



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

Ein cyf/Our ref:  
Eich cyf/Your ref: Sefton Local Plan HRA

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Cc; James Riley  
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6<sup>th</sup> January 2015

Dear Andrea,

### **Sefton Local Plan- Habitats Regulations Assessment including Appropriate Assessment**

Thank you for giving Natural Resources Wales the opportunity to comment on the Habitats Regulations Assessment for the Sefton Local Plan.

Our comments are made in the context of our responsibilities under the Conservation of Habitats and Species Regulations 2010 (as amended) and as advisers to Welsh Government on the natural heritage and resources of Wales and its coastal waters.

It is not the role of NRW to comment on plans and programmes outwith Wales except where those plans affect our natural heritage and resources and our comments will therefore be limited to those matters.

We welcome the efforts made by the Authority in undertaking this assessment and involving Natural Resources Wales in the consultation process. Our specific comments on the Habitats Regulations Report are contained within Annex 1 to this letter. Our key comments are set out below.

- We welcome the detailed consideration given to potential effects on the River Dee and Bala Lake SAC and the efforts made in discussing potential abstraction issues in Wales with United Utilities. We agree in principle with the conclusions drawn subject to further discussions taking place in the interim with United Utilities (footnote 8) and agree that implementation of the Sefton Local Plan is not considered likely to have significant effects on the River Dee and Bala Lake SAC and/or the Dee Estuary SAC/SPA/Ramsar, in terms of water abstraction.

- We note the reference and discussion of the advice given by Natural England to Runnymede District Council in respect of diffuse air pollution impacts and the suggestion that this advice 'inevitably sets a precedent since (as far as we are aware), it is the only formal guidance issued to a Local Authority from any Natural England office on this issue'. Whilst it would be inappropriate for NRW to question advice given by Natural England in 2006, we would suggest that this advice should not be considered as setting any precedent in Wales.
- We note and, in principle, agree with the recommendations made to Policy ED1 and in Chapters 6 and 7 to the Local Plan. Subject to the rigorous application of appropriate avoidance and mitigation measures, we would agree that the safeguards provided in the Sefton Local Plan are sufficient so as to protect the integrity of the Welsh part of the Liverpool Bay SPA against adverse effects. We would however, welcome an explicit commitment to the monitoring of the effects of Policy ED1 on the Liverpool Bay SPA and reassurance that, in the event that the proposed Port expansion is found, either directly or indirectly, to have adverse effects on the integrity of Liverpool Bay SPA, remedial action would be taken in discussion with Natural England and Natural Resources Wales.

We thank you again for consulting with Natural Resources Wales. Should you have any queries about these comments, please do not hesitate to contact Angharad Wyn Crump on 03000 655 232 or [angharad.crump@cyfoethnaturiolcymru.gov.uk](mailto:angharad.crump@cyfoethnaturiolcymru.gov.uk).

Yours Sincerely,



**Richard Nines**

**Pennaeth Ecosystemau Cynllunio a Phartneriaethau, Gogledd a Canolbarth Cymru  
Head of Ecosystems Planning and Partnerships , North and Mid Wales**

**Annex 1:  
Sefton Local Plan  
Habitats Regulations Assessment including Appropriate Assessment**

**3.3:** We welcome the reference made to Natural Resources Wales' guidance on the HRA process for plans and to TAN 5 and acknowledge that the current draft CLG guidance, as applying to England, will take precedence.

**3.6:** We agree with the inclusion of the Liverpool Bay SPA within the scope of this assessment process. In terms of potential 'in combination' effects, it should be noted however that the HRA process requires consideration of in combination effects with other plans and projects and not, as stated in Table 1, 'in combination effects with other plans and policies'.

**Table 2:** We welcome the detailed consideration given to potential effects on the River Dee and Bala Lake SAC and the efforts made in discussion potential abstraction issues in Wales with United Utilities. We agree in principle with the conclusions drawn subject to further discussions taking place with United Utilities (footnote 8) and agree that implementation of the Sefton Local Plan is not considered likely to have significant effects on the River Dee and Bala Lake SAC and/or the Dee Estuary SAC/SPA/Ramsar, in terms of water abstraction.

**3.7.1:** We would suggest that proposals for a new nuclear development at Wylfa have now passed beyond the strategic stage and projects details are now being prepared and available.

**3.7.2:** It should be noted that, at the time of writing this consultation response, Welsh Government have not yet 'approved' the IROPI case for the North West England and North Wales Shoreline Management Plan 2.

**4: Pathways of Impact**

We welcome the comprehensive consideration of impact pathways by which developments may be connected with European Sites.

**4.6:** We note the reference and discussion of the advice given by Natural England to Runnymede District Council in respect of diffuse air pollution impacts and the suggestion that this advice 'inevitably sets a precedent since (as far as we are aware), it is the only formal guidance issued to a Local Authority from any Natural England office on this issue'. Whilst it would be inappropriate for NRW to question the advice given by a single Natural England office in 2006, we would suggest that this advice should not be considered as setting any precedent in Wales.

**4.7:** We welcome the detailed consideration given to potential effects on the River Dee and Bala Lake SAC and the efforts made in discussing potential abstraction issues in Wales with United Utilities. We agree in principle with

the conclusions drawn further to discussion with United Utilities and agree that implementation of the Sefton Local Plan is not considered likely to have significant effects on the River Dee and Bala Lake SAC and/or the Dee Estuary SAC/SPA/Ramsar, in terms of water abstraction. We also agree , in principle, that risks of abstraction at inappropriate times 'will be prevented by the Environment Agency's licensing regime and Review of Consents process' however, it should be stressed that responsibility for licensing of abstractions in Wales, lies with Natural Resources Wales.

## **9; Liverpool Bay SPA**

- 9.4:** We agree with this HRA's identification of potential significant effects of the Sefton Local Plan's implementation on; water quality, direct and indirect loss/damage to marine benthic habitat and by recreational disturbance. We also note the potential for 'in combination' effects in relation to projects including the Gwynt y Mor array, Liverpool John Lennon expansion, Burbo Bank windfarm and extension and Wylfa Newydd. We would however suggest that additional effects should be considered in respect to increased shipping and disturbance resulting from the expansion of the Port of Liverpool (section 9.8).
- 9.11:** We note and, in principle, agree with the recommendations made to Policy ED1 and in Chapters 6 and 7 to the Local Plan. Subject to the rigorous application of appropriate avoidance and mitigation measures, we would agree that the safeguards provided in the Sefton Local Plan are sufficient so as to protect the integrity of the Welsh part of the Liverpool Bay SPA against adverse effects. We would however, welcome an explicit commitment to the monitoring of the effects of Policy ED1 on the Liverpool Bay SPA and reassurance that, in the event that the proposed Port expansion is found, either directly or indirectly, to have adverse effects on the integrity of Liverpool Bay SPA, remedial action would be taken.