scope of Report

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) 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 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.

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

3.1 Stage 1: Screening

The purpose of the screening stage of the HRA process is to initially identify the risk or the possibility of significant adverse effects on a European site which could undermine the achievement of a site's conservation objectives, and which therefore require further detailed examination through an appropriate assessment. If risks which might undermine a site's conservation objectives can clearly be ruled out (based on the consideration of objective information), a proposal will have no likely significant effect and no appropriate assessment will be needed.

In order for a development or project to be screened out at Stage 1: Screening there must be no doubt that the scheme will not have any harmful impacts on the special interest of any European Site.

In undertaking an assessment of ‘likely significant effects’ under the Habitats Regulations, authoritative case law has established that:

- An effect is likely if it ‘cannot be excluded on the basis of objective information’¹
- An effect is significant if it ‘is likely to undermine the conservation objectives’²
- In undertaking a screening assessment for likely significant effects ‘it is not that significant effects are probable, a risk is sufficient’.... but there must be credible evidence that there is ‘a real, rather than a hypothetical, risk’³

The Advocate General’s opinion in *Sweetman* also offers some simple guidance that the screening step ‘operates merely as a trigger’ which asks ‘should we bother to check?’.

Consideration of the Effect of Avoidance and Mitigation Measures Incorporated into the Project

In a recent authoritative decision in C-323/17 *People Over Wind*, the Court of Justice of the European Union (CJEU) concluded that it is not appropriate, at the screening stage of a HRA, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European Site. This overrules previously established UK case law which concluded that incorporated measures could be taken into account at this screening stage when judging the risk of a significant effect. These matters can now only be taken into account as part of the appropriate assessment stage of a HRA.

1 Case C127-02 *Waddenzee*

2 Case C127-02

3 *Boggis v Natural England and Waveney DC* [2009] EWCA Civ 1061

4 Case C 258/11 *Sweetman* Advocate General Opinion

Competent Authority

As specified in the Regulations, it is the role of the competent authority (i.e. the local planning authority) to undertake the likely significant effect (LSE) assessment.

This report (and the information provided in the ecological report) has been prepared to assist the competent authority to assess the site and proposals under the Habitats Regulations to facilitate the progression of the planning application and decision.

Although this HRA has been prepared to help the local planning authority discharge its duties under the Habitats Regulations, the document is neither designed to, nor can it replace the formal exercise to be undertaken separately by the local planning authority. The local planning authority is the competent authority, and it must decide to adopt this report or otherwise.

3.2 Baseline conditions and site proposals

The site is bordered by Pilling Lane to the north, agricultural fields to the east and residential dwellings to the west and south. The immediate surrounding land use is predominately residential dwellings with retail outlets, agricultural land is present within the wider area.

The site comprises a poor semi-improved field encroached with dense scrub and tall ruderal vegetation. Sections of species poor hedgerow partially border the northern and southern site boundaries and scattered trees are present throughout. A seasonally wet ditch lines the western, eastern and southern site boundaries.

3.3 Scope

The proposals at the site are not necessary for the management of the European sites. Therefore, to inform the HRA process it is necessary to identify the European designated sites that are potentially vulnerable to the development proposals.

Comments received from the local council make reference to Morecambe Bay Special Area of Conservation (SPC), Special Protection Area (SPA) and RAMSAR site. Based on the relative distance to the European designated sites from the site and in consideration of the potential pathways of impact, it is reasonable concluded that the European designated sites are potentially vulnerable to impact.

3.4 Morecambe Bay (SPC), (SPA) and RAMSAR

The SPA covers an area of 66,899.38 hectares and extends between Rossall Point in Lancashire and Drigg Dunes in Cumbria. The site includes the former Morecambe Bay SPA and Duddon Estuary SPA and an extension to include the Ravenglass Estuary and intervening coast and the shallow offshore area off south-west Cumbria coast.

Morecambe Bay is the second largest embayment in Britain after The Wash, at over 310 km², and has four estuaries – the Wyre, Lune, Kent and Leven. It contains the largest continuous area of intertidal mudflats and sandflats in the UK which supports a variety of infaunal communities including cockle beds.

Morecambe Bay supports a wide range of other habitats including large areas of saltmarsh and transitional habitats as well as sand dune systems and coastal lagoons. Within the Bay there are areas of stony reef (known locally as scars or skears) which also support blue mussel beds and honeycomb worm *Sabellaria alveolata* reefs. Extensive eelgrass beds are present around Foulney Island and in the south Walney Channel, the only examples in the north-west of England. The parts of the SPA away from the coast are sandy and shallow, mostly less than 15 metres deep.

3.5 Qualifying Species

Table 1: The site qualifies under article 4.1 of the Directive (2009/147/EC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex 1 in any season:

Species	Season	Count (Period)	% of population
Whooper swan <i>Cygnus cygnus</i>	Non-breeding	113 individuals (2009/10 – 2013/14)	1.0% of GB population
Little egret <i>Egretta garzetta</i>	Non-breeding	134 individuals (2009/10 – 2013/14)	3.0% of GB population
European golden plover <i>Pluvialis apricaria</i>	Non-breeding	1,900 individuals (Morecambe Bay SPA citation value 1991)	1.0% of GB population (1991)
Bar-tailed Godwit <i>Limosa lapponica</i>	Non-breeding	3,046 individuals (2009/10 – 2013/14)	8.0% of GB population
Ruff <i>Calidris pugnax</i>	Non-breeding	8 individuals (2009/10 – 2013/14)	1.0% of GB population
Mediterranean gull <i>Larus melancephalus</i>	Non-breeding	18 individuals (2009/10 – 2013/14)	1.0% of GB population
Little tern <i>Sternula albifrons</i>	Breeding	84 individuals (2010 – 2014)	2.2% of GB population
Sandwich tern <i>Sterna sandvicensis</i>	Breeding	1,608 individuals (1988 - 1992)	5.7% of GB population (1992)
Common tern <i>Sterna hirundo</i>	Breeding	570 individuals (Morecambe Bay SPA citation value 1991)	2.0% of GB population (1991)

Table 2: The site qualifies under article 4.2 of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season:

Species	Season	Count (Period)	% of population
Pink-footed goose <i>Anser brachyrhynchus</i>	Non-breeding	15,648 individuals (2009/10 – 2013/14)	4.5% of biogeographic population
Common shelduck <i>Tadorna tadorna</i>	Non-breeding	5,878 individuals (2009/10 – 2013/14)	2.0% of biogeographic population
Northern Pintail <i>Anas acuta</i>	Non-breeding	2,498 individuals (2009/10 – 2013/14)	4.2% of biogeographic population

Species	Season	Count (Period)	% of population
Eurasian oystercatcher <i>Haematopus ostralegus</i>	Non-breeding	55,888 individuals (2009/10 – 2013/14)	6.8% of biogeographic population
Grey plover <i>Pluvialis squatarola</i>	Non-breeding	2,000 individuals (Morecambe Bay SPA citation value 1991)	1.0% of biogeographic population (1991)
Common ringed plover <i>Charadrius hiaticula</i>	Non-breeding	1,049 individuals (2009/10 – 2013/14)	1.4% of biogeographic population
Eurasian curlew <i>Numenius arquata</i>	Non-breeding	12,209 individuals (2009/10 – 2013/14)	1.5% of biogeographic population
Black-tailed godwit <i>Limosa limosa</i>	Non-breeding	2,413 individuals (2009/10 – 2013/14)	4.0% of biogeographic population
Ruddy turnstone <i>Arenaria interpres</i>	Non-breeding	1,359 individuals (2009/10 – 2013/14)	1.0% of biogeographic population
Red knot <i>Calidris canutus</i>	Non-breeding	32,739 individuals (2009/10 – 2013/14)	7.3% of biogeographic population
Sanderling <i>Calidris alba</i>	Non-breeding	3,600 individuals (Morecambe Bay SPA citation value 1991)	3.0% of biogeographic population (1991)
Dunlin <i>Calidris alpina alpina</i>	Non-breeding	26,982 individuals (2009/10 – 2013/14)	2.0% of biogeographic population
Common redshank <i>Tringa totanus</i>	Non-breeding	11,133 individuals (2009/10 – 2013/14)	4.6% of biogeographic population
Lesser black-backed gull <i>Larus fuscus</i>	Non-breeding	9,450 individuals (2009/10 – 2013/14)	1.7% of biogeographic population
Lesser black-backed gull <i>Larus fuscus graellsii</i>	Breeding	9,720 individuals (2011-2015)	2.7% of biogeographic population
European herring gull <i>Larus argentatus argenteus</i>	Breeding	20,000 individuals (Morecambe Bay SPA citation value 1991)	1.0% of biogeographic population (1991)

The site qualifies under Article 4.2 of the Directive (2009/147/EC) as it is used regularly by over 20,000 seabirds in any season.

At time of the 1997 citation of Morecambe Bay SPA, the area supported 40,672 individual seabirds including: herring gulls, lesser black-backed gulls, sandwich terns, common terns, and little terns.

The site qualifies under Article 4.2 of the Directive (2009/147/EC) as it is used regularly by over 20,000 waterbirds in any season.

During the period 2009/10 – 2013/14, the site held a five-year peak mean value of 266,751 individual birds. The main components of the assemblage include all of the qualifying features listed above, as well as an additional 19 species present in numbers exceeding 1% of the GB total and / or exceeding 2,000 individuals: great white egret, Eurasian spoonbill, light-bellied brent goose (Nearctic origin), Eurasian wigeon, Eurasian teal, green-winged teal, mallard, ring-necked duck, common eider (non-breeding), common goldeneye, red-breasted merganser, great cormorant, northern lapwing, little stint, spotted redshank, common greenshank, black-headed gull, common (mew) gull and European herring gull (non-breeding).

3.6 Conservation Objectives

Morecambe Bay Ramsar

The Morecambe Bay Ramsar meets Criterion 4, 5 and 6 as outlined below:

Ramsar Criterion 4: Supporting a critical stage in the lifecycle of an animal species

The site is a staging area for migratory waterfowl including internationally important numbers of passage ringed plover (*Charadrius hiaticula*).

Ramsar Criterion 5: Assemblages of international importance

Species with peak counts in winter: 223709 waterfowl (5-year peak mean 1998/99-2002/2003).

Ramsar Criterion 6: Species/populations occurring at levels of international importance.

Qualifying Species/populations: Information is available at:

<https://jncc.gov.uk/jncc-assets/RIS/UK11045.pdf>

3.7 Summary of Qualifying Features (Birds)

The table below provides a summary of the qualifying bird species listed in the Morecambe Bay and Morecambe Bay Ramsar site citations.

Table 3: List of Bird Species Named in the Morecambe Bay SPA and Morecambe Bay Ramsar Site Citations

Scientific Name	Common Name	MB & SPA	MB Ramsar
<i>Anas acuta</i>	Pintail	✓	
<i>Anas penelope</i>	Wigeon	✓	
<i>Anser brachyrhynchus</i>	Pink-footed goose	✓	✓
<i>Arenaria interpres</i>	Turnstone	✓	
<i>Bucephala clangula</i>	Goldeneye	✓	
<i>Calidris alba</i>	Sanderling	✓	
<i>Calidris alpina</i>	Dunlin	✓	✓
<i>Calidris canutus</i>	Knot	✓	✓
<i>Charadrius hiaticula</i>	Ringed plover	✓	
<i>Cygnus cygnus</i>	Whooper swan	✓	
<i>Egretta garzetta</i>	Little egret	✓	
<i>Haematopus ostralegus</i>	Oystercatcher	✓	
<i>Ichthyaeetus melanocephalus</i>	Mediterranean gull	✓	
<i>Larus fuscus</i>	Lesser black-backed gull	✓	
<i>Limosa lapponica</i>	Bar-tailed godwit	✓	✓
<i>Limosa limosa islandica</i>	Black-tailed godwit	✓	
<i>Mergus serrator</i>	Red-breasted merganser	✓	
<i>Numenius arquata</i>	Curlew	✓	
<i>Philomachus pugnax</i>	Ruff	✓	
<i>Pluvialis apricaria</i>	Golden plover	✓	✓
<i>Podiceps cristatus</i>	Great crested grebe	✓	
<i>Tadorna tadorna</i>	Shelduck	✓	
<i>Tringa tetanus</i>	Redshank	✓	
<i>Vanellus vanellus</i>	Lapwing	✓	

4.0 Stage 1: Screening and Assessment of Likely Significant Effect

The assessment of likely significant effect (LSE) is the first stage of an HRA and is intended to be a simple exercise to address the question:

is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant [adverse] effect on the conservation objectives and integrity of the European site”.

To address this question, it is necessary to identify and consider the realistic and credible pathways / mechanisms by which the development proposal may lead to an effect on the European designated site(s).

4.1 Scoped in Qualifying Features

At this stage in the assessment and in accordance with Natural England guidance, the HRA only considers potential pathways of impact on relevant and scoped in qualifying features at the identified European sites, namely the wintering and passage migrant birds and waterbird assemblage.

4.2 Potential Pathways of Impact

The table below identifies the potential pathways of impact of the unmitigated scheme on the relevant scoped in qualifying features of the identified European sites.

Table 4: Identified Potential Pathways of Impact on the Conservation Objectives of the Morecambe Bay and Morecambe Bay Ramsar Site

Scoped In Qualifying Feature	Potential Pathway	Assessment of Likely Significant Effect (LSE) of <i>Unmitigated</i> Scheme	LSE Alone	LSE In-combination	Conclusion
Wintering and passage migrant birds and waterbird assemblage	Actions that would result in direct loss of habitats within the SPAs / Ramsar site	The designated sites are located over 250 metres from the site. Construction and operational impacts would not result in any loss of habitat or land within the designated sites.	No LSE	No LSE	No LSE
	Disturbance of estuarine and intertidal habitats within the designated site during construction	The SPA and Ramsar sites are located over 250 metres from the nearest site boundary. The site is separated from the designated sites by existing built development and on-going construction operations. Construction related disturbance would not affect the estuarine and intertidal habitats.	No LSE	No LSE	No LSE

Scoped In Qualifying Feature	Potential Pathway	Assessment of Likely Significant Effect (LSE) of <i>Unmitigated</i> Scheme	LSE Alone	LSE In-combination	Conclusion
	Direct loss of supporting/ functionally-linked land	Proposals will result in loss of semi-improved grassland (i.e. direct loss of possible functionally-linked land) in the absence of further supporting information.	N/A at Stage 1 of the assessment		No LSE
	Actions that could affect the coast including mechanical / abrasive damage and nutrient enrichment	Construction and operational impacts would not result in any changes to coastal processes.	No LSE		No LSE
	Pollution (air, noise and light)	No such new activities proposed and / or site is sufficiently distant from all designated sites that impacts are reasonably discounted.	No LSE		No LSE
	Pollution (water)	<p>Pollution of the water environment owing to chemical and fuel spillages from construction plant and material;</p> <p>and</p> <p>Dust and sedimentation/siltation of surface waters may arise as a result of the disturbance of the soil and import of and storage of loose materials.</p> <p>Owing to the relatively close distance between the site and the designated sites and the presence of hydrological connectivity, in the absence of mitigation, this pathway is scoped in at this stage.</p>	N/A at Stage 1 of the assessment		LSE

Scoped In Qualifying Feature	Potential Pathway	Assessment of Likely Significant Effect (LSE) of <i>Unmitigated</i> Scheme	LSE Alone	LSE In-combination	Conclusion
	Projects that introduce new activities or new uses into the marine, coastal or terrestrial environment	No such new activities proposed.	No LSE		No LSE
	Displacement / Disturbance of qualifying bird species at functionally-linked land outside of the designated sites during the construction period	Disturbance of qualifying bird species using nearby potential functionally-linked land during the construction phase.	N/A at Stage 1 of the assessment		LSE
	Displacement / Disturbance of qualifying bird species at functionally-linked land outside of the designated sites during the operation of the site as a residential development	Proposals may result in increased access / recreational pressures on the public footpaths and other areas of potential functionally-linked land.	N/A at Stage 1 of the assessment		LSE
	Indirect disturbance effects associated with increased recreational pressures at the designated sites	Risk of increased use of the designated sites for recreational activities such as dog walking	N/A at Stage 1 of the assessment		LSE
	Introduction or increase a potential cause of mortality of a species.	No such activities proposed	No LSE		No LSE

Based on **Table 4** the pathways carried forward in this assessment (scoped in) are associated with:

LSE (Alone)

- Direct loss of potential supporting habitat / functionally-linked land;
- Pollution of the water environment during the construction period;
- Displacement / Disturbance of qualifying bird species at potential functionally-linked land outside of the designated sites during the construction period;
- Indirect disturbance effects including displacement / disturbance of qualifying bird species associated with increased recreational pressures at the surrounding potential functionally-linked land during the operation of the site as a residential development; and
- Indirect disturbance effects including displacement / disturbance of qualifying bird species associated with increased recreational pressures at the nearest area of the designated sites.

Owing to the C-323/17 *People Over Wind* ruling the presence of inherent mitigation cannot be taken into consideration at Stage 1 (assessment of likely significant effect). It is therefore necessary to take these pathways to appropriate assessment (i.e. Stage 2).

5.0 Inherent/Embedded Mitigation and Appropriate Assessment of Identified Impacts

The purpose of the appropriate assessment stage is to more precisely assess the likely effects identified and to inform a conclusion as to whether an adverse effect on the designated sites integrity can be ruled out.

The 'integrity' of a site should be taken to mean the coherence of its ecological structure and function, across its whole area that enables it to sustain the habitat, complexity of habitats and/or the levels of populations of the species for which it was, or will be, designated or classified.

The Habitats Regulations state that appropriate assessments of projects must be undertaken '*in view of that site's conservation objectives*'. The 'key question' for the appropriate assessment is, in view of these objectives, can it be ascertained that, should the project go ahead, there will be no adverse effect from it on the site's integrity so that the site's conservation objectives will not be undermined.

Guidance also states that it should not be assumed that appropriate assessment will necessarily involve detailed and complex monitoring or modelling work. Whilst complex work *might* be necessary in fully understanding what will happen to a site if the project goes ahead, and asking whether that would be consistent with maintaining or restoring a site's integrity, it is equally possible that a fairly concise and straightforward assessment might be entirely 'appropriate'.

5.1 Supporting Information and Assessment Approach

Data Source

- Lancashire Environment Record Network (LERN) data were obtained in August 2023 and have been analysed in further detail to support this HRA;
- Information available in the *Departmental Brief Morecambe Bay and Duddon Estuary potential Special Protection Area (pSPA)* document (Natural England, January 2016); and
- Five-year summary data (2013/14 to 2017/18) for Morecambe Bay as provided by the Wetland Bird Survey (WeBS).
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Review of Baseline Conditions: Habitats

The site comprises a poor semi-improved field encroached with dense scrub and tall ruderal vegetation. Sections of species poor hedgerow border the northern and southern site boundaries and scattered trees are present throughout. Dry ditches lie adjacent to the western, eastern and southern site boundaries.

Review of Baseline Conditions / Data Search and Desktop Study: SPA / Ramsar Qualifying Species

The biological data search confirms (Appendix 4) that the site lies within a FC/BTO Wader Zone, a Pink-footed Goose Main Roost Area, a Pink-footed Goose Major Feeding Area and a Whooper Swan Sensitive Waterbird Area (SWA). The site falls within land identified as a pink-footed goose main roost. For information, this pink-footed goose main roost area also covers saltmarsh habitats and the agricultural fields alongside the estuary, the large agricultural fields at Knott End-on-sea, to the south of the site, and Pilling to the east, which are regarded as more favourable habitats for use by qualifying bird species than the site. This assessment is supported by the collated data.

The collated WeBS data for Morecambe Bay and particularly the Wardleys WeBS sector closest to the site cover the estuarine habitats (i.e. saltmarsh, mud and sand flats). Data for the inland habitats within the site and surrounds are not available as the fields lie outside of the WeBS sectors. Consultation of the summary table confirms that the estuarine habitats (only <1km at its closest of the site) support numbers that exceed international importance thresholds for species such as pink-footed goose, shelduck, pintail, oystercatcher, curlew, bar-tailed godwit, black-tailed godwit, knot, dunlin and redshank. Based on the habitats and conditions present none of these bird species are likely to be frequently using the site (see discussion later in relation to oystercatcher), however it is recognised that the estuarine habitats in accessible proximity to the site are frequented by these species and this is of relevance when considering the indirect recreational pressures of a residential development on the designated sites.

Following review of available data confirmation of the following:

- No known records of wintering bird species named in the citations for the European designated sites for nature conservation are reported for land within the site boundary;
- All reported records of qualifying bird species (LERN and WeBS) are associated with the more open areas of farmland and estuarine habitats and outside of the developed areas; and
- The Morecambe Bay WeBS sector closest to the site supports important numbers of qualifying species.

The full biological data records in relation to wintering bird species are included within appendix 4 and Ascerta report, P.1946.24 Preliminary Ecological Appraisal, Rosemount Avenue.

Assessment Approach

In the C-323/17 *People Over Wind* case, the CJEU concluded that any measures intended to avoid or reduce the harmful effects of the project on a European Site should be taken into account at the appropriate assessment stage, rather than the preceding screening stage (i.e. Stage 1).

Natural England (Natural England, June 2018) advises that a submitted proposal subject to appropriate assessment by a competent authority may already contain such measures that have already been voluntarily proposed by the applicant (i.e. inherent / embedded mitigation). Further 'additional' mitigation measures can also be secured on the proposal by way of formal conditions or restrictions subject to which a permission or authorisation may be given.

To provide a transparent approach to the assessment and to assist the competent authority, this assessment makes a clear differentiation between the measures that are inherent to the scheme design and the additional mitigation / preventative measures required to address an identified impact.

Embedded Mitigation During the Construction Phase

The construction phase of the proposed development will be undertaken in accordance with industry best-practice Considerate Constructor's Scheme.

A Construction Environmental Management Plan (CEMP) will be prepared for the proposed development. The scope for the CEMP is outlined below.

Construction Lighting

Any lighting to be used at the site during construction must be directional and screened where possible to avoid inappropriate illumination of habitats in the wider area.

Surface Water Discharge Rates

In consideration of the effect of the proposals on the water environment and any indirect effects on the designated sites.

It is understood that the design of the scheme will manage surface water runoff into the existing drainage channels at or below existing run-off rates. There are no proposals to create new discharges into the designated sites nor increase the rate of discharge. This requirement is secured through the site design and has been a requirement of the Environment Agency (a statutory consultee) and the drainage consultant for Wyre Council.

Pollution Control and CEMP

In consideration of the risk of pollution of the aquatic environment, particularly during the construction period, the preparation and implementation of a Construction Environment Management Plan (CEMP) is recommended to include adherence to the relevant pollution. This is discussed within section 5.1 of Ascerta report, P.1946.24 Preliminary Ecological Appraisal, Rosemount Avenue.

Additional Mitigation

Homeowners' Pack / Advisory Leaflet

To address the potential risk of an increased recreational pressure on any fields of functionally linked land within the wider area and a zone of potential influence, it is recommended that an advisory leaflet is distributed in the sale pack of the properties. The leaflet will provide the following guidance:

- Advise that the properties and site are within proximity to the European designated sites, clearly setting out the value, importance and sensitivity of the areas, identify the potentially damaging operations and also outline a 'responsible use code' such as advising the need to keep dogs on leads and keeping to the footpaths, for example; and
- Identify other areas for recreation / dog walking, away from the sensitive areas and the public footpaths, with maps and walking distances, as needed.

Signage

The information presented in the Homeowners' Pack and Advisory Leaflet can also be presented on interpretation boards to be installed along the footpaths and other appropriate areas in the site.

Appropriate Assessment (Alone)

Direct Loss of Supporting Habitat / Functionally-linked Land.

The site itself provides some favourable habitats for wintering birds within the semi-improved grassland, however this has become encroached with dense scrub and tall ruderal vegetation. The area is also grazed by ponies and sheep which limits the suitability for wintering birds due to disturbance. These disturbances are not favourable to the qualifying species of the designated sites. There is however no evidence that the site provides a high tide / poor weather roost or refuge for the qualifying species at the designated sites. The proposed development will not result in the loss of supporting habitat or functionally-linked land to the designated sites.

Pollution of the Water Environment during the Construction Period

In the presence of the implementation of the pollution prevention guidelines to be secured by the CEMP (as described under the Embedded Mitigation heading) the risk of pollution of the water environment during the construction period is avoided.

Displacement / Disturbance of Qualifying Bird Species at Potential Functionally-linked Land Outside of the Designated Sites During the Construction Period

The desktop study and biological data search information has demonstrated that the terrestrial habitats (i.e. not the designated estuarine habitats) outside of the proposed development site has been used by eight of the qualifying bird species at the Morecambe Bay SPA or Morecambe Bay Ramsar. No records for wintering bird were returned for within the proposed development site.

Indirect Disturbance Effects including Displacement / Disturbance of Qualifying Bird Species Associated with Increased Recreational Pressures at the Surrounding Functionally-linked Land During the Operation of the Site as a Residential Development

Obstruction and Fragmentation Effects During Construction (and Operation)

The proposed construction site and residential development will not create a barrier to any bird movements over the site or cause fragmentation.

To move between sites, functionally-linked land and the estuarine habitats, the qualifying bird species will currently have to fly over existing built development.

The development proposals and operation of the site as a residential development will not create additional disturbance that may deter birds from flying over the site; it is concluded that this behaviour will continue in the presence of the residential development.

Disturbance Effects Associated with Recreational Activities (i.e. dog walking)

Following the completion of the proposals there will be an increase in local population which may impact the risk of the disturbance of the qualifying bird species using the potential functionally-linked land in the wider area and outside of the statutory designated sites.

The proposed development site provides some limited functionally-linked land for the relevant qualifying species. The proposed development does not intend to increase the accessibility of pedestrians and vehicles to the fields in the wider area.

The residential development is self-contained. The provision of defined and maintained pathways and footpaths through and around the site will provide opportunities for dog walking that will act to detract from access to the wider fields.

In the presence of a sensitively designed scheme that buffers and screens the development from the wider fields, predominately to the east, it is feasible to ensure any potential future disturbance effects are avoided / minimised.

In consideration of the above, an adverse effect on functionally-linked land is avoided and therefore it can be reasonably concluded that the integrity of the designated sites and their conservation objectives will not be adversely affected.

Further, the embedded mitigation described above can be supplemented by additional measures such as the preparation and distribution of information in sale packs, informing residents of the presence and importance of the European sites and surrounding fields, and how residents can help protect them including an outlined 'responsible use code'.

To prevent any impacts (such as dust and pollution) to the adjacent and surrounding designated areas it is recommended that a Construction Environmental Management Plan is produced and implemented to reduce the risk of impact, harm or damage to these areas during all phases of construction.

The site lies within a Natural England SSSI Impact Risk Zone for Residential development of 10 units or more.

Indirect Disturbance Effects including Displacement / Disturbance of Qualifying Bird Species Associated with Increased Recreational Pressures at the Nearest Area of the Designated Sites

The site lies 250m south of the Morecambe Bay SPA and the overlapping Morecambe Bay Ramsar site (i.e. walking distance), therefore the need to assess potential indirect disturbance effects on qualifying species as a result of increased recreational use of the SPA by residents is identified.

The residential development does include the creation of a footpath to the north of the site that will access Pilling Lane, which will then, via existing infrastructure provide access to the designated site.

Although the nearest area of the designated site is relatively close to the site, based on the nature of the estuarine environment (i.e. sand and mudflats) in the area nearest the site it is considered visitors (including dog walkers) will remain on the existing paved footpath.

The embedded mitigation described above can be supplemented by additional measures such as the preparation and distribution of the homeowner's information in sale packs, informing residents of the presence and importance of the European sites and surrounding fields, and how residents can help protect them including an outlined 'responsible use code', as detailed in **Section 4.4**.

Owing to the presence of a variety of alternate areas for walking in the Preesall area and surrounds and the measures already in place to restrict access and influence visitors behaviour when using the land close to the estuary it is concluded that an increase in local population is unlikely to lead to a significantly increased use of the SPA area and is therefore unlikely to have an adverse effect on the integrity and conservation objectives of the designated sites.

Summary of Appropriate Assessment (Alone)

Table 5 provides a summary of the appropriate assessment of each of the scoped in aspects of the development proposal identified to have a likely significant effect. The table identifies the scoped in potential pathways of impact and describes the essential features that have been incorporated into the site design and also the measures proposed as mitigation / preventative measures designed to protect the European site and avoid an adverse effect on the integrity of the designated sites and their conservation objectives.

Qualifying features	Potential Pathways of Impact	Measures Incorporated Into Scheme Design / Inherent / Embedded Mitigation	Appropriate Assessment of Effect on Integrity of Designated Sites	Additional Mitigation / Preventative Measures	Final Assessment
Wintering and passage migrant birds and waterbird assemblage	Direct loss of supporting habitat / functionally-linked land	The proposed development will not result in the loss of supporting habitat or functionally-linked land to the designated sites.	The proposed development will not result in the loss of supporting habitat or functionally-linked land to the designated sites.	N/A	No adverse effect on the integrity and conservation objectives of the designated sites.
	Pollution of the water environment during the construction period	Implementation of protective measures to be secured in a Construction Environment Management Plan (CEMP).	No adverse effect on the integrity and conservation objectives of the designated sites.	N/A	No adverse effect on the integrity and conservation objectives of the designated sites.

	<p>Displacement / disturbance of qualifying bird species at potential functionally-linked land outside of the designated sites during the construction period</p>	<p>Implementation of protective measures to be secured in a Construction Environment Management Plan (CEMP).</p>	<p>Based on the data available it is suggested that the enclosed parcel of land the site lies within does not provide functionally-linked land for the relevant qualifying species. Based on the distances involved and the presence of the existing road network and significant built development (i.e. residential development to the west and existing residential dwellings to the north and south) it is reasonably concluded that operations at the site during the construction period are unlikely to cause the displacement of qualifying species.</p>	<p>N/A</p>	<p>No adverse effect on the integrity and conservation objectives of the designated sites.</p>
--	---	--	--	------------	--

	<p>Indirect disturbance effects including displacement / disturbance of qualifying bird species associated with increased recreational pressures at the surrounding functionally-linked land during the operation of the site as a residential development</p>	<p>Provision of defined and maintained pathways and footpaths through and around the residential site and will provide opportunities both within and adjacent to the site for dog walking that will act to detract from access to the wider area including the fields of functionally-linked land at Fleetwood Farm Fields.</p>	<p>Minor risk of an adverse effect on the integrity and conservation objectives of the designated sites.</p>	<p>Preparation and distribution of a 'Homeowner's Pack' as described in Section 4.4. Installation of signage around the site to advise residents of walking routes.</p>	<p>No adverse effect on the integrity and conservation objectives of the designated sites.</p>
	<p>Indirect disturbance effects including displacement / disturbance of qualifying bird species associated with increased recreational pressures at the nearest area of the designated sites</p>	<p>Provision of defined and maintained pathways and footpaths through and around the residential site will provide areas of multi-use recreational open space within the site to provide opportunities for dog walking that will act to detract from regular use of the SPA / Ramsar. No additional footpaths or accesses to the designated sites proposed as part of the design. Based on the conditions present, any visitors to the closest section of designated</p>	<p>An increase in local population is unlikely to lead to an increase in use of the SPA that would attain a level that would have an adverse effect on the integrity and conservation objectives of the designated sites.</p>	<p>Preparation and distribution of a 'Homeowner's Pack' as described in Section 4.4. Installation of signage around the site to advise residents of walking routes away from the designated sites.</p>	

		sites are likely to remain on the paved section of the Wyre Way. The closest section of the Wyre Way only extends immediately parallel to the designated sites for a short distance thereby minimising the magnitude of effect.			
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The supporting information concludes that the site does not provide functionally-linked land to the designated sites.

The proposals may have a limited effect on the integrity and conservation objectives of the designated sites when considered alone.

It is advised that the incorporation of the measures into the development proposal and scheme design and the inclusion of the additional mitigation / preventative measures (i.e. the Homeowner's Pack and site signage) will enable the LPA to conclude under the Habitats Regulations that there is no adverse effect on the integrity and conservation objectives of the European designated sites (or any designated site) as a result of the development proposals.

In-combination Effects

Scope

It is a requirement of HRA screening assessments that they take into account possible 'in-combination' (cumulative) effects on European sites that could arise from other relevant developments. It is possible that a number of small impacts, while not considered to cause harm when assessed in isolation, could combine to cause a more significant effect.

In combination effects (i.e. is the project, in combination with other relevant projects likely to result in a significant [adverse] effect on the conservation objectives and integrity of the European site) only need to be considered if a likely significant effect of the project when considered alone is discounted.

A likely significant effect on the designated sites when the project is considered alone is avoided. However, the following pathways for in-combination effects have been identified to potentially have a likely significant effect:

Indirect in-combination disturbance effects associated with increased recreational pressures at the designated sites e.g. dog walking; and

Indirect disturbance effects associated with increased recreational pressures at the surrounding potential functionally-linked land.

Discussion

It is accepted that an increase in the local population following the proposed development and in-combination with effects from other housing developments and Green Belt release may increase the number of visitors and therefore risk of the disturbance of the qualifying bird species at the designated sites, at functionally-linked land in closer proximity to the designated site and may increase the risk of disturbance to bird assemblages.

Inherent on-site mitigation to avoid a significant impact / adverse effect on the integrity of the designated sites as a result of recreational pressures will be achieved as part of the design of the proposed development.

For example, the site is considered to be sufficiently distant from the majority of the designated sites that regular / daily visits to the designated sites made by dog walkers are less likely. In addition, the provision of defined and maintained pathways and footpaths as part of the green infrastructure through and around the site will provide opportunities for dog walking that will act to detract from regular access to the designated sites in the wider area. The embedded mitigation described above can be supplemented by additional measures such as the preparation and distribution of the homeowner's information in sale

packs, informing residents of the presence and importance of the European sites and surrounding fields, and how residents can help protect them including an outlined 'responsible use code'.

Relevant Opinion and Projects

In consideration of the relevant projects the following has been consulted:

Major residential schemes within the area that could have a similar effect on the designated sites including projects that are:

- Under construction;
- Permitted application(s) not yet implemented; and
- Submitted application(s) not yet determined.

Residents at other major housing schemes in the wider area (and this site) would disperse and use the designated sites *and* other greenspaces and parks in the local area that are *outside* the designated sites then any in-combination effects are unlikely to have a significant adverse effect on the integrity of the designated sites and their conservation objectives.

As the individual projects have all either been scoped out of the requirement for an HRA as a result of the absence of a risk of an impact *or* will / have encompass(ed) protective and preventative measures to avoid an adverse impact on the designated site it is reasonably concluded that there is no risk of an in-combination adverse effect on the integrity of the designated sites and their conservation objectives.

6.0 Conclusions

The assessment makes the recommendation that it can be concluded that the project will have no adverse effect on the integrity and conservation objectives of the relevant identified European designated sites for nature conservation either alone or in combination with other projects. It is recommended that the incorporation of the measures into the development proposal and scheme design and the inclusion of the additional mitigation / preventative measures (i.e. the Homeowner's Pack and site signage) can be secured by planning obligation / conditions, as appropriate.

7.0 References

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Appendix 1



- Key**
- Site boundary
 - SI B6 - Semi-improved grassland
 - A2.1 - Scrub
 - C3.1 - Tall ruderal vegetation
 - J2.1.2 - Species poor hedgerow
 - Wet ditch
 - Scattered trees
 - Low BRP
 - Target notes
- TN1 - Brush piles
 TN2 - Offsite pond
- BRP - Bat Roost Potential

DO NOT SCALE.
 ALL COORDINATES RELATED TO LOCAL GRID.
 LOCATED TO NG BY BEST FIT TO DETAIL.
 EXTRACTED FROM OS DIGITAL DATA.

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 Landscape | Trees | Ecology

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CLIENT:
Breck Homes Limited

PROJECT:
Rosemount Avenue, Preesall

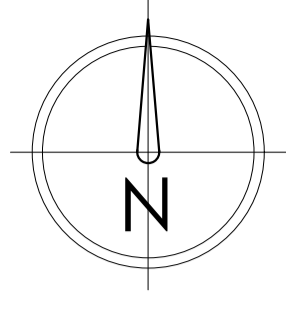
DRAWING TITLE:
Phase One Habitat Survey

SCALE: NTS@A3	DRAWN BY: LA	DRAWING No: P.1946.24.E01
DATE: 01/02/2024	CHKD BY: LK	REV: A

Appendix 2



Accommodation Schedule	
15No. 2b3p Bungalow	74 sq.m
15No. 2b4p House Types	68 sq.m
03No. 2b4p Corner House Types	68 sq.m
10No. 3b5p House Types	82 sq.m
10No. 4b6p House Types	100 sq.m
Total 53No. Units	
Site Area = 1.50 Hectares	



2b3p 74 Dormer Bungalow

2b4p 68 House Type
2b4p 68 Corner House Type

3b5p 82 House Type

4b6p 100 House Type

Site Density = 34 Units Per Hectare

Car Parking
2 Spaces for 2 & 3 Bedroom Units
3 Spaces for 4 Bedroom Units

REV	DATE	DRAWN	DESCRIPTION	APPROV	TRC

TITLE: **PROPOSED SITE LAYOUT**

Breck Homes
 21 Sceptre Court
 Bamber Bridge
 Preston
 PR3 5AW
 Tel: 01524 587 000
 Fax: 01524 587 001
 www.breck.co.uk
 info@breck.co.uk

PROJECT: **ROSEMOUNT AVENUE, PREESELL**

DATE	SCALE	JOB REF	DRAWING NUMBER	REV
JAN 24	1:500 @ A1	-	P01 - Proposed Site Layout	-

Appendix 3

European Site Conservation Objectives for Morecambe Bay Special Area of Conservation Site Code: UK0013027



With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

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;

- **The extent and distribution of qualifying natural habitats and habitats of qualifying species**
- **The structure and function (including typical species) of qualifying natural habitats**
- **The structure and function of the habitats of qualifying species**
- **The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely**
- **The populations of qualifying species, and,**
- **The distribution of qualifying species within the site.**

This document should be read in conjunction with the accompanying *Supplementary Advice* document, which provides more detailed advice and information to enable the application and achievement of the Objectives set out above.

Qualifying Features:

H1110. Sandbanks which are slightly covered by sea water all the time; Subtidal sandbanks

H1130. Estuaries

H1140. Mudflats and sandflats not covered by seawater at low tide; Intertidal mudflats and sandflats

H1150. Coastal lagoons*

H1160. Large shallow inlets and bays

H1170. Reefs

H1220. Perennial vegetation of stony banks; Coastal shingle vegetation outside the reach of waves

H1310. *Salicornia* and other annuals colonising mud and sand; Glasswort and other annuals colonising mud and sand

H1330. Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

H2110. Embryonic shifting dunes

H2120. Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes"); Shifting dunes with marram

H2130. Fixed dunes with herbaceous vegetation ("grey dunes"); Dune grassland*

H2150. Atlantic decalcified fixed dunes (*Calluno-Uliceteta*); Coastal dune heathland*

H2170. Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*); Dunes with creeping willow

H2190. Humid dune slacks

S1166. *Triturus cristatus*; Great crested newt

* denotes a priority natural habitat or species

This is a European Marine Site

This site is a part of the Morecambe Bay European Marine Site. These Conservation Objectives should be used in conjunction with the Conservation Advice document for the EMS. Natural England's formal Conservation Advice for European Marine Sites can be found via [GOV.UK](https://www.gov.uk).

* Priority natural habitats or species

Some of the natural habitats and species for which UK SACs have been selected are considered to be particular priorities for conservation at a European scale and are subject to special provisions in the Habitats Regulations. These priority natural habitats and species are denoted by an asterisk (*) in Annex I and II of the Habitats Directive. The term 'priority' is also used in other contexts, for example with reference to particular habitats or species that are prioritised in UK Biodiversity Action Plans. It is important to note however that these are not necessarily the priority natural habitats or species within the meaning of the Habitats Regulations.

Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2017 as amended from time to time (the "Habitats Regulations"). They must be considered when a competent authority is required to make a 'Habitats Regulations Assessment', including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term 'favourable conservation status' is defined in regulation 3 of the Habitats Regulations.

Publication date: 27 November 2018 (version 3). This document updates and replaces an earlier version dated 30 June 2014 to reflect the consolidation of the Habitats Regulations in 2017.

Appendix 4

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 Ancient Tree Inventory, Woodland Trust
 Accessed 04/2020

Lancashire Environment Record Network
 Planning and Environment
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 County Hall,
 Preston, PR1 0LD
 lern@lancashire.gov.uk
 http://www.lancashire.gov.uk/lern.aspx

Project:

Meadow Avenue

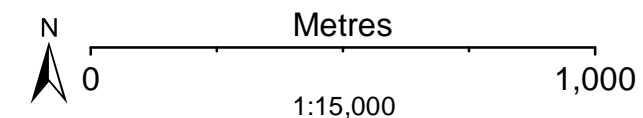
Client:

Ascerta

Grid Ref: 336300 448600

-  250 m Buffer
-  500 m Buffer
-  1 km Buffer
-  2 km Buffer
-  Lancashire Key Species
-  Bat Roost or Possible Roost
-  Other Bat Record
-  SLBG Bat Roost or Possible Roost
-  SLBG Other Bat Record
-  Lancashire INNS
-  Biological Heritage Sites
-  Local Geodiversity Sites
-  Marine Conservation Zones
-  Natura 2000
-  SSSI
-  FC/BTO Wader Zonal Map
-  Pink-footed Goose Main Roost
-  Pink-footed Goose Major Feeding Area
-  Whooper Swan SWA
-  Coastal and floodplain grazing marsh
-  Coastal saltmarsh
-  Deciduous woodland
-  Good quality semi-improved grassland
-  Lowland fens
-  Mudflats
-  No main habitat but additional habitats pres.
-  Reedbeds
-  Traditional orchard

**N.B. THIS IS AN INTERACTIVE PDF
 LAYERS CAN BE TURNED ON OR OFF
 TO AID CLARITY.**



Boundaries of statutory designations (Natura 2000, SSSI etc) are included for information only. <ITA> Definitive information for these designations should be obtained from Natural England.

Lancashire Key Species records are plotted at the centre of the area to which they relate (the precision of each record is given in the accompanying attribute data and spreadsheet).

