



Draft Fylde Biodiversity

Supplementary Planning
document

For Consultation

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Consultation information

This draft Supplementary Planning Document (SPD) on Biodiversity has been prepared following input from stakeholders at the earlier scoping consultation. Councils are required to consult on a draft SPD before it is adopted (Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012). This consultation therefore invites representations on the Draft Biodiversity SPD. The Draft SPD is accompanied by the Consultation Statement, as also required by Regulation 12. The Consultation Statement sets out the results of the earlier consultation of November 2018 to January 2019 on the scope of the SPD, and how comments made have informed the preparation of the document. It also includes the responses to the Strategic Environmental Assessment Screening consultation, the three statutory consultees concluded that SEA is not needed.

The consultation runs from 11 July 2019 to 8 August 2019 (4 weeks).

How to Respond

Responses should address the sections/paragraphs in the document. Please reference the paragraph you are referring to. The Council's preference is for responses to be sent by email to PlanningPolicy@fylde.gov.uk. Alternatively they may be sent by post to Planning Policy, Fylde Council, Town Hall, St Annes Road West, Lytham St Annes, Lancashire FY8 1LW.

1.0 Introduction

What is a Supplementary Planning Document (SPD) and what is the purpose of this SPD?

- 1.1. Supplementary Planning Documents (SPDs) provide further detail and guidance in relation to policies and proposals within the development plan; although they do not form part of the statutory development plan themselves. SPDs must be consistent with national planning policies, as well as the policies set out in the development plan.
- 1.2. This SPD is one of a suite of SPDs that will be prepared in accordance with the Local Planning Regulations (SI 2012 No.767) and the National Planning Policy Framework (the Framework), conforming and responding to all relevant local and national policies, and based upon a robust and up-to-date evidence base. The SPD is to be considered alongside policies in the adopted Fylde Local Plan to 2032. The SPD guidance should therefore be taken into consideration from the earliest stages of the development process of any site, including any purchase negotiations and in the preparation of development briefs, masterplans and planning applications.
- 1.3. Fylde Council recognises the important contribution that planning can make to improving biodiversity within the borough. This includes protecting and enhancing the international, national and local sites of biodiversity importance, as well as species and habitats. To this end, the council has worked with Natural England and Lancashire Wildlife Trust to produce this Biodiversity SPD.
- 1.4. Development can have a negative impact on biodiversity, both directly, through the destruction of habitat, and indirectly. These impacts can be significant and lead to the decline of biodiversity. Development can also have positive impacts for biodiversity for sites where there is little wildlife, by integrating new habitats with adjacent areas of biodiversity value, and enhancement of the biodiversity of the development site itself. The main goal of this SPD is to ensure that development enhances, protects and conserves biodiversity and ecological networks.
- 1.5. Fylde has a wealth of natural assets which have been recognised for their importance and that function locally, nationally and internationally. These include the Fylde Coast, Ribble Estuary, the agricultural hinterland, wetlands including rivers, watercourses, canals and ponds, grasslands and woodlands which also provide habitats for significant populations of plants and animals. Many of these natural assets do extend further than the boundary of Fylde Council's administrative area and, through the Duty to Co-operate natural assets have been recognised and accepted as a strategic matter for co-operation with Neighbouring Authorities in Lancashire and Lancashire County Council.
- 1.6. This SPD provides guidance for applicants in terms of understanding the relevant policies in the adopted Fylde Local Plan to 2032 and what is required as part of the planning application process. This includes guidance in relation to ecological networks. Once adopted, this SPD should be afforded significant weight as a material consideration in determining planning applications. This SPD is not a nature conservation strategy or an action plan for biodiversity.

What is biodiversity and why is it important?

- 1.7. Biodiversity is defined as 'the variety of all life on earth' in the Government's Biodiversity Strategy - 'Biodiversity 2020 – A Strategy for England's wildlife and ecosystem services'. Natural ecosystems provide us with a wide range of goods and services that support our economic and

social wellbeing. These include essentials such as food, fresh water and clean air, and also services such as protection from natural disasters and regulation of our climate. Biodiversity is important for its own sake and Fylde supports species and habitats of international, national and local importance.

2.0 Legislative Framework

Key Legislation

2.1. Key legislation in relation to biodiversity and nature conservation that is of relevance to this SPD includes:

- **The Conservation of Habitats and Species Regulations, 2017:** These Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- **The Natural Environment and Rural Communities Act, 2006:** This includes the duty on public bodies, including local planning authorities, to have proper regard to conserving biodiversity in the exercise of their functions. It also lists species and habitats of principal importance for biodiversity in England.
- **Wildlife and Countryside Act, 1981:** The Act covers protection of wildlife (birds, and some animals and plants), the countryside and the designation of protected areas including Sites of Special Scientific Interest (SSSIs) that are identified for their flora, fauna, geological or physiographical features.
- **The Water Framework Directive:** This came into force in December 2000 and became part of UK law in December 2003. It applies to all surface freshwater bodies (including lakes, rivers and streams), groundwater, groundwater dependant ecosystems, estuaries and coastal waters out to one mile from low water. The Directive aims to improve the ecological health of inland and coastal waters and prevent further deterioration.
- **The Bathing Water Directive, 2006:** This aims to safeguard public health and clean bathing waters. One mechanism for doing this is through the planning and development process to ensure that new developments do not pose a threat to water quality whilst enhancing the quality of our habitats for wildlife.
- **The Hedgerows Regulations, 1997:** These Regulations protect many countryside hedgerows from being removed.

2.2 There is other legislation covering biodiversity such as the Protection of Badgers Act 1992. A summary of nature conservation legislation and regulation within the UK can be found on the United Kingdom's Joint Nature Conservation Council (JNCC) website, at <http://jncc.defra.gov.uk/page-1359>

What is a protected species?

- 2.3 Legislation in the United Kingdom, under domestic or European law, provides for the protection of certain species of wild plants, birds and animals. The degree of protection could be partial (e.g. trade is prohibited) or full, in which case the disturbance, killing or injuring of one of the species could constitute an offence. Breeding places and sheltering places associated with protected species are also protected. A summary of species protection and legislation in the UK can be found on the United Kingdom's Joint Nature Conservation Committee website, at <http://jncc.defra.gov.uk/page-1747> A basic guide to the role of Local Planning Authorities and the responsibilities of developers to statutorily protected species in England can be found at <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>
- 2.4 Priority species were those that were identified as being the most threatened and requiring conservation action under the UK Biodiversity Action Plan (BAP). The UK BAP was succeeded by the UK Post-2010 Biodiversity Framework in July 2012. Further information on priority species can be found on the United Kingdom's JNCC website, at <http://jncc.defra.gov.uk/page-5717>

3.0 Planning Policy

National Policy

- 3.1 Local Planning Authorities have to take the requirements of the Framework into account when determining planning applications and preparing Local Plans and Supplementary Planning Documents.
- 3.2 The Framework includes a range of requirements relating to biodiversity that are relevant to this SPD, it states that:
- Planning policies and decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils, recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services. They should also maintain the character of the undeveloped coast and access to it, minimise impacts on and provide net gains for biodiversity, including by establishing coherent ecological networks. Also preventing new and existing development from contributing to, being put at unacceptable risk, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land [paragraph 170 a)-f)].
 - Plans should distinguish between the hierarchy of international, national and locally designated sites, allocate land with the least environmental or amenity value, take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries [paragraph 171].
- 3.3 To minimise impacts on habitats and biodiversity the Framework sets out, at paragraph 174 a) and b), that plans should:

- Identify and map components of the local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by national local partnerships for habitat restoration or creation.
 - Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.
- 3.4 The Framework states [paragraph 175 a) –d)] that when determining planning applications, local planning authorities should apply the following principles:
- If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.
 - Development on land within or outside a SSSI likely to have an adverse effect on a SSSI should not normally be permitted.
 - Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused unless there are wholly exceptional reasons.
 - Development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 3.5 Natural England and the Forestry Commission have issued updated standing advice on ancient woodland, ancient and veteran trees. The final [updated standing advice](#) should be used in determining planning applications which might impact on ancient woodland, ancient and veteran trees. The advice has been amended to align with the revised National Planning Policy Framework, which has increased protection for these irreplaceable habitats; to give clearer guidance on taking account of the existing condition of ancient woodland in making planning decisions; and provide further guidance on mitigation measures, including the use of buffer zones.

Planning Practice Guidance PPG (January 2016)

- 3.6 The Planning Practice Guidance sets out the statutory basis for minimising impacts on biodiversity and providing net gains where possible, it describes how Local Planning Authorities should plan for Biodiversity and Geodiversity, provides guidance on ecological networks, ecological evidence, legal obligations for European sites, guidance on local sites, ecosystem services and nature improvement areas. The Planning Process, enhancement of biodiversity, avoiding, mitigating and compensating for significant harm are also included.

Local Policy

- 3.7 The Framework policy requirements are reflected in the adopted Fylde Local Plan to 2032 (the Local Plan).
- 3.8 The Local Plan is the key planning policy document for Fylde, as it sets the overarching vision, objectives and spatial development strategy for the area.

- 3.9 The Local Plan has a policy on Biodiversity, produced in conjunction with advice from Natural England. **Appendix 1** contains the relevant Fylde Local Plan policies (**ENV1** and **ENV2**). Although these policies are being highlighted as being particularly relevant to biodiversity, the plan should be read as a whole and other policies and supporting text will be relevant.
- 3.10 There are also two Neighbourhood Plans in Fylde, the St Annes Neighbourhood Plan (SANP) and the Bryning with Warton Neighbourhood Plan. Policy EN1 Sites of Biological and Geological Importance (SANP) and Policy BWNE1 Protecting and Enhancing Local Wildlife and Habitats of the Bryning with Warton Neighbourhood Plan are also relevant.
- 3.11 The Fylde Local Plan to 2032, adopted October 2018, together with the Joint Lancashire Minerals and Waste Core Strategy DPD 2009 and the Joint Lancashire Minerals and Waste Local Plan Site Allocations DPD, plus the two Neighbourhood Plans form the statutory development plan for Fylde, although the Neighbourhood Plans only apply to the areas for which they are made. They are not Borough wide development plan documents.
- 3.12 Section F of this SPD deals with Biodiversity and the Planning Application Process. This sets out how these policies will be applied in relation to the determination of planning applications.

4.0 Designated Sites

- 4.1 Some sites have a statutory designation and are protected by legislation such as the Conservation of Species and Habitat Regulations, 2010 and the Wildlife and Countryside Act, 1981 (as amended).
- 4.2 The following types of sites are identified on the Policies Map, which accompanies the Local Plan and are protected by policy **ENV2** on Biodiversity:
- International Sites designated under European legislation, which include Special Protection Areas (SPAs) and Special Areas of Conservation (SACs). The Ribble and Alt Estuaries SPA is an example. This site is also designated as a Ramsar site, which are wetlands of international importance. It is considered that this Biodiversity SPD is unlikely to have any significant effect on a SPA or SAC, above and beyond any effects that the Local Plan is likely to have, either individually or in combination with other plans and projects. However, the SPD will be subject to both Sustainability Appraisal and Habitats Regulations Assessment, which will be put out for consultation with the SPD.
 - Sites of National importance for conservation, which are designated as Sites of Special Scientific Interest (SSSIs)
 - Locally important sites, which may have been designated as Local Wildlife Sites – known in Lancashire as Biological Heritage Sites (BHSs) and Local Geodiversity Sites (LGS).

5.0 The Lancashire Ecological Network

What are Ecological Networks?

- 5.1 The 'Making Space for Nature' (2010) report was an independent national review of England's wildlife sites and the connections between them. It concluded that the conservation objectives behind the identification of sites cannot be successfully achieved if sites remain, or become, further fragmented and isolated from each other. Particularly when considered in the light of

the need for species to be able to respond to potential environmental changes arising from climate change.

- 5.2 It recommended that ecological connections which exist between high quality sites are maintained, and developed, to allow species populations, or at least their genes, to move between them to establish a coherent and resilient network.
- 5.3 This review has informed national planning policy in the Framework, which requires Local Planning Authorities to identify, map and safeguard components of local wildlife rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation.
- 5.4 The priorities for action to enhance the resilience and coherence of ecological networks are summarised by the mantra: *better, bigger, more and joined*. To achieve this, 'Making Space for Nature' recommends:
- Improving the quality of current sites by better habitat management.
 - Increasing the size of current wildlife sites.
 - Enhancing connections between, or join up, sites, either through physical corridors, or through 'stepping stones'.
 - Creating new sites.
 - Reduce the pressures on wildlife by improving the wider environment, including through buffering wildlife sites.

<https://webarchive.nationalarchives.gov.uk/20130402170324/http://archive.defra.gov.uk/environment/biodiversity/documents/201009space-for-nature.pdf>

- 5.5 Policy **ENV2** in the Local Plan refers to ecological networks. This SPD includes guidance on how to deal with development which is located within or adjacent to an ecological network.

What is the Lancashire Ecological Network?

- 5.6 In Lancashire, ecological networks were mapped, on behalf of the Lancashire Local Nature Partnership (the LNP), in response to the recommendations contained in the 'Making Space for Nature' review and to assist local planning authorities to comply with the Framework.
- 5.7 The Lancashire Ecological Network (the Network) seeks to identify linkages between known wildlife sites. The Network is mapped using existing data about wildlife sites, habitats and species preferences. These data are evaluated to identify areas of high 'landscape integrity' where habitats are in relatively natural condition and have lower levels of human modification. Separate habitat preference maps were created for three different broad habitat groups:
- Woodland and Scrub;
 - Grassland;
 - Wetland and Heath.

These habitat groups are likely to support species that are believed to have similar preferences and needs.

- 5.8 Mapping software was used to identify the best connections between core habitat sites for each species group using a series of steps:

1. Identify Core Areas
2. Map Habitat suitability
3. Identify corridors connecting core sites based on the 'least cost path' between core areas.

5.9 More detailed information on the Lancashire Ecological Network is contained within the 'Lancashire Ecological Network Approach and Analysis' document.

Elements of the Lancashire Ecological Network

5.10 For each of the three identified broad habitat groupings, the following components have been identified: core areas, corridors and stepping stones.

Core Areas:

5.11 These are identified wildlife sites of at least county importance. All Core Areas are classified by the priority habitat groupings for which they are of importance. The following types of wildlife site are included in Core Areas:

- Natura 2000 ('European sites'), which are international designations
- Sites of Special Scientific Interest
- Biological Heritage Sites;
- Local Nature Reserves of County importance.

Therefore, many existing designated sites form part of the ecological network.

Corridors:

5.12 Corridors comprise continuous stretches of permeable habitat that can, over time, be utilised by species to move between Core Areas. They are classified by length (0 – 250m, 250m -3km, 3 – 5km). Corridors can contain habitat features which also act as Stepping Stones. In general, shorter routes, and routes through higher quality habitat, are preferable for habitat connectivity as species are more likely to successfully move through sites. Long paths between sites may represent paths that are only accessible to some species.

5.13 Attention is focused on corridors of 3 kilometres or less as the corridors that are most likely to be contributing to movement of individuals and species. This distance represents an intermediate dispersal capability and is proposed as an interim standard for evaluating overall network condition and connectivity. This measure can be adjusted upwards or downwards for individual habitat types or for all habitat types as future research indicates is appropriate.

Stepping Stones:

5.14 Mapping ecological corridors and protected sites allows areas that are potential stepping stones to be highlighted — high quality habitats occurring in long corridors. Stepping Stones include:

- District level wildlife sites (where these exist) and Local Nature Reserves (of district wildlife significance) and important road verges. These are classified in respect of the priority habitats they support.

- Areas of priority habitat, outside protected sites but within, or partially within, the ecological network corridor.

5.15 The Core Areas, Corridors of 3km or less and Stepping Stones are the Primary Features of the Network.

Ecological Network Mapping

5.16 The Ecological Network map can be viewed on Fylde Council's website.
<http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/comprehensivelistofevidence/>

5.17 Information on integrating Ecological Networks in the development process is found in Section 7 on Biodiversity and the Planning Application process.

Nature Improvement Areas

5.18 Nature Improvement Areas are large areas, (in the region of 10,000-50,000 ha) that by taking a landscape-scale approach, will deliver a step change in nature conservation, they are delivered by a local nature partnership that has a shared vision for the natural environment. The partnership will plan and deliver significant improvements for wildlife and people through the sustainable use of natural resources, restoring and creating wildlife habitats, connecting local sites and joining up local action. The partnership will be able to demonstrate measurable improvements – the 'step change' – and commit to sharing information about their improvements.

5.19 The Council does aspire to have a Fylde Nature Improvement Area NIA. There are currently 12 pilot NIA's nationally, including the nearest – Morecambe Bay Limestones and Wetlands NIA, which extends into Over Wyre, covering Winmarleigh Moss and associated wildfowl and wader site/functionally linked farmland. The Fylde Peninsula would need to be looked at as a whole, given its importance for birds and the interchange between SPA's to the north and south across 4 local authority areas (more if including areas south of the Ribble Estuary). Also given the distribution of mobile species using wetland networks such as water vole, otter and great crested newts. The scale of this project means it is not a matter for the SPD, however, it will continue to be an aspiration for the Council.

6.0 Overview Fylde's Natural Assets

6.1 Virtually all of Fylde Council's coastal and estuarine boundaries are covered by an environmental or landscape designation. The most significant of these is the Ribble and Alt Estuaries SPA which has also been designated as a Special Protection Area under the EU Directive on the Conservation of Wild Birds (79/409/EEC) and as a RAMSAR Wetland site in accordance with the International RAMSAR Treaty. These designations (International and European) recognise the importance of the Ribble Estuary as a habitat for migratory birds as it supports one of the biggest wintering and passage populations of wading birds in Britain. The Ribble Marshes are also designated as a National Nature Reserve, covering 4,520ha of intertidal and saltmarsh habitats at the mouth of the Ribble Estuary. The Ribble and Alt

Estuaries is part of a network of sites which includes the Liverpool Bay SPA, the Martin Mere SPA, and the Marton Mere SPA. Species move between these sites and Fylde’s functionally linked land. This more local network of sites, including the Fylde Coast/Ribble Estuary connects with the rest of the North West coast from the Dee to the Solway.

There are also five sites of Special Scientific Interest (SSSIs) in Fylde which are listed below:

Name of Area	Area (ha)
Ribble Estuary	9,120
Newton Marsh	66
Lytham and St Annes Dunes	25
Wyre Estuary	1,493
Lytham Coastal Changes	24

- 6.2 Local Nature Reserves (LNRs) include wildlife or geological features of special interest, Starr Hills Local Nature Reserve is the only LNR in the borough, it also forms part of the Lytham and St Annes Dunes SSSI. In addition to these locally protected sites Fylde also contains 34 Biological Heritage Sites(BHS) which were designated by Lancashire County Council (see Appendix 2). Finally, there are two Marine Conservation Zones (MCZs) which were designated in June 2019. These are the Ribble Estuary MCZ and the Wyre-Lune MCZ which have both been designated to protect the migratory fish, European smelt (*Osmerus eperlanus*). Factsheets and designation orders for these sites are available at <https://www.gov.uk/government/collections/marine-conservation-zone-designations-in-england>
- 6.3 Fylde also contains a wealth of other biodiversity, particularly in the rural areas. Rural Fylde was formerly divided into a number of extensive country estates each of which had a large house surrounded by woodlands which were often used for hunting and shooting. These estates have been broken up but many of the woodlands remain, although they are often in need of management. Also there are concentrations of field ponds in the area between Warton and Wrea Green and just inland of Lytham St Annes are extensive areas of mossland which are used as overwintering/feeding areas by migratory birds, in particular Whooper Swans and Pink Footed Geese. The Lancaster Canal provides a biodiverse corridor of habitats which runs along the eastern edge of Fylde. Finally, there is also the marine environment, the Fylde Off Shore Marine Conservation Zone lies just outside the Council’s jurisdiction however, it is within the sphere of influence of development within the area. The quality of seawater is as important for marine life as it is for bathing and great improvements have been made in recent years. In the urban areas there are extensive semi natural areas dedicated to golf courses, public parks and allotments as well as gardens and street trees.
- 6.4 All of the biodiverse environments of Fylde are of value for their own sake in conserving rare species, habitats and landscapes of value. They also provide food, fresh water, bathing waters, clean air and areas which can be used for outdoor recreation, which is crucial to health and wellbeing. Mosslands just inland of Lytham St Annes absorb surface water runoff and release it slowly into local watercourses, helping to mitigate surface water flooding. Dune systems along the coast provide a natural sea defence which is crucial in relation to global warming and sea level rise.

6.5 The Sand Dunes are a vulnerable habitat/resource as they are a very narrow strip which is less resilient than other more extensive areas of dunes e.g. The Sefton Coast. Fylde Council's long term objectives for the sand dunes are set out in the Sand Dunes Management Plan (which is currently being updated). The Sand Dunes are a special area of biodiversity value which also functions as a soft natural flood defence, they will always need management.

6.6 Fylde Council is dependent on its visitor economy which in turn relies on the biodiverse natural environment to attract visitors. Fylde is also a popular area to work and live, in turn creating a demand for new housing and employment. This puts pressure on the biodiverse areas which must be assessed. The Development Strategy in the Fylde Local Plan to 2032 has been subject to Sustainability Appraisal under the Environmental Assessment Regulations and Habitats Regulations Assessment under the Habitats Regulations.

Local Plan Habitats Regulations Assessment Report June 2018 (document EL11.003a)

<http://www.fylde.gov.uk/council/planning-policy--local-plan-/www.fylde-gov-uk-examination/>

6.7 If significant harm related to development cannot be avoided, appropriate mitigation or as a last resort, replacement or other compensation will be required. The main objective of the Biodiversity SPD will be to provide more detailed information on how sustainable development, with respect to net gains in Biodiversity can be achieved, particularly in relation to development affecting protected areas and also in relation to the planning application process.

7.0 Biodiversity and the Planning Application Process

7.1 This section sets out how biodiversity can be integrated into the planning application process. The flowchart in Appendix 6 guides applicants and planning officers through the steps that should be taken to ensure biodiversity is addressed as part of proposals.

7.2 Policy ENV2 on Biodiversity aims to conserve, protect and seek opportunities to enhance and manage the biological and geological assets of the area, through a series of measures including promoting the conservation and enhancement of biological diversity and seeking opportunities to conserve, enhance and expand ecological networks. The full text of the policy from the adopted Fylde Local Plan to 2032 can be found in Appendix 1.

7.3 Policy ENV2 includes criteria to:

- protect the hierarchy of nature conservation sites
- provide an overall improvement in the site's biodiversity value and ensure that any adverse impacts are avoided, or if unavoidable, are reduced or appropriately mitigated and/or compensated
- protect, conserve, restore and enhance nature conservation sites and ecological networks and provide links to the network from and/or through the proposed development site
- protect, safeguard and enhance habitats for European, nationally and locally

7.4 The full text of Policy ENV2 is included in Appendix 1.

In conclusion, there is a strong local policy basis to support this SPD and the approach that it takes towards biodiversity.

When are surveys and assessments required?

7.5 Many planning applications have the potential to impact in some way on biodiversity, through the direct loss of habitats and species, and/or the reduction in the value of habitats and their ability to support the species that depend on them, and/or through the destruction, degradation, maintenance, enhancement, restoration and/or even creation of local ecological network functionality. It is essential that the potential positive and negative impacts of a proposal on biodiversity and including biological connectivity are considered before a development scheme is designed and before a planning application is submitted.

7.6 Where required (as set out in Appendix 5 and 6), a survey and assessment of the impact on the relevant species or feature should be undertaken and submitted with the planning application. Where appropriate this report should include details of measures to be implemented to mitigate or compensate for adverse impacts. This ensures that the Local Planning Authority has sufficient information to make an informed decision about whether wildlife can be protected during development; and makes certain that there will be no adverse impact on local biodiversity as a result of the development. Applications will not be valid if the appropriate information is not submitted. The council has a validation checklist which specifies what is required to accompany a planning application.

When are surveys and assessments required for designated sites and priority habitats?

7.7 Where an application is likely to affect designated sites or priority habitats, as listed in Table 1 in Appendix 2, a survey and assessment for the relevant feature must be submitted with the application. This also includes applications for developments that are adjacent to such a site, but which might have an impact upon it. The designated sites are shown on the adopted Policies Map. <https://new.fylde.gov.uk/adopted-local-plan-to-2032/>

7.8 With respect to the Internationally Designated sites listed in Table 1 it is a statutory requirement to comply with the Conservation of Habitats and Species Regulations 2017 Criterion (1)-(9).

Assessment of Implications for European sites and European offshore marine sites

63.-(1)A competent authority, before deciding to undertake, or give consent, permission or other authorisation for, a plan or project which-

(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and

(b) is not directly connected with or necessary to the management of that site,

must make an Appropriate Assessment of the implications of the plan or project for that site in view of the site's conservation objectives.

(2) A person applying for such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to determine whether appropriate assessment is required.

(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specifies.

(4) It must also, if it considers it appropriate, take the opinion of the general public, and if it does so, it must take such steps for that purpose as it considers appropriate.

(5) In the light of the conclusions of the assessment, and subject to regulation 64, the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

7.9 In conclusion, it is the competent authority's (Fylde Council) responsibility to produce the Habitats Regulations Assessment (HRA), however, it is the developer's responsibility to provide sufficient information so that the Local Planning Authority (Fylde Council) can produce their HRA. Sometimes developers produce a shadow HRA to assist the LPA. If the LPA agrees with this shadow HRA they can adopt it as their own.

7.10 For more challenging developments, Natural England provide a charged Discretionary Advice Service (DAS). This service provides non-statutory advice related to development proposals. Details of this service can be found on the Natural England website.

7.11 Natural England recommend using their Impact Risk Zones (IRZ). IRZs are tailored to a particular area and the species affected. IRZs can be used to screen whether the planning application or site allocation is likely to have an impact. The IRZ dataset can be downloaded for use on any GIS system or viewed via magic maps. Further information and guidance on how to access and use the IRZs is available on the Natural England website.

See also Conservation Advice Packages for Ribble and Alt Estuaries SPA and Liverpool Bay SPA

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9005103&SiteName=ribb&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=>

and Local Plan Habitats Regulations Assessment Report June 2018 (document EL11.003a)

<http://www.fylde.gov.uk/council/planning-policy--local-plan-/www-fylde-gov-uk-examination/>

When are surveys and assessments required for Ecological Networks?

7.12 The Ecological Network (i.e. comprising the Grassland Network, the Wetland and Heath Network and the Woodland Network) can be viewed on the at:

<http://www.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/comprehensivelistofevidence/>

These maps should be assessed before an application is submitted in order to ascertain whether proposals fall within one of the networks. If an application is likely to affect a Key Feature of the Ecological Network, a survey and assessment of the impact of the proposal on

the function of the Network must be submitted with the application. Designated sites, priority habitats and biodiversity features will often also form components of the Ecological Network. Therefore, if development is likely to affect them, a survey and assessment will already be required. The survey and assessment should be expanded to also assess the function of these areas as part of the Ecological Network and the impact of the development upon the Network.

- 7.13 In any circumstances where a proposal comes forward within the Network, and it is not considered likely to affect a designated site, priority habitat or biodiversity feature as set out in Appendix 2, Table 1 (or trigger a Protected Species Assessment, as set out in Appendix 3, Table 2), applicants should consult with a qualified ecologist to ascertain whether the functioning of the Ecological Network is likely to be affected by the development. If Ecological Networks are likely to be affected, then a Survey and Assessment will be required. If they are not likely to be affected then a covering letter from an ecologist should support the application demonstrating that there has been no net loss of biodiversity and, ideally, demonstration that there has been a net gain to the functioning of the Network.

When are surveys and assessments required for Protected and Priority species?

- 7.14 If the application involves any of the development proposals shown in Appendix 3, Table 2, a protected species survey and assessment must be submitted with the application. The removal of part of a roof in order to alter the roofline for a small extension has the potential to destroy bat roosts and nesting sites, therefore all of the types of development listed Table 2 will require a protected species survey and assessment.

However, there are some exceptions. A full species survey and assessment may not be required in the following circumstances:

- Following consultation by the applicant at the pre-application stage, the Local Planning Authority has stated in writing that no protected species surveys and assessments are required.
- If it is clear that no protected species are present, despite the guidance in Table 2 indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (*e.g.* this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
- If it is clear that the development proposal will not affect any protected species present, then only limited information needs to be submitted. This information should, however,
 - (i) demonstrate that there will be no significant effect on any protected species present and
 - (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.

- 7.15 In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one, or a few, of the species shown in Table 2 (*e.g.* those that are likely to be affected by a particular activity). Applicants should make clear which species are included in the report and which are not, and if not, why they are not included.

- 7.16 Natural England publishes Standing Advice which explains how LPAs should deal with applications that involve protected species. When determining an application for development that is covered by Standing Advice, the council will take this Advice into account.

This Advice includes a decision tree that identifies features on application sites that are likely to be associated with protected species. It also identifies some of the protected species most often affected by development and contains more detailed information on survey and mitigation requirements for these species. Further information can be found at: <https://www.gov.uk/guidance/protected-species-how-to-review-planning-applications>

The designated sites, Priority Habitat, Priority Species and legally protected species referred to in this SPD are part of Fylde's current natural assets and may change during the Local Plan period. The web resources included in this document and Appendix 1 should be consulted prior to submitting a planning application as they may be updated during the Local Plan period.

Who should undertake a survey and assessment?

- 7.17 The Survey should be undertaken and prepared by competent persons with suitable ecological qualifications and experience. Where surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (e.g. issued by Natural England).

At what time of the year should surveys and assessments be carried out?

- 7.18 For certain species and habitats, surveys and assessments can be carried out at any time of the year, but for other species, particular times of year are required to give the most reliable results. Surveys must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available. Table 3 in Appendix 4 sets out the appropriate times of year to undertake surveys for particular species.
- 7.19 Surveys conducted outside of the optimal times, as set out in Table 3, may be unreliable. For certain species (e.g. Great Crested Newt) surveys over the winter period are unlikely to yield any useful information. Similarly negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work maybe required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimal time of year.
- 7.20 Species surveys are also very weather dependent so it may be necessary to delay a survey, or to carry out more than one survey if the weather is not suitable (for example heavy rain is not good for surveying for otters, as it washes away their spraint (droppings). Likewise bat surveys carried out in wet or cold weather may not yield accurate results.
- 7.21 It is also important to note that the absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected. For example, a bat roost is protected whether any bats are present or not.

Where can data to inform the survey be obtained?

- 7.22 The survey and analysis may be informed by the results of a search for ecological or geological data from other sources, for example The Fylde Bird Group which carries out regular surveys, plus local Bat and Badger Groups, and the Lancashire Environment Record Network (LERN), which is the local environmental record centre for Lancashire. Further information can be found at <http://www.lancspartners.org/lern/>.

What should be included in a survey and assessment?

- 7.23 This section sets out what should be included in a survey and assessment. Providing comprehensive information in a survey is essential to enable the proper assessment of a planning application. Insufficient or unclear conclusions on how the development could impact on biodiversity may make an application invalid, or result in delays to its consideration.
- 7.24 Appendix 5, Table 4 sets out suggested content for an ecological assessment and survey.

What should be included in a survey and assessment of designated sites, priority habitats and ecological networks?

- 7.25 Where a survey and assessment is required, the survey must be to an appropriate level of scope and detail and must:
- Record which sites, habitats, species and features are present on and, around the site, including features that form part of identified ecological networks, as appropriate.
 - Pay particular attention to habitats and species identified in appropriate legislation, and to species identified as being of local significance.
 - Identify the extent/area/length present;
 - Map their distribution on site and/or in the surrounding area shown on an appropriate scale plan.
- 7.26 The survey should be informed by a search for appropriate ecological data from Lancashire Environment Record Network (LERN) and other sources.
- 7.27 Following on from the survey, the assessment should identify and describe potential development impacts likely to harm designated sites, priority habitats, and the Ecological Network, including both direct and indirect effects both during construction and afterwards. Where harm is likely, evidence must be submitted to show:
- How alternatives designs or locations have been considered;
 - How adverse effects will be avoided wherever possible;
 - How unavoidable impacts will be mitigated or reduced;
 - How impacts that cannot be avoided or mitigated will be compensated.
- 7.28 In addition, proposals are to be encouraged that will enhance, restore or add to designated sites priority habitats, other biodiversity features or geological features and to the functioning of ecological networks. The assessment should give an indication of likely change in the area (hectares) of priority habitat on the site after development e.g. whether there will be a net loss or gain. An ecological survey and assessment may form part of a wider Environmental Impact Assessment.

Biological Heritage Sites BHS

- 7.29 Biological Heritage Sites are designated sites. They were originally designated in the 1990s by Lancashire County Council and Fylde Council was provided with a schedule for each site which described the fauna and flora which had resulted in the designation. Unfortunately it has not been possible to update the original survey work. However, if a site of biodiversity value or a protected species is discovered it is possible to recommend that a site is added to a candidate list of BHS's. The site will then be assessed and could be added to the register of BHS.

- 7.30 If a proposed development is considered likely to have an impact on a BHS then the Council will require the developer to have a baseline survey carried out to establish the current condition of the BHS. With respect to BHS, the Ecological Survey (Appendix 5) will then be required to identify any BHS present within, on or within the vicinity of the development site. The Ecological Survey will then assess if any habitats/species within the BHS will be affected. The baseline survey will be of value in this assessment. The baseline survey will be submitted to the LERN by the Council and will be used to update BHS records.

What should be included in a survey and assessment for protected and priority species?

- 7.31 Where a protected species survey and assessment is required, the survey must be to an appropriate level of scope and detail and must:
- Record which species are present and identify their numbers (may be approximate);
 - Map their distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding).
- 7.32 The survey should be informed by of a search for appropriate ecological data from Lancashire Environment Record Network (LERN) and other sources.
- 7.33 Following on from the survey, the assessment must identify and describe potential development impacts likely to harm the protected species and/or their habitats identified by the survey, including direct and indirect effects, both during construction and afterwards. Where harm is likely, evidence must be submitted to show:
- How alternatives designs or locations have been considered;
 - How adverse effects will be avoided wherever possible;
 - How unavoidable impacts will be mitigated or reduced;
 - How impacts that cannot be avoided or mitigated will be compensated.
- 7.34 In addition, proposals are to be encouraged that will enhance, restore or add to features or habitats used by protected species. The assessment should also give an indication of how species numbers are likely to change, if at all, after development (e.g. whether there will be a net loss or gain).
- 7.35 The information provided in response to the above requirements are consistent with those required for an application to Natural England for a European Protected Species Licence. A protected species survey and assessment may form part of a wider Ecological Assessment and/or part of an Environmental Impact Assessment.

Designing development to conserve and enhance biodiversity

- 7.36 In accordance with policy ENV2 in the emerging Fylde Local Plan, and the Framework, biodiversity should be conserved and enhanced. Whilst new development can potentially cause harm to biodiversity, it can also create opportunities to enhance habitats and improve the functioning and resilience of ecological networks. The enhancement of sites is considered later in this section.

The Mitigation Hierarchy

- 7.37 Paragraph 175a of the Framework sets out a mitigation hierarchy that should be followed when designing schemes and when determining planning applications.

- a) If significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then planning permission should be refused;
- 7.38 Policy ENV2: Biodiversity, as set out in Appendix 1, states that development should follow this mitigation hierarchy it also includes a definition of what constitutes damage, or harm, to nature conservation sites and ecological networks and this definition will be used when assessing planning applications in Fylde.
- 7.39 Utilising the survey evidence, the ecological assessment should identify and describe potential development impacts likely to harm designated sites, priority habitats, other listed biodiversity features and ecological networks including both direct and indirect effects, both during construction and afterwards.
- 7.40 The survey and assessment should then inform the design of the scheme. A suggested content for ecological surveys is included at Appendix 5, it includes provisions for mitigation and enhancement.

Avoiding Harm

- 7.41 The first step in the mitigation hierarchy is that proposals for development should avoid harm to habitats and species. Based on the Ecological Appraisal, options for avoiding harm include:
- Locating the proposal on an alternative site with less harmful impacts;
 - Reducing the scale of the proposal to 'make space' for biodiversity;
 - Locating the proposal on an alternative part of the development site to avoid areas of biodiversity value;
 - Providing a sufficient buffer to habitats and species;
 - Eradicating and preventing the spread of invasive species; and
 - Ensuring that proposals are designed so that important biodiversity features and ecological connectivity between them and features outside of the site are retained.

Examples of avoiding harm that can be designed into developments include:

- Maintain a 5 metre ecological buffer zone between water courses, such as ditches, brooks and rivers, and the development together with proposals for management of that ecological buffer zone. This will help protect habitats for the legally protected species water vole and otter. This will fit within the Environment Agency's byelaws which require an 8 metre buffer zone either side of main rivers to allow for maintenance.
- Retain and manage bat roosts within the development by ensuring that the bat roost remains undisturbed as this will protect roost sites for European and UK Protected Bat Species.
- Retain length of hedgerows/woodland within the development, as this will maintain ecological connections with hedgerows outside the development site and provide nesting habitats for breeding birds.

Mitigating harm

- 7.42 Where it is not possible to avoid harm to existing sites, habitats, species and ecological networks, it may still be possible to minimise potentially damaging impacts through mitigation measures. The applicant should set out the measures that it is intended to take to minimise harm as part of the development proposal. It is important that developers seek the necessary

specialist, technical advice. When agreeing the scope of the work with an ecological consultant it is important to ensure that the provision of ecological measures is required, as the applicant's Ecological Appraisal should include this information. The mitigation measures should be specific to biodiversity likely to be harmed on and off-site from the type and scale of development.

The applicant is responsible for making sure that suitable arrangements are in place for funding, access, operation, maintenance and management of this mitigation, and for monitoring and review. These arrangements must be for the lifetime of the associated development and to the satisfaction of Fylde Council. The applicant/developer is also responsible for provision of on-going contact details.

7.43 Measures that could achieve suitable mitigation include, amongst others:

- Timing the development of sites to avoid the breeding seasons of species present;
- Creating new areas of habitat, or managing existing ones on the site and preparing a Habitat Management Plan. This will reduce loss and prevent harm to habitats and species and ensure that they are managed appropriately;
- Creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats;
- Ensuring that new infrastructure such as bridges are built to enable movement of wildlife to continue;
- Steps to ensure that any proposed flood, surface water or foul drainage scheme for the development site ensures the protection of wetland sites (on or off the development site) through careful and integrated drainage scheme design on site, and in the surrounding area. This will help to maintain the quantity and quality of water for wetland sites, the habitats and species dependant on them and is essential to minimising harm from development.
- Translocation of species from destroyed habitat (to be used as a last resort)
- Provision of alternative nesting provision for swallows on site prior to the breeding season commencing, before demolishing or converting buildings that contain swallows. Swallows return each year to their nesting site. Loss of breeding sites is 'harm' to Swallows;
- Provision of method statements including how what, when and who will be responsible for invasive species eradication on site, to prevent the inadvertent spread of invasive species through development. This will help meet the legal responsibilities of the developer, landowner and local planning authority.
- Provision of hedgehog friendly boundary treatments such as hedgerows, and hedging which is raised off the ground. This helps to maintain connectivity between garden areas and areas outside the development for hedgehog which are a priority species
- Developers could use their Community Responsibility Fund to provide information to new home owners on how to make their gardens more biodiverse, communal space on new developments (both residential and commercial) should be designed to complement and maximise local biodiversity.

7.44 However, mitigation still entails harm of some form. Where a site or its surroundings have clear biodiversity value and the proposed mitigation steps are insufficient to reasonably protect this value, then planning permission may be refused on these grounds once all other planning issues have been taken into account.

- 7.45 An example that has taken place in Fylde is mitigation for the re-development of the former Pontin's site between St Annes and Blackpool for housing. It is immediately across the road from an area of protected dune habitat which residents cross to access the beach. Mitigation for the development includes developer contributions to a ranger service which raises awareness of the importance of the dunes and discourages trampling of vulnerable areas.

Mitigation and the International and European Sites

- 7.46 The most significant environmental designation for Fylde Council is the Ribble Estuary which has also been designated as a Special Protection Area (SPA) under the EU Directive on the Conservation of Wild Birds (79/409/EEC) and as a RAMSAR Wetland site in accordance with the International RAMSAR Treaty. These designations (International and European) recognise the importance of the Ribble Estuary as a habitat for migratory birds as it supports one of the biggest wintering and passage populations of wading birds in Britain.
- 7.47 Conservation Advice Packages for Ribble and Alt Estuaries SPA and Liverpool Bay SPA are relevant:
- <https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9005103&SiteName=ribb&countyCode=&responsiblePerson=&SeaArea=&IFCAArea=>
- 7.48 The two main issues in relation to these sites is direct effects of development e.g. coastal defence work and loss of functionally linked land which is agricultural land that is used by protected species such as Whooper Swans and Pink Footed Geese for feeding, and also impacts of increasing recreational pressure as development takes place near to these sites.
- 7.49 Where development affects internationally important nature sites (SPAs and Ramsar sites) with populations of 'passage and overwintering birds' which are qualifying features (see glossary) the following mitigation(s) may be required:
- Construction to take place from April – September.
 - If outside April – September then include a Construction Environmental Plan to avoid noise and visual disturbance for example by providing physical screening and noise abatement.
 - The disturbance will affect the bird's ability to feed so more rigorous cold /freezing restrictions on construction will apply.
 - Additional measures may include provision of a suitable bird feeding area on site or in the immediate locality.
- 7.50 Where housing and other development proposals create recreational pressure for International and European Sites examples of mitigation measures which may be required include:
- Incorporation of public open space to encourage use of the public open space within the development site.
 - Design and management of public open space outside the proposed development boundary to encourage use away from the International and European Sites.
 - Provision of information by developers in sales packs informing residents of the International and European sites and how they can help to preserve them including a 'responsible coast user code'. This could include issues of disturbance by dogs of birds and

predation of reptiles by cats. The Council will seek up-to-date advice from Natural England and Lancashire Wildlife Trust on the content of this advice.

- Financial contributions to improving and /or managing access to and /or within the International and European Sites e.g. rangers, signage, path management.
- Financial contributions towards enhancing and or managing existing public open space or countryside areas away from the coast and improving access to them, including improved signage and new or enhanced cycling and walking routes.
- Where holiday accommodation creates recreational pressure for International and European sites e.g. holiday chalets close to the Wyre Estuary, information packs should be provided by the owners/managers to guests to raise awareness of the issues. The Council will seek up-to-date advice from Natural England and Lancashire Wildlife Trust on the content of this advice.

7.51 Incorporation of these measures (where it can be demonstrated that the scheme has a direct impact) into the development proposal/scheme design based on survey information and for example the net number of new dwellings, may enable the Council to conclude under the Habitats Regulations that there is no likely significant effect on the SPA and Ramsar sites.

7.52 The requirements for mitigation may place an additional cost on the scheme. It will be the responsibility of the developer/applicant to demonstrate that the mitigation does not adversely affect the viability of the scheme. If the mitigation required to make the scheme acceptable (no likely significant effects), makes the scheme unviable, it will not be possible to grant planning permission.

Compensating for loss

7.53 Compensatory provision should be proportionate, reasonable and appropriate compensation that can be delivered. It is the applicant's responsibility to ensure that there is sufficient space and resources to enable the compensatory provision to function in perpetuity. **This is the last step in the Mitigation Hierarchy and applicants should set out in their application the reasons that avoiding harm and mitigating harm are insufficient before identifying compensatory provision. Where significant harm resulting from development cannot be avoided, adequately mitigated or as last resort, compensated, then planning permission will be refused.**

These measures are not mutually exclusive and a combination of resources and operations may be required. Examples of compensatory provision include:

- Creation and management of new habitats to deliver no net loss of existing habitats and overall a net gain in biodiversity. This will ensure no net loss of Priority Habitats and maintain a functioning ecological network;
- Provide bat roost and foraging habitat to deliver a net gain in biodiversity. This will ensure compliance with the Natural Environment and Rural Communities Act and provide replacement roost and foraging provision for bats for that lost directly or where functionality of roost or feeding resources is diminished due to development.;
- Create replacement and additional wetland and water course habitats for water vole, otter and amphibians which are linked specifically to loss resulting from development. This will ensure that there is a net gain in biodiversity and will maintain a functioning ecological network. These areas can provide a dual function of managing surface

water on the site through the provision of SuDs which are designed to maximise biodiversity.

- Enhancement and restoration of habitats in identified ecological networks.

Compensation and the International and European Sites

- 7.54 There is a legal requirement under the Habitats Regulations to provide compensatory provision that delivers the same function as that which would be significantly affected through development before that development commences. Government policy also applies this requirement to Ramsar sites. Policy ENV2 part b makes clear the level of protection afforded to such sites and what is required of applicants when considering development that may affect these sites and their qualifying features. Fylde Council is the competent Authority for undertaking Habitats Regulations Assessment for development proposals in its area. Fylde Council will co-operate with other competent authorities whose decisions /recommendations will also be required e.g. Natural England, the Environment Agency and the Marine Management Organisation. It is the planning applicant's responsibility to provide the competent authority with information to assist in undertaking Habitats Regulations Assessment for proposals, see paragraph 7.8.
- 7.56 Examples of compensatory provision, for International and European Sites include:
- Entering into a management agreement with a landowner to provide a suitable feeding resource for passage and overwintering birds (e.g. pink footed geese, whooper swans) in perpetuity, to make sure that a feeding resource is retained for that proportion of the qualifying features (passage and over wintering birds) of the internationally important nature sites (SPA and/or Ramsar site) which would be affected. This could prevent an adverse effect on the integrity of the SPA and / or Ramsar site and help to maintain a coherent network;
 - Entering into a management agreement to remove shooting rights over land in perpetuity, in order to prevent disturbance and / or displacement of feeding or roosting passage and overwintering (which are the 'qualifying features' of the Ribble and Alt Estuaries SPA and / or Ramsar site) and so prevent an adverse effect on the integrity of the International and European nature sites.
- 7.57 Established habitat usually acquires biodiversity value over a very long period of time, as its ecology diversifies and changes. Artificially recreated habitat will therefore usually be greatly inferior to established habitat. For example, newly planted woodland is of lesser value than existing ancient woodland. There are only very limited circumstances where this loss is justified. It should not be considered unless a planning decision has been made to permit a development in the face of harm to biodiversity, once other planning issues have been taken into account. **Compensation for lost habitat will not make an unacceptable development acceptable.**
- 7.58 Fylde Council will review avoidance, mitigation and compensatory provision measures put forward by the planning applicant/developer and will consider whether the proposals are necessary, proportionate, reasonable and compliant with legislation and policy, and deliverable to enable development.

- 7.59 The applicant is responsible for making sure that suitable arrangements are in place for funding, access, operation, maintenance and management of this compensatory provision, and for monitoring and review. These arrangements must be for the lifetime of the associated development and to the satisfaction of Fylde Council. The applicant/developer is also responsible for provision of on-going contact details.
- 7.60 Where development proposals would affect natural assets in other neighbouring authorities, or the marine environment, Fylde Council will work together with those authorities and the Marine Management Organisation under the Duty to Co-operate to ensure the protection, retention and management of those natural assets. This also applies to considering locations and types of mitigation and compensatory provision.

Enhancement of Development Sites

- 7.61 The Framework and the emerging Local Plan Biodiversity policy (policy ENV2) seek the enhancement of sites and a net gain in biodiversity.
- 7.62 Proposals should be encouraged that will enhance, restore or add to designated sites, priority habitats, other biodiversity or geological features, or which will enhance or restore ecological networks.
- 7.63 Developers should look to design in opportunities to improve habitats for biodiversity conservation, and to increase the overall quality of the biodiversity of the development by enhancing existing habitats or creating new areas appropriate to the wider landscape context and also to create new links to the ecological network beyond the development site..
- 7.64 Useful design measures that might achieve this would include, amongst others:
- Creating areas of new habitat such as woodland, scrubland, coarse grassland or ponds in landscaped areas or public open space
 - Siting open space and landscaping so that planting within them enhances habitat connectivity between areas of habitat within and adjacent to the site
 - Using native species of local or regional genetic origin in planting schemes
 - Making provision on/in new buildings for species such as bats, swallows, barn owls or other species that might live locally. This could include, but is not limited to, nesting and roosting boxes to be built as part of the fabric of the building for building reliant birds (e.g. swift, swallow and house martin) and bats and birds associated with urban areas such as house sparrows and starlings
- 7.65 Sustainable Drainage Systems (SuDs) can create new and enhance existing wildlife sites, particularly soft engineering SuDs features such as ponds, swales and wetlands. They can form links with the wider ecological network to create a coherent 'blue infrastructure' of water habitats in developments throughout Fylde, extending into neighbouring authorities. SuDs should be provided within the drainage strategy of proposed developments and the positive impact that they can have for biodiversity and for ecological networks should be taken into account in scheme design.
- 7.66 Pollinators, such as bees, provide an essential service of pollinating flowers and crops, whilst providing other benefits for native plants and the wider environment. Planting schemes should include and retain suitable flowers, shrubs and trees that provide nectar and pollen as food for bees and other pollinators throughout the year. Further useful information on

catering for the needs of bees and other pollinators can be found in the National Pollinator Strategy: for bees and other pollinators in England (November 2014).

Determination of Applications

7.67 In reaching a decision on a planning application that is likely to have an impact on biodiversity, the necessary surveys and assessments will need to be supplied, to ensure that the impacts of proposals can be properly assessed, and the requirements of all policies addressed. The council will utilise standing advice from authorities such as Lancashire County Council and Natural England, where relevant, and seek advice from relevant authorities, including the above and the Environment Agency, where necessary. Decisions will be made based upon the evidence supplied and advice received. Ecological conditions will be attached to planning decisions and in some cases, if appropriate, subject to obligations under a legal agreement.

Implementation

7.68 Applicants will need to apply to discharge (satisfy) ecological conditions as appropriate and to implement mitigation/management regimes if required.

Listed Building Consents

7.69 Fylde Council will consider any proposal for Listed Building Consent against the requirements set out in ENV2 as well as all other relevant Local Plan policies. Applicants are advised to undertake an ecological appraisal (see Appendix 5) where there are any works both internally and externally to roofs, walls and also trees. The species most likely to be affected are bats and breeding birds (e.g. owls, raptors, herons and swifts). Appropriate timing of works, outside the bird breeding season (1 March to 31 August inclusive) to buildings and trees may be a sufficiently reasonable avoidance measure for schedule 1 and other breeding birds. Schedule 1 of the Wildlife and Countryside Act 1981 as amended lists 'birds which are protected by special penalties', and the birds receive full protection while at, on or near an active nest.

Permitted Development Rights

7.70 Permitted Development is development which does not require planning permission. Whether or not development is permitted depends on its type, size and how much development has already taken place, householders can usually undertake single storey side or rear extensions, loft conversions, front porches, outbuildings, solar panels and skylights.

7.71 Significantly permitted development also includes Barn Conversions. The species most likely to be affected are bats and breeding birds (e.g. owls, raptors, herons and swifts). Appropriate timing of works, outside the bird breeding season (1 March to 31 August inclusive) may be a sufficiently reasonable mitigation measure for schedule 1 and other breeding birds. Schedule 1 of the Wildlife and Countryside Act 1981 as amended lists 'birds which are protected by special penalties', and the birds receive full protection while at, on or near an active nest. 'Designing for Biodiversity' Gunnel, Murphy, Williams ISBN 9781859464915 published by the Royal Institute of British Architects illustrates how provision for Owls can be built directly into barn conversions.

7.72 Any permitted development (granted by the General Development Planning Order (permitted development order)) which is likely to have a significant effect on International and European

Sites must not begin until the developer has received written notification of the approval from the Local Planning Authority, i.e. **permitted development rights do not override the need to comply with the Habitats Regulations**. In these cases applicants must first write to the Council setting out details of their proposals and provide sufficient information to enable the Council to make Habitats Regulations Assessment and assess the application. The scope of the information required should be informed by an Ecological Appraisal (see Appendix 5). This guidance is set out in Regulations 75 – 78 of the Habitats Regulations.

Prior Notification and/or Approvals for Demolition

7.73 Fylde Council will require an Ecological Appraisal when applications for Prior Notification and or Prior Approval for demolition are submitted. The scope of the Ecological Survey will be limited to survey for bats and breeding birds, with the extent of the survey expected to be proportionate to the likelihood that the building to be demolished has potential to be used by bats and/or breeding birds.

7.74 The demolition method statement that is required to be submitted must be informed by the outcome of the survey for bats and birds. The scope of the bat survey is dependent on the type of building, location, use, structural condition and surrounding vegetation, particularly trees and hedgerows. Initially a preliminary roost assessment is required. This involves the categorisation of the building for its potential to provide bat roosts. Dependant on the outcome of this preliminary roost assessment further bat surveys must be required. Surveys should follow best practice guidance and any deviation from the guidance must be explained fully in the survey report.

Collins.J.(ed)(2016)Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition). The Bat Conservation Trust, London. ISBN-13 978-1872745-96-1

7.75 Certain building features may need to be the subject of a ‘soft strip’ by hand. Soft strip includes removal by hand of those features identified with bat roost potential, this can be external features such as roofs, tiles, soffits, fascias, porches and internal features such as insulation, timbers and frames.

7.76 A demolition method statement should take the information from the surveys into account in scheduling the timing of demolition work, and the method of demolition. For example, demolition work could be restricted to the winter period because of nesting birds. Schedule 1 of the Wildlife and Countryside Act 1981 as amended lists ‘birds’ which are protected by special penalties, and the birds receive full protection while at, on or near an active nest.

Tree Preservation Orders

7.77 When submitting applications for consent for works to trees covered by Tree Preservation Orders, applicants must provide sufficient information on species likely to be affected by the work by submitting an ecological survey. In Fylde, the species most likely to be affected are bats and breeding birds (e.g. owls, raptors and herons). Appropriate timing of works, outside the bird breeding season (1 March to 31 August inclusive) to buildings and trees may be a

sufficiently reasonable avoidance measure for schedule 1 and other breeding birds. Schedule 1 of the Wildlife and Countryside Act 1981 as amended lists 'birds which are protected by special penalties', and the birds receive full protection while at, on or near an active nest.

Nationally Significant Infrastructure Projects

7.78 The approach will be for Fylde Council to advise the Planning Inspectorate on the impact of the NSIP on Fylde's natural assets. It will also advise whether any proposed mitigation is acceptable in terms of quantity, quality and location, whether additional mitigation is required or whether compensatory provision is needed. The response will also include an assessment of the NSIP against the Local Plan policies and in consultation with Natural England whether a project level Habitats Regulations Assessment is required under the Habitat Regulations.

Invasive Species

7.79 Invasive Species present on a development site must be identified through the Ecological Survey. When determining (deciding) a planning application, Fylde Council will require details of how invasive species will be eradicated from a development site. This will be through a planning condition requiring an Invasive Species Method Statement which includes:

- A plan showing the extent of the plant(s);
- What method(s) will be used to prevent the plant spreading further including demarcation; and
- What method(s) of control will be used including details of monitoring.

7.80 Works to invasive species may take place over an extended time period and include pre-commencement, construction and landscape establishment periods. Work should be undertaken by suitably experienced invasive species specialist contractors or under the supervision of specialist contractors. Guidance is available at: <https://www.gov.uk/government/publications/japanese-knotweed-managing-on-development-sites>.

7.81 A separate validation report confirming the actions taken and that the site has been free from invasive species for a period of at least 12 months will be required by planning condition. To enable discharge of this part of the planning condition the validation report should include:

- Location of invasive species pre-development
- Treatment record including inspection dates, herbicide application dates (if applicable), copy of waste transfer notes(if applicable);
- Photographs;
- Plan showing geotextile membrane (where applicable) and details of its installation including dates and who undertook the work; and
- Confirmation that the site has been free of invasive species for at least 12 months.

Choice of Species Planted in Landscaping Schemes

7.82 A separate but closely related issue is the inclusion of non- native plants in landscaping schemes which then spread, this is a particular issue for the Lytham St Annes sand dunes SSSI. The EU Life Dynamic Dunes Workshop in 1995 drew up a blacklist of invasive plants which should not be planted in Lytham St Annes because they could spread to the dunes and then become difficult to control.

- Black Cherry *Prunus serotina*
- Exotic Invasive Knotweeds *Fallopia spp*
- Himilayan Balsam *Impatiens glandulifera*
- Beach Rose *Rosa rugosa*
- New Zealand Pigmy Weed *Crassula helmsii*
- Common Snowberry *Symphoricarpus albus*
- Cotoneaster *Cotoneaster sp*
- Heath Star Moss *Campylopus introflexus*
- Buffalobur Nightshade *Solanum rostratum*
- False Acacia *Robina pseudoacacia*
- Oregon Grape *Berberis aquifolium*
- Tree of Heaven *Alianthus altissima*
- Pine Trees (any species) *Pinus spp.*
- Water Primrose *Ludwigia grandiflora*
- Poplar Trees (any species) *Populus spp.*
- Sea Buckthorn *Hippophae rhamnoides*

7.83 These species should not be included in landscaping schemes in Lytham St Annes. Appropriate species will be native to the local area and preferably local provenance stock. This is especially important in a coastal setting where inappropriate species (not adapted to the free draining soil and salty wind) will fail.

7.84 In rural areas species selected should be native to the north west of England, and native to that particular area. The planting will then make a positive contribution to the landscape and will also provide more biodiverse habitat for local wildlife.

Declines in Swifts and Farmland Birds

7.85 There has been a 47% decline in UK Swifts numbers (1995-2014) and this is attributed mainly to the loss of nesting sites. Nesting sites are lost when small cavities, usually just under the eaves of traditional buildings are lost as an historic building is restored.

7.86 The first step in halting the decline of swifts is to carry out summer surveys during the nesting season to find out which areas colonies are nesting in. Then existing nest sites need protecting and new nest boxes should be put up as close as possible to existing nest sites, in case something happens to this nest site in the future. Fylde Bird Club are going to carry out Swift Surveys in the summer of 2019 and advise the Council of any nest sites. These will be mapped.

- 7.87 If the Council has evidence that Swifts nest within a development site, development will have to take place outside the nesting period and the Council will require the applicant to provide alternative nesting sites for Swifts within the development, these will take the form of swift bricks and or swift boxes in both housing and commercial developments.
- 7.88 Farmland species of birds are in decline in Fylde, in particular the rare Yellow Hammer and Corn Bunting. Changes to farming practices such as the provision of seed strips, headlands, uncropped field margins, undrained wet areas and broad hedgerows can all provide much needed habitat. There has been success in other parts of the United Kingdom with providing small areas of approximately 1 hectare which have been seeded with species such as quinoa which then provide seed rich areas for farmland birds in the winter. In Speyside a local bird group have persuaded a farmer to take this approach with much success (Speyside Field's for Wildlife), over 1500 farmland birds were recorded on one field. Although the planning system cannot influence farming practices the Council welcomes any such initiatives to support rare farmland birds.

8.0 Sustainability Appraisal and Habitats Regulations' Assessment

Sustainability Appraisal and Strategic Environmental Assessment

- 8.1 A Sustainability Appraisal/Strategic Environmental Assessment and Habitats Regulations Screening Document is published alongside this document.
- 8.2 [Amendments](#) to the Conservation of Habitats & Species Regulations 2017 came into force on the 28th December 2018 in response to a recent judgment ([Case C-323/17 People Over Wind v Coillte Teoranta](#)) handed down by the Court of Justice of the European Union. The amended regulations allow neighbourhood plans and development orders in areas where there could be likely significant effects on a European protected habitat to be subject to an 'Appropriate Assessment' to demonstrate how impacts will be mitigated, in the same way as would happen for a draft Local Plan or planning application.

MHCLG will be updating guidance in due course to reflect the changes. Further information is set out in the [Chief Planner letter](#).

9.0 Monitoring and Review

- 9.1 Appendix 8 of the Fylde Local Plan to 2032 is the Performance Monitoring Framework. Indicator 14 relates to ENV2 Biodiversity. The Performance Monitoring Indicator is a change in the areas of land covered by local, national or international policy protections for biodiversity, or areas provided for biodiversity in mitigation through developments.
- 9.2 **Target/Policy Outcome** is Net gains in areas of land specifically dedicated to and protected for biodiversity.
- 9.3 **Trigger for Action** is fall in areas of land specifically dedicated to and protected for biodiversity.
- 9.4 **Contingency /Action** Consider whether the fall in the areas of dedicated land has been offset by more effective use of the area of land that remains for Biodiversity. If not, consider a review of how the policies have been applied.

- 9.5 **Key Delivery Partners** Fylde Council, Lancashire County Council, Natural England and Lancashire Wildlife Trust.
- 9.6 The outcomes from the Performance Monitoring Framework will be published via Fylde Council's Authority Monitoring Report.

10.0 Status of this Document

- 10.1** Once adopted, this document will be afforded significant weight as a material consideration in determining planning applications.

11.0 Further Information

- 11.1** The SPD will primarily be implemented through the development management process and the determination of planning applications. Charges apply for pre-application consultations; please see the council's website for details. Planning Officers in the Development Management Team will be pleased to provide advice and guidance on planning matters regarding biodiversity. They can be contacted on:

APPENDICES

Appendix 1: Planning Policies from the adopted Fylde Local Plan to 2032

Policy ENV1: Landscape

Policy ENV1

Landscape

Development will have regard to its visual impact within its landscape context and the landscape type in which it is situated. Development will be assessed to consider whether it is appropriate to the landscape character, amenity and tranquility within which it is situated, as identified in the Lancashire Landscape Character Assessment, December 2000 or any subsequent update. Development will also need to have regard to any impact on valued landscapes. In addition:

- a) A landscaped buffer of appropriate depth and species will be provided for development that impacts upon land in or adjacent to the Countryside, and wherever necessary includes advanced planting, in order to limit the visual impact of development;
- b) Development proposals will ensure that existing landscape features will be conserved, maintained, protected and wherever possible enhanced through increased tree and shrub cover including soft edge / transitional areas of planting;
- c) In the event of the loss of landscape features, the impact will be minimised or, where loss is unavoidable, their like-for-like replacements will be provided. Where such features, including trees, woodlands, hedgerows and field ponds, are lost and replaced, measures will be put in place to manage these new features;
- d) Suitable landscape planting of native species, appropriate to its context should be incorporated within or, where appropriate, close to new development. Measures should be put in place for the management of such landscaping. Specific consideration should be given to how landscaping schemes will minimise the rate of surface water run-off;
- e) Details of the ongoing maintenance of all landscaping areas will be presented for approval by the Council.

Coastal Change Management Areas

The open and coastal character of the Coastal Change Management Areas, which are identified on the **Policies Map**, will be protected. Development in the Coastal Change Management Areas will only be permitted where the development meets all of the following criteria:

- i. Exceptionally requires a coastal location;
- ii. Is appropriate and in keeping with the open character of the coastline;
- iii. Does not adversely affect the nature conservation assets of the coastline, predominantly the Ribble and Alt Estuaries SPA/Ramsar. Project specific Habitats Regulations Assessments (HRAs) will be required for any tourism and coastal defence developments near to the Ribble and Alt Estuaries SPA/Ramsar. The HRAs will need to demonstrate that

there will be no significant effect upon European Sites before the tourism and coastal defence developments can be granted consent.

- iv. Does not detract from the tourism value or facilities along the coastline ;
- v. Does not interfere with natural coastal processes, unless the development forms part of an agreed programme of sea defence enhancement, in accordance with the Fylde Coast Shoreline Management Plan;
- vi. Does not impede the function of any existing sea defence structures and wherever possible enhances the coastal protection measures; and
- vii. Accords with the Development Strategy of this Local Plan.

Where development does occur in these areas, developer contributions will be sought for the conservation, management and enhancement of important wildlife habitats and the creation of new habitats. This will include the improvement and management of Starr Hills Local Nature Reserve and the creation of new Local Nature Reserves. Contributions will be made through S106 Agreements and / or the Community Infrastructure Levy.

Policy ENV2: Biodiversity

Policy ENV2

Biodiversity

Section 1. Nature Conservation Sites and Ecological networks

a) The hierarchy of nature conservation sites

The Council is committed to ensuring the protection and enhancement of Fylde'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:

- i) International Ramsar Sites
 - Special Areas of Conservation (SAC)
 - Special Protection Areas (SPA)
 - Candidate SACs or SPAs

The strongest possible protection will be given to sites of international importance, predominantly the Ribble and Alt Estuaries SPA / Ramsar site.

- ii) National Nature Reserves (NNR)
 - Sites of Special Scientific Interest (SSSI)
 - Marine Conservation Zones (MCZ)

iii) Local Geodiversity Sites

County Biological Heritage Sites

Local Nature Conservation Sites

Local Nature Reserves

Development that would directly or indirectly affect any sites of local importance will be permitted only where it is necessary to meet an overriding local public need or where it is in relation to the purposes of the nature conservation site.

b) Development within or affecting nature conservation sites and ecological networks

In addition to the provisions of National and European law, and in accordance with national planning policy, proposals for development within or affecting the above nature conservation sites must adhere to all of the following principles:

i) Development that would directly or indirectly affect any sites of local importance including ancient woodland or ancient and veteran trees will be permitted only where it is necessary to meet an overriding local public need or where it is in relation to the purposes of the nature conservation, or mitigation can avoid affecting site integrity.

ii) Proposals which primarily seek to enhance or conserve biodiversity will be supported in principle, subject to the consideration of other Local Plan policies;

iii) Consideration should be given to the impact of development proposals on the County-wide Lancashire Ecological network and, where possible, opportunities to support the network by incorporating biodiversity in and around the development should be encouraged;

iv) Where development is considered necessary, adequate mitigation measures and compensatory habitat creation will be required through planning conditions and / or obligations, with the aim of providing an overall improvement in the site's biodiversity value. Where compensatory habitat is provided it should be of at least equal area and diversity, if not larger and more diverse, than that which is being replaced. Measures should be put in place for the ongoing management of such features.

Where it has been demonstrated that significant harm cannot be avoided appropriate mitigation or, as a last resort, replacement or other compensation will be required. The location of appropriate mitigation, replacement or other compensation will be targeted, using a sequential approach, as follows:

- Within the development site;
- In the immediate locality;
- Within a Nature Improvement Area within the Borough;
- Within a Nature Improvement Area elsewhere in the Fylde Coast; and lastly,
- Elsewhere.

Where significant harm resulting from development cannot be avoided, adequately mitigated or, as a last resort, replaced or compensated, then planning permission will be refused.

v) the development of recreation will be in areas which are not sensitive to visitor pressures - the protection of biodiversity will be given higher priority than the development of recreation in sensitive areas of internationally important nature conservation sites (as identified in paragraph

(1)(a)(i) above), and on all nature conservation sites and ecological networks in situations where there is conflict between the two objectives.

c) Damage to nature conservation sites and ecological networks

The following definition of what constitutes damage to nature conservation sites and other ecological assets will be used in assessing developments likely to impact upon them:

- i) loss of the undeveloped open character of a part, parts or the entire nature conservation site or ecological network;
- ii) reducing the width of part of an ecological network or causing direct or indirect severance of any part of the ecological network or of any part of a nature conservation site including the flight path of migratory birds;
- iii) restricting the potential for movement of wildlife within or through an ecological network or nature conservation site;
- iv) causing the degradation of the ecological functions of any part of the ecological network or nature conservation site;
- v) directly or indirectly damaging or severing links between nature conservation sites, green spaces, wildlife corridors and the countryside; and
- vi) impeding links to the wider ecological network and nature conservation sites that are recognised by neighbouring planning authorities.

Section 1 (Nature Conservation Sites and Ecological networks) of this policy applies to all presently designated nature conservation sites, which are identified on the **Policies Map** and to any nature conservation sites or ecological networks that may be designated in the future by appropriate agencies. The Fylde Ecological Network, comprising the Grassland Network, the Wetland and Heath Network and the Woodland Network has been identified and mapped by LCC and Lancashire Wildlife Trust, in compliance with the Framework and is accessible on the Planning Policy website.

Section 2. Priority Species Protection

Planning permission will not be granted for development which would have an adverse effect on a priority species or its habitat, unless the benefits of the development outweigh the need to maintain the population of the species in situ. Should development be permitted that might have an adverse effect on a priority species or its habitat, planning conditions or agreements will be used to:

- a) Ensure the survival of the individual species affected; and where this cannot be achieved:
- b) Reduce the disturbance to a minimum;
- c) Provide adequate alternative habitats to enhance the viability of the local population of that species; and
- d) Promote the preservation, restoration and recreation of priority habitats.

Appendix 2: Local Requirements for Designated Sites, Priority Habitats, Ecological Networks and Other Biodiversity Features

If a planning application is likely to affect any of the Designated Sites, Key Features of the Ecological Network and Priority Habitats listed in **Table 1**, a survey and assessment for the relevant feature must be submitted with the application.

The Priority Habitats are Habitats of Principal Importance for Biodiversity under Section 41 of the Natural Environment and Rural Communities Act, 2006, which potentially occur in Fylde. Descriptions of the individual habitats can be found on the Joint Nature Conservation Committee section of the DEFRA website at <http://jncc.defra.gov.uk/page-5706>.

TABLE 1 Designated Sites (as shown on the Policies Map and subject to policy ENV2: Biodiversity in the Local Plan)	
Internationally designated sites	Ribble and Alt Estuaries Special Protection Area Ribble and Alt Estuaries Special Area of Conservation Ribble and Alt Estuaries Ramsar site
Nationally designated sites	Ribble Estuary National Nature Reserve <u>Sites of Special Scientific Interest (SSSIs):</u> Ribble Estuary SSSI Newton Marsh SSSI Lytham and St Annes Dunes SSSI Wyre Estuary SSSI Lytham Coastal Changes SSSI
Regionally/locally designated sites	Starr Hills Local Nature Reserve (LNR) <u>Biological Heritage Sites (including Geological Heritage Sites):</u> ➤ Lytham Foreshore Dunes and Saltmarsh ➤ Clifton Hospital Site, Lytham St Annes ➤ Royal Lytham St Annes Golf Course ➤ Lytham Hall Woods, Lytham St Annes ➤ St Annes's Old Links Golf Course and Blackpool South Railway Line, Lytham St Annes ➤ Pond West of Chain Lane, Staining ➤ Westby Clay Pit, Westby with Plumpton ➤ Great Plumpton Sidings, Westby with Plumpton ➤ Willowmead Park Swamp (Moss Side), Westby with Plumpton ➤ Lytham Moss ➤ Smithy Farm Pond, Staining ➤ Shard Bridge Field Ditch, Skippool ➤ Skippool Marsh and Thornton Bank ➤ Warton Brows, Bryning with Warton ➤ Freckleton Naze, Freckleton ➤ Pippy Lane Banks, Newton with Clifton ➤ River Ribble, Lower Tidal Section, Lea, Newton with Clifton, Freckleton, Penwortham, Hutton (Preston / South Ribble) ➤ Savick Bridge, Lea, Preston

	<ul style="list-style-type: none"> ➤ Lea Marsh, Lea, Preston ➤ St George's Park Swamp, Kirkham ➤ Wesham Marsh, Medlar with Wesham ➤ Freshfield Farm Pond, South, Freckleton ➤ Freshfield Farm Pond, North, Freckleton ➤ Medlar Meadows, Medlar with Wesham ➤ Medlar Ditch, Medlar with Wesham ➤ Bucks Moss Wood, Salwick ➤ Deepdale Wood, Salwick ➤ SFL Springfields Works Ponds, Salwick ➤ River Wyre – Upper Tidal Section, Out Rawcliffe / Little Eccleston with Larbreck (Wyre) ➤ Lancaster Canal, whole length in Lancashire ➤ Lytham Moss Copses, Lytham St Annes ➤ Black Poplar at Newton Crossroads, Newton ➤ King Edward VII and Queen Mary School Playing Fields Margins, Lytham, St Annes ➤ River Wyre – Upper Tidal Section, Out Rawcliffe / Little Eccleston with Larbreck <p>There is no Ancient Woodland in Fylde</p>
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Priority Habitats (Habitats of Principal Importance for Biodiversity under Section 41 of the Natural Environment and Rural Communities Act, 2006)

Broad habitat	Habitat name
Arable and horticulture	Arable field margins
Arable and horticulture	Traditional orchards
Boundary	Hedgerows
Coastal	Coastal saltmarsh
Coastal	Intertidal mudflats
Freshwater	Eutrophic standing waters
Freshwater	Ponds
Freshwater	Rivers
Grassland	Lowland calcareous grassland
Grassland	Lowland dry acid grassland
Grassland	Lowland meadows
Grassland	Purple moor-grass and rush pastures
Heathland	Lowland heathland
Heathland	Upland heathland
Inland rock	Inland rock outcrop and scree habitats
Inland rock	Open mosaic habitats on previously developed land
Wetland	Blanket bog
Wetland	Coastal and floodplain grazing marsh
Wetland	Lowland fens
Wetland	Lowland raised bog
Wetland	Reedbeds
Wetland	Upland flushes, fens and swamps
Woodland	Lowland mixed deciduous woodland
Woodland	Upland oakwood
Woodland	Wet woodland

Woodland	Wood-pasture and parkland
Ecological Network Elements	
Core Areas	
Corridors (classified as having a length of 3km or less)	
Stepping Stones	

Appendix 3: Local Requirements for Protected Species: Criteria and indicative Thresholds (Trigger List) for When a Survey and Assessment are required

Table 2

Proposals for Development that will trigger a Protected Species Survey	Species likely to be affected and for which a survey will be required									
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water Vole	Badger	Reptiles	Amphibians	Plants
<p>Proposed development which includes conversion, modification or extension, demolition or removal of buildings (including hotels, schools, hospitals, churches, commercial premises and derelict buildings) which are:</p> <ul style="list-style-type: none"> • agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams; • buildings with weather boarding and/or hanging tiles that are within 200 metres of woodland and/or water; • pre-1960 buildings and structures within 200 metres of woodland and/or water; • pre-1914 buildings within 400 metres of woodland and/or water; • located within, or immediately adjacent to woodland and/or immediately adjacent to water; 	•	•	•							

Proposals for Development that will trigger a Protected Species Survey	Species likely to be affected and for which a survey will be required									
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water Vole	Badger	Reptiles	Amphibians	Plants
<ul style="list-style-type: none"> Dutch barns or livestock buildings with a single skin roof and board-and-gap or Yorkshire boarding if, following a preliminary roost assessment the site appears to be particularly suited to bats. 	●									
<p>Development affecting built structures:</p> <ul style="list-style-type: none"> tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; unused industrial chimneys that are unlined and brick/stone construction; bridge structures, aqueducts and viaducts (especially over water and wet ground). 	● ●									
<p>Floodlighting of:</p> <ul style="list-style-type: none"> churches and listed buildings, green space (<i>e.g.</i> sports pitches) within 50 metres of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water; 	●	●	●							

Proposals for Development that will trigger a Protected Species Survey	Species likely to be affected and for which a survey will be required									
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water Vole	Badger	Reptiles	Amphibians	Plants
<ul style="list-style-type: none"> any building meeting the criteria listed in (1) above. 	●	●	●							
Felling, removal or lopping of:										
<ul style="list-style-type: none"> woodland; 	●		●				●			●
<ul style="list-style-type: none"> field hedgerows and/or lines of trees with connectivity to woodland or water bodies; old and veteran trees that are more than 100 years old; mature trees with obvious holes, cracks or cavities, or which are covered with mature ivy (including large dead trees). 	●		●				●			●
Proposals affecting water bodies:										
<ul style="list-style-type: none"> in or within 200 metres of rivers, streams, canals, lakes, reed beds or other aquatic habitats 	●		●		●	●			●	●
Proposals located in or immediately adjacent to:										
<ul style="list-style-type: none"> quarries or gravel pits natural cliff faces and rock outcrops with crevices or caves and swallets. 	●		●					●		
	●		●					●		

Proposals for Development that will trigger a Protected Species Survey	Species likely to be affected and for which a survey will be required									
	Bats	Barn Owls	Breeding Birds	Great Crested Newts	Otters	Water Vole	Badger	Reptiles	Amphibians	Plants
Proposals for wind farm developments of multiple wind turbines and single wind turbines	●									
Proposed development affecting any type of buildings, structures, feature or location where protected species are known to be present	●	●	●	●	●	●	●	●	●	●

Appendix 4: Ecological Survey Seasons

Table 3 Ecological Survey Seasons

Optimal Time



Extending Into



	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Badgers		Optimal Time			Extending Into					Optimal Time	Extending Into	
Bats (Hibernation Roosts)	Optimal Time										Optimal Time	
Bats (Summer Roosts)				Extending Into	Optimal Time				Extending Into			
Bats (Foraging/ Commuting)				Extending Into	Optimal Time					Extending Into		
Birds (Breeding)			Optimal Time			Extending Into						

Birds (Over-Wintering)											
Great Crested Newts			TERRESTRIAL								
			AQUATIC								
Otters											
Reptiles											
Water Voles											
White Clawed Crayfish											
Habitats/ Vegetation			WOODS								

Appendix 5: Suggested Content of Ecological Surveys

Table 4: Suggested content of ecological surveys and assessments:

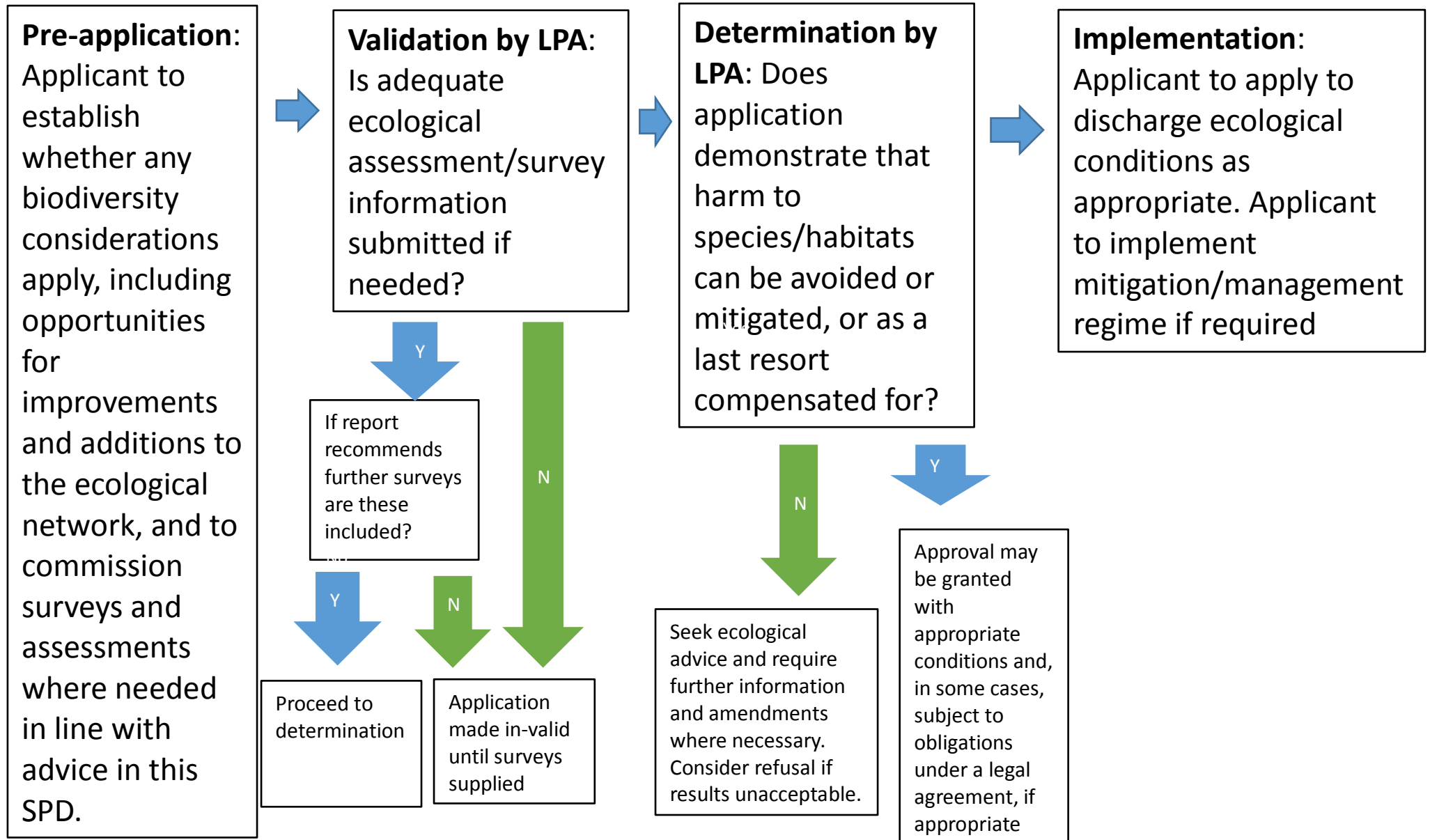
Suggested heading	Content to be included
Summary sheet	Include the date of survey, OS grid reference, main findings, conclusions and recommendations for mitigation where necessary.
Introduction:	<p>Aims and objectives of the survey and report</p> <p>Site location- include maps, aerial photos and OS Grid reference</p> <p>Site description- include area measurement of the application site, current use/previous use if abandoned,</p> <p>Description of the proposed works- ensure that any survey work is conducted correctly.</p>
Methodology:	<p>Desktop Study:</p> <p>Identifying any records for designated sites, protected and Priority species and Habitats on site or within a reasonable distance. A data search of between 500m and 1km radius is expected as a minimum.</p> <p>List all sources used.</p> <p>The main sources of species records and local site designations will be Lancashire Environment Record Network (LERN) to ensure the most accurate resolution. LERN can advise if there are species groups or data sets available from other organizations.</p> <p>Ecological Network mapping can be found on the Lancashire County Council mapping at http://mario.lancashire.gov.uk/aqsmario/.</p> <p>The desk top study should follow CIEEM Guidelines (see Appendix 6).</p> <p>An Extended Phase 1 Habitat Survey identifying the habitats present on and adjoining the site, with maps, target notes and habitat area (hectares) included within the report, in accordance with methods set out in the JNCC Handbook for Phase 1 Habitat Survey (2010), together with identification of Priority Habitats.</p> <p>The potential for protected and/or Priority Species to be present and any requirements for specialist surveys e.g. breeding birds, bats, water vole. Where further specialist surveys are identified, the report should confirm when these surveys will be or have been undertaken.</p> <p>Date of survey</p> <p>Methodology used e.g. BCT Bat survey guidelines. Evidence that the survey has been tailored to the specific site conditions</p> <p>Weather conditions</p> <p>Names and details of surveyors</p> <p>List of equipment used by surveyors.</p>

Limitations of survey:	Explain any limitations to the survey work in full (e.g. difficulties accessing areas)
Results:	<p>State the findings of the survey including:</p> <ul style="list-style-type: none"> What identified statutory or non-statutory wildlife sites are present on or within the vicinity of the development site What elements of the Lancashire Ecological Network are present on or within the vicinity of the development site What habitats are present at the survey and are they locally/national important What adjacent habitats exist: immediately adjacent to the site or in the wider landscape, and whether good connectivity is evident, including for ecological networks Will the development have an impact on ecological networks as detailed in this SPD? How will the development impact? (minimally/ to a large extent/ will the ecological network function around the development etc.) Potential for European Protected Species to use the site. Evidence of European Protected Species using the site What evidence was found Where the evidence was found Whether identification of the species is possible Understanding of species' use of the site, not just their presence/absence Evidence of other priority or protected species using the site Natural Environment and Rural Communities Act, 2006 - Section 41 lists species and habitats of principal importance Locally important species using the site e.g. any Lancashire BAP or BAP Long List species What? Where? How many? How will the development impact? (minimally/ to a large extent/ will the ecological network function around the development etc.)
Conclusions:	<ul style="list-style-type: none"> Assess significance of any habitats/species within or adjacent to the site that could be affected Give professional judgement as to how development will impact on the ecology of the site, including any function in terms of ecological network, based on the evidence found during survey Ensure all plans, appendices and photos are fully referenced for clarity State if a further survey is required, what this is to consist of and when it should be carried out. Can all expected impacts be mitigated for?

	<p>Recommend mitigation clearly, to ensure no adverse impacts on habitats/species State if any part of the proposed development could have an adverse impact which it would not be possible to mitigate against.</p>
Recommendations:	<p>Timing of works to reduce adverse impacts Specific mitigation designed to remove or reduce impacts on named habitats or species.</p>
Mitigation:	<p>Mitigation must be designed specifically to avoid or reduce the impacts of the development on the ecology of the site and its surroundings (don't give 'broad brush' or 'worst case scenario' solutions). Give examples where you have found this type of mitigation successful, if it is particularly innovative. Mitigation strategy should build on cumulative national and international knowledge. Note any mitigation proposal may also need approval relating to landscape design. For large schemes, detail how monitoring will be built into the timescale to keep a check on success and make provision for small adjustment to ensure effectiveness If mitigation is designed for European Protected Species it must be likely to satisfy the Natural England licensing criteria. If a license is likely to be refused the LPA cannot issue a planning permission What mitigation can be put in place to ensure that the development has minimal impact on ecological networks, if relevant? Identify any invasive species present on the site or within 7m of the site boundary. The location and extent of any invasive species should be shown on an appropriately scaled plan included within the survey report.</p>
Enhancement:	<p>This is over and above mitigation. Identify appropriate opportunities for the proposed development to improve biodiversity in line with the National Planning Policy Framework i.e. Net Gain and how this would also specifically contribute to the Biodiversity Duty set out in the Natural Environment and Rural Communities Act 2006.</p> <p>Design for named habitats/species. State the findings of the survey including: What habitats are present at the survey and are they locally/national important What adjacent habitats exist: immediately adjacent to the site or in the wider landscape, and whether good connectivity is evident Potential for European Protected Species to use the site. Evidence of European Protected Species using the site: What evidence was found Where the evidence was found Whether identification of the species is possible</p>

	<p>Understanding of species' use of the site, not just their presence/absence</p> <p>Evidence of other protected species using the site</p> <p>Natural Environment and Rural Communities Act, 2006 - Section 41 lists species and habitats of principal importance</p> <p>What? Where? How many?</p>
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Appendix 6: Dealing with Ecological Issues in the Planning Process



Appendix 7: Sources of Information and Web Resources

Accessible Natural Greenspace Standard

https://webarchive.nationalarchives.gov.uk/20140605111422/http://www.naturalengland.org.uk/regions/east_of_england/ourwork/gi/accessiblenaturalgreenspacestandardangst.aspx

Ancient Woodland, Ancient Trees and Veteran Trees: Protecting them from Development

<https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Biodiversity 2020: A Strategy for England's Biodiversity and Ecosystem Services

<https://www.gov.uk/government/publications/biodiversity-2020-a-strategy-for-england-s-wildlife-and-ecosystem-services>

Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition)
Collins.J.(ed)(2016) The Bat Conservation Trust, London. ISBN-13 978-1872745-96-1

Bryning with Warton Neighbourhood Development Plan

<https://www6.fylde.gov.uk/council/planning-policy--local-plan-/neighbourhood-planning/>

Central Lancashire Biodiversity and Nature Conservation Supplementary Planning Document July 2015 www.chorley.gov.uk

Competencies for Species Survey (CSS)- Publications-CIEEM- Chartered Institute of Ecology and Environmental Management (<https://www.cieem.net/competencies-for-species-survey-css->)

Conservation Advice Packages for Ribble and Alt Estuaries SPA and Liverpool Bay SPA

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9005103&SiteName=ribb&countyCode=&responsiblePerson=&SeaArea=&IFCAAra=>

Conservation of Habitats and Species Regulations 2017

<http://jncc.defra.gov.uk/page-1379>

'Designing for Biodiversity' Gunnell, Murphy, Williams ISBN 9781859464915 published by RIBA

Fylde Coastal Strategy 2015-2032

<https://new.fylde.gov.uk/council/coastal-strategy/>

Fylde Local Plan to 2032

<https://new.fylde.gov.uk/adopted-local-plan-to-2032/>

Geomorphological Study for the Starr Hills – St Annes

Guidelines for Preliminary Ecological Appraisal (GPEA)-Publications-CIEEM- Chartered Institute of Ecology and Environmental Management <https://www.cieem.net/guidance-on-preliminary-ecological-appraisal-gpea->

Local Plan Habitats Regulations Assessment Report June 2018 (document EL11.003a)

<https://online.fylde.gov.uk/council/planning-policy--local-plan-/www-fylde-gov-uk-examination/>

Marine Environment www.livingseasnw.org.uk

National Planning Policy Framework and Planning Practice Guidance

<http://planningguidance.communities.gov.uk/>

Spatial Planning Guides in relation to onshore wind, peat soils and biomass planting. These guides were developed by the Wildlife Trust and RSPB and help alert stakeholders to areas of ecological sensitivity to help avoid ecologically damaging development proposals. The Spatial Planning Guides emphasise the importance of the agricultural hinterland which is so important to farmland birds (known to be in decline) and the SPA species (especially Whooper Swan in Fylde).

<https://www.rspb.org.uk/our-work/our-positions-and-casework/our-positions/land-use-planning/spatial-planning-guides/>

Parks and Coast Design Guide Fylde Council (not yet published on Council's website).

Saint Annes on Sea Neighbourhood Development Plan

<https://www6.fylde.gov.uk/council/planning-policy--local-plan-/neighbourhood-planning/>

Sand Dunes Management Action Plan

<https://online.fylde.gov.uk/council/planning-policy--local-plan-/local-development-framework/comprehensivelistofevidence/> ???

Sefton Nature Conservation Supplementary Planning Document

<https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/adopted-supplementary-planning-documentsguidance.aspx>

Shoreline Management Plan

<https://www.gov.uk/government/publications/shoreline-management-plans-smpls>

Swifts RSPB helps develop brick that gives Swift a home

<https://actsurveyors.com/rspb-helps-develop-brick-gives-swifts-home/>

Appendix 8 Glossary

Term	Definition
Biodiversity	The whole variety of life encompassing all genetic, species and ecosystem variations
Biodiversity 2020: A strategy for England's wildlife and ecosystem services	Government policy to protect and increase the amount and quality of biodiversity in England. It recognises the need to move from a loss to an increase of biodiversity.
Biodiversity Duty	A statutory duty on all public organisations to consider the impact of their decisions and actions on biodiversity.
Compensation	The protection of biodiversity assets should be achieved through avoidance and mitigation wherever possible. Compensation, the next step in the hierarchy, should only be used in exceptional circumstances and as a last resort, after all options for avoidance and mitigation have been fully considered. Compensatory measures should, therefore, only be used to address any residual impact that cannot be avoided or mitigated.
Designated Sites	<p>Important sites for wildlife and geology. Designated sites can be Statutory or non-statutory. Statutory sites are:</p> <ul style="list-style-type: none"> • Special Areas of Conservation; • Special Protection Areas; • Ramsar sites; • Sites of Special Scientific Interest; • National Nature Reserves; • Local Nature Reserves; • Marine Conservation Zones <p>Non-statutory sites are:</p> <ul style="list-style-type: none"> • Local Wildlife or Geological Sites.
Ecological Appraisal	An appraisal of ecological features, their value and importance. This includes identification of the impacts of development proposals, together with proposals for avoiding impacts, mitigating impacts or compensating for impacts.
Ecological Network	Ecological networks consist of sites containing diverse areas of habitat that support species and have ecological connections between them that enable species to move. They provide a range of ecosystem service benefits to society and in doing so underpin sustainable economic activity, allow biodiversity assets to recover from losses and provide resilience to climate change impacts.

Term	Definition
	Maintaining and improving habitat connectivity is important in ensuring the long-term survival of biodiversity in a fragmented landscape and with a changing climate. The National Planning Policy Framework specifically states that local authorities should '...identify and map components of the local ecological networks...' in their Local Plans.
Ecology	The study of plants and animals and their interaction with the physical and biological environments.
European Protected Species	Plants or animals that are legally protected in the UK and Europe. They are listed on Annex II and IV of the Habitats Directive.
Functionally-linked habitat/land	Land that provides a support function for the qualifying species of the Special Protection Areas and Ramsar sites. In Fylde, this is usually agricultural land.
Green Infrastructure Network	The network of natural environmental components and green and blue spaces (i.e. ponds, rivers, lakes, swales) including (but not limited to): hedges, outdoor sports facilities, coastal habitat, grassland and heathland, cemeteries, churchyards and burial grounds, agricultural land, allotments, community gardens and urban farms, greens, open spaces, degraded land, private gardens, wildlife habitats, parks, fields, land in the countryside, woodlands, street trees, ponds, lakes and waterways.
Habitats	Ecological or environmental areas that are inhabited by a particular species of animal, plant or other type of organism.
Habitats Regulations	The Conservation of Habitats and Species Regulations 2010, as amended. This implements the Habitats Directive in UK law. The Regulations set out the steps to consider when making decisions that affect internationally important sites and European Protected Species.
Listed Buildings	Buildings of special architectural or historical interest listed by the Secretary of State for Culture, Media and Sport on the advice of Historic England. Buildings are graded to indicate their relative importance (i.e. Grade I, Grade II* and Grade II).
Linear features	Includes main rivers, species rich hedgerows, canals, transport corridors.
Local Nature Reserves	Sites Designated under the terms of the National Parks and Access to the Countryside

Term	Definition
	Act, 1949 and owned, leased or managed under agreement by local authorities. These are places with wildlife or geological features that are of special interest.
Mitigation	Adverse effects that cannot be avoided should be adequately mitigated. Mitigation measures minimise the negative impact of a development, before, during or after its completion. Ideally, mitigation measures should form part of the development proposal, but additional mitigation measures can be imposed by the decision-maker. All mitigation measures should be secured through the use of planning conditions or planning obligations.
National Nature Reserve	National Nature Reserves (NNRs) were established to protect some of our most important habitats, species and geology, and to provide 'outdoor laboratories' for research.
National Planning Policy Framework (the Framework)	The Framework sets out the Government's planning policies for England and how they are expected to be applied. It must be taken into account in the preparation of local and neighbourhood development plans and it is a material consideration in planning decisions.
Natura 2000 Sites	A network of nature protection areas in the territory of the European Union. It is made up of Special Areas of Conservation (SACS) and Special Protection Areas (SPAs) designated respectively under the Habitats Directive and Birds Directive. The network includes both terrestrial and marine sites (Marine Protected Areas).
Natural Assets	Fylde's designated sites, Priority Habitats (including BAP habitats), linear features and 'stepping stone' sites, as set out in the Lancashire Ecological Network.
Nature Conservation	The protection, management and promotion of wildlife habitats for the benefit of wild species as well as the communities that use and enjoy them.
Nature Improvement Area (NIA)	Nature Improvement Areas are large, discrete areas that are intended to deliver a step change in nature conservation, offer significant improvements for wildlife and people through the sustainable use of natural resources, provide opportunities to restore and create wildlife habitats, and enhance connectivity between local sites.
Priority Habitats and Species	Species and Habitats of Principal Importance included in the England Biodiversity List,

Term	Definition
	published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006. The list includes UK Biodiversity Action Plan habitats.
Priority Species	These are Species of Principal Importance in England and are listed in Section 41 Natural Environment and Rural Communities Act 2006. The list includes UK Biodiversity Action Plan species. Many of these species are also protected species.
Qualifying features	Habitats or species that meet selection criteria for internationally important nature sites (Special areas of Conservation, Special Protection Areas and Ramsar sites). Details of qualifying features can be found in the conservation objectives for each site.
Ramsar site	A wetland of international importance classified under the 1971 Ramsar Convention. The government has said that Ramsar sites should have the same protection as European nature sites and so in effect they form part of the EU's Natura 2000 network and are internationally important nature sites.
Site of Special Scientific Interest	An area designated for nature conservation under the Wildlife & Countryside Act 1981 as amended.
Special Area of Conservation	Areas given special protection under the European Union's Habitats Directive, which is transposed into UK law by the Habitats and Conservation of Species Regulations 2010. Special Protection Areas: Areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within the European Union countries. They are European designated sites, classified under the Birds Directive.
Special Protection Area	These are European designated sites, classified under the Birds Directive because of their international importance for the breeding, feeding, wintering and migration of rare and vulnerable species of birds found within European Union countries. They form part of the Natura 2000 network and are internationally important nature sites.
Stepping stone site	Existing habitat patches providing a functional link between Core Biodiversity Areas and the wider landscape.
Supplementary Planning Document	Documents which add further detail to the policies in the development plan. They can be

Term	Definition
	used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.
Sustainability Appraisal	Appraisal of plans, strategies and proposals to test them against the four broad objectives set out in the Government's sustainable development strategy 'A Better Quality of Life: A Strategy for Sustainable Development for the UK', published in 1999.
Sustainable Development	The most commonly used definition is that of the 1987 World Commission on Environment and Development, the Brundtland Commission: <i>'development which meets the needs of the present without compromising the ability of future generations to meet their own needs'</i> . The UK Sustainable Development Strategy Securing the Future set out five 'guiding principles' of sustainable development: living within the planet's environmental limits; ensuring a strong healthy and just society; achieving a sustainable economy; promoting good governance; using sound science responsibly.
UK Protected Species	Listed on Schedules 1, 5 and 8 of the Wildlife & Countryside Act.
Wildlife corridor	Existing linear features providing structural connectivity between areas of biodiversity value and the wider landscape.



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