

**Summary of Representations Received on the  
Draft Fylde Biodiversity Supplementary Planning Document  
Consultation between 11<sup>th</sup> July 2019 and 8<sup>th</sup> August 2019**



Consultee	Key text from representation	Changes sought	Council Response
General			
Cllr Noreen Griffiths	Having read the Draft Plan for Biodiversity and Healthy Living, it gives me confidence that protection for the natural world would be in place.	N/A	The Council welcomes the support for the document from Cllr Noreen Griffiths
Historic England	No comments to make	N/A	Response noted
Homes England	No comments to make	N/A	Response noted
Lancashire Wildlife Trust	There are a number of web links that are not working.	Check web links	The Council will check all web links are working in the final version of the Biodiversity SPD.
Introduction			
No comments made on this section.			
Legislative Framework			
Lancashire Wildlife Trust	Paragraph 3.0 it would be helpful to refer to the National Planning Policy Framework (NPPF) in full.	Write out NPPF in full.	This change will be made.
Lancashire Wildlife Trust	More generally, in the light of the Environment Bill ( <a href="https://www.gov.uk/government/publications/draft-environment-principles-and-governance-bill-2018/environment-bill-summer-policy-statement-july-2019">https://www.gov.uk/government/publications/draft-environment-principles-and-governance-bill-2018/environment-bill-summer-policy-statement-july-2019</a> ), I think that it	Include a reference to emerging	This change will be made



	would be helpful to be cognisant of the Bill's requirements and especially the expected requirement to mandate Biodiversity Net.	legislation and the link supplied.	
Environment Agency	MHCLG have published new biodiversity net gain planning practice guidance, the Council should review the guidance and update the SPD where necessary to ensure it is based on the most up-to date guidance.	Review the new PPG and ensure the Biodiversity SPD aligns with it and is up-to-date.	The Council will review the new PPG and make any necessary changes including the definitions of avoidance, mitigation, compensation and net gain in the glossary.
Designated Sites			
No comments made on this section			
The Lancashire Ecological Network			
Environment Agency	Paragraph 6.2 and 6.3 there should be more emphasis on the need for development to allow for the retention and re-instatement of natural processes, particularly in relation to rivers and coastal habitats. For example, development that provides sufficient space for rivers and dune systems to move, or that avoids creation of in-channel structures that disrupts sediment movement.	More emphasis on the need for development to allow for natural processes in relation to rivers and coasts.	This change will be made.



Overview of Fylde's Natural Assets			
Lancashire Wildlife Trust	There should be a separate marine paragraph for clarity. Fylde Offshore MCZ (designated 21/11/2013) is now known as just Fylde MCZ. It is designated for its sub-tidal sands and mud and its designation was updated in 2016 in the light of new evidence.	Separate marine paragraph, correct name and include reason for designation.	These changes will be made.
Biodiversity and the Planning Application Process			
United Utilities	<p>There is an opportunity to encourage the use of Sustainable Drainage Systems to create wildlife rich developments. Designing SuDS to deliver more than just surface water management is not difficult or costly but does depend on early consideration at the masterplanning or design stage and it is strongly recommended that appropriate ecological advice is sought to ensure a positive outcome for wildlife can be secured. SuDS designed with people and wildlife in mind from the very beginning can result in wildlife-rich green space.</p> <p>It is also possible to retrofit SuDS to deliver wildlife and biodiversity benefits and well as the management of surface water.</p> <p>The following document Sustainable drainage systems: Maximising the potential for people and wildlife (RSPB and WWT, 2012), provides good guidance on designing SuDS with wildlife benefits  <a href="https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf">https://www.rspb.org.uk/globalassets/downloads/documents/positions/planning/sustainable-drainage-systems.pdf</a>.</p>	The inclusion of additional text and reference to RSPB document.	<p>The additional text and reference to the RSPB document will be made.</p> <p>The link to the RSPB document will be included in the references section.</p>
Lancashire Wildlife Trust	7.29 It is the BHS Partnership <b>NOT</b> just LCC, that manages the BHS system	Make it clear that it is the BHS	This change will be made.



		partnership not just LCC that manage the BHS system.	
Natural England	<p>The Mitigation Hierarchy (paragraphs 7.37 to 7.60) We consider that it might be clearer if these paragraphs were divided into two sections, one detailing the mitigation hierarchy for projects under the Habitats Regulations and one for projects which don't fall under the Habitats Regulations. If not the document needs to draw clearer distinctions between the different sections to indicate which sections relate to Habitat Regulations and which do not.</p> <p>Paragraph 7.43, bullet one 'Timing the development of sites to avoid the breeding seasons of species present;' perhaps should say '..... avoid the <i>critical times for the relevant species</i> present'.</p>	<p>The document needs to draw clearer distinctions between the different sections to indicate which sections relate to Habitat Regulations and which do not.</p> <p>Text amended to be less specific about the breeding season.</p>	<p>The SPD will be amended so that the three sections on avoidance, mitigation and compensation will be divided into sub sections on development which does not fall under the Habitats Regulations and development which does fall under the Habitats Regulations, so that comparisons can be made.</p> <p>This change will be made.</p>



	<p>Paragraph 7.45 the mitigation described here is an example of mitigation applied as part of the Habitats Regulations process and therefore should be included in the Habs Regs Mitigation section.</p> <p>Paragraph 7.48 Recreational disturbance needs more context here. Suggest adding text such as <i>‘recreational disturbance is the impact from people visiting coastal SPA sites or visiting functionally linked land and disturbing SPA species that may be feeding, loafing and roosting there. The result of that disturbance is detrimental to the SPA birds in a number of ways including, reduced intake of food and increased energy expenditure. This can result in increased, indirect or direct mortality’</i>.</p> <p>Paragraph 7.49, bullet one ‘Construction to take place from April – September.’ This sentence needs to be altered as there are breeding features of Ribble and Alt Estuaries SPA which may be impacted by developments taking place over the summer months. Perhaps this could say <i>‘construction works to take place outside of the relevant, critical bird period for that area’</i>.</p> <p>Paragraphs 7.51 and 7.52 Use of the wording ‘no likely significant effect’ is incorrect here. If an impact has been identified for which mitigation is required (which is what this section is talking about), the impact would have to be assessed at Appropriate Assessment stage, for which the conclusion is ‘no adverse effect on the integrity of designated sites’.</p>	<p>Move this example of mitigation to the section on development that falls under the Habitats Regulations.</p> <p>Add text about the consequences of recreational disturbance on SPA birds.</p> <p>Amend text to reflect the fact that there are breeding features that may be impacted over the summer months.</p> <p>Amend text to include the words ‘no adverse effect</p>	<p>This example will be moved to the correct section.</p> <p>This text will be added to paragraph 7.48.</p> <p>These changes will be made.</p> <p>This change will be made.</p>
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	<p>Compensation and the International and European Sites (starting at paragraph 7.54). There are two stages which come before 'Compensation' in the HRA process, alternative solutions and imperative reasons of overriding public interest (IROPI). These stages should be acknowledged in the Draft SPD.</p>	<p>on the integrity of designated sites'.</p> <p>Text to be inserted to explain that in the HRA process there are two stages that come before Compensation.</p>	<p>This change will be made.</p>
	<p>Paragraph 7.56 Both these examples (feeding resource for passage and wintering birds and the removal of shooting rights) are examples of mitigation not compensation. They should therefore be moved into the correct mitigation section. Compensation is most likely to consist of habitat creation outside the site boundary which will be incorporated into the designated site boundary in the future to ensure the coherence of the Natura 2000 network.</p>	<p>Both of these examples to be moved from the compensation section to the mitigation section. Text to be inserted explaining that compensation is most likely to consist of habitat creation outside the site boundary.</p>	<p>This change will be made.</p>



	<p>Page 55 Glossary of Terms The Special Area of Conservation explanation includes text about SPAs.</p>	<p>Delete text about SPAs from the definition of the Special Area of Conservation.</p>	<p>This change will be made.</p>
<p>Environment Agency</p>	<p>In paragraph 7.41 of the draft SPD, one of the examples of avoiding harm refers to maintaining a 5 metre ecological buffer zone, which fits with our 8 metre easement. We would suggest that encouraging the adoption of an 8 metre ecological buffer zone rather than 5 metres would not only complement our byelaws but would have an increased benefit to wildlife and more chance of securing net gains for the environment.</p> <p>We welcome the inclusion of paragraphs 7.61 to 7.66 outlining the aspiration for enhancement of sites and net gain in Biodiversity. It may be worth specifying that interventions only qualify as enhancements once any negative impacts of the development have been mitigated for or otherwise compensated.</p>	<p>Amend the example of avoiding harm from 5 metres to 8 metres to fit in with the Environment Agency's 8 metre easement.</p> <p>Extra text to provide clarification on enhancements.</p>	<p>This change will be made.</p> <p>Clarification on enhancements will be included in line with the PPG.</p>
<p>Gladman Developments Limited</p>	<p>The adopted Local Plan Policy ENV1 only requires an 'appropriate depth' of landscape buffers whereas the SPD seeks to implement a requirement of a minimum 5m from watercourses. In addition, in the event of the loss of landscape features this policy seeks to reduce the impact</p>	<p>The wording in the Biodiversity</p>	<p>The SPD does not seek to implement a requirement of a</p>



	<p>to a minimum, or where loss is unavoidable, their like for like replacements will be expected to be provided and measures to be put in place to manage these new features. Whereas the approach taken in the SPD goes further than what is required by the Local Plan and requires applicants to put in place arrangements for funding, access, operation, maintenance and management of mitigation measures for the lifetime of the associated development to the satisfaction of the Borough Council.</p>	<p>SPD should be changed to that in the Local Plan.</p>	<p>minimum of 5m from watercourses. This text is provided in the SPD as an example of avoiding harm. The Environment Agency have suggested that this text should be amended to an 8 metre ecological buffer zone, which fits with their 8m easement (bye law). This text will be amended in line with this request from the Environment Agency. The purpose of the SPD is to provide more detailed guidance than that provided in the Local Plan. This text is in line with that found in other adopted supplementary planning documents and it also accords with the principle of 'net gain'.</p>
Sustainability Appraisal and Habitats Regulations' Assessment			



No comments made on this section			
Monitoring and Review			
Environment Agency	It may also be beneficial for you to identify specific targets and key interventions within areas that could provide multiple benefits for biodiversity, as well as recreation and amenity, water quality and so on, to positively contribute to achieving the aims of the 25 Year Environment Plan.	Targets and interventions to be included.	The Performance Monitoring Framework of the Fylde Local Plan monitors the performance of ENV2. A summary of what it contains is included in Section 9 of the SPD, Monitoring and Review. The Council does undertake key interventions (e.g. the ranger service and volunteer groups) within certain areas e.g. the foreshore and sand dunes which do provide multiple benefits for biodiversity, as well as recreation, amenity and water quality.