



Maghull Neighbourhood Plan

Strategic Environmental Assessment Habitats Regulation Assessment

Screening Report Final

October 2017

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1. Introduction

- 1.1 This report has been produced to determine the need for a:
- Strategic Environmental Assessment (SEA) in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004
 - Habitat Regulations Assessment (HRA) in accordance with article 6 of the EC Habitats directive 1992, as interpreted by Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 as amended (the habitats regulations)

for the proposed Maghull Neighbourhood Plan.

2. Policy context

2.1. Neighbourhood planning gives communities the opportunity to direct the development of their areas through creating plans and policies. This was introduced by the 2011 Localism Act. Whilst this gives powers to local people to help shape the communities in which they live, policies within Neighbourhood Plans have to be in broad conformity to national planning policies and the strategic policies in the development plan for the area, in order to deliver sustainable development.

2.2. For the purposes of the emerging Maghull Town Council Neighbourhood Plan the key national and local policy context is as follows:

- National Planning Policy Framework
- National Planning Practice guidance
- Sefton Local Plan

2.3. The Council adopted the Sefton Local Plan (see www.sefton.gov.uk/localplan) at its meeting of the [Full Council on Thursday 20th April 2017](#). The objectively assessed land supply for housing and employment needs and the approach to selecting sites for housing and employment can therefore be considered up-to-date and its policies provide the policy context for the neighbourhood plan along with the National Planning Policy Framework.

3. Maghull Context

3.1. The Maghull Neighbourhood Plan area is situated on the northern edge of the Liverpool conurbation and, along with the Parish of Lydiate to the north, forms a distinct settlement area around Maghull District Centre as shown in Figure 1. The town is separated from the main urban area by a narrow corridor containing Switch Island and the M57 and M58 Motorways. It is bisected by the A59 dual carriageway which runs on a north / south axis.

3.2. The Neighbourhood Plan area is approximately 8.5 square kilometres, which is approximately 5.4% of the total area of Sefton. It does not quite correspond with the Parish Council area (see paragraph 4.1 below).

3.3. The historic core around Damfield Lane Conservation Area and Maghull Station is surrounded by residential estates built mainly in the 1960s, 1970s and 1980s. The residential areas are surrounded by Green Belt except to the north which is the boundary with Lydiate parish. There are several large sites in education and care institution use in the town, which contains a good number of open spaces. These are shown on Figure 1 and include the Ashworth Hospital

3.4. Around 31% of land in the Neighbourhood Plan area is designated as Green Belt. It is characterised by clusters of dwellings, smallholdings and farms separated by agricultural land.

3.5. The 2011 Census (adjusted to match the Neighbourhood Plan boundary) recorded a population of 19,965, approximately 7.5% of Sefton's total, living in 8,269 households. The population profile of the Neighbourhood Plan area is older than that of Sefton as a whole, with 25% of residents being 65 and over compared with a Sefton figure of 21%. Consequently there are slightly fewer people of working age (18-64) at 59% than in Sefton (60%) and only 17% of the area's population are aged 0-17 compared with the Sefton figure of 19%.

3.6. Across the area, 89% of homes are owner-occupied, higher than the Sefton average of 70%. The Strategic Market Housing Assessment for Sefton published in 2014 identified the need for affordable housing in Maghull was the highest in the Borough when measured as a proportion of existing households. The most common type of property is semi-detached (77%), followed by detached (16%) and few terraced properties and flats. The average property price in Maghull is around £160,000, just below the borough average of £185,000.¹

3.7. Maghull falls within the least deprived areas of Sefton with no areas within the 20% most deprived nationally². Around 58% of the population is of working age, which is close to the Sefton figure of 60% in Sefton, while nearly 25% are over 65, higher than the Sefton figure of 21%. Around 62% of the working age residents are in employment. Approximately two out of every five of the working population commute outside the borough to work in Liverpool and elsewhere within the City Region. The only employment area locally is located on Sefton Lane, to the west of the Neighbourhood Plan area.

3.8. As well as Maghull District Centre there are eight other small parades of local shops and services, including at Deyes Lane, Liverpool Road South and Treeview Court. There are a number of public houses, other commercial outlets and petrol stations within the urban area. There are 8 primary schools and 3 secondary schools, attracting pupils beyond the area. There are also 4 doctor's practices and 2 dental practices also serving the wider area.

3.9. The Leeds and Liverpool Canal is a strategic path that runs through the centre of the area, skirting Maghull town centre. The Cheshire Lines Path, also a strategic path and part of the Trans Pennine Trail passes through the western edge of the area. The M58 motorway passes along the eastern edge. Maghull is accessed via junction 1 which only currently has east facing slip-roads. However, the Council is currently pursuing the provision of the west facing slip-roads in conjunction with Highways England. North-south connections through the area are by the A59 dual carriage way. Connections east-west are more difficult via a twisting network of narrow roads that are further constrained by single-lane canal and railway crossings. The area is bisected by the Merseyrail Northern Line giving links to Liverpool to the south and Ormskirk to the north. Maghull station is located approximately 20 minutes' walk from the shopping centre. A new station is proposed at Maghull North which is due to open in late 2017. There are a number of public footpaths across the agricultural land and the Cheshire Lines Strategic Path also passes through the western edge of the area.

3.10. The agricultural land surrounding the urban area is predominantly Grade 1, 2 and 3a 'best and most versatile' agricultural land, with the exception of the land to the southwest of the town

¹ Authority Monitoring Report 2015-16 www.sefton.gov.uk/media/1253388/FINAL-AMR-2015_6.pdf

² Authority Monitoring Report 2015-16 www.sefton.gov.uk/media/1253388/FINAL-AMR-2015_6.pdf

which is Grade 3b (source: Sefton Agricultural Land Study (2012)³. The soils are loamy over clay, moderately to poorly drained with some deep sandy soils with a water table controlled by pump drainage and land drains. The Landscape Character Assessment of Sefton (2014)⁴ classes the majority of the agricultural area as 'settled farmland' with a small area of 'carr farmland' in the south-west of the area.

3.11. The area is in the Alt-Crossens catchment. It is bounded by Melling Brook to the south, Dovers Brook to the south-west and Maghull Brook to the north and north-west. Whinney Brook crosses west-east through the urban area and Upland Drain flows north through the agricultural land to the east. Land around Upland Drain, Dovers Brook, Whinney Brook to the east of the railway line, Maghull Brook, Suddell and Cuncough Brooks to the north and land to the east of the M58 motorway are at medium or high risk of flooding. More information can be found in the Strategic Flood Risk Assessment (2013)⁵ and on the Environment Agency web-site.

3.12. Heritage assets include ten Listed Buildings and structures. Six of these are located in the Damfield Lane Conservation Area, focused around the parish church of St Andrew and the 'Maghull Homes', a 19th Century epilepsy hospital site in the centre of the area. There is one Ancient Monument, 'Maghull Manor' a moated site in the east of the area.

3.13. The Liverpool City Region Ecological Framework⁶ sets out ecological and biodiversity information about the City Region's natural assets. Its purpose is to identify opportunities to enable better protection and management of those natural assets and at the same time, describes opportunities to create new natural assets. This identifies the 'core biodiversity area' which in the Maghull area includes Local Wildlife Sites east of the railway, wetland adjacent to Whinney Brook in the Damfield Lane Conservation Area and wetland and woodland along Sefton Lane.

3.14. The non-urban parts of the area are also important for farmland birds, especially corn bunting, grey partridge, lapwing and tree sparrow, and parts are potential 'supporting habitat' (or 'functionally linked habitat') for species for which the internationally important nature sites are designated, including pink-footed geese. These designated sites, habitats, priority habitats and species and protected species are subject to specific planning policies, set out in the National Planning Policy Framework, and online Planning Policy Guidance and the Sefton Local Plan.

4. Developing the Maghull Neighbourhood Plan

4.1. Maghull Town Council applied for the designation of the majority of their area as a Neighbourhood Area for the purpose of neighbourhood planning in April 2014 and consultation took place in June 2014. The proposed neighbourhood plan area was then amended to ensure the Local Plan policy MN3 Strategic Mixed Use Allocation – Land east of Maghull was in only one neighbourhood plan area.

4.2. Maghull Town Council resolved to include that part of their area that falls within the land east of Maghull site area but to exclude a small area which is in Melling parish within the Ashworth Hospital complex, in agreement with Melling Parish Council. Following a further period of consultation the revised Maghull Neighbourhood Plan Area was approved in February 2015 and is shown in Figure 1 above.

³ Examination Library (environmental evidence) <http://www.sefton.gov.uk/localplan>

⁴ Examination Library (environmental evidence) <http://www.sefton.gov.uk/localplan>

⁵ Examination Library (environmental evidence) <http://www.sefton.gov.uk/localplan>

⁶ www.activenaturalist.org.uk/lcren/

4.3. Early consultation was undertaken during 2014 and consultation activities continue, most recently in July 2017 at the MaghullFest which involved the residents of Maghull and the wider area. Feedback has helped the Parish Council to determine the objectives and scope of the Neighbourhood Plan⁷. Other background documents including a Character Assessment for Maghull are available from the link in footnote 7.

4.4. The draft vision, aims and objectives are as follows:

Draft Vision

Maghull Town Council's Vision for the future is that Maghull will continue to be an aspirational place to live and work. It will be a successful and vibrant place, where everyone has the opportunity to contribute to the town's economic, environmental and social development. Maghull is confident of its future and its place in the region whilst promoting learning, innovation, activity and sustainable development to benefit all residents.

Objectives:

- Promote retail activity in the town by supporting local, independent small and medium-sized enterprises;
- Ensure that infrastructure is improved in a manner suitable for any planned development within the area;
- Improve local community services and facilities;
- Create, maintain and improve an attractive mixture of green corridors and spaces and residential properties;
- Support housing development which meets identified needs where such housing is appropriate to its environment with good design features and usable public amenity green space for the benefit of all residents;
- Integrate the proposed development at the Land East of Maghull into the town as a cohesive unit.

5. Screening for Strategic Environment Assessment

5.1. The requirement for a Strategic Environment Assessment (SEA) is set out in the "Environmental Assessment of Plans and Programmes Regulations 2004". There is also practical guidance on applying European Directive 2001/42/EC produced by the ODPM (now DCLG). These documents have been used as the basis for this screening report.

5.2. Despite not requiring sustainability appraisal, Neighbourhood Plans may still require SEA. The ODPM practical guidance⁸ provides a checklist approach based on the SEA regulations to help determine whether SEA is required, see Figure 2. This guide has been used as the basis on which to assess the need for SEA as set out in Figure 3.

⁷ www.maghull-tc.gov.uk/Neighbourhood-Plan

⁸ www.gov.uk/government/uploads/system/uploads/attachment_data/file/7657/practicalguidesea.pdf

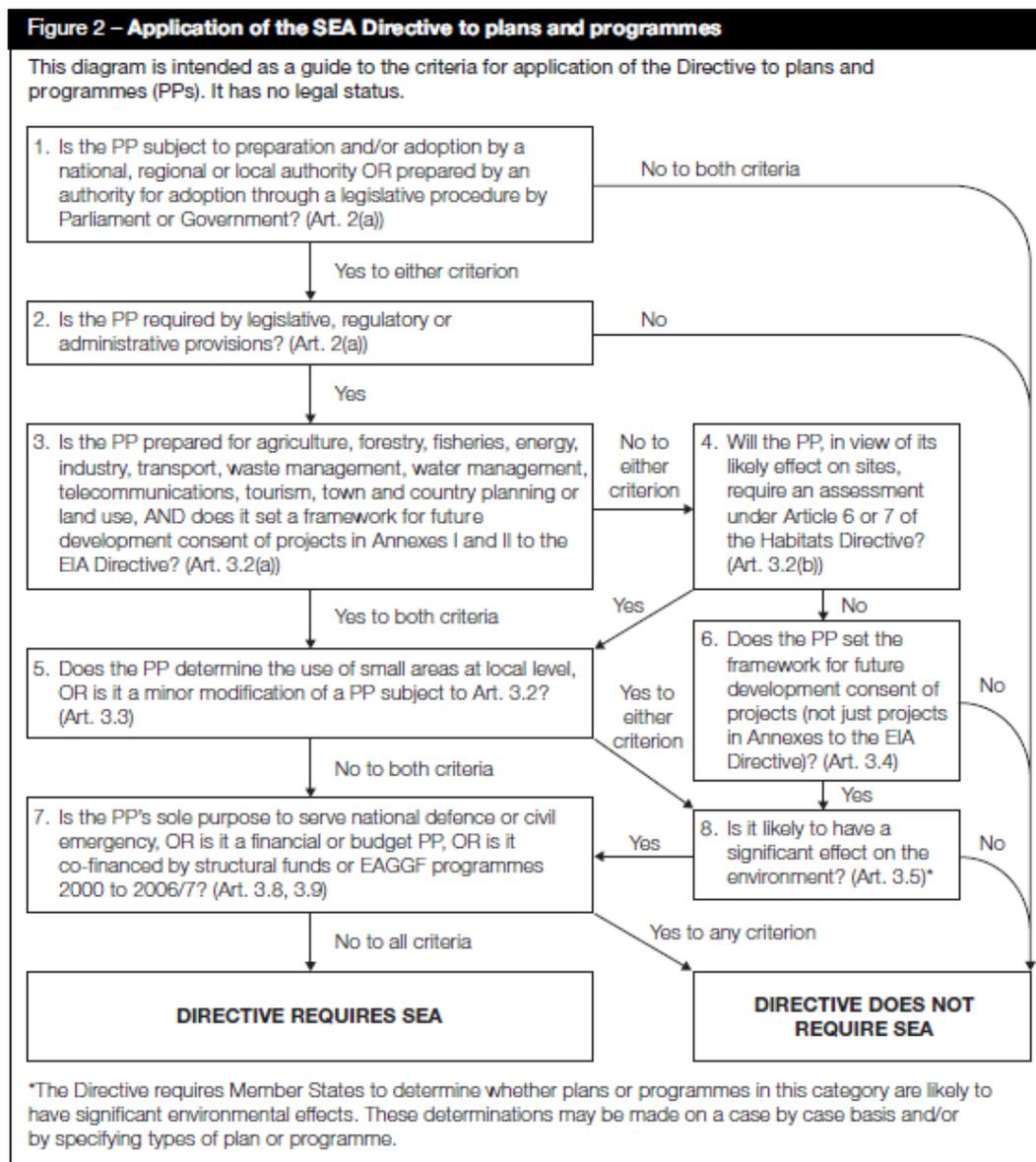


Figure 3: Establishing the need for SEA

| Stage [from the flowchart above] | Answer | Reason |
|---|--------|---|
| 1. Is the Neighbourhood Plan subject to preparation and/or adoption by a national, regional or local authority OR prepared by an authority for adoption through a legislative procedure by Parliament of Government? (Article 2(a)) | Yes | Neighbourhood Plan to be made [adopted] by Sefton Council following examination and referendum in accordance with the Localism Act 2011 and neighbourhood planning regulations. |
| 2. Is the Neighbourhood Plan required by legislative, regulatory or administrative provisions? (Article 2(a)) | Yes | The Neighbourhood Plan process was introduced by the Localism Act 2011 |
| 3. Is the Neighbourhood Plan prepared for agriculture, forestry, fisheries, energy, industry, transport, | No | The Neighbourhood Plan is for town and country planning purposes but does not set a framework for future development |

| Stage [from the flowchart above] | Answer | Reason |
|--|--------|---|
| waste management, water management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Art. 3.2(a)) | | consent of projects in Annexes I and II to the EIA Directive |
| 4. Will the Neighbourhood Plan, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? (Article 3.2(b)) | No | It is likely that a draft screening statement will conclude that an assessment under the Habitats Directive is not required (see section 7 below). This is because the parish is in the east of the borough away from the Internationally sensitive areas on the Sefton Coast, although it does contain areas that are suitable for species for which the internationally important sites are designated. |
| 6. Does the Neighbourhood Plan set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art.3.4) | Yes | Although the Local Plan will set the overall framework the Neighbourhood Plan will provide additional guidance on non-strategic policies, but will not alter the principle of development. |
| 8. Is it likely to have a significant effect on the environment? (Article 3.5) | No | The Neighbourhood Plan is unlikely to include any proposals that would have a significant impact on the environment. Please see paragraph 6.2 for further explanation. |
| The Neighbourhood Plan does not require a Strategic Environmental Assessment | | |

6. Conclusion and statement of reasons in relation to the need for SEA

6.1. The Neighbourhood Plan will provide additional detailed policies with a more local context than national guidance or the policies in the Local Plan, in broad conformity with national and local guidance/policies. In some cases, if there is evidence to support it, it is possible for a neighbourhood plan to replace a Local Plan policy.

6.2. The aims and objectives only cover elements related to issues at a local level, local facilities and design with impact over a relatively small geographical area. Although the Land East of Maghull site is 85.8 hectares, this site is fully defined in the Local Plan and the Neighbourhood Plan is not proposing any additional or alternative development allocations than the local plan. This site is the subject of a separate Supplementary Planning Document and a Strategic Environmental Assessment has been prepared for this site⁹. Therefore it is considered that the Neighbourhood Plan will not have any significant environmental impacts above those already assessed. It is therefore considered that a Strategic Environmental Assessment **is not required** for the proposed Maghull Neighbourhood Plan.

⁹ Available at www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/emerging-supplementary-planning-documents.aspx

6.3. The Council consulted with the three statutory environmental bodies on this screening report and the determination and their responses are summarised in the table below. All three are in broad agreement with the above conclusion, that a Strategic Environmental Assessment is not required for the proposed Maghull Neighbourhood Plan.

| | |
|--------------------|--|
| Environment Agency | We have no comments to make with regards to the councils conclusions. |
| Natural England | It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan. |
| Historic England | We note that the Plan appears to propose no site allocations/policies which would necessarily have significant environmental effects upon the historic environment and as such we concur that in this regard Strategic Environmental Assessment is not required. |

7. HRA Screening

7.1. The requirement for a Habitats Regulations Assessment (HRA) is in accordance with article 6 of the EC Habitats directive 1992, as interpreted by Regulation 61(1) of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations). An assessment of the “likely significant effects” of a plan or project on sites of international nature conservation importance (Natura 2000 sites) is required. This part of the document sets out Sefton Council’s screening of the Maghull Neighbourhood Plan in accordance with the Habitats Regulations.

7.2. The HRA report on the Publication Draft of the Sefton Local Plan (2015)¹⁰ was produced by AECOM (formerly URS) in January 2015 and assessed in combination effects taking into account other plans and projects, Local Plan site allocations and policies. This concluded that, with the changes recommended, the Sefton Local Plan would be compliant with the Habitats Regulations.

7.3. The Maghull Neighbourhood Plan needs to be in general conformity with the Local Plan. The relevant “parent policies” in the Local Plan are MN2 ‘Housing, Employment and Mixed Use Allocations’. One housing and one mixed-use site allocated under policy MN2 are relevant (see Figure 1):

- MN2.30 Former Prison Site, Park Lane, Maghull
- MN2.47 Land East of Maghull

7.4. Outline planning permission for 370 homes was granted on site MN2.30 in May 2014, before the Publication Draft of the Local Plan had been prepared.

7.5. The Land East of Maghull site was ‘Screened in’ the Habitats Regulations Assessment of the Local Plan Publication Draft (2015). The ‘Test of Likely Significant Effects’ (TOLSE) in Appendix 1 of the HRA Report indicates that the main impact pathways for the sites are disturbance and recreational pressure and loss of supporting habitat. An extract from Appendix 1 of the HRA report of the Publication Draft Local Plan is shown below in Figure 4. The proposed modifications to the Local Plan¹¹ have also been subject to HRA, also prepared by AECOM (June 2016). This report did not make a further assessment of these sites.

7.6. The Conclusion of the HRA Report (Section 11.1) made clear that:

“Sites which have been ‘screened in’ will need to be covered by a site-specific HRA accompanying the planning application, and text included in the Local Plan setting out the requirement to provide appropriate protection to the integrity of the SPA/Ramsar site bird population.”

In effect therefore, the HRA of the Local Plan accepted that for this (and some other) sites, HRA issues could be devolved to the planning application stage.

7.7. The Neighbourhood Plan does not propose to allocate any further sites for development. Although the Land East of Maghull site is 85.8 hectares, this site is fully defined in the Local Plan and the Neighbourhood Plan is not proposing any additional or alternative development

¹⁰ Available in the Examination Library (environmental evidence) <http://www.sefton.gov.uk/localplan>

¹¹ see www.sefton.gov.uk/mods

allocations than the local plan. This site is the subject of a separate Supplementary Planning Document and a Strategic Environmental Assessment has been prepared for this site¹².

Figure 4 Extract from Appendix 1 of Habitats Regulations Assessment of the Sefton Local Plan (Publication Version) (AECOM, formerly URS 2015)¹³.

| Proposed Site Allocation Number | No of Houses/ Employment use | Recreational Pressure | Other forms of disturbance | Coastal Squeeze | Loss of land outside of SPA/Ramsar with value to designated species | Initial Test Of Likely Significant Effects (TOLSE) (stand-alone) |
|---------------------------------|--|--|--|---|---|--|
| MN2.47 Land East of Maghull | Mixed use including a minimum of 1,400 dwellings | Located 9km from SAC/SPA/Ramsar so only cumulative impact when all development sites are considered together | Bird species for which SPA and Ramsar are designated may be present and could be adversely affected/displaced if/when using the site which would be of importance for the SPA/Ramsar population if non-breeding season bird surveys confirmed that this parcel constituted a significant area of supporting habitat. | No – too far from the coast for this to be a realistic impact pathway | Located within an area of sensitivity for pink-footed goose, although the Lancashire Bird Atlas indicates that the main concentrations of the species in Sefton are further north-west. Aerial photographs and reports submitted by the proponent for surveys undertaken in 2010 indicate current land use is agriculture which is likely to be suitable habitat. Non breeding season bird surveys would be required to confirm their presence. | Screened in. |

¹² Available at www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/emerging-supplementary-planning-documents.aspx

¹³ Available in the Examination Library (environmental evidence) <http://www.sefton.gov.uk/localplan>

- 7.8. The following Natura 2000 sites (illustrated in Appendix A) are located within Sefton:
- Sefton Coast SAC
 - Ribble and Alt Estuaries SPA and Ramsar site
 - Mersey Narrows & North Wirral Foreshore SPA and Ramsar site (small part of site is at Seaforth Nature Reserve, the rest is approx. 1km+ away on Wirral).

7.9. In addition the following Natura 2000 sites are located outside of Sefton but were “screened in” to the HRA of the Local Plan publication draft.

- Liverpool Bay SPA
- Manchester Mosses SAC

However, Sefton’s Local Plan HRA Report concluded that Sefton is not adjacent to the M62; that the Local Plan includes proportionate measures to minimise its contribution to M62 vehicle movements; and that Sefton’s effect on atmospheric nitrogen deposition on Manchester Mosses SAC is effectively inconsequential. Thus this site is not considered further in this HRA screening document.

7.10. An assessment of potential pathways for impacts to the Natura 2000 site taking into account the HRA of the Publication version of the Local Plan is assessed below.

Figure 5: Assessment of likely significant effects (taking into account the HRA Reports for Publication Draft Local Plan (2015) and Local Plan Proposed Modifications (2016))

| Potential pathway and Natura 2000 sites affected | HRA assessment regarding likely significant effects | Further comments |
|---|---|--|
| Recreational pressure / disturbance <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA & Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site • Liverpool Bay SPA (in-combination disturbance of birds through increase in ship movements and recreational pressure) | No significant impacts. | The Neighbourhood Plan (Neighbourhood Plan) will have no additional impacts compared to its parent policy MN2 ‘Housing, employment and mixed use allocations’ which allocates two sites for housing development, one of which already had planning permission by the time the Publication Draft of the Local Plan had been prepared. Although the remaining site was ‘screened in’, the HRA of the Local Plan accepted that assessment of HRA issues could be devolved to the planning application stage. The NP has no influence on ship movements. |
| Disturbance to qualifying species <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site | No significant impacts. | The NP will have no additional impacts compared to its parent policy MN2 ‘Housing, employment and mixed use allocations’ which allocates two sites for housing development, one of which already had planning |

| Potential pathway and Natura 2000 sites affected | HRA assessment regarding likely significant effects | Further comments |
|--|---|---|
| | | <p>permission by the time the Publication Draft of the Local Plan had been prepared. Although the remaining site was 'screened in', the HRA of the Local Plan accepted that assessment of HRA issues could be devolved to the planning application stage.</p> |
| <p>Coastal squeeze</p> <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site | <p>No significant impacts.</p> | <p>The NP will have no additional impacts compared to its parent policy MN2 'Housing, employment and mixed use allocations' which allocates two sites for housing development, one of which already had planning permission by the time the Publication Draft of the Local Plan had been prepared. Although the remaining site was 'screened in', the HRA of the Local Plan accepted that assessment of HRA issues could be devolved to the planning application stage.</p> |
| <p>Direct habitat loss through expansion of the Port at Seaforth</p> <ul style="list-style-type: none"> • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site | <p>No significant impacts</p> | <p>The NP has no influence on Port expansion.</p> |
| <p>Direct habitat loss through mineral extraction</p> <ul style="list-style-type: none"> • Ribble and Alt Estuaries SPA and Ramsar site. | <p>No significant impacts</p> | <p>The NP has no influence on minerals expansion.</p> |
| <p>Loss of habitat / supporting habitat outside the <i>Natura 2000</i> site boundary</p> <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site | <p>No significant impacts</p> | <p>The NP will have no additional impacts compared to its parent policy MN2 'Housing, employment and mixed use allocations' which allocates two sites for housing development, one of which already had planning permission by the time the Publication Draft of the Local Plan had been prepared. Although the remaining site was 'screened in', the HRA of the Local Plan accepted that</p> |

| Potential pathway and Natura 2000 sites affected | HRA assessment regarding likely significant effects | Further comments |
|--|---|---|
| | | assessment of HRA issues could be devolved to the planning application stage. |
| Reduction in water quality <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site • Liverpool Bay SPA - potential for 'in combination' effects with other plans and projects (through sewage effluent discharges). | No significant impacts | The NP will have no additional impacts compared to its parent policies. |
| Reduction in air quality <ul style="list-style-type: none"> • Sefton Coast SAC • Ribble and Alt Estuaries SPA and Ramsar site • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site | No significant impacts | The NP will have no additional impacts compared to its parent policies. |
| Mineral extraction <ul style="list-style-type: none"> • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site | No significant impacts | The NP has no influence on minerals expansion. |
| Dredging and disturbance of sediments/benthic habitats <ul style="list-style-type: none"> • Mersey Narrows & North Wirral Foreshore SPA and Ramsar site • Liverpool Bay SPA (following Port expansion) | No significant impacts | The NP has no influence on dredging or disturbance of benthic habitats, or on Port expansion. |

7.11. The Neighbourhood Plan is unlikely to have any significant effects on a SAC or SPA (Natura 2000 sites) above and beyond any significant effects that the Local Plan is likely to have, either individually or in combination with other plans and projects. While the Local Plan land allocation which did not have planning permission for residential development at the Publication Draft stage in the Maghull area was 'screened in' in the HRA of the Local Plan in effect, this HRA accepted that for this (and other) sites, HRA issues could be devolved to the planning application stage. The Local Plan makes clear that this is the case.

7.12. If a project level HRA were to find that development proposals were likely to affect supporting habitat, it is considered that Local Plan policy MN3 'Land east of Maghull' supported by policy NH2 'Protection of nature sites, priority habitats and species' and its explanation, the emerging Nature Conservation SPD and the emerging Land East of Maghull SPD and the required Masterplan, will set out a robust, deliverable framework which would secure mitigation, and as a last resort, compensation for any development affecting this site.

7.13. Part 1 of policy NH2 'Protection of nature sites, priority habitats and species', which has been subject to HRA and assessed as having "no implications", requires any development which may result in a likely significant effect on an internationally important site or supporting habitat to be accompanied by sufficient evidence to enable the Council to make a Habitats Regulations assessment. This will be relevant to development in the area covered by the Maghull Neighbourhood Plan. Part 1 of policy NH2 says that:

"Adverse effects should be avoided, or where this is not possible they should be mitigated, to make sure 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 where suitable compensatory provision 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. 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 (i.e. supporting habitat)".

7.14. Section 3 of policy NH2 'Protection of nature sites, priority habitats and species' sets out the approach to avoidance, mitigation, and as a last resort, compensation. The emerging Nature Conservation Supplementary Planning Document (SPD) provides further guidance on mitigation, compensation and enhancement for Natura 2000 sites and supporting habitats including how habitat for mitigation or compensation could be provided and managed. The Nature Conservation SPD¹⁴ was 'screened out' for HRA and SEA in 2015.

7.15. In addition, Local Plan policy MN3 'Land east of Maghull' requires the provision of a main park either side of Whinney Brook which must incorporate new habitat creation, in line with policy EQ9 'Provision of public open space, strategic paths and trees' and the requirements of the Land East of Maghull SPD. This confirms the new main park should be at least 6 hectares in size, landscaped to a high standard and incorporating flood risk mitigation associated with Whinney Brook and these features are to be shown on the required Masterplan. Providing new open space helps offset the recreational pressure on the internationally important sites on the Sefton Coast. Sefton Council's management of its parks and playing fields also encourages use of sites away from the Coast. This is acknowledged in paragraph 10.74 of the explanation to policy EQ9.

7.16. Policy MN3 requires open space to be provided and this will be fully detailed in the masterplan that is required for the site. The Neighbourhood Plan may add further details but will not affect the requirement. It is intended this open space, away from sensitive coastal areas, will have the effect of reducing pressure on the more sensitive areas. It is therefore considered the Maghull Neighbourhood Plan will not require a Habitats Regulations Assessment.

8. Conclusion and statement of reasons in relation to the need for HRA

8.1. The Maghull Neighbourhood Plan will enable local people to help shape the communities in which they live. The policies within Neighbourhood Plans have to be in broad conformity to national and local authority planning policies. The Maghull Neighbourhood Plan is not intending to allocate more land for development than is already identified in the Local Plan.

¹⁴ www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/emerging-supplementary-planning-documents.aspx

8.2. The Local Plan allocations have been subject to HRA at Publication Draft (January 2015) and Proposed Modifications (June 2016) stages. The HRA report on the the Publication Draft concluded that, with the changes recommended, the Sefton Local Plan would be compliant with the Habitats Regulations. The HRA report on the the Proposed Modifications led to a small number of clarifications and wording changes to the explanation of the policies in Local Plan. It concluded that, with these changes, the Proposed Modifications to the Sefton Local Plan are compliant with the Conservation of Habitats and Species Regulations 2010 as amended.

8.3. In effect, the HRA of the Local Plan accepted that for these (and other) sites allocated in the Local Plan, HRA issues could be devolved to the planning application stage. The Local Plan makes clear that this is the case, in policy NH2 and its explanation and Appendix 1. In Appendix 1 the site proposed for housing development in the Maghull Neighbourhood Plan area requires sufficient information to be provided with the planning application to enable the Council to make a Habitats Regulations Assessment. The Neighbourhood Plan does not propose to allocate any further sites and there are no significant effects on Natura 2000 sites in Sefton.

8.4. On the basis of the above information, Sefton Council is of the opinion and concludes that the proposed plan to which this screening opinion relates – the Maghull Neighbourhood Plan:

a) is not directly connected with or necessary to the management of the site,

b) is not likely to have a significant effect on each of the following sites:

- Ribble and Alt Estuaries Ramsar site
- Ribble and Alt Estuaries Special Protection Area (SPA)
- Sefton Coast Special Area of Conservation (SAC)
- Mersey Narrows and North Wirral Foreshore Ramsar site
- Mersey Narrows and North Wirral Foreshore Special Protection Area (SPA)
- Liverpool Bay SPA
- Manchester Mosses SPA

either alone or in combination with other plans or projects.

8.5. Accordingly, **“appropriate assessment” is not required** to be made under Regulations 61, 62 and 63 of the Conservation (Natural Habitats &c) Regulations (as amended) before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.

9. Consultation

9.1. The Council consulted with Natural England, the statutory body for the purposes of HRA Screening. Their response is provided in the table below and concluded that Habitat Regulations Assessment is not required unless the Maghull Neighbourhood Plan proposes to allocate additional land for development. If this is the case then rescreening will be required.

| Statutory Body | Comments |
|-----------------|---|
| Natural England | We have checked our records and based on the information provided, we can confirm that in our view the proposals contained within the plan will not have significant effects on sensitive sites that Natural England has a statutory duty to protect. We are not aware of significant populations of protected species which are likely to |

| | |
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| | be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected. |
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Appendix A: Natura 2000 sites in and adjacent to Sefton

