

**MEMBERS INTERESTS 2012**

A Member with a disclosable pecuniary interest in any matter considered at a meeting must disclose the interest to the meeting at which they are present, except where it has been entered on the Register.

A Member with a non pecuniary or pecuniary interest in any business of the Council must disclose the existence and nature of that interest at commencement of consideration or when the interest becomes apparent.

Where sensitive information relating to an interest is not registered in the register, you must indicate that you have an interest, but need not disclose the sensitive information.

Please tick relevant boxes

Notes

	<b>General</b>		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest or it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>          <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>          <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 16/7/12) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>          <input type="checkbox"/>	<i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>          <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/2/13 – 19/2/17)	<input type="checkbox"/>	<i>See the terms of the dispensation</i>
6.	I have a pecuniary interest in the business but I can attend to make representations, answer questions or give evidence as the public are also allowed to attend the meeting for the same purpose	<input type="checkbox"/>	<i>You may speak but must leave the room once you have finished and cannot vote</i>

**'disclosable pecuniary interest'** (DPI) means an interest of a description specified below which is your interest, your spouse's or civil partner's or the interest of somebody who you are living with as a husband or wife, or as if you were civil partners and you are aware that that other person has the interest.

**Interest**

**Prescribed description**

Employment, office, trade, profession or vocation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.

	This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

*"body in which the relevant person has a beneficial interest" means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest; "director" includes a member of the committee of management of an industrial and provident society;*

*"land" excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income; "M" means a member of a relevant authority;*

*"member" includes a co-opted member; "relevant authority" means the authority of which M is a member;*

*"relevant period" means the period of 12 months ending with the day on which M gives notice to the Monitoring Officer of a DPI;*

*"relevant person" means M or M's spouse or civil partner, a person with whom M is living as husband or wife or a person with whom M is living as if they were civil partners;*

*"securities" means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.*

**'non pecuniary interest'** means interests falling within the following descriptions:

- 10.1(1)(i) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- (ii) Any body (a) exercising functions of a public nature; (b) directed to charitable purposes; or (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
- (iii) Any easement, servitude, interest or right in or over land which does not carry with it a right for you (alone or jointly with another) to occupy the land or to receive income.
- 10.2(2) A decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a connected person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the ward, as the case may be, affected by the decision.

**'a connected person'** means

- (a) a member of your family or any person with whom you have a close association, or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 10.1(1)(i) or (ii).

**'body exercising functions of a public nature'** means

Regional and local development agencies, other government agencies, other Councils, public health bodies, council-owned companies exercising public functions, arms length management organisations carrying out housing functions on behalf of your authority, school governing bodies.

A Member with a personal interest who has made an executive decision in relation to that matter must ensure any written statement of that decision records the existence and nature of that interest.

**NB** Section 21(13) of the LGA 2000 overrides any Code provisions to oblige an executive member to attend an overview and scrutiny meeting to answer questions.

**CABINET**

**HELD: 15 SEPTEMBER 2015**

Start: 7.30pm

Finish: 8.10pm

**PRESENT:**

Councillor: I Moran (Leader of the Council, in the Chair)

Councillors: Portfolio

Y Gagen	Deputy Leader of the Council & Leisure
J Hodson	Planning
J Patterson	Housing and Landlord Services
K Wright	Health and Community Safety
C Wynn	Finance

In attendance: Dereli, Dowling, Furey, Owens, Pendleton, Pryce-Roberts, D Westley

Councillors

Officers:

- Managing Director (People and Places) (Mrs G Rowe)
- Managing Director (Transformation) (Ms K Webber)
- Assistant Director Housing & Regeneration (Mr B Livermore)
- Assistant Director Planning (Mr J Harrison)
- Borough Treasurer (Mr M Taylor)
- Borough Solicitor (Mr T Broderick)
- Deputy Assistant Director Housing & Regeneration (Mr I Gill)
- Transformation Manager (Mr S Walsh)
- Property Services Manager (Mr P Holland)
- Leisure Operations Manager (Mr S Kent)
- Environmental Strategy Officer (Ms T Iball)
- Principal Member Services Officer (Mrs S Griffiths)

**20. APOLOGIES**

Apologies for absence were submitted on behalf of Councillor Wilkie.

**21. SPECIAL URGENCY (RULE 16 ACCESS TO INFORMATION PROCEDURE RULES)/URGENT BUSINESS**

There were no items of special urgency.

**22. DECLARATIONS OF INTEREST**

Councillor Patterson declared a disclosable pecuniary interest in relation to the agenda items relating to housing issues, as a tenant of a Council house but as they related to the functions of the Council in respect of Housing and these functions did not relate to her particular tenancy she was entitled to speak and vote by virtue of an exemption.

**23. MINUTES**

RESOLVED That the minutes of the Cabinet meeting held on 16 June 2015 be received as a correct record and signed by the Leader.

**24. MATTERS REQUIRING DECISIONS**

Consideration was given to the report relating to the following matters requiring decisions as contained on pages 283 – 753 of the Book of Reports.

**25. ADOPTION OF DEVELOPMENT IN THE GREEN BELT SUPPLEMENTARY PLANNING DOCUMENT**

Councillor J Hodson introduced the report of the Assistant Director Planning which sought approval for the adoption of the Development in the Green Belt Supplementary Planning Document.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the contents of the Development in the Green Belt SPD Consultation Feedback Report set out at Appendix B to the report, and the agreed comments of Planning Committee at Appendix D be noted.
  - B. That the Adoption Statement at Appendix C (as amended) be approved, and the Development in the Green Belt SPD at Appendix A (as amended) be adopted subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of the Development in the Green Belt SPD by the Executive Overview and Scrutiny Committee, as per resolution C. below.
  - C. That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the Development in the Green Belt SPD, in the light of agreed comments from the Executive Overview & Scrutiny Committee, before the document is published.
  - D. That call-in is not appropriate for this item as this report is being submitted to the Executive Overview & Scrutiny Committee on 1 October 2015.

**26. COMMUNITY INFRASTRUCTURE LEVY - PROTOCOL FOR LEVYING SURCHARGES**

Councillor J Hodson introduced the report of the Assistant Director Planning which sought approval for a protocol in relation to the application of surcharges and interest to developers/landowners that fail to adhere to the Community Infrastructure Levy (CIL) administrative requirements.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the Protocol for handling failures to adhere to the requirements of the Community Infrastructure Levy (CIL) Regulations (as amended) at Appendix A be approved.
  - B. That delegated authority be granted to the Assistant Director Planning to apply the surcharges in accordance with the Protocol and CIL Regulations 2010 (as amended).

**27. COMMUNITY INFRASTRUCTURE LEVY (CIL) FUNDING PROGRAMME 2016/17**

Councillor J Hodson introduced the report of the Assistant Director Planning which proposed potential options for consultation for a CIL funding programme for 2016/17 based on anticipated CIL monies collected by the Council by 31 March 2016.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the updated Infrastructure Delivery Schedule (IDS) at Appendix A of the report be noted.
  - B. That the three potential options for spending CIL monies in 2016/17 as set out in paragraph 4.11 of the report be approved for public consultation.

**28. COMMEMORATION OF FORMER ORMSKIRK RESIDENT WILLIAM HEATON VC WHO RECEIVED A VICTORIA CROSS DURING THE BOER WAR**

Councillor J Hodson introduced the report of the Assistant Director Planning which gave consideration to the way in which the bravery of William Heaton, a recipient of a Victoria Cross in the Boer War, should be commemorated.

In reaching the decision below, Cabinet considered the details set out in the report before it and the recommendations of Councillor Hodson and accepted the reasons contained therein.

- RESOLVED
- A. That a commemorative plaque in honour of William Heaton be erected within Victoria Park, Ormskirk in accordance with the design description referred to in paragraph 5.6 of the report.
  - B. That the commemorative plaque be sited in location A (in paving 2 metres in front of the memorial) as referred to at paragraph 5.5 of the report.
  - C. That the Assistant Director Planning in consultation with the Assistant Director Community Services be authorised to implement the works arising pursuant to resolutions A and B above.

**29. CONFIRMATION OF ARTICLE 4(2) DIRECTIONS - FULWOOD AND DOUGLAS AVENUE CONSERVATION AREA, TARLETON AND JUNCTION LANE CONSERVATION AREA, BURSCOUGH**

Councillor J Hodson introduced the report of the Assistant Director Planning which sought confirmation of the Article 4(2) Directions in relation to the Fulwood and Douglas Avenue Conservation Area, Tarleton and the Junction Lane Conservation Area, Burscough.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the Article 4(2) Directions for Fulwood and Douglas Avenue Conservation Area, Tarleton and the Junction Lane Conservation Area, Burscough, identified in Appendices A and B to the report, be confirmed.
  - B. That call-in is not appropriate for this item as the matter is one where urgent action is required because of the time limits for the confirmation of the Article 4(2) Direction.

**30. ENVIRONMENTAL IMPROVEMENT BUDGET**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which sought direction on the priority for investment of the Environmental Improvement Budget.

Minute no. 16 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

RESOLVED That in the light of the announcement on the national budget, the Environmental Improvement Budget not be allocated to a specific project until the budget has been reviewed in February 2016.

**31. NATIONAL BUDGET - IMPLICATIONS FOR TENANTS & HOUSING REVENUE ACCOUNT (HRA)**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which advised on the impact of the National Budget on tenants.

Minute no. 17 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

A motion from Councillor Patterson was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group), the motion from Councillor Patterson and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the report be noted.
  - B. That the Assistant Director Housing and Regeneration work with political groups and Tenants in order to bring budget proposals to Council in February 2016.
  - C. That the Assistant Director Housing and Regeneration provide any background information to organisations like Association of Retained Council Housing (ARCH), or the District Council Network (DCN) in order to protect the HRA.
  - D. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 October 2015.
  - E. That the Executive Overview and Scrutiny Committee be requested to note the concerns of the measures and the impact on the Business Plan and HRA.

**32. BEECHTREES REVIVAL SCHEME**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which advised on the findings of the consultation on the Beechtrees Revival Scheme.

Minute no. 18 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the findings of the consultation be noted.
  - B. That the decision regarding the Beechtrees Revival Scheme be deferred, pending the 2016/17 budget setting process.

### **33. BATH/SHOWER REPLACEMENT POLICY**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which proposed a new policy in relation to changing baths to showers.

Minute no. 19 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- That the Assistant Director Housing & Regeneration be granted authority to exercise discretion in applying the policy of changing baths to showers in sheltered accommodation, ground floor flats and bungalows in properties with less than 3 bedrooms.

### **34. OPTION APPRAISAL - EVENWOOD COURT**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which advised on the option appraisal work that had been undertaken in relation to Evenwood Court.

Minute no. 20 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That option 1 (as detailed in paragraphs 5.1 and 5.2) be adopted for implementation utilising the budget of £400k allocated at the Council meeting of 25 February 2015, to accelerate the kitchen and bathroom programmes and proceed with the replacement lift carriage and new lift and shaft installation, utilising the established lift budget.



- B. That the voids position within Evenwood Court be reviewed 12 months after the implementation of the above option to assess the impact on void levels and identify any further intervention that may be required.

**35. ORMSKIRK TOWN CENTRE STRATEGY 2015**

Councillor Moran introduced the report of the Assistant Director Housing & Regeneration which advised on the outcome of the consultation exercise on the draft Ormskirk Town Centre Strategy 2015 and sought agreement of the final version of the Strategy.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the final draft Ormskirk Town Centre Strategy 2015 as attached at Appendix C to the report be approved.
  - B. That the key delivery partners set out at paragraph 5.5 be invited to sign up to the final draft Ormskirk Town Centre Strategy 2015.
  - C. That the management arrangements for the delivery of the Ormskirk Town Centre Strategy, set out in paragraphs 5.4 and 5.5, be agreed and the Assistant Director Housing & Regeneration be given delegated authority, in consultation with the relevant Portfolio Holder, to implement these management arrangements and to make any appropriate adjustments to the management arrangements as required.
  - D. That the Assistant Director Housing & Regeneration be given delegated authority, in consultation with the relevant Portfolio Holder, to finalise and publish the final Ormskirk Town Centre Strategy 2015 when signed by key delivery partners, and to make any appropriate minor amendments before the document is finalised.
  - E. That the Assistant Director Housing and Regeneration be authorised to implement the Ormskirk Town Centre Strategy 2015.

**36. STRATEGIC ASSET MANAGEMENT PROJECT (SAMP)**

Councillor Moran introduced the report of the Assistant Director Housing & Regeneration which provided an update on the progress of the Strategic Asset Management Project and sought authority to dispose of assets.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the contents of the report, including the work undertaken by officers to date, and the progress on the assets previously identified for disposal be noted.
  - B. That the Assistant Director Housing and Regeneration be authorised to take the actions recommended in Appendix A in relation to the 90 sites in the Moorside Ward together with the windfall site at Laburnum Drive in Skelmersdale South, Appendix B, and take any actions necessary to secure disposal of category 1 sites.
  - C. That the sites set out in Appendix D are no longer required for their current uses as set out in that Appendix and that they be appropriated as required for regeneration purposes for the reasons set out in the report.

### **37. CAPITAL PROGRAMME OUTTURN 2014-15**

Councillor Wynn introduced the report of the Borough Treasurer which provided a summary of the capital outturn position for the 2014/15 financial year.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the final position, including slippage, on the Capital Programme for the 2014/2015 financial year be noted and endorsed.
  - B. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 October 2015.

### **38. CAPITAL PROGRAMME MONITORING 2015-16**

Councillor Wynn introduced the report of the Borough Treasurer which provided an overview of the current progress on the Capital Programme.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the progress on the Capital Programme as at the end of July, 2015 be noted.

- B. That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 1 October 2015.

**39. QUARTERLY PERFORMANCE INDICATORS (Q1 2015/16)**

Councillor Moran introduced the report of the Transformation Manager which presented performance monitoring data for the quarter ended 30 June 2015.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the Council's performance against the indicator set for the quarter ended 30 June 2015 be noted.
  - B. That the call-in procedure is not appropriate for this item as the report is being submitted to the next meeting of the Corporate & Environmental Overview & Scrutiny Committee on 15 October 2015.

**40. DRAFT COUNCIL TENANTS' FINANCIAL INCLUSION STRATEGY**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which sought approval of the Draft Council Tenants' Financial Inclusion Strategy for consultation.

Minute no. 21 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the Draft Council Tenants' Financial Inclusion Strategy (Appendix 1) be approved for wider consultation with residents, partners and stakeholders; the consultation period to expire on 31 October 2015.
  - B. That the results of this exercise be reported back to Cabinet.

**41. DIGITAL INCLUSION STRATEGY 2015-2018**

Councillor Patterson introduced the report of the Assistant Director Housing & Regeneration which sought approval of the Digital Inclusion Strategy 2015-18 and action plan.

Minute no. 22 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group) and the details set out in the report before it and accepted the reasons contained therein.

**RESOLVED** That the Digital Inclusion Strategy 2015-18 (Appendix 1) and action plan be adopted.

**42. DIGITAL BY PREFERENCE - A NEW APPROACH**

Councillor Moran introduced the report of the Transformation Manager which set out a new approach in order to drive forward customer use of Council services on-line.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

**RESOLVED** That the 'digital by preference' approach set out in the report attached at Appendix 1 to the report be approved.

**43. USE OF SECTION 106 MONIES IN BURSCOUGH AND ORMSKIRK**

Councillor Gagen introduced the joint report of the Assistant Director Community Services and the Assistant Director Planning which considered proposals regarding the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision in Burscough and Ormskirk.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

**RESOLVED** That the use of Section 106 monies for the funding of the projects identified in paragraphs 5.1 and 5.2 of the report be approved.

**44. OPERATIONAL ASSETS - MANAGED FISHING LAKES**

Councillor Gagen introduced the joint report of the Assistant Director Community Services and the Assistant Director Housing & Regeneration which proposed revised arrangements for the management of the Council's fishing lakes.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the new asset management arrangements, as set out in paragraphs 4.1 to 4.2 of the report, be applied to the Council's fishing lakes identified at Appendix 1.
  - B. That the Assistant Director Community Services be authorised to take all necessary steps to give effect to the revised management arrangements at resolution A above, subject to all necessary consents and approvals being obtained.

**45. ALLOTMENT LEASES**

Councillor Gagen introduced the joint report of the Assistant Director Community Services and the Assistant Director Housing & Regeneration which sought approval for an extension to the lease term for the Council's two statutory allotment sites in Skelmersdale.

In reaching the decision below, Cabinet considered the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- That the Assistant Director Community Services be authorised to take all necessary steps to extend the lease term of Skelmersdale Horticultural Society and Liverpool Road Allotment Society (respectively) from 7 years to 25 years, as identified at paragraph 5.1 of the report, subject to all necessary consents and approvals being obtained.

**46. INVESTMENT IN SOLAR PHOTOVOLTAICS (PV) ON COUNCIL HOUSING STOCK**

Councillor Moran introduced the report of the Assistant Director Housing & Regeneration which presented the potential environmental and financial benefits and associated risks for the Council and tenants in relation to the installation of solar Photovoltaics (PV) on Council housing stock and sought approval for investment up to £4.440 million for the installation of solar PV on Council owned housing.

Minute no. 23 of the Landlord Services Committee (Cabinet Working Group) held on 10 September 2015 was circulated at the meeting.

Additional information was circulated at the meeting by the Assistant Director Housing & Regeneration.

A motion from Councillor Moran was circulated at the meeting.

In reaching the decision below, Cabinet considered the minute of the Landlord Services Committee (Cabinet Working Group), the additional information, the motion from Councillor Moran and the details set out in the report before it and accepted the reasons contained therein.

- RESOLVED
- A. That the opportunities, benefits and risks of investing in solar PV technology be considered and noted.
  - B. That Council be recommended to approve borrowing of up to £4.440M for investment in solar PV on Council housing stock, subject to a minimum 4% rate of return being achieved and noting the comments at paragraph 4.6 of the report.
  - C. That, subject to Council approval of funding, delegated authority be given to the Assistant Director Housing and Regeneration to procure, contract and install solar PV on suitable Council housing stock and to take all steps necessary to complete the project.
  - D. That the call-in procedure is not appropriate for this item as the report is being submitted to the Extraordinary Council Meeting on 15 September 2015 and the relevant project must proceed without delay to secure the relevant outcomes sought.
  - E. That the Assistant Director Housing & Regeneration be authorised to explore options for working with the not for profit sector to promote energy efficiency measures that would benefit local residents and/or businesses and to report back on any opportunities identified.

.....  
LEADER



**AGENDA ITEM: 5(a)**

**CABINET: 10<sup>th</sup> November 2015**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holders: Councillor Y. Gagen**

**Contacts for further information: Mr S. Kent (Extn. 5169)  
(E-mail: [stephen.kent@westlancs.gov.uk](mailto:stephen.kent@westlancs.gov.uk) )**

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**SUBJECT: NEW ALLOTMENTS IN SKELMERSDALE**

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Wards affected: All Skelmersdale wards

**1.0 PURPOSE OF THE REPORT**

1.1 To inform Members on progress made to establish new allotments in Skelmersdale, and seek approval for the implementation timetable, method of management, designation and allocation of plots.

**2.0 RECOMMENDATIONS**

2.1 That the construction of a new allotment site off Marland, Ashurst be approved subject to obtaining planning consent.

2.2 That the process of devolved management be supported and the Assistant Director Community Services be authorised to take all necessary steps and obtain all necessary consents to enter into negotiations with Skelmersdale Horticultural Society to take on a management agreement for the site.

2.3 That the new allotment site being designated a "statutory" allotment be approved and the Assistant Director Community Services be authorised to take all necessary steps and obtain any necessary consents to undertake this designation.

2.4 That the works to extend the Digmaor allotment site be approved.

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### **3.0 BACKGROUND**

- 3.1 At Council in February 2015 a proposal for new allotments in Skelmersdale was approved subject to review. Work to date on the Leisure Strategy confirms the scheme would not conflict with the overall aims of the Strategy and consequently a one off capital sum of £50,000 was approved at Council in July 2015 for implementation of the scheme.
- 3.2 Two new sites were identified in Ashurst, off Marland, and Skelmersdale North, off Cobbs Clough Road, which together would have provided an additional 40 allotment plots. Since this time the Council has put the Cobbs Clough Road site up for sale, so, to compensate for this the proposed site in Ashurst has been extended from 25 to 35 plots, and an existing allotment site in Digmoor, off Back Lane, has been identified for works to extend the plot availability by 3. In total, therefore the intention is to increase the plot availability in the town by 38 plots, which is very close to the original plans. ( see appendix 1 – site locations)
- 3.3 Works at the sites have been designed and costed. The larger site at Ashurst will comprise of 35 plots surrounded by a security fence, associated car parking within the site, a communal shed, store shed, water supply, possible area for bee hives, and surfaced access track from Marland. There will also be an additional parking area outside of the new site to accommodate the users of the existing allotment site and relieve a vehicle congestion issue. Should additional funding become available it is also the intention to provide each of the 35 plots with a small shed of their own.  
( see appendix 2 – New Skelmersdale Allotments site plan).
- 3.4 Work to the Digmoor site is planned for the Winter period, and will comprise of clearance and re-shaping of the site to bring an area of currently unused land into use as new plots, along with a new access gate to accommodate this new use.

### **4.0 CURRENT POSITION**

- 4.2 Talks are currently being held with Skelmersdale Horticultural Society who have managed the present Council owned allotment in Ashurst for many years with the intention that they will similarly take on the management of the new Ashurst site. Should this arrangement not come to fruition then it will be necessary to set up a new Society to run this scheme.
- 4.3 The land was transferred to the Council by the Homes and Communities Agency (formally CNT) and as such their consent to the change of use must be secured. A request has been sent and a response is awaited.
- 4.4 In Digmoor discussions have been held with the Society that runs the current site and work requirements have been agreed and a contractor lined up to complete these works during the winter period.

### **5.0 PROPOSALS**



- 5.1 It is important to have the allotments available as soon as possible in the new year to allow new plot holders time to prepare and plant for the new growing season, therefore it is proposed to progress the major scheme as soon as planning consent is gained, and the minor scheme when vegetation dies back.
- 5.2 Devolved management has been an aim of the Council since adoption of the Allotment Strategy in 2004, so it is proposed to continue with talks with the Skelmersdale Horticultural Society for them to take on the management of the new site. They have many years' experience in managing the site off Houghtons Road and have the full support and confidence of officers to be able to manage the new site efficiently. However should these talks not come to fruition then it is proposed that the Council will work with the Community Food Growing Initiative and West Lancs Allotment Federation to establish a new Society to look after this site.
- 5.3 It is important that the Council establishes a devolved management system for its new site as the resources are not available internally to manage it. Talks with the Skelmersdale Horticultural Society have initially been very positive and they would be the preferred management group to run this site. A possible deciding factor as to whether this Society would take on this role may depend on their view of the security and recognition of the site. They have, therefore, requested that the site is designated as a "statutory" allotment site which gives it the protection of the Allotments Act 1925.
- 5.3.1 This means that should the Council want to dispose of this site or use it for other purposes consent must be given by the Secretary of State. To give this consent the Secretary of State must be satisfied that "adequate provision will be made for allotment holders displaced by the action of the local authority, or that such provision is unnecessary or not reasonably practicable."
- 5.3.2 Whilst this does not prevent a local authority from disposing of a statutory allotment it does protect allotment holders, and levels of provision, and gives sites a level of security favoured by external funders. It also gives societies the additional security to invest time and resources into the devolved management of a site.
- 5.4 Plots in the new allotment will be offered initially to people on the existing waiting lists in Skelmersdale, and should any be available after this they will be go on open offer to Skelmersdale residents. It is expected that once news of the new site is circulated the waiting lists will expand significantly. The extension of the existing site in Digmoor will be filled from its existing waiting list.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 The project will support the Council's strategic aims in respect of improving access to quality facilities, providing facilities to improve the health and quality of life of the community.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The capital cost of the new allotment provision will be in the region of £49,000 which can be covered by the allocation of £50,000 in the capital programme. An additional £12,000 will be sought from external sources to provide individual sheds for ploholders.
- 7.2 All revenue costs of the new allotments, including maintenance, services, insurance, tools and equipment, will be provided by the Society managing the site, assuming that the devolved management process has been successful. Their income will derive from plot rents and external grant aid.

## **8.0 RISK ASSESSMENT**

- 8.1 Devolved management of our sites has been shown to be the most beneficial way forward with local societies running sites for local people at no cost and little staff input from the Council. It is important that this aspect is achieved for this new site. However, should a Society take on this role we are reliant upon their operating methods to manage the site efficiently and effectively and provide the local community with an appropriate level of service. Hopefully this can be achieved through engaging an organisation with a good track record and tried and tested methods, and guiding their operation through a suitable lease.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

Appendix 1 – Site Locations

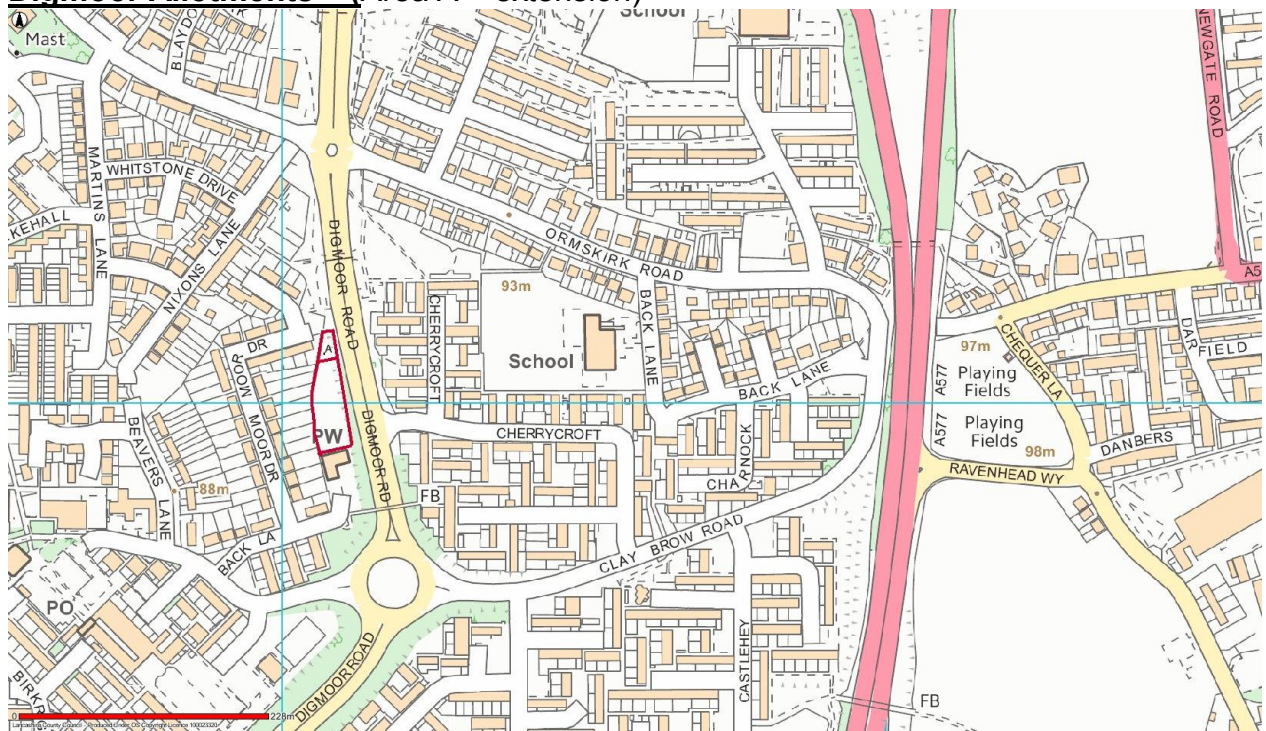
Appendix 2 – New Skelmersdale Allotments: Site Plan

Appendix 3 – Equality Impact Assessment

**New Skelmersdale Allotments**

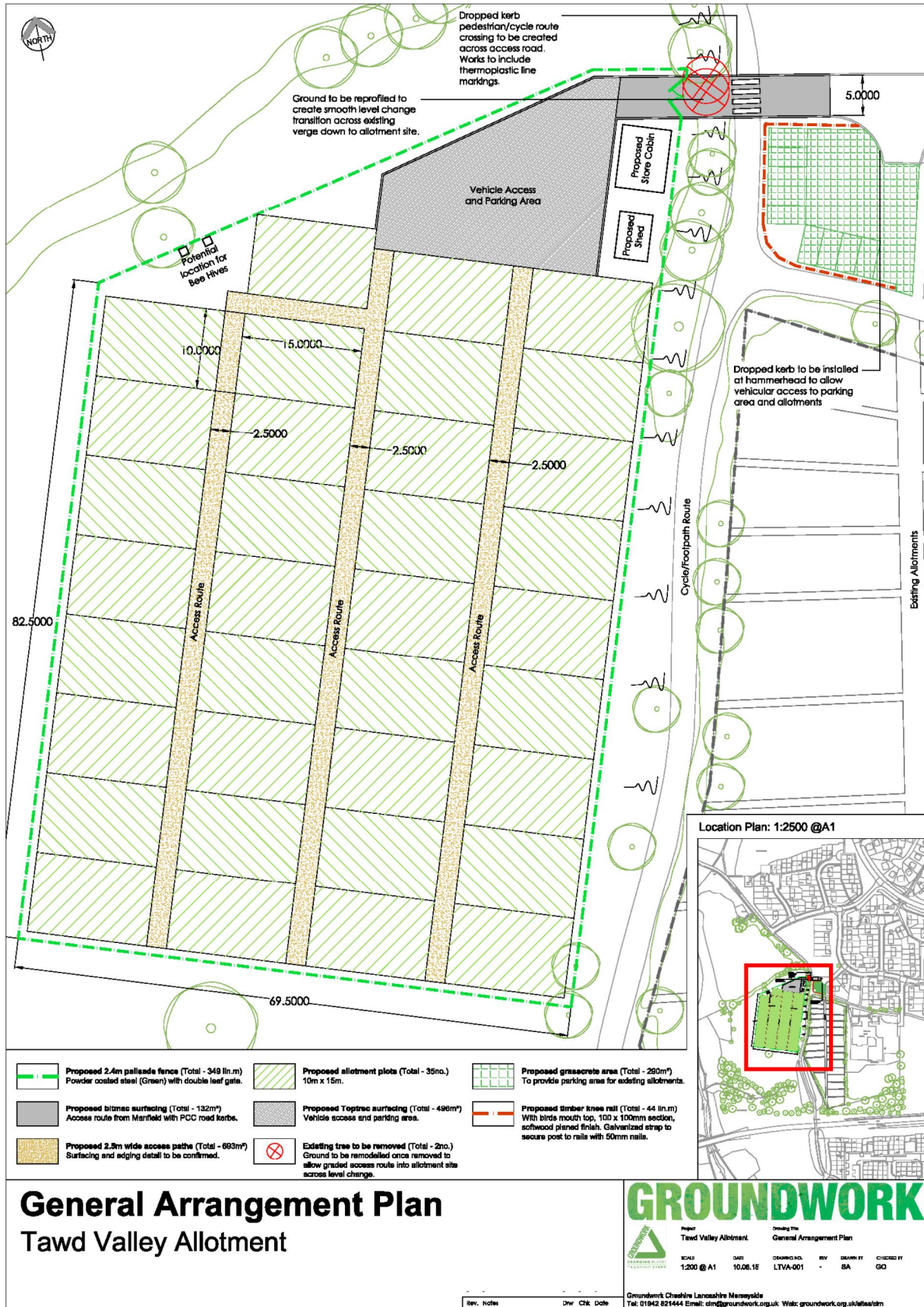


**Digmoor Allotments – (Area A – extension)**



# Appendix 2

## New Skelmersdale Allotments – Site Plan



# Equality Impact Assessment Form



<b>Directorate: Community Services</b>		<b>Service: Leisure, Cultural &amp; Arts</b>	
<b>Completed by: Stephen Kent</b>		<b>Date: 24/08/15</b>	
<b>Subject Title: New Allotments in Skelmersdale</b>			
<b>1. DESCRIPTION</b>			
Is a policy or strategy being produced or revised:	No	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	Yes		
Are recommendations being presented to senior managers and/or Councillors:	No		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No		
Details of the matter under consideration:	Creation of a new allotment site in Skelmersdale		
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>			
<b>2. RELEVANCE</b>			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>		
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>			
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
<b>3. EVIDENCE COLLECTION</b>			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Local allotment societies/Local Community		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	Significant percentage of older generation		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	Yes
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Local community for growing healthy food and healthy outdoor activity
What will the impact of the work being carried out be on usage/the stakeholders?	Will allow greater use by the local community
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Community fully supports allotment provision. Increased provision would be welcomed by the local community
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Existing allotment waiting lists.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Better/increased allotment provision would particularly impact positively on the older population
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	On-going monitoring. <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	September 2016. Reviewing officer – Stephen Kent



**AGENDA ITEM: 5(b)**

**CABINET: 10<sup>th</sup> November 2015**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor K Wright**

**Contact for further information: Paul Charlson (ext 5246)  
(E-mail: paul.charlson@westlancs.gov.uk)**

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**SUBJECT: LOCAL GOVERNMENT DECLARATION ON TOBACCO CONTROL**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To seek approval to sign the Local Government Declaration on Tobacco Control.

**2.0 RECOMMENDATION**

2.1 That the Council become a signatory to the Local Government Declaration on Tobacco Control.

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**3.0 BACKGROUND**

3.1 Tobacco smoking remains the single largest preventable cause of ill health, premature death and health inequalities. Every year in England more than 80,000 people die from smoking related diseases. Smoking accounts for one third of deaths from respiratory disease, over one quarter of all deaths from cancer and about one seventh of all deaths from heart disease. Within West Lancashire, 16.6% of people smoke tobacco compared to the national average of 18.4%<sup>1</sup>. However, there are areas of the Borough where this may be exceeded, as

smoking causes 300 smoking related deaths per 100,000 in West Lancashire compared to the national average of 289 deaths per 100,000<sup>2</sup>.

- 3.2 Smoking in public places has been prohibited since 2007, but there are still a significant number of people who smoke tobacco products, which in turn increases the risks associated with second hand smoke. Children and young people are particularly susceptible to start smoking where another member of the household already smokes.
- 3.3 The Local Government Declaration on Tobacco Control (the Declaration) was developed by Newcastle City Council in 2013 as a way of securing high level local authority commitment to tackling issues relating to smoking. It is a voluntary pledge to take action and a statement about the commitment to protecting our local community from the harms caused by smoking.
- 3.4 The Declaration doesn't commit the Council to specific policies, but to overarching principles. The Council can decide its own priorities and can use the Declaration as a tool to support its work or provide a starting point for action. Accordingly, how the Declaration is implemented will depend on local practice.
- 3.5 The Declaration commits the Council to:
- Act at a local level to reduce smoking prevalence and health inequalities and to raise the profile of the harm caused by smoking to the community;
  - Develop plans with partners and local communities to address the causes and impacts of tobacco use;
  - Participate in local and regional networks;
  - Support Government action at national level to reduce smoking prevalence and health inequalities in the community;
  - Protect the Council's tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services (monetary or in-kind) or research offered by the tobacco industry to Members or Officers;
  - Monitor the progress of our plans against our commitments and publish the results;
  - Join the Smoke free Action Coalition. This is an alliance of over 170 national organisations which campaigns for tobacco control at a national level and provides a network of support and advice to local public health professionals.
- 3.6 The majority of local authorities in Lancashire and many across the North West have signed the Declaration. In addition, the NHS Statement of Support for Tobacco Control (which is the NHS version of the Declaration) has also recently been signed by West Lancashire Clinical Commissioning Group and Southport and Ormskirk NHS Trust. A copy of the wording of the Declaration is provided at Appendix 2 to this report.

#### **4.0 ISSUES**

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4.1 If the recommendation contained in this report is approved, the Declaration should be signed by the Leader of the Council, the Managing Directors and Assistant Director Community Services (as health lead for the Council). Whilst the implications of the Declaration can be met from existing resources, it would require Officers to carry out some additional work to raise awareness of the Council's involvement in the Declaration, as well as to monitor and publish any plans or initiatives that are delivered. However, this is an extension of existing work already being delivered.

4.2 Examples of this existing work include:

- Participative member of the Tobacco Free Lancashire Network;
- The Commercial Safety team enforces the smoke free laws in commercial premises across the Borough;
- Environmental Enforcement Officers are responsible for issues relating to littering from cigarettes;
- Close links between the Council's food safety and licensing services with Lancashire County Council Trading Standards Service to share intelligence and take action relating to the availability of smuggled and counterfeit tobacco and underage sales;
- Contributing to test purchase operations for underage tobacco (and alcohol) sales;
- Voluntary code to prohibit smoking within all Council owned enclosed children's play areas;
- Implementation of corporate policies on smoking and e-cigarette use, including direction to smoking cessation services for staff.

## **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

5.1 The Declaration does not conflict with the Council's existing duties and compliments its on-going work to improve health and reduce inequalities in the Borough.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 The issues contained in this report can be delivered within existing resources.

## **7.0 RISK ASSESSMENT**

7.1 The Council is not obligated to sign the Declaration, but refraining from doing so could be viewed as passive acknowledgement that smoking is acceptable. Many of the commitments in the Declaration are already contained within existing Council policies and strategies.

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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

None.

### **Equality Impact Assessment**

There is a significant direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

1. Equality Impact Assessment.
2. The Local Government Declaration on Tobacco Control

## Appendix 1

<h1>Equality Impact Assessment Form</h1>	
<b>Directorate: People and Places</b>	<b>Service: Community Services</b>
<b>Completed by: Paul Charlson</b>	<b>Date: 10/09/15</b>
<b>Subject Title: THE LOCAL GOVERNMENT DECLARATION ON TOBACCO CONTROL</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
	Yes
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No
Details of the matter under consideration:	
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i>  <i>If you answered <b>No</b> to all the above please complete Section 2</i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
	Yes
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>	The Declaration is applicable to all and does not target any group or individuals sharing protected characteristics under the Equality Act 2010.
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	The Declaration could impact on all sections of the community.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	The Declaration would be applicable to all.
Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>



Age	No
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	The Declaration would be applicable to all
What will the impact of the work being carried out be on usage/the stakeholders?	To reduce the harm caused by smoking
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The Declaration is a cross party document already endorsed by a significant number of Councils across the country.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	The Declaration is a cross party document endorsed by a significant number of Councils across the country. The reports of those Lancashire local authorities have been reviewed.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	None.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	No actions <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The Declaration commits the Council to review its actions. This assessment will be reviewed as part of any future report to Members.

## **Appendix 2: The Local Government Declaration on Tobacco Control**

### **We acknowledge that:**

- Smoking is the single greatest cause of premature death and disease in our communities;
- Reducing smoking in our communities significantly increase household incomes and benefits the local economy;
- Reducing smoking amongst the most disadvantaged in our communities is the single most important means of reducing health inequalities;
- Smoking is an addiction largely taken up by children and young people, two thirds of smokers start before the age of 18;
- Smoking is an epidemic created and sustained by the tobacco industry, which promotes uptake of smoking to replace the 80,000 people its products kill in England every year; and
- The illicit trade in tobacco funds the activities of organised criminal gangs and gives children access to cheap tobacco.

### **As local leaders in public health we welcome the:**

- Opportunity for local government to lead local action to tackle smoking and secure the health, welfare, social, economic and environmental benefits that come from reducing smoking prevalence;
- Commitment by the government to live up to its obligations as a party to the World Health Organisation's Framework Convention on Tobacco Control (FCTC) and in particular to protect the development of public health policy from the vested interests of the tobacco industry; and
- Endorsement of this declaration by the Department of Health, Public Health England and professional bodies.

### **We commit our Council from this date [*insert date*] to:**

- Act at a local level to reduce smoking prevalence and health inequalities and to raise the profile of the harm caused by smoking to our communities;
- Develop plans with our partners and local communities to address the causes and impacts of tobacco use;
- Participate in local and regional networks for support;
- Support the government in taking action at national level to help local authorities reduce smoking prevalence and health inequalities in our communities;
- Protect our tobacco control work from the commercial and vested interests of the tobacco industry by not accepting any partnerships, payments, gifts and services, monetary or in kind or research funding offered by the tobacco industry to official or employees;
- Monitor the progress of our plans against our commitments and publish the results; and
- Publically declare our commitment to reducing smoking in our communities by joining the Smokefree Action Coalition, the alliance of organisations working to reduce the harm caused by tobacco.

## Signatories

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Leader of  
Council

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Managing Director  
(People & Places)

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Managing  
Director  
(Transformation)

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Assistant  
Director  
Community  
Services  
(health lead)



**AGENDA ITEM: 5(c)**

**CABINET: 10 NOVEMBER 2015**

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**Report of: Assistant Director Community Services/ Assistant Director Planning**

**Relevant Managing Director: Managing Director (People and Places) /  
Managing Director (Transformation)**

**Relevant Portfolio Holders: Cllr. Y. Gagen/Cllr J Hodson**

**Contact for further information: Mrs P Campbell  
(E-mail: [paula.campbell@westlancs.gov.uk](mailto:paula.campbell@westlancs.gov.uk))**

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**SUBJECT: USE OF SECTION 106 MONIES IN AUGHTON PARK**

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Ward affected: Aughton Park

**1.0 PURPOSE OF THE REPORT**

1.1 To consider proposals regarding the use of Section 106 monies received from housing developers for the enhancement of public open space and recreation provision in Aughton Park.

**2.0 RECOMMENDATION**

2.1 That the use of S106 monies for the enhancement of the existing play area at Redsands Park, Aughton be approved and the sum of up to £5,539 be made available for this project.

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**3.0 BACKGROUND**

3.1 Members will recall that under policy LE.13 of the Local Plan, developers must provide open space facilities as part of housing developments or the Council can require a commuted sum for the provision of new or the enhancement of existing areas of public open space within its area.

3.2 In February 2011 an Officer Section 106 Agreements – Public Open Space Working Group was established to co-ordinate the receipt of the commuted sums, seek views of Parish or Ward Councillors, and report to Cabinet on proposals for the use of the S106 funding.

#### **4.0 CURRENT POSITION**

- 4.1 The S106 Working Group have received a bid From Aughton Parish Council for S106 funds currently available in the Aughton Park ward to be used to enhance play provision in Redsands Park. This enhancement will be in the form of additional play equipment to extend the existing play area and create a wider range of play opportunities for the local 5 to 12 year old children. Total cost of the scheme is £7039 of which £5539 S106 funds have been bid for.
- 4.2 The following funds are currently available in the Aughton Park area :-
- £5,539 from development at Beaumont House, Aughton Park Drive.

#### **5.0 PROPOSALS**

- 5.1 It is proposed that this bid from Aughton Parish Council be approved and S106 monies up to £5539 currently available be provided to enhance the existing play area at Redsands Park, Aughton.
- 5.2 The Assistant Director Planning offers the view that the proposed use of Section 106 monies is in accordance with planning policy and the terms of the Section 106 Agreements and consequently supports the proposal.

#### **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 The project will support the Council's strategic aims in respect of improving access to quality facilities, providing facilities to improve the health and quality of life of the community and ensuring access to a wide age range.

#### **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The estimated total capital costs of the proposal is £7039. The Parish Council is requesting the £5539 currently available from S106 funds to be allocated, and they will contribute £1500 to cover the remaining cost of the equipment
- 7.2 Redsands Park is a Parish Council facility therefore they will cover all on-going maintenance costs of the equipment.

#### **8.0 RISK ASSESSMENT**

- 8.1 Section 106 funds need to be spent in accordance with criteria set out in the related planning agreements and usually within a set time from payment. If the Council does not spend the monies in accordance with the set criteria then they will be repayable to the developer. This risk can be mitigated by assessing all projects proposals prior to commencement to assure compliance and working in partnership with the applicants to ensure criteria is adhered to.



## **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

## **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

## **Appendices**

1. Equality Impact Assessment



# Equality Impact Assessment Form



<b>Directorate: Community Services</b>	<b>Service: Leisure, Cultural &amp; Arts</b>
<b>Completed by: Paula Campbell</b>	<b>Date: 02/010/2015</b>
<b>Subject Title: Use of Section 106 monies – Cabinet Report, November 2015</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	<i>*delete as appropriate</i>
	No
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	Yes
Is a budget being set or funding allocated:	Yes
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	The provision of play and recreation facilities
<i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i> <i>If you answered <b>No</b> to all the above please complete Section 2</i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Local community
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	Young persons
Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>

Age	Yes
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Project not commenced
What will the impact of the work being carried out be on usage/the stakeholders?	Increased provision of play and recreation facilities
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Consultation process carried out to support the projects
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Liaisons with Parish and local Ward Councillors
If any further data/consultation is needed and is to be gathered, please specify:	N/A
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Increased recreation activities for the benefit young people and local community
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	N/A
What actions do you plan to take to address any other issues above?	On-going monitoring and liaisons with Parish Councils, local Ward Councillors and local community affected.  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	September 2016. Reviewing officer – Paula Campbell.



**AGENDA ITEM: 5(d)**

**CABINET: 10 NOVEMBER 2015**

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**Report of: Assistant Director Community Services**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor K Wright**

**Contact for further information: Mr A Hill (Extn. 5243)  
(E-mail: a.hill@westlancs.gov.uk)**

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**SUBJECT: REVISED ANTI-SOCIAL BEHAVIOUR POLICY**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To seek approval for a revised Anti-Social Behaviour (ASB) policy

**2.0 RECOMMENDATIONS**

2.1 That the ASB policy, included as appendix 1, be approved

2.2 That the Assistant Director Community Services, in consultation with the relevant Portfolio Holder, be granted delegated authority to approve any future minor changes to the policy that do not affect service delivery.

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**3.0 BACKGROUND**

3.1 Section 12 of the Anti-Social Behaviour Act 2003 required Local Authorities to produce and update an Anti-Social Behaviour Policy. As such the Council produced its first policy in 2003. This policy was revised in both 2010 and 2013.

3.2 The Anti-Social Behaviour, Crime and Policing Act 2014 streamlined and amended the existing legislation in relation to ASB. Full details of the changes to the legislation were contained in a report to Council in September 2014. In

addition, an update on the legislation was provided via a Member's Update in October of this year.

#### **4.0 CURRENT POSITION**

- 4.1 As a result of the recent new legislation there was a need to further revise our ASB policy. Previously, it had not been thought necessary to formally adopt the policy, however, adopting policies is seen as good practice and should the Local Government Ombudsman ever investigate a complaint made to them, they would look for evidence of a policy and compliance with it.

#### **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 5.1 The effective resolution of ASB problems can lead to improved mental health and a reduction in stress levels of the individuals concerned.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 6.1 There are no significant financial or resource implications arising from this report.

#### **7.0 RISK ASSESSMENT**

- 7.1 The Council has a statutory duty to respond to ASB complaints and the possession of an ASB Policy should ensure that complaints are dealt with effectively and consistently.

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#### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

#### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix 2 to this report, the results of which have been taken into account in the Recommendations contained within this report

#### **Appendices**

1. ASB Policy
2. Equality Impact Assessment



## 2015 Anti-Social Behaviour Policy

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### 1. Overview

West Lancashire Borough Council is committed to tackling anti-social behaviour, crime and disorder. We take all reports of anti-social behaviour seriously through our Estate Management and Tenant Participation team who refer unresolved or prolonged cases to our dedicated Anti-Social Behaviour Unit (ASBU).

The Council's overarching aim is to ensure that all of our tenants and residents enjoy a quality of life that is unhindered by the small minority of people who fail to recognise their obligations to their neighbours and to the wider community. The Council is committed to putting the needs of victims and the community first and utilising the tools and powers available including the Anti-Social Behaviour, Crime and Policing Act 2014. This sets out a new approach for local authorities, Police Forces and Crime Commissioners to deal with anti-social behaviour, crime and community safety.

## 2. What is anti-social behaviour?

Anti-social behaviour is defined in law as behaviour which is either capable of causing a nuisance or annoyance or behaviour which is likely to cause harassment, alarm or distress to someone.

Some examples of anti-social behaviour include:-

- Harassing and intimidating people
- Damage to property (graffiti, vandalism or arson)
- Causing noise nuisance
- Threatening violence towards someone
- Physical assault and violent behaviour
- Hate behaviour
- Domestic Abuse
- Being verbally abusive and aggressive towards people
- Drug dealing or cultivating drugs
- Committing criminal offences in the locality of the tenanted property

Anti-social behaviour does not just make life unpleasant. It holds back the regeneration of areas and creates an environment where more serious crime can take hold. We know that if you suffer from anti-social behaviour it can have a big impact on your quality of life, which is why here in West Lancashire we are committed to following the new Government approach of tackling it.

Other types of reports which are generally categorised as community or environmental include and which will be investigated by the Council's Environmental Protection Service include:

- Animals/pets causing a nuisance
- Fly tipping / littering
- Untidy gardens
- Loud music / noise coming from a premises
- Dog fouling in communal areas
- Running a business from a tenanted property (including vehicle repairs)



### **3. What does this mean to you?**

In demonstrating our commitment to tackling anti-social behaviour in our communities, we will ensure that:

- All tenants are made aware of their responsibilities under their Tenancy Agreement in regard to their behaviour, and that of their household and visitors. Tenants who act or allow, incite or permit others to act anti-socially in the locality of their home risk strong enforcement action which could take away their liberty or risk their home.
- All reports of anti-social behaviour and nuisance will be responded to within the Council's Corporate Customer Standards: (<http://www.westlancs.gov.uk/about-the-council/spending,-strategies,-performance/service-standards/corporate-service-standards.aspx>).
- Following receipt of a report of anti-social behaviour, the report will be investigated by an allocated officer.
- The investigating officer will investigate the report using a variety of tools and powers available to them.
- If the anti-social behaviour remains unresolved after 3 months, or is so serious that it is deemed to be dealt with immediately, the matter will be referred to the specialised Anti-Social Behaviour Unit.
- The Anti-Social Behaviour Unit will inform all parties of the investigations taking place, unless the matter is so serious that legal action is instigated without prior notification.
- All parties will be kept up-to-date about the progress of a case and notified when the case is closed.

### **4. Tenant responsibility**

West Lancashire Borough Council's Tenancy Agreement states that everyone has the right to live their life in the way in which they want. From time to time, however, the way in which some people live their lives upsets their neighbours. Whilst we expect good neighbours to tolerate and understand different lifestyles and not report every slamming door and argument to the Council, Section 4 of the Tenancy Agreement sets out certain things you must not do whilst living in your property. Any reports of people causing harassment, alarm or distress to others will be treated seriously. If we believe that the right way to resolve the issue is via the Courts then we will do so and perpetrators of anti-social behaviour could be evicted or have sanctions placed upon them by Court which place prohibitions on their conduct.

We will use a wide range of tools to tackle anti-social behaviour comprising of non legal and legal actions. The type of action to be taken will be considered on a case by case basis, taking all of the relevant circumstances into account.

### **5. Multi-Agency Partnership Working**

The Council recognises that sometimes responsibility for tackling anti-social behaviour needs to be shared between other partner agencies. We work closely with our partner agencies including but not limited to Lancashire Constabulary, Lancashire Fire & Rescue Service, Lancashire County Council (Youth Offending Teams and Social Care), West Lancashire Clinical Commissioning Group and Lancashire Probation to reduce anti-social and nuisance behaviour. Working together, these agencies combine resources and information to tackle crime and disorder in West Lancashire. Information is shared at regular strategy meetings as well as between Officers on a day-to-day basis. We also attend quarterly meetings coordinated by the Community Safety Partnership.

## **6. The Community Trigger**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced the "Community Trigger" which is designed to give victims and communities a greater say in the way anti-social behaviour is dealt with. If you, or someone you are acting on behalf of, have reported 3 separate incidents within the last 6 months to agencies including the Council or the Police and feel the matter has not been appropriately dealt with, you may choose to request an impartial review of your case. For further details please visit (<http://www.westlancs.gov.uk/more/community-safety/community-trigger>).

## **7. Tenancy Enforcement and other Tools & Powers**

### **Introductory Tenancies**

All new tenants initially sign up to be Introductory and Flexible tenants, a 12-month probationary period after which time tenants may become secure, provided they meet the conditions of their tenancy agreement. Those introductory tenants who fail to comply with the tenancy agreement, on grounds of rent arrears, anti-social behaviour or any other condition may have their tenancy terminated. In exceptional circumstances the introductory period may be extended for a further 6 months. The evidence needed to terminate an introductory tenancy can be much less than in cases for the eviction of a secure tenant providing the Council follows relevant legal procedures. Councils can also apply to "demote" tenancies back to the same status of that of an introductory tenant.

### **Flexible Tenancies**

Once tenants have successfully completed the 12 month introductory probationary period the tenancy will become a Fixed Term Flexible Tenancy. Most Flexible Tenancies are for a 5 year term but can be granted for 2 years in some circumstances. A Flexible Tenancy can only be ended before the expiry date by a County Court Judge granting a possession order. Flexible Tenancies will be reviewed 12 months before they expire and a decision will be made whether to grant a further flexible tenancy or not. If the Council has evidence that the tenant has carried out anti-social behaviour they may not be granted a further tenancy.

Further details about Flexible Tenancies including other reasons a further tenancy may not be granted can be found in West Lancashire Borough Councils Tenure Policy.

<http://www.westlancs.gov.uk/media/100222/wlbc-tenure-policy-2013.pdf>

### **Secure Tenancies**

This is the tenancy which gives tenants the most rights. These are now only given to people who transfer or exchange properties and were Secure or Assured tenants at their previous property before the move took place. A County Court Judge can order immediate, suspended or postponed possession of a council property and the tenant(s) may be evicted and lose their home. This can be a lengthy process, particularly if the Defendant defends the application, and may require a number of Court hearings. In most cases, the Council will need to take witness statements from those affected by the anti-social behaviour and they will usually be required to attend Court. In most cases, an application by the Council to evict a tenant is the last resort to resolve anti-social behaviour however the Council will apply for possession of a property if it is deemed proportionate, or if the behaviour of the tenant or anyone living with or visiting the tenant has been so serious that an application for possession is deemed to be the most suitable remedy.

## **Injunctions**

Injunctions prohibit the perpetrator of anti-social behaviour from engaging in certain behaviour cited in the order. The new civil injunction is issued by the County or High Court for over 18's or in the Youth Court for under 18's. They are designed to stop individuals from engaging in anti-social behaviour quickly and to prevent issues from escalating. Some injunctions can exclude the person from a specific place, including their own home. Injunctions can include positive requirements to address underlying causes of anti-social behaviour. They can also include a power of arrest on one or more clauses within the order. Most injunctions will be applied for "on notice" however where necessary a "without notice" injunction will be applied for. As with most applications to Court, witness statements will be taken from those being affected by the anti-social behaviour, and in most cases, witnesses will be required to attend Court.

## **Criminal Behaviour Orders (CBOs)**

CBOs are designed to tackle the most persistent perpetrators of anti-social behaviour who are also engaged in criminal activity. CBOs are applied for by the Crown Prosecution Service (CPS) in the Criminal Court at the request of the Police or the Council. The Court must be satisfied beyond reasonable doubt that the offender has engaged in behaviour that caused or was likely to cause harassment, alarm or distress to any person, and that the CBO will prevent the offender from engaging in such behaviour in future. The anti-social behaviour does not have to be part of the criminal offence. A CBO can include prohibitions as well as positive requirements and breach of a CBO is a criminal offence that can result in a conviction of up to 5 years or a fine, or both.

## **Community Protection Notice**

The Council can issue a Community Protection Notice (CPN) to stop any person over the age of 16, business or organisation from committing anti-social behaviour that spoils the quality of life of the community. The CPN is designed to tackle behaviour that has a detrimental effect on the quality of life of those in the locality, and behaviour that is both unreasonable and persistent. A written warning must be issued prior to the CPN. Breach of a CPN is a criminal offence which can result in a fixed penalty notice of up to £100, or a fine of up to £20,000 for businesses.

## **Closure Power**

Closure powers allow the Police or Council to temporarily close premises which are being used, or likely to be used, to commit nuisance or disorder. They are not a short cut to eviction. A Closure Notice can be issued, closing the property for up to 48 hours. With every issue of a Closure Notice, an application must be made to the Court for a Closure Order which can close the property down for a period of up to 6 months. The Notice / Order can cover land or other places including residential, business, non-business and licensed premises. Breaches of both Closure Notices and Orders can constitute a criminal offence so a conviction will require evidence to the criminal standard of proof.

## **"Absolute" Ground for Possession**

The Anti-Social Behaviour, Crime and Policing Act 2014 introduced a new absolute ground for possession of secure tenancies where anti-social behaviour or criminality has already been proven in another Court. This enables the Council to evict the most anti-social of tenants quickly, providing fast relief to victims. The tenant, a member of the tenant's household or a person visiting the property must have been convicted of a serious offence, found by a Court to have breached a civil injunction, convicted of breaching a Criminal Behaviour Order or noise abatement notice; or the tenant's property has been closed for more than 48 hours under a Closure Order. The offence or breach must have occurred in the locality of the property or have affected someone with

a right to live in the locality, or affected the landlord and / or staff or contractors.

## **8. Equality and Diversity**

West Lancashire Borough Council is an equal opportunities organisation. Our approach to equality recognises that people who provide and use our services come from diverse backgrounds and have different experiences and needs. We value this diversity and the ways in which it contributes to the richness of life and character of our community.

We will develop, commission and deliver services in a way that will help to overcome discrimination and disadvantage. We want every resident and visitor to West Lancashire to be treated fairly and with dignity regardless of age, gender, disability, race, belief and sexual orientation and with respect to their marriage and civil partnership, pregnancy and maternity or gender reassignment status. We will use our position and influence to promote equality in all aspects of community life.

We will regularly monitor and report on the progress we make in addressing discrimination and disadvantage in our borough and this progress will be evaluated regularly by our senior managers and elected members.

One of our corporate Equality Objectives relates to the management of anti-social behaviour and this is detailed below:

Equality objective: to support the work of the Local Priorities Group in addressing the causes and effects of ASB by:

- understanding who is most vulnerable to becoming a victim of ASB and developing strategies with them to remove or limit this risk
- understanding who is least likely to report ASB or seek help and take action to improve their confidence and address their concerns
- building on the ASBRAC framework, which identifies at risk young people, with a programme of targeted interventions that reflect their specific needs
- supporting the Well Being, Prevention & Early Help Service, in particular reducing the impact of ASB offending behaviour on wider family outcomes

This is a clear 'doorstep' priority – it impacts on the quality of life for many of our citizens and has a disproportionate effect on those who are vulnerable. There are clear indicators that those committing offences, often at a young age, are themselves in danger of falling into a cycle of behaviour that results in poor life experiences. This is the area of work where WLBC leads on behalf of the Community Safety Partnership

We are committed to treating the residents of West Lancashire fairly and state that the services we provide will be readily accessible to all groups of people without discrimination. We also assess each case referred to the Anti-Social Behaviour Unit under the Equality Act 2010.

## **9. Publicity**

West Lancashire Borough Council wants Council tenants and the wider community to be aware of successful legal actions we have taken to counteract anti-social behaviour. Unless the Court orders against publicity the Council will generally publicise successful

Possession applications, Civil Injunctions and, where necessary in collaboration with Lancashire Constabulary, Criminal Behaviour Orders. We hope that publicising successful outcomes will encourage local people to know about the orders and help to enforce them; reassure the public about safety in their community; increase the confidence of the public in the Council and Police's ability to work together; act as a deterrent to the perpetrator; reassure people reporting anti-social behaviour and the wider community that successful action is being taken to tackle anti-social behaviour. In each case, the Anti-Social Behaviour Unit will consider whether the publicity is necessary. We will also consider the human rights of the public and the human rights of the perpetrator, what the publicity should look like and whether the publicity is proportionate.

## **10. Domestic Violence and Abuse**

If you, or someone you know, is suffering from domestic abuse, you can contact the Liberty Centre – (formerly known as the Domestic Violence Support Service or the West Lancashire Women's Refuge) on their free confidential 24 hour helpline number 0808 100 3062. You can also ring 01695 50600. If you are in immediate danger, you should dial 999 and ask for the emergency services. Housing and Anti-Social Behaviour Officers at West Lancashire Borough Council are trained to signpost victims (or potential victims) of domestic abuse to appropriate support services. Officers carry contact cards that contain information about support services at all times when carrying out duties in the community that can be distributed or requested by any person coming into contact with the Officers. In some cases, Officers can refer consenting victims of domestic abuse to appropriate support services.

## **11. Who should you report anti-social behaviour to**

If you feel unsafe, in danger or you feel at risk that you or members of your family may be harmed, or have had a criminal act perpetrated against you or your home, our advice is always to telephone the Police. West Lancashire Borough Council work closely with the Police to combat anti-social behaviour and often takes a joint approach in resolving such matters, in particular where criminal offences are suspected or proved. Contact details for the police are included at the end of this guide.

If the person causing the nuisance is a council tenant, or is living with or visiting a council tenant, you should contact the Council's Estate Management and Tenant Participation Team via email at [emt@westlancs.gov.uk](mailto:emt@westlancs.gov.uk). The Housing Officer responsible for the area in which you live will investigate the complaint. Please note that the Estate Management Team do not deal with complaints between private tenants or owner-occupiers.

If you witness a crime being committed you should dial 999. You can also ring the Police non-emergency number on 101.

If you have information about crime, or criminals, then contact Crimestoppers at **crimestoppers**-uk.org or telephone them on 0800 555 111. You can remain anonymous.

We can provide this information on audiotape, CD, large print, Braille, and in other languages as appropriate on request. Visit our website at <http://www.westlancs.gov.uk/about-the-council/contact-us/how-would-you-like-to-access-information.aspx> or ring us on 01695 577177.

## 12. Useful Contacts

### Council Numbers:

West Lancashire Borough Council's (WLBC) Customer Services:	01695 577177
WLBC Estate Management & Tenant Participation Team:	01695 585357
WLBC Housing Options Team:	01695 585271
WLBC Voids and Allocations:	01695 585297
WLBC Rent and Recovery Advice:	01695 585252

For the Council's Environmental Protection Section, please use the Customer Services number and you will be directed to the appropriate officers.

[www.westlancsdc.gov.uk](http://www.westlancsdc.gov.uk)

### Police:

Emergencies	999
Lancashire Constabulary – Non-emergencies	101

[www.lancashire.police.uk](http://www.lancashire.police.uk)

Crime Stoppers - to report crime anonymously 0800 555 111  
<http://www.crimestoppers-uk.org/>

### Independent agencies:

Citizens Advice Bureau: for free, independent and confidential advice 01772 424282  
[www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Domestic Violence: 24 Hour helpline 0808 100 3062

Victim Support: Helping people cope with crime 01257 246229  
<http://www.victimsupport.org.uk/>

Calico Practical support, help and guidance 0800 169 2407

# Equality Impact Assessment Form



<b>Equality Impact Assessment Form</b>	
<b>Directorate: People and Places</b>	<b>Service: Environmental Protection and Community Safety</b>
<b>Completed by: Andrew Hill</b>	<b>Date: 9.10.15</b>
<b>Subject Title: ASB Policy</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	Updating/revising of the Council's ASB Policy.
<i>If you answered <b>Yes</b> to any of the above <b>go straight to Section 3</b></i>	
<i>If you answered <b>No</b> to all the above <b>please complete Section 2</b></i>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	No
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	People who make complaints to the Council
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	No

Which of the protected characteristics are most relevant to the work being carried out?	
Age	Yes
Gender	No
Disability	No
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	Yes
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	People affected by ASB can complain to the Council
What will the impact of the work being carried out be on usage/the stakeholders?	It documents our consistent approach to ASB complaints.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Very little dissatisfaction with the service is expressed, compared to the numbers of complaints made.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	none
If any further data/consultation is needed and is to be gathered, please specify:	n/a
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	The revised document details how complaints are dealt with and how to make them.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	The resolution of complaints is a positive outcome
What actions do you plan to take to address any other issues above?	No actions
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	2017 – Environmental Protection and Community Safety Manager





**AGENDA ITEM: 5(e)**

**CABINET:  
10 November 2015**

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**Report of:** Assistant Director Planning

**Relevant Managing Director:** Managing Director (Transformation)

**Relevant Portfolio Holder:** Councillor J Hodson

**Contact for further information:** Mr I Bond (Extn. 5167)  
(Email [ian.bond@westlancs.gov.uk](mailto:ian.bond@westlancs.gov.uk))

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**SUBJECT: REVIEW AND UPDATE OF WEST LANCASHIRE'S LIST OF LOCALLY IMPORTANT BUILDINGS**

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Wards affected: Borough Wide

**1.0 PURPOSE OF THE REPORT**

1.1 To update Members on the recent review of the Council's List of Locally Important Buildings (known as the Local List) and seek approval for the updated list.

**2.0 RECOMMENDATIONS**

2.1 That the revised List of Locally Important Buildings set out in Appendix A be approved.

2.2 That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make the necessary arrangements to publish the revised 'Local List', and notify any property owners affected by the changes.

2.3 That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the 'Local List' that reflect future changes to buildings identified on the list.

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### **3.0 BACKGROUND**

- 3.1 The historic environment is an asset of enormous cultural, social, economic and environmental value. It contributes considerably to our sense of history, place and the overall quality of our lives. Local heritage plays an important role in defining the character of West Lancashire and includes buildings which are much cherished by local communities. As part of the National Planning Policy Framework (NPPF) local authorities are encouraged to set out a positive strategy for the conservation of the historic environment and to recognise the contribution made by local heritage. Historic England in its *Good Practice Guide for Local Heritage Listing* (2012) encourages creating a local list which helps identify heritage assets they wish to protect at a local level.
- 3.2 Many buildings which fall outside the statutory designation system and are not identified as being 'Listed Buildings', still have an historical and/or social importance and contribute greatly to the character and appearance of our towns, villages and countryside. These locally important buildings often represent good examples of local vernacular architecture, are local landmarks or types of buildings which have played an important role in the development of a community.
- 3.3 West Lancashire has identified and published a list of locally important buildings (commonly known as a 'Local List') since 2005. The Council recognises it as a valuable tool in identifying building and features within our local environment, which contribute to the distinctive character of the Borough.
- 3.4 The West Lancashire Local Plan highlights the importance that heritage plays in promoting local distinctiveness. Policy EN4 (c) of the Local Plan states that there will be a presumption in favour of the protection of important non-designated heritage assets identified on the Council's adopted Local list
- 3.5 It is important however to stress that locally listed buildings do not have statutory protection in the same way as a Listed Building.

### **4.0 CURRENT POSITION**

- 4.1 The creation of a Local List is not intended to be a 'one-off' document but rather one which is reviewed from time to time, to ensure the list entries remain relevant, and to provide the opportunity for other buildings to be added to the list if they meet the Council's stated criteria for designation. The Local List was last fully reviewed in 2007/8.
- 4.2 The existing Local List has formed the basis of the review, but other buildings and structures have also been considered for inclusion on the list. These include those nominated by Parish Councils, Council Officers and some by local people with a specific knowledge in local history. Similar to statutory designation we have also used a thematic approach to identifying possible new entries, focussing on aspects or types of built heritage which contributes to the distinctive character of the Borough – e.g. water pumping stations, farm worker's dwellings (also known as 'Paddyshants') and former industrial buildings. We have also sought to highlight a number of the distinctive buildings/structures which reflect the

significant contribution made by the New Town movement with the building of Skelmersdale.

- 4.3 The review involved visiting each site, compiling a photographic record of each building, completing an initial assessment form and carrying out desk top local history research.
- 4.4 The scoring criteria used for the previous Local List has been revised, taking into account recent Historic England publications and advice. The adjustment in the assessment criteria takes into account the growing recognition of the wide range of values a heritage asset can hold – e.g. architectural importance, providing evidence of an area’s history and those who lived there, as well as a wider contribution to a street scene or view. The scoring criteria now carry equal weight which I feel provides a fairer and more balanced assessment tool. For example a building which may not have significant architectural value, but which embodies a rich social/local history, can achieve a higher score than it previously achieved. Details of the scoring criteria can be found in Appendix B attached to the report
- 4.5 As part of the review process, a moderation workshop was held. The workshop was attended by representatives from professional backgrounds (architecture, planning and surveying) the Conservation Area Advisory Panel (CAAP), West Lancashire Association of Parish Councils and the Council’s Development Control Team. The purpose of the workshop was to provide an external review of the survey and assessment work already undertaken and to assist in the validation of ‘borderline’ entries for inclusion onto the Local List. The group were presented with information on a number of marginal cases, including photographs and discussed the scores awarded to each of these buildings. The results of the workshop have help inform our final assessment of the buildings on the Local List.
- 4.6 As part of the review a total of 191 buildings have been assessed. The revised list contains 116 retained entries with 45 new buildings being proposed to be added and 5 buildings being identified to be deleted from the list.
- 4.7 The amended Local List is appended to this report (Appendix A) for Members information.
- 4.8 To maintain an up to date Local List I propose to continue to monitor the buildings on the list and will look to undertake a further full review by 2020/21.

## **5.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

- 5.1 There are no sustainability impacts associated with this report and no impact on crime and disorder. The need to continue with efforts to protect and improve the quality of the environment within the Borough including its streetscene, natural and built heritage of our towns, villages and countryside has been identified as a key issue in the Sustainable Community Strategy.
- 5.2 The purpose of the ‘Local List’ is to facilitate sustainable development in West Lancashire which respects the Borough’s heritage and is, consistent with the West Lancashire Local Plan and the National Planning Policy Framework.

## **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 There are no significant financial or resource implications arising from this report.

## **7.0 RISK ASSESSMENT**

7.1 Having an up-to-date 'Local List' helps safeguard valuable non-designated heritage assets within the Borough from being harmed or lost altogether.

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### **Background Documents**

The following background documents (as defined in Section 100D (5) of the Local Government Act 1972) have been relied on to a material extent in preparing this Report.

<u>Date</u>	<u>Document</u>	<u>File Ref</u>
2014 – To present date	Review of Local List – Survey Score sheets	LLB – 2014 review

### **Equality Impact Assessment**

There is a direct impact on members of the public. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix C to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

Appendix A – List of Locally Important Buildings

Appendix B – Scoring criteria used for the Review

Appendix C – Equality Impact Assessment

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
<b>Appley Bridge</b>	N/A	Village Hall Appley Lane North	Stone built Village Hall.	Parish Council nominated	Add
	N/A	Appley Bridge War Memorial, Appley Lane North	Carved and inscribed stone war memorial	Officer nominated	Add
<b>Aughton</b>	LLB1	Barn at Brookfield Green Farm, Brookfield Lane	Brick barn (now house) at Brookfield Green Farm.	2005	Delete
	LLB2	Round House, Fir Tree Lane	Former stone built farmhouse	2005	Retain
	LLB3	Walsh Hall, Formby Lane	Remains of Garden Wall and ruins of porch tower of C17 Hall	2005	Retain Amend description to include former porch tower
	LLB4	Island House, Parris Lane	Former farmhouse	2005	Retain
	N/A	Clieves Hills House, Booths Lane, Aughton	Large late Victorian villa	Officer nominated	Add
	LLB5	278 Prescott Road	Brick built farmhouse.	2005	Delete
	LLB6	45 Springfield Road	Victorian House associated with Springfield pumping station.	2005	Retain
	LLB7	Springfield Road	Springfield Pumping Station (filter house, pump house and tower) Also on the Industrial Monuments list.	2005	Retain
	LLB110	The Swan Hotel, Springfield Road	Large, mock Tudor style hotel building.	Added 2007	Retain
N/A	Coronation Memorial situated at the crossroads of Bold lane/ Church Lane	Stone memorial cross.	Parish Council nominated	Add	
<b>Bickerstaffe</b>	LLB8	Old Vicarage, Church Road	Stone Vicarage	2005	Retain
	LLB9	Brookdale Farm, Coal Pit Lane	Farmstead	2005	Retain

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
	LLB10	Brookfield House, Cuncough Lane	Farmhouse.	2005	Retain
	LLB11	Barrow Nook Hall, Sineacre Lane	Farmhouse	2005	Retain
	LLB12	Walkden House, Sineacre Lane	Farmhouse	2005	Retain
	N/A	Scarth Hill Pumping Station	Brick built water pumping station	Parish Council nominated	Add
<b>Bispham</b>	LLB13	Bispham Free Grammar School, Chorley Road	Stone built school building.	2005	Retain
	LLB14	Farmers Arms Inn, Chorley Road	Former farmhouse, now pub.	2005	Retain
	LLB15	School House, Chorley Road	School house associated with LLB114.	2005	Retain
	LLB16	Nelson's Farmhouse, Eccles Lane	Stone built farmhouse in converted farm complex.	2005	Retain
	LLB17	Grange Farmhouse, Maltkiln Lane	Farmhouse	2005	Retain
	LLB117a-d	Clarke's Cottages (1-4), Hall Lane	4 semi-detached stone built cottages	Added 2007	Retain
	LLB18	Eagle & Child Inn, Maltkiln Lane	Public house at centre of village	2005	Retain
	LLB19	Barn adjacent to Eagle & Child Inn, Maltkiln Lane	Brick barn (now farm shop) associated with LLB18.	2005	Retain
	LLB20	Old Stores Cottage, Maltkiln Lane	House converted from village store. Forms attached group with LLB21 and LLB22	2005	Retain
	LLB21	8, Maltkiln Lane	Cottage – forms linked group with LLB20 and LLB22	2005	Retain

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
	LLB22	Rose Cottage, Maltkiln Lane	Cottage – forms linked group LLB20 and LLB21	2005	Retain
	LLB23	Andertons Farm, Grimshaw Green Lane	Large farmhouse.	2005	Retain
	LLB23.1	Barn at Andertons Farm, Grimshaw Green Lane	Converted stone barn	2005	Retain
<b>Burscough</b>	LLB24	123 Liverpool Road South	Former farmhouse	2005	Retain
	LLB111	Burscough Library, Mill Lane	LCC library and former Council Offices	Added 2007	Retain
	LLB25	White Dial Farmhouse, Moss Lane	White rendered farmhouse	2005	Retain
	LLB116	St Andrews Mission Church, New Lane	1903 constructed corrugated metal church	Added 2007	Retain
	LLB112	Canal Wharf building (range fronting Leeds Liverpool canal), Smithy Walk	Forms part of Burscough Wharf	Added 2007	Retain
	LLB118	Burscough War Memorial, Junction Lane	Stone WW1 memorial cross.	Added 2007	Retain
	N/A	Old Police Station Liverpool Road North	Late Victorian/Edwardian police station	Parish Council nominated	Add
	N/A	1 Junction Lane	Victorian house with brick 'folly'	Officer nominated	Add
	N/A	Martin Mere Windmill Fish Lane	Windmill converted to dwelling	Officer nominated	Add
	N/A	Packet House Hotel Liverpool Road North	Large white rendered Victorian pub/hotel on side of canal	Officer nominated	Add
N/A	HMS Ringtail war memorial	Newly erected stone War memorial	Community/Officer nominated	Add	
<b>Dalton</b>	LLB26	Dalton Grange, Higher Lane	Large late Victorian Brick stone property	2005	Retain

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
	LLB27	St. Michaels C of E School, Higher Lane	Stone built school building	2005	Retain
	LLB28	1 School House, Higher Lane	Semi-detached stone house associated with LLB27	2005	Retain
	LLB29	2 School House, Higher Lane	Semi-detached stone house associated with LLB27	2005	Retain
	LLB30	Holland House, Lees Lane	Stone farmhouse	2005	Retain
	LLB30.1	Holland House Barn, Lees Lane	Stone barns relating to LLB30	2005	Retain
	LLB31	Prescott's Farm, Lees Lane	Stone farmhouse and group of outbuildings.	2005	Retain
<b>Downholland</b>	LLB32	50 School Lane	Brick built farmhouse	2005	Retain
	N/A	57 School Lane	House – former PO. Forms group with LLB32	Officer nominated	Add
<b>Great Altcar</b>	LLB33	93, Altcar Road	Semi-detached brick cottage.	2005	Retain
	LLB34	95, Altcar Road	Semi-detached brick cottage.	2005	Retain
	N/A	Great Altcar War Memorial, in the grounds of St Michael and All Angels Church	War memorial, cross	Officer nominated	Add
<b>Halsall</b>	LLB35	Pemberton House, Northmoor Lane	Farmhouse	2005	Retain
	LLB36	Saracen's Head, Summerwood Lane	Pub/restaurant adjacent to canal.	2005	Retain
	N/A	Holt Farmhouse, 273 Carr Moss Lane	Former small agricultural worker's dwelling	Officer nominated	Add
<b>Hilldale</b>	LLB119a	4 Robin Lane	Large brick house divided in two. Linked to LLB119b	Added 2007	Retain



<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
	LLB119b	6 Robin Lane	Large brick house divided in two. Linked to LLB119a	Added 2007	Retain
<b>Hesketh With Becconsall</b>	LLB37	4 The Brow	One of a terrace of cottages	2005	Retain
	LLB38	6 The Brow	One of a terrace of cottages	2005	Retain
	N/A	Hesketh Bank War Memorial, All Saints Church, Station Road	War memorial Cross	Officer nominated	Add
<b>Lathom</b>	LLB39	Briars Mill, Briars Brook, Briars Lane	Former stone built mill building in conservation area.	2005	Retain
	N/A	Lathom Club Scout HQ, Hall Lane	Scout Hall (main hall building only – all other buildings attached to side excluded)	Parish Council nominated	Add
	N/A	WW2 Pill Box, adjacent canal, Ring o Bells Lane	Concrete pill box on canal bank.	Parish Council nominated	Add
	N/A	St. Cyprian's Mission, Hoscar Moss Road	Former barn converted to Mission Church	Parish Council nominated	Add
	N/A	Iron Bridge, Ellerbrook/ Blythe Lane	Cast Iron Road Bridge	Parish Council nominated	Add
	N/A	Cross Cottage, Abbey Lane	Late C18 white washed cottage	Officer nominated	Add
	N/A	Ashfield House, Hall Lane	Victorian villa	Parish Council nominated	Add
<b>Newburgh</b>	LLB42	Ash Brow Cottage, Ash Brow	Attached to LLB44. Stone built cottage	2005	Retain
	LLB43	Church View, Ash Brow (now Ashleigh)	Brick detached Edwardian property	2005	Retain
	LLB44	Lathoms Close Cottage, Ash Brow	Attached to LLB42. Stone built cottage	2005	Retain

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
	LLB113	Bedford Barn, Ash Brow	Stone built converted barn	Added 2007	Retain
	LLB45	Christ Church, Back Lane	Large stone church	2005	Retain
	LLB46	Church View, Back Lane	Brick cottage	2005	Retain
	LLB47	High House Farm, Back Lane	Farmhouse	2005	Retain
	LLB48	Newburgh C of E School	Stone built school	2005	Retain
	LLB49	12, Cobbs Brow Lane	Farmhouse	2005	Retain
	LLB50	Moss Cottage, Sandy Lane	Farmhouse	2005	Retain
<b>North Meols</b>	LLB40	Fleetwood Farmhouse, Church Road	Farmhouse with attached barn	2005	Retain
	LLB41	St. Stephens Church	1866 Brick built Church	2005	Retain
	N/A	Banks War Memorial	War memorial, cross in grounds of Church	Officer nominated	Add
<b>Ormskirk</b>	LLB51	Scarth Hill Mission Church, St. Helens Road	Stone built Mission Church	2005	Retain
	LLB52	Edge Hill College (original buildings), St. Helens Road	Original main building of university	2005	Retain
	N/A	'Derby Chambers' (44 – 44a Burscough St & Derby St)	Office building (1 <sup>st</sup> floor) with traditional shops below	Officer nominated	Add
	N/A	Dark Lane Pumping Station, Dark Lane	19 <sup>th</sup> century brick pump house	Officer nominated	Add
	N/A	Coronation Park War memorial, Park Road	Relocated 'Comrades' War memorial, obelisk	Officer nominated	Add
	N/A	Union Office Buildings, Wigan Road	Former Ormskirk Workhouse Union Building	Public nomination	Add
<b>Parbold</b>	LLB53	Wayfarer Restaurant (formally - Gillets House), Alder Lane	C18 painted stone PH/restaurant (excludes 2 former cottages 7/9 Alder Lane)	2005	Retain
	LLB53.1	7 Alder Lane	Now part of PH/restaurant and brewery (see LLB53).	2005	Delete

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
	LLB53.2	9 Alder Lane	Now part of PH/restaurant and brewery (see LLB53).	2005	Delete
	LLB54	Lindley Hurst, Lancaster Lane	Rendered late Victorian villa and former Lindley Hotel. Now converted back into a house	2005	Retain
	LLB55	Lancaster Barn, Lancaster Lane	Converted barn	2005	Retain
	LLB56	Brandreth Lodge, Lancaster Lane	Villa care home	2005	Retain
	LLB57	Delph House, Lancaster Lane	Victorian villa	2005	Retain
	LLB58	Lancaster House (on site of Convent of Notre Dame), Lancaster Lane	Former manor house	2005	Retain
	LLB60	37 The Old Smithy, Mill Lane	Single storey stone former Smithy	2005	Retain
	LLB61	39 Mill Lane	Stone cottage attached to LLB60	2005	Retain
	LLB62	Parbold Railway Station, Station Road	Railway station, refurbished in 2005.	2005	Retain
	LLB63	Graving Dock	Former Canal Dock	2005	Retain
	LLB64	42 The Common	3 storey semi-detached house	2005	Retain
	LLB65	44 The Common	3 storey semi-detached house	2005	Retain
	LLB66	67 The Common	Edwardian Villa	2005	Retain
	LLB67	73 The Common	Stone semi-detached cottage attached to LLB69	2005	Retain
	LLB68	74, The Common	Edwardian Villa	2005	Retain
	LLB69	75 (Blue Bell Cottage) The Common	Stone semi-detached cottage attached to LLB67	2005	Retain
	N/A	69 The Common	Edwardian Villa	Officer	Add

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
				nominated	
	N/A	71 The Common	Edwardian Villa	Officer nominated	Add
	N/A	Parbold Bottle, Parbold Hill (A5209)	Stone monument relating to the 1832 Great Reform Act	Parish Council nominated	Add
<b>Rufford</b>	LLB70	Rufford School, Flash Lane	Brick built school dating from 1880's	2005	Retain
	LLB71	The Hermitage	Large brick house, former farm reconstructed in C20. Mock Lutyen style.	2005	Retain
	LLB74	Holmeswood Pumping Station, Wiggins Bridge	Brick former pumping station – regulating moss water levels	2005	Retain
<b>Scarisbrick</b>	LLB75	Cottage East of Bescar House, No. 163, Bescar Lane	Stone built cottage	2005	Retain
	LLB76	Copelands Farmhouse, Drummersdale Lane	Farmhouse	2005	Retain
	LLB77	Gill House Farmhouse, Drummersdale Lane	Farmhouse with outbuildings	2005	Retain
	LLB78	Stone Cottage, Drummersdale Lane	Stone built cottage	2005	Retain
	LLB114	Stone Barn at Smithy Nook Farm, Drummersdale Lane	Recently converted stone barn	Added 2007	Retain
	LLB79	St. Elizabeth's Parish Centre, Hall Road	Former Parish Hall, now a nursery	2005	Retain
	LLB80	Heatons Bridge Inn, Heatons Bridge	Brick built building, now Public House	2005	Retain
	LLB81	Cottage South West of Quarry (No.8), Pinfold Lane	3 bay cottage	2005	Retain
	LLB82	3 Red Lion Bridge Cottage,	Stone built semi-detached	2005	Retain

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
		Southport Road	cottage		
	LLB83	2 Red Lion Bridge Cottage, Southport Road	Stone built semi-detached cottage. (Originally 2 cottages).	2005	Retain
	LLB84	North Lodge, Southport Road	Gatehouse lodge for Scarisbrick Hall	2005	Retain
	LLB85	South Lodge, Southport Road	Gatehouse lodge for Scarisbrick Hall	2005	Retain
	LLB115	Farm workers' dwelling at Diglake Farm	Former agricultural worker's dwelling.	Added 2007	Retain
	N/A	Pill Box at Heatons Bridge Inn, 2 Heatons Bridge Road	Two storey brick pill box at side of canal	Parish Council nominated	Add
	N/A	Millbrow Water Treatment Works, Southport Road	Prominent C20 concrete 'modernist' water treatment works	Officer nominated	Add
	N/A	New Hall Farm, New Hall Drive	Agricultural 'Paddyshant' dwelling in grounds	Officer nominated	Add
	N/A	Berry House Farm, Berry House Road	Agricultural 'Paddyshant' dwelling in grounds	Officer nominated	Add
	N/A	Drummersdale Lane/Smithy Lane Ends	Agricultural 'Paddyshant' dwelling in grounds	Officer nominated	Add
	N/A	Drummersdale Mission Church, Mescar Lane, Scarisbrick	Small rendered Mission Hall	Officer nominated	Add
	N/A	The Good Shepherd Mission, 173 Smithy Lane, Scarisbrick	Corrugated metal clad Mission Church	Officer nominated	Add
<b>Skelmersdale</b>	LLB86	306 Ormskirk Road	One of a row of 5 stone terraced cottages. Group value	2005	Retain
	LLB87	308 Ormskirk Road	See LLB86	2005	Retain
	LLB88	310 Ormskirk Road	See LLB86	2005	Retain
	LLB89	312 Ormskirk Road	See LLB86	2005	Retain

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
	LLB90	314 Ormskirk Road	See LLB86	2005	Retain
	LLB91	The Toby Inn Ashurst Road	Former farm buildings (barns/shippens and stables) adjacent/and to rear of the former Skelmersdale Hall.	2005	Retain
	N/A	St. Richards Church Liverpool Road	19 <sup>th</sup> century brick Church	Nominated by public	Add
	N/A	Ecumenical Centre Northway	Early 1970's brick built Ecumenical Church centre	Nominated by public	Add
	N/A	Gardiners Place Gillibrands	Original concrete artwork sculptures on underpass retaining walls	Nominated by public	Add
	N/A	Greenhey Place/Wigan Road	Original concrete artwork sculptures on underpass retaining walls	Nominated by public	Add
	N/A	Tanhouse Road (Eskdale/Elswick)	Original concrete artwork sculptures on underpass retaining walls	Nominated by public	Add
	N/A	Christ the Servant Church, Birkrig, Digmoor	Modernist Church built in 1969, faced in 'Ashlar' concrete blocks	Nominated by public	Add
<b>Tarleton</b>	LLB92	Tarleton Holy Trinity Church, Church Road	Stone Church	2005	Retain
	LLB93	The Boskins, Plox Brow	Brick built former farm outbuildings related to Acland Bracewell and Co Offices (see below)	2005	Retain
	N/A	The Barrons, 104 Church Road (Acland Bracewell Offices)	Formal 'Georgian' styled early to mid C19 brick farmhouse now	Nomined by Officers	Add

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
			commercial Offices for Acland Bracewell and Co.		
	LLB94	Mayo Farm Barn, Plox Brow	Brick converted barn.	2005	Retain
	LLB95	National School, The Gravel, Mere Brow	Brick 19 <sup>th</sup> century school building	2005	Retain
	LLB96	Cuerden Farm Barn, The Strine, Sollom	Large brick barn	2005	Retain
	LLB97	Cuerden Farm, The Strine, Sollom	Farmhouse	2005	Retain
	LLB98	Former Ram's Head Inn (The Bay Leaf), The Strine	Main range of disused restaurant building	2005	Retain
	LLB99	Jenkinsons Farm, Liverpool Old Road	Large farmhouse adjacent to brick built barn	2005	Retain
	LLB100	Laurel Cottage, Liverpool Old Road	3 bay farmhouse in white render	2005	Retain
	LLB101	Moor Farm, Liverpool Old Road	Brick farmhouse	2005	Retain
	N/A	Tarleton C of E School, Church Road	19 <sup>th</sup> century stone school – adjacent to Church (LLB92)	Parish Council nominated	Add
	N/A	Holy Trinity War memorial, in the grounds of Church	War Memorial, stone cross	Officer nominated	Add
<b>Up Holland</b>	LLB102	Dingle Road	Hall Bridge Farmhouse	2005	Retain
	LLB103	196, Ormskirk Road	The Old Smithy	2005	Retain
	LLB104	6 Walthew Green	Former farmhouse	2005	Retain
	LLB105	8 Walthew Green	Cottage	2005	Retain
	LLB106	Sefton House Farmhouse Pimbo Lane	Farmhouse	2005	Retain
<b>Wrightington</b>	LLB107	Lake House (Formerly identified as Estate Office), Moss Lane	Large 3 storey stone house	2005	Retain
	LLB108	The Hermitage, Moss Lane	Farmhouse/large cottage adjacent to Lake House	2005	Delete

<b>LIST OF LOCALLY IMPORTANT BUILDINGS</b>					
<b>Location</b>	<b>Number</b>	<b>Address</b>	<b>Brief Description</b>	<b>Date added</b>	<b>Recommendation</b>
			(LLB107)		
	LLB109	Lathom's Charity Farmhouse, Mossy Lea Lane	Much extended farmhouse dated from c.18 <sup>th</sup> century.	2005	Retain
	N/A	Old Harrock Mill	Remaining ruins of former stone windmill	Officer nominated	Add



## **Local List Scoring Criteria**

Each building or local feature was scored on the basis of the criteria set out below. A maximum of 2 points was available for each of the five categories, making a maximum possible score of 10.

### **1. Aesthetic/ architectural Value**

- Is the building a rare example of a particular style of architecture or vernacular form?
- Does the building possess any notable architectural features or details?
- Was it designed by a well-known architect?
- Does the building have landmark value – i.e. is it visually prominent or important to local views?

### **2. Authenticity**

- Has the building survived largely unaltered?
- Does it retain any original features which add to its heritage value?

### **3. Historic association/ evidence**

- Does the building provide valuable evidence of built form in a previous century?
- Is the building associated with any important local figures or events?
- Does it provide an example of the use of an unusual design or early use of a building technology or material?

### **4. Group/Landscape Value**

- Is the building part of a planned layout or landscape that is still evident? (e.g. a terrace, square, crescent or historic park estate)
- Does the building lie within a Conservation Area? (If so, 1 point is awarded automatically)

### **5. Community/Social Value**

- Is it a building that is important to the area's social history - e.g. a school, church, leisure or entertainment premises
- Is the building associated with an area's traditions or practices?
- Has the building been nominated by a Parish Council or member of the community? (If so, 1 point is awarded automatically)



APPENDIX C

# Equality Impact Assessment Form



<b>Directorate: Transformation</b>	<b>Service: Planning</b>
<b>Completed by: Ian Bond</b>	<b>Date: 22/09/15</b>
<b>Subject Title: REVIEW OF LIST OF LOCALLY IMPORTANT BUILDINGS</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	No
Is a service being designed, redesigned or cut back:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	Review of West Lancashire's List of Locally Important Buildings (the 'Local List').
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i>  <i>If you answered <b>No</b> to all the above please complete Section 2</i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>	Yes/No*
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	

<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	<p>The review work has been undertaken by Planning/heritage staff.</p> <p>The review work will impact primarily upon those owning or having an interest in properties included (or removed) on the List of Locally Important Buildings.</p>
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	N/A
<p>Which of the protected characteristics are most relevant to the work being carried out?</p> <p>Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity</p>	<p>No No No No No No No No No</p>
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	<p>Previous engagement with the community and general public in relation to planning policy matters and consultation exercises across the Borough (for example for the Local Plan between 2008 and 2013) show that it tends to be those of a white-British ethnic background and those of older age groups who most actively engage in the process of preparing planning policy. Completed equality questionnaires from those consultation exercises bear this out, but the limited number of such questionnaires completed does not provide sufficient statistical robustness to analyse and use this data meaningfully.</p> <p>Once adopted, the 'Local List' will be a material consideration in planning decisions affecting buildings on the list. The main stakeholders are likely to be the owners/occupiers of the buildings. Owners are likely to be of any age, gender, disability (or otherwise), belief, sexual orientation and ethnic background but are most likely to be of a white-British ethnic background and an older age group, as identified above.</p>

<p>What will the impact of the work being carried out be on usage/the stakeholders?</p>	<p>The adoption of the revised 'Local List' will have limited direct impact on any stakeholders other than those who wish to alter or extend a building on the Local List.</p> <p>Changes to buildings on the Local List could potentially impact on a range of stakeholders, most notably landowners and their neighbours, as well as those who travel through, work in, or spend leisure time in West Lancashire.</p>
<p>What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?</p>	<p>The Local List is not a "service" as such. The review has included public consultation and buildings nominated by the public and Parish Councils were assessed as part of the review process.</p> <p>As the 'Local List' is a planning designation it is likely that differing views will be given depending on their objectives. For example, some seek to change buildings to meet their requirements, whilst others seek to protect buildings from change.</p>
<p>What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?</p>	<p>The review process has included consultation and a Workshop to which key stakeholders were invited – these included local civic groups and representatives from both RIBA and RICS. At this Workshop the scoring criteria and some building assessments were reviewed and validated.</p>
<p>If any further data/consultation is needed and is to be gathered, please specify:</p>	<p>N/A</p>
<p><b>5. IMPACT OF DECISIONS</b></p>	
<p>In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?</p>	<p>The provision of an up to date 'Local List' contributes to the planning function and our duty to preserve the heritage of the Borough.</p> <p>The Local List will be likely to be of relevance to, or affect, landowners / developers seeking to submit planning application(s), or local people with an interest in local heritage assets.</p> <p>Such people could potentially be of any age, gender, disability (or otherwise), belief, sexual orientation and ethnic background.</p>
<p><b>6. CONSIDERING THE IMPACT</b></p>	
<p>If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).</p>	<p>Property owners of buildings included on the 'Local List' are required to consider the impact of planning development on the heritage value of the building. The planning process allows the opportunity for applicants to Appeal decisions made by the local authority to the</p>

	Secretary of State.
What actions do you plan to take to address any other issues above?	Issues only arise if the property owner or occupier applies for development which affects a building contained on the Local List.
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The Local List will be reviewed periodically (every 5years) to assess whether buildings should be removed or added to the list. As such, the EIA will only be reviewed at that time. The impact on particular protected characteristics will be monitored as far as is possible.



**AGENDA ITEM: 5(f)**

**CABINET:**  
**10 November 2015**

**PLANNING COMMITTEE:**  
**12 November 2015**

**EXECUTIVE OVERVIEW & SCRUTINY  
COMMITTEE: 26 November 2015**

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**Report of:** Assistant Director Planning

**Relevant Managing Director:** Managing Director (Transformation)

**Relevant Portfolio Holder:** Councillor J Hodson

**Contact for further information:** Mr S Benge (Extn. 5274)  
(Email [Stephen.benge@westlancs.gov.uk](mailto:Stephen.benge@westlancs.gov.uk))

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**SUBJECT: PREFERRED OPTIONS FOR THE PROVISION FOR TRAVELLER SITES  
DEVELOPMENT PLAN DOCUMENT**

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Wards affected: Borough Wide

**1.0 PURPOSE OF THE REPORT**

1.1 To seek Cabinet's approval for consulting on the preferred options for the Provision for Traveller Sites Development Plan Document as attached at Appendix A to this report.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That Cabinet the preferred options for the Provision for Traveller Sites Development Plan Document ('Traveller Sites DPD') at Appendix A be approved for public consultation, subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, following consideration of the Traveller Sites DPD by Planning Committee and Executive Overview and Scrutiny Committee, as per recommendation 2.2 below.

2.2 That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the Traveller Sites DPD in the light of agreed comments from Planning Committee and Executive

Overview & Scrutiny Committee, before the document is published for consultation.

- 2.3 That Call In is not appropriate for this item as this report is being submitted to Executive Overview & Scrutiny Committee on 26 November 2015.

### **3.0 RECOMMENDATIONS TO PLANNING COMMITTEE**

- 3.1 That the content of this report and the Traveller Sites DPD attached at Appendix A to this report be considered, and that agreed comments be referred to the Assistant Director Planning for consideration, in consultation with the Portfolio Holder.

### **4.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

- 4.1 That the content of this report and the Traveller Sites DPD attached at Appendix A to this report be considered, and that agreed comments be referred to the Assistant Director Planning for consideration, in consultation with the Portfolio Holder.

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## **5.0 BACKGROUND**

### The need for a Traveller Sites DPD

- 5.1 The West Lancashire Local Plan 2012-2027 was adopted by Council in October 2013. Earlier drafts of this Local Plan ('Preferred Options' and 'Publication') contained a policy on Gypsies and Travellers and Travelling Showpeople (referred to hereafter as 'Travellers'). This policy, Policy RS4, was a criteria-based policy whose purpose was to direct Traveller development to the most appropriate places in the Borough, and to provide a means by which planning applications or enforcement cases relating to Traveller development could be judged.
- 5.2 During the Local Plan Examination in early 2013, the Local Plan Inspector advised that he could not find Policy RS4 sound, as it did not allocate specific deliverable sites to provide a five year supply of land to meet Traveller accommodation needs as required by national policy (as set out in the Department for Communities and Local Government's Planning Policy for Traveller Sites document, first published March 2012, subsequently revised August 2015). In order for the West Lancashire Local Plan as a whole to be found sound, the Inspector recommended that Policy RS4 be deleted in its entirety from the Local Plan, and that the Council commit to preparing a separate Development Plan Document (DPD) to allocate sufficient deliverable sites to meet Traveller accommodation needs over the Local Plan period.



- 5.3 The Council is acting upon the Local Plan Inspector's recommendation and is preparing the Traveller Sites DPD to comprise the following elements:
- A statement of objectively assessed Traveller accommodation needs;
  - A criteria-based policy against which planning applications for Traveller sites can be assessed (these criteria would also be relied upon in enforcement and appeal cases); and
  - Site-specific allocations for Gypsies and Travellers, and for Travelling Showpeople, including both permanent and transit sites.
- 5.4 Until the Traveller Sites DPD is adopted, the saved Policy DE4 of the West Lancashire Replacement Local Plan 2006 (WLRLP) remains extant. However, the weight to be attributed to WLRLP Policy DE4 in development management is likely to be low, as this policy is no longer consistent with national policy.

#### Traveller accommodation needs

- 5.5 The Borough Council participated in a joint Gypsy and Traveller Accommodation Assessment (GTAA) with the five Merseyside local authorities. This Merseyside and West Lancashire GTAA (August 2014) concludes that the need for new Traveller accommodation in West Lancashire, additional to that which already has permission, is as follows:
- 14 pitches on permanent Gypsy and Traveller sites by 2018, rising to 17 pitches by 2023, 20 pitches by 2028, and 22 pitches by 2033;
  - 4 transit pitches; and
  - 1 yard for Travelling Showpeople with at least 1 residential plot.
- 5.6 The general term "pitch" refers to an area of land which would accommodate a Traveller household. It is generally accepted that a pitch should have space for a touring and static caravan, as well as for parking and an amenity block. Typically, therefore, one would expect two caravans per pitch.

#### Early Work on Preferred Options

- 5.7 The Town and Country Planning (Local Planning) (England) Regulations 2012 ('the Regulations') set out the process by which a DPD must be prepared. The first step in a DPD's preparation is covered by Regulation 18, under which the local planning authority must notify certain specified bodies (for example, Highways England) that the DPD is being prepared, and invite representations from them about what the document should contain.
- 5.8 In September 2013, in accordance with Regulation 18, the Council wrote to the specified bodies, as well as to a number of other organisations who were considered to have a particular interest in the DPD. Twelve responses were received. The Consultation Report and Duty to Co-operate Statement appended to this report (Appendix D) summarises the responses made to the Council's letter, and the Council's proposed action in the light of the responses.

- 5.9 In preparing DPDs, the Council is bound by the 'Duty to Co-operate', set out in the Localism Act and the National Planning Policy Framework. The Council has co-operated, and will continue to co-operate, with neighbouring local authorities and other relevant organisations throughout the preparation of the Traveller Sites DPD. So far, at this early stage in the document's preparation, the Council has written to the 'prescribed bodies' (listed in Regulation 4), setting out what it considers to be the cross-boundary issues relating to Travellers, and inviting comments on / additions to this list of issues. Once again, the Consultation Report and Duty to Co-operate Statement appended to this report (Appendix D) summarises the responses that the Council has received to its letter, and any other relevant dialogue that has taken place so far under the Duty to Co-operate.
- 5.10 In addition, Council officers have had ongoing dialogue and correspondence with neighbouring authorities under the Duty to Co-operate, regarding their ability or otherwise to help meet any of West Lancashire's need for Traveller sites. This is discussed further in the Preferred Options document (Appendix A).
- 5.11 The Provision for Traveller Sites DPD, so far as it has progressed, has been subject to an initial Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA). The SA has covered both the criteria-based policy for assessing sites, plus the sites considered as having potential for Traveller accommodation, as well as a number of reasonable alternatives. The SA and HRA reports are appended to this report (Appendices B and C).

#### Cabinet Decision March 2014

- 5.12 An initial version of the options and preferred options for the Travellers DPD was considered by Cabinet in March 2014. This document included proposals to allocate sites to meet in full the Traveller accommodation needs within this Borough. Based on the current location of the travelling community in West Lancashire, this need would preferentially be met in the North Meols and Scarisbrick areas (permanent Gypsy and Traveller sites), the Skelmersdale / M58 corridor area (transit pitches) and the Burscough area (Travelling Showpeople provision).
- 5.13 Cabinet did not reject the options put forward in the report that sought to address Traveller need in line with the above, but rather delayed consideration until such time as officers had investigated a further option, that is, the identification of a single site along the M58 Corridor to accommodate all identified Traveller need in the Borough.
- 5.14 Since that time, officers have considered this alternative option of a single site on the M58 corridor, and report on this below. In addition, several other changes in circumstances have occurred, affecting which sites can be considered for allocation and the ability of West Lancashire to meet the full identified need for Traveller accommodation.

#### A single site on the M58 Corridor

- 5.15 Further to Cabinet's request in March 2014, officers have investigated this option and have found that there are both technical and legal reasons why the

identification of a single site to meet all identified Travellers' needs on one site along the M58 corridor should not be pursued, namely:

- An option seeking to locate all Traveller needs on one, single site would not be a "sound" approach to take forward in the Travellers DPD as it does not meet the need where it arises and best practice advises against mixing different groups of Travellers on one large site;
- Following further communications with landowners in the M58 Corridor, it now appears that there is only one site where the landowner is willing to make their land available for a Traveller site, and this site is too small to meet the Borough's full need;
- Further investigation into constraints in the vicinity of the M58 Corridor has identified that the gas and oil pipelines that cross the M58 broadly between Junctions 3 and 4 are considered Major Hazardous Installations by the Health & Safety Executive and therefore have significant buffer zones around them that restrict the development of land for residential caravans. This significantly reduces the potential for any Traveller site along the M58 Corridor from the western edge of Skelmersdale to where Church Road, Bickerstaffe, crosses the M58;
- Land further west along the M58 (between Junctions 1 and 3) into Bickerstaffe and Aughton would not be appropriate due to the large field sizes and openness of the land and the fact that, whilst the land may lie adjacent to the M58, it does not have easy access to the motorway via A- or B-roads.

5.16 As such, a single site on the M58 Corridor does not currently appear deliverable, and officers recommend that this option be pursued no further.

#### Other sites previously proposed to Cabinet

5.17 The original recommendation to Cabinet in March 2014 was to progress with a public consultation on a Preferred Options document that proposed to allocate several sites for Travellers across the Borough, the objective of this recommendation being to meet Traveller need, as far as possible, where it arises. Since that time, matters have moved on and further investigation has been undertaken by officers, indicating:

- The landowners of the two sites proposed for potential allocation for Travelling Showpeople have advised that their land is not available to be considered as an allocation for that purpose;
- The site proposed for allocation for both permanent and transit pitches at White Moss Road South in the M58 Corridor is affected by the constraint related to the gas and oil pipelines that cross the M58 and the pipelines actually run directly along the western boundary of this site. As such, it is no longer appropriate to propose this site for allocation;
- The two remaining sites are Sugar Stubbs Lane, North Meols (1 existing legal pitch and potentially 2 further pitches) and Pool Hey Lane, Scarisbrick

(potentially 5 pitches), which is currently occupied by Travellers without permission;

- As such, there would still be a requirement to identify sites to meet the following need:
  - 14 permanent pitches by 2033, with at least 9 pitches deliverable by 2023, all of which arise from a current need in the North Meols area and the anticipated natural growth of those families;
  - 1 transit site with 4 pitches, most suitably in the Skelmersdale / M58 corridor area; and
  - A Travelling Showpeople yard with at least 1 residential plot in the Burscough area.

5.18 There is, however, no policy requirement to meet need at any cost. If the Council is unable to identify sufficient deliverable sites (defined as sites that are available, suitable, achievable, and viable for the intended use) or if environmental constraints (i.e. harm to the Green Belt and other possible elements of harm) are such that need cannot be met in West Lancashire, then that position could be justified. In seeking to show that the balance fell against meeting the need, the Council would have to demonstrate that its search for sites had been rigorous (and that in respect of candidate sites, harm was such that an allocation was not acceptable). If the Council were to proceed on the basis that it is not able to meet its need, it would be expected to have co-operated with neighbouring authorities in an effort to accommodate the need in nearby locations (outside of West Lancashire). This requirement is given legal force in the Duty to Co-operate.

5.19 Given the above, officers have recently undertaken a fresh Call for Sites and have explored every possible reasonable avenue to identify additional sites to meet the outstanding need that cannot be accommodated on the sites at Pool Hey Lane, Scarisbrick and Sugar Stubbs Lane, North Meols. This has included approaching neighbouring authorities to ask whether they can accommodate any of West Lancashire's needs. The process officers have gone through to seek to identify further sites, and the methodology for assessment of sites, is summarised in the next section and set out in full in the preferred options document at Appendix A.

## **6.0 PROPOSED PREFERRED OPTIONS**

### Criteria-based policy

6.1 The government's Planning Policy for Traveller Sites (PPTS) requires that local planning authorities set criteria to guide land allocations, and to provide a basis for decisions in the case of planning applications for Traveller site development. The Traveller Sites DPD thus contains a criteria-based policy (policy GT1) and a set of criteria, similar to those in policy GT1, that have been used to assess the availability, suitability and achievability of potential candidate Traveller sites.

6.2 The criteria in the Traveller Sites DPD are based upon national policy set out in PPTS, but tailored to local circumstances. In developing the criteria, regard has also been had to the advice set out in the government document, 'Designing Gypsy and Traveller Sites - Good Practice Guide'. However, as the Good Practice Guide has recently been cancelled, lesser weight has been attached to criteria based solely on this document.

Search for sites

6.3 In seeking to identify land for consideration as potential Traveller sites, the following sources of site were explored:

- (i) Sites known to the Council on account of their Traveller-related planning history, including sites subject to enforcement action;
- (ii) Sites put forward by landowners (private or public), Travellers, and / or other stakeholders in two 'Call for Sites' exercises held in 2013 and 2015;
- (iii) Direct approaches to owners of sites in the Council's Strategic Housing Land Availability Assessment (SHLAA) in 2013 and 2015, asking whether the owners would be willing for their land to be considered as Traveller sites;
- (iv) Engagement with a number of other landowners in areas of Traveller need (including the M58 corridor, as per paragraph 5.15 above), to ascertain whether they were willing for any of their land to be considered as a Traveller site;
- (v) Approaches to owners / agents / developers of sites allocated for residential development or safeguarded as 'Plan B' sites in the West Lancashire Local Plan 2012-2027, enquiring as to the possibility of part of any site being set aside for Traveller accommodation;
- (vi) Liaison with the WLBC Regeneration Team to investigate the possibility of any land on industrial estates being considered for Travellers (in particular, transit sites);
- (vii) Discussions with the Lancashire County Council Estates and WLBC Estates Teams to enquire as to the availability and suitability of any Council-owned land being released for Traveller accommodation.
- (viii) Approaches to neighbouring local authorities under the Duty to Co-operate, to enquire whether they have any land or sites that could contribute towards meeting West Lancashire's Traveller accommodation needs.

6.4 Considering the potential sources of candidate sites in the same order as listed in paragraph 6.3 above, the search for sites proved relatively unfruitful:

- (i) In 2013, there were nine sites known to the Council that had been the subject of gypsy-related planning activity over the past 5-10 years. (This did not include roadside encampments typically lasting a few days.) Between 2013 and 2015, no new sites came to the Council's attention via planning activity. In addition, an appeal on one 'known' site in North Meols was dismissed by the Secretary of State. This appeal decision was initially challenged, but the challenge was subsequently withdrawn. A key reason for the dismissal of the appeal was the fact that the site was situated in

Flood Zone 3; this effectively rules out from consideration both the appeal site and the neighbouring site, which has essentially the same planning issues;

- (ii) The 2013 Call for Sites exercise yielded four potential sites over and above those in category (i) above. Between 2013 and 2015, three of these four sites ended up being ruled out on account of owners advising that the sites were no longer available. The 2015 Call for Sites exercise yielded just one site; this site was already included in category (i) above;
- (iii) In 2013, owners of four SHLAA sites indicated they were willing for their sites to be put forward as Traveller sites; in 2015, this number reduced to just two (i.e. two owners changed their minds between 2013 and 2015);
- (iv) Engagement with landowners in areas of Traveller need yielded no potential sites;
- (v) Approaches to owners of Local Plan sites yielded no potential sites;
- (vi) The WLBC Regeneration Team advised that there was no suitable and / or available land within employment areas that could be considered as potential Traveller sites;
- (vii) Lancashire County Council advised that they had no available land in West Lancashire for Travellers. Following negotiations and a careful consideration of the land in WLBC ownership, looking at the various current uses of Council-owned sites, the WLBC Estates and Valuation Manager advised that there were no suitable sites in WLBC ownership that could be considered as potential Traveller sites.
- (viii) Neighbouring local authorities advised that they had no sites that they considered could contribute towards meeting needs for permanent Traveller accommodation identified in West Lancashire.

6.5 Thus, despite a rigorous search for sites, and approaches made to many different landowners, the number of potentially available sites for consideration as candidate Traveller sites has actually decreased over the 30 month site search period, resulting in just seven sites being considered available at the time of writing this report.

#### Site assessment

6.6 National policy requires that local planning authorities identify specific deliverable / developable sites to meet objectively assessed accommodation needs. To be considered “deliverable”, a site must be available now, should offer a suitable location for development, and should be achievable. A “developable” site should be in a suitable location for Traveller site development and there should be a reasonable prospect that the site is available and could be viably developed at the point envisaged.

6.7 A set of criteria was drawn up by officers, based on national policy but tailored to local circumstances. These criteria were used to assess the candidate sites for deliverability / developability. The site assessments are set out in full in Appendix 1 to the Traveller Sites DPD: Options and Preferred Options (Appendix A to this report). The detailed site assessment work demonstrates that of the

seven available sites, four are not considered deliverable / developable, for reasons linked to suitability and achievability.

### Proposed Preferred Options

- 6.8 In the light of the site search and site assessments outlined in paragraphs 6.3-6.7 above, the three remaining sites that are concluded to be deliverable and / or developable are:
- Land at Sugar Stubbs Lane, North Meols, currently occupied by Travellers, and with permission for one caravan. This site is considered a suitable site for permanent Traveller accommodation;
  - Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick, currently occupied by Travellers. This site is also considered suitable for permanent Traveller accommodation; and
  - Land west of The Quays, Burscough, currently with permission for 10 Travelling Showpeople plots, considered suitable as a Travelling Showpeople site. (This site, however, does not meet the identified Travelling Showpeople need, which is over and above any existing consented provision.)
- 6.9 Therefore, the proposed preferred options for Traveller sites are the three sites above. It is evident that the proposed 'preferred sites' for allocation in Policy GT2 are not sufficient to meet the Borough's Traveller accommodation needs in their entirety, either for the short term or for the long term. This is not ideal, yet the constraints of the Borough are such that, despite a very rigorous search for sites, having investigated all reasonable avenues, it has simply not been possible to identify sufficient deliverable or developable sites in West Lancashire to meet identified needs.
- 6.10 A number of alternative approaches were considered, namely the provision of more sites to offer choice and / or help meet neighbouring authorities' needs; provision of fewer or no sites; and provision of sites to accommodate the same number of pitches, but in different locations. These alternative options were considered to be less appropriate in planning terms than the proposed preferred options.

## **7.0 NEXT STEPS**

- 7.1 If Cabinet Members approve the Traveller Sites DPD for public consultation (subject to any amendments made by the Assistant Director Planning, in consultation with the Portfolio Holder, as per recommendation 2.2 above), public consultation will take place for 8 weeks between 3 December 2015 and 29 January 2016.
- 7.2 Following the public consultation, all comments submitted will be duly considered and the preferred options refined as necessary to prepare a Publication version of the Traveller Sites DPD. This Publication version, if approved by Cabinet, would then be made available for a formal six-week consultation period, allowing

interested parties and the general public to make formal representations on the Publication version.

- 7.3 Following this, the Publication version of the Traveller Sites DPD, together with the formal representations received, would be considered by Council and Council would be asked to approve the DPD for submission to the Secretary of State for an Examination in Public. Once submitted, the Traveller Sites DPD would then be examined by a Planning Inspector. If the Inspector finds the DPD “sound” and that it has been prepared in a manner compliant with the relevant legislation and regulations, the Traveller Sites DPD can be brought back to Council for adoption.

## **8.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

- 8.1 The purpose of the Traveller Sites DPD is to facilitate the allocation of land for Traveller sites and to provide local planning policy to guide local decision-making on applications related to Gypsies, Travellers and Travelling Showpeople. By allocating land for these groups, the DPD will help meet two objectives of the Sustainable Community Strategy:
- To improve health outcomes, promote social wellbeing for communities and reduce health inequalities for everyone (improved health for all)
  - To provide more appropriate and affordable housing to meet the needs of local people (affordable housing)

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 The preparation of the Preferred Options for the Traveller Sites DPD has been resourced through the Planning Service’s revenue budgets. The subsequent public consultation and Publication stages will also be resourced through the Planning Service’s revenue budgets. However, the Examination in Public will be resourced separately using a specific revenue budget previously established for this purpose.

## **10.0 RISK ASSESSMENT**

- 10.1 The West Lancs Local Plan 2012-2027 was found sound in relation to the provision of Traveller sites only because the Council committed to preparing a separate DPD on the matter. Were the Council not to prepare the said DPD, the matter could have very significant implications for the next review of the Local Plan, which will have to ensure provision for Travellers is addressed. If the Council delay addressing this matter in a separate DPD now, the controversial and complicated nature of allocating sites for Travellers has the potential to delay any adoption of the next Local Plan, thereby affecting the planned delivery of housing, employment land and other development in the Borough.



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## **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

## **Equality Impact Assessment**

There is a direct impact on members of the public. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix E to this report, the results of which have been taken into account in the Recommendations contained within this report.

## **Appendices**

Appendix A – Preferred Options for the Provision for Traveller Sites DPD

Appendix B – Sustainability Appraisal Report

Appendix C – Habitats Regulations Assessment

Appendix D – Consultation Report and Duty to Co-operate Statement

Appendix E – Equality Impact Assessment

Appendix F – Minutes of Cabinet, 10 November 2015 (for Planning and Executive Overview & Scrutiny Committee only)

Appendix G – Minutes of Planning Committee, 12 November 2015 (for Executive Overview & Scrutiny Committee only)



# **Provision for Traveller Sites Development Plan Document Options and Preferred Options**

**November 2015**

**John Harrison, DipEnvP, MRTPI  
Assistant Director Planning  
West Lancashire Borough Council**



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## **Preface**

This Provision for Traveller Sites (Options and Preferred Options) Development Plan Document is the first draft of what is intended to become a site allocations document for Gypsy and Traveller and / or Travelling Showpeople sites in West Lancashire. It explains why and how the Council is identifying possible sites to accommodate the travelling community, the criteria used to assess potential sites, and sets out the Council's initial views on which are the preferred sites to allocate to help accommodate the needs of Travellers.

The Council is seeking people's views on the following matters:

- The proposed policy to assess planning applications for Traveller accommodation;
- The proposed criteria to assess potential sites for allocation as Traveller sites;
- The list of potential Traveller sites in West Lancashire;
- The Council's assessment of potential sites;
- The Council's preferred sites for allocation;
- Alternative options to meet Traveller accommodation needs.

Consultation on this document will run for eight weeks, from Thursday 3 December 2015 – Friday 29 January 2016. Chapter 7 of this document sets out how comments can be made.

## 1 Introduction

### The Need for a Traveller Sites DPD

1.1 The West Lancashire Local Plan 2012-2027 was adopted by West Lancashire Borough Council on 16 October 2013. Earlier versions of this Local Plan (i.e. Preferred Options, January 2012, and Publication, August 2012) contained a policy on Gypsies and Travellers and Travelling Showpeople (referred to hereafter in the general sense as 'Travellers'). This policy, Policy RS4, was a criteria-based policy whose purpose was to direct Traveller development to the most appropriate places in the Borough, and to provide a means by which planning applications or enforcement cases relating to Traveller development could be judged.

1.2 At the Local Plan Examination in early 2013, the Local Plan Inspector advised that he could not find Policy RS4 sound, as it did not meet the national policy requirement, as set out in the government's Planning Policy for Traveller Sites (PPTS, published March 2012), to allocate specific deliverable sites to provide a five year supply of land to meet Traveller accommodation needs. In order that the West Lancashire Local Plan as a whole could be found sound, the Inspector recommended that Policy RS4 be deleted in its entirety from the Local Plan, and that the Council commit to preparing a separate Development Plan Document (DPD) to allocate sufficient deliverable sites to meet Traveller accommodation needs over the Local Plan period.

West Lancashire Borough Council ('the Council') is acting upon the Local Plan Inspector's recommendation by preparing this Provision for Traveller Sites DPD.

1.3 In March 2014, a report was submitted to the Council's Cabinet, setting out options and preferred options for meeting Traveller accommodation needs in the Borough, as well as a proposed policy against which planning applications and enforcement cases relating to Traveller site development could be assessed. Cabinet did not reject the options put forward in the report, but delayed consideration until such time as officers had investigated a further option, as set out in the Cabinet Minute (18 March 2014):

RESOLVED That the Assistant Director Planning explore the possibility of identifying a single deliverable site in a suitable and sustainable location along the M58 corridor to meet the Borough's identified needs for travelling communities (excluding Travelling Showpeople) to 2028 in a way which minimises the impact on the Borough's Green Belt and the non-travelling community."

1.5 Following the decision of Cabinet, officers investigated the possibility of finding a site in the M58 corridor, as well as undertaking further site identification and assessment work.

1.6 This document comprises the 'Options and Preferred Options' version of the West Lancashire Provision for Traveller Sites DPD. It contains the following elements:

- A statement of Traveller accommodation needs;

- A proposed criteria-based policy against which planning applications for Traveller sites can be assessed (these criteria would also be applicable in enforcement and appeal cases);
  - Proposed criteria for assessment of potential Traveller site allocations;
  - Options and preferred options for site-specific allocations for Gypsies and Travellers, and for Travelling Showpeople, including both permanent and transit sites.
- 1.7 Until the Provision for Traveller Sites DPD is adopted, the saved Policy DE4 of the West Lancashire Replacement Local Plan 2006 (WLRLP) remains extant. However, the weight to be attributed to WLRLP Policy DE4 in the development management process is unlikely to be significant, as WLRLP Policy DE4 is generally inconsistent with current national policy on Traveller site provision.

### Terminology

- 1.8 This Provision for Traveller Sites (Options and Preferred Options) DPD uses various terms to describe the travelling community, as set out below. The term “Gypsies and Travellers” is defined in the government’s Planning Policy for Traveller Sites (PPTS) document (first published March 2012, revised August 2015) as follows:

*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family’s or dependants’ educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.*

- 1.9 Similarly, PPTS defines Travelling Showpeople as:

*Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.*

- 1.10 The above definition of Gypsies and Travellers and Travelling Showpeople in PPTS has been changed from the 2012 PPTS definition to exclude people who have ceased to travel permanently. PPTS Annex 1, paragraph 2, advises that in determining whether persons are “Gypsies and Travellers” for the purposes of planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether the persons previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

- 1.11 For the purposes of this DPD, the general term “Travellers” refers to all groups of Gypsies and Travellers, and Travelling Showpeople.

- 1.12 The term “pitch” is used to denote a pitch on a Gypsy and Traveller site, whilst “plot” means a pitch on a Travelling Showpeople site (also often called a

“yard”). This terminology differentiates between residential pitches for Gypsies and Travellers and mixed-use plots for Travelling Showpeople. Gypsy and Traveller pitches should be of a suitable size to accommodate both a static and a touring caravan, plus any associated vehicle(s), and a small amenity building. Travelling Showpeople plots tend to be larger, requiring extra space or to be split to allow for the storage of fairground equipment.

### **Site Assembly Process**

- 1.13 In preparing this Traveller sites DPD, the Borough Council has endeavoured to compile as comprehensive a list of potential ‘candidate’ Traveller sites as possible, from which to select preferred sites, investigating all reasonable sources of potential Traveller sites. The site assembly process is summarised below, and is set out in more detail in Chapter 5 of this draft DPD.
- 1.14 The following sources were investigated in order to compile a list of potential candidate sites for consideration as Traveller accommodation:
- Sites known to the Council by virtue of their Traveller-related planning history, e.g. planning applications, planning appeals, and / or enforcement action;
  - Two “Call for Traveller Sites” exercises, in autumn 2013 and summer 2015;
  - Two rounds of letters to owners of sites in the Council’s Strategic Housing Land Availability Assessment, asking whether the owners would be willing to consider Traveller accommodation on all or part of their land;
  - Correspondence with owners / developers of, or agents for, sites allocated for housing, or safeguarded land in the West Lancashire Local Plan 2012-2027, asking whether they would consider part of the land being set aside for Traveller accommodation;
  - Discussions with other major private landowners in the Borough
  - Enquiries to Lancashire County Council Estates Department as to the availability of any LCC land in West Lancashire which could be released or sold as a potential Traveller site;
  - Discussions with the West Lancashire Borough Council Regeneration and Estates Team as to the existence or availability of any employment land (redundant or otherwise), or any land in the Borough Council’s ownership that could be released or set aside as a potential Traveller site;
  - Requests to neighbouring local authorities to help meet West Lancashire’s accommodation needs in their Boroughs (see also the ‘Duty to Co-Operate’ section below).

### **Legal Compliance in the Preparation of Traveller Sites DPD**

- 1.15 In order that the preparation of this Traveller sites DPD be legally compliant, regard must be had to national planning policy, the Town and Country Planning (Local Planning) (England) Regulations 2012, the West Lancashire Sustainable



Community Strategy, and the Council's Local Development Scheme and Statement of Community Involvement. These are addressed in turn below.

### **National Planning Policy**

- 1.16 National planning policy is set out in the government's National Planning Policy Framework (NPPF), published March 2012. Sustainable development is to be seen as a 'golden thread' running through the NPPF, with paragraph 14 setting out a presumption in favour of sustainable development.
- 1.17 National policy with specific regard to provision for Traveller accommodation is set out in the document Planning Policy for Traveller Sites, first published in March 2012 alongside the NPPF. Three Ministerial Statements were issued subsequently (July 2013, January 2014, March 2015), covering the issue of proposed Traveller sites in the Green Belt, matters of enforcement, and revoking a number of older guidance documents. In September 2014, the government consulted on proposed changes to national planning policy for Travellers, including a proposal to amend the definition of the term "Traveller".
- 1.18 Following the Ministerial Statements and the 2014 consultation on proposed changes to national planning policy, the government published a revised Planning Policy for Traveller Sites in August 2015 (referred to hereafter as 'PPTS 2015'). A summary of the key requirements of PPTS 2015 with regard to plan preparation (set out in Policies B-G, paragraphs 8-13), in relation to the circumstances of West Lancashire Borough, is set out below:
- (i) Local planning authorities (LPAs) should set pitch and plot targets for Travellers which address the likely permanent and transit site accommodation needs of Travellers in their area, working collaboratively with neighbouring LPAs.
  - (ii) LPAs should identify and update annually, a supply of deliverable sites sufficient to provide five years' worth of sites against their locally set targets. PPTS 2015 paragraph 10 footnote 4 defines "deliverable" as available now, offering a suitable location for development, and achievable with a realistic prospect that development will be delivered on the site within five years.
  - (iii) LPAs should identify a supply of specific, developable sites, or broad locations for growth, for six to ten years time, and, where possible, for eleven to fifteen years' time. "Developable" is defined (PPTS 2015 paragraph 10, footnote 5) as being in a suitable location for traveller site development and having a reasonable prospect that the site is available and could viably be developed at the point envisaged.
  - (iv) LPAs should relate the number of pitches or plots to the circumstances of the specific size and location of the Traveller site in question and to the size and density of the surrounding population, and should protect local amenity and environment.
  - (v) Criteria should be used to guide land allocations, and criteria-based policies prepared to provide a basis for decisions on Traveller site planning applications. These policies should be fair and should facilitate the traditional and nomadic way of life of Travellers while respecting the interests of the settled community.

- (vi) Exceptionally, where there is a large-scale unauthorised site that has significantly increased the LPA's Traveller accommodation need, and where the area is subject to strict and special planning constraints, then there is no assumption that the LPA is required to meet Traveller needs in full.
- (vii) PPTS 2015 paragraph 13 requires that LPAs ensure their policies:
  - (a) promote peaceful and integrated co-existence between the site and the local community;
  - (b) promote, in collaboration with commissioners of health services, access to appropriate health services;
  - (c) ensure that children can attend school on a regular basis;
  - (d) provide a settled base that reduces the need for long-distance travelling and possible environmental damage caused by unauthorised encampment;
  - (e) provide for proper consideration of the effect of local environmental quality on site occupants or others as a result of new development;
  - (f) avoid placing undue pressure on local infrastructure and services;
  - (g) do not locate sites in areas at high risk of flooding;
  - (h) reflect the extent to which traditional lifestyles (whereby some Travellers live and work in the same area) can contribute to sustainability.

1.19 The Council considers this document complies with national policy in the following respects:

- (i) The Borough Council has worked collaboratively with neighbouring Merseyside Councils in a joint Gypsy and Traveller Accommodation Assessment (see Chapter 2 below). The Council has also met with neighbours in Wigan, Sefton and Chorley with regard to cross-boundary issues, and is participating in a general Lancashire Gypsy Group. In addition, the Council has been in correspondence with neighbouring local authorities under the 'Duty to Co-Operate' (see section below). Early Duty to Co-Operate work has indicated a general consensus that Traveller accommodation needs should be met in the area in which the needs arise, and that West Lancashire's targets can therefore be based upon need figures for this Borough;
- (ii) It is considered that the proposed 'Preferred' sites set out in Chapter 6 of this document are deliverable;
- (iii) The proposed 'Preferred' sites' capacities have been estimated, taking into account site size, the local population, amenity and environment;
- (iv) Criteria for site allocations and planning applications are set out in Chapters 4 and 3 (respectively) of this document and are fair and provide an appropriate balance between the needs of Travellers and the interests of the settled community.

1.20 In September 2015, a further planning policy statement was issued by the government introducing a planning policy to make intentional unauthorised development a material consideration that would be weighed in the determination of planning applications and appeals. Furthermore, the statement reiterated that most development in the Green Belt is inappropriate and should be approved only in very special circumstances, and that, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

- 1.21 One further national document that has been of relevance in early work on this document is the *Designing Traveller Sites: Good Practice Guide*, published by the government in May 2008. This document set out how best to design Traveller sites, providing advice on site size, layout, and location. The *Good Practice Guide* was cancelled by the government on 31 August 2015. Whilst this document has been revoked, it is considered that the advice contained within it (for example on pitch and plot sizes and layout) remains relevant, and the Guide has been taken into account in preparing the site assessment criteria in both the proposed Traveller sites policy (Chapter 3) and in the site selection process (Chapters 4 and 5).
- 1.22 Through recent case law<sup>1</sup>, the ‘rights of the child’ have become a key consideration of relevance to planning decisions, including those related to Traveller accommodation. Where Article 8 of the 1998 Human Rights Act is engaged (as is often the case in planning decisions), the best interests of children will be a material consideration which the decision maker must take into account. Article 8 rights of children are to be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child, which requires those best interests to be a primary consideration. In terms of planning decisions:
- The decision maker must first identify what the child’s best interest are;
  - The best interests are not necessarily determinative;
  - No other consideration must be regarded as more important or given greater weight than the best interest of a child and these best interests must be kept at the forefront of the decision maker’s mind as (s)he performs the balancing exercise.

### **Sustainable Community Strategy 2007-2017**

- 1.23 The West Lancashire Local Strategic Partnership prepared the West Lancashire Sustainable Community Strategy (SCS) in 2007. Whilst Travellers are not referred to in the SCS, elements of the document’s vision, objectives, and cross-cutting themes are considered to have relevance to the subject matter of this DPD.
- 1.24 The vision of the SCS is to ‘improve the quality of life for all’ and is to be achieved by the Local Strategic Partnership working with other bodies to be, amongst other things, ‘a place where everyone is valued and has the opportunity to contribute’.
- 1.25 Of the nine key objectives of the SCS, the following three are relevant:
- To improve health outcomes, promote social wellbeing for communities and reduce health inequalities for everyone;
  - To provide more appropriate and affordable housing to meet the needs of local people;
  - To provide opportunities for young and older people to thrive.
- 1.26 Of the eight cross-cutting themes, the most relevant are:

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<sup>1</sup> *ZH(TANZANIA) v Secretary of State for the Home Department* [2011]UKSC and *Collins v SSCLG & Fylde Borough Council* [2013] EWCA Civ 1193

- Reducing deprivation, with the aim to narrow the gap between the most and least disadvantaged people and communities;
  - Social inclusion, equality and diversity, with the aim to improve community cohesion, including for people of all nationalities and ethnicities.
- 1.27 The Council considers that the Provision for Traveller Sites DPD is consistent with, and may, to an extent, help to achieve the above vision and objectives of the SCS. Taking into account the fact that the Council is required by law to provide sites to meet Traveller needs, the DPD does not contravene the SCS.

### **Planning Regulations**

- 1.28 The Town and Country Planning (Local Planning) (England) Regulations 2012 (referred to hereafter as ‘the 2012 Planning Regulations’) set out the process that must be followed when preparing a local plan<sup>2</sup>. The first statutory stage for preparing a document is covered by Regulation 18, which requires that the LPA notify certain specified bodies of the subject of the local plan and invite them to make representations about what a local plan with that subject ought to contain.
- 1.29 The Council considers that it is in compliance with Regulation 18 in that it duly wrote to the bodies specified by the Regulation, as well as a number of other bodies, inviting representations on the Provision for Traveller Sites DPD’s content, and has taken into account the representations received in this Provision for Traveller Sites (Options and Preferred Options) DPD.
- 1.30 The number and nature of responses received to the above consultation are set out in the separate “Consultation Statement” that accompanies this draft DPD.

### **Statement of Community Involvement**

- 1.31 The Statement of Community Involvement (SCI) is a document that sets out how the LPA intends to engage the public and other stakeholders when preparing its Local Plan and other local development documents. This includes details of the types of consultation methods the Council intends to use at the different preparation stages of different types of planning documents.
- 1.32 The SCI was first required as part of the ‘Local Development Framework’ system introduced under the 2004 Planning and Compulsory Purchase Act. West Lancashire Borough Council started preparing its SCI in 2006, the document eventually being adopted in July 2007, and updated with an Addendum in January 2009, reflecting amendments made to the government’s Planning Regulations in 2008. Work is well underway on producing an updated SCI which reflects the 2012 Planning Regulations, as well as other changes to legislation affecting the preparation of planning documents, and the

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<sup>2</sup> The definition of ‘local plan’, as set out in the 2012 Regulations (nos. 5 and 6), includes any document prepared by the local planning authority which allocates sites for a particular type of use and / or contains development management and site allocation policies intended to guide the determination of planning applications. The Provision for Traveller Sites DPD therefore is a ‘local plan’.

processing and determination of planning applications. It is anticipated that the new SCI will progress towards adoption whilst the Traveller Site DPD is being prepared. In the meantime, regard has been had to the 2007 SCI and its 2009 Addendum, taking account also of the newer Planning Regulations.

- 1.33 In terms of preparing a development plan document such as this Traveller sites DPD, the Council's 2007 SCI refers to an "Options" stage and a "Preferred Options" stage, reflecting the former (2004) Planning Regulations. However, given the WLLP Inspector's requirement that the Traveller Sites DPD be prepared as a matter of urgency, it is considered expedient to combine the Options and Preferred Options stages of this DPD's preparation into a single stage, whereby options for providing Traveller sites are set out, an indication of the Council's preferred options is given, and people are invited to comment on both the options and preferred options, and to submit their own options and / or preferred options. This matter is set out more fully in Chapter 7 of this document.

### **Duty to Co-Operate**

- 1.34 Despite the abolition of the regional tier of planning, the need for strategic planning remains, in particular the need to ensure coherent planning beyond local authority boundaries. To this end, the Localism Act 2011 has introduced the Duty to Co-Operate which:
- requires local authorities and public bodies to engage constructively, actively and on an ongoing basis in relation to planning for sustainable development;
  - requires local authorities to consider whether to enter into agreements on joint approaches or to prepare joint Local Plans; and
  - applies to planning for strategic matters in relation to the preparation of local plans, and other activities that prepare the way for these activities.
- 1.35 The Localism Act and the NPPF require LPAs to fulfil the Duty to Co-Operate on planning issues, including provision for Travellers, in order to ensure that their approaches are consistent, and that they address cross-border issues with neighbouring authorities. The 2012 Planning Regulations set out the organisations which, as a minimum, should be contacted under the Duty to Co-Operate ('Prescribed Bodies').
- 1.36 West Lancashire Borough Council has fulfilled, and will continue to fulfil, the Duty to Co-Operate by working with neighbouring local authorities and other relevant bodies throughout the preparation of this Traveller Sites DPD.
- 1.37 The government's Planning Policy for Traveller Sites 2015 document (Section 10(c)) requires that local planning authorities consider production of joint development plans that set targets on a cross-authority basis. Given the differing timescales for the different authorities surrounding West Lancashire, the fact that this is a topic-specific DPD, and the West Lancashire Local Plan Inspector's recommendation that the Council have this Traveller Sites DPD adopted as soon as possible, it is the Council's view that production of a joint development plan would not be a realistic prospect.

### Determination of Traveller Accommodation Needs

- 1.38 As set out in Chapter 2 below, West Lancashire Borough Council has worked collaboratively with the five Merseyside authorities (including Sefton, Knowsley and St Helens, all of whom directly border West Lancashire) in a joint Gypsy and Traveller Accommodation Assessment (GTAA), which was published in August 2014.
- 1.39 Chorley and South Ribble Borough Councils participated in a joint interim GTAA (with Preston City Council), as required by the Planning Inspectors during their respective site allocations local plan examinations. This GTAA concluded in January 2014 that there was no need for a Traveller site in South Ribble, but a need for five permanent Traveller pitches in Chorley Borough. Chorley BC have since identified and allocated a site in Chorley to meet its identified Traveller accommodation needs to 2026. A further joint GTAA was undertaken by Chorley, South Ribble and Preston Councils and completed in May 2015. This has identified a need for 5 additional permanent pitches for Travellers in Chorley Borough, 22 in Preston, 1 in South Ribble and a Central Lancashire wide need for 4 transit pitches to 2026. However, Chorley Council has not accepted the findings of this study and are currently undertaking further work in respect of 'local circumstances' that may impact on the need figures, as well as reviewing the GTAA in light of the recently issued revised government guidance on Planning for Traveller Sites.
- 1.40 Wigan MBC are participating in a Greater Manchester GTAA, which is nearing completion. Based on recent discussions with Wigan Council, it is expected that any Traveller accommodation needs in the Wigan area will be met within Wigan MBC boundaries.

### Identification of Cross-Boundary Issues

- 1.41 In terms of cross-boundary issues, West Lancashire Borough Council wrote to all the Prescribed Bodies, as well as to a range of other organisations, in November 2013, setting out what it considered were the main cross-boundary issues with regard to the provision of Traveller sites in West Lancashire, and inviting comments on these issues.
- 1.42 West Lancashire Borough Council's understanding of cross-boundary issues at present is as follows:
- It would be desirable for Merseyside authorities to co-operate where possible on the issue of transit site provision (transit sites are intended to meet the short term needs of Travellers who are passing through local authority areas on their way to other destinations or choose to occasionally visit the area for short periods), as Travellers who require such sites are almost certain to be moving between different boroughs.
  - The Council is unaware of any significant cross-boundary issues between West Lancashire and Wigan / Central Lancashire in terms of transit site provision.
  - If each LPA were to meet its own need for permanent Traveller sites (which may be used for Travellers to base themselves throughout the majority of the year, or for Travelling Showpeople to live and store their equipment outside their touring season), there should be no cross-boundary issues in terms of a need for sites. As far as this Council is aware, the neighbouring

authorities of Sefton, Knowsley, St Helens, Wigan, Chorley, and South Ribble are intending to fully meet their needs for permanent Traveller sites within their own boundaries.

- Depending upon the location of any proposed Traveller site allocations, it may be the case that occupants of sites may seek to make use of facilities and services (education, health, etc.) in an adjacent Borough(s). With the exception of Sefton and Chorley, neighbouring authorities are not yet at the stage where sites have been formally proposed for allocation. The allocated site at Chorley is within the settlement of Chorley, reasonably close to facilities in that town and several kilometres from the West Lancashire boundary. Therefore it is not expected that the occupants of the Chorley site would rely upon facilities or services in West Lancashire Borough. Whilst the proposed sites in Sefton are close to the West Lancashire border, the nearest services in West Lancashire (typically in Ormskirk) are considerably further from these sites than comparable services in Sefton (Ainsdale or Formby). Once again, it is not expected, therefore, that the occupants of the proposed Sefton sites would rely upon services or facilities in West Lancashire.
- The preferred options for the proposed Traveller sites in West Lancashire are within 4km by road from Sefton, and there is thus a possibility that the occupants of the sites may use facilities in Sefton (Southport). However, these sites are already occupied and are not proposed to be expanded by any significant amount, and their proposed allocation is not expected to lead to any material increase in cross boundary issues.

1.43 The Council received 18 written responses to its initial 'Duty to Co-Operate letter', all of them either concurring with the Council's understanding of cross-boundary issues as set out in November 2013, or else having no specific comments to make at that stage of preparation of the Traveller Sites DPD.

1.44 A second round of letters was sent to the 'Prescribed Bodies' in September 2015, providing an update with regard to the preparation of the West Lancashire Provision for Traveller Sites DPD, advising of the completion of the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment, and asking neighbouring local authorities whether they have any sites within their districts that could potentially contribute towards West Lancashire's Traveller accommodation requirements. No neighbouring Council indicated that they had any potential sites to help meet West Lancashire's needs.

### **Sustainability Appraisal**

1.45 A Sustainability Appraisal (SA) of the content of this draft DPD has been undertaken by Council officers, and scrutinised by consultants URS. URS have also carried out a Habitats Regulations Assessment of the content of this document. The SA / HRA process will continue throughout the preparation of this DPD as it progresses through its various stages.

1.46 The SA concludes that the proposed Policy GT1: Assessment of Proposals for Gypsy and Traveller and Travelling Showpeople Sites (see Chapter 3 of this DPD) is likely to make a greater positive contribution towards the goal of

achieving sustainable development, compared with the alternative approaches of having a less stringent policy in place, or no policy at all.

- 1.47 The SA further concludes that the allocation and occupation of the preferred sites would make a greater positive contribution towards the goal of achieving sustainable development, compared with the alternative approaches of allocating no sites, allocating additional sites, or allocating a different set of sites.

## **2. Traveller Accommodation Needs**

### **Assessing Traveller Accommodation Needs**

- 2.1 This chapter sets out the Council's current understanding of the need for Traveller accommodation, and how this has influenced the process whereby potential Traveller sites have been sought.
- 2.2 Since 2006, West Lancashire Borough has participated in three processes that have resulted in the derivation of Traveller accommodation needs figures for the Borough. These are a 2006-based North West Gypsy and Traveller Accommodation Assessment (GTAA), abortive work on the North West Regional Spatial Strategy Partial Review 2008-2010, and the Merseyside and West Lancashire GTAA 2013-14.

### **North West Regional GTAA 2006**

- 2.3 In 2006, an assessment of Gypsy and Traveller accommodation needs was commissioned – *The North West Regional Gypsy and Traveller Accommodation and Related Services Assessment*. This report was undertaken by a team of academic researchers and consultants based in Salford, with research support from members of the travelling community.
- 2.4 The assessment identified that for the County of Lancashire there was a requirement for an additional 205-231 permanent Gypsy and Traveller pitches over the period 2006-2016 plus 7 plots for Travelling Showpeople. At the district level, the assessment calculated that there was a need for 17 permanent Gypsy and Traveller pitches and 3 plots for Travelling Showpeople across West Lancashire Borough over 2006-2016. There was also a need identified for transit pitches within the sub region, but this need figure was not disaggregated to local authority level.

### **North West RSS Partial Review**

- 2.5 In January 2009, 4 North West (4NW), the former regional planning body, started a period of stakeholder engagement on an interim draft policy on the scale and distribution of Gypsy and Traveller pitches and Travelling Showpeople plots.
- 2.6 The proposed requirements for West Lancashire over 2007-2016 were 20 permanent pitches for Gypsies and Travellers and 5 transit pitches. These



figures differ to those set out in the 2006 GTAA owing to an attempt to address the issue of 'hidden' overcrowding, which had been raised by the Gypsy and Traveller community during consultation, and a broadening of the geographical distribution of the pitch numbers, in order that greater choice may be available for Gypsies and Travellers in the future. (This contrasted with the GTAA approach, which tends to look at need as it arises, based upon "snapshot" counts of Gypsy caravans.)

- 2.7 The required number of Travelling Showpeople pitches to 2016 was raised from 3 to 5, based on more up-to-date information provided by the Lancashire and North Wales section of the Showman's Guild based upon survey work conducted in June 2007.
- 2.8 As part of the consultation process, 4NW sought support from the individual local authorities regarding pitch numbers. West Lancashire Borough Council suggested as an alternative a revised figure of 14 permanent pitches (based upon the number of unauthorised pitches based within the Borough at that time) and 10 transit pitches (in order to make it easier to direct Gypsies and Travellers to a transit site), whilst supporting the figure of 5 pitches for Travelling Showpeople.
- 2.9 Following the Council's comments a submitted draft was published, setting out the following requirements for West Lancashire:
- 15 pitches on permanent Gypsy and Traveller Sites
  - 10 transit pitches
  - 5 Travelling Showpeople plots.
  - An annual increase of 3% in the level of overall residential pitch provision.
- West Lancashire Borough Council supported these figures, and they formed the basis of the now-abandoned West Lancashire Replacement Local Plan Policy RS4.
- 2.10 Work on the RSS Partial Review was halted in 2010 following the Secretary of State's announcement of his intention to abolish the regional tier of planning. The RSS was finally revoked early in 2013, and the RSS and the RSS Partial Review no longer have any legal status.

### **Merseyside and West Lancashire GTAA 2013-2014**

- 2.11 West Lancashire Borough Council has recently participated in a more up-to-date GTAA with the five Merseyside local authorities. This GTAA was carried out on the authorities' behalf by the consultants Arc<sup>4</sup>, who were appointed in March 2013. The final study was published in August 2014.
- 2.12 The Merseyside and West Lancashire GTAA concludes that the need for new Traveller accommodation in West Lancashire, additional to that which already has permission, is as follows:
- 14 pitches on permanent Gypsy & Traveller sites by 2018, rising to 20 by 2028, and 22 by 2033;
  - 4 transit pitches;
  - One site for Travelling Showpeople with a minimum of one residential plot.

- 2.13 As such, and consistent with PPTS paragraph 7, the Council has worked collaboratively with neighbouring local authorities and engaged with Travellers and / or their agents / representative bodies to discuss their accommodation needs in order to gain an up-to-date understanding of the permanent and transit accommodation needs of Travellers in the Borough over the lifetime of this development plan.
- 2.14 With regard to the government's redefinition of the word "Traveller" in PPTS 2015, it is anticipated that the government will issue new guidance on GTAA methodology in the near future. The Borough Council is aware of a number of other Councils seeking legal advice on the redefinition of Travellers. At present, and in the absence of any evidence to suggest the identified Travellers in West Lancashire do not satisfy the new government definition, the findings of the 2014 Merseyside and West Lancashire GTAA will continue to be relied upon.

### 3. Traveller Sites Policy

- 3.1 This draft Provision for Traveller Sites DPD sets out options and preferred options for the allocation of a number of specific sites (see Chapter 6 below). Policy GT1 provides a set of criteria against which planning applications for Traveller accommodation should be assessed, either on allocated sites, or elsewhere. The policy will also be applicable in enforcement and planning appeal cases.

#### **Policy GT1**

#### **Assessment of Proposals for Gypsy and Traveller and Travelling Showpeople Sites**

##### **Broad Locations**

Proposals for permanent or transit Traveller sites or pitches should be located in areas where need exists, as demonstrated by robust evidence.

##### **Site-Specific Criteria**

##### **Permanent Sites**

Proposed permanent sites for Travellers must not lie within Flood Zone 3.

In order to ensure that sites are fit for purpose and will provide adequate residential amenity, both to members of the travelling community and to members of the settled community, proposed permanent sites for Travellers will be required to meet the following criteria:

- (i) The site does not lie within the Green Belt;
- (ii) The site, on account of its scale and / or location, would not dominate the nearest settled community in such a way that the prospect of peaceful and integrated co-existence between the site and the local settled community would be undermined;
- (iii) The site is sufficiently far from any refuse site, industrial process, high voltage electricity infrastructure, other hazardous place, or any other process, land use

- or environmental issue (e.g. flyover, motorway), for there to be no unacceptable impact on the health, safety or general well-being of the residents of the site;
- (iv) The site is not subject to any physical constraints or other environmental issues that cannot be mitigated to an acceptable level, and that would impact on the health, safety or general well-being of the residents of the site, or on non-residents;
  - (v) The site is accessible by a public highway that can accommodate typical Traveller-related vehicles without compromising highway safety;
  - (vi) The site is not in Flood Zone 2;
  - (vii) The site is not within, adjacent to, or close to (such that it would adversely affect) any area of land subject to a nature conservation designation;
  - (viii) The site is not within, adjacent to, or close to (such that it would adversely affect) any area of land subject to an historic environment or historic landscape designation;
  - (ix) The site has mains water, drainage and electricity, or else these services could readily be provided and satisfactory drainage achieved;
  - (x) The use of this site as a Traveller site would not place undue pressure on local infrastructure and services;
  - (xi) The site is within 1.5 kilometres (15 minutes walk) of a bus route or other public transport facility, and / or it is possible to access from the site by means other than private motor vehicle the following facilities / services:
    - an appropriate health facility;
    - education facilities, in particular a primary school;
    - employment opportunities;
    - shops;
    - other necessary services;
  - (xii) It is possible to achieve visual and acoustic privacy on the site without any unacceptable visual impact on the site's surroundings;
  - (xiii) The site can accommodate between 3 and 15 pitches.

### Transit Sites

In the case of transit sites, these should meet the above criteria, and, in addition should be accessible to the M58, or to the strategic highway network.

## **Justification**

### Broad Locations

- 3.2 Policy GT1 is intended to direct Traveller development to areas where there is a need for such accommodation, as demonstrated by robust evidence. As a first recourse, the Council will rely on the findings of the most up-to-date Gypsy and Traveller Accommodation Assessment (GTAA) covering West Lancashire<sup>3</sup>.

<sup>3</sup> At the time of writing this document, the most up-to-date GTAA covering West Lancashire is the Merseyside and West Lancashire GTAA 2014. It is expected that GTAAs will be updated approximately every five years.

Any planning application that departs from the findings of the most up-to-date GTAA will require to be backed up by robust evidence justifying this departure, either an unequivocal demonstration of need in a different area, or a clear demonstration that no sites are realistically available within the GTAA-identified areas of Traveller need.

- 3.3 In the light of the findings of the 2014 Merseyside and West Lancashire GTAA:
- Permanent sites should be located in, or as close as reasonably possible to, the settlements of Skelmersdale, Scarisbrick or Banks;
  - Transit sites should be located along the M58 corridor; and
  - Land for Travelling Showpeople should be located within the Burscough area.
- 3.4 For the purposes of this policy, the M58 corridor is defined as land within 2.4km (equivalent to three minutes' drive time at 30mph) of any M58 junction via a classified road.
- Criteria
- 3.5 The criteria in Policy GT1 above are based on national policy, as set out in the government's National Planning Policy Framework (NPPF; March 2012), and Planning Policy for Traveller Sites (PPTS; August 2015)<sup>4</sup> documents. Regard has been had to the advice contained in the document Designing Gypsy and Traveller Sites Good Practice Guide (DCLG, May 2008), although, as this document has been revoked, less weight is attributed to criteria based solely on the Good Practice Guide.
- 3.6 Policy GT1 is intended to facilitate the traditional and nomadic life of Travellers whilst respecting the interests of the settled community. The policy aims to ensure that if a site is granted permission for Traveller development, its development maintains a suitable quality of life, both for residents of the site in question, and, equally, for those living or working in the vicinity of the site. Sites should have reasonable access to facilities and services, and should not cause an adverse impact on neighbouring residents or land uses.
- 3.7 The criteria set out in Policy GT1 are similar to the criteria used in the assessment of potential Traveller sites as set out in Chapter 4 of this DPD. Chapter 4 provides more specific detail as to the source of each site assessment criterion, and much of the material in that chapter is applicable to Policy GT1.
- 3.8 With regard to the Policy GT1 requirement in Policy GT1 that sites lie outside Flood Zone 3, caravans are defined in the NPPF Technical Guidance, published alongside the NPPF in March 2012 (Table 2, page 6), as highly vulnerable development. Table 3 (page 8) states that highly vulnerable development should not be permitted on sites within Flood Zone 3<sup>5</sup>. With regard to criterion (vi), if a site lies within Flood Zone 2, the site must be demonstrated to meet the "Exceptions Test". Furthermore, Policy GN5 of the West Lancashire Local Plan 2012-2027 requires that a sequential test be satisfied where development is proposed in flood risk areas.

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<sup>4</sup> PPTS requires *inter alia* that a criteria based policy should be set out within Local Plans.

<sup>5</sup> Flood Zone 3 is defined as land having a 1 in 100 or greater annual probability of river flooding; or land having a 1 in 200 or greater annual probability of sea flooding.

- 3.9 In relation to criterion (i), Traveller site development is by definition inappropriate in the Green Belt, and PPTS 2015 (paragraph 16) requires that very special circumstances be demonstrated in order for Traveller sites in the Green Belt to be judged acceptable. It also advises that, subject to the best interests of the child, personal circumstances and unmet need for Traveller accommodation are unlikely to establish very special circumstances.
- 3.10 Criteria (ii), (vii), (viii), (x) and (xii) seek to ensure that Traveller sites integrate as far as is reasonably possible with the local settled community, and with the surrounding natural and built environment.
- 3.11 Criteria (ii), (iii), (iv) and (x) are intended to protect the occupants of sites from unacceptable adverse living conditions, and to protect those living near to sites from possible adverse impacts of Traveller site development. These criteria do not necessarily rule out development if a site is subject to the particular issues specified in the criteria. For example, if existing residential development or existing authorised Traveller development is located equally close to the uses listed in criterion (iii), this will be taken into account when assessing proposals for new Traveller sites in the locality. It is necessary also to take into account the scope for mitigation measures, and whether the adverse impact from any uses set out in the criteria can be minimised to an acceptable level.
- 3.12 Ensuring adequate highways access to Traveller sites is important (criterion (v)). Whilst on a day-to-day basis, the sites are likely to be used by cars, vans and small lorries, there are also likely to be regular movements of touring caravans, and occasional movements of larger static caravans. Travelling Showpeople sites are likely to be regularly accessed by articulated lorries and / or heavy goods vehicles carrying fairground rides. The 2008 Good Practice Guide advised that access onto Traveller sites should be readily achievable by regular or potential visitors to the site, including the emergency services. Similarly, easy movement through, or manoeuvres within, the site should be possible for typical Traveller vehicles, and the safety of [pedestrian] site occupants, including children, is an important consideration. Whilst the Guide has been cancelled, its advice with regard to highways access is considered to remain relevant. Access to Traveller sites should be achievable in such a way that highway safety and the free flow of traffic are not compromised. In the event of any planning application, the highway authority would be consulted as a matter of course.
- 3.13 In terms of criterion (xi), whilst it is recognised that Travellers, by definition, are most likely to have ready access to motor vehicles, it is preferable, in terms of sustainable development, that Travellers also have the opportunity to access local services by sustainable modes of transport, such as walking, cycling, and public transport. It is generally recognised, however, that most established (and legal) Traveller sites tend to be situated a short distance outside the nearest settlement, allowing for appropriate separation between the settled and Travelling community. As such, the accessibility distances set out in policy GT1 (1.5km) are greater than those usually applied for 'bricks and mortar' residential development.
- 3.14 With regard to the screening of sites (criterion (xii)), careful attention should be paid to the nature of screening and how it relates to the character of the surrounding area. Close board and other fencing, or evergreen landscape

planting may be appropriate in some areas, but not in others. Sites on elevated or sloping ground (criterion (xiii)) are likely to be more difficult to screen appropriately. For sites adjacent to developed areas, an acceptable balance needs to be struck taking into account the privacy of occupants and neighbours, the visual impact of screening (if it needs to be greater in height than on a more isolated site), and the general urban design principle of natural surveillance.

- 3.15 The Good Practice Guide stated that sites should consist of a maximum of 15 pitches unless there is clear evidence that a larger site is preferred by the Gypsy and Traveller Community. At the lower end of the scale, having a minimum site threshold of 3 pitches (criterion (xiii)) should result in fewer sites around the Borough, lessening the overall impact of providing for Traveller accommodation needs. Having a maximum site size of 15 pitches should reduce the possibility of individual sites dominating the nearest settled community.

### **Options and Preferred Options Consultation Question 1**

#### **Policy GT1**

**Is Policy GT1 sufficiently consistent with national policy, whilst reflecting local circumstances?**

**What amendments, if any, should be made to the criteria in Policy GT1?**

*(Please provide a reasoned justification for any proposed amendments to the policy.)*

**Do you have any other comments on Policy GT1?**

#### **4. Criteria for Site Assessment**

- 4.1 The following 18 criteria have been used in assessing the candidate Traveller sites. These criteria are based primarily on national policy, as set out in the National Planning Policy Framework (2012), and Planning Policy for Traveller Sites (2015) documents. The criteria have also been influenced to a lesser extent by the advice contained in the government's now-cancelled Designing Gypsy and Traveller Sites Good Practice Guide (May 2008). Whilst this document no longer has any statutory weight, its general principles and advice are considered to remain of relevance in developing site selection criteria.
- 4.2 Where appropriate, the criteria have been tailored to the particular circumstances of West Lancashire. Minor additions have been made to the criteria following feedback from Natural England in the initial Regulation 18 "Scoping" consultation carried out in September / October 2013 (see paragraphs 1.33-1.35 above).
- 4.3 The criteria are broadly similar to those used in Policy GT1 (see Chapter 3 above), but have been reordered and grouped into three 'tiers'. 'Tier 1' criteria are essential criteria in that, if they are not met, the site is undeliverable and / or undevelopable. For example, if a site is in Flood Zone 3, national policy

proscribes its use for caravan-based accommodation. 'Tier 2' criteria are weighty, and tend to be based on PPTS or Local Plan policies. However, failure to satisfy one or more of these criteria does not necessarily rule out consideration of the site as a potential Traveller site. For example, if a site is in the Green Belt, for the purposes of allocating land in this DPD, it could be removed from the Green Belt if it is deemed an appropriate allocation, and if exceptional circumstances are demonstrated to justify an amendment to the Green Belt boundary. 'Tier 3' criteria are based on PPTS policy and / or advice in the Good Practice Guide, and can be used to compare the merits of different sites that satisfy Tier 1 and Tier 2 criteria.

#### 4.4 The proposed site assessment criteria are as follows:

##### **Tier 1**

1. Is the site available for Traveller development?  
*(Is the site in the hands of Travellers, or in the hands of an owner who has confirmed a willingness to sell the site for Traveller accommodation at a price which enables the viable development of the site?)*
2. Is the site in Flood Zone 3?
3. Is the site subject to any physical or other constraints to delivery that could not reasonably be overcome and that would rule out its use as a Traveller site?  
*(These may include ransom strips, leases, restrictive covenants, multiple ownerships.)*

##### **Tier 2**

4. Is the site in the Green Belt? Would the use of the site as a Traveller site lead to material harm to the perceived openness of the Green Belt, or to the purposes of including land within the Green Belt?
5. Would this site, on account of its scale and / or location, dominate the nearest settled community in such a way that it would not promote peaceful and integrated co-existence between the site's occupants and the local settled community?
6. Is the site near to a refuse site (within 200m), un-neighbourly industrial process (200m), electricity pylons (100m), other hazardous place (200m), or any other process or environmental issue? Is the site adjacent to any road flyover or motorway, or any operational railway line? Could satisfactory mitigation realistically be achieved?
7. Is the site subject to any significant physical constraints that would need to be overcome before the site could be used as a Traveller site?
8. Is the site accessible by a public highway of an appropriate standard? Can satisfactory road access be achieved for typical Traveller vehicles?
9. Is the site in Flood Zone 2?
10. Is the site within, adjacent to, or close to (such that it would materially affect) any area of land subject to any nature conservation designation?
11. Is the site within, adjacent to, or close to (such that it would materially affect) any area of land subject to any historic environment or historic landscape designation?

12. Does the site have services (e.g. mains water, sewerage, electricity) or could these be provided reasonably easily and viably? Can satisfactory drainage be achieved?

**Tier 3**

13. Is the site in an identified area of Traveller need?
14. Can satisfactory access be achieved onto and within the site for emergency vehicles?
15. Would the use of the site for Traveller accommodation place undue pressure on local infrastructure or services?
16. Is the site in a sustainable location? Is the site within 1.5km (15 minutes walk) of, or is it possible to access by transport modes other than private motor vehicle, the following services:
  - an appropriate health facility;
  - education (in particular a primary school);
  - employment;
  - shops;
  - other necessary services?
17. Would it be possible, within reason, to achieve visual and acoustic privacy for the site occupants (and neighbours)?
18. Can the site accommodate between 3 and 15 pitches?

**Derivation of Site Assessment Criteria**

4.5 The process by which the 18 criteria were derived is outlined below. Firstly, the specific policy requirements of PPTS and the site design / layout recommendations in the Good Practice Guide were listed individually, then grouped into similar categories. Where necessary, minor adjustments were made to the national criteria (e.g. to specify the Council’s understanding of the word “near”). A small number of additional criteria were added, based primarily on the site assessments used in the Council’s Strategic Housing Land Availability Assessment (SHLAA), as well as relevant policies in the West Lancashire Local Plan 2012-2027. One amendment was made to criterion 10 following comments on the “scope” of the Traveller sites DPD received from Natural England as part of the Regulation 18 consultation.

4.6 For the reasons set out in the table below, a small number of the requirements / recommendations from the national documents were not used directly as site assessment criteria, primarily because they were too ‘generic’.

**Table 4.1 Analysis of site assessment criteria from national policy**

Criterion	Source	Comments	Final criterion number
Is the site sustainable economically / socially / environmentally?	PPTS* para. 13	On its own, this criterion is not specific enough to use as a site selection criterion – instead it should be used as a general principle behind more specific	(Not used in this format)



Criterion	Source	Comments	Final criterion number
		criteria.	
Can this site provide a settled base that reduces the need for: (i) long-distance travelling, and (ii) possible environmental damage caused by unauthorised encampment?	PPTS 13(d)	PPTS 13(d) is generic. The whole point of delivering any permanent or transit site is “to provide a settled base that reduces the need for long distance travelling and possible environmental damage caused by unauthorised encampment”. Rather than using this criterion, more specific sub-criteria should be used to make an informed judgement on this question.	(Not used in this format)
Is this site situated such that it can promote peaceful and integrated co-existence between the site and the local community?	PPTS 13(a)	Subjective question; this criterion (as with others) requires a comments box for elaboration.	5
Is it possible to achieve visual and acoustic privacy on the site without unacceptable visual impact on the site’s surroundings?	GPG** para. 3.5	This needs careful judgment – most sites can be adequately screened by landscaping given enough time; one needs to consider how to screen sites appropriately in the short term. ‘Tier 3’ criterion as the GPG has been cancelled.	17
Would the use of this site as a Traveller site place undue pressure on local infrastructure and services?	PPTS 13(f)	It will be necessary to provide a comments box to explain how “undue pressure” is understood. Note that separate criteria below relate to road access, water supply and drainage, so the “local infrastructure” referred to by this criterion will relate primarily to social infrastructure and other services.	15
Would this site, on account of its scale, dominate the nearest settled community?	PPTS 14	This is a subjective question and will need to be applied consistently between sites.	5
Can adequate access onto and from the site be achieved?	GPG Section 4 General development management consideration.	Travelling Showpeople yards are likely to need a higher standard of access than Gypsy and Traveller sites owing to the nature of typical vehicles used.	8
Is it possible for emergency vehicles to access the site?	GPG 4.24-29	Tier 3 criterion as GPG cancelled, but worth retaining.	14
Is the site near to a bus route, shops and school?	GPG 3.4 Linked to PPTS 13	These services are mentioned in Circular 01/2006, quoted in the GPG, both of which have been revoked. However, they also link to PPTS paragraph 13(b)-(d), and tend to be used as standard tests of sustainability of location in site assessments for other uses, e.g. housing. “Near” needs to be quantified using a specific distance / walking time. Railway stations and other public transport facilities should also be taken into account.	16
Is it possible to easily access appropriate health services from the site?	PPTS 13(b) / GPG 3.1	“Easily access” is vague; either it needs some measure of distance, or else should be linked to the above “proximity	16

Criterion	Source	Comments	Final criterion number
		to public transport facilities” criterion.	
Is it possible to easily access education facilities / employment / other services and facilities?	PPTS 13(c) / GPG 3.1	As above, either this needs a measure, or should be linked to the proximity to public transport criterion. In terms of education, priority should be given to primary schools (journeys to secondary schools generally tend to be longer for the settled community).	16
Does the site have mains water and electricity, or could these services be provided?	GPG 3.13 (PPTS 13(f)) WLBC***	This criterion is ‘hinted at’ in PPTS 13(f) – avoiding placing undue pressure on local infrastructure. It is also a standard site assessment criterion for the Strategic Housing Land Availability Assessment (SHLAA).	12
Does the site have mains drainage and sanitation, or could satisfactory drainage be readily achieved?	PPTS 13(f) GPG 3.13	As above	12
Is the site adjacent or near to a refuse site, industrial process, electricity pylons or other hazardous place?	PPTS 13(e) GPG 3.3 / 3.17	PPTS 13(e) provides the general context for this criterion. It is necessary to define “near”.  The negative impacts from refuse sites arise primarily from noise (vehicle movements), odours and potential leaching; a distance of 200m has been chosen as a ‘threshold’ (there is no specific national policy on such distances).  From ‘bad neighbour’ industrial processes, the primary impacts are likely to be noise (machinery / vehicles), emissions, and visual intrusion. A similar threshold of 200m has been chosen for Traveller site assessment.  The primary impacts of electricity pylons comprise magnetic fields; a lesser, secondary, impact is visual intrusion. A lower threshold of 100m is considered appropriate for pylons.  For “other hazardous place”, as the particular hazards are not specified, a similar threshold to refuse sites and industrial processes is proposed.  The possibility of mitigation needs to be taken into account, and also whether other residential uses (recent, or long-established) in the vicinity are subject to the same issues.	6
Is the site on contaminated land?	GPG 3.16	This specific issue can be incorporated into a more general criterion. The possibility of mitigation needs to be taken into account.	3/6
Is the site adjacent to a main road, flyover, or railway line?	GPG 3.18	The possibility of mitigation needs to be taken into account, also whether other residential uses in the vicinity are subject to the same issues, but also the lessened	6

Criterion	Source	Comments	Final criterion number
		capacity of caravans to be insulated against noise.	
Is the site subject to any other environmental issues that would impact on residents of the site?	PPTS 13(e)	This is a wider criterion that encompasses the specific considerations from GPG 3.13 / 3.16-18 above. The possibility of mitigation needs to be taken into account.	6
Is the site subject to any environmental issues that would impact unacceptably on neighbours as a result of the site's development?	PPTS 13(e)	PPTS does not define what these might be.	5
Is the site in the Green Belt?	PPTS 16	PPTS paragraph 17 allows for Green Belt boundaries to be altered in exceptional circumstances, through the development plan process.	4
Is the site in Flood Zone 2 or 3?	PPTS 13(g)	Further guidance on the implications of being in these Flood Zones is provided in the NPPF Technical Guidance.	9
If the site is in Flood Zone 2, can the site be demonstrated to meet the "Exceptions Test", and can satisfactory mitigation be achieved?	GPG 3.21-3.23	This criterion "qualifies" the above – being in Flood Zone 2 does not necessarily rule out development. Whilst the GPG is cancelled, the Exceptions Test remains an extant policy.	9
Is the site in an area of land subject to any historic environment or landscape designation?	WLBC	e.g. Area of Landscape History Importance, Conservation Area, potential to affect the setting of a Listed Building. Policies EN2 and EN4 of the Local Plan cover these matters.	11
Is the site subject to, or near to land subject to, a nature conservation designation?	Natural England	This criterion was added following comments from Natural England in the Regulation 18 "Scoping" consultation.	10
Can the site accommodate between 3 and 15 pitches / yards?	GPG 4.7-8	This criterion is considered necessary to avoid the scenario of many single pitch sites, each impacting upon the Green Belt, and, conversely, over-large sites that could dominate the local settled community.	18
Is the site in the hands of Travellers, or an owner willing to sell to Travellers?	WLBC (based on SHLAA site assessment)	This is an obvious "availability" criterion.	1
Is the site available now (or within a timescale that allows for the site's allocation to meet a need within the DPD period)?	PPTS 10 (footnote 4/5)		1
Are there any significant physical constraints to the site's development as a Traveller site?	WLBC (based on SHLAA work)	The SHLAA "Call for Sites" form cited a number of constraints; all but one of these (access to telecommunications - which is not considered vital given mobile phone prevalence) are covered by other criteria in this table.	3/7
Are there any land stability issues?	WLBC	Ground conditions are mentioned in GPG paragraph 3.4. This criterion is covered by criteria 3/7 (physical constraints).	3/7

Criterion	Source	Comments	Final criterion number
Is the site sloping to any great extent?	GPG 3.19	This specific issue can be covered by the more general criterion 7.	7
Are there any ransom strips, leases, restrictive covenants, multiple ownerships or other issues that could delay or jeopardise the site's development?	WLBC (based on SHLAA work)	This is covered by criterion 3.	3

\* Planning Policy for Traveller Sites (DCLG, August 2015)

\*\* Designing Gypsy and Traveller Sites Good Practice Guide (DCLG, May 2008)

\*\*\* West Lancashire Borough Council

### Options and Preferred Options Consultation Question 2

#### Criteria for Site Selection

**Are the criteria for site selection sufficiently consistent with national policy, whilst reflecting local circumstances?**

**What amendments, if any, should be made to the criteria?**

*(Please provide a reasoned justification for any proposed amendments to the criteria.)*

**Do you have any other comments on the criteria for site selection?**

## 5. Potential Traveller Sites

### Site Assembly Process

- 5.1 In preparing this Traveller Sites DPD, the Borough Council has endeavoured to compile as comprehensive a list of potential 'candidate' Traveller sites as possible, from which to select preferred sites, investigating all reasonable sources of potential Traveller sites.
- 5.2 The starting point for site investigation was those sites already known to the Council's Planning Service by virtue of their Traveller-related planning history, namely sites which have been subject to planning applications, planning appeals, and / or enforcement action over the past ten or so years. This category of site yielded nine sites, located in Banks, Burscough, Scarisbrick and Skelmersdale.
- 5.3 The Council undertook a "Call for Traveller Sites" exercise in September 2013, inviting members of the public, the travelling community, agents with links to the travelling community, and any other interested individuals or organisations to send the Council details of any land they considered might be suitable for putting forward as potential Traveller sites. The Council received seven site suggestions, three of these sites 'duplicating' those in the first category of sites, i.e. already known to the Council.

- 5.4 A second, more general, Call for Sites exercise was undertaken in June / July 2015 as part of ongoing background and monitoring work on the West Lancashire Local Plan. Sites could be submitted for housing, employment, commercial schemes, Traveller sites, and for other uses. This 2015 call for Sites exercise resulted in just one site being put forward as a potential Traveller site (the majority of the sites submitted were for housing). This site was already known to the Council on account of a recent planning application for stables by a Traveller.
- 5.5 In addition, the Council wrote twice (September 2013, and June 2015) to all known owners, and / or agents representing owners, of sites in the Council's Strategic Housing Land Availability Assessment (SHLAA)<sup>6</sup>, asking whether the owner would be willing for the SHLAA sites in question to be considered as possible Traveller sites. In 2013, The Council received responses relating to 52 different sites. Of these 52 replies, the owners of four sites expressed a willingness for the sites to be considered as possible Traveller sites, whilst the owners or agents for the other 48 sites did not want the sites to be considered as potential Traveller sites. No responses were received for the other SHLAA sites.
- 5.6 In 2015, 112 SHLAA site forms were returned. Of these, the owners of just two sites expressed willingness for their land to be considered as possible Traveller sites. These sites were also "ticked" in the 2013 correspondence with SHLAA site owners, and were thus not additional potential sites. Furthermore, two site owners who had said "yes" in 2013 said "no" in 2015, so this second round of correspondence with SHLAA landowners actually resulted in there being two fewer sites to choose from.
- 5.7 Following the instruction by the Council's Cabinet in March 2014 to investigate the possibility of identifying a single deliverable site in a suitable and sustainable location along the M58 corridor to meet the Borough's assessed needs for travelling communities, Council officers have engaged with landowners in the M58 corridor (e.g. Knowsley Estate). These discussions have not resulted in any further potential sites, and have effectively ruled out most land in the M58 corridor from consideration as a suitable Traveller site(s).
- 5.8 During the time between preparation of the 2013 draft Options and Preferred Options document and this 2015 document, other negotiations have taken place, and the situation with regard to some original (2013) candidate sites has changed materially. For example, the recovered appeal for a site at Aveling Drive, Banks, was dismissed by the Secretary of State in August 2014 on account of harm to the Green Belt, and flood risk. This has effectively ruled out the site from further consideration. Ongoing work on the Local Plan evidence base brought to light an issue regarding underground pipelines to the south and west of Skelmersdale which are classed as hazardous installations. This has effectively ruled out land within a sizeable buffer zone either side of these pipelines from consideration as potential Traveller sites. In the Scarisbrick area, one site advertised as being available in 2013 is no longer available.

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<sup>6</sup> The Strategic Housing Land Availability Assessment (SHLAA) is essentially a compilation of sites that the Council and / or the site owners consider might have potential for residential development at some point in the future. The sites are grouped according to their anticipated timescale for delivery. Some SHLAA sites have been identified by the Council; others have been suggested by, or on behalf of, their owners. Not all SHLAA sites will necessarily be judged suitable for housing.

- 5.9 In summer 2015, Council officers contacted the landowners of / agents for sites allocated in the West Lancashire Local Plan 2012-2027 for residential development (but not yet with planning permission), as well as safeguarded sites, to ask whether they would consider part of their land being set aside as a Traveller site. This exercise yielded no potential sites. Responses from landowners cited such reasons as the likely impact of Traveller-related development upon the deliverability of the overall site.
- 5.10 Council officers have engaged with public sector landowners including the Homes and Communities Agency, police, and NHS, through the Duty to Co-Operate and the Call for Sites exercises, to enquire about the availability of any potential land for Travellers. In addition, the Council has liaised with the Lancashire County Council Estates Department. None of these approaches have resulted in any sites being brought to the Council's attention.
- 5.11 Planning officers have liaised with the West Lancashire Borough Council Estates and Regeneration Teams to investigate the possibility of any redundant (or operational) employment land being considered as a possible Traveller site, and to enquire whether any land in WLBC ownership could be made available for Traveller accommodation.
- 5.12 In terms of the use of employment land, the Regeneration Manager advised that there were no sites available, and that the use of such land in West Lancashire was unlikely in principle for the following reasons:
- Research carried out in 2013/14 demonstrates that employment areas in West Lancashire have low vacancy rates, and it is anticipated that demand will increase over the period 2013-2032;
  - There is a need for a limited amount of vacant units / underused land at any one time in order to allow the market to function efficiently;
  - Residential uses are likely to be incompatible with business and industrial uses typically found in West Lancashire's employment areas;
  - Whilst there is undeveloped land at White Moss Business Park, this is specifically allocated for offices, research and development, hotels, or non-residential institutions. Use of this land for Traveller accommodation would be inappropriate, and could impact upon the successful development of this 'flagship' site;
  - There is not considered to be any employment land in West Lancashire Borough Council ownership that would be suitable for Traveller accommodation.
- 5.13 There are over 1,000 pieces of land in WLBC ownership, in a variety of uses, for example highways, built community facilities, formal and informal open space, commercial premises, and housing. To assess the suitability and availability of this land for Traveller accommodation purposes, Council officers categorised the land according to its general use, assessed each of these uses for their suitability as Traveller sites using general and Traveller-specific planning policy, and discounted those land uses which were considered incompatible with Traveller-related development.
- 5.14 Following the above analysis, it was concluded that the only category of land use within WLBC ownership that may yield a potential candidate Traveller

site(s) was informal open space, for example open green areas within settlements such as Skelmersdale. However, following dialogue between WLBC Planning and Estates & Valuation teams, it was concluded that no specific individual sites in this category were actually suitable for consideration as Traveller sites.

- 5.15 It became evident, as the above exercises were undertaken, that there were relatively few candidate sites for potential allocation as Traveller sites, and that it was unlikely that sufficient deliverable sites could be found in West Lancashire to meet the Borough's Traveller accommodation needs, as set out in the 2014 Merseyside and West Lancashire GTAA. In the light of this, the Council wrote to neighbouring local authorities under the Duty to Co-Operate, asking whether any neighbouring local authorities could help meet any of West Lancashire's needs. The responses received demonstrated that no neighbouring local authority had any land that could realistically be expected to contribute towards West Lancashire's Traveller accommodation targets.

### Area-Specific Site Searches

***Please note that paragraphs 5.16 – 5.34 refer to various sites across West Lancashire. Maps showing the locations of these sites, and a list of the site names, are provided in Figures 5.3 – 5.9 on pages 42-45 below.***

- 5.16 Given patterns of Traveller encampments in West Lancashire over recent years (both authorised and unauthorised), the various local connections of Travellers currently residing in West Lancashire, and the findings of the 2014 GTAA, it is evident that the general locations of Traveller accommodation need in West Lancashire are as follows:
- The Banks and Scarisbrick areas and, to a lesser extent, Skelmersdale, for permanent Gypsy and Traveller sites;
  - The M58 corridor and Skelmersdale area for transit sites; and
  - The Burscough area for Travelling Showpeople sites.

#### The Banks area

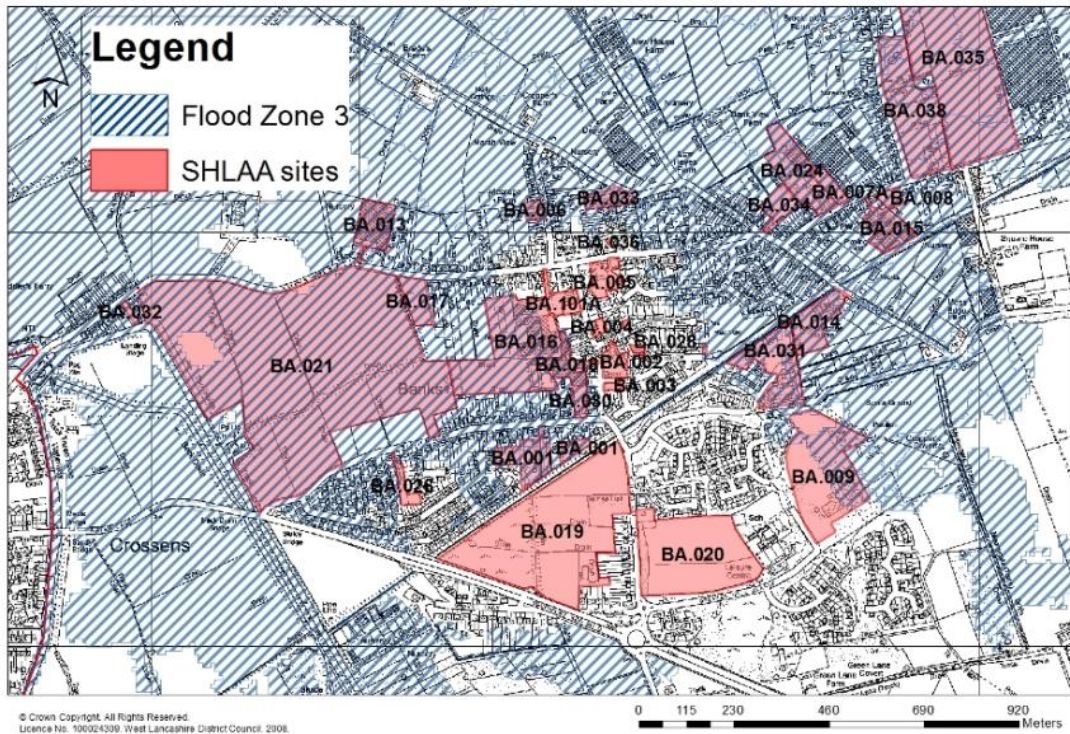
- 5.17 The initial site search process yielded four sites in Banks, three of the sites known to the Council's Planning Division by virtue of recent planning applications and / or enforcement action (two sites at Aveling Drive, one site at Sugar Stubbs Lane – 'Sites 1-3' respectively in the list on p45), and one site contained in the SHLAA ('Site 4'). Between early 2014 and summer 2015, this list of four sites was reduced to one, following the dismissal of the appeal for the more easterly Aveling Drive site ('Site 2') on grounds of harm to the Green Belt and risk of flooding (which also effectively rules out the other Aveling Drive site), and a change in status of the SHLAA site, the owner confirming it is no longer available as a potential Traveller site. This remaining site (Sugar Stubbs Lane), with a maximum estimated capacity of three to four pitches, is insufficient to meet the needs of the Travellers currently based in Banks.
- 5.18 It has thus been necessary to extend the site search further to identify any other potential sites in the area. Much of the land in the Banks area is in Flood

Zone 3. National policy does not allow for residential caravans to be situated in such locations. The starting point for this search was SHLAA sites in non-flood risk areas, initially in or within 1km of Banks village, and subsequently further afield. Figure 5.1 below (p39) shows the location of SHLAA sites in the Banks area, and the extent of the land in Flood Zone 3.

- 5.19 Figure 5.1 shows that the most substantial piece of undeveloped land not in Flood Zone 3 is site BA.019 (the roughly triangular-shaped piece of land in the bottom centre of the map, between the A565 road and the former railway line). However, the owners of site BA.019 have informed the Council that they are not willing for the site to be considered as a Traveller site. The smaller sites within the built-up area of Banks are not considered suitable locations for potential Traveller sites for a number of reasons including existing buildings and uses on site, site size, access, and / or neighbouring land uses.

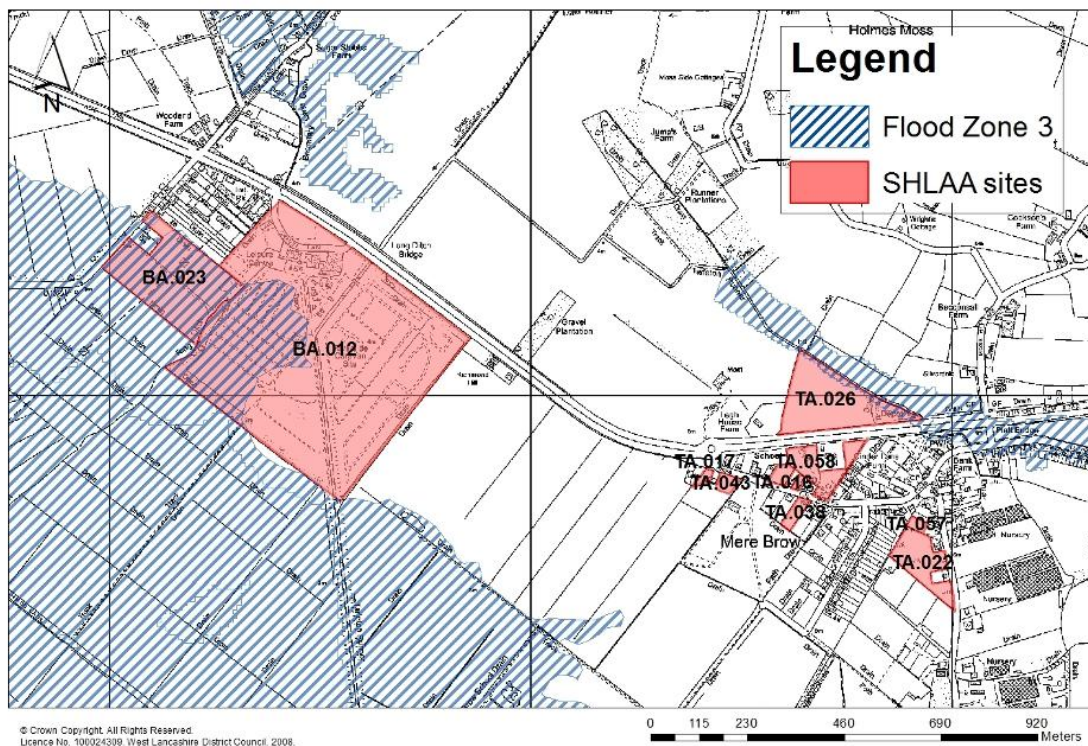


**Figure 5.1 SHLAA sites and Flood Zone 3 in the Banks area**



5.20 In the light of a lack of suitable sites within, or within 1km of Banks, the area of search was expanded eastwards and southwards towards Mere Brow and Tarleton (west of Banks is Sefton Borough; north of Banks is the River Ribble Estuary), looking for SHLAA sites with easy access to the A565 road. Figure 5.2 below shows SHLAA sites and areas within Flood Zone 3 to the south east of Banks.

**Figure 5.2 SHLAA sites and Flood Zone 3 areas south east of Banks**



- 5.21 Of the sites in Figure 2 above, site BA.023 is in Flood Zone 3, site BA.012 is an existing permanent caravan park (Riverside), and the owner of site TA.022 has not expressed support for the site being considered as a Traveller site. However, site TA.026, part of which was a former depot, and which is adjacent to the A565, was considered a possible 'candidate' Traveller site, and was consequently added to the list of potential sites ('Site 12' in the list on p45 below). TA.026 is in two ownerships; the owners of the larger western part of the site have indicated that they are not willing for the land to be a Traveller site, and thus only the eastern portion of the triangle of land was considered to have potential for consideration as a candidate site.
- 5.22 The site search was extended further eastwards along the A565. However, this proved fruitless, as there were no SHLAA sites whose owners had expressed a willingness for Traveller development on their land. Furthermore, discussions with Tarleton Estates, a significant landowner in the area, failed to yield any potentially available sites.

### Scarisbrick

- 5.23 Within Scarisbrick, the site search process initially yielded four sites. Three sites were known to the Council by virtue of their planning history. Two of these (High Brow Farm on Pool Hey Lane ('Site 9'), and land at 1-3 Southport Road, Kew ('Site 10')) had been subject to unauthorised Traveller encampments in the past; the other (Pool Hey Caravan Park ('Site 8')) is a longstanding unauthorised site. In addition, one site (land rear of Smithy Lane ('Site 11')) was submitted to the Council in the September 2013 call for sites exercise.
- 5.24 Since the submission of the first Options and Preferred Options Traveller Sites DPD to Cabinet in March 2014, three of the four Scarisbrick sites have ceased to be available for consideration. High Brow Farm, which was being marketed in 2013<sup>7</sup>, is no longer being marketed, and the land at 1-3 Southport Road, Kew has been sold for residential development. The owner of the land at Smithy Lane has advised that the site is no longer available for consideration as a Traveller site.
- 5.25 SHLAA sites elsewhere in the Scarisbrick area are widely dispersed and none are considered suitable for Traveller accommodation on account of their location, either beside residential uses, or in more remote, very unsustainable locations.

### Skelmersdale and surrounding area

- 5.26 Within the Skelmersdale area, the initial site search process yielded four sites, three along White Moss Road South to the south of the settlement, and one at the former Bickerstaffe Colliery, adjacent to junction 3 of the M58, west of Skelmersdale. The first site on White Moss Road South (White Moss Road South (A), or 'Site 13') was brought to the attention of the Council during the 2013 Call for Sites exercise by a member of the Travelling community; White

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<sup>7</sup> See <http://www.propertypilot.co.uk/pdf/129+3008.pdf>; and <http://www.pugh-auctions.com/Lot/manchester/20070221/109>

Moss Road South (B) ('Site 14') was known to the Council as it had been subject to a planning application made by Travellers. White Moss Road South (C) ('Site 15') was added by Council officers in 2013 following site visits in the area. The site at the former Bickerstaffe Colliery ('Site 20') was discussed at the West Lancashire Local Plan examination hearings in March 2013 as a potential site<sup>8</sup>.

- 5.27 Since the initial site search process, three of the above four sites have ceased to be available. Highways England, owners of White Moss Road South (A), have informed the Council that the site is required for future operations, and is not available for purchase. The owners of White Moss Road South (C), Knowsley Estate, have also confirmed that this site is not available, nor is any other land in their ownership. The owners of Bickerstaffe Colliery informed the Council early in 2014 that they were no longer willing for the site to be considered for Traveller accommodation. In addition, the site has since been designated an Asset of Community Value, following an application made by Bickerstaffe Parish Council.
- 5.28 White Moss Road South (B) was originally included in the list of potential candidate sites on account of its Traveller-related planning history. The site then changed hands, and was resubmitted in the 2015 Call for Sites as a potential Traveller site, and thus it remains available.
- 5.29 Following the Cabinet resolution in March 2014, a search was made for a single site in the M58 corridor to meet all Gypsy accommodation needs, as well as a more general search for sites around the Skelmersdale area. As has already been stated, contact with landowners in the M58 corridor indicated that they were unwilling to make any of their land available for Traveller accommodation. Despite the size of the settlement of Skelmersdale and the extent of the land surrounding it, there are a number of topographical and other constraints in and around the settlement that limit the area of search for further potential Traveller sites, for example the presence of nature conservation sites, Beacon Country Park, areas of landscape history of regional importance, three oil and high pressure gas pipelines that are considered Major Hazardous Installations by the Health and Safety Executive and that have significant buffer zones, a railway cutting, a hazardous waste landfill site that has recently been granted permission to expand and to operate a further 20 years, and areas of Green Belt that form a narrow "strategic gap" between Skelmersdale / Up Holland and Orrell / Tontine.
- 5.30 In terms of transit sites, whilst there have been a number of unauthorised roadside encampments over recent years in Skelmersdale, primarily on the Pimbo and Gillibrands Industrial Estates in Skelmersdale, it was not considered appropriate to mark the locations of these unauthorised encampments as potential sites, given their inherent unsuitability for Traveller accommodation.

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<sup>8</sup> See document Ref EX.238 on the Council's website at [http://www.westlancs.gov.uk/planning/planning\\_policy/the\\_local\\_plan/the\\_local\\_plan\\_2012-2027/local\\_plan\\_preparation\\_stages/stage\\_4\\_-\\_submission\\_and\\_exami/documents\\_submitted\\_during\\_t-1.aspx](http://www.westlancs.gov.uk/planning/planning_policy/the_local_plan/the_local_plan_2012-2027/local_plan_preparation_stages/stage_4_-_submission_and_exami/documents_submitted_during_t-1.aspx)

Burscough

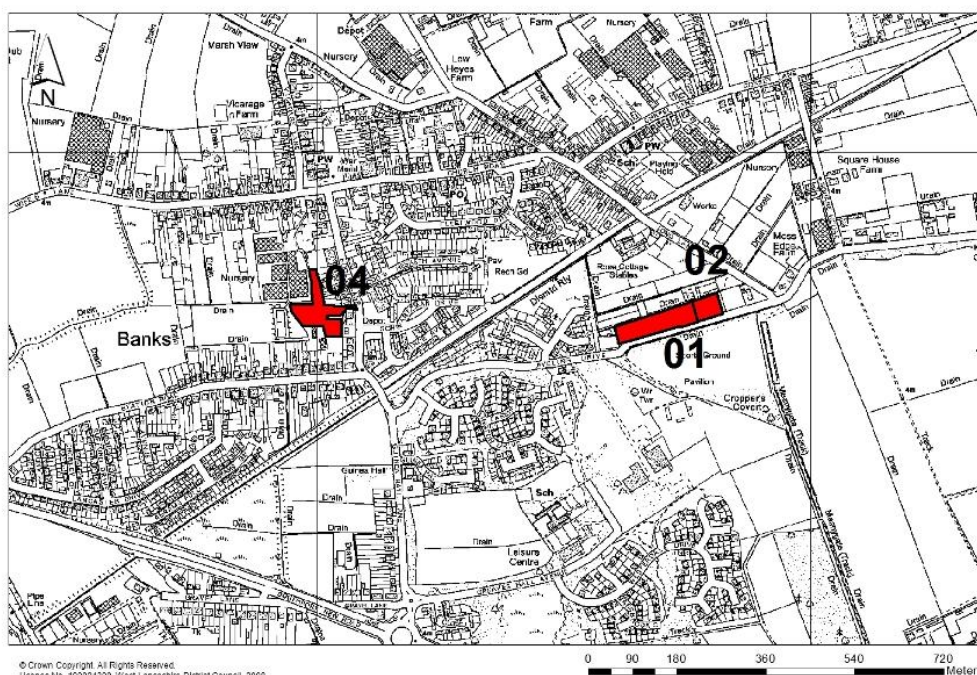
- 5.31 As the 2014 GTAA concludes, there is a need for a site for Travelling Showpeople in Burscough, given the connections of local Showpeople to this area. Consequently, the area of search for a Travelling Showpeople site was limited to land within or adjoining the settlement of Burscough. The Call for Sites exercise yielded one site (Land West of Ringtail Road ('Site 5')), and a second site was brought to the attention of the Council during the 2013 Call for Sites period (Land West of Tollgate Road ('Site 7')), neither of these sites being subject to flood risk issues.
- 5.32 Between March 2014 and summer 2015, both the initial sites suggested as potential candidate sites for Travelling Showpeople have had to be ruled out from consideration on account of their owners expressing an unwillingness for the land to be used for such accommodation. The subsequent Call for Sites, liaison with landowners, including the WLBC Estates team and the owners of allocated sites in the area, and contact with SHLAA site owners, has failed to identify any further candidate sites in this area.

**Potential Candidate Traveller Sites**

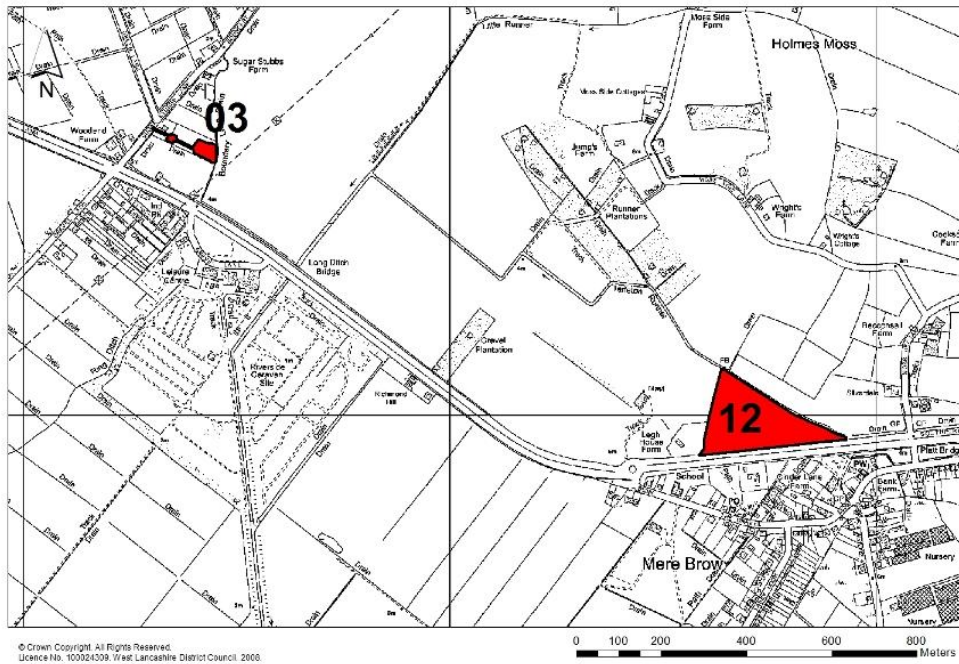
- 5.33 A total of 20 sites were identified as potential candidate Traveller sites, following the site assembly process set out above. Figures 5.3 – 5.9 below show the locations of these 20 sites.
- 5.34 The 20 sites, the sources of their identification, and their current status in terms of availability / deliverability, are set out in Table 5.1, following Figures 5.3-5.9.

**Note:** The Key to the sites (site name / number) is provided after Fig. 5.9

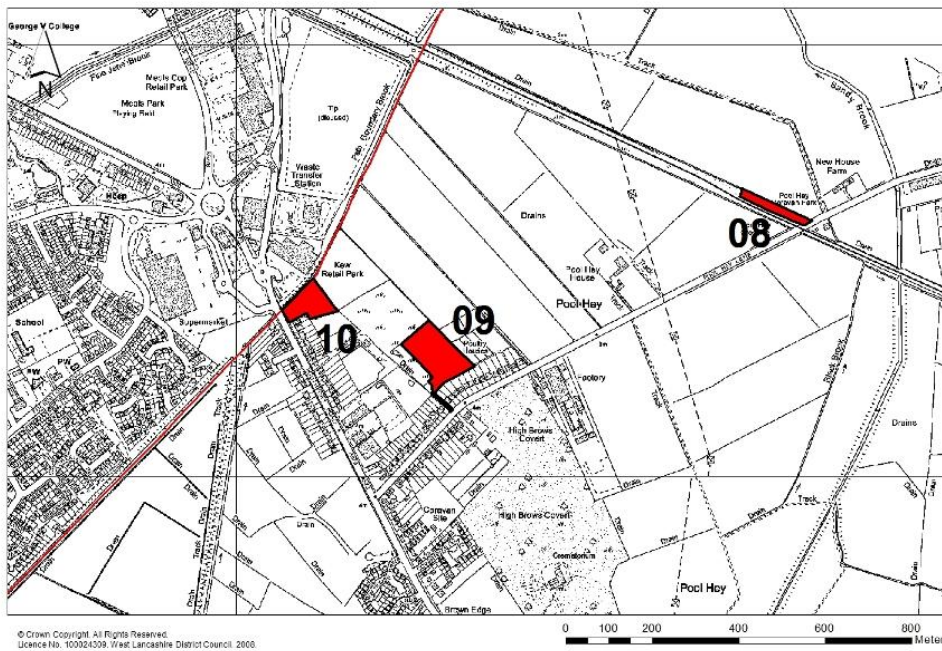
**Figure 5.3 Sites in Banks village**



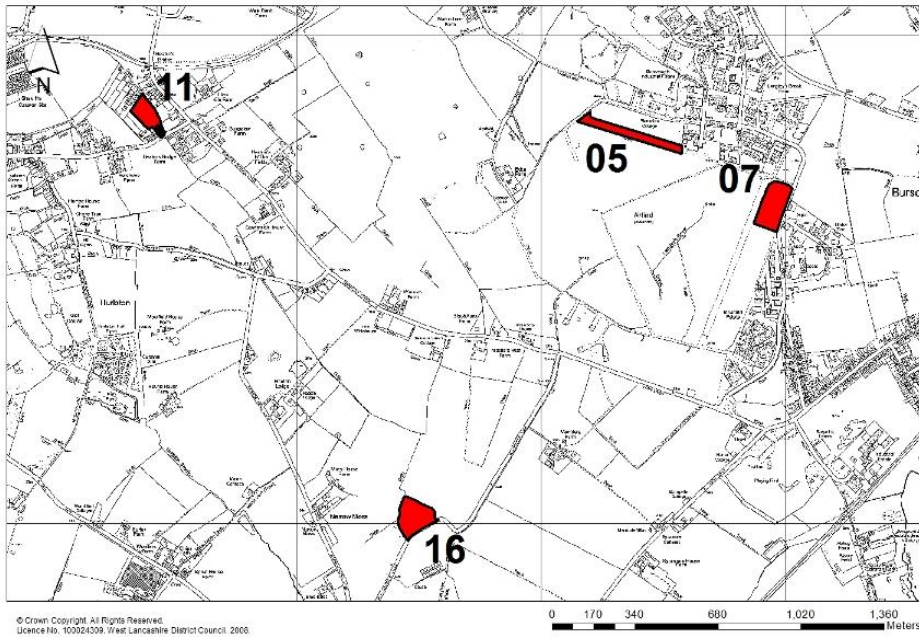
**Figure 5.4 Sites East of Banks Village**



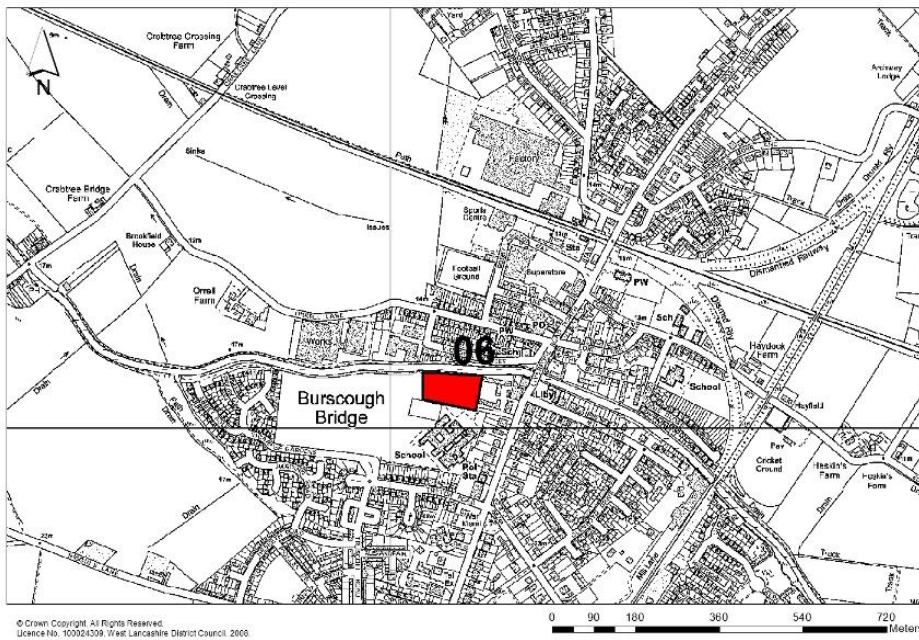
**Figure 5.5 Sites in Kew / West Scarisbrick**



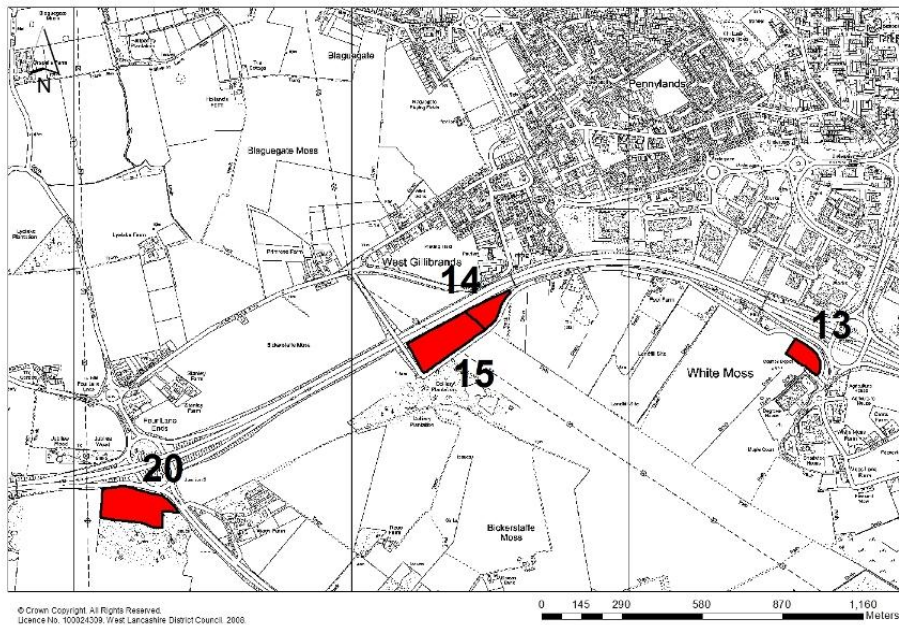
**Figure 5.6 Sites in East Scarisbrick / West Burscough**



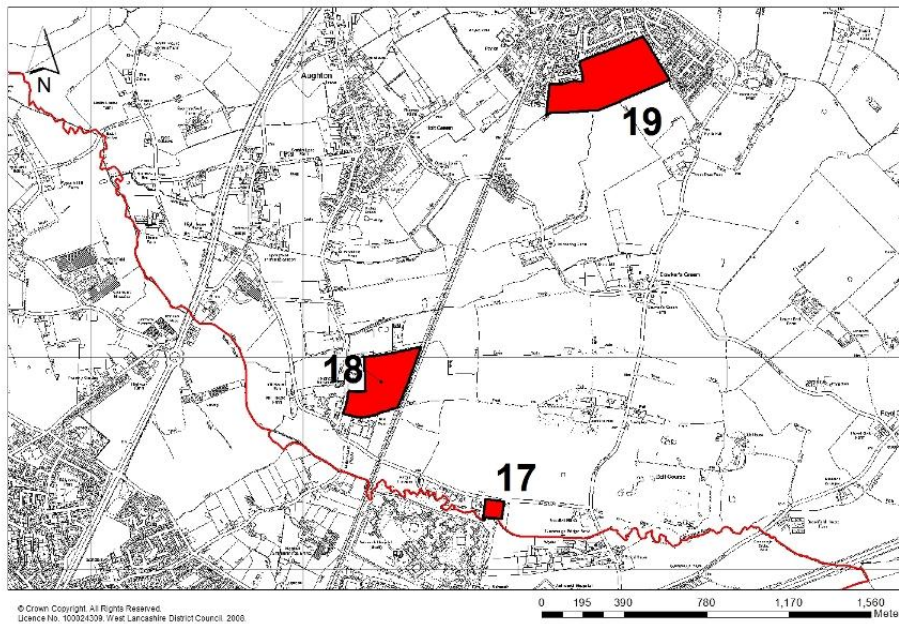
**Figure 5.7 Site in Burscough**



**Figure 5.8 Sites in Skelmersdale / Bickerstaffe**



**Figure 5.9 Sites in Aughton**



**Key to Sites**

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>1. Mosslands Stables, Aveling Drive, Banks</li> <li>2. Land west of Mosslands, Aveling Drive, Banks</li> <li>3. Land rear of 'The Poppys', Sugar Stubbs Lane, Banks</li> <li>4. Land west of Hoole Lane, Banks</li> <li>5. Land west of Ringtail Road, Burscough</li> <li>6. Land west of The Quays, Burscough</li> <li>7. Land west of Tollgate Road, Burscough</li> <li>8. Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick</li> <li>9. High Brow Farm, Pool Hey Lane, Scarisbrick</li> <li>10. Land at 1-3 Southport Road, Kew, Southport</li> </ul> | <ul style="list-style-type: none"> <li>11. Land to the rear of 281 Smithy Lane, Scarisbrick</li> <li>12. Former depot, Mere Brow</li> <li>13. White Moss Road South (A), Skelmersdale</li> <li>14. White Moss Road South (B), Skelmersdale</li> <li>15. White Moss Road South (C), Skelmersdale</li> <li>16. Blackacre Lane, Ormskirk</li> <li>17. Land south of Butcher's Lane, Aughton</li> <li>18. Land east of Brookfield Lane, Aughton</li> <li>19. Land east of Middlewood Drive, Aughton</li> <li>20. Bickerstaffe Colliery, Bickerstaffe.</li> </ul> |
|---|--|

**Table 5.1 Potential Candidate Traveller Sites – sources and latest position regarding availability**

Site Name / Address	Source (position as at December 2013)	Latest Position (November 2015)
1. Mosslands Stables, Aveling Drive ('Aveling Drive A'), Banks	Site with planning application pending consideration.	Site with planning application pending consideration, but the dismissal of the appeal on the neighbouring site is likely to have implications for this site's deliverability.
2. Land west of Mosslands, Aveling Drive ('Aveling Drive B'), Banks	Site with planning appeal pending decision (in the hands of the Secretary of State).	Appeal dismissed by the Secretary of State on grounds of harm to the Green Belt and flood risk. This effectively rules out this site from consideration.
3. Land rear of 'The Poppys' ( <i>sic</i> ), Sugar Stubbs Lane, Banks	Site with planning permission for one caravan; more recent planning application pending consideration.	No change since 2013
4. Land west of Hoole Lane, Banks	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.	Owner has since informed the Council that the site is no longer available for consideration as a Traveller site.
5. Land west of Ringtail Road, Burscough	Site submitted in the September 2013 Call for Sites exercise.	Site owner no longer willing for the land to be used to accommodate Travelling Showpeople.
6. Land west of The Quays, Burscough	Established Travelling Showpeople site with planning permission.	No change since 2013
7. Land west of Tollgate Road, Burscough	Site suggested by a member of the travelling community.	Owner has since informed the Council that the site is no longer available for consideration as a Traveller site.
8. Pool Hey Lane 'Caravan Park', Scarisbrick	Site with longstanding planning history, also submitted in the Call for Sites exercise.	No change since 2013
9. High Brow Farm, Pool Hey Lane, Scarisbrick	Site with previous enforcement action relating to unauthorised occupation by Travellers; marketed as an available site.	Site has been sold and is no longer available.



Site Name / Address	Source (position as at December 2013)	Latest Position (November 2015)
10. Land at 1-3 Southport Road, Kew, Southport	Site with previous issues relating to unauthorised occupation by Travellers.	Site purchased on behalf of a developer with a view to development for housing; site is not available for consideration as Traveller accommodation.
11. Land to the rear of 281 Smithy Lane, Scarisbrick	Site submitted in the Call for Sites exercise.	Owner has since informed the Council that the site is no longer available for consideration as a Traveller site.
12. Former depot, Mere Brow	Eastern part of site identified as a possible candidate site by WLBC officers undertaking an area-based site search (Banks area).	Eastern part of site has recently been purchased and is in use; not considered available as a potential Traveller site.
13. White Moss Road South (A), Skelmersdale	Site brought to the Council's attention by a member of the travelling community.	Owners have informed the Council the site is not available for consideration as a Traveller site.
14. White Moss Road South (B), Skelmersdale	Site with planning permission granted (December 2013) for Traveller-related development (stables).	Site submitted as a Traveller site in the summer 2015 Call for Sites exercise.
15. White Moss Road South (C), Skelmersdale	Site identified by WLBC officers, adjacent to above site.	Owners have informed the Council the site is not available for consideration as a Traveller site.
16. Blackacre Lane, Ormskirk	Site submitted in Call for Sites.	No change since 2013.
17. Land south of Butcher's Lane, Aughton	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.	SHLAA site; owner has once again indicated a willingness for the site to be considered as a Traveller site.
18. Land east of Brookfield Lane, Aughton	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.	SHLAA site; owner has once again indicated a willingness for the site to be considered as a Traveller site.
19. Land east of Middlewood Drive, Aughton	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.	SHLAA site. In 2015, the owner has informed the Council that the land is no longer available for consideration as a Traveller site.
20. Bickerstaffe Colliery, Bickerstaffe	Site previously identified by WLBC officers on account of its proximity to M58 Junction 3.	Owners have informed the Council the site is not available for consideration as a Traveller site.

## Potential Site Uses and Capacities

- 5.35 As Table 1 demonstrates, and as explained in the Area-Specific Site Searches section above, just 7 of the 20 sites are now considered available and / or potentially deliverable ('candidate' sites), namely
- Site 3: Land adjacent to 'The Poppys' (*sic*), Sugar Stubbs Lane, Banks
  - Site 6: Land west of The Quays, Burscough
  - Site 8: Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick
  - Site 14: White Moss Road South (B), Skelmersdale
  - Site 16: Land at Blackacre Lane, Ormskirk
  - Site 17: Land south of Butcher's Lane, Aughton
  - Site 18: Land east of Brookfield Lane, Aughton
- 5.36 Table 5.2 below shows what types of Traveller accommodation may be possible or most appropriate on the 7 'candidate' sites, and their indicative capacities. Please note that these are indicative figures, based on an initial assessment of each site (using *inter alia* aerial photographs, information gleaned from site visits, consideration of the potential of site accesses to cope with vehicle numbers, and possible site constraints, e.g. flood risk areas, neighbouring uses), rather than a detailed study of different potential site layouts, plot sizes, and vehicle turning distances, etc.
- 5.37 The potential type of Traveller uses for each site have come from site submission forms (SHLAA / Call for Sites), or from current uses of the sites. For other sites, where this information is not available, potential uses have been determined from Council officers' judgement of sites' suitability for different uses. For example, transit or Travelling Showpeople sites are not being suggested in areas where the 2014 GTAA does not indicate that there is a need for such accommodation.
- 5.38 The maximum indicative number of pitches per site has been limited to 15, based on advice in the government's Designing Gypsy and Traveller Sites: Good Practice Guide (May 2008), which, although now cancelled, is still considered applicable.

**Table 5.2 Potential site uses and capacities of candidate sites**

Site no. / name	Potential accommodation* (GT / TS / Transit / All)	Indicative capacity
3. Land rear of 'The Poppys' ( <i>sic</i> ), Sugar Stubbs Lane, Banks	GT only	Existing authorised caravan on site; 3 pitches maximum within current site boundary.
6. Land west of The Quays, Burscough	TS only	10 plots (current permission). Current lawful use of the site is as a Travelling Showpeople yard.
8. Pool Hey Lane 'Caravan Park', Scarisbrick	GT only	Maximum 5 pitches within current site boundary.
14. White Moss Road South (B), Skelmersdale	Transit only	4 pitches. Capacity limited by nearby oil / gas pipelines.
16. Blackacre Lane, Ormskirk	All	15 pitches
17. Land south of Butcher's Lane, Aughton	GT only	3-4 pitches
18. Land east of Brookfield Lane, Aughton	GT only	15 pitches

\* GT = Permanent Gypsy / Traveller site  
 TS = Travelling Showpeople site

**Options and Preferred Options Consultation Question 3**

**Proposed Candidate Traveller Sites**

**Do you have any comments about the list of proposed candidate Traveller sites?**

**Are there any other sites that should be added to this list?**

**Should any of the excluded sites be reinstated, or should any of the candidate sites be excluded?**

(Please provide a reasoned justification for any proposed additions or other alterations, to the list of candidate sites. Where possible, please provide details of ownership, availability, physical constraints, and any other relevant information that would help the site assessment process.)



## 6. Preferred Options to Meet Traveller Accommodation Needs

### Assessment of Candidate Traveller Sites

- 6.1 The 7 sites set out in Tables 5.1 and 5.2 above constitute West Lancashire Borough Council's "Options" for meeting the need for Traveller accommodation in this Borough. Appendix 1 contains the assessment of each site against the criteria set out in Chapter 4 above.

#### Options and Preferred Options Consultation Question 4

##### Assessment of Candidate Traveller Sites

**Is the assessment of the candidate Traveller sites correct?**

**Are there any factual errors that need to be corrected, or are there any other amendments that should be made to the site assessments in Appendix 1?**

(Where possible, please provide clear evidence to back up any suggested changes to site assessments.)

### Preferred Options to Meet Traveller Accommodation Needs

- 6.2 In the light of the site assessments set out in Appendix 1, the locations and scale of Traveller accommodation need across West Lancashire, and the proposed uses and indicative capacities of the different candidate sites (Table 5.2), the Council's Preferred Options to meet Traveller accommodation needs are set out below. In arriving at the Preferred Options, the Council has considered the merits of six alternative approaches, of which five have been discounted for the reasons set out in the Alternative Options section (paragraph 6.12). However, at this Options / Preferred Options stage of the preparation of this DPD, the Council is open to further evidence as to the suitability and / or deliverability of the sites considered, and open to suggestions of alternative sites not included in the list above. If alternative sites are suggested, the Council will expect evidence to be submitted concerning the ownership, capacity and deliverability of the given sites.

#### **Policy GT2**

##### **Traveller Accommodation in West Lancashire**

The Traveller accommodation needs in West Lancashire are as set out in the 2014 Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment (GTAA) and are as follows:

- 14 pitches on permanent Gypsy and Traveller sites by 2018, rising to 17 pitches by 2023 and 22 pitches by 2033;
- 4 transit pitches; and
- One yard for Travelling Showpeople with at least one residential plot.

The following sites will be inset from the Green Belt and allocated as permanent Gypsy and Traveller accommodation only:

- |   |           |
|---|-----------|
| (a) Land at Sugar Stubbs Lane, Banks                  | 3 pitches |
| (b) Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick | 5 pitches |

The following site will be allocated as a Travelling Showpeople site:

- |  |          |
|--|----------|
| Land to the west of The Quays, Burscough | 10 plots |
|--|----------|

Proposals for Traveller sites in locations other than those specified above will be required to meet the criteria set out in Policy GT1.

## **Justification**

### Traveller Accommodation Needs

- 6.3 As explained in Chapter 2 above, the most up-to-date objective assessment of Traveller accommodation needs in West Lancashire is the Merseyside and West Lancashire GTAA, published August 2014. This robust and comprehensive study involved dialogue with Travellers in the area, as well as their representative bodies and other stakeholders.
- 6.4 This DPD is proceeding on the basis that the Travellers whose accommodation needs have been assessed in the 2014 GTAA meet the revised government definition of “Travellers” as set out in PPTS 2015 Annex 1. If subsequent evidence base work indicates that changes need to be made to assessed accommodation needs as a result of any “Travellers” no longer being classified as such, or as a result of revised government guidance on GTAA methodology, this will be reflected in an update to this DPD, or in a review of the West Lancashire Local Plan.

### Shortfall in Provision of Sites

- 6.5 It is evident that the proposed ‘preferred sites’ for allocation in Policy GT2 are not sufficient to meet the Borough’s Traveller accommodation needs in their entirety, either for the short term or for the long term. This is not ideal, yet the constraints of the Borough are such that, despite a very rigorous search for sites, having investigated all reasonable avenues, it has not been possible to identify sufficient deliverable or developable sites in West Lancashire to meet identified needs. As such, the Council is proposing to meet what need it can, with the deliverable and developable sites available in West Lancashire.
- 6.6 The site assembly process is set out in Chapter 5 above, and has involved two Call for Sites exercises, and approaches to and negotiations with many different landowners. However, this work has yielded just 20 potential candidate sites, and, as summarised in Table 5.1 above, 13 of these 20 sites have been ruled out, mostly on the grounds of availability. The detailed site assessment work (Appendix 1) demonstrates that of the seven available sites, four are not considered deliverable, for the reasons summarised in Table 6.1 below (linked to suitability and achievability):

**Table 6.1 Deliverability of Sites 14, 16, 17, 18**

Site	Name	Comments on Deliverability
14	White Moss Road South (B), Skelmersdale	<ul style="list-style-type: none"> <li>• Submitted by its owners as a Traveller site;</li> <li>• Site sandwiched between Whitemoss hazardous waste landfill site and the M58 motorway, thus considered to have potential for a transit site only;</li> <li>• Close to three underground oil and high pressure gas pipelines, all of which are Major Hazardous Installations with buffer zones in which the Health and Safety Executive is opposed to the siting of caravans;</li> <li>• Question marks over deliverability – owners are willing to make the site available for Travellers, but do not want to run the site as a transit Traveller site.</li> </ul>
16	Blackacre Lane, Ormskirk	<ul style="list-style-type: none"> <li>• Site owned by Travellers; used for grazing horses;</li> <li>• Open, slightly elevated, Green Belt land with little 'screening vegetation'; as a result, use of this site for Travellers would have significant visual impact and harm to the perceived openness of the Green Belt;</li> <li>• Poor road access;</li> <li>• Site is not in an area of Traveller accommodation need;</li> <li>• Site is reasonably sustainable, but its use as a Traveller site could have an impact on the nearby settled community (200-300m away).</li> </ul>
17	Butcher's Lane, Aughton	<ul style="list-style-type: none"> <li>• Not in an area of identified Traveller accommodation need;</li> <li>• Site is situated on a rural lane with residential properties directly adjacent on both sides, meaning that its use as a Traveller site would be likely to be a significant impact on the local settled community;</li> <li>• Green Belt site with little screening vegetation to Butcher's Lane and to adjacent properties;</li> <li>• Site lies partly in Flood Zone 3;</li> <li>• Unsustainable location, remote from services and public transport;</li> <li>• Owner has expressed willingness for the land to be used for Travellers but is not actively promoting the site as such.</li> </ul>
18	Land east of Brookfield Lane, Aughton	<ul style="list-style-type: none"> <li>• Not in an area of identified Traveller accommodation need;</li> <li>• Large site with some road frontage, mostly set back from the road; highly visible from the Ormskirk – Liverpool railway;</li> <li>• Brookfield Lane is a minor, rural road;</li> <li>• Open Green Belt site; it is unlikely to be feasible to achieve adequate screening of the site, especially from the adjacent railway line (on an embankment) and thus the use of the site for Travellers is likely to have significant visual impact;</li> <li>• Site comprises a significant area of Grade 1 agricultural land;</li> <li>• Public footpath runs through site;</li> <li>• Unsustainable location, remote from services and public transport;</li> <li>• Owner has expressed willingness for the land to be used for Travellers but is not actively promoting the site as such.</li> </ul>

6.7 Approaches to neighbouring local authorities under the Duty to Co-Operate, asking whether they could contribute towards meeting West Lancashire’s Traveller accommodation needs have not resulted in any land or sites being offered that could meet a need identified in this DPD.

Suitability of Preferred Sites

6.8 The three sites proposed for allocation are considered deliverable (available, suitable and achievable) for the reasons set out in Table 6.2 below:

**Table 6.2 Deliverability of Sites 3,6,8**

Site	Name	Comments on Deliverability
3	Land at Sugar Stubbs Lane, Banks	<ul style="list-style-type: none"> <li>• Site is in the hands of Travellers, and is already in use as a Traveller site;</li> <li>• Site has a long-established permission for one residential caravan;</li> <li>• Site is close enough to A565 and public transport connections but sufficiently separated from existing built-up areas so as to have a limited impact on the settled population;</li> <li>• Site is sufficiently separated from environmental constraints so as to have a limited impact on (or not to be impacted by) the local environment.</li> <li>• Much of the site is reasonably well screened, especially from the A565, by evergreen hedging. Release of this site from the Green Belt would have a more limited impact than sites 16,17,18 because of the reduced visual impact.</li> </ul>
6	Land west of The Quays, Burscough	<ul style="list-style-type: none"> <li>• Site has permission as a Travelling Showpeople site, and its use for Travelling Showpeople accommodation is long-established;</li> <li>• It should be noted that this site does not contribute towards meeting the outstanding need for Travelling Showpeople accommodation in the Borough – the need is over and above this site, and this site’s allocation represents the formalisation of an existing permitted use.</li> </ul>
8	Pool Hey Caravan Park, Scarisbrick	<ul style="list-style-type: none"> <li>• Site is in the hands of Travellers, and has been in use as a Traveller site for over 20 years;</li> <li>• As such, the occupants of the site have long-established ties to the area;</li> <li>• Site is close enough to A570 and public transport connections but sufficiently separated from existing built-up areas so as to have a limited impact on the settled population;</li> <li>• Site is sufficiently separated from environmental constraints so as to have a limited impact on (or not to be impacted by) the local environment;</li> <li>• Whilst in the Green Belt, the site is well screened by established hedging, lessening its visual impact;</li> <li>• Site is close to a level crossing, but the Council has no record of any incidents at the level crossing resulting from the use of the site for Traveller accommodation.</li> </ul>



- 6.9 In the case of sites (3) and (8) above, they would be removed from the Green Belt if allocated, and the DPD would include a strong policy wording to prevent the use of the land for anything other than for Traveller accommodation, or for uses appropriate in an area surrounded by Green Belt, were the site(s) to be vacated by their current occupants.
- 6.10 In the case of the two current (unauthorised) Traveller sites at Aveling Drive, Banks (sites (1) and (2)), there is no option to allocate these for Traveller accommodation in the same way as sites (3) and (8), as the land at Aveling Drive is in Flood Zone 3, and national policy strongly discourages caravans in areas at risk of flooding.
- 6.11 Given the sites proposed for allocation are insufficient to meet the Borough's Traveller accommodation needs, Policy GT1 allows for the possibility of sites coming through via the development management process. If any such sites are granted permission, they may be allocated in future reviews of this DPD or the Local Plan.

#### **Options and Preferred Options Consultation Question 5**

##### **Preferred Options for Traveller Sites**

**What amendments, if any, should be made to the list of 'Preferred' sites for providing Traveller accommodation?**

**Do you have any other comments on the list of 'Preferred' sites?**

(Please provide a reasoned justification for any proposed amendments to the list of 'Preferred' sites. In particular, if a site is to be removed from the list, please show how the corresponding shortfall in provision should be made up. Where alternative sites are suggested, please provide a reasoned justification of why, in terms of planning policy and deliverability, the alternative site should be allocated as a Traveller site.)

## Alternative Options

- 6.12 Five alternative options in terms of meeting Traveller accommodation needs are set out below, with comments on each alternative:

### Alternative Option 1

Increase planned provision for Traveller accommodation, in order to offer choice to Travellers seeking accommodation.

*Comment:* Whilst this approach would be laudable in terms of giving Travellers choice regarding where they could seek accommodation, and would comply with national policy by providing *at least* a five year supply of deliverable sites, it is considered an unrealistic objective, due to the difficulty in identifying sufficient sites that are available, suitable (including sustainably located), and achievable to meet local needs, never mind exceed them.

### Alternative Option 2

Increase planned provision for Traveller accommodation, in order to offer help meet neighbouring authorities' needs for Traveller accommodation.

*Comment:* Whilst this approach would be laudable in terms of this Council co-operating with neighbouring authorities to help meet needs on a cross-boundary basis, it has two main drawbacks, Firstly, as with Alternative Option 1, it is considered an unrealistic objective due to the difficulty in identifying sufficient sites that are available, suitable (including sustainably located), and achievable to meet local needs, never mind exceed them. Secondly, initial discussions with neighbouring authorities under the Duty to Co-Operate have not resulted in any neighbouring authorities requesting that all or part of their needs be met in West Lancashire. Rather, the general consensus is that Traveller accommodation needs should be met where they arise, i.e. within the boundaries of the local planning authority where a particular need exists. (Cross-boundary dialogue will, however, continue throughout the preparation of this DPD.)

### Alternative Option 3

Reduce planned provision for Traveller accommodation below the levels set out in the draft GTAA, in anticipation of neighbouring local authorities offering to meet needs in West Lancashire.

*Comment:* As with Alternative Option 2, the general consensus is that Traveller accommodation needs should be met where they arise, i.e. within the boundaries of the local planning authority where a particular need exists. Neighbouring local authorities were asked, under the Duty to Co-Operate, whether they could contribute towards meeting this Borough's Traveller accommodation needs, but the responses were all negative.

### Alternative Option 4

Allocate fewer sites, or no sites at all, for Traveller provision in West Lancashire, and rely instead on planning applications for sites in suitable locations that meet the criteria set out in policy GT1.

*Comment:* Not providing any sites to meet Traveller accommodation needs would be contrary to national policy, as set out in paragraphs 10 and 11 of PPTS, and with the Duty to Co-Operate (Paragraph 10 requires that local planning authorities work collaboratively with their neighbours in setting Traveller accommodation targets). This would lead to the Traveller Sites DPD being found unsound. Failure to provide any Traveller sites would mean the Council would be more vulnerable to the establishment of illegal encampments and sites in the Borough. A total lack of allocated sites would weaken the ability of the Council to take quick and effective action to secure the removal of such encampments and sites. Similarly, allocating fewer deliverable sites than are at the Council's disposal, and thereby falling a long way short of meeting identified needs, would also be likely to lead to the Traveller Sites DPD being found unsound.

#### Alternative Option 5

Set out a different distribution of proposed Traveller sites, either different sites in the same general locations, or sites in different locations.

*Comment:* The Council's assessment of potential sites is set out in Appendix 1, and has been used in making the choice of which sites are categorised as Preferred Options. There are no other sites in the Borough that are considered deliverable. In any case, to suggest sites in different geographical areas may not be consistent with the findings of the draft GTAA, which indicates the general areas of Traveller accommodation needs. Also, to suggest other sites in similar geographical areas may result in a less suitable or less deliverable site being proposed.

Sustainability Appraisal work to date indicates that the Preferred sites score relatively well in sustainability terms, relative to the other potential candidate sites.

### **Options and Preferred Options Consultation Question 6**

#### **Alternative Options for Traveller Sites**

**What amendments, if any, should be made to the alternative options for providing Traveller accommodation, and their being discounted?**

**Do you have any other comments on the alternative options?**

(Please provide a reasoned justification for any proposed amendments to the alternative options and the analysis of them. If it is being proposed that one of the alternative options should become the Preferred Option, please indicate how this alternative option can be delivered and how it will comply with national policy.)



## 7. How to comment

Comments are invited on this document, on the site assessments set out in Appendix 1, and on the Sustainability Appraisal.

Six questions on different aspects of this document and Appendix 1 are set out in Chapters 3 (Question 1), 4 (Question 2), 5 (Question 3) and 6 (Questions 4-6) above.

The consultation period on this document runs from Thursday 3 December 2015 – Friday 29 January 2016.

Comments must be received by the Council by 5pm on Friday 29 January.

Comments may be made in the following ways:

Online: Please visit the Council's website at: [www.westlancs.gov.uk/Travellers](http://www.westlancs.gov.uk/Travellers) and fill in the online form.

Email: Comments forms can be downloaded from the Council's website (as above) and emailed to [Localplan@westlancs.gov.uk](mailto:Localplan@westlancs.gov.uk)

By post: Please post comments forms to:

Strategic Planning and Implementation Team  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
Lancashire  
L39 2DF

Any queries on the consultation process should be made to the above email or postal addresses, or can be made by telephone to 01695 585284 / 585274.

### Equality Act 2010

Under the Equality Act 2010 the Council is under a duty to:

- Eliminate conduct that is prohibited by the Equality Act;
- Advance equality of opportunity between those who share a protected characteristic and those who do not share it;
- Foster good relations between those who share a protected characteristic and those who do not share it.

Race is one of nine "protected characteristics" covered by the Equality Act 2010; Romany Gypsies and Irish Travellers are recognised as having a protected characteristic. The Council reserves the right not to accept responses received that are considered to contain offensive or derogatory comments about Gypsies and Travellers.



**West Lancashire Borough Council  
Provision for Traveller Sites DPD:  
Options and Preferred Options  
Interim Sustainability Appraisal Report  
October 2015**

**John Harrison, DipEnvP, MRTPI  
Assistant Director Planning  
West Lancashire Borough Council**

**WEST LANCASHIRE**



**LOCAL PLAN**

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## 1. Introduction

This Sustainability Appraisal (SA) has been structured in order to meet the requirements of the European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”, known as the Strategic Environmental Assessment (or SEA) Directive. The SA has been prepared by Council officers.

The document that has been appraised is the Provision for Traveller Sites Development Plan Document – Options and Preferred Options (‘the Traveller Sites DPD’), an early draft of a development plan document (DPD) being prepared by West Lancashire Borough Council. The DPD’s purpose is threefold – firstly to set out the accommodation needs of Gypsies and Travellers or Travelling Showpeople (referred to hereafter as ‘Travellers’), secondly to provide a policy against which proposals for Traveller sites for can be assessed, and thirdly to allocate a number of specific sites across the Borough to meet the objectively assessed needs for Traveller accommodation.

Further details about West Lancashire Borough Council’s approach to Sustainability Appraisal can be found in the West Lancashire Local Plan 2012-2027 Sustainability Appraisal Scoping Report, available on the Council’s website at:

<http://www.westlancs.gov.uk/planning/planning-policy/the-local-plan/the-local-plan-2012-2027/sustainability-appraisals.aspx>

The consultants AECOM have provided a critical review of a draft version of this Interim Appraisal, including guidance as to the content of the report. Many of the consultants’ recommendations have already been taken on board in this document; the remainder will be addressed in a future iteration of this Appraisal, to accompany the Publication version of the DPD.

Table 1.1 overleaf outlines how this Interim Sustainability Appraisal report of the Traveller Sites DPD complies with the SEA Directive.

**Table 1.1 Compliance of this Sustainability Appraisal with the SEA Directive**

<b>Information required by the SEA Directive</b>	<b>Existence of this information in the Traveller Sites DPD SA report</b>
Contents, objectives and relationship with other plans and programmes.	Summarised in Appendix 1 of this report. Full details can be found within the Local Plan (LDF) Scoping Report.
Current state of the environment and implications without the supporting DPD.	Baseline data - Appendix 2.
Characteristics likely to be affected.	Baseline data - Appendix 2.
Existing environmental problems.	Baseline data - Appendix 2.
Environmental protection objectives that are relevant to the DPD.	Appendix 1: key policy documents
Likely significant effects on the environment	Options Appraisal, Section 9.
Measures to offset significant adverse effects on the environment	Appendix 3.
Reasons for selecting the alternatives, describing how the assessment was undertaken.	Section 8.
Measures envisaged concerning monitoring.	To be addressed in SA Report for Final DPD

## 2. Purpose of the Sustainability Appraisal

It is a requirement of law that Sustainability Appraisal (SA) be undertaken in line with the procedures prescribed by the Environmental Assessment of Plans and Programmes Regulations 2004 ('the Regulations'), which were prepared in order to transpose the European Union Strategic Environmental Assessment (SEA) Directive into UK law.

The implications of the Regulations for the Traveller Sites DPD are that a report is required to be published for consultation alongside the draft plan, in this case the Options & Preferred Options document, that 'identifies, describes and evaluates' the likely significant effects of implementing the Provision for Traveller Sites DPD, and any 'reasonable alternatives' that have been identified. The report must then be taken into account, alongside consultation responses, when finalising the DPD.

In line with the Regulations, the report (which for the purposes of Sustainability Appraisal is known as the 'SA Report') must essentially answer four questions:

1. What is the scope of the SA?
2. What has plan-making / SA involved up to this point?
  - Preparation of the final Plan must have been informed by at least one earlier plan-making / SA iteration at which point 'alternatives' are appraised.
3. What are the appraisal findings at this current stage?
  - i.e. in relation to the options / preferred options for the Provision for Traveller Sites DPD.
4. What happens next?

Sustainable development is central to the planning system. The purpose of an SA is to promote sustainable development, through the integration of social, environmental and economic considerations, into the preparation of new or revised Supplementary Planning Documents and Development Plan Documents. This approach is reiterated within paragraph 165 of the National Planning Policy Framework.

An SA is a methodology for assessing strategy and policy (in this case the Traveller Sites DPD), investigating whether such plans, policies or programmes are likely to promote a sustainable pattern of development, and where possible, seeking to avoid or mitigate any negative social, environmental and economic effects.

In order to establish the most important sustainability issues, this report draws upon the SA of the West Lancashire Local Plan 2012-2027 (which covers the whole Borough) and reviews the relevant evidence and baseline data in order to inform and support the assessment of the Provision for Traveller Sites DPD.

Alternative options for potential site allocations, and the criteria for site selection for the Traveller Sites DPD have been considered, and the potential environmental, social and economic effects have been assessed for each option.

In summary, the Sustainability Appraisal Report does the following:

- Describes the purpose and content of the DPD, and the policy context within which it sits.
- Outlines the approach to sustainability appraisal (i.e. the methodology).
- Provides signposts to the baseline evidence supporting the DPD and against which the effects of the policies and potential candidate sites will be assessed.
- Outlines and evaluates the Local Plan objectives directly relevant to the DPD.
- Identifies and evaluates the environmental, economic and social effects of the proposed policy for assessing planning applications for Traveller development (as well as alternative policies), the potential candidate Traveller sites, the preferred options for Traveller sites, and alternative options for providing Traveller sites.
- Explains how the findings of the SA have influenced the draft Provision for Traveller Sites DPD.

### **3. Planning Policy Context**

The Localism Act 2011 and the introduction of the National Planning Policy Framework (NPPF) in March 2012 led to a substantial reform of the planning system. At the heart of the NPPF is the 'Presumption in Favour of Sustainable Development', which should be seen as 'a golden thread running through both plan making and decision taking' (NPPF paragraph 14).

National planning policy for Traveller-related development is set out in the government document Planning Policy for Traveller Sites (PPTS), first published in March 2012 alongside the NPPF, and updated in August 2015. Paragraph 10 of PPTS places a requirement on local planning authorities to identify and update annually a five year supply of specific deliverable Traveller sites, and to identify a supply of specific developable sites, or broad locations for growth, for years 6-10 and, where possible, years 11-15 of their Plan period.

The West Lancashire Local Plan 2012-2027 was adopted by the Borough Council in October 2013. Earlier versions of this Local Plan (i.e. Preferred Options, January 2012, and Publication, August 2012) contained a policy on Gypsies and Travellers and Travelling Showpeople. This policy, Policy RS4, was a criteria-based policy whose purpose was to direct Traveller development to the most appropriate places in the Borough, and to provide a means by which planning applications or enforcement cases relating to Traveller development could be judged.

At the Local Plan Examination in early 2013, the Local Plan Inspector advised that he could not find Policy RS4 sound, as it did not fulfil the requirement set out in PPTS to allocate specific deliverable sites to provide a five year supply of land to meet Traveller accommodation needs. In order for the West Lancashire Local Plan as a whole to be found sound, the Inspector recommended that Policy RS4 be deleted in its entirety from the Local Plan, and that the Council commit to preparing a separate Development Plan Document (DPD) to allocate sufficient deliverable sites to meet Traveller accommodation needs over the Local Plan period.

To this end, the Council published an updated Local Development Scheme in May 2013 which included a commitment to prepare a Provision for Traveller Sites DPD, to provide the local planning policy for West Lancashire relating to provision for Gypsies & Travellers and Travelling Showpeople and the anticipated timescales for the preparation of this DPD.

## Content and Objectives of the Provision for Travellers Sites DPD

The Provision for Traveller Sites DPD ('Traveller Sites DPD') comprises the following elements:

1. A statement of objectively assessed accommodation needs for Gypsies and Travellers and Travelling Showpeople ('Travellers');
2. A criteria-based policy against which planning applications for Traveller sites can be assessed (these criteria would also be relied upon in enforcement and appeal cases); and
3. Site-specific allocations for Traveller accommodation.

The objective of the DPD is to meet, as far as is practically possible, the accommodation needs of Travellers where they arise in West Lancashire, in a way which minimises impact upon the settled community and the environment, and which provides a suitable location for Travellers to reside, free for example from unacceptable risks to health.

In terms of the three primary elements of the DPD:

1. The Borough Council participated in the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment (August 2014), which concluded that the need for new Traveller accommodation in West Lancashire, additional to that which already has permission, is as follows:
  - 14 pitches<sup>1</sup> on permanent Gypsy and Traveller sites by 2018, rising to 22 pitches by 2033;
  - 4 transit pitches; and
  - 1 yard for Travelling Showpeople with at least 1 residential plot.
2. The proposed criteria-based policy is based upon national policy, as set out in PPTS, tailored to West Lancashire's specific circumstances. The recently-cancelled "Designing Gypsy and Traveller Sites: Good Practice Guide" was also used to shape the criteria, although the weight attributed to criteria based solely on this document is limited, given the document has been withdrawn by the government.
3. Whilst it is the intention of the Council to meet locally-arising Traveller accommodation needs in full, the draft DPD sets out the difficulties that have been encountered in searching for deliverable or developable sites ('deliverable' is defined as available now, in a suitable location, and achievable with a realistic prospect that the site can be developed within five years; developable defined as in a suitable location for traveller site development and having a reasonable prospect that the site is available and could be viably developed at the point envisaged). As a result, the current draft DPD is not able to propose for allocation sufficient sites to meet the identified Traveller accommodation needs, and instead proposes the allocation of a smaller number of sites.

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<sup>1</sup> The general term "pitch" refers to an area of land which would accommodate a Traveller household. It is generally accepted that a pitch should have space for a touring and static caravan, as well as for parking and an amenity block. Typically, therefore, one would expect two caravans per pitch.

The Traveller Sites DPD covers the whole of West Lancashire Borough, as shown in Figure 1 below (West Lancashire is the lighter shaded area containing Burscough, Ormskirk and Skelmersdale):

**Figure 1: West Lancashire - geographical context**



This (Interim) Sustainability Appraisal Report covers the Options and Preferred Options version of the Traveller Sites DPD.

### **Preparation of the Traveller Sites DPD**

The first version of the Traveller Sites DPD is labelled the “Options & Preferred Options” document. This draft DPD has been published for consultation in order to seek the views of the community, stakeholders and other interested parties. The Council is inviting comments on all aspects of the document and in particular the proposed policy for assessing planning applications for Traveller development, the proposed criteria for site selection, and the preferred and alternative options for Traveller site provision. Specific questions on these aspects of the document are set out in the draft DPD itself.

Following consultation, all representations made will be considered, and any necessary and appropriate changes will be incorporated into the subsequent ‘Publication’ version of the DPD. The Provision for Traveller Sites DPD: Publication Version will be subject to a further round of public consultation before being submitted to the Secretary of State for examination. The Publication version of the DPD will be consulted on alongside an SA Report that will meet the requirements of the SEA Regulations. If the DPD is found sound at examination, it will be submitted to West Lancashire Borough Council for adoption.

Figure 2 below sets out the timescales for the preparation of the Provision for Traveller Sites DPD. References to “Regulations” are to the Town and Country Planning (Local Planning) (England) Regulations 2012.

**Figure 1 Preparation of the Provision for Traveller Sites DPD**

<b>Preparation Stage</b>	<b>Anticipated / Target Timescale</b>
Evidence base: Preparation and publication of a joint Gypsy and Traveller Accommodation Assessment	March 2013 – August 2014
Regulation 18: ‘Scoping’ consultation	September – October 2013
Regulation 18: Options and Preferred Options	Winter 2015
Regulation 19: Publication	Summer 2016
Regulation 22: Submission to Secretary of State	October 2016
Regulation 24: Independent public examination	November 2016 – June 2017
Regulation 26: Adoption	July 2017



#### 4. West Lancashire Borough Council's Approach to the Sustainability Appraisal

There are five distinct stages to undertaking a Sustainability Appraisal, as outlined in government guidance. Although this guidance is now out-of-date, it is still common practice to follow these stages, which are as follows:

Stages of the Sustainability Appraisal Process	
Stage A	Scoping
Stage B	Developing and refining options and assessing effects
Stage C	Preparing the Sustainability Report
Stage D	Consulting on the preferred options of the document in question and the findings of the Sustainability Appraisal
Stage E	Monitoring the significant effects of implementing the document

This Interim Sustainability Appraisal Report of the Provision for Traveller Sites DPD: Options and Preferred Options incorporates Stages A – C of the SA process.

##### Stage A

Stage A contains three principal elements:

*A1: Review key documents and policy context*

*A2: Analysis of baseline information*

*A3: Identification of the main sustainability issues relating to the DPD*

In terms of Stage A, this Sustainability Appraisal Report draws from the West Lancashire Local Plan 2012-2027 Sustainability Appraisal Scoping Report, and from the evidence base that was compiled during the preparation of the Local Plan. Chapter 5 below and Appendices 1-3 (which correspond with stages A1-A3) provide a summary and analysis of the WLLP evidence base and SA Scoping Report, alongside any new or updated evidence which has arisen since this Scoping Report was published.

##### Stage B

Stage B consists of the following elements:

*B1: Testing the objectives of the DPD against the SA Framework.*

This element has been carried out for the Local Plan SA and is discussed in Chapter 7 of this SA report below.

*B2: Developing the options*

The development of options and alternative options is set out in Chapter 8.

*B3: Predicting the effects of the DPD*

*B4: Evaluating the effects of the DPD*

The prediction and evaluation of the likely effects of the Traveller Sites Policy (and alternative policies) is set out in Chapter 9. The prediction and evaluation of the likely impacts of specific Traveller sites, including the preferred options for Traveller sites, as well as the impacts of alternative approaches to providing Traveller sites, are set out in Chapter 10.

*B5: Considering ways of mitigating adverse effects and maximising beneficial effects.*

This element of Stage B is given some consideration in stages B3 / B4 above, but will be addressed in more detail in subsequent SA reports (i.e. for the Publication version of the DPD)

*B6: Proposing measures to monitor the significant effects of implementing the DPD.*

This will be covered in detail in subsequent SA reports.

## 5. Evidence from the Local Plan Sustainability Appraisal Scoping Report

The first stage of the sustainability appraisal process involved reviewing the Local Plan (formerly “Core Strategy”) Scoping Report and considering which objectives and key issues relate specifically to the Traveller Sites DPD. The opportunity was also taken to review some of the baseline data applicable to the background evidence of the DPD, in case any of this information had become out of date; and to identify any further more detailed baseline information that was relevant to preparation of the DPD, but not addressed by the high level Local Plan Scoping Report.

In accordance with Task A1, a review was undertaken of key documents and the policy context; this can be found in Appendix 1. A number of key issues and messages were identified as part of a ‘contextual review’ of key plans, strategies and other evidence. These have been taken into consideration when establishing the key sustainability issues and the appraisal framework. The most relevant and useful document was the Planning Policy for Travellers Sites document (first published March 2012; revised August 2015), which highlights that the government’s overarching aim is to ensure fair and equal treatment for Travellers in a way that facilitates the traditional and nomadic way of life of Travellers, whilst respecting the interests of the settled community.

Task A2, Analysis of Baseline Information, can be found in Appendix 2. Much of the original data from the original Local Plan Scoping report is still extant (i.e. it has not been superseded). However a review of some data, including census data and population statistics, has been undertaken to reflect the most up-to-date information available. This updated information does not affect the overarching issues or appraisal framework as the trends remain the same; however, it provides an up-to-date baseline for the current Sustainability Appraisal and DPD.

Task A3 entailed identifying the primary sustainability issues facing the Traveller Sites DPD. For the purposes of the SA of the Traveller Sites DPD, this analysis has focused specifically on issues relating to Travellers and their accommodation, as well as on how the issues can be addressed, as set out in Table 5.1 below. A summary of the Baseline Evidence can be found in Appendix 2. Appendix 3 sets out the reasons for the identification of the issues in Table 5.1, and how they can be addressed. The key issues identified below have been drawn out of the available evidence, and have highlighted a number of issues that must be considered as the Traveller sites DPD is prepared.

**Table 5.1 Key Sustainability Issues relating to the Provision for Traveller Sites DPD**

Topic area	Key issues
Access, Highways & Public Transport	One of the key issues facing the Borough relates to the sustainability of transport; there is a need to improve access to sustainable methods of transport including bus services, rail links, cycle paths & footpaths. Car dependency levels are high and need reducing. There is a need to improve the diversity and availability of employment in West Lancashire in accessible locations or with improved public transport links to enable residents of the Borough to find employment locally within the Borough, thereby reducing the need to commute by private motor vehicle.

Topic area	Key issues
Social Inclusion	<p>There is a requirement to deliver a specified number of homes over the period 2012-2027 to meet the needs of the population. There are issues regarding housing affordability in several areas.</p> <p>There are no allocated Traveller sites in the Borough (the reason for preparing the Traveller Sites DPD).</p> <p>In addition to homes, there is a need to provide services, employment opportunities, and access to health-related facilities for residents of the newly developed accommodation.</p> <p>Social exclusion occurs from unemployment, low income, high crime rate, inadequate accommodation, and poor health.</p>
Access to services and amenities	<p>Access to services and amenities is poor in certain locations outside settlement boundaries, e.g. the Northern Parishes, and is less than satisfactory within parts of some settlements.</p> <p>There are various deficiencies in open space, and access to it, throughout the Borough.</p> <p>Play facilities need to be provided</p>
Employment	<p>Whilst unemployment levels and the number of benefit claimants is lower than the regional and national average, there are disparities and inequalities between skills, education, health &amp; employment across the Borough.</p> <p>There are significant levels of out-commuting from the Borough, but relatively low levels of in-commuting.</p>
Education	<p>There is a need to improve the lack of basic skills and address barriers to work as well as linking workless people to vacancies.</p> <p>Education provision may need to be subsidised if additional resources are required, dependent upon the location of the site allocations and increased provision requirement.</p>
Protection of ecology, biodiversity and soils	<p>Whilst there is not a major problem with vacant and derelict land, such land where it exists, in particular unused brownfield sites, would benefit from being remediated and brought back into use.</p> <p>The Borough comprises predominantly Green Belt land, which is required to be protected by national policy.</p> <p>The volume of waste going to landfill needs to be reduced.</p> <p>West Lancashire has roughly one third of the North West's best and most versatile agricultural land. In the light of impending climate change and fuel-related issues, this needs to be protected for crop production to aid food security.</p>
Surface and Waste Water Treatment	<p>West Lancashire has wetlands of international importance as well as other water bodies and watercourses with wildlife and amenity value.</p> <p>There are a number of deep aquifers that supply the horticultural industry. These water resources all require sustainable management and protection, including from foul (waste) water.</p> <p>There is a need for water and wastewater supply for existing and planned housing and employment development, as well as for agriculture and horticulture. There are sewerage and drainage issues in parts of the Borough, most notably the Burscough area.</p> <p>West Lancashire has areas of high flood risk particularly in the Banks area and northern parishes, with implications for the location (or otherwise) of development, including Traveller accommodation.</p>

## **6. Consultation on the Local Plan Sustainability Appraisal Scoping Report**

The initial Scoping Report for the (then) Local Development Framework (LDF) Core Strategy was consulted upon for a period of 6 weeks in 2009, in line with planning Regulations. The Scoping Report was sent to the statutory consultees - Environment Agency, Natural England and English Heritage (now Historic England) for comment. Comments were also invited from a wide range of community groups and other stakeholders, in order to ensure that the appraisal was transparent, comprehensive and addressed the relevant issues.

The LDF Core Strategy Scoping Report covered the whole range of matters that were intended to be addressed in the LDF, not just in the Core Strategy but also in the anticipated Site Allocations DPD and the Development Management Policies DPD that were to follow the preparation of the Core Strategy. In 2011, the decision was taken to merge West Lancashire's Core Strategy, Site Allocations DPD and DM Policies DPD into a single "Local Plan" document. The Provision for Traveller Sites DPD deals with one discrete "subset" of the Local Plan, and thus its subject matter is covered by the wider Core Strategy ("Local Plan") Sustainability Appraisal Scoping Report.

The evidence behind the Scoping Report has been updated regularly throughout the preparation of the West Lancashire Local Plan 2012-2027 and, since the Local Plan's adoption, as part of the Council's ongoing monitoring work. The most recent analysis of the evidence base for this SA document (presented in Appendices 1 and 2) has not indicated any significant changes to the baseline information or policy context that would require any change to the SA Framework and Objectives.

Therefore further consultation on the scope of this Sustainability Appraisal is not considered necessary. However the Council would welcome any comments on the suitability of this approach as part of the general consultation on the DPD and its interim SA.

## 7. Local Plan Sustainability Appraisal Framework and Objectives

Task B1: Testing the Core Strategy objectives against the Sustainability Appraisal framework, was undertaken in the Local Plan Sustainability Appraisal Scoping Report. Drawing on the [then] Core Strategy objectives (which became the Local Plan objectives), 18 Sustainability Objectives were established. These cover a full cross section of sustainability issues, including the three tenets of sustainability, namely environmental, social and economic factors, and are set out below.

It is recognised that not all of the 18 Local Plan (or Core Strategy) SA Objectives will be directly relevant to the Traveller Sites DPD, but the complete set of Objectives provides the framework within which the SA of the Traveller Sites DPD can be carried out.

**Table 7.1 West Lancashire Local Plan Sustainability Appraisal Objectives**

Sustainability Appraisal Objectives	Environmental	Social	Economic
1. To reduce the disparities in economic performance within the Borough		✓	✓
2. To secure economic inclusion		✓	✓
3. To develop and maintain a healthy labour market		✓	✓
4. To encourage sustainable economic growth	✓	✓	✓
5. To deliver urban renaissance	✓	✓	✓
6. To deliver rural renaissance	✓	✓	✓
7. To develop and market the Borough's image	✓	✓	✓
8. To improve access to basic goods and services	✓		✓
9. To improve access to good quality affordable and resource efficient housing		✓	✓
10. To reduce crime and disorder and the fear of crime		✓	
11. To reduce the need to travel, improve the choice and use of sustainable transport modes	✓	✓	
12. To improve physical and mental health and reduce health inequalities		✓	
13. To protect places, landscapes and buildings of historical, cultural and archaeological value	✓		
14. To restore and protect land and soil quality	✓		
15. To protect and enhance biodiversity	✓		
16. To protect and improve the quality of both inland and coastal waters and protect against flood risk	✓		
17. To protect and improve air, light and noise quality	✓		
18. To ensure the prudent use of natural resources, including the use of renewable energies and the sustainable management of existing resources	✓		

Each of these 18 objectives has been assigned a series of locally distinctive sub-criteria to allow for a more detailed evaluation of whether the objective will be achieved by the DPD being assessed. The sub-criteria are listed in Table 7.2 on the following pages. Once again, it is recognised that not all the sub-criteria will be of direct relevance to the Traveller Sites DPD. In undertaking the SA of the DPD, attention will be paid to those Objectives and sub-criteria of particular relevance to Traveller accommodation provision.

**Table 7.2 Locally distinctive sub-criteria for the 18 Sustainability Objectives**

SA Objective (high level objective)	Locally Distinctive Sub Criteria
Objective 1: To reduce the disparities in economic performance within the Borough.	<ul style="list-style-type: none"> <li>• Will the plan / policy provide job opportunities in areas with residents most at need?</li> <li>• Will the plan / policy reduce economic disparities within the Borough and at the Regional level?</li> <li>• Will the plan / policy maximise local benefit from investment?</li> <li>• Will the plan / policy meet local needs for employment?</li> <li>• Will the plan / policy improve the quality of employment opportunities within the Borough?</li> </ul>
Objective 2: To secure economic inclusion	<ul style="list-style-type: none"> <li>• Will the plan / policy meet the employment needs of all local people?</li> <li>• Will the plan / policy encourage business start-up, especially from under-represented groups?</li> <li>• Will the plan / policy improve physical accessibility to jobs through the location of employment sites and / or public transport links being close to areas of high unemployment?</li> <li>• Will the plan / policy reduce poverty in those areas and communities most affected?</li> </ul>
Objective 3: To develop and maintain a healthy labour market	<ul style="list-style-type: none"> <li>• Will the plan / policy address the skills gap and enable skills progression?</li> <li>• Will the plan / policy provide higher skilled jobs?</li> <li>• Will the plan / policy increase the levels of participation and attainment in education?</li> <li>• Will the plan / policy provide a broad range of jobs and employment opportunities?</li> </ul>
Objective 4: To encourage sustainable economic growth	<ul style="list-style-type: none"> <li>• Will the plan / policy help to diversify the Borough's economy?</li> <li>• Will the plan / policy promote growth in the key sectors of the Borough's economy?</li> <li>• Will the plan / policy attract new businesses to the Borough?</li> <li>• Will the plan / policy help develop the Borough's knowledge base?</li> <li>• Will the plan / policy improve the range of sustainable employment sites?</li> </ul>
Objective 5: To deliver urban renaissance	<ul style="list-style-type: none"> <li>• Will the plan / policy improve economic, environmental and social conditions in deprived urban areas and for deprived groups?</li> <li>• Will the plan / policy improve the quality of the built and historic environment?</li> <li>• Will the plan / policy improve the quantity and quality of open space?</li> <li>• Will the plan / policy improve the vitality and viability of Town Centres?</li> <li>• Will the plan / policy deliver Sustainable Communities?</li> <li>• Will the plan / policy deliver regeneration to urban areas and Market Towns</li> </ul>
Objective 6: To deliver rural renaissance	<ul style="list-style-type: none"> <li>• Will the plan / policy support sustainable rural diversification?</li> <li>• Will the plan / policy to encourage and support the growth of sustainable rural businesses?</li> <li>• Will the plan / policy promote the economic growth of market towns?</li> <li>• Will the plan / policy retain or promote access to and provision of services?</li> </ul>

SA Objective (high level objective)	Locally Distinctive Sub Criteria
Objective 7: To develop and market the Borough's image	<ul style="list-style-type: none"> <li>• Will the plan / policy support the preservation and/or enhancement of high quality built, natural and historic environments within the Borough?</li> <li>• Will the plan / policy promote the Borough as a destination for short and long term visitors, for residents and investors?</li> <li>• Will the plan / policy promote the use of locally produced goods and materials?</li> <li>• Will the plan / policy increase the economic benefit derived from the Borough's natural environment?</li> </ul>
Objective 8: To improve access to basic goods and services	<ul style="list-style-type: none"> <li>• Will the plan / policy improve the access, range and quality of cultural, recreational and leisure facilities including natural green spaces?</li> <li>• Will the plan / policy improve the access, range and quality of essential services and amenities?</li> <li>• Will the plan / policy improve the access to basic goods, promoting the use of those which are locally sourced?</li> </ul>
Objective 9: To improve access to good quality, affordable and resource efficient housing	<ul style="list-style-type: none"> <li>• Will the plan / policy provide for an appropriate mix of housing to meet all needs including affordable?</li> <li>• Will the plan / policy reduce the number of unfit empty homes?</li> <li>• Will the plan / policy support the development and operation of resource efficient housing?</li> </ul>
Objective 10: To reduce crime and disorder and the fear of crime	<ul style="list-style-type: none"> <li>• Will the plan / policy support community development?</li> <li>• Will the plan / policy improve relations between all members of the community?</li> <li>• Will the plan / policy reduce levels of crime?</li> <li>• Will the plan / policy reduce the fear of crime?</li> <li>• Will the plan / policy identify and engage with hard to reach groups?</li> </ul>
Objective 11: To reduce the need to travel, improve the choice and use of sustainable transport modes	<ul style="list-style-type: none"> <li>• Will the plan / policy reduce vehicular traffic and congestion?</li> <li>• Will the plan / policy increase access to and opportunities for walking, cycling and use of public transport?</li> <li>• Will the plan / policy reduce freight movement?</li> <li>• Will the plan / policy improve access to and encourage the use of ICT?</li> <li>• Will the plan / policy improve the efficiency of the transport network?</li> </ul>
Objective 12: To improve physical and mental health and reduce health inequalities	<ul style="list-style-type: none"> <li>• Will the plan / policy improve physical and mental health?</li> <li>• Will the plan / policy reduce deaths in key vulnerable groups?</li> <li>• Will the plan / policy promote healthier lifestyles?</li> <li>• Will the plan / policy reduce health inequalities among different groups in the community?</li> <li>• Will the plan / policy reduce isolation for vulnerable groups in the community?</li> <li>• Will the plan / policy promote a better quality of life?</li> <li>• Will the plan / policy reduce poverty in those areas and communities most affected?</li> </ul>
Objective 13: To protect places, landscapes and buildings of historical, cultural and archaeological value	<ul style="list-style-type: none"> <li>• Will the plan / policy protect and enhance the character and appearance of the Borough's landscape strengthening local distinctiveness and sense of place?</li> <li>• Will the plan / policy improve access to buildings of historic and cultural value?</li> <li>• Will the plan / policy protect and enhance the accessibility of the landscape across the Borough?</li> <li>• Will the plan / policy protect Scheduled Ancient Monuments?</li> </ul>



SA Objective (high level objective)	Locally Distinctive Sub Criteria
Objective 14: To restore and protect land and soil quality	<ul style="list-style-type: none"> <li>• Will the plan / policy reduce the amount of derelict, contaminated, degraded and vacant / underused land?</li> <li>• Will the plan / policy encourage the development of brownfield land in preference to Greenfield?</li> <li>• Will the plan / policy reduce the loss of high quality Agricultural land to development?</li> <li>• Will the plan / policy maintain and enhance soil quality?</li> <li>• Will the plan / policy achieve the efficient use of land via appropriate density of development?</li> </ul>
Objective 15: To protect and enhance biodiversity	<ul style="list-style-type: none"> <li>• Will the plan / policy protect and enhance the biodiversity of the Borough?</li> <li>• Will the plan / policy protect and enhance habitats, species and damaged sites?</li> <li>• Will the plan / policy provide opportunities for new habitat creation?</li> <li>• Will the plan / policy protect and extend habitat connectivity and landscape permeability, suitable for species migration?</li> </ul>
Objective 16: To protect and improve the quality of both inland and coastal waters and protect against flood risk	<ul style="list-style-type: none"> <li>• Will the plan / policy reduce or manage flood risk?</li> <li>• Will the plan / policy maintain and enhance ground water quality?</li> <li>• Will the plan / policy improve the quality of coastal waters?</li> <li>• Will the plan / policy improve the quality of rivers and inland waters?</li> </ul>
Objective 17: To protect and improve air, light and noise quality	<ul style="list-style-type: none"> <li>• Will the plan / policy maintain or, where possible, improve local air quality?</li> <li>• Will the plan / policy reduce noise and light pollution?</li> </ul>
Objective 18: To ensure the prudent use of natural resources, including the use of renewable energies and the sustainable management of existing resources	<ul style="list-style-type: none"> <li>• Will the plan / policy minimise demand for raw materials?</li> <li>• Will the plan / policy support the repair and re-use of existing buildings?</li> <li>• Will the plan / policy reduce the amount of waste generated by development?</li> <li>• Will the plan / policy promote the use of recycled, reclaimed and secondary materials?</li> <li>• Will the plan / policy promote the use of locally sourced materials?</li> <li>• Will the plan / policy minimise the need for energy?</li> <li>• Will the plan / policy maximise the production / proportion of renewable energy?</li> <li>• Will the plan / policy increase energy efficiency (e.g. energy efficiency in buildings, transport modes, etc.)</li> <li>• Will the plan / policy minimise the use of fossil fuels?</li> </ul>

## 8. Methodology - Developing and Appraising Options

The West Lancashire Local Plan Sustainability Appraisal Scoping Report and the analysis of the Local Plan's evidence base were used to assist in identifying the key sustainability issues specifically relating to this Traveller Sites DPD (Section 5 above).

There are a number of ways in which the key issues could be addressed for the DPD; it would not be appropriate to simply choose a single approach that it is assumed would work best. Instead, in line with the requirements of national and European SEA guidance, a number of reasonable alternatives have been assessed and compared with one another, in order to identify the effects of the different reasonable alternatives, and thereby to aid the decision-making process about which alternative is preferred.

The formulation and testing of the reasonable alternatives is a key requirement of the SEA process, allowing for the consideration of different approaches by stakeholder groups and stimulating debate about the key issues, ideas, and ways of going forward.

There are two sets of 'alternatives' in this SA of the first draft of the Traveller Sites DPD. Firstly, there are three alternative approaches towards a policy against which proposals for Traveller accommodation can be assessed. These are highlighted in Chapter 9. Secondly, there are four alternative approaches towards selecting and allocating specific sites for Traveller accommodation. The reasons for these approaches are set out in Chapter 10.

This SA report seeks to assess the effects that each alternative would be likely to have on the baseline position associated with the different sustainability objectives. It does not draw any specific conclusions as to which approach / option should be followed, but it has helped inform the choice of policy and preferred sites set out in the draft Traveller Sites DPD (i.e. the SA has been taken into account in preparing the draft Traveller Sites DPD) by indicating which are the most sustainable options and alternatives.

The sustainability of each presented options and alternatives has been appraised against social, economic and environmental objectives of the SA Framework. The appraisal has sought to highlight the positive and negative effects of each option on sustainability by assigning a 'score'. Residual scores that could be achieved through mitigation were also assigned. Scores were recorded using the following colours:

Very Positive	Positive	No Effect	Negative	Very Negative
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**Note: To aid reading of this document when printed in black and white, , table cells shaded with the above colours also have a code at the beginning of the text:**

- **VP – Very Positive**
- **P – Positive**
- **N – Negative**
- **VN – Very Negative**
- **Non-shaded cells are "No Effect".**

The Sustainability Appraisal framework tests the economic, environmental and social 'performance' of each option and the significance of the effects.

The sustainability appraisal framework tests the economic, environmental and social 'performance' of each option and the significance of the effects. In this case what constitutes a significant effect is influenced by the extent to which it affects the wider community, the land, and strategic infrastructure. The effects of the proposed sites on the existing social, economic and environmental characteristics are guided by Schedule 1 of the SEA Directive and this can differ on each Sustainability Appraisal. All of the categories are significant but the colour coding has been used to demonstrate levels of significance. For example the darker green would have a very positive significant effect on the baseline and orange would have a less weighty negative effect on the baseline.

At this early stage it is not possible to accurately and fully determine all of the effects for each option, as they could differ depending upon the type and nature of the Traveller accommodation and how it is implemented. Therefore when considering the type, location and quantity of development, the assessment has generally used wider overall principles when determining the likely outcomes. The assessment of the preferred options and alternatives is displayed in Tables 9.1 and 10.1 respectively.

## 9. Appraisal of Policy GT1 of the Draft Traveller Sites DPD and Alternative Policies

### Development of Alternatives

In terms of sustainability appraisal of policy for assessing planning applications for Traveller-related development, this report has assessed the implications of three alternative approaches, namely:

- (i) Policy GT1, as set out in Chapter 3 of the Traveller Sites DPD: Options and Preferred Options, and repeated below;
- (ii) An amended version of Policy GT1 (labelled “GT1a”) that is similar to Policy GT1, is broadly consistent with national policy, but which places less emphasis on impact on the character of the area / landscape, and has less stringent locational criteria in terms of allowable distance from facilities and public transport routes. The rationale behind this ‘reasonable alternative’ is that the need for Traveller accommodation, and the importance of the human rights of Travellers (in particular the ‘rights of the child’) are such that they are given greater weight than locational environmental sustainability and landscape considerations;
- (iii) Having no policy in place by which to assess planning applications for Traveller accommodation. The basis for this ‘reasonable alternative’ is that relevant national and local plan policy are able to be relied upon, rather than a locally-specific policy. This is similar to the baseline position.

(i) Policy GT1 is set out as follows, as set out in the draft Traveller Sites DPD:

#### **Policy GT1**

#### **Assessment of Proposals for Gypsy and Traveller and Travelling Showpeople Sites**

##### **Broad Locations**

Proposals for permanent or transit Traveller sites or pitches should be located in areas where need exists, as demonstrated by robust evidence.

##### **Site-Specific Criteria**

##### **Permanent Sites**

Proposed permanent sites for Travellers must not lie within Flood Zone 3.

In order to ensure that sites are fit for purpose and will provide adequate residential amenity, both to members of the travelling community and to members of the settled community, proposed permanent sites for Travellers will be required to meet the following criteria:

- (i) The site does not lie within the Green Belt;
- (ii) The site, on account of its scale and / or location, would not dominate the nearest settled community in such a way that the prospect of peaceful and integrated co-existence between the site and the local settled community would be undermined;
- (iii) The site is sufficiently far from any refuse site, industrial process, high voltage electricity infrastructure, other hazardous place, or any other process, land use or environmental issue (e.g. flyover, motorway), for there to be no unacceptable impact on the health, safety or general well-being of the residents of the site;
- (iv) The site is not subject to any physical constraints or other environmental issues that cannot be mitigated to an acceptable level, and that would impact on the health, safety or general well-being of the residents of the site, or on non-residents;
- (v) The site is accessible by a public highway that can accommodate typical Traveller-related vehicles without compromising highway safety;

- (vi) The site is not in Flood Zone 2;
- (vii) The site is not within, adjacent to, or close to (such that it would adversely affect) any area of land subject to a nature conservation designation;
- (viii) The site is not within, adjacent to, or close to (such that it would adversely affect) any area of land subject to an historic environment or historic landscape designation;
- (ix) The site has mains water, drainage and electricity, or else these services could readily be provided and satisfactory drainage achieved;
- (x) The use of this site as a Traveller site would not place undue pressure on local infrastructure and services;
- (xi) The site is within 1.5 kilometres (15 minutes' walk) of a bus route or other public transport facility, and / or it is possible to access from the site by means other than private motor vehicle the following facilities / services:
  - an appropriate health facility;
  - education facilities, in particular a primary school;
  - employment opportunities;
  - shops;
  - other necessary services.
- (xii) It is possible to achieve visual and acoustic privacy on the site without any unacceptable visual impact on the site's surroundings;
- (xiii) The site can accommodate between 3 and 15 pitches.

#### Transit Sites

In the case of transit sites, these should meet the above criteria, and, in addition should be accessible to the M58, or to the strategic highway network.

(ii) Policy GT1(a) is set out as follows, with the differences from Policy GT1 shown as "~~strike through text~~ (deletions) and underlined text (additions)":

#### **Policy GT1(a) [Alternative ]**

#### **Assessment of Proposals for Gypsy and Traveller and Travelling Showpeople Sites**

#### **Broad Locations**

Proposals for permanent or transit Traveller sites or pitches should be located in areas where need exists, as demonstrated by robust evidence.

#### Site-Specific Criteria

#### Permanent Sites

Proposed permanent sites for Travellers must not lie within Flood Zone 3.

In order to ensure that sites are fit for purpose and will provide adequate residential amenity, both to members of the travelling community and to members of the settled community, proposed permanent sites for Travellers will be required to meet the following criteria:

- ~~(i) The site does not lie within the Green Belt;~~
- (i) The site, on account of its scale and / or location, would not dominate the nearest settled community in such a way that the prospect of peaceful and integrated co-existence between the site and the local settled community would be undermined;
- (ii) The site is sufficiently far from any refuse site, industrial process, high voltage electricity infrastructure, other hazardous place, or any other process, land use or environmental issue (e.g. flyover, motorway), for there to be no unacceptable impact on the health, safety or general well-being of the residents of the site;

- (iii) The site is not subject to any physical constraints or other environmental issues that cannot be mitigated to an acceptable level, and that would impact on the health, safety or general well-being of the residents of the site, or on non-residents;
- (iv) The site is accessible by a public highway that can accommodate typical Traveller-related vehicles without compromising highway safety;
- (v) The site is not in Flood Zone 2;
- (vi) The site is not within, adjacent to, or close to (such that it would adversely affect) any area of land subject to a nature conservation designation;
- ~~(vii) The site is not within, adjacent to, or close to (such that it would adversely affect) any area of land subject to an historic environment or historic landscape designation;~~
- (vii) The site has mains water, drainage and electricity, or else these services could readily be provided and satisfactory drainage achieved;
- (viii) The use of this site as a Traveller site would not place undue pressure on local infrastructure and services;
- (ix) The site is within 1.5 ~~3~~ kilometres (15~~30~~ minutes' walk) of a bus route or other public transport facility, ~~and / or it is possible to access from the site by means other than private motor vehicle the following facilities / services:~~
  - ~~-an appropriate health facility;~~
  - ~~-education facilities, in particular a primary school;~~
  - ~~-employment opportunities;~~
  - ~~-shops;~~
  - ~~-other necessary services.~~
- ~~(x) It is possible to achieve visual and acoustic privacy on the site without any unacceptable visual impact on the site's surroundings;~~
- (x) The site can accommodate between 3 and 15 pitches.

#### Transit Sites

In the case of transit sites, these should meet the above criteria, and, in addition should be accessible to the M58, or to the strategic highway network.

Table 9.1, on the following pages, shows the likely effects of Policy GT1, GT1(a) and the absence of any policy on the baseline position relating to the 18 Local Plan Sustainability Objectives.

As stated in Chapter 7 above, not all of the 18 Local Plan sustainability objectives (and their locally distinctive sub-criteria) are of direct relevance to the issue of Traveller accommodation provision. The analysis below concentrates on those objectives and sub-criteria of most relevance to Travellers.

Table 9.1 Assessment of the likely effects of Policies GT1 and GT1(a), and no policy

Objective	Environmental	Social	Economic	Policy GT1	Alternative Policy GT1a	No policy
1. To reduce the disparities in economic performance within the Borough		Yes	Yes	No effect on the baseline position	No effect on the baseline position	No effect on the baseline position
2. To secure economic inclusion		Yes	Yes	No effect on the baseline position	No effect on the baseline position	No effect on the baseline position
3. To develop and maintain a healthy labour market		Yes	Yes	(P) Sites are to be located within 1.5 km of a public transport facility and easy accessible to educational facilities particularly a primary school. This would have a positive effect on the baseline position with residents living / working / educated in the Borough.	(N) Sites can be located as far as 3 km away from a public transport facility and do not need to be easily accessible to other facilities, meaning it may be difficult for Travellers to access education. This could have a negative effect on the baseline by affecting the population educated to GCSE standard and the distance required to travel to education.	(N) If sites are not assessed against the distance from educational facilities there will be no measures in place to increase levels of education attainment. This could have a negative effect on the baseline by potentially affecting the population educated to GCSE standard and the distance required to travel to access education.
4. To encourage sustainable economic growth	Yes	Yes	Yes	No effect on the baseline position	No effect on the baseline position	No effect on the baseline position
5. To deliver urban renaissance	Yes	Yes	Yes	(P) The policy seeks to address the needs of the Gypsy & Traveller and Travelling Showpeople community, potentially a deprived group.	(P) The policy seeks to address the needs of the Gypsy & Traveller and Travelling Showpeople community, potentially a deprived group.	(P) Without a local criteria-based policy it may be more difficult to address the needs of the Gypsy & Traveller and Travelling Showpeople community, potentially a deprived group. However, assessment of applications would defer to PPTS, which is no more restrictive than Policy GT1.
6. To deliver rural renaissance	Yes	Yes	Yes	No effect on the baseline position	No effect on the baseline position	No effect on the baseline position
7. To develop and market the Borough's image	Yes	Yes	Yes	No effect on the baseline position	No effect on the baseline position	No effect on the baseline position

Objective	Environmental	Social	Economic	Policy GT1	Alternative Policy GT1a	No policy
8. To improve access to basic goods and services	Yes		Yes	The policy requires that sites be located within a sustainable area 15 min walking distance to public transport or a footpath that is accessible to local facilities. This would be likely to continue to maintain the figures set out within the baseline data for the proportion of planning applications within close proximity to sustainable facilities.	<b>(N)</b> The policy requires that sites be located within a sustainable area 30 min walking distance to public transport or a footpath that is accessible to local facilities. This would be likely to be a negative effect compared with the figures set out within the baseline data for the proportion of planning applications within close proximity to sustainable facilities.	If no policy was introduced, PPTS would apply. Paragraph 25 seeks to limit Traveller site development in countryside away from existing settlements. No effect on the baseline position
9. To improve access to good quality, affordable and resource efficient housing		Yes	Yes	<b>(P)</b> The policy criteria allow for sites to be allocated for Gypsy and Traveller and Travelling Show People accommodation, therefore helping to meet a specific need identified within the evidence base.	<b>(P)</b> The policy criteria allow for sites to be allocated for Gypsy and Traveller and Travelling Show People accommodation, therefore helping to meet a specific local need identified within the evidence base. The criteria are less stringent than GT1 and thus the potential to secure sites for development may be increased compared to GT1.	Absence of a criteria-based policy will not assist in providing an appropriate mix of accommodation to meet the needs of the Borough, although PPTS would apply, in which accommodation needs are an issue to be considered with any planning application. No change with respect to the baseline position.
10. To reduce crime and disorder and the fear of crime		Yes		The criteria for assessing sites seek to promote peaceful co-existence and integration between the site and the local settled community. There should be no net effect on the baseline position.	The criteria for assessing sites seek to promote peaceful co-existence and integration between the site and the local settled community. There should be no net effect on the baseline position.	<b>(N)</b> Without a criteria-based policy, PPTS would apply. Paragraph 25 refers to 'not dominating' the nearest settled community, although it provides less strong protection than policy GT1 or GT1(a). This could lead to a small negative effect compared with the baseline position as there could be a potential perceived fear of crime.
11. To reduce the need to travel, improve the choice and use of sustainable transport modes	Yes	Yes		<b>(P)</b> The policy states that Traveller sites should not place undue pressure on local infrastructure, including roads, while sites are to be located within 1.5 km of a bus	<b>(N)</b> The policy states that Traveller sites should not place undue pressure on local infrastructure, including roads. Sites only need to be located within 3	<b>(N)</b> Having no local policy would mean PPTS is relied upon. Paragraph 25 very strictly limits new Traveller site development in open countryside away



Objective	Environ- mental	Social	Economic	Policy GT1	Alternative Policy GT1a	No policy
				route or other transport facility. Sites must be accessible by a public highway and, in the case of transit sites; these are to be accessible to the M58, or to the strategic highway network. Therefore this should have a likely positive effect upon the baseline figures for the proportion of planning applications determined within sustainable locations.	km of a bus route or other transport facility, which could result in greater private vehicle use than for Policy GT1. Sites must be accessible by a public highway and in the case of transit sites; these are to be accessible to the M58, or to the strategic highway network. Overall, this would be likely to have a negative effect upon the figures in the baseline data for planning applications in sustainable locations.	from existing settlements, although does not set a distance. Effect on the baseline position is likely to be similar to effect of Policy GT1(a) on the baseline position.
12. To improve physical and mental health and reduce inequalities		Yes		<b>(P)</b> Sites are to be located within 1.5 km of a public transport facility and easy accessible to an appropriate health facility. This should have no effect on the overall baseline position. However, it may have a small positive effect on the travelling community whose mortality rate is higher than that of the settled community as provision of ‘authorised accommodation’ may help improve health.	<b>(N)</b> As sites only need to be located within 3 km of a public transport facility and do not need to be easy accessible to an appropriate health facility, this could lead to Traveller accommodation in locations with inadequate access to health provision. However, provision of ‘authorised accommodation’ may help improve health. Overall, no significant effects as positives and negatives balance out.	With no policy in place, defer to PPTS. Paragraph 26 requires local authorities to attach weight to promoting opportunities for healthy lifestyles; overall effect likely to be insignificant.
13. To protect places, landscapes and buildings of historical, cultural and archaeological value	Yes			<b>(P)</b> The policy states that the scale and location of development should not be located in, adjacent to, or close to any areas of land subject to an historic environment, historic landscape or nature conservation designation. Therefore the policy adheres to protecting and enhancing the character and appearance of the Borough’s landscape. There should be a small improvement relative to the baseline position.	Policy GT1(a) has no criterion preventing development near to landscapes and buildings of historic, etc. value. However, this is covered by other Local Plan and national policies, so overall there should be no effect on the baseline.	Even if no criteria-based policy specific to Travellers were in place against which to assess the sites, this topic is covered by other Local Plan and national policies, so overall there should be no effect on the baseline.

Objective	Environmental	Social	Economic	Policy GT1	Alternative Policy GT1a	No policy
14. To restore and protect land and soil quality	Yes			Policy GT1 does not refer to protecting greenfield land nor does it provide any reference towards promoting brownfield over greenfield. However, these matters are generally covered by the Local Plan and NPPF / PPTS. No effect on the baseline	The policy does not refer to protecting greenfield land nor does it provide any reference towards promoting brownfield over greenfield. However, these matters are generally covered by the Local Plan and NPPF / PPTS. No effect on the baseline	If there were no policy, relevant Local Plan and NPPF policy would instead be used. These should give some protection to land and soil quality. No effect on the baseline
15. To protect and enhance biodiversity	Yes			The criteria-based policy states that sites are not to be located in, close to or adjacent to nature conservation designations. Therefore there should be no net effect on the existing or future baseline position.	The site criteria policy states that sites are not to be located in, close to or adjacent to nature conservation designations. Therefore there should be no net effect on the existing or future baseline position.	If no criteria-based policy were in place, reliance would be made on Local Plan policy; this should cover biodiversity, but would offer less protection than policy GT1. No material effect on the baseline.
16. To protect and improve the quality of both inland coastal waters and protect against flood risk	Yes			Policy GT1 specifically requires that the allocated sites are not located within an area at risk of flooding and that satisfactory drainage be achievable.	Policy GT1(a) specifically requires that the allocated sites are not located within an area at risk of flooding and that satisfactory drainage be achievable.	Without a criteria based policy, reliance would be had on PPTs and the NPPF, which would offer protection against flood risk.
17. To protect and improve air, light and noise quality	Yes			Policy GT1 sets criteria stating that the allocated sites must be able to achieve visual and acoustic privacy on the site without any unacceptable visual effect on the sites' surroundings. There should be no negative change compared with the baseline position.	Policy GT1a has no criterion relating to achievement of visual and acoustic privacy and minimisation of visual impact. This could facilitate acoustic privacy but at the expense of visual amenity. Therefore, the overall effect is considered to be neutral compared with the baseline. Local Plan policy (GN3) would offer some protection.	Having no policy could potentially cause harm through an increase in light and noise pollution, although Local Plan policy would offer some protection. Without knowing the sites, it is not possible to assess the likelihood of the effect.
18. To ensure the prudent use of natural resources, including the use of renewable energies and the sustainable management of existing resources	Yes			No net effect on the baseline position.	No net effect on the baseline position.	No net effect on the baseline position.

## 10. Appraisal of Preferred and Alternative Traveller Sites

The sections below set out how sites have been assembled and ‘shortlisted’ in the draft Traveller Sites DPD. The main consideration in choosing preferred sites in the DPD is whether the sites are considered ‘deliverable’, in line with national policy.

To assist the decision makers with the selection of preferred sites, an assessment of the 20 candidate sites against a comprehensive set of sustainability criteria (which relate to the objectives in the SA Framework) has been carried out for this SA report. The assessment is provided at Appendix 4 to this report.

Thus the DPD assesses the deliverability of individual sites against a set of criteria. The SA assesses the sustainability of individual sites against a set of criteria. In assessing the deliverability of a site, one of the considerations is the site’s sustainability in general terms. There is thus a significant amount of overlap between the DPD and the SA in terms of site assessments (including a number of criteria in common), although the two assessments are not exactly the same.

### Initial Site Assembly Process

Chapter 5 of the Provision for Traveller Sites DPD: Options and Preferred Options sets out the process whereby potential candidate Traveller sites were assembled from various sources from 2013-2015. This process yielded 20 distinct sites, as listed in Table 5.1 below. There were no other sites, additional to the 20 listed below in Table 5.1, that were identified in the site assembly process, although questions were asked about the availability of many other sites, e.g. Local Plan sites allocated for housing but not yet developed, sites in the Council’s Strategic Housing Land Availability Assessment, land in the Borough Council’s ownership, etc.

Since work started on the DPD in 2013, a number of the 20 potential candidate sites have had to be ruled out from consideration, mostly on grounds of availability. In several cases, owners of sites who initially expresses a willingness for the site to be considered as a potential Traveller site subsequently informed the Council that the site was no longer available for consideration. Other sites were identified by third parties, but subsequent contact with the owner led to the sites being ruled out. A small number of other sites were ruled out on account of “show-stopping” constraints.

In October 2015, just seven of the original 20 sites are “available” for consideration as potential Traveller sites. The seven sites are shaded grey in the table below.

**Table 5.1 Potential Candidate Traveller Sites in West Lancashire**

Site	Source / Current Status
1. Mosslands Stables, Aveling Drive (‘Aveling Drive A’), Banks	Site with planning application pending consideration, although the dismissal of the appeal on the neighbouring site is likely to have implications for this site’s delivery.
2. Land west of Mosslands, Aveling Drive (‘Aveling Drive B’), Banks	Appeal dismissed by the Secretary of State on grounds of harm to the Green Belt and flood risk effectively rules out this site from consideration, although the Occupant has submitted a legal challenge.
3. Land rear of ‘The Poppys’ ( <i>sic</i> ), Sugar Stubbs Lane, Banks	Site with planning permission for one caravan; more recent planning application pending consideration.
4. Land west of Hoole Lane, Banks	SHLAA site; owner initially indicated a willingness for the site to be considered as a Traveller site but has subsequently confirmed that the site is no longer available for consideration as a Traveller site.

<b>Site</b>	<b>Source / Current Status</b>
5. Land west of Ringtail Road, Burscough	Site submitted in the September 2013 Call for Sites exercise. Owner since confirmed he is not willing for the site to be used to accommodate Travelling Showpeople.
6. Land west of The Quays, Burscough	Established Travelling Showpeople site with planning permission.
7. Land west of Tollgate Road, Burscough	Site suggested by a member of the travelling community. Owner has since confirmed that the site is not available for consideration as a potential Traveller site.
8. Pool Hey Lane 'Caravan Park', Scarisbrick	Site with longstanding planning history, also submitted in the Call for Sites exercise.
9. High Brow Farm, Pool Hey Lane, Scarisbrick	Site with previous enforcement action relating to unauthorised occupation by Travellers. Site has recently been sold and is no longer available.
10. Land at 1-3 Southport Road, Kew, Southport	Site with previous issues relating to unauthorised occupation by Travellers. Site has more recently been purchased by a developer with a view to development for housing. Site is not available as a potential Traveller site.
11. Land to the rear of 281 Smithy Lane, Scarisbrick	Site submitted in the Call for Sites exercise. Owner has since confirmed that the site is not available for consideration as a potential Traveller site.
12. Former depot, Mere Brow	Site identified as a possible candidate site by WLBC officers. Owner has confirmed that the western part of the site is not available for consideration as a potential Traveller site. The eastern part of the site has recently been sold and is in use; not considered available as a potential Traveller site.
13. White Moss Road South (A), Skelmersdale	Site brought to the Council's attention by a member of the travelling community. Owners have since informed the Council that the site is not available for consideration as a Traveller site.
14. White Moss Road South (B), Skelmersdale	Site with planning permission granted December 2013 for Traveller-related development (stables). Site submitted as a potential Traveller site in the summer 2015 Call for Sites exercise.
15. White Moss Road South (C), Skelmersdale	Site identified by WLBC officers, adjacent to above site. Owners have since informed the Council the land is not available for consideration as a potential Traveller site.
16. Blackacre Lane, Ormskirk	Site submitted in Call for Sites.
17. Land south of Butcher's Lane, Aughton	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.
18. Land east of Brookfield Lane, Aughton	SHLAA site; owner indicated a willingness for the site to be considered as a Traveller site.
19. Land east of Middlewood Drive, Aughton	SHLAA site; in 2013, the owner indicated a willingness for the site to be considered as a Traveller site. However, in 2015, the owner informed the Council that the land is no longer available for consideration.
20. Bickerstaffe Colliery, Bickerstaffe	Site previously identified by WLBC officers on account of its proximity to M58 Junction 3. Owners have since confirmed the site is not available for consideration as a potential Traveller site.

## **Choosing 'Preferred Options' for Site Allocation**

A set of criteria similar to those used in Policy GT1 has been drawn up for use in choosing 'preferred options' for site assessment. These criteria are based primarily on national policy, as set out in the National Planning Policy Framework (2012), and Planning Policy for Traveller Sites (2015) (PPTS) documents. The criteria have also been influenced to a lesser extent by the advice contained in the government's now-cancelled Designing Gypsy and Traveller Sites Good Practice Guide (May 2008). Whilst this document no longer has any statutory weight, its general principles and advice are considered to remain of relevance in developing site selection criteria. Where appropriate, the criteria have been tailored to the particular circumstances of West Lancashire.

The criteria, although broadly similar to those used in Policy GT1, have been reordered and grouped into three 'tiers'. 'Tier 1' criteria are essential criteria in that, if they are not met, the site is undeliverable and / or undevelopable. For example, if a site is in Flood Zone 3, national policy proscribes its use for caravan-based accommodation. 'Tier 2' criteria are weighty, and tend to be based on PPTS or Local Plan policies. However, failure to satisfy one or more of these criteria does not necessarily rule out consideration of the site as a potential Traveller site. 'Tier 3' criteria are based on PPTS policy and / or advice in the Good Practice Guide, and can be used to compare the merits of different sites that satisfy Tier 1 and Tier 2 criteria.

The site assessment criteria used are as follows:

### **Tier 1**

1. Is the site available for Traveller development?  
(Is the site in the hands of Travellers, or in the hands of an owner who has confirmed a willingness to sell the site for Traveller accommodation at a price which enables the viable development of the site?)
2. Is the site in Flood Zone 3?
3. Is the site subject to any physical or other constraints to delivery that could not reasonably be overcome and that would rule out its use as a Traveller site? (These may include ransom strips, leases, restrictive covenants, multiple ownerships.)

### **Tier 2**

4. Is the site in the Green Belt? Would the use of the site as a Traveller site lead to material harm to the perceived openness of the Green Belt, or to the purposes of including land within the Green Belt?
5. Would this site, on account of its scale and / or location, dominate the nearest settled community in such a way that it would not promote peaceful and integrated co-existence between the site's occupants and the local settled community?
6. Is the site near to a refuse site (within 200m), un-neighbourly industrial process (200m), electricity pylons (100m), other hazardous place (200m), or any other process or environmental issue? Is the site adjacent to any road flyover or motorway, or any operational railway line? Could satisfactory mitigation realistically be achieved?
7. Is the site subject to any significant physical constraints that would need to be overcome before the site could be used as a Traveller site?
8. Is the site accessible by a public highway of an appropriate standard? Can satisfactory road access be achieved for typical Traveller vehicles?
9. Is the site in Flood Zone 2?
10. Is the site within, adjacent to, or close to (such that it would materially affect) any area of land subject to any nature conservation designation?
11. Is the site within, adjacent to, or close to (such that it would materially affect) any area of land subject to any historic environment or historic landscape designation?
12. Does the site have services (e.g. mains water, sewerage, electricity) or could these be provided reasonably easily and viably? Can satisfactory drainage be achieved?

### Tier 3

13. Is the site in an identified area of Traveller need?
14. Can satisfactory access be achieved onto and within the site for emergency vehicles?
15. Would the use of the site for Traveller accommodation place undue pressure on local infrastructure or services?
16. Is the site in a sustainable location? Is the site within 1.5km (15 minutes' walk) of, or is it possible to access by transport modes other than private motor vehicle, the following services:
  - an appropriate health facility; education (in particular a primary school); employment; shops; other necessary services?
17. Would it be possible, within reason, to achieve visual and acoustic privacy for the site occupants (and neighbours)?
18. Can the site accommodate between 3 and 15 pitches?

For the seven 'available' sites, shaded in Table 5.1 above (i.e. sites 3, 6, 8, 14, 16, 17, 18), the assessment against the criteria has been used to inform the choice of preferred sites. (For completeness, the other 13 sites were also assessed against the criteria, but as these 13 sites are not available for consideration as potential Traveller sites, their assessment against the criteria is to an extent superfluous. The full assessment of all 20 sites against the above criteria is set out in Appendix 1 of the draft DPD.)

Table 5.2 below summarises out the Council's views on the deliverability (suitability and achievability, in addition to availability) of the seven 'available' sites:

**Table 5.2 Deliverability of Sites 3, 6, 8, 14, 16, 17, 18**

Site	Name	Comments on Deliverability
3	Land at Sugar Stubbs Lane, Banks	<ul style="list-style-type: none"> <li>• Site is in the hands of Travellers, and is already in use as a Traveller site;</li> <li>• Site has a long-established permission for one residential caravan;</li> <li>• Site is close enough to A565 and public transport connections but sufficiently separated from existing built-up areas so as to have a limited impact on the settled population;</li> <li>• Site is sufficiently separated from environmental constraints so as to have a limited impact on (or not to be impacted by) the local environment.</li> <li>• Much of the site is reasonably well screened, especially from the A565, by evergreen hedging. Release of this site from the Green Belt would have a more limited impact than sites 16,17,18 because of the reduced visual impact.</li> </ul>
6	Land west of The Quays, Burscough	<ul style="list-style-type: none"> <li>• Site has permission as a Travelling Showpeople site, and its use for Travelling Showpeople accommodation is long-established;</li> <li>• It should be noted that this site does not contribute towards meeting the outstanding need for Travelling Showpeople accommodation in the Borough – the need is over and above this site, and this site's allocation represents the formalisation of an existing permitted use.</li> </ul>
8	Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick	<ul style="list-style-type: none"> <li>• Site is in the hands of Travellers, and has been in use as a Traveller site for over 20 years;</li> <li>• As such, the occupants of the site have long-established ties to the area;</li> <li>• Site is close enough to A570 and public transport connections but sufficiently separated from existing built-up areas so as to have a limited impact on the settled population;</li> <li>• Site is sufficiently separated from environmental constraints so as to have a limited impact on (or not to be impacted by) the local environment;</li> <li>• Whilst in the Green Belt, the site is well screened by established hedging, lessening its visual impact;</li> <li>• Site is close to a level crossing, but the Council has no record of any incidents at the level crossing resulting from the use of the site for Traveller accommodation.</li> </ul>

Site	Name	Comments on Deliverability
14	White Moss Road South (B), Skelmersdale	<ul style="list-style-type: none"> <li>Submitted by its owners as a Traveller site;</li> <li>Site sandwiched between Whitemoss hazardous waste landfill site and M58 motorway, thus considered to have potential for a transit site only;</li> <li>Close to three underground oil and high pressure gas pipelines, all of which are Major Hazardous Installations with buffer zones in which the Health and Safety Executive is opposed to the siting of caravans;</li> <li>Question marks over deliverability – owners are willing to make the site available for Travellers, but do not want to run the site as a transit Traveller site.</li> </ul>
16	Blackacre Lane, Ormskirk	<ul style="list-style-type: none"> <li>Site owned by Travellers; used for grazing horses, rather than for accommodation;</li> <li>Site is not in an area of Traveller accommodation need;</li> <li>Open, slightly elevated, Green Belt land with little ‘screening vegetation’; as a result, use of this site for Travellers would be likely to have significant visual impact and cause harm to the perceived openness of the Green Belt;</li> <li>Poor road access;</li> <li>Site is reasonably sustainable in terms of access to facilities;</li> <li>Use of this site as a Traveller site would be likely to have a negative effect on the nearby settled community (200-300m away).</li> </ul>
17	Butcher’s Lane, Aughton	<ul style="list-style-type: none"> <li>Not in an area of identified Traveller accommodation need;</li> <li>Site is situated on a rural lane with residential properties directly adjacent on both sides, meaning that its use as a Traveller site would be likely to be a significant impact on the local settled community;</li> <li>Green Belt site with little screening vegetation to Butcher’s Lane and to adjacent properties;</li> <li>Site lies partly in Flood Zone 3;</li> <li>Unsustainable location in the sense that it is remote from services and public transport;</li> <li>Owner has expressed willingness for the land to be used for Travellers but is not actively promoting the site as such.</li> </ul>
18	Land east of Brookfield Lane, Aughton	<ul style="list-style-type: none"> <li>Not in an area of identified Traveller accommodation need;</li> <li>Large site with some road frontage, mostly set back from the road; highly visible from the Ormskirk – Liverpool railway;</li> <li>Brookfield Lane is a minor, rural road;</li> <li>Open Green Belt site; it is unlikely to be feasible to achieve adequate screening of the site, especially from the adjacent railway line (on an embankment) and thus the use of the site for Travellers is likely to have significant visual impact;</li> <li>Site comprises a significant area of Grade 1 agricultural land;</li> <li>Public footpath runs through site;</li> <li>Unsustainable location, remote from services and public transport;</li> <li>Owner has expressed willingness for the land to be used for Travellers but is not actively promoting the site as such.</li> </ul>

As a result of the above, just three sites of the original list of 20 (subsequently reduced to 7) potential candidate sites are proposed as ‘preferred options’ for allocation in the Traveller Sites DPD.

Sites 14, 16, 17, and 18 above may be considered as ‘reasonable alternatives’ although the sites are not considered deliverable.

The draft Traveller Sites DPD sets out the 'preferred sites' as follows:

Permanent Gypsy and Traveller Accommodation

The draft GTAA states a need of 14 pitches by 2018, rising to 22 by 2033 in the Banks / Scarisbrick / Skelmersdale area. The preferred sites to contribute towards meeting this need are:

- (i) Site 3: Sugar Stubbs Lane, Banks; 3 pitches
- (ii) Site 8: Pool Hey Caravan Park, Scarisbrick; 5 pitches

Transit Site

The draft GTAA states a need of 4 pitches on one site in the Skelmersdale area or the M58 corridor.

Due to site availability / suitability / achievability constraints, it has not been possible to identify a deliverable candidate transit site. There are no reasonable alternatives for provision of a transit site.

Travelling Showpeople Site

In terms of sites for Travelling Showpeople and their equipment, a need has been identified in the Burscough area for a Travelling Showpeople yard with at least one residential plot.

Site 6: Land west of The Quays, Burscough, is proposed as a Travelling Showpeople site. However, this is simply a formalisation of an existing consented use; Travelling Showpeople needs, as set out in the GTAA, are over and above the consented use of Land west of The Quays.

Once again, due to site availability / suitability / achievability constraints, it has not been possible to identify a candidate Travelling Showpeople site in the Burscough area. There are no reasonable alternatives for provision of a Travelling Showpeople site.

As such, the 'Preferred Option' does not actually meet identified needs, and due to a lack of deliverable candidate sites, it is difficult to identify any reasonable alternatives for meeting Traveller accommodation needs in West Lancashire through the allocation of specific sites.



## Development of Alternatives

In addition to the allocation of preferred sites, Chapter 6 of the Traveller Sites DPD sets out five broader alternatives for Traveller site provision. The reasons for the choice of the five alternative approaches are set out in the draft DPD itself; the alternatives are summarised as follows:

- Alternative 1: Increase planned provision for Traveller accommodation, in order to offer choice to Travellers seeking accommodation;
- Alternative 2: Increase planned provision for Traveller accommodation, in order to offer help meet neighbouring authorities' needs for Traveller accommodation;
- Alternative 3: Reduce planned provision for Traveller accommodation below the levels set out in the draft GTAA, in anticipation of neighbouring local authorities offering to meet needs in West Lancashire;
- Alternative 4: Allocate fewer sites, or no sites at all, for Traveller provision in West Lancashire, and rely instead on planning applications for sites in suitable locations that meet the criteria set out in policy GT1;
- Alternative 5: Set out a different distribution of proposed Traveller sites, either different sites in the same general locations, or sites in different locations (to provide the same amount of accommodation as in the preferred options).

In terms of this sustainability appraisal, rather than assessing the preferred sites against five different alternative approaches, the assessment has been carried out using Alternatives 1 and 2 above combined into a single alternative (as they both involve allocating a greater number of sites). In a similar manner, Alternatives 3 and 4 have been combined into a single alternative (allocating a smaller number of sites). The resulting combination of alternatives is considered reasonable as it encompasses most possible scenarios (more sites, fewer sites, the proposed sites, different sites).

Table 10.2 overleaf compares the likely effects of the preferred options for Traveller sites, as set out in chapter 6 of the draft Traveller Sites DPD, with Alternatives 1 and 2 (provision of more sites), Alternatives 3 and 4 (provision of fewer sites) and Alternative 5 (a different, although unspecified, distribution of sites to provide the same levels of accommodation as the preferred option<sup>2</sup>).

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<sup>2</sup> Assuming the alternatives are taken from sites 14, 16, 17 or 18 (Table 5.2), sites 16 and 18 have the capacity to accommodate more pitches than the preferred sites. It is assumed that part of these site (or one of these sites) would be used as Traveller accommodation, with the remainder of the site left undeveloped as at present.

**Table 10.2 Appraisal of the Effects of Preferred and Alternative Options on the 18 Sustainability Objectives**

Objective	Env	Soc	Econ	Preferred Options for Traveller accommodation	Alternatives 1 and 2: Provision of more sites	Alternatives 3 and 4: Provision of fewer sites	Alternative 5: Different distribution of Traveller sites
1. To reduce the disparities in economic performance within the Borough		Y	Y	The Traveller sites DPD is concerned with providing accommodation for Travellers in the most appropriate locations. This Objective is concerned with providing job opportunities / investment, and thus the effect of allocating the preferred sites on this Objective should be minimal. There should be no effect on the baseline position.	The allocation of more sites will have a minimal / neutral effect on meeting the employment needs of the Borough. Many Travellers are self-employed and the transit site is not a permanent residence so would not assist in reducing economic disparities within the Borough. There should be no effect on the baseline position.	Fewer site allocations would most likely have a minimal / neutral effect on meeting the employment needs of local people, given many Travellers are self-employed. There should be no effect on the baseline position.	A different geographical distribution of Traveller sites should have a negligible effect on reducing economic disparities. There should be no effect on the baseline position.
2. To secure economic inclusion		Y	Y	The preferred sites have been selected with the intention of providing accommodation within easy reach of employment (subject to constraints such as flood risk). The preferred sites would have a small positive effect in terms of providing physical accessibility to jobs, although this is likely to be insignificant given many Travellers are self-employed.	The allocation of additional sites should not have any effect on improving the employment needs of the local community. The criteria of the Gypsy and Traveller Policy will seek to ensure that site allocations are in sustainable areas that are easily accessible by public transport and/or close to areas of employment. There should be no effect on the baseline position.	The allocation of fewer sites should not have any effect on improving the employment needs of the local community. The criteria of the Gypsy and Traveller Policy will seek to ensure that site allocations are in sustainable areas that are easily accessible by public transport and/or close to areas of employment. There should be no effect on the baseline position.	Many Travellers are self-employed and thus the overall effect is likely to be insignificant.
3. To develop and maintain a healthy labour market		Y	Y	One sub-criterion of this Objective relates to levels of participation in education. Criteria for selecting the preferred Traveller sites include ease of access to schools, and thus the allocation and use of the preferred sites should help increase participation in education, albeit for	Provision of additional sites, if occupied, should increase levels of participation in education, therefore having no effect upon the baseline position.	Provision of fewer sites will mean fewer opportunities for participation in education, lessening the overall positive effect to insignificant levels.	A different distribution of sites (if the different sites are further from education facilities than the preferred sites) would mean that participation in education is likely to be less easy, hence no effect on the baseline.

Objective	Env	Soc	Econ	Preferred Options for Traveller accommodation	Alternatives 1 and 2: Provision of more sites	Alternatives 3 and 4: Provision of fewer sites	Alternative 5: Different distribution of Traveller sites
				limited numbers of pupils. Overall, the effect is not judged to be significant compared to the baseline.			
4. To encourage sustainable economic growth	Y	Y	Y	The sub-criteria relating to this objective are concerned with economic diversification and the attraction of new business. Self-employed Travellers would not be expected to provide job opportunities for the settled community, and thus the overall effect on economic growth is likely to be positive but minimal.	The allocation and occupation of additional sites could lead to more Travellers residing in the Borough, and more business.	The allocation and occupation of fewer sites would result in fewer Travellers residing in the Borough, and lower business growth, compared with the preferred options for sites; however, the overall effect is likely to be negligible.	A different distribution of sites should result in no difference in effect compared with the preferred distribution of sites.
5. To deliver urban renaissance	Y	Y	Y	The sub-criteria for this Objective relate to the physical fabric of settlements, which has little relevance to provision of Traveller sites, hence no effect of any significance on the baseline position.	No effect on the baseline position.	No effect on the baseline position	No effect (the only urban sites amongst the 20 candidate sites are subject to constraints and have unrealistic prospects of allocation).
6. To deliver rural renaissance	Y	Y	Y	The sub-criteria for this Objective relate to rural diversification, growth of sustainable rural businesses and provision of services. Whilst Traveller sites may accommodate self-employed people and their businesses, these business opportunities are not expected to be available to non-residents of the sites, so the overall effect on the baseline is negligible.	No effect on the baseline position.	No effect on the baseline position.	No effect on the baseline position.

Objective	Env	Soc	Econ	Preferred Options for Traveller accommodation	Alternatives 1 and 2: Provision of more sites	Alternatives 3 and 4: Provision of fewer sites	Alternative 5: Different distribution of Traveller sites
7. To develop and market the Borough's image	Y	Y	Y	<p>Two sub-criteria are of relevance: preservation / enhancement of the built / natural environment in the Borough, and attraction of visitors, investors and residents. Traveller sites are unlikely to enhance the Borough's environment (although a well-planned and tidy site, complying with Local Plan policies on design, etc., need not have any negative effect). Whilst Travellers could be classed as "visitors" to the area, the sub-criteria are more likely to be concerned with tourists and business investors than Travellers.</p> <p>Overall, the effect is likely to be a combination of a minor negative and a minor positive effect, resulting in a neutral effect overall on the baseline.</p>	The "balance" described in the assessment of the effect of the preferred options for sites would apply equally to an increased number of sites. There should be no effect on the baseline position	<b>(N)</b> The "balance" described in the assessment of the effect of the preferred options for sites would apply equally to a reduced number of sites. However, one consequence of under-providing sites would be an increased likelihood of unauthorised encampments, which tend to be unsightly, and thus likely to result in a negative effect.	A different distribution of sites should have no different effect on the Borough's image compared with the preferred sites and the baseline.
8. To improve access to basic goods and services	Y		Y	<p>This objective is concerned with the range and quality of cultural and recreational facilities, essential services, and access to locally-sourced goods.</p> <p>As such it is of limited relevance to the topic of Traveller sites, hence no effect in the baseline data.</p>	No effect on the baseline position.	No effect on the baseline position	No effect on the baseline position.
9. To improve access to good quality, affordable and resource efficient housing		Y		<b>(P)</b> The most pertinent sub-criterion for this Objective refers to an appropriate mix of housing to meet all needs. Assuming Traveller accommodation can be included in this category, the provision of suitable	<b>(VP)</b> The allocation of a greater number of Traveller sites will further assist in meeting the accommodation needs of this group of people.	The allocation of fewer sites will have a less positive effect in comparison to alternatives 1 and 2 on providing accommodation for this group of people than the preferred option. Therefore no	<b>(P)</b> Providing the same amount of accommodation, albeit in different locations, should have a similar effect to the preferred option.

Objective	Env	Soc	Econ	Preferred Options for Traveller accommodation	Alternatives 1 and 2: Provision of more sites	Alternatives 3 and 4: Provision of fewer sites	Alternative 5: Different distribution of Traveller sites
				accommodation to meet Traveller needs will have a positive effect on this group of people and on the baseline position.		effect on the baseline	
10. To reduce crime and disorder and the fear of crime		Y		Sub-criteria relate to community development, relations between sections of the community, crime and fear of crime. These issues are emotive and are likely to be a hindrance in securing the allocation of sites in the first place. However, the allocation of appropriate, good quality sites, and community cohesion through the criterion policy should help ensure positive effects in terms of this Objective. As these outcomes are not guaranteed, this category has been assigned a “no effect” score rather than “likely positive” score compared with the baseline.	A greater number of site allocations is likely to have a similar effect to the preferred option, subject to the same conditions / caveats. There should be no effect on the baseline position.	<b>(N)</b> Fewer site allocations could result in needs not being met, leading to a greater likelihood of unauthorised encampments, which tend to reinforce negative public perceptions of Travellers, and provide little motivation on the part of Travellers to integrate with the local settled community. Negative effect compared with the baseline position.	Providing enough sites to meet Traveller needs should have a similar effect to the preferred option, although it is likely to be less positive in comparison to preferred option and alternatives 1 and 2, if sites are in less appropriate locations.
11. To reduce the need to travel, improve the choice and use of sustainable transport modes	Y	Y		The most relevant sub-criteria relate to increased walking, cycling and public transport use. The preferred sites have been chosen taking into account, <i>inter alia</i> , their proximity to services and public transport, but in practice it is recognised that Travellers tend to have and use private motorised transport. The overall effect, therefore, is likely to be positive but not significant compared with the baseline position.	More site allocations could have both a negative and positive effect on the use of sustainable transport modes. If more sites were located in sustainable areas this would have a greater positive effect. However, if more rural unsustainable sites were allocated this would have less of a positive effect. Overall, it is assumed the effect on the baseline position will be similar to that of the preferred option.	If fewer sites were allocated, these “fewer sites” would be in equally sustainable locations to the preferred sites. However, not meeting needs would be likely to result in unauthorised encampments, and these could be in less sustainable locations (but may not be). No effect on baseline position assumed because of uncertainty	A different distribution of proposed Traveller sites is likely to be less sustainable than those set out in the preferred options, but the overall effect / change in effect is likely to be insignificant.

Objective	Env	Soc	Econ	Preferred Options for Traveller accommodation	Alternatives 1 and 2: Provision of more sites	Alternatives 3 and 4: Provision of fewer sites	Alternative 5: Different distribution of Traveller sites
12. To improve physical and mental health and reduce inequalities		Y		<b>(P)</b> Sub-criteria refer to improve physical and mental health, vulnerable groups, health inequalities and isolation. By providing suitable sites for Traveller accommodation, the preferred options can contribute towards a positive effect on these issues for Travellers. Ease of access to health facilities is one of the criteria used in site assessment. Overall, it is anticipated there would be a positive effect compared with the baseline position.	<b>(P)</b> Additional site allocations should result in a similar, or greater positive effect compared with the preferred options for sites.	<b>(N)</b> Fewer site allocations could result in the accommodation needs of some Travellers not being met, which could lead to unauthorised encampments and constant “moving on”, allowing less access to health facilities and a lower quality of life for some.  (Moving on refers to unauthorised transit sites, that are closed down through enforcement action)	<b>(P)</b> Providing enough sites to meet Traveller accommodation needs should help address this Objective. However, a different distribution of sites may (or may not) result in health facilities being more difficult to access, hence a less positive effect than for the preferred option or alternative options 1 & 2. Overall, a small positive effect compared with the baseline position.
13. To protect places, landscapes and buildings of historical, cultural and archaeological value	Y			<b>(N)</b> The preferred Traveller sites are generally in rural locations, and thus there is a high possibility that the landscape in these locations will be adversely affected, although the site selection criteria seek to avoid negative effect on important or historic landscapes. Overall, it is anticipated there would be a minor negative effect compared with the baseline.	<b>(N)</b> Providing further sites could lead to greater effect on landscapes and / or countryside, especially if the additional sites have issues with regard to their effect on the landscape. However it may be possible to mitigate the effects for some sites. Effect could be judged to be “negative” or “very negative” compared with the baseline.	<b>(VN)</b> Whilst provision of fewer sites will lead to less cumulative effect on the landscape, this could result in an increased likelihood of unauthorised encampments. Such encampments may have a much more negative effect on the countryside. Conversely, occupants of longer-term unauthorised sites may sometimes screen their sites, in which case the effect could be “negative” rather than “very negative”.	<b>(N)</b> A different distribution of Traveller sites is likely to have a similar or slightly more negative effect on the landscape, although once again, these sites can be appropriately screened to mitigate their effect; however there still could be unauthorised encampments.
14. To restore and protect land and soil quality	Y			<b>(N)</b> The two preferred sites which are already in use will have resulted in the loss of a small amount of greenfield land and some low grade agricultural land. The other site is on brownfield	<b>(N)</b> An increase in allocated sites is likely to result in a greater loss of greenfield land, and could potentially lead to loss of more significant amounts of agricultural land,	<b>(N)</b> Whilst provision of fewer sites will lead to a lesser cumulative effect, it could also result in more unauthorised encampments in more “harmful” locations, with a	<b>(N)</b> A different distribution of sites is likely to have a slightly more negative effect on the baseline than the preferred sites, although, depending on

Objective	Env	Soc	Econ	Preferred Options for Traveller accommodation	Alternatives 1 and 2: Provision of more sites	Alternatives 3 and 4: Provision of fewer sites	Alternative 5: Different distribution of Traveller sites
				land. The overall effect is likely to a minor negative effect compared with the baseline position.	however this could be offset as there would be a reduction in unauthorised encampments.	greater overall “net” negative effect than for the preferred option depending upon their location. Whether this is “negative” or “very negative” depends on the locations of any unauthorised encampments.	which sites are chosen, could have a more significant negative effect.
15. To protect and enhance biodiversity	Y			<p>The preferred sites have been selected using, <i>inter alia</i>, a criterion seeking to avoid negative effects on nature conservation sites. The sites chosen will not enhance biodiversity, but should not have any significant negative effect on biodiversity in the baseline evidence.</p> <p>A number of the preferred sites are already in Traveller use at present. No overall effect upon the baseline position.</p>	<b>(N)</b> An increase in allocated sites would potentially increase the likelihood of some effect upon habitats and species, through a cumulative effect, mitigation measures would need to be implemented to deal with any loss. Overall it is likely there would be a minor negative effect compared with the baseline position.	<b>(N)</b> Fewer allocated sites would reduce the effect upon habitat and species within the borough, but could result in a greater number of unauthorised developments in locations affecting nature conservation sites.	A different distribution of sites to meet the same accommodation needs is unlikely to have any significantly worse effect on biodiversity compared to the baseline position than the preferred sites.
16. To protect and improve the quality of both inland coastal waters and protect against flood risk	Y			The preferred sites avoid Flood Zone 3, in accordance with national policy. Any allocated sites will need to satisfy the Exceptions Test, where applicable. Allocating the preferred sites will not have a positive effect on flood risk, but neither should it have any significant negative effect. Thus overall, no net effect on the baseline position.	<b>(N)</b> Providing more sites could result in an increase in flood risk, depending on the location of the sites chosen. The extent of any negative effects depends on the sites chosen.	<b>(N)</b> Providing fewer sites could result in unauthorised encampments, which may be in flood risk areas. Two current unauthorised sites are in Flood Zone 3. The extent of negative effects depends on the occurrence and location of any unauthorised encampments.	<p>A different distribution of sites to meet the same accommodation needs is unlikely to have any significantly worse effect on flood risk, provided sites in Flood Zone 3 are avoided.</p> <p>Whether or not the effect is negative and significant depends on the location of the alternative sites. Thus overall, no net effect on the baseline position.</p>

Objective	Env	Soc	Econ	Preferred Options for Traveller accommodation	Alternatives 1 and 2: Provision of more sites	Alternatives 3 and 4: Provision of fewer sites	Alternative 5: Different distribution of Traveller sites
17. To protect and improve air, light and noise quality.	Y			The preferred sites should have no significant effect on air quality and noise / light pollution, provided suitable measures be put in place on allocated sites to provide suitable acoustic and visual screening. There is no indication of any likely effect upon the baseline position.	<p>An increase in sites could potentially mean an increase in car usage, thus decreasing air quality. (Having said that, unauthorised sites could also generate a greater number of vehicle movements.) This would be dependent upon the location of sites and if they were in sustainable locations.</p> <p>There is no indication of any likely effect upon the baseline position.</p>	<p>Fewer allocated sites would potentially have a lesser effect upon noise and air quality. However the effect would be dependent upon the location of sites the sustainability of their locations. Unauthorised encampments also generate vehicle movements</p> <p>There is no indication of any material effect upon the baseline.</p>	A different distribution of sites should have no significant effect on air quality and noise / light pollution, provided suitable measures are put in place to provide suitable acoustic and visual screening and reduce effects on air quality if located further away from services. Unauthorised encampments also generate vehicle movements There is no indication of likely effect upon the baseline position.
18. To ensure the prudent use of natural resources, including the use of renewable energies and the sustainable management of existing resources	Y			Providing accommodation to meet Traveller needs will have implications for use of resources, but these effects are not likely to be significant given the relatively small Traveller accommodation requirements in West Lancashire, compared with, say bricks and mortar housing requirements. There is no evidence of a likely material effect upon the baseline position.	More sites will inevitably produce a higher demand on the use of resources; however policies within the Local Plan ensure that renewable energies and sustainable design/ construction will be implemented. There is no evidence of a likely material effect upon the baseline position.	Fewer sites will in theory produce a lower demand on the use of resources. Unlikely to be any material effect on the baseline position.	A different distribution of sites should have no noticeable different effect on the use of resources compared with the preferred options for sites.



## 11. Conclusions

This interim Sustainability Appraisal report represents a fulfilment of the Stages A – C of the Sustainability Appraisal process for the Provision for Traveller Sites Development Plan Document: Options and Preferred Options (“the Traveller Site DPD”).

An assessment has been made of the Traveller Sites DPD’s proposed policy to assess planning applications for Traveller sites (policy GT1) against the baseline position with regard to the 18 Sustainability Objectives of the West Lancashire Local Plan. For comparison purposes, two reasonable alternatives to policy GT1 were assessed: an alternative, less stringent policy, and a scenario where there would be no policy in place.

It is concluded that the proposed Policy GT1 would be likely to have the most beneficial effects overall compared with the baseline position, its criteria seeking to minimise negative effects on matters linked with the 18 sustainability objectives of the Local Plan insofar as they relate to the provision of accommodation for Travellers. A less stringent policy (allowing development further away from facilities, and / or in the Green Belt, and / or in areas of landscape value), or a lack of a specific local policy would be likely to have a slightly more negative effect overall in terms of sustainability.

In the same way, an assessment was made of the preferred options for Traveller site allocation against the 18 Local Plan Sustainability Objectives, and this was compared with three reasonable alternative approaches of providing additional sites, providing fewer sites, and providing sites of the same capacity but in different geographical locations from the preferred sites.

In the light of an assessment of the deliverability of potential candidate sites, the preferred Traveller sites for allocation are:

- Site 3 – Sugar Stubbs Lane, Banks. Permanent Gypsy and Traveller accommodation; 3 pitches;
- Site 6 – Land west of The Quays, Burscough. Travelling Showpeople accommodation; 10 pitches;
- Site 8 – Pool Hey Caravan Park, Pool Hey Lane – Permanent Gypsy and Traveller accommodation; 5 pitches.

Table 10.2 indicates that the preferred sites are likely to have the most positive overall effects in terms of sustainability (environmental, social, and economic), but that an alternative distribution of sites is likely to have similar effects under many of the sustainability objectives. The provision of additional sites is likely to lead to greater negative effects in terms of environmental sustainability, but may be preferable in terms of social sustainability as providing more sites would meet accommodation needs to a greater extent. Conversely, providing fewer sites would have a more significant negative effect as needs would be met to a lesser extent than under the preferred options, and as there may consequently be a greater probability of unauthorised Traveller encampments.

All four scenarios include elements of negative impact; this is because the allocation of sites for Travellers will inevitably result in impacts such as the loss of agricultural or horticultural land, and the use of private motorised transport.

## **Next Steps**

The results of this Interim Sustainability Appraisal have fed into the Traveller Sites DPD: Options and Preferred Options document. This report will be consulted upon, alongside the draft DPD. Comments received through the consultation process will be taken into account when preparing the next stage of the DPD (Publication version), at which point a further Sustainability Appraisal will be undertaken.

## APPENDIX 1: REVIEW OF RELEVANT PLANS AND PROGRAMMES

Strategy/Plan/Programme	Key Objectives relevant to Provision for Traveller Sites DPD	Key targets and indicators relevant to Traveller Sites DPD	Implications for Provision for Traveller Sites DPD	Implications for Sustainability Appraisal
<b>INTERNATIONAL</b>				
Johannesburg Declaration on Sustainable Development	<ul style="list-style-type: none"> <li>• Commitment to building a humane equitable global community for all.</li> <li>• Renewable energy and efficiency</li> <li>• Sustainable construction.</li> <li>• Reducing impacts on biodiversity.</li> </ul>	<ul style="list-style-type: none"> <li>• Greater resource energy efficiency.</li> <li>• Renewable energy.</li> <li>• Increase energy efficiency.</li> </ul>	<ul style="list-style-type: none"> <li>• The Gypsy and Travellers Policy and allocated sites should encourage the use of energy efficiency resource and the use of renewables where possible.</li> </ul>	<ul style="list-style-type: none"> <li>• The SA will be required to provide objectives relating to the environment and the use of natural resources and renewable energy.</li> </ul>
Kyoto Protocol (1997)	<ul style="list-style-type: none"> <li>• To prevent greenhouses gases and climate change.</li> </ul>	<ul style="list-style-type: none"> <li>• Reduce emission levels</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage renewable energy</li> </ul>	<ul style="list-style-type: none"> <li>• The SA will be required to provide objectives relating to the environment and the use of natural resources and renewable energy.</li> </ul>
European Spatial Development Perspective	<ul style="list-style-type: none"> <li>• Economic/Social cohesion.</li> <li>• Conservation of natural and cultural heritage.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Consider the Directive within the SA.</li> </ul>
Directive 2001/42/EC on the assessment of the effects of certain plans on the environment	<ul style="list-style-type: none"> <li>• Protection of the environment.</li> </ul>	<ul style="list-style-type: none"> <li>• Must apply to plans after 21/07/2006.</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a Policy and ensure allocated sites take account of Directives requirements</li> </ul>	<ul style="list-style-type: none"> <li>• Requirements of the Directive must be met within the SA.</li> </ul>
EU Air Quality Framework Directive 1996/62/EC and 1999/30/EC, 2000/3/EC	<ul style="list-style-type: none"> <li>• Maintain good air quality and improve where possible.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a Policy and ensure allocated sites take account of the requirements of the Directive.</li> </ul>	<ul style="list-style-type: none"> <li>• The SA should include objectives to consider air quality.</li> </ul>
EU Water Framework Directive 2000/60/EC	<ul style="list-style-type: none"> <li>• Prevent deterioration of aquatic water systems.</li> <li>• Promote sustainable water use.</li> <li>• Reduce underground pollution</li> <li>• Mitigate effects of flooding and droughts.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• Develop a Policy and ensure allocated sites take account of the requirements of the Directive.</li> </ul>	<ul style="list-style-type: none"> <li>• The SA should include objectives to consider water quality.</li> </ul>

Strategy/Plan/Programme	Key Objectives relevant to Provision for Traveller Sites DPD	Key targets and indicators relevant to Traveller Sites DPD	Implications for Provision for Traveller Sites DPD	Implications for Sustainability Appraisal
Drinking Water Directive	<ul style="list-style-type: none"> <li>Quality of drinking water</li> </ul>	<ul style="list-style-type: none"> <li>Standards are legally binding</li> </ul>	<ul style="list-style-type: none"> <li>Develop a Policy and ensure allocated sites take account of the requirements of the Directive.</li> </ul>	<ul style="list-style-type: none"> <li>The SA should include objectives to consider water quality.</li> </ul>
Bern Convention on the Conservation of European Wildlife and Natural Habitats (1979)	<ul style="list-style-type: none"> <li>To ensure conservation of wild flora and fauna species and habitats. Special attention should be given to endangered and vulnerable species, included endangered and vulnerable migratory species.</li> </ul> <p>There are three main aims:</p> <ol style="list-style-type: none"> <li>1. Conserve wild flora, fauna and Natural Habitats.</li> <li>2. To promote co-operation between states.</li> <li>3. To give particular attention to vulnerable/endangered species.</li> </ol>	<ul style="list-style-type: none"> <li>No targets identified</li> </ul>	<ul style="list-style-type: none"> <li>Develop a Policy and ensure that allocated sites take account of the requirements of the Directive.</li> </ul>	<ul style="list-style-type: none"> <li>The SA should consider the natural environment, biodiversity issues and the protection of endangered species.</li> </ul>
EU Directive on the Conservation of Wild Birds 79/409/EEC	<ul style="list-style-type: none"> <li>Identification of endangered species for which Member States are required to designate Special Protection Areas.</li> </ul>	<ul style="list-style-type: none"> <li>Creation of protected areas;</li> <li>Upkeep and Management;</li> <li>Re-establishment of destroyed biotopes.</li> </ul>	<ul style="list-style-type: none"> <li>Develop a Policy and ensure allocated sites take account of the requirements of the Directive.</li> </ul>	<ul style="list-style-type: none"> <li>The SA should consider the protection of endangered species.</li> </ul>
EU Directive on the Conservation of Natural Habitats and Wild Flora and Fauna 92/43/EEC	<ul style="list-style-type: none"> <li>To conserve natural habitats;</li> <li>Identification of areas of conservation and maintain landscape features;</li> <li>Protection of Species.</li> <li>The consideration of Appropriate Assessments.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Develop a Policy and ensure allocated sites take account of the requirements of the Directive.</li> </ul>	<ul style="list-style-type: none"> <li>The SA should consider the protection of landscape benefit for ecological issues.</li> </ul>
RAMSAR Convention on Wetlands of International Importance (1971)	<ul style="list-style-type: none"> <li>The conventions mission statement is 'the conservation and wise use of all wetlands through local, regional and national actions and international co-operation, as a contribution to sustainable development throughout the world'.</li> </ul>	<ul style="list-style-type: none"> <li>None</li> </ul>	<ul style="list-style-type: none"> <li>Develop a Policy and ensure allocated sites take account of the requirements of the Directive.</li> </ul>	<ul style="list-style-type: none"> <li>The SA should consider the protection of identified European sites of nature conservation significance.</li> </ul>

Strategy/Plan/Programme	Key Objectives relevant to Provision for Traveller Sites DPD	Key targets and indicators relevant to Traveller Sites DPD	Implications for Provision for Traveller Sites DPD	Implications for Sustainability Appraisal
EU Framework Waste Directive 75/442/EEC (as amended)	<ul style="list-style-type: none"> <li>Seeks to prevent and reduce the production of waste and its impacts;</li> <li>Where necessary waste should be disposed of with creating environmental problems.</li> </ul>	<ul style="list-style-type: none"> <li>Promoting of the development of clean technologies to process waste;</li> <li>Promote re-cycling and re-use</li> </ul>	To develop policies and programmes which take account of the Directive's requirements and consider recycling and treatment of waste?	<ul style="list-style-type: none"> <li>The SA should include the minimisation of waste as an objective.</li> </ul>
Aarhus Convention (1998)	<ul style="list-style-type: none"> <li>Contribute to the protection of the right of every person and future generations to live in an environment adequate to his / her health and well-being by: <ol style="list-style-type: none"> <li>Access to Information;</li> <li>Public Participation in Decision Making;</li> <li>Access to Justice.</li> </ol> </li> </ul>	None	<ul style="list-style-type: none"> <li>Ensure public are consulted at relevant stages.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure the public are consulted at the relevant stages.</li> </ul>
<b>NATIONAL</b>				
NPPF	<ul style="list-style-type: none"> <li>An economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;</li> <li>A social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and</li> <li>An environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve</li> </ul>	<ul style="list-style-type: none"> <li>Making it easier for jobs to be created in cities, towns and villages;</li> <li>Moving from a net loss of biodiversity to achieving net gains for nature;6</li> <li>Replacing poor design with better design;</li> <li>Improving the conditions in which people live, work, travel and take leisure; and</li> <li>Widening the choice of high quality homes.</li> </ul>	<ul style="list-style-type: none"> <li>To develop the Policy ensuring that allocates sites take account of the NPPF.</li> </ul>	<ul style="list-style-type: none"> <li>Ensure that the Policy and site allocations are economically, socially and environmentally sustainable.</li> </ul>

Strategy/Plan/Programme	Key Objectives relevant to Provision for Traveller Sites DPD	Key targets and indicators relevant to Traveller Sites DPD	Implications for Provision for Traveller Sites DPD	Implications for Sustainability Appraisal
	<p>biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.</p>			
<p>NPPF – Planning policy for Traveller Sites August 2015</p>	<ul style="list-style-type: none"> <li>• Fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers while respecting the interests of the settled community.</li> </ul>	<ul style="list-style-type: none"> <li>• LPA’s make their own assessment of need for the purpose of planning</li> <li>• LPA’s work collaboratively, develop fair and effective strategies to meet need through the identification of land for sites</li> <li>• Protect Green Belt land from inappropriate development</li> <li>• Reduce the number of unauthorised developments and encampments</li> </ul>	<ul style="list-style-type: none"> <li>• The Policy and site allocations should take into account the key objectives of the Planning Policy for Traveller Site document.</li> </ul>	<ul style="list-style-type: none"> <li>• The SA should consider, where appropriate, the need for objectives relating to social cohesion.</li> </ul>
<p>NPPG - Ensuring effective enforcement</p>	<ul style="list-style-type: none"> <li>• Enforcement of unauthorised camps</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• The Policy and site allocations should take into account the key objectives of the Planning Policy for Traveller Site document.</li> </ul>	
<b>SUB REGIONAL</b>				
<p>Lancashire Minerals and Waste Local Plan</p>	<ul style="list-style-type: none"> <li>• To resist minerals or waste developments where they could cause unacceptable impact on people and the environment;</li> <li>• To minimise the adverse impact of minerals or waste developments and seek where appropriate environmental and social benefits;</li> </ul>	<ul style="list-style-type: none"> <li>• A variety of targets and indicators are referred to relating to a minerals production, waste minimisation and recycling relates.</li> </ul>	<ul style="list-style-type: none"> <li>• The Policy and site allocations should take into account the key objectives of the Minerals and Waste Local Plan where relevant.</li> </ul>	<ul style="list-style-type: none"> <li>• The SA should consider, where appropriate, the need for objectives relating to minerals and waste.</li> </ul>

Strategy/Plan/Programme	Key Objectives relevant to Provision for Traveller Sites DPD	Key targets and indicators relevant to Traveller Sites DPD	Implications for Provision for Traveller Sites DPD	Implications for Sustainability Appraisal
	<ul style="list-style-type: none"> <li>• To identify the requirements for, and ensure a supply of land to meet necessary local, regional and national supplies of minerals;</li> <li>• To safeguard minerals resources for the future;</li> <li>• Increased emphasis on waste minimisation, re-use and recycling whilst ensuring that adequate provision is made for the treatment and disposal of waste;</li> <li>• To ensure that minerals and waste development are reclaimed to a high standard, to enable an acceptable after the use to be implemented;</li> <li>• To encourage the use of secondary materials;</li> <li>• To minimise the adverse impacts from the transport of minerals and waste; and</li> <li>• To facilitate the establishment of installations needed to minimise waste disposal.</li> </ul>			
A landscape strategy for Lancashire – Landscape Character Assessment (2000)	<ul style="list-style-type: none"> <li>• To outline how the landscape of Lancashire has evolved in terms of physical forces and human influences;</li> <li>• To classify the landscapes in district landscape types identifying key characteristics and sensitivities and providing principles to guide landscape change;</li> <li>• To describe the current appearance of the landscape, classifying it into district zones of homogenous character, summarising the key features of each landscape character area;</li> <li>• To describe the principal urban landscape types across the County, highlighting their historical development.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• To incorporate landscape protection into the Policy and site allocations.</li> </ul>	<ul style="list-style-type: none"> <li>• To include protection of landscapes in the Policy and site allocations.</li> </ul>

Strategy/Plan/Programme	Key Objectives relevant to Provision for Traveller Sites DPD	Key targets and indicators relevant to Traveller Sites DPD	Implications for Provision for Traveller Sites DPD	Implications for Sustainability Appraisal
West Lancashire Transport Masterplan	<ul style="list-style-type: none"> <li>• Reduce road casualties;</li> <li>• Improve access to jobs and services;</li> <li>• Improve air quality;</li> <li>• Improve the condition of transport infrastructure;</li> <li>• Reduce delays on journeys;</li> <li>• Increase journeys by bus and rail; and</li> <li>• Increase active travel.</li> </ul>	<ul style="list-style-type: none"> <li>• The Plan includes a wide range of targets and indicators relating to areas such as traffic growth, air quality and public transport use, cycling and walking rates, congestion and accessibility.</li> </ul>	<ul style="list-style-type: none"> <li>• Develop the Policy and site allocations in relation to improving the accessibility to services, encouraging the provision and use of public transport and cycling and walking.</li> </ul>	<ul style="list-style-type: none"> <li>• Include sustainability objectives in relation to improving traffic issues.</li> </ul>
<b>LOCAL</b>				
West Lancs Local Plan 2012-2027	<ul style="list-style-type: none"> <li>• Stronger and safer communities</li> <li>• Education, training and the economy</li> <li>• Health</li> <li>• Natural Environment</li> <li>• Housing</li> <li>• Services and Accessibility</li> <li>• Location of development and built environment</li> <li>• Climate Change</li> <li>• Provision of Gypsy and Traveller sites (Policy RS4)</li> </ul>	<ul style="list-style-type: none"> <li>• The Plan includes a wide range of targets and indicators.</li> </ul>	<ul style="list-style-type: none"> <li>• Develop the Policy and identification of the site allocations to address the relevant objectives of the Local Plan.</li> </ul>	<ul style="list-style-type: none"> <li>• To include objectives in the Policy and site allocations.</li> </ul>
West Lancashire District Council Statement of Community Involvement	<ul style="list-style-type: none"> <li>• Describes the various stages in document preparation when the Council will involve the community, the different groups to be contacted at each stage and for each type of document, and the different ways in which groups will be involved at each stage.</li> <li>• Explains how the Council will provide feedback on any comments received.</li> <li>• Provides a list of organisations and community groups that the Council will consult, both formally and informally.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• The consultation must comply with the SCI.</li> </ul>	<ul style="list-style-type: none"> <li>• Ensure the consultation on the SA in undertaken in accordance with the SCI.</li> </ul>
Housing Needs Survey	<ul style="list-style-type: none"> <li>• Provide accurate and robust information about the housing need requirements</li> <li>• Help support the Council's strategic housing role;</li> <li>• Help inform the Housing</li> </ul>	<ul style="list-style-type: none"> <li>• 20% elderly provision and 35% affordable housing provision.</li> </ul>	<ul style="list-style-type: none"> <li>• The DPD must address the issues of the Housing Needs Survey.</li> </ul>	<ul style="list-style-type: none"> <li>• SA Framework should include for the development of affordable and elderly housing.</li> </ul>



Strategy/Plan/Programme	Key Objectives relevant to Provision for Traveller Sites DPD	Key targets and indicators relevant to Traveller Sites DPD	Implications for Provision for Traveller Sites DPD	Implications for Sustainability Appraisal
	<p>Strategy for the Masterplan;</p> <ul style="list-style-type: none"> <li>• Identify key priorities to creating a balanced housing market in the District, particularly addressing issues of affordability;</li> <li>• Provide an assessment of housing markets in the District;</li> <li>• Assess the specific housing needs of ethnic minorities, older people and key workers in the District;</li> <li>• Provide projections on future housing need.</li> </ul>			
West Lancashire Open Space Strategy	<ul style="list-style-type: none"> <li>• To prioritise strategic sites for enhancement and development of open space and non-sports pitch facilities.</li> <li>• Provide quality targets and management targets for general open space and individual typologies.</li> <li>• Provide information that can be used within the LDF process and supplementary planning documents.</li> <li>• Protect sites, which increase nature conservation and biodiversity, from over use.</li> </ul>	<ul style="list-style-type: none"> <li>• None</li> </ul>	<ul style="list-style-type: none"> <li>• The DPD must consider open space.</li> </ul>	<ul style="list-style-type: none"> <li>• SA should take account of open space in the DPD.</li> </ul>

## APPENDIX 2:

### COLLECTION OF RELEVANT ECONOMIC, SOCIAL AND ENVIRONMENTAL BASELINE DATA

The indicators are West Lancashire Performance indicators

Indicator - 1. Encourage sustainable economic growth and performance.

Indicator	Data Source	Data recent at	West Lancs	North West	England	Comments	Expected baseline without the plan
All Economically Active	NOMIS	April 2014 – March 2015	(52500) 75.4%	74.7%	77.4%		No effect
% claiming JSA	NOMIS	August 2015	1.0%	1.5%	1.7%		No effect

Indicator – 2. Secure Economic Inclusion

Indicator	Data Source	Data recent	West Lancs	North West	England	Comments	Expected baseline without the plan
All Economically Active	2011 Census	2011	81,601	5,184,216	3,881,374	As census or NOMIS data above	Unknown

Indicator – 3. To deliver Urban Renaissance

Indicator	Data Source	Data recent	West Lancs	North West	England	Comments	Expected baseline without the plan
Number of dwellings.	2011 census (KS401EW)	2011	47,973	3,143,898	22,976,066		No effect
Deficiency of public open space	Playing pitch strategy	2004	Football: minor oversupply of adult pitches; significant shortfall of junior pitches; undersupply of mini pitches. Large undersupply of junior rugby union pitches. Small undersupply of adult rugby league pitches.			Current review underway due to be published 2015	No effect

Alternatively, there are figures for number of households, where numbers vary to above – see AMR 2015 page 54

Indicator – 4. To deliver Rural Renaissance

Indicator	Data Source	Data recent	West Lancs	North West	England	Comment	Expected baseline without the plan
% of new residential completions/ permissions within 1km of 5 basic services	WLBC	2015	65%	-	-	No figures available for overall population. Figures available for % of new residential completions / permissions based on 5 services in 1km. See AMR 2015 page 59	Unknown exact level but if no plan in place the Travelling community would possibly decrease this figure
Proportion of new housing granted consent and completed within 400m of an existing / proposed bus stop	WLBC (AMR 2015)	2015	91% completions	-	-		Unknown exact level but if no plan in place the Travelling community would possibly decrease this figure

Indicator - 5. To protect and improve the quality of inland and coastal waters, and manage flood risk

Indicator	Data Source	Data recent	West Lancs	North West	England	Comment	Expected baseline without the plan
Number of Planning Permissions permitted against Environment Agency Advice	2013 AMR Environment Agency	2013	0			This data is no longer published by the EA	No effect

Indicator – 6. To reduce the need to travel and improve the choice and use of sustainable transport modes.

Indicator	Data Source	Data recent	West Lancs	North West	England	Comment	Expected baseline without the plan
Proportion of new housing granted consent and completed within 400m of an existing / proposed bus stop	WLBC	2014/15	91% completions			Permissions based on 5 services in 1km. See AMR 2015 page 59	Unknown however without the plan unauthorised development and encampments may not meet this requirement
Average distance (km) travelled to a fixed place of work.						Question not asked in 2011 census.	Unknown
Length of Public Footpaths within the District	LCC GIS	2015	383km				No change
Length of cycle ways within the District	LCC GIS	2015	190km				No change
Number of people travelling to work within the borough	<a href="#">ONS Neighbourhood Statistics (2011 Census)</a>	2011	40%			40% of Boroughs workplace population commutes IN to the Borough	This figure would possible increase although it is unknown by how much

Indicator – 7. To minimise the requirement for energy, promote efficient energy use and increase the proportion of energy from renewable sources

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Daily domestic use of the water supply.	Audit commission	2004	148 Litres		154.14 Litres	No data.	No change
Average annual consumption of gas in Kwh.	Audit commission	2004	22971	20828	20496 (GB)	No data	No change
Average Annual Consumption of electricity in Kwh.	Audit commission	2004	4919	4393	4628 (GB)	No data	No change

Indicator – 8. To protect, enhance and manage West Lancashire’s rich and diverse culture and built environment and archaeological assets.

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Number of Conservation Areas	Council Heritage List	2015	28				No effect
Listed Buildings	English Heritage	2015	600				No effect
Building of Local Importance	Council Heritage List	2015	120			Under review to be published 2015	No effect

Indicator – 9. To protect and restore land and soil

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Proportion of land stock that is neglected, underused or derelict.	AMR 2012	2012	29	680	4080	We don't report this any longer. Relates to NLUD. NLUD data is maintained for WLBC use but HCA no longer request it. Also figures here are a total not a proportion	If no plan is in place loss of prime agricultural land could be compromised through unauthorised development/encampments

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Indicator – 10. To protect and enhance biodiversity and sites of geological importance

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Number of RAMSAR sites within the District.	West Lancs AMR	2012	2			No change	No change
Number of SSSIs within the District.	West Lancs AMR	2012	6			No change	No change
Number of TPOs	West Lancs AMR	2015	575				No change
Green Flag Awards	West Lancs AMR	2015	2				No change
Biological Heritage sites			5,111			Unknown. Assume no change.	No change

Indicator – 11. To improve health and well-being and reduce health inequalities.

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Life expectancy males	ONS	2011-2013	79		79.4		This would remain unchanged for the overall population; however it could increase life expectancy of the ethnic group
Life expectancy Female	ONS	2011-2013	82.5		83.1		This would remain unchanged for the overall population; however it could increase life expectancy of the ethnic group

Indicator – 12. To protect and improve air, light and noise quality

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Numbers of Air Quality Management Zones	West Lancs	2009	1			Moor Street Ormskirk.	No effect
% of moderate / higher pollutant days	West Lancs					Not recorded by WLBC	No effect

Indicator – 13. To improve access to and the provision of basic goods, services and amenities.

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Amount of new residential development (completions) within 30 minutes public transport time of essential basic services (GP, Hospital, Primary, Secondary, Retail, Employment)	West Lancs		65%			No longer analysed by LCC. Software unavailable to WLBC.	Unknown, however it would be expected that the figure would decrease if the plan was not implemented as there would be no control over where development was located

Indicator – 14. To develop strong and vibrant communities and reduce the fear of crime.

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Recorded Crime	AMR 2015	2013/14				No overall figure.	No effect
						No longer recorded in serious acq. crime stats	
Robbery	AMR 2015	2013/14	66	-	-		No effect
Domestic burglary	AMR 2015	2013/14	295				No effect
Vehicle offences	AMR 2015	2013/14	604				No effect

National crime stats for serious acquisitive crime change regularly – descriptions can vary from year to year. Full list available in AMR 2015 page 24.

Indicator – 15. To improve access to a range of good quality affordable and resource efficient homes.

Indicator	Data Source	Data relevant	West Lancs	North West	England	Comments	Expected baseline without the plan
Number of affordable housing units granted permission	AMR 2015	2014/15	17 (2%)				No effect
Proportion of dwellings completed on brownfield sites /conversions sites	AMR 2015	2014/15	57%				Unknown this could increase or decrease depending upon location of applications
Proportion of completed permitted on brownfield sites	AMR 2015	2014/15	43%				Unknown this could increase or decrease depending upon location of applications

### APPENDIX 3: IDENTIFYING SUSTAINABILITY ISSUES

Issue	Description of the Issue	Discussion on the relationship with other issues/plans and the reliance of action from other bodies	How can the issue be addressed?
Access, Highways & Public Transport	<p>One of the main issues facing the Borough is improving access to sustainable methods of transport including bus, rail links and cycle &amp; footpaths. This also extends to improving the availability and frequency of bus and rail services. Although sites are assessed against this criteria it is important to reduce car dependency levels.</p> <p>There is the need to improve the diversity and availability of employment in West Lancashire in accessible locations or with improved public transport links to enable residents of the Borough to find employment within West Lancs, thereby reducing the necessity to commute.</p>	<p>The Council and Lancashire County Council must work in partnership, ensuring that the issue of congestion is addressed through assessing problem junctions and ensuring a sustainable public transport network functions to its full potential.</p>	<p>Assessing the sites against criteria and liaising with public transport infrastructure providers regarding the transport network.</p>
Social Inclusion	<p>The Borough is required to deliver a yearly requirement of homes over the plan period 2012-2027 to meet the needs of the population which also includes services, employment opportunities as well as provision of and access to health related facilities.</p> <p>Social exclusion occurs from unemployment, low income, high crime rate, poor housing and poor health. Social inclusion is used to assist in addressing these issues.</p>	<p>Engagement with the Health providers will establish what requirements are needed.</p>	<p>Liaise with providers to establish the required need and either provide a facilities onsite or within the town centre, through planning obligations.</p>
Access to services and amenities	<p>Access to services and amenities needs to be improved in-between settlements; this is expected to be delivered through establishing a network of green corridors. There are various deficiencies in open space throughout the borough. Development needs to maximise the role of open spaces to improve health and physical activity whilst improving the quality of amenity in open spaces. Provide play facilities needs.</p>	<p>Identify areas for linear parks, play areas and footpaths/cycle paths.</p>	<p>Liaise with the green infrastructure providers to establish what provision, if any is required and provide through planning obligations.</p>
Employment	<p>There are levels of disparities and inequalities between skills, education, health &amp; employment across the Borough that need to be reduced.</p> <p>Work is required to reduce unemployment levels and the number of benefit claimants although this is already lower than the regional and national average. Reduce travelling out of the borough for work and increasing the number of those travelling inwards for work will assist in increasing West Lancashire's economy.</p>	<p>Links with improving education and developing skills. It is key to establish any educational and training needs derived from the allocation of sites.</p>	<p>Liaise with the Local Education Authority to establish if an additional education provision is required to link, whilst establishing any local training needs.</p>



Issue	Description of the Issue	Discussion on the relationship with other issues/plans and the reliance of action from other bodies	How can the issue be addressed?
Education	<p>There is a need to improve the lack of basic skills and barriers to work as well as the barriers to work through linking workless people to vacancies.</p> <p>Education provision will need to be subsidised if additional recourses are required dependent upon the location of the site allocations.</p>	<p>The Council will have to liaise with Lancashire county Council in order to establish if a need for additional primary /secondary school places is required.</p>	<p>Liaise with providers to establish the required need and provide a facility within the town centre, through a planning obligation.</p>
Protection of ecology, biodiversity and soils	<p>Protect and promote agricultural land &amp; horticultural land and businesses within West Lancashire.</p> <p>Reduce the amount of vacant land and Brownfield sites unused by promoting their regeneration.</p> <p>Simultaneously review and protect green belt land.</p> <p>Continue to reduce the volume of waste going to landfill.</p> <p>Respond to climate change through protecting the most fertile agricultural land for crop production to respond to the changing needs of the food production industry.</p>	<p>Liaison with Lancashire County Council and RSPB/Natural England will identify areas to be protected; these could be doubled up as areas of public open space.</p>	<p>Habitat Regulations Assessment (HRA) to identify species on the site and any mitigation/provision for ecology on the site.</p>
Surface and Waste Water Treatment	<p>Sustainably manage and use water resources.</p> <p>Ensure all households, businesses, agriculture and environments have enough water available.</p> <p>Support and protect as many watercourses, wetlands and groundwater &amp; surface water sources as financially viable.</p> <p>Ensure more water efficient designs are incorporated into developments and new buildings.</p> <p>Promote the use of Sustainable Drainage Systems (SuDS).</p> <p>Reduce flood risk through location management of development into areas of the lowest risk and supporting flood defences</p> <p>Respond to the impacts of climate change on water resources such as water quantity and quality, changes to water tables and demands from the public.</p>	<p>Careful consideration is needed in protecting areas from surface water flooding.</p> <p>The Council, along with Lancashire County Council and the Environment Agency will be required to work together to ensure new development and the existing area is protected.</p>	<p>Liaise with United utilities to establish what additional infrastructure will be required to assist in the delivery of the sites, and whether or not there is existing capacity within the existing network.</p>

**APPENDIX 4: SITE ASSESSMENTS (SUSTAINABILITY CRITERIA)**

**Assessments of the 20 Potential Candidate Traveller Sites against a set of Sustainability Criteria used in the Local Plan Sustainability Appraisal**

Q	Site Name	1. Aveling Drive A, Banks	2. Aveling Drive B, Banks	3. Sugar Stubbs Lane, Banks	4. Land west of Hoole Lane, Banks	5. Land west of Ringtail Road, Burscough
1	Other site references / SHLAA site reference?	No	No	No	SHLAA BA.18	No
2	Site Address	Land at Mossland Stables, Aveling Drive, Banks	Land west of Mosslands, Aveling Drive, Banks	Land at Sugar Stubbs Stables, Sugar Stubbs Lane, Banks	Land west of Hoole Lane, Banks	Land west of Ringtail Road, Burscough
3	Post Code	PR9	PR9	PR9	PR9	L40
4	OS Grid Ref - E	339687	339789	340405	339004	342361
5	OS Grid Ref - North	420656	420688	419629	420680	411597
6	Site Area (ha)	0.65	0.23	0.27	0.61	1.35
7	Description of Site	Site comprises former agricultural land, involving areas of hardstanding, some buildings, including stables, and storage of vehicles as well as fenced grassed areas. Site occupied by Travellers.	Site comprises former agricultural land, involving areas of hardstanding, some buildings including stables, and storage of vehicles as well as fenced grassed areas. Site occupied by Travellers.	Site is currently occupied by hardstanding, a few caravans, and storage of vehicles.	Site is currently occupied by horticultural glasshouses. The site is located to the rear of residential properties in the centre of Banks. Drains run along the western perimeter.	Site is Green Belt. A small access road runs along the southern edge of the site, with a storage area in the south-east part of the site. Site has been previously used to site polytunnels.
8	Description of Surrounding Area	Western edge of site is close to housing on Aveling Drive, although a strip of open land and a line of poplar trees separates the two. Immediate area appears to have been used for agricultural /equestrian use. Long Lane runs above the North-east of the site. The site is screened from the south by trees along the southern edge of Aveling Drive.	Western edge of site is close to housing on Aveling Drive, although the existing caravans at Aveling Drive A, a strip of open land and a line of poplar trees separates the two. Immediate area appears to have been used for agricultural /equestrian use. Long Lane runs above the north east of the site. The site is screened from the south by trees along the bottom edge of Aveling Drive.	Site is adjacent to residential property 'The Willows' (to the north of the site) and in proximity to other residential properties. The south and eastern parts of the site are farmed agricultural land.	The east and south of the site is bordered by residential properties, whilst the North is further glasshouses and the west is agricultural land.	The site is adjacent to an industrial estate (east). One residential property lies to the North of the site. Remaining area, and surrounding areas, are Green Belt land in agricultural use.
9	Brief Site History	Site currently has p/p pending decision for accommodation for Irish Travellers. Enforcement action in abeyance. Site in use as Traveller site and owned by Travellers	Site in use as Traveller site and owned by Travellers. Previous application for stationing of caravans for Gypsy Traveller use was refused on grounds of flood risk, Green Belt and Policy DE4. Appeal recovered by SoS, subsequently dismissed. Legal challenge to SoS recovery (hearing oct 2015).	Site formerly had a dwelling; pp granted to replace it with a caravan in 1993; site has been occupied by a varying number of caravans since.		Site is Green Belt, and was subject to unauthorised development, including storage of fairground equipment; enforcement action sanctioned by Council.
10	Relevant planning history	2012/0820/COU (pending), 2010/0885/COU (withdrawn)	2010/0998/COU (Refused)	2004/0880. 2013/1305/LDC - Cert of Lawfulness for stationing of 5 caravans and equestrian use. Refused as LDC cannot relate to a proposed use.	No plan apps.	Planning application (2013/0629/FUL) for park homes to accommodate Travelling Showpeople withdrawn Dec 2013. Other applications: 2004/0248, 2001/0763.
11	Land Ownership Details	Owned by Travellers	Owned by Travellers	Owned by Travellers	Private	Private
12	Source of Site Suggestion	Existing site (unauthorised)	Existing site (unauthorised)	Existing site - part consented (one pitch)	Owner submitted in Call for Sites 2013	Submitted in Call for Sites 2013 by agent
13	Date of Appraisal	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)
<b>Deliverability Issues</b>						
14	Are there any issues of land ownership that could prevent development on the site being delivered?	No. Land currently in hands of Travellers, and in use as Traveller site	No. Land currently in hands of Travellers, and in use as Traveller site	In the hands of Travellers.	Yes - owner indicated in 2015 that the site is no longer available for consideration as a Traveller site.	Yes - owner indicated in 2014 that the site is no longer available for consideration as a Traveller site.
15	Is the site potentially available for development?	Yes. Land currently in hands of Travellers, and in use as Traveller site	Yes. Land currently in hands of Travellers, and in use as Traveller site	Yes. Land currently in hands of Travellers, and in use as Traveller site	No	No
16	Does the planning history of the site caution against its allocation?	"Yes" - as neighbouring site appeal has been dismissed by the Secretary of State - similar issues on this site.	Yes. Previous application for stationing of caravans for Gypsy Traveller use was refused on grounds of flood risk, Green Belt and 2006 Local Plan Policy DE4. Appeal dismissed on account of flood risk and GB harm by Secretary of State.	No - site already has permission for one caravan.	No relevant planning history. Much of current site is Protected Land.	Land is currently Green Belt, site has been subject to enforcement action (unauthorised storage).

Q	Site Name	1. Aveling Drive A, Banks	2. Aveling Drive B, Banks	3. Sugar Stubbs Lane, Banks	4. Land west of Hoole Lane, Banks	5. Land west of Ringtail Road, Burscough
17	Potential land use conflicts with nearby sites that could prevent development?	Residential use to the west of the site, although this should not on its own prevent the site being delivered.	Residential use to the west of the site, although this should not on its own prevent the site being delivered.	Overhead electricity cables less than 100m from back of site; main road within 150m of site. However, neither are considered to imply an unacceptable impact on site residents (holiday caravans and residential properties nearby are closer to the A565 / pylons).	Site is likely to cause issues with settled community due to its close proximity to existing residential area. Existing derelict glasshouses would need to be removed should the site be allocated. Unknown as to how access to site would be achieved given that existing properties front Hoole Lane.	Site is on the western edge of the Ringtail Industrial Estate. Mitigation in relation to visual impact may be possible by screening, but mitigation in relation to noise issues more difficult. However, remaining surrounding land is Green Belt, with one residential property to the North.
18	Is the site directly accessible from the highway network or could it reasonably become so?	Aveling Drive is a single track road with a drainage ditch at one side, and reached by passing through a residential area. The narrow lane to the site is not designed for the types of large vehicles associated with Travellers and could not be accessed easily by emergency vehicles	Aveling Drive is a single track road with a drainage ditch at one side, and reached by passing through a residential area. The narrow lane to the site is not designed for the types of large vehicles associated with Travellers and could not be accessed easily by emergency vehicles	Sugar Stubbs Lane is unclassified and narrow, although it is wide enough for two vehicles to pass. It is necessary to use approximately 120m of Sugar Stubbs Lane to access the site from the A565. Site has separate gated access from adjacent dwelling.	Site is on Hoole Lane, although it is not clear as to how access to site would be achieved, given existing properties fronting Hoole Lane.	Proposed site access (from planning application 2013/0629) involves travelling along 500m of unadopted road currently of poor quality, then 300m along the site access track.
19	Any known land contamination or remediation issues?	None known	None known	None known	None known.	None known
20	Any known ground instability?	None known	None known	None known	None known.	None known
21	Can adequate provision be made to supply all major utilities?	Given the proximity of other buildings, including houses, it is expected that utilities could readily be made available.	Given the proximity of other buildings, including houses, it is expected that utilities could readily be made available.	Given the proximity of other houses, it is expected that these services are available or could readily be made available.	Given the site's location within a settlement, it is expected that appropriate services could be provided.	Site does not currently have any formal connection to mains water / drainage / electricity. Given the neighbouring employment uses, it should be possible to obtain connections.
22	Is the site within Functional Floodplain (Flood Zone 3b)?	Yes - Within Flood Zone 3.	Yes - Within Flood Zone 3.	No. Site is within Flood Zone 2, so must be shown to meet Exceptions Test. Within 100m of Flood Zone 3.	Site lies within Flood Zone 3	No
23	Is the site within the Green Belt?	Yes - GB site, but less than 100m to the Banks settlement boundary	Yes - GB site, but less than 100m to the Banks settlement boundary	Yes. Green Belt site, approximately 600m from Banks settlement boundary.	No	Site is in the Green Belt, but adjacent to the Non-Green Belt Burscough Industrial Estate.
24	Would development of the site affect any flight paths?	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site
25	Is there interest in site for development?	Site is in hands of Travellers and in use as a Traveller site.	Site is in hands of Travellers and in use as a Traveller site.	Site is in hands of Travellers and in use as a Traveller site.	None known of.	None known of.
<b>Biodiversity</b>						
26	Within 5km of and / or likely to impact on internationally designated sites?	Site within 5km of Ribble Estuary, but would be deemed unlikely to impact on environmental sites.	Site within 5km of Ribble Estuary, but would be deemed unlikely to impact on environmental sites.	Site within 5km of Ribble Estuary, but would be deemed unlikely to impact on environmental sites.	No	Yes. Within this distance of Martin Mere, however given the industrial uses adjacent, development of this site would be unlikely to impact on designated natural sites.
27	Within 1km of and / or likely to impact on a SSSI?	No.	No.	No.	No	No
28	Within 100m of designated local nature conservation sites?	No.	No.	No.	No	No
29	Protected species and / or habitats?	None known.	None known.	None known.	No	No
30	Within 100m of woodlands, or trees with Tree Preservation Orders?	Yes	Yes	No	No	No
31	Effects on the sustainability of biodiversity, locally & wider over time? Temporary or permanent?	Site would be unlikely to have an impact on local, or international, biodiversity.	Site would be unlikely to have an impact on local, or international, biodiversity.	Site would be unlikely to have an impact on local, or international, biodiversity.	Site would be unlikely to have an impact on local, or international, biodiversity.	Site would be unlikely to have an impact on local, or international, biodiversity.
<b>Water and Land Resources</b>						
32	Is the site subject to any known stability issues?	No	No	No	None known	None known

Q	Site Name	1. Aveling Drive A, Banks	2. Aveling Drive B, Banks	3. Sugar Stubbs Lane, Banks	4. Land west of Hoole Lane, Banks	5. Land west of Ringtail Road, Burscough
33	Geological or geomorphological importance?	No	No	No	No	No
34	Does the site have any adverse gradients on it?	No	No	No	No	No
35	Best and most versatile agricultural land (grades 1, 2 and 3a)?	Grade 1, although site is predominantly hardstanding, rather than farmed land.	Grade 1, although site is predominantly hardstanding, rather than farmed land.	Grade 1, although site is predominantly hardstanding, rather than farmed land.	Part urban / Part of site lies in Grade 2 land	Grade 2 agricultural land
36	Active mineral working site?	No	No	No	No	No
37	Contaminated or derelict land?	No contaminated land known. Site currently in use, so not classed as derelict land.	No contaminated land known. Site currently in use, so not classed as derelict land.	No contaminated land known. Site currently in use, so not classed as derelict land.	Derelict glasshouses	No
38	Previously developed land (brownfield)?	Some buildings and hardstanding exist on the site but it is likely they are as a result of agricultural (non-brownfield)	Some buildings and hardstanding exist on the site but it is likely they are as a result of agricultural (non-brownfield)	Some buildings and hardstanding exist on the site but it is likely they are classed as non brownfield.	No (Horticulture classed as non brownfield)	No
39	Effects on the sustainability of land resources locally / wider over time? Temporary or permanent?	Site is on Grade 1 agricultural land although site is not in active use for farming, containing hardstanding and buildings. Site would therefore be unlikely to have a detrimental effect on land resources.	Site is on Grade 1 agricultural land although site is not in active use for farming, containing hardstanding and buildings. Site would therefore be unlikely to have a detrimental effect on land resources.	Site is on Grade 1 agricultural land although site is not in active use for farming, containing hardstanding and buildings. Site would be unlikely to have a detrimental effect on land resources.	Allocation of site would be unlikely to result in significant loss of land resources.	Allocation of site would lead to loss of agricultural land.
40	Within or adjacent to a Principal Aquifer or Source Protection Zone 1 or 2?	Unknown	Unknown	Unknown	Unknown	Unknown
41	Effects on the sustainability of water quality and resources locally / wider over time? Temporary or permanent?	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.
<b>Climatic factors and flooding</b>						
42	Is the site within Zones 2 or 3 of the floodplain?	Yes. Flood Zone 3.	Yes. Flood Zone 3.	Yes. Site is within Flood Zone 2, so must be shown to meet Exceptions Test. Within 100m of Flood Zone 3.	Flood Zone 3.	No
43	Effects on the sustainability of climatic factors and flooding locally / wider over time? Temporary or permanent?	Site would be located in an area of flood risk.	Site would be located in an area of flood risk.	Site would be located in an area of flood risk and would need to meet Exceptions Test.	Site would be located in an area of flood risk.	Site would be unlikely to have detrimental impacts on climate and flooding.
<b>Heritage and Landscape</b>						
44	Within or within 5km of and / or likely to impact on an AONB or Heritage Coast?	No	No	No	No	No
45	Within or within 1km of any area designated for its local landscape importance or is it likely to have adverse impacts on the landscape?	No historic environment, landscape or nature conservation designation in vicinity of site	No historic environment, landscape or nature conservation designation in vicinity of site	No historic environment, landscape or nature conservation designation applies to site; historic landscape of local importance starts 100m to east of site.	No historic environment, landscape or nature conservation designation in vicinity of site.	No historic environment, landscape or nature conservation designation in vicinity of site.
46	Is the site in the Green Belt? If so, would development on this site cause harm to the objectives of Green Belt designation?	Yes. Site is in GB, although 100m from settlement boundary.	Yes. Site is in GB, although 100m from settlement boundary.	Yes. Site use would fall outside the objectives of Green Belt designation.	No	Yes. Site would also result in weaker GB boundaries. Delineation of GB is currently set by trees.
47	Within 250m of a site or building with a nationally recognized heritage designation?	No	No	No	No	No

Q	Site Name	1. Aveling Drive A, Banks	2. Aveling Drive B, Banks	3. Sugar Stubbs Lane, Banks	4. Land west of Hoole Lane, Banks	5. Land west of Ringtail Road, Burscough
48	Effects on the sustainability of heritage and landscape locally and in the wider Borough and sub-region over time? Temporary / permanent?	Site would be unlikely to have impacts on heritage and landscape. However, site may impact on the objectives of the Green Belt designation and would affect openness of Green Belt. Given the site is already partly developed, further impact should be minimal.	Site would be unlikely to have impacts on heritage and landscape. However, site may impact on the objectives of the Green Belt designation and would affect openness of Green Belt. Given the site is already partly developed, further impact should be minimal.	Site would be unlikely to have impacts on heritage but will impact on the openness of the Green Belt. Site can be seen from surrounding area.	Site would be unlikely to have impacts on heritage and landscape. The site is screened behind existing residential properties.	Site would be likely to weaken the GB boundary, and would have an impact on the visual of the area, although evergreen screening exists around part of the site. Site would be unlikely to have impacts on heritage.
	<b>Social equality and community services</b>					
49	Will development of the site harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses)?	Development of site for Traveller accommodation would likely be small scale and could be supported by community facilities. If the site is kept small, it should not dominate the settled community.	Development of site for Traveller accommodation would likely be small scale and could be supported by community facilities. If the site is kept small, it should not dominate the settled community.	Development of site for Traveller accommodation would likely be small scale and could be supported by community facilities. If the site is kept small, it should not dominate the settled community.	Development of site for Travellers should not harm community receptors, although may cause issues with the settled community.	Neighbouring residents / occupiers of industrial units have raised concern regarding the moving of Travelling Showpeople equipment in relation to planning application 2013/0629; it may be possible to mitigate some of these issues e.g. via conditions on moving / storage of equipment.
50	How close [how many minutes walk at 5km/h average walking speed] is this site to a public transport facility (bus stop / station on regular route)? (Please note that this walking time is taken into account in the questions below referring to X minutes public transport journey from various facilities.)	650m (8 minutes walk) from bus stops on Guinea Hall Lane	700m (8 minutes walk) from bus stops on Guinea Hall Lane	500m / 700m (6 minutes / 8 minutes walk) from bus stops on A565 (depending on direction of travel)	Within 50m (within 1 minute walk) from bus stops on Hoole Lane.	Approximately 2km (24 minutes walk) from bus stop.
51	Is the site within 30 minutes public transport journey of a Primary School?	Yes - at Banks	Yes - at Banks	Yes - at Banks	Yes (within walking distance)	2km to bus stop; 2.7km to school - possibly just about walkable in 30 minutes, but not for young children
52	Is the site within 40 minutes public transport journey of a Secondary School?	Yes - at Southport / Tarleton	Yes - at Southport / Tarleton	Yes - at Southport / Tarleton	Yes - at Southport / Tarleton	School walkable within 40 minutes; could be reached by walking and bus within 40 minutes
53	Is the site within 60 minutes public transport journey of a Further Education Institution?	Yes - at Southport	Yes - at Southport	Yes - at Southport	Yes - at Southport	Yes - at Ormskirk
54	Is the site within 60 minutes public transport journey of a Hospital?	Yes - at Southport	Yes - at Southport	Yes - at Southport	Yes - at Southport	Yes - at Ormskirk (but would entail a long walk or two buses)
55	Is the site within 30 minutes public transport journey of a GP Practice?	Yes - at Banks	Yes - at Banks	Yes - at Banks	Yes - at Banks	Could reach a GP with a combination of walking and bus, but not ideal with 2km walk to bus stop.
56	Is the site within 30 minutes public transport journey of a Major Centre?	Yes - Southport	Yes - Southport	Yes - Southport	Yes - Southport	Burscough Centre accessible within 30 minutes (most of it involving walking). Ormskirk Centre beyond 30 minutes walk / bus combined.
57	Is the site within 10 minutes walk (800m) of a district or local centre?	Yes	Yes	No	Yes	No
58	Is the site within 15 minutes walk (1200m) of a Public Open Space of at least 5ha in size?	Yes	Yes	Yes	Yes	No
59	Is the site within 10 minutes walk (800m) of a natural green space (e.g. Local Nature Reserve) of at least 2ha in size?	No	No	No	No	No
60	Is the site within 40 minutes public transport journey of a Leisure / Recreation / Sports Facility?	Yes - Leisure Centre, Banks	Yes - Leisure Centre, Banks	Yes - Leisure Centre, Banks	Yes - Leisure Centre, Banks	Yes - Leisure Centre, Burscough

Q	Site Name	1. Aveling Drive A, Banks	2. Aveling Drive B, Banks	3. Sugar Stubbs Lane, Banks	4. Land west of Hoole Lane, Banks	5. Land west of Ringtail Road, Burscough
61	What could the effects of development on this site be on the sustainability of community health and equality, leisure and education locally and wider over time ; temporary / permanent effects?	Site is within reasonable accessible distance of existing services and facilities. Would be unlikely to put too much pressure on them.	Site is within reasonable accessible distance of existing services and facilities. Would be unlikely to put too much pressure on them.	Site is not easily accessible to local services and amenities. Would be unlikely to put too much pressure on them.	Site is within good accessible distance of services and facilities and should not place too much pressure on such amenities.	Site is within reasonable accessible distance of services and facilities but this relies on occupants having access to motorised vehicles. Given the site's size, its development should not have any significant effect on the sustainability of community health, etc.
<b>Local economy and employment</b>						
62	Is the site within 250m of any sensitive commercial receptors, existing or proposed (e.g. sensitive business uses and tourist / visitor attractions)?	No	No	No	No	No
63	Effects on the sustainability of the local economy and employment locally / Borough / sub-region over time? Temporary / permanent?	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.) Neighbouring industrial occupiers have expressed concern about the use of this site for Travelling Showpeople.
<b>Housing</b>						
64	Is the site within 250m of residential dwellings (including individual houses)?	Yes. Residential area to west of site. Further development proposed for Greaves Hall site.	Yes. Residential area to west of site. Further development proposed for Greaves Hall site.	Yes. Some residential dwellings (individual houses) located within the rural area. not within an urban settlement.	Yes. Residential properties border the immediate east and south of the site.	Yes. One residential property lies approx 100m to the north of the site.
65	Effects on the sustainability of housing provision locally / Borough / sub-region over time? Temporary / permanent?	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible
<b>Transportation and air quality</b>						
66	In or adjacent to an existing Air Quality Management Area?	No.	No.	No	No	No
67	Are there any sensitive receptors nearby (e.g. residential, community facilities) that may be impacted by dust, fumes and emissions caused by the development and end-use of the site?	No.	No.	No	No	Site may be impacted by noise and traffic from the adjacent industrial estate.
68	Effects on the sustainability of air quality locally and in the wider Borough and sub-region over time? Temporary / permanent?	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality
69	How suitable is the road network to accommodate expected levels of traffic to and from the site?	Site is accessed by a single track road with a drainage ditch at one site, reached by passing through a residential area. Narrow lane is not designed for types of large vehicles associated with Travellers and would not be easy for large emergency vehicles to access.	Site is accessed by a single track road with a drainage ditch at one site, reached by passing through a residential area. Narrow lane is not designed for types of large vehicles assoc by Travellers and would not be easy for large emergency vehicles to access.	Sugar Stubbs Lane is unclassified and narrow, although it appears wide enough for two vehicles to pass. It is necessary to use approximately 120m of Sugar Stubbs Lane to access the site from the A565. Site has separate gated access from adjacent dwelling. Access for emergency vehicles possible (given the site entrance is set back up to 10m from Sugar Stubbs Lane), although not ideal.	The site is within the settlement of Banks, with generally adequate roads, infrastructure and services (drainage has been raised as a local issue). Provided the site were not too large, it should not place undue pressure on local services. Site is on Hoole Lane, although it is not clear as to how access to site would be achieved, given existing properties fronting Hoole Lane.	This site has been put forward as a Travelling Showpeople site. The type of large vehicles associated with this site may cause issues on the unadopted road leading to the most recent proposed site access.
70	Would traffic from the site onto Primary Road Network cause adverse impacts on amenity of sensitive receptors on the route (residential, schools etc.)?	Traffic flow from the site onto the primary road network would likely be minor, compared to the volume of traffic accessing the network from the residential properties at the bottom of Aveling Drive. Traveller vehicles passing the residential properties on Aveling Drive would have some impact.	Traffic flow from the site onto the primary road network would likely be minor, compared to the volume of traffic accessing the network from the residential properties at the bottom of Aveling Drive. Traveller vehicles passing the residential properties on Aveling Drive would have some impact, although this is a small site.	Unlikely due to the location of the site away from such amenities; just two residential properties at the junction of Sugar Stubbs Lane and A565, but the impact of Traveller traffic on these properties will be minor compared with A565 traffic.	The site is within the settlement of Banks, with generally adequate roads. Provided the site were not too large, it should not place undue pressure on local road networks.	Unlikely due to the location of the site meaning that such amenities need not be passed by traffic travelling from the site to the primary road network.
71	Is the site within 800m of an existing or proposed Cycle Route?	Yes	Yes	Yes	Yes	Yes

Q	Site Name	1. Aveling Drive A, Banks	2. Aveling Drive B, Banks	3. Sugar Stubbs Lane, Banks	4. Land west of Hoole Lane, Banks	5. Land west of Ringtail Road, Burscough
72	Is the site within 800m of a bus stop for a high frequency bus service?	Yes	Yes	Yes. Site is approximately 500m / 700m from nearest bus stop (depending on bus direction).	Yes. Site within 50m of bus stops on Hoole Lane.	No
73	Is the site within 1200m of a Rail Station?	No	No	No	No	No
74	Does the site have public footpaths, rights of way or any other type of footpath on it or near to it?	Yes	Yes	Yes	Yes	No
75	What could the effects of development on this site be on the sustainability of transportation locally wider over time; temporary / permanent effects?	Site would not be accessible to rail stations, but would be within walking distance of bus services. Narrow lane providing access to the site is less suitable for larger vehicles. Cycle routes and public footpaths can be accessed from the site. Site would be unlikely to cause an unacceptable impact on the local road network.	Site would not be accessible to rail stations, but would be within walking distance of bus services. Narrow lane providing access to the site is less suitable for larger vehicles. Cycle routes and public footpaths can be accessed from the site. Site would be unlikely to cause an impact on the local road network.	Site within walking distance of bus services but few other facilities. Small site should not generate significant traffic.	Providing the site were not too large, it should not place undue pressures on local road and bus services. However, access to the site needs to be considered.	Access to the site would need to be improved. Impact on nearby properties could be significant at times, but could possibly be controlled by means of conditions.
<b>Cumulative Impacts</b>						
76	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, have an adverse impact on the perceived environmental quality or character of the area?	Site will impact on the openness of the Green Belt. However, given the site is already partly developed, further impact on the character of the area should be minimal. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Site will impact on the openness of the Green Belt. However, given the site is already partly developed, further impact on the character of the area should be minimal. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Development of the site would have an impact on the openness of the Green Belt. As the site already exists, although unauthorised, this impact can already be seen. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	The site is currently occupied by derelict greenhouses and is 'hidden' from the main road by its location to the rear of surrounding residential properties. However, these properties would overlook such a potential Traveller site. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Development of the site would have an impact on the openness of the Green Belt. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.
77	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, be likely to inhibit or to promote social cohesion or inclusion in nearby communities?	If site is kept relatively small, it should not dominate the settled community.	If site is kept relatively small, it should not dominate the settled community.	This is a small site sufficiently far from any settled community to avoid issues of the site dominating the community.	The site is likely to cause issues with settled community due to its abutting several residential and other properties on Hoole Lane.	The site is physically separated from predominantly residential areas, although there is one residential property approximately 100m from the site.
78	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, be likely to inhibit or to promote the economic potential of the area?	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Travelling Showpeople site is unlikely to have any significant impact on the economic potential of the area, although it is noted that neighbouring occupiers of industrial units have objected to the principle of this site being used as a Travelling Showpeople site.



Q	Site Name	6. Land west of the Quays, Burscough	7. Land west of Tollgate Road, Burscough	8. Pool Hey Caravan Park, Scarisbrick	9. High Brow Farm, Pool Hey Lane, Scarisbrick	10. Land at 1-3 Southport Road, Kew, Scarisbrick
1	Other site references / SHLAA site reference?	SHLAA BU.19	No	No	SHLAA SR.37	SHLAA SR.13
2	Site Address	Land west of the Quays, Burscough	Land west of Tollgate Road, Burscough	Pool Hey Caravan Park, Pool Hey Lane, Scarisbrick	High Brown Farm, Pool Hey Lane, Scarisbrick	Land at 1-3 Southport Road, Scarisbrick
3	Post Code	L40	L40	L40	PR8	PR8
4	OS Grid Ref - E	344132	342947	337243	336461	336167
5	OS Grid Ref - North	412084	411302	415623	415280	415402
6	Site Area (ha)	0.83	1.85	0.33	1.28	2.70
7	Description of Site	Site is adjacent the Leeds Liverpool Canal and located in the centre of Burscough, to the rear of residential properties. Site is opposite Priory High School. The site is currently an authorised Travelling Showpeople site. WLBC are unaware of any issues between the site occupants and the local settled community.	Site has a gated access with some hardstanding. Majority of site is Green Belt and belongs to the former airfield site. Site is currently open with just a low hedge on the road boundary.	Site is a narrow strip of land adjacent the railway line and beside a level crossing. The site contains hardstanding and some buildings, including a park home.	Site is a former poultry farm containing derelict buildings and hardstanding. The site is adjacent to a former agricultural building (poultry shed) that, judging by appearance, may have roofing that contains asbestos. If the site were to be proposed for allocation, this would need to be subject to further careful investigation.	Vacant site on the edge of Southport comprising overgrown hardstanding and some scrub.
8	Description of Surrounding Area	Site is located in the centre of Burscough, adjacent the Leeds Liverpool canal and to the rear of residential properties and opposite a high school.	Site lies between the two industrial estates at Tollgate and Ringtail. Eastern part of site is bordered by Tollgate Road. The site is close to the edge of the Yew Tree Farm Strategic Development Site. The site is adjacent to an industrial area, although this tends to be light industrial uses. Some existing properties on Lordsgate Lane nearby are less than 50m from similar industrial uses.	Site is adjacent to Southport - Manchester railway line, and beside a level crossing. These should not have any greater impact on residents of the site than on other existing residential uses in the locality close to the railway line. Surrounding areas on Green Belt, farmed agricultural land.	Site is bordered by residential properties to the south and west. Open Green Belt land lies to the north and east.	The site is bordered by Kew Retail Park to the north west, the A570 to the south east and residential properties to the south. To the north lies open Green Belt land. The site is directly adjacent to one residential property. A watercourse runs on the north western boundary of the site.
9	Brief Site History	Current, authorised use as Travelling Showpeople site.	No site history of relevance.	Site has in use as a Traveller site for almost 20 years. Permission for one 'park home' tied to an individual; this permission has now expired. Current use unauthorised but long-established.	Site has been subject to enforcement action in the past due to occupation by Travellers.	Site has had planning permission for a DIY store (Wickes), allowed on appeal, which has never been implemented. Previous permission was granted consent in 2001 for erection of a sports, leisure and fitness building. Again, this was never implemented. Site has recently been sold.
10	Relevant planning history	1997/0536 - erection of Dutch barn for storage of fairground vans /equipment and layout of hardstanding.	1997/0345 - use of land for car boot sales (withdrawn)	1999/0106, 1993/0238, 1996/0596 - siting of 6 permanent caravans (Refused), 1999/0755, 2004/0551 - siting of 5 residential caravans for 1 Gypsy family (refused)	No p/p in relation to Gypsy/Traveller uses. 1993/0214, 2007/1350/FUL.	2004/0023, 2001/0289
11	Land Ownership Details	Owned by Travelling Showpeople	Private	Owned by Travellers	Private	Private
12	Source of Site Suggestion	Authorised site, owned by Travelling Showpeople	Suggested by Travelling Showpeople	Call for Sites; existing site	Site with previous Traveller activity, subject to enforcement action.	Site with previous Traveller activity, subject to enforcement action.
13	Date of Appraisal	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)
<b>Deliverability Issues</b>						
14	Are there any issues of land ownership that could prevent development on the site being delivered?	No. Site owned by Travelling Showpeople and in authorised use.	Yes - owner indicated in 2014 that the site is no longer available for consideration as a Traveller site.	No.	Site was available for sale in 2013, but has since been sold and is no longer available for sale.	Yes - owner indicated in 2015 that the site is no longer available for consideration as a Traveller site.
15	Is the site potentially available for development?	Yes. Although availability limited to a particular group or family.	No	Yes.	No	No
16	Does the planning history of the site caution against its allocation?	Land has planning permission.	Site is within the Green Belt.	Site is within the Green Belt. Previous applications for siting of multiple Gypsy caravans have been refused.	Site has been subject to enforcement action in the past due to occupation by Travellers. No planning permission has been sought.	No planning history specific to Traveller uses.

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17	Potential land use conflicts with nearby sites that could prevent development?	Site involves storage and manoeuvring of large vehicles, although it has operated adjacent to flatted development for a number of years. Site is subject to an open space designation and is adjacent to the Leeds Liverpool Canal (wildlife corridor designation), but site is already authorised as a Travelling Showpeople site.	Allocating the site as a Travelling Showpeople site would mean an incursion into a "new" area of Green Belt, and particularly good and robust boundary treatment would be necessary. Given the green, open nature of the site, landscaping rather than fencing would be more appropriate, but this obviously takes longer to be established.	Site is adjacent to railway line. These should not have any greater impact on site residents than on other existing residential uses close to the railway line. Site has existed over 20 years without issues relating to nearby level crossing. Officers unaware of any significant issues arising from the site's use as a Traveller site. Site is physically separate (field / road) from the nearest residential properties.	The site is directly adjacent to a row of bungalows. It is unlikely that peaceful and integrated co-existence could be achieved between the two uses. No industrial processes, etc. are situated adjacent or close to the site. The closest part of Southport landfill site is approximately 500m from the site, but other residential properties are closer to the landfill site than this site is.	Site is directly adjacent to one residential property and a retail development, which may create issues between the integration of this site with the settled community. Site is close 200m (as the crow flies) to waste disposal centre, with a landfill site beyond, although it is separated by a watercourse and retail units. Mitigation by way of appropriate screening should be possible.
18	Is the site directly accessible from the highway network or could it reasonably become so?	Site is close to A59 but accessed via a narrow road between the site and the A59. Nevertheless, the site has functioned as a Travelling Showpeople site for several years using the existing access.	Site has direct access onto the "spine road" through the Burscough Industrial Estate.	This lane has accommodated typical Traveller traffic for 20 years, although access to the site along Pool Hey Lane requires using a narrow stretch of road and thus is not an ideal access road to a Traveller site. However, it appears to have functioned as such since 1994 without significant issues.	Site is on a stretch of Pool Hey Lane used by commercial traffic (Kershaws), and is reasonably close to A570.	Site is adjacent to A570 with its bus services direct to Southport and Ormskirk centres. Site is within easy walking distance of supermarket and other shops. Other services are easy to access via public transport.
19	Any known land contamination or remediation issues?	None known	None known	None known	None known	None known
20	Any known ground instability?	None known	None known	None known	None known	There is evidence of land stability issues in the immediate area. Site is directly adjacent to a watercourse.
21	Can adequate provision be made to supply all major utilities?	Yes. Site currently in use.	Site is currently undeveloped, but provision of services should be straightforward given neighbouring industrial areas.	Yes. Site in use already.	Given the proximity to residential and commercial properties on Pool Hey Lane, and the fact the site has been used in the past, it is assumed that provision of utilities and drainage should be achievable.	Site does not currently appear to have these services, but given its location adjacent to development, these services should be straightforward to provide.
22	Is the site within Functional Floodplain (Flood Zone 3b)?	No	No	No.	Site is wholly within Flood Zone 2; parts of the site are less than 50m from Flood Zone 3.	The part of the site fronting the A570 is not in Flood Zone 2; south-eastern part of the site is in Flood Zone 2.
23	Is the site within the Green Belt?	No	Yes	Yes.	Yes - Site abuts the Brown Edge settlement area.	Front part of the site is within Brown Edge settlement area; rear of site is within Green Belt.
24	Would development of the site affect any flight paths?	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site
25	Is there interest in site for development?	Yes. Site currently in authorised use.	Unknown	Site is in hands of Travellers and in use as a Traveller site.	Not for Traveller accommodation.	No; owners intend to develop the site for [bricks and mortar] housing, and would not sell the site as a Traveller site.
<b>Biodiversity</b>						
26	Within 5km of and / or likely to impact on internationally designated sites?	Yes, however is unlikely to impact on biodiversity sites.	Yes. May have an impact on biodiversity if site is a feeding ground for birds.	No	No	No
27	Within 1km of and / or likely to impact on a SSSI?	No	No	No	No	No
28	Within 100m of designated local nature conservation sites?	Site is adjacent to the wildlife corridor (canal), but is an already authorised site.	No	Yes, but the use of this site as a Traveller site should not have any detrimental impact.	No	No
29	Protected species and / or habitats?	No	No	No	No	No
30	Within 100m of woodlands, or trees with Tree Preservation Orders?	Yes	No	No	No	Yes
31	Effects on the sustainability of biodiversity, locally & wider over time? Temporary or permanent?	Site would be unlikely to have an impact on local, or international, biodiversity.	Site would be unlikely to have a significant impact on local, or international, biodiversity.	Site would be unlikely to have a significant impact on local, or international, biodiversity.	Site would be unlikely to have a significant impact on local, or international, biodiversity.	Site would be unlikely to have a significant impact on local, or international, biodiversity.
<b>Water and Land Resources</b>						
32	Is the site subject to any known stability issues?	None known	None known	None known	Potentially. There appear to have been some land stability issues on Scarisbrick New Road nearby; further investigation would be required.	None known

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33	Geological or geomorphological importance?	No	No	No	No	No
34	Does the site have any adverse gradients on it?	No	No	No	No	No
35	Best and most versatile agricultural land (grades 1, 2 and 3a)?	No, urban land.	Grade 2	Site falls within Grade 1 designation, although site is not used for farming.	Site falls within Grade 1 designation	Site falls within Grade 1 designation, although is not actively farmed land. Site contains hardstanding and has been previously developed.
36	Active mineral working site?	No	No	No	No	No
37	Contaminated or derelict land?	No	No	No	Yes. Derelict land/farm buildings.	Yes, derelict land - areas of hardstanding.
38	Previously developed land (brownfield)?	Site is developed and in use.	Small amount of hardstanding on site, but no permanent buildings.	Part; site in use as an (unauthorised) caravan park	Yes. Derelict land / farm buildings.	Yes.
39	Effects on the sustainability of land resources locally / wider over time? Temporary or permanent?	Allocation of site would not create any detrimental effects on land resources.	Allocating the site as a Travelling Showpeople site would mean an incursion into a "new" area of Green Belt; land does not appear to be in agricultural use.	Allocation of site would not create any detrimental effects on land resources.	Site is on Grade 1 agricultural land although site is not in active use for farming, containing hardstanding and buildings. Site would be unlikely to have a detrimental effect on land resources.	Site is brownfield, containing hardstanding. Site would be unlikely to have a detrimental effect on land resources.
40	Within or adjacent to a Principal Aquifer or Source Protection Zone 1 or 2?	Unknown	Unknown	Unknown	Unknown	Unknown
41	Effects on the sustainability of water quality and resources locally / wider over time? Temporary or permanent?	Site would be unlikely to detrimentally affect water quality and resources.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.
<b>Climatic factors and flooding</b>						
42	Is the site within Zones 2 or 3 of the floodplain?	No	No	No	Site is wholly within Flood Zone 2; parts of the site are less than 50m from Flood Zone 3.	The part of the site fronting the A570 is not in Flood Zone 2; south-eastern part of the site is in Flood Zone 2.
43	Effects on the sustainability of climatic factors and flooding locally / wider over time? Temporary or permanent?	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be located in an area of flood risk.	Part of the site would be located in an area of flood risk.
<b>Heritage and Landscape</b>						
44	Within or within 5km of and / or likely to impact on an AONB or Heritage Coast?	No	No	No	No	No
45	Within or within 1km of any area designated for its local landscape importance or is it likely to have adverse impacts on the landscape?	No historic environment, landscape or nature conservation designation in vicinity of site.	No historic environment, landscape or nature conservation designation in vicinity of site. Openness of the site in the surrounding landscape means that screening would be required.	Site lies within an Area of Landscape History of County Importance, and is directly adjacent to the Martin Mere Mosslands Biological Heritage Site.	The site is directly adjacent to an Area of Landscape History of County Importance.	No - Site is just over 100m from the edge of an area designated as Area of Landscape History of County Importance.
46	Is the site in the Green Belt? If so, would development on this site cause harm to the objectives of Green Belt designation?	No	Yes. Site would also result in weaker GB boundaries, or the need to redefine boundaries.	Yes	Yes. Part in GB.	Front part of the site is within Brown Edge settlement area; rear of site is within Green Belt.
47	Within 250m of a site or building with a nationally recognized heritage designation?	Yes	No	No	No	No

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48	Effects on the sustainability of heritage and landscape locally and in the wider Borough and sub-region over time? Temporary / permanent?	Site is already authorised and so would be unlikely to have impacts on heritage and landscape. Any issues could be mitigated through screening.	Site would be likely to have an impact on the openness of Green Belt and require new Green Belt boundaries to be redefined as the allocation of the site would encroach.	The site is largely screened on the south western side by the railway, and on the north eastern side by hedging; the front is screened by substantial wooden gates. Any issues could be mitigated through further screening.	Development of this site would impact upon the local landscape, especially views from neighbouring properties, although their current view is somewhat interrupted by derelict poultry sheds. Fencing or screening between the site and the currently open countryside to the North east would have a visual impact and could affect an area of landscape history importance. No effect on heritage.	Site would be unlikely to have impacts on heritage. The north western boundary has trees / bushes. Land at the back of the site is overgrown / scrubland. Introduction of visual screening at the back of the site should not lead to an unacceptable visual impact on the site's surroundings.
	<b>Social equality and community services</b>					
49	Will development of the site harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses)?	Site is less than 100m from Burscough Centre and its facilities, approx. 200m from bus stops and 500m from Burscough Bridge Station. Site is within walking distance of most services and facilities. WLBC is unaware of any evidence that the existing site is harming and nearby sensitive community receptors.	The use of this site as a Travelling Showpeople yard should not place undue [extra] pressure on local roads or services, assuming its occupants relocate from elsewhere in Burscough.	The Council is unaware of this site's occupation over recent years harming any nearby sensitive community receptors.	It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses). There are no such receptors nearby, apart from the Crematorium, but there is no reason this should be harmed were the site to be occupied.	It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).
50	How close [how many minutes walk at 5km/h average walking speed] is this site to a public transport facility (bus stop / station on regular route)? (Please note that this walking time is taken into account in the questions below referring to X minutes public transport journey from various facilities.)	230m (3 minutes walk) from bus stops; 500m (6 minutes walk from Burscough Bridge Station).	Site is 850m (10 minutes walk) from bus stops on A59.	Site is 1.2km (15 minutes walk) from bus stops on A570.	Site is 350m (4 minutes walk) from bus stops on A570.	Site is within 100m of bus stops on A570.
51	Is the site within 30 minutes public transport journey of a Primary School?	Yes	Yes	Yes (Kew)	Yes	Yes
52	Is the site within 40 minutes public transport journey of a Secondary School?	Yes	Yes	Yes (Kew)	Yes	Yes
53	Is the site within 60 minutes public transport journey of a Further Education Institution?	Yes	Yes	Yes	Yes	Yes
54	Is the site within 60 minutes public transport journey of a Hospital?	Yes - at Ormskirk (although would involve a walk or a second bus journey from Ormskirk Centre)	Yes - at Ormskirk (although would involve a walk or a second bus journey from Ormskirk Centre)	Yes	Yes	Yes
55	Is the site within 30 minutes public transport journey of a GP Practice?	Yes	Yes	GP practice at Ormskirk may be reachable in 30 minutes, depending on traffic. New GP practice being developed at Kew, which is comfortably within 30 minute public transport travel time.	Yes	Yes
56	Is the site within 30 minutes public transport journey of a Major Centre?	Yes	Yes	Yes	Yes	Yes
57	Is the site within 10 minutes walk (800m) of a district or local centre?	Yes	No	No	No	Yes
58	Is the site within 15 minutes walk (1200m) of a Public Open Space of at least 5ha in size?	No	Yes (Abbey Lane)	No	No	No
59	Is the site within 10 minutes walk (800m) of a natural green space (e.g. Local Nature Reserve) of at least 2ha in size?	No	No	No	No	No
60	Is the site within 40 minutes public transport journey of a Leisure / Recreation / Sports Facility?	Yes - Leisure Centre, Burscough	Yes - Leisure Centre, Burscough	Yes - facilities in Ormskirk / Southport	Yes - facilities in Ormskirk / Southport	Yes - facilities in Southport

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61	What could the effects of development on this site be on the sustainability of community health and equality, leisure and education locally and wider over time ; temporary / permanent effects?	Site is located in the centre of Burscough and so within good accessible distance of services and facilities.	Site is within reasonable accessible distance of services and facilities if occupants had access to motorised vehicles. Given its size, its development should not have any significant effect on the sustainability of community health, etc.	Site has poor accessibility to community and social facilities, particularly if accessed by foot. There is no evidence of this longstanding site having any significant effect on the sustainability of community health, etc.	Site is within reasonable accessible distance of services and facilities. Given the site's size, its development should not have any significant effect on the sustainability of community health, etc.	Site is within reasonable accessible distance of services and facilities. Given the site's size, its development should not have any significant effect on the sustainability of community health, etc.
<b>Local economy and employment</b>						
62	Is the site within 250m of any sensitive commercial receptors, existing or proposed (e.g. sensitive business uses and tourist / visitor attractions)?	No	No	No	No	No
63	Effects on the sustainability of the local economy and employment locally / Borough / sub-region over time? Temporary / permanent?	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)
<b>Housing</b>						
64	Is the site within 250m of residential dwellings (including individual houses)?	Yes. Residential properties lie immediately east of the site.	No. Some existing properties on Lordsgate Lane nearby are less than 50m from similar industrial uses.	Some existing residential properties are within 250m of the site.	Yes. Site's proximity to residential properties is likely to lead to difficulties in ensuring peaceful co-existence between the settled and travelling community.	Yes. One property directly adjacent to site.
65	Effects on the sustainability of housing provision locally / Borough / sub-region over time? Temporary / permanent?	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible
<b>Transportation and air quality</b>						
66	In or adjacent to an existing Air Quality Management Area?	No	No	No.	No	No
67	Are there any sensitive receptors nearby (e.g. residential, community facilities) that may be impacted by dust, fumes and emissions caused by the development and end-use of the site?	No. Residential and community facilities are nearby, as well as a school. However site is already in use and so further impacts would be unlikely.	Site may be impacted by noise and traffic from the adjacent industrial estates.	No. Site is already in use (although unauthorised) so few impacts would be expected.	No	No
68	Effects on the sustainability of air quality locally and in the wider Borough and sub-region over time? Temporary / permanent?	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality
69	How suitable is the road network to accommodate expected levels of traffic to and from the site?	WLBC is unaware of any evidence that the existing site is placing undue pressure on local infrastructure, services and roads. Site is close to A59 but accessed via a narrow road between the site and the A59. The site has functioned as a Travelling Showpeople site for several years using the existing access.	Site under consideration as a Travelling Showpeople site; this involves storage and manoeuvring of large vehicles. Site lies on Tollgate Road, the "spine" road for the industrial estate, and thus appears suitable to accommodate the use of the site for Travelling Showpeople.	This lane has accommodated typical Traveller traffic for a number of years, but Pool Hey Lane includes a narrow stretch of road with a passing place and is not an ideal access road to a Traveller site.	The site is close to the A570. Access would involve using a 250m stretch of Pool Hey Lane which is an unclassified residential road. However, commercial vehicles associated with the Kershaw's Foods business, as well as farm traffic, use this part of Pool Hey Lane.	Site is directly off the A570 so has good access to the site and local road networks.
70	Would traffic from the site onto Primary Road Network cause adverse impacts on amenity of sensitive receptors on the route (residential, schools etc.)?	No; site already in use as a Traveller site.	Unlikely due to the location of the site meaning that such amenities need not be passed by traffic travelling from the site to the primary road network.	This lane has accommodated typical Traveller traffic for a number of years. No evidence of unacceptable impact of traffic from site on the amenity of sensitive receptors.	Traffic to the site would be unlikely to create any significant further impacts, other than that which exists currently from farm / commercial / other traffic using Pool Hey Lane.	No; site has direct access onto primary road network.
71	Is the site within 800m of an existing or proposed Cycle Route?	Yes	No	Yes	Yes	Yes

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72	Is the site within 800m of a bus stop for a high frequency bus service?	Yes	Site is 850m (10 minutes walk) from bus stops on A59.	No	Yes	Yes
73	Is the site within 1200m of a Rail Station?	Yes	No	No	No	No
74	Does the site have public footpaths, rights of way or any other type of footpath on it or near to it?	No	No	No	No	No
75	What could the effects of development on this site be on the sustainability of transportation locally / wider over time; temporary / permanent effects?	Site already in existence and in a sustainable location.	Site can be accessed from the road network, although may not be that accessible by public transport. Site would not have detrimental impacts on the road network. Good location and site access.	This lane has accommodated typical Traveller traffic for a number of years, but Pool Hey Lane includes a narrow stretch of road with a passing place and is not an ideal access road to a Traveller site.	The site is close to the A570 and public transport services. Access would involve using a 250m stretch of Pool Hey Lane which is an unclassified residential road, but used by commercial vehicles. Site traffic unlikely to create any significant further impacts.	Site is sustainable in terms of road transport links and accessibility to bus services.
<b>Cumulative Impacts</b>						
76	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, have an adverse impact on the perceived environmental quality or character of the area?	Longstanding authorised site.	Site would have an impact on the openness of Green Belt and require new Green Belt boundaries to be redefined as the allocation of the site would encroach. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Longstanding site, although unauthorised. As with any Traveller site, its allocation will be likely to have an impact on the perceived environmental quality or character of the area	As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.
77	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, be likely to inhibit or to promote social cohesion or inclusion in nearby communities?	Longstanding site, already used and authorised as a Travelling Showpeople site. WLBC is unaware of any issues between the site occupants and the local settled community.	The site is separated from the settled community by (currently) undeveloped countryside and / or industrial development.	Generally well screened site over 700m from the nearest residential area (although there are two properties close to the site). Site has been occupied by Travellers since the 1990s and the Council has no evidence of issues between the occupants of the site and the local settled community.	Site's proximity to residential properties is likely to lead to difficulties in ensuring peaceful co-existence between the settled and travelling community.	Site's proximity to residential properties may lead to difficulties in ensuring peaceful co-existence between the settled and travelling community.
78	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, be likely to inhibit or to promote the economic potential of the area?	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Travelling Showpeople site is unlikely to have any significant impact on the economic potential of the area (the storage of fairground equipment, typically on trailers, is not out of keeping with the general industrial nature of the adjacent employment area).	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.

Q	Site Name	11. Land to the rear of 281 Smithy Lane, Scarisbrick	12. Land at Southport New Road, Mere Brow	13. White Moss Road South (A), Skelmersdale	14. White Moss Road South (B), Skelmersdale	15. White Moss Road South (C), Skelmersdale
1	Other site references / SHLAA site reference?	No	SHLAA TA.26 (not whole site)	No	No	No
2	Site Address	Land rear of 281 Smithy Lane, Scarisbrick	Former LCC depot, Southport New Road, Mere Brow	White Moss Road South (A), Skelmersdale	White Moss Road South (B), Skelmersdale	White Moss Road South (C), Skelmersdale
3	Post Code	L40 8HL		WN8	WN8	WN8
4	OS Grid Ref - E	340384	341715	347632	346489	346332
5	OS Grid Ref - North	411675	418986	405134	405299	405190
6	Site Area (ha)	1.01	3.26	0.81	0.92	2.75
7	Description of Site	Site lies to the rear of a number of residential properties within a semi-rural area.	Site is triangular in shape, the 'eastern apex' of the triangle being a former depot, with a number of derelict buildings, hardstanding and a row of trees forming a robust 'inner western boundary'. Beyond this 'inner western boundary' is an open area in agricultural use, in separate ownership. 'Tarleton Runner' watercourse runs along the Northern perimeter of the site.	Site is a former Highways Agency depot, no longer in use and derelict, with buildings and hardstanding.	Site is in the hands of Travellers. Land is Green Belt / agricultural land which is unkempt. Deposits of hardcore and concrete appear to have been dumped on the site.	Site is currently open Green Belt, enclosed by a small fence, hedgerows and trees. Sites runs adjacent to the M58 and Liverpool Road South. Site is adjacent to White Moss Road South (B) site.
8	Description of Surrounding Area	Site lies to the rear of a number of residential properties within a semi-rural area. There are a number of commercial properties nearby. The surrounding area is open Green Belt / agricultural land.	To the south of the site lies Southport New Road (A565), beyond which is the small residential settlement of Mere Brow. To the Northern part of the site is open flat Green Belt, agricultural land with some residential properties nearby to the site.	Site is surrounded by land designated as Green Belt. To the North east of the site there is a narrow access road (White Moss Road South) and beyond that the M58 motorway. J4 of the M58 is to the east of the site. To the south / south east is an office business park.	Site is adjacent to the M58 (North) and White Moss Road South (south). To the east of the site lies Green Belt and agricultural land. A (hazardous) waste site is nearby. There is one residential property approximately 300m along White Moss Road South; residential properties on White Moss Road are closer as the crow flies, and whilst separated by the M58, there is a footbridge close to the site.	Site is currently open Green Belt, enclosed by a small fence, hedgerows and trees. Sites runs adjacent to the M58 and Liverpool Road South. Site is adjacent to White Moss Road South (B) site.
9	Brief Site History	Garden / land behind dwelling; no relevant site history.	Former LCC highways depot, but since sold off.	Site is a former Highways Agency depot, no longer in use and now vacant, with buildings and hardstanding.	Site owned by Travellers 2013, but has since changed. Submitted as a potential Traveller site in 2015 Call for Sites.	None
10	Relevant planning history	No planning history relating to Gypsy/ Traveller use	Recent planning applications have been for change of use of site to home engineering contractors or to convert to motorcycle workshop and sales depot. No planning history directly related to Travellers.	2007/1381/FUL - Construction of garage to store winter maintenance plant (granted)	Application 2013/1040 for use of site for keeping horses granted December 2013 but not implemented.	None
11	Land Ownership Details	Private	Private	Private	Private	Private
12	Source of Site Suggestion	Submitted in Call for Sites 2013	Site identified by planning officers. The willingness of the owner of the eastern section of the site is unknown. The owners of the open, western section of the site have stated that they are not willing for this part of the site to be considered as a Traveller site.	Site suggested by a member of the Travelling Community.	Planning application for Traveller-related development.	Site identified by Council officers.
13	Date of Appraisal	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)
<b>Deliverability Issues</b>						
14	Are there any issues of land ownership that could prevent development on the site being delivered?	Yes - owner indicated in 2014 that the site is no longer available for consideration as a Traveller site.	The willingness of the owner of the eastern section of the site to sell as a Traveller site is unknown. The owner of the open, western section of the site has stated that they are not willing for this part of the site to be considered as a Traveller site.	Site owner has informed the Council that the site is not available for sale at present.	Site in the hands of Travellers.	Yes - owner indicated in 2014 that the site is no longer available for consideration as a Traveller site.
15	Is the site potentially available for development?	No	No / unlikely	No	Yes	No
16	Does the planning history of the site caution against its allocation?	No planning history specific to Traveller uses.	Recent planning applications have been for change of use of site to home engineering contractors or to convert to motorcycle workshop and sales depot. Most applications for change of use have been refused.	No planning history	Recent application for stables approved Dec 2013.	No planning history.

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17	Potential land use conflicts with nearby sites that could prevent development?	The only nearby use that could be considered to have negative impacts is a mushroom farm (150m away), but there are several residential properties as close, or closer, to this use.	Site is adjacent to the small settlement of Mere Brow, but is separated from residential properties by the A565 Dual Carriageway. This physical barrier may increase the possibility of peaceful co-existence, but not integrated co-existence. With the exception of power cables (although not high tension power lines) over the site, none of the stated uses are next or near to the site. Part of site at risk of flooding.	Site is nearby to the M58 (north) and a business park (South). Site is also in close proximity to a landfill (hazardous waste) - within 500m of the waste facility.	Site is Green Belt. Site is also in close proximity to a landfill (hazardous waste) and adjacent to the M58. High pressure gas pipelines running to the west of the site are considered Major Hazardous Installations by HSE, which rule out caravan development on a substantial proportion of the site.	Site is Green Belt. Site is also in close proximity to a landfill (hazardous waste) and adjacent to the M58. High pressure gas pipelines running below and to the west of the site are considered Major Hazardous Installations by HSE, which rule out caravan development on a substantial proportion of the site; pylons over part of site.
18	Is the site directly accessible from the highway network or could it reasonably become so?	Site is close to the B-classified Heaton's Bridge Road, although has less than ideal access onto Smithy Lane, especially for larger vehicles associated with Travellers. Access to the site would be directly beside a residential property (283 Heaton's Bridge Road)	Site lies directly on the A565; it has previously been used as a highways depot, so access has been used in the past, but may not be supported at present due to the need for vehicles to slow to almost a standstill on a 50mph stretch of dual carriageway.	Yes. Site is easily accessed from the M58 J4.	White Moss Road South is generally narrow and the surface is of sub-optimal quality. However, a significant stretch of the road is used by landfill HGVs.	White Moss Road South is generally narrow and the surface is of sub-optimal quality. However, a significant stretch of the road is used by landfill HGVs.
19	Any known land contamination or remediation issues?	None known	None known, although minor contamination may be present on account of site's previous use as a County Council depot.	No contamination known of, although minor contamination may be possible on account of site's previous use as a Highways Agency depot.	None known.	None known
20	Any known ground instability?	None known	None known	None known.	None known.	None known
21	Can adequate provision be made to supply all major utilities?	The site is within an area with several residential and a small number of commercial properties, and thus it is expected that there is adequate utility infrastructure provision in the area to also serve this site.	Presumably the previous depot had mains water and electricity; given the proximity to Mere Brow village, connection to these services should be feasible in future.	It is expected that these services exist as a result of the site's previous use, or if not, they should be readily achievable given the business park nearby.	The site does not currently have these utilities / drainage given its separation from other built development. It is unclear how easy it would be to provide mains water / electricity / drainage.	The site does not currently have these utilities / drainage given its separation from other built development. It is unclear how easy it would be to provide mains water / electricity / drainage.
22	Is the site within Functional Floodplain (Flood Zone 3b)?	No	Land beside Tarleton Runner is in Flood Zones 2 (typically 20-25m from the watercourse) and 3 (typically 15-20m from the watercourse).	No	No.	No
23	Is the site within the Green Belt?	Yes.	Site is within the Green Belt, but adjacent to the Mere Brow settlement.	Yes - Site abuts the Non-Green Belt White Moss Business Park.	Yes	Yes
24	Would development of the site affect any flight paths?	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site
25	Is there interest in site for development?	Site submitted in "Call for Sites" as a potential Traveller site.	Unknown.	Unknown	Site submitted by owners in Call for Sites, but no evidence of it being marketed / sold for Traveller development.	None known
<b>Biodiversity</b>						
26	Within 5km of and / or likely to impact on internationally designated sites?	No	No	No	No	No
27	Within 1km of and / or likely to impact on a SSSI?	No	No	No	No	No
28	Within 100m of designated local nature conservation sites?	No	No	No	No	No
29	Protected species and / or habitats?	No	No	No	No	No
30	Within 100m of woodlands, or trees with Tree Preservation Orders?	No	No	No	Yes	Yes
31	Effects on the sustainability of biodiversity, locally & wider over time? Temporary or permanent?	Site would be unlikely to have a significant impact on local, or international, biodiversity.	Site would be unlikely to have a significant impact on local, or international, biodiversity.	Site would be unlikely to have a significant impact on local, or international, biodiversity.	Development of site may have an impact on biodiversity given the proximity of the M58 wildlife corridor. This impact is likely to be minor.	Site appears to be active farmland, and likely to support some biodiversity.
<b>Water and Land Resources</b>						
32	Is the site subject to any known stability issues?	None known	None known	None known	None known, although land may be undermined.	None known, although land may be undermined.



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33	Geological or geomorphological importance?	No	No	No	No	No
34	Does the site have any adverse gradients on it?	No	No	No	No	No
35	Best and most versatile agricultural land (grades 1, 2 and 3a)?	Yes. Grade 1	Eastern part of site is brownfield. Western part of site is mix of grade 1 and grade 2 agricultural land.	Site is brownfield. Falls under Grade 1 classification	Yes. Grade 1, although not farmed	Yes. Grade 1 land, currently being farmed.
36	Active mineral working site?	No	No	No	No	No
37	Contaminated or derelict land?	No	Derelict buildings and hardstanding	Derelict buildings and hardstanding.	No.	No
38	Previously developed land (brownfield)?	No	Yes, former LCC depot.	Yes, former depot	No.	No
39	Effects on the sustainability of land resources locally / wider over time? Temporary or permanent?	The use of this site for Traveller development would lead to the loss of Grade 1 agricultural land.	Development of the eastern part of the site would reuse brownfield derelict land. Development of the western part would impact on agricultural land and Green Belt.	Development of the site would re-use vacant land	Loss of Grade 1 agricultural land and potential harm to the wildlife corridor.	Loss of Grade 1 agricultural land and potential harm to the wildlife corridor.
40	Within or adjacent to a Principal Aquifer or Source Protection Zone 1 or 2?	Unknown	Unknown	Unknown	Unknown	Unknown
41	Effects on the sustainability of water quality and resources locally / wider over time? Temporary or permanent?	Site would be unlikely to detrimentally affect water quality and resources, provided utilities were incorporated on the site. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site is adjacent to Tarleton Runner. Development would need to not contaminate or detrimentally affect the Runner.	Site would be unlikely to detrimentally affect water quality and resources, given that utilities are presumed available on the site already. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources. As with any development, consideration would need to be given to managing waste water / surface water on the site.
<b>Climatic factors and flooding</b>						
42	Is the site within Zones 2 or 3 of the floodplain?	No	A substantial part of the site is within Flood Zone 2 / 3.	No	No	No
43	Effects on the sustainability of climatic factors and flooding locally / wider over time? Temporary or permanent?	Site would be unlikely to have detrimental impacts on climate and flooding.	Land beside Tarleton Runner is in Flood Zones 2 (typically 20-25m from the watercourse) and 3 (typically 15-20m from the watercourse). This would not preclude the use of a site as a Traveller site, but would require caravans to be located away from the Flood Risk area, decreasing the net developable area and the site capacity.	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be unlikely to have detrimental impacts on climate and flooding.
<b>Heritage and Landscape</b>						
44	Within or within 5km of and / or likely to impact on an AONB or Heritage Coast?	No	No	No	No	No
45	Within or within 1km of any area designated for its local landscape importance or is it likely to have adverse impacts on the landscape?	Site is within an Area of Landscape History of Local Importance.	No	No - No historic environment, landscape or nature conservation designation in vicinity of site.	No - No historic environment, landscape or nature conservation designation in vicinity of site, apart from M58 'wildlife corridor'.	No - No historic environment, landscape or nature conservation designation in vicinity of site.
46	Is the site in the Green Belt? If so, would development on this site cause harm to the objectives of Green Belt designation?	Yes	Yes.	Yes, but previously developed site.	Yes. Development would have visual impact as well as affecting openness.	Yes. Development would have visual impact as well as affecting openness.
47	Within 250m of a site or building with a nationally recognized heritage designation?	Yes	No	No	No	No

Q	Site Name	11. Land to the rear of 281 Smithy Lane, Scarisbrick	12. Land at Southport New Road, Mere Brow	13. White Moss Road South (A), Skelmersdale	14. White Moss Road South (B), Skelmersdale	15. White Moss Road South (C), Skelmersdale
48	Effects on the sustainability of heritage and landscape locally and in the wider Borough and sub-region over time? Temporary / permanent?	Site would be unlikely to have impacts on heritage. The site's development would have a local impact on landscape, especially for neighbouring properties.	Eastern part of site is screened partially by hedgerows. The site is mostly screened from the adjacent A565 by hedging. Vegetation along the Tarleton Runner watercourse screens the majority of the site from the east, and vegetation along the 'inner western boundary' screens the site from the west. Development of the western part of the site would have a much greater impact, but this part of the site is not being considered for development.	Site would be unlikely to have an impact on sustainability of heritage or landscape. Use of this site as a transit site should have no greater visual impact than the site's previous highways-related use. Site is surrounded by an existing security fence and is screened by a belt of (deciduous) trees from the neighbouring business park and motorway junction uses.	Site has no immediate neighbours. Site is reasonably screened (provided existing trees, etc. are retained), and the adjacent motorway already has significant visual and acoustic impact, so the impact of the site should be limited and can be mitigated.	Site is open and in agricultural use; its use as a Traveller site would have visual impact and lead to loss of Grade 1 agricultural land. Screening by appropriate planting possible in theory, but would take several years to become established. This rectangular site is currently open on its "long sides".
	<b>Social equality and community services</b>					
49	Will development of the site harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses)?	It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses). However, site is directly adjacent to a number of residential properties and would be likely to impact negatively upon these properties.	It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).	It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).	No. Site is detached from main residential areas of settled communities. It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).	No. Site is detached from main residential areas of settled communities. It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).
50	How close [how many minutes walk at 5km/h average walking speed] is this site to a public transport facility (bus stop / station on regular route)? (Please note that this walking time is taken into account in the questions below referring to X minutes public transport journey from various facilities.)	Site is within 150m (2 minutes walk) of bus stops on Heatons Bridge Road.	Site is within 550m (7 minutes walk) of bus stops on A565, and within 300m (4 minutes walk) of less frequent bus services on Mere Brow Lane.	Site is approximately 1000-1100m (13 minutes walk) from bus stops on Railway Road; this journey involves crossing a motorway junction.	650m / 750m (8 / 9 minutes walk) from bus stops; journey involves crossing M58 motorway via a footbridge.	700m / 800m (8 / 10 minutes walk from bus stops; journey involves crossing M58 motorway via a footbridge.
51	Is the site within 30 minutes public transport journey of a Primary School?	Yes (Scarisbrick)	Yes	Yes	Yes	Yes (although this would entail a walk of more than 10 minutes to the nearest bus stop, as per the other criteria below).
52	Is the site within 40 minutes public transport journey of a Secondary School?	Yes (Ormskirk)	Yes	Yes	Yes	Yes
53	Is the site within 60 minutes public transport journey of a Further Education Institution?	Yes	Yes (Southport)	Yes	Yes	Yes
54	Is the site within 60 minutes public transport journey of a Hospital?	Yes	Yes (change at Southport Lord Street)	Yes	Yes (change required, or a longer walk to 375 / 385 / 395 route)	Yes (change required, or a longer walk to 375 / 385 / 395 route)
55	Is the site within 30 minutes public transport journey of a GP Practice?	Yes (Ormskirk)	Yes	Yes	Yes	Yes
56	Is the site within 30 minutes public transport journey of a Major Centre?	Yes	Yes	Yes	Yes	Yes
57	Is the site within 10 minutes walk (800m) of a district or local centre?	No	No	No	No	No
58	Is the site within 15 minutes walk (1200m) of a Public Open Space of at least 5ha in size?	No	No	No	Yes (Blaguegate)	Yes (Blaguegate)
59	Is the site within 10 minutes walk (800m) of a natural green space (e.g. Local Nature Reserve) of at least 2ha in size?	No, although site is within easy reach of the Leeds Liverpool Canal.	No	No	No	No
60	Is the site within 40 minutes public transport journey of a Leisure / Recreation / Sports Facility?	Yes - facilities in Ormskirk / Southport	Yes - Banks Leisure Centre	Site is a short public transport journey from Skelmersdale Town Centre, where leisure facilities are planned, and to Blaguegate Lane football pitches.	Site is a short public transport journey from Skelmersdale Town Centre, where leisure facilities are planned, and to Blaguegate Lane football pitches.	Site is a short public transport journey from Skelmersdale Town Centre, where leisure facilities are planned, and to Blaguegate Lane football pitches.

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61	What could the effects of development on this site be on the sustainability of community health and equality, leisure and education locally and wider over time ; temporary / permanent effects?	Site is within reasonable accessible distance of services and facilities, or public transport to them. Given the site's size, its development should not have any significant effect on the sustainability of community health, etc.	Site should not place undue pressure on community services, and as local services are limited it is likely site occupants will travel to access services in Banks or Tarleton.	Site is away from "typical residential" infrastructure and services. Given the site's size, its development should not have any significant effect on the sustainability of community health, etc.	Site is away from "typical residential" infrastructure and services. Given the site's size, its development should not have any significant effect on the sustainability of community health, etc.	Community services cannot be easily accessed by public transport or on foot. Given the site's size, its development should not have any significant effect on the sustainability of community health, etc.
<b>Local economy and employment</b>						
62	Is the site within 250m of any sensitive commercial receptors, existing or proposed (e.g. sensitive business uses and tourist / visitor attractions)?	No	No	No	No	No
63	Effects on the sustainability of the local economy and employment locally / Borough / sub-region over time? Temporary / permanent?	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)
<b>Housing</b>						
64	Is the site within 250m of residential dwellings (including individual houses)?	Yes	Yes - Mere Brow settlement to the south, and nearby residential properties to the east and west Lane.	Not close to any residential properties, although some residential properties exist along Moss Lane.	There is just one residential property approximately 300m along White Moss Road South; residential properties on White Moss Road are closer as the crow flies; whilst separated by the M58, there is a footbridge close to the site.	There is a residential property approximately 400m along White Moss Road South; residential properties on White Moss Road are closer as the crow flies; whilst separated by the M58, there is a footbridge close to the site.
65	Effects on the sustainability of housing provision locally / Borough / sub-region over time? Temporary / permanent?	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible
<b>Transportation and air quality</b>						
66	In or adjacent to an existing Air Quality Management Area?	No	No	No	No	No
67	Are there any sensitive receptors nearby (e.g. residential, community facilities) that may be impacted by dust, fumes and emissions caused by the development and end-use of the site?	Site is directly adjacent to a number of residential properties.	No	No. Although the site may be impacted by noise and fumes from the M58, and is close to a hazardous waste site.	No, although the site may be impacted by noise and fumes from the M58, and is close to a hazardous waste site.	No. Although the site may be impacted by noise and fumes from the M58, overhead pylons, and is close to a hazardous waste site.
68	Effects on the sustainability of air quality locally and in the wider Borough and sub-region over time? Temporary / permanent?	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	None. Although the site may be impacted by Noise and fumes from the M58, and the waste site.	None, although the site may be impacted by noise and fumes from the M58, and the waste site.	None. Although the site may be impacted by noise and fumes from the M58, and the waste site.
69	How suitable is the road network to accommodate expected levels of traffic to and from the site?	Site is close to the B-classified Heaton's Bridge Road, although has less than ideal access onto Smithy Lane, especially for larger vehicles associated with Travellers. Access to the site would be directly beside a residential property (283 Heaton's Bridge Road).	Site lies directly on the A565 which would be able to accommodate any increased levels of traffic to/from the site, but access to the site directly from a dual carriageway is likely to be problematic, notwithstanding the previous depot use.	Site lies within easy reach of the M58 (J4) which could accommodate traffic.	White Moss Road South between the site and M58 junction 4 is narrow and of sub-optimal quality. However, a significant stretch of the road is used by landfill HGVs. Access to the motorway and elsewhere could be taken in the other direction (towards junction 3). The road is relatively quiet; it should thus be able to accommodate typical Traveller vehicles.	White Moss Road South between the site and M58 junction 4 is narrow and of sub-optimal quality. However, a significant stretch of the road is used by landfill HGVs. Access to the motorway and elsewhere could be taken in the other direction (towards junction 3). The road is relatively quiet; it should thus be able to accommodate typical Traveller vehicles.
70	Would traffic from the site onto Primary Road Network cause adverse impacts on amenity of sensitive receptors on the route (residential, schools etc.)?	Site is close to the B-classified Heaton's Bridge Road; access to this uses a short stretch of Smithy Lane, although this road is also used by commercial traffic and traffic accessing the nearby large Shaw Hall Caravan Park.	Site is directly on the A565 so would not cause adverse impacts	No; site very close to primary road network.	Traffic would pass a small number of residential properties on the way to the M58, but the increase in traffic levels over the traffic that already uses White Moss Road South should not be significant.	Traffic would pass a small number of residential properties on the way to the M58, but the increase in traffic levels over the traffic that already uses White Moss Road South should not be significant.
71	Is the site within 800m of an existing or proposed Cycle Route?	Yes	Yes	No	No	No

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72	Is the site within 800m of a bus stop for a high frequency bus service?	Yes	Yes. Site is within 550m of bus stops on A565 (and within 300m of bus stop on Mere Brow Lane).	Site is just over 1km on foot from bus stops on Railway Road; this involves crossing a motorway junction. Access to facilities is thus likely to require private motorised transport.	Site is 650m / 750m from bus stops on Liverpool Road (using the footbridge over the M58).	Site is 700m / 800m from bus stops on Liverpool Road (using the footbridge over the M58).
73	Is the site within 1200m of a Rail Station?	No	No	No	No	No
74	Does the site have public footpaths, rights of way or any other type of footpath on it or near to it?	No	Yes on the site	No	Yes	Yes
75	What could the effects of development on this site be on the sustainability of transportation locally wider over time; temporary / permanent effects?	Site is close to the B-classified Heaton's Bridge Road with reasonable public transport links. Traffic would be unlikely to cause any additional adverse impacts than those already created by local traffic.	Site is a reasonably sustainable location, supported by bus stops on the A565 and in the Mere Brow settlement.	Site adjacent to a business area, but poor access to public transport, thus relatively unsustainable.	Site relatively unsustainable in location, although bus services can be reached on foot using footbridge over M58.	Site relatively unsustainable in location, although bus services can be reached on foot using footbridge over M58.
<b>Cumulative Impacts</b>						
76	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, have an adverse impact on the perceived environmental quality or character of the area?	As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Site has been previously developed and is now derelict so development of the site would bring the site into reuse. Green Belt site, and as with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Site has been previously developed and is already well screened. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Site is reasonably screened (provided existing trees, etc. are retained), and the adjacent motorway already has significant visual and acoustic impact, so the visual impact of the site should be limited. However, as with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.
77	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, be likely to inhibit or to promote social cohesion or inclusion in nearby communities?	If site is kept relatively small, it should not dominate the settled community as a whole, although impacts on a number of neighbouring properties are likely to be more significant.	Site is adjacent to the small settlement of Mere Brow, but is separated from residential properties by the A565 Dual Carriageway. This physical barrier may increase the possibility of peaceful co-existence, but not integrated co-existence.	Site is physically separate from the nearest settled communities.	Site is physically separate from the nearest settled communities.	Site is physically separate from the nearest settled communities.
78	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, be likely to inhibit or to promote the economic potential of the area?	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	There is a possibility that the use of this site as a Traveller site could impact negatively on the nearby business park.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.

Q	Site Name	16. Blackacre Lane, Ormskirk	17. Land south of Butchers Lane, Aughton	18. Land east of Brookfield Lane, Aughton	19. Land east of Middlewood Drive, Aughton	20. Bickerstaffe Colliery, Bickerstaffe
1	Other site references / SHLAA site reference?	No	SHLAA OA.053	SHLAA OA.054	SHLAA OA.061	SHLAA BK.01
2	Site Address	Land at Blackacre Lane, Ormskirk	Land south of Butchers Lane, Aughton	Land east of Brookfield Lane, Aughton	Land east of Middlewood Drive, Aughton	Land at Jubilee Wood, Bickerstaffe Colliery, Bickerstaffe
3	Post Code					
4	OS Grid Ref - E	341478	339897	339373	340444	345220
5	OS Grid Ref - North	410031	403288	403881	405319	404595
6	Site Area (ha)	1.68	0.76	6.74	11.36	2.82
7	Description of Site	Site is currently open Green Belt, enclosed by a small fence, hedgerows and trees. Site contains a number of trees.	Site is an open field, in Green Belt, that is located in between two residential properties. Butchers Lane runs along the northern perimeter of the site. To the south of the site is a small wooded area.	Site is agricultural land, in Green Belt. Site is located between Brookfield Lane (to the west) and the railway line (to the east). In addition, the site contains natural boundaries of trees and hedgerows.	Site is agricultural land, in Green Belt, located to the south of the Aughton residential area.	Site is a wooded area, off Junction 3 of the M58 and Rainford Road (A570). Whilst predominantly wooded, the site contains some disused mine shafts, and some hardstanding areas.
8	Description of Surrounding Area	Surrounding area is mainly Green Belt and agricultural land. There are a small number of residential properties nearby. The settlement of Ormskirk lies to the south.	The west of the site is a linear development of residential properties, with an additional residential property to the eastern side of the site. Further east, and to the North of the site is open Green Belt land used for agriculture. Ashworth Security Prison lies due south of the site, beyond the wooded area. A small watercourse lies to the south of the site also.	Scattered residential properties are located in proximity to the site (to the North, west and south). Railway line / embankment lies to the east of the site.	Residential properties are located to the North, east and west of the site.	To the north of the site is the M58, to the east the Rainford Bypass and some built development. To the west and south the site is adjacent to further woodland and agricultural land.
9	Brief Site History	-	-	-	-	1998/1090, 1994/0209 - both for a hotel and leisure development (approved but lapsed).
10	Relevant planning history	2013/0068/COU - retention of change of use from agricultural land to use of land for keeping of horses, and retention of stable block and portable horse shelters	None	None	None	1998/1090, 1994/0209 - hotel & leisure development (approved but never implemented). 2015/0067 County Matter - COU to storage and blending of soils, sand/minerals and composting plus building, parking, access. WLBC raised objection August 2015
11	Land Ownership Details	Owned by Travellers	Private	Private	Private	Private
12	Source of Site Suggestion	Site suggested in Call for Sites 2013	Owner	Owner	Owner	Site identified by Council officers.
13	Date of Appraisal	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)	16/12/2013 (updated 09/2015)
<b>Deliverability Issues</b>						
14	Are there any issues of land ownership that could prevent development on the site being delivered?	Owned by Travellers	No. Site is not in the hands of Travellers but the owner has expressed willingness for the site to be considered as a Traveller site.	No. Site is not in the hands of Travellers but the owner has expressed willingness for the site to be considered as a Traveller site.	Yes - owner indicated in 2015 that the site is no longer available for consideration as a Traveller site.	Yes - owner indicated in 2014 that the site is no longer available for consideration as a Traveller site.
15	Is the site potentially available for development?	Yes	Owner has expressed a willingness for the site to be considered.	Owner has expressed a willingness for the site to be considered.	No	No.
16	Does the planning history of the site caution against its allocation?	No. Planning permission for change of use for keeping horses has been granted.	No planning history.	No planning history	No planning history	No.

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17	Potential land use conflicts with nearby sites that could prevent development?	Site is physically separate from the built-up area of Ormskirk, although relatively close by (350m to the nearest housing). Provided the site were not large-scale, it should not dominate the settled community. Former sewage works nearby, but this use ceased several years ago and not considered to have any significant impact on the site.	Site is in a rural area but lies between a collection of residential properties in a linear development. Surrounding landscape is open Green Belt and agricultural land. Site is within 100m of Ashworth Hospital.	Site is in a rural area and in close proximity to existing residential properties. Site and the surrounding landscape is open Green Belt and agricultural land. Site is within 100m of railway embankment; this is not considered a constraint in terms of impact upon the residents of the site but the site is highly visible from the railway.	Site is adjacent to a significant number of residential properties; access to the site would be such that wherever it was taken from (all options involve using quiet residential streets), it would be likely to not promote peaceful and integrated co-existence.	Site is within 100m of M58 motorway, although screened by woodland. Cycle facility in adjacent woodland to the south, although it is considered that, with appropriate fencing, etc, this need not prevent the use of the northern part of the site as a Traveller site and vice versa.
18	Is the site directly accessible from the highway network or could it reasonably become so?	Blackacre Lane is a narrow lane (not much wider than single track) and not suitable for the larger vehicles typically associated with Travellers. Site lies on a bend on the lane, although at present has two gated accesses.	Site can be directly accessed from Butchers Lane. Whilst Butchers Lane is unclassified, it is wide enough to accommodate typical Traveller vehicles. The site is large enough for adequate access to be achieved.	Brookfield Lane is narrow and not ideal for typical Traveller vehicles.	Likely access would be Middlewood Road or Middlewood Drive, both narrow cul-de-sacs with significant on-street parking. Access by emergency vehicles would be likely to be difficult.	Site is accessible from A570 Rainford Bypass and close to M58, although access is not ideal (dual carriageway, less than 100m from motorway junction roundabout).
19	Any known land contamination or remediation issues?	None known	None known	None known	None known	No specific contamination known about, although site has been used as a colliery in the past.
20	Any known ground instability?	None known	None known	None known	None known	Site has disused mineshafts in places.
21	Can adequate provision be made to supply all major utilities?	Site does not currently appear to have these services. It is unclear whether they could easily be provided, but it is noted that the site is within 400m of the urban area of Ormskirk with its services / utilities.	Site does not currently have these services, but it is assumed that they can be provided given residential properties either side of the site.	Site does not currently have these services; there are some residential properties nearby, so it is assumed that services can be provided, although it is unclear how easy it would be to provide them.	Site has no known services, but it is probable these could readily be provided given the proximity to an urban area.	It is unclear how easy it would be to provide services, although it is noted that there are commercial and residential buildings within 100m of the site, so it is assumed that services exist in the vicinity of the site.
22	Is the site within Functional Floodplain (Flood Zone 3b)?	No	Rear of site (about 15% of site) is within Flood Zone 2, by virtue of the adjacent watercourse.	No	No	No
23	Is the site within the Green Belt?	Yes	Yes	Yes	Yes. Green Belt adjacent to settlement area.	Yes
24	Would development of the site affect any flight paths?	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site	Site is within the consultation zone for Blackpool Airport Plan C and St Anne's Radar Technical Site
25	Is there interest in site for development?	Yes	Owner has expressed a willingness for the site to be developed for Travellers but no evidence of any actual interest in the site being purchased for possible Traveller use.	Owner has expressed a willingness for the site to be developed for Travellers but no evidence of any actual interest in the site being purchased for possible Traveller use.	None known of	None known of at present.
<b>Biodiversity</b>						
26	Within 5km of and / or likely to impact on internationally designated sites?	No	No	No	No	No
27	Within 1km of and / or likely to impact on a SSSI?	No	No	No	No	No
28	Within 100m of designated local nature conservation sites?	No	No	No	No	No
29	Protected species and / or habitats?	No	No	No	No	None known of at present.
30	Within 100m of woodlands, or trees with Tree Preservation Orders?	No	No	No	No	Yes
31	Effects on the sustainability of biodiversity, locally & wider over time? Temporary or permanent?	Site would be unlikely to have a significant impact on local, or international, biodiversity.	Site would be unlikely to have a significant impact on local, or international, biodiversity.	Site appears to be active farmland, and likely to support some biodiversity.	Site appears to be active farmland, and likely to support some biodiversity.	Potentially some adverse effects: if woodland needed to be removed to provide the site, then this could have an effect on biodiversity.
<b>Water and Land Resources</b>						
32	Is the site subject to any known stability issues?	None known	None known	None known	None known	Unknown. Site likely to have disused mineshafts in places.

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33	Geological or geomorphological importance?	No	No	No	No	No
34	Does the site have any adverse gradients on it?	No; short gentle slope towards road.	No - rear of site slopes gently towards a watercourse	No	No. site slopes gently in parts	Site slopes gently at access point, but majority of site does not slope to any great extent.
35	Best and most versatile agricultural land (grades 1, 2 and 3a)?	Yes, Grade 1	Yes, Grade 1	Yes, Grade 1	Yes, Grade 1	Yes: officially classed as Grade 1 although the site is not agricultural land.
36	Active mineral working site?	No	No	No	No	No
37	Contaminated or derelict land?	No	No	No	No	Former colliery so there is a possibility of localised contamination
38	Previously developed land (brownfield)?	No	No	No	No	Yes: former colliery
39	Effects on the sustainability of land resources locally / wider over time? Temporary or permanent?	Site is on Grade 1 agricultural land although site is not in active use for farming. Site would be unlikely to have a detrimental effect on land resources. Site is on the line of the proposed Ormskirk Bypass. Site subject to a financial "clawback" clause which could impact upon deliverability.	Site is on Grade 1 agricultural land although site is not in active use for farming. Site would be unlikely to have a detrimental effect on land resources.	Site is on Grade 1 agricultural land and actively farmed. Use of site would have an impact on land resources.	Site is on Grade 1 agricultural land and actively farmed. Use of site would have an impact on land resources.	Colliery is no longer mined and so redevelopment of the site for Traveller use would be unlikely to have any significant effects on land resources.
40	Within or adjacent to a Principal Aquifer or Source Protection Zone 1 or 2?	Unknown	Unknown	Unknown	Unknown	Unknown
41	Effects on the sustainability of water quality and resources locally / wider over time? Temporary or permanent?	Site would be unlikely to detrimentally affect water quality and resources. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources. As with any development, consideration would need to be given to managing waste water / surface water on the site.	Site would be unlikely to detrimentally affect water quality and resources. As with any development, consideration would need to be given to managing waste water / surface water on the site.
<b>Climatic factors and flooding</b>						
42	Is the site within Zones 2 or 3 of the floodplain?	No	Rear of site (about 15% of site) is within Flood Zone 2, by virtue of the adjacent watercourse.	No	No	No
43	Effects on the sustainability of climatic factors and flooding locally / wider over time? Temporary or permanent?	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be unlikely to have detrimental impacts on climate and flooding.	Site would be unlikely to have detrimental impacts on climate and flooding.
<b>Heritage and Landscape</b>						
44	Within or within 5km of and / or likely to impact on an AONB or Heritage Coast?	No	No	No	No	No
45	Within or within 1km of any area designated for its local landscape importance or is it likely to have adverse impacts on the landscape?	No historic environment, landscape or nature conservation designation in vicinity of site. Site is a metre or so higher than Blackacre Lane; there is no natural screening between the site and Blackacre Lane at present.	No historic environment, landscape or nature conservation designation in vicinity of site.	No historic environment, landscape or nature conservation designation in vicinity of site.	No historic environment, landscape or nature conservation designation in vicinity of site.	Site is not subject to any historic environment, landscape or nature conservation designation.
46	Is the site in the Green Belt? If so, would development on this site cause harm to the objectives of Green Belt designation?	Yes. Development would have visual impact as well as affecting openness.	Yes. Development would have visual impact as well as affecting openness.	Yes. Development would have visual impact as well as affecting openness.	Yes. Development would have visual impact as well as affecting openness.	Yes. Development of site could be encroachment into the countryside.
47	Within 250m of a site or building with a nationally recognized heritage designation?	No	No	No	Yes	No

Q	Site Name	16. Blackacre Lane, Ormskirk	17. Land south of Butchers Lane, Aughton	18. Land east of Brookfield Lane, Aughton	19. Land east of Middlewood Drive, Aughton	20. Bickerstaffe Colliery, Bickerstaffe
48	Effects on the sustainability of heritage and landscape locally and in the wider Borough and sub-region over time? Temporary / permanent?	Site would be unlikely to have impacts on heritage. The site's development would impact on the open countryside. Screening may help mitigate the visual impact of the site should development occur. There is no natural screening between the site and Blackacre Lane at present.	Site would be unlikely to have impacts on heritage. Screening may help mitigate the visual impact of the site should development occur. Site is located in a gap between residential properties.	Site is within open countryside. Whilst it is screened to an extent by existing trees / hedging, to achieve visual and acoustic privacy for the whole site would mean visual impact on this Green Belt area. The visual impact of the site from the adjacent railway embankment would be very difficult to mitigate in the short-medium term.	Site comprises open countryside on the edge of an urban area. Its development would have a significant impact on the local landscape.	Much of site is wooded, providing natural screening; development / use of the site (or part of the site) as a Traveller site may impact upon the woodland, although this could be mitigated through appropriate fencing / planning conditions.
	<b>Social equality and community services</b>					
49	Will development of the site harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses)?	Provided the site were not large-scale, it should not dominate the settled community. It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).	It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).	It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).	It is not considered that development of the site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses).	It is not considered that development of site should harm any nearby sensitive community receptors, existing or proposed (e.g. schools, hospitals and public / outdoor recreation uses), although concern has been expressed about the impact of the use of the site for Travellers on a new cycle route facility in the adjacent woodland.
50	How close [how many minutes walk at 5km/h average walking speed] is this site to a public transport facility (bus stop / station on regular route)? (Please note that this walking time is taken into account in the questions below referring to X minutes public transport journey from various facilities.)	600 - 650m (7-8 minutes walk) from bus stops on Grimshaw Lane.	1.8km (22 minutes walk) from bus stop on Springfield Road, Aughton.	1km (12 minutes walk) from bus stop on Springfield Road, Aughton	Site within walking distance of Town Green station (280m or 3 minutes walk at best - distance depends on access point).	Site is 450m (5-6 minutes walk) from bus stops on the A570, although walking to these bus stops entails crossing Junction 3 of the M58 (roundabout / under a flyover).
51	Is the site within 30 minutes public transport journey of a Primary School?	Yes	No	Yes	Yes	Yes
52	Is the site within 40 minutes public transport journey of a Secondary School?	Yes	Yes	Yes	Yes	Yes
53	Is the site within 60 minutes public transport journey of a Further Education Institution?	Yes	Yes	Yes	Yes	Yes
54	Is the site within 60 minutes public transport journey of a Hospital?	Yes	Yes	Yes	Yes	Yes
55	Is the site within 30 minutes public transport journey of a GP Practice?	Yes	Yes	Yes	Yes	Yes
56	Is the site within 30 minutes public transport journey of a Major Centre?	Yes	No	Yes	Yes	Yes
57	Is the site within 10 minutes walk (800m) of a district or local centre?	No	No	No	Yes	No
58	Is the site within 15 minutes walk (1200m) of a Public Open Space of at least 5ha in size?	No	No	No	Yes	No
59	Is the site within 10 minutes walk (800m) of a natural green space (e.g. Local Nature Reserve) of at least 2ha in size?	No	No	No	No	No
60	Is the site within 40 minutes public transport journey of a Leisure / Recreation / Sports Facility?	Yes - facilities in Ormskirk	Coronation Park / Park Pool probably reachable in 18 minutes public transport ride time from Springfield Road bus stop (22 minutes walk away).	Yes	Yes - site within reasonable distance of Town Green Station, from which leisure facilities at Ormskirk (or Liverpool) can be accessed.	Yes - via bus routes on A570.



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61	What could the effects of development on this site be on the sustainability of community health and equality, leisure and education locally and wider over time ; temporary / permanent effects?	Site should not place undue pressure on community services.	Site is not in a sustainable location from which to access community services.	Site is not in a sustainable location from which to access community services.	Site is within an accessible distance from services, but has poor access to/from the site.	Site is not in a sustainable location in terms of proximity to services, but is reasonably close to bus stops. Given the site's size, its development should not have any significant effect on the sustainability of community health, etc.
<b>Local economy and employment</b>						
62	Is the site within 250m of any sensitive commercial receptors, existing or proposed (e.g. sensitive business uses and tourist / visitor attractions)?	No	No	No	No	Restaurant close to the site (other side of A570).
63	Effects on the sustainability of the local economy and employment locally / Borough / sub-region over time? Temporary / permanent?	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)	Effects likely to be negligible. (Travellers are often self-employed, and thus unlikely either to utilise employment sites nearby, or to offer employment on their site to local residents.)
<b>Housing</b>						
64	Is the site within 250m of residential dwellings (including individual houses)?	Site is physically separate from the built-up area of Ormskirk, although relatively close by (350m to the nearest housing).	Yes	Yes	Yes	Small number of properties close to the site, but site is generally away from residential areas.
65	Effects on the sustainability of housing provision locally / Borough / sub-region over time? Temporary / permanent?	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible	Effects of the development of this site on the sustainability of housing provision locally are likely to be negligible
<b>Transportation and air quality</b>						
66	In or adjacent to an existing Air Quality Management Area?	No	No	No	No	No
67	Are there any sensitive receptors nearby (e.g. residential, community facilities) that may be impacted by dust, fumes and emissions caused by the development and end-use of the site?	No	No	No	No	No. Although the site may be impacted by noise and fumes from the M58. Other residential uses already exist alongside the M58 however.
68	Effects on the sustainability of air quality locally and in the wider Borough and sub-region over time? Temporary / permanent?	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality	Site would be unlikely to have a significant detrimental effect on air quality, although the site itself may be impacted by noise and fumes from the M58. Other residential uses already exist alongside the M58 however.
69	How suitable is the road network to accommodate expected levels of traffic to and from the site?	Blackacre Lane is a narrow lane (not much wider than single track) and probably unsuitable for the larger vehicles typically associated with Travellers. Access from Ormskirk (A570 via Heskin Lane, or A59 via Grimshaw Lane) would be easier than access from Burscough (A59 / B5242 Pippin Street) as this would entail less distance along Blackacre Lane.	Whilst Butchers Lane is unclassified, it is wide enough to accommodate typical Traveller vehicles and should have capacity to cope with traffic associated with this site, were it to be allocated.	Brookfield Lane is narrow and not ideal for typical Traveller vehicles.	Likely access would be Middlewood Road or Middlewood Drive, both narrow cul-de-sacs with significant on-street parking. Extra through traffic likely to prove problematic.	Site is accessible from A570 Rainford Bypass and close to M58, both of which could take extra vehicles, although access to the site is not ideal (dual carriageway, less than 100m from motorway junction roundabout).
70	Would traffic from the site onto Primary Road Network cause adverse impacts on amenity of sensitive receptors on the route (residential, schools etc.)?	Traffic would pass residential properties on the way to the primary road network, but the increase in traffic levels for the overwhelming majority of these properties, over what already uses the local roads (Grimshaw Lane, etc.), should not be significant.	No; site would be small, and traffic generated by it would be unlikely to cause any significant adverse impact.	Possibly: Brookfield Lane is narrow and not suitable for typical Traveller vehicles.	Yes, given the narrow and "heavily parked" roads close to the site, one of which would need to be used for access.	No; site has direct access to primary road network.
71	Is the site within 800m of an existing or proposed Cycle Route?	Yes	Yes	Yes	Yes	Cycle lanes exist on A570; cycle facility being developed in Jubilee Wood.

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72	Is the site within 800m of a bus stop for a high frequency bus service?	Site is 600-650m from nearest bus stops.	No. Site lies on a school bus route, but is over 1km from any "public" bus stop.	A "custom bus stop" exists adjacent to the site, but the nearest "mainstream" service to Ormskirk is over 1km from the site. Few local accessible services.	Site is close to Town Green Station (distance depends on access point) plus bus routes on Town Green Lane.	Site is 450m from bus stops on the A570, although walking to these bus stops entails crossing Junction 3 of the M58 (roundabout / under a flyover).
73	Is the site within 1200m of a Rail Station?	No	No	No	Yes	No
74	Does the site have public footpaths, rights of way or any other type of footpath on it or near to it?	Yes	No	Yes on the site	Yes on the site	Yes
75	What could the effects of development on this site be on the sustainability of transportation locally wider over time; temporary / permanent effects?	Road access to the site is not suitable for larger vehicles. Green Belt site, but within easy walking distance of public transport facilities; reasonably close to Ormskirk and its facilities.	Relatively unsustainable location, although access by road is reasonable.	Relatively unsustainable location.	Reasonably sustainable location, but access by motor vehicle likely to have adverse impact on nearby streets.	Site is accessible from A570 Rainford Bypass and close to M58, although access is not ideal. Within reasonable walking distance of public transport facilities, but involves crossing a motorway junction underpass.
<b>Cumulative Impacts</b>						
76	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, have an adverse impact on the perceived environmental quality or character of the area?	As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Yes. Would affect the openness of the Green Belt. Site is within open countryside. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	Development would affect the openness of the Green Belt. As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.	As with any Traveller site, its allocation or development will be likely to have an impact on the perceived environmental quality or character of the area.
77	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, be likely to inhibit or to promote social cohesion or inclusion in nearby communities?	Site is physically separate from the built-up area of Ormskirk, although relatively close by (350m to the nearest housing). Provided the site were not large-scale, it should not dominate the settled community.	Site's proximity to residential properties is likely to lead to difficulties in ensuring peaceful co-existence between the settled and travelling community.	Site is physically separate from the nearest settled communities. Site's location near a number of residential properties may lead to difficulties in ensuring peaceful co-existence between the settled and travelling community.	Site's proximity to residential properties is likely to lead to difficulties in ensuring peaceful co-existence between the settled and travelling community.	Site is generally separate from settled community and is well screened by trees.
78	Will locating a new development on this site, including in conjunction with other existing and proposed development in the vicinity, be likely to inhibit or to promote the economic potential of the area?	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.	The overall impact of this site being allocated as a Traveller site is unlikely to have any significant impact on the economic potential of the area.

# Provision for Traveller Sites Development Plan Document – Options and Preferred Options

Habitat Regulations  
Assessment

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Rev No	Comments	Checked by	Approved by	Date
02	Draft	GD	JR	10/15

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The methodology adopted and the sources of information used by AECOM in providing its services are outlined in this Report. The work described in this Report was undertaken during January 2014 and October 2015 and is based on the conditions encountered and the information available during the said period of time. The scope of this Report and the services are accordingly factually limited by these circumstances.

Where assessments of works or costs identified in this Report are made, such assessments are based upon the information available at the time and where appropriate are subject to further investigations or information which may become available.

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Unless otherwise stated in this Report, the assessments made assume that the sites and facilities will continue to be used for their current purpose without significant changes.

Where field investigations are carried out, these have been restricted to a level of detail required to meet the stated objectives of the services. The results of any measurements taken may vary spatially or with time and further confirmatory measurements should be made after any significant delay in issuing this Report.

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# 1 Introduction

AECOM has been appointed by West Lancashire Borough Council (“the Council”) to assist in undertaking a Habitats Regulations Assessment (HRA) of the potential effects of the Provision for Traveller Sites Development Plan Document – Options and Preferred Options on the Natura 2000 network and Ramsar sites.

The Habitats Directive applies the precautionary principle to Natura 2000 sites (Special Areas of Conservation, SACs, and Special Protection Areas, SPAs; as a matter of UK Government policy, Ramsar sites<sup>1</sup> are given equivalent status). For the purposes of this Habitats Regulations Assessment (HRA) candidate SACs, proposed SPAs and proposed Ramsar sites are all treated as fully designated sites. The need for HRA (also often referred to as Appropriate Assessment or AA) is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats and Species Regulations 2010 (**Box 1**). The ultimate aim of the Directive is to “*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*” (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status.

## Box 1. The legislative basis for Appropriate Assessment

### Habitats Directive 1992

*“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site’s conservation objectives.”*

Article 6 (3)

### Conservation of Habitats and Species Regulations 2010

*“A competent authority, before deciding to ... give any consent for a plan or project which is likely to have a significant effect on a European site ... shall make an appropriate assessment of the implications for the site in view of that sites conservation objectives ... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.*

Chapter 2 of this report explains the process by which the HRA has been carried out. Chapter 3 explores the relevant pathways of impact resulting from the selection of traveller sites. Chapter 4 provides the results of the screening of the three preferred sites contained within the DPD. The conclusion of the HRA is then summarised in Chapter 5.

<sup>1</sup> Wetlands of International Importance designated under the Ramsar Convention 1979

## 2 Methodology

### 2.1 Introduction

This section sets out our approach and methodology for undertaking the HRA.

### 2.2 A Proportionate Assessment

Project-related HRA often requires bespoke survey work and novel data generation in order to accurately determine the significance of effects. In other words, to look beyond the risk of an effect to a justified prediction of the actual likely effect and to the development of avoidance or mitigation measures.

However, the draft CLG guidance<sup>2</sup> makes it clear that when implementing HRA of land-use plans, the AA should be undertaken at a level of detail that is appropriate and proportional to the level of detail provided within the plan itself: *“The comprehensiveness of the [Appropriate] assessment work undertaken should be proportionate to the geographical scope of the option and the nature and extent of any effects identified. An AA need not be done in any more detail, or using more resources, than is useful for its purpose. It would be inappropriate and impracticable to assess the effects [of a strategic land use plan] in the degree of detail that would normally be required for the Environmental Impact Assessment (EIA) of a project.”*

In other words, there is a tacit acceptance that appropriate assessment can be tiered and that all impacts are not necessarily appropriate for consideration to the same degree of detail at all tiers.

### 2.3 The Process of HRA

The HRA is likely to be carried out in the continuing absence of formal central Government guidance. CLG released a consultation paper on AA of Plans in 2006<sup>3</sup>. As yet, no further formal guidance has emerged from CLG. However, Natural England has produced its own informal internal guidance and Countryside Council for Wales has produced guidance for Welsh authorities which has been produced to supplement Technical Advice Note 5: Nature Conservation and Planning (2009). Although there is no requirement for an HRA to follow either guidance, both have been referred to in producing this final version of the HRA.

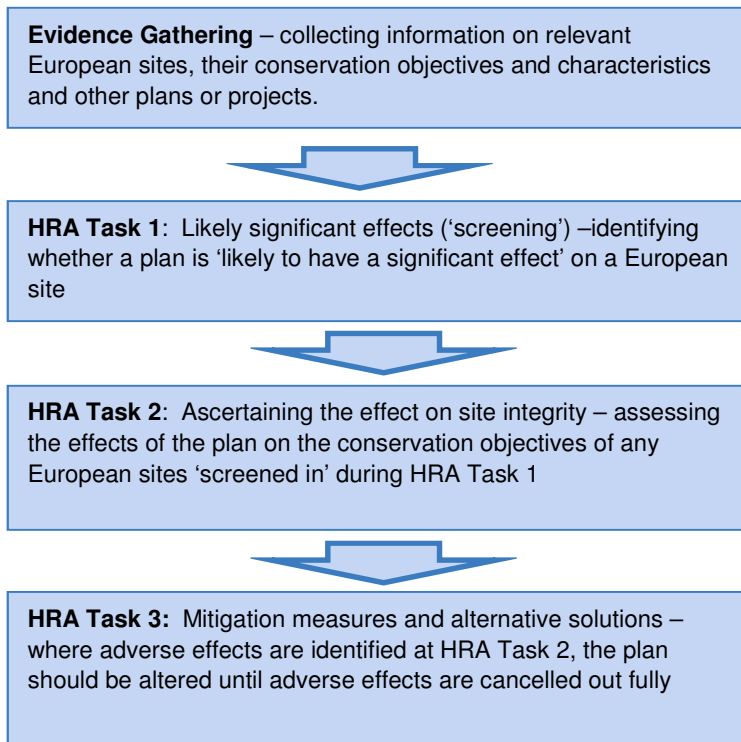
**Figure 1** below outlines the stages of HRA according to current draft CLG guidance (which, since it is Central Government and West Lancashire Borough is an English authority has been considered to take precedence over other sources of guidance). The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no likely significant effects remain.

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<sup>2</sup> CLG (2006) Planning for the Protection of European Sites, Consultation Paper

<sup>3</sup> Ibid



**Figure 1: Four-Stage Approach to Habitats Regulations Assessment**

In practice, we and other practitioners have discovered that this broad outline requires some amendment in order to feed into a developing land use plan such as a DPD. The following process has been adopted for carrying out the subsequent stages of the HRA.

#### 2.4 Task One: Likely Significant Effect Test (Screening)

The first stage of any Habitats Regulations Assessment is a Likely Significant Effect (LSE) test - essentially a high level risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is: *"Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"*

In evaluating significance, AECOM has relied on our professional judgement as well as stakeholder consultation. The level of detail concerning developments that will be permitted under land use plans is rarely sufficient to make a detailed quantification of effects. Therefore, we have again taken a precautionary approach (in the absence of more precise data) assuming as the default position that if an adverse effect cannot be confidently ruled out, avoidance or mitigation measures must be provided. This is in line with CLG guidance that the level of detail of the assessment, whilst meeting the relevant requirements of the Habitats Regulations, should be 'appropriate' to the level of plan or project that it addresses.

Task One: determination of likely significant effects is the purpose of this document.

## 2.5 Physical scope of the HRA

The physical scope of the HRA is dictated to a large extent by the potential pathways for impact that exist. In determining the potential pathways of impact associated with the three traveller sites, it is important to understand that a traveller sites DPD is not aimed at increasing the population of the area, but is rather concerned with ensuring that there are sufficient legal pitches available for traveller needs. As such, there is no basis to assume that the provision of the three preferred sites identified in this DPD would lead to an increase in the population of West Lancashire.

If an increase in the population can be discounted then the principal pathways of impact are associated with whether any of the actual preferred sites would be likely to lead to any disturbance effects on sensitive European sites through proximity, or loss of important supporting habitat outside the boundaries of the European sites. This pathway is discussed further in Chapter 3.

Based on the potential pathways identified above, the physical scope of the HRA is as shown in Table 1.

**Table 1: Physical scope of the HRA**

European site	Reason for inclusion
Martin Mere SPA/Ramsar site	Located 1.7km from the preferred traveller sites at its closest point.
Ribble and Alt Estuaries SPA/Ramsar site and Sefton Coast SAC	Located 2km from the preferred traveller sites at its closest point.

Further details regarding the interest features and vulnerabilities of the European sites included within the scope of the HRA are given below. All baseline data relating to these European Sites presented in subsequent Chapters of this report is taken from Joint Nature Conservancy Council websites (JNCC) unless otherwise stated.

## 2.6 The 'in combination' scope

It is a requirement of the Regulations that the impacts and effects of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European site(s) in question. In practice, 'in combination assessment' is of greatest importance when the DPD would otherwise be screened out because the individual contribution is inconsequential. It is neither practical nor necessary to assess the 'in combination' effects of the DPD within the context of all other plans and projects within the locality. The principal other plans and projects that we are considering are:

- Housing figures identified for West Lancashire as a whole, and housing figures for neighbouring authorities, along with policies relating to employment provision and any significant infrastructure.
- HRA of the West Lancashire Local Plan, and any HRAs for Local Plans of surrounding authorities.

- RSPB and Lancashire Wildlife Trust (July 2008) Wind Turbines, Sensitive Bird Populations and Peat Soils: A Spatial Planning Guide for on-shore wind farm developments in Lancashire, Cheshire, Greater Manchester and Merseyside;
- United Utilities Final Draft Water Resource Management Plan 2015-2040;
- West Lancashire Borough Council Open Space Study (2012);
- Lancashire County Council Local Transport Plan 3 (2011-2021); and
- Environment Agency North West River Basin Management Plan.

It should be noted that, while the broad potential impacts of these other projects and plans will be considered, we do not propose carrying out full HRA on each of these plans.

## 3 Pathways of Impact

### 3.1 Introduction

In carrying out an HRA it is important to avoid confining oneself to effectively arbitrary boundaries (such as Local Authority boundaries) but to use an understanding of the various ways in which land use plans can impact on European sites to follow the pathways along which development can be connected with European sites, in some cases many kilometres distant. Briefly defined, pathways are routes by which a change in activity associated with a development can lead to an effect upon a European site. It is also important to bear in mind CLG guidance which states that the AA should be '*proportionate to the geographical scope of the [plan policy]*' and that '*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*' (CLG, 2006, p.6<sup>4</sup>).

The following indirect pathways of impact were considered relevant to the Habitats Regulations Assessment of the Travellers DPD.

### 3.2 Disturbance

The proximity of new development sites to European sites designated for sensitive species (such as over-wintering birds) can result in noise and visual disturbance.

Human activity can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat or rendering it less usable through, for example, light pollution). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas *etc.*) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death<sup>5</sup>.

The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e. 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage they also found that the density generally was lower along busier roads than quieter roads<sup>6</sup>.

Disturbing activities are on a continuum. The most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.

<sup>4</sup> Department for Communities and Local Government. 2006. *Planning for the Protection of European Sites: Appropriate Assessment*. <http://www.communities.gov.uk/index.asp?id=1502244>

<sup>5</sup> Riley, J. 2003. Review of Recreational Disturbance Research on Selected Wildlife in Scotland. Scottish Natural Heritage.

<sup>6</sup> Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32: 187-202

### 3.3 Loss of Offsite Habitat of Value to Qualifying Species

While most European sites have been geographically defined in order to encompass the key features that are necessary for coherence of their structure and function, this is not the case for all such sites. Due to the highly mobile nature of waterfowl it is inevitable that areas of habitat of crucial importance to the maintenance of their populations are outside the physical limits of the European site for which they are an interest feature. However, this area will still be essential for maintenance of the structure and function of the interest feature for which the site was designated and land use plans that may affect this land should still therefore be subject to HRA.

In examining the potential constraints for offshore wind development in the region in 2008 the RSPB and Lancashire Wildlife Trust published a mapping exercise that identified sensitive areas for pink-footed geese and whooper swans. These include a zone of sensitivity for pink-footed geese and mapping for whooper swan generated as 1km squares of sensitivity rather than more precise habitat zones as prepared for the geese. It is understood that work is currently underway to update this exercise on a more national basis and if the data become available during the timetable of this project the HRA will be updated to take it into account. However, for the time being, these data (presented in Appendix 1 of this report) have been used to determine proximity of preferred sites to sensitive areas for SPA birds.

## 4 Background to European sites

### 4.1 Martin Mere

Martin Mere SPA and Ramsar (119.89 ha) is located north of Ormskirk in West Lancashire, North West England. The outstanding importance of Martin Mere is its large and diverse wintering, passage and breeding bird community.

It occupies part of a former lake and mire that extended over some 1,300 ha of the Lancashire Coastal Plain during the 17th century. In 1972 the Wildfowl and Wetlands Trust purchased 147 hectares of the former Holcrofts Farm, consisting mainly of rough damp pasture, with the primary aim of providing grazing and roosting opportunities for wildfowl. Since acquisition, the rough grazed pastures have been transformed by means of positive management into a wildfowl refuge of international importance. Areas of open water with associated muddy margins have been created, whilst maintaining seasonally flooded marsh and reed swamp habitats via water level control. In September 2002, an additional 63 hectares of land were purchased on the southernmost part of the refuge at Woodend Farm, with the aid of the Heritage Lottery Fund, to restore arable land to a variety of wetland habitats including seasonally flooded grassland, reedbed, wet woodland and open water habitats.

The complex now comprises open water, seasonally flooded marsh and damp, neutral hay meadows overlying deep peat. It includes a wildfowl refuge of international importance, with a large and diverse wintering, passage and breeding bird community. In particular, there are significant wintering populations of Bewick's swan (*Cygnus columbianus bewickii*), whooper swan (*Cygnus cygnus*), pink-footed geese (*Anser brachyrhynchus*) and pintail (*Anas acuta*). There is considerable movement of wintering birds between this site and the nearby Ribble and Alt Estuaries SPA/Ramsar.

### 4.2 Reasons for Designation

This site qualifies for SPA under Article 4.1 of the Directive (79/409/EEC) by supporting populations of European importance of the following over wintering birds listed on Annex I of the Directive:

- Bewick's swan, 449 individuals representing at least 6.4% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)
- Whooper swan 621 individuals representing at least 11.3% of the wintering population in Great Britain (5 year peak mean 1991/2 - 1995/6)

This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following over wintering migratory species:

- Pink-footed geese, 25,779 individuals representing at least 11.5% of the wintering Eastern Greenland/Iceland/UK population (5 year peak mean 1991/2 - 1995/6)
- Pintail 978 individuals representing at least 1.6% of the wintering North Western Europe population (5 year peak mean 1991/2 - 1995/6)

The assemblage of birds present makes the site a wetland of international importance. The area qualifies under Article 4.2 of the Directive (79/409/EEC) by regularly supporting at least 20,000 waterfowl. Over winter, the area regularly supports 46,196 individual waterfowl (5 year peak mean 1991/2 - 1995/6) including: pochard (*Aythya farina*), mallard (*Anas platyrhynchos*), teal (*Anas crecca*), wigeon (*Anas penelope*), pintail, pink-footed geese, whooper swan, and Bewick's swan.

It is additionally designated as a Ramsar European site in accordance with Criterion 5 (UN, 2005) for supporting up to 25,306 waterfowl (5-year peak mean 1998/99 – 2002/03) in winter, and in accordance with Criterion 6 for supporting internationally important populations of pink-footed geese, Bewick's swan, whooper swan, Eurasian wigeon and northern pintail.

### 4.3 Historic Trends and Current Pressures

Since the site's designation as a Wetland of International Importance under the Ramsar Convention and as a Special Protection Area in 1985, there has been a gradual increase in the usage of the mere by wildfowl and wading birds as a direct consequence of positive management. The site is geared towards attracting visitors, with a number of hides from which the Mere and its birds may be viewed. In addition to the wild species for which it is designated, the site holds a collection of about 1,500 captive birds of 125 species from around the world, as well as a number of other visitor attractions. This is because the site is a Wildfowl and Wetlands Trust reserve.

The environmental pressures experienced by Martin Mere in terms of its bird community are likely to be those common to all reedbed and wetland habitats as set out in Lancashire BAP:

- Direct loss of characteristic species as a result of nutrient enrichment from agricultural fertilisers and run-off;
- Loss of reedbed due to weakening of stems through poor growth conditions;
- Natural succession to woodland;
- Changes in farming practice; grazing management is largely dependent upon cattle from surrounding farms;
- Reduced water level caused by surface and ground water abstractions or agricultural drainage, which causes the habitat to dry out and begin succession towards 'alder/willow carr woodland, hastening the overall process of succession towards broadleaved woodland';
- Removal of reeds and other vegetation from whole stretches of watercourses (e.g. neighbouring the site) through routine management of ditches and riverbanks (in some instances);
- Erosion of reedbeds due to increased recreational use of waterbodies and waterways (notably canals) including the site and immediate environs;
- Habitat loss or degradation due to the isolation of reedbeds as a result of losses elsewhere, in turn due to the above or other factors.

In addition, the following site-specific pressures have been documented:

- Invasive plant species: Regular herbicide control of trifid burr marigold is necessary in order to prevent this plant from invading lake/ scrape margins to the detriment of bird populations;
- Water quality problems: water levels on the Mere are controlled to maintain optimum levels throughout the winter period, then lowered progressively in summer to expose marginal mud and the underlying damp pastures and maintain a mosaic of shallow pools. Ditches are

regularly cut and dredged and all areas of pasture are positively managed under a Countryside Stewardship Scheme. Nutrients brought in with the water supply from the surrounding arable farmland and inadequate sewage treatment adds considerably to the large deposits of guano from wintering waterfowl. This results in the site being highly eutrophic with extremely poor water quality conditions. The Wildfowl and Wetlands Trust have started to address this issue with the creation of reedbed water filtration systems and a series of settlement lagoons helps to reduce suspended solids of effluent water arising from waterfowl areas;

Due to the eutrophication described above, the site is also at risk of waterborne disease that could affect wildfowl, although no such outbreaks have been recorded.

#### 4.4 Ribble & Alt Estuaries/Sefton Coast

The Ribble and Alt Estuary SPA and Ramsar Site is approximately 12,360ha, and consists of extensive sand- and mud-flats and, particularly in the Ribble Estuary, large areas of saltmarsh. There are also areas of coastal grazing marsh located behind the sea embankments. The saltmarshes, coastal grazing marshes and intertidal sand- and mud-flats all support high densities of grazing wildfowl and are used as high-tide roosts. Important populations of waterbirds occur in winter, including swans, geese, ducks and waders. The highest densities of feeding birds are on the muddier substrates of the Ribble.

The SPA is also of major importance during the spring and autumn migration periods, especially for wader populations moving along the west coast of Britain. The larger expanses of saltmarsh and areas of coastal grazing marsh support breeding birds during the summer, including large concentrations of gulls and terns. These seabirds feed both offshore and inland, outside of the SPA. Several species of waterbird (notably pink-footed geese) utilise feeding areas on agricultural land outside of the SPA boundary. There is considerable interchange in the movements of wintering birds between this European site and Morecambe Bay, the Mersey Estuary, the Dee Estuary and Martin Mere.

Located to the north of Liverpool, the Sefton Coast SAC (approximately 4,560ha) consists of a mosaic of sand dune communities comprising a range of ages from embryonic (i.e. dune formation) to more established communities. A number of other habitats are also present, including scrub, heath, coniferous woodland, lagoons, estuaries and riverine environments.

#### 4.5 Reasons for Designation

The Ribble and Alt Estuaries Site is designated as an SPA for its Birds Directive Annex I species, both breeding and over-wintering, and these are:

During the breeding season:

- common tern *Sterna hirundo*: 182 pairs = 1.5% of the breeding population in Great Britain;
- ruff *Philomachus pugnax*: 1 pair = 9.1% of the breeding population in Great Britain;

Over winter:

- bar-tailed godwit *Limosa lapponica*: 18,958 individuals = 35.8% of the population in Great Britain;
- Bewick's swan *Cygnus columbianus ssp. bewickii*: 229 individuals = 3.3% of the population in Great Britain;



- golden plover *Pluvialis apricaria*: 4,277 individuals = 1.7% of the population in Great Britain
- whooper swan: 159 individuals = 2.9% of the population in Great Britain.

It also meets the criteria for SPA designation under Article 2 of the Birds Directive, supporting internationally important populations of lesser black-backed gull *Larus fuscus*, ringed plover *Charadrius hiaticula*, sanderling *Calidris alba*, black-tailed godwit *Limosa limosa ssp. limosa*, dunlin *Calidris alpina alpina*, grey plover *Pluvialis squatarola*, knot *Calidris canutus*, oystercatcher *Haematopus ostralegus*, pink-footed geese, pintail, redshank *Tringa totanus*, sanderling *Calidris alba*, shelduck *Tadorna tadorna*, teal *Anas crecca* and wigeon. It also qualifies by regularly supporting up to 29,236 individual seabirds, and, over winter, 301,449 individual waterfowl.

It is additionally designated as a Ramsar Site in accordance with Criterion 5 (UN, 2005) for supporting up 89,576 waterfowl (5-year peak mean 1998/99 – 2002/03), and in accordance with Criterion 6 for supporting internationally important populations of common shelduck *Tadorna tadorna*, black-tailed godwit *Limosa limosa ssp. limosa*, redshank *Tringa totanus*, Eurasian teal *Anas crecca*, northern pintail and dunlin *Calidris alpina alpina*.

The Ribble and Alt Estuaries also qualifies as a Ramsar as it meets criterion 2 by supporting over 40% of the UK population of natterjack toad. The natterjack Toad occurs on the Sefton Coast in seaward dunes between Southport and Hightown. In 2000 it was present on 13 sites (three of which are reintroductions). The breeding population is estimated at just over 1000 females.

The largest populations are on Ainsdale Sand Dunes NNR and Ainsdale and Birkdale Sandhills LNR. Natterjacks are absent from much of the dune coast and some breeding sites are considered to be isolated (North Merseyside Biodiversity Action Plan, undated).

The Sefton Coast qualifies as a SAC for both habitats and species. Firstly, the European site contains the Habitats Directive Annex I habitats of:

- Embryonic shifting sand dunes: considered rare, as its total extent in the United Kingdom is estimated to be less than 1,000 hectares – the Sefton Coast SAC is considered to be one of the best areas in the United Kingdom;
- Shifting dunes along the shoreline with marram *Ammophila arenaria* (“white dunes”): the Sefton Coast SAC is considered to be one of the best areas in the United Kingdom;
- Fixed dunes with herbaceous vegetation (“grey dunes”): the Sefton Coast SAC is considered to be one of the best areas in the United Kingdom;
- Dunes with creeping willow *Salix repens ssp. argentea (Salicion arenariae)*: considered rare, as its total extent in the United Kingdom is estimated to be less than 1,000 hectares – the Sefton Coast SAC is considered to support a significant presence of the species;
- Humid dune slacks: the Sefton Coast SAC is considered to be one of the best areas in the United Kingdom;
- Atlantic decalcified fixed dunes (*Calluno-Ulicetea*): considered rare, as its total extent in the United Kingdom is estimated to be less than 1,000 hectares – the Sefton Coast SAC is considered to support a significant presence.

Secondly, the European site contains the Habitats Directive Annex II species petalwort *Petalophyllum ralfsii*, for which it is one of the best areas in the United Kingdom, and great crested newt *Triturus cristatus*, for which the area is considered to support a significant presence.

## 4.6 Historic Trends and Current Pressures

As an estuarine site linked with the Liverpool Bay, this site has been subject to the same changes as described for the Liverpool Bay SPA but additionally its own unique pressures (some similar to those experienced in the Mersey Estuary). The estuaries were largely undisturbed until the 19th century, at which point there was extensive modification and dredging of the river channel for the Port of Preston, as well as landfill and drainage along the shoreline in order to increase agricultural usage of the land. The Ribble Estuary has over the past century experienced '*a general pattern of sediment accretion in the inner estuary and erosion in outer areas,*' but the estuary has begun '*to revert to its natural state... since maintenance of the Ribble Channel for shipping ceased in 1980. There have been dramatic changes in the course of channels in the outer Estuary, and these are expected to continue. Anticipated climatic and sea level changes are likely to exaggerate existing patterns of erosion and accretion, although sea level rise is not expected to cause significant loss of intertidal land in the Ribble*' (Ribble Estuary Strategy Steering Group, 1997, p.15).

The Ribble and Alt Estuaries are among '*the most popular holiday destinations in Britain,*' with Blackpool as the largest resort and Southport increasing in visitors. Leisure activities include '*watersports such as sailing and windsurfing; fishing and shooting; bird watching; land yachting; and generally relaxing at the coast... enjoyed by both local people and visitors*' (Ribble Estuary Strategy Steering Group, 1997, p.10).

Some of the main environmental pressures relevant to the nature conservation objectives of the Ribble and Alt Estuaries SPA / Ramsar Site are:

- Loss or damage of habitat as a result of increasing off-shore exploration and production activity associated with oil and natural gas;
- Over-grazing of the saltmarshes by cattle-farming;
- Heavy metal pollution (lead, cadmium, arsenic and other poisons) from either industry or disturbance of sediment (legacy pollution bound into the sediment);
- Pollution via rivers by agricultural effluent flowing off fields, 'leading to increased fertility of inshore waters and associated algal blooms and de-oxygenation of seawater, particularly in enclosed bays and estuaries';
- Pollution via rivers and drains by both treated sewerage and untreated runoff containing inorganic chemicals and organic compounds from everyday domestic products, which 'may combine together in ways that make it difficult to predict their ultimate effect of the marine environment. Some may remain indefinitely in the seawater, the seabed, or the flesh, fat and oil of sea creatures';
- Damage of marine benthic habitat directly from fishing methods;
- Damage of marine benthic habitat directly or indirectly from aggregate extraction;
- 'Coastal squeeze' (a type of coastal habitat loss) from land reclamation and coastal flood defences and drainage used in order to farm or develop coastal land, and from sea level rise;
- Harm to wildlife (especially birds) or habitat loss due to increasing proposals/demand for offshore wind turbines;
- Pollution, direct kills, litter, disturbance or loss of habitat as a result of water-based recreation or other recreation activity and related development along the foreshore<sup>7</sup>;

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<sup>7</sup> Wildlife Trust (2006) – The Wildlife Trust For Lancashire, Manchester And North Merseyside (2006). *Uses and abuses.*

- Disturbance to birds from aircraft, both from Blackpool Airport and from a private testing station;
- Introduction of non-native species and translocation;
- Selective removal of species (e.g. bait digging, wildfowl, fishing)<sup>8</sup>;
- Interruption of dune accretion processes leading to over-stabilisation of dunes;
- The spread of rank grasses and scrub, partly caused by a decline in rabbit-grazing, further reducing suitable habitat;
- Losses to development, forestry and recreational uses have reduced the area of available habitat;
- Fragmentation of habitat has led to isolation of populations;
- Creation of permanent water bodies in the dunes has encouraged populations of invertebrates which prey on natterjack tadpoles and, most seriously, populations of common toads which both predate and suppress the development of natterjack tadpoles;
- Gassing of rabbits, especially on golf courses, can kill natterjacks using burrows and removes a valuable grazing animal;
- Collecting and disturbance of spawn and tadpoles can reduce metamorphic success;
- Inappropriate management can cause the loss of low vegetation structure and open ground used by natterjacks for foraging;
- Water abstraction, conifers and scrub lower the water table locally and reduces the number of pools in which natterjack tadpoles can develop to maturity.

There is both formal and informal recreation along the Sefton Coast and intensity varies with season, event and attraction. Recreation is informal within the Ribble Estuary itself.

The dune habitats of the Sefton Coast SAC are dependent on natural erosive processes. Various human activities which interrupt natural sedimentation and deposition patterns within the Liverpool Bay have had an effect on the extent and wildlife value of these dunes. Since as early as the 18th century, *'dredging, river training and coastline hardening have imposed a pattern of accretion and erosion on the shoreline where previous conditions were much more variable'* (Liverpool Hope University College, 2006). More recently, the dunes have been partially stabilised through vegetation maintenance, the planting of pine trees, and artificial sea defences for protecting the developed shorelines. Another compounding influence is that the inland lakes and mosses behind the belt of coastal dunes have been drained and claimed for agricultural production (Liverpool Hope University College, 2006).

The environmental requirements of the Sefton Coast SAC can be described as:

- The need to reduce the fragmentation of habitats, and the impact of fragmentation, to provide stepping stones for the movement of species;
- The need to counter negative changes to low-nutrient habitats resulting from atmospheric nutrient deposition;

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[Online]. Available at: <http://www.lancswt.org.uk/Learning%20&%20Discovery/theirishsea/usesandabuses.htm> (accessed 15<sup>th</sup> June 2009).

<sup>8</sup> (Wildlife Trust, 2006 and Ribble Estuary Strategy Steering Group, 1997)

- The need to manage the continuing coastal erosion at Formby Point which leads to a squeeze on habitats. This management would not involve formal defences, as these would in themselves harm the dune ecosystem, but the management of pine plantations preventing dune roll-back. The dunes require sufficient space that natural processes can maintain the important habitats through roll-back;
- The need to consider the potential impact of climate change on shorelines, wetlands and dunes;
- The need to manage abstraction from the underlying aquifer for sources such as golf courses. The aquifer is critical to some features of the European site, such as the humid dune slacks and the great crested newts;
- To manage recreational pressures and direct disturbance to qualifying habitats;
- The need to develop and maintain management practices which sustain the conservation value of the area;
- The need to avoid loss of great crested newt habitat, and such habitats being further fragmented by distance or barriers.

## 5 Screening of Travellers Sites Preferred Options

### 5.1 Introduction

The Travellers Sites DPD essentially presents three preferred sites. Of these, one site: Land west of The Quays, Burscough, is already permitted. As such, it is excluded from this HRA. The remaining two sites are:

- Sugar Stubbs Lane, Banks 3 pitches
- Pool Hey Caravan Park, Scarisbrick 6 pitches

This screening assessment therefore examines the proximity of these sites to the Martin Mere SPA and Ribble & Alt Estuaries SPA and determines whether these sites would constitute important supporting habitat for SPA birds.

**Table 2:** Likely Significant Effect of Preferred Sites

Site	Proximity to European sites	Sensitive habitat for SPA birds?	Likely Significant Effect?
Sugar Stubbs Lane, Banks	2km from Ribble & Alt Estuaries 6.5km from Martin Mere	Site is within a whooper swan 1km square but habitat is bare ground/scrub and is unsuitable.	No
Pool Hey Caravan Park, Scarisbrick	6km from Ribble & Alt Estuaries 4km from Martin Mere	Site lies within a whooper swan 1km square and a pink-footed goose area but constitutes bare ground and caravans and is unsuitable.	No

## 6 Role of Other Plans and Projects

The other plans and projects that have the potential to create likely significant adverse effects on Martin Mere SPA and Ramsar are as follows.

In considering disturbance of bird species for which the SPA/Ramsar are designated, the HRA of the West Lancashire Local Plan concluded that policy wording was sufficient to be able to confirm that this was unlikely. Despite a presumption in favour of sustainable development, policy SP1 (A Sustainable Development Framework for West Lancashire) indicates that future development in West Lancashire will have to demonstrate compliance with other policies in the Local Plan. These provide robust protection for development affecting European sites. The Local Plan states that:

*'Where there is reason to suspect that there may be protected species on or close to a proposed development site, planning applications should be accompanied by a survey assessing the presence of such species and, where appropriate, making provision for their needs. In particular, the HRA of the Local Plan identifies a series of sites (in Appendix 8 of that document) where the potential of the site to supporting important habitat for birds associated with Martin Mere SPA cannot be ruled out at this stage. For those sites (and any others which may support suitable habitat) the applicant should submit an Ornithology Report containing sufficient information to demonstrate that consideration has been given to the potential for effects on SPA birds and, if necessary, that suitable mitigation measures will be implemented to address this to the satisfaction of the Council and ensure no adverse effect on site integrity. The report could, depending on the site, be a confirmation that no suitable habitat is in fact present and therefore no loss of supporting habitat would result.'*

The Council has prepared an SPD for Yew Tree Farm, and this is also subject to commitment to provide an ornithological survey report as part of any planning applications (See p13 and p43 of that SPD). The Local Plan makes it clear that all other potential developments within West Lancashire that might occur on land supporting designated bird species will be subject to the same caveats as Yew Tree Farm.

Given these safeguards it can be concluded that no likely significant effects on Martin Mere SPA and Ramsar site will arise, through disturbance of qualifying bird species, as a result of the Yew Tree Farm SPD either alone or in combination with other plans and projects. Therefore there will be no in combination effect with the Travellers SPD.

With regard to water quality, the HRA of the West Lancashire Local Plan states that:

*'New development proposed in the areas of Ormskirk, Burscough, Rufford and Scarisbrick that are affected by limitations on wastewater treatment must be phased to ensure delivery of the development coincides with delivery of an appropriate solution which meets the requirements of the Council, the Undertaker and the Regulators.'*

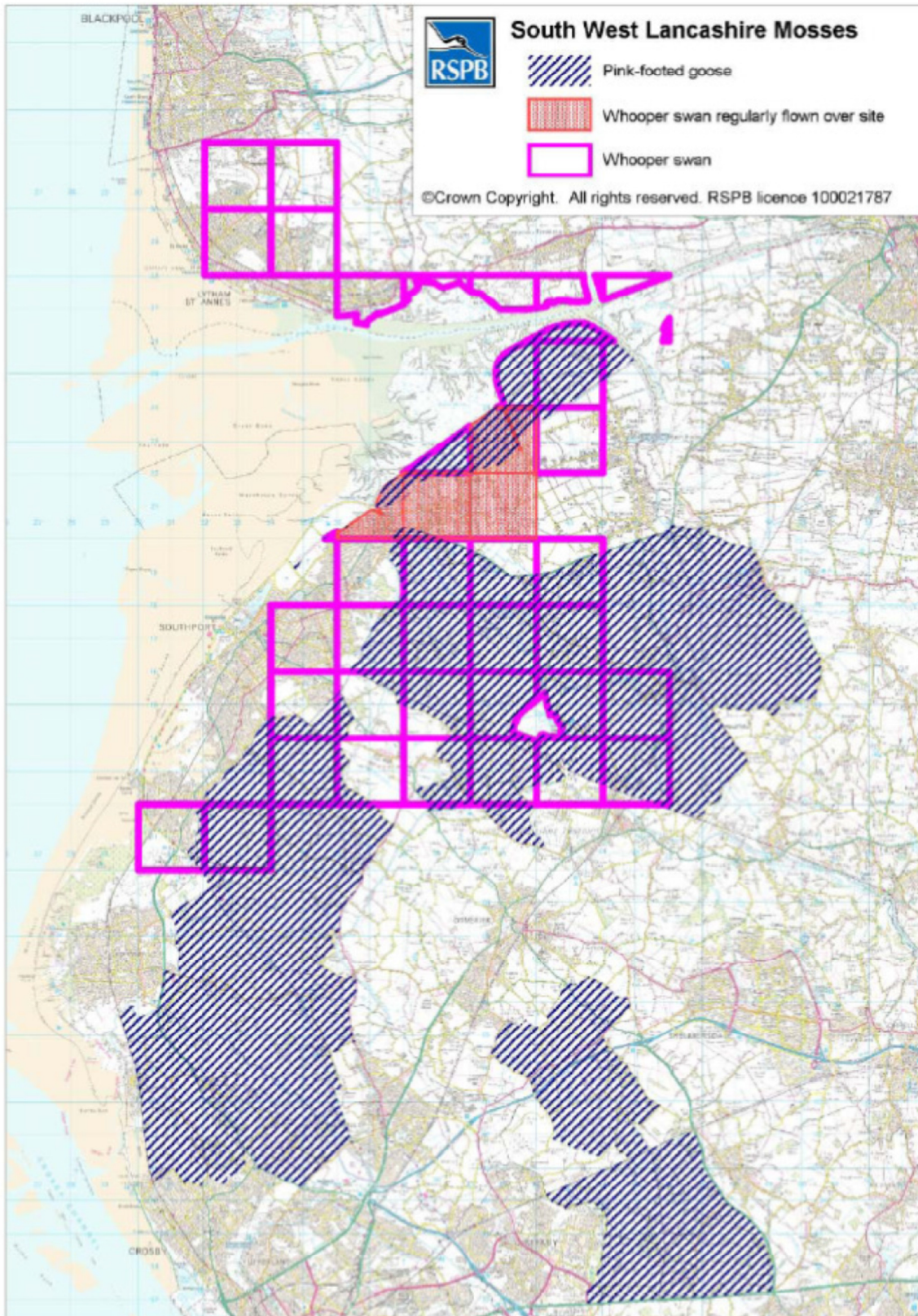
Given this, it can be concluded that other developments will not contribute to increased nutrient enrichment at Martin Mere, since they should conform with Local Plan policy.

Due primarily to the unsuitability of habitat, distance from European sites and/or lack of being within a sensitive area for SPA/Ramsar birds, there is no mechanism for any of the preferred traveller sites to operate in combination with these other projects and plans.

## 7 Conclusions

The HRA of the Traveller Sites DPD Options and Preferred Options has been able to conclude that no likely significant effects will occur on European sites either alone or in combination with other projects and plans.

## 8 Appendix 1 – Qualifying Bird Species Sensitivity Map: South West Lancashire





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**Provision for Traveller Sites Development Plan Document  
Options and Preferred Options**

**Consultation and  
Duty to Co-Operate Report**

November 2015

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# **Provision for Traveller Sites Development Plan Document: Options and Preferred Options**

## **Consultation Report and Duty to Co-Operate Statement (Regulation 18)**

### **Introduction**

This report sets out the consultation that West Lancashire Borough Council has undertaken between September 2013 and November 2015 in relation to the emerging Provision for Traveller Sites Development Plan Document: Options and Preferred Options.

Further consultation will take place as the DPD progresses through its preparation stages and will be summarised in future consultation report updates.

The main aspects of consultation to date are the scope of the document, the Duty to Co-operate, and consultation with landowners over site availability.

## 1. 'Scoping' Consultation

In accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 ("the Regulations"), West Lancashire Borough Council notified a number of specific and general consultation bodies as defined in Paragraph 2 of the Regulations, plus a number of other interested parties, of the subject matter of the Traveller Sites DPD, and invited them to make representations of what the DPD ought to contain. The letter is appended to this document (Appendix 1).

Table 1 below lists the bodies contacted by the Council under this 'Scoping' consultation, and Table 2 lists and summarises the responses made to the Borough Council's initial "Scoping" consultation letter, listed in alphabetical order of respondent. All comments have been noted as the early draft of the Traveller Sites Development Plan Document has been prepared.

**Table 1 Consultation Bodies contacted by the Council**

	<b>Organisation</b>	<b>Type of Consultee</b>
1	The Coal Authority	Specific consultation body
2	Environment Agency	Specific consultation body
3	English Heritage	Specific consultation body
4	Marine Management Organisation	Specific consultation body
5	Natural England	Specific consultation body
6	Network Rail	Specific consultation body
7	Merseyrail	Other
8	Merseytravel	Other
9	Transport for Greater Manchester (GMPTE)	Other
10	Northern Rail	Other
11	Arriva NW Ltd	Other
12	Peel Airports	Other
13	Highways Agency ( <i>now Highways England</i> )	Specific consultation body
14	Sefton Council	Specific consultation body
15	Wigan Council	Specific consultation body
16	St Helens Council	Specific consultation body
17	Chorley Council	Specific consultation body
18	South Ribble Council	Specific consultation body
19	Fylde Council	Specific consultation body
20	Knowsley Council	Specific consultation body
21	Liverpool Council	Specific consultation body
22	Lancashire County Council	Specific consultation body
23	United Utilities	Specific consultation body
24	National Grid	Specific consultation body
25	Electricity North West	Specific consultation body

	<b>Organisation</b>	<b>Type of Consultee</b>
26	Scottish Power Manweb	Specific consultation body
27	N Power renewables	Specific consultation body
28	Shell UK Ltd	Specific consultation body
29	Sabic Pipeline	Specific consultation body
30	Mono Consultants	Specific consultation body
31	Central Lancashire NHS	Specific consultation body
32	Ormskirk and Southport Hospital Trust	Specific consultation body
33	West Lancashire GP Consortia	Specific consultation body
34	NHS England	Specific consultation body
35	Homes and Communities Agency	Specific consultation body
36	Lancashire Constabulary	Specific consultation body
37	Lancashire Fire and Rescue	Other
38	North West Ambulance Service NHS Trust	Other
39	Canals and Rivers Trust	Other
40	Sport England	Other
41	West Lancashire Local Strategic Partnership	Other
42	West Lancashire Council for Voluntary Service	Other
43	Civil Aviation Authority	Other
44	Office of Rail Regulation	Other
45	Lancashire Local Enterprise Partnership	General consultation body
46	Mersey Fire & Rescue Authority	Other
47	Merseyside Police	Specific consultation body
48	Helena Partnership (Registered Social Provider)	Other
49	Mersey Fire & Rescue Authority	Other
50	NHS Sefton	Other
51	Merseyside Police	Other
52	Irish Community Care Merseyside	General consultation body
53	Liverpool City Region Local Enterprise Partnership	Other
54	Irish Community Care Merseyside	General consultation body
55	National Federation of Gypsy Liaison Groups	General consultation body
56	Friends, Families and Travellers	General consultation body
57	Alison Heine (Agent representing Travellers)	Other
58+	Parish Councils in and adjacent to West Lancashire	Specific consultation body

**Table 2 Responses made to Regulation 18 ‘Scoping’ Consultation**

	<b>Organisation / Body</b>	<b>Summary of response</b>
1	Alison Heine (Agent)	<p>DPD should consider following points:</p> <ul style="list-style-type: none"> <li>- Full summary of GTAA and comparison with previous assessment / what changed / explain any differences;</li> <li>- Evidence that criteria policy has also informed any site selection;</li> <li>- Evidence of duty to co-operate;</li> <li>- Does the need for Travellers have to respect housing market areas (NPPF para. 47)?</li> <li>- Importance of offering choice of sites to include range of location, size, tenure, also flexibility and some contingency;</li> <li>- Importance of front loading provision to be sure immediate need is met at outset. Most of need in West Lancs is immediate;</li> <li>- Need to include explanation for choice of sites in sustainability appraisal summary;</li> <li>- Note that Showpeople store equipment year round on sites, not just in the winter;</li> <li>- For transit sites, could consider potential to provide as part of small private family Gypsy sites as well as separate provision.</li> </ul>
2	Bickerstaffe Parish Council	Jubilee Colliery (Bickerstaffe) is not an appropriate site for Traveller accommodation on account of highways access, neighbouring uses and ownership.
3	English Heritage	No comments to make at this stage.
4	Highways Agency <i>(now Highways England)</i>	At this initial stage, the Agency is content with the matters that the DPD intends to cover. As the DPD progresses, the Agency would welcome the opportunity to comment on proposed sites in order to consider any potential impact of these on the strategic road network.
5	Liverpool City Council	Clarification sought as to whether the DPD will cover the Local Plan period of 2012-2027 or fifteen years from the anticipated DPD adoption date, 2015-2030.
6	Marine Management Organisation	No comments to make at this stage.



	<b>Organisation / Body</b>	<b>Summary of response</b>
7	Natural England	<p>No specific comment to make on the document itself at this stage but, in order to allocate the most appropriate sites to deliver high quality, sustainable development, environmental issues and opportunities should be considered as an integral part of the assessment process.</p> <p>Detailed comments made about biodiversity (designated sites, habitats), geological conservation, landscape, best and most versatile agricultural land, public rights of way / access, and Green Infrastructure.</p>
8	Network Rail	<ol style="list-style-type: none"> <li>1. The Council should ensure that no Network Rail land is included within the policy consultation;</li> <li>2. The policy should consider security of the railway boundary from trespass. Any site adjacent to the railway needs suitable trespass proof fencing (minimum 1.8m in height).</li> <li>3. Request that sites are situated away from level crossings (and not on any highways leading to level crossings), as any proposal may result in a material increase in type and volume over the crossing and the developer could be liable for all mitigation costs required to ensure the on-going safety of the crossing.</li> </ol>
9	Newburgh Parish Council	Newburgh Parish Council support the drawing up of a plan; however, it is difficult to comment further until the detail has been put together.
10	The Coal Authority	The LPA should give due consideration to coal mining legacy issues when considering site allocations.
11	United Utilities	<p>No specific comments to make at this stage, but wish to be included in further consultations, to ensure that all new growth can be delivered.</p> <p>Previous UU responses to the West Lancashire Local Plan remain valid.</p>
12	Wrightington Parish Council	The Parish Council cannot see the need for a permanent site for "Travellers" as the term itself implies that the people in question are always on the move and do not require a permanent place of residence. Also, the Parish Council believe that "Showpeople" should be subject to business rates in the same way any other business operating within the Borough.

## 2. Duty to Co-operate

The Localism Act and the NPPF require LPAs to fulfil the Duty to Co-operate on planning issues, including provision for Travellers, in order to ensure that their approaches are consistent, and that they address cross-border issues with neighbouring authorities. Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations prescribe which bodies, as a minimum, should be contacted under the Duty to Co-operate.

West Lancashire Borough Council has consulted, and intends to continue consulting, relevant organisations on an ongoing basis under the Duty to Co-operate as the Traveller Sites DPD is prepared. To date, two “rounds of consultation” have taken place with regard to the emerging West Lancashire Traveller Sites DPD, in November 2013 and August / September 2015 respectively. These two consultation exercises are set out in further detail below and in Appendices 2 and 3.

In addition, West Lancashire Borough Council has responded to neighbouring authorities’ communications as they in turn fulfil their own Duty to Co-operate, has participated in a joint Gypsy and Traveller Accommodation Assessment (2013-2014) with the five Merseyside local authorities, and has attended meetings of the Lancashire Gypsy and Traveller Local Authorities Working Group.

Table 3 below lists the bodies that the Council has contacted so far under the Duty to Co-operate,

**Table 3 Bodies contacted by WLBC under the Duty to Co-operate**

Organisation Contacted	“Prescribed body” (as required by Regulation 4)?	Contact in 2013	Contact in 2015
Environment Agency	Yes	Yes	Yes
English Heritage ( <i>now Historic England</i> )	Yes	Yes	Yes
Marine Management Organisation	Yes	Yes	Yes
Natural England	Yes	Yes	Yes
Network Rail	(No)	Yes	No
Merseytravel	Yes	Yes	Yes
Transport for Greater Manchester (GMPTE)	Yes	Yes	
Highways Agency (Highways England)	Yes	Yes	Yes
Sefton Council	Neighbouring authority	Yes	Yes
Wigan Council	Neighbouring authority	Yes	Yes
St Helens Council	Neighbouring authority	Yes	Yes
Chorley Council	Neighbouring authority	Yes	Yes
South Ribble Council	Neighbouring authority	Yes	Yes
Fylde Council	Neighbouring authority	Yes	Yes
Knowsley Council	Neighbouring authority	Yes	Yes
Lancashire County Council	Neighbouring / common authority	Yes	Yes
United Utilities	(No)	Yes	No
NHS Property Services Ltd	(No)	Yes	No
Ormskirk and Southport Hospital Trust	Yes	Yes	Yes
West Lancashire GP Consortia	(No)	Yes	No

Organisation Contacted	“Prescribed body” (as required by Regulation 4)?	Contact in 2013	Contact in 2015
NHS England	Yes	Yes	Yes
Homes and Communities Agency	Yes	Yes	Yes
Lancashire Constabulary	(No)	Yes	No
West Lancashire Local Strategic Partnership	(No)	Yes	No
West Lancashire Council for Voluntary Service	(No)	Yes	No
Civil Aviation Authority	Yes	Yes	Yes
Office of Rail Regulation	Yes	Yes	Yes
Lancashire Local Enterprise Partnership	Yes	Yes	Yes
Merseyside Police	(No)	Yes	No
Lancashire County Council (Highways)	Yes	Yes	Yes
Parish Councils in and directly adjacent to West Lancashire Borough	Common / neighbouring administrative areas.	Yes	No

## 2.1 Initial Duty to Co-operate Consultation, Autumn 2013

In November 2013, the Council wrote to a number of different organisations, setting out what it considers are the primary cross-boundary issues with regard to provision of accommodation for Travellers, asking for views on the Council’s understanding of cross-boundary issues, and for any other comments. The Council’s letter is appended to this report as Appendix 2.

Table 4 sets out the responses received to the Council’s initial Duty to Co-operate letter, listed in alphabetical order of respondent. All comments have been noted.

**Table 4 Responses to WLBC’s initial Duty to Co-operate letter (November 2013)**

	Body	Summary of response
1	Chorley BC	Can confirm that the Central Lancashire authorities will provide for the Traveller needs identified in the Central Lancashire GTAA within the Central Lancashire administrative boundaries.
2	English Heritage	In terms of English Heritage's interest, in the absence of any identified sites, it is difficult to know whether or not there are likely to be any strategic cross-boundary issues affecting the historic environment. In the development of the <i>Provision for Traveller Sites DPD</i> it is important that consideration is given to the potential impact which allocations might have upon heritage assets within neighbouring local planning authority areas. If there is potential for a proposed site to have a significant impact upon such assets, then English Heritage would be expected to be involved in any discussions regarding that site.
3	Environment Agency	No further comments to make at this stage. The EA will be happy to provide further comments when specific sites have been formally proposed for allocation.
4	Fylde BC	Fylde BC have just commissioned a GTAA for Fylde, Wyre and Blackpool. Until that study is complete (end of March 2014), it is not possible to state the issues in the Fylde area.

	<b>Body</b>	<b>Summary of response</b>
5	Homes and Communities Agency	No reason to dispute WLBC's understanding of cross-boundary issues.
6	Knowsley MBC	Broadly agree with the assessment of cross-boundary issues. It may be helpful to refer more specifically to the status of the emerging Knowsley, Liverpool, Sefton, St Helens, West Lancashire and Wirral Gypsy and Traveller Accommodation Assessment, the recommendations of which have yet to be finalised. This Assessment will recommend pitch provision for both transit and permanent sites across the study area for a fifteen year period and may thereby impact upon the first and third cross-boundary issues identified in the letter. In advance of the publication of this Assessment, and given the different preparation stages and status of Local Plans within the sub-region, it may be premature at the present time to assume that all authorities will be able to meet their own needs for permanent sites within their own boundaries.
7	Lancashire County Council	In regard to the West Lancashire's co-operation with Merseyside authorities about the provision of transit sites, it is felt that this provision needs to be combined with the provision of permanent sites. The provision of transit sites on their own are not sufficient and should instead be coupled with a permanent site. The Council should also co-operate with Merseyside authorities on the issue of permanent provision.  In regard to the Council's assumption in bullet point 3 that each neighbouring LPA will meet its own need for permanent sites, it is agreed that this should be the case. In order to assist in cross-boundary working between neighbouring authorities, a working group has been set up between all the districts of Lancashire.  From the County Council's point of view, once the Council gets to the stage of their DPD production where they are ready to discuss specific sites, the County Council is willing to provide advice and guidance on access improvements required to make allocated sites safe and sustainable in terms of transport requirements.
8	Lancashire LEP	No comments to make.
9	Merseyside Police	We have a static site in Broad Lane (Sefton) already. There is a planning application for 4 extra pitches on this site which technically would be in Green Belt land.  From time to time through the spring/summer period we have illegal encampments in the Sefton area. The largest ones in recent years being in the Crosby area. It is fair to say there is nowhere available for them to be told of in the local area. The provision of any places locally would obviously be of benefit.
10	Natural England	No comments to make at this stage
11	Network Rail	No comments to make regarding cross-boundary issues.
12	NHS England	The Council's understanding of cross-boundary issues is correct.
13	Sefton MBC	Consider WLBC has correctly identified the cross-boundary issues in Sefton. Also agree that being at different stages of the Local Plan process makes it difficult to embark on a joint Traveller Sites DPD at this time. Nevertheless, given that our respective Councils are part of the study group currently undertaking the Merseyside and West Lancashire Traveller Accommodation Assessment, I feel that we have a good overview on the sub-regional Traveller pitch requirements in

	<b>Body</b>	<b>Summary of response</b>
		<p>the sub-region. It may be useful to build upon this and co-operate in identifying some common criteria in a Traveller site selection methodology. Welcome further discussion on this issue.</p> <p>Sefton is anticipating meeting its own requirement for permanent Traveller sites in the borough, particularly as its site requirement is largely driven by demand from existing residents on Sefton's one permanent Traveller site.</p>
14	South Ribble BC	<p>Central Lancashire authorities are currently updating their Gypsy and Traveller Accommodation Assessment and cross-boundary issues form an important consideration.</p> <p>We accept that there is a need for a full discussion on this issue and welcome the opportunity to meet to discuss the outcome of our respective Gypsy and Traveller Accommodation Assessments and any cross boundary issues that may arise as a result of this evidence.</p> <p>The Central Lancashire Gypsy and Traveller Accommodation Assessment is due to be completed by the end of 2013, therefore we will be in a better position to discuss with you in early 2014.</p>
15	St Helens MBC	<p>Will have to await the outcome of the final Merseyside and West Lancashire GTAA to be sure [of cross-boundary issues], but we feel that the need identified for each LPA by the study should be addressed by each individual authority on the basis of meeting needs where they arise. This logic is also likely to extend to transit site provision, especially as we are unclear of the linkages between unauthorised encampments in different authority areas.</p> <p>Do not feel that joint plan preparation is feasible at this time as St Helens are committed to a full allocations local plan which will take longer than a single topic Gypsy and Travellers local plan.</p>
16	United Utilities	No comments to make at this stage.
17	West Lancashire CCG (NHS)	The clinical commissioning group already deals with cross boundary issues in relation to the commissioning of health services and so this issue would not cause any major concerns for the organisation. Once the locations of the traveller sites are know, the CCG will be able to comment in more detail on any specific impacts on health commissioning.
18	Wigan MBC	Agree that the list of potential cross-boundary issues included in WLBC's letter give an accurate overview of the situation and that there are unlikely to be any cross-boundary issues with regard to the provision of permanent Traveller sites if each authority meets its own need for such sites.

## 2.2 Second Duty to Co-operate Consultation, August / September 2015

In August 2015, the Council sent a second Duty to Co-operate letter to Prescribed Bodies and to neighbouring local authorities. The letter to the Prescribed Bodies provided an update regarding progress with the preparation of the DPD, and the completion of the Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment (August 2014). The letter to neighbouring local authorities advised in addition that West Lancashire Borough Council was having little success in identifying deliverable and / or developable candidate Traveller sites, and asked whether any neighbouring local authority could offer sites that could contribute towards meeting West Lancashire's Traveller accommodation needs.

Table 5 sets out the responses to this second Duty to Co-operate letters. The two letters sent by West Lancashire Borough Council to Prescribed Bodies and to neighbouring local authorities are appended to this report as Appendices 3A and 3B.

**Table 5 Responses to WLBC's second Duty to Co-operate letter (August 2015)**

	<b>Body</b>	<b>Summary of Response</b>
1	Chorley Borough Council	It is considered that all of the Borough's Gypsy and Traveller permanent accommodation needs will be met within Chorley's own administrative boundary. The GTAA methodology seeks to satisfy need where it arises. No Gypsies or Travellers or Travelling Showpeople from West Lancashire demonstrated a connection or need to locate in Central Lancashire in the Central Lancashire GTAA, accordingly, the Council is unable to provide any deliverable or developable sites in our administrative area that could be used to meet part of West Lancashire's Traveller accommodation needs.
2	Fylde Borough Council	Fylde are unable to demonstrate a five year supply of deliverable sites themselves, and have not sites to contribute towards meeting West Lancashire's needs.
4	Homes and Communities Agency	No comment, except to provide updated contact details.
5	Highways England	Note that the current focus for site locations is within the 'M58 corridor'; would welcome the opportunity to comment, especially if any locations are immediately adjacent to the motorway.
6	Historic England	No comments to make at this stage.
7	Knowsley Metropolitan Borough Council (MBC)	Knowsley Council will identify a target to meet its needs for Traveller accommodation in the Site Allocations and Development Policies Local Plan. The Council expects to start work on this document in early 2016. In advance of this process, there is no evidence to suggest that any sites in Knowsley could appropriately help to meet West Lancashire's needs for Gypsy and Traveller accommodation at the current time.

8	St Helens MBC	St Helens do not have any deliverable or developable sites currently identified that are surplus to needs and so could meet West Lancashire's needs, nor is it likely that St Helens will identify surplus sites in the future that will be available to meet West Lancashire's needs.
9	Sefton MBC	<p><i>(Letter sent February 2015 following correspondence between WLBC and SMBC late 2014 / early 2015.)</i></p> <p>Whilst Sefton's proposed allocations of land for Traveller accommodation (in the Publication Sefton Local Plan) would exceed the identified need if fully developed to their maximum capacity, there will be uncertainty on whether all the sites will provide the full amount in the time required. The apparent surplus is designed to build some flexibility into the supply figure (as with housing), and also to 'future proof' the Local Plan to respond to any GTAA update.</p> <p>Whilst it is possible that West Lancashire Travellers could apply for a pitch on a Sefton site, WLBC should not proceed on the basis that Sefton can meet any of WLBC's Traveller accommodation needs.</p>
10	South Ribble Borough Council	We received a revised GTAA from our consultants in May 2015. The GTAA will form part of the evidence to the Central Lancashire Gypsy, Traveller and Travelling Showpeople Local Plan (June 2015), the Issues and Options version of which is currently being drafted. It is of note that during the preparation of the GTAA no Travellers presented themselves from West Lancashire as having a need to locate in Central Lancashire.

### 3. Consultation with Landowners

As set out in Chapter 5 of the Traveller Sites DPD: Options and Preferred Options, West Lancashire Borough Council has contacted a significant number of landowners, asking whether they were prepared for any of their land to be considered as a potential Traveller accommodation site:

- In 2013, the Council wrote to owners of sites in the Council’s Strategic Housing Land Availability Assessment (SHLAA) to ask specifically about Traveller accommodation on their land. In 2015, owners were asked for an update on all preferred / acceptable uses of their land, including housing, employment, commercial development, and Traveller accommodation.
- The Council carried out two ‘Call for Sites’ exercises, in autumn 2013 and summer 2015, asking people to submit sites they considered may be appropriate for Traveller accommodation (and, in 2015, for other uses as well).
- In August / September 2015, the Council wrote to landowners (or agents for landowners / developers) of sites allocated or safeguarded in the Local Plan, asking whether they would be willing for part of their land to be considered for Traveller accommodation.

Details of these consultation exercises, and replies the Council received, are set out below and in Appendices 4-6.

#### 3.1 Letters to owners of SHLAA sites

The Council wrote to owners of sites submitted in the Strategic Housing Land Availability Assessment (SHLAA), or to their agents, in September 2013 and again in June 2015, asking whether they were willing for their land to be considered as a potential Traveller site. The letters sent are appended to this report at Appendices 4A and 4B, and Table 6 summarises the responses received.

**Table 6 Summary of responses from SHLAA landowners regarding possible uses**

	2013 letter	2015 letter
Number of responses received	52	184
Number who expressed a willingness for their land to be considered as a potential Traveller site	4	2*
Number seeking housing as a possible use	N/A**	181
Number seeking employment as a possible use	N/A	55
Number seeking other possible uses (leisure, retail, etc.)	N/A	44

\* Initially, five responses came back saying “Yes” to Traveller accommodation. However, subsequent contact with two landowners revealed that Traveller use had been “ticked” unintentionally on their forms, and one form was returned by a person who was not the landowner, and with an invalid telephone number and email address.

\*\* In 2013, landowners were only asked about Traveller accommodation on their land. In 2015, landowners were asked to “tick” any number of uses from a list including housing, employment, Traveller accommodation, and others.



### 3.2 “Call for Sites” Exercises

West Lancashire Borough Council carried out two Call for Sites exercises, the first in September 2013 specifically for Traveller sites, the second in June – July 2015 for any land uses, including Traveller accommodation. The 2015 Call for Sites letter is appended to this report at Appendix 5.

The 2013 Call for sites yielded seven sites, three of them already known to the Council. The 2015 Call for sites yielded just one site. The sites submitted in the two Call for Sites exercises are as shown in Table 7 below. The Table also provides the position with regard to site availability in October 2015:

**Table 7 Sites submitted in the 2013 and 2015 Call for Sites Exercises**

Ref	Site name / location	Comments
<b>2013 Call for Sites</b>		
2	Land west of ‘Mosslands’, Aveling Drive, Banks – ‘Aveling Drive ‘B’”	Site already known to the Council.
5	Land west of Ringtail Road, Burscough	Owner has subsequently expressed unwillingness for the site to be used by Travellers.
7	Land west of Tollgate Road, Burscough	Not submitted by owner; site owner has since confirmed the site is not available for consideration as a Traveller site.
8	Pool Hey Caravan Park, Scarisbrick	Site already known to the Council
11	Land rear of 281 Smithy Lane, Scarisbrick	Owner has subsequently expressed unwillingness for the site to be used by Travellers.
13	Highways depot, adj. White Moss Business Park, White Moss Road South, Skelmersdale (‘White Moss Road South (A)’) )	Site not submitted by owner. The owners (Highways England) have subsequently expressed an unwillingness for the site to be sold, as it may be necessary for future operational requirements.
16	Land at Blackacre Lane, Ormskirk	
<b>2015 Call for Sites</b>		
14	Land between White Moss Road South and the M58 Motorway, Skelmersdale (‘White Moss Road South (B)’) )	Site already known to the Council by virtue of a 2013 planning application. Ownership has changed hands between 2013 and 2015. Site submitted by new owners in 2015 Call for Sites.

### **3.3 Liaison with Landowners of Local Plan Sites**

In summer 2015, the Council wrote to the owners (or agents for owners or developers) of sites allocated for housing, or safeguarded for future development needs under policies RS1 or GN2 of the West Lancashire Local Plan 2012-2027. A copy of the letter template is provided at Appendix 6. The letter explained how the Council was searching for deliverable sites for consideration as potential Traveller accommodation, and that in its search, the Council was pursuing all possible avenues of search. The letter went on to ask whether the landowner or developer would be willing for part of the site to be set aside for Traveller accommodation.

All the responses the Council received to this letter were negative, i.e. no landowner expressed any willingness for their land (or part of their land) to be considered as a potential Traveller site.

## Appendix 1 West Lancashire Borough Council's Regulation 18 'Scoping' Letter

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### Directorate of Transformation

**John R Harrison DipEnvP, MRTPI  
Assistant Director Planning**

**PO Box 16, 52 Derby Street  
Ormskirk, West Lancashire L39 2DF**

Telephone: 01695 577177

Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

Email: [localplan@westlancs.gov.uk](mailto:localplan@westlancs.gov.uk)

**Date: 26 September 2013**

**Your ref: -**

**Our ref: GTDPD/Reg18**

**Please ask for: Stephen Bengé**

**Direct dial no: 01695 585274**

**Extension: 5274**

Dear Sir / Madam

### Provision for Traveller Sites Development Plan Document

West Lancashire Borough Council are preparing a Development Plan Document (DPD) to allocate specific sites in the Borough for Gypsies and Travellers, and for Travelling Showpeople. We originally included a policy on Traveller sites in our emerging West Lancashire Local Plan (Policy RS4). This policy set targets for the number of pitches / plots that were to be provided for Travellers over the Local Plan period (2012-2027), and contained a set of criteria against which proposals for Traveller accommodation could be judged.

At the public examination into the West Lancashire Local Plan in March 2013, the Inspector advised that he could not judge Policy RS4 to be sound, in that it did not identify a five year supply of specific deliverable Traveller sites, as required by national policy. As a result, Policy RS4 was deleted from the emerging Local Plan, and the Council committed to preparing a separate DPD to allocate sufficient deliverable sites to meet the accommodation needs of the travelling community in West Lancashire. The Council has revised its Local Development Scheme (a project plan for preparing policy documents), adding in the Travellers Sites DPD, with an anticipated adoption date of March 2015.

The Council has joined the five Merseyside authorities in commissioning consultants to undertake a study to ascertain Traveller accommodation needs in Merseyside and West Lancashire. We are expecting the results of this study in the near future. Obviously, the study will influence the forthcoming DPD by specifying how many pitches / plots / sites the DPD will need to allocate.

In accordance with Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012, West Lancashire Borough Council wish to inform you, as a consultation body, of our intention to prepare the Provision for Traveller Sites DPD, to notify you of the subject and indicative content that it is intended the DPD will cover, and to invite you to make representations about the subject and indicative content at this early stage in the preparation of the DPD.

It is the Council's intention to prepare an Options / Preferred Options version of this DPD for public consultation in spring 2014. Your input at this initial stage will be crucial in guiding which issues the Traveller Sites DPD should seek to address. We will of course invite further representations from you on the actual Options / Preferred Options document in 2014 when you will be able to see the detail of the proposed content of the DPD.

In order to inform your thoughts on any representation at this initial scoping stage, I am listing below the matters that we intend the Provision for Traveller Sites DPD to cover:

- Targets for the supply of Traveller sites – numbers of plots / pitches for Gypsies and Travellers and Travelling Showpeople on permanent sites, and transit sites.
- A criteria-based policy, based on national policy but tailored to the specific circumstances of West Lancashire, to use in assessing ad hoc planning applications for Traveller Sites, or to use, if necessary, in enforcement cases and / or appeals;
- Permanent Gypsy sites – allocation of a specific site (or sites) to accommodate Gypsies and Travellers. Typically, such sites are owned by one family or group, who base themselves on the site for the majority of the year;
- Permanent Travelling Showpeople sites – allocation of a specific site (or sites) to accommodate Travelling Showpeople and to store their equipment outside the touring season. These sites tend to require more space per occupant than Gypsy sites, and need suitable access to accommodate the large vehicles that Travelling Showpeople typically use;
- Transit sites – allocation of a specific transit site (or sites). The purpose of these sites is to accommodate groups of Travellers who are passing through West Lancashire on their way to other destinations, or who choose to occasionally visit the area for short periods.

If you have any specific views on these proposed policy areas or believe that additional issues that have not been considered in this list should be included, please make your representation to the Council by **5pm on Thursday 31 October 2013**, making clear reference to the Provision for Traveller Sites DPD, either by post or email at the following addresses:

Stephen Benge  
Principal Planning Officer  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
L39 2DF

Email: [Localplan@westlancs.gov.uk](mailto:Localplan@westlancs.gov.uk)

If you have any queries regarding this letter or the Provision for Traveller Sites DPD, please contact Stephen Benge on 01695 585 274 or at [Localplan@westlancs.gov.uk](mailto:Localplan@westlancs.gov.uk).

I look forward to hearing from you.

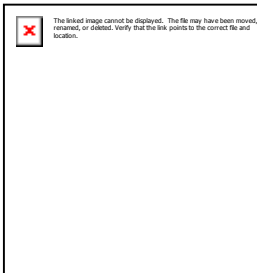
Yours faithfully

**John Harrison Dip.Env.P. MRTPI**  
**Assistant Director Planning**

## Appendix 2

### WLBC initial Duty to Co-Operate Letter

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#### Directorate of Transformation

**John R Harrison DipEnvP, MRTPI**  
**Assistant Director Planning**

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Email: [Stephen.benge@westlancs.gov.uk](mailto:Stephen.benge@westlancs.gov.uk)

To: Prescribed Bodies

**Date: 14 November 2013**  
**Our ref: GTDPD / DtC / 01**

Dear Sir / Madam

#### **West Lancashire Provision for Traveller Sites DPD: Duty to Co-operate**

West Lancashire Borough Council are preparing a Development Plan Document (DPD) to set out the accommodation requirements in West Lancashire for the Travelling Community, to set criteria against which planning applications for Traveller sites can be assessed, and to allocate specific sites to meet the accommodation needs of the Travelling Community.

The Localism Act and the National Planning Policy Framework (NPPF) create a duty on local planning authorities (LPAs), county councils and other "Prescribed Bodies" to cooperate with each other to address strategic matters relevant to their areas in the preparation of a DPD. I am writing to you, as the representative of one of the "Prescribed Bodies" (as set out in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012), or as a representative of another body that may have a direct interest in the DPD.

It is likely that we have previously liaised with you over the West Lancashire Local Plan 2012-2027, which was adopted by the Council on 16 October. The Submission version of this Plan contained a criteria-based policy on Traveller site location (Policy RS4), setting out criteria against which planning applications for Traveller sites could be judged. There was a recognition that some Green Belt land may be required to meet Traveller accommodation needs. Under the Duty to Co-operate, no objections were raised by neighbouring authorities or other Prescribed Bodies over the soundness of Policy RS4, nor over the potential use of Green Belt land in West Lancashire to meet Traveller accommodation needs. However, the Local Plan Inspector advised that he could not find Policy RS4 sound as it did not identify a five year supply of specific deliverable sites. It was recommended that the policy be deleted from the Local Plan and that a separate DPD be prepared as quickly as possible to identify and allocate appropriate Traveller sites.

An important part of the evidence base behind the new Provision for Traveller Sites DPD is a joint Gypsy and Traveller Accommodation Assessment, currently being undertaken by consultants on behalf of this Council and the five Merseyside authorities. We are expecting the results of this study soon.

At present, our understanding of cross-boundary issues relating to provision for the Travelling Community is as follows:

- There is a need for this Council to co-operate with Merseyside authorities on the issue of transit site provision (transit sites are intended to meet the short term needs of Travellers who are passing through local authority areas on their way to other destinations or choose to occasionally visit the area for short periods), as Travellers who require such sites are almost certain to be moving between different boroughs.
- We are unaware of any significant cross-boundary issues between West Lancashire and Wigan / Central Lancashire in terms of transit site provision.
- If each LPA were to meet its own need for permanent Traveller sites (which may be used for Travellers to base themselves throughout the majority of the year, or for Travelling Showpeople to live and store their equipment outside their touring season), there should be no cross-boundary issues in terms of a need for sites. As far as we are aware, our neighbouring authorities are intending to fully meet their needs for permanent Traveller sites within their own boundaries.
- However, dependent upon the location of any proposed site allocations, it may be the case that occupants of sites may seek to make use of facilities and services (education, health, etc.) in a neighbouring Borough. As we understand it, we and our neighbouring authorities, are not yet at the stage where specific sites have been formally proposed for allocation, and thus cannot comment at present as to whether cross-boundary issues are likely to arise as a result of specific site locations.
- The government's Planning Policy for Traveller Sites document (Section 9(c)) requires that local planning authorities consider production of joint development plans that set targets on a cross-authority basis. Given the differing timescales for the different authorities surrounding West Lancashire, and the West Lancashire Local Plan Inspector's recommendation that the Council have this Traveller Sites DPD adopted as soon as possible, it is our view that production of a joint development plan would not be realistic.

As part of this Council's actions under the Duty to Co-operate for the Traveller Sites DPD, we are intending to hold a workshop with Prescribed Bodies to discuss cross-boundary issues and how West Lancashire Borough Council intends to deal with them. This workshop would be likely to take place at the Council offices in Ormskirk in late 2013 or early 2014.

I would be grateful if you would reply to this letter, and let us know your views on:

a) Do you agree with our understanding of the cross-boundary issues, as above? What amendments need to be made to the list (additions / deletions / alterations) to give a more accurate overview of the issues?

b) Would you wish to attend the proposed workshop in the New Year, to discuss cross-boundary issues, and how they might be addressed?

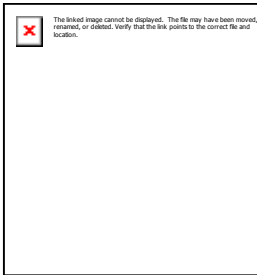
I look forward to receiving your views on (a) and (b) above. I would be grateful if you could reply by **29 November 2013**. Contact details for a response (including email address) are provided overleaf.

Yours faithfully

**Peter Richards**  
**Planning Policy and Implementation Team Leader**

**Appendix 3A**  
**WLBC second 'Duty to Co-operate' letter (2015) – to Prescribed Bodies**

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**Directorate of Transformation**

**John R Harrison DipEnvP, MRTPI**  
**Assistant Director Planning**

**PO Box 16, 52 Derby Street**  
Ormskirk, West Lancashire L39 2DF  
Telephone: 01695 577177

Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

Email: [Stephen.benge@westlancs.gov.uk](mailto:Stephen.benge@westlancs.gov.uk)

To: Prescribed Bodies

**Date: 3 September 2015**

**Your ref: -**

**Our ref: GTDPD / DtC / 02**

**Please ask for: Stephen Benge**

**Direct dial no: 01695 585274**

**Extension: 5274**

BY EMAIL

Dear Sir / Madam

**West Lancashire Provision for Traveller Sites DPD: Duty to Co-operate**

West Lancashire Borough Council is preparing a Development Plan Document (DPD) to set out the accommodation requirements in West Lancashire for the Travelling Community, to set criteria against which planning applications for Traveller sites can be assessed, and to allocate specific sites to meet the accommodation needs of the Travelling Community.

The Localism Act and the National Planning Policy Framework (NPPF) create a duty on local planning authorities (LPAs), county councils and other "Prescribed Bodies" to cooperate with each other to address strategic matters relevant to their areas in the preparation of a DPD. I am writing to you, as the representative of one of the "Prescribed Bodies" (as set out in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012), or as a representative of another body that may have a direct interest in the DPD.

We previously wrote to you (or to your predecessor) in November 2013, setting out what we considered to be the principal cross-boundary issues between West Lancashire Borough and its neighbours with regard to the provision of land to accommodate Gypsies and Travellers. A copy of this letter is attached for your information. We received responses from 20 Prescribed Bodies, generally agreeing with our assessment of cross-boundary issues. The reason for this latest (2015) letter is to update you on progress with the Traveller Sites DPD.

Since the November 2013 letter, there have been two significant developments with regard to work on providing Traveller accommodation in West Lancashire. Firstly, the joint Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment (GTAA) was completed at the end of summer 2014. This GTAA identifies a need in West Lancashire for up to 20 permanent pitches and 4 transit pitches for Gypsies and Travellers in West Lancashire over the period 2013-2028. Notwithstanding the government's recent publication of 'Planning Policy for Traveller Sites' (August 2015) and its amendment to the definition of Gypsies and Travellers, we are currently proceeding on the basis that the need identified in the 2014 GTAA is accurate and up-to-date, and that this is what we are required to meet in West Lancashire.

Secondly, Council officers have identified from various sources a number of potential Traveller sites in West Lancashire. These sites have been subject to a sustainability appraisal, and assessed against a set of criteria based on national policy. The resulting shortlist of "preferred sites", all but one of which were located in the Green Belt, was reported to the Council's Cabinet in March 2015. At the meeting, Cabinet delayed consideration of the preferred sites until such time as officers had investigated a further option, namely the identification of a single deliverable Traveller site in the M58 corridor to meet all identified Traveller accommodation needs.

Since the March 2014 Cabinet meeting, Council officers have since been undertaking a search for such a site in the M58 corridor, as well as a continued, more general search for sites across the Borough. This has included a Call for Sites in June / July 2015, and an exercise asking owners of sites in the West Lancashire Strategic Housing Land Availability Assessment whether they would be willing for their land to be considered as a potential Traveller site.

We are intending to report to Cabinet later this year with a revised document setting out preferred options for provision of Traveller sites in West Lancashire, reflecting the work that has been undertaken since reporting to Cabinet in March 2015. If you have any comments to make on the above, we would be grateful to receive them from you. Otherwise, we will write to you again in due course with a further update on progress.

Yours faithfully

**Peter Richards**  
**Planning Policy and Implementation Team Leader**

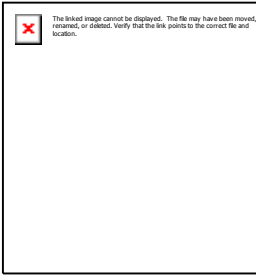
Enc.



## Appendix 3B

### WLBC second 'Duty to Co-operate' letter (2015) – to neighbouring Local Authorities

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< Name >  
< Address >

#### Directorate of Transformation

**John R Harrison DipEnvP, MRTPI**  
**Assistant Director Planning**

**PO Box 16, 52 Derby Street**  
Ormskirk, West Lancashire L39 2DF  
Telephone: 01695 577177

Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

Email: [Stephen.benge@westlancs.gov.uk](mailto:Stephen.benge@westlancs.gov.uk)

**Date:** 3 September 2015  
**Your ref:** -  
**Our ref:** GTDPD / DtC / 02  
**Please ask for:** Stephen Benge  
**Direct dial no:** 01695 585274  
**Extension:** 5274

Dear *[Neighbouring Local Authority Planning Policy Manager]*

#### **West Lancashire Provision for Traveller Sites DPD: Duty to Co-operate**

West Lancashire Borough Council is preparing a Development Plan Document (DPD) to set out the accommodation requirements in West Lancashire for the Travelling Community, to set criteria against which planning applications for Traveller sites can be assessed, and to allocate specific sites to meet the accommodation needs of the Travelling Community.

The Localism Act and the National Planning Policy Framework (NPPF) create a duty on local planning authorities (LPAs), county councils and other "Prescribed Bodies" to cooperate with each other to address strategic matters relevant to their areas in the preparation of a DPD. I am writing to you, as the representative of one of the "Prescribed Bodies" (as set out in Regulation 4 of the Town and Country Planning (Local Planning) (England) Regulations 2012), or as a representative of another body that may have a direct interest in the DPD.

We previously wrote to you (or to your predecessor) in November 2013, setting out what we considered to be the principal cross-boundary issues between West Lancashire Borough and its neighbours with regard to the provision of land to accommodate Gypsies and Travellers. A copy of this letter is attached for your information. We received responses from 20 Prescribed Bodies, generally agreeing with our assessment of cross-boundary issues.

Since that letter, there have been two significant developments with regard to work on providing Traveller accommodation in West Lancashire. Firstly, the joint Merseyside and West Lancashire Gypsy and Traveller Accommodation Assessment (GTAA) was completed at the end of summer 2014. This GTAA identifies a need in West Lancashire for up to 20 permanent pitches and 4 transit pitches for Gypsies and Travellers in West Lancashire over the period 2013-2028. Notwithstanding the government's recent publication of 'Planning Policy for Traveller Sites' (August 2015) and its amendment to the definition of Gypsies and Travellers, we are currently proceeding on the basis that the need identified in the 2014 GTAA is accurate and up-to-date, and that this is what we are required to meet in West Lancashire.

Secondly, Council officers have identified from various sources a number of potential Traveller sites in West Lancashire. These sites have been subject to a sustainability appraisal, and assessed against a set of criteria based on national policy. The resulting shortlist of "preferred sites", all but one of which were located in the Green Belt, was reported to the Council's Cabinet in March 2015. At the meeting, Cabinet delayed consideration of the preferred sites until such time as officers had investigated a further option, namely the identification of a single deliverable Traveller site in the M58 corridor to meet all identified Traveller accommodation needs.

Since the March 2014 Cabinet meeting, Council officers have since been undertaking a search for such a site in the M58 corridor, as well as a continued, more general search for sites across the Borough. This has included a Call for Sites in June / July 2015, and an exercise asking owners of sites in the West Lancashire Strategic Housing Land Availability Assessment whether they would be willing for their land to be considered as a potential Traveller site.

Through the above work, it has become evident to officers that despite pursuing all reasonable avenues for Traveller site provision, there are insufficient deliverable sites (deliverable being defined as 'available now, in a suitable location for development, and achievable with a realistic prospect that development will be delivered on the site within five years') in West Lancashire to meet short-term needs, and insufficient developable sites (developable being defined as 'in a suitable location for traveller site development and with a reasonable prospect that the site is available and could be viably developed at the point envisaged) in West Lancashire to meet medium to long-term needs.

For this reason, we are writing to you as a neighbouring Local Planning Authority under the Duty to Co-operate to ask whether there are any deliverable or developable sites in your administrative area that could possibly be used to meet part of West Lancashire's Traveller accommodation needs? Whilst it would be preferable to meet this Council's need in this Council's area, our work to date indicates that this does not seem possible.

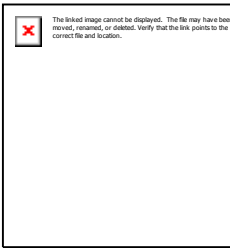
Therefore, I would be grateful if you could let us know your answer to the above question. A response by Wednesday 23 September would be most appreciated.

Yours sincerely

**Peter Richards**  
**Planning Policy and Implementation Team Leader**

**Appendix 4A**  
**Letter to owners of SHLAA sites (2013)**

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To: SHLAA site owners

**Directorate of Transformation**

**John R Harrison DipEnvP, MRTPI**  
**Assistant Director Planning**

**PO Box 16, 52 Derby Street**  
Ormskirk, West Lancashire L39 2DF

Telephone: 01695 577177

Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

Fax: 01695 585113

Email: [localplan@westlancs.gov.uk](mailto:localplan@westlancs.gov.uk)

**Date: 6 September 2013**  
**Your ref: -**  
**Our ref: GTDPD/ <<Site ID>>**  
**Please ask for: Stephen Bengé**  
**Direct dial no: 01695 585274**  
**Extension: 5274**

Dear Sir / Madam

**Search for potential Gypsy and Traveller or Travelling Showpeople sites**

The Council is starting work on a planning document to allocate sites for Gypsies and Travellers and / or for Travelling Showpeople. We are obliged to meet the need for such sites. Failure to do so would mean we would be more vulnerable to the establishment of illegal encampments and sites in the Borough. A lack of allocated sites would weaken the ability of the Council to take quick and effective action to secure the removal of such encampments and sites.

There are two types of site we will need to provide:

- Permanent sites – sites which may be used for Gypsies and Travellers to base themselves throughout most of the year, or for Travelling Showpeople to live and store their equipment outside their touring season;
- Transit sites – sites to meet the short term transit needs of Gypsies and Travellers who are passing through West Lancashire on their way to other destinations or who choose to occasionally visit the area for short periods.

As one of the first stages in preparing this document, the Council is seeking to compile a list of sites that could be considered as possible candidate sites to accommodate Travellers. These sites will then be assessed against a set of criteria based on national policy, and a shortlist will be selected, ready for public consultation on a draft document in early 2014.

I am writing to you as, in the past, you have submitted a piece of land that you own (or in which you have an interest) to be considered as a potential housing site, as part of our Strategic Housing Land Availability Assessment ('SHLAA'). We would like to know your views on whether

you would be willing for your site to be considered as a Gypsy and Traveller and / or a Travelling Showpeople site.

The site you have submitted is as follows:

Site Ref:	<<Ref>>
Site Location:	<<Address>>
Area:	<<Area>>
Anticipated timescale for delivery:	<<Period>>

I would be grateful if you could complete the attached form and return it to me in the pre-paid envelope by 30 September 2013. It is important for the Council to hear from you, in order to avoid the possibility of your site being considered for potential allocation as a Traveller site against your will.

I am aware that the original SHLAA 'Call for Sites' was in autumn 2007, and thus your details, or your intentions for the site, may have changed since then. If this is the case, I would be grateful if you could get back to me to let me know of any changes we should make to our records in terms of contact details and / or the site's status, so that we can keep our records up-to-date.

I look forward to hearing from you soon.

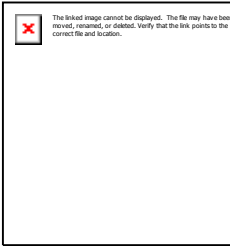
Yours faithfully

**Peter Richards**  
**Planning Policy and Implementation Team Leader**

Enc.

**Appendix 4B**  
**Letter to owners of SHLAA sites (2015)**

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To: SHLAA site owners

**Directorate of Transformation**

**John R Harrison DipEnvP, MRTPI**  
**Assistant Director Planning**

**PO Box 16, 52 Derby Street**  
Ormskirk, West Lancashire L39 2DF

Telephone: 01695 577177

Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

Fax: 01695 585113

Email: [localplan@westlancs.gov.uk](mailto:localplan@westlancs.gov.uk)

**Date: 16 June 2015**  
**Your ref: -**  
**Our ref: BA.13**  
**Please ask for: Stephen Bengé**  
**Direct dial no: 01695 585274**  
**Extension: 5274**

Dear Sir / Madam

**Update of Strategic Housing Land Availability Assessment site details**

The Council is updating its 'evidence base' in relation to its Local Plan document. This includes checking whether the details we hold of our various sites are still valid.

We are writing to you as, in the past, you have sent us details (or have asked an agent to send us details on your behalf) of a piece of land that you own, or in which you have an interest, asking for this land to be considered as a potential development site. This was done through a previous "Call for Sites" exercise, first done in 2007, and linked to our Local Plan and / or Strategic Housing Land Availability Assessment ('SHLAA').

We would like to know whether you are still willing, or still intend, for this site to be considered as a potential development site. Whilst the site has in the past been suggested as a possible housing site, we are also seeking to find out whether you would be willing for the site to be considered for any other uses.

To this end, we would be very grateful if you could complete the attached form and let us know:

(a) Are the details we hold for the site (including ownership) still correct?

and

(b) Which uses would you like the site to be considered for / which uses would you wish to avoid on the site?

The possible uses for the site include housing, business / employment, gypsy and traveller sites, and commercial / retail / leisure uses.

You may have received a separate letter from us a week or so ago, advising about a new “Call for Sites”. **You do not need to resubmit any site that you have submitted previously**; all that is needed from previous site submitters is confirmation that details of the site remain correct, as per the attached form.

Please return the form in the reply-paid envelope by Friday 24 July, marking it for the attention of Stephen Benge, Planning.

Thank you in anticipation for your help. I look forward to hearing from you soon.

Yours faithfully

**Peter Richards**  
**Strategic Planning and Implementation Manager**

**West Lancashire Borough Council**  
**Update of “Call for Sites” Submission Form**  
**June 2015**

Site Ref:	<< Ref >>
Site Location:	<< Address >>
Area:	<< Town >>

**Ownership**

Are you still the owner of the site? Yes / No *(please circle as appropriate)*

Do you know of any change in site ownership since you submitted the site?

*If “yes”, please let us know below of any change in ownership details.*

**Preferred Use of the Site**

Please indicate, by ticking the boxes below, which uses you would prefer on the site, and any uses you would not want the site to be considered for.

Housing	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Employment	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Gypsy / Travelling Showperson site	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Commercial / leisure / retail	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Other – Please state		

**How we will use your data**

We will retain your personal information when you submit a site. This data will be held securely for an appropriate period to support the Planning service. We may share your information with other West Lancashire Borough Council officers.

Your information will not be disclosed to any third parties without your prior consent.

**Appendix 5  
Call for Sites letter (2015)**

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**Directorate of Transformation  
John R Harrison DipEnvP MRTPI  
Assistant Director Planning  
52 Derby Street, Ormskirk,  
Lancashire, L39 2DF**

To: Consultees

Telephone: 01695 577177  
Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)  
E-mail: [Stephen.benge@westlancs.gov.uk](mailto:Stephen.benge@westlancs.gov.uk)  
[Kathryn.brindley@westlancs.gov.uk](mailto:Kathryn.brindley@westlancs.gov.uk)  
Date: 09 June 2015  
Our ref: CFS2015  
Please ask for: Stephen Benge/ Kathryn Brindley  
Direct Dial no: 01695 585274/ 585284  
Extension: 5274/ 5284

Dear Sir/Madam,

We are contacting you to ask whether you own or know of any land that might be a good future development site.

West Lancashire Borough Council is carrying out a 'Call for Sites' exercise as we plan ahead, and as we keep our background information up-to-date. We would like to hear about pieces of land whose potential uses could include housing, business, gypsy / traveller sites, leisure, or retail or other commercial uses.

We believe we have already identified the majority of possible sites through our work on the current Local Plan, and through previous call for sites exercises. However, the exercise is being run once more to ensure that nowhere has been missed.

The Call for Sites is taking place from Thursday 11 June 2015 until Friday 24 July 2015.

If you wish to send us details of a site, please complete the official 'Call for Sites' form, which is available on the Council's website [www.westlancs.gov.uk/callforsites](http://www.westlancs.gov.uk/callforsites), from the Council offices at 52 Derby Street, Ormskirk, or can be requested by phoning 01695 585284 or sending an email to [localplan@westlancs.gov.uk](mailto:localplan@westlancs.gov.uk).

It must be stressed that putting a site forward in this exercise is not a guarantee that the Council will subsequently allocate it or support its development in the future. All sites will need to be judged against relevant planning policies and other considerations.

We need to receive details of sites no later than Friday 24 July 2015, and we respectfully request that sites be submitted on the official form.

The Planning Policy team are always available on 01695 585274/585284 to help answer any questions you may have.

We look forward to receiving your comments.

Yours sincerely,

Peter Richards, Strategic Planning and Implementation Manager

**Appendix 6**  
**Letter to landowners / agents for Local Plan sites (2015)**

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**Directorate of Transformation**

**John R Harrison DipEnvP, MRTPI**  
**Assistant Director Planning**

**PO Box 16, 52 Derby Street**  
Ormskirk, West Lancashire L39 2DF

Telephone: 01695 577177

Website: [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

Email: [Stephen.benge@westlancs.gov.uk](mailto:Stephen.benge@westlancs.gov.uk)

To: Owners of / Agents for sites  
allocated / safeguarded in  
West Lancashire Local Plan

**Date:** August / September 2015  
**Your ref:** -  
**Our ref:** GTDPD-**RS1/GN2**  
**Please ask for:** Stephen Benge  
**Direct dial no:** 01695 585274  
**Extension:** 5274

**PRIVATE AND CONFIDENTIAL**

Dear << Landowner >>

I am writing to you in respect of **your [client's] land**, allocated in the West Lancashire Local Plan (WLLP) under policy **RS1 / GN2**.

West Lancashire Borough Council is required under national planning policy to meet the accommodation needs of Gypsies and Travellers in the Borough. We participated in a Gypsy and Traveller Accommodation Assessment in 2013/14 with neighbouring local authorities; this study concluded that there is a need for up to 20 permanent pitches, and 4 transit pitches for Gypsies and Travellers in West Lancashire over the period 2013-2028.

The Council is currently undertaking work to seek to identify potential Traveller sites in West Lancashire, and is exploring every possible source of site. One potential source of site is the setting aside for Travellers of part of a larger allocated site.

Therefore I am writing to ask you whether **you / your client** would be willing for a portion of WLLP **site << X >>** to be set aside to meet part of West Lancashire's Traveller accommodation needs? It is unlikely that we would look to meet the whole of the Borough's Traveller accommodation needs on a single site, but we are asking whether at least part of the Borough's need could be met on **your [client's]** site.

Should you wish **your [client's]** site to be considered for Traveller provision, this letter does not guarantee that the site would be taken forward and allocated for this purpose, but is simply seeking to understand whether the site's owners would be willing to consider Traveller provision on their land and so whether the site should be included in the next stage of assessment as to its suitability for Traveller provision.



I would be grateful if you could let me know in writing whether or not you / your client would be amenable to part of Site X being considered as a potential Traveller site. I look forward to hearing from you.

Yours sincerely

**Peter Richards**  
**Strategic Planning and Implementation Manager**



# Equality Impact Assessment Form



<b>Directorate:</b> Transformation	<b>Service:</b> Planning
<b>Completed by:</b> Stephen Bengé	<b>Date:</b> 29/09/15
<b>Subject Title:</b> Provision for Traveller Sites Development Plan Document	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cut back:	No
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	No
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	Seeking approval for consultation on a document setting out preferred options for provision of Gypsy and Traveller sites in West Lancashire.
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
<p>If <b>Yes</b>, provide details of how this impacts on service users, staff or Councillors (stakeholders):</p> <p><i>If you answered <b>Yes</b> go to Section 3</i></p>	Yes/No*
<p>If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups:</p> <p><i>You do not need to complete the rest of this form.</i></p>	

<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	<p>The Provision for Traveller Sites Development Plan Document (DPD) will impact primarily upon Gypsies and Travellers and Travelling Showpeople (referred to collectively as 'Travellers'), for whom the document is seeking to allocate sites for accommodation.</p> <p>Other stakeholders include landowners of the sites in question (if any sites are not already owned by Travellers), nearby residents ('the settled community'), and professional bodies and other organisations who work with, or on behalf of, Travellers, for example, education, health, police, Traveller liaison officers, and religious organisations.</p> <p>The work has the potential to impact such stakeholders, albeit to a lesser extent than the Travellers themselves.</p>
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	(In one sense, facilitation of the provision of sufficient land to meet accommodation needs could be regarded as a 'universal service'. If this is the case, then in relation to this particular DPD, it is Travellers who need the service most, and who are most affected by this DPD.)
Which of the protected characteristics are most relevant to the work being carried out?	
Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	No No No Yes No No No No No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	<p>Previous engagement with the general public in relation to planning policy matters and consultation exercises across the Borough (for example for the Local Plan between 2008 and 2013) show that it tends to be those of a white-British ethnic background and those of older age groups who most actively engage in the process of preparing general planning policy.</p> <p>In terms of this specific document, the users of the 'service' will be Travellers, who are classified as a distinct ethnic group.</p>
What will the impact of the work being carried out be	The approval of the DPD for consultation will

on usage / the stakeholders?	<p>have greatest direct impact on the travelling community.</p> <p>However, it is expected that this document, should it be approved for consultation, will also arouse significant interest amongst the settled community, some of whom may perceive a direct impact upon themselves (in terms of amenity, house values, etc.)</p>
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	The DPD is not a 'service' as such. This report is seeking approval to consult for the first time on a draft document. Having not previously carried out a full public consultation on this DPD, no information is available concerning people's satisfaction with the 'service'.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	<p>It is evident from the subject matter of the DPD that it should impact positively on those Travellers (protected characteristic: ethnic background) for whom sites are proposed for allocation.</p> <p>The only consultation on the document that has taken place to date is an informal exercise in which a limited number of specific Statutory Consultees and other stakeholders were asked about the scope of the DPD. This consultation did not yield statistically significant data that could be used to build up a picture of the prevalence and / or distribution of protected characteristics amongst non-Traveller stakeholders (i.e. those from the settled community who have an interest in the DPD).</p>
If any further data / consultation is needed and is to be gathered, please specify:	The report is seeking approval to consult on the draft DPD for 8 weeks (December 2015 – January 2016). A further round of consultation is scheduled to take place later in 2016.
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	It is evident from the subject matter of the DPD that it should impact positively on Travellers (protected characteristic: ethnic background) for whom sites are proposed for allocation.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Without seeking to pre-empt consultation responses that may be received, there is a possibility that there will be a perception of negative impact amongst some stakeholders.. It is anticipated this can be mitigated through dialogue, and through appropriate measures relating to the proposed sites for allocation.
What actions do you plan to take to address any	No actions at this stage of the document's

other issues above?	preparation.
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	This report concerns a document at an early draft stage. Monitoring and review will only take place should the document reach the adoption stage, anticipated to be in 2017.



**AGENDA ITEM: 5(g)**

**CABINET:**  
**10 November 2015**

**PLANNING COMMITTEE:**  
**12 November 2015**

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**Report of:** Assistant Director Planning

**Relevant Managing Director:** Managing Director (Transformation)

**Relevant Portfolio Holder:** Councillor J Hodson

**Contact for further information:** Peter Richards  
(Email: [peter.richards@westlancs.gov.uk](mailto:peter.richards@westlancs.gov.uk))

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**SUBJECT: DRAFT LOCAL DEVELOPMENT ORDERS FOR SITES AT FINDON,  
FORMER DIGMOOR SPORTS CENTRE AND DELF CLOUGH,  
SKELMERSDALE**

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Wards affected: Birch Green, Tanhouse and Digmoor

**1.0 PURPOSE OF THE REPORT**

1.1 To seek Cabinet's approval for consulting on the draft Local Development Orders associated with the sites at Findon, the former Digmoor Sports Centre Site and Delf Clough in Skelmersdale as attached at Appendix A-C to this report.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the draft Local Development Orders, Statement of Reason and Design Code (provided at Appendices A-E) be approved for public consultation, subject to any amendments made by the Assistant Director Planning in consultation with the Portfolio Holder, as per recommendation 2.2 below.

2.2 That the Assistant Director Planning be authorised, in consultation with the Portfolio Holder, to make any necessary amendments to the draft Local Development Orders and associated documents in the light of agreed comments from Planning Committee before the document is published for consultation.

2.3 That call in is not appropriate for this item as this matter is one where urgent action is required because consultation on the draft Local Development Orders

must commence on 19th November 2015 in order that the Local Development Orders can be refined and adopted by 31st March 2016, in line with the requirements of the CLG funding received to support preparation of the Local Development Orders.

### **3.0 RECOMMENDATIONS TO PLANNING COMMITTEE**

- 3.1 That the content of this report and the draft Local Development Orders, Statement of Reason and Design Code (provided at Appendices A-E) be considered, and that agreed comments be referred to the Assistant Director Planning for consideration, in consultation with the Portfolio Holder.

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### **4.0 BACKGROUND**

- 4.1 In January 2015, DCLG issued consultation proposals on “Building More Homes on Brownfield Land”. Within the proposals set out in this paper, DCLG would require that local planning authorities prepare Local Development Orders (LDOs) for all brownfield land within their boundaries that is considered “suitable for housing”, with the consultation proposals setting out some parameters for how “suitable” might be defined in this instance.
- 4.2 An LDO is a mechanism by which a local planning authority can grant permitted development rights for a specified use or development proposal on a defined site. They typically set out the type of development permitted subject to a series of planning conditions, and so, instead of submitting a planning application for the specified development proposal on that site, an applicant simply submits their proposals to the local planning authority for a conformity check (which must be completed within 28 days) to ensure that the proposals are in line with the LDO before development commences.
- 4.3 While the Council submitted a response to this DCLG consultation expressing some concerns about the proposals, including the requirement to prepare an LDO on all brownfield sites that are suitable for housing, it is recognised that an LDO can be a useful tool in the right circumstances.
- 4.4 The West Lancashire Local Plan seeks the delivery of at least 500 new dwellings within the Skelmersdale Town Centre Strategic Development Site and at least 2,100 overall in Skelmersdale with Up Holland. In order to deliver some of this housing, the Council and HCA would like to see three sites which are part of the Town Centre Development Agreement with St Modwen to be brought forward for housing development:
- Findon – a HCA-owned brownfield site within the town centre strategic development site
  - Delf Clough – a HCA-owned greenfield site within the town centre strategic development site



- Former Digmoor Sports Centre – a Council-owned brownfield site outside the town centre strategic development site

- 4.5 As such, in light of DCLG’s consultation on building more homes on brownfield land, it was considered that the Findon and former Digmoor Sports Centre sites may benefit from LDOs, as these would provide a developer with more certainty when considering the purchase of the site and a greater degree of flexibility than a planning application / permission, thus potentially tipping the balance in a developer’s consideration of whether to take on the site and develop it. In addition, it would enable the Council to pre-emptively meet CLG’s proposals for dealing with brownfield sites that are suitable for housing on two of the largest such sites in the Borough.
- 4.6 Alongside their consultation, DCLG invited bids from local planning authorities for grants to support the preparation of LDOs on “large” brownfield sites (those with a capacity of greater than 100 dwellings). Therefore, the Council submitted a bid for a £50,000 grant to enable Ground Investigations on the Findon and Digmoor Sports Centre sites to inform the preparation of LDOs covering these two sites (which, together, potentially total more than 200 homes). The Council were notified on 26 March that it had been successful in its bid and received confirmation of the award of a £50,000 grant on 24 April. Given that the grant could only apply to delivering LDOs on brownfield sites, Delf Clough was not included in the grant application.
- 4.7 Following this successful bid, the Council moved forward to preparing the LDOs and also decided to prepare an LDO in partnership with the HCA for the Delf Clough site (although the grant funding has not been spent on this site, given that it is greenfield, it has been funded by the HCA). The Council and HCA appointed consultants Campbell Reith to undertake a desktop Ground Investigation Study on all three sites and an Accessibility Study for the Delf Clough site. The findings of these studies have influenced the Design Code and Local Development Orders.
- 4.8 Alongside, and informing, the preparation of the LDOs, the Council are required to prepare Scoping Reports on Strategic Environmental Assessment / Sustainability Appraisal (SEA/SA) and Habitats Regulations Assessment (HRA), as well as Screening Reports for Environmental Impact Assessment (EIA). All of these have been prepared and submitted to the relevant statutory consultee / the Council’s Development Management Team, and the feedback on all is that no further work is required on these assessments.
- 4.9 In addition, key stakeholders have been consulted on the scope of the LDOs, seeking input on what type of residential development would be appropriate (type, size, density, etc.), the design code and what matters conditions on the LDOs should address. The responses were supportive of the proposals and a summary of the responses can be found in Appendix F as attached to this report.

## **5.0 DRAFT LOCAL DEVELOPMENT ORDERS**

- 5.1 The Local Development Orders set out a high level framework to ensure the most appropriate type of development comes forward. They establish the expectations for the development of the site including what will be delivered, density of development and place making principles. An account of each of the sites' constraints is included to ensure that all applicants are aware of the site context. The Design Code (see Appendix E), which is referenced in the conditions on each LDO, details a series of place-making principles which will act as criteria to assist applicants in preparing proposals for the site and the Council and statutory consultees in assessing these proposals to ensure that they conform to the LDOs.
- 5.2 The "Place-Making Principles" form the heart of the Design Code and are set out under the headings Key Lessons in Housing Developments, Sustainability, Public Realm, SUDs and Landscape. Within each of these high level principles lie detailed criteria to address all aspects of the site's delivery.
- 5.3 Key Lessons in Housing Developments – This provides a useful starting point to the development of the sites requiring that any applications for development consider the existing character of the area, and securing good design when working up the sites layouts. This will help to provide a balance between the new development and existing surrounding development.
- 5.4 This section of the Design Code includes the following criteria based requirements:
1. The character of a place or group of buildings
  2. The spaces and gaps between buildings and in particular the enclosure of space
  3. The quality of the public space, street scene and public realm
  4. The ease of movement of people and vehicles
  5. The distinctive identity and legibility of a place and the ease in which people can find their way around
  6. The adaptability of an area to respond to change
  7. The diversity of uses
- 5.5 Sustainability – The housing on the LDO sites will emerge from a place-making process that has environmental sustainability at its core. This means designing and constructing buildings in a way that minimises and off-sets the consumption of non-renewable resources and taking every opportunity to limit impacts on the environment.
- 5.6 Public Realm – Delivering energy efficiency must extend to the design of public realm, for example by powering outdoor lighting through renewable or sustainable energy sources, and using open spaces as an opportunity to establish ground source heat pumps where feasible.
- 5.7 SUDs – The importance of this issue means that the Council will require a comprehensive drainage scheme to serve the entire site. The LDO sites must deal with land drainage from the site itself as well as surface water drainage from the new development and, where necessary, surface water drainage to be

extracted from the existing network in order to assist with the management of water flows through the wider network.

- 5.8 Landscape – The Tawd Valley and associated Cloughs are an essential design factor, influencing design concepts at a wider and detailed level. The design of buildings and spaces must embrace soft landscape elements including the creation of incidental and formal green spaces.
- 5.9 A further factor is the street hierarchy, which will provide the foundation for movement and communication for pedestrians, cyclists, cars, service vehicles and public transport, as well as providing spaces for car parking in line with policy IF2 of the West Lancashire Local Plan.
- 5.10 In order to meet local housing needs and deliver a range of suitable accommodation, the Design Code also sets out the Technical space standards for different tenures of dwellings. This is further extended to how boundary treatments will be delivered on the sites.
- 5.11 Finally, the Design Code also establishes the density of development that is expected on the sites. The Council expect to see slightly higher densities on these sites, consistent with policy RS1 of the Local Plan, given the sustainable location that these sites occupy within Skelmersdale.
- 5.12 Although all of the sites are covered by one Design Code, each of the Local Development Order Sites are assessed for their constraints and opportunities. Therefore, it is important to ensure that, with one overarching Design Pallet, each site is developed with characteristics that match that specific site and the surrounding area.
- 5.13 The Local Development Orders themselves contain a number of conditions relevant to that LDO site. The conditions are set out as they are within a normal planning application, either being informative, pre commencement, pre occupation or post occupation, all of which will require discharging in line with the specifics of the condition. One of the conditions will also involve the requirement for a Section 106 to be agreed before development commences, if one is needed.
- 5.14 A Statement of Reasons (see Appendix D) has also been prepared for the three LDOs. This is required by the regulations covering LDOs in order to set out the justification for preparing an LDO, and the policy basis on which it sits.

## **6.0 NEXT STEPS**

- 6.1 It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in Paragraph 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595) (“the Order”). Consultation must include any person with whom the local planning authority would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO. This includes publicising the draft LDOs on the Council’s “weekly list” of

planning applications that have been received and validated. In addition, the Council will consult relevant statutory bodies, send a notification of the consultation to those on the planning policy consultation database, issue a press release, place an advertisement in the local paper and maintain a dedicated website in order to invite comments from a wider base of consultees.

- 6.2 If Cabinet Members approve the draft LDOs for public consultation (subject to any amendments made by the Assistant Director Planning, in consultation with the Portfolio Holder, as per recommendation 2.2 above), public consultation will last for over 6 weeks between 19 November 2015 and 04 January 2016.
- 6.3 Following the public consultation, all comments submitted will be duly considered and the LDOs refined as necessary to prepare the final LDOs. The final LDOs would then be brought before Cabinet in March seeking authority to adopt them. Once adopted, the LDOs will assist in facilitating development on the sites.

## **7.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY**

- 7.1 The preparation of LDOs for the Findon and former Digmaor Sports Centre sites will help deliver the Local Plan, in particular housing within the Skelmersdale Town Centre Strategic Development Site and within Skelmersdale generally, and so will help fulfil objectives within the Sustainable Community Strategy and to deliver sustainable development of two of the larger vacant brownfield sites in Skelmersdale.

## **8.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 8.1 The preparation of the LDOs and their accompanying documentation is being resourced through the Planning Service Revenue Budget, with the DCLG Grant Funding also supplementing that budget to fund specific elements of work required for the brownfield sites. The HCA funding equivalent specific elements of work for the greenfield Delf Clough site.
- 8.2 In relation to future resource implications, it should be noted that the LDOs remove the need for planning applications on the sites involved, and so the Council would lose the potential planning application fee income that would normally be derived from the sites involved. However, this loss of fee income must be balanced with two factors. Firstly, that the work associated with processing (major) planning applications on the sites involved would be removed. This would enable the resources in the Planning Service to be directed to other applications, and so be more efficient. Secondly, that the way the market in Skelmersdale currently lies, it may well be the case that, in the absence of an LDO, in order to attract developer interest in the sites, the Council and the HCA may well have to secure planning permission themselves before securing a sale, thereby incurring the cost of the planning application fees anyway.
- 8.3 In addition, the loss of planning application fee income is also off-set by the economic, social and environmental benefits of bringing forward these sites for

development and the additional income generated by the development of new houses on the sites involved through New Homes Bonus and Council Tax.

- 8.4 It should also be noted that the LDO sites are all within the Skelmersdale Town Centre Development Agreement Area and have been the subject of soft market testing which has garnered some interest in the sites (as has the initial consultation on the scope of the LDOs).

## **9.0 RISK ASSESSMENT**

- 9.1 There are no significant risks to this report and, in actual fact, the preparation of LDOs on these important sites represents a good opportunity to enable the delivery of housing in and around Skelmersdale town centre with minimal, or no, risk to the Council.

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### **Background Documents**

SEA/SA Scoping Reports  
HRA Screening Reports  
EIA Screening Report and Opinion

### **Equality Impact Assessment**

There is a direct impact on members of the public. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as Appendix G to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

Appendix A – Draft Local Development Order Findon  
Appendix B – Draft Local Development Order Digmaor Sports Centre  
Appendix C – Draft Local Development Order Delf Clough  
Appendix D – Statement of Reasons for Findon, Digmaor Sports Centre and Delf Clough  
Appendix E – Design Code  
Appendix F – Summary of Comments received for the Scoping of the Local Development Orders (September 2015)  
Appendix G – Equality Impact Assessment  
Appendix H – EIA/SA Screening Opinions  
Appendix I – HRA – No likely effects report following screening



## **Local Development Order**

### **Findon, Skelmersdale, Lancashire**

#### **1.1 Introduction**

The Government is promoting the use of Local Development Orders (LDO) to assist the relaxation of planning requirements, remove barriers to development and create the conditions for development through providing greater certainty for prospective developers.

#### **LDO FINDON, SKELMERSDALE**

#### **1.2 Purpose of the LDO**

This LDO relates to land associated with the site at Findon, Skelmersdale. The site is a 3.34ha cleared site located to the north of Northway and west of Houghtons Lane, Skelmersdale. The former residential area comprises of a brownfield site, now grassed over surrounded by interlinked blocks of flats, houses and garages. The site is accessed off Birch Green Road to the east of Skelmersdale town centre and bordered by a mature wooded Clough to the immediate north and east which is also designated as a Biological Heritage Site.

#### **1.3 Development Permitted by the LDO**

The Findon LDO grants planning permission for the erection of buildings for C3 residential dwellings use class only.

C3 Dwellinghouses – for use by a single person or family, not more than 6 people living together as a single household where care is provided for residents or not more than 6 residents living together as a single household where no care is provided for residents (other than a use categorised as a House in Multiple Occupation).

#### **1.4 Conditions**

Development is granted planning permission by this LDO subject to the following conditions:

1. This Local Development Order is made by West Lancashire borough Council (“the Council”) under Section 61A(2) of the Town and Country Planning Act 1990.

*Reason – As asset out under Section 61A(2) of the Town and Country Planning Act 1990.*

2. It applies only to the land at Findon, Skelmersdale and shall take place in accordance with the following plans which accompany this LDO:
  - Plan 1 – Findon – Site Location Plan – Appendix A
  - Design Code for Findon, Former Digmoor Sports Centre and Delf Clough

*Reason – To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and to accord with the West Lancashire Local Plan and Design Code.*

3. The residential use hereby approved in this LDO shall fall within use Class C3 and shall provide for a maximum of 140 dwellings, as required by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

*Reason – To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and to accord with the West Lancashire Local Plan 2012-2017.*

4. This LDO takes effect on the date it is adopted by the Council and is limited to a 10 year period following which the LDO shall lapse.

*Reason - ??*

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must be approved by the Local Planning Authority. A desk top study has been completed by West Lancashire Borough Council and any subsequent remediation scheme to bring the site to a condition suitable for the intended use must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

*Reason – To ensure risks from land contamination to future users of the land and neighbouring land are minimised in accordance with the West Lancashire Local Plan 2012-2017.*

6. If contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken where remediation is necessary subject to the approval in writing of the Local planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared subject to the approval of the Local Planning Authority.

*Reason – To ensure risks from land contamination to future users of the land and neighbouring land are minimised in accordance with the West Lancashire Local Plan 2012 – 2027.*

7. A Construction Management Plan including details of dust suppression techniques, noise reduction measures, hours of working, wheel cleaning facilities, and Construction Traffic Management to be employed during the course of construction shall be submitted to and proved in writing by the Local Planning Authority prior to commencement of the development. The works shall be thereafter carried out in accordance with the approved details.

*Reasons – To ensure that the construction process is carried out in a safe manner, which will not impact adversely on the amenities of nearby residents, or on the safety of the adjacent highway network, in accordance with the West Lancashire Local Plan 2012-2027.*

8. No dwelling shall be occupied onsite until the access, parking and manoeuvring arrangements which serve it has been completed and are available for use.

*Reason – This condition is imposed to ensure that the proposed access roads, parking and turning areas are constructed appropriately in the interests of public and highway safety in accordance with the West Lancashire Local Plan 2012-2027.*



9. Each submitted scheme shall include a landscaping scheme for that phase of development which shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall show the location, branch spread and species of all existing trees and hedges; the location of all existing and proposed grassed and hard surfaced areas, details of seed and plan specifications and seeding facilitated wildlife connectivity. Trees and shrubs planted shall comply with BS.3936 and shall be planted in accordance with BS.4428. The landscaping scheme shall also set out a timetable for implementation. The approved scheme shall be carried out in full accordance with the approved details. All planting shall be maintained and dead or dying material shall be replaced for a period of ten years from the agreed date of planting.

*Reason – To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local plan 2012-2027 Development Plan Document..*

10. The application for development on the LDO site shall include a landscape management plan. The landscape management plan shall include the following elements:
- Details and the extent of new and existing wetland habitats i.e. SuDS systems, swales etc. including how these will be constructed
  - Details of treatment of site boundaries and/or buffers around water bodies and woodland edge.
  - Details of management responsibilities, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

*Reason – To enable adequate maintenance and management of landscaped areas and so ensure that development complies with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

11. Prior to the commencement of development, a phase 1 ecological walkover should be carried out and a report submitted to and approved in writing by the local planning authority.

*Reason – To ensure that the scheme does not impact on any protected species or habitat, in accordance with the West Lancashire Local Plan 2012 -2027.*

12. Each application for the LDO site shall include a surface water drainage scheme for the site (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of development) which shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include details of a management scheme which will ensure that proposals to accommodate surface water run-off are maintained in a satisfactory manner and provide details of how long the term management of surface water will be delivered. The scheme shall subsequently be implemented in full.

*Reason – To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

13. Each application for the LDO site shall include a Design Brief which shall be submitted for the site and shall include:

- Street hierarchy including principles of adopting highway infrastructure, typical street cross sections
- Details of how mobility has been taken into account
- Block principles to establish density and building typologies, primary frontages, pedestrian access points, front and backs
- Height, scale and form building style
- Materials palette
- Views and vistas and landmarks
- Parking levels
- Incorporation of ancillary infrastructure required by statutory undertakers
- Details of cycle parking
- Treatment of footways
- Lighting strategy
- Measures to minimise opportunity for crime

*Reason – In order to monitor more closely the parameters of the design detail to ensure the development of the site achieves a high standard of design appropriate to the context of the site and therefore to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document and the Design Code.*

14. Prior to occupation, no dwelling shall be occupied until car parking and vehicle turning areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas provided in accordance with the approved scheme, before the dwelling to which they relate is occupied.

*Reason – To allow for the effective use of the parking areas in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document*

15. No development shall be occupied until a detailed Travel plan has been submitted to and agreed in writing by the Local Planning Authority. The measures identified in the Travel Plan shall be implemented in accordance with the agreed details and the timetable therein. The agreed Travel plan shall be reviewed annually thereafter and any revisions agreed in writing with the Local Planning Authority. Records of implementation shall also be made available annually to the Local Planning Authority.

*Reason – To promote the use of means of accessing the site by means other than by private car in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

16. No development shall take place until a scheme for the construction of the site access together with off-site works of highway improvement has been submitted to , and approved by, the Local planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. No dwelling on the site shall be occupied until the agreed site access and off-site works have been completed.

*Reason – In order to secure an appropriate highway scheme and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other*

*road users and in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

17. Prior to the commencement of development, a site specific flood risk assessment should be prepared and submitted to and approved in writing by the Local Planning Authority.

*Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

18. The development hereby permitted shall be drained on a separate system, with only the foul drainage connected to the existing public sewer.

*Reason – To ensure that the site is properly drained in the interest of local amenity and that the development, therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

19. Each application shall include an Ecological and Landscape Strategy (ELS) for that phase of development which shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the ELS shall include a full Vegetation Classification Survey. The approved ELS shall be implemented in full.

*Reason - To ensure that the site complies with the provisions of Policy EN3 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

20. Each application for a phase or part of the site shall include a detailed bat protection, mitigation and enhancement scheme for that phase of development which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to occupation of the dwellings.

*Reasons - To ensure that the site complies with the provisions of Policy EN3 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

21. Development shall not take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority for the site. The statement shall detail energy efficiency and sustainability measures that will be incorporated into the building design and construction.

*Reason – In order to provide a sustainable and energy efficient development and to ensure that development therefore complies with the provisions of Policy EN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

22. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development ) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPS of the detailed siting and external appearance of the substations.

*Reason – To enable the Local Planning Authority to consider the appearance of substations or other such buildings given the high standard of public realm considerations for the overall*

*layout of the site whereby non-sensitive infrastructure would undermine the achievement of quality public spaces and wider public realm and therefore to comply with the provisions of Policy EN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

23. The permission granted by the LDO is subject to the signing of an Agreement under Section 106 of the Town and Country Planning Act 1990, prior to the commencement of development, for the provision of affordable housing and the adoption of/an/or maintenance of open space and sustainable urban drainage systems incorporated within the planning permission granted by this LDO.

### **Note(s)**

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980, Section 184, Lancashire County Council must specify the works to be carried out. Only Lancashire County Council or a contractor approved by the County Council can carry out these works. Therefore, before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Surveyor South 01772 658560 or writing to the Area Surveyor South, Lancashire county Council, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

2. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.

The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.

All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk).

Further information on CIL can be found at [www.westlancs.gov.uk/CIL](http://www.westlancs.gov.uk/CIL) or by contacting the Council's CIL and S106 Officer on [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk) or tel: 01695 585171.

### **Informatives**

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. It is the responsibility of the person(s) implementing this development to ensure that, where appropriate, Approval under the Building Regulations has been obtained for the building works involved, and that the plans thus approved under those Regulations are for the same works as approved under this permission and do not conflict with this permission or the conditions

contained on it. Any amendments to the plans approved by this permission must be drawn to the attention of the Planning Officer.

3. Attention is drawn to Section 31 of the County of Lancashire Act 1984 where plans for the erection or extension of a building are deposited with a Borough Council in accordance with Building Regulations, the Council shall reject the plans, unless after consultation with the fire authority, they are satisfied that the plans show:-

a).that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

b).that the building or, as the case may be, the extension of the building will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

4. Developers are advised to contact the necessary utility plant owners for guidance when excavating in proximity to buried plant and apparatus.

5. If, as a result of the development approved by this Notice, new street names, property numbers or changes to existing property names are required, you will need approval from the Council. The Council must be notified at the earliest opportunity of your proposals so that correct postal addresses can be allocated as soon as possible. Guidance on Street Naming & Numbering is available on the Council's website and applications can be made online at [www.westlancs.gov.uk/planning/street\\_naming\\_and\\_numbering.aspx](http://www.westlancs.gov.uk/planning/street_naming_and_numbering.aspx). Alternatively, you can contact the Street Naming and Numbering Officers for advice by telephoning 01695 585158 or 01695 585273.

6. Any demolition work should not commence without notice being given to the Local Authority Building Control Section in accordance with Section 80 of the Building Act 1984 (Tel: 01695 585136).



## Local Development Order

### Former Digmoor Sports Centre, Skelmersdale, Lancashire

#### 1.1 Purpose of the LDO

This LDO relates to land associated with the site at the former Digmoor Sports Centre, Skelmersdale. The site is located on Digmoor Road, benefiting from large grassed areas towards the highway and matures trees along the boundary of the site. It is located some 800 metres south of the town centre.

#### 1.2 Development Permitted by the LDO

The Former Digmoor Sports Centre LDO grants planning permission for the erection of buildings for C3 residential dwellings use class only.

C3 Dwellinghouses – for use by a single person or family, not more than 6 people living together as a single household where care is provided for residents or not more than 6 residents living together as a single household where no care is provided for residents (other than a use categorised as a House in Multiple Occupation).

#### 1.3 Conditions

Development is granted planning permission by this LDO subject to the following conditions:

1. This Local Development Order is made by West Lancashire borough Council (“the Council”) under Section 61A(2) of the Town and Country Planning Act 1990.

*Reason – As asset out under Section 61A(2) of the Town and Country Planning Act 1990.*

2. It applies only to the land at Former Digmoor Sports Centre, Skelmersdale and shall take place in accordance with the following plans which accompany this LDO:

- Plan 1 – Former Digmoor Sports Centre – Site Location Plan – Appendix B
- Design Code for Findon, Former Digmoor Sports Centre and Delf Clough

*Reason – To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and to accord with the West Lancashire Local Plan and Design Code.*

3. The residential use hereby approved in this LDO shall fall within use Class C3 and shall provide for a maximum of 100 dwellings, as required by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

*Reason – To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and to accord with the West Lancashire Local Plan 2012-2017.*

4. This LDO takes effect on the date it is adopted by the Council and is limited to a 10 year period following which the LDO shall lapse.

Reason - ??

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must be approved by the Local Planning Authority. A desk top study has been completed by West Lancashire Borough Council and any subsequent remediation scheme to bring the site to a condition suitable for the intended use must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

*Reason – To ensure risks from land contamination to future users of the land and neighbouring land are minimised in accordance with the West Lancashire Local Plan 2012-2017.*

6. If contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken where remediation is necessary subject to the approval in writing of the Local planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared subject to the approval of the Local Planning Authority.

*Reason – To ensure risks from land contamination to future users of the land and neighbouring land are minimised in accordance with the West Lancashire Local Plan 2012 – 2027.*

7. A Construction Management Plan including details of dust suppression techniques, noise reduction measures, hours of working, wheel cleaning facilities, and Construction Traffic Management to be employed during the course of construction shall be submitted to and proved in writing by the Local Planning Authority prior to commencement of the development. The works shall be thereafter carried out in accordance with the approved details.

*Reasons – To ensure that the construction process is carried out in a safe manner, which will not impact adversely on the amenities of nearby residents, or on the safety of the adjacent highway network, in accordance with the West Lancashire Local Plan 2012-2027.*

8. No dwelling shall be occupied onsite until the access, parking and manoeuvring arrangements which serve it has been completed and are available for use.

*Reason – This condition is imposed to ensure that the proposed access roads, parking and turning areas are constructed appropriately in the interests of public and highway safety in accordance with the West Lancashire Local Plan 2012-2027.*

9. Each submitted scheme shall include a landscaping scheme for that phase of development which shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall show the location, branch spread and species of all existing trees and hedges; the location of all existing and proposed grassed and hard surfaced areas, details of seed and plan specifications and seeding facilitated wildlife connectivity. Trees and shrubs planted shall comply with BS.3936 and shall be planted in accordance with BS.4428. The landscaping scheme shall also set out a timetable for implementation. The approved scheme shall be carried out in full accordance with the approved details. All planting shall be maintained and dead or dying material shall be replaced for a period of ten years from the agreed date of planting.



*Reason – To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

10. The application for development on the LDO site shall include a landscape management plan. The landscape management plan shall include the following elements:

- Details and the extent of new and existing wetland habitats i.e. SuDS systems, swales etc. including how these will be constructed
- Details of treatment of site boundaries and/or buffers around water bodies and woodland edge.
- Details of management responsibilities, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

*Reason – To enable adequate maintenance and management of landscaped areas and so ensure that development complies with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

11. Prior to the commencement of development, a phase 1 ecological walkover should be carried out and a report submitted to and approved in writing by the local planning authority.

*Reason – To ensure that the scheme does not impact on any protected species or habitat, in accordance with the West Lancashire Local Plan 2012 -2027.*

12. Each application for the LDO site shall include a surface water drainage scheme for the site (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of development) which shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include details of a management scheme which will ensure that proposals to accommodate surface water run-off are maintained in a satisfactory manner and provide details of how long the term management of surface water will be delivered. The scheme shall subsequently be implemented in full.

*Reason – To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

13. Each application for the LDO site shall include a Design Brief which shall be submitted for the site and shall include:

- Street hierarchy including principles of adopting highway infrastructure, typical street cross sections
- Details of how mobility has been taken into account
- Block principles to establish density and building typologies, primary frontages, pedestrian access points, front and backs
- Height, scale and form building style
- Materials palette
- Views and vistas and landmarks

- Parking levels
- Incorporation of ancillary infrastructure required by statutory undertakers
- Details of cycle parking
- Treatment of footways
- Lighting strategy
- Measures to minimise opportunity for crime

*Reason – In order to monitor more closely the parameters of the design detail to ensure the development of the site achieves a high standard of design appropriate to the context of the site and therefore to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document and the Design Code.*

14. Prior to occupation, no dwelling shall be occupied until car parking and vehicle turning areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas provided in accordance with the approved scheme, before the dwelling to which they relate is occupied.

*Reason – To allow for the effective use of the parking areas in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

15. No development shall be occupied until a detailed Travel plan has been submitted to and agreed in writing by the Local Planning Authority. The measures identified in the Travel Plan shall be implemented in accordance with the agreed details and the timetable therein. The agreed Travel plan shall be reviewed annually thereafter and any revisions agreed in writing with the Local Planning Authority. Records of implementation shall also be made available annually to the Local Planning Authority.

*Reason – To promote the use of means of accessing the site by means other than by private car in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

16. No development shall take place until a scheme for the construction of the site access together with off-site works of highway improvement has been submitted to , and approved by, the Local planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. No dwelling on the site shall be occupied until the agreed site access and off-site works have been completed.

*Reason – In order to secure an appropriate highway scheme and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

17. Prior to the commencement of development, a site specific flood risk assessment should be prepared and submitted to and approved in writing by the Local Planning Authority.

*Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

18. The development hereby permitted shall be drained on a separate system, with only the foul drainage connected to the existing public sewer.

*Reason – To ensure that the site is properly drained in the interest of local amenity and that the development, therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

19. Each application shall include an Ecological and Landscape Strategy (ELS) for that phase of development which shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the ELS shall include a full Vegetation Classification Survey. The approved ELS shall be implemented in full.

*Reason - To ensure that the site complies with the provisions of Policy EN3 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

20. Each application for a phase or part of the site shall include a detailed bat protection, mitigation and enhancement scheme for that phase of development which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to occupation of the dwellings.

*Reasons - To ensure that the site complies with the provisions of Policy EN3 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

21. Development shall not take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority for the site. The statement shall detail energy efficiency and sustainability measures that will be incorporated into the building design and construction.

*Reason – In order to provide a sustainable and energy efficient development and to ensure that development therefore complies with the provisions of Policy EN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

22. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPS of the detailed siting and external appearance of the substations.

*Reason – To enable the Local Planning Authority to consider the appearance of substations or other such buildings given the high standard of public realm considerations for the overall layout of the site whereby non-sensitive infrastructure would undermine the achievement of quality public spaces and wider public realm and therefore to comply with the provisions of Policy EN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.*

23. The permission granted by the LDO is subject to the signing of an Agreement under Section 106 of the Town and Country Planning Act 1990, prior to the commencement of development, for the provision of affordable housing and the adoption of/an/or maintenance of open space

and sustainable urban drainage systems incorporated within the planning permission granted by this LDO.

### **Note(s)**

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980, Section 184, Lancashire County Council must specify the works to be carried out. Only Lancashire County Council or a contractor approved by the County Council can carry out these works. Therefore, before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Surveyor South 01772 658560 or writing to the Area Surveyor South, Lancashire county Council, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

2. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.

The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.

All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk).

Further information on CIL can be found at [www.westlancs.gov.uk/CIL](http://www.westlancs.gov.uk/CIL) or by contacting the Council's CIL and S106 Officer on [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk) or tel: 01695 585171.

### **Informatives**

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. It is the responsibility of the person(s) implementing this development to ensure that, where appropriate, Approval under the Building Regulations has been obtained for the building works involved, and that the plans thus approved under those Regulations are for the same works as approved under this permission and do not conflict with this permission or the conditions contained on it. Any amendments to the plans approved by this permission must be drawn to the attention of the Planning Officer.

3. Attention is drawn to Section 31 of the County of Lancashire Act 1984 where plans for the erection or extension of a building are deposited with a Borough Council in accordance with Building Regulations, the Council shall reject the plans, unless after consultation with the fire authority, they are satisfied that the plans show:-

a).that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

b).that the building or, as the case may be, the extension of the building will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

4. Developers are advised to contact the necessary utility plant owners for guidance when excavating in proximity to buried plant and apparatus.

5. If, as a result of the development approved by this Notice, new street names, property numbers or changes to existing property names are required, you will need approval from the Council. The Council must be notified at the earliest opportunity of your proposals so that correct postal addresses can be allocated as soon as possible. Guidance on Street Naming & Numbering is available on the Council's website and applications can be made online at [www.westlancs.gov.uk/planning/street\\_naming\\_and\\_numbering.aspx](http://www.westlancs.gov.uk/planning/street_naming_and_numbering.aspx). Alternatively, you can contact the Street Naming and Numbering Officers for advice by telephoning 01695 585158 or 01695 585273.

6. Any demolition work should not commence without notice being given to the Local Authority Building Control Section in accordance with Section 80 of the Building Act 1984 (Tel: 01695 585136).



## **Local Development Order**

### **Delf Clough, Skelmersdale, Lancashire**

#### **1.1 Purpose of the LDO**

This LDO relates to land associated with the site at Delf Clough, Skelmersdale. The site is a Greenfield site located to the east of Northway to the east of Skelmersdale town centre. The site consists of an open grassed areas with footpaths crossing it and stands of trees spread across it, with wooded cloughs to the north and south (both of which are designated nature conservation sites), a tree belt to the west (screening the site from Northway) and a residential care home to the east (Evenwood Court).

#### **1.2 Development Permitted by the LDO**

The Delf Clough LDO grants planning permission for the erection of buildings for C3 residential dwellings use class only.

C3 Dwellinghouses – for use by a single person or family, not more than 6 people living together as a single household where care is provided for residents or not more than 6 residents living together as a single household where no care is provided for residents (other than a use categorised as a House in Multiple Occupation).

#### **1.3 Conditions**

Development is granted planning permission by this LDO subject to the following conditions:

1. This Local Development Order is made by West Lancashire borough Council (“the Council”) under Section 61A(2) of the Town and Country Planning Act 1990.

Reason – As asset out under Section 61A(2) of the Town and Country Planning Act 1990.

2. It applies only to the land at Delf Clough, Skelmersdale and shall take place in accordance with the following plans which accompany this LDO:

- Plan 1 – Delf Clough – Site Location Plan – Appendix C
- Design Code for Findon, Former Digmaor Sports Centre and Delf Clough

Reason – To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and to accord with the West Lancashire Local Plan and Design Code.

3. The residential use hereby approved in this LDO shall fall within use Class C3 and shall provide for a maximum of 68 dwellings, as required by the Town and Country Planning (Use Classes) (Amendment) (England) Order 2015.

Reason – To ensure the site is developed in accordance with the LDO, for the avoidance of doubt, and to accord with the West Lancashire Local Plan 2012-2017.

4. This LDO takes effect on the date it is adopted by the Council and is limited to a 10 year period following which the LDO shall lapse.

Reason - ??

5. Unless otherwise agreed by the Local Planning Authority, development other than that required to be carried out as part of an approved scheme of remediation must be approved by the Local Planning Authority. A desk top study has been completed by West Lancashire Borough Council and any subsequent remediation scheme to bring the site to a condition suitable for the intended use must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason – To ensure risks from land contamination to future users of the land and neighbouring land are minimised in accordance with the West Lancashire Local Plan 2012-2017.

6. If contamination is found at any time when carrying out the approved development that was not previously identified, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken where remediation is necessary subject to the approval in writing of the Local planning Authority. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared subject to the approval of the Local Planning Authority.

Reason – To ensure risks from land contamination to future users of the land and neighbouring land are minimised in accordance with the West Lancashire Local Plan 2012 – 2027.

7. A Construction Management Plan including details of dust suppression techniques, noise reduction measures, hours of working, wheel cleaning facilities, and Construction Traffic Management to be employed during the course of construction shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The works shall be thereafter carried out in accordance with the approved details.

Reasons – To ensure that the construction process is carried out in a safe manner, which will not impact adversely on the amenities of nearby residents, or on the safety of the adjacent highway network, in accordance with the West Lancashire Local Plan 2012-2027.

8. No dwelling shall be occupied onsite until the access, parking and manoeuvring arrangements which serve it has been completed and are available for use.

Reason – This condition is imposed to ensure that the proposed access roads, parking and turning areas are constructed appropriately in the interests of public and highway safety in accordance with the West Lancashire Local Plan 2012-2027.

9. Each submitted scheme shall include a landscaping scheme for that phase of development which shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall show the location, branch spread and species of all existing trees and hedges; the location of all existing and proposed grassed and hard surfaced areas, details of seed and plan specifications and seeding facilitated wildlife connectivity. Trees and shrubs planted shall comply with BS.3936 and shall be planted in accordance with BS.4428. The landscaping scheme shall also set out a timetable for implementation. The approved scheme shall be carried



out in full accordance with the approved details. All planting shall be maintained and dead or dying material shall be replaced for a period of ten years from the agreed date of planting.

Reason – To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policies GN3 and EN2 in the West Lancashire Local plan 2012-2027 Development Plan Document.

10. The application for development on the LDO site shall include a landscape management plan. The landscape management plan shall include the following elements:

- Details and the extent of new and existing wetland habitats i.e. SuDS systems, swales etc. including how these will be constructed
- Details of treatment of site boundaries and/or buffers around water bodies and woodland edge.
- Details of management responsibilities, including long term design objectives, management responsibilities and maintenance schedules for all landscaped areas.

Reason – To enable adequate maintenance and management of landscaped areas and so ensure that development complies with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

11. Prior to the commencement of development, a phase 1 ecological walkover should be carried out and a report submitted to and approved in writing by the local planning authority.

Reason – To ensure that the scheme does not impact on any protected species or habitat, in accordance with the West Lancashire Local Plan 2012 -2027.

12. Each application for the LDO site shall include a surface water drainage scheme for the site (based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of development) which shall be submitted to and approved in writing by the Local Planning Authority. The surface water drainage scheme shall include details of a management scheme which will ensure that proposals to accommodate surface water run-off are maintained in a satisfactory manner and provide details of how long the term management of surface water will be delivered. The scheme shall subsequently be implemented in full.

Reason – To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

13. Each application for the LDO site shall include a Design Brief which shall be submitted for the site and shall include:

- Street hierarchy including principles of adopting highway infrastructure, typical street cross sections
- Details of how mobility has been taken into account
- Block principles to establish density and building typologies, primary frontages, pedestrian access points, front and backs

- Height, scale and form building style
- Materials palette
- Views and vistas and landmarks
- Parking levels
- Incorporation of ancillary infrastructure required by statutory undertakers
- Details of cycle parking
- Treatment of footways
- Lighting strategy
- Measures to minimise opportunity for crime

Reason – In order to monitor more closely the parameters of the design detail to ensure the development of the site achieves a high standard of design appropriate to the context of the site and therefore to comply with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document and the Design Code.

14. Prior to occupation, no dwelling shall be occupied until car parking and vehicle turning areas shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas provided in accordance with the approved scheme, before the dwelling to which they relate is occupied.

Reason – To allow for the effective use of the parking areas in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

15. No development shall be occupied until a detailed Travel plan has been submitted to and agreed in writing by the Local Planning Authority. The measures identified in the Travel Plan shall be implemented in accordance with the agreed details and the timetable therein. The agreed Travel plan shall be reviewed annually thereafter and any revisions agreed in writing with the Local Planning Authority. Records of implementation shall also be made available annually to the Local Planning Authority.

Reason – To promote the use of means of accessing the site by means other than by private car in accordance with Policy IF2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

16. No development shall take place until a scheme for the construction of the site access together with off –site works of highway improvement has been submitted to , and approved by, the Local planning Authority in consultation with the Highway Authority as part of a section 278 agreement, under the Highways Act 1980. No dwelling on the site shall be occupied until the agreed site access and off-site works have been completed.

Reason – In order to secure an appropriate highway scheme and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and in accordance with Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

17. Prior to the commencement of development, a site specific flood risk assessment should be prepared and submitted to and approved in writing by the Local Planning Authority.

Reason – To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

18. The development hereby permitted shall be drained on a separate system, with only the foul drainage connected to the existing public sewer.

Reason – To ensure that the site is properly drained in the interest of local amenity and that the development, therefore complies with the provisions of Policy GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

19. Each application shall include an Ecological and Landscape Strategy (ELS) for that phase of development which shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the ELS shall include a full Vegetation Classification Survey. The approved ELS shall be implemented in full.

Reason - To ensure that the site complies with the provisions of Policy EN3 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

20. Each application for a phase or part of the site shall include a detailed bat protection, mitigation and enhancement scheme for that phase of development which shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full prior to occupation of the dwellings.

Reasons - To ensure that the site complies with the provisions of Policy EN3 and GN3 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

21. Development shall not take place until an Energy Statement has been submitted to and approved in writing by the Local Planning Authority for the site. The statement shall detail energy efficiency and sustainability measures that will be incorporated into the building design and construction.

Reason – In order to provide a sustainable and energy efficient development and to ensure that development therefore complies with the provisions of Policy EN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

22. Notwithstanding the provisions of Article 3, Schedule 2, Part 14 Class A; Part 15 Class A; Part 16 Class A; Part 17 Class G to the Town and Country Planning (General Permitted Development ) Order 1995 (as amended) no substations or other buildings shall be provided within the site without the prior approval in writing of the LPS of the detailed siting and external appearance of the substations.

Reason – To enable the Local Planning Authority to consider the appearance of substations or other such buildings given the high standard of public realm considerations for the overall layout of the site whereby non-sensitive infrastructure would undermine the achievement of quality public spaces and wider public realm and therefore to comply with the provisions of Policy EN1 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

23. The permission granted by the LDO is subject to the signing of an Agreement under Section 106 of the Town and Country Planning Act 1990, prior to the commencement of development, for the provision of affordable housing and the adoption of/an/or maintenance of open space and sustainable urban drainage systems incorporated within the planning permission granted by this LDO.

**Note(s)**

1. This consent requires the construction, improvement or alteration of an access to the public highway. Under the Highways Act 1980, Section 184, Lancashire County Council must specify the works to be carried out. Only Lancashire County Council or a contractor approved by the County Council can carry out these works. Therefore, before any access works can start you must contact the Environment Directorate for further information by telephoning the Area Surveyor South 01772 658560 or writing to the Area Surveyor South, Lancashire county Council, Cuerden Way, Bamber Bridge, Preston, PR5 6BS quoting the planning application number.

2. The development approved by this permission may be liable to a Community Infrastructure Levy, which is payable after development begins. If your scheme is liable, and you have not already done so, you must submit an Assumption of Liability Notice to the Council before development commences. If your scheme is issued with a CIL charge, it is essential you submit a Commencement Notice to the Council before the development commences. Any application for relief or exemption should also be submitted before commencement.

The Council will impose penalties where the correct forms are not submitted, or are late, or where the information provided is inaccurate.

All forms are available at <http://www.westlancs.gov.uk/planning/planningpolicy/community-infrastructure-levy/the-cil-process.aspx> and once completed, should be emailed to [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk).

Further information on CIL can be found at [www.westlancs.gov.uk/CIL](http://www.westlancs.gov.uk/CIL) or by contacting the Council's CIL and S106 Officer on [CIL@westlancs.gov.uk](mailto:CIL@westlancs.gov.uk) or tel: 01695 585171.

**Informatives**

1. This permission refers only to that required under the Town and Country Planning Acts and does not include any consent or approval under any other enactment, byelaw, order or regulation.

2. It is the responsibility of the person(s) implementing this development to ensure that, where appropriate, Approval under the Building Regulations has been obtained for the building works involved, and that the plans thus approved under those Regulations are for the same works as approved under this permission and do not conflict with this permission or the conditions contained on it. Any amendments to the plans approved by this permission must be drawn to the attention of the Planning Officer.

3. Attention is drawn to Section 31 of the County of Lancashire Act 1984 where plans for the erection or extension of a building are deposited with a Borough Council in accordance with

Building Regulations, the Council shall reject the plans, unless after consultation with the fire authority, they are satisfied that the plans show:-

a).that there will be adequate means of access for the fire brigade to the building or, as the case may be, to the building as extended; and

b).that the building or, as the case may be, the extension of the building will not render inadequate any existing means of access for the fire brigade to a neighbouring building.

4. Developers are advised to contact the necessary utility plant owners for guidance when excavating in proximity to buried plant and apparatus.

5. If, as a result of the development approved by this Notice, new street names, property numbers or changes to existing property names are required, you will need approval from the Council. The Council must be notified at the earliest opportunity of your proposals so that correct postal addresses can be allocated as soon as possible. Guidance on Street Naming & Numbering is available on the Council's website and applications can be made online at [www.westlancs.gov.uk/planning/street\\_naming\\_and\\_numbering.aspx](http://www.westlancs.gov.uk/planning/street_naming_and_numbering.aspx). Alternatively, you can contact the Street Naming and Numbering Officers for advice by telephoning 01695 585158 or 01695 585273.

6. Any demolition work should not commence without notice being given to the Local Authority Building Control Section in accordance with Section 80 of the Building Act 1984 (Tel: 01695 585136).



**Statement of Reason for sites at:**

**Findon, Skelmersdale**

**Former Digmoor Sports Centre, Skelmersdale**

**Delf Clough, Skelmersdale**

**October 2015**

## 1. **LDO Statement of Reasons**

### 1.1 **Introduction**

1.2 The Town and Country Planning (Development Management Procedure) (England) Order 2015 (SI 2015/595) outlines that 'where a local planning authority propose to make a local development order (LDO) they shall first prepare:-

a. a draft of the order; and

b. a statement for their reasons for making the order'.

1.3 Article 38 paragraph (2) of the DMPO states that 'the statement of reasons shall contain:-

a. a description of the development which the order would permit; and

b. a plan or statement identifying the land to which the order would relate'.

1.4 The text in this document acts as the statement of reasons for making the LDOs. Plans identifying the land at Findon, the Former Digmaor Sports Centre and Delf Clough are attached (Appendix A.B and C respectively).

## 2. **Background and Context**

2.1 The West Lancashire Local Plan seeks the delivery of at least 500 new dwellings within the Skelmersdale Town Centre Strategic Development Site. As a first step in delivering some of this housing, three sites have been identified for LDO's to assist in this delivery of housing they are:

- Findon – a HCA-owned brownfield site within the town centre strategic development site
- Delf Clough – a HCA-owned greenfield site within the town centre strategic development site
- Former Digmaor Sports Centre – a Council-owned brownfield site outside the town centre strategic development site

2.2 The LDO will grant permitted development rights for a specified use or development proposal on a defined site. They typically set out the type of development permitted subject to a series of planning conditions, and so, instead of submitting a planning application for the specified development proposal on that site, an applicant simply submits their proposals to the local planning authority for a conformity check (which must be completed within 28 days) to ensure that the proposals are in line with the LDO before development commences.

2.3 It is envisaged that the LDO would become a mechanism for both increasing housing and also for improving the appearance of the area.

## 3. **Why a Local Development Order**

3.1 While some, limited interest was expressed in these sites (primarily in the former Digmaor Sports Centre site), no firm proposal has emerged but the Council and the HCA are still keen



to see these sites come forward and to continue to package the more attractive former Digmoor Sports Centre site with the less attractive Findon and Delf Clough sites in order to ensure these important sites within the town centre come forward for housing as quickly as possible.

- 3.2 As such, in light of DCLG's consultation on building more homes on brownfield land, it was considered that the Findon and former Digmoor Sports Centre sites may benefit from an LDO, as this would provide a developer with more certainty when considering the purchase of the site, and a greater degree of flexibility than a planning application / permission, thus potentially tipping the balance in a developer's consideration of whether to take on the site and develop it.

#### **4. Legislative Framework Governing the LDO Process**

##### **4.1 Primary legislation:**

LDO provisions are contained in sections 61A-D of and Schedule 4A to the Town and Country Planning Act 1990, as amended. The primary legislative provisions related to LDOs were introduced by the Planning and Compulsory Purchase Act 2004, and commenced in 2006

##### **4.2 Secondary legislation:**

These primary powers were amended by the commencement of section 188 of the Planning Act 2008 in June 2009. The effect of this amendment was to remove the requirement that LDOs must implement local plan policies.

- 4.3 More detailed legal provisions on LDOs are contained in Article 38 of and Schedule 7 to the Town and Country Planning (Development Management Procedure) (England) Order 2015 (the 'DMPO'). The DMPO came into force in October 2010 as a consolidation of the Town and Country Planning (General Development Procedure) Order 1995 and instruments which have amended that Order.

#### **5. Area Covered by the LDO**

##### **5.1 Findon**

The Findon estate is located to the north of Northway and west of Houghtons Lane, Skelmersdale. The former residential area comprises of a brownfield site, now grassed over surrounded by interlinked blocks of flats, houses and garages. See appendix A for site plan.

##### **5.2 Former Digmoor Sports Centre**

The site is located on Digmoor Road, which benefits from large grassed areas towards the highway and mature trees along the boundary. It is located some 800 metres south of the town centre. See appendix B for site plan.

##### **5.3 Delf Clough**

Delf Clough is a Greenfield site located to the east of Northway to the east of Skelmersdale town centre. The site consists of an open grassed area with footpaths crossing it and stands

of trees spread across it, with wooded cloughs to the north and south (both of which are designated nature conservation sites), a tree belt to the west (screening the site from Northway) and a residential care home to the east (Evenwood Court). See appendix C for site plan.

## 6. **Planning Policy Context**

- 6.1 The current planning policies for the sites are set out within the West Lancashire Local Plan 2012-2027 (adopted October 2013). The land is designated as SP2 Strategic Development Site on the Delf Clough and Findon Sites along with GN1a Settlement boundary which also encompasses the former Digmaor Sports Centre site.
- 6.2 There are no significant issues in terms of compliance with the National Planning Policy Framework (NPPF) or National Planning Policy guidance (NPPG).
- 6.3 The Local Development Orders are in compliance with the Councils Supplementary Planning Documents including the Design Guide SPD, Skelmersdale Town Centre Masterplan and others listed at <http://www.westlancs.gov.uk/planning/planning-policy/supplementary-planning-guidance.aspx>

## 7. **Environmental Impact Assessment (EIA)**

- 7.1 Developments which are likely to have a significant impact on the environment are subject to Environmental Assessment (EIA).
- 7.2 (Environmental Impact Assessment) (England and Wales) Regulations 2011 (EIA Regulations) require the developer to provide an Environmental Statement (ES) where the development proposed is:
  - a. Within one of the categories of development in Schedule 1;
  - b. Either it is in a sensitive area or is above a given threshold for that type of development (listed in Schedule 2) and the development is likely to have significant effects on the environment by virtue of factors such as its nature, size or location (i.e. 'EIA development').
- 7.3 A formal decision on whether the development proposed is 'EIA development' (and hence an ES is required) can be obtained from the Local Planning Authority through a screening opinion request. It should be additionally noted that Article 38 paragraph 12 part (b) of the DMPO prohibits the use of an LDO to grant permission for development which falls within one of the categories in Schedule 1.
- 7.4 The sites at Findon, the Former Digmaor Sports Centre and Delf Clough LDOs site have been screened (as far as is possible with the information available) as part of the process of developing the LDO. This screening opinion is detailed below.

## 8. **Screening Opinion**

### **Findon**

8.1 The site at Findon was EIA Screened for residential development on the site for up to 140 dwellings, highway and landscaping works, to be developed under a Local Development Order. For the following reasons, it was determined by West Lancashire Borough Council on 2nd October 2015 that an Environmental Impact Statement is not required for the development as described above:

- The development is not within a 'sensitive area' as defined by Part 1 of the Town and country Planning (Environmental Impact Assessment) Regulations 2011.
- The environmental impact would not be of more than local significance or result in any impact greater than of local significance.
- The development itself is not considered to be environmentally sensitive.
- The development would not result in unusually complex or potentially hazardous environmental effects.

#### **Former Digmoor Sports Centre**

8.2 The site at the former Digmoor Sports Centre was EIA Screened for residential development on the site for up to 140 dwellings, highway and landscaping works, to be developed under a Local Development Order. For the following reasons, it was determined by West Lancashire Borough Council on 2nd October 2015 that an Environmental Impact Statement is not required for the development as described above:

- The development is not within a 'sensitive area' as defined by Part 1 of the Town and country Planning (Environmental Impact Assessment) Regulations 2011.
- The environmental impact would not be of more than local significance or result in any impact greater than of local significance.
- The development itself is not considered to be environmentally sensitive.
- The development would not result in unusually complex or potentially hazardous environmental effects.

#### **Delf Clough**

8.3 The site at Delf Clough was EIA Screened for residential development on the site for up to 140 dwellings, highway and landscaping works, to be developed under a Local Development Order. For the following reasons, it was determined by West Lancashire Borough Council on 2nd October 2015 that an Environmental Impact Statement is not required for the development as described above:

- The development is not within a 'sensitive area' as defined by Part 1 of the Town and country Planning (Environmental Impact Assessment) Regulations 2011.
- The environmental impact would not be of more than local significance or result in any impact greater than of local significance.
- The development itself is not considered to be environmentally sensitive.
- The development would not result in unusually complex or potentially hazardous environmental effects.

9. **The limitations of the order**

9.1 It is intended that the LDO is active for a period of ten years following the date of its adoption. This is to help the delivery of the sites in a recovering economic market. Following the end of this ten year period, the LDO would cease to apply. The Council would then have the following options:

- Renew the LDO under same terms/conditions as previously;
- Renew the LDO but modify its terms and conditions

10. **Consultation on the LDO**

10.1 A fundamental principle of LDOs is that they represent a partnership approach to development management. This requires an approach to consultation which seeks support for the concept of the LDO and its objectives, both among the direct participants; the communities affected; and wider stakeholders.

10.2 It is a requirement that LDOs are the subject of local consultation. LDO consultation procedures are set out in article 38 of the Town and Country Planning (Development Management Procedure) Order 2015 (Statutory Instrument 2015/595). Consultation must include any person with whom the local planning authority would have been required to consult on an application for planning permission for the development proposed to be permitted by the LDO.

10.3 As part of the preparation of this LDO the following consultation arrangements were undertaken:

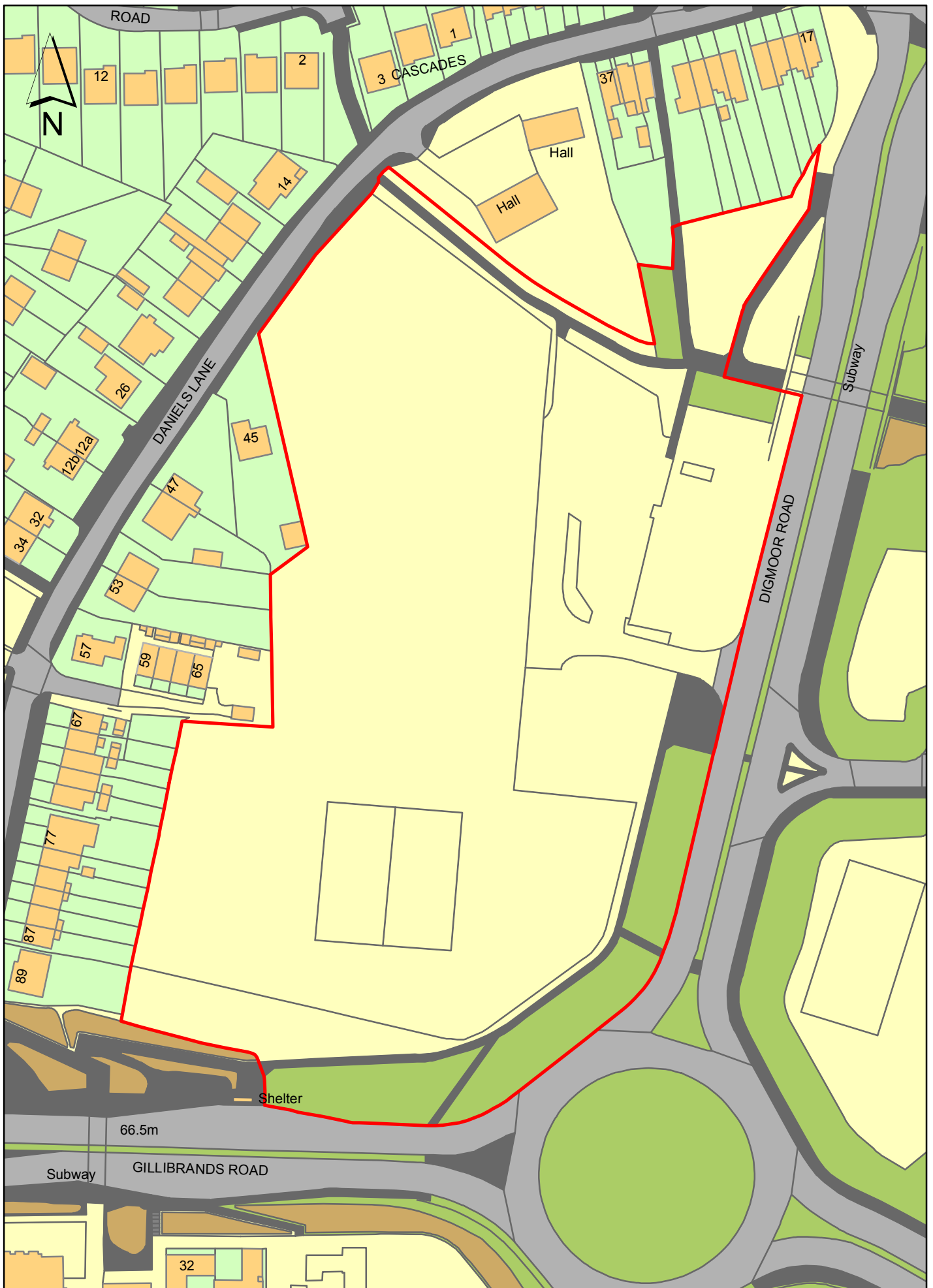
- Compliance with the publicity and consultation requirements of Article 38 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (DMPO) which relates specifically to publicity requirements for LDOs;
- Formal approval to consult on the draft LDO required by the Cabinet Members
- Compliance with the consultation requirements of the Statement of Community Involvement
- Direct consultation letters to the stakeholders

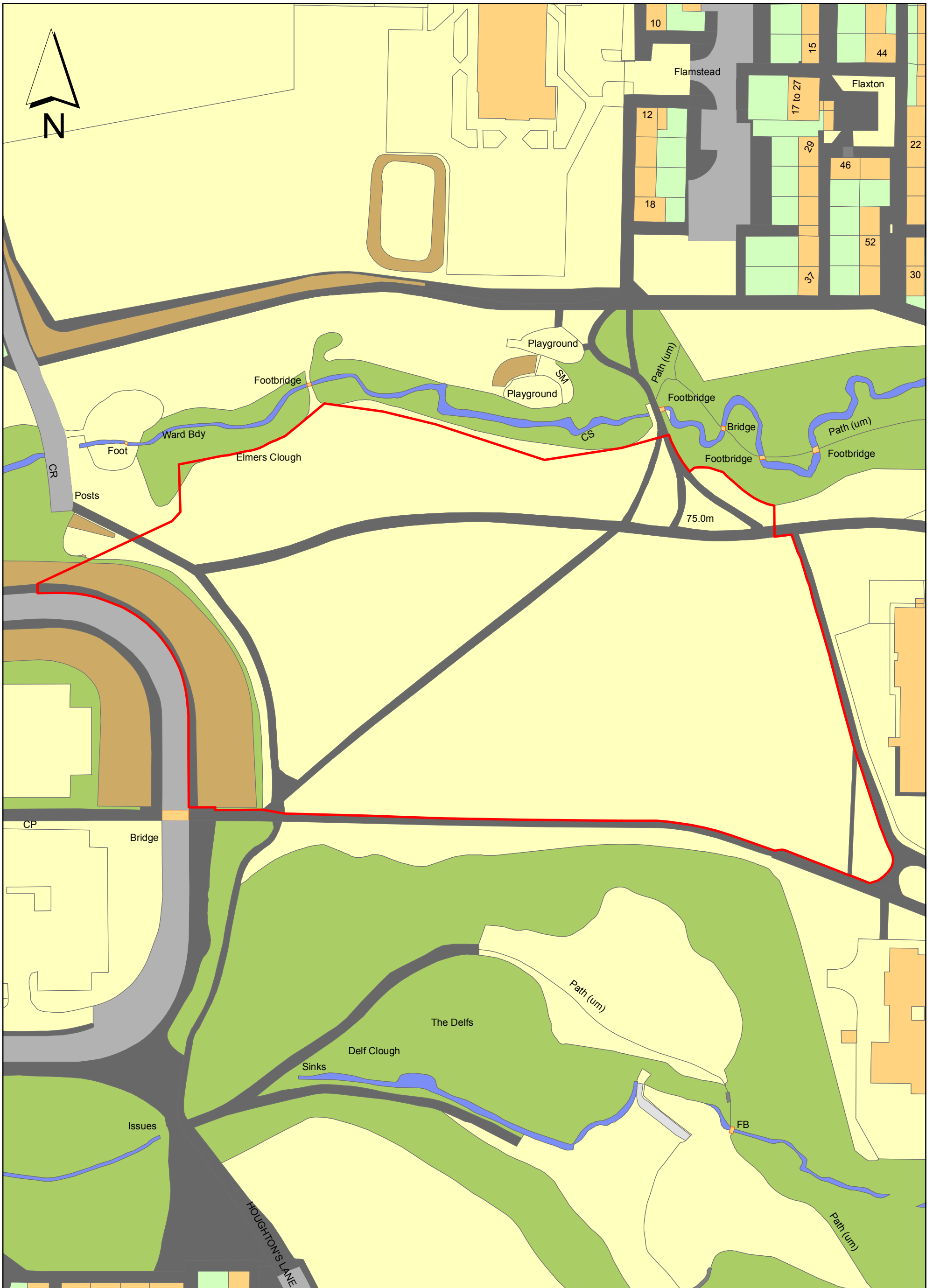
11. **Monitoring and Enforcement**

11.1 This LDO will be subject to on-going monitoring to assess its effectiveness in delivering development that supports the West Lancashire Local Plan. The outcome of the monitoring process will be reported annually through the AMR.

11.2 Failure to comply with the terms of the LDO or any other statutory requirements may result in appropriate enforcement action being taken by the Council and / or other agencies.











# Design Code

## Findon, Digmoor Sports Centre and Delf Clough

October 2015

John Harrison, DipEnvP, MRTPI  
Assistant Director Planning  
West Lancashire Borough Council

[www.westlancs.gov.uk](http://www.westlancs.gov.uk)

WEST LANCASHIRE



LOCAL PLAN



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# Findon, Digmoor Sport Centre and Delf Clough LOD – Design Code

This housing design code is a reference document for developers and their design teams which sets out our aspirations, values and design principles for housing design on the LDO sites, Findon, Digmoor Sport centre and Delf Clough. Any proposal for development on relevant sites submitted to West Lancashire Borough Council must demonstrate clearly how these have been adopted and applied as part of a responsive, high quality design process.

The content of the design code must also be regarded in partnership with the West Lancashire Local Plan 2012-2027, the West Lancashire Design Guide SPD and the LDO to which this Design Code relates. This will be used as a benchmark by which development proposals will be evaluated as part of the LDO process.

This code looks to focus on broader design ideas about place-making (an examination of wider design values and principles) rather than specific or detailed design proposals and, as such it does not seek to prescribe a fixed design or layout for the sites, or fix a programme for the architectural design and detail of individual buildings. This Design Code should be interpreted as guidance.

## Key Influences

The Design Code has been influenced significantly by the objectives and content of other policies, strategies and guidance. The Design Code assimilates much of this existing guidance and standards and applies them to the design of having developments on the sites identified within the LDO.

However, it is nevertheless important for developers and their design teams to be familiar with their specific objectives and requirements.

## Structure of the document

In producing this document we have sought to make sure that our ideas and messages are expressed in a way that is clear and understandable to developers and their professional advisors. To help make this design code as user friendly as possible, there are two parts to the document.

### Part 1 – Vision

- Context
- Values
- Key Design Principles

### Part 2 – Design Palette

- Site Frameworks and Character Areas

Part 1, will deal with the fundamentals of the design process setting out our vision for new housing development, putting this into context of the current characteristics of the area, expressing what we think peoples core values are when it comes to housing, and how these can be delivered by adopting just a few key design principles at the outset.

Part 2, will get to grips with the detail, setting out what we feel is the best design approach for each site. In part 2 we express a design palette comprising design ideas for different elements of the built environment, and site frameworks and character area to show which elements of the palette could be applied.

## LDO Process

Local Development Orders (LDOs) provide planning permission for specific classes of development within a defined area, subject to certain conditions and limitations.

The purpose of a LDO is to simplify the planning process and provide certainty for potential investors, developers and businesses. This aims to reduce the costs and potential delays sometimes associated with the planning application process.

LDOs are an enabling and permissive planning tool. They create a permitted development framework for particular activities within a certain location. The classes of permitted development within a LDO are precise and apply to particular land uses and forms of development.

LDOs provide a further layer of permitted development rights in addition to those which are established by central government through the General Permitted Development Order 1995 (as amended) and the Town and Country Planning (Use Classes) Order 1987 (as amended).

Where an LDO is in place, planning permission can also be obtained by following the normal planning application process.

The delivery of good design is not something that can be left to chance. History has taught us that development that ignores principles of good design can place a great burden on their community. It is important that we accept that this is not only an issue of environmental quality, but that poor design can be the root cause of social and economic instability. The link between poor quality housing design and lack of social cohesion with a community is particularly strong.

Key issues include:

- The exclusion and division of communities.
- Environments being undervalued and abused.
- Physical disconnection – undemocratic environments which impact disproportionately on the mobility impaired.
- Severance from public transport networks.
- Public spaces that facilitate anti-social behaviour and crime.
- Weakening the planning gain system, with investments than becoming liabilities.
- The imposition of remedial costs – costs that are often borne by the public purse.
- Reducing or even negating wider urban regeneration initiatives aimed at enhancing services, facilities and local economies.

# PART 1

## Vision

With the central focus of the LDO on housing, the vision, or starting point of this design code is to set down our broad vision for what new housing can and should achieve on Findon, Digmoor Sports Centre and Delf Clough. The sites will provide new housing redefining the area as an attractive residential area with high quality housing.

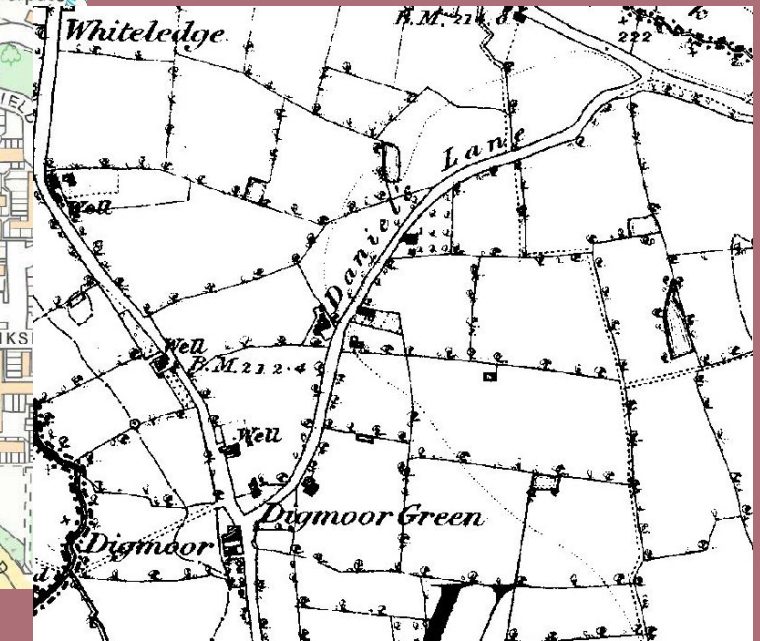
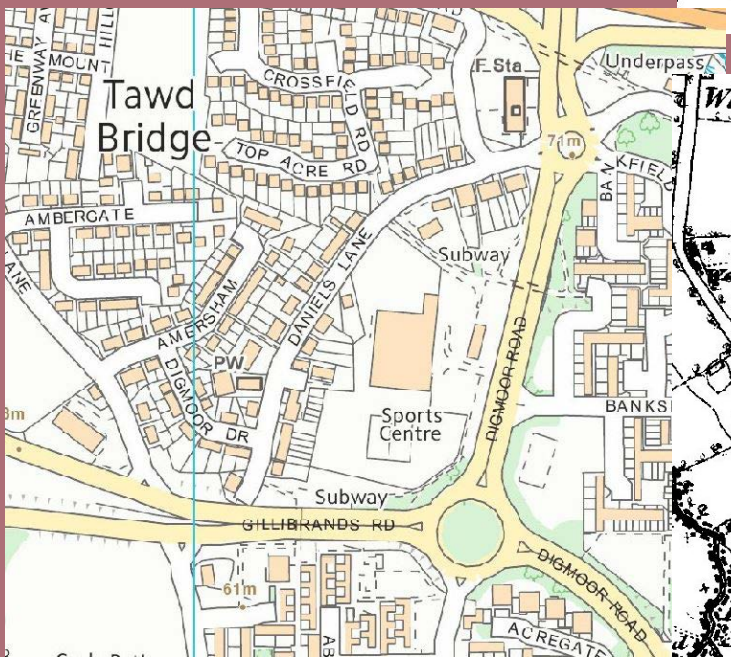
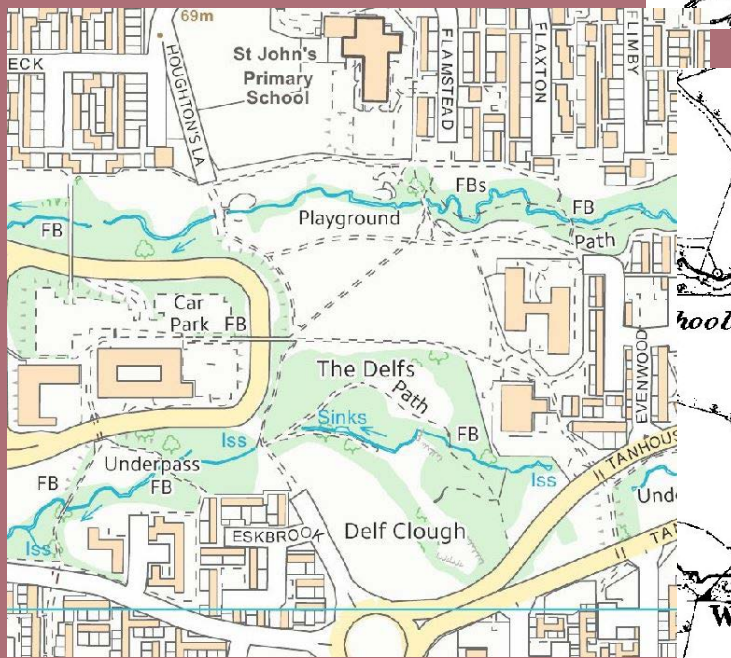
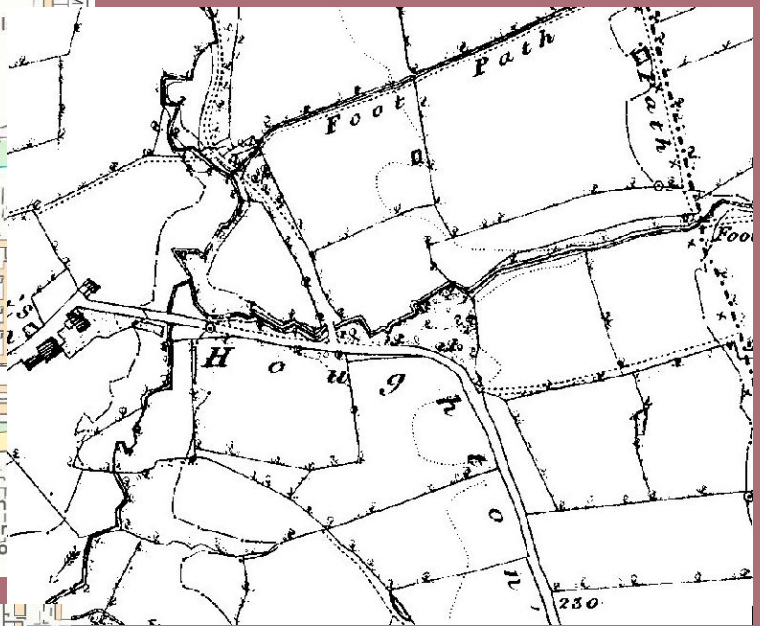
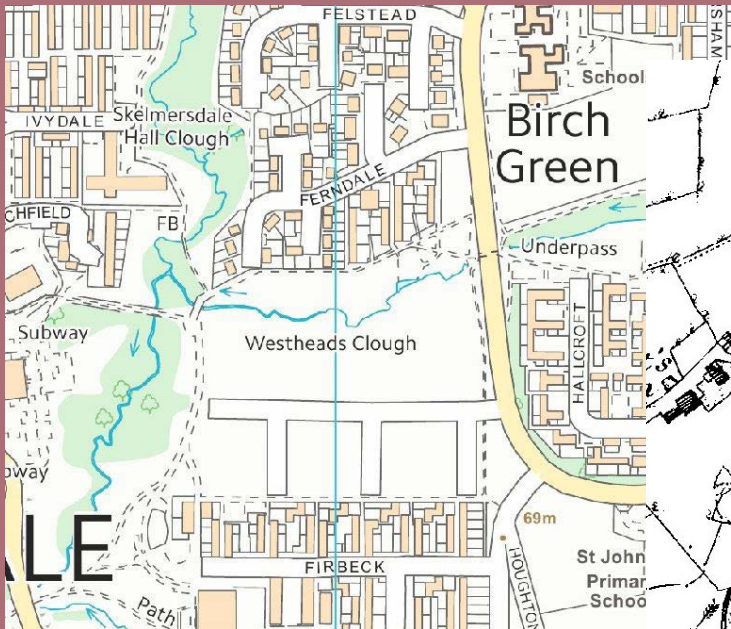
- We need to create family housing
- Promote environmentally sustainable and family friendly development
- Be aware of environmental constraints and understand how to address these.

A strong positive sense of place – our sites will consist of buildings and spaces which have a very attractive, welcoming character and strong identity, which will help reverse the perception of housing in Skelmersdale.

Create connected and legible spaces that feel attractive, intimate and of human scale – our new housing areas will be of a design that is easy to understand for residents and visitors, with layout creating an attractive friendly place to live and creating a positive experience for pedestrians.

Embrace the natural environment and wildlife. Our new housing will be integrated with the natural landscape.

Family life – New housing will be geared to cater for a wide variety of households, but with a particular emphasis on creating an environment that can support families, who will live in the area and promote life long homes.





## History of Skelmersdale

It is important to understand how Skelmersdale has evolved over time to move forward and strengthen the housing offer.

### 19th Century

Skelmersdale traces its origins from the Norman period; however the urban expansions of the original old town can be traced from the middle of the 19th century, as the settlement emerged as a coal town. The old town was organised along the axis of Blaguegate Lane – Sandy Lane – High Street, and both the physical and economic expansion was highly influenced by the opening of the railway line running parallel to this route in 1858. The main period of building of terraced housing that occurred as a result of the town's economic success was completed by the early 1890s, with little significant development beyond this period.

### Late 20th century – 1960-1974

Following the decline of industrial coal mining in the area, resulting in economic decline and the post war public housing boom saw Skelmersdale develop as a New town. This was developed to cater for the out-migration from Liverpool.

- The design principles that were the most influential on the built form of Skelmersdale include:
- Physical separation of car and pedestrian routes
- Creating of a centralised town centre as the focus for all retail, commercial and civic buildings
- Surrounding the town centre with open space and separating out vehicular routes
- Creating specific industrial zones
- Catering for a balanced age range of population to provide a basis for the town's future social development.

## Local Context: Making Place - Street Elevations

The proportions and arrangements of buildings can make all the difference to the character and appearance of a street, and this is something often maximised in traditional building forms. Many modern examples of development fail to pick up on simple aspects of traditional street composition, with the emphasis on the inside space not the street scene.

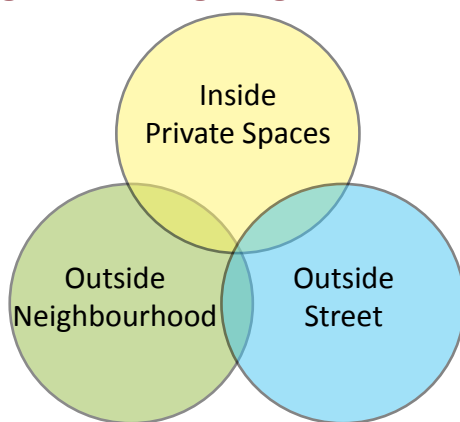
Whilst traditional buildings often display continuity and rhythm this is often lacking in modern day design. Traditional buildings create a visual pattern using the roof lines, creating an appealing and animated built form. Modern day development focuses on experimentation for form and volume which can sometimes lead to unbalanced, sterile street elevations lacking rhythm and animation, appearing manufactured as opposed to human and organic. It is important to create a street scene that doesn't create unbalanced elevations.

## Key Place Making Principles

### Key lessons in layouts of housing developments

- Routes must be clear for all to navigate and move around including cyclist and pedestrians.
- Surfaces should be permeable where possible to allow for the infiltration of surface water run-off.
- Focal points should be located in the entrances of the sites, offering a welcome sense of place and identity.
- Development should be of a proportionate scale to the surrounding area.

### Securing Good housing Design



In order to achieve good design on the three LDO sites, the first step in doing so is to take a back to basic approach, examining the very core of good housing design. Housing design affects our quality of life and has to be able to sustain family and community life for future generations. It has to help create a sustainable place, not just a development or an estate.

### Outside - Our Neighbourhood

- Outdoor amenity and recreational spaces
- Access to local services and facilities, that are safe and easy to access
- Encouraging biodiversity
- Create safe routes that are efficient and vibrant mixing vehicular and non-vehicular traffic, but favouring the pedestrian and cyclist and promoting public transport.
- Creating an inclusive, friendly and neighbourly environment.

### Outside - Our Street

- Create a sense of place and enhance existing local features
- Where public spaces are present in the LDO sites, include them within the designs to generate a sense of pride and responsibility
- Create a sense of safety through natural surveillance, making sure communal areas are well lit, hospitable and accessible
- Create a development that encourages habitants to be part of the community

### Inside - Private Space

- Homes should have a feeling of space and utility, through greater ceiling heights, high levels of natural light and ventilation
- Offer the ability to adapt and extend the home
- Energy efficient
- Allow for expression of personality

### Founding Design Principles

The key principles we set out here provide 'overarching' guidance and a platform to the more detailed principles and parameters that appear in Part 2.

The key design principles focus on the on concepts within the West Lancashire Design Guide SPD. There are 7 main principles of urban design which include:

1. The character of a place or group of buildings
2. The spaces and gaps between buildings and in particular the enclosure of space
3. The quality of the public space, street scene and public realm
4. The ease of movement of people and vehicles
5. The distinctive identity and legibility of a place and the ease in which people can find their way around
6. The adaptability of an area to respond to change
7. The diversity of uses

The following aspects are considered to be 'good practice checklist' when designing and bringing forward any new development proposal:

- Look at how the development fits in and reinforces the local characteristics of the area. Does the development respond to its context and the local distinctiveness?
- Consider carefully the scale of new development and ensure the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment.
- Create attractive and architecturally consistent extensions, buildings and development. New development should 'delight the eye'.
- Always consider the 'grain' of the development; the scale of the surrounding buildings and spaces.
- Try to ensure the development is sustainable in relation to energy use, its effect on the natural environment and surface water drainage patterns.
- Promote legible layout, which allows easily recognisable routes between buildings or spaces.
- Create community in the street scene ensuring that development is sited appropriately in relation with the neighbouring properties.
- Maintain views and important spaces and consider the development including the spaces around it from public view points.
- Create buildings and spaces that allow movement between them and that integrate fully with the existing built environment.
- Design buildings and spaces which are adaptable.
- Think carefully about the choice of materials and their likely maintenance and lifelong costs.
- Ensure a clear distinction is made between the public and private areas of the development or building.
- Using wherever possible a variety of building types, densities and uses.

## Embedded Sustainability

The housing on the LOD sites will emerge from a place-making process that has environmental sustainability at its core. This means designing and constructing buildings on a way that minimises and off sets the consumption of non-renewable resources and taking every opportunity to limit impacts on the environment.

Energy use can be minimised through effective design and construction of buildings. Urban design and site planning can also affect the inherent energy dynamics particularly in terms of orientation, layout and massing. Housing on the LDO sites will embrace energy efficiency with regards to:

## Heating and Cooling

Buildings should provide good levels of ventilation through the positioning of windows/openings and roof vents. Heating and cooling systems should encourage the use of:

- Solar water heating
- Combined heat and power
- Community heating and cooling
- Heat pumps

## Renewable Energy

To minimise carbon emissions, new housing should utilise renewable energy through the use of photovoltaic / solar energy.

## Public Realm

Delivering energy efficiency must extend to the design of public realm, for example by powering outdoor lighting through renewable or sustainable energy sources, and using open spaces as an opportunity to establish ground source heat pumps where feasible.

The east-west orientation of buildings is ideal for maximising solar access and should be employed wherever possible to capture solar energy. Development must consider passive ventilation and heating with reference to internal heat balancing. Shade should also be taken into consideration, overshadowing of adjacent buildings and private open spaces is to be minimised at all times.

## SUDS

The LDO sites must deal with land drainage from the site itself as well as surface water drainage from the new development and if deemed necessary surface water drainage from the existing network in order to assist with the management of flows through the wider network.

The importance of this issue means that the Council will require a comprehensive drainage scheme to serve the entire site. SuDS are systems designed to reduce the potential impact of new and existing development on surface water drainage in order to reduce the risk of surface water flooding. The purpose of SuDS is to replicate the natural drainage system so that dirty and surface water run-off may be collected, stored and cleaned before being released back into the environment via a natural watercourse and at a controlled rate that replicates the speed of the natural greenfield run-off rate.

As part of any development resulting from the LDO, developers will be required to produce a drainage strategy including:

- How the proposal will accord with Policy SP2 and deliver a solution to the network capacity issue in order to reduce flows to Waste Water Treatment Works that will accommodate the level of foul flows proposed.

- How the proposed SuDS accords with any necessary criteria set out within the National SuDS guidance and / or guidance established by LCC as the Lead Local Flood Authority (LLFA) or any approving body at the time of application.
- How the proposed SuDS is future proofed against the impacts of climate change on storm events.
- How the strategy has taken full account of any water mains which pass through the site within the design of the development.
- How the SuDS supports the infiltration of surface water in order to protect groundwater resources.
- How the SuDS will be managed and maintained in the future once complete (if not by the LLFA).
- Details of any off-site drainage infrastructure required to support the development.
- How the design of the built development will assist with water efficiency requirements.

Developers should make early contact with both United Utilities and the LLFA to ensure that any proposals are feasible and in accordance with necessary criteria.

As part of the SuDS, this site will be required to incorporate attenuation ponds to ensure that the rate at which the surface water flows from the site is no greater than it is before development.

Attenuation or storage ponds could assist on the site with the following functions:

- Store surface water to ensure the run-off rate is attenuated.
- Assist in improving water quality (filtration).
- Provide a natural habitat for wildlife and support aquatic biodiversity.
- Provide on-site storage for irrigation and rainwater harvesting assisting with water efficiency.

## Landscape and habitat value

The design of buildings and spaces must embrace soft landscape elements including the creation of green incidental and formal green spaces. The environment in and around the Tawd Valley is an essential designing factor, influencing design concepts at a wider and detailed level. Protecting and enhancing the river environment must be positioned as a high priority in the design process – it is a highly significant source of biodiversity and informal/ passive re creation



## PART 2

### Housing Area Codes

#### LDO Design Palette

The 'design palette' expresses the core components of the built environment – the spaces and buildings that shape it and define the structure and form of a place. These components are tailored to provide a bespoke palette for housing design on the LDO sites within Skelmersdale which draws upon;

- Existing guidance at a national and local level
- Our vision for the LDO sites
- Our local character study

The second section of the codes set out an illustrative design framework for each of the residential LDO sites, this draws upon the key design principles established earlier in Part 1 and applies these in response to identified constraints and opportunities.

Once this illustrative framework is established, the character areas are identified to indicate locations where housing design will be subject to different design cues and influences, and where it would be appropriate to create buildings and spaces with a certain character. It is through the character areas that we apply the palette, as these dictate which elements of the palette apply where.

The structure of the housing area codes derive from a need to find the right balance between setting down a robust, comprehensive guidance and allowing for enough flexibility to facilitate the delivery of development under different circumstances. Flexibility is important when applying the code's principles as we want to encourage creativity on the part of the developers. It is important to note that the code does not stifle creative design.

#### Highways - Movement and Street Hierarchy

The street hierarchy will provide the foundation for movement and communication for pedestrians, cyclists, cars, service vehicles and public transport,

as well as providing spaces for car parking.

The introduction of a main street can provide a central spine for development; this will accommodate all highway users from cars to pedestrians. Shared surfaces provide localised residential street access to homes and can double up as shared amenity space.

It is important that the layout of a LDO site allows for the creation of a legible and connected urban structure and be able to generate townscape qualities which enable the sense of place.

Streets have an essential role to play in defining the character of a place, making it feel distinctive and allow the users of the areas to distinguish one place from another. The highway aspects of development on the LSO sites will be subject to the approval of the Local Highways Authority. In this instance we encourage early engagement with Lancashire County Council.

The primary means of access to development sites will be required to take traffic from the existing highways, catering for the competing needs of different highway users and providing a sense of arrival in to the development. The character of the street should be influenced by a formal, axial highway, creating a boulevard effect.

### Spatial Characteristics of a **RESIDENTIAL AVENUE**

Building to Building	Max 25m
Frontage Height	2 – 2.5 Storeys
Building Alignment	Fronting the street and Parallel
Carriageway Alignment	Axial. off set
Landscape	Formal linear tree planting, SUDS channels

The recommended speed limit of such a route is 20mph with a carriage way width of 5.5m and a minimum pavement width of 2 meters on each side of the carriage way, cyclist provision will also be marked within the carriageway. The residential avenues will accommodate car parking in line with IF2 and be located within the residential curtilage of the dwelling, preferably to the side of the dwelling or through an integrated garage.

### Spatial Characteristics of **SHARED SURFACE SPACES**

Building to Building	Max 18m
Frontage Height	2 Storeys
Building Alignment	Fronting the street off set, irregular
Carriageway Alignment	Off set, Meander
Buildings set back	Max 3m
Landscape	Trees planted informally

The recommended speed limit of such a route is 10mph, with a minimum 2m pavement on each side of the shared space. Car parking would be delivered through on street marked bays.

### Spatial Characteristics of **GREEN CORRIDORS**

Building to Building	Variable
Frontage Height	2 Storeys
Building Alignment	Green corridor of linear soft/ natural landscape incorporating
Landscape	Mix of naturalised and landscaped recreation and habitat space. Could include linear wetland areas with channels and ponds, incorporating reed beds as part of SUDS infrastructure and promotion of biodiversity. Informal linear tree planting

### The influence of density

Getting the right density of development on the site is not only critical for the viability of a scheme, but more importantly the right environment for sustainable family life. Density is a key influence over our quality of life because, in affect the number of people we can expect to inhabit a place in turn affects:

- Viability of social infrastructure and accessibility of public transport
- The mix of land uses and activities
- Safety and security
- Quality of public space, sense or identity and place
- Ability to lead sustainable lifestyles

It is important to consider the impact of safety and security on any new development these are critical issues and considerations when choosing where to live.



### Medium Density

Density	40-50dph
Tenure	Terraced town houses and semi detached
Separation distances	21 metres
Open Space	Semi private spaces/communal areas, private gardens

### Low Density

Density	30-40dph
Tenure	Terraced, town houses, semi-detached and detached
Separation distances	21 metres
Open Space	Private gardens and pocket parks.

We encourage applicants to undertake their own design assessments and suggest using Building for Life 12 to justify design solutions put forward.

## Building Type and Urban Design

The development of the LDO sites at Findon, Digmoor Sports Centre and Delf Clough must be adaptable to cater for an appropriate mix of typologies and a wide range of markets/occupiers. This will in turn lay the foundations for sustainable and vibrant neighbourhoods.

Although the Design Code aims to be adaptable, it is important that design teams ensure that development comes forward with a character that is complementary and coherent. If different typologies are used within an LDO site it is important that they come together to create a 'whole' creating a co-ordinated development that communicates a consistent character.

Guidance throughout this Design Code relating to the types of tenure that should be used is based on a place making approach.

Our design guidance is focused in the general form and massing of development. We accept that individual styling can be varied and of a contemporary design style relevant to Skelmersdale.

## Building Standards

Technical Housing Standards – Nationally described space standards (2015)

This standard deals with internal space within new dwellings and is suitable for application across all tenures. It sets out requirements for the Gross Internal (floor) Area of new dwellings at a defined level of occupancy as well as floor areas and dimensions for key parts of the home notably, storage and floor to ceiling height.

Minimum gross internal floor areas and storage (m<sup>2</sup>)

Numbers of bedrooms (b)	Numbers of bed spaces (persons)	1 Storey dwellings	2 Storey dwellings	3 Storey dwellings	Built in Storage
1b	1p	39 (37) <sup>2</sup>			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

2. Where a one person flat has a shower room rather than a bathroom, the floor area may be reduced from 39m<sup>2</sup> to 37m<sup>2</sup>.

Aside from the Technical Housing Standards – Nationally described space standards (2015) each dwelling will be required to meet the following criteria as a minimum:

Tenure	Characteristic	Specification
Standard Detached	Set back/ front garden	3.5 max
	On plot car parking/garage	Yes – In line with IF2 of the West Lancs Local Plan side of dwelling parking
	Roofing	Dual Pitch
	Recycling Storage	Within the residential curtilage
Semi detached	Set back/ front garden	3.5 max
	On plot car parking/garage	Yes – In line with IF2 of the West Lancs Local Plan side of dwelling parking
	Roofing	Dual Pitch parallel to the street, perpendicular to the street in 2.5 storeys only.
	Recycling Storage	Within the residential curtilage
Townhouse Row Max 5 dwellings attached	Set back/ front garden	3.5 max
	On plot car parking/garage	Yes – In line with IF2 of the West Lancs Local Plan on street/courtyard incorporated garage.
	Roofing	Dual Pitch parallel to the street
	Recycling Storage	On plot to rear
Conventional Terrace Max 8 dwellings attached	Set back/ front garden	2.5 max
	On plot car parking/garage	On street/court yard In line with IF2 of the West Lancs Local Plan
	Roofing	Steep dual pitch parallel to street
	Recycling Storage	On plot to rear
Urban Apartments Communal accessed block up to 10 apartments	Set back/ front garden	2m max
	On plot car parking/garage	On street and or court yard In line with IF2 of the West Lancs Local Plan
	Roofing	Mono pitch
	Recycling Storage	Communal per block (max 10 apartments) housed within a plot to the rear
Sub Urban Apartments Detached blocks of up to 3 apartments	Set back/ front garden	4m max
	On plot car parking/garage	On street and/or communal courtyard in line with IF2 of the West Lancs Local Plan
	Roofing	Dual pitch parallel to street
	Recycling Storage	Communal per block housed within the rear of the plot.

## Frontage and boundary treatments

### Fronting Public Space

All public spaces – streets, green spaces and parks will be overlooked by building frontage, providing a positive edge and enhancing safety by overlooking/surveillance.

Major green spaces – such as the village green typology should be shaped in a way that interacts with housing and street spaces on all sides. Houses will directly adjoin these spaces.

### Fronting Semi-private Space

Semi-private spaces such as communal courts and gardens will provide valuable amenity in higher density scenarios, and enhance the qualities of street spaces by providing subtle opportunities for car parking and servicing.

The success of these spaces will depend on how access is controlled and the extent that they are overlooked by surrounding property. This could make particular use of balconies for example.

It will be acceptable to design these spaces with some rear boundaries facing onto them; however the design approach must demonstrate a good surveillance whilst maintaining privacy within garden areas.

### Property

The treatments of plot boundaries need to balance safety and security with the need to create a light and open environment that encourages a sociable activity.

Front boundaries where plots interface with the street will be differentiated by the extent of setback from the street, which will vary according to street typology. A subtle common design should be followed for all front boundary treatments within a site to create homogeneity through common character.

Rear and side boundaries where properties have common boundaries or share access to rear courtyard should provide for both privacy surveillance and interaction.

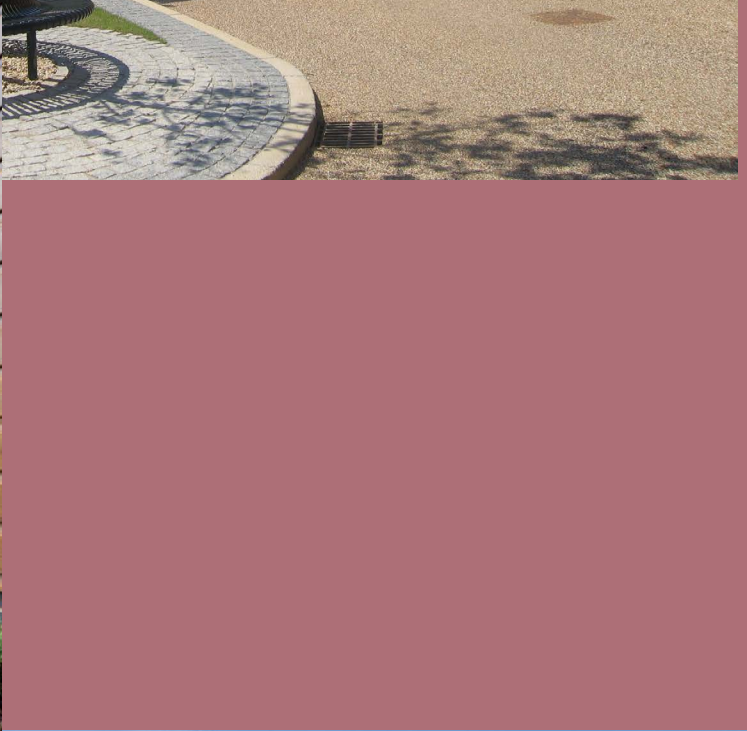
### Off Street

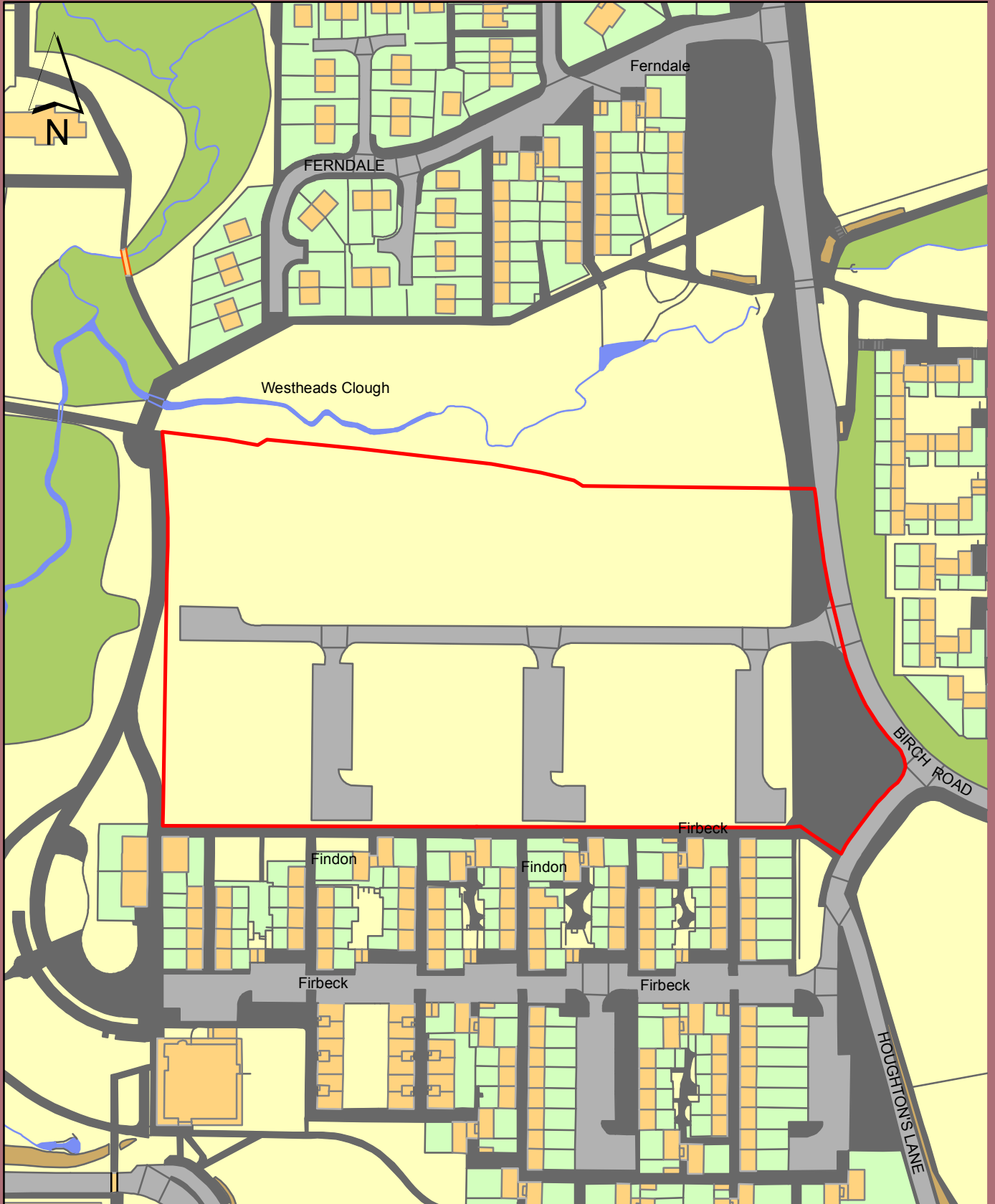
Small purpose designed courtyards may be provided within residential areas to accommodate small parking and or garage courts. However, these will be designed as part of a lively street scene – with frontages and front doors opening onto these spaces, rather than being tucked away out of sight. There is a particular opportunity to weave these spaces into shared surface mews.

In general terms the number of car spaces should be limited to avoid blighting the visual qualities of the space. There should be a mix of hard and soft landscaping to create character and good quality lighting for security.

### Recycling/Waste Storage

It is important to ensure that all design allows for the provision of recycling and waste storage and this should be incorporated into the dwelling.





# Findon

## Site Characteristics

The Findon estate is located to the north of Northway and west of Houghtons Lane, Skelmersdale. The former residential area comprises a brownfield site, now grassed over surrounded by interlinked blocks of flats, houses and garages. The former housing site that was partly built during the days of the New Town but never occupied before being partly demolished prior to 2009 and partly in 2013. The site is accessed off Birch Green Road to the east of Skelmersdale town centre and bordered by a mature wooded clough to the immediate north and east which is also a designated Biological Heritage Site.

## Constraints and Opportunities

### Constraints

- Brownfield Land
- Adjacent to a nature conservation site (Biological Heritage Site)

### Opportunities

- High value natural setting
- Pedestrian orientated spaces
- Proximity to the town centre
- Proximity to existing recreation sites and play areas

## Connections and Spaces

The intent for Findon is to create a sense of place, which will add to the recently refurbished Firbeck housing estate, creating an 'urban village' feel set within a green and attractive environment. This would contribute to the clear links with the surrounding natural valleys, cloughs and woodland, but also incorporate its own open space features.

Development on Findon is anticipated to be of a medium density in order to optimise the development opportunity which generating a significant population that will help keep streets and spaces feeling active and vibrant. Key urban design features will also add to the sense of space, landmark buildings along key routes will enable way finding.

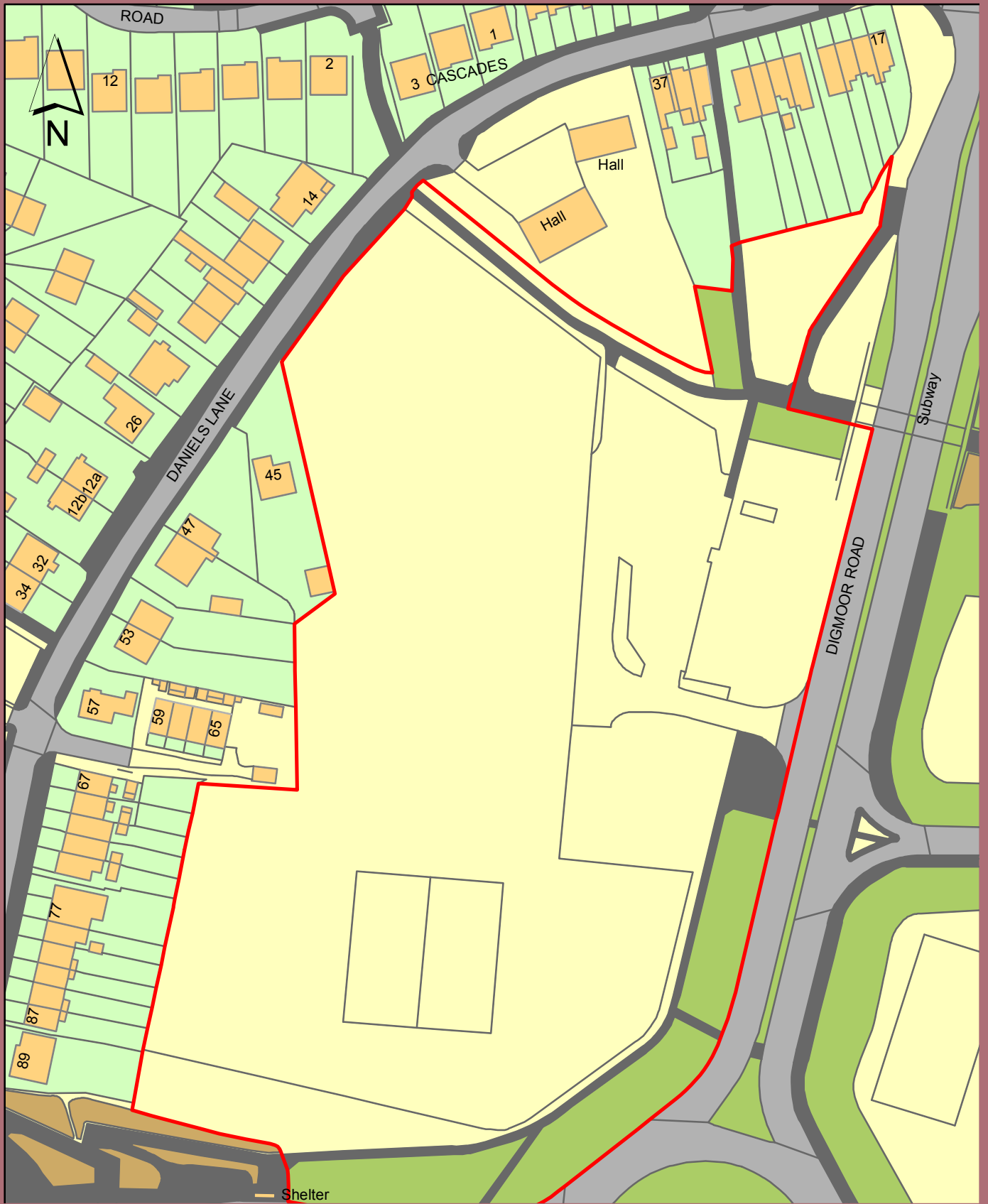
Access to the Findon site will be taken from the existing Birch Green opening, however it is important to create pedestrian routes through the Firbeck estate and further into the town centre.

The orientation of the housing development will need to respect and enhance the natural features of the surrounding area such as Westhead Clough to the north of the site.

## Delivery on site

The Findon site is surrounded by high density development, in order for the site to blend in with the characteristics of the surrounding area, we envisage that development will be delivered at a density of 40-50 dwellings per hectare with a maximum height of 2.5 storeys on the main access road (residential avenue) which will be reduced to 2 storeys on the cul-de-sac (shared spaces) .

The site provides an opportunity to use Westheads Clough as an attractive frontage for development and this will be encouraged. It is inevitable that corner plots will occur on the site, therefore developers are tasked with delivering plots with double fronted elevations to avoid blank canvases.





# Digmoor Sports Centre

## Site Characteristics

The Digmoor Sports Centre closed in October 2011. The site is located on Digmoor Road, benefiting from large grassed areas towards the highway and mature trees along the boundary. It is located some 800 metres south of the town centre.

## Constraints and opportunities

### Constraints

- Brownfield Land

### Opportunities

- Proximity to the town centre
- Established access in to the site

## Connections and Spaces

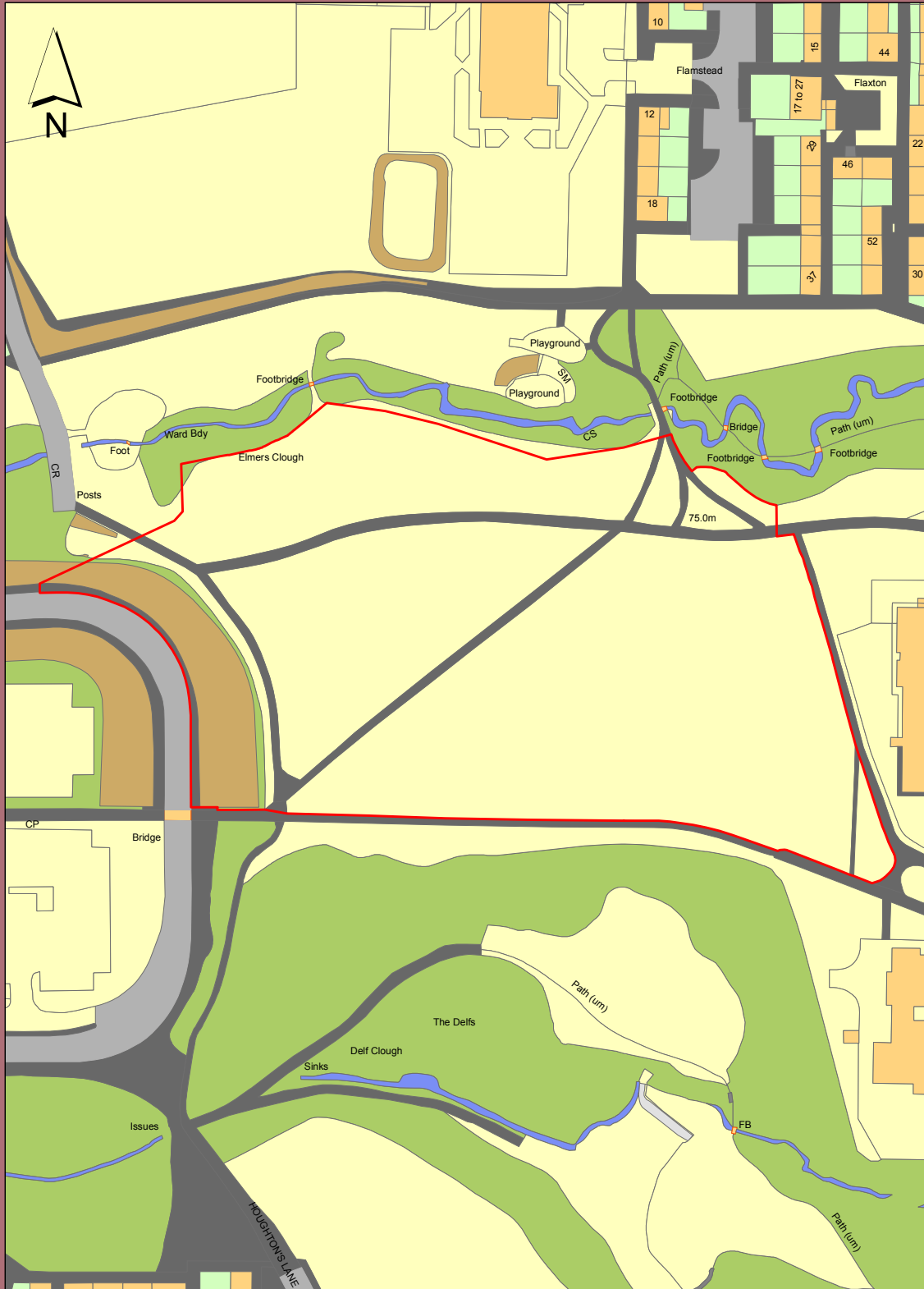
The former Digmoor Sports Centre Site will regenerate a former brownfield site extending the residential area off Daniels Lane. The site in residential terms is generally surrounded by lower density semi-detached dwellings. In order to maintain the character of the surrounding area, development will be of a low density on this site.

The existing pedestrian link to Daniels Lane should be retained at the top North West corner of the site; this would increase permeability to the wider area and to Digmoor Road.

## Delivery on site

The development which surrounds the former Digmoor Sports Centre, is of a lower density in relation to Skelmersdale as a whole, for this reason we envisage development to be delivered at a rate of 30 - 40 dwellings per hectare with a maximum height of 3 storeys.

It is inevitable that corner plots will occur on the site, therefore developers are tasked with delivering plots with double fronted elevations to avoid blank canvases.



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# Delf Clough

## Site Characteristics

Delf Clough is a Greenfield site located to the east of Northway to the east of Skelmersdale town centre. The site consists of an open grassed area with footpaths crossing it and stands of trees spread across it, with wooded cloughs to the north and south (both of which are designated nature conservation sites), a tree belt to the west (screening the site from Northway) and a residential care home to the east (Evenwood Court).

## Constraints and opportunities

### Constraints

- Adjacent to a Biological Heritage Site
- No defined access/existing access
- Level changes

### Opportunities

- Greenfield Site
- Well screened to allow for innovative design
- Links with the town centre

## Connections and Spaces

The development potential of the Delf Clough area will depend upon the resolution of access - this could potentially be from Northway.

Development at Delph Clough is anticipated to be of a medium density in order to optimise the development opportunity which generating a significant population, however it is important to respect the Biological Heritage Site adjacent to the proposed residential area.

## Delivery on site

Due to the characteristics of the surrounding area, we envisage that development on the Delf Clough Site should be delivered at 30-40 dwellings per hectare with a maximum of height of 3 storeys. However due to the level changes the height of the proposed dwellings will need to be sympathetic and delivered in a resourceful way to avoid harming the attractiveness of the street scene.



## **Statement on Scoping of LDO Consultation**

An LDO is a mechanism by which a local planning authority can grant permitted development rights for a specified use or development proposal on a defined site. They typically set out the type of development permitted subject to a series of planning conditions, and so, instead of submitting a planning application for the specified development proposal on that site, an applicant simply submits their proposals to the local planning authority for a conformity check (which must be completed within 28 days) to ensure that the proposals are in line with the LDO before development commences.

The Council are preparing Local Development Orders on the following sites; Findon, the former Digmaor Sports Centre and Delf Clough.

Local Development orders are normally prepared in consultation with the public and stakeholders such as infrastructure providers, regulatory authorities and where appropriate the developers, land owners and those with an interest in the land.

In accordance with this the council has undertaken a Scoping Consultation on the Local Development Orders engaging key stakeholders, potential developers, land owners and statutory bodies between 11<sup>th</sup> August 2015 and 8<sup>th</sup> September 2015.

This scoping consultation has enabled key issues to be identified and aided in the construction of how the Local Development Orders are set out.

It should be acknowledged that the Council do consider all comments received, although may not always agree with options and therefore changes cannot be made in all cases. The Council are required to make balanced decisions, taking into account the views from all sides.

### **Summary of comments received**

A total of 14 comments were received on the Scoping of the Local Development Orders. A table of all comments can be found attached to this statement.

Overall there was a consensus of support for the implementation of a Local Development Order at Findon, the Former Digmaor Sports Centre and Delf Clough sites.

Many respondents welcomed the opportunity to be involved in the LDO process but did not wish to comment at present.

Aside from stakeholder/infrastructure providers 2 developers commented on the scoping. Both expressed their support for the LDOs. Both developers commented on the density of development of the LDO sites suggesting development at 30-40 dpha. They have also suggested that financial obligations are limited and conditions attached to the LDOs are not excessive.

### **Next Steps**

The scoping responses highlighted areas for the LDOs to address, such as time frames, density, financial contributions and design.

The Council have considered the feedback and developed a Draft Local Development Order for each site.

Further comments on the Draft Local Development Order will be sought through the consultation process and fed into the final Local Development Orders.

<b>Who</b>	<b>Organisation</b>	<b>Comments</b>
Ben Terry	LCC – Education	LCC's School Planning Team do not have anything to input at this stage. As the plans are developed further we would need to submit education contribution assessments, and the education requirements would need to be included in a Section 106.
Alan Hubbard	National Trust	National Trust is pleased to have received notification of this consultation and would wish to continue to be consulted on LDF and related documents in the future; however, on this specific occasion the matters raised do not have either direct or indirect implications for the Trust's interests and accordingly we have no particular comments that we wish to put forward.
Jill Stephenson	National Rail	We have no comment to make on this occasion.
Ian Fletcher	Keepmoat	<p>Supports LDO's on Findon, Digmoor and Delf Clough.</p> <p>Supports a 10 year period for the LDO.</p> <p>Keepmoat recommends a delivery rate of 35dph of 2 and 3 bed family homes with a small element of affordable housing if achievable.</p> <p>Building for Life 12 is referred to as a good example for design if viability can be achieved.</p> <p>Open space/public realm needs to be</p>

		<p>considered carefully in order to minimise and S106 contributions or additional maintenance costs. Conditions attached to the LDO should be minimised if a collaborative design is achieved.</p> <p>The sites have limited marketing opportunity from passing trade.</p>
Mark Phillips	HCA	<p>Supports LDO's on Findon, Digmoor and Delf Clough.</p> <p>Supports a 10 year period for the LDO.</p> <p>Policy approach to density is supported.</p> <p>This should respond to market forces and be informed by the marketing strategy currently being prepared by Bilfinger GVA instructed by HCA. Informed by this the type and tenure should not be too prescriptive.</p> <p>Public Realm should be incorporated without being over prescriptive then this would be supported.</p> <p>Conditions should focus on Highway safety, highway access, noise, ecology, mitigation for any ground conditions, drainage, layout.</p> <p>The main strengths of the LDO sites are that the sites offer scope to be packaged with the Whalleys sites so that affordable housing provision arising can be delivered on these sites. With an LDO in place the planning process will be shortened which in theory should accelerate delivery.</p>



		The main problems with the sites are Market interest – all, Access – Delf Clough, Ground conditions – Digmaor.
Alasdair Simpson	LCC – Cycling	<p>Findon - There is a cycle path on the side of Birch Green Road. It would desirable to have active frontages to the open spaces to the north and west.</p> <p>Delft Clough - Could north – south and east-west cycle and pedestrian routes be provided through the sites as below as link areas to the east with the town centre. This could be cycle paths linking cul-de-sacs rather than a continuous path.</p> <p>Digmaor Sports Centre - There is a cycle path on the north side of the site which links Digmaor with the Town Centre. Could it be retained, though I have no objection to it be incorporated into the road layout of the site. Is there any opportunity to replace the subway with at grade crossing</p> <p>Any cycle path should not be a narrow alleyway at the backs of houses</p>
Mark Harrison	Coal Authority	I have reviewed the boundaries of the three proposed LDO sites and can confirm that, whilst all three of the sites are located within the coalfield, they are all located outside of the defined Development High Risk Area. Accordingly, there would be no requirement

		<p>to afford consideration to the potential risks associated with unstable land caused by coal mining legacy as part of the LDOs for these sites. Instead, we would simply request that our Standing Advice note used in the Development Management process is included by the LPA as an informative note within the LDO.</p>
David Dunlop	The Wildlife Trust for Lancashire, Manchester & North Merseyside	<p>We neither support nor oppose the LDOs. The Wildlife Trust for Lancashire, Manchester &amp; North Merseyside suggests that the length of time required for delivery will be related to the length of time required to design, install and manage appropriate green infrastructure to the point where it is fully functional and sustainable and linked to the wider land use context. That will vary considerably depending on the nature of such infrastructure.</p> <p>The Wildlife Trust for Lancashire, Manchester &amp; North Merseyside suggests that the appropriate density will be related <i>in part</i> to the spatial framework required to design, install and manage appropriate green infrastructure to the point where it is fully functional and linked to the wider land use context. That will vary considerably depending on the nature of such infrastructure.</p> <p>As the whole purpose of a LDO is to approve</p>

		<p>the principle of development on a site (presumably subject to conditions regarding the submission of details?) all the necessary information required to determine the suitability, in principle, of residential development must include determining whether the sites have any value for wildlife and/or ecosystem services at present. Has this work been undertaken? Is it available to view?</p> <p>Two of the sites - 'Delf Clough' and 'Findon' - about 'Biological Heritage Sites' (Local Wildlife Sites, <i>sensu</i> NPPF); namely and respectively Delf Clough itself and Westhead Clough – both identified for ancient woodland habitats and species-assemblages. Based on what we currently know of each, all three sites have the <i>potential</i> to enhance or degrade Lancashire's ecological networks to varying degrees.</p> <p>Design should promote the maintenance, recovery, restoration and enhancement of Lancashire's ecological network in the context of West Lancashire Borough. Possible measures would include: buffering of the adjacent Local Wildlife Sites (LWS); sympathetic management of the features of the LWS; sympathetic integration of pedestrian access to and through the LWS;</p>
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		<p>designing landscaping and water management features to complement the adjacent semi-natural habitat; and provision of nesting opportunities for appropriate s41 bird species (<i>e.g.</i> House Sparrow, House Martin) and breeding / roosting / hibernating structures for bats (especially pipistrelles). Depending on what is proposed at the detailed design stage, there could be a need to require the developer to enter into a s106 agreement (prior to the approval of details) regarding the maintenance / management of any green space identified within the site. The Wildlife Trust for Lancashire, Manchester &amp; North Merseyside recommends and expects public realm to address green infrastructure matters; and particularly access to nature given its well-documented benefits to public health and wellbeing, and to the economic value of housing, and its potential integration with other green infrastructure services such as surface water management through Sustainable Drainage Systems (SuDS). Conditions on ecology should relate to:</p> <ul style="list-style-type: none"> <li>• buffering, protection and enhancement of the features of the 'Biological Heritage Sites' (LWS)</li> <li>• assessment of impact on and mitigation for S41 species &amp; habitats, (particularly bats, as internationally</li> </ul>
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		<p>protected species)</p> <ul style="list-style-type: none"> <li>• identification maintenance, restoration, creation and enhancement of functional ecological networks associated with the site</li> </ul> <p>Conditions relating to the delivery and management of public access to nature would also be important in these three urban localities; as would those related to sustainable drainage.</p> <p>On the issue of a buffer to the LWSs, if it be possible under LDO protocols we would wish to see the LDO specify the size and general nature of the buffer, rather than leave it to prospective developers to propose that themselves. Your authority will need to consult its ecological adviser on what would be suitable: we presume that the LDO will include a site plan which could show the minimum buffer zone that would be required? Identifying a buffer would not necessarily prevent a contractor working / storing material within the buffer unless specifically prevented by condition.</p> <p>There would also need to be a condition protecting any substantial trees adjacent to the site, during the construction phase.</p>
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		<p>It would be beneficial if the LDO also identified the ecological network in the vicinity of the sites, and the links required to these (diagrammatically).</p> <p>The Wildlife Trust for Lancashire, Manchester &amp; North Merseyside considers the proximity of the 'Findon' and 'Delf Clough' sites to two ancient woodland 'Biological Heritage Sites' ('Local Wildlife Sites' <i>sensu</i> NPPF) to be the most <i>potentially</i> problematic aspects of those sites. We have identified no immediate problems associated with the Digmaor Sports Centre site.</p> <p>From the point of view of The Wildlife Trust for Lancashire, Manchester &amp; North Merseyside, both as an identified provider of green infrastructure and in our wider role as a nature charity, we find it limiting and somewhat frustrating to comment on these relatively small sites in isolation. We suggest that an integrated strategic approach to the identification and future management of Skelmersdale's ecological networks and green infrastructure, including both nature for its own sake and local people and visitors' access to nature and related wellbeing, would offer more possibilities of synergy and less potential conflict. We would be happy to put forward an outline of such an approach for</p>
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		discussion if that would be helpful to the planning authority, prospective developers and local communities.
Alice Ullathorne	Historic England   North West	We are comfortable that the development of the land will not have an impact on the historic environment and therefore we are happy to support the Local Development Order.
Tom Snape	Rowland Homes and Gleeson Homes	<p>Ten years would provide more than enough time for delivery, providing the housing market remains stable during this time. Rowland Homes and Gleeson Homes would be keen to start delivery on site as soon as possible and therefore a timescale of 5 years may be more appropriate to encourage regeneration in the short term.</p> <p>The Local Plan Policy sets a minimum of 30 dwellings per hectare and it would seem appropriate for these sites to be developed within the range of 30-40 dwellings per hectare.</p> <p>Former Digmaor Sports Centre – given the location an appropriate mix would be sought which would be predominantly 3-Bed dwellings with a mixture of detached and semi-detached and a small number of 4-Bed properties.</p> <p>Delf Clough – Constraints apart, we will be offering up 25% as 2 bed, 60% as 3 bed's</p>

		<p>(Both semi's and detached) up to 15% as 4 bed's.</p> <p>Findon – 20% as 2 beds, 60% as 3 beds and remaining 20% as 4 beds.</p> <p>The following matters need to be addressed in the LDO:</p> <ul style="list-style-type: none"> <li>Building design</li> <li>Layout</li> <li>Materials</li> <li>Landscaping</li> <li>Scale</li> </ul> <p>In line with Policy IF4 of the adopted Core Strategy, as quoted below.</p> <p>New development will be expected to contribute to mitigating its impact on infrastructure, services and the environment and to contribute to the requirements of the community. Contributions may be secured through a planning obligation (subject to an obligation meeting the requirements of the relevant legislation and national policy) and through the Community Infrastructure Levy (CIL), at such a time when the Council has prepared a Charging Schedule.</p> <p>The types of infrastructure that developments may be required to provide such contributions for include, are included on the Regulation 123 list. This includes;</p> <p>Community Infrastructure (such as health, education, libraries, public realm)</p>
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		<p>Where a development is made unviable by the requirements of a planning obligation, the Council will have regard to appropriate evidence submitted by an applicant and consider whether any flexibility in the planning obligation is justified.</p> <p>The introduction of LDOs is intended to streamline the planning process and therefore onerous planning conditions should be avoided as they can cause delay to house building.</p> <p>Paragraph 206 of the Framework states “Planning conditions should only be imposed where they are:</p> <ol style="list-style-type: none"><li>1. necessary;</li><li>2. relevant to planning and;</li><li>3. to the development to be permitted;</li><li>4. enforceable;</li><li>5. precise and;</li><li>6. reasonable in all other respects.”</li></ol> <p>Paragraph: 083 Reference ID: 13-083-20140306 of the NPPG provides guidance on imposing planning conditions on LDOs and states;</p> <p>“...A local planning authority should try to avoid imposing excessive numbers of conditions on Local Development Orders. The purpose of Local Development Orders is to simplify and speed up local planning, and this is likely to be undermined by placing overly</p>
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		<p>onerous burdens on developers.”</p> <p>The sites benefit from being in sustainable locations in close proximity to local amenities. They are Exempt from CIL charging given the location with Skelmersdale. The development of these sites offers regeneration benefits. Social and economic benefits of providing a mixture of market and affordable homes. Market/viability of the area.</p> <p>Desirability of the site locations – attracting house-builders into these challenging areas. Potential for restrictions and easements on each site.</p> <p>Availability of services and infrastructure unknown at this stage.</p> <p>Rowland Homes and Gleeson Homes support the introduction of LDOs on the proposed sites.</p>
Kathryn Kelsall	Natural England	<p>Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.</p> <p>Other Advice</p> <p>Green Infrastructure</p> <p>Green Infrastructure (GI) is a strategically planned and delivered network of high quality green spaces and other environmental features. It should be designed and managed as a multifunctional resource capable of</p>

		<p>delivering a wide range of environmental and quality of life benefits for local communities. Green Infrastructure includes parks, open spaces, playing fields, woodlands, allotments and private gardens.</p> <p>Green Infrastructure can provide many social, economic and environmental benefits close to where people live and work including:</p> <ul style="list-style-type: none"> <li>• Places for outdoor relaxation and play</li> <li>• Space and habitats for wildlife with access to nature for people</li> <li>• Climate change adaptation – e.g. flood alleviation and cooling urban heat islands.</li> <li>• Environmental education</li> <li>• Local food production - in allotments, gardens and through agriculture</li> <li>• Improved health and well-being – lowering stress levels and providing opportunities for exercise</li> </ul> <p>Green Infrastructure should be provided as an integral part of all new development, alongside other infrastructure such as utilities and transport networks.</p>
Dave Sherratt	United Utilities	<p>Consideration of how design and layout can assist in reducing the potential for flood risk. Development of greenfield land may lead to an increase in surface water run-off. Mitigation measures should be considered</p>

		<p>wherever appropriate – for example, in the form of landscaping, SuDS, use of permeable surfaces and the avoidance of large areas of hard standing.</p> <p>Water efficiency measures should also be considered by developers and included within the housing designs where viable. We would request that the Council include Conditions on the following matters:</p> <p><i>Drainage</i> – development of any site should not increase the potential of flood risk for the land or the surrounding area. Prior to commencing development (or any phase of it), the Council must receive and approve a relevant suitable drainage strategy. Foul and surface water should be disposed of by separate means wherever possible, in line with the surface water hierarchy.</p> <p><i>Surface Water Management</i> – developers should incorporate SuDS wherever possible and seek to include a range of mitigation measures to ensure a greenfield surface water run-off rate.</p>
George Hurst	West Lancs CCG	We know that Skelmersdale carries the burden of health inequalities. This is evidenced through the report available at

		<p><a href="http://www.westlancashireccg.nhs.uk/wp-content/uploads/Skelmersdale.pdf">http://www.westlancashireccg.nhs.uk/wp-content/uploads/Skelmersdale.pdf</a> . With this in mind we would welcome consideration being given to how the LDOs can help facilitate improved health and wellbeing for local communities, designing in health and wellbeing. We would also wish to be involved in ensuring the availability of appropriate health care facilities locally to accommodate any additional demands from the development.</p> <p>Whilst the CCG has no specific comments about the detail of the LDOs on the proposed sites it is key that both the CCG and NHS England (Lancashire and Greater Manchester), who commission primary care services, are kept informed of the progress. This is to ensure that arrangements can be made to commission the correct levels of capacity for primary care services, hospital and community based services for the new residents.</p>
	Skelmersdale Library	No comments
Anne-Sophie Bonton	LCC	LCC would support the LDOs in principle as a means of assisting development to come forward on these sites. The development of the sites forms an important part of the overall growth and regeneration of the Skelmersdale area.

		<p>While LDOs are supported in principle, careful consideration should be given to ecological matters. Both the Findon and Delf Clough developments abut BHSs. Boundary lines appear to have been carefully drawn, so as not to go onto the BHSs, however a buffer could be inserted into any detailed plans. It is anticipated that bats (that do use the Cloughs of Skelmersdale in reasonable numbers) will require detailed surveying to inform mitigation and that ecological surveys are undertaken, as doubtless several Section 41 priority species will use the current derelict grasslands for foraging. The old Sports centre land appears to be less sensitive.</p>
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# Equality Impact Assessment Form



<b>Directorate: Transformation</b>		<b>Service: Planning &amp; Development</b>	
<b>Completed by: K Brindley</b>		<b>Date: 29/9/2015</b>	
<b>Subject Title: Local Development Orders (LDOs) for sites at Findon, Former Digmaor Sports Centre and Delf Clough, Skelmersdale</b>			
<b>1. DESCRIPTION</b>			
Is a policy or strategy being produced or revised:	Yes	Local Development Orders for sites at Findon, Former Digmaor Sports Centre and Delf Clough, Skelmersdale	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	Yes		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes		
Details of the matter under consideration:	LDOs for sites at Findon, the Former Digmaor Sports Centre and Delf Clough, a LDO is a mechanism by which a local planning authority can grant permitted development rights for a specified use or development proposal on a defined site. They typically set out the type of development permitted subject to a series of planning conditions, and so, instead of submitting a planning application for the specified development proposal on that site, an applicant simply submits their proposals to the local planning authority for a conformity check (which must be completed within 28 days) to ensure that the proposals are in line with the LDO before development commences.		
<i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i>			
<i>If you answered <b>No</b> to all the above please complete Section 2</i>			
<b>2. RELEVANCE</b>			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	Yes/No*	<i>*delete as appropriate</i>	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders):			

<i>If you answered <b>Yes</b> go to <b>Section 3</b></i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Some land and property developers will be affected by the introduction of a Local Development Order, along with infrastructure providers and residents surrounding the site.
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	n/a.
Which of the protected characteristics are most relevant to the work being carried out?  Age Gender Disability Race and Culture Sexual Orientation Religion or Belief Gender Reassignment Marriage and Civil Partnership Pregnancy and Maternity	<i>*delete as appropriate</i>  No No No No No No No No No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Land and property developers who are looking to promote residential development in Skelmersdale.
What will the impact of the work being carried out be on usage/the stakeholders?	Developers will have the opportunity to avoid a lengthy planning application process and contaminated land study, with clear guidance on what is expected on each of the sites before purchasing. Removing risk and encouraging development.
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	From a Stakeholder perspective, there has been support for LDOs, the conditions and Draft LDO will require a public consultation in order to obtain residents views on the proposal of development.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	Guidance provided through the Town and Country planning Act 1990.
If any further data/consultation is needed and is to be gathered, please specify:	Seeking approval to undertake public consultation of the Draft LDOs.



<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	The LDOs will impact positively on the prospective developers and positively to the local communities surrounding the sites, by regenerating derelict, vacant sites.
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Impact will only be if the LDOs are not implemented within the allocated time period and the sites will remain as they are now.
What actions do you plan to take to address any other issues above?	No actions.  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	The assessment be will reviewed in the production of the Final version of the Local Development Orders (LDOs).





## Directorate of Transformation

**John R Harrison DipEnvP, MRTPI  
Assistant Director Planning**

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Date: 2 October 2015  
Your ref: RACHEL KNEALE  
Our ref: 2015/0832/SCR  
Please ask for: Ann Veevers  
Direct dial no: 01695 585346  
Extension:

West Lancashire Borough Council  
Housing And Regeneration  
52 Derby Street  
Ormskirk  
Lancashire  
L39 2DF

Dear Ms Kneale

### **THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011 SCREENING OPINION – ENVIRONMENTAL STATEMENT**

**Proposal:** Screening Opinion - Residential development up to 140 dwellings.

**Location:** Land To The West Of, Birch Green Road, Skelmersdale, Lancashire

#### **Introduction**

West Lancashire Borough Council has been asked for a formal screening opinion in relation to proposed residential development of up to 140 dwellings and associated infrastructure on land north of Findon, Skelmersdale. This screening opinion is based on the letter of 3rd August 2015.

#### **The Site**

The request relates to a roughly rectangular parcel of land immediately north of the residential area of Findon and Firbeck, west of Birch Green Road, Skelmersdale. The site is currently a grassed and wooded area of land part of which was formerly a housing site that was demolished in 2009 and 2013. Remnants of the infrastructure for the housing still exist on the site. The site extends to approximately 3 hectares and is relatively flat but slopes northwards along the northern edge towards Westheads Clough.

**Gill Rowe LL.B (Hons) Solicitor  
Managing Director (People and Places)**

**Kim Webber B.Sc., M.Sc.  
Managing Director (Transformation)**

To the north and west is the heavily wooded Westheads Clough which is a Biological Heritage Site, to the east is Birch Green Road with residential development beyond and to the south is the residential area of Findon and Firbeck. The site is within the main settlement of Skelmersdale and also within the Strategic Development Site of Skelmersdale Town Centre.

## **Proposal**

The proposal is for residential development on the site for up to 140 dwellings, highway and landscaping works, to be developed under a Local Development Order.

## **Assessment**

The proposal does not fall within Schedule 1 of the EIA Regulations.

The proposal does not meet the applicable criteria as set out in Part 10)b) Infrastructure Projects – Urban Development Projects in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(Amendment) Regulations 2015 (the development is for less than 150 dwellings and the overall area of development is less than 5 hectares).

Schedule 3 of the Regulations provides guidance on how to decide whether the project is likely to have significant environmental effects, thereby requiring EIA under Schedule 2.

## **National Planning Practice Guidance (NPPG)**

NPPG has now replaced previous guidance on Environmental Impact Assessment as set out in Circular 02/99 and advises:

*When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way and authorities should retain the evidence to justify their decision.*

*Only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment.*

The NPPG also provides an annex providing indicative screening thresholds. However, it should not be presumed that development above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.

## **Schedule 3 Criteria**

Schedule 3 of the regulations outlines the criteria against which any Schedule 2 development should be assessed.

### **1. Characteristics of the development**

The proposal is for the development of approximately 3 hectares of land to accommodate up to 140 dwellings.

In assessing the scale of the proposed development, I consider that the proposal would raise no issues that can be considered of more than local importance.

## **2. Environmental sensitivity of the location**

The site is not located within a Sensitive Area as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Special Scientific Interest, National Parks, World Heritage Sites, Scheduled Monuments, Areas of Outstanding Natural Beauty and sites covered by internal conservation designations) and does not lie within an identified Natura 2000 qualifying habitat or within close proximity to an environmentally sensitive site. The site is bound to the north and west by a Biological Heritage Site; however, this in itself does not mean that the site is considered to be a “sensitive site” in the terms defined above and any impact upon these areas will be taken into account during consideration of a full planning application.

The nearest residential properties are located to the south at Findon and Firbeck and to the east at Hallcroft. An assessment of the impact of the proposed development on the amenities of these neighbouring residents would form part of a full planning application.

In landscape and visual impact terms, the proposed development will no doubt be visible in the wider area but given the nature of the use and compatibility with neighbouring uses, this visibility is likely to be readily assimilated. Considerations of visual impact and impact on landscape character will be a consideration in any planning application.

Part of the site lies within a Mineral Safeguarding Area where the potential for mineral working should be explored prior to development although this would form part of a full planning application. In assessing the environmental sensitivity of the proposed development, I consider the potential impact to be of no more than local importance.

## **3. Characteristics of the Potential Impact**

When assessed against the criteria within Schedule 3, Part 3 sections a) to e) of the regulations, it is considered that the effects of the proposals would not be significant taking into account the extent of the impact, the transfrontier nature of the impact, the magnitude and complexity of the impact, the probability of the impact and the duration, frequency and reversibility of the impact.

## **Conclusion**

For the following reasons, it is determined that an Environmental Impact Statement is **NOT REQUIRED** for the above development:

1. The development is not within a ‘sensitive area’ as defined by Part 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
2. The environmental impact would not be of more than local significance or result in any impact greater than of local significance.
3. The development itself is not considered to be environmentally sensitive.
4. The development would not result in unusually complex or potentially hazardous environmental effects.

Please note that in giving this opinion, it is recognised that an EIA would not be the only means of gaining the environmental information required to assess an application for planning permission. Planning application consultees such as English Nature, Environment Agency, RSPB, NATS, County Highway, Lead Local Flood Authority and MEAS would no doubt require

appropriate highway, landscape, drainage and ecological studies as part of the assessment of any such planning application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. R. Harrison', with a long horizontal flourish extending to the right.

John R Harrison, DipEnvP, MRTPI  
Assistant Director Planning

West Lancashire Borough Council  
Housing And Regeneration  
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Lancashire  
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Dear Ms Kneale

**THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011  
SCREENING OPINION – ENVIRONMENTAL STATEMENT**

**Proposal:** Screening Opinion - Residential development up to 100 dwellings.

**Location:** Site Of Former Sports Centre, Digmaor Road, Digmaor, Skelmersdale

**Introduction**

West Lancashire Borough Council has been asked for a formal screening opinion in relation to proposed residential development of up to 100 dwellings and associated infrastructure at the former sports centre, Digmaor Road, Skelmersdale. This screening opinion is based on the letter of 3rd August 2015.

**The Site**

The request relates to an irregular parcel of land adjoining the western side of Digmaor Road and the northern side of Gillibrands Road, Skelmersdale. The site is currently vacant but previously included a sports centre building and evidence of the associated car park and surfaced sports court remain. The rest of the site is grassed and there are a number of trees and shrubs around the Gillibrands and Digmaor Road frontages. The site extends to approximately 2 hectares and is relatively flat.

To the north is a community hall, to the west are residential properties along Daniels Lane, to the south is Gillibrands Road with houses beyond and to the east is Digmaor Road with houses beyond. The site is within the main settlement of Skelmersdale, approximately 800m from the town centre.

**Proposal**

The proposal is for residential development on the site for up to 100 dwellings, highway and landscaping works, to be developed under a Local Development Order.

## **Assessment**

The proposal does not fall within Schedule 1 of the EIA Regulations.

The proposal does not meet the applicable criteria as set out in Part 10)b) Infrastructure Projects – Urban Development Projects in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(Amendment) Regulations 2015 (the development is for less than 150 dwellings and the overall area of development is less than 5 hectares).

Schedule 3 of the Regulations provides guidance on how to decide whether the project is likely to have significant environmental effects, thereby requiring EIA under Schedule 2.

### **National Planning Practice Guidance (NPPG)**

NPPG has now replaced previous guidance on Environmental Impact Assessment as set out in Circular 02/99 and advises:

*When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way and authorities should retain the evidence to justify their decision.*

*Only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment.*

The NPPG also provides an annex providing indicative screening thresholds. However, it should not be presumed that development above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.

### **Schedule 3 Criteria**

Schedule 3 of the regulations outlines the criteria against which any Schedule 2 development should be assessed.

#### **1. Characteristics of the development**

The proposal is for the development of approximately 2 hectares of land to accommodate up to 100 dwellings.

In assessing the scale of the proposed development, I consider that the proposal would raise no issues that can be considered of more than local importance.

#### **2. Environmental sensitivity of the location**



The site is not located within a Sensitive Area as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Special Scientific Interest, National Parks, World Heritage Sites, Scheduled Monuments, Areas of Outstanding Natural Beauty and sites covered by internal conservation designations) and does not lie within an identified Natura 2000 qualifying habitat or within close proximity to an environmentally sensitive site.

The nearest residential properties are located adjacent to the western boundary of the site on Daniels Lane. Residential properties to the east and south are separated from the site by the busy carriageways of Digmaor Road and Gillibrands Road. An assessment of the impact of the proposed development on the amenities of these neighbouring residents would form part of a full planning application.

In landscape and visual impact terms, the proposed development will no doubt be visible in the wider area but given the nature of the use and compatibility with neighbouring uses, this visibility is likely to be readily assimilated. Considerations of visual impact and impact on landscape character will be a consideration in any planning application.

In assessing the environmental sensitivity of the proposed development, I consider the potential impact to be of no more than local importance.

### **3. Characteristics of the Potential Impact**

When assessed against the criteria within Schedule 3, Part 3 sections a) to e) of the regulations, it is considered that the effects of the proposals would not be significant taking into account the extent of the impact, the transfrontier nature of the impact, the magnitude and complexity of the impact, the probability of the impact and the duration, frequency and reversibility of the impact.

### **Conclusion**

For the following reasons, it is determined that an Environmental Impact Statement is **NOT REQUIRED** for the above development:

1. The development is not within a 'sensitive area' as defined by Part 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
2. The environmental impact would not be of more than local significance or result in any impact greater than of local significance.
3. The development itself is not considered to be environmentally sensitive.

4. The development would not result in unusually complex or potentially hazardous environmental effects.

Please note that in giving this opinion, it is recognised that an EIA would not be the only means of gaining the environmental information required to assess an application for planning permission. Planning application consultees such as English Nature, Environment Agency, RSPB, NATS, County Highway, Lead Local Flood Authority and MEAS would no doubt require appropriate highway, landscape, drainage and ecological studies as part of the assessment of any such planning application.

Yours sincerely,

John R Harrison, DipEnvP, MRTPI  
Assistant Director Planning



## Directorate of Transformation

**John R Harrison DipEnvP, MRTPI  
Assistant Director Planning**

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Date: 2 October 2015  
Your ref: RACHEL KNEALE  
Our ref: 2015/0831/SCR  
Please ask for: Ann Veevers  
Direct dial no: 01695 585346  
Extension:

West Lancashire Borough Council  
Housing And Regeneration  
52 Derby Street  
Ormskirk  
Lancashire  
L39 2DF

Dear Ms Kneale

### **THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) (ENGLAND AND WALES) REGULATIONS 2011 SCREENING OPINION – ENVIRONMENTAL STATEMENT**

**Proposal:** Screening Opinion - Residential development up to 68 dwellings.  
**Location:** Land To The West Of Evenwood Court, Evenwood, Tanhouse, Skelmersdale

#### **Introduction**

West Lancashire Borough Council has been asked for a formal screening opinion in relation to proposed residential development of up to 68 dwellings and associated infrastructure at land to the west of Evenwood Court, Tanhouse, Skelmersdale. This screening opinion is based on the letter of 3rd August 2015.

#### **The Site**

The request relates to a roughly rectangular parcel of land in between Northway and Evenwood Court, Skelmersdale. The site is currently a grassed and wooded area of land criss-crossed by

**Gill Rowe LL.B (Hons) Solicitor  
Managing Director (People and Places)**

**Kim Webber B.Sc., M.Sc.  
Managing Director (Transformation)**

footpaths linking residential areas to the town centre. The site extends to approximately 1.5 hectares and slopes from south to north towards Elmers Clough and the River Tawd.

To the north is the River Tawd and Elmers Clough which is a Biological Heritage Site, to the west is the Co-operative office building and the town centre screened by a belt of trees, to the south is Delf Clough and to the east is the residential care home at Evenwood Court. The site is within the main settlement of Skelmersdale and also within the Strategic Development Site of Skelmersdale Town Centre.

### **Proposal**

The proposal is for residential development on the site for up to 68 dwellings, highway and landscaping works, to be developed under a Local Development Order.

### **Assessment**

The proposal does not fall within Schedule 1 of the EIA Regulations.

The proposal does not meet the applicable criteria as set out in Part 10)b) Infrastructure Projects – Urban Development Projects in Schedule 2 of the Town and Country Planning (Environmental Impact Assessment)(Amendment) Regulations 2015 (the development is for less than 150 dwellings and the overall area of development is less than 5 hectares).

Schedule 3 of the Regulations provides guidance on how to decide whether the project is likely to have significant environmental effects, thereby requiring EIA under Schedule 2.

### **National Planning Practice Guidance (NPPG)**

NPPG has now replaced previous guidance on Environmental Impact Assessment as set out in Circular 02/99 and advises:

*When screening Schedule 2 projects, the local planning authority must take account of the selection criteria in Schedule 3 of the Regulations. Not all of the criteria will be relevant in every case. Each case should be considered on its own merits in a balanced way and authorities should retain the evidence to justify their decision.*

*Only a very small proportion of Schedule 2 development will require an assessment. While it is not possible to formulate criteria or thresholds which will provide a universal test of whether or not an assessment is required, it is possible to offer a broad indication of the type or scale of development which is likely to require an assessment.*

The NPPG also provides an annex providing indicative screening thresholds. However, it should not be presumed that development above the indicative thresholds should always be subject to assessment, or those falling below these thresholds could never give rise to significant effects, especially where the development is in an environmentally sensitive location. Each development will need to be considered on its merits.

### **Schedule 3 Criteria**

Schedule 3 of the regulations outlines the criteria against which any Schedule 2 development should be assessed.

### **1. Characteristics of the development**

The proposal is for the development of approximately 1.5 hectares of land to accommodate up to 68 dwellings.

In assessing the scale of the proposed development, I consider that the proposal would raise no issues that can be considered of more than local importance.

### **2. Environmental sensitivity of the location**

The site is not located within a Sensitive Area as defined by Regulation 2(1) of the EIA Regulations (i.e. sites designated as Sites of Special Scientific Interest, National Parks, World Heritage Sites, Scheduled Monuments, Areas of Outstanding Natural Beauty and sites covered by internal conservation designations) and does not lie within an identified Natura 2000 qualifying habitat or within close proximity to an environmentally sensitive site. The site is bound to the north and south by Biological Heritage Sites; however, this in itself does not mean that the site is considered to be a “sensitive site” in the terms defined above and any impact upon these areas will be taken into account during consideration of a full planning application.

The nearest residential properties are located to west and beyond Elemrs Clough to the north. An assessment of the impact of the proposed development on the amenities of these neighbouring residents would form part of a full planning application.

In landscape and visual impact terms, the proposed development will no doubt be visible in the wider area but given the nature of the use and compatibility with neighbouring uses, this visibility is likely to be readily assimilated. Considerations of visual impact and impact on landscape character will be a consideration in any planning application.

In assessing the environmental sensitivity of the proposed development, I consider the potential impact to be of no more than local importance.

### **3. Characteristics of the Potential Impact**

When assessed against the criteria within Schedule 3, Part 3 sections a) to e) of the regulations, it is considered that the effects of the proposals would not be significant taking into account the extent of the impact, the transfrontier nature of the impact, the magnitude and complexity of the impact, the probability of the impact and the duration, frequency and reversibility of the impact.

### **Conclusion**

For the following reasons, it is determined that an Environmental Impact Statement is **NOT REQUIRED** for the above development:

1. The development is not within a ‘sensitive area’ as defined by Part 1 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.
2. The environmental impact would not be of more than local significance or result in any impact greater than of local significance.
3. The development itself is not considered to be environmentally sensitive.

4. The development would not result in unusually complex or potentially hazardous environmental effects.

Please note that in giving this opinion, it is recognised that an EIA would not be the only means of gaining the environmental information required to assess an application for planning permission. Planning application consultees such as English Nature, Environment Agency, RSPB, NATS, County Highway, Lead Local Flood Authority and MEAS would no doubt require appropriate highway, landscape, drainage and ecological studies as part of the assessment of any such planning application.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'J. R. Harrison', with a long horizontal flourish extending to the right.

John R Harrison, DipEnvP, MRTPI  
Assistant Director Planning



**HABITATS REGULATIONS ASSESSMENT  
NO LIKELY SIGNIFICANT EFFECTS REPORT  
FOLLOWING SCREENING ASSESSMENT**

West Lancashire Borough Council

Local Development Orders

Findon, Digmoor Sports Centre and Delf Clough

August 2015

# Habitats Regulations Assessment No Significant Effects Report

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## **EXECUTIVE SUMMARY**

Habitats Regulation's Assessment (HRA) of spatial, development plans including LDOs is a requirement of the Habitats Directive (92/43/EEC) as set out in the amended Habitats Regulation's (2007). This report details the HRA No significant Effects. It sets out the methods and findings and the conclusions of the Screening Assessment.

## **INTRODUCTION**

West Lancashire Borough Council is currently developing Local Development Orders for Findon, Digmaor Sports Centre and Delf Clough sites in Skelmersdale and is undertaking Habitats Regulation's Assessment in line with the requirements set out by the Conservation (Natural Habitats) (Amendment) Regulations 2007.

This HRA report addresses the findings of the Screening Assessment, although the requirement is first determined by an initial 'screening stage' undertaken as part of the full HRA. This report addresses the appropriate state of the HRA; it outlines the key tasks undertaken and the key findings/recommendations emerging from the assessment.

### **Requirement for Habitats Regulation's Assessment**

The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 (N2K) sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs)[which are classified under the Council Directive 79/409/EEC on the conservation of wild birds, the Birds Directive].

Articles 6 (3) and 6 (4) of the Habitats Directive require appropriate assessment to be undertaken on proposed projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more European sites either individually, or in combination with other plans and projects<sup>1</sup>. In 2007, this requirement was transposed into UK law in Part IVA of the Habitats Regulation's (The Conservation (Natural Habitats) (Amendment) (England and Wales) Regulation's 2007). These regulations require the application of HRA to all land use plans.

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<sup>1</sup> Determining whether an effect is 'significant' is undertaken in relation to the designated interest features and conservation objectives of the Natura 2000 sites. If an impact on any conservation objective is assessed as being adverse then it should be treated as significant. Where information is limited the precautionary principle applies and significant effects should be assumed until evidence exists to the contrary.

The purpose of HRA to assess the impacts of a land use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity<sup>2</sup> of that site. Where significant negative effects are identified, alternative options or mitigation measures should be examined to avoid any potential damaging effects. The scope of the HRA/AA is dependent on the location, size and significance of the proposed project and the sensitivities and nature of the interest features of the European sites under consideration. It is not possible to avoid or remove the identified effects assessed as arising from the plan implementation, then [if the plan makers wish to proceed with the policies/proposals as set] it must be demonstrated that there are imperative Reasons Overriding Public Interest (IROPI) to continue with the plan (Article 6 (4) of the Habitats Directive).

### **Guidance for Habitats Regulation's Assessment**

The methods and approach used are outlined in Table 1. The report outlines the method and findings for stage 2 of the HRA process – the findings of the Screening Assessment.

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<sup>2</sup> Integrity is described as the sites' coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of population of species for which it was classified (ODPM 2005)

<b>Table 1</b>	
<b>Habitat Regulations Assessment: Key Stages</b>	
<b>Stage 1</b>	
Screening for likely significant effect	<ul style="list-style-type: none"> <li>• Identify international sites in and around the project area in search area/buffer zone.</li> <li>• Examine conservation objectives of the interest features.</li> <li>• Review plan policies and proposals and consider potential effects on European sites</li> <li>• Examine other plans and programmes that could contribute to 'in combination' effects</li> </ul>
<b>Stage 2</b>	
Findings of the Screening Assessment	<ul style="list-style-type: none"> <li>• Complete additional scoping work including the collation of further information on sites as necessary to evaluate impact in light of conservation objectives.</li> <li>• Consider how plan 'in combination' with other plans and programmes will interact when implemented.</li> <li>• Consider how effect on integrity of the site could be avoided by changes to plan and the consideration of alternatives.</li> <li>• Develop mitigation measures</li> <li>• Report outcomes, consult with Natural England</li> <li>• If plan/project will not significantly effect European site proceed without further reference to Habitat Regs</li> <li>• If effects or uncertainty remain, follow the consideration of alternatives and development of mitigation, proceed to <b>stage 3</b>.</li> </ul>
<b>Stage 3</b>	
Procedures where significant effect on integrity of international site remains	<ul style="list-style-type: none"> <li>• Consider alternative solutions, delete from plan or modify.</li> <li>• Consider if priority species/habitats affected.</li> <li>• Identify 'imperative reasons of overriding public interest, economic, social, environmental, human health, and public safety.</li> <li>• Develop and secure compensatory measures.</li> </ul>

## **Consultation**

The Habitats Regulations require the plan making/competent authority to consult the appropriate nature conservation statutory body (Natural England). Consultation on the approach to the screening of the HRA has been undertaken with Natural England as required. The Habitats Regulation's leave consultation with other bodies and the public to the discretion of the plan making authority.

## **Purpose & Structure of Report**

This report documents the process and the findings from the Screening Assessment. Following this introductory section the document is organised in to a further three sections:

**Section 2** – outlines the method used for the Assessment and includes reference to the key information sources and the consultation comments received to date.

**Section 3** – outlines the process and summary findings of the Screening Assessment.

**Section 4** – outlines the conclusions and how the plan/project should now proceed with reference to the Habitat Regulations.

## METHOD

### Screening Assessment

The first Screening Stage report for the HRA July 2015 identified which European sites within and around the plan/project area should be considered in further detail as part of an assessment. The Screening combined a plan and site focus.

- The plan focus first screened out those elements of the plan unlikely to affect European site integrity and then considered the impacts of the remaining elements on European sites, including the potential for ‘in-combination’ impacts.
- The site focus considered the environmental considerations of the sites and the factors required to maintain site integrity, and then look at the potential impacts the plan might have.

The results of the screening identified that the following European sites may be potentially affected by activities/impacts arising from the plan.

- Martin Mere – Located over 10km from the LDO sites at its closest point.
- Ribble and Alt SPA/Ramsar sites and Sefton Coast SAC – Located over 18km from the LDO sites at its closest point.
- The Dee Estuary SAC, SPA and Ramsar site – has been scoped out of HRA as, although the River Dee provides water resources for a regional catchment area, the HRA of the West Lancashire Local Plan was able to establish that no increase abstraction would be required in order to supply West Lancashire.

Consultation responses to the Screening Report noted the following:

*“With reference to Regulation 78 of The Conservation of Habitats and Species Regulations 2010 (“The Habitats Regulations”) and the Council’s HRA Screening Assessment (July 2015), **Natural England agrees with the conclusion** that the development(s) included in the LDOs will not have a likely significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site(s).*”

*Therefore the LDOs can progress, subject to compliance with the relevant legislation.” Natural England*

A full record of the consultation commentary is provided at Appendix 1.

<b>Table 2</b>	
<b>Screening Assessment Stage 1: Key Tasks</b>	
Task 1 Scoping and Additional Information Gathering	<ul style="list-style-type: none"> <li>• Gathering additional information on European sites.</li> <li>• Gathering additional data on background environmental conditions.</li> <li>• Further analysis of plans/projects that have the potential to generate 'in-combination' effects.</li> </ul>
Task 2 Assessing the Impacts (in- combination) Appropriate Assessment	<ul style="list-style-type: none"> <li>• Examination of the policies and proposals identified during the screening phase and their likely significant effects on European sites.</li> <li>• Consideration of whether effects are direct/indirect/cumulative</li> <li>• Consideration of whether other plans and programme are likely to act cumulatively with those arising from the plan.</li> </ul>
Task 3 Developing Mitigation Measures	<ul style="list-style-type: none"> <li>• If effects identified – whether arising from the plan alone and/or 'in combination' with other plans – consider initial opportunities to avoid.</li> <li>• Develop mitigation measures – must be deliverable by the plan and have clear delivery/monitoring responsibilities.</li> </ul>
Task 4 Findings and recommendations	<ul style="list-style-type: none"> <li>• Conclude the assessment, explain key findings and analysis informing conclusions.</li> </ul>



## **SCREENING ASSESSMENT**

### **Task 1: Scoping and Additional Information Gathering**

As noted in Section 2 of this report, the HRA Screening Report for the Findon, Dignumoor Sports Centre and Delf Clough LDO sites July 2015 set out details of the European Sites and the types of impact to be considered.

West Lancashire Borough Council consulted Natural England the Environment Agency who confirmed that a HRA was not require as there was no impact on the European Sites from the proposals.

### **Task 2: Assessing the impacts**

The HRA Screening Report July 2015 described the aims, objectives and outlined the key proposals of the project. The Screening also considered and identified which proposals had the potential to affect the integrity of the European sites within the area of influence. This section considers if there are any impacts upon a European site through the proposal or 'in-combination' with other plans and projects.

The other plans and projects that have the potential to act 'in combination' with the LDOs to create likely significant adverse effects on Martin Mere SPA and Ramsar would be those that could contribute to reductions in water quality or cause disturbance to bird species for which the SPA and Ramsar sites are designated. Other pathways of impact may be screened out since it has been concluded that the LDOs will not create any likely significant effects through them.

In considering disturbance of bird species for which the SPA/Ramsar are designated, the HRA of the West Lancashire Local Plan concluded that policy wording was sufficient to be able to confirm that this was unlikely. Despite a presumption in favour of sustainable development, policy SP1 (A Sustainable Development Framework for West Lancashire) indicates that future development in West Lancashire will have to demonstrate compliance with other policies in the Local Plan. These provide robust protection for development affecting European sites. The Local Plan states that:

Therefore, all other potential developments within West Lancashire that might occur on land supporting designated bird species will be subject to the same caveats/conditions as the LDOs.

The Council is currently preparing a DPD for Gypsy and Traveller provision, and the Local Plan HRA indicates that this should also be subject to commitment to provide an ornithological survey report as part of any planning applications.

It can be concluded that other developments will not contribute to increased nutrient enrichment at Martin Mere, since they should conform with Local Plan policy.

Given the safeguards built into the plan regarding water quality issues, the plan requirement to further investigate and if necessary mitigate for any loss of roosting/foraging habitat for significant populations of SPA birds as part of the planning application process, and the relatively low likelihood (based on existing data) of these issues affecting deliverability of the development, **it is considered that the LDO sites would not lead to likely significant effects on Martin Mere SPA and Ramsar sites either alone or in combination with other plans and projects.**

### **Task 3: Developing Mitigation Measures**

The core aim of the Habitats Directive is to support the maintenance and promotion of biodiversity. Habitats Regulation's Assessment provides the tool through which planners can ensure that they are meeting the commitments and legal requirements of the European and National legislation.

Following consultation on the Screening of the HRA with Natural England and the Environment Agency the proposal did not identified any areas as having a potential to have a significant effect of the European sites under consideration.

### **Task 4: Findings and Recommendations**

From the Screening consualtion, it was confirmed by Natural England that they agree with the conclusion that the development(s) included in the LDOs will not have a likely significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or

necessary to the management of the site(s). Therefore the LDOs can progress, subject to compliance with the relevant legislation.

## **CONCLUSIONS**

The LPA, as the competent authority, has undertaken a screening assessment under the provisions of Council Directive 92/43/EEC and transposing regulations - The Conservation of Habitats and Species Regulations (2010). The LPA determines that the Findon, Former Digmoor Sports Centre and Delf Clough Local Development Orders are not likely to have a significant effect on a European Site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site. The LPA therefore determines that the Findon, Former Digmoor Sports Centre and Delf Clough LDOs comply with regulation 78 of the 2010 regulations. No further action under the regulation is required.

## APPENDIX 1

Date: 28 July 2015.  
Our ref: 159165  
Your ref: LDOs at Findon, Digmoor Sports Centre and Delf Clough



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Kathryn Brindley  
Planning Officer  
Strategic Planning & Implementation Team  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
L39 2DF

### BY EMAIL ONLY

[kathryn.brindley@westlancs.gov.uk](mailto:kathryn.brindley@westlancs.gov.uk)

Dear Kathryn

### HRA/ SEA Screening for LDOs at Findon, Digmoor Sports Centre and Delf Clough

Thank you for your consultation on the above dated and received by Natural England on 8 July 2015

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

How Natural England responds to Development Plans consultations and Development Management consultations is set out in the Natural England Standards: [Responding to Development Plans](#) (NESTND038) and [Responding to Development Management Consultations](#) (NESTND037). The standards sets out what we will consider in relation to biodiversity, geodiversity, landscape, seascape, access, green infrastructure and soils for the projects themselves and any associated environmental assessments. The advice in this letter is to assist your authority when considering plans and applications against relevant environmental legislation including:

**The Conservation of Habitats and Species Regulations 2010 (as amended)**

**Environmental Assessment of Plans and Programmes Regulations 2004**

**The Wildlife and Countryside Act 1981 (as amended)**

**Planning & Compulsory Purchase Act 2004**

**Planning Act 2008**

Circular 01/06 (Guidance on Changes to the Development Control System) provides guidance on the preparation and implementation of LDOs. The Circular outlines that there a number of statutory restrictions that apply to the LDO process (Paragraph 15). These restrictions halt the LDO and the standard planning application process should be followed instead. In terms of Natural England's remit we draw your attention to the following restrictions:

- Development likely to have a significant effect on a European site within the meaning of the Habitats Regulations

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- Development listed in Schedule 1 of the EIA regulations. Schedule 2 development can only be permitted through an LDO subject to compliance with the EIA regulations (i.e. an Environment Statement will need to be prepared).

Included in your email were a SEA Screening Determination and HRA Screening Assessment for the above LDOs. We have considered the documents and our comments are as follows:

1. With reference to Regulation 78 of The Conservation of Habitats and Species Regulations 2010 ("The Habitats Regulations") and the Council's HRA Screening Assessment (July 2015), **Natural England agrees with the conclusion** that the development(s) included in the LDOs will not have a likely significant effect on a European site (either alone or in combination with other plans or projects) and is not directly connected with or necessary to the management of the site(s). Therefore the LDOs can progress, subject to compliance with the relevant legislation.
2. We note the findings of the SEA Screening Determination for Findon, Digmoor Sports Centre and Delf Clough Local Development Orders (July 2015) which advises that a SEA need not be carried out. **We are satisfied with the screening assessment and its findings.**

#### Protected species

The Local Planning Authority (LPA) in exercising their functions "must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions" (Regulation 9(5) of the Habitats Regulations). In order to comply with this duty the LPA can only grant planning permission for development that would affect a European Protected Species on the basis that:

- The proposed development is in accordance with Article 12(1) of the Habitats Directive, which relates to the protection of species.
- The proposal would be likely to receive a Protected Species license from Natural England, if required.

The LPA should ensure they are compliant with the requirements of the Habitats Directive and Regulations before adopting a LDO.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

#### SSSI Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015, which came into force on 15 April 2015, has removed the requirement to consult Natural England on notified consultation zones within 2 km of a Site of Special Scientific Interest (Schedule 5, v (ii) of the 2010 DMPO). The requirement to consult Natural England on "*Development in or likely to affect a Site of Special Scientific Interest*" remains in place (Schedule 4, w). Natural England's SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments *likely to affect a SSSI*. The dataset and user guidance can be accessed from the [gov.uk](http://gov.uk) website.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.



For any queries relating to the specific advice in this letter only please contact David Carter on 01653 696082 or Email: [david.carter@naturalengland.org.uk](mailto:david.carter@naturalengland.org.uk). For any new consultations, or to provide further information on this consultation please send your correspondence to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

**David Carter**

Sustainable Development Lead Adviser  
Lancashire, Merseyside, Greater Manchester & Cheshire Area Team  
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**AGENDA ITEM: 5(h)**

**CABINET: 10 November 2015**

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**Report of:** Assistant Director Planning

**Relevant Managing Director:** Managing Director (Transformation)

**Relevant Portfolio Holder:** Councillor J Hodson

**Contact for further information:** Mr Peter Richards (Extn. 5046)  
(E-mail: peter.richards@westlancs.gov.uk)

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**SUBJECT: THE DUTY TO CO-OPERATE AND A LIVERPOOL CITY REGION STRATEGIC HOUSING & EMPLOYMENT LAND MARKET ASSESSMENT**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To update Members on the proposals for a Liverpool City Region Strategic Housing & Employment Land Market Assessment to provide a key evidence base documents for all Local Plans in the Liverpool City Region, including West Lancashire, and seek agreement to a Memorandum of Understanding with the Liverpool City Region authorities on this matter.

**2.0 RECOMMENDATION**

2.1 That the Portfolio Holder be authorised to enter into a Memorandum of Understanding (provided in draft at Appendix A) with the Liverpool City Region authorities in order to support the preparation of a Liverpool City Region Strategic Housing and Employment Land Market Assessment, subject to the Assistant Director Planning being satisfied as to the costs of, and funding for, the Assessment.

### **3.0 CURRENT POSITION**

- 3.1 As Cabinet Members will be aware, the Council adopted the new Local Plan 2012-2027 in October 2013 and this has provided a strong basis upon which to make planning decisions in the Borough ever since, with an increase in applications (and permissions) seen and a healthy supply of housing land moving forward.
- 3.2 However, work on strategic planning matters does not simply stop now that a new Local Plan is in place. West Lancashire's neighbouring authorities continue to prepare their own Local Plans, and the Duty to Co-operate (introduced by the Localism Act 2011) places a legal duty on the Council, as a Local Planning Authority (LPA), to co-operate with its neighbours on strategic, cross-boundary matters as they prepare their Local Plans. Such co-operation must necessarily take place within the context of economic strategies and infrastructure proposals that are heavily influenced by the Lancashire and the Liverpool City Region Local Enterprise Partnerships (LEPs), the Liverpool City Region's Combined Authority and within the context of a Government agenda where housing and economic growth is central.
- 3.3 As such, even with a recently adopted Local Plan, the Council has to look forward and consider how the proposals, actions, aspirations and policies of neighbouring authorities, LEPs and by the Government will affect the Borough's Local Plan and development needs in the future, and work with our neighbours to prepare a robust evidence base on strategic, cross-boundary issues to inform the next iteration of the Local Plan.
- 3.4 One particular element of such a robust evidence base is the assessment of housing and employment land needs and for some time the pressure to prepare a City Region-wide assessment of these needs has been growing. As such, the seven LPAs that make-up the Liverpool City Region from a spatial planning perspective (Halton, Knowsley, Liverpool, Sefton, St Helens, West Lancashire and Wirral) are looking to jointly prepare a Strategic Housing & Employment Land Market Assessment (SHELMA) to inform the need for new housing and employment land across the City Region going forward.
- 3.5 The SHELMA will utilise population and household projections, economic forecasts and proposals for economic growth to identify the objectively-assessed housing and employment land need across the City Region as a whole and indicate options about how each authority could contribute to meeting these needs. It will then form the starting point for discussions between the authorities on the best way to meet those needs across the City Region, taking into account various environmental, infrastructure and planning constraints. Officers from each authority have worked together to draw up a scope of works for the SHELMA and are in the process of procuring an appropriate consultant to undertake the work.
- 3.6 Associated with this, a Memorandum of Understanding (MOU) related to the SHELMA has been drawn up for signing by all seven authorities (see Appendix A). The signing of the MOU would commit West Lancashire to working with the six other authorities on the SHELMA and on identifying how to meet the needs

that arise from the assessment and, in so doing, help to demonstrate compliance with the Duty to Co-operate.

- 3.7 The Duty to Co-operate (“the Duty”) places a requirement on LPAs, and other “prescribed” bodies, to co-operate on strategic planning and cross-boundary matters on an on-going basis. Failure to do so means that any new Local Plans prepared by an LPA will fall at the first hurdle at Examination by a Planning Inspector, as they will be found to have failed a legal test, meaning that the LPA must start all over again with its Local Plan.
- 3.8 The Duty also requires an LPA to continue to co-operate with neighbouring authorities and other “prescribed” bodies even after their own Local Plan has been adopted or face the potential consequence that their next Local Plan would fail the legal test under the Duty.
- 3.9 In addition, a key facet of the Duty is that it must have elected member support, with key decisions on cross-boundary matters and strategic planning issues being made and agreed by elected members.
- 3.10 The reason for the Duty is to ensure that LPAs and the “prescribed” bodies (which include statutory consultees and infrastructure providers) maintain an on-going dialogue with regard cross-boundary, strategic planning matters in preparing Local Plans and infrastructure delivery programmes.
- 3.11 Given that the Duty is still quite new, many LPAs are still coming to terms with it and seeking to understand, with their neighbours and infrastructure providers, how they ensure that they fulfil the Duty. A growing approach to fulfil the Duty across the country has been for neighbouring authorities to work closely together, at both officer and elected-member level, within functional economic areas such as city regions.
- 3.12 This working together can involve shared evidence base studies to inform all the LPAs’ Local Plans in a consistent manner; Memorandums of Understanding between LPAs to agree matters on specific cross-boundary issues; preparing joint strategic planning frameworks to sit above, and directly inform, each LPA’s Local Plans (much as the former Regional Spatial Strategy did, but with less weight in planning decisions); or even forming joint committees of elected members to decide upon joint Local Plans.
- 3.13 At this time, as the Duty establishes itself, it is potentially having significant consequences for emerging Local Plans, given that each LPA within an economic area is at a different stage of preparation of their Local Plan. In some cases this has led to LPAs failing the legal test under the Duty and there is no doubt that some of our neighbouring (or nearby) authorities will have a more challenging experience in trying to bring their Local Plans forward over the next few years compared to West Lancashire’s recent experience as a result of the Duty.
- 3.14 Whilst West Lancashire lies within Lancashire County, economically, large parts of the Borough primarily look toward Liverpool, as opposed to Preston or Manchester. However, the Borough clearly has economic links to all three city

regions and these must all be developed. This makes fulfilling the Duty somewhat more complicated for West Lancashire, but it is clear that the Council needs to focus on the Liverpool City Region (LCR) as it is this area with which West Lancashire has the greatest cross-boundary connections and therefore, in particular, the Council needs to work with neighbouring (and nearby) authorities within the LCR on planning matters to ensure that the Duty is fulfilled.

- 3.15 At an officer level, there is good co-operation between West Lancashire and all its neighbours, especially those in the LCR, and with the LCR Combined Authority (via Merseytravel) and Lancashire County Council as transport authorities. The introduction of the new LCR Combined Authority, of which West Lancashire has recently become an associate member, provides an opportunity for West Lancashire to establish closer ties with the LCR and demonstrate that it is an integral part of the LCR economic area.
- 3.16 Similarly, West Lancashire is a corporate member of the LCR LEP and is working with the LCR LEP to actively promote the Superport concept as a key element of the Atlantic Gateway. The LCR LEP is projecting significant economic growth for the LCR on the back of the Superport concept.
- 3.17 West Lancashire sits within the area of the Lancashire LEP, within which there is a growing acknowledgement of the potential strategic role of Skelmersdale, given its economic and social connections to both the Liverpool and Manchester City Regions and its potential role within the Superport concept.
- 3.18 As such, with key economic growth plans being prepared through the LEPs and Combined Authorities, West Lancashire must continue to build on the good existing working relationships with these organisations, neighbouring authorities and other key stakeholders to actively champion the benefits of investing in West Lancashire and ensure that they are fully aware of our key economic objectives for West Lancashire and the most vital infrastructure priorities. One way of doing so is to commit to working closely on strategic planning matters with the LCR authorities, as well as ensuring we have a presence in any discussion on economic planning and infrastructure matters.
- 3.19 Such work is already happening, and must continue, but in the light of the Duty, it is necessary to make more formal arrangements to enable all LPAs in the LCR and adjacent to it to demonstrate that the Duty is being fulfilled through an agreed mechanism to make decisions on cross-boundary, strategic planning matters. One such aspect of this is the preparation of a SHELMA jointly with the other LCR authorities.
- 3.20 Therefore, elected members from each authority are being asked to agree to a Memorandum of Understanding, to commit each authority to working together on this important study and to working together to address the needs it identifies.

#### **4.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 4.1 The identification of an objectively-assessed need for housing and employment land in the Liverpool City Region has the potential to lead to Local Plans which

will have significant effects (both positive and negative) on sustainability. However, the matter raised in this report is at such an early stage that the impact on sustainability cannot be quantified at this time and in any event, this report is not seeking any decision that will affect sustainability but merely seeking agreement on a Memorandum of Understanding between the City Region authorities related to an evidence base study.

## **5.0 FINANCIAL AND RESOURCE IMPLICATIONS**

5.1 West Lancashire's contribution towards the cost of the SHELMA, and the officer time involved in overseeing its production, will be covered by the existing Planning Services Revenue Budget.

## **6.0 RISK ASSESSMENT**

6.1 Given that the signing of the Memorandum of Understanding only commits the Council to working with the other City Region authorities on a SHELMA and to the out-working of the results of that study through the Local Plan process, there is minimal risk for the Council in agreeing to the recommendation at 2.1 above.

6.2 However, were the Council not to agree to the Memorandum of Understanding, and so not participate in the SHELMA, this would likely have very significant impacts on the Council when it comes to prepare its next Local Plan, as it would be unlikely to be able to demonstrate that it has fulfilled the Duty to Co-operate and its evidence for objectively-assessed housing and employment land needs would be questionable.

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## **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

## **Equality Impact Assessment**

There is no direct impact on members of the public, employees, elected members and / or stakeholders as a result of this report. Therefore no Equality Impact Assessment is required.

## **Appendices**

Appendix A – Draft Memorandum of Understanding – Liverpool City Region Strategic Housing and Employment Land Market Assessment



## **Memorandum of Understanding - Liverpool City Region Strategic Housing and Employment Land Market Assessment**

This **Memorandum of Understanding** is made the ..... day of.....2015.

### **BETWEEN:**

- (1) HALTON BOROUGH COUNCIL;
- (2) KNOWSLEY METROPOLITAN BOROUGH COUNCIL;
- (3) LIVERPOOL CITY COUNCIL;
- (4) SEFTON METROPOLITAN BOROUGH COUNCIL;
- (5) ST.HELENS METROPOLITAN BOROUGH COUNCIL;
- (6) WEST LANCASHIRE BOROUGH COUNCIL; AND
- (7) WIRRAL METROPOLITAN BOROUGH COUNCIL.

### **BACKGROUND:**

- (A) National Planning Policy and legislation sets the requirement for local authorities to cooperate on strategic and cross boundary matters, under the "Duty to Cooperate". The Liverpool City Region authorities have produced a Statement of Cooperation to identify the matters on which cooperation is required, and how this cooperation will be undertaken.
- (B) National Planning Policy and Guidance sets the requirement for comprehensive housing and employment land needs assessments to be undertaken to support the preparation of Local Plans. These needs assessments should account for full housing market area and functional economic market area geographies.
- (C) It is acknowledged that authorities within the Liverpool City Region, alongside West Lancashire, contain shared housing market areas and functional economic areas which overlap local authority boundaries. The preparation of robust and effective evidence of housing and employment land needs, which meets the requirements of National Policy and legislation, must acknowledge this geography.
- (D) In order to support the preparation of future statutory Local Plans and/or any future joint statutory Local Plan, it is proposed that a Strategic Housing and

Employment Land Market Assessment (SHELMA) is jointly commissioned by the above-mentioned local authorities.

IT IS AGREED as follows:

## **1. Definitions and Interpretations**

“Liverpool City Region” for the purpose of this Memorandum of Understanding means the area covered by Halton, Knowsley, Liverpool, Sefton, St.Helens, Wirral and West Lancashire Councils.

“Strategic Housing and Employment Land Market Assessment (SHELMA)” means the joint evidence with the scope outlined in (2).

“CLG Household Projections” means the latest sub-national household projections issued by the Department for Communities and Local Government.

“Superport” means the integrated cluster of logistics assets and expertise that will be associated with the continuing operation of City Region port facilities, including an enlarged post-Panamax container port at the Port of Liverpool.

“District Planning Officers” means the Heads of Planning of each of the Liverpool City Region Authorities.

“Planning Policy Managers” means the Local Planning managers of each of the Liverpool City Region Authorities.

“Housing and Spatial Planning Board” means the formal board which is a constituent part of the Liverpool City Region Combined Authority.

## **2. Scope of works**

The proposed Strategic Housing and Employment Land Market Assessment (SHELMA) will cover:

- The nature and geography of the housing market areas and functional economic market areas affecting the Liverpool City Region;
- A projection for job creation in the City Region as a result of the anticipated economic growth, especially in light of the Superport proposals and changing technologies in logistics and other key sectors, using a range of appropriate evidence;
- A projection for employment land need across the functional economic market areas to address the need to provide sufficient land to facilitate the anticipated economic growth and Superport proposals (where appropriate)
- A projection for housing need across the City Region (or by housing market area) based upon the latest CLG Household Projections, factoring in local



demographic / migration circumstances, affordable housing needs, historic unmet housing need (where/provided this can be demonstrated to exist), market signals and the potential impact of any economic growth; and

- Options as to how the employment land and housing need across the City Region should be divided between the seven authorities to form the basis of discussion between the LCR authorities regarding a strategic spatial planning framework.

### **3. Commencement and Termination**

The proposed Strategic Housing and Employment Land Market Assessment (SHELMA) will be commissioned by the end of 2015. The works will be completed by March 2017.

### **4. Funding**

**Funding details and cost to be added when available**

### **5. Management Arrangements**

The LCR District Planning Officers will be responsible for the commissioning of the SHELMA and the management of its production. The LCR Planning Policy Managers Group will support the District Planning Officers in this task.

The final SHELMA will be presented for approval at the LCR Housing & Spatial Planning Board, the LCR Combined Authority and the West Lancashire Borough Council Cabinet.

St Helens Metropolitan Borough Council will be the Lead Authority for commissioning the SHELMA.

### **SIGNATORIES**

**<to be added>**





**AGENDA ITEM: 5(i)**

**CABINET: 10 November 2015**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
26 November 2015**

**COUNCIL: 16<sup>th</sup> December 2015**

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**Report of: Borough Treasurer**

**Relevant Managing Director: Managing Director (People and Places)**

**Relevant Portfolio Holder: Councillor C. Wynn**

**Contact for further information: Liz Fearn (Ext. 5605)  
(E-mail: [liz.fearn@westlancs.gov.uk](mailto:liz.fearn@westlancs.gov.uk))**

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**SUBJECT: REVISED CAPITAL PROGRAMME AND MID YEAR REVIEW 2015/2016**

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Wards affected: Borough wide

**1.0 PURPOSE OF REPORT**

1.1 To agree a Revised Capital Programme for 2015/2016 and provide Members with an overview on the progress against it at the mid-year point.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the Revised Capital Programme, including the re-profiling, virements and budget adjustments contained within Appendix A, be approved for consideration by Council.

2.2 That the progress against the Revised Capital Programme at the mid-year point be noted.

2.3 That Call In is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 26<sup>th</sup> November and Council on 16<sup>th</sup> December.

**3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE**

3.1 That the Revised Capital Programme and progress against it at the mid-year point be noted.

## **4.0 RECOMMENDATIONS TO COUNCIL**

- 4.1 That the revised Capital Programme, including the re-profiling, virements and budget adjustments contained within Appendix A, be approved.
  - 4.2 That progress against the Revised Capital Programme at the mid-year point be noted.
- 

## **5.0 BACKGROUND**

- 5.1 The Capital Programme is set on a three-year rolling basis and the Programmes for 2015/2016, 2016/2017 and 2017/2018 were approved by Council in February 2015.
- 5.2 In accordance with best practice, the Capital Programme is subject to revision at the mid-year point to ensure that it is based on the latest available information and to make monitoring of the Programme more meaningful. It enables Managers to review their schemes with the most up to date information and to review the resources available. It also provides a base upon which to build future Capital Programmes.
- 5.3 Members are kept informed of the financial position of the Capital Programme through regular monitoring reports. The last such report was presented to Cabinet in September 2015 and reported on a total Capital Programme of £26.979m for 2015/2016. This comprised a GRA Programme of £6.028m and a Housing Public Sector Capital Programme of £20.951m. This report concentrates on the GRA capital programme and there is a separate report elsewhere on the agenda concerning the HRA capital programme. There is also a separate report on the Cabinet agenda concerning the re-building of industrial units at Gorseley Place, and this has not been reflected in this Programme at this stage.

## **6.0 REVISED CAPITAL PROGRAMME**

- 6.1 Heads of Service have reviewed their respective schemes and are now proposing that changes are made as a result of more up to date information that has become available. This review process has incorporated a number of considerations including:
  - Re-profiling of schemes
  - Changes to external funding availability
  - Levels of anticipated funding required and available
  - Anticipated levels of demand
- 6.2 The proposed changes to the 2015/2016 Programme are analysed in Appendix A, and show an overall increase of £4.099m. This is primarily as a result of the inclusion of the Solar PV project, which was approved by Council in September, into the Programme.

6.3 The revised GRA Capital Programme totals £10.127m for 2015/2016 following these changes. This is analysed by service in Appendix B along with a summary of the revised capital resources available.

## 7.0 CAPITAL EXPENDITURE

7.1 Generally, capital schemes are profiled with relatively low spending compared to budget in the early part of the financial year with increased spending as the year progresses. This reflects the fact that many new schemes have considerable lead in times, for example, because of the need to undertake the tendering process and award contracts at the start of the scheme. Other schemes are dependent on external partner funding and schemes can only begin once their funding details have been finalised. Other schemes include contract retentions or contingencies that will only be spent some time after completion of the contract. Most schemes then progress and spend in line with their approval by the year end.

7.2 This pattern has been repeated in the current year with £2.177m (21%) of expenditure having been incurred by the mid-year. This is similar to the position of the previous 2 financial years and it is anticipated that most schemes will be largely completed by the end of the financial year. The programme of £10.127m is much larger than previous years as a result of the Greenshoots project and the Solar PV project, which are funded by prudential borrowing either in part or in full. Comparisons to previous years' programmes are shown in Table 1.

Year	Expenditure £m	Budget £m	% spend against Budget
2015/2016	2.177	10.127	21%
2014/2015	0.795	3.467	23%
2013/2014	1.057	4.421	24%
2012/2013	1.866	4.304	43%

7.3 Appendix C provides the Heads of Service comments on the progress of schemes against the revised programme.

## 8.0 CAPITAL RESOURCES

8.1 There are sufficient resources identified to fund the 2015/2016 Revised Capital Programme as shown in Appendix B.

8.2 The main area of the capital resources budget that is subject to variation is in relation to capital receipts. These are the useable proceeds from the sale of Council assets (mainly houses under Right to Buy legislation) that are available to fund capital expenditure. These receipts can vary significantly depending on the number and value of assets sold.

8.3 The budget for useable capital receipts to be generated from Council House sales in the year is set at £280,000 from 40 sales. However at the mid-year point 15 sales had been completed generating £0.15m of useable capital receipts.

- 8.4 Retained proceeds generated by Council House sales are now split between general useable capital receipts (detailed above), one for one Replacement funding and Debt funding. At the mid year point £94,000 had been generated for Debt funding, but there will not be any additional 141 funding.
- 8.5 In addition to receipts from council house sales the Council also has a programme to sell plots of its land and other assets under the Strategic Asset Management Plan (SAMP). The budget for this in the 2015/2016 Programme is £100,000. To date there has been 2 land sales generating 27,000.
- 8.6 Useable Capital Receipts generated to date are analysed in Table 2:

Category	Estimate £'000	Actual £'000	% Received against Budget
Right to Buy Sales	280	150	54%
SAMP Sales	100	27	27%
Total	380	177	47%

- 8.7 The level of receipts generated at the mid-year point was slightly below the budget target. Consequently this area will be kept under close review for the remainder of the year. A full review of expenditure and funding plans will take place as part of the budget setting process with a view to ensuring a balanced programme that will be managed over a medium term timescale.

## 9.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

- 9.1 The Capital Programme includes schemes that the Council plans to implement to enhance service delivery and assets. Individual project plans address sustainability and Community Strategy issues and links to Corporate Priorities. The Capital Programme also achieves the objectives of the Prudential Code for Capital Finance in Local Authorities by ensuring capital investment plans are affordable, prudent, and sustainable. This report provides an updated position on project plans and shows progress against them.

## 10.0 RISK ASSESSMENT

- 10.1 Capital assets shape the way services are delivered for the long term and, as a result, create financial commitments. The formal reporting of performance against the Capital Programme is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council. Schemes within the Programme that are reliant on external contributions and/or decisions are not started until funding is secured. Other resources that are subject to fluctuations are monitored closely to ensure availability. The Capital receipts position is scrutinized on a regular basis and managed over the medium term to mitigate the risk of unfunded capital expenditure.

### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The majority of the budget issues set out in this report have been the subject of previous reports to committees and consequently an Equality Impact Assessment has already been prepared for them where relevant.

### **Appendices**

- A Summary of changes to the 2015/2016 GRA Capital Programme
- B 2015/2016 Revised GRA Capital Programme Expenditure and Resource Budgets and Mid Year Performance
- C Heads of Service Comments
- D Minute of Cabinet 10 November 2015 (Executive Overview and Scrutiny Committee only) – to follow
- E Minute of Executive Overview and Scrutiny Committee 26 November 2015 (Council only) – to follow





**2015/2016 REVISED CAPITAL PROGRAMME**  
**SUMMARY OF CHANGES**

SCHEME	REASON FOR AMENDMENT	2015/16	2016/17	2017/18
		£'000	£'000	£'000
<b><u>Capital programme totals included in report to Cabinet in September 2015</u></b>		<b>6,028</b>	<b>815</b>	<b>802</b>
<b><u>Re-profiled Expenditure</u></b>				
Contact centre	This scheme is on hold and is not expected to complete until the next financial year	-18	18	
Website contract management system	Scheme re-profiled pending online forms assessment	-20	20	
WL Play Strategy Improvements	Stanley Coronation Park due to begin in Spring 15/16	-35	35	
CCTV - Phase 4	Scheme likely to continue into next financial year	-95	95	
Parish Capital projects	This re-profiling is intended to realign expenditure budgets to match the anticipated time scales for the completion of parish projects	-15	15	
Affordable Housing	Work delivering the scheme with our partner Regenda is on-going. The delivery programme has changed and the budget re-profiled accordingly. To date, 4 affordable homes have been built, 43 are nearing completion and 14 due to commence construction later in this financial year.	-395	395	
Environmental/Town and Village Centre Improvement Fund	To realign expenditure approvals to match the anticipated time scales for the completion of projects	-100	100	
		<b>-678</b>	<b>678</b>	<b>0</b>
<b><u>Other Adjustments</u></b>				
Renovation Grants	Reduced demand for this type of grant	-40		
Parish Capital projects	Previously approved grant funding that is no longer required	-15		

**2015/2016 REVISED CAPITAL PROGRAMME**  
**SUMMARY OF CHANGES**

Flood Alleviation Schemes	Original scheme complete but further works identified (funded by Environment Agency) are under negotiation.	23		
Parks and open spaces	Additional enhancements to the Westhead playing fields identified on original scheme.	5		
Beacon Park	Tenders received are significantly lower than anticipated meaning funding has become available to extend the access road at Ruff wood.	-11		
Parks and open spaces	Additional resources from Beacon Park entrance road have been utilised to extend the scheme at Ruff Wood to facilitate better access.	11		
Car Parks	Installation of electric charging points for cars funded by Government grant.	8		
Environmental/Town and Village Centre Improvement Fund	Transfer of funding for Ormskirk Town Centre Strategy from capital to revenue	-60		
<b><u>Previously Approved Adjustments now included in the Capital Programme</u></b>				
Parks and open spaces	Enhancement of multi use games area at Station Approach funded from s106 monies	45		
Parish Play Area	New play areas at Downholland and Hesketh with Beconsall to be funded out of S106 monies.	26		
WLBC Play Strategy	Enhancement of multi use games area at Hesketh Avenue funded from s106 monies	40		
Economic regeneration - Greenshoots Project	The overall approval for this scheme has been increased to £1.7m and it is anticipated that most of the scheme will be completed this financial year.	130	340	
Leisure	External partner grants have been secured to facilitate the drainage scheme at Abbey Lane.	175		
Solar PV project	Scheme to install solar panels on Council housing approved at Council in September	4440		
<b><u>Total Expenditure Adjustments</u></b>		4099	1018	0

**2015/2016 REVISED CAPITAL PROGRAMME**  
**SUMMARY OF CHANGES**

<b><u>Funded By:</u></b>			
Re-profiling		-678	673
Changes in Grant funding		206	
Changes to Revenue Funding		560	
Changes to Prudential Borrowing		3950	340
Changes to Capital Receipt funding		-55	
Section 106 funding		116	
		4099	1013
			0
<b><u>Revised Capital Programme totals</u></b>		<b>10,127</b>	<b>1,828</b>
			<b>802</b>

**Note:**

A net nil adjustment of £11,000 between capital receipts and capital grants has also been made to the programme in relation to a year end amendment.



**2015/2016 CAPITAL PROGRAMME**  
**EXPENDITURE AND RESOURCES BUDGET**  
**as at MID-YEAR**

Service	Budget Approval	Actual		Variance	
	£'000	£'000	%	£'000	%
<b>EXPENDITURE</b>					
Housing and Regeneration					
Housing Strategy	70	0	0%	70	100%
Property Management	258	77	30%	181	70%
Solar PV	4,440	1,152	26%	3,288	74%
Regeneration	1,374	2	0%	1,372	100%
Community Services					
Private Sector Housing	697	208	30%	489	70%
Other Community Services	1,702	528	31%	1,174	69%
Planning	133	40	30%	93	70%
Street Scene	40	0	0%	40	100%
Corporate Services					
Financial Services	35	2	6%	33	94%
Transformation	457	121	26%	336	74%
Central Budget Items	921	47	5%	874	95%
	<b>10,127</b>	<b>2,177</b>	<b>21%</b>	<b>7,950</b>	<b>79%</b>
<b>RESOURCES</b>					
Capital Grants	1,196				
GRA Financing	1,333				
Capital Receipts	2,648				
GRA Borrowing	4,950				
	<b>10,127</b>				



**REVISED CAPITAL PROGRAMME 2015/2016**  
**HEADS OF SERVICE COMMENTS**

<b>Housing Strategy</b>
<p>The Affordable Housing budget is committed to our Partnership with Regenda Housing Group. The first site of 4 units has been completed and families housed. The second site of 31 units will be complete in early 2016. A third site of 14 units has recently received planning permission and work is planned to start in 16/17.</p> <p>The partnership has helped attract over £1m to date of additional HCA investment to our Borough. New Homes Bonus at the higher rate will also be achieved when the affordable units are completed.</p>
<b>Property Management</b>
<p>Steady progress is being made on implementing the property management programme and it is expected that the budget will be fully used or committed by the year end.</p>
<b>Solar PV</b>
<p>Work is now on track to try to complete as many installations as possible before the end of December, when it is expected that the Government will change the rules on Feed in Tariff income. This is a challenging deadline but good progress has been made to date.</p>
<b>Regeneration and Estates</b>
<p>The overall expenditure on the Greenshoots project is expected to be £1.7m and it is anticipated that most of the scheme will be completed this financial year. However some allowance has been made for any bad weather delays and the retentions that will be attributable to the scheme.</p>

**REVISED CAPITAL PROGRAMME 2015/2016**  
**HEADS OF SERVICE COMMENTS**

**Community Services - Private Sector Housing**

Both Housing Renewal Grants and Disabled Facility Grants are demand led. Demand for Renewal Grants is lower than anticipated and some of the approval has been returned to the Capital Pot for other investment. Expenditure on both schemes should now be in line with budgets and any unspent budgets will be slipped into the new financial year to meet anticipated demand.

**Other Community Services**

The Leisure Trust funding is part of an on-going agreement and the budget will be fully spent.

Approvals using section 106 monies have been included for improvement works at various parks and at Station Road. Additional works have been identified at Dock Brook which will be funded by an Environment Agency Grant.

The Allotment Scheme is the subject of a separate report elsewhere on the agenda.

Following completion of works at Sandy Lane, the remaining funding has been transferred to fund additional works on Ormskirk Car Parks.

Approvals have been re-profiled on the Play Strategy due to the consultation process at Stanley Coronation Park and Phase 4 of CCTV implementation which is currently progressing through the tendering process.

Most schemes remaining in the Programme should now broadly progress in line with their approvals.



**REVISED CAPITAL PROGRAMME 2015/2016**  
**HEADS OF SERVICE COMMENTS**

<b>Planning</b>
<p>The free tree scheme runs in October and November and expenditure is expected to be in line with the budget.</p> <p>The CIL/S106 database has been implemented with further plans this year to interface with the land charges system.</p> <p>A replacement Scanner has now been installed and plans are in place to provide a further scanner and to fund ICT upgrades by the end of the year. Expenditure on implementing the OR recommendations is dependent upon the Planning ICT upgrade, and the budget is expected to be spent.</p>
<b>Street Scene</b>
<p>The Vehicle In-Cab Communication System will be completed by the end of the financial year.</p>
<b>Corporate - Financial Services</b>
<p>The progress made on delivering Parish Capital projects rests with individual Parish Councils and is not within the direct control of the Borough Council. Part of this year's budget has been re-profiled into the next financial year and part has been returned to the Capital Pot as it is no longer required.</p>

**REVISED CAPITAL PROGRAMME 2015/2016**  
**HEADS OF SERVICE COMMENTS**

**Corporate Services - Transformation**

The approval for the Contact Centre System Upgrade has been re-profiled pending the outcome of the Payment Card Industry Data Security Standards Assessment and is not expected to complete until next financial year.

A part of the Website Contract Management System approval has been re-profiled pending the security standards assessment. The remaining approval is planned for implementation this financial year.

The ICT Development budget funds an agreed ICT Strategy as well as service-specific developments as appropriate. No changes are proposed for this capital budget. Based on project completion dates, all projects with committed expenditure should be concluded by the end of the year. There has been significant progress with the ICT capital funded work during 2015/16 including:

- Public Sector Network (PSN) accreditation 2015 by meeting standards set by government (which then, for example, enables us to continue to deliver the Revenues and Benefits Service)
- Introduction of MDM Airwatch to enable secure access to email and network from around 120 mobile devices
- Work on Windows server upgrade – upgrading of 54 servers on version 2003 which will become unsupported by Microsoft
- Email Microsoft exchange 2010 migration (migrate email platform to the new email exchange platform)
- Upgrade of Northgate for Planning/Community Services
- Upgrade of IKEN (legal services)
- Payment Card Industry Data Security Standards compliance (card payment software)
- Email filtering/SPAM reduction by McAfee SaaS

**Central Budget Items**

Detailed proposals on the use of the Environmental / Town and Village Centre Improvement Fund were considered by Council in February and Cabinet in March. This budget has now been fully allocated to individual projects and it is expected that these should be implemented within a reasonable time scale. There is also an unallocated amount of £634,000 which was considered but not allocated to specific schemes at the February Council meeting. A decision on how this funding should be used will be made in due course.



**AGENDA ITEM: 5(j)**

**CABINET: 10<sup>th</sup> November 2015**

**EXECUTIVE OVERVIEW &  
SCRUTINY COMMITTEE:  
26 November 2015**

**COUNCIL: 16 December 2015**

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**Report of: Assistant Director Housing and Regeneration and Borough Treasurer**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor J. Patterson**

**Contact for further information: Marc Taylor (Extn. 5092)  
(E-mail: [marc.taylor@westlancs.gov.uk](mailto:marc.taylor@westlancs.gov.uk))**

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**SUBJECT: HRA BUDGET MONITORING POSITION**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To provide a projection of the financial position on the Housing Revenue Account (HRA) and the Housing Capital Investment Programme to the end of the financial year and to agree a number of budget changes.

**2.0 RECOMMENDATIONS TO CABINET**

2.1 That the progress against the HRA and the Capital Investment Programme budgets be noted.

2.2 That the revised Capital Investment Programme including the re-profiling, virements and budget adjustments contained in Appendix A be approved for consideration by Council.

2.3 That call-in is not appropriate for this item as the report is being submitted to the next meeting of the Executive Overview and Scrutiny Committee on 26 November 2015.

**3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE**

- 3.1 That the progress against the HRA and the Capital Investment Programme budgets be noted.
- 3.2 That any comments agreed by the Committee be provided for the consideration of Council.

#### **4.0 RECOMMENDATIONS TO COUNCIL**

- 4.1 That the financial position of the HRA and Capital Investment Programme be noted.
  - 4.2 That any agreed comments of Landlord Services Committee and Executive Overview and Scrutiny Committee be considered as part of the decision making process.
  - 4.3 That the revised Capital Investment Programme, including the re-profiling, virements and budget adjustments contained in Appendix A be approved.
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#### **5.0 BACKGROUND**

- 5.1 The HRA budget and Capital Investment Programme were approved by Council in February 2015. In accordance with best practice both the HRA and the Capital Investment Programme are subject to review and scrutiny at the mid-year point to ensure that budgets are being managed effectively. This enables Managers to review their schemes and budgets in the light of new developments and with the most up to date information available. It also provides a base upon which to build future HRA budgets and capital programmes.

#### **6.0 HOUSING REVENUE ACCOUNT**

- 6.1 The Council approved a total expenditure budget for the HRA of £26.306m for this financial year, with a matching income budget. The budget monitoring that has taken place at the mid year point has identified the following significant issues against these budgets:
  - a) Employee costs form a significant portion of the total budget and the active management of staffing vacancies should ensure that a significant favourable budget variance is achieved.
  - b) Last year there was a large adverse variance on void repairs within premises costs. The void repairs budget was increased as a result of this position through the budget setting process for the current year and expenditure is now expected to be broadly in line with the target. An overall favourable variance is being projected for premises costs as a whole.

- c) Transport costs are projected to be overspent against budget which repeats the same position as the previous year. This is largely explained by adverse variances on car allowances and this issue will be given specific consideration through the budget process for 2016/17.
- d) There are a number of favourable and adverse variances within supplies and services budgets but the overall bottom line projection for this area is that a favourable budget variance should be achieved.
- e) Income performance has been positive and it is expected that rental income will exceed the budget target for the year. This position has been assisted by the relatively low level of right to buy sales that have taken place over the last 18 months.

6.2 The bottom line projection for the HRA is that it should meet its budget target for the year and deliver a favourable budget variance. This will assist in meeting the financial challenges facing the HRA given various Government announcements over the Summer period, and consideration will be given to how this surplus should be used as part of the budget setting process for 2016/17.

## **7.0 CAPITAL INVESTMENT PROGRAMME**

7.1 Service Managers have reviewed their respective schemes and are now proposing that changes are made as a result of more up to date information that has become available. This review process has incorporated a number of considerations including re-profiling, timescales and levels of anticipated expenditure and demand.

7.2 Following this review a number of changes are proposed to the capital programme in Appendix A. In summary, it is proposed to:

- a) Re-profile £3.615m from 2015/16 to 2016/17 to meet expenditure that is now expected to be incurred in the next financial year.
- b) Implement a range of budget virements between schemes likely to outturn below budget to those schemes that are experiencing financial pressures. These virements are cost neutral to the overall programme i.e. they will not increase the capital programme.
- c) Reduce the overall size of the programme by £0.736m to reflect funding that is no longer required to deliver schemes. This saving can then be used to assist with the budget position for 2016/17

7.3 The Revised Capital Programme totals £16.601m for 2015/16 and scheme totals are shown in Appendix A together with a brief outline of the reasons for the changes taking place.

- 7.4 Details of expenditure against the revised budget figures at the mid-year are set out at Appendix B. Expenditure at the mid-year point was £4.823m or 29% of the total budget, which is above the performance of 23% at the same point in the previous financial year.
- 7.5 The Council was successful in its bid for additional borrowing capacity under the Government's Local Growth Fund: HRA Borrowing Programme 2015/16. This increase in resources of £2.5m is being used in the current year to build new properties as part of the Firbeck Revival scheme. The Council has also recently obtained a Central Heating Fund grant of £365,000 from the Department of Energy and Climate Change. This grant must be used to deliver first time central heating systems to fuel poor households that are not currently using gas as their primary heat source. This additional grant funding will be built into the capital investment programme in due course. Every effort will continue to be made to attract external funding to maximise our investment in the housing stock.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 8.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. Individual capital schemes address Community Strategy issues and links to Corporate Priorities. The Capital Investment Programme also achieves the objectives of the Prudential code for Capital Finance in Local Authorities by ensuring capital investment plans are affordable, prudent, and sustainable.

## **9.0 RISK ASSESSMENT**

- 9.1 The formal reporting of performance against budget is part of the overall budgetary management and control framework that is designed to minimise the financial risks facing the Council.
- 9.2 The projected changes contained in the report reflect current estimates of the likely difference between spending or income and the budget for the full financial year. These estimates contained in the report are based on current data and are subject to change as new information becomes available.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The budget issues set out in this report have been the subject of previous reports to Committees and consequently an Equality Impact Assessment has already been prepared for them where relevant.

## **Appendices**

Appendix A Proposed changes to the Capital Investment Programme 2015/16

Appendix B Performance at Mid-Year against Revised Capital Budgets 2015/16

Appendix C Minute of Landlord Services Committee (Cabinet Working Group) 4 November 2015 (Cabinet, Executive Overview & Scrutiny Committee and Council)

Appendix D Minute of Cabinet 10 November 2015 (Executive Overview & Scrutiny Committee and Council only)

Appendix E Minute of Executive Overview & Scrutiny Committee 26 November 2015 (Council only)





## APPENDIX A - PROPOSED CHANGES TO CAPITAL INVESTMENT PROGRAMME 2015-16

Scheme	Current Budget	Re-profiling	Virements	No longer required	Revised Budget	Commentary
HEATING SYSTEM UPGRADES & METERS	1,666,000		331,932		1,997,932	The virement is required to provide additional funding for this scheme which is on track to complete in March 2016
SHELTERED UPGRADES	245,000		150,000		395,000	Virement to fund additional works
WINDOWS AND DOORS	1,998,000	-374,000			1,624,000	Slippage from 2014/15 completed in October. 2015/16 programme to start in November with expectation to largely complete by March 2016
ELECTRICAL UPGRADES	123,000				123,000	This scheme is progressing well and will be fully committed by March 2016
ENVIRONMENTAL IMPROVEMENTS	63,000				63,000	This budget is fully committed
RE ROOFING WORKS	108,000				108,000	Works to 20 Bungalows at Dayfield to be confirmed
DISABLED ADAPTATIONS	733,000				733,000	Budget expected to be spent in current year
ENERGY EFFICIENCY MEASURES	1,183,000		-331,921		851,079	Virement to other budget heads under pressure
STRUCTURAL WORKS	165,000				165,000	Expected to be spent by March 2016
PROFESSIONAL FEES	1,115,000	-228,319		-373,627	513,054	Reprofiling to enable adequate support for other reprofiled capital works with balance of budget no longer required
DEMOLITIONS	0		1,000		1,000	
STUBB BLOCK REFURBISHMENT EGERTON / ENSTONE	196,000				196,000	Contract delayed due to specification changes and supply issues
FERNDALE EXTERNAL INSULATION & ROOFING	0		11,505		11,505	
CONTINGENCY - VOIDS & ALLOCATIONS	945,000			-331,001	613,999	Balance of budget no longer required and to be made available for other priorities
COMMUNAL AREAS IMPROVEMENTS	117,000	-50,000	60,031		127,031	Increase in funding required for this scheme and some works re-profiled into next year
AFFORDABLE HOUSING	34,000				34,000	
WHEELIE BIN STORAGE IMPROVEMENTS	39,000				39,000	
FIRBECK REVIVAL	5,776,000	-2,176,000			3,600,000	Main contractor now on site and moving apace. Project planned to complete next financial year.
EQUIPMENT REPLACEMENT SHELTERED HOUSING	400,000	-400,000			0	Awaiting demonstration of what is available to Council by third party commercial supplier

## APPENDIX A - PROPOSED CHANGES TO CAPITAL INVESTMENT PROGRAMME 2015-16

Scheme	Current Budget	Re-profiling	Virements	No longer required	Revised Budget	Commentary
LAUNDRY EQUIPMENT	35,000				35,000	Laundry equipment in process of being replaced
REPLACEMENT OF FAILED DOUBLE GLAZING	11,000			-9,124	1,876	Balance of budget available for other priorities
GULLEY REPLACEMENT	11,000			-11,000	0	Budget no longer required
GUTTER REPLACEMENT	11,000			-11,000	0	Budget no longer required
KITCHEN REPLACEMENTS	2,147,000				2,147,000	Programme was scheduled to complete in December, however one of the contractors has recently gone into administration. The implications are currently being considered
BATHROOM REPLACEMENT	1,846,000	-246,000			1,600,000	Programme due to complete in March 2016. Balance of budget to be reprofiled to mop up those properties where tenants did not want bathroom work to be carried out
LIFTS	547,000				547,000	
WALLS	499,000				499,000	Technical appraisal being undertaken
BOXING IN RANCH STYLE BALUSTRADES	4,000				4,000	
WINDOW REPLACEMENT, BEACON CROSSING	25,000				25,000	Scheme due to start very shortly and should be completed within 2 weeks.
COMPARTMENTALISATION OF ROOF SPACES IN SHELTERED PROPERTIES	62,000				62,000	Contract due to complete by March 2016
REPLACEMENT OF BALCONY SURFACES & ASSOCIATED WORKS	80,000				80,000	Contract start in January with completion by March 2016
UPGRADE COMMUNAL DOOR ENTRY SYSTEMS	28,000				28,000	
INVEST. TO DELIVER OR RECOMMENDATIONS	129,000	-25,296			103,704	Licences for software ordered but likely that implementation will not be completed until 2016/17
DIGITAL INCLUSION INITIATIVES	20,000				20,000	
PAINTING & RENDERING "NO FINES" PROPERTY	15,000	-15,000			0	Scheme to be reconsidered as part of budget process in light of government budget decisions
SOLAR PHOTOVOLTAIC (PV)	75,000		-72,547		2,453	Virement to support projects under Heating / Energy efficiency
EVENWOOD COURT RE-MODELLING	400,000		-150,000		250,000	Virement to sheltered housing upgrades

## APPENDIX A - PROPOSED CHANGES TO CAPITAL INVESTMENT PROGRAMME 2015-16

Scheme	Current Budget	Re-profiling	Virements	No longer required	Revised Budget	Commentary
ENVIRONMENTAL PROGRAMME	100,000	-100,000			0	Scheme to be reconsidered as part of budget process in light of government budget decisions
<b>Total expenditure</b>	<b>20,951,000</b>	<b>-3,614,615</b>	<b>0</b>	<b>-735,751</b>	<b>16,600,634</b>	

Funding of programme	Current Budget	Re-profiling	Virements	No longer required	Revised Budget
HRA funding	9,085,000			-312,000	8,773,000
Borrowing	11,767,000	-3,614,615		-423,751	7,728,634
1-4-1 Replacement Funding (Capital Receipts)	99,000				99,000
<b>Total funding</b>	<b>20,951,000</b>	<b>-3,614,615</b>	<b>0</b>	<b>-735,751</b>	<b>16,600,634</b>



## APPENDIX B - PERFORMANCE AT MID YEAR AGAINST REVISED CAPITAL BUDGETS

Scheme	Revised Budget	Mid Year Spend	Variance	Mid Year Spend
	£000	£000	£000	%
HEATING SYSTEM UPGRADES & METERS	1,998	896	1,102	45%
SHELTERED UPGRADES	395	0	395	0%
WINDOWS AND DOORS	1,624	839	785	52%
ELECTRICAL UPGRADES	123	27	96	22%
ENVIRONMENTAL IMPROVEMENTS	63	38	25	60%
RE ROOFING WORKS	108	1	107	1%
DISABLED ADAPTATIONS	733	276	457	38%
ENERGY EFFICIENCY MEASURES	851	153	698	18%
STRUCTURAL WORKS	165	86	79	52%
PROFESSIONAL FEES	513	275	238	54%
DEMOLITIONS	1	1	0	100%
STUBB BLOCK REFURBISHMENT EGERTON / ENSTONE	196	70	126	36%
FERNDALE EXTERNAL INSULATION & ROOFING	12	12	0	100%
CONTINGENCY - VOIDS & ALLOCATIONS	614	141	473	23%
COMMUNAL AREAS IMPROVEMENTS	127	20	107	16%
AFFORDABLE HOUSING	34	0	34	0%
WHEELIE BIN STORAGE IMPROVEMENTS	39	0	39	0%
FIRBECK REVIVAL	3,600	281	3,319	8%
LAUNDRY EQUIPMENT	35	0	35	0%
REPLACEMENT OF FAILED DOUBLE GLAZING	2	1	1	50%
KITCHEN REPLACEMENTS	2,147	1,052	1,095	49%
BATHROOM REPLACEMENT	1,600	620	980	39%
LIFTS	547	12	535	2%
WALLS	499	15	484	3%
BOXING IN RANCH STYLE BALUSTRADES	4	3	1	75%
WINDOW REPLACEMENT, BEACON CROSSING	25	0	25	0%
COMPARTMENTALISATION OF ROOF SPACES IN SHELTERED PROPERTIES	62	0	62	0%
REPLACEMENT OF BALCONY SURFACES & ASSOCIATED WORKS	80	0	80	0%
UPGRADE COMMUNAL DOOR ENTRY SYSTEMS	28	0	28	0%
INVEST. TO DELIVER OR RECOMMENDATIONS	104	4	100	4%
DIGITAL INCLUSION INITIATIVES	20	0	20	0%
SOLAR PHOTOVOLTAIC (PV)	2	0	2	0%
EVENWOOD COURT RE-MODELLING	250	0	250	0%
<b>Total expenditure</b>	<b>16,601</b>	<b>4,823</b>	<b>11,778</b>	<b>29%</b>





**AGENDA ITEM: 5(k)**

**CABINET: 10<sup>th</sup> November 2015**

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**Report of: Assistant Director Housing and Regeneration**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor J. Patterson**

**Contact for further information: Mr B. Livermore (Extn. 5200)  
(E-mail: [bob.livermore@westlancs.gov.uk](mailto:bob.livermore@westlancs.gov.uk))**

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**SUBJECT: SALE OF HIGH VALUE COUNCIL HOUSES**

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Wards affected: Potentially Borough wide dependent on valuation of housing properties.

**1.0 PURPOSE OF THE REPORT**

1.1 To update Members on proposals by Government to force Councils to sell “high value” Council houses when they become empty and to seek authority to progress with sales prior to legislation being introduced.

**2.0 RECOMMENDATIONS**

2.1 That the Assistant Director Housing and Regeneration proceed to market and sell empty Council houses with potential values as outlined in paragraph 5.4 prior to legislation being passed to force the sale by this Council.

2.2 That the Exemptions in 5.7 are used allowing “high value” properties to be re-let by the Assistant Director Housing and Regeneration in accordance with the Council’s policies and practices.

2.3 That the decision at 2.1 above be reviewed in the light of the Housing Bill being enacted.

2.4 That the Assistant Director of Housing and Regeneration take all necessary actions, including obtaining all consents etc. to raise finance for the HRA from the sale of high value empty properties.

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### **3.0 BACKGROUND**

- 3.1 A manifesto pledge, committed the Government to legislate to give Social Tenants in Registered Social Landlords (RSL) property a similar Right to Buy (RTB) their homes as Council Tenants.
- 3.2 A Housing and Planning Bill has recently been announced which, amongst other things, starts the process of forcing Council's to raise funds to pay for the process of forcing Council's to raise funds to pay for the costs associated with introducing the Right to Buy for RSL tenants.

### **4.0 CURRENT POSITION**

- 4.1 The Housing and Planning Bill will give some certainty about the definition of 'High Value'.
- 4.2 My opinion is that this Council will have to make some form of contribution towards this Government initiative either by sale of "high value" homes when they become vacant or some other form of mechanism to raise the finances necessary.
- 4.3 The classification of "high value" properties within the manifesto was defined in the North West in accordance with the table below.

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>	<b>5+ bedroom</b>
<b>North West</b>	£90,000	£130,000	£160,000	£270,000	£430,000

### **5.0 POLICY CONSIDERATIONS**

- 5.1 Members could determine that it would not be appropriate to act on this matter prior to the Housing Bill being enacted.
- 5.2 However, it is clear that the Government's intention is for local authorities to fund RTB for RSL's. Additionally, we need to find ways to fund the shortfall in the HRA and/or make savings. With this in mind, I propose that the Council determines a series of values of "high value" properties and when these become empty, these are offered for sale to the market. This will give the opportunity to test this and feedback any short comings and also, most importantly, raise funds for the protection of existing services.
- 5.3 I am proposing a lower valuation figure than the one in the manifesto as I believe that if we use that as the proposal, this would not meet the level of funding necessary.



5.4 The proposed definition of “high value” properties would be:

	<b>1 bedroom</b>	<b>2 bedroom</b>	<b>3 bedroom</b>	<b>4 bedroom</b>	<b>5+ bedroom</b>
<b>West Lancashire</b>	£80,000	£100,000	£130,000	£200,000	Not for Sale

5.5 The impact for selling homes if Members accepted my proposal are obviously dependant on properties becoming vacant which is outside of the Council’s control. However, based on turn over during 2014/15, the forecast for the area and numbers of potential sales as an average year would be as follows:

<b>Area of West Lancashire</b>	<b>Possible vacancies with high value</b>
Altcar	1
Appley Bridge	1
Ashurst	3
Aughton	1
Banks	1
Burscough	3
Hesketh Bank	1
Ormskirk	5
Parbold	1
Rufford	1
<b>Total</b>	<b>18</b>

5.6 If Members agree to this proposal, the marketing and sale of vacant properties would be undertaken in-house in the short term. Detailed costs will be assessed of both marketing and legal costs so that comparisons can be made and ensure this offers the Council and Tax Payers value for money.

5.7 I propose that the following exemptions are made to the Policy to sell “high value” properties when these become vacant. These are:

- 5 bedroomed homes.
- Sheltered accommodation.
- Properties that have been adapted for the disabled.
- Properties at the discretion of the Assistant Director Housing and Regeneration in consultation with the Portfolio Holder.

5.8 The reason I am seeking exceptions are as follows:

- We have not many 5+ bedroom homes and these are needed from time to time to house large families.
- Sheltered accommodation is excluded from Right to Buy and it would be consistent to exclude for the same reasons
- Properties that are adapted do not always sell well and the preference would be to retain these and allow residents who need the facilities to

move into the property and any property release could be considered for sale if it met the necessary criteria.

- This is a “catch all” to give flexibility. It may be used if properties were not selling and rather than being kept empty or disposed for reduced prices, the option of re-letting may be a preferred route.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

6.1 Sales of “high value” properties would be targeted to areas with higher than average property prices which would be areas like Ormskirk, Burscough, Northern Parishes and Ashurst. The impact will be, unless replacement homes for people on limited income can be provided in their areas, there may not be a mixed and balanced community. This may force some residents with caring responsibilities to secure accommodation elsewhere and therefore not be readily available eventually to support other elderly or dependant residents.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

7.1 It is envisaged that sale of “high value” properties will generate an estimated £1.8M per annum (for a full year). This estimate is based on historical information of properties becoming empty in areas of higher values and does not necessarily mean that this will occur.

7.2 The funds generated will be used to protect the HRA from either the reduction in rent which will impact from 2016/17 or forward the monies to support the RTB for RSL's.

7.3 There may be an impact on the Capital Programme as there will be fewer Council homes because of these sales and therefore less opportunity for our tenants to exercise their RTB. It is difficult to quantify this impact with any certainty.

## **8.0 RISK ASSESSMENT**

8.1 The sales of “high value” properties are a standard process that the Council have the necessary skills and experience in managing and therefore this initiative is assessed as low risk and will be managed accordingly.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

### **Appendices**

None.



**AGENDA ITEM: 5(I)**

**CABINET: 10<sup>th</sup> November 2015**

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**Report of: Assistant Director Housing and Regeneration**

**Relevant Managing Director: Managing Director (Transformation)**

**Relevant Portfolio Holder: Councillor J. Patterson**

**Contact for further information: Mr B. Livermore (Extn. 5200)  
(E-mail: bob.livermore@westlancs.gov.uk)**

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**SUBJECT: PAY TO STAY: FAIRER RENTS IN SOCIAL HOUSING -  
CONSULTATION**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To determine if the Council wishes to respond to the consultation, attached at Appendix A, from Department for Communities and Local Government (DCLG) and if so, to either agree the response or the delegation arrangements.

**2.0 RECOMMENDATIONS**

2.1 That the response at Appendix B be sent by the Assistant Director Housing and Regeneration as the Council's response to the consultation paper.

2.2 That Call In is not appropriate for this item as this matter is one where urgent action is required as there is insufficient time for an alternative view to be considered because of the consultation deadline.

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**3.0 BACKGROUND**

3.1 DCLG issued a consultation paper on proposed Government Policy on Pay to Stay on 9<sup>th</sup> October 2015. The consultation closes after a 6 week period on 20<sup>th</sup> November 2015.

3.2 The consultation paper, which is entitled 'Pay to Stay: Fairer rents in Social Housing,' is attached at Appendix A.

#### **4.0 COMMENTS OF THE ASSISTANT DIRECTOR HOUSING AND REGENERATION**

4.1 The consultation paper only looks at 2 areas where the Government want views on Policy formation which are:

- How the scheme can support incentives to work
- Evidence on administrative costs

4.2 This Policy could act as a disincentive for tenants to continue to work and therefore it has been suggested that a taper arrangement be put in place which would ensure that tenants would see the benefits of continuing to work and create wealth.

4.3 There is too little information provided on how the scheme would work in practice to attempt to provide 'evidence' of administration costs. I have therefore suggested that Council's be permitted to deduct actual costs of administering the scheme until evidence is available to make an informed judgment on what reasonable costs would be.

4.4 I have attempted to address the issues and my draft response is attached at Appendix B for consideration.

#### **5.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

5.1 It is difficult, without the assistance of some targeted research, to determine the reaction of tenant to this policy. If the response is to pay and stay or exercise the right to buy (RTB) there will be little impact on community cohesion. However, if tenants decide to move to alternative accommodation, this will possible have a greater impact on communities. It is predicted that this policy will impact on 1 in 8 tenants which could change the social nature of some areas.

#### **6.0 FINANCIAL AND RESOURCE IMPLICATIONS**

6.1 It is too early to predict the costs associated with this policy. However, the response at Appendix B attempts to minimise the impact on the HRA Budget.

#### **7.0 RISK ASSESSMENT**

7.1 The policy of Pay to Stay is intended to apply from April 2017 and a more detailed risk assessment will be carried out when the detail of the arrangements are clearer and the reaction of those affected can be gauged.

## **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

## **Equality Impact Assessment**

The decision does not have any direct impact on members of the public, employees, elected members and / or stakeholders. Therefore no Equality Impact Assessment is required.

## **Appendices**

Appendix A – Consultation Paper.

Appendix B – Assistant Director Housing and Regeneration's proposed response – *to follow*

Appendix C – Minute of Landlord Services Committee (Cabinet Working Group) 4 November 2015 (Cabinet only)





Department for  
Communities and  
Local Government

# Pay to Stay: Fairer Rents in Social Housing

Consultation



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# The Consultation Process and How to Respond

## Basic Information

<b>To:</b>	This is a public consultation and it is open to anyone with an interest in these proposals to respond.
<b>Body responsible for the consultation:</b>	The Department for Communities and Local Government is responsible for the policy and the consultation exercise.
<b>Duration:</b>	This consultation will run for 6 weeks. It will begin on 9 <sup>th</sup> October and end on 20 <sup>th</sup> November.
<b>Enquiries:</b>	Email: <a href="mailto:paytostay@communities.gsi.gov.uk">paytostay@communities.gsi.gov.uk</a>
<b>How to respond:</b>	Please respond to this consultation via email to <a href="mailto:paytostay@communities.gsi.gov.uk">paytostay@communities.gsi.gov.uk</a>  Postal responses can be sent to:  William Richardson Department of Communities & Local Government 3 G/10, Eland House, Bressenden Place, London, SW1E 5DU
<b>After the consultation:</b>	A summary of responses to the consultation will be published and the views expressed will be considered by the Government.

# Overview

<b>Topic of this Consultation:</b>	Pay to Stay: Fairer Rents in Social Housing
<b>Scope of this Consultation:</b>	<p>This consultation is designed to help inform the detailed design of the policy in certain areas. The Government will take views on board as it moves to implement the policy from April 2017 onwards.</p> <p>However, Government will also need to be guided by the overall level of savings that have been set out at Budget and will need to ensure that the design of the policy is able to deliver those savings. In responding to the consultation it will outline how views have been considered and why decisions have been made.</p>
<b>Geographical Scope:</b>	England only
<b>Impact Assessment:</b>	A full impact assessment will be published at a later date. It will be important for that work to be informed by the questions in this consultation on the administrative costs of the policy.

# Introduction

1. The Government's view is that tenants in social housing should not always benefit automatically from subsidised rents. There needs to be a better deal in the social housing sector, with housing at subsidised rents going to those people who genuinely need it.
2. On that basis, the Government has decided that social housing tenants with household incomes of £40,000 and above in London, and £30,000 and above in the rest of England, will be required to pay an increased level of rent for their accommodation if their rent is currently being subsidised below market rent levels.
3. This will build on the current 'pay to stay' policy which is available to local authority and housing associations to operate voluntarily.
4. Money raised by local authorities through increased rents will need to be returned to the exchequer to contribute to deficit reduction. Housing Associations will be able to use the additional income to reinvest in new housing.
5. Our starting assumption is that the policy will operate in broadly the same way as the current Pay to Stay policy, i.e:
  - household means the tenant or joint tenants named on the tenancy agreement, and any tenant's spouse, civil partner or partner where they reside in the rental accommodation. Where several people live in the property the highest two incomes should be taken into account for household income.
  - income means taxable income in the tax year ending in the financial year prior to the financial (i.e. rent) year in question.
  - where a HIST tenancy comes to an end, and the property is vacated, we would expect properties to typically be re-let in line with their previous lower rent – be it at social rent or Affordable Rent – to a household in housing need.
6. Government will also consider what additional powers could be useful, for example, to require the provision of information by tenants
7. The Government will use primary legislation to bring forward powers to implement the policy and ensure it is in place from April 2017 onwards. We expect that the detail of the policy will be set out in regulations.

# Scope of the consultation

8. This consultation is designed to help inform the detailed design of the policy in relation to work incentives and administration. The Government will take views on board as it moves to implement the policy from April 2017 onwards. However, it will also need to be guided by the overall level of savings that have been set out at Budget and will need to ensure that the design of the policy is able to deliver those savings.
9. The areas where views are sought are:
  - how the scheme can support incentives to work
  - evidence of administrative costs

# Supporting work incentives

10. The Government wants to ensure that the policy supports work incentives, and is seeking views on how the policy can be designed to achieve this whilst ensuring that tenants pay a fair rent.
11. A gradual increase in rent for social tenants as their incomes rise may be a fairer system. One way this could be achieved is through a system that would ensure that households earning in excess of minimum income thresholds would pay increasing amounts of rent as income increases, for example in the form of a simple taper.
12. There will be different options for how this could be implemented, and there will be trade-offs between ensuring rent closely reflects income and simplicity and certainty for both the tenants and the landlord. We do not expect, for example, that rents will be adjusted frequently. However there will be choices over how social landlords respond to changed tenant circumstances, for example, where a household is subject to a sudden and ongoing loss of income.

**Q1:** Views are invited on:

- how income thresholds should operate beyond the minimum threshold set at Budget, for example through the use of a simple taper / multiple thresholds that increase the amount of rent as income increases.
- whether the starting threshold should be set in relation to eligibility for Housing Benefit.

# Evidence of administrative costs

13. Social landlords will be required to administer the policy.
  14. The proposal is that local authorities will be allowed to recover any reasonable administrative costs before they are required to return additional income from increased rents to the exchequer. We expect that the types and level of costs that can be retained will be prescribed. As housing associations will be retaining the income they receive from higher rent payments to invest in new housing, they will be expected to absorb the administrative costs.
  15. We expect that local authorities already have systems and processes in place that could be modified to operate the pay to stay policy. The additional administrative resource that is likely to be required is staff time in operating the scheme.
  16. Housing associations may incur additional costs in setting up systems. However, as the policy is going to allow those associations to keep the additional rent money to reinvest in social housing, they should be able to cover those costs.
  17. The Government will be publishing an impact assessment in due course that will outline the scale of the administrative costs for housing associations and is using this consultation to ask for evidence and views on the operation of the policy.
- Q2:** Based on the current systems and powers that Local Authorities have, what is your estimate of the administrative costs and what are the factors that drive these costs?



**AGENDA ITEM: 5(m)**

**CORPORATE & ENVIRONMENTAL  
OVERVIEW & SCRUTINY  
COMMITTEE: 15 OCTOBER 2015**

**CABINET: 10 NOVEMBER 2015**

**COUNCIL: 16 DECEMBER 2015**

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**Report of: Borough Solicitor**

**Relevant Managing Director: Managing Director (People and Places)**

**Contact for further information: Mrs J Denning (Extn. 5384)  
jacky.denning@westlancs.gov.uk**

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**SUBJECT: PUBLIC INVOLVEMENT AT MEETINGS – DRAFT PROTOCOL**

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Wards affected: Borough wide

**1.0 PURPOSE OF THE REPORT**

1.1 To consider extending public speaking at meetings via an agreed Protocol.

**2.0 RECOMMENDATIONS TO CORPORATE & ENVIRONMENTAL OVERVIEW & SCRUTINY COMMITTEE**

2.1 That agreed comments on the report and recommendations at paragraph 4 below, be submitted to Council.

**3.0 RECOMMENDATIONS TO CABINET**

3.1 That agreed comments on the report and recommendations at paragraph 4 below, be submitted to Council.

**4.0 RECOMMENDATIONS TO COUNCIL**

4.1 That the work undertaken by the Public Involvement In Meetings Working Group (the Working Group), at its meetings held on 28 July and 28 September 2015, as detailed in paragraph 5, be noted.

4.2 That the resource issues set out in paragraph 9 of the report be given further consideration through the budget setting process for the next financial year.

4.3 That the Protocol, attached at Appendix 1 to the report, be approved and

implemented from April 2016, subject to the related additional staffing requirement being agreed at February Council.

4.4 That in respect of implementation, consideration be given to the recommendation of the Working Group and, Either:

(a) The following meetings affected should start at the times indicated below, ie. 30 minutes earlier, to allow for the extension of public involvement in meetings:

- 7.00pm for meetings of Cabinet, Executive Overview & Scrutiny Committee, Corporate and Environmental Overview & Scrutiny Committee.
- 6.30pm for meetings of Audit & Governance Committee (although the usual training sessions held prior to this Committee would then start at 6.00pm).

(Standards Committee meetings are called on an ad hoc basis.)

Or:

(b) The following meetings affected should continue to start at the usual time ie.

- 7.30pm for meetings of Cabinet, Executive Overview & Scrutiny Committee, Corporate and Environmental Overview & Scrutiny Committee.
- 7.00pm for meetings of Audit & Governance Committee (Training sessions are held at 6.30pm prior to the start of this Committee).

(Standards Committee meetings called on an ad hoc basis)

4.5 That relevant changes to the Constitution, as a result of the decisions above, be made by the Borough Solicitor, as appropriate.

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## **5.0 PUBLIC INVOLVEMENT IN MEETINGS WORKING GROUP**

5.1 At its meeting held on 28 July 2015 the Public Involvement in Meetings Working Group considered various options for extending the current arrangements for public involvement in meetings and provided some suggestions on how it would like to see the matter progressed, taking into consideration all relevant matters including current resource issues.

5.2 At its meeting held on 28 September 2015 the Working Group considered a draft Protocol which had been designed to take into account the suggestions put forward by the Working Group, whilst addressing procedural issues and seeking to minimise the need for additional resources.

5.3 The Working Group recommended that meetings of Council should not be included at this time and that meetings of Cabinet, Executive Overview & Scrutiny Committee, Corporate and Environmental Overview & Scrutiny Committee, Audit & Governance Committee and Standards Committee would be more appropriate. It was also recommended by the Working Group that in order to accommodate the additional time to allow for public involvement, meetings should commence 30 minutes earlier. Members will wish to consider what impact the earlier start time could have on Members and Officers.



## **6.0 CONSTITUTION**

- 6.1 If public involvement arrangements are approved by Council, revisions to the relevant parts of the Constitution will be required. These will be undertaken by the Borough Solicitor on implementation.

## **7.0 FUTURE REVIEW**

- 7.1 The Working Group has agreed to review the following matters, 12 months after implementation:
- 'Procedures for the Public and Applicants who wish to Speak at the Planning Committee on Planning Applications that Might Affect Them'
  - Public Participation at meetings of Council
  - Resources.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 8.1 Extending the provision of public involvement in meetings provides another method to enable local people to raise concerns or state their views to the Council, providing an additional feedback mechanism for the community and improving access for all.

## **9.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 9.1 The Working Group has considered various options to take matters forward and agreed that resource implications must be considered as part of any new initiative. The attached protocol has direct resource implications for Member Services and other services, however efforts will be made to contain these.

- 9.2 Additional duties under the attached draft protocol would include:-
- (a) Responding to enquiries regarding public speaking from residents in relation to providing advice and assistance on eligibility to speak
  - (b) After deadline for receipt of prescribed forms:
    - prioritising the order of speakers in accordance with the protocol
    - confirming attendance with applicants and providing advice and assistance in relation to meeting protocols
    - providing reasons to applicants for rejecting applications, should a large number of applications be received or other reasons (this could generate additional phone calls from dissatisfied residents)
    - redacting certain personal information from submitted forms
    - separating and scanning papers into speakers and non speakers and circulating these to relevant officers and members,.
  - (c) At the meeting – Meet with speakers prior to the start of the meeting and provide any further advice and assistance they should require
  - (d) Post meeting – Respond to any queries from residents who had submitted requests in relation to decisions taken (this may also be from dissatisfied residents where they may not agree with the decision taken).

It is estimated that resources equating to 7.12 hours per week on Scale 6, located in Member Services would be required, which would cost an additional £6,000 per year.

9.3 There may also be additional work for report authors and other officers, arising from the issues raised via public speaking. This will need to be considered as part of the review after 12 months.

## **10.0 RISK ASSESSMENT**

10.1 The report provides an opportunity to further develop public involvement at meetings in order to improve transparency and openness. The Protocol attached to the report balances this opportunity with the commitment to accommodate relevant business at meetings. If the report is not agreed then the current arrangements that are in place will continue to operate.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required, a formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report

### **Appendices**

1. Draft Protocol Public speaking at other meetings
2. Equality Impact Assessment
3. Minute of the Corporate & Environmental Overview and Scrutiny Committee held on 15 October 2015 (Cabinet)

# DRAFT

## PUBLIC SPEAKING – DRAFT PROTOCOL

(For meetings of Cabinet, Overview & Scrutiny Committees, Audit & Governance Committee and Standards Committee)

### 1.0 Public Speaking

- 1.1 Residents of West Lancashire may, on giving notice, address any of the above meetings to make representations on any item on the agenda for those meetings, except where the public and press are to be excluded from the meeting during consideration of the item.
- 1.2 The form attached as an Appendix to this Protocol should be used for submitting requests.

### 2.0 Deadline for submission

- 2.1 The prescribed form should be received by Member Services by 5.00 pm on the Thursday of the week preceding the meeting. This can be submitted by e-mail to [member.services@westlancs.gov.uk](mailto:member.services@westlancs.gov.uk) or by sending to:  
Member Services  
West Lancashire Borough Council  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF
- 2.2 Completed forms will be collated by Member Services and circulated via e-mail to relevant Members and officers and published on the Council website via the Council's Information System (CoInS). Only the name of the resident and details of the issue to be raised will be published.
- 2.3 Groups of persons with similar views should elect a spokesperson to speak on their behalf to avoid undue repetition of similar points. Spokespersons should identify in writing on whose behalf they are speaking.

### 3.0 Scope

- 3.1 Any matters raised must be relevant to an item on the agenda for the meeting.
- 3.2 The Borough Solicitor may reject a submission if it:
  - (i) is defamatory, frivolous or offensive;
  - (ii) is substantially the same as representations which have already been submitted at a previous meeting; or
  - (iii) discloses or requires the disclosure of confidential or exempt information.

#### **4.0 Number of items**

- 4.1 A maximum of one form per resident will be accepted for each Agenda Item.
- 4.2 There will be a maximum of 10 speakers per meeting. Where there are more than 10 forms submitted by residents, the Borough Solicitor will prioritise the list of those allowed to speak. This will be dependent on:
  - a. The order in which forms were received.
  - b. If one resident has asked to speak on a number of items, priority will be given to other residents who also wish to speak
  - c. If a request has been submitted in relation to the same issue.
- 4.3 All submissions will be circulated to relevant Members and officers for information, although no amendments will be made to the list of speakers once it has been agreed (regardless of withdrawal of a request to speak).

#### **5.0 At the Meeting**

- 5.1 Speakers will be shown to their seats. An item 'Public Speaking' will be included on the agenda to enable local residents to make their representations within a period of up to 30 minutes at the start of the meeting. Residents will have up to 3 minutes to address the meeting when introduced by the Chairman for that meeting. The address must reflect the issue included on the prescribed form submitted in advance.
- 5.2 Members may discuss what the speaker has said along with all other information, when the item is being considered later on the agenda and will make a decision then. Speakers should not circulate any supporting documentation at the meeting and should not enter into a debate with Councillors.
- 5.4 If residents feel nervous or uncomfortable speaking in public, then they can ask someone else to do it for them. They can also bring an interpreter if they need one. They should be aware there may be others speaking as well.
- 5.5 Speakers may leave the meeting at any time, taking care not to disturb the meeting.

# Equality Impact Assessment Form



<b>Directorate: Corporate Services</b>	<b>Service: Member Services</b>
<b>Completed by: Jacky Denning</b>	<b>Date: 24 September 2015</b>
<b>Subject Title: Public Involvement at Meetings</b>	
<b>1. DESCRIPTION</b>	
Is a policy or strategy being produced or revised:	Yes
Is a service being designed, redesigned or cutback:	Yes
Is a commissioning plan or contract specification being developed:	No
Is a budget being set or funding allocated:	No
Is a programme or project being planned:	Yes
Are recommendations being presented to senior managers and/or Councillors:	Yes
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	Yes
Details of the matter under consideration:	To extend public involvement in meetings
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i>  <i>If you answered <b>No</b> to all the above please complete Section 2</i></p>	
<b>2. RELEVANCE</b>	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>	
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>	
<b>3. EVIDENCE COLLECTION</b>	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Members of the Public
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	Members of the Public

Which of the protected characteristics are most relevant to the work being carried out?	
Age	Yes
Gender	Yes
Disability	Yes
Race and Culture	Yes
Sexual Orientation	Yes
Religion or Belief	Yes
Gender Reassignment	Yes
Marriage and Civil Partnership	Yes
Pregnancy and Maternity	Yes
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Members of the public in relation to Planning & Licensing issues
What will the impact of the work being carried out be on usage/the stakeholders?	An opportunity to extend public participation to other meetings of the Council
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Extension to current arrangements will enable participation by a wider audience
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	n/a
If any further data/consultation is needed and is to be gathered, please specify:	n/a
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Provide a further opportunity for all members of the public to engage with the Council
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	None
What actions do you plan to take to address any other issues above?	No issues
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	If implemented, the protocol will be reviewed after 12 months by the Working Group

## APPENDIX 3

### MINUTE OF THE MEETING OF THE CORPORATE & ENVIRONMENTAL OVERVIEW AND SCRUTINY COMMITTEE MEETING ON 15 OCTOBER 2015

#### 27. PUBLIC INVOLVEMENT AT MEETINGS - DRAFT PROTOCOL

Consideration was given to the report of the Borough Solicitor as contained on pages 135 to 142 of the Book of Reports which provided detail in relation to the work undertaken by the Public Involvement in Meetings Working Group, the Public Speaking - Draft Protocol and the recommendations in relation to extending public speaking at meetings.

During discussion comments and questions were raised in respect of:

- Draft Protocol – number of speakers; length / duration of public speaking time; application of the Chairman’s discretion.
- Proposed revised start times of meetings where the public speaking time would apply.

The Assistant Member Services Manager attended the meeting, responded to questions and provided clarification on issues raised.

RESOLVED: That the agreed comment to Council be “that the recommendations as set down at paragraphs 4.1, 4.2, 4.3, 4.4(a) and 4.5 of the report, be supported.”







**AGENDA ITEM: 5(n)**

**AUDIT AND GOVERNANCE  
COMMITTEE:  
29 SEPTEMBER 2015**

**CABINET:  
10 NOVEMBER 2015**

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**Report of: Director of People and Places**

**Relevant Head of Service: Borough Solicitor**

**Contact for further information: Mr T P Broderick (Ext 5001)**  
(E-mail: [terry.broderick@westlancs.gov.uk](mailto:terry.broderick@westlancs.gov.uk))  
**J C Williams (Extn. 5512)**  
(E-mail: [judith.williams@westlancs.gov.uk](mailto:judith.williams@westlancs.gov.uk))

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**SUBJECT: REGULATION OF INVESTIGATORY POWERS ACT – ANNUAL  
SETTING OF THE POLICY AND REVIEW OF USE OF POWERS**

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Borough Wide Interest

**1.0 PURPOSE OF THE REPORT**

1.1 To report on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) and to present a revised RIPA Policy document for approval.

**2.0 RECOMMENDATION TO AUDIT AND GOVERNANCE COMMITTEE**

2.1 That the Council's RIPA activity be noted and any agreed comments be referred to Cabinet.

**3.0 RECOMMENDATION TO CABINET**

3.1 That the revised RIPA Policy document be approved.

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**4.0 BACKGROUND**

4.1 The Regulation of Investigatory Powers Act 2000 (RIPA) came into force in 2000. Both the legislation and Home Office Codes of Practice strictly prescribe the situations in which and the conditions under which councils can use their RIPA powers. All authorities are required to have a RIPA policy and procedure that they adhere to in using their RIPA powers.

- 4.2 The Council's current approved RIPA Policy is made available on the Council's Intranet at <http://wlintranet/intranet/docs/tbripaguidlines24040> and is a working document to assist investigating and co-ordinating officers within the Council. Paragraph 5 of the Guide stresses that grantors must believe the authorised activity is (1) necessary for preventing and detecting crime and (2) is proportionate to what is sought to be achieved in carrying out the surveillance activity (e.g. the 24/7 watching of premises where private individuals may go about their lawful business, for the possibility of gaining collateral evidence for a very minor technical infraction of a byelaw would not in all likelihood be proportionate). If it fails either test, authorisations should not be granted.
- 4.3 The Council's updated RIPA Policy is annexed in Appendix 1. This reflects guidance which has been introduced in accordance with the following Codes of Practice: the Regulation of Investigatory Powers (Covert Surveillance and Property Interference: Code of Practice) Order 2014; the Regulation of Investigatory Powers (Covert Human Intelligence Sources: Code of Practice) Order 2014 and the Acquisition and Disclosure of Communications Data Code of Practice 2015.
- 4.4 The guidance introduced by the 2014 Codes of Practice relates to the use of social media in investigations, and it is noted that in certain circumstances, the use of social media sites, or using the internet for research in other ways could need authorisation as directed surveillance or use of a covert human intelligence source. The guidance in the 2015 Code of Practice follows the passage of the Data Retention and Investigatory Powers Act 2014 which revoked all accreditation that enabled Local Authorities to acquire communications data and placed the responsibility with the National Anti-Fraud Network (NAFN) to provide the SPoC service.

## **5.0 MONITORING OF RIPA ACTIVITY**

- 5.1 In the last quarter and in the last 12 months no covert surveillance has been authorised.
- 5.2.1 The Senior Responsible Officer proactively seeks to ensure that the use of covert surveillance in this authority is well regulated. Applications for authorisation to use covert surveillance must be rejected when the Authorising Officer is not satisfied that the surveillance is necessary or proportionate and legal advice should be sought by Authorising Officers in appropriate cases.
- 5.3 A programme of training is in place and a RIPA guidance note is circulated within the Council at regular intervals to raise awareness. Officers were notified of the new requirements following the issue of the Codes of Practice as regards the use of CHIS and Covert Surveillance of Property Interference.

## **6.0 THE RIPA POLICY**

- 6.1 The RIPA Policy is approved by Cabinet each year. Officers ensure the use of RIPA is consistent with the Council's Policy and regularly report on activity.

## **8.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

8.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder. The report has no significant links with the Sustainable Community Strategy.

## **9.0 FINANCE AND RESOURCE IMPLICATIONS**

9.1 There are no additional significant financial and resource implications arising from this report.

## **10.0 RISK ASSESSMENT**

10.1 The Council could be in breach of the relevant legislation if it does not follow the procedures set out in the RIPA Orders and Codes. This could result in the inadmissibility of evidence and the possibility of breaches of the Human Rights Act 1990.

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## **BACKGROUND DOCUMENTS**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this report.

### **Equality Impact Assessment**

This will be considered in relation to any particular authorisation.

### **Appendices**

Appendix 1 - Updated Policy

Appendix 2 – Minute of the Audit & Governance Committee held on 29 September 2015 (Cabinet only)



# **WEST LANCASHIRE BOROUGH COUNCIL**

## **Guide for Compliance with the Regulation of Investigatory Powers Act 2000**

**In respect of**

**Directed Surveillance, Use of Covert Human  
Intelligence Sources and Accessing  
Communications Data**

Version : No.5 - 2015

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# 1 INTRODUCTION

- 1.1. The Regulation of Investigatory Powers Act 2000 (the 2000 Act) regulates covert investigations by a number of bodies, including local authorities. It was introduced to ensure that individuals' rights are protected consistent with the obligations under The Human Rights Act 1998, while also ensuring that law enforcement and security agencies have the powers they need to do their job effectively.
- 1.2. West Lancashire Borough Council is therefore included within the 2000 Act framework with regard to the authorisation of Directed Surveillance, the use of Covert Human Intelligence Sources (CHIS) and the obtaining of communications data through a single point of contact (SPOC).
- 1.3 The purpose of this guidance is to:
  - explain the scope of the 2000 Act and the circumstances where it applies
  - provide guidance on the authorisation procedures to be followed.

This continues to be a developing area of law and the Courts are yet to fully define the limits of the powers. This should be borne in mind when considering this Guide.

- 1.4 The Council has had regard to the Codes of Practice on covert surveillance, CHIS and accessing communications data produced by the Home Office in preparing this guidance and each Service should hold copies to which staff can refer. These documents are available at [www.homeoffice.gov.uk/ripa](http://www.homeoffice.gov.uk/ripa).
- 1.5 In summary the 2000 Act requires that when the Council undertakes "directed surveillance", uses a "covert human intelligence source or accesses communications data (defined below at paragraphs 2, 3 and 4 below) these activities must only be authorised by an officer with delegated powers when the relevant criteria are satisfied.
- 1.6 The Managing Directors, Assistant Director Housing & Regeneration, Assistant Director Community Services and Borough Solicitor can authorise these activities (in relation to communications data, they shall be known as Designated Persons and shall seek the advice of the SPOC, see further paragraphs 4 and 5.1.3 below). Such nomination permits officers to grant authority for any purpose under the terms of the 2000 Act across all Council Services and service areas.
- 1.7 Once an authorisation is granted for the use (or renewal) of directed surveillance, or acquisition of communications data, or covert human intelligence source it cannot take effect without an order approving the grant (or renewal) being obtained from a single Justice of the Peace (Magistrate, District Judge) (under amendments made by the Protection of Freedoms Act 2012, to s.32A and s.32B of the 2000 Act). This order must be sought from the Magistrates' Court, but when the Court is not in session. The arrangements for seeking the order will be made in consultation with Legal Services.**

- 1.8 Authorisation under the 2000 Act gives lawful authority to carry out surveillance and the use of a source. Obtaining authorisation helps to protect the Council and its officers from complaints of interference with the rights protected by Article 8(1) of the European Convention on Human Rights, i.e. the right to respect for private and family life which is now enshrined in English law through the Human Rights Act 1998. This is because the interference with the private life of citizens will be “in accordance with the law”. Provided activities undertaken are also “reasonable and proportionate” they will not be in contravention of Human Rights legislation.
- 1.9 Authorising Officers and investigators within the Local Authority are to note that the 2000 Act does not extend to powers to conduct intrusive surveillance. Investigators should familiarise themselves with the provisions of Sections 3, 4 and 5 of the Code of Practice on Directed Surveillance to ensure a good understanding of the limitation of powers within the 2000 Act.
- 1.10. Deciding when authorisation is required involves making a judgment **and assessing whether specific conditions apply to the investigation target**. Paragraph 3.4 explains this process in detail. If you are in any doubt, seek the advice of an Authorising Officer, if they are in doubt they will seek advice from the Borough Solicitor/Senior Responsible Officer. However, in those cases where there is doubt as to the need for an authorisation it may be safer to consider seeking/granting an authorisation: a broader reading of the application of the Act’s requirements is encouraged.
- 1.11. In the case of CHIS authorisations for vulnerable people or juveniles, or where surveillance involves communication subject to legal privilege, confidential personal information or confidential journalistic material authorisation must be obtained from the Managing Directors only (this should be the Managing Director (Transformation) as Head of the Paid Service (in her absence the Managing Director (People and Places) may act), **together with the necessary application for an order giving effect to authorisation from a Justice of the Peace**.
- 1.12 Only one of the Managing Directors should be requested to authorise directed surveillance involving the covert filming of any Council member or employee to the extent that this falls within RIPA.

## **2. DIRECTED SURVEILLANCE**

2.1 **The Council must apply to a Justice of the Peace for an order that gives effect to the authorisation for the use of directed surveillance prior to undertaking the activity.**

2.2 What is meant by Surveillance?

"Surveillance" includes:

- a) monitoring, observing or listening to persons, their movements, their conversations or their other activities or communication;
- b) recording anything monitored, observed or listened to in the course of surveillance; and



- c) surveillance by or with the assistance of a surveillance device.

### 2.3 When is surveillance directed?

Surveillance is 'Directed' for the purposes of the 2000 Act if it is covert, but not intrusive and is undertaken:

- a) for the purposes of a specific investigation or a specific operation.
- b) in such a manner as is likely to result in the obtaining of private information about a person (whether or not one is specifically identified for the purposes of the investigation or operation); and
- c) otherwise than by way of an immediate response to events or circumstances the nature of which is such that it would not be reasonably practicable for an authorisation to be sought for the carrying out of the surveillance.

2.4 In certain circumstances, use of social media sites such as Facebook, or using the internet in other ways could need authorisation as directed surveillance. The Office of Surveillance Commissioners has given guidance on when the use of social media and the internet might need authorisation on RIPA. The guidance can be read at appendix 4.

### **2.5 Surveillance Threshold**

**2.5.1 Before directed surveillance can be undertaken and the requisite order from a Justice of the Peace applied for, the Council must be satisfied that they are investigating a criminal offence that carries a maximum sentence of 6 months or more imprisonment.**

**2.5.2 The exception to the 6 month sentence threshold is specific offences of sale of alcohol or tobacco to an underage person which does not fall within the Council's range of regulatory activities.**

**2.5.3 During the course of an investigation, should the Council become aware that the criminal activity under investigation falls below the 6 month sentence threshold, then use of directed surveillance should cease.**

**2.5.4 This 6 month sentence threshold does not apply to use of covert human intelligence or communications data techniques.**

**2.6 The Council cannot undertake intrusive surveillance.**

2.6.1 Surveillance becomes intrusive if the covert surveillance:

- a) is carried out in relation to anything taking place on any "residential premises" or in any "private vehicle"; and
- b) involves the presence of an individual on the premises or in the vehicle or is carried out by means of a surveillance device; or
- c) is carried out by means of a surveillance device in relation to anything taking place on any residential premises or in any private vehicle but is

carried out without that device being present on the premises or in the vehicle, where the device is such that it consistently provides information of the same quality and detail as might be expected to be obtained from a device actually present on the premises or in the vehicle.

2.7 Before any officer of the Council undertakes any surveillance of any individual or individuals they need to assess whether the activity comes within the 2000 Act. In order to do this the following key questions need to be asked.

2.7.1 Is the surveillance covert?

Covert surveillance is that carried out in a manner calculated to ensure that subjects of it are unaware it is or may be taking place.

If activities are open and not hidden from the subjects of an investigation, the 2000 Act framework does not in general apply. However, if there is any doubt in respect of this matter, an officer must consider whether it may be appropriate to seek a RIPA authorisation.

2.7.2 Is it for the purposes of a specific investigation or a specific operation?

For example, are Civic building CCTV cameras which are readily visible to anyone walking around the building covered?

The answer is not if their usage is to monitor the general activities of what is happening in the car park. If that usage, however, changes, the 2000 Act may apply.

For example, if the CCTV cameras are targeting a particular known individual, and are being used in monitoring his activities, that has turned into a specific operation which may require authorisation.

2.7.3 Is it in such a manner that is **likely** to result in the obtaining of private information about a person?

"Private information" is any information relating to a person's private or family life and aspects of business or professional life.

For example, if part of an investigation is to observe a member of staff's home to determine their comings and goings then that would be covered.

If it is likely that observations will not result in the obtaining of private information about a person, then it is outside the 2000 Act framework. However, the use of 'test purchasers' may involve the use of covert human intelligence sources (see later).

If in doubt, it is safer to consider getting authorisation.

2.7.4 Is it undertaken **otherwise than by way of an immediate response to event or circumstances where it is not reasonably practicable to get authorisation?**

The Home Office gives the example of an immediate response to something happening during the course of an observer's work, which is unforeseeable.

However, if as a result of an immediate response, a specific investigation subsequently takes place that brings it within the 2000 Act framework.

#### 2.7.5 Is the Surveillance Intrusive?

Directed surveillance turns into intrusive surveillance if it is carried out involving anything that occurs on residential premises or any private vehicle and involves the presence of someone on the premises or in the vehicle or is carried out by means of a (high quality) surveillance device.

If the device is not on the premises or in the vehicle, it is only intrusive surveillance if it consistently produces information of the same quality as if it were.

Commercial premises and vehicles are therefore excluded from intrusive surveillance. **The Council is not authorised to carry out intrusive surveillance.**

#### 2.7.6 Does the offence under investigation meet the 6 month threshold?

### 3 COVERT USE OF HUMAN INTELLIGENCE SOURCE (CHIS)

3.1 A person is a Covert Human Intelligence Source if:

- a) he establishes or maintains a personal or other relationship with a person for the covert purpose of facilitating the doing of anything falling within paragraph b) or c).
- b) he covertly uses such a relationship to obtain information or provide access to any information to another person; or
- c) he covertly discloses information obtained by the use of such a relationship or as a consequence of the existence of such a relationship.

3.2. A purpose is covert, in relation to the establishment or maintenance of a personal or other relationship, if and only if the relationship is conducted in a manner that is calculated to ensure that one of the parties to the relationship is unaware of that purpose.

3.3. The above clearly covers the use of professional witnesses to obtain information and evidence. It is not Council practice to use such witnesses. It can also cover cases such as a Council officer making a test purchase when there is a need to cultivate a relationship with the seller, which would not usually be the case.

3.4. There is a risk that an informant may be, or become, a CHIS. A member of the public giving information will be a CHIS if the information which he covertly passes to the authority has been obtained in the course of (*or as a consequence of the existence of*) a personal or other relationship. See paragraph 2.22 of the CHIS Code of Practice, and paragraph 270 of OSC Procedures and Guidance 2011, which refers to the risk of "status drift". When an informant gives repeat information about a suspect or about a family, and it becomes apparent that the informant may be obtaining that information in the course of a family or neighbourhood relationship, alarm bells should begin to ring. It probably means that the informant is in reality a CHIS, to whom a duty of care is owed if the information is then used. In such circumstances officers should refer any such

instance for legal advice before acting on the information received from such an informant.

3.5 In this context (of authorising CHIS) ANY information (ie not confined to private information alone) to be gained by the covert manipulation of a relationship will require authorisation.

**3.6 The Council must apply to a Justice of the Peace for an order that gives effect to the authorisation for the use of covert human intelligence source (see 1.7 above).**

3.7 In certain circumstances, use of social media sites such as Facebook, or using the Internet for research in other ways could need authorisation as the use of a covert human intelligence source. The guidance can be read at appendix 4.

#### **4 COMMUNICATIONS DATA**

4.1 The Council may also access certain communications data under the 2000 Act, provided this, like all other surveillance, is **for the purpose of preventing or detecting crime.**

4.2 Following the passage of the Data Retention and Investigatory Powers Act 2014 the Home Office has revoked all accreditation which enabled local authority staff to acquire communications data with effect from 1 December 2014. The Council is now required to use the National Anti-Fraud Network's (NAFN's) Single Point of Contact services to acquire communications data under RIPA, if approved by a magistrate. The Acquisition and Disclosure of Communications Data Code of Practice shall be followed at all times. Council staff are not permitted to obtain telecommunications and internet use data other than as provided for by the Act.

**4.3 The Council must apply to a Justice of the Peace for an order giving effect to the authorisation of the use of communications data.**

4.4 The accredited SPoCs at NAFN will scrutinise the applications independently. They will provide advice to applicants and designated persons ensuring the Council acts in an informed and lawful manner.

#### **5. AUTHORISATIONS, RENEWALS AND DURATION**

**5.1 The Council must apply to a Justice of the Peace for an order that gives effect to the authorisation for the use of directed surveillance, communications data and covert human intelligence source (see 1.7 above).**

5.1.1 The Conditions for Authorisation

5.1.2 Directed Surveillance

5.1.1.3 For directed surveillance no officer shall grant an authorisation **and make an application to a Justice of the Peace** for the carrying out of directed surveillance unless he believes:

- a) that an authorisation is necessary for the purpose of preventing or detecting crime and
- b) the authorised surveillance is proportionate to what is sought to be achieved by carrying it out.

5.1.1.4 The onus is therefore on the person authorising such surveillance to satisfy themselves it is:

- a) necessary for the ground stated above and;
- b) proportionate to its aim.

5.1.1.5 In order to ensure that authorising officers have sufficient information to make an informed decision **about whether to make an application to a Justice of the Peace for an order to give effect to any authorisation**, it is important that detailed records are maintained. As such the forms in the Appendix and the accompanying Guidance on Completing RIPA Authorisation Forms are to be completed where relevant.

It is also sensible to make any authorisation sufficiently wide enough to cover all the means required as well as being able to prove effective monitoring of what is done against that which has been authorised.

An Authorising Officer may partially approve or partially refuse an application for authorisation. If an Authorising Officer does not authorise all that was requested, a note should be added explaining why.

#### 5.1.2 Covert Use of Human Intelligence Sources

5.1.2.1 The same principles as Directed Surveillance apply. (see paragraph 5.1.1.3 above)

5.1.2.2 The conduct so authorised is any conduct that:

- a) is comprised in any such activities involving the use of a covert human intelligence source, as are specified or described in the authorisation;
- b) relates to the person who is specified or described as the person to whose actions as a covert human intelligence source the authorisation relates; and
- c) is carried out for the purposes of, or in connection with, the investigation or operation so specified or described.

5.1.2.3 In order to ensure that authorising officers have sufficient information to make an informed decision it is important that detailed records are maintained. As such the forms attached are to be completed where relevant.

It is also sensible to make any authorisation sufficiently wide enough to cover all the means required as well as being able to prove effective monitoring of what is done against that is authorised.

### 5.1.3 Communications Data

Section 22(4) of RIPA allows the Council to request “communications data” from Communication System Providers (CSPs). The access allowed under these powers is limited to telephone, postal and email subscriber and billing information. Any access must be obtained through the use of an authorised single point of contact (SPOC). (See Code on Acquisition and Disclosure of Communications Data paragraphs 3.85, 3.86 and 3.87.) The Council does not have the right to obtain the content of the communication, but can obtain details of the source and destination of a message. The only ground for Local Authorities is the prevention or detection of crime. CSPs must be provided with a Notice Requiring Disclosure of Communications Data, which must have been duly authorised. The only officers who are allowed to authorise such requests are those accredited by the Home Office (the “Designated Persons” (DPs)). The DP is an individual at the level of Managing Director and Assistant Director and will scrutinise all applications for Communications Data.

The authorisation or grant of a notice to obtain communications data require judicial approval on each occasion.

### 5.2 Further Requirements of the 2000 Act

**5.2.1 An application must be made to the Justice of the Peace for an order that gives effect to the authorisation for the use of Directed Surveillance, Communications Data and CHIS. This process is in addition to the Council’s existing authorisation procedure (see 1.7 above).**

5.2.2 In light of the changes to the regime applications for urgent grants or renewal, must be in writing. In the Guidance on Completing RIPA Authorisation Forms document which accompanies this Guide are standard forms, which must be used. Officers must direct their mind to the circumstances of the individual case with which they are dealing when completing the form.

5.2.3 Although it is possible to combine two authorisations in one form the Council’s practice is for separate forms to be completed to maintain the distinction between Directed Surveillance and the use of a CHIS.

5.2.4 Authorisations lapse, if not renewed:

- 12 months - if in writing/non-urgent - from date of last renewal if it is for the conduct or use of a covert human intelligence source or
- in all other cases (ie directed surveillance) 3 months from the date of their grant or latest renewal.

5.2.5 Any person entitled to grant a new authorisation can renew subject to judicial approval being obtained an existing authorisation in the same terms at any time before it ceases to have effect.

But, for the conduct of a covert human intelligence source, an Authorised Officer should not renew **or make an application to a Justice of the Peace to renew**

unless a review has been carried out and that person has considered the results of the review when deciding whether to renew or not. A review must cover what use has been made of the source, the tasks given to them and information obtained.

5.2.6 The benefits of obtaining an authorisation are described in paragraph 7 below.

5.2.7 Factors to Consider (see further guidance the Guidance on Completing Forms document)

Any person giving an authorisation should first satisfy him/herself that the authorisation is necessary on particular grounds and that the surveillance is proportionate to what it seeks to achieve. The proportionate test involves balancing the intrusiveness of the activity on the target and others who might be affected by it against the need for the activity in operational terms. The activity will not be proportionate if it is excessive in the circumstances of the case or if the information which is sought could reasonably be obtained by other less intrusive means. All such activity should be carefully managed to meet the objective in question and must not be arbitrary or unfair.

5.2.8 Particular consideration should be given to collateral intrusion on or interference with the privacy of persons other than the subject(s) of surveillance. Such collateral intrusion or interference would be a matter of greater concern in cases where there are special sensitivities, for example in cases of premises used by lawyers or for any form of medical or professional counselling or therapy.

5.2.9 An application for an authorisation should include an assessment of the risk of any collateral intrusion or interference. The authorising officer will take this into account, particularly when considering the proportionality of the surveillance and whether measures to avoid can be stipulated.

5.2.10 Those carrying out the covert surveillance should inform the Authorising Officer if the operation/investigation unexpectedly interferes with the privacy of individuals who are not the original subjects of the investigation or covered by the authorisation in some other way. In some cases the original authorisation may not be sufficient and consideration should be given to whether a separate authorisation is required.

5.2.11 Any person giving an authorisation will also need to be aware of particular sensitivities in the local community where the surveillance is taking place or of similar activities being undertaken by other public authorities which could impact on the deployment of surveillance.

### **Home Surveillance**

5.2.12 The fullest consideration should be given in cases where the subject of the surveillance might reasonably expect a high degree of privacy, for instance at his/her home (NB. the Council cannot undertake intrusive surveillance) or where there are special sensitivities.

### **Spiritual Counselling**

5.2.13 No operations should be undertaken in circumstances where investigators believe that surveillance will lead them to intrude on spiritual counselling between a Minister and a member of his/her faith. In this respect, spiritual counselling is defined as conversations with a Minister of Religion acting in his/her official capacity where the person being counselled is seeking or the Minister is imparting forgiveness, or absolution of conscience.

### **Confidential Material**

5.2.14 The 2000 Act allows in exceptional circumstances for authorisations to gather 'confidential material' (see the definitions in Appendix 1). Such material is particularly sensitive, and is subject to additional safeguards under this code. In cases where the likely consequence of the conduct of a source would be for any person to acquire knowledge of confidential material, the deployment of the source should be subject to special authorisation (by the Managing Directors).

5.2.15 In general, any application for an authorisation which is likely to result in the acquisition of confidential material should include an assessment of how likely it is that confidential material will be acquired. Special care should be taken where the target of the investigation is likely to be involved in handling confidential material. Such applications should only be considered in exceptional and compelling circumstances with full regard to the proportionality issues this raises.

5.2.16 The following general principles apply to confidential material acquired under authorisations:

- Those handling material from such operations should be alert to anything that may fall within the definition of confidential material. Where there is doubt as to whether the material is confidential, advice should be sought from the Borough Solicitor/Senior Responsible Officer before further dissemination takes place;
- Confidential material should not be retained or copied unless it is necessary for a specified purpose;
- Confidential material should be disseminated only where an appropriate officer (having sought advice from the Borough Solicitor/Senior Responsible Officer) is satisfied that it is necessary for a specific purpose;
- The retention or dissemination of such information should be accompanied by a clear warning of its confidential nature. It should be safeguarded by taking reasonable steps to ensure that there is no possibility of it becoming available, or its content being known, to any person whose possession of it might prejudice any criminal or civil proceedings related to the information;
- Confidential material should be destroyed as soon as it is no longer necessary to retain it for a specified purpose;
- Any covert surveillance concerning premises on which legal consultations take place are to be regarded as intrusive surveillance and may not be



undertaken by the Council.

### **Combined authorisations**

5.2.17 Although it is possible to combine two authorisations in one form the Council's practice is for separate forms to be completed to maintain the distinction between Directed Surveillance and the use of a CHIS.

5.2.18 In cases of joint working with other agencies on the same operation, e.g. by a Housing Benefit Investigator authority for directed surveillance should be given by the lead agency.

5.2.19. On occasion, several Council Services may be included in the same investigation. One authorisation from the Lead Service should cover all activities.

### **Handling and disclosure of product**

5.2.20 Authorising Officers are reminded of the guidance relating to the retention and destruction of confidential material as described in paragraph 5.2.16 above.

5.2.21 Authorising Officers are responsible for ensuring that authorisations undergo timely reviews and are cancelled promptly after directed surveillance activity is no longer necessary.

5.2.22 Authorising Officers must ensure that the relevant details of each authorisation are sent to the Borough Solicitor/Senior Responsible Officer as described in paragraph 9 below.

5.2.23 The originals of applications for authorisations, reviews, renewals and cancellations for directed surveillance and the use of a CHIS should be submitted to and thereafter retained by the RIPA Co-ordinator, for a period of 3 years and at least between inspections. Copies are to be retained by the authorising officer for a commensurate period. Where it is believed that the records could be relevant to pending or future criminal proceedings, they should be retained for a suitable further period, commensurate to any subsequent review.

5.2.24 Any personal data collected during the course of a covert surveillance operation must be stored as per data protection guidelines set out in the Council's Data Protection Policy below.

- Analysis of data from the operation must be carried out by the officers who carried out the investigation and should be done in a private office to avoid personal material being accessible to other council employees.
- The authorising officer may also be included in analysis of the data collected.
- Data must be kept in a secure environment with limited access.
- Data must be labelled with the reference of the case and the date of collection.

- Data collected which is not appropriate or useful as evidence in the investigation and subsequent formal action must be deleted as soon as this fact is determined or when the case is closed, whichever is the sooner. Consideration of whether or not this material should be destroyed is the responsibility of the senior authorising officer. Care must be taken in this respect, as it must be considered that even if this information is not to be used as evidence, it may be “unused material” for the purposes of criminal proceedings.
- If there is any reason to believe that the data obtained during the course of an investigation might be relevant to that investigation, or to another investigation, or to pending or future civil or criminal proceedings, then it should not be destroyed but retained in accordance with established disclosure requirements and may be disclosed.

5.2.25 There is nothing in the 2000 Act that prevents material obtained through the proper use of the authorisation procedures from being used in other investigations. However, the use outside the Council, of any material obtained by means of covert surveillance and, other than in pursuance of the grounds on which it was obtained, should be authorised only in the most exceptional circumstances.

### 5.3 **The Use of Covert Human Intelligence Sources**

- 5.3.1 The Council will not normally use an external or professional source for the purpose of obtaining information. It is not the Council’s usual practice to seek, cultivate or develop a relationship through an external or professional source although this may occur where circumstances require it. In these circumstances appropriate authorisations must be obtained. It is potentially possible, though highly unlikely, that the role of a Council employee may be that of a source, for example, as contemplated in paragraph 3.3 above, please cross refer for detail.
- 5.3.2 Nothing in the 2000 Act prevents material obtained by an employee acting as a source being used as evidence in Court proceedings.
- 5.3.3 The Authorising Officer must consider the safety and welfare of an employee acting as a source, and the foreseeable consequences to others of the tasks they are asked to carry out. A risk assessment should be carried out before authorisation is given. Consideration from the start for the safety and welfare of the employee, even after cancellation of the authorisation, should also be considered.
- 5.3.4 The Authorising Officer must believe that the authorised use of an employee as a source is proportionate to what it seeks to achieve. Accurate and proper records should be kept about the source and tasks undertaken.
- 5.3.5 The Council’s practice is not to use an employee acting as a source to infiltrate existing criminal activity, or to be a party to the commission of criminal offences, even where this is within the limits recognised by law.

- 5.3.6 Before authorising the use of an employee as a source, the authorising officer should believe that the conduct/use including the likely degree of intrusion into the privacy of those potentially affected is proportionate to what the use or conduct of the source seeks to achieve. He should also take into account the risk of intrusion into the privacy of persons other than those who are directly the subjects of the operation or investigation (collateral intrusion). Measures should be taken, wherever practicable, to avoid unnecessary intrusion into the lives of those not directly connected with the operation.
- 5.3.7 Particular care should be taken in circumstances where people would expect a high degree of privacy or where, as a consequence of the authorisation, “confidential material” is likely to be obtained.
- 5.3.8 Additionally, the Authorising Officer should make an assessment of any risk to an employee acting as a source in carrying out the proposed authorisation.

## 6. REVIEWS

- 6.1. The Home Office Code of Practice on directed surveillance makes specific reference to reviews at paragraph 3.23. It recommends regular reviews be undertaken to see if the need for the surveillance is still continuing. Results of reviews should be recorded in a central record of authorisations (see paragraph 8.1). Reviews should be more frequent when access to confidential information or collateral intrusion is involved. Review frequency should be as often as the authorising officer deems necessary or practicable.
- 6.2. Similar provisions appear at paragraphs 7.1 – 7.2 of the code of practice for CHIS, save that tasks given to the source and information obtained should also be included.
- 6.3. Each authorising officer will therefore determine in each case how often authorisations should be reviewed. They will ensure records of the review will be supplied on the relevant form in Section 9 and send copies to the RIPA Co-ordinator to keep the central register up to date. Good practice requires that this should be done monthly at least.

## 7. RENEWALS

- 7.1. An authorising officer may renew an authorisation before it would cease to have effect if it is necessary for the authorisation to continue for the purpose for which it was given. **An application for a renewal to the Justice of the Peace is also required (see above).**
- 7.2. The Home Office Code of Practice for directed surveillance at paragraph 5.12 - 5.16 refers. A renewal of the authorisation in writing can be made for 3 months. Applications for renewal should detail how many times an authorisation has been renewed; significant changes to the original application for authority; reasons why it is necessary to renew; content and value of the information obtained so far and results of regular reviews of the investigation or operation.
- 7.3. Similar provisions apply in the code of practice for CHIS except that a renewal

here can last for a further 12 months, a review must have been carried out on the use of the source and an application should only be made to renew when the initial authorisation period is drawing to an end. Applications to renew a CHIS also should contain use made of the source and tasks given to the source during the previous authorised period.

- 7.4. Each application to renew should be made at least 7 days before the authorisation is due to expire on the relevant form in Appendix 2. A record of the renewal should be kept within the applying service and supplied centrally to the Borough Solicitor/Senior Responsible Officer - see Section 8 to update the central register of authorisations.

## **8. CANCELLATIONS**

- 8.1. All authorisations, including renewals should be cancelled if the need for the surveillance is no longer justified. This will occur in most cases where the purpose for which the surveillance was required has been achieved.
- 8.2. Requesting officers should ensure they inform authorising officers if this is the case before the next review. If, in the opinion of the authorising officer at the next review, the need for surveillance is no longer justified, it must be cancelled.
- 8.3. The cancellation forms at Appendix 2 will be used to record a cancellation; the original will be sent to the RIPA Co-ordinator to update the central register of authorisations and the authorising officer will retain a copy - see Section 8.
- 8.4. The Home Office Codes of Practice for both directed surveillance and CHIS make it clear that authorisations must be cancelled if the original authorising criteria are not met. With CHIS, it must be cancelled if satisfactory arrangements for the source no longer exist. Consideration for the safety and welfare of a source continues after cancellation of any authorisation.

## **9. CENTRAL REGISTER OF AUTHORISATIONS**

- 9.1. The Codes of Practice under the 2000 Act require a central register of all authorisations to be maintained. The Senior Responsible Officer or nominated representative shall maintain this register.
- 9.2. Whenever an authorisation is granted renewed or cancelled the Authorising Officer must arrange for the following details to be forwarded by e-mail to the Senior Responsible Officer or nominated representative. Receipt of the e-mail will be acknowledged.
  - Whether it is for Directed Surveillance or CHIS ;
  - Applicants name and Job Title (manager responsible);
  - Service and Section;
  - Applicant's address and Contact Number;
  - Identity of 'Target';
  - Authorising Officer and Job Title; (in line with delegation scheme)
  - Date of Authorisation.
  - A unique reference number for the investigation or operation

- 
- Whether confidential information is likely to be reviewed as a consequence of the investigation /operation.
- The date the authorisation was cancelled

Details should be provided to the Senior Responsible Officer in respect of when an authorisation is refused.

### **See Appendix 2 for the Form of Notification**

The original of the authorisation should also be provided; the authorising officer should retain a copy. The Managing Directors will review authorisations every 6 months. It is suggested that authorising officers supply these directly.

- 9.3. The original authorisations shall be securely retained within the RIPA Co-ordinator's Service. It is each Service's responsibility to securely retain all copy authorisations within their Service. Authorisations should only be held for as long as it is necessary. Once the investigation is closed (bearing in mind cases may be lodged some time after the initial work) the records held by the Service should be disposed of in an appropriate manner (e.g. shredded).

## **10 CODES OF PRACTICE**

There are Home Office codes of practice that expand on this guidance. All relevant Services hold a copy.

The codes do not have the force of statute, but are admissible in evidence in any criminal and civil proceedings. As stated in the codes, "if any provision of the code appears relevant to a question before any Court or tribunal considering any such proceedings, or to the tribunal established under the 2000 Act, or to one of the commissioners responsible for overseeing the powers conferred by the 2000 Act, it must be taken into account".

Staff should refer to the Home Office Codes of Conduct for supplementary guidance. These should be available to all relevant officers (see earlier).

## **11 BENEFITS OF OBTAINING AUTHORISATION UNDER THE 2000 ACT.**

### **11.1 Authorisation of surveillance and human intelligence sources**

The 2000 Act states that

- if authorisation confers entitlement to engage in a certain conduct and
- the conduct is in accordance with the authorisation, then
- it shall be "lawful for all purposes".

Part II of the 2000 Act does not impose a requirement on public authorities to seek or obtain an authorisation where, under the 2000 Act, one is available (see section 80 of the 2000 Act). Nevertheless, where there is an interference by a

public authority with the right to respect for private and family life guaranteed under Article 8 of the European Convention on Human Rights, and where there is no other source of lawful authority, the consequence of not obtaining an authorisation under the 2000 Act may be that the action is unlawful by virtue of section 6 of the Human Rights Act 1998.

Public authorities are therefore strongly recommended to seek an authorisation where the surveillance is likely to interfere with a person's Article 8 rights to privacy by obtaining private information about that person, whether or not that person is the subject of the investigation or operation. Obtaining an authorisation will ensure that the action is carried out in accordance with law and subject to stringent safeguards against abuse.

- 11.2 The 2000 Act states that a person shall not be subject to any civil liability in relation to any conduct of his which -
- a) is incidental to any conduct that is lawful by virtue authorisation; and
  - b) is not itself conduct for which an authorisation is capable of being granted under a relevant enactment and might reasonably be expected to have been sought in the case in question

## **12. SCRUTINY AND TRIBUNAL**

- 12.1. To effectively "police" the 2000 Act, Commissioners regulate conduct carried out thereunder. The Chief Surveillance Commissioner will keep under review, among others, the exercise and performance by the persons on whom are conferred or imposed, the powers and duties under the Act. This includes authorising directed surveillance and the use of covert human intelligence sources.
- 12.2. A tribunal has been established to consider and determine complaints made under the 2000 Act if it is the appropriate forum. Complaints can be made by persons aggrieved by conduct e.g. directed surveillance. The forum hears application on a judicial review basis. Claims should be brought within one year unless it is just and equitable to extend that.

The tribunal can order, among other things, the quashing or cancellation of any warrant or authorisation and can order destruction of any records or information obtained by using a warrant or authorisation, and records of information held by any public authority in relation to any person. The Council is, however, under a duty to disclose or provide to the tribunal all documents they require if:

- A Council officer has granted any authorisation under the 2000 Act.
- Council employees have engaged in any conduct as a result of such authorisation.
- A disclosure notice requirement is given.

- 12.3 The Senior Responsible Officer will ensure that a quarterly report is submitted to

the Council's Audit and Governance Committee and that an annual report is submitted to Cabinet. The reports will include details of the overall number and type of authorisations granted and the outcome of the case, where known. In addition, the reports will provide a breakdown of the same information by service or groups of services, as appropriate. In order to comply with Data Protection and Code of Practice requirements, no specific details of individual authorisations will be provided.

12.4 The RIPA Co-ordinator will maintain and check the central register of all RIPA authorisations, reviews, renewals, cancellations and rejections. It is the responsibility of the authorising officer, however, to ensure the RIPA Co-ordinator receives the original of the relevant forms as soon as possible and in any event within 1 week of authorisation, review, renewal, cancellation or rejection. The authorising officer should retain copies.

12.5 The management structure for RIPA is set out in Appendix 3.

**Definitions from the 2000 Act**

- **“2000 Act”** means the Regulation of Investigatory Powers Act 2000.
- **“Confidential Material”** consists of:
  - a) matters subject to legal privilege;
  - b) confidential personal information; or
  - c) confidential journalistic material.
- **Matters subject to legal privilege”** includes both oral and written communications between a professional legal adviser and his/her client or any person representing his/her client, made in connection with the giving of legal advice to the client or in contemplation of legal proceedings and for the purposes of such proceedings, as well as items enclosed with or referred to in such communications. Communications and items held with the intention of furthering a criminal purpose are not matters subject to legal privilege (see Note A below)
- **“Confidential Personal Information”** is information held in confidence concerning an individual (whether living or dead) who can be identified from it, and relating:
  - a) to his/her physical or mental health; or
  - b) to spiritual counselling or other assistance given or to be given,  
and

which a person has acquired or created in the course of any trade, business, profession or other occupation, or for the purposes of any paid or unpaid office (see Note B below). It includes both oral and written information and also communications as a result of which personal information is acquired or created. Information is held in confidence if:

- c) it is held subject to an express or implied undertaking to hold it in confidence; or
  - d) it is subject to a restriction on disclosure or an obligation of secrecy contained in existing or future legislation.
- **“Confidential Journalistic Material”** includes material acquired or created for the purposes of journalism and held subject to an undertaking to hold it in confidence, as well as communications resulting in information being acquired for the purposes of journalism and held subject to such an undertaking.
  - **“Covert Surveillance”** means surveillance which is carried out in a manner calculated to ensure that the persons subject to the surveillance are



unaware that it is or may be taking place.

- **“Authorising Officer”** means a person designated for the purposes of the 2000 Act to grant authorisations for directed surveillance. (see the Regulation of Investigatory Powers (Prescription of Offices, Ranks and Positions) Order) SI 2000/2417.

**Note A.** *Legally privileged communications will lose their protection if there is evidence, for example, that the professional legal adviser is intending to hold or use them for a criminal purpose; privilege is not lost if a professional legal adviser is properly advising a person who is suspected of having committed a criminal offence. The concept of legal privilege shall apply to the provision of professional legal advice by any agency or organisation.*

**Note B.** *Confidential personal information might, for example, include consultations between a health professional or a professional counsellor and a patient or client, or information from a patient’s medical records.*

**Notification to Central Register of Authorisations under RIPA**

Whether it is for Directed Surveillance or CHIS	
Applicants name and Job Title (manager responsible)	
Service and Section	
Applicant's address and Contact Number	
Identity of 'Target'	
Authorising Officer and Job Title; (in line with delegation scheme)	
Date of Authorisation	
Whether confidential information is likely to be reviewed as a consequence of the investigation/operation	
The date the authorisation was cancelled	
Whether the authorisation is renewed.	

A copy of the authorisation shall also be sent (See above, Paragraph 9.2).

A unique reference number for the investigation or operation will be allocated by the Borough Solicitor upon receipt of this notification. This reference must be used in subsequent correspondence regarding this authorisation.



### APPENDIX 3

Gill Rowe, Managing Director (People and Places) xx\*

Community Services – Street Scene  
Legal Services, Land Charges, Member Services  
Procurement  
Civic Services  
Member Development  
Admin and Elections  
Accountancy, Treasury Management  
Audit, Insurance, Risk Management

Kim Webber, Managing Director (Transformation) xx\*

Planning Services, Housing & Regeneration  
Communication/Consultation  
Partnership/Performance  
Customer Services/OR  
Human Resources, Payroll Client  
ICT Client  
Exchequer Client

Bob Livermore, Assistant Director Housing & Regeneration \*

Housing Options, Estate Management  
Rent & Money Advice, Sheltered Housing  
Property Management, Asset Management  
Caretaking & Gardening, Economic Regeneration  
Area Regeneration, Tourism, Estates & Valuation  
External Funding, Investment Centre  
Housing Policy & Strategy

Terry Broderick – – Assistant Solicitor, RIPA Coordinator and SPOC  
Co-ordinator  
Sarah Mooney – Legal Assistant/RIPA Register Officer

Dave Tilleray, Assistant Director Community Services \*

Leisure, Arts & Culture Services  
Environmental Protection, Public Protection & Licensing  
Commercial Safety, Corporate Health & Safety Community Safety, Emergency  
Planning  
Technical Services, Ormskirk Market  
Off Street Parking  
Private Sector Housing & Homelessness  
Home Care Link

\* Authorising Officer

xx Authorisations when knowledge of confidential information likely to be acquired or vulnerable individual or juvenile is to be used as a source.

The Office of Surveillance Commissioner's Guidance

Covert surveillance of Social Networking Sites (SNS)

The fact that digital investigation is routine or easy to conduct does not reduce the need for authorisation. Care must be taken to understand how the SNS being used works. Authorising Officers must not be tempted to assume that one service provider is the same as another or that the services provided by a single provider are the same.

Whilst it is the responsibility of an individual to set privacy settings to protect unsolicited access to private information, and even though data may be deemed published and no longer under the control of the author, it is unwise to regard it as "open source" or publicly available; the author has a reasonable expectation of privacy if access controls are applied. In some cases data may be deemed private communication still in transmission (instant messages for example). Where privacy settings are available but not applied the data may be considered open source and an authorisation is not usually required. Repeat viewing of "open source" sites may constitute directed surveillance on a case by case basis and this should be borne in mind.

Providing there is no warrant authorising interception in accordance with section 48(4) of the 2000 Act, if it is necessary and proportionate for a public authority to breach covertly access controls, the minimum requirement is an authorisation for directed surveillance. An authorisation for the use and conduct of a CHIS is necessary if a relationship is established or maintained by a member of a public authority or by a person acting on its behalf (i.e. the activity is more than mere reading of the site's content).

It is not unlawful for a member of a public authority to set up a false identity but it is inadvisable for a member of a public authority to do so for a covert purpose without authorisation. Using photographs of other persons without their permission to support the false identity infringes other laws.

A member of a public authority should not adopt the identity of a person known, or likely to be known, to the subject of interest or users of the site without authorisation, and without the consent of the person whose identity is used, and without considering the protection of that person. The consent must be explicit (i.e. the person from whom consent is sought must agree (preferably in writing) what is and is not to be done).



**APPENDIX 2**

**MINUTE OF THE AUDIT & GOVERNANCE COMMITTEE HELD ON 29  
SEPTEMBER 2015**

**23. REGULATION OF INVESTIGATORY POWERS ACT - ANNUAL SETTING  
OF THE POLICY AND REVIEW OF USE OF POWERS**

Consideration was given to the report of the Borough Solicitor on the Council's use of its powers under the Regulation of Investigatory Powers Act 2000 (RIPA) and presented a revised RIPA Policy document.

A revised report was circulated and contained on pages 363 to 365 of the Book of Reports.

RESOLVED            That the Council's RIPA activity be noted.







**AGENDA ITEM: 5(o)**

**CABINET: 10<sup>th</sup> November 2015**

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**Report of: Assistant Director Community Services  
Assistant Director Housing and Regeneration**

**Relevant Managing Director: Managing Director (People and Places)  
Managing Director (Transformation)**

**Relevant Portfolio Holders: Councillor Y. Gagen  
Councillor I. Moran**

**Contacts for further information: Mr S. Kent (Extn. 5169)  
(E-mail: [Stephen.kent@westlancs.gov.uk](mailto:Stephen.kent@westlancs.gov.uk) )  
Mrs R. Kneale (Extn. 2611)  
(E-mail: [rachel.kneale@westlancs.gov.uk](mailto:rachel.kneale@westlancs.gov.uk) )**

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**SUBJECT: CHEQUER LANE PLAYING FIELD**

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Wards affected: UpHolland and all Skelmersdale wards.

**1.0 PURPOSE OF THE REPORT**

1.1 To consider requests from local football teams for agreements to secure the use of land at Chequer Lane Playing Field, UpHolland as football pitches.

**2.0 RECOMMENDATIONS**

2.1 That the proposal to enter into a licence agreement with Skelmersdale United Youth Academy to use the land at Chequer Lane, Up Holland , shown at appendix 1, as football pitches be approved.

2.2 That the entering into a lease arrangement with Skelmersdale United Youth Academy for a new changing pavilion on the site , on the location of the old changing rooms, be approved in principle subject to planning consent being obtained.

2.3 That the above agreements should include community use agreements to give Skem Men-Aces the use of a pitch and the changing pavilion.

- 2.4 That the Assistant Director Community Services be authorised to take all necessary steps to establish the agreements with Skelmersdale United Youth Academy, subject to all necessary consents and approvals being obtained.
- 

### **3.0 BACKGROUND**

- 3.1 Chequer Lane Playing Fields ceased to be used as formal football pitches over 10 years ago when demand reduced and the changing facilities were demolished. Since that time, the main area of the fields to the south of the public footpath (see appendix 1 –Location Plan: Area B), has been used as public open space.
- 3.2 The smaller area to the north of the footpath (see appendix 1 – Location Plan: Area A), has had some occasional use as football pitches but demand from individual teams reduced and has not been used for the last 3 years.

### **4.0 CURRENT POSITION**

- 4.1 The Council has been approached by two separate clubs with requests to lease the area marked 'A' to be used as formal football pitches with an option to build changing rooms/community facilities at the site. The land requested is approximately 5.41 hectares and can accommodate 3 full size pitches and 4 junior pitches, plus an area for parking and proposed changing facilities.
- 4.2 Skelmersdale United Youth Academy (the “Academy”) is a charter standard development club for juniors, affiliated to Skelmersdale United and Liverpool F.A., which currently runs 22 junior teams of varying ages, and has a membership of approximately 300 players. For the last 11 years they have used the Tower Hill Playing Fields in Up Holland for training their teams, but are keen to secure a site which they could use as their home ground, and build their own changing/community building, to help develop their club. They feel that the Chequer Lane site would be the best site for them to fulfil these aims.
- 4.3 Skem Men-Aces (the “Men-Aces”) is a charter standard club established specifically for adult males with disabilities and currently has a squad of 50 players. They have been operating in the Skelmersdale area for 6 years but to date, have had to hire facilities on which they can play. They too are looking for a home site on which to play and also build a changing/community facility.
- 4.4 Both clubs are keen to secure the Chequer Lane site, and both feel they have the ability to attract the resources required to build the facilities they need. The pitches would need some initial maintenance works but could be available almost straight away. The construction of changing/community facilities would need more negotiation and planning but could utilise the site of the previous changing rooms.

### **5.0 PROPOSALS**

- 5.1 Both of the clubs that have made these requests are worthy causes and Members may feel that they merit support from the Council by way of entering into formal agreements for them to use Council owned land to develop their clubs with the resultant benefit for the local community. Discussions have been held

with both clubs regarding their requests and they have agreed on a potential way forward.

- 5.2 It is proposed therefore, that the Council enter into a licence agreement with the Academy, as the much larger organisation, to use the land shown as area A in Appendix 1 as football pitches. This agreement would entail the academy taking on all maintenance and management of the site. This site would remain as public open space.
- 5.3 It is also proposed that the Council give a binding agreement to entering into a lease arrangement with the Academy for a new changing pavilion on the site of the former changing rooms.
- 5.4 The agreements to be entered into would include a community use agreement which would give the Men-Aces use of a pitch and the use of the Changing Pavilion when required. This use by the Men-Aces and any pooling of resources would be co-ordinated between the clubs.
- 5.5 The area of land to be covered by the licence would remain as public open space, allowing informal use when not required by the clubs.

## **6.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY**

- 6.1 The project will support the Council's strategic aims in respect of improving access to quality facilities, providing facilities to improve the health and quality of life of the community.
- 6.2 The community use agreement for the site will allow wider involvement from the local community.

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

- 7.1 The Academy have stated their intention to cover all the costs of the maintenance of the playing field and future development and operation of a changing/community facility. This would create a direct saving to the Council on grounds maintenance costs of around £3,200 per annum, plus a potential saving on the capital cost of building a changing pavilion of around £150,000, plus the on-going revenue costs of managing this building.
- 7.2 Any licence or future lease arrangements would incur the payment of a ground rent to the Council.
- 7.3 The movement of the Academy to the Chequer Lane site would leave the Tower Hill site in Up Holland, which they currently use, vacant and available for alternative use.

## **8.0 RISK ASSESSMENT**

- 8.1 In respect of future use of this site, it is important that the Academy have the ability and resources to bring the future aims to develop a changing/community

facility to fruition. A joint initiative with both clubs contributing would make better use of resources currently available, and would have a greater chance of attracting any external resources necessary.

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### **Background Documents**

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

### **Equality Impact Assessment**

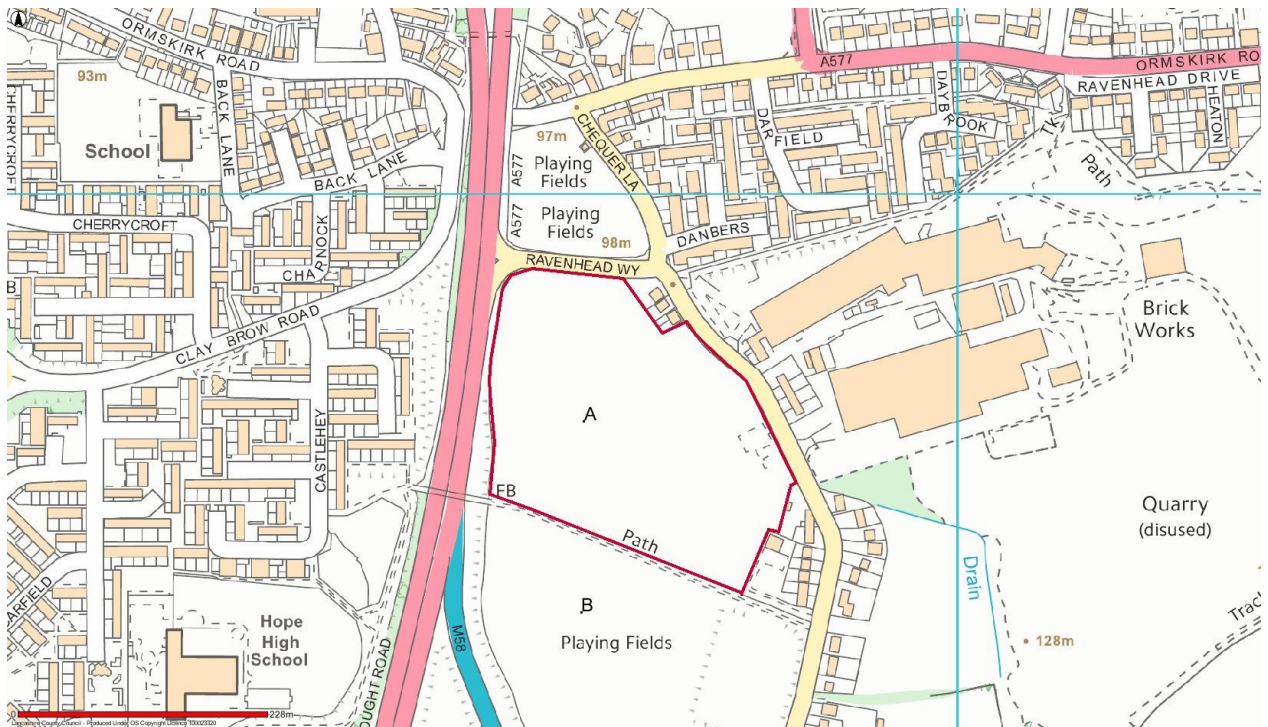
There is a direct impact on members of the public, employees, elected members and / or stakeholders. Therefore an Equality Impact Assessment is required. A formal equality impact assessment is attached as an Appendix to this report, the results of which have been taken into account in the Recommendations contained within this report.

### **Appendices**

Appendix 1 – Location Plan

Appendix 2 – Equality Impact Assessment

# Appendix 1





# Equality Impact Assessment Form



<b>Directorate: Community Services</b>		<b>Service: Leisure, Cultural &amp; Arts</b>	
<b>Completed by: Stephen Kent</b>		<b>Date: 12<sup>th</sup> August 2015</b>	
<b>Subject Title: Chequer Lane Playing Fields</b>			
<b>1. DESCRIPTION</b>			
Is a policy or strategy being produced or revised:	Yes	<i>*delete as appropriate</i>	
Is a service being designed, redesigned or cutback:	No		
Is a commissioning plan or contract specification being developed:	No		
Is a budget being set or funding allocated:	No		
Is a programme or project being planned:	No		
Are recommendations being presented to senior managers and/or Councillors:	Yes		
Does the activity contribute to meeting our duties under the Equality Act 2010 and Public Sector Equality Duty ( <b>Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations</b> ):	No		
Details of the matter under consideration:	Request for land at Chequer Lane Playing Fields to be leased to local football clubs.		
<p><i>If you answered <b>Yes</b> to any of the above go straight to Section 3</i></p> <p><i>If you answered <b>No</b> to all the above please complete Section 2</i></p>			
<b>2. RELEVANCE</b>			
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>		
If <b>Yes</b> , provide details of how this impacts on service users, staff or Councillors (stakeholders): <i>If you answered <b>Yes</b> go to Section 3</i>			
If you answered <b>No</b> to both Sections 1 and 2 provide details of why there is no impact on these three groups: <i>You do not need to complete the rest of this form.</i>			
<b>3. EVIDENCE COLLECTION</b>			
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	Local football clubs and local community		
If the work being carried out relates to a universal service, who needs or uses it most? (Is there any particular group affected more than others)?	Skem men-Aces provides a team for people with disabilities. Skelmersdale Academy provides teams for juniors		

Which of the protected characteristics are most relevant to the work being carried out?	<i>*delete as appropriate</i>
Age	Yes
Gender	No
Disability	Yes
Race and Culture	No
Sexual Orientation	No
Religion or Belief	No
Gender Reassignment	No
Marriage and Civil Partnership	No
Pregnancy and Maternity	No
<b>4. DATA ANALYSIS</b>	
In relation to the work being carried out, and the service/function in question, who is actually or currently using the service and why?	Land in question is currently public open space only and is not used for any formal sport
What will the impact of the work being carried out be on usage/the stakeholders?	Greatly increased usage of site for formal sport
What are people's views about the services? Are some customers more satisfied than others, and if so what are the reasons? Can these be affected by the proposals?	Some local residents have concerns about the level of car parking the football will generate. The proposal would look to increase off road parking to limit these problems.
What sources of data including consultation results have you used to analyse the impact of the work being carried out on users/stakeholders with protected characteristics?	None
If any further data/consultation is needed and is to be gathered, please specify:	
<b>5. IMPACT OF DECISIONS</b>	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	Will provide facilities for a team specifically developed for people with disabilities. Will also provide facilities for up to 12 teams of juniors at various ages
<b>6. CONSIDERING THE IMPACT</b>	
If there is a negative impact what action can be taken to mitigate it? (If it is not possible or desirable to take actions to reduce the impact, explain why this is the case (e.g. legislative or financial drivers etc.).	Off site car parking will be investigated to limit parking issues.
What actions do you plan to take to address any other issues above?	Liaison with Parish Council and local community to establish or monitor any issues.  <i>If no actions are planned state no actions</i>
<b>7. MONITORING AND REVIEWING</b>	
When will this assessment be reviewed and who will review it?	September 2016. Reviewing officer – Stephen Kent