

Overview  
& Scrutiny



MEETING: OVERVIEW AND SCRUTINY COMMITTEE (REGENERATION AND SKILLS)

DATE: Tuesday 14th December, 2021

TIME: 4.00 pm

VENUE: Ballroom, Town Hall, Bootle

**Member**

Councillor  
Councillor John Sayers (Chair)  
Councillor Blackburne (Vice-Chair)  
Councillor D'Albuquerque  
Councillor Cluskey  
Councillor Hansen  
Councillor Chris Maher  
Councillor Myers  
Councillor Page  
Councillor Robinson  
Councillor Sathiy

**Substitute**

Councillor  
Councillor Killen  
Councillor Howard  
Councillor Morris  
Councillor O'Brien  
Councillor Grace  
Councillor Anne Thompson  
Councillor Thomas  
Councillor Waterfield  
Councillor Yvonne Sayers  
Councillor Shaw

COMMITTEE OFFICER: Paul Fraser  
Senior Democratic Services Officer  
Telephone: 0151 934 2068  
Fax:  
E-mail: paul.fraser@sefton.gov.uk

**See overleaf for COVID Guidance and the requirements in relation to Public Attendance.**

**If you have any special needs that may require arrangements to facilitate your attendance at this meeting, please contact the Committee Officer named above, who will endeavour to assist.**

We endeavour to provide a reasonable number of full agendas, including reports at the meeting. If you wish to ensure that you have a copy to refer to at the meeting, please can you print off your own copy of the agenda pack prior to the meeting.

## **COVID GUIDANCE IN RELATION TO PUBLIC ATTENDANCE**

In light of ongoing Covid-19 social distancing restrictions, there is limited capacity for members of the press and public to be present in the meeting room indicated on the front page of the agenda at any one time. We would ask parties remain in the meeting room solely for the duration of consideration of the Committee report(s) to which their interests relate.

We therefore request that if you wish to attend the Committee to please register in advance of the meeting via email to [paul.fraser@sefton.gov.uk](mailto:paul.fraser@sefton.gov.uk) by no later than **12:00 (noon) on the day of the meeting.**

Please include in your email –

- Your name;
- Your email address;
- Your Contact telephone number; and
- The details of the report in which you are interested.

In light of current social distancing requirements, access to the meeting room is limited.

**We have been advised by Public Health that Members, officers and the public should carry out a lateral flow test before attending the meeting, and only attend if that test is negative. Provided you are not classed as exempt, it is requested that you wear a mask that covers both your nose and mouth.**

# **A G E N D A**

## **1. Apologies for Absence**

## **2. Declarations of Interest**

Members are requested at a meeting where a disclosable pecuniary interest or personal interest arises, which is not already included in their Register of Members' Interests, to declare any interests that relate to an item on the agenda.

Where a Member discloses a Disclosable Pecuniary Interest, he/she must withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest, except where he/she is permitted to remain as a result of a grant of a dispensation.

Where a Member discloses a personal interest he/she must seek advice from the Monitoring Officer or staff member representing the Monitoring Officer to determine whether the Member should withdraw from the meeting room, including from the public gallery, during the whole consideration of any item of business in which he/she has an interest or whether the Member can remain in the meeting or remain in the meeting and vote on the relevant decision.

## **3. Item Called In - Revised Recreation Pressure Information Note - Draft for Consultation and Development Management Purposes**

(Pages 5 - 26)

Report of the Chief Legal and Democratic Officer

This page is intentionally left blank

# Agenda Item 3

<b>Report to:</b>	Special Meeting of Overview and Scrutiny Committee (Regeneration and Skills)	<b>Date of Meeting:</b>	14 December 2021
<b>Subject:</b>	Item Called In - Revised Recreation Pressure Information Note – Draft for consultation and development management purposes		
<b>Report of:</b>	Chief Legal and Democratic Officer	<b>Wards Affected:</b>	Park and Sudell
<b>Portfolio:</b>	Cabinet Member – Planning and Building Control		
<b>Is this a Key Decision:</b>	No	<b>Included in Forward Plan:</b>	No
<b>Exempt / Confidential Report:</b>	No		

## Summary:

- (1) To advise the Overview and Scrutiny Committee of the relevant aspects of the Constitution and the reasons for the call-in of the decision of the Cabinet Member planning and Building Control on the above item, as set out in paragraph 2.3 to this report.
- (2) To seek the views of the Overview and Scrutiny Committee.
- (3) In the event of the Committee being concerned about the decision, the Overview and Scrutiny Committee must decide which of the following courses of action is to be taken in relation to this matter:-
  - a) referral of the matter to the Cabinet Member – Planning and Building Control for re-consideration, setting out the nature of the Overview and Scrutiny Committee’s concerns; or
  - b) referral of the matter to Council for the Council to decide whether it wishes to object to the decision (subject to the guidance set out in paragraph 2.5).
- (4) In the event of the Committee being satisfied with the decision, the decision can proceed for implementation immediately following the meeting.

## Recommendation(s):

- (1) That the Committee considers the reasons set out in the extract of the Constitution (see paragraph 2.3) and the requisition for call-in (see paragraph 2.2) and determines its jurisdiction accordingly;

# Agenda Item 3

- (2) That the Committee determines whether it is concerned about the decision made by the Cabinet Member – Planning and Building Control; and
- (3) If the Committee is concerned about the decision, that the Committee indicates which of the two options set out in paragraph (3) of the summary set out above, it wishes to pursue.

## Reasons for the Recommendations:

The decision of the Cabinet Member – Planning and Building Control has been called in. The Overview and Scrutiny Committee is required to consider the concerns raised by Councillors.

## Alternative Options Considered and Rejected: (including any Risk Implications)

Not applicable. The Council's Constitution requires the Overview and Scrutiny Committee to consider called in items.

## What will it cost and how will it be financed?

### (A) Revenue Costs

There are no direct revenue costs associated with this report detailing the call-in of the item. Furthermore, the original report to Cabinet Member – Planning and Building Control indicated that:

“The cost of preparing the document is contained within existing revenue budgets”.

### (B) Capital Costs

There are no direct capital costs associated with this report detailing the call-in of the item.

## Implications of the Proposals:

The Implications of the Proposals are set out within the attached Cabinet Member report, as follows:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b> There are no additional resource implications.
<b>Legal Implications:</b> The Conservation of Habitats and Species Regulations 2010, as amended (the Habitats Regulations) require the protection of the internationally important nature sites on the Sefton Coast. Section 15 of the 2021 National Planning Policy Framework reflects this. The Council has a general duty, under section 40 of the Natural Environment and Rural Communities Act 2006, to conserve biodiversity when carrying out its normal functions. The Information Note is a response to these requirements.
<b>Equality Implications:</b> There are no equality implications.
<b>Climate Emergency Implications:</b>

The recommendations within this report will:	
Have a positive impact	N
Have a neutral impact	Y
Have a negative impact	N
The Author has undertaken the Climate Emergency training for report authors	Y
<p>This report to Cabinet Member indicated that the proposed mitigation measures which are the subject of the proposed Interim Approach will affect internationally important habitats at the Sefton Coast. These mitigation measures will have a neutral, or even a positive, impact on both the Sefton Coast and on green spaces elsewhere in the Borough. It is anticipated that this will apply not just to habitats, but also to other green and blue infrastructure benefits such as climate change, flood and coastal erosion risk management, and health and well-being.</p>	

**Contribution to the Council's Core Purpose:**

The original report to Cabinet Member indicated the following contributions to the Council's core purpose:

Protect the most vulnerable: Will assist residents and other road users
Facilitate confident and resilient communities: Not applicable
Commission, broker and provide core services: Not applicable
Place – leadership and influencer: Not applicable
Drivers of change and reform: Not applicable
Facilitate sustainable economic prosperity: Helps timely and effective decision making on planning applications and hence the delivery of new homes which will support Sefton's economy.
Greater income for social investment: Not applicable
Cleaner Greener: Protection of the internationally important nature sites on the Sefton Coast

**What consultations have taken place on the proposals and when?**

**(A) Internal Consultations**

The Executive Director of Corporate Resources and Customer Services has been consulted and has no comments on this report. (FD6635/21)

The Chief Legal and Democratic Officer is the author of this report. (LD4836/21)

**(B) External Consultations**

Not applicable

# Agenda Item 3

## Implementation Date for the Decision

To be determined by the decision of the Overview and Scrutiny Committee.

<b>Contact Officer:</b>	Paul Fraser
Telephone Number:	Tel: 0151 934 2068
Email Address:	paul.fraser@sefton.gov.uk

## Appendices:

The following appendix is attached to this report:-

- Report to Cabinet Member – planning and Building Control dated 26 October 2021 Appendix 1
- Draft Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach
- Call-in procedure to be adopted at the meeting – Appendix 2

## Background Papers:

All relevant papers in relation to the Cabinet decision are attached to the report.

### 1. Introduction/Background

#### 1.1 Cabinet Decision

1.2 The report attached as **Appendix 1** to this report was considered by the Cabinet Member – Planning and Building Control on 26 October 2021.

1.3 The decision of the Cabinet Member – Planning and Building Control is set out below:

**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.
- (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.

## **2. Details of the Call-In of the Cabinet Member Decision**

2.1 The following Members of the Council (who are not Members of the Cabinet) signed the requisition for the call-in, in relation to the Revised Recreation Pressure Information Note – Draft for consultation and development management purposes, in accordance with the provisions of the Overview and Scrutiny Committee Procedure Rules in Chapter 6 of the Council's Constitution:

- Councillor John Sayers
- Councillor Yvonne Sayers
- Councillor Wilson
- Burns
- McKinley

2.2 In the requisition for the call-in, the following reasons were given by all the above Members:

“We seek to gain more understanding of the decision and its implications, for example, Park & 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.

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”.

2.3 The Constitution sets out the following requirements with respect to call-in:

“All requisitions for call-in shall refer to a specific decision and provide a reason. A decision may only be the subject of one call-in. A decision may only be called-in for the following purposes:

- a) to seek more understanding of the decision and its implications;

# Agenda Item 3

- b) to question the soundness of the decision based on facts taken or not taken into account;
- c) to identify the need for Council policies to guide decisions;
- d) to make recommendations to the Cabinet and/or Council;
- e) to question whether the decision conforms with agreed policies.”

2.4 Members are asked to consider the requisition cited above (in paragraph 2.2) and determine which ground or grounds apply to the requisitions, if any. If the Committee determines that the requisitions fall within one of the grounds, then it can proceed to consider whether it is concerned with the decision.

2.5 The Secretary of State in his guidance recommends that the Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is contrary to the policy framework or contrary or not wholly in accordance with the budget.

## APPENDIX 1

<b>Report to:</b>	<b>Cabinet Member: Planning and Building Control</b>	<b>Date of Issue:</b>	<b>26 October 2021</b>
		<b>Date of Decision:</b>	<b>3 November 2021</b>
<b>Subject:</b>	<b>Revised Recreation Pressure Information Note – Draft for consultation and development management purposes</b>		
<b>Report of:</b>	<b>Chief Planning Officer</b>	<b>Wards Affected:</b>	(All Wards);
<b>Portfolio:</b>	<b>Planning and Building Control</b>		
<b>Is this a Key Decision:</b>	<b>No</b>	<b>Included in Forward Plan:</b>	<b>No</b>
<b>Exempt / Confidential Report:</b>	<b>No</b>		

### Summary:

The purpose of this report is to seek the Cabinet Member's approval of the revised Draft Information Note 'Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach' for public consultation and for development management purposes; and for this draft Information Note to supersede the 2018 Information Note for development management purposes.

### Recommendation(s):

That **Cabinet Member** approves:

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).

### Reasons for the Recommendation(s):

- (a) To carry out public consultation on the Draft Information Note.
- (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 and Rejected: (including any Risk Implications)

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.

# Agenda Item 3

## APPENDIX 1

### What will it cost and how will it be financed?

#### (A) Revenue Costs

The cost of preparing the document is contained within existing revenue budgets.

#### (B) Capital Costs

There are no direct capital costs associated with the recommendation in this report.

### Implications of the Proposals:

<b>Resource Implications (Financial, IT, Staffing and Assets):</b>	
There are no additional resource implications.	
<b>Legal Implications:</b> The Conservation of Habitats and Species Regulations 2010, as amended (the Habitats Regulations) require the protection of the internationally important nature sites on the Sefton Coast. Section 15 of the 2021 National Planning Policy Framework reflects this. The Council has a general duty, under section 40 of the Natural Environment and Rural Communities Act 2006, to conserve biodiversity when carrying out its normal functions. The Information Note is a response to these requirements.	
<b>Equality Implications:</b> There are no equality implications.	
<b>Climate Emergency Implications:</b>	
<b>The recommendations within this report will</b>	
Have a positive impact	Y/N
Have a neutral impact	Y/N
Have a negative impact	Y/N
The Author has undertaken the Climate Emergency training for report authors	Y/N
The proposed mitigation measures which are the subject of the proposed Interim Approach will affect internationally important habitats at the Sefton Coast. These mitigation measures will have a neutral, or even a positive, impact on both the Sefton Coast and on green spaces elsewhere in the Borough. It is anticipated that this will apply not just to habitats, but also to other green and blue infrastructure benefits such as climate change, flood and coastal erosion risk management, and health and well-being.	

### Contribution to the Council's Core Purpose:

Protect the most vulnerable: n/a
Facilitate confident and resilient communities: n/a.
Commission, broker and provide core services:

## APPENDIX 1

n/a
Place – leadership and influencer: n/a
Drivers of change and reform: n/a
<b>Facilitate sustainable economic prosperity:</b> Helps timely and effective decision making on planning applications and hence the delivery of new homes which will support Sefton’s economy.
Greater income for social investment: n/a
<b>Cleaner Greener</b> Protection of the internationally important nature sites on the Sefton Coast

### What consultations have taken place on the proposals and when?

#### (A) Internal Consultations

Informal stakeholder consultation with Merseyside Environmental Advisory Service.

The Executive Director of Corporate Resources and Customer Services has been consulted and comments have been incorporated in the report (FD 6569/21).

Chief Legal and Democratic Officer has been consulted and has no comments on the report (LD 4770/21).

#### (B) External Consultations

Informal stakeholder consultation with Natural England.

### Implementation Date for the Decision

Following the expiry of the “call-in” period for the Minutes of the Cabinet Meeting

<b>Contact Officer:</b>	Andrea O’Connor
Telephone Number:	0151 934 3560
Email Address:	<a href="mailto:Andrea.oconnor@sefton.gov.uk">Andrea.oconnor@sefton.gov.uk</a>

### Background Papers:

\* Draft Information Note ‘Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton’s Interim Approach’ (attached as annex 1)

\* Joint evidence report (LCR Recreation Management Strategy evidence report -see [http://www.meas.org.uk/media/11039/LCR\\_RMS\\_EvidenceReport\\_v24\\_Optv2.pdf](http://www.meas.org.uk/media/11039/LCR_RMS_EvidenceReport_v24_Optv2.pdf)

\* Sefton Leaflet ‘Respecting Nature in Sefton’ for new householders – see [http://www.meas.org.uk/media/11047/lcr\\_leaflet\\_sefton.pdf](http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf)

# Agenda Item 3

## APPENDIX 1

### 1. Introduction/Background

- 1.1 The 2015 and 2016 Habitats Regulations Assessment Reports for the Sefton Local Plan identify the potential for new housing development in Sefton to increase recreation pressure on the internationally important nature sites on the Sefton Coast; and the need to mitigate this pressure to less than significant. Applicants need to demonstrate how they have achieved this so that the Council can carry out a Habitats Regulations Assessment to confirm this. The revised draft Information Note sets out how this is to be achieved.
- 1.2 Similar issues arise for neighbouring authorities, in relation to both the Sefton Coast and the coast elsewhere in the region. The Sefton Local Plan (chapters 11 and 12) includes a commitment to partnership working across the Liverpool City Region, including with Natural England and other partners, and to a joint approach to recreation management.
- 1.3 The draft Information Note sets out a revised Interim Approach to managing and mitigating the impact of recreation pressure on the Sefton Coast, pending collection of further evidence and future agreement of a LCR-wide Recreation Mitigation Strategy approach. It would replace the existing interim approach set out in the 2018 Information Note, which would then be revoked/superseded. This 2018 Information Note is no longer supported by Natural England. This proposed Interim Approach is itself only intended to be a temporary measure until the City Region approach is completed (as set out in chapter 12 of the Sefton Local Plan).
- 1.4 The revised Interim Approach draws on collaborative work (including supporting evidence) carried out so far. This reflects joint working with Natural England, Merseyside Environmental Advisory Service, the other greater Merseyside local authorities, West Lancashire Council and the National Trust and has been endorsed by Natural England.

### 2. Revised Draft Information Note 'Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach'

- 2.1 The Revised Draft Information Note 'Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach' is attached as Annex 1.
- 2.2 The proposed Interim Approach puts forward a standardised 'opt in' approach. In effect Sefton Council has already carried out a Habitats Regulations Assessment and has considered, costed and assessed the likely:
  - Scale of housing development in Sefton (and beyond)
  - Levels of visitor pressure from different parts of Sefton, *and*
  - Measures that will mitigate recreation pressure from this housing to less than significant on the Sefton Coast.This has been achieved through joint working and the joint evidence set out in the Liverpool City Region Recreation Management Strategy Evidence Report).
- 2.2 Developers who wish to opt-in to this Interim Approach will sign a s106 planning obligation to pay a commuted sum towards mitigation measures within Sefton.

## APPENDIX 1

Opting in will help officers to assess planning applications in a timely and effective manner.

2.3 For applicants opting in is likely to be more efficient, reducing time, costs and risks during the planning process. This compares to completing site-based impact assessments, consulting and agreeing mitigation packages on a bespoke basis, which would be the alternative. If applicants do not wish to opt-in, they must consider their individual scheme and any 'in combination effects' and make sure they provide sufficient bespoke information to enable the Council to make a Habitats Regulations Assessment. This will almost certainly require them to seek specialist, technical advice, and the assessment is likely to be more time consuming for the Council.

2.4 Where developers chose to opt in, the proposed Interim Approach would mean a s106 contribution for each new home (net new home) of:

- £299 per new home in the core zone (closest to the Coast). This includes Bootle, Crosby, Formby and Southport.
- £63 per new home in the outer zone (away from the Coast). This includes most of Sefton East.

A map showing these zones is part of the draft Information Note attached as Annex 1. The amounts are 2021-22 prices, which would be adjusted each year in line with inflation.

2.5 This would only apply to proposals for:

- Schemes of 10 (net) new homes or more (Use Class C3 Dwellinghouses). Proposals for less than 10 new homes (net) would be exempt
- Houses in multiple occupation (HMOs) within Use Class C4 (HMOs) designed for 18 or more residents (based on standard methodology and multipliers)

This also applies to housing developments permitted under permitted development/prior notification.

2.6 The s106 contributions that are secured towards mitigation measures on the Sefton Coast would be spent both at the Sefton Coast and at existing greenspaces away from the Sefton Coast.

2.7 Mitigation measures may include enhancing visitor facilities in less sensitive areas (such as paths, boardwalks, signage) and temporary or long-term restrictions on visitors allowing habitat enhancement (such as zoning, vehicle and access restrictions) and an increased warden /ranger presence. Enhancing visitor facilities in existing greenspaces could relate to paths, circular walking and cycling routes, signage, access for all, car parks and facilities for example. Sefton's potential greenspaces for improved visitor facilities include 'main parks', the Leeds and Liverpool Canal; Marine Lake and Pier, Southport, Countryside areas away from internationally important nature sites, the Trans Pennine Trail (including Cheshire Lines Path) and public rights of way which help link the above sites.

2.8 More information about how these figures, zones and mitigation measures have been determined is set out in the joint evidence report.

# Agenda Item 3

## APPENDIX 1

- 2.9 Also, all major housing schemes would also be required to provide a colour leaflet setting out information about the Sefton Coast to all first-time occupiers of new homes. This leaflet has already been prepared.
- 2.10 The commuted sums would be monitored as part of Sefton Council's monitoring of all s106 commuted sums. Sefton Council and partners such as Merseyside Environmental Advisory Service and Natural England will monitor the condition of the internationally important nature sites on the Sefton Coast and visitor pressure.

### **3. Commentary**

- 3.1 There are three key differences between the current and proposed approaches.
- 3.2 In terms of the development thresholds to which the requirement applies, the 2018 Information Note sets the threshold at 85+ homes. The new threshold would be 10 or more homes (major housing development), and Houses in Multiple Occupation designed for 18 or more residents. The new threshold takes account of Natural England advice and national good practice.
- 3.3 Secondly the amount of the commuted sum per new home would be significantly reduced from a starting point of £2,215 to a fixed cost of £299 in the core zone and £63 in the outer zone (2021-22 prices; to be adjusted each year in line with inflation). This is on the basis of more up to date, fully costed evidence. So, while more development would be affected, the commuted sums required would be relatively, significantly reduced. Thirdly, in terms of the type of mitigation the proposed approach focuses much more on use of commuted sums for off-site solutions. Again, this is line with national good practice.
3. As the commuted sums relate to legal requirements under the Habitats Regulations, they cannot be reduced due to viability considerations. They may, however, have an impact on the viability of other planning obligations.
- 3.5 The overall responsibility for the direction, spending and monitoring of 'recreation pressure commuted sums' lies with the Local Planning Authority. In practice, the measures which it will be spent on will lie within the remit of Green Sefton and to a lesser extent the Local Highways Authority or other departments. Inevitably, there will be some time lag between the grant of planning permission and the commencement of development/receipt of commuted sums. Nevertheless, planning officers will begin discussions with Green Sefton and other relevant officers regarding a costed action plan and priorities for later approval by the Cabinet Member for Planning and Building Control.

### **4. Next steps**

- 4.1 It is proposed that public consultation take place on the revised draft Information Note. The consultation would be based on the agreed consultation methods for Supplementary Planning Documents A 6-week consultation is proposed.
- 4.2 However, Cabinet Member for Planning and Building Control is asked to approve the revised draft Information Note for immediate use for development management purposes. The revised draft Information Note would be a material

## APPENDIX 1

consideration in the assessment of planning applications, with immediate effect. In effect, this would also see the suspension of the existing 2018 Information Note.

- 4.3 There are several reasons why it is requested that the revised draft Information Note be approved immediately for development management purposes; in summary:
- (a) Natural England no longer support the current 2018 Information Note, and hence there is a risk of challenge to decisions which rely on it.
  - (b) Accordingly, it is considered inappropriate for Sefton to continue to use the 2018 Information Note; it should be given almost no weight as a material consideration for assessing planning applications
  - (c) The Information Note relates to legal requirements to protect internationally important nature sites on the Sefton Coast. A 'fit for purpose' Information Note is needed at the earliest possible date to provide clarity and greater certainty to applicants, officers, members, stakeholders and the wider public
  - (d) This would help the assessment of planning applications to be carried out in a timely and effective manner
  - (e) The proposed approach is 'opt in' - it is not compulsory, and applicants must choose to use it. Applicants who do not accept the opt in approach, whether immediately or after its adoption, can instead choose to complete site-based impact assessments, consult and agree mitigation packages on a bespoke basis, to enable the Council to carry out a Habitats Regulations Assessment.
- 4.4 In the light of the above, Cabinet Member for Planning and Building Control is asked to approve the recommendations set out at the beginning of the report.

**Attachments:** Annex 1 – the revised draft Information Note

This page is intentionally left blank

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

### **DRAFT FOR CONSULTATION AND DEVELOPMENT MANAGEMENT PURPOSES**

#### **1. Introduction**

##### **Purpose of this Information Note**

- 1.1 The purpose of this Information Note is to set out Sefton Council's Interim Approach (Interim Approach) to the mitigation and management of recreation pressure, arising from new housing development in Sefton, on the internationally important nature sites on the Sefton Coast. These include the Sefton Coast Special Area of Conservation, Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site, Mersey Narrows and North Wirral Foreshore SPA and Ramsar Site and Liverpool Bay SPA.
- 1.2 The Information Note sets out what applicants with proposals for new housing have to do to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations). New housing development includes (net) new build homes and residential conversions and larger Houses in Multiple Occupation, including those requiring planning permission and those granted by the 'prior approval' and 'permitted development rights' / general development planning order processes. This housing development may be on allocated sites in the Sefton Local Plan and non-allocated sites (windfall). Residential care and nursing homes are excluded from the scope of this Information Note.
- 1.3 The Interim Approach Information Note is a material consideration for proposals for new housing in Sefton. It has been adopted for development management purposes. It replaces the previous Information Note (adopted March 2018) which has now been superseded.
- 1.4 While the Interim Approach has been prepared by Sefton Council, it reflects joint working with Natural England, Merseyside Environmental Advisory Service, the other Liverpool City Region local authorities, the Mayoral Combined Authority, West Lancashire Council and the National Trust and has been endorsed by Natural England. It is an Interim Approach for Sefton and shall be used pending collection of further evidence and future agreement of a Liverpool City Region Recreation Mitigation Strategy approach. The Interim Approach draws on collaborative work (including published supporting evidence) carried out so far and which has been examined independently by the Planning Inspectorate, for example for the Halton and Liverpool Local Plans.

##### **Why the Interim Approach is needed?**

- 1.5 The Interim Approach is needed to meet legal requirements set out in the Habitats Regulation. It should be read alongside [Sefton Local Plan](#) (2017) policies NH1 'Natural Assets' and NH2 'Nature' and Sefton's [Nature Conservation Supplementary Planning Document](#) (2017).
- 1.6 The [2015](#) and [2016](#) Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan identify the potential for new housing development in Sefton to increase recreation pressure on the internationally important nature sites on the Sefton Coast; and the need to mitigate

# Agenda Item 3

2021 Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach **Draft**

this pressure to less than significant. (Similar issues arise for neighbouring authorities, in relation to both the Sefton Coast and the coast elsewhere in the region). They also require applicants for new housing in Sefton to show how they have mitigated recreation pressure to less than significant on the Sefton Coast, so that the Council can carry out a Habitats Regulations Assessment (HRA) to confirm it. This Interim Approach Information Note sets out how applicants should do this via a strategic approach managed by Sefton Council. ]

## Overview of the Interim Approach - mitigation of recreation pressure

1.7 The Interim Approach is an 'opt in' approach; applicants chose to opt in to it. The requirements for those who do not wish to do this are set out [below](#). The basis of the Interim Approach is that Sefton Council has considered, costed and assessed the likely:

- Scale of housing development in Sefton (and beyond)
- Levels of visitor pressure from different parts of Sefton, *and*
- Measures that will mitigate recreation pressure from this housing to less than significant on the Sefton Coast through the provision of an integrated set of measures both on the Coast and green and open spaces within the Borough (see [section 3](#) below) Measures on the Coast are called Site Access Management and Monitoring measures (SAMMs). Those on other green and open spaces are called Suitable Alternative Natural Greenspace measures (SANGs).

This has been achieved through [joint working and joint evidence, having regard to the recreational activity and bird interaction document \(RP03020\)](#) published by Natural England. This Information Note provides signposts to the most relevant sections of this Liverpool City Region Recreation Management Strategy Evidence Report (the [evidence report](#)).

## 2. Opt-in mitigation measures – the Sefton Interim Approach

2.1 The opt in mitigation measures set out in the Interim Approach are based on commuted sum contributions plus information leaflets for new first time occupiers, as set out below.

### Commuted sum contribution for each new home

2.3 **A contribution will be required for each new home (net new home) of:**

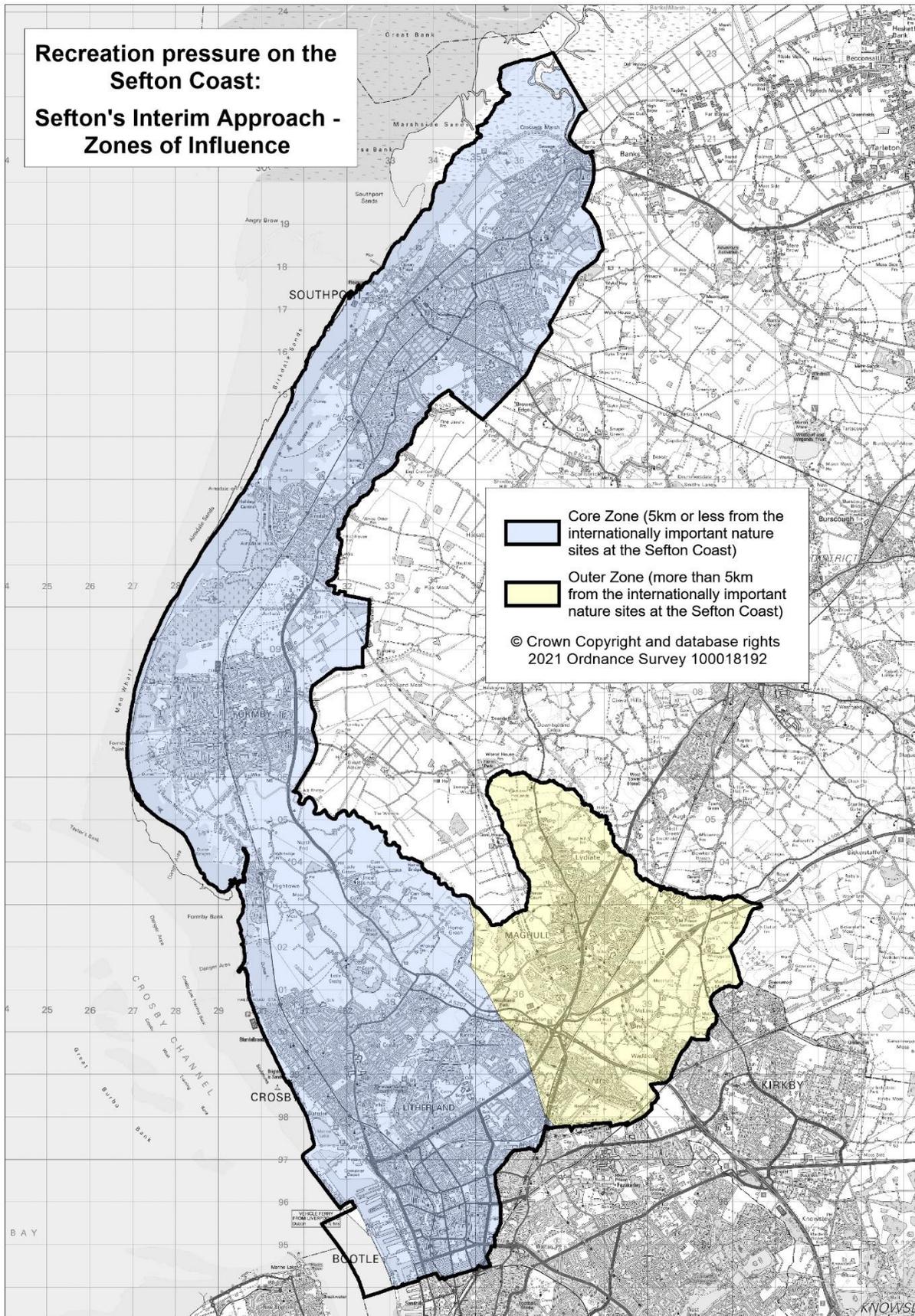
- **£299 per new home in the core zone** (closest to the Coast) shown on map 1  
This includes Bootle, Crosby, Formby and Southport.
- **£63 per new home in the outer zone** (away from the Coast) shown on map 1  
This includes most of Sefton East.

These amounts are 2021-22 prices. The amount will be adjusted each year in line with inflation. As the sums relate to legal requirements under the Habitats Regulations, they are not subject to viability considerations. Appendix 8 of the [evidence report](#) shows how the contributions were determined.

### Leaflets for new householders

2.3 **A colour copy of the [leaflet](#) setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new homes.** Applicants may also make this leaflet available in digital form to all first-time occupiers.

**Map 1 Core zone and outer zone of influence, in relation to the Sefton Coast.**



# Agenda Item 3

2021 Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach **Draft**

## Which housing proposals does this apply to?

- 2.4 **The above contributions and leaflets are only required for proposals for new homes (net new homes) which are:**
- **Schemes of 10 new homes or more (net), for homes within Use Class C3 (Dwellingshouses).** Proposals for less than 10 new homes (net) are exempt, as set out in the [evidence report](#), especially Appendices 8 and 9.
  - **Houses in multiple occupation (HMOs) within Use Class C4 (Houses in Multiple Occupation) designed for 18 or more residents .** This is based on the methodology and multiplier set out in paragraphs 6, 7 and 11 of the government's 2018 [Housing Delivery Test measurement rule book](#).
- 2.5 Applicants for planning permission should enter a s106 planning obligation to pay this 'commuted sum' contribution. Sefton Council also requires a small contribution towards monitoring of all necessary s106 obligations. This is equivalent to 15% of the planning application fee for full permission and 30% for outline permission. Similar legal arrangements for the transfer of monies to Sefton Council should be made by those carrying out development granted by the 'prior approval' and 'permitted development rights'/ general development planning order processes.
- 2.6 Most commuted sums (or sums paid under other legal arrangement as above) will be liable for payment on commencement of the development. However, for very large, phased development schemes (for example 100 homes or more), payment in instalments linked to the commencement of each phase and the number of dwellings in each phase is likely to be acceptable.
- This is an opt-in scheme**
- 2.8 The above 'opt in' solutions will not be compulsory, but provides Sefton Council and applicants with a potential solution which they may choose to use (opt-in to). For applicants this is likely to be more efficient, reducing time, costs and risks during the planning process compared to completing site-based impact assessments, consulting and agreeing mitigation packages on a bespoke basis, which would be the alternative. The applicant will need to consider their individual scheme and any 'in combination effects' and their own. The HRA is required prior to determination of a planning application.
- 2.9 If applicants do not wish to opt-in to this scheme, they must make sure that sufficient bespoke information is provided with their planning application, prior approval or permitted development scheme to enable the Council to make a Habitats Regulations Assessment (HRA). The HRA is required prior to determination of a planning application; or, for permitted development or 'prior approval' (granted by a general development planning order), written approval by the local planning authority. (For more information see paragraph 3.45 of the 2017 [Nature Conservation SPD](#)).
- 2.10 The applicant may choose to complete their own project-level HRA or provide sufficient information for the Council to complete an HRA. The project-level HRA would be reviewed by the Council's ecological advisors and potentially Natural England to confirm that it meets regulatory requirements, prior to being accepted. It is important that developers seek the necessary specialist, technical advice to do this and the scope of the project-level HRA should be discussed at the pre-application stage with Sefton Planning. It is likely that this will need

to include off-site measures which would also be secured through use of a 106 planning obligation and monitoring of effectiveness of the measures would also be necessary.

### **3. Overview of likely mitigation measures to funded through the opt-in scheme**

3.1 The contributions that are secured towards mitigation measures on the Sefton Coast will be spent on the following:

#### **At the Sefton Coast (Strategic Access Management and Monitoring (SAMMs))**

- Enhancing visitor facilities especially in less sensitive areas (such as paths, boardwalks, signage, access for all, car parks and facilities)
- Temporary or long-term restrictions on visitors, allowing habitat enhancement (such as zoning, car park, vehicle and access restrictions)
- Increased warden /ranger presence, for increased education of and engagement with visitors, direct practical works, volunteering
- Codes of Conduct and associated licencing and zones
- Dog projects (to reduce damage and disturbance of species and habitats by dogs)
- Interpretation, signage, publicity, signage (including variable traffic signage more distant from the Coast)

#### **On other green and open spaces away from the Sefton Coast (Suitable Accessible Natural Green Spaces (SANGs))**

- Enhancing visitor facilities in SANGs (such as paths, circular walking and cycling routes, signage, access for all, car parks and facilities). SANG measures must be effective alternatives to visiting the coast. As such SANG sites must be appropriately located, of sufficient scale, and accessible to residents of existing and new development. In Sefton potential SANG sites include 'Main parks', the Leeds and Liverpool Canal; Marine Lake and Pier, Southport, Countryside areas away from internationally important nature sites including Rimrose Valley, Sefton Meadows and nearby sites, Trans Pennine Trail (including Cheshire Lines Path) and public rights of way which help link the above sites.

3.2 For more details see sections 8 and 9 and Appendices 7 and 8 of the [evidence report](#).

### **4. Monitoring**

4.1 Sefton Council monitors the number, purpose, location, payment and spending of commuted sums linked to s106 planning obligation payments and reports annually. This will include commuted sums for measures which mitigate recreation pressure on the Sefton Coast.

4.2 Sefton Council and partners such as Merseyside Environmental Advisory Service and Natural England will monitor the condition of the internationally important nature sites on the Sefton Coast. This can then be used to assess the effectiveness of the mitigation measures and to identify priorities for action and changes to approaches where necessary.

# Agenda Item 3

2021 Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach **Draft**

## 5. References

**Conservation of Habitats and Species Regulations 2017 (as amended)** – see for example

<https://www.legislation.gov.uk/ukxi/2017/1012/contents>

**Sefton Local Plan (2017)** – see [www.sefton.gov.uk/localplan](http://www.sefton.gov.uk/localplan)

**Nature Conservation Supplementary Planning Document (2017)** – see

<https://www.sefton.gov.uk/media/2845/nature-spd-20170814.pdf>

**Sefton Council Planning Service – pre-application advice** - see <https://www.sefton.gov.uk/planning-building-control/apply-for-permission/pre-application-advice-on-development-proposals/>

**Merseyside Environmental Advisory Service: Recreation Mitigation Strategy overview** – see

<http://www.meas.org.uk/1364>

**Towards a Liverpool City Region European Sites Recreation Mitigation & Avoidance Strategy –**

**Evidence Report (Version 24) July 2021** - see

[http://www.meas.org.uk/media/11039/LCR\\_RMS\\_EvidenceReport\\_v24\\_Optv2.pdf](http://www.meas.org.uk/media/11039/LCR_RMS_EvidenceReport_v24_Optv2.pdf)

**Sefton Leaflet Respecting Nature in Sefton: A voluntary code for responsible recreation** – see

[http://www.meas.org.uk/media/11047/lcr\\_leaflet\\_sefton.pdf](http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf)

Liley, D., Panter, C., Marsh, P. & Roberts, J. (2017) **Recreational activity and interactions with birds**

**within the SSSIs on the North-West coast of England** – see [Recreational activity and interactions with](https://www.naturalengland.org.uk/publications/5473987963650048)

[birds within SSSIs on the North-West coast of England - RP03020 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/publications/5473987963650048) /

<http://publications.naturalengland.org.uk/publication/5473987963650048>

**Housing Delivery Test Measurement Rule Book Method for calculating the Housing Delivery Test result (DCLG 2018)** – see

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/1012931/HDT\\_Measurement\\_Rule\\_Book.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012931/HDT_Measurement_Rule_Book.pdf)

## APPENDIX 2

### **CALL - IN PROCEDURE NOTE** **Cabinet Member – Locality Services Decision 3 November** **2021 - Revised Recreation Pressure Information Note - Draft** **for Consultation and Development Management Purposes**

The Chair to explain the call-in process as follows:

A – Is the call-in valid? – Democratic Services Officer to advise

B – To determine whether the Committee is concerned about the decision as follows:

1. 1 of the 3 Councillors that have called-in the decision to address the Committee explaining the reason for call-in. (No more than 5 minutes)
2. Leader of the Council and/or the Cabinet Member – Planning and Building Control to explain the decision and the reasons why it was taken. (No more than 5 minutes)
3. Officer Representative(s) to report on the issues and the reasons for their recommendation and advice to the Cabinet Member – Planning and Building Control. (No more than 5 minutes)
4. Committee Members to ask questions of:
  - (a) the lead call-in Member
  - (b) the Leader of the Council and/or Cabinet Member – Planning and Building Control
  - (c) officer representative(s)
5. Leader of the Council and/or Cabinet Member - Planning and Building Control to sum up (No more than 5 minutes)
6. Lead call-in Member to sum up (No more than 5 minutes)
7. Is the Committee concerned about the decision in the light of what it has heard?
  - (i) No the Committee is not concerned; or
  - (ii) The Committee is concerned and should proceed to option (a) or (b) below

The options are:

- (a) Referral of the matter back to Cabinet Member –Planning and Building Control for consideration setting out the nature of the Committee's concerns; or
- (b) referral of the matter to Council to decide whether it wishes to object to the decision. (NB. The Secretary of State in his guidance recommends that Overview and Scrutiny Committees should only use the power to refer matters to the full Council if they consider that the decision is

# Agenda Item 3

## APPENDIX 2

contrary to the policy framework or contrary or not wholly in accordance with the budget.)