

Date: 05 September 2022
Our ref: 405536
Your ref: LCC/2022/0003



BY EMAIL ONLY

Hornbeam House
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CW1 6GJ

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Dear Mr Haine

Planning consultation: Demolition of existing building and erection of purpose built building (and ancillary structures) to house high temperature treatment facility for the management of medical waste.

Location: Ulzean W2E Ltd, Tower House, Stopgate Lane, Simonswood Industrial Park, Simonswood.

Thank you for your consultation received by Natural England on 31 August 2022.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON DESIGNATED SITES

As submitted, the application could have potential significant effects on:

- Martin Mere Special Protection Area (SPA)
- Martin Mere Ramsar
- Ribble & Alt Estuaries SPA
- Ribble & Alt Estuaries Ramsar
- Martin Mere, Buscough Site of Scientific Interest (SSSI)

Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment

Without this information, Natural England may need to object to the proposal.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites is set out below.

Internationally designated sites

The application site is within 12.8km of Martin Mere SPA and Martin Mere Ramsar. It is also within 16km of Ribble & Alt Estuaries SPA and Ribble & Alt Estuaries Ramsar.

Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA populations or some individuals of the population for some or all of the time, such as Simonswood Moss Biological Heritage Site (BHS) which is within 1km of the proposal site. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have¹. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Natural England has also published Conservation Advice packages which may provide useful information to aid your assessment. Our Conservation Advice Packages can be found [here](#).

Habitats Regulations Assessment (HRA)

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England has reviewed the Preliminary Ecological Appraisal (United Environmental Services Ltd, May 2021) and note it includes an assessment of impacts on wintering birds with are the qualifying species of the above designated sites. We advise this information should be used to inform your HRA.

We recommend the following information should be included within your HRA:

- *Noise & visual disturbance during the demolition/construction phase* – Natural England note that the proposal site is within close proximity to a range of agricultural fields and the BHS to the South East, which have the potential to be used as support habitat by the qualifying bird species of the above designated sites. We note that the Preliminary Ecological Appraisal (United Environmental Services Ltd, May 2021) considers impacts during the demolition phase to be unlikely. But, to further reduce any potential impact, Section 4.2.2 of the report includes a mitigation measure to limit demolition works during the peak wintering bird period (November to February inclusive).

On the precautionary principle Natural England concur with these conclusions" relating to the demolition phase and suggest similar consideration should be given to the construction phase.. As no comprehensive bird data has been submitted to clearly demonstrate no qualifying bird species are utilising the nearby agricultural field as supporting habitat, we advise this impact pathway should be taken through to the appropriate assessment stage of the HRA. Appropriate mitigation should be implemented such as timing restrictions during

¹ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

the demolition and construction phase to avoid the wintering bird period, to demonstrate there will be no adverse impacts on the qualifying bird species of the above designated sites.

- *Direct loss of functionally linked land* – The assessment concludes there will be no direct loss of supporting habitat as the site does not contain suitable foraging opportunities and is an active working area. Natural England concurs with these conclusions and advise you can conclude no likely significant effect for this impact pathway.
- *Noise & visual disturbance during the operational phase* – Due to the scale of the development, distance from the BHS, surrounding industrial estate and natural screening, the assessment concludes any disturbance impacts from the proposal are limited. Based on the evidence within Section 3.3 .6 of the report, we concur with this view. We advise this detail is incorporated into the HRA to demonstrate there will be no likely significant effects via noise and visual disturbance during the operational phase on the qualifying species of the above designated sites.

Martin Mere, Burscough SSSI

The application site is within 12.8km of Martin Mere, Burscough SSSI. As submitted, the application does not contain sufficient information to conclude that the proposed development is not likely to damage or destroy the interest features for which this SSSI has been notified. Our concerns are set out above.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please email consultations@naturalengland.org.uk quoting the reference number at the top of this letter.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

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