

Warrington Local Plan Examination - Matters, Issues and Questions identified by the Inspectors

Revised Response from Natural England 23/08/2022

Matter 1 – Procedural/legal requirements

Habitats Regulations Assessment

Unfortunately, due to prior commitments, Natural England are unable to attend the hearing on the 6 September in person. Please accept our revised response to the Matters, Issues and Questions identified by the Inspectors. This document replaces the previous version dated 22 July 2022.

11. How was the Habitats Regulations Assessment (HRA) for the Local Plan carried out and reported?

Natural England are satisfied that the HRA has been carried out in accordance with the regulations and that we have been consulted at formal consultation stage and via ongoing, informal discussions. The HRA document that was submitted alongside the Regulation 19 Local Plan was incomplete since the potential impacts of the Local Plan on Holcroft Moss within the Manchester Mosses SAC have not yet been finalised. Natural England therefore consider the Plan to be unsound at this stage with regard to the 'effective' test and we also raise legal compliance issues with regards to an incomplete assessment of potential in-combination impacts on Holcroft Moss within the Manchester Mosses Special Area of Conservation (SAC). It is our opinion that this is the only outstanding issue in the HRA. Further details on how Warrington is working with Natural England to resolve this issue is set out below.

12. Was the methodology used thorough and appropriate noting concerns raised by Natural England, particularly around the justifications used for screening out impacts, the assessment of impacts associated with mineral extraction and the assessment of air quality impacts?

Aside from the assessment of air quality impacts to Holcroft Moss (Manchester Mosses SAC), which is ongoing, Natural England are satisfied that the appropriate methodology was used when screening and assessing impacts associated with mineral extraction and air quality impacts.

13. Has an appropriate level of assessment of the in-combination effects of the allocations and infrastructure proposed, particularly in the South of the Borough, been undertaken?

Aside from the outstanding issue in relation to the potential air quality impacts of the Local Plan on Holcroft Moss (Manchester Mosses SAC), Natural England are satisfied that an appropriate level of assessment of the in-combination effects of the allocations and infrastructure proposed has been undertaken.

14. What is the current position regarding the suggested update to the HRA to address concerns expressed by Natural England regarding the potential impact of the Local Plan on Holcroft Moss within the Manchester Mosses Special Area of Conservation?

Background - Holcroft Moss is part of the Manchester Mosses SAC which is a 170.49 ha area primarily designated as degraded bog still capable of natural regeneration, Holcroft Moss itself is 18Ha in size although the area impacted by the in-combination exceedance of the 1% screening threshold, adjacent to the M62 motorway, is a small proportion of the sensitive habitat. We have requested that a measurement of the extent of the area impacted is provided. The provisional area identified by Warrington is approximately 10% of the 18ha but this needs to be confirmed. The Air

Pollution Information System ([APIS](#)) identifies that the site is currently experiencing 6 times its critical load for Nitrogen deposition at between 28-30kg/yr. The [Conservation Objectives](#) for the site are to ensure that the integrity of the site is maintained or **restored**, so when considering adverse effects on site integrity, it's not just the loss of species that we are considering but also the ability of species to recover. The current condition of the site is unfavourable – recovering.

Since the submission of the Regulation 19 Local Plan, Warrington Council have provided Natural England with an addendum to the HRA titled 'Air Quality Assessment for Warrington Local Plan Habitats Regulations Assessment – Updated Modelling of Manchester Mosses SAC (April 2022 AECOM)'. Whilst the HRA addendum provides updated air quality modelling results, it does not provide a resolution to the issue.

In recent discussions, Warrington have proposed that this issue could be picked up as individual Project level HRA's when the allocations come forward. Our current advice on the consideration of project level or 'soft measures' within traffic assessments is that soft measures are valuable in a general context to address emissions from transport (i.e., promoting walking and cycling, improving public transport, campaigns to raise awareness of AQ issues, reducing the amount of parking spaces in new development or inclusion of electric charging points). However, these cannot be included within a model to quantify mitigation as there isn't sufficient certainty that they will deliver the desired results, unless there is good locally specific data that can show how similar approaches have been successful elsewhere. The Epping Forest Local Plan Examination tested this approach, and it was demonstrated that soft measures were not considered sufficient. The Epping Forest Draft Air Pollution Mitigation Strategy ([link](#)) refers to 'soft' measures but emphasises that they are of additional benefit to the Clean Air Zone.

Natural England are involved in regular discussions with Warrington Council and Greater Manchester Combined Authority in relation to the ongoing in-combination assessment of potential air quality impacts to Holcroft Moss (Manchester Mosses SAC). During our most recent conversation on 11 August, Warrington Council and Greater Manchester Combined Authority presented three potential mitigation measures that they are currently considering in more detail:

- 1) Reviewing the contribution of air pollution from the livestock in neighbouring fields and considering if a reduction in stocking density could off-set the contribution of the pollutants from the Plans.
- 2) Installation of a solid barrier to bolster the existing tree belt to the north of the site.
- 3) Consideration of a hydrological buffer zone to bolster site ecological resilience.

Once the authorities have completed their review of the above mitigation options, they will send us the results and we will provide our comments/views before end of hearing sessions.

Natural England comments relating to the HRA addendum

- The HRA addendum presents results of additional air quality modelling which shows that the potential impacts of the Warrington Local Plan 'alone' sit below 1% of the critical level/load for Manchester Mosses SAC for all pollutants. Natural England are satisfied with the air quality modelling and agree with the conclusion in this respect.

- Some in-combination modelling results have been presented, but it is not clear which relevant Plans and Projects have been included and there is no consideration of adverse effects on site integrity.
- Natural England are therefore of the view that the current HRA and addendum does not include a satisfactory in-combination assessment and is therefore unable to conclude no adverse effects on site integrity with respect to Manchester Mosses SAC. For this reason, at this stage, we consider the Plan to be unsound with regard to the 'effective' test and we also raise legal compliance issues with regards to the Habitats Regulations until these issues are resolved.

Natural England advice on actions required to resolve the outstanding issues:

- The HRA should include a thorough in-combination assessment of air quality impacts on Manchester Mosses SAC in line with judgement ruling [Wealden District Council v Secretary of State for Communities And Local Government & Ors \[2017\] EWHC 351 \(Admin\) \(20 March 2017\) \(bailii.org\)](#) in terms of in-combination effects relating to air pollution. It should be clear which Plans and Projects are considered relevant to include in the assessment, and why.
- Should the assessment result in an exceedance of 1% of the critical level/loads for Manchester Mosses SAC in-combination, the results should be clearly presented and identify which pollutants are exceeding over what proportion of the site. The Appropriate Assessment should then consider if this would lead to an adverse effect on site integrity.
- The HRA needs to set out the steps that the Council has gone through in its consideration of the mitigation hierarchy and the process of reviewing alternatives/avoidance. The HRA should evidence the measures that have been considered and any reasons why they have been ruled out. For mitigation measures to provide the required certainty they should be specific and have a secured delivery mechanism.
- Warrington should also continue to progress the three potential mitigation measures described above, updating Natural England on progress as further detail becomes available.

Natural England are committed to working with Warrington Council to ensure it updates its HRA to demonstrate it has complied with the Habitats Regulations; that the appropriate mitigation measures have been identified in the HRA; and that any appropriate modifications to the Plan are confirmed including mechanisms to deliver the measures with the required certainty.

We will be happy to answer any additional questions from the Inspector in writing as and when required. We will continue to advise Warrington Council as they continue to work on their Local Plan HRA.