

DYE HOUSE, PRESCOT

HABITATS REGULATIONS PRELIMINARY SCREENING ASSESSMENT AND APPROPRIATE ASSESSMENT

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1 INTRODUCTION

1.1. SCOPE & PURPOSE

- 1.1.1. Collington Winter Environmental Ltd was commissioned by SEP Construction Ltd to undertake a Habitats Regulations Assessment (HRA) Preliminary Screening and Appropriate Assessment, of the site at Dye House, Prescott. A Preliminary Ecological Appraisal (PEA) was undertaken by Collington Winter Environmental Ltd in August 2022, please refer to report reference CW20-488 R1 for full details of ecological interests at the site.
- 1.1.2. The author of this report is Olivia Collington BSc (Hons), MEnvSc, CEnv, Director at Collington Winter Environmental Ltd.

1.2. PROPOSED DEVELOPMENT

- 1.2.1. SEP Construction Ltd intend to submit an application for a residential development consisting of up to 45 units, with associated gardens, car parking and access roads. The majority of the trees to the boundaries of the site are to be retained to provide continued connectivity for the site.
- 1.2.2. In addition, Prescott Brook which flows through the centre of the site is to have an 8 m offset either side, which is a no development zone. This area can be enhanced for wildlife and connects the site with habitats within the wider landscape.

1.3. SCOPE

- 1.3.1. This report has been produced to document the methods, ecological baseline, potential risks and threats to designated sites and conclusions as part of the HRA process in respect of the proposed development.
- 1.3.2. The advice herein is based on desk and field-based studies and intends to fulfil the following purposes:
- Outline the methods used within this screening process and the scope of the assessment.
 - Describe the ecological baseline, this includes sites in the National Site Network within the UK in the area with summary of the designation and pressures/ threats. The baseline also includes results of recent ecological surveys carried out on the site.
 - Assesses the likely pathways and effects on the sites.
 - Provide a summary of the sites, impacts and pathways.
 - Present mitigation methods for likely effects on site.
- 1.3.3. It is understood the report will be used to support a planning application for the site.

2 LEGISLATION

2.1. The Conservation of Habitats and Species (EU Exit) Regulations 2017 (Amendment 2019)

2.1.1. The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 has been applied to the UK law, following the implementation of Brexit on 31 December 2020 (referred to as the 'exit day') under the European Union Withdrawal Act 2018. Prior to the exit day, in accordance with Article 6(3) of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora ('Habitats Directive') 'Article 6 Assessments' were required where a plan (or project), not directly connected with or necessary to the management of a Natura 2000 site(s), may give rise to significant effects upon a Natura 2000 site(s). Although the Habitats Directive is no longer applicable to UK law, the requirement for Article 6 Assessments has been transposed into UK law under Part 6 of the Conservation of Habitats and Species Regulations 2017 and is commonly referred to as a 'Habitats Regulations Assessment'.

2.1.2. For the purposes of the UK Regulations, and any guidance issued before "exit day" by the appropriate authority or the appropriate nature conservation body, relating to the application of these Regulations, on or after "exit day", references to "Natura 2000" (other than in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019) are to be construed as references to the National Site Network (NSN), as detailed in Section 4 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. This consists of:

- European sites in the UK
- European marine sites in the UK
- European offshore sites in the UK

2.1.3. These are inclusive of those mentioned within the European Community (EC), until such a time that the changes to the procedures for designation/classification of protected sites within the network in Europe is implemented through UK state law. Such European sites in the UK includes Special Areas for Conservation (SAC), Special Protect Area (SPA), candidate SACs and proposed SPAs, with regulations introducing a review procedure for plans and projects likely to significantly affect a European site in the UK. In the UK, Ramsar sites should also undergo an assessment by a competent authority when a plan/project is considered likely to have a significant effect upon a site (Department for Environment, Food and Rural Affairs (DEFRA), 2006).

2.2. European Sites in the UK

2.2.1. SAC, SPA, candidate SACs and proposed SPAs are designated sites are defined in the under the Habitats and Species Regulations 2017 as amended by The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, where legal protection is retained under UK domestic legislation.

2.2.2. Ramsar sites are a wetland site designated of international importance under the Ramsar Convention, they are offered protection under the Wildlife and Countryside Act 1981 (as amended).

2.3. LOCAL HABITAT REGULATIONS ASSESSMENT

2.3.1. Prescot Local Plan Review Habitats Regulations Assessment Scoping Report.

3 METHODOLOGY

3.1. IMPACT ASSESSMENT

- 3.1.1. The Zone of Influence (Zol) of the proposed development is to be considered to identify potential direct and indirect impacts from the development to any 'ecological receptors' within the wider area.
- 3.1.2. All types of effects which are relevant to the proposed development, and which are likely to be significant in this case, are considered. Mitigation procedures and potential alternative plans will also be considered to avoid the potential impacts.

3.2. HABITAT REGULATION ASSESSMENT

- 3.2.1. The HRA process is separated in to four stages, set out in the European Commission guidance "Assessment of plans and projects significantly affecting Nature 2000 sites – Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC" (November 2001). Article 6(3) of the Habitats Directive relates to Stages 1 to 3 and Article 6(4) to Stage 4. This report challenges Stage 1. The stages are as follows:

3.2.2. *Stage 1 – Screening*

- 3.2.3. The approach to Stage One of the HRA Report, based off the information within the potential Zol is summarised as follows:
- Identify European sites within the UK within the potential Zol of the project.
 - Identify the features of interest of the European sites within the UK and review their conservation objectives.
 - Review whether there is potential for the features of interest to be affected by the project, based on information such as the vulnerabilities of the site(s), proximity to the Site and the nature and scale of the works associated with the project.
 - Consider the likelihood of the identified potential impacts and effects occurring based on the information collected and professional judgement.
 - Consider the likelihood of cumulative effects arising from the project in-combination with other plans and projects.
 - Identify the likelihood of significant effects on European sites within the UK occurring because of the project.

3.2.4. *Stage 2 – Appropriate Assessment*

- 3.2.5. The consideration of the impact on the European sites, either independently or in combination with other developments or proposed, with respect to the site's citation and conservation targets. Mitigation for substantial impact may also be assessed.

3.2.6. *Stage 3 – Assessment of Alternative Solutions*

- 3.2.7. The examination of alternative procedures of achieving objectives of the proposed development that will avoid significant impacts on the Natura 2000 or Ramsar site.

3.2.8. *Stage 4 – Compensatory Measures*

- 3.2.9. An assessment of compensatory measures where, in the light of an assessment of imperative reasons of overriding public interest, it is deemed that the plan should proceed.

Application to Stage One - Screening Report

- 3.2.10. The approach to Stage One of the HRA Report, based off the information within the potential Zol is summarised as follows:

-
- Identify European sites within the UK within the potential ZOI of the project.
 - Identify the features of interest of the European sites within the UK and review their conservation objectives.
 - Review whether there is potential for the features of interest to be affected by the project, based on information such as the vulnerabilities of the site(s), proximity to the Site and the nature and scale of the works associated with the project.
 - Consider the likelihood of the identified potential impacts and effects occurring based on the information collected and professional judgement.
 - Consider the likelihood of cumulative effects arising from the project in-combination with other plans and projects.
 - Identify the likelihood of significant effects on European sites within the UK occurring because of the project.

Application to Stage Two - Appropriate Assessment

- If effects from the Screening Report are judged likely or uncertainty exists an AA will be conducted. The approach to Stage Two of the HRA Report, based off the information within the potential ZOI is summarised as follows: Complete additional scoping work including the collation of further information on sites as necessary to evaluate impact in light of conservation objectives.
- Consider how the development 'in combination' with other development and programmes will interact when completed.
- Develop mitigation measures (including timescale and mechanisms).

4 SITE DESIGNATIONS AND ALLOCATIONS

4.1. DATA SOURCES

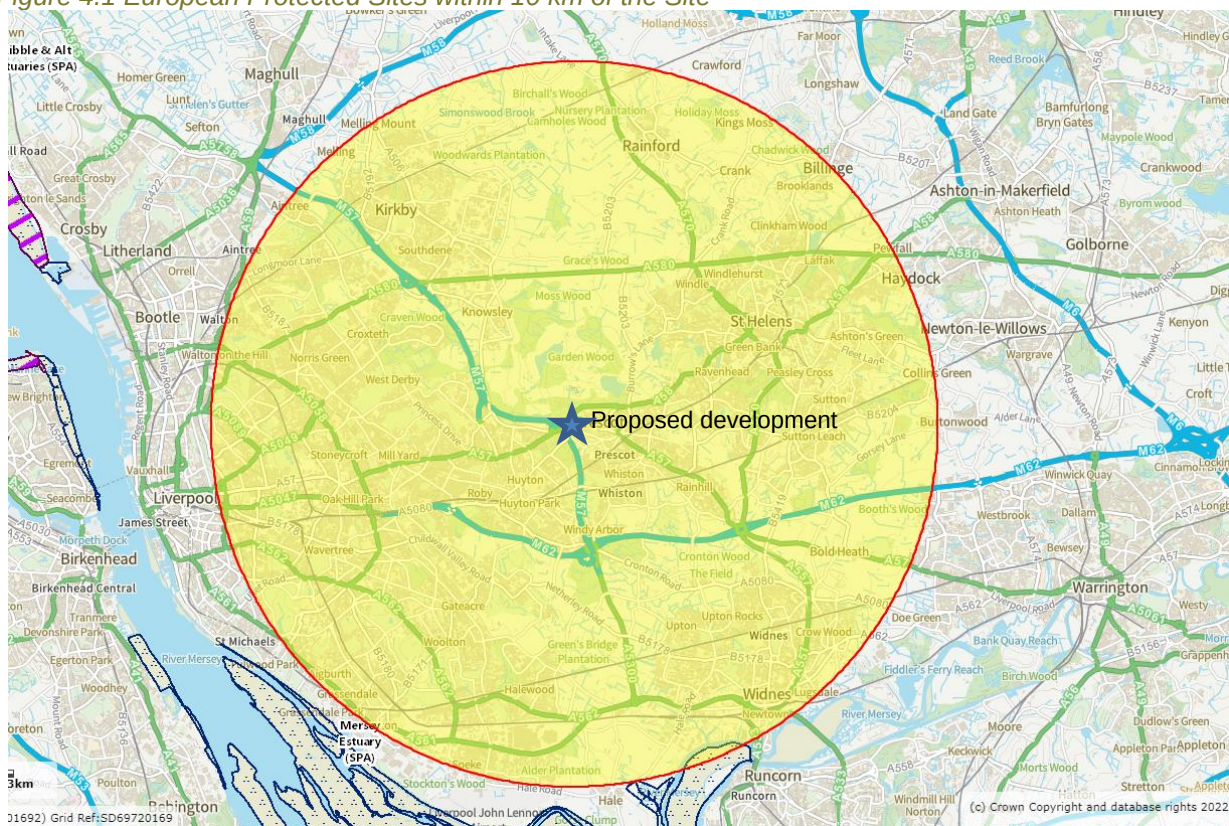
4.1.1. The following documentation has been utilised in preparing the results section:

- SPA Citation Documents (Natural England);
- SPA Conservation Objectives Documents;
- Natural England, Site Improvement Plan – Mersey Estuary UK9005131
- Prescott Local Plan Review Habitats Regulations Assessment Scoping Report.

4.2. EUROPEAN PROTECTED SITES WITHIN THE UK

4.2.1. Consultation with Magic.gov.uk identified the international and European designated sites within 10 km of the site boundary. This is shown on Figure 4.1.

Figure 4.1 European Protected Sites within 10 km of the Site



4.2.2. There is one European Site within the UK, located within a 10 km radius (ZoI), namely Merse Estuary SPA and Ramsar which is located approximately 9.5 km from the development site at its nearest point.

4.2.3. No other European Sites were located within 10 km of the site boundary. Further European sites are located further than 10 km from the site. Due to the relatively small site extent of the proposed works and distance from these designated sites it is considered that the result of the proposed development will have no direct significant adverse impacts on these European sites within the UK.

4.3. MERSEY ESTUARY SPA and RAMSAR

Qualifying Features

4.3.1. Mersey Estuary SPA and RAMSAR is a “large sheltered estuary which comprises large areas of saltmarsh and extensive intertidal sand and mudflats, with limited areas of brackish marsh, rocky shoreline and boulder clay cliffs within a rural and industrial environment. The intertidal flats and saltmarshes provide feeding and roosting sites for large and internationally important populations of waterfowl. During the winter, the site is of

major importance for ducks and waders. The site is also important during spring and autumn migration periods.” (English Nature, 2004).

- 4.3.2. Qualifying species present within the designated site include those listed within Figure 4.2 (extract from English Nature, 2004).

Figure 4.2 Qualifying species

Qualifying species:

The site qualifies under **article 4.1** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:

Annex 1 species	Count and season	Period	% of GB population
Golden plover <i>Pluvialis apricaria</i>	3,040 individuals - wintering	5 year peak mean 1993/94 - 1997/98	1.2%

The site qualifies under **article 4.2** of the Directive (79/409/EEC) as it is used regularly by 1% or more of the biogeographical populations of the following regularly occurring migratory species (other than those listed in Annex I) in any season:

Migratory species	Count and season	Period	% of subspecies/population
Redshank <i>Tringa totanus</i>	4,513 individuals - passage	5 year peak mean 1993 - 1997	3.5% <i>britannica</i>
Shelduck <i>Tadorna tadorna</i>	6,476 individuals - wintering	5 year peak mean 1993/94 - 1997/98	2.2% Northwestern Europe (breeding)
Teal <i>Anas crecca</i>	11,723 individuals - wintering	5 year peak mean 1993/94 - 1997/98	2.9% Northwestern Europe (non-breeding)
Pintail <i>Anas acuta</i>	1,169 individuals - wintering	5 year peak mean 1993/94 - 1997/98	1.9% Northwestern Europe (non-breeding)
Dunlin <i>Calidris alpina alpina</i>	48,789 individuals - wintering	5 year peak mean 1993/94 - 1997/98	3.7% <i>alpina</i> , Western Europe (non-breeding)
Black-tailed godwit <i>Limosa limosa islandica</i>	976 individuals - wintering	5 year peak mean 1993/94 - 1997/98	2.8% <i>islandica</i>
Redshank <i>Tringa totanus</i>	4,993 individuals - wintering	5 year peak mean 1993/94 - 1997/98	3.8% <i>britannica</i>

Bird counts from: Wetland Bird Survey (WeBS) database.

Conservation Objectives

- 4.3.3. Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
- The extent and distribution of qualifying natural habitats
 - The structure and function (including typical species) of qualifying natural habitats, and
 - The supporting processes on which qualifying natural habitats rely.
 - The population of each of the qualifying features.
 - The distribution of the qualifying features within the site.

Pressures and Threats

- 4.3.4. The main current threats to the site include:

1. **Changes in species distributions-** Recent trends show a large decrease in bird numbers at the SPA compared to other local SPAs and regional trends. Further investigation is required, and further survey is being lead by Natural England, RSPB and BTO.
2. **Invasive Species** – Population of Canada geese has been reported to have increased at the SPA which has caused increased grazing and increased nutrient pressure. There is also a threat from increasing numbers of Chinese mitten crab.

-
3. **Public Access/ Disturbance** – Disturbance made by users of the public footpaths along the north shore can cause disturbance to birds roosting and feeding at this location.

4.4. ECOLOGICAL BACKGROUND OF DEVELOPMENT SITE

- 4.4.1. The relevant ecological considerations for the proposed development on site are summarised, however are fully detailed within the PEA (2022):

Habitats

- 4.4.2. The site comprised a neutral semi-improved grassland field surrounded by broadleaved woodland. A brook was present to the northern boundary of the woodland with flowing water present.
- 4.4.3. Two buildings were present to the northeast of the site which were surrounded by species poor amenity grassland, hardstanding access and scattered broadleaved trees.
- 4.4.4. The proposed development layout shows the loss of some broadleaved woodland, grassland and buildings within the scheme. The brook is to be retained and protected through an 8 m offset which will be a no development zone. The proposed scheme will provide new habitats by way of residential gardens and new scattered trees.

Species

- 4.4.5. Following the PEA, the site was deemed suitable for the following species:
- The site as a whole was assessed as having moderate bat commuting and foraging potential, with the boundary features of the most value.
 - B1 was assessed as providing moderate bat roosting potential, with B2 assessed as providing low bat roosting potential.
 - Suitable habitat for common amphibians, and hedgehogs was identified on-site. Appropriate precautionary working methods for these species have been outlined.
 - The habitats on site provide suitable habitats for breeding birds.

5 STAGE 1A – POTENTIAL RISKS AND THREATS TO DESIGNATED SITES

5.1.1. The following section outlines the potential risks that could be posed to Mersey Estuary SPA and Ramsar as direct and indirect consequences of construction or operational phase actions at the proposed development.

5.2. DIRECT IMPACTS ON EUROPEAN SITES WITHIN THE UK

Qualifying features

5.2.1. No qualifying habitats were identified on site (as detailed within Section 4.4) due to the site no intertidal habitats. The habitats present were considered to have negligible potential for the qualifying species of the designated site.

5.2.2. The European Site is located approximately 9.5 km south of the site and are separated by anthropogenic barriers, where no direct impacts are considered likely to occur. The site is also located within a predominantly built-up area with major road infrastructure within its surroundings.

5.2.3. It is therefore considered unlikely that the proposed development will have a direct significant adverse, direct impact on the qualifying features of the European sites within the UK.

5.3. INDIRECT IMPACTS ON EUROPEAN SITES WITHIN THE UK

Changes in Species Distributions

5.3.1. As stated, the site does not provide suitable habitats to support the qualifying species within the SPA, and therefore development will have no impact on species distributions within the designated site.

5.3.2. It is therefore considered that there will no impact to the change in species distributions in the SPA as a result of the proposed scheme.

Pollution

5.3.3. The construction on site, without mitigation could lead to pollution or dust deposition within Prescott Brook, which could directly impact the SPA with which it is connected.

5.3.4. It is considered there will be a likely minor adverse impact to the SPA through pollution, in the absence of appropriate mitigation measures.

Invasive Species

5.3.5. The site does not provide the habitats suitable for Canada geese, and therefore the site will have no impact on the numbers of these within the SPA.

5.3.6. Chinese mitten crabs, another invasive species threatening the SPA are typically associated with rivers, canals and estuaries. They are deemed unlikely to be present within Prescott Brook which is located within the site.

5.3.7. Himalayan balsam was widespread along Prescott Brook. Without mitigation, construction activities could cause the spread of this species within the brook and towards the SPA.

5.3.8. It is considered that there will likely be a minor adverse impact to invasive species in the SPA as a result of the proposed scheme in the absence of mitigation.

Public Access/Disturbance

5.3.9. There is increasing visitor pressure on the SPA and users of footpaths on the north shore can disturb breeding birds within this area. The development comprises of 44 new dwellings. The development is approximately 9.5 km from the SPA (13.8 km by road) with numerous other areas of green space and walking routes in the

intervening distance.

5.3.10. It is therefore considered that there will be no adverse impact to the SPA as a result of the proposed scheme.

6 STAGE 1B – COMBINED EFFECTS

6.1. ASSESSMENT OF IN-COMBINATION EFFECTS

- 6.1.1. In addition to assessing the effects of the proposed development on European sites within the UK, as part of stage one of the HRA assessment it is necessary to assess the cumulative effects of it with other local planning permissions and plans.
- 6.1.2. The area surrounding the site has a history of residential development. A review of the relevant planning portal (undertaken on 11th August 2022) identified the following planning applications within 2km of the site boundary:
- Numerous small householder applications.
 - 22/00157/REM Earlsfield, Knowsley Lane – Application for 30,530 m² of employment floor space and mixed-use development with up to 100 dwellings.
 - 19/00297/NMA2 Land at Greenwood Close – Application for erection of 88 no affordable dwellings and 3 no apartment blocks.
- 6.1.3. Consultation with MEAS dated 1st November 2023 highlighted the following additional residential developments:
- Whitakers Garden Centre, Liverpool Road – Located adjacent north of the site a development currently under construction for the erection of 227 new residential dwellings.
 - Halsnead Garden Village – up to 1600 dwellings located approximately 2.5 km south of the site.
 - Land East of Halewood SUE – located approximately 6.5 km south of the development site providing up to 1100 residential dwellings.
- 6.1.4. Based on the presence of several large residential schemes within the local area, including the adjacent scheme for 227 new dwellings, it is considered that there is a likely adverse impact on the SPA as a result of new recreational pressure.

7 STAGE 2 – APPROPRIATE ASSESSMENT

7.2. IMPACT ASSESSMENT

- 7.2.1. The law does not detail how an appropriate assessment should be undertaken or presented, but that the appropriate assessment must consider all impact pathways that have been screened in, whether they are due to single impacts, or to impact pathways that arise in combination with other proposed developments. The law does not require the “alone” and “in combination” impacts to be examined separately provided all impacts are discussed.
- 7.2.2. The impacts identified during the screening assessment that may have likely significant impacts on the European sites include:
- An increase in visitor pressure, specifically users of the footpaths on the north shore which can disturb nesting birds in the area.
 - Pollution and spread of invasive species relating to Prescott Brook.

7.3. PUBLIC ACCESS/DISTURBANCE

Proposed Mitigation

- 7.3.1. Recreational activities and human presence can result in significant effects on European sites as a result of erosion and trampling, associated impacts such as fire and vandalism or disturbance to sensitive features.
- 7.3.2. The proposed development is located 9.5 km from the designated site, and therefore it is unlikely that large numbers of residents would drive to the designated site. Closer areas of open space are present associated with Browns Field Prescott (approximately 190 m south of the site) and The Fishing Pond at Carr Lane Woods (located approximately 450 m south of the site).
- 7.3.3. To mitigate for potential recreational impacts to the European Site, the following measures are proposed:
- Access to the European Site will be discouraged through the provision of information in sales packs to inform residents of the presence and importance of designated sites nearby, and how the residents can protect them, including a “responsible user code”. Measures may include encouraging dogs to be kept on a lead in and near to the designated site, and /or walk-in areas that are away from the north shore. A map showing alternative recreational opportunities in the vicinity of the site could be provided and included in the sales pack.
 - A financial contribution may be required, under consultation with the Local Planning Authority, where contribution can go towards management and control of visitors. Recreational pressure is recognised in the formal statutory Conservation Advice Packages and Site Improvement Plans & as Medium-High risk to qualifying features of the national and international sites. Liverpool City Council has adopted an Information Note on mitigating the impact of recreational pressure within Liverpool. To ensure that recreational pressure effects are adequately mitigated, the applicant can opt-in to both of the following mitigation measures:

7.4. POLLUTION/ INVASIVE SPECIES

Proposed Mitigation

- 7.4.1. The brook is to be retained and an easement of 8m is to be maintained from its banks. It is recommended, easements maintain the current woodland habitat, though management is completed to minimise overshadowing of the brook.
- 7.4.2. It is recommended that a detailed Construction and Environment Management Plan (CEMP) specific to the proposed development is created (and adhered to throughout the course of construction works) to avoid, minimise and mitigate for negative impacts resulting from construction practices on all habitats surrounding the site. This plan should detail measures to avoid, minimise or mitigate any potential negative effects caused by construction practices on the environment on and surrounding the site including:
- The control of run-off from areas of arisings to prevent any pollutants/contaminants entering aquatic features including surface and groundwater sources.
 - Pollution prevention measures including refuelling to not be completed within 50m of the aquatic habitats.

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- Appropriate measures to suppress dust during hot, dry and/or windy conditions.
 - Excavations should be sealed overnight or should have at least one shallow-sloping side to allow any animals that may fall in to escape.
 - An ecologist should be contacted for advice should any protected species be discovered during construction.

7.4.3. The use of silt control devices may be required to minimise the risk of construction related pollution from entering the brook.

7.4.4. Best practice construction practices are to be used when working on site in relation to invasive non – native species Himalayan balsam. A specialist invasive species contractor should be contacted for advice to ensure the species does not spread.

7.5. CONCLUSION

7.5.1. Providing that the recommendations made within this section are implemented, these mitigation measures are considered sufficient to mitigate for impacts to European sites as a result of the proposed development.

8.1.1. After considering all potential direct and indirect impacts of the proposed development and consideration of appropriate mitigation, it is concluded that the works will not significantly impact on the Mersey Estuary SPA and Ramsar. Therefore, it is not considered necessary to progress to Stage 3 of the HRA assessment and that this screening assessment and appropriate assessment is sufficient to rule out impacts of the proposed development on the European sites within the UK at this stage.

8.1.2. Therefore, if the proposed mitigation procedures are implemented, the development, alone or accumulated with surrounding works, will not likely result in a likely significant effect on designated site

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