

CONSULTATION SUMMARY REPORT

Local Development Orders
Findon, former Digmaoor Sports
Centre and Delf Clough

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1. Introduction

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 is preparing Local Development Orders on the following sites; Findon, the former Digmoor 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 11th August 2015 and 8th September 2015. This scoping consultation enabled key issues to be identified and aided in the construction of how the Draft Local Development Orders are set out.

As set out within article 34 of the Town and Country Planning (Development Management Procedure) Order 2010 (Statutory Instrument 2010/2184) it is a requirement that LDOs are the subject of local consultation. It is required that local consultation covers those parties 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 order to satisfy the requirements of the regulations the Draft Local Development Orders (LDOs) for Findon, the former Digmoor Sports Centre and Delf Clough were subject to consultation from 19th November 2015 to the 4th January 2016.

This document provides a summary of how the Council consulted, the general issues raised through representations and the Council response to those issues. This document also sets out how the Final Local Development Orders will be shaped as a direct result of the comments received, to illustrate how consultation informs decision making.

It should be acknowledged that the Council do consider all comments received, although may not always agree with opinions and therefore changes cannot be made in all cases. The Council is required to make balanced decisions, taking into account the views from all sides.

2. Consultation and publicity methods

The Council publicised consultation on the Draft Local Development Orders through the following methods:

- Letter distributed to all properties adjacent to the application sites
- Email / letters to all consultees on the consultation database, including statutory consultees
- Press release
- Site notices on the perimeters of the site
- Council website

Throughout the consultation, planning officers were available to answer questions:

- By email
- By phone
- In person at Council offices

Consultation materials were available to read at:

- Libraries
- Council offices
- On the Council Website

Comments were invited through

- An online form available from the Council website (powered by surveymonkey)
- By returning forms through email or post

3. Summary of comments received

14 comments were received on the Draft Local Development Orders. A report containing those comments, in full, can be found on the Council webpage at www.westlancs.gov.uk/LDO or in Appendix 1 to this document. Comments generally focused on a series of key concerns, as set out below.

Design

There was support for the growth and regeneration of Skelmersdale with the proposals at Findon complimenting the recent improvements in the Firbeck area.

Council Response

The Council welcome comments of support for the regeneration of Skelmersdale, the Design Code which is a supporting element of the Local Development Orders reflects upon the characteristics of development adjoining the proposed sites.

Highways/Parking

Concerns were expressed about creation of additional housing and the increase in traffic that this will bring particularly to the Daniels Lane area (Former Digmaor Sports Site). This concern also extends to adequate parking for the existing and proposed residents in and surrounding the proposed sites.

It was suggested that a designated parking area be created for the existing residents within the proposal sites.

LCC requested bus stops be introduced for the Findon Site.

Council response

Parking provision on any new development will be required to be in conformity with policy IF2 of the adopted West Lancashire Local Plan 2012-2027.

The proposal site is specifically designated for housing within the Local Development Order and although the Council understands the concerns and issues over parking within some areas it is not a requirement of new development to eradicate existing individual issues.

Any highways alterations will be part of a traffic regulation order and will be implemented and monitored by Lancashire County Council.

LDOs cannot request S106 obligations therefore it is not permitted to request a financial contribution for two bus stops on the Findon Site.

Education

Concerns were raised over the potential impact of the proposals on local schools, with a request for an assessment of education provision impact assessment to be submitted at the time of certification.

Council response

Lancashire County Council Education, provided information for the West Lancashire Infrastructure Delivery Plan, whereby LCC stated that there would not need to be additional school provision in Skelmersdale until the latter part of the Local Plan period. Given how little housing has been delivered in Skelmersdale thus far in the Local Plan period, it seems unlikely that these three LDO sites will trigger a demand for additional school places.

Open Space

Consultees registered an interest in each Local Development Order site having a designated area for food production (allotments).

Comments were also received from Sport England regarding the loss of the former Digmaor Sports Centre and that this was contrary to Para 74 of the NPPF. However, these comments from Sport England were later withdrawn due to further evidence being supplied in the format of the Draft Leisure Strategy.

Council response

The Council welcomed comments over the provision of private and communal areas of open space, this however is already addressed within the Design Code where minimum distances for gardens of 10m are required, this addresses personal provision of private amenity space, with regards to community areas and developers will be require to provide sufficient open space requirements in accordance with the Open Space and Recreation in New Developments SPD.

With regards to the concerns lodged by Sport England, the LDO site at the Former Digmaor Sports Centre was closed and demolished in 2011. West Lancs have recently undertaken a Leisure Strategy, which the Draft version is currently out for consultation. The Leisure Strategy (Draft 2015) assesses the built recreational facilities within West Lancashire; this assessment does not include the former Digmaor Sports Centre site as a built recreational facility due to its discontinued use. However, the Strategy states that there is no theoretical shortfall in the existing built sports provision within West Lancashire of the Skelmersdale area.

The Leisure Strategy identifies the key aim for the built recreational services as; addressing and rationalise present stock of ageing built sports provision to provide facilities which meet contemporary standards. This is based on an affordable model of delivery that reflects the Council's financial position while also providing sustainable gym/swimming provision to service anticipated needs.

The aim is to deliver through a partnership a new sports centre within Skelmersdale replacing Nye Bevan pool. This is also a key development aim of the Local Plan Policy SP2: Skelmersdale town Centre – A Strategic Development Site where leisure uses are required as part of a wider mixed use scheme to ensure the vitality and viability of the Town Centre.

Other

The Coal Authority requested that a Standing Advice note be added as an informative to the planning conditions. This is due to the proposed development sites lying within a coal mining area which may contain unrecorded coal mining related hazards.

Council response

The council noted these comments and has included the additional text as informative note 7 on the Local Development Orders for Findon, former Digmoor Sports Centre and Delf Clough.

4. Council actions and influences on the Local Development Orders

All methods of engagement including written representations have proved to be extremely useful in cataloguing a significant level of detailed feedback from a broad section of the community and stakeholders.

All of the written representations have been responded to directly within Appendix 1 to this document.

In terms of moving the Local Development Orders forward to the draft final stage, a number of specific actions will be carried forward as a result of comments from representations. The broad direction for the site in terms of land use and layout will also be determined as a result of considering the overall feedback and technical advice supplied by infrastructure providers.

The below table lists a number of key actions that will be carried forward into the Local Development Orders. For clarity it does not list every matter, rather it focuses on the key issues that were flagged up through the consultation.

Action
Insert text as Informative 7 on each of the Local Development Orders.

5. Conclusions / Next steps

The consultation responses have highlighted that there are a small number of minor modifications to be made to the Local Development Orders.

The Council has considered the feedback relating to these issues and will ensure that as the Final Local Development Orders addresses these issues that require actions. This may be through the layout and design of the site, direct requirements of any development coming forward on the site or as a requirement for further supporting information at the certification stage.

Using the comments received through the consultation process, the Local Development Orders have been refined and the next version, Final Local Development Orders for Findon, former Digmaor Sports Centre and Delf Clough will be presented to Cabinet for adoption in March 2016.

The Final Local Development Orders will be adopted as a mechanism by which the local planning authority can grant permitted development rights for a specified use or development proposal on a defined site.

Appendix 1 – Consultation Representations and the Council’s Responses

Draft LDO Consultation Responses

14 responses

Name	Organisation	Comments	Site	Response
Mrs Hazel Scully	n/a	The provision of more properties is crucial to the growth of Skelmersdale.in particular a site such as Findon which was originally built on for social housing. Findon is an excellent choice for those who wish to live near the Concourse and other established amenities. It would be fair to say that housing on Findon should complement the improvements in the Firbeck revival. I would like this to be taken into account by developers.	Findon	Noted.
Mr Richard Cardwell	n/a	After watching a tv programme this week on house building, the top 3 developers were found to be wanting in quality. Due to lax inspection	Digmoor Sports Centre Delf Clough	Noted.
Mr Leigh Boyton	n/a	I am concerned with the allocation of allotments for local people at the planning stage. Please include the following statement in all future Local Development Orders:- "The Design Code should include the provision of space for individual and community food growing".	Digmoor Sports Centre Delf Clough Findon	The Design Code sets out the minimum garden distances in line with the Design Guide SPD of 10m which addresses issues over the provision of space for individuals, with regards to community areas any developers will be required to provide sufficient open space requirements in accordance with the Open Space and Recreation in New Developments SPD.
David Cheetham	West Lancashire District Group of CPRE	These comments are submitted on behalf of the West Lancashire District Group of CPRE and were agreed at our meeting held this morning. We support all the LDO's but would like the following "The Design Code should include the provision of space for individual and community food growing" to each of the LDO's.	Digmoor Sports Centre Delf Clough Findon	The Design Code sets out the minimum garden distances in line with the Design Guide SPD of 10m which addresses issues over the provision of space for individuals, with regards to community areas

				any developers will be required to provide sufficient open space requirements in accordance with the Open Space and Recreation in New Developments SPD.
Simon Thompson	Resident	<p>I wish to register my comments/concerns relating to the “planning considerations” and state that I am not in support of the above proposal for the following reasons</p> <ul style="list-style-type: none"> • The increase in traffic on Daniels lane • The increase and adverse effect on parking within Daniels lane • The impact of EU regulations relating to traffic calming to the surrounding area (eg Road humps and or further instillation of double yellow lines) • The building of multiple occupancy buildings. • The lack of privacy <p>I understand that it is as yet only a proposal and that no plans have yet been submitted , but wish to register my / our objections early</p> <p>Would there be any possibility of providing a secure parking bay/area for approx. 10 -15 vehicles for use by the residents of Daniels lane 17-31, within the new build as this would alleviate</p> <p>A number of concerns, listed above.</p>	Digmoor Sports Centre	Parking provision on any new development will be required to be in conformity with policy IF2 of the West Lancashire Local Plan.
David Carter	Natural England	<p>We have considered the Local Development Orders and the supporting information documents and our comments are as follows:</p> <p>1. Natural England does not have any specific comments on the Local Development Orders related to proposed development on land at Findon, Digmoor Sports Centre</p>	Findon Digmoor Sports Centre Delf Clough	Comments noted.

		<p>and Delf Clough</p> <p>2. With reference to Regulation 78 of The Conservation of Habitats and Species Regulations 2010 (“The Habitats Regulations”) and the Council’s Habitats Regulations Assessment (Appendix I, August 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.</p>		
Alex Hazel	Environment Agency	We have reviewed the draft LDO insofar as it relates to our remit and we have no comments to make.	Findon Digmoor Sports Centre Delf Clough	Comments noted.
Peter John Cullington	Resident	Absolute excellent news for Skem, will bring much needed jobs, business opportunities, housing and will rid Skem of the current concrete jungle which is a a disgrace some of which should have been demolished years ago, current structure are dragging the town diwn to look like a slums area. Good luck for Skem, let's get developing the town now, that's what Skem was designed for with good infrastructure for future developments.	Findon Digmoor Sports Centre Delf Clough	Comments noted.
Mark Harrison	The Coal Authority	<p>Thank you for your consultation email of 18 November 2015 seeking the views of the Coal Authority on the Draft LDOs for these three sites.</p> <p>The Coal Authority is a non-departmental public body sponsored by the Department of Energy and Climate Change. As a statutory consultee, the Coal Authority has a</p>	Findon Digmoor Sports Centre Delf Clough	<p>Changes to the LDO condition to reflect the representations.</p> <p>Wording to be added as a standing advice note to condition 7 of all 3 LDOs: The proposed development lies</p>

		<p>duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.</p> <p>As identified in our previous response of 27 August 2015 to the informal scoping consultation on the three proposed LDO sites, whilst all three of the sites are located within the coalfield, they are all located outside of the defined Development High Risk Area. Accordingly, we noted that there would be no requirement to afford specific consideration to the potential risks associated with unstable land caused by coal mining legacy as part of the LDOs for these sites.</p> <p>Instead, we requested that our Standing Advice note used in the Development Management process should be included by the LPA as an informative note within the LDOs. We are disappointed to note that our Standing Advice has not been included in the list of Informatives for the 3 Draft LDOs, and would therefore recommend that the following wording is added as an Informative No. 7 for each of the 3 LDOs:</p> <p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority</p> <p>Property specific summary information on past, current</p>		<p>within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/coalauthority</p> <p>Property specific summary information on past, current and future coal mining activity can be obtained from: www.groundstability.com</p>
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		and future coal mining activity can be obtained from: www.groundstability.com		
Dave Sherratt	United Utilities	We have reviewed your consultation documents and have no specific comments to make at this stage, but wish to be included in further consultations and where necessary, the development of your Local Development Orders in Skelmersdale; you future growth plans and supporting policies, to ensure we can facilitate the delivery of the necessary sustainable infrastructure in line with your delivery targets, whilst safeguarding our service to customers.	Findon Digmoor Sports Centre Delf Clough	Comments noted.
Debbie Fifer	Canal & River Trust	Thank you for consulting the Canal & River trust in respect of the following Draft LDO's. <ul style="list-style-type: none"> • Findon • Former Digmoor Sports Centre • Delf Clough I can confirm that the Trust has no comments to make in respect of these documents.	Findon Digmoor Sports Centre Delf Clough	Comments noted.
Alice Ullathorne	Historic England	Thank you for your email of 18 November 2015 regarding the Consultation for the Draft Local Development Orders at Delf Clough, Findon and Digmoor, Skelmersdale. 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.	Findon Digmoor Sports Centre Delf Clough	Comments noted.
Richard Sharples	Lancashire County Council	Given the nature of the proposed development, and the potential for impact on local schools, I would recommend that development be conditional on the submission and assessment of an education provision impact assessment, so as to ensure any impact on school places is considered and mitigated through the planning system. I have provided the draft wording below for inclusion in the LDO.	Findon Digmoor Sports Centre Delf Clough	Section 106 planning obligations cannot be required under a Local Development Order; however, this does not prevent section 106 agreements being offered by a developer. For example, if a condition attached to a Local

		"No development permitted by this LDO shall take place until an education provision impact assessment has been produced in consultation with Lancashire County Council and submitted to the LPA, and if necessary as a result of the impact assessment a scheme providing for the payment of an education contribution has been submitted in writing and approved by the LPA."		Development Order requires mitigation of an impact from development then a section 106 agreement could be used to secure this. Paragraph: 085 Reference ID: 13-085-20140306
Fiona Pudge	Sport England	<p>The supporting information says the Sports Centre closed during October 2011. There is no evidence the loss of the sports centre has been assessed and justified against the criteria of paragraph 74 of NPPF. This requires: Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:</p> <ul style="list-style-type: none"> • An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or • The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or • The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss <p>The Council do not appear to have produced a Sports Facility Strategy that justifies the loss and clearly demonstrates the Sports Centre is surplus to requirements i.e. is not required to meet existing and future predicted need so paragraph 74 9i) of NPPF cannot be met. Paragraph (74iii) of NPPF does not apply because the proposed development is for housing not a sports facility. Sport England Objects to the adoption of this LDO because it is in clear breach of national policy namely paragraph 74</p>	Digmoor Sports Centre	<p>With regards to the concerns lodged by Sport England, the LDO site at the Former Digmoor Sports Centre was closed and demolished in 2011. West Lancs have recently undertaken a Leisure Strategy, which the Draft version is currently out for consultation. The Leisure Strategy (Draft 2015) assesses the built recreational facilities within West Lancashire; this assessment does not include the former Digmoor Sports Centre site as a built recreational facility due to its discontinued use. However, the Strategy states that there is no theoretical shortfall in the existing built sports provision within West Lancashire of the Skelmersdale area.</p> <p>The Leisure Strategy identifies the key aim for the built recreational services as; addressing and rationalise present stock of ageing</p>

		<p>of NPPF.</p> <p>***Comments from Sport England withdrawn on 28/01/2016.</p>		<p>built sports provision to provide facilities which meet contemporary standards. This is based on an affordable model of delivery that reflects the Council's financial position while also providing sustainable gym/swimming provision to service anticipated needs.</p> <p>The aim is to deliver through a partnership a new sports centre within Skelmersdale replacing Nye Bevan pool. This is also a key development aim of the Local Plan Policy SP2: Skelmersdale town Centre – A Strategic Development Site where leisure uses are required as part of a wider mixed use scheme to ensure the vitality and viability of the Town Centre.</p> <p>***Comments from Sport England withdrawn on 28/01/2016.</p>
Dave Allan	LCC Highways	<p>Delf Clough</p> <p>There are no existing footways on Northway in the vicinity of the site and the current nature of Northway would not support pedestrian movement. Any vehicle access to Northway will encourage pedestrian movement even if</p>		<p>Delf Clough</p> <p>Conditions within the LDO cover the issues raised by LCC Highways</p> <p>The implementation of the approved access and off-site works</p>

		<p>pedestrian routing is not included as part of the design. And I must stress that to satisfy NPPF the objective should be to achieve a highly sustainable development that the site should integrate well into its surrounding area and the town as a whole to provide safe, convenient and attractive pedestrian and cycle access. Therefore, any scheme needs to include safe and adequate routes on Northway/ Southway. While the Councils draft LDO conditions have tried to secure adequate detail of access I would like to see more specific requirements and below I have suggested amendments to the conditions to provide pedestrian access via Northway and Southway and bring forward the delivery of the likely all-purpose access to Northway.</p> <p>NO development permitted by this LDO shall commence until all the site access and off-site highway works scheme have been completed in accordance with the approved scheme (referred to in Condition 12) as part of a section 278 agreement, with the Highway Authority under the Highways Act 1980. Reason: To enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users.</p> <p>Before the use of the site hereby permitted is brought into operation facilities shall be provided within the site by which means the wheels of vehicles may be cleaned before leaving the site. Reason: To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard to road users.</p> <p>Findon</p>		<p>of highway improvements shall be in accordance with a phasing plan agreed by the Local Planning Authority prior to the commencement of works on site. Condition 7 also contains a wheel washing requirement.</p> <p>Findon Conditions within the LDO cover the issues raised by LCC Highways The implementation of the approved access and off-site works of highway improvements shall be in accordance with a phasing plan agreed by the Local Planning Authority prior to the commencement of works on site. Condition 7 also contains a wheel washing requirement.</p> <p>With regards to the creation of two bus stops, LDOs cannot request S106 obligations which would be the mechanism for the delivery of the such a request.</p> <p>Digmoor Conditions within the LDO cover the issues raised by LCC Highways The implementation of the approved access and off-site works of highway improvements shall be</p>
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		<p>This brownfield site (former residential area) already has accessed off Birch Green Road and benefit of access to the existing local and strategic road networks. There do not appear to be any constraints to altering this access, or creating a new vehicular access on the site frontage to Birch Green Road and an amended condition 12 would suffice.</p> <p>The site is bounded by existing pedestrian routes that would support pedestrian movement and hence the site should integrate well into its surrounding area and the town as a whole. There are also a number of bus services on Birch Green Road, although there are no bus stops in the vicinity of the site. With the provision of bus stops to serve the site and links to external pedestrian cycle routes the site would satisfy the NPPF objectives to achieve a highly sustainable development. I note the suggested condition 4a includes a requirement for footpaths to the south and west. I would ask that this condition specify "footpaths/cycleways" and requires the provision of 2 bus stops on Birch Green Road (one in each direction) with any required connecting footways between the stops and the site.</p> <p>Digmoor Again this brownfield site has provision of vehicular access off Digmoor Road providing access to the existing local and strategic road networks. The existing vehicular access is in the centre of the frontage to Digmoor Road, I would not wish to see the access moved this location due to the proximity of the roundabout to the south and subway to the north.</p>		<p>in accordance with a phasing plan agreed by the Local Planning Authority prior to the commencement of works on site. Condition 7 also contains a wheel washing requirement.</p>
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		<p>There is an adopted pedestrian route across the north of the site linking Daniels Lane to the Bankfield subway under Digmoor Road providing access routes to the east and west. There are a number of bus services on Digmoor Road with the provision of bus stops in both directions in the vicinity of the site. With internal links to the existing adopted routes I am satisfied that the site can meet the NPPF objectives to achieve a highly sustainable development.</p>		
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