

Proposed Main Modifications (Post-hearings - March 2013)

In the table below, the modifications are expressed in the conventional form of ~~strikethrough~~ for deletions and **underlined bold** for additions of text.

The page numbers and paragraph numbering refer to the submission DPD, and do not take account of the deletion or addition of text.

Ref No	Page	Policy/ Paragraph	Main Modification
MM1	41	SP1, para. 7	Delete paragraph 7: <i>However, it is anticipated that development on greenfield sites in Ormskirk, Burscough, Rufford and Scarisbrick will be restricted by a waste water treatment infrastructure issue until 2020 and so development will initially be somewhat constrained in these parts of the Borough.</i>
MM2	42	SP1, para.11	Amend paragraph 11 as follows: <i>It is anticipated that the Yew Tree Farm and Grove Farm sites will only begin to be developed from 2020 onwards, allowing time to deliver sites within existing built-up areas first and to resolve waste water treatment infrastructure constraints affecting those sites. It may be appropriate to bring this land forward for development in advance of land within the existing built-up areas if it is required to ensure delivery of the development targets. However, bringing forward such development in advance of 2020 would be subject to the provision of the appropriate infrastructure required for the development proposals, especially for waste water treatment infrastructure. <u>2015, in advance of which appropriate surface water mitigation measures demonstrating a net reduction in wastewater flows arising from the proposed development must be implemented. No surface water from these sites shall discharge to the public sewerage system.</u> The planned expansion of the Edge Hill University campus may come forward relatively early in the plan period, subject to the provision of appropriate infrastructure improvements.</i>
MM3	44- 45	Justification to SP1,	Amend paragraph 4.17 of the justification text to Policy SP1 as follows: <i>The neighbouring settlements of Ormskirk with Aughton and Burscough together form a secondary focus</i>

Ref No	Page	Policy/ Paragraph	Main Modification
		para. 4.17	<i>for new development in the Borough. This is because, while both Ormskirk and Burscough are constrained by waste water treatment infrastructure and could both be affected by the impact of new development on highways congestion, both towns have good access to sustainable public transport connections, both already have the majority of local services provided for <u>and the level of additional waste water being created by new development allocated in the Local Plan can be managed while more permanent solutions to the infrastructure constraint are implemented.</u></i>
MM4	54	SP3, 10 th bullet point	Amend Bullet Point 10 as follows: <i>Measures to address the surface water drainage issues on the Yew Tree Farm site and in Burscough generally to the satisfaction of the Environment Agency, United Utilities and the Lead Local Flood Authority. <u>For the development of Yew Tree Farm no surface water should be discharged into the public sewerage system;</u></i>
MM5	55	SP3, para. 3 and 4	Amend paragraphs 3 and 4 as set out below: <i>Development on this site will not be able to commence until the Local Planning Authority are satisfied that infrastructure constraints in relation to waste water treatment have been resolved, or can be through development. At this time, it is not anticipated that the waste water treatment infrastructure constraint affecting Burscough will be resolved until 2020 and so development of this site could not commence until this is resolved. If this constraint was to be resolved earlier than 2020, development could also commence earlier provided that all other infrastructure constraints are resolved and that it would not prejudice the delivery of development in Skelmersdale (especially the town centre) or on brownfield sites in Ormskirk or Burscough.</i> <i>The employment aspect of the development may come forward in advance of 2020 if the infrastructure is in place to support it and if there is no available land remaining in the existing employment areas adjacent to the site that is available or suitable for the employment uses required.</i> <u>Development of the Yew Tree Farm site will not result in surface water being discharged into the public sewerage system and will, in fact, draw surface water off the public sewerage system to be attenuated to the local watercourse at greenfield run-off rates to at least the equivalent quantity of foul water being discharged from the site into the public sewerage system.</u>

Ref No	Page	Policy/ Paragraph	Main Modification
MM6	58	Justification to SP3, para. 4.51	<p>Delete paragraph 4.51 of the justification text set out below.</p> <p>The issue relating to New Lane waste water treatment works affects all development in Ormskirk, Burscough, Rufford and Scarisbrick and so is a key issue for the whole Local Plan and one that needs addressing as a priority. However, residential development could not commence at Yew Tree Farm until this issue is resolved. Employment development may be permitted prior to this issue being addressed as long as the Council are satisfied it would not add significantly to the existing outflow to New Lane treatment works. Development of Yew Tree Farm could also fund and facilitate drainage infrastructure improvements in Burscough that would resolve surface water drainage issues in the town.</p>
MM7	59	Justification to SP3, para. 4.54 and 4.55	<p>Amend paragraph 4.54 and 4.55 of the justification text as set out below:</p> <p>With regards to the residential development on the Strategic Development Site, 500 dwellings are necessary not only to meet the Borough's housing targets but also to help fund many of the improvements to infrastructure and community facilities discussed in Policy SP3. However, it is not expected that this site would start to be developed for residential until 2020, unless key infrastructure improvements enable development to commence sooner.</p> <p>While the site is physically capable of delivering a further 500 dwellings and 10 ha of employment land, given that it is anticipated that any improvements to the waste water treatment infrastructure may not be complete until 2020 and given the need to encourage development within the settlement first, it is considered that 500 dwellings and 10 ha of employment land is an appropriate and deliverable level of development for the site. The remaining part of the site will be safeguarded from development until 2027 at least.</p>
MM8	69	GN3, part 3(v)	<p>Amend Part 3(v) as follows:</p> <p>Where appropriate and feasible, incorporate sustainable drainage systems where there is a risk of surface water flooding within or beyond the site <u>It must be demonstrated by the applicant that sustainable drainage systems have been explored alongside opportunities to remove surface water from existing sewers. Robust justification will be required for any development seeking to connect surface water to the public sewer network. In addition, any surface water connection must be at an agreed attenuated rate;</u></p>

Ref No	Page	Policy/ Paragraph	Main Modification
MM9	71	Justification to GN3, para. 5.26	Amend paragraph 5.26 of the justification text as set out below: <i>Sustainable Drainage Systems (SuDS) must be integrated into all new developments where technically feasible in order to minimise the impact of surface water run-off. <u>Justification must be provided for any development seeking to connect to the public sewer network to demonstrate that all other options have been explored with reasoning for why alternative solutions are not practicable.</u></i>
MM10	91	EC4	Amend the second paragraph of Policy EC4 to read:: <i>The following key principles are promoted:</i> <i>i. Supporting the continued growth, development and improvement of Edge Hill University and its facilities within the existing campus and via an extension into the Green Belt to the south east of no more than 10 hectares, where such development incorporates measures to alleviate any existing or newly created traffic and / or housing impacts;</i> <i>ii. Requiring a masterplanned approach to future development within the Green Belt;</i> <i>iii. ii. Working with the University to develop travel plans and parking strategies to encourage sustainable travel and improve access to the campus;</i> <i>iv. iii. Improving the University accommodation offer and concentrating new student accommodation within the existing and / or extended campus in accordance with Policy RS3;</i> <i>v. iv. Where possible, creating links between the University, local businesses and the community sector, in terms of both information sharing and learning programmes, to ensure that the University continues to contribute to the local economy and social inclusion in the Borough; and</i> <i>vi. v. Where possible, ensuring that the benefits of the University and its future growth and development are also directed to those communities where educational attainment is lower through specific programmes, and where possible and appropriate, led by private sector employers-; and</i> <u>vi. the use of sustainable drainage systems for surface water.</u>
MM11	104	RS3, part	Amend first paragraph of Policy RS3, part (b) to read:

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		(b)	<p>When assessing proposals for conversion of a dwelling house or other building to a House in Multiple Occupation (HMO), the Council will have regard to the proportion of existing residential properties in use as, or with permission to become, an HMO, either in the street as a whole, or within the nearest 60 residential properties (excluding those residential properties used specifically for the accommodation of older people or in a C2 use) in the same street, whichever is the smaller. Where levels of HMOs reach or exceed the percentages specified in the table below, proposals for further HMOs will not be permitted Where proposals for an HMO would result in the percentages specified in the table below being exceeded, these proposals will not be permitted unless there are compelling reasons why it would be appropriate to allow the limit to be exceeded. The Council will also have regard to any purpose-built student accommodation in the same street, or section of the street.</p>
MM12	107	Justification to RS3, para. 7.47	<p>Amend last sentence of paragraph 7.47 to read:</p> <p>Once the percentage limit is reached Where a proposal for an HMO would result in the percentage limit being exceeded, no more HMOs will be permitted under this policy unless there are compelling reasons why it would be appropriate to allow the HMO limit to be exceeded, or further exceeded.</p>
MM13	110	RS4	<p>Amend third to seventh paragraphs of Policy RS4 to read:</p> <p>Provision should be made in the above locations only, unless it can be demonstrated that sites cannot be provided in these locations.</p> <p>Sites within the Green Belt in the broad locations will be considered where applicants can demonstrate that there are no other suitable sites within the locality and within the settlement areas. This must be done by complying with the requirements of the sequential test as per Policy GN5 Sequential Tests.</p> <p><u>Provision should be made in the above locations only, unless it can be demonstrated that appropriate sites cannot be provided in these locations that meet the criteria in part 3 below.</u></p> <p>In order to ensure that all sites are fit for purpose and will provide sufficient residential amenity to members of the settled and traveller community all sites must meet the criteria set out below.</p> <p><u>All sites that come forward outside the broad locations above must comply with the criteria in part 3 below and be outside the Green Belt as defined on the proposals map.</u></p>

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			<p>3. Criteria</p> <p>All sites outside the broad locations above must comply with the criteria below and be within the main settlement areas as defined on the proposals map.</p> <p>a) Proposals for establishing of Gypsy and Traveller and Travelling Showpeople sites will only be considered on condition that <u>where the following conditions are met:</u> ...</p>
MM14	80	EC1, part 2(a)	<p>Amend second paragraph of Policy EC1, part (2a) to read:</p> <p><i>On the following strategic employment sites, the Council will only permit B1 use classes (offices and research and development only) and other significant employment-generating uses in use classes C1 and D1.</i></p>
MM15	72	GN4, part 2(i)	<p>Amend Policy GN4, part 2(i) to read:</p> <p><i>The land / premises has been widely marketed through an agent or surveyor at a price that reflects its current market or rental value for employment purpose <u>its existing use</u>, and no reasonable offer has been refused.</i></p>
MM16	72	GN4, part 3(v)	<p>Amend Policy GN4, part 3(v) to read:</p> <p>v. Consideration, firstly, for a mixed use scheme involving the existing use and other compatible uses, secondly, for other employment generating uses such as those relating to tourism, leisure, retail and residential institutions and, thirdly, of the viability of providing affordable housing on the site, which could meet specific local need, before consideration of market housing.</p> <p><u>v. Consideration of the viability of all potential alternative uses appropriate to the site in question (were the existing use to be consider unviable), including alternatives which partially retain the existing use, which meet an equivalent need / purpose to the existing use (e.g. providing employment, creating vitality in a town centre or meeting a specific local housing need) or which meet an affordable housing need where such a use would be appropriate.</u></p>
MM17	117	IF1	<p>Amend Policy IF1, first paragraph, second sentence to read:</p>

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			Retail and other uses normally associated with town centres main town centre uses will only be considered in out-of-centre locations if a specific local need is proven for the proposed development and there is no suitable site available within a town, village or local centre.
MM18	120	IF1	Add paragraph at the end of Policy IF1 to read: <i>The unnecessary loss of community, leisure and cultural facilities and services within town and local centres will be resisted unless it can be demonstrated that the facility is no longer needed, or it can be established that the services provided by the facility can be served in an alternative location or manner that is equally accessible by the community.</i>
MM19	156	EN4, part 2	Amend second sentence of part 2 (Cultural and Heritage Assets) of Policy EN4 to read: <i>In order to protect and enhance historic assets, including their settings, whilst facilitating economic development through regeneration, leisure and tourism, the following principles will be applied.</i>
MM20	157	EN4, part 2(c)	Amend part 2(c) of Policy EN4 to read: There will be a presumption in favour of the protection and enhancement of existing buildings and built areas which do not have Listed Building or Conservation Area status heritage assets which do not have designated status but have a particular local importance or character which it is desirable to keep. Such buildings or groups of buildings historic buildings, groups of buildings, spaces or other historic resources will be identified through a Local List which will be adopted by the Council.
MM21	65	GN2	Insert the following text at the end of Policy GN2: <u>Triggers for the Plan B</u> <u>The above “Plan B” sites will only be considered for release for development if one of the following triggers is met:</u> <ul style="list-style-type: none"> • <u>Year 5 review of housing delivery</u> <u>If less than 80% of the pro rata housing target has been delivered after 5 years of the Plan period, then the Council may choose to release land from that safeguarded from development for “Plan B”</u>

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			<p><u>to enable development to an equivalent amount to the shortfall in housing delivery.</u></p> <ul style="list-style-type: none"> • <u>Year 10 review of housing delivery</u> <p><u>If less than 80% of the pro rata housing target has been delivered after 10 years of the Plan period, then the Council may choose to release land from that safeguarded from development for “Plan B” to enable development to an equivalent amount to the shortfall in housing delivery.</u></p> <ul style="list-style-type: none"> • <u>The housing target increasing as a result of new evidence</u> <p><u>If, at any point during the 15 year period of the Plan, the Council chooses to increase its housing target to reflect the emergence of new evidence that updates the existing evidence behind the housing target and which would undermine the existing target, then an appropriate amount of land will be released from that safeguarded from development for “Plan B” to make-up the extra land supply required to meet the new housing target for the remainder of the Plan period.</u></p>
MM22	66	Justification to GN2, after para. 5.19	<p>Insert new paragraph 5.20 at end of justification of Policy GN2:</p> <p><u>5.20 Chapter 10 of this Local Plan discusses the triggers associated with the “Plan B” that are provided in Policy GN2 further. Should one of these triggers be met, the Council will undertake a thorough review of the Plan B sites to identify which site(s), if any, should be released at that time to help address the shortfall in housing delivery identified.</u></p>
MM23	67	GN3	<p>Insert the following additional criterion to part 1 of Policy GN3:</p> <p><u>(vii) create safe and secure environments that reduce the opportunities for crime and prepare a crime impact statement where required in accordance with the Council’s validation checklist.</u></p>
MM24	71-74	GN4 and paragraphs 5.27 – 5.33	<p>Replace Section 5.4 of the Local Plan (including Policy GN4) with the following:</p> <p><u>5.4 Policy GN4: Demonstrating Viability</u></p> <p><u>Context</u></p> <p><u>5.27 A number of Local Plan policies seek to maintain particular uses of land, for example employment uses on employment sites, retail units in town centres, or agricultural buildings in the</u></p>

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			<p><u>Green Belt. However, these policies allow for changes of use in some cases, provided it is robustly demonstrated by the applicant that to maintain the former use is no longer viable. The purpose of this policy is to set out a range of parameters that will enable the Council to make a fair and robust assessment of whether there is a justifiable case for whatever change of use is proposed.</u></p> <p><u>5.28 In addition, any policy of this nature must accord with Government policy which requires local planning authorities to be proactive in terms of development proposals and to approve planning applications wherever possible, unless the proposal contravenes other local or national policy objectives.</u></p> <p><u>Policy GN4</u></p> <p><u>Demonstrating Viability</u></p> <p><u>The Council will seek to retain existing commercial / industrial (B1, B2 or B8) and retail (A1) land / premises, together with agricultural / horticultural workers' dwellings, unless it can be demonstrated that one of the following tests has been met:</u></p> <ul style="list-style-type: none"> <u>i. the continued use of the site / premises for its existing use is no longer viable in terms of its operation of the existing use, building age and format and that it is not commercially viable to redevelop the land or refurbish the premises for its current use. In these circumstances, and where appropriate, it will also need to be demonstrated that there is no realistic prospect of a mixed-use scheme for the existing use and a compatible use;</u> <u>ii. the land / premises is no longer suitable for the current use when taking into account access / highways issues (including public transport), site location and infrastructure, physical constraints, environmental considerations and amenity issues. The compatibility of the existing use with adjacent uses may also be a consideration; or</u> <u>iii. marketing of the land / property indicates that there is no demand for the land / property in its current use.</u> <p><u>Details of the current occupation of the buildings, and where this function would be relocated, will also be required.</u></p>

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			<p><u>Where the existing use is no longer considered viable and a mixed-use scheme is also not viable or appropriate, the Council will preferentially seek the following alternative uses prior to consideration of a market housing-led scheme:</u></p> <ul style="list-style-type: none"> • <u>For existing commercial / industrial uses, an alternative use that generates employment opportunities (other than A1-A5 uses);</u> • <u>For existing retail uses, an alternative use that helps create or maintain the vitality of a town, village or local centre; and</u> • <u>For existing agricultural / horticultural workers' dwellings, an alternative use for affordable housing.</u> <p><u>Marketing</u></p> <p><u>Where an application relies upon a marketing exercise to demonstrate that there is no demand for the land / premises in its current use, the applicant will be expected to submit evidence to demonstrate that the marketing was adequate and that no reasonable offers were refused. This will include evidence demonstrating that:</u></p> <ol style="list-style-type: none"> i. <u>The marketing has been undertaken by an appropriate agent or surveyor at a price which reflects the current market or rental value of the land / premises for its current use and that no reasonable offer has been refused.</u> ii. <u>The land / premises has been marketed for an appropriate period of time, which will usually be 12 months, or 6 months for retail premises.</u> iii. <u>The land / premises has been regularly advertised and targeted at the appropriate audience. Consideration will be given to the nature and frequency of adverts in the local press, regional press, property press or specialist trade papers etc; whether the land / premises has been continuously included on the agent's website and agent's own papers / lists of premises; the location of advertisement boards; whether there have been any mail shots or contact with local property agents, specialist commercial agents and local businesses; and with regards to commercial / industrial property, whether it has been recorded on the Council's sites and premises search facility.</u>

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			<p><u>In certain cases, for example, where a significant departure from policy is proposed, the Council may seek to independently verify the Viability Statement, and the applicant will be required to bear the cost of independent verification.</u></p> <p><u>Justification</u></p> <p><u>5.29 The Ministerial Statement which emerged at the end of March 2011, along with the National Planning Policy Framework (NPPF), have made it clear that the Government’s broad brush approach to development will focus on facilitating growth and new jobs in sustainable locations and generally on encouraging more residential development, including on vacant employment sites. The aim of these changes is to enable the delivery of much needed housing and ensure the effective use of previously developed land, including employment sites where they are no longer considered economically viable.</u></p> <p><u>5.30 It is important that the Council has a robust policy in place to respond to this change in emphasis. However, that is not to say that the Council should freely permit such a change of use. Whilst the Council wishes to ensure that there is provision of a wide selection of business / retail space and that viable and suitable sites for such uses should be retained, it is accepted that leaving land vacant or underused is not an efficient use of land and should be avoided if an appropriate alternative use can be considered.</u></p> <p><u>5.31 Accordingly, those circumstances where it will be appropriate to support alternative uses are outlined in the policy, which broadly aims to acknowledge those situations where it would be unproductive to protect land / premises for the current use. For example, where a site / premises has remained empty or vacant for a period of time despite active marketing or it is no longer suited for the needs of existing use.</u></p> <p><u>5.32 Where the existing use is no longer considered viable, regard should be had for whether, firstly, a mixed-use scheme involving the existing use is viable and then, secondly, whether an alternative use that meets a similar need or purpose as the existing use (as set out in the policy above) is viable. If these alternative uses have been proven to not be viable, market housing will be considered as a final alternative use. Affordable housing requirements outlined in Policy RS2 will apply to market housing developments that ultimately emerge from this process, regardless of</u></p>

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			<u>the previous use of the land / building.</u>
MM25	75	GN5	Amend first sentence of Policy GN5, third paragraph, criterion (i) to read: “Area of Search: This <u>The extent of the area of search will depend on the scale and nature of the proposed development. It will usually be the settlement, ward or parish in which the proposed development site lies but could also include land in adjacent settlements, wards, parishes or Boroughs.</u> ”
MM26	97	Justification to RS1, para. 7.16	Add sentence to the end of paragraph 7.16 to read: <u>If, however, it is demonstrated that the provision of specialist housing for the elderly would in fact have a material negative impact upon viability, this can be taken into account when assessing affordable housing and / or other policy requirements for the proposed development, as set out in paragraph 7.37 of the justification to Policy RS2.</u>
MM27	103	Justification to RS2, after para. 7.36	Insert new paragraph after 7.36 to read: <u>7.37 The justification for the requirement for specialist housing for the elderly is set out in paragraphs 7.14-7.16 of Policy RS1. When assessing the viability of a market housing-led scheme (in order to determine whether the affordable housing requirements of Policy RS2 can be met), any negative impact upon viability resulting from the provision of specialist accommodation for the elderly may also be taken into account. In the case of a proposed scheme being unable to meet the requirements of Policy RS1(e) and Policy RS2 viably, consideration should be given on a case-by-case basis to whether the affordable housing requirement, specialist housing requirement or both requirements, should be reduced in order to achieve a viable scheme. Where appropriate (for example, where the local affordable housing need includes a need for affordable housing for elderly people), part, or all, of the specialist housing requirement may be incorporated within the affordable housing requirement.</u>
MM28	123	Justification to IF1, after para. 8.24	Insert new heading and paragraph to reflect MM18 after paragraph 8.24 to read: <u>Cultural facilities</u> <u>8.25 Cultural facilities add to the diversity of uses in town centres, and can make an important</u>

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			<u>contribution to centres' vitality and viability. The value of land in town centres means that community and cultural facilities may come under pressure from uses which attract higher land values and, without protection against this, the community may lose an accessible facility. Once these sites are lost to other uses, it can be very difficult to find alternative sites. Demand for different types of community facilities will change over time, but it is important to retain such premises to meet the future needs of residents and visitors. The safeguarding of existing community and cultural facilities will help to realise the potential for community use of existing buildings and encourage re-use of buildings when they become available.</u>																
MM29	124	IF2	Delete criterion (a) of Policy IF2, part (1) and move to justification, after para 8.29 (see MM32)																
MM30	126	IF2	<p>Amend Policy IF2, part (2) as follows:</p> <p>2) Parking Standards</p> <p><u>a) Residential Development</u></p> <p><i>Proposals for residential development will be required to meet the following standards for car parking provision <u>and communal cycling and disabled parking provision for visitors:</u></i></p> <table border="1"> <thead> <tr> <th>Type of Development</th> <th>Number of Parking Spaces (per dwelling)</th> <th>Cycle Parking Provision*</th> <th>Disabled Parking Provision*</th> </tr> </thead> <tbody> <tr> <td>Dwellings with 1 bedroom</td> <td>1</td> <td>1 communal space per 5 dwellings</td> <td>1 space per 10 dwellings</td> </tr> <tr> <td>Dwellings with 2-3 bedrooms</td> <td>2</td> <td>1 communal space per 5 dwellings</td> <td>1 space per 10 dwellings</td> </tr> <tr> <td>Dwellings with 4+bedrooms</td> <td>3</td> <td>1 communal space per 5 dwellings</td> <td>1 space per 10 dwellings</td> </tr> </tbody> </table>	Type of Development	Number of Parking Spaces (per dwelling)	Cycle Parking Provision*	Disabled Parking Provision*	Dwellings with 1 bedroom	1	1 communal space per 5 dwellings	1 space per 10 dwellings	Dwellings with 2-3 bedrooms	2	1 communal space per 5 dwellings	1 space per 10 dwellings	Dwellings with 4+bedrooms	3	1 communal space per 5 dwellings	1 space per 10 dwellings
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			<p>*in developments with communal parking only</p> <p><u>For apartment developments a minimum of 1 cycle parking space per 2 dwellings should be provided in a secure, covered location for use by residents.</u></p> <p><u>Non-Residential Development</u></p> <p>Parking standards for non-residential developments are set out within Appendix F.</p> <p>The Council will support development which seeks to encourage the use of public transport for both residential and non residential development. Locations that are considered more sustainable and well served by public transport by the Council may be considered appropriate for reduced levels of parking provision.</p> <p>Proposals for provision above or below the recommended parking standards will should be supported by ...</p>
MM31	127	IF2	Delete third paragraph of Policy IF2, part (3) and move to justification, after para 8.51 (see MM33)
MM32	130	Justification to IF2, after para. 8.29	<p>8.29 Policy IF2 has been set out to ensure that the future transport requirements of the Borough are met and that the correct parking standards are in place to allow sustainable development. This policy seeks to enhance and preserve the existing transport infrastructure whilst looking to improve where provision is lacking. The policy also seeks to improve sustainable forms of transport to reduce carbon emissions.</p> <p><u>8.30 In order to secure the long term future and viability of the Borough, and to allow for the increased movement of people and goods expected, the Council will work with neighbouring authorities and transport providers to improve accessibility across the Borough, improve safety and quality of life for residents and reduce the Borough's carbon footprint. Over the Local Plan period the Council will seek to:</u></p> <p><u>i. improve community health and well-being by providing alternative means of transport such as walking and cycling. This should be achieved through the provision of additional footpaths and cycleways (including towpaths) where appropriate;</u></p> <p><u>ii. reducing the environmental impact of transport through suitable mitigation and design;</u></p>

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			<p><u>iii. reduce transport emissions such as carbon dioxide and other greenhouse gases by encouraging greater usage of public transport facilities;</u></p> <p><u>iv. reduce congestion in the Borough's key service centres to promote competitiveness, with particular reference to Burscough and Ormskirk;</u></p> <p><u>v. preparing and actively promoting travel plans for all new developments, including both employment and residential, in accordance with DfT guidance on transport assessments; and</u></p> <p><u>vi. improve public transport to rural parts of the Borough and where appropriate support and implement innovative rural transport initiatives and support the shift towards new technologies and fuels by promoting low carbon travel choices and encouraging the development of ultra low carbon / electric vehicles and associated infrastructure.</u></p>
MM33	133	Justification to IF2, after para 8.51	<p>8.51 Through the delivery of EVR points the Council is ensuring that West Lancashire will be in a position to take full advantage of this new technology by having a modern fit for purpose transport infrastructure. EVR points are being rolled out across the North West region and the Country as a whole and in most cases a domestic 13a socket fixed to an internal / external wall should cost less than £100 (based on 2011 prices).</p> <p><u>8.52 In order to support the development of the LES statement, information on the types of mitigation measures and low emission technologies and a national toolkit will be available online to guide applicants in the future (http://www.lowemissionsstrategies.org). This will help assess the amount of transport emissions resulting from the proposed development. Developers will be able to assess the costs, effects and benefits from adopting low emission fuels, technologies and infrastructure.</u></p>
MM34	135	IF3	<p>Amend third paragraph of Policy IF3, and insert new fourth paragraph and section sub-headings, to read:</p> <p><u>Waste Water Treatment and Water Supply</u></p> <p><u>New development proposed in the areas of Ormskirk, Burscough, Rufford and Scarisbrick that are affected by the limitations on waste water treatment will need to be considered in liaison with the statutory undertaker for water and wastewater and the Council to establish the impact on water and wastewater infrastructure. The delivery of development must be phased to ensure delivery of the</u></p>

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			<p>development that it coincides with an appropriate solution which meets the standards of the Council, the Undertaker and the Regulators agreed with United Utilities and the Environment Agency.</p> <p><u>New development proposed in the Northern Parishes will need to be considered in liaison with the statutory undertaker for water and wastewater and the Council to establish the impact on water and wastewater infrastructure. The delivery of development will need to be considered in conjunction with the timescales for delivery of a solution to low water pressure in this area.</u></p> <p><u>Communications</u></p> <p><i>Development proposals for new public facilities and services ...</i></p>
MM35	137	IF4	<p>Amend first and second paragraphs of Policy IF4 to read:</p> <p><i>1. New development will be expected to contribute to mitigating its impact on infrastructure, services and the environment and to contribute to the requirements of the community. This Contributions may be secured as through a planning obligation through a Section 106 agreement, where the development would otherwise be unacceptable <u>(subject to an obligation meeting the requirements of the relevant legislation and national policy)</u> and through the Community Infrastructure Levy (CIL), at such a time when the Council has prepared a Charging Schedule.</i></p> <p><i>2. The types of infrastructure that developments may be required to provide such contributions for include, but are not limited to: ...</i></p> <p><i>iv. Community Infrastructure (such as health, education, libraries, public realm and emergency services);</i></p>
MM36	137	IF4	<p>Insert paragraph at the end of Policy IF4 to read:</p> <p><u>Where a development is made unviable by the requirements of a planning obligation, the Council will have regard to appropriate evidence submitted by an applicant and consider whether any flexibility in the planning obligation is justified.</u></p>
MM37	138	Justification to IF4, para. 8.66	<p>Amend paragraph 8.66 to read:</p> <p><i>8.66 The introduction of a CIL charging schedule will not always remove the requirement for Section 106 planning obligations which will remain to be used in accordance with the tests set out within the CIL</i></p>

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			<p><i>regulations.</i> <u>There may still be exceptional instances where a planning obligation is required to make a proposal acceptable, provided it meets the following statutory tests, set out within national policy:</u></p> <ul style="list-style-type: none"> • <u>Necessary to make the development acceptable in planning terms;</u> • <u>Directly related to the development; and</u> • <u>Fairly and reasonably related in scale and kind to the development.</u> <p><u>8.67</u> Planning obligations are a key delivery tool in providing the opportunity to secure financial contributions which will mitigate against the localised impacts of development which would otherwise render the proposal unacceptable in planning terms. <u>However, the Council recognise that there may be certain development proposals which would become unviable with the additional costs of a planning obligation and so the Council will weigh up the benefits of permitting the development with the impacts of allowing the development to proceed without requiring the full planning obligation and, where appropriate, may reduce the costs of the planning obligation required. In such a situation, the applicant will be required to provide a full financial appraisal and will be required to bear the cost of independent verification of this financial appraisal where necessary.</u></p>
MM38	140	EN1	<p>Amend first paragraph of Policy EN1, part (3) to read:</p> <p><i>Wind energy development potential is significant</i> <u>proposals</u> within West Lancashire and <u>will be given positive consideration provided that any adverse impacts can be satisfactorily addressed. To assist in decision making,</u> developers are required to provide evidence to support their proposals considering the following: ...</p>
MM39	143-145	EN2	<p>Delete Introductory paragraph, part (1) and part (2) (a) and (b) of Policy EN2 and replace with the following:</p> <p><u>1. Nature Conservation Sites and Ecological Networks</u></p> <p><u>a) The hierarchy of nature conservation sites</u></p> <p><u>The Council is committed to ensuring the protection and enhancement of West Lancashire's biodiversity and geological assets and interests. In order to do this, the Council will give particular</u></p>

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			<p><u>consideration to the following hierarchy of nature conservation sites when making planning decisions, according to their designation:</u></p> <p><u>i) International</u></p> <ul style="list-style-type: none"> • <u>Ramsar Sites</u> • <u>Special Areas of Conservation (SAC)</u> • <u>Special Protection Areas (SPA)</u> • <u>Candidate SACs or SPAs</u> <p><u>The strongest possible protection will be given to sites of international importance.</u></p> <p><u>The Council will also support the development of the Ribble Coast and Wetlands Regional Park, which encompasses part of the Ribble and Alt Estuaries SPA / Ramsar site.</u></p> <p><u>ii) National</u></p> <ul style="list-style-type: none"> • <u>National Nature Reserves (NNR)</u> • <u>Sites of Special Scientific Interest (SSSI)</u> <p><u>Developments that would directly or indirectly affect any sites of national importance identified, will only be considered where there are exceptional circumstances and the reasons for the development clearly outweigh the impacts to the site and the wider ecological network. In the case of SSSI's, consideration should be given to the likely impact of the development on the features of the site that make it of special scientific interest;</u></p> <p><u>iii) Local</u></p> <ul style="list-style-type: none"> • <u>Regionally Important Geological Sites</u> • <u>County Biological Heritage Sites</u> • <u>Local Nature Conservation Sites</u> <p><u>Development that would directly or indirectly affect any sites of local importance will be considered only where it is necessary to meet an overriding local public need or where it is in relation to the</u></p>

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			<p><u>purposes of the nature conservation site.</u></p> <p><u>b) Development within or affecting nature conservation sites and ecological networks</u></p> <p><u>In addition to the provisions of National and European law, and in accordance with national planning policy, proposals for development within or affecting the above nature conservation sites must adhere to the following principles:</u></p> <p><u>i) proposals which seek to enhance or conserve biodiversity will be supported in principle, subject to the consideration of other Local Plan policies;</u></p> <p><u>ii) consideration should be given to the impact of development proposals on the Lancashire Ecological Network [insert footnote to read - Lancashire Ecological Network refers to a document currently being developed by Lancashire County Council to be completed 2013 or any subsequent replacement documents.] and, where possible, opportunities to support the network by incorporating biodiversity in and around the development should be encouraged;</u></p> <p><u>iii) where development is considered necessary, adequate mitigation measures and compensatory habitat creation will be required through planning conditions and / or obligations, with the aim of providing an overall improvement in the site's biodiversity value. Where compensatory habitat is provided it should be of equal area, if not larger and more diverse than what is being replaced; and</u></p> <p><u>iv) the development of recreation will be targeted in areas which are not sensitive to visitor pressures - the protection of biodiversity will be considered over and above the development of recreation in sensitive areas of Natura 2000 and Ramsar Sites or where conflict arises.</u></p> <p><u>c) Damage to nature conservation sites and ecological networks</u></p> <p><u>The following definition of what constitutes damage to nature conservation sites and other ecological assets will be used in assessing developments likely to impact upon them:</u></p> <p><u>i. loss of the undeveloped open character of a part, parts or the entire nature conservation site or</u></p>

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			<p><u>ecological network;</u></p> <p><u>ii. reducing the width of part of an ecological network or causing direct or indirect severance of any part of the ecological network or of any part of a nature conservation site;</u></p> <p><u>iii. restricting the potential for lateral movement of wildlife within or through an ecological network or nature conservation site;</u></p> <p><u>iv. causing the degradation of the ecological functions of any part of the ecological network or nature conservation site;</u></p> <p><u>v. directly or indirectly damaging or severing links between nature conservation sites, green spaces, wildlife corridors and the open countryside; and</u></p> <p><u>vi. impeding links to the wider ecological network and nature conservation sites that are recognised by neighbouring planning authorities.</u></p> <p><u>Part (1) of this policy applies to all presently designated nature conservation sites, as shown on the Proposals Map and set out in Appendix I, and to any sites or ecological networks that may be identified in the future by appropriate agencies.</u></p> <p><u>2. Priority Species and Habitats</u></p> <p><u>Where there is reason to suspect that there may be priority species, or their habitat, on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs.</u></p> <p><u>In particular, the HRA of the Local Plan identifies a series of sites (in Appendix 8 of that document) where the potential of the site to support important habitat for birds associated with Martin Mere SPA cannot be ruled out at this stage. For those sites (and any others which may support suitable habitat) the applicant should submit an Ornithology Report containing sufficient information to demonstrate that consideration has been given to the potential for effects on SPA birds and, if necessary, that suitable mitigation measures will be implemented to address this to the</u></p>

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			<p><u>satisfaction of the Council and ensure no adverse effect on site integrity.</u></p> <p><u>The report could, depending on the site, be a confirmation that no suitable habitat is in fact present and therefore no loss of supporting habitat would result. This will allow the Council to screen the project against the Habitats Regulations (or equivalent legislation) and relevant national and local policy.</u></p>
MM40	145	EN2, part (2)(c)	<p>Amend second paragraph of Policy EN2 (2)(c) to read:</p> <p><i>Development involving the loss of, or damage to, Woodlands or trees of significant amenity, screening, wildlife or historical value will only be permitted where the development is required to meet a need that could not be met elsewhere, <u>and where the benefits of the development clearly outweigh the loss.</u></i></p>
MM41	146	EN2, part (2)(c)	<p>Delete fifth and sixth paragraphs of Policy EN2 (2)(c) and replace with the following:</p> <p><u>To assist the Council in decision making, sufficient information should be submitted alongside proposals for development to enable the Council to assess the effects on trees. The level of detail should be in accordance with BS.5837: 2012 - Trees in relation to design, demolition and construction, or any subsequent document.</u></p>
MM42	147	Justification to EN2, para. 9.19 and 9.20	<p>Delete paragraphs 9.19 and 9.20 and replace with the following:</p> <p><u>9.19 The Council plays an important strategic role in supporting biodiversity in West Lancashire and will:</u></p> <p><u>i. Protect and safeguard all sites of international, national and local level importance;</u></p> <p><u>ii. support the development of the Ribble Coast and Wetlands Regional Park with the vision that by 2020 the Ribble Coast and Wetlands Regional Park will become an internationally recognised area;</u></p> <p><u>iii. support a network of strategic green links between the rural areas, river corridors and green spaces to provide an ecological network that will provide habitats to support biodiversity and prevent fragmentation of the natural environment; and</u></p>

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			<p><u>iv. support the development of recreation in areas which are not sensitive to visitor pressures.</u></p> <p><u>9.20 The County Council is currently engaged in work to identify a functional ecological network for Lancashire (including Blackpool and Blackburn with Darwen). It is envisaged that the results of this work will be available in the first half of 2013. The network will be based on the tiers of designated wildlife sites and the habitats that lie within and around them. It will seek to identify how these are utilised by species on a functional basis. It will take account of land types and allocations which may have an implication for strengthening or improving the network. It will also provide a foundation for how Lancashire fits into other networks regionally, nationally and internationally and set the context for other local networks which may be identified. It is intended that the work will provide the necessary information and outputs to enable the Council to meet the requirements of the NPPF in this respect.</u></p>
MM43	155-156	EN4	<p>Rename Policy EN4 as follows:</p> <p><i>Preserving and Enhancing West Lancashire's Built Environment</i> <u>Cultural and Heritage Assets</u></p> <p>Delete part (1) of Policy EN4 and delete sub-heading "<u>2. Cultural and Heritage Assets</u>".</p>
MM44	157	Justification to EN4, para. 9.48 9.52	<p>Amend paragraphs 9.48 – 9.52 to read:</p> <p>9.48 Policy EN4 establishes the fundamental need for high quality design for all development in the Borough, reflecting the fact that West Lancashire is an attractive place to live, work and visit <u>that respects the historic environment within which it sits.</u> Development should reflect and draw on the local distinctiveness of the area whilst being able to adapt to the changing climate and social and economic conditions.</p> <p>9.49 Developing an understanding of the characteristics of an area and the context should always form part of the work undertaken before drawing up a development proposal. A design led approach will ensure that every proposal, whatever its scale, responds positively to the particular characteristics of a site and its surroundings and reinforces local distinctiveness and sense of place.</p> <p>9.50 Development proposals should be accompanied by Design and Access statements and proposals <u>relating to a designated heritage asset should also be supported by a Heritage Statement. The level of detail provided need only be proportionate to the asset's importance, in accordance with</u></p>

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			<p><u>national planning policy. Proposals should demonstrate</u> have a good understanding of <u>the latest national guidance and principles</u>. Documents and standards to consider will include <u>those prepared by organisations such as</u> English Heritage, the Commission for Architecture and the Built Environment (CABE), Homes and Community Agency (HCA) and the 'Building for Life' standard.</p> <p>9.51 <u>9.50</u> Proposals should also have regard to the Council's Design Guide SPD (January 2008) along with other locally derived documents, including <u>the</u> West Lancashire Heritage Strategy 2009. The Heritage Strategy aims to provide an overview of how the Council will preserve the historic environment of the Borough and promote awareness of the value of our shared heritage. The Council also maintains an "At Risk Register" which it will continue to monitor and keep up to date.</p> <p>9.52 <u>9.51</u> West Lancashire has numerous and extensive historic assets, including 28 Conservation Areas and 12 scheduled ancient monuments which are all identified on the Local Plan Proposals Map. In terms of buildings, West Lancashire is home to around 600 buildings on the statutory list of buildings of architectural or historic interest. The Council also maintains its own a list of buildings of local importance which is updated periodically and available on the website. The range of assets includes both statutory designations and sites and those of regional and local importance.</p>