

Report to:	Cabinet	Date of Meeting:	8 March 2018
Subject:	Adoption of the Statement of Community Involvement and approval of the Information Note on 'Housing Developments and Recreation Pressure'		
Report of:	Chief Planning Officer	Wards Affected:	All Wards
Portfolio:	Cabinet Member - Planning and Building Control		
Is this a Key Decision:	Yes	Included in Forward Plan:	Yes
Exempt / Confidential Report:	No		

Summary:

The purpose of this report is twofold:

1. To seek Cabinet Approval for an update to Sefton Council's Statement of Community Involvement (SCI):-

Local Planning Authorities are required to produce a SCI periodically to set out what consultation will take place with the community and other organisations on planning policy documents and planning applications. The previous SCI was adopted in 2011. Since its adoption there have been major changes to the planning system including the publication of the National Planning Policy Framework (NPPF), the transition from Local Development Frameworks to Local Plans and the introduction of Neighbourhood Planning. Due to these significant changes an updated SCI is required. We have also taken this opportunity to review how we consult, to ensure that the most appropriate people are being notified or consulted.

2. To seek Cabinet Approval for the adoption of an Information Note which explains and enables recreational pressure (as a consequence of new housing developments) to be adequately addressed in the consideration of planning applications:-

New housing developments have the potential to increase recreation pressure on the internationally important nature sites on the Sefton Coast. The need to mitigate was identified in the Habitats Regulations Assessments of the Sefton Local Plan and the Nature Conservation Supplementary Planning Document. The Information Note explains how and why the Council has chosen to request mitigation from sites of 85 dwellings or more (and not smaller sites). This is an interim position until the Visitor Management Strategy (VMS) is completed and adopted.

3. Consultation has taken place on both documents for a 6-week period, and, where necessary, changes have been made to the draft documents.

Recommendation:

That Cabinet adopts the updated Statement of Community Involvement and approves the Information Note on 'Housing Developments and Recreation Pressure' as policy.

Reasons for the Recommendation:

To ensure that developers have access to the most up-to-date information about the Council's consultation requirements both for new developments which are the subject of planning applications and during the preparation of planning policy documents.

The Habitats Regulations Assessment of the Sefton Local Plan identified that the cumulative impact of recreational pressure from all the residential development proposed in the Local Plan would be likely to have a significant effect on the designated Natura 2000 sites. The Council adopted the Sefton Coast Plan on 21st September 2017 (Minute 46), which recommended the preparation of the Visitor Management Strategy as part of its delivery plan. Consultants have been engaged by the Combined Authority to undertake this work. This Information Note seeks to address this requirement on an interim basis until such time as the Visitor Management Strategy for the Liverpool City Region is prepared.

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

If we had not updated the SCI, there is a danger that we would not be complying with Regulations and best practice when notifying the local community on planning applications and policy documents. We would also be continuing to use old consultation strategies which no longer meet current requirements and are wasteful of resources.

Likewise, if we had not produced the Information Note to establish a threshold, this would have meant that the Council would have failed to take account of cumulative visitor pressure, given the Visitor Management Strategy is not yet in place. This could put the Council at risk of not meeting its legal Habitats Regulations Assessment obligations and increase the risk of legal challenge to planning decisions.

What will it cost and how will it be financed?

(A) Revenue Costs

In 2017, over £80,000 was spent on notifying neighbours in relation to planning applications and about £5,000 in connection with consultation on draft policy documents. This will vary from year to year as a result of the number and complexity of planning applications received, and the number of draft policy documents produced. In the case of the latter, we seek to combine consultations where practical, so as to minimise the cost of consultations. All costs can be contained within existing budget provision

(B) Capital Costs

None.

Implications of the Proposals:

Resource Implications (Financial, IT, Staffing and Assets):

These will be met from within the Planning Services' budget.

<p>Legal Implications: It is a legal requirement to notifying neighbours on planning applications and policy documents such as the Local Plan and Neighbourhood Plans. Consultation on other policy documents is also recommended so that they can be given full weight as material considerations in the decision-making process.</p>
<p>Equality Implications: There are no equality implications.</p>

Contribution to the Council’s Core Purpose:

<p>Protect the most vulnerable: This will vary based on the planning document being consulted on, but will include consultation on our new planning standards for the provision of affordable housing, housing for the elderly and people with special needs (including care homes), and the conversion of properties into Houses in Multiple Occupation.</p>
<p>Facilitate confident and resilient communities: In addition to the above, the SCI will provide an up to date guide on how Planning Services intend to notify local people and will encourage the communities to be involved in the planning functions of the Council.</p>
<p>Commission, broker and provide core services: N/A</p>
<p>Place – leadership and influencer: N/A</p>
<p>Drivers of change and reform: Many of the policy documents we prepare will result in either changes to our requirements for new development, and in the use and development of land and buildings.</p>
<p>Facilitate sustainable economic prosperity: The Information Note aims to provide greater clarity for housing developers.</p>
<p>Greater income for social investment: N/A</p>
<p>Cleaner Greener The Information Note is part of the Council’s approach to protecting the integrity of the internationally important nature sites on the Sefton Coast.</p>

What consultations have taken place on the proposals and when?

(A) Internal Consultations

The Head of Corporate Resources (FD5036/18) and Head of Regulation and Compliance (LD4320/18) have been consulted and any comments have been incorporated into the report.

(B) External Consultations

Consultation on the draft SCI and as some of the Sustainable Drainage Systems (SuDS) and Flood Risk Information Notes took place for 6 weeks in December 2017 - January

2018. Everyone on the planning consultation database who had asked to be consulted was consulted, as well as statutory consultees.

Implementation Date for the Decision

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

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Appendices:

The following appendices will be attached to this report:

- Statement of Community Involvement
- Housing Developments and Recreation pressure Information Note
- Summary of comments on each document

The following useful links and information, which are not available elsewhere on the Internet can be accessed on the Council website:

The Draft SCI can be viewed at <https://www.sefton.gov.uk/sci>, and the draft Information Note at <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/emerging-supplementary-planning-documents.aspx> . The Habitats Regulations Assessments of the Sefton Local Plan are located in the Examination library at <https://www.sefton.gov.uk/planning-building-control/planning-policy-including-local-plan-and-neighbourhood-planning/local-plan-examination-library.aspx> .

Background Papers:

There are no background papers.

1. Introduction/Background

Statement of Community Involvement (SCI)

- 1.1 Sefton's existing Statement of Community Involvement (SCI) was adopted in 2011. However since its adoption there have been major changes to the planning system including the publication of the National Planning Policy Framework (NPPF), the transition from Local Development Frameworks to Local Plans and the introduction of Neighbourhood Planning. Due to these significant changes, regulations have been updated, superseded and deleted from statute and an updated Sefton SCI is consequently required.
- 1.2 The replacement SCI will set out how we will consult on any future Local Plan, Supplementary Planning Documents and planning applications. The new SCI has also enabled Planning Services to review how it notifies local people on planning applications with a view to ensuring both that the community is suitably informed and that resources are used efficiently.

Housing Developments and Recreational Pressure

- 1.3 As a result of the amount of housing proposed in the Local Plan to meet our identified housing needs, a Habitats Regulations Assessment (HRA) of the Sefton Local Plan concluded that the cumulative impact of recreational activity on the Sefton coast and other protected areas would be likely to have a significant adverse effect on these habitats and the species associated with them.
- 1.4 The Assessment required the Council to prepare a Coast Plan (now adopted), which, in turn, recommended that a Visitor Management Strategy should be produced. As this also affects the other Merseyside Local Planning Authorities (who are similarly having to consider the impact of housing allocations contained within their draft Local Plans will impact in relation to recreational pressure), this has been commissioned by the Combined Authority as a sub regional evidence base. In order that the Council continues to comply with its legal HRA obligations, an up to date Information Note has been prepared setting out the Council's approach to this issue of recreation pressure of housing developments on the Sefton Coast. It is intended to use this when making decisions on planning applications until such time as the Visitor Management Strategy is completed.
- 1.5 Consultation on both the SCI and the Information Note took place for 6 weeks in December 2017 / January 2018. The responses received have been considered, and where appropriate, the draft documents have been amended.

2. The Statement of Community Involvement

- 2.1 The revised Statement of Community Involvement (SCI) is included in Appendix 1. The changes made relate to further improvements and clarification to the note, rather than as a result of consultation responses. Once adopted, this will be published on the Council's website www.sefton.gov.uk/sci, together with a summary document.
- 2.2 The key changes compared to the current SCI (2011), include a new section on Neighbourhood Planning, as this was only introduced by the Localism Act 2011

and amendments to the sections covering the Local Plan and Supplementary Planning Documents to reflect changes in the legislation. The opportunity has also been taken to review the efficiency of current practice of notifying on planning applications etc.

2.3 In terms of development management, some of the key changes proposed include:

- Replacing written notification of neighbours with a site notice for applications for the display of an advertisement. This will be effective in bringing the proposals to a wider range of people.
- On 'minor' housing schemes (fewer than 10 dwellings), we will notify the occupants of properties which either share a common boundary and are located directly opposite the development, instead of notifying 5 properties either side of or facing the proposed access. This is deemed to be a more effective way of communicating residents and neighbours because we will be consulting on those directly affected by the proposed development.
- For 'major' housing applications, we will notify the occupants of properties which share a common boundary and those which are directly opposite the development and / or the proposed access, including any construction access, instead of notifying 5 properties either side of or facing the proposed access. As above, this is deemed to be a more effective way of communicating with residents and neighbours because we will be consulting on those people directly affected by the proposed development.
- For changes of use to A3, A4 and A5 or 'sui generis' use (a use of its own kind not specified within the Use Classes Order), we will display a site notice and notify anyone within a 30 metre radius, instead of notifying 5 properties either side and opposite the proposed development. Again, this will ensure that more people who may be interested in the application become aware of it.
- A new paragraph setting out when we will notify on amendments to planning applications.

2.4 The amendments to consulting on Local Plans and Supplementary Planning Documents (SPDs) mainly reflect changes to legislation. These sections have also been condensed so that it is clear what consultation we will carry out when preparing the Local Plan, SPDs, Information Notes, and other policy documents. The exact form of consultation and its extent will be assessed site by site depending on the topic and whether the document is a technical paper or intended for the wider public. We also use electronic forms of communication eg facebook, twitter etc where appropriate.

2.5 A new section on Neighbourhood Planning has been added, as this was only introduced after the last SCI was adopted in 2011. Early consultation is carried out by the Neighbourhood Forum, Town or Parish Council preparing the Neighbourhood Plan. A Statement has to be submitted along with the draft Plan indicating what consultation has been carried out and how it has informed the preparation of the draft Plan. Once the Neighbourhood Plan is submitted to the Council for examination, the Council then has to carry out the Regulation 16 consultation for a minimum of 6 weeks. This is a statutory requirement and the first stage at which the Council has a formal role in the Neighbourhood Planning process. Any comments received are sent to the independent Examiner who will

examine whether the Neighbourhood Plan meets the basic Conditions and can proceed to referendum.

- 2.6 Consultation on the SCI took place for 6 weeks in December 2017 - January 2018. Five responses were received. The Environment Agency, Historic England and Natural England had no comments. A summary of the comments made by the Peel Ports Group and the Canal and River Trust are included in Appendix 2 of this report. Both asked to be added to the list of other consultees in the box following paragraph 2.6 of the SCI and these changes have been made to the draft document.

3. Information Note – House Building and Recreation Pressure on the Sefton Coast

- 3.1 The amount of new housing development proposed in the Sefton Local Plan has the potential to increase recreation pressure on the internationally important nature sites on the Sefton Coast. This applies to developments even if they are not located close to the coast as each development has the potential to incrementally add to the number of visits/ trips to the coast and the pressure on sensitive sites.
- 3.2 The need to mitigate this is set out in the Local Plan, its Habitats Regulations Assessment (HRA) reports and the Nature Conservation Supplementary Planning Document (adopted in September 2017).
- 3.3 The Local Plan envisaged the individual and cumulative impact of recreational pressure on the Sefton coast resulting from the amount of new housing proposed would be dealt with through the preparation of a Coast Plan for Sefton. This committed - as one of its delivery actions - that a Visitor Management Strategy should be prepared for the whole of the Liverpool City Region area.
- 3.4 However, in order for the Council to meet its legal obligations under the Habitats Regulations until the Visitor Management Strategy had been prepared, an interim threshold was required. If the Council did not adopt an interim threshold, then all planning applications for new housing would have had to provide information to enable the Council to carry out a HRA individually in relation to this matter. This was considered to be disproportionate in relation to smaller sites where it would be less likely that any mitigation or compensation could be provided on site, and unduly onerous on the Council because of the increased number of assessments required for small sites.
- 3.5 Having taking specialist advice from the consultants who prepared the HRA of the Local Plan, it has been agreed that an interim threshold should be set at 85 dwellings to capture 75% of the new housing proposed in the Local Plan. Once prepared, this will be superseded by the recommendations of the Liverpool City Region Visitor Management Strategy. This could include on-site requirements, which could be more onerous near the coast, and financial contributions to off-site provision, which could include the provision of rangers to help educate people visiting the coast and manage its usage.
- 3.6 As well as setting out the interim housing number threshold that triggers the need for the mitigation of recreation pressure on the Sefton Coast, the Information Note

also sets out that where the mitigation cannot or should not be provided on site, a financial contribution will be required. For sites where no on-site provision is proposed or possible, a sum of £2,050 (at 2017-2018 prices) per additional new home will normally be sought. If the mitigation required comprises a mixture of on- and off-site requirements, a lesser sum may be agreed where this can be justified.

- 3.7 Like the SCI, consultation on the draft Information Note took place for 6 weeks in December 2017 - January 2018. Responses were received from 2 house-builders (Bellway Homes Ltd and Grasscroft Homes and Property Limited) and 4 other organisations and statutory consultees (the Council for the Protection of Rural England – Sefton District Group, Natural England, The Environment Agency and Historic England). The latter two bodies made no comments.
- 3.8 A summary of the comments made are included in Appendix 3.
- 3.9 Natural England welcomed the draft Information Note, which is an interim note until the Liverpool City Region Visitor Management Strategy is completed. It acknowledges the threshold of 85 dwellings and that this will capture 75% of Sefton's housing requirement set out in the Local Plan. However it considers that the evidence and reasoning behind this figure should be included in the Note. They also point out that other LPAs such as Wyre BC have adopted a much lower threshold (10 dwellings), and that they also prepare homeowner packs highlighting the sensitivities of Morecambe Bay. These have been required on a number of sites in Formby.
- 3.10 The CPRE (Sefton District Group) considers that the threshold of 85 dwellings is too high and would afford a substantial diminution in the protection afforded to the Sefton Coast through Local Plan policy NH2 'Nature'. In addition, as the Note does not indicate how mitigation may be achieved, they further suggest the Note does not serve any useful purpose and should not be adopted.
- 3.11 As indicated above, this threshold was agreed with our specialist advisors, and is an interim requirement until such time as the Visitor Management Strategy indicates what the longer-term requirements are. This threshold captures 75% of the sites likely to be built during the Local Plan period, although a far lower number of homes will be built each year. As the Visitor Management Strategy is being prepared, we do not intend to revise the threshold until it is received, as there is no sound basis for doing so.
- 3.12 The two house-builders have commented on the draft Information Note. One is concerned that this requirement could affect their ability to deliver new homes in Sefton, and wants viability to be taken into account. However, there is no provision in the Habitats Regulations for viability to outweigh the protection of assets. Viability – where relevant - is taken into account more generally in the wider consideration of a planning application in any event.
- 3.13 Both query the threshold figure. They feel that a graduated approach is required, with those sites closer to the coast having to do more by way of mitigation. This is likely to be the case in terms of the mitigation required, but does not mean that people living in east of Sefton will not visit the coast and have some impact, even if they do so less frequently. Indeed, the Habitats Regulations Assessment of the St Helens Core Strategy identified that development in that borough would have

an impact on the Sefton coast. A detailed consideration of these issues will form part of the Liverpool City Region Visitor Management Strategy when this interim Information Note will no longer be required.

- 3.14 They also query the need for a financial contribution where the mitigation cannot be satisfactorily undertaken on site. This will be assessed case by case, with on-site mitigation being preferred, but acknowledging that, in some instances, improvements to local green space eg to public open space or the canal towpath, may be more appropriate in some cases.
- 3.15 As a result of the comments received, a small number of changes are required to the Information Note. These are set out in Appendix 4. These relate to the need to explain why the interim threshold was chosen, and that the requirement will be applied to parts of sites if the indicative capacity for the whole of the site is greater than 85 dwellings.
- 3.16 These requirements also apply to a number of sites included in Appendix 1 of the Local Plan, which individually were identified in the HRA as having a Likely Significant Effect, even where the site's indicative capacity is lower than 85 dwellings.
- 3.17 The revised Information Note is attached as Appendix 4.

APPENDIX 1 – Revised Statement of Community Involvement

APPENDIX 2 – Summary of comments on the draft SCI

APPENDIX 3 – Comments on draft Information Note

APPENDIX 4 – Revised Information Note