

1. Contact Details

	Representor	Agent
Name	██████████	██████████
Position	████ █████ █████	████████ █████
Company	Northern Trust	DPP One Limited
Address	Lynton House Ackhurst Park Chorley Lancashire PR7 1NY	Barnett House 53 Fountain Street Manchester M2 2AN
Telephone Number	██████████	██████████
Email	████████████████████	████████████████████

2: Questions

Question 1

Do you have any comments to make about how we've worked out the need for new homes and employment land in Warrington over the next 20 years?

Northern Trust supports the approach undertaken to set new housing and employment land need for the 20-year plan period. It is essential that Warrington continues to play its full role in the wider regional economy, supporting the Northern Powerhouse.

Question 2

Do you have any comments to make about how we've worked out the number of homes and amount of employment land that can be accommodated within Warrington's existing built up areas?

Northern Trust objects to the calculation of urban capacity and the quantity of housing forecast for delivery within the 20-year plan period.

The Warrington Local Plan considers 15,429 homes as deliverable over the 20-year plan period from the urban area as set out in the Urban Capacity Assessment Update (July 2017). Of this, 7,558 homes are considered deliverable from the City Centre/ Waterfront masterplan as set out in the masterplanning exercise provided by Warrington & Co, '*Warrington Means Business*'.

The City Centre / Waterfront Masterplan is supported by a Trajectory that sets out assumed phased delivery of zones / plots within the Masterplan over the 20-year plan period. The trajectory is provided by Warrington & Co and its agents specifically to inform and underpin the evidence in the Urban Capacity Assessment Update, given that the Masterplan has a 2040-time horizon and a rounder, 8,000 new homes target. The Masterplan itself has evolved from concept work started in 2013 under the moniker of '*Warrington Means Business*', led by Warrington & Co.

It is considered the estimated deliverable City Centre / Waterfront urban capacity is overstated in the region of 2,000 homes or 26% of the total 7,558 home figure asserted. Our view on this over-statement is informed by the following key points.

1. Over-reliance on sites in the city centre that are existing retail and commercial uses that provide significant roles in the retail offer and local economy of the Borough, and significant sources of employment in their own right.
2. Insufficient evidence of the deliverability and developability of sites to the requirement of NPPF Footnotes 11 & 12 to the outline phasing and trajectory asserted within the plan period.

3. Significant proportion of the city centre masterplan sites are not identified in parallel in the 2017 SHLAA indicating that those omitted sites may not be available as a reasonable prospect in the period 0-15 years per NPPF Footnote 12.
4. No evidence of how, when or where retail and commercial businesses required to close will relocate to, and the effects on significant numbers of jobs in the local economy.
5. No evidence from key retailers and businesses affected that they support the masterplan and the trajectory set out.
6. Uncertainty that key infrastructure delivery and funding to support the trajectory will be achieved and/or achieved to the timescales required to maintain the development pace.

The masterplan is acknowledged to be a vision and concept for the growth of Warrington as a new city. Northern Trust supports the Council setting an ambitious vision rather than an anaemic plan that aims low. However, a vision is not a plan. The final shape and balance of the city centre will not be dictated to by the masterplan or its trajectory, instead it will evolve informed by the vision and the masterplan. In this sense the importance of the vision is to set a goal. The importance of the plan is to give space and time to effect the vision with some short-term deliverable sites for the plan period (0-5 years) that can be evidenced in line with expectation of NPPF Footnote 11. Medium and long term sites (5-10, 10-15 and 15-20 years) must then be deliverable in line with NPPF Footnote 12. It is here the evidence base and the Trajectory falls significantly short.

A developable site should; *'be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.'* (NPPF Footnote 12). It is not disputed that the city centre is a suitable location for housing development, but where is the evidence of reasonable prospect of availability? And evidence of reasonable prospect of viability at the point envisaged in the trajectory for development? Both critical elements are absent in the evidence base presently.

The Masterplan requires the complete loss of all existing supermarkets in the town centre, including ASDA, Sainsbury's, Lidl and Aldi, alongside the two main retail parks at Cockhedge and Riverside. The Masterplan assumes no replacement retail units of a scale suitable for relocation for larger formats. This inevitably will lead to a significant loss of representation of major retailers in the town centre, potentially to less sequentially preferable sites and to the detriment of vitality and viability.

All redevelopment of existing businesses and retailers will require significant lead-in times. Delays will arise in identifying, purchasing, securing permission and construction of new premises to enable relocation. Delays then ensue from decommissioning, demolition, construction of new development under the masterplan. These delays may be supplemented by other legal issues, not least the difficulties arising to surrender or rundown multiple leases in the two retail parks, and then need acquire multiple land interests to deliver the Masterplan.

There is no evidence on any analysis of impact on local employment of the proposed changes to trading locations and practice of multiple businesses. There is no public support from significant players in the local economy, not least Unilever, ASDA (as operator of a superstore and distribution depot), Sainsbury's or the two retail park owners.

Not only is the breadth of businesses affected and the employment this currently provides in the city centre of significant concern, but to attain the trajectory of housing delivery the lead-in for site

acquisition, clearance and development will mean some key businesses closing and/or relocating within the short-term, i.e. a 0-5-year or 5-10-year timeframe.

The SHLAA 2017 excludes most of the key sites in the Masterplan as development opportunities in the next 0-15 years, i.e. retailers and businesses from identified available sites. This sits uncomfortably, and in case diametrically opposed, with the Masterplan as corroborating evidence on deliverability and developability as required by NPPF Footnotes 11 and 12.

Viable delivery of the housing within the masterplan is not just as simple as capacity on a plan and a trajectory. Multiple blocks for housing (or mixed use with housing) sit alongside assumed redeveloped commercial areas to provide the new urban setting. One cannot necessarily assume the homes could be delivered in isolation, particularly as viability is untested in the evidence as required by NPPF Footnote 12, because viability will be strongly influenced by the progress of the masterplan and its assumptions.

Several phased delivery areas in Zones A, B, C, D and E for years 0-5 and 6-10 for housing must sit alongside existing retailers, delivery yards, existing highway and other bad neighbour uses until redeveloped in years 11-16. One or two developments may achieve a planning balance and delivery in isolation, but the quantum is too great in scale in too short a time period to make this a realistic assumption. This sets aside the relatively new apartment market in Warrington that is untested at the scale required to be attained in the masterplan, at delivery rates more akin to the mature market in Manchester or Liverpool. Once more, there is no lack of ambition, but there is a lack of robust evidence required for plan-making.

Without more detailed evidence, presented in a coherent manner, rather than across separate documents, it is difficult to dissect further the masterplan assumptions. This evidence should be provided for the next stage for further comment.

Based on what is available it is our view that there is sufficient uncertainty over around 2,000 homes or 26% of the 7,558 asserted delivery in the plan period. This is based on simply focusing on the impact on ASDA, Sainsbury's, the two retail parks and Unilever sites. The implication is that the estimate for urban capacity for the plan period falls to around 13,500 homes, before any analysis of other urban capacity.

Question 3

Have we appropriately worked out the amount of land to be released from the Green Belt, including the amount of land to be 'safeguarded'?

No.

The use of the OAN figure and adjustment for the 5% flexibility in housing allocations, and 5 year over-allocation in employment land is accepted as reasonable.

The objection relates to the 36% Green Belt land assumption for housing in the subsequent plan period by rolling forward the assumption in this plan period. This presupposes the percentage is

correct in this plan period, which we do not consider it is (see responses to Q2 and Q8), and ought to be higher, for two separate reasons.

First reason is the 36% calculation in the Council's preferred approach is wrong. The 36% is calculated by 8,791 homes in Green Belt out of 24,220 homes (Table 1). However, the 24,220 includes a backlog of 847 homes. The actual plan requirement is 22,260 homes meaning Green Belt release is 39% of the requirement. As this Plan will deal with the backlog, and there is no rollover of a backlog post-2037, the Council is using the wrong approach and percentage calculation. Consistent to its own approach the percentage ought to be 39% and 149 ha Safeguarded Land requirement in Table 3.

The second reason is unrelated to the first, and may or may not lead to a similar 39% outcome. This approach is our preferred approach over the Council's, even as corrected above.

Defining Safeguarded Land allocation in a subsequent plan is derived from the needs of the current plan. If this current plan overestimates delivery of homes from this plan period, then the amount of Green Belt land is underestimated for release because the second is a function of the first (see Table 1). We set out elsewhere our view why urban capacity delivery is overestimated, specifically in the region of 2000 homes from the city centre (see responses to Q2 & Q8). Applied to Table 1, we consider that Green Belt housing release is needed in the region of 10,591 homes, or 47.5% (of 22,260 homes requirement before backlog).

Applied to Safeguarded Land this would increase the allocation to around 181 ha in the next plan (applied to Table 3).

There is an acknowledged circular argument in this. Less urban capacity delivery by 2037 will theoretically increase available urban capacity in the next plan period that may reduce the need for Safeguarded Land. It is theoretical because we consider several of the sites in the urban capacity as simply unavailable now and in any reasonable prospect in the future. What this reinforces is our position that the Plan is insufficiently robust or flexible in release of Green Belt land now because of overestimation and over-reliance on urban sites, and equally more Safeguarded Land should be released to prevent a recurrence of review and revisiting of Green Belt boundaries in the next Plan, contrary to NPPF paragraph 85, bullet 5.

It is our submission Safeguarded Land should comprise at least 39% or 149 ha on the Council's own approach, and ought to be closer to 47.5% or 181 ha if realistic assumptions on delivery of urban capacity in this plan period are adopted.

Question 4

Do you agree with the new Local Plan Objectives?

Northern Trust has no objection to the identified Local Plan Strategic Objectives (Table 5) or the Assessment Criteria (Table 6).

However, there is one qualification that the evidence of the Warrington Means Business Regeneration programme (paragraph 4.37, bullet 1), is objected to on the specific basis of the identified, deliverable urban capacity from the city centre in the plan period. The emphasis is given because there is no objection to setting out a bold vision, led by a masterplan, as we set out in response to Q2 & Q8. But, the Strategic Objectives must be justified in a realistic and robust evidence base of viable, delivery. And, it is on this area there is strong objection to the assumptions on urban capacity delivery that has far reaching consequences for setting of parameters for greenfield and Green Belt land release to meet the totality of the Plan needs for housing.

Question 5

Do you have any comments to make about how we've assessed different 'Spatial Options' for Warrington's future development?

Northern Trust agrees with the broad spatial Option 2 for development of Warrington, but objects to insufficient attention being brought to the sustainable development opportunities presented in the outlying settlements; specifically, Burtonwood.

At Table 7 Option 2 identifies that; *'... incremental growth in the outlying settlements could contribute to longer term sustainability of local services and local business, promote local housing choice and deliver a number of smaller sites in the early part of the plan period.'*

For reasons set out in response to Q13 and the Vision Document that supports this representation, it is considered that a greater scale of development in the region of 250-300 units is required at Burtonwood. This will ensure attainment of sustainable development objectives. Incremental growth should not be termed solely on sustainability of the settlement, but the growth must of itself be of sufficient scale to viably deliver the plan objectives associated with the allocation, i.e. developer contributions to matters such as infrastructure, education and affordable housing.

Because of the tightly drawn Green Belt boundaries and the emphasis in previous plan reviews to focus development to the main urban area of Warrington, Burtonwood, has received very little inward investment recently. As set out in submissions on call for sites, there is an unmet need for market and affordable housing within the settlement to redress, that will itself assist the longer-term sustainability of the settlement. A larger allocation in the region of 250-300 units will better serve these longer-term needs.

An increase in allocation to Burtonwood as an outlying settlement, will be in line with Spatial Option 2, and would help redress identified uncertainty in delivery from the city centre, (see our response to Q2 & Q8).

Question 6

Do you have any comments to make about how we've assessed different options for the main development locations?

Northern Trust objects to the identification of the incremental growth at outlying settlements, set out at Stage 4 in the Preferred Development Options, and the supporting evidence of the documents *Area Profiles and Options Assessments – Technical Note*, July 2017 and *Settlement Profiles - Outlying Settlements*, July 2017.

The central issue is the three growth options assessed in the *Settlement Profiles* do not take into consideration viability / delivery. Each outlying settlement has a different level of growth for (1) incremental growth, (2) sustainable settlement extension and (3) major settlement extension. The figure is different to each settlement, based upon the methodology set out in the *Technical Note*. It is this part of the evidence base we consider inadequate and poorly conceived as an evidence base to the Preferred Option.

Technical Note paragraph 1.10 states;

'For the outlying settlements, the Council applied the following assumptions in defining the growth scenarios:

(i) 'Incremental growth' - based on a level of development that could be accommodated by existing infrastructure, subject to minor expansion of that infrastructure, up to 10% of settlement size.'

Paragraph 1.11 states;

'The 10% limit in relation to settlement size is to ensure development is being capable of being accommodated without changing the character of the respective settlement under the 'incremental growth' scenario. There is no fixed percentage for the 'sustainable settlement extension' scenario. There is an acceptance that this scenario will impact on character, but the impact should not be of a scale which would fundamentally change the character of the settlement.'

The 10% limit is not based on a settlement analysis of impact on character, but is a mathematically driven upper limit to apply to all outlying settlements in absence of a settlement character analysis. It is an assumed upper limit that can be accommodated within existing infrastructure or with only minor expansion, but again it is not based on any settlement analysis of that infrastructure capacity. This is despite that there are only 7 assessed settlements and it would be feasible to make an assessment that was evidenced on a character and infrastructure analysis.

A 'minor expansion of infrastructure' is also perpetuating past under-investment in outlying settlements in previous plans. Burtonwood, as example, is tightly bound by Green Belt and has seen almost no significant inward investment for several decades. There must be a case to allow more than simply 'minor expansion' if this will lead to a viable and sustainable level of investment to support the needs of the settlement, and to redress past under-investment.

The 10% limit does not take into any consideration whether the figure derived is a viable development option. As we set out in response to Q13 and the appended Vision Document, 150 homes at Burtonwood will not prove viable, with usual developer contributions, including affordable housing and open space, alongside specific support for primary school expansion and primary care facilities (PDO paragraph 5.47). It is Northern Trust's view that a viable scale of development will be in the region of 250-300 homes.

In response to Q5 the lack of past investment at Burtonwood due to an urban centric development focus in previous plan was referred to. That there is some degree of investment planned now is supported, but the comparative scale and ambition shown to the urban area / city centre and the major extensions to the southwest and Garden Suburb, is not matched by an ambition proportionate to secure genuine, sustainable development at outlying settlements to redress needs built-up over years of lack of investment. The 150 unit / 10% limit is in danger of perpetuating a relative lack of investment, even if in absolute terms there is a nominal 1,000 homes allocated over the 7 settlements.

The second settlement extension scenario (2) for Burtonwood assumes 700 homes is delivered. *Technical Note* paragraph 1.10, bullet 2, states this scenario is based on, 'a new or expanded primary school, taking into account available sites.' Yet, we know at PDO paragraph 5.47 that the Council will require primary school expansion and primary care facilities on just 150 homes (PDO, Table 22). This only reinforces Northern Trust's position that 150 units is too low to deliver the expanded infrastructure.

It is Northern Trust's view that the conclusion that the outlying settlements can provide a combined total of 1,000 units is unjustified and unsound on the evidence base. This figure is not based on a sound and robust assessment of delivering sustainable development to the outlying settlements. There is a need at Burtonwood specifically, and to other outlying settlements generally, to redress lack of past investment to truly deliver sustainable growth.

Question 7

Do you agree with our Preferred Development Option for meeting Warrington's future development needs?

Northern Trust gives qualified support to the overall objective of the Preferred Development Option, Option 2.

The qualified overall support to Option 2 is tempered by our criticisms to the methodology to assess growth options to outlying settlements (response to Q6) and identified deliverable supply from urban capacity (response to Q2 & Q8). It is our view that Option 2 is not incompatible with increasing the scale of housing at outlying settlements, because this is driven by firstly, providing a sustainable scale of development at settlements such as Burtonwood; and, secondly, that the urban capacity is overstated in delivery in the plan period.

Question 8

Do you have any comments to make about our Preferred Development Option for the City Centre?

As set out in response to Q2, Northern Trust has specific objection to the identified, deliverable capacity of the city centre Masterplan. The response here carries through those same objections.

Capacity is overstated in the city centre Masterplan because of the following key points:

1. Over-reliance on sites in the city centre that are existing retail and commercial uses that provide significant roles in the retail offer and local economy of the Borough, and significant sources of employment in their own right.
2. Insufficient evidence of the deliverability and developability of sites to the requirement of NPPF Footnotes 11 & 12 to the outline phasing and trajectory asserted within the plan period.
3. Significant proportion of the city centre masterplan sites are not identified in parallel in the 2017 SHLAA indicating that those omitted sites may not be available as a reasonable prospect in the period 0-15 years per NPPF Footnote 12.
4. No evidence of how, when or where retail and commercial businesses required to close will relocate to, and the effects on significant numbers of jobs in the local economy.
5. No evidence from key retailers and businesses affected that they support the masterplan and the trajectory set out.
6. Uncertainty that key infrastructure delivery and funding to support the trajectory will be achieved and/or achieved to the timescales required to maintain the development pace.

A developable site should; *'be in a suitable location for housing development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.'* (NPPF Footnote 12). It is not disputed that the city centre is a suitable location for housing development, but where is the evidence of reasonable prospect of availability? And evidence of reasonable prospect of viability at the point envisaged in the trajectory for development? Both critical elements are absent in the evidence base presently.

The Masterplan requires the complete loss of all existing supermarkets in the town centre, including ASDA, Sainsbury's, Lidl and Aldi, alongside the two main retail parks at Cockhedge and Riverside. The Masterplan assumes no replacement retail units of a scale suitable for relocation for larger formats. This inevitably will lead to a significant loss of representation of major retailers in the town centre, potentially to less sequentially preferable sites and to the detriment of vitality and viability.

All redevelopment of existing businesses and retailers will require significant lead-in times. Delays will arise in identifying, purchasing, securing permission and construction of new premises to enable relocation. Delays then ensue from decommissioning, demolition, construction of new development under the masterplan. These delays may be supplemented by other legal issues, not least the difficulties arising to surrender or rundown multiple leases in the two retail parks, and then need acquire multiple land interests to deliver the Masterplan.

There is no evidence on any analysis of impact on local employment of the proposed changes to trading locations and practice of multiple businesses. There is no public support from significant players in the local economy, not least Unilever, ASDA (as operator of a superstore and distribution depot), Sainsbury's or the two retail park owners.

Not only is the breadth of businesses affected and the employment this currently provides in the city centre of significant concern, but to attain the trajectory of housing delivery the lead-in for site acquisition, clearance and development will mean some key businesses closing and/or relocating within the short-term, i.e. a 0-5-year or 5-10-year timeframe.

The SHLAA 2017 excludes most of the key sites in the Masterplan as development opportunities in the next 0-15 years, i.e. retailers and businesses from identified available sites. This sits uncomfortably, and in case diametrically opposed, with the Masterplan as corroborating evidence on deliverability and developability as required by NPPF Footnotes 11 and 12.

Viable delivery of the housing within the masterplan is not just as simple as capacity on a plan and a trajectory. Multiple blocks for housing (or mixed use with housing) sit alongside assumed redeveloped commercial areas to provide the new urban setting. One cannot necessarily assume the homes could be delivered in isolation, particularly as viability is untested in the evidence as required by NPPF Footnote 12, because viability will be strongly influenced by the progress of the masterplan and its assumptions.

Several phased delivery areas in Zones A, B, C, D and E for years 0-5 and 6-10 for housing must sit alongside existing retailers, delivery yards, existing highway and other bad neighbour uses until redeveloped in years 11-16. One or two developments may achieve a planning balance and delivery in isolation, but the quantum is too great in scale in too short a time period to make this a realistic assumption. This sets aside the relatively new apartment market in Warrington that is untested at the scale required to be attained in the masterplan, at delivery rates more akin to the mature market in Manchester or Liverpool. Once more, there is no lack of ambition, but there is a lack of robust evidence required for plan-making.

Without more detailed evidence, presented in a coherent manner, rather than across separate documents, it is difficult to dissect further the masterplan assumptions. This evidence should be provided for the next stage for further comment.

Based on what is available it is our view that there is sufficient uncertainty over around 2,000 homes or 26% of the 7,558 asserted delivery in the plan period. This is based on simply focusing on the impact on ASDA, Sainsbury's, the two retail parks and Unilever sites. The implication is that the estimate for urban capacity for the plan period falls to around 13,500 homes, before any analysis of other urban capacity.

Question 9

Do you have any comments to make about our Preferred Development Option for the Wider Urban Area?

Northern Trust has no comment to make on the Wider Urban Area at this time.

Question 10

Do you have any comments to make about our Preferred Development Option for developing the Warrington Waterfront?

Northern Trust has made comment on the Waterfront delivery in connection with the City Centre Masterplan under Q8.

Question 11

Do you have any comments to make about our Preferred Development Option for the Warrington Garden City Suburb?

Northern Trust has no comment to make on the Garden City Suburb at this time.

Question 12

Do you have any comments to make about our Preferred Development Option for the South Western Urban Extension?

Northern Trust has no comment to make on the South Western Urban Extension at this time.

Question 13

Do you have any comments to make about our Preferred Development Option for development in the Outlying Settlements?

Northern Trust supports identification of development opportunities for housing, and some associated infrastructure, to the outlying settlements as part of Option 2, including Burtonwood. But, objects to the limited scale of opportunity identified at Burtonwood that fails to capture the available sustainable development opportunity presented specifically by Northern Trust's land at Phipps Lane / Green Lane within GBA Site BW3. And, objects to the allocation of only 150 units as a scale too limited to viably deliver the housing and usual associated infrastructure, alongside usual developer contributions for affordable housing and open space; and, specific support for expansion of primary school facilities and primary care.

In support of allocation of Northern Trust's land at Burtonwood we provide a Vision Document that in summary:

- Sets out the context, site opportunities and constraints of Northern Trust's Site at Phipps Lane / Green Lane within GBA Site BW3;
- Demonstrates the Site is sequentially preferable over other proposed development sites at Burtonwood on a range of sustainable development objectives and the position of the Site related to existing infrastructure and facilities, and its ability to enhance connectivity;
- Provides an Illustrative Masterplan to demonstrate the developability and deliverability of the Site; and,
- Demonstrates through the Illustrative Masterplan the ability to deliver longer-term development needs, potentially beyond the present plan-period through allocation of Safeguarded Land.

The Vision Document also supports separate response to Q2 and Q8 and the need to identify more housing capacity at outlying settlements, including Burtonwood. Through the Illustrative Masterplan it is demonstrated that the Council's preferred 150 units can be accommodated on the Site alongside supporting infrastructure, notwithstanding such a level of provision may not deliver all the developer contributions currently assumed in the PDO (paragraph 5.47) and usual policy requirements. It is also demonstrated that in principle the Site can accommodate a scale of development of 250-300 units considered both more reasonable to accommodate shortfall from city centre urban capacity (see response to Q2 & Q8), and to deliver a viable development that supports all sought developer contributions.

PDO paragraphs 5.49 & 5.50 set out the Council will continue work on settlement site capacity and detailed site capacity work. Northern Trust looks forward to positive engagement with the Council as a key landowner at Burtonwood to take forward the Plan to the next stage to allocate and safeguard land.

Question 14

Do you agree with our approach to providing new employment land?

Northern Trust has no comment on the approach to provision of new employment land at this stage.

Question 15

Do you agree with our suggested approach for dealing with Gypsy and Travellers and Travelling Showpeople sites?

Northern Trust has no comment

Question 16

Do you agree with our suggested approach for dealing with Minerals and Waste?

Northern Trust has no comment

Question 17

Having read the Preferred Development Option Document, is there anything else you feel we should include within the Local Plan?

The Preferred Development Option is currently light or absent on some key policies areas, such as affordable housing needs and retail planning policies. It is noted that this will be taken forward at subsequent stages, but as set out in response to Q2 & Q8, the lack of any retail assessment and update has provided a gap in evidence on the potential impact of assumed redevelopment of key retail players in the city centre, including ASDA, Sainsbury's, Cockhedge Retail Park and Riverside Retail Park.

Saunders

Architecture + Urban Design

VISION DOCUMENT, BURTONWOOD

September 2017

Vision Document for Burtonwood.

"Northern Trust's vision for a sustainable, residential development at Burtonwood to meet present and future needs"



This document has been prepared on behalf of:



The design team:



Saunders Partnership

Architect / Masterplanning



DPP

Planning



Curtins

Highways



UES

Ecologist

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Separate Supporting Documents

- *Preliminary Ecological Assessment,*
April 2017, UES

Introduction

This Vision Document sets out an approach for Burtonwood to meet its future housing and development needs in the emerging Warrington Local Plan period 2017-37, and beyond.

The Site proposed for development sits adjacent to the existing settlement and will integrate with the existing neighbourhood. It will sit between homes and Burtonwood Community Primary School, and will allow opportunity to improve access to the school. Opportunity exists to provide for additional open space, recreation, retail and community facilities.

Longer-term development potential is identified to support additional needs at Burtonwood either within or beyond this plan period.

Site & Local Area.

Burtonwood

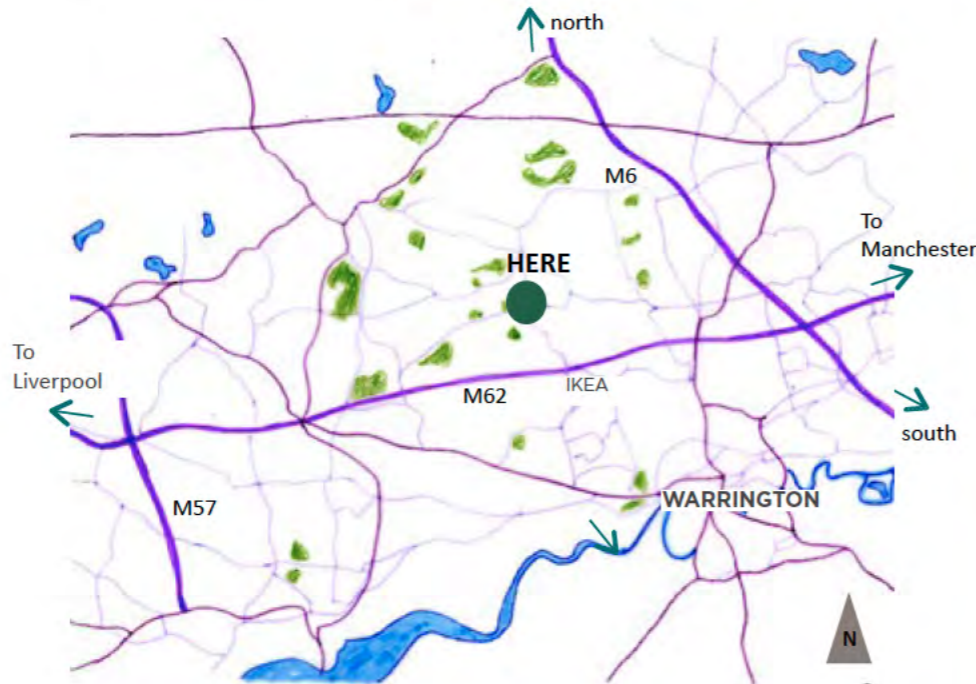
Burtonwood is a settlement to the northwest of Warrington, with an estimated population of 3,219 (January 2017).

Warrington town centre lies approximately 5 miles (8.5 km) to the south, St Helens town centre lies approximately 3.5 miles (6 km) north west of Burtonwood, and Newton-Le-Willows lies approximately 3 miles (5 km) north east.

Clay Lane and Burtonwood Road form the key route that goes through and out of Burtonwood to join the M62, which is 1.8 miles (3 km) to the south.

Burtonwood is serviced by two daytime bus services and one evening service.

The nearest railway stations are St Helens Junction (2.5 miles / 4 km away) and Earlstown (2.8 miles / 4.5 km). Other services are available from Warrington Bank Quay and Central stations.



- 1 Site
- 2 Other land in Northern Trust ownership
- 3 Other land in Northern Trust ownership

Site & Local Area.

- The site

The proposed residential allocation Site is located to the north of the settlement just beyond the existing urban boundary, and measures a total of approximately 11.4 hectares (28.1 acres). The Site is in agricultural use, classified as Grade 3 agricultural land. The Site lies within flood zone 1 which means that there is a very low probability of it flooding.

The Site is formed by two fields, separated by a hedgerow, and is bounded by residential dwellings to the south on Phipps Lane, Winsford Drive and Rushton Close; to the west is Burtonwood Community Primary School as well as homes across Green Lane that form the boundary; and to the north are the rear gardens of homes off Lumber Lane giving way to field boundaries to northeast and round to the east.

The area beyond the homes on Green Lane and Lumber Lane to the west and north is predominantly open countryside, with the settlement of Burtonwood to the south and southeast.



Site & Local Area.

- Local Area

Burtonwood has a small range of retail units within the local centre including a Co-op food store, Post Office and several takeaways, which are focused at Clay Lane, Chapel Lane and Phipps Lane.

The main employment area is at the Burtonwood Industrial Centre off Phipps Lane.

There are two primary schools

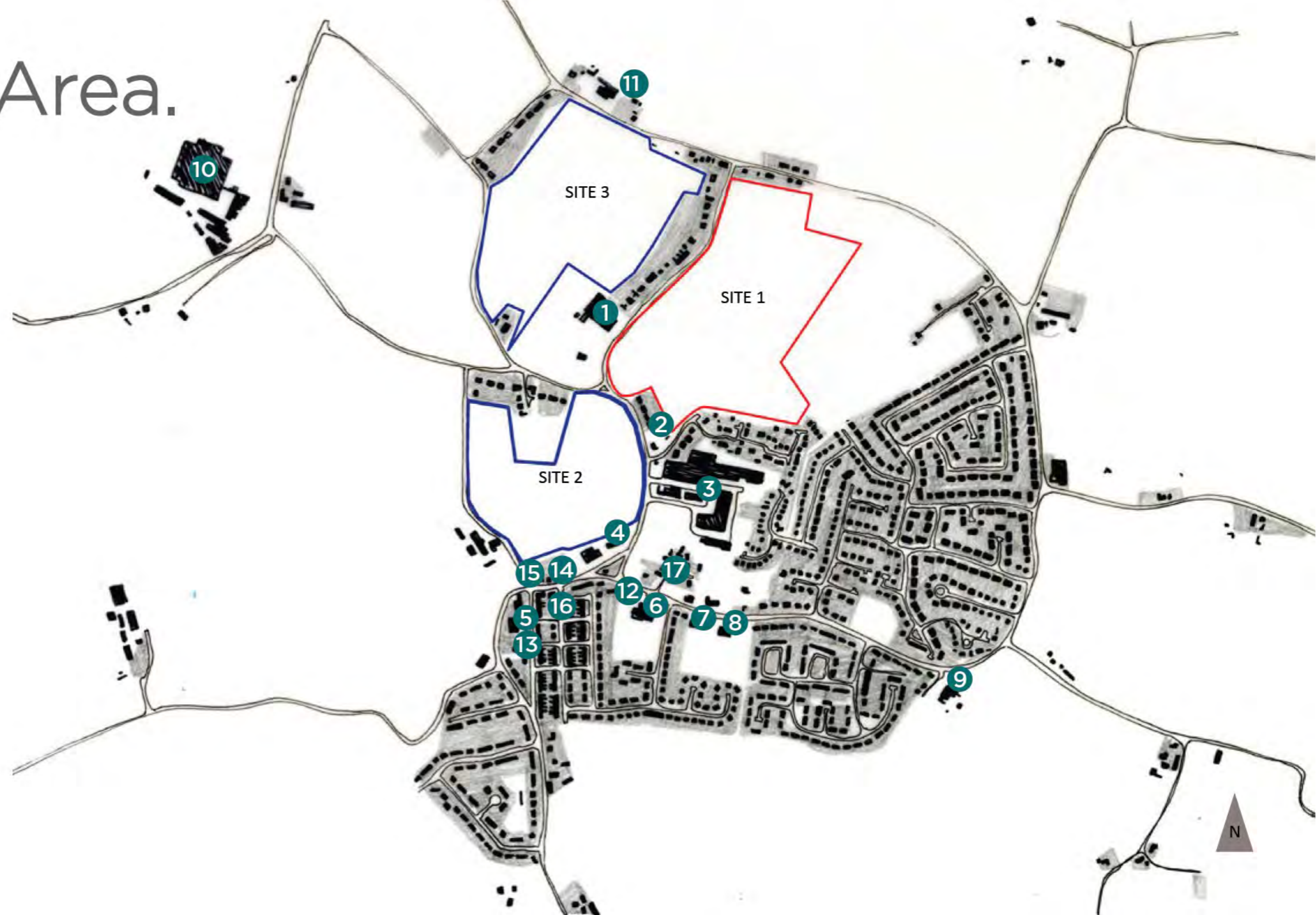
within Burtonwood, Burtonwood Community Primary School and St Paul Of the Cross Catholic Primary School.

The closest secondary school is Great Sankey High School, located approximately 5km to the south in Warrington.

There are also two parish churches, library and community centre.

Key buildings

1. Burtonwood Community Primary School
2. Burtonwood Methodist Church
3. Burtonwood Industrial Estate
4. Burtonwood Catholic club
5. St Paul of The Cross RC Church
6. St. Paul of The Cross Catholic Primary School
7. Burtonwood Library
8. St Michaels Parish Hall
9. Burtonwood Community Centre
10. Thomas Hardy Brewery
11. Higher Farm Livery Centre
12. Burtonwood Sub Post Office; Numark Pharmacy
13. Co-op supermarket
14. Clay Lane Surgery
15. Hairdressers, Sandwich shop, cafe (4 units)
16. Takeaway
17. Burtonwood Village Surgery



Site & Local Area.

- Character of Burtonwood



INDUSTRIAL ESTATES

The village's industry was known for its brewery during the 1900's but later moved out of Burtonwood after becoming a public company.



SOUTH WEST RESIDENTIAL BLOCKS

2 storey Victorian and Edwardian terraced cottages.



THE CHAPEL HOUSE

Reputed to be the oldest building in Burtonwood, and being located in a prominent position on the Chapel Lane / Clay Lane / Phipps Lane junction, is the Chapel House public house.



CHAPEL LANE

This is the main road which goes through the centre of the town from east to west. It has a variety of dwelling types ranging from post war terraced social housing, to larger detached family homes.



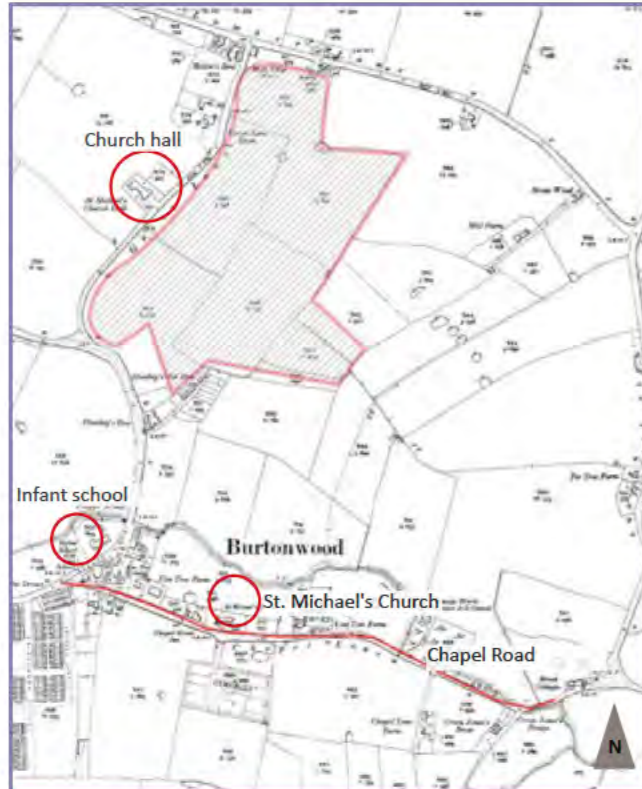
Character of Burtonwood

The settlement is situated on a minor hillcrest within an immediate landscape character of a mix of arable fields, horse grazing paddocks and suburban influences of privet hedges and poplar used as roadside hedgerow and trees. This gives way to more open fields, with evidence of enlarged fields with fragmented hedgerows. There are noticeable pylons and telegraph poles in the landscape, with more open views east of the village towards the Pennines. Topography is more varied to the west and south of the settlement, and around Phipp's Brook.

The urban character is predominantly older Victorian and Edwardian to the south and southwest clustered on Clay Lane, giving way to later suburban and estate development to the south and east from the inter and post war periods. Immediately adjacent to the Site, the development at Rushton Close for two and three storey homes is the most recent residential area and style.

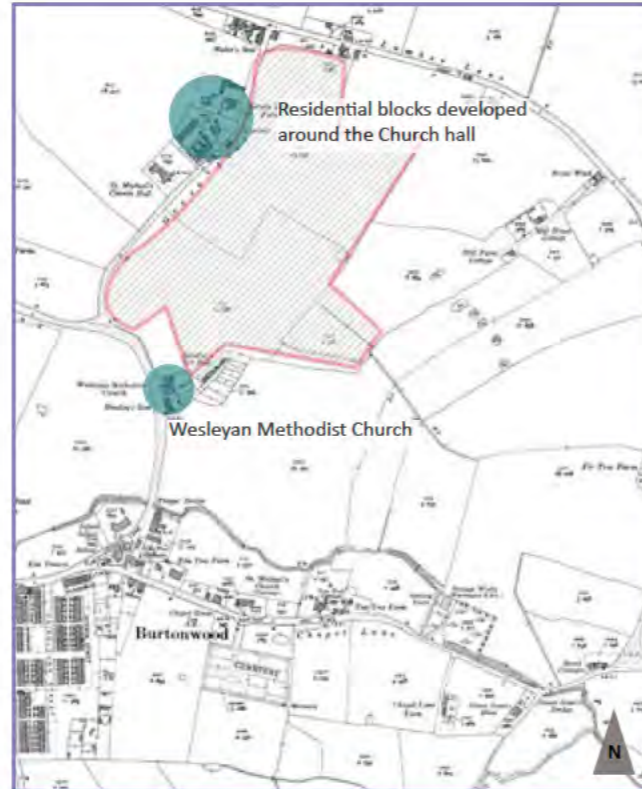
Site & Local Area.

-Development History



Historic map - 1900

The development of Burtonwood originated around Chapel road with the Church being the central point. There is a school with residential buildings surrounding it.



Historic map - 1920

A nucleus of homes is evidenced at Green Lane adjacent to the Church Hall to the west of the site.



Historic map - 1940s / 50s

RAF Burtonwood opened in 1940 south of the settlement, later commissioned by the US Airforce in 1942 and remained operational until 1959. Though the base provided on-site facilities, the increased population led to a significant change to Burtonwood and the community. Estate development to southwest and industrial estate on Phipps Lane evident.



Historic map - 1960

As the population of the town grew, more residential units were developed towards the southeast and east sides of Burtonwood. A significant number of bungalows are constructed in the eastern estate.

Site & Local Area.

-Development History



St. MICHAEL'S CHURCH
This was one of the earliest buildings existing in the original settlement.



1910 RESIDENTIAL HOUSING
These dwellings were established around the infant school that is now a Catholic club, to accommodate families employed in local industry.



INDUSTRIAL AREA
Between the 1940s and 1950s there was a sharp increase in the town's industry and an industrial area was established.



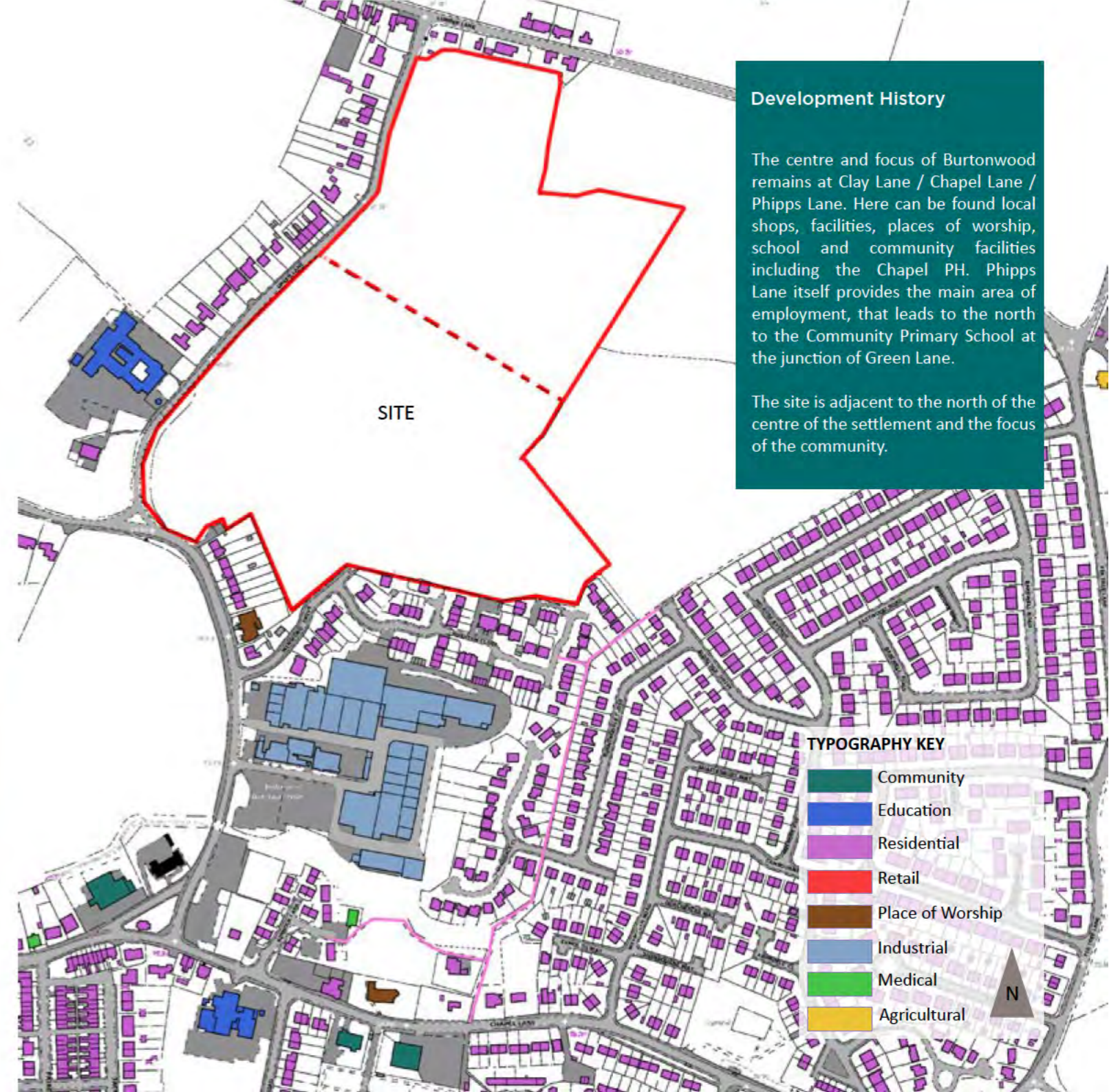
POST WAR HOUSING
These larger semi-detached homes are located on larger plots than the earlier dwellings. They have evolved over time, with most indicating elements that have had modern upgrades.



SOCIAL HOUSING
A significant amount of post-war social housing was built in small estates to the southwest and south of Chapel Street.



MODERN ACCOMMODATION
There are fewer examples of modern residences in the town, such as the detached example at Sunningdale Close, and nearby Rushton Close.



Development History

The centre and focus of Burtonwood remains at Clay Lane / Chapel Lane / Phipps Lane. Here can be found local shops, facilities, places of worship, school and community facilities including the Chapel PH. Phipps Lane itself provides the main area of employment, that leads to the north to the Community Primary School at the junction of Green Lane.

The site is adjacent to the north of the centre of the settlement and the focus of the community.

Planning Policy.

NATIONAL PLANNING POLICY FRAMEWORK



National Planning Policy Framework



The National Planning Policy Framework (NPPF), paragraph 84, advises local authorities should draw-up or revise Green Belt boundaries taking into account the need to promote sustainable patterns of development.

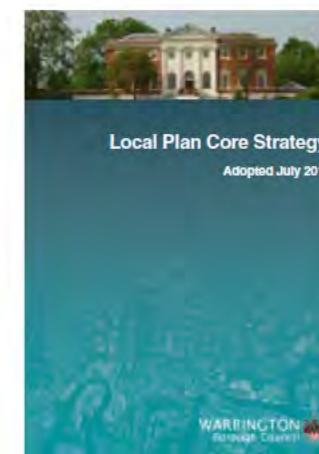
Paragraph 85 advises that in defining boundaries that plans should also consider longer-term needs and identify safeguarded land, and boundaries should be clearly defined using physical

features readily recognisable and permanent.

Paragraph 47 requires authorities to boost significantly the supply of housing. Paragraph 52 recognises that supply of new homes can sometimes be best achieved through larger scale developments, including extensions to existing villages. Though expressed in the manner of establishing Green Belts where appropriate, the converse is also true that revisions to Green Belt boundaries should be considered if it supports sustainable development and delivery of housing.

Land at Green Lane, Burtonwood is such a site that should be released from Green Belt to enable a sustainable extension of the village to meet identified housing needs in the emerging Local Plan.

ADOPTED WARRINGTON LOCAL PLAN CORE STRATEGY



The Warrington Local Plan Core Strategy was adopted by the Council on 21st July 2014, replacing the previously adopted Unitary Development Plan. It sets out the planning framework for guiding the location and level of development in the borough up to 2027.

Following the successful legal challenge on 19 February 2015, Satnam Millennium Limited v Warrington Borough Council [2015] EWHC 370

(Admin), the housing requirement and main allocation policies of the Core Strategy were quashed. The Local Plan Review will provide up to date housing requirement policies, associated employment land needs and set spatial strategy for delivery.

The Local Plan Review preparation has not indicated if all adopted Core Strategy policies will be reviewed and replaced. Irrespective of decisions to retain or replace, it is expected policies on design, layout, massing, access, amenity and open space provision will not diverge significantly from adopted Core Strategy policies. Accordingly, those policies are referred to provide a planning policy context for development of the Site.

CS Policies on Green Belt, housing and countryside matters (CS3 / SN1 / CC2) are set aside as the proposals here presuppose a strategic decision to release the Site from the Green Belt and countryside has been taken as part of the Preferred Option.

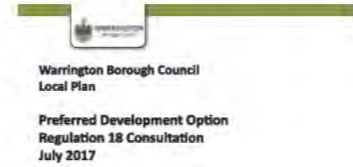
Key policies are:

- Policy CS 1 - Overall Spatial Strategy - Delivering Sustainable Development – Sets an objective to secure development that improves the economic, social and environmental conditions of the area;
- Policy SN 2 - Securing Mixed and Inclusive Neighbourhoods – Seeks all developments to provide a mixture of housing types and tenures, to support inclusive neighbourhoods;
- Policy QE 5 - Biodiversity and Geodiversity - Proposals for development need to be supported by relevant habitat surveys and provide mitigation as identified, avoiding priority habitats;
- Policy QE 6 - Environment and Amenity Protection – Seeks to provide adequate amenity to new and existing residents, avoiding an adverse impact on the environment;
- Policy QE 7 - Ensuring a High Quality Place - proposals shall be positively designed to;
 - be sustainable, durable, adaptable and energy efficient;
 - create inclusive, accessible and safe environments;
 - function well in relation to
- existing patterns of movement and activity;
- reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape;
- harmonise with the scale, proportions and materials of adjacent and / or existing buildings;
- maintain and respect the landscape character and, where appropriate, distinctiveness of the surrounding countryside;
- use the density and mix of development to optimise the potential of the site without damaging the character of the area; and
- be visually attractive as a result of good architecture and the inclusion of appropriate public space.
- Policy MP 3 - Active Travel - New development should integrate safe walking and cycling routes, and
- Policy MP 7 - Transport Assessments and Travel Plans – Major development applications must be accompanied by a Transport Assessment and Travel Plan.

existing patterns of movement and activity;

- reinforce local distinctiveness and enhance the character, appearance and function of the street scene, local area and wider townscape;
- harmonise with the scale, proportions and materials of adjacent and / or existing buildings;
- maintain and respect the landscape character and, where appropriate, distinctiveness of the surrounding countryside;
- use the density and mix of development to optimise the potential of the site without damaging the character of the area; and
- be visually attractive as a result of good architecture and the inclusion of appropriate public space.
- Policy MP 3 - Active Travel - New development should integrate safe walking and cycling routes, and
- Policy MP 7 - Transport Assessments and Travel Plans – Major development applications must be accompanied by a Transport Assessment and Travel Plan.

WARRINGTON LOCAL PLAN (EMERGING)



The Preferred Development Option consultation document recognises that releasing Green Belt land will be necessary if Warrington is to meet the development aim of providing 8,791 homes and 251 hectares of employment land. The Council is confident that exceptional circumstances can be demonstrated to justify this scale of Green Belt release.

Under its preferred Option 2, outlying settlements will see incremental growth, which for Burtonwood is 150 homes. Because Burtonwood is tightly bounded by Green Belt it is inevitable that delivery of the 150 homes will require release of land from the Green Belt.

As required by NPPF the Council will also need to have regard to allocating Safeguarded Land and setting a new Green Belt boundary that can endure a

subsequent plan review; i.e. a degree of permanence and certainty.

The Preferred Option document also notes that in order to deliver this level of development it will be necessary to provide additional capacity at Burtonwood Community Primary School, in addition to other developer contributions for affordable housing, open space provision and its management, support to healthcare capacity and public transport contribution. A development may also be required to provide CIL payment based on the Council's preferred timing to bring into force CIL at time of the emerging Plan's adoption.

Separate representations are made on the potential viability of 150 homes to deliver the breadth of developer contributions, CIL payment and usual infrastructure and ancillary development costs.

Further representations are made on whether the Council's allocation of 150 homes is sufficient and appropriate to Burtonwood in context of both of its deliverability and wider calculation of deliverable urban capacity to underpin the maths is sound and justified.

The subsequent Site Analysis and Development Opportunity in this Vision Document is framed to consider the Council's preferred position of 150 homes, an option of what is considered a deliverable development opportunity, and a long-term vision.

SUPPLEMENTARY PLANNING DOCUMENTS (SPDs)

Any development of the Site will be required to give recognition to advice in relevant SPDs, including Environmental Protection SPD (2013), Design and Construction SPD (2016) and Planning Obligations (2017). These documents are subject to periodic review, but the principles and policies they support, are considered general and are likely to remain constant to a future time to develop the Site.

Environmental Protection SPD 2013
The SPD provides guidance on matters of contaminated land, air quality, light pollution, and noise and vibration, and identifies the associated impacts that could affect public health and wellbeing.

Design and Construction SPD 2010 (Amended 2016)
The SPD seeks high-quality development; environments that promote health and wellbeing; and, promote schemes which are sensitive to the locality.

Planning Obligations SPD 2017
The SPD comprehensively sets out use of planning obligations, which will require revision upon implementation of CIL. Requests for affordable housing and site specific mitigation in areas such as biodiversity, education or green infrastructure will still complement CIL.

Site Context.

-Introduction

Burtonwood is tightly bounded by Green Belt. This has led over successive plan reviews to a lack of opportunity to construct new homes at Burtonwood to meet local housing needs. This Plan review is different in that the Council now recognises the need to provide homes to the outer lying settlements, including Burtonwood. This raises two questions: (1) How much housing should be provided in the Plan? and (2) Where should the housing go?

The answer to question (1) is currently 150 homes on the Council's Preferred Option. Set out in separate representations and taken forward in this Vision Document, we consider this figure too low to meet needs and to deliver the supporting infrastructure and development benefits sought in the Preferred Option.

To answer question (2) this Vision Document sets out that the Site is the best, most sustainable option for growth at Burtonwood whether it is for 150 homes, or a greater amount that we support being adopted through the Plan process.



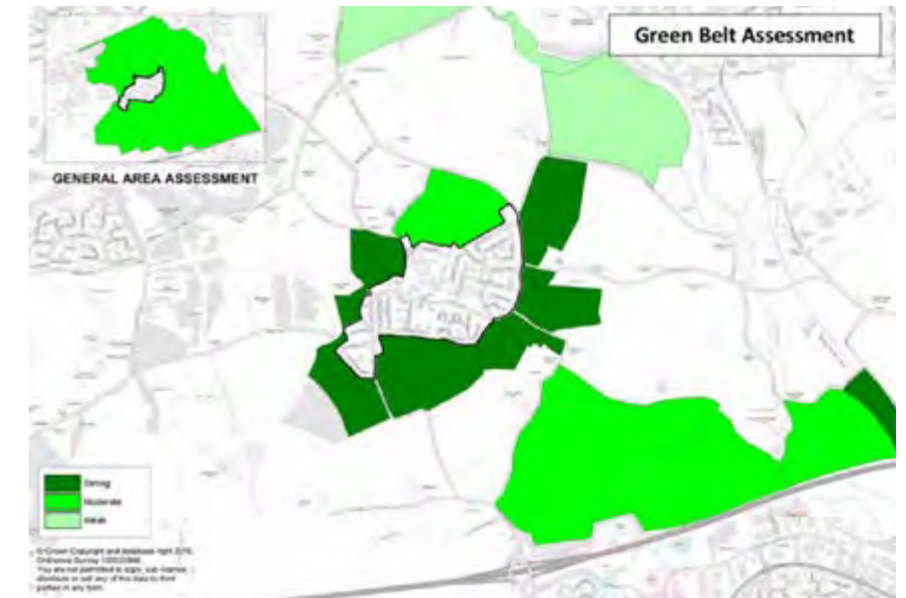
Extract: Adopted Local Plan Strategy Proposals Map 2014

GREEN BELT CONTEXT

The 2016 Green Belt Assessment, prepared by Arup, assessed nine parcels of land around Burtonwood, and collectively assessed the parcels of having a 'moderate' contribution to supporting the five purposes of green belt. When assessed as individual parcels, eight of the nine assessed were scored as 'strong', with only one, Parcel BW3, being scored as 'moderate'. The Site forms approximately half Parcel BW3.

In summary, Arup's assessment of 'moderate' importance for Parcel BW3 is formed on the basis the parcel provides a strong contribution to safeguarding the countryside from encroachment, and a moderate contribution to assisting in urban regeneration. However, the parcel is weak in contributing to the prevention of neighbouring towns from merging, and the parcel has no contribution to checking the unrestricted sprawl of large built-up areas or preserving the setting and special character of historic towns.

As the only 'moderate' parcel surrounding Burtonwood the evidence base clearly identifies Parcel BW3, and with it the Site, as appropriate for consideration for development and release from Green Belt to meet identified housing needs.



Green Belt Assessment 2016; source: Settlement Profiles Outlying Settlements (July 2017)

CONNECTIVITY - VISUAL ASSESSMENT

The Site comprises two cultivated fields that are generally level. The Green Lane boundary is open for a considerable length as a result of cultivation, with defined field boundary hedgerows at Phipps Lane, to the east, and rear of Lumber Lane homes to the north.

Public views of the Site are available from the highway at Green Lane, Phipps Lane, Winsford Drive and the public footpath at the rear of properties on Rushton Close. All views of the Site contain to greater or lesser degree built development in the foreground, such as Phipps Lane or Winsford Drive, looking into the site; or, in the background, such as views from Green Lane with Burtonwood terminating views beyond the field or reversed with Green Lane homes prominent in views across the site, for example at Aldridge Drive and the footpath running along the southern boundary.

Though part of a wider area of designated open countryside, there is no special landscape character ascribed or protected in policy, and the site is not considered truly open because of the surrounding built development.



1

2

3

4

5

6

7

ACCESSIBILITY

The Site is situated to the northern edge of the existing defined settlement, but is also situated between the settlement and Burtonwood Community Primary School and homes on Green Lane.

Accessibility is excellent to a range of local services, including the adjacent Primary School, industrial estate, local shops, post office, doctor's surgery, places of worship, a second primary school, parks and recreation facilities.

All of these facilities are within 400 metres of the Site boundary, and within 750 metres from the centre of the Site promoted for development. In other terms those facilities and local services are located within a 5 to 10 minute walk of the Site, indeed in a few instances the walk time is less than 5 minutes, such as Burtonwood County Primary School. Image 1 opposite shows the walking catchment around the site up to a distance of 800m (note: this is based upon the site's existing connections to the surrounding road network).

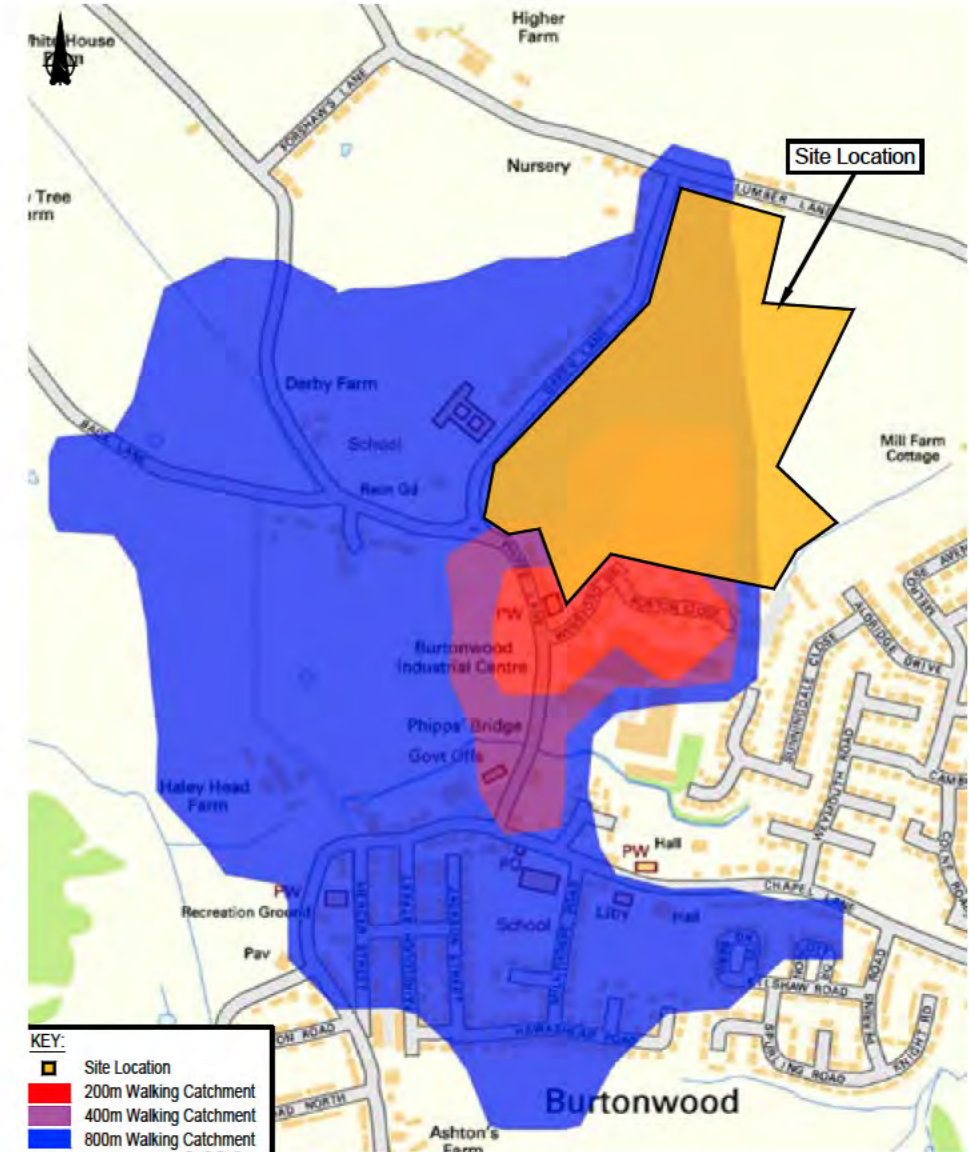


Image provided by Curtins

Access to local services in Burtonwood is primarily achievable on foot or by cycle. Whereas longer distance links, other than recreational activity, would likely favour the use other modes of travel. An 8km cycling catchment from the site is considered a feasible distance for commuting or more serious forms of leisure cycling. Image 2 below shows that within this catchment falls Warrington, St Helens, Newton-Le-Willows as well as other urban areas which surround Burtonwood:

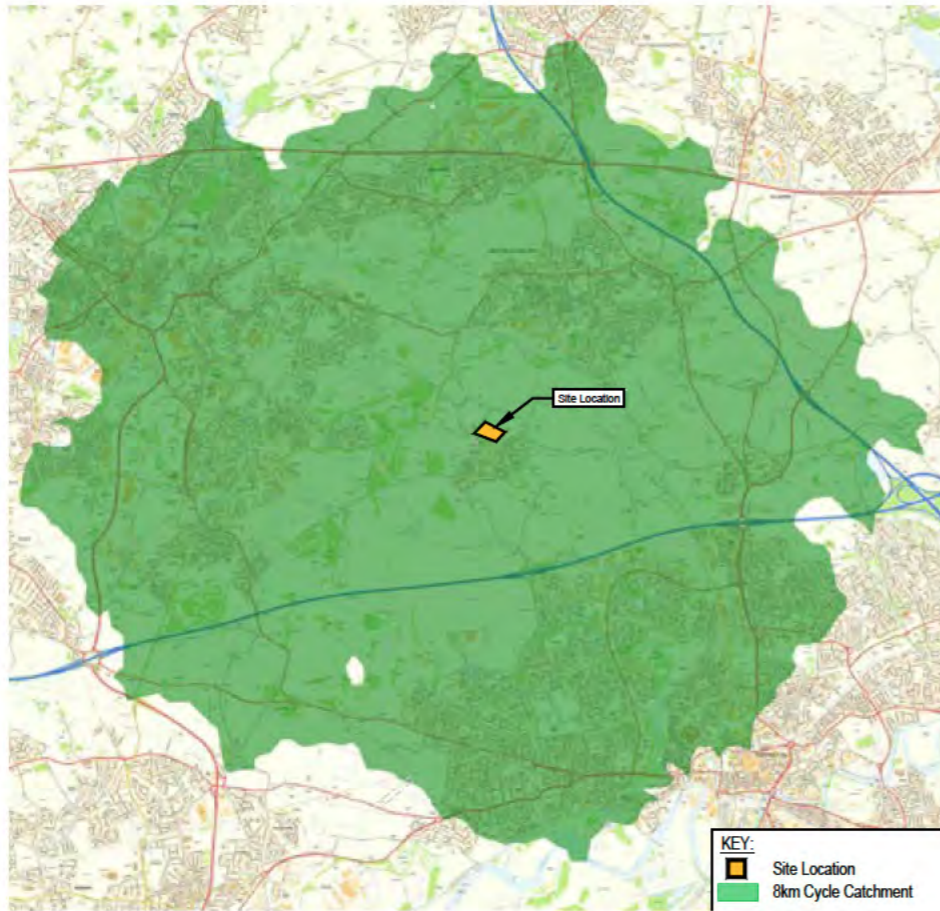
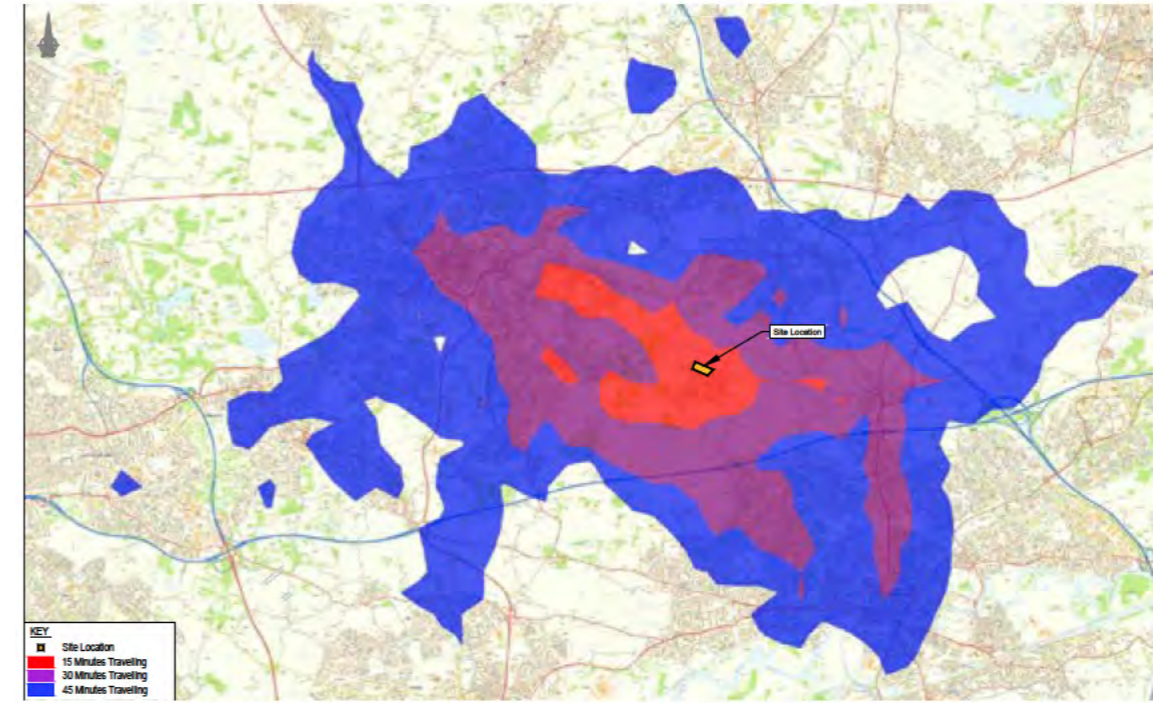


Image provided by Curtins



Wider accessibility places the Site, and Burtonwood, at an approximate 6-minute drive from the strategic road network at the M62 Junction 8, with connections to Liverpool and Manchester. The expanding Omega employment area sits adjacent to this junction and is within easy reach of residents within Burtonwood. Warrington centre is reached in 15 minutes via car, and daytime bus services (141 and 329), linking Burtonwood to St Helens, and Warrington to St Helens via Burtonwood and Winwick. There is one evening bus service (24E) linking Warrington to Earlestown via Winwick and Burtonwood. School bus services connect pupils that reside in




Burtonwood with the nearest secondary school at Barrowhall Lane, Great Sankey. Local and national rail services are accessible at St Helens Junction (closest), Earlestown and Warrington stations. Each of those stations are linked via bus services to Burtonwood. The image above shows the accessibility of the site using either rail or bus options as described above.

Site Context.


-Connectivity and linkages



Vehicular Links



-  Primary Road
-  Secondary Road
-  Tertiary Road



-  Pedestrian route



Cycle & Bus Links

-  Bus route
-  Bus stop

Site Context.

-Heritage Context

The Site does not lie within a conservation area. Whilst there are some protected trees and historic buildings in the surrounding area, there are no heritage assets of note that proscribe development on the Site.

For clarity, there is a small cluster of protected trees on the Brambles to the east of the site, a line of trees along Phipps Lane to the west, and a small cluster on Green Lane north-west of the site. The closest locally listed building is Burtonwood Methodist Church on Phipps Lane.

There are three Grade II Listed buildings within a kilometre of the site: Bradlegh Old Hall and the Gatehouse to Bradlegh Old Hall which are located north-east of the site, and the Church of St Michael and All Angels located south of the site in Burtonwood.

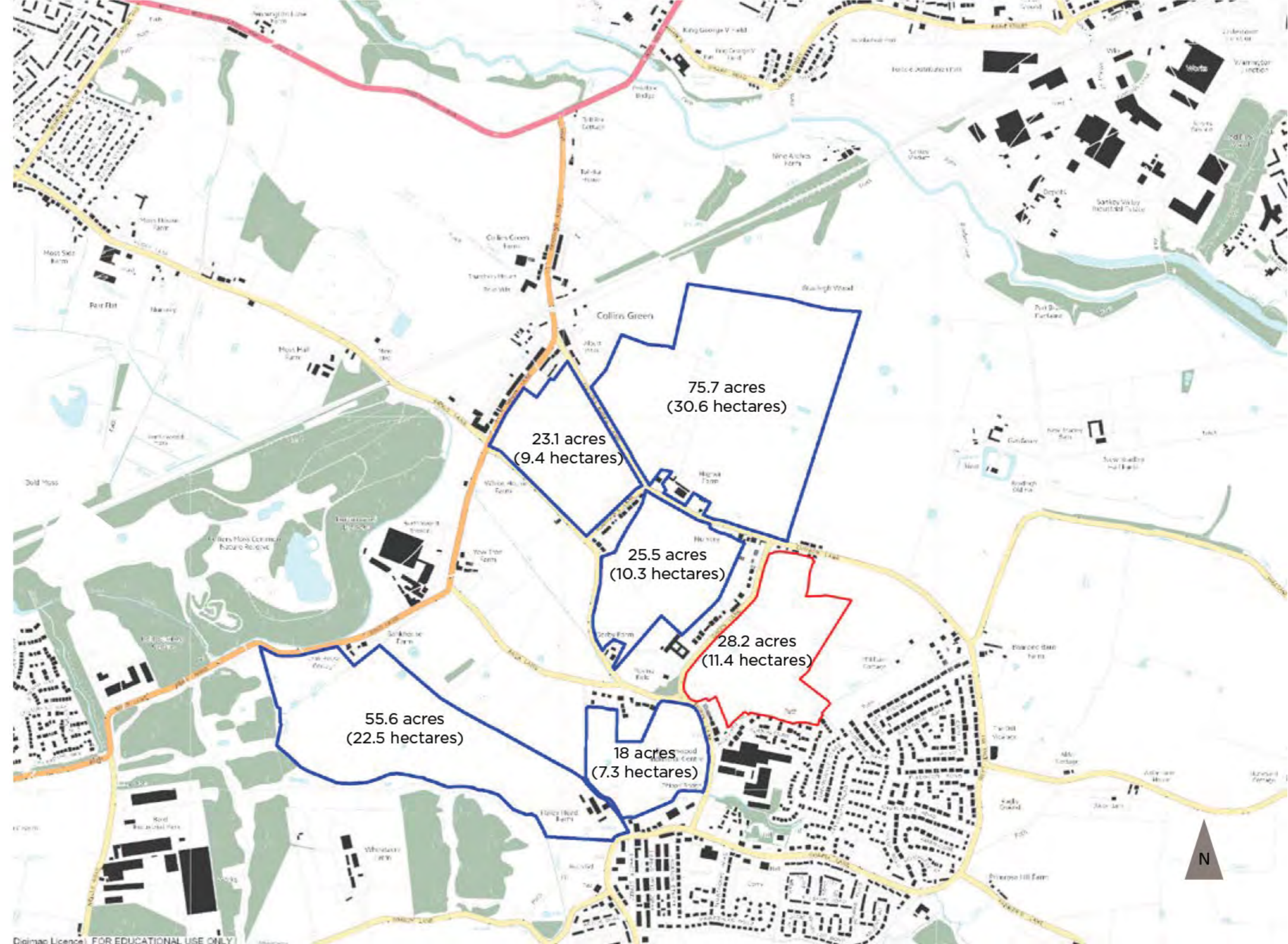


Site Context.

-Ownership & Deliverability

The Site is in the ownership and control of the developer, Northern Trust. As shown in the adjacent plan it is also the owner of several other fields in the vicinity of the Site and Burtonwood.

It places Northern Trust in a unique position in formulating a masterplan and delivery of development to provide compensatory site(s) for ecology mitigation measures, open space or space for highway improvements that may arise.



Site Context.

- Ecological constraints



1 Rabbit burrow on the periphery.



2 Tall ruderos vegetation.



3 Ephemeral scrape.



4 Large ephemeral scrape.



5 Log and brash pile.



6 Ditch on western site boundary.



7 Thin strip of semi improved grass-



8 Dry ditch

ECOLOGICAL CONTEXT

Burtonwood Nature Park lies south of Burtonwood, and is the closest area to the Site recognised for its nature and geological value. A Preliminary Ecological Appraisal, prepared by UES, of two fields within the Site has not identified any significant ecological value, though recommends further survey as part of preparing any future redevelopment.

A copy of the PEA is appended to the Vision Document.

Legend

- Dense scrub
- Scattered trees (mixed)
- Semi-improved grassland
- Tall ruderal
- Swamp
- Standing water
- Intact hedge
- Fence
- Wall
- Dry ditch
- Mammal paths
- Site boundary



Site Analysis.

This Site analysis focuses on land in control of Northern Trust identified on the plan opposite that forms part of Parcel BW3.

As part of the longer-term development opportunity consideration is given to the full Parcel BW3 and its role for Safeguarded Land.

PROXIMITY TO BURTONWOOD AREA

The Site is situated immediately adjacent to the urban area and settlement boundary at Phipps Lane, Winsford Drive and Rushton Close.

Burtonwood County Primary School and homes on Green Lane are situated to the west, and rear of homes on Lumber Lane to north. These homes and the school are outside defined settlement limits but practically and visually form part of Burtonwood, and provide definition to the Site boundaries to west and north, leaving only the east boundary to further open fields within Parcel BW3.

NATURAL CONSTRAINTS

As agricultural land, there are few natural constraints to development as greenfield land. The Site is generally level, bounded by hedgerows that are partly open onto Green Lane, with limited boundary trees, primarily to northwest, and internal field boundaries. There is a drainage ditch to west and a pond on the eastern boundary.

The Site is not statutorily protected as a habitat nationally or locally. A Preliminary Ecological Assessment, prepared by UES and submitted as supporting evidence, concludes further studies will be required to guide and inform development, but does not indicate development cannot be successfully undertaken with requisite mitigation.

AGRICULTURAL USE

The Site, as is most surrounding land, is identified as Grade 3 agricultural land (not defined 3a or 3b) in the Settlement Profile produced by the Council. Areas

of Grade 2 land lie to west and south of Burtonwood.

ACCESSIBILITY

Vehicular and pedestrian access is available via Green Lane and Winsford Drive. A public footpath exists along part of the southern boundary from Winsford Drive to 53 Rushton Close. The footpath then continues eastward toward Lumber Lane to the northeast. The plans need to insert the redline of the site and label key roads for legibility



Site Analysis.

-Traffic analysis

Background

Burtonwood is tightly bounded by Green Belt. The Council now recognises the need to provide homes to the outlying settlements, including Burtonwood.

Development on site

The Site comprises two fields, 11.5 hectares, with an estimated net developable area of 8.6 hectares.

The proposal is for 150 homes with scope for reasons set out elsewhere to increase this to a range of 250-300 homes, the 300 upper range used for traffic analysis purposes.

150 homes represents a relatively low density of 17.5 houses per hectare, though the whole site may not necessarily be developed for residential use; 300 homes represents a more efficient density of 35 houses per hectare of the net developable area of 8.6 hectares.

Trip Generation

Taking TRICS trip generation rates the traffic generated is tabulated opposite.



TRICS- Private	Average TRICS					
	AM Peak			PM Peak		
	Arrive	Depart	Total	Arrive	Depart	Total
Trip Rate	0.141	0.397	0.538	0.382	0.22	0.604
150 houses	21	60	81	57	33	90
300 houses	42	120	162	114	66	180

Trip Assignment

As Burtonwood is predominantly a residential area it was considered to assign the above traffic in the same ratio as the existing traffic. However it is known that there is a considerable degree of through traffic using Burtonwood to avoid other routes which are congested. Therefore the trip assignment is based on census data for journeys to/from work for the Burtonwood area.

Highway Impact

Surveys were undertaken at the two junctions which are considered that the highway authority would require to be tested.

The junction of Alder Lane giving way to Fir Tree Lane experiences some queuing at peak periods, however the junction will continue to operate within acceptable capacity levels even if the upper limit of 300 houses were to be delivered at the site.

The junction of Farmers Lane giving way to Fir Tree Lane experiences some queuing at peak periods, however the junction will continue to operate within

acceptable capacity levels even if the upper limit of 300 houses were to be delivered at the site.

It is worth noting that the planned implementation of the M62 smart motorway system by Highways England (operating from J10 at Croft to the M60 motorway interchange at Irlam) is designed to improve journey times along this section of the M62 Motorway, which in turn is expected to reduce the level of background traffic within Burtonwood. This is because a significant proportion of the through traffic which currently uses Burtonwood to avoid congestion on the motorway would be likely to transfer back to benefit from the improved traffic conditions on the strategic highway network.

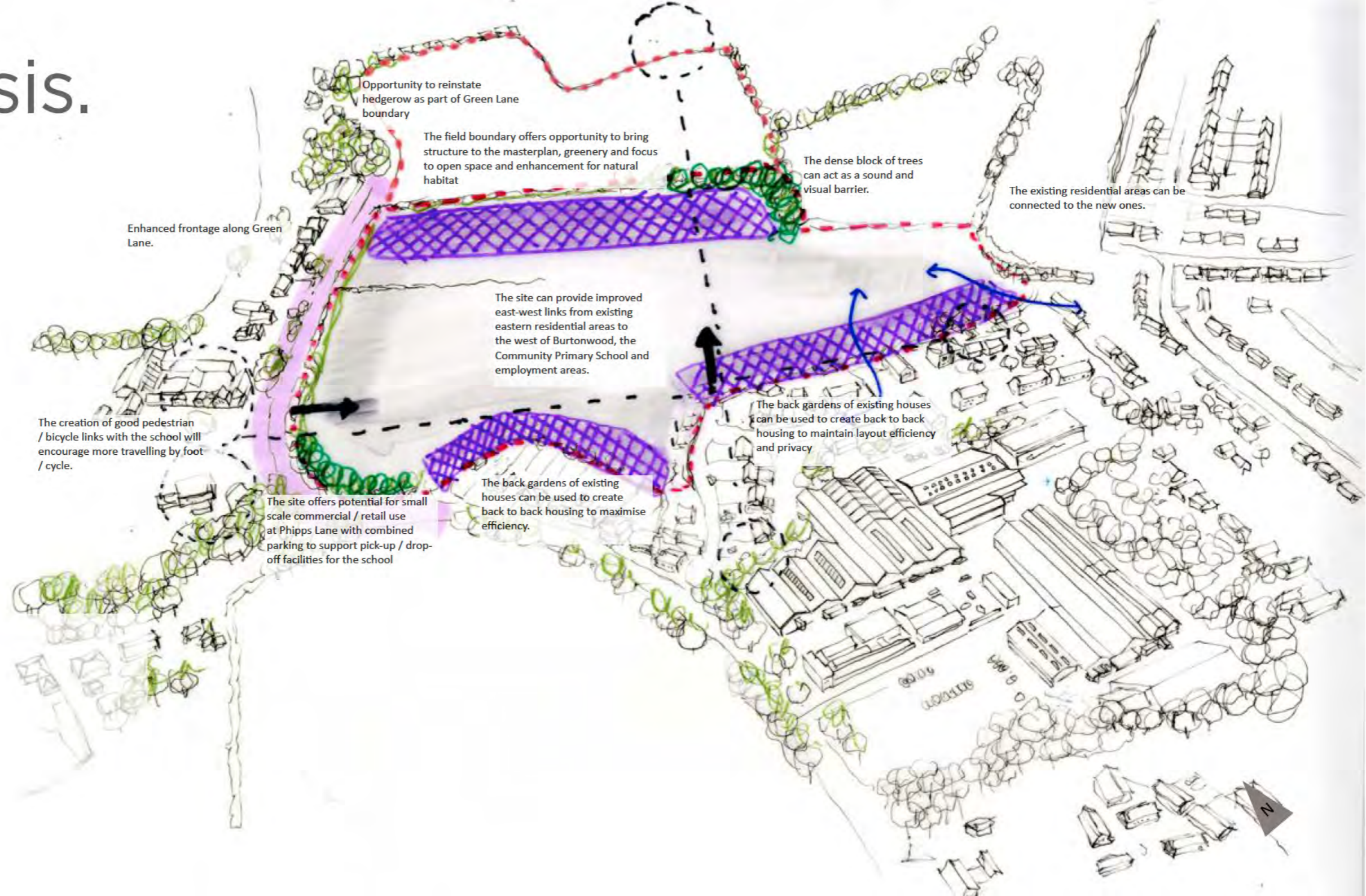
Site Analysis.

- Constraints



Site Analysis.

- Opportunities



Legend

- Frontage
- Back facing housing
- Greenery and tree coverage
- Potential access points into site

Development Opportunity.

-Masterplan concept

Local Plan Consultation

The Preferred Development Options consultation identifies a potential capacity for 150 new homes to Burtonwood. As stated previously, this capacity must be delivered from land outside the settlement boundary and within the Green Belt.

The Green Belt Assessment (Arup, 2016 & 2017) identifies the Site, as part of a larger parcel of land with two fields to the east, its reference BW3, as of 'moderate' importance to the integrity of the Green Belt. This is compared to 'strong' assessment of all other assessed parcels around Burtonwood. On a wider scale the collective importance of Green Belt land around Burtonwood is considered to be 'moderate'.

As the only parcel identified as 'moderate', the Site, as part of Parcel BW3, is considered the preferred location for development to meet identified needs. For reasons to be developed further here, it is considered the Site is also the preferred location within the Parcel to deliver the 150 new homes.



Site Opportunity & Masterplan Concept

The Site comprises two fields totalling 11.5 hectares, with an estimated net developable area of 8.6 hectares.

The Preferred Development Option proposes 150 homes, which would suggest a requirement for 5 ha of land at 30 dph density, though potential for on-site open space, use of densities commensurate with the local area and other landscape and access measures, may indicate a higher land take and a lower average density at 25 dpa more appropriate.

The Site therefore can deliver the identified need for 150 homes in the Preferred Development Option. It can do so broadly within the Field 1 area in closest proximity to the existing settlement, school and homes to the northwest. But other benefits identified here indicate a larger area, incorporating Field 2, ought to be developed to deliver required benefits in Core Strategy Policies SN2, QE5, QE6 and QE7.

DESIGN, LAYOUT & TOWNSCAPE

The Illustrative Masterplan sets out a concept for development of the Site. It demonstrates an ability to take access from two locations off Green Lane (1) and Winsford Drive (2). It illustrates an opportunity to accommodate a pick-up / drop-off area (3) to serve Birchwood Community Primary School and potential for small commercial / retail / community use alongside to dual purpose a parking area (4). It provides for incorporation of existing tree and hedgerow features, habitats and new areas alongside recreational open space and play areas.

The masterplan also illustrates the ability to make future connectivity with land to east (6) as a future phase of development and to incorporate the public right of way to improve safe walking and cycling routes to Birchwood Community Primary School from homes in the east of the settlement.

- 1 Access
- 2 Access
- 3 Pick up / drop off
- 4 Retail / commercial
- 5 Play areas
- 6 Future connectivity





Burtonwood Community Primary School connection

Opportunity exists to improve pick-up / drop-off arrangements for Burtonwood Community Primary School off Green Lane. And, opportunity, if demand and viability exists, for small commercial / retail / community use development in proximity to Phipps Lane / Green Lane.

As the Site is visually contained by existing hedgerows at Green Lane and Phipps Lane corner, there is a design choice on opening this corner to integrate the Site into the settlement and improve inter-visibility at an important junction adjacent to the school. Conversely Field 2 has largely open boundaries to Green Lane due to cultivation. This can be partially enclosed by some new hedgerow and planting to maintain the urban-rural fringe character as it approaches Lumber Lane.

Design and layout are matters for a detailed planning process, but in principle the level site will contain views, which are presently seen against a backdrop of the field boundaries and

homes at Burtonwood. Of course, any development of the Site will change this view from open field to a built, landscaped environment. And this is true of any site under review at Burtonwood that is presently greenfield. But of all the options, the Site offers the least impact on the Green Belt and to the wider countryside because of its containment and visual constraints. And it offers the ability to develop a high quality, medium-to-low density development that balances an efficient use of land and maintain a character reflective of its surroundings.

Improved pedestrian link to Burtonwood Community Primary School via potential community centre and car park / drop off / pick up

Access

Construction access can be delivered through Green Lane, with future resident access available via Green Lane and Winsford Drive for vehicles, cycles and pedestrians. Internal linkages for detailed design.

Deliverability

The Site is in the ownership and control of Northern Trust and Fields 1 and 2 are rented together for agricultural use, but neither field forms part of an agricultural holding. Therefore, both sites are considered available now for development, and are in control of a developer, Northern Trust.

The Preferred Development Options expects the 150-unit allocation to deliver alongside the new homes:

- A new form entry at Burtonwood Community Primary School;
- Affordable housing;
- Support for additional doctor service in Burtonwood;

- Bus service support for access to Omega;
- Usual infrastructure and highway improvements, and
- Future CIL contribution.

Although the Preferred Development Options indicates a review of affordable housing policy, it is anticipated requirements will not significantly deviate from adopted Core Strategy SN2 requirements for 30% affordable housing in a 50/50 split social rent and intermediate housing.

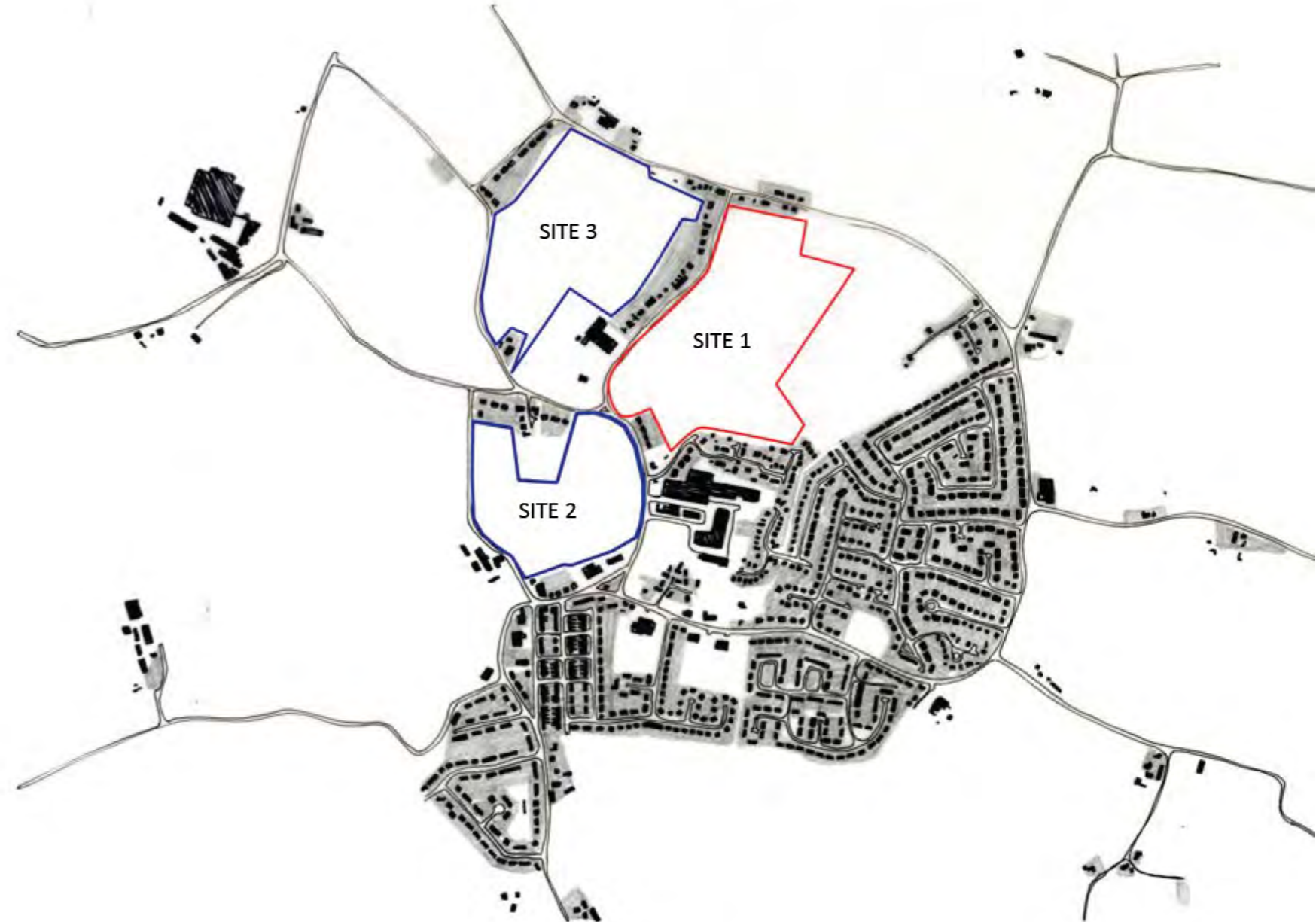
In the opinion of Northern Trust a 150 unit development will be unable to viably realise the totality of the sought benefits and CIL contribution, alongside open space, landscape, maintenance and other normal costs to a developer to create a high-quality residential scheme. Even as a relatively unconstrained greenfield site, and a site already in ownership of a developer, the development returns are finite.

A greater amount of housing needs to be allowed for in the Local Plan to ensure a deliverable, viable development is achieved that supports the necessary investment in infrastructure, services and developer contributions to provide sustainable, high quality development.

Northern Trusts USP

Northern Trust is a developer and land owner of the Site. There is no optioned land or third-party to cause legal delay or add costs to delivery. This means the ability to deliver developer contributions is maximised.

Northern Trust owns other land to the north and west of Burtonwood, as shown on the map opposite. Uniquely it can offer as part of a comprehensive and holistic planning approach to new housing, additional opportunities to provide open space, recreation facilities, compensatory habitat and even expansion land for Birchwood Community Primary School. Whether any call on use of additional land is required or merited is a matter for detailed planning considerations.



Safeguarded Land

The Local Plan will need to set new Green Belt boundaries that are strong and will endure a future plan review.

Safeguarded Land will need to be allocated at Burtonwood to meet future development needs beyond 2037. This is because the existing settlement boundary is so tightly defined, it is inevitable at the next plan review the future housing needs for Burtonwood will still require new land to be released.

The plan opposite sets out that within Parcel BW3 the land to the north and east that completes the parcel naturally becomes Safeguarded Land. Whether this is sufficient land to meet needs beyond 2037 cannot be ascertained. It is considered that Parcel BW2, land off Phipps Lane, should also be candidate for Safeguarded Land.

Parcel BW2 merits Safeguarded Land status due to its proximity to the existing urban area to the south and east, but will be augmented by the next Plan review by development of Field 1

to the north and the existing relationship to the school. It offers opportunities for sustainable development for residential, commercial, recreation and open space uses; and does not curtail development opportunities that might be identified at the next Plan review. Whereas the residual opportunity at Parcel BW3 will be confined to residential and open space uses because of its location, accessibility and proximity to residential uses.

Accordingly, to maintain a flexible and responsive planning framework, it is considered Parcel BW2 alongside the residual area of Parcel BW3, should be allocated as Safeguarded Land.



Longer Term Site Opportunity

Longer-term there is opportunity to deliver a comprehensive development of Parcel BW3, that phases development of the Site and then the two other fields to east and north.

The Illustrative Masterplan shows how development of Fields 1 and 2 can form part of a wider, phased, sustainable development. Importantly it will allow vehicle, cycle and pedestrian links east to west to Birchwood Community Primary School; offer less circuitous routes to the main employment and commercial areas of Burtonwood and bus services; and, allow more meaningful public open space to be formed. It diminishes the reliance and need to take vehicular access via Aldridge Drive, a matter that would be acute if the parcel was developed in reverse from east to west. Indeed, a reversed approach would present additional difficulties on construction access and focus development north to Lumber Lane with inadequate linkages to the main settlement area, schools, shops and employment.

It is suggested on the basis of the Preferred Development Options that the eastern and northern fields be Safeguarded land, putting this longer-term opportunity to post-2037.

However, if the Local Plan review process identifies a greater need to accommodate housing from Green Belt land, then it would be reasonable to apportion more housing to the outlying settlements, including Burtonwood, and allocate this area as a later phase in this Plan period for post-2027 development.

Conclusions.

- The Site is the best, available option for development at Burtonwood to sustainably meet identified development needs;
- The Site is available, deliverable and suitable for residential development now; in control of a developer, Northern Trust;
- The Site can be readily accessed for construction and provide improved, safer connectivity to the Birchwood Community Primary School for new and existing residents;
- Northern Trust is uniquely placed to deliver the identified housing need and potentially greater community benefits through its wider landownership interests;
- The Site offers opportunity to provide new open space, recreation and small scale community, retail or commercial facilities to support the wider community;
- The Site is level, visually contained and capable of sensitive development that complements and supports Burtonwood, without unnecessary harm to the wider countryside or setting of the settlement, and
- The Site can offer an opportunity to better access land to east and north as a longer-term development opportunity either within the latter half of the Plan period, or post-2037, dependent on wider conclusions on housing requirement and allocation to Burtonwood.

With the Local Planning Authority now accepting the need for new housing to meet needs at Burtonwood, Northern Trust welcomes the opportunity to engage with officers over the Site opportunity, and to engage with the local community on the benefits that can be brought.



OUR LOCATIONS

| London |

24 Greville Street
Farringdon
London
EC1N 8SS
0207 167 5659

| Manchester |

Clarence House
Clarence Street
Manchester
M2 4DW
01618 307 680

| Bristol |

Orchard Street Business Centre
13-14 Orchard St,
Bristol,
BS1 5EH
01179 340 970

| Welwyn Garden City |

1 Falcon Gate
Shire Park
Welwyn Garden City
AL7 1TW
01707 385 300

United Environmental Services Ltd

1 Booths Park,
Chelford Road,
Knutsford,
Cheshire
WA16 8QZ

www.ues.org.uk

enquiries@ues.org.uk

01565 757788



PRELIMINARY ECOLOGICAL APPRAISAL

At

Land off Lumber Lane

Burtonwood

Warrington

Cheshire

WA5 4AQ

NGR: (SJ) 356541 393376

Prepared for: Northern Trust Company Ltd % DPP UK Ltd

Written by: [REDACTED]

Approved by: [REDACTED]

Date: 3rd April 2017

UES reference: UES02019/01B

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EXECUTIVE SUMMARY

United Environmental Services Ltd (UES) was commissioned by DPP UK Ltd to carry out a baseline ecological survey of a parcel of land off Lumber Lane in Burtonwood, Warrington Cheshire. A desk study and preliminary ecological appraisal (PEA) survey were undertaken on 13th March 2017, including searches using the Multi Agency Geographic Information Centre (MAGIC) and National Biodiversity Network (NBN).

The PEA provides an assessment of potential ecological impacts associated with the development of the land parcel. At this stage, no detailed development proposals have been submitted to UES, so a 'worst case scenario' has been adopted when assessing the ecological issues on the site.

The proposed development site has an area of approximately 11.7ha and is dominated by two large arable fields, which are developing into grassland. There is a hedgerow dividing the fields and another along part of the site boundary, as well as ditches, dense scrub and a small pond.

The results of the survey combined with the results of the desk study have highlighted the requirement for further work in relation to the below habitats and species. It should be noted that these issues are subject to change depending on the nature and scale of development.

- **Trees and hedgerows** – generic issues relating to root protection areas (RPA) of retained trees and replacement of removed trees in a detailed landscaping plan. Hedgerow survey required if any are to be removed.
- **Pond** – to be retained if possible. If not possible, mitigation measures are required for the infilling of the pond, subject to great crested newt (GCN) *Triturus cristatus* surveys, and the pond should be replaced as part of the landscaping scheme.
- **Amphibians** – a GCN presence / absence survey of the pond on site is required. Ponds within 500m of site should be subject to a scoping survey and impact assessment, to establish the need for further surveys.
- **Bats** – bat activity surveys may be required depending on the nature and scale of the development.
- **Birds** – breeding bird surveys may be required depending on the nature and scale of the development. In addition, vegetation clearance works should take place outside of the breeding bird season (March to August inclusive). If this is not possible, a targeted nest scoping survey is to be undertaken or an ecological clerk of works appointed to oversee the works.

Mitigation measures, as detailed in section 4, should be adhered to, which may in some cases negate the need for further survey work.

This report should be read with appendices 1 to 5, which include results of the desk study, GIS phase 1 habitat mapping, photographs of site and relevant statutory guidance.

1 INTRODUCTION

1.1 Author, surveyors, qualifications and scope of study area

This report is written by Declan Ghee BSc GRAD CIEEM and UES Graduate Ecologist. Declan holds a level 4 Botanical Society for Britain and Ireland (BSBI) field identification skills certificate (FISC), which certifies him as competent to undertake botanical and habitat surveys up to National Vegetation Classification (NVC) level. The report provides an assessment of the potential ecological impacts associated with the proposed development of a parcel of land off Lumber Lane in Burtonwood, Warrington, Cheshire.

The zone of influence considered within the scope of the survey includes all land within the red line boundary. Where relevant, other ecological resources, receptors and important habitats which are spatially separate from the site are considered.

1.2 Survey objectives

UES was commissioned in March 2017 to conduct a PEA of the proposed development site. This was completed in order to:

- Establish baseline conditions and determine the importance of ecological features present or potentially present within the survey area
- Identify key ecological constraints to the project
- Identify the potential requirement for mitigation or compensation, including measures that may be required based on further surveys
- Assess requirements for further surveys as a result of nationally or internationally protected species present or potentially found on site

1.3 Proposed works

At this stage, no detailed proposals have been submitted to UES.

1.4 Structure of the report

This report is a baseline appraisal that forms the basis for further ecological surveys and Environmental Impact Assessments (EIA) if required. In the majority of cases the preliminary ecological assessment will not provide all the ecological data required by the Local Planning Authority to determine an application, especially in the event that protected habitat or species issues are present or likely.

This report should be read with appendices 1 to 5, which include results of the desk study, GIS phase 1 habitat mapping, photographs of site and relevant statutory guidance.

2 METHODOLOGY

This PEA comprises a desk study and a field survey. The desk study is conducted in order to collate ecological information on species and / or habitats of interest that may be present. The field survey is conducted in order to assess the habitats and their importance, both on site and in the context of their wider surroundings.

2.1 Desk study

The following resources were used to inform the desk study:

- National – Using the UK government’s MAGIC website, statutorily protected sites were scoped to a distance of 10km from the application site.
- Local – UES has not been commissioned to undertake an environmental records search at this point. Where necessary, the author has used the National Biodiversity Network Gateway website to inform the survey.

2.2 Field survey

An ecological walkover survey was carried out on 13th March 2017 by Declan Ghee. The purpose of the survey was to identify, record and map dominant habitats types within the development area and highlight any further species surveys that may be required based on the quality of those habitats. When conducting the surveys particular focus was concentrated on the following species and habitat features:

- Amphibians
- Reptiles
- Badger
- Hazel dormouse
- Bats
- Birds
- Trees
- Hedgerows
- Plant communities
- Invasive species
- Otter
- Water vole
- White-clawed crayfish

The habitats were assessed by using the phase 1 habitat survey technique, which is a system for environmental audit widely used within the environmental consultancy field. The survey was undertaken in accordance with the methodology in the ‘Handbook for phase 1 habitat survey - A technique for environmental audit’ (JNCC, 2010) as recommended by Natural England, and in the “Guidelines for Preliminary Ecological Appraisal” (CIEEM, 2013).

The survey area encompasses all of the land within the development footprint and the land to a distance of 30m outside it where accessible. In line with recognized guidelines, ponds were also scoped to a distance of 500m from the survey area.

The phase 1 habitat survey methodology was extended to record any signs of habitats suitable to support protected / invasive species and any incidental observations of other noteworthy species.

2.3 Survey limitations

The survey was conducted in March when not all plants are readily identifiable. However sufficient vegetative identification was possible, allowing a robust assessment of habitats to be undertaken.

3 RESULTS

3.1 Desk study

A desk study was conducted for the proposed development site and surrounding area. Statutorily protected sites were scoped to a distance of 10km. Further results of the desk study can be found at Appendix 1 – Desk study.

There is a single statutorily protected site within 2km of site:

- Colliers Moss Common LNR¹
The reserve is approximately 1.3km north-west of the proposed development site. It is 62.36 hectares with three areas of relict mosslands on site. Other habitats include lagoons, grassland, heathland, woodland and untreated colliery spoil which has been colonised. The site supports a large and diverse range of dragonflies including migrant hawkler *Aeshna mixta* and black tailed skimmer *Orthetrum cancellatum*.

There are sixteen statutorily protected sites (designated for ecological reasons) within 2 – 10km of site:

- Abram Flashes SSSI²
- Bryn Marsh & Moss SSSI
- Clinkham Wood LNR
- Dorchester Park LNR
- Highfield Moss SSSI
- Mill Brow LNR
- Oxmoor Wood LNR
- Paddington Meadows LNR
- Pennington Flash LNR
- Risley Moss SSSI & LNR
- Stanley Bank Meadows SSSI
- Stanley Bank LNR
- Thatto Heath Meadows LNR
- The Wigan Flashes LNR
- Three Sisters LNR
- Wigg Island LNR

3.2 Baseline conditions – Habitats

The results of the PEA are also shown on the accompanying map at Appendix 2 – Phase 1 habitat plan. Habitats are colour-coded in accordance with the phase 1 standard.

The local area consists of arable and pasture fields, as well as residential properties associated with the adjacent Burtonwood village. The following principle habitat types were characterised locally:

- A2.1 Dense scrub
- A2.2 Scattered scrub
- A3.3 Scattered trees (mixed)
- B6 Semi-improved grassland (species-poor)
- C3.1 Tall ruderal
- F1 Swamp
- G1 Standing water

¹ Local Nature Reserve

² Site of Special Scientific Interest

- J1.1 Arable
- J2.1.2 Intact hedge (species-poor)
- J2.4 Fence
- J2.5 Wall
- J2.6 Dry ditch

3.2.1 A2.1 Dense scrub

There are a couple of areas of dense scrub scattered around the site boundary which are largely dominated by bramble *Rubus fruticosus*. Other species present include: stinging nettle *Urtica dioica*, broad-leaved dock *Rumex obtusifolius*, elder *Sambucus nigra*, hogweed *Heracleum sphondylium*, willow *Salix* sp., willowherb *Epilobium* sp., and hawthorn *Crataegus monogyna*.

There is also an area of willow scrub surrounding the pond on site, along the eastern boundary.

3.2.2 A2.2 Scattered scrub

The boundaries and linear features of site have small patches of scrub which have not yet developed into dense stands. These predominantly consist of bramble.

3.2.3 A3.1 Scattered trees (mixed)

The site boundaries and the hedgerow across the centre of site have a number of scattered trees along them. The species are mostly broad-leaved species, such as pedunculate oak *Quercus robur*, ash *Fraxinus excelsior*, hawthorn, sycamore *Acer pseudoplatanus*, hazel *Corylus avellana*, wild cherry *Prunus avium*, willow sp. and silver birch *Betula pendula*. There are also a couple of coniferous cypress *Cupressus* trees to the north of site and in bordering residential gardens.

3.2.4 B6 Semi-improved grassland (species-poor)

There is a small strip of semi-improved, species-poor grassland along the eastern site boundary, underneath a post and barbed wire fence. The sward contains perennial rye-grass *Lolium perenne*, Yorkshire fog *Holcus lanatus* and other tussock-forming grasses, such as cock's-foot *Dactylis glomerata*.

3.2.5 C3.1 Tall ruderal

There are two small areas of tall ruderal vegetation on site, one in the north-western corner and one in the south, surrounding what appears to be a dry attenuation basin. Species present in these areas include: cock's-foot, willowherb sp., Yorkshire fog, broad-leaved dock, hogweed, stinging nettle, creeping bent-grass *Agrostis stolonifera*, hedge woundwort *Stachys sylvatica*, creeping thistle *Cirsium arvense* and cow parsley *Anthriscus sylvestris*.

3.2.6 F1 Swamp

Along the northern boundary, there is a drainage basin which was dry at the time of survey. The basin is dominated by great reedmace *Typha latifolia*, with some bracken *Pteridium aquilinum* also present at the edges.

3.2.7 G1 Standing water

There is a pond along the eastern site boundary, which is heavily encroached by willow and bramble scrub. The pond is lobed, covers an area of approximately 15m x 10m, and is relatively shallow with an estimated maximum depth of 30cm. The pond margins are completely shaded. The water contains a large amount of leaf litter and there is also some fallen timber in the centre. There are stands of greater tussock sedge *Carex paniculata* to the northern edge, however other marginal or emergent vegetation is limited. The pond displays signs of anti-social behaviour, with Styrofoam littered within.

The ditches running along the site boundaries are also wet in places, as indicated on the phase 1 habitat map at Appendix 2. The vegetation surrounding the ditches is detailed in section 3.2.12. The ditches are all very shallow, with depths of approximately 5cm. There is also a ditch which runs from the western site boundary towards the centre of site. This ditch has less than 5cm of standing water, but duckweed *Lemna* sp. is present within, and the margins contain scattered bramble, great willowherb *Epilobium hirsutum*, elder and reed canary-grass *Phalaris arundinacea*.

3.2.8 J1.1 Arable

The majority of the site is covered by arable land, where a grain has been formerly cultivated. The site is beginning to develop into grassland with a more diverse sward along the margins. Species present here include: Yorkshire fog, perennial rye-grass, creeping bent-grass, spear thistle *Cirsium vulgare*, cherry laurel *Prunus laurocerasus* (garden escape), broad-leaved dock, cleavers *Galium aparine*, bracken, wavy bittercress *Cardamine flexuosa*, ivy *Hedera helix*, stinging nettle, false oat-grass *Arrhenatherum elatius*, cock's-foot, smooth sow-thistle *Sonchus oleraceus*, germander speedwell *Veronica chamaedrys* and hedgerow crane's-bill *Geranium pyrenaiicum*.

3.2.9 J2.1.2 Intact hedge (species-poor)

There are two hedges on site.

Hedge 1 divides the northern and southern arable fields, and contains dominant hawthorn and five early mature pedunculate oak trees and a single ash tree. This hedgerow is fairly young and sparse, and measures approximately 2m in height and 1m in width.

Hedge 2 demarcates the site boundary at the south-western corner. It consists of hawthorn, blackthorn *Prunus spinosa*, privet *Ligustrum vulgare*, ash, sycamore, and a decorative bamboo (garden escape).

3.2.10 J2.4 Fence

There are a number of post and wire and wooden panel fences surrounding the site.

3.2.11 J2.5 Wall

There is a small section of wall in the south of site, along the boundary.

3.2.12 J2.6 Dry ditch

There is a ditch which starts in the north-western corner of site and travels around the site boundary eastwards, down to the previously mentioned attenuation basin, before travelling southwards along the eastern site boundary. The ditch is periodically wet, but only has a maximum depth of 5cm. In the north-western corner of site, the ditch is only 20cm wide and deep.

There is another ditch in the south-eastern corner of site, which travels eastwards off site.

Species present surrounding the ditches include: reed canary-grass, goat willow *Salix caprea*, floating sweet-grass *Glyceria fluitans* (in the standing water areas), male fern *Dryopteris filix-mas*, ivy, hard rush *Juncus inflexus*, bramble, and elder.

3.3 Baseline conditions – Protected species or resources

3.3.1 General methods

As part of the PEA, specific observations of wildlife were also recorded. Wildlife observations focus on protected species, invasive species or species of conservation concern. Habitats with potential to support protected species were noted with a view to follow up surveys if required.

3.3.2 Amphibians

GCNs have not been recorded within 2km of the site, however Cheshire is known to have exceptional populations of this species and the habitats on and surrounding site are broadly suitable for foraging, commuting and breeding newts.

The single pond on site is not considered to be exceptional breeding habitat. The level of encroaching scrub over-shades the pond and prohibits the growth of favoured egg-laying vegetation for newts. However, the pond still has the potential to be used by GCNs if present in the local area, and the pond is likely to be directly impacted by any proposed development.

The ditches on site also have low potential to be used by GCNs. The shallow depths are likely to preclude breeding activity but they may be used for commuting purposes.

There are a further seven mapped ponds within 500m of site, and a further unmapped pond approximately 250m to the south-west of site. The surrounding landscape presents good quality habitat for GCNs with numerous pasture fields divided by hedgerows and tree lines.

3.3.3 Badger

The site is broadly suitable for badgers *Meles meles*, due to the foraging opportunities, suitable sett locations and level of shelter at the linear features of site. However, no field signs of badgers were found during the survey. There are signs of smaller mammal activity, such as rabbit holes and digging in the north and east of site. There is also a slightly larger hole in the south-west of site (see Appendix 2 – Phase 1 habitat plan, target note 7), but this is also thought to have been excavated by rabbits or potentially fox, due to the lack of badger field signs in the surrounding area. Therefore, badger presence is not anticipated and no impacts are envisaged.

3.3.4 Bats

There are no buildings on site which could be used by roosting bats. The trees on site are in reasonable condition and there are few potential roosting features of note. The site could be used for foraging and commuting purposes by a number of bat species.

3.3.5 Birds

Although a targeted bird survey was not conducted during the site visit, the following bird species were recorded whilst on site: blue tit *Cyanistes caeruleus*, great tit *Parus major*, woodpigeon *Columba palumbus*, robin *Erithacus rubecula*, herring gull *Larus argentatus*, goldfinch *Carduelis carduelis*, blackbird *Turdus merula*, wren *Troglodytes troglodytes*, buzzard *Buteo buteo*, kestrel *Falco tinnunculus*, pheasant *Phasianus colchicus* and oystercatcher *Haematopus ostralegus* (heard not seen).

The habitats on site are broadly suitable for overwintering waders, but no such birds were present on site during the walkover survey (which was conducted in late winter). The surrounding landscape also contains large areas of similar habitat.

Of the species mentioned above, herring gull is listed under Section 41 of the NERC Act 2006 and is listed on the most recent birds of conservation concern “red list”. Kestrel and oystercatcher are included on the “amber list”.

Hedgerows, trees, dense scrub and swamp vegetation all provide suitable nesting opportunities for breeding birds in the summer.

3.3.6 Hazel dormouse

The habitats on site are relatively unsuitable for dormice *Muscardinus avellanarius*. The hedgerows generally lack key plant species or are not sufficiently dense enough. Dormice are not anticipated to be present and no impacts are envisaged.

3.3.7 Hedgerows

There are two species-poor hedgerows on site. These are unlikely to qualify as “important” for ecological reasons under the Hedgerow Regulations, but they may qualify as important on historical grounds.

3.3.8 Invasive species

No invasive species were recorded during the walkover survey.

3.3.9 Plant communities

No plant communities or individual species were recorded on site which are afforded statutory protection in their own right.

3.3.10 Reptiles

There are records of slow-worms *Anguis fragilis* within the SJ59 grid square. However, the suitable habitats on site are relatively sparse. The majority of the grassland does not have suitable cover or foraging opportunities, and the areas that do have these elements are very small in area. Reptile presence is not anticipated due to the sub-optimal habitats, and therefore no impacts are envisaged.

3.3.11 Trees

There are no tree species on site which are afforded statutory protection.

3.3.12 Otter

There are no water features on site which are suitable for use by otters *Lutra lutra*.

3.3.13 Water vole

There are a few burrows in the banks of the ditch in the north of site, however these are too large and narrow for water vole *Arvicola amphibius*, and the nearby field signs of rabbit suggest that these holes are used by this species. Furthermore, the habitats on site are sub-optimal for water vole due to the lack of standing water.

3.3.14 White-clawed crayfish

There are no suitable water features on site for white-clawed crayfish *Austropotamobius pallipes*.

4 EVALUATION AND RECOMMENDATIONS

This section provides a brief assessment of the likely impacts associated with the proposed development on the receptors identified during the walkover survey and desk study. It also includes any mitigation and compensation measures which may be required for the proposed development to proceed.

No detailed development proposals are available at this point in time. Therefore, the impact assessments below are precautionary and should be re-evaluated when detailed proposals are available.

4.1 Habitats

4.1.1 Designated sites

The sites identified during the desk study were cross-referenced with the survey area relevant to this report. The closest statutorily protected site is Colliers' Moss Common LNR. Given the distance from site and the scale of development, it is considered unlikely that the proposed development will have any direct or indirect impact on this or any other local designated sites.

4.1.2 Trees and hedgerows

There are a number of trees scattered around the site, as well as two hedgerows.

Construction impacts

The development proposals could include the removal of trees and hedgerows as an ecological resource, or could risk permanent damage.

Mitigation

A BS5837 arboricultural survey should be undertaken to catalogue the location and species of the trees and hedgerows on site. This should include establishing and implementing root protection areas around the trees and hedgerows to be retained. These areas should be adequately protected by appropriately designed protective barriers and ground protection throughout the entire development process.

Hedgerows should be retained where possible. A hedgerow survey should be undertaken to establish whether they qualify as important under the Hedgerow Regulations 1997, from March to October inclusive.

Compensation

If any trees or hedgerows are to be removed, they should be replaced accordingly as part of a detailed landscaping scheme, with only native species to be planted. In particular, linear features (such as hedgerows and tree lines) must be retained and enhanced where possible.

Operational impacts

Without detailed development proposals, potential operational impacts cannot be assessed.

4.1.3 Pond

There is a small pond along the eastern site boundary.

Construction impacts

The development could result in the loss of this ecologically important habitat. It could also result in the degradation of quality through input. If the pond is not appropriately removed, it could also result in harm to any wildlife which may be residing in it.

Mitigation

The pond should be subject to a great crested newt presence / absence survey. Mitigation and compensation measures for great crested newts (see section 4.2.1) take precedence over the mitigation measures listed below, as the presence of great crested newts will trigger a number of other requirements to protect this European protected species.

The pond can be enhanced through selective scrub removal. If the pond cannot be retained, it should be drained and infilled immediately afterwards in late autumn to winter, so that amphibians are less likely to be present and will have had the opportunity to finish breeding for that year. It should be drained under the supervision of a suitably experienced ecologist.

Before draining the pond, a hibernacula pile should be created on site in a suitable location which can be used to translocate any common amphibians found during the draining.

Compensation

If the pond is to be removed, it should be replaced as part of a detailed landscaping scheme.

Operational impacts

Without detailed development proposals, potential operational impacts cannot be assessed.

4.2 Species

4.2.1 Amphibians

There is a number of ponds within 500m of the development site, and a pond on site which has the potential to be used by GCNs. The habitat connectivity in the local area is also quite good. As such, there is the possibility that common amphibians and GCNs could be present on site during the development.

Construction impacts

Any amphibians (including GCNs) within the working area are at risk of harm during the development. Poor landscaping could also fragment habitats and sever commuting corridors

for wildlife in the local area. Depending on the development proposals, it could also result in the loss of suitable breeding habitat (the pond) for common amphibians and GCNs.

Mitigation

A GCN presence / absence survey is required of the pond on site, conducted between mid-March and mid-June. This survey consists of four visits, which would rise to six if GCN presence is identified. Half of the survey visits must be carried out from mid-April to mid-May. If presence is identified, a European protected species mitigation licence will be required for the works to proceed.

The ponds within 500m should be subject to a GCN scoping survey and impact assessment, to establish whether any of the ponds are suitable to support GCNs and whether further surveys are required. This could be performed in conjunction with eDNA surveys, which can be used to determine absence of GCN from a pond.

Compensation

The need for compensation should be assessed when further information is available following the GCN surveys.

Operational impacts

Without detailed development proposals, potential operational impacts cannot be assessed.

4.2.2 Bats

The site could be used by a number of foraging bat species.

Construction impacts

Inappropriate landscaping could also result in the severing of commuting corridors used by bats as well as the loss of foraging habitats.

Mitigation

Depending on the development proposals and site layout, bat activity surveys may be necessary to determine which areas of site are particularly important for commuting and foraging bats.

Compensation

The need for compensation should be assessed when further information is available following the further surveys or when detailed development proposals are available.

Operational impacts

Without detailed development proposals, potential operational impacts cannot be assessed.

4.2.3 Birds

There are a number of habitats, such as swamp, hedgerows, dense scrub and mature trees which could support breeding birds.

Construction impacts

Vegetation removal could result in the direct loss of nests, any individuals within the nests and of available nesting territories if conducted during the breeding season. The development could also potentially result in the loss of foraging and breeding habitat for a number of bird species.

Mitigation

Depending on the nature and scale of the development, and the extent to which habitats will be modified on site, breeding bird surveys may be necessary. These surveys should aim to identify the potential presence of protected or threatened bird species in order to inform the final landscape design and development proposals.

Site clearance and vegetation removal (including enabling works) should be carried out outside of the breeding bird season, March to August inclusive. If this is not possible, a targeted breeding bird nest scoping survey should be conducted prior to the start on site or an ecological clerk of works appointed.

Compensation

The need for compensation should be assessed when further information is available following the breeding bird survey or when detailed development proposals are available.

Operational impacts

Without detailed development proposals, potential operational impacts cannot be assessed.

5 CONCLUSION

The proposed development site has an area of approximately 11.7ha and is dominated by two large arable fields, which are beginning to develop into grassland. There is a hedgerow dividing the fields and another along part of the site boundary, as well as ditches, dense scrub and a small pond.

Even though the site is dominated by arable land, there are a number of other habitats on the site, largely concentrated around the boundaries, which present better ecological features and potential for local wildlife.

The preliminary ecological appraisal has highlighted a number of potential issues on site, relating to protected species and priority habitats. However, it should also be noted that without detailed development proposals, a precautionary approach has been adopted and so impacts may not be as severe as predicted. Operational impacts have not been considered at this early stage.

6 REFERENCES

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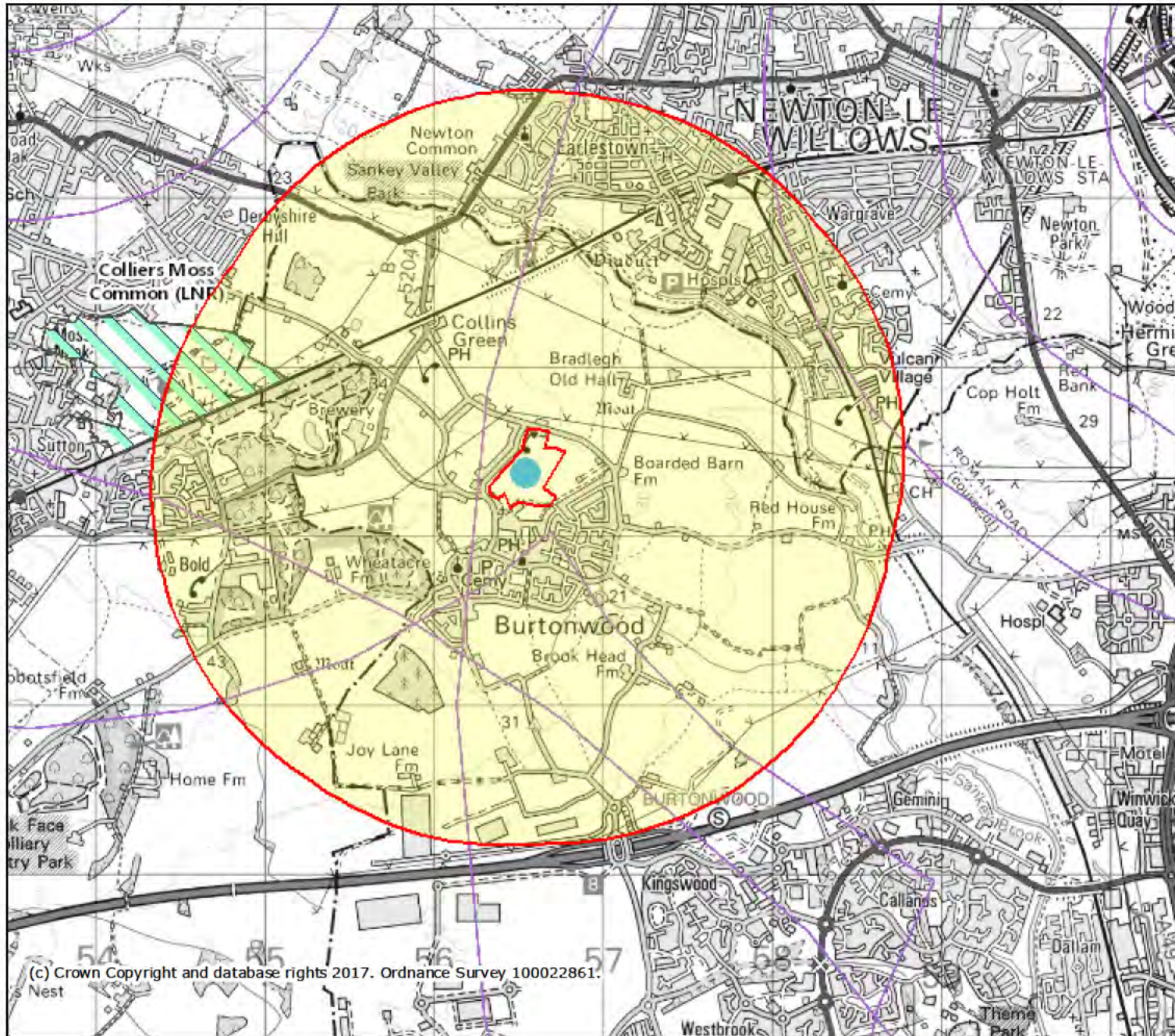
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APPENDICES

Appendix 1 – Desk study



Legend

- | | | | |
|---|-------------------------------------|--|---|
| | Limestone Pavement Orders (England) | | Sites of Special Scientific Interest (England) |
| | Local Nature Reserves (England) | | SSSI Impact Risk Zones - to assess planning applications for likely impacts on SSSIs/SACs/SPAs & Ramsar sites (England) |
| | Moorland Line (England) | | Sites of Special Scientific Interest (Scotland) |
| | National Nature Reserves (England) | | Sites of Special Scientific Interest (Wales) |
| | National Nature Reserves (Scotland) | | Special Areas of Conservation (England) |
| | National Nature Reserves (Wales) | | Special Areas of Conservation (Scotland) |
| | National Parks (England) | | Special Areas of Conservation (Wales) |
| | Ramsar Sites (England) | | Special Protection Areas (England) |
| | Ramsar Sites (Scotland) | | Special Protection Areas (Scotland) |
| | Ramsar Sites (Wales) | | Special Protection Areas (Wales) |
| Sites of Special Scientific Interest Units (England) | | | Biosphere Reserves (England) |
| | Favourable Condition | | Biosphere Reserves (Scotland) |
| | Unfavourable Recovering | | Biosphere Reserves (Wales) |
| | Unfavourable no change | | |
| | Unfavourable Declining | | |
| | Part Destroyed | | |
| | Destroyed | | |
| | Not Assessed | | |

Projection = OSGB36
 xmin = 350700
 ymin = 390400
 xmax = 363200
 ymax = 395800

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Legend

- | | |
|--|---|
| Areas of Outstanding Natural Beauty (England) | Part Destroyed |
| Limestone Pavement Orders (England) | Destroyed |
| Local Nature Reserves (England) - points | Not Assessed |
| Moorland Line (England) | Sites of Special Scientific Interest (England) |
| National Nature Reserves (England) - points | Sites of Special Scientific Interest (Scotland) |
| National Nature Reserves (Scotland) - points | Sites of Special Scientific Interest (Wales) |
| National Nature Reserves (Wales) - points | Special Areas of Conservation (England) |
| National Parks (England) | Special Areas of Conservation (Scotland) |
| Ramsar Sites (England) | Special Areas of Conservation (Wales) |
| Ramsar Sites (Scotland) | Special Protection Areas (England) |
| Ramsar Sites (Wales) | Special Protection Areas (Scotland) |
| Sites of Special Scientific Interest Units (England) | Special Protection Areas (Wales) |
| Favourable Condition | Biosphere Reserves (England) |
| Unfavourable Recovering | Biosphere Reserves (Scotland) |
| Unfavourable no change | Biosphere Reserves (Wales) |
| Unfavourable Declining | |

Projection = OSGB36
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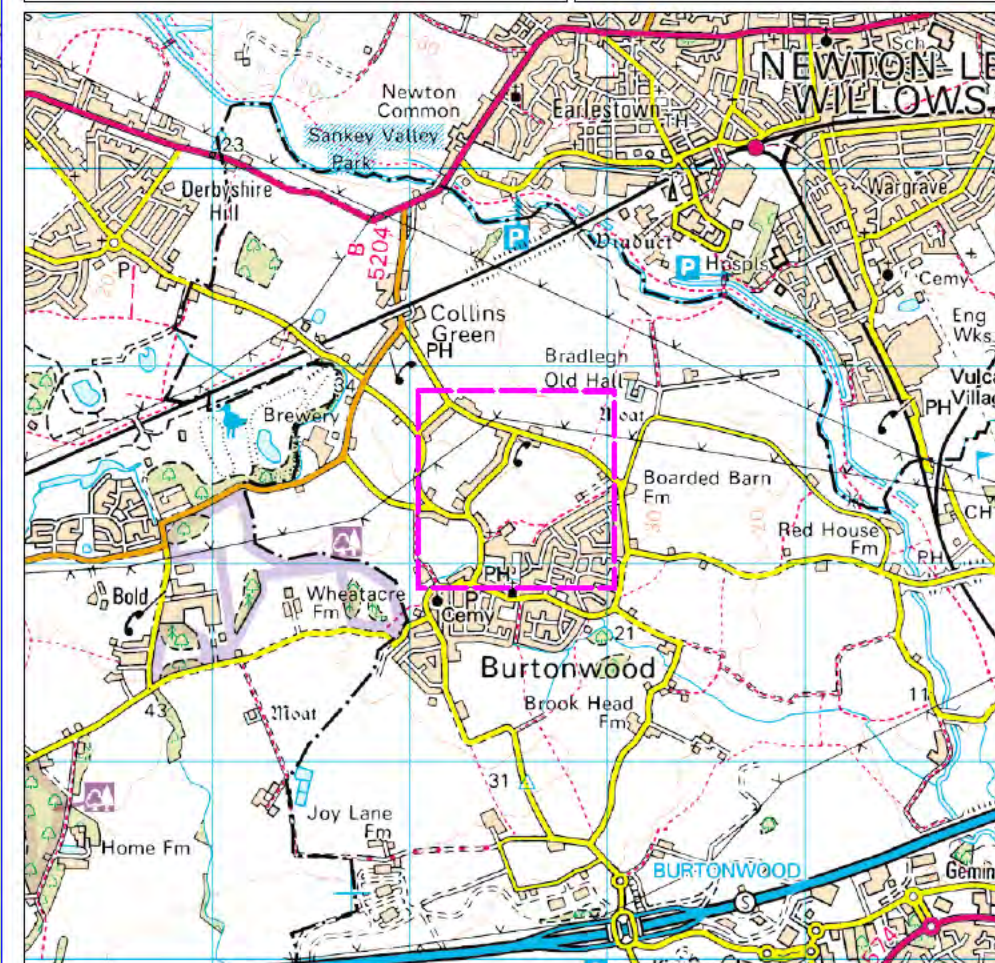
Map produced by MAGIC on 29 March, 2017.
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Appendix 2 – Phase 1 habitat plan

- Target note 1 - The ditch in this area is very narrow and shallow
- Target note 2 - Bracken
- Target note 3 - Rabbit burrow
- Target note 4 - Ephemeral scrapes
- Target note 5 - Mammal path leading into ditch
- Target note 6 - Rabbit burrows and digging
- Target note 7 - Entrance hole, most likely to be rabbit, but no field signs of badger.
- Target note 8 - Log and brash pile

PRELIMINARY ECOLOGICAL APPRAISAL

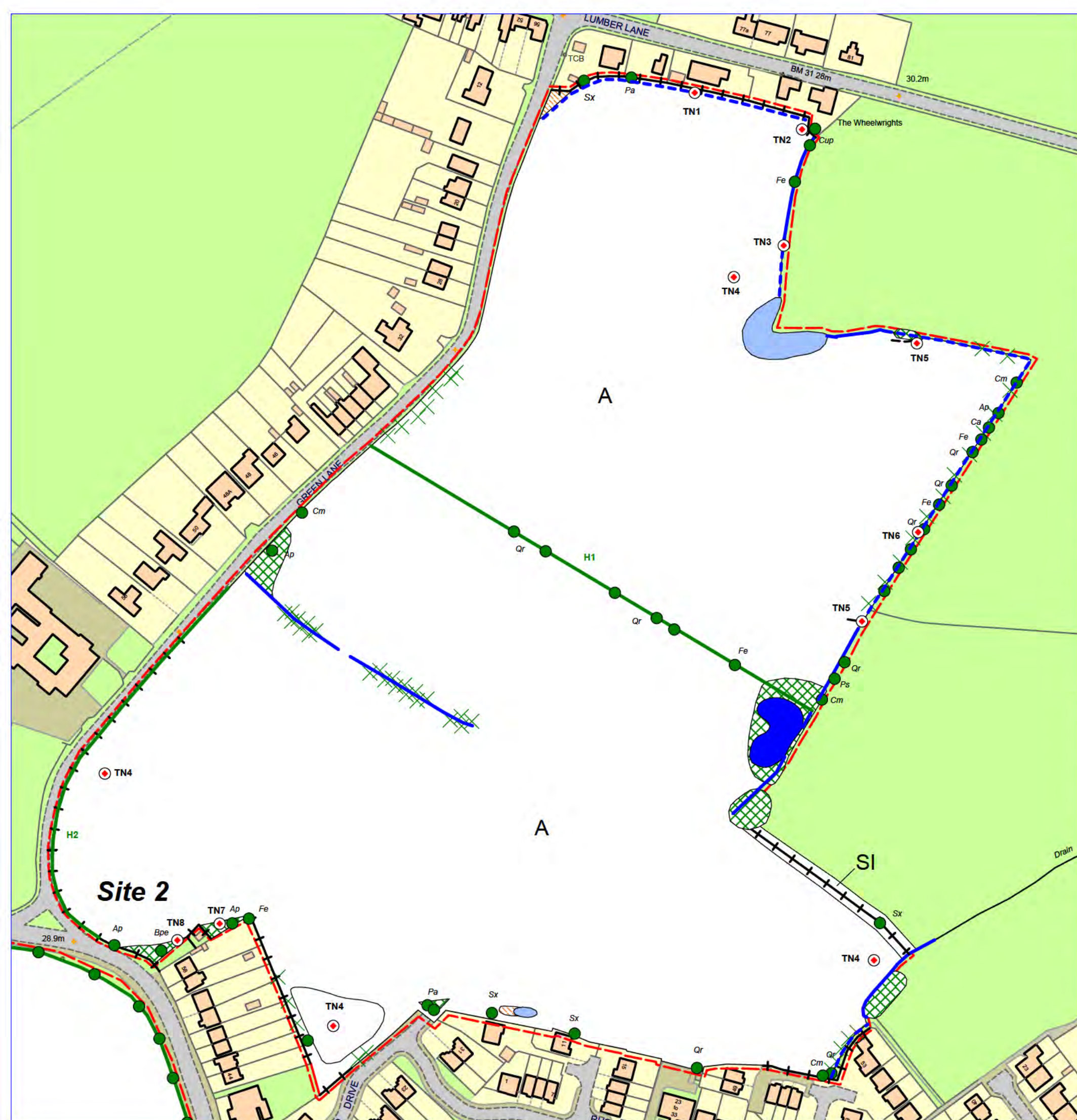
Site: Burtonwood Site 2
 NGR: SJ 56541 93376
 Author: Declan Ghee
 Date: 21/03/2017



KEY:

Code	Habitat classification	Code	Habitat classification
A2.1	Dense scrub	J2.1.2	Intact hedge (species-poor)
A2.2	Scattered scrub	J2.4	Fence
A3.3	Scattered trees (mixed)	J2.5	Wall
B6	Semi-improved grassland (species-poor)	J2.6	Dry ditch
C3.1	Tall ruderal	-	Mammal paths
F1	Swamp	-	Target notes
G1	Standing water	-	Site boundary
J1.1	Arable		

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Appendix 3 – Aerial photographs

**Land off Lumber Lane,
Burtonwood**

Close aerial photograph

KEY
— Site boundary



**Land off Lumber Lane,
Burtonwood**

Wide aerial photograph



Appendix 4 – Photographs



Photo 1 – Tall ruderal vegetation in the north-west corner of site.



Photo 2 – Looking south from the north-west of site, at the margin which is grassing over.



Photo 3 – Narrow dry ditch in the north of site.



Photo 4 – Ditch in the north of site, as it progresses south to the attenuation basin.



Photo 5 – The northern projection of site, showing the succession from arable to grassland.



Photo 6 – Ephemeral scrape in the north of site.



Photo 7 – Rabbit burrow in the north of site (see target note 3 on phase 1 habitat plan).



Photo 8 – Looking south at the attenuation basin, which was dry.



Photo 9 – The ditch to the north of site, east of the attenuation basin.



Photo 10 – Looking north at the eastern site boundary, north of the pond.



Photo 11 – Pond on the eastern site boundary.



Photo 12 – Looking north towards the ditch and pond at the eastern site boundary.



Photo 13 – Thin strip of semi-improved grassland, with a longer sward to the east of site.



Photo 14 – Looking east at the south-eastern corner of site.



Photo 15 – Looking west across the southern half of site.



Photo 16 – Large ephemeral scrape in the south of site.



Photo 17 – Mammal hole within scrub in the south of site, most likely belonging to rabbit.



Photo 18 – Log and brush pile in the south of site (target note 8).



Photo 19 – The south-western corner of site and Hedge 2.



Photo 20 – Hedge 1, as viewed from the south (trees located to the right, out of shot).



Photo 21 – Looking east at the ditch on the western site boundary.



Photo 22 – Looking south-east at Hedge 1.

Appendix 5 – Planning and statutory context

Ecological assessments

Ecological assessments play an important part within the planning context; they include an initial assessment which highlights any specific interests of a site. From the initial site assessment, the surveyor assesses the suitability of habitats within the site to support protected species and makes recommendations for further survey works if required. The following paragraphs provide a brief interpretation of legislative protection in relation to the following species and habitats:

Amphibians

- Great crested newts
- Other amphibians

Reptiles

Badgers

Hazel dormouse

Bats

Birds

Trees

Hedgerows

Invasive plant species

Otters

Water voles

White-clawed crayfish

Planning policy

Amphibians

Great crested newts

Great crested newts (GCN) *Triturus cristatus* and their habitat (aquatic and terrestrial) are afforded full protection by the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture GCN
- Deliberately, intentionally or recklessly disturb GCN in such a way to be likely to significantly affect:
 - their ability to survive, breed, reproduce, rear or nurture their young
 - their ability to hibernate or migrate
 - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of GCN
- Damage or destroy breeding sites or resting places of GCN
- Intentionally or recklessly disturb sheltering GCN, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead GCN, any part of GCN or anything derived from GCN

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

GCN are also protected by the Protection of Animals Act 1911, which prohibits cruelty and mistreatment. Releasing a GCN in such a way as to cause undue suffering may be an offence under the Abandonment of Animals Act 1960.

In addition to the above, there are various statutory provisions relating to the transport of animals, designed to ensure their welfare. GCN are also listed under Section 41 of the NERC Act (see bats section for further details).

It is important to identify the presence of GCN individuals and also to identify suitable habitat on sites so that legal obligations regarding this species can be observed. If a survey identifies the presence of GCN on the site, an assessment of the population size class is required. This can then inform a mitigation scheme, which would need to be developed in liaison with the local Natural England team, and which minimises direct threats to newts and compensates for any loss of habitat. A licence issued by Natural England is required for the legal implementation of a mitigation scheme.

A Natural England mitigation licence application requires a Mitigation Method Statement and a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the

proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

Other amphibians

More common British amphibians, such as common frog *Rana temporaria*, common toad *Bufo bufo*, smooth newt *Triturus vulgaris* and palmate newt *Triturus helveticus* are protected only by Section 9(5) of the Wildlife and Countryside Act 1981 (as amended). This section prohibits sale, barter, exchange, transporting for sale and advertising to sell or to buy.

The above named species are also listed as UK Species of Conservation Concern. Due to general declines in most British amphibian species in recent years, many local authorities require amphibian surveys as a planning condition, or as part of environmental information submitted as part of a planning application, even where the presence of GCN is ruled out.

Natterjack toad *Bufo calamita* and pool frog *Pelophylax lessonae* are also offered the same level of protection as GCN, through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010.

Natterjack toad, common toad and pool frog are also listed under Section 41 of the NERC Act (see bats section for further details).

Water bodies that support all five (more common) species of British amphibians in high numbers, may be afforded protection in local plans, as Sites of Importance for Nature Conservation (SINC), or a similar equivalent, for sites of local importance. A site may require statutory protection as a Site of Special Scientific Interest (SSSI).

Reptiles

Common lizard *Zootoca vivipara*, slow-worm *Anguis fragilis*, grass snake *Natrix natrix* and adder *Vipera berus* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is offence to:

- Intentionally or recklessly kill or injure any of the species listed above
- Sell, offer, advertise or transport for sale a live or dead animal of the species listed above

If a proposed development is likely to have an impact on these reptiles the local statutory nature conservation organisation must be consulted.

Sand lizard *Lacerta agilis* and smooth snake *Coronella austriaca* receive full protection under the Wildlife and Countryside Act 1981 (as amended) and Conservation of Habitats and Species Regulations 2010. Read together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture any sand lizards or smooth snakes
- Deliberately, intentionally or recklessly disturb sand lizards or smooth snakes in such a way to be likely to significantly affect:
 - their ability to survive, breed, reproduce, rear or nurture their young
 - their ability to hibernate or migrate
 - their local distribution or abundance
- Deliberately, intentionally or recklessly take or destroy the eggs of such an animal
- Damage or destroy breeding sites or resting places of such animals
- Intentionally or recklessly disturb sheltering sand lizards or smooth snakes, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead sand lizards or smooth snakes, any part of such an animal or anything derived from such an animal

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

All reptile species are also listed under Section 41 of the NERC Act (see bats section for further details).

Badgers

European badgers *Meles meles* and their habitat are protected under The Protection of Badgers Act 1992 and are also included on Schedule 6 of the Wildlife and Countryside Act 1981, and Appendix III of the Bern Convention. The legislation affords badgers protection against deliberate harm or injury making it an offence to:

- Wilfully kill, injure, take, possess or cruelly ill-treat a badger (or attempt to do so)
- To interfere with a sett by damaging or destroying it
- To obstruct access to, or entrance of, a badger sett
- To disturb a badger whilst it is occupying a sett

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Works that disturb badgers whilst they are occupying a sett are illegal without a licence. Disturbance can occur even without direct interference or damage to the sett in question. In general, the following activities are likely to require a licence:

- Use of heavy machinery or significant earth moving within 30m of a sett
- Use of lighter machinery (usually any wheeled vehicles) within 20m of a sett
- Any digging, chain saw use or scrub clearance within 10m of a sett

Hazel dormouse

Hazel dormice *Muscardinus avellanarius* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture dormice
- Deliberately, intentionally or recklessly disturb dormice in such a way to be likely to significantly affect:
 - their ability to survive, breed, reproduce, rear or nurture their young
 - their ability to hibernate or migrate
 - their local distribution or abundance
- Damage or destroy breeding sites or resting places of dormice
- Intentionally or recklessly disturb sheltering dormice, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead dormouse, any part of a dormouse or anything derived from a dormouse

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Dormice are also listed under Section 41 of the NERC Act (see bats section for further details).

Bats

In the United Kingdom, all species of bat and their roosts are afforded full protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 (known as the "Habitats Regulations"). The Wildlife and Countryside Act is the domestic implementation of the Convention on the Conservation of European Wildlife and Natural Habitats (the Bern Convention) and was amended by the Countryside and Rights of Way Act 2000. This makes it an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture a bat

- Deliberately, intentionally or recklessly disturb a bat while it is occupying a structure or place that it uses for shelter or protection
- Deliberately, intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection (even if the bat is not present at the time)
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead bat, any part of a bat or anything derived from a bat

Under UK law, a bat roost is *any structure or place which any wild [bat] ... uses for shelter or protection*. As bats often reuse the same roosts, legal opinion is that a roost is protected whether or not the bats are present at the time of the activity taking place.

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

If an activity is likely to result in any of the above offences, a licence can be applied for to derogate from the protection afforded. These licences must provide appropriate mitigation and are issued by Natural England.

A Natural England mitigation licence application requires a Mitigation Method Statement and, in many cases, a Reasoned Statement of Application. The Mitigation Method Statement contains details of the proposed mitigation works. The Reasoned Statement needs to provide a rational and reasoned justification as to why the proposed development meets the requirements of the Conservation (National Habitats & c.) regulations 1994, namely Regulations 44(2)(e), (f) or (g), and 44(3)(a).

The Natural Environment and Rural Communities (NERC) Act 2006 lists the following bat species as species of principle importance under Section 41:

- Barbastelle *Barbastella barbastellus*
- Bechstein's bat *Myotis bechsteinii*
- Noctule *Nyctalus noctula*
- Soprano Pipistrelle *Pipistrellus pygmaeus*
- Brown Long-eared bat *Plecotus auritus*
- Greater Horseshoe *Rhinolophus ferrumequinum*
- Lesser Horseshoe *Rhinolophus hipposideros*

Section 40 requires every public body in the exercising of its functions 'have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity' (all biodiversity and not just section 41 species and habitats); therefore making these bats a material consideration in the planning process and requiring a detailed ecological bat survey before planning permission can be granted.

Birds

All wild birds, their nests and young are protected throughout England and Wales by the Wildlife & Countryside Act 1981 (as amended). It is illegal to kill, injure or take any wild bird, or damage or destroy the nest or eggs of breeding birds. The legislation applies to all bird species, common and rare.

In addition to the protection afforded to all wild birds, more vulnerable species listed on Schedule 1 of the Act receive enhanced protection when breeding. Schedule 1 species, including their dependent young, are protected from intentional or reckless disturbance whilst at or near the nest, in addition to the protection afforded the more common species.

The NERC Act offers further protection to the nests of some species that regularly re-use their nests, even when the nests are not in use.

The leading governmental and non-governmental conservation organisations in the UK have reviewed the population status' of 244 UK bird species. "Birds of Conservation Concern 4: the Red List for Birds" is the most recent publication summarising their findings. Three lists, Red, Amber and Green, have been produced based on the most up-to-date evidence available and criteria include conservation status at global and European levels and, within the UK: historical decline, trends in population and range, rarity,

localised distribution and international importance. These lists are a valuable resource when considering conservation priorities.

Trees

Trees may be protected on an individual or group level through a Tree Preservation Order (TPO). In order to carry out works to trees with a TPO, prior written consent must be obtained from the Local Planning Authority. Trees may also be protected through a condition of planning consent or designated conservation areas.

Hedgerows

The Hedgerow Regulations are made under Section 97 of the Environment Act 1995 and came into operation on 1st of June 1997. They aim to protect important hedgerows in the countryside by controlling their removal through a system of notification to the Local Planning Authority.

A hedgerow can only be considered for classification as “important” if it, or the hedgerow of which the section belongs to is over 20m in length (or which meets a hedgerow at either end) and has existed for 30 years or more.

Invasive plant species

A number of invasive, non-native plant species are listed under Schedule 9 (Part II) of the Wildlife and Countryside Act 1981 (as amended). The most commonly encountered listed species in ecological surveys are Japanese knotweed *Fallopia japonica*, giant hogweed *Heracleum mantegazzianum* and Himalayan balsam *Impatiens glandulifera*. Section 14(2) of this Act makes it an offence to *plant or otherwise cause to grow in the wild* any plant listed on Schedule 9 (Part II). These provisions are necessary to prevent the establishment of non-native species which may be detrimental to our native wildlife.

Soil or plant material contaminated with non-native and invasive plants can cause ecological damage and may be classified as controlled waste. It is an offence to keep, treat or dispose of waste that could harm the environment or human health. If there is any doubt, contact the local authority or Environment Agency.

Otters

European otter *Lutra lutra* are offered full protection through the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010. If both national and international legislation are taken together, it is an offence to:

- Deliberately, intentionally or recklessly kill, injure or capture otters
- Deliberately, intentionally or recklessly disturb otters in such a way to be likely to significantly affect:
 - their ability to survive, breed, reproduce, rear or nurture their young
 - their ability to migrate
 - their local distribution or abundance
- Damage or destroy breeding sites or resting places of otters
- Intentionally or recklessly disturb sheltering otters, or obstruct access to their resting place
- Keep, transport, sell or exchange, or offer for sale or exchange any live or dead otter, any part of an otter or anything derived from otter

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Otters are also listed under Section 41 of the NERC Act (see bats section for further details).

Water voles

Water voles *Arvicola amphibius* are protected by the provisions of Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence to:

- Intentionally kill, injure or take water vole
- Possess or control live or dead water vole or any part of a water vole
- Intentionally or recklessly damage, destroy or obstruct access to any structure or place which a water vole uses for shelter or protection, or disturb water vole using such a place
- Sell, offer, advertise or transport live or dead water voles for sale

Licences are available from Natural England to allow activities that would otherwise be an offence, including:

- Scientific or educational purposes
- For the purposes of ringing or marking
- Conserving wild animals or introducing them into particular areas
- Preserving public health or public safety
- Preventing the spread of disease
- Preventing serious damage to any form of property or to fisheries

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Water voles are also listed under Section 41 of the NERC Act (see bats section for further details).

White-clawed crayfish

White-clawed crayfish *Austropotomobius pallipes* are protected under the Wildlife and Countryside Act 1981 (as amended). They are listed as a Schedule 5 species therefore part of Section 9(1) and section 9(5) apply. The Countryside and Rights of Way Act 2000 also strengthens their protection. It is an offence to:

- Intentionally or recklessly kill or injure white-clawed crayfish
- Sell, offer, advertise or transport for sale a live or dead white-clawed crayfish

If a proposed development is likely to have an impact on white-clawed crayfish then the local statutory nature conservation organisation must be consulted.

Penalties for offences include fines of up to £5000, plus up to six months imprisonment, for each offence committed.

Their inclusion on the EC Habitats Directive allows areas to be designated as Special Areas of Conservation (SAC) for the presence of white-clawed crayfish. Such a designation brings legal protection under the Conservation of Habitats Regulations 2010, this includes how the site is managed and what development can occur on and in proximity to these sites.

White-clawed crayfish are also listed under Section 41 of the NERC Act (see bats section for further details).

Planning policy

National Planning Guidance is issued in the form of the National Planning Policy Framework 2012 (NPPF). The most relevant section is *11. Conserving and enhancing the natural environment*.

Key relevant principles stated in *11. Conserving and enhancing the natural environment* are;

- 109 The planning system should contribute to and enhance the natural and local environment by:
- Protecting and enhancing valued landscapes, geological conservation interests and soils

- Recognising the wider benefits of ecosystem services
- Minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitments to halt the overall decline in biodiversity, including establishing coherent ecological networks that are more resilient to current and future pressures

117 To minimise impacts on biodiversity and geodiversity, planning policies should:

- Plan for biodiversity at a landscape-scale across local authority boundaries
- Identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation
- Promote the preservation, restoration and re-creating of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets

118 When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted
- Opportunities to incorporate biodiversity in and around developments should be encouraged