

2017 Supplementary Planning Document (SPD) consultation

Consultation statement – Nature Conservation SPD

The Council consulted statutory and other consultees on the draft Nature Conservation SPD in line with the approved 2011 Statement of Community Involvement (<https://www.sefton.gov.uk/sci>). The consultation period ran from mid-March to 2nd May 2017.

8 responses were received, from:

- Canal & River Trust
- Environment Agency ('no comment')
- Historic England ('no comment')
- Lancashire Wildlife Trust
- Marine Management Organisation ('no comment')
- Natural England
- Network Rail ('no comment')
- Taylor Wimpey UK

The table below summaries the main issues raised by consultees ('summary of comments made'), and how these issues have been addressed in the SPD ('Response').

External consultee	Summary of comments made	Response
Canal and River Trust	The Trust welcomes the recognition of the canal in the nature conservation SPD and is satisfied that the policy will protect the canal wildlife corridor.	Noted
Canal and River Trust	It would be appropriate to add 'canal' in section 1.2 due to the importance of the canal in the area. The Trust wishes the text to read '(including rivers, watercourses, canals and ponds)'.	Agreed. Insert 'canal' between 'watercourses and ponds' in paragraph 1.2.
Canal and River Trust	In regards to green infrastructure (listed in the glossary on page 26) the Trust wishes to see canals mentioned as important networks for linking green space and green infrastructure.	Agreed. Insert 'including canals' between 'water bodies' and 'and land formally designed' in glossary definition of Green Infrastructure.
Environment Agency	We welcome the contents of the document and have no further comments to make at this time.	Noted
Historic England	At this stage we have no comments.	Noted
Lancashire Wildlife Trust	We welcome the contents of the document and have no further comments to make at this time.	Noted
Lancashire Wildlife Trust	Overall this is an excellent document, clear, well organised and easy to comprehend.	Noted
Lancashire Wildlife Trust	In Section 2 'Overview of Sefton's natural assets' perhaps add 'Dune Helleborine' to those species only found in UK.	Agreed. Insert 'Dune Helleborine' between 'Isle of Man Cabbage and the Sandhill rustic moth' in

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		paragraph 2.1.
Lancashire Wildlife Trust	Paragraph 2.12: It is said that 155 “priority species” occur in Sefton but only a few are listed in the Appendices. It would be helpful to know which species are a priority.	Priority species are described in paragraph 2.12. Further information is provided in Appendix 2. A web link has been included in paragraph 2.12 to those species identified under the Natural Environment and Rural Communities Act.
Lancashire Wildlife Trust	Section 3 is helpful and comprehensive including guidance on what surveys are needed to support planning applications. However, it is stated that surveys are only needed when there is a reasonable likelihood of “protected species” being present. The Trust feels that this is a bit vague, especially when “priority species” are not listed in the document.	The statement referred to is a direct quote from NPPF Planning Practice Guidance. It is cited as an example and is not the only case where ecological surveys can be or are required. Paragraphs 3.9 to 3.17 set out when an ecological appraisal is required in Sefton. No amend required.
Lancashire Wildlife Trust	Appendix 3: Invasive species should include Japanese Rose. “Himalayan Balsam” is now called “Indian Balsam”.	Agreed. Appendix 3 has been updated to include these amendments.
Marine Management Organisation	No specific comments.	Noted
Natural England	In general the SPD seeks to ensure that the impacts of development on Sefton’s biodiversity are minimised and that opportunities for biodiversity enhancement are achieved.	Noted
Natural England	SPD is technical in nature and can be challenging to read. It would be interesting to know the target audience and whether the language and technical detail is meeting their needs.	This response differs from other comments received from the conservation and development sectors – see response from Taylor Wimpey and The Wildlife Trust for Lancashire, Greater Manchester and North Merseyside. The SPD is by its nature a technical document which is aimed at applicants, agents and their consultants, planning officers and Council members. No amendment required.
Natural England	para 2.17: <i>“The designated sites, Priority Habitats, Priority Species and legally protected species referred to above are part of Sefton’s current natural assets</i>	Agreed. Paragraph 2.17 has been amended to include this minor wording change.

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	<i>and are likely to change during the Local Plan period.</i> ” - should say ‘may change’ rather than ‘likely to change’.	
Natural England	Para 2.22: <i>“The Sefton Coast Landscape Partnership is currently reviewing the Sefton Coast Plan. Consultation on the draft Sefton Coast Plan is due to take place in early 2017. The refreshed Sefton Coast Plan, together with its proposed Nature Conservation Strategy and Visitor Management Strategy supported by a clear delivery plan for implementation, may offer strategic habitat management and creation opportunities and solutions.”</i> - Change ‘may offer’ to ‘will offer’ or ‘should offer’.	Agreed. Paragraph 2.22 has been amended to include the changed wording ‘may offer’ to ‘should offer’. Further amends have also been made to this paragraph following the public consultation on the draft Sefton Coast Plan.
Natural England	Para 3.28, bullet 2, regarding “barn swallows”: Refer only to ‘swallow’ and include the scientific name <i>Hirundo rustica</i> , rather than calling the bird a barn swallow.	The recognised English name is ‘barn swallow’. Scientific names have not been used in the main text to aid readability – see Natural England’s general comment on readability. No amendment required. This text is now in paragraph 3.30.
Natural England	Paras 3.30 to 3.12: These sections cover an explanation of compensation for international sites, which is confusing and needs reviewing. Compensation for loss of designated site is only permissible if the development is considered to be of ‘overriding public importance’ (IROPI). For loss of functionally linked land (FLL) it is still classed as mitigation not compensation and as such is permissible in other circumstances too. Also request that a visitor management strategy be referred to, relationship with requirements for open space including the benefits of using well designed open space to draw people away from sensitive sites.	Agreed. This is helpful clarification on how functionally linked land is now considered. These paragraphs have been amended and include additional guidance on the applicant’s responsibilities under the Habitats Regulations to provide information. The requested additions for visitor management strategy and the provision and benefit of well-designed open space, have been included in amended paragraphs 3.27 to 3.34.
Network Rail	No comments to make.	Noted
Taylor Wimpey UK	Welcomes the opportunity to provide comment on the emerging SPDs.	Noted
Taylor Wimpey UK	Comments relate to the overarching principles of the SPDs and also specifically to guidance in relation to Local Plan site MN2.12 (and Policy MN6); ‘Land at Brackenway, Formby’. The comments seek to ensure that the emerging SPDs are consistent with the Local Plan and provide an appropriate and reasonable interpretation of adopted policy. Taylor Wimpey UK controls site MN2.12 in the adopted Local Plan at	Noted. No amendment required

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	<p>'Brackenway', which forms an important part of the housing supply in both Sefton and Formby. Realising its development potential is critical in meeting the wider housing needs of the Borough.</p>	
Taylor Wimpey UK	<p>Recognise the stated aim of the SPD (para 1.1), and note that it provides additional guidance on how policies will be implemented, including Policy NH2 part 1 which 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."</p> <p>This SPD should make absolutely clear that a HRA must be undertaken by the Council following the submission of the relevant information by the applicant – that is, the responsibility for undertaking a HRA is with the Council.</p>	<p>The SPD does not duplicate the Habitats Regulations where these requirements are made clear. However, to assist applicants in understanding the Habitats Regulations processes, additional wording to be included in the SPD.</p> <p>Paragraph 3.32 specifically identifies that Sefton Council is the competent authority for undertaking Habitats Regulations Assessment for proposals within its area and also that Sefton Council may co-operate with other competent authorities. The applicant's responsibility to provide information is also set out.</p>
Taylor Wimpey UK	<p>The SPD should also recognise that Local Plan allocations such as [MN2.12, 'Land north of'] Brackenway, have included provisions for significant mitigation measures as part of the site allocation, to offset the impact on areas of nature conservation.</p>	<p>The contribution of some of the Local Plan allocated sites is set out in the Local Plan. For consistency, a statement can be made in the SPD.</p> <p>Amended paragraph 3.27 identifies Local Plan allocated sites that include site-specific ecological mitigation as part of the allocation.</p>