

Appendix 10.24 Extracts from the Planning Inspectors report in relation to the Mersey Estuary SPA and Ramsar Site

	<p>Report to the Secretary of State for Transport and the Secretary of State for Communities and Local Government</p> <p>By Alan T Gray MRICS DipTP MRTPI</p> <p>An Inspector appointed by the Secretary of State for Transport and the Secretary of State for Communities and Local Government</p> <p>Assisted by Andrew L Roberts CB CBE AFC FRAeS</p>	<p>The Planning Inspectorate Temple Quay House 2 The Square Temple Quay Bristol BS1 6PN ☎ 0117 372 8000 Date: 13 January 2010</p>
<p>Dates of Inquiries 19 May to 25 June & 28 July 2009 Accompanied Site Inspections 15 May, 18 & 23 June 2009 & 27 July 2009 DfT Reference TWA/08/APP/05 GONW References APP/D0650/V/08/2095069, APP/D0650/V/08/2095113, & APP/D0650/V/08/2095114 GONE References DN5046/55/7/18, DN5046/55/7/19, DN5046/60/1/28 & DN5046/60/1/29 GOL Reference 0030051023</p>		
<p>11 Conclusions</p> <p>11.3 Secretary of State for Transport</p> <p>5. In relation to the Mersey Estuary SPA and Ramsar site</p> <p>11.3.5.1 The Middle Mersey Estuary is protected by four nature conservation designations, two of which are the SPA for birds and the Ramsar Site for wetlands, which coupled with the European Marine Site contribute to the Natura 2000 Network.</p> <p>a) whether construction of the Mersey Gateway Bridge (either alone or in combination with other plans or projects) is likely to have an adverse effect on the integrity of the site, having regard to the conservation objectives of the site and to the manner in which the Project is proposed to be carried out by the Council including any proposed conditions or restrictions to which the draft TWA Order and deemed planning permission would be subject; and, if so</p> <p>11.3.5.2 Ecological interests are particularly critical because of the existence of the SPA and the strict obligations which it places on the assessment of the Project's effects upon its integrity. Although there are strong suspicions of significant effects on the SPA, the related ecological interests have been extensively studied.</p> <p>11.3.5.3 The proposed bridge would cross the Local Wildlife Site (LWS) in the Upper Estuary,</p>		

upstream of the European site in the Middle Estuary, both separated by the Runcorn Gap where the Aethelflaeda and Silver Jubilee Bridges are located. Because of the proximity of the one to the other, concerns about significant effects are sincerely held and responsibly expressed. It is therefore right that the Project's effects should be closely examined. But having done so, I am not persuaded that there would be any significantly adverse effects on the integrity of the European site. There are three broad ecological considerations which have led me to that conclusion, namely aquatic, avian and terrestrial. Elements of these considerations embrace areas and interests beyond the Middle Mersey in which the European site lies, but that is necessary to confirm the conclusion.

11.3.5.4 Beginning with aquatic ecology, there would be sedimentary disturbance, scour, sediment suspension or deposition and the potential release of pollutants in the Upper Estuary. But as a consequence of the proposed mitigation measures and subsequent monitoring, construction and operational effects would be of low significance, or insignificant, in the Upper Estuary with no adverse impact on the integrity of the SPA in the Middle Mersey Estuary.

11.3.5.5 Turning to avian ecology, there would be no significant effect on the bird population of the SPA. But reflecting the precautionary principle, a shadow appropriate assessment has been undertaken and the effects on the Upper Estuary have been assessed as if it also were an SPA, from which it can also be concluded that there would be no significant adverse effect upon its integrity or the SPA itself.

11.3.5.6 There would be some adverse impact on bird populations in the Upper Estuary (ie upstream of the European site) from construction and operational effects of the Project, in terms of disturbance and loss of habitat. But mitigation would involve improvement of the river saltmarshes and offer a benefit for the bird populations which they support, such that there would be steady or increased populations when compared to the situation without the Project.

11.5.7 As for terrestrial ecology and its estuarial dimension, the design of the proposed bridge would minimise the physical loss of habitat and its shading would inhibit but not prevent plant recolonisation; and mitigation measures for the grazed saltmarshes would represent an overall benefit.

11.3.5.8 Unless the likelihood of significant effects can be excluded, the decisions-makers must execute an appropriate assessment. Yet I felt able to conclude, from all the environmental information, that significant effects would be unlikely and that there was no need for such an assessment to be undertaken before the Inquiries closed 1.13. That conclusion was strongly influenced by the fact that Natural England did not attend the Inquiries to pursue its objection, which was subsequently withdrawn. On further consideration, I remain of the opinion that there is no need for an assessment and this conclusion is also strongly influenced by the mitigation measures reflected in the proposed conditions.

11.3.5.9 It is particularly important to emphasise that the absence of significant effects upon the European site in the Middle Estuary depends significantly upon the efficacy of the mitigation measures upstream in the Upper Estuary. My favourable conclusion on the European site thus relies on the imposition and effective discharge of conditions, to which attention might usefully be drawn in any subsequently favourable decisions.

11.3.5.10 My conclusion therefore is that the Mersey Gateway Bridge and the associated proposals which comprise the Project would not adversely affect the integrity of the European Site.