

**Open Space Supplementary Planning  
Document:**

**Strategic Environmental Assessment/  
Habitats Regulations Assessment**

**Final Screening Statement**

**September 2017**

## Part 1- Introduction and context

### 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 (the habitats regulations)

for the proposed Open Space Supplementary Planning Document (SPD).

### 2. Policy context

#### National planning context

2.1 Government policies and the National Planning Policy Framework (the Framework) and supporting Planning Practice Guidance promote and recognise that the planning system can play an important role in supporting the health and well-being of communities, and that this can be achieved through planning positively for the creation of high quality public space, and protecting open space from development (Framework, chapter 8).

2.2 Open space also contributes to meeting the challenge of climate change (Framework, chapter 10), by contributing to green infrastructure provision in an area. As such it can also contribute towards the conservation and enhancement of the natural environment by providing mitigation to adverse impacts (Framework, chapter 11).

#### Local planning context – the emerging Sefton Local Plan

2.3 All references to, and quotes from, the Sefton Local Plan in this document are to the Proposed Modifications to the Local Plan for Sefton (June 2016). The Sefton Local Plan was submitted for examination in August 2015, and examination hearings were held in November and December 2015 and January 2016. The Inspector's Initial Findings were published in February 2016. The Proposed Modifications to the Sefton Local Plan were approved for consultation in June 2016 and consultation is taking place until 3<sup>rd</sup> August 2016. The Proposed Modifications to the Local Plan for Sefton (track changes version) and the policy maps are available at <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications/local-plan-proposed-modifications.aspx>.

2.4 The Sefton Local Plan (paragraph 11.2) defines Sefton's strategic natural assets as:

- Natural habitats, 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.

2.5 The Local Plan also sets out the main components of Sefton’s green infrastructure network (paragraph 11.9). These *include* the:

- 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,
- Countryside Recreation Areas (which are also accessible nature space) , including some parts of the Sefton Coast , *and*
- Sefton’s green network of strategic paths and cycleways.

2.6 In line with national policy, the Sefton Local Plan seeks to make sure that appropriate, high quality open space in the right location is provided to ensure appropriate access for new communities is provided.

2.6 Local Plan Policy EQ9 ‘Provision of public open space, strategic paths and trees in development’, sets out the requirements for new open space provision for new build housing development (in parts 1-4). The policy requires public open space provision for new build development of 150 or more homes, or where the site is both for 10 or more homes and is more than 2km from a main park or Countryside Recreation Area. The explanation to this policy emphasises that where appropriate and practicable the open space should provide other green infrastructure benefits, such as tree planting, flood or water storage areas or new habitats (paragraph 10.65A).

2.8 Policy EQ9 also seeks to protect, enhance and provide public rights of way and Strategic Paths (which are shown on the Policies Map) and to extend walking and cycling path networks in development (parts 4-5). Policy EQ9 also sets out the policy requirements for trees and landscaping in development (part 6).

2.9 Local Plan policy NH5 ‘Protection of open space and Countryside Recreation Areas’ protects open space from development, except in the specified circumstances , in line with paragraph 74 of the Framework. Development on open space is allowed only for environmental improvements which enhance the site’s environmental quality or green infrastructure benefits; or where a recreational assessment has clearly shown the open space to be surplus to requirements, where the loss of open space would be replaced by equivalent or better provision, or where the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

2.10 Policy MN2 of the Local Plan, ‘Housing, Employment and Mixed Use Allocations’, allocates 46 sites for new housing development. There are additional, site-specific policies for three of these sites. Four of the allocated sites also have adjacent areas of new Proposed Open Space linked to the housing development, designated under policy MN2. Other site-specific requirements for open space, footpaths and cycle paths, other

recreational issues and other open space issues relating to sites are set out in **Appendix 1** of the Local Plan. The areas of Proposed Open Space are all away from the Sefton Coast (two are substantial areas to the east of Southport) to help reduce visitor pressure on these more sensitive areas (see the map in Appendix C).

2.11 Local Plan policies NH1 'Natural assets', NH2 'Protection and enhancement of nature sites, priority habitats and species' and NH3 'Development in the Nature Improvement Area' set out the Council's approach to protection of natural assets, including the integrity of internationally important nature sites, in line with the National Planning Policy Framework (chapter 11). These Local Plan policies will be supported by a Nature Conservation SPD, which was 'screened out' for HRA and SEA in 2015 (see <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications/emerging-supplementary-planning-documents.aspx>

2.12 The Council's Open Space and Recreation Study (2015) and the Sefton Playing Pitch Strategy (2016) can both be found in the open space and recreation evidence base at <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications/local-plan-examination-library.aspx>. They provide the evidence to support the policy approach in policies EQ9 and NH5, and are robust and up to date assessments of need, as set out in paragraph 73 of the National Planning Policy Framework.

### 3. Overview of the Sefton Open Space Supplementary Planning Document (SPD)

#### Purpose and aims

3.1 The aim of the Supplementary Planning Document is to provide clear guidance to developers, agents and others in support of Local Plan policies EQ9 'Provision of public open space, strategic paths and trees in development' and NH5 'Protection of open space and Countryside Recreation Areas'. The Council will use the SPD to inform the decision making process when assessing planning applications against these policies. Once approved, this SPD will replace the 2008 Green Space, Trees and Development SPD.

3.2 The SPD is also relevant to MN2 'Housing, Employment and Mixed Use Allocations' and the associated site-specific requirements set out in Appendix 1 of the Local Plan. It may also be relevant to other Local Plan policies which refer or relate to open space or green infrastructure such as NH1 'Natural Assets', NH2 'Protection and enhancement of nature sites, priority habitats and species' and EQ1 'Planning for a healthy Sefton'.

3.3 **Section A of the Open Space SPD relates to Local Plan policy EQ9 'Provision of public open space, strategic paths and trees in development'**. This section of the SPD sets out design principles for all new public open space, strategic paths and Public Rights of Way. It identifies that opportunities should be taken to provide other green infrastructure benefits so that the open space is as multifunctional and resilient as

possible. Section A also sets out in more detail the criteria which would be used to assess whether enhancements to existing open space, including playing fields, would be more appropriate than new provision, and design principles for enhancement. The first part of the SPD also sets out design principles for new and enhanced strategic paths, and walking and cycling routes.

**3.4 Section B of the Open Space SPD relates to Local Plan policy NH5 ‘Protection of open space and Countryside Recreation Areas’.** It provides further guidance about assessment of:

- When an open space or sports pitch is surplus to requirements
- What would constitute equivalent or better replacement provision, including in relation to the six allocated housing sites where replacement pitch provision is required in Appendix 1 of the Local Plan.
- What would constitute alternative acceptable sports and recreation provision.

**3.5 Section C of the Open Space SPD sets out the Council’s expectations for the implementation, long-term management and maintenance** of new public open space, other open space and new path routes, and the mechanisms which should be used to secure this.

**3.6 Section D of the Open Space SPD provides an overview of the open space and strategic paths requirements (under EQ9) and compensatory pitch provision (under NH5) for each of the 46 housing sites allocated in Local Plan Policy MN2 ‘Housing, Employment and Mixed Use Allocations’, as well as relevant additional requirements set out in policy MN2 and the linked Appendix 1 of the Local Plan or site-specific policies** (see paragraph 2.10 above). It is intended that a table in this section of the SPD will provide an overview of the Council’s expectations for each site.

## Part 2- SEA Screening

### 4. Screening

4.1 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.

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

4.3 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.

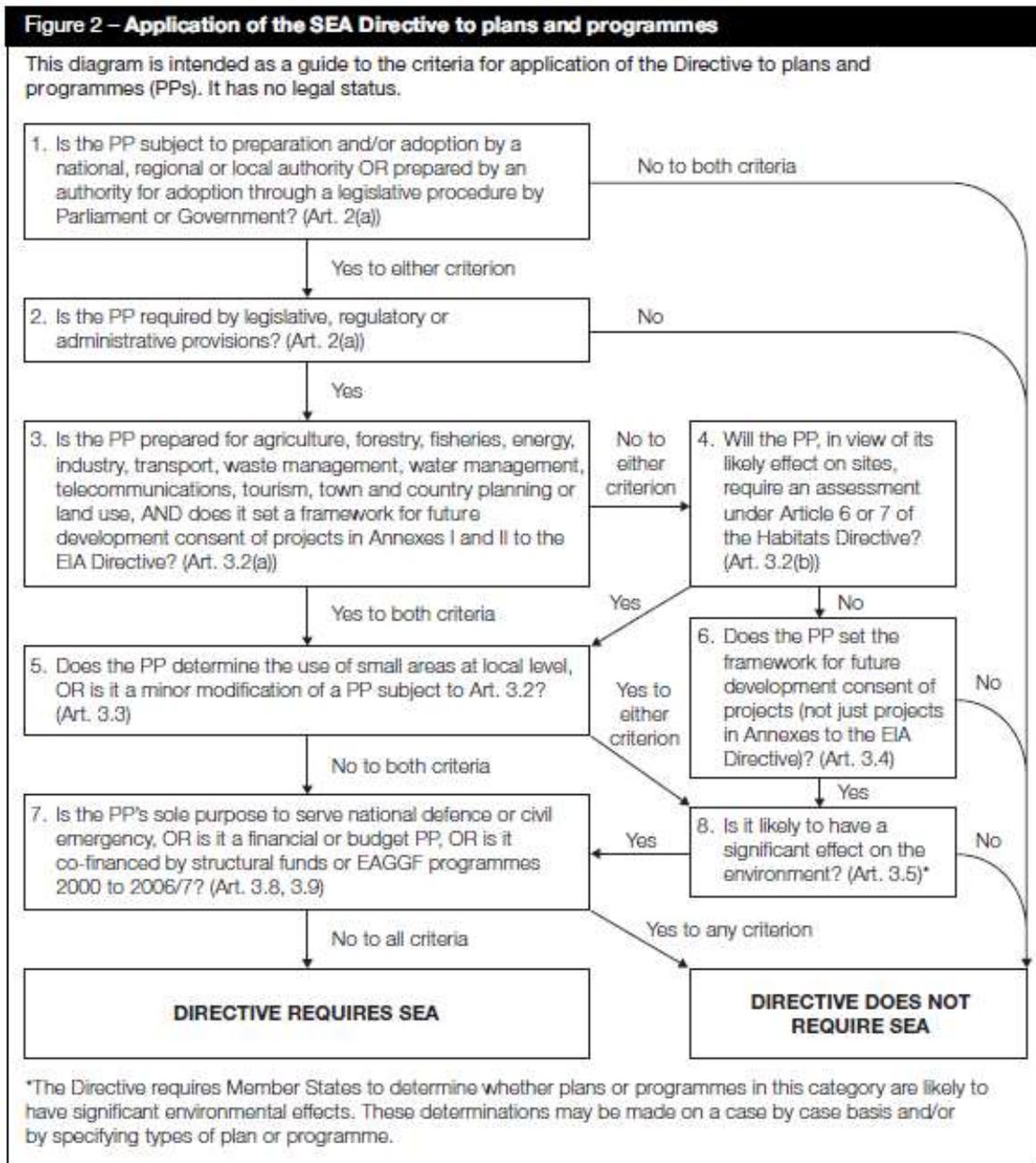
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<sup>1</sup> A Practical Guide to the Strategic Environmental Assessment Directive (2005) (ODPM)

<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



**Figure 4.1: Establishing the need for SEA**

Stage [from the flowchart]	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 Government? (Article 2(a))	Yes	SPD to be adopted by Sefton Council.
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 policies can only be given due weight if it is contained in a SPD.
3. Is the SPD prepared for agriculture,	No	The SPD is for town and country

Stage [from the flowchart]	Answer	Reason
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))		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 of this report</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>Figure 2</b> ' below 'Determining the likely significance of effects'

**Figure 4.2: 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 conditions or by allocating resources	The SPD will be providing additional guidance on existing policies that set the broad framework.
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 appropriate provision of new public open space, enhancements to or replacement of existing provision and/or natural habitats, whilst seeking to minimise any potential negative effects such as on the amenity of neighbouring properties or on the natural environment.
1d) Environmental problems relevant to the plan or programme	The SPD will seek to minimise potential environmental issues arising from new housing development by setting out appropriate requirements for new or enhanced open space. In many cases the impact is not likely to be significant given the local nature of the issues. In other cases the impacts are likely to be positive, as the SPD will aim to: require appropriate distances or buffers between dwellings and the

SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)	Sefton Comment
	open space; secure appropriate management regimes to ensure the quality of the space is maintained in the future; ensure there is an appropriate range of facilities to meet local needs including those of disabled, elderly and young people, and ensure that habitat is created or enhanced wherever practicable.
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 is unlikely to be directly relevant in regard to this criterion. However, as areas of water may be included in a minority of public open spaces, the SPD will refer to the need to retain or enhance water quality set out in the Local Plan or other relevant documents. Overall the impact is not likely to be significant.
<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 and/or managed new or existing public open space. The duration of impacts is likely to be long term as, once completed, new public open space will be protected under Local Plan and national policy.
2b) The cumulative nature of the effects	The cumulative nature of effects on the environment is likely to be positive although relatively minor other than at a local level.
2c) The trans-boundary nature of the effects	None identified.
2d) The risks to human health or the environment (e.g. due to accidents)	The SPD will seek to address issues of amenity and safety for potential occupiers of houses adjacent to and users of new or enhanced public open space.
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 although it is likely to be of greatest relevance on or in the vicinity of new housing sites of 150+ new homes. Therefore the impact of the SPD will be for a relatively small number of sites, and on a moderately local level.
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 principle of provision of public open space in relation to new housing development is set out in the Local Plan (policy EQ9). The SPD will simply set out guidelines on how the open space provision requirements for sites should be met, to reduce any potential negative effects. Other policies and guidance related to environmental issues are covered in the emerging Local Plan and other emerging SPDs.
2g) The effects on areas or landscapes	None identified. Any new or enhanced public

SEA Directive Annex II: Criteria for determining likely significance of effects referred to in Article 3(5)	Sefton Comment
which have a recognised national, Community or international protection status	open space provided in relation to new housing development will need to satisfy the relevant planning policies for protecting these areas before permission is granted.

## 5. Consultation

5.1 In accordance with SEA guidance the Council consulted the following organisations for a period of 5 weeks to validate the conclusion that a Strategic Environmental Assessment is not required for the proposed Open Space SPD:

- the Environment Agency
- Historic England
- Natural England

5.2 The comments of these bodies are set out in figure 5.1 below.

**Figure 5.1: Consultation on the draft SEA screening**

Consultee	Comment
Environment Agency	No comment
Highways England	Concurs with Sefton’s assessment and hence endorse the conclusion that a Strategic Environmental Assessment is not required.
Natural England	Natural England agrees with the conclusion reached that that the proposed Open Space SPD will not give rise to any significant environmental effects and therefore a Strategic Environmental Assessment is not required.

## 5. Conclusion and statement of reasons

5.1 The SPD is supplementing and will provide further guidance on Local Plan policy EQ9 ‘Provision of public open space, strategic paths and trees in development’ (parts 1-6 only) and policy NH5 ‘Protection of open space and Countryside Recreation Areas’.

5.2 The SPD sets out how the requirements of policy EQ9 for new public open space will be met, including design principles. It also sets out in more detail the criteria which would be used to assess whether enhancements to existing open space would be more appropriate than new provision, and design principles for enhancement. In relation to policy NH5 ‘Protection of open space and Countryside Recreation Areas’, the SPD

provides further guidance about the circumstances where development on open space would be acceptable. For each allocated housing site, the SPD provides an overview of the open space and recreation, paths and related requirements under policies EQ9, NH5 and MN2, and how these should be met.

5.3 The principle of housing development is established through policy MN2 for larger sites or through the planning application process for windfall sites, and not through this SPD. Any impacts on the environment are likely to be local and small scale and positive in nature. The SPD will not in itself allocate any public open space.

5.4 It is considered that the proposed Open Space SPD will not give rise to any significant environmental effects and therefore a Strategic Environmental Assessment *is not required*.

## 6. Consultation

6.1 In accordance with SEA guidance 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	Has no comments at this time.
Highways England	Concurs with Sefton's assessment and hence endorse the conclusion that a Strategic Environmental Assessment is not required.
Natural England	Natural England agrees with the conclusion reached that that the proposed Open Space SPD will not give rise to any significant environmental effects and therefore a Strategic Environmental Assessment is not required.

## Part 3 – HRA Screening

### 7. HRA Screening

7.1. The requirement is 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 Open Space SPD in accordance with the Habitats Regulations.

7.2. The Council considers the following to be the key factors relevant to the HRA of the Open Space SPD:

- The conclusions and recommendations of HRA of the Local Plan and specifically policies EQ9 and NH5 about which this SPD provides more detailed guidance
- Local Plan policies, HRA requirements relating to housing site allocations requiring the provision of new open space or opportunities to enhance existing open space.
- Sefton Council’s continuing commitment to management and maintenance of open spaces away from the internationally important nature sites on the Sefton Coast, and its work, with other members of the Sefton Coast Landscape Partnership and other partners, in continuing to manage visitor pressure on the Sefton Coast.

#### Habitats Regulations Assessment (HRA) of the Local Plan

7.3. The HRA report on the Publication Draft of the Sefton Local Plan (2015) was produced by AECOM (formerly URS) in January 2015 and assessed in combination effects taking into account other plans and projects, Local Plan site allocations and policies. See document LP10 at <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications/local-plan-examination-library.aspx> This concluded that, with the changes recommended, the Sefton Local Plan would be compliant with the Habitats Regulations.

7.4. The proposed modifications to the Local Plan have also been subject to HRA, also prepared by AECOM (June 2016). See <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications/local-plan-proposed-modifications.aspx>. The recommendations of the draft HRA report led to a small number of clarifications and wording changes to the explanation of the policies in Local Plan which are included in the current proposed modifications. The Habitats Regulations Assessment Report (June 2016) concludes that, with these changes, the Proposed Modifications to the Sefton Local Plan are compliant with the Conservation of Habitats and Species Regulations 2010 as amended.

7.5. Specifically, the Sefton Local Plan policies most relevant to the Open Space SPD, **EQ9** ‘Provision of public open space, strategic paths and trees in development’ and **NH5**

‘Protection of open space and Countryside Recreation Areas’ were assessed as part of the HRA of the Local Plan and both have been ‘screened out’. The Open Space SPD provides guidance on how these policies should be implemented, it does not make additional policy, and should therefore be screened out.

7.6. **The 2015 HRA Report comments are:**

***EQ9 ‘Provision of public open space, strategic paths and trees in development’***

- *No implications.*
- *Provision of appropriate high quality new public open space will help alleviate recreational pressure upon the European designated sites*
- *There are no impact pathways.’*

***NH5 ‘Protection of public open space, Countryside Recreation Areas’***

- *No implications*
- *This provides policy for the protection of public open space and other outdoor sports and recreation facilities available to the public. This is important for the integrity of European designated sites as the loss of these facilities could lead to an increase in recreational pressure on European designated sites.*

7.7. **The 2016 HRA report comments are:**

***EQ9 ‘Provision of public open space, strategic paths and trees in development’***

- “The 2015 iteration of the Plan HRA screened this policy out. It provides policy for the provision of public open space, strategic paths and trees within development. This includes the provision for developments to provide ‘*appropriate high quality new public open space*’. This will help alleviate recreational pressure upon the Internationally designated sites”. “There are no impact pathways”. (Appendix C)
- Policy EQ9 is identified as one of a number of policies which ‘provide a basis for avoidance or mitigation of adverse effects that may arise through recreational pressure on the coast’. Paragraph 10.68 of the explanation to EQ9 forms part of this policy basis and says:

“It is recognised that some housing developments (particularly developments of less than 150 dwellings) may not provide site-specific solutions to offset the impact of recreational pressure on the internationally important nature sites on the Sefton Coast. However, Sefton Council’s management of its parks and playing field assets generally encourages use of sites away from the Coast. The Council’s management of its Countryside Recreation Area assets, its role within the Sefton Coast Landscape Partnership and the management activities of other partners, continue to manage access to, and visitor pressure on, coastal sites. Policy EQ9 and notably the retention, provision and enhancement of public open space with good access to housing development sites in Sefton - in most cases away from the Sefton Coast - also makes an important contribution to managing recreation pressure on the internationally important nature sites on the Sefton Coast. This is important in helping Sefton to meet its commitments under the Conservation of Habitats and Species Regulations 2010 as amended.”

**NH5 'Protection of public open space, Countryside Recreation Areas'**

- “The 2015 iteration of the Plan HRA screened this policy out. It provides policy for the protection of public open space and other outdoor sports and recreation facilities available to the public. This is important for the integrity of internationally designated sites as the loss of these facilities could lead to an increase in recreational pressure on internationally designated sites” (Appendix C, HRA Report).

**Local Plan policies and HRA requirements relating to housing site allocations**

7.8. The principle of housing development has been determined through policy MN2 'Housing, employment and mixed use allocations' of the Local Plan, in which 46 sites have been allocated for housing development. For some of these sites the 2015 and 2016 HRA Reports recommended or confirmed that at planning application stage sufficient information must be provided with the planning application to enable the Council to make a Habitats Regulations Assessment. These HRA requirements are set out in site-specific policies, Policy MN2 'Housing, employment and mixed use allocations' and the related, site-specific detailed Appendix 1 requirements.

7.9. These Local Plan policies and Appendix 1 of the Local Plan also set out other site specific requirements which include for example those relating to site access and flood risk and surface water management or additional site specific HRA information; as well as to new or enhanced path links, compensatory provision for loss of sports pitches on six sites, and new public open space, habitat creation and Sustainable Drainage Systems (SuDS) on land designated as 'Proposed Open Space'.

7.10. Of the 46 allocated housing sites, three have site-specific policies which refer to open space. For MN2.46, the 'Strategic Mixed Use Allocation - Land East of Maghull (in the eastern part of Sefton)', site-specific policy MN3 requires a new 'main park' within the site (of at least 6 hectares) to incorporate an equipped play area, new habitat creation and provision for outdoor sports. More guidance is set out in the draft Land East of Maghull SPD (see <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-modifications/emerging-supplementary-planning-documents.aspx>). Policy MN6 'Land at Brackenway, Formby' requires the retention and management of 7.9 ha of grassland and wetland habitats outside of the residential development (the total area of the allocated site is 13.7 ha), which will “constitute a significant net ecological benefit ...[ to the Local Wildlife Site (LWS) and]... it is anticipated that constructive management of this LWS will also provide the means of reducing recreational pressure on the nearby internationally important nature sites” (para 6.63 of the explanation to policy MN6). Policy MN6A 'Land at Moss Lane, Churchtown' requires the retention of existing woodland (see also below). These sites are away from the Sefton Coast.

7.11. Four sites are to be developed in tandem with adjacent Proposed Open Space designated in Policy MN2 and Appendix 1, where the Proposed Open Space would provide SuDS or other flood and water management, new habitat and public open space:

- MN2.2 'Land at Bankfield Lane, Southport' (on the eastward, i.e. landward side of Southport,) where the Proposed Open Space covers a substantial area broadly equivalent to that to be developed for housing
- MN2.4 'Land at Moss Lane, Churchtown' (on the eastward side of Southport)
- MN2.6 'Land adjacent to Dobbies Garden Centre, Benthams Way, Southport' (on the eastward, i.e. landward side of Southport,) where the Proposed Open Space is about half the size of the area to be developed for housing. It would link to the adjacent Newlands Country Park and via path links to other local parks and open spaces, complement and enhance the existing major recreational role of this part of Kew, Southport, and provide an important recreational hub, well away from the internationally important nature sites on the Sefton Coast.
- MN2.19 'Land at Andrew's Close, Formby' (in the centre of the southern edge of Formby) The site is for fewer than 150 homes.

7.12. A further twelve sites would require public open space provision under policy EQ9 as they have indicative capacities of 150 or more homes or because part or all of the site is more than 2km from a main park or Countryside Recreation Area. This would be provided either on-site or in a few cases by parks and access improvements to existing, inland sites nearby, and will help reduce visitor pressure on the internationally important nature sites on the Sefton Coast.

7.13. So overall new public open space or other open space would be required on 19 allocated housing sites. Appendix C shows the location of these sites. Other allocated housing sites, like 'windfall' housing sites of less than £150 homes coming forward through the planning application process, are likely to be almost exclusively in the urban area rather than the Green Belt. The Open Space Study identifies that 96% of Sefton's population currently lives within 2 kilometres of a main park or Countryside Recreation Area. The remaining 4% live in isolated homes or villages in the Green Belt, where further housing development would be restricted in line with the National Planning Policy Framework. So future residents of new housing where no specific open space would have good access to existing urban parks and recreation areas, many of which have received substantial investment in the past 8 years (see 7.18 below).

7.14. Specific issues relate to two other allocated housing sites, as below and as also shown in Appendix C. Site MN2.8 'Former Ainsdale Hope School, Ainsdale' must include (under policy MN2) an 'Ecological Improvement Area to be developed as a nature reserve alongside the housing allocation'. Appendix 1 says that this must include new habitat and ecological improvements, and that HRA information which must be provided with any planning application must specifically address the impact of recreational pressure on the integrity of internationally important nature sites.

7.15. Likewise, for site MN2.14A 'Land at Shorrocks Hill, Lifeboat Road, Formby' Appendix 1 of the Local Plan includes a number of site-specific requirements some of which relate to recreation. The 2016 HRA Report of the Proposed Modifications to the Local Plan recognises that (paragraph 4.3.6):

*"Development criteria identified in Appendix 1 of the proposed modifications document for site allocation MN2.14A Land at Shorrocks Hill, Lifeboat Road,*

*Formby provide suitable protection against increases in recreational pressure impacting upon the designated sites, thus enabling impact pathways stemming from this site being screened out”.*

7.16. There are six allocated housing sites where policy NH5 requires compensatory provision for loss of sports pitches. In line with Sefton Playing Pitch Strategy , Appendix 1 of the Local Plan requires off-site provision at two proposed strategic ‘hub’ sites (shown in Appendix C) with provision of ‘3G’ (all-weather) pitches, at :

- **Meols Park or adjacent land, Southport, for developments in the north of the borough.** This is on the eastern, i.e. landward site of Southport. The provision will complement and enhance the existing major recreational role of this part of Kew, Southport, and provide an important recreational hub, well away from the internationally important nature sites on the Sefton Coast.
- **Litherland Sports Park, for developments in the south of the borough.** This is in the centre of Bootle’s urban area, away from the Coast.

### Management of the Sefton Coast and Sefton’s urban parks and open space

7.17. The Local Plan, notably the explanations to policies EQ9 and NH5 reflects the fact that Sefton Council’s management of its parks and playing field assets generally encourages use of sites away from the Coast, and this is also recognised by the 2016 HRA report in to the Proposed Modifications to the Local Plan (see paragraph 7.7 above).

7.18. Since the adoption of the ‘Green Space, trees and development’ SPD in 2008 (supporting Unitary Development Plan policies) the Council has received over £12m in commuted sum payments which have been invested, together with other monies, in enhancing urban parks in line with the priorities set out in the Council’s 2008 Parks and Greenspaces Asset Management Strategy; and for tree planting in parks, open spaces and around highways.

7.19. The Council, as part of the Sefton Coast Landscape Partnership, which includes Sefton Council, is currently updating the Sefton Coast Management Plan. This is part of its commitment to on-going management of visitor pressure.

7.20. More generally, policy NH1 ‘Natural assets’, NH2 ‘Protection of nature sites, priority habitats and species’, which has also been subject to HRA, sets out more detailed requirements in relation to Nature 2000 sites and supporting habitats and to planning application stage site-specific HRA where relevant. Public open space requirements arising from policy EQ9 will be in addition to any policy NH2 requirements. The Nature Conservation SPD will set out more detailed guidance in relation to these policies, including avoiding, mitigating and, as a last resort, compensating for harm to designated sites, priority habitats and priority and protected species. This was ‘screened out’ for HRA and SEA in 2015 (see <http://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan/emerging-supplementary-planning-documents.aspx>).

## Overview

7.21. 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).

7.22. 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.

These sites are illustrated in Appendix B.

7.23. 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.

**Figure 7.1: 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 will have no additional impacts compared to its parent policies EQ9 ‘Public open space, strategic paths and trees in development’ and NH5 ‘Protection of open space and Countryside Recreation Areas’ which have been screened out. The Plan recognises that providing additional, enhanced or replacement public open space in areas away from the Sefton Coast makes an important contribution to managing recreational pressure on the European designated sites. The SPD has no influence on ship movements.
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</li> </ul>	No significant impacts.	SPD will have no additional impacts compared to its parent policies EQ9 and NH5 which have been screened out. The Plan recognises that providing additional, enhanced or replacement public open space in areas away from the Sefton Coast

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
Ramsar site		make an important contribution to managing recreational pressure on the European designated sites.
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 Wirral Foreshore SPA and Ramsar site</li> </ul>	No significant impacts.	SPD will have no additional impacts compared to its parent policies EQ9 and NH5 which have been screened out.
Direct habitat loss through expansion of the Port at Seaforth <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 influence on Port expansion.
Direct habitat loss through mineral extraction <ul style="list-style-type: none"> <li>• Ribble and Alt Estuaries SPA and Ramsar site.</li> </ul>	No significant impacts	SPD has no influence on minerals expansion.
Loss of habitat / supporting habitat outside the <i>Natura 2000</i> site boundary <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 will have no additional impacts compared to its parent policies EQ9 ‘Public open space, strategic paths and trees in development’ and NH5 ‘Protection of open space and Countryside Recreation Areas’ which have been screened out. The Plan recognises that providing additional, enhanced or replacement public open space in areas away from the Sefton Coast it make an important contribution to managing recreational pressure on the European designated sites.
Reduction in water quality <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>	No significant impacts	SPD will have no additional impacts compared to its parent policies EQ9 and NH5 which have been screened out.

Potential pathway and Natura 2000 sites affected	HRA assessment regarding likely significant effects	Further comments
Reduction in air quality <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 will have no additional impacts compared to its parent policies EQ9 and NH5 which have been screened out.
Mineral extraction <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 influence on minerals expansion.
Dredging and disturbance of sediments/benthic habitats <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>	No significant impacts	SPD has no influence on dredging or disturbance of benthic habitats, or on Port expansion.

7.24. The Open Space 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. Open space provision is required in nineteen of the Local Plan’s allocated housing sites. Other allocated housing sites, like ‘windfall’ housing sites of less than 150 new homes coming forward through the planning application process, will have good access to existing urban parks and recreation areas, many of which have received substantial investment in the past 8 years. It is intended new open space, away from sensitive coastal areas, will have the effect of reducing pressure on the more sensitive areas. The preferred location of compensatory provision of sports pitches is on two strategic sites, both away from the Sefton Coast. It is therefore considered the SPD will not require a Habitats Regulations Assessment.

## 8. Consultation

8.1 The Council has consulted Natural England, the statutory body for the purposes of HRA. The table below provides their response.

Statutory Body	Comments
Natural England	Natural England agrees with the conclusion reached, that for the HRA no “appropriate assessment” is required.

## 9. Conclusion and statement of reasons

9.1 The SPD is supplementing and will provide further guidance on parts 1 – 5 of Local Plan policy EQ9 ‘Public open space, strategic paths and trees in development’ and policy NH5 ‘Protection of open space and Countryside Recreation Areas’ and to a lesser extent policy MN2 ‘Housing, employment and mixed use allocations’ and the related Appendix 1.

9.2 For policy EQ9 it sets out design principles for the open space, including requirements for equipped play areas, and provides guidance about new provision and enhancement. For policy NH5 it sets out circumstances in which development is acceptable on open space. As such, it merely expands existing policies EQ9 and NH5. Although the SPD will cover the whole of Sefton its impact will generally be localised and small-scale; in and around new housing developments of 150 new homes or more and where open space is proposed for development. It is considered that as set out in section 7 there are no significant effects on Natura 2000 sites in Sefton.

9.3 The comments of Natural England are set out above.

9.4 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 Public Open Space 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.

9.5 Accordingly, **no “appropriate assessment” is required** to be made under Regulations 61, 62 and 63 of the Conservation (Natural Habitats &c) Regulations (as amended) before the Council decides to undertake, or give any consent, permission or other authorisation for this plan.

## Appendix A- Contact details

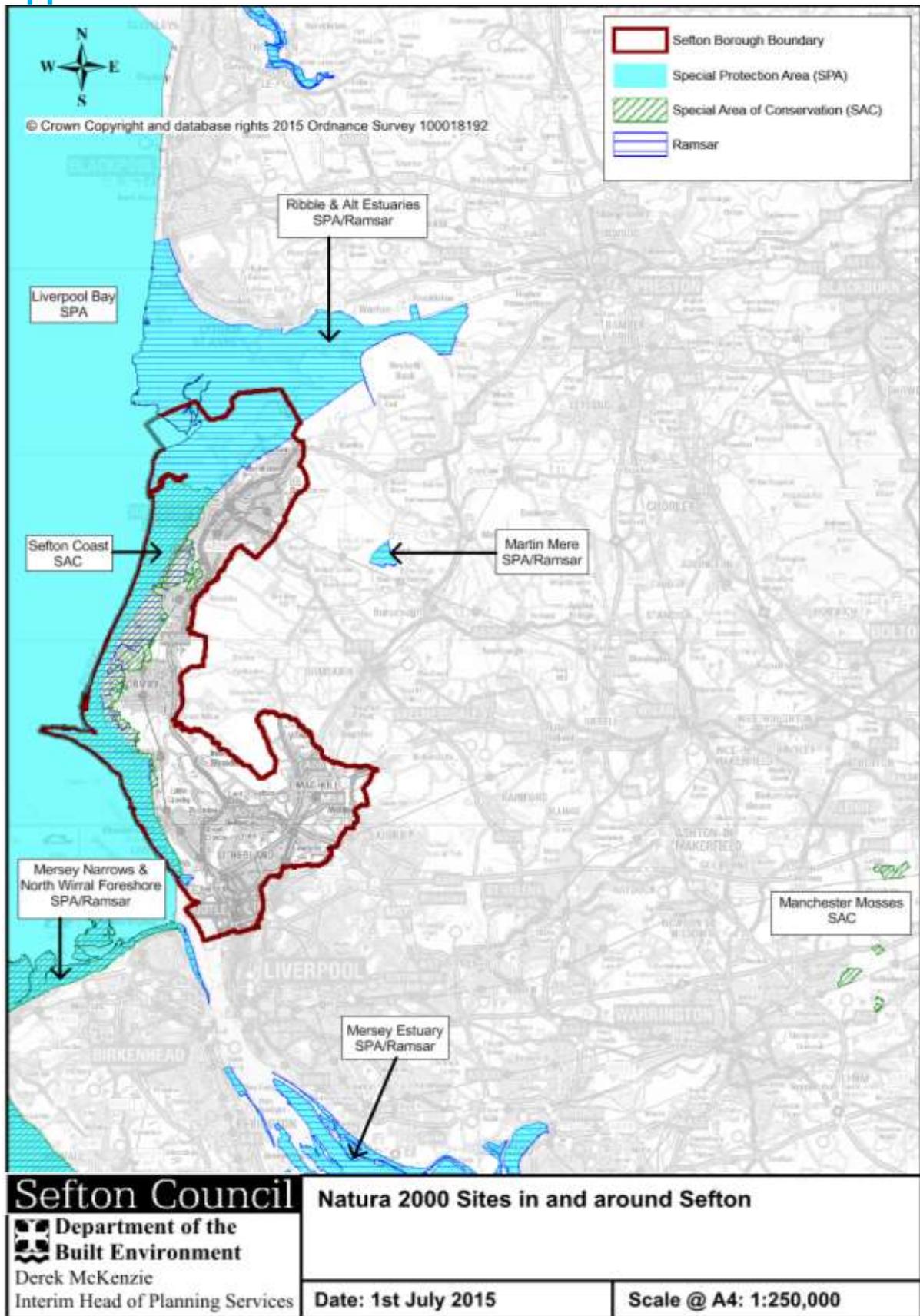
Further information can be obtained from:

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## Appendix B – Natura 2000 sites in Sefton



## Appendix C- Allocated housing sites and open space

(Allocated housing site references are those of the Proposed Modifications Draft Local Plan 2016)

