
<u>APPLICATION NO:</u>	23/00040/FUL	<u>CASE OFFICER:</u>	Maxine Wishart
<u>WARD:</u>	Halewood North	<u>PARISH:</u>	Tarbock Parish Council
<u>LOCATION:</u>	Alderley , Water Lane, Tarbock Green		
<u>PROPOSAL:</u>	DEMOLITION OF EXISTING GARAGE		

KNOWSLEY LOCAL PLAN ALLOCATION –

Tarbock Green Conservation Area
Green Belt

Site Description

The application relates to Alderley, a dwelling in Water Lane which is within Tarbock Green Conservation Area and the Green Belt.

Alderley is a non-designated heritage asset dating originally from the 18th century which has undergone a number of changes and additions through the years; including the latter extension and in the main complete, granted under planning reference 20/00061/FUL in September 2020. The site includes an existing double garage of single storey construction with apex roof line, rendered with timber doors.

Proposal

Planning permission is sought for the demolition of the existing detached garage.

The application has been amended since the original submission in that the original scheme proposed to replace the garage with a new detached garage. Following comments and discussion with Officers, the applicant has decided to withdraw this element of the proposal. It is understood that the applicant would erect a replacement garage by utilising permitted development rights.

Consultations

Tarbock Parish Council - No Comments Received

Arboricultural Officer - No objections providing the impact assessment and method statement are made approved documents.

Highway Authority - No objections.

Conservation & Design Officer - Raised concern over the design and scale of the original proposed garage [removed from scheme], no objection to demolition of garage.

Merseyside Environmental Advisory Service - Advise on need for further bat emergence survey; breeding birds; reasonable avoidance measure for terrestrial Mammals; Habitats Regulations requirements; and archaeology.

Representations

This application has been publicised by letters sent to 6 neighbours. It has also been advertised by Site Notice and a Press Notice. No representations have been received.

Planning History

APP. NO: K/APP/3947 (Alt Ref: 74/04071/HIST)
PROPOSAL: CONSERVATORY
DECISION: Granted
DECISION DATE: 18 May 1979

APP. NO: 05/00851/FUL
PROPOSAL: ERECTION OF PART TWO STOREY/PART SINGLE STOREY
EXTENSION TO SIDE, SINGLE STOREY EXTENSION TO FRONT
AND TWO STOREY EXTENSION TO REAR OF DWELLING.
CONSTRUCTION OF NEW VEHICULAR ACCESS.
DECISION: Granted
DECISION DATE: 11 October 2005

APP. NO: 05/00854/CON
PROPOSAL: DEMOLITION OF SINGLE STOREY EXTENSION TO
SIDE AND CONSERVATORY TO REAR OF DWELLING TOGETHER
WITH DETACHED GARAGE.
DECISION: Granted
DECISION DATE: 13 October 2005

APP. NO: 13/00123/FUL
PROPOSAL: ERECTION OF TWO STOREY EXTENSION TO SOUTH
ELEVATION, SINGLE STOREY EXTENSION TO NORTH
ELEVATION, PART SINGLE, PART TWO STOREY EXTENSION TO
EAST ELEVATION (EXISTING EXTENSIONS TO BE DEMOLISHED)
TOGETHER WITH ERECTION OF DETACHED GARAGE
(EXISTING TO BE DEMOLISHED) AND NEW VEHICULAR ACCESS
ARRANGEMENTS.
DECISION: Refused
DECISION DATE: 30 May 2013

APP. NO: 13/00124/CON
PROPOSAL: DEMOLITION OF SINGLE STOREY EXTENSION TO EAST
ELEVATION, CONSERVATORY TO SOUTH ELEVATION,
REMOVAL OF CHIMNEY STACKS AND PARTIAL REMOVAL OF
EXTERNAL WALLS OF DWELLING TOGETHER WITH DEMOLITION
OF DETACHED GARAGE
DECISION: Refused
DECISION DATE: 30 May 2013

APP. NO: 20/00061/FUL
PROPOSAL: ERECTION OF SINGLE STOREY SIDE / REAR EXTENSION,
FRONT PORCH EXTENSION, TWO STOREY SIDE / REAR
EXTENSION INCORPORATING BALCONIES TO THE EAST
ELEVATION
DECISION: Granted
DECISION DATE: 8 September 2020

APP. NO: 23/00033/FUL
PROPOSAL: EXTENSION OF EXTERNAL FIRST FLOOR BALCONY TO THE
SOUTH ELEVATION
DECISION: Refused
DECISION DATE: 25 October 2023

APP. NO: 23/00037/FUL
PROPOSAL: DEMOLITION OF GATE PIERS AND CONSTRUCTION OF REVISED
VEHICULAR ACCESS, ERECTION OF GATE PILLARS AND
ACCESS GATES TOGETHER WITH HEDGE PLANTING
DECISION: Granted
DECISION DATE: 10 November 2023

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

National Planning Policy Framework

KNOWSLEY LOCAL PLAN: CORE STRATEGY

- CS2 - Development Principles
- CS5 - Green Belt
- CS8 - Green Infrastructure
- CS19 - Design Quality and Accessibility in New Development
- CS20 - Managing the Borough's Historic Environment
- CS21 - Greenspaces and Trees

SAVED POLICIES - KNOWSLEY REPLACEMENT UNITARY DEVELOPMENT PLAN (ADOPTED JUNE 2006)

- T7 - New Development and Walking & Cycling Routes
- G7 - Alteration, Extension or Replacement of Existing Dwellings in the Green Belt
- DQ2 - Security in the Built Environment
- DQ4 - Trees and Development
- DQ5 - Development in Conservation Areas

Article 35 Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating with the applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

Background

The planning application was originally submitted for development that comprised the demolition of a detached garage together with the erection of a larger replacement dwelling.

Comments were provided to the applicant's agent in regard to amendments that Officers considered were required to the design and scale of the proposed garage to make it

acceptable, having regard to its siting within the Green Belt and Tarbock Green Conservation Area.

Subsequently, the applicant has indicated that they wish to exercise their *permitted development* rights, which remain intact for this site, and which would allow the applicant to erect a building (including a garage) without the need for planning permission under the conditions and limitations of Schedule 2, Part 1, Class E *buildings etc incidental to the enjoyment of a dwellinghouse* of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The applicant's agent has been advised that given the circumstances, the applicant would be strongly advised to apply for a Certificate of Lawfulness for a proposed development in relation to the erection of a new garage on the site.

The proposed development is now limited to '*relevant demolition*' as it is demolition of an unlisted building with a volume of 115 cubic metres or more within a Conservation Area.

Assessment

The main issues to consider whether there would be impacts on the Green Belt, the potential harm to the character and appearance of the Tarbock Green conservation area; and impacts on ecology.

Green Belt

Paragraph 137 of the NPPF states that the Government attaches great importance to Green Belts, and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 148 of the NPPF state that *when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.*

The exceptions listed within paragraph 149 of the NPPF relates to new buildings in the Green Belt. However, paragraph 150 states that certain other forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. Whilst demolition is not specifically listed, engineering operations is listed at criterion b). Given the proposed development would result in the building being removed from the site, it must be considered that this would not harm the openness of the Green Belt and as such it is considered that the proposal is appropriate development.

Officers are satisfied that there would be no harm to the Green Belt. The proposal would therefore accord with the NPPF and relevant UDP and Local Plan Policies.

Heritage Assets Considerations

Context of Site

National Planning Policy Framework (NPPF) requires that developments affecting heritage assets are accompanied by an assessment of the asset's significance, a Heritage Statement has been submitted to support the application which includes reference to the Historic Environment Record (HER).

The host dwelling is located within the Tarbock Green Conservation Area and is recorded on the Merseyside Historic Environment Record as a non-designated heritage asset (MME6216), an 18th century house. The proposed development site also contains elements

of (MME6217), a second house, probably of 19th century date, that occupied the southwestern part of the site. Additionally, the site lies within the historic core of the settlement of Tarbock and may have been occupied from the early medieval period (the 7th century onwards).

Alderley is noted in the HER with reference MME6216 and described thus:

“Alderley, Water Lane, Tarbock Green, Tarbock. (1) The building is shown on the Molyneux Estate Survey map of 1769, but the plot is not numbered. (2) It is shown on the Tithe map of 1849, and according to its apportionment the 'House, Outbuilding, Yard and Garden' at Plot No. 375 were owned by the Earl of Sefton and occupied by John and Elizabeth Ashton at that time. (3-4)”

Tarbock is an ancient settlement, previous investigations in the area have led to discoveries of roman occupation. The current layout of the area appears to be mediaeval, but deriving at least in part from a romano-british settlement pattern.

The current layout of the conservation area is largely as it was in the 18th Century (see Molyneux Estate Survey 1769 below) with its loose arrangement of buildings in very generous grounds. The generous spaced-out and low key rural settings of the buildings are key defining features of the Tarbock conservation areas.

The native hedges in particular, which tightly enclose the roads, and give a high degree of privacy to dwellings offer a strong unifying feature which adds distinctive character to the Tarbock Green Conservation Area in particular.

Considering Potential Impacts on Heritage Assets

The impact on the heritage asset, Tarbock Green Conservation Area, must be considered in the context of requirements imposed by s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

The impacts arising and therefore assessed is that of the 'setting'. Core Strategy Policies CS19 and CS20 and Saved UDP Policy DQ5 also seek to preserve or enhance the Borough's historic and architectural assets.

Paragraph 197 of the NPPF states that in determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 199 of the NPPF emphasises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The NPPF identifies two levels of harm: substantial harm and less than substantial harm. Case law identifies that within the less than substantial harm category there is no spectrum of degree of harm. The more important a heritage asset is, the greater the weight should be attached to its preservation or the preservation of its setting, irrespective of whether the harm caused is substantial or less than substantial. The NPPF does not explain the difference between substantial and less than substantial harm.

Paragraph 202 requires that when a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should

be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 207 of the NPPF advises that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area should be treated either as substantial harm under paragraph 201 or less than substantial harm under paragraph 202, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

The detached garage that is to be demolished is a late 20C addition to the site and has no architectural or historic significance. It was built on land which appears to have historically been an orchard associated with Alderley.

Having regard to paragraph 207 of the NPP, it is considered that the garage does not make a positive contribution to the significance of the Tarbock Green Conservation Area. The demolition of the garage would not be detrimental to the character and appearance of the Conservation Area.

Due to its design and form the garage has no heritage significance and does not contribute to the character of the Tarbock Green Conservation Area. In this case it is Officer's view, taking into account the insignificance of the element affected, that the proposed overall development would have a neutral impact and there would be no harm.

For the above reasons, it is considered that the proposed development would be acceptable in terms of character and appearance and would therefore comply with the provisions of the NPPF and Policies CS2, CS19 and CS20 of the Local Plan: Core Strategy and Saved Policy DQ5 of the UDP.

Crime and Security Considerations

Due to the nature of the proposed development it is not considered that there are any concerns relating to crime and security that would result from the proposal.

Residential Amenity

The proposal seeks to demolish the existing garage and during the demolition works it is inevitable that some disturbance would arise throughout the works. However, this would be for a temporary period only. It is not considered necessary, having regard to the scale of development, to require any form of construction management plan to control impacts of the development. In addition, separate legislation is in place to ensure that impacts are controlled.

The proposal is considered acceptable in terms of the potential impact upon the residential amenity and the proposal complies with the NPPF and Policies CS2 and CS19 of the Local Plan:Core Strategy.

Highway Considerations

The proposed development consists of the demolition of an existing domestically scaled garage. It is not considered that the proposed development would result in any detrimental impact on the local highway network or on highway safety for other road users and pedestrians.

Ecological Considerations

The applicant has submitted an ecology report in accordance with Local Plan policy CS8 (WE KNOW SERVICES. April 2023. Preliminary Ecological Appraisal Report. Aldersley-Water Lane, Tarbock Green, Knowsley) which meets BS 42020:2013.

Bats

The ecology report found the detached garage to have 'low' bat roosting suitability and therefore at least one emergence or re-entry or activity bat survey is required prior to determination. Bats are protected species and Local Plan policy CS8 applies. Protected Species are a material consideration.

A further Bat Survey Report (WE KNOW SERVICES - August 2023 v. First Issue) has been submitted in support of the application. That report indicate that no bat roosts were identified and no further bat survey required provided demolition is commenced prior to July 2025.

Nesting/Breeding Birds

The hedgerows around the site have high potential to support a variety of nesting birds during the breeding season (March – August inclusive). The bat survey report also advises that where any demolition works are scheduled to coincide with bird nesting season, it is recommended that a survey for nesting birds is undertaken to ensure that there are no active nests.

In view of the above, it is considered that it would be appropriate to advise the applicant, through a suitably worded informative that no tree felling/management, scrub clearance, hedgerow removal/management, or demolition works is to take place during the period 1 March to 31 August inclusive, unless first checked first by an appropriately experienced ecologist and a relevant survey for active nests is undertaken.

Reasonable Avoidance Measures for Terrestrial Mammals

Habitats on site are suitable for hedgehog which is a Priority Species and Local Plan policy CS8 applies. It is considered that reasonable avoidance measures should be put in place to ensure that there are no adverse effects on them during development. These measures can be secured by a suitably worded planning condition if planning permission is granted.

Habitats Regulations Assessment

The Council's consultant ecologists, Merseyside Environmental Advisory Service (MEAS), have advised that the agricultural land adjacent (east) to application site may be functionally linked to the following international and national designated sites:

- Mersey Estuary SPA
- Mersey Estuary Ramsar
- The Ribble and Alt Estuaries, SPA
- The Ribble and Alt Estuaries Ramsar

These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Knowsley Borough Council Local Plan Policy CS8 applies.

Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Local Plan Policy CS8 of the Core Strategy applies.

MEAS have compiled a Habitats Regulations Assessment report which comprises:

- Assessment of Likely Significant Effects; and
- Appropriate Assessment.

It concludes that there are no likely significant effects and as such the proposal complies with Policy CS8 of the Local Plan: Core Strategy and the NPPF. The Habitats Regulations Assessment is attached at Appendix 1.

Archaeology

There are no heritage assets recorded on the Merseyside Historic Environment Record within the proposed development site. The proposed development site is considered to have negligible archaeological potential. MEAS have advised that archaeology does not need to be considered further for this application.

Conclusion

The proposed development would have no impact on the character and appearance on the site or the Tarbock Green Conservation Area. There would be no harm to the openness of the Green Belt. As such, the development accords with the National Planning Policy Framework and relevant UDP and Local Plan Policies. As such the proposal is recommended for approval.

Recommendation

That planning permission be granted subject to the following conditions:

- 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: In order to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2) The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

- 3) The following reasonable avoidance measures should be in place throughout the development:

- A pre-commencement check for hedgehog mammals.
- All trenches and excavations should have a means of escape (e.g., a ramp.)
- Any exposed open pipe systems should be capped to prevent mammals gaining access.
- Appropriate storage of materials to ensure that mammals do not use them.

Reason: To ensure the protection of species/habitat protected by the Wildlife and Countryside Act 1981 (as Amended) and in the interests of biodiversity and to minimise/mitigate the potential impacts upon protected species resultant from the development and to comply with the National Planning Policy Framework (2023) and Policies CS2, CS8 and CS19 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

- 4) Within two months of the date of this permission, details of bird boxes to include number, type, and location on an appropriately scaled plan as well as timing of installation, shall be submitted to and agreed in writing by the Local Planning Authority.

The bird boxes shall be implemented only in accordance with the agreed details and installed within one month following the date of approval of the details pursuant to this condition or on completion of demolition, whichever is the sooner.

Reason: In the interests of biodiversity, to mitigate habitat loss and to comply with the National Planning Policy Framework (2023) and Policy CS8 of the Knowsley Local Plan: Core Strategy, adopted January 2016.

- 5) The development hereby permitted shall be implemented in accordance with the submitted the Arboricultural Impact Assessment with Arboricultural Method Statement Ref AIA.13688.01 dated 15 August 2023.

Reason: To ensure that the proper protection of trees has been carried out in the interests of visual amenity and to comply with the National Planning Policy Framework (2023), Policies CS2, CS8, CS19 and CS21 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies DQ4 and DQ5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

- 6) Prior to commencement of any part of the development hereby permitted, at least five working days written notice shall be given to the Local Planning Authority of the intention to commence development.

The protective fencing referred to in the approved Arboricultural Impact Assessment with Arboricultural Method Statement Ref AIA.13688.01 dated 15 August 2023 shall be in place prior to the written notice of the start of development being given to the Local Planning Authority and shall be retained in place until the development is complete.

Reason: To ensure that the proper protection of trees has been carried out and to ensure that the tree protection fencing required pursuant to the approved Arboricultural Method Statement is in place prior to works commencing in the interests of visual amenity and to comply with the National Planning Policy Framework (2023), Policies CS2, CS8, CS19 and CS21 of the Knowsley Local Plan: Core Strategy, adopted January 2016 and Saved Policies DQ4 and DQ5 of the Knowsley Replacement Unitary Development Plan, adopted June 2006.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
16/08/2023	A1076-300	REV P1 (25 July 2023)	HERITAGE STATEMENT
16/08/2023	23/00006/BAT	First Issue	BAT SURVEY REPORT (WE KNOW SERVICES AUGUST 2023)
16/08/2023	AIA.13688.01	-	ARBORICULTURAL IMPACT ASSESSMENT WITH ARBORICULTURAL METHOD STATEMENT (GODWINS TREE SURVEYS - AUGUST 2023)
16/08/2023	301	REV A	LOCATION PLAN (INSOFAR AS IT RELATES TO EXISTING GARAGE)
05/04/2023	23/00006/PEA	First Issue	PRELIMINARY ECOLOGICAL APPRAISAL REPORT (WE KNOW SERVICES - APRIL 2023)
31/01/2023	303	-	EXISTING GARAGE
31/01/2023	302	-	EXISTING SITE PLAN (INSOFAR AS IT RELATES TO EXSITING GARAGE)

Signed Case Officer¹: **M Wishart**

**Signed Authorising
Officer²:** **K Foster**

Date: **17 November 2023**

Informatives

NOTE FOR APPLICANT: The applicant's attention is drawn to the following comments;

- 1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:
www.gov.uk/government/organisations/the-coal-authority

Standing Advice valid from 1st January 2023 until 31st December 2024

- 2 Breeding birds are protected under the general provision of Section 1 of the Wildlife and Countryside Act 1981 as amended. Whilst the nest is being built or is in use, the eggs, young and nest are protected against intentional and reckless taking, damage and destruction.

No tree felling/management, scrub clearance, hedgerow removal/management, or demolition works should take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then the garage, trees, scrub, hedgerows, and vegetation should be checked first by an appropriately experienced ecologist to ensure no breeding birds are present.

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Habitats Regulations Assessment

23/00040/FUL

**Alderley, Water Lane, Tarbock Green,
Knowsley, L35 1RE.**

Report for Knowsley Council

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral



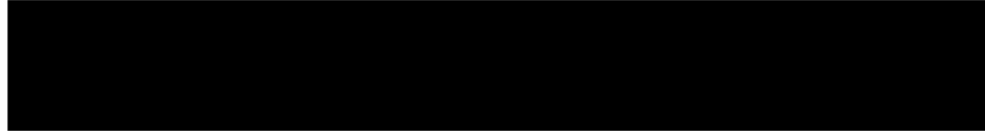
Document Control

Project: Demolition of existing garage and the erection of a single storey garage.

Prepared for: Knowsley Council

File Reference: KN23-002

File Origin:



Document Checking

Prepared by:	 Ecologist MEAS
Checked by:	 Ecologist MEAS
Verified by:	 Ecologist MEAS

Issue	Date	Status
A	30/05/2023	Draft for internal review
B	31/05/2023	Final Draft for internal review and sign off
1	31/05/2023	Report for Council and consultation with Natural England

Merseyside Environmental Advisory Service – delivering high quality environmental advice and sustainable solutions to the Districts of Halton, Knowsley, Liverpool, St.Helens, Sefton and Wirral



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Summary

1. This document sets out Knowsley Council's assessment of likely significant effects of the proposed project in accordance with the Habitats Regulations². It is the Habitats Regulations Assessment (HRA) report for this planning application, and it has been prepared for Knowsley Council by Merseyside Environmental Advisory Service.

Approach

2. Our approach to HRA follows European Commission guidance³ and has been informed by best practice, including The Habitats Regulations Assessment Handbook⁴ and Government guidance⁵.
3. HRA is an assessment of the potential effects of a proposed project or plan - either a Local Plan or a Supplementary Planning Document (SPD) - for example - on one or more sites of international nature conservation importance. Projects and plans can only be permitted where the 'competent authority' (in this case Knowsley Council) is satisfied that there will be no adverse effects on integrity of the relevant national and international sites.
4. From 1 January 2021, the UK is no longer a member of the European Union. However, HRA will continue as set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Following the end of the Brexit transition period, these sites of international nature conservation importance are known as the **national site network** (they were previously referred to as Natura 2000 sites). Sites within the national network are of exceptional importance in respect of rare, endangered, or vulnerable natural habitats and species and include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).
5. The National Planning Policy Framework (NPPF) (paragraph 181) states that Ramsar sites should be taken to be part of the national site network and treated accordingly. Ramsar sites are wetlands of international importance designated under the International Wetlands Convention, which took place at Ramsar, Iran. NPPF also states that proposed sites should be treated in the same way as designated sites for all practical purposes, including for HRA. We have followed this Government guidance and have used the term 'national and international sites' to refer to all these designations and proposed designations.
6. The 'Precautionary Principle' should be applied at each stage of the HRA process. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the national and international site(s) in question. Plans and projects with predicted adverse impacts on national and international sites may still be permitted if there are no alternatives to them and there are Imperative Reasons

² The Conservation of Habitats and Species Regulations, 2010 (SI 2010 No. 490) and amendments in 2011 (SI 2011 No. 625), 2012 (SI 2012 No. 1927), 2017 (SI 2017 No. 1012) and 2019 (SI 2019 No. 579).

³ European Commission (2001): Assessment of plans and projects significantly affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive.

⁴ DTA Publications Ltd (2021). *The Habitats Regulations Assessment Handbook*. <https://www.dtapublications.co.uk/>

⁵ DEFRA, Natural England, Welsh Government and Natural Resource Wales (2021). *Habitats Regulations Assessments: Protecting a European Site* <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site#screening>

of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

7. Stage 1 of the HRA process is the assessment of proposed plans and projects for likely significant effects (Screening). If there are none, then no further steps need to be taken. Where significant effects seem likely, a more detailed Appropriate Assessment and Integrity Test of the proposed plan or project is necessary. This is known as Stage 2.
8. The 'integrity' of a national and international site is defined as:
'the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified or listed.'
9. The European Commission defined integrity more recently as follows:
'the integrity of the site involves its constitutive characteristics and ecological functions. The decision as to whether it is adversely affected should focus on and be limited to the habitats and species for which the site has been designated and the site's conservation objectives.'
10. Stage 2 will often establish mitigation measures or alternative methods, which can offset all significant adverse effects and enable the plan or project to go forward. This is necessary to conclude beyond reasonable scientific doubt that adverse effects on the integrity of national and international sites have been avoided. Where this is not the case, other more stringent measures need to be considered.
11. Plans and projects with predicted adverse impacts on international sites may still be permitted if there are no alternatives to them (Stage 3) and there are Imperative Reasons of Overriding Public Interest (IROPI) (Stage 4) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.
12. The source-pathway-receptor model is used to assess individual elements of the project likely to give rise to effects on the national sites network and Ramsar sites. In using this method all potential effects are assessed to determine whether there is a pathway which could lead to an effect on the national and international sites. If there is a source-pathway-receptor link for any potential impact, then this effect is assessed for likely significant effects within the HRA. Where no source or pathway is present then these effects are screened out at Stage 1. All potential effects, no matter how small are identified and assessed for their level of significance. Even if the potential effects are small and thought likely to be insignificant, they must be assessed to confirm this is the case. Figure 1 below shows how the model works.

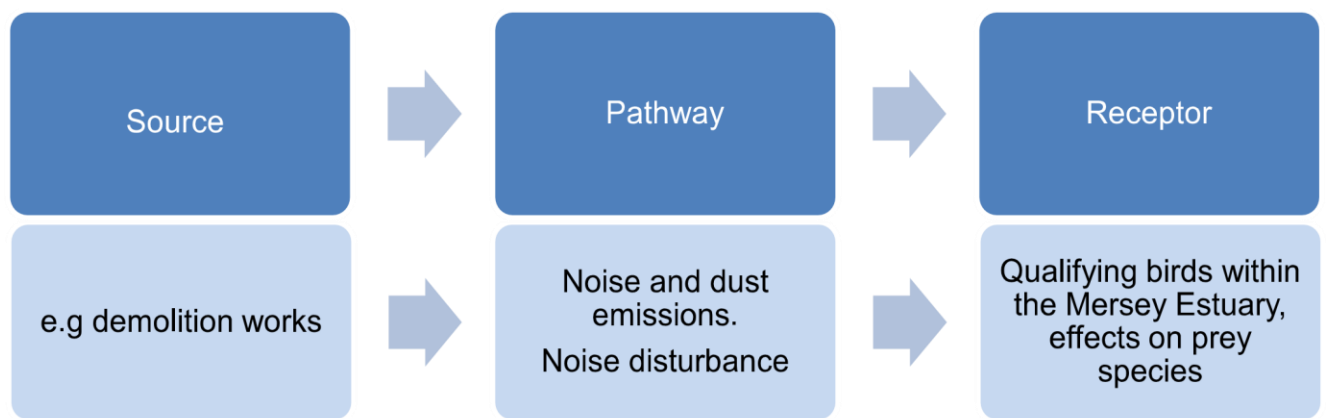


Figure 1 – Source-Pathway-Receptor Model

13. Natural England's standing advice is that when a finding of no significant effect is reached, consultation is not required.

Case law

14. A 2018 ECJ judgement, known as *People Over Wind or Sweetman v Coillte Teoranta*⁶ ruled that avoidance and mitigation measures included within the proposals solely to avoid or reduce harmful effects on a European site cannot be considered at the Assessment of Likely Significant Effects (ALSE) stage. These measures should instead be assessed within the framework of an Appropriate Assessment. This requires a distinction during the ALSE between essential features and characteristics of a project (e.g. its nature, scale, design, location, frequency, timing and duration) and avoidance and mitigation measures designed solely to avoid or reduce adverse effects on a European site. In accordance with the Sweetman judgement, this HRA only considers mitigation measures which embedded within the scheme during the ALSE.
15. In 2018 the Holohan ruling⁷ handed down by the European Court of Justice included among other provisions paragraph 39 of the ruling stating that '*As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area*' [emphasis added].

⁶ People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

⁷ Case C-461/17

Conclusions

16. After carrying out the Habitats Regulations Assessment, we conclude that Planning Application (23/00040/FUL):
 - a. is not directly connected with or necessary to the management of the international and national sites.
 - b. does not intrude into the national or international sites listed below.
 - c. is not considered, either alone or in-combination with any other plans or projects, to have an adverse effect upon the integrity of the following international and national sites:
 - Mersey Estuary SPA
 - Mersey Estuary Ramsar.
 - Ribble and Alt Estuaries SPA
 - Ribble and Alt Estuaries Ramsar
17. This Habitats Regulations Assessment report has assessed the project as submitted for planning permission. If there are changes to the project e.g., type of build, location, timing, that may affect the conclusions, then the project will require further assessment. This is part of the iterative process of undertaking Habitats Regulations Assessment.

Stage 1: Assessment of likely significant effects

Site Location and Description

18. The proposed site located at Easting 346458 and Northing 387554. The proposed site incorporates a large/ double garage with a pitched tiled roof (single story) which is to be demolished. There are hedges around the northern, eastern, and western boundaries. To the south is a detached dwelling which was subject to planning application and for which all works are complete. Immediately north of the garage is a disused swimming pool and there is bare ground adjacent to this swimming pool where the new garage is to be built. The site is within a rural setting and to the east is a (cultivated) arable field, to the west is Water Lane and further detached properties, to the north and south are also further detached properties.
19. The closest internationally and nationally designated sites are Mersey Estuary SPA and Mersey Estuary Ramsar located approx. 4.8km south of the proposed site. Ribble and Alt Estuaries SPA and Ribble and Alt Estuaries Ramsar sites are located approx. 17.5km north-west of the proposed site.
20. The planning application is for the demolition of the existing garage and the erection of a single-story garage.

Brief Description of the national and international sites

- Mersey Estuary SPA
- Mersey Estuary Ramsar.
- Ribble and Alt Estuaries SPA
- Ribble and Alt Estuaries Ramsar

Ribble and Alt Estuaries SPA

21. The Ribble and Alt Estuaries SPA lies on the coast of Lancashire and Sefton in northwest England. The SPA encompasses all or parts of Ribble Estuary SSSI and Sefton Coast SSSI. It comprises two estuaries, of which the Ribble is by far the larger, together with an extensive area of sandy foreshore along the Sefton Coast, and forms part of the chain of west coast SPAs that fringe the Irish Sea. Indeed, there is considerable interchange in the movements of birds between this site and Morecambe Bay, Mersey Estuary, Dee Estuary and Martin Mere. A large proportion of the SPA is within the Ribble Estuary National Nature Reserve. The site consists of extensive areas of sand and mudflats and, particularly in the Ribble, large areas of saltmarsh. There are also areas of coastal grazing marsh. The intertidal flats are rich in invertebrates on which waders and some wildfowl feed. The highest densities of feeding birds are on the muddier substrates of the Ribble, though sandy shores throughout are also used. Saltmarshes and coastal grazing marshes support high densities of wildfowl and these, together with intertidal sand and mudflats throughout, are used as high tide roosts.

Qualifying Species

Ruff <i>Philomachus pugnax</i> (breeding); Common Tern <i>Sterna hirundo</i> (breeding); Bewick's Swan <i>Cygnus columbianus bewickii</i> ; Whooper Swan <i>Cygnus Cygnus</i> ; Golden Plover <i>Pluvialis apricaria</i> ; Bar-tailed Godwit <i>Limosa lapponica</i>
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Migratory Species
Lesser Black-backed Gull <i>Larus fuscus graellsii</i> (breeding); Sanderling <i>Calidris alba</i> (passage); Redshank <i>Tringa totanus</i> (passage); Pink-footed Goose <i>Anser brachyrhynchus</i> ; Shelduck <i>Tadorna tadorna</i> ; Wigeon <i>Anas Penelope</i> ; Teal <i>Anas crecca</i> ; Pintail <i>Anas acuta</i> ; Oystercatcher <i>Haematopus ostralegus</i> ; Grey Plover <i>Pluvialis squatarola</i> ; Knot <i>Calidris canutus islandica</i> ; Sanderling <i>Calidris alba</i> ; Dunlin <i>Calidris alpina alpina</i> ; Black-tailed Godwit <i>Limosa limosa islandica</i> ; Redshank <i>Tringa tetanus</i>
Assemblage Qualification
In the non-breeding season, the area regularly supports 323,861 individual waterbirds (5 year peak mean 1993/94 - 1997/98).

Ribble and Alt Estuaries Ramsar

22. The Ribble and Alt Estuaries Ramsar and SPA cover a similar geography and therefore comprise similar qualifying features. A large area including two estuaries which form part of the chain of west coast sites which fringe the Irish Sea. The site is formed by extensive sand and mudflats backed, in the north, by the saltmarsh of the Ribble Estuary and, to the south, the sand dunes of the Sefton Coast. The tidal flats and saltmarsh support internationally important populations of waterfowl in winter and the sand dunes support vegetation communities and amphibian populations of international importance.

Mersey Estuary SPA

23. The Mersey Estuary is on the Irish Sea coast of north-west England. The SPA encompasses all or parts of Mersey Estuary SSSI and New Ferry SSSI. It 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 duck and waders. The site is also important during spring and autumn migration periods, particularly for wader populations moving along the west coast of Britain. 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 Golden Plover. 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 regularly occurring migratory species in any season including Redshank, Teal, and Dunlin.

Mersey Estuary Ramsar

24. The Mersey 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 duck and waders. The site is also important during spring and autumn migration periods, particularly for wader populations moving along the west coast of Britain.

25. Descriptions of the internationally and nationally designated sites plus their conservation objectives and vulnerabilities are available from the websites www.naturalengland.org.uk and www.jncc.defra.gov.uk or by request from Merseyside EAS.

Data sources used to inform assessment.

26. The following data sources were used in order to inform the assessment of likely significant effects:
- Merseyside Biobank
 - Lancashire Bird Atlas⁸.
 - MAGiC mapping (<https://magic.defra.gov.uk/home.htm>)
 - Aerial imagery (Google Maps and Google Earth.)

Summary of Information

27. A review of the Lancashire Birds Atlas⁹ found no records of overwintering qualifying species (under Article 4.1 of Ribble and Alt Estuaries SPA) such as pink-footed goose, whooper swan or Berwick's swan in grid square SJ48 which is the grid square where the site is located.
28. Lapwings, which are listed as part of the species assemblages (Article 4.2 of the Directive (79/409/EEC) (over wintering) at Ribble and Alt Estuaries SPA and Mersey Estuary SPA, have been recorded over wintering in this grid square (SJ48 tetrad T) in low numbers (between 50-249.) It should be noted that these records are dated 2007-2011 and therefore cannot be relied on, due to their age, to determine whether lapwings are currently in this grid square and tetrad, however, these records do provide an insight of where lapwings may feed.
29. Records returned from Mersey BioBank were similar to those of the Bird Atlas¹⁰ as no records of overwintering qualifying species (under Article 4.1 of Ribble and Alt Estuaries SPA) such as pink-footed goose, whooper swan or Berwick's swan records were returned. Four overwintering lapwing records were returned within grid square SJ48 tetrad T dated 2015. There were no further location details for these records.
30. The data above informed the Competent Authority's assessment of likely significant effects which is set out below.

⁸ White, S.J. (Ed.), McCarthy, B., Dunstan, S., Martin, S.J., Harris, R.J., Hulme, G. and Marsh, P.J. (2013). *The State of Lancashire's Birds: An atlas survey of the breeding and wintering birds of Lancashire and North Merseyside, 2007-2011*. Lancashire and Cheshire Fauna Society, Rishton.

Assessment of likely significant effects – Source-Pathway-Receptor model

31. Table 1 below provides a summary of the sources, pathways and receptors identified for this project. Full details are provided within subsequent sections of this report.

Source	Pathway	Receptor	In-combination effects (Y/N)	Likely Significant Effects?
Site construction: habitat loss of designated sites through direct land take. habitat loss of Functionally Linked Land	The development site is located approx. 4.8km from the closest designated sites which are Mersey Estuary SPA and Mersey Estuary Ramsar. All works will be contained to within the existing curtilage of the residential site. The site does not comprise functionally linked habitat. No pathway	Qualifying features and species of international and national sites • Mersey Estuary SPA • Mersey Estuary Ramsar. • Ribble and Alt Estuaries SPA • Ribble and Alt Estuaries Ramsar	N	No likely significant effects
Site construction (including demolition): noise and visual disturbance at the designated site(s).	The development site is located approx. 4.8km from the closest designated sites which are Mersey Estuary SPA and Mersey Estuary Ramsar. Due to the distance between the proposed site and SPA and Ramsar sites works will not disturb any qualifying features present at the SPA and Ramsar sites. No pathway	Qualifying features and species of international and national sites • Mersey Estuary SPA • Mersey Estuary Ramsar. • Ribble and Alt Estuaries SPA • Ribble and Alt Estuaries Ramsar	N	No likely significant effects

Source	Pathway	Receptor	In-combination effects (Y/N)	Likely Significant Effects?
Site construction (including demolition): noise and visual disturbance of Functionally Linked Land.	A review of the Lancashire Bird Atlas¹¹ was carried out and no qualifying (Article 4.1 of Ribble and Alt Estuaries SPA) overwintering species such as pink-footed goose, whooper swan, Bewick's swan, were located in tetrad SJ48T (within which the proposed site is located.) Records from Mersey Bio Bank also reflect the results of the Lancashire Bird Atlas in terms of the above qualifying species. Lapwings, which are listed as part of the overwintering species assemblages (Article 4.2 of the Directive (79/409/EEC) at Ribble and Alt Estuaries SPA and Mersey Estuary SPA, are recorded in the Lancashire Bird Atlas as overwintering in SJ48T in low numbers (between 50-249.) Records from Mersey BioBank returned four overwintering lapwing records were returned within SJ48T. These four records are dated February, March (two records) and November 2015. It is known that lapwing prefer grass to tilled fields, with large fields with old tussocky pastures with freshwater pools the most favoured (Shrubb 1988¹²; Mason & Macdonald 1999¹³) the adjacent fields farmed rather than	Qualifying features and species of international and national sites • Mersey Estuary SPA • Mersey Estuary Ramsar. • Ribble and Alt Estuaries SPA • Ribble and Alt Estuaries Ramsar	N	No key significant effects

¹¹ White, S.J. (Ed.), McCarthy, B., Dunstan, S., Martin, S.J., Harris, R.J., Hulme, G. and Marsh, P.J. (2013). *The State of Lancashire's Birds: An atlas survey of the breeding and wintering birds of Lancashire and North Merseyside, 2007-2011*. Lancashire and Cheshire Fauna Society, Rishton.

¹² Shrubb, M. (1988) The influence of crop rotations and field size on a wintering Lapwing *Vanellus vanellus* population in an area of mixed farmland in West Sussex. *Bird Study*, 35, 123–131

¹³ Mason, C.F. & Macdonald, S.M. (1999) Habitat use by Lapwings and Golden plovers in a largely arable landscape. *Bird Study*, 46, 89–99.

Source	Pathway	Receptor	In-combination effects (Y/N)	Likely Significant Effects?
	The works to demolish and replace a single garage structure within an established residential site are minor and will not cause excessive and prolonged noise and visual disturbance beyond the existing curtilage. The Ribble and Alt Estuary SPA is located approx. 17.5km distance from the proposed site and the Mersey Estuary SPA is located approx. 4.8km from the proposed site. It considered unlikely that should lapwing be present adjacent to the proposed site that the arable field would be an important feeding resource at these distances and also because of the farmed nature of the adjacent arable field. No pathway			
Site construction: transfer of construction related pollutants	he development site is located approx. 4.8km from the closest designated sites which are Mersey Estuary SPA and Mersey Estuary Ramsar No pathway	Qualifying features and species of international and national sites • Merse / Estuary SPA • Merse / Estuary Ramsar. • Ribble and Alt Estuaries SPA • Ribble and Alt stuar es Ramsar	N	No likely significant effects

Source	Pathway	Receptor	In-combination effects (Y/N)	Likely Significant Effects?
Operational: <i>Recreational pressure</i>	There will be no impact through recreational pressure as no new residential dwellings are being provided. No pathway	Qualifying features and species of international and national sites • Mersey Estuary SPA • Mersey Estuary Ramsar. • Ribble and Alt Estuaries SPA • Ribble and Alt Estuaries Ramsar	N	No likely significant effects

Table 1: Source-Pathway-Receptor Summary

In-combination effects

32. Relevant plans assessed for in-combination effects in relation to this project are:
- Knowsley Local Plan Core Strategy 2016.
33. There will be no in-combination effects.

Assessment of significance of effects

34. There are no likely significant effects identified.

Conclusion of Test of Likely Significant Effects

35. There are no likely significant effects on national and/or international sites, either alone or in-combination.
36. An Appropriate Assessment is not required.

Contd....

Appendix 2 – Site Photographs





Google Image Capture April 2021

