



**Wigan Local Development Framework
Supplementary Planning Document
Development and Protected Species**

**Consultation Statement
June 2007**

**Environmental Services Department
Wigan Council**

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Consultation Statement, June 2007 Supplementary Planning Document Development and Protected Species

- 1 547 Letters (see examples in Appendix 1) and accompanying Consultation Outline (attached at Appendix 2) were sent on 8th September 2006 to elected representatives, statutory consultees, partner agencies, individuals, groups and organisations whose details are included on the joint Development Control and Building Control Forum and the Environmental Service Department's Community Engagement database. A list of contacts may be found in Appendix 3.
- 2 The letter set out the context and purpose of the proposed draft document, and sought a response by 29th September 2006 on what information should be included to help protect species during the development process. The Consultation Outline was also available on Wigan Council's web site explaining that preparation of the document had started and inviting comments.
- 3 By this date four general comments and seventeen more specific comments had been received. These comments are summarised, together with the Council's response in the table attached at Appendix 4.
- 4 The Consultation Outline and the comments received were used to inform the Scoping Report for the document. The Scoping Report was sent to Statutory Consultees for consultation between 8th and 12th December 2006 for five weeks until 16th January 2007.
- 5 This process was used to inform the contents of the Draft Supplementary Planning Document, which was appraised in accordance with the Strategic Environmental Assessment Directive on 4th January 2007. The results of this process may be found in the Sustainability Appraisal Report.
- 6 During the preparation of the draft document there was Member involvement at Cabinet on 25th January 2007. Before formal public consultation there was opportunity for further Member involvement at the Partnership Convention on Friday 2nd February 2007.
- 7 The formal public participation process commenced at 5.00pm on 16th February 2007 and finished at 5.00pm on 30th March 2006.
- 8 During this period printed copies of the draft Supplementary Planning Document on Development and Protected Species and related material, including the Consultation Statement, the Sustainability Appraisal Report, Scoping Report and comments forms, were placed on deposit in the Borough's libraries, Wigan and Leigh Town Halls and at the Environmental Services Department offices at Civic Buildings and Gateway House, Wigan.
- 9 Printed copies of the draft document were also sent to the list of statutory consultees and key stakeholders, including all of those who responded at the informal consultation stage. Related material was available in print upon request.
- 10 Everybody identified in paragraph one and Appendix 3 of the Consultation Statement was notified of the public participation on the draft document.

- 11 The document was advertised by way of a notice in the Wigan Observer on Tuesday 13th February 2007 and the Leigh Journal on Thursday 15th February 2007.
- 12 The draft document and Sustainability Appraisal were also available for viewing on the Council's website at www.wigan.gov.uk/pub/planning/pages/spd.htm and representations could be submitted online. It will remain on the Council's website until replaced by the adopted document.
- 13 Following the completion of the consultation exercise 17 responses were received. The main issues raised have been summarised in the table in Appendix 5. The table also includes the Council's response and a summary of the subsequent amendments to the document.

Example copy of letter to individuals and groups expressing interest in Development and Protected Species Supplementary Planning Document only.

To: Our Ref: AJ/ 32-21 F (xvi)
Your Ref:
Please ask For: Alison Jones
Extension: 4239
Direct Line: 01942 404239
Date: 8th September 2006.

Dear Sir/Madam

Supplementary Planning Document: Development and Protected Species

Wigan Council is in the process of preparing its Local Development Framework, which comprises of a number of separate plans and documents. A Supplementary Planning Document on Development and Protected Species is now programmed for commencement. This will provide additional guidance to policy EV2D in the Replacement Wigan Unitary Development Plan, approved in April 2006, and will go through a process of consultation. It will also be subject to a separate Sustainability Appraisal to assess the social, economic and environmental impacts of the policies being prepared.

The purpose of this letter is to provide you with the opportunity to put forward any issues or information that will contribute to the preparation of the document. To help start this process we are providing a Consultation Outline of the key issues relating to the document in the pages attached.

Once all evidence has been gathered a draft document will be produced. This will be subject to a more formal consultation process in January and February 2007 when you will be able to comment again. An opportunity to comment on the Sustainability Appraisal will also be given.

Thank you for your time in considering this matter and we look forward to hearing from you. **Please send your comments to the officer named at the end of the Consultation Outline sheet by 29 September 2006.** If you wish to discuss any general matters or if you know of other people who have not been consulted that may also be interested in this document please contact Alison Jones email, alison.jones@wiganmbc.gov.uk. or phone 01942 404239.

This letter and the consultation outline are available in alternative formats on request.

Yours faithfully,

Alison Jones
Planning Officer

Example copy of letter to individuals and groups receiving information on all Supplementary Planning Documents.

To: Our Ref: AJ/ 32-21 F (xvi)
Your Ref:
Please ask For: Alison Jones
Extension: 4239
Direct Line: 01942 404239
Date: 8th September 2006.

Dear Sir/Madam

Supplementary Planning Documents:

- 1. Travel Plans**
- 2. Development and Protected Species**
- 3. Development and Air Quality**

As you may be aware from recent correspondence, Wigan Council is in the process of preparing its Local Development Framework, which comprises of a number of separate plans and documents. Three Supplementary Planning Documents are now programmed for commencement. These provide additional guidance to the policies in the Replacement Wigan Unitary Development Plan, approved in April 2006, and each will go through a process of consultation. They will also be subject to their own separate Sustainability Appraisal to assess the social, economic and environmental impacts of the policies being prepared.

The purpose of this letter is to provide you with the opportunity to put forward any issues or information that will contribute to the preparation of the documents. To help start this process we are providing Consultation Outlines of the key issues relating to each document in the pages attached.

Once all evidence has been gathered draft documents will be produced. These will be subject to a more formal consultation process in January and February 2007 when you will be able to comment again. An opportunity to comment on the Sustainability Appraisals will also be given.

Thank you for your time in considering these matters and we look forward to hearing from you. **Please send your comments relating to each document to the officers named at the end of each Consultation Outline sheet by 29 September 2006.** If you wish to discuss any general matters or if you know of other people who have not been consulted that may also be interested in any of these documents please contact Alison Jones email, alison.jones@wiganmbc.gov.uk. or phone 01942 404239.

This letter and the consultation outlines are available in alternative formats on request.

Yours faithfully,

Alison Jones
Planning Officer

Development and Protected Species Supplementary Planning Document Consultation Outline

1. The aim of the Development and Protected Species Supplementary Planning Document is to offer guidance to Councillors, Planning Officers, developers, and the public on the legislation to protect species and good practice in the consideration of protected species in planning applications and on development sites. It will help developers determine whether a survey is required and to what level of detail.
2. This Document will link to Wigan's Biodiversity Strategy and Action Plans and targets set out within local, regional and national Biodiversity Action Plans and meet the Nature Conservation (EV2) policies in the Replacement Unitary Development Plan.
3. The Development and Protected Species Supplementary Planning Document will provide the additional guidance on specialist surveys referred to in the adopted Landscape Design Supplementary Planning Document available at www.wigan.gov.uk/pub/planning/pdfs/LandscapeDesign.pdf. It will also complement the reference to biodiversity in the Design Guide to Residential Development Supplementary Planning Document available at www.wigan.gov.uk/pub/planning/pdfs/ResidentialDevelopment.pdf.
4. It is proposed that the Document will set out step by step:
 - **What legislation provides protection for species**
For example:
Wildlife and Countryside Act 1981
Habitats Regulations 1994
 - **When surveys for protected species will be required**
For example:
When works to demolish or alter the structure of buildings are proposed and the building has potential to be used by a protected species, particularly bats.
Where a pond is present on or near the site.
When vegetation or trees are being removed.
 - **What a survey should include**
The document will give advice on the timing of the survey work and the need for suitably licensed surveyors.
 - **What is expected if protected species are present on site**
This will include the submission of a mitigation and/or compensation package to be approved by the Local Planning Authority.
 - **Where to find further information and advice**

4. The following species and species groups are expected to be covered:

Wild Animals such as: water vole, all bat species, badger, great crested newt;

Wild Birds such as: barn owl, all nesting birds;

Wild Plants such as: bluebell.

Species of Principal Importance for the Conservation of Biological Diversity. This is a national list put together by the Secretary of State for Environment, Food and Rural Affairs under Section 74(2) of the Countryside and Rights of Way Act 2000. It includes amphibians, birds, fish, mammals, reptiles, invertebrates and plants.

Species identified in Local Biodiversity Action Plans, these are Greater Manchester Biodiversity Action Plan
<http://www.gmbiodiversity.org.uk/>

Wigan Biodiversity Action Plans
<http://www.wlct.org/Leisure/biodiversity/biodiv.htm>

5. Information on protected species legislation can be found at:

- <http://www.defra.gov.uk/wildlife-countryside/index.htm>
- <http://www.communities.gov.uk/index.asp?id=1143832>
- <http://www.english-nature.org.uk/>

6. The Council would welcome your involvement in the preparation of the document and are hoping you can contribute by letting us know what information you would like to see in it to help with the submission and consideration of planning proposals.

7. As most cases where protected species need to be considered are very individual it is not easy to be specific about the requirements of all surveys or the mitigation that will be required. We are hoping to provide general guidelines within which most cases will fall and would be interested in any comments you may have on the level of detail you would like to see.

I would be grateful if you could send your Consultation Outline comments in writing to the Deputy Director of Planning and Regeneration, Civic Buildings, New Market Street, Wigan, WN1 1RP. Alternatively you can email your comments to:

[Roz Park, Senior Ecologist & Conservation Officer –r.park@wiganmbc.gov.uk](mailto:r.park@wiganmbc.gov.uk),
(telephone 01942 404232)

The deadline for comments is 29th September 2006

Contacts: Pre-submission participation

A copy of the Consultation Outline for the draft Supplementary Planning Document on Development and Protected Species and the subsequent draft document were sent to the following:

Statutory Consultees

- British Gas
- British Telecommunications Plc
- Countryside Agency – Now Natural England
- English Heritage – Now Natural England
- Environment Agency
- GM Waste Disposal Authority
- Government Office for the North West
- Greater Manchester Strategic Health Authority
- Highways Agency
- Mobile Operators Association
- Neighbouring Local Planning Authorities (14)
- Network Rail
- North West Regional Assembly
- North West Regional Development Agency
- NWP Spectrum Ltd
- United Utilities
- Your Communications Ltd

Elected Representatives

- 74 Councillors (1 currently suspended)
- 4 MPs
- 8 MEPs
- Parish Councils within Borough (2)
- Neighbouring Parish & Town Councils (14)

Wigan Borough Partnership

- Internal consultees (chief officers)
- Township managers
- Partnership members (all key contacts for the 7 Partnerships as listed in Appendix D of the Statement of Community Involvement).
- Encompass contacts (all key contacts for the 7 Community Networks as listed in Appendix D of the Statement of Community Involvement).

Other groups and organisations

- 102 Local groups, organisations, developers, agents, local businesses and individuals on our Community Engagement Database who had expressed an interest in receiving information on documents produced as part of the Local Development Framework.
- 198 Members of the Development Control, Building Control Forum who are not included in any of the previously mentioned categories.

The following Local Groups identified as having a specific interest in Protected Species:

- Bolton Conservation Volunteers
- British Trust for Conservation Volunteers
- Cell Creative
- Countryside Contracts North West
- Environment Agency (Specific Contact)
- Forestry Commission
- Greater Manchester Bat Group
- Greater Manchester Biodiversity Project
- Groundwork Wigan and Chorley
- Lancashire Wildlife Trust (2 contacts)
- Lancashire Wildlife Trust Astley Moss
- Leigh Ornithological Society (2 contacts)
- Leigh Ringing Group
- RSPCA
- South Lancashire Bat Group
- Wigan and District Angling Association
- Wigan Flashes Conservation and Community Group (2 contacts)
- Wigan RSPB (2 contacts)

The Consultation Outline was also available on the Wigan Council website.

**Development and Protected Species Supplementary Planning Document
Summary of comments received at the informal consultation stage and Wigan Council's response**

	Respondent	Summary of Main Comments	Wigan Council's response
G1	Horwich Town Council	Resolved not to comment	No response required.
G2	Brian Simpson MEP	Supports document	No response required.
G3	Sajjad Karim MEP	Thanks for consultation. No comment here.	No response required.
G4	Roy Pass, Children and Young People's Services	Informing us of event in Local Democracy week on 20 th October 2006 called Circles of Influence in which key representatives will debate issues with young people. Also the Strategic Participation Group which has plans to link young peoples' agenda to senior strategists within the Borough.	We will use these groups where appropriate in promoting the message of the documents.
PS1	Persimmon Homes - Adele Snook (Broadway Malyan)	<ul style="list-style-type: none"> • Welcomes certainty document provides in terms of survey requirements and detail. • Objects to rigid policy that does not allow for the loss of protected species despite adequate mitigation measures. 	<ul style="list-style-type: none"> • Support acknowledged • This is not a policy document, it supports policy EV2D of the Unitary Development Plan which has been subject to public inquiry.
PS2	Countryside Agency - Janet Belfield	Subject matter beyond remit and responsibilities of Countryside Agency. No comment.	No response required.
PS3	English Nature - David Jeffreys	<ul style="list-style-type: none"> • Include details of range of habitats that different species use during their lifecycle. • Highlight the issue of invasive non-native species and how they should be tackled in the context of development. 	<ul style="list-style-type: none"> • It is intended to include basic details of habitats used. • Brief section included on this subject. Separate guidance is available on invasive species and this will be referenced in the document.

	Respondent	Summary of Main Comments	Wigan Council's response
PS4	Environment Agency - Georgina Fellows	No comment at this stage. Consult again at Draft Stage.	Send Draft Document when produced.
PS5	Environment Agency - Mark Chadwick	No comments at this stage	No response required.
PS6	Greater Manchester Ecology Unit - Suzanne Waymont	<ul style="list-style-type: none"> • Include reference to PPS9 and accompanying legal circular. • Add where protected species are known to occur at a site or have been recorded on/near a site. • Include references as to where to find information • Link to wider biodiversity issues so that protected species are not dealt with in isolation 	<ul style="list-style-type: none"> • This reference will be included. • This will be included. • Appropriate links will be included. • Appropriate cross referencing will be undertaken.
PS7	Government Office for the North West (GONW) - Dave Arstall	No comment	No response required.
PS8	Highways Agency - Kristian Marsh	Welcomes involvement but no comments.	No response required.
PS9	Lancashire Wildlife Trust - Mark Champion	<ul style="list-style-type: none"> • Hopes the document will strengthen the protection of wildlife in Wigan and the link with the planning process • Seeks provision of opportunities for bat bricks, nest boxes to be included for roof nesting and roosting species within new developments • Need for surveys to be undertaken by competent surveyors to acceptable standards • Consider potential disturbance caused to bird species and populations during the winter as well as the breeding season • Consider inclusion of number of plant species and also important plant assemblages 	<ul style="list-style-type: none"> • This is the aim of the document • This will be included in general terms • This will be included • This will be included in general terms • This will be covered generally but at this stage only legally

	Respondent	Summary of Main Comments	Wigan Council's response
			protected species will be individually mentioned
PS10	McInerney Homes North West - Andy Pepper	<ul style="list-style-type: none"> • Welcomes document as useful for housing developers. • Are there any concentrations of particular species in certain part of the Borough? This would aid the identification of potential sites 	<ul style="list-style-type: none"> • Support acknowledged • Not possible to include this level of detail within the SPD as it varies significantly depending upon where surveys have occurred previously and where information is held.
PS11	Peak and Northern Footpath Society - Peter Burns	<ul style="list-style-type: none"> • Generally welcomes document. • Add 'English Bluebell' rather than just 'Bluebell'. • 'Plants' should also specify 'Shrubs and trees'. 	<ul style="list-style-type: none"> • Support acknowledged • The full botanic name will be given for clarity. • The headings are for those species or species groups that receive legal protection and will cover all those relevant to Wigan
PS12	Ashton, Leigh & Wigan Primary Care Trust - Julie Hotchkiss	No comments from human health perspective.	No response required.
PS13	Red Rose Forest Team - Nigel Blandford	<ul style="list-style-type: none"> • To future proof the document mention animals which are expanding their range eg otters and red squirrels. • Birds eg peregrine, sparrows, swifts and hirundines. A rapid decline will follow if necessary holes are not created in new build. • Plants eg Native Black Poplar. 	<ul style="list-style-type: none"> • These have been included where relevant. • Included within document • Covered by Biodiversity Action Plan species
PS14	Sport England - Henryk	No comments but wishes to remain involved.	No response required.

	Respondent	Summary of Main Comments	Wigan Council's response
	Peterson		
PS15	United Utilities - David Hardman	No comments.	No response required.
PS16	Wildlife Trust for Lancashire, Manchester & North Merseyside - Martyn Walker	<ul style="list-style-type: none"> • Welcomes and supports document • Welcomes inclusion of UK Priority Species suggests a number of species that should be considered • Consider highlighting important assemblages of plants and animals 	<ul style="list-style-type: none"> • Support acknowledged • Most of the species mentioned will be included within the document. • Not within the scope of this document
PS17	Standish Resident - E. Hill	<ul style="list-style-type: none"> • Requests system to restrict overdevelopment. • Lost opportunities and negative impact of past developments. • Developers views are the only ones applicable and more authority led information should be prepared. 	<ul style="list-style-type: none"> • This is beyond the scope of the current document. • The document cannot rectify past decisions, it can hopefully ensure future decisions are better informed and directed. • This document will help to redress the balance of views and give background to decisions taken.

Development and Protected Species Supplementary Planning Document
Summary of comments received at the formal consultation stage and Wigan Council's response

	Respondent	Summary of Main Comments	Wigan Council's response
PS1	Red Rose Forest – Nigel Blandford	<ul style="list-style-type: none"> Fully support the document and its contents. One query on the presentation of a heading. 	<ul style="list-style-type: none"> Support acknowledged Will check the presentation on p.19 to ensure is clear
PS2	Mrs June Rios	Querying what is happening on the Bickershaw site in relation to wildlife.	Being dealt with as a separate issue
PS3	Mr Brian Wilson	Document satisfactory	No response required.
PS4	Government Office for the North West (GONW) - Dave Arstall	No comment	No response required.
PS5	Lancashire County Council – Phil Megson	No comment	No response required.
PS6	Councillor Carl Sweeney	Comment on the need to ensure that all developments must look to preserve habitats for protected species. Only as a last resort should any permission be granted which would impact upon a protected species.	This is dealt with by the policy within the UDP and in relation to specific species in the guidance. No change required to the document.
PS7	United Utilities - David Hardman	No comments.	No response required.
PS8	North West Regional Assembly – Paul Entwistle	<ul style="list-style-type: none"> Policies in the RSS offer broad support for the theme of the SPD. North West Best Practice Design Guide and the Draft Green Infrastructure Guide 	<ul style="list-style-type: none"> No proposed changes to the SPD but account will be taken in the Core Strategy..
PS9	Lancashire Wildlife Trust - Mark Champion	<ul style="list-style-type: none"> General support for the document and its aims Query regarding species listed in section 7.64 	<ul style="list-style-type: none"> Noted Clarified that other bat species are not on the national list.
PS10	Wigan Flashes Conservation and Community Group – Patricia Rigg	<ul style="list-style-type: none"> General support for the document and its aims Query regarding species listed in section 7.64 	<ul style="list-style-type: none"> Noted Clarified that other bat species are not on the national list.

	Respondent	Summary of Main Comments	Wigan Council's response
PS11	Peter Sargeant	<ul style="list-style-type: none"> Numerous comments relating to presentation, grammar, spelling and use of language in paragraphs 2.1-2.3, 3.1, 4.1, 4.3, 5.1-5.3, 5.6-5.8, 5.10, 5.12, 6.1, 6.2, 6.8-6.10, 6.13, 6.15-6.17, 6.26, 6.28-6.31, 7.4-7.7, 7.10, 7.12, 7.15, 7.16, 7.18, 7.23-7.27, 7.30, 7.33, 7.34, 7.40-7.42, 7.51, 7.53-7.58, 7.62-7.64, 7.74-7.79 *see end of table. Suggests UDP policy wording is weak. Suggests that section 5 includes detail on the Planning Acts. Suggests additional more detailed information be provided in section 6.14. Questions the submission of documents as confidential in relation to badger surveys. 	<ul style="list-style-type: none"> Minor changes to wording, spelling and grammar have been made to paragraphs 2.3, 4.1, 4.3, 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.10, 5.12, 6.1, 6.9, 6.10, 6.15, 6.16, 6.17, 6.19, 6.20, 6.24, 7.4, 7.5, 7.6, 7.7, 7.10, 7.15, 7.16, 7.23-7.27, 7.30, 7.33, 7.41, 7.51, 7.56, 7.63, 7.64, 7.71, 7.74, 7.75 *see end of table. The adopted policy was written with guidance from Natural England and has been through the Public Inquiry and accepted by the Planning Inspector. The document supplements the core policies which refer to other legislation. The document cannot take on the role of providing detailed information on all areas covered. Advice is available from numerous sources quoted. Information which could lead to harm to the environment or wildlife is covered by the Environmental Information Regulations and therefore does not have to be made

	Respondent	Summary of Main Comments	Wigan Council's response
		<ul style="list-style-type: none"> • Suggests consideration of other newt species. Suggests consideration of grey squirrels. Suggests provide more detail on identification of water voles. Suggests provision of more detail on identification of invasive species. 	<p>publicly available.</p> <ul style="list-style-type: none"> • Great crested newts are highlighted because of the legal protection they receive. This SPD is not able to provide the function of an identification guide. Links to further much more specific and detailed information are provided for most species.
PS12	Greater Manchester Ecology Unit - Suzanne Waymont	<ul style="list-style-type: none"> • Welcomes and strongly supports document. • Add canals to the watercourses listed in 6.3 • Check copy for spelling in section 7.22. • Insert request for photographs into section 7.22 • Changes in legislation need to be reflected in the Section 74 species should be referred to Section 41 species. • GM Biodiversity Project e-mail has changed. 	<ul style="list-style-type: none"> • Support acknowledged • Canals added • Checked seems to be an error on their copy only • Text inserted • Clarify and change if necessary – still on DEFRA website as section 74 so will not change at this time • E-mail address updated
PS13	Natural England - Janet Belfield	No comment.	No response required.
PS14	Environment Agency – Dawn Hewitt	<ul style="list-style-type: none"> • Section 2.2 could include reference to recreation activities. • Section 4.2 refers to DEFRA licence elsewhere referred to as Natural England licence, needs clarification. • Section 5 – possibility of providing details of bodies who implement the legislation. 	<ul style="list-style-type: none"> • Reference to pleasant places to live and contact with natural environment. • This was due to the text being taken directly from the adopted UDP at which time licences were administered by DEFRA. • Document aims to signpost readers to further information,

	Respondent	Summary of Main Comments	Wigan Council's response
		<ul style="list-style-type: none"> • Section 6.10 last sentence could be made clearer. • The document should strengthen the point about enhancement of biodiversity made in section 6.12. • Section 6.13 landscaping should refer to native planting. • Consider reference to endangered plant species in the Plants section 7.50-7.52. Consider reference to UKBAP habitats and species within section 7.62 	<p>no change.</p> <ul style="list-style-type: none"> • Small alteration made to text. • This issue is covered in sections 6.12 to 6.16, no change proposed. • Agreed, change made. • The focus of the document is legally protected species. Whilst mention is made to other important and endangered species the focus has been on those covered by specific legislation.
PS15	Salford City Council – Elizabeth Dixon	<ul style="list-style-type: none"> • Supports the document. • Highlights the Biodiversity Trigger list prepared by GMEU and being trialled in Salford and the circumstances relating to when an ecological survey may be required and those listed in section 6.3. 	<ul style="list-style-type: none"> • Support acknowledged. • Having checked the list again there is little difference in the content of the two, mainly differences in wording. Also states in SPD that not an exhaustive list. No change proposed.
PS16	Highways Agency - Kristian Marsh	No comments.	No response required.
PS17	Mrs Pam Wheal	<ul style="list-style-type: none"> • Supported document. • Support for reference to “green roofs”. • Suggested strengthening of section 6.32 in relation to large-scale developments. 	<ul style="list-style-type: none"> • Support acknowledged. • Support acknowledged. • This would be done via policies within the UDP or LDF not the SPD.

* Due to a number of mistakes in the paragraph numbering within the draft document the paragraph numbers from 7.15 onwards in the final document do not correspond to those in the draft. The numbers quoted in the table above relate to the draft document.