

## Local Plan for Sefton – Publication Draft

### Supplementary Note by the Director of Built Environment

This Note comprises a number of suggested changes to the Publication Draft Local Plan :

- Pages 1-4: changes made due to comments from Natural England and Natural Resources Wales regarding the Habitats Regulations Assessment report
- Pages 5-7: changes to the explanation to the policy on open space (Policy NH5) to make clear that “open space” not only includes publicly owned open space, but also open space of public value (specifically sports club sites), and to ensure the latter are shown as open space on the Policy Map.
- Page 7: two further minor changes.

#### **A. Changes made due to comments on the Habitats Regulations Assessment report made by Natural Resources Wales and Natural England**

##### ***Reason for changes:***

*The report to Cabinet and Council noted that the Habitats Regulations Assessment report was forwarded to Natural England and Natural Resources Wales for a statutory three week period for comment ending in mid-January, and that any comments which would result in changes to the draft Plan would be reported to Council.*

*Natural England’s main concern is in relation to the protection of Seaforth Nature Reserve within Policy ED1 ‘The Port and Maritime Zone’; that the policy should reflect Habitats Regulations requirements. Natural Resources Wales’ main concern was that the same policy be amended to ensure sufficient protection for Liverpool Bay Special Protection Area. These concerns are reflected in changes to policy ED1 and its explanation, and to Policy NH2 “Protection and enhancement of nature sites, priority habitats and species”. Changes to chapter 12 “PlanImplementation and Monitoring” re-iterate these.*

*The other key concerns of Natural England and Natural Resources Wales reflect the need for on-going monitoring and mitigation measures if necessary, and regarding Hesketh Golf Course.*

*The changes to the Local Plan needed in the light of these comments are set out below.*

#### **Chapter 7 Economic Development and Regeneration**

##### Policy ED1 The Port and Maritime Zone

Policy amended to say:

1. ~~Significant-d~~Development and re-structuring will be permitted in the Port and Maritime Zone (as shown on the Policy Map) including the expansion of the operational port area to the A565 (Derby Road, Rimrose Road and Crosby Road South), ~~Development that requires planning permission within this area (including any development of the Seaforth Nature Reserve) will be permitted~~ provided that the following criteria are met:

- a) The development is a port-related activity and does not prevent the comprehensive redevelopment of the area for such purposes;
- b) Buildings are suitably designed so that they integrate into and respect the surrounding natural, built and historic environment;
- c) Appropriate landscaping and/or screening and other forms of mitigation are provided to minimise the impact of the development on sites which abut the landward edge of the Port and Maritime Zone;
- d) The development is designed to encourage walking and cycling, and has incorporated, where possible,

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water and rail as alternatives to road transport; **and**

- e) Appropriate mitigation is included that ensures that impacts resulting from noise, dust, smells or other forms of pollution on the amenity of other occupiers within the area and on adjacent communities are mitigated and minimised; **and**
- f) **It can be demonstrated that there is no significant risk of any impact upon the important ecological interests of Seaforth Nature Reserve.**

2. The expansion of the operational port area onto all or part of the Seaforth Nature Reserve will **only not** be permitted **provided that unless** the proposals:

- a) Demonstrate **both** that there are:
  - (i) **n**No alternative sites available; **and**
  - (ii) **'i**mpерative reasons of overriding public interest' as to why the development should be permitted in this location; and **subsequently**
- b) Provide suitable compensatory habitat and necessary mitigation for an appropriate period to end once monitoring confirms that the compensatory habitat is performing a function identical to that of Seaforth Nature Reserve; **and.**
- c) **Demonstrate that there are no likely significant effects on the Liverpool Bay Special Protection Area or other internationally important nature sites.**

3. Improvements to access will be required to support the expansion of the Port. This may require a new road and /or substantial improvements to the surrounding highway network beyond the Port area, as well as other modes of transport.

4. Planning conditions and / or legal agreements will be used to ensure appropriate compensation, mitigation, infrastructure and appropriate local economic, environment and community benefits are secured and provided.

Para 7.16 amended to say:

7.16 The Seaforth Nature Reserve is a Ramsar Site and Special Protection Area and as such is internationally important for nature conservation and is part of the Natura 2000 network of international nature sites. Under the Habitats Regulations 2010 the Council has a duty to prevent adverse effects on the integrity of sites of international nature importance. **This includes sites within or outside Sefton, such as Liverpool Bay Special Protection Area. As development at Seaforth will result in direct land take in relation to the Mersey Narrows and North Wirral Foreshore Special Protection Area and Ramsar site, along with other effects identified in the HRA of the Local Plan, adverse impacts cannot be ruled out at the Plan stage. As a result it will be necessary to consider alternatives and imperative reasons of overriding public interest before considering compensation measures (Regulations 62 and 66 of the Habitats Regulations, respectively). Accordingly the policy, especially section 2, is clear that planning permission will not be granted for port related development at Seaforth Nature Reserve unless the necessary requirements of the Habitats Regulations can be met. A number of tests need to be satisfied, including demonstrating that there are no alternative solutions, that the development is needed for "imperative reasons of overriding public interest" and that appropriate compensatory habitat will be provided, and if necessary additional mitigation will be provided before development begins.** Any compensatory habitat will have to have the same functions as would be lost at Seaforth Nature Reserve. An agreement will need to be in place, before development commences, to protect the adjacent internationally important sites at Crosby, **and beyond**, including the Sefton Coast Special Area of Conservation (SAC), **and** the Ribble & Alt Estuaries Special Protection Area (SPA) **and Ramsar site and Liverpool Bay SPA. This may include specific monitoring and/or mitigation or compensation. More information is set out in the Habitats Regulations Assessment of the Local Plan.**

## **A. Changes made due to comments on the Habitats Regulations Assessment report made by Natural Resources Wales and Natural England**

### **Chapter 11 Natural and Heritage Assets**

#### **Policy NH2 Protection and enhancement of nature sites, priority habitats and species:**

Para 11.8, point a) amended to say:

11.18 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.](#)

Para 11.23 amended to say:

11.23 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.

Para 11.24 amended to say:

11.24 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.](#) The Habitats Regulations Assessment of the Local Plan 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.

Para 11.28 amended to say:

11.28 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.

## **A. Changes made due to comments on the Habitats Regulations Assessment report made by Natural Resources Wales and Natural England**

### **Policy NH6 Urban Golf Courses**

Para 11.57 amended to say:

11.57 This policy aims to retain the provision of golf facilities at Bootle Golf Course, at Southport Old Links Golf Course and the part of Hesketh Golf Course within the urban area. These urban golf courses are shown on the Policy Map. At the same time the policy aims to protect and enhance the Site of Scientific Interest and Local Wildlife Site at Hesketh Golf Course and the Local Wildlife Site at Southport Old Links Golf Course. [Development proposals for Southport Old Links Golf course or Hesketh Golf Course \(including in the Green Belt\) should be accompanied by a site specific Habitats Regulations assessment and provide appropriate protection to the integrity of the internationally important nature sites.](#)

### **Chapter 12 Plan implementation and Monitoring**

Para 12.8 amended to say:

12.8 Earlier chapters of the Plan set out the Council's commitment to managing visitor pressure on the [internationally important nature sites on the Sefton Coast](#) through mechanisms such as the Sefton Coast Partnership, Coast and beach management plans; and through management of public open space away from the Coast – protecting public open space, Countryside Recreation Areas and other outdoor sports and recreation facilities available to the public, and new public open space provision. These chapters also note that local authorities in the City Region, Natural England and other partners continue to work together to manage visitor pressure on the Sefton Coast. ~~It may be that in~~ In future this ~~will~~ requires a more formal framework or strategy for [monitoring and managing recreational access across the City region. The purpose of this is to take a strategic approach to managing access](#) to European sites. ~~hen necessary~~ This will be [supported](#) by visitor survey data. Natural England is commissioning work on recreational disturbance to the City Region internationally important nature sites to inform any future strategy. [These chapters also set out the Council's wider commitment to protecting the integrity of internationally important nature sites within or partly or wholly outside Sefton; for example in relation to nitrogen levels in the Sefton Coast Special Area of Conservation \(SAC\); or Liverpool Bay Special Protection Area.](#)

### **Appendix 1 Site Specific requirements**

The end of the section headed Site-specific Habitats Regulations Assessments amended to say:

[More information is set out in the Habitats Regulations Assessment \(HRA\) of the Local Plan, especially section 7.7.2, section 11.1 and the Appendix. Section 7.7.2 refers to these sites in general as well as specifically to MN2.23, MN2.24 and MN2.32. For example, the site-specific Habitats Regulations Assessment for s](#)Sites within sensitive areas for [birds listed in the Special Protection Area \(SPA\) /or Ramsar site citations](#) birds will [be likely to](#) require a non-breeding bird survey during autumn, winter and spring to support any planning application. [In such cases t](#)The site should be surveyed by an experienced ornithologist twice per month from September to March. The provision of replacement habitat will be required if the site is established to regularly support over 1% of the SPA/Ramsar population of that species. [In some cases the site-specific Habitats Regulations Assessment may need to focus on impacts on the integrity of the amphibian populations of the Ramsar site.](#)

**B. Changes made regarding open space, under policy NH5 which was called 'Protection of public open space, Countryside Recreation Areas, and other outdoor sports and recreation facilities available to the public'**

***Reason for changes:***

*It is considered more appropriate to show both public open space and other outdoor sports and recreation facilities available to the public as 'open space' on the Policy Map. Hence it is necessary to amend the text in the written statement to make clear that in Sefton open space comprises both public open space and other outdoor sports and recreation facilities available to the public. There is no change to the policy approach for each type of open space, and so the revised policy and explanation remains in line with the Framework.*

**Chapter 11 Natural and Heritage Assets**

Policy NH5 'Protection of open space and countryside recreation areas' (formerly called 'Public open space, countryside recreation areas and other outdoor sports and recreation facilities available to the public')

There are a number of changes to this policy and its explanation, set out below:

**~~PUBLIC OPEN SPACE, AND COUNTRYSIDE RECREATION AREAS AND OTHER OUTDOOR SPORTS AND RECREATION FACILITIES AVAILABLE TO THE PUBLIC~~**

- 11.48 Sefton's open space, which comprises public open space and other outdoor sports and recreation facilities available to the public, is a ~~are~~ significant and important part of the Borough's green infrastructure. Open spaces ~~They~~ provide recreation benefits including exercise through active sports, walking, cycling and use of play facilities. Sefton's countryside recreation areas offer important opportunities for informal recreation in a countryside or woodland setting. Access to green space, trees and nature is also good for people's health and well-being. Some ~~public~~ open spaces have heritage value, for example Botanic Gardens, Churchtown; Kings Gardens, Southport; Derby Park in Bootle; and Potters Barn and park, Waterloo.
- 11.49 National planning policy refers to the need to protect open space, which is defined as "All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity." The Council considers that in Sefton such open space comprises both public open space and other outdoor sports and recreation sites available to the public. Countryside Recreation Areas, shown on the Policy Map, are also important.
- 11.54 Policy NH5 deals with the protection of open space ~~public opens apce and other outdoor sports and recreation facilities available to the public~~. Policy EQ9 'Provision of public open space, strategic paths and trees in development' sets out the requirements for new provision of public open space, strategic paths and trees, linked to development. Sefton's approach to protection of built sports facilities follows that in the Framework.

**NH5 PROTECTION OF ~~PUBLIC OPEN SPACE~~ AND ~~COUNTRYSIDE RECREATION AREAS AND OTHER OUTDOOR SPORTS AND RECREATION FACILITIES AVAILABLE TL THE PUBLIC~~**

1. The following types of development are acceptable in principle on ~~public open space~~ and other outdoor sports and recreation facilities which are available to the public:

- a) Environmental improvements which enhance the site's environmental quality or green infrastructure benefits, including built facilities necessary for the use of the site;
- b) Other development proposals, where:
  - An assessment has been undertaken which has clearly shown the public open space or outdoor sports facilities to be surplus to Sefton's standards; or
  - The loss of public open space or outdoor sports facilities resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity *and*

**B. Changes made regarding open space, under policy NH5 which was called 'Protection of public open space, Countryside Recreation Areas, and other outdoor sports and recreation facilities available to the public'**

quality in a suitable location;

- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

**2. Development in Countryside Recreation Areas should protect and enhance their informal recreation use, subject to other Plan policies.**

**Key policy links**

- Strategic policy NH1 Environmental assets
- EQ9 Provision of public open space, strategic paths and trees in development

**Explanation**

11.55 The policy aims to protect ~~open space while allowing its recreation or other green infrastructure benefits to be enhanced, and to protect and enhance informal recreation in the Countryside Recreation Areas. Open space comprises~~ public open ~~space (which is also accessible nature space)~~ and other outdoor sports and recreation facilities which are available to the public. ~~This~~ Most open space in the urban area is shown on the Policy Map. Outdoor sports sites smaller than 0.25 hectares in the urban area (mostly bowling greens and tennis courts) are not shown on the Policy Map although the policy applies to them. ~~while allowing their recreation or other green infrastructure benefits to be enhanced. Sefton's approach to protection of built sports facilities follows that in the Framework. The policy also aims to protect and enhance informal recreation in the Countryside Recreation Areas. Sefton's approach to protection of built sports facilities follows that in the Framework.~~

11.50 ~~Of this open space,~~ Sefton's public open space in the urban area, ~~which is shown on the Policy Map,~~ comprises:

- Public parks (including local parks), ~~and~~ Blundellsands Key Park and play areas ~~(Mostly within the urban area)~~
- Public playing fields, pitches and outdoor sports sites
- Public nature sites
- Public water bodies used for recreation such Crosby Marine Lake, Southport Marine Lake and the canal and its towpath.
- Allotments
- Larger public amenity green spaces
- Public cemeteries in Southport and Thornton.

~~11.51~~ Public open space in the Green Belt includes the canal and its towpaths and some more formal parks or outdoor sports sites.

~~11.51~~ This public open space, ~~in both the urban and rural area,~~ is also accessible nature space. Natural England's 'Nature Nearby' (2010) recognises that accessible nature space is everyday nature, close to where people live, which takes many forms including nature sites, woodland, country parks but also urban parks and other public open spaces. There are also areas of the Green Belt which are particularly important for informal recreation, and these are identified as Countryside Recreation Area on the Policy Map. Like parts of the Sefton Coast, they are also accessible nature spaces.

11.52 Sefton's other outdoor sports and recreation facilities which are available to the public, include ~~sports c~~club pitches and outdoor sports sites which are used by local teams and sports leagues (including bowling greens within the grounds of some of Sefton's public houses and sports club sites), which are identified within approved or forthcoming Recreation and Playing Pitch Strategies as being used by local leagues or teams; and schools outdoor sports facilities where there are formal agreements for use by local sports teams, clubs or organisations.

- ~~Larger, landscaped churchyards and cemeteries to which the public have access for walking, cycling or~~

**B. Changes made regarding open space, under policy NH5 which was called 'Protection of public open space, Countryside Recreation Areas, and other outdoor sports and recreation facilities available to the public'**

~~quiet contemplation.~~

- 11.53 ~~While churchyards to which the public have access for walking, cycling or quiet contemplation may have informal recreation value, these sites are mainly designated as~~ These sites are not specifically designated on the Policy Map as public open space as they are not generally in the direct control of a public body. Most lie ~~within the~~ Primarily Residential Area ~~Or Green Belt designations~~ on the Policy Map.
- 11.54 The most recent Sefton Green Space Strategy (2008) and Recreation and Open Space Study (2009) remain the main basis for assessing existing local provision in relation to this policy, while policy EQ9 'Provision of public open space, strategic paths and trees in development' sets out the current basis for judging appropriate provision of new public open space in new housing development. The forthcoming Playing Pitch and Open Space and Recreation Strategies may result in revised standards, to guide the application of policy NH5 and EQ9.
- 11.55 Retention, provision and enhancement of public open space within or close to housing development sites, and in Countryside Recreation Areas, ~~also~~ makes an important contribution to managing recreation pressure on the internationally important nature sites on the Sefton Coast.

**Other minor changes:**

**1. Chapter 6: Meeting Sefton's Needs**

Para 6.19 currently says:

"The vast majority of these sites [in the Green Belt] can viably provide the full 30% affordable housing required by Policy HC1 and this will be funded by the developer.

It is proposed to delete the word 'vast', to reflect the fact that, following the Viability Study, a number of sites in the Green Belt may not be able to provide as much as 30% affordable housing.

However Policy HC1 will still apply. This expects 30% affordable housing to be provided on housing sites of 15 dwellings or more across most of the Borough unless an independent assessment of economic viability demonstrates otherwise.

**2. Appendix 1:**

Site MN2.41 'Former St Wilfrid's School, Orrell Road, Bootle.

It is proposed to delete the second bullet point relating to vehicular access as, on reflection, this requirement was considered to be unnecessarily prescriptive.