

Ecological Assessments

Environmental Statements (Biodiversity)

Species Surveys

Phase I Habitat Survey

National Vegetation Classification

Planning Guidance

Habitat Regulation Assessment

Protected Species Licensing

42020 CEMP: Biodiversity

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Omega Zone 8

Habitats Regulations Assessment: Stage One Likely Significant Effects



Omega Zone 8

St. Helens, WA5 3UG



Produced on behalf of

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1 INTRODUCTION

1.1 BACKGROUND SUMMARY

- 1.1.1 The Ecology Practice was commissioned by Omega St Helens / T. J. Morris Limited (hereinafter referred to as the 'Applicant') to provide Stage One of a Habitats Regulations Assessment (HRA) to determine the likely significant effects (LSEs) of a proposed development on land at Omega Zone 8, St. Helens, WA5 3UG (hereinafter referred to as 'the Site'), on Natura 2000¹ and Ramsar sites.
- 1.1.2 An HRA differs from other assessment procedures such as EIA in that it only considers effects on the nature conservation objectives and features for which an international site was designated and ultimately the HRA papers are produced by a 'Competent Authority' such as the Local Planning Authority.
- 1.1.3 Where any such LSEs have been identified, mitigation to avoid, limit or reduce such effects on the designated site will be identified through the next stage, an Appropriate Assessment, this latter would be provided to the Statutory Agency by a Competent Authority (in this case St. Helens).

1.2 LEGISLATION

- 1.2.1 The need for HRA is set out within Article 6 of the EC Habitats Directive 1992 and interpreted into domestic law by the Conservation of Habitats & Species Regulations 2017.

Habitats Directive 1992

Article 6 - Any plan or project not directly connected with or necessary to the management of the [protected] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.

¹ The Natura 2000 Network is a network of important ecological sites across the European Union. It is comprised of areas known as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs).

Conservation of Habitats and Species Regulations 2017

Regulation 63(1) - A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –

a) Is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects); and

b) Is not directly connected with or necessary to the management of the site,

must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives.

Regulation 63(2) - A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

- 1.2.2 The ultimate aim of the Habitats Directive is to maintain or restore natural habitats and species of wild fauna and flora of Community interest at 'favourable conservation status' (Habitats Directive, Article 2(2)). While this aim relates specifically to habitats and species and not the European Sites themselves, it is recognised that the sites play a significant role in delivering "favourable conservation status".
- 1.2.3 European Sites include actual or proposed/candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA). Government and devolved administrations have also issued policy statements relating to Ramsar sites (designated under the Convention on Wetlands of International Importance) which extend to them the same protection at a policy level as Natura 2000 sites. For the purposes of this assessment, proposed SPAs (pSPAs), candidate SACs (cSACs) and proposed Ramsar (pRamsar) sites are all treated as fully designated sites whereby they are collectively referred to as 'European Sites' herein.
- 1.2.4 The legislation does not specify how an HRA should be undertaken, but it should be appropriate and sufficient. For some plans or projects, a simple and brief assessment may be appropriate. Other plans and projects may require comprehensive scientific investigation before a conclusion can be reached.

- 1.2.5 Under the Habitats Directive, proposed projects or activities can only be approved once evidenced that there will be no adverse effect on the integrity of a European Site. In certain cases, proposed projects or activities may still be permitted if there are no satisfactory alternatives and there are imperative reasons of overriding public interest as to why they should go ahead. In these circumstances, compensation would be required to ensure the overall integrity of the European Site of concern.
- 1.2.6 As of April 2018, avoidance, mitigation or compensation measures that formed part of the project or plan can no longer be taken into account at the LSEs stage of an HRA as a result of a recent legal decision known as ‘People Over Wind’ ruling. Therefore, where any LSEs are discovered within this assessment, these will be further explored within the next stage of the HRA, the Appropriate Assessment.

People over Wind ruling – “...the Habitats Directive...must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriated assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the Likely Significant Effects stage, to take account of the measures intended to avoid or reduce the harmful effects of the plan or project on that site”.

1.3 DESCRIPTION OF THE PROPOSED DEVELOPMENT

Location

- 1.3.1 The Application Site forms part of the Omega Business Park, located immediately west of Warrington town and Lingley Mere, falling just within St. Helens Borough to the immediate west of Warrington Borough western administrative boundary. It is immediately south of the M62, west of Junction 8. The Application Site boundaries are shown in Figure 1.

Proposals

1.3.2 This document relates to proposals put forward by the Applicant (refer to WSP 2019²) comprising a Hybrid Planning Application (planning ref: P/2020/0061/HYBR) for the following development (hereinafter referred to as the ‘Proposed development’):

- (i) Full Planning Permission for the erection of a B8 logistics warehouse, with ancillary offices, associated car parking, infrastructure and landscaping; and
- (ii) Outline Planning Permission for Manufacturing (B2) and Logistics (B8) development with ancillary offices and associated access infrastructure works (detailed matters of appearance, landscaping, layout and scale are reserved for subsequent approval).

Ecological Baseline of Application Site

1.3.3 A Phase 1 Habitat Survey of the Application Site was conducted in April 2019 and found a total of 15 broad habitat types, shown in Figure 4.

1.3.4 Additional species-specific surveys have been carried out on the Site for:

- Great Crested Newt (GCN) (2019);
- Bat Activity Transects (2019);
- Bat Endoscope Inspection (trees) (2019);
- Badger (2019);
- Reptile (2019);
- Breeding Birds (2019);
- Wintering Birds (2019 / 2020);
- Water vole (2019); and
- Fish and Aquatic Invertebrate Habitat Suitability Assessment (2019).

1.3.5 Surveys identified a small bat roost within the Application Site, and two small bat roosts within 30m of the boundary in addition to commuting and foraging bat habitat (including Whittle Brook and woodland). A number of potential breeding birds were identified, including local and UK Priority Species, and brown hare *Lepus europaeus* was noted across the Application Site. A single location containing a UK vulnerable plant species and local and UK Priority Species, Purple ramping-fumitory *Fumaria purpurea*, was also identified. All survey details have been coordinated

² WSP 2019 Environmental Statement Volume 1 – Main Text (*et seq*). Omega St Helens/T. J. Morris Limited. Ref 70060349

into Chapter 9 - Biodiversity of the Environmental Statement², submitted in support of the Hybrid Planning Application in December 2019. Specific surveys for water vole, reptiles and badger found no evidence of animals present throughout the Application Site.

- 1.3.6 The improved grassland, containing ponds and seasonal pooling, and arable land were considered to offer wintering bird potential habitat and as such, non-breeding wintering bird surveys were undertaken between October 2019 – January 2020. During the surveys no wintering birds, including all those associated with the Mersey Estuary SPA, were found to use the Application Site during the winter period. The findings of which have been detailed within a specific report (ref: 16903-WBS_A Wintering Bird Report, January 2020) and can be seen in 6.2.
- 1.3.7 Subsequently, the local authority's ecological advisers (Merseyside Environmental Advisory Service) advised that no further survey was required given the lack of any qualifying bird species using the Site (refer to 6.3).

Figure 1
Location

Omega Zone 8, St. Helens

Legend

- Application Site
- Application Site Location



Drawing No.: 16903-01HRA_A

Revision Dates			
A	B	C	D
17/01/20			

2 METHODOLOGY

2.1 THE PROCESS OF A HABITATS REGULATIONS ASSESSMENT

Stage One: Likely Significant Effects - Screening

- 2.1.1 Stage One is carried out by the proposer of a plan or project. It requires a Likely Significant Effects (LSE) test, or screening, which assesses whether a project, plan or land use activity is likely to have a significant effect on a European Site. This document provides that Stage One. The screening assesses, both alone or in combination with other relevant projects and plans, whether an LSE is likely upon a European Site when considering that Site's Conservation Objectives.

Precautionary Approach

- 2.1.2 The Ecology Practice has relied upon professional experience and judgement in addition to any relevant guidance mentioned throughout, when evaluating significance. A precautionary approach has been taken assuming that if an LSE cannot be confidently ruled out then the assessment must progress to Stage Two: Appropriate Assessment.

Stage Two: Appropriate Assessment

- 2.1.3 In Stage Two of the HRA, any European Site which has been 'screened in' during Stage One will have a detailed assessment on any LSE identified and their potential effect on the integrity of the European Site. Avoidance, mitigation and compensation measures to avoid adverse effects on the European Site will be incorporated at this stage, where necessary. An Appropriate Assessment must be carried out by a 'Competent Authority', in this case the planning authority.

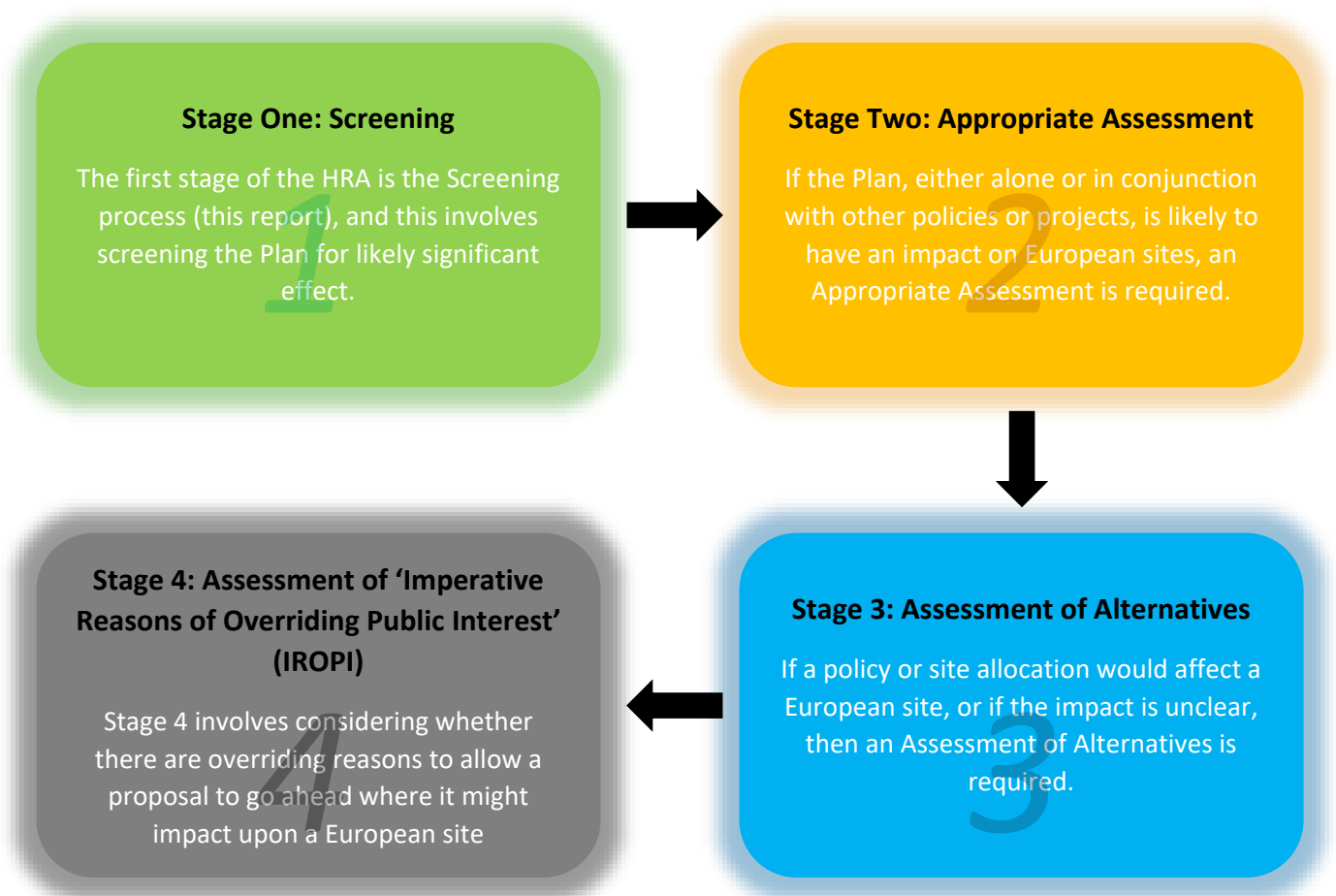
Stage Three: Procedures where Significant Effects Remain

- 2.1.4 Stage Three of the HRA identifies the required procedures where significant effects remain on the integrity of designated site, following any measures of mitigation and compensation.

Stage Four: Assessment where no alternative solutions remain and where adverse impacts remain

- 2.1.5 In exceptional circumstance (e.g. where there are imperative reasons of overriding public interest), compensatory measures to be put in place to offset negative impacts.

Habitats Regulations Assessment Process



2.2 'LIKELY AND SIGNIFICANT'

2.2.1 Unless a significant effect can be objectively ruled out with certainty, it is considered 'likely'. This has been further defined by case law.

- **Waddenzee case (European Court of Justice C-127/02)**
clarified what "likely to have a significant effect" means in the HRA context. The European Court of Justice ruled that a plan or project should undergo an appropriate assessment "if it cannot be excluded, on the basis of objective information, that it will have a significant effect on the site".
- **Sweetman case (European Court of Justice C-258/11)**
The Advocate General's Opinion stated: "the question is simply whether the plan or project concerned is capable of having an effect. It is in that sense that the English 'likely to' should be understood."
- **European Commission Managing Natura 2000 Sites guidance** states that deciding what is and isn't 'significant' requires an objective approach. But it also says that it requires an understanding of the "specific features and environmental conditions of the protected site concerned".

2.2.2 Each case is therefore judged on its own merits: what may be significant for one site (or qualifying interest) may not be significant for another.

2.3 'IN COMBINATION' CUMULATIVE EFFECTS

2.3.1 The effects of the plan or project 'in combination with' the effects of other plans and projects on the same Natura site are considered. This is to check whether an effect that would not be significant, or likely, on its own might become significant, likely, or both when checked in combination with the effects of other proposals. This test has considered both:

- the potential effects of other plans published for consultation and projects seeking consent
- any ongoing negative effects of completed plans or projects

3 SELECTING EUROPEAN SITES

3.1 GEOGRAPHY

- 3.1.1 There is no restriction on the proximity of an activity to a European Site whereby an HRA may be triggered, but rather the likelihood of an activity having an impact upon the European site of concern. The physical scope of this screening stage in the first instance uses a 15km search radius for European Sites from the Application Site. A 15km search radius adds a precautionary distance to the 10 km Impact Risk Zones (IRZs) used by Natural England to make a rapid assessment of the potential for a project/activity to affect a European Site, as identified on Defra's interactive MAGIC website³.

Table 1: European Sites within 15km of the Application Site

European Designated Site	Distance from Application Site
Mersey Estuary SPA and Mersey Estuary Ramsar Site	7.3km southwest
Manchester Mosses SAC	15km east
Rixton Clay Pits SAC	13km east

3.2 KNOWN POTENTIAL EFFECTS

- 3.2.1 The local authority's ecological team, Merseyside Environmental Advisory Service (MEAS) stated that the proposals may cause an effect to functionally-linked land to the Mersey Estuary European Site whereby qualifying species (wintering birds) may use land within or adjacent to the proposals to feed during high tide periods. Refer to 6.1.

³ Defra's MAGIC website magic.defra.gov.uk/MagicMap. Accessed January 2020

3.3 OTHER CONNECTIONS

- 3.3.1 When carrying out site selection, particular consideration was given to the possible pathways through which effects may be transmitted to features contributing to the integrity of the European sites (e.g. via groundwater, air and river catchments). All possible linkages were considered for each European site.

Review of Relevant Documents

Bold Forest Park Area Action Plan

- 3.3.2 An HRA Stage One was carried out in 2014 examining the likely effects of the Area Action Plan on surrounding European Sites. The screening process concluded the same 3 European Sites as this study were to be considered, concluding that reduction of water quality and 'loss of supporting habitat' as possible significant effects. The study discounts both and concludes there was no reason to progress to Stage two.

St. Helens Borough Local Plan 2020-2035 – Submission Draft

- 3.3.3 The Draft references Functionally Linked Land within the Borough as a potential impact to the Mersey Estuary SPA. Under Policy LPC06: 'Biodiversity and Geological Conservation' of the Local Plan, Functionally Linked Land for European Sites is listed as a habitat of international importance.
- 3.3.4 It is noted that the Local Plan identifies several site allocations for employment development, notably 1EA, 6EA, 7EA and 8EA. 1EA falls within approximately half of the Application Site, totalling 31.22ha. It is recognised that the Local Plan HRA includes 6EA, 7EA and 8EA as being "*most likely to provide functionally linked land connected to an internationally important site*", excluding 1EA from this category. It does however, further state that "*It is possible that other sites may also provide such habitat. Where it is possible that a site may provide supporting habitat, proposals for development will be required to contain sufficient evidence (such as wintering bird survey), to enable their significance to the European sites to be ascertained and any necessary mitigation or compensation measure to be identified.*".

HRA of St. Helens Local Plan 2020-2035

- 3.3.5 An HRA of the potential effects of the Local Plan was created by AECOM (2018) and further notes recreational pressure and water quality as potential impacts on the Mersey Estuary SPA.
- 3.3.6 The HRA report of the Local Plan identified a total of five policies with LSEs, either 'alone' or 'in-combination', that may impact upon Mersey Estuary SPA. It found that there are two potential impacts of the Local Plan on Mersey Estuary SPA; recreational pressure and water quality.
- 3.3.7 An Appropriate Assessment went on to state that following a commitment to continued liaison between United Utilities and St. Helens Council *'it is concluded that the [Local] Plan includes an appropriate policy framework to ensure that it will not, either alone or in combination with other plans or projects, have an adverse effect on the integrity of the Mersey Estuary SPA or the Mersey Estuary Ramsar site as result of changes in water quality'*.

Natural England Risk Zones

- 3.3.8 The entirety of the Site falls within the outer impact risk zone of the Mersey Estuary SPA only (see Figure 3) whereby certain⁴ planning applications must be considered for their potential impacts upon a designated site. The Site does not lie within the 'risk zone' of any other European site.

Bird flight paths

- 3.3.9 Consideration was given to the use of the Site by qualifying species of bird as a known potential effect for The Mersey Estuary SPA as discussed also in 3.2.1 above, but not for the SACs which are designated on habitat grounds only.

Noise

- 3.3.10 Wintering bird populations are known to be susceptible to noise impacts from development, especially construction noises such as piling and operational noises such as

⁴ The Application Site falls within the outer IRZ whereby planning applications for aviation proposals, livestock and poultry units >500m², slurry lagoons 4000m² and general combustion processes >50MW energy input, landfill and any discharge of water / liquid waste of more than 20m³/day to ground or surface water.

trailer-hitching, forklift movement and so on (e.g. ICES 2009⁵, Drewitt et al. 2018⁶).

Should birds use the Site or land within noise range of the Site, significant effects to the Mersey Estuary European site are likely; this will not affect the two SACs that are defined in Table 1.

Groundwater

- 3.3.11 There is unlikely to be any significant effect from seepage into the groundwater of any European site by these proposals (ref).

River catchments

- 3.3.12 The Site lies within the catchment of the River Mersey and thus the Mersey Estuary SPA making water quality issues from the proposals likely (refer to Figure 6), but the Site does not lie within a catchment that affects the remaining two SACs.

Air pollution

- 3.3.13 The proposals will not generate significant emissions to cause any likely significant effect (refer to WSP 2019²). The two SACs lie distant enough not to be affected by emissions and the SPA is designated for its bird populations which will not be affected by air pollution.

3.4 SELECTION CONCLUSIONS

- 3.4.1 Considering the 3 European Sites that fall within 15km of the Site, proven pathways to potential impact exist between The Mersey Estuary European Site and the Application Site, whereas there is no pathway or connectivity between the Application Site and Manchester Mosses SAC or the Rixton Clay Pits SAC European sites.

⁵ **Institute of Coastal & Estuarine Studies 2009** *Construction and Waterfowl: defining sensitivity, response, impacts and guidance*. Institute of Estuarine & Coastal Studies. Report to Humber INCA.

⁶ **Drewitt A, Hawethorne E., Saunders R. & Anthony S. 2018** *A Review of the Effects of Noise on Birds*: Version 1. Natural England draft internal guidance (October 2018).

Table 2: Impact Pathways on eligible European Sites

European Designated Site	NE Risk Zones	Bird flight paths	Noise pollution	Within river catchment	Air pollution	Groundwater
Mersey Estuary SPA and Ramsar Site	Y	Y	Y	Y	N	N
Manchester Mosses SAC	N	N/A	N	N	N	N
Rixton Clay Pits SAC	N	N/A	N	N	N	N

4 DESCRIPTION OF MERSEY ESTUARY EUROPEAN SITE

4.1.1 The Mersey Estuary is situated on the Irish Sea coast of north-west England. The SPA encompasses all or parts of Mersey Estuary SSSI and New Ferry SSSI covering a total of 5,023.35 ha. The Mersey Estuary 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 Mersey Estuary SPA is therefore listed under Natura 2000, a network of sites which seeks to protect core breeding and resting sites for rare and threatened species, and some rare natural habitat types which are protected in their own right.

4.2 MERSEY ESTUARY QUALIFYING SPECIES

4.2.1 The Site qualifies under article 4.1 of the Bird Directive (as amended in 2009: 2009/147/EC) as it is used regularly by 1% or more of Great Britain populations of Annex 1 species listed in Table 3. The Site also qualifies under 4.2 of the Directive as it is used regularly by 1% or more of biogeographical populations of regularly occurring migratory species listed in Table 4 and is used regularly by over 20,000 water birds in any season. The area regularly supports 104,599 individual water birds in the non-breeding season, species are listed in Table 5.

Table 3: Annex 1 species

Annex 1 species	Individuals - season	Period	% of GB population
Golden plover <i>Pluvialis apricaria</i>	3,040 individuals - wintering	5-year peak mean 1993/94 – 1997/98	1.20%

Table 4: Regularly occurring migratory species

Migratory species		No. of individuals during winter period
Shelduck	<i>Tadorna tadorna</i>	6,476
Teal	<i>Anas crecca</i>	11,723
Pintail	<i>Anas acuta</i>	1,169
Dunlin	<i>Calidris alpina alpina</i>	48,789
Black-tailed godwit	<i>Limosa limosa islandica</i>	976
Redshank	<i>Tringa totanus</i>	4,993

Table 5: Water birds present at Mersey Estuary SPA during the non-breeding season

English Name	Latin Name
Great crested grebe	<i>Podiceps cristatus</i>
Shelduck	<i>Tadorna tadorna</i>
Wigeon	<i>Anas Penelope</i>
Teal	<i>Anas crecca</i>
Pintail	<i>Anas acuta</i>
Common ringed plover	<i>Charadrius hiaticula</i>
Golden plover	<i>Pluvialis apricaria</i>
Grey plover	<i>Pluvialis squatarola</i>
Lapwing	<i>Vanellus vanellus</i>
Dunlin	<i>Calidris alpina alpina</i>
Black-tailed godwit	<i>Limosa limosa islandica</i>
Curlew	<i>Numenius arquata</i>
Redshank	<i>Tringa totanus</i>

4.3 MERSEY ESTUARY SPA CONSERVATION OBJECTIVES

- 4.3.1 Natural England 2014⁷ set out the Conservation Objectives for the Mersey Estuary SPA, which this HRA Stage 1 will use when determining LSEs with regard to the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’ listed below), and subject to natural change:

Qualifying Features:

- A048 *Tadorna tadorna*; Common shelduck (Non-breeding)
- A052 *Anas crecca*; Eurasian teal (Non-breeding)
- A054 *Anas acuta*; Northern pintail (Non-breeding)
- A140 *Pluvialis apricaria*; European golden plover (Non-breeding)
- A149 *Calidris alpina alpina*; Dunlin (Non-breeding)
- A156 *Limosa limosa islandica*; Black-tailed godwit (Non-breeding)
- A162 *Tringa totanus*; Common redshank (Non-breeding)
- Waterbird assemblage

Conservation Objectives

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring; The Mersey Estuary SPA must contribute to achieving the aims of the Birds Directive, by maintaining or restoring:

- *The extent and distribution of the habitats of the qualifying features;*
- *The structure and function of the habitats of the qualifying features;*
- *The supporting processes on which the habitats of the qualifying features rely;*
- *The population of each of the qualifying features; and*
- *The distribution of the qualifying features within the Site.*

⁷ <http://publications.naturalengland.org.uk/publication/5790848037945344>

4.4 APPLICATION SITE CONNECTIVITY TO MERSEY ESTUARY EUROPEAN SITE

Terrestrial Connectivity

- 4.4.1 The Application Site has poor-moderate connection to the Mersey Estuary SPA with a large amount of urbanisation existing between the two sites (see Figure 3). The town of Widnes lies along the banks of the River Mersey and the Mersey Estuary SPA boundary, extending north where small settlements exist dispersed among agricultural land to the Application Site. While birds may not favour a direct flightpath over Widnes, it would not prevent birds reaching the Application Site.

Hydrological Connectivity

- 4.4.2 The Application Site is hydrologically connected to the Mersey Estuary SPA via an on-Site watercourse (Whittle Brook) leading downstream to the River Mersey, and consequently Mersey Estuary SPA. Whittle Brook runs through the Application Site from the northwest corner, along the western boundary before entering the Site via a sinuous route and meeting the southern Site boundary. From here, the brook continues south where it joins Sankey Brook in an open chancel immediately prior to confluence with the River Mersey, approximately 4.2km downstream of the Application Site (see Figure 5).
- 4.4.3 It is one of several small watercourses which form the Sankey Operational Catchment, the Mersey Lower Management Catchment and the North West River Basin District. Whittle Brook is a Water Framework Directive watercourse and classified as a heavily modified waterbody, currently in 'Moderate' condition (Environment Agency, 2016), with potential for overall 'Good' status. It is currently failing to reach 'Good' status notably for its increased phosphorus levels, and as a result of physical modifications to the channel resulting from flood defence works and urbanisation, as well as poor nutrient management, poor soils management and misconnections occurring within the catchment.

4.5 CUMULATIVE EFFECTS

- 4.5.1 Other developments were considered for the locality, which may have an effect on the Mersey Estuary European site and contribute towards an in-combination effect together with these proposals. Six related projects were identified as listed in Table 6.

Omega South

- 4.5.2 This development area lies to the east of the Application Site and there are 5 different plans in various stages of development from fully approved to approved in outline to currently being determined. No suitable wintering bird habitat was identified on the Omega South site.
- 4.5.3 Drainage of the development, through the variety of stages, is to the Sankey operational catchment. This catchment is part of the Lower Mersey; the same catchment as used by the proposals, although local operational catchment used in the case of the Proposed Development uses the Whittle Brook. The Drainage Strategy has been suitably designed as to minimise silt levels in run-off and therefore no impacts are anticipated. No potential impacts to a European Site have been identified, this project is no longer considered within this HRA.

Lingley Mere, formerly Lingley Mere Business Park

- 4.5.4 A number of ecological surveys were undertaken at the Lingley Mere site, and an Environmental Impact Assessment (EIA) Screening was submitted resulting in no requirement for EIA. While planning permission has been granted and construction is currently underway, no wintering bird habitat was identified but the desk-study revealed hydrological links between both the Lingley Mere project and the Proposed development for this HRA. This is further discussed 5.1.12.

Table 6: Details of projects considered in the cumulative assessment





Application Number	Address	Distance from Site	Description	Status
2003/01449	Omega North (Phase 1) & Omega South (Phase 2)	100m	Outline application for Omega Phases 1 & 2 involving phased redevelopment for primarily employment uses (offices, industrial, storage & distribution) with associated development for subsidiary uses (retail, food & drink, non-residential institutions & hotel), and associated car parking, landscaping and infrastructure, including demolition of existing structures on site. (Access was a detailed matter for consideration as part of this planning application).	Application Approved: 05/06/2007
2013/21340 & 2013/22143	ASDA Bericote, Omega South	100m	Omega South - Proposed distribution warehouse development with associated access, landscaping, estate roads, HGV and car parking, attenuation pond and other ancillary development.	Applications Approved: 26/04/2013 & 29/08/2013
2014/23290	Zone 7, Omega South	100m	Outline Application (Major) - The creation of up to 196,000 sq.m (2.1 million sq.ft) of B2 manufacturing and B8 logistics floorspace (split 30% B2/70% B8) with associated car parking, landscaping and infrastructure.	Application Approved: 16/05/2014
2015/26469	Zones 3-6, Omega South	100m	Outline Planning (Major) - Outline Planning Application for the creation of up to 1100 residential units and mixed-use zone to include retail/ food and drink uses (Use Classes A1; A2; A3; A4 and A5), Hotel (Use Class C1), Extra Care Facility (Use Class C2) and Non- Residential Institution (Use Class D1) with associated access, parking, landscape and infrastructure proposals (all other detailed matters are reserved for later approval). (The application is accompanied by an Environmental Impact Assessment)	Application Approved: 01/06/2016

Application Number	Address	Distance from Site	Description	Status
2017/30371	Zones 1 & 2, Omega South	100m	Outline application (major development); Proposed development consisting of manufacturing (B2) and distribution/ logistics (B8) (in a 30 per cent B2 to 70 per cent B8 ratio) and Office (B1a) floorspace with associated car parking, landscaping and infrastructure (detailed matters of appearance; landscaping; layout and scale are reserved for subsequent approval).	Application Approved: 13/09/2017
2016/27313	Lingley Mere, formerly Lingley Mere Business Park	400m	Outline planning application with some reserved matters for proposed demolition of all existing on site buildings and structure and redevelopment to provide up to 275 Use Class C3 residential units, together with associated landscaping, open space and supporting infrastructure, including the creation of a new vehicular road into Lingley Mere Business Park.	Application Approved 2016

Figure 2
Natura 2000 Sites

Omega Zone 8, St. Helens

Legend

-  The Site
-  Special Area of Conservation (SAC)
-  Special Protection Area (SPA)
-  15KM Area of Search (AoS)



Drawing No.: 16903-06HRA_A

Revision Dates			
A	B	C	D
28/01/20			





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Figure 3
Site Context / IRZs

Omega Zone 8, St. Helens

Legend

-  Application Site
-  Mersey Estuary SPA
-  SPA Outer Impact Risk Zone
-  Widnes urbanization (approximate)



Drawing No.: 16903-02HRA_A

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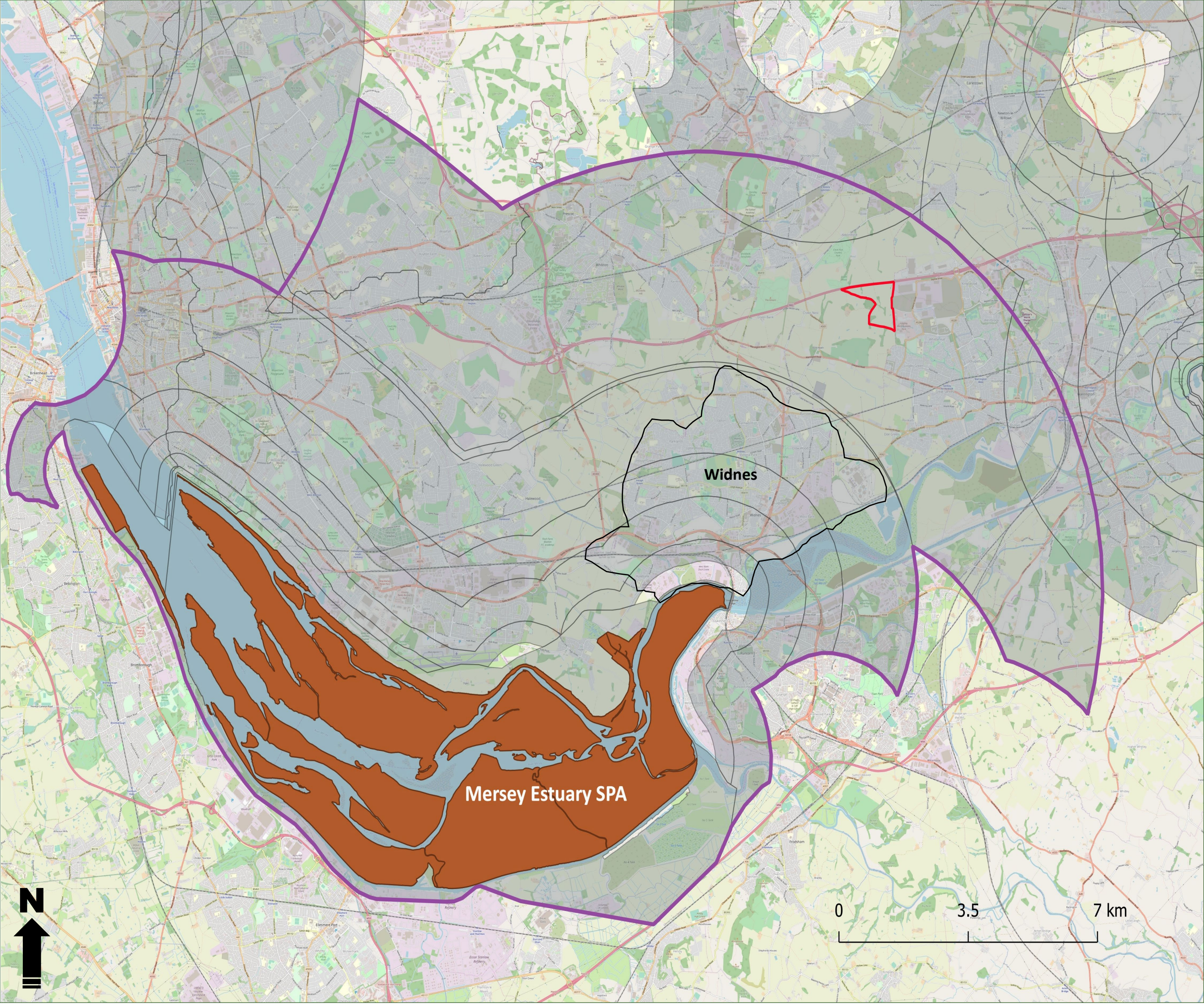


Figure 4
Phase 1 Map

Omega Zone 8, St. Helens

Legend

- Application boundary
- Broadleaved woodland
- Broadleaved plantation woodland
- Scattered trees
- Scattered scrub
- Pond
- Dense scrub
- Marginal vegetation
- Tall ruderal
- Poor semi-improved grassland
- Improved grassland
- Arable
- Running water/Wet ditch
- J2.6 Dry ditch
- J2.1.2 Intact species-poor hedgerow
- J2.2.2 Defunct species-poor hedgerow
- J2.4 Fence
- Bare ground
- Target Note



Drawing No.: 16903-03HRA_A

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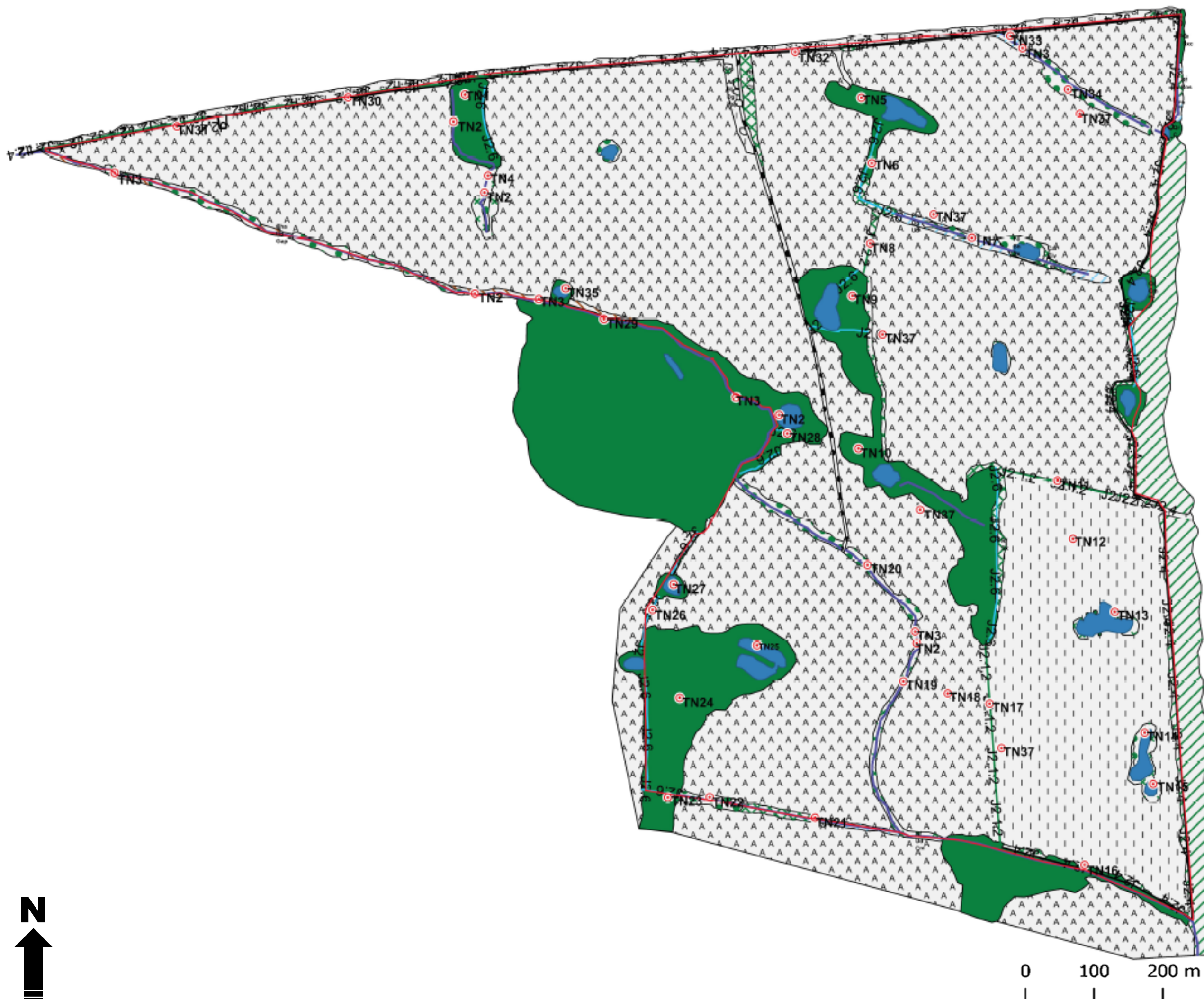






Figure 5
Hydrological
Connectivity

Omega Zone 8, St. Helens

Legend

-  Application Site
-  Whittle Brook
-  Confluence with Sankey Brook
-  Confluence with River Mersey



Drawing No.: 16903-04HRA_A

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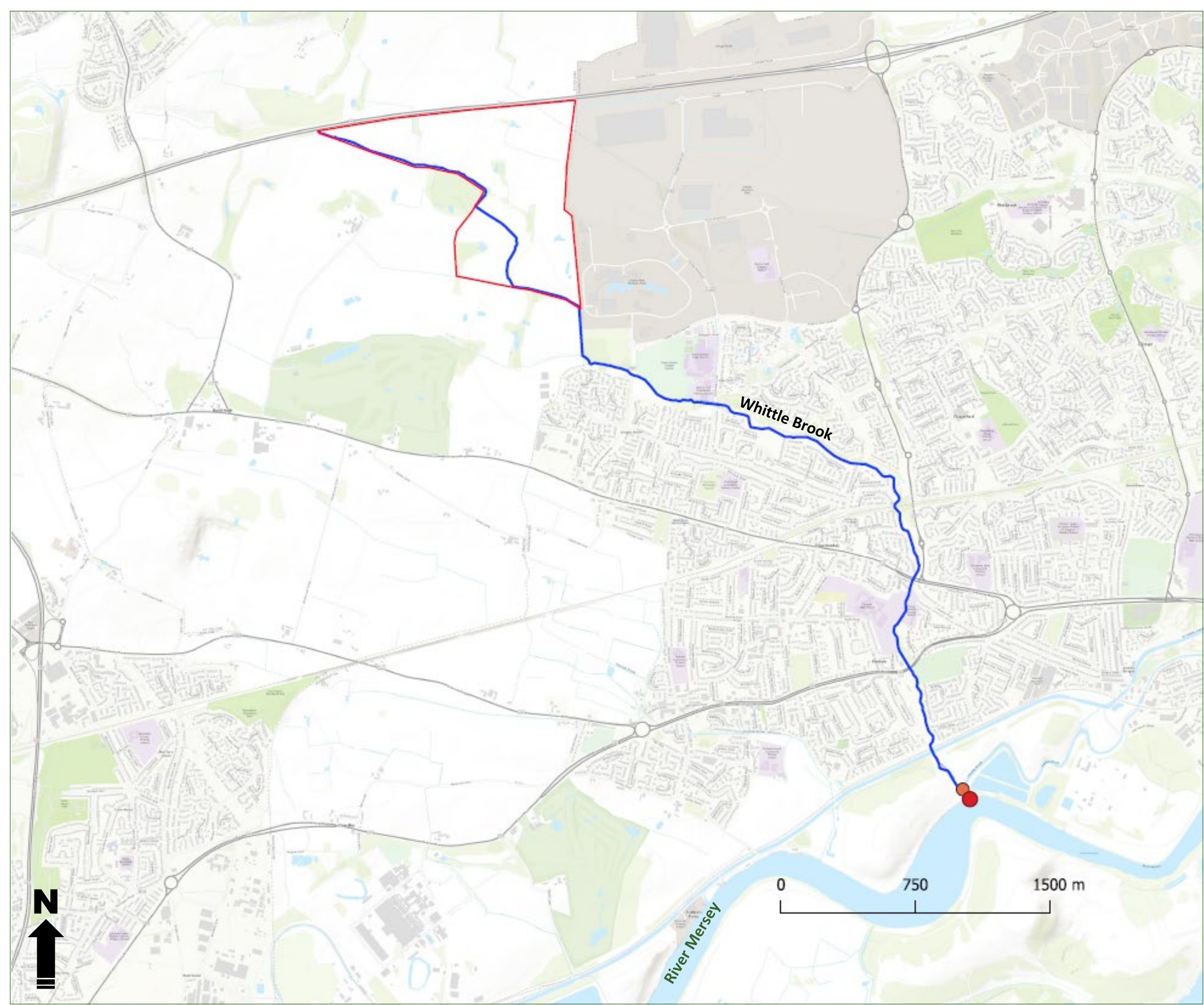
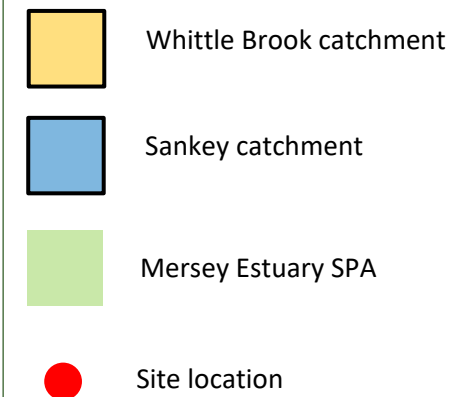


Figure 6
**Whittle Brook &
Sankey Catchments**

Omega Zone 8, St. Helens

Legend



Drawing No.: 16903-07HRA_A

Revision Dates

Revision Dates			
A	B	C	D
03/02/20			

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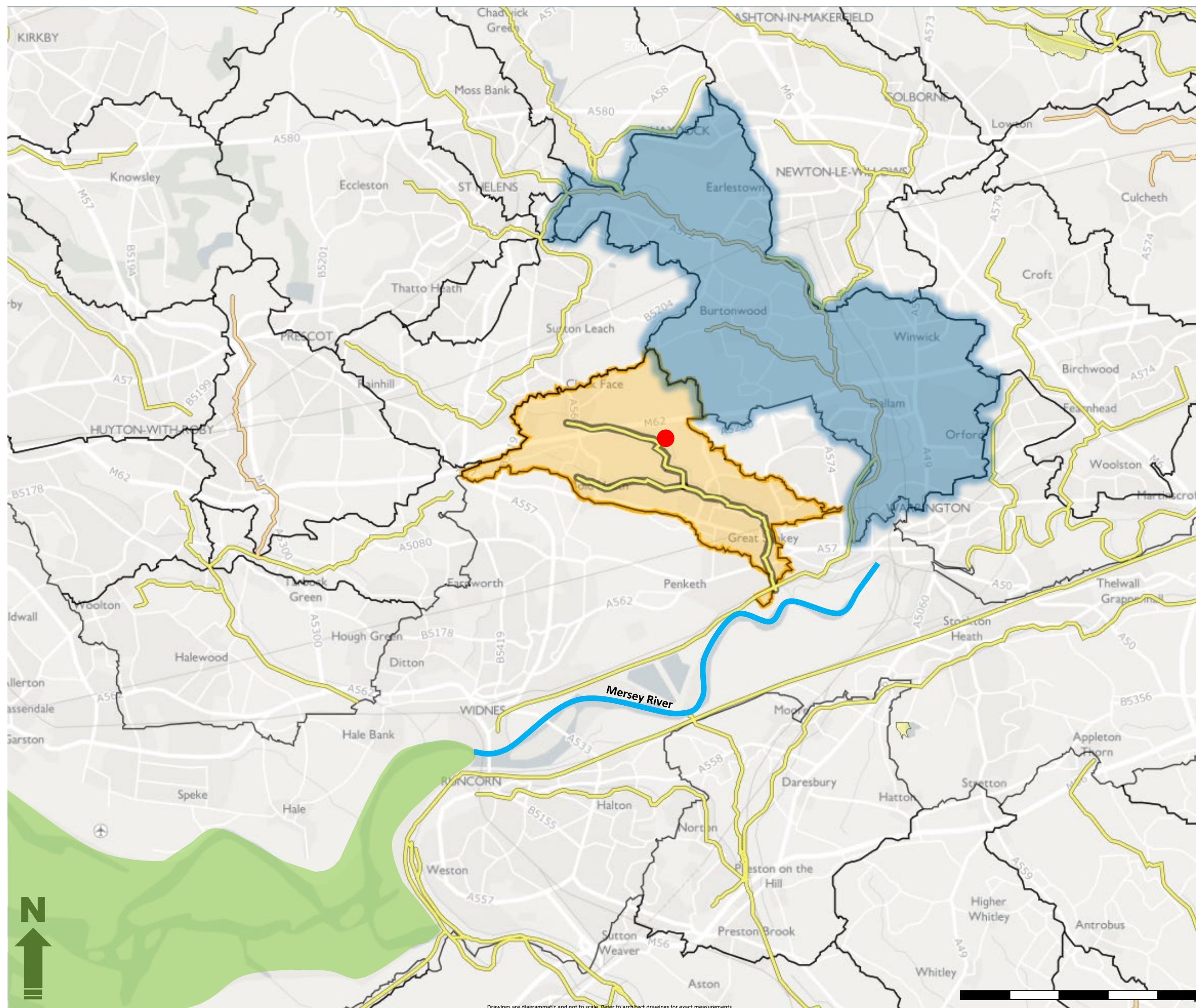


Figure 7
**Cumulative
Assessment**

Omega Zone 8, St. Helens

Legend

-  Application Site
-  Omega South Zone 3-6 (2015/26469)
-  ASDA Bericote, Omega South
-  Zone 7, Omega South
-  Zones 1 & 2, Omega South
-  Omega North (Phase 1) & Omega South (Phase 2)
-  Lingley Mere (2016/27313)
-  Whittle Brook
-  Barrow Brook

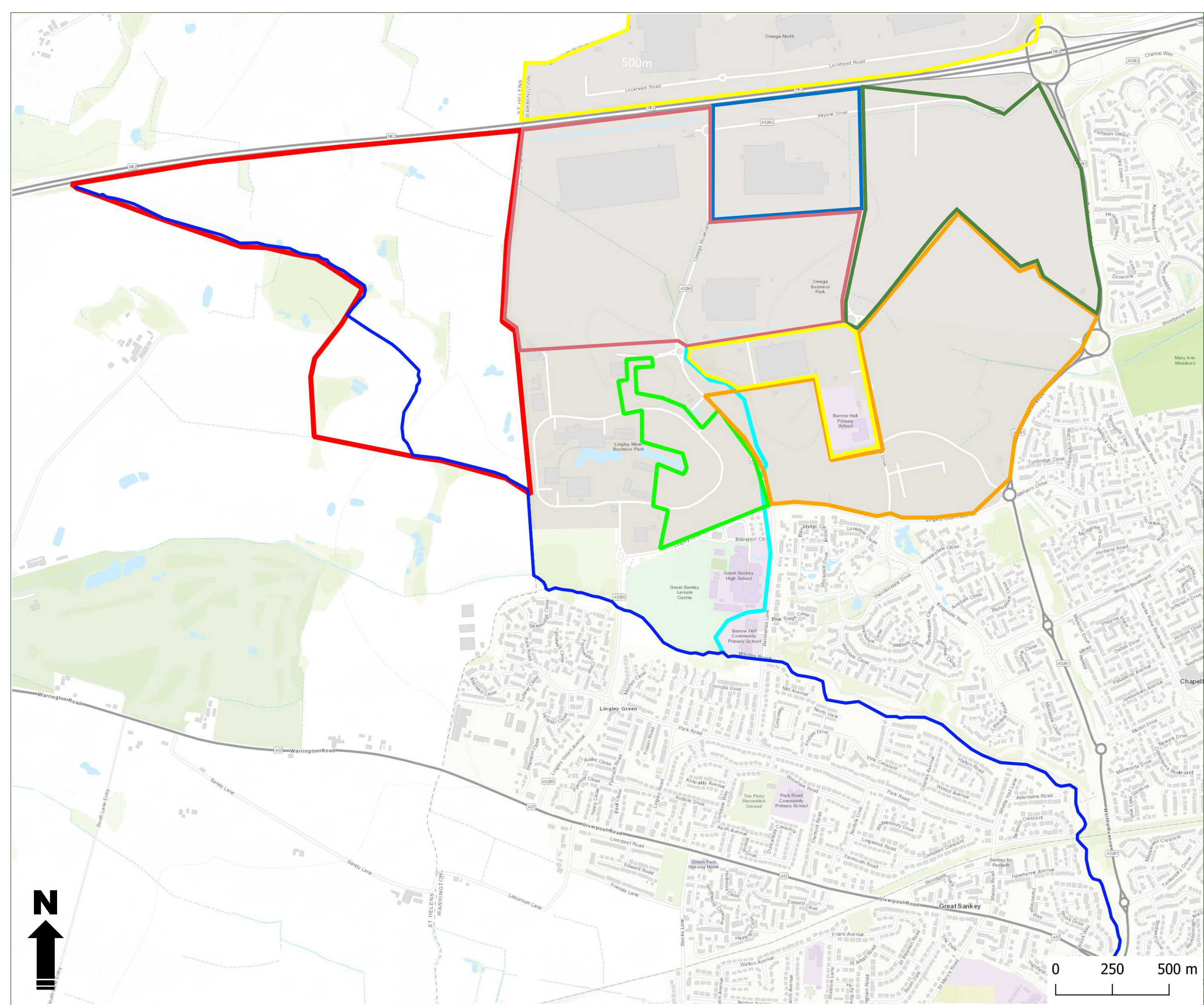


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23/01/20			

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5 LSE SCREENING

5.1 WATER QUALITY

Pathways to impact

5.1.1 Coastal and estuarine sites rely on sufficient water quality to support plant and invertebrate species and communities that in turn also support populations of birds, reptiles, fish, amphibians and mammals for which sites may be designated. The Mersey Estuary SPA is designated for facilitating important assemblages of birds that are reliant upon good quality water to support their existence. As such, this site is potentially vulnerable to an increase in housing, industry or business development that may lead to a reduction in the quality of water within the catchment.

5.1.2 A reduction in water quality may be caused by a range of factors, each having the potential to cause severe detrimental environmental effects (e.g. EA 2018⁸). In the case of the Mersey Estuary SPA, a reduction in the quality of water has the potential to affect the Conservation Objectives, as discussed below.

Eutrophication

5.1.3 Eutrophication is the excessive richness of nutrients within a waterbody which increases plant growth, causing algal blooms resulting in oxygen depletion. Eutrophication increases water turbidity and decreases light penetration beneath the surface of the water which further reduces viability for aquatic invertebrates, aquatic plants, fish, mammals and birds. The decomposition of organic matter often accompanies eutrophication, and further deoxygenises water.

Toxicity

5.1.4 Toxic chemicals and metals in low concentrations can have detrimental effects for living organisms, such as disturbing growth, metabolism, disease susceptibility or reproduction with potential consequences to the entire trophic chain. In higher

⁸ **Environment Agency (2018)** Water for life and livelihoods: River basin management plan for the North West River Basin District Part 1.

concentrations, toxic chemicals and metals can result in immediate death of aquatic life.

Pesticides

- 5.1.5 Pesticides, industrial chemicals and components of sewage effluent can cause negative effects to the development and biological health of aquatic life in certain conditions.

Siltation

- 5.1.6 Siltation can impact riverine plant communities through the reduction in quantity and quality of light, and through the increase in nutrients retained within silt-rich sediments. Siltation can also smother gravel beds and fine sand which are required for spawning fish, such as salmonids.

Drainage

- 5.1.7 Drainage and other discharges within a river catchment can affect the naturalised flow pattern causing water levels to rise and fall with increased rapidity and reducing water retention time. This may also contribute to siltation issues.

Assessment in isolation

- 5.1.8 As part of the planning application for the Proposed development a Drainage Strategy (WSP 2019²: OPP DOC.5 Drainage Strategy Report) was created which details the drainage design for both the outline and full planning areas of the Proposed development. The report splits calculations for extant surface water run-off rates and drainage design requirements across the outline and full planning areas of the Proposed development. However, it states throughout the report and under Section 6.1.9-6.1.12 that:

“In accordance with the lead local flood authority’s design and technical guidance, it is proposed that peak flows leaving the Application Site are restricted to the existing greenfield run-off rate by means of a series of SuDS features around the Proposed Development.”

“It is proposed to restrict the development surface water run-off to the Mean Annual Peak Flow Rate, Qbar. The figure for Qbar has been calculated using the Institute of Hydrology Report 124.”

“In order to limit the rate of surface water run-off, the drainage system to each unit will incorporate various SuDS features such as swales and attenuation pond to restrict and treat surface water run-off. These features will be used to treat, convey and store surface water run-off from impermeable areas for storm events up to and including a 1 in 100 year event plus 40% climate change.”

“The combination of the cascading conveyance swales, storage swales and attenuation ponds will provide a multi-stage treatment train for surface water run-off to enhance the quality of surface water leaving the Application Site.”

- 5.1.9 It is therefore conceived that there will be no net change in the peak flow rates from what currently exists at the Application Site to post-development as a result of the Proposed development, and drainage is not considered to cause a Likely Significant Effect to the Mersey Estuary SPA.

- 5.1.10 The Drainage Strategy further states, under Section 4.8.1, that:

“With discharge to watercourses, water quality is a high priority and sufficient treatment provided to surface water is expected as part of the drainage for the site. The simple index approach to water quality risk management outlined in Chapter 26 of the SuDS Manual (CIRIA C753) is therefore adopted.”

And, under Section 5.4.6:

“Whittle Brook is classed as a main river so negotiations with the Environment Agency will be required to agree connection details and discharge rates.”

- 5.1.11 It is therefore conceived that there will be no net change in the pollutant / siltation levels discharge into Whittle Brook as a result of the Proposed development, and water pollution / siltation is not considered to cause a Likely Significant Effect to the Mersey Estuary SPA.

Assessment in combination

- 5.1.12 Hydrological links have been identified between the Proposed development and Lingley Mere development (application ref: 2016/27313) (see Figure 7). However, there will be no net increase in discharge of surface water or reduction in water quality leaving the Application Site by way of the Proposed development, and as such in combination effects do not exist.

5.2 LOSS OF FUNCTIONALLY LINKED LAND OUTSIDE THE EUROPEAN SITE BOUNDARY

Pathways to Impact

- 5.2.1 While the Mersey Estuary SPA has defined boundaries, the bird species for which the site is designated are not confined to the physical limits of such boundaries. It is therefore inevitable that habitat of crucial importance to the maintenance of their populations is present outside the confines of the designated site. Waterfowl may use agricultural land and grassland fields for grazing during the wintering months when high tide deprives them access to estuarine habitats. As such, and as underlined by a European Court of Justice ruling (C-461/17, the 'Holohan' ruling), there is a need for a HRA to consider the implications of a project on habitats and species outside the European Site boundary, provided that those implications are liable to affect the conservation objectives of the site.
- 5.2.2 The HRA of the Local Plan (2018) recognises areas sensitive to waterfowl as located adjacent to the current urban areas of St. Helens and within the wider rural areas. However, within Appendix E of the HRA, the test for Likely Significant Effects of Employment Site Allocations (Policy LPA04 of the Local Plan), site allocation '1EA Omega South Western Extension', of which comprises approximately half of the Application Site, no Likely Significant Effects were found to be present. It was considered that the location (Application Site) does not fall within the area used by non-breeding SPA birds. Nonetheless, a precautionary approach has been taken, in conjunction with the request by MEAS to assess this potential impact.

Assessment in Isolation

- 5.2.3 Non-breeding wintering bird surveys were conducted at the Application Site between October 2019 – January 2020, inclusive. Surveys were undertaken during peak times of high tide within the Mersey Estuary, when Mersey Estuary SPA associated birds are most likely to visit functionally linked land outside the SPA boundary. The surveys went on to find that no Mersey Estuary SPA qualifying birds, or notable waterfowl and waders, were discovered to use the Site during these times (see full report in 6.2).
- 5.2.4 As such, there are no Likely Significant Effects on Mersey Estuary SPA with regard to the loss of functionally linked land outside the SPA site boundary, under the Proposed development.

Assessment in Combination

- 5.2.5 As non-breeding wintering birds are absent within the Application Site, there are no Likely Significant Effects possible in combination with other developments.

5.3 NOISE POLLUTION

Pathways to Impact

- 5.3.1 Where European Site qualifying features (e.g. wintering bird assemblage) occupy land on or adjacent to the proposed development site there are potentially significant effects from construction and operation which may cause an increase in noise decibels greater than 3dB above the existing noise landscape. This causes birds to expend valuable energy reserves in reacting to that noise, such as local migration within the site or leaving the site altogether (refer to ICES 2009⁵ & Drewitt et al 2018⁶).

Assessment in Isolation

- 5.3.2 Non-breeding wintering bird surveys were conducted at the Application Site between October 2019 – January 2020, inclusive. Surveys were undertaken during peak times of high tide within the Mersey Estuary, when Mersey Estuary SPA

associated birds are most likely to visit functionally linked land outside the SPA boundary. The surveys went on to find that no Mersey Estuary SPA qualifying birds, or notable waterfowl and waders, were discovered to use the Site during these times (see full report in 6.2).

Assessment in Combination

- 5.3.3 As non-breeding wintering birds are absent within the Application Site, there are no Likely Significant Effects possible in combination with other developments.

5.4 SUMMARY OF LIKELY SIGNIFICANT EFFECTS TEST

- 5.4.1 No Likely Significant Effects of the proposals on the Conservation Objectives of the Mersey Estuary SPA are envisaged. It is therefore determined that the HRA process does not have to progress to Stage Two: Appropriate Assessment.

6 APPENDICES

6.1 APPENDIX 1: CONSULTATION

Andrew Arnott

From: Rachael Rhodes <Rachael.Rhodes@eas.sefton.gov.uk>
Sent: 15 May 2019 15:55
To: Andrew Arnott
Subject: RE: 169-03 Omega West - ecological surveys

Hi Andrew,

Yes, it is something that will need to be assessed due to the potential for qualifying bird species from these site using the farmland as functionally linked land.

Thanks, Rachael

From: Andrew Arnott [mailto:andrew.arnott@ecologypractice.co.uk]
Sent: 10 May 2019 07:26
To: Rachael Rhodes <Rachael.Rhodes@eas.sefton.gov.uk>
Subject: RE: 169-03 Omega West - ecological surveys

Rachel - thank you for your email, and for the dispensation regarding charges.

I have only one more query; given that the site is c.7.5km away from the Mersey SPA/Ramsar/SSSI is non-breeding birds going to be an item to assess?

[EhWz1kh#](#)

[Dguz#Dqrw#](#)

[SubEd#frcj|5d5hfrk#](#)

#

QRWK#B49<4#933<3;#

VRXW#B;78#9356;55#

GLUFW#QH#B4<;<# :378:#

PREGH#B;:9#B;37<4#

HPDQ###[Dguz1Dqrw#frcj|5d5hfrk#](#)

ZHEVW#[#zzz1frcj|5d5hfrk#](#)

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#

ZDQZJDM#

ZHOVK#QZWRQ#FRPPQ#

KHUHRUGVKUH#

QS58#UW#

A bumblebee flaps its wings 200 times per second.

That's a similar RPM to some motorcycle engines.

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6.2 APPENDIX 2: WINTERING BIRD SURVEY REPORT

Ecological Assessments

the **ecology** Practice

Environmental Statements (Biodiversity)

Species Surveys

Phase I Habitat Survey

National Vegetation Classification

Planning Guidance

Habitat Regulation Assessment

Protected Species Licensing

42020 CEMP: Biodiversity

BREEAM LE01 - 05

Wintering Bird Report



Omega Zone 8

St Helens, WA5 3UG



Consultant Report on behalf of:



REPORT STATUS

ISSUE/REVISION	1: DRAFT TO CLIENT	2: FINAL	3: AMENDED FINAL
Project No.	169-03		
Report No.	16903_WBS_A		
Date	07/01/2020	09/01/2020	
Prepared by	JC		
Signature			
Reviewed by	MM/AA		
Signature			

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1. INTRODUCTION

1.1. BACKGROUND

- 1.1.1. The following report has been prepared on behalf of Omega Warrington Ltd and provides the results of wintering bird surveys undertaken at Omega Zone 8, St Helens, WA5 3UG ('the Site').

Location

- 1.1.2. The Site forms part of the Omega business estate located west of Warrington, falling just within St Helens Borough. It is immediately south of the M62, west of Junction 8, and immediately west of the Warrington District County boundary and Lingley Mere.

Site description

- 1.1.3. The Site (~75.5 ha) is dominated by arable land with woodland belts, a network of ponds and ditches, improved grassland and scrub habitat present. Whittle Brook runs from the northwest boundary, towards the centre of the Site, and adjoins to the southern boundary. Off-site woodland is present to the south and west of the Site and a woodland belt forms the eastern boundary.

Rationale

- 1.1.4. The Site is approximately 7.4km away from Mersey Estuary Special Protection Area (SPA), Site of Special Scientific Interest (SSSI) and Ramsar (refer to Figure 1). SPAs are classified in accordance with European Council Directive 2009/147/EC on the conservation of wild birds, known as the Birds Directive, to protect rare and vulnerable birds (as listed on Annex I of the Birds Directive), and regularly occurring migratory species. The Site falls within the impact zone of the Mersey SSSI since during hightide birds will forage beyond the Estuary's boundaries and use surrounding satellite habitat, such as waterbodies and agricultural land as found on the Site (refer to Figure 2).
- 1.1.5. The purpose of this report is to assess the use of the Site by such SPA-qualifying species and thus determine the impact that development of the Site may have on the Mersey SPA, if any.

Other Site Studies

- 1.1.6. A suite of additional biodiversity surveys has been completed at the Site in support of an Environmental Impact Assessment, submitted during December 2019. Ecology surveys have also included; a Phase 1 Habitat Survey, bat transect and aerial tree surveys, water vole, breeding birds, badger, great crested newt and reptiles.

1.2. THE MERSEY ESTUARY

- 1.2.1. The Mersey Estuary is situated on the Irish Sea coast of north-west England. The SPA encompasses all or parts of Mersey Estuary SSSI and New Ferry SSSI covering a total of 5,023.35 ha. The Mersey Estuary 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.
- 1.2.2. 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.

Qualifying Species

- 1.2.3. The Site qualifies under article 4.1 of the Bird Directive (as amended in 2009: 2009/147/EC) as it is used regularly by 1% or more of Great Britain populations of Annex 1 species listed in Table 1.

Table 1. Annex 1 species

Annex 1 species	Count and season	Period	% of GB population
Golden plover <i>Pluvialis apricaria</i>	4,040 individuals - wintering	5-year peak mean 1993/94 – 1997/98	1.20%

- 1.2.4. The Site also qualifies under 4.2 of the Directive as it is used regularly by 1% or more of biogeographical populations of regularly occurring migratory species listed in Table 2 and is used regularly by over 20,000 water birds in any season.

Table 2. Regularly occurring migratory species

Migratory species		Individuals - season
Redshank	<i>Tringa totanus</i>	4,513 - passage
Shelduck	<i>Tadorna tadorna</i>	6,476 - wintering
Teal	<i>Anas crecca</i>	11,723 - wintering
Pintail	<i>Anas acuta</i>	1,169 - wintering
Dunlin	<i>Calidris alpina alpina</i>	48,789 - wintering
Black-tailed godwit	<i>Limosa limosa islandica</i>	976 - wintering
Redshank	<i>Tringa totanus</i>	4,993 - wintering

- 1.2.5. The area regularly supports 104,599 individual water birds in the non-breeding season, species are listed in Table 3.

Table 3. Water birds present at Mersey Estuary SPA during the non-breeding season

English Name	Latin name
Great crested grebe	<i>Podiceps cristatus</i>
Shelduck	<i>Tadorna tadorna</i>
Wigeon	<i>Anas Penelope</i>
Teal	<i>Anas crecca</i>
Pintail	<i>Anas acuta</i>
Plover	<i>Charadrius hiaticula</i>
Golden plover	<i>Pluvialis apricaria</i>
Grey plover	<i>Pluvialis squatarola</i>
Lapwing	<i>Vanellus vanellus</i>
Dunlin	<i>Calidris alpina alpina</i>
Black-tailed godwit	<i>Limosa limosa islandica</i>
Curlew	<i>Numenius arquata</i>
Redshank	<i>Tringa totanus</i>

- 1.2.6. The area also supports many non-qualifying species of interest, listed in Table 4, that occur in non-breeding numbers of less than European importance (less than 1% of GB population).

Table 4. Non-qualifying species of interest

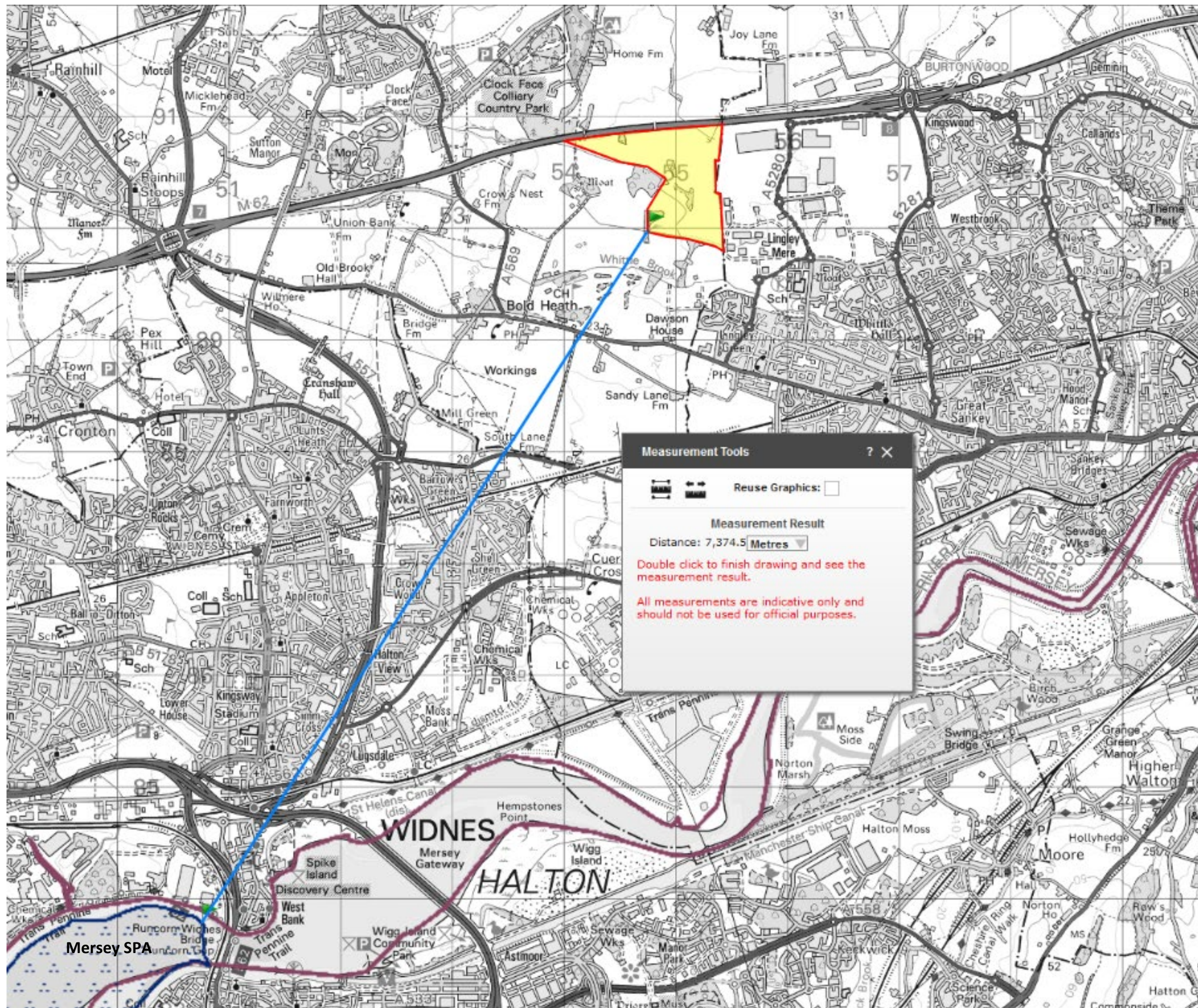
English name	Latin name
Bewick's swan	<i>Cygnus Columbianus bewickii</i>
Whooper swan	<i>Cygnus cygnus</i>
Merlin	<i>Falco columbarius</i>
Peregrine	<i>Falco peregrinus</i>
Ruff	<i>Philomachus pugnax</i>
Bar-tailed godwit	<i>Limosa lapponica</i>
Short-eared owl	<i>Asio flammeus</i>
Pink footed goose	<i>Anser brachyrhynchus</i>

Figure 1
Location

Omega Zone 8, St Helens

Legend

- Development Site
- Mersey SPA



Drawing No.: 16903-01WBS_B

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Figure 2
Survey Area

Omega Zone 8, St Helens

Legend

-  Development Boundary / Survey Area
-  Improved Grassland – Suitable Wintering Bird Habitat
-  Arable Land – Limited Wintering Bird Habitat
-  Permanent Ponds within grassland habitat
-  Additional Survey Area



Drawing No.: 16903-02WBS_B

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29/11/19	06/01/2020		

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Drawings are diagrammatic and not to scale. Refer to architect drawings for exact measurements

2. SURVEY METHODS

2.1. DESK STUDY

- 2.1.1. A desk-study was undertaken as part of the EIA assessment which included a data trawl of all protected and notable species that have been recorded within 2km of the Site, including any recording of birds. All records were obtained from two cross-border sources; Merseyside BioBank Records¹ (St Helens) and RECORD LRC² (Warrington/Cheshire).
- 2.1.2. There was no mention of a wintering bird assemblage associated with the Site. All bird records appeared to be breeding records.

2.2. FIELD SURVEY

- 2.2.1. The Site was visited six times between October and December 2019, inclusive, to undertake distribution and abundance Surveys in accordance with recommended guidance set out by the Merseyside Environmental Advisory Service (MEAS), who recommend those in Scottish Natural Heritage 2014³ and Government standing advice⁴. (refer to 5.1)
- 2.2.2. The advice from MEAS recommends 2 visits per month to give a minimum of 36 hours survey over the period of September to end of March inclusive. Sites visits were conducted at periods of peak high tide times when birds are most likely to be present and surveyors remained on site for a minimum of 3 hours per visit. A total of 24 hours has so far been spent on site surveying for wintering birds up until 30 December 2019.
- 2.2.3. The surveys recorded numbers and distribution of all birds using the Site including wintering and migrant birds where present. Additional notes were made for specific

¹ <https://activenaturalist.org.uk/mbb>

² www.record-lrc.co.uk

³ **Scottish Natural Heritage, 2014.** Recommended bird survey methods to inform impact assessment of onshore wind farms. (<https://www.nature.scot/sites/default/files/2018-06/Guidance%20Note%20-%20Recommended%20bird%20survey%20methods%20to%20inform%20impact%20assessment%20of%20onshore%20windfarms.pdf>)

⁴ <https://www.gov.uk/guidance/wild-birds-surveys-and-monitoring-for-onshore-wind-farms>

habitat features or species present on the Site. The Site entirely was walked each visit, with a prolonged effort focussing on the Improved Grassland habitat which is suitable for wintering waders (refer to Figure 2)

- 2.2.4. The Site was also surveyed for use by non-qualifying species (Table 4) including pink footed goose, Beswick's swan and whooper swan, which are found to use agricultural land across Merseyside⁵.

Personnel

- 2.2.5. The survey was carried out by Senior Ecologist Mark Morgan BSc ACIEEM with assistance from Ecologist Joshua Cartlidge MSc.

⁵ **St Helens Council, 2018.** St Helens Borough Local Plan 2020-2035 Habitats Regulations Assessment

3. FIELD RESULTS

3.1. WINTERING BIRD SURVEY (WBS) 1

Table 5: October Survey I Conditions

Criteria	Unit
Date	11/10/2019
Survey Time	10:30am – 13:49PM
High Tide time	10:49
Weather Conditions	Wind: B0-B1; Rain: 1, Light showers until 11:30 then dry and overcast with occasional sunny spells

Survey Results

- 3.1.1. No Mersey Estuary SPA qualifying species were observed during the survey. Refer to Figure 3.
- 3.1.2. Additional observations were made for three bird species on the Site. Two of these species were found in suitable wintering bird habitat including large numbers (approximately 150) of mallard (*Anas platyrhynchos*) observed within Pond X. Four mallard were noted further north on Site. Pheasant (*Phasianus colchicus*) and approximately 40 wood pigeon (*Columba palumbus*) were also observed at the Site within arable land on site.



Photograph 1: Mallard within Pond X during Survey #1

3.2. WBS 2

Table 6: October Survey II Conditions

Criteria	Unit
Date	28/10/2019
Survey Time	10:45am – 13:55PM
High Tide time	10:49
Weather Conditions	Wind: B0-B1; Rain: 0, Clear and bright

Survey Results

- 3.2.1. No Mersey Estuary SPA qualifying species were observed during the survey. Refer to Figure 4.
- 3.2.2. Additional observations were made for a total of two species using wintering bird habitat on the Site during. These consisted of approximately 40 mallards using areas of pooled water ~50m north of Pond X and approximately 100 individuals within Pond X. Approximately 200 wood pigeons were also noted within arable land on site.



Photograph 2: Pooled water north of Pond X containing ~40 mallard

3.3. WBS 3

Table 7: November Survey I Conditions

Criteria	Unit
Date	11/11/2019
Survey Time	10:15am – 13:20pm
High Tide time	10:18
Weather Conditions	Wind: B0; Rain: 0, Overcast, dry and bright

Survey Results

- 3.3.1. No Mersey Estuary SPA qualifying were observed during the survey. Refer to Figure 5.
- 3.3.2. Additional observations were made for mallard, approximately 90 individuals using Pond X, occasionally flying away from the Pond but with no additional mallards coming to site. The improved grassland field contained much pooled water. Approximately 200 wood pigeons were also noted using the arable land to the north of the Site.



Photograph 3: Pooled water along the eastern boundary of the improved grassland field during Survey #3

3.4. WBS 4

Table 8: November Survey II Conditions

Criteria	Unit
Date	26/11/2019
Survey Time	10:30am – 13:30pm
High Tide time	10:30
Weather Conditions	Wind: B0-B1; Rain: 0, Overcast, damp, no rain

Survey Results

- 3.4.1. No Mersey Estuary SPA qualifying were observed during the survey. Refer to Figure 6.
- 3.4.2. Additional observations were made for mallard, approximately 70 individuals using Pond X, and approximately 70 individuals feeding within seasonal pooling, approximately 50m north of Pond X. Approximately 200 wood pigeons were also noted using the arable land to the north of the Site.



Photograph 4: Mallard within Pond X during Survey #4



Photograph 5: Typical sight of arable land to north of the Site during Survey #4

3.5. WBS 5

Table 9: December Survey I Conditions

Criteria	Unit
Date	12/12/2019
Survey Time	10:50am – 13:50pm
High Tide time	10:56am
Weather Conditions	Wind: B0; Rain: 1, Clear, bright with occasional showers

Survey Results

- 3.5.1. No Mersey Estuary SPA qualifying species were observed during the survey. Refer to Figure 7.
- 3.5.2. Additional observations were made for mallard, approximately 70 individuals using Pond X, and approximately 30 individuals towards the northeast of the Site within arable land. Approximately 100 wood pigeons were also noted using the arable land to the north of the Site.



Photograph 6: Mallard within Pond X during Survey #5

3.6. WBS 6

Table 10: December Survey II Conditions

Criteria	Unit
Date	30/12/2019
Survey Time	13:30am – 16:30pm
High Tide time	13:31pm
Weather Conditions	Wind: B0; Rain: 0, Overcast at times, clear at times, no rain, damp ground

Survey Results

- 3.6.1. No Mersey Estuary SPA qualifying were observed during the survey. Refer to Figure 8.
- 3.6.2. Additional observations were made for mallard, approximately 60 individuals using Pond X. Approximately 100 wood pigeons were also noted using the arable land to the north of the Site.



Photograph 7: Pond X during Survey #6








Photograph 8: The northwestern corner of the Site during Survey #6

Figure 3
Survey 1

Omega Zone 8, St Helens

Legend

-  Development Boundary / Survey Area
-  Improved Grassland – Wintering Bird Habitat
-  Arable Land – Non-Wintering Bird Habitat
-  Permanent Ponds
-  Additional Survey Area

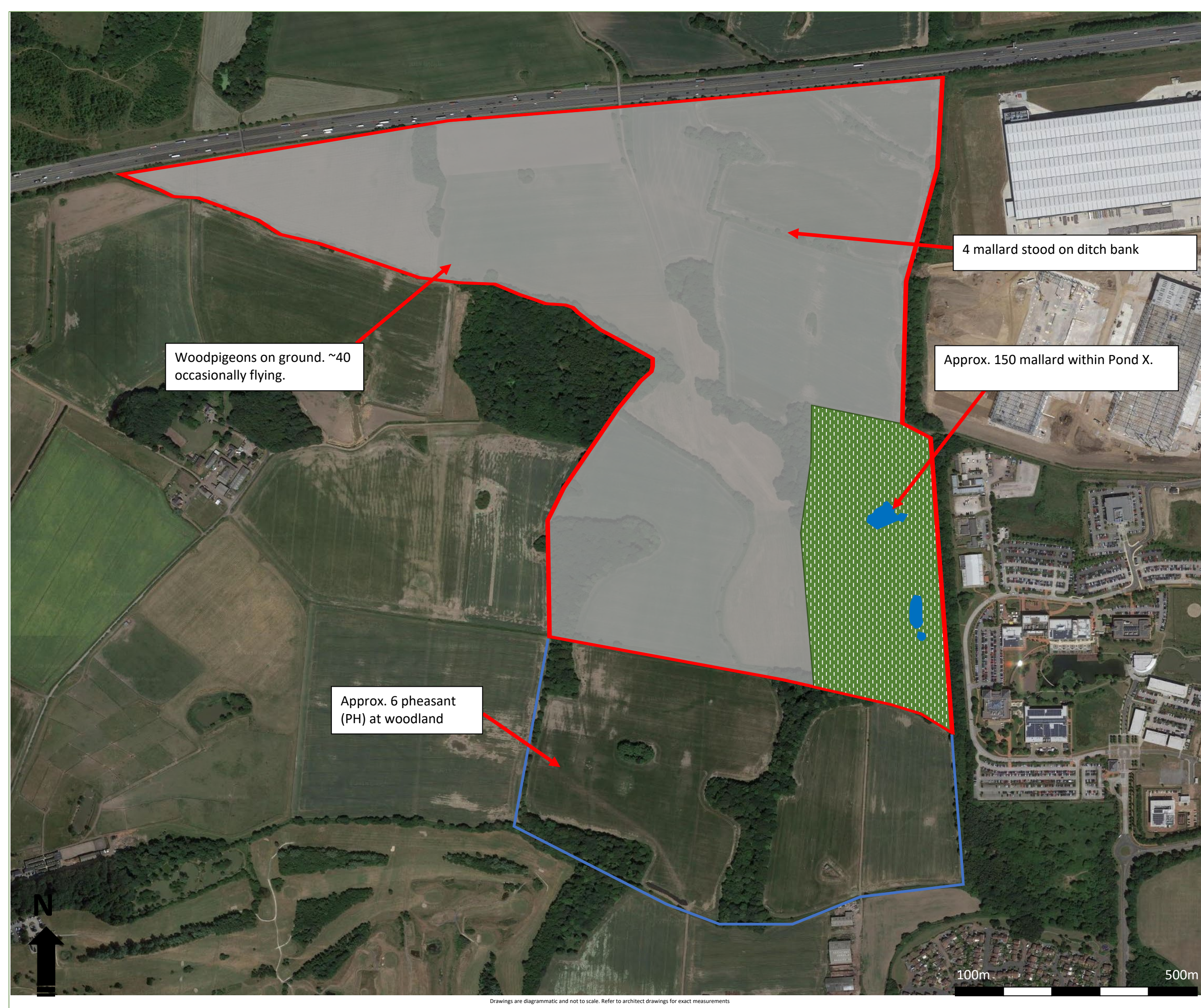


Drawing No.: 16903-03WBS_A

Revision Dates			
A	B	C	D
29/11/19			

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Drawings are diagrammatic and not to scale. Refer to architect drawings for exact measurements

Figure 4
Survey 2

Omega Zone 8, St Helens

Legend

-  Development Boundary / Survey Area
-  Improved Grassland – Wintering Bird Habitat
-  Arable Land – Non-Wintering Bird Habitat
-  Permanent Ponds
-  Additional Survey Area

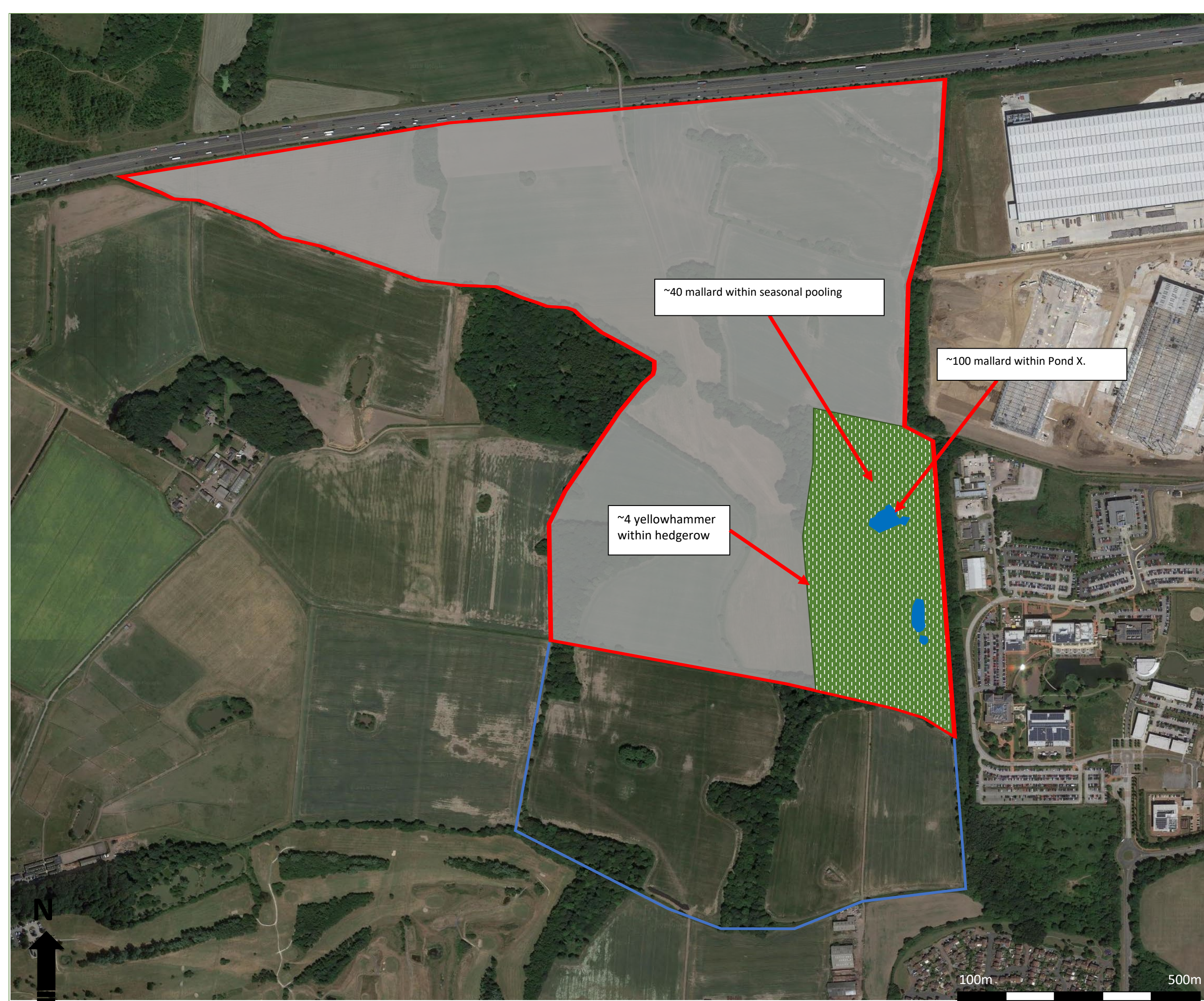


Drawing No.: 16903-04WBS_A

Revision Dates			
A	B	C	D
29/11/19			

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





Drawings are diagrammatic and not to scale. Refer to architect drawings for exact measurements

Figure 5
Survey 3

Omega Zone 8, St Helens

Legend

-  Development Boundary / Survey Area
-  Improved Grassland – Wintering Bird Habitat
-  Arable Land – Non-Wintering Bird Habitat
-  Permanent Ponds
-  Additional Survey Area

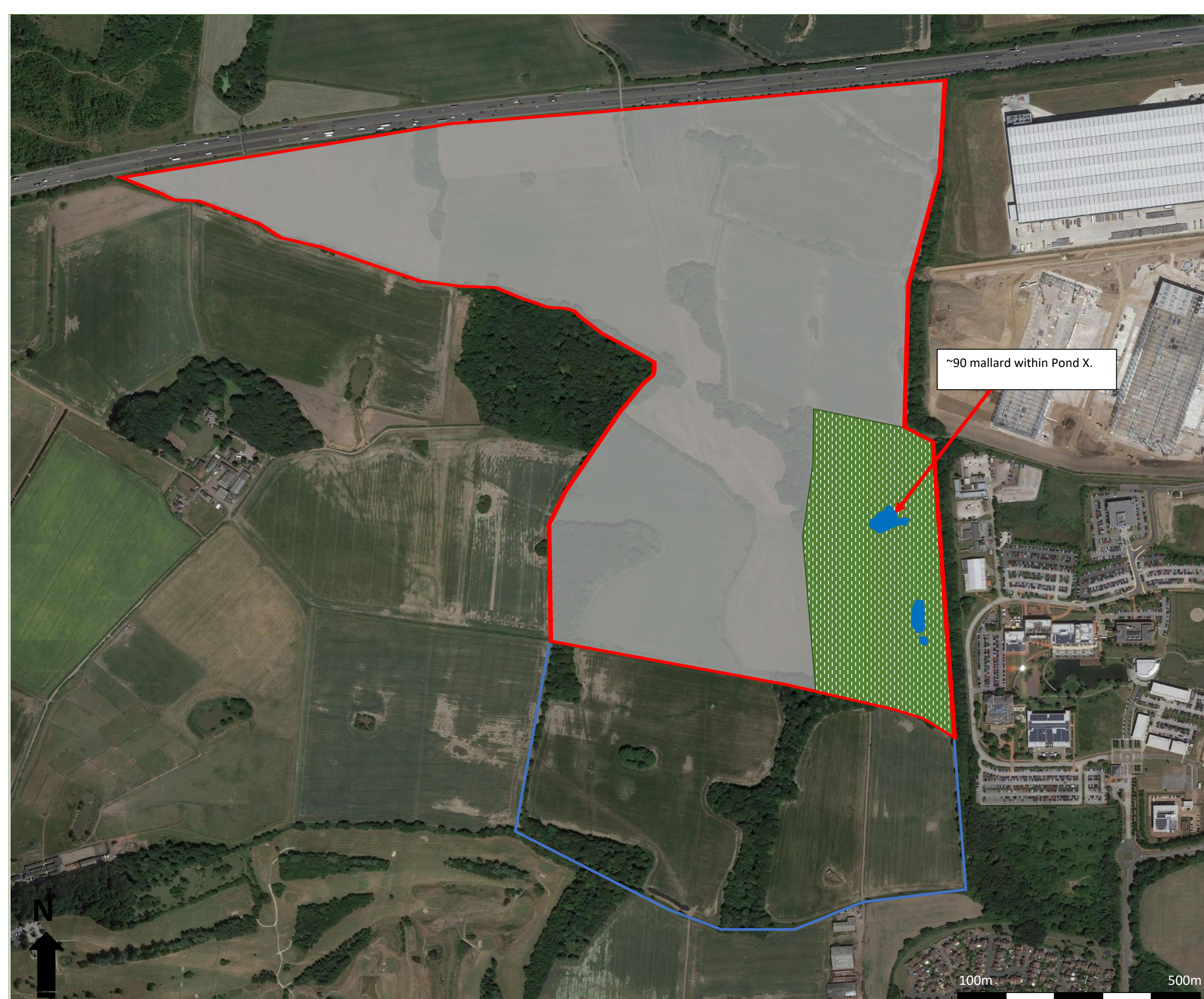


Drawing No.: 16903-05WBS_A

Revision Dates			
A	B	C	D
29/11/19			

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





Drawings are diagrammatic and not to scale. Refer to architect drawings for exact measurements

Figure 6
Survey 4

Omega Zone 8, St Helens

Legend

-  Development Boundary / Survey Area
-  Improved Grassland – Wintering Bird Habitat
-  Arable Land – Non-Wintering Bird Habitat
-  Permanent Ponds
-  Additional Survey Area



Drawing No.: 16903-06WBS_A

Revision Dates			
A	B	C	D
06/01/12			

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





Drawings are diagrammatic and not to scale. Refer to architect drawings for exact measurements

Figure 7
Survey 5

Omega Zone 8, St Helens

Legend

-  Development Boundary / Survey Area
-  Improved Grassland – Wintering Bird Habitat
-  Arable Land – Non-Wintering Bird Habitat
-  Permanent Ponds
-  Additional Survey Area

~60 mallard within Pond X.



Drawing No.: 16903-07WBS_A

Revision Dates

A	B	C	D
06/01/12			






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Figure 8
Survey 6

Omega Zone 8, St Helens

Legend

-  Development Boundary / Survey Area
-  Improved Grassland – Wintering Bird Habitat
-  Arable Land – Non-Wintering Bird Habitat
-  Permanent Ponds
-  Additional Survey Area

~60 mallard within Pond X.



Drawing No.: 16903-08WBS_A

Revision Dates			
A	B	C	D
06/01/12			

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4. SUMMARY

- 4.1.1. Opportunity exists for wintering birds throughout the Site, with improved grassland in particular providing a moderate amount of potential wintering bird habitat, where seasonal pooling is also present during times of heavy rainfall. Extensive arable habitat is present across the Site which provides further potential habitat for all species.
- 4.1.2. During the six surveys undertaken at the Site to date, no species associated with the Mersey Estuary SPA were observed.
- 4.1.3. A peak of 150+ mallard was recorded during the surveys. These were also recorded during other biological site surveys during the summer months and appear to be permanent residents. Mallard are listed by the British Trust for Ornithology (BTO) in Eaton et al 2015⁶ as an AMBER species⁷ and are not part of the qualifying wintering bird assemblage for Mersey SPA designation.
- 4.1.4. The Site is considered to not be used by SPA qualifying species or migratory bird species and further survey is therefore not recommended.

⁶ Eaton MA, Aebischer NJ, Brown AF, Hearn RD, Lock L, Musgrove AJ, Noble DG, Stroud DA and Gregory RD (2015) Birds of Conservation Concern 4: the population status of birds in the United Kingdom, Channel Islands and Isle of Man. *British Birds* 108, 708–746.

⁷ Amber Criteria WDMp¹ which represents a moderate non-breeding population decline over 25 years/longer term.

5. APPENDICES

5.1. APPENDIX 1: MEAS METHODOLOGY RECOMMENDATION

Andrew Arnott

From: Rachael Rhodes <Rachael.Rhodes@eas.sefton.gov.uk>
Sent: 20 September 2019 09:50
To: Andrew Arnott
Subject: RE: 169-03 Omega West - ecological surveys

Hi Richard,

We normally advice applicants to follow methods set out within Natural England standing advice and SNH survey guidelines (links below). We normally recommend 2 visits per month to give a minimum of 36 hours survey over the period of September to end of March inclusive.

<https://www.gov.uk/guidance/wild-birds-surveys-and-monitoring-for-onshore-wind-farms>

<https://www.nature.scot/sites/default/files/2018-06/Guidance%20Note%20-%20Recommended%20bird%20survey%20methods%20to%20inform%20impact%20assessment%20of%20Onshore%20windfarms.pdf>

Regards, Rachael

Rachael Rhodes
Ecologist
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From: Andrew Arnott [mailto:andrew.arnott@ecologypractice.co.uk]
Sent: 04 September 2019 10:54
To: Rachael Rhodes <Rachael.Rhodes@eas.sefton.gov.uk>

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WILLOWGATE

WELSH NEWTON COMMON

HEREFORDSHIRE

NP25 5RT

TELEPHONE: 0845 602 3822

WEBSITE: www.ecologypractice.co.uk

6.3 APPENDIX 3: ADVICE TO DISCONTINUE WBS

Andrew Arnott

From: Rachael Rhodes <Rachael.Rhodes@eas.sefton.gov.uk>
Sent: 23 January 2020 10:55
To: Mark Morgan
Cc: Andrew Arnott; Colin Graham; Jennifer Bolton; Nicola Hayes
Subject: RE: 169-03 Omega Zone 8: Wintering Bird Surveys
Attachments: 16903_WBS_A Wintering Bird Report FINAL.pdf

Hi Mark,

Thanks for providing a copy of your survey results to date which I have reviewed and which we discussed this morning. Given the lack of any qualifying bird species recorded by your survey I am content for the surveys to be discontinued. I advise that the applicant still submit the survey report with any future planning application as this will provide evidence of lack of use of this site by qualifying bird species of the European Sites.

Regards, Rachael

Rachael Rhodes
Principal Ecologist
MCIEEM

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From: Mark Morgan <mark.morgan@ecologypractice.co.uk>
Sent: 09 January 2020 10:26
To: Rachael Rhodes <Rachael.Rhodes@eas.sefton.gov.uk>
Cc: Andrew Arnott <andrew.arnott@ecologypractice.co.uk>; Colin Graham <colin.graham@millerdevelopments.co.uk>
Subject: 169-03 Omega Zone 8: Wintering Bird Surveys

Dear Rachael,

I am the project ecologist for the potential expansion of Omega Business Park within St Helens – Omega Zone 8.

During previous communication with yourself (as attached) we were requested to undertake wintering bird surveys at Omega Zone 8 in relation to the proximity of Mersey Estuary SPA, to assess whether qualifying species are using the Site as functionally linked land.

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