

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

May 2023



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Note: The commuted sums referred to are shown at 2024-2025 rates (as agreed by the Council) rather than the original 2021-22 rates. These commuted sum rates are adjusted each year in line with inflation, as agreed by the Council.

1. Introduction

Purpose of this Information Note

- 1.1 The purpose of this Information Note is to set out Sefton Council's Interim Approach to the mitigation and management of recreation pressure arising from new housing development in Sefton on the internationally important nature sites on the Sefton Coast. These include the Sefton Coast Special Area of Conservation, Ribble and Alt Estuaries Special Protection Area (SPA) and Ramsar Site, Mersey Narrows and North Wirral Foreshore SPA and Ramsar Site and Liverpool Bay SPA.
- 1.2 The Information Note sets out what applicants with proposals for new housing have to do to meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended) (the Habitats Regulations) regarding recreation pressure on the Sefton Coast, as identified in the [Sefton Local Plan](#) 2017.
- 1.3 For any proposals to which the Habitats Regulations apply, mitigation measures must make sure that the Habitats Regulations Assessment has a conclusion of no adverse effect on the International sites.
- 1.4 For proposals on or very close to the International sites or on or very close to functionally linked land ('supporting habitat'), there may be additional bespoke mitigation measures relating to recreation pressure or to other potential impact pathways. For allocated sites most of these requirements are set out in chapter 6 and Appendix 1 of the Sefton Local Plan.

Other

- 1.5 The Information Note applies to the whole of Sefton.
- 1.6 The Interim Approach Information Note is a material consideration for proposals for new housing in Sefton. It replaces the previous Information Note (adopted March 2018) which has now been superseded. In effect, the 'opt in' Interim Approach in the current Information Note also supersedes the second bullet point of paragraph 3.29 of Sefton's 2017 [Nature Conservation Supplementary Planning Document](#), although this paragraph is still relevant for applicants for housing development who do not chose to 'opt in' and may be relevant to applicants for tourism or other types of development.
- 1.7 This is an Interim Approach for Sefton and shall be used pending collection of further evidence and future agreement of a Liverpool City Region Recreation Mitigation Strategy approach.
- 1.8 While the Interim Approach has been prepared by Sefton Council, it reflects joint working with Natural England, Merseyside Environmental Advisory Service, the other Liverpool City Region local authorities, the Mayoral Combined Authority, West Lancashire Council and the National Trust and has been endorsed by Natural England. The Interim Approach draws on collaborative work (including published supporting evidence) carried out so far and which has been examined independently by the Planning Inspectorate, for example for the Halton and Liverpool Local Plans.

2. Overview of the Interim Approach and why it is needed

- 2.1 The Interim Approach is needed to meet legal requirements set out in the Habitats Regulations. It should be read alongside [Sefton Local Plan](#) (2017), notably policies SD1 'Presumption in favour of sustainable development', SD2 'Principles of sustainable development', NH1 'Natural Assets' and NH2 'Nature' and Appendix 1, and Sefton's [Nature Conservation Supplementary Planning Document](#) (2017).
- 2.2 The [2015](#) and [2016](#) Habitats Regulations Assessment (HRA) Reports for the Sefton Local Plan identify the potential for new housing development in Sefton to increase recreation pressure on the internationally important nature sites on the Sefton Coast; and the need to mitigate this pressure to less than significant. Similar issues arise for neighbouring authorities, in relation to both the Sefton Coast and the coast elsewhere in the region. They also require applicants for new housing in Sefton to show how they will mitigate for the additional recreation pressure on the Sefton Coast to less than significant, so that the Council can carry out a Habitats Regulations Assessment (HRA). This Interim Approach Information Note sets out how applicants should do this via a strategic approach managed by Sefton Council.
- 2.3 The basis of the Interim Approach is 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:
 - Scale of housing development in Sefton (and beyond)
 - Levels of visitor pressure from different parts of Sefton, *and*
 - Measures that will mitigate recreation pressure from this housing to less than significant on the Sefton Coast through the provision of an integrated set of measures both on the Coast and at green and open spaces within the Borough (see [section 5](#) below). Measures on the Coast are called Site Access Management and Monitoring measures (SAMMs). Those on other green and open spaces are called Suitable Alternative Natural Greenspace measures (SANGs).
- 2.4 This has been achieved through the Local Plan [HRA Reports](#) and additional [joint working and joint evidence](#), having regard to the [recreational activity and bird interaction document \(RP03020\)](#) published by Natural England. This Information Note signposts to the most relevant sections of this Liverpool City Region Recreation Management Strategy Evidence Report (the [evidence report](#)). Natural England supports this approach. The legislative context and requirements are set out in more detail of chapter of the [evidence report](#).
- 2.5 However, it should be noted that the Interim Approach is an 'opt in' approach and applies only to recreation pressure; applicants choose to opt into it. Section 3 below sets out the 'opt in' Interim Approach. Section 4 sets out the alternative requirements for those who [do not wish to 'opt in'](#).

3. Opt-in mitigation measures – the Sefton Interim Approach

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

Commuted sum contribution for each new dwelling

- 3.2 **For schemes of 10 new dwellings or more (net) including new build dwellings and conversions/changes of use, a contribution will be required for each dwelling (net) of:**

- **£362 per new dwelling in the core zone** (closest to the Coast) shown on map 1
This includes Bootle, Crosby, Formby and Southport.
- **£76 per new dwelling in the outer zone** (away from the Coast) shown on map 1
This includes most of Sefton East.

These amounts are 2024-25 prices. The amount will be adjusted each year in line with inflation. As the sums relate to legal requirements under the Habitats Regulations, they are not subject to viability considerations. Appendix 8 of the [evidence report](#) shows how the contributions were determined; reflecting the original 2021-22 rates of £299 and £63 respectively). Proposals for less than 10 new homes (net) are exempt, as set out in the evidence report, especially Appendices 8 and 9.

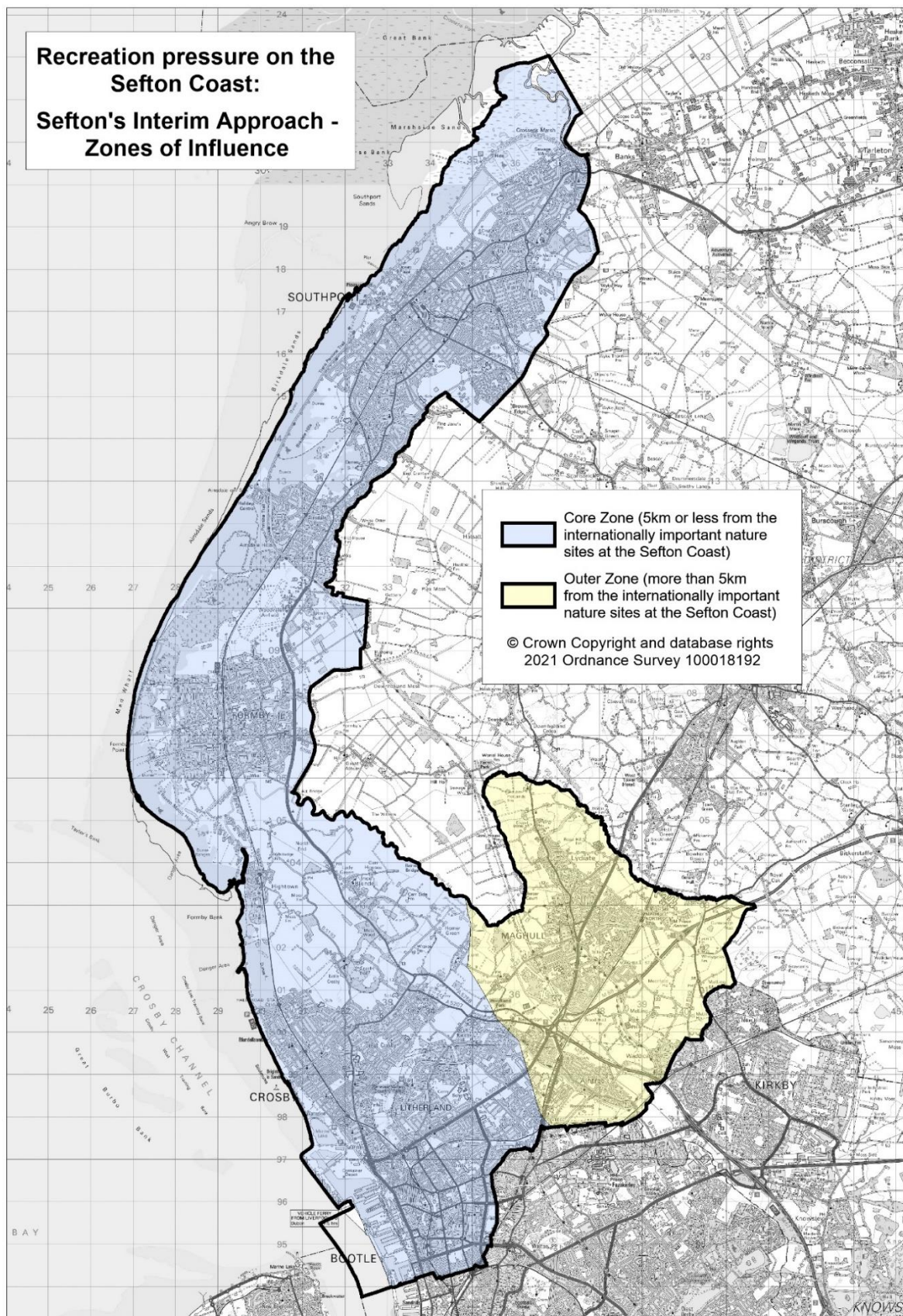
Leaflets for new householders

- 3.4 **For schemes of 10 new dwellings or more (net) including new build dwellings and conversions/changes of use, A colour copy of the [leaflet](#) setting out information about the Sefton Coast should be provided by the applicant to all first-time occupiers of new dwellings.** Applicants should also consider making this leaflet available in digital form to all first-time occupiers. This applies to net new build dwellings and conversions/changes of use. Proposals for less than 10 new homes (net) are exempt, as above.

Which proposals for 10 or more dwellings does this apply to?

- 3.6 This applies to all dwellings regardless of what Use Class they are determined to be in. That is, this applies to dwellings including those within Use Class C3 (dwellinghouses), Use Class C2 (residential institutions) or Use Class C4 (houses in multiple occupation for 3-6 residents) of the Use Classes Order 2017 (as amended). 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). The Interim Approach Information Note does not apply to higher dependency care homes or nursing homes where facilities other than bedrooms/*en-suite* bedrooms are shared/ communal. The key test is whether the housing unit can be described as a dwelling: an approach consistent with Sefton's approach to provision of affordable and special needs housing.
- 3.7 This also applies to dwellings permitted by the 'prior approval' and 'permitted development rights'/ general development planning order processes. This is as required by the Habitats Regulations, as explained in paragraph 3.45 of the Nature Conservation Supplementary Planning Document.

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



Procedures

- 3.8 Applicants for planning permission should enter a s106 planning obligation to pay this 'commuted sum' contribution. Sefton Council also requires a small contribution towards monitoring of all necessary s106 obligations. This is equivalent to 15% of the planning application fee for full permission and 30% for outline permission (subject to a minimum fee of £1000). Similar legal arrangements for the transfer of monies to Sefton Council should be made by those carrying out development granted by the 'prior approval' and 'permitted development rights'/ general development planning order processes.
- 3.9 Most commuted sums (or sums paid under other legal arrangement as above) will be liable for payment on commencement of the development. However, for very large, phased development schemes (for example 100 homes or more), payment in instalments linked to the commencement of each phase and the number of dwellings in each phase is likely to be acceptable.

4. What if I do not opt-in?

- 4.1 The above 'opt in' solution for schemes of 10 or more (net) dwellings will not be compulsory but provides Sefton Council and applicants with a potential mitigation solution which they may choose to use (opt-in to). For applicants this is likely to be more efficient, reducing time, costs and risks during the planning process; compared to completing site-based impact assessments, consulting and agreeing mitigation packages on a bespoke basis, which would be the alternative.
- 4.2 If applicants do not wish to opt-in to this scheme, and their proposal is for schemes of 10 or more (net) new dwellings, they must make sure that sufficient bespoke information is provided to enable the Council to complete a Habitats Regulations Assessment (HRA) prior to determination of a planning application or written approval by the local planning authority. The applicant will need to consider their individual scheme and any 'in combination effects'.
- 4.3 Examples of mitigation measures which could form part of a bespoke mitigation package are listed below. Following the Sweetman ruling¹, a clear distinction must be made between required features of the development (set by planning policies) and additional mitigation measures needed to protect the national and international sites:
- Provision of public open space within the development boundary
 - Improving access to and promoting use of Suitable Alternative Natural Greenspaces (SANG) (including contributions to management)
 - Provision of information in sales packs or on information boards, informing residents of the importance of the national and international sites, and responsible user code and the location of SANGs; and
 - Financial contributions to the management of national and international sites and Strategic Access Management & Monitoring (SAMM).
- 4.4 The applicant may choose to complete their own project-level shadow HRA or provide sufficient other information for the Council to complete the final HRA. The project-level shadow HRA is termed as such because it mirrors or 'shadows' the legal process that the Local Planning Authority must follow but is a 'shadow' because it does not replace the Local Planning Authority's duties to complete such an assessment. The shadow HRA would be reviewed by the Council's ecological advisors and potentially Natural England to confirm that it meets regulatory requirements, prior to being accepted.
- 4.5 It is important that developers seek the necessary specialist technical advice to do this and the scope of the project-level shadow HRA should be discussed at the [pre-application stage](#) with Sefton Planning. It is likely that this will need to include off-site measures which would also be secured through use of a s106 planning obligation and monitoring of effectiveness of the measures would also be necessary. More information is set out in Sefton's 2017 [Nature Conservation Supplementary Planning Document](#), especially paragraph 3.29.

¹ [People Over Wind and Sweetman v Coillte Teoranta \(C-323/17\)](#)

5. Overview of likely mitigation measures to funded through the opt-in scheme

5.1 Mitigation measures will be both at the Sefton Coast and on other green and blue infrastructure away from the Coast. In summary, the contributions that are secured towards mitigation measures on the Sefton Coast will be spent on the following:

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

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

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

- Enhancing visitor facilities in SANGs (such as paths, circular walking and cycling routes, signage, access for all, car parks and facilities).

5.2 SANG measures must be effective, suitable, strategic alternatives to visiting the coast. As such SANG sites must be appropriately located, of sufficient scale, and accessible to residents of existing and new development. In Sefton potential SANG sites include 'Main parks', the Leeds and Liverpool Canal; Marine Lake and Pier, Southport, Countryside areas away from internationally important nature sites including Rimrose Valley, Sefton Meadows and nearby sites, Trans Pennine Trail (including Cheshire Lines Path) and public rights of way which help link the above sites.

5.3 For more details see sections 8 and 9 and Appendices 7 and 8 of the [evidence report](#). Sefton Council intends to prepare implementation plans regularly, to set out the priorities and proposed projects for this mitigation.

6. Monitoring

- 6.1 Sefton Council monitors the number, purpose, location, payment and spending of commuted sums linked to s106 planning obligation payments (which may relate to a number of Local Plan policies, for example education contributions). Reports are published annually. This annual reporting will include reporting on commuted sums and implementation plans for measures which mitigate recreation pressure on the Sefton Coast.
- 6.2 Sefton Council and partners such as Merseyside Environmental Advisory Service and Natural England will monitor the condition of the internationally important nature sites on the Sefton Coast. This can then be used to assess the effectiveness of the mitigation measures and to identify priorities for action and changes to approaches where necessary.

7. References

Conservation of Habitats and Species Regulations 2017 (as amended) – see for example <https://www.legislation.gov.uk/uksi/2017/1012/contents>

Town and Country Planning (Use Classes) Order 1987 (as amended) – see <https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes> and <https://www.legislation.gov.uk/uksi/1987/764/contents/made>

Sefton Local Plan (2017) – see www.sefton.gov.uk/localplan

Nature Conservation Supplementary Planning Document (2017) – see <https://www.sefton.gov.uk/media/2845/nature-spd-20170814.pdf>

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

Merseyside Environmental Advisory Service: Recreation Mitigation Strategy overview – see <http://www.meas.org.uk/1364>

Towards a Liverpool City Region European Sites Recreation Mitigation & Avoidance Strategy –Evidence Report (Version 24) July 2021 - see http://www.meas.org.uk/media/11039/LCR_RMS_EvidenceReport_v24_Optv2.pdf

Sefton Leaflet Respecting Nature in Sefton: A voluntary code for responsible recreation – see http://www.meas.org.uk/media/11047/lcr_leaflet_sefton.pdf

Liley, D., Panter, C., Marsh, P. & Roberts, J. (2017) **Recreational activity and interactions with birds within the SSSIs on the North-West coast of England** – see [Recreational activity and interactions with birds within SSSIs on the North-West coast of England - RP03020 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/publication/5473987963650048) / <http://publications.naturalengland.org.uk/publication/5473987963650048>

Housing Delivery Test Measurement Rule Book Method for calculating the Housing Delivery Test result (DCLG 2018) – see https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1012931/HDT_Measurement_Rule_Book.pdf

High Court Judgements:

[*Rectory Homes Limited v Secretary of State for Housing, Communities and Local Government*. Case Number: CO/4682/2019](#) - regarding dwellings and Use Class C2

People Over Wind and Sweetman v Coillte Teoranta / the Sweetman judgement (C-323/17) - see [CURIA - Documents \(europa.eu\)](https://eur-lex.europa.eu/legal-content/en/uri/?uri=CELEX:62017CJ0323) – regarding Appropriate Assessment / Habitats Regulations Assessment