

# **Fiddlers Ferry Development Framework**

Habitats Regulations Assessment (HRA)

**Screening Determination Statement**

**August 2024**

# Habitats Regulations Assessment

## 1. Introduction

- 1.1 This statement sets out Warrington Borough Council's (advised by Greater Manchester Ecology Unit (GMEU)) initial and final determination of the need for a Habitat Regulations Assessment (HRA) in accordance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) and European Directive 92/43/EEC (the Habitats Directive) for the Fiddlers Ferry Development Framework.

## 2. Habitats Regulations Assessment Context

- 2.1 The requirement for a Habitat Regulations Assessment (HRA) is set out within Regulation 63 the Conservation of Habitats and Species Regulations 2017 (as amended) and Articles 6(3) and 6(4) of the Habitats Directive. Legislation requires an Appropriate Assessment of any plan or project to be undertaken to assess if it is likely to have significant adverse effects upon the integrity of internationally designated sites of nature conservation importance, now known as the national site network (formerly known as Natura 2000 sites).
- 2.2 The Habitats Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (as amended).
- 2.3 The Warrington Local Plan 2021/22-2038/39 has been subject to an HRA assessment process undertaken by AECOM. The HRA has been developed over a number of years in parallel to the drafting of the Local Plan and hence has fully assessed the impacts of the Plan. An assessment was undertaken for the first Regulation 19 Local Plan consultation in 2019. An updated assessment was undertaken to accompany the UPSVLP 2021 (The Draft Local Plan).
- 2.4 This assessment included an assessment of in combination effects taking into account other plans and projects as well as Local Plan site allocations, policies and the impact of the plan as a whole. A further updated version of the Warrington Local Plan HRA Report was produced in December 2021 in order to take account of comments made on the HRA during the Regulation 19 consultation on the Draft Local Plan (the UPSVLP 2021). The Warrington Local Plan 2021/22-38/39 was also subject to a final HRA assessment produced by AECOM (March 2023) at the Main Modifications Stage.
- 2.5 The purpose of a HRA is to assess the impacts of a land-use plan against the conservation objectives of the national network of sites (formerly known as Natura 2000 Sites). The assessment must determine whether the plan would adversely affect the integrity of the site in terms of its nature conservation objectives. Where negative effects are identified other options should be examined to avoid any potential damaging effects.

### **3. Fiddlers Ferry Development Framework**

- 3.1 The site at Fiddlers Ferry is allocated in the Local Plan (MD3) as a site that will deliver a minimum of 860 homes, approximately 101 ha of employment land and the required range of supporting infrastructure within the Plan period.
- 3.2 The former power station itself will be remediated and redeveloped to provide new employment land. To the east of the former Power Station, within the allocation, is an area of land removed from the Green Belt for a minimum of 860 homes. This will create a new residential community and is also important in enabling the remediation of the former Power Station itself.
- 3.3 The southern part of the allocation, to the south of the railway line and St Helens Canal, contains the lagoons where fly ash from the power station was deposited. This part of the allocation will remain in the Green Belt but will be remediated over the longer term to provide a significant ecological and recreational resource.
- 3.4 The allocation also lies adjacent to the River Mersey and is within 5 km of the Mersey Estuary SPA and Ramsar sites. In addition, parts of the allocation, and land close to the allocation, is considered likely to have potential to act as 'functionally linked' to the Mersey Estuary SPA/Ramsar.
- 3.5 Although the site is under the control of a single owner, it is important given its size that an appropriate mechanism is in place to ensure a comprehensive form of sustainable development is delivered across the site. This requirement is set out in detail in Local Plan Policy MD3.
- 3.6 Part 5 of policy MD3 requires a Development Framework to be agreed with the Council (by a decision of the Council's Cabinet) in advance of the determination of the application for the first part of the employment site and before any further planning applications are submitted. The Development Framework will be a material consideration in the determination of planning applications across the allocation site.
- 3.7 To ensure a coordinated approach to new development across the allocation site, part 6 of policy MD3 sets out that the Development Framework will provide:
  - A comprehensive spatial masterplan for the entire development site, based on the principles and requirements set out in this policy and reflecting site opportunities and constraints;
  - A comprehensive infrastructure delivery strategy for the development site with details on phasing, delivery triggers and delivery responsibilities; and
  - An allocation wide approach to infrastructure funding, including planning obligations.
- 3.8 In accordance with adopted Local Plan policy MD3, the draft Framework has now been completed and subject to public consultation. Final amendments have been made to the Development Framework, that were not material to the Council's initial Screening Determination findings on the Draft Development Framework, taking into account

further Council Officer comments and general consultation responses, before the final Framework progresses to the Council's Cabinet for approval.

3.9 The Framework contents are:

- Introduction
- Vision & Background
- Site & Context
- Key Opportunities
- Key Parameters
- Spatial Masterplan
- Delivery

3.10 The Development Framework will assist the landowner in ensuring a comprehensive form of development will be delivered across the whole of the site; as well as Development Management Officers who will apply the Framework in the determination of planning applications; ensuring applications comply with Local Plan policy requirements, and also informing the community of development proposals.

#### **4. Initial Screening Determination**

4.1 The Fiddlers Ferry Development Framework is not setting new policy; it is a Framework that addresses adopted policy requirements and is designed to ensure the implementation of existing policy MD3 – Fiddlers Ferry, as set out in the adopted Local Plan.

4.2 The Local Plan 2021/22-2038/39 was adopted by Full Council on 04 December 2023 and has already been subject to a full and iterative HRA through the Local Plan process, as well as extensive public consultation and an Examination in Public by the Planning Inspectorate.

4.3 Initial Screening of the Draft Development Framework was undertaken in May 2024 by GMEU, and based on the advice provided, led the Council to conclude that the Development Framework can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination.

4.4 The Council's initial Screening determination findings (the GMEU advice) were then subject to statutory consultation with Natural England, who raised no objections and concurred with the Council's conclusions.

4.5 The advice received by the Council from GMEU is available at Appendix 1 of this statement and Natural England's consultation response is available at Appendix 2 of this statement.

#### **5. Final Screening Determination**

5.1 As part of the iterative screening process and taking into account the initial screening determination response from Natural England, along with further assessment of the

Development Framework as it progressed; final screening has again led to the Council concluding that the Fiddlers Ferry Development Framework can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination.

## Appendix 1: Screening Determination advice from GMEU

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Principal Ecologist:  
 Derek Richardson

**FAO Principal Planning Officer**

Planning Services  
 Warrington Council

Your ref : FF/DevFra/HRA  
 Contact : Derek Richardson  
 Date : 15th May 2024

Dear Martha

**HABITATS REGULATIONS ASSESSMENT (HRA) OF THE FIDDLERS FERRY  
 DEVELOPMENT FRAMEWORK MAY 2024**

**Introduction**

**Habitats Regulations Assessment**

A Habitats Regulations Assessment (HRA) comprises an assessment of the potential effects of a proposed project or plan on one or more sites of designated international nature conservation importance. Designated sites are known as Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Offshore Marine Sites (OMS). Together, these designated sites are known as the national sites network. Ramsar sites, designated under the International Wetlands Convention as wetlands of international importance, are not considered to form part of the national sites network but national planning policy recommends that Ramsar sites should be afforded the same level of consideration as SAC and SPA designated sites.

The original EU Habitats Directive (92/43/EEC) was transposed into UK law in 1994 as The Habitats Regulations, subsequently amended and referred to as the Conservation of Habitats and Species Regulations 2017. A number of changes have been made to these Regulations by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

This document comprises an HRA of a development document, the Fiddlers Ferry Development Framework. The Fiddlers Ferry Development Framework is regarded as a 'plan' under the terms of the above legislation. This report has been prepared in order to fulfil the duties of Warrington Council to carry out an HRA of the plan under the terms of the relevant legislation.

**The Fiddlers Ferry Allocation in the Warrington Local Plan**

Warrington Council have allocated land at the former Fiddlers Ferry Power Station site for future large-scale mixed-use development as part of the adopted Warrington Local Plan. The plans for the allocation involve the provision of approximately 101ha of employment

land and a minimum of 860 new homes, with associated infrastructure, on the site of a former coal-fired power station and adjacent land. The allocation includes-

- The site of the former power station
- Adjacent greenfield land
- Land to the south (south of a railway line and a canal which bisect the site) formerly used for the disposal of fuel ash, a by-product of coal burning. This area, known as 'the lagoons' is not proposed for future built development but is currently being used for the extraction of fuel ash, which is now regarded as a valuable commodity.

The Fiddlers Ferry allocation lies adjacent to the River Mersey and is within 5 km of the Mersey Estuary SPA and Ramsar sites. In addition, parts of the allocation, and land close to the allocation, is considered likely to have potential to act as 'functionally linked' to the Mersey Estuary SPA/Ramsar. That is, notable bird species which are associated with the SPA may also rely on land outside of the designated sites for their survival; this land is said to be 'functionally linked' to the designated sites.

No other relevant designated sites are considered likely to be affected by development within the Fiddlers Ferry allocation because they are too distant from the Fiddlers Ferry allocation for any effects to occur.

### **Previous HRA and the Status of Functionally Linked Land**

The proposal to allocate the Fiddlers Ferry site for development was subject to an HRA as part of the Warrington Local Plan process. This HRA (*AECOM 2021*) concluded that, although parts of the Fiddlers Ferry allocation may be functionally linked to the Mersey Estuary SPA/Ramsar, a sufficiently robust Policy Framework existed to ensure that the development of the allocation would not lead to any adverse effects on the designated sites. In particular, Local Plan Policy MD3 (Part 22) would apply.

The HRA also concluded that, even if land within the allocation were to be found to be functionally linked to designated sites, mitigation and compensation measures would be available such that no long-term harm would be caused to the conservation status of notable bird species associated with the Mersey estuary designated sites.

The HRA of the Local Plan also considered possible impacts which could arise from the development of the Fiddlers Ferry allocation on the Mersey Estuary designated sites resulting from increased recreational disturbance. The HRA concluded that, since the closest accessible unit of the SPA / Ramsar relevant to the allocation is Hale Marsh, and that Hale Marsh is some 9km from Fiddlers Ferry and not easily accessible, increased recreational disturbance would not result from the development of the Fiddlers Ferry allocation.

Since the HRA of the Local Plan was carried out, wintering bird surveys have been carried out of the allocation and these surveys have concluded that parts of the Fiddlers Ferry Lagoon sites to the south of the railway/canal do in fact act as functionally linked land, supporting notable numbers of Teal (*TEP 2024*).

In 2023, a planning application was submitted for a part of the allocation (Warrington application reference 2023/00392/EA). An HRA of this planning application has been undertaken (*TEP April 2024*) and this HRA concluded that this application for commercial land use could be undertaken without causing harm to the functionally linked land to the south, *providing* that a Construction Environmental Management Plan (CEMP) is prepared



giving details of the measures to be taken to avoid harmful emissions to water. Other potential effects of the development on functionally linked land, or the SPA/Ramsar proper, were Screened Out of the HRA.

The proposals to continue Ash extraction operations in the lagoons area has also been subject to a separate HRA (*TEP 2024*). This HRA has concluded that mitigation measures will be available for any disturbance to, or loss of, functionally linked land which could arise during the ash extraction operations. Details of these mitigation measures have been provided in a Lagoon Management Plan. The Lagoon Management Plan will necessarily be an evolving (reactive) document, since the full details and possible programme for ash extraction will evolve over time.

The Lagoon Management Plan also includes measures for controlling access to the lagoons area, which will serve to mitigate for any possible recreational disturbance effects which could arise from built development of land to the north .

### **The Fiddlers Ferry Development Framework**

The Warrington Local Plan Policy which allocated the Fiddlers Ferry site (Policy MD 3) required the preparation of a high-level Development Framework for the site. A draft of this Development Framework has now been prepared. As part of the iterative process required by HRA as an integral part of the developing plans for the Fiddlers Ferry sites it is considered that this Development Framework should itself be subject to HRA.

However, the Development Framework is a high-level document, and the document is a development of existing plans which have already been subject to HRA, including Appropriate Assessment stages.

The Framework sets out a Spatial Masterplan, a Movement Framework, a Landscape Framework and a Surface Water Drainage Framework. These constituent Frameworks do not provide any details of the plans for future development, although they do set out broad design parameters for the allocation.

It is noted that -

- The HRA of the adopted Warrington Local Plan,
- The HRA of Warrington planning application 2023/00392/EA *and*
- The HRA of the ash extraction operation,

all concluded that developments within the Fiddlers Ferry allocation, as assessed, would not cause any likely significant effects on the special interests of the Mersey Estuary SPA/Ramsar, because –

- 1 Local Plan Policy MD3 (part 22) will apply to detailed applications. This Policy states –

*“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. 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 need to be assessed through project specific Habitats Regulations Assessment”.*

- 2 Robust, appropriate mitigation measures for effects arising during development are available and could be applied.
- 3 The ecological mitigation measures proposed in the Lagoon Management Plan for avoidance of likely significant effects on the SPA/Ramsar during ash extraction operations were regarded as reasonable and robust

In addition to the above, the Development Framework makes the following comments and commitments –

*“In accordance with Local Plan Policy MD3 (Part 22), development within the FF Allocation Site will not have any adverse impacts on the integrity of the Mersey Estuary Special Protection Area and if habitats within the FF Allocation Site or on adjacent land are suitable to support populations of qualifying species of wintering birds, avoidance measures and mitigation will be required. A Habitat Regulations Assessment will be submitted alongside each planning application relating to development within the FF Allocation Site in accordance with Local Plan Policy MD3 (Part 22)”*

## **Conclusions**

It is concluded that there are sufficient Policy safeguards in place, and that robust mitigation measures exist and are capable of implementation, to ensure that development as proposed by the Fiddlers Ferry Development Framework will not have any Likely Significant Effects on the special nature conservation importance of the Mersey Estuary SPA/Ramsar.

Future detailed planning applications which come forward within the allocation should be subject to project-level HRA as appropriate.

Yours sincerely

Derek Richardson  
Principal Ecologist

## Appendix 2: Natural England's consultation response

Date: 23 May 2024  
Our ref: 476673  
Your ref: N/A



Martha Hughes  
Warrington Council

**BY EMAIL ONLY**

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Dear Martha Hughes,

### **Habitats Regulations Assessment (HRA) of the Fiddlers Ferry Development Framework**

Thank you for your consultation on the above, which was received by Natural England on 15 May 2024.

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

We welcome the opportunity to comment on the Habitats Regulations Assessment (HRA) of the Fiddlers Ferry Development Framework.

#### **Habitats Regulations Assessment**

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the Development Framework to check for the likelihood of significant effects.

Your assessment concludes that the Development Framework can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. On the basis of the information provided, **Natural England concurs with this view.**

For any queries relating to the specific advice in this letter only please contact [jacob.desmond@naturalengland.org.uk](mailto:jacob.desmond@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

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Sustainable Development Lead Adviser  
Cheshire, Greater Manchester, Merseyside & Lancashire Area Team