

Nature Conservation

Supplementary Planning Document



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Nature Conservation Supplementary Planning Document September 2017

1. Purpose of the SPD.....	4
2. Overview of Sefton’s Natural Assets	6
3. Planning Applications and other consents – How Sefton considers Natural Assets in taking decisions.....	10
4. How the implementation of the Policies will be monitored.....	25
Glossary.....	26
Appendices	31
Appendix 1 Sources of Information and web resources.....	32
Appendix 2 Sefton’s Natural Assets.....	33
a) Internationally important nature sites	33
b) Nationally important nature sites	33
c) Locally important nature sites	34
d) Priority and Protected Habitats	36
e) Priority and Protected Species	37
Appendix 3 Invasive Species	38
Appendix 4 Red squirrel Refuge and Buffer Zone and suitable trees and shrubs for planting.....	39
Appendix 5: Sefton’s Responsibilities and Duties	41

1. Purpose of the Supplementary Planning Document

- 1.1 The aim of the Supplementary Planning Document (SPD) is to provide clear guidance to applicants, developers and other stakeholders on how the Council will deal with planning applications which may result in a likely significant effect on an internationally important nature site or which may affect other designated sites of nature and/or geological conservation importance, Priority Habitats, legally protected species and/or Priority Species, including invasive species. This includes how an applicant could meet their responsibility to avoid harm, deliver mitigation and/or compensatory provision. Please refer to the glossary for definition of the above terms.
- 1.2 Sefton has a wealth of natural assets that have been recognised for their importance and function locally, nationally and internationally. These include the Sefton Coast, the agricultural hinterland, wetlands (including rivers, watercourses, canals, and ponds), grasslands and woodlands, which also provide habitats for significant populations of plants and animals. Many of these natural assets do extend further than the boundary of the Sefton's Local Plan and, through the Duty to Co-operate, natural assets have been recognised and accepted as a strategic matter for co-operation with neighbouring Local Authorities in the Liverpool City Region and West Lancashire.
- 1.3 The Sefton Local Plan has three policies that reflect the range of natural assets¹ that are present in Sefton and this SPD provides guidance on how these policies will be implemented. The policies are:
- NH1 Natural Assets;
 - NH2 Nature; *and*
 - NH3 Development in the Nature Improvement Area.
- 1.4 The SPD provides examples of how applicants can incorporate biodiversity into their proposals firstly by avoiding harm or, if this is not possible, mitigating harm or, as a last resort, compensating for harm. These examples take a reasonable, proportionate and compliant approach. Survey standards and requirements, information needed to support an application and links to publicly accessible information are also included. The SPD identifies delivery mechanisms to protect and improve natural assets, biodiversity and the Liverpool City Region Ecological Network² - <http://www.activenaturalist.org.uk/lcren/>.
- 1.5 This SPD also includes guidance on the relationship with and requirements of the Habitats Regulations³, together with other legislative requirements such as for invasive species and implementation of ecological networks. This includes guidance

¹ This SPD focuses on natural habitats; designated sites, species and the Liverpool City Region Ecological Network. It does not provide specific guidance on the ability of the undeveloped coast to form a natural sea defence, wider green infrastructure or rural landscape. The proposed Open Space SPD is more directly linked to green infrastructure.

² Liverpool City Region Ecological Network. 2015. An ecological network of natural assets and the links between them, together with a Nature Improvement Area. Further detail in Sefton's Local Plan 'evidence and studies'.

³ HM Government. 2010. The Conservation of Habitats and Species Regulations 2010. Statutory Instrument 2010 No. 490.

on mitigation for increased recreation pressure on the Sefton Coast resulting from new housing development arising from policy NH2 of the Local Plan and its HRA reports which can be found at [https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications-and-neighbourhood-planning/evidence-and-studies/environmental-\(local-plan\).aspx](https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications-and-neighbourhood-planning/evidence-and-studies/environmental-(local-plan).aspx) .

- 1.6 Sefton is a statutory consultee on Nationally Significant Infrastructure Projects (NSIPs)⁴. The SPD provides guidance to inform Sefton's responses as a consultee to the Planning Inspectorate, where NSIPs may affect natural assets, biodiversity, designated sites and the LCR Ecological Network.
- 1.7 This SPD provides guidance on the relationship between a General Permitted Development Order's Permitted Development Rights and the Habitats Regulations. It also provides guidance where an applicant seeks Prior Notification or Prior Approval for demolition through Permitted Development Rights under a General Permitted Development Order. A demolition method statement that takes account of protected species, where affected, will be required.
- 1.8 This SPD is not a nature conservation strategy or an action plan for biodiversity in Sefton.

⁴ Under The Planning Act 2008, nationally significant infrastructure projects (NSIPs) are large scale projects falling into five general categories (Energy, Transport, Water, Wastewater and Waste).

2. Overview of Sefton's Natural Assets

- 2.1 Sefton has a wide range of natural assets including habitats, plants and animals. The Sefton coast is of international importance for its sand dune and salt marsh habitats. Some of these plants and animals are very special as they are only found in the UK and the Sefton coast provides a refuge for species such as Isle of Man Cabbage, Dune Helleborine and the Sandhill rustic moth.
- 2.2 The Sefton coast and estuaries form part of an international network of important sites for birds and the agricultural land is a key part of that network because it provides habitat that is functionally-linked (see glossary) to the internationally important nature sites. Many of the wild geese and swans, curlew, lapwing and golden plover, among other birds, are as dependent on the agricultural hinterland for feeding as they are on the land within boundaries of the internationally important nature sites.
- 2.3 The woodland plantations on the coast and other large areas of woodland and wooded estates set in an agricultural landscape such as in North Meols, Ince Blundell and Little Crosby are also important refuges for red squirrel, bats, breeding birds and farmland mammals such as brown hare.
- 2.4 Sefton is predominantly low-lying and is criss-crossed by rivers, brooks and ditches such as the River Alt, Downholland Brook, Three Pools Waterway, Hunts Brook and Sandy Brook which drain the agricultural and urban landscapes. Due to the nature of the ditches and wetlands and the pumped catchment, water vole has thrived in Sefton. Other mammals such as otter are also making a comeback.
- 2.5 Large grassland areas such as the Southport Old Links Golf Course and the Rimrose Valley are significant habitats that support a number of species such as brown hare, skylark and barn owl.
- 2.6 Further details can be found at <http://www.merseysidebiodiversity.org.uk/> , <http://www.activenaturalist.org.uk/lcren/> and <http://www.activenaturalist.org.uk/mbb/>.

Sites

- 2.7 Sefton has a wealth of designated sites of international, national and local importance as set out in Appendix 2. These include:
- 6 internationally designated sites, all are coastal in nature and include estuaries, sand dunes, salt marshes, beaches and mud flats;
 - 7 nationally designated sites;
 - 3 Local Nature Reserves;
 - 56 Local Wildlife Sites; and
 - 12 Local Geological Sites.
- 2.8 Locations of these sites and other natural assets can be found at <http://www.activenaturalist.org.uk/lcren/> and <http://www.magic.gov.uk/>.

2.9 Many of the boundaries of these designated sites overlap, particularly along the coast, as the reasons for designation differ⁵. All the sites are shown on the Sefton Local Plan Policies Map. All designated sites are a material consideration in determining planning applications in accordance with the National Planning Policy Framework.

Habitats

2.10 Priority habitats which have specific legal or policy protection are identified in 3 distinct ways⁶:

- i. Habitats that are listed under the Habitats Directive⁷ as Annex 1 Priority Habitats. There are 5 Annex 1 Priority Habitats in Sefton which are listed in Appendix 2. These are internationally important habitats.
- ii. Priority Habitats are habitats of principal importance under section 41 of the Natural Environment and Rural Communities Act (HM Government, 2006). These may be within designated sites or outside designated sites, the list of Priority Habitats is maintained by Natural England and is agreed with the Secretary of State. Those present in Sefton are listed in Appendix 2. These are nationally important habitats.
- iii. Priority habitats set out in the North Merseyside Biodiversity Action Plan. Sefton has 14 of these priority habitats, as listed in Appendix 2. These are locally important habitats.

2.11 There is a single Ancient semi-natural woodland in Lydiate, Sefton, which is included in the 'Lowland mixed deciduous woodland and Wet woodland Priority Habitats' under ii) above. Ancient semi-natural woodland is considered to be irreplaceable and every effort is to be made to avoid harm to it⁸.

Species

2.12 Priority Species are identified in 3 distinct ways⁹. More details are set out in Appendix 2.

- i. Priority Species listed on Annex II and Annex IV of the Habitats Directive. There are 16 of these Priority Species in Sefton. These are internationally important species.
- ii. Priority Species which are species of principal importance, under section 41 of the Natural Environment and Rural Communities Act (HM Government, 2006). They may be within designated sites or outside designated sites.

⁵ Each type of designated site is assessed against a series of selection criteria; as the selection criteria differ at the different scales (e.g. international, national, local) the reasons for qualification as a designated site differ although sites may have the same name and the same designated boundary.

⁶ Each type of Priority habitat is assessed against a set of selection criteria for international, national and local importance. The levels of importance may overlap where the habitats are present.

⁷ Council Directive 92/43/EEC on the conservation of natural habitats and wild fauna and flora

⁸ http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/#paragraph_021

⁹ Each type of Priority Species is assessed against a set of selection criteria for international, national and local importance. The levels of importance may overlap where the species are present.

There are 155 Priority Species in Sefton. These are nationally important species and can be accessed at <http://jncc.defra.gov.uk/page-5717>.

- iii. Priority species set out in the North Merseyside Biodiversity Action Plan. There are 28 of these Priority species in Sefton. These are locally important species.

2.13 Legally protected species receive special protection for a variety of reasons such as rarity, persecution and habitat destruction. Sefton currently has 111 legally protected species. Many of these are also Priority Species. Legally protected species may be identified internationally and protected through UK legislation or be nationally protected through UK legislation.

2.14 The protected and/or Priority Species most commonly found within or near to development sites in Sefton include:

- Amphibians (including Great crested newt and Natterjack toad);
- Barn owl;
- Bats;
- Breeding birds;
- Common lizard;
- Eel;
- English Bluebell;
- Red squirrel;
- Sand lizard;
- Water vole.

Geological Assets

2.15 Sefton has a number of sites designated for their geological interest linked to the way that water and wind have shaped the coastline and resulted in sand flats and also, the way water has shaped and moulded our rivers and flood plains.

Information to help applicants

2.16 Information sources about Sefton's natural assets, the legislative and policy framework to help inform planning proposals are set out in Appendix 1.

2.17 The designated sites, Priority Habitats, Priority Species and legally protected species referred to above are part of Sefton's current natural assets and may change during the Local Plan period. The web resources above and Appendix 1 should be consulted prior to submitting a planning application as they may be updated during the Local Plan period.

Invasive Species

2.18 There are a number of species that are not 'natural assets' but are problematic, from biodiversity, planning development, amenity and management points of view, e.g. Japanese knotweed. Many of these species are non-native and have been introduced or have escaped from gardens. These are known as 'invasive species'

and it is a legal requirement to prevent their spread into the wild. See paragraphs 3.42 to 3.44 inclusive and Appendix 3.

The Liverpool City Region Ecological Network

- 2.19 The local authorities in the Liverpool City Region have worked together to plan for biodiversity and natural assets at a landscape-scale. The local authorities are Halton, Knowsley, Liverpool, St Helens, Sefton and Wirral.
- 2.20 The jointly prepared Liverpool City Region Ecological Network sets out a Core Biodiversity Area (designated nature and geological sites and Priority Habitats) and a Nature Improvement Area (strategic and district priorities for protection, management and enhancement of the City Region's natural assets including designated sites, Priority Habitats, Priority Species and legally protected species, linear features and stepping stone sites) and acts as a City Region wide evidence base.
- 2.21 The Nature Improvement Area comprises 17 Focus Areas and for each Focus Area there is a profile description which identifies the habitat management and creation opportunities within that Focus Area. Focus Areas 1, 2, 3, 4 and 10 apply to Sefton, see <http://www.activenaturalist.org.uk/lcren/mdocuments-library/?mdocs-cat=mdocs-cat-2>

Review of the Sefton Coast Plan

- 2.22 The Sefton Coast Landscape Partnership is currently reviewing the Sefton Coast Plan. Consultation on the draft Sefton Coast Plan took place in early 2017. The refreshed Sefton Coast Plan, together with its proposed Nature Conservation Strategy and proposed Visitor Management Strategy for the internationally important nature sites for the Liverpool City Region should offer strategic habitat, visitor and recreation management and creation opportunities and solutions. These will be supported by a clear delivery plan for implementation from 2018/19 onwards, to avoid and mitigate harm (paragraphs 3.24 – 3.29).

3. Planning Applications and other consents – How Sefton considers Natural Assets in taking decisions

Policy context – an overview

- 3.1 The policy framework is set by legislation (see Appendix 5), the National Planning Policy Framework, Planning Practice Guidance, Circular 06/2005 and Local Plan policies NH1, NH2 and NH3. Circular 06/2005 provides further guidance on statutory obligations for biodiversity and geological conservation and their relationship with the land use planning system.
- 3.2 While section 11 of the National Planning Policy Framework deals with conserving and enhancing the natural environment, paragraph 118¹⁰ sets out the principles which local planning authorities, such as Sefton Council, should follow when determining planning applications.
- 3.3 Planning Practice Guidance sets out how biodiversity should be taken into account in preparing a planning application. This says that¹¹:

“Information on biodiversity impacts and opportunities should inform all stages of, development including, for instance, site selection and design including any pre-application consultation as well as the application itself. An ecological survey will be necessary in advance of a planning application if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. Pre-application discussion can help scope whether this is the case and, if so, the survey work required.

Where an Environmental Impact Assessment is not needed it might still be appropriate to undertake an ecological survey, for example, where protected species may be present. Separate guidance is to be published by Defra on statutory obligations in regard to protected species which will replace the advice set out in Circular 06/05: Biodiversity and Geological Conservation.

Local planning authorities should only require ecological surveys where clearly justified; for example, if they consider there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity. Further guidance on information requirements is set out in making an application.

Planning conditions, legal agreements or undertakings may be appropriate in order to provide for monitoring and/or biodiversity management plans where these are needed.”

¹⁰ http://planningguidance.communities.gov.uk/blog/policy/achieving-sustainable-development/delivering-sustainable-development/11-conserving-and-enhancing-the-natural-environment/#paragraph_118

¹¹ Paragraph: 016 Reference ID: 8-016-20140612
<http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure>. This version includes further weblinks.

The need for early discussions with the Council

- 3.4 Applicants will need to seek views from a suitably experienced ecologist at an early stage where there may be biodiversity issues to be considered as part of the development proposal including Habitats Regulations Assessment (HRA). Biodiversity considerations may extend beyond the boundary of the development site. This is because an ecological appraisal and survey information is required at the same time as a planning application is submitted. In some cases, such surveys may only be able to be carried out at certain times of year, so applicants need to be aware of this as early as possible in the development process.
- 3.5 The Council offers a pre-application service where applicants can obtain advice from Planning Officers (including technical non-planning advice) before a planning application is submitted. Pre-application discussions are encouraged and can provide an opportunity to address potential issues before submitting your application, thereby reducing the chances of your planning application being refused or delayed. There is a charge for this service and details can be found at <http://www.sefton.gov.uk/planning-building-control/apply-for-planning-permission/pre-application-advice-on-development-proposals.aspx> .
- 3.6 Ecological issues are not covered as part of Sefton's pre-application service, and applicants should contact MEAS directly for pre-application advice. There is a charge for this service and details can be found at <http://www.meas.org.uk/media/6879/I-want-MEAS-Pre-app-Advice.pdf>. This will include the scope of ecological survey and appraisal required to support a planning application and the potential for incorporating biodiversity into the proposal as part of mitigation and/or compensation. Applicants will be directed to sources of information that can help inform the design and layout of the proposal. This information will assist the applicant or their ecological consultant to provide the right information when the planning application is submitted to help in determining the application.

Evidence-based decision-taking

- 3.7 This section sets out how biodiversity and natural assets can be integrated into the planning application process. Many planning applications can impact on biodiversity in some way through:
- Direct loss of habitats and species;
 - Reduction in value of habitats and their ability to support the species that depend on them;
 - Destruction, degradation, maintenance, enhancement, restoration and/or creation of ecological network functionality.
- 3.8 It is essential that the potential benefits and negative impacts of a proposal on biodiversity are carefully considered before a development scheme is designed and before a planning application is submitted. To inform that consideration, evidence is required. **The evidence should be proportionate to the issues but should include relevant surveys, be undertaken at an appropriate time by suitable qualified, experienced and, where needed, appropriately licensed, ecological**

surveyors. The outcome of the surveys should be included in an 'ecological appraisal'. Information sources to inform surveys are listed in Appendix 1.

When is an Ecological Appraisal required?

3.9 Ecological appraisals are required by policies in the emerging Local Plan:

Local Plan policy NH2 part 1 requires sufficient evidence to be submitted when "*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.*" More information is set out in the explanation to policy NH2, site specific policies MN3, MN6 and MN6A, policies HC5 'Planning for gypsies and travellers' and MN8 'Safeguarded land' and Appendix 1 of the Local Plan and especially in the HRA reports of the Local Plan (see [https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications-and-neighbourhood-planning/evidence-and-studies/environmental-\(local-plan\).aspx](https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications-and-neighbourhood-planning/evidence-and-studies/environmental-(local-plan).aspx)).

Local Plan policy NH2 part 6¹²: requires an Ecological Appraisal to be submitted when "*Development proposals which affect sites of nature conservation importance, Priority Habitats, legally protected species or Priority Species must be supported by an Ecological Appraisal and include details of avoidance, mitigation and / or compensation, and management, where appropriate.*"

Local Plan policy NH3: where development is proposed in the Nature Improvement Area.

What is the aim of an Ecological Appraisal?

3.10 The Ecological Appraisal submitted in support of a planning application in Sefton should:

- Identify and describe potential development impacts likely to harm designated sites, Priority Habitats, protected and Priority Species, other biodiversity features and the Liverpool City Region(LCR) Ecological Network and take account of neighbouring ecological networks;
- Include consideration of direct and indirect effects both during construction and afterwards;
- Identify how the development proposal avoids, mitigates and / or compensates for significant harm.

3.11 The Ecological Appraisal should ensure that the Local Planning Authority has sufficient information to make an informed judgement about whether biodiversity can be protected during development and therefore result in no harm or no adverse impact on biodiversity occurring from development. This information will assist the Local Planning Authority in taking a planning decision. Biodiversity may extend beyond the boundary of the development site.

¹² Policy NH2, part 6 of the Sefton Local Plan (April 2017).

How will the Council assess the Ecological Appraisal?

- 3.12 Ecological Appraisals and surveys will be reviewed by the Local Planning Authority's ecological advisors. Where further information is required to support a development proposal, this will be clearly set out in writing from Sefton to the applicant.

What information should an Ecological Appraisal contain and who should prepare it?

- 3.13 The scope of the Ecological Appraisal depends on the biodiversity interests on and surrounding a development site. However, there are general requirements about what information an Ecological Appraisal should contain and who should carry them out. These are set out below.

An Ecological Appraisal that meets BS 42020:2013 Code of practice for planning and development is required **prior to determination** of any relevant planning application. Suitably qualified and experienced persons¹³ should carry out all surveys using appropriate standard survey methods and guidance. The following is to be included in the report:

- A desktop study and consultation with Merseyside BioBank Local Environment Record Centre (and possibly Lancashire Environment Record Network, depending on proximity to the boundary with West Lancashire) following CIEEM guidelines (*Guidelines for Preliminary Ecological Appraisal, April 2013*¹⁴ and subsequent updated documents), identifying any records for designated site(s), protected and Priority Species and Habitats on site or within a reasonable distance, depending upon local factors. However, a data search of between 500m and 1km radius is expected as a minimum;
- An Extended Phase 1 Habitat survey identifying the habitats present on and adjoining the site, with maps, target notes and habitat area (hectares) included within the report, in accordance with methods set out in the JNCC Handbook for Phase 1 Habitat Survey (2010), together with identification of Priority Habitats;
- The potential for protected and / or Priority Species to be present and any requirements for specialist surveys e.g. breeding birds, bats, water vole. Where further specialist surveys are identified, the report should confirm when these surveys will be or have been undertaken;
- Identify ecological impacts upon protected and / or Priority Species or Habitats and for designated sites upon the reasons for designation, including geological features, as a result of construction work or future site use and / or operation and suggest measures for avoidance and / or mitigation and / or compensatory provision;
- Identify any invasive species (*Wildlife and Countryside Act 1981 as amended*) present on the site or within 7m of the site boundary. The location and extent of

¹³ Competencies for Species Survey (CSS) – Publications – CIEEM – Chartered Institute of Ecology and Environmental Management (see <https://www.cieem.net/competencies-for-species-survey-css->)

¹⁴ Guidelines for Preliminary Ecological Appraisal (GPEA) – Publications – CIEEM – Chartered Institute of Ecology and Environmental Management (see <https://www.cieem.net/guidance-on-preliminary-ecological-appraisal-gpea->)

any invasive species should be shown on an appropriately scaled plan included with the survey report; and

- Identify appropriate opportunities for the proposed development to help improve biodiversity in line with the requirements within the National Planning Policy Framework Section 11 and how this would specifically contribute towards the biodiversity duty (*Natural Environment and Rural Communities Act 2006*).

3.14 Applicants should be aware that these sources continue to be updated and information used to support planning applications should be the most up-to-date. Ecological survey information has a time-limited lifespan which varies depending on the species or habitat and site characteristics. **Survey information which is considered no longer valid may result in delays to taking decisions on planning applications.** Guidance on the lifespan of ecological surveys can be found in the British Standard BS 42020:2013.

What time of year should an Ecological Appraisal be carried out?

3.15 For some species and habitats, surveys and assessments can be carried out at any time of year (provided the survey area is not covered with snow). For other species, particular times of year are required to provide reliable results that can be used in taking decisions. Surveys must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines and methods where available.

3.16 An Ecological Survey Calendar to help applicant's plan when surveys to support planning applications can be undertaken is provided below. Green [and vertical line pattern] is the optimum time. Amber [and dots pattern] means that survey may be possible and acceptable. Red [and diagonal lines pattern] means that survey is unlikely to be acceptable.

Nature Conservation Supplementary Planning Document September 2017

Ecological Survey Calendar



Note: Survey timings must accord with best practice survey guidelines and take account of local weather conditions

* 15 April to 30 June

3.17 Where development is proposed within the Nature Improvement Area of the Liverpool City Region (LCR) Ecological Network, planning applications must include an appropriate ecological appraisal and demonstrate that the functionality of the Nature Improvement Area will, as a minimum, be maintained. The sections below on the Mitigation Hierarchy provide further information.

The Mitigation Hierarchy

3.18 Paragraph 113 of the National Planning Policy Framework explains why a hierarchical approach should be followed for natural assets as:

“...Distinctions should be made between the hierarchy of international, national and locally designated sites,¹⁵ so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.”

3.19 Paragraph 118 of the National Planning Policy Framework sets out the principles that Local Planning Authorities should follow when determining planning applications.

3.20 Planning Practice Guidance¹⁶ sets out further guidance on the mitigation hierarchy and how it should be applied is provided:

¹⁵ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

¹⁶ <http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/biodiversity-ecosystems-and-green-infrastructure/> , Paragraph 018 Reference ID: 8-018-20140306

Avoidance – can significant harm to wildlife species and habitats be avoided for example through locating on an alternative site with less harmful impacts.

Mitigation – where significant harm cannot be wholly or partially avoided, can it be minimised by design or by the use of effective mitigation measures that can be secured by, for example, conditions or planning obligations.

Compensation – where, despite whatever mitigation would be effective, there would still be significant residual harm, as a last resort, can this be properly compensated for by measures to provide for an equivalent value of biodiversity.

Planning Practice Guidance re-iterates that where a development cannot satisfy the requirements of the ‘mitigation hierarchy’, planning permission should be refused as set out in paragraph 118 of the National Planning Policy Framework.

3.21 **Local Plan Policy NH1 part 2**¹⁷ states that:

“A hierarchical approach will be taken to the protection and enhancement of Sefton’s natural assets, according to their designation and significance.”

Avoiding Harm

3.22 The first step in the mitigation hierarchy is that proposals for development should avoid harm to habitats and species. Based on the Ecological Appraisal, options for avoiding harm include:

- Locating the proposal on an alternative site with less harmful impacts;
- Reducing the scale of the proposal to ‘make space’ for biodiversity;
- Locating the proposal on an alternative part of the development site to avoid areas of biodiversity value;
- Providing a sufficient buffer to habitats and species;
- Eradicating and preventing spread of invasive species; and
- Ensuring that proposals are designed so that important biodiversity features and ecological connectivity between them and features outside of the site are retained.

3.23 Examples of avoiding harm that can be designed into developments include:

- Maintain a minimum 5 metre¹⁸ ecological buffer zone between water courses, such as ditches, brooks and rivers, and the development, together with proposals for management of that ecological buffer zone. This will help protect habitats for the legally protected species water vole and otter;

¹⁷ Policy NH1, Part 2 Sefton Local Plan (April 2017),

¹⁸ The ecological buffer zone of 5 metres will fit within The Environment Agency’s byelaws which require an 8 metre buffer on each side of main rivers to allow for maintenance. The Lead Local Flood Authority has a similar policy in relation to other watercourses.

- Retain and manage bat roost within the development by ensuring that the bat roost remains undisturbed as this will protect roost sites for European and UK Protected Bat Species;
- Retain length of hedgerow within development, as this will maintain ecological connections with hedgerows outside the development site and provide nesting habitats for breeding birds.

Mitigating Harm

3.24 **Local Plan policy NH2 Nature part 4**¹⁹ sets out a sequential approach to target where mitigation can be delivered as follows:

- *“Within the development site;*
- *Immediate locality and / or within the Core Biodiversity Area;*
- *LCR Nature Improvement Area within the Borough; and lastly*
- *LCR Nature Improvement Area outside the Borough.”*

3.25 The Liverpool City Region (LCR) Nature Improvement Area (NIA) profiles provide guidance on the priorities for habitat management and creation that would benefit the continuing functioning of the LCR Ecological Network. For Sefton, this information is set out in the Nature Improvement Area Focus Area profiles 1, 2, 3, 4 and 10 which are a key information source for applicants and their consultants to consider in designing avoidance, mitigation and compensatory provision. Where mitigation is located with the NIA then it should take account of the NIA Focus Area profiles and applicants and their advisors are encouraged to refer to these profiles. For further information see <http://www.activenaturalist.org.uk/lcren/mdocuments-library/?mdocs-cat=mdocs-cat-2>.

3.26 The applicant should set out the measures that it is intended to take to minimise harm as part of the development proposal. It is important that developers seek the necessary specialist, technical advice. When agreeing the scope of work with an ecological consultant it is important to ensure that the provision of mitigation measures is required as the applicant's Ecological Appraisal should include this information. The mitigation measures should be specific to biodiversity likely to be harmed on and off-site from the type and scale of proposed development.

3.27 The developer is responsible for making sure that suitable arrangements are in place for funding, access, operation, maintenance, and management of these mitigation measures, and for monitoring and review. These arrangements must be for the lifetime of the associated development and to the satisfaction of Sefton Council. They should be secured through legal agreements or other mechanisms. The applicant is also responsible for on-going provision of relevant contact details. For some allocated sites in the Local Plan, site-specific ecological mitigation requirements have been identified and these are set out in site-specific policies (MN3, MN4, MN5 and MN6) and / or in Appendix 1.

3.28 The 2015 HRA Report²⁰ of the Local Plan and the 2016 HRA Report²¹ of the Local Plan (see <https://www.sefton.gov.uk/planning-building-control/planning-policy->

¹⁹ Policy NH2, Part 4 of the Sefton Local Plan (April 2017).

²⁰ For example paragraphs 6.7.2, 6.11, 7.81 and 7.13 of the 2015 HRA Report.

[including-local-plan-and-modifications-and-neighbourhood-planning/evidence-and-studies/environmental-\(local-plan\).aspx](#)) identify recreational pressure from residential development as a Likely Significant Effect either alone (individual proposals) and / or in combination (with the housing target set out in Policy MN1), and set out mitigation measures which are in the process of being implemented. However, when preparing planning applications for new housing, the applicant will need to consider and include measures that will avoid and/or mitigate recreational pressure on the internationally important nature sites. The Liverpool City Region is considering a wider strategic approach to visitor and recreation pressure management. The mitigation measures outlined below are not exhaustive and the applicant will need to consider an appropriate package based on the location, scale and mix of dwellings, including net number of new dwellings, proposed.

3.29 Examples of mitigation measures that can be designed into developments (or provision outside the site, but linked to the development) include:

- Where development affects internationally important nature sites (SPAs and/or Ramsar sites) with populations of ‘passage’ and ‘overwintering birds’ which are qualifying features (see glossary),
 - ensure that timing of construction is outside the period September to April on site;
 - If construction is required to extend into the September to April period then include provision for a Construction Environmental Management Plan to avoid visual and noise disturbance, such as physical temporary screening and noise abatement. As work will be extending into the overwintering period, more rigorous cold/freezing weather working restrictions for the work will apply. The condition will still be based on the wildfowling approach (<http://jncc.defra.gov.uk/page-2894>), however, work should cease if freezing conditions are recorded at more than half of the local weather stations for more than 13 consecutive days;
 - Additional measures may include a ‘no-shoot or no bird scaring’ zone and / or provision of suitable feeding area on site, and / or in the immediate locality, and/ or within the Core Biodiversity Area, and / or in the Liverpool City Region (LCR) Nature Improvement Area (NIA).
- Where housing proposals affect internationally important nature sites (SAC, SPAs and/or Ramsar sites) through recreational pressure, examples of mitigation measures include,
 - Design and management of public open space within the housing site to encourage use of the provided open space;
 - Design and management of public open space outside the proposed development boundary to encourage use away from the internationally important nature sites;
 - Provision of information in sales packs, informing residents of the presence and importance of the internationally important nature sites, and how residents can help protect them including an outline ‘responsible coast user code’;

²¹ For example paragraphs 3.5.2, 4.3.1, 4.3.11, 4.3.12, 5.4.2 and 5.4.4 of the 2016 HRA Report

- Contributions to improving and / or managing access to and / or within the internationally important nature sites including financial contributions;
- Contributions to increased recreation management, wardening, location specific interventions e.g. signage, path management;
- Contributions towards enhancing and/or managing existing public open space or Countryside Recreation Areas away from the Coast, and / or improving access to it (including improved signage, new or enhanced cycling and walking links), to encourage use away from the internationally important nature sites.

Incorporation of these measures into the development proposal and scheme design, based on survey information and the nett number of new dwellings, may enable the Council to conclude under the Habitats Regulations that there is no likely significant effect on the SPAs and Ramsar sites.

3.30 Further examples of mitigation measures that can be designed into developments (or provision outside the site, but linked to the development) include:

- Provision of alternative nesting provision for barn swallow on site prior to the breeding season commencing, before demolishing or converting buildings. This is because barn swallow returns each year to its breeding site. This would make sure that nest sites are protected whilst in use. Loss of breeding sites is 'harm' to barn swallow;
- Provision of method statements including how, what, when and who will be responsible for invasive species eradication on site, to prevent the inadvertent spread of invasive species through development. This will help meet the legal responsibilities of the developer, landowner and local planning authority in relation to invasive species;
- Provide hedgehog friendly boundary treatments such as hedgerows, raise the height off the ground of fencing. This will help to maintain connectivity between garden areas and also with habitat outside of the development site for hedgehog which is a Priority Species;
- Creating new areas of habitat and / or managing existing ones on the site and / or the immediate locality and / or within Core Biodiversity Area, and preparing and implementing a Habitat Management Plan. This will reduce harm to habitats and species, prevent loss of habitats and species and make sure that they are managed appropriately in accordance with the aim of no net loss of biodiversity;
- Make sure that any proposed flood, surface water or foul drainage scheme for the development site ensures the protection of wetland sites (on or off the development site) through careful and integrated drainage scheme design on site, immediate locality, Core Biodiversity Area and/or LCR Nature Improvement Area. This will help to maintain the quantity and quality of water for wetland sites, the habitats and species dependent on them and is essential to minimising harm from development;

- For sites within the Red Squirrel Refuge and Buffer Zone (see Appendix 4) make sure that the proposed landscaping scheme on the site (and / or for a site in the immediate locality) includes tree and shrub species that provide a food resource for red squirrel in the long-term. These species are listed in Appendix 4. This includes proposals for single dwellings.

Compensating for harm

3.31 If harm cannot be avoided or adequately mitigated for the next step in the 'mitigation hierarchy' to consider is how the residual harm can be overcome by providing compensatory provision.

Internationally important sites

3.32 There is a legal requirement under the Habitats Regulations to provide compensatory provision that delivers the same function as that which would be significantly affected through development before that development commences. Government policy also applies this requirement to Ramsar sites. **Policy NH2 part 1** makes clear the level of protection afforded to such sites and the expectations of applicants when considering proposals that may affect these sites and their qualifying features. Sefton Council is the competent authority for undertaking Habitats Regulations Assessment for proposals within its area. Sefton may co-operate with other competent authorities where decisions may also be required such as the Marine Management Organisation or the Environment Agency. It is the applicant's responsibility to provide the competent authority with information to assist in undertaking Habitats Regulations Assessment for proposals.

3.33 **Policy NH2 part 4** provides a sequential approach for targeting mitigation and compensatory provision. However, for some qualifying features of the internationally important nature sites, it is accepted that a wider geographical area may be required. **This would be an exceptional situation and would only apply where the development is considered to be of overriding public importance.** An example of a development which might trigger *overriding public importance* could be any proposal to redevelop Seaforth Nature Reserve within the Port of Liverpool²² and compensatory provision would be required.

3.34 Examples of compensatory provision, for internationally important nature sites, include:

- Entering into a management agreement with a landowner to provide suitable feeding resource for passage and overwintering birds (e.g. pink footed geese, golden plover) in perpetuity, to make sure that a feeding resource is retained for that proportion of the qualifying features (passage and overwintering birds) of the internationally important nature sites (SPA and / or Ramsar site) which would be affected. This could prevent an adverse effect on the integrity of the SPA and / or Ramsar site and help to maintain a coherent network;
- Entering into a management agreement to remove shooting rights over land in perpetuity, in order to prevent disturbance and / or displacement of

²² Local Plan policy ED1 'The Port and Maritime Zone' refers specifically to the Port.

feeding or roosting passage and overwintering birds (which are the 'qualifying features' of the Ribble and Alt Estuaries SPA and / or Ramsar site) and so prevent an adverse effect on the integrity of the internationally important nature sites.

Other Natural Assets

- 3.35 For natural assets other than internationally important nature sites, compensatory provision for residual harm should follow the sequential approach in **Policy NH2 part 4**.
- 3.36 The Liverpool City Region (LCR) Nature Improvement Area Profiles²³ provide guidance on the priorities for habitat management and creation that would benefit the continuing functioning of the LCR Ecological Network. This information is a key source for developers and their consultants to consider in designing avoidance, mitigation and compensatory provision. See <http://www.activenaturalist.org.uk/lcren/mdocuments-library/?mdocs-cat=mdocs-cat-2>.
- 3.37 Compensatory provision should be proportionate, reasonable and appropriate compensation that can be delivered. It is the applicant's responsibility to ensure that there is sufficient space and resources to enable the compensatory provision to continue to function in perpetuity. **This is the last step in the Mitigation Hierarchy and applicants should set out in their application the reasons that avoiding harm and mitigating harm are insufficient before identifying compensatory provision.**
- 3.38 These measures are not mutually exclusive and a combination of resources and operations may be required. Examples of compensatory provision include:
- Creation and management of new habitats to deliver no net loss of biodiversity and move towards a net gain. This will ensure no net loss of Priority Habitats and maintain a functioning ecological network;
 - Provide bat roost and foraging habitat to deliver no net loss of biodiversity. This will ensure compliance with the Natural Environment and Rural Communities Act and provide replacement roost and foraging provision for bats for that lost directly or where functionality of roost or feeding resources is diminished due to development;
 - Create wetland and watercourse habitats for water vole, otter and amphibians which are linked specifically to loss resulting from development. This will make sure that there is no net loss of biodiversity and will maintain a functioning ecological network.
- 3.39 Sefton Council will review avoidance, mitigation and compensatory provision measures put forward by the applicant. **Policy NH2 part 5²⁴** makes it clear that *"Where significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated, then planning permission will be*

²³ <http://www.activenaturalist.org.uk/lcren/mdocuments-library/?mdocs-cat=mdocs-cat-2>

²⁴ Policy NH2, part 5 Sefton Local Plan (April 2017).

refused". Sefton Council will consider whether the proposals are necessary, proportionate, reasonable and compliant with legislation and policy, and deliverable to enable development.

- 3.40 The applicant is responsible for making sure that suitable arrangements are in place for funding, access, operation, maintenance and management of this compensatory provision, and for monitoring and review. These arrangements must be for the lifetime of the associated development and to the satisfaction of Sefton Council. They should be secured through legal agreements or other mechanisms. The developer is also responsible for on-going provision of relevant contact details.
- 3.41 Where development proposals in Sefton would affect natural assets in other districts, Sefton Council will seek to work together with those districts to ensure the protection, retention and management of those natural assets. This also applies to considering locations and types of mitigation and compensatory provision. The Liverpool City Region (LCR) Ecological Network helps to provide an evidence base to facilitate co-operation and joint working.

Invasive Species

- 3.42 Invasive species present on a development site must be identified through the Ecological Appraisal (see above). When determining a planning application, Sefton Council will require details of how invasive species will be eradicated from a development site. This will be through a planning condition requiring an Invasive Species Method Statement which includes:
- A plan showing the extent of the plant(s);
 - What method(s) will be used to prevent the plant spreading further, including demarcation; and
 - What method(s) of control will be used, including details of monitoring.
- 3.43 Works to invasive species may take place over an extended time period and include pre-commencement, construction and landscaping establishment periods. Work should be undertaken by suitably experienced invasive species specialist contractors or under the supervision of specialist contractors. Guidance is available at <https://www.gov.uk/government/publications/japanese-knotweed-managing-on-development-sites>.
- 3.44 A separate validation report confirming the actions taken and that the site has been free from invasive species for a period of at least 12 months will be required by planning condition. To enable discharge of this part of the planning condition the validation report should include:
- Location plan of invasive species pre-development;
 - Treatment record including inspection dates, herbicide application dates (if applicable), copy of waste transfer notes (if applicable);
 - Photographs;
 - Plan showing location of geotextile membrane (where applicable) and details of its installation including dates and who undertook the work; and

- Confirmation that the site has been free of invasive species for at least 12 months.

Permitted Development Rights and the Habitats Regulations

3.45 Any planning permission granted by a general development planning order (otherwise known as permitted development rights) which is likely to have a significant effect on internationally important nature sites must not begin until the developer has received written notification of the approval by a local planning authority. That is, **permitted development rights do not override the need to comply with the Habitats Regulations**, and in these cases applicants must first apply to the Council setting out details of their proposals and provide sufficient information to enable the Council to make a Habitats Regulations Assessment and assess the application. The scope of the information required should be informed by an Ecological Appraisal (see paragraphs 3.8 to 3.17 of this SPD). This guidance is set out in Regulations 73 to 76 of the Habitats Regulations. The requirements regarding mitigation of recreational pressure and new residential development also apply to permitted development rights proposals and are set out in paragraph 3.28 and 3.29 above.

Prior Notification and/or Approvals for Demolition

- 3.46 When submitting applications for Prior Notification and/or Prior Approval for demolition consents the requirements for an Ecological Appraisal will be applied by Sefton Council. The scope of the Ecological Appraisal for demolition will be limited to survey for bats and breeding birds. See paragraph 3.45 above for prior notifications for conversions.
- 3.47 The demolition method statement that is required to be submitted must be informed by the outcome of the surveys for bats and birds. The scope of a bat survey is dependent on the type of building, location, use, structural condition and surrounding vegetation, particularly trees and hedgerows. Initially, a preliminary roost assessment is required. This involves the categorisation of the building for its potential to provide bat roosts. Dependent on the outcome of the preliminary roost assessment further bat surveys may be required. Surveys should follow best practice guidance²⁵ and any deviation from the guidance must be explained fully in the survey report in accordance with BS 42020:2013.
- 3.48 When the ecological surveyor is on site undertaking the bat survey, evidence of use of the buildings for breeding birds such as barn swallow, house martin, barn owl or swift should also be recorded.
- 3.49 A demolition method statement should take the information from the surveys into account in scheduling the timing of demolition work, and the method of demolition.

²⁵ Collins. J.(ed.) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition). The Bat Conservation Trust, London. ISBN-13 978-1-872745-96-1

For example, work may need to be restricted to a winter period or certain building features may need to be the subject to of a 'soft-strip'²⁶ by hand.

Nationally Significant Infrastructure Projects

3.50 This SPD will guide the biodiversity issues to be included in Sefton Council's responses to the Planning Inspectorate as a consultee on the Nationally Significant Infrastructure Projects (NSIP). The approach will be to advise the Planning Inspectorate on the impact of the NSIP on Sefton's natural assets. It will also advise whether the proposed mitigation is acceptable in terms of quantity, quality and location, whether additional mitigation is required or whether compensatory provision is needed. The response will also include an assessment of the NSIP against the Local Plan policies and whether consideration under the Habitats Regulations is required.

Tree Preservation Orders

3.51 When submitting applications for consent for works to trees covered by Tree Preservation Orders, applicants must provide sufficient information on species likely to be affected by works by submitting an ecological appraisal (see paragraphs 3.8 to 3.17). In Sefton, the species most likely to be affected are bats, red squirrels and breeding birds (for example; owls, raptors and herons). Appropriate timing of works outside the bird breeding season (1 March to 31 August inclusive) to trees may be a sufficient reasonable avoidance measure for Schedule 1 birds²⁷.

Listed Building Consents

3.52 When submitting applications for Listed Building Consent, Sefton will consider the proposal against Local Plan policies NH2 and NH3. Applicants are advised to undertake an ecological appraisal (see paragraphs 3.8 to 3.17) where there are any works both internally and externally to roofs, walls and also trees. The species most likely to be affected are bats, red squirrels and breeding birds (for example; owls, raptors, herons, swifts, house martins, barn swallows). Appropriate timing of works outside the bird breeding season (1 March to 31 August inclusive) to buildings and trees may be a sufficient reasonable avoidance measure for breeding birds.

²⁶ 'Soft strip' includes removal by hand of those features identified with bat roost potential; this can be external features such as roofs, tiles, soffits, fascias, porches and internal features such as insulation, timbers, frames.

²⁷ Schedule 1 of the Wildlife and Countryside Act 1981 as amended lists 'birds which are protected by special penalties', and the birds receive full protection while at, on or near an active nest.

4. How the implementation of the Policies will be monitored

- 4.1 The National Planning Policy Framework paragraph 109 sets out the Government's policy for the natural and local environment, including minimising impacts on biodiversity and providing net gains in biodiversity where possible.
- 4.2 **Local Plan Policy PIM1 Planning Enforcement** sets out the Council's approach to enforcing planning conditions, obligations and breaches of planning control. This policy also applies to planning conditions, obligations and other mechanisms that deliver avoidance, mitigation and compensatory provision for natural assets.
- 4.3 The Local Plan monitoring framework (Appendix 3 of the Local Plan) includes an indicator for Local Sites in active conservation management as Single Data List Indicator 160-00. General information on performance against this indicator is available at <https://www.gov.uk/government/statistical-data-sets/env10-local-sites-in-positive-conservation-management> . Other designated sites are monitored nationally, <https://designatedsites.naturalengland.org.uk/> .
- 4.4 It is the applicant's responsibility to ensure that reports are submitted on a timely basis where planning conditions, legal agreements and / or Section 106 Planning Obligations and / or Community Infrastructure Levy (if relevant) related to a grant of planning permission requires the submission, monitoring and review of detailed management plans.
- 4.5 The Liverpool City Region (LCR) Ecological Network provides an evidence base against which planning permissions can be monitored and includes details of monitoring in its own Monitoring and Review section. This monitoring will be over an initial 2 year period and will take on board information from planning permissions, Ecological Appraisals, designated site monitoring together with a suite of data sources as set out in the LCR Ecological Network report Appendix 3. The outcome of that monitoring can provide context for the Authority's Monitoring Report.

Glossary

Term	Definition
Biodiversity	The variety of all living things.
Biodiversity 2020: A strategy for England's wildlife and ecosystem services	Government policy to protect and increase the amount and quality of biodiversity in England. It recognised the need to move from a loss to an increase of biodiversity.
Biodiversity Duty	A statutory duty on all public organisations to consider the impact of their decisions and actions on biodiversity.
Compensation	The protection of biodiversity assets should be achieved through avoidance and mitigation wherever possible. Compensation, the next step in the hierarchy, should only be used in exceptional circumstances and as a last resort, after all options for avoidance and mitigation have been fully considered. Compensatory measures should, therefore, only be used to address any residual impact that cannot be avoided or mitigated.
Core Biodiversity Area (CBA)	Comprises Designated Sites and Priority Habitats. (Note: some designated sites and Priority Habitats lie outside the Core Biodiversity Area as they are isolated from the Core resource).
Designated Sites	Important sites for wildlife and geology. Designated sites can be Statutory or non-statutory. Statutory sites are: <ul style="list-style-type: none"> • Special Areas of Conservation; • Special Protection Areas; • Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Local Nature Reserves. Non-statutory sites are: <ul style="list-style-type: none"> • Local Wildlife or Geological Sites.
Ecological Appraisal	An appraisal of ecological features, their value and importance. This includes identification of the impacts of development proposals, together with proposals for avoiding impacts, mitigating impacts or compensating for impacts.
Ecological Network	Ecological networks consist of sites containing diverse areas of habitat that support species and have ecological connections between them that enable species to move. They provide a range of ecosystem service benefits to society and in doing so underpin sustainable economic activity, allow biodiversity assets to recover from losses and provide resilience to

Nature Conservation Supplementary Planning Document September 2017

Term	Definition
	<p>climate change impacts. Maintaining and improving habitat connectivity is important in ensuring the long-term survival of biodiversity in a fragmented landscape and with a changing climate The National Planning Policy Framework specifically states that local authorities should '...identify and map components of the local ecological networks...' in their Local Plans.</p>
Ecology	The study of plants and animals and their interaction with the physical and biological environments.
European Protected Species	Plants or animals that are legally protected in the UK and Europe. They are listed on Annex II and IV of the Habitats Directive.
Functionally-linked habitat	Land that provides a support function for the qualifying species of the Special Protection Areas and Ramsar sites. In Sefton, this is the agricultural land.
Green Infrastructure	<p>A network of multi-functional urban and rural green space which is capable of delivering a wider range of environmental and quality of life benefits for local communities. The main components of green infrastructure in Sefton are the Sefton Coast, open space, the green network of strategic paths and cycleways, designated sites of nature/geological importance and priority habitats, water bodies including canals and land formally designed to manage surface water and flood risk, including adopted Sustainable Drainage Systems (SuDS), agricultural land, and trees and landscaping.</p>
Habitats Regulations	The Conservation of Habitats and Species Regulations 2010, as amended. This implements the Habitats Directive in UK law. The Regulations set out the steps to consider when making decisions that affect internationally important sites and European Protected Species.
Linear features	Includes main rivers, species rich hedgerows, canals, transport corridors.
LCR	<p>The Liverpool City Region is the geographical, economic and political area centred on Liverpool, which also includes the local authorities of Knowsley, Sefton, St Helens and Wirral (all in the former county of Merseyside) and Halton. West Lancashire is a non-constituent member of the Liverpool City Region Combined Authority.</p>
Liverpool City Region BAP priority habitats	These are the habitats identified for priority

Nature Conservation Supplementary Planning Document September 2017

Term	Definition
	action in the North Merseyside Biodiversity Action Plan.
Local Nature Reserves	Local Nature Reserves (LNRs) are declared by local authorities for their scientific importance and provide for wild spaces for people.
Local Sites – wildlife or geological	Local Sites are notified to the local authority by the Local Sites Partnership for the area and are submitted to the Council for inclusion in the Local Plan. Selection of sites is based on their habitats, species, geological importance and connections to other areas. See also the Local Plan glossary.
Mitigation	Adverse effects that cannot be avoided should be adequately mitigated. Mitigation measures minimise the negative impact of a plan or project, during or after its completion. Ideally, mitigation measures should form part of the development proposal, but additional mitigation measures can be imposed by the decision-maker. All mitigation measures should be secured through the use of planning conditions or planning obligations.
National Nature Reserve	National Nature Reserves (NNRs) were established to protect some of our most important habitats, species and geology, and to provide ‘outdoor laboratories’ for research.
National Planning Policy Framework	National planning guidance published by the Department of Communities and Local Government in March 2012.
Natural Assets	The City Region’s designated sites, Priority Habitats (including BAP habitats), linear features and ‘stepping stone’ sites, as set out in the LCR Ecological Network.
Nature Connected	The City Region’s Government recognised Local Nature Partnership.
Nature Improvement Area (NIA)	Nature Improvement Areas are large, discrete areas that are intended to deliver a step change in nature conservation, offer significant improvements for wildlife and people through the sustainable use of natural resources, provide opportunities to restore and create wildlife habitats, and enhance connectivity between local sites. See also the Local Plan glossary.
NIA Focus Area	A part of the NIA that is focused around a particular habitat or strategic natural asset in the City Region. There are seventeen NIA Focus Areas in the City Region and 6 in Sefton.
NIA Focus Area Profile	A description of the natural assets and

Nature Conservation Supplementary Planning Document September 2017

Term	Definition
	opportunities for habitat management and creation within a Focus Area.
Offsetting	Biodiversity offsets are distinguished from other forms of ecological compensation by the formal requirements for measurable outcomes: the losses due to impact, and gains achievable through the offset, are measured in the same way, even if the habitats concerned are different.
Priority Habitats	These are Habitats of Principal Importance in England and are listed in Section 41 Natural Environment and Rural Communities Act 2006. The list includes UK Biodiversity Action Plan habitats.
Priority Species	These are Species of Principal Importance in England and are listed in Section 41 Natural Environment and Rural Communities Act 2006. The list includes UK Biodiversity Action Plan species. Many of these species are also protected species.
Qualifying features	Habitats or species that meet selection criteria for internationally important nature sites (Special areas of Conservation, Special Protection Areas and Ramsar sites). Details of qualifying features can be found in the conservation objectives for each site.
Ramsar site	A wetland of international importance classified under the 1971 Ramsar Convention. The government has said that Ramsar sites should have the same protection as European nature sites and so in effect they form part of the EU's Natura 2000 network and are internationally important nature sites.
Site of Special Scientific Interest	An area designated for nature conservation under the Wildlife & Countryside Act 1981 as amended.
Special Area of Conservation	These are European designated nature sites, classified under the Habitats Directive. They form part of the Natura 2000 network and are internationally important nature sites.
Special Protection Area	These are European designated sites, classified under the Birds Directive because of their international importance for the breeding, feeding, wintering and migration of rare and vulnerable species of birds found within European Union countries. They form part of the Natura 2000 network and are internationally important nature sites.
Stepping stone site	Existing habitat patches providing a

Nature Conservation Supplementary Planning Document September 2017

Term	Definition
	functional link between Core Biodiversity Areas and the wider landscape.
Strategic Natural Assets	<p>The most important strategic natural assets in the city region. These include:</p> <ul style="list-style-type: none"> • Coasts and estuaries including the land and water features; • Water courses including canals and wetland habitats such as bogs, mosses and ponds; • Lowland heath; • Ancient semi-natural woodland; • Lowland meadows; and • Agricultural land.
UK Protected Species	Listed on Schedules 1, 5 and 8 of the Wildlife & Countryside Act.
Wildlife corridor	Existing linear features providing structural connectivity between Core Biodiversity Areas and the wider landscape.

Appendices

Appendix 1 Sources of Information and web resources

British Standards Institute BS 42020:2013

<http://shop.bsigroup.com/ProductDetail/?pid=000000000030258704>

Circular 05/2006

<http://webarchive.nationalarchives.gov.uk/20120919132719/www.communities.gov.uk/documents/planningandbuilding/pdf/147537.pdf>

Information and data requests via the local environmental record centre, Merseyside BioBank and also details of Local Wildlife and Local Geological sites information

<http://www.merseysidebiodiversity.org.uk/>

Information on important nature sites from international to local

<http://jncc.defra.gov.uk/page-1527>

LCR Ecological Network

<http://www.activenaturalist.org.uk/lcren/>

Local Nature Reserve information

http://www.lnr.naturalengland.org.uk/Special/lnr/lnr_search.asp

National planning guidance including National Planning Policy Framework and all planning practice guidance

<http://planningguidance.communities.gov.uk/>

Nature Connected - Local Nature Partnership for the Liverpool City Region

<http://www.natureconnected.org/>

North Merseyside Biodiversity Action Plan

<http://www.merseysidebiodiversity.org.uk/>

Planning practice guidance for the natural environment

<http://planningguidance.communities.gov.uk/blog/guidance/natural-environment/>

Priority Habitats information

<http://www.magic.gov.uk>

Sefton Local Plan

<https://www.sefton.gov.uk/localplan>

Sefton Local Plan Habitats Regulations Assessment

[https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications-and-neighbourhood-planning/evidence-and-studies/environmental-\(local-plan\).aspx](https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications-and-neighbourhood-planning/evidence-and-studies/environmental-(local-plan).aspx)

Site of Special Scientific Interest information

<https://designatedsites.naturalengland.org.uk/>

UK legislation including Acts of Parliament, Statutory Instruments, Circulars.

<http://www.legislation.gov.uk/>

Appendix 2 Sefton's Natural Assets

a) Internationally important nature sites

6 International designated sites:

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

Mersey Narrows and North Wirral Foreshore Ramsar site
Ribble and Alt Estuaries Ramsar site

b) Nationally important nature sites

7 National designated sites:

Hesketh Golf Links Site of Special Scientific Interest (SSSI)
Mersey Narrows Site of Special Scientific Interest (SSSI)
Ribble Estuary Site of Special Scientific Interest (SSSI)
Sefton Coast Site of Special Scientific Interest (SSSI)

Ainsdale Sand Dunes National Nature Reserve (NNR)
Cabin Hill National Nature Reserve (NNR)
Ribble Estuary National Nature Reserve (NNR)

c) Locally important nature sites

3 Local Nature Reserves:

Ainsdale and Birkdale Hills Local Nature Reserve (LNR)
 Brookvale Local Nature Reserve (LNR)
 Raven Meols Local Nature Reserve (LNR)

56 Local Wildlife Sites (LWS) – see below
12 Local Geological sites (LGS) – see below

Local Wildlife Sites in Sefton

Site Name	Site Reference	Site Name	Site Reference
Southport Marine Lake	LL	Foreshore, Weld Road to Southport Pier	GG
Ainsdale Hills Local Nature Reserve	6	Ainsdale National Nature Reserve	5
Albert Road to Lifeboat Road	19	Altcar Firing Ranges	4
Birkdale Hills Local Nature Reserve, Weld Road to Shore Road including green beach	11	Cabin Hill National Nature Reserve	3
Formby Golf Club	21	Hesketh Golf Links and Site of Special Scientific Interest	30
Hillside Golf Club	12	Leeds – Liverpool Canal	51
Lifeboat Road to St Joseph's Hospital	1	National Trust and associated fields	2
Open space and brook, west of A59, Maghull	33	Railway – Ainsdale Station to Hillside Station	38
Range Lane to Albert Road	20	Ribble Estuary (including Marshside 1, Marshside 2 and Crossens) to Southport Pier	53
Seaforth Nature Reserve	35	Southport and Ainsdale Golf Club	13
Wham Dyke Meadows	23	Whinny Brook, Maghull	34
Homer Green Sewage Works (disused)	MM	Ince Blundell and Little Crosby Estates	WW
North Meols Estate, Churchtown	RR	Lydiat Wood, Lydiat, south west of Holland's Farm	OO
Orrell Hill Wood	FF	Rimrose Valley and canal	XX
Dismantled railway, Aintree Triangle	TT	Fazakerley Sidings, Aintree	18
Flea Moss Wood and ponds	YY	Formby Moss	VV
Land east of Canal and north of Wango Lane, Waddicar	UU	Municipal Golf Links, Southport	29
Queen's Jubilee Nature Trail, Southport	25	Sniggery Farm Wood and Pastures	DD
Falklands Way Dunes	10	Kenilworth Road Dunes, Embankment and verges, Ainsdale	37
Pond and open space, north of Copy Lane, Netherton	32	The Stray, Southport	44
Coastguard Station, Hall Road to Sniggery Farm track and shore	CC	Former Sefton Hall, Sefton Village	NN

Nature Conservation Supplementary Planning Document September 2017

Site Name	Site Reference	Site Name	Site Reference
Freshfield Dune Heath, Woodvale Airfield and Willow Bank Caravan Park	8	Land at Parkhaven Trust, Maghull	AAA
Crosby Marine Lake and Park	SS	Hightown Dunes, Meadow and Saltmarsh	7
Edge Farm, rookery	ZZ	Key Park, Blundellsands	9
Railway – Coastal Road to Ainsdale Station	EE	Railway – Freshfield Station to Fisherman's Path	AA
Railway – Hillside Station to Birkdale Station	HH	Southport Old Links Golf Course	PP
Switch Island, south east section, Maghull	QQ	West Lancashire Golf Club	BB
Westcliffe Road, verge, Southport	No reference number ²⁸		

Local Geological Sites

Site Name	Site Reference	Site Name	Site Reference
Orrell Hill Wood	S14	Aintree Triangle south	S29
Great Crosby Boulder	S26	Crossens Erratic, Banks Road	S27
Ainsdale and Birkdale Foreshore and Dunes	S04	Formby Point Foreshore and Dunes	S07
Alt Estuary and Hightown Foreshore	S10	Crosby Foreshore and Dunes	S12
Harris Drive, Bootle	S31	Southport & Crossens Foreshore	S01
Ravenmeols and Altcar Foreshore and Dunes	S08	The Dell	S18

²⁸ This Local Wildlife Site is too small to show on Local Plan Policies maps

d) Priority and Protected Habitats

5 Annex 1 Priority Habitats present in Sefton – international importance

Atlantic decalcified fixed dunes
 Dunes with *Salix repens ssp argentea* – dunes with creeping willow
 Embryonic shifting dunes
 Fixed coastal dunes with herbaceous vegetation – grey dunes
 Shifting dunes along the shoreline with *Ammophila arenaria* – white dunes

17 Priority Habitats known to be present in Sefton – national importance

Coastal and floodplain grazing marsh	Coastal saltmarsh
Coastal sand dunes	Coastal vegetated shingle
Intertidal mud and sand flats	Lowland calcareous grassland
Lowland dry acid grassland	Lowland fens
Lowland heathland	Lowland meadows
Lowland mixed deciduous woodland	Lowland raised bog
Purple moor grass and rush pastures	Reedbeds
Saline lagoons	Traditional orchards
Wet woodland	

14 BAP priority habitats known to be present in Sefton – local importance for action

Conifer woodland	Lowland mixed broadleaf woodland
Wet woodland	Urban trees
Lowland acid grassland	Lowland heathland
Urban grasslands	Canals
Ponds	Reedbeds
Coastal saltmarsh	Coastal sand dunes
Field boundaries	Urban green infrastructure

e) Priority and Protected Species

Annex II and IV Priority Species in Sefton – international importance

Brown Long-eared Bat	Common Pipistrelle
Common seal	Daubenton's bat
European otter	Grayling
Great crested newt	Grey seal
Nathusius's pipistrelle	Natterjack toad
Noctule bat	<i>Petalophyllum ralfsii</i>
River lamprey	Sand lizard
Soprano pipistrelle	Whiskered bat

Examples of Protected and Priority Species more likely to be found on or near to proposed development sites including Local Plan allocations in Sefton – international and national importance

<p>Amphibians (including Great crested newt)</p> <p>Barn owl</p> <p>Bats</p> <p>Breeding birds</p> <p>Common lizard</p> <p>Eel</p> <p>Natterjack toad</p> <p>Red squirrel</p> <p>Sand lizard</p> <p>Water vole</p>
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North Merseyside Biodiversity Action Plan priority species in Sefton – local importance

Corn bunting	Grey partridge
Lapwing	Skylark
Song thrush	Urban birds
Bats	Brown hare
Red squirrel	Water vole
Common lizard	Sand lizard
Great crested newt	Natterjack toad
Dark green Fritillary	Dragonflies
Grayling butterfly	Vernal Mining-bee
Northern dune tiger beetle	Sandhill rustic moth
Bluebell	Dune Helleborine
Purple rampion fumitory	Isle of Man Cabbage
Petalwort	Sand-grass
Sefton Coast plants	Stoneworts

Appendix 3 Invasive Species

Invasive species likely to be found on or near development sites including Local Plan allocations in Sefton

Giant hogweed	Japanese knotweed and hybrids
Montbretia	Rhododendron
Cotoneaster – many varieties	Water fern
Australian swamp stonecrop	Shallon
Curly waterweed	Variegated Yellow Archangel
Parrot's feather	Indian balsam
Japanese rose	

Appendix 4 Red squirrel Refuge and Buffer Zone and suitable trees and shrubs for planting

Plan showing location of the Red Squirrel Refuge and buffer zone



Suitable tree and shrub species for planting in the Red squirrel Refuge and Buffer Zone include:

- Scots pine (*Pinus sylvestris*);
- Willow (*Salix* spp.);
- Rowan (*Sorbus aucuparia*);
- Birch (*Betula pendula* or *Betula pubescens*);
- Hawthorn (*Crataegus monogyna*);
- Blackthorn (*Prunus spinosa*);
- Alder (*Alnus glutinosa*); and
- Holly (*Ilex aquifolium*).

Appendix 5: Sefton's Responsibilities and Duties

Sefton, as local planning authority, has a considerable number of statutory responsibilities and duties for its natural assets, biodiversity and nature conservation. The key pieces of legislation that are relevant to this SPD are set out in Box 12. A summary of nature conservation legislation, roles and responsibilities can be found at <http://www.environmentlaw.org.uk/rte.asp?id=299>

Key Legislation for biodiversity and nature conservation

The Anti-social Behaviour, Crime and Policing Act 2014: Introduces a means to enforce treatment of invasive species such as Japanese knotweed through a Community Protection Notice.

The Conservation of Species and Habitats Regulations 2010: The Regulations provide for the designation and protection of 'European' sites, the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European sites.

Natural Environment & Rural Communities Act 2006: This includes the duty on public bodies, including local planning authorities, to have proper regard to conserving biodiversity in the exercise of their functions. It also lists species and habitats of principal importance for biodiversity in England (Priority Habitats and Priority Species).

Wildlife & Countryside Act 1981: This covers the protection of wildlife (birds, some animals and plants), the countryside and designation of protected areas including Sites of Special Scientific Interest (SSSIs) that are identified for their plant, animal, geology or physical features.

Water Framework Directive: It applies to all surface freshwater bodies (including lakes, rivers and streams), groundwater, groundwater dependent ecosystems, estuaries and coastal waters out to one mile from mean low water. The overall aim is for all inland and coastal water bodies to reach at least "good" ecological status by 2015.

The Bathing Water Directive 2006: This aims to safeguard public health and clean bathing waters. One way to do this is through the planning process to ensure that new developments do not pose a threat to water quality whilst enhancing the quality of habitats for wildlife.

The Hedgerow Regulations 1997: These Regulations protect 'important' hedgerows from being removed. Important hedgerows are identified for biodiversity or historic environment reasons.