

**Allocation into the Local Plan of Land to the Rear of Lynton Rd, Southport. 14 January 2016,
Notes.**

1 INTRODUCTION

It is understood that there are objections to the Lynton Road site being allocated in the Sefton local plan for residential development. In order to address the representations raised by the local residents and other stakeholders, Wardell Armstrong will cover the following three main elements:

Review of residents' and stakeholder representations

A review of representations P.125, P.429, P.1044 and any other representations relevant to this site will be carried out. The representations relating to ecology make reference to protected species and habitats, particularly relating to sand lizard, natterjack toad and red squirrel.

Preparation of responses to Representations

We have provided the following written responses to points raised regarding ecological receptors in the representations demonstrating why the site allocation would not contravene national planning policy or legislation with regards to ecological receptors.

Attendance of hearing in 2016

An ecologist will attend the hearing on 14 January 2016 in order to provide robust specialist information regarding the ecological condition of the site and to address any questions stemming from the representations.

2 SUMMARY OF KEY POINTS MADE IN THE REPRESENTATIONS

- That the site should be included within a Habitats Regulations Assessment.
- That the development of the site will affect the adjacent Site of Special Scientific Interest (SSSI).
- That the site is recovering from 'damage by Network Rail'.
- That the site supports protected species including sand lizards, natterjack toads, red squirrels, birds and bats.

3 RESPONSES TO REPRESENTATIONS

3.1 Representation ref P.125

3.1.1 *Summary: 'MN 2.7 is identified as a Local Wildlife Site and ARC would object to loss of this habitat and site designation. It is probable that this site supports protected reptile species and may also include the European Protected Species (sand lizard) which is noted along the immediately adjacent SSSI (unit 30). As such we consider that this site should be "screened in" as part of the HRA, as development would have direct and indirect impact on SSSI habitats and EPS.'*

3.1.2 The site is designated as a Local Wildlife Site for sand lizards and as connecting habitat for this species. A reptile survey was undertaken in April and May 2013, which confirmed that the site supports a good common lizard population, but does not support sand lizards and that suitable habitat within the site is becoming progressively worse for reptiles due to scrub invasion and the spread of invasive garden plants including Japanese rose (Schedule 9 of Wildlife & Countryside Act), *Spiraea* and raspberry. Common lizards are protected from intentional harm in the UK under the Wildlife and Countryside Act 1981 and classified as a Priority Species in the UK Biodiversity Action Plan (BAP) but are not a European Protected Species. The site was re-visited in June 2015 in order to update the original Preliminary Ecological Appraisal and to assess whether any changes in habitat had occurred that might have increased the suitability of the site for sand lizards. It was confirmed that no significant change had occurred, other than the garden escape plants and scrub were continuing to spread. It has been recommended to retain a buffer along the railway suitable to maintain the connectivity of the railway corridor for sand lizard.

3.1.3 It is not considered that the site should be assessed within a Habitats Regulations Assessment for the Local Plan as it is not likely to significantly affect the Sefton Coast Special Area of Conservation (SAC). The site will not affect any of the habitats or species for which the SAC is designated (petalwort, GCN and dune habitats).

3.2 Representation Ref: P.429

3.2.1 *Summary: The representation makes reference to the site as being of scientific interest and that it was recovering from damage by Network Rail. The representation mentions that the site is home to natterjack toads, sand lizards and bats. It also mentions that*

the area is within the red squirrel buffer zone and that red squirrels have been seen in the area. It also references mature trees which provide habitat for birds.

- 3.2.2 The site itself is not a Site of Special Scientific Interest. The site is likely to continue to lose its suitability for common lizard due to the continued spread of non-native garden escape species.
- 3.2.3 The site is currently classed as Operational Railway land (S.263/264 Town and Country Planning Act 1990) and has periodically accommodated activities relating to this use. The allocation and subsequent development of the site for housing would provide more certainty as to the site's future ecological value, providing opportunities to secure appropriate landscape planting and a suitable buffer zone along the railway to enable wildlife to continue to move through the area.
- 3.2.4 Surveys have confirmed the absence of sand lizard on the site and the site does not provide suitable breeding habitat for this species.
- 3.2.5 There are no ephemeral pools nearby which might support breeding natterjack toads and the site is isolated from the main population of natterjack toads which is found in the sand dunes to the west of the railway line. It is likely that any toads present within the site are common toads.
- 3.2.6 Bats are likely to use the area for foraging but there is ample foraging habitat to the west of the railway line and there are no buildings or trees within the site considered suitable to support roosting bats.
- 3.2.7 No red squirrels or signs of red squirrels were observed during the Extended Phase 1 Habitat survey. If red squirrels are using the adjacent gardens there is no reason that they will not continue to use the gardens and those within any new development. An updated survey nearer the time of any tree felling would be required in order to ensure that red squirrel dreys are not affected or that any red squirrels are disturbed. Any mitigation required could be successfully incorporated into development proposals.

- 3.2.8 The red squirrel buffer zone (identified by 'Red Squirrels Northern England' (comprising the Forestry Commission, Red Squirrel Survival Trust, Natural England and the Wildlife Trusts) which is not a statutory designation, but seeks to promote joined up action for red squirrels) is described as *"a buffer zone surrounding the refuge comprised largely of habitat that is hostile to squirrels and therefore defensible against grey squirrel incursion"*.
- 3.2.9 Referencing the red squirrel buffer zone guidance, mitigation could include planting trees including native coniferous and small-seeded species such as Scots pine which are currently absent from the site. A key habitat in the buffer zone guidance is listed as Urban Gardens and Parks. The threat to the local red squirrel population comes mainly from the continued possibility of colonisation of the site by grey squirrels and from parapox disease. However any development of the site is not likely to increase these risks. By planting the correct species to provide habitat connectivity as part of a landscape scheme towards the refuge areas, it will be possible to provide an area which favours colonisation by red squirrels rather than grey squirrels.
- 3.2.10 Due to the size, location and type of habitats within the site it is unlikely to support a population of any rare or Schedule 1 bird species, rather it is likely to support birds commonly found in the surrounding area which are often associated with gardens. It was therefore considered unnecessary to undertake a dedicated breeding bird survey. A suitable landscape planting scheme and provision of gardens within the development would provide suitable breeding and foraging habitat for many of the species currently found within the site.

3.3 Representation ref P.1044

- 3.3.1 *Summary: The representation mentions that the site is 'Bordered by SSSI with rare, rich and varied flora and fauna'. It mentions that the proposed development would directly impact natterjack toads, sand lizards, and that red squirrels are regularly seen in the area. Appendix one provided in the representation provides photographs of different species. The document also mentions that the site is used by bats for foraging and commuting and that any development would negatively affect bats in the area. The representation references a local resident who counted 10 species in an hour long*

survey and that pheasants, magpies and bluejays have been found on site amongst other species.

- 3.3.2 The site borders the part of the railway line which is designated as the Sefton Coast SSSI. It is considered that if the site is left as it is, introduced garden plants and Schedule 9 invasive species (Japanese rose) will continue to spread and eventually colonise and damage the adjacent SSSI. Any development proposals would retain a minimum buffer distance between the railway line and the development so that connectivity is maintained along the SSSI and that invasive species are managed.
- 3.3.3 All toad species shown in the photographs are common toads, and all newts shown are either common or palmate newts, all of which are Biodiversity Action Plan (BAP) species but not European Protected Species (EPS). Any site clearance would need to be undertaken to minimise impacts upon these species but no special mitigation measures are required.
- 3.3.4 There are no photographs provided of lizards in Appendix 1 but it is known from the reptile surveys undertaken in spring 2013 that common lizards are present and that sand lizards are absent.
- 3.3.5 Comments with regards to red squirrels which have been made in response to Representation Ref P429 (above) are valid to address this representation.
- 3.3.6 The building adjacent to the site will not be affected by the proposals and any bats which may use the building will still be able to use the railway corridor and land adjacent to the site to the west for foraging and commuting. The landscape planting scheme would provide foraging habitat in future and existing gardens will remain unaffected and continue to provide foraging habitat for any bats which may currently use them.
- 3.3.7 The site is unlikely to support breeding Schedule 1 birds and any other birds which are found to be nesting within the site would be subject to the relevant legislative protection until such time as nesting is complete. Pheasants are a non-native game species and bluejays are an American species which is highly unlikely to be found in

Europe. The development of the site would not significantly affect the population of any native bird species in the area.

3.3.8 Hedgehogs are a BAP species which would need to be avoided during site clearance works as far as possible and there are opportunities to enhance the site for this species within a landscape scheme. Existing and proposed gardens would provide suitable habitat for hedgehogs into the future and connectivity will be maintained along the railway line.

3.3.9 Comments have been made on the site's floral interest. The Phase 1 survey did not identify the presence of any rare or notable habitats or species on the site and the site is expected to continue to decline in biodiversity value due to the spread of garden escape species such as Japanese rose, *Spiraea*, and raspberry. None of the trees are notable or veteran and although their retention could be sought under any development proposals they can be adequately compensated for by replacement tree planting within the landscape scheme.