



Meeting Record

Project: **MERSEY GATEWAY**
 Meeting: **AQUATIC ECOLOGY METHODOLOGY**
 Venue: EA office Warrington
 Date: 22nd February 2005

Job No.: **B4027C**
 Meeting No.:
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	Action by
<p>Present: Liam Fisher (English Nature) Rob McHale (Environment Agency) Adrian Williams (APEM) Andrew Russell (Gifford)</p>	
<p>Distribution: AJR introduced scheme and explained delays in consultation due to MSA.</p>	
<p>AW introduced methodology</p> <ul style="list-style-type: none"> - using JNCC methods - contacts for fisheries 	
<p>EA beam trawl at Fiddlers Ferry – Peter Jones/Andrew Goodwin – at least 3 years ago. Also beam trawls undertaken at SJB and by Ditton Brook. APEM to obtain data.</p>	AW
<p>EA have obtained access above Fiddlers Ferry. APEM to find out if this is possible.</p>	AW
<p>Biotype classification throughout the study area – can we collect sediment data in spring/summer 2005.</p> <ul style="list-style-type: none"> - CCW methodology – guidance APEM should follow 	AW/AJR
<p>RM commented that the diversity by Fiddlers Ferry is much less than the diversity of species near the SJB.</p>	
<p>RM noted that swan mussels present in the SHC?</p>	
<p>EA count at Woolston Weir, Warrington identified several salmon and 1 sea trout and Lamprey.</p>	
<p>RM was invited to the hydrodynamics presentation at Birmingham.</p>	
<p>Richmond Bank – currently of high interest to birders because of gull species, make note to ERAP.</p>	AJR
<p>Send digital copies to Liam Fisher of AW's summary following agreement from Claire Hall.</p>	AJR
<p>Individuals that are likely to be involved in the project from the EA's perspective:</p> <ul style="list-style-type: none"> - EPO – aquatic pollution - Contaminated Land Officer - Aquatic Ecology - Flood defence - Planning Liaison Officer 	
<p>LF asked who would be at the consultation meetings and if other members of the EA team should be there. AJR stated that this may be appropriate later in the consultation process and that separate meetings could be set up for specific issues.</p>	
<p>LF & RM very pleased with the consultation idea, neither have had such an involvement in a large project at such an early stage.</p>	
<p>EN need to be consulted regarding visual impacts.</p>	AR/BH



Meeting Record

Project: **MERSEY GATEWAY**
 Meeting: **ECOLOGICAL CONSULTATION**
 Venue: Gifford, Chester
 Date: 23.04.05

Job No.: **B4027B**
 Meeting No.: 1
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Present: Liam Fisher (EN), Anne Brenchley (EN), Paul Oldfield (HBC), Ray Gemmell (ERAP), Ian Hunt, Claire Hall, Paul Hillman, Andrew Russell.

Distribution: As above + Adrian Williams, Dick Tregoe, Robert McHale, Samantha Bennett, Bram Miller and John Andrews.

Apologies from Adrian Williams, Dick Tregoe,

AJR introduced meeting, purpose of meeting was to :

- Summarise results collected to date
- Discuss the approach to the assessment procedure
- Highlight some of the impacts identified to date
- Discuss the construction methods being assessed within the project
- Discuss the issues surrounding potential designation of the Upper Estuary and the Appropriate Assessment procedure
- Agree the assessment approach being undertaken for the project

LF highlighted that EN approach the assessment of projects from a sustainable perspective and would be looking to ensure that the options considered ensure the sustainability of the environments that the project impacts upon. LF was pleased that a formal consultation process was being undertaken with EN.

LF should be included on all contacts to EN. LF will ultimately make recommendations to the EN head office. LF will be supported by the various specialists that work within EN.

CEH highlighted the main points of the meeting held on the 8th March 2005 between the DFT/Mersey Conservators/EA/EN/Halton/Gifford. E-mail from Philip Mills (DfT) summarising the meeting is attached to these minutes. LF noted that construction methods was also raised as a concern at the meeting.

Discussion was held regarding the impacts of the hydrodynamics. LF raised the need for more information on the scour protection.

PFH highlighted that the current model was not indicating any major changes in the morphology of the river. Changes in bed levels as a result of the bridge were small in proportion to the changes that occur naturally in the estuary. Scour would be very localised to the bridge towers. Another model is currently being undertaken using a different bathymetry of the Upper Estuary.

It is acknowledged that the hydrodynamic model will leave questions unanswered regarding the impact of the bridge on the morphology of the estuary. However, some of the concerns could be addressed in part by considering a number of potential scenarios that could occur within the estuary system e.g. fixing of channels to towers, erosion of salt-marsh.

It was recognised that even if the bridge was to result in changes in the morphology of the river, this in itself is not an issue to EN; it is the impact on the nature conservation interests that is the important issue for EN to consider.

Discussion was held on the current erosion of salt-marshes within the estuary and the potential for the salt-marshes within the study area to erode away. It is unclear if there is currently a net loss or gain of salt-marsh within the Mersey Estuary. LF asked that we extend the study area to look at other areas of accretion and erosion within the estuary. PO noted that salt-marsh at Cuerdley Marsh may be accreting.

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PFH/IH

PFH/AJR

PFH



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RG highlighted some of the trends that were evident in the ornithological data. The upper estuary supports high numbers of several bird species. An interesting observation was that the PFA lagoons at Fiddlers Ferry power station support high number of birds despite being a man made habitat. Data on the birds counts between 1999 – 2003 were given to EN. AJR will provide LF with the data from 2003 –present.

Action by

AJR

PO indicated that the power station intends to continue using the PFA lagoons and the intention is to manage them to maintain the current nature conservation interest. The future of the power station is uncertain after 2015, following the introduction of new regulations.

AJR stated that despite the high numbers of birds present, the research undertaken to date indicates that the Upper Estuary does not support numbers of birds sufficient to warrant a stand alone SPA designation. However, it is recognised that there maybe scope within the regulations to extend the existing SPA boundaries to include the Upper Estuary. LF is to examine this issue further and advise on EN position.

LF

CEH noted that despite the uncertainty over extending the SPA boundary there appears to be sufficient evidence to support the creation of a new SSSI or an extension of the existing SSSI. RG/JA to explore this further.

RG/JA/LF

AB agreed and highlighted that EN has been discussing the extension of the SSSI for a number of years (before the Mersey Gateway was considered). The designation has not been undertaken due to resource implications. At present EN are not undertaking many designations (only one is planned in England over the next year).

LF noted that in the North West there are currently large areas of estuary that have been designated as SPA, however, this does not mean that new areas of SPA would not be designated.

LF and AB agreed that in other circumstances EN had moved forward site designations when a site was considered to be under threat from a particular development proposal, and that other existing mechanisms would fail to protect the nature conservation value of the site.

The Appropriate Assessment will be undertaken to assess the impact of this project on the SPA. The AA will also have to consider impacts within the Upper Estuary, as it is suspected the birds from the designated area use the upper estuary. The Upper Estuary will have to be assessed irrespective of whether the area itself is designated as SPA.

CEH asked for direction on the implications of the upper estuary being designated during the public inquiry. LF was unsure of the impact this would have on the programme and whether or not this result in a delay in the public inquiry. LF will refer this query to the head office, LF also suggested using a planning consultant to consider the implications of the various designation scenarios. David Tyldesley was mentioned.

LF

CEH to look at the use of a planning consultant and advise on possible planning scenarios.

CEH/Herbert Smith

IH discussed the proposed method of construction. AJR noted that for the EIA the 'worst acceptable construction method' would be assessed.



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AJR highlighted some of the impacts that are currently being assessed as part of the construction and that a number of mitigation ideas were being considered. Impacts considered include: compaction and consolidation of salt-marsh, 'squeeze' of contaminants out of the salt-marsh, disturbance to feeding, roosting and breeding birds, impacts on fish.

It was noted that currently the construction was considered to result in the most significant impacts. LF suggested that the Appropriate Assessment could be split into construction and operation.

The Appropriate Assessment procedure was discussed. At present the research undertaken is suggesting that the project is unlikely to result in an adverse affect on the integrity of the SPA. However, it was recognised that further work had to be undertaken on the impact of the bridge on loss of habitat (implications on food resources and roosting site) and on bird disturbance.

If the research concludes that there will be no adverse affects on the integrity then the remaining tests of the Habitats Regulations do not apply. If adverse affects on integrity are anticipated then the other tests will have to be satisfied. See attached flow chart demonstrating Giffords understanding of the Appropriate Assessment procedure for SPA sites.

LF highlighted that at present EN do not feel that sufficient evidence of alternatives has been presented to EN. CEH/PH noted that a lot of work had been undertaken on alternatives, not only on route options but also design of the preferred option.

The Appropriate Assessment will be submitted and assessed by Halton BC (as the competent authority). EN will need to be consulted and advice will be given by EN as to whether they agree with the assessment. It was agreed that EN would be happy to comment on a draft of the Appropriate Assessment, EN would welcome involvement in the Appropriate Assessment. The final version of the Appropriate Assessment will be submitted with the Orders and Applications.

LF suggested that we refer to the Bathside Bay application for the Appropriate Assessment and the mitigation / compensation package that was developed for the scheme.

The commitment of HBC to maintaining the Nature Conservation interests of the Upper Estuary was noted by PO. HBC will be looking to fully mitigate and compensate negative impacts of the scheme.

The provisional date for the next consultation meeting is the 11th May 2005, 12.00, Catalyst Museum, Halton. AJR to invite and confirm attendance.

LF will invite EN specialist to attend the next meeting. Tim Melling (RSPB) will be invited.

Action by

AJR

AJR/RG

CEH/SB

AJR

AJR



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 Meeting: **ECOLOGICAL CONSULTATION**
 Venue: Catalyst Museum
 Date: 11.05.05

Job No.: **B4027C**
 Meeting No.: 2
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Present: Claire Hall (Gifford), Ian Hunt (Gifford), Andrew Russell (Gifford), Paul Oldfield (HBC), Ray Gemmel (ERAP), Adrian Williams (APEM), John Andrews (AW), Liam Fisher (EN), David Harrison (EN)
 Distribution: Above

Action by

Update from CEH. It is apparent that the decision from the Government will be delayed and therefore the programme for the completion of the EIA will slip back. The EIA is unlikely to be completed until January or February 2006. DFT suggested that the Appropriate Assessment may need to be undertaken before any decision is made on the funding. It is thought this is unlikely to be true. CEH to confirm with DFT.

CEH

A number of orders and applications will be required for the project. All of the orders will be included in the ES. Orders for each element will be forwarded to EN when we have received advice from the legal team.

CEH

LF to be issued with a briefing note on alternatives.

AJR/CEH/

PO is collating biological records from all of the recorders in the area. This includes borough wide data on Redshank. A report is due March 2006, however, PO may be able to supply data sooner.

PO

LF would like confirmation of the proposed piling techniques specifically regarding methods to control the release of contamination.

NC

Designation issues

Direct and indirect impacts of the project on the Mersey SPA need to be considered. If the project has an impact on SPA species using the upper estuary this is considered an impact on the SPA.

Designation of the upper estuary as a SSSI is unlikely to delay the development unless the project was to have a significant impact on the elements that the site is designated for.

It was agreed that there are no European priority habitats, and therefore the Appropriate Assessment test for imperative reasons of overriding public interest can include economic reasons.

The Upper Estuary is not designated because of the lack of data that exists on the area and it is believed that in the past this area was not used by significant bird populations due in part to pollution.

EN are unaware of data that describes movements of birds between the inner and upper estuary.

When considering the impacts on the SPA and determining if there is likely to be a significant impact on the integrity of the site, the evidence needs to indicate that the impacts are 'beyond reasonable scientific doubt'. This is obviously open to debate but the test of reasonableness could be used.

Where doubt remains when determining an impact the precautionary principle should be applied.



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JA asked if EN have regard to the difference between significant adverse impacts during construction and operation i.e. do EN distinguish between temporary and permanent impacts?

The duration of the impact is important in assessing the significance. Temporary impacts may be less likely to result in an impact on the integrity of a population, however, this is very dependent on the scale of the impact and the time scale considered to be temporary. There needs to be some reassurance to EN on the likely length of any 'temporary impacts'.

The different implications of the Habitats Directive and the Birds Directive was highlighted once again.

Basses Corbieres case was discussed it was advised by EN that this was a different situation to the one that we are facing. The site was a stand alone area that warranted SPA designation and the French Government had not designated the area in the knowledge that it supported a population requiring designation.

Despite this there is the possibility that an individual or organisation could try and use the Basque Corbieres case against the proposed development.

AJR highlighted that HBC intend to assess the Upper Estuary as if it were designated. This would allow appropriate mitigation or compensation to be undertaken. Once it has been determined whether or not the project has an impact on the integrity of the 'site' the appropriate tests can then be applied.

A decision will need to be made by EN as to whether they consider the Upper Estuary to warrant extension of the current SPA. This becomes very important if the AA indicates that there are likely to be significant impacts on the SPA.

Hydrodynamics

EN noted that the impact of the hydrodynamics will need to be considered within the ecological impact assessment.

AJR highlighted that the hydrodynamics analysis was indicating that the proposed bridge is unlikely to result in any significant hydrodynamic impacts. The impacts of the bridge will be local to the towers and there will be no impact beyond the SJB.

There is still opposition from Fraser Cliff regarding the impact of the bridge on Hydrodynamics. Gifford have continued to try and provide Fraser with as much evidence as possible on the likely impacts. EN have also been provided with the data and there is a need for EN to come to their own opinion on the potential impacts from changes to hydrodynamics. EN will be coming from a different perspective than Fraser, it is possible that even where there are hydrodynamic impacts these will not have any significant impacts on the ecology. Meetings have been held with Roger Morris (EN); LF to liaise with RM.

Gifford have considered several tower layouts within the estuary in order to try and minimise impacts on the hydrodynamics. An appraisal of the options may help EN in their assessment.

Compensation mitigation

Action by

LF

LF

AJR/BM



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If impacts are identified upon the SPA and these cannot be mitigated, a compensation package will be required. No net loss principle should be applied and EN will be looking for areas of intertidal habitat lost as part of the project to be replaced. When planning compensation the following elements will need to be considered; scale of the compensation, proximity to the area impacted and timing and security of planned works.

Action by

AJR highlighted that HBC are already looking for potential compensation areas. At present HBC will be looking to deliver the compensation and mitigation package through a Management Plan for the Upper Estuary. PO has begun to draft this document already. The intention will be to have all the compensation areas secured prior to the development. Where possible management works will begin on compensation areas prior to the commencement of construction in order to ensure that they are functioning prior to the anticipated impacts.

AJR /PO

RG began to highlight some of the anticipated impacts from the project. AJR to issues EN with summary impact tables for comment. The aim of the next consultation meeting will be to discuss the anticipated impacts.

AJR

Provision date for the next meeting 29th June 12.00, Manchester or Wigan. AJR to advise.

AJR



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Project: **MERSEY GATEWAY**
 Meeting: **ECOLOGICAL CONSULTATION**
 Venue: Calayst Museum, Widnes
 Date: 6th July 2005

Job No.: **B4027c**
 Meeting No.: 3
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Present: Liam Fisher (English Nature), Rob McHale (Environment Agency), Ray Gemmell (ERAP), Adrian Williams (APEM), John Andrews (Andrews Ward), Andrew Russell (Gifford), Claire Hall (Gifford)

Distribution: Above, Paul Oldfield, Dick Tregaea, Tim Melling, Sam Bennett

AJR reviewed last set of minutes.

LF stated that they do believe the site warrants SPA status, however, this is only based on a basic review of data. No other information will be forthcoming until the SPA designation process is advanced.

AJR noted that JA is to start the Appropriate Assessment in the coming weeks. LF noted that where doubt remains upon the extent of impacts on the SPA species it may be advisable to take the point of view that there will be "adverse effects". This will help the approach to mitigation within Appropriate Assessment. Gifford are awaiting JA assessment.

The Major Scheme Appraisal and options appraisal reports summarise all of the alternative information to date. Information will be sent to English Nature (EN) if further alternatives are considered.

When estuary Site Investigation (SI) is undertaken Gifford will be in a stronger position to comment on piling techniques and contamination mitigation proposals.

AJR and PO are continuing to work towards defining the compensation areas.

Different construction methods will result in different impacts. We need to consider various options and provide EN with this information when available. Gifford are awaiting a decision from the legal team regarding the need to assess alternative construction methods.

Post meeting note – advice is to consider a full range of alternatives.

Timescales of construction phases were raised by EN/EA. Gifford have produced a provisional programme but this will only be finalised once a contractor is appointed. Gifford need to ensure that timescales are a realistic worst case to enable the accurate assessment of possible impacts.

The ability to undertake restoration of salt-marsh needs to be clearly demonstrated. AJR/RG will produce a restoration plan to be delivered as part of the Upper Mersey Estuary Management Plan (to date not confirmed as an EIA document).

Impact tables were discussed; issues that were discussed through the meeting originated from comments on the impact tables. AJR highlighted that the tables were deliberately brief in order to be used to focus discussions.

Impact of Haul Road and Consolidation

Discussion over the impact of the haul road and resultant consolidation: Consolidation at present is estimated as 500mm but could be less. RG highlighted that there are methods that could potentially be used to restore the structure of the soil. Depressions in the salt-marsh could result in changes in hydrological regime and therefore also vegetation. RG to consider implications of changes in topography.

Action by

AJR

AJR/PO

AJR

AJR/RG

RG



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It was highlighted that following removal of the haul road, erosion could occur in areas where restoration has been attempted.

Within the restoration plan a series of scenarios could be discussed i.e. natural recovery, alternative restoration techniques, fall back mitigation if planned restoration fails or unexpected situations arise e.g. spartina colonisation.

If possible Gifford should include figures and anticipated timescales within the restoration strategy.

It was suggested that Gifford should include 'real' examples of restoration strategies, from previous experience or scientific papers.

LF/RMcH would like to see how the impact levels were arrived at e.g. small temporary impacts. Discussion followed on merits of impact evaluation, the technical annex will discuss in more detail how impacts are derived. Gifford will supply more information at future consultations if required by EN/EA.

LF commented on the visual impact of construction methods. EN will be merging with the Countryside Agency later this year and therefore will have an input into the assessment of visual impacts. CH commented that Gifford have contacted CA and to date they have made no comment.

AJR stated that this will be a consideration within the visual impact assessment but there are few alternatives within this type of landscape. Construction will be a temporary impact and therefore in landscape terms this is unlikely to be a significant impact. Any potential mitigation during the construction phase will be included within the Construction Management Plan (to date not confirmed as an EIA document).

AW highlighted that the squeeze of contaminants as a result of a haul road needs to be considered in the assessment. Although at present results and predictions are being awaited. AJR commented that this issue will be fully addressed and the water quality, ecology, contaminated land and geotechnical team are liaising on the impacts of contaminants within the salt-marshes.

AJR noted that alternative construction methods such as pilling a jetty out across the salt marsh may bring other impacts such as shading and creation of pathways for contaminants.

Discussion over bird movements: JA highlighted how comparison with other bridges including the SJB will be of limited value as birds will deal with different structures in different ways. However, undertaking research on the bird movements past the SJB will illustrate how birds deal with this structure. There appears to be little research associated specifically with bridges resulting in barriers to bird movements. It is understood the general belief is that bridges do not represent significant barriers to bird movements, and birds will 'find a way' past the bridge.

It was noted that the barrier effect of construction work should also be considered.

Work will continue on gathering evidence associated with barrier and disturbance effects, including the vantage point surveys over the SJB to be undertaken in the forthcoming winter.

Action by

AJR/RG/JA

RG/JA



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LF noted that the Halton wildfowlers have looked at bird movements within the upper estuary and this may be of use. AJR to find out more.

Action by

AJR

LF asked what area of the sand banks would be impacted by the piles. AJR will provide figures. Not considered a significant impact due to the proportionally small area of habitat lost and the low value of the sandbanks to birds. A disturbance buffer zone has been applied to the jetty and this effectively will include any impact associated with habitat lost from the piles.

AJR

Further details will be required on the impacts of piling i.e. how will piles be dealt with when construction is complete, will they be extracted, what is probability of some piles remaining, what could be the impact of those piles? This information is to be included within the impact assessment. AW noted that APEM are considering impacts on migratory fish and cetaceans.

RG/AJR

RG asked AW if he believed grazing would be a positive management technique. AW suggested that whilst a small amount of localised change to the creek macroinvertebrate fauna may occur due to increased light and nutrient inputs, these changes couldn't really be seen as either positive or negative but rather just a change.

LF highlighted that EN will comment on impacts of both the bridge and any associated mitigation but it is the responsibility of the developer to assess the impacts and make their recommendations to EN. If more specific details of the mitigation and management plan are produced EN will make comments and suggestions. AJR highlighted that it is the intention of Halton and Gifford to develop the EIA and the mitigation strategy in association with EN and the other ecological consultees.

Discussion of the 'island scenario'. The 'island scenario' has been assessed to help consultees assess potential impacts of the bridge. However, at present the hydrodynamics modelling does not indicate that a channel will attach to the tower and therefore it is thought unlikely that an island will form. RG summarised his memo on the potential impacts of the island (forwarded to attendees prior to the meeting); The formation of an island is likely to result in a net gain in ecological terms. However, RG assessment did not consider other potential 'knock-on' effects of the island e.g. impacts down-stream.

Impacts include provision of additional roosting areas, development of creeks (important for feeding), potential nesting habitat as the island accretes and provision of more productive sand/mud banks around the island.

LF highlighted that the island would result in a loss of sandbank (i.e. replacement of sandbank with salt-marsh), which is a priority habitat and this may have implications under the Habitats Regulations. AJR questioned if this would be relevant to the designation if the grounds of designation are purely to protect the bird populations. Need to look at the conservation objectives for the site.

AJR/LF/JA

Arrange site visit with RMch/LF to see area of salt-marsh damaged during SI.

AJR/RG

RMch mentioned the MARGIS model, this model could help predict and monitor WQ problems associated with the construction of the piers. AJR to liaise with Lisa Field.

AJR



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- Present: Andrew Russell, Gifford
 Claire Hall, Gifford
 John Andrews, John Andrews Associates
 Adrian Williams, APEM
 Tim Melling, RSPB
 Paul Oldfield, Halton BC (HBC)
 Rob McHale, EA
 Liam Fisher, EN
- Distribution: As above + Dick Tregaea (HBC), Alan West (HBC), Ian Hunt, Roy Emberton, Philip Mills (DfT), Chris Waring (EA)
1. Review of previous meeting minutes.
 2. No additional alternatives discussed to date; EN/EA have received the briefing note on the route 4A/4B alternative. CEH to circulate this note to all attendees.
 3. AJR/PO met with Forestry Commission (FC) to discuss Upper Marsh Farm. FC would be happy to engage with Halton to restore the farmland to salt-marsh. AJR visited the site and was unsure of the value of restoring to salt-marsh when the current habitats appear to be of high value for field birds. Restoration to salt-marsh could be very costly, especially as flood defences would have to be realigned.
 4. TM and RMcH noted that, as salt-marsh is such a valuable habitat and opportunities for restoration are limited, it would be preferable to restore to salt-marsh rather than leave the area for field birds.
 5. AJR noted that perhaps the area could support both habitats. This will be further explored when the 'Appropriate Assessment' (AA) issue (refer to paragraph below) has been closed off.
 6. No additional work has been undertaken on the alternative options for construction.
 7. Work continuing on the extent of compression on the salt-marsh as a result of the haul roads. CEH to determine progress.
 8. Management / restoration / mitigation plan has not been progressed. It was thought appropriate to wait until the AA had been completed.
 9. RMcH highlighted that the EA/EN would be interested in seeing any papers relating to barrier effects of bridges. AJR noted that to his knowledge there was very little research in this area that is directly relevant to the proposed bridge but Gifford would conduct a literature search to confirm.
 10. AJR noted that it was believed there would not be a barrier effect from the construction operations. TM agreed that this was unlikely to be a significant affect. LF wait for Environmental Assessment before making further comment
 11. Vantage point surveys due to start in October/November. These are being undertaken to observe the behaviour of birds as they fly past a bridge structure and secondly to record the movement of birds between the upper and lower estuary.
 12. AJR has not had any data from the wildfowlers. PO has also tried to contact the

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CEH

CEH

AJR

AJR



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wildfowlers but has not received any data. AJR to continue to try and contact wildfowlers.	
13. AJR has made some provisional calculations on the area of sandbank that will be temporarily lost due to piling for the construction jetty. 200mmØ piles will result in 6.6m ² , 500mmØ piles will result in the loss of 41m ² . CEH to confirm the pile sizes with engineering team.	CEH
14. There was discussion regarding the impact of the 'island scenario' and whether the loss of sandbank as a result would be a significant impact, even though it would be replaced by salt-marsh. LF highlighted that although the creation of salt-marsh is not necessarily negative it is a manmade change to the system and therefore would need to be considered as part of the impact assessment.	
15. AJR highlighted that all of the research is suggesting that an island will not form as a result of the bridge towers and therefore we do not need to go into detail on this subject. It is important to revisit this issue if hydrodynamic modelling suggests there is an increased likelihood of an island forming.	
16. No site visit has been arranged for RMch or LF. It was proposed that a visit of the area affected by the proposed alignment was undertaken to discuss issues in the field. AJR to organise.	AJR
17. CEH gave a project update, including progress on hydrodynamics and transportation.	
18. Halton are issuing a Compulsory Purchase Order on an area of the Widnes Warth salt-marsh. PO has also secured the construction of a 100m walkway on Widnes Warth salt-marsh. PO to send details of walkway to CEH	PO
19. AJR gave a brief update on the ecological surveys undertaken over the summer.	
20. <u>Appropriate Assessment</u>	
AJR highlighted that this is a draft document and Gifford welcome comment upon it, if the document is shown to other people they should be made aware that it is a working document. Question was raised over who will be the 'competent authority' and thus undertake the official 'Appropriate Assessment'. CEH to discuss with legal advisors.	CEH
21. JA summarised his report.	
22. JA noted that the assessment is based on the construction methods proposed by Gifford to date. These may alter. However, the underlying conclusions of the report are unlikely to change dramatically. CEH to confirm engineering descriptions in the draft 'AA' are correct.	CEH
23. The assessment includes the upper estuary even though this is not part of the SPA.	
24. The report concludes that there is not considered to be an impact on the existing SPA. Therefore in theory there is no requirement to undertake an Appropriate Assessment for the project. The report does recognise there will be impacts but questions whether these will be significant	



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25. It was decided in previous meetings it would also be appropriate to undertake an assessment on the upper estuary, as this area may have the potential to be designated as an extension to the existing SPA. The report concludes that there are no significant impacts on the integrity of the populations of 'SPA species' in the Upper Estuary.
26. ERAP data on bird counts has provided a comprehensive set of data for the assessment. This data has been compared to the WEBS data for verification. The datasets appeared to be consistent. PO will also be consulting ornithologists in the area to confirm that the figures in the report are consistent with independent field observations.
27. A buffer of 300m either side of the alignment was used as a maximum disturbance buffer. This was based on JA's experience and published data. If EA/EN/RSPB has information to the contrary the extent of the buffer will be reconsidered. However, this is important when considering the impacts of the development on distinct populations of birds. This will be examined further when the vantage point surveys have been conducted.
28. JA is of the opinion that the birds in the upper estuary are a separate population to the SPA population. This does not exclude a potential extension to the SPA; there may be several distinct populations within the current SPA.
29. The report touches on in-combination effects but this was limited due to information available on other projects. This section will be expanded in future drafts. AJR to discuss with the EIA team. CEH to review in-combination effects with legal advisors.
30. RMcH noted that Sue Slamon (EA Biodiversity officer; advisor on European designated sites) highlighted the importance of considering in-combination and cumulative effects.
31. CEH questioned to what extent the food resource available within the upper estuary limits the numbers of bird present and could the carrying capacity be estimated. It was suggested that this may be possible but there are many limiting factors not just food resource.
32. LF made comment on the report. It was agreed that detailed comments would be made in writing after the issuing by Gifford of the revised report as stated in 37.
33. LF felt that producing a report early in the process was valuable. However, we need to be clear on what the document represents and what conclusions we are drawing from the report.
34. TM/LF questioned whether Basses Corbiere was relevant to the project. Gifford have been advised that this case is not applicable to this scheme. CEH to send advice to LF for information.
35. There was lengthy discussion over the terms 'significance' and 'integrity'. It was questioned that by undertaking an 'Appropriate Assessment' are Gifford were suggesting that there are 'likely significant effects' on the SPA or the potential SPA extension area.

Action by

PO

EA/EN/RSPB

AJR/CEH

LF

CEH



Meeting Minutes

Project: **MERSEY GATEWAY**
 Meeting: **ECOLOGICAL CONSULTATION MEETING**
 Venue: Catalyst Museum, Widnes
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36. LF was of the opinion that the project was likely to result in significant effects. However, the report concludes that there are not any significant effects. The difference in opinion may be due to the understanding of terminology in the report.

Action by

37. Gifford/JA will review the document to try and make it clearer what the purpose of the report is. It was agreed that it may be misleading to call the document an Appropriate Assessment.

AJR/JA

Post meeting note - Perhaps the document would be more appropriately titled 'An Assessment of the Potential Likely Significant Effects of the Proposed Crossing on the Mersey Estuary SPA and the Populations of SPA Species and supporting habitats present in the Upper Mersey Estuary'. The document would then inform the 'competent authority' whether an Appropriate Assessment would be required.

38. It was agreed that an important step would be to agree on the 'numbers' used in the report and that assumptions made in the report were appropriate for an assessment of likely effects of the development.

39. AJR to agree with LF and JA the structure and title of the report.

AJR

40. RMcH noted that he was advised not to review until EN had commented. EA/EN will meet to discuss the report.

LF/RMcH

41. AJR will contact Sue Slamon to discuss the Appropriate Assessment and request that she becomes more involved with the project. If possible it may be advantageous that Sue Slamon comes to future meetings.

AJR

42. TM was in general agreement with many of the principles outlined in the report. However, the RSPB would be looking to ensure that no inter-tidal habitat was lost as part of the scheme. If habitat was lost full compensation would be required. This would be even more important if the upper estuary was to be designated.

43. Next meeting 2nd November 2005.

44. AJR to arrange a site visit, possibly the last week of October.



Meeting Minutes

Project: **MERSEY GATEWAY**
 Meeting: **ENGLISH NATURE HANDOVER**
 Venue: Halton Lea
 Date: 15 December 2005

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 Meeting No.: 5
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Present: Liam Fisher (English Nature), Stephen Ayliffe (English Nature), Steve Nicholson (Halton), Marnix Elsenaar (Herbert Smith), Andrew Russell (Gifford)
 Distribution:

1. SN introduced scheme:

- Ministers awaiting regional spending plan before decision on scheme funding
- Anticipating a decision by March / April 2006
- Information to be submitted to Ministers in January to aid in their decision making. They will be looking for re-assurance that there are no likely 'show-stoppers' and that Halton are making progress on significant issues, this includes SPA issues.
- Following the funding decision Halton are anticipating submission of Orders and Applications by March 2007.

2. The scheme will proceed under a number of consents. ME to supply SA with a summary of the Orders and Applications anticipated. The majority if not all applications will be made to the Secretary of State and it is anticipated that the scheme will go to Public Inquiry late 2007, early 2008. Public Inquiry is anticipated to last 4-6 weeks.

3. English Nature would like to receive ecological data and assessments early in the process to enable them to clarify their position and agree, in principle, mitigation and compensation proposals. This has been undertaken to date and exchange of information will continue.

4. It is likely that English Nature will maintain an objection to the scheme up to the Public Inquiry. However, if English Nature agree with the impact assessment and the mitigation proposals this should not hinder the inquiry. LF referred to Bathside Bay as an example where the developer worked with English Nature to agree a mitigation plan.

5. SN noted that Phillip Mills (DfT) has been trying to ascertain the position of English Nature regarding the SPA issues. English Nature will be approached formally by government in January and it is important that English Nature and Halton are issuing the same message. This will be achieved through good communication between Halton and English Nature. English Nature will discuss with Halton, their response to government prior to issue.

6. As Project Director SN is influenced by delivery risks and would like to explore potential mitigation/compensation options. AJR to make an 'advance assessment' on the potential impacts and from this develop an outline mitigation/compensation plan in association with English Nature. This will enable Halton to determine methods required to secure potential mitigation/compensation requirements.

7. Halton are aware of the importance of the environmental and ecological constraints on the project delivery and therefore it is seen as very important to agree potential mitigation plans with English Nature.

8. In the submission of information to ministers in January, Halton wish to clarify the likely impacts that the scheme will have on the SPA site.

9. SA is to comment on the current 'Andrews Ward' report by Wednesday 21st 2005. A report will then be submitted to English Nature in early January focusing on the

Action by

ME

AJR

AJR, SA, SN

AJR, SA

SA, AJR



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impacts of the proposed crossing on the SPA.

- | | Action by |
|--|-----------|
| 10. A second report will then be produced that will focus on the impacts on the upper estuary. The report will consider the scenario that the upper estuary is designated. | AJR |
| 11. The report will identify likely impacts of the proposal and from this a draft mitigation/compensation strategy can be developed. The mitigation/compensation strategy will consider the scenario that the upper estuary is designated. | AJR |
| 12. English Nature support the proposal that Halton will consider the scenario of the upper estuary becoming designated. | |
| 13. English Nature will help to develop the mitigation proposals to ensure that they meet the requirements of English Nature. | SA |
| 14. It is important to ensure compensation/mitigation can be secured in advance of the planning submission. LF referred to Morecombe Bay Sea Defences as an example of serious project delay where compensation measures had not been secured. | |
| 15. It was noted that as the Upper Estuary is not designated it may be harder to secure compensation under CPO, if this was required. | |
| 16. LF referred to previous correspondence with Dick Tregoe regarding Halton funding a member of staff to progress the SPA designation. ME noted that the reason for this was concerns over the Basse Corbiers ruling, now that this has been clarified by more recent cases Halton do not feel that the funding of a position within English Nature could be justified. | |
| 17. LF noted that if the site is designated as a pSPA this may aid in securing land for compensation. ME to confirm if pSPA status could aid a CPO application. | ME |
| 18. LF noted that he wishes us to consider high/medium/low bird counts when determining impacts, rather than using mean counts. | AJR |
| 19. AJR to arrange a meeting with SA in early January to discuss progress. AJR to arrange a meeting end on January between Halton and English Nature to discuss findings of the latest report from Andrews Ward. | AJR |

Draft Meeting Minutes

Gifford



Project: **MERSEY GATEWAY**
Meeting: **ENGLISH NATURE**
Venue: Picow Farm Depot Halton
Date: 17/01/06

Job No.: **B4027**
Meeting No.: 6
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Present: Stephen Ayliffe (EN), John Andrews (Andrews Ward), Steve Nicholson (Halton), Andrew Russell (Gifford)

Distribution: Above, Claire Hall, Paul Oldfield, Sam Bennett

1. AR presented a review of the scheme from options appraisal to the preferred route.
2. Review of bird surveys undertaken.
3. SA asked whether we had undertaken any night time bird surveys.
4. No night surveys have been undertaken; surveys were considered previously but they were not deemed necessary. JA noted that night time surveys are difficult to undertake and the results can be limited. If the evidence is suggesting that there is little movement during the day there is unlikely to be significant movement at night. AR/JA will review the requirement for night surveys.
5. JA summarised the vantage point surveys and the data received from Tony Parker.
6. The results show that there are very limited numbers of wildfowl and waders moving between the SPA and the Upper Estuary. This is backed up from comments by Tony Parker. Tony Parker has been observing birds movements in the estuary for over 20 years and notes that there is very little movement of birds between the two areas even in periods of bad weather or high spring tides.
7. Explanations for lack of connectivity include lack of food resource within the Upper Estuary (confirmed through APEMs work), poor roosting habitat on the salt marshes (the only major roosting area are the power station lagoons), and that most birds disturbed in the lower estuary probably move onto adjacent farmland e.g. birds from Ince Banks move onto Ince and Frodsham Marshes.
8. AR noted that the vantage point surveys were undertaken over a period when Ince Banks were inundated. No major bird movements were noted at the Runcorn Gap suggesting that birds moved to areas other than the Upper Estuary.
9. SA agrees in principle that there may not be significant connectivity between the SPA and the Upper Estuary and acknowledges the potential reasons as to why there may be very little interchange between the SPA and the Upper Estuary. SA will need to look at the results in more detail to examine the bird movements.
10. Discussion on mitigation measures. EN look for 'like for like' mitigation, and often require additional mitigation for precautionary reasons e.g. fluctuations in populations / underestimation from survey results.
11. SN noted that Halton was willing to undertake all necessary mitigation but there will be a need to justify mitigation especially if it involves compulsory purchase.
12. Agreement between JA and SA that mitigation for bird species likely to be effected by the scheme could be provided by freshwater habitats. This may make mitigation easier to deliver.
13. JA noted has still not been able to contact WeBS counter for Upper Estuary. JA to continue to try and contact WeBS, if there continues to be a problem EN may be

Action by

AR/JA

SA

JA



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able to obtain details.

14. Vantage point surveys have also been used to observe flight path patterns of birds past the SJB. However, as bird movements were low there is not much evidence. JA has undertaken a literature search and this has not provide much evidence. Surveys have been undertaken at the Second Severn Crossing, initial survey indicates that the bridge does not effect the use of the habitats below the bridge but does not provide much information on bird flight path movements.

15. SA questioned whether two bridges would lead to the habitat in-between being avoided by birds. This is believed to be unlikely as birds are known to habituate well to bridges. SA noted that if such an impact was noted from the post construction surveys, mitigation could be undertaken to encourage birds into this area. This could include habitat improvement.

16. Review of EN comments

17. AR noted that the report reviewed by SA was not an Appropriate Assessment and it did not cover the SPA specifically. Following the comments of EN, Gifford intend to produce two reports; one on the effects on the SPA and the other on the Upper Estuary considering the scenario that the existing SPA is extended to include the Upper Estuary.

18. Comment received from other staff within English Nature on the report were:

- Could vantage point surveys be undertaken to establish the potential linkage between the SPA and the Upper Estuary
- Impact of lighting
- The Upper Estuary would not become a standalone SPA but could become an extension of the existing SPA due to connectivity of habitat. SA noted that the Mersey Estuary SPA is unusual in that most SPAs cover the entire estuary, the Mersey Estuary SPA only covers the central section of the SPA.

19. JA has started to combine the SPA data and the Upper Estuary data to understand how the extension could effect the conservation status. JA to supply this data to SA.

JA

20. At present the main aim for Halton is make clear to the ministers that the scheme, on the basis of current information, is unlikely to have a significant effect on the SPA. It is important that this message is sent from Halton and from EN.

21. Gifford propose to present a briefing note to EN summarising the impacts of the bridge on the SPA in relation to:

- Hydrodynamics
- Contamination release
- Linkage of bird populations

22. It is hoped that this will enable EN to indicate to ministers that a significant effect on the SPA is unlikely. It is acknowledged that EN can only commit to such a statement on the basis of the current information and that EN would reserve their final position until they are in receipt of all of the relevant information and until all of the required research is undertaken.



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Meeting Minutes

Project: **MERSEY GATEWAY**
Meeting: **NATURAL ENGLAND UPDATE MEETING**
Venue: Gifford, Chester
Date: 18th October 2006

Job No.: **B4027C**
Meeting No.: 7
Page: 1 of 2

Present: Andrew Russell (Gifford), Stephen Ayliffe (English Nature)
Distribution: Above + Claire Hall (EN) + John Andrews (Andrews Ward) + Ray Gemmell (ERAP)

Action by

- 1.1. AJR updated SA on scheme progress, new project team and project programme.
- 1.2. Gifford are programmed to finish the EIA in August 2007. SA noted that it would appreciate if Natural England (NE) are consulted throughout the year on the progress of the EIA. AJR suggested that the consultation meetings continue throughout the year to provide updates on progress. The Orders and Applications will probably not be submitted until December 2007 so there may be an opportunity for the EIA to be issued to NE in advance of the Orders and Applications submission.
- 1.3. AJR outlined the construction corridor of the project, until now the focus of the consultations have been on the river crossing. AJR identified the remote junctions that may be included in the boundary of the project works. Phase 2 surveys are being undertaken at present to identify potential ecological constraints and any specialist surveys that may be required.
- 1.4. SA noted that we should be aware of the Lesser Silver Water Beetle, it is given full protection under Schedule 5 of the Wildlife and Countryside Act 1981. This species has recently been identified in a number of ponds in Cheshire. It is generally found in ponds with disturbed grazed margins, often float grass in pond. Details of the species are given on the NE web-page.
- 1.5. AJR outlined the surveys to be undertaken over the next 6 – 9 months. SA noted that it is the responsibility of the developer to commission sufficient survey to inform the EIA and NE would not normally advise specifically on the surveys methods. SA would comment if it was felt that there was either a significant error in proposed methodology or if it was obvious that additional survey was required. From the information presented SA was happy with the scope of the surveys.
- 1.6. AJR noted that nocturnal bird surveys would be undertaken in an attempt to determine the potential for night time movements up and down the estuary. Vantage point surveys and construction corridor surveys will also be undertaken, these will be undertaken on spring and neap tides for the next 6 months.
- 1.7. SA questioned whether we were confident that we had undertaken sufficient survey to understand the movement of birds into the upper estuary. The survey requirements have been thoroughly reviewed and the sub-consultants are happy with the level of survey being undertaken.



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		Action by
1.8.	Minutes from last meeting (17.01.06) were reviewed. SA to check actions from minutes and forward required information. JA has reviewed the minutes and is putting together information that was due to be issued to NE.	SA JA
1.9.	The issue of means / mean peaks was discussed briefly. It was agreed that mean peak data should be included along with the mean count data. The points made by JA in the last meeting (17.01.06) were acknowledged but SA noted peak means are commonly used in designations. It would be appropriate to present the reasons for utilising mean counts in the Appropriate Assessment but both figures should be considered when determining impacts and mitigation.	
1.10.	Gifford / Halton BC do not intend to re-issue the Appropriate Assessment work until this winters surveys (06/07) have been completed. However, it is intended to continue working towards a mitigation / compensation strategy based on conclusions determined to date.	
1.11.	SA noted that if a mitigation / compensation plan was developed to mitigate / compensate the impacts of the bridge then it was likely the project would pass the AA tests, regardless of whether impacts on integrity were identified or not.	
1.12.	AJR noted that an initial assessment of impacts was being developed and that this information would form the basis of a mitigation / compensation plan. Halton would explore options to enable mitigation / compensation to be delivered. It is the intention of Halton BC to provide mitigation / compensation inline with PPS9 guidance and to work to best practice. However, it is important to ensure that mitigation / compensation packages can be secured and that the package does not provide opportunities for land ransoms.	
1.13.	SA noted that when we are developing the mitigation / compensation package we should ensure that we have followed the precautionary principle, it would normally be expected that mitigation provisions are 'scaled up' to cover potential uncertainties in prediction and success of mitigation measures.	
1.14.	Future meetings will be held every 4 – 6 weeks. It may be appropriate to hold the next meeting following the hydrodynamics meeting on the 17 th November, to be confirmed.	AJR

Final Minutes of the Nature Conservation Update Presentation meeting held on 16th April 2007, Catalyst Museum, Widnes

Present:

Rob McHale – Environment Agency	(RMcH)
Elizabeth Barrett – Cheshire Wildlife Trust	(EB)
Stephen Ayliffe – Natural England	(SA)
Paul Oldfield – Halton BC	(PO)
Adrian Williams – APEM	(AW)
Marc Hubble – APEM	(MH)
John Andrew – Andrews Ward	(AW)
Ray Gemmell – ERAP	(RG)
Victoria Allen – ERAP	(VA)
Steve Eccles – HBC Mersey Gateway Team	(SE)
Andrew Russell – Gifford	(AJR)

Apologies: Tim Melling (TM)

1.0 Scheme Introduction

1.1 SE and AJR introduced the scheme progress over the last 18 months. The key milestones in the project over the coming months and years and the planned public consultation in the summer of 2007 was noted. The wider ecological stakeholder groups would be consulted on the plans as part of the public consultation exercise.

1.2 EB raised a number of queries relating to the volumes of traffic crossing the bridge and the impact of signage strategies on congestion. The traffic assessment will take such issues into account. A robust transportation argument will need to be made to enable the project to pass through the planning process.

2.0 Ecological Presentations

2.1 The following presentation were given:
Terrestrial Ecology – Victoria Allen
Bird Studies – John Andrews
Aquatic Ecology – Adrian Williams

2.2 The presentations summarised the baseline information collated to date, outline of the survey methods used, impact assessment procedure, potential impacts and mitigation methods.

2.3 RMcH queried the current approach being undertaken to

Action

designation of the estuary and whether HBC were still looking to work with NE to designate the Upper Estuary? The research to date suggests that the number of birds present would not enable the site to be designated on bird numbers alone but in theory the current designation could be extended further up the estuary as a continuation of estuarine habitat. The impact assessment will take into account the impact on the bird populations both in the Upper Estuary and the SPA. NE and HBC do not have any plans at present to extend the SPA.

2.4 EB queried whether post-construction monitoring will be included in the mitigation strategy? AJR confirmed it is one of the mitigation options that will be considered in the EIA.

2.5 AJR to forward available bat data to EB.

AJR / VA

2.6 All biological recording data is to be sent to REcoRD, data currently being transferred into GIS format. Much of the data has already been forward to REcoRD.

AJR

2.7 PO introduced the idea of the Upper Mersey Estuary Nature Reserve that would stretch from the Runcorn Gap to Howley Weir. The creation of an estuary nature reserve is now within Halton BC Policy. The Mersey Gateway would not be responsible for the creation of this reserve but the mitigation works for the project would be in line with the strategies and principles that are laid out in the reserve management plan and the project would contribute to its delivery.

2.8 Halton are currently looking at potential ways to provide biodiversity gain, including habitat creation. Limitations within CPO legislation may limit opportunities to obtain sites. Halton BC are looking into this and a number of potential acquisition options are being considered.

3.0 Any Other Business

3.1 AJR noted that there would be further technical consultations over the coming months including mitigation proposals. Consultees highlighted importance of obtaining the correct level of mitigation and biodiversity gain for the project.

3.2 No dates for future meetings were agreed.

Circulation: Attendees + Tim Melling + Claire Hall + Steve Jones