

## **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 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>
<p>David Dunlop</p>	<p>The Wildlife Trust for Lancashire, Manchester &amp; North Merseyside</p>	<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>
<p>Kathryn Kelsall</p>	<p>Natural England</p>	<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 about 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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