

**Nature Conservation  
Supplementary Planning  
Document**

**Strategic Environmental  
Assessment/ Habitats  
Regulations Assessment**

**Final Screening Statement**

**September 2015**

## 1. Introduction

- 1.1 This report has been produced to determine the need for a:
- I. **Strategic Environmental Assessment (SEA)** in accordance with the European Directive 2001/42/EC and associated Environmental Assessment of Plans and Programmes Regulations 2004).
  - II. **Habitats 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 (as amended) (the habitats regulations) .

For the proposed Nature Conservation Supplementary Planning Document (SPD).

## 2. Policy context

2.1 Government policies and the National Planning Policy Framework (The Framework) promote and recognise the importance of nature conservation. The NPPF has as one of its key objectives Conserving and enhancing the natural environment (chapter 11).

2.2 Sefton has an outstanding natural environment, including the Sefton Coast, internationally important nature sites and their supporting habitat, designated national and local sites, priority habitats and priority and protected species. Sefton Council is proposing to prepare a Supplementary Planning Document (SPD) on Nature Conservation, reflecting the importance of Sefton's natural environment.

2.3 The emerging Sefton Local Plan (2015) ) [www.sefton.gov.uk/localplan](http://www.sefton.gov.uk/localplan) contains policies NH1 'Environmental Assets', policy **NH2** 'Protection and enhancement of nature sites, priority habitats and species' and policy **NH3** 'Development in the Nature Improvement Area'.

2.4 The proposed Nature Conservation SPD will expand upon policies NH1, NH2 and NH3 of the emerging Sefton Local Plan. (These policies are shown in Appendix A.) (The policies are shown in Appendix B.) More detail on the scope of the SPD is set out below.

### *Introduction and context*

2.5 Sefton has an outstanding natural environment, including the Sefton Coast, internationally important nature sites and their supporting habitat, designated national and local sites, priority habitats and priority and protected species. Sefton Council is proposing to prepare a Supplementary Planning Document (SPD) on Nature Conservation, reflecting the importance of Sefton's natural environment.

2.6 The SPD will provide additional guidance to help implement Sefton's Local Plan, especially the natural assets part of policy NH1 'Environmental Assets', policy NH2 'Protection and enhancement of nature sites, priority habitats and species' and policy NH3 'Development in the Nature Improvement Area'. The SPD will provide a framework for Sefton's development needs to be met sustainably, that is, in a way which protects, enhances and manages the natural environment in a sustainable manner.

2.7 The SPD draws on a range of evidence, including statutory advice on designated sites, published ecological information and the emerging ecological network for the Liverpool City Region.

### *Purpose and aims*

2.8 The SPD will set out principles to be used in determining planning applications. They will also help shape Sefton, for example by setting principles for enhancing Sefton's natural assets, land management and investment by helping Sefton to meet its statutory duty to conserve biodiversity.

2.9 For the network of internationally important sites and their supporting habitats within Sefton these include the 'sequential approach' to avoid, mitigate and/or compensate for adverse effects and to enhance the network, habitats and biodiversity.

2.10 For national sites, local sites, priority habitats, protected species and priority species within Sefton these also include the 'sequential approach' to avoid, mitigate and/or compensate for significant harm, and to create, manage or enhance habitats and biodiversity.

2.11 The SPD aims to provide guidance on how the emerging ecological network for the Liverpool City Region, and more specifically Sefton's draft Nature Improvement Area focus areas, can help achieve these principles.

2.12 The SPD will set out survey and other requirements for sites where development is likely to affect natural assets in Sefton. It will provide guidance on how the principles should be achieved.

## Part 1- SEA Screening

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### 3. Screening

3.1 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)<sup>1</sup>. These documents have been used as the basis for this screening report.

3.2 Previously all Development Plan Documents (DPDs) and Supplementary Planning Documents required Sustainability Appraisal. Sustainability Appraisal incorporated the requirements for SEA<sup>2</sup>. However, the regulations were amended in 2009<sup>3</sup>. These amendments removed the requirement for the sustainability appraisal of supplementary planning documents. These changes were confirmed in the 2012 regulations<sup>4</sup>

3.3 Despite no longer requiring sustainability appraisal, SPDs may still require SEA. The ODPM practical guidance provides a checklist approach based on the SEA regulations to help determine whether SEA is required. This guide has been used as the basis on which to assess the need for SEA as set out below.

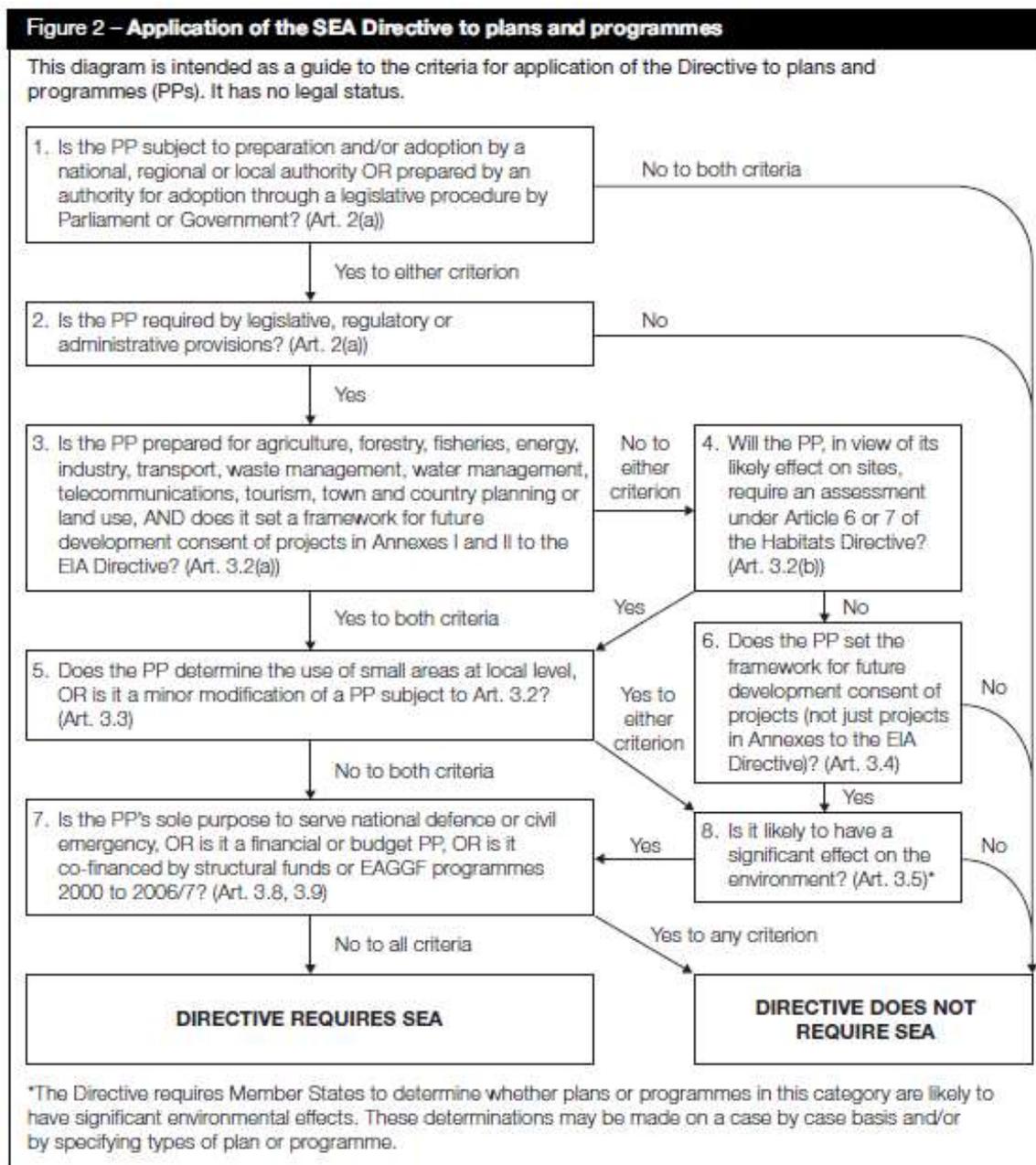
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<sup>1</sup> A Practical Guide to the Strategic Environmental Assessment Directive (2005) (ODPM)

<sup>2</sup> The Town and Country Planning (Local Development) (England) Regulations 2004

<sup>3</sup> The Town and Country Planning (Local Development) (England) (Amendment) Regulations

<sup>4</sup> The Town and Country Planning (Local Planning) (England) Regulations 2012



**Table 1: Establishing the need for SEA**

Stage [from the flowchart above]	Answer	Reason
1. Is the SPD 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	Yes	SPD to be adopted by Sefton Council

Stage [from the flowchart above]	Answer	Reason
Government? (Article 2(a))		
2. Is the SPD required by legislative, regulatory or administrative provisions? (Article 2(a))	Yes	The detail that the Council wish to provide to the emerging local plan policy can only be given due weight if it is contained in a Supplementary Planning Document.
3. Is the SPD prepared for agriculture, forestry, fisheries, energy, industry, transport, 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))	No	The SPD is for town and country planning purposes but does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive.
4. Will the SPD, 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	The draft screening statement concludes that an assessment under the Habitats Directive is not required. ( <i>*see part 2</i> )
6. Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Article 3.4)	Yes	Although the emerging local plan policies will set the overall framework, the SPD will provide additional guidance on the interpretation of these policies.
8. Is it likely to have a significant effect on the environment? (Article 3.5)	No	See ' <b>Table 2</b> ' below 'Determining the likely significance of effects'

**Table 2: Determining the likely significance of effects on the environment**

SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)	Sefton Comment
<b><i>The characteristics of plans and programmes, having regard, in particular, to:</i></b>	
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating	The SPD will be providing additional guidance on existing policies that set the broad framework.

<b>SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)</b>	<b>Sefton Comment</b>
conditions or by allocating resources	
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy	The SPD can only expand on existing policies and should not introduce new policies not contained in higher order plans.
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development	The SPD will promote sustainable development by ensuring new development, protects and where possible enhances the natural environment.
1d) Environmental problems relevant to the plan or programme	The SPD will seek to minimise potential environmental issues from development by setting out requirements for developments that may affect natural assets in Sefton. However the impact is likely to be positive as the SPD will set out requirements and guidance to ensure that Sefton’s natural assets are protected.
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	The SPD will help to implement directives relating to the environment by providing the detailed requirements and guidance to ensure development is consistent with legislation.
<b><i>Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</i></b>	
2a) The probability, duration, frequency and reversibility of the effects	The anticipated effects on the sustainability of the areas covered by the SPD are expected to be positive by limiting possible negative impacts associated with poorly designed New Development. The duration of impacts is likely to be long term as once a development has been built this has a permanent permission.
2b) The cumulative nature of the effects	The cumulative nature of effects on the environment is likely to be positive.
2c) The trans-boundary nature of the effects	The SPD will have a positive effect on nature sites, many of which are cross

SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)	Sefton Comment
	boundary.
2d) The risks to human health or the environment (e.g. due to accidents)	The SPD will seek to address environmental impacts of new development.
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the borough of Sefton therefore the impact of the SPD will affect a relatively wide area particularly around nature sites.
2f) The value and vulnerability of the area likely to be affected due to: I. Special natural characteristics or cultural heritage, II. Exceeded environmental quality standards or limit values III. Intensive land-use	The policies relating to development with the potential to affect nature sites are set out in the Local Plan. The SPD will simply set out guidelines and requirements for new development to reduce any potential negative effects on nature conservation.
2g) The effects on areas or landscapes which have a recognized national, Community or international protection status	None identified. Any new housing development will need to satisfy the relevant planning policies for protecting these areas before permission is granted.

## 4. Consultation

4.1 The Council consulted with the three statutory environmental bodies [see below] on this screening report and the determination. The table below provides their responses.

Statutory Body	Comments
Environment Agency	We have no objections with the conclusions of the report and have no other comments to make at this time.
Historic England	In terms of our area of interest, we would concur with your assessment that the document is unlikely to result in any significant environmental effects on the historic environment and will simply provide additional guidance on existing policies which have already been subject to a Sustainability Appraisal. As a result, we would endorse the conclusions that it is not necessary to undertake a Strategic Environmental Assessment of the document.
Natural England	Natural England agrees with the conclusion that a Strategic Environmental Assessment is not required for the proposed Nature Conservation Supplementary Planning Document.

## 5. Conclusion and statement of reasons

5.1 The SPD is supplementing and will provide further guidance on NH1 'Environmental Assets', policy **NH2** 'Protection and enhancement of nature sites, priority habitats and species' and policy **NH3** 'Development in the Nature Improvement Area'. of the emerging Local Plan.

5.2 The SPD will provide additional guidance to help implement the policies and provide guidance regarding their implementation. The principle of development on sites with the potential to affect the environment will be determined through the local plan (for larger sites) or through the planning application process (for smaller sites not identified in the local plan). Any impacts on the environment are likely to be positive in nature.

5.3 The views of the statutory consultees are set out above.

5.4 It is considered that the Nature Conservation SPD will not give rise to any significant environmental effects. Therefore, it is considered that a Strategic Environmental Assessment **is not required** for the proposed Nature Conservation Supplementary Planning Document.

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## Part 2- HRA Screening

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### 6. HRA Screening

6.1 The requirement for a Habitats 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). 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 draft Nature Conservation SPD in accordance with the habitats regulations.

6.2 The Sefton Local Plan Publication version (2015) had was subject to HRA assessment produced by AECOM (formerly URS) (January 2015) that assessed in combination effects taking into account other plans and projects, Local Plan site allocations and policies. The HRA Report (January 2015) was produced by AECOM (formerly URS) included an assessment of in combination effects taking into account other plans and projects as well as Local Plan site allocations, policies and objectives and the impact of the plan as a whole. See <http://www.sefton.gov.uk/planning-building-control/planning-policy/evidence-and-studies/environmental.aspx>

6.3 In terms of the Nature Conservation SPD the “parent policies” are policies **NH1** ‘Environmental Assets’, policy **NH2** ‘Protection and enhancement of nature sites, priority habitats and species’ and policy **NH3** ‘Development in the Nature Improvement Area’ of the Local Plan. These policies were assessed as part of the HRA of the Local Plan. The policy was “screened out” meaning that there would not need to be an additional HRA assessment. The HRA comments on the policies are shown below.

***NH1 ‘Environmental Assets’***

- *“No implications.*
- *This outlines policy for the protection of environmental assets.*
- *There are no impact pathways.”*

***NH2 ‘Protection and enhancement of nature sites, priority habitats and species’***

- *“No implications.*
- *This provides protective policy for European designated sites and features for which they are designated.*
- *There are no impact pathways.”*

***NH3 ‘Development in the Nature Improvement Area’***

- *“No implications.*
- *This provides policy for development within the Nature Improvement Area.*
- *There are no impact pathways.”*

6.4 The SPD is supplementing and will provide further guidance on Policies NH1, NH2 NH3 of the emerging Local Plan. It covers the borough of Sefton.

6.5 Policy NH1 'Environmental Assets' is a strategic policy. Notably, policy NH2 'Protection and enhancement of nature sites, priority habitats and species' sets out the approach to development which may result in a likely significant effect on a Natura 2000 site or supporting (functionally linked) habitat. 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 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 HRA.

6.6 The SPD will include specific guidance in relation to the Natura 2000 network and supporting habitat and the 'sequential approach' to avoid, mitigate and / or compensate for adverse effects and to enhance the network, habitats and biodiversity. It will include guidance on how habitat for mitigation or compensation could be provided and managed.

6.7 Thus the Nature SPD will provide specific guidance to help developers and others meet the requirements of the Habitats Regulations 2010 (as amended). This role is recognised in the HRA Report of the Sefton Local Plan (2015).

6.8 Policy NH3 'Development in the Nature Improvement Area' focusses on the opportunities for creating and enhancing habitats in order to achieve the greatest gains. This may include mitigation, compensation or changes in land management. The Nature SPD will include guidance on the role of the Nature Improvement Area for mitigation or compensatory habitat. Again, this will help developers and others to meet the requirements of the Habitats Regulations 2010 (as amended).

6.9 Thus any impacts on the environment are likely to be positive, and the net effect of the SPD on the Natura 2000 sites is likely to be positive.

6.10 The following Natura 2000 sites 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).

6.11 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.

6.12 Below is 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.

**Table 3: Assessment of likely significant effects** (taking into account HRA Report for Publication Draft Local Plan (2015))

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
Recreational pressure / disturbance <ul style="list-style-type: none"> <li>Sefton Coast SAC</li> <li>Ribble and Alt Estuaries SPA &amp; Ramsar site</li> <li>Mersey Narrows &amp; North Wirral Foreshore SPA and Ramsar site</li> <li>Liverpool Bay SPA (in-combination disturbance of birds through increase in ship movements and recreational pressure)</li> </ul>	No significant impacts.	SPD has no influence on location or number of new homes proposed, nor ship movements. SPD provides more detailed guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.
Disturbance to qualifying species <ul style="list-style-type: none"> <li>Sefton Coast SAC</li> <li>Ribble and Alt Estuaries SPA and Ramsar site</li> <li>Mersey Narrows &amp; North Wirral Foreshore SPA and Ramsar site</li> </ul>	No significant impacts.	SPD provides more detailed guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.
Coastal squeeze <ul style="list-style-type: none"> <li>Sefton Coast SAC</li> <li>Ribble and Alt Estuaries SPA and Ramsar site</li> <li>Mersey Narrows &amp; North</li> </ul>	No significant impacts.	SPD has no direct impacts on coastal squeeze. SPD provides more detailed guidance to help implement the Local Plan nature

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
Wirral Foreshore SPA and Ramsar site		policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.
<p>Direct habitat loss through expansion of the Port at Seaforth</p> <ul style="list-style-type: none"> <li>Mersey Narrows &amp; North Wirral Foreshore SPA and Ramsar site</li> </ul>	No significant impacts	SPD has no direct influence on Port expansion. However, if development at Seaforth Nature Reserve in the Mersey Narrows & North Wirral Foreshore SPA and Ramsar site where proposed, the SPD would provide more detailed guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.
<p>Direct habitat loss through mineral extraction</p> <ul style="list-style-type: none"> <li>Ribble and Alt Estuaries SPA and Ramsar site.</li> </ul>	No significant impacts	SPD has no direct influence on minerals expansion. SPD provides more detailed guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.
<p>Loss of habitat / supporting habitat outside the <i>Natura 2000</i> site boundary</p> <ul style="list-style-type: none"> <li>Sefton Coast SAC</li> <li>Ribble and Alt Estuaries SPA and Ramsar site</li> </ul>	No significant impacts	SPD provides more detailed guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.
Reduction in water quality	No significant impacts	SPD provides more detailed

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
<ul style="list-style-type: none"> <li>• Sefton Coast SAC</li> <li>• Ribble and Alt Estuaries SPA and Ramsar site</li> <li>• Mersey Narrows &amp; North Wirral Foreshore SPA and Ramsar site</li> <li>• Liverpool Bay SPA - potential for 'in combination' effects with other plans and projects (through sewage effluent discharges).</li> </ul>		<p>guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.</p>
<p>Reduction in air quality</p> <ul style="list-style-type: none"> <li>• Sefton Coast SAC</li> <li>• Ribble and Alt Estuaries SPA and Ramsar site</li> <li>• Mersey Narrows &amp; North Wirral Foreshore SPA and Ramsar site</li> </ul>	<p>No significant impacts</p>	<p>SPD provides more detailed guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.</p>
<p>Mineral extraction</p> <ul style="list-style-type: none"> <li>• Mersey Narrows &amp; North Wirral Foreshore SPA and Ramsar site</li> </ul>	<p>No significant impacts</p>	<p>SPD has no direct influence on minerals expansion. However, SPD provides more detailed guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or enhanced habitat for mitigation or compensation could be provided and managed.</p>
<p>Dredging and disturbance of sediments/benthic habitats</p> <ul style="list-style-type: none"> <li>• Mersey Narrows &amp; North Wirral Foreshore SPA and Ramsar site</li> <li>• Liverpool Bay SPA (following Port expansion)</li> </ul>	<p>No significant impacts</p>	<p>SPD has no direct influence on dredging or disturbance of benthic habitats, or on Port expansion. However, SPD provides more detailed guidance to help implement the Local Plan nature policies NH1, NH2 and NH3, and specifically how new or</p>

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
		enhanced habitat for mitigation or compensation could be provided and managed.

6.13 The SPD 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. The “parent policies” In the Local Plan were screened out meaning no further assessment is needed. The SPD is unlikely to give rise to impacts/significant effects on Natura 2000 sites.

## 7. Consultation

7.1 The Council consulted Natural England, the statutory body for the purposes of HRA.

Statutory Body	Comments
Natural England	Natural England accepts the conclusions of the HRA screening but with the caveat that this is based on the information provided. The SPD albeit at an early stage should recognise that circumstances may change over the period of the SPD preparation.

## 8. Conclusion and statement of reasons

8.1 The Nature SPD is supplementing and will provide further guidance on Policies NH1 ‘Environmental Assets’, policy NH2 ‘Protection and enhancement of nature sites, priority habitats and species’ and policy NH3 ‘Development in the Nature Improvement Area’. The SPD will provide additional guidance to help implement the policies and provide guidance regarding their implementation. Any impacts on the environment are likely to be positive in nature

8.2 The comments of Natural England are set out above.

8.3 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 Nature Conservation Supplementary Planning Document - :

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.

## Part 3- Appendices

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### Appendix A- Contact details

Further information can be obtained from:

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## Appendix B- Extract from Sefton Publication Draft Local Plan (2015): Parent Policies text

### CHAPTER ELEVEN NATURAL AND HERITAGE ASSETS

11.1 Sefton has an outstanding environment which helps to make it distinctive, and which is valued by local residents, businesses and visitors. Both natural and heritage assets are important components of this environment and should be retained and enhanced. Opportunities to achieve this will come through development proposals and other initiatives by the Council, its many partners and other organisations, with a range of funding sources. Recent and continuing initiatives include the refurbishment of the historic Kings Gardens, Southport, and woodland planting.

11.2 Sefton's strategic natural assets include:

- Designated nature sites and priority habitats and the ecological network, notably the Sefton Coast
- The ability of the undeveloped coast to form a natural sea defence
- 'Green infrastructure' such as open space and trees
- Rural landscape.

11.3 .....

11.4 This chapter sets out the strategic policy for all of Sefton's environmental assets. Then it sets out the policy for Sefton's natural assets, followed by the policies for Sefton's heritage assets.

#### NH1 ENVIRONMENTAL ASSETS

**1. Sefton's natural and heritage assets together with its landscape character should continue to contribute to the Borough's sense of place, local distinctiveness and quality of life. Development proposals and other initiatives should contribute positively towards achieving this.**

**2. A hierarchical approach will be taken to the protection and enhancement of Sefton's natural and heritage assets, according to their designation and significance.**

**3. Development should protect and manage Sefton's natural assets. Where possible, development should:**

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

**The main priorities are, improving access, quality, linkages and habitat within the city region ecological network (including the Nature Improvement Area), improving access to and the quality of public open space and other outdoor facilities available to the public and urban trees.**

**4. Sefton's heritage assets should be protected from losses and harmful changes to their significance, fabric and features or in their settings. Development should:**

- **Secure the long-term future of the heritage asset**
- **Be designed to avoid harm**
- **Be of a high quality design which is sympathetic to the historic context of the heritage assets affected**
- **Incorporate proposals for proper repair and re-instatement of historic features and/or involve work which better reveals the significance of Sefton's heritage assets and their settings**
- **Where losses are unavoidable, recording, analysis and reporting must be undertaken where appropriate.**

**Key policy links and objectives:**

- Other policies in this chapter

**National and regional context**

- 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' (2011)
- Shoreline Management Plan
- The Mersey Forest Plan 2014

**Explanation**

11.5 This policy aims to protect, enhance and manage Sefton's strategic natural and heritage assets, taking a hierarchical approach according to the designation and significance of the assets.

11.6 Sefton's natural assets include the designated nature and geological sites and priority habitats and associated features which are part of the emerging Liverpool City Region (LCR) ecological network. The hierarchical approach to these nature and geological sites and their significance is set by the national context, and is reflected by policy NH2 'Protection and enhancement of nature sites, priority habitats and species'. The internationally important sites on the Sefton Coast are the most significant, followed by nationally and locally-designated sites and priority habitats respectively.

11.7 The local authorities in the Liverpool City Region are jointly preparing an ecological network. This draws together evidence and indicates strategic priorities and opportunities for habitat creation and enhancement in Sefton and across the sub-region including in a Nature Improvement Area (NIA). This is in line with national guidance, and recognises that many natural assets occur on a landscape scale, across local authority boundaries. Neighbouring areas of Lancashire, Greater Manchester and Cheshire are currently preparing ecological networks. Discussions between City Region authorities, partners and

neighbouring areas including through Nature Connected (the Government-recognised Local Nature Partnership) have resulted in a more integrated approach between Sefton and adjacent local authorities.

11.8 The local authorities in the City Region, Natural England, and other partners also continue to work together to manage visitor pressure on the Sefton Coast. Sefton's recent and current initiatives to help manage visitor pressure are set out in the explanation to policies EQ9 'Provision of public open space, strategic paths and trees in development', NH4 'The Sefton Coast and Development' and NH5 'Protection of public open space and Countryside Recreation Areas'.

11.9 Sefton's green infrastructure network is also one of the Borough's key natural assets. The main components of Sefton's green infrastructure are:

- The Sefton Coast
- Open space, which comprises public open space (which is also accessible nature space) and other outdoor recreation facilities available to the public, and Countryside Recreation Areas (which are also accessible nature space)
- Sefton's green network of strategic paths and cycleways
- Sefton's designated sites of nature/geological importance and priority habitats
- Water bodies and land formally designed to manage surface water and flood risk, including adopted Sustainable Drainage Systems
- Agricultural land
- Trees and landscaping.

11.10 .....

## **NATURE CONSERVATION AND ENHANCEMENT**

11.15 The Sefton Coast and its internationally important nature sites are the most important natural assets in the Borough. Other key natural assets include wetlands (both rivers and drainage channels), grasslands and woodlands.

11.16 Paragraph 9 of the National Planning Policy Framework (the Framework) stresses the importance of moving from a net loss of biodiversity to achieving net gains for nature as part of achieving sustainable development. Section 11 of the Framework plus other legislation, regulations and guidance set out both how this is to be achieved, and legal duties and requirements for nature conservation.

### **NH2 PROTECTION AND ENHANCEMENT OF NATURE SITES, PRIORITY HABITATS AND SPECIES**

- 1. Development which may result in a likely significant effect on an internationally important site must be accompanied by sufficient evidence to enable the Council to make a Habitats Regulations assessment. Adverse effects should be avoided, 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 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).

2. Development which may affect other designated sites of nature/geological conservation importance, or priority habitats and protected or priority species will be permitted where it can be demonstrated that there is no significant harm.
3. Development which may cause significant harm will only be permitted in:
  - *National sites (including Sites of Special Scientific Interest, National Nature Reserves)*: where there are no alternatives and where the reasons for and the benefits of development clearly outweigh the impact on the nature conservation value of the site and its broader contribution to the national network
  - *Local Sites (including Local Nature Reserves, Local Wildlife Sites and Local Geological Sites)*: where the reasons for and the benefits of development clearly outweigh the impact on the nature conservation value of the site and its broader contribution to the ecological network, and
  - *Priority Habitats*: where the reasons for and the benefits of development on balance outweigh the habitat's broader contribution to the ecological network.

For national and local sites, where it has been demonstrated that significant harm cannot be avoided appropriate mitigation or, as a last resort, replacement or other compensation will be required, to accord with the hierarchy of sites. The location of appropriate mitigation, replacement or other compensation will be targeted, using a sequential approach, as follows:

- Within the development site
- In the immediate locality and / or within the core biodiversity area
- Within a Nature Improvement Area within the Borough
- Within a Nature Improvement Area elsewhere in the Liverpool City Region, and lastly,
- Elsewhere.

Where significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, compensated, then planning permission will be refused.

4. **Development proposals which affect sites of nature conservation importance, priority habitats and/or priority or legally protected species must be supported by an ecological appraisal showing details of avoidance, mitigation and/or compensation, and management.**
5. **This policy also applies to sites which are recognised and designated during the Plan period as being of nature conservation importance, including land provided as compensation under this policy.**

#### **Key policy links**

- NH1 Environmental assets
- NH3 Development in the Nature Improvement Area

#### **National /regional context**

- 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' (2011)

#### **Explanation**

11.17 The policy focus, hierarchical approach and strategic priorities are in line with national guidance and legislation. The hierarchy of designated sites, priority habitats, and priority or legally protected species and their significance is set out in the policy and is:

- a) Sites of international nature importance. (This also applies to sites and habitats outside the designated boundaries that support species listed as being important in the designations of the internationally important sites – often termed 'supporting habitat' - for example pink-footed geese feeding areas). In Sefton these are the Ribble & Alt Estuaries Ramsar site and Special Protection Area (SPA), the Mersey Narrows & North Wirral Foreshore Ramsar Site and Special Protection Area and the Sefton Coast Special Area of Conservation (SAC). Sites outside Sefton include Liverpool Bay SPA and Manchester Mosses SAC
- b) Sites of national nature and geological importance, which in Sefton comprise Sites of Special Scientific Interest (SSSIs) and/or National Nature Reserves (NNRs) on the Sefton Coast
- c) Sites of local nature and geological importance, which in Sefton comprise Local Nature Reserves (LNRs), Local Wildlife Sites (LWSs) and Local Geological Sites (LGSs), and
- d) Priority habitats and species and legally protected species.

11.18 An ecological appraisal, which should be carried out by a suitably qualified ecologist, must support planning applications which affect designated nature or geological sites and / or priority habitats and species.

**Figure 11.1 Nature Conservation Sites in Sefton [ see diagram]**

11.19 The designated sites are shown on the Policy Map, and the full list of Sefton's designated sites is set out in Appendix 2.

11.20 Priority habitats and species are 'habitats and species of principal importance' for the conservation of biodiversity in England. The Secretary of State is required under section 41 of the Natural Environment and Rural Communities (NERC) Act (2006) to publish lists of priority habitats; the most recent review in 2007 listed 65 priority habitats and 1150 priority species. The Council, together with other public bodies (such as the Environment Agency), has a duty under the NERC Act to conserve biodiversity, including priority habitats and species.

11.21 In Sefton priority species include natterjack toads, sand lizards, Whooper swans and Pink-footed geese. Priority habitats sit outside the designated site hierarchy and may be of national (e.g. Ancient woodlands) or local importance. Legally protected species include badgers, bats and water voles. Some habitats such as ancient woodland and ancient trees are irreplaceable because of their age and complexity, and cannot be recreated once they are lost.

***Protection***

11.22 Section 1 of the policy sets out the requirements for development which affects internationally important nature sites, whether in Sefton or elsewhere. Habitats Regulations Assessment includes Appropriate Assessment and specific monitoring and/or mitigation or compensation where required. Alternative solutions would be alternative locations, different scales or designs of development, or alternative processes, or not going ahead with the development. Alternatives should be considered at the earliest stage of development.

11.23 The Habitats Regulations Assessment of the Local Plan (in its Appendix) identifies a number of allocated sites where a site-specific Habitats Regulations assessment will need to accompany any planning application. This is primarily to allow the Council to assess whether the sites support species listed as being important in the designations of Sefton's Special Protection Areas and Ramsar sites and if so to make sure that appropriate protection is given to the integrity of this bird population or to the amphibian populations of the Ramsar site. More information is set out in the Habitats Regulations Assessment of the Local Plan. This also refers to the need for site-specific Habitat Regulations assessments for development proposals that are likely to result in an increase of more than 1% in nitrogen inputs into the Sefton Coast Special Area of

Conservation (SAC). Such proposals are likely to include those in or within 200 metres (m) of the SAC, and those which could increase traffic flows on roads within 200m of the SAC by over 1,000 vehicle movements per day or 200 heavy duty vehicle movements per day (in terms of annual average daily traffic flows). This might include housing developments of 200 or more homes, office developments of 7,000 m<sup>2</sup> or more, industrial estates of 15,000 m<sup>2</sup> or more, warehousing of 35,000 m<sup>2</sup> or more, hotels with 300 or more bedrooms and leisure facilities or exhibition centres of 9,000 m<sup>2</sup> or more.

11.24 Section 2 of the policy sets out the requirements for development which affects other designated sites.

11.25 Where there may be significant harm to national or local sites, or to priority habitats, section 3 of the policy applies. It sets out the relative weight which will be given to the reasons for and the benefits of development, and the impact on the nature conservation value of the site and its broader contribution to the ecological network. The policy also sets out the approach to appropriate mitigation, replacement or other compensation. Paragraph 118 of the Framework makes clear that if significant harm resulting from a development cannot be avoided, adequately mitigated or, as a last resort, compensated for, planning permission should be refused.

### ***Mitigation and compensation***

11.26 Section 3 of the policy sets out the approach to avoidance, mitigation, and, as a last resort, compensation. The Council will prepare a Supplementary Planning Document (SPD) to provide more guidance on mitigation, compensation and enhancement. This will apply to both designated sites and habitats outside the designated sites that support species listed as being important in the designations of the internationally important sites. In this policy compensation means provision in kind, for example similar habitat elsewhere which supports the same range of species, rather than financial compensation. It is crucial to the strategic priority of 'no net loss' set out in paragraph 11.16 above that appropriate mitigation or, as a last resort, compensation is made. The location of appropriate mitigation, replacement or other compensation must follow the sequential approach set out in section 3 and should ideally be as close as possible to the development site. The immediate locality of the site includes nearby sites in West Lancashire (including any future Nature Improvement Areas) or another district.

11.27 To comply with the Habitats Regulations 2010 (as amended), compensation for internationally important sites must be made before development begins, as set out in the policy. More information is set out in the Habitats Regulations Assessment of the Local Plan. For other designated sites or species, mitigation, replacement or other compensation can take place as part of the development (during the development process). This compensation may be provided by the applicant direct, or through another person or organisation, such as a local

land manager. It is sometimes termed 'biodiversity offsetting'. The SPD will include examples of how habitat for mitigation or compensation could be provided and managed.

11.28 Landowners and farmers in Sefton play a local role in managing land which includes important habitats, principally for farmland birds and pink-footed geese, or land in the Nature Improvement Area. Sefton Council owns or manages a number of sites, including much of the Sefton Coast. Partner organisations who own or manage such sites in Sefton include the Environment Agency (such as Lunt Meadows washland), the National Trust and Natural England (on the Sefton Coast), the Lancashire Wildlife Trust (such as north of Formby), the Canal and Waterways Trust (the Leeds and Liverpool Canal) and Mersey Forest and the Forestry Authority (for example Town Lane country park). In relation to the Sefton Coast the focus is first on avoiding impacts; where this is not possible mitigation options will be explored, including providing alternative functionally linked habitat for Special Protection Area/Ramsar species. The SPD will include examples of mitigation options, particularly in relation to pink footed geese.

### ***Enhancement***

11.29 The Plan encourages opportunities to enhance habitat within development sites, including within public open space or sustainable drainage schemes. These opportunities range, for example, from significant habitat creation within larger sites, including those released from the Green Belt, to 'bat boxes' or tree planting on smaller urban sites.

11.30 There will be opportunities for the Council and landowners or managers referred to in paragraph 11.28 above, to enhance these habitats or create new habitats including for farmland birds and pink-footed geese. This will enhance the ecological network and/or the Nature Improvement Area (NIA). This could be through changes to how green spaces are managed or habitat creation at a larger scale, funded from a variety of sources. More guidance will be set out in the SPD.

11.31 The purpose of the NIA, in line with the Framework, is to focus the opportunities for creating and enhancing habitats in order to achieve the greatest gains. This may include: mitigation, compensation or changes in land management. Thus the NIA offers a solution which enables sustainable growth and housing needs to be met without compromising Sefton's or the City Region's environmental assets. It is anticipated that funding would come from a variety of sources.

**NH3 DEVELOPMENT IN THE NATURE IMPROVEMENT AREA**

**Development proposals within the Nature Improvement Area will be permitted where they complement the identified opportunities for habitat creation and / or habitat management, and are consistent with other policies in the Plan.**

**Key policy links**

- NH1 'Environmental assets'
- NH2 'Protection and enhancement of nature sites, priority species and habitats'

**National /regional context**

- 'Biodiversity 2020: A strategy for England's wildlife and ecosystem services' (2011)

**Explanation**

11.32 This policy, together with other Plan policies and the proposed Supplementary Planning Document seeks the enhancement of Sefton's natural assets, including restoring or adding to natural habitats and other landscape features, and the creation of habitats where appropriate.

11.33 The Nature Improvement Area shown on the Policy Map is that part of the Liverpool City Region Nature Improvement Area which is within Sefton. In total there are sixteen NIA Focus areas in the City Region NIA, covering a range of habitats (these are listed in Appendix 2).

