



ST HELENS
BOROUGH COUNCIL

Nature

Conservation

Supplementary Planning Document

Scoping Report

May 2024

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1. Introduction

1.1 What is this document?

This scoping report is the first step in preparing a Nature Conservation Supplementary Planning Document (SPD). The SPD will provide detailed guidance on the interpretation and implementation of policies within the St Helens Borough Local Plan up to 2037 (2022) (Local Plan).

The purpose of this document is to engage key stakeholders in considering the scope and content of the SPD.

The responses on this scoping report will inform the preparation of a draft SPD, which will then in turn be published for consultation before it is then adopted. Once adopted the SPD will carry full weight as a material consideration in the determination of planning applications.

1.2 Overview

Biodiversity is the wealth of wildlife incorporating both rare and common species and habitats; all of which play a vital role in ecosystems.

Planning for nature conservation and biodiversity offers opportunities for creating and enhancing Priority Habitats with associated benefits for Priority Species; connecting sites and networks; protecting and enhancing landscape character; and improving the quality of rivers and streams.

The Nature Conservation SPD will aim to set out an appropriate approach to delivering Biodiversity Net Gain (BNG) and minimising development impact on protected wildlife sites in order to ensure the provision of sustainable development in line with the policies of the Development Plan and other relevant considerations.

1.3 SPD Links with National Policy and Legislation

The Nature Conservation SPD will be produced so it is consistent with the National Planning Policy Framework (NPPF) and The Town and Country Planning (Local Planning) (England) Regulations 2012. Regard will also be had to the Planning Practice Guidance (PPG).

1.4 SPD Links with St Helens Borough Local Plan up to 2037 (2022)

The Nature Conservation SPD will be prepared to provide further guidance in relation to the interpretation and implementation of the policies in the Local Plan, in particular Policy LPC06: Biodiversity and Geological Conservation, which states:

Policy LPC06: Biodiversity and Geological Conservation

1. In accordance with NPPF paragraph 174, the Council is committed to ensuring the protection and enhancement of St Helen's biodiversity and geological assets and interests. In order to do this, the Council will have regard to the following hierarchy of nature conservation sites when making planning decisions, according to their designation as follows:

- International and European Sites
- Sites of Special Scientific Interest
- Local Wildlife Sites
- Local Nature reserves
- Local Geological Sites
- Priority Habitat(s)
- Impact on Legal Protected Species and/or priority Species

The following hierarchy of sites and habitats are found in the Borough:

I. International

- Functionally Linked Land (FLL) for sites of international nature importance (European Sites) including the Ribble and Alt Estuaries Special Protection Area (SPA), Martin Mere SPA, the Mersey Estuary SPA, Liverpool Bay SPA.

II. National

- Sites of national nature importance, which in St Helens Borough include 2 Sites of Special Scientific Interest, Stanley Bank Meadow and Highfield Moss.

III. Local

- Sites of local nature and geological importance, which in St Helens Borough include Local Nature Reserves (LNRs), Local Wildlife Sites (LWSs) and Local Geology Sites (LGSs).

In addition, priority habitats and species, and legally protected species.

European sites

2. Development that is likely to have a significant effect (either alone or in combination with other plans or projects) on one or more internationally important site(s), including any areas of supporting habitat that are functionally linked to the site(s), 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, be mitigated to protect the integrity of the site(s). Development that would adversely affect the integrity of one or more internationally important site(s) will only be permitted where there are no alternative solutions and there are imperative reasons of overriding public interest, and where suitable compensatory provision has been made. Any mitigation or compensatory provision must be assessed in a project-related Habitats Regulations Assessment and be fully functional before any likely adverse effect arises.

Other protected sites, habitats and species

3. Development that would cause significant harm to a Site of Special Scientific Interest (SSSI), Local Wildlife Site, Local Nature Reserve, Local Geological Site, Priority Habitat(s), legally Protected Species and / or Priority Species, without adequate mitigation, will be refused.
4. Development that would be likely to cause any harm to ecological or geological interests will only be permitted in:
 - a) Sites of Special Scientific Interest where there are no alternatives and where the benefits of the development would clearly outweigh any harm to the nature conservation value of the site and its broader contribution to the Liverpool City Region (LCR) ecological network; and
 - b) Local Sites (Local Wildlife Sites, Local Nature Reserves and Local Geological Sites) and Priority Habitats: where the benefits of the development would clearly outweigh any harm to the nature conservation value of the site (or Priority Habitat) and its broader contribution to the LCR Ecological Network.

Mitigation, replacement or other compensatory provision

5. Where necessary to avoid harm, appropriate mitigation, replacement or other compensatory provision will be required. The location of such measures will be targeted, using the following sequential approach (with (a) being the preferred approach and (d) being the least preferred):
 - a) on the development site;
 - b) locations within the immediate locality and /or supporting LCR Ecological Network;
 - c) locations that fall within the LCR Nature Improvement Area and within the Borough; and lastly
 - d) locations that fall within the LCR Nature Improvement Area but outside the Borough.

This sequential approach will also apply to the delivery of Biodiversity Net Gain improvements to be delivered in line with new development, in accordance with the Environment Act.

Evidence requirements

6. Development proposals that would affect a nationally or locally designated nature conservation site, Priority Habitat(s), legally protected species or Priority Species must be supported by an Ecological Appraisal and include details of any necessary avoidance, mitigation and / or compensation proposals, and of any proposed management measures.
7. Further details concerning the implementation of this policy will be set out in the Council's proposed Nature Conservation Supplementary Planning Document.

In addition to Policy LPC06, the Local Plan contains other policies that are relevant to this SPD which include:

- Policy LPA08: Green Infrastructure
- Policy LPC07: Greenways
- Policy LPC08: Ecological Network
- Policy LPC10: Trees and Woodland

2. Scope of the Nature Conservation SPD

2.1 Proposed SPD Contents

The proposed scope and content of the SPD is as follows:

- Provide clear and up-to-date guidance to applicants, developers and other stakeholders on how the Council will assess planning applications which may result in a significant effect on designated sites of nature and /or geological conservation importance, Priority Habitats, legally protected species and /or Priority Species and invasive species.
- Guide developers through the biodiversity and nature conservation policies contained in the Local Plan. Setting out a clear process detailing what information is needed to inform planning applications inclusive of level of survey work, mitigation hierarchy, design, delivery and maintenance of mitigation, compensation, and net gain measures.
- Ensure that policy requiring BNG is being applied consistently as well as providing developers with upfront advice for their planning application.
- Set out the Council's requirements in terms of delivery of mitigation, compensation and BNG measures as well as the maintenance, management, and monitoring arrangements.
- Highlight the importance of protecting and enhancing existing nature conservation features within new development, following best practice. On occasions where this is not possible, the SPD will detail what the Council requires a developer to consider when incorporating ecological compensation within their scheme in line with current government guidance.
- Set out guidance and criteria for "open mosaic" for identifying habitats on previously developed land.

3. Time Schedule of SPD Preparation and Next Steps

3.1 Timescale for SPD preparation and adoption

Below is an indicative timescale for the preparation and adoption of the SPD.



3.2 Next Steps

This consultation will run for a minimum of four weeks. Following the consultation, Council Officers will review comments received, which will inform the drafting of the SPD. A public consultation will then be carried out on the draft SPD.

Following the consultation on the draft SPD, comments received will be reviewed with appropriate amendments made to the SPD before it is adopted at a St Helens Cabinet meeting. A Consultation Statement will be produced containing details of all those consulted when preparing the SPD, a summary of the main issues raised and how those issues have been addressed within the SPD.

4. How to get involved

This document has been prepared to identify the scope of the emerging Nature Conservation SPD and raise awareness of, and interest in, the document. Comments are sought on the scope that has been set out through this document and the questions in Section 5 below.

A response form has been created which allows for comments and responses on the questions contained within this document, along with any additional comments if required. This can be found at <https://sthelens.gov.uk/SDP-Scoping-Consultation>

Answering the questions in Section 5 is optional and the Council will also accept other forms of written response.

You can complete the response form and return it by email or post to:

Email: planningpolicy@sthelens.gov.uk

Post: Planning Policy Team, Development Plans, St Helens Borough Council, PO Box 512, ST HELENS, WA10 9JX.

All comments on this scoping report should be submitted by Thursday 13 June 2024.

5. Consultation Questions

Q1: Do you support the proposal to prepare a Nature Conservation SPD? If not, what are the reasons as to why the Council should not prepare a Nature Conservation SPD?

Q2: Do you agree with the broad proposed content of the Nature Conservation SPD as set out in this document? If not, what additional content is required or content that should be removed or amended?

Q3: Do you think an approach to provide specific advice in relation to biodiversity is useful and if so, why?

Q4: What level of detail should the SPD go into, for example general terminology or detailed legislation, and if so, why?

Q5: Are there any specific reports or documents that you think we should be considering as part of the evidence base to inform the SPD?

Q6. If you believe a Strategic Environmental Assessment (SEA) or a Habitat Regulations Assessment (HRA) is required, please set out why (please see accompanying SEA and HRA Screening Report for further information).