

**Update to the Nature  
Conservation  
Supplementary Planning  
Document**

**Scoping Report**

January 2024

## Update to the Nature Conservation SPD (January 2024)

1. Sefton Council intends to update the 2017 Nature Conservation Supplementary Planning Document (SPD)<sup>1</sup> to take account of changing circumstances. These include changes to national legislation and policy; notably the Environment Act 2021 requirements, including for mandatory 10% biodiversity net gain, the preparation of the Liverpool City Region Local Nature Recovery Strategy and progress on the emerging Liverpool City Region Recreation Mitigation Strategy. They also include emerging priorities for nature and green infrastructure in Sefton, such as the emerging Sefton Coast Nature Conservation Strategy. Also, the Council would like to include the Local Wildlife Site (LWS) site selection process and designation of new LWS sites within the SPD, as happens in other local authority areas. The revised SPD will be consistent with the planning policies in the Sefton Local Plan, and the emerging Bootle Area Action Plan.
2. We are inviting you to comment at this early stage to help us decide what level of guidance and background information should be contained in the SPD.

**Comments should be made by Monday 15<sup>th</sup> April 2024.**

3. We are seeking views from developers, organisations, businesses, individuals and others who are involved or have an interest in nature conservation and enhancement in Sefton. This scoping report identifies some key issues. Please let us know if you agree with these and whether there are additional issues you would wish the SPD to cover.

## What is a Supplementary Planning Document (SPD)?

4. SPDs give more detailed guidance to policies in the Adopted Local Plan. The public must be consulted on draft SPDs under The Town and Country Planning (Local Planning) (England) Regulations 2012<sup>2</sup>. Once adopted SPDs are material considerations in the determination of planning applications.

## Policy Background

5. For nature, the **2021 Environment Act**<sup>3</sup> will make it mandatory to achieve 10% biodiversity net gain for most development with a few limited exceptions (including house extensions). The Act also prioritises species conservation and brings in the requirement for the preparation of Local Nature Recovery Strategies. A LCR Local Nature Recovery Strategy will agree priorities for nature recovery within the Liverpool City Region and identify areas for nature recovery. The Environment Act also strengthens the ‘biodiversity duty’ for all public bodies in exercise of their functions to enhance and conserve biodiversity.

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<sup>1</sup> 2017 Nature Conservation SPD- see <https://www.sefton.gov.uk/media/2845/nature-spd-20170814.pdf>

<sup>2</sup> Town and Country Planning (Local Planning) (England) Regulations 2012- see <https://www.legislation.gov.uk/uksi/2012/767/contents/made>

<sup>3</sup> 2021 Environment Act – see <https://www.legislation.gov.uk/ukpga/2021/30/contents/enacted>

6. The **Conservation of Habitats and Species Regulations 2010 as amended**<sup>4</sup>, usually referred to as the Habitats Regulations, remains relevant to this SPD Update. Notably, the Habitats Regulations set out the legal requirement to protect the integrity of internationally important nature sites, including most of the Sefton Coast and Ribble and Alt Estuaries.
7. National planning policy is set out in the Government's and how it is to be applied is set out in the December 2023 **National Planning Policy Framework**<sup>5</sup> (NPPF). The NPPF requires each council to have robust and comprehensive policies that support the delivery of high-quality sustainable and inclusive development and secure the conservation and enhancement of the natural environment including landscapes and green infrastructure.
8. Specifically, the NPPF (paragraph 185) also refers to the need to identify, map and safeguard local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation. This includes Local Wildlife Sites which for Sefton are identified by the North Merseyside Local Sites Partnership.
9. **Sefton's Local Plan** was adopted in April 2017<sup>6</sup> (). The Local Plan includes a range of policies, which conform to national planning policy, to shape the future of Sefton. It sets out how new development will be managed in the period from 2012 to 2030, encouraging sustainable development and economic growth and giving current and future generations more opportunities to live and work in Sefton's outstanding environment. It includes policies to conserve and enhance Sefton's natural assets including designated nature sites and priority and protected habitats and species.
10. Consultation on the Preferred Options Bootle Area Action Plan<sup>7</sup> took place in autumn 2023. The emerging Plan includes draft policies BAAP9 'Nature' and BAAP24 'Environmental improvements' (where improvement priorities include nature).
11. There are 3 Neighbourhood Plans in Sefton<sup>8</sup>. Policy ESD6: Green infrastructure of the 2019 **Formby and Little Altcar Neighbourhood Plan** acknowledges the need to mitigate for any impacts of additional recreational pressure from residents of new homes on the integrity of internationally important nature sites especially those on the Sefton coast by redirecting recreation away from these fragile sensitive areas. There are no specific nature policies in either the 2019 Lydiate Neighbourhood Plan or the 2019 Maghull Neighbourhood Plan.
12. The current **2017 Nature Conservation SPD**<sup>9</sup>, which we are proposing to update, provides an overview of Sefton's natural assets, sets out how Sefton considers natural assets in taking decisions on planning applications and other consents, and refers to how this will be monitored. The SPD also provides guidance on the relationship with and requirements of the Habitats Regulations, together with other legislative requirements such as for invasive

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<sup>4</sup> Habitats Regulations – see [The Conservation of Habitats and Species Regulations 2010 \(legislation.gov.uk\)](https://www.legislation.gov.uk/uk/2010/1665/2010-1665)

<sup>5</sup> December 2023 National Planning Policy Framework – see [https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65829e99fc07f3000d8d4529/NPPF_December_2023.pdf)

<sup>6</sup> 2017 Sefton Local Plan – see <https://www.sefton.gov.uk/localplan>

<sup>7</sup> Emerging Bootle Area Action Plan – see <https://www.sefton.gov.uk/bootleaap>

<sup>8</sup> Neighbourhood Plans – see <https://www.sefton.gov.uk/neighbourhoodplanning>

<sup>9</sup> 2017 Nature Conservation SPD – see <https://www.sefton.gov.uk/media/2845/nature-spd-20170814.pdf>

species and implementation of ecological networks. The SPD provides additional guidance on how Local Plan nature policies will be implemented:

**Policy NH1 ‘Natural Assets’**, which sets the strategic context including a hierarchical and significance-based approach, setting priorities, and saying that where possible, development should:

- Maintain, restore, enhance or extend these natural assets; and
- Create new habitats and green infrastructure; and
- Secure the long-term management of these natural assets.

**NH2 ‘Nature’**, which sets out the circumstances when development affecting designated sites and Priority Habitats is acceptable, including requirements for ecological appraisals and mitigation or compensatory provision and sequential approach to the location of this (closest sites first).

**NH3 ‘Development in the Nature Improvement Area’**, which seeks to enable the functioning of the Nature Improvement Area (NIA) and seeks habitat creation and/or management in line with NIA Focus Area Profiles.

13. Sefton’s **2023 Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton’s Interim Approach for housing development**<sup>10</sup> sets out Sefton Council’s current Interim Approach to the mitigation and management of recreation pressure arising from new housing development in Sefton on the internationally important nature sites on the Sefton Coast. sets out what applicants with proposals for new housing have to do to meet the requirements of the Habitats Regulation) regarding recreation pressure on the Sefton Coast, as identified in the Sefton Local Plan.
14. This is an Interim Approach for Sefton, to be used pending collection of further evidence and future agreement of a Liverpool City Region (LCR) Recreation Mitigation Strategy approach<sup>11</sup>. A **joint Supplementary Planning Document**<sup>12</sup> is being prepared by the LCR local authorities and West Lancashire, with the support of Natural England.
15. Merseyside Environmental Advisory Service have prepared an Information Note on Biodiversity Net Gain and its implementation in the Liverpool City Region<sup>13</sup> in 2022, which sets out the current approach to Biodiversity Net Gain (BNG) within the Liverpool City Region and the steps being undertaken towards its implementation – prior to the national start date for mandatory biodiversity net gain under the Environment Act. This is likely to be updated once the government has set out this national start date (January 2024) and issued final Guidance and related documents.

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<sup>10</sup> 2023 Information Note – see <https://www.sefton.gov.uk/media/4485/hrarecpressureinfonotemay2023.pdf>

<sup>11</sup> Emerging LCR approach – see <http://www.meas.org.uk/document-library/recreation-mitigation-strategy.aspx>

<sup>12</sup> Emerging joint SPD – see <https://www.sefton.gov.uk/recreationmitigation>

<sup>13</sup> MEAS Information Note 2022 – see

[http://www.meas.org.uk/media/11866/LCRInformationNote\\_December2022\\_finalv6.pdf](http://www.meas.org.uk/media/11866/LCRInformationNote_December2022_finalv6.pdf)

## Suggested Role and Scope of the Update to the 2017 Nature Conservation SPD

### The main updates – an overview

16. Much of the content of the current SPD will be retained or amended only slightly, for example the overview of Sefton’s natural assets, monitoring, information about the ‘mitigation hierarchy and most of the appendices. However, we are proposing a number of more significant updates and amendments, as follows.
17. The intention is to rename the Updated SPD as the Nature SPD (not Nature Conservation SPD).
18. It is also intended that the SPD should also relate to NH4 ‘Sefton Coast’, as well as policies NH1, NH2 and NH3. Policy NH4 reinforces the protection of the integrity of international nature sites on the Sefton Coast and of the capacity of coastal landforms to form a natural sea defence.
19. The Updated SPD will focus on providing more detailed guidance in relation to Local Plan policies and also to Formby and Little Altcar Neighbourhood Plan and emerging Bootle Area Action Plan nature policies.
20. The Updated SPD will better reflect the national context of biodiversity ‘net gain’ and local nature recovery, rather than focussing mainly on avoiding harm to designated assets and protected and Priority Habitats and Species. However, the Updated SPD is unlikely to set out detailed requirements in relation to biodiversity net gain, as the possibility a joint Liverpool City Region SPD or Information Note for biodiversity net gain is being explored. The Updated SPD will only include detailed guidance on this if the joint biodiversity net gain guidance is unlikely to come forward.
21. Likewise, the Updated SPD will reflect the city region and local context for managing and mitigating visitor pressure at the Sefton Coast and wider city region coast, but more detailed guidance will be set out in the Interim Approach and emerging joint Liverpool City Region and West Lancashire SPD still.
22. The Updated SPD will also include greater links to local nature recovery: the existing Ecological Network, the emerging Liverpool City Region Local Nature Recovery Strategy<sup>14</sup> and Sefton’s wider environment and landscape priorities and general biodiversity duty.
23. It is also proposed that the Updated SPD will, for the first time, include information about the Local Wildlife Sites selection and designation process and put forward an approval process for candidate new Local Wildlife Sites, so that sites which have gone through the process and met the site selection criteria can be approved as a ‘interim Local Wildlife Sites’ pending the review and adoption of a new Local Plan.

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<sup>14</sup> Local Nature Recovery Strategy - see <https://www.liverpoolcityregion-ca.gov.uk/local-nature-recovery-strategy>

### Consultation Question

Do people consider that the scope of the Updated SPD is correct?

### Updates to section 3

24. Section 3 is the part of the current SPD that is likely to have the most updates, although as below a new section on Local Wildlife Site selection and designation is also proposed. Section 3 is 'Planning Applications and other consents – How Sefton considers Natural Assets in taking decisions'. The main updates will include:

- Amending the policy context (see above)
- New emphasis on biodiversity net gain and nature recovery not just avoiding harm and reference to any emerging LCR Information Note or similar
- Changes to the sections on Ecological Appraisals, to better reflect national moves towards use of UK Habitats Survey methodology (such as to complete the Defra Metric) rather than the 'Phase 1 Habitats Surveys' referred to in the current SPD.
- Updating text relating to the Recreation Mitigation Strategy for managing and mitigating visitor pressure on the Sefton Coast, to reflect the 20213 Sefton Interim Approach and emerging Liverpool City Region and West Lancashire joint approach (see above).

### Consultation Question

Do people consider that these are the correct parts of section 3 to be updated, and the correct sort of updates?

### Local Wildlife Site selection and designation

25. It is also proposed to include a new section and appendices to formalise the Local Wildlife Sites selection and designation process. This will make the process for designating Local Wildlife Sites more transparent, and to embed this process within the Updated SPD. This is in line with other nature SPDs prepared by other local authorities.

26. Paragraph 185 of the December 2023 National Planning Policy Framework sets out the role of development plans (such as Local Plans) in identifying and mapping locally important designations; Local Wildlife Sites. Both Circular 6/2005<sup>15</sup> and Defra's 2006 'Local Sites Guidance on their Identification, Selection & Management' guidance<sup>16</sup> emphasise the role of Local Sites Partnerships in agreeing the basis/criteria for site selection, co-ordinating site selection procedures including survey and identification of candidate sites, establishing a process for monitoring the condition of the selected sites and reviewing the operation of the Local Sites system at suitable intervals. The relevant Local Sites Partnership for Sefton is

<sup>15</sup> Circular 6/2005 – see <https://assets.publishing.service.gov.uk/media/5a78c5e7ed915d04220653ab/147570.pdf>

<sup>16</sup> 2006 Defra Sites Selection guidance -see <https://webarchive.nationalarchives.gov.uk/ukgwa/20130402204735/http://archive.defra.gov.uk/rural/documents/protected/localsites.pdf>

the North Merseyside Local Sites Partnership (NMLSP), which has been in existence now for many years, with the NMLSP Site Selection Criteria being long since approved by Sefton Council.

27. It is intended that the Updated SPD will refer to this and put forward an approval process mechanism for candidate new Local Wildlife Sites, so that sites which have gone through the process and met the site selection criteria can be approved as a 'interim Local Wildlife Sites' pending the review and adoption of a new Local Plan. The intention is that such interim sites would then be subject to Local Plan nature policies, that is, would be protected from significant harm. Birkdale Common is one such site, and this would be illustrated in the Updated SPD.

#### **Consultation Questions**

Do people consider that it is appropriate to include the Local Wildlife Site selection process in the Updated SPD?

Do people consider that it is appropriate to set out the process to designate interim Local Wildlife Sites in the Updated SPD?

## **Sustainability Appraisal and Strategic Environmental Assessment and Habitats Regulations Assessment**

28. National planning policy indicates that a Sustainability Appraisal and Strategic Environmental Assessment are not required for an SPD unless it is considered that there are likely to be significant environmental effects or exceptional circumstances. In this case, Strategic Environmental Assessment will be required. The Habitats Regulations indicate that a formal Habitats Regulations Assessment or Appropriate Assessment is not required unless there are likely to be significant impacts on internationally designated sites.
29. The Council carried out Strategic Environmental Assessment and Habitats Regulations Assessment screening of the current Nature Conservation SPD in 2015, consulting the statutory consultees (Natural England, the Environment Agency and Historic England) on the draft joint Screening Statement. The Final Sustainability Appraisal/SEA and Habitats Regulations Assessment Screening Statement (September 2015)<sup>17</sup> screened out the current Nature Conservation SPD. The Council considers this Final Screening Statement remains valid for the Updated SPD and that no further Strategic Environmental Assessment or Habitats Regulations screening or further assessments are required.

#### **Consultation Question**

Do you agree that the Updated SPD remains screened out for Strategic Environmental Assessment and Habitats Regulations Assessment? If not, please set out why you think either/both are required.

<sup>17</sup> Sustainability appraisal/SEA and HRA Final Screening Statement - see <https://www.sefton.gov.uk/media/2848/nature-conservation-spd-sea-hra-screening-sept15.pdf>

## How to comment on the scope of the Updated SPD

### How to comment

Comments on whether you agree with the scope of this SPD and/or whether there are other things that should be included should be sent to:

[SPD@sefton.gov.uk](mailto:SPD@sefton.gov.uk)

Planning Department  
Magdalen House  
Trinity Road  
Bootle L20 3NJ

Please include the name of the SPD you are commenting on in the subject line.

**Comments must be received by Monday 15<sup>th</sup> April 2024.**

## What happens next?

30. An indicative SPD timetable is provided below:

| Stage  | Dates                  |
|--|------------------------|
| Prepare Draft SPD, considering comments made to the scope                              | March/April 2024       |
| Approval from Cabinet Member to publish draft SPD for eight weeks public consultation. | May 2024               |
| Publish draft SPD for eight weeks consultation.  | May/June 2024          |
| Prepare draft SPD for adoption, considering comments made.                             | July/August 2024       |
| Approval from Cabinet to adopt the SPD   | September/October 2024 |

## Data Protection

- All comments, including personal details, received will be logged securely.
- Comments from private individuals will be published online. Names will be published online unless a specific request to remain anonymous is made. However, we may not be able to give the same weight to anonymised comments.
- Comments from groups, organisations and companies will be published online giving name of group, organisation and company only.



- No contact details will be published online, including home address, email or telephone number
- The Council may need to contact you to request further information or clarification in relation to the comment(s) made.
- Personal details will be used for the purposes of SPD production only.

For full data protection rights in planning please see: [www.sefton.gov.uk/PlanningGDPR](http://www.sefton.gov.uk/PlanningGDPR)