

<p>COUNCILLOR PHIL DAVIES</p> <p>LEADER OF THE COUNCIL CABINET MEMBER FOR STRATEGIC ECONOMIC DEVELOPMENT, FINANCE AND DEVOLUTION</p>	<p>DELEGATED REPORT</p> <p>LOCAL WILDLIFE SITES – NEW SELECTION CRITERIA, TERMS OF REFERENCE AND SITE SELECTION PROCEDURES AND CHANGES TO THE SCHEDULE OF SITES OF BIOLOGICAL IMPORTANCE</p>
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REPORT SUMMARY

Local Wildlife Sites are sites with 'substantive nature conservation value'. They are defined areas, identified and selected locally for their nature conservation value, based on important, distinctive and threatened habitats and species that have a national, regional and importantly, a local context. Cabinet considered a report on the implications of the Department of the Environment Food and Rural Affairs (DEFRA) guidance on the identification, selection and management of local wildlife sites on 12 December 2007 and endorsed the establishment of the Wirral Local Wildlife Sites Partnership (Minute 398). The agreed role of the Partnership incorporates the co-ordination of site selection procedures including survey and identification of candidate sites for designation, deletion, or boundary alteration. On 14 February 2011, Council (Minute 82 refers) agreed an update to the schedule of Sites of Biological Importance incorporating all the changes made since the UDP was adopted, using the existing selection criteria.

A revised set of selection criteria for local wildlife sites for the Cheshire region (including Wirral) was issued by Cheshire Wildlife Trust in February 2014, including sections on the role of the Local Sites Partnership in the selection process, key principles of site selection and procedures to be followed (drawing on the DEFRA guidance). This report recommends that the new Cheshire Region Local Sites selection criteria, modified terms of reference for the Wirral Local Sites Partnership and procedures for site selection be adopted as the basis for future site selection in Wirral.

The modified terms of reference for the Wirral Local Wildlife Sites Partnership make provision for the identification of candidate or 'alert' sites which are sites which may host habitats or species of local/national importance but which have not yet been assessed against the local wildlife sites selection criteria or subject to detailed ecological survey work and therefore have not been formally designated as a Local Wildlife Site. These would not have the status of designated sites but would 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. This report recommends that the Wirral Local Wildlife Sites Partnership are allowed to maintain an advisory list of 'alert sites' for inclusion as part of the planning hazards system.

Since the Council agreed an update to the schedule of Sites of Biological Importance in 2011 the Wirral Local Wildlife Sites Partnership has identified further changes under the existing selection criteria. This report recommends that the changes to the schedule of Sites of Biological Importance are adopted as a material consideration for use by Planning Committee in the determination of individual planning applications.

The report could potentially have implications for all Wards but the site-specific recommendations set out within the report currently relate to the Wards of Clatterbridge; Heswall; Greasby, Frankby and Irby; Moreton West and Saughall Massie; Leasowe and Moreton East; and West Kirby and Thurstaston.

The recommendations will support the delivery of Wirral Plan priorities for the environment.

RECOMMENDATIONS

That it be recommended to Council that:

- 1. The modified terms of reference for the Wirral Local Sites Partnership and Local Wildlife Site assessment procedures (Appendix 1 of this report); and sections 2 (Habitat criteria) and 3 (Species criteria) of the Local Wildlife Sites Selection Criteria for the Cheshire region (Appendix 2 of this report) be adopted as the basis for the future selection of Local Wildlife Sites in Wirral; and**
- 2. That the revisions to the current schedule of Sites of Biological Importance (Appendix 3 of this report) be adopted as a material consideration for use by Planning Committee in the determination of individual planning applications.**

SUPPORTING INFORMATION

1.0 REASONS FOR RECOMMENDATIONS

- 1.1 To enable implementation of the modified terms of reference for the Wirral Local Wildlife Sites Partnership and revised procedures for site selection and to agree a final amended schedule of Sites of Biological Importance prior to starting a review of all sites against the new criteria.

2.0 OTHER OPTIONS CONSIDERED

- 2.1 No other options have been considered.

3.0 BACKGROUND INFORMATION

- 3.1 Non-statutory Local Sites include both Local Geological Sites and Local Wildlife Sites. There are in the region of 42,000 such sites in the country. Local wildlife sites ('LWS') are defined areas, identified and selected locally for their substantive nature conservation value, based on important, distinctive and threatened habitats and species that have a national, regional and importantly, a local context. These sites provide refuges for much of the UK's flora and fauna, play an important role in meeting biodiversity targets, represent local character and distinctiveness and contribute to the quality of life and well-being of the community. Local wildlife sites are intended to sit below the national statutory designations such as Sites of Special Scientific Interest (SSSIs) and complement rather than duplicate protection of habitats and species by other mechanisms such as the Wildlife and Countryside Act 1981. Unlike SSSIs, local wildlife sites provide a comprehensive, rather than a representative suite of sites and all locations that meet the assigned criteria should normally be designated.
- 3.2 Designation of a local wildlife site is advisory and does not in itself confer statutory protection. It is a way of alerting planners, landowners and developers to the fact that there is a nature conservation interest on the site, which should be taken into account when considering planning applications and when making decisions about the management of the site in question. Designation of a Local Wildlife Site is not necessarily an automatic barrier to development and has to be considered in the context of the relevant development plan policies and other material planning considerations.
- 3.3 In most areas of the country, local authorities, working with other local partners, have set up systems to cover the designation and administration of local wildlife sites. These systems traditionally varied considerably in terms of size (both the administrative area they cover and the number of sites selected); the terminology used; and coverage of contrasting landscapes in coastal, rural and urban situations. In an attempt to promote a more transparent and consistent approach to the operation of local wildlife sites systems, the Department of Environment, Food and Rural Affairs (DEFRA) published "Local Sites – Guidance on their Identification, Selection and Management" in 2006. A key recommendation in the guidance was the establishment of local wildlife sites partnerships to manage local sites systems. The guidance also recommended use of the generic term "Local Site", which could be subdivided to describe an individual site as either a "Local Wildlife Site" ("LWS")

or “Local Geological Site” or even a “Local Wildlife/Geological Site” if the interests coincide.

4.0 LOCAL SITES IN WIRRAL

4.1 Wirral currently has a system of local wildlife sites called Sites of Biological Importance (SBIs). These were originally drawn up by Cheshire Wildlife Trust in the late 1980s, replacing an earlier wildlife sites system developed by Merseyside County Council. The sites were last reviewed in full in 1999 by Wirral Wildlife (the Wirral group of the Cheshire Wildlife Trust) prior to the formal designation of 70 SBIs through Proposal NC6 - *Sites of Biological Importance* in the Wirral Unitary Development Plan (‘UDP’) adopted in February 2000. The reasoned justification for Proposal NC6 states that “*sites not currently identified, but which can be demonstrated to meet the criteria specified, will, therefore, also be subject to protection as SBIs under Policy NC5*”.

4.2 Cabinet considered a report highlighting the key recommendations and implication of the aforementioned 2006 DEFRA Local Sites guidance on the 12th December 2007, endorsed the establishment of the Wirral Local Wildlife Sites Partnership and agreed the terms of reference for this group (Minute 398 refers). The agreed role of the Partnership incorporates the co-ordination of site selection procedures, including survey and identification of candidate sites for designation, deletion, or boundary alteration. The more formalised identification and agreement of proposed changes through the Partnership was intended to enable these new or amended sites to carry some weight in planning terms prior to their inclusion in the statutory Local Plan for Wirral which will replace the UDP. On 14th February 2011, Council (Minute 82 refers) agreed an update of the schedule of SBIs, incorporating all the site changes (using the existing selection criteria) identified in the period since the UDP was adopted. The updated schedule of 70 SBIs, including site plans can be viewed on the Council’s web site at <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/unitary-development-plan/sites>

4.3 It has been recognised however, that for the long term, the existing site selection criteria needed to be reviewed to bring them in line with the DEFRA guidance, followed by a re-assessment of the existing sites against the new criteria.

5.0 NEW LOCAL WILDLIFE SITE SELECTION CRITERIA FOR THE CHESHIRE REGION

5.1 For ecological recording and biodiversity purposes, Wirral is included within the historic county of Cheshire (“the Cheshire Region”), in the same way that Liverpool and the other north Merseyside districts are included within the historic county boundary of Lancashire. In the Cheshire Region prior to 2012, each local authority had its own guidance and site selection criteria for Local Sites. In Halton and Warrington such sites were known as Sites of Importance for Nature Conservation (SINCs) and in Wirral, Cheshire East and Cheshire West and Chester the sites were known as Sites of Biological Importance (SBIs). A smaller number of sites in Cheshire West and Chester were previously known as Sites of Nature Conservation Value (SNCVs).

- 5.2 In order to standardise the approach to selecting local wildlife sites across the whole of the Cheshire Region as far as possible, Cheshire Wildlife Trust led an initiative to prepare new site selection criteria and guidance in line with the DEFRA guidance to cover Halton, Warrington, Wirral, Cheshire East and Cheshire West and Chester. The revised criteria and guidance were published in February 2014 as “Local Wildlife Site Selection Criteria for the Cheshire Region” (“Cheshire LWS Criteria”) (Appendix 2) which can be downloaded from the Cheshire Wildlife Trust web site at <http://www.cheshirewildlifetrust.org.uk/sites/default/files/files/Cheshire%20LWS%20criteria%20V40.pdf>
- 5.3. The Cheshire LWS Criteria document sets out a number of key principles. Schedules of local wildlife sites are intended to be a comprehensive rather than a representative list, including all sites meeting the selection criteria. Sites with a substantive nature conservation interest should be selected. What constitutes substantive nature conservation interest is set out in the site selection criteria (sections 2 and 3 of the document) and reflects 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.
- 5.4 The Cheshire LWS Criteria have been developed in wide consultation with various naturalist organisations and specialists. There are 30 habitat based criteria and a further 13 species-specific criteria with measurable thresholds and a structured and systematic approach to site selection. The criteria have been devised to reflect local and national priorities and take into consideration attributes such as size, diversity, naturalness, rare/exceptional value, fragility, typicalness, historic/cultural associations, landscape connectivity and value for learning/appreciation of nature.
- 5.5 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. The habitat criteria in section 2 of the document closely follow the definitions of UK Biodiversity Action Plan (BAP) habitats. 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.
- 5.6 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.
- 5.7 It is proposed that sections 2 and 3 of the Cheshire LWS Criteria document be adopted as the basis for future local site selection in Wirral.

6.0 ROLE OF THE WIRRAL LOCAL WILDLIFE SITES PARTNERSHIP

- 6.1 The new Cheshire LWS Criteria document also includes guidance on the role of Local Wildlife Sites Partnerships in the selection process, key principles in site selection and procedures to be followed. The existing terms of reference of the Wirral Local Wildlife Sites Partnership (‘Wirral LWSP’) have been reviewed against this new guidance and a number of amendments have been proposed to bring them

into line with the Cheshire Region approach, while retaining Wirral specific elements. In particular the opportunity has been taken to include the key principles for selection of sites together with the procedures to be followed. The revised terms of reference for the Wirral LWSP and procedures for site selection are set out in Appendix 1.

- 6.2 It is proposed that the Wirral LWSP reassess all existing SBIs against the new Cheshire LWS criteria and compile a new schedule of Local Wildlife Sites that will form part of the evidence base for Wirral's local plan and inform the consideration of planning applications (and land management, where the sites are in Council ownership). Not all existing sites would require re-survey as part of this exercise, depending on when they were last surveyed: the Wirral LWSP currently aim 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 (such as woodland) require little management and are less susceptible to change and older survey data, of up to 10 years, may remain valid. In relation to species-based sites, survey data no older than 5 years should be utilised.
- 6.3 As such, it is estimated that the process of reviewing all the existing sites against the new criteria, including any re-surveys, could be completed within 5 years (in addition to considering proposed new sites). In the meantime, it is proposed that both the old and new systems and sets of criteria should be maintained in parallel, with existing SBIs designated under the old criteria remaining valid until they are reassessed against the new criteria, at which point they would become Local Wildlife Sites.

7.0 PROPOSED NEW 'ALERT SITE' CATEGORY

- 7.1 Other districts in the Cheshire Region maintain a list of 'alert' sites which may host habitats or species of local/national importance but which have not yet been 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. It is proposed that this approach is adopted in Wirral. The Wirral LWSP would be responsible for considering whether potential sites should be added to a list of 'alert sites'. 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 designation as a LWS.
- 7.2 Planning officers would 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.

8.0 FINAL REVISED SCHEDULE OF SITES OF BIOLOGICAL IMPORTANCE

8.1 Since the Council formally adopted the revised schedule of Sites of Biological Importance (SBIs) on the 14th February 2011, the Wirral LWSP has continued to monitor and survey existing and potential local sites using the existing selection criteria. This has identified a number of further proposed changes to the schedule of SBIs. Given that the local sites schedule is intended to be a comprehensive rather than representative list and that it will take time to review all existing sites under the new criteria as discussed above, it is proposed that a final revised schedule of SBIs be produced, incorporating all changes since 2011. The Wirral LWSP has agreed the following proposed changes to the schedule of SBIs. The endorsement of full Council is required for these changes to be adopted as a material consideration for use by Planning Committee in the determination of individual planning applications.

New SBIs

8.2 It is proposed that the following sites should be added to the schedule of SBIs, as ecological surveys have found they now meet the original SBI selection criteria:

78. Heswall Fields (Heswall Ward)

79. Frankby Cemetery (Greasby, Frankby and Irby Ward)

8.3 Site Plans and citation sheets for these sites are attached as Appendix 3 to this report.

De-selected SBIs

8.4 It is proposed that the following sites should be removed from the schedule of SBIs, as ecological surveys have found that they no longer have sufficient ecological value to meet the LWS selection criteria and therefore no longer merit inclusion:

26. Backwood Hall Farm (Heswall Ward)

35. Rake Hey Covert Pond (Clatterbridge Ward)

75. The Rectory, Thurstaston (West Kirby and Thurstaston Ward)

Modified SBI Boundaries

8.5 It is proposed that the boundaries for the following existing SBIs should be amended so that all land that meets the selection criteria is selected and land which no longer meets the criteria is removed:

15. Wirral Way Caldy to Heswall (West Kirby and Thurstaston; and Heswall Wards)

19. Piper's Lane (Heswall Ward)

49. Holm Hill (West Kirby and Thurstaston Ward)

67. Meols Field (Moreton West and Saughall Massie Ward)

8.6 It had initially been proposed that Piper's Lane SBI should be removed from the schedule of sites following representations from one of the two land owners and a subsequent site visit. Some time has now passed since this site visit and this part of the site has changed ownership. In response to the land owner consultation on the

proposed de-selection of the site the Wirral LWSP received significant correspondence from local residents highlighting the ecological value of the site. Unfortunately members of the Wirral LWSP have been unable to gain further access to this part of the site, but a visual assessment from the site boundary indicates that the site may have retained sufficient ecological value to justify retention. As this site is already designated, it is proposed to adopt a precautionary approach and retain the SBI designation on this part of the site until it is possible to gain access to resurvey the land, but exclude the adjacent field in separate ownership from the SBI as originally planned.

- 8.7 Site Plans and citation sheets for these sites are attached as Appendix 3 to this report.

Modified SBI Citations

- 8.8 It is proposed that the citations sheets for the following existing SBIs should be amended to better reflect the current ecological value of the sites:

2. Grange Hill (West Kirby and Thurstaston Ward)
61. Leasowe Pond (revised title – Leasowe Reedmarsh) (Leasowe and Moreton East Ward)

- 8.9 Citation sheets for these sites are attached as Appendix 3 to this report.

- 8.10 The 'confidential' section on all the citation sheets appended to this report have intentionally been left blank on this occasion. Information on legally protected species normally included under this heading is restricted to copies of citations held by Council officers and members of the Wirral LWSP.

- 8.11 A draft revised schedule of all Sites of Biological Importance incorporating the above proposed changes is attached as Appendix 4 to this report.

9.0 LOCAL GEOLOGICAL SITES

- 9.1 Local Geological Sites provide protection for areas which can be demonstrated to have local importance for geological interest. Locally, the Cheshire RIGS Group review non-statutory sites of geological and geomorphological importance in line with nationally agreed criteria for the selection of Regional Important Geological and Geomorphological Sites (RIGS) and advise the Council on the designation of Local Geological Sites.

- 9.2 Wirral's local geological sites, originally known as Sites of Local Importance for Earth Science, were formally designated in the Wirral Unitary Development Plan (UDP) adopted in 2000. The UDP states that sites not identified in the document, but which are found to meet the criteria for selection should be afforded the same level of protection, consistent with the principle that Local Geological Site schedules are intended to be comprehensive rather than representative and that all areas which meet the selection criteria for designation should be included. As such, on 17th October 2011, Council approved changes to the schedule of sites included in the Wirral UDP put forward by the Cheshire RIGS group, including 4 new sites, deletion

of 2 sites plus some boundary alterations (minute 46 refers) with the revised schedule also viewable on the Council's web site: <https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/unitary-development-plan/local>

9.3 While the Local Geological Site and Local Wildlife Site selection processes are discrete, there is considerable overlap with a number of sites carrying both designations. Representatives of the RIGS group attend the Wirral LWSP meetings 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 geo-diversity conservation.

10.0 CONCLUSIONS

10.1 Wirral's local wildlife sites make an important contribution towards the biodiversity of the Borough. Following on from the earlier publication of the DEFRA Guidance on local sites systems and the establishment of the Wirral LWSP, the adoption of the site selection criteria for the wider Cheshire Region offer the potential to promote a more transparent and consistent approach to the operation of these systems across the Cheshire Region.

11.0 PLANNING IMPLICATIONS

11.1 The Local Planning Authority has a number of responsibilities in relation to local sites systems:

- To consider and adopt the recommendations of the Partnership in relation to local Wildlife Sites that have been selected;
- Draw up appropriate development plan policies for the protection of Local Wildlife sites which are consistent with national advice in the National Planning Policy Framework and associated planning guidance;
- Be responsible for all planning matters related to individual Local Wildlife Sites including defending individual Wildlife Sites at planning inquiries; and
- Ensuring that site boundaries are identified on the local searches system and on the local plan policies map.

12.0 FINANCIAL IMPLICATIONS

12.1 The local sites system is administered by Council officers on behalf of the Wirral Local Wildlife Sites Partnership as part of their normal duties with no additional budgetary implications. Cheshire Wildlife Trust/Wirral Wildlife and the Cheshire Records Centre no longer receive any direct funding from the Council.

13.0 LEGAL IMPLICATIONS

13.1 The Council has a wider statutory duty under Section 40 of the Natural Environment and Rural Communities Act 2006, to have regard, in the exercise of its functions, to the purpose of conserving biodiversity. This duty includes restoring or enhancing populations or habitats of principal importance which appear on the England

Biodiversity List produced under Section 41 of the Natural Environment and Rural Communities Act.

- 13.2 The Conservation of Habitats and Species Regulations 2010, part 2, section 39 provides guidance on nature conservation policy in planning contexts. Paragraph (3) encourages the management of features of the landscape which are linear/continuous or act as stepping stones essential for the migration, dispersal and genetic exchange of wild species. The regulations in part 3 refer to EU protected species and Local Wildlife Sites which support these species may be protected from disturbance and/or activities which destroy breeding sites or resting places.

14.0 RESOURCE IMPLICATIONS: STAFFING, ICT AND ASSETS

- 14.1 The local sites system is administered by Council officers on behalf of the Wirral Local Wildlife Sites Partnership as part of their normal duties. The majority of the survey work on sites which are not owned by the Council is undertaken by volunteers from Wirral Wildlife (the Wirral arm of the Cheshire Wildlife Trust).

15.0 RELEVANT RISKS

- 15.1 Section 40 of the Natural Environment and Rural Communities Act 2006, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. If the Wirral local wildlife sites system were not operated in a way which is consistent with the DEFRA guidance, and Cheshire Region Site Selection Criteria, there is a risk that the basis for designating individual sites could be more vulnerable to challenge through the planning process.

16.0 CONSULTATION/ENGAGEMENT

- 16.1 In line with the agreed Terms of Reference, the Wirral Local Wildlife Sites Partnership has contacted the owners of sites proposed for designation (where known and contactable). Landowners have been advised of the purpose, significance and implications of designation and given the opportunity to comment on the basis for the selection of their site. Similarly, where surveys of existing sites have found that the nature conservation interest has deteriorated to such an extent that a site no longer meets the site selection criteria, owners have been notified and given the opportunity to comment.

17.0 EQUALITIES IMPLICATIONS

- 17.1 Has the potential impact of your proposal been reviewed with regard to equality?
- (b) No because there is no relevance to equality.
- 17.2 The emerging Core Strategy Local Plan has been subject to ongoing Equality Impact Assessment.
- 17.3 Results of previous Equality Impact Assessments prepared at each stage in the preparation of the Core Strategy can be viewed at

<http://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/core-strategy-local-plan-0>

- 17.4 A revised Equality Impact Assessment will be presented alongside the proposals to be included in the final Core Strategy Local Plan.

REPORT AUTHOR: John Entwistle
Principal Forward Planning Officer
Telephone: (0151) 691 8221
Email: johnentwistle@wirral.gov.uk

APPENDICES

Appendix 1: Revised Terms of Reference for the Wirral Local Wildlife Sites Partnership and Local Wildlife Site Selection Procedures

Appendix 2: Local Wildlife Site Selection Criteria for the Cheshire Region

Appendix 3: Revised Boundaries and Citations for Sites of Biological Importance

Appendix 4: Revised Schedule of Sites of Biological Importance

REFERENCE MATERIAL

Local Sites – Guidance on their Identification, Selection and Management, (DEFRA 2006) can be viewed at:

<http://archive.defra.gov.uk/rural/documents/protected/localsites.pdf>

The Cheshire Local Wildlife Sites site selection criteria document can be downloaded from the Cheshire Wildlife Trust web site at:

<http://www.cheshirewildlifetrust.org.uk/sites/default/files/files/Cheshire%20LWS%20criteria%20V40.pdf>

The existing schedule of Sites of Biological Importance can be viewed at:

<https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/unitary-development-plan/sites>

The existing schedule of local geological sites can be viewed at:

<https://www.wirral.gov.uk/planning-and-building/local-plans-and-planning-policy/local-plans/unitary-development-plan/local>

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
None	