

## **APPENDIX 1 - TERMS OF REFERENCE OF THE WIRRAL LOCAL WILDLIFE SITES PARTNERSHIP AND LOCAL WILDLIFE SITE ASSESSMENT PROCEDURES**

### **TERMS OF REFERENCE OF THE WIRRAL LOCAL WILDLIFE SITES PARTNERSHIP**

#### **Role of the Wirral Local Wildlife Sites Partnership:**

The role of the Wirral Local Wildlife Sites Partnership ('Wirral LWSP') is to:

1. Agree, publish, monitor and review the criteria for selection of Local Wildlife Sites for Wirral, currently set out in Local Wildlife Site Selection Criteria for the Cheshire Region ("Cheshire LWS criteria");
2. Co-ordinate site selection procedures including survey and identification of candidate sites for designation, deletion, or boundary alteration;
3. Consider whether potential sites should be added to or removed from a list of 'alert sites';
4. Actively promote and support site management;
5. Co-ordinate funding provision and/or identify and promote the taking up of funding opportunities;
6. Promote educational use where appropriate;
7. Establish a process for monitoring the condition of designated sites;
8. Review the operation of the Local Wildlife Sites system at suitable intervals;
9. Promote the role and importance of Local Wildlife Sites at a strategic level (for example in delivering Biodiversity Action Plan targets, targeting of agri-environment schemes);  
and
10. Promote the enhancement of sites through buffering and increasing connectivity.

All sites which are selected, de-selected or amended by the Wirral LWSP will be submitted to Wirral Council (and where appropriate, Cheshire West and Chester Council) for inclusion in, or deletion from, the Local Plan and hazards mapping; Merseyside Environmental Advisory Service (MEAS) and RECORD.

#### **Key functions of the Wirral LWSP in relation to site selection/ de-selection and amendments to existing sites**

1. The evaluation and selection/de-selection of Local Wildlife Sites (and amendments to existing sites and identification of alert sites) is a central responsibility of the Wirral LWSP. The Partnership is the final arbiter for the evaluation and selection process.

2. The Wirral LWSP is responsible for developing and periodically reviewing the site selection criteria in line with published guidance.
3. The Wirral LWSP is responsible for ensuring all site surveys are undertaken by suitably trained staff or volunteers. The selection process must also be undertaken by suitably qualified personnel representing the Partnership.
4. The Wirral LWSP is responsible for maintaining a list of candidate/alert Local Wildlife Sites and periodically assessing these sites against the criteria set out in the Cheshire LWS Criteria document. Candidate/alert sites may hold habitat or species of local/national importance but have not been assessed against the Cheshire Region LWS criteria. Such sites may be proposed by members of the partnership or other stakeholders including the general public. The list should act as an alert for the planning process and may indicate that an ecological survey is required before determination of any application affecting the site.
5. Existing/candidate/alert sites should be assessed against the criteria by the Wirral LWSP. The objective of site selection is to select all sites that meet the criteria and to review all sites against these criteria at least once every 10 years.
6. The partnership should review on an annual basis whether sites are in positive management or potentially at risk by completing the questionnaire in appendix 5.2 of the Cheshire LWS guidance document. Reporting this figure contributes to the requirement for local authorities to report to central government on the proportion of Local Wildlife Sites in positive management as part of the 'single data list', specifically Local nature conservation/biodiversity (reference 160-00). This is the current reporting requirement for local authorities to central government, which replaces the Local Biodiversity Indicator NI197.
7. Site owners should, whenever possible, be contacted by the Wirral LWSP and asked for access permission to survey and monitor sites. Where access is denied those wishes should be respected and no change should be made to the site's status. However where there is a threat to a Local Wildlife Site, (existing or proposed), the Wirral LWSP may request the Local Planning Authority to exercise its powers of entry to land under section 324 of the 1990 Town and Country Planning Act.
8. Prior to formal endorsement of sites by the Wirral LWSP, site owners will be given the opportunity to make observations, for example, on whether or not the site continues to host the listed features, provides the functions as stated and accords with the assessment made against the selection criteria. This liaison with the landowner relates to the Partnership's precise function of identifying appropriate sites and should, therefore be confined to factors relating directly to the application of the site selection criteria. Owners and occupiers should be given at least 4 weeks to comment on the proposed designation.
9. In the information sent to site owners, the Wirral LWSP should set out the process it will follow in considering any observations received from site owners relating directly to the application of the site criteria and how the partnership will respond.
10. For each site, the Wirral LWSP will consider the report and recommendation of the field surveyor; the field survey and appropriate background materials, including any representations made by, or on behalf of the landowner.

11. If queries are raised about supporting data or compliance with the selection criteria, the final decision is deferred to a future meeting to enable clarification of the issues raised or for additional information to be obtained. A clear minute of the issues, or additional data required, will be made.

12. The Wirral LWSP will make a consensus decision. Clear reasons for rejection of any proposed site designation/boundary change will be noted with the proposals form, and this will be kept by Wirral Wildlife and the Council.

13. The reasons for designating a particular site by the Wirral LWSP will be recorded, showing the species, habitats or features judged to be of substantive interest and how they were judged against the criteria and any functions the site supports. This information will be sent to the site owner and made available to others who may have an interest in the site.

14. Where an urgent decision is required about the status of a site including proposed 'Alert Sites', all Wirral LWSP members will be sent a report by email with recommendations and asked for their views. The views of the Partnership members would then normally be ratified at the next meeting.

15. The Cheshire LWS criteria have been devised so that sites with restoration potential should not be de-selected, however careful consideration must be given to such sites. If a site no longer meets the criteria and has low restoration potential then it should be de-selected. Site owners and other interested parties should be notified and given the opportunity to make observations. Formal de-selection, once agreed by the partnership, should be notified to owners and other interested parties where appropriate.

### **Alert Sites**

16. The Wirral LWSP will be responsible for maintaining a list of 'alert sites' which may host habitats or species of local/national importance, but which have not yet been formally assessed against the Cheshire Region LWS criteria or subject to detailed ecological survey work and therefore have not been formally designated as a Local Wildlife Site. Details of proposed alert sites will be circulated to Wirral LWSP members by email with recommendations and a request for views which would then normally be ratified at the next available Wirral LWSP meeting. There is an expectation that new alert sites would then be taken through the assessment process for local wildlife site designation as soon as possible, beginning with contact with the site owner to negotiate access for assessment. In exceptional circumstances the Local Authority can request access under Section 324 of the Town and Country Planning Act 1990 (as amended). If access to a site cannot be gained for assessment purposes, it would remain on the 'alert' list unless there is already enough evidence (for example other ecological data) to suggest that the LWS criteria will be met, in which case the site should go forward for selection as a LWS.

17. Planning officers will be made aware of alert sites through their inclusion on the hazards system as indicative points (in recognition of the fact that until a site is assessed, the exact area of ecological interest is not known). In planning terms the 'alert sites' can only be used to highlight potential for ecological interest and enable officers to request planning applications to be accompanied by an ecological survey.

## **Membership of the Wirral LWSP**

With its statutory roles and responsibilities relating to nature conservation and biodiversity the lead partner for the Wirral LWSP is Wirral Council, with Wirral Wildlife/Cheshire Wildlife Trust and RECORD (the Cheshire Region Biological Records Centre) taking responsibility for overseeing site surveys, administration and data storage. The success of the Wirral LWSP is dependent on the input from volunteers with nature conservation expertise.

Members of the Wirral LWSP are selected on the basis of their technical expertise in ecology and nature conservation and include the following core members:

- Wirral Council (Forward Planning, Parks & Countryside)
- Wirral Wildlife/Cheshire Wildlife Trust
- Natural England,
- RECORD
- National Trust
- RSPB
- Liverpool Museum
- Environment Agency
- Species protection groups, for example, Wirral Barn Owl Trust
- Cheshire RIGS Group

Individual members of the Wirral LWSP will:

1. Represent their organisations at meetings of the Partnership, in respect of the organisation's functions relating to nature conservation and ecology;
2. Scrutinise the scientific content of the information used in the management of the local wildlife sites system for accuracy and precision and assess whether selection criteria have been applied correctly; and
3. Promote and raise awareness of the local wildlife sites system within their own organisations and externally where appropriate, particularly where they have land ownership and/or management responsibilities

The Wirral LWSP operates strictly within a technical remit and does not have any formal planning responsibility – for example, commenting on planning applications. Membership of the Wirral LWSP does not in any way restrict individual members from commenting or involvement on planning matters on behalf of their own organisations.

Wirral LWSP meetings will chaired on a rotating basis by partnership members held on a quarterly basis (including the annual review meeting), or as required. A quorum is five Wirral LWSP members.

The Partnership will regularly review its membership. Additional expertise can be co-opted onto the Wirral LWSP where required – the key principle is that the Partnership should have access to the relevant expertise and knowledge to enable it to come to an informed view on the designation of proposed sites. For example, representatives of the Cheshire RIGS Group attend the LWSP to provide specialist advice on geology and geomorphology and to ensure a transparent and consistent approach to the operation of the local sites systems for biodiversity and geodiversity conservation. The Cheshire RIGS Group propose non-

statutory sites of geological and geomorphological importance in line with nationally agreed criteria for the selection of Regionally Important Geological and Geomorphological Sites (RIGS) and advises the Council on the designation of Local Geological Sites.

### **Annual Meeting**

An annual review meeting of the Wirral LWSP will be held in March each year to review and confirm changes from the previous year, to which a wider membership will be invited. Site assessments from the previous survey season will be considered and a revised Local Wildlife Site schedule agreed. The annual meeting will also consider how many of the sites are in positive management for reporting purposes.

## **LOCAL WILDLIFE SITE ASSESSMENT PROCEDURES**

### **KEY PRINCIPLES FOR SITE SELECTION**

1. Sites with a substantive nature conservation interest will be selected. What constitutes substantive nature conservation interest is set out in sections 2 and 3 of the document “Local Wildlife Site Selection Criteria for the Cheshire Region” (“Cheshire LWS criteria”) which reflect the local context as well as national priorities. Sites where the social/aesthetic/educational interest of the site derives from the wildlife features present may also be selected. Only one criterion needs to be met in order for a site to qualify as a Local Wildlife Site (‘LWS’).

2. The Cheshire LWS Criteria have been developed in wide consultation with various naturalist organisations and their representatives. Criteria H1 – H30 are generally habitat based, whereas criteria S1-S13 are species specific. The criteria represent a set of clear guidelines with measurable thresholds and provide a structured and systematic approach to site selection. The set of criteria has been devised to reflect local and national priorities as set out above and takes into consideration the following attributes (based upon the Ratcliffe approach set out in the Nature Conservation Review 1977):

- Size or extent
- Diversity
- Naturalness
- Rare or exceptional value
- Fragility
- Typicalness
- Recorded history and cultural associations
- Connectivity with the landscape
- Value for appreciation of nature
- Value for learning

3. Criteria are weighted relative to each other and geographically so that the suite of Local Wildlife Sites (together with other networks such as SSSIs) can maintain the nature conservation interest of the Cheshire region by supporting viable populations and functioning ecological communities.

4. The habitat criteria in section 2 of the Cheshire LWS Criteria closely follow the definitions of UK BAP habitats. Several of these UK BAP habitats are also listed as European Annex 1 habitats as they are important in a European context as well as nationally. For a small number of sites the habitat may be excluded from the UK BAP but will appear on the Local BAP (lime-beds and some waxcap grasslands for example). Under the site selection criteria provision is also made for sites that provide important wildlife corridors or perform a buffering function for other important sites.

5. Sites may be selected for the species they support where these are of local or national conservation status, or if the site supports important species assemblages or a significantly

large population. Detailed guidance is provided in section 3 of the Cheshire LWS Criteria document.

## **LOCAL WILDLIFE SITE SELECTION PROCEDURES**

1. Each year a number of existing or new sites are put forward for assessment. The target number for each local authority area in the Cheshire Region is 10% of existing sites to be surveyed each year. Where this rate is achieved sites are reviewed on a ten year rolling basis in line with DEFRA guidance. New candidate/alert sites can be put forward for survey by the Wirral LWS partnership or other stakeholders including private individuals. Both new and existing sites are surveyed using the same methodology.

2. Site surveys should be undertaken once site access has been negotiated. The survey process is similar to extended phase 1 methodology and requires the production of a phase 1 habitat map, and a completed LWS survey form (appendix 1 of the Cheshire LWS Criteria document). The form must include a concise description of the site and a list of indicator species (ideally with DAFOR score). In most cases the survey form will include brief management recommendations and a condition assessment of the site (based upon Higher Level Stewardship condition assessment methodology).

3. The review process decides whether a site meets any of the Cheshire LWS Criteria. Only one criterion needs to be met in order for a site to qualify. All criteria that are met should be recorded. If a site no longer meets the criteria it should be deleted.

4. The boundary of the site should be determined. This may include deletions or additions to existing sites. Further guidance is provided in the site selection criteria (sections 2 and 3 of the Cheshire LWS Criteria document).

5. The Wirral LWSP will determine if sites are in positive management according to the methodology set out in appendix 5.2 of the Cheshire LWS Criteria document. Site owners/managers must be sent management recommendations, or possess a similar document if a site is to be assessed as being in positive management. Sites that are in schemes such as Higher Level Stewardship would be deemed to be in positive management unless evidence suggests otherwise. Entry Level Stewardship participation does not qualify a site as being in positive management.

6. The database is updated and draft citations are produced.

7. Draft citations are circulated to landowners and other interested parties for comment on how the criteria were applied. Additionally the standard survey form should be given to landowners/managers. The form would normally include brief management recommendations which if implemented would maintain the features for which a site was selected.

8. The Wirral LWSP considers stakeholder comments and revisions may be made. A final decision on the status of each site is made.

9. An updated LWS register is finalised for the Council to incorporate into its Local Plans/hazards mapping system. The register will include the data on whether newly surveyed sites are considered to be in positive management. Designation of new sites or

changes to existing sites will need to be reported to Full Council, via Cabinet or Delegated decision, in order for them to be adopted as a material consideration for use by Planning Committee in the determination of individual planning applications. This should be done - as a minimum - on an annual basis.

10. Copies of the final citation and boundary plan will be provided to landowners. Ongoing liaison with landowners which may include further site visits.

11. The Wirral LWSP currently aims to resurvey sites on a 10 yearly cycle, but attempt to resurvey ponds, which are more likely to change, on a three year cycle. Some types of habitat require little management and are less susceptible to change such as woodland. In this case older survey data, of up to 10 years, is likely to remain valid. In relation to species based sites survey data no older than 5 years should be utilised.

### **Transitional Arrangements**

1. Both the existing SBI and new Cheshire LWS Criteria should be maintained in parallel, with existing SBIs designed under the old criteria remaining valid until they are reassessed against the new criteria when they will become Local Wildlife Sites. The aim would be to complete the process within 5 years.

### **Data Storage**

1. Following the review and selection procedure the boundaries of Local Wildlife Sites will be transferred to GIS. In some instances (and where funding allows) the habitat data may be included in the GIS layer.

2. Electronic databases of the suite of Local Wildlife Sites are held by the Council and key partners. Copies will be made available to all partners. For sites which have been surveyed from 2012 onwards the database will also hold a list of each site's qualifying criteria.

3. Electronic copies of citations are held by partnership members and electronic copies of site survey reports (post 2010) and phase 1 habitat maps are held by the Cheshire Wildlife Trust. Paper copies of reports pre 2010 are held by the Cheshire Wildlife Trust. RIGs citations are held by Cheshire RECORD.

4. A list of alert/candidate sites should be maintained alongside the database for existing sites. Alert sites will be shown on the hazards system through indicative points rather than boundaries in recognition of the fact that until a site is assessed the exact area of ecological interest is not known

### **Access to information**

The Wirral LWSP operates a general presumption in favour of making the information relating to LWSs available for public inspection, unless:

- The disclosure of such information could harm or pollute the environment, for example in the case of threatened or protected species.
- The person who has supplied the data has refused permission for disclosure.