

Date: 17 June 2019
Our ref: 280184
Your ref: Proposed Submission Local Plan



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BY EMAIL ONLY

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Dear Mr Bell,

Warrington Local Plan – Proposed Submission Version

Thank you for your email on the above dated and received by Natural England on 15 April 2018.

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

This letter provides our formal response on the soundness and legal compliance requirements of the pre-submission draft.

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED

The Habitats Regulations Assessment (HRA) of Warrington Local Plan has identified potential effects in relation to **air quality** impacts on Manchester Mosses Special Areas of Conservation (SAC). Natural England advise that further detail is needed to clarify the scale of impacts and certainty that mitigation measures are deliverable and will remove impacts. Without the assurance of suitable mitigation measures, the allocations are at risk of becoming undeliverable at project stage if the Habitats Regulations cannot be satisfied.

Warrington Local Plan HRA does not assess the potential impacts on **Functionally Linked Land (FLL)** within allocation MD1–Waterfront, Natural England advise that this issue requires careful consideration in the HRA.

Without this detail we consider the plan currently **unsound** with regard to the 'effective' test and we also raise legal compliance issues with regard to the Habitats Regulations.

Habitats Regulations Assessment

Air Quality

Natural England welcomes the assessment of air pollution impacts on European designated sites, although we feel that further work could have been done to consider the likely travel distances/directions from each of the allocation sites. Certain allocations were listed as being more likely to cause impacts but there was no narrative to explain how this conclusion had been reached. Also, It isn't entirely clear if the HRA is determining an adverse impact on site integrity resulting from Warrington Local Plan alone, or in-combination with other plans and projects. Natural England

advise that further clarity is needed to determine the scale of impacts.

Once the scale of impacts has been clearly identified, the HRA should include details of appropriate mitigation measures that are deliverable and will remove identified impacts. The measures listed in chapter 4.25 of the HRA (p.54) are good practice but are not specific/measurable enough to constitute mitigation.

Furthermore, the mitigation contained in Policy Env 8 – Environmental and Amenity Protection of the Local Plan (p.160) states;

“4. New development that would result in increased traffic flows on the M62 past Manchester Mosses Special Area of Conservation (SAC) of more than 1000 vehicles per day or 200 Heavy Goods Vehicles (HGVs) per day must be accompanied by evidence identifying whether the resultant impacts on air quality would cause a significant effect on ecological interests within the SAC. Where such effects are identified they would need to be considered in accordance with Policy DC4.”

This causes some concern that individual allocations not meeting the threshold quoted above will not be required to contribute to air quality mitigation, despite the findings of the HRA that the combined allocations within the Local Plan may cause impacts. In order to be compliant with the European court judgement *Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351, the threshold for identifying a likely significant effect which requires further assessment should be more than 1000 vehicles per day alone or in-combination with other plans and projects. The current policy wording does not reflect this. We advise that a more strategic approach may be required to address this issue.

Functionally Linked Land (FLL)

The Warrington Local Plan HRA does not include an assessment of FLL in relation to allocation site MD1–Waterfront. The Waterfront allocation site is approximately 5km from the Mersey Estuary Special Protection Area(SPA)/Ramsar. This European designated site is classified for rare and vulnerable birds which are mobile species that may also rely on areas outside of the designated site boundary. These supporting habitats may be used by SPA/Ramsar populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA/Ramsar species populations, and proposals affecting them may therefore have the potential to affect the European site. Natural England believes that the Waterfront allocation site has the potential to support SPA/Ramsar populations and advise that the potential for offsite impacts needs to be considered in assessing what, if any, potential impacts the proposal may have on Mersey Estuary SPA/Ramsar.

Natural England are keen to work with Warrington Borough Council to help address the issues raised in this letter.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Janet Baguley on 02080261845 or janet.baguley@naturalengland.org.uk. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

Petula Neilson
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Urban and Wetlands Team

Cheshire, Greater Manchester, Merseyside and Lancashire Area Team