

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

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Bird Mitigation Framework Proposal

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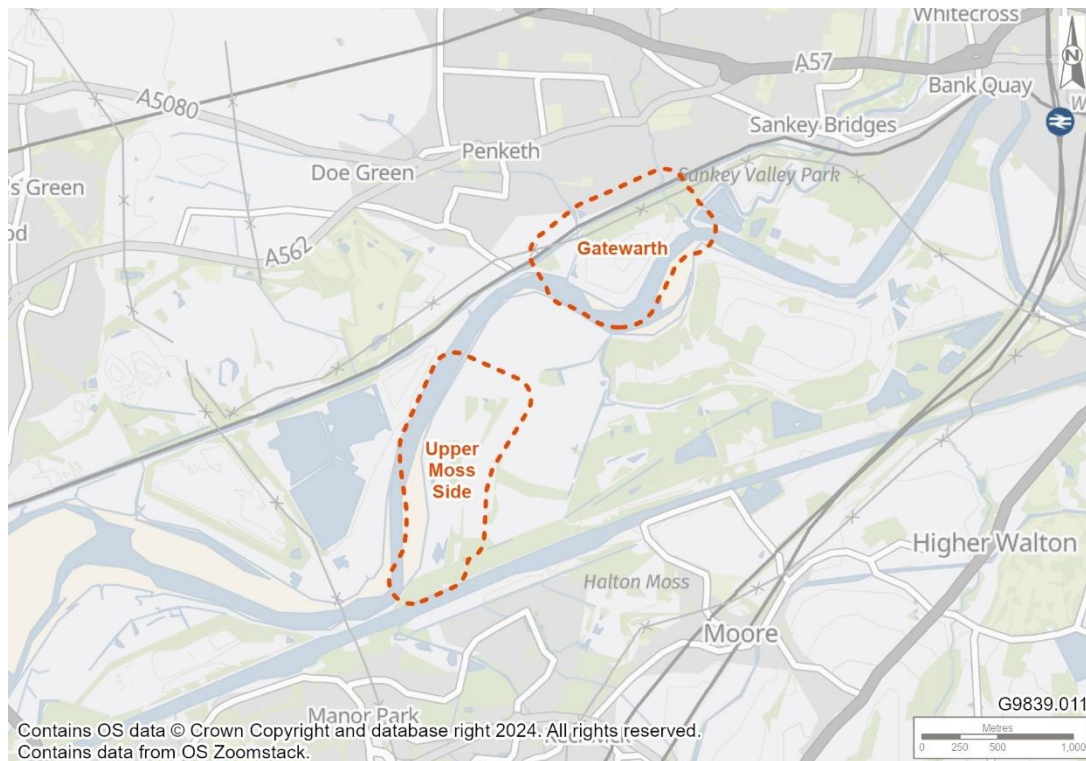
1.0 Introduction

- 1.1 The matters covered in this document relate to 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 Following consideration of onsite mitigation, the ecology chapter of the Six 56 Environmental Statement identified residual impacts on skylark (breeding season) and lapwing (over wintering) primarily associated with the proposed loss of three arable fields along Grappenhall Lane (B5356) in the northwest of the proposed development site.
- 1.3 To compensate for these predicted residual impacts, it was proposed in consultation with the local planning authority Warrington Borough Council (WBC) and their ecology advisors Greater Manchester Ecology Unit (GMEU), to provide funding via a S106 agreement to manage habitat offsite for the benefit of lapwing and skylark.
- 1.4 The initial drafting of the S106 identified a named site (Upper Moss Side) but included a provision for the funding to be used at “other suitable land as is agreed with the Council”. The Upper Moss Side site is no longer available, and the June 2024 drafting of the S106 now identifies Gatewarth as the named site.
- 1.5 The S106 still includes the potential for bird mitigation measures to be provided at an alternate agreed site, but currently proposes that a Framework Proposal with a provision for a minimum financial contribution be agreed with the Council as landowner and appended to the S106. The S.106 further requires the submission of detailed proposals and costs to be agreed prior to commencement of development and for a final agreed cost for managing and maintaining the mitigation measures for 30 years as per the agreed detailed proposal such agreed sum to be paid to the Council prior to the commencement of development.
- 1.6 This document outlines the Bird Mitigation Framework Proposal and minimum contribution for the site owned by Warrington Borough Council (“WBC”) known as Gatewarth.
- 1.7 This document has been prepared by The Environment Partnership (TEP) Ltd, Gateley Legal and MGET. It has been produced following consultation with WBC as landowner and takes into account comments from Greater Manchester Ecology Unit (GMEU) provided by WBC as the planning authority.

2.0 Location

- 2.1 The proposed bird mitigation site is known as the Gatewarth site which is a former landfill 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 previously proposed mitigation site (Upper Moss Side) and is illustrated in Figure 2.1.

Figure 2.1 Location of Gatewarth site



- 2.2 The site is within the borough of Warrington located between the River Mersey in the south and Sankey Canal in the north. The approximate central grid reference is SJ 571 868.
- 2.3 Further afield lies Moore Nature Reserve on the south bank of the Mersey and Penketh lies north of the Sankey Canal. Some agricultural land is present both north and south of the site.
- 2.4 To assess site suitability on the ground, the Mersey Gateway Environment Trust (MGET) visited the site 22nd April 2024 and 8th May 2024, this time meeting with a representative of WBC's Environment Team.

3.0 Suitability and Requirements for Target Species

- 3.1 The target species are up to three pairs of breeding skylark and overwintering lapwing and starling. Lapwing breeding was not confirmed on the Six 56 site, but a precautionary approach assumed up to three pairs could breed on that site. 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, therefore, the overall results do not suggest the reliance of these species on the site throughout winter.
- 3.2 A desk-based review and subsequent site visit has confirmed Gatewath will provide more than sufficient area of habitat that can be enhanced to cater for the target species. WBC acting as landowner has confirmed that similar to the Upper Moss Side site, Gatewath has previously (since circa 2017) been under positive management that has successfully enhanced habitat for ground nesting birds including skylark.
- 3.3 During the 8th May 2024 meeting with WBC and in written correspondence, it was confirmed that skylark had been recorded on site in 2023 and 2024, although breeding has not been confirmed. It is currently unknown if lapwing have roosted on site overwinter, but a pair were recorded displaying in spring 2023 and given the proximity to known roosting grounds on the banks of the intertidal areas of the River Mersey, this can be expected. WBC has confirmed that funding for these management activities has recently ended and ongoing habitat management is necessary for the site to continue to provide suitable breeding habitat for skylark and provide foraging/roosting habitat for lapwing. Without management, the grass sward would become too tall within one year and overtime, scrub and eventually woodland would encroach on the open habitats which these species require to thrive.

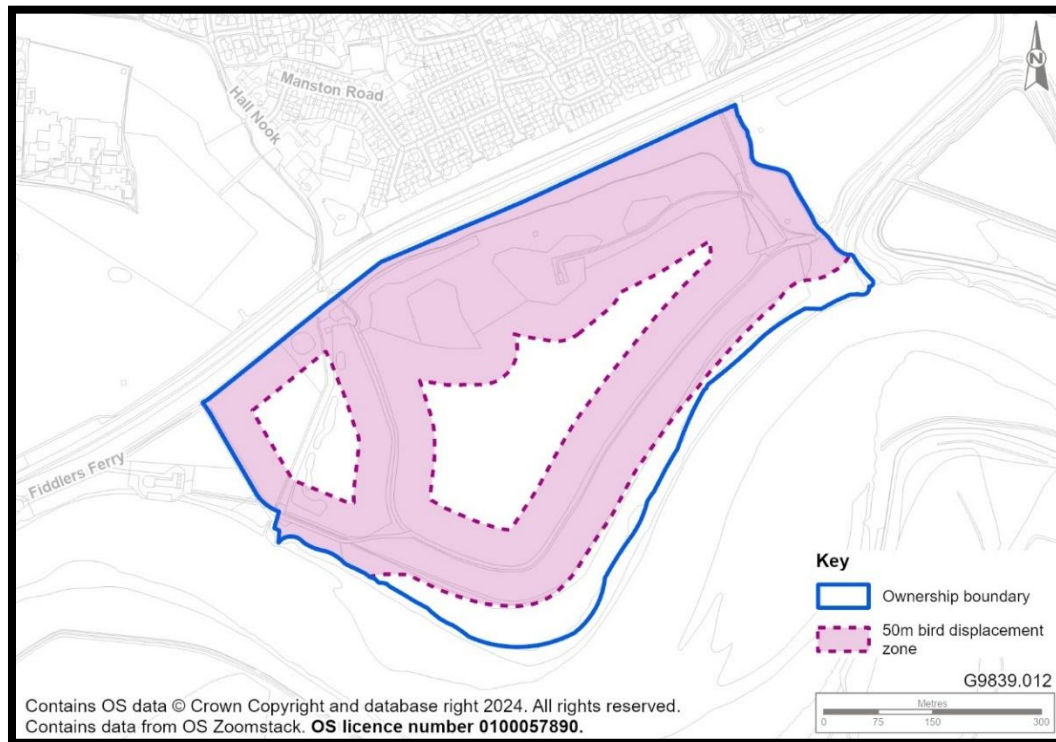
Skylark habitat preferences

- 3.4 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, if 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

- 3.5 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.
- 3.6 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.
- 3.7 The total Gatewath site is c34.8ha. 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), three areas within the WBC ownership could provide core open habitat as illustrated in Figure 3.1 and described in the following bullet points:
- The largest area is in the centre of the site providing at least 5ha.
 - The land along the River Mersey provides c3.2ha, although this may be reduced by the presence of reedbeds.
 - The land in the west provides c1.8ha although approximately half of this area is unavailable due to an existing planning permission for a Flood Risk Management Scheme and associate BNG provision.

Figure 3.1 Precautionary calculation of core skylark habitat



- 3.8 Within the displacement zones it is much less likely (although not impossible) that skylark would nest, however they may still use these areas for foraging. Outside of these zones it is unlikely that there would be any displacement effects on nesting skylark. This buffer may be over precautionary, plus the mitigation area is domed, with the grassland area on the highest part of the land providing good surrounding sightlines.
- 3.9 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 of skylark per ha. Therefore, the largest area outside of the precautionary displacement zone buffer could support seven pairs of skylark. As the mitigation is required to provide habitat for three pairs of skylark, this area could provide more than sufficient skylark mitigation.

Lapwing habitat preferences

- 3.10 During the winter months lapwing form flocks on large open areas of permanent grassland with a short sward height. Bare patches of ground within the grassland may also help winter feeding and occasional vegetation clumps/tussocks can also be beneficial. Lapwing may also roost in large areas of wet grassland. Similar to skylark, lapwing require large fields with open sightlines.

Suitability of proposed mitigation site

- 3.11 Lapwing would be unlikely to use the grassland directly adjacent to woodland during the winter months due to restricted sightlines. 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, would likely increase the suitability of the land through increasing sightlines. With suitable management it is likely that this proposed mitigation land could provide habitat for occasional use by c250 lapwing and more regular use by smaller numbers of lapwing similar to the use recorded at the Six 56 site.
- 3.12 Given the habitats present, the site is also considered suitable for starling, another species that was recorded occasionally using the Six 56 fields over winter.

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

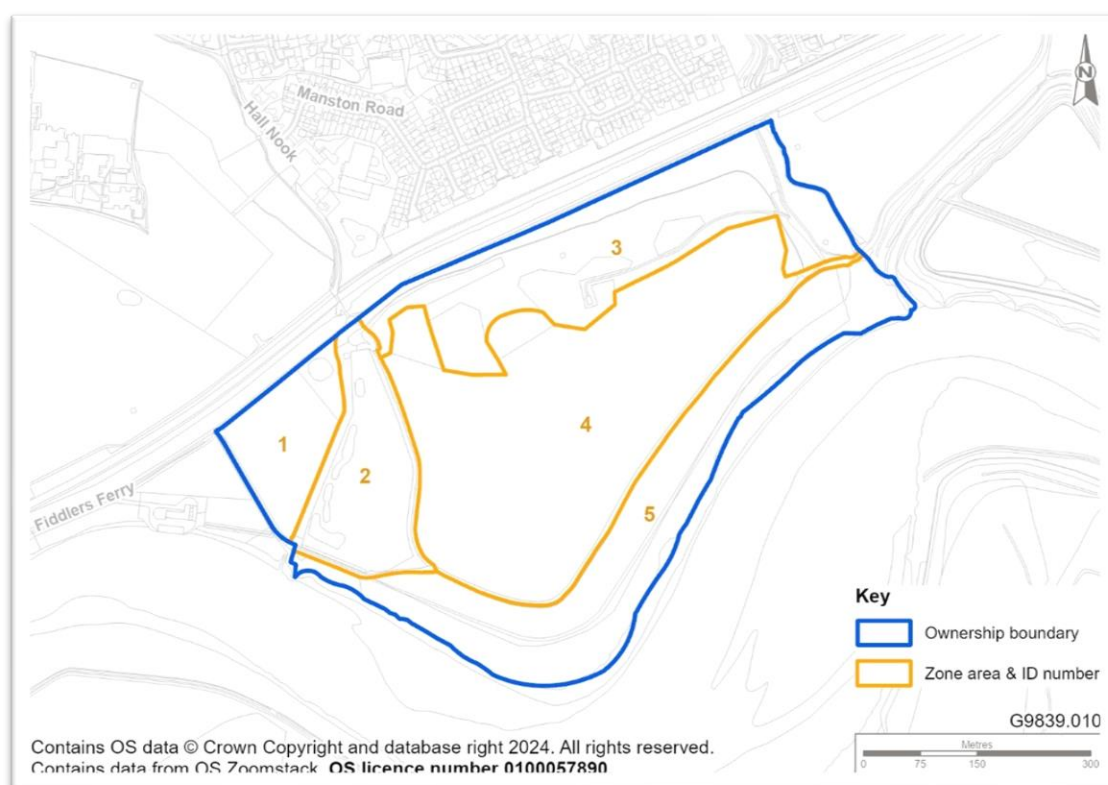
4.0 Gatewath Constraints

- 4.1 The Framework Management Proposals for the Proposed Gatewath Mitigation Area has been informed by an understanding of a number of existing site conditions and constraints.

Extent of Proposed Mitigation Area

- 4.2 For ease of consideration the Gatewath land (site) under WBC ownership can be divided into five broad areas as illustrated in Figure 4.1.

Figure 4.1 Gatewath habitat areas



- 4.3 Area 1 (c2.3ha) has a United Utilities easement running along the northeast and southeast edge of the land, moreover, it is part of a flood management scheme and associated BNG provision and agricultural management lease (planning ref 2021/38949) and as such is not appropriate for consideration as Six 56 bird mitigation land.
- 4.4 Area 2 (c3.6ha) includes a mix of grassland and pond habitats which could provide additional foraging resources and potentially nesting for a single pair of skylark. A footpath runs along the east side, separating it from Area 4. A further track runs along the south side providing access to an outfall point. Historic management on this site has been restricted to minor tree/scrub works to prevent woodland developing.

- 4.5 Area 3 (c7.3ha) is the woodland/scrub habitat that borders the Sankey Canal. There has been no management in recent history. This area does not provide habitat for skylarks or lapwings and clearance of this habitat is unnecessary as sufficient open habitat is present elsewhere in the ownership.
- 4.6 Area 4 (c13.7ha) is the primary grassland area which could provide foraging resources and nesting habitat for seven pairs of skylark and roosting/foraging habitat for overwintering lapwing. It has previously been the focus of WBC management to support ground nesting birds. The 2024 site visit by MGET identified scattered scrub and young trees present amongst the grassland, alongside some common reed (*Phragmites australis*) and patches of common club-rush (*Schoenoplectus lacustris*) and soft rush (*Juncus effusus*).
- 4.7 Area 5 (c7.9ha) is the long strip of land between the public right of way and the River Mersey. It is a combination of embankment along the right of way with grassland and scrub habitats and flatter land towards the water's edge with grassland, reedbed and intertidal mudflats. There has been no active management in recent history and the areas close to the tidal zone are likely to be difficult to manage safely. Overall, this habitat provides foraging and potential nesting opportunities for skylark and foraging and roosting habitat for wintering lapwing.
- 4.8 Area 4 is the main grassland area within the ownership, it was previously managed positively for wildlife by WBC and alone it provides sufficient habitat for the target species as discussed in Section 3 of this document. **This Bird Mitigation Measures Framework Proposal is based on the ongoing management of Area 4.**

Ground Conditions

- 4.9 The site is a former landfill which has been capped, as such and as a precautionary measure ground disturbing activities should be avoided. With reference to potential mitigation operations this requires that grassland must be cut rather than grazed and that wader scrapes cannot be created. However, initial discussions between WBC as landowner and WBC Environmental Health is that installing new fence posts of a suitable depth will be acceptable.
- 4.10 The site often has wet ground conditions. In light of this and with consideration to the need to minimise ground disturbance, tracked machinery may be required to undertake some activities.
- 4.11 There is an area of above ground rubble within the site which cannot be removed and which machines cannot drive over. Hand removal of scrub will be required of this feature.

Public Disturbance

- 4.12 There is a public right of way that runs between Areas 4 and 5, continuing between Areas 4 and 2. This right of way joins at either end with the Trans Pennine Trail that follows the

Sankey Canal along the northern edge of the ownership. There is a fence around Area 4, which is timber post with stock proof wire at least for part of the boundary. There is a history of members of the public accessing the land at three points along the boundary with repeated incidents of vandalism/cutting to gain public access.

- 4.13 WBC as landowners advise the current fencing is insufficient to keep public out of Area 4. It will be necessary to increase the robustness of fencing to prevent public and dogs from disturbing ground nesting birds.

Consideration of Target and Other Bird Species

- 4.14 The site has been under active management since 2017 and included habitat improvements for species such as skylark and lapwing. Funding for these management activities has recently ended and ongoing habitat management is necessary for the site to continue to provide suitable breeding habitat for skylark and provide foraging/roosting habitat for lapwing.
- 4.15 During recent years the site has provided habitat for other species of birds that rely on the developing scrub habitat. The habitat requirements of both the open grassland target bird species and the other bird assemblage can continue to be provided within the site by management practices continuing to balance the amount, location and frequency of scrub to be retained / removed.

5.0 Framework Management Proposals

5.1 Management of land to provide skylark breeding habitat and lapwing overwintering habitat will need to follow the general principles set out below:

- The management will cover a 30 year period.
- To support 3 breeding skylark territories a minimum of 2.5ha of open grassland habitat must be maintained. Land within 50m of landscape features such as hedge, scrub, trees and fencing cannot contribute to the 2.5ha (due to the displacement affect they can have on the target species) but may fall within the wider habitat management area.
- To support ground nesting birds, grassland habitat must be maintained to achieve the desired sward height of 20-50cm.
- To maintain a grassland habitat over the 30 year management period, reseeding and/or herbicide treatment will be required periodically.
- To prevent encroachment of scrub and trees into open grassland regular control of scrub must be undertaken. Scrub clearance may be more extensive in early years, reducing to a maintenance schedule for the remaining period. The extent of any scrub clearance should ensure the minimum open area requirements of the target species are met but the extent of clearance can be balanced against the value scrub provides to other bird species.
- Members of the public including their dogs must be deterred and where possible prevented from accessing the core breeding habitat. The disturbance of walkers and dogs can prevent successful skylark breeding. Measures to achieve this can include provision and maintenance of fencing, signage, hedge planting and/or allowing scrub to develop along the site boundary.
 - It is acknowledged the Gatewarth site is known to require robust fencing provision.
- Management proposals must take account of ground conditions and other access constraints to ensure the appropriate method, tools and staffing can be available considerations relevant to the Gatewarth site include the following:
 - The Gatewarth site is a former landfill site and the cap must not be disturbed:
 - Cattle grazing is not appropriate so cutting would be required to achieve the desired sward height.

- Wader scrapes cannot be created, but an existing shingle area can be managed to provide a similar feature². The Gatewarth site has wet ground conditions and therefore habitat works after mid September are not appropriate and tracked vehicles may be required.
- The Gatewarth site has an area of rubble in the centre of the site and hand clearance of scrub on this feature would be required.
- Management proposals must take into account any existing bird interest on the site. Baseline surveys should establish the existing bird populations of all species. Should these show that species other than the target species will be displaced by the proposals, management of the wider site will be undertaken to provide alternative habitats.

Framework Monitoring Proposals

- 5.2 The minimum funding includes an allowance for annual breeding bird surveys (which will cover the skylark breeding season) and wintering bird surveys (which will cover the lapwing over wintering period) for years 1-3, and every three years thereafter for the 30-year management period.
- 5.3 The funding also includes an allowance vegetation surveys (NVC) to monitor the grassland habitat in year 1, year 2, year 3 and year 5, continuing in five-year intervals for the 30-year management period.
- 5.4 These monitoring activities are required to monitor and establish the success of the measures and to identify any variations to be considered over the project period to enhance the success of the scheme.

Minimum Funding

- 5.5 The minimum funding proposed for the 30-year operations is presented below. The costs are based on current rates and prices and would be updated (including indexation) at the time of agreeing a Detailed Management Proposal based on the above framework principles. The cost model includes an allowance for 3% inflation relating to management costs and at 5% relating to monitoring over the 30-year period.

Management and Maintenance Cost Model for Six56 Bird Mitigation	Indicative costs
Ecology Surveys and Monitoring	£134,181.39
Habitat Management	£1,555,512.02

² Although wader scrapes can be a positive management technique to enhance foraging quality for wintering lapwing, they are not essential and with the presence of the tidal River Mersey adjacent to the site, foraging habitats are already available in the locality.

Sub-total: monitoring and maintenance costs	£1,689,693.41
Admin cost (assumed at 8% of the total maintenance costs)	£135,175.47
Contingency figure (assumed at 10% of the total maintenance costs)	£168,969.34
Total Costs	£1,993,838.22

- 5.6 The total costs in this table represents the minimum figure to be provided, however, the exact figure will be included within the detailed proposals that will be submitted following a thorough process including consultation with WBC as landowner, GMEU, site investigations and due diligence through relevant searches which will inform the final figure.
- 5.7 The section 106 agreement will include the Framework Proposal which provides for a minimum figure for funding the management of offsite mitigation for compensatory bird habitat for breeding skylark and overwintering birds such as lapwing and starling and the maintenance and management of the same for a period of 30 years, but will require the detailed proposal to be submitted for agreement, which shall include the final agreed funding cost, and payment of the final agreed figure prior to commencement of development.

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