



# HALE PARISH COUNCIL

OF THE HALTON BOROUGH IN  
THE COUNTY OF CHESHIRE



**DATED THIS TWENTIETH DAY OF JANUARY 2022**  
**MEMBERS OF HALE PARISH COUNCIL ARE HEREBY SUMMONED**  
**TO ATTEND THE EXTRA-ORDINARY COUNCIL MEETING OF**  
**HALE PARISH COUNCIL**  
**TO BE HELD AT 7.30PM ON THE TWENTY SEVENTH DAY**  
**OF JANUARY 2022**  
**IN HALE VILLAGE HALL, HIGH STREET, HALE L24 4AE**  
**TO TRANSACT BUSINESS AS SHOWN IN THE AGENDA.**

This meeting is to be held, adhering to the legislation of the Coronavirus Act 2020

A handwritten signature in black ink, appearing to be 'B. Hargreaves', written over a set of horizontal lines.

**Mr. Brian Hargreaves**  
**Clerk and Responsible Financial Officer**

**Note to Councillors:**

If you are unable to attend the meeting, please notify the Clerk of your apologies.

Please email: [clerk@haleparishcouncil.gov.uk](mailto:clerk@haleparishcouncil.gov.uk) or call 07803611222

**Note to Public**

*Members of the public wishing to address the Council should note that they must advise the Clerk before 10am on the day of the meeting both of their wish to participate in the public forum and their topic. If residents fail to inform the clerk prior to the meeting, permission to speak at the meeting will be at the discretion of the Chairman. All participants are restricted to a maximum of three minutes. If the public wish to ask the Council questions, please note that the Council may not be able to answer the question if the Council has not considered or resolved the question on an agenda item at a prior meeting. Should this be the case, the Council will advise correspondence with the Clerk to request the item should be discussed at a future Parish Council meeting. If the question is considered outside the remit of Hale Parish Council, residents will be referred to Halton Borough Council.*

## MEETING AGENDA

1. **Apologies** - To Receive apologies for absence
2. **Declarations of Interest** - To Receive declarations of interest
3. **Public Participation** - To adjourn the meeting for a period of public participation  
*\* Please note that anybody wishing to comment should raise their hand, wait to be acknowledged and should address the meeting through the Chair.*
4. **Planning** – To consider Halton BC planning application **Ref: 22/00019/PLD** and decide upon a course of action.

2200019PLD  
24/12/2021

Application for a Lawful Development Certificate for a Proposed use or development.  
Town and Country Planning Act 1990: Section 192, as amended by section 10 of the Planning and  
Compensation act 1991.  
Town and Country Planning (Development Management Procedure) (England) Order 2015

**Publication of applications on planning authority websites.**

Please note that the information provided on this application form and in supporting documents may be published on the Authority's website. If you require any further clarification, please contact the Authority's planning department.

**1. Site Address**

Number	<input type="text"/>
Suffix	<input type="text"/>
Property name	Land at Liverpool John Lennon Airport
Address line 1	Speke
Address line 2	<input type="text"/>
Address line 3	<input type="text"/>
Town/city	Liverpool
Postcode	L24 1YD

Description of site location must be completed if postcode is not known:

Easting (x)	344814
Northing (y)	382555

Description

Land to the eastern end of the runway to the east of Dungeon Lane and south of Hale Road within the aerodrome operational boundary.

**2. Applicant Details**

Title	<input type="text"/>
First name	<input type="text"/>
Surname	.
Company name	Liverpool Airport Limited
Address line 1	Liverpool John Lennon
Address line 2	Aviation House
Address line 3	Speke
Town/city	Liverpool

## 2. Applicant Details

Country	<input type="text"/>
Postcode	L24 1YD
Are you an agent acting on behalf of the applicant?	<input checked="" type="radio"/> Yes <input type="radio"/> No
Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email address	<input type="text"/>

## 3. Agent Details

Title	Mr
First name	Rob
Surname	Riding
Company name	Pegasus Group
Address line 1	Pegasus House
Address line 2	Querns Business Centre
Address line 3	Whitworth Road
Town/city	Cirencester
Country	<input type="text"/>
Postcode	GL7 1RT
Primary number	<input type="text"/>
Secondary number	<input type="text"/>
Fax number	<input type="text"/>
Email	<input type="text"/>

## 4. Description of Proposal

Does the proposal consist of, or include, the carrying out of building or other operations?  Yes  No

If Yes, please give detailed description of all such operations (includes the need to describe any proposal to alter or create a new access, layout any new street, construct any associated hard-standings, means of enclosure or means of draining the land/buildings) and indicate on your plans (in the case of a proposed building the plan should indicate the precise siting and exact dimensions)

See Planning Statement and application drawings.

Does the proposal consist of, or include, a change of use of the land or building(s)?  Yes  No

Has the proposal been started?  Yes  No

## 5. Grounds for Application

Information about the existing use(s)

## 5. Grounds for Application

Please explain why you consider the existing or last use of the land is lawful, or why you consider that any existing buildings, which it is proposed to alter or extend are lawful

Application site forms part of the operational land of the airport.

Please list the supporting documentary evidence (such as a planning permission) which accompanies this application

See Planning Statement, drawing identifying airport operational land, and planning permission 12/00282/FUL relating to area within aerodrome boundary.

Select the use class that relates to the existing or last use. Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Please Select...

### Information about the proposed use(s)

Select the use class that relates to the proposed use. Please note that following changes to Use Classes on 1 September 2020, the list includes the now revoked Use Classes A1-5, B1, and D1-2 that should not be used in most cases. Also, the list does not include the newly introduced Use Classes E and F1-2. To provide details in relation to these or any 'Sui Generis' use, select 'Other' and specify the use where prompted. See help for more details on Use Classes.

Please Select...

Is the proposed operation or use

Permanent  Temporary

Why do you consider that a Lawful Development Certificate should be granted for this proposal?

See Planning Statement

## 6. Site Visit

Can the site be seen from a public road, public footpath, bridleway or other public land?

Yes  No

If the planning authority needs to make an appointment to carry out a site visit, whom should they contact?

- The agent  
 The applicant  
 Other person

## 7. Pre-application Advice

Has assistance or prior advice been sought from the local authority about this application?

Yes  No

**If Yes, please complete the following information about the advice you were given (this will help the authority to deal with this application more efficiently):**

**Officer name:**

Title

First name

Surname

Reference

Date (Must be pre-application submission)

Details of the pre-application advice received

Discussions with Planning Officer regarding various aspects of the proposed development during the consideration of the previous LDC application which was withdrawn in September 2021.

## 7. Pre-application Advice

## 8. Authority Employee/Member

With respect to the Authority, is the applicant and/or agent one of the following:

- (a) a member of staff
- (b) an elected member
- (c) related to a member of staff
- (d) related to an elected member

It is an important principle of decision-making that the process is open and transparent.

Yes  No

For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the Local Planning Authority.

Do any of the above statements apply?

## 9. Interest in the Land

Please state the applicant's interest in the land

- Owner
- Lessee
- Occupier
- Other

## 10. Declaration

I/we hereby apply for a Lawful Development Certificate as described in this form and the accompanying plans/drawings and additional information. I/we confirm that, to the best of my/our knowledge, any facts stated are true and accurate and any opinions given are the genuine opinions of the person(s) giving them.

Date (cannot be pre-application)

24/12/2021



RDR/P21-0282PL

24<sup>th</sup> December 2021

Policy, Planning & Transportation  
Halton Borough Council  
Municipal Building  
Wides  
WA8 7QF

Planning Portal ref: PP-10462753

Dear Sir/Madam,

**Town and Country Planning Act 1990 (as amended)**  
**Application for a Lawful Development Certificate for a Proposed Use or Development for the installation of a solar farm (ground mounted solar photovoltaic panels) at**  
**Land at Liverpool John Lennon Airport, Speke, Liverpool**

Please find enclosed on behalf of our client, Liverpool Airport Limited ("the Applicant"), a revised application for a Lawful Development Certificate (LDC) for the installation of a solar farm within the aerodrome boundary at Liverpool John Lennon Airport, Speke, Liverpool ("the application site").

Forming part of this application, please find enclosed the following documents and drawings:

1. Application Form duly completed and dated 24<sup>th</sup> December 2021;
2. Planning Statement, prepared by Pegasus Group, dated December 2021;
3. The following drawings:

Drawing Title	Drawing Reference
Site Location Plan	I3/21-007-002 Rev A
Proposed site layout including elevations and floorplans	I3-21-007-001
Aerodrome Boundary	001 Rev P1

As this application is a resubmission of the LDC application submitted in May 2021 and withdrawn in September 2021 (21/00310/PLD), there is no application fee payable to the Local Planning Authority on this occasion with it being a 'free go'. The proposal is the first revision of an application for a development of the same character and description on the

PLANNING | DESIGN | ENVIRONMENT | ECONOMICS

Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT

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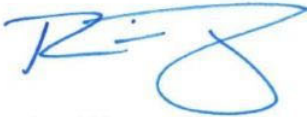
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same site by the same applicant and is made within 12 months of making the earlier application.

Taking into account of the information provided as part of this application, it is considered that the proposed development amounts to permitted development under Class F, Part 18 of Schedule 2 of the GPDO and therefore an application for planning permission is not required. The approach in respect of Liverpool Airport precisely mirrors that taken at other airports in the UK and this reaffirms our view that the proposed development comprises permitted development. Accordingly, a Lawful Development Certificate for the proposed development can be granted.

I trust that the above provides the LPA with sufficient information to register the application. Should you require anything further please contact me.

Yours faithfully,



**Rob Riding**

**Associate Planner**

Email: [rob.riding@pegasusgroup.co.uk](mailto:rob.riding@pegasusgroup.co.uk)

Encs.





# **APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR A PROPOSED DEVELOPMENT COMPRISING THE CONSTRUCTION OF A SOLAR FARM**

## **PLANNING STATEMENT**

### **LAND AT LIVERPOOL JOHN LENNON AIRPORT, SPEKE, LIVERPOOL**

**ON BEHALF OF LIVERPOOL AIRPORT LIMITED**

## **Pegasus Group**

Pegasus House, Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT  
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**DESIGN** **ENVIRONMENT** **PLANNING** **ECONOMICS** **HERITAGE**

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## **1. INTRODUCTION AND BACKGROUND**

- 1.1 This Planning Statement has been prepared by Pegasus Group on behalf of Liverpool Airport Limited ("the Applicant") to support an application for a Lawful Development Certificate (LDC) for a proposed development comprising the construction of a solar farm within the aerodrome boundary of Liverpool John Lennon Airport, Speke, Liverpool ("the application site").
- 1.2 In June 2015, planning permission was granted by the Halton Borough Council ("the LPA") for a proposed extension to the runway safety area ("RESA") including the stopping up of Dungeon Lane and diversion of Ashtons Lane and erection of a new boundary (application ref: 12/00282/FUL). This permission has been implemented and the works were completed in September 2019.
- 1.3 The RESA works included boundary fencing being erected around the site of the proposed development, as shown on the approved plans of the 2015 permission (drawing ref: 47061138-P-006), to address a security deficiency that had been repeatedly raised by the Civil Aviation Authority (CAA) and the Department for Transport (DfT). A secondary airside fence was constructed within the perimeter fence in order to provide additional security. A former highway was also closed to resolve the security deficiencies. Thereby creating a fully secure perimeter fence to exclude people from land around the runways (which includes from land around the RESA). The RESA has therefore been intentionally segregated from the public by these measures.
- 1.4 The application site sits inside the perimeter fence of the airport and while the enclosed land is not actively being used – it is unquestionably part of the essential area of land which is "in use" for the operation of the airport.
- 1.5 Furthermore, the aerodrome boundary as recognised by the Civil Aviation Authority (CAA) and associated with the Airport's certified aerodrome certification is attached at Appendix 1.

### **APPENDIX 1 – AERODROME BOUNDARY PLAN**

- 1.6 The application site therefore forms part of the operational land of the airport and the aerodrome boundary plan shows the extent of operational land associated with the airport. The proposed solar farm is notifiable to the CAA due to its location on operational land within the aerodrome boundary.

- 1.7 With the application site now forming part of the operational land of the airport, this is an important matter that has helped inform the approach taken by the Applicant with regard to the proposed development subject of this application.
- 1.8 Previously, the land did not form part of the operational land of the airport and permitted development rights (PDR) could not be relied upon at that time. A full planning application was therefore submitted for a solar farm at the airport in October 2018 but this was subsequently withdrawn in June 2019 (application ref: 18/00513/FUL).
- 1.9 The planning context has however since changed with the Applicant having carried out works to extend the runway safety area and installation of the perimeter fencing – the works approved by the 2015 planning permission – to bring the application site within the operational land of the airport. Thereby, enabling a legal framework to be engaged which did not previously apply to the site.
- 1.10 The Applicant is therefore now seeking to rely on PDR for the construction of a solar farm in accordance with Part 8 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 ("the GPDO"). Class F relates to development at an airport and the following comprises permitted development:
- "The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport."**
- 1.11 Paragraph F.2 advises that development is permitted by Class F subject to the condition that the relevant airport operator consults the LPA before carrying out any development.
- 1.12 There is no required format or protocol for consultation to take place with the LPA under Condition F.2, just that the LPA is consulted prior to the carrying out of any development.
- 1.13 The purpose of the LDC application is therefore twofold:
- i. To comply with the requirement to consult with the LPA in respect of the area of the proposals to set out precisely what is being proposed and why it is considered that it comprises permitted development; and

- ii. To apply for a LDC for formal determination by the LPA through an application under Section 192 of the Town and Country Planning Act 1990 ("the 1990 Act") to establish the legality of the proposed solar farm at the airport.

1.14 The following sections of this Statement set out the scope of development proposed, the legal framework applicable to the proposed development and the case for the Applicant against the requirements of the GDPO / Class F together with the interface of the proposals with other environmental regulations.

## 2. PROPOSED DEVELOPMENT

- 2.1 The development subject of the LDC application consists of the construction of a solar farm on approximately 5.6ha of land to the eastern end of the runway to the east of Dungeon Lane and south of Hale Road which lies wholly within the operational land of the airport.
- 2.2 The Airport's electricity consumption is substantial. Annually the Airport consumes over 11 million kWh's (or units) of electricity with the overwhelming majority of this imported from the grid.
- 2.3 The proposed solar farm will have a generation capacity of 3MW. It has been purposely sized to correspond to the electricity demand of the airport and the output generated by the solar farm will be consumed by the airport. In order to supply the airport, it is necessary for the solar farm to connect to the airport's private network and a connection will be provided as part of the proposed development. Electricity is needed across a vast range of services and facilities, from runway lighting to the heating of the passenger terminal. The proposed development will generate "on site" electricity for the benefit of the airport to be used for the purposes of the provision of services and facilities which comprises the undertaking.
- 2.4 In addition to reducing its imported electricity requirements, the Airport also has ambitious sustainability targets to reduce the carbon footprint of its operations. Generating electricity from clean, renewable sources forms part of that strategy. The proposed solar farm will generate and offset 2.6 million kWh's (or units) of electricity each year.
- 2.5 The panels will measure approximately 1.1m wide by 2.3m in length and will be raised on metal struts to a height of 0.4m above ground level at their lowest point to a maximum height of 2.3m. The panels will be fixed structures with approximately 6.5m between rows. A delivery station will be provided on the site which measures 6m x 3m and 3m high.
- 2.6 The LDC application is accompanied by the following drawings:
- Site Location Plan – to show the location of the site within the aerodrome boundary and its relationship to the wider area;

- Site Layout Plan and Elevations – to detail the layout, scale and appearance of the proposed development.
- 2.7 Other associated works will include an internal access road and site entrance onto Dungeon Lane for construction and routine maintenance purposes.
- 2.8 It is anticipated that the construction period of the proposed development will take approximately 3 to 4 months.

### 3. HABITATS REGULATIONS AND ENVIRONMENTAL IMPACT ASSESSMENT

- 3.1 This section of the Statement details the processes which the Applicant has undertaken to secure the necessary approvals under the Habitats Regulations and Environment Impact Assessment Regulations for the proposed development.

#### **Habitat Regulations**

##### Approval of the Appropriate Nature Conservation Body

- 3.2 On the 13th October 2021, the Applicant submitted a request to the appropriate nature conservation body under Regulation 76 of the Habitat Regulations. Regulation 76 states for developments carried out under PDR that:

**"General development orders: opinion of appropriate nature conservation body**

**76.—(1) Where it is intended to carry out development in reliance on the permission granted by a general development order, application may be made in writing to the appropriate nature conservation body for its opinion as to whether the development is likely to have a relevant effect.**

**(2) The application must give details of the development which is intended to be carried out.**

**(3) On receiving such an application, the appropriate nature conservation body must consider whether the development is likely to have such an effect.**

**(4) Where it considers that it has sufficient information to conclude that the development will, or will not, have such an effect, it must notify the applicant and the local planning authority in writing of its opinion.**

**(5) If the appropriate nature conservation body considers that it has insufficient information to reach either of those conclusions, it must notify the applicant in writing indicating in what respects it considers the information insufficient, and the applicant may supply further information with a view to enabling it to reach a decision on the application.**

**(6) The opinion of the appropriate nature conservation body, notified in accordance with paragraph (4), that the development is not likely to have a relevant effect is conclusive of that question for the purpose of reliance on the planning permission granted by a general development order.**

**(7) In this regulation and in regulation 77, "a relevant effect" means an effect of a kind mentioned in regulation 75(a)."**



- 3.3 In accordance with Regulation 76(1), the Applicant submitted a request for an opinion from Natural England as the appropriate nature conservation body. Details of the proposed development and ecological information to inform a Habitat Regulations Assessment were provided to Natural England in accordance with Regulation 76(2). A copy of the ecological information is attached at Appendix 2.

#### **APPENDIX 2 – INFORMATION TO INFORM A HABITATS REGULATIONS ASSESSMENT**

- 3.4 Natural England were therefore invited to consider this information in accordance with Regulation 76(3) and to provide their written opinion in accordance with Regulation 76(4). The latter also requires the LPA to be notified of their opinion.
- 3.5 In accordance with Regulation 76(4), Natural England notified the Applicant and the LPA of its opinion on the 3<sup>rd</sup> November 2021 that it had sufficient information to conclude that the development will not have a relevant effect. In their response, Natural England concluded that:

**"...the proposed works would not result in any likely significant effect or a "relevant effect" (as described under Regulation 76 of The Conservation of Habitats and Species Regulations 2017 (as amended), (the Habitat Regulations)).**

**The assessment within Appendix 2 of the Ecological Assessment Report entitled 'Information to Inform a Habitats Regulations Assessment' concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination.**

**Natural England concurs with this view as the survey evidence provided shows no significant numbers of SPA birds within or in close proximity to the development site, therefore we consider any impacts to qualifying features of the designated sites to be minimal."**

- 3.6 A copy of Natural England's opinion under Regulation 76(4) is attached at Appendix 3.

#### **APPENDIX 3 – NATURAL ENGLAND HRA OPINION UNDER REG 76**

- 3.7 Therefore in accordance with Regulation 76(6) the opinion of the appropriate nature conservation body, in this case Natural England, notified in accordance with paragraph (4), that the development is not likely to have a relevant effect is conclusive of that question for the purpose of reliance on the planning permission granted by a general development order.

Approval of the Local Planning Authority

3.8 Through discussions with the Planning Officer at the LPA, the Applicant was advised that the approval of the LPA may also be required under the Habitat Regulations. Regulation 75 states:

**"It is a condition of any planning permission granted by a general development order made on or after 30th November 2017, that development which—**

**(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and**

**(b) is not directly connected with or necessary to the management of the site,**

**must not be begun until the developer has received written notification of the approval of the local planning authority under regulation 77 (approval of local planning authority)."**

3.9 However, as confirmed by the opinion of Natural England, the proposed development would not be likely to have a significant effect, and the proposed development will be directly connected to the operational management of the airport. It is therefore considered that the requirement to seek approval from the LPA before development is begun is not triggered given the conclusive opinion of Natural England on this matter.

3.10 However, for the avoidance of doubt, the Applicant submitted an application in November 2021 for the approval of the LPA under Regulation 77. The application was accompanied by the information required by Regulation 77(1) 'a' and 'b' and the relevant fee paid. Regulation 77(2) required the LPA, for the purposes of its consideration of the application, to assume that the development is likely to have a relevant effect. Regulation 76(7) confirms that "a relevant effect" means an effect of the kind mentioned in Regulation 75(a) – that being a "*...significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects...*". With the process carried out by the Applicant under Regulation 76, Natural England has already confirmed that the proposed works would not result in any significant effect or a "relevant effect".

3.11 In light of the above, the LPA was invited to provide its approval for the proposed development under Regulation 77 of the Habitat Regulations.

3.12 In accordance with Regulation 77(3), the LPA sent a copy of the application to Natural England, as the appropriate nature conservation body, on the 23<sup>rd</sup>

November 2021. Natural England responded to the LPA on 1<sup>st</sup> December 2021 advising that:

**"...Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection."**

- 3.13 A copy of the Natural England consultation response to the LPA is provided at Appendix 4.

#### **APPENDIX 4 – NATURAL ENGLAND CONSULTATION RESPONSE TO REG 77 APPLICATION**

- 3.14 The LPA therefore responded to the Applicant in accordance with Regulation 77(4) on 7<sup>th</sup> December 2021 and advised that:

**"A copy of your application was sent to Natural England who are the appropriate nature conservation body. Natural England have provided representations confirming it's opinion that the development is not likely to have a significant effect on the Mersey Estuary Special Protection Area / Ramsar site.**

**In accordance with Regulations 77 (4) and (5) please find enclosed a copy Natural England's representations (dated 01 December 2021). It is noted that the sending of the copy of the representations to the applicant under paragraph (4) has the same effect as a notification by the appropriate nature conservation body of its opinion under regulation 76(4)."**

- 3.15 A copy of the response from the LPA under Regulation 77(4) is attached at Appendix 5.

#### **APPENDIX 5 – LPA RESPONSE TO REG 77 APPLICATION**

- 3.16 Regulation 77(5) advises that the sending of the representations to the Applicant under Regulation 77(4) has the same effect as a notification by the appropriate nature conservation body of its opinion under Regulation 76(4) which had already been secured by the Applicant.

- 3.17 It should be noted that the LPA also consulted the Merseyside Environmental Advisory Service (MEAS) on the Regulation 77 application submitted by the Applicant. MEAS concluded that:

**"8. I concur with the conclusions of the shadow HRA, and of Natural England, that the proposals are unlikely to result in likely significant effects on the Mersey Estuary SPA and Ramsar sites and that Appropriate Assessment will not be required on this occasion.**

**9. I advise that the Council can accept the shadow HRA as its own assessment..."**

3.18 A copy of the consultation response from MEAS is provided at Appendix 6.

**APPENDIX 6 – MEAS CONSULTATION RESPONSE TO REG 77 APPLICATION**

**Environmental Impact Assessment**

3.19 The Applicant previously sought a Screening Opinion for the proposed solar farm in 2018 in connection with a withdrawn planning application. At the time the LPA concluded that the proposals were unlikely to give rise to significant environmental effects from an EIA perspective and that an EIA was not required.

3.20 However, through the passage of time, the EIA Screening Opinion previously issued by the LPA is now time expired and cannot be relied upon.

3.21 The Applicant therefore submitted a request in November 2021 for an EIA Screening Opinion from the LPA for the proposed development. The LPA issued their Screening Opinion on 23<sup>rd</sup> December 2021 confirming:

**"Having reviewed the proposal and considered the project against the provisions of the EIA Regulations (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, Halton Borough Council accordingly consider that the proposals are not likely to give rise to significant environmental effects from an EIA perspective, and that EIA is therefore not required in this case."**

3.22 A copy of the Screening Opinion is attached at Appendix 7.

**APPENDIX 7 – EIA SCREENING OPINION**

#### 4. LEGAL FRAMEWORK

4.1 As noted in the introductory chapter of this Statement, the Applicant is proposing to use PDR set out in Part 8 of Schedule 2 of GPDO to construct the proposed solar farm at the airport.

4.2 Class F relates to development at an airport and provides that the following comprises permitted development:

**“The carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport.”**

4.3 The format of Schedule 2 is that PDR is subject to certain limitations which follow from the ‘headline’ as to what is permitted. Thus Paragraph F.1 excludes development which would consist of or include:

**(a) the construction or extension of a runway;**

**(b) the construction of a passenger terminal the floor space of which would exceed 500 square metres;**

**(c) the extension or alteration of a passenger terminal, where the floor space of the building as existing at 5th December 1988 or, if built after that date, of the building as built, would be exceeded by more than 15%;**

**(d) the erection of a building other than an operational building; or**

**(e) the alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.**

4.4 Paragraph F.2 introduces a condition on the PDR granted under Part 8 to carry out consultation with the LPA before carrying out any development (other than that under Paragraph F.4).

4.5 Paragraph F.3 tells one how to measure floorspace and Paragraph F.4 identifies urgent works and Part B states:

**“it consists of the carrying out of works, or the erection or construction of a structure or of an ancillary building, or the placing on land of equipment, and the works, structure, building, or equipment do not exceed 4 metres in height or 200 cubic metres in capacity.”**

4.6 Article 3(10) of the GPDO precludes development which requires an Environmental Impact Assessment from the scope of PDR.

4.7 Article 2 of the GDPO defines "building" in a similar though not identical way to s.336 of the Town and Country Planning Act 1990 ("the 1990 Act"), and provides:

**"building**

**(a) includes any structure or erection...; and**

**(b) does not include plant or machinery "**

4.8 In relation to statutory undertakers (which would include an airport operator by reason of s.262(1) & (2)) the term "operational land" is defined at s.263(1) of the 1990 Act as:

**"(a) land which is used for the propose of carrying on their undertaking; and**

**(b) land in which an interest is held for that purpose."**

4.9 There is no required format or protocol for consultation to take place with the LPA under Paragraph F.2, just that the LPA is consulted prior to the carrying out of any development.

4.10 There are therefore a number of clear qualifications to the PDR granted under Class F, namely:

**a) The development cannot be EIA development;**

**b) The development must take place at a relevant airport;**

**c) The development must be carried out by a relevant airport operator or its agent;**

**d) The development must be required in connection with the provision of services and facilities at the airport;**

**e) The development must be located on operational land; and**

**f) The development must not involve a runway, a large extension to a passenger terminal or a building other than an operational building.**

## 5. CASE FOR THE APPLICANT

5.1 With the legal framework in which the LDC application should be considered outlined in the previous chapter of this Statement, the following chapter sets out the case for the Applicant regarding the application of PDR for the proposed solar farm.

### i) Environmental Impact Assessment

5.2 Prior to the submission of this application, in addition to securing the relevant approvals under the Habitats Regulations, the Applicant has also secured a screening opinion from the LPA which confirms that the proposed development does not comprise EIA development. Accordingly the preclusion in Article 3(10) of the GDPO is not engaged.

### ii) Relevant Airport Operator or its Agent

5.3 A "relevant airport" is one which is able to levy airport charges under Part 5 of the Airports Act and which is certified by the Civil Aviation Authority to do so. There is no doubt that Liverpool John Lennon Airport (LJLA) is such an airport. Similarly PDR only accrue to the Airport operator or their agents.

### iii) Operational Land

5.4 The next issue to consider is the extent to which what is proposed comprises "operational land" as defined. The general rule, established by s.263(1) of the 1990 Act is that "operational land" means:

**a) land which is used for the purpose of carrying out the undertaking; and**

**b) land in which an interest is held for that purpose.**

5.5 Section 263(2) excludes:

**"...land which, in respect of its nature and situation, is comparable rather with land in general than with land which is used, or in which interests are held, for the purpose of carrying on of statutory undertakings."**

5.6 That exception is intended to exclude land which is merely held by a statutory undertaker but really doesn't have the character of land which is so used, such as shops, offices, and houses. In addition land is not to be treated as operational land unless it benefits from permission for development, which, if carried out would involve its use for the carrying on the business of the undertaking.

5.7 In the case of the application site, the land has been brought into the perimeter fence and the former public highway has been closed. The land unquestionably forms part of the essential land of land which is "in use" for the operation of the airport.

iv) Provision of services and facilities at the Airport

5.8 The next issue is then whether or not the provision of a solar farm which is solely used to generate "on site" electricity for the sole benefit of the airport can be properly described as being in connection with the provision of services and facilities at the airport.

5.9 The reason the solar farm has been proposed is that electricity is needed to a comparatively substantial degree across a vast range of services and facilities, from runway lighting to the heating of the passenger terminal. What is being proposed is therefore indeed needed for the purposes of the provision of services and facilities which comprises the undertaking. The situation would however be quite different if the electricity was simply being generated in order to take advantage of an under-used parcel of land in order to generate money which was just exported to the grid. That is not the case here.

v) Operational Buildings

5.10 The issue is then is whether or not the multiple structures are to be regarded as 'operational buildings' (given the terms of the exception of Paragraph F.1(d)). If they are neither then they would not fall within PDR.

5.11 The question as to whether or not they are "buildings" is simply answered since the definition of "building" either under s.336(1) or the GDPO itself is widely drawn and includes 'structures'. Moreover, given the purpose of the solar farm to generate electricity in connection with the provision of services and facilities at the airport, there is little doubt that the function is an operational one.

Legality of what is proposed

5.12 To support the legality of the proposed solar farm in a definitive manner the Applicant has submitted this application under s.192 of the 1990 Act, which if granted would establish the legality of the prospective construction of the solar farm.



5.13 In accordance with Paragraph F.2 there is a requirement on the Applicant to consult with the LPA before carrying out any development setting out precisely what is proposed and why it is considered that it comprises PDR. As already established, there is no required format or protocol under the GDPO to consult with the LPA but the LDC application hereby submitted clearly serves that purpose.

5.14 This application under s.192 of the 1990 Act provides the opportunity for the Applicant to show how the proposed solar farm is PDR. Class F provides the airports with PDR for "the carrying out on operational land by a relevant airport operator or its agent of development (including the erection or alteration of an operational building) in connection with the provision of services and facilities at a relevant airport." The Applicant has already set out above that:

- i. The proposed development is not EIA development so Article 3(10) of the GDPO is not engaged;
- ii. LJLA is a relevant airport for which PDR accrue;
- iii. The application site forms part of the operational land of the airport;
- iv. The proposed solar farm is required in connection with the provision of services and facilities at the airport; and
- v. The multiple structures proposed can be regarded as 'operational buildings'.

5.15 Paragraph F.1 of the GDPO confirms that development is not permitted by Class F if it would consist of or include:

- a) *The construction or extension of a runway*

Criteria not engaged; the proposals do not involve the extension to the runway at the airport;

- b) *The construction of a passenger terminal the floor space of which would exceed 500 square metres*

Criteria not engaged; the proposals do not involve the construction of a passenger terminal building;

- c) *The extension or alteration of a passenger terminal, where the floor space of the building as existing at 5<sup>th</sup> December 1988 or, if built after that date, of the building as built, would be exceeded by more than 15%*

Criteria not engaged; the proposals do not relate to the extension or alteration of an existing passenger terminal building;

- d) *The erection of a building other than an operational building.*

Criteria not engaged; the proposals do not involve the erection of any non-operational buildings;

- e) *The alteration or reconstruction of a building other than an operational building, where its design or external appearance would be materially affected.*

Criteria not engaged; the proposals do not involve the alteration or reconstruction of any non-operational buildings.

- 5.16 The proposed solar farm therefore does not engage any of the forms of development expressly prohibited under Class F.

Precedents set elsewhere

- 5.17 While the case for the Applicant has been clearly set out to support the legality of the proposed solar farm so that the LPA is able to support and approve the LDC application, reference is drawn to examples of similar developments undertaken at airports elsewhere in the United Kingdom using this approach.

- 5.18 *Robin Hood Airport* – in January 2019, Doncaster Metropolitan Borough Council confirmed that a proposed solar farm on approximately 7.97ha of operational land at Robin Hood Airport was permitted development under Class F, Part 18 of Schedule 2 of the GPDO (application ref: 18/02262/SCRE). In the decision notice issued the Council concluded that:

**"Based upon the information you have supplied, Doncaster Metropolitan Borough Council conclude that the proposal is "Permitted Development" and therefore no formal planning permission is required. The proposal is considered meet the criteria under Schedule 2 Part 8 Class F of the Town and County Planning (General Permitted Development) Order 2015."**

5.19 A copy of the decision notice is attached at Appendix 8.

#### **APPENDIX 8 – ROBIN HOOD AIRPORT DECISION NOTICE**

5.20 *Cardiff Airport* – in July 2020 the Vale of Glamorgan Council granted a LDC application at Cardiff Airport for a proposed solar farm on 2.36ha of operational land at the airport (application ref: 2020/00458/LAW). The decision notice issued by the Council set out the reason for granting the certificate as:

**"The proposed photo-voltaic solar array within the grounds of Cardiff Airport shown on the proposed block plan, PV panel elevations, and described in the covering letter received on the 4th May 2020 amounts to permitted development under Part 18 of Schedule 2, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and therefore planning permission is not required. Accordingly a Lawful Development Certificate can be granted."**

5.21 A copy of the decision notice is attached at Appendix 9.

#### **APPENDIX 9 – CARDIFF AIRPORT DECISION NOTICE**

5.22 While this decision relates to a site in Wales rather than England, which is subject to a separate GPDO regime, the corresponding PDR class in the Welsh GDPO is identical to that in the English GPDO. The proposed solar farm at Cardiff Airport would therefore have had to comply the same requirements and conditions as that proposed at LJLA.

5.23 The precedent for the development hereby proposed has already been set elsewhere and therefore pertinent to the context in which this application should be considered.

## 6. SUMMARY AND CONCLUSIONS

- 6.1 This Planning Statement has been prepared by Pegasus Group on behalf of Liverpool Airport Limited ("the Applicant") to support an application for a Lawful Development Certificate (LDC) for the installation of a solar farm within the aerodrome boundary at Liverpool John Lennon Airport, Speke, Liverpool ("the application site").
- 6.2 It has been demonstrated that the necessary approvals have been secured for the proposed development under the Habitat Regulations from Natural England, as the appropriate nature conservation body, and the LPA together with an EIA Screening Opinion from the LPA to confirm that the proposed development is non EIA development.
- 6.3 The Applicant has then gone on to explain how the proposed development amounts to permitted development under Class F, Part 18 of Schedule 2 of the GPDO and therefore an application for planning permission is not required.
- 6.4 Reference has also been drawn to other examples approved elsewhere in the UK at Robin Hood Airport and Cardiff Airport to reaffirm the view that the proposed development comprises permitted development and the approach taken at Liverpool Airport is procedurally correct.
- 6.5 Accordingly, a Lawful Development Certificate can and should be approved without delay.

**APPENDIX 1**  
**AERODROME BOUNDARY PLAN**

# AERODROME BOUNDARY



**AECOM**  
PROJECT  
Liverpool John Lennon  
Airport Aerodrome  
Plans  
CLIENT

**Liverpool John Lennon Airport**  
Foster, Easter, Friendlier.

**CONSULTANT**  
AECOM Manchester  
Bridgewater House, Whitworth Street,  
Manchester, M1 6LT  
Tel: 0161 907 3599 fax  
www.aecom.com

**NOTES**  
1. If this drawing has been received electronically it is the recipient's responsibility to print the document to the correct scale.  
2. This drawing should be read in conjunction with the relevant drawings and specifications.  
3. All dimensions are in metres unless otherwise specified.

**KEY**  
Aerodrome Boundary

ISSUE/REVISION	
PI	26.11.2019
IR	DATE
	ISSUED FOR INFORMATION
	DESCRIPTION

**SHEET TITLE**  
LJA Plans  
Aerodrome Boundary  
**SHEET NUMBER**  
001

**APPENDIX 2**

**INFORMATION TO INFORM A HABITATS REGULATIONS  
ASSESSMENT**

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**Liverpool John Lennon Airport – Proposed Solar Development  
on behalf of Peel Energy Limited**

**Appendix 2:**

**Information to Inform a Habitats Regulations Assessment**





<b>Document Control</b>				
Project Name:		Liverpool John Lennon Airport – Proposed Solar Park Development		
Project Number:		Pegas-075-1521		
Report Title		Information to Inform a Habitats Regulations Assessment - <b>Appendix 2</b>		
<b>Issue</b>	<b>Date</b>	<b>Notes</b>	<b>Prepared</b>	<b>Reviewed</b>
V1	21/09/2021	Draft for client review	D Foy <i>BA (Hons) MCMA</i>	H Fearn <i>MSc MCIEM</i>
V2	26/09/2021	Final Issue following client review	D Foy <i>MA (Hons) MCMA</i>	H Fearn <i>MSc MCIEM</i>

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**FIGURE 1: STATUTORY DESIGNATED SITES PLAN**

**FIGURE 2: PHASE 1 HABITAT PLAN**

**FIGURE 3: FIELD BOUNDARY PLAN**

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**ANNEX 1: SUPPORTING STATEMENTS FROM THE MERSEY ESTUARY WEBS CO-ORDINATOR AND SURVEYOR**

# 1 INTRODUCTION

- 1.1.1 This Appendix has been prepared by Avian Ecology Ltd (AEL) on behalf of Pegasus Group and Liverpool John Lennon Airport to provide the competent authority (Halton Borough Council) with the necessary ecological information to undertake a Stage 1 'screening' in relation to an application for a Lawful Development Certificate for a proposed use of development for the installation of a solar farm (ground mounted solar photovoltaic panels) at Liverpool John Lennon Airport, Halton henceforth referred to as 'the Site', with regards to its potential to have likely significant effects on European sites in accordance with Article 63 of *The Conservation of Habitats and Species Regulations 2017 (as amended)*.
- 1.1.2 AEL have produced an *Information to Inform a Habitats Regulations Assessment*<sup>32</sup> for a previous planning application for a ground-mounted solar farm within the same Site in 2018 (Planning Application 18/00513/FUL<sup>33</sup>); it is understood that this application has been withdrawn and an application for a Lawful Development Certificate for the installation of an updated solar farm layout within the Site will be resubmitted, and an updated Ecological Assessment<sup>34</sup> has also been produced in support of this application.
- 1.1.3 Reference will be made to current consultations with statutory bodies and previous consultations associated the previous planning application (18/00513/FUL).

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<sup>32</sup> AEL. (2018). *Information to Inform a Habitats Regulations Assessment*. (Unpublished)  
[https://webapp.halton.gov.uk/planningapps/1800513FUL/OTH\\_Ecology%20Assessment%20Appendix%2003%20Information%20to%20Inform%20a%20HRA%20FINAL.pdf](https://webapp.halton.gov.uk/planningapps/1800513FUL/OTH_Ecology%20Assessment%20Appendix%2003%20Information%20to%20Inform%20a%20HRA%20FINAL.pdf)

<sup>33</sup> <https://webapp.halton.gov.uk/planningapps/index.asp>

<sup>34</sup> AEL. (2021). *Liverpool John Lennon Airport – Proposed Solar Development: Ecological Assessment Report*. (Unpublished).

## 2 PROJECT CONSULTATION

### 2.1 Merseyside Environmental Advisory Service

2.1.1 During the previous planning application for a ground-mounted solar farm within the Site in 2018 (Planning Application 18/00513/FUL); early engagement with the Merseyside Environmental Advisory Service (MEAS) Discretionary Advice Service was sought to set out the proposals and address possible implications for the nearby designated sites and qualifying interest features (birds using the estuary and adjoining land), as well as biodiversity more generally. Within this consultation, scoping opinions were requested. The following information was provided by AEL to MEAS during this consultation period:

#### ***The Mersey SPA and Habitat Regulations Assessment***

*The proposal site lies close to the Mersey Estuary SSSI/SPA/Ramsar (see attached map). Hence the LPA as Competent Authority will have to consider the proposed development in relation to these designations under the Habitats Regulations. The key information to understand will therefore be the Site's interest to and likely use by bird species associated with the designated area.*

*Based on the information gathered and a considerable local knowledge of bird assemblages within the wider landscape, we believe that the development site and immediate surrounding area do not form supporting habitat for the SPA and there is no functional linkage between the development site and the SPA. Habitats within the site are:*

- Dominated by tall ruderal, scrub, woodland and semi-improved neutral grassland with scattered scrub; all of which do not offer the open habitats required to support high tide roosts/foraging waders/wildfowl associated with the Mersey SPA and this in turn should preclude any requirement for extensive winter and passage bird surveys.*
- The Site is regularly used by locals for dog walking (as noted during the initial site walkover and due to very well worn pathways that intersect the site) and plane spotters regularly congregate along Dungeon Lane (observed during the initial site walkover and known due to extensive local knowledge of the surveyor); which would result in significant disturbance effects on qualifying species (if using the site)?*
- The adjacent Liverpool John Lennon Airport runway is used regularly by air traffic and subject to regular bird-scaring techniques designed to prevent flocking bird species.*
- There are no visual 'sightlines' between the site and the estuary that may cause disturbance effects on species associated with the SPA during construction.*
- No noise disturbance effects are likely during construction due to the distance between the site and SPA and due to the construction high volumes emitted from air traffic associated with the adjacent Airport.*

*On the basis of the above, ornithology surveys for wetland bird species associated with the Mersey SPA are not proposed. Avian Ecology Ltd will likely be commissioned to produce a Report to Inform a Habitats Regulations Assessment within the report the above conclusions will be discussed and informed by a desk based study using data provided by North Merseyside Biobank and rECOrd.*

*Therefore I would like to ask MEAS the following:*

1. Do MEAS believe that, based on the information outlined above, the possibility of Likely Significant Effects (LSE) on the SPA or any other European Site can be precluded?
2. Would MEAS require any additional information above that outlined in this email to determine the potential for LSE on the SPA or any other European Site?

2.1.2 Following from this communication, Rachel Rhodes from MEAS responded on the 19<sup>th</sup> April 2018 with a discretionary advice statement (full statement provided in *Annex 1: Information to Inform a Habitats Regulations Assessment (AEL.2018)*<sup>35</sup>), which included the following specific information regarding Mersey Estuary SPA qualifying bird assemblages and additional information required to inform a Habitat Regulations Assessment:

***Advice on specific questions raised by Avian Ecology***

***Non-breeding bird survey***

*As you have identified the proposed site is close to the following European Sites:*

- *Mersey Estuary SPA (260m south of the proposed site); and*
- *Mersey Estuary Ramsar (260m south of the proposed site).*

*Due to the proximity of the European Sites and the use of adjacent farmland and fields by qualifying bird species HRA will be required. Potential likely significant effects which I have identified for assessment within the HRA are:*

- *Direct loss of functionally linked land;*
- *Disturbance of birds during the construction period of birds within the European Sites and using functionally linked land; and*
- *Disturbance during the operation of the solar scheme, including lighting, and maintenance works.*

*Phase 1 habitat map, site photos and descriptions provided shows that the site is tall semi-improved neutral grassland with large expanses of scrub and tall ruderal herbs. I agree with the assessment that the site is unsuitable for qualifying bird species of the European Site. Non-breeding bird survey is not required and likely significant effects due to loss of functionally linked land can be screened out.*

***Requirement for any additional information to inform HRA***

*Additional information will be required to inform HRA. Impacts which will be required to be addressed relate to construction and operational related disturbance. Therefore the following information is required:*

- *Details of the construction time scale, including predicted start and end date;*
- *Noise assessment. Whilst I note your comments in relation to existing noise levels due to aircraft, these conclusions do need to be evidenced to allow completion of the HRA. Noise*

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<sup>35</sup> AEL. (2018). *Information to Inform a Habitats Regulations Assessment*. (Unpublished)  
[https://webapp.halton.gov.uk/planningapps/1800513FUL/OTH\\_Ecology%20Assessment%20Appendix%203%20Information%20to%20Inform%20a%20HRA%20FINAL.pdf](https://webapp.halton.gov.uk/planningapps/1800513FUL/OTH_Ecology%20Assessment%20Appendix%203%20Information%20to%20Inform%20a%20HRA%20FINAL.pdf)

*assessment is therefore required, this should include the following, existing baseline noise levels and predicted noise levels associated with the construction period. Noise levels should be provided for the following locations; a) the proposed development site; b) the Mersey Estuary SPA and Ramsar; c) fields used by qualifying bird species.*

- *Details of methods to be used in construction of the solar power scheme;*
- *Details of any lighting requirement; and*
- *Details of maintenance operations and schedule.*

2.1.3 In 2018 AEL produced the *Information to Inform a Habitats Regulations Assessment*<sup>36</sup> for the previous planning application for a ground-mounted solar farm within the Site, following from the submission of this document as part of the planning application (Planning Application 18/00513/FUL<sup>37</sup>), the following information was provided by MEAS regarding the Habitats Regulations Assessment<sup>38</sup>:

***Habitats Regulations Assessment and designated sites***

*The development is near to the following European sites which are protected under the Habitats Regulations 2017:*

- *Mersey Estuary SPA; and*
- *Mersey Estuary Ramsar*

*Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Local Plan policy CS20 applies. The applicant has submitted a shadow Habitats Regulations Assessment (HRA) report (Appendix 3 of Ecological Assessment Avian Ecology Ltd, 8 October 2018, PeelE-424-1017, V3). In summary, the shadow HRA concludes that the proposals are unlikely to have likely significant effects on the above European sites. This is because of the sub-optimal nature of the application site and adjacent fields for qualifying bird species, the low impact construction method and results of the noise assessment which showed that there will be no change to residual noise levels during construction and operation.*

*I advise that the conclusions of the shadow HRA report are acceptable and that the Council can adopt the shadow HRA as its own assessment. The outcome of the shadow HRA report must be included within the Planning Committee/Delegated Report to show how the Council has engaged with the requirements of the Habitats Directive.*

*If there are any amendments to the proposals, I advise that they will need to be re-assessed for likely significant effects. This includes amendments prior to determination and subsequent approval/discharge of conditions.*

2.1.4 Following from the decision to withdraw the planning application (18/00513/FUL) and submit an application for a Lawful Development Certificate for the installation of an updated solar farm layout

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<sup>36</sup> AEL. (2018). *Information to Inform a Habitats Regulations Assessment*. (Unpublished)  
[https://webapp.halton.gov.uk/planningapps/1800513FUL/OTH\\_Ecology%20Assessment%20Appendix%203%20Information%20to%20Inform%20a%20HRA%20FINAL.pdf](https://webapp.halton.gov.uk/planningapps/1800513FUL/OTH_Ecology%20Assessment%20Appendix%203%20Information%20to%20Inform%20a%20HRA%20FINAL.pdf)

<sup>37</sup> <https://webapp.halton.gov.uk/planningapps/index.asp>

<sup>38</sup> Development Management Advice document, supplied to Halton Council from Lucy Atkinson (MEAS) on 15<sup>th</sup> November 2018 (File Reference: HA18-034)

within the Site, Lucy Atkinson from MEAS has provided Halton Council with a Development Management Advice document<sup>39</sup>, which includes the following information regarding the Habitats Regulations Assessment process:

### **Habitats Regulations**

*The proposed development is near to the following European sites which are protected under the Habitats Regulations 2017 (as amended):*

- Mersey Estuary SPA; and
- Mersey Estuary Ramsar.

*Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment (HRA) for likely significant effects. Local Plan policy CS20 applies.*

*To enable the LPA, as competent authority, to complete the HRA, I advise that the following further information will be required:*

- Details of the construction time scale, including predicted start and end date;
- Noise assessment which should include the following, existing baseline noise levels and predicted noise levels associated with the construction period. Noise levels should be provided for the following locations;
  - a) the proposed development site;
  - b) the Mersey Estuary SPA and Ramsar; c) fields used by qualifying bird species.
- Details of methods to be used in construction of the solar power scheme;
- Details of any lighting requirement;
- Details of maintenance operations and schedule; and
- An updated Preliminary Ecological Appraisal. This will assist in determining the suitability of the site and adjacent areas for non-breeding birds which are qualifying species of the nearby European sites.

*This information is requested under Regulation 63 (2) and will be used to enable the competent authority to determine whether an appropriate assessment is required.*

## **2.2 Natural England**

- 2.2.1 On the 21<sup>st</sup> November 2018, Natural England provided the following consultation advice<sup>40</sup> regarding the previous planning application for a ground-mounted solar farm within the Site in 2018 (Planning Application 18/00513/FUL):

### **Further Information Required to Determine Impacts on Mersey Estuary SPA and Ramsar**

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<sup>39</sup> Development Management Advice document, supplied to Halton Council from Lucy Atkinson (MEAS) on 9th June 2021 (File Reference: HA21-024)

<sup>40</sup> Consultation Advice document, supplied to Halton Council from Katie Finkill-Coombs (Natural England) on 21<sup>st</sup> November 2018 (File Reference: 262548)

*As submitted, the application could have potential significant effects Mersey Estuary Special Protection Area (SPA) and Ramsar. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.*

*The following information is required:*

- *Further bird evidence is required to determine bird numbers and usage on the proposed field for the solar panel development.*

*We advise this information is provided to help assess if the site is functionally-linked to the Mersey Estuary SPA/Ramsar. It is advised that the potential for offsite impacts needs to be considered in assessing what, if any, potential impacts the proposal may have on European sites.*

#### ***Internationally and nationally designated sites***

*The application site is within close proximity to Mersey Estuary SPA and Ramsar, and therefore has the potential to affect the interest features of the sites. These European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The site is also listed as Mersey Estuary Site of Special Scientific Interest (SSSI). Please see the subsequent sections of this letter for our advice relating to SSSI features.*

*In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.*

#### ***Further information required***

*The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.*

*In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.*

#### ***Sweetman II***

*Competent authorities undertaking HRAs should be aware of a recent ruling made by the Court of Justice of the European Union (the CJEU) on the interpretation of the Habitats Directive in the case of People Over Wind and Sweetman vs Coillte Teoranta (ref: C 323/17). The case relates to the treatment of mitigation measures at the screening stage of a HRA when deciding whether an appropriate assessment of a plan/project is required. The Court's Ruling goes against established practice in the UK that mitigation measures can, to a certain degree, be taken into account at the screening stage.*

*As a result, Natural England advises that any "embedded" mitigation relating to protected sites under the Habitat Regulations 2017 Regulation 63 (1) should no longer be considered at the*



screening stage, but taken forward and considered at the appropriate assessment stage to inform a decision as whether no adverse effect on site integrity can be ascertained.

Natural England are a statutory body and will consult on the Appropriate Assessment as guided by Regulation 63 of the Habitats Regulations.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

**Additional Information required**

Further bird evidence is required to determine bird numbers and usage on the proposed field for the solar panel development. Natural England understands bird surveys have been undertaken on the adjacent fields to the west of the proposed development in relation to the proposed expansion of Liverpool John Lennon Airport, however, there is no reference or evidence relating to these bird surveys within this application and we encourage the applicants to ensure that all available evidence is provided to support the application and to justify conclusions of a HRA in terms of the land being functionally linked to the SPA.

Natural England acknowledges comments from the BTO WeBS counter which states that the development site is not regularly used by birds of the Mersey Estuary SPA, however, as this field is not included in the WeBS sector counts we advise that this statement is not supported by direct bird survey work.

We have reviewed the draft Construction Environmental Management Plan (CEMP) and we advise that the final version should include information on the lighting used during construction and operation, any lighting used must be positioned so that it does not have a detrimental impact on the Mersey Estuary SPA i.e. facing away from the SPA boundary. Measures to avoid impacts to water quality during construction and operation i.e. cleaning and maintenance of the photovoltaic cells must be clearly stated in the CEMP.

We acknowledge there will be an additional application for the cable route related to the expansion of the Liverpool John Lennon Airport which will be submitted by Liverpool City Council and Natural England will provide advice on this application in due course.

- 2.2.2 Following from the previous consultation advice provided by Natural England, in 2018 AEL produced the Information to Inform a Habitats Regulations Assessment<sup>41</sup> for the previous planning application for a ground-mounted solar farm within the Site, following from the submission of this document as part of the planning application (Planning Application 18/00513/FUL), the following information was provided by Natural England regarding the Habitat Regulations Assessment:

**Summary of Natural England's Advice**

**No Objection** - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites Mersey Estuary SPA and Ramsar and has no objection.

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<sup>41</sup> AEL. (2018). *Information to Inform a Habitats Regulations Assessment*. (Unpublished)  
[https://webapp.halton.gov.uk/planningapps/1800513FUL/OTH\\_Ecology%20Assessment%20Appendix%203%20Information%20to%20Inform%20a%20HRA%20FINAL.pdf](https://webapp.halton.gov.uk/planningapps/1800513FUL/OTH_Ecology%20Assessment%20Appendix%203%20Information%20to%20Inform%20a%20HRA%20FINAL.pdf)

*Natural England's advice on other natural environment issues is set out below.*

**European sites – Mersey Estuary SPA and Ramsar**

*Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Mersey Estuary SPA/Ramsar and has no objection to the proposed development.*

*To meet the requirements of the Habitats Regulations, we advise you to record your decision that a likely significant effect can be ruled out. The following may provide a suitable justification for that decision:*

- *The habitat of the application site does not appear to be suitable supporting habitat for the qualifying features of the Mersey Estuary SPA/Ramsar.*
- *Evidence from existing bird reports and WeBs data has concluded the proposed site does not support significantly important numbers of the designated features of the Mersey Estuary SPA/Ramsar.*
- *The proposed construction methods and operation on the site will not have an adverse impact on the Mersey Estuary SPA/Ramsar.*

2.2.3 Following from the decision to withdraw the planning application (18/00513/FUL) and submit an application for a Lawful Development Certificate for the installation of an updated solar farm layout within the Site, Natural England have provided Halton Council with a Development Management Advice document<sup>42</sup>, which includes the following information regarding the Habitats Regulations Assessment process:

**Summary of Natural England's Advice**

**Further Information Required to Determine Impacts on Designated Sites**

*As submitted, the application could have potential significant effects on*

- *Mersey Estuary SPA*
- *Mersey Estuary Ramsar*
- *Mersey Estuary SSSI*

*Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.*

*The following information is required:*

*A Habitats Regulations Assessment, including:*

- *Further bird evidence is required to determine bird numbers and usage on the proposed field for the solar panel development.*

*Please re-consult Natural England once this information has been obtained. Natural England's further advice on designated sites is set out below.*

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<sup>42</sup> Planning Advice document, supplied to Halton Council from Alice Watson (Natural England) on 4<sup>th</sup> June 2021 (File Reference: 354893)

### ***Internationally and nationally designated sites***

*The application site is within 366m of the Mersey Estuary SPA, Mersey Estuary Ramsar and Mersey Estuary SSSI.*

*In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.*

*Please see the subsequent sections of this letter for our advice relating to SSSI features*

### ***Habitats Regulations Assessment***

*The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 63 and 64 of the Habitats Regulations have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.*

*In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out.*

*We recommend you obtain the following information to help undertake a Habitats Regulations Assessment.*

### ***Additional Information***

- We note that this application is a resubmission of 18/00513/FUL, however no bird survey evidence has been submitted with this application. We advise that updated bird survey evidence is required for overwintering and passage birds associated with the designated sites.*
- A comprehensive desk study should first be carried out to inform the need for site specific bird surveys. The desk study should include a robust data search, including local records information such as CAWOS (Cheshire and Wirral Ornithology Society) and relevant WeBs data and any other survey evidence together with an assessment of the suitability of the site and surrounding area for SPA birds.*

### 3 INFORMATION TO INFORM THE ASSESSMENT

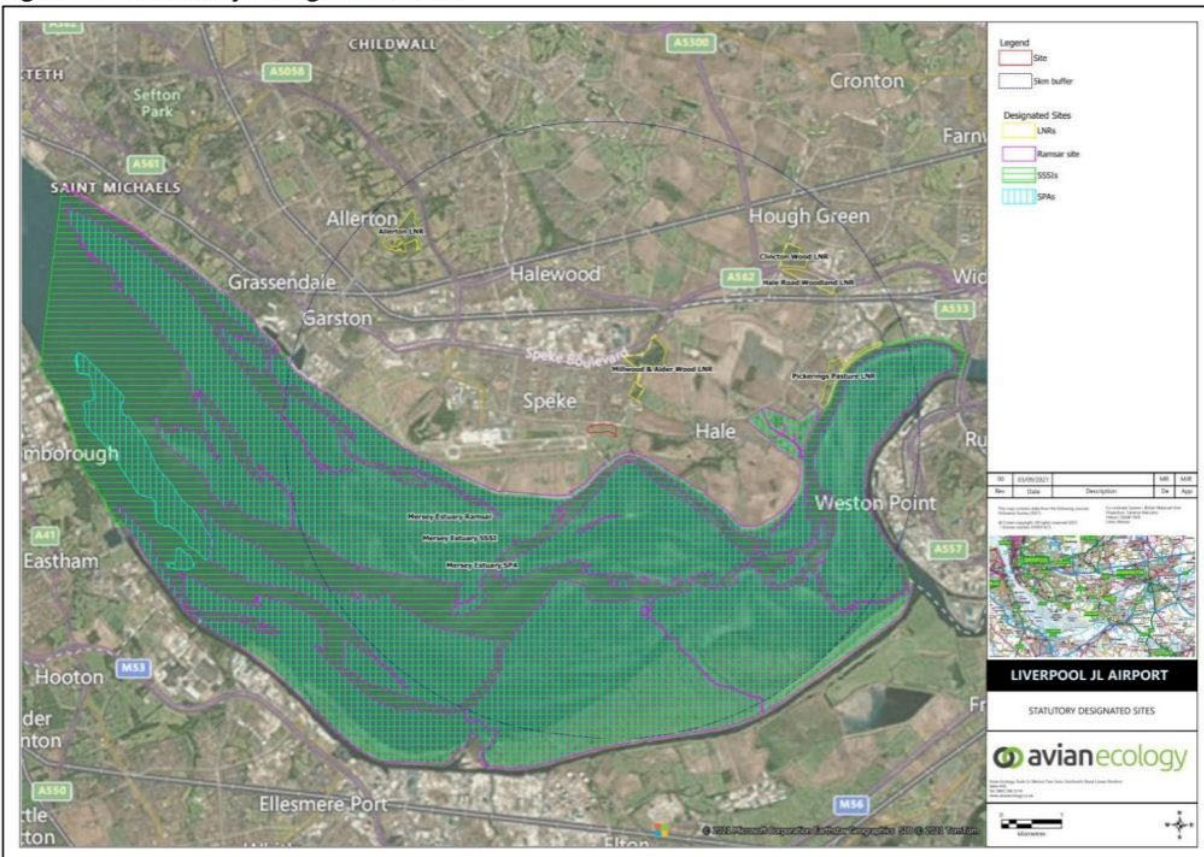
#### 3.1 Project Information and Site Context

- 3.1.1 The Site comprises a parcel of land within the north-eastern section of the Liverpool John Lennon Airport Aerodrome boundaries; the Site is situated in the Liverpool City Region, between the districts of Speke and Hale Village and is located along the administrative border of Halton Borough Council and Liverpool Council.
- 3.1.2 The proposed solar park boundary is located approximately 366m to the north of the Mersey Estuary and is dominated by a habitat mosaic consisting of semi-improved neutral grassland, scrub, successional broad-leaved woodland and tall ruderal vegetation. Further habitats within or adjacent to the site boundaries include scattered trees, species-poor hedgerows, bracken and hard-standing surfaces.

#### 3.2 European Sites

- 3.2.1 A statutory designated site plan is provided in **Figure 1** below.

**Figure 1 – Statutory Designated Sites**



- 3.2.2 The Site is not located within any statutory designated sites for nature conservation, but is located 366m north of the Mersey Estuary Special Protection Area (SPA). This European statutory designated site is also designated as a Ramsar site and is afforded national protection as a Site of Special Scientific Interest (SSSI).

3.2.3 Some of the qualifying interests for which the Liverpool Bay SPA/Ramsar site is designated for may rely on habitats outside of the designated sites boundaries. Critically, such habitats (also known as functionally linked land) can play an essential role in maintaining SPA/Ramsar bird populations, and proposals affecting these habitats and/or the birds /populations using them may therefore have the potential to affect the integrity of the European Site.

3.2.4 Table 2.1 below identifies relevant European and Ramsar sites and outlines their qualifying features as described within the corresponding *European Site Conservation Objectives* documents and *Information Sheets on Ramsar Wetlands* for the Sites.

**Table 2.1: Qualifying features - European and Ramsar sites.**

Site name and designation	Distance and direction	Statutory Designated Site Details
Mersey Estuary SPA	366m south	<p>The site qualifies under article 4.1 of the <i>EC Directive 79/409 on the Conservation of Wild Birds Special Protection Area</i> as it is used regularly by 1% or more of the Great Britain populations of the following species listed in Annex I in any season:</p> <ul style="list-style-type: none"> <li>• common shelduck <i>Tadorna tadorna</i>; (Non-breeding)</li> <li>• Eurasian teal <i>Anas crecca</i>; (Non-breeding)</li> <li>• northern pintail <i>Anas acuta</i>; (Non-breeding)</li> <li>• European golden plover <i>Pluvialis apricaria</i>; (Non-breeding)</li> <li>• dunlin <i>Calidris alpina alpina</i>; (Non-breeding)</li> <li>• black-tailed godwit <i>Limosa limosa islandica</i>; (Non-breeding)</li> <li>• redshank <i>Tringa totanus</i>; (Non-breeding)</li> </ul> <p><b>Waterbird assemblage</b></p> <p>The site also qualifies under article 4.2 of the Directive for its non-breeding waterbird assemblage, including great crested grebe <i>Podiceps cristatus</i>, common shelduck, wigeon <i>Anas penelope</i>, Eurasian teal, northern pintail, ringed plover <i>Charadrius hiaticula</i>, European golden plover, grey plover <i>Pluvialis squatarola</i>, lapwing <i>Vanellus vanellus</i>, dunlin, black-tailed godwit, curlew <i>Numenius arquata</i> and redshank.</p>
Mersey Estuary Ramsar Site	366m south	<p><b>Ramsar criterion 5 - Bird assemblages of international importance</b></p> <p><b>Ramsar criterion 6 – species/populations occurring at levels of international importance.</b></p> <p><i>Species with peak counts in spring/autumn:</i></p> <ul style="list-style-type: none"> <li>• Common shelduck</li> <li>• Black-tailed godwit</li> <li>• Common redshank</li> </ul> <p><i>Species with peak counts in winter:</i></p> <ul style="list-style-type: none"> <li>• Eurasian teal</li> <li>• Northern pintail</li> <li>• Dunlin</li> </ul>

### **European Site Conservation Objectives**

- 3.2.5 The most recently published Conservation Objectives for the Mersey Estuary SPA (version 5); dated 21<sup>st</sup> February 2019, stated as follows:

*With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;*

*Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;*

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The population of each of the qualifying features, and,*
- *The distribution of the qualifying features within the site.*

### **3.3 Project Information and Site Context**

- 3.3.1 The Site is approximately 5.7ha and located 366m to the north of the Mersey Estuary (at its closest point) and is dominated by a habitat mosaic consisting of lowland mixed deciduous woodland, tall herb, dense bramble scrub, scattered scrub and neutral grassland. Further habitats within the Site and surrounding wider survey area include scattered trees and bracken. The proposed development location and associated habitats are provided in is shown in **Figure 2** below and described more fully in the Ecological Assessment Report (AEL. 2021).
- 3.3.2 The Site has habitat connectivity to similar habitat mosaics to the south and east, extensive arable/pastoral farmland to the south-west and north-east, Liverpool John Lennon Airport (extensive areas of amenity grassland/hard-standing) to the south and west, extensive urban conurbations of Speke to the north and north-west and Hale Heath village to the east. The Site is also bounded by Hale Road (main road) to the north and Dungeon Lane (single track road) to the west.
- 3.3.3 The River Mersey is located approximately 366m south of the Site; habitats within the estuary (at its closest point to the Site) include extensive mudflats, mud cliffs, saltmarsh and swamp. Habitats located between the Site and the Mersey Estuary includes extensive areas of arable farmland, active airfield, broad-leaved woodland, neutral grasslands, tall ruderals and scrub.
- 3.3.4 In the wider context, the Site is connected to habitats bordering the Mersey Estuary; these habitats provide a habitat corridor from Garston in the west to Ditton in the east. These habitats include large areas of arable farmland, ancient woodland, saltmarsh, grazing marsh and grasslands; suitable to support a variety of protected/notable species.

**Figure 2 – Phase 1 Habitat Plan**



### 3.4 Information on Qualifying Features

3.4.1 Information pertaining to the potential presence or otherwise of bird species which represent a qualifying feature for the above listed European and Ramsar sites, thereby establishing whether the Site and surrounding area is functionally linked to the European and Ramsar sites, has been established through:

- A site appraisal - evaluation of habitats and current land management practices; and,
- Desk study – a review of existing ornithological records and literature focusing on the known distribution of qualifying features around the Mersey Estuary SPA/Ramsar site; and,
- Supporting Statement.

3.4.2 Further details of each methodology are presented below.

#### **Site Appraisal**

3.4.3 An Extended Habitat Survey was undertaken on the 9<sup>th</sup> August 2021, habitats within the survey area were mapped and described using a series of 'target notes', where relevant. The survey was extended to include the additional recording of specific features indicating the presence, or likely presence, of protected species, invasive species and other species of conservation significance; this included an assessment of habitats for their suitability to support wetland birds. The visit was

completed by Dan Foy Dan Foy BA (Hons) MCMA, a highly experienced ornithologist, who is familiar with bird-habitat associations and distribution.

- 3.4.4 Dan Foy is also very familiar with wetland bird status and usage on the Mersey Estuary and surrounding adjacent land, and has undertaken Wetland Bird Surveys (WeBS) on behalf of the British Trust for Ornithology (BTO) on the Mersey Shore (Oglet Shore) and the adjacent land (Oglet Fields) adjacent to the Site for a number of years.

### **Desk Study**

- 3.4.5 In order to inform the Ecological Assessment Report<sup>43</sup> process, existing ecological records were requested from Merseyside Biobank the Local Biological Records Centre serving North Merseyside and rECOrd the Local Biological Records Centre serving Halton. A 2km search radius was used centred on the central Site ordinance survey grid reference (SJ 44956 82554), these ecological records included non-breeding bird records of species listed as qualifying features of the Mersey Estuary SPA.

- 3.4.6 The following additional sources were also consulted:

- Multi-Agency Geographical Information for the Countryside (MAGIC)<sup>44</sup>;
- Natural England website<sup>45</sup>;
- Ramsar Sites Information Service<sup>46</sup>;
- Wetland Bird Survey (WeBS) Report Online interface<sup>47</sup>; and,
- Mersey Estuary Conservation Group website<sup>48</sup>.

- 3.4.7 A literature review was also completed to identify any papers or research reports which may assist in determining the distribution of qualifying features and populations within the vicinity of the proposed development. Most notably these papers included the following publications:

- Review and analysis of changes in water-bird use of the Mersey Estuary SPA, Mersey Narrows & North Wirral Foreshore SPA and Ribble & Alt Estuaries SPA<sup>49</sup>; and,
- Waterbird population trend analysis of the Mersey Estuary SPA, Mersey Narrows & North Wirral Foreshore pSPA and Ribble & Alt Estuaries SPA<sup>50</sup>.

- 3.4.8 In addition, extensive non-breeding bird surveys have recently been undertaken by Atmos Consulting on farmland located in Oglet, immediately south of the Liverpool John Lennon Airport and to the

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<sup>43</sup> AEL. (2021). *Liverpool John Lennon Airport – Proposed Solar Development: Ecological Assessment Report*. (Unpublished)

<sup>44</sup> <http://magic.defra.gov.uk/MagicMap.aspx>

<sup>45</sup> <https://designatedsites.naturalengland.org.uk/>

<sup>46</sup> <https://rsis.ramsar.org/ris/785?language=en>

<sup>47</sup> <https://blx1.bto.org/webs-reporting/>

<sup>48</sup> <http://www.merseyestuary.org/mersey-webs--july--dec-2018.html>

<sup>49</sup> <http://publications.naturalengland.org.uk/publication/4713137133584384>

<sup>50</sup> <http://publications.naturalengland.org.uk/publication/4707512471257088>



south-west of the Site. Information from the following report was provided by Liverpool John Lennon Airport in order to inform the Habitats Regulations Assessment:

- *Halton HRA Bird Surveys on behalf of Halton Borough Council*<sup>51</sup>
- *Non-breeding Season Bird Surveys - Liverpool John Lennon Airport (2017/18 and 2019/20)*<sup>52</sup>.

### **Supporting Statements**

- 3.4.9 A supporting statement was obtained from Mr Mike Brown a BTO WeBS counter on Oglet Shore (the section of shore adjacent to the Site) and Oglet Fields (farmland located to the south-west of the Site; counted as a new WeBS site since October 2019). The statement outlines the wetland bird usage of fields adjacent to the Site. See **Annex 1**

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<sup>51</sup> <https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/eip/EL011.pdf>  
<https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/eip/EL012.pdf>  
<https://www3.halton.gov.uk/Pages/planning/policyguidance/pdf/eip/EL013.pdf>

<sup>52</sup> Atmos Consulting. (2020). Non Breeding Bird Surveys.

## 4 RESULTS

### 4.1 Site and Surrounding Land Appraisal

- 4.1.1 The Site is described in Section 2.3. The River Mersey (Mersey Estuary SPA/Ramsar) is located approximately 366m south of the Site; habitats within the estuary (at its closest point to the Site) include extensive mudflats, mud cliffs, saltmarsh and swamp. Habitats located between the Site and the Mersey Estuary include extensive areas of arable farmland, broad-leaved woodland, tussocky neutral grasslands, swamp, tall herb and scrub.
- 4.1.2 Land within Liverpool John Lennon Airport; located adjacent to the Site's western and southern boundary is subject to a bird control plan undertaken by Ascend XYZ<sup>53</sup>, this bird control plan includes bird scaring methods regularly employed (six days per-week) to deter bird usage of the airport.
- 4.1.3 **Table 4.1** below describes the suitability of all fields within 600m of the Site boundaries for qualifying Mersey Estuary SPA/Ramsar species. A field boundary plan showing the location of all fields within 600m of the Site is provided in **Figure 3 (below)**.

**Table 4.1: Field Descriptions**

Field	Habitat	Field Description
1	Habitat Mosaic	<p><b>Proposed solar development site</b> and wider survey area. A mosaic of habitats within and surrounding the Site; dominated by tall herb, scrub, woodland and neutral grassland with scattered scrub. Disturbance likely from Liverpool Flying School and Dungeon Lane to the West, Hale Road and Urban conurbations to the north and a recently installed footpath to the east.</p> <p>Nine common snipe were recorded within the Site and wider survey area, during the original Extended Phase 1 habitat survey on the 6<sup>th</sup> March 2018 and further reports of common snipe within (or immediately surrounding) the Site were provided by rECOrd</p> <p><b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b></p>
2	Habitat Mosaic	<p>A mosaic of habitats to the west of the Site within the operational Liverpool John Lennon Airport; dominated by tall ruderal, scrub and semi-improved neutral grassland. The regularly used Hale Road (main road) runs immediately north of the field, Dungeon Lane is located immediately to the east and the Liverpool Flying School is located immediately to the west; all of which may potentially cause significant disturbance to birds. Land within the airport is also subject to regular bird scaring activities, designed to prevent flocking bird species from using the site.</p> <p><b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b></p>
3	Amenity grassland and hard standing surfaces	<p>Liverpool John Lennon Airport operational runway areato the south-west and south of the Site, dominated by regularly cut amenity grassland and hard-standing surfaces. The area is regularly used by air traffic, Dungeon Lane and the Liverpool Flying School is located immediately to the north and Baileys Lane to the south; all of which may potentially cause</p>

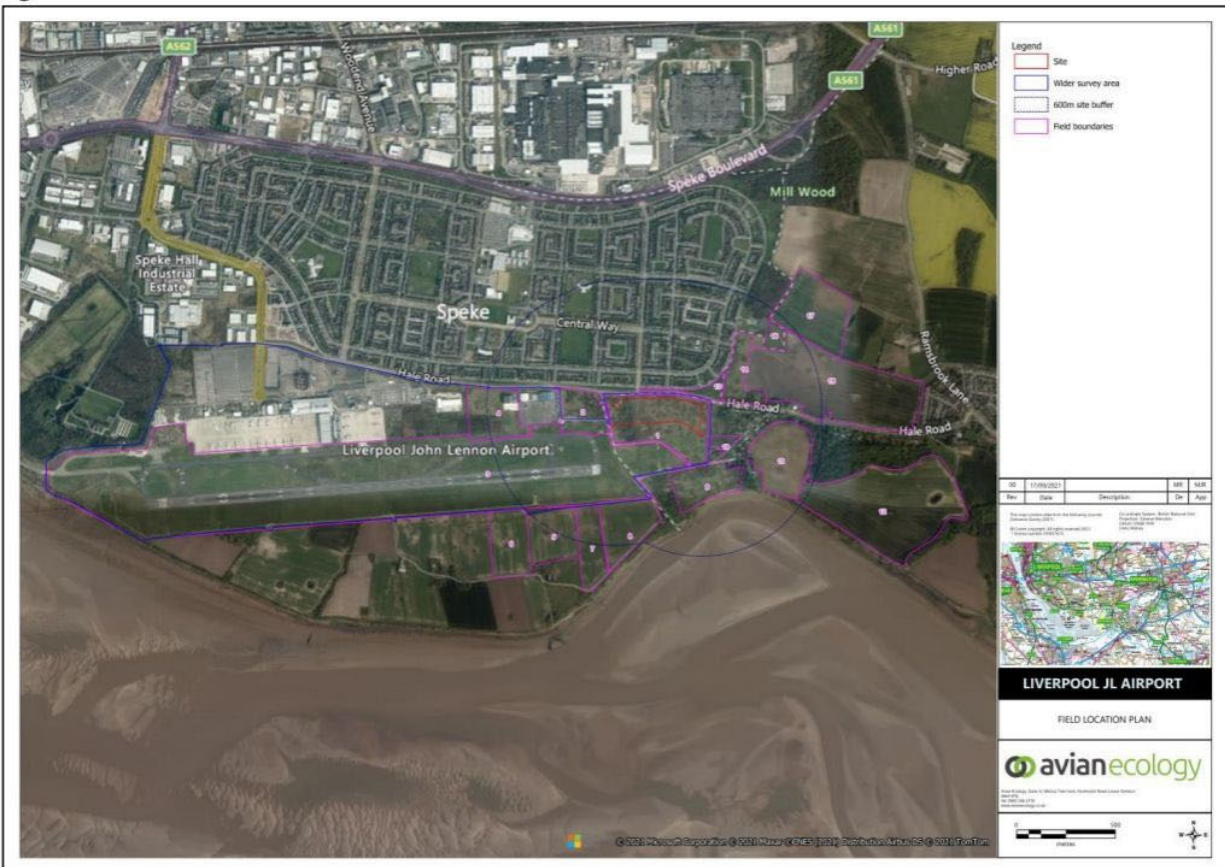
<sup>53</sup> Further information available on request from Liverpool John Lennon Airport (Lawful Development Certificate applicant)

		<p>significant disturbance to birds. Land within the airport is also subject to regular bird scaring activities, designed to prevent flocking bird species from using the site.</p> <p><b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b></p>
4	Habitat Mosaic	<p>A mosaic of habitats to the west of the Site within the operational Liverpool John Lennon Airport; dominated by tall ruderal, scrub, woodland and semi-improved neutral grassland. The regularly used Hale Road (main road) runs immediately north of the field and the Liverpool Flying School is located immediately to the east; both of which may potentially cause significant disturbance to birds. Land within the airport is also subject to regular bird scaring activities, designed to prevent flocking bird species from using the site.</p> <p><b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b></p>
5	Arable	<p>Arable farmland located to the south of Liverpool John Lennon Airport with a pond in the centre of the field; Yew Tree Farm is located immediately south of the field which may cause disturbance to birds. Enclosed, fenced areas of horse grazing pasture are also located immediately to the south; which is likely subject to regular disturbance associated with the maintenance of the stock. It is likely that air traffic and regular bird scaring activities, designed to prevent flocking bird species from using the airport may deter wetland bird species from using the field on a regular basis.</p> <p><b>Unlikely to support qualifying wetland bird species/assemblages associated with the Mersey Estuary SPA/Ramsar site.</b></p>
6	Arable	<p>Arable farmland located to the south of Liverpool John Lennon Airport; Oglet Lane runs immediately south of the field; which may cause disturbance to birds and deter wetland bird species from using the field. It is likely that air traffic and regular bird scaring activities, designed to prevent flocking bird species from using the airport may also deter wetland bird species from using the field.</p> <p><b>Unlikely to support qualifying wetland bird species/assemblages associated with the Mersey Estuary SPA/Ramsar site.</b></p>
7	Arable	<p>Arable farmland located to the south of Liverpool John Lennon Airport; Oglet Lane runs immediately south of the field and is regularly used by walkers/dog walkers, and Yew Tree Farm is located immediately to the south-east both of which may cause disturbance to birds; especially due to the fact that no hedgerows (potentially providing visual cover) are present along the boundaries of the field/Oglet Lane. It is likely that air traffic and regular bird scaring activities, designed to prevent flocking bird species from using the airport may also deter wetland bird species from using the field on regular occasions.</p> <p><b>Unlikely to support qualifying wetland bird species/assemblages associated with the Mersey Estuary SPA/Ramsar site.</b></p>
8	Arable	<p>Arable farmland located to the south of Liverpool John Lennon Airport; Oglet Lane runs immediately south of the field and Dungeon Lane to the east, regularly used by walkers/dog walkers, and Yew Tree Farm is located immediately to the south-east both of which may cause disturbance to birds; especially due to the fact that no hedgerows (potentially providing visual cover) are present along the boundaries of the field/Oglet Lane/Dungeon Lane. It is likely that air traffic and regular bird scaring activities, designed to prevent flocking bird species from using the airport may also deter wetland bird species from using the field on regular occasions.</p> <p><b>Unlikely to support qualifying wetland bird species/assemblages associated with the</b></p>

		<b>Mersey Estuary SPA/Ramsar site</b>
9	Habitat Mosaic	A mosaic of habitats to the south of the Site; dominated by tall herb, scrub, woodland and neutral grassland with scattered scrub. The regularly used Mersey Way long-distance footpath runs through the field along with multiple other pathways used by dog walkers etc.  <b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b>
10	Grazed Pasture	Small enclosed, fenced areas of horse grazing pasture; likely subject to regular disturbance associated with the maintenance of the stock, adjacent farm buildings and pedestrians along Bailey's Lane.  <b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b>
11	Arable	Arable farmland located to the south-east of the site boundaries, beyond the urban settlement surrounding Baileys Lane and also beyond Dungeon Woods. No visual sightlines from the Site. Potentially suitable for waterbird assemblages, however low flying aircraft may deter birds from using the field.  <b>Potential to support qualifying wetland bird species/assemblages associated with the Mersey Estuary SPA/Ramsar site.</b>
12	Arable	Arable farmland located to the south-east of the site boundaries, beyond the urban settlement surrounding Baileys Lane and also beyond Dungeon Woods and Old Plantation Woods. No visual sightlines from the site.  <b>Known to support low numbers of curlew <i>Numenius arquata</i>.</b>
13	Amenity Grassland	Amenity grassland located to the north and north-east of the site, bounded by Hale Road to the south and Alderfield Drive to the north, subject to regular disturbance from extensive urban developments in Speke (Alderfield Drive), vehicles regularly use the grass for parking.  <b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b>
14	Habitat Mosaic	A mosaic of habitats; dominated by tall herb, scrub and neutral grassland. Regularly used by dog walkers, with multiple pathways intersecting the field and adjacent to a large urban conurbation (Speke housing estate) and St Ambrose School immediately north of the field which would likely cause significant disturbance to flocking bird species.  <b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b>
15	Arable	Large arable field located immediately north of Hale Rd and east of Langford Road, residential properties bounding the fields southern and eastern boundaries and the large urban conurbation of Speke Housing estate to the west may likely contribute to regular disturbance effects that would deter qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site from using the western end of the field, as will a public footpath that runs along the fields northern boundary.  <b>Unlikely to support qualifying wetland bird species/assemblages associated with the Mersey Estuary SPA/Ramsar site.</b>
16	Amenity Grassland	St Ambrose School playing field surrounded by high fence-lines and likely subject from regular disturbance from the school and surrounding housing areas, also a public footpath

		that passes the field boundary. <b>Unsuitable for qualifying wetland bird assemblages associated with the Mersey Estuary SPA/Ramsar site.</b>
17	Arable	Large arable field located to the west of the large urban conurbation of Speke Housing estate, a public footpath runs from this housing area along the field's southern boundary which may result in disturbance effects. <b>Unlikely to support qualifying wetland bird species/assemblages associated with the Mersey Estuary SPA/Ramsar site.</b>

**Figure 3 – Field Location Plan**



## 4.2 Desk Study

### **Local Biological Records Centre Information**

- 4.2.1 RECOrd provided numerous records of Mersey Estuary SPA/Ramsar qualifying bird species including dunlin, black-tailed godwit, curlew, pintail, teal, redshank, golden plover, ringed plover *Charadrius hiaticula*, lapwing *Vanellus vanellus*, oystercatcher *Haematopus ostralegus*, whimbrel *Numenius phaeopus*, greenshank *Tringa nebularia*, mallard *Anas platyrhynchos*, gadwall *Anas strepera*, shoveler *Anas clypeata*, pink-footed goose *Anser brachyrhynchus*, whooper swan *Cygnus cygnus* and Bewick's swan *Cygnus columbianus*. All records were received from areas surrounding Hale Village and the Mersey Shore; most notably areas such as Hale Marsh, Carr Lane Pools, Hale Duck Decoy,

Widnes Shore and Hale Head held the majority of wetland bird assemblage records; no records were received within 600m of the Site boundaries.

- 4.2.2 The closest qualifying bird records (black-tailed godwit, dunlin, teal, curlew, redshank and ringed plover) were received from the 1km grid square SJ4681 located (at its closest point) 1km south-east of the Site boundaries on the Mersey Shore, thereby indicating that estuarine and adjacent arable farmland habitats immediately surrounding the site are not regularly used by SPA/Ramsar qualifying wetland bird assemblages.
- 4.2.3 The data provided by rECOrd included two records of common snipe *Gallinago gallinago* (not a qualifying Mersey Estuary SPA/Ramsar bird species) within or immediately surrounding the Site and wider survey area; thereby indicating that the Site is utilised by this wetland species, records were dated 2018 and provided by an RSPB source.
- 4.2.4 Merseyside Biobank provided no records of wintering/migratory qualifying Mersey Estuary SPA/Ramsar wetland bird species within 2km of the Site boundaries.

### ***Relevant Literature***

Waterbird population trend analysis of the Mersey Estuary SPA, Mersey Narrows & North Wirral Foreshore pSPA and Ribble & Alt Estuaries SPA<sup>54</sup>

- 4.2.5 Monthly counts of waterbirds are undertaken across the Liverpool City Region SPAs as part the Wetland Bird Survey (WeBS). This report includes an analysis of these data held by the BTO for each of the different geographical count units (sectors) of the Liverpool City Region SPAs including the Mersey Estuary SPA, data from five separate five-year recording periods was used within the report, these being; 1995/96-2000/01, 2001/02-2005/06 and 2006/07-2010/11. The study was commissioned in order to achieve a better understanding of fluctuations in bird numbers across the Liverpool City Region SPAs and to assess the potential impact of activities and developments on SPA populations.
- 4.2.6 Within Annex E<sup>55</sup> of the report, Species density maps (five-year mean of peaks) are provided for each sector of the Mersey Estuary SPA. The sector of the Mersey Estuary located the closest to the Site is 45425 – Dungeon Banks (located 366m south of the Site), no significant five-year mean peaks for qualifying Mersey Estuary SPA species were recorded from this sector, thereby indicating that important wetland bird assemblages are not present on estuarine habitats directly adjacent to the Site.

Review and analysis of changes in water-bird use of the Mersey Estuary SPA, Mersey Narrows & North Wirral Foreshore SPA and Ribble & Alt Estuaries SPA<sup>56</sup>

- 4.2.7 This report identified current waterbird roosts and feeding sites in the Mersey Estuary SPA and identified which sites are of the most importance and whether significant use is being made by birds of non-count sector parts of the SPA and or supporting adjacent habitats that may not have been recorded in the past, for example, areas that are adjacent to the SPA, that are currently being significantly used or areas that were historically not known to be used by the target species within

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<sup>54</sup> <http://publications.naturalengland.org.uk/publication/4707512471257088>

<sup>55</sup> <http://publications.naturalengland.org.uk/publication/4707512471257088>

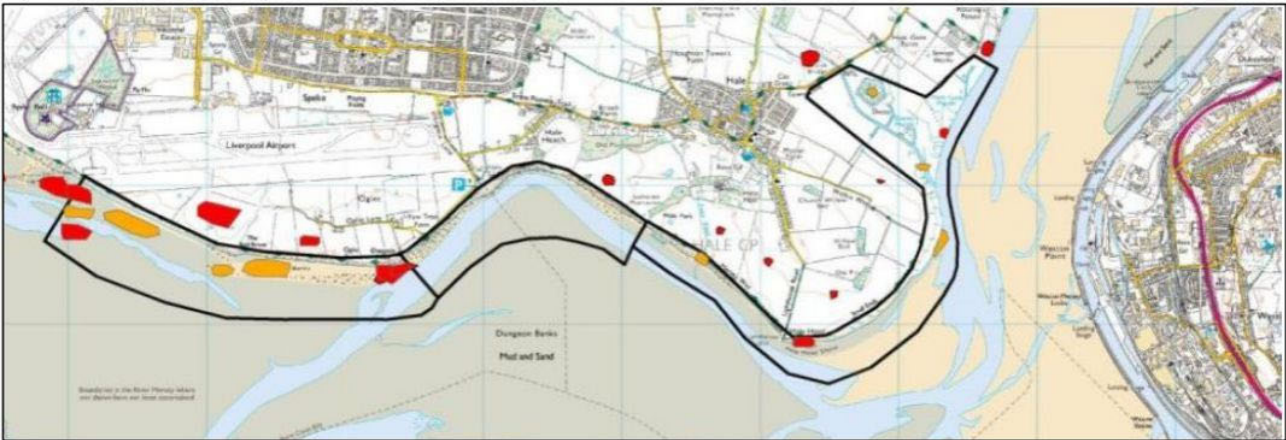
<sup>56</sup> <http://publications.naturalengland.org.uk/publication/4713137133584384>

the SPA. The report was informed by the local WeBS counter network and other relevant groups and fifteen years of WeBS data and a review of the relevant EIA and research literature.

4.2.8 Within Annex 3 of the report (*Roost Locations at Sector Level*) the locations of all known qualifying Mersey Estuary SPA species roost sites are provided, this includes roost locations within the SPA boundary and supporting land that may be potentially functionally linked outside of the site boundaries. **Figure 4** (below) provides a map of all known wader (red) and wildfowl (orange) roost sites on the north-shore of the Mersey Estuary SPA/Ramsar site.

4.2.9 Figure 4 (above) shows that no known waterbird roost sites are present on or surrounding the Site boundaries; most notably on arable farmland located immediately to the south-west of the Site boundaries, with the closest known roosts being a curlew roost located within arable farmland habitats approximately 0.75km east south-east of the Site boundaries, beyond the urban settlement surrounding Baileys Lane and also beyond Dungeon Woods and Old Plantation Woods. The only other known roost site within 1km of the Site is estuarine habitats with the Mersey Estuary SPA/Ramsar site located approximately 1km south-west of the Site boundaries. This roost is known to be used by ringed plover, redshank and curlew amongst other wetland bird species.

**Figure 4: Known Mersey Estuary SPA Species Roosts Surrounding the Site<sup>57</sup>**



Halton HRA Bird Surveys on behalf of Halton Borough Council<sup>58</sup>

4.2.10 Three interim reports were produced by AEL on behalf of Halton Borough Council, in order to provide an ornithological evidence base to allow the Council to determine whether any local development plan will affect the integrity of European designated sites. The council had initially identified three potential allocation sites located in, and around, Hale village. Habitats within 600m of these allocations were assessed for their suitability for supporting qualifying bird features, and thus whether the fields were functionally linked to the Mersey Estuary SPA/Ramsar site.

4.2.11 The study area, which consisted of optimal habitats within 600m<sup>57</sup> of the allocations, was subjected to wetland bird counts (including nocturnal counts) and targeted vantage point (VP) surveys, carried out between September 2018 and May 2019; this included surveys of Fields 12, 15 and 17 (see **Figure 3** above) all partially located within 600m of the Site.

<sup>57</sup> Map taken from D.A. Still, N.A. Calbrade & C.A. Holt. (2015). *Review and analysis of changes in water-bird use of the Mersey Estuary SPA, Mersey Narrows & North Wirral Foreshore SPA and Ribble & Alt Estuaries SPA – Annex 3: Roost Locations at Sector Level*. British Trust for Ornithology

<sup>58</sup> <https://www3.halton.gov.uk/Pages/planning/policyguidance/eip.aspx>

4.2.12 The results of the surveys found no evidence of usage by Mersey Estuary SPA/Ramsar associated wetland bird species within Fields 12, 15 and 17 and thus, these fields were not considered to be functionally linked to the statutory designated sites. The study found that the closest land parcel considered to be functionally linked land to the Mersey Estuary SPA/Ramsar, was Carr Lane Pools, located approximately 1.75km east of the Site.

Non-breeding Season Bird Surveys - Liverpool John Lennon Airport (2017/18 and 2019/20)<sup>59</sup>.

4.2.13 The surveys to inform this report were undertaken during the 2017/18 and 2019/20 non-breeding seasons, in order to identify how species of wetland birds are using the areas surrounding Liverpool John Lennon Airport; including Oglet Shore and adjacent arable farmland to the south-west of the Site.

4.2.14 The surveys show that the tidal and inter-tidal areas located along Oglet Shore support ‘significant numbers of teal, redshank and black-tailed godwits’; all Mersey Estuary SPA/Ramsar qualifying species.

4.2.15 Most notably the surveys confirmed that both lapwing and curlew (which form part of the wider Mersey Estuary SPA/Ramsar bird assemblage) regularly utilise the onshore fields in Oglet (located between the Airport and Oglet Shore) as a foraging resource. With Curlew (and lesser extent lapwings) numbers representing a significant proportion of the population found within with Mersey Estuary.

4.2.16 Importantly the surveys undertaken to inform this report included (but not limited to) Fields 5-9, 11-12, 15 and 17 (as shown in **Figure 3** above); the surveys indicated that these fields partially located within 600m of the Site boundaries are only utilised by very low numbers of curlew and lapwing as shown in **Table 3.1** below.

**Table 4.2 – Non-breeding Bird Survey Results (2017-2018 and 2019-2020) – Fields within 600m of the Site**

Species	Survey Period	Field Number (see Figure 3) and Mean Number of Birds Present Through Survey Period									Mean No. of Birds within 600m
		F5	F6	F7	F8	F9	F11	F12	F15	F17	
Curlew	2017 - 2018	-	0.41	-	2.19	-	2.09	0.81	0.31	0.06	<b>5.87</b>
	2019-2020	1.75	0.05	-	9.55	-	-	0.05	-	-	<b>11.4</b>
Lapwing	2017 - 2018	-	10.97	0.16	2.59	-	0.16	-	0.19	0.81	<b>14.88</b>
	2019-2020	-	0.05	0.06	0.02	-	-	-	-	-	<b>0.13</b>

**Supporting Statements**

4.2.17 As supporting statement was sought regarding the potential for SPA/Ramsar qualifying wetland bird species to utilise non-estuarine habitats located adjacent to the Site, most notably the areas of arable farmland located to the south-west of the Site (Oglet Fields; counted as a new WeBS site since October 2019). A reply was received from Mr Mike Brown a BTO WeBS counter on Oglet Shore (the

<sup>59</sup> Atmos Consulting. (2020). Non Breeding Bird Surveys. (Unpublished)



section of shore adjacent to the Site) and Oglet Fields; this is provided in **Annex 1**; in summary Mr Mike Brown commented that; *'No I can't recall seeing anything of note in those fields'*.

### 4.3 Summary of Qualifying Feature Use of the Site and Surrounding Land

- 4.3.1 The Site appraisal, records search, literature review and supporting statement from Mr Mike Brown further support the view that the application site is not suitable for use by qualifying SPA/Ramsar wetland bird assemblages and that immediately (within 600m) farmland is not regularly used by important numbers of SPA/Ramsar qualifying species, and that the only known significant roost of qualifying SPA/Ramsar wetland bird assemblages located away from the Mersey Estuary is on arable farmland 0.75km away, which is separated from the Site by intervening roads, housing and woodland belts and may likely be subject to crop rotation patterns which would affect bird usage and suitability of the fields.
- 4.3.2 Some Target Species are qualifying features of the Mersey Estuary SPA, alone, under Article 4.1 or 4.2 of the Directive (see **Table 2.1**), and other waterbirds collectively make up a qualifying waterbird assemblage (most current five-year average of 94,529 birds<sup>60</sup>) under Article 4.2 of the Mersey Estuary SPA citation. For those species which are part of the qualifying waterbird assemblage (so are not individually a qualifying species); such as curlew and lapwing; one of three thresholds would need to be reached to appraise the specific study area as being functionally linked to the SPA for that species. These three thresholds are:
1. 1% of each and every listed species that make up the assemblage<sup>61</sup>;
  2. 1%, or more, of the designated species nationally important population<sup>62</sup> ; or
  3. Over 2,000 birds of that species.
- 4.3.3 During the non-breeding bird season surveys undertaken by Atmos Consulting during the 2017/18 and 2019/20 seasons, very low numbers of curlews and lapwings were recorded within eight fields partially located within 600m of the Site boundaries (see **Table 4.2** above). Due to the number of wetland bird species and number of birds present, the fields within 600m of the Site boundaries fail to qualify as being functionally linked to the Mersey Estuary SPA/Ramsar on all three thresholds.
- 4.3.4 Nine common snipe were recorded within the Site and wider survey area, during the original Extended Phase 1 habitat survey on the 6th March 2018 (and further reports of common snipe within (or immediately surrounding) the Site were provided by rECOrd – see above). It is considered that the Site supports low numbers (due to relatively restricted areas of damp habitats) of wintering common snipe (a species which prefers relatively enclosed/concealed feeding habitats as opposed to qualifying species associated with the Mersey Estuary SPA/Ramsar site); this species is not currently listed within the Mersey Estuary SPA qualifying waterbird assemblage, and the Site would not qualify as being functionally linked to the Mersey Estuary SPA/Ramsar based on the second and third thresholds discussed above, in respect to this species.
- 4.3.5 Based on the information gathered during the Extended Habitat Survey and the considerable local knowledge of bird assemblages within the wider landscape held by Dan Foy (AEL Senior Ecologist and author of this report) who is a registered BTO WeBS surveyor for Oglet and Garston Shores (which

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<sup>60</sup> <https://www.bto.org/sites/default/files/publications/wituk1920forweb.pdf>

<sup>61</sup> <https://app.bto.org/webs-reporting/>

<sup>62</sup> <https://www.bto.org/sites/default/files/publications/apep4-population-estimates-birds-great-britain-uk-2020.pdf>

cover the Mersey Shore adjacent to the Site) and Oglet Fields (farmland to the south-west of the Site), it is considered that the proposed development Site and immediate surrounding area do not form supporting habitat for the SPA/Ramsar sites, and there is no functional linkage between the proposed development site/surrounding land and the Mersey Estuary SPA/Ramsar site.

- 4.3.6 It is considered that the Site is unsuitable to support qualifying waterfowl/waders listed within the SPA/Ramsar citations due to habitats within the Site being dominated by tall herb, scrub, woodland and neutral grassland interspersed with scattered scrub; all of which do not offer the open habitats required to support high tide roosts and/or foraging habitat for waders/wildfowl associated with the Mersey SPA/Ramsar site.
- 4.3.7 A recently installed footpath is present immediately to the east of the proposed development site which is regularly used by locals for dog walking / access to Oglet Shore and a public road (Hale Road) and associated pedestrian pathways are located to the north of the Site amongst the urban conurbation of Speke and plane spotters regularly congregate along Dungeon Lane/Viscount Drive (observed during the initial site walkover and known due to extensive local knowledge of the surveyor); which would all result in likely significant disturbance effects on qualifying species (if using the site).
- 4.3.8 The adjacent Liverpool John Lennon Airport runway located to the south and west of the Site is used regularly by air traffic and subject to regular bird-scaring techniques designed to prevent flocking bird species on and surrounding the airport land. Air traffic also regularly passes low over the Site, which would likely cause disturbance to roosting/foraging qualifying species in adjacent habitats<sup>63</sup>, if at all present.
- 4.3.9 It is therefore considered that the proposed development Site and immediate surrounding area do not form supporting habitat for the Mersey Estuary SPA/Ramsar site, and there is no evidence of functional linkage between the Site and the SPA/Ramsar statutory designated site. The value of the Site for species which represent a qualifying feature of the above mentioned statutory designated sites is therefore considered to be nugatory.

**Analysis**

- 4.3.10 **Table 4.3** presents an analysis of likely waterfowl use of the Site and immediate surrounding area. Only species associated with the Mersey Estuary SPA and Ramsar sites are included.

**Table 4.3: Habitat requirements and likelihood of presence within and around project Site**

Mersey Estuary SPA / Ramsar Qualifying Species	
<b>Article 4.1 of the Birds Directive: Qualifying Species</b>	
Eurasian golden plover <i>Pluvialis apricaria</i> (wintering)	Largely coastal and estuarine species, favouring sandflats, saltmarsh, and sandy shores. Requires shallow muddy areas and damp grassland. Negligible potential to be present on Site and surrounding arable farmland, unlikely to be located on adjacent estuary.
<b>Article 4.2 of the Birds Directive: Qualifying Species</b>	

<sup>63</sup> During undertaking BTO WeBS surveys along the Oglet Shore sector, waterbirds are regularly observed by Dan Foy (Avian Ecology Ltd Senior Ecologist and author of this report) to be disturbed by low-flying aircraft.

Mersey Estuary SPA / Ramsar Qualifying Species	
Dunlin (wintering)	A coastal species, very rarely found inland other than the occasional record at reservoirs. Habitat requirements: mud flats and sand flats; Rivers and streams; Salt marshes; Sand dunes and beaches; Standing freshwater; tidal rivers and enclosed tidal waters. Negligible potential to be present on Site and surrounding arable farmland, potentially located on adjacent estuary.
Redshank (wintering and passage)	Largely coastal and estuarine species, favouring sandflats, saltmarsh, and sandy shores. Requires shallow muddy areas and damp grassland. Negligible potential to be present on Site and surrounding arable farmland, likely to be present on adjacent estuary.
Common shelduck (wintering)	Mainly a coastal bird, preferring estuaries, with mudflats providing the high invertebrate prey densities required. Feeds mainly on salt-water molluscs and other aquatic invertebrates. Present in wet grassland more during the breeding season. Feed on grasslands inland on occasion. Negligible potential to be present on Site and surrounding arable farmland, potentially located on adjacent estuary.
Eurasian teal (wintering)	Favours shallow water on estuarine coastal lagoons, coastal and inland marshes and flooded pastures and ponds. Negligible potential to be present on Site and surrounding arable farmland, likely to be present on adjacent estuary.
Black-tailed godwit (wintering)	Largely coastal and estuarine species, favouring sandflats, saltmarsh, and sandy shores. Requires shallow muddy areas and damp grassland. Negligible potential to be present on Site and surrounding arable farmland, potentially located on adjacent estuary.
Pintail (wintering)	Favours shallow water on estuarine coastal lagoons, coastal and inland marshes and flooded pastures and ponds. Negligible potential to be present on Site and surrounding arable farmland, unlikely to be located on adjacent estuary.
Article 4.2 of the Birds Directive: Qualifying Waterbird Species Assemblage	
Ringed plover	Requires open sandy shores. Negligible potential to be present on Site and surrounding arable farmland, potentially located on adjacent estuary.
Curlew	During the non-breeding season curlew move from inland breeding areas to the coast feeding on unimproved pasture and poorly drained fields. Requires shallow muddy areas and damp grassland. Negligible potential to be present on Site, also negligible potential to occur on adjacent airport/arable farmland due to human disturbance, likely to be present on adjacent estuary and farmland (Oglet) in the wider landscape.
Lapwing	Lapwings are found on farmland throughout the UK particularly in lowland areas of northern England, the Borders and eastern Scotland; they can also be found on wetlands with short vegetation, in winter they flock on pasture and ploughed fields and coastal marshes. Negligible potential to be present on Site, also negligible potential to occur on adjacent airport/arable farmland due to human disturbance, likely to be present on adjacent estuary and farmland (Oglet) in the wider landscape.
Eurasian wigeon	Favours shallow water on estuarine coastal lagoons, coastal and inland marshes and flooded pastures and ponds. Occasionally using freshwater habitats inland. Negligible potential to be present on Site and surrounding arable farmland, unlikely to be located on adjacent estuary.
Grey plover	Largely coastal and estuarine species, favouring sandflats, saltmarsh, and sandy shores. Negligible potential to be present on Site and surrounding arable farmland, unlikely to be located on adjacent estuary.

**Mersey Estuary SPA / Ramsar Qualifying Species**

Great crested grebe

Great crested grebes can be seen in lowland lakes, gravel pits, reservoirs and rivers. Also found along coasts and estuaries in winter. Negligible potential to be present on Site and surrounding arable farmland, potentially located on adjacent estuary in very low numbers.

## 5 POTENTIAL EFFECTS OF THE PROPOSED DEVELOPMENT

5.1.1 The potential effects of the proposed solar farm development may potentially affect qualifying interests of European sites via;

- Habitat loss or change; and,
- Disturbance or displacement of qualifying bird features.

5.1.2 These potential effects can occur either through construction-related activity or due to the operation of the proposed permitted development.

### 5.2 Habitat Loss or Change

5.2.1 The proposed permitted development is not located directly within any European site. There will be no direct effect on habitats within any European site and subsequently direct habitat loss is screened out.

5.2.2 Some of the qualifying interests for which the Mersey Estuary SPA/Ramsar site is designated for may rely on habitats outside of designated site boundaries. Critically, such habitats (also known as functionally linked land) can play an essential role in maintaining SPA/Ramsar bird populations, and proposals affecting these habitats and/or the birds /populations using them may therefore have the potential to affect the integrity of the European Site.

5.2.3 The value of the project Site for bird species which represent a qualifying feature of the above mentioned designated sites is considered to be nugatory, as has been demonstrated through a combination of site appraisal, records searches, literature review and supporting statements.

5.2.4 The potential usage of the project Site and/or surrounding land by qualifying features has been shown to be negligible; therefore, the land take and proposed development of the permitted development application Site is considered to be inconsequential in the context of the Conservation Objectives of the Mersey Estuary SPA.

5.2.5 Consideration has been given to the potential for indirect habitat losses (and/or degradation) on surrounding lands through impacts from contaminated water runoff and/or the escape of pollutants from the project Site during both the construction and operational phase of the development. In view of the nature of the development, relatively short construction timescale (approximately fourteen weeks) and the construction processes involved (restricted excavations for cabling and solar panel supports and erection of small operation control structures), discernible effects are considered highly unlikely, and inconsequential in the context of the SPA/Ramsar and qualifying interest features.

5.2.6 During the operational phase periodic cleaning of PV modules where required will be cleaned with a soft brush using soft, clean water with a recommended pressure less than 690kPa, which is typical of most municipal water systems. Solar PV modules are designed to withstand high snow loads; a brush will be used to gently remove snow. No chemicals are required and such operational maintenance is considered negligible in the context of potential indirect effects on the SPA/Ramsar.

5.2.7 Direct and indirect habitat effects upon qualifying features of European sites are subsequently screened out.

### 5.3 Disturbance or Displacement of Faunal Species

- 5.3.1 The project Site is located approximately 366m north of the Mersey Estuary SPA/Ramsar international statutory designated site at its nearest point and the operational airfield is located between the Site and agricultural land (Oglet Fields) known to support very low numbers of Curlew and lapwing. There are no visual 'sightlines' between the Site and the estuary (and adjacent farmland) that may cause visual disturbance effects on species associated with the Mersey Estuary SPA/Ramsar sites during construction and operational periods.
- 5.3.2 Comments received during consultation with MEAS (see above) have been considered in respect of construction noise impacts at the Mersey Estuary SPA/Ramsar site. Noise and Vibration Consultants Ltd. (NVC) were commissioned to undertake a *Noise Impact Assessment Report*<sup>64</sup> in support of the original planning application.
- 5.3.3 Results of noise predictions of construction and operational noise compared with existing baselines shows negligible impact. Additionally, the existing range of L<sub>max</sub> baseline noise levels (i.e. the baseline noise environment) is typically much higher than noise likely to be generated by any peak construction levels. Five receptor areas were analysed, including the Mersey Estuary SPA/Ramsar site (at its closest point to the Site) and adjacent arable farmland located to the south south-west of the site (at its closest point to the Site), these sensitive ecological receptors are shown in **Figure 5** below.

**Figure 5 – Noise Assessment Ecological Receptors Plan**



<sup>64</sup> [https://webapp.halton.gov.uk/planningapps/1800513FUL/NOI\\_1800513FUL.pdf](https://webapp.halton.gov.uk/planningapps/1800513FUL/NOI_1800513FUL.pdf)

5.3.4 The information provided in Tables 5.1 and 5.6 and associated noise assessment conclusions are extracted from the *Noise Impact Assessment Report* and included below for ease of reference:

**Table 5.1: Maximum Noise Impacts in terms of Residual Noise Levels**

Position	Noise Activity	Residual Noise Level (LAeq dB)	Maximum Noise from Solar Farm plant (LAeq dB)	Resultant Noise (i.e. residual + site noise) (LAeq dB)	Change in residual noise (LAeq dB)	Impact Magnitude IEMA Guidance (table 12.5)
D. Mersey Estuary SPA	Construction	57	25-46	57	0	Negligible
E. Arable Fields for SPA bird species	Construction	57	28-46	57	0	Negligible
D. Mersey Estuary SPA	Operational	57	17-18	57	0	Negligible
E. Arable Fields for SPA bird species	Operational	57	19-20	57	0	Negligible

5.3.5 The *Noise Impact Assessment Report* concludes that *‘the above results show no change in residual sound levels and therefore negligible impact’*.

5.3.6 The *Noise Impact Assessment Report* also includes the comparison of site generated L<sub>Amax</sub> levels during the construction phase with existing range of baseline L<sub>Amax</sub> levels; these are provided in **Table 5.2** below.

**Table 5.2: Comparison of Baseline and Site Construction L<sub>Amax</sub> levels**

Position	Noise Activity	Residual Noise Level (L <sub>Amax</sub> dB)	Maximum Noise from Solar Farm plant (L <sub>Amax</sub> dB)
D. Mersey Estuary SPA	Construction	57-86	30-66
E. Arable Fields for SPA bird species	Construction	57-86	33-66

5.3.7 The *Noise Impact Assessment Report* concludes that *‘the above table shows that the existing range of L<sub>Amax</sub> baseline levels is typically much higher than those likely to be generated by any peak construction levels’*.

5.3.8 As above, the qualifying features for the above mentioned SPA/Ramsar may also rely on habitats outside of European site boundaries. The application Site is however not considered to be located within an area of significant and/or regular use by SPA bird populations and the potential for disturbance and displacement during the construction and operational phase of the proposed development is considered to be inconsequential in the context of the Conservation Objectives of the Mersey Estuary SPA/Ramsar site.

5.3.9 Disturbance and displacement effects upon the qualifying features of European sites are subsequently screened out and no seasonal working, designed to avoid periods of peak waterbird usage on the adjacent estuary, is considered necessary.

## 5.4 Other Considerations

- 5.4.1 Guidance (EC, 2001) states that Step 1 of the HRA process (Screening) must consider the potential for a likely significant effect of a proposed development either alone or in combination with other plans and projects. In-combination effects are subsequently considered restricted to potential habitat loss to and the disturbance and displacement of SPA bird populations.
- 5.4.2 The proposed solar development application is part of the wider *Liverpool John Lennon Airport Masterplan to 2050*<sup>65</sup> which involves extensive development of land to the south of the Airport, proposals detailed within the masterplan include:
- extension of the runway to enable long haul flights;
  - extension of the terminal, new parallel taxiway to the south of the runway and additional aircraft stands;
  - additional parking, hotel provision, office space, retail and commercial services north of the runway;
  - mixed employment development south of the runway – cargo; business and general aviation and maintenance repair and overhaul facilities; and
  - extension of the Speke Garston Coastal Reserve along the Mersey shoreline.
- 5.4.3 The Master Plan covers the period to 2050. The area to which the Master Plan applies is shown in **Figure 5** (below). It considers proposed development to 2030 in detail, and to 2050 in more general land use terms. This Master Plan is not an application for planning permission and will not necessarily lead to granted approval for any works and proposed development phases will be subject to the normal requirements for planning permission.
- 5.4.4 It is the intention of the Airport, to submit a planning application(s) to the relevant councils when the commercial circumstances are right. This will be subject to full and detailed assessments having regard to (among other things) the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. It is understood that the Lawful Development Certificate application for the proposed permitted development solar farm is the first phase of the masterplan scheme.
- 5.4.5 Within the *Liverpool John Lennon Airport Masterplan to 2050* document the wider masterplan areas potential functional linkage to the Mersey Estuary SPA/Ramsar site is discussed and it is noted that flocks of curlews which have been observed feeding on the farmland between Hale Heath and Rabbit Hey (see paragraph 4.2.9); the document also states that only (at most) tens of birds have been recorded feeding in this area. The statutory planning process as embodied by the emerging Liverpool Local Plan will address the *Master Plan* proposals and ensure that these are considered in light of the requirements of the Habitats Directive and it is understood that the Airport is in dialogue with the City Council, Natural England and other stakeholders on fulfilling the requirements of the Directive during the Local Plan and subsequent planning application processes.
- 5.4.6 Whilst further planning applications associated with the *Liverpool John Lennon Airport Masterplan to 2050* may or may not have any likely significant direct and indirect effects upon qualifying features of the Mersey Estuary SPA/Ramsar, it is considered that due to the fact that this proposed development does not result in any likely significant habitat loss or change to the Mersey SPA/Ramsar site and will not result in significant disturbance or displacement of faunal species

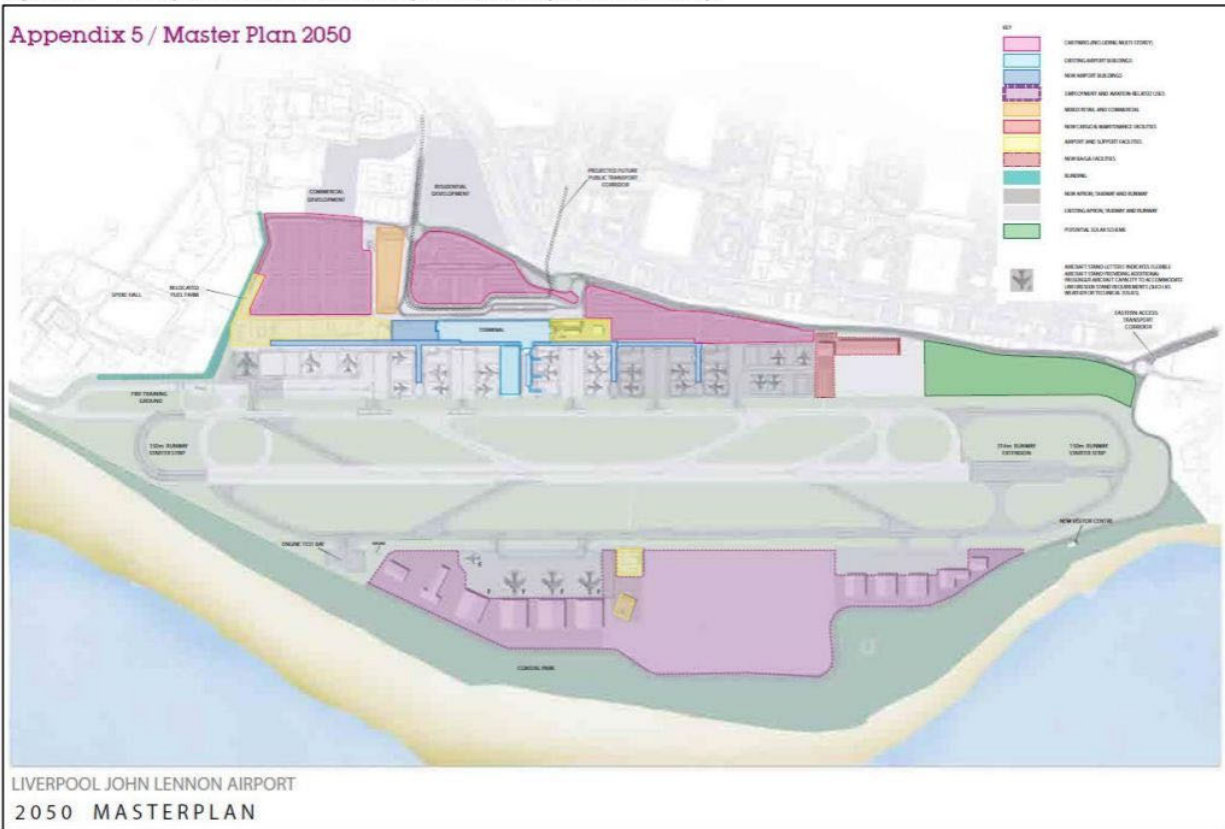
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<sup>65</sup> <https://www.liverpoolairport.com/media/2957/liverpool-john-lennon-airport-master-plan-to-2050.pdf>



associated with the Mersey SPA/Ramsar site, then the potential impacts of the development has no potential to contribute to significant effects on the Mersey SPA/Ramsar in combination with other plans and projects. There are no likely in-combination effects as a result, and these can be screened out.

**Figure 6 – Liverpool John Lennon Airport Masterplan 2050 Map**



\*Map taken from the *Liverpool John Lennon Airport Masterplan to 2050 – Appendix 5*<sup>66</sup>

## 5.5 Conclusions

5.5.1 It is concluded that the proposed development will have no likely significant effects upon any European sites or their qualifying interests, either alone or in-combination with other plans or projects.

<sup>66</sup> <file:///S:/Avian%20Data/Project%20Folders/Pegasus/Liverpool%20JLA/Project%20Management/lila-master-plan-appendices-1-6.pdf>

**ANNEX 1:**  
**SUPPORTING STATEMENTS FROM THE OGLET SHORE/OGLET FIELDS**  
**WEBS SURVEYOR**

## consultation request

From: Dan Foy [Dan.Foy@avianecology.co.uk](mailto:Dan.Foy@avianecology.co.uk)  
Sent: Fri 17/09/2021 16:49  
To: 'mb001b9658@blueyonder.co.uk'

Hi Mike

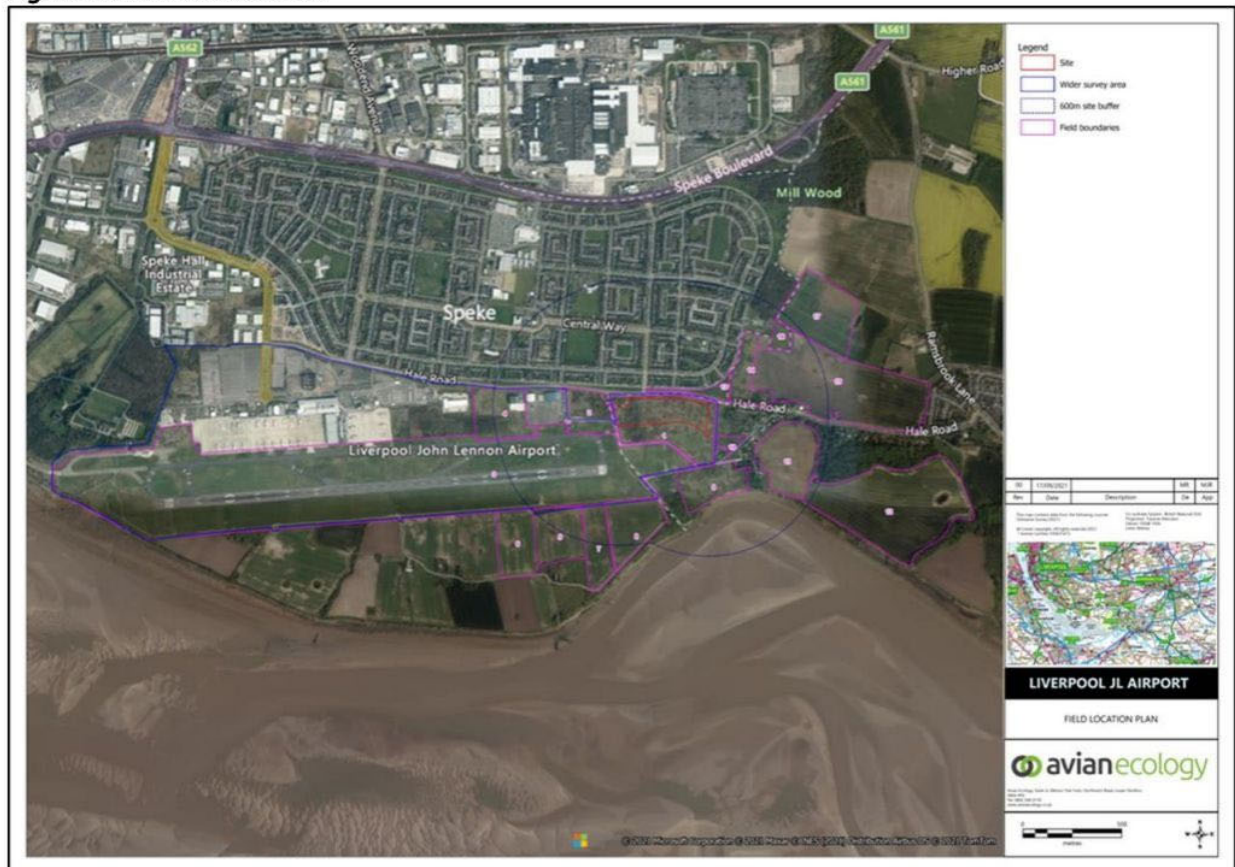
I am currently consulting regarding a proposed solar development within the red line boundary provided in Figure 1 below, which is just south of the Speke Housing Estate within the Airport Aerodrome boundaries.

In order to reliably inform the HRA I require any information regarding SPA/Ramsar species usage of the arable/pastoral fields within 600m of the Site boundary (see the boundary provided in Figure 1 below), most notably Fields 5,6,7 & 8 which are located within the Oglet Fields (46485) WeBS core count area; which we have been counting since October 2019.

Obviously I carry out WeBS counts in the area (with yourself), however, I require an official statement on the current usage of the fields (if any), not the actual shore, I myself have never noted wintering/passage SPA/Ramsar species or other wetland bird species using these fields, above that of only very occasional single figures of lapwings and curlew.

Have you ever recorded any qualifying SPA/Ramsar species or other wetland birds using the fields below?

**Figure 1: Field Location Plan**



Kind regards

Dan Foy BA (Hons) MCMA

Senior Ecologist



**The Avian team is working from home until further notice. I can be contacted by email or on the mobile number below between the hours of 09:00 – 17:00. Thank you.**

**Main Office:** Walnut Tree Farm | Northwich Road | Lower Stretton | WA4 4PG

**Scotland Office:** 272 Bath Street | Glasgow | G2 4JR

**t:** 0843 506 5116 | **e:** dan.foy@avianecology.co.uk | **m:** 07807018978

**w:** [www.avianecology.co.uk](http://www.avianecology.co.uk) | [twitter](#) | [linkedin](#)

**Keep up to date with us at [www.avianecology.co.uk](http://www.avianecology.co.uk)**

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**From:** Mike Brown [mb001b9658@blueyonder.co.uk](mailto:mb001b9658@blueyonder.co.uk)  
**Sent:** Sat 18/09/2021 21:23  
**To:** Dan Foy  
**Subject:** RE: consultation request

Hi Dan

No, I can't recall seeing anything of note in those fields.

Cheers  
Mike

## **APPENDIX 3**

### **NATURAL ENGLAND HRA OPINION UNDER REG 76**

Date: 03 November 2021  
Our ref: 371099



Rob Riding  
Pegasus Group

Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Mr Riding

**Consultation:** Proposed installation of a solar farm (ground mounted solar photovoltaic panels).  
**Location:** Land at Liverpool John Lennon Airport, Speke, Liverpool.

Thank you for your Regulation 76 consultation on the above dated and received by Natural England on 13 October 2021.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

For clarification Natural England has reviewed the following documents to inform the advice within this letter:

- Covering Letter from Pegasus Group to Natural England dated the 13 October 2021
- Site Location Plan by Infrastructure Consultancy (Ref No. I3/21-007-002 REV A)
- Ecological Assessment (Avian Ecology, September 2021)
- Non-breeding Season Bird Surveys - Liverpool John Lennon Airport (Atmos Consulting, 2020)

**Internationally and nationally designated sites**

The application site is within 366m of the Mersey Estuary Special Protection Area (SPA), Mersey Estuary Ramsar and Mersey Estuary Site of Special Scientific Interest (SSSI).

Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

**Natural England's opinion under Regulation 76**

On the basis of the information provided, Natural England considers that the proposed works would not result in any likely significant effect or a "relevant effect" (as described under Regulation 76 of The Conservation of Habitats and Species Regulations 2017 (as amended), (the Habitat Regulations)).

The assessment within Appendix 2 of the Ecological Assessment Report entitled 'Information to Inform a Habitats Regulations Assessment' concludes that the proposal can be screened out from

further stages of assessment because significant effects are unlikely to occur, either alone or in combination.

Natural England concurs with this view as the survey evidence provided shows no significant numbers of SPA birds within or in close proximity to the development site, therefore we consider any impacts to qualifying features of the designated sites to be minimal.

If you have any queries relating to the advice in this letter please contact me on the details below. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Alice Watson  
Development and Planning Adviser  
Cheshire, Greater Manchester, Merseyside & Lancashire  
[Alice.Watson@naturalengland.org.uk](mailto:Alice.Watson@naturalengland.org.uk)

Cc. Robert Cooper, Halton Council

**APPENDIX 4**

**NATURAL ENGLAND CONSULTATION RESPONSE TO REG 77  
APPLICATION**



Date: 01 December 2021  
Our ref: 375509  
Your ref: 21/07138/PREAPP



Rob Cooper  
Halton Borough Council

Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

Dear Mr Cooper

Approval under Regulation 77 of the Habitat Regulations: Proposed installation of a solar farm (ground mounted solar photovoltaic panels)

**Location:** Land at Liverpool John Lennon Airport, Speke, Liverpool.

Thank you for your consultation received by Natural England on 17 November 2021

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### **SUMMARY OF NATURAL ENGLAND'S ADVICE**

##### **NO OBJECTION**

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's further advice on designated sites is set out below.

#### **Internationally and nationally designated sites**

The application site is within 366m of the Mersey Estuary Special Protection Area (SPA), Mersey Estuary Ramsar and Mersey Estuary Site of Special Scientific Interest (SSSI).

Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

#### **Habitats Regulations Assessment (HRA)**

We have previously provided a Regulation 76 response to Rob Riding (Pegasus Group) in our letter dated 3 November 2021 (our ref. 371099) where we advised, based on the information provided, the development would not have a likely to have a significant effect on a European Site.

The Information to Inform a Habitats Regulations Assessment (Avian Ecology, September 2021).

concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination.

Natural England concurs with this view as the survey evidence provided shows no significant numbers of SPA birds within or in close proximity to the development site, therefore we consider any impacts to qualifying features of the designated sites to be minimal.

We have no comment to make on other prior approval matters included in the consultation.

We recommend that you should include the following paragraphs on the decision notice as advisory notes:

**Sites of Special Scientific Interest**

Before commencing development that is likely to damage a Site of Special Scientific Interest (SSSI) or land near the SSSI site boundary, you must give notice to the landowner and get Natural England's agreement (SSSI consent)<sup>1</sup>. See [here](#) for further details

**Protected Species**

In addition to the advice in this letter, there may be impacts on protected species and a mitigation licence may be required from Natural England. Further information can be found here <https://www.gov.uk/guidance/wildlife-licences>

If you have any queries relating to the advice in this letter please contact me on the details below. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Alice Watson  
Development and Planning Adviser  
Cheshire, Greater Manchester, Merseyside & Lancashire  
[Alice.Watson@naturalengland.org.uk](mailto:Alice.Watson@naturalengland.org.uk)

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<sup>1</sup> Permitted development is not authorised by a planning permission granted under Part III of the Town and Country Planning Act 1990, which is considered to be a 'reasonable excuse' under section 28P(4) of the 1981 Wildlife and Countryside Act for carrying out operations without SSSI assent/consent from Natural England.

**APPENDIX 5**  
**LPA RESPONSE TO REG 77 APPLICATION**



Rob Riding  
Pegasus Group  
Querns Business Centre  
Whitworth Road  
Cirencester  
GL7 1RT

**Our Ref** 21/07138/PREAPP  
**If you telephone please ask for** Rob Cooper  
(0151) 511 7559  
**Your ref**  
**Date** 07/12/2021  
**E-mail address** robert.cooper@halton.gov.uk

**BY EMAIL ONLY** – rob.riding@pegasusgroup.co.uk

Dear Mr. Riding,

**Request for approval from the Local Planning Authority under Regulation 77 of The Conservation of Habitats and Species Regulations 2017**

A copy of your application was sent to Natural England who are the appropriate nature conservation body. Natural England have provided representations confirming it's opinion that the development is not likely to have a significant effect on the Mersey Estuary Special Protection Area / Ramsar site.

In accordance with Regulations 77 (4) and (5) please find enclosed a copy Natural England's representations (dated 01 December 2021). It is noted that the sending of the copy of the representations to the applicant under paragraph (4) has the same effect as a notification by the appropriate nature conservation body of its opinion under regulation 76(4).

I have also enclosed a copy of the comments received from Merseyside Environmental Advisory Service who concur with the conclusions of the shadow HRA, and the of opinion of Natural England, that the proposals are unlikely to result in likely significant effects on the Mersey Estuary SPA and Ramsar sites and that Appropriate Assessment will not be required on this occasion.

I hope the above is satisfactory, if can be of further assistance in the meantime, do not hesitate to contact me.

Yours sincerely,



For Operational Director – Policy, Planning and Transportation

It's all happening **IN HALTON**

## **APPENDIX 6**

### **MEAS CONSULTATION RESPONSE TO REG 77 APPLICATION**

Merseyside Environmental Advisory Service  
The Barn, Court Hey Park  
Roby Road, Huyton, L16 3NA  
Director: Alan Jemmett, PhD, MBA

Enquiries: 0151 934 4951

Contact: Peter McKeon  
Email: measdconsultations@sefton.gov.uk

## **PRE-APPLICATION ADVICE**

To: Rob Cooper  
Organisation: Halton Council

From: Peter McKeon  
Principal Ecologist

Your Ref: 21/07138/PREAPP  
File Ref: HA21-047  
Date: 6 December 2021

### **Request for Approval under Regulation 77 of the Habitats Regulations LJLA Solar Farm**

1. Thank you for seeking pre-application advice from Merseyside Environmental Advisory Service on the proposal for a solar farm.
2. Having reviewed your proposal and available environmental information, our advice on the Habitats Regulations is set out below in two parts.
  - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes.
  - Part Two sets out guidance to facilitate the implementation of Part One advice and informative notes.
  - Appendix 1 provides the detailed reasoning in respect of the conclusions presented in Part One in respect of Environmental Impact Assessment and/or Habitats Regulations Assessment.

In this case Part One comprises paragraphs 3 to 9, whilst there is no Part Two.

#### **Part One**

3. The proposed application site is near to the following statutory designated sites:
  - Mersey Estuary SPA (366m S);
  - Mersey Estuary Ramsar (366m S); and
  - Mersey Estuary SSSI (366m S).

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4. In addition to the plans provided, I have reviewed the following information:
  - Letter from applicant to the LPA (*Pegasus Group, 9 November 2021, RDR/P21-0282PL*);
  - Shadow Habitats Regulations Assessment (HRA) (*Information to Inform a Habitats Regulations Assessment (Appendix 2) (Avian Ecology, 26 September 2021, Pegas-075-1521, V2)*);
  - Non-breeding bird surveys (*Atmos Consulting, June 2020, 52250-05/R01*);
  - Natural England Response to Regulation 76 Consultation (*3 November 2021, 371099*); and
  - Natural England Response to Regulation 77 Consultation (*1 December 2021, 375509*).
5. I note Natural England's response to the Regulation 76 consultation and that it considers that the proposed works would not result in any likely significant effect or a "relevant effect". It has re-iterated this advice in response to the Regulation 77 consultation.
6. The shadow HRA report provided by the applicant is informed by a range of information including an extended phase 1 habitat survey, a desktop study and literature review, the Atmos Consulting non-breeding bird survey and a statement from Mr Mike Brown, BTO WeBS surveyor of the adjacent Oglet shore.
7. Following review of this information and other factors, such as disturbance caused by the adjacent airport and a newly created footpath to the east of the site, the shadow HRA concludes that the proposed development will have no likely significant effects upon the Mersey Estuary SPA and Ramsar sites, or their qualifying interests, either alone or in-combination with other plans or projects.
8. I concur with the conclusions of the shadow HRA, and of Natural England, that the proposals are unlikely to result in likely significant effects on the Mersey Estuary SPA and Ramsar sites and that Appropriate Assessment will not be required on this occasion.
9. I advise that the Council can accept the shadow HRA as its own assessment. However, if there are any amendments to the proposals, I advise that they will need to be re-assessed for likely significant effects.

Our advice is based on our understanding of your proposal. If there are any subsequent changes to your proposal, or to legislation, policy and/or statutory guidance, when the planning application is considered, our advice to Halton Local Planning Authority may change or raise additional matters.

Please let me know if you have any specific queries regarding the advice provided.

Peter McKeon  
Principal Ecologist

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**APPENDIX 7**  
**EIA SCREENING OPINION**





## Halton Borough Council EIA Screening Opinion

### The Town & Country Planning (Environmental Impact Assessment) Regulations 2017

**Site:** Land to the North East of junction between Dungeon Lane and Baileys Lane, Hale Heath, Liverpool

**Description of Development:** Proposed installation of a solar farm (ground mounted solar photovoltaic panels) on land at Liverpool John Lennon Airport

This is a screening opinion for the purpose of determining whether the above development is likely to have significant effects on the environment such that an Environmental Impact Assessment (EIA) is required for the above development under section 6 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

Statement of reasons for the Screening Opinion:

This screening opinion is based on the applicant's submitted request (Pegasus Group ref: P21-0282) dated 29th November 2021. The proposed development falls under 'Industrial installations for the production of electricity, steam and hot water' in part 3 (a) of Schedule 2 of the EIA Regulations 2017.

Screening for Schedule 2 projects is undertaken on a case-by-case basis guided by a range of indicative criteria and thresholds in order to reach a determination of whether a project will, by virtue of its nature, size or location, give rise to likely significant environmental effects and thereby subject to a requirement for EIA.

Having reviewed the proposal and considered the project against the provisions of the EIA Regulations (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, Halton Borough Council accordingly consider that the proposals **are not likely to give rise to significant environmental effects** from an EIA perspective, and **that EIA is therefore not required in this case.**

Please find attached a copy of the advice provided by Merseyside Environmental Advisory Service, and their detailed EIA screening opinion in appendix 1 which has been adopted by Halton Borough Council.

Signed:

A handwritten signature in black ink, appearing to be 'G. King'.

Date: 23.12.2021

Operational Director – Planning, Policy & Transportation

Merseyside Environmental Advisory Service  
1<sup>st</sup> Floor Merton House, Stanley Road  
Bootle, Merseyside, L20 3DL  
Director: Alan Jemmett, PhD, MBA

Enquiries: 0151 934 4951

Contact: Lucy Atkinson  
Email: measdconsultations@sefton.gov.uk

## **DEVELOPMENT MANAGEMENT ADVICE**

To: Rob Cooper  
Organisation: Development Management  
Halton Council

From: Lucy Atkinson

Your Ref: 21/07145/Preapp  
File Ref: HA21-053  
W/P Ref:  
Date: 15<sup>th</sup> December 2021

### **EIA Screening Request for Proposed Solar Photovoltaic Array on Land to the East of Dungeon Lane, Hale.**

1. Thank you for consulting Merseyside Environmental Advisory Service in respect of this EIA Screening Request. The proposals comprise installation of a 3MW solar photovoltaic array.
2. Having reviewed the application and supporting documentation, our advice is set out below in two parts.
  - Part One deals with issues of regulatory compliance, action required **prior to determination** and matters to be dealt with through planning conditions. Advice is only included here where action is required or where a positive statement of compliance is necessary for statutory purposes. Should the Council decide to adopt an alternative approach to MEAS Part 1 advice, I request that you let us know. MEAS may be able to provide further advice on options to manage risks in the determination of the application.
  - Appendix 1 provides the detailed reasoning in respect of the conclusions presented in Part One in respect of Environmental Impact Assessment.

In this case Part One comprises paragraphs 3 to 5.

#### **Part One**

3. The applicant has submitted an EIA Screening Request (*Pegasus Group ref: P21-0282 dated 29<sup>th</sup> November 2021*) which has been reviewed to form the basis of this memo. It correctly identifies that the proposal would fall under Schedule 2 Part 3a (Installation for the production of electricity, steam and hot water) of the EIA Regulations 2017. The

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size of the site exceeds the applicable threshold of 0.5ha and therefore screening is required.

4. Having reviewed the Screening Report and considered the project against the provisions of the EIA Regulations (including screening criteria presented in Schedule 3) and the relevant National Planning Practice Guidance, I accordingly consider that the proposals are unlikely to give rise to significant environmental effects from an EIA perspective, and that **EIA is therefore not required in this case.**
5. I welcome that the applicant's ecological consultant has sought separate pre-application advice from MEAS regarding the scope of the Ecological Appraisal and Habitats Regulations Assessment.

I would be pleased to discuss these issues further and to provide additional information in respect of any of the matters raised.

Lucy Atkinson  
Environmental Appraisal and Support Services Team Leader

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## Appendix 1 Detail of Environmental Impact Assessment Screening for Proposed Solar Photovoltaic Array on Land to the East of Dungeon Lane, Hale

This is an EIA Screening Request for a proposed solar photovoltaic array on land to the East of Dungeon Lane, Hale. The proposed development is 5.6ha in area. The applicant has submitted a screening request (*Pegasus Group ref: P21-0282 dated 29<sup>th</sup> November 2021*).

Therefore, having considered the scheme in the light of the information available and in the context of the EIA Regulations and Guidance it is my view that the proposed works do not have the potential to give rise to significant environmental effects. The proposed development **should not be considered to be EIA development and as such an Environmental Statement is not required.**

Characteristics of development		Any key issues to consider
<p>a) the size and design of the whole development</p>	<p>Provide details of Schedule in which the proposed development falls example below:</p> <p>The proposal is not Schedule 1 development, however, falls under Schedule 2 3 (a) as an industrial installation for the Industrial installations for the production of electricity, steam, and hot water. The applicable thresholds and criteria for this type of development are: The area of the development exceeds 0.5 hectares.</p> <p>At 5.6 hectares it exceeds the Schedule 2 criteria, although indicative criteria indicate that EIA more likely for thermal output of more than 50 MW. Small stations using novel forms of generation should be considered carefully. The proposal falls well below 50MW and is not a novel form of generation.</p>	<p><i>Allocated as operational airport land in the Halton Core Strategy and emerging Halton Local Plan.</i></p>

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<p>b) cumulation with other existing development and/or approved development</p>	<p><b>There are not anticipated to be significant environmental effects with regards to the cumulative impact.</b></p>
<p>c) the use of natural resources, in particular land, soil, water and biodiversity;</p>	<p><b>There are not anticipated to be significant environmental effects with regards to the use of natural resources.</b></p> <p>The solar array should not involve use of significant quantities of natural resources. The array will be ground mounted with piles driven into the ground, there will be no loss of soils. The site is identified as best and most versatile land (ALC 1) but has not been in agricultural use for a number of years.</p>
<p>d) the production of waste;</p>	<p><b>There are not anticipated to be significant environmental effects with regard to the production of waste during construction, operation or decommissioning.</b></p> <p>Very little waste should be generated, but any waste can be managed during normal construction practices?</p>
<p>e) pollution and nuisances;</p>	<p><b>There are not anticipated to be significant environmental effects with regard to pollution and nuisances from the uses proposed.</b></p> <p>Any risks be managed through normal construction and mitigation measures such as through the implementation of a suitable Construction Environment Management Plan. There may be glint/glare impacts but the biggest effect from this will be on the operation of the airport. Landscape colleagues may wish to consider glint/glare effects on the local population.</p>
<p>f) the risk of major accidents and/or disasters relevant to the development</p>	<p><b>There are not anticipated to be significant environmental effects with regard to these potential risks.</b></p> <p>The site lies in flood risk zone 1, low risk of flooding, but will be designed to withstand any flood risk. Operationally should assist with reducing carbon impacts of the airport.</p>

Maybe some visual impacts, advice should be sought from landscape colleagues.

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<p>concerned, including those caused by climate change, in accordance with scientific knowledge;</p> <p>g) the risks to human health (for example, due to water contamination or air pollution).</p>			<p><b>There are not anticipated to be a significant environmental effect with regard to risks to human health.</b></p> <p>During the construction phase there would be some potential for minor pollution or nuisance consistent with construction works, i.e., lighting of external works, dust/noise from vehicles/construction processes, etc. However, construction activities would be appropriately controlled to an acceptable level through the adoption of construction best practice and appropriate safety measures.</p> <p>The site falls just outside an AQMA, but the proposed development should lead to a reduction in emissions.</p>	<p>Consultation will be required with relevant Highways and Environmental Health Departments with regards to traffic and air quality.</p>
<p><b>Location of Development</b></p>				
<p>(a) the existing and approved land use;</p>		<p><b>The existing use is rough grassland surrounded by hedgerows and woodland.</b></p>		
<p>(b) the relative abundance, quality and regenerative capacity of natural resources (including soil, land, water and biodiversity) in the area and its</p>		<p><b>There are no significant or unusual issues as defined by the Regulations that would require an Environmental Statement.</b></p> <p>The proposals will not result in any land take from any designated sites and will not result in the loss of Priority Habitats. Due to proximity to the Mersey Estuary likely significant effects do need to be considered, although this can be done as part of the planning process and does not necessitate the need for EIA. Due to the nature of the site, I do not anticipate, on this occasion, that any future proposal will need to be</p>		

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<p>underground;</p>	<p>supported by non-breeding bird surveys. This is consistent with our preapplication advice, which provides further details on the scope of the HRA and Ecological Appraisal.</p>
<p>(c) the absorption capacity of the natural environment, paying particular attention to the following areas—</p> <ul style="list-style-type: none"> <li>(i) wetlands, riparian areas, river mouths;</li> <li>(ii) coastal zones and the marine environment;</li> <li>(iii) mountain and forest areas;</li> <li>(iv) nature reserves and parks;</li> <li>(v) European sites and other areas classified or protected under national legislation;</li> </ul>	<p><b>Not applicable for this proposed development.</b></p> <p><b>No issues requiring an Environmental Statement.</b></p> <p><b>Not applicable for this proposed development.</b></p> <p><b>No issues requiring an Environmental Statement.</b></p> <p><b>No issues requiring an Environmental Statement. This would be addressed through Habitats Regulations Assessment.</b></p>

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<p>(vi) areas in which there has already been a failure to meet the environmental quality standards, laid down in Union legislation and relevant to the project, or in which it is considered that there is such a failure;</p> <p>(vii) densely populated areas;</p> <p>(viii) landscapes and sites of historical, cultural or archaeological significance.</p>	<p><b>No issues requiring an Environmental Statement.</b></p> <p><b>No issues requiring an Environmental Statement. Maybe some visual impacts, advice should be sought from landscape colleagues.</b></p> <p>Considered siting of solar panels will reduce any impact on surrounding heritage assets. The low-level impact of solar development below ground assumes any impacts on currently unknown archaeological remains are not likely to be significant.  <b>No issues requiring an Environmental Statement. Consult with archaeological advisor.</b></p>	<p><b>Maybe some visual impacts, advice should be sought from landscape colleagues.</b></p> <p><b>Consult with archaeological advisor.</b></p>
<p><b>Types and characteristics of the potential impact</b></p>		

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<p>(a) the magnitude and spatial extent of the impact (for example geographical area and size of the population likely to be affected);</p> <p>(b) the nature of the impact;</p> <p>(c) the transboundary nature of the impact;</p> <p>(d) the intensity and complexity of the impact;</p> <p>(e) the probability of the impact;</p> <p>(f) the expected onset, duration, frequency and reversibility of the impact;</p> <p>(g) the cumulation of the impact with the impact of other existing and/or approved development;</p> <p>(h) the possibility of effectively reducing the impact.</p>	<p><b>The spatial extent of any effects is local, temporary and reversible. Climate affects will be local and transboundary, but these will be positive impacts. There are not anticipated to be any cumulative impacts.</b></p>
<p>Is the location Sensitive under Schedule 3</p>	<p><b>The site is not in a sensitive area as defined by Schedule 3. No special considerations are required.</b></p>

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**APPENDIX 8**  
**ROBIN HOOD AIRPORT DECISION NOTICE**



# Doncaster Council

Peel Energy Ltd - Mr Stephen Snowden  
Peel Land And Property Group Management  
Limited  
Peel Dome  
Intu Trafford Centre  
Manchester  
Trafford City  
M17 8PL

**Contact:** Mark Sewell  
**Tel:** 01302 734840  
**E-Mail:** mark.sewell@doncaster.gov.uk  
**Website:** www.doncaster.gov.uk  
**Our Ref:** 18/02262/SCRE  
**Date:** 17th January 2019

Dear Sir

*Proposal* **Proposed solar farm on approx 7.97ha of land (2 separate sites of ground mounted solar photovoltaic panels)**

*Location* **Land At Robin Hood Airport Finningley Doncaster DN3 9AA**

*Applicant* **Peel Energy Ltd - Mr Stephen Snowden**

With reference to your recent enquiry of my office relating to the above proposal.

Based upon the information you have supplied, Doncaster Metropolitan Borough Council conclude that the proposal is "**Permitted Development**" and therefore no formal planning permission is required. The proposal is considered meet the criteria under Schedule 2 Part 8 Class F of the Town and Country Planning (General Permitted Development) Order 2015.

However the enlargement or resiting of the proposal may render this information incorrect and you are advised in such a case to check with my office.

I would take this opportunity to advise that you **must** contact the Building Control section to check whether **Building Regulation** approval is required on 01302 734848.

You are advised to keep a copy of this letter to avoid any misunderstanding that can occasionally arise, especially when you propose to sell your property.

Yours faithfully

**Scott Cardwell**  
**Assistant Director of Development**

**APPENDIX 9**  
**CARDIFF AIRPORT DECISION NOTICE**

**THE VALE OF GLAMORGAN COUNCIL**

Town and Country Planning Act 1990, Sections 191 and 192 (as amended)  
Planning and Compulsory Purchase Act 2004

The Town and Country Planning (Development Management Procedure) (Wales)  
Order 2012

**CERTIFICATE OF LAWFUL USE OR DEVELOPMENT**

Agent:  
Mr. James Banks  
Cenin Renewables Ltd  
Parc Stormy  
Mount Pleasant Road  
South Cornelly  
Bridgend  
CF33 4RS

Applicant:  
Mr. Martyn Popham  
Cenin Renewables Ltd  
Parc Stormy  
Mount Pleasant Road  
South Cornelly  
Bridgend  
CF33 4RS

**Address or location: Cardiff Airport, Rhoose**

The Vale of Glamorgan Council hereby certify that on 2 June 2020 the operations specified in the Schedule below in respect of the land shown edged red on the plan attached to this certificate would have been lawful within the meaning of Section 192 of the Town and Country Planning Act 1990 (as amended) for the following reason(s):

1. The proposed photo-voltaic solar array within the grounds of Cardiff Airport shown on the proposed block plan, PV panel elevations, and described in the covering letter received on the 4th May 2020 amounts to permitted development under Part 18 of Schedule 2, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013 and therefore planning permission is not required. Accordingly a Lawful Development Certificate can be granted.

**SCHEDULE**

The proposed development includes an East-West photo-voltaic solar array within the grounds of Cardiff Airport where the power generated would be used solely by the Airport. The panels will be 1m in width, 1.65m in length and will be raised on metal struts to have a maximum height of 0.7m and minimum height of 0.53m from ground level. The substation will be 6m in length, 3m in height and 4m in width. The total land area of the site will be 2.36ha comprising of the array, substation and access perimeter and the array itself will be 1.85ha

Dated: 9 July 2020

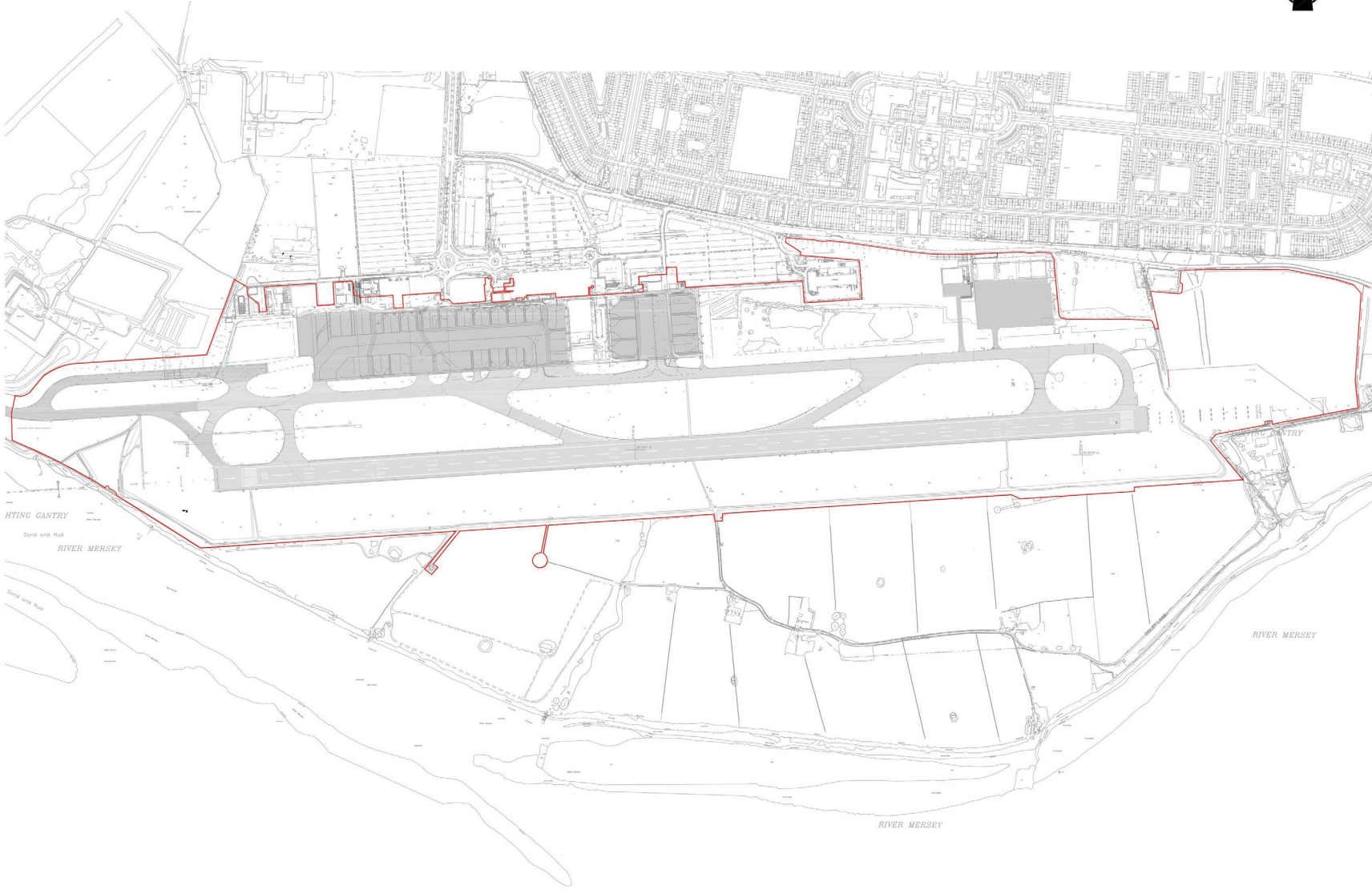
*M. J. Goldsworthy*

Head of Regeneration and Planning

**NOTES:**

1. This certificate is issued solely for the purpose of Section 192 of the Town and Country Planning Act 1990 (as amended).
2. It certifies that the operations specified in the First Schedule taking place on the land as shown on the plan attached to the certificate would have been lawful on the specified date and, thus, would not have been liable to enforcement action under Section 172 of the 1990 Act on that date.
3. This certificate applies only to the extent of the operations described in the Schedule and to the land shown on the plan attached to the Certificate. Any operations which may be materially different from that described or which relates to other land may render the owner or occupier(s) liable to enforcement action.
4. The effect of the certificate is also qualified by the proviso in Section 192 (4) of the 1990 Act, as amended, which states that the lawfulness of a described use or operation is only conclusively presumed where there has been no material change, before the use is instituted or the operations begun, in any of the matters relevant to determining such lawfulness. For example, such a material change of use may be any direction under Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 removing "permitted development" rights on which the proposal relied for its lawfulness; a statutory amendment to the "permitted development" rights on which the proposal relied for its lawfulness, or revocation of the planning permission on which the proposal relied for its lawfulness. However, providing that the circumstances and the statutory provisions remain unchanged between the application date specified in the Lawful Development Certificate and the date the proposed use is instituted or the operations are begun, the change of use or the operations would be lawful, and may be lawfully completed, as the case may be.]

**AERODROME BOUNDARY**



**PROJECT**  
 Liverpool John Lennon  
 Airport Aerodrome  
 Plans

**CLIENT**



**CONSULTANT**

AECOM Manchester  
 Bridgewater House, Whitworth Street,  
 Manchester, M1 6LT  
 0161 907 3500 tel 0161 907 3599 fax  
 www.aecom.com

**NOTES**

1. If this drawing has been received electronically it is the recipient's responsibility to print the document to the correct scale.
2. This drawing should be read in conjunction with the relevant drawings and specifications.
3. All dimensions are in metres unless otherwise specified.

**KEY**

Aerodrome Boundary —

**ISSUE/REVISION**

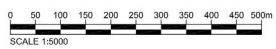
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P1	20.11.2019	ISSUED FOR INFORMATION

**SHEET TITLE**

LJLA Plans  
 Aerodrome Boundary

**SHEET NUMBER**

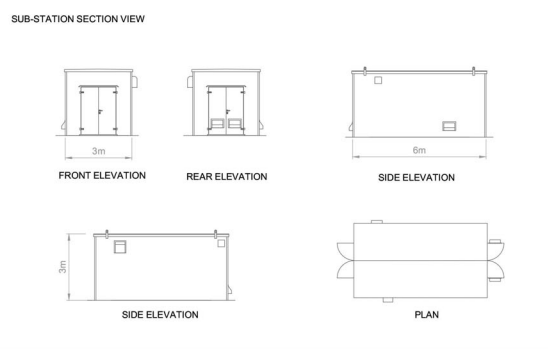
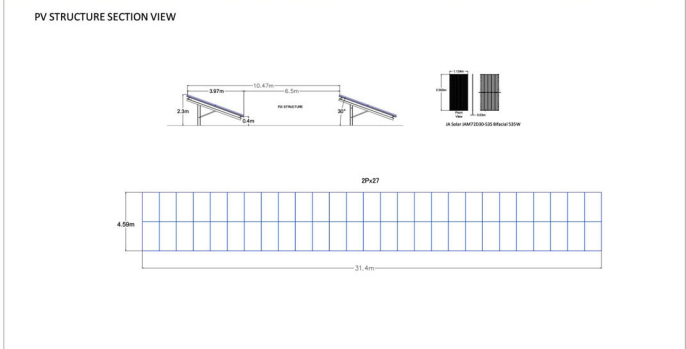
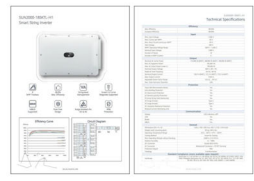
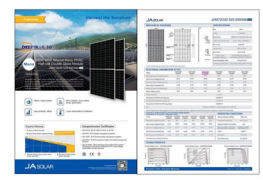
001





<b>Location</b>	
Country	United Kingdom
Coordinates	53.336445°N, -2.846023°W
Site boundary area (hec)	5.6
<b>Technical Information</b>	
Module manufacturer	JA Solar
Model	JAM72D30-535/MB
Module Power (Wp)	535
Technology	MONO PERC Bifacial
Number of modules	5,616
Inverter Station manufacturer	Huawei
Inverter Station model	SUN2000-185KTL
Number of Inverter Stations	13
Inverter Power at 40° C (kVA)	185
Number of Strings	208
Modules in serie per string	27
Structure	Fix, 2Px27, 30° tilt, 46° azimuth
Total AC Nominal Power (kVA)	2,405
Total DC Power (kW)	3,005
DC/AC ratio	1.25

Pitch (m)	Tables	Module per string	String per table	Number of strings	Number of modules	Wp module	Wp	MW
10.47	104	27	2	208	5,616	535	3,004,560	3.00



REV	DESCRIPTION	DATE
01	Approved design	

DESCRIPTION: 535W Module Bifacial  
Fix Structure, 30 degrees tilt

PROJECT: JLA Solar Farm

LAYOUT: General Layout

SCALE: 1:175 (AO) 10/03/2021 AMS REGION: 19-21-007-001



2200019PLD

Client: Liver John Lennon Airport

24/07/2021

1111  
STRUCTURE  
CONSULTING

Project: Proposed 3Mwp Solar Farm on land south of Hale Road and east of Dungeon Lane within aerodrome operational boundary

Scale: 1:1,250 @ A2

Date: 03/03/2021

Title: Project Boundary

Drawn by: RJC

Ref No: I3/21-007-002 REV A

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