



Six56 – Land At Bradley Hall Farm
Grappenhall Lane, Grappenhall, Warrington

WBC Ref: 2019/34799

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Proof of Evidence of Elizabeth Seal,

Ecology Addendum 2024

TEP
Genesis Centre
Birchwood Science Park
Warrington
WA3 7BH

Tel: 01925 844004
Email: tep@tep.uk.com

Prepared For: Langtree Property LLP

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Offices in Warrington, Market Harborough, Gateshead, London and Cornwall

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The conclusions and recommendations contained in this document are based upon information gathered by TEP and provided by third parties. Information provided by third parties and referred to herein has not been independently verified by TEP, unless otherwise expressly stated in the document.

Nothing in this report constitutes legal opinion. If legal opinion is required, the advice of a qualified legal professional should be secured.

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1.0 Introduction

- 1.1 In April 2023 I prepared a Proof of Evidence (CD6.6) on behalf of Langtree Property Partners LLP (hereafter referred to as “Langtree”) in respect of ecology matters associated with the called-in planning application for land to the west of Junction 20 of the M6 motorway and junction 9 of the M56 motorway and to the south of Grappenhall Lane and Cliff Lane, Grappenhall, Warrington (hereafter referred to as “Six 56”).
- 1.2 The Inquiry first sat in May 2023 but was adjourned to October 2023. A Shadow HRA was submitted to the Planning Inspectorate in July 2023 (ID32) and an Addendum to my Proof of Evidence (ID37) was submitted in September 2023. The Inquiry was then adjourned to June 2024 and this further Addendum addresses any matters that I consider require updating and should be read in conjunction with my original proof and the September 2023 Addendum.
- 1.3 These matters comprise:
- Updates to NPPF
 - The Warrington Local Plan adoption
 - The Holcroft Moss draft supplementary planning document
 - Biodiversity Net Gain (BNG) legislation changes
- 1.4 In addition to these matters, there are changes to the preferred location and provision period for the offsite bird mitigation proposals covered by the S106 and referred to in my Proof. The changes including costs are not finalised at the time of writing this Addendum and it has been agreed with the Inspector that an update on this matter will be provided later.
- 1.5 The ecology baseline position on site remains as I stated in my original proof.

2.0 Update to Ecology Proof of Evidence

- 2.1 This addendum supplements the text found in the Ecology Proof of Evidence (updates to text show deletions as strike through text and additions as red font):

Section 3 – updated information

- 2.2 **Update paragraph 3.2 as follows:** “Chapter 15 Conserving and enhancing the natural environment (paragraphs ~~174 to 188~~ **180 to 194**)...”
- 2.3 **Update paragraph 3.3 as follows:** “No changes have been ~~proposed~~ **made** to nature conservation policy in the **December** 2023 NPPF ~~consultation~~ **update**. Government ~~has had~~ **has** advised that it intends to provide a more precise definition of “irreplaceable habitat” in 2023 (NPPF paragraph 180 and Annex 2), **instead a definition is included in The Biodiversity Gain Requirements (Irreplaceable Habitats) Regulations 2024** but this scheme does not involve the loss or deterioration of irreplaceable habitats such as veteran trees.”
- 2.4 **Delete paragraphs 3.5, 3.6, 3.7 and 3.8 which refer to the old local plan.** Insert the following: “**Warrington Local Plan 2021/22 – 2038/39 was formally adopted December 4th 2023.**”
- 2.5 **Update paragraph 3.10 as follows:** “~~Warrington Updated Submission Local Plan (CD3.1) (placed with SoS April 2022 and considered at Examination September and October 2022)~~ **Warrington Local Plan 2021/22 – 2038/39, formally adopted December 4th 2023** includes several proposed policies of relevance to ecology. DC3 Green Infrastructure seeks to protect and enhance environmental assets and improve linkages between them. Its aims include increasing functionality of green infrastructure, securing biodiversity net gain, expanding tree cover and providing long term management.”
- 2.6 **Update paragraph 3.12 as follows:** “ENV8 Environmental and Amenity Protection (ENV8.4 Air Quality Manchester Mosses SAC) ~~requires consideration of air quality impacts and creation of scheme-specific measures for sites including MD6~~ **states that “new development that exceeds the thresholds for requiring a Transport Assessment, as specified in the Council’s Transport SPD, will be required to consider air quality impacts on the Manchester Mosses Special Area of Conservation (SAC). 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 make a proportionate contribution towards restoration measures at Holcroft Moss and devise a scheme-specific range of measures to reduce reliance on cars, reduce trip generation and promote ultra-low emission vehicles”.**”
- 2.7 **Additional paragraph after 3.12:** “A draft planning obligations supplementary planning document was published by WBC for consultation on December 13th 2023. The “**Holcroft Moss – baseline calculation at the point of adoption of the Plan**”, sets out the costs of the

Holcroft Mitigation Scheme (proposed to mitigate potential air quality impacts from the Warrington and Places for Everyone local plans), identifies that Warrington's proportion of the cost is 47% and divides the contribution across residential and employment allocation in the local plan, identifying for employment land a contribution of £31 per 100sqm."

- 2.8 **Delete paragraph 3.13.**
- 2.9 **Additional paragraph after 3.15:** "BNG for major developments became mandatory on 12th February 2024 requiring 10% gain in biodiversity and management of created and enhanced habitats for 30 years. The biodiversity metric was updated in February 2024 and published as the Statutory Biodiversity Metric. If a planning application for a development was made before 12th February 2024, the development is exempt from BNG."
- 2.10 **Additional text at the end of paragraph 3.16:** ".. and published the Statutory Metric User Guide in February 2024."

Section 5 – updated information

- 2.11 **Update paragraph 5.25 as follows:** "To secure this, the section 106 (CD4.147) includes a Bird Habitat contribution ~~for a sum of over £230k~~ to WBC to be applied to the Mersey Gateway Environmental Trust (MGET) to create/restore land at ~~Upper Moss Side~~ **Gatewarth**, managing the land for ~~20~~ **30** years. The S106 will ensure bird habitats works are commenced prior to development in the arable fields along Grappenhall Lane as these fields have the greatest value for the target species."
- 2.12 **Update paragraph 5.26 as follows:** "Details of the site location and extent, the justification on appropriateness, the proposed management and the calculation to determine the S106 payment ~~are~~**will be** provided in MGET's ~~2021~~ **2024** proposal **and a review of site suitability is provided in Appendix A of the 2024 Ecology Proof Addendum**(CD4.147). The ~~Upper Moss Side~~ **Gatewarth** site is within the same planning authority and has potential for the ~~saltmarsh and~~ grassland habitats to be enhanced for skylark and lapwing, measures which would also benefit starling. The proposals include use of bird surveys to monitor success of interventions."
- 2.13 **Delete paragraph 5.27:** "~~MGET has previously successfully managed the Upper Moss Side site following construction of the Mersey Gateway Bridge. That management arrangement only ceased when funding ceased. This proposal will allow the recommencement of that successful management regime.~~"
- 2.14 **Update paragraph 5.39 as follows:** "In addition to the provision of 10% net gain in terms of habitats, the inquiry scheme includes enhancement of other features, including nesting provision for bats and birds and a contribution to deliver ~~20~~ **30** years of habitat creation/restoration for farmland birds at an offsite location within WBC."

- 2.15 **Update paragraph 5.43 2nd Bullet Point as follows:** “The S106 obligation with WBC (~~CD4.147~~) would secure delivery of farmland bird compensation at the ~~Upper Mess Side Gatewarth~~ site owned by the ~~Mersey Gateway Environmental Trust~~ **Warrington Borough Council.**”

Summary Section – updated information

- 2.16 **Update paragraph A.8 as follows:** “The Biodiversity Net Gain (BNG) Assessment has been updated to Metric 4.0 (Appendix B). This version was released on 24th March 2023 and is the final draft of the metric that ~~will become~~ **became** mandatory in England when the relevant provisions of the Environment Act 2021 ~~come~~ **came** into force **for major developments in February 2024, requiring applications to be accompanied by the Statutory Biodiversity Metric.** The assessment demonstrates how significantly greater than 10% gain in both habitat units and hedgerow units can be achieved in general accordance with the submitted Green Infrastructure Parameters Plan (see Table A1).”
- 2.17 **Update paragraph A.10 as follows:** “The scheme complies with Chapter 15 of the NPPF, applying the mitigation hierarchy and incorporating biodiversity enhancements into the proposals. Similarly it is also compliant with Warrington Local Plan Policy ~~QE5~~ **DC4** and relevant sections of neighbourhood development plan policies AT-D2 and AT-TH2. ~~The scheme would also be compliant with emerging draft Local Plan policy DC4.~~”

3.0 Summary

- 3.1 The changes identified in this 2024 Addendum primarily provide updates on the status of legislation, planning policy and supporting documents. These changes do not alter the conclusions in my Ecology Proof (CD6.6) and 2023 Addendum (ID37)
- 3.2 In relation to air quality and effects on the Manchester Mosses SAC, the Council is consulting on a draft Holcroft Moss Supplementary Planning Document which includes a charging schedule for employment land, with the revenue being directed to habitat restoration works at Holcroft Moss to improve its resilience to air pollution arising from traffic generation. If permission is granted for this development, it would be subject to this charge.
- 3.3 In relation to offsite bird mitigation, the Addendum updates the preferred site for this mitigation, extends the management term from 20 to 30 years and updates the S106 contribution sum as a result. The details of the new mitigation site is provided at Appendix A of this document.
- 3.4 All other conclusions in my original proof also remain unchanged.

Appendix A – Offsite Bird Mitigation: Gatewarth

A Gatewarth Bird Mitigation Site

- A.1. The S106 provided a sum of money to enhance habitat for the benefit of birds identified as likely to experience residual impacts as a result of the Six 56 proposals. It identifies the Upper Moss Side site but includes provision for compensatory bird habitat to be provided at “other suitable land as is agreed with the Council”.
- A.2. The landowner of Upper Moss Side has since confirmed to MGET that the land is no longer available and MGET have identified an alternate suitable location known as the Gatewarth site. This site is owned by Warrington Borough Council and is situated on the opposite bank of the River Mersey approximately 1km northeast of the Upper Moss Side site. A desk-based review and subsequent site visit has confirmed Gatewarth will provide more than sufficient area of habitat that can be enhanced to cater for the target species.
- A.3. The target species are up to 3 pairs of breeding skylark (breeding was not confirmed on the Six 5 site) and overwintering lapwing and starling. c200 lapwing and were recorded on one occasion at the Six 56 site but during all other wintering bird survey visits lapwing and starling occurred only in smaller flocks, and so the overall results do not suggest the reliance of these species on the site throughout winter.

Skylark habitat preferences

- A.4. Skylark begin nesting in late April and continue to nest until early August, with a peak in activity in May/June. They may have two or three broods a year. Skylark favour large open fields both during their breeding periods and during the winter. It is important that they have large open fields for nesting and chick feeding areas which are located close by. Cereal fields are used by skylark, however autumn sown cereals are usually of low suitability, since the crops become too tall during the peak skylark nesting season, preventing them from observing predators and deterring nesting. Grazing can also create good conditions for these species, provided that stocking rates in spring are kept quite low in order to avoid trampling damage to nests and young. Traditional hay meadow management provides good nesting and foraging habitat for this species. Skylark favour a vegetation sward height of 20 – 50cm. They will not nest close to hedges, pylons, trees or bushes which provide potential predator perches.

Suitability of proposed mitigation site

- A.5. Skylark prefer to nest in open ground with wide open sightlines, away from features that limit sightlines or provide predator perches. Skylark would therefore be less likely to nest close to the woodland areas at the north and east of the site as well as to the south. In addition, skylark are less likely to nest near to places regularly disturbed by people or dogs.

- A.6. A public footpath runs between the site and the River Mersey. The site has some existing boundary fencing and signage which could be improved to manage disturbance of the site.
- A.7. The total Gatewarth site is similar in size to the arable land at the Six 56 site. Discounting the wooded area in the north and applying a precautionary 50m displacement zone to features that might have a predator avoidance effect on the target species (human disturbance or impact on sightlines), Gatewarth still provides c5.3ha of core habitat.
- A.8. Within the displacement buffer it is much less likely (although not impossible) that skylark would nest, however they may still use these areas for foraging. Outside of these buffers it is unlikely that there would be any displacement effects on nesting skylark. This buffer may be over precautionary, as the mitigation area is domed, with the grassland area on the highest part of the land. This will reduce the effect of adjacent trees on limiting sightlines.
- A.9. Eraud and Butin (2002)¹ found that land managed well for skylark (in the case of their study this was set aside) could support up to 1.4 pairs per ha. It is reasonable to therefore assume that if managed optimally for skylark, the grassland would be able to support up to 1.4 pairs per ha. Therefore, this area outside of the precautionary displacement zone buffer could support 7 pairs of skylark (7.42). As the mitigation is required to provide habitat for 3 pairs of skylark, this area could provide sufficient skylark mitigation.

Lapwing habitat preferences

- A.10. Lapwing are also species that require large fields with open sightlines, and would be unlikely to use the grassland directly adjacent to woodland during the winter months. However, they would be likely to use the remaining areas of the grassland if managed appropriately. The domed topography of the grassland at this location, raised above the surrounding woodland would likely increase the suitability of the land through increasing sightlines.

Suitability of proposed mitigation site

- A.11. With suitable management it is likely that this proposed mitigation land could provide habitat for occasional use by 250 lapwing and more regular use by smaller numbers of lapwing similar to the use recorded at the Six 56 site.

Updates to MGET management proposals

- A.12. The Inspector requested the bird habitat management proposals were increased from a 20 year period to 30 years and this will be included in the update and S106 costs amended accordingly. At the time of writing this Addendum, the updated management proposals from MGET which make reference to the Gatewarth site are currently in draft form, for consultation with Warrington Borough Council as the landowner.

¹ Eraud, C., Boutin, JM. (2002). Density and productivity of breeding Skylarks *Alauda arvensis* in relation to crop type on agricultural lands in western France. *Bird Study* 49, 287-296



THE
ENVIRONMENT
PARTNERSHIP

HEAD OFFICE
WARRINGTON

MARKET HARBOROUGH

GATESHEAD

LONDON

CORNWALL

01925 844004
tep@tep.uk.com

01858 383120
mh@tep.uk.com

0191 605 3340
gateshead@tep.uk.com

020 3096 6050
london@tep.uk.com

01326 240081
cornwall@tep.uk.com
