

Committee: **PLANNING**

Date of Meeting: **07 April 2010**

Title of Report: **S/2010/0170**  
**Cycle Track Ainsdale & Birkdale Nature Reserve Waterloo Road, Birkdale**  
(Dukes Ward)

Proposal: Construction of a 3 metre wide shared use track crossing Ainsdale & Birkdale Nature reserve.

Applicant: Sefton MBC

### **Executive Summary**

The main issues to consider in respect of the construction of a 3 metre wide shared use track crossing the Birkdale Hills Local Nature Reserve are the impact upon the nature conservation of this site, the impact upon the Green Belt and the accessibility of the proposal for all users. It is considered that dependent upon further information being provided, and positive responses from consultees, the proposal is acceptable with conditions.

**Recommendation(s)                      Approval**

### **Justification**

When assessed against the policies within the Development Plan, particularly policies AD2, CS2 & NC1, and all other material considerations the proposal is in the public interest, there is no satisfactory alternative, it will not have significant impact on sites of nature conservation and is therefore acceptable.

### **Conditions**

1. T-1 Full Planning Permission Time Limit
2. Before the development is commenced, a detailed method statement for the construction of the multi-use path shall be submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved method statement shall be implemented in full throughout the construction phase.
3. Before any construction commences, samples of the materials to be used in the construction of the multi-user path shall be submitted to and approved in writing by the Local Planning Authority. The approved materials shall then be used in the construction of the multi-use path.
4. X1 Compliance

## **Reasons**

1. RT-1
2. To limit the potential harm caused to the Nature Conservation value of the Birkdale Hills Local Nature Reserve and to comply with policies CS2 and NC1 of the Sefton Unitary Development Plan.
3. To ensure a satisfactory development in the interests of visual amenity and nature conservation and to comply with policies AD2, CS2, DQ1 & NC1 of the Sefton Unitary Development Plan.
4. RX1

## **Notes**

## **Drawing Numbers**

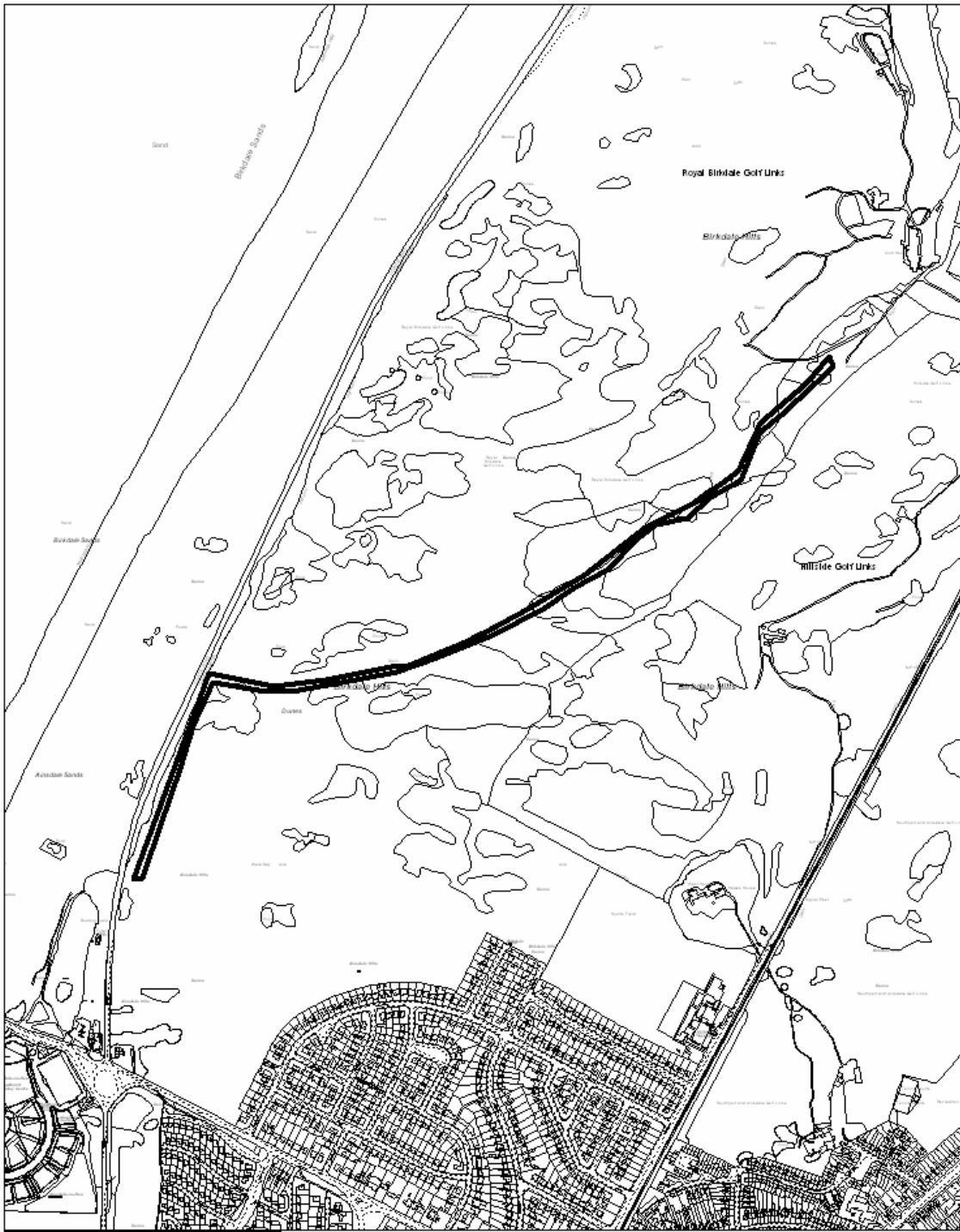
CS/041338/100, Basis for an Appropriate Assessment

## Financial Implications

<b>CAPITAL EXPENDITURE</b>	<b>2006/ 2007 £</b>	<b>2007/ 2008 £</b>	<b>2008/ 2009 £</b>	<b>2009/ 2010 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b>REVENUE IMPLICATIONS</b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

## List of Background Papers relied upon in the preparation of this report

History referred to  
Policy referred to



**Sefton Council**  
**Planning & Economic**  
**Regeneration Department**  
 Andy Wallis - Director  
Planning & Economic Regeneration is part of the  
 Regeneration & Environmental Services Directorate

S/2010/0170  
 Cycle Track Ainsdale & Birkdale Nature Reserve  
 Waterloo Road  
 Birkdale  
 PR8  
 OSGR: 330934, 413652    **Sheet(s):**    **Area:** 23221 sqm

**Standard Site Plan**  
 Scale: 1:10000  
 Date: 19/3/2010  
 Drawn By: BEERT on

Ward(s): Ainsdale, Dukes  
 Postcode Sector(s): PR8 2  
 Polling District(s): W6 R3  
 Parish(es): None Found

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## The Site

The Birkdale Hills Local Nature Reserve.

## Proposal

Construction of a 3 metre wide shared use track crossing Ainsdale & Birkdale Nature reserve.

## History

None.

## Consultations

*Natural England* – Comments are awaited.

*Highways Development Control* – There are no objections to the proposal as there are no highway safety implications.

*Merseyside Environmental Advisory Service (MEAS)* – From a response received on 12<sup>th</sup> March 2010, MEAS stated that while the proposed cycle path is unlikely to have a significant effect on the nature conservation value of the site (provided that suitable avoidance and mitigation measures can be agreed and implemented) further information relating to sand dune habitat migration, a great crested newt and natterjack toad habitat suitability assessment and reptile mitigation must be submitted prior to determination. In addition, method statement(s) must be provided in respect of the construction of the path and subsequent matters of reinstatement.

Provided that sufficient and suitable mitigation measures are provided, it is anticipated that there will be no likely significant effects on the European sites (SAC, Ramsar) but it is advised that Natural England should be consulted with respect to these matters.

Additional information has now been provided to MEAS and further comments are awaited.

## Neighbour Representations

Last date for replies: 22<sup>nd</sup> March 2010 (expiration of site notices). Two site notices were placed at entrance/exit of the cycle path at Shore Road and Selworthy Road/Lancaster Road.

Representations received: Letters of objection from 23 residents of Southport, Ainsdale and Birkdale in addition to one petition with 111 signatories, and one with 106 signatories both endorsed by Councillor David Pearson.

The main points of objection are:

- The impact upon what is perceived as being an unspoilt and untouched area through the introduction of a man made path
- The detrimental harm caused to flora and fauna
- This area benefits from a number of Nature Conservation designations and as such

- any development should be resisted
- The disturbance to existing recreational users of the area
  - The negative impact upon pedestrian safety through the introduction of a multi-use path
  - The existence of a cycle path adjacent to the Coastal Road
  - The potential for the intensification of existing users thereby increasing the mess left by dogs to the detriment of pedestrians.

Further points related to matters such as the intentions of perceived users and whether or not named groups would benefit or use the facility.

A letter of support plus a petition in support of the proposal with 27 signatories endorsed by Councillor Fred Weavers has been submitted. The support focuses upon providing an alternative to the existing Coastal Road cycle path, opening the area to a wider variety of users and the benefits to residents and visitors. Comments were also made concerning existing users allowing dogs to roam off leash to the detriment of existing wildlife.

## Policy

The application site is situated in an area allocated as Green Belt/Ainsdale & Birkdale Sandhills/Ribble & Alt Estuaries Ramsar Site on the Council's Adopted Unitary Development Plan.

AD2	Ensuring Choice of Travel
CPZ1	Development in the Coastal Planning Zone
CPZ3	Coastal Landscape Conservation and Management
CPZ4	Coastal Park
CS2	Restraint on development and protection of environmental assets
CS3	Development Principles
DQ1	Design
EP1	Managing Environmental Risk
EP2	Pollution
GBC1	The Green Belt
GBC6	Landscape Character
NC1	Site Protection
NC2	Protection of Species
NC3	Habitat Protection, Creation and Management

## Comments

This proposal supports plans produced by the Sefton Coast Partnership Access Group and Natural Coast Tourism to encourage access to the open coast, through the development of coast-wide cycling routes and development of all abilities access routes where possible. The route of the proposed multi-use path follows an existing desire line track across the site and as such limits the potential harm that could be caused by such an operation. The upgraded path would provide an all abilities route suitable for wheelchairs and provide a more pleasant and safer route for cyclists than the existing path adjoining the coastal road

The proposal offers an opportunity to improve access to Sefton's natural coast for all residents of Sefton and visitors to the borough.

In June 2008 Southport, along with ten other towns, was awarded Cycle Town status from Cycling England. One of the key aims arising from this award is the development of a high quality cycle network which will enhance the recreational opportunities afforded to residents and visitors to the Southport area, also incorporating access to the Sefton coast and development of links to the town centre. This proposal will assist in supporting Southport as a Cycle Town and also enhancing the recreational opportunities available to residents and visitors to Sefton.

In respect of this application the planning issues to consider are threefold:

- Assessing the proposal against the Green Belt designation.
- The detail of the proposal in terms of accessibility for a variety of users
- The impact upon an area identified as a site of International Nature Conservation Importance.

### Green Belt

The proposed multi-user path is considered to be a form of outdoor recreation and as such, this is considered to be appropriate development when assessed against national Planning Policy Guidance note 2 'Green Belts'.

As such, the proposal therefore complies with Unitary Development Plan policy GBC1 and is acceptable in this regard.

### Accessible Development

Unitary Development Plan policies CS3, AD2 and DQ1 all give regard to the accessibility of development proposals, and as such, the proposal must be assessed against the policies.

In respect of the criteria within the above policies DQ1 requires development to allow for safe and easy movement into, out of and within the site for everyone, including those with limited mobility; policy AD2 requires all development should provide for a realistic choice of means of travel, including those of limited disability in addition to the improvement of cycle and walking facilities, and; policy CS3 requires development to provide for a choice of means of transport to and within sites, giving priority to pedestrians and cyclists.

Although the materials and construction methods have not been explicitly provided as part of this proposal, and in the event of any approval the materials to be used and construction methods will be secured by condition, the submitted Appropriate Assessment indicates that a geotextile paver such as Netpave 25 will be considered for the path as this has a much reduced impact upon existing habitat than a traditional paved construction. Such a geotextile material provides a stable structure through which vegetation can grow which will aid in reducing its visual impact within the site, in addition to providing a secure and stable surface similar to that of a surfaced track which will be suitable for wheelchair uses and cyclists.

While the designation of Southport as a Cycle Town in 2008 postdates the adoption of the Unitary Development Plan, this is a material consideration albeit with limited weight. One of the key aims arising from this designation is the development of a high quality cycle network which will enhance the recreational opportunities afforded to residents and visitors to the

Southport area, also incorporating access to the Sefton coast and development of links to the town centre. It is evident that the proposal is following that aim and will provide access for a wider variety of users than can be accommodated at present.

In view of the above, it is clear that the proposed path through the Ainsdale & Birkdale Sandhills is a form of accessible development when considered against policies within the Development Plan as it will provide an even and stable surface suitable for pedestrians, cyclists and those of limited mobility. As such, it would comply with Unitary Development Plan policies CS3, AD2 and DQ1 in this regard.

### Impact upon Sites of Nature Conservation

The proposed multi-user path is to be sited within land under the following nature conservation designations:

- The Ribble & Alt Estuaries Ramsar site
- The Sefton Coast Site of Special Scientific Interest
- The Sefton Coast Special Area of Conservation
- Birkdale Hills Local Nature Reserve
- Birkdale Hills Local Wildlife Site

When considering proposals for development in the above named areas, Unitary Development Plan policies CS2 and NC1 are key considerations in any assessment.

Policy CS2 states, in criterion (f) that development will not be permitted where it would cause significant harm to sites and species of nature conservation importance while Policy NC1 states that development will not be permitted which would harm the nature conservation objectives or integrity of sites of international, national or local importance as defined on the Proposals Map.

Policy NC1 expands in criterion 2 that in the case of international sites, such as Ramsar sites, that development will only be allowed where there are no alternative solutions and there are imperative reasons of overriding public interest.

An Appropriate Assessment accompanies the application which establishes the potential impact of the proposal upon the nature conservation designations through the siting and also the proposed construction of the path. Following the review of this document by the Merseyside Environmental Advisory Service (MEAS) while it was stated that the proposed cycle path is unlikely to have a significant effect on the nature conservation value of the site (provided that suitable avoidance and mitigation measures can be agreed and implemented) further information relating to sand dune habitat migration, a great crested newt and natterjack toad habitat suitability assessment and reptile mitigation must be submitted prior to determination.

The information requested, and comments reviewing any such information, will be presented as Late Representations. Provided that sufficient and suitable mitigation measures are provided, it is anticipated that there will be no likely significant effects on the sites of nature conservation.

In respect of the materials to be used in the proposed construction of the path, while it would



not involve the construction impacts that would be associated with more traditional surfaced routes, specific details relating to the construction methodology have not been submitted. As noted by MEAS, the construction, and works associated with construction, has the potential to impact upon the nature conservation value of this area, particularly the sand dune habitats present at Birkdale Hills that are among the qualifying features of the Sefton Coast Special Area of Conservation (SAC). It is considered reasonable, in the absence of such information prior to determination, that in the event of any approval to attach a pre-commencement condition requiring a detailed method statement for the construction of the path to be submitted to and approved prior to any works commencing.

Further to the above, from the information that has been submitted with the application, while comments from Natural England have not yet been received, it is clear that the applicant has involved officers from this organisation through each stage of the proposal.

Pending the receipt of further information, and dependent upon the responses from consultees, it is considered that as the applicant has demonstrated that the proposal is in the public interest, there is no satisfactory alternative and that it will not have significant impact on sites of nature conservation then the proposal, in respect of the issue of nature conservation, is acceptable.

#### Recommendation

After considering all of the above, it is recommended that Committee grant delegated powers to officers to grant approval, with conditions as attached, subject to no substantive objections being raised from Merseyside Environmental Advisory Service or Natural England in their formal response.

Contact Officer:                   **Mrs S Tyldesley    Telephone 0151 934 3569**

Case Officer:                       **Neil Mackie Telephone 0151 934 3606**

We the undersigned support the proposal for a cycle track linking Birkdale to  
Ainsdale which passes through the Ainsdale Dunes  
This petition is sponsored by Councillor Fred Weavers

Ross Scholes 30 ARUNDEL Southport

Naive Wallace 56 PR2 Augustus Rd, Birkenhead PR8 5NH

Juliet Jardine 58 Riverlea Road L23 6SZ

Darryl Pullin 93 Linaker St. Southport PR8 5DQ

Brian Grice 27 Cornwall Way Southport

Bernard Hunt 21 Rydal Cass, Southport

Jaegre Hunt 28, Grosvenor Rd, Birkenhead, Southport

Geraldine Aughton 5 Clergers Brow, Southport PR9 9R4

Bob MITCHELL 64, MERLEWOOD AVE S'PORT

Debbie 16 Windsor Road L23 7TR

Rachel Jardine

Daniel Wardale 16 Windsor Road, Crosby Liverpool L23 7TR

Mr D. Shields 112 Zetland Street Southport PR9 9DL

Mr. D Threlfall 5 Ridings Banks Lancashire

Mr D wells 8 Spring Close Southport PR8 2BA

Tracy Lloyd 64 ESSEX Road Southport PR8 4LZ

M. Griffiths 7 Fernhill Gardens L20 4HA

Mrs E Rimmer 110 PORTLAND STREET SOUTHPORT PR8 6G

MRS C Rimmer " " " " "

Mr W Jones 112 Portland Street Southport PR8

P Dawson 80 Cemetery Rd Southport

Aime Thompson 157 Long Lane Aughton L39 5BU

Mr A Adkins 26 Lyndhurst Road Birkenhead PR8 4JD

Mr Doug Heaven 43 Forest Road Southport PR8 6TD

MRS Carol Heaven 43 Forest Road Southport PR8 6JE

MR K Mitchell 26 Chatsworth Rd, Ainsdale PR8 2PQ

MRS W. Mitchell 26 Chatsworth rd Ainsdale PR8 2PQ

Received by Sefton Council Planning & Economic  
Regeneration Department Bootle Office  
Date  
Scanned by 19 MAR 2010

Formal Objection

I am lodging a formal objection against the proposed construction of a highway across a Site of Special Scientific Interest in Birkdale Nature Reserve.

My objection is as follows:

1. The project has no sustainability, it has no ongoing revenue maintenance budget and the highway surface has a guaranteed life expectancy of only 10 years.
2. The project lays a non biodegradable polyethylene structure across a natural landscape destroying the visual amenity and landscape integrity of a unique site of special scientific interest.
3. The project changes the nature of access to the area to the detriment of walkers who will be displaced by cycle traffic onto a widening area of the natural landscape causing greater erosion.
4. The project encourages higher volumes of persons passing through for access rather than appreciation of the amenity.
5. The artificial highway cuts across the migration routes of rare and protected species including sand lizards and natterjack toads.
6. The highway will open up the opportunity for illegal motor vehicle access across the SSSI posing the threat of anti social behaviour, damage, vandalism and toxicity to the natural environment.

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I believe that the current planning consultation is pre prejudiced. It is clear that Sefton has already committed expenditure and completed construction from specific grant on the construction of the section of the cycle route from the coast road to the paved highway running up to Royal Birkdale Golf Course and the SSSI. There is no other logic to this construction other than to complete the route through the SSSI. Sefton council has already fettered its discretion by accepting the grant and expending part of it when it is eligible only for expenditure on the basis of completion of the whole route through the SSSI. Furthermore the contract for construction through the SSSI has already been tendered and let in advance of planning consent. Finally the grant has to be spent by the end of March 2010 allowing no scope for appeal.

There has been no public consultation on the construction to date with residents or users of the amenity. There seems to have been no mapping exercise of flora and fauna or their migration and breeding patterns in the area of the proposed highway as is required for an appropriate assessment as it has been undertaken in January and February during freezing winter conditions. Whilst there has been a preliminary exchange with Natural England there is no specific consent letter from them related to this planning application as required by statute.

I also object to the instigation of grazing site which likewise has had no public consultation.

Signed

K. Milton

SPONSORED BY CHAR. DAVID PEARSON

*[Signature]*

19/3/10

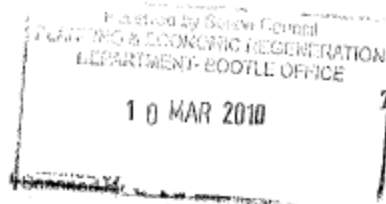
Here the undersigned concur with  
the comments & overleaf:

JULIA NUTTER 24 Lynton Rd Hillside PR8 3AW  
#1 Janette Atherton 115 Heathfield Rd. *JANIE  
Atherton  
45 Hill*

FRANCES MILLER 30 ALTHORPE DRIVE PR8 6HS  
Suzanne Marsden 61 Lynton Road PR8 3AP  
John Clark 16 Elizabeth Ave *Suzanne Marsden  
J Clark*  
Mary Whitehead 50 Knowle Ave. M.C. Whitehead  
Vaneese Mount 48 Roe Lane, PR9 7HT *VM*  
Joan Mackrod 1/76 Promenade PR9 0JT  
Sheila Denton 62 Rydes Cr. Birkdale, PR8  
Annabelle Denton 55 Mill Lane Southport PR9 7PL.  
Hymie Dewsonap. 2/76 Promenade Southport, PR8  
SHEILA JESSAMINE 4 MATLOCK AVE SOUTHPORT  
KIM MARSDEN 8 BLUNDEL CRESC. HILLSIDE SPART PR8 4E  
LORNA HOLLEHEAD 5, QUINTON Close Ainsdale PR  
Neil M. Mackenzie 20 SCARBOROUGH NEW ROAD PR8 6BT  
Patricia Mackenzie 20, Scarborough New Rd PR8 6BY  
Arlison Ayres 12 Delaware Rd PR8 2RJ  
Elizabeth Jones 12 Crescent Rd PR8 4SR  
Ruth Jones 12 Crescent Rd PR8 4SR  
STEVE TAYLOR 26 RAWLINSON RD PR9 9NP  
MAGGIE KELT " " " PR9 9ND  
MORAG MEDICKEN 75 CHATSWORTH ROAD PR8 2QC  
Brian Dalrymple 112 CHATSWORTH ROAD PR8 2QC  
Peter K. Fitzhugh 52 BEACH FRICKY GARDENS PR8 1R  
M. H. H. 33 Deneby Ainsdale PR8 2QU  
G W Hooper 34 Trafalgar Rd Apt 5 Birkdale

Birkdale Dunes.  
your Ref: 5/2010/0170  
Mr. Dave Martin

15, Sherringham Road,  
Birkdale,  
Southport,  
Merseyside.  
PR8 2HQ.  
Tel / Fax: 01704 562502 TFS  
9th March 2010



Dear Sirs,

With regard to the proposed cycle track three metres wide through Birkdale Dunes, I would like to represent all of those people who are opposed to this plan.

Enclosed is a petition signed over the last few days, which was the only time available, as NO public notices have been posted on site.

This petition has been endorsed by Councillor David Pearson, Dukes ward, Sefton.

I await a reply from yourself as to the date and venue for any interested groups to give their opinions, and for that to be made public in the local press.

I await your reply.


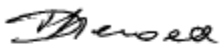
yours sincerely,

Susan Brown

MRS. SUSAN BROWN

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111 SIGNATURES

OPROBING CYCLE TRACK BIRCHDALE DUNES

SIGNATURE	PRINT NAME	10 MAR 2010 ADDRESS
M. Merone	MALCOLM MERONE	6, SOUTHPORT RD SCARLEIGH S/PORT.
	OLIVER BROWN	1 NEWBURN CLOSE, SPELMERSDALE, WN8 6PJ
	Debbie Harold	1, Ash St Southport
P.K. Filshie	P.K. FILSHIE	52, BEACH PRIORY GARDENS, S/P
H Radcliffe	H RADCLIFFE	28 HASTINGS RD, PR8 2LW.
M Marsh	M MARSH	70 HEATHFIELD RD.
Susan Brown	SUSAN BROWN	15 Sherringham Rd
Diane Lawson	DIANE LAWSON	32 STANLEY AVE.
John Clark	John Clark	16 Elizabeth Ave.
HEATHER CROOK	HEATHER CROOK	151 HAMPDEN ROAD.
QUENTIN JONES	QUENTIN JONES	44 RIVINGTON CLOSE
John Mar	John Mar	2A RIVINGTON RD
T.H. Tasker	T.H. TASKER	16 Unit Rd.
Katie Lovett	KATIE LOVETT	41, ALMA RD, PR8 4AN
Mark Lovett	MARK LOVETT	41, ALMA RD., PR8 4AN.
Alison Scott	ALISON SCOTT	16 CRESCENT RD, PR8 4SR
Roberta Dickinson	Roberta Dickinson	76 Zetland St, PR9 0RH
MIKE STEAD.	MIKE STEAD.	138, CEMETERY RD PR8 5DQ
L. Wanless	L. WANLESS	25 Wolbeck Road.
C Dawson	C DAWSON	10 HAMPTON RD PR8 6SS
S. Eyes	S. EYES	21, ALMUND RD PR8 3DQ
N. Lawson	N. LAWSON	32 STANLEY AVENUE
H.V. Allison	H.V. ALLISON	57 SENCROFT CRESCENT
C. Newsham	C. NEWSHAM	137 HEW RD S'PORT
L. Tringham	L. TRINGHAM	137 HEW RD S'PORT.
A Henderson	A HENDERSON	17, HENLEY DRIVE, S'port
K Henderson	K HENDERSON	17, HENLEY DRIVE, S'port
J Upton	J. UPTON	C/O 32 STANLEY AVE
S. Parry	S. PARRY	272 GUILDFORD ROAD