

Proposed Main Modifications to policies GN3-GN5, RS3, RS5, IF1-IF4, EN1-EN4

Inspector's suggested amendments – shown as track-changes

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
MMS	69	GN3, part 3(v)	Amend Part 3(v) as follows: 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>

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 discharge surface water 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>
MM11	104	RS3, part (b)	Amend first paragraph of Policy RS3, part (b) to read: <i>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 <u>residential</u> properties in use as, or with permission to become, an HMO, either in the street as a whole, or within the nearest 60 <u>residential</u> properties (<u>excluding those residential properties used specifically for the accommodation of older people or in a C2 use</u>) 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 <u>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.</u> The Council will also have regard to any purpose-built student accommodation in the same street, or section of the street.</i>

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Ref No	Page	Policy/ Paragraph	Main Modification
MM12	107	Justification to RS3, para. 7.47	Amend last sentence of paragraph 7.47 to read: Once the percentage limit is reached <u>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.</u>
MM17	117	IF1	Amend Policy IF1, first paragraph, second sentence to read: Retail and other uses normally associated with town centres <u>main town centre uses</u> 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, <u>village</u> or local centre.
MM18	120	IF1	Add paragraph at the end of Policy IF1 to read: 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.
MM19	156	EN4, part 2	Amend second sentence of part 2 (Cultural and Heritage Assets) of Policy EN4 to read: In order to protect and enhance historic assets, <u>including their settings,</u> whilst facilitating economic

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			<i>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: <i>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.</i>
MM23	67	GN3	Insert the following additional criterion to part 1 of Policy GN3: <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>
MM24	71-74	GN4 and paragraphs 5.27 – 5.33	Replace Section 5.4 of the Local Plan (including Policy GN4) with the following: <u>5.4 Policy GN4: Demonstrating Viability</u> <u>Context</u> <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>

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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> <p><u>a) 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</u></p>

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			<p><u>mixed-use scheme for the existing use and a compatible use; or</u></p> <p><u>b) 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></p> <p><u>c) marketing of the land / property indicates that there is no demand for the land / property in its current use.</u></p> <p><u>Details of the current occupation of the buildings, and where this function would be relocated, will also be required.</u></p> <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</u>

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			<p><u>housing.</u></p> <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> <ul style="list-style-type: none"> <li data-bbox="636 512 1843 600">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> <li data-bbox="636 619 1843 676">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> <li data-bbox="636 695 1843 895">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 advertisements 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</u>

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			<p><u>has been recorded on the Council's sites and premises search facility.</u></p> <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 submitted evidence, 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</u></p>

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			<p><u>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 for existing retail premises or agricultural / horticultural workers' dwellings 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. The affordable housing requirements of Policy RS2 will apply to market housing developments that ultimately emerge from this process, regardless of the previous use of the land / building.</u></p>
MM25	75	GN5	<p>Amend first sentence of Policy GN5, third paragraph, criterion (i) to read:</p> <p><u>“Area of Search: This This 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></p>

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MM28	123	Justification to IF1, after para. 8.24	<p>Insert new heading and paragraph to reflect MM18 after paragraph 8.24 to read:</p> <p><u>Cultural facilities</u></p> <p><u>8.25 Cultural facilities add to the diversity of uses in town centres, and can make an important 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></p>
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>a) Residential Development</p> <p><i>Proposals for residential development will be required to meet the following standards for car parking</i></p>

Ref No	Page	Policy/ Paragraph	Main Modification																
			<p><i>provision <u>and communal cycling and disabled parking provision for visitors:</u></i></p> <table border="1" data-bbox="600 331 1570 727"> <thead> <tr> <th data-bbox="607 336 857 480"><i>Type of Development</i></th> <th data-bbox="857 336 1028 480"><i>Number of Parking Spaces (per dwelling)</i></th> <th data-bbox="1028 336 1317 480"><i>Cycle Parking Provision*</i></th> <th data-bbox="1317 336 1570 480"><i>Disabled Parking Provision*</i></th> </tr> </thead> <tbody> <tr> <td data-bbox="607 480 857 560">Dwellings with 1 bedroom</td> <td data-bbox="857 480 1028 560">1</td> <td data-bbox="1028 480 1317 560">1 communal space per 5 dwellings</td> <td data-bbox="1317 480 1570 560">1 space per 10 dwellings</td> </tr> <tr> <td data-bbox="607 560 857 639">Dwellings with 2-3 bedrooms</td> <td data-bbox="857 560 1028 639">2</td> <td data-bbox="1028 560 1317 639">1 communal space per 5 dwellings</td> <td data-bbox="1317 560 1570 639">1 space per 10 dwellings</td> </tr> <tr> <td data-bbox="607 639 857 719">Dwellings with 4+bedrooms</td> <td data-bbox="857 639 1028 719">3</td> <td data-bbox="1028 639 1317 719">1 communal space per 5 dwellings</td> <td data-bbox="1317 639 1570 719">1 space per 10 dwellings</td> </tr> </tbody> </table> <p data-bbox="600 746 1122 775">*in developments with communal parking only</p> <p data-bbox="600 791 1742 852"><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 data-bbox="600 868 949 896"><u>Non-Residential Development</u></p>	<i>Type of Development</i>	<i>Number of Parking Spaces (per dwelling)</i>	<i>Cycle Parking Provision*</i>	<i>Disabled Parking Provision*</i>	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><i>Parking standards for non-residential developments are set out within Appendix F.</i></p> <p><i>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.</i></p> <p><i>Proposals for provision above or below the recommended parking standards will should be supported by ...</i></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><i>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.</i></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>

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			<p><i><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></i></p> <p><i><u>ii. reduce the environmental impact of transport through suitable mitigation and design;</u></i></p> <p><i><u>iii. reduce transport emissions such as carbon dioxide and other greenhouse gases by encouraging greater usage of public transport facilities;</u></i></p> <p><i><u>iv. reduce congestion in the Borough's key service centres to promote competitiveness, with particular reference to Burscough and Ormskirk;</u></i></p> <p><i><u>v. prepare and actively promote travel plans for all new developments, including both employment and residential, in accordance with DfT guidance on transport assessments; and</u></i></p> <p><i><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></i></p>
MM33	133	Justification to IF2, after para 8.51	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

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			<p>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><i>New development proposed in the areas of Ormskirk, Burscough, Rufford and Scarisbrick that are affected by the limitations on waste water treatment <u>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 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.</u></i></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</u></p>

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			<p><u>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>The Council will support the delivery of broadband and communications technology....</p>
MM35	137	IF4	<p>Amend first and second paragraphs of Policy IF4 to read:</p> <p>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 <u>Contributions</u> may be secured as <u>through</u> 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.</p> <p>2. The types of infrastructure that developments may be required to provide <u>such</u> contributions for include, but are not limited to: ...</p> <p>iv. Community Infrastructure (such as health, education, libraries, public realm <u>and emergency services</u>);</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</u></p>

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			<u>will have regard to appropriate evidence submitted by an applicant and consider whether any flexibility in the planning obligation is justified.</u>
MM37	138	Justification to IF4, para. 8.66	<p>Amend paragraph 8.66 to read:</p> <p>8.66 <i>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 regulations. <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></i></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 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. 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</u></p>

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			<u>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>
MM38	140	EN1	Amend first paragraph of Policy EN1, part (3) to read: <i>Wind energy development potential is significant proposals within West Lancashire and will be given <u>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: ...</i>
MM39	143-145	EN2	Delete Introductory paragraph, part (1) and part (2) (a) and (b) of Policy EN2 and replace with the following: <u>1. Nature Conservation Sites and Ecological Networks</u> <u>a) The hierarchy of nature conservation sites</u> <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 have regard to the following hierarchy of nature conservation sites when making planning decisions, according to their designation:</u>

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			<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 site of national importance will only be permitted where there are exceptional circumstances and where the benefits of the development at that site clearly outweigh the impacts to the site and the wider ecological network. In the case of SSSI's, consideration will be given to the likely impact of the development on the features of the site that make it of special scientific interest.</u></p>

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			<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 permitted only where it is necessary to meet an overriding local public need or where it is in relation to the 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</u></p>

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			<p><u>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>See comments in Inspector's explanatory notes</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 at least equal area and diversity, 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.</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 ecological network;</u></p> <p><u>ii. reducing the width of part of an ecological network or causing direct or indirect severance of any</u></p>

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			<p><u>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 <i>Policies Map</i> and set out in Appendix I, and to any <i>nature conservation</i> sites or ecological networks that may be <i>designated</i> 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</u></p>

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			<p><u><i>the presence of such species and, where appropriate, making provision for their needs.</i></u></p> <p><u><i>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 satisfaction of the Council and ensure no adverse effect on site integrity.</i></u></p> <p><u><i>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.</i></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, <u>woodlands</u> 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 or damage.</u></i></p>

Comment [RC1]: Suggest the identified sites are listed in an Appendix to the Local Plan itself

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MM41	146	EN2, part (2)(c)	Delete fifth and sixth paragraphs of Policy EN2 (2)(c) and replace with the following: <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>
MM42	147	Justification to EN2, para. 9.19 and 9.20	Delete paragraphs 9.19 and 9.20 and replace with the following: <u>9.19 The Council plays an important strategic role in supporting biodiversity in West Lancashire and will:</u> <u>i. Protect and safeguard all sites of international, national and local level importance;</u> <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> <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> <u>iv. support the development of recreation in areas which are not sensitive to visitor pressures.</u>

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			<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> <p>See comments in Inspector's explanatory notes</p>
MM43	155-156	EN4	<p>Rename Policy EN4 as follows: <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 "2. Cultural and Heritage Assets".</p>
MM44	157	Justification to EN4, para. 9.48	<p>Amend paragraphs 9.48 – 9.52 to read:</p> <p>9.48 <i>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</u></i></p>

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		9.52	<p><u>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</u> should also <u>be supported by a Heritage Statement. The level of detail provided need only be proportionate to the asset's importance, in accordance with 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>9.54 <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>

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			9.52 9.51 West Lancashire has numerous and extensive historic assets, including 28 Conservation Areas and 12 scheduled ancient monuments which are all identified on the <u>Policies</u> 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.
MM45	<u>67</u>	<u>GN3</u>	<p><u>Insert Min 56 from minor modifications document, as it is necessary to achieve soundness:</u></p> <p><u>Amend Policy GN3 (3)(vi) to read:</u></p> <p><u>“Achieve a reduction in surface water run-off of at least 30% on previously developed land, rising to a minimum of 50% in Critical Drainage Areas unless this is demonstrated to be unfeasible or unviable.”</u></p>
MM46	<u>125</u>	<u>IF2</u>	<p><u>Delete paragraph xiii of Policy IF2(1)(b) and replace it with a new paragraph (e) as follows:</u></p> <p><u>Land at the railway pad, Appley Bridge will be safeguarded for a small-scale rail facility. Development which would prejudice such a use will not be permitted unless there has been a conclusive demonstration that such a use is unviable.</u></p>
MM47	<u>140</u>	<u>EN1</u>	<p><u>Delete the last sentence of Policy EN1(2)(iv) and replace it with the following:</u></p> <p><u>Very special circumstances will need to be demonstrated in order to justify renewable and low</u></p>

Deleted: Local Plan Proposals

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			<u>carbon energy proposals where they constitute inappropriate development in the Green Belt.</u>
<u>MM48</u>	<u>150</u>	<u>EN3</u>	<p><u>Insert Min 94 from minor modifications document, as it is necessary to achieve soundness:</u></p> <p><u>Amend Policy EN3 (2)(a) to read:</u></p> <p><u>“a) Development should be strongly resisted if it that results in the loss of existing open space or sports and recreation facilities (including school playing fields) unless will only be permitted if one of the following conditions are met:</u></p> <p><u>i. The open space has been identified agreed by the Council as being unsuitable for retention because it is under used, poor quality or poorly located;</u></p> <p><u>ii. the proposed development would be ancillary to the use of the site as open space and the benefits to recreation would outweigh any loss of the open area; or</u></p> <p><u>iii. Successful mitigation takes place and alternative, improved provision is provided in the same locality. This should include improvements to the quality and quantity of provision to the benefit of the local community.”</u></p>
<u>MM49</u>	<u>151</u>	<u>EN3</u>	<p><u>Insert Min 97 from minor modifications document, as it is necessary to achieve soundness:</u></p> <p><u>Amend Policy EN3 (2)(e) to read:</u></p>

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			<u><i>“e) Facilities for Development which would prejudice the delivery of the informal countryside recreational activities are proposed at the following sites, as shown on the proposals map will not be permitted: ...”</i></u>
MM50	<u>151</u>	<u>EN3</u>	<u>Insert Min 98 from minor modifications document, as it is necessary to achieve soundness:</u> <u>Amend Policy EN3 (2)(f) to read:</u> <u><i>“f) Proposals will also be developed to Development which would prejudice the protection and improvement of facilities at the following existing countryside recreation sites shown on the proposals map will not be permitted: ...”</i></u>