

Tattenhall and District Neighbourhood Plan

Regulation 14 Habitats Regulations Assessment - Appropriate
Assessment

Cheshire West and Chester Council

May 2026

Quality information

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1. Introduction

1.1 Background

- 1.1.1 The Tattenhall and District Neighbourhood Plan (TDNP) Habitats Regulations Assessment and Marine Plan Screening Determination published in March 2026 concluded that the Tattenhall and District Neighbourhood Plan is unlikely to have an adverse effect on a European site alone or in combination with other plans and projects and as such, Appropriate Assessment is not considered to be required. Having reviewed the submission, Natural England (NE) have advised that appropriate assessment is required. The screening report has now been updated to take account of the comments made by NE and AECOM has been appointed by Cheshire West and Chester Council to undertake an “Appropriate Assessment” in relation to the advice provided by Natural England (NE).

1.2 Legislation

- 1.2.1 The UK left the European Union (EU) on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (“the Withdrawal Act”). While the UK is no longer a member of the EU, a requirement for Habitats Regulations Assessment will continue as set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (HM Government, 2017).
- 1.2.2 The HRA process applies the ‘Precautionary Principle’¹ to Habitats sites. Plans and projects can only be permitted after ascertaining that there will be no adverse effect on the integrity of the Habitats (previously European) site(s) in question. To ascertain whether or not site integrity will be affected, an Appropriate Assessment should be undertaken of the Plan or project in question. Figure 1 below sets out the legislative basis for Appropriate Assessment.
- 1.2.3 Plans and projects that are associated with potential adverse impacts on European sites may still be permitted if there are no reasonable alternatives and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

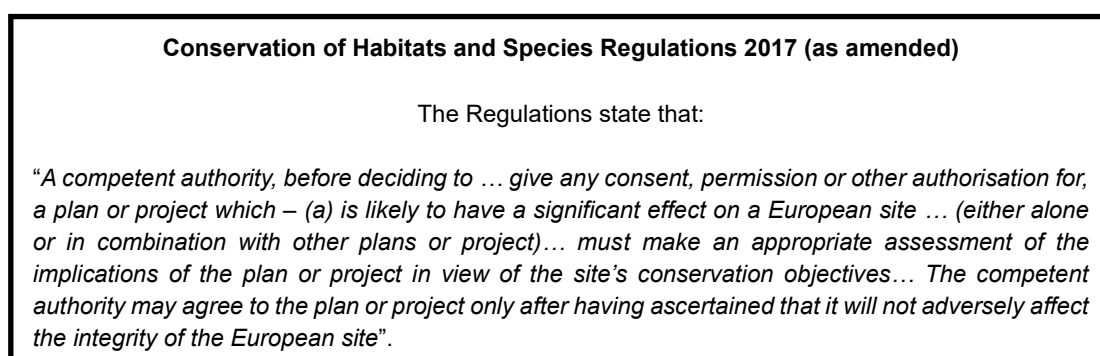


Figure 1: The legislative basis for Appropriate Assessment

- 1.2.4 Over time, the phrase ‘Habitats Regulations Assessment’ (HRA) has come into wide currency to describe the overall process set out in the Regulations from screening through to IROPI. This has arisen in order to distinguish the process from the individual stage described in the law as an ‘Appropriate Assessment’.
- 1.2.5 In spring 2018, the ‘Sweetman’ European Court of Justice ruling² clarified that ‘mitigation’ (i.e., measures that are specifically introduced to avoid or reduce a harmful effect on a Habitats site that

¹ The Precautionary Principle, which is referenced in Article 191 of the Treaty on the Functioning of the European Union, has been defined by the United Nations Educational, Scientific and Cultural Organisation (UNESCO, 2005) as: “When human activities may lead to morally unacceptable harm [to the environment] that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. The judgement of plausibility should be grounded in scientific analysis”.

² People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

would otherwise arise) should not be taken into account when forming a view on Likely Significant Effects. Mitigation should be considered only at the Appropriate Assessment stage. This HRA is cognisant of that ruling.

1.3 Quality assurance

- 1.3.1 This report was undertaken in line with AECOM's Integrated Management System (IMS). Our IMS places great emphasis on professionalism, technical excellence, quality, environmental and Health and Safety management. All staff members are committed to establishing and maintaining our certification to the international standards BS EN ISO 9001:2008 and 14001:2004 and BS OHSAS 18001:2007. In addition, our IMS requires careful selection and monitoring of the performance of all sub-consultants and contractors.
- 1.3.2 All AECOM Ecologists working on this project are members (at the appropriate level) of the Chartered Institute of Ecology and Environmental Management (CIEEM) and follow their code of professional conduct (CIEEM, 2025).

2. Methodology

2.1 Introduction to HRA Methodology

- 2.1.1 The HRA will be carried out with reference to the general EC guidance on HRA (European Commission, 2021) and that of the UK government (MHCLG, 2006).
- 2.1.2 **Figure 2** below outlines the stages of HRA. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the Plan until no significant adverse effects remain.

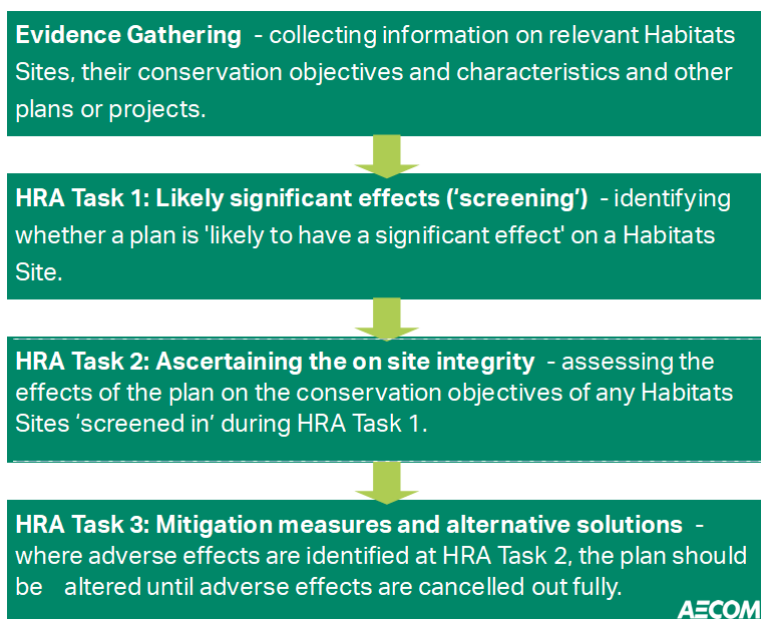


Figure 2: Four Stage Approach to Habitats Regulations Assessment. Source EC, 2021.

2.2 Description of HRA Tasks

HRA Task 1 – Screening for Likely Significant Effects

- 2.2.1 This task has previously been carried out and assessed by NE. It is not repeated in this document.
- 2.2.2 Following evidence gathering, the first stage of any Habitats Regulations Assessment is the screening for LSE, essentially a high-level assessment to decide whether the full subsequent stage, known as Appropriate Assessment, is required. The essential question is:
- “Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon Habitats sites?”*
- 2.2.3 The objective is to filter out those Plans and projects that can, without any detailed appraisal, be concluded to be unlikely to result in any impacts upon Habitats Sites, usually because there is no mechanism for a negative interaction.

HRA Task 2 – Appropriate Assessment

- 2.2.4 Where a conclusion of ‘no Likely Significant Effects’ cannot be drawn, the analysis proceeds to the next stage of HRA known as Appropriate Assessment (AA). Case law has clarified that ‘Appropriate Assessment’ is not a technical term. In other words, there are no particular technical analyses, or level of technical analysis, that are classified by law as belonging to AA compared to the screening stage.
- 2.2.5 By virtue of the fact that it follows screening for LSE, there is a clear implication that the analysis will be more detailed than undertaken at the previous stage. One of the key considerations during AA is

whether there is available mitigation that would entirely address the potential effect. In practice, the AA would take any proposed policies or identified and potential sites that could not be dismissed following the high-level screening and assess the potential for an effect in more detail, with a view to concluding whether there would be a potential for an adverse effect on site integrity (in other words, disruption of the coherent structure and function of the Habitats Site(s)). A decision by the European Court of Justice³ concluded that measures intended to avoid or reduce the harmful effects of a proposed Plan or project on a Habitats Site may no longer be considered by competent authorities at the screening for LSEs stage of HRA. That ruling has been taken into account in producing this HRA.

- 2.2.6 Also, in 2018, the Holohan ruling⁴ was handed down by the European Court of Justice. Among other provisions paragraph 39 of the ruling states that *'As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area'* [emphasis added]. Due account of this decision has been given in this HRA.

HRA Task 3 – Avoidance and Mitigation

- 2.2.7 Where necessary, measures are recommended for incorporation into the Plan in order to mitigate and/or avoid adverse effects on Habitats Sites. There is considerable precedent for the level of detail a Neighbourhood Plan document should include regarding mitigation for impact pathways on Habitats Sites (e.g., recreational pressure). The implication of this precedent is that it is not necessary for all measures to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.
- 2.2.8 When discussing mitigation for a Neighbourhood Plan, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the details of the mitigation measures themselves, since a Neighbourhood Plan document is a high-level policy document.
- 2.2.9 In any Neighbourhood Plan, there are numerous policies for which there is a limit to the degree of assessment that is possible at the Plan level. This is because either:
- The policy in question does not contain any specifics as to what will be delivered or where, and so cannot be assessed in detail at the Plan level. In these cases, the Appropriate Assessment focuses on precautionary mitigation that can be included in the plan to ensure that whatever proposals come forward will not result in adverse effects on integrity; or
 - The nature of potential impacts (e.g. visual and noise disturbance arising from construction or loss of functionally linked habitat) is related to how the development will be designed and constructed and therefore cannot be assessed in detail at the plan level. In these instances, the Appropriate Assessment focuses on available mitigation measures, the extent to which such measures would be achievable and effective, and whether an adequate protective framework exists to ensure that the policy would not lead to an adverse effect on the integrity of any internationally designated sites.
- 2.2.10 In these instances, the advice of Advocate-General Kokott⁵ is also worth considering. She commented that: *'It would ...hardly be proper to require a greater level of detail in preceding plans [rather than planning applications] or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.'* [emphasis added].

³ People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

⁴ Case C-461/17

⁵ Opinion of Advocate General Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, paragraph 49
<http://curia.europa.eu/juris/document/document.jsf?docid=58359&doclang=EN>

2.3 Confirming Other Plans and Projects That May Act ‘In Combination’

- 2.3.1 It is a requirement of the Regulations that the impacts and effects of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the Habitat site(s) in question.
- 2.3.2 The following plans are considered to have the potential to act in-combination with the TDNP:
- Cheshire West and Chester Local Plan (Part One) Strategic Policies (adopted 2015) and Cheshire West and Chester Local Plan (Part Two) Land Allocations and Detailed Policies (adopted 2019) (new Plan in progress))
 - Central Gowy South Neighbourhood Plan Adopted 2015
 - Clotton Hoofield Neighbourhood Plan Adopted 2021
 - Beeston, Tiverton and Fearnall Neighbourhood Plan Adopted 2021
 - Broxton Neighbourhood Plan Adopted 2016
 - Farndon Neighbourhood Plan 2018
- 2.3.3 It should be noted that, while their broad potential effects are considered, this assessment does not undertake full HRA of each of these planning documents. Instead, existing HRAs conducted for surrounding LPAs were drawn upon.

3. Scope of Appropriate Assessment

3.1 Background

- 3.1.1 Natural England received the Tattenhall Neighbourhood Plan – Regulation 14 Consultation document on 23 February 2026, and the associated HRA and Marine Screening Determination (CW&C, 2026) on 16 March 2026.
- 3.1.2 The TDNP contains the following policies:
- Policy 1: Housing Growth
 - Policy 2: Local Character
 - Policy 3: The Local Economy
 - Policy 4: Local Facilities
 - Policy 5: Transport and Communication
 - Policy 6: Landscape and the Environment
 - Policy 7: Site Allocations
 - Policy 8: Flood Management Land
- 3.1.3 NE responded to the above documents 20 April 2026 with the following comments:

TATTENHALL NEIGHBOURHOOD PRE SUBMISSION PLAN – FEB 2026

Policy 7: Site Allocations

Natural England would welcome additional policy wording to ensure the protection of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid Special Area of Conservation (SAC) from development. The land allocated to the north and south of Frog Lane falls within a Site of Special Scientific Interest Impact Risk Zone (SSSI IRZ) for River Dee (England) SSSI, including the internationally designated sites in underpins, suggesting a hydrological link to the site. The specific policy requirements should reflect findings of the HRA and Strategic Environmental Assessment (SEA) reports. We advise that key considerations are likely to include the need for a Construction Environmental Management Plan (CEMP) during the construction phase, along with appropriate management of surface water and wastewater drainage.

HABITATS REGULATIONS ASSESSMENT SCREENING OPINION

Appendix 1: HRA Screening – European sites relevant to the Neighbourhood Plan

Natural England does not agree with the conclusion that the River Dee and Bala Lake SAC is unlikely to be directly affected by the policies of the plan due to the IRZ suggesting that the development allocation has potential hydrological connections to the designated site. We would expect this to be assessed in more detail.

Appendix 2: HRA Screening – Screening of Neighbourhood Plan policies for Likely Significant Effect

Natural England does not agree that likely significant effects (LSE) can be ruled out from Policy 7: Site Allocations without further assessment regarding River Dee and Bala Lake SAC. Furthermore, if LSE could occur in combination with other housing or employment developments, as stated may be the case, then this will need assessing in an appropriate assessment. The conclusion states that mitigation measures present in the policy are sufficient to warrant no further assessment, however none of the policy requirements explicitly refer to internationally designated sites so are not bespoke enough to demonstrate how specific potential impacts will be avoided or mitigated.

- 3.1.4 Cheshire West and Chester Council, in acknowledgement of this response have requested an appropriate assessment of possible impact on the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC in relation to Policy 7.

3.2 Policy 7 Site Allocations

- 3.2.1 Policy 7 in the February 2026 pre-submission version of the Tattenhall & District Neighbourhood Plan states that:

The Neighbourhood Plan allocates land to the north and south of Frog Lane, for a phased, high-quality, mixed use, residential led development of up to 600 dwellings, as shown on the Policies Map. Development proposals will be supported, provided they accord with the site-specific requirements set out below and with other relevant policies of the development plan.

A) Phase 1 (Land to the south of Frog Lane) shall comprise a residential scheme of approximately 400 homes and include the following:

- i. The housing scheme shall comprise a tenure mix to include 30% affordable housing as well as a wide range of property types and sizes including but not limited to, those looking to buy their first home, family homes, rental properties, downsizer homes, bungalows and/or self/custom build plots, subject to site specific considerations.*
- ii. Any bungalows shall be built to M4(3)(a) wheelchair adaptable standard with all other properties strongly encouraged to M4(2) accessible standard, unless this is demonstrated to be unviable.*
- iii. The site shall be accessed from Frog Lane with the layout allowing for a potential secondary access from Rocky Lane to enable direct vehicular and active travel links between Frog Lane and Rocky Lane as appropriate. The access shall be of a standard which will enable the site*

- to be served by public transport and to the satisfaction of the Highways Authority. Bus stop infrastructure should also be installed to allow for public transport opportunities.*
- iv. The creation of any road link from Frog Lane to Rocky Lane shall facilitate the redesignation of Rocky Lane to the north of the development site entrance to “quiet lane” status to limit vehicular movements to access only and enable safe walking and cycling along this stretch of road to access village amenities, subject to agreement and implementation by the Highways Authority.*
 - v. The scheme shall include up to 9.8ha of publicly accessible open space including play areas.*
 - vi. The scheme shall safeguard land on-site for the provision of a new GP surgery (Class E (e)) to be agreed with the local GP surgery and Integrated Care Board. Should the safeguarded land no longer be required within an agreed period, it shall revert to use as public open space to serve the development. Any financial contribution towards the new GP surgery shall be secured via legal agreement.*
 - vii. The scheme shall also include the off-site provision, in the vicinity of Barbour Square, of a multipurpose “green” car park (Sui Generis) and ancillary community event space, secured by legal agreement with an option to transfer ownership to the Parish Council or nominated community body.*
 - viii. The layout and landscape scheme delivers defensible boundaries between the site and the adjacent countryside at its western and southern boundaries to create a definitive settlement edge.*
 - ix. The scheme shall be accompanied by a Heritage Statement which demonstrates compliance with NDMP HE4 (Securing the Conservation and Enhancement of Heritage Assets) relating to the Tattenhall Conservation Area and the Grade II listed building at Rose Corner.*
 - x. The scheme shall demonstrate, through a proportionate Transport Assessment and/or Active Travel audit, that residents will be able to safely and conveniently walk and cycle from the site to Tattenhall village centre, and Tattenhall Primary School, using accessible routes that are fit for purpose.*
 - xi. The development shall enhance the existing public rights of way network by upgrading and extending routes to provide direct access to the disused railway line and creating a new circular walk around the south west of the village linking Frog Lane and Rocky Lane.*
 - xii. All mature trees and hedgerows within the site are retained unless their removal is necessary, and the minimum required to facilitate an efficient development layout. The existing tree belt along the boundaries shall be retained and reinforced.*
 - xiii. The scheme seeks to optimise opportunities to produce and use renewable energy on-site.*
 - xiv. The scheme ensures that adjacent watercourse and their catchments are protected and provides an appropriate surface water flood alleviation scheme to serve the development, to the satisfaction of the local planning authority.*
 - xv. Where the development is assessed by the Local Education Authority as generating additional demand that cannot be accommodated within existing capacity, appropriate mitigation will be required, secured through a planning obligation.*

B) Phase 2. Land to the north of Frog Lane shall comprise a residential scheme of approximately 200 homes and include the following:

- i. The housing scheme shall comprise a tenure mix to include 30% affordable housing as well as a wide range of property types and sizes including but not limited to, those looking to buy their first home, family homes, rental properties, downsizer homes, bungalows and self/custom build plots.*
- ii. The site will be accessed from both Frog Lane and Chester Road with the layout allowing for direct vehicular and pedestrian links between Chester Road and Frog Lane, and onward to Rocky Lane, of a standard which will enable the site to be served by public transport and to the satisfaction of the Highways Authority. Bus stop infrastructure should also be installed to allow for public transport opportunities.*

- iii. *The layout and landscape scheme delivers strong defensible boundaries between the site and the adjacent countryside along the length of its western boundary to create a definitive settlement edge and provide connectivity to existing wildlife corridors.*
- iv. *The scheme shall include the provision of appropriate land to provide additional village burial ground space, to be secured by legal agreement and transferred to the Parish Council.*
- v. *The scheme shall also include provision of accessible public open spaces, reflecting local identified need, including allotments and a mix of formal and informal recreation spaces including sufficient land for playing pitches as required, secured by legal agreement with an option to transfer ownership to the Parish Council or a nominated local community body.*
- vi. *The development shall enhance the existing public rights of way network by:*
 - a. *Upgrading and extending routes to provide future direct access to the disused railway line, and*
 - b. *Creating new off-road walking and cycling links between Frog Lane and Chester Road.*
- vii. *The scheme ensures that adjacent watercourse and their catchments are protected and provides an appropriate surface water flood alleviation scheme to serve the development, to the satisfaction of the local planning authority.*
- viii. *The scheme seeks to optimise opportunities to produce and use renewable energy on-site.*
- ix. *Where the development is assessed by the Local Education Authority as generating additional demand that cannot be accommodated within existing capacity, appropriate mitigation will be required, secured through a planning obligation.*

- 3.2.2 The scope of this report is therefore to undertake an appropriate assessment of Policy 7 regarding River Dee & Bala Lake SAC.

3.3 River Dee and Bala Lake SAC

Introduction

- 3.3.1 The River Dee has its source in Snowdonia at the outflow of Llyn Tegid and it includes the Ceiriog, Meloch, Tryweryn and Mynach tributaries. Its catchment contains a wide spectrum of landscape from high mountains around Bala, rugged peaks near Llangollen, steep sided wooded valleys, and the plains of Cheshire, Flintshire, north Shropshire and Wrexham. There is a tidal influence as far upstream as Farndon and high tides regularly exceed the Chester weir crest level. The aquatic plant community includes Wirtgen's water-crowfoot *Ranunculus x bachii* and pond water-crowfoot *R. peltatus* and also floating water-plantain *Luronium natans*. Watercrowfoot forms extensive beds along the whole length of the Dee where flow conditions are suitable. Other aquatic plants which occur within the site include intermediate water-starwort *Callitriche hamulata*, alternate-flowered water-milfoil *Myriophyllum alterniflorum* and bryophytes including *Rhynchostegium riparoides* and *Fontinalis antipyretica*. Marginal vegetation consists mainly of reed canary-grass *Phalaris arundinacea* with occasional branched bur-reed *Sparganium erectum*.
- 3.3.2 There is good tree cover along the banks of the River Dee and the tributaries, with the Ceiriog being tree lined on both banks along much of its length. The dominant species are alder *Alnus glutinosa* and willow *Salix spp.*, with occasional ash *Fraxinus excelsior* and oak *Quercus spp.* Where sections of the riverbank have been fenced off the vegetation tends to be dominated by bramble *Rubus fruticosus agg.*, nettles *Urtica dioica* and other tall ruderals. The River Dee is recognised as one of North Wales' premier rivers for Atlantic salmon *Salmo salar*. The Mynach, Meloch and Ceiriog tributaries are the most important salmon spawning tributaries in the Dee catchment. Other migratory fish utilising the river system include river lamprey *Lampetra fluviatilis* and sea lamprey *Petromyzon marinus*. The Dee also supports important populations of non-migratory fish including bullhead *Cottus gobio* and brook lamprey *Lampetra planeri*. The otter *Lutra lutra* is well established throughout the river system, especially where appropriate bank side cover exists.

Conservation objectives⁶

3.3.3 With regard to the natural habitats and/or species for which the site has been designated (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.

Qualifying features⁷

3.3.4 With regard to the SAC, the site is designated under article 4.2 of the EC Directive 79/409 as it hosts the following habitats listed in Annex I:

- Water courses of plain to montane levels with the *Ranunculus fluitantis* and *Callitriche-Batrachion* vegetation
- Atlantic salmon *Salmo salar*
- Floating-water plantain *Luronium natans*
- Sea lamprey *Petromyzon marinus*
- Brook Lamprey *Lampetra planeri*
- River Lamprey *Lampetra fluviatilis*
- Bullhead *Cottus gobio*
- European otter *Lutra lutra*

Environmental vulnerabilities

3.3.5 With regards to the Core management Plan for River Dee and Bala Lake SAC⁸, the following are listed as environmental vulnerabilities:

- Population densities
- Water quality;
- Environmental disturbance;
- Unsustainable fishing
- Dredging;
- Invasive species;
- Recreational motorized boats;

⁶ <https://publications.naturalengland.org.uk/file/5851750921928704> [Accessed 20/05/2026]

⁷ <https://sac.jncc.gov.uk/site/UK0030252> [20/05/2026]

⁸ https://naturalresources.wales/media/673374/river_dee_bala_lake_32_plan.pdf [Accessed 20/05/2026]

4. Appropriate Assessment

- 4.1.1 Natural England's advice recommends a more detailed (appropriate) assessment of the potential for a hydrological connection between the site allocations in policy 7 and River Dee and Bala Lake SAC. Water quality has been identified as a potential threat to the SAC and is considered here.

4.2 Water quality

- 4.2.1 Water quality has the potential to impact the site either through:
- Contamination of ground water through the construction phase of the housing development, and
 - Increases in foul water as a result of increases in the population attributable to the development described in policy 7.
- 4.2.2 The quality of the water that feeds Habitats Sites is an important determinant of the nature of their habitats and the species they support, and therefore integral to meeting a site's Conservation Objectives. Poor water quality can have a range of environmental impacts. At high concentrations, toxic chemicals and heavy metals can result in the immediate death of aquatic life (both flora and fauna). At lower concentrations, negative impacts may be more subtle and could increase vulnerability to disease or change the behaviour of wildlife. These substances, especially Polychlorinated Biphenyls (PCBs), accumulate in minuscule benthic organisms and then bio-magnify as they are passed up the food chain. Furthermore, they are not easily biodegraded over time. Overall, there are two broad types of toxic compounds in aquatic environments, namely synthetic and non-synthetic (i.e., naturally occurring) substances.
- 4.2.3 Toxic contamination may arise from synthetic toxic compounds, such as pesticides, PCBs and biocides. Some of these substances are endocrine disrupting chemicals, which have the capacity to mimic animal hormones, or prevent their production or breakdown. As discussed above, many of the synthetic compounds tend to accumulate over time and are likely to be present in animal tissue or substrate for long periods of time. Another factor in determining the magnitude of water pollution is the amount of hydrological mixing and tidal flushing that a site receives.
- 4.2.4 Non-synthetic compounds, such as fuel oils and heavy metals, occur in the environment naturally at relatively low concentrations, but become toxic at higher concentrations. Oil pollution is particularly damaging (and persistent) in intertidal environments, where natural degradation and weathering of oils is slow. During the development of land to the north and south of Frog Lane there is potential for spillages, especially fuel spills from vehicles and plant percolating into the groundwater of the River Dee and Bala Lake SAC. In the unlikely event it was extensive, such an incident could also enter the Stonyford Brook which has its headwater approximately 200m west of the parish boundary, which subsequently drains to the River Dee, or through an unnamed drain that flows through the parish toward the River Dee.
- 4.2.5 It should be noted that the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 and the Environmental Permitting (England and Wales) Regulations 2016 make it an offence to pollute watercourses, irrespective of whether they are Habitats Sites or connect to Habitats Sites. Therefore, the construction phase on every project must have a duty of care to the water environment and produce and implement plans and procedures to prevent discharge from works entering surface, groundwater, wetlands, or coastal waters. There are a wide range of measures available to protect groundwater and surface water as standard and construction water quality protection measures are usually documented in the form of a Construction Environment Management Plan (CEMP) which includes measures for the protection of ground and surface waters, pollution prevention measures and an emergency response plan for pollution events.
- 4.2.6 At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels, including increased vulnerability to disease and changes in wildlife behaviour. Sewage and some industrial effluent discharges contribute to increased nutrients in Habitats sites and particularly to phosphate levels in watercourses.

4.3 Measures to control contamination of groundwater

- 4.3.1 To comply with the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 and the Environmental Permitting (England and Wales) Regulations 2016 make it an offence to pollute watercourses, irrespective of whether they are Habitats Sites or connect to Habitats Sites. To ensure that developers of the site meet their legal obligations measures to protect water quality should be included in the relevant Construction Environmental Management Plan (CEMP).
- 4.3.2 The CEMP should specifically set out requirements for water quality protection measures to ensure no runoff of pollutants or deterioration in downstream water quality. Examples of such measures are:
- controlling and minimising the risk of pollution to surface waters and groundwater by managing construction site runoff and the risk of chemical spillage;
 - measures to control the storage, handling and disposal of potentially polluting substances during construction;
 - management of water removed from excavations including the risk from groundwater flooding through appropriate working practices (during excavations) such as having adequate plans and equipment in place for de-watering to enable safe and dry working environments, but also any risk to the flow regime or quality of any relevant, nearby water feature;
 - appropriate methods and mitigation measures when undertaking works within, under and adjacent to water features including managing any risk of physical damage to water features.
 - Introducing a protective buffer zone would be established for all watercourses. For small watercourses that are less than approximately 5 m wide (bank top to bank top) the buffer zone would be 10 m from the centre line of the watercourse; and
 - Introducing Sustainable Drainage Systems (SUDS) to intercept runoff including any contamination and allow both attenuation of flow and filtration of pollutants. Depending on the nature of the possible contamination multiple trains of SUDS can be implemented to maximise filtration and cleaning of runoff.
- 4.3.3 Policy 7 has therefore been amended to require:
- Every developer for Frog Lane is required to produce a CEMP and that the CEMP specifically includes measure to prevent the pollution of ground water.
 - The water quality protection measures included must take consideration of the River Dee and Bala Lake SAC and that the measures taken must be sufficient to ensure that there are no impacts on the Habitats Site.
- 4.3.4 This has been reflected in the following text added to Policy 7: *'Ensure no adverse effect on the integrity of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC and the River Dee SSSI, having regard to the Strategic Environmental Assessment and any Habitats Regulations Assessment accompanying the Plan, and demonstrate, through appropriate hydrological and drainage assessments, that adjacent watercourses and their catchments are protected, including through the use of sustainable drainage systems (SuDS), wastewater controls, and construction management measures to maintain or improve water quality and flow regimes.'*

4.4 Impact of operational foul water

- 4.4.1 Foul water treatment for the occupied dwellings would be the responsibility of the managing water company, in this case United Utilities. United Utilities sets out its approach to achieving a long-term drainage and waste water solution in its service area through its Drainage and Wastewater Management Plan⁹.
- 4.4.2 The plan states that it accounts for key challenges facing the North West over the next 25 years, including climate change and a growing population. The plan has been developed in conjunction with stakeholder groups and using modelling to determine the capacity required over the plan period which

⁹ Available at <https://www.unitedutilities.com/corporate/about-us/our-future-plans/Our-long-term-plans/> [Accessed 27/05/2026]

includes robust forecasts for population growth across its supply area, taking account of climate change, and including Cheshire West and Chester. The IWMP does not identify any capacity issues for wastewater treatment work that may serve Cheshire West and Chester and does not identify any sustainability reductions required to protect Habitats sites. This indicates that the current discharge permit restrictions on wastewater treatment works discharging to the River Dee are adequate for protecting water quality in the watercourse. This is also reflected in the fact that no nutrient neutrality requirement has been identified for the River Dee catchment by either Natural England or Natural Resources Wales.

- 4.4.3 To ensure that planned capacity continues to be sufficient it is recommended that developers engage with United Utilities during the project level HRA process to ensure that there is sufficient capacity in the wastewater treatment works serving the development, without any degradation of the quality of receiving watercourses. This will usually be a requirement of any planning consent, as standard.
- 4.4.4 Since this is a strategic matter for the water company, no specific policy is required for the Neighbourhood Plan.

4.5 Conclusion

- 4.5.1 Following screening and advice received from NE, the impact pathway of water quality was taken forward for Appropriate Assessment.
- 4.5.2 It was identified that sufficient measures were available to ensure that there were no adverse impacts from the development either alone or in combination.
- 4.5.3 To ensure that the measures required were enacted during the development it was recommended that policy 7 was amended to include the following:
- Every developer contribution to development at Frog Lane is required to produce a CEMP and that the CEMP specifically includes measure to prevent the pollution of ground water.
 - The water quality protection measures included must take consideration of the River Dee and Bala Lake SAC and that the measures taken must be sufficient to ensure that there are no impacts on the Habitats Site.
- 4.5.4 This has been reflected in the following text added to Policy 7: *'Ensure no adverse effect on the integrity of the River Dee and Bala Lake / Afon Dyfrdwy a Llyn Tegid SAC and the River Dee SSSI, having regard to the Strategic Environmental Assessment and any Habitats Regulations Assessment accompanying the Plan, and demonstrate, through appropriate hydrological and drainage assessments, that adjacent watercourses and their catchments are protected, including through the use of sustainable drainage systems (SuDS), wastewater controls, and construction management measures to maintain or improve water quality and flow regimes.'*
- 4.5.5 **Following appropriate assessment it was concluded that there would be no adverse impact on the River Dee and Bala Lake SAC either alone or in combination with other plans and projects.**

PreparedFor: Cheshire West and Chester Council