

Report to: PLANNING COMMITTEE **Date of Meeting:** 29th June 2022

Subject: [DC/2022/00087](#)
[Land At Crosby Coastal Park Crosby](#)

Proposal: Proposed cycleway and footway through Crosby Coastal Park, starting at Blundellsands Road West to Crosby Lakeside Adventure Centre (on/off road shared use cycleway and footway), joining onto the existing cycle route on Great Georges Road/ Cambridge Road.

Applicant: Mr Peter Moore
Sefton Council **Agent:** Mr Andrew Dunsmore
Sefton Council

Ward: Church Ward **Type:** Full Application

Reason for Committee Determination: Deferred from 1 June 2022 Planning Committee

Summary

This application was considered by the Planning Committee on 1 June 2022 when it was deferred to enable the Chief Planning Officer to review and provide further information.

The purpose of this report is to update the Planning Committee on the deferred matters and the report should be read in conjunction with the report from 1 June 2022 which formed agenda item 4b and is appended to this report.

This report concludes that the issues have been satisfactorily addressed and the recommendation is to approve subject to conditions.

Recommendation: Approve with Conditions

Case Officer Diane Humphreys

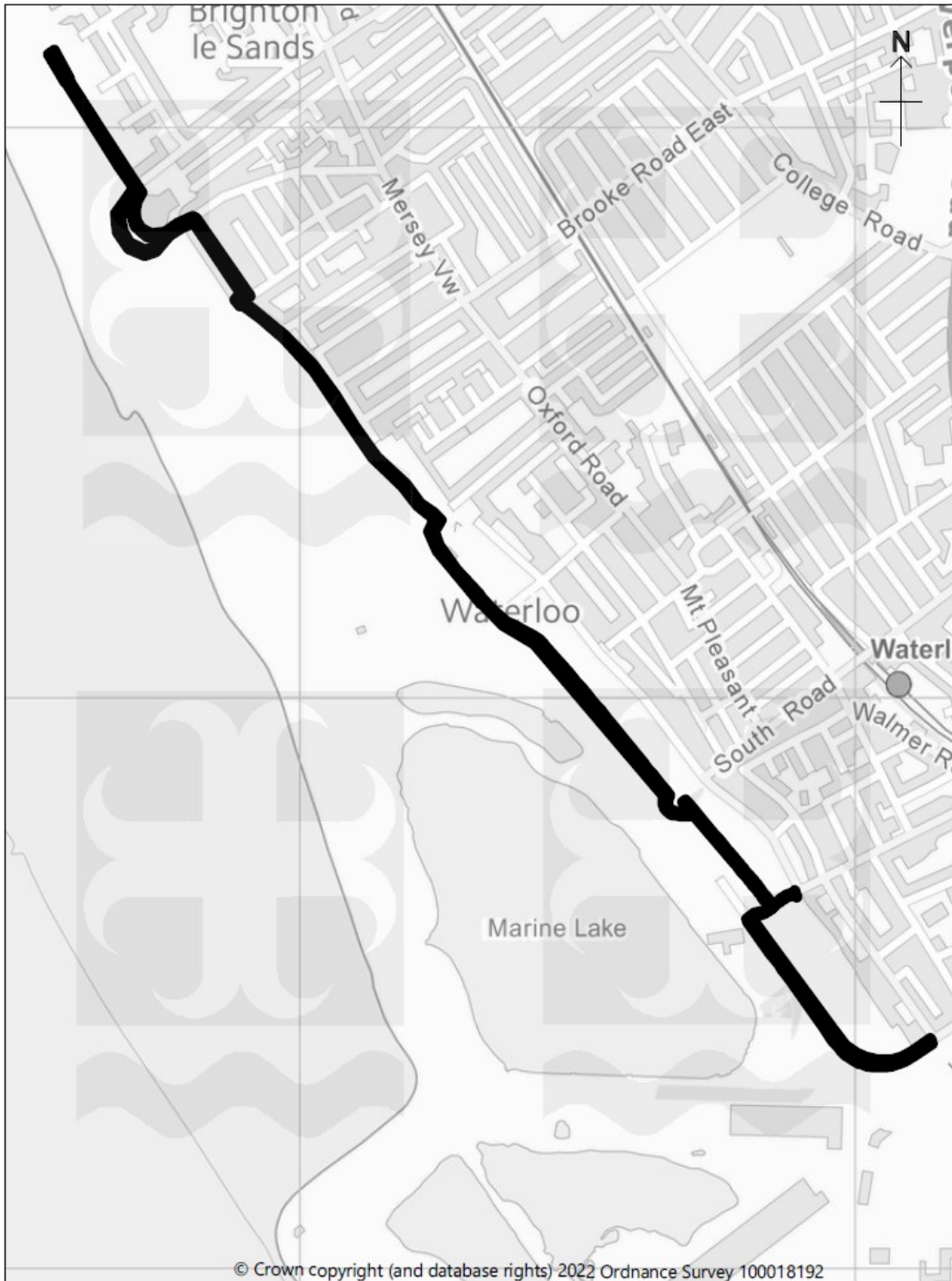
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5WBMRNWGF100>

Site Location Plan



Deferred Application

This application was considered by the Planning Committee on 1 June 2022 when it was deferred to enable the Chief Planning Officer to review and provide further information on the following:

- opportunities to reduce potential conflicts between pedestrians, cyclists and young people near to the play area at the Junction with South Road, Crosby;
- details of who the applicant has consulted in terms of disability and accessibility, including their responses; and
- concerns over drainage/flooding in the vicinity of Blucher Street, Waterloo

It was also requested that a further site visit be held to include viewing traffic issues at Endsleigh Road.

The purpose of this report is to update the Planning Committee on the deferred matters and the report should be read in conjunction with the committee report from 1 June 2022 which formed agenda item 4b and is appended to this report.

Reason for Deferral 1 – The potential conflicts between pedestrians, cyclists and young people

South Road Area

The applicant has provided a Technical Note which undertakes a safety review of the proposals in the vicinity of the coastal park junction with South Road.

The note explains that there are 4 existing routes leading into the park at this junction and they are all non-segregated with pedestrians and cyclists able to use any of the routes without separation.

The proposals follow design guidance which advises *'the most effective way to minimise conflict and increase comfort is to provide separate routes for walking and cycling'*. Near the junction with South Road, where pedestrian numbers are expected to be highest, the proposals include the provision of a separate circulatory route for cyclists away from the central paved area.

Features to improve safety will be introduced where the proposed cycle route crosses 3 existing footpaths. These include signing and lining, different coloured surfacing and a curved alignment to reduce cycle speeds. The footpaths are retained in their current location as these provide the most direct route to amenities within the park.

The technical note proposes some additional measures to address safety concerns and these are:

- relocation of the existing Crosby Coastal Park hazard sign on the beach/boating lake

footpath

- moving the end of the shared facility closer to Great Georges Road
- extending the 2m element of the shared facility alongside the Marine Gardens wall
- increasing the widths of the existing footpaths between the 3 crossing points and the paved area to 4.5m
- introducing 'Give Way to Pedestrians' signs at the start of the circulatory route.

Amended plans have been received incorporating these changes.

The use of the path will be monitored after construction with further measures considered to address any issues which may arise.

Highways Manager Response

The Technical Note has been reviewed by the Highways Manager who has provided the following response:

The applicant has reviewed the design of the proposals at the South Road junction and as a result has indicated that there will be 5 alterations to the proposed scheme. These entail relocating an existing sign in order to improve user intervisibility, alter the layout/alignment of the route where it approaches South Road from Great Georges Road in order to reduce the possibility of cyclists continuing straight on rather than following the curved alignment of the route, increase the width of the existing paths to better accommodate the manoeuvres of the users and reduce conflicts and improved signing and markings aimed at cyclists giving way to other users in addition to the previously proposed signing. It is considered that these additional measures would improve the proposed scheme.

Endsleigh Road

The application was deferred so that a further site visit could take place by the Planning Committee to view traffic issues at Endsleigh Road.

Highways Manager Response

The Highway Manager has provided the following comments on this issue:

The route will in places run along the line of existing paths, roads and promoted cycle routes. This includes Endsleigh Road. Concerns over pedestrians having to walk along the carriageway of Endsleigh Road due to pavement parking and the impact of this route has been raised by the Committee. It is considered that the proposals largely represent improvements to existing facilities rather than the provision of a new route and new users. It is considered that the proposal is unlikely to result in significant increases in users, that will exacerbate any on-going issue with pavement parking and possible conflicts between vehicles and other users.

Reason for Deferral 2 – Consultation with Disability Groups

The applicant has provided information on the consultation which was carried out in accordance with the Council's adopted standards for engagement and consultation and subject to consideration and comment from the Public Engagement and Consultation Panel and the Overview and Scrutiny Panel findings.

Twenty-one groups with protected characteristics were targeted as part of the consultation process including Maternity Action, Merseyside Deaf Society, Sefton Older Persons Forum and Sustrans. Groups were offered a separate conversation or attendance at any scheduled meetings or forums.

Data was collated on the online survey results in accordance with Equality and Diversity monitoring undertaken by the Council.

Reason for Deferral 3 – Drainage issues around Blucher Street

The applicant has provided a Technical Note for this issue stating that the park area in the vicinity of the Blucher Street car park is susceptible to boggy ground and areas of standing water.

The proposed shared facility route follows the car park boundary as this area is less susceptible to standing water. To mitigate potential flooding issues the surface of the path will be raised above the existing ground level by approximately 100mm with the ground either side of the path re-profiled.

The technical note proposes some additional measures in respect of this issue:

- installation of a small soakaway/filter drain over a relatively short length of the new footpath in the immediate vicinity of the car park
- the levels of the proposed shared facility will be checked, particularly around the Rangers' compound, and the profile adjusted to avoid any low spots
- the levels around the junction with the herringbone block paving footpath will be checked to see if any low spot can be removed

Amended plans have been received incorporating the soakaway/filter drain.

Flooding and Drainage Manager Response

The Flooding and Drainage Manager has provided the following comments on this issue:

Following the Planning Committee meeting of 1st June 2022 and the various issues raised regarding the Crosby Coastal Park, the Applicant has submitted additional documentation and a Technical Note aimed at addressing the flood risk concerns.

The Technical Note-2 further reviewed the design proposals around the Blucher Street area and recognises that the park area in the vicinity of Blucher Street car park is susceptible to both saturated / boggy ground and areas of standing water.

The review notes that the current ponding issues around the Blucher Street car park were recognised in the design stage and hence the route of the main shared facility follows the boundary of the Blucher Street Car park as this was recognised as the area less susceptible to standing water.

In addition, the review identified there remained potential ponding issues alongside the Rangers' compound area and on the route of the main shared facility and by the junction between the existing northbound footpath and the herringbone block paving footpath

As mitigation against these potential flooding issues, apart from the final surface of the proposed footpath being raised above the existing ground level by approx. 100mm, the Applicant proposes to:

- 1) Install a small soakaway / filter drain over a relatively short length of the new footpath in the immediate vicinity of car park boundary, approximate length of 150m, alongside the landward edge of the footpath. The profile of the footpath would be amended to ensure that surface run-off would fall towards this soakaway / filter drain, which would provide additional storage capacity.*
- 2) Check the longitudinal levels of the proposed shared facility, especially in the vicinity of the Rangers compound boundary and adjust profile to avoid any low spots*
- 3) Check levels around the junction with the herringbone block paving footpath to see if any low spot can be removed at this junction.*

These additional mitigation measures if appropriately implemented including an increased maintenance regime for the existing road gullies in Blucher Street, park end area, will greatly reduce the residual flood risk in this section of the Cycleway and Footpath in the Blucher Street area.

Conclusion

It is considered that the reasons for deferring the application have been satisfactorily addressed and the recommendation is to approve subject to conditions in accordance with the recommendation made in the previous committee report, item 4b 1 June 2022 Planning Committee, attached to this report. An amendment to condition 2 is recommended to reflect the

amended plans and this is set out below.

Recommendation- Approve with Conditions

Approve with the conditions and informatives set out in item 4b 1st June 2022 Planning Committee agenda with the exception of condition 2 which requires updating to reflect the amended plans, as follows:

2. The development shall be carried out in accordance with the following approved plans and documents:

Drawing No. DES/JA1353/100/01 Location Plan - Route Extents
Drawing No. DES/JA1353/100/02 Scheme Information Board
Drawing No. DES/JA1353/100/03 Works Areas
Drawing No. DES/JA1353/100/04 Location Plan
Drawing No. DES/JA1353/200/01 Site Clearance Details 1 of 8
Drawing No. DES/JA1353/200/02 Site Clearance Details 2 of 8
Drawing No. DES/JA1353/200/03 Site Clearance Details 3 of 8
Drawing No. DES/JA1353/200/04 Site Clearance Details 4 of 8
Drawing No. DES/JA1353/200/05 Site Clearance Details 5 of 8
Drawing No. DES/JA1353/200/07 Site Clearance Details 7 of 8
Drawing No. DES/JA1353/200/08 Site Clearance Details 8 of 8
Drawing No. DES/JA1353/1100/01 rev A Construction Details 1 of 8
Drawing No. DES/JA1353/1100/02 Construction Details 2 of 8
Drawing No. DES/JA1353/1100/03 Construction Details 3 of 8
Drawing No. DES/JA1353/1100/04 rev A Construction Details 4 of 8
Drawing No. DES/JA1353/1100/05 rev A Construction Details 5 of 8
Drawing No. DES/JA1353/1100/06 rev A Construction Details 6 of 8
Drawing No. DES/JA1353/1100/07 Construction Details 7 of 8
Drawing No. DES/JA1353/1100/08 Construction Details 8 of 8
Drawing No. DES/JA1353/1100/10 Typical Details 1
Drawing No. DES/JA1353/1100/11 Typical Details 2
Drawing No. DES/JA1353/1100/12 Typical Details 3
Drawing No. DES/JA1353/1100/13 Glenwood Bollard Detail
Drawing No. DES/JA1353/1200/01 rev A Traffic Signs and Road Marking Details 1 of 8
Drawing No. DES/JA1353/1200/02 rev A Traffic Signs and Road Marking Details 2 of 8
Drawing No. DES/JA1353/1200/03 Traffic Signs and Road Marking Details 3 of 8
Drawing No. DES/JA1353/1200/04 Traffic Signs and Road Marking Details 4 of 8
Drawing No. DES/JA1353/1200/05 Traffic Signs and Road Marking Details 5 of 8
Drawing No. DES/JA1353/1200/06 Traffic Signs and Road Marking Details 6 of 8
Drawing No. DES/JA1353/1200/07 Traffic Signs and Road Marking Details 7 of 8
Drawing No. DES/JA1353/1200/08 Traffic Signs and Road Marking Details 8 of 8
Drawing No. DES/JA1353/SIGNS/01 rev A Sign Schedule (submitted 17 June 2022)

Drawing No. DES/JA1353/1300/01 Street Lighting Details 1 of 3

Drawing No. DES/JA1353/1300/02 Street Lighting Details 2 of 3

Drawing No. DES/JA1353/1300/03 Street Lighting Details 3 of 3

Ecological Assessment Appendix C Shadow Habitats Regulations Assessment 8790.001 September 2021

Reason: For the avoidance of doubt.

Report to: PLANNING COMMITTEE **Date of Meeting:** 1st June 2022

Subject: [DC/2022/00087](#)
[Land At Crosby Coastal Park Crosby](#)

Proposal: Proposed cycleway and footway through Crosby Coastal Park, starting at Blundellsands Road West to Crosby Lakeside Adventure Centre (on/off road shared use cycleway and footway), joining onto the existing cycle route on Great Georges Road/ Cambridge Road.

Applicant: Mr Peter Moore
Sefton Council **Agent:** Mr Andrew Dunsmore
Sefton Council

Ward: Church Ward and
Blundellsands Ward **Type:** Full Application

Reason for Committee Determination: Petitions endorsed by Councillor Webster and called in by Councillor Howard

Summary

This application seeks planning permission to construct a new cycleway and footway through Crosby Coastal Park.

The main issues to consider are the principle of the development, its impacts on heritage assets, the character of the area, local residents' living conditions and highway safety, also matters of flood risk, coastal change and nature.

It is concluded that the proposal complies with adopted Local Plan policy and, in the absence of any other material considerations, the application is recommended for approval subject to conditions.

Recommendation: Approve with Conditions

Case Officer Diane Humphreys

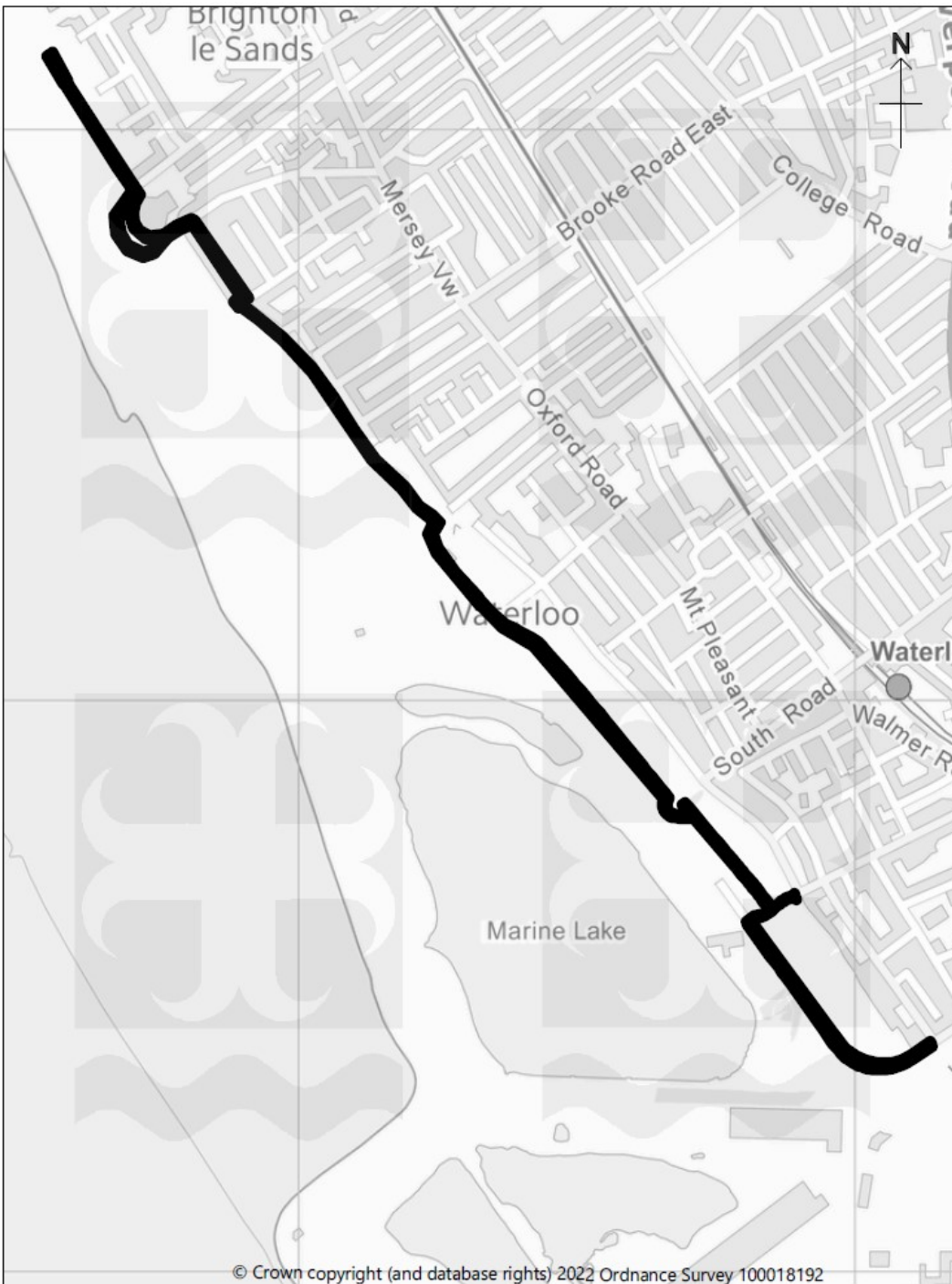
Email planning.department@sefton.gov.uk

Telephone 0345 140 0845

Application documents and plans are available at:

<http://pa.sefton.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=R5WBMNRNWGF100>

Site Location Plan



Sefton Council



Reference: Map reference
Date: 23/05/2022
Scale: Scale: 1:10000
Created by: Initials

The Site

The application site forms part of Crosby Coastal Park. It extends from Blundellsands Road West in the north to Cambridge Road in the south.

History

None relevant

Consultations

Local Plans Manager

No objection

Conservation Manager

No objection

Highways Manager

No objection subject to conditions

Environmental Health Manager

No objection subject to conditions

Coast Protection Authority

No objection

Flooding & Drainage Manager

No objection

Natural England

No objection subject to appropriate mitigation

Merseyside Environmental Advisory Service

No objection subject to conditions

Neighbour Representations

Objections

Three petitions to speak at Planning Committee in opposition to the development have been submitted and are endorsed by Councillor Webster. The petitions have been signed by almost 300 mainly local residents and make the following objections:

- No further allowance for extra paving on this scale under the terms of the Open Spaces Act 1906
- No need for additional path as existing one provides a scenic route and should be maintained
- Contrary to local plan policies such as conservation, residential amenity, green and open space
- Significant detrimental change to the landscape character and setting
- Introduction of bitmac into prominent green space with resultant destruction of natural habitats and unique open environment
- Visually unsympathetic to its surroundings
- Future status of the land would allow the highways department to erect structures without planning permission
- Detracts from wider setting including 'Another Place' artwork
- Will reduce residential amenity
- Destruction of historic sun terrace next to Marine Gardens
- High level lighting not needed and will cause problems
- No provision for drainage and raising of path would be visually detrimental
- No Heritage Impact Assessment
- Harmful impact on the setting and significance of heritage assets which would not be outweighed by its benefits
- Little enhancement of habitats proposed
- Poor consultation with residents and ignores residents' wishes
- Contrary to National Planning Policy Framework
- Conclude that development is unsustainable because the adverse impacts significantly outweigh its benefits

Over 60 individual written objections have been received predominantly from people living close to the coastal park and these are summarised below:

Safety Concerns

- Close to children's playground and some blind corners
- Could be used by scrambler bikes and illegal vehicles
- Conflicts between pedestrians and cyclists and between motorists and cyclists
- New path could be just for cyclists
- New path should be reduced in width to reduce speeds

Living Conditions

- Loss of privacy
- Increased light pollution
- Increased anti-social behaviour

- Negative impact on quality of life
- Too close to homes
- Increased noise and disturbance including during construction

Character of the Area

- Detrimental to conservation area
- Affects the setting of listed buildings and conservation area and a Heritage Statement is therefore required

Traffic

- Increased parking problems in the area

Environmental/Ecological

- Path is too wide/ excessive loss of greenspace
- Could be re-located/reduced in width and length to minimise its impact
- Wild grass area should be fenced off to protect it
- Increased flood risk
- Impact on wildlife
- Increased litter and dog dirt
- Environmental footprint of the proposed path is unsustainable

Other Issues

- New path is unnecessary and will lead to loss of the promenade path which is far superior and a tourist attraction with obvious benefits for mental health
- Concerned about maintenance budget/how will new path be managed?
- Money should be spent on sorting out problems with the existing path
- Not a good use of public funds
- Land given to the Council on the agreement it wouldn't be developed
- Object to any building or structure which unreasonably interferes with the view of the estuary from homes as stated in the Crosby Corporation Act 1968
- Covenants restrict the use of the land to walking
- Discrepancies in the planning application eg width of the path and type of street lighting
- Proposal is exaggerated
- Insufficient publicity for the planning application
- Flawed consultation process
- Reduction in property values

Support

Five written support emails/letters have been submitted, principally from residents living close to the coastal park, the main points of which are summarised below:

- Proposal will be an improvement for the area
- The only option available to allow more people fuller enjoyment of the whole Sefton coastline
- Clearing the promenade is futile as the battle against the forces of nature is lost

Policy Context

The application site lies within an area designated as Crosby Coastal Park in the Sefton Local Plan which was adopted by the Council in April 2017. It is also within a Coastal Change Management Area.

Assessment of the Proposal

Background

This application seeks planning permission to construct a new cycleway and footway through Crosby Coastal Park. The proposal will be funded by the Liverpool City Region Combined Authority as part of its strategic walking and cycling network. The route will provide an additional option to the promenade which can be affected by windblown sand.

The main issues to consider are the principle of the development, its impacts on heritage assets, the character of the area, local residents' living conditions and highway safety, also matters of flood risk, coastal change and nature.

Principle

The site lies within Crosby Coastal Park which is designated as open space under Local Plan policy NH5 'Protection of open space and Countryside Recreation Areas' and as one of Sefton's four strategic tourism locations in policy ED5 'Tourism'.

Most of the route lies within the Coastal Change Management Area designated in policy NH4 'The Sefton Coast'. Much of the site is also subject to nature conservation designations, some is also subject to heritage designations.

The proposal is acceptable in principle in terms of Local Plan policies SD2 'Principles of Sustainable Development', EQ1 'Healthy Sefton', NH5 'Protection of open space and Countryside Recreation

Areas', ED5 'Tourism', IN2 'Transport', part 2 of policy NH4 'The Sefton Coast' and policy EQ9 'Provision of public open space, strategic paths and trees'.

This is subject to compliance with other policies in the Local Plan which are assessed below.

Heritage Assets

A Heritage Statement has been submitted to support the application. This shows that the section of the route between Harbord Road and Great George's Road lies adjacent to the Waterloo Conservation Area, namely the seafront gardens, and beyond these lie listed buildings overlooking Beach Lawn, Adelaide Terrace, Marine Crescent and Marine Terrace.

The Heritage Statement confirms that the proposed route does not directly impact any assets listed within Merseyside's Historic Environment Record. It also concludes that the route will be of sufficient distance from heritage assets such that they are not adversely affected. New lighting columns are proposed along the section of the route which runs alongside Marine Gardens (within the conservation area) and these are shown as decorative Victorian style street lights. The Heritage Statement concludes that due to the path being lower than Marine Terrace and natural shielding from the vegetation bordering Marine Gardens, the new lighting is unlikely to cause harm to the listed buildings or adversely impact any heritage assets.

The application has been reviewed by the Conservation Manager who confirms that the proposals are not within a conservation area, listed building or non-designated heritage asset. The main issues to consider would be any affect the proposals would have on the character and appearance of the Waterloo Conservation Area, the views and setting of the listed buildings in the area and whether any non-designated heritage assets and their setting would be affected.

The most sensitive section of the scheme is considered to be closest to the listed buildings between South Road and Great Georges Road with a distance of approximately 55 metres at the nearest point on the corner of Marine Terrace and South Road. This section of the scheme proposes vertical street lighting columns of a Victorian style copying those already within the conservation area. As the proposed lights will be further away from the listed buildings than the existing street lights and lower in topography it is considered that no additional harm would be caused to the heritage assets.

The replacement path extending alongside Marine Gardens between South Road and Great Georges Road is also not considered to be more harmful than the existing route.

The Conservation Manager concludes that the proposals' effect on the views and settings of the heritage assets would not be more harmful than the existing situation. However, if it is deemed that any additional harm would be caused this would need to be balanced against the public benefits of the scheme in accordance with the National Planning Policy Framework and Local Plan policies NH9, NH11, NH12 and NH15. The scheme is considered to have significant public benefit in terms of providing improvements to cycling and walking routes and natural habitats along the

Crosby Coastal Park. These public benefits are considered to outweigh any perceived additional harm on heritage assets.

Character of the Area

Some sections of the proposed route follow existing footways and sections of carriageway. The path will have a grey bituminous macadam surface for all of the shared use sections and the cycle only sections will have a light buff coloured surface. The route ranges in width from 3 metres for cycle only lanes and shared pedestrian/cycle lanes, to 4 metres for shared pedestrian/cycle lanes and 5 metres for the segregated pedestrian/cycle route alongside Marine Gardens between South Road and Great Georges Road.

The proposals include the relocation of existing lighting columns at the sections close to Westward View and Cambridge Road as well as the provision of new lighting columns alongside Marine Gardens.

The scheme has been designed so that the amount of land taken for the route is minimised whilst addressing safety concerns and the need to provide an accessible and multi-functional route. On this basis, the impact of the proposal on the character of the coastal park is considered acceptable.

Living Conditions

Residents living close to the Coastal Park have raised objections concerning noise and disturbance both during the construction phase and whilst the path is operational as well as a loss of privacy. Concerns about light pollution and nuisance from the proposed street lighting and anti-social behaviour are also raised.

The application has been reviewed by the Environmental Health Manager who recommends a condition to secure a Construction Environmental Management Plan (CEMP) so that impacts from dust, noise and vibration during the construction phase are minimised. A separate condition is recommended to ensure that light spill and glare does not affect neighbouring properties.

Whilst it is acknowledged that the proposed cycleway/footway will be sited closer to residential properties than the promenade path it is not considered that its use will cause significant harm to local residents over and above that already experienced as the Coastal Park is a public space. Similarly, it is not considered that the proposal will cause significant anti-social behaviour issues.

Highway Safety

The proposal involves the creation of a new cycle route which will be shared with pedestrians in places. The route will pass through Crosby Coastal Park, Crosby Leisure Centre and along existing highways at Westward View, Endsleigh Road and across Mariners Road. The proposals include the

construction of a new cyclepath/footpath within Crosby Coastal Park in parts and in parts the widening of an existing shared use cyclepath/footpath within the Park.

The proposed route will connect to and cross existing footpaths and cyclepaths. There will be directional signs and markings along the route, however, where the route crosses other paths there is the likelihood of conflict between users. The applicant has indicated that as well as the directional signage information signs and warning signs will be erected as part of a wider Crosby Coastal Park signing strategy. To reduce the likelihood of any conflicts a scheme for providing warning signs will be required prior to the path coming into use. This can be secured by a suitably worded condition.

Given the location of the site, a Construction Traffic Management Plan will be required to cover the construction of the proposed cycle route.

Following a review of the proposal, the Highways Manager considers the proposal to be acceptable and, as such, there are no objections in principle to the proposal subject to conditions.

Flood Risk and Coastal Change

The submitted Coastal Change Vulnerability Assessment has been reviewed by the Local Plans Manager, Flooding and Drainage Manager and Coast Protection Authority and is considered to meet the requirements of policy NH4 'The Sefton Coast' regarding coastal change.

It states that the proposed development is unlikely to affect coastal processes or the ability of the coast to form a natural sea defence or to increase tidal flood risk. Drainage features have been considered throughout the scheme design and will be installed within the grassland close to the Crosby Lakeside Adventure Centre and along the edge of the road in this area. In addition, the path is designed to be slightly higher than the surrounding ground to keep it flood free.

The proposals will not increase flood risk from any sources within the site or elsewhere and therefore satisfy Local Plan policy EQ8 'Flood Risk and Surface Water'.

Nature

The applicant has submitted an Ecological Appraisal in accordance with Local Plan policy NH1, NH2, NH3 and NH4. This has been reviewed by Merseyside Environmental Advisory Service (MEAS) who advise it is acceptable.

Habitats Regulations Assessment

The proposed cycleway is adjacent or near to the following national and international sites. These sites are protected under the Conservation of Habitats & Species Regulations 2017 (as amended) and Local Plan policy NH1, NH2, NH3 and NH4 applies:

- Sefton Coast Special Area of Conservation (SAC);
- Ribble & Alt Ramsar Estuaries Special Protection Area (SPA) and Ramsar;
- Mersey Narrows and North Wirral Foreshore SPA and Ramsar;
- Liverpool Bay SPA;
- Dee Estuary SAC.

Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment for likely significant effects. Appendix C of the Ecological Appraisal comprises a shadow Habitats Regulations Assessment report which is accepted by MEAS who advise it can be adopted by the Local Planning Authority as the Competent Authority in determining this application.

The Habitats Regulations Assessment (HRA) summary table is included as Appendix 1 of this report.

Natural England has reviewed the Shadow HRA and provided advice on the basis that the local planning authority intends to adopt this HRA to fulfil its duty as competent authority under the Habitats Regulations. Natural England's advice forms Appendix 2 to this report and concludes no objection subject to appropriate mitigation measures being secured by planning conditions. These comprise the production and implementation of a detailed Construction Environmental Management Plan (CEMP) to include pollution prevention control measures and noise reduction measures; the erection of visitor information boards which explain the sensitivities of the nearby designated sites; and the erection of fencing to cordon off the mobile dunes north of Crosby Leisure Centre to minimise recreational pressure at this section of the pathway.

The shadow Habitats Regulations Assessment report includes an assessment of likely significant effects which is based upon the essential features and characteristics of the project only. This concludes that, without avoidance and mitigation measures, there will be 'likely significant effects' on the following sites: the Sefton Coast SAC, the Ribble & Alt Ramsar Estuaries SPA and Ramsar, the Mersey Narrows and North Wirral Foreshore SPA and Ramsar and the Liverpool Bay SPA.

An Appropriate Assessment will therefore be required in accordance with Regulation 63 (Habitats Regulations 2017). The shadow Habitats Regulations Assessment report (section 4) concludes that, with avoidance and mitigation measures, there will be no adverse effect upon the integrity of national and international sites.

Avoidance and Mitigation Measures

The avoidance and mitigation measures include the preparation of a Construction Environmental Management Plan (CEMP) to manage and mitigate the main environmental effects during the construction phases of the development. The CEMP should address and propose measures to minimise the main construction effects of the development in accordance with those measures set out in the shadow Habitats Regulations Assessment. In addition, the CEMP should include agreed method statements to mitigate or avoid adverse environmental impacts including the

appointment of an Ecological Clerk of Works to supervise the noisiest activities, an invasive species remediation scheme, a Waste Audit or similar mechanism for management of construction waste as well as non-HRA measures to include reasonable avoidance measures for reptile, amphibians and terrestrial mammals, and avoidance of the breeding bird season or a pre-start check for nesting birds.

The preparation and implementation of the CEMP can be secured by condition.

The Ecological Appraisal sets out proposals for habitat creation and enhancement which have the potential to deliver a 28% biodiversity net gain and is welcomed. The Appraisal sets out a scope of predominantly enhancement measures which MEAS advises are acceptable. It is recommended that the production of a detailed Habitat Management Plan, which covers management of the site for a period of 30-years followed by review, can be secured by planning condition.

Other Issues

The Environmental Health Manager recommends that an informative is placed on any decision notice should tin slag material be found during ground works.

Local residents have raised concerns about the level of public consultation. The submitted Statement of Community Involvement reports that the scheme was initially consulted upon in May 2021 for a 6 week period with further engagement undertaken with interested parties. The consultation involved an online survey together with posters displayed locally and leaflets distributed to residential properties and businesses adjacent to the site. Focus group meetings and a social media campaign were also arranged.

Objections have been raised about the proposal's effect with regards to various legislation and covenants including the Crosby Corporation Act 1968. However, the planning application must only be assessed against relevant planning legislation and policies and cannot be considered against separate legislation.

Matters relating to the need for the path, the use of public money and property values are not material planning considerations which can affect the decision made on this planning application.

Planning Balance and Conclusion

The proposal is acceptable in principle and in respect of its impacts on heritage assets, the character of the area, living conditions, highway safety, flood risk and coastal change, and nature. This is subject to conditions. Whilst objections have been raised, impacts of the proposal are not considered so significant as to justify a refusal on planning grounds for the reasons outlined in this report.

Recommendation - Approve with Conditions

Time Limit for Commencement

1) The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.

Reason: In order that the development is commenced in a timely manner, as set out in Section 91 of the Town and Country Planning Act 1990 (as amended).

Approved Plans

2) The development shall be carried out in accordance with the following approved plans and documents:

Drawing No. DES/JA1353/100/01 Location Plan - Route Extents
Drawing No. DES/JA1353/100/02 Scheme Information Board
Drawing No. DES/JA1353/100/03 Works Areas
Drawing No. DES/JA1353/100/04 Location Plan
Drawing No. DES/JA1353/200/01 Site Clearance Details 1 of 8
Drawing No. DES/JA1353/200/02 Site Clearance Details 2 of 8
Drawing No. DES/JA1353/200/03 Site Clearance Details 3 of 8
Drawing No. DES/JA1353/200/04 Site Clearance Details 4 of 8
Drawing No. DES/JA1353/200/05 Site Clearance Details 5 of 8
Drawing No. DES/JA1353/200/07 Site Clearance Details 7 of 8
Drawing No. DES/JA1353/200/08 Site Clearance Details 8 of 8
Drawing No. DES/JA1353/1100/01 rev A Construction Details 1 of 8
Drawing No. DES/JA1353/1100/02 Construction Details 2 of 8
Drawing No. DES/JA1353/1100/03 Construction Details 3 of 8
Drawing No. DES/JA1353/1100/04 Construction Details 4 of 8
Drawing No. DES/JA1353/1100/05 Construction Details 5 of 8
Drawing No. DES/JA1353/1100/06 Construction Details 6 of 8
Drawing No. DES/JA1353/1100/07 Construction Details 7 of 8
Drawing No. DES/JA1353/1100/08 Construction Details 8 of 8
Drawing No. DES/JA1353/1100/10 Typical Details 1
Drawing No. DES/JA1353/1100/11 Typical Details 2
Drawing No. DES/JA1353/1100/12 Typical Details 3
Drawing No. DES/JA1353/1100/13 Glenwood Bollard Detail
Drawing No. DES/JA1353/1200/01 rev A Traffic Signs and Road Marking Details 1 of 8
Drawing No. DES/JA1353/1200/02 rev A Traffic Signs and Road Marking Details 2 of 8
Drawing No. DES/JA1353/1200/03 Traffic Signs and Road Marking Details 3 of 8
Drawing No. DES/JA1353/1200/04 Traffic Signs and Road Marking Details 4 of 8

Drawing No. DES/JA1353/1200/05 Traffic Signs and Road Marking Details 5 of 8
Drawing No. DES/JA1353/1200/06 Traffic Signs and Road Marking Details 6 of 8
Drawing No. DES/JA1353/1200/07 Traffic Signs and Road Marking Details 7 of 8
Drawing No. DES/JA1353/1200/08 Traffic Signs and Road Marking Details 8 of 8
Drawing No. DES/JA1353/SIGNS/01 rev A Sign Schedule
Drawing No. DES/JA1353/1300/01 Street Lighting Details 1 of 3
Drawing No. DES/JA1353/1300/02 Street Lighting Details 2 of 3
Drawing No. DES/JA1353/1300/03 Street Lighting Details 3 of 3
Ecological Assessment Appendix C Shadow Habitats Regulations Assessment 8790.001 September 2021

Reason: For the avoidance of doubt.

Before the Development is Commenced

3) No development shall commence until a Construction Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The plan must include a programme of works, days and hours of working, a site layout during the construction phase, relevant contact details, routes to be taken by delivery vehicles, methods for traffic management including directional signage and full details of the proposed measures to ensure that mud and other loose materials are not carried on the wheels and chassis of any vehicles leaving the site and measures to minimise dust nuisance. The provisions of the approved Construction Traffic Management Plan shall be implemented in full during the period of construction.

Reason: This is required prior to the commencement of development in order to ensure the safety of highway users during both the construction phase of the development.

4) No development shall commence, including any works of demolition, until a Construction Environmental Management Plan has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period and shall include the following:

- Procedures for maintaining good public relations including complaint management, public consultation and liaison
- Arrangements for liaison with the Council's Pollution Control Team
- All works and ancillary operations which are audible at the site boundary, or at such other place as may be agreed with the Local Planning Authority, shall be carried out only between the following hours: 08 00 Hours and 18 00 Hours on Mondays to Fridays and 08 00 and 13 00 Hours on Saturdays and at no time on Sundays and Bank Holidays.
- Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above.
- Mitigation measures as defined in BS 5528: Parts 1 and 2 : 2009 Noise and Vibration Control on Construction and Open Sites shall be used to minimise noise disturbance from construction works.
- Procedures for emergency deviation of the agreed working hours.

- Commitment to 'Considerate Contractors' charter when working in the borough being aware of the needs of neighbours and the environment.
- Control measures for dust and other air-borne pollutants.
- Measures for controlling the use of site lighting whether required for safe working or for security purposes.
- Measures for any vibration monitoring.
- Pollution prevention control measures to ensure no construction related pollutants or run-off enter the nearby designated sites of nature importance, including spillage from construction machinery.
- Noise reduction measures to minimise any visual and noise disturbance impacts on the qualifying features of the nearby designated sites of nature importance.
- Appointment of an Ecological Clerk of Works to supervise noisiest activities e.g. asphalt paver on cycleway sections near to the marine and boating lake and seasonally wet grassland if works are to be undertaken during the wintering period (October to March).
- An invasive species remediation scheme.
- A Waste Audit or similar mechanism for management construction waste.
- Reptile, amphibians and terrestrial mammals' reasonable avoidance measures (RAMs).
- Avoidance of the breeding bird season or a pre-start check for nesting birds.

Reason: To safeguard the living conditions of neighbouring/adjacent occupiers and land users and the sites of nature importance during both the demolition and construction phase of the development.

During Building Works

5) All lighting installations shall be positioned, angled and orientated so that light glare and overspill does not affect neighbouring properties.

Reason: To safeguard the living conditions of neighbouring occupiers and land users.

Before the Development is Occupied

6) Before the proposed development becomes operational, visitor information boards shall be erected across the new proposed cycleway and footway and retained as such thereafter. The visitor information boards shall include information which explain the sensitivities of the nearby designated sites and their qualifying features.

Reason: To ensure recreational pressure impacts are minimised.

7) Before the proposed development becomes operational, fencing shall be erected to cordon off the mobile dunes north of Crosby Leisure Centre as stated in Section 4.50 of the Shadow Habitats Regulations Assessment and retained as such thereafter.

Reason: To ensure recreational pressure impacts at this section of the pathway are minimised.

8) Before the proposed development becomes operational, a detailed Habitat Management Plan which covers management of the site for a period of 30 years follow by review shall be submitted to and approved in writing by the Local Planning Authority. This detailed scheme shall include:

- Description and evaluation of the features to be managed.
- Ecological trends and constraints on site which may influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions
- Preparation of a work schedule (including an annual work plan and the means by which the plan will be rolled forward annually).
- Personnel responsible for implementation of the plan.
- Confirmation of funding and ownership.
- Details of a programme of monitoring and remedial measures triggered by monitoring.

Thereafter, the scheme shall be completed in accordance with the approved plans and programme to the satisfaction of the Local Planning Authority and the management and maintenance arrangements shall be carried out in accordance with the approved details over the period specified.

Reason: To safeguard and enhance conservation of species/habitats.

9) Before the proposed development becomes operational, a detailed signage scheme shall be submitted to and approved in writing by the Local Planning Authority. The signage scheme shall be implemented in accordance with the approved details before the development becomes operational and retained as such thereafter.

Reason: In the interests of highway safety.

Informatives

1) It is recommended that a watching brief is maintained for the presence of any tin slag material during ground works across the entire site. A radiological protection advisor should be consulted if tin slag is found.

2) The applicant is advised that all works to the adopted highway must be carried out by a Council approved contractor at the applicant's expense. Please contact the Highways Development and Design Team at HDD.Enquiries@sefton.gov.uk for further information.

Appendix 1 - Appropriate Assessment

Table 7 - Appropriate Assessment Summary Table

Designated Site (s) (inc. distance from Project)	Impact & Pathway	Assessment	Adverse Effect on Integrity?
Ribble and Alt SPA/Ramsar (0.04km west) Sefton Coast SAC (0.04km west)	<u>Construction</u> Loss or degradation of habitat and species from waterborne pollution during the construction stage.	There is limited potential that the proposals could result in pollution of adjacent habitats as a result of any fuel/spills that could occur from vehicles and machinery. This could result in pollutants entering the closest parts of the adjacent protected sites. A range of measures to prevent any waterborne pollutants from entering adjacent habitats and protected sites will therefore be implemented as part of a CEMP.	No There would therefore be no adverse effect on the integrity of this SPA.
Mersey Narrows and North Wirral Foreshore SPA and Ramsar (0.24km west)	<u>Construction</u> Loss or degradation of habitats or species associated with the SPA as a result of airborne pollution travelling to designations during the construction phase of the development.	There is potential for dust to be generated during the construction works that could potentially lead to impacts on nearby vegetated coastal habitats associated with the protected sites. A range of measures to limit any dust generation from the proposals will be implemented as part of a CEMP.	No There would therefore be no adverse effect on the integrity of this SPA



<p>Ribble and Alt SPA/Ramsar (0.04km west)</p> <p>Mersey Narrows and North Wirral Foreshore SPA and Ramsar (0.24km west)</p> <p>Liverpool Bay SPA (0.79km west)</p>	<p><u>Construction and Operation</u></p> <p>Disturbance to species associated with the SPA or loss of supporting habitat for these species.</p>	<p>Due to the low number and small size of vehicles and equipment to be used and the relatively low levels of noise generated by the works, as well as the tall dune ridge screening the proposed works from the SPA and Ramsar sites it is unlikely that any birds using the closest parts of the Ribble and Alt SPA/Ramsar or Liverpool Bay SPA would suffer any disturbance as a result of noise that would cause a disturbance response during the construction phase. The works are set back from wetter areas of nearby coastal grassland that are used by oystercatcher and black tailed godwit. It is highly unlikely that any birds within the Seaforth nature reserve which forms part of the Mersey Narrows and North Wirral Foreshore SPA and Ramsar would be disturbed by noise due to the distance from the proposed works, as well as the separation by buildings, a fence and a vegetated bank.</p> <p>It is possible that some SPA/Ramsar species that use the closer parts of the boating lake and Marine Lake could relocate elsewhere within these water bodies for the short periods when the works are closest to these locations. This impact could occur during the winter period when occasional significant numbers of sanderling and black-tailed godwit use the area as well as migratory ducks. Restrictions on the most noisy works would be put in place during prolonged periods of cold weather. Measures will be in the CEMP to further reduce noise and visual disturbance.</p> <p>There are unlikely to be any visual disturbance impacts on birds due to the current high level of visual disturbance from the high numbers of visitors that walk over a wide area of the seafront including within the SPA and Ramsar sites. However, significant numbers of black-tailed godwit and oystercatcher have been recorded using wetter areas of grassland near to Blucher Street car park, where currently not many walkers and dog walkers use. To mitigate for the potential disturbance impact information boards will be provided along the coastal path section, with one of these boards located as close as possible to Blucher Street car park, educating visitors on the sensitivities of the birds using this location and deterring walking and dog walking in the adjacent area.</p>	<p>No</p> <p>There would therefore be no adverse effect on the integrity of these protected sites.</p>
---	---	--	---



Designated Site (s) (inc. distance from Project)	Impact & Pathway	Assessment	Adverse Effect on Integrity?
Sefton Coast SAC (0.04km west)	<u>Operation</u> Recreational Pressure impacts to habitats and species.	<p>There is some limited potential for numbers of visitors to increase at this section of Crosby shore in the future due to the new coastal path providing an attractive walking location and the potential for visitors to leave the coastal path.</p> <p>To mitigate for this potential impact, information boards will be provided along the coastal path section which will educate visitors about the protected sites and their sensitivities. In addition, an area of mobile dunes north of Crosby Leisure Centre, where erosion and bare sand is abundant will be cordoned off from public access, to aid with natural re-vegetation by reducing human impacts and disturbance. Signposts will also be installed along fenced desire lines to clearly direct people on best routes to the beach to further minimise erosion and sand blow.</p>	<p>No</p> <p>There would therefore be no adverse effect on the integrity of this SAC.</p>

Appendix 2 - Natural England Comments

Date: 11 March 2022
Our ref: 383307
Your ref: DC/2022/00087



Diane Humphreys
Sefton Council

Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

BY EMAIL ONLY

T 0300 080 3900

Dear Ms Humphreys

Planning consultation: Proposed cycleway and footway through Crosby Coastal Park, starting at Blundellsands Road West to Crosby Lakeside Adventure Centre (on/off road shared use cycleway and footway), joining onto the existing cycle route on Great Georges Road/ Cambridge Road.
Location: Land At Crosby Coastal Park Crosby.

Thank you for your consultation on the above which was received by Natural England on 07 February 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

SUMMARY OF NATURAL ENGLAND'S ADVICE

NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED

We consider that without appropriate mitigation the application would have an adverse effect on:

- Sefton Coast Special Area of Conservation (SAC)
- Ribble & Alt Estuaries Special Protection Area (SPA)
- Ribble & Alt Estuaries Ramsar
- Sefton Coast Site of Special Scientific Interest (SSSI)

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures should be secured:

- The production and implementation of a detailed CEMP
- The erection of visitor information boards which explain the sensitivities of the nearby designated sites and their qualifying features
- The erection of fencing to cordon off the mobile dunes north of Crosby Leisure Centre

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites is set out below.

Internationally and nationally designated sites

The application site is within 60m of Sefton Coast SAC, Ribble & Alt Estuaries Ramsar and Sefton Coast SSSI. It is also within 160m of Ribble & Alt Estuaries SPA.

Special Protection Areas (SPAs) are classified for rare and vulnerable birds. Many of these sites are designated for mobile species that may also rely on areas outside of the site boundary. These supporting habitats (also referred to as functionally linked land/habitat) may be used by SPA populations or some individuals of the population for some or all of the time. These supporting habitats can play an essential role in maintaining SPA species populations, and proposals affecting them may therefore have the potential to affect the European site.

Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects on functionally linked land can be ruled out. It is advised that the potential for offsite impacts needs to be considered for the surrounding fields in assessing what, if any, potential impacts the proposal may have on European sites.

Please see the subsequent sections of this letter for our advice relating to SSSI features.

Habitats Regulations Assessment (HRA)

Natural England has reviewed the Shadow HRA within Appendix C of the submitted Ecological Assessment (TEP, September 2021). We note that the HRA has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA and be accountable for its conclusions. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

We advise the following mitigation measures should be secured via suitably worded planning conditions:

- The production and implementation of a detailed CEMP. The CEMP should include pollution prevention control measures to ensure no construction related pollutants or run-off enter the above designated sites, including spillage from construction machinery. The CEMP should also include appropriate noise reduction measures to minimise any visual and noise disturbance impacts on the qualifying features of the above designated sites.
- The erection of visitor information boards across the new proposed cycleway and footway. The visitor information boards should include information which explain the sensitivities of the nearby designated sites and their qualifying features.
- The erection of fencing to cordon off the mobile dunes north of Crosby Leisure Centre as stated in Section 4.5 of the HRA to ensure recreational pressure impacts at this section of the pathway are minimised.

We would be pleased to provide advice on the discharge of the planning conditions or obligations attached to any planning permission to address the issues above, including the locations and content of the visitor information boards.

Sefton Coast SSSI

Our concerns regarding the potential impacts upon the Sefton Coast SSSI coincide with our concerns regarding the potential impacts upon the international designated sites, therefore we are content that providing the application is undertaken in strict accordance with the details submitted and providing the above conditions are secured, the development is not likely to damage the interest features for which the site have been notified.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

If you have any queries relating to the advice in this letter please email consultations@naturalengland.org.uk, quoting the reference number at the top of this letter.

For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Should the proposal change, please consult us again.

Yours sincerely

Alice Watson
Planning and Development Lead Adviser
Cheshire, Greater Manchester, Merseyside & Lancashire

Planning Committee: 1st June 2022

Late Representations/Information

Item 4B

DC/2022/00087: Land at Crosby Coastal Park

An email has been received from the Chair of the Seafront Residents' Action Group. This raises the following points and a response is given to each point:

- The statement made in the committee report that the need for the proposed path is not a material consideration is astonishing.

Response: Whether a particular consideration is material will depend on the circumstances of the case. The scope of what can constitute a material consideration is very wide but ultimately it is what is 'relevant' to making the planning decision in question in the public interest. It is for the decision maker to make the primary judgment as to what should be considered in the circumstances of any given case. For this application, the 'need' is considered to be subjective, and the perceived need for the path does not make it a material consideration as to 'why' it is acceptable and sustainable development in the public interest and in planning terms.

- At the bottom of page 43 of the agenda, under the sub-heading 'Objections' the report states that the petitions have been signed by almost 300 residents but our records show it was 471 residents.

Response: This is an error and the report should state 471 mainly local residents have signed the petitions.

- The report states that the path will have a grey bituminous macadam surface for the shared use sections and the cycle only sections will have a light buff coloured surface but there is no reference to these colours in the application.

Response: This information has been provided by the applicant and is now published online. It clarifies that the small cycle only section at the bottom of South Road and the cycle only section running from Great Georges Road to Cambridge Road are to be light buff in colour. All other sections of the shared use path will be in standard grey coloured bituminous macadam. These colours are reflected in the Construction Details drawings.