



Natural England's comments (06/03/2020) that they have not seen the latest Wintering Bird Survey Report<sup>1</sup>.

There is also a requirement to update the Environmental Statement (ES) to reflect comments made by Natural England relating to impacts of the development on Downholland Moss Site of Special Scientific Interest (SSSI); and a revision to Table 11.1 (page 136) of the ES to rectify the quotes made from Natural England during scoping. It is recommended that these are addressed in the form of an addendum to the ES.

### **Habitats Regulations Assessment**

A shadow HRA Screening Report (Ecology Services Ltd, March 2019) was issued as part of the planning application.

It is noted that the proposer has not prepared or submitted an updated Shadow HRA Report to include findings of the updated Wintering Bird Report (Ecology Services Ltd, October 2019)<sup>1</sup>, or address the concerns raised by Natural England (30<sup>th</sup> August 2019 and again 9<sup>th</sup> March 2020) and Lancashire County Council (LCC) (27<sup>th</sup> January 2020).

Items 45, 47, 48, 49 of the Zetland response indicates some confusion regarding the role of the proposer and the role of the competent authority in providing this evidence. It is the role of the proposer 'to provide all the information necessary for the competent authority to complete the Habitats Regulations Assessment' including Stage 1 screening process and Stage 2 AA (for example, as defined in Roles and Responsibilities; Habitats Regulations Handbook<sup>2</sup>). The absence of this data would require the competent authority to adopt a precautionary approach when undertaking the assessment (i.e. to conclude LSE).

Lancashire County Council should not consent this project on the basis that insufficient evidence has been provided to support the conclusion of no LSE presented in the Shadow HRA Screening report. In light of consultation with Natural England, for which the competent authority has legal duty to have due regard to their representations, we do not agree with the conclusion of no LSE presented in the Shadow HRA report. The evidence provided indicates there is a feasible pathway for potentially significant effects on wintering SPA and Ramsar birds associated with functionally linked land during construction, operation and restoration.

In line with comments made by Natural England it is recommended that an AA is undertaken, and that the developer produces and submits a report to inform an AA (or Shadow Appropriate Assessment Report) for consideration as part of the planning application. It is expected that some of the points made in the Zetland response (for example item 49 relating to bird data and functionally linked land) can be included in the Shadow AA Report and for consideration as part of the AA.

We are also in agreement with Natural England that there are limitations with the ornithological survey work that is presented in the Shadow HRA as it does not include the results of the weekly March to mid-May 2019 surveys (Spring passage = 10 visits). This information is provided in the updated Wintering Bird Report but has not been included in an update shadow HRA Screening Report / AA or presented to Natural England. Therefore, prior to producing the Shadow AA Report it is recommended that the developer consults with Natural England to discuss the suitability of the 2018/2019 winter bird survey methodology and results to inform the HRA process.

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<sup>1</sup> Ecology Services Ltd (rev October 2019). Land at Altcar Moss Wintering Bird Survey Report.

<sup>2</sup> Tyldesley, D., and Chaman, C., (2013) The Habitats Regulations Assessment Handbook (June 2020) UK: DTA Publication Limited.

### **Environmental Statement (ES)**

There is a requirement to update the ES to reflect comments made by Natural England. This relates to

- the requirement to assess the impacts of the development on Downholland Moss SSSI (geological site); and
- the required revision to Table 11.1 (page 136) of the ES to rectify the quotes made from Natural England during scoping.

It is recommended that these are addressed in the form of an addendum to the ES.