



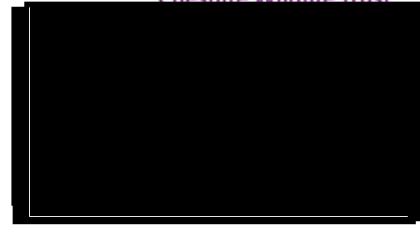
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**Planning Policy and Programmes,**  
Warrington Borough Council,  
Town Hall,  
Sankey Street,  
Warrington  
WA1 1HU

15 November 2021

To whom it may concern,

### **Re: Draft Warrington Local Plan**

The Cheshire Wildlife Trust (CWT) is the leading conservation charity in the Cheshire area that focusses on all aspects of wildlife. In our response to the consultation for the Draft Warrington Local Plan (hereafter referred to as the Plan or the "WLP") we seek to represent the views of our 17,000+ local members, particularly those who live in Warrington.

#### **General Comments**

CWT welcomes many of the Plan policies in principle such as those covering biodiversity and green infrastructure. We also welcome the reduction in the scale of Green Belt release compared with the earlier versions of the WLP. However, we feel that aspects of the WLP policies require strengthening to reflect the urgency of tackling the climate and ecological emergencies and to ensure the Plan is effective.

#### **Site Allocations**

CWT has significant concerns with the potential in-combination effects of the scale of development proposed in the Mersey Valley Corridor (a key green infrastructure opportunity area identified in the WLP) and South East Warrington. Warrington Waterfront (MD1), South East Warrington Urban Extension (MD2), Fiddlers Ferry (MD3), the South East Warrington Employment Area (MD6) and the Warrington Western Link (WWL) all have the potential to cause significant in-combination effects to a range of important ecological features throughout and beyond Warrington. Most notably this includes the internationally designated Mersey Estuary SPA and Ramsar site, it's assemblages of qualifying bird species and the habitats and land that are functionally linked to the main site.

Our full comments on this point plus additional detailed comments on the allocation sites are included later in this response.

**HS2**

Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

**Patron** Richard Walker  
**President** Felicity Goodey CBE DL **Chairman** Bill Stothart  
**Chief Executive** Charlotte Harris



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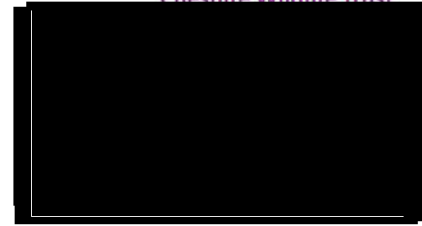
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CWT has objected in the strongest terms to the current proposals for HS2 (phase 2B) due to the disastrous impact that they would have on biodiversity. This includes the destruction of irreplaceable habitats and failure to set out effective proposals for mitigation, compensation or net biodiversity gain. In our view the alignment and design of HS2 phase 2B will require a complete rethink if it is to comply with national policy and emerging legal duties concerning biodiversity set out in the Environment Bill. Depending on national decisions about the future of HS2, we consider that changes to the Plan (e.g. the route as shown on the Policies Map) will be needed to address this issue.

### Warrington Western Link

The Warrington Western Link (WWL) is likely to contribute to potentially significant standalone or, as discussed in detail later in this response, in-combination effects in the Mersey Valley. CWT strongly object to the development of the WWL as it likely to impact upon the Walton Locks LWS, Moore Nature Reserve LWS and habitats or land that is potentially functionally linked to the Mersey Estuary SPA and Ramsar site.

### Reversing the Decline of Nature

CWT considers that, despite the various references in the Plan to protecting and improving the natural environment, far stronger emphasis on this issue should be placed throughout the WLP e.g. within the vision and objectives etc. It should be made clearer that a widespread, substantial measurable net gain in biodiversity will be sought across the whole Borough (see our detailed comments).

In addition, whilst we welcome relevant WLP policies in principle, we have identified places where the Plan wording could be strengthened to better reflect national policy. For example, Policy DC4 and other relevant policies could in our view more simply and precisely require all development to follow the harm avoidance, mitigation and compensation hierarchy set out in national policy (NPPF paragraph 180a). It also needs to be made clearer that, in line with emerging statutory duties, development proposals in all locations will be expected to deliver or contribute to a measurable net gain in biodiversity. These are important issues which should be addressed to make the Plan more effective.

Although many of the elements of the WLP are positive and a step-change better than what is currently in place in Warrington, in light of the recent significant changes to national nature conservation legislation and policy, CWT recommend that new nature conservation policies in this draft Local Plan take into account the contents of the Environment Act<sup>1</sup> which recently received Royal Assent, or risk being out of date very early in the proposed plan period. As per the NPPF (2021) Paragraph 22; strategic policies should look ahead over a minimum 15 year period from adoption. With the Environment Act having received Royal Assent and with little to no reference to its contents

<sup>1</sup> <https://bills.parliament.uk/bills/2593>



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around Local Nature Recovery Strategies (LNRS), Nature Recovery Networks (NRN) and strengthened biodiversity duties on local authorities, WLP Policies DC3 and DC4 are unlikely to be fit for purpose for a 15 year period from adoption.

This WLP will require new skilled staff (in-house or via consultancy) to implement the requirements of all new policies, especially the new environmental requirements for biodiversity net gain (BNG) and other environmental aspects of development proposals. The increase in workload at the Council to implement BNG cannot be underestimated and must be planned for, from initial assessment through to enforcement. Unfortunately it will be beyond voluntary groups like CWT as a result of the additional time and expertise volunteers may not be able to provide.

We strongly recommend new supplementary planning guidance be drafted to help implement BNG measures. The Council will need to identify delivery partners, establish a mechanism to ensure that BNG is fully transparent and accountable and ensure that the Good Practice Principles and British Standards have been adhered to. CWT recently contributed to Cheshire East Council's draft BNG SPD and would be keen to assist Warrington Council with this as well.

### **Detailed Comments**

These comments should be read in conjunction with our general points set out above. Some of our requested changes to the Plan would require consequential changes to other policies/paragraphs which are not all covered here.

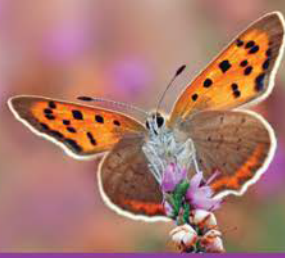
### **Chapter 2 "Warrington in Context"**

#### **Para 2.2.2**

CWT is extremely disappointed that the list of key issues to be addressed fails to mention the ecological or climate emergencies. These are fundamental challenges affecting Warrington, with the impacts of climate change potentially more significant than elsewhere due to the proximity to the River Mersey. There is significant precedence of these issues being incorporated into the heart of neighbouring Local Policy, including the draft Wirral Local Plan, Greater Manchester's 'Places for Everyone' and Cheshire West and Chester's recently published draft Land Action Plan and their exclusion is extremely short-sighted. We therefore request that the following be added at the start of the list of key issues in paragraph 2.2.2:

- *"Tackling the climate and nature emergencies"*

We also recommend far stronger terminology is used earlier in chapter 2 (e.g. in paragraphs 2.1.42 to 2.1.46 and 2.1.51) to reflect the urgency of addressing these fundamental and intrinsically linked issues.



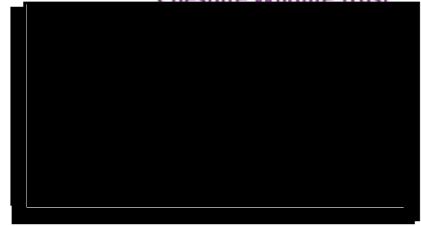
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#### Para 2.2.4

We are also disappointed that the list of key opportunities listed in paragraph 2.2.4 fails to include investment in the recovery of nature or investment in the green economy. We therefore request that the following be added at the start of the list of future opportunities in paragraph 2.2.4:

- *“Investment in the green economy to tackle the nature and climate emergencies”*

### Chapter 3 “Positive Planning for Warrington’s Future”

#### Vision – Warrington 2038 and beyond

CWT welcomes the references to the climate and ecological emergencies in paragraph 3.1.4. However, we consider the text in the vision box itself is lacking in ambition as it fails to reflect the urgency of tackling these issues long before 2038 or the need to achieve a substantial and widespread net gain in biodiversity. We suggest that:

- Clause 1 (last bullet) of the vision be changed to *“will be an exemplar green town which will have addressed the climate and ecological emergencies”*
- Clause 7 of the vision be changed to: *“A substantial and widespread net gain in biodiversity will have been achieved across the whole Borough. As part of this, Warrington’s rich green space network (comprising radial green routes and the circuit of parks and open space encircling the Town Centre and Waterfront) together with its extensive network of waterways will provide a framework for Warrington’s growth and key development areas. Major new parks, new green links, biodiversity areas and increased access to river and waterside frontages (where appropriate) will have been provided improve leisure and active travel opportunities and increase the Borough’s biodiversity.”*
- Clause 10 of the vision be changed to: *“The Borough will have been carbon neutral since 2030. To achieve this, there will have been a transformation in how Warrington meets its energy needs, with a focus on renewable sources and decentralised networks, benefiting Warrington’s existing and future residents and businesses and helping tackle climate change. New development will be built to the highest levels of energy efficiency and the Town will be at the cutting edge in the use of new green technologies and the implementation of nature based solutions to climate change”.*

In light of our earlier comments on HS2 and the WLL we recommend references to these infrastructure projects are removed from this section and all subsequent sections of the WLP.

“Objectives” box – page 24





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CWT is extremely disappointed that there is no objective specifically to protect and enhance existing biodiversity assets and green infrastructure, provide a measurable and widespread biodiversity net gain or implement nature based solutions to climate change. Whilst "waterways and green spaces" and "natural assets" are referred to in objective W5 this is solely in the context of the design of new development which we believe is completely inadequate. Biodiversity and multi-functional Green Infrastructure (GI) are fundamental place making issues which should govern the location (as well as the design) of new development and also guide public, private and third sector investment. The Plan objectives should also be strengthened to specifically address the wider social and environmental benefits which arise from enhanced GI and biodiversity.

Page 27

The key diagram lacks key environmental assets and therefore in our opinion downplays their importance in the context of the WLP. For example, it could be changed to include designated sites of nature conservation or the strategic green links referred to in Policy DC3. We would recommend a plan of similar detail to the local plan policies map to replace the current diagram.

Para 3.3.8

See our detailed comments (below) on the allocations listed in this section. We recommend significant revisions are made to ensure the allocations are sound and consistent with national policy, particularly at Fiddlers Ferry. This may result in a reduction in the number of homes delivered across Warrington and therefore this section (and any subsequent sections) referencing the number of homes or areas of commercial/industrial floor space to be delivered should be revised in line with any revisions to specific allocations.

Para 3.3.11

The NPPF is explicit that previously developed land, treated as synonymous with brownfield, should be prioritised for development "except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity" (NPPF Para 119 – footnote 47). As well as designated sites this clause refers to sites that: Form part of GI or ecological networks; form wildlife corridors and stepping stones; have been identified by national and local partnerships for habitat management, enhancement, restoration or creation; support protected and priority habitats and/or species; when developed will cause significant harm to biodiversity amongst a significant number of other considerations.

The development of the Fiddlers Ferry site will cause harm to at least two locally designated sites of importance for biodiversity (Upper Mersey Estuary Local Wildlife Site and the St Helens Canal disused LWS) and may potentially cause harm to the internationally designated sites further downstream (Mersey Estuary



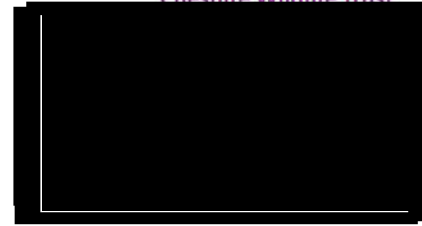
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SPA and Ramsar). It will also conflict with a number of other with other policies within the NPPF. In line with our detailed comments on the allocation (below), CWT believe the allocation is unsound and should not be developed at the scale currently proposed as this is not consistent with the recommendations made in national policy. We recommend an alternative strategy for the site is pursued, recognising the site as an important environmental asset that supports the neighbouring international, national and local designated sites for nature conservation.

#### Para 3.3.25 and 3.3.26

We welcome the confirmation that the Council is not proposing to make any further allocations to come forward later in the Plan Period or to provide safeguarded sites. We do however strongly object to the WWL for reasons discussed earlier.

#### Para 3.4.3

In line with our earlier comments on brownfield sites, we would like to see an assessment of the environmental value of sites listed on the Council's brownfield register, to ensure no sites of high value (or those where development would conflict with other policies in the NPPF, including causing harm to designated sites of importance for biodiversity) are brought forward for development. Brownfield sites of high environmental value can deliver alternative multi-functional GI benefits (as per NPPF Para 120b) and therefore an alternative strategy to the development of these sites should be investigated as a matter of priority.

#### Para 3.4.10

In line with our detailed comments on the Fiddlers Ferry allocation (below), we do not believe that the current proposals will result in a 'major ecological resource'. In contrast, we believe the proposals could potentially give rise to significant adverse ecological affects at an international scale.

### Chapter 4 "Policies Relating to Objective W1"

#### Policy DEV1 – Housing Delivery

CWT broadly supports the densities sought in Policy DEV1 (clauses 5 and 6), as they will help to achieve an efficient use of land. However, in some cases lower densities are needed to protect and/or achieve a net gain in biodiversity. We would welcome this being added as a specific example in clause 6 of Policy DEV1 and in line 6 of paragraph 4.1.23.

In line with our comments on specific allocations (below), the figures around housing delivery in clause 3 of this policy should be amended.

#### Policy DEV4 – Economic Growth and Development

Patron Richard Walker

President Felicity Goodey CBE DL Chairman Bill Stothart

Chief Executive Charlotte Harris

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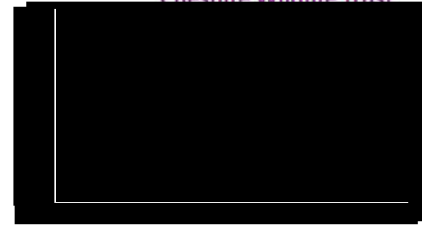
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CWT has concerns about the scale of employment development proposed, which appears to be largely justified on the assumption that past trends will continue, and the implications that this could have for tackling the climate and ecological emergencies. We do however support the requirement in clause 6 of the Policy that existing allocated sites be protected for employment use as this should reduce the pressure for development elsewhere.

In line with our comments on specific allocations (below), clause 11 of this policy should be amended.

## Chapter 5 “Policies Relating to Objective W2”

### Policy GB1 – Green Belt

CWT supports the statement in clause 2 of this policy that the Council will plan positively to enhance the beneficial use of the Green Belt. This clause should however be changed to clarify that “beneficial” use must be for uses “consistent with” the Plan’s policies on green infrastructure rather than just “as part of” the Borough’s green infrastructure network.

In line with our comments on specific allocations (below), clause 3 of this policy should be amended.

CWT supports clause 11 as this seeks to deliver compensatory improvements to the Green Belt. However, to be fully effective, we believe the clause should be clarified to:

- specify in broad terms what type of environmental improvement will be sought (and that this should include proposals for enhanced biodiversity); and
- Specify in which circumstances developers will need to provide or fund the improvements referred to. For example, is it intended to apply just to development proposals on sites removed from the Green Belt (as referred to in NPPF para 142) or is it intended to apply more widely.

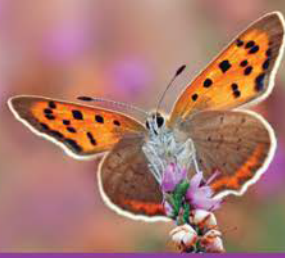
### Para 5.1.8

In line with our earlier comments on the development of brownfield sites that would conflict with policies in the NPPF, including causing harm to designated sites of importance for biodiversity, we believe the Council has not incorrectly considered the requirement to make as much use as possible of suitable brownfield sites and underutilised land (as per NPPF Policy 141).

## Chapter 6 “Policies Relating to Objective W3”

### Policy TC1 – Town Centre and Surrounding Area

CWT supports clause 7b) of the Policy which requires that development proposals in the town centre should enhance the public realm and environmental quality of the area. We would welcome specific reference here



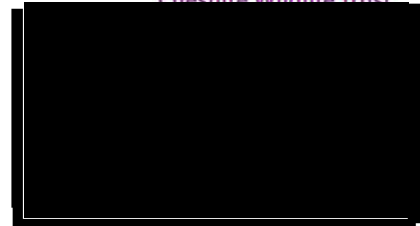
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to biodiversity and the scope to enhance this through the use of measures such as green roofs, green walls etc. The supporting text (paragraphs 6.1.20 to 6.1.22) should also be strengthened to refer to these.

## Chapter 7 “Policies Relating to Objective W4”

### Policy INF1 – Sustainable Travel and Transport

In line with our previous comments on HS2 we object to clause 3g) of the policy and recommend its removal.

### Policy INF2 – Transport Safeguarding

In line with our previous comments on the Warrington Western Link we object to clause 2d) of the policy and recommend its removal.

### Policy INF3 – Utilities, Telecommunications and Broadband

CWT supports the requirement in clause 4 of this Policy for infrastructure to be planned on the basis of site-wide infrastructure strategies. However, this clause should be revised to make it clear that these strategies should form an integral part of the wider master planning of the site – to be considered alongside biodiversity and other issues. This is to ensure that infrastructure planning is designed to complement rather than conflict with biodiversity and other requirements.

### Policy INF5 – Delivering Infrastructure

CWT supports the references to biodiversity, open space, Green Infrastructure and allotments in clause 5. We also support the requirement in clause 6 for viability assessments submitted by developers to be “open book”. However, this clause could also specify the need for standardised inputs to be used (NPPF para 58) for matters such as land values to avoid the risk of developers unjustifiably escaping the need for financial contributions to be submitted e.g., covering biodiversity enhancement.

## Chapter 8 “Policies Relating to Objective W5”

### Policy DC1 – Warrington’s Places

We broadly support this policy subject to the following:

In clause 2 developers of sites in inner Warrington should be encouraged to explore ways to enhance biodiversity. The supporting text could explain that this can be achieved by using green walls, green roofs, off site enhancements etc.

In clause 7 it could be made clear that developers will be expected to fund enhancements to Warrington’s Circular Parklands as appropriate.

In clause 9 it could be made clear that release of Green Belt refers solely to the sites being removed from the Green Belt in this Plan.





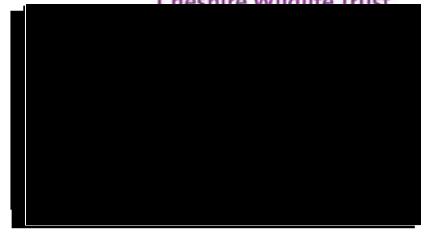
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Biodiversity enhancement should be added to the list of requirements in clauses 12, 15 and 19 (for new development at Victoria Park, Walton Hall and Gulliver’s World respectively) particularly as other matters are listed.

We welcome clause 20 and recognise the importance Neighbourhood Planning can have to local communities.

The phrase “have regard to” used in parts of the policy (clauses 13 and 16) is not very clear. We would welcome stronger phrasing e.g., “comply with” which makes it clearer what is expected.

#### Policy DC3 – Green Infrastructure

We support this policy in principle subject to the following detailed points.

The word “strategic” should be removed from the heading of clause 1. This is because that clause should apply to all green infrastructure – not just strategic GI.

We welcome the inclusion of clause 2a) (the Mersey Valley) in the Green Infrastructure Opportunities. However, as per our detailed comments on the proposed Plan allocations, we are extremely concerned about the scale of development in this key GI opportunity area and feel it is contradictory to Policy DC3.

We recommend Clause 4 is reworded as follows:

- “The Council will work with partners to restore, enhance ~~strengthen~~ and expand the network of core ecological sites, wildlife corridors, ~~and~~ stepping stone habitats and restoration areas in order to establish a coherent ecological network for Warrington and to:”
- “a. secure a substantial, measurable and widespread net gain in biodiversity”.
- “b. expand semi natural habitat, tree and hedgerow cover in appropriate locations across the Borough”.

The current Clause 4f) should be expanded upon to reference the forthcoming mandatory Local Nature Recovery Strategies as per the newly passed Environment Act. We recommend

- “f. to contribute to the Local Nature Recovery Strategy and the wider ~~regional~~ nature recovery network, including of wetland sites by enhancing the wetlands and other important irreplaceable and semi-natural habitats across Warrington; and”

While we welcome the constraints on development proposed in clause 5, it is important to note that some areas of green infrastructure should be primarily set aside for ecological or environmental considerations.



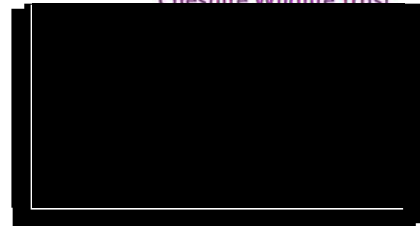
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They will contribute to vital ecosystem services for humans (for example flood control or pollination) but may not primarily contribute to considerations such as health and well-being, economic growth, sport, recreation and leisure. Other areas of green infrastructure may be crucial for quality of life, but will have a lesser contribution to ecological functionality. We recommend the following changes:

- “a. protect existing green infrastructure and the functions it performs, especially where this helps to mitigate the causes of and addresses the impacts of climate change and contributes to natures recovery;”
- “b. increase the functionality of existing and planned green infrastructure especially where this helps to mitigate the causes of and addresses the impacts of climate change and contributes to natures recovery;”
- “c. improve the quality of existing green infrastructure, including local networks and corridors, specifically to increase its attractiveness as a sport, leisure and recreation opportunity and its value as a habitat for biodiversity, where these two functions do not adversely affect each other;”
- “d. protect and where appropriate improve access to and connectivity between existing and planned green infrastructure to develop a continuous right of way and greenway network and integrated ecological system/network;”

Clause 6 could in our view be worded more clearly and more precisely linked to the mitigation hierarchy in national policy (under which compensation is a “last resort”). The phrase “should seek to” unnecessarily waters down the policy on net biodiversity gain. The following is an example of how this clause could be worded:

“Where loss of or harm to Green Infrastructure and/or an ecological network is considered unavoidable, development proposals must include mitigation or, as a last resort, compensation measures. Following the application of the mitigation hierarchy, these measures must secure a substantial and measurable net gain in biodiversity assessed against the latest version of the DEFRA Metric (with a minimum gain of 10%). All proposals for off-site compensatory green infrastructure must be deployed strategically and as closely as possible to the affected green infrastructure asset and following good practice guidance.”

There are several lengthy terms used in the policy to describe similar things (“green infrastructure opportunities”, “strategic green infrastructure assets”, “strategic green links” etc.). We would welcome some simplification of terms to make the policy more easily communicable and hence more effective.



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In line with our earlier comments around the Environment Act, we recommend additional substantial clauses and supplementary text is included referring to the requirements of the Act in order to ensure Policy DC3 is relevant for the entire plan period or at least for the first 15 years as stated in the NPPF Para 22. Particularly relevant in this section is ensuring there is a strong relationship between the policy wording in the Plan and the forthcoming Local Nature Recovery Strategies. While we welcome references to the wetland nature recovery network, this needs to (and will be expected to as a result of the Environment Act) be expanded to other important habitats across Warrington (e.g. woodlands, grasslands, heathlands etc.) as part of the LNRS process. This revision of the WLP needs to ensure the measures and actions within the LNRS are considered appropriately and with significant weight during the planning process. While we welcome the Council's future consideration of an SPD that will map out the ecological network and set out the Council's considerations and expectations when such sites are proposed for development, we feel that this Plan should still make reference to these important forthcoming biodiversity strategies.

We would also like to see a clause inserted into the policy wording, and additional supplementary text, around the adoption and implementation of standards for green infrastructure such as the 'Building with Nature' GI accreditation scheme.

#### Para 8.3.5

The Mersey Valley also supports habitats (namely saltmarshes, mudflats and peatlands) that actively sequester and store significant amounts of carbon long term (in the order of centuries). The value of this key green infrastructure asset in terms of its natural capital and multiple functions cannot be understated and we strongly recommend the scale of development proposed in this area is seriously reconsidered.

#### Map (page 121)

The map title refers to "key GI links/opportunities" but the map itself only appears to show the "strategic green links" listed in clause 2 of policy. This adds to the confusion about terminology referred to above. The map could be retitled as "strategic green links" or revised to also include the strategic GI assets referred to in clause 3 (Walton Hall Estate, Circular Parklands etc.).

#### Figure 13 (page 125)

The map title is a little confusing as it refers to GI assets but only shows those which are designated for their biodiversity importance (as opposed to other forms of green space). In addition there appears to be number of designated sites either missing or mislabelled (e.g. Mersey Estuary and Risley Moss SAC's).

#### Policy DC4 – Ecological Network

In line with the Environment Act and our previous comments the policy should be changed to make it clear (e.g., at the start of the policy) that as a minimum all TCPA development in all locations will be expected to



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deliver a minimum 10% measurable net gain in biodiversity (either on site or if this is not achievable as off-site compensation). Ideally, the Council would express their ambition to deliver nature's recovery by requiring all development contribute to a substantially greater Biodiversity Net Gain (we recommend a minimum of 20%), regardless of where it is and the route by which it is permitted. This should include Nationally Significant Infrastructure Projects, Permitted Development and those development sites which initially have little measurable biodiversity value. Securing net gains in biodiversity should follow the British Standard for BNG and published good practice guidance, e.g. CIEEM, CIRIA, and IEMA etc.

Biodiversity Net Gain must not replace or undermine the mitigation hierarchy. It must only be applied once the mitigation hierarchy has been fully followed. Additionally, Biodiversity Net Gain cannot be applied to irreplaceable habitats or statutory designated sites of nature conservation. Where, in wholly exceptional circumstances, and there are no other reasonable alternatives, having followed the mitigation hierarchy, it is concluded that destructive or damaging development has to go ahead, these features must be subject to a separate bespoke compensation procedure. To effectively contribute to nature's recovery, delivery of Biodiversity Net Gain must be additional to existing mechanisms for nature conservation and enhancement. Biodiversity Net Gain should not be delivered on sites where there is already a regulatory requirement for the landowner to bring the land into favourable conservation status. Unlike statutory designated sites (which BNG cannot be applied to) many Local Wildlife Sites have no statutory mechanism for management, however, they may be managed by landowners with the help of stewardship schemes. Public bodies who own Local Wildlife Sites have a statutory duty to have regard to conserving biodiversity as part of their policy or decision making (which includes restoring or enhancing a population or habitat) under the NERC Act. This duty is now strengthened as a result of the passing of the Environment Act. Where sites meet the selection criteria, and there are existing requirements, duties or commitments for their nature conservation management, it would not be acceptable to use them as delivery sites for Biodiversity Net Gain for the above reasons.

The creation of habitat to deliver BNG on site can contribute to open space, but only where BNG measures are additional to existing requirements, i.e. not funding something that would or should happen anyway. Habitat creation cannot be counted toward BNG if it is required as a result of open space contributions or requirements for development as this is not considered to be additional. It is also important to consider that the majority of semi-natural habitats created for BNG, if subjected to the excessive disturbance impacts associated with the use of open space, will not meet the appropriate criteria or condition to deliver the required BNG unit uplift to achieve a net gain in biodiversity.

Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

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While the issues raised above are relevant in this WLP, Clause 1 in Policy DC4 should not set out the detail of how BNG will operate as we expect this to be set out in secondary legislation and recommend this is detailed in future supplementary planning documents (SPD). However, it would provide greater clarity and could enable the subsequent references to BNG in this policy to be clarified and simplified.

Clause 1 could be set out more succinctly and effectively to clearly state the Council's ambitions, for example:

*"The Council will work with partners to protect, conserve and restore biodiversity, secure a substantial and measurable net gain for biodiversity of at least 10% and enhance public access to nature across the Plan area. These efforts will be guided by national planning policy, the strategic approach to the Borough's Green Infrastructure in Policy DC3 and the Local Nature Recovery Strategy"*.

We strongly recommend new supplementary planning guidance be drafted to help implement BNG measures. The Council will need to identify delivery partners, establish a mechanism to ensure that BNG is fully transparent and accountable and ensure that the Good Practice Principles and British Standards have been adhered to. CWT recently contributed to Cheshire East Council's draft BNG SPD and would be keen to assist Warrington Council with this as well.

Clause 2 fails in our view to set out a sufficiently comprehensive description of the Borough's ecological assets, as it fails to mention for example priority habitats or species or stepping stones and restoration areas. Natural Improvement Areas (referred to in clause 2f) should be changed to "Nature improvement Areas". The first part of the clause is also incorrect as the Nature Improvement Areas are not shown on the Policies Map. These points can be addressed by:

- Adding "g) irreplaceable, protected and priority habitats; h) ecological stepping stones and restoration areas, and; i) other areas identified in the Borough's Local Nature Recovery Strategy" to the list of area types.
- Correctly referring to the Nature Improvement Areas and identifying them on the Policies Map.
- Revising clause 2 to specify which of the area types are shown on the Policies Map and which ones (such as the priority habitats) are not shown on the Policies Map.

We welcome clause 3 in principle. However, it may now be better to refer to national legislation "The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019" rather than the EU Habitats



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Directive (line 2 of clause 3). Also, whilst the policy wording roughly follows national legislation it does not do so exactly. This could potentially lead to confusion in specific cases. We are not convinced that the policy needs to refer to the need for project specific Habitats Regulation Assessment as this is determined by legislation. It could also refer now to the simplified term “European sites” in line with national guidance.

We are concerned that clause 4 (in contrast to the NPPF - para 180b) fails to address in-combination effects from multiple developments. It would be better to paraphrase or cross refer to the national policy.

Biodiversity Net Gain does not apply to statutory sites or irreplaceable habitats<sup>2</sup> and development affecting these important ecological features cannot therefore achieve a net gain in biodiversity. Additionally, as discussed above, BNG can only be applied to some regionally and locally designated sites under specific circumstances. References to the DEFRA metric and a biodiversity net gain must be removed from clauses 4 and 5 in line with good practice guidelines.

In the last part of clauses 4 and 5 the term "mitigated" (in relation to off-site habitat creation) is being incorrectly applied. The same applies to the term “mitigation” in clauses 7c) and 7d). Off-site habitat creation should be termed “compensation”. This will very likely cause confusion as under the hierarchy in NPPF para. 180a) "compensation" should only be used as a last resort, behind mitigation. This point could be addressed by including a clause earlier in the policy which paraphrases or cross refers to the harm avoidance, mitigation and compensation hierarchy in national policy (NPPF Para 180a), and shortening clauses 4, 5 and 7 (and similar references in other policies) to cross refer to these requirements.

In clause 7 we recommend mandating a more robust and standardised approach to the requirement for ecological assessment, applicable to all development with the potential to impact on biodiversity. In general, we recommend strengthening the policy clause and using the term ‘ecological assessment’, referring specifically to Preliminary Ecological Assessments (PEA)<sup>3</sup> and Ecological Impact Assessments (Ecia)<sup>4</sup> as described in good practice guidance issued by the Chartered Institute of Ecology and Environmental Management (CIEEM). We believe mandating standardised ecological assessments to support planning applications in this policy would bring about multiple benefits. Firstly, using these standardised terms would ensure that the content of ecological reports submitted to support development are standardised, robust,

<sup>2</sup> CIRIA (2019) Biodiversity Net Gain. Good Practice Principle for Development. A Practical Guide. CIRIA C776a. <https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide/>

<sup>3</sup> <https://cieem.net/resource/guidance-on-preliminary-ecological-appraisal-gpea/>

<sup>4</sup> <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>



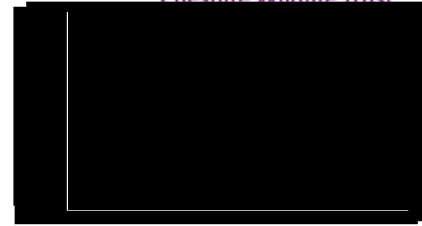
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defensible and undertaken to a nationally accepted standard. This means the content of all reports should in effect be structured the same and therefore lead to less confusion about the scope and content of an undefined 'ecological appraisal'. In addition to added benefits this would bring for Warrington's biodiversity, standardised ecological reporting would also lead to a more efficient review process for matters relating to nature conservation within the Council itself, again reducing the time spent clarifying the scope and content of ecological documents supporting planning applications.

#### Para 8.4.9

This duty is now strengthened as part of the Environment Act.

#### Policy DC5 – Open Space, Sport and Recreation Provision

CWT supports the references to natural and semi natural greenspace in Policy DC5 and the standards for this set out in table 7. In relation to clause 4 of the policy we would query why smaller developments (i.e., below the 40-dwelling threshold) would not be asked to contribute, potentially financially for off-site provision of open space.

As discussed earlier, the creation of habitat to deliver BNG on site can contribute to open space, but only where BNG measures are additional to existing requirements, i.e. not funding something that would or should happen anyway.

#### Policy DC6 – Quality of Place

CWT welcomes the reference to biodiversity in clause 1c). However, we are concerned that biodiversity is only covered here in the context of open space and landscaping. We believe biodiversity should be covered in its own bullet point as it can be delivered via other means such as in the design of the buildings themselves (green roofs, swift bricks, bat boxes etc.).

### Chapter 9 "Policies Relating to Objective W6"

#### Policy ENV1 – Waste Management

CWT considers that clause 6 of this policy should be strengthened to make it clear that proposals involving landfill or land raising will be required to include a restoration and aftercare scheme, rather than that they will be permitted if such a scheme is submitted.

#### Policy ENV2 – Flood Risk and Water Management



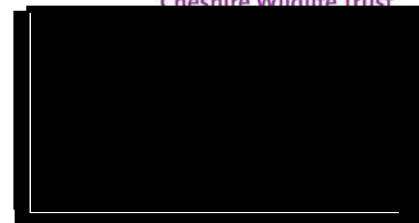
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CWT supports this policy, including its emphasis on use of sustainable drainage systems (SuDS) and “slowing the flow”. However, we do not support any development in undefended areas of the floodplain. Floodplains can support protected and priority habitats and species, and also support habitats that both store and sequester significant volumes of carbon.

For new development on greenfield sites we do not consider that the phrase “is at least mimicked” in clause 12a) is very clear. This clause should be revised to clarify that the run off rate from developments on greenfield sites must be no greater than the greenfield run off rate.

In addition, the policy could spell out more clearly that the “multi-functional benefits” of SuDS systems (in clause 13) include biodiversity enhancements.

#### Policy ENV4 – Primary Extraction of Minerals

CWT is broadly content with policy ENV4 provided effective restoration and aftercare of sites is required - see policy ENV6.

#### Policy ENV5 – Energy Minerals

Although the proposed policy on hydrocarbon development (set out in clause 3) broadly accords with current government policy, we have concerns about the potential impact of this form of development. We therefore suggest that clause 3 be phrased in the negative (“... will only be approved provided that...”). We also suggest that clause 3c) should be changed to require landscape and visual impacts to be found acceptable rather than just to be assessed.

CWT strongly supports the protection for the Borough’s peat resources which is provided for in clause 7 of this Policy, however, we would like to see this expanded to also cover peat extracted to facilitate the extraction of other minerals and also peat extracted to facilitate development. We would also like to see a source referenced for the peat resources displayed on figure 16.

#### Policy ENV6 – Restoration and Aftercare of Mineral and Waste Sites

CWT supports paragraphs 9.6.6. and 9.6.7 as they recognise the scope which often exists for mineral and waste sites to be restored to enhance biodiversity. However, we feel that this should be more clearly set out in the policy itself and therefore suggest that a new clause 2d) be added as follows:





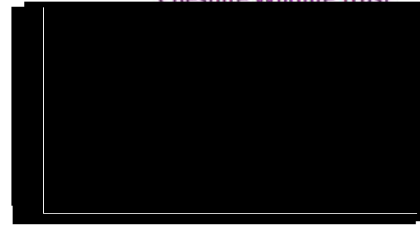
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"d) Maximise the scope for biodiversity enhancement, including the creation wherever practicable of new or improved wildlife habitats, together with effective proposals for their long-term management"

Clause 1 could also be strengthened to

"Applications for mineral extraction and/or landfill/land raising of waste sites ~~will be permitted where they are~~ must be accompanied by appropriate proposals for site restoration and aftercare."

#### Policy ENV7 – Renewable and Low Carbon Energy Development

CWT supports the need to decarbonise energy production in an appropriate way but is concerned about the potential impacts that some proposals for low carbon energy development can have on wildlife. We are however broadly content with this policy as it recognises that environmental impacts must be addressed in line with other Plan policies.

#### Policy ENV8 – Environmental and Amenity Protection

CWT broadly supports this policy, including its provisions relating to air quality impacts on the Manchester Mosses Special Area of Conservation (SAC). However, we suggest that the last sentence of clause 4 be strengthened as follows:

"...Any proposals that would result in increased traffic flows on the M62 past the Manchester Mosses SAC of more than 100 vehicles per day or 20 Heavy Goods Vehicles (HGVs) per day must ~~devise~~ include a scheme-specific range of measures to reduce reliance on cars, reduce trip generation and promote ultra-low emission vehicles. The scheme must be considered acceptable by the Council and be implemented in full."

### Chapter 10 "Main Development Areas and Site Allocations"

#### General Comments

While we also understand the need for strategic site allocations to be subject to comprehensive Development Frameworks, which must (as recognised in the WLP allocation policies) include biodiversity and green infrastructure, we are concerned that not all the policies specifically require approval of the Development Framework by the Council. It is unclear why some policies specify that the Development Frameworks must be prepared by the landowners. Issues such as landownership changes or different landowners having conflicting intentions could



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present future unknown variables across these strategic sites. We feel that better outcomes could be ensured if more consistent policy wording could be developed addressing these points.

We note that biodiversity enhancement is listed (e.g. in clause 3 of Policy MD1 and equivalent parts of MD2 to MD6) as a form of infrastructure. If this is not considered to be technically correct it could be addressed by wording changes e.g. at the start of these clauses.

#### In-combination Impact Assessment of Allocations

CWT has significant concerns with the potential in-combination effects of the scale of development proposed in the Mersey Valley Corridor (a key green infrastructure opportunity area identified in the WLP) and South East Warrington. Warrington Waterfront (MD1), South East Warrington Urban Extension (MD2), Fiddlers Ferry (MD3), the South East Warrington Employment Area (MD6) and the Warrington Western Link (WWL) all have the potential to cause significant in-combination effects to a range of important ecological features throughout and beyond Warrington. Most notably this includes the internationally designated Mersey Estuary SPA and Ramsar site, its assemblages of qualifying bird species and the habitats and land that are functionally linked to the main site.

While we welcome the inclusion of a reference to a project specific Habitat Regulations Assessment in the text of Policies MD1, MD2 and MD3, we recommend this is strengthened and expanded upon to include reference to the WWL as well as added to Policy MD6. It is imperative these allocations and the WWL are assessed in-combination through a HRA. While the individual proposals alone may not have a significant effect on the European Site, due to the scale of development proposed, in-combination these effects could be significant enough to impact upon the integrity of the site and its conservation objectives. Although we are not convinced that the allocation policies need to refer to the need for Habitats Regulation Assessment, as this is set out in legislation, we recommend that if HRA clauses are to be included then the following changes to the allocation specific HRA policy wording in MD1, MD2 and MD3, and that the following clause is also added into Policy MD6:

*“In accordance with Policy DC4 development within the allocation site will be required to evidence that it will not have any adverse impacts on the integrity of the Mersey Estuary Special Protection Area and Ramsar site. If habitats within the allocation site or on adjacent land are suitable to support significant populations of qualifying species of wintering birds, avoidance measures and mitigation will be required. ~~and~~ Any planning application ~~may~~ will need to be assessed through project specific Habitats Regulations Assessment, which will include an assessment of the potential in-combination effects that may arise as a result of other allocations within this plan and the Warrington Western Link.”*



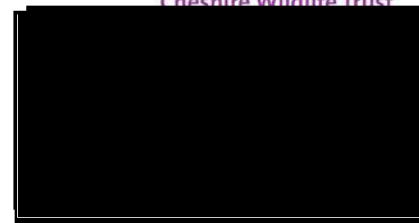
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In addition to the HRA in-combination assessment, we also recommend that potential impacts to other important ecological features such as nationally or locally designated sites and protected or priority habitats and species are also assessed in combination during the EIA/EcIA process. Due to the proximity of allocations MD1, MD3 and the WWL and the proximity of allocations MD2 and MD6, we believe it is reasonably likely that additional or magnified significant adverse impacts to other important ecological features could occur as a result of the allocations proposed in the WLP. Therefore we recommend an additional clause is inserted into all allocation policies:

*“Any impact assessment (including ES/EIA/EcIA) to support the delivery of this allocation must include an in-combination assessment of impacts to important ecological features that may arise as a result of other allocations within this plan and the Warrington Western Link.”*

We are particularly concerned with the in-combination impacts to, and potential residual effects of, the WLP allocations and the WWL to the Lapwing population in Warrington and beyond. Lapwing are a BoCC<sup>5</sup> red listed species, suffering national declines as a result of expanding agriculture and development. They are also a qualifying species assemblage of birds protected by the Mersey Estuary SPA and Ramsar designation. Lapwing require highly specialised breeding habitat, including a mosaic of agricultural habitats in different conditions for nesting and chick rearing. In particular they need grasslands, especially if they contains flood pools and damp patches. We believe all of the proposed WLP allocations and the WWL could impact upon habitats likely to be suitable for use by Lapwing or functionally linked land used by Lapwing. While none of these developments may impact significantly on this species alone, in-combination this could amount to a significant impact to an already threatened species with potential effects at a county, national or even international scale. Given the generally high level of scoping (including the revised HRA) submitted to support the WLP, CWT do not believe this has been considered thoroughly enough at the plan making stage in line with NPPF Para 174a, 179a and 179b. We recommend additional evidence is provided to robustly demonstrate that the scale of development proposed in the WLP (including the WWL) will not result in residual adverse effects to lapwing at the scales discussed.

#### Warrington Western Link (WWL)

The Warrington Western Link is likely to contribute to potentially significant standalone or, as discussed, in-combination effects in the Mersey Valley. CWT strongly object to the development of the WWL as it likely to impact

<sup>5</sup> Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. British Birds 108, 708–746



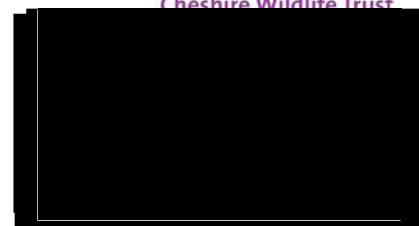
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upon the Walton Locks LWS, Moore Nature Reserve LWS and habitats or land that is potentially functionally linked to the Mersey Estuary SPA and Ramsar site.

We are disappointed to see the WWL has been screened out of the updated HRA undertaken to support the WLP. We strongly disagree with the decision to scope the WWL out of the HRA due to our previous comments around in-combination assessments and functionally linked land. We recommend the WWL is scoped back in to the WLP HRA. We also recommend a project level HRA is undertaken for the WWL and that it considers the in-combination effects of the allocations in this plan (particularly those with the potential to impact on the Mersey Estuary spa and Ramsar and any functionally linked land.

#### Biodiversity Net Gain

CWT strongly supports the references to net biodiversity gain in Policies MD1 to MD6. However, we feel that this should be set out as a more general requirement for development in all locations at the start of Policy DC4 (see our comments on DC4).

A measurable biodiversity net gain (BNG) has been mandated for all developments in England as set out in the NPPF 2021 ([para 174d](#) and [179d](#)), the 25 Year Environment Plan (2018) and the newly passed Environment Act. This should be reflected in the published guidance for the development of allocation sites i.e. a measurable net gain in biodiversity should be demonstrated through the use of the Defra metric 3.0 (or the most recently updated version) across all allocations.

BNG must not replace or undermine the mitigation hierarchy. It must only be applied once the mitigation hierarchy has been fully followed, e.g. all Local Wildlife Sites (LWS) compensated for before BNG is assessed. Significant residual impacts to LWS could potentially include loss or fragmentation of designated or protected and priority habitats and species, an increase in recreational pressure and disturbance, increased light and noise pollution, development encroachment, spread of invasive garden species and predation by domestic pets as there is no un-developed buffer to many of the sites proposed (we recommend a minimum 15 m buffer to help mitigate potential disturbance and encroachment impacts).

To effectively contribute to nature's recovery, delivery of BNG must also be additional to existing mechanisms for nature conservation and enhancement. Warrington Borough Council (WBC) has a duty to have regard to the conservation of biodiversity as per the Natural Environment and Rural Communities (NERC) Act 2006. This has now also been updated and strengthened as part of the Environment Act with additional requirements to have regard to the relevant Local Nature Recovery Strategies, Species Conservation Strategies and Protected Sites Strategies, as part





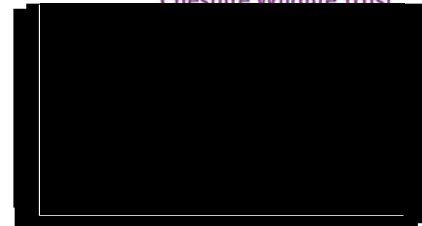
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of the consideration. LWS are already accounted for within this duty, and the updated duty in the Environment Bill, and therefore WBC has an existing responsibility to protect and enhance these sites. As a result (in line with our previous comments), habitat delivery via BNG within LWS may not be considered 'additional' and therefore is not in line with the good practice principles for development<sup>6</sup> and the British Standard (BS 8683:2021) Process for designing and implementing Biodiversity Net Gain.

The creation of habitat to deliver BNG on site can contribute to open space, but only where BNG measures are additional to existing requirements, i.e. not funding something that would or should happen anyway. Habitat creation cannot be counted toward BNG if it is required as a result of open space contributions or requirements for development as this is not considered to be additional. It is also important to consider that the majority of semi-natural habitats created for BNG, if subjected to the excessive disturbance impacts associated with the use of open space, will not meet the appropriate criteria or condition to deliver the required BNG unit uplift to achieve a measurable net gain in biodiversity.

#### Natural Environment Clauses within Allocation Policies

While we welcome specific natural environment clauses in the allocation policies, we feel that the detailed wording could be stronger and more clearly aligned with (or cross refer to) the mitigation hierarchy in the NPPF Para 180a. For example, these clauses imply that mitigation is the last resort, whereas the NPPF states that compensation is the last resort. The clauses should also be revised to require new development to protect existing watercourses, woodlands, and hedgerows unless their removal is justified, rather than just to "take them into account".

#### **Policy MD1 – Warrington Waterfront**

CWT recommends the Warrington Waterfront (MD1) allocation is unsound and objects to its inclusion in the WLP for the following reasons:

1. While we welcome the significant reduction in scale of this allocation, the site is in close proximity to two Local Wildlife Sites (LWS); Walton Locks LWS and Moore Nature Reserve LWS. The development of the reduced Warrington Waterfront allocation still has the potential to impact on these locally important sites for biodiversity and therefore these sites must be buffered substantially within the allocation footprint to minimise these potential residual effects. We recommend a minimum undeveloped buffer of 15m (inside the

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<sup>6</sup> CIRIA (2019) Biodiversity Net Gain. Good Practice Principle for Development. A Practical Guide. CIRIA C776a. <https://cieem.net/resource/biodiversity-net-gain-good-practice-principles-for-development-a-practical-guide/>



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allocation red line boundary) is secured in line with the standing advice provided by Natural England to ensure the allocation complies with WLP Policies DC3 and DC4 and NPPF (2021) Paragraphs 174a, 174d, 175, 179a, 179b and 180a. The allocation may also impact upon the internationally, nationally and locally designated sites downstream of the proposed development site, namely: the Mersey Estuary Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI) and the Upper Mersey Estuary LWS.

2. We disagree that any residual risk of functionally linked habitat loss is now removed as a result of the reduced scope of the allocation, as concluded in the updated WLP Habitats Regulations Assessment (HRA)<sup>7</sup>. This statement is supported by data collected in 2019 which, depending when the MD1 allocation is brought forward, could be significantly out of date. This is particularly important as the in combination effects of allocations MD2, MD3 and the Warrington Western Link could lead to land within the footprint of MD1 being utilised by a greater number of qualifying species. We recommend the MD1 HRA policy wording changes suggested above are incorporated to ensure this allocation will definitely be assessed through a project specific HRA.
3. Due to the proximity of the Warrington Waterfront allocation site to the proposed Fiddlers Ferry (MD3) allocation and the Warrington Western Link we believe that any ecological impacts arising as a result of any of these proposed schemes should be assessed in-combination, in line with good practice guidance from CIEEM<sup>8</sup>. We recommend this is incorporated into the main text of Policy MD1 in line with WLP Policy DC4 and NPPF Paragraph 180a.
4. Allocation of this site conflicts with WLP Policy DC3 and NPPF Para 175 as the site sits within the Mersey Valley Corridor, a key Green Infrastructure Opportunity Area.
5. Securing a measurable biodiversity net gain for this site, in line with WLP Policies DC3 and DC4 and NPPF Paragraphs 174d and 179b, may not be possible due to the current high value of the site and the potential requirement to deliver mitigation/compensation for the loss of functionally linked habitat of the Mersey Estuary SPA and Ramsar qualifying bird species.
6. The land at Warrington Waterfront may potentially be important for hedgehog (NERC S41 species) and the populations of breeding and wintering birds it supports including BoCC red listed birds such as skylark, song thrush and herring gull. In order to comply with the mitigation hierarchy as set out in WLP Policy DC4 and national planning policies (outlined above), measures will be required to avoid and mitigate the impacts on these important species.

<sup>7</sup> AECOM (2021) Warrington Borough Council. Updated Proposed Submission Version Local Plan Updated Habitat Regulations Assessment (August 2021).

<sup>8</sup> CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management, Winchester.



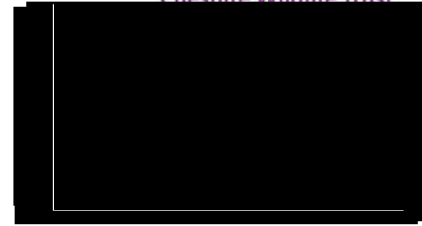
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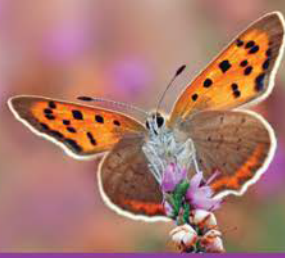


## Policy MD2 – South East Warrington Urban Extension

CWT recommends the South East Warrington Urban Extension (MD2) allocation is unsound and objects to its inclusion in the WLP for the following reasons:

1. This site incorporates part of the Grappenhall Heys LWS. This site must be excluded from the allocation to comply with WLP Policies DC3 and DC4 and NPPF (2021) Paragraphs 174a, 174d, 175, 179a, 179b and 180a.
2. The site is immediately adjacent an area of ancient woodland associated with the Dingle and Fords Rough LWS, an irreplaceable habitat as per the NPPF para 180c, which could potentially be significantly affected by loss or deterioration as a result of the proposed scheme.
3. As highlighted in the updated WLP HRA, this site has potential to be considered as functionally linked to the Mersey Estuary European designated sites as it could potentially support a significant population of lapwing (a species within the qualifying assemblage). We recommend the MD2 HRA policy wording changes suggested above are incorporated to ensure this allocation will definitely be assessed through a project specific HRA in line with proposed local and national planning policies (outlined above).
4. Due to the proximity of the allocation site to the proposed South East Warrington Employment Area (MD6) allocation we believe that any ecological impacts arising as a result of any of these proposed schemes should be assessed in-combination, in line with good practice guidance from CIEEM. We recommend this is incorporated into the main text of Policy MD6 in line with WLP Policy DC4 and NPPF Paragraph 180a.
5. Lapwing are also a BoCC red listed species in rapid decline that require highly specialised farmland habitats to successfully breed, yet their presence and the potential for them to suffer potentially nationally significant impacts has not been considered, or has been assumed to be mitigatable without any evidence to base this assumption on. These highly specialised species require highly specialised mitigation, generic habitat creation such as tree planting or hedgerow laying will not suffice to mitigate significant residual negative effects. In practice it is highly unlikely that, as suggested in the updated WLP HRA, developers would be open to retaining any key areas of improved grassland or arable land within their developments. There is also no mention of this, or Lapwing in general, in the 'South East Warrington Urban Extension: A Deliverable Proposition'<sup>9</sup> supporting document. This is unacceptable and the proposed allocation must be revised to demonstrate, rather than assume, compliance with the NPPF, particularly in regard to protected and priority species such as Lapwing and other important environmental assets.
6. Allocation of this site conflicts with WLP Policy DC3 and NPPF Para 175 as some of the site sits within a WLP Green Infrastructure Opportunity Area.

<sup>9</sup> Homes England with miller Homes (August 2021)



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7. While securing a measurable biodiversity net gain for this site, in line with WLP Policies DC3 and DC4 and NPPF Paragraphs 174d and 179b, may be possible; the potential requirement to deliver mitigation/compensation for the loss of functionally linked habitat of the Mersey Estuary SPA and Ramsar qualifying bird species may make achieving a measurable BNG more difficult.
8. Other examples of potential priority habitats including semi-natural woodland, several ponds and hedgerows are also located within the allocation. The mitigation hierarchy should be applied to comply with Policy DC4 and national planning policies (outlined above) and all these areas should be excluded from the allocation in order to avoid harm to biodiversity.
9. The land at South East Warrington Urban Extension may potentially be important for hedgehogs, bats and badgers and the populations of breeding and wintering birds it supports including BoCC red listed birds such as curlew, lapwing, lesser redpoll, skylark and yellowhammer. Curlew are classed as globally near threatened and are possibly the UK's most important bird conservation priority<sup>10</sup>. In order to comply with the mitigation hierarchy as set out in WLP Policy DC4 and national planning policies (outlined above), measures will be required to avoid and mitigate the impacts on these important species.

### Policy MD3 – Fiddlers Ferry

CWT recommends the Fiddlers Ferry (MD3) allocation is unsound and objects to its inclusion in the WLP for the following reasons:

1. This site incorporates part of the Upper Mersey Estuary LWS and the St Helens Canal (disused) LWS. These sites must be excluded from the allocation to comply with WLP Policies DC3 and DC4 and NPPF (2021) Paragraphs 174a, 174d, 175, 179a, 179b and 180a.
2. The site is immediately adjacent to Widnes Warth Saltmarsh LWS and the Upper Mersey Estuary Intertidal Areas and Mudflats LWS (designated in Halton) and in close proximity to Norton Marsh and Upper Moss Side Fields LWS and Moore Nature Reserve LWS. The development of the Fiddlers Ferry allocation has the potential to impact on these locally important sites for biodiversity and therefore these sites must be buffered substantially within the allocation footprint to minimise these potential residual effects. These sites, including the vast swathes of saltmarsh and mudflats in close proximity to the site are also highly likely to be functionally linked to the Mersey Estuary SPA and Ramsar. We recommend a minimum undeveloped buffer of 15m from any LWS (inside the allocation red line boundary) is secured in line with the standing advice provided by Natural England to ensure the allocation complies with WLP Policies DC3 and DC4 and NPPF (2021) Paragraphs 174a, 174d, 175, 179a, 179b and 180a. The allocation may also impact upon the internationally, and nationally designated sites downstream of the proposed development site, namely: the

<sup>10</sup> <https://www.bto.org/science/latest-research/decline-curlew>





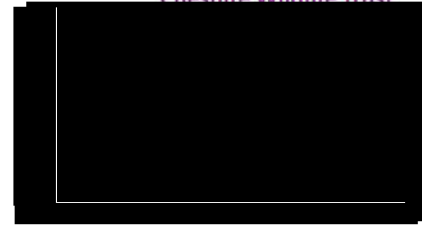
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Mersey Estuary SPA, Ramsar and SSSI. This would therefore also contradict NPPF para. 180b as the deterioration or loss of functionally linked land would likely have a significant effect on the status of the Mersey Estuary SSSI.

3. As highlighted in the updated WLP HRA, this site (and many of the immediately adjacent habitats such as saltmarsh and mudflats) have significant potential to be considered as functionally linked to the Mersey Estuary European designated sites as they potentially support a significant population of a number of qualifying species. This is further strengthened by the findings of the recently published Natural England Commissioned Report NECR361<sup>11</sup>, which shows the site to be of moderate potential or where significant numbers of water birds are visiting. We recommend the MD3 HRA policy wording changes suggested above are incorporated to ensure this allocation will definitely be assessed through a project specific HRA in line with proposed local and national planning policies (outlined above).
4. It is highly likely that the current low levels of disturbance is a key reason for high species diversity (and in particular the notable assemblages of Mersey Estuary SPA/Ramsar qualifying bird species) at the Fiddlers Ferry site. CWT strongly objects to the inclusion of the MD3 allocation in the WLP, and in particular Phase 2 (i.e. the southern site). Waterbirds are known to be highly sensitive to changes in the levels of disturbance, both during construction and operation of development schemes. The current proposals within the Fiddler's Ferry Power Station Regeneration Vision supporting document<sup>12</sup> include plans for a new visitor centre and the use of the lagoons for leisure (this appears to include sailing based on the indicative sketches). The increase in anthropogenic disturbance as a result of these proposals is highly likely to deter the use of the southern site (i.e. the lagoons and surrounding terrestrial habitat) by any Mersey Estuary SPA or Ramsar qualifying species (and many other protected and priority species), thereby resulting in a significant residual effect at an international scale. This is unacceptable and contradicts with WLP Policies DC3 and DC4 and NPPF (2021) Paragraphs 174a, 174d, 175, 179a, 179b, 180a and 180b. CWT strongly recommends the proposed residential, mixed use and park hub are removed from the MD3 allocation. The southern site should only be used to deliver mitigation and enhancement for significant ecological impacts arising as a result of the development of the MD3 Phase 1 scheme and the likely ecologically significant in-combination effects of the MD1, MD2 and Warrington Western Link proposals.
5. In line with our previous comments on brownfield land, the development of the Fiddlers Ferry site will cause harm to at least two locally designated sites of importance for biodiversity (Upper Mersey Estuary Local Wildlife Site and the St Helens Canal disused LWS) and may potentially cause harm to the internationally designated sites further downstream (Mersey Estuary SPA and Ramsar). This allocation therefore conflicts

<sup>11</sup> Bowland Ecology 2021. Identification of Functionally Linked Land supporting SPA waterbirds in the North West of England. NERC361. Natural England

<sup>12</sup> SSE (August 2021) Fiddler's Ferry Power Station Regeneration Vision



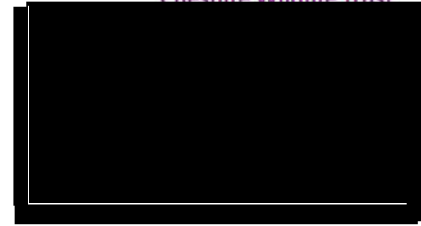
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with national policy which is explicit that previously developed land, treated as synonymous with brownfield, should be prioritised for development “except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity” (NPPF Para 119 – footnote 47).

6. Due to the proximity of the Fiddlers Ferry allocation site to the proposed Warrington Waterfront (MD1) allocation and the Warrington Western Link we believe that any ecological impacts arising as a result of any of these proposed schemes should be assessed in-combination, in line with good practice guidance from CIEEM. We recommend this is incorporated into the main text of Policy MD3 in line with WLP Policy DC4 and NPPF Paragraph 180a.
7. Allocation of this site conflicts with WLP Policy DC3 and NPPF Para 175 as the site sits within the Mersey Valley Corridor, a key Green Infrastructure Opportunity Area.
8. Securing a measurable biodiversity net gain for this site, in line with WLP Policies DC3 and DC4 and NPPF Paragraphs 174d and 179b, may not be possible due to the current high value of the site and the likely requirement to deliver mitigation/compensation for the loss of functionally linked habitat of the Mersey Estuary SPA and Ramsar qualifying bird species alongside net-gain commitments. Based on an estimate of current habitats (open mosaic habitat on previously developed land, saltmarsh and reservoirs), we believe the current baseline value of the Fiddlers Ferry Phase 2 site could be in the region of 1,400 BNG units. Even if the reservoirs are retained, based on a very conservative estimate of £10,000 per BNG unit (which is unlikely to be achievable), the site could cost in the region of £10,000,000 to offset.
9. Other examples of priority habitats including open mosaic habitat on previously developed land, open water, reedbeds, saltmarsh, unimproved neutral grassland, native hedgerows, swamp and semi-natural woodland also located within the allocation. The mitigation hierarchy should be applied to comply with Policy DC4 and national planning policies (outlined above) and all these areas should be excluded from the allocation in order to avoid harm to biodiversity.
10. The land at Fiddlers Ferry has also been confirmed to support, or likely supports, protected and /or notable invertebrates, fish, amphibians (including great crested newt), reptiles, breeding and overwintering birds including Mersey Estuary SPA qualifying species shelduck, redshank, teal and lapwing, roosting and foraging / commuting bats, otter, water vole, badger and other mammals. In order to comply with the mitigation hierarchy as set out in WLP Policy DC4 and national planning policies (outlined above), measures will be required to avoid and mitigate the impacts on these important species.

#### Policy MD4 - Land at Peel Hall

CWT recommends the Peel Hall (MD4) allocation is unsound and objects to its inclusion in the WLP for the following reasons:

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**Patron** Richard Walker  
**President** Felicity Goodey CBE DL **Chairman** Bill Stothart  
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1. This site incorporates the Radley Plantation and Pond LWS. This site must be excluded from the allocation to comply with WLP Policies DC3 and DC4 and NPPF (2021) Paragraphs 174a, 174d, 175, 179a, 179b and 180a.
2. Allocation of this site conflicts with WLP Policy DC3 and NPPF Para 175 as some of the site sits within a WLP Green Infrastructure Opportunity Area.
3. Other examples of priority habitats including a traditional orchard, semi-natural woodland, neutral grassland, ponds and hedgerows are also located within the allocation. The mitigation hierarchy should be applied to comply with Policy DC4 and national planning policies (outlined above) and all these areas should be excluded from the allocation in order to avoid harm to biodiversity.
4. The land at Peel Hall may potentially be important for hedgehog, water vole and the populations of breeding and wintering birds it supports including BoCC red listed birds such as skylark, yellow wagtail and lapwing. In order to comply with the mitigation hierarchy as set out in WLP Policy DC4 and national planning policies (outlined above), measures will be required to avoid and mitigate the impacts on these important species.

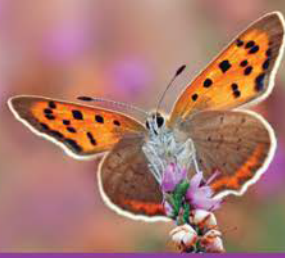
#### Policy MD5 - Thelwall Heys

CWT recommends the Thelwall Heys (MD5) allocation is unsound and objects to its inclusion in the WLP for the following reasons:

1. Examples of priority habitats including semi-natural woodland, ponds and hedgerows are located within the allocation. The mitigation hierarchy should be applied to comply with Policy DC4 and national planning policies (outlined above) and all these areas should be excluded from the allocation in order to avoid harm to biodiversity.
2. The Bridgewater Canal is located immediately adjacent the allocation. This is highly likely to support a variety of foraging and commuting protected and priority species including bats and otter. We recommend a minimum undeveloped buffer of 15m from this important wildlife corridor (inside the allocation red line boundary) is secured in line with the standing advice provided by Natural England to ensure the allocation complies with WLP Policies DC3 and DC4 and NPPF (2021) Paragraphs 174d, 179a, 179b and 180a.
3. The land at Thelwall Heys may potentially be important for the populations of breeding and wintering birds it supports including BoCC red listed birds such as skylark, yellowhammer and lapwing. In order to comply with the mitigation hierarchy as set out in WLP Policy DC4 and national planning policies (outlined above), measures will be required to avoid and mitigate the impacts on these important species.

#### Policy MD6 – The South East Warrington Employment Area

CWT recommends the South East Warrington Employment Area (MD6) allocation is unsound and objects to its inclusion in the WLP for the following reasons:



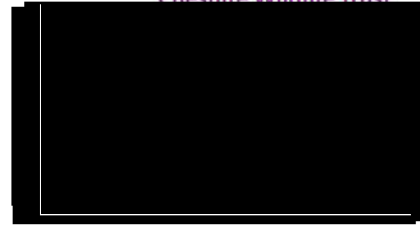
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1. Examples of priority habitats including semi-natural woodland, Bradley Brook, ponds and hedgerows are located within the allocation. The mitigation hierarchy should be applied to comply with Policy DC4 and national planning policies (outlined above) and all these areas should be excluded from the allocation in order to avoid harm to biodiversity.
2. Due to the proximity of the allocation site to the proposed South East Warrington Urban Extension (MD2) allocation we believe that any ecological impacts arising as a result of any of these proposed schemes should be assessed in-combination, in line with good practice guidance from CIEEM. We recommend this is incorporated into the main text of Policy MD6 in line with WLP Policy DC4 and NPPF Paragraph 180a.
3. The land at Warrington Waterfront may potentially be important for great crested newt and the populations of breeding and wintering birds it supports. In order to comply with the mitigation hierarchy as set out in WLP Policy DC4 and national planning policies (outlined above), measures will be required to avoid and mitigate the impacts on these important species.

### Settlement Allocations (OS1 to OS6)

As per our previous specific comments on the allocations above, where any examples of priority habitats located within the allocation; the mitigation hierarchy should be applied to comply with Policy DC4 and national planning policies (outlined above) and all these areas should be excluded from the allocation in order to avoid harm to biodiversity.

### Chapter 11 “Monitoring Framework”

CWT would welcome the inclusion of more specific and effective targets for Policy DC4. These could include (for example):

- No applications allowed which fail to deliver a minimum 10% net gain in biodiversity in line with Plan policies.
- To deliver a net gain of at least XX by XX in the area covered by the ecological network.

Reference could also be made to any targets in the Mersey Forest Plan.

Cheshire Wildlife Trust would be happy to meet and discuss or expand on any of the above points or recommended changes above in detail with the Council, should any representative wish to do so.

We trust you will find these comments helpful.

Yours sincerely,





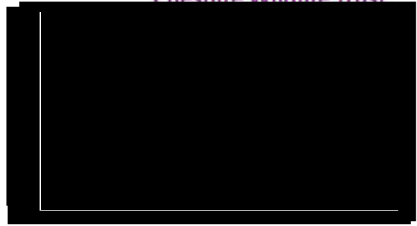
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Ross Harding  
Planning & Ecology Officer  
Cheshire Wildlife Trust



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