

Date: 23 April 2024
Our ref: 460230
Your ref: 4/21/2432/0F1



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BY EMAIL ONLY

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Dear Nick,

Planning consultation: 4/21/2432/0F1

Location: FORMER MARCHON CHEMICAL FACTORY, HIGH ROAD, WHITEHAVEN

Thank you for your consultation on the 30th of November.

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

SUMMARY OF NATURAL ENGLAND'S ADVICE

FURTHER INFORMATION REQUIRED TO DETERMINE IMPACTS ON St Bees Head SSSI and Solway Firth SPA

As submitted, the application could have potential significant effects on qualifying species of the SPA and SSSI, both of these sites are designated for bird populations of European importance. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

Natural England welcomes the production of the wintering bird survey, however, given the use of the land by 7 priority species and 15 qualifying species, NE recommend that the LPA complete a **Habitats Regulations Assessment** of this site in order to fully understand the potential impacts and determine if mitigation is needed.

It is also recommended that a breeding bird survey is completed to understand whether birds using the St Bees SSSI are found on site. The St Bees SSSI is the only breeding site in Cumbria for various seabirds and the only site in England for Black Guillemot.

Please re-consult Natural England once this information has been obtained.

Natural England's further advice on designated sites/landscapes and advice on other issues is set out below.

Habitat Regulations Assessment

Despite the proximity of the application to European Sites, the consultation documents provided do not include information to demonstrate that the requirements of regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) have been considered by your authority, i.e. the consultation does not include a Habitats Regulations Assessment.

It is Natural England's advice that the proposal is not directly connected with or necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England must be consulted on any appropriate assessment your authority may decide to make.

Natural England advises that there is currently not enough information provided in the application to determine whether the likelihood of significant effects can be ruled out.

Natural England recommend that the competent authority use the Wintering bird surveys currently available to determine whether the loss of this functionally linked land and increase in public access to the coastal edge will have a significant impact on the Solway Firth SSSI. Natural England also recommends that a Breeding bird survey is carried out as mentioned in our previous response, 3rd December 2021.

Protected Landscapes

Natural England have reviewed the updates to the Landscape Visual Impact Assessment and agree with the new classification for Kells Farmland. As explained in our previous response, NE feel that a 'high value' should be given to the Kells Farmland due to its undeveloped nature and inclusion in the potential Heritage coast extension.

After assessing the impacts to Kells farmland, NE agree that the impact will be severe and as shown in the Pano photo montages at the end of the Landscape report. NE acknowledge the location of the proposed Heritage coast boundary, the Wagon Way, and would classify the impact of housing towards the sea to be a severe impact to this pathway, while also extending the settlement boundary further west. As shown in the Pano montages the impacts from the housing to the west of the wagon way are not mitigated by the natural slope in this area and are visible from all sides of the development while looking to the proposed heritage coast and the existing St Bees Heritage coast to the west.

Natural England agree with the proposed heritage coast boundary using the Wagon Way and do not think it can be moved closer to the coastal line.

Cumbria Coast Marine Conservation Zone

The MCZ needs to be assessed for impacts from the development, particularly from surface water runoff from phase two. Evidence needs to be provided and assessed to determine whether there would be any risk of increasing contamination levels within the MCZ. Particularly, to examine whether development will exacerbate the current volume of run-off and identify whether the fault is still contaminated.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter, please contact me at Niamh.Keddy@naturalengland.org.uk

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

Yours sincerely

Niamh Keddy
Sustainable Development Senior Advisor