Date: 20 June 2023
Our ref: 437036
Your ref: 23/01387/FUL

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

[redacted]

Cheshire West and Chester Council

BY EMAIL ONLY

[redacted]

Dear Cheshire West and Chester Council

Planning consultation: 23/01387/FUL - Erection of substation to land south of Old Lane with vehicle access onto Old Lane, installation of underground HV Cable route from Grange Farm Churton CH3 6LA to proposed substation
Location: Land To South of Old Lane Poulton Cheshire

Thank you for your consultation on the above which was dated and received by Natural England on 06 June 2023.

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 the River Dee. 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 (HRA)[1] is required which will assess all potential impacts from site clearance, construction and operational phases on the qualifying features of the European designated sites and their conservation objectives
An impact assessment is required for the nationally designated SSSI
Details of pertinent mitigation should an impact be identified

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/landscapes and advice on other issues is set out below.

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

River Dee and Bala Lake

The cable route of the application runs underneath an area of the River Dee and Bala Lake SAC and River Dee (England) SSSI. The River Dee catchment contains geomorphological features of note, a wide spectrum of landscape from high mountains around Bala, rugged peaks near Llangollen, steep sided wooded valleys, and the plains of Cheshire, Flintshire, north Shropshire and Wrexham. Qualifying species within the site include Atlantic Salmon, Brook Lamprey, Floating water-plantain and Otter. It has a qualifying habitat of floating vegetation often dominated by water-crowfoot.

Consideration may be required to the Welsh component of the designation (River Dee and Bala Lake/ Afon Dyfrdwy a Llyn Tegif & Afon Dyfrdwy/River Dee SSSI in which Natural Resources Wales[2] could be contacted.

Additional Information required

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.

There has been no consideration of qualifying features[3], condition status or conservation objectives[4] of the designated site which is fundamental when assessing likely significant effects and whether the conservation objectives will be undermined.

We advise that you obtain the following information to help you undertake a HRA:

Consider all possible effects of the proposal, at every phase, on the designated features of the site from site clearance to operational use, including impacts that are direct and indirect, temporary and permanent
Discuss how these impacts may cause harm to qualifying features/ site conservation objectives of the designated site, including how potential changes in conditions may affect the Welsh qualifying features of the designated site
Assess combined effects on the designated site with other plans and projects
Check if there is a risk or possibility of a significant effect based on the evidence
Consider the impacts of in-combination with other plans and projects

Example impacts include: disturbance via drilling under the River Dee, construction related dust, accidental spills and litter, sediment and pollutant run off, construction related noise, discharges and accidental pipe bursts. . Please note, this is not an exhaustive list. Further potential impacts will arise during the HRA process when assessing all proposed actions.

Additional information can be found at: https://www.gov.uk/guidance/habitats-regulations-

[2] https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/contact-details-for-planning-enquiry/?lang=en
[3] https://designatedsites.naturalengland.org.uk/
[4] https://publications.naturalengland.org.uk/category/6490068894089216

assessments-protecting-a-european-site.

Impacts to Qualifying Species

A variety of qualifying species may be vulnerable to displacement, loss or harm with the proposal but have not been considered within the HRA process. Impacts of the proposal would need to cover site clearance, construction and operational phases of development.

It should be noted that some of the potential impacts that may arise from the proposal relate to the presence of SAC interest features that are located outside the site boundary. It is advised that the potential for offsite impacts needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites.

Examples of potential impacts (but not an exhaustive list) which may be encountered are:

- Loss or degradation of habitat both terrestrial and aquatic
- Changes to water quality and chemistry including harmful substances, pollution, waste water & silt
- Changes to the natural geology, river bed and water flow including erosion and run-off
- Barriers to species movement
- Changes and disruption to life cycle/ breeding/ fertility of qualifying species
- Outcompeting vegetation or increase in invasive species
- Overshading and lighting of riverbanks
- Disturbance by human including use of fertiliser and herbicides, hedgerow/tree management, light, noise
- Construction in sensitive timings such as migration or breeding

Currently, there is insufficient evidence to inform the presence of qualifying species and the following measures should be utilised:

- Use the Designated Sites View [5] to find out which habitats and species are special features of a site, and which activities are likely to damage them
- Use the 'Magic' map[6] to view all designations, impact risk zones, waterways and other land features including supporting habitats
- Read specific guidance[7] on responsibilities for protecting qualifying species and their habitats
- Obtain site specific information from appropriate bodies such as the local records centre[8], wildlife trusts, or recording societies
- If distribution and historical records suggest species which form part of the designated site are present, more survey information is required. However, please note an absence of a record does not mean there is no presence, but may indicate that there is no survey data available for that location. Therefore, on-site habitat and potential supporting habitat in the vicinity should be examined in relation to their suitability for qualifying species
- Should the site specific information identify species which form part of the designated site qualifying features within the proposed site or local supporting habitat, further detailed surveys are recommended

Checking for combined effects

The screening stage should assess if the proposal risks having a significant effect on a European site on its own or in combination with other proposals. A proposal alone may have an effect on a European site that is not significant. If, in combination, a proposal could have a significant effect on

[5] https://designatedsites.naturalengland.org.uk/
[6] https://magic.defra.gov.uk/MagicMap.aspx
[7] https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications
[8] https://www.alerc.org.uk/

the European site, an appropriate assessment is needed. Checks can be made by searching new planning permission, changes in permission, granted permissions that have not begun or been completed, those needing renewal and those drafted but not adopted.

A proposal, alone or in combination with other proposals, could cause a significant effect on a European site if there is: a reduction in the amount or quality of designated habitats or the habitats that support designated species, a limit to the potential for restoring designated habitats in the future a significant disturbance to the designated species, disruption to the natural processes that support the site's designated features, only reduction or offset measures in place. Further information can be found here[9].

River Dee Site of Special Scientific Interest

Our concerns regarding the potential impacts upon River Dee SSSI coincide with our concerns regarding the potential impacts upon the above international designated sites. We acknowledge that the European designation shares qualifying features under the national designation. However, there are also additional SSSI features which are not considered under the European designation. Please refer to Designated Sites View[10] and the Conservation Objectives[11].

We would expect qualifying features which do not share overlapping designation to be assessed for potential impacts. This can be presented as a separate document or as an annex/supplementary paragraph within the HRA.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

Additional Advice

We offer the following additional advice:

Priority Habitats and Species

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found on Gov.uk[12]. Our records indicate the application site contains and is adjacent to priority habitat deciduous woodland.

Disturbance to Club Tailed Dragonfly

A citizen science project[13] run by the British Dragonfly Society from 2017-2019 found that Club Tail Dragonfly (*Gomphus vulgatissimus*) were performing well along the River Dee between Wrexham and Chester. This is a qualifying species of the SSSI. As this stretch of the river is slow flowing and meandering, with reasonable amounts of sediment, it is favourable to this species. It is our opinion that there is the possibility of this species being impacted by work along this stretch in Chester, directly, via disturbance and indirectly, as their supply of food (adults eat midges and other flying insects and larvae eat water fleas, tadpoles etc) may be impacted by the loss of habitat/vegetation.

Environmental Gains

[9] https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site
[10] https://designatedsites.naturalengland.org.uk/
[11] https://designatedsites.naturalengland.org.uk/PDFsForWeb/FCT/fct_2000452_c.pdf
[12] https://www.gov.uk/government/publications/habitats-and-species-of-principal-importance-in-england
[13] https://british-dragonflies.org.uk/recording/clubtail-count/

Natural England's Biodiversity Metric 4.0[14] may be used to calculate biodiversity losses and gains for any development project. For small development sites the Small Sites Metric[15] may be used. This is a simplified version of Biodiversity Metric 4.0 and is designed for use where certain criteria are met. Natural England's Environmental Benefits from Nature tool[16] may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts

If you have any queries relating to the advice in this letter please contact me at Barnaby.kilby-pollard@naturalengland.org.uk.

Should the applicant wish to discuss the further information required and scope for mitigation with Natural England, we would be happy to provide advice through our Discretionary Advice Service.

Please consult us again once the information requested above has been provided.

Yours faithfully

[redacted]
Sustainable Development Adviser,
Natural England, Cheshire to Lancashire

[14] http://publications.naturalengland.org.uk/publication/6049804846366720
[15] http://nepubprod.appspot.com/publication/6414097026646016
[16] http://nepubprod.appspot.com/publication/6414097026646016