

## Summary of Conclusions & Recommendations

6.1 The Wirral Local Plan covers the years between 2021 and 2037 and allocates a minimum of 13,360 net new residential dwellings and 65.6ha of employment land. While seeking to protect Wirral's natural assets at the same time. Wirral Borough Council (WBC) has elected to deliver the required growth through urban regeneration, generally a positive approach that is likely to help reduce potential impacts on the borough's European sites. This HRA assessed the potential of the WLP to impact on European sites. The following impact pathways were identified:

- Recreational pressure (both in European sites and in functionally linked habitat)
- Loss of functionally linked habitat
- Water quality
- Water quantity, level and flow
- Visual and noise disturbance arising from construction works (both in European sites and in functionally linked habitat)
- Coastal squeeze
- Atmospheric pollution

### Recreational Pressure

6.2 Regarding recreational pressure, the HRA determined that, due to the projected growth of 13,360 dwellings and the concomitant increased demand for recreational space, the WLP has the potential to result in adverse effects on the Mersey Narrows and North Wirral Foreshore SPA and Ramsar, Dee Estuary SPA and Ramsar, Liverpool Bay SPA and Mersey Estuary SPA and Ramsar, both alone and in-combination with Plans of adjoining authorities. Furthermore, in-combination effects on the Sefton Coast SAC and the Ribble and Alt Estuaries SPA and Ramsar may also occur. AECOM considers that mitigation measures are required to safeguard the integrity of the designated overwintering bird populations in the borough.

6.3 Research into the recreation patterns within the north-west coastal European sites has confirmed that the core recreational catchment (i.e. defined as 75<sup>th</sup> percentile of all visitors) encompasses housing within 5.2km of the nature conservation sites. This places most housing sites allocated in Wirral Borough (especially those in the urban regeneration areas of Birkenhead and Wallasey) within the Zone of Influence of the coastline. Current data trends indicate that the bird populations in SPAs and Ramsars are showing geographic redistributions and overall declines, and recreational disturbance is thought to be a major contributing factor. In response to this significant threat, Wirral Borough Council and other Merseyside authorities are developing a Liverpool City Region Recreation Mitigation and Avoidance Strategy (RMAS) in collaboration with MEAS, Natural England and Natural Resources Wales, which is to be adopted and implemented by 2023. The RMAS is set out to help major residential developments to mitigate recreational pressure impacts on coastal SPAs and Ramsars, and remain in compliance with the Habitats and Species Regulations 2017 (as amended). All residential allocations of 10 dwellings or more within 5km of designated sites, are to make financial contributions towards mitigation and avoidance schemes in the LCR.

6.4 However, given the threat to nature conservation and that the RMAS is yet to be finalised, Natural England are requesting the relevant authorities to adopt formal interim approaches, setting out how disturbance will be mitigated for in the short-term. Several neighbouring authorities have now published Statements of Common Ground (SoCG) with Natural England, which cover matters that have been mutually agreed by both parties; in this instance recognition of the recreational pressure issue and how this is adequately addressed through Local Plan policy. In

a consultation letter dated March 2020, Natural England advises that until the RMAS is implemented, a strategic commitment by relevant councils in the form of an interim Information Note (IN) or a Supplementary Planning Document (SPD) will be required. Wirral Borough Council is currently developing a strategic interim approach in consultation with Natural England. **Policy WS5.5 (Mitigating Recreational Disturbance on International Sites for Nature Conservation)** formally requires residential developments to be in keeping with both the RMAS and Wirral's IA.

- 6.5 Overall, WBC is developing an adequate IA to mitigation of recreational pressure and is a signatory to the future RMAS (and these are both included in Plan policy). Therefore, AECOM concludes that adverse effects on Wirral's estuarine and coastal European sites regarding recreational pressure can be excluded. No additional policy recommendations are made.

## Recreational Pressure in Functionally Linked Habitat

- 6.6 Several sites that are allocated in Birkenhead adjoin the Birkenhead Docks, specifically the East Float, including RES-RA2.1 (Land at Birkenhead Road, Seacombe), RES-RA6.2 (Wirral Waters – Vittoria Studios and Sky City), RES-RA6.3 (Wirral Waters – Northbank East Urban Splash), RES-RA6.4 (Wirral Waters – Northbank West Urban Splash), RES-RA6.5 (Wirral Waters – Northbank East Tower Road), RES-RA6.6 (Wirral Waters – Northbank West Legacy) and RES-RA6.7 (Wirral Waters – Belong). A field study report, published by TEP in August 2015, assessed the usage of dock habitats by SPA and Ramsar birds within the wider north-west England, undertaking repeated bird counts and vantage point surveys. The report concludes that the Birkenhead Docks (both the West and East Float) are functionally linked to the Mersey Estuary SPA and Ramsar, and the Mersey Narrows & North Wirral Foreshore SPA and Ramsar. For example, the Birkenhead Docks support roughly 4.7% of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar cormorant population. Furthermore, approx. 50% of the Mersey Estuary SPA and Ramsar great-crested grebe population have been observed using the East Float at the docks. Both species are not listed as individual qualifying species, but form part of the protected overwintering bird assemblage in these European sites.
- 6.7 It is noted that recreational disturbance measures have already been put in place for developments falling within the boundary of the East Float outline planning permission. For example, for Wirral Waters a SPA Bird Mitigation Strategy has been developed, which focuses on habitat provision, management and monitoring. The existing tern nesting platform in the Birkenhead Docks has been modified to increase its capacity for nesting terns, which currently stand at 33 breeding pairs. Furthermore, the strategy identifies that additional pontoon / raft structures will be installed across the docks to provide further capacity for nesting common terns as well as roosting habitat for cormorants during the non-breeding season. Importantly, a buffer zone will prohibit boat mooring and transit within 100m of the nesting pontoons in the period between 15<sup>th</sup> April to 15<sup>th</sup> September each year, minimising disturbance to breeding common terns. The Wirral Waters SPA Bird Mitigation Strategy specifies that the mitigation measures will be maintained in perpetuity and alternative mitigation plans are in place should the mitigation approach at Wirral Waters be unsuccessful.
- 6.8 Furthermore, the East Float development is also in the process of calculating a per-unit tariff towards the cost of ranger provisioning at key disturbance-sensitive locations along Wirral's coastline. These proposals are being developed in consultation with Natural England and with reference to other coastal mitigation strategies in place across England (e.g. Bird Aware Solent). The per unit tariff (specifically tailored to mitigate recreational impacts of the Legacy development) has been calculated taking the specific likely profile of future Legacy residents into account, specifically low dog ownership and a young age profile, meaning residents are likely to be in employment, with recreational disturbance effects likely being more prominent issues on the weekend. The strategy for ranger provisioning also comprises a detailed breakdown of payments, payment schedule and administration of payments.
- 6.9 Overall, provided that Natural England continues to be involved and in agreement with the mitigation strategy for residential developments adjoining the East Float, AECOM concludes that sufficient interventions are in place to safeguard the role of the Birkenhead Docks as functionally linked habitats. No additional policy recommendations are made.

## Loss of Functionally Linked Habitat

- 6.10 Given that the WLP focuses on urban regeneration (thus allocating much of the growth in the urban fabric, on previously developed sites), the potential for the loss of functionally linked habitats is low. However, residual risks regarding some site allocations remain. In order to mitigate uncertainties, it is recommended that additional policy wording requiring wintering bird surveys is included in the Plan. It is to be noted that such surveys do not represent an additional burden on developers beyond that already imposed by other environmental legislation. AECOM recommends that the following text should be added to the supporting text of **Policy WD3 (Biodiversity and Geodiversity)** as a precautionary measure:
- 6.11 ***'To be compliant with the Habitats and Species Regulations 2017 (as amended), applicants are required to provide evidence that their development will not result in adverse effects on the integrity of nearby European sites regarding the loss of functionally linked habitat. To demonstrate this, a survey will be required to determine whether the habitats in a land parcel are likely to be suitable for supporting designated bird species. Where this is found to be the case, non-breeding bird surveys covering autumn, winter and spring (typically constituting at least two survey seasons) will be required to determine if the site and / or neighbouring land support more than 1% of the qualifying population of a species. If habitat is shown to be functionally linked to a European site, mitigation and avoidance measures will be required as part of project-level Habitats Regulations Assessments to ensure that developments do not result in adverse effects on site integrity.'***
- 6.12 Provided that the above text is included, AECOM concludes that the WLP will not result in adverse effects on the integrity of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar, Dee Estuary SPA and Ramsar, Mersey Estuary SPA and Ramsar, Liverpool Bay SPA and Ribble and Alt Estuaries SPA and Ramsar regarding the loss of functionally linked habitat.

## Water Quality

- 6.13 Regarding water quality in the estuarine and coastal European sites immediately surrounding Wirral, it was shown that the WLP may result in adverse effects on site integrity, unless appropriate policy wording is inserted into the next iteration of the Local Plan. Negative water quality changes are a threat to the Mersey Narrows and the North Wirral Foreshore SPA and Ramsar, the Dee Estuary SPA and Ramsar, the Mersey Estuary SPA and Ramsar and Liverpool Bay SPA, particularly in-combination with development in the wider Merseyside region.
- 6.14 Therefore, it is recommended that the following text (or similar) is inserted into **Strategic Policy WS10.1 (Provision of Infrastructure)**: ***'The Council will liaise with United Utilities and Dwr Cymru Welsh Water to confirm there is sufficient headroom in the existing discharge consent to accommodate the growth planned for Wirral over the entire Plan period. If constraints are identified, housing delivery will need to be phased to keep in line with the available wastewater treatment infrastructure.'***
- 6.15 Given that the permitted headroom considers the qualifying features of European sites, and that the Plans of adjoining authorities would have had to ensure this compliance as well, it is concluded that there are no adverse in-combination effects of the WLP on European sites that are sensitive to changes in water quality.

## Water Quantity, Level and Flow

- 6.16 The coastal and estuarine European sites surrounding Wirral Borough are sensitive to changes in water quantity, level and flow, primarily as a result of increased potable water abstraction and potential concomitant reductions in freshwater input. The United Utilities (UU) Water Resources Management Plan (WRMP) indicates that, while the supply-demand balance remains in a surplus of 38 Ml/d in 2025/26, a small baseline deficit for the New Strategic WRZ of 3 Ml/d is forecast towards the end of the WRMP period. Effectively this means that UU need to consider options (both supply and demand management) to address the projected shortage in water supply.

- 6.17 Overall, 350 potential solutions were appraised by UU in collaboration with relevant statutory stakeholders, including Natural England, Natural Resources Wales and the Environment Agency. The strategic options taken forward include baseline demand activities (e.g. water saving measures), leakage reductions and improvements to resilience. The WRMP demonstrates that the implementation of these measures will move the baseline supply-demand balance into surplus for the entirety of the WRMP period. Importantly from an HRA perspective, none of these options involve exploitation of new water resources or increases to existing abstraction consents, implying that there is no potential for the WRMP to affect the water quantity or flow in European sites.
- 6.18 Overall, given the available evidence, AECOM concludes that the WLP will not result in adverse effects on water-dependent European sites regarding the impact pathway water quantity, level and flow. No additional policy recommendations are made.

## Visual and Noise Disturbance from Construction (both in European sites and in functionally linked habitat)

- 6.19 Overall, AECOM considers that a precautionary 300m buffer captures the site allocations that represent the biggest threat regarding visual and noise disturbance from construction works. The WLP allocates several sites that lie within this screening distance and have the potential to result in visual and noise disturbance in the construction period. Furthermore, all employment sites (adjoining the West Float) and residential allocations (adjoining the East Float) are associated with disturbance risks to functionally linked habitat.
- 6.20 To avoid adverse effects on the populations of qualifying birds, both within European sites and in functionally linked habitat, detailed recommendations are made to guide development proposed in WLP. Given Wirral Borough's proximity to several European sites designated for their bird interest, this text should be included in the supporting text of, or, in condensed form, within an appropriate policy of the WLP. AECOM provides the following advice regarding visual and noise disturbance from construction works:

- ***To minimise the effect of visual and noise disturbance, it is recommended that any construction work (and associated road infrastructure) within 300m of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar, the Dee Estuary SPA and Ramsar and the Mersey Estuary SPA and Ramsar is undertaken during periods when bird populations in these sites are low (i.e. in the summer months).***
- ***Furthermore, given the presence of highly sensitive bird species on functionally linked habitat near development allocations, it is advised that such a distance is also maintained regarding functionally linked habitat. Construction within 300m of the SPAs / Ramsars, or functionally linked habitat parcels, should be carried out between April and August, when most qualifying species are unlikely to be present in great numbers. This particularly applies to construction processes associated with high noise levels (e.g. impact piling).***
- ***If construction cannot be timed to avoid the winter and passage periods, then an impact assessment will need to be undertaken to confirm that noise levels will remain at acceptable noise levels (agreed upon with Natural England) near qualifying bird assemblages. This may encompass the comparison of modelled construction noise levels to pre-construction baseline noise measurements. Mitigation of noise impacts may be required, including the provision of screens, selection of less noisy equipment or techniques, damping and noise shielding of equipment or avoidance of lighting in sensitive locations. Noise mitigation may also be required well into April / May, because significant proportions of the populations of some non-breeding species may linger in coastal areas of north-west England beyond March.***

- **Construction sites within 300m of known bird roosts in the SPAs and Ramsars or functionally linked habitats should have appropriate screening in place to minimise visual disturbance.'**

6.21 Provided that the above recommendations are included in the WLP, it is concluded that the Plan will not result in adverse effects on Wirral's estuarine and coastal European sites regarding visual and noise disturbance from construction works.

## Coastal Squeeze

6.22 Fuelled by climate change and rising sea levels, the impact pathway coastal squeeze represents an increasing threat to coastal sites around the UK. It is principally an issue where development occurs on greenfield sites in close proximity to the coastline, in geographic areas for which the relevant Shoreline Management Plan (SMP) identifies an approach of 'No Active Intervention'. A review of the sites allocated in the WLP indicated that few allocations are proposed on greenfield sites in the immediate vicinity of SPAs and Ramsars. The only area at risk is situated adjacent to the Mersey Estuary SPA and Ramsar between Riverwood Road and Eastham Ferry, for which the SMP proposes an approach of 'No Active Intervention' (NAI) over the next 100 years. This stretch of coastline should therefore not be subject to a net increase in impermeable urban development. One residential allocation (RES-SA4.3, Land at Riverside Park, Southwood Road, Bromborough) is proposed in this area, located approx. 345m from the Mersey Estuary. While AECOM considers this to be sufficiently distant to not interfere with the adopted approach of NAI for this part of the coastline, it is recommended that additional policy wording is inserted to **Policy WD4.1 (Coastal Defence and Erosion)**, primarily to mitigate risks associated with any unplanned windfall developments coming forward in eastern Wirral.

6.23 The following amendment to Policy WD4.1 would mitigate against coastal squeeze from all types of development: ***'Proposals for new coastal protection and sea defence works in line with the adopted Shoreline Management Plan, and development allocations (both housing and employment, as well as windfall developments)...***Provided that this amendment is incorporated, it is concluded that the WLP will not result in adverse effects on coastal and estuarine European sites regarding the impact pathway coastal squeeze.

## Atmospheric Pollution

6.24 Regarding atmospheric pollution, AECOM determined that the only European site requiring Appropriate Assessment was the Dee Estuary SAC (and the overlapping Dee Estuary SPA and Ramsar). Atlantic saltmarsh, a qualifying habitat of the SAC that is also used by bird species in the SPA and Ramsar, is located within 200m (approx. 50m) of the A548 to the east of the Flintshire Bridge. While the HRA established that Wirral is a destination and source of commuters to / from Flintshire, it was also shown that the number of car-based journeys to this authority is relatively small and that a large proportion of out-commuters is likely to work in the Deeside Business Park and would not cross the Flintshire Bridge (which would bring them within 200m of sensitive saltmarsh). Therefore, AECOM concludes that the WLP will not result in adverse effects on the Dee Estuary SAC and Dee Estuary SPA and Ramsar in relation to atmospheric pollution.