

Development in the Green Belt Supplementary Planning Document

Consultation Statement

August 2015

This Consultation Statement comprises two sections:

- A) Schedule of comments received on the 'scope' of the Development in the Green Belt Supplementary Planning Document (SPD), and the Council's response (January / February 2015);
- B) Schedule of comments received on the Draft SPD, and the Council's response (May / June 2015).

(A) Comments on the scope of the Development in the Green Belt SPD

In accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012, West Lancashire Borough Council consulted the following bodies on the scope of the proposed Development in the Green Belt SPD:

- Statutory Consultees ("Specific Consultation Bodies" as defined by Regulation 2 of the above Regulations);
- Locally active planning agents;
- Locally active housebuilders and Registered Providers (as this was a joint consultation on the Green Belt SPD and also on an Affordable Housing SPD).

The table on the following pages records which parties made representations on the scope of the SPD, the issues raised by the said parties, and the Council's response in terms of how these issues were addressed in the draft SPD.

Summary of comments made on Reg 12(a) consultation on Green Belt Issues SPD

February 2015

Ref	Representor	Summary of comments	Council response
01	Highways Agency	No comments to make	-
02	Sefton MBC	No comments	-
03	The Coal Authority	No comments	-
04	English Heritage	No comments	-
05	Newburgh Parish Council	Concern regarding conversion of redundant agricultural buildings to housing in the Green Belt	<p>Recent changes in the Town & Country Planning (General Permitted Development) Order 2008 (Class MB) allow for agricultural buildings to be converted into dwellings without the need for full planning permission. This is subject to going through a prior notification procedure where details are submitted to the Council. Proposals will need to satisfy a number of criteria and certain restrictions will be imposed on other new agricultural development.</p> <p>Where planning permission is required for the conversion of a non-residential building to residential use, the “higher” / “parent” policies, provided in this case by the National Planning Policy Framework (NPPF), determine what kind of development is permitted in the Green Belt. Those forms of development considered ‘not inappropriate’ (para.89) include the conversion of non-residential buildings within the Green Belt to residential usage, providing certain criteria are met. The SPD will provide these criteria, with the aim of preserving the openness of the Green Belt as far as possible.</p>
06	Marine Management	No comments	-

Ref	Representor	Summary of comments	Council response
	Organisation		
07	Wrightington Parish Council	Wrightington Parish Council would ask that when preparing these documents, the policies contained within the SPD on Green Belt ensure that Green Belt land can be protected from development by stealth and will continue to only be allowed in very exceptional circumstances and subject to stringent criteria.	<p>The NPPF does consider some development <u>not</u> 'inappropriate' in the Green Belt. This includes agricultural buildings, sports facilities, some extensions, and replacement buildings on previously developed land. These are subject to restrictions which the SPD attempts to clarify.</p> <p>Therefore, while the Council can apply locally specific criteria to control issues such as the form, design and appearance of development within the Green Belt, the precedent for whether development is inappropriate or not is set by national government, rather than the Borough Council.</p>
08	Aughton Residents Group	<p>Aughton Residents Group supports the Planning Department's robust approach to challenging the majority of attempts to convert non-residential buildings within the Green Belt to residential usage. We are concerned however that any perceived weakening of that position within the SPD will be seized upon by landowners and developers. ARG would wish to see the following points addressed within the SPD.</p> <ol style="list-style-type: none"> 1. Applications seeking to significantly alter the structure of a building, or redesignate it from non-domestic to domestic will be robustly challenged. 2. Applications for new build 'agricultural' buildings will be scrutinised against impact on Green Belt in general and local dwellings in particular. 	<p>In response to the numbered comments:</p> <ol style="list-style-type: none"> 1. See response to Newburgh Parish Council in relation to the concerns about the conversion of non-domestic buildings to dwellings. However the SPD will seek to ensure that applications for conversion preserve any aspects of the structure and design of the building which hold value. It will also restrict alterations and extensions for this same reason, and also to preserve the openness of the Green Belt. 2. The NPPF permits the construction of new agricultural buildings in the Green Belt [under a prior notification procedure]. Therefore the SPD has no power to restrict this form of Green Belt development. 3. Development on previously developed ('brownfield') land within the Green Belt is not inappropriate development according to the NPPF. Therefore the Council has no power to refuse an

Ref	Representor	Summary of comments	Council response
		3. Applications relating to 'Brownfield' sites within the Greenbelt will be refused except where exceptional circumstances can be proven as per the National Planning Framework.	application on such a site on this basis alone. However the NPPF requires that this type of development must not have a greater impact upon the openness of the Green Belt. The SPD will provide guidance on how this will be assessed.
09	Lancashire County Council	No comments	-
10	Natural England	No comments	-
11	Halsall Parish Council	<p>Halsall Parish Council asks that consideration be given to use brown belt (<i>sic</i>) areas in preference to Green Belt areas.</p> <p>All rural developments should fully take into account proposed changes in surface water drainage in West Lancashire, in particular the proposed flooding of parts of West Lancashire due to the proposed closure of pumping stations into the Alt and Crossens.</p>	<p>The NPPF encourages the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. This is reinforced by the development restrictions placed upon Green Belt land. WLLP policy SP1 makes clear that the need to prioritise brownfield land over greenfield land for development is an important consideration, as does national policy. Similarly, development on non-Green Belt land is prioritised over development on Green Belt land.</p> <p>Such a policy is not considered necessary in the Green Belt SPD as it is covered by 'parent' policies.</p> <p>The specification of surface water drainage treatments is not a matter within the scope of this SPD.</p>
12	Home Builders Federation	No comments	-
13	Lathom South Parish Council	No comments	-

(B) Representations on the draft Development in the Green Belt SPD

From 14 May – 26 June 2015, in accordance with Regulations 12(b) and 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012, West Lancashire Borough Council consulted the following bodies on the content of the draft Development in the Green Belt SPD:

- All people / organisations on the Council's Planning Policy Consultation Database. This includes all Statutory Consultees ("Specific Consultation Bodies" as defined by Regulation 2 of the above Regulations);
- Locally active planning agents, housebuilders and Registered Providers (as this was a joint consultation on the Green Belt SPD and on an Affordable Housing SPD).

In addition, the consultation on the SPD was publicised by way of a press release to the local media, and an article on the Council's website.

The table on the following pages records which parties made representations on the content of the draft SPD, the comments made by the said parties, and the Council's response, including any instances where it was agreed the draft SPD should be amended.

In all, 65 responses were received from a variety of parties (local individuals, Parish Councils, planning agents, and wider organisations / charities).

The schedule of proposed changes to the SPD is set out in the Development in the Green Belt SPD Adoption Statement, available separately.

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
01	Andrew Cunningham Building Design (Andrew Cunningham, Director)	<p><i>Policy GB1</i> 20% increase for replacement dwellings is too small based on today's space standards requirements (based on Building Regs, including Part M – related to accessibility), WLBC's Policy that new development should adhere to Lifetime Homes criteria which exceeds Part M – e.g. wider stairs, bigger turning areas, large bathrooms etc. Walls are required to be thicker to meet SAP requirements and floor-to-floor heights in some old dwellings are lower than would be acceptable today.</p> <p>Looking back to 'Principles of the Green Belt' (p.6), it would seem contradictory to the spirit of the NPPF to unduly limit good design (and to modern standards) but which might end up being 25-30% larger than that which it replaces. Suggest 30% or 1/3 is a more realistic figure.</p> <p><i>Policy GB2</i> 20% is too onerous a restriction, bearing in mind the current standards that must be worked to. Suggest 30% or 1/3 allows greater flexibility for designers and builders.</p> <p><i>Policy GB4</i> 40% is too onerous a restriction. The previous SPG mentioned 50% for extensions and there is no explanation as to why this has been reduced.</p>	<p><i>Policy GB1 / GB2</i> The figure of 20% has been used in the older SPG and is considered to have worked well over recent years. It is not a prescriptive figure, and if it is demonstrated that it is necessary to go above 20% to meet Lifetime Homes or ceiling height standards (in the case of old, small properties), this will be taken into account when assessing individual cases.</p> <p><i>Policy GB4</i> The Council has for a number of years operated with an SPG policy that had a 50% allowance for extensions, but it has been the view of officers over this period that the 50% allowance was over-generous and needed to be revised downwards. Now that the old SPG is being replaced by a new SPD, this is considered an opportune time to revise the allowance downwards. The reduction in the allowance is only modest, down from 50% to 40%. This allowance is still considered generous, and the SPD makes clear that the figure is a guideline rather than a prescriptive limit.</p>
02	Michael Ashworth	<p>Support the principles regarding the development of the Green Belt set out in the local plan (i.e. that development of the green belt should not be considered unless circumstances are exceptional).</p> <p>I am concerned that should there be any sign of relaxation of the rules that this would give a 'green light' to developers to apply for even more incursion into the Green Belt.</p> <p>The principle of 'openness' should be honoured, particularly as any development is likely to jeopardise the 'openness' of adjacent land, thereby increasing the risk of future further applications for development.</p>	<p>Support noted. The SPD does not seek to deviate from the Local Plan or NPPF in relation to Green Belt policy.</p> <p>With regards openness of the Green Belt, the Council will consider the impact of proposals on a case by case basis, and the unique circumstances of the site.</p>

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
03	Andrew Atherton	Object to development within the Douglas Valley. Value the openness of the Green Belt.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
04	Peter Atherton	The Green Belt in Douglas Valley is important for nature and educating people about nature. Housing should be built on brownfield land instead.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
05	Barratt Manchester (Simon Artiss, Planning Manager)	<p>The NPPF and NPPG sets out the framework well so there is no benefit in replicating that national policy provides. The SPD should therefore focus upon the situation in West Lancashire. The recently adopted Local Plan relied upon Green Belt release to achieve housing allocations intended to meet its housing needs over the plan period. There are therefore allocations plus a range of Plan B sites, should those plan allocations not deliver housing supply at the required rate to satisfy NPPF requirements on housing supply. The SPD therefore needs to set out the framework for delivering these Plan B sites.</p> <p>In addition, the SPD should not be silent on the need to consider additional Green Belt sites, should allocations and Plan B sites not progress as necessary. It is assumed this would trigger an early review of the Local Plan but the SPD could clarify this matter.</p>	<p>It is not within the scope of this SPD to consider or explore the strategic issue of Safeguarded land (or 'Plan B' sites); that is the function of the West Lancashire Local Plan DPD.</p> <p>The purpose of the Green Belt SPD is to simply to clarify what would constitute 'not inappropriate' development, as listed in paragraph 89 of the NPPF, and how applications for such development would be considered in West Lancashire.</p> <p>The potential for further Green Belt release for development in the future will be assessed at the strategic level.</p>
06	Martin Beattie	The area around Appley Bridge should not be built upon and spoilt for those walking in the area. It would have a negative impact on facilities and services.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
07	Norma Beattie	Development in the Green Belt would cause road congestion, school overcrowding, there are not enough doctors and it would spoil an area of natural beauty.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
08	Dawn Bibby	Strongly disagree with development on all Green Belt areas. Develop would harm wildlife and the views for local people and users of the green spaces.	<p>The NPPF states that the construction of new buildings in the Green Belt is inappropriate, except in a small number of cases which it outlines in para.89. The Council must follow this policy when deciding applications for development within Green Belt areas.</p> <p>Nature Conservation designations provide protection to important nature sites – this is not a specific purpose of Green Belt land.</p>

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
09	Renee Bligh	<p>It is unacceptable for Green Belt sites to be exploited. Farms are considered for development even though it is apparent that increasing food production is critical if we are to be self-sufficient.</p> <p>Skelmersdale, with its excellent transport links, should have the majority of business estates; otherwise HGV's increase the present traffic problems and extra pollution to both Ormskirk and Burscough.</p>	<p>The West Lancashire Local Plan recognises the importance of agriculture in the Green Belt - Policy EC2 relating to the Rural Economy states that "the irreversible development of open, agricultural land will not be permitted where it would result in the loss of the best and most versatile agricultural land, except where absolutely necessary to deliver development allocated within the current Local Plan or strategic infrastructure or development associated with the agricultural use of the land". The SPD cannot and does not seek to amend this Policy.</p> <p>The WLLP sets the priorities for development in the Borough. Almost half of all new development is focussed on Skelmersdale, as the Borough's Regional Town. However Ormskirk with Aughton and Burscough form the secondary focus for new development in the Borough, as these towns both have good transport connections and most local services provided for. It is important that development is distributed through the Borough to ensure sustainable development across the Borough.</p>
10	Helen Bolton	Object to development in the Fairy Glen area of the Green Belt.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
11	Susan Brookfield	Green Belt land is gradually being eroded despite large brownfield land being available. Green Belt should be protected and past development sites should be cleaned up and re-used. Planning permission should only be granted on green areas where no brownfield sites exist.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
12	Carol Capstick	Object strongly to any development in the Green Belt. The openness of the Green Belt should be preserved. Other sites on Brownfield land are available. New buildings are inappropriate in the Green Belt in accordance with the NPPF. More development would cause increased traffic causing congestion and loss of open land.	The NPPF states that new buildings in the Green Belt should be regarded as inappropriate; however paragraph 89 does list some exceptions. This SPD aims to clarify how these exceptions will apply in West Lancashire.
13	Frank Capstick	Object to development in the Green Belt. Value the wildlife living here (deer, foxes, squirrels, birds). There must be land available to be built on instead of the Green Belt. Traffic would be increased which would cause more disruption.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
14	Carlotte Chappell, Co-Ordinator, Ormskirk Friends of the Earth	<p><i>Policy GB1</i> If a dwelling of large scale or bulk exists already within the Green Belt, and is already visually intrusive, even a replacement dwelling of the same size would be visually intrusive also, all the more so with one up to 20% larger, which would be significantly bulkier or more intrusive. It is not clear how (b) and (c) would interact in such circumstances.</p> <p>Whilst this policy states there should not be any increase in residential curtilage, the loss of residential curtilage through the dwelling having been replaced and the new dwelling having an increased floor area should not be compensated for by incorporating into the curtilage any previously undeveloped land. Any new access necessary should be within the remaining curtilage of the previous dwelling.</p> <p><i>Policy GB2</i> Whether there is conversion or replacement of a non-residential building in the Green Belt, and new access consequent on an increase in size of the building converted or replaced should not be on previously undeveloped land.</p> <p><i>Policy GB3</i> The phrase "existing development" is misleading where the land is vacant. Would not "previous development" be more appropriate?</p> <p>The policy appears to offer no guidance as to how the efflux of time since the previous development stood (cf Policy GB4) would affect the strength of the policy presumption, and in its present form would appear to be a very subjective criterion.</p> <p><i>Policy GB4</i> Whilst this policy states there should not be any increase in residential</p>	<p>Paragraph 89 of the NPPF permits the replacement of a building, providing it is in the same use and not materially larger than the one it replaces. The scope of the SPD is only to provide guidance on what the Council would consider to be 'materially larger' as the principle of replacement buildings is set in national policy – regardless of whether or not the existing building could be considered 'visually intrusive'.</p> <p>Policy GB1 of the SPD resists the increase of residential curtilage. Point (d) states that the curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces. A new access track would be classed as an engineering operation. This may be considered appropriate development, but only in circumstances where it preserves the openness of the Green Belt and does not conflict with the purposes of including land in the Green Belt. Each application will be judged on a case-by-case basis.</p> <p>No; the NPPF uses the phrase "existing development". If land were vacant, a previous use having been demolished, then any new development should have no greater impact on openness than the current (cleared) site, rather than the previous use.</p> <p>Some matters are necessarily subjective, and cannot be covered by a prescriptive policy. Each case is treated on its merits.</p> <p>See second paragraph in the response above.</p>

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
		<p>curtilage, the loss of residential curtilage through the dwelling having been extended should not be compensated for by incorporating into the curtilage any previously undeveloped land, and any new access necessary should be within the remaining curtilage.</p>	
15	CPRE Lancashire (Jackie Copley, Planning Manager)	<p>Agree with 1.2 that since the Green Belt SPD will be based upon, and consistent with, national policy and does not propose any changes to any Green Belt boundaries, it doesn't require its own Sustainability Appraisal or Strategic Environmental Assessment.</p> <p>Recommend that paragraph 2.1 sticks to Planning Practice Guidance wording i.e. Previously Developed Land excludes:</p> <ul style="list-style-type: none"> • land that is or has been occupied by agricultural or forestry buildings; • land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; • land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and • land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time. <p>CPRE Lancashire is aware from the latest National Land Use Database figures that West Lancashire has 105.26 hectares of brownfield land, of which 27.29 hectares have been assessed as suitable for housing. It is more sustainable for this wasted resource to be built before greenfields in line with the NPPF to protect Green Belt and protect the openness and permanence, and importantly each of the five purposes should remain unaltered.</p> <p>The Policy GB1 - Replacement of dwellings in the Green Belt (see section 2.2) is not clear. CPRE Lancashire recommends that the SPD introduces some clarity while still being consistent with the NPPF. We suggest that the volume of the existing building should relate to permanent structures.</p>	<p>Comment noted.</p> <p>It is agreed that the SPD definition of previously developed land should be amended to match the NPPF, in order to avoid confusion.</p> <p>Comments noted. The WLLP recognises in Policy SP1 the need to prioritise development on brownfield land and protect greenfield land from development. This reflects national policy set out in the NPPF. However, there is not enough brownfield land in West Lancashire to meet the locally-determined targets for residential and employment development. National policy / guidance on viability rules out much brownfield development.</p> <p>Policy GB1 point (a) states that the dwelling should be lawful and permanent in nature., therefore 'temporary extensions' would not fall under this criterion and therefore would be excluded when calculating the total volume of the original property. However</p>

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
		<p>Temporary extensions made of corrugated iron/plastic or asbestos board/plastic board or similar material or structures that are not fully enclosed, e.g. carport or lean-to should be excluded.</p> <p>CPRE also suggests that bungalows should not be allowed to become two-storey properties in the Green Belt as the height of buildings impacts on openness.</p> <p>CPRE Lancashire supports the intention of the Council to require applicants to carry out a survey of any protected wildlife species which may be present in the existing building. We also support the use of a condition to be attached to any permission requiring the demolition of the existing property before any replacement is occupied.</p> <p>In deciding whether an outbuilding qualifies for inclusion in the estimate of volume of the existing premises, the whole of the outbuilding (not merely part of it) should be within 5 m of the nearest permanent wall of the existing premises.</p> <p>Other corrections: Figures 1 & 2, p. 18(19) – change “Figure 2(b)” to “Figure 1(b)”; change “Figure 3” to Figure 2”</p>	<p>covered areas used for residential purposes, for example porches or car ports will be included.</p> <p>The replacement of a bungalow with a two storey house, or the [upward] extension of a bungalow to create a two storey dwelling would be likely to fall foul of the 20% allowance for replacement dwellings, or the 40% allowance for extensions. The impact on the openness of the Green Belt would be a key factor to be taken into consideration when assessing such proposals.</p> <p>Support for these aspects noted.</p> <p>The SPD has been amended to remove the reference to a 5m distance from the property.</p> <p>Noted – Figure numbering will be amended to clarify.</p>
16	Michael Cunningham, Cunningham Planning	<p><i>Policy GB1</i></p> <p>Point (b) proposes that the volume of replacement dwellings should be no more than 20% greater than the dwelling it replaces but does not refer to Permitted Development Rights. The volume calculation of the existing building should include allowable extensions under PD Rights as these extensions could be carried out without any planning permission and then the building extended by 20%. Logically therefore the total volume of the replacement building should be no more than 20% of the existing building + allowable PD rights and this should be referred to in this section.</p>	<p>Whilst point (b) of the policy does not refer to permitted development (PD) rights, the justification for the policy advises that any unused PD rights on the existing dwelling will not be taken into account in volume calculations, but are effectively ‘forfeited’. This is a stance the Council has taken consistently over recent times and there is not considered to be any reason why it should be changed in this new SPD.</p>

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
		<p>Bullet point (e) confirms that the location of the replacement dwelling within a residential curtilage can be justified if it achieves significant environmental improvements or road safety benefits. This should also include a relocated building having no greater impact on the Green Belt than the existing building in line with guidance contained in the NPPF.</p> <p><i>Policy GB1 & GB4</i> The volume of the proposal should exclude any subterranean development involved in extending the building as this would not have any detrimental impact on either openness or visual amenity of the Green Belt.</p> <p>The part of the sentence in brackets is unclear. It is not clear from the wording whether the volume of the original building when calculated will include any outbuildings within 5 metres of the existing dwelling or if the extension to the building of up to 40% would include any outbuildings within 5 metres of the existing dwelling. The interpretation of this part of the sentence is crucial and could have a significant impact on the size of any proposed extension. Reference to part of an outbuilding is also confusing. This could be interpreted to mean part only of an outbuilding rather than the whole.</p> <p>The way in which the council treat detached outbuildings within a residential curtilage is significant in assessing the acceptability of any extensions to the building. The NPPF under Paragraph 89 refers to extensions or alterations to a building it does not appear to include detached outbuildings. This is logical as outbuildings are not "extensions". This issue needs to be clarified to avoid any confusion.</p>	<p>Agreed; wording will be amended to reflect this.</p> <p>Whilst subterranean development may not impact on visual amenity, it can affect the perception of openness of the Green Belt, for example if it requires excavations to the side to provide light. Appeal decisions suggest basements should be included in volume calculations.</p> <p>It is agreed that the wording of Policies GB1 and GB4 needs to be addressed to deal with the issue of outbuildings, and to provide clarity. The SPD will be amended to remove references to parts of outbuildings / outbuildings being 5m from the existing dwelling.</p>
17	Brian Deakin	<p>Development in environmentally sensitive areas will damage wildlife. Local amenities and facilities in Appley Bridge cannot cope with further development. These should be improved. Parking at Appley Bridge Railway Station is dangerous.</p>	<p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p>

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
18	Mark Deakin	Object to house building on Green Belt land. Building close to protected woodland is irresponsible and would damage the drainage of the ecosystems. Development would also put pressure on local amenities such as schools, roads and medical facilities.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
19	Pauline Deakin	Object to development in the Green Belt around Appley Bridge as there are not sufficient facilities or alternative means of transport other than the car.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
20	De Pol Associates (Dan Matthewman, Senior Planner)	<p>At p.12 suggests that the Council, where appropriate, will remove permitted development rights for extensions and outbuildings from replacement dwellings in the Green Belt. It is our belief that the proposed policy fails to accord with National Planning Policy Guidance (NPPG) on the use of planning conditions and cannot be justified. Therefore the wording aforementioned at a para. 1.2 above should be omitted from the policy.</p> <p>Government issued the NPPG in April 2014 on the use of planning conditions which rehearses the same tests for attaching conditions on planning permissions as those which existed previously. Any condition to be imposed on a planning permission must be reasonable, relevant to the development, relevant to planning, precise, enforceable and necessary. The Council’s emerging SPD proposes removal of permitted rights from replacement dwellings in the greenbelt “where appropriate”. However, in so doing, the SPD suggests a lower threshold of ‘appropriateness’ whereas the correct test to justify such a restriction on future development is to demonstrate ‘exceptional circumstances’. The draft SPD is therefore contrary to the NPPG and where exceptional circumstances are not proven, it is clear that the condition will fail to meet the test of ‘necessity’ or ‘reasonableness’.</p> <p>If the Council identified a proposed development site that was so especially sensitive to future development, the Council would be entitled to rely on paragraph 17 of the NPPG providing that it was justified on a case by case basis. The blanket removal of permitted development rights</p>	<p>The phrase, “The Council, where appropriate, will remove permitted development rights for extensions and outbuildings from replacement dwellings in the Green Belt” is considered appropriate. It is not a “blanket removal” of permitted development rights, as claimed by the respondent.</p> <p>It is agreed that NPPG makes clear that such conditions should only be used “in exceptional circumstances”. Whether or not exceptional circumstances exist in a particular case will be one of the considerations when the Case Officer determines whether the removal of permitted development rights is “appropriate” in that individual case.</p>

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
		<p>for all extensions and outbuildings is not proportionate and the Class of permitted development rights proposed to be removed must be limited only to those which available evidence suggests will result in a negative effect on the Green Belt.</p> <p>Page 10 of the proposed SPD notes some exceptions which government believed to be appropriate. These exceptions are more fully outlined in the GPDO 2015 itself confirming that permitted development rights do not apply to dwellinghouses which have been granted only by virtue of Class M, N, P or Q of Part 3 of Schedule 2.</p> <p>The only justification to remove permitted development rights from a replacement dwelling is to demonstrate 'exceptional circumstances'. These must be determined on a case by case basis and clearly set out by Officer's considering and determining planning applications. The mere fact that a building is located in the Green Belt does not amount to 'exceptional circumstances'.</p>	
21	Simon Edwards	<p>There should be no development on areas of natural beauty with an abundance of wildlife.</p> <p>These areas often cannot cope with much more traffic, there are not enough schools and virtually no shops or facilities.</p>	<p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p>
22	Bridgit Fairhurst	<p>The development of Green Belt in Appley Bridge is wholly inappropriate. – would cause a dangerous increase in traffic levels.</p> <p>Fairy Glen is particularly beautiful and appreciated by both locals and people from further afield for walking and providing an area for nature.</p>	<p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p>
23	John Fairhurst	<p>There is already development pressure in the area around Appley Bridge. The current road system and infrastructure in and around the village is already stretched and construction of houses on Green Belt land would be opposed.</p>	<p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p>
24	Michael Field	<p>The Green Belt around the villages and small towns of West Lancashire gives them and the area a unique character. There should be no building on this Green Belt.</p>	<p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p>

Representations on the draft Development in the Green Belt SPD (May – June 2015)

Ref	Representor	Summary of comments	Council response
25	Thomas Gibson	Access to any green field sites would surely contravene traffic planning guidance and additional housing would make the current traffic problems much worse in Appley Lane.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
26	Mary Gibson	Why use green belt which has benefits for walkers and wild life? A small area of green belt bordering an ancient woodland SSI is of great benefit to all members of the community mentally and physically.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
27	Thomas Gibson	There seems to be poor demand for further housing in the Appley Bridge area. Additional housing would make the current traffic problems much worse.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
28	Irene Glaze	Development in the Appley Bridge area will result in reduced open spaces for recreation & health; increased & probably over-capacity at schools leading to increased traffic congestion. Development in the Green Belt is often poorly serviced by facilities. Development would also result in the reduction of the hedgerows, reducing insects, small mammals and birds.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
29	Chris Glaze	Green Belt near Appley Bridge stops neighbouring settlements from merging. Development on green belt land should be an absolute last resort. There needs to be more consideration of regenerating areas that are not currently being used properly or have fallen into dis-use, or disrepair. The Green Belt allows people to keep up their fitness levels & enjoy outdoor life.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
30	Carole Halton	Concerned about plans to develop in Appley Bridge/ Douglas Valley area, adjacent to Fairy Glen.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
31	Kenneth Halton	The Green Belt is used for recreation purposes and should be protected. Any development would harm wildlife and facilities would not be able to cope with further development. Green Belt should be protected as it can never be reclaimed.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
32	Richard Hampson	Against Green Belt development - all Green Belt areas should be protected against development, especially when within the borough there are many brownfield sites that would benefit from investment and development. Any developments with Appley Bridge would cause a massive strain on the	WLLP policy SP1 (and national policy) recognises the need to prioritise development on brownfield land. However Policy SP1 also recognises that there is not enough brownfield land in West Lancashire to meet the locally-determined targets for residential

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Ref	Representor	Summary of comments	Council response
		<p>road infrastructure for the surrounding area.</p> <p>The Douglas valley and surrounding areas of Green Belt offer a variety of habitats for many wild species of animal and birds. With any development on surrounding Green Belt fields there would surely be a detrimental effect on the ecology of the area.</p>	<p>and employment development.</p> <p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p>
33	Phil Hardwicke, Consilium Planning Consultants	<p>The definition of previously developed land should be the same as in the NPPF i.e. land in built up area such as private residential gardens. This means that residential gardens outside built up areas can still be brownfield.</p> <p>Second point in Policy GB3 you use the word vacant. This is not used in the NPPF indeed the NPPF makes it clear that sites can be in continuing use.</p> <p>Guidance on issues such as footprint/ volume would help, as would the status of which buildings can be included <i>[in any]</i> calculations.</p> <p>The SPD should address issues relating to long-term stable use and the status of containers in permanent positions.</p>	<p>The NPPF states that ‘previously developed land’ excludes ‘land in built-up areas such as private residential gardens’. The Council disagrees that as a consequence, private residential gardens <i>outside</i> built up areas should be classed as ‘previously developed land’. (Similarly, the Council considers parks, recreational grounds and allotments are greenfield within and outside urban areas.) This position was supported in a recent Appeal decision (APP/P2365/W/15/3003720, 17 Carr Lane, Tarleton) in which the Inspector concluded: “on the basis of the information before me, it seems logical to me that this land which is attached to a house, would be classed as a private residential garden [if it were] in a built-up area. It would therefore not be categorised as previously developed land as defined in Annex 2 of the Framework”.</p> <p>Agreed; the wording of the SPD will be changed to reflect this.</p> <p>This guidance is provided in policies GB1 and GB4. The wording of the paragraph will be amended to provide additional clarity.</p> <p>The SPD reflects the Council’s experience that private stable buildings tend to be required for relatively short periods of time, with needs varying according to change of ownership or occupation of land or associated dwellings – hence their construction from non-permanent materials. Each case where the siting of a container is an issue will be assessed on its own merits – it is not considered an appropriate issue for the SPD to cover.</p>

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34	Highways England	No comments	Noted
35	Rachel Hirst	I understand that the SPD allows for no changes to current planning regulations regarding the Green Belt in West Lancashire. I believe this to be the correct course, as any changes could allow for encroachment upon the Green Belt from developers.	Support noted.
36	Dorothy Hisley	There has been enough building in Appley Bridge area to the detriment of our local wildlife. Fairy glen is a local beauty spot and would suffer from lack of wildlife.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
37	Historic England	No comments.	Noted
38	Katie Jukes, Secretary of ABCAGE (Appley Bridge Community Against Greenbelt Erosion) Residents' Group	<p>There should be no development within the Green Belt designated areas of Appley Bridge.</p> <p>As per National green belt policies, consideration should be given to use Brownfield areas in preference to Green Belt.</p> <p>Green Belt development should only be allowed in very exceptional circumstances' and subject to strict stringent criteria.</p> <p>ABCAGE is encouraged by West Lancs Planning Department's strong, determined approach to challenging proposed changes of both residential and non-residential developments within the Green Belt designated areas. The group voices its concern that any perceived deviation of this position with the SPD will be taken advantage of by a landowners and developers.</p> <p>Applications for new builds will be scrutinised against the overall impact on</p>	<p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p> <p>The WLLP recognises in Policy SP1 the need to prioritise development on brownfield land and protect greenfield land from development. This reflects national policy set out in the NPPF. However, there is not enough brownfield land in West Lancashire to meet the locally-determined targets for residential and employment development. National policy / guidance on viability rules out much brownfield development.</p> <p>Development which is considered 'inappropriate' will only be permitted in 'very special circumstances', as set out in the NPPF para. 87-88.</p> <p>Support noted.</p> <p>The assessment of the impact of a proposed development</p>

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		<p>Green Belt in general and in particular local dwellings and their residents together with visitors to the area.</p> <p>The National Planning Framework states that brownfield sites within Green Belt areas should be strongly challenged except in exceptional circumstances that it far outweighs the impact and damage to the area.</p>	<p>(particularly on openness) will take place as part of the planning application process. The SPD provides further information on how the Council makes decisions on development considered ‘not inappropriate’ and its effect on the openness of the Green Belt.</p> <p>NPPF paragraph 89 permits the limited infilling, or the partial or complete redevelopment of previously developed sites (brownfield land) as long as this would not have a greater impact on openness of the Green Belt and would not conflict with the purpose of including land within it than the existing development. Annexe 2 defines what will be considered ‘previously developed land’ as well as what is excluded from this definition.</p>
39	Lathom South Parish Council	<p>The document has been heavily weighted towards residential development. More attention should be given in the document to the extension of commercial buildings and new commercial building within existing Green Belt sites. Proposals to develop privately owned car parks and retirement housing schemes should also be covered.</p> <p>Paragraph 1.3 refers to the “new town” of Skelmersdale. It is time to cease the use of this description, since the new town development around the existing town dates back to the 1960s and it is now mature.</p> <p>Page 8 NPPF paragraph 89 comment “West Lancashire contains no villages within the Green Belt”. While this might be strictly true, it is also true that there is Green Belt land within existing villages and that there are areas of development overwashed by Green Belt which are generally regarded as belonging to villages.</p>	<p>The majority of development in the Green Belt in West Lancashire over recent years has been residential-related, which is why the SPD concentrates on such matters. Extensions to commercial (and any other) buildings are covered by GB4; new commercial buildings and retirement housing schemes are likely to be inappropriate development, or else would be covered by GB3.</p> <p>The term ‘New Town’ refers less to the actual age of the settlement of Skelmersdale and more to the recognition of the town’s origins as part of the national level town planning solution intended to deal with the issue of congested metropolitan areas. This recognises the common features and challenges it shares with other ‘New Towns’ of this era. It also differentiates it from the more traditional settlements of West Lancs and recognises its unique characteristics.</p> <p>It is agreed that there are developed areas washed over by Green Belt. However, for the purposes of the WLLP, these areas are not considered to be ‘villages’.</p>

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		<p><i>Replacement Dwellings in the Green Belt</i> Sub paragraph e) – we would find it clearer to replace the word “site” on the first line to “footprint”.</p> <p>The reason for requiring “significant environmental improvements” (a highly subjective matter – note the Whitemoss decision) is not clear. It would seem sensible to require “no adverse impact on openness or the environment”, rather than to demand improvements. We have no similar qualms about the requirement for significant road safety benefits.</p> <p>Justification (5th paragraph) we suggest inserting “on the same site” between “location” and “to...” [To read: “If the applicant proposes a replacement in a different location on the same site as the existing, it will be necessary to demonstrate that there is no increase in the overall visual impact of the building in the landscape”.]</p> <p><i>Alterations and Extensions to Buildings within the Green Belt</i> Sub paragraph b). It is not clear how the 40% increase in volume for extensions and alterations is consistent with the 20% increase in footprint referred to under “replacement dwellings”. There needs to be some consistency of thought linking policy on replacement dwellings with policy on extensions. There also needs to be some recognition that small old buildings need to be brought up to acceptable modern standards, whereas substantial old buildings should be capable of such updating without a significant need to extend.</p> <p><i>Policy GB5 Stable Buildings in the Green Belt</i> It is not only stable buildings that need to be governed by this section. Kennels and other animal/bird provision have a similar propensity to cause nuisance (including vermin), smell, and noise etc., adverse effects upon wildlife habitats, heritage assets or agricultural interests and the section should be expanded accordingly. It should be made clear that all proposals for such development are covered by the policy.</p>	<p>Agreed; SPD will be amended accordingly.</p> <p>Noted. “Significant environmental improvements” could provide the justification for the choice of an alternative location within the curtilage – it is not a demand or condition. Reference to “openness” will be added to the wording of the policy, consistent with the NPPF.</p> <p>Agreed; SPD will be amended accordingly.</p> <p>The SPD follows national policy, which requires replacement dwellings not to be “materially larger”, and extensions not to be “disproportionate”. There is a difference between these two terms, hence the different figures. The point regarding small old buildings is acknowledged; this should be taken into account in individual applications (each case on its merits). However, it is not considered necessary to make a distinction in the SPD between old and new buildings.</p> <p>This guidance is applicable to equine development for private use only. Commercial stables will be judged on the same basis as kennels etc. and treated as a business use.</p>

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		<p>We recommend that the final sentence of the existing draft should be amended to read “The impact of approved buildings...” to emphasise that such planting would not contribute towards approval (note 1.4 Openness) but is encouraged, in order to soften the impact of new buildings etc.</p>	<p>Whilst there is sympathy with this point, it is not entirely agreed. The same logic could be applied to argue that buildings could be approved without such measures. The wording of the policy as it stands encourages applicants to incorporate such measures (e.g. reduce hardstanding) as part of their application, rather than seeking to control them through planning conditions. Landscaping can be required by condition; reduction in hardstanding cannot.</p>
40	<p>Sophie Marshall, Chartered Rural Surveyor, P Wilson & Company</p>	<p>Section 2.4 refers to 'vacant previously developed sites in the Green Belt'. NPPF para 89 point 5 allows for 'limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings)..'</p> <p>Accordingly, section 2.4 is inconsistent with the NPPF and is more restrictive as it does not incorporate policy for sites in continuing use as permitted by the NPPF.</p> <p>The word 'vacant' should be replaced with 'redundant or in continuing use (excluding temporary buildings)' to ensure Section 2.4 is consistent with the NPPF.</p> <p>Section 2.5 also adds an additional requirement to para 89 point 5 of the NPPF by introducing affordable housing. This goes beyond NPPF policy rather than merely providing further guidance/clarification on the use of this policy.</p> <p>In conclusion, I ask that the LPA reword section 2.4 of this SPD as proposed above and remove the affordable housing requirement.</p>	<p>Agreed; the wording of section 2.4 will be amended to more closely reflect the wording of the NPPF.</p> <p>Affordable housing requirements ‘off the back’ of market housing developments in the Green Belt are covered by the Affordable Housing SPD. This comment has been moved into the representations on the Affordable Housing SPD.</p>
41	<p>Alan McMullin</p>	<p>I submit that the Green Belt in West Lancashire should be preserved on the following grounds:</p> <ol style="list-style-type: none"> 1. To safeguard the countryside from encroachment, 2. To maintain the strength of existing Green belt boundaries, 3. To prevent sprawl outside main settlement areas by keeping land permanently open, 4. To provide a protective buffer around areas of significant wildlife and 	<p>Comments noted. It is not within the scope of the SPD to release land from the West Lancashire Green Belt. Some items in the list are consistent with the purposes of including land in the Green Belt, as listed in paragraph 80 of the NPPF.</p> <p>The NPPF goes on to state that new buildings in the Green Belt should be regarded as inappropriate, although paragraph 89 does list some exceptions. This SPD aims to clarify how these exceptions will apply in West Lancashire.</p>

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		<p>ecological value such as woodlands like Fairy Glen,</p> <p>5. To preserve the beauty of the landscape for future generations such as the Douglas Valley corridor,</p> <p>6. To preserve INSET villages and protect them from sprawl,</p> <p>7. To conserve productive agricultural land,</p> <p>8. To protect from development parcels of land which have met purposes 1-3 and received RED status in the WLBC Green Belt Study 2011.</p>	
42	Joan McMullin	<p>I submit that the Green Belt in West Lancashire should be preserved on the following grounds:</p> <p>1. To safeguard the countryside from encroachment,</p> <p>2. To maintain the strength of existing Green Belt boundaries,</p> <p>3. To prevent sprawl outside main settlement areas by keeping land permanently open,</p> <p>4. To provide a protective buffer around areas of significant wildlife and ecological value such as woodlands like Fairy Glen,</p> <p>5. To preserve the beauty of the landscape for future generations, such as the Douglas Valley corridor,</p> <p>6. To preserve INSET villages and protect them from sprawl,</p> <p>7. To conserve productive agricultural land,</p> <p>8. To protect from development parcels of land which have met purposes 1-3 and received RED status in the WLBC Green Belt Study 2011.</p>	<p>Comments noted. It is not within the scope of the SPD to release land from the West Lancashire Green Belt. Some items in the list are consistent with the purposes of including land in the Green Belt, as listed in paragraph 80 of the NPPF.</p> <p>The NPPF goes on to state that new buildings in the Green Belt should be regarded as inappropriate, although paragraph 89 does list some exceptions. This SPD aims to clarify how these exceptions will apply in West Lancashire.</p>
43	Pauline Melling	<p>We need to keep our Green Belt as it is because once it's gone, it's gone. Roads and schools are at capacity. Green Belt used by wildlife and for leisure.</p>	<p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p>
44	Jo Moran	<p>The Appley Bridge/Douglas Valley area is an important area for views, recreation and nature. Oppose development in the Green Belt.</p>	<p>It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.</p>
45	National Trust (Alan Hubbard, Planning Adviser National Trust)	<p>Generally the preparation of up-dated advice on Development in the Green Belt in the form of an SPD is a positive approach to take and one that is supported by National Trust.</p> <p>The Trust would also offer the following more specific comments: 1.1 (...plus 1.4/Page 10 and 2.5 Page 15) It is noted that there is now a new consolidated General Permitted Development Order (SI 2015 No. 596) that</p>	<p>Support noted.</p> <p>Agreed; the SPD will be updated to refer to the new GPDO.</p>

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		<p>came into force on 15th April. It would be helpful to up-date the GPDO references in the SPD.</p> <p>The statement "However all applications will be judged on their merits and on a case by case basis." is correct, but is separated from the advice two paragraphs above regarding the NPPF/NPPG/Development Plan etc. It would be useful to add to the end of this sentence "...case by case basis having regard to the adopted Development Plan and any other material planning considerations including national planning policy and this SPD."</p> <p>1.2 - Agreed.</p> <p>1.3 - No comments to make.</p> <p>1.4 - Under 'Very Special Circumstances' in the final paragraph on page 9 we would question whether there might be other forms of development that could constitute 'permitted development' that the Council might wish to restrict by planning condition. For example, in addition to buildings and extensions other operational development such as fences, or activities such as external storage, also have the potential to adversely impact upon the openness of the Green Belt. As currently worded there is a danger that the SPD would be used against the Council if it sought to impose such a condition under those circumstances.</p> <p>2.1 - Generally no comments, but it is noted that the same wording is used at the end of the last paragraph as in 1.1 above regarding judging applications on their merits on a case by case basis. Especially as this text is even more separated from the advice on the Development Plan and the NPPF etc. it is again suggested that the sentence is supplemented with wording such as "...case by case basis having regard to the adopted Development Plan and any other material planning considerations including national planning policy and this SPD."</p> <p>2.2 - Policy GB1 - it is unclear where the figure of 20% in criterion b) is derived from or what the justification is for this parameter. It is noted that the advice elsewhere in Section 1.4 of the draft SPD is that "Redevelopment proposals should generally have no greater impact than the existing development on the openness of the Green Belt...". The third paragraph of Section 1.4 is also relevant in this context. On the face of it there is a conflict between these two parts of the draft SPD. Whilst</p>	<p>Agreed; wording of section 1.1 will be amended.</p> <p>Noted</p> <p>Noted</p> <p>Agree – the final paragraph of section 1.4 will be reworded to refer to other forms of development.</p> <p>Agree - the wording will be amended.</p> <p>It is considered that 20% is a reasonable allowance, reflecting the NPPF requirement of being 'not materially larger'. This figure has been used in West Lancashire over recent years for replacement dwellings, and is considered a reasonable allowance.</p>

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		<p>traditionally planning policy has included some provision to replace an existing dwelling in the Green Belt with a slightly larger one that has usually been on the basis of reflecting any unused permitted development rights that might have resulted in the existing dwelling being extended. However, the proposed Policy GB1 is unclear about how 20% is a 'reasonable' figure in the context of the advice at Section 1.4. Whilst it is stated that the Council considers that 20% 'is appropriate' it appears to this Trust that this proportion is excessive in the context of the NPPF advice that replacement dwellings should 'not be materially larger'. A figure of around 5% would appear to the Trust to be more appropriate. It is noted that the intention is that unused permitted development rights are not to be taken into account. The Trust does not disagree with that approach but would contend that that should be made clear in the Policy itself rather than being left to the supporting text.</p> <p>In the last paragraph on Page 12 we are not sure that 'remediation' is the right, or only, word needed in the last sentence. Fundamentally it will presumably be a requirement to remove the existing dwelling (potentially within a limited time from when the new dwelling is first occupied); and then secondly for the ground to be remediated? "A scheme for demolition of the original house and remediation of the site will also be required" is our suggested alternative.</p> <p>2.3 - Policy GB2 - There is merit in considering adding the word 'demolition' into criterion 1(a), i.e. "The building must be of permanent and substantial construction and capable of conversion without major change, demolition or extension". Without it there is a prospect of works effectively involving the removal of large sections of wall and re-instating them, including re-incorporating existing features, being argued to comply with the Policy but in practice involving the substantial re-building of the structure - those arguments would include that there has been no major 'change' as the size/mass/materials are all very similar.</p> <p>In terms of Part 2 of the Policy please see the comments above in respect of proposed Policy GB1 and the potential 20% figure - the same concerns and arguments apply here.</p> <p>2.4 - Policy GB3 - Agreed.</p>	<p>Point accepted; wording to be amended to, "remediation of the site following demolition of the dwelling." (It is not considered necessary to submit a scheme for the demolition of the dwelling.)</p> <p>Agree – the word 'demolition' will be inserted as advised.</p> <p>Noted</p>

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		<p>2.5 - No objections to the approach proposed. However, in terms of the presentation it would be helpful if a) all the Policy cross-references included "WLLP" as a prefix, just Policy RS2 does at present, and b) if "WLLP" was also to be in bold font.</p> <p>2.6 - Policy GB4 - In most respects this Policy is agreed...but the 40% figure is a significant concern. Firstly, we believe that if the guidance that is being followed is the reference to 'materially larger' in the NPPF then having 20% in Policies GB1 and GB2 and 40% in GB4 will raise difficulties in the future, with applicants arguing that there is no reason why 40% should not also be the appropriate figure for GB1 and GB2 cases. It is unclear that the distinctions that are attempted in the relevant supporting texts to the three Policies equate to an extra 20% tolerance for extensions. Furthermore the actual 40% figure appears to the Trust to be grossly excessive and clearly goes well beyond what might reasonably be considered to be 'materially larger'...again we would suggest that 5% would be an appropriate figure.</p> <p>2.7 - Policy GB5 - the Policy is generally supported and in particular the approach to the use of timber materials for the bulk of the construction. The Trust would suggest that consideration is given to a further factor in the assessment of proposals and that is the relationship between the number of horses that could potentially be stabled and the size of the paddock area available to them - over-intensive use adversely impacts upon the grazing land. A leaflet from the British Horse Society is attached which sets out the considerations in some detail; whilst it notes that there are a range of factors to take into account its general advice is that "The BHS recommends a ratio of two horses per hectare on permanent grazing (1- 1.5 acres per horse)".</p>	<p>Agreed – ‘WLLP’ will be added in as appropriate. It is not considered necessary to make the text bold.</p> <p>With regard to ‘materially larger’ versus ‘disproportionate’, these are considered to be different degrees of increase in building size. Therefore, having two different figures is considered appropriate. 40% is a reduction from previous SPG policy.</p> <p>Comment noted. Whilst there is sympathy with the point made, it is considered beyond planning, in the sense of determining planning applications. Reference is made, however, to the BHS information guide within the justification to policy GB5.</p>
46	Ged Neil	Concern that Green Belt land is re-termed "protected" land for a period of time and is then built upon.	Protected Land is a separate designation from Green Belt, primarily owing to the preponderance of glasshouse development in the Northern Parishes. There are no plans to redesignate Green Belt land as Protected Land. Furthermore, it is not within the scope of this SPD to alter Green Belt boundaries.

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47	Stephanie Nuttall	<p>The supplementary guidance for stable buildings is totally at odds with the government recommendations - requires stables to be constructed out of extremely flammable materials and does not allow except in exceptional circumstances the stables to be made from brick which is not as flammable.</p> <p>Further it requires hay and bedding stores to be built directly next to stables, therefore putting high risk flammable products directly next to horses. This again is contrary to advice given by the Fire Service. The LPA should have to have a high regard to information and advice given by both the Fire Service and the Health and Safety Executive in regard to provision of stabling.</p> <p>In my opinion, the LPA have little or no concern or any duty of care towards animal housing and this should be addressed. It may be that those in the Planning Department who have drawn up the Supplementary Guidance for Stable Buildings have no experience of fire prevention, or health and safety issues and perhaps should seek advice from those more suitably qualified and experienced, before finalising the document.</p> <p>It also fails to appreciate that one tack room per development may not be sufficient - i.e. whilst equipment and clothing for one horse will fit in for e.g. 14 metres, it can be expected that a second or third horse might have the same quantity & equipment as the individual horse, and that it may not all fit in that 14 metres.</p> <p>Further if the LPA want tack rooms, in this day and age, insurance companies want it stored in something more substantial than a timber building.</p> <p>Another point is that if farmers are allow steel framed buildings in which to house cattle in the green belt, why can horse owners not have a similar building - i.e. an American barn? The supplementary guidance does not seem to accept that there are other types of buildings suitable for housing horses.</p>	<p>Stables, particularly those in non-commercial use, generally tend to be required for relatively short periods of time, with the needs varying according to change of ownership or occupation of land. On this basis the Council considers it inappropriate that the stables should be constructed of permanent hardwearing materials such as brick and stone that would result in the possibility of their remaining on the site long after they are needed. This could lead to a proliferation of brick and stone buildings across the countryside, to the detriment of the character and openness of Green Belt . Providing horses with adequate shelter must be balanced with the impact of such provision on the openness of the Green Belt.</p> <p>There is no official Government guidance advising on fire risk to stables. British Horse Society guidance provides advice on size only and recognises that they may need to be temporary structures due to Green Belt requirements.</p> <p>A range of fire prevention measures can be taken to reduce the risk of a fire occurring – e.g. ensuring the area is subject to a no-smoking policy, regularly removing dust and any flammable waste, regular inspection of any electrical wiring or appliances. The local fire safety officer can be contacted for further specific advice.</p> <p>Agricultural buildings are considered in national planning policy to be ‘not inappropriate’ development in the Green Belt (para.89), however equine facilities do not fall into this same category. Therefore their impact on the openness of the Green Belt in the proposed location must be taken into consideration.</p>

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Ref	Representor	Summary of comments	Council response
48	Office of Rail and Road	No comment.	Noted
49	Sylvia O'Neill	Appley Bridge has been Green Belt for many years. There are many more suitable sites for urban development – e.g. areas surrounding towns as opposed to villages. The Green Belt area provides a home to a wide variety of birds and animals. To develop the land would be to lose a valuable recreational facility and important local views. More development would lead to increasing demands on local facilities such as schools and medical facilities.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
50	Dorothy Payne	At Appley Bridge, bordering the very popular Fairy Glen and Appley Lane area, any development would be most detrimental both ecologically and recreationally. The bordering fields of the glen are a natural overflow of flora and fauna of the glen. Many people, some from different areas come to appreciate daily the peaceful atmosphere of the area, including ramblers, dog walkers, joggers, cyclists, children at play, also the less able-bodied who use the pavement/road to enjoy the views from Stoneygate Lane and Finch Lane.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
51	Colin Probert	Too much green belt land has already been lost, through increasing encroachment from housing. The countryside is vital to our health and happiness. Facilities and infrastructure are already overstretched – e.g. schools and parking. Leads to expansion of urban areas at expense of Green Belt. Urban regeneration should be the solution instead.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
52	Cathleen Rainford	Object to development on Green Belt land. Countryside is important for leisure and wellbeing. Provides an important buffer between highly developed areas.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
53	Anthony Rigbye	Object strongly to development in the Green Belt. Traffic congestion would cause local environmental problems and congestion for residents.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
54	Marilyn Rigbye	The Green Belt should not be built upon in the Fairy Glen area. The roads cannot take any more traffic and facilities are not sufficient.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.

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55	Brian Rimmer	Concern about erosion of Green Belt land around Appley Bridge. Road infrastructure is already stretched beyond its limits.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
56	Doreen Rudd	Concern about surface water and drainage in Appley Bridge. Further development would add to this pressure.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
57	Joan Sammons	Object to development of Green Belt in Appley Bridge. This is for environmental reasons (wildlife, traffic) and to prevent increased crime.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
58	Brian Smith	Important local beauty spots and nature conservation sites (e.g. Fairy Glen) should be surrounded by countryside and not built upon.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
59	Fay Smith	Important nature sites should be protected and remain surrounded by countryside.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
60	Steven Abbott Associates LLP (Alastair Skelton, Partner)	<p>The draft SPD is structured to deal with a number of development types and contains the following “policies” each of which contains detailed criteria to be met and a planning justification. It is abundantly clear that the draft SPD introduces development management policies, and, therefore, goes way beyond what is appropriate to be contained in a supplementary planning document.</p> <p>We would refer the Council to the judgement in the case R RWE NPower Renewables Limited and Milton Keynes Borough Council and Ecotricity (Next Generation) Ltd.</p> <p>The main basis for these representations is drawn from the legislative provisions of The Town and Country Planning (Local Planning) (England) Regulations 2012. The Secretary of State has prescribed documents which “are to be prepared” as “local development documents” in regulation 5(1) of the 2012 Regulations.</p> <p>They are documents which contain statements regarding one or more of the following:</p> <ul style="list-style-type: none"> • The development and the use of land which the local planning authority wish to encourage during any specified period; 	<p>In response to the main points put forward by the respondent:</p> <p><u>1. Status of the SPD</u></p> <p>This SPD is written to provide clarification of Local Plan policy and a local interpretation of national policy. Contrary to the claims being made by the respondent, who appears to have misunderstood the document, the SPD is intended to function within the legal remit of SPDs, i.e. setting out detailed guidance on Green Belt matters, and being capable of being a material consideration in planning decision making. Nowhere in the SPD is it stated or intended to imply that the document is claiming DPD status, or that it forms part of the development plan for the area.</p> <p>In response to the concerns raised, wording can be added to the introduction to the document to clarify its status, and where necessary, the wording of policies can be amended to reinforce their SPD status.</p>

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		<ul style="list-style-type: none"> • The allocation of sites for a particular type of development or use; • Any environmental, social, design and economic objectives which are relevant to the attainment of the development and use of land mentioned in paragraph (i); and • Development Management and Site Allocation policies, which are intended to guide the determination of applications for planning permission.” <p>The content and intent of the draft SPD is unequivocally clear. The document contains detailed policies which are intended to guide the determination of applications for planning permission. This means that as a matter of law the emerging document is a “development plan document/local plan”. There is a clear distinction between a “development plan document/local plan”, in accordance with which planning applications are to be determined unless material considerations indicate otherwise, and other “local development plan documents (including supplementary planning documents)” which can only constitute a material consideration when considering planning applications. It is absolutely clear from the content and tone of the draft SPD that its status is that of a “development plan document” and not a supplementary planning document.</p> <p>In relation to the emerging SPD WLBC is seeking to apply a more flexible approach incorrectly to a document which is clearly a “development plan document” which should and must be subject to independent examination given the additional policy that it seeks to introduce, and the status that it will be given in the determination of planning applications.</p> <p>These aspects are clarified to an extent in the National Planning Policy Framework (NPPF) and the National Planning Guidance (NPPG). The glossary to the NPPF defines supplementary planning documents as:</p> <p>Documents which add further detail to the policies in the Local Plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.</p>	<p><u>2. ‘Parent’ policy</u></p> <p>The respondent states: <i>We would question whether it is possible for an SPD to provide guidance and advice on a policy aspect that does not exist in the adopted Local Plan.</i></p> <p>Policy GN1(b) of the WLLP states, “Development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.”</p> <p>The SPD ‘hangs off’ this reference in the Local Plan to national policy for the Green Belt, providing further detail and clarification to national policy, and indicating which Local Plan policies are relevant to particular scenarios. It is considered entirely appropriate to prepare an SPD providing a local interpretation of policy referred to in the ‘parent’ Local Plan.</p> <p><u>3. Approach to development in the Green Belt</u></p> <p>This is set out on pp6-8 and follows the NPPF: development in the Green Belt is inappropriate unless stated not to be so in the NPPF. Several of the types of development specified in NPPF para.89 must also comply with other considerations, including preserving openness or not being materially larger. These are clarified at a West Lancashire level in the SPD.</p> <p><u>4. Private gardens outside settlements</u></p> <p>It is not agreed that residential gardens outside urban areas should be considered as previously developed land (PDL). Following the respondent’s logic would mean parks, recreation grounds and allotments are also PDL when outside urban areas.</p> <p><u>5. Prescriptive policies</u></p> <p>The 20% figure in policies GB1 and GB2 is not ‘prescriptive and inflexible’, but is a guide to indicate how the Council will interpret the NPPF phrase “not materially larger”.</p> <p>The justification to policies GB1 and GB2 makes clear that regardless of the percentage increase in volume, replacement</p>

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		<p>As stated on page 6 of the draft SPD “The adopted Local Plan does not have a Green Belt policy as such.” We would question whether it is possible for an SPD to provide guidance and advice on a policy aspect that does not exist in the adopted Local Plan.</p> <p>One final aspect of concern in relation to legal and procedural matters is the reliance placed upon individual case law and appeal decisions (or comments within them) as providing the basis for the Council’s policy approach. Whilst case law and appeal decisions may be capable of being material considerations they do not and should not be used to formulate policy.</p> <p>The policy approach of the SPD is inconsistent and at odds with national planning policy. It is acknowledged that most development in the Green Belt is strictly controlled by national Green Belt policy. However, the proposed policies with the draft SPD introduce a further level of control and restriction which finds no basis in the NPPF.</p> <p>On pages 6-8 of the draft SPD the Council seeks to set out the approach to considering development within the Green Belt – that approach seems to be based principally on case law provided by <i>Fordent Holdings v Secretary of State for Communities and Local Government</i>. In our view reliance on that case is both misplaced and misconstrued by the Council. The <i>Fordent</i> case considered the issue of material changes of use of land and whether such development is inappropriate.</p> <p>It is not entirely clear from the text of the draft SPD what the Council considers the approach to be to development in Green Belt. In our view it is clear that the construction of new buildings of the types set out in paragraph 89 of NPPF are not inappropriate (being specified as exceptions to the general policy statement). For development of those types special circumstances are not required to justify the granting of planning permission.</p> <p>Paragraph 2.1 of the draft SPD sets out general principles in relation to redevelopment of previously developed land in the Green Belt. Private residential gardens in Green Belt can and should be accepted as previously</p>	<p>buildings will be judged on their impact, their design, their siting with the plot, and their general location, and that 20% could be exceeded in individual cases.</p> <p>In response to the concerns raised by the respondent, the wording of the policies will be checked to ensure there is no implication that the policies are prescriptive or are the starting point for determination of planning applications</p> <p><u>6. Vacant land (Policy GB3)</u> It is agreed that for the purposes of Policy GB3, previously developed sites can include sites in continuing use. The policy will be amended accordingly.</p> <p><u>7. WLLP policy GN4</u> The requirement to comply with WLLP Policy GN4 in the case of redevelopment of employment sites stems from WLLP Policy EC2, which is part of the adopted development plan for the area and has been through examination post NPPF. The SPD does not add any policy burden in this sense.</p>

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		<p>developed land.</p> <p>Our main issue relating to Policy GB1 and Policy GB2 relates to the very specific and prescriptive criteria that are applied. Given that the purpose of SPD is to provide guidance such prescription is inappropriate. In particular a rigid 20% volume limit increase is inflexible and prescriptive, and does not reflect the ethos espoused elsewhere in the draft SPD – i.e. that all applications will be judged on their merits on a case by case basis. The range of potential sites across West Lancashire in terms of location, context, setting, etc and the infinite design possibilities mean that, in many cases, an increase of greater than 20% in volume will be wholly acceptable, and will not result in a materially larger building.</p> <p>The title of Policy GB3 referring to “vacant” previously developed sites when national policy applies the approach to vacant/redundant sites and those in continuing use. Use of the word vacant is erroneous and should be deleted.</p> <p>The suggestion that Policy GN4 (Demonstrating Viability) would need to be satisfied for sites currently or most recently in employment or retail use. The NPPF includes no such requirement. Indeed, the clear inclusion of the complete redevelopment of sites in continuing use as one of the Paragraph 89 exceptions suggests recognition that existing employment sites can be completely redeveloped. Furthermore, it is clear that the thrust of Government policy and thinking is to promote and encourage the redevelopment and recycling of previously developed land. There is no criteria which relates to the need to protect or safeguard current or former employment sites. In our view it would be wrong for the draft SPD to require such a test. The clear intention of Government is that priority is given to the redevelopment of brownfield land for housing, and this should be reflected at a local level.</p>	
61	Patricia Suggett	Object to more development in the Green Belt. Object to the use of Green Belt for solar farms and for loss of hedging and trees. Wildlife should be protected.	Although the NPPF regards the construction of new buildings in the Green Belt as inappropriate, paragraph 89 lists a number of exceptions to this which the SPD attempts to clarify. Other comments noted.

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62	James Walker	Douglas Valley is an important area of countryside visually. It should be protected from development. Development within the Green Belt would be in violation of the Local Plan which seeks to protect Green Infrastructure and green spaces for the benefit of the community.	It is not within the scope of the SPD to release land from the West Lancashire Green Belt. The document follows NPPF policy in terms of what is inappropriate development in the Green Belt.
63	Mary Philippa Waterhouse	Do not want development in the Green Belt.	Although the NPPF regards the construction of new buildings in the Green Belt as inappropriate, paragraph 89 lists a number of exceptions to this which the SPD attempts to clarify.
64	The Wildlife Trust for Lancashire, Manchester & North Merseyside, (David Dunlop, Conservation Officer for Central & Western Lancashire)	<p>Page 8: The 'List of Types of Development "not inappropriate" in the Green Belt,' does not include nature conservation development. The Wildlife Trust cannot envisage how a change to nature conservation use, per se, would be deemed inappropriate in Green Belt and we suggest that this land use be added to the list, or otherwise incorporated into the SPD; unless there be some clear planning law and/or NPPF constraint that precludes this.</p> <p><i>Policy GB1 and Policy GB2</i></p> <p>The Wildlife Trust welcomes the requirement that a survey of any protected wildlife species will be required. However, the text should go on to state what level of impact would be acceptable and / or what mitigation / replacement provision would be expected as a survey alone will not secure the future of any population found to be present. The survey should include the curtilage of the building as well as the building itself.</p> <p>The term 'protected species' should be defined. We would prefer that definition to refer to S41 of the Natural Environment & Rural Communities Act 2006. Please note that habitats are included as well as species. In the case of buildings and their immediate curtilages none of the 'habitats of principal importance' is very likely to be present, but you may wish to include such habitats for completeness. We recommend that you consult your authority's ecological adviser about which particular S41 habitats and species are most relevant to West Lancashire Borough and its immediate</p>	<p>For the avoidance of doubt and to avoid potential policy conflict, the list of development considered 'not inappropriate' in the Green Belt listed in the SPD should remain the same as that provided by the NPPF. The Council takes the view that it would depend on what would be involved in a 'nature conservation development'. This could fall within one of the existing categories – e.g. it may constitute an engineering operation, or a facility for outdoor recreation. In these cases, the development's impact upon openness will be the main consideration, along with whether the proposal conflicts with the purposes of including land in the Green Belt (in the case of an engineering operation).</p> <p>The phrasing will be amended to mention mitigation measures, impacts and to include the curtilage of the building. The precise details of what would be required would be detailed at pre-application or planning application stage. It is not for the SPD to set out this level of detail.</p> <p>A footnote will be added to clarify the definition of a protected species and to include reference to habitats.</p>

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		<p>surrounds.</p> <p><i>Policy GB3</i> There is no reference here to any criterion that would need to be met in the event of planning permission being considered appropriate. To be consistent, there should be the same requirement for a survey of 'protected' wildlife species (and habitats, if appropriate) and any necessary mitigation / replacement provision.</p> <p><i>Policy GB4</i> Even conversions and extensions have the potential to impact on wildlife (notably bats). To be consistent, the same requirement for a survey / mitigation should be applied to this policy as to the others: see our comments on GB1, GB2 & GB3 above.</p> <p><i>Policy GB5</i> The final bullet point in this policy states that: "The siting of the stable building should not have any adverse effect upon wildlife habitats." This is, perhaps, too all-encompassing as a statement of policy. Every stable building development would have some degree of adverse impact on some form of habitat for some form of wildlife; else it would be taking place in a clinically sterile environment. A similar wording to that suggested for GB1 to GB4 would be more specific, referring as it does to 'protected' wildlife.</p> <p>"Wildlife features such as nesting boxes within the eaves, or holes for birds or bats incorporated within stable buildings, will be encouraged." The Wildlife Trust welcomes this encouragement.</p> <p><i>Justifications</i> There is nothing in any of the justification sections about why wildlife/nature is important. This needs to be remedied.</p>	<p>The same procedure and requirements in relation to nature conservation would apply at application stage, whether the development falls into the 'inappropriate' or 'not inappropriate' category, as per the NPPF.</p> <p>Policy GB4 will be amended to include this requirement.</p> <p>The wording of Policy GB5 will be amended as suggested by the respondent.</p> <p>A sentence can be added to the justification of Policy GB5 to refer to the importance of wildlife / nature.</p>
65	Eric Winstanley	No development in the Green Belt.	Although the NPPF regards the construction of new buildings in the Green Belt as inappropriate, paragraph 89 lists a number of exceptions to this which the SPD attempts to clarify.