



OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS)

MEETING HELD AT THE BALLROOM, TOWN HALL, BOOTLE
ON TUESDAY 14TH DECEMBER, 2021

PRESENT: Councillor Blackburne (in the Chair)
Councillors D'Albuquerque, Grace, Killen,
Chris Maher, O'Brien, Page and Sathiy

ALSO PRESENT: Councillors McKinley, John Sayers Veidman

30. APOLOGIES FOR ABSENCE

Apologies for absence were received from the Chair, Councillor John Sayers (who attended the meeting in the capacity of being the lead call-in member); Councillors Cluskey, Hansen, Myers (and his Substitute Member Councillor Thomas) and Robinson and from Councillors Burns and Yvonne Sayers, call-in Members.

31. DECLARATIONS OF INTEREST

No declarations of any disclosable pecuniary interests or personal interests were received.

32. ITEM CALLED IN - REVISED RECREATION PRESSURE INFORMATION NOTE - DRAFT FOR CONSULTATION AND DEVELOPMENT MANAGEMENT PURPOSES

The Committee considered (a) the report of the Chief Legal and Democratic Officer, which set out the decision of the Cabinet Member – Planning and Building Control in relation to the Revised Recreation Pressure Information Note – Draft for Consultation and Development Management Purposes and the reasons why the decision had been called-in; and (b) the report of the Chief Planning Officer which was considered by the Cabinet Member – Planning and Building Control in relation to this matter.

The decision taken by the Cabinet Member – Planning and Building Control on 3 November 2021 in relation to this matter was as follows:

Decision Made:

That the Draft Information Note 'Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach':

- (a) for public consultation; and
- (b) for development management purposes (and so that this draft Information Note supersedes the 2018 Information Note for development management purposes)

be approved.

Reason for Decision:

- (a) To carry out public consultation on the Draft Information Note; and
- (b) to enable the draft Information Note to be taken into account as a 'material consideration' in the assessment of planning applications, superseding the current 2018 Information Note which no longer has the support of Natural England.

Alternative Options Considered:

Not to update the note. Natural England no longer support the current 2018 Information Note, and hence there is a risk of challenge to decisions which rely on it. The Information Note relates to legal requirements to protect internationally important nature sites on the Sefton Coast, and so a replacement Information Note is needed as soon as possible. Without an Information Note, the merits of each application would need to be assessed at length in relation to the Habitats Regulations. This would lead to increased workload for planning and other officers and to delays in the assessment of planning applications. This could lead to delays for developers and poor performance against Council and national targets for dealing with planning applications.

The decision was subsequently called-in by Councillors John Sayers, Yvonne Sayers, Wilson, Burns and McKinley.

Paul Fraser, Senior Democratic Services Officer reported on the validity of the call-in and highlighted that the call-in requisition:

- had been received within the specified call-in period;
- had been signed by five Members of the Council who were not Members of the Cabinet, in accordance with the provisions in Chapter 6, Paragraph 38(a) of the Council's Constitution; and
- referred to a specific decision made by the Cabinet Member – Planning and Building Control and provided reasons for call in, in accordance with Chapter 6, paragraph 40 of the Constitution.

Councillor John Sayers, on behalf of Councillors Yvonne Sayers, Wilson, Burns and McKinley, addressed the Committee and outlined and amplified the reasons for the call-in as follows:

We seek to gain more understanding of the decision and its implications, for example, Park and Sudell wards will see a top slice of section 106 monies of approximately £132,000 leave the wards and fund Green Sefton's attempts to divert our residents from the Coast, however Green Sefton has no land or offer within our wards.

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 14TH DECEMBER, 2021

We question the decisions soundness as we feel these facts have not been taken into account, we wish to alert the Cabinet Member and Officers of these anomalies which we believe have been overlooked.

In its current format we believe this decision will go against Council policies and wish to avail ourselves of the opportunity to alert the Cabinet Member that we feel this decision is not sound and we wish to make further recommendations to Cabinet.

Councillor Veidman, Cabinet Member – Planning and Building Control explained the decision and the reasons why it was taken by him.

Derek McKenzie, Chief Planning Officer reported on the issues and the reasons for his recommendation and advice to the Cabinet Member – Planning and Building Control.

Councillor John Sayers, lead call-in Member, Councillor Veidman, Cabinet Member – Planning and Building Control and Derek McKenzie, Chief Planning Officer responded to questions/comments posed by Members of the Committee in relation to the call-in concerning:

- a comment made that residents in Park and Sudell wards received little service from Green Sefton as it had no land within such wards; the responsibility for parks resting with Maghull Town Council and Lydiate Parish Council
- A suggestion that the adoption of the new Information Note would be inherently unfair to the residents in the yellow, outer zone identified on the plan attached to the Information Note
- funding being generated in the Park and Sudell wards being allocated to mitigate pressures on the Sefton coast
- the differences between the proposed Revised Recreation Pressure Information Note and the 2018 Information Note
- the differences in the allocation of s106 contributions and funding associated with the Habitats Regulations and the clarification that S106 contributions as a result of Habitats Regulations Assessments was not a top slice of S106 funding but a separate resource
- information being sought on the submission of bids for funding from both Maghull Town Council and Lydiate Parish Council and from other stakeholders across the borough
- aspirations contained in the Maghull Neighbourhood Plan but that Maghull Town Council had not been successful with any bids for funding
- The overall responsibility for the direction, spending and monitoring of 'recreation pressure commuted sums' with the Local Planning Authority
- The allocation of nearly £250k funding to the Canal and River Trust which Maghull Town Council are unaware of how this will be spent in Maghull

OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS) - TUESDAY 14TH DECEMBER, 2021

- due to legal requirements under the Habitats Regulations, commuted sums not being able to be reduced due to viability considerations

Councillor Veidman, Cabinet Member – Planning and Building Control then summed up his position.

Councillor John Sayers, on behalf of Councillors Yvonne Sayers, Wilson, Burns and McKinley summed up the position of the call-in Members.

A Motion was moved by Councillor Killen and seconded by Councillor Page that the Committee is not concerned about the decision made by the Cabinet Member – Planning and Building Control.

The Democratic Services Officer officiated the vote and the Chair declared that the Motion was carried by 6 votes to 2 and it was

RESOLVED: That

- (1) the validity of the call-in be accepted; and
- (2) the Committee is not concerned and accepts the decision made by the Cabinet Member – Planning and Building Control in relation to the Revised Recreation Pressure Information Note – Draft for Consultation and Development Management Purposes.