

2022 Consultation on Draft Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach (Consultation carried out in January and February 2022)

Summary of consultation comments received

Responses received from:

- Barratt David Wilson Homes North West
- Historic England ('no comment')
- Home Builders Federation
- Homes England ('no comment')
- Local residents: Individual comments from 12 local residents
- Maghull Town Council
- Marine Management Organisation
- Natural England
- Persimmon Homes (North West)
- Sefton and Lunt Village Parish Council
- Thornton Parish Council.

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Barratt David Wilson Homes North West	Welcome the update to the previous version of the Information Note which included a charge of circa. £2k per dwelling based on the Council's existing approach to the provision of off-site public open space. Welcome the charges for the proposed 'opt-in' approach being evidence based and consistent across the Liverpool City Region.	Noted.
Barratt David Wilson Homes North West	Whilst it is clearly the Council's preference that developers choose to 'opt-in' and pay either £299 or £63 per dwelling based on the site's location, the Information Note states that this is not a mandatory scheme. The Information Note should provide further information on the approach to be taken by Sefton Council if developers choose to 'opt-out'. How would a bespoke report be assessed by the Council and how would a developer know beforehand what level of mitigation is likely to be considered acceptable and what the triggers may be? Further information is required as to what the Council would consider to be acceptable alternative 'opt-out' approaches. Otherwise, the scheme becomes de-facto mandatory and as such should be included in a Development Plan policy with the appropriate levels of consultation and independent examination, rather than in an Information Note.	The Information Note has been amended to provide more detail about the bespoke information required and approach to be taken if developers chose to 'opt-out', under revised wording now in section 4, 'What if I do not opt-in?'. The information Note has also been amended to clarify and make explicit that the need for a bespoke approach would only apply to housing development of 10 or more; and that proposals for less than 10 new homes (net) are exempt.
Persimmon Homes (North West)	Supports the proposal that the commuted sum be an 'opt-in' solution, with the intention of making the process more efficient and reducing time, costs and risks during the planning process. However, there is no certainty as to how officers or	

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	indeed Members will view those application which do not choose to opt-in to the Scheme.	
Historic England	No comments at this time.	Noted.
Home Builders Federation	Concerned about the use of this Information Note as a material consideration and that it introduces a financial burden on a planning application. It should be noted that national PPG (ID: 61-008) states that as <i>“Supplementary planning documents (SPDs) ... do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.”</i>	Sefton Council carried out a viability assessment of the Local Plan in 2015. The Information Note provides more information in relation to Local Plan policies, notably NH2 ‘Nature’ and the legal requirements of the Habitats Regulations.
Home Builders Federation	While it is noted that this is an opt-in scheme, the Note suggests that applications could be made more complicated and require more costly evidence, take longer to determine and potentially still be subject to unidentified charges, reducing the option of not Opting into the approach set out in the note.	The Information Note relates to Local Plan (2017) policies notably NH2 ‘Nature’ and the legal requirements of the Habitats Regulations.
Home Builders Federation	Concern that this Information Note is being introduced without the full consultation and examination that would have been given during the examination process. The HBF do not consider that this is appropriate and do not consider that the Information Note should be taken forward at this time.	These, not the Information Note, set out the principle of the approach; the Information Note does not set out a new policy or requirement. It replaces a previous 2018 Information Note (now superseded) which also allowed for a financial contribution for off-site works.
Persimmon Homes (North West)	Concern around how the Recreation Mitigation Scheme is being introduced; paragraph 1.3 of the Information Note confirming that it will form a <i>‘material consideration’</i> for new housing proposals in Sefton. Planning Practice Guidance [PPG] is clear that <i>‘policies for planning obligations should be set out in plans and examined in public. Policy requirements should be so clear that they can be accurately accounted for in the price paid for land’</i> [23b-004-20190901]. PPG continues that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination [23b-004-20190901. The introduction of the opt-in commuted sum has not been subject to the examination process and is being introduced through a document supplementary to the adopted Local Plan.	The previous 2018 Information Note (now superseded) also allowed for a financial contribution for off-site works. While this requirement is not subject to viability, other obligations set out in Local Plan policy such as affordable housing and education contributions are subject to viability. Therefore, there are existing safeguards regarding the level of obligations and viability.
Home Builders Federation	Concerns about the additional financial burden this Information Note would create for developers. Strongly recommend that the Council undertake a full viability assessment of this Information Note to ensure that it is viable and that it	The new ‘opt in’ approach aims to be more

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	does not impact on the delivery of homes. Paragraph 34 of the 2021 National Planning Policy Framework establishes the importance of viability to ensure that development identified in the Plan should not be subject to such scale of obligations and policy burden that their ability to be delivered might be threatened.	efficient for applicants; reducing time, costs and risks during the planning process; compared to the alternative bespoke approach which would be legally required if applicants do not 'opt in'.
Maghull Town Council	All sites allocated for residential development in the Sefton Local Plan were viability tested. Allocated sites already completed or with planning permission will be exempt whilst those sites still to come forward will carry an additional burden, in addition to any site-specific planning policy requirements. Maghull Town Council's view is that any financial obligations to be imposed should be considered as part of the Local Plan Review process, now due five years post-adoption of the Sefton Local Plan.	
Persimmon Homes (North West)	Whilst para 2.2 of the Information Note states that the sums are not subject to viability considerations ' <i>as they relate to legal requirements under the Habitats Regulations</i> ', this fails to address its impact on scheme viability. Concern that this will be an additional planning obligation and financial burden on housing development, which has not been subject to the level of scrutiny afforded by the examination process. Full consideration has not been given to the impact on scheme viability and developers ability to bring developments forward viably to meet identified housing needs. Consider that the planning obligation should be considered as part of a future Local Plan review and subject to full viability appraisal. Paragraph 7.26 of the evidence base document notes the Council's intention to review the Local Plan before April 2022. It would make sense to consider the introduction of additional planning obligations as part of the plan review process to ensure it is subject to examination as well considering its impact on scheme viability rather than implement a short-term interim solution.	
Homes England	No comments.	Noted.
Local resident B	Unjust that Sefton has been split up in to two areas and Sefton East is totally discriminated against. Lesser contribution of £63 per unit explains all current housing development in Maghull and Lydiate. Maghull and Lydiate Councils who run services in the area will not get any money whereas for other parts of Sefton the £299 per unit will likely be re- invested in those areas. How unfair. Sefton Council receive all council tax payments for Sefton, including properties in	Sefton has been divided into two zones based on the evidence in the evidence report . This shows that visitor pressures on the Coast are greater from areas close by rather than from areas further afield (like Sefton East). As development from these areas further afield

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	Maghull and Lydiate in the highest bands, yet there is an obvious divide in resources/ reinvestment and funding to Sefton East. Proposal “is an insult to residents of Sefton East and totally biased”.	creates less recreation pressure on the Sefton Coast, such development needs to contribute less to mitigation of that pressure.
Local resident B2	Concerns. Maghull has a large number of new houses due to be built; Maghull town council should receive the full levy, which should be the same amount per dwelling as in the rest of the borough. Existing taxpayers [in Sefton East] already pay extra through the precept for the parks etc.	The commuted sums are to mitigate recreation pressure at the Sefton Coast and must be spent on a specific range of measures (as set out in the evidence report and summarised in section 5 of the Information Note). The overall legal requirement is to protect the integrity of the internationally important nature sites on the Sefton Coast; this is an ecological ‘driver’.
Local resident D	This plan seems to make a lot of assumptions. The difference in the new homes levy between the coast and the towns in Sefton East would point to developers putting more pressure on these places. Maghull is already in line for 1700 new houses on prime agricultural land. Unconvinced that the plan would deliver on its objectives.	
Local resident H	Queries why “it is cheaper to build houses in Maghull and Sefton East than it is to build in Bootle, Crosby and Formby”; this will allow hundreds more houses to be built at hardly any cost in an already congested area. Objects to the scheme which should be £299 per house in all areas.	Mitigation measures include both strategic access management and mitigation measures at the Coast and strategic measures on existing green infrastructure away from the Coast. The non-coastal measures must be appropriately located, of sufficient scale and accessibility to be effective strategic alternatives to visiting the Coast. That is, they must be largescale green spaces or strategic path routes which are realistic alternative visitor attractions to the Coast; rather than general spending on any individual project or open space in the area where the development takes place.
Local resident J	Money raised from house building in Maghull and Lydiate should be given to the relevant Town Councils. Both Town councils should be given all monies from construction in their areas to be reinvested in those areas.	
Local Resident N	This is very unfair to the residents in zone 2 (non coastal). Once again the odds are stacked against Maghull; the poor relations of Sefton Council, overlooked and trodden on once again. Many new homes in the area have already received permission, and this will open the door to build even more, with no guarantee of Maghull retaining its share of the income. This is unfair. Need a way which is fairer to Maghull. “Totally against this proposal”.	
Local resident S	Concerned that the proposed scheme will adversely affect the second Zone; Maghull, Lydiate & parts of Melling. It would appear that funding for facilities e.g. Parks, which are funded locally are likely to suffer. Also it may drive developers East, and we are already overrun by developers.	The spending and distribution of the s106 commuted sums funding will relate to the priorities for mitigation, rather than to factors such as the location of housing development.
Local resident T	Unfair that Maghull and Lydiate are being disadvantaged in funding in favour of coastal zones. There has already been much development in Maghull and Lydiate, with no improvements for existing residents. Facilities for youngsters are non-existent and problems of anti-social behaviour. Strongly object to the	

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	practice to divert development to Maghull and Lydiate, as highlighted by a local councillor.	
Local resident W (has also made other comments, see below)	<p>The list of proposed mitigation measures in Section 3 of the Information Note is helpful but can you advise how the distribution of the S106 funding will occur? For example:</p> <ul style="list-style-type: none"> • Will the funding be pooled centrally and made available for all Ward Councillors with coastal constituencies to bid against? • Will it be held centrally and apportioned by Cabinet? • Will it be delegated to Officers of Green Sefton to administer? <p>Alternatively, will the funding be ring-fenced such that it is used to support the coastal wards closest to the new housing development? What democratic process will be put in place whereby local residents can express their views on where such funds will be expended, bearing in mind Area Committees have been abandoned?</p>	
Local resident W2	Once again Maghull will just become a larger housing estate with poor facilities. I understand the need to protect our coast from the change in climate but feel that once again our area is being asked to provide a solution. new developments are being built on areas which act as flood plains. Maghull is low lying and will be at risk from any rise in sea level.	The Information Note: Managing and mitigating the impact of recreation pressure on the Sefton Coast - Sefton's Interim Approach is a response to recreation pressure on the Sefton Coast in relation to the Habitats Regulations, not to climate change and impacts such as rises in sea level. Climate change was considered in the preparation of the Sefton Local Plan (2017) and is reflected in a range of its objectives and policies.
Local resident W2	Financially we are being asked to provide more with minimal improvements. There is a misconception that all our residents have substantial incomes.	The financial payment set out in the Information Note relates to a 'one-off' commuted sum to be paid by developers of new homes/ future homes; it does not apply to current residents of existing homes.
Local resident T	Support in principle, although would want an independent panel/committee to scrutinise the spending to make sure that the monies have been spent for the intended purpose.	Paragraph 6.1 of the Information Note sets out arrangements for monitoring of section 106 planning obligations and annual reporting. These are common to all s106 planning

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		obligations. The report is published annually, and this gives the opportunity for information within it to be scrutinised by members, other organisations and the wider public. Paragraph 6.1 has been amended to make this clearer. Sefton Council will give further thought to the detailed presentation of this monitoring information.
Local resident W	Whilst the concept is sound in principle, it would help if the draft documentation explained whether this is in addition to any other S106 contributions which may be required, for example towards schools, affordable housing or other environmental/infrastructure issues.	The proposed s106 contributions for recreation mitigation (linked to the Habitats Regulations) is irrespective of any other s106 commuted sum contributions required for other purposes and this is not the place to discuss these other requirements. However, paragraph 6.1 has been amended to refer to other commuted sums.
Local resident I	This “scheme” comes across as one big deception. Do not support the Interim Approach: instead of asking for money for mitigation, stop doing something that is very wrong. Taking a small sum from wealthy developers is insufficient to preserve this most valuable and protected coastline from constant development and therefore more damage and impact to its biodiversity through human disturbance. Sefton Council has underrated this very beautiful but fragile area and instead of taking sensible steps years ago to halt the decline has carried on with harmful activities. Sefton Council has a duty of care to manage this vulnerable oasis in an urban setting. All local authorities should now be taking steps to conserve their environment. The proposed interim approach proposed is woefully inadequate. This coast and dune system has over the years degraded; much of the wildlife has now disappeared and large areas are bare through recreation trampling.	The Sefton Local Plan (2017) is the key document setting out the policy framework for development and the approach to protecting Sefton’s environment. Other Council documents refer to wider environmental matters.
Local resident I	Why cover the areas surrounding the coast with more houses, adding to recreational pressure. Did Sefton Council follow housing assessments? Did they seek housing sites which did not destroy or harm any biodiversity or ecosystems? Sefton Council has given insufficient weight to the environment	Sefton’s housing and employment requirements, reflected in the Sefton Local Plan (2017), are based on a full objective assessment of the needs of households in the Borough. The

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	<p>and local and national policies and guidance to protect it.</p> <p>Biodiversity “offsetting”, compensating for destroying biodiversity in one area by increasing biodiversity elsewhere, is wrong. It leads to offsetting distant from the wildlife-rich areas lost, and at a much later date - such land takes time (years) to achieve equivalent biodiversity value. It leads to the extinction of species.</p> <p>Biodiversity offsetting and its successor biodiversity gain are not the right solution for the challenges in Sefton and especially Formby. Instead of loss of wildlife and natural environment, real investment in proven conservation solutions such as habitat restoration is needed. The Local Planning Authority should give greater weight to the Green Belt, environment restraints and national and international nature designations, to protect such sites for nature and future generations rather than allow development.</p>	<p>housing requirement is based on the Government’s 2012-based household projections and other evidence including the Review of the Objectively Assessed Need for Housing (2015). As well as the Habitats Regulations Assessment, the locations for this housing growth were assessed against many factors including wider biodiversity as part of the Local Plan preparation process, taking into account specialist and expert technical advice, including from ecologists.</p>
Maghull Town Council	<p>Maghull Town Council takes a close interest in the planning and development of Maghull and the surrounding area. It prepared Maghull Neighbourhood Plan (2017-2037), which is part of the statutory development plan. Maghull Town Council acknowledges that the Habitat Regulations place a legal responsibility on Local Authorities to mitigate any adverse impact from planned growth on designated and protected European Sites. Maghull Town Council supports the principle of developing and implementing a RMS for the Liverpool City Region led by the Merseyside Environmental Advisory Service.</p>	Noted.
Maghull Town Council	<p>The initiative taken by Sefton Council in progressing a Sefton Interim Approach is welcomed by Maghull Town Council. However, Maghull Town Council objects to the approach taken, and on matters of detail, and particularly the mechanism for funding the cost of mitigation. Maghull Town Council trusts that all its representations will be taken fully into account.</p>	Noted.
Maghull Town Council	<p>Maghull Town Council notes that the RMS is still at an embryonic stage. The supporting Draft Evidence Report is currently incomplete, inadequate and contains some inconsistencies. e.g. dates for new surveys and adoption of a final RMS. It is still to be updated and informed by further evidence before a strategic [RMS] solution can be arrived at found, a RMS. The aims and objectives of the RMS have yet to be determined. The governance procedures for implementation</p>	<p>The aims and objectives of the Recreation Management Scheme are to manage and mitigate recreation pressure on the Sefton Coast to less than significant, in line with the Sefton Local Plan, notably policy NH2 ‘Nature’ and in order to meet the legal requirements of</p>

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	and monitoring of a strategy (including criteria for success) are as yet not identified. The aims and objectives of the RMS must acknowledge Maghull Neighbourhood Plan as a development plan document and respond to Neighbourhood Plan Policy MAG1: Priorities for funding Infrastructure Projects.	the Habitats Regulations. It is noted that the Maghull Neighbourhood Plan is part of the Sefton development plan. However, Maghull Neighbourhood Plan policy MAG1: Priorities for funding Infrastructure Projects aims to “secure the delivery of the infrastructure priorities for Maghull, including through appropriate funding mechanisms”, rather than to manage and mitigate for recreation pressure on the Sefton Coast.
Maghull Town Council	The proposed Sefton Interim Approach - introducing an opt-in levy on new housing or opt-out alternative, prior to the formulation of a RMS - is considered to be premature and unjustified at this point in time for a number of reasons (as below).	Noted.
Maghull Town Council	<p>1) The Interim Approach is not justified in the absence of an RMS underpinned by robust evidence base.</p> <p>2) The RMS is still to be produced and subject to public consultation.</p> <p>The Draft Evidence Report recognises the survey shortfalls need to be addressed and that the formulation of RMS cannot be progressed until new survey data is available and assessed. Maghull Town Council agrees that the RMS cannot be formulated before requisite evidence and surveys have been completed. The DER reports that this is the conclusion reached by the RMS Steering Group. The roll out of the Sefton Interim Approach is therefore premature and itself not underpinned by a robust evidence basis.</p> <p>Maghull Town Council considers that the principle of preparing a detailed cost plan and mitigation measures (SAMMS) before deciding, determining and consulting on a strategic solution (RSM) is fundamentally flawed and incorrect – ‘the cart before the horse’.</p>	<p>Do not agree. It is considered that the Interim Approach is justified and needed until the agreement of a final Recreation Mitigation Scheme (RMS), in order to provide a streamlined, lower risk, less costly approach for both applicants and Sefton Council officers than the option of not having an interim approach. (Natural England are supportive of this updated approach, and the timescales for applying it.</p> <p>It is considered that the evidence report, having regard to the recreational activity and bird interaction document (RP03020), sufficiently underpins and justifies the Interim Approach.</p>
Maghull Town Council	3) The RMS is a Liverpool City Region response to the issue of mitigating and managing recreational pressures on coastal designated sites. The issues, response and solution to relieve recreational pressure on sensitive coastal areas	This is in an Interim Approach for Sefton pending the final, Liverpool City Region-wide Recreation Mitigation Strategy. It is based on

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	<p>requires a regional response and not a 'go it alone' initiative as proposed.</p> <p>Maghull Town Council trusts that all its representations will be taken fully into account and that this will result in a strategic approach to mitigating the impact of recreation pressure on European protected sites, in preference to the unilateral initiative proposed by Sefton. The Town Council wishes to participate in the consultation process to achieving that objective and wishes to be notified at the appropriate stage.</p>	<p>the evidence report. Halton and Liverpool have similar interim approaches, which have been through Local Plan Examinations in Public successfully. The development plans for Halton and Liverpool have now been found to be 'sound' and have been adopted. All three interim approaches are based on the same, regional, evidence base. Natural England is supportive of Sefton's approach.</p>
Sefton and Lunt Village Parish Council	<p>The draft Information Note is premature and not fit for purpose and further work is required to ensure that it meets its stated objectives. Sefton and Lunt Village Parish Council would welcome further research and studies before the Information Note is adopted and its provisions notified to developers; would like to be included in any further consultation on this matter and would like to be notified at the appropriate time.</p>	
Maghull Town Council	<p>4) The introduction of an opt-in levy prior to determining how funds are to be used or the ability to measure the effectiveness of any mitigation is invalid and fundamentally unsound.</p>	<p>Section 5 of the Interim Approach Information Note and the evidence report set indicate the range of mitigation measures the s106 contributions will be spent on. The determination of projects for spend will depend on several factors including mitigation priorities which may change over time.</p>
Maghull Town Council	<p>5) The interim approach advocated by Sefton Council does not consider Open Space improvements including outdoor recreation and the enhancement of Green Corridors (Policy MAG1, AP6.8- 6.9), which are identified in the Maghull Neighbourhood Plan. Maghull Town Council is concerned about the implications for the Maghull Neighbourhood Plan which forms part of the statutory development plan. It sets out local strategic objectives which include provision for Open Space improvements including outdoor recreation and the enhancement of Green Corridors (Policy MAG1, AP6.8- 6.9). The interim approach advocated by Sefton Council does not consider the provisions of the Maghull Neighbourhood Plan. There is a heightened risk of the Neighbourhood Plan being disregarded at LCR level in the absence of acknowledgement and support from Sefton Council.</p>	<p>Mitigation measures inherent in Sefton's interim approach include both strategic access management and mitigation measures at the Coast and strategic measures on existing green infrastructure away from the Coast. However, these non-coastal measures must be appropriately located, of sufficient scale and accessible to residents of existing and new development for them to be effective strategic alternatives to visiting the Coast. That is, they must be largescale green spaces or strategic path routes which are realistic alternative</p>

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		visitor attractions to the Coast; rather than on individual, smaller scale parks or routine maintenance works, for example. However, subject to these parameters, this could include the green corridors identified in Appendix 5 of the Maghull Neighbourhood Plan.
Maghull Town Council	The Draft Evidence Report notes that there are significant evidence-base shortcomings to be resolved prior to completing the RMS. It refers to several different visitor surveys from 2009-2018 (paragraph 5.2 and 10.1). These surveys preceded the opening of Brooms Cross Road which made the Sefton Coast more accessible to the wider urban conurbation, east of the Borough. The Draft Evidence Report recognises this has to be addressed and that the formulation of RMS cannot be progressed until new survey data is available and assessed. Maghull Town Council consider that these future surveys should assess the impact of improved accessibility to the Sefton Coast since Brooms Cross Road was opened in 2016.	Any surveys referred to in the evidence report which were carried out after the opening of the Brooms Cross Road will, by default, reflect any impact on coastal accessibility. Moving forward, new or recent surveys will take into account the opening of the Brooms Cross Road, and hence the impacts of any changes to accessibility to the Sefton Coast.
Sefton and Lunt Village Parish Councils	The evidence base for the Information Note appears to be somewhat out of date. Certain elements of the studies were completed before Broom's Cross Road was completed. This road has significantly reduced the time it takes to get to the coast from inland areas, e.g. allows most of Greater Manchester to be within easy reach of Sefton's Coast. This needs to be factored into any mitigation proposed.	
Maghull Town Council	The surveys in the Draft Evidence Report cover different years, locations and methodologies but were not designed to understand or interpret the link between housing, improved access and recreation activity at the coast. The hypothesis in the Draft Evidence Report that recreation pressure is a direct consequence of housing growth in the region is false. Recreational pressures on the coast derives from the existing population and is not merely a function of new housing development. The concept that the burden of mitigation falls on new housing is an oversimplification. Placing the burden of mitigation of costs on new housing development is a disproportionate to the impact that housing development will have on recreational pressure on coastal areas. There is no evidence that recreational	The 2015 and 2016 Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan identified 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. The Recreation Management Scheme (including the evidence report) and Interim Approach are a response to this.

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Maghull Town Council Sefton and Lunt Village Parish Council	<p>pressure on the coast increases in correlation to house completion rates. Maghull Town Council objects to the approach taken, and on matters of detail.</p> <p>New housing growth does not necessarily correspond to population growth, as the factors that influence housing need and provision include the rate of household formation and demographic profile of the existing population, not solely population growth. Recreation pressures on the coast arise from health, wealth, lifestyle, more leisure hours and increased car ownership. the Corona Virus pandemic has also increased pressure on all outdoor spaces as people sought to alleviate the misery of lockdown by the limited number of permitted activities.</p>	
Maghull Town Council	<p>The Habitat Regulations place a legal responsibility on local authorities to mitigate any adverse impact from planned growth on designated European Sites. The Draft Evidence Report identifies that increased pressure on the coast also derives from economic activity namely the growth of Liverpool 2 and the expansion of the Liverpool John Lennon Airport. Although the Sefton Local Plan allocates 81.6 hectares of land for employment, there is no suggestion that contributions towards meeting the cost of mitigation should be sought from businesses. This suggests that there is a disproportionate burden on housing development, which is expected to fund all mitigation measures without any contribution from businesses.</p>	<p>The 2015 and 2016 Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan includes mitigation for adverse impacts where necessary (including revised policy wording). The Local Plan of other districts have also been subject to an HRA. Any type of development would be subject to the relevant Local Plan policies and hence the need for an HRA if appropriate.</p>
Maghull Town Council	<p>The Draft Evidence Report estimates the potential supply of new homes in the City Region (core and outer zone) as 68,334 dwellings, based on housing requirements set out in emerging and adopted Local Plans. Maghull Town Council consider that this figure is an overestimate mainly drawn from the housing provision identified from Local Plans prepared by Local Authorities. However, these plans cover different periods of time, Sefton's and Knowsley's ending before the conclusion of the [RMS] 15-year financial plan. Future housing for Sefton and Knowsley will be dependent on a Local Plan review. Wirral Council's Draft Local Plan has yet to be published and tested at Examination. The assumptions regarding housing growth and delivery are suspect. Consequently, if the rate of house completions falls short of the predicted levels then the expenditure costs identified in the Financial Plan will not be met.</p>	<p>The evidence report is based on the 'best available evidence' and this includes the housing requirements set out in emerging and adopted Local Plans. This is supported by Natural England in their comments below.</p>
Maghull Town Council	The Draft Evidence Report and Sefton Interim Approach propose a spatial	The spatial aspect set out in the Interim

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	<p>approach to recreation pressure avoidance. Two zones are identified. An inner core zone of up to 5km to European site boundaries generating an assumed 75% of coastal visits and an outer zone of >5km generating less than 25% of visits. If the spatial approach to recreation pressure avoidance is adhered to, Maghull Town Council considers that this should be based on drive time (isochrone) mapping techniques as opposed to physical distance i.e. <5km or > 5km. The Interim Approach seeks contributions only from new housing development. “Why then is a discount [lower commuted sum] proposed for Maghull despite it including the largest housing allocation in the Local Plan (Site MN2.47 – Land East of Maghull, 85.8 hectares, 1400 dwellings)” which was justified partly as a sustainable urban extension with road and public transport accessibility. This is now contradicted by the assertion that residents and new householders in Maghull have less access to, and are less likely to visit, the Coast.</p>	<p>Approach and evidence report is considered to be fit for purpose in relation to housing development. As with other similar requirements, it cannot be applied retrospectively.</p> <p>Assessment of the accessibility of the Land East of Maghull site is not just in terms of accessibility to the Sefton Coast.</p>
Maghull Town Council	<p>No explanation as to how the figure of £299 and £63 were reached, so not possible to assess whether these differing amounts are justifiable or valid. The survey data does not support the differential tariff between the two zones, or any other measures, in advance of RMS.</p>	<p>Appendix 8 of the evidence report shows how the amount of each contributions were determined, as set out in section 3 of the Interim Approach Information Note.</p>
Sefton and Lunt Village Parish Council	<p>No detail provided of how the figures of £299 for the coastal region and £63 for the inner area have been decided/produced. Concern that these are arbitrary figures without sound planning reasons.</p>	
Maghull Town Council	<p>The proposed differential tariff makes make no allowance for socially deprived areas such as Bootle, where the level of contribution will be the same as areas in the Borough where land values are higher. There is also no relief for previously developed sites which ought to be regarded as a priority over greenfield locations.</p>	<p>The need to mitigate for recreation pressure arises from the legal requirements of the Habitats Regulations. The Habitats Regulations do not allow for land values, viability and other factors such as levels of relative deprivation or previously developed land to be taken into account when assessing impacts of development on internationally important nature sites.</p>
Maghull Town Council	<p>Section 8 of the Draft Evidence Report sets out avoidance and mitigation options in the form of SAMMs and SANGs. Table 8 gives examples of potential SANG locations by Local Authority area. Estimated costs for SAMMs are set out in Appendix 8. There are no cost details for SANGs proposed within the Core or</p>	<p>The evidence report and Interim Approach set out in the Information Note is based on the ‘best available evidence’.</p>

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	<p>Outer Zone as the Draft Evidence Report advises these are likely to be complex and dependent on-site specific considerations. The approach adopted raises a number of issues. Maghull Town Council consider that the costed and proposed measures set out in Table 1 of Appendix 8 have been prepared prematurely. The measures and actions proposed are put forward in advance of a strategy, and relevant details have been omitted, e.g. indirect staff costs.</p>	
Maghull Town Council	<p>The introduction of a tariff (i.e. planning obligations) on new housing at the mid-point of the adopted Local Plan needs to satisfy the tests in paragraph 57 of the National Planning Policy Framework and Regulation 122(2) of the Community Infrastructure Levy Regulations 2010) namely:</p> <ul style="list-style-type: none"> a) Necessary to make the development acceptable in planning terms; b) Directly related to the development; c) Fairly and reasonable related in scale and kind to the development. <p>The evidence and survey data to demonstrating a) has not been undertaken (a). The link between new housing development and recreational pressure is not proven and, in any case, will not apply to all residential developments so (b) is not met. There is no reference in the Sefton Interim Approach to the above national planning policy requirements.</p>	<p>The 2015 and 2016 Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan identified 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. The key legal test here is in relation to the Habitats Regulations.</p>
Maghull Town Council	<p>The Sefton Local Plan was found 'sound' in terms of the tests in the National Planning Policy Framework. However, the Sefton Interim Approach is not sound as it is not 'Justified' by the evidence to date. Evidence including measures and costings in Appendix 8 of the Draft Evidence Report are not effective as they relate to a strategic RMS for the Liverpool City Region and not to Sefton's interim measure promoted on a unilateral basis by one Local Authority. The tariffs proposed should not be brought in as an ad hoc measure in advance of a fully articulated and justified RMS.</p>	<p>The evidence report for the Sefton Interim Approach is based on the 'best available evidence' and is supported by Natural England in their comments below. This is in an Interim Approach for Sefton pending the final, Liverpool City Region-wide Recreation Mitigation Strategy. Halton and Liverpool have similar interim approaches, which have been through Local Plan Examinations in Public successfully. The development plans for Halton and Liverpool have now been found to be 'sound' and have been adopted. All three interim approaches are based on the same, regional, evidence base.</p>
Marine Management	Planning documents for areas with a coastal influence may wish to make	Noted. The NW Marine Plan (i.e. the Inshore

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Organisation	reference to the Marine Management Organisation’s licensing requirements and the North West Inshore and North West Offshore Marine Plans . All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the Marine and Coastal Access Act 2009 and the North West Inshore and North West Offshore Marine Plans , or the UK Marine Policy Statement unless relevant considerations indicate otherwise. Please see below our suggestions for the most relevant North West Inshore and North West Offshore Marine Plans policies, which Sefton Council should consider before finalising the Recreation Management Scheme.	and Offshore Marine Plans) area extends to mean high water or activities likely to affect the marine area. The remit of development plans extends to mean low water. Thus, while the development plan [Sefton Local Plan] is a main determinant for assessing planning applications in this intertidal zone (including the beach), the NW Marine Plan can be a material consideration in the decision-making process.
Marine Management Organisation	<p>NW Marine Plan policy ACC-1: Proposals demonstrating appropriate enhanced and inclusive public access to and within the marine area, including the provision of services for tourism and recreation activities, will be supported. Proposals that may have significant adverse impacts on public access should demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p> <p>NW Marine Plan policy TR-1: Proposals that promote or facilitate sustainable tourism and recreation activities, or that create appropriate opportunities to expand or diversify the current use of facilities, should be supported. Proposals that may have significant adverse impacts on tourism and recreation activities must demonstrate that they will, in order of preference: a) avoid b) minimise c) mitigate - adverse impacts so they are no longer significant.</p>	Noted. No changes proposed for Interim Approach.
Marine Management Organisation	NW Marine Plan policy SOC-1: Those bringing forward proposals should consider and demonstrate how their development shall enhance public knowledge, understanding, appreciation and enjoyment of the marine environment as part of (the design of) the proposal.	Noted. Mitigation measures include Interpretation, signage, publicity and signage, which would achieve this. No changes proposed for Interim Approach.
Marine Management Organisation	NW Marine Plan policy INF-1: Proposals for appropriate marine infrastructure which facilitates land-based activities, or land-based infrastructure which facilitates marine activities (including the diversification or regeneration of sustainable marine industries), should be supported.	Noted.
Natural England	Natural England welcomes this update to the Sefton Information Note for Sefton’s Interim Approach to addressing recreational disturbance and pressure arising from new residential development. This update brings it in line with the	Noted.

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	best available, local evidence (LCR Evidence Report).	
Natural England	Considers that the most effective and efficient way to address the alone and in-combination impacts from residential development in Sefton to the internationally designated sites is via a strategic approach. While new evidence is currently being gathered to support an approach across the wider area covering the Liverpool City Region and West Lancashire, of which Sefton are a member of the Steering Group, we welcome the strategic approach across the Sefton district.	Noted. This reflects the fact that the Interim Approach for Sefton is similar to Halton's and Liverpool's interim approaches, which have been through Local Plan Examinations in Public successfully. The development plans for Halton and Liverpool have now been found to be 'sound' and have been adopted. All three interim approaches are based on the same, regional, evidence base.
Natural England	<p>The document might benefit from setting out the governance of managing the monies collected and how it will be directed to the appropriate mitigation measures, for example a clear prioritisation of measures to be delivered.</p> <p>We would welcome further engagement on the development of a monitoring framework to ensure a clear audit of mitigation measures delivered and their effectiveness. We advise that consideration of the monitoring approaches set out within the Halton Interim Approach might be useful as an initial consideration.</p>	Noted. The determination of projects for spend will depend on mitigation priorities which may change over time. It is not proposed to amend the Information Note further at this stage. However, Sefton Council will give further thought to the detailed presentation and dissemination of proposed mitigation measures, projects and priorities, and how this is presented in monitoring and other reports.
Natural England	From recent examples of development in Sefton, Natural England would welcome further discussion regarding clarification on certain types of residential development (for example supported living facilities). If it is considered that such developments result in recreational impacts on internationally designed sites (i.e. an expected level of mobility of residents), Natural England would like to understand how the Sefton Interim Approach could be used to as a mechanism to provide mitigation.	Section 3 of the Information Note has been amended to clarify that to dwellings including those within Use Classes C3 (dwellinghouses), C2 (residential institutions) or C4 (houses in multiple occupation for 3-6 residents), and that this includes serviced apartments, supported living accommodation and 'extra care' homes (self-contained or other homes for independent living but with some element of care).
Persimmon Homes (North West)	Important that Sefton Council seeks the views of the development industry in the plan-making process, particularly when seeking to introduce new planning policies or obligations which may impact development viability and the Council's ability to achieve its housing requirements.	Noted.
Persimmon Homes (North	Supportive in-principle of measures which seek to preserve the natural	Noted.

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West)	environment within Sefton and provide appropriate mitigation against impacts arising from new residential development.	
Persimmon Homes (North West)	It is not clear whether the Recreation Mitigation Scheme will replace or supplement contributions sought as part of the Nature Conservation SPD, and whether their respective aims and objectives overlap (referred at para 7.25 of the <i>'Towards a Liverpool City Region European Sites Recreation Mitigation Strategy: Draft Evidence Base Report'</i>). We would welcome clarity on this.	Paragraph 7.25 of the evidence report refers to Sefton's superseded 2018 Information Note, so this will need to be updated in future iterations of the evidence report. The Information Note has been amended to clarify the situation regarding paragraph 3.29 of Sefton's 2017 Nature Conservation SPD.
Sefton and Lunt Village Parish Council	Concerned that as payments would only become due for development of 10 houses or more, this would encourage developers to build 9 houses or less particularly on smaller windfall sites.	Noted. However, different policies in the Sefton Local Plan have different thresholds.
Sefton and Lunt Village Parish Council	Concerned that there is no incentive for developers to build on brownfield sites within the scheme when this would be a perfect opportunity to encourage them to do so.	This Information Note refers to recreation pressure on the Sefton Coast. Its role is to manage and mitigate for this pressure, not to provide an incentive for brownfield (or indeed greenfield) development.
Thornton Parish Council	<p>Concerned at the policy outlined for a levy on new build housing for the purpose of mitigation to meet the requirements of the Habitats Regulations. Additional, detailed clarification is needed.</p> <p>Currently the draft document reads as though the proposal involves invalidly bypassing some of the legal safeguards within that legislation and the surrounding case law in cases where significant effects to a designated national site cannot be ruled out without mitigative measures. The document appears to state that developers using the opt in housing levy do not have to provide site specific data to enable Sefton MBC to carry out a robust Appropriate Assessment. (Stage two of the HRA process.) This may simply be an issue of wording, however, as set out in case law from the European Court of Justice, (People Over Wind, Peter Sweetman V Coillte Teoranta, C-164/17) mitigation cannot be taken into account at the stage one 'test of likely significant effects' phase of the Habitats Regulations. So any development which requires mitigative measures in order to avoid significant effects on a protected site</p>	<p>The Information Note has been amended to clarify that while a Habitats Regulations Assessment (including a 'test of likely significant effects' and Appropriate Assessment) is required for the recreation pressure on the Sefton Coast, the mitigation measures have already been agreed. That is, the 'opt in' approach provides appropriate and acceptable measures to mitigate for recreation pressure as Sefton Council has already considered, costed and assessed the likely:</p> <ul style="list-style-type: none"> • Scale of housing development in Sefton (and beyond), <i>and</i> • Levels of visitor pressure from different parts of Sefton, <i>and</i> • Measures that will mitigate recreation

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	<p>MUST proceed to stage two and have a full appropriate assessment carried out before approval. For the application to then be legally approvable, this appropriate assessment must show beyond a reasonable scientific doubt that the proposed mitigation measures will fully offset the potential harm of the development.</p> <p>The relevant Cabinet Member Report states that this interim policy should be put to use immediately, as the 2018 version is dated and could cause challenges to grants of planning approval. In fact, implementing this Information Note as a 'work around' to avoid undertaking a robust HRA with appropriate assessment and site specific consideration, coupled with a lack of solid evidence base for the mitigative measures due to out of date surveys as noted in the draft evidence report, would equally leave any proposal approved with use of the opt in levy open to challenge. There are no quick fixes to the procedures required by the Habitats Regulations. If a site has potential pathways to impact the national site network and if these links would cause likely significant effects, then an appropriate assessment must be carried out to ascertain the scope of these and mitigate accordingly, until it is certain beyond reasonable scientific doubt that the proposal with mitigation will not harm the integrity of the national sites network. Without a robust base of survey data on recreational pressure and an assessment of site specific considerations and bespoke information, there is no way of ascertaining to the required legal standard that the levy proposed will actually mitigate entirely the potential harms of developing a site caused through added recreational pressure on protected coastal sites.</p> <p>Sefton Council is urged to scrap any policy of an opt in levy, particularly prior to producing a solid evidence base for a broader recreational mitigation strategy, in favour of bespoke and site specific project level HRA for any development with pathways to the National Site Network. This is the only way to ensure to the required legal standard that these designated sites are afforded the level of protection which they deserve and to which they are legally entitled.</p>	<p>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 at green and open spaces within the Borough.</p> <p>The Information Note now clarifies that the necessary stages of Habitats Regulations Assessment have been carried out. It now refers to the case law referred to.</p> <p>It should be noted that Natural England support the Interim Approach for Sefton (and see in their comments above), pending the final, Liverpool City Region-wide Recreation Mitigation Strategy. They are aware of the legislative requirements of the Habitats Regulations, and also of other 'best practice' schemes elsewhere in England.</p> <p>Also it should be noted that Halton and Liverpool have similar interim approaches, which have been through Local Plan Examinations in Public successfully. The development plans for Halton and Liverpool have now been found to be 'sound', and adopted. All three interim approaches are based on the same, regional, evidence base.</p>