

## **Note on matters arising regarding nature policies, raised at the Local Plan EIP hearings session on Tuesday 24 November**

At the Local Plan hearings on 24 November, the nature policies and the Council's proposed modifications were discussed. The policies were the strategic policy NH1 'Environmental Assets', NH2 'Protection and enhancement of nature sites, priority species and habitats' and NH3 'Development in the Nature Improvement Area'.

The proposed modifications were proposed mainly to align Sefton's policies contained in the publication draft Local Plan with the model policies agreed across the Liverpool City Region as part of the Ecological Network joint working, and to a more limited extent in response to the representations of the Lancashire Wildlife Trust.

### **1. The Inspector requested that the Council seek Natural England's views on the modifications to the policies.**

The Council emailed Natural England on 27 November 2015 to seek these views, and Natural England returned 'track changes' comments on 11 December 2015.

The Council's response to Natural England's comments is shown in [table 1](#) on pages 2 to 5. In most cases, the Council has proposed further modifications in response to Natural England's comments.

### **2. The Inspector also asked for information about the 'fit' of Sefton's policies to the Liverpool City Region 'model policies'.**

The Council has compared its policies with those agreed across the Liverpool City Region, and has proposed a small number of further modifications to align Sefton's policies and their explanations.

The Council's comparison of the two sets of policies is shown in [table 2](#) on pages 6 -12.

The main differences between the two sets of policies now arise firstly where Sefton specific detail has been included, and secondly due to proposed modifications made in response to Natural England comments, as above.

### **3. Conclusions**

The Council's has proposed further modifications to the Local Plan's nature policies in response to the comments of Natural England and to align Sefton's policies more closely to the Liverpool City Region 'model policies'.

**Sefton response to Natural England comments on proposed modifications to nature policies [20151210 ch11 policies NH1 NH2 NH3 27-11-15 (3) NE.doc]**

<b>Table 1: Sefton response to Natural England comments on proposed modifications to nature policies</b>				
<b>NE comment ref</b>	<b>LP ref</b>	<b>Natural England comment</b>	<b>Sefton response</b>	<b>Outcome</b>
m1	NH1 title	Title does not include heritage but the policy does.	Strategic heritage aspects now in a separate policy NH9A, and NH1 now re-titled 'Natural assets'	Change to policy title, reflects Natural England concerns.
m2	NH1 part 6, a specific bullet point	Too specific; simply refer to habitats	Strategic heritage aspects now in a separate policy NH9A. Proposed change to the relevant bullet point so that it refers to 'The broad sands, dune system and habitats that characterise parts of the Sefton coast....'.	Change in response to Natural England comments.
m3	NH1 part 8, a specific bullet point	Include the environment as it is an environmental policy	Sefton has considered Natural England's comments. However, as the strategic heritage aspects are now in a separate policy NH9A, it is not considered appropriate to make the suggested change.	No change.
m4	11.5A	Be clear which framework [or] NPPF?	The Local Plan generally refers to the National Planning Policy Framework as 'the Framework' when repeating the reference to it in any section. E.g. See para 11.16. The Glossary also clarifies this.	No change.
m5	11.5A	Please reference correctly the Regs	A proposed modification changes references throughout the Plan from 'the Habitats Regulations 2010 (as amended)' to of 'the Conservation of Habitats and Species Regulations 2010 as amended'.	Change in response to Natural England comments.
m6	11.10	Just say help not may help	Proposed modification to say 'helps reduce air pollution'.	Change in response to Natural England comments.
m7	NH2 part 3	What about non-significant harm, all harm should be compensated for on a basis there is no net loss. This follows on from the NPPF, recommend add in on the basis it doesn't	Para 11.5C of the explanation to strategic policy NH1 makes clear that no net loss of biodiversity is a Liverpool City Region, and hence Sefton, priority. Para 11.18A of the explanation to policy NH2 says that ' <i>Policy NH2 sets out.....how the strategic priorities of managing the natural assets better and making sure there is</i>	Change in response to Natural England comments.

Table 1: Sefton response to Natural England comments on proposed modifications to nature policies				
NE comment ref	LP ref	Natural England comment	Sefton response	Outcome
		deliver no net loss	<i>no net loss of these assets will be achieved</i> . That is, the whole policy aims to make sure that there is no net loss of natural assets.	
m8	NH2 part 3, specific bullet point	What about non-significant harm?	The Council considers that the focus on significant harm and the approach regarding avoidance, mitigation, replacement or other compensatory provision to secure no net loss of biodiversity is in line with principles set out in the Framework, online Planning Practice Guidance, Circular 06/2005 'Biodiversity and Geological Conservation' and 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'. Proposed modifications to paras 11.5C and 11.18B make this more explicit.	Change in response to Natural England comments.
m9	NH2 old part 3, sequential approach	The original text that has been highlighted in yellow below should remain in rather than the newly inserted text. It is clearer and gives a full sequential approach.	Sefton has considered Natural England's comments. However, the revised wording is that of the Liverpool City Region model policies, and the Council feels that this revised wording is more appropriate.	No change.
m10	NH2 part 4, sequential approach	What happens if it doesn't fit in this hierarchy? May be possible beyond this LCR NIA?	Sefton has considered Natural England's comments. However, the revised sequential test- including the omission of 'elsewhere' -is that of the Liverpool City Region model policies, and the Council feels that this revised wording and sequential approach is more appropriate.	No change.
m11	Part 5	There should be no net loss.	Para 11.5C of the explanation to strategic policy NH1 makes clear that no net loss of biodiversity is a Liverpool City Region, and hence Sefton, priority. The wording of part 5 of the policy closely follows the first	Change in response to Natural England comments.

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NE comment ref	LP ref	Natural England comment	Sefton response	Outcome
			<p>bullet point of para 118 of the National Planning Policy Framework.</p> <p>Para 11.18A of the explanation to policy NH2 says that <i>'Policy NH2 sets out.....how the strategic priorities of managing the natural assets better and making sure there is no net loss of these assets will be achieved'</i>.</p> <p>That is, the whole policy aims to make sure that there is no net loss of natural assets.</p> <p>The Council considers that the focus on significant harm and the approach regarding avoidance, mitigation, replacement or other compensatory provision to secure no net loss of biodiversity is in line with principles set out in the Framework, online Planning Practice Guidance, Circular 06/2005 'Biodiversity and Geological Conservation' and 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'.</p> <p>Proposed modifications to paras 11.5C and 11.18B make this more explicit.</p>	
m12	11.17	Would it be better to leave out numbers [of NIAs] in case this changes	Sefton has considered Natural England's comments. However, the revised wording is that of the Liverpool City Region model policies, and the Council feels that this revised wording is more appropriate.	No change.
m13	11.17A	Referred to as Nature conservation SPD and in other places Nature SPD	Sefton has proposed modifications so all references are to the Nature Conservation SPD.	Change in response to Natural England comments.
m14	11.22A	Add in 'for example' as this reads like these are the only issues	Proposed modification to add in 'for example'	Change in response to Natural England comments.
m15	11.26C	And roosting areas	Proposed modification to add change 'feeding areas' to	Change in response to Natural

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			'feeding and roosting areas'	England comments.
m16	11.28	And other SPA birds	Proposed modification to 'principally for farmland birds, pink footed geese and other birds referred to in the Special Protection Area designations'	Change in response to Natural England comments.
m17	11.33C	As mentioned earlier, maybe leave the numbers out in case this changes?	Sefton has considered Natural England's comments. However, the revised wording is that of the Liverpool City Region model policies, and the Council feels that this revised wording is more appropriate.	No change.

## Nature policies - Comparison of Sefton Local Plan policies (including proposed modifications) and the Liverpool City Region Model policies

Table 2. Comparison of Sefton Local Plan nature policies (including proposed modifications) and the Liverpool City Region Model policies				
Wording differences are highlighted in red				
Plan ref	Mods version of Plan (mods accepted)	MP ref	LCR model policies	Explanation
11.1.2	Sefton has an outstanding environment ...			Sefton specific introduction
NH1.1	1. Sefton's natural assets together with its landscape character should continue to contribute to the Borough's sense of place, local distinctiveness and quality of life. Development proposals and other initiatives should contribute positively towards achieving this.	A7.1	Insert District's natural assets should continue to contribute to the Borough's sense of place, local distinctiveness and quality of life for those living, working, investing and spending their leisure time in the Borough. Development proposals and other initiatives should help achieve this. Insert District's natural assets are the designated nature sites, Priority Habitats and include linear features and stepping stone sites, together with the species dependent on these.	The model introductory paragraph has been incorporated into the first part of Sefton's policy with minor wording changes. Priority habitats in final sentence of model policy are included in para 11.7A and 11.8 of Sefton's explanation.
NH1.2	A hierarchical approach ...	S1	A hierarchical approach	No difference
NH1.3	3. Development should seek to protect and manage Sefton's natural assets (including natural habitats, sites and ecological network and green infrastructure). Where possible, development should: <ul style="list-style-type: none"> <li>Maintain, restore, enhance or extend these natural assets; .....</li> </ul>	S1	Development should seek to protect and manage the natural assets (including natural habitats, sites and ecological network and green infrastructure) and where possible: <ul style="list-style-type: none"> <li>Restore, enhance or extend natural assets; .....</li> </ul>	Minor addition in Sefton's policy.
NH1.4	4. Where it has been demonstrated..	S1	Where it has been demonstrated ...	No difference
NH1.5	5. The main priorities are, improving access, quality, linkages and habitat within the city region Ecological Network (including the Nature Improvement Area), improving access to and the quality of public open space and other outdoor facilities available to the public and urban trees.	S1	Priority should be given to improving the quality, linkages and habitat within the Liverpool City Region Ecological Network, including the Liverpool City Region Nature Improvement Area.	Minor difference regarding access in response to Natural England comments. Other additional issues reflect Sefton's other policies.

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11.5A	Sefton's natural assets include the designated nature <b>and geological sites</b> and..... This complements legal duties and requirements for nature conservation set out in a range of legislation including the Natural Environment and Rural Communities (NERC) Act 2006 and the <b>Conservation of Habitats and Species Regulations 2010 as amended.</b>	A7.2	<b>Insert District's</b> natural assets include the designated nature sites and ... ..This complements legal duties and requirements for nature conservation set out in a range of legislation including the Natural Environment and Rural Communities (NERC) Act 2006 and the Habitats Regulations 2010 (as amended).	Sefton also refers specifically to geological sites. Full reference to the Conservation of Habitats and Species Regulations 2010 as amended in response to Natural England comments.
-	-	A7.3	The hierarchy of designated sites is: ...	See 11.6 below.
11.5B	The internationally important nature sites ...	A7.4	The internationally important nature sites	No difference
11.5C	11.5C The key priorities for nature and geology in the City Region are: ..... <ul style="list-style-type: none"> <li>To make sure there is no net loss of these natural assets and to extend and enhance the City Region's Ecological Network and natural assets <b>in line with the National Planning Policy Framework.</b></li> </ul>	A7.5	11.5C The key priorities for nature and geology in the City Region are: ..... <ul style="list-style-type: none"> <li>To make sure there is no net loss of these natural assets and to extend and enhance the City Region's Ecological Network and natural assets.</li> </ul>	Additional wording in response to Natural England's comments.
11.5D	The LCR Ecological Network draws ...	A7.6	The LCR Ecological Network draws ...	No difference
11.6	The hierarchical approach to these nature and geological sites and their significance is set by .....	-		Sefton specific wording, relates to A7.3 and A7.10
11.7	The local authorities in the City Region ...	A7.7	The local authorities in the City Region ...	No difference.
11.7A	The LCR Ecological Network ... Area.	A7.8	The LCR Ecological Network ... Area	No difference.
11.7	The local authorities in the City Region ... manage visitor pressure <b>on the Sefton coast and at other internationally important nature sites within the City Region</b> appropriately. More information about the hierarchical approach to the protection and enhancement of Sefton's designated sites, Priority Habitats, Priority Species and protected species,	A7.9	The local authorities in the City Region ... manage visitor pressure appropriately.	Sefton specific wording. Relates to A7.3 and A7.10 of the model policies.
		A7.10	More information about the hierarchical approach to the protection and enhancement of <b>insert District's</b> designated sites, Priority Habitats, Priority Species and protected species,	Included in SLP para 11.7

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	according to their designation and significance, is set out in Policy NH2.		according to their designation and significance, is set out in { <i>Development Management Policies</i> }	
NH2.1	Development which may result in a likely significant effect on an internationally important site must be accompanied by sufficient evidence to enable the Council to make a Habitats Regulations Assessment. Adverse effects should be avoided, <b>or where this is not possible they should be mitigated, to make sure</b> that the integrity of internationally important sites is protected. Development which may adversely affect the integrity of <i>internationally important sites</i> will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, and <b>where</b> suitable compensatory provision <b>has been made. Such mitigation or compensation must be identified before development commences. Any mitigation or compensation must be functional before any likely adverse effect arises and should be accompanied by a dedicated project related Habitats Regulations Assessment.</b> This also applies to sites and habitats outside the designated boundaries that support species listed as being important in the designations of the internationally important sites ( <b>i.e. supporting habitat</b> ).	DM1.1	Development which may result in a likely significant effect on an internationally important site must be accompanied by sufficient evidence to enable the Council to make a Habitats Regulations Assessment. Adverse effects should be avoided <b>and/or</b> mitigated to <b>ensure</b> that the integrity of internationally important sites is protected. Development which may adversely affect the integrity of internationally important sites will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest and suitable compensatory provision <b>is secured</b> . This also applies to sites and habitats outside the designated boundaries that support species listed as being important in the designations of the internationally important sites.	Minor wording differences in response to representations and comments made.
NH2.2	Development which may affect other designated sites of nature or geological conservation importance, Priority Habitats, legally protected species and / or Priority Species will be <b>permitted where it can be demonstrated that there is no</b>	DM1.2	Development which may affect other designated sites of nature or geological conservation importance, Priority Habitats, legally protected species and / or Priority Species will be <b>assessed as follows:</b>	Minor presentational differences remain.



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	significant harm.			
NH2.3	Development which may cause significant harm will only be permitted <b>in</b> : ..... •	DM1.3	Development which may cause significant harm will only be permitted <b>for</b> : ..... •	Minor wording difference, Sefton policy does not include acronyms, e.g. (SSSI).
NH2.4	Where it has been demonstrated that	DM1.4	Where it has been demonstrated that ...	No difference
NH2.5	Where significant harm ...	DM1.5	Where significant harm ...	No difference
NH2.6	Development proposals which affect sites ...	DM1.6	Development proposals which affect sites	No difference
NH2.7	Plan policies apply ...	DM1.7	Plan policies apply ...	No difference
11.17	In line with paragraph 117 of the National Planning Policy Framework, the LCR Ecological Network includes a Core Biodiversity Area of designated nature and geological sites and Priority Habitats, linking networks and opportunities for further habitat creation or enhancement. <b>Five of the seventeen Nature Improvement Area Focus Areas in the LCR are located wholly or partly in Sefton.</b> Within the Core Biodiversity Area in <b>Sefton</b> , there is a hierarchy of designated sites and habitats (see [appendix 2]):	A7.11	In line with paragraph 117 of the National Planning Policy Framework, the LCR Ecological Network includes a Core Biodiversity Area of designated nature and geological sites and Priority Habitats, linking networks and opportunities for further habitat creation or enhancement. There are seventeen Nature Improvement Area Focus Areas which together make up the LCR Nature Improvement Area.	Broadly no difference, although some Sefton-specific wording included and Sefton runs together model paras A7.11 and A7.12
11.17	a) Sites of international nature importance. <b>(This also applies to sites and habitats outside the designated boundaries that support species listed as being important in the designations of the internationally important sites – often termed ‘supporting habitat’ - for example feeding and roosting areas). In Sefton these are the Ribble &amp; Alt Estuaries Ramsar site and Special Protection Area (SPA), the Mersey Narrows &amp; North Wirral Foreshore Ramsar Site</b>	A7.12	Within the Core Biodiversity Area in <b>insert District</b> , there is a hierarchy of designated sites and habitats (see [appendix, SPD or Information Note at District’s discretion]): a) Sites of international nature importance; b) Sites of national nature and geological importance; and c) Sites of local nature and geological importance.	Greater local detail, clarification and local site examples provided within the given framework. Priority habitats added to Sefton’s list.

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	<p>and Special Protection Area and the Sefton Coast Special Area of Conservation (SAC). Sites outside Sefton include Liverpool Bay SPA and Manchester Mosses SAC</p> <p>b) Sites of national nature and geological importance, which in Sefton comprise Sites of Special Scientific Interest (SSSIs) and/or National Nature Reserves (NNRs) on the Sefton Coast</p> <p>c) Sites of local nature and geological importance, which in Sefton comprise Local Nature Reserves (LNRs), Local Wildlife Sites (LWSs) and Local Geological Sites (LGSs), and</p> <p>d) Priority habitats and species and legally protected species.</p>			
11.17A	The Core Biodiversity Area ... Further guidance will be made available in the emerging Nature Conservation SPD.	A7.13	The Core Biodiversity Area ...	No difference, except for Sefton reference to SPD.
11.17B	The Council, together with other public bodies ...	A17.14	The Council, together with other public bodies ..	No difference.
11.18	An Ecological Appraisal, which should be carried out by a suitably experienced ecologist, must support planning applications which affect sites of nature importance and / or Priority Habitats and Species. The details required are set out in the Nature Conservation SPD which the Council is currently preparing.	A7.15	An Ecological Appraisal, which should be carried out by a suitably competent ecologist must support planning applications which affect sites of nature importance and / or Priority Habitats and Species. The details required are set out in [appendix, SPD or information Note at District's discretion].	No difference. Minor wording change and capitals.
11.18A	Policy NH2 sets out the hierarchical ...	A7.16	Policy DM1 sets out the hierarchical ...	No difference.
11.18B	For each level of the hierarchy..... the policy also sets out the relative weight which will be given to	A7.17	For each level of the hierarchy..... the policy also sets out the relative weight which will be given to	Additional wording in response to Natural

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	the reasons for and the benefits of development and the impact on the nature conservation value of the site and its broader contribution to the LCR Ecological Network. <b>For Sites of Special Scientific Interest, significant harm includes adverse effects on the site's notified special interest features, in line with paragraph 118 of the Framework.</b> In such cases for each level of the hierarchy, the policy also sets out the approach to appropriate mitigation, replacement or other compensatory provision. The advice of suitably competent persons, such as ecologists, should be sought by applicants and the decision maker in relation to this policy. <b>The focus on significant harm and the approach regarding avoidance, mitigation, replacement or other compensatory provision to secure no net loss of biodiversity is in line with principles set out in the Framework, Planning Practice Guidance, Circular 06/2005 'Biodiversity and Geological Conservation' and 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services'.</b>		the reasons for and the benefits of development and the impact on the nature conservation value of the site and its broader contribution to the LCR Ecological Network. In such cases for each level of the hierarchy, the policy also sets out the approach to appropriate mitigation, replacement or other compensatory provision. The advice of suitably competent persons, such as ecologists, should be sought by applicants and the decision maker in relation to this policy.	England's comments.
11.18C	Policy NH2 also sets out ...	A7.18	Policy DM1 also sets out ...	No difference
11.18D	Development proposals and the decision ...	A7.19	Development proposals and the decision ...	No difference.
11.22A	In addition to these provisions ...	-	-	Sefton-specific paragraph.
11.26A	Section 3 of the policy sets out the approach ...	A7.20	Policy DM1 sets out the approach ...	No difference.
11.26B	It is important that the location ...	A7.21	It is important that the location ...	No difference.
11.26C	<b>Some proposed development sites have been identified as supporting species listed as being</b>	A7.22	More information ..... set out in [appendix , SPD or information Note at District's discretion ]. <b>For</b>	Text added to beginning of paragraph in response to

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	important in the designations of the internationally important sites. More information .... set out in the Nature Conservation SPD. In Sefton they include feeding and roosting areas for Pink-footed goose, swans and a range of wading birds, taking into account this sequential approach.		example in [District Name] they include feeding areas for pink-footed goose, swans and a range of wading birds, taking into account this sequential approach.	comments made. Additional wording towards end in response to Natural England’s comments.
11.27	To comply with the Habitats Regulations 2010 (as amended), compensation for internationally important sites must be made before development begins, as set out in the policy. More information is set out in the Habitats Regulations Assessment of the Local Plan. For other designated sites or species, mitigation, replacement or other compensation can take place as part of the development (during the development process). This compensation may be provided by the applicant direct, or through another person or organisation, such as a local land manager. It is sometimes termed ‘biodiversity offsetting’. The Nature Conservation SPD will include examples of how habitat for mitigation or compensation could be provided and managed.	A7.23	To comply with the Habitats Regulations 2010 (as amended), compensatory provision for internationally important sites must be made prior to the development commencing. For other sites or species, mitigation /compensation can be delivered as part of the development (during the development process). This compensation may be provided by the applicant directly, or through an organisation which is a land manager locally.	Sefton wording provides greater clarity and refers to the SPD.
11.28	Landowners and farmers in Sefton ...	-	-	Sefton-specific paragraph.
11.28A	The sequential approach ...	A7.24	The sequential approach ...	No difference.
11.28B	Policy NH3 ‘Development in ...	A7.25	Policy DM2 ‘Development in ...	No difference.
11.29	The Plan encourages opportunities.....	-	-	Sefton-specific paragraph.
11.31A	The Council will encourage opportunities for habitat enhancement within development proposals within the Nature Improvement Areas.	A7.26	The Council will encourage opportunities for habitat enhancement within development proposals within the NIAs. .... These	No substantial differences.

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	..... . These opportunities range, for example, from .... to <b>smaller scale habitat creation on</b> smaller sites (such as 'bat boxes', bulb planting).		opportunities range, for example, from ....to smaller sites (such as 'bat boxes', bulb planting).	
11.31B	<b>Sefton Council</b> owns or manages ...	A7.27	<b>Insert name</b> Council owns or manages ...	No difference.
11.31C	Additionally, there will be ...	A7.28	Additionally, there will be ...	No difference.
NH3	Development within the Nature.....	DM2	Development within the Nature ...	No difference.
11.32	This policy, together with other Plan policies.....			Sefton-specific paragraph.
11.33A	The LCR Nature Improvement Area, in line ...	A7.29	The LCR Nature Improvement Area, in line	No difference.
11.33B	NIA's have been proposed by Government ...	A7.30	NIA's have been proposed by Government	No difference.
11.33C	There are 17 NIA Focus Areas across ...	A7.31	There are 17 NIA Focus Areas across ...	No difference.
11.33D	<b>The NIA boundary will be kept up-to-date as part of the Local Plan evidence. This will enable future opportunities to be taken account of. Future reviews of the LCR Ecological Network will be in accordance with an agreed monitoring process.</b> Each NIA Focus Area has been mapped ...	A7.34	Each NIA Focus Area has been mapped ... <b>{insert web link to monitoring document}</b>	(number break in template) Sefton includes more detail.