



AGENDA ITEM: 4b

**PLANNING COMMITTEE:
21 June 2012**

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
28 June 2012**

CABINET: 18 July 2012

Report of: Borough Planner

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor M Forshaw

**Contact for further information: Mr P Richards (Extn. 5046)
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SUBJECT: PUBLICATION LOCAL PLAN

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To seek approval to publish the Local Plan Publication document and to seek representation from the public over an 8 week period in August-October 2012 prior to Submission of the document to the Secretary of State for Examination in Public at the end of October 2012.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

2.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

3.1 That the content of this report be considered and that agreed comments be referred to Cabinet for consideration.

4.0 RECOMMENDATIONS TO CABINET

- 4.1 That Cabinet, subject to consideration of the minutes of the LDF Cabinet Working Group on 13 June 2012, Planning Committee and Executive Overview & Scrutiny Committee (Appendices 9-11), approve the Local Plan Publication document at Appendix 1 to this report to be made available for public representation for 8 weeks in August-October 2012 (the Publication period).
 - 4.2 That Cabinet have regard to the five documents provided in Appendices 2-6 in their decision on the recommendation at 4.1, which will also be publicly available for representation alongside the Local Plan Publication.
 - 4.3 That delegated authority is granted to the Borough Planner, in consultation with the Portfolio Holder for Planning & Development, to submit the Local Plan Publication document to the Secretary of State for Examination in Public, together with all the representations received during the Publication period, once authority has been granted by full Council to do so.
 - 4.4 That Call In is not appropriate for this item as the report has been submitted to the Executive Overview & Scrutiny Committee on 28 June 2012.
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5.0 BACKGROUND & CURRENT POSITION

- 5.1 The Local Plan Publication document has been prepared over the past few months following on from the public consultation on the Local Plan Preferred Options (LPPO) paper in January / February 2012.
- 5.2 The Local Plan Publication brings together in a single document several strands of local planning policy that were previously to be covered in separate documents under the Local Development Framework:
 - The more strategic policies that were to be included in the Core Strategy;
 - Development Management Policies that were to be included in a separate Development Management Policies DPD; and
 - The allocation of specific sites for specific types of development that would have been included in a separate Site Allocations DPD.
- 5.3 The policies cover various topics, including economic development, residential development, infrastructure and services provision and the environment and climate change. The timescale of the Local Plan remains the same as was planned for in the Core Strategy – a 15-year period from 2012 to 2027.
- 5.4 Following the LPPO consultation earlier this year and the publication of the new National Planning Policy Framework (NPPF) in March 2012, aside from a few, more significant changes, only relatively minor changes to policy wording are proposed for the Publication document, either to aid clarity or in direct response to a consultation comment. The more significant changes, whether as a result of the previous consultation or the new NPPF, are discussed in section 6.0 below.

- 5.5 However, it should be stressed that the regeneration of Skelmersdale remains the focal point of the Local Plan and Skelmersdale will still take more than half of all development over the plan period. Also, the key, strategic aspects of policy, including the allocation of a strategic development site at Yew Tree Farm in Burscough and the implementation of a “Plan B” remain unchanged in the document.
- 5.6 The Local Plan Publication document has been prepared for Cabinet to consider for a period of public representation (the Publication period). Should Cabinet approve the document for this Publication period, it will be available for representation for an eight-week period (from 9th August to the 5th October 2012) in order to give the general public and stakeholders an opportunity to make a formal representation, following a strict format, on the Local Plan document. Details of the Publication exercise and Representation process are set out in Section 8.0 below.
- 5.7 Several other documents (provided in Appendices 2-6 of this report) will also be available for representation alongside the Local Plan Publication document during the Publication period:
- A Sustainability Appraisal (SA) of the Local Plan Publication document
 - A Habitat Regulations Assessment (HRA) and Appropriate Assessment (AA) Report for the Local Plan Publication document
 - A Health Impact Assessment (HIA) of the Local Plan Publication document
 - An Equalities Impact Assessment (EqIA) of the Local Plan Publication document
 - A Rural Proofing Assessment of the Local Plan Publication document
- 5.8 Following this Publication period, the Local Plan, together with the representations received, will be submitted to the Secretary of State for Examination in Public.

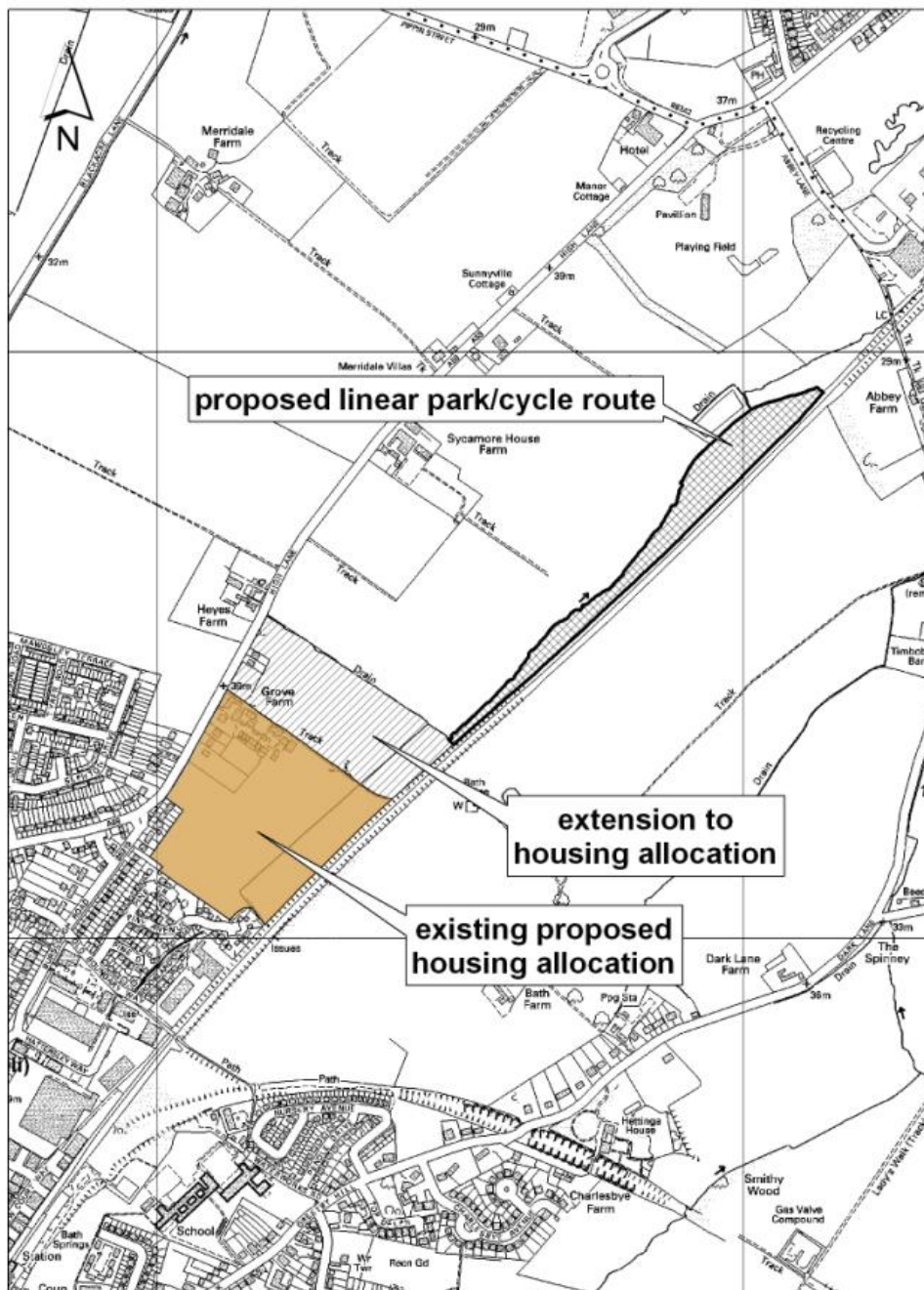
6.0 PROPOSALS

- 6.1 The more significant changes to the Local Plan for Publication are set out below, but it should be stressed that none of these changes are strategic in nature, nor do they mark a change in direction from draft policy previously consulted upon.
- 6.2 Policy SP1 – A Sustainable Development Framework for West Lancashire:
- The insertion of “model wording” on the presumption in favour of sustainable development that is required to be included in Local Plans by CLG.
 - The simplification of the latter part of the policy to avoid duplication with later policies and to relocate less strategic policy to a more appropriate policy later in the document (Policy GN3).
 - Clarification of the settlement hierarchy by re-labelling Ormskirk with Aughton and Burscough as Key Service Centres only.
- 6.3 Policy SP2 – Skelmersdale Town Centre:

- Removal of reference to a “High Street” and to a specific amount of retail floorspace in the policy.
 - Insertion of reference to latest evidence from Retail Study Update in justification.
- 6.4 Policy SP3 – Yew Tree Farm, Burscough:
- Insertion of reference to Ormskirk to Burscough linear park
 - Clarification of wording regarding potential timing of employment development on the site.
 - Insertion of policy wording regarding need for development to have regard to the potential impact on nearby heritage assets.
- 6.5 Policy GN3 – Criteria for Sustainable Development:
- Policy wording amended to avoid duplication with other policies, e.g. with Policy EN4 on design.
 - Policy wording on flood risk and other environmental considerations included to account for that removed from Policy SP1 and suggested by Environment Agency and other organisations in their representations.
- 6.6 Policy GN5 – Sequential Tests:
- Addition of “accommodation for temporary agricultural / horticultural workers” and “proposals at risk from flooding” as types of development where sequential tests will be required.
- 6.7 Policy EC1 – The Economy and Employment Land:
- Types of land use allowed at White Moss Business Park broadened from just office developments to allow other significant employment-generating uses that are in keeping with a high quality business park, such as a hotel or crèche / day nurseries or training centres.
- 6.8 Policy RS1 – Residential Development:
- In line with NPPF, amended housing policy for Small Rural Villages to allow some market housing (beyond very limited infill development), where that market housing makes a predominantly affordable housing scheme viable.
 - Clarification of policy wording regarding provision of accommodation for all ages.
- 6.9 The proposed allocation for the Grove Farm site in Ormskirk within Policy RS1 has increased in size slightly (see Figure 1 below) to allow for a better quality of development proposal and to account for some parts of the site not being suitable for development, as first thought.
- 6.10 The LPPO proposed allocation for the Grove Farm site involved release of Green Belt totalling 8.6 ha and it was thought that all this land except the existing residential properties (8 ha) would be developed for housing, allowing the delivery of approximately 250 dwellings. The feedback from the developer with an option on this site, through their LPPO representation, was that much less of the site is actually developable due to the fact that many of the farm buildings on the High Lane frontage will remain and a buffer is required adjacent to the railway line to allow for the diversion of the drain / brook currently running

through the site. This restricted the developable area to 5.6 ha, which could only accommodate approximately 170 dwellings.

- 6.11 The proposed extension of this site would involve land to the north totalling 5.2 ha, of which 4 ha would be developable. This results in a slightly larger site involving Green Belt release of 13.8 ha, of which 9.6 ha is developable, allowing between 250 and 300 dwellings to be delivered on the extended proposed allocation. The increase in size will therefore correspondingly slightly increase the amount of Green Belt release required but the strategic gap between Ormskirk and Burscough will still be over 1km.
- 6.12 Crucially, the change will also allow for a new linear park / cycle route to be created between Ormskirk and Burscough, utilising the land within the allocation required as a buffer adjacent to the railway line and further land in the same ownership as the Grove Farm site stretching north from the proposed allocation adjacent to the railway line. This land for the linear park / cycle route to the north of the proposed allocation would remain in the Green Belt.



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Figure 1: Amendment to Grove Farm housing allocation

- 6.13 Policy RS2 – Affordable and Specialist Housing:
- Minor changes to policy wording and justification to add clarity (e.g. on off-site provision of affordable housing) or to relate to changes in other policies (e.g. on Small Rural Villages in Policy RS1).
- 6.14 Policy RS4 – Provision for Gypsy and Traveller and Travelling Showpeople:
- Slight change of wording to reflect new national guidance on *Planning Policy for Traveller Sites* and to clarify policy regarding traveller sites in the Green Belt.

- 6.15 Policy RS5 – Accommodation for temporary agricultural / horticultural workers:
- New policy to cover this specialist type of accommodation in rural areas. The policy is based upon the existing policy (DE8) in the Replacement Local Plan (2006) and has been introduced to ensure this matter is covered once the Replacement Local Plan is gone.
- 6.16 Policy IF1 – Maintaining Vibrant Town and Local Centres:
- Clarification of policy wording to aid interpretation and to ensure consistency with NPPF.
- 6.17 Policy IF2 – Enhancing Sustainable Transport Choice:
- Inclusion of fourth linear park, between Ormskirk and Burscough.
 - Inclusion of reference to Policy EN2 to satisfy recommendations of HRA / AA report on LPPO.
- 6.18 Policy EN1 – Low Carbon Development and Energy Infrastructure:
- Inclusion of specific policy wording on wind energy development.
- 6.19 Policy EN2 – Preserving and Enhancing West Lancashire’s Natural Environment:
- New reference made to need to balance the impact of visitor pressure with the biodiversity value of nature conservation sites.
 - Clarification of policy wording regarding protection of agricultural land.
 - Clarification and updating of policy wording on trees and hedgerows.
- 6.20 Policy EN3 – Provision of Green Infrastructure and Open Recreation Space:
- Inclusion of fourth linear park, between Ormskirk and Burscough.
 - New reference made to protection of allotments.
 - New reference made to Ribble Coast and Wetlands Regional Park.
- 6.21 Policies GN1, GN2, GN4, EC2, EC3, EC4, RS3, IF3, IF4 and EN4:
- Minor changes to wording only to aid clarity and understanding of the policy.
- 6.22 In addition to these amendments to policy-wording, Publication stage is the first stage at which the Council prepares a full Proposals Map to accompany the Publication version. This too is open to comment via Publication representations and is submitted alongside the Local Plan DPD document.
- 6.23 The Proposals Map will reflect in map-form what is proposed in policy (i.e. allocating specific sites for specific uses / developments or for protection from development). It will also carry forward environmental designations from the previous Local Plan Proposals Map.
- 6.24 The only other “change” that will be reflected on the Proposals Map will be very minor amendments to the Green Belt boundary across the Borough. These “changes” are not really amendments at all, but are necessary to correct mapping errors in previous Local Plans (made prior to the use of GIS in preparing the Proposals Map or made due to scaling errors) and, on the odd

occasion, very minor changes to reflect small-scale new development that has occurred which straddles a Green Belt boundary.

- 6.25 However, given that they are technically an amendment to the Green Belt boundary, the Council must publicise the proposed amendments and invite representations on them. The minor amendments proposed are listed in Appendix 7 and will be listed in an Appendix to the Local Plan Publication document itself.

7.0 PUBLICATION PERIOD

- 7.1 The eight-week Publication period will be carried out in conformity with the Council's LDF Statement of Community Involvement (SCI) and the latest Regulations relating to the preparation of local planning documents and the Publication stage¹.
- 7.2 It will involve a variety of methods to communicate the Local Plan proposals to the public and stakeholders as well as opportunities to make a representation. These include:
- A "Wrap" feature on the front and back covers of the Champion Newspaper at the start of the Publication period;
 - Permanent exhibitions in several locations across the Borough;
 - Afternoon / evening "drop-in" sessions across the Borough for individuals to get advice on making a representation;
 - Our online portal for making representations and our Local Plan webpages for information;
 - Display of a "Quick Response" code on all material to enable users of smartphones to access our Local Plan webpages and online portal directly on their phone;
 - Our "Your West Lancashire 2027" facebook page; and
 - More traditional written correspondence.
- 7.3 Council officers will also be engaging specifically with Neighbouring Authorities and Parish Councils.
- 7.4 Ultimately, there is a key change in emphasis at Publication stage compared to previous consultation stages on the Local Plan. The Local Plan Publication document represents the Local Plan document that the Council wishes to take forward as their adopted local planning policy, having taken into consideration all the input for the public and other stakeholders in previous consultations.
- 7.5 Therefore, Publication stage is solely for the purpose of seeking formal representations from members of the public and other stakeholders on the Publication document for a Planning Inspector to consider at an Examination in Public alongside the Publication document, once it has been submitted to the Secretary of State. As such, there will be no change to the Publication document between the Publication period and Submission to the Secretary of State.

¹ Town and Country Planning (Local Planning) (England) Regulations 2012, Regulations 19, 20 and 35

- 7.6 Given that the Publication stage is that bit more formal and seeks representations to be considered by a Planning Inspector, there is a formal format that each representation must follow. A representation must identify whether it considers the preparation of the Local Plan has complied with the legal requirements and whether the Local Plan can be considered “sound” or not.
- 7.7 Given this added layer of formality and complexity in making representations, one of the key tasks for the Council in the Publication period is to explain this representation-making process as clearly as possible, and in plain English, to enable all those that wish to make a representation to do so in the correct format and in the correct manner. Therefore, the information that the Council will produce is vital in this, as will be the “drop-in” sessions that are planned.

8.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 8.1 The Sustainability Appraisal (SA) and Habitats Regulations Assessment (HRA) for the Local Plan Publication document are included in the Appendices to this report. The assessments have informed the preparation of the Local Plan throughout the process and these final assessments have raised no issues which would undermine the deliverability or sustainability of the Local Plan or cause an unduly negative impact on any international sites of habitat value.
- 8.2 Other assessments on Health Impact Assessment (HIA), Equality Impact Assessment (EqIA) and Rural Proofing are also available in the Appendices and have informed the evolution of the Local Plan throughout its preparation.
- 8.3 The sustainability of the Local Plan is augmented by the fact that delivery of the Local Plan will also help progress the implementation of key aspects of the Sustainable Community Strategy.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 Budgetary provision has been made to allow for the Publication period and the subsequent Examination in Public via the Planning & Delivery Grant received by the Council in past years and the Planning Service revenue budget.
- 9.2 The Government have recently announced measures to allow local authorities to retain a significant proportion of the business rates generated in their area from April 2013. This builds on the new homes bonus scheme, which already provides grant funding to local authorities based on the number of new homes built each year. Taken together, these measures create a strong financial incentive for local authorities to take action to promote housing and economic growth. It also means that those authorities with low rates of housing and economic growth are likely to face reductions in their external funding.
- 9.3 The new National Planning Policy Framework (NPPF) also incentivises the preparation of a Local Plan because, without an up-to-date Local Plan, decisions on planning applications will increasingly have to be made in relation to the NPPF’s presumption in favour of sustainable development, which in turn may

lead to an increase in planning appeals where the Council refuses permission for any development it considers not to be sustainable.

10.0 RISK ASSESSMENT

- 10.1 The Local Plan will ultimately be subject to an Examination in Public where a Planning Inspector will ensure that all the correct procedures have been followed in preparing the document and will assess whether the document can be considered “sound” or not.
- 10.2 A key part of the evidence base will also be the Sustainability Appraisal, and so the relative sustainability merits of each policy within the Preferred Options will be an important factor considered by the Planning Inspector. Therefore, it is important that these factors are taken into account when preparing the Local Plan and that the Local Plan is fully justified by evidence, otherwise the document could ultimately be found “unsound” by the Planning Inspector.

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.

A wide range of background, evidence base documents have been utilised in preparing the Local Plan Publication document. This evidence base is available on the Council’s website at:

http://www.westlancs.gov.uk/planning/planning_policy/local_development_framework/evidence_and_research.aspx

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 of this report is attached at Appendix 8 in line with Council procedure, the results of which have been taken into account in the Recommendations contained within this report. A statutory Equalities Impact Assessment (EqIA) of the Local Plan Publication document has also been prepared in line with national guidance and legislation, and is provided at Appendix 5.

Appendices

1. The Local Plan Publication document
2. Sustainability Appraisal of the Local Plan Publication document – prepared by URS / Scott Wilson (June 2012)
3. Habitat Regulations Assessment (HRA) Screening and Appropriate Assessment (AA) Report for the Local Plan Publication document – prepared by URS / Scott Wilson (June 2012)
4. Health Impact Assessment (HIA) of the Local Plan Publication document – prepared by the Primary Care Trust (June 2012)
5. Equality Impact Assessment (EqIA) of the Local Plan Publication document – prepared by WLBC (May 2012)
6. Rural Proofing Assessment of the Local Plan Publication document – prepared by WLBC (May 2012)
7. Minor Green Belt amendments on the Proposals Map
8. Equality Impact Assessment
9. Minute of LDF Cabinet Working Group – 13 June 2012 (Planning Committee, Executive Overview & Scrutiny Committee and Cabinet)
10. Minute of Planning Committee – 21 June 2012 (Executive Overview & Scrutiny Committee and Cabinet only)
11. Minute of Executive Overview & Scrutiny Committee – 28 June 2012 (Cabinet only)

Appendix 1 (the Local Plan Publication document) has been provided separately to each Cabinet / Committee Member, but is also available on the Council's website (COINS) and a paper copy has been made available in the Members' Library.

Appendices 2-6 are very large and, therefore, have not been printed for each Cabinet / Committee Member, but are available on the Council's website (COINS) and a paper copy of each has been made available in the Members' Library.

Appendix 7

Minor Amendments to the Green Belt boundary

Site	Nature	Reason
Burscough		
Burscough Sports Centre	Green Belt boundary and Green Space amended at north-east corner of Burscough Sports Centre	To match OS base map
4 Back Lane	Green Belt boundary amended	To match OS base map
Rear of 53 Moss Nook	Green Belt boundary amended	To match OS base map
Gemini and 98 Moss Nook	Green Belt boundary amended	To match OS base map
3 Back Moss Lane	Green Belt boundary amended	To match OS base map
Warpers Moss Lane	Green Belt boundary amended	To match OS base map
South curve	Green Belt boundary amended	To match OS base map
Heathfields estate	Green Belt boundary amended	To match OS base map
Pippin Street roundabout	Green Belt boundary amended	To match OS base map
Adj. 80 Orrell Lane	Green Belt boundary amended	To match OS base map
Aughton		
Rear of 34 Smithy Lane	Green Belt boundary amended	To match OS base map
Halsall		
Halsall St. Cuthbert's School	Green Belt boundary and Green Space amended at south-east corner of Halsall St Cuthbert's School	To match OS base map
Halsall Manor Court	Green Belt boundary amended	The Green belt covered part of Halsall Manor Court

Site	Nature	Reason
Poppy Close and Daisy Way	Green Belt boundary amended	To match OS base map
Haskayne		
Jackson Close	Green Belt boundary amended on western side of Jackson Close	To replace a strip of land that had no allocation
Scarisbrick		
Eastern side of Otterstye View and rear of adjoining properties on Southport Road	Green Belt boundary amended	To match OS base map
Westhead		
Front of 137 Crosshall Brow	Green Belt boundary amended	To match residential curtilage
Rear of 2A Wigan Road	Green Belt boundary amended	To match OS base map
The Hollies and Holly Barn, School Lane	Green Belt boundary amended	To make a more logical boundary
Stanley Gate		
143A Liverpool Road and adj. Holly Cottage, Lathom Road	Green Belt boundary amended	To match OS base map
Rear gardens of properties on Lathom Road	Green Belt boundary amended	The online version did not match the printed maps. Boundary amended to reflect the printed maps
Parbold		
Greenfield Avenue	Green Belt boundary amended at rear of properties on Greenfield Avenue	To match OS base map
Lathom Avenue	Green Belt boundary amended by properties at northern end of Lathom Avenue	To match OS base map
Wrightington		
Adj. 161 and 194 Mossy Lea Road	Green Belt boundary amended	To match OS base map

Site	Nature	Reason
Crawford		
Lindsay Cottage	Green Belt boundary amended	The Green Belt ran through the middle of the property
Tontine		
County High School	Green Belt boundary amended	To match OS base map
Mere Brow		
East of 9 Mere Brow Lane	Green Belt boundary amended to follow southern bank of Tarleton Runner east of 9 Mere Brow Lane	To match OS base map
Tarleton		
Junction of Coe Lane and Windgate	Green Belt boundary and open space amended	To match the road junction
Hesketh Bank		
199 – 203 Chapel Road	Green Belt boundary amended	To account for new housing developed straddling the previous Green Belt boundary

N.B. In Tarleton / Hesketh Bank, the Green Belt boundary appears to have “slipped” when being plotted for the previous Local Plan. This slip has been corrected for the new Local Plan.

Appendix 8

Equality Impact Assessment - process for services, policies, projects and strategies

1.	<p>Using information that you have gathered from service monitoring, surveys, consultation, and other sources such as anecdotal information fed back by members of staff, in your opinion, could your service / policy / strategy / decision (including decisions to cut or change a service or policy) disadvantage, or have a potentially disproportionately negative effect on, any of the following groups of people:</p> <p><i>People of different ages – including young and older people</i> <i>People with a disability;</i> <i>People of different races / ethnicities / nationalities;</i> <i>Men;</i> <i>Women;</i> <i>People of different religions / beliefs;</i> <i>People of different sexual orientations;</i> <i>People who are or have identified as transgender;</i> <i>People who are married or in a civil partnership;</i> <i>Women who are pregnant or on maternity leave or men whose partners are pregnant or on maternity leave;</i> <i>People living in areas of deprivation or who are financially disadvantaged.</i></p>	No
2.	<p>What sources of information have you used to come to this decision?</p>	<p>The Local Development Framework Evidence Base</p>
3.	<p>How have you tried to involve people / groups in developing your service / policy / strategy or in making your decision (including decisions to cut or change a service or policy)?</p>	<p>Decision is directly related to a document that will be subject to a public consultation exercise</p>
4.	<p>Could your service / policy / strategy or decision (including decisions to cut or change a service or policy) help or hamper our ability to meet our duties under the Equality Act 2010? Duties are to:</p> <p><i>Eliminate discrimination, harassment and victimisation;</i> <i>Advance equality of opportunity (removing or minimising disadvantage, meeting the needs of people);</i> <i>Foster good relations between people who share a protected characteristic and those who do not share it.</i></p>	<p>Help – an improved Local Plan document will seek to deliver development and infrastructure improvements that benefit all and endeavour to support a more equal society</p>
5.	<p>What actions will you take to address any issues raised in your answers above</p>	N/A