

# **Habitats Regulations Assessment**

Draft Report for

Rock armour maintenance, Caldy Golf Course

**Wirral Council**

3 March 2014

Document Control


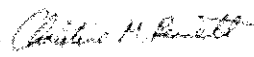
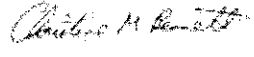
Project: Rock armour maintenance, Caldy Golf Course

Prepared for: Wirral Council

File Reference: WI13/041

File Origin: G:\MerseysideEAS\HRA\Project Screenings and AAs\Rock armour maintenance, Caldy Golf Course

Document Checking

Prepared by:	Tom King ACIEEM Merseyside EAS Ecologist	Signed: 
Checked by:	Christine Bennett MCIEEM Merseyside EAS Ecology Team Leader	Signed: 
Verified by:	Christine Bennett MCIEEM Merseyside EAS Ecology Team Leader	Signed: 

Issue	Date	Status
A	28 February 2014	Draft for internal review
B	3 March 2014	Final Draft for internal review and sign off
1	3 March 2014	Draft Report for Wirral Council

## **Contents**

Summary	4
Conclusions	6
Brief Description of the project or plan	7
Assessment of likely significant effects – Source-Pathway-Receptor model	8
Brief Description of the Natura 2000 sites	10
Finding of No Significant Effects Report	11

## **Appendices**

Appendix 1 - Effect Tables for Natura 2000 site	18
---	----

## **Figures**

Figure 1	Source-Pathway-Receptor Model	5
Figure 2	Map to show application site in relation to Natura 2000 sites	7
Figure 3	Map to show application site in relation to Natura 2000 sites	11

## Summary

1. This document sets out Wirral Council's assessment of likely significant effects of the proposed project in accordance with the Habitats Regulations<sup>1</sup> and the EU Habitats Directive<sup>2</sup>. It is the Habitats Regulations Assessment (HRA) report for this planning application and it has been prepared for Wirral Council by Merseyside Environmental Advisory Service.

## Approach

2. Our approach is based on the EU document "Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC" prepared by Oxford Brookes University for Natura 2000 Commission Environment DG and published by Natura 2000 Commission Environment DG, 2001, in particular the Annex 2 assessment forms<sup>3</sup>.
3. HRA is an assessment of the potential effects of a proposed project or plan – either a Development Plan Document (DPD) or a Supplementary Planning Document (SPD) – on one or more sites of international nature conservation importance. Projects and plans can only be permitted where the 'competent authority' (in this case Wirral Council) is satisfied that there will be no adverse effects on integrity of the relevant Natura 2000 sites.
4. These sites of international nature conservation importance are the network of Natura 2000 sites. The Natura 2000 sites are of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species. Natura 2000 sites include Special Protection Areas (SPAs) designated under the EU 'Wild Birds' Directive, Special Areas of Conservation (SACs) designated under the EU 'Habitats' Directive and Offshore Marine Sites (OMSs).
5. The National Planning Policy Framework (NPPF) (paragraph 118) states that Ramsar sites should be taken to be part of the Natura 2000 network and treated accordingly. Ramsar sites and 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 'Natura 2000 sites' to refer to all these designations and proposed designations.
6. Stage 1 of the HRA process is the assessment of proposed plans and projects for likely significant effects. If there is none, then no further steps need to be taken. Where significant effects seem likely, a more detailed Appropriate Assessment of the proposed

---

<sup>1</sup> The Conservation of Habitats and Species Regulations, 2010 (SI 2010 No. 490) and amendments in 2011 (SI 2011 No. 625) and 2012 (SI 2012 No. 1927).

<sup>2</sup> The European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

<sup>3</sup> Oxford Brookes University for European Commission Environment DG (2001). *Assessment of plans and projects significantly affecting Natura 2000 sites: Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*

plan or project is necessary. This is known as Stage 2. This process will often establish mitigation measures or alternatives, which can offset all significant adverse effects and enable the plan or project to go forward. Where this is not the case, other more stringent measures need to be considered. This report takes into account mitigation measures included within the submitted project and forms a rigorous assessment of likely significant effects.

7. The source-pathway-receptor model is used to assess individual elements of the project likely to give rise to effects on the Natura 2000 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 Mersey Estuary SPA and Ramsar sites. If there is a source-pathway-receptor link for any potential effect 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 this stage. All potential effects, no matter how small are identified and the 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.

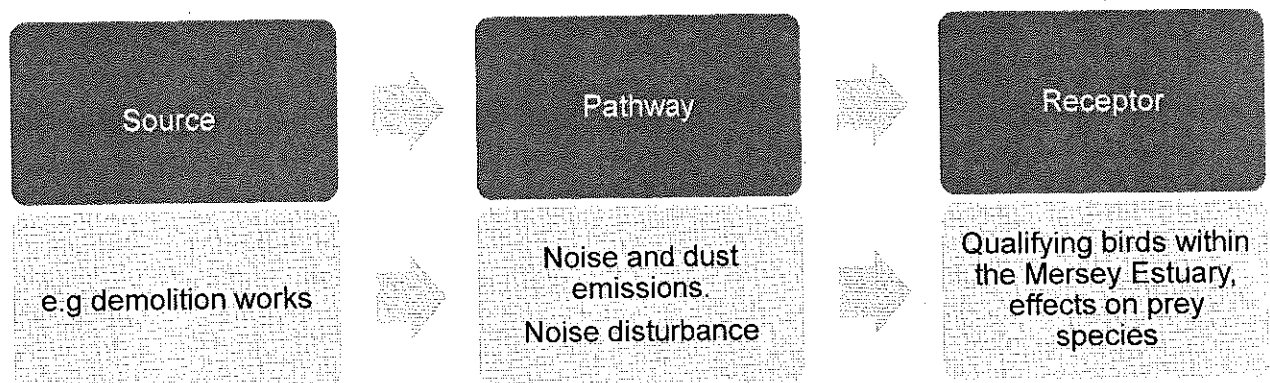


Figure 1 – Source-Pathway-Receptor Model

8. The approach used in this report has been scoped with Natural England and has been acceptable to them in the past. Natural England's standing advice is that when a finding of no significant effect is reached, consultation is not required. Natural England has been consulted because the proposal is within a SSSI.

### Recommendations

9. **The following matters will be secured through the Decision Notice:**

- The timing of the works are limited as set out in the application;
- Pollution prevention measures are following as set out in the application;
- The area of works is limited to that specified between NGRs SJ2220084800 and SJ32286084030;
- No materials, machinery or plant is stored on the beach;

3 March 2014

- The access is restricted to Caldy Steps and Thurstaston Slipway and must be in line with the applicant's note *Plant and Machine Access on Beach, 9 January 2014*;
- Any future maintenance is restricted to May, June or July for at least 25 years as set out in the applicant's note *Rock Maintenance at Caldy Golf Club, 07 January 2014*; and
- Machinery and plant used on the beach use low pressure tires or tracks.

### Conclusions

10. After carrying out the HRA, taking into account the mitigation measures included in the planning application, and provided the above planning conditions are applied, we conclude that Planning Application APP/13/01346:
  - a. is not directly connected with or necessary to the management of the sites;
  - b. does not intrude into the Natura 2000 sites listed below;
  - c. is not considered, either alone or in-combination with any other plans or projects, to have a likely significant effect on each of the following sites;
    - Dee Estuary SAC;
    - Dee Estuary SPA; and
    - Dee Estuary Ramsar Site
11. This HRA 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 HRA.
12. Accordingly, no appropriate assessment is required to be made under Regulations 61, 62 and 68 of the Habitats Regulations, before the Council decides to undertake, or give any consent, permission or other authorisation for this project.

**Brief Description of the project or plan**

13. The project is located between National Grid References SJ2220084800 and SJ32286084030 (roughly 1.1km in length). The project is within the Dee Estuary Natura 2000 sites (See Figure 2). The project is also within the Dee Estuary SSSI and within 10m of the Dee Cliffs SSSI.

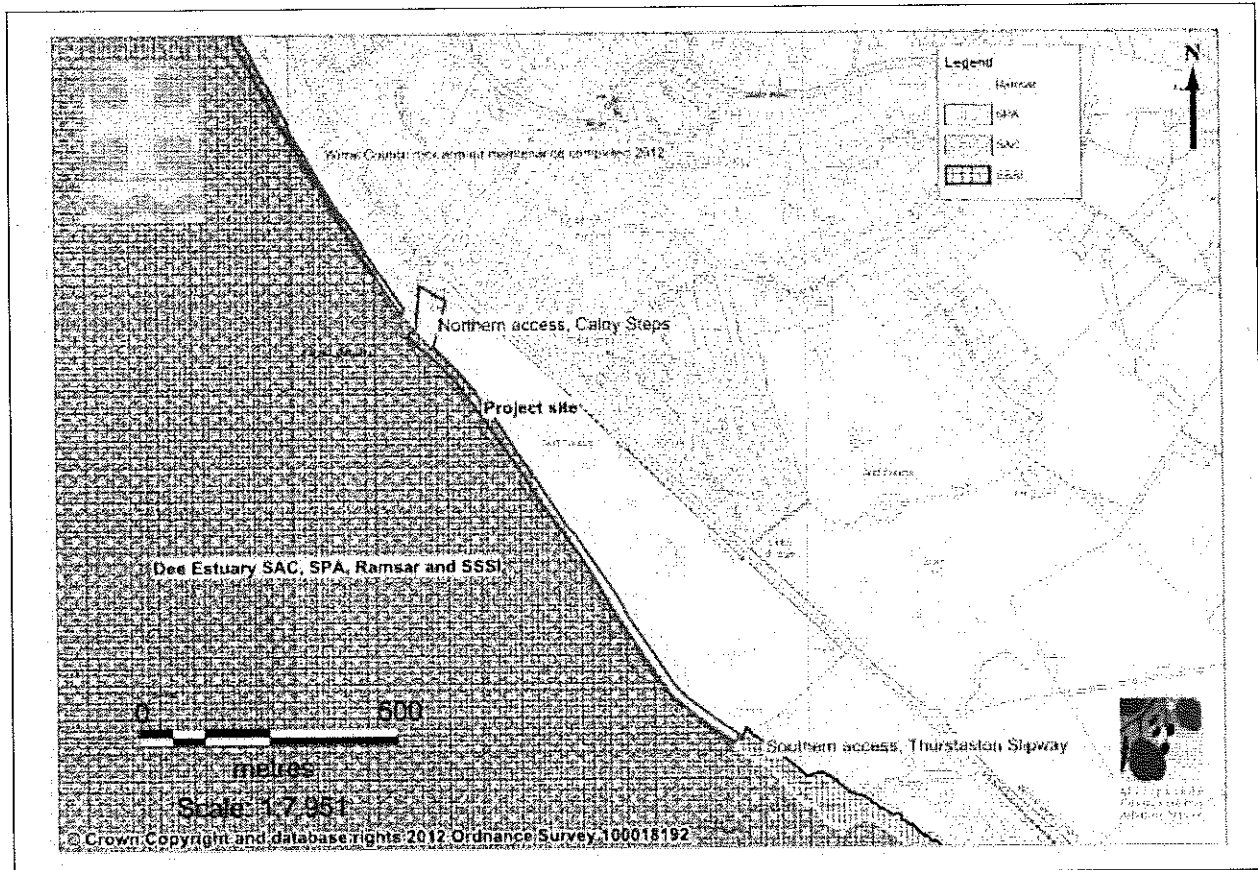


Figure 2: Map to show application site in relation to Natura 2000 sites

14. The project involves the following:

- Import of 3-5 tonne pieces of rock armour;
- Import 150mm-300mm bedstone;
- Stockpiles in two locations; northern area within the golf course adjacent to Caldy Steps car park and outside the designated sites, and southern area within Dee Sailing Club car park and outside the designated sites;
- Landscaping of existing ditch/drain within golf course at Caldy Steps to allow machinery to access the rock armour area;
- Transport rock armour and bedstone from stockpiles to and along beach using low pressure tractor and trailer units;
- At Caldy Steps rock armour and bedstone will be transported along the existing armour outside the designated sites, where possible;

3 March 2014

- Import and replace geotextile, only where the existing has moved due to the rock armour movement and will only be within the established footprint of the rock armour;
- Replace existing rock armour as required and place imported rock with excavator/grab;
- Maintain a tidy beach and access routes;
- Clean-up of slipway and stockpile areas following completion of works;
- Reinstatement of the ditch/drain within the golf course at Caldy Steps and replacement of existing land drain damaged by storms and landslip; and
- The project will maintain the established extent of rock armour and will not result in encroachment into the designated sites, or further into the cliffs where they are not statutorily designated. Loss of habitat will not occur.

15. Timings:

- The work will be undertaken over 3 years (2014-2016, inclusive);
- All work will be undertaken during May, June and July each year;
- Works in 2014 will concentrate at Caldy Steps and will involve the greatest amount of work, including the import of the rock armour and bedstone. This is to repair damage caused by the late 2013 and early 2014 storms. The access track at Caldy Steps, outside the designated sites, will be undertaken in late April to May 2014;
- Works in 2014 will be complete by early July 2014 to fit with the 2014 golf Open Championship at Royal Liverpool Golf Course.
- Works in 2015 and 2016 will be less in scope and will involve repacking of moved stone and some introduction of new material. This will be needed along the whole length of the rock armour but it is anticipated by the applicant that the majority of works will be at the southern end close to the Thurstaston Slipway.

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

16. 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
Site Construction – activity on site	Visual and noise disturbance	Qualifying bird species within the Dee Estuary Natura 2000 sites.
Site construction – excavation	Release of existing onsite contamination	Qualifying habitats of the Dee Estuary SAC and Ramsar. Supporting habitats of the Dee estuary SPA.
Site construction – vehicles on site	Release of construction related pollutants	Qualifying habitats of the Dee Estuary SAC and Ramsar. Supporting habitats of the Dee estuary SPA. Qualifying species of the Dee Estuary SAC and Ramsar.



Site construction – access requirements	Abrasion and compaction	Qualifying habitats of the Dee Estuary SAC and Ramsar. Supporting habitats of qualifying species of the Dee Estuary SPA.
Maintenance – activity on site	Visual and noise disturbance	Qualifying bird species within the Dee Estuary Natura 2000 sites.
Maintenance – vehicles on site	Release of construction related pollutants	Qualifying habitats of the Dee Estuary SAC and Ramsar. Supporting habitats of the Dee estuary SPA. Qualifying species of the Dee Estuary SAC and Ramsar.
Maintenance – access requirements	Abrasion and compaction	Qualifying habitats of the Dee Estuary SAC and Ramsar. Supporting habitats of qualifying species of the Dee Estuary SPA.

**Table 1:** Source-Pathway-Receptor Summary

**Brief Description of the Natura 2000 sites**

17. The application site is located within the following Natura sites:

- Dee Estuary SAC;
- Dee Estuary SPA; and
- Dee Estuary Ramsar

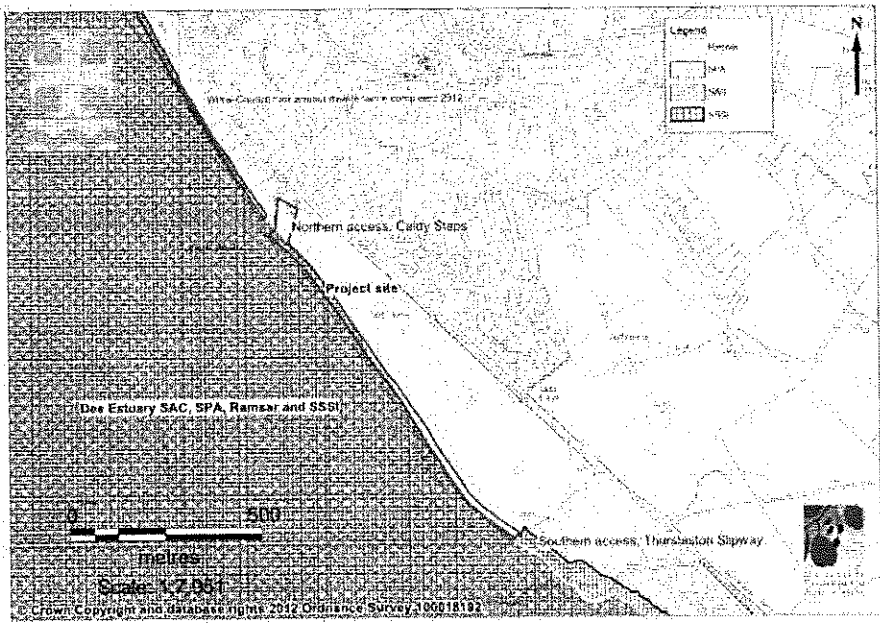
18. Brief description of Natura 2000 site(s);

The Dee Estuary is one of the largest estuaries in the UK, with an area of over 14,000 ha. It is the largest macro-tidal coastal plain estuary along a long stretch of coast between the larger Severn Estuary and the Solway Firth, with a mean spring tidal range of 7.7 m at the mouth. The River Dee drains an area of 2088 km<sup>2</sup> and flows from the mountains of Snowdonia to the Cheshire plain (Environment Agency, 1998).

19. Descriptions of the SPA and Ramsar sites plus their conservation objectives and vulnerabilities are available from the websites [www.naturalengland.org.uk](http://www.naturalengland.org.uk) and [www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk) or by request from Merseyside EAS.

20. The project is also within the Dee Estuary SSSI and adjacent to the Dee Cliffs SSSI at Thurstaston Slipway.

**Finding of No Significant Effects Report - Rock armour maintenance, Caldy Golf Course, APP/13/01346**

<p>Name of Project or Plan</p>	<p>Rock armour maintenance, Caldy Golf Course</p>
<p>Name and location of Natura 2000 sites</p>	<p>The Natura 2000 sites that may be influenced by this project are:</p> <ul style="list-style-type: none"> <li>• Dee Estuary SAC;</li> <li>• Dee Estuary SPA; and</li> <li>• Dee Estuary Ramsar</li> </ul> <p>The locations of the Natura 2000 sites relative to the project are presented in Figure 3 below. Other Natura 2000 sites in the region are not considered to be influenced by this project as no pathways exist according to the source-pathway-receptor model.</p>
<p>Location of Project in relation to Natura 2000 sites</p>	 <p><b>Figure 3: Map showing Site in relation to Natura 2000 sites</b></p>
<p>Description of the project or plan</p>	<ul style="list-style-type: none"> <li>• Import of 3-5 tonne pieces of rock armour;</li> <li>• Import 150mm-300mm bedstone;</li> <li>• Stockpiles in two locations; northern area within the golf course adjacent to Caldy Steps car park and outside the designated sites, and southern area within Dee Sailing Club car park and outside the designated sites;</li> <li>• Landscaping of existing ditch/drain within golf course at Caldy Steps to allow machinery to access the rock armour area;</li> <li>• Transport rock armour and bedstone from stockpiles to and along beach using low pressure tractor and trailer units;</li> <li>• At Caldy Steps rock armour and bedstone will be transported along the existing armour outside the designated sites, where possible;</li> <li>• Import and replace geotextile, only where the existing has moved due</li> </ul>

	<p>to the rock armour movement and will only be within the established footprint of the rock armour;</p> <ul style="list-style-type: none"> <li>• Replace existing rock armour as required and place imported rock with excavator/grab;</li> <li>• Maintain a tidy beach and access routes;</li> <li>• Clean-up of slipway and stockpile areas following completion of works;</li> <li>• Reinstatement of the ditch/drain within the golf course at Caldy Steps and replacement of existing land drain damaged by storms and landslip; and</li> <li>• The project will maintain the established extent of rock armour and <u>will not result in encroachment into the designated sites</u>, or further into the cliffs where they are not statutorily designated. Loss of habitat is not considered to be an issue.</li> </ul> <p>Timings</p> <ul style="list-style-type: none"> <li>• The work will be undertaken over 3 years (2014-2016, inclusive);</li> <li>• All work will be undertaken during May, June and July each year;</li> <li>• Works in 2014 will concentrate at Caldy Steps and will involve the greatest amount of work, including the import of the rock armour and bedstone. This is to repair damage caused by the late 2013 and early 2014 storms. The access track at Caldy Steps, outside the designated sites, will be undertaken in late April to May 2014;</li> <li>• Works in 2014 will be complete by early July 2014 to fit with the 2014 golf Open Championship at Royal Liverpool Golf Course.</li> <li>• Works in 2015 and 2016 will be less in scope and will involve repacking of moved stone and some introduction of new material. This will be needed along the whole length of the rock armour but it is anticipated by the applicant that the majority of works will be at the southern end close to the Thurstaston Slipway.</li> </ul>
<p>Is the project or plan directly connected with or necessary to the management of the site</p>	<p>No.</p>
<p>Are there other projects or plans that together with the project or plan being assessed could affect the site</p>	<p>Relevant plans assessed for in combination effects in relation to this project are:</p> <ol style="list-style-type: none"> <li>1. North Wales and North West Shoreline Management Plan 2 – This states for this unit of the Plan to 'hold the line'. This project is in line with this agreed policy.</li> <li>2. Wirral Coastal Strategy Phase 2. Consultation document, August 2012. The strategy determines that in this unit (<i>Strategy Unit 3 – Caldy Cliffs</i>) maintaining and replacing the existing linear defences will be required, with likely finding coming from private sources (likely</li> </ol>

<p>(provide details)?</p>	<p>the Golf Course). The project is completely in line with the Coastal Strategy.</p> <p>The following projects were assessed for in combination effects on the grounds that there are common potential pathways of impact on the Ribble and Alt Estuaries SPA / Ramsar:</p> <p>3. Dee Cockle Fishery</p>
---------------------------	---

**The assessment of significance of effects**

<p>Describe how the project or plan (alone or in-combination) is likely to affect the Natura 2000 site</p>	<p>Potential effects identified were:</p> <ol style="list-style-type: none"> <li>1. Visual and noise disturbance</li> <li>2. Release of existing onsite contamination</li> <li>3. Release of construction related pollutants</li> <li>4. Abrasion and compaction of habitats</li> </ol>
<p>Explain why these effects are not considered significant.</p>	<p>Potential effects identified were:</p> <ol style="list-style-type: none"> <li>1. Visual and noise disturbance                      The original planning application was validated in December 2013 with set timings. Following discussions with the Council and MEAS and following the storms of late 2013/early 2014 revised times were confirmed with the applicant. All works will be restricted to May, June and July. This includes all works during 2014-2016 and any subsequent maintenance. This has been confirmed by the applicant (<i>Note on Maintenance License, 7 January 2014</i>) and will be secured as part of the Decision Notice, if the application is approved. The applicant has specifically timed the works for this period to avoid any impacts to passage or over-wintering birds. There are no likely pathways where the project could cause in-combination effects. <b>No likely significant effects alone, or in-combination.</b></li> <li>2. Release of existing onsite contamination                      The northern section of the cliffs near Caldy Steps has been built up with demolition waste in the historic past. The proposed works will not disturb the cliffs. The project will also involve the relaying of geotextile, which will secure the cliff under the rock armour and support the cliff above. This will reduce the instances of demolition material being washed out of the cliff. The project could benefit the Dee Estuary by limiting potentially contaminated material being released. There are no likely pathways where the project could cause in-combination effects. <b>No likely significant effects alone, or in-combination.</b></li> <li>3. Release of construction related pollutants                      The project will involve machinery moving onto and across the designated sites. This includes a small section of beach within the Dee Cliffs SSSI. The applicant has confirmed that they will avoid any impacts by following pollution control measures to prevent spills onto habitats within the Designated sites, including the Dee Cliffs SSSI (<i>Note on Oil and Fuel Spillage, 9 January 2014</i>). This applies to the proposed works between 2014 and 2016 and any subsequent maintenance. This will be secured as part of the Decision Notice, if the application is approved. There are no likely pathways where the project could cause in-combination effects. <b>No likely significant effects alone, or in-combination.</b></li> </ol>

#### 4. Abrasion and compaction of habitats

The project involves running vehicles across the beach to gain access, deliver materials and placement of rock armour. This will be within the designated sites, including the section of the Dee Cliffs SSSI on the beach. The Regulation 33 package shows the habitats in this area by SAC designation (Appendix 4) and SPA/Ramsar (Appendix 5). The SAC designations are identified as 'Muddy sand communities' and 'Intertidal hard substrate'. The SPA/ Ramsar as 'Intertidal mudflats and sandflats'.

All these habitat classifications are considered to have a high vulnerability to abrasion/compaction. This is primarily due to the high level of activity, namely the cockle fishery, which takes place within the Estuary. However, the cockle fishery has been reviewed by the Environment Agency and further measures put in place including limiting the number of licenses available down to 50, compared to over 1000 people previously. This has reduced the pressure on the habitats. The closed season on cockling has also been extended and now runs from 1<sup>st</sup> Jan – 30<sup>th</sup> June. The project will be undertaken during a time when the cockle fishery is closed. This will limit in-combination impacts and not be significant.

The applicant has commented (*Note on Plant and Machine Access on Beach, 9 January 2014*) that there is a "narrow strip of sand at the toe of the rock structure" and "beyond this strip the beach is soft and muddy and is covered in sandstone blocks". A site visit on 5 February 2014 confirmed this as correct. The applicant has committed to only using the strip of sand and will not go into the softer muddy areas. The sand habitats are more resilient to abrasion. The applicant has also committed to use low pressure tyres on the tractors and trailers. This will further reduce the abrasion on the sand habitats.

The limited area of the works will only impact a very small area of habitat (roughly 2 hectares) when considering the whole of the Designated sites. The reduced timings of work also mean that habitats will be exposed to abrasion for a limited time.

The mitigation measures put in place by the applicant, in combination with advice from the Council and MEAS will reduce any impacts and will not be significant. This applies to the proposed works between 2014 and 2016 and any subsequent maintenance. **No likely significant effects alone, or in-combination.**

**No likely significant effects predicted on the European Sites.** The SSSIs are designated for similar features as the European Sites. The mitigation put in place to limit impacts on the Europeans Sites will also limit the impacts on the SSSIs.

<p>List of agencies consulted: provide contact name and telephone or e-mail address.</p>	<p>Natural England – Hannah Birtles Email: <a href="mailto:Hannah.birtles@naturalengland.org.uk">Hannah.birtles@naturalengland.org.uk</a></p> <p>Liaison has been mostly in relation to the SSSIs within and adjacent to the project site.</p>
--	--



**Data collected to carry out the assessment**

Assessor	Tom King ACIEEM Ecologist Merseyside Environmental Advisory Service
Data Sources	1. Wirral Council 2. Joint Nature Conservation Committee (website) 3. Natural England 4. Application document
Level of assessment completed:	Site visit on 5 February 2014 and review of the documents.
Where can the full results of the assessment be accessed and viewed?	Planning Department Town Hall Brighton Street Wallasey Wirral CH44 8ED  Or  Wirral Council Website: <a href="http://www.wirral.gov.uk/planning/DC/AcolNetCGI.gov">http://www.wirral.gov.uk/planning/DC/AcolNetCGI.gov</a> via the Planning Application search facility for APP/13/01346
Conclusion	On the basis of the above information, it is Wirral Council's opinion that the proposed project to which this screening opinion relates:  a. is not directly connected with or necessary to the management of the sites; and b. is not likely to have a significant effect, either alone or in-combination, with other plans or projects on each of the following sites:  <ul style="list-style-type: none"> <li>• Dee Estuary Ramsar Site</li> <li>• Dee Estuary SPA</li> <li>• Dee Estuary SAC</li> </ul> <p><b>Accordingly, no 'appropriate assessment' is required to be made under Regulations 61, 62 and 68 of the Habitats Regulations before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.</b></p>
	This HRA 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 HRA.