

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

	General		
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 because it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) and 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) and 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>
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.

PRESENT:

Councillors: Furey (Chairman)

Ashcroft	Mee
Mrs Blake	Nixon
Bullock	O'Toole
Davis	Pendleton
Delaney	Pryce-Roberts
Devine	Savage
Greenall	Westley
Kay	

Officers: Assistant Director Housing and Regeneration (Mr B Livermore)
Principal Solicitor (Mrs T Sparrow)
Principal Overview and Scrutiny Officer (Mrs C A Jackson)

1. APOLOGIES

There were no apologies for absence.

2. MEMBERSHIP OF THE COMMITTEE

In accordance with Council Procedure Rule 2, Members noted the termination of membership of Councillors Cotterill, Forshaw, Mrs Houlgrave and Whittington and the appointment of Councillors Pryce-Roberts, Mee, Mrs Blake and O'Toole respectively, thereby giving effect to the wishes of the Political Groups and the permanent appointment of Councillor Delaney.

3. URGENT BUSINESS

There were no items of urgent business.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. DECLARATIONS OF PARTY WHIP

There were declarations of a Party Whip.

6. MINUTES

RESOLVED: That the minutes of the meeting held on 1 April 2015 be received as a correct record and signed by the Chairman.

7. RELEVANT MINUTES OF CABINET

Consideration was given to the minutes of the Cabinet held on 16 June 2015.

RESOLVED: That the minutes of the Cabinet meeting held on 16 June 2015 be noted.

8. CALL IN ITEMS

There were no items under this heading.

9. DRAFT LANDLORD SERVICES DISABLED ADAPTATIONS POLICY

Consideration was given to the draft report of the Assistant Director Housing and Regeneration in relation to the draft Landlord Services Disabled Adaptations Policy for consultation purposes that sought agreed comments, if any, to be referred to him.

In discussion comments and questions were raised in relation to the following:

- Major adaptations – assessments (process; application support; role of voluntary sector).
- Adaptation Panel - role; membership; reporting mechanism.
- Funding adaptations – maximum limit; sourcing/types of additional funding.
- Responding to changing needs – “future proofing”; application timescales; flexibility and review; removing uncertainty.
- Means testing – categories; definitions; young person age-cap.
- Adaptations and residency – tenant transfer (criteria; sensitivities)
- Impact on HRA – budget issues; capital programme; future planning.
- Linking to private sector policy.

It was recognised that there were challenges to produce a suitable policy and yet is also mindful of the sensitivities surrounding the needs of eligible tenants with mayor adaptations to their homes and resource implications.

The Assistant Director Housing and Regeneration provided clarification on issues raised and responded to questions referring to details set down in the report. In response to Member questions on the means testing criteria at 7.2 of the draft policy and budget implications resulting from installation/ dismantling of adaptations already funded, he made an undertaking to circulate additional information.

RESOLVED: As a consequence of the discussion on the Draft Landlord Services Disabled Adaptation Policy consultation document the Committee asked that the Assistant Director Housing and Regeneration be mindful of the discussion and concerns raised by Members therein and the agreed comment be:

“That the report, following completion of the consultation process, be referred for consideration by this Committee, before final approval of the Policy by Cabinet.”

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Chairman

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.

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LEADER



AGENDA ITEM: 9

**PLANNING COMMITTEE:
3 September 2015**

**CABINET:
15 September 2015**

**EXECUTIVE OVERVIEW & SCRUTINY
COMMITTEE: 1 October 2015**

Report of: Assistant Director Planning

Relevant Managing Director: Managing Director (Transformation)

Relevant Portfolio Holder: Councillor J Hodson

Contact for further information: Mr S Benge
(Email Stephen.benge@westlancs.gov.uk)

**SUBJECT: ADOPTION OF DEVELOPMENT IN THE GREEN BELT
SUPPLEMENTARY PLANNING DOCUMENT**

Wards affected: Borough Wide

1.0 PURPOSE OF THE REPORT

- 1.1 To seek Cabinet's approval for the adoption of the Development in the Green Belt Supplementary Planning Document as attached at Appendix A to this report.

2.0 RECOMMENDATIONS TO PLANNING COMMITTEE

- 3.1 That the content of this report, the Development in the Green Belt SPD attached at Appendix A to this report, the Consultation Feedback Report at Appendix B, and the Adoption Statement at Appendix C, be considered and that agreed comments be referred to Cabinet.

3.0 RECOMMENDATIONS TO CABINET

- 3.1 That Cabinet consider the contents of the Development in the Green Belt SPD Consultation Feedback Report set out at Appendix B to this report, and the agreed comments of Planning Committee at Appendix D.

- 3.2 That Cabinet approve the Adoption Statement at Appendix C, and adopt the Development in the Green Belt SPD at Appendix A, 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 Executive Overview and Scrutiny Committee, as per recommendation 3.3 below.
- 3.3 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 Executive Overview & Scrutiny Committee, before the document is published.
- 3.4 That Call In is not appropriate for this item as this report is being submitted to Executive Overview & Scrutiny Committee on 1 October 2015.

4.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW & SCRUTINY COMMITTEE

- 4.1 That the content of this report, the Development in the Green Belt SPD Consultation Feedback Report set out at Appendix B to this report, and the Development in the Green Belt SPD at Appendix A be considered, and that agreed comments be referred to the Assistant Director Planning for consideration, in consultation with the Portfolio Holder.

5.0 BACKGROUND

- 5.1 The adopted the West Lancashire Local Plan 2012-2027 (WLLP) is the development plan for West Lancashire, and sets out the scale, distribution and principles for the development of the Borough up to 2027. The WLLP does not, however, contain a specific policy in relation to development within the Green Belt. Instead it relies on national Green Belt policy, as set out in paragraphs 79-92 of the National Planning Policy Framework (NPPF). WLLP policy GN1(b) states: *“Development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies”*.
- 5.2 There have been two supplementary planning guidance notes (SPGs) in place since 2000 / 2001 on Green Belt development, namely the Domestic Extensions and Outbuildings and Replacement Dwellings in the Green Belt SPG, and the Stable Buildings in the Green Belt SPG. Whilst national Green Belt policy has remained largely unchanged since before 1999, it is considered the two SPGs are in need of updating and combining into a single SPD for clarity. There is also a need to cross-reference WLLP policies that apply to the Green Belt.
- 5.3 A draft Green Belt development SPD was prepared during early 2015. The draft SPD did not vary national policy, but added a local interpretation of national policy by setting out the Borough Council’s position with regard to certain details not specified in the NPPF, and adding further clarification with regard to certain NPPF Green Belt policies. The purpose of this SPD was to provide:

- A “local take” on the types of development potentially permissible in the Green Belt under paragraphs 89 and 90 of the NPPF, by advising which WLLP policies will apply to such development; and
 - A local interpretation of NPPF terms such as what would constitute “disproportionate additions” to a building in the Green Belt (NPPF paragraph 89, bullet 3) or a “materially larger” replacement building (NPPF paragraph 89, bullet 4).
- 5.4 Significantly, the draft Green Belt SPD did not propose (or allow for) any changes to Green Belt boundaries in West Lancashire, as this can only be done through the adoption of a new Development Plan Document such as the WLLP.
- 5.5 The draft SPD was approved for consultation by Cabinet in March 2015. Public consultation on the SPD took place for six weeks, from Thursday 14 May – Friday 26 June 2015.
- 5.6 A total of 65 responses were received. The representations and the Council’s proposed responses are set out at Appendix B for Cabinet to take into account as they consider recommendation 3.1 above. The main points made were:
- Questioning whether it is beyond the scope of an SPD to identify what the Council would consider ‘disproportionate’ or ‘materially larger’;
 - The SPD’s consideration of what constitutes previously developed land should match the definition provided within Annex 2 of the NPPF;
 - Questioning the 20% increase in volume figure by which a replacement building is judged to be ‘materially larger’ and therefore inappropriate development in the Green Belt (as stated in para.89 of the NPPF);
 - Questioning the 40% increase in volume figure by which extensions or alterations are judged to be ‘disproportionate additions’ and therefore inappropriate development in the Green Belt;
 - Seeking clarification in relation to the extent to which outbuildings will be included within any volume calculations relating either to the existing or original building;
 - Queries regarding the extent to which permitted development rights will be taken into account when calculating potential volumes of existing dwellings; and
 - Disagreement with the Council’s approach of reserving the right to remove permitted development rights from replacement dwellings in the Green Belt.

6.0 CURRENT POSITION

- 6.1 A number of amendments have been made to the SPD in the light of the representations received. These representations are summarised in the Consultation Feedback Report attached to this report at Appendix B, adjacent to the relevant representation. The amended SPD is at Appendix A to this report.

7.0 NEXT STEPS

- 7.1 If Cabinet Members approve the SPD for adoption (subject to any amendments made by the Assistant Director Planning, in consultation with the Portfolio Holder, as per recommendation 3.3 above); the SPD will become a significant material consideration in all relevant planning decisions once it has been finalised and published on the Council's website after Executive Overview & Scrutiny Committee.

8.0 SUSTAINABILITY IMPLICATIONS / COMMUNITY STRATEGY

- 8.1 The purpose of the Green Belt SPD is to facilitate sustainable development in West Lancashire, consistent with the West Lancashire Local Plan and the National Planning Policy Framework.
- 8.2 Ensuring development in the Green Belt is in accordance with policy should help achieve the vision of the Sustainable Community Strategy, namely that West Lancashire should be the cleanest, safest, healthiest and greenest place in the country to live, work and enjoy.

9.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 9.1 The preparation of the Development in the Green Belt SPD has been resourced through the Planning Service's revenue budgets.

10.0 RISK ASSESSMENT

- 10.1 Not having an up-to-date SPD which provides guidance on Green Belt issues could lead to developers challenging planning decisions relating to Green Belt development, and increase the possibility of unsuitable development in the Borough. The speedy preparation and adoption of this SPD should ensure that the above scenario is avoided.

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

F to this report, the results of which have been taken into account in the Recommendations contained within this report.

Appendices

Appendix A – Development in the Green Belt Supplementary Planning Document

Appendix B – Development in the Green Belt Supplementary Planning Document Consultation Feedback Report

Appendix C – Adoption Statement for Development in the Green Belt Supplementary Planning Document

Appendix D – Minute of Planning Committee, 3 September 2015 (for Cabinet and Executive Overview & Scrutiny Committee only) *to follow*

Appendix E – Minute of Cabinet, 15 September 2015 (for Executive Overview & Scrutiny Committee only)

Appendix F – Equality Impact Assessment



Supplementary Planning Document Development in the Green Belt

September 2015

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



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1. Introduction

1.1 What is a Supplementary Planning Document?

This Supplementary Planning Document (SPD) on Green Belt development forms part of the suite of planning documents associated with the West Lancashire Local Plan 2012-2027 (WLLP or 'the Local Plan'). This SPD is subsidiary to the overarching Local Plan, which provides strategic and development management policies for West Lancashire. Once adopted, the SPD will assist West Lancashire Borough Council in determining planning applications.

This SPD should be read alongside other relevant guidance, including the National Planning Policy Framework (the NPPF), Planning Practice Guidance, the West Lancashire Local Plan, and other SPDs, for example the West Lancashire Design Guide SPD (2008).

Some minor development is permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 without the need for a planning application. Such development is usually known as 'permitted development'. Home owners and developers who are considering such schemes are nonetheless encouraged to refer to the guidance in this SPD when considering even minor development. This guidance clarifies the implications of permitted development on future planning proposals in the Green Belt.

This SPD will not propose any changes to any Green Belt boundaries but will be used when making a judgment on planning applications put before the Council. However all applications will be judged on their merits and on a case by case basis, having regard to the adopted Development Plan and any other material planning considerations including national planning policy and this SPD

1.2 Sustainability Appraisal

Since the Green Belt SPD will be based upon, and consistent with, national policy and does not propose any changes to any Green Belt boundaries, it is not considered that the Green Belt SPD requires its own Sustainability Appraisal or Strategic Environmental Assessment.

1.3 The Green Belt in West Lancashire

West Lancashire is predominantly rural in character, with scattered villages, the market town of Ormskirk, and the new town of Skelmersdale, and comprises the largest extent of highest grade farmland in the North West of England. It is this character and the Borough's proximity to a number of urban centres, including Liverpool and Preston that make it a popular place to live for those commuting both to Merseyside, Greater Manchester and to other parts of Lancashire.

The Green Belt in West Lancashire covers more than 90% of the total land in the Borough. The Green Belt boundaries where West Lancashire borders Sefton and Knowsley were established through the Merseyside Green Belt Plan in 1983. The general extent of the Green Belt elsewhere in West Lancashire was designated through Policy 8(a)(v) of the Central and North Lancashire Structure Plan, adopted in March 1993. Following this, detailed Green Belt boundaries were established around West Lancashire's towns and smaller settlements via a series of area-specific local plans, adopted by the Borough Council.

Map 1 below illustrates the extent of the West Lancashire Green Belt and the settlement areas.



Map illustrating the extent of West Lancashire's Green Belt and settlement areas

Green Belt (West Lancashire)
 Settlements

1.4 Planning Policy in relation to the Green Belt

National Planning Policy

Paragraphs 79-92 of the NPPF set out national planning policy in relation to Green Belt. It is clear that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent the uncontrolled spread of urban areas by keeping land permanently open. The essential characteristics of the Green Belt are its openness and its permanence.

The Green Belt serves five purposes:

1. To check the unrestricted sprawl of large built-up areas;
2. To prevent neighbouring towns merging into one another;
3. To assist in safeguarding the countryside from encroachment;
4. To preserve the setting and special character of historic towns; and
5. To assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

The West Lancashire Green Belt Study 2011 demonstrates that virtually all Green Belt land adjacent to the settlements of West Lancashire fulfils at least one of the above purposes of the Green Belt.

In March 2014, the government introduced National Planning Practice Guidance (NPPG), a web-based planning policy resource. NPPG provides extra detail and guidance to back up the national planning policies set out in the NPPF. NPPG may be updated periodically, but should always remain consistent with NPPF policy.

Local Planning Policy

The adopted Local Plan does not have a Green Belt policy as such. Instead, Policy GN1(b) states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.

The approach to considering development within the Green Belt

The approach to considering proposals for development in the Green Belt is to first ascertain whether or not the proposed development is appropriate in the Green Belt. Case Law¹ recognises that the NPPF does not define what constitutes inappropriate development in the Green Belt. Instead it identifies what may be acceptable forms of development (i.e. development capable of being not “inappropriate”), with all other forms of development therefore regarded as inappropriate by necessary implication.

¹ See *Fordent Holdings v. Secretary of State for Communities and Local Government* [2013] EWHC 2844 (Admin), paragraph 19

Note that where a proposed development contains individual elements that may be judged “not inappropriate”, these do not make the development as a whole appropriate². Development cannot be seen as acceptable in terms of Green Belt policy, merely because part of it is “not inappropriate”.

The table below sets out the types of development deemed “not inappropriate” in the Green Belt by paragraphs 89 and 90 of the NPPF, and highlights the relevant West Lancashire Local Plan policies that apply to such development and/or links to sections of this SPD which provide further information.

² See *Timmins / Lymn v. Gedling Borough Council* [2014] EWHC 654 (Admin)

Development type	Relevant WLLP Policies and further information
NPPF paragraph 89:	
<i>Buildings for agriculture and forestry</i>	Policy EC2 supports the continuing use of rural areas for employment use
<i>Facilities for outdoor sport, outdoor recreation</i>	Policy EN3 provides more detail about the Council's approach to providing open space and recreation facilities
<i>Extension or alteration of a building</i>	See section 2.6 on extensions in the Green Belt
<i>Replacement of a building</i>	See section 2.2 for replacement dwellings and 2.3 for all other buildings in the Green Belt
<i>Limited infilling in villages</i>	West Lancashire contains no villages within the Green Belt
<i>Limited affordable housing for local community needs</i>	Under Policy RS1 very limited affordable housing (i.e. up to 4 units) may be permitted within the Green Belt where it can be proven that there are no suitable sites within the nearest adjacent settlement, in accordance with the sequential test in Policy GN5 . The area of search could be the settlement, ward or parish; it is not necessarily restricted to 'nearest adjacent settlement'. The Council's Affordable Housing SPD will also provide further detailed advice on this subject.
<i>Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land)</i>	See section 2.3 for conversion of existing buildings, or section 2.4 for the redevelopment of brownfield sites in the Green Belt
NPPF paragraph 90:	
<i>Mineral extraction</i>	Lancashire County Council has responsibility for identifying sites and policies for minerals development in the Borough. The WLLP contains a map showing where Mineral Safeguarding Areas have been designated within West Lancashire in the Adopted Joint Lancashire Minerals and Waste Development Framework.
<i>Local transport infrastructure which can demonstrate a requirement for a Green Belt location</i>	Lancashire County Council is responsible for transport policy within the Borough. The current Local Transport Plan 3 runs from 2011 – 2021. Policy IF2 seeks to support the strategic transport priorities for West Lancashire as well as more minor local priorities and specific local issues.
<i>Development brought forward under a Community Right to Build Order</i>	West Lancashire does not currently have any Community Right to Build Orders in operation. This will be monitored if the situation changes.

1.5 Impact of development upon the Green Belt

Openness

The term openness is taken to mean the absence of buildings or development on over or under the land³. Whether a development impacts upon openness is therefore an absolute test and is not concerned with the extent to which development is visible, aesthetically pleasing or camouflaged.⁴

With regard to the openness of the Green Belt, the Council will consider the impact of proposals on a case by case basis and the unique circumstances of the site. Redevelopment proposals should generally have no greater impact than the existing development on the openness of the Green Belt and the purposes of including land within it, and where possible, have less impact.

In some instances, replacement buildings are desired elsewhere on a site. Sometimes this can have a greater or lesser impact on the perception of openness, dependent on their location. In these cases the Council will assess the existing site and the impact of any existing building. If the new position would not be in keeping with its surroundings, be more prominent or would be less in keeping or would have a greater perceived impact upon the openness of the Green Belt, the proposal is less likely to be acceptable. However, if it is considered to have less impact upon openness, this is likely to weigh in favour of the application.

Very Special Circumstances

If the development is inappropriate, it is, by definition, harmful to the Green Belt and should not be approved except in '**Very Special Circumstances**' which can only exist where the potential harm to the Green Belt by way of inappropriateness, and any other harm, is clearly outweighed by other considerations (NPPF paragraphs 87-88).

When attempting to demonstrate 'Very Special Circumstances', the onus is on the applicant to prove that the exceptional nature of the proposal outweighs the harm that it would cause to the Green Belt. Each argument will be judged on its own unique set of circumstances and any accepted case would not necessarily result in a precedent for similar arguments on the same or alternative sites.

Where development is permitted in the Green Belt on grounds of very special circumstances, the Council will reserve the right to remove permitted development rights

³ This approach has been used by Inspectors in West Lancashire cases. E.g. see decision letter for Bannister House Farm, Mere Brow (22 October 2014), paragraph 10 (Ref: APP/P2365/A/14/2217810)

⁴ Timmins / Lymn v Gedling Borough Council [2014] EWHC 654 (Admin) paragraph 74

for development which may have an adverse impact upon the openness of the Green Belt. This may include extensions and outbuildings, fences, or activities such as external storage.

Permitted Development within the Green Belt

There are certain forms of development that householders are able to carry out which do not need planning permission. These are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015. However certain types of properties converted to residential use or previously extended may have had their Permitted Development rights removed – this often applies to properties such as barn conversions and other recent buildings (including dwellings that have replaced older buildings)

Householders should consult the Planning Portal website and seek guidance from the Council on the need for planning permission before carrying out any extension or alteration work.

2.1. General Principles in relation to redevelopment of previously developed land in the Green Belt

Previously developed land can include vacant land and / or existing buildings.

The NPPF defines previously developed land as:

“Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure”.

Previously Developed Land excludes:

- land that is or has been occupied by agricultural or forestry buildings;
- land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;
- land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and
- land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.

West Lancashire has a number of previously developed (or ‘brownfield’) sites within the Green Belt. In line with the NPPF, the Council will consider redevelopment proposals of previously developed sites based on their impact upon the openness of the Green Belt and the purpose of including land within it.

The following policies deal with replacement dwellings, replacement non-residential buildings, conversions of buildings and redevelopment of brownfield sites. If the guidance is not followed, proposals are unlikely to be successful unless the applicant can demonstrate very special circumstances. Although the policies will be the basis for making a judgment on planning applications put before the Council, it must be stressed that all applications will be judged on their merits on a case by case basis having regard to the adopted Development Plan and any other material planning considerations including national planning policy and this SPD.

2.2 Replacement dwellings

POLICY GB1 – REPLACEMENT DWELLINGS IN THE GREEN BELT

A proposal for the replacement of an existing dwelling within the Green Belt should satisfy each of the following criteria:

- a) The existing dwelling is lawful and permanent in nature;
- b) The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces;
- c) The replacement dwelling should not materially harm the openness of the Green Belt through excessive scale or bulk. It should also be in keeping with the character of the area and appropriate in terms of design and materials;
- d) The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces
- e) The replacement dwelling should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness or achieve significant environmental improvements or road safety benefits.

The applicant must submit to the Council details of the existing and proposed dwellings within a 'Green Belt Assessment', which should include:

- full details of the volume calculations (in cubic metres) of the existing dwelling (or dwellings), as well as any outbuildings
- volume calculations of the proposed replacement dwelling

Detached outbuildings will not be included as part of the volume of the existing dwelling. However, if any outbuildings of permanent and substantial construction are to be demolished in tandem with the demolition of the existing dwelling, an extra allowance may be made in terms of the increase in volume of the proposed dwelling. The extra volume permitted under this 'allowance' will typically be less than the volume of the outbuildings being demolished.

The applicant will also be required to carry out a survey of any protected wildlife species⁵ and their habitat which may be present in the existing building and its curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.

Where appropriate, a condition will be attached to any permission requiring the demolition of the existing property before any replacement is occupied and remediation of the site following demolition of the dwelling.

⁵ S.41 of the Natural Environment & Rural Communities Act 2006 defines what are 'protected species'

The Council reserves the right to remove permitted development rights for development which may have an adverse impact upon the openness of the Green Belt. This may include extensions and outbuildings, fences or activities such as external storage.

Justification

NPPF paragraph 89 bullet point 3 allows for replacement dwellings in the Green Belt, providing the new dwelling is not 'materially larger' than the one it replaces.

The Council considers that a limit of 20% is appropriate in terms of the increase in volume of the replacement dwelling compared with the dwelling it replaces.

Any unused permitted development rights on the existing dwelling will not be taken into account in volume calculations; these are effectively 'forfeited' if a dwelling is replaced.

Regardless of the percentage limits for increases in volume, replacement dwellings will be judged on their impact on the openness of the Green Belt, their design, their siting within the plot and general location. It may be the case that a replacement dwelling is judged to have an unacceptable impact on the openness of the Green Belt compared with the existing dwelling, even if the above volume limits have not been breached. Conversely, there may be cases where the limits could be marginally exceeded if a replacement dwelling is designed in such a way that its impact on openness is minimised.

If the applicant proposes a replacement dwelling in a different location on the same site as the existing, it will be necessary to demonstrate that there is no increase in the overall visual impact of the building in the landscape. A scheme of remediation of the original house site will also be required and will be linked by condition or legal agreement to any replacement house.

The Council will consider the appropriateness or otherwise of the removal of permitted development rights on a case by case basis. The purpose of the removal of permitted development rights for extensions and outbuildings and other structures from replacement dwellings in the Green Belt is to prevent future cumulative additions that may adversely impact upon the openness of the Green Belt.

The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.

2.3 Conversion and replacement of non-residential buildings

There is a varied range of buildings located in the Green Belt which are no longer suitable for their original purposes. The majority are likely to be agricultural buildings but there may also be churches, chapels, schools, public houses, and other buildings for which an alternative use may be sought.

Many of these buildings make a positive contribution to the character and appearance of the area. Provided they are structurally sound, conversion of these buildings, for example to employment or community use, visitor accommodation or housing, can safeguard their future. By re-using existing resources, conversions can also meet the aims of sustainable built development.

Conversion of a building is considered to be development which would not lead to effective demolition and reconstruction of the building.

POLICY GB2 – CONVERSION OR REPLACEMENT OF NON-RESIDENTIAL BUILDINGS IN THE GREEN BELT

1. Conversion of buildings

A proposal for the conversion of an existing non-residential building within the Green Belt should satisfy each of the following criteria:

- (a) The building should be of permanent and substantial construction and capable of conversion without major change, demolition or extension;
- (b) The proposals will maintain and enhance the character and wider landscape setting and site features;
- (c) The proposals seek to improve the external appearance of the building, in line with the Borough Council's Design Guide SPD;

2. Replacement buildings

A proposal for the replacement of an existing non-residential building within the Green Belt with another non-residential building should satisfy each of the following criteria:

- (a) The existing building should be lawful and permanent in nature;
- (b) The total volume of the replacement building should not be more than 20% larger than the volume of the building it replaces;

- (c) The replacement building should not materially harm the openness of the Green Belt through excessive scale or bulk or by virtue of its location. It should also be in keeping with the character of the area and appropriate in terms of design and materials;
- (d) The replacement building should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness and/or it will achieve significant environmental improvements or road safety benefits.

The applicant must submit to the Council details of the existing and proposed buildings within a '*Green Belt Assessment*', which should include:

- full details of the volume calculations (in cubic metres) of the existing building(s) on site;
- volume calculations of the proposed replacement building(s).

Where appropriate, a condition will be attached to any permission, requiring the demolition of the existing buildings before the commencement of use of any replacement, and remediation of the site following demolition.

For both conversions of buildings and replacement buildings, the applicant will also be required to carry out a survey of any protected wildlife species⁶ and its habitat which may be present in the existing building and its curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.

Justification

Conversions of buildings are permitted under NPPF paragraph 90, provided the buildings are of permanent and substantial construction.

In the case of traditional buildings, the proposal should retain essential features and detailing such as openings, walls and roofs as well as traditional forms and layouts

There are some buildings which may not be suitable for conversion, for example those of lightweight or less permanent construction such as glasshouses or timber stable buildings; buildings which are structurally unsound, missing substantial sections of wall or roofs; and / or buildings at risk of flooding.

The Council considers that a replacement building which is up to 20% larger than that which it replaces may be appropriate in the Green Belt. Regardless of the percentage limits for increases in volume, replacement buildings will be judged on their impact on the openness of the Green Belt, their design, their siting within the plot and general location. It may be

⁶ S.41 of the Natural Environment & Rural Communities Act 2006 defines what are 'protected species'

the case that a replacement building is judged to have an unacceptable impact on the openness of the Green Belt compared with the existing building, even if the above Policy GB2 volume limits have not been breached. Conversely, there may be cases where the limits could be marginally exceeded if a replacement building is designed in such a way that its impact on perceived openness is minimised.

The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.

2.4 Previously developed sites in the Green Belt

POLICY GB3 – REDEVELOPMENT OF PREVIOUSLY DEVELOPED SITES IN THE GREEN BELT

Proposals for the redevelopment of previously developed sites within the Green Belt will be permitted provided the proposed development would not have a greater impact than the existing development on the openness of the Green Belt or on the purposes of including land within the Green Belt.

The applicant will also be required to carry out a survey of any protected wildlife species⁷ and their habitat which may be present in any existing building(s) and their curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.

Justification

Policy GB3 is consistent with paragraph 89 of the NPPF.

When determining the impact of the proposed development upon the openness of the Green Belt, the Council would take into consideration a number of issues including:

- Existing and previous buildings which occupy or may have occupied the site, including their size and layout;
- If no longer present, how long ago the buildings occupied the site, and for what period of time.

⁷ S.41 of the Natural Environment & Rural Communities Act 2006 defines what are ‘protected species’

2.5 Other considerations in relation to residential development on Brownfield land in the Green Belt

In the case of residential development on brownfield sites in the Green Belt, a proportion of the units should be affordable housing in accordance with WLLP **Policy RS2 (Affordable and Specialist Housing)** and WLLP **Policy AH1 (Affordable Housing Requirements)** of the Affordable Housing SPD 2015, if the Policy RS2 threshold for providing affordable housing has been exceeded.

For sites currently or most recently in employment or retail use (e.g. Use Classes A1, B1,B2, B8) or as agricultural/horticultural workers' dwellings, WLLP **Policy GN4 (Demonstrating Viability)** would need to be satisfied, unless such development were Permitted Development under the Town and Country Planning (General Permitted Development) (England) Order 2015

WLLP **Policy RS5 (Accommodation for Temporary Agricultural/Horticultural Workers)** permits the re-use of existing buildings within the Green Belt for accommodation for temporary agricultural and/or horticultural workers provided that it complies with other policies in the Local Plan and national planning policy. WLLP **Policy EC2 (The Rural Economy)** states that as a general approach, the re-use of existing buildings within rural areas will be supported where they would otherwise be left vacant. This conforms with paragraph 90 of the NPPF which sets out the re-use of buildings (providing they are of permanent and substantial construction) as an exception to inappropriate development in the Green Belt.

The Council reserves the right to remove permitted development rights for development which may have an adverse impact upon the openness of the Green Belt. This may include extensions and outbuildings, fences or activities such as external storage.

2.6 Alterations and Extensions to Buildings within the Green Belt

There is a substantial demand to extend dwellings within the Green Belt. Although house extensions can, in principle, be appropriate development within the Green Belt, large extensions can substantially change the original appearance of a rural building and can have a cumulative effect on the character of the Green Belt. The following policy therefore provides guidance on how the Council will assess proposals for extensions to buildings in the Green Belt.

POLICY GB4 - ALTERATIONS AND EXTENSIONS TO BUILDINGS WITHIN THE GREEN BELT

Proposals for an extension to an existing building within the Green Belt should satisfy each of the following criteria:

- (a) The existing building is lawful and permanent in nature;
- (b) The total volume of the proposal, together with any previous extensions, alterations and non-original outbuildings, would not result in an increase of more than 40% above the volume of the original building.
- (c) The design of the extension or alteration is in keeping with the original form and appearance of the building and does not materially harm the openness of the Green Belt through excessive scale or bulk, or by virtue of its location. It should also be in keeping with the character of the area and appropriate in terms of design and materials.

The applicant must provide clear evidence of what constitutes the original property and the volume of subsequent and proposed extensions within a '*Green Belt Assessment*' submitted to the Council, which should include:

- full details of the volume calculations (in cubic metres) of the 'original' property(-ies), plus any original domestic outbuildings;
- volume calculations (in cubic metres) of any subsequent extensions / outbuildings; and
- volume calculations of the proposal.

Outbuildings of permanent and substantial construction (i.e. generally not sheds or green houses) and other attached covered structures such as car ports or porches will be taken into account in determining whether a proposal complies or not with the requirements of criterion (b) in that the volume of any outbuilding or extension which does not form part of the 'original building' will be taken into account in assessing whether or not the 40% threshold has been reached.

The 'original building' is defined within the NPPF as the building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

The extension of an existing residential property within the Green Belt should not result in an increase in the residential curtilage.

The Council reserves the right to remove permitted development rights for subsequent development which may have an adverse impact upon the openness of the Green Belt. This may include extensions and outbuildings, fences or activities such as external storage.

The applicant may also be required to carry out a survey of any protected wildlife species⁸ and their habitat which may be present in any existing building(s) and their curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.

Justification

Extensions and alterations to buildings in the Green Belt are not considered in national or local planning policy to constitute inappropriate development, providing that any extension or alteration is not disproportionate and therefore, by definition, harmful to the openness of the Green Belt. Disproportionate development is defined in the NPPF as that which is 'materially larger' than the original building. The Council considers that any extension or alteration to a building within the Green Belt which exceeds 40% of the volume of the original building to be materially larger and therefore disproportionate.

This figure of 40% is provided as a guide only. There may be cases where an extension of less than this volume would be considered to have an unacceptable impact upon the perceived openness of the Green Belt in certain locations. Figure 1 and 2 (page 20) illustrate examples of extensions of less than 40% of the size of the original property which, due to their form and projection from the original building, may be judged to have a greater perception of negative impact upon openness. Figure 3 on the other hand, illustrates an extension of 40% of the original property. Due to its position in relation to the property, the impact of this form of extension upon the perceived openness of the Green Belt would be substantially less than the extensions in Figures 1 or 2. Similarly, it may be possible to have an extension, similar to that shown in Figure 3, but of marginally more than 40% of the original property, whose impact upon the perceived openness of the Green Belt is also substantially less than the extensions in Figures 1 or 2.

In summary, the prominent or easily visible expansion of a building will detract more from the perceived openness of the Green Belt than would a more concealed or compact form of expansion. For example, the infilling of space between existing parts of the building, so that no further outward projection is involved, would often have no material effect on the perceived openness of the Green Belt. Most outwardly projecting extensions are likely to detract to some degree from the perceived openness of the Green Belt. In some cases very small outward additions to an already disproportionately extended building may often have no further material impact on the perceived openness of the Green Belt and may be

⁸ S.41 of the Natural Environment & Rural Communities Act 2006 defines what are 'protected species'

allowed. However it is not possible to set out prescriptive rules in this respect and every case will be examined on its own merits.

Any additions on the site that have been constructed since the 'original' building date will be considered cumulatively and will be counted as part of the overall increase in size of the building when further new additions are being assessed. In the case of residential properties, this includes any building or structure erected as an enlargement of the dwelling for the purpose of additional domestic accommodation, or for a purpose ancillary to the residential use of the dwelling. This approach is taken because small reductions in openness, repeated many times, can cumulatively have a material detrimental effect. In the case of domestic properties, detached outbuildings are included as, despite their detachment, these are considered as extensions. (New detached domestic outbuildings would otherwise constitute inappropriate development in the Green Belt).

No development will be permitted in Green Belt areas which would result in the extension of domestic gardens as this is deemed to have a potential impact on openness and conflicts with the purposes of including land in the Green Belt.

The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.

Figures 1 -3: Impact of extensions upon the perceived openness of the Green Belt

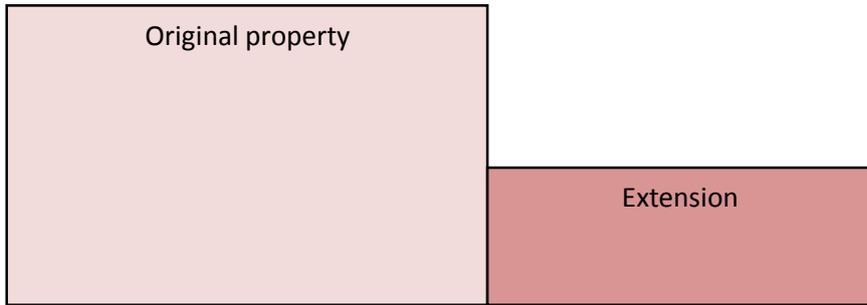


Figure 1

Figure 2

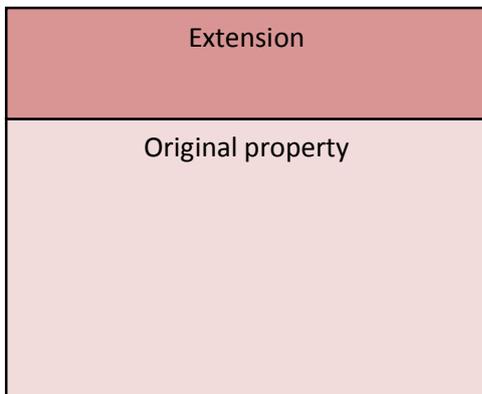
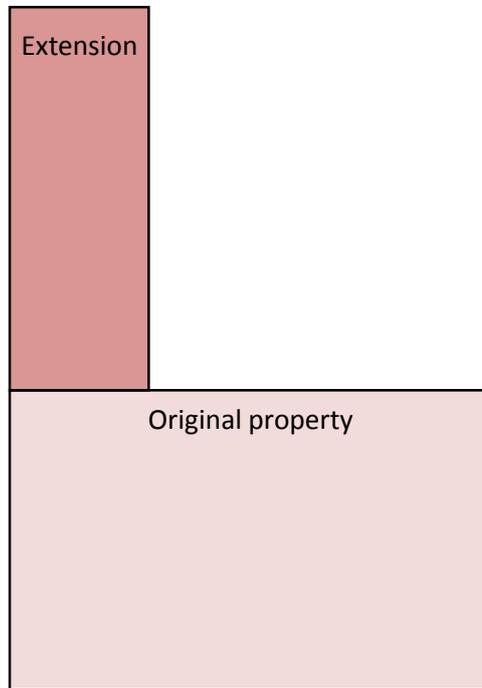


Figure 3

2.7 Stable Buildings in the Green Belt

The policy below concerns stables used for private recreational purposes only which may be situated in private gardens or open fields within the Green Belt. Commercial riding stables will be subject to different planning policies e.g. WLLP **Policy EC2** (The Rural Economy).

POLICY GB5 – STABLE BUILDINGS IN THE GREEN BELT

The number of stables should be appropriate to the intended use and should be kept as small as possible. Applicants should provide evidence to demonstrate the need for the stable building and to justify the amount of accommodation required.

New stables should meet the following criteria:

Design and scale

- Stables should normally comprise blocks of single stable depth, opening directly to the outside
- The building should have a maximum height to the roof ridge of 3.5m
- Each stable should have a maximum floor space of 14m²
- Tack rooms and hay stores should be of a similar size to that of an individual stable

Materials

Stables should be constructed from timber mounted on low brick plinths or with some limited courses of internal blockwork up to a height of 1.3m in order to protect timber walls from damage from the horses.

Siting

When siting stable buildings, the following guidelines should be followed:

- The stable building should not be in an open or prominent position and, if possible, should be close to existing buildings;
- The stable building should not require the construction of a long track in order to provide access; this may in itself constitute an engineering operation requiring planning permission;
- The stable building should, however, be an appropriate distance from the façade of any inhabited building, or of the boundary of any garden of any inhabited building not in the same ownership of the stable (to avoid nuisance from smell, noise, etc.); and

The siting of the stable building should not have any adverse effect upon protected wildlife habitats⁹ or species, heritage assets or agricultural interests.

⁹ S.41 of the Natural Environment & Rural Communities Act 2006 defines what are 'protected species'

Areas of hardstanding

These areas associated with the stables should be the minimum size necessary for operation.

Landscaping and Boundary Treatments

Such screening should comprise a mixture of indigenous species of hedge and small trees appropriate to that particular rural setting. Details of landscaping and boundary treatments should be included in any application for a stable building.

Wildlife

Features such as nesting boxes within the eaves, or holes for birds or bats incorporated within stable buildings, will be encouraged.

Waste Disposal

Any applications for stable buildings should include details of drainage and methods for storage and disposal of manure.

Exceptions to these sizes and designs will only be accepted in very special circumstances.

Justification

There has been considerable growth in horse riding as a recreational pursuit in recent years. Demand has been stimulated by new facilities associated with farm holdings and by the selling off of individual fields or paddocks. Stable blocks on open, undeveloped land can appear isolated and intrusive and, once established, can lead to the intensification of uses on the site. The objective of this policy is to ensure that new stables are only permitted in locations which are not damaging to the character and appearance of the countryside.

Stables generally tend to be required for relatively short periods of time, with needs varying according to change of ownership or occupation of land or associated dwellings. On this basis, the Council considers it inappropriate that the stables should be constructed of permanent materials such as brick or stone. This may result in them remaining on the site long after they are needed and lead to a proliferation of brick and stone buildings across the countryside, to the detriment of the character and openness of the Green Belt. Instead, materials should help to reduce the impact of such buildings on the character and openness of the Green Belt.

The impact of these buildings can also be reduced by minimising the amount of hardstanding permitted around the stable buildings, in order to prevent the encroachment of development into the open countryside. Stable buildings and hardstanding areas can, if necessary, be screened by vegetation to further reduce their impact on the landscape.

The British Horse Society provide further advice on issues of pasture management in the publication 'Advice on Pasture Management'¹⁰.

The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.

¹⁰ www.bhs.org.uk

Late Information

Planning Committee: 3 September 2015 (Item 8)

Cabinet : 15 September 2015 (Item 5(a))

Executive Overview and Scrutiny Committee : 1 October 2015

Item 8 – Adoption of Development in the Green Belt Supplementary Planning Document

The following amendment is proposed to the first paragraph under section 2.5 of the SPD, on p.16 of the SPD (p.466 of the Planning Committee Agenda);

“In the case of residential development on brownfield sites in the Green Belt, where the threshold for providing affordable housing is to be exceeded, a proportion of the units should be affordable housing in accordance with the requirement for the Borough’s Key Service Centres, Key Sustainable Villages and Rural Sustainable Villages in **WLLP Policy RS2 (Affordable and Specialist Housing) of the West Lancashire Local Plan**, and **WLLP Policy AH1 (Affordable Housing Requirements)** of the Affordable Housing SPD 2015, if the Policy RS2 threshold for providing affordable housing has been exceeded. Further detail in relation to the provision of affordable housing in West Lancashire, including as it applies to brownfield sites in the Green Belt, will also be provided in the Council’s forthcoming Affordable Housing SPD.”

The change reflects the fact that the Council is not able to adopt the Affordable Housing SPD alongside the Development in the Green Belt SPD at this time.

Planning Committee should also note that, should this amendment be accepted by Cabinet as part of the adopted SPD, the Adoption Statement (Appendix C to the report on Item 8) will also be amended before publication to reflect this change to the SPD.

Development in the Green Belt Supplementary Planning Document

Consultation Statement

August 2015

This Consultation Statement comprises two sections:

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

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

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

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

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

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

February 2015

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WEST LANCASHIRE BOROUGH COUNCIL

**Planning and Compulsory Purchase Act 2004 (as amended)
The Town and Country Planning (Local Planning) (England) Regulations 2012**

**NOTICE OF ADOPTION OF DEVELOPMENT IN THE GREEN BELT
SUPPLEMENTARY PLANNING DOCUMENT**

**In accordance with Regulations 14 & 35 of the Town and Country Planning
(Local Planning) (England) Regulations 2012, notice is given that West
Lancashire Borough Council adopted its Development in the Green Belt
Supplementary Planning Document on 2 October 2015**

Title of Document:	Development in the Green Belt Supplementary Planning Document (SPD)
Subject Matter:	The SPD provides guidance on development within the Green Belt.
Area covered by Document:	The SPD is applicable to any land within West Lancashire Borough designated as Green Belt under the West Lancashire Local Plan 2012-2027 Development Plan Document.
Adoption Date:	2 October 2015
Modifications (Changes) made:	See Appendix 1 to this Adoption Statement for a schedule of changes made (as a result of consultation or for the purposes of other improvements)
Legal Challenge	Any person aggrieved by the adoption of the Development in the Green Belt Supplementary Planning Document may make an application to the High Court for permission to apply for judicial review of the decision to adopt this Supplementary Planning Document. Any such application must be made promptly and in any event no later than 3 months after the date on which the Supplementary Planning Document was adopted.

Availability of Documents:

The adopted SPD, this Adoption Statement and the Consultation Statement are available for inspection by following the link from www.westlancs.gov.uk/planningpolicy and also at the following locations during normal opening hours:

Council offices

Opening hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun
WLBC, 52 Derby St, Ormskirk	09:00 – 17:00				09:00 – 16:45	Closed	Closed
Contact centre, Concourse, Skelmersdale	09:00 – 17:00				09:00 – 16:45	Closed	Closed

Libraries

Opening hours	Mon	Tue	Wed	Thu	Fri	Sat	Sun
Ormskirk Library, Burscough St, Ormskirk, L39 2EN	09:00 - 19:00	09:00 - 17:00	09:00 - 17:00	09:00 - 17:00	09:00 - 19:00	09:00 - 16:00	Closed
Skelmersdale Library, Southway, Skelmersdale, WN8 6EL	09:00 - 19:00	09:00 - 17:00	09:00 - 17:00	09:00 - 19:00	09:00 - 17:00	09:00 - 16:00	Closed
Up Holland Library, Hall Green, Up Holland, WN8 0PB	9.30-13:00; 14:00-19:00	9:30-13:00	Closed	9.30-13:00 14:00-17:00	9.30-13:00; 14:00-19:00	9.30-12:30	Closed
Burscough Library, Mill Lane, Burscough, L40 5TJ	9.30-12:30; 13:30-18:00	9:30-12:30; 13:30-17:00	Closed	9.30-12:30; 13.30-17.00	9.30-12:30; 13:30-18:00	9.30-12:30	Closed
Tarleton Library, Mark Square, Tarleton, PR4 6TU	09:30 - 19:00	09:30 - 17:00	Closed	09:30 - 17:00	09:30 - 19:00	09:30 - 13:00	Closed
Parbold Library, The Common, Parbold, WN8 7EA	9.00 - 18:00	9:00-17:00	Closed	9:00-17:00	9:00-18:00	9:00-12:30	Closed

Further information:

Further information, or advice, can be obtained by phoning 01695 585046 or by emailing localplan@westlancs.gov.uk

Appendix 1 Development in the Green Belt Supplementary Planning Document (SPD)

Schedule of changes made to the Final SPD following public consultation in May / June 2015

Additional inserted text is shown in blue and underlined. Deleted text is shown in ~~blue~~ and ~~struck through~~. Changes have been made either as a result of representations received on the SPD during the public consultation exercise, or in order to improve the clarity of the document.

Page / Policy	Change to	Reason for change
3	Once adopted, the SPD will <u>be used by</u> West Lancashire Borough Council in determining planning applications.	To improve clarity with regard to the function and purpose of the SPD.
3	Some minor development is permitted by the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014 <u>2015</u>	To reflect updated policy / legislation
3	However all applications will be judged on their merits and on a case by case basis -, having regard to the adopted Development Plan and any other material planning considerations including national planning policy and this SPD	To improve clarity with regard to the function and purpose of the SPD.
7	in accordance with the sequential test in Policy GN5 . <u>The area of search could be the settlement, ward or parish; it is not necessarily restricted to 'nearest adjacent settlement'.</u>	To improve clarity.
8	The term openness is taken to mean the absence of buildings or development + <u>on over or under the land.</u>	To more accurately reflect national policy.
8	If the new position would not be in keeping with its surroundings, <u>be more prominent or</u> would be less in keeping or would have a greater <u>perceived</u> impact upon the openness of the Green Belt,	To improve clarity.
8/9	<u>the Council will reserve the right to remove permitted development rights for extensions and outbuildings to prevent future additions that cumulatively</u> development which may have an adverse impact upon the openness of the Green Belt. <u>This may include extensions and outbuildings, fences, or activities such as external storage.</u>	To improve clarity.
9	These are set out in the Town & and Country Planning (General Permitted Development) (<u>England</u>) Order 2008, 2015 . However this does not automatically apply to all buildings, for example: <ul style="list-style-type: none"> • buildings not in residential use certain types of properties converted to residential use <u>or previously extended</u> may have had their Permitted Development rights removed	To reflect updated policy / legislation, and to improve clarity.

Page / Policy	Change to	Reason for change
10	<p>Previously developed land does not include <u>Developed Land excludes:</u></p> <ul style="list-style-type: none"> • land that is or has been occupied by agricultural or forestry buildings; • <u>land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;</u> • land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; <u>and</u> • land that was previously developed but where the remains of the permanent <u>structure</u> or fixed surface infrastructure <u>structure</u> have blended into the landscape in the process of time ; • waste disposal or landfill sites 	To more accurately reflect national policy.
10	In line with the NPPF, the Council will consider redevelopment proposals of previously developed sites based on their impact upon the openness of the Green Belt and the purpose of including land within it.	To more accurately reflect national policy.
10	If the criteria in the policies are <u>guidance is</u> not met <u>followed</u> , proposals are unlikely to be successful unless the applicant can demonstrate very special circumstances. Although the policies will be the basis for making a judgment on planning applications put before the Council, it must be stressed that all applications will be judged on their merits on a case by case basis <u>having regard to the adopted Development Plan and any other material planning considerations including national planning policy and this SPD.</u>	To improve clarity with regard to the function and purpose of the SPD.
Policy GB1 p11	<p>A proposal for the replacement of an existing dwelling within the Green Belt must <u>should</u> satisfy each of the following criteria:</p> <p>a) The existing dwelling is lawful and permanent in nature;</p> <p>b) The total volume of the replacement dwelling should not be more than 20% greater than the dwelling that it replaces . Outbuildings within 5m of the existing dwelling will be included within this volume calculation;</p> <p>c) The replacement dwelling should not materially harm the openness of the Green Belt through excessive scale or bulk. It should also be in keeping with the character of the area and appropriate in terms of design and materials;</p> <p>d) The curtilage of the replacement dwelling should be no larger than that established for the dwelling it replaces</p> <p>e) The replacement dwelling should be on or close to the <u>site footprint</u> of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will <u>have no adverse impact on openness or</u> achieve significant environmental improvements or road safety benefits.</p>	<p>To improve clarity with regard to the function and purpose of the SPD.</p> <p>To improve clarity.</p> <p>To improve clarity.</p>
Policy GB1 p11	<p>... 'Green Belt Assessment', which should include:</p> <ul style="list-style-type: none"> • full details of the volume calculations (in cubic metres) of the existing dwelling (or dwellings)); <u>as well as any outbuildings</u> 	To improve clarity.

Page / Policy	Change to	Reason for change
	<p><u>Detached outbuildings will not be included as part of the volume of the existing dwelling. However, if any outbuildings of permanent and substantial construction are to be demolished in tandem with the demolition of the existing dwelling, an extra allowance may be made in terms of the increase in volume of the proposed dwelling. The extra volume permitted under this 'allowance' will typically be less than the volume of the outbuildings being demolished.</u></p>	<p>To improve clarity, in particular with regard to how outbuildings will be considered.</p>
<p>Policy GB1 p11</p>	<p><u>The applicant will also be required to carry out a survey of any protected wildlife species and their habitat which may be present in the existing building, and its curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.</u></p>	<p>To better reflect national policy.</p>
<p>Policy GB1 p11</p>	<p>Where appropriate, a condition will be attached to any permission requiring the demolition of the existing property before any replacement is occupied <u>and remediation of the site following demolition of the dwelling.</u></p>	<p>To improve clarity.</p>
<p>Policy GB1 p12</p>	<p><u>The Council, where appropriate, will reserves the right to remove permitted development rights for development which may have an adverse impact upon the openness of the Green Belt. This may include extensions and outbuildings from replacement dwellings in the Green Belt, fences or activities such as external storage.</u></p>	<p>To improve clarity.</p>
<p>12</p>	<p>Conversely, there may be cases where the limits could be marginally exceeded if a replacement dwelling is <u>particularly well</u>-designed, in such a way that its impact on openness is minimised.</p>	<p>To improve clarity.</p>
<p>12</p>	<p>If the applicant proposes a replacement dwelling in a different location <u>on the same site as</u> the existing</p>	<p>To improve clarity.</p>
<p>12</p>	<p><u>The Council will consider the appropriateness or otherwise of the removal of permitted development rights on a case by case basis. The purpose of the removal of permitted development rights for extensions and outbuildings and other structures from replacement dwellings in the Green Belt will is to prevent future cumulative additions that may cumulatively adversely impact upon the openness of the Green Belt.</u></p>	<p>To improve clarity.</p>
<p>12</p>	<p><u>The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.</u></p>	<p>To better reflect national policy.</p>
<p>13</p>	<p>... there may also be churches, chapels, schools, public houses, <u>stables</u> and <u>others other buildings</u> for which an alternative use may be sought</p>	<p>To improve clarity; stables are dealt with in a separate policy.</p>

Page / Policy	Change to	Reason for change
Policy GB2 p13	<p>A proposal for the conversion of an existing non-residential building within the Green Belt must<u>should</u> satisfy each of the following criteria:</p> <p>(a) The building must<u>should</u> be of permanent and substantial construction and capable of conversion without major change, <u>demolition</u> or extension;</p> <p>(b) The proposals will maintain the character of the building, retaining essential features and detailing, as well as traditional forms and layouts;</p> <p>(c)<u>(b)</u> The proposals will maintain and enhance the site features, and the character and wider landscape setting <u>of the area and site features</u>;</p> <p>(d)<u>(c)</u> The proposals will seek to improve the external appearance of the building, in line with the Borough Council's Design Guide SPD-;</p>	To improve clarity, including with regard to the function and purpose of the SPD.
Policy GB2 p13	<p>A proposal for the replacement of an existing non-residential building within the Green Belt with another non-residential building must<u>should</u> satisfy each of the following criteria:</p> <p>(a) The existing building is<u>should be</u> lawful and permanent in nature;</p> <p>(b) The total volume of the replacement building should not be more than 20% larger than the volume of the building it replaces;</p> <p>(c) <u>The replacement building should not materially harm the openness of the Green Belt through excessive scale or bulk or by virtue of its location. It should also be in keeping with the character of the area and appropriate</u> in terms of design and materials-;</p> <p><u>(d) The replacement building should be on or close to the footprint of the one it replaces, unless it can be satisfactorily demonstrated that an alternative location within the same curtilage will have no adverse impact on openness and/or it will achieve significant environmental improvements or road safety benefits.</u></p>	To improve clarity, including with regard to the function and purpose of the SPD.
Policy GB2 p14	<p>... 'Green Belt Assessment', which should include:</p> <ul style="list-style-type: none"> • full details of the volume calculations (in cubic metres) of the existing building(s); <u>on site</u>; 	To improve clarity
Policy GB2 p14	<p>Where appropriate, a condition will be attached to any permission, requiring the demolition of the existing property buildings before <u>the commencement of use of</u> any replacement is brought into use, and remediation of the site following demolition.</p> <p><u>For both conversions of buildings and replacement buildings, the applicant will also</u> be required to carry out a survey of any protected wildlife species <u>and its habitat</u> which may be present in the existing building, and its curtilage. <u>Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.</u></p>	To improve clarity and to better reflect national policy.

Page / Policy	Change to	Reason for change
14	There are some buildings which may not be suitable for conversion, for example those of lightweight or less permanent construction such as glasshouses or timber stable buildings; buildings which are structurally unsound, missing substantial sections of wall or roofs, ruined beyond recognition, eyesores which should be removed in the interests of landscape conservation; and / or buildings at risk of flooding. Conversion of non-residential buildings to housing should provide acceptable standards of accommodation in terms of room sizes and amenity.	To improve clarity.
15	Conversely, there may be cases where the limits could be marginally exceeded if a replacement building is particularly well- designed, in such a way that its impact on perceived openness is minimised.	To improve clarity.
15	The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.	To better reflect national policy.
Policy GB3 p15	Vacant previously Previously developed sites in the Green Belt POLICY GB3 – REDEVELOPMENT OF VACANT PREVIOUSLY DEVELOPED SITES IN THE GREEN BELT Proposals for the redevelopment of vacant previously developed sites within the Green Belt will be permitted	To better reflect national policy.
Policy GB3 p15	The applicant will also be required to carry out a survey of any protected wildlife species and their habitat which may be present in any existing building(s) and their curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.	To better reflect national policy.
15	the Council would take into consideration a number of issues including: <ul style="list-style-type: none"> • PreviousExisting and previous buildings which occupy or may have occupied the site, including their size and layout-; • HowIf no longer present, how long ago the buildings occupied the site, and for what period of time. 	To improve clarity.
16	WLLP Policy RS2 (Affordable and Specialist Housing) and WLLP Policy AH1 (Affordable Housing Requirements) of the Affordable Housing SPD 2015, if the Policy RS2 threshold for providing affordable housing has been exceeded.	To improve clarity

Page / Policy	Change to	Reason for change
	<p>For sites currently or most recently in employment or retail use (e.g. Use Classes A1, B1,B2, B8) or as agricultural/horticultural workers' dwellings, WLLP Policy GN4 (Demonstrating Viability) would need to be satisfied, unless such development were Permitted Development under the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014.<u>2015</u></p> <p>WLLP Policy RS5 (Accommodation for Temporary Agricultural/Horticultural Workers) permits the re-use of existing buildings within the Green Belt for accommodation for temporary agricultural and/or horticultural workers provided that it complies with other policies in the Local Plan and national planning policy. WLLP Policy EC2 (The Rural Economy) states</p>	
16	<p>Where new dwellings are permitted in the Green Belt, theThe Council will reserve<u>reserves</u> the right to remove permitted development rights for extensions and outbuildings in order to prevent future additions that cumulatively<u>development which may have an adverse</u> impact upon the openness of the Green Belt. <u>This may include extensions and outbuildings, fences or activities such as external storage.</u></p>	To improve clarity.
Policy GB4 p17	<p>Proposals for an extension to an existing building within the Green Belt must<u>should</u> satisfy each of the following criteria:</p> <p>(a) The existing building is lawful and permanent in nature;</p> <p>(b) The total volume of the proposal, together with any previous extensions, alterations and non-original outbuildings, would not result in an increase of more than 40% above the volume of the original building (including, in the case of residential properties, any outbuildings or parts of outbuildings within 5m of the existing dwelling).</p>	To improve clarity, including with regard to the function and purpose of the SPD.
Policy GB4 p17	<p>'Green Belt Assessment' submitted to the Council, which should include:</p> <ul style="list-style-type: none"> • full details of the volume calculations (in cubic metres) of the 'original' property(-ies);<u> plus any original domestic outbuildings;</u> • volume calculations (in cubic metres) of any subsequent extensions <u>/ outbuildings;</u> and • volume calculations of the proposal. 	To improve clarity.
Policy GB4 p17	<p><u>Outbuildings of permanent and substantial construction (i.e. generally not sheds or green houses) and other attached covered structures such as car ports or porches will be taken into account in determining whether a proposal complies or not with the requirements of criterion (b) in that the volume of any outbuilding or extension which does not form part of the 'original building' will be taken into account in assessing whether or not the 40% threshold has been reached.</u></p>	To improve clarity.

Page / Policy	Change to	Reason for change
Policy GB4 p18	<u>The Council reserves the right to remove permitted development rights for further extensions and outbuildings to prevent future additions that cumulatively subsequent development which may have an adverse impact upon the openness of the Green Belt. This may include extensions and outbuildings, fences or activities such as external storage.</u>	To improve clarity.
Policy GB4 p18	<u>The applicant may also be required to carry out a survey of any protected wildlife species and their habitat which may be present in any existing building(s) and their curtilage. Mitigation measures or replacement provision may be required in order to secure the future of any population found to be present.</u>	To better reflect national policy.
18	There may be cases where an extension of less than this volume would be considered to have an unacceptable impact upon the <u>perceived</u> openness of the Green Belt in certain locations. Figure 1 (a) and (b) <u>overleaf 2 (page 20)</u> illustrate examples of extensions of less than 50 <u>40</u> % of the size of the original property which, due to their form and projection from the original building, may be judged to have a <u>greater perception of</u> negative impact upon openness. Figure 23 on the other hand, illustrates an extension of 50 <u>40</u> % of the original property. Due to its position in relation to the property, the impact of this form of extension upon the <u>perceived</u> openness of the Green Belt would be substantially less than either the extensions in Figures 1 or 2. Similarly, it may be possible to have an extension, similar to that shown in Figure 1 (a) or (b) <u>3</u> , but of marginally more than 40% of the original property, whose impact upon the perceived openness of the Green Belt is also substantially less than the extensions in Figures 1 or 2.	To improve clarity.
18	<u>In summary, the prominent or easily visible expansion of a building will detract more from the perceived openness of the Green Belt than would a more concealed or compact form of expansion. For example, the infilling of space between existing parts of the building, so that no further outward projection is involved, would often have no material effect on the perceived openness of the Green Belt. Most outwardly projecting extensions are likely to detract to some degree from the perceived openness of the Green Belt. In some cases very small outward additions to an already disproportionately extended building may often have no further material impact on the perceived openness of the Green Belt and may be allowed. However it is not possible to set out prescriptive rules in this respect and every case will be examined on its own merits.</u>	To improve clarity.
19	Any additions to <u>on</u> the <u>buildingsite</u> that have been constructed since the 'original' building date will be considered cumulatively ... This approach is taken because small reductions in openness, repeated many times, can cumulatively have a material detrimental effect. <u>In the case of domestic properties, detached outbuildings are included as, despite their detachment, these are considered as extensions. (New detached domestic outbuildings would otherwise constitute inappropriate development in the Green Belt).</u>	To improve clarity.

Page / Policy	Change to	Reason for change
19	No development will be permitted in Green Belt areas which would result in the extension of domestic gardens as this is deemed to have a potential impact on openness and conflicts with the purposes of including land in the Green Belt .	To better reflect national policy.
19	The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.	To better reflect national policy.
20	Figures 1 & 2: Illustration of the impact-3: Impact of extensions upon the perceived openness of the Green Belt	To improve clarity.
Policy GB5 p21	The siting of the stable building should not have any adverse effect upon protected wildlife habitats or species , heritage assets or agricultural interests.	To better reflect national policy.
23	The British Horse Society provide further advice on issues of pasture management in the publication 'Advice on Pasture Management' .	To improve clarity.
23	The Council has a duty to conserve biodiversity – including a population or habitat – and must consider how wildlife or land may be affected in when making planning decisions about development and land use.	To better reflect national policy.

Adoption of Development in the Green Belt Supplementary Planning Document

MINUTE OF PLANNING COMMITTEE HELD ON 3 SEPTEMBER 2015

29. ADOPTION OF DEVELOPMENT IN THE GREEN BELT SUPPLEMENTARY PLANNING DOCUMENT

Consideration was given to the report of the Assistant Director Planning as contained on pages 445 to 520 of the Book of Reports and to the amendment on page 530 of the Late Information Report.

The purpose of the report was to consider the contents of the report, and its Appendices, the Development in the Green Belt SPD, the Consultation Report and the Adoption Statement.

RESOLVED: There were no agreed comments to be referred to Cabinet.

MINUTE OF CABINET – 15 SEPTEMBER 2015

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.

Equality Impact Assessment Form



Directorate: Transformation	Service: Planning
Completed by: Stephen Benge	Date: 20/08/15
Subject Title: Development in the Green Belt Supplementary Planning Document	
1. DESCRIPTION	
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 (Eliminating unlawful discrimination/harassment, advancing equality of opportunity, fostering good relations):	Yes
Details of the matter under consideration:	Adoption of a supplementary planning document guiding development within the Green Belt.
<p><i>If you answered Yes to any of the above go straight to Section 3</i> <i>If you answered No to all the above please complete Section 2</i></p>	
2. RELEVANCE	
Does the work being carried out impact on service users, staff or Councillors (stakeholders):	<i>*delete as appropriate</i>
	Yes/No*
<p>If Yes, provide details of how this impacts on service users, staff or Councillors (stakeholders):</p> <p><i>If you answered Yes go to Section 3</i></p>	
<p>If you answered No 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>	

3. EVIDENCE COLLECTION	
Who does the work being carried out impact on, i.e. who is/are the stakeholder(s)?	<p>The Development in the Green Belt supplementary planning document (SPD) will impact primarily upon those owning or having an interest in land or property within the Green Belt.</p> <p>The SPD will inform decisions on planning applications for development in the Green Belt. These could potentially have direct impacts on the general public living, working, travelling, or spending leisure time in the Green Belt.</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>
4. DATA ANALYSIS	
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, it is envisaged the SPD will be used primarily by landowners / developers (i.e. commercial interested parties) seeking to submit a planning application, or by individual property owners with an interest in Green Belt land. Such people can potentially be of any age, gender, disability (or otherwise), belief, sexual orientation and ethnic background, but</p>

	are most likely to be of a white-British ethnic background and an older age group, as identified above.
What will the impact of the work being carried out be on usage/the stakeholders?	<p>The adoption of the SPD will have limited direct impact on any stakeholders other than those who wish to develop Green Belt land, or to protect it from development.</p> <p>Development of Green Belt land, which will be informed and influenced by the SPD once adopted, 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 the West Lancashire Green Belt.</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>The SPD is not a "service" as such. Comments on the document varied between disagreement with the content of the document, in particular its proposed policies (or with specific details of the proposed policies), and support in principle for the document, or for individual policies.</p> <p>The reasons for the differing support are likely to stem from differing views or objectives of the various respondents. For example, some seek to have land developed, whilst others seek to protect land from development.</p> <p>No specific comments were received regarding how well the Council is fulfilling its Public Sector Equality Duty insofar as it relates to the subject matter of the SPD.</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>Census data for the Borough has been utilised, together with the evidence base for the Local Plan and the consultation feedback from each stage of the Local Plan preparation.</p> <p>Two rounds of consultation have taken place on the SPD. The first was an informal exercise in which a limited number of specific Statutory Consultees, housing developers and local agents were asked about the scope of the SPD. 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 stakeholders in general.</p> <p>The second was a more formal consultation exercise in which stakeholders on the Council's Planning Policy Consultation Database were consulted on the draft SPD. In addition, a press release was submitted to the local media, and an article placed on the Council's website. 65 responses were received, but few representors completed the "Equalities monitoring" section, and the data obtained was thus inadequate for</p>

	making statistically significant conclusions as to the impact of the SPD on those with protected characteristics.
If any further data/consultation is needed and is to be gathered, please specify:	N/A
5. IMPACT OF DECISIONS	
In what way will the changes impact on people with particular protected characteristics (either positively or negatively or in terms of disproportionate impact)?	<p>Firstly, it is necessary to state that the SPD does not involve any material <i>change</i> to policy, but is a clarification of already-assessed Local Plan and, primarily, national policy.</p> <p>As stated above, once it is adopted, the SPD will be likely to be of relevance to, or affect, landowners / developers seeking to submit a planning application(s), or people travelling through, working in, or spending leisure time in the Green Belt.</p> <p>Such people could potentially be of any age, gender, disability (or otherwise), belief, sexual orientation and ethnic background, and there is no reason to assume that the implementation of the policy should have a disproportionate impact on any of the protected characteristic groups.</p>
6. CONSIDERING THE IMPACT	
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.).	There is no identified clear-cut negative impact on any particular protected characteristic as a result of the Development in the Green Belt SPD, but the planning application stage will provide opportunity to consider whether the specific individual proposals for development may potentially impact on particular protected characteristics, and to take appropriate action to avoid or mitigate these potential impacts.
What actions do you plan to take to address any other issues above?	No actions.
7. MONITORING AND REVIEWING	
When will this assessment be reviewed and who will review it?	The policy within the Green Belt SPD will only be reviewed as part of any review of planning policy covering the Green Belt in the future (e.g. a new Local Plan or national guidance). As such, the EIA will only be reviewed at that time. However, as part of the monitoring of the Local Plan and the SPD, the impact on particular protected characteristics will be monitored as far as is possible.



AGENDA ITEM: 10

CABINET: 15th September 2015

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
1st October 2015**

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)**

SUBJECT: NATIONAL BUDGET – IMPLICATIONS FOR TENANTS AND HRA

Wards affected: Borough wide

1.0 PURPOSE OF THE REPORT

1.1 To advise Cabinet of the budget impact on tenants.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the report be noted.

2.2 That the Assistant Director Housing and Regeneration work with political groups and Tenants in order to bring budget proposals to Council in February 2016.

2.3 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.

2.4 That the report be presented to the Executive Overview and Scrutiny Committee for information.

2.5 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 1st October 2015.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

3.1 That the report be noted.

4.0 BACKGROUND

4.1 'Self Financing' was introduced in 2012/13 to the HRA. This meant that, in return for a debt of £88M, the Council would be able to withdraw from the National HRA 'subsidy' system which saw a regular and increasing contribution made by West Lancashire Borough Council into the 'subsidy' system.

4.2 The 'Self Financing' system saw the HRA take on a major debt as indicated in 3.1 above, but as the Council structured its borrowing to make an annual contribution to debt and associated interest which was lower than the former 'subsidy' contribution, this was beneficial to the Council.

4.3 Additionally the Government of the day agreed that rent increases would be 1% above inflation which meant that the Council's Business Plan was healthy and would support major investment in the housing stock together with strengthening the service offered to tenants generally.

5.0 CURRENT POSITION

5.1 This year looks as if it will be the last year that there will be significant financial benefits to the HRA.

5.2 The announcements which will impact are as follows:

- a) Rents to be reduced by 1% per year for the next 4 years.
- b) Introduction of compulsory 'pay to stay' regime for tenants with a household income of over £30K forcing them to pay market rents.
- c) Review of lifetime tenancies to limit their use and ensure households are offered tenancies that match their needs and ensure best use is made of social housing.
- d) Welfare changes which will introduce a reduction in the benefit cap from £26K to £20K.
- e) Freezing of working age benefits for 4 years.
- f) Removing automatic entitlement to housing benefit for new claimants of Universal Credit for 18-21 year olds.
- g) DHP to be limited to £800M over the next 5 years.
- h) Requiring Local Authorities to sell 'high' value properties when these become vacant.
- i) A package of reforms to Tax Credits and Universal Credit, including reducing some entitlements, ensuring claimant are better off in work.
- j) From April 2017, new claimants on ESA (Employment and Support Allowance) who are placed in work related activity groups will receive the same as those claiming Jobseekers Allowance.

6.0 IMPACT

6.1 All of the budget proposals will have an impact. At this stage some will be known and others will need to be estimated. I have attempted to weigh the impact for WLBC and its tenants:

- a) Whilst the rent reduction will have a cash impact on the HRA of over £¹/₄ next year, this will also have a compounded impact for the following 3 years. Because the Business Plan is based on assumptions of increased income using CPI + 1% the impact will be a loss of £11.3M over the next 4 years. The savings of £11.3M will impact as follows:

2016/17	£1.5M
2017/18	£3.6M
2018/19	£3.6M
2019/20	£2.6M

Looking at the Business Plan over its life, this will have a negative impact of £260M. The HRA will need to find savings of £1.5M next year and identify savings of £11.3M over the next 4 years; in view of this I propose that I work with Political Groups and Tenants to bring suggestions forward so that a balanced HRA can be proposed to Council for budget setting purposes.

- b) The detail on the 'pay to stay' proposals are sketchy. The proposal is that market rents will be charged for households with income over £30K. Additionally, rents charged will be collected by WLBC and given to Government. The impact to tenants may force some to consider buying or moving out of the social sector. The Council will incur costs of enforcing these arrangements and it's unclear whether the Council or the Government will incur any bad debt or payment liability.
- c) The review of lifetime tenancies will no doubt incur administration costs and implement costs which, at this stage, are unknown.
- d) Currently there are 14 households which are affected by the Benefit Cap. Reducing the Cap to £20K from £26K will increase the number of households which will have a potential reduced income. Work is currently in hand to identify those affected. This reduction in income will affect larger households the most and will increase child poverty. Once the scale is known, the impact can be better assessed. Arrears will no doubt increase.
- e) The freeze of working age benefits will hit those on limited income and has the potential to increase arrears and will impact on those in receipt of benefit, particularly if inflation increases over the next 4 years.
- f) Last year we housed around 70 young people between the age of 18-21. If there was no entitlement to Housing Benefit from a business perspective, we would not wish to house this age group as this would force young people into debt. A decision would need to be made on whether housing would be offered and if there were any conditions.
- g) Further work is being undertaken to assess impact on DHP.
- h) The original proposal was that "high value" properties would be sold when these became empty. Initially I believed this would have limited impact because of using North West average prices. However, I understand that the value will be based on the average property price in a specific housing market area. Also, Government Officials are looking at turnover rates and talking about imposing a 'levy' based on churn rates and average "high

value” properties. This is much more concerning to the business plan but, as the picture becomes clearer, I can advise further on this matter.

- i) If tenants have less income there is potential for arrears to increase and greater staff resources and time needed to assist tenants.
- j) The changes to ESA will have the same impact as i) above.

6.2 Overall the position is disappointing with the Business Plan losing £260M over the next 30 years which could have been invested to improve housing conditions and create job opportunities in the area.

6.3 Arrears will undoubtedly increase which will impact on the HRA which will need to be managed to reduce revenue costs, either by reducing staffing, efficiencies or reducing the Capital Investment Programme.

6.4 The next 4 years will see measures having to be introduced to make savings of around £10M in order to balance the books.

6.5 In my opinion, the ‘deal’ agreed by Government for self-financing is now dead in the water and the freedoms and flexibilities we have benefited from will cease; this may be the start of further measures introduced by Government to reduce the impact on Welfare Reform spending. For those tenants who pay full rent and have an income of less than £30K, there is a benefit in the 1% reduction in the rent. Based on a rent of £80pw, the reduction would be 80p pw.

7.0 SUSTAINABILITY IMPLICATIONS/COMMUNITY STRATEGY

7.1 See above about the impact. Action as highlighted in 5.2 – 5.4 will need to be taken to ensure the HRA is viable.

7.2 The impact to the HRA is a variance with the Community Strategy.

8.0 FINANCIAL AND RESOURCE IMPLICATIONS

8.1 The financial or resource implications have been highlighted in paragraph 5.

8.2 Further work will need to be undertaken to better quantify the impact so that informed choices can be taken in February on how to bridge the budget gap that will immerge for the HRA over the next 4 years and possibly beyond.

9.0 RISK ASSESSMENT

9.1 Dependant on the assumptions made on the impact to the HRA and corrective action proposal will determine the risks associated for the future. In the Council report in February 2016, Members will need to set a balanced budget with a degree of caution about what the future holds.

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 report is for information and so no Equality Impact Assessment is required.

Appendices

Appendix A – Minute of the Landlord Services Committee (Cabinet Working Group)
held on 10 September 2015

Appendix B – Minute of Cabinet 15 September 2015

**LANDLORD SERVICES COMMITTEE (CABINET WORKING GROUP)
10 SEPTEMBER 2015**

17. NATIONAL BUDGET - IMPACT FOR TENANTS AND HOUSING REVENUE ACCOUNT (HRA)

Consideration was given to the draft report of the Assistant Director Housing and Regeneration that advised on the impact of the National budget for tenants.

In discussion comments and questions were raised in relation to the following:

- “High value” properties – definition and application.
- Government policy – responding to changes; impact on HRA; changes related to Self-Financing; procedures to protect tenants’ interests.
- Consultation process (with tenants) – allaying concerns; explanation of changes / effects.
- Future opportunities - Exploration of “Co-operatives” (experiences of others); minimising impact on tenants / service delivery.
- Impact of the measures on the Business Plan and HRA.

The Assistant Director Housing and Regeneration provided clarification on the issues raised and responded to questions, referring to detail as set down in his report.

There was general support that consultation with tenants should begin as soon as practicable to keep them abreast of the issues and impact of the changes referred to.

RESOLVED: That, as a consequence of the discussion on this item it was agreed the comments to Cabinet be:

“that the recommendations be supported and additionally the Executive Overview and Scrutiny Committee be asked to note the concerns of the measures and the impact on the Business Plan and HRA.”

MINUTE OF CABINET – 15 SEPTEMBER 2015

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.



AGENDA ITEM: 11

CABINET: 15 September 2015

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
1 October 2015**

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)**

SUBJECT: CAPITAL PROGRAMME OUTTURN 2014/2015

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To provide a summary of the capital outturn position for the 2014/2015 financial year.

2.0 RECOMMENDATIONS TO CABINET

2.1 That the final position, including slippage, on the Capital Programme for the 2014/2015 financial year be noted and endorsed.

2.2 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 1st October 2015.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

3.1 That the final position on the Capital Programme for the 2014/2015 financial year be noted.

4.0 BACKGROUND

4.1 Members have been kept informed of the financial position of the Capital Programme with regular monitoring reports. The last such Report was presented to Cabinet in March and Executive Overview and Scrutiny in April and reported on

a Capital Programme of £17.386m. This report provides Members with the final position on capital schemes for the 2014/15 financial year.

- 4.2 It should be noted that the final accounts for the 2014/2015 year are subject to audit and the figures contained in this report are, potentially, subject to change. However, the Audit is nearing completion and no issues have been raised on the capital programme to date. Members will be informed in due course of any significant matters arising from the Audit.
- 4.3 The position on the current year's Programme for 2015/2016 is discussed elsewhere on this Agenda.

5.0 CAPITAL PROGRAMME

- 5.1 The Capital Programme of £17.386m at the end of the 2014/2015 financial year is analysed by Service in Appendix A. The key result for the year is that good progress has been made in delivering schemes.
- 5.2 The total capital expenditure for 2014/2015 was £13.102m which represents 75% of the total Budget for the year. This compares to recent programmes as indicated in Table 1:

Year	Expenditure £m	Budget £m	% Spend against Budget
2014/2015	13.102	17.386	75%
2013/2014	15.129	19.503	78%
2012/2013	10.241	13.362	77%
2011/2012	8.845	12.659	70%

- 5.3 In total spending was £2m less than 2013/2014 but £2.9m more than 2012/2013 with the percentage spend of 75% being in line with expectation and trend. The largest single area of the Programme is the Housing Public Sector which achieved a total spend of £10.9m or 79% of its budget. Head of Service comments on the progress made on capital schemes are set out in Appendix B.

6.0 SLIPPAGE OF EXPENDITURE APPROVALS

- 6.1 100% spend against the Budget is never anticipated due mainly to reasons beyond the Council's control. For example, some schemes are reliant on a significant amount of match funding and external contributions, and others are demand led or dependant upon decisions made by partners.
- 6.2 Schemes that are not completed within the financial year for which they are scheduled are slipped into the following financial year along with their unused expenditure and resource approvals. The total slippage figure for capital schemes from 2014/2015 is £3.273m. An analysis of schemes with a significant amount of slippage is provided in Appendix C.

7.0 SIGNIFICANT VARIANCES

- 7.1 There will always be some variances between the original estimated cost of a capital scheme and its final position and the Council has established budgetary management and control procedures in place to minimise such variances. While there have been a number of over and under spends this year, in total expenditure was £1.011m under budget, which is a variance of around 6%, which was primarily due to variances on the Housing Public Sector Programme. An analysis of significant variances by scheme is provided in Appendix D.
- 7.2 The variance on the Housing Public Sector programme was the result of a range of different factors including funding no longer being required, underspends, contract savings, and schemes being delivered through different routes. It is intended that £457,000 of this variance will be used to fund additional spending on heating systems, and a further £40,000 will be used for the Stubb Block refurbishment scheme at Egerton / Enstone, subject to Council approval later in the year.

8.0 CAPITAL RESOURCES

- 8.1 A breakdown of the budgeted resources of £17.386m identified to fund the programme is shown in Appendix A. 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 sales) that are available to fund capital expenditure. These receipts can vary significantly depending on the number and value of assets sold.
- 8.2 35 Right to Buy Council House sales were generated against the target of 50 for the year with further revenue received from the sale of land. This is analysed in Table 2 below:

Year	Estimate £'000	Actual £'000	% Received against Budget
Right to Buy Sales	325	300	92%
Other Sales	250	273	109%
Total	575	573	100%

- 8.3 Estimates for the year are based on historical averages as the actual pattern of sales is volatile. In this respect while the number of Council house sales was significantly below the target, this has been compensated by an increase in the average value of usable receipts from each sale.
- 8.4 In addition to the Usable Capital Receipt figures shown above, the Council is also able to retain a proportion of the proceeds generated by Council House sales for specific purposes. In this respect, by the end of the financial year £0.139m had been generated for "One for One Replacement Funding" and £0.326m was generated for "Debt Funding".

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.

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.

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

- A Capital Expenditure and Resources Compared to Budget
- B Heads of Service Comments
- C Analysis of Significant Slippage
- D Analysis of Variances
- E Minute of Cabinet 15 September 2015 (Executive Overview and Scrutiny Committee only)

**2014/2015 CAPITAL PROGRAMME
EXPENDITURE AND RESOURCES BUDGET
AT OUTTURN**

Service	Budget Approval	Actual		Variance		Slippage	
	£'000	£'000	%	£'000	%	£'000	%
EXPENDITURE							
Housing and Regeneration							
Public Sector Housing	13,907	10,946	79%	-1,010	-7%	1,951	14%
Housing Strategy	336	192	57%	0	0%	144	43%
Property Management	222	168	76%	0	0%	54	24%
Regeneration	107	15	14%	-10	-9%	82	77%
Community Services							
Private Sector Housing	625	628	100%	8	1%	5	1%
Other Community Services	945	698	74%	5	1%	252	27%
Planning	209	102	49%	0	0%	107	51%
Street Scene	231	189	82%	-2	-1%	40	17%
Corporate Services							
Financial Services	28	13	46%	0	0%	15	54%
Transformation	378	131	35%	-2	-1%	245	65%
Central Budget Items	398	20	5%	0	0%	378	95%
	17,386	13,102	75%	-1,011	-6%	3,273	18%
RESOURCES							
Capital Grants	890	1,091	123%	240	27%	39	4%
HRA Financing	9,461	8,687	92%	-774	-8%		0%
HRA Borrowing	3,974	1,525	38%	-498	-13%	1,951	
GRA Financing	308	219	71%	-9	-3%	80	26%
GRA Borrowing	75	0	0%	0		75	
Capital Receipts	2,678	1,580	59%	30	1%	1,128	42%
	17,386	13,102	75%	-1,011	-6%	3,273	18%

CAPITAL PROGRAMME OUTTURN 2014/2015
HEADS OF SERVICE COMMENTS

Public Sector Housing
<p>Explanations for significant slippage have been included in Appendix C. Slippage has occurred in the main on Windows and Doors due to removal of asbestos, Stubb Blocks due to design specifications and Heating systems due to late contract start on site. There has been slippage also in Disabled Adaptations, Electrical Works, Environmental works and professional fees.</p> <p>There has, however, been a significant overspend on replacement Heating Systems so as to ensure compliance with our statutory duty to maintain provision of hot water and heating, an overspend on bathrooms due to volumes exceeding expectation and an overspend on Firbeck revival programme. These overspends have, however, been offset by underspends elsewhere within the capital programme.</p>
Housing Strategy
<p>This budget has been earmarked for contributions to various sites that have attracted HCA funding and/or will be provided by our registered provider partner. Each site is different and delivery and timing is affected by various factors and this can create an element of slippage. The second development using this budget has commenced and will provide 31 affordable units consisting of 25 bungalows and 6 apartments to be completed early next year.</p>
Regeneration and Estates
<p>The culverts scheme has largely been completed pending a final review.</p> <p>The Green Shoots scheme has been approved by Council and the procurement of the contractor has been completed, the scheme is set to commence over the summer months.</p> <p>The site which was damaged by fire at Gorsey Place is set for clearance imminently, Proposals for its redevelopment will be considered and reported upon in due course.</p>

CAPITAL PROGRAMME OUTTURN 2014/2015
HEADS OF SERVICE COMMENTS

Property Management
<p>The Corporate Property Programme comprises a number of projects within Property Services which were mostly completed within the financial year. Slippage has been caused predominately by the postponement of works at locations which are due to undergo larger scale works in 2015/16. Delays were also caused by the retirement and replacement of the Facilities Manager and the unavailability of materials required to carry out certain other projects.</p>
Planning
<p>There are a number of schemes that are on-going or remain to be implemented therefore the funding will need to be slipped into the new financial year. Slippage is also required to fund the replacement scanner and quotations are currently being sought.</p> <p>The Free Tree Scheme has been popular once again, and is complete for the year with a small overspend against budget being financed from a Revenue contribution. Demand for both Conservation Area Enhancement Grants and Buildings at Risk has been lower than anticipated and unused budgets have been slipped into the next financial year.</p> <p>Slippage is required to fund the new database to monitor S106/CIL as the scheme has not yet been completed in full.</p>
Street Scene
<p>Replacement Blue Bins have been purchased and distributed to households and the scheme is now complete. The remaining budget for this has been declared as a variance.</p> <p>Preliminary scoping works for the in cab communication system have been taking place and the initiative is scheduled for development over the course of the summer.</p>
Corporate Services
<p>Progress made on delivering Parish Capital Schemes rests with individual Parishes and is not within the direct control of the Borough Council. The unspent balance on this budget has, therefore, been slipped into the new financial year.</p> <p>An ICT strategy has been agreed and the necessary funding put in place to deliver it. While expenditure by the year end was limited, the strategy should ensure that key issues will be addressed, and the unused budgets at the year end have now largely been committed against specific projects.</p>

CAPITAL PROGRAMME OUTTURN 2014/2015
HEADS OF SERVICE COMMENTS

<p>Community Services - Private Sector Housing</p>
<p>Both schemes in the Housing Private Sector Programme are demand led and expenditure each year can vary accordingly. The Disabled Facilities Grant Scheme budget was delivered in full and there was a small overspend which has been financed, while there was a small underspend on the Renovation Grant Scheme which has been slipped into 2015/2016.</p>
<p>Other Community Services</p>
<p>Good progress was made in delivering improvements to Ormskirk Car Parks and schemes for Parish Play Areas, the Leisure Trust scheme and Parks and Open Spaces.</p> <p>There has been some slippage on the West Lancs Play Strategy where there is a plan in place to use these approvals in the new financial year, CCTV where camera installation is now progressing, and Flood Alleviation Schemes where drainage studies are continuing and which are dependent on external consultants.</p> <p>It is expected that the Moor Street project will be completed during 2015/16.</p>
<p>Central Budget Items</p>
<p>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 which should be implemented during the course of the 2015/16 financial year.</p>

2014/2015 CAPITAL PROGRAMME OUTTURN
HEADS OF SERVICE ANALYSIS OF SIGNIFICANT SLIPPAGE

Scheme	Amount of Slippage	Reason for Slippage
	£'000	
<u>GENERAL CAPITAL PROGRAMME</u>		
ICT Development Programme	195	Various ongoing ICT schemes and projects will be completed in the next financial year
Leisure/Public building enhancements	53	This comprised a number of outstanding small projects. The retirement and replacement of the Facilities Manager delayed the commencement of a number of projects.
Economic Regeneration Schemes	75	The Green Shoots capital scheme was approved by Council in July, procurement work has been completed and the scheme is set to commence in due course.
West Lancs Play Strategy	135	Delays due to initial site identification and subsequent consultation and design processes
CCTV	75	Delayed due to lengthy negotiations to identify camera locations.
Capital Contingency/Environmental Town and Village Centre Improvement	378	Funding for various schemes and projects that was specifically considered and confirmed at the March cabinet meeting
Affordable Housing	144	Expenditure dependent on external partners.
<u>HOUSING CAPITAL PROGRAMME</u>		
Disabled Adaptations	81	Slippage and retentions held as a result of completing eight extensions within the year.
Environmental	56	Committed to fund small environmental schemes agreed with tenants
Heating Systems	84	Project overrun due to delayed start of contract
Window & Door Replacement	1,071	Project overrun due to delays as a result of asbestos removal to properties
Stubb Block Refurb Egerton/Enstone	196	Project started late in the financial year due to design revisions
Fees	105	Amount required for professional fees to enable slipped capital works to progress
Equipment Replacement Sheltered Housing	200	Re provision of Council approved Programme

2014/2015 CAPITAL PROGRAMME OUTTURN
HEADS OF SERVICE ANALYSIS OF SIGNIFICANT VARIANCES

Scheme	Amount of Variance	Reason for Variance
	£'000	
HOUSING CAPITAL PROGRAMME		
Bathrooms	143	Budget overspent due to higher volume of bathrooms completed
Energy efficiency measures	-154	Underspend released to support other elements of the capital programme
Heating systems	457	Overspend due to carrying out essential heating replacements to comply with our statutory requirement to provide hot water and heating
Window & door replacement	-401	Tender return less than budgeted for. Release of accruals for historic contracts not to be expended
Sheltered upgrades	-83	Underspend on programme. Underspend released to support capital programme
Ferndale external insulation & roofing	-189	Scheme developed through a different route alongside Firbeck development. Budget released to support rest of capital programme
Structural works	-129	Demand led structural works lower than budget. Underspent budget released to support other capital programmes
Capital contingency - Voids	-77	Contingency budget for void capital works lower than expected. Balance of budget release to fund overspends elsewhere in capital programme
Capital contingency - other	-129	Contingency budget for Day to Day capital works lower than expected. Balance of budget release to fund overspends elsewhere in capital programme
Firbeck revival	196	Overspend matched by increased Energy Efficiency Grant
Fees	-252	Underspend due to vacancies
Equipment replacement sheltered housing	200	Re provision of Council approved Programme

MINUTE OF CABINET – 15 SEPTEMBER 2015

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.



AGENDA ITEM: 12

CABINET: 15 September 2015

**EXECUTIVE OVERVIEW &
SCRUTINY COMMITTEE:
01 October 2015**

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)**

SUBJECT: CAPITAL PROGRAMME MONITORING 2015/2016

Wards affected: Borough wide

1.0 PURPOSE OF REPORT

1.1 To provide an overview of the current progress on the Capital Programme.

2.0 RECOMMENDATIONS TO CABINET

2.1 That Members note the progress on the Capital Programme as at the end of July, 2015.

2.2 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 1st October 2015.

3.0 RECOMMENDATIONS TO EXECUTIVE OVERVIEW AND SCRUTINY COMMITTEE

3.1 That Members note the current progress on the Capital Programme.

4.0 BACKGROUND

4.1 It is an agreed policy and best practice that monitoring reports are produced on a regular basis to ensure that Members are kept informed of the financial position of the Capital Programme. This is the first such report for the 2015/2016 financial year.

5.0 CAPITAL PROGRAMME BUDGETS

- 5.1 A Capital Programme totalling £23.706m was approved at Council on 25th February 2015. Slippage totalling £3.27m from the 2014/2015 Programme is included for consideration elsewhere on this Agenda and has been added to the 2015/2016 Programme. The Capital Programme for 2015/2016 is, therefore, now £26.98m and this is analysed by Service in Appendix A.

6.0 CAPITAL EXPENDITURE

- 6.1 Normally, new 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 a tendering process and award contracts at the start of the scheme. Other schemes are dependent on external partner funding and these schemes can only begin once their funding details have been finalised.
- 6.2 This pattern has been repeated in the current year with £2.23m of expenditure having been incurred by the end of July. This compares to £2.15m at the same point in 2014/2015 and £2.058m in 2013/14.
- 6.3 All capital schemes will be reviewed over the coming months and a Revised Medium Term Programme will be reported to Members in the Autumn taking into account new information and recent developments. Once this review has been completed it is then anticipated that most schemes will progress and spend broadly in line with their budget targets by the year end.
- 6.4 The Capital investment required to deliver the updated Greenshoots scheme, that was agreed at the July Council meeting will be £1.704m based on external borrowing of 50% and 50% funding from reserves. The scheme will mainly be completed in the 2015/2016 financial year with the remainder completed by Summer 2016.

7.0 CAPITAL RESOURCES

- 7.1 Total budgeted resources for the year are £26.98m. This is analysed in Appendix A and includes funding for slippage.
- 7.2 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. The budget for usable capital receipts to be generated from Council House sales in the year is set at £605,000 based on an anticipated 40 sales. By the end June there had been 3 sales, which had generated £36,000 of usable receipts. This was significantly below the expected level of sales, although the pattern is volatile, and a further 4 sales were completed in July. If this low level of sales continues for the remainder of the year then the

income target will not be met, and consequently this area will be kept under close scrutiny.

- 7.3 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. The budget for this in the 2015/2016 Programme is £100,000, and by the end of July there had been one land sale that had taken place for £20,000.
- 7.4 Overall budgeted capital receipts from in year asset sales provide a relatively small proportion of the total funding for capital schemes. If the level of receipts from asset sales continues to be below the budget target, then this position will be taken into account as part of the process for reviewing and updating the three year capital programme.

8.0 SUSTAINABILITY.IMPLICATIONS/COMMUNITY STRATEGY

- 8.1 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.

9.0 RISK ASSESSMENT

- 9.1 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 or decisions are not started until funding is secured and other resources that are subject to fluctuation are monitored closely to ensure availability.

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

- A Capital Programme Service Budgets
B Minute of Cabinet 15 September 2015 (Executive Overview and Scrutiny Committee only)

2015/2016 CAPITAL PROGRAMME
EXPENDITURE AND RESOURCES BUDGET
as at July 2015

Service	Budget
	£'000
EXPENDITURE	
Public Sector Housing	20,951
Housing and Regeneration	
Housing Strategy	465
Property Management	258
Regeneration	1,244
Community Services	
Private Sector Housing	737
Other Community Services	1,510
Planning	133
Street Scene	40
Corporate Services	
Financial Services	65
Transformation	495
Environmental/Centre Improvement Fund	447
Unallocated Capital Spend	634
	26,979
RESOURCES	
Capital Grants	863
GRA Financing	959
HRA Financing	8,773
HRA Borrowing	11,767
Capital Receipts	3,666
1 4 1 Housing Receipts	99
GRA Borrowing	852
	26,979

MINUTE OF CABINET – 15 SEPTEMBER 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.