



Small copper by Matt Berry



Cheshire

People taking action for wildlife

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**FAO. Philip Forster,**

Senior Planning Officer,

Warrington Borough Council.

16<sup>th</sup> July 2020

Dear Philip,

**Re: Land at Gulliver's World, Warrington 2020/36760**

The Cheshire Wildlife Trust is the region's leading wildlife charity with over 13,000 local members whose views we seek to represent. In this capacity we would like to **object** to the above planning application.

The serious concerns we raised in our previous response have not been addressed so we have set them out again below.

We believe the proposals should have been subject to an Environmental Impact Assessment. We are particularly concerned because the ecological survey and the EIA screening decision failed to identify that the site lies immediately adjacent to Twig and Bog wood Ancient Woodland and the site itself supports UK Priority Habitat Lowland Mixed Deciduous Woodland that functions as a buffer to the ancient woodland.

Ancient woodlands are irreplaceable habitats and afford a high level of protection within the planning system. It is unacceptable that these proposals do not assess the impacts of losses of priority habitat or the possible deterioration of ancient woodland immediately adjacent. The impacts must be properly considered via an Environmental Impact Assessment or in the absence of this through a Ecological Impact Assessment (EcIA). It is clear that the correct EIA procedures have not been followed and we set out our reasoning at the foot of this letter.

**National Planning Policy Framework**

Loss of Priority S41 woodland habitat is contrary to the National Planning Policy Framework (2018), the local Core Strategy policy QE5 and forthcoming Local Plan policies DC3 and DC4.

- NPPF 2018 paragraph 175a states that 'if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'.

Even if most trees are retained the majority of the woodland will lose its ability to regenerate and to provide feeding/breeding habitat for the fauna present i.e. it will be considered ecologically functionally lost. There is no evidence that the mitigation hierarchy (as set out above) was used to inform the plans.

Working for wildlife across **Cheshire East, Cheshire West & Chester, Halton, Stockport, Tameside, Trafford, Warrington & Wirral.**

**Patron** The Duke of Westminster KG CB OBE TD CD DL  
**President** Felicity Goodey CBE DL **Chairman** Chris Koral  
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## **Ancient woodland**

Guidance in the NPPF is clear that planning permission should be refused if development will result in the loss or deterioration of ancient woodland. Twig and Bog Wood Ancient Woodland lies immediately adjacent to the application site.

- NPPF 2018 paragraph 175 c states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless
  - There are wholly exceptional reasons
  - There's a suitable compensation strategy in place

Neither of the above apply so I strongly suggest that the applicant's consultant or the LPA consult with Natural England before any decision is taken. A proper assessment of likely impacts is likely to be required.

## **Biodiversity Net Gain**

If this development does go ahead the losses and impacts on wildlife are likely to be substantial; in accordance with the NPPF 2018 (paragraphs 170d, 174b) in order to achieve measurable biodiversity net gains significant areas of compensatory offsite habitat are likely to be required. Defra's Biodiversity Net Gain metric 2.0 should be used to calculate losses and gains. It is highly misleading for the applicant's agent to claim 'significant net biodiversity gain' will be achieved (Dan Matthewman letter dated 13<sup>th</sup> July 2020 page 2) without measuring the impacts using a metric calculator.

**Without due process being followed (as set out above) the council has a duty under both the NERC Act 2006 and the NPPF 2018 paragraphs 170d, 174b, 175a, 175c to refuse the proposals.**

I hope these comments are helpful in deciding how to determine this application.

Yours sincerely,

*Rachel Giles*

Rachel Giles Ph.D.

Evidence and Planning Manager

Cheshire Wildlife Trust

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## Notes on screening decision

We believe the screening decision has been taken without full knowledge of the conservation status of either the site itself or the ancient woodland immediately adjacent.

The site falls within the description of developments listed in Schedule 2 of the Town and Country Planning Regulations 2017 i.e. 12. Tourism and Leisure (e) Permanent camp sites and caravan sites - area exceeding 1 ha.

The Schedule 3 qualifying criteria are:

### 1. Characteristics of development

#### *e) Pollution and nuisances*

**Reason.** It is highly likely that the development will result in light pollution, groundwater pollution and disturbance, all of which are likely to impact the woodland and the adjacent ancient woodland. There is no evidence that disturbance issues or light pollution issues have been adequately assessed or addressed through the design of the scheme. There is no evidence of a breeding bird survey so it is not known if the disturbance issues to birds are likely to be significant. The ecological survey has concluded that the site comprises foraging and commuting habitat for bats that is likely to be affected by the proposals. This is likely to be significant to the local bat population if not properly addressed.

There is no evidence that runoff from hard surfaces or other surfaces used by vehicles will be directed away from the ancient woodland or other sensitive areas of the site (such as the wet woodland).

#### *c) Use of natural resources in particular soil, water and biodiversity*

**Reason.** The development directly impacts UK Priority habitat Lowland mixed deciduous woodland and lies immediately adjacent to ancient woodland, an irreplaceable UK Priority habitat afforded a very high level of protection in the planning system.

### 2. Location of development

#### *b) The relative abundance, availability, quality and natural regeneration capacity of natural resources (including soil, land, water and biodiversity) in the area and its underground*

**Reason** The proposals will result in the loss of UK Priority woodland habitat. The proposals will result in the deterioration of the remaining habitat due to disturbance to the understorey and species (including bats, other small mammals, amphibians, invertebrates and birds) as well as probable groundwater and light pollution.

The proposals are likely to result in negative impacts to the ancient woodland immediately adjacent, also UK Priority habitat. Negative impacts are likely to be the result of disturbance and loss of territory (particularly birds, bats and invertebrates) and pollution (including possible light and groundwater pollution).

There are no plans to adequately compensate for the loss and/or deterioration of these nationally important habitats and the species they support.

#### *c) The absorption capacity of the natural environment paying particular attention to the following areas*

#### *v) European Sites or other areas classified or protected under national legislation*

and

#### *viii) Landscapes and sites of historical, cultural or archaeological significance*

**Reason.** The development site is immediately adjacent (in zone of influence) to an irreplaceable ancient woodland (a site which has been continuously wooded since the 1600s of substantial cultural and historical importance). Ancient woodland is afforded a high level of protection in the NPPF 2018