



Kim Webber B.Sc. M.Sc.  
Chief Executive  
52 Derby Street  
Ormskirk  
West Lancashire  
L39 2DF

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Wednesday, 2 November 2016

**TO: COUNCILLORS DOWLING, ASHCROFT, MRS BAYBUTT, COOPER, DEVINE, D EVANS, C MARSHALL, MCKAY, NIXON, O'TOOLE, PENDLETON, POPE, PRITCHARD, MRS WESTLEY AND YATES**

Dear Councillor,

A meeting of the **PLANNING COMMITTEE** will be held in the **COUNCIL CHAMBER - 52 DERBY STREET, ORMSKIRK L39 2DF** on **THURSDAY, 10 NOVEMBER 2016** at **7.30 PM** at which your attendance is requested.

Yours faithfully

A handwritten signature in black ink, appearing to be 'Kim Webber', written over a horizontal line.

Kim Webber  
Chief Executive

**AGENDA**  
**(Open to the Public)**

**1. APOLOGIES**

**2. MEMBERSHIP OF THE COMMITTEE**

To be apprised of any changes to the membership of the Committee in accordance with Council Procedure Rule 4.

**3. URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**

Note: No other business is permitted unless, by reason of special circumstances, which shall be specified at the meeting, the Chairman is of the opinion that the item(s) should be considered as a matter of urgency.

#### **4. DECLARATIONS OF INTEREST**

If a member requires advice on Declarations of Interest, he/she is advised to contact the Borough Solicitor in advance of the meeting. (For the assistance of members a checklist for use in considering their position on any particular item is included at the end of this agenda sheet.) **(PAGES 649-650)**

#### **5. DECLARATIONS OF PARTY WHIP**

Party Whips are not to be used by this Committee in respect of its functions concerning the determination of applications, approval of consents, the taking of enforcement action and the exercise of powers and duties with regard to highways, hedgerows, the preservation of trees and high hedge complaints. When considering any other matter which relates to a decision of the Cabinet or the performance of any member of the Cabinet, in accordance with Regulatory Committee Procedure 9, Members must declare the existence of any party whip, and the nature of it.

#### **6. MINUTES**

To receive as a correct record the minutes of the meeting held on the 6 October 2016. **(PAGES 651-654)**

#### **7. PLANNING APPLICATIONS**

To consider the report of the Director of Development and Regeneration. **(PAGES 655-852)**

**We can provide this document, upon request, on audiotape, in large print, in Braille and in other languages.**

**FIRE EVACUATION PROCEDURE: Please see attached sheet.**

**MOBILE PHONES: These should be switched off or to 'silent' at all meetings.**

For further information, please contact:-

Jill Ryan on 01695 585017

Or email [jill.ryan@westlancs.gov.uk](mailto:jill.ryan@westlancs.gov.uk)

**FIRE EVACUATION PROCEDURE FOR:  
COUNCIL MEETINGS WHERE OFFICERS ARE PRESENT  
(52 DERBY STREET, ORMSKIRK)**

**PERSON IN CHARGE:** Most Senior Officer Present  
**ZONE WARDEN:** Member Services Officer / Lawyer  
**DOOR WARDEN(S)** Usher / Caretaker

**IF YOU DISCOVER A FIRE**

1. Operate the nearest **FIRE CALL POINT** by breaking the glass.
2. Attack the fire with the extinguishers provided only if you have been trained and it is safe to do so. **Do not** take risks.

**ON HEARING THE FIRE ALARM**

1. Leave the building via the **NEAREST SAFE EXIT**. **Do not stop** to collect personal belongings.
2. Proceed to the **ASSEMBLY POINT** on the car park and report your presence to the **PERSON IN CHARGE**.
3. **Do NOT** return to the premises until authorised to do so by the **PERSON IN CHARGE**.

**NOTES:**

Officers are required to direct all visitors regarding these procedures i.e. exit routes and place of assembly.

The only persons not required to report to the Assembly Point are the Door Wardens.

**CHECKLIST FOR PERSON IN CHARGE**

1. Advise other interested parties present that you are the person in charge in the event of an evacuation.
2. Make yourself familiar with the location of the fire escape routes and inform any interested parties of the escape routes.
3. Make yourself familiar with the location of the assembly point and inform any interested parties of that location.
4. Make yourself familiar with the location of the fire alarm and detection control panel.
5. Ensure that the zone warden and door wardens are aware of their roles and responsibilities.
6. Arrange for a register of attendance to be completed (if considered appropriate / practicable).

**IN THE EVENT OF A FIRE, OR THE FIRE ALARM BEING SOUNDED**

1. Ensure that the room in which the meeting is being held is cleared of all persons.
2. Evacuate via the nearest safe Fire Exit and proceed to the **ASSEMBLY POINT** in the car park.
3. Delegate a person at the **ASSEMBLY POINT** who will proceed to **HOME CARE LINK** in order to ensure that a back-up call is made to the **FIRE BRIGADE**.
4. Delegate another person to ensure that **DOOR WARDENS** have been posted outside the relevant Fire Exit Doors.

5. Ensure that the **ZONE WARDEN** has reported to you on the results of his checks, **i.e.** that the rooms in use have been cleared of all persons.
6. If an Attendance Register has been taken, take a **ROLL CALL**.
7. Report the results of these checks to the Fire and Rescue Service on arrival and inform them of the location of the **FIRE ALARM CONTROL PANEL**.
8. Authorise return to the building only when it is cleared to do so by the **FIRE AND RESCUE SERVICE OFFICER IN CHARGE**. Inform the **DOOR WARDENS** to allow re-entry to the building.

**NOTE:**

The Fire Alarm system will automatically call the Fire Brigade. The purpose of the 999 back-up call is to meet a requirement of the Fire Precautions Act to supplement the automatic call.

**CHECKLIST FOR ZONE WARDEN**

1. Carry out a physical check of the rooms being used for the meeting, including adjacent toilets, kitchen.
2. Ensure that **ALL PERSONS**, both officers and members of the public are made aware of the **FIRE ALERT**.
3. Ensure that **ALL PERSONS** evacuate **IMMEDIATELY**, in accordance with the **FIRE EVACUATION PROCEDURE**.
4. Proceed to the **ASSEMBLY POINT** and report to the **PERSON IN CHARGE** that the rooms within your control have been cleared.
5. Assist the **PERSON IN CHARGE** to discharge their duties.

It is desirable that the **ZONE WARDEN** should be an **OFFICER** who is normally based in this building and is familiar with the layout of the rooms to be checked.

**INSTRUCTIONS FOR DOOR WARDENS**

1. Stand outside the **FIRE EXIT DOOR(S)**
2. Keep the **FIRE EXIT DOOR SHUT**.
3. Ensure that **NO PERSON**, whether staff or public enters the building until **YOU** are told by the **PERSON IN CHARGE** that it is safe to do so.
4. If anyone attempts to enter the premises, report this to the **PERSON IN CHARGE**.
5. Do not leave the door **UNATTENDED**.

# Agenda Item 4

## MEMBERS INTERESTS 2012

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

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

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

Please tick relevant boxes

Notes

	<b>General</b>		
1.	I have a disclosable pecuniary interest.	<input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 below</i>
2.	I have a non-pecuniary interest.	<input type="checkbox"/>	<i>You may speak and vote</i>
3.	I have a pecuniary interest <b>because</b> it affects my financial position or the financial position of a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest  or  it relates to the determining of any approval consent, licence, permission or registration in relation to me or a connected person or, a body described in 10.1(1)(i) and (ii) <b>and</b> the interest is one which a member of the public with knowledge of the relevant facts, would reasonably regard as so significant that it is likely to prejudice my judgement of the public interest	<input type="checkbox"/>        <input type="checkbox"/>	<i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>        <i>You cannot speak or vote and must withdraw unless you have also ticked 5 or 6 below</i>
4.	I have a disclosable pecuniary interest (Dispensation 20/09/16) or a pecuniary interest but it relates to the functions of my Council in respect of:  (i) Housing where I am a tenant of the Council, and those functions do not relate particularly to my tenancy or lease.  (ii) school meals, or school transport and travelling expenses where I am a parent or guardian of a child in full time education, or are a parent governor of a school, and it does not relate particularly to the school which the child attends.  (iii) Statutory sick pay where I am in receipt or entitled to receipt of such pay.  (iv) An allowance, payment or indemnity given to Members  (v) Any ceremonial honour given to Members  (vi) Setting Council tax or a precept under the LGFA 1992	<input type="checkbox"/>        <input type="checkbox"/>        <input type="checkbox"/>        <input type="checkbox"/>        <input type="checkbox"/>        <input type="checkbox"/>	<i>You may speak and vote</i>        <i>You may speak and vote</i>        <i>You may speak and vote</i>        <i>You may speak and vote</i>        <i>You may speak and vote</i>        <i>You may speak and vote</i>
5.	A Standards Committee dispensation applies (relevant lines in the budget – Dispensation 20/9/16-19/09/20)	<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**

Employment, office, trade, profession or vocation

Sponsorship

**Prescribed description**

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

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.

# Agenda Item 6

**PLANNING COMMITTEE**

**HELD: Thursday, 6 October 2016**

Start: 7.30 pm

Finish: 8.30 pm

## **PRESENT:**

Councillor: G Dowling (Chairman)

Councillors:	I Ashcroft	Mrs P Baybutt
	Cooper	T Devine
	D Evans	D McKay
	M Mills	M Nixon
	D O'Toole	R Pendleton
	E Pope	A Pritchard
	D Westley	Mrs M Westley

Officers: Director of Development and Regeneration (Mr J Harrison)  
Deputy Director of Development and Regeneration (Mr I Gill)  
Head of Development Management (Mrs C Thomas)  
Principal Planning Officer (Ms A Veevers)  
Legal and Member Services Manager (Mr M Jones)  
Assistant Member Services Manager (Mrs J Denning)

## 31 **APOLOGIES**

There were no apologies for absence received.

## 32 **MEMBERSHIP OF THE COMMITTEE**

In accordance with Council Procedure Rule No. 4, the Committee noted the termination of Councillors Owen and C Marshall and the appointment of Councillor Mills and D Westley for this meeting only, thereby giving effect to the wishes of the Political Groups.

## 33 **URGENT BUSINESS, IF ANY INTRODUCED BY THE CHAIRMAN**

There were no urgent items of business.

## 34 **DECLARATIONS OF INTEREST**

Councillor Pendleton declared a Pecuniary Interest in Planning Application 2016/0675/FUL as the Chairman of Tanhouse Community Enterprise.

## 35 **DECLARATIONS OF PARTY WHIP**

There were no declarations of Party Whip.

## 36 **MINUTES**

RESOLVED: That the minutes of the meeting held on 1 September 2016 be approved as a correct record and signed by the Chairman.

## 37 PLANNING APPLICATIONS

The Director of Development and Regeneration submitted a report on planning applications as contained on pages 487 to 622 of the Book of Reports and on pages 631 to 646, detailing Late Information.

RESOLVED: A. That the under-mentioned planning applications be granted subject to the conditions in the report:-

2016/0471/LBC; 2016/0625/FUL

B. That in respect of planning application 2016/0470/FUL relating to Fifteens at The Fox, Roby Mill, Up Holland, Skelmersdale:

1. That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to the applicant entering into a Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to secure:-

The use of the four parking spaces, as shown on drawing no. 3632-103 Rev A received by the Local Planning Authority on 8<sup>th</sup> September 2016, for the two dwellings hereby approved in perpetuity.

2. That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 1. above be subject to the conditions as set down on pages 495 to 496 of the Book of Reports.

C. That planning application 2016/0675/FUL relating to 192 – 198 Ennerdale, Tanhouse, Skelmersdale, Lancashire WN8 6AN:

1. That planning permission be granted subject to the following conditions:

(i) The development must be begun not later than the expiration of three years beginning with the date of this permission.

(ii) The development hereby approved shall be carried out in accordance with details shown on the following plans:

- Plan reference 'Block plan and site plan' received by the Local Planning Authority on 15.06.16.
- Plan reference 'Proposed floor plans and elevations' received by the Local Planning Authority on 15.06.16.

(iii) Details of the colour and texture of the external facing materials and a timetable for the external works to be



carried out, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall take place in accordance with the approved details.

2. That 'reason 3' detailed in the report be removed and 'reason 4' detailed in the report be renumbered 'reason 3'.
  
- D. That planning application 2015/1055/FUL relating to Land to the West, Cabin Lane, Great Altcar be deferred to the next meeting of the Committee, in light of the large amount of information submitted by the applicant and consultees prior to the commencement of the meeting, in order to give Members sufficient time to assimilate all the information provided.
  
- E. That in respect of planning application 2016/0381/OUT relating to the Garages to the east of Arnian Court, Molyneux Road, Aughton:-
  1. That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice-Chairman of the Planning Committee subject to a planning obligation under S106 of the Town and Country Planning Act 1990 being entered into to secure the:

Terms and conditions of the affordable housing units.

2. That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 1. above be subject to the conditions as set out on pages 619 to 621 of the Book of Reports.

(Notes: Councillor Pendleton declared a pecuniary interest in relation to planning application 2016/0675/FUL and left the room whilst this item was being considered.)

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**Chairman**





**PLANNING COMMITTEE**  
**10 NOVEMBER 2016**

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**Report of:** Director of Development and Regeneration

**Contact:** Mrs. C. Thomas (Extn.5134)  
Email: [catherine.thomas@westlancs.gov.uk](mailto:catherine.thomas@westlancs.gov.uk)

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**SUBJECT: PLANNING APPLICATIONS**

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### **Background Papers**

In accordance with Section 100D of the Local Government Act 1972 the background papers used in the compilation of reports relating to planning applications are listed within the text of each report and are available for inspection in the Planning Division, except for such documents as contain exempt or confidential information defined in Schedule 12A of the Act.

### **Equality Impact Assessment**

There is no evidence from an initial assessment of an adverse impact on equality in relation to the equality target groups.

### **Human Rights**

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from Article 8 (the right to respect for private and family life, home and correspondence) and Article 1 of Protocol 1 (the right of peaceful enjoyment of possessions and protection of property).

## CONTENT SHEET

<u>Report No</u>	<u>Ward</u>	<u>Appn No</u>	<u>Site Location &amp; Proposal</u>	<u>Recommendation</u>
1	Aughton And Downholland	2015/1055/FUL	<p>Land To The West Cabin Lane Great Altcar Lancashire</p> <p>Installation of 12 x approximately 2.5 - 3.5MW wind turbines of up to 136.5m in height, two wind monitoring masts, substation, access tracks and associated ancillary infrastructure for an operating period of 25 years.</p>	<p><b>Planning permission be refused.</b></p> <p><b>Pages 6 - 117</b></p>
2	Aughton And Downholland	2016/0668/FUL	<p>The Cockbeck Tavern 58 Town Green Lane Aughton Ormskirk Lancashire L39 6SF</p> <p>Change of use from Use Class A4 to Use Class A1 with part demolition, extension, external alterations and works to car park area.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 118 - 127</b></p>
3	Aughton Park	2016/0878/FUL	<p>Store And Premises 30A Scarth Hill Lane Aughton Lancashire L39 4UH</p> <p>Erection of eight detached dwellings and access road following demolition of existing buildings.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 128 - 144</b></p>

4	Bickerstaffe	2016/0176/FUL	<p>Stanley Gate Nursery Ormskirk Road Bickerstaffe Ormskirk Lancashire L39 0HD</p> <p>Erection of single storey dwelling for occupation by nursery worker and family.</p>	<p><b>Planning permission be refused.</b></p> <p><b>Pages 145 - 153</b></p>

5	Burscough West	2015/0904/FUL	<p>Burscough AFC Victoria Park Mart Lane Burscough Lancashire L40 0SD</p> <p>Works to create a replacement football ground including a two storey main stand and club house, a single storey secondary stand, flood lighting, hardstandings and car park, with access from Bobby Langton Way</p>	<p><b>The decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee, subject to the Secretary of State raising no objection to the Local Planning Authority making a decision itself on the application and subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into and subject to an acceptable Habitats Regulations Assessment being carried out.</b></p> <p><b>Pages 154 - 178</b></p>

6	Digmoor	2016/0941/WL3	185 Banksbarn Digmoor Skelmersdale Lancashire WN8 9ER  Conversion of police point/EMB office back into original 3 bedroom bungalow.	<b>Planning permission be granted.</b>  <b>Pages 179 - 183</b>
7	Newburgh	2016/0787/COU	Moss Bridge Barn Moss Bridge Lane Lathom Ormskirk Lancashire L40 4BE  Change of use from hen cabin to office/workers mess (Retrospective).	<b>Planning permission be granted.</b>  <b>Pages 184 - 189</b>

<b>No.1 APPLICATION NO.</b>	2015/1055/FUL
<b>LOCATION</b>	Land To The West Cabin Lane Great Altcar Lancashire
<b>PROPOSAL</b>	Installation of 12 x approximately 2.5 - 3.5MW wind turbines of up to 136.5m in height, two wind monitoring masts, substation, access tracks and associated ancillary infrastructure for an operating period of 25 years.
<b>APPLICANT</b>	Lower Alt Wind Farm Ltd
<b>WARD</b>	Aughton And Downholland
<b>PARISH</b>	Great Altcar
<b>TARGET DATE</b>	14th March 2016

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## **1.0 DEFERRAL**

- 1.1 This application was deferred at the October Planning Committee in order for Members to digest the significant amount of late information submitted.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2012/0407/FUL- Installation of an 80m high meteorological mast for a period of 3 years. GRANTED 21.06.12
- 2.2 2015/0538/FUL-Extension by 18 months of temporary planning permission for meteorological mast. (Current planning permission reference 2012/0407/FUL). GRANTED 16.07.15
- 2.3 ADJACENT LAND AT HILLHOUSE WASTE WATER TREATMENT WORKS LCC/2015/0061 - Erection of two wind turbines and ancillary works. Approved 20.01.2016

## **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 SEFTON COUNCIL (10.03.16) and (22.09.16) – raise the following concerns:

Highways - Sefton Council would require a full assessment to be carried out in respect to the feasibility and cost of the proposed changes required to the highway network in Sefton in order to enable the passage of construction vehicles and abnormal loads. Such an assessment would include UTC equipment, street lighting, bridge structures, drainage and carriageway works.

It is stated in Vol 2 Traffic and Transport para 3.3 that all roads are considered suitable subject to review of structural capacity. The capacity of these roads will require checking and it is noted that no loads are given in the documents



produced. Sufficient time needs allowing for these checks and also any strengthening works required or for the consideration of alternative routes. In addition, it would be prudent to review the bridge parapets as these are not modern. The increased volume of loads leads to a greater likelihood of impact. All bridges affected must be inspected prior to the commencement of any installation works to determine the current condition and arrange any remedial works.

The routes given in Vol 2 para 3.8 and 3.9 are specific and will allow bridges to be checked. Those bridges particularly affected are Rail Bridge (Downholland Brook) and Alt New Causeway Bridge. However, there is danger that other routes in the vicinity of the site may become used for some abnormal loads, which is a concern.

Vol 2 para 3.22 also notes max height is expected to be in the region of 4.9m. Route no.1 via A5036 is height restricted and is not suitable for higher loads than this.

Sefton Council would insist on being consulted in respect of the timings of these construction vehicle movements in order to ensure that peak times were avoided.'

Heritage – Following the receipt of further information, Sefton advise that the site itself does not contain any heritage assets, but is considered to be within the setting of numerous designated heritage assets within Sefton. The heritage assets in question are listed in the heritage statement accompanying the application, but it must be noted that the majority of the assets affected are within the Sefton Boundary.

When considering the impact of the proposals in regard to Sefton's designated Listed Buildings, the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 takes precedence, specifically that of Section 66 which imposes a ' General duty as respects listed buildings in exercise of planning functions.'

In addition to this statutory duty would be the requirements more generally under National Planning Policy Framework (NPPF) taking advice from Historic England's core guidance documents including The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3.

Although a designed approach to the turbines has been considered to minimise the harm created, harm still exists albeit in a varying degree. The harm itself is particularly considered in view of the settings of the designated assets, the harm caused would be less than substantial. However, considering the harm to each asset individually and importantly the cumulative impact of the turbines to all heritage assets the balance of benefits must be comprehensively considered and weighted sufficiently to override both the individual and cumulative harm and

measured against the 'great weight' that is given to be given to conservation of the heritage assets through statutory provisions.

In order to fully understand and assess the proposals against the fulfilment of the statutory duty placed on Local Authorities along with the requirements of NPPF we supported previous advice that further work was required in order to properly assess the impacts of the proposals. That work has now been carried out.

The setting of the Conservation Areas and Listed Buildings in the more built up urban areas are not particularly affected due to the relatively flat low lying land and built up areas around them. I will not list the assets where I agree with the assessments undertaken from the consultants and Historic England advice however the assessments that I disagree with are laid out below:

### Conservation Areas

In general these Conservation Areas are of a rural nature open without large scale vegetation and high boundary walls (such as Ince Blundell) and as a result their settings are compromised due to the proximity and views afforded in juxtaposition of the proposed turbines.

**Carr Houses:** The Conservation Area was designated due to its medieval field patterns including building arrangements, the origins being a minor rural settlement within the wider Ince Blundell estate. The Conservation Area is approached from two lanes Carr House Lane and Hall Lane, the turbines are visible travelling towards the Conservation Area on both lanes and viewed within the Conservation Area particularly on Carr House Lane and its termination at the edge of the settlement. Bearing in mind the close proximity of the turbines and their prominence read in context with the settlement particularly on Carr House Lane I would consider that the impact is slight/ moderate (rather than slight as recorded)

**Sefton Village:** The Conservation Area was designated due to its medieval origins and grouping of Mill Houses and Cottages dating from the 18<sup>th</sup> C, they are an important physical reminder of the presence of the 16<sup>th</sup> Century mill which is now covered by public open space. The turbines when travelling westward on Lunt Road would be viewed in context of the Punch Bowl public House and also more wide ranging views from the open aspect to the area of the former mill which is now public open space I would therefore consider the impact to be slight/moderate (rather than slight as recorded)

### Listed Buildings

**Rigmaidens Farmhouse:** Whilst the building is set back from Carr House Lane the turbines will still be read in its context when travelling along Carr House Lane

and due to their close proximity and size I would suggest the impact is slight (rather than neutral to slight as recorded)

Ecology - The site is near a number of European designated sites and there is bird interchange between these sites and Altcar Withins, flight lines from these sites also pass over Altcar Withins. These sites and their qualifying features are protected under the Habitat Regulations 2010 as amended and West Lancashire will need to undertake Habitat Regulation Assessment (HRA) prior to determining the planning application. The applicant will need to ensure they provide sufficient information for the Council to complete this assessment.'

It would appear that this has not been carried out and is required prior to determination. The Merseyside Environmental Advisory Service (MEAS) have also advised that an HRA is required and Natural England must be consulted accordingly.

Consultation - It is noted that there has been extensive consultation carried out with the appropriate organisations and residents, where it is noted that there is a concurrent theme running through the majority of these, in that there has not been sufficient information provided in relation to many of the issues/topics within the Environmental Statement. It would also appear from the comments as provided from colleagues within the Council that there is additional information that should be provided.

### 3.2 LCC HIGHWAYS (09.02.16) – no objection subject to conditions:

Having regard to this proposal, from an operational perspective I have no comments of significance. However, from a management and routeing perspective as presented, limited information has been presented that allows LCC to conclude that the impacts of routeing can be suitably accommodated with land controlled by either the applicant or by the highway authority. With this, regard needs to be had at this stage that any planning condition that is being considered can reasonably be satisfied by the applicant otherwise may not satisfy the test of planning conditions. To overcome this concern further detailed information is necessary.

Please note that *confirmation has subsequently been provided indicating swept path analysis and that swept paths are within land under the control of the applicant.*

Although the site is within West Lancashire, the majority of the proposed access routes for both HGV and other construction vehicles and abnormal loads are outside West Lancashire and within Sefton area, we would request that a route is defined as being suitable at this stage for abnormal loads and is checked by both Sefton and LCC Abnormal Loads team and the Police. The route should be

protected beyond the proposed life of the turbine to allow for maintenance, replacement and decommissioning (protection is usually for 25 years).

The proposal is for the applicant to construct a new access off New Causeway (C101). It is proposed to route construction traffic approaching the site from a southerly direction along New Causeway and turn right into the site at the new access, construction traffic exiting the site will turn right onto New Causeway and travel to the junction with Lord Sefton Way. This will effectively create a one-way route to prevent conflict with delivery vehicles on New Causeway however, due to the width of the carriageway, I have concerns regarding existing traffic along this route. New Causeway has a maximum width of approx. 5 metres and on approaching the site there is a sharp right hand bend.

From the proposed new access off New Causeway into the site the applicant will construct a new road which will then connect to New Meadow Lane (U952) where a temporary construction compound is to be located.

The proposed route passes over two bridges, one at the junction of Liverpool Road near to the junction with New Causeway and one at the point where Lord Sefton Way changes to Altcar Road. Both bridges are outside the Lancashire County Council boundary and fall within Sefton area. It is important that all structures whether within Lancashire or Sefton are checked to ensure they can accommodate the loading requirements (of vehicle with payload).

The applicant must provide swept paths for the proposed tractor and suitable trailer that can satisfy the dimensions of the payload in all dimensions being height, width and length (with a full understanding of overhang) as a minimum at the following junctions:

Junction with Liverpool Road / New Causeway  
Right hand bend on New Causeway  
Proposed site entrance  
Junction of New Causeway / Lord Sefton Way  
New Meadow Lane access point of new road and junction with Withins Lane  
New Meadow Lane access into proposed Construction Compound

Prior to commencement with the development a trial run is required, using the tractor and trailer to be used, with a mock-up of the maximum dimensions of the payload (height, width and length).

The construction of the proposed new access and other alterations required to the existing highway should be carried out under a Section 278 agreement.

Public Right of Way (8-3-FP10) runs through the development site in an east west direction. Turbines should be set back from any public rights of way by 150

metre (height plus 10%) and 200 metre from a bridle way, as specified in guidance by the British Horse Society.

The proposed development will detract from the current situation of the public footpath, one that is a walk through open countryside.

There would appear to be scope for the developer to include a traffic free multi-user route from New Causeway to the Cheshire Lines cycle route along the access tracks that will be needed for the construction and maintenance of the proposed development. This would improve access to the Cheshire Lines from Formby and provide a largely off road cycle route from Formby to Lydiate and Maghull. On consultation with the LCC Public Right of Way Officer and the Cycling Officer they are of the opinion that this should be provided for the future after construction has been completed and would go some way to mitigate the effect on the existing PROW.

A Construction Traffic Management Method Statement needs to be submitted to support the application, then developed into a Plan (with further detail) provided and approved in writing by the local planning authority prior to any commencement of any approval given.

- 3.3 HIGHWAYS ENGLAND (06.04.16) – HE is satisfied that the development will not have a severe impact upon traffic conditions on the strategic road network but recommends conditions regarding routing of abnormal loads.
- 3.4 UNITED UTILITIES (13.01.16) – No objection and site must be drained on a separate system with surface water draining in the most sustainable way. Level of cover to the water mains and sewers must not be compromised.
- 3.5 ENVIRONMENT AGENCY (26.09.16 & 17.08.16 & 28.07.16 & 31.05.16 & 11.05.16 & 29.01.16) – Initially raised a number of concerns and objections; however, further information confirming no part of any building will be within the EA 8m easement of the main river, Hey Cop and a Water Vole Mitigation Strategy have now been submitted. As such the EA raise no objection subject to conditions.
- 3.6 LEAD LOCAL FLOOD AUTHORITY (LCC) (06.09.16 & 01.03.16) – No objection subject to conditions relating to submission of a detailed surface water drainage scheme including maintenance and management and during construction.
- 3.7 NATS (NATIONAL AIR TRAFFIC SERVICES) (12.09.16, 11.02.16 and 31.10.16) – Initially objected to proposal as the development conflicted with air traffic safeguarding. E-mail now received to identify that contracts have been signed to mitigate the impact to radar which will allow the removal of the objection.

- 3.8 MOD (MINISTRY OF DEFENCE) (19.01.16 & 29.06.16) –No objections subject to a condition relating to the submission of a Radar Mitigation Scheme.
- 3.9 HISTORIC ENGLAND (11.08.16 & 20.02.16) – No objections following assessment of the impact of the proposal on nearby heritage assets. It is acknowledged within documentation, however, that the turbines would be visible from relatively large parts of the grade II\* registered historic park and garden and would be evident in views to and from both Ince Blundell Hall (GII\*) and the Pantheon (GII\*), resulting in a slight level of harm to the setting of the listed buildings. HE believe this to be fair assessment of the impacts and further consideration of the potential impacts is not felt to be necessary.

Church of St Michael, Great Altcar – Our earlier comments requested that additional visualisations were produced from St Michael’s and that greater consideration was given to the contribution of the churches surroundings to the experience of the asset. The requested visualisations have now been provided and these, as well as the additional text, demonstrate that the turbines would only be visible in filtered views from the church at certain times of the year and would only affect a small aspect of its setting. We can advise that following the provision of the additional information, we are now in a position to accept these findings and agree with the conclusions of a slight level of harm to the setting of the Church.

Church of St Helen, Sefton- It was stated in our initial letter that we were concerned that the dominating presence of St Helen’s, which represents a fundamental part of its significance, had not been sufficiently considered and that visualisation had not been provided which showed the church spire and the turbines together. They have now been produced and demonstrate that although the wind turbines would be visible alongside the church spire in some long distant views, they are at a sufficient distance to not detract substantially from the significance of the building. The assessment concluded that the effect of the turbines on the setting of Church of St Helen’s would be slight to moderate and we advise that we now have sufficient information to concur with this judgement.

The additional information provided accepts that the construction of the wind turbines would lead to slight harm to the setting of the identified assets. We agree with these findings and would advise that the local planning authority need to assure themselves that a clear and convincing justification for this harm has been provided (NPPF 132) and if this justification has been provided, that potential level of harm, which we view as less than substantial, is weighed against the public benefits of the scheme (NPPF 134).

- 3.10 LCC ARCHAEOLOGY (22.01.16) – No objection subject to conditions.
- 3.11 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (13.05.16 & 19.02.16)  
- The project as currently proposed will result in likely significant effects on

qualifying bird species and assemblages and associated European Designated Sites. There is currently insufficient information to allow the Council to complete a HRA and determine the application.

There are a range of other ecological issues which are set out in the response below, some require further information prior to determination, whilst other issues could be resolved by planning condition.

#### Designated sites and Habitats Regulation Assessment

The development site provides functionally linked land (supporting habitat) for qualifying features of the following European protected sites:

Ribble and Alt Estuaries SPA;  
Ribble and Alt Estuaries Ramsar;  
Martin Mere SPA;  
Martin Mere Ramsar;  
Mersey Estuary SPA;  
Mersey Estuary Ramsar;  
Mersey Narrows and North Wirral Foreshore SPA; and  
Mersey Narrows and North Wirral Foreshore Ramsar.

These sites are protected under the Habitats Regulations 2010 as amended and Local Plan policy EN2 applies. Due to the development's potential pathways and impacts on the above sites, this proposal requires Habitats Regulations Assessment. This must be undertaken prior to determination.

The wind farm is located within designated site Altcar Withins BHS, this site is designated as it regularly supports 0.5% of the British wintering population of pink-footed geese and is regularly used by hunting barn owl. Local Plan policy EN2 applies. Comments made below regarding pink-footed geese also apply to this site.

The applicant has undertaken wintering bird surveys. I have reviewed these reports and make the following comments:

Breeding and autumn-wintering bird survey has been provided, however these surveys are now dated. Full breeding bird survey undertaken in 2011 is almost five years old. Schedule 1 species survey and vantage point surveys were undertaken in 2013 and are almost three years old and only provide a partial picture of breeding bird use. Autumn-wintering bird surveys are now two seasons old. It is likely that the use of this area has changed since 2013 with the development of Lunt Meadows nature reserve and its increased use by both breeding and wintering bird species. Bird survey results for the final year of survey 2012/13 reflect this with greater numbers of whooper swan, teal and wigeon recorded reflecting changes in trends on Lunt Meadows. Due to the date of survey and changing conditions due to Lunt Meadows the bird data does not

accurately reflect current usage of the area by wintering and breeding birds. As a result it is not possible to accurately assess impacts to qualifying species of the European Designated sites and to complete a Habitats Regulations Assessment.

Survey data provided is largely summarised. Previous comments requested full data to be provided and further information on methods. This request was responded to by email from the applicant (*dated 16.03.2016*) and provided some clarification which was welcome. However, reference was also made to the existing appendices which have already been reviewed and did not provide the additional information required. Therefore information is outstanding and is required prior to determination:

*Impacts to qualifying bird species*

The ES focuses primarily on Pink-footed geese and compensating likely significant effects on this species. However, other qualifying bird species of European Designated Sites have also been recorded in significant numbers within the windfarm site. The following species have been recorded at greater than 1% of European Designated Site populations; whooper swan, shelduck, golden plover, lapwing, black-tailed godwit, curlew, teal and wigeon.

The report to inform HRA has assessed impacts on these species individually but has not set peak counts in the context of population levels within the European Designated Sites; instead species have been assessed on a local or regional level or describe the counts as low without setting this in context. The report also only assesses impacts on individual species and not collectively on the qualifying species assemblage recorded within the development site. Therefore there is no overall assessment of impacts on qualifying bird assemblages of the European designated sites. When impacts are assessed on the qualifying bird assemblages as a whole and on individual qualifying bird species there will be likely significant effects on Ribble and Alt Estuaries SPA and Ramsar; Martin Mere SPA and Ramsar; and Mersey Estuary SPA and Ramsar. An Appropriate Assessment must be undertaken in accordance with Regulation 61 (Habitats Regulations 2010) and planning permission cannot be granted until this matter is resolved. Natural England is to be asked for their views on the scope of Appropriate Assessment. Natural England must be consulted on the draft Appropriate Assessment prior to determination and any points which may arise should be addressed.

The applicant has not provided any mitigation or compensation measures for qualifying bird species other than pink-footed goose. To allow further assessment of the proposed development in relation to HRA the applicant must provide details of mitigation or compensation measures for likely significant effects on qualifying species assemblage. This information is required prior to determination.



Displacement of species and barrier effects of the wind farm site are likely to have the greatest long term impact on bird species with the ES citing a range of studies which show displacement effects. However, impacts from this have not been fully mitigated or compensated within the proposed development. Therefore it is not currently possible to fully assess impacts and further assessment is required prior to determination.

#### *Goose management scheme*

The size of the goose management scheme area has been calculated using mean count rather than mean peak counts (the standard unit used in assessment of wildfowl and wading birds in relation to Natura 2000 sites) and is not acceptable. The use of mean counts significantly down plays the use of this area by bird species and reduces the area of compensatory goose management area and additional feeding to be provided. As a result the use of mean peaks may not provide sufficient compensation to accommodate peak numbers of pink-footed geese recorded using the site. The applicant is required to re-assess the requirements using peak means. The requirement to use mean peak was highlighted to the applicant in pre-application meetings by Natural England and RSPB. I note that RSPB and the Wildfowl and Wetland Trust have also raised this issue in their consultation responses (*RSPB response dated 22 January 2016 and WWT response dated 12 April 2016*).

A range of criteria for determining the location of the goose management site are proposed, one of which is that the location of the proposed goose management area should not be located where geese and other species regularly overfly the wind farm. Identifying such an area will be difficult to achieve due to the movement of birds between any goose management site and roosts on Taylors Bank, Simonswood Moss near Kirkby, Lunt Meadows, Martin Mere and the Ribble Estuary.

The applicant has submitted monitoring reports for Jacks Lane wind farm and Hellrig wind farm. Jacks Lane wind farm had only been operational for one year and it is too early to establish the effectiveness of the compensation. Hellrig monitoring has been undertaken for the full 5 years required. The monitoring shows that no collision casualties of qualifying species (including pink-footed geese) were recorded over the monitoring period. Flight line data shows clear avoidance of the wind farm by pink-footed geese and illustrates the displacement and avoidance effects of wind farms on this species. Flight lines for other qualifying species are not shown but would be useful to indicate displacement and avoidance by other species. Monitoring shows some use of the refuge areas by pink-footed geese, again it is not clear whether the refuge area was used by other qualifying species.

The location of the proposed pink-footed goose management area is not confirmed although a plan showing a search area has been provided. I note that NFU have raised issues over the implications of any wintering bird mitigation on

farm viability (*NFU response dated 20 January 2016*). More certainty is required on the location of the goose management area. This is required to allow the completion of a HRA and is therefore required prior to determination.

#### *Collision risk assessment*

Collision risk assessment has been undertaken and is largely acceptable. Collision risk assessment finds that there will be no likely significant effect from collision risk to any qualifying bird species. However it uses SNH guidelines of 99.8% avoidance level rather than 99% avoidance level used by NE. Using NE recommended 99% avoidance level would result in a likely significant effect on the population of Pink-footed geese. This issue has been highlighted within the WWT response dated 12 April 2016. WWT have also raised issues with increased risk of collision with power lines in the vicinity of windfarm due to avoidance of wind turbines.

#### *In-combination assessment*

The report to inform HRA includes an in-combination assessment, however, this only considers other wind farms and wind turbines projects. Other projects which may result in displacement of qualifying bird species and assemblages from functionally linked land also need to be assessed.

#### Ecological Issues which require further information prior to determination

##### *Breeding birds*

Breeding bird surveys were undertaken in 2011 and updated in 2013 for schedule 1 birds. Paragraph 9 above details limitations in relation to the age of the survey. A total of 36 breeding bird species were recorded, of which 3 are Schedule 1 Wildlife and Countryside Act species, 1 EU Birds Directive species, 9 red data list species, 7 species were present at >1% of the regional population, and 11 are Priority species (NERC Act). Impacts to breeding birds relate to loss of habitat and disturbance during the construction period, collision risk with the turbines and displacement and barrier effects.

Assessment of bird populations on site has been undertaken. The ES assesses breeding bird numbers as low generally, however this is not the case for all species. For example the density of breeding lapwing within the survey area is 7.8 pairs per km<sup>2</sup>, mean breeding densities of lapwing within West Lancashire are between 5.32 – 8.76 per km<sup>2</sup>, therefore within the context of West Lancashire breeding density within the site is not low. Assessments of bird populations need to be set in context and where appropriate mitigation provided for impacts.

A Habitat Management Plan has been proposed for the development site, however no details have been provided and further information is required prior to determination.

### *Bats*

Bat surveys have been undertaken using appropriate methods and bat survey methods are acceptable. Our previous memo requested details of the bat recording equipment, this has been provided and is acceptable. Flight line data was also requested previously, this has not yet been provided and is required. The applicant should provide plans showing flight lines for high and medium risk species such as noctule and pipistrelle species. This information is still outstanding and is required prior to determination.

### *Otter and water vole*

Otter and water vole have been recorded within ditches and water courses on site and Local Plan policy EN2 applies. Impacts relate to construction of ditch crossings and disturbance to these species during construction. The ES states that pre-construction surveys for otter and water vole will be undertaken this is acceptable and these surveys should be incorporated into the CEMP. However, impacts to water vole and otter have not been set out within the ES. The ES states that land take for ditch crossings will equate to c.208m based on 26 crossings, however it is not clear how many of these crossings will impact on known water vole habitat. Similarly, an 8m buffer is proposed for ditches where possible but no information is provided on locations where this is not possible. No mitigation or compensation measures are detailed within the ES.

Without an assessment of impacts and details of mitigation and compensation measures the Council cannot determine to what extent these protected species will be impacted by development. Further information is required prior to determination. The developer should be aware that a Natural England licence may be required.

### *Brown hare*

Priority Species, brown hare was recorded during Phase 1 habitat survey, however locations are not presented within the Phase 1 habitat map or report. Details of brown hare locations are required and should be provided on a plan and in table form and appropriate mitigation measures provided if required. This information is required prior to determination.

### Ecological issues which can be resolved by planning condition

Other ecological issues are associated with the development, these relate largely to impacts on Carr Wood and Carr Wood Rushes BHS and to protected species or Priority Species, bats, water vole, otter and brown hare. Impacts to these species largely relate to the construction phase and are capable of being mitigated. Subject to the above prior to determination issues being resolved the following issues could be resolved through suitably worded planning conditions.

The ES provides details of a number of pre-commencement surveys and mitigation measures which can be most appropriately secured through a planning

condition requiring a Construction Environmental Management Plan (CEMP) and submitted to the Council for approval. A full list of mitigation measures which should be incorporated into a CEMP is provided in Part Two.

To ensure no significant impacts during the construction phase an Ecological Clerk of Works is required and can be secured by a suitably worded planning condition.

#### *Invasive Species*

Himalayan balsam is present within ditches and water courses on site. The applicant is required to submit a method statement for approval.

#### *Carr Wood and Carr Wood Rushes BHS site*

This site is designated due to the presence of remnant lowland raised bog, which is Priority Habitat (NERC, 2006) and Local Plan policy EN2 applies. This habitat can be sensitive to changes in drainage. The ES proposes to minimise impacts to drainage by use of 'floating track' (paragraph 13.6.3 of the ES). This will reduce impacts on the BHS, final details on the measures to be employed should be incorporated into a Construction Environmental management Plan (CEMP).

The Environmental Statement states that the access track will pass within c.1m of the BHS, the access track will require widening. It is not entirely clear whether all working will be outside of the BHS boundary. There is sufficient agricultural land adjacent to the proposed access track to accommodate the track and working area, no works must take place within the BHS boundary. This can be secured by a suitably worded planning condition.

There is potential for construction related pollutants to enter the BHS site. The applicant proposes implementing standard pollution prevention and control measures in line with Environment Agency guidance. These measures can be incorporated into a CEMP.

The applicant proposes a Biodiversity Management Plan as enhancement, no specific details have been provided. The submission and implementation of the Biodiversity Management Plan can be secured by a suitably worded planning condition.

#### *Breeding birds*

The ES proposes pre-construction surveys for Schedule 1 species, barn owl, quail, marsh harrier, hobby and kingfisher. These surveys can be incorporated into a CEMP, should these species be found then no working in proximity to the nests should be undertaken during the bird breeding season 1 March to 31 August inclusive. These measures can be incorporated into a CEMP.

Vegetation on site may provide nesting opportunities for breeding birds, which are protected. No tree felling, scrub clearance, hedgerow removal, vegetation

management, ground clearance is to take place during the period 1 March to 31 August inclusive. If it is necessary to undertake works during the bird breeding season then all trees, scrub and hedgerows are to be checked first by an appropriately experienced ecologist to ensure no breeding birds are present. If present, details of how they will be protected would be required. These measures can be incorporated into a CEMP.

MEAS (30.09.2016)

The applicant has submitted a further report with respect to impacts on pink-footed geese. I have reviewed the report and advise that the report does not significantly affect my previous comments (MEAS memo dated 13 May 2016).

The report addresses one impact, collision risk, to one species, pink-footed geese. However, impacts to passage and wintering bird species extend to other species and to impacts other than collision risk which have not been addressed by this report. As identified in our previous comments the focus on pink-footed geese is a short coming of the Environmental Statement.

The report addresses the effects of predicted collision risk on pink-footed goose populations over a 25 year period. The report shows a number of outcomes depending on the avoidance rates used to model collision risk. The report argues for the use of the higher avoidance rate 99.8% as advocated by Scottish Natural Heritage rather than the lower rate of 99% as advocated by Natural England. The report references a number of studies and wind farm monitoring indicating higher avoidance rates. However, there are relatively few studies or long-term monitoring and therefore national advice from Natural England's is to use a 99% avoidance rate.

The report concludes that even with a 99% avoidance rate there would be no likely significant effects on pink-footed geese populations over a 25 year period as the population would continue to grow at 3.3% per annum. Figure 3 of the report clearly shows that with a 99% avoidance rate, the population would be significantly below the population predicted with no additional mortality figure (a predicted population of 49,200 compared to 74,000) I therefore disagree that this would not be significant.

Secondly, I disagree with conclusions made in relation to the effectiveness of the Goose Management Scheme in reducing collision risk further. For the goose management scheme area to effectively mitigate impacts from collision risk it must be located in an area which does not result in geese needing to over fly the windfarm to get to the Goose Management scheme area and this will be difficult to achieve given the location of the various roost sites and feeding areas for this species within the West Lancashire and Merseyside area.

The studies and monitoring reports show the avoidance of wind farm sites by pink-footed geese. This will result in functional loss of habitat through avoidance and displacement of this species from feeding grounds. The report does not address this impact on population viability of PFG and other qualifying bird species. This impact has not been fully addressed within the Environmental Statement.

MEAS (06.10.16)

Whilst the additional information provides some additional interpretation of existing data on a range of issues including: peak count numbers, population viability analysis, potential disturbance zones and loss of functionally linked land (supporting habitat), no new data has been provided.

The main issue in relation to determining this application is that the age of data (non-breeding bird survey) is now 3 seasons old and is no longer representative of the current baseline on site and in the study area. Therefore, we assign low confidence to the interpretation of this data for the purposes of HRA. Specifically, Lunt Meadows nature reserve which lies directly to the south west of the site was only partially complete at the end of the non-breeding bird survey period in 2013. Lunt Meadows nature reserve is a wetland reserve that provides optimal foraging and roosting habitat for a number of qualifying features of the European sites. Since its completion and opening in 2014 the reserve has been attracting, and used by, increasing numbers of non-breeding birds.

The submitted non-breeding bird survey data does not characterise the current baseline use of the proposed development area by birds. Therefore it is not currently possible to accurately assess impacts to qualifying species of the European Designated Sites and to rule out the likelihood of significant effects as required by the Habitats Regulations. Therefore, I advise that planning permission should not be granted. This concurs with advice from Natural England (letter dated 5 October 2016).

- 3.12 RSPB (22.01.16) – Object on the basis that there is insufficient information to enable WLBC to ascertain that there will not be an adverse impact on the wintering pink footed goose population and their associated SPA's.

RSPB go on to advise their objection relates to:

Loss of functionally linked habitat

Inadequate methodology used to calculate the proposed mitigation for pink footed goose

Inadequate mitigation for pink footed goose

RSPB (30.09.2016)

The RSPB have responded to the applicant's assertion that the recently published RSPB 2050 Energy Vision superseded the views of the RSPB local branch made in January 2016. They state:

Responses to individual planning applications are led by RSPB's national response criteria. Obviously the original response in respect of the proposed wind farm was submitted before the RSPB 2050 Energy Vision was published, however, I still stand by my response on behalf of RSPB.

The 2050 Energy Vision report at the outset states: "The maps should not be interpreted as areas that should or should not be used to deliver renewable energy.....".

The Energy Futures report is highly ambitious in scope, attempting for the first time to undertake a comprehensive analysis of how the UK can transition to a low carbon energy system and deliver its climate change targets in harmony with nature. In particular, the spatial analysis of renewable energy technologies in Annex 1 of this report has not previously been undertaken at this (national) scale for a number of the technologies analysed. Given the ambitious nature of the analysis contained in this report, the future energy scenarios presented are not intended to be definitive or prescriptive at the detailed level.

In short, the maps are not designed to identify sites for renewables opportunities, but to answer a broader question about whether it is possible to meet UK emissions reduction targets in harmony with nature, i.e. without adverse impacts on ecologically-sensitive sites. So the maps are not intended to identify areas where the RSPB supports renewable energy development, or would necessarily oppose it.

Therefore, we maintain the position that site-based assessments such as EIA are required to determine whether particular developments will have unacceptable levels of ecological impact. As such, the maps do not affect the RSPB's engagement with projects on a case-by-case basis. Rather, we advocate this methodology being used by national Government(s) to inform energy policy at a strategic level, and by local authorities to help identify suitable sites at the more local level (which is something we are currently working to develop in our policy and advocacy work). This information is covered in the FAQs and in the Annex to the Technical Report which states; "The maps should not be interpreted as areas that should or should not be used to deliver renewable energy, but rather as indicative of the aggregate land area available for renewable energy capacity at different levels of ecological sensitivity".

The West Lancashire goose & swan alert area mapping is available to us at regional and local levels, it is important to note that these were not referenced in the mapping by the report's authors for the reasons given below:

There is no single national data source for goose and swan feeding areas on cropped land, and, although we have good datasets for the Northwest, data at the national scale is patchy. WeBS counts are focused on estuarine and coastal populations, with only cropped land in the immediate vicinity of these core sites being surveyed. For this reason, cropped feeding areas for geese and swans have not been included on the sensitivity mapping layer which were used to produce the maps, hence the area on which this development is proposed is not shown on the mapping.

The decision not to buffer SPAs (i.e. to not include functionally linked areas) was made after discussion with the UK casework and site protection teams. The technical report contains the following reasoning "Buffers were not applied to protected areas because: (i) sensitivities to energy projects of qualifying species are often unknown and species-specific; (ii) protected area boundaries often have integral buffers; and (iii) the risk of over-estimating areas of sensitivity." Argument (ii) does not apply to wildfowl SPAs but the other two clauses are relevant in this case.

Specifically on Functionally Linked Areas - we acknowledge that these are important for wildfowl populations, however, it is not that case that all areas within foraging distance of a roost will be used to the same extent (if at all, for some areas may not contain suitable feeding habitat) or that no development should be permitted within this zone. However, for a development to be acceptable in the foraging zone we would normally expect adequate mitigation to replace the resource to be damaged or lost, and clearly we do not believe this to be the case in respect of this development.

In direct response to the applicant's statement that "Happily, the Lower Alt site is identified as an "opportunity" for onshore wind energy development!" the area surrounding the proposed development is actually marked as low/unknown sensitivity, not as an opportunity area for wind farm development, as I have already stated above this is because of the use of national rather than local data sets in the production of the report.

To reiterate our message these maps are not intended to indicate suitable sites for renewable energy development, and do not affect the RSPB's engagement with individual casework – which will of course continue on a case-by-case basis.

It is also important to remember that poorly-planned energy infrastructure can seriously harm wildlife, adding to existing pressures, including those caused by climate change.

3.13 NATIONAL GRID (29.12.15) – National Grid have apparatus in the vicinity and the applicant is advised to contact National Grid.

3.14 HEALTH AND SAFETY EXECUTIVE (10.03.16) – No comment



3.15 DIRECTOR OF LEISURE AND WELLBEING (12.05.16) – No objection subject to conditions. This Service commissioned an acoustic consultant to review the noise and vibration Environmental Statement (ES) chapter submitted with the application.

The report concludes that the noise assessment presented in the Environmental Statement (ES) follows the advice of ETSU-R-97, the Good Practice Guidance (GPG) and Supplementary Guidance Notes (SGNs) published by the Institute of Acoustics, as advised by National Planning Policy for the noise assessment of windfarms.

The background noise survey is regarded as robust and the derived noise limits are considered suitably precautionary. The prediction of turbine noise levels uses a methodology and follows established practice tested at multiple planning appeals; and is in line with the advice of the GPG and SGNs.

Therefore, overall the ES and the noise assessment it contains is considered adequate and in compliance with national and local policy.

The conclusion of the ES is as follows:

*Operational noise from the wind farm has been assessed in accordance with the methodology set out in the 1996 DTI Report ETSU-R-97, 'The Assessment and Rating of Noise from Wind farms'. This document provides a robust basis for assessing the operational noise of a wind farm as required by national policy (NPS EN-3). Applying the ETSU-R-97 derived noise limits at the assessment locations it has been demonstrated that both the day-time and night-time noise criterion limits can be satisfied at all properties across all wind speeds. This outcome may be achieved through use of reduced noise turbine operation for four of the turbines in the case of the Vestas V112 candidate model, or through standard operation for the Nordex N100 turbine. A cumulative noise assessment has also been carried out for a number of relevant assessment locations, taking into consideration noise from the proposed neighbouring Hill House proposal: this also demonstrated that both the day-time and night-time noise criterion limits can be satisfied at all properties across all wind speeds. This assessment has been based on the use of the manufacturer's sound power data for the wind turbines, with suitable consideration of uncertainties, with models which are considered typical of the type and size of turbine which may be considered for this site, and assuming worst case downwind propagation*

I therefore have no objection to the application on noise grounds but recommend a list of conditions, in line with Government guidance to ensure that amenity of the neighbours is protected.

The issue of Amplitude Modulation has also been considered.

The sound level of aerodynamic noise from wind turbine blades is not completely steady. Modern large wind turbines normally produce a swishing noise with a sound level variation of a few decibels. This is sometimes called blade swish or Amplitude Modulation of Aerodynamic Noise (AM). In some situations however, the modulation characteristics can change in character to resemble increased swish or thumping which can potentially cause increased annoyance compared to typical AM. This is normally referred to as Enhanced Amplitude Modulation (EAM) or Other Amplitude Modulation (OAM).

At present there is no way of predicting OAM at any particular location before turbines begin operation, based on the general features of a site or the known attributes of a particular turbine.

At this time the definition, measurement and assessment of the “Amplitude Modulation” of wind turbine noise is subject to significant debate and uncertainty.

A condition is therefore recommended in regard to the “Amplitude Modulation” of wind turbine noise. Due to the current debate and uncertainty a qualitative condition is proposed (as recommended by the Inspector and agreed by the Secretary of State in the “Turncole” wind farm decision).

#### Shadow Flicker

The applicant has produced a Shadow Flicker assessment.

The assessment looked at the number of residential properties within 1140 m of the proposed turbine locations that might be affected by shadow flicker from the turbines. Shadow flicker effects can only occur within 10 rotor diameters of a wind turbine and within 130 degrees either side of north.

The initial assessment of ‘worst case’ identified three properties where there were potentially significant or borderline significant effects. A further assessment of these properties, applying the mitigating effects of separation distances, proper account taken for the locations and viewing directions of receptor windows, realistic average sunshine/weather conditions, and potential intervening obstacle screening, concluded that it is likely that no significant effects in EIA terms would arise.

In the event that shadow flicker occurs and causes significant effects at any residential property, then mitigation can be implemented. Turbines can be fitted with a control system to inhibit the turbines at all the relevant times that shadow flicker could occur. Implementation of appropriate mitigation, including the option to install such a control system, can be secured through a suitably worded planning condition. This will require a scheme outlining the protocol for the investigation and resolution of any complaints relating to shadow flicker at all

such properties to be submitted to the local authority for approval prior to the operation of the turbines.

### 3.16 NATURAL ENGLAND (05.10.2016 & 21.10.16)

At present it is Natural England's advice that further information is required regarding impacts on qualifying species from the nearby designated sites and deliverability of the proposed Pink-footed Goose Management Scheme. We therefore advise that your authority does not have enough information to make a decision at this stage.

#### **Internationally and nationally designated sites**

The application site is in close proximity to the following European designated sites (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect their interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations')

Ribble and Alt Estuaries Special Protection Area (SPA). The site is also listed as Ribble and Alt Estuaries Ramsar site and also notified at a national level as Sefton Coast Site of Special Scientific Interest (SSSI).

Martin Mere SPA. The site is also listed as Martin Mere Ramsar site and also notified at a national level as Martin Mere, Burscough SSSI

In considering the European site interest, Natural England advises that the Council, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

The Ribble and Alt Estuaries SPA and Martin Mere SPA are designated for their important populations of wintering waterbirds; the SPAs are also of major importance during the spring and autumn migration periods. Several species of waterbirds (notably Pink-footed Goose *Anser brachyrhynchus*) utilise feeding areas on agricultural land outside of the SPA boundaries (functionally linked land).

The application site is within land which is functionally linked to the Ribble and Alt Estuaries SPA and Martin Mere. This is acknowledged within the submitted Environmental Statement '*The region is known to support an important wintering population of this species (pink-gooted goose), which will be very likely ecologically linked to the Ribble and Alt Estuaries SPA (roosting on the SPA at night but feeding by day on the surrounding farmland), and possibly also the Martin Mere SPA to the north*' (Section 7.2.17).

### **Further information required**

The submitted 'Report to inform a Habitat Regulations Assessment for the Proposed Lower Alt Wind Farm' (appendix 7.5) concludes that there will be no likely significant effects from the proposed development. On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects.

Natural England advises that the information and evidence gaps could potentially be resolved with additional information formally submitted by the applicant.

We offer a Discretionary Advice Service which may be of interest to the applicant. It would provide the applicant with the opportunity to test any revised proposals with us. Details of this service can be found on our website

Natural England recommends that any information gaps should be met by the formal submission of information, so that the project as a whole, i.e. as submitted with all information and measures to protect the European site, can be screened to check whether the likelihood of significant effects can be ruled out.

Detailed advice:

#### **1.0 Mean count vs Peak count**

The submitted documents state that for Pink-footed Goose (PFG) the mean count, rather than the peak count, better reflects the overall use of the site by PFG (page 17, Report to inform a Habitat Regulations Assessment, September 2015 and section 5, appendix 7.4 Proposed Pink-footed Goose Management Scheme, October 2015). We have reviewed the PFG records within 600m and PFG regularly occur in significant numbers, therefore we advise that the peak counts would be the more appropriate count to use.

#### **2.0 Collision risk modelling**

Natural England's advice regarding collision is focused on PFG; we note that other SPA bird species have been assessed and agree with the conclusion of no significant effects. The original assessment of collision risk applied an avoidance rate of 99.8% for PFG. We currently advise using Page 3 of 9 an avoidance rate of 99% for PFG in wind farm assessments, further information can be found in Annex A.

Pink footed goose:

Section 7.5.20 states 'For the purposes of the assessment a worst case scenario has been assumed that all of the mortality would act on the Ribble/Alt SPA population, using the most recently published five-year mean peak of 32,281 (Holt et al. 2015)'.

It would be more appropriate to base the collision risk modelling on the combined populations of the Ribble and Alt Estuaries SPA and Martin Mere SPA, as these are the two sites connected to the development site.

Nevertheless, population viability modelling has been undertaken based on the Ribble and Alt SPA population and a 99% avoidance rate, using the population viability analysis (PVA) method.

The report concludes that PFG population growth was still predicted at the end of the 25 year life of the wind farm. Natural England are in the process of seeking specialist ornithologist advice to confirm that the conclusion drawn is sound.

### **3.0 Disturbance and Displacement**

PFG:

Significant numbers of PFG were found to be using the potential 600m disturbance zone around the turbines. We note that a goose management scheme has been proposed to mitigate likely significant effects on PFG. Advice regarding the goose management scheme can be found below.

Other SPA birds:

We have reviewed Table 2. Mean and peak autumn/wintering SPA bird numbers, the table indicates that there are several other SPA species where significant numbers of birds are utilising the potential 600m disturbance zone around the turbines.

Lunt Meadows Flood Alleviation Scheme is within the potential 600m disturbance distance of turbines 11 and 12. Lunt Meadows is a new wetland, created between 2012-2014, covering 77ha (Lancashire Wildlife Trust website). Section 7.1.2 of the Environmental Statement acknowledges that ornithological impacts on bird populations using Lunt Meadows need to be considered, thus supplementary counts of this area were undertaken during September 2013 - March 2014. Within table 7-8, which summarises the counts, there are several SPA species listed where the counts would be considered to be significant. It is unclear whether the counts are for the area that may be potentially disturbed or the whole of the Lunt Meadows site.

We note that section 7.2.26 states that the extent of the buffer zone from Lunt Meadows was agreed with Natural England; although we have records of the meetings we have no recollection of agreeing the buffer zone

To enable your Authority to assess whether there is a likely significant effect on SPA birds, Natural England advise that an additional years over wintering survey should be undertaken.

The extra survey data would be helpful in addressing how the creation of wetland at Lunt Meadows has affected the number and distribution of SPA birds at this location and the surrounding area including the proposal site.

#### **4.0 PFG Mitigation**

The submitted documents acknowledge that a likely significant effect on PFG cannot be ruled out and that mitigation will need to be implemented. the proposed mitigation can be found at appendix 7.4: Proposed Pink-footed Goose Management Scheme (October 2015) Page 4 of 9 .Natural England advise that there is scope to mitigate for impacts to PFG through a mitigation scheme but more confidence that it can be delivered is required.

Please see comments below:

The proposed mitigation is based on providing supplementary feeding for PFG; a criteria has been provided in section 11 to enable the mitigation to be effective.

Point B of the criteria states that 'It should not be in a location where geese would need to regularly overfly the wind farm in order to reach it from the roost'. A Search area map (figure 1) has been provided and the goose feeding area and buffer zone would be selected from this area. It is unclear how much of this search area satisfies point B.

Natural England has concerns regarding the deliverability of the mitigation, more certainty that a location/s fitting the listed criteria can be established for the life time of the wind farm is required.

The amount of goose feeding that could potentially be displaced by the wind farm has been calculated using the mean counts. Natural England advise that the peak counts are used as per our advice above

Amount of provisioned food: The figure of 1,100kJ provided appears to be based on Daily Energy Expenditure. Expenditure is different to energy intake; it is the latter figure that should form the basis for the amount of food provided, as the former does not take into account assimilation (a goose's digestive system is not 100% efficient, so not all the energy contained within food is available). Depending on the species-food specific assimilation rate, there will need to be an equivalent uplift in the amount food provisioned.

Annex B provides generic advice that is relevant to the management of the goose feeding area

## **Site of Special Scientific Interest**

Our concerns regarding the potential impacts upon Sefton Coast SSSI and Martin Mere SSSI coincide with our concerns regarding the potential impacts upon site and are detailed above.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI, Natural England will be happy to consider it.

If your Authority is minded to grant consent for this application contrary to the advice relating to the SSSI contained in this letter, we refer you to Section 28I (6) of the Wildlife and Countryside Act 1981 (as amended), specifically the duty placed upon your Authority, requiring that your Authority;

Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice, and

Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

## **Protected Species**

You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

## **4.0 OTHER REPRESENTATIONS**

- 4.1 North West Friends of the Earth (05.10.16) – support the application, subject to outstanding issues being resolved and have commented as follows:

Wind energy applications must be viewed in the context of climate change and the need for urgent and radical action to reduce our greenhouse gas emissions, including and particularly in the energy sector. There is urgent need for the UK to develop renewable energy including wind power, in order to meet our national commitments of 15% of energy supply from renewables by 2020 and to meet targets in the climate change Act 2008 to reduce emissions by 80% by 2050. Furthermore, the UK is one of 195 countries to commit to the Paris Agreement

2015 to hold global average temperature increases to well below 2 degrees C above pre-industrial levels and to pursue efforts to limit to 105 degrees C.

Wind energy technology is a tried and tested technology. Government surveys show that renewable energy is consistently popular with the public – in contrast to much lower support for fracking, an unconventional fossil fuel extraction technique which is also being proposed in West Lancashire.

The National Planning Policy Framework (NPPF) clearly sets out the need for local planning authorities to achieve sustainable development, address climate change and encourage renewable energy production. An aspect of achieving sustainable development which the NPPF expressly alights upon is the objective to 'mitigate and adapt to climate change including moving to a low carbon economy'. Relevant principles and policies against which the application must be viewed are as follows:

Core planning principles (para 17 NPPF): 'support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy)'

Para 93: 'Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure.'

In decision-making, local authorities are required to 'approve the application if its impacts are (or can be made) acceptable' (para 98).

In the case of this development proposal, the local authority highlights a number of concerns, although we are of the view that many of these can be mitigated – including those which require further responses from and dialogue with statutory consultees before overall impacts can be fully assessed.

While the development would be sited in the Green Belt, there are clear wider environmental benefits which would comprise special circumstances in order for the proposals to comply with NPPF (para 91). These environmental benefits include the provision of clean energy equivalent to powering 24,000 homes, and reducing carbon emissions and mitigating climate change. The applicant also proposes a package of community benefit measures including community ownership and energy cost reduction for residents. Furthermore, one of the key purposes of the Green Belt – to prevent encroachment onto the countryside by urban development – would not be compromised by the scheme.



With regards to potential impacts on the Green Belt, the decision made on a much larger scheme within the North West provides an important reference point. The Scout Moor development consists of 26 wind turbines and was approved (and built) at Scout Moor, on the Boroughs of Rochdale and Rossendale (the Rochdale turbines being located in the green belt). The Secretary of State agreed with the Planning Inspector that the development would retain a sense of openness as the turbines were visible but will not obstruct views. They said that visual permeability is relevant when considering openness, and that wind turbines are slim by design, and help retain the openness and character of the landscape setting.

Green Belt aside, the developers behind the application are still awaiting satisfactory conclusion of discussions with Natural England regarding potential impacts on protected birds and habitats. In our view, if the further evidence provided to Natural England by the developers can be agreed, then there is scope that the application could be approved in accordance with Policy EN1 of the West Lancashire Local Plan 2012 - 2027 that 'Wind energy development proposals within West Lancashire will be given positive consideration provided that any adverse impacts can be satisfactorily addressed'.

The planning officer's report also outlines several other reasons for refusal. Amongst the technical issues we understand that the Ministry of Defence has removed its objection, and that NATS are currently coming to final agreement with the developer and have identified a technical solution which is likely to lead to the current holding objection being removed.

Overall, we feel that with Natural England yet to respond to the developer's further environmental information (and in light of ongoing negotiations with NATS) it would therefore be entirely inappropriate for this application to be determined ahead of their final response being received and taken into account.

4.2 National Farmers Union (20.01.16) – Cannot support the application for the following reasons:

In principle the NFU support a broad mix of renewable energy schemes where development will not significantly impact on agriculture. However, our biggest concern is that no consideration has been given to the existing land use or food security issues arising from the loss of agricultural land;

The allocation of land to establish a goose refuge and an additional boundary area where restricted activity can take place will affect 260 acres of current Grade 1/2 land;

Concerned that this will attract more geese into one particular area, concentrating their numbers and place further pressure on adjacent farms, as geese will be attracted to other crops in the vicinity, thereby threatening the economic viability of these farm businesses;

No record of recent flood events in 2007, 2010, 2012 and 2015 in the FRA. These flood events put further pressure on the agricultural economy due to crop loss and spending time and money restoring the land back in to production; Any new development in this area may increase flood risk due to construction of hardstandings and there will be 11.1 ha of land under hardstanding which is impermeable and liable to runoff; The drainage system is intricate and delicate and any new culverts or crossings need to be carefully constructed and maintained; Prime agricultural land is a finite resource and its loss has serious impacts for future in terms of food production; Mossland due to its very nature very rarely provides reasonable construction conditions and this is highly likely to impact on the farming operations in the area; It is likely that construction will take place over at least 2 summers, therefore seriously disrupting the farming operations of tenant farmers who will suffer crop losses and potential damage to fields and logistical difficulties during harvesting; The scheme has the potential to adversely affect the strength of the agricultural sector in this area of West Lancs as the land could not be returned to full agricultural production upon decommissioning; The details of the scheme with regard to construction are premature as they are not based upon definitive information as to the type of groundwork's needed suitable to the land.

4.3 Wildfowl and Wetlands Trust (12.04.16) – objects to the application on the following grounds:

The site receives internationally important numbers of Pink-footed Geese and has been identified as a sensitive area for the species in the spatial planning guide for onshore wind farms in Lancashire developed by the Lancashire Wildlife Trust and the Royal Society for the Protection of Birds (RSPB & LWT 20081). It has been a regular feeding ground for the geese roosting at the Martin Mere Special Protection Area (SPA) and the Ribble & Alt Estuaries SPA since the early 1970s, and the loss of this habitat would have a negative impact on the integrity of these SPAs, particularly if any mitigation plans were not maintained, inappropriately sited, or provided insufficient resources for the numbers of birds involved;

Even with the limited duration of Pink-footed Goose vantage point observations (i.e. 2–12 hours/month in winter) reported in the Environmental Statement, there were a substantial number of goose flights across the proposed wind farm site. Moreover, the peak counts of 5,463–6,758 in winters 2010/11–2012/13 inclusive represent 1.9%, 2.6% and 1.8% of the whole of the Icelandic/Greenlandic population in these winters respectively (population sizes on the WWT Waterbird Monitoring website<sup>2</sup>). This, together with the other bird interest (up to 762 Lapwing, a Bird of Conservation Concern Red List Species and 1,550 Black-headed Gull, a BoCC Amber List species <sup>3</sup>), is at the level at which a site is eligible for protection as a Site of Special Scientific Interest (SSSI), and indeed as an SPA;

There were a number of areas where we considered that the ES was underestimating the potential impact on the geese and thus on the Martin Mere and the Ribble & Alt Estuaries SPAs;

Given that studies at wind farms in the Netherlands and records of 3–4 Whooper Swan carcasses under powerlines near Hellrigg in winter 2012/13 have noted elevated bird collisions with powerlines in the vicinity of wind farms, WWT is concerned that the diversion of goose flights to avoid the wind turbines would increase the risk of them colliding with the (less obvious) wires. Although this pattern needs to be studied more rigorously, nevertheless the proximity of powerlines to the Great Altcar wind farm means that avoidance flights that increases the movement of geese across the powerlines (and thus increase the collision rate) should be taken into account as part of the collision risk assessment process;

WWT is strongly of the view that the potential cumulative impact of several wind farm developments on wildlife and their protected habitats needs to be addressed. There is a requirement to this effect within EU legislation and developments close to protected sites certainly should calculate cumulative impacts of other wind farm developments not only in the vicinity but further afield. As such, limiting the area for determining cumulative effects to a 60km zone is inappropriate, because the geese travel in the vicinity of wind farms much further north as they migrate through Scotland and/or along the Scottish coast to wintering sites in Lancashire and beyond. Their mobility also increases the probability of them migrating across a larger range of wind farms during autumn and spring migration. Major wind farms in areas known to hold internationally important numbers of Pink-footed Geese in northern Britain therefore should be included on considering the effects of the proposed Great Altcar wind farm in combination with other wind farm sites;

Very few studies have been published of the impacts of wind farms on birds in the UK and the Percival et al. 2008 report referred to by the applicant has not been subject to peer-review. In particular, although some individuals may feed close to the turbines, the extent to which geese return (either in total numbers or as a % of the population) to sites where wind farms have been constructed has yet to be determined;

Not convinced that mitigation is proven to be effective and appropriate;

Collision risk should be revised to 99% avoidance rates;

Peak counts of birds should be used rather than mean counts to inform refuge proposals and mitigation;

A 5ha feeding area is suggested as mitigation for Pink footed geese but there is no justification for this figure;

Overall, WWT considers that there is insufficient information to be assured that the 12 wind turbines at Great Altcar would not have a significant impact on feeding areas used by Pink-footed Geese wintering in south Lancashire, and thus on the integrity of the Martin Mere SPA and the Ribble & Alt Estuaries SPA. The EC Habitats Directive (92/43/EEC) and the UK Habitats Regulations require that any plan or project should be designed to enable the “Competent Authority” (in this case West Lancashire Borough Council) to be assured that that the

development would not have a negative effect on site, and this seems to be lacking in this case.

4.4 Campaign to Protect Rural England Lancashire, Merseyside and Greater Manchester (27.01.16) – object on the following grounds:

Impact on Green Belt, landscape and visual amenity harm with other adverse impacts on ecology, combining to outweigh the benefit of generating sustainable energy;

This Green Belt location does not have the landscape capacity to accommodate the 400 sqm of light industrial uses;

Massive dominating structure in the rural landscape;

Combined effect of 12 turbines is greater for the flat nature of the land and observers near and far will be aware of their alien presence;

Impact on residential amenity living in the vicinity;

Loss of best and most versatile agricultural land;

Share concerns of Lancashire Wildlife Trust concerning potential harm to wildlife;

Local plan advises that the possibility of commercial scale wind energy generation has yet to be assessed with respect to landscape impacts and localized feasibility;

Adverse impact of the development cannot be addressed at this location;

Applicant has not demonstrated the existence of very special circumstance which would justify the adverse effects.

4.5 The Wildlife Trust for Lancashire, Manchester and North Merseyside (21.01.16 and 14/04/16) – object on the following grounds:

Adverse impact on overwintering feeding ground for pink footed geese which is functionally linked to the Ribble and Alt Estuaries and Martin Mere SPA/Ramsar sites. The average size of the “south Lancashire” population accounts for 12.5% of the international population of the species (this area counts for 7.5% of the south Lancashire population) and the numbers are rising;

Development is likely to displace a significant proportion of the SPA pink footed geese population and therefore have a significant adverse impact on the SPA;

Supplementary feeding is proposed in mitigation but the area proposed for mitigation does not take into account birds flying over the site from the south;

Disturbance to breeding marsh harriers is a significant issue;

Detrimental impact on Lunts Meadows nature conservation site which has been created with large amounts of public and charitable funding. Ecological links created between Lunts Meadow and Martin Mere, Ribble Marshes and Marshside will be diminished;

16% (11ha) of Lunt Meadows falls within the 600m disturbance zone identified in the ES and no turbine should be sited within 1,000m of the Lunts Meadow boundary to offer nature conservation protection;

Lunts Meadow will suffer significant loss of landscape quality and visual intrusion which will have profound effects on visitor numbers to the nature reserve and its

use as a place for quiet recreation located in a rural setting but on the edge of the Liverpool conurbation.

4.6 West Lancashire Civic Trust (11.01.16) – object on the following grounds:

Industrial intrusion into the countryside;  
Turbines will have a direct and dominant visual impact on the surrounding areas which are flat and low-lying;  
Land is in the Green Belt;  
Noise of blades and shadow flicker will have an adverse impact on local residents;  
Impact on aviation navigation systems due to proximity to RAF Woodvale, Altcar Rifle Range and microlight aircraft from Ince Blundell;  
Recreational areas such as Cheshire Lines footpath, will be impacted;  
Low lying land could be affected by flooding as a result of construction of hardstandings;  
Ecological importance of the area for migrating birds – turbines would be a distraction and a collision risk for birds.

4.7 SW Lancs Ringing Group (28.01.16) – object as the wind farm would put two species of birds of prey on Schedule 1 that breed in the area at risk, as well as lapwings and geese.

4.8 Great Altcar Parish Council (27.01.16) – object on the following grounds:

Noise and flickering will affect residential amenity;  
Cheshire Lines would no longer be a place of tranquility;  
Sheer size and flat nature of land make the impact impossible to shield;  
Collision risk to birds;  
Disturbance of other protected species;  
Too near Biological Heritage Area and Lunts Meadow;  
Risk of aquifer being punctured;  
Loss of highly valuable and productive agricultural land;  
Permanent blight on the landscape as concrete would not be removed;  
Heavy HGV's and cranes with associated noise and disturbance to local residents during construction would be immense;  
Massive visual impact;  
Area has not been identified as suitable for wind farm in local plan;  
Liverpool Renewable Energy Capacity Study 2011 states deep peat areas and bird migratory zones are prohibitive for wind farm development.

4.9 Little Altcar Parish Council (20.01.16) – object on the following grounds:

Part of Green Belt containing deep peat deposits and large amounts of carbon would be released into the environment by construction of the wind farm and

deep peat plays an important role a unique habitat and important carbon store which Policy EN2 seeks to conserve;  
 Loss of Grade 1 and 2 agricultural land;  
 Contrary to Written Government Statement of June 2015 as has not got backing of local community;  
 Liverpool Renewable Energy Capacity Study 2011 states deep peat areas and bird migratory zones are prohibitive for wind farm development;  
 Shadow flicker and noise would affect nearby residents;  
 Area is a winter migration ground for thousands of rare geese and other farmland birds;  
 Area includes a wildlife corridor and Nature Conservation site;  
 Surrounding area well known for its micro-climate and delicate ecosystem;  
 Impact on Cheshire Lines valuable local resource;  
 Impact on local residents from increase in traffic during construction as well as noise;  
 Disruption will be caused around Altcar Road, Formby bypass and all roads through to site;  
 Destroy existing character of an area of high heritage value;  
 Impact on historically significant farming area since it was drained in 13<sup>th</sup> Century;  
 Increased risk of flooding as partly within Zone 2 and 3;  
 Negative impact on agriculture and local economy;  
 Negative impact on visual appearance of a wide area;  
 Lack of public consultation by developers;  
 Increase in pollution from diesel generators used to supplement the electricity supply when there is insufficient wind.

4.10 Aintree Village Parish Council (02.02.16) – object on the following grounds:

Impact on Green Belt;  
 Loss of Grade 1 and 2 agricultural land;  
 Deep peat areas should be conserved in accordance with Policy EN2;  
 The site is not suitable for wind farm as suggested by the Liverpool City Region Renewable Energy Capacity Study;  
 Impact on residents through noise and shadow flicker and inability to screen the development;  
 Impact upon nature – birds and wildfowl;  
 Impact on BHS and Lunts Meadows;  
 Impact on recreation and use of Cheshire Lines;  
 Blight the landscape;  
 Impact on Green Belt buffer separating the surrounding urban areas;  
 Increase in traffic during construction phase;  
 Potential to damage aquifer which would impact on sensitive drainage systems and increase the likelihood of localized flooding;  
 Loss of Grade 1 and 2 agricultural land of national importance;  
 Visual impact;  
 Lack of public consultation;

Impact on property values.

4.11 Ince Blundell Parish Council (29.01.16) – object on the following grounds:

*Landscape and Visual Impact*

Not in an area identified as suitable for wind energy in the Local Plan;  
Planning impact identified by Ince Blundell Parish Council and residents of Ince Blundell have not been fully addressed and the proposal therefore does not have the backing of the local community;  
Significant and adverse impact on the fabric, character and quality of the landscape;  
Proposed height and their effect on the landscape would be overwhelming, effectively industrializing it;  
Contrary to West Lancs Landscape SPD and Sefton Landscape SPD;  
Precedent set already by Inspector in refusing a single wind turbine in Pinfold;  
Overwhelming visual impact on nearby residents;  
Too close to conservation areas;  
Incongruity of giant, modern industrial structure on the setting of old farm cottages and churches will not respect the historic character of these localities or setting of conservation areas;  
Ince Blundell is an interconnected community with other parts of Sefton and Lancashire via network of paths which have historical relevance and purpose and the proposal will spoil and dominate those links, fundamentally destroying the character and enjoyment of them;  
Value of the amenity the local paths and highways provide;  
The additional components of the scheme used in construction and to maintain the turbines will amount to a proliferation of visual detractors with respect to the landscape;  
The landscape is so open and flat that even the impact of new tree planting and woodlands is controlled through the WL landscape SPD;  
Impact of lighting to the existing night sky;  
In low lying Ince Blundell, the turbines, weather masts and industrial buildings would feature almost permanently in views of almost all our residents. The impact on residents and visitors to these areas will be to radically change their viewing experience from open, flat, low lying Green Belt to an industrial view dominated by giant turbines;  
The Burbo Bank offshore windfarm is 4 miles from the Sefton Coast and about 6 miles From Ince Blundell. There are currently 25 turbines, each of 450ft and constitute a prominent feature in views west from Ince Blundell, Little Crosby and Hightown. The Burbo Bank offshore windfarm has received permission to install a further 32 turbines so that there will be 57 turbines in total. The only way of avoiding a windfarm view for many residents of Sefton is to look inland (towards West Lancashire). If the Scheme goes ahead many residents will feel surrounded or boxed in by very large wind turbines;

Additionally, all road and rail journeys from Bootle and Switch Island to Southport (and places in between such as Ince Blundell) will be impacted by the almost constant view of wind turbines.

### *Heritage Impact*

Heritage assets in Ince Blundell are significant. They include Ince Blundell Hall Grade II\*, Ince Blundell Old Hall Grade II\*, Pantheon adjoining Ince Blundell Hall Grade II\*, Garden temple to South West of Ince Blundell Hall Grade II\*, Church of the Holy Family adjoining the service wing of Ince Blundell Hall Grade II\*, The Cross Barn Grade II. Moreover, the Parks and Gardens of the Hall fall within a Conservation area as does the Carr Houses Conservation area. Not only would there be a very significant detrimental visual effect on these buildings but also on Sefton Church which is Sefton Borough's only Grade I listed building;

The proposed development would result in substantial harm to the setting and/or significance of Sefton Church;

The feel and fabric of our villages would be completely transformed (for the worse) by the immediate backdrop of giant turbines. The scale, prominence and proximity of the turbines will cause substantial harm to the significance of those conservation areas. The setting of those conservation areas would be completely changed and would render their designation as conservation areas as almost pointless as the feel and character of those areas would be lost;

The substantial harm to the significance of the setting of heritage assets in W Lancs and Sefton clearly outweigh the need for the Scheme and its wider economic benefits.

### *Green Belt*

Paragraph 81 of the National Planning Policy Framework ("NPPF") states that "*Once Green Belts have been defined, local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities ... to retain and enhance landscapes, visual amenity and biodiversity ...*". The proposed Scheme harms and reduces the beneficial use of the Green Belt;

The amount of energy to be generated by the Scheme is not significant in terms of both local and national needs;

The developer claims that 90% of the Borough of West Lancs is Green Belt and so the effect of the scheme would be insignificant. The developer takes no account of the neighbouring borough of Sefton (or nearby Liverpool) and the fact that this Green Belt is relied on by residents of Sefton as a valuable asset to the residents of that borough;

The proposed wind farm would reduce, rather than preserve, the openness of this part of the Green Belt and, for the duration of its existence; it would constitute the encroachment of development into the countryside;

The site has not been identified as being one of two areas within the Liverpool City region as suitable for a wind farm;



The totality of the harm that the scheme would cause to the Green Belt is unacceptable to local residents and, as a result, the scheme does not have their backing;

WLBC must attach substantial weight to the totality of harm that would be caused to the Green Belt. The totality of the harm which the scheme will cause to the Green Belt would not be outweighed by other considerations put forward by the developer and no special circumstances have been demonstrated with respect to the Scheme.

### *Agriculture*

The Scheme will result in the loss to agricultural production of an estimated 17.26 hectares of land of which 11.5 hectares of land will be hardstanding due to access roads, turbines, crane sites, substation, compounds and wind monitoring masts; and 5.76 hectares will be lost to production due to the creation of buffer zones alongside hardstanding and roads and cabling trenches;

Taking account of current farming practices [unlike the Scheme proposals], e.g. the routing farm tracks around the edges of fields – it is significant that the turbines will not be located parallel and adjacent to the edges of fields but will jut into the middle of them, thereby increasing land take. Roads and access tracks will have to be a certain distance from ditches which means even more valuable agricultural land will be lost. The location of turbines within the middle of fields will reduce the economic viability of farming the land, in addition to loss of 17.26 hectares (42.5 acres) due to tracks, hardstanding, turbines and buffer zones;

The scheme will result in a substantial and unacceptable loss of a BMV agricultural land. The developer cannot mitigate this loss of land to agricultural production as Grade 1, 2 & 3a land is finite resource and (once lost) cannot be recreated. It will be impossible to return to agricultural production following decommissioning. As the foundations of each turbine will not be removed from the ground.

### *Ecology*

The proposed development will have significant and adverse impacts on local wildlife. Those impacts have not been adequately addressed by the developer;

The siting of the wind turbines could hardly be worse, being beside the thriving new Lunt Meadows Wetlands Reserve, situated on some of the best local terrain for wildlife and being on the flight path of wildfowl and wading birds migrating or travelling to feeding grounds of international importance to bird populations on the Sefton Coast SSSIs. The wind turbines farm site and surrounding countryside is also an important stronghold for the UK Pink-footed Goose population, and during Autumn and Winter is over-flown by large flocks of geese on a daily basis;

The construction of 12 x 450ft turbines, their supporting foundations and accompanying infrastructure will generate a substantial amount of traffic, noise and human activity for a period of at least 2 years and some of the disturbance would continue into the turbines' operation. The site itself would effectively be lost habitat, both reducing the overall area available and displacing feeding

activity to and increasing pressure on adjoining agricultural land, especially from geese;

The proposed level of construction [a minimum of 82,400 crushed stone to be delivered to site on 30,000 HGV journeys] and development will have a significant, adverse and unacceptable impact on the West Lancashire and Sefton countryside, effectively turning it into an industrial site;

The inevitable severe disturbance to the prime habitat from Roughleys Wood and Lunt Meadows to Altcar and the Cheshire Lines, the countryside between of fields and scattered woodland, would affect many species. Wildlife requires lack of disturbance, and effectively dumping a large industrial site in the middle of a precious habitat used and criss-crossed by a range of species will drive away many of them, with scant alternative living space available in our crowded coastal countryside and nearby city;

In particular, this area is habitat and hunting grounds for Barn Owls, a threatened species which is resident and breeds locally in Altcar, Lunt, Ince Blundell and Homer Green. In Winter they are joined by numbers of Short-eared Owls hunting over the fields and rough ground. Resident birds of prey include Kestrels, Sparrowhawks and Buzzards. Peregrine Falcons visit the area in all seasons. Lunt Meadows attracts regular Marsh Harriers, a very rare and endangered Summer visitor and migrant, and in Winter the similarly rare Hen Harrier. The endangered Brown Hare is still seen in the locality, as are Roe Deer, and Noctule bats are found in surrounding woodland;

The operation of the proposed turbines would have a direct, significant and unacceptable impact on birds from collision with the turbine blades. The 450ft giant turbines would inevitably kill a considerable number of birds attracted to prime habitat in West Lancashire and Sefton. Birdstrike mortality would have a greater numerical impact on more abundant species such as Pink-footed Geese, but fewer deaths in rarer species would also have a significant impact on smaller, endangered populations;

Local birds flying some or most of the time at collision heights with the proposed turbines include Pink-footed Geese, other geese (Greylag and Canada), Mute Swans, wild duck of various species (including Teal, Wigeon, Mallard and Shelduck), Herons and Little Egrets, Lapwings, Golden Plover and other wading birds travelling to the coast from inland, birds of prey including Kestrels, Sparrowhawks, Buzzards, Peregrine Falcons, Marsh Harriers and Hen Harriers, Barn Owls and Short-eared Owls, as well as Noctule Bats travelling between roosting sites in scattered local woodlands. Songbirds generally fly below turbine height, but Fieldfares and Mistle Thrushes on migration or weather movements will be impacted.

#### *Traffic*

The developer estimates over [55,000] journeys along Formby Bypass during the construction phase and the majority of these journeys will be by HGV's. For a four month peak in construction activity, the developer estimates more than 1,000 HGV journeys per week. The effect of this will be to:

Increase noise for Thornton, Ince Blundell and Formby residents.

Increase pollution in Thornton, Ince Blundell and Formby (particularly NO2).

Cause significant traffic delays on Formby Bypass.

Cause significant delays at Switch Island.

Result in traffic taking alternative routes through Ince Blundell, Hightown, Little Crosby, Thornton and Netherton to get to and from Maghull, M57, M58, Ormskirk and Crosby / Liverpool;

The main Hightown exit from the Formby Bypass is almost directly opposite New Causeway. This is a well known accident black spot with traffic entering and exiting the bypass going at much slower speeds than the rest of the Formby Bypass traffic.;

Construction traffic and thousands of HGV journeys will likely result in more accidents, more injuries and fatalities and more congestion. The police and other escorts envisaged by the developer for abnormal invisible loads would create even more traffic congestion;

The road network between Formby and Switch Island is designed for commuters and commercial traffic to Crosby, Formby and Southport. It is not designed for access for constant, large-scale industrial traffic as envisaged by the Planning Proposal;

Because the HGVs and other traffic cannot get back onto the Formby Bypass near to the Site access road, the developer plans for those vehicles to drive almost 1 mile along the New Causeway country lane (making this inaccessible to on-coming traffic, walkers and cyclists), turn left onto Altcar Road (B5195) and then through the junction between Formby Tesco, Formby Industrial Estate, Formby Football Club and Formby Tip. The congestion at Formby Tesco with over 25,000 HGV journeys over two years will be incredible and will change not just the feel and fabric of the area but will cause traffic chaos. The road system with adjoining superstore and light industrial premises is simply not designed to take this amount or kind of traffic.

#### *Noise and Pollution*

No information has been provided by the developer with respect to noise, pollution (especially NO2) and debris/litter/dirt from the lorries and the 82,000 tonnes of aggregate to be delivered to site;

The developer has sought to rely on IEMA Guidelines and has [incorrectly] concluded that because the increase in traffic and HGV movements will be less than 30%, the effects are not to be considered of significance. The developer's conclusion fails sufficiently to take into account local factors, the unusual size of HGV's transporting turbines, the dust and pollution from lorries transporting over 82,000 tonnes of hardcore;

There is no proposal to mitigate pollution (NO2);

The Scheme proposals will have a material adverse effect on highway safety and will cause very significant harm to the convenience of highway users particularly at Switch Island, Formby Bypass (generally but specifically at the Hightown / New Causeway exits) and at the junction of Altcar Road and the Formby Bypass (Tesco / Formby Industrial estate, Formby Tip / Formby Play Sports). The totality

of this harm will amount to a severe detrimental effect on residents of Ince Blundell, Hightown, Formby, Ainsdale and Altcar.

#### *Geology and construction*

Given the proven risk with respect to peat, flood risk, drainage and usually very high water table, the planning application is premature and should not have been submitted without a detailed drainage strategy;

The ground on which it is proposed to build these turbines, presents a significant civil engineering challenge of greater difficulty than the applicant is prepared to reveal;

At the end of the service life of the turbine (25 yrs) the applicant claims it will remove the turbine. However the concreted foundation on which it is constructed will remain in the ground approximately one metre below the surface this allows the base to remain in perpetuity, releasing noxious chemicals into the soil and drainage system. Other such turbine developments have suffered serious construction defects effectively requiring major repair and further disruption to the landscape;

The only correct method of constructing access roads and tracks in this part of West Lancashire, so that they are capable of taking HGV traffic [note the > 25,000 HGV movements proposed], is to dig out the peat, fill with hardcore and top with stone. The same point is applicable to the 12 turbine and 12 crane hardstanding areas;

The method described in the application regarding floating the road on top of the peat will not work. There will, therefore, be even greater removal of peat and a major increase in HGV loads bringing in aggregate and crushed stone and which will significantly alter the scheme plans. The developer's estimate of 82,400 tonnes of crushed stone appears to be very conservative;

The developer expressly states in the application that the engineering method with respect to the construction of the scheme site is yet to be undertaken and this renders the planning application as premature.

#### *Peat*

9 of the 12 turbines will be constructed on peat;

The scheme area is not identified within either the Local Plan or the Renewable Energy Capacity Study Stage 2 Report as being suitable for wind farm development and is, in fact, classed in that report as prohibitive due to being an area of deep peat resource;

In assessing the impact on peat and carbon, the developer has used a report by Natural England which relates to upland blanket bog and uses a calculator tool produced by the Scottish Government which again is focused on upland peat. The lowland peat is very different to upland peat. The near continuous 800 years of farming at Altcar exacerbates this difference;

The developer effectively accepts that there is considerable uncertainty with respect to the impacts of the scheme on peat due to the unknown or undetermined methods of construction. Having consulted a civil engineer who has taken charge of constructing wind turbines the foundation on good ground for

on medium sized turbine requires the placing of a foundation containing 500 cubic tons of cement with 400 tons of steel. The soft peaty ground on which the applicant seeks to build these larger turbines could easily require double the size of foundation along with attendant piling.

#### *Flood Risk*

There is a real flood risk from water from the Hey Cop which not only takes surface water from the surrounding settlements of Lydiate and Maghull and farmland but also water from Hill House Water Treatment Works and in times of heavy rainfall water from the Cheshire Lines Brook which breaches its banks and empties into the Hey Cop. This has resulted in extensive flooding of the site most recently in 2015, 2012, 2010 and 2007. All of this water is pumped at Hey Cop pumping station into the River Alt and is therefore reliant on the capacity of the pumps to take the water away. The Hey Cop pumping station acts as the plughole with the scheme site being the bath. The addition of 11.5 hectares of hardstanding, will increase the speed and volume of surface water run off and thereby place increased pressure upon the existing drainage system and pumps and significantly add to the flood risk of the scheme area;

Approximately 22 existing watercourses/ditches will be crossed by roadways and require culverting which will result in the 'need for excavations and potential diversion of watercourses to enable culverts to be installed'. This is major work which will contribute towards flood risk;

Part of the scheme area lies above an aquifer and there is the potential to puncture the aquifer thus releasing additional water into the area;

The aquifer has already been punctured at 12m depth by the developer during bore hole testing in 2014 and to date the developer has been unable to cap the water flowing from it, thereby adding additional water into the drainage system.

#### *Shadow Flicker*

Only accounted for 16 properties which may be affected with only 4 which may be seriously impacted. However there are other properties very close by to these which are not accounted for and which directly face the proposed site with no screening proposed.

#### *Community engagement*

There is serious concern within and outside of, the community of Ince Blundell as regards 'public consultation' by the developer.

#### *Benefits*

The proposed Scheme is not insignificant in terms of local and regional renewable energy. However, the benefits must not only be weighed up against the impacts that the Scheme would have on affected local communities, the benefits must be put in context in terms of their contribution to regional and local wind energy schemes;

There are 25 (90MW) and will soon be 65 turbines (348MW in total) on Burbo Bank. Further out in Liverpool Bay (but clearly visible from Crosby, Hightown and

Formby) is Gwynt y Mōr there are 160 3.6MW turbines with an output of 1,950 GWh per year (capable of powering around 400,000 homes per year). There is also a 90MW wind farm off the Barrow Coast. Construction work is underway at the 389MW West of Duddon Sands wind farm off Lancashire;

The simple fact is that in order to make a meaningful and significant contribution to regional and national renewable energy targets, wind farms now need to be very large - both in terms of the size of turbines and the number of turbines. In Merseyside and Lancashire that will mean offshore wind development;

The proposed Scheme is small by comparison to the offshore wind schemes and the benefits of the proposed Scheme in terms of its overall contribution to reducing carbon emissions targets and increasing renewable energy is (at best) limited and (at worst) token.

#### *Socio-Economic*

It is likely that construction will take place over at least two summers, therefore seriously disrupting the farming operations of tenant farmers who will suffer crop losses and potential damage to fields and difficulties during harvesting due to traffic to and from the site impacting on their ability to harvest crops efficiently;

The majority of the land upon which the development is to take place is tenanted land and it is the tenant farmers who will experience serious disruption to their farming operations during construction with damage to future economic viability;

The benefit of diversification would be exclusively for the landowner and not the tenants who will experience disruption to their farming businesses.

#### *TV transmission signal*

There is evidence that where such turbines have been built, this has had a damaging effect on TV signal quality. The TV signal in Ince Blundell is received via the transmitter at Winter Hill to our east. Winter Hill is in line of sight with our village. The rotors will operate directly in the path of the Winter Hill signal. This will also effect Hightown, Little Crosby, Great Crosby and also parts of Formby. OFCOM recommend that 'consideration of the impact of new development on wireless services is undertaken at the design and planning stages' (Tall structures and their impact on broadcast and other wireless services. OFCOM 2009) Evidence has shown that reflected signals from rotors take a longer path to a television receiver than the direct signal, causing interference in reception, again the same problem will occur in radio reception. I note that the applicant does not address this issue in the application and therefore also offers no mitigation plan.

#### 4.12 Formby Parish Council (27.01.16) – object on the following grounds:

Impact on Green Belt;

Large amounts of carbon would be released due to disturbance of the peat soils during construction;

Loss of at least 12 ha of highly productive farmland;

Permanent legacy and impact on the landscape by concrete pads and groundworks;  
Residents at risk from disturbance and health problems due to shadow flicker and noise;  
Impact on local nature reserve at Lunts Meadow and Biological Heritage Site and wildlife corridor designation;  
Impact on rare oasis of relatively undisturbed habitat;  
Concerning to site the turbines across such popular walking and cycling routes and ice throw from blades will be a risk;  
Adversely affect this valuable Green Belt buffer zone which separates the surrounding urban areas and would industrialise the landscape;  
Increased traffic;  
Large amounts of concrete and aggregates to be used in construction of the turbines as well as over 10km access tracks capable of taking the weight of HGV cranes used for construction;  
Adverse noise impacts during construction;  
Loss of Grade 1 and 2 agricultural land of national importance;  
Displacement of pink footed geese due to disturbance from turbines will result in increased damage to vegetable and cereal crops and adverse effects on the economic viability of surrounding farm businesses;  
Severe and dominating visual impact.

4.13 Lydiat Parish Council (04.01.16) – objects on the following grounds:

Ecology concerns relating to negative impact on bird species and designated breeding sites  
Loss of best and versatile agricultural land  
Character of local landscape will be negatively impacted on  
Significant impact on recreational attributes of the area  
Increased noise  
Shadow flicker  
Impact of construction process and related traffic disruption.

4.14 Downholland Parish Council (18.01.16) – object on the following grounds:

Loss of visual amenity;  
Intrusion into Green Belt;  
Noise pollution;  
Long term damage to agricultural land.

4.15 Conservation Areas Advisory Panel (20.04.16) - recommends refusal on the grounds that the height/scale and number of proposed turbines would have a detrimental impact on the historic setting of heritage assets within the wider landscape

- 4.16 I have received a substantial number of representations (573) from local residents and interested parties further from the site in respect of this application  
The objections received are on the following grounds:-

#### Landscape and Visual

Visual impact on this open flat landscape

Visual impact is totally unacceptable

The turbines will be a blot on this beautiful wide open and flat land and will be visible for miles and miles

The turbines can't be hidden or camouflaged

Tall structures in this area of landscape character are prohibited (contained in the Council's SPD Natural Areas and Areas of Landscape History Importance

Overshadow countryside

Impact on character and nature of the area

Industrialisation of the countryside

Dominate the area

Obscene infringement on the landscape for a minimum return of power

Increased light pollution

Uncluttered sky will be lost in the day and night

Adverse impact on openness

#### Green Belt and Land Allocation

Loss of Green Belt

Inappropriate development

The area has not been identified as suitable for wind energy development

The Renewable Energy Capacity Study 2011 for the area states the deep peat areas and bird migratory zones are prohibitive for wind farm development

There is little enough countryside to enjoy in the Sefton area and this Green Belt is relied upon as a valuable asset to residents of Sefton

Even if turbines dismantled, concrete and ground works left behind, a permanent impact on the land

Loss of area close to high density areas of population used for peace and tranquility and recreational pursuits

#### Consultation

Flyers distributed around the area are inaccurate

None of the impacts identified by affected local communities have been addressed

Lack of consultation

Formby residents should have been consulted

Crosby residents should have been consulted

#### Flood Risk

Increased flood risk in the area

Water table will be altered

Underground water will be polluted



The deep peat of the area lies over a layer of clay under which is an aquifer. Risk of puncturing the aquifer by construction of the turbines and thus releasing water into the drainage system (which at present is pumped) But it is possible some pumping stations might be closed.

Coriolis have already drilled test holes and over the last 2 years, they have been unable to stop the flow of water from one of them

### Ecology

Destruction of local wildlife habitats

Impact on birds who will be hit by turbines

Birds will stop coming to the area

Lunt Meadows Nature Reserve will suffer

Collision risk to thousands of birds, particularly pink footed geese

The area includes a wildlife corridor and Nature Conservation Site which are protected by Policy EN2

Impact on the BHS adjacent to Lunts Meadow which supports approx. 40,000 pink footed geese, lapwings, skylarks, owls, harriers, wild ducks, brown hares, bats, water voles, buzzard, grey partridge, swifts, kingfisher, bank vole, corn bunting, wagtails, falcons, mute swans, herons, cormorants, little egrets

The goose study sites referred to as Hellrigg and Jacks Lane are not comparable to Lower Alt

Loss of deep peat area which needs to be preserved

Irreversible impact on wildlife

Wide range of rare species of birds and already have low population densities nationally so these pockets of biodiversity should be afforded full protection

Area around Lunts Meadows is used by lots of birdwatchers and naturalists for its diverse range of species

### Construction

Massive quantities of cement required

Construction will result in enormous emission of carbon into local atmosphere

Horses will be disturbed by construction traffic

Increased dust

### Agricultural

Loss of high quality Grade 1 and 2 agricultural land

Large area will be removed from necessary food production

### Economic

Local businesses will suffer because fewer people will want to visit the area

Loss of jobs in the farming community

Turbines manufactured overseas so no increased jobs here

Even if birds are displaced, it will increase damage to crops in surrounding areas which will affect the economic viability of the surrounding areas farms and businesses

Detrimental impact on tourism in the area

Lots of money, time and effort has gone into creating Lunts Meadows, which would be destroyed

#### Aviation

Potential interactions between electromagnetic signals and physical structures

Interference with radar signals

Serious concerns with cumulative impact of turbines considering number of airfields/airports within 60km of the site

Microlights will be squeezed out of the area as already many places they can't fly

#### Recreation

Will be unable to use the area for recreation

Will be unable to ride on the tracks and rides in the area because moving and Noisy turbines will frighten horses, even at a distance

Spoil recreational route of Cheshire Lines which is used by thousands for walking, cycling and riding

#### Noise

Noise will be horrendous

Construction noise will be on-going for years

Noise will travel for miles due to flat land

Continuous noise from turbines

Noise will be all day and night

Noise will cause distress to animals at the nearby animal shelter

The Waubra Foundation (Australian organization established to research health problems in residents living near wind turbines) recommended a need for a 2km setback of residents to turbines and as a significant amount of population live within a 2km area, this application should be resisted on grounds of public health

#### Heritage

Impact on Conservation Areas and Ince Blundell Hall and historic garden

Enjoyment of important buildings like Sefton Church will be affected

Turbines will distract from views of ancient St Helens Church and everything else on Lower Alt

The site is surrounded by Listed Buildings and Conservation Areas and the development will destroy the past and present character of an area of high heritage value

Recent archaeological work undertaken in the area will be affected

Site is close to recently excavated Mesolithic Village

The development will overwhelm the Carr Houses Conservation Area

#### Traffic

Increased traffic in area

Construction traffic along Formby by-pass for up to 2 years will cause traffic chaos

## Health

Turbines cause stress to people living nearby because of constant noise and shadow flicker and are a constant distraction to the eye  
Adverse impact on health and well-being of residents  
Not enough information available to date on the health and pollution implications  
Serious implications for people with existing medical conditions relating to hypersensitivity and also autism

## Other

Loss of residential amenity caused by above  
Mersey tidal power is the answer  
There is enough wind energy production already along the Sefton coast  
Would not be able to sell property  
Potentially disrupt TV signals  
None of the beneficiaries of the Estate live in the area  
A Bill was recently introduced which aims to set minimum distances between turbines and residential properties, Lincolnshire use 2km because the land is so flat and open the same as the Lower Alt. Scotland also have set limits. There are several properties within 900m of the development  
Conflict with mobile phone and TV communication  
Lack of trust in Coriolis  
Potential cracking in local housing and roads  
Wind power not reliable  
Government has already reached its target for on-shore wind turbines  
Wind farm would emit boundless units of carbon  
As a local animal shelter, will have to end up caring for creatures injured by the development and haven't got the funding  
Local tenants cannot speak out for fear of not having leases renewed  
Wind is not clean energy – pollution for HGV vehicles, peat disturbance, cement production, diesel powered electrical generator required to supplement each turbine at peak times and when no wind

- 4.17 I have received 23 individual letters of support, including one from Central Lancashire Friends of the Earth, and 1219 letters of support on a standard form. Matters raised in support include the following:

This type of development will tackle climate change  
Provide enough energy to supply up to 22,600 homes  
Operation of wind power doesn't produce emissions of acid rain gases, carbon dioxide or particulate matter, unlike conventional power generation  
Wind power helps improve the UK's energy security  
More wind power means cheaper electricity in the long run  
Wind power reduces need for new expensive nuclear power stations that leave a toxic legacy  
Wind power reduced need for gas from fracking  
Location is appropriate

No waste is produced  
 Wind farm will create employment opportunities for local people and businesses during construction phase  
 Potential for shared ownership with local communities  
 Community fund of £5,000 per MW of installed capacity for local projects  
 Not visually offensive  
 We have a duty to future generations to move towards renewable energy  
 Clean low-carbon energy produced  
 An area of “set aside” will increase fauna and flora in the area adding to diversity of habitats  
 The Liverpool City Region’s “Sustainable Energy Action Plan” would be enhanced by this development  
 Minimal impact to residential properties and noise and shadow flicker would have no detrimental health impacts, there is ample scientific evidence in this area  
 The Lower Alt area once had an industrial train line through it and there are already a variety of telegraph poles and pylons in the area  
 Negligible impact on bird species  
 The landscape is already managed and is not natural  
 Construction traffic and noise will be minimal and kept to construction phase only  
 Vast majority of the agricultural land will still be available for farming  
 Pumping of water already takes place as part of flood risk in the area and the addition of the turbines will not affect this  
 Local economy would be enhanced  
 Planning plays a key role in supporting the delivery of renewable and low carbon energy which is central to the economic, social and environmental dimensions of sustainable development  
 The scheme will help deliver a true “Northern Powerhouse” built on a renewable energy economy  
 Reduces reliance on fossil fuels  
 Net biodiversity gain  
 A Community Benefits Fund of up to £210,000 per year will benefit the area

## **5.0 SUPPORTING INFORMATION**

- 5.1 The application has been supported by a full Environmental Impact Assessment which includes details of the following:
- Archaeology
  - Avian Ecology
  - Aviation
  - Built Heritage
  - Geology, Hydrogeology, Hydrology and Flood Risk
  - Landscape and Visual Impacts
  - Noise and Vibration
  - Non-Avian Ecology
  - Shadow Flicker

A Planning Statement and Design and Access Statement have also been provided.

All supporting documentation can be viewed in full on the Council's web site at [www.westlancs.gov.uk](http://www.westlancs.gov.uk)

- 5.2 In addition to the above originally submitted EIA, a large amount of additional information has been submitted by the applicant over the course of the application in order to address various concerns raised by both Officers and consultees. This information can be summarised as follows:

Planning review:

The applicant submits that scientific evidence shows that taking significant material actions to combat climate change is growing more urgent as a consideration and that today's policy context demonstrates that it is as important a priority as ever, if not more so;

The UK Government Committee on Climate Change reported in October 2015 that there is a growing scientific evidence base for action on climate change and they found the level of proposed EU share of international action was below that which they considered consistent with the 2 degree goal;

The Climate Change Risk Assessment 2017: Evidence Report July 2016 examined the impacts of climate change on UK society, which will be of critical importance to West Lancs;

The State of the Nature Report 2016 undertaken by the RSPB and 50 other wildlife organisations reiterates the adverse impact of climate change on wildlife;

The Paris Climate Agreement December 2015 represents a result far stronger than most were predicting, with references particularly now to a far more challenging 1.5° target, stressing enhanced ambition required pre-2020 (which may well result in the current EU and UK 'Nationally Determined Contributions'/ Climate Change Act/ Renewable Energy Directive targets being raised), and the so-called "ratcheting mechanism" of five-yearly upwards-only reviews (to take the UK from current trajectory from promises of 2.7 down to "well below 2");

The 5th UK Carbon Budget for the period 2028 -2032 was set into law in July 2016, mandating a reduction in greenhouse gases against a baseline of 57%. Current projections still suggest a shortfall against the 2020 targets;

The applicant advises that the Committee on Climate Change (referred to section 4.4 and 4.14 of the Planning Appraisal) are already looking to review the implications of the Paris Agreement for UK climate change mitigation under the Climate Change Act – including potentially a review of the 2050 target (which reportedly might well need to increase to ~90% reduction from 1990 baseline) and reviews of the 4th and 5th Carbon Budgets (both of which DECC are already forecasting a shortfall against...). This work will doubtless include assessment of "least-cost" technology adoption pathways, and could therefore result in higher than present scenarios for onshore wind out to 2030;

The applicant also advises that in the time since the submission of the application, there has been an update in respect of the Government's published "Digest for UK Energy Statistics" figure for the rolling five-year average load factor for onshore wind energy which means an increase in assessed output in the proposed wind farm of 5.8% - from 94,923 MWh up to 100,442 MWh per year;

The applicant advises that overall, West Lancs are ranked 117th of Councils for installed capacity, and 152nd for onshore wind. The district currently produces just 5.8% of its overall electricity consumption from renewable sources, which using the figures from our ES the Lower Alt project could increase by 9% (so up to 15%);

In regards national renewable energy targets, the applicant's Planning Appraisal states that the UK's legally binding 15% renewable energy target for 2020 (and more loosely legally binding sub-target of 10% renewable transport fuel) is supported by indicative figures for electricity (30%) and heat (12%) which were set out in the 'Renewable Energy Strategy (2009)'. These indicative figures, notably for electricity, are not in any sense legally binding or a cap, and in order to meet the legally binding overall target if there is a shortfall in either heat or transport then electricity will be required to shoulder a much greater burden. The Renewable Energy Association have carried out some analysis, which suggests that due to shortfalls in both heat and transport, electricity is likely to be required to deliver up to 44-45% (an increase of 50% over the current stated requirement). Whilst it might be current Government position that the 30% renewable electricity 'target' will be met, evidence of a shortfall against the legally binding targets ought to be a material consideration;

Continued onshore wind delivery is still an essential part of the above, and the applicant is of the view that it would be unsound to give it any reduced weight in the planning balance;

The applicant is of the view that the delivery of the Development Plan relies on the contribution of significant scale onshore wind energy developments, of which the current application is the only in the pipeline or on the horizon;

That the renewable energy generation benefits of the scheme can be considered to be quantitatively greater now than in the original Planning Appraisal, due to updated Government statistical data;

The applicant indicates that the case on the Written Ministerial Statement (18th June 2015), as put forth within the Planning Appraisal, has been supported by a number of other similar cases;

The applicant considers that the Lower Alt wind farm site is expressly identified as suitable for wind energy in numerous referenced reports supporting the Development Plan;

The applicant concludes that the delivery of the Development Plan fundamentally rests on the delivery of significant amounts of onshore wind energy development, and the Lower Alt site is both the only scheme of scale to have come forward to date, and in respect of constraints mapping (see our Figure 4.1 and RSPB's 'Energy Futures: Opportunities' map, as well as the Renewable Energy Capacity Study and Landscape Sensitivity to Onshore Wind Development study) is

effectively the only viable such location in the borough, and can provide practically almost half of the boroughs ~100MW target for onshore wind and enough renewable energy for over half of all households;  
There has been a significant showing of public and business support for the application.

#### Visual amenity:

The applicant indicates that the submitted ES finds that there will be significant landscape and visual effects from various locations, but “significant” and even “significant adverse” is not synonymous with “unacceptable harm” in the round. The highest level of national policy within the NPS’s (EN-1 and EN-3) establish that it is universally the case that wind farms will always result in significant landscape and visual impacts within up to a few kilometres distance, and so this is accepted and any harm identified (when balanced in the round) would have to be very substantial indeed in order to override the “presumption in favour” of both the NPS and NPPF for renewable energy and sustainable development respectively.

For Lunt Meadows – the primary recreational amenity is in the ecological interest of the reserve itself, rather than the panoramic views, and it is hard to see how the visual presence of turbines here would specifically detract from this ecological interest. This is what the LVIA assessment finds, which was supported by consultation with the ecological consultants who are familiar with Lunt Meadows’ development (and naturally similar reserves/ areas of ecological interest around the country);

For the Cheshire Lines Path – the primary recreational amenity is the availability of the long-distance path itself as a resource for walking, cycling etc., and the visual presence of the turbines will neither restrict nor diminish this availability in any way. Nonetheless, that close-by visual impacts on the route represent only a relatively small proportion of the overall long-distance path resource should be a relevant consideration;

The applicant advises that for the entirety of the run of the Cheshire Lines passing the wind farm site the path is flanked by up to 60m high-voltage overhead pylons and hanging cables a relatively short distance on one side (~80m), with Acres Lane/Altcar Lane (with associated traffic) only a short distance to the other side (~150-200m), and even passes right by the sewage treatment works at Hill House. In other words, this section of the path is not by any means a pristine, natural journey through an exceptional landscape designated area, which it’s users will be well aware of;

The applicant comments that the agenda report states that combined factors could result in an overpowering effect of being in close proximity to the proposed development site – from the distances that are identified, of 300-500m, and suggest that there are countless examples of schemes, similar and larger size than this and in similar settings, where recreational receptors e.g. footpaths/bridleways can be found much closer than this. For instance, the British Horse Society (representing arguably amongst the most sensitive of recreational users in a non-designated area such as this, being in charge of a large animal)

recommends a minimum separation distance for bridleways from turbines of only 200m. Just to clarify though – the distance from the nearest turbine to the Cheshire Lines is actually 480m, and to the nearest publicly accessible part of Lunt Meadows is 340m, albeit walking atop of the Environment Agency’s flood defence banks (none of the paths within the reserve or in fact along the River Alt banks are designated PRow, so these are private footpaths/property). The actual predominant interest in the reserve is in bird watching, and this takes place from the hides, none of which are located on the Alt bank (and from where the focus naturally would be into the pools/reedbeds of the reserve);

The assessment identifies conservatively that there will be a wholesale change in local landscape character (within ~800m) to a “wind farm landscape”, and beyond that (up to 1.75km) to a “landscape with wind farm subtype” (although noting that within these distances the actual degree of impact on the physical fabric and key features/characteristics of the landscape are very limited).

#### Green Belt:

The applicant comments that, in summary, wind turbines do technically represent “inappropriate development” in the green belt (per NPPF/ LDP policy), however it is long established (and indeed noted in the LDP) that “very special circumstances” to permit this exist in the form of renewable energy generation (there are numerous examples of wind farms consented in green belt, including Mawdesley Moss/ Cliffs Farm). Nonetheless, the LVIA considers the impacts in terms of the green belt criteria (openness etc.), and concludes that the “permeable” nature of wind farms (as compared to other forms of development, such as housing or solar farms) means that they do not ‘carpet’ the ground in the way that the ‘openness’ criteria is intended to protect against (this proposal covers only 1.4% of the total application site, for instance), and so the level of ‘harm’ assessed must be correlated in respect of this fact. The LDP even acknowledges that “development will be required in the green belt”.

#### Built Heritage:

The applicant advises that Historic England have not objected in principle regarding the highest Grade I and Grade II\* assets, and varying (although never more than slight-moderate in EIA terms, even after conservation officer revisions) degrees of “less than substantial harm” (NPPF terms) on a number of GII listed buildings and conservation areas (and in view of the Mordue case, this NPPF assessment amounts effectively to a S66(1) assessment). The NPPF and LDP are both clear (notwithstanding P(LBCA)A) that different levels of weight/protection are to be afforded in accordance with the significance/listing of individual assets, and it would not be hard to find precedents of other wind farm schemes consented with similar levels of less-than-substantial harm to lower-designated assets as in this case.

#### Agricultural Land:

The applicant has provided additional information regarding the impact of the development on agricultural land. The applicant considers that the focus of policy



is upon the protection of Best and Most Versatile land particularly as a long term resource. This is reflected in wording in the NPPF relating to 'safeguarding the long-term potential' of agricultural land; and the strong statement in Natural England's TIN049 that, when development has occurred on better quality land and is no longer in use, non-agricultural afteruse can remain acceptable 'if soil resources are conserved and the long term potential of best and most versatile land is safeguarded by careful land restoration and aftercare.';

The applicant believes that many of the kinds of allocations considered in NPPF paragraph 112 will result in permanent loss of agricultural land use; onshore wind in general, and the Lower Alt scheme in particular, is a notable exception to this. The applicant states that this national prioritisation of long-term resource protection is in fact reflected in Policy EC2 of the West Lancashire Local Plan where this policy states that 'irreversible development' resulting in loss of the best and most versatile agricultural will only be permitted in the circumstances that the policy describes. Although the reference to irreversibility is not explicitly repeated in Policy EN2, the applicant considers it must apply here too on the grounds of consistency. Moreover, it must be borne in mind that the context of the NPPF and PPG relates not to development management but forward planning, and the allocation of development sites in particular, which may typically include large commercial and residential estates;

The applicant states that, the NPPF and PPG (Natural Environment) relate to loss resulting from 'significant development' of BMV land. The threshold of 'significance' is not set out explicitly in national or local policy, but it is clearly the intention of this wording to distinguish 'significant loss' from 'any loss';

In the applicant's view, the Lower Alt scheme would not involve a significant loss of BMV land: it is substantially below the threshold at which consultation with Natural England is even required. At worst, the applicant advises, the proposed development would result in the temporary loss of 12 hectares of land (of which substantial proportion would be simply upgraded existing access tracks); and that, taken as a percentage both of the overall application site (less than 1.4%) and of all grade 1 and 2 land within the Borough (less than 0.001%), let alone the regional or country as a whole, this temporary loss cannot reasonably be considered to be "significant" - especially when the relevant statutory consultee Natural England only requires to be consulted on planning applications which entail the loss of more than 20 hectares of BMV land;

The applicant claims that the Lower Alt wind farm site is the only viable site in the Borough for generating a non-trivial amount of energy from onshore wind. It is also evident, according to the applicant, that almost the entirety of land in the Borough outwith towns and villages is classified as grade 1, 2 or 3, with the vast majority of this being grade 1. Therefore, any significant contribution towards the Borough's obligations in respect of renewable energy generation is going to entail the loss of BMV land. Given the Borough's stated support in principle for such development, the principle of development on BMV land must also be in principle acceptable;

The applicant states that information submitted with the application shows that the only areas not ruled out for potential wind energy development by the

constraints shown – except for the Lower Alt application site - are all substantially smaller (suitable for at most approximately 2-3 large turbines). Importantly they are also all grade 1, with the exception of just a small area of grade 2 land 1km west of Ormskirk, with indicative potential for perhaps 2 large turbines;

The applicant advises that in this respect, regard must be had to paragraph 173 of the NPPF, and the associated PPG on Viability, which require local authorities to bear in mind that development plans must be economically deliverable. It is clear at present that onshore wind energy is facing a “subsidy-free” future, and so it will only be schemes of a significant scale (such as that of the Lower Alt project) which will be viable and therefore able to lead to the successful delivery of the adopted Local Plan. On this basis, potential “gaps” for development elsewhere in the Borough are not deliverable due to financial viability. Therefore the selection of the site takes into account the presence of BMV land in that the lowest grade with potential for development has been utilized;

The applicants states that the Lower Alt application site contains grade 1 and grade 2 land in a roughly 60:40 proportion. Given this fact, and the lack of other potential wind farm sites in the Borough, some use of grade 1 land is required if the Council is to meet its own renewable energy targets. The applicant claims to have sought to utilise the lowest grade land first and in any event to minimise the overall loss of land;

The environmental statement documents the design process for the wind farm. Of note, according to the applicant, is that the majority of grade 2 land is located to the west of the site. Turbines were originally located in this area however they were removed from the design further to public consultation as well as agreement with Ince Blundell microlights club. In particular, local people from Ince Blundell village were insistent that the closest row of 3-4 turbines from the consultation layout to their settlement (which were all located within Grade 2 land) should be removed. In view of other relevant planning policy (concerning good design, amenity and addressing matters raised by local communities), and in line with NPS EN-1 as quoted above, the decision was made to drop these turbines, notwithstanding their location within Grade 2 land. This design strategy is in line with the principle of reading a local plan ‘as a whole’: the policy drivers for site selection and design have been interpreted as a whole. In this context, the applicant considers that they have sought to utilise the lowest grade agricultural land where possible.

#### Aviation:

The applicant comments that the MOD withdrew their objection in June 2016, subject to a condition;

The applicant advises that an agreement has almost been reached with NATS. Whilst they don’t generally remove their holding objections until these agreements are signed, the applicant considers it should be clear that NATS do consider that a mitigation solution exists which enables them to do this and suggest a Grampian-style condition could be imposed.

## Ecology:

The applicant points out that MEAS consider that the Population Viability Assessment for Pink Footed Geese addresses just this one specific issue from their previous comments. This is because the applicant considers it would be unnecessary to undertake such an assessment for any species for which the application is not predicting 'significant effects' in EIA terms, or potential for 'Likely Significant Effects' in HRA terms;

The applicant disagrees with the approach MEAS has adopted regarding the population modelling for pink footed geese. The applicant is of the view that MEAS are requiring the scheme to safeguard a rate of population growth of pink footed geese rather than population stability and the applicant advises there is no legal basis for this approach;

The applicant advises that impacts on pink footed geese could be reduced by preventing legal quarry shooting which currently occurs on the site. The presence of the turbines could restrict the freedom of the existing shooting tenant on the site in future – with the existence of a 'Shooting Code' being put in place in order to avoid any potential damage to the machines - then the benefits of this reduction in shooting freedom may even very well outweigh the impacts of the turbines;

The applicant is of the view that there is no predicted decline in population at the SPA associated with the wind farm, even using the very worst case assumptions, and in line with the EU Directive MEAS should be able to conclude that there will be "No Likely Significant Effects" in respect of pink-footed geese to the SPAs;

The Goose Management Scheme is not being implemented to mitigate for any level of identified "significant effects" (i.e. effects above a certain acceptable level), but rather to actually reduce non-significant impacts such as they are (from theoretical 'loss' of feeding resource within the turbine envelope) to net zero;

The applicant has submitted further information regarding the justification for the size and scale of the pink footed goose mitigation area;

The applicant advises that earlier this year the RSPB brought out a major study considering the potential for deployment of various renewable energy technologies around the UK. RSPB identify areas of "high" and "medium" sensitivity for birds, as well as "policy" and "physical" constraints to onshore wind energy development. The applicant indicates that in this study, the Lower Alt site is identified as an "opportunity" for onshore wind energy development. In fact, looking at the scale of West Lancashire (and factoring in only one other known constraint in RAF Woodvale), the Lower Alt site is the only onshore wind energy opportunity in the Borough.

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 The National Planning Policy Framework (NPPF), National Policy Statements EN-1 and EN-3 in relation to Energy and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

6.2 The site is located within the Green Belt, is allocated in the Local Plan as within a Nature Conservation site, a Mineral Safeguarding Area and an area of Landscape Character of primarily Local Importance. Therefore the following policies are relevant:

**The National Planning Policy Framework (NPPF)**

Core Planning Principles

Supporting a prosperous rural economy

Requiring good design

Promoting healthy communities

Protecting Green Belt land

Meeting the challenge of climate change, flooding and coastal change

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

**West Lancashire Local Plan Document (WLLP)**

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

EC2 – The Rural Economy

EN1 – Low Carbon Development and Energy Infrastructure

EN2 – Preserving and Enhancing West Lancashire’s Natural Environment

EN3 – Provision of Green Infrastructure and Open Recreation Space

EN4 – Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

IF3 – Service Accessibility and Infrastructure for Growth

There are a number of local, regional, national and international agreements and policies relating to the provision of renewable energy and achieving carbon emission reductions. These are material considerations and include:

Kyoto Protocol 1997

EU Renewable Energy Directive 2008

Climate Change Act 2008

UK Renewable Energy Strategy 2009

UK Low Carbon Transition Plan 2009

UK Renewable Energy Roadmap 2011 and subsequent updates

Northwest Climate Change Action Plan 2010-2012

Lancashire Climate Partnership’s Climate Change Strategy 2009-2020

Liverpool City Region Renewable Energy Capacity Study 2009

Lancashire Sustainable Energy Study 2011

West Lancashire Renewable Energy Potential Study 2011

Lancashire County Landscape Sensitivity to Wind Energy Development Study 2005

West Lancashire Borough Council’s Climate Change Strategy and Action Plan 2008

In addition, the following guidance documents are also relevant:

National Planning Practice Guidance (NPPG)

West Lancashire Design Guide SPD

West Lancashire Natural Areas and Areas of Landscape History Importance SPG

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### **The Site**

- 7.1 The site occupies an area of some 867 hectares of flat, open land that is a mosaic of fairly large arable fields with associated ditches, typical of the south west mosses. There are occasional wooded areas, the largest being Carr Wood central to the site, as well as sporadic trees and scrub that are mainly on the field or track boundaries.
- 7.2 To the east, running the full length of the proposed site, is the 'Cheshire Lines Pathway' which is a disused railway line converted into a multi-use route for walkers, cyclists and horse riders. Three other public rights of way lie within the site: footpath 8-3-FP-1 to the north of the site running from Rye Moss Lane to Oliver's Farm to the north; footpath 8-3-FP-10 running along the line of Moss Hey Cop from Baines Bridge on the Alt north-east to the Cheshire Line Path; and, 8-3-FP-11 in the southern part of the site from Showrick Bridge on the Alt north-east to Mercer Court beyond the eastern flank of the site. Within the site, and running about 80 metres west of and parallel to the Cheshire Lines Path, are a line of eight large pylons carrying national grid overhead power roughly north to south.
- 7.3 To the south and west the boundary between West Lancashire and Sefton is dissected by the River Alt. The boundary then continues up the eastern side of the site along Altcar Lane turning into Acres Lane and eventually further north up to the B5195, Wood Lane. Although there are no residential properties within the application site a number of settlements are located around the site with Lydiate to the east, Maghull to the south, Ince Blundell to the west and Great Altcar to the north-west. The land to the north and west remains relatively flat whilst the land to the east rises to the settlement boundary of Lydiate and becomes more undulating to the south.
- 7.4 The main access points to the site for vehicular traffic lie to the north via Middle Withins Lane/Rye Moss Lane and to the east from Acres Lane/ Altcar Lane.

## The Development Proposal

The application scheme comprises:

- 7.5 12 wind turbines with a maximum height to blade tip of 136.5 m distributed across the application site; each turbine consists of a hub set on a monopole at a height of about 79.5 metres with a maximum rotor diameter of 114 metres. The turbines are separated by a minimum distance of 40 m but there are generally between 40 – 70 m between consecutive masts. The turbines are clustered over an area defined by about 1.2 km of longitude and some 2.2 km of latitude.
- 7.6 Each turbine will be placed with an external flat roof transformer building approx. 5.5 x 3.3 x 3.0 (h) metres and a crane pad (hardstanding – details to be provided).
- 7.7 A substation approx. 40 x 10 x 6.5 (h) m is to be located immediately south-west of the Hill House Waste Water Treatment Works, Wood Lane adjacent to the Cheshire Lines path to enable the generated electricity to be suitably fed into the grid. Alongside this building is a proposed temporary construction compound – a fenced hardstanding area of about 40 x 50 metres.
- 7.8 A main temporary site compound approx. 75 x 140 metres is proposed about half way along and to the south-western side of New Meadow Lane. Other smaller temporary construction compounds are proposed – one at the proposed main access to the site south of the 90 degree bend on New Causeway (40 x 40 m) and one more (40 x 50m) centrally in the site about 800 m east of the River Alt just below the line of Maghull Hey Cop. They would be constructed of crushed stone and would accommodate site offices, storage of materials, car parking and welfare facilities.
- 7.9 Two wind monitoring masts are proposed consisting of anemometry equipment on a triangular lattice tower with an overall height of about 79.5 metres. One sited in the southern section of the site about 500 m south of Lydiate Station Road and 500 m east of the Alt. The other north of Lydiate Brook approx. 190 east of Linacre Lane.
- 7.10 In addition, it is proposed to realign a bend in New Causeway, create a primary new access track and a series of new and upgraded tracks interlinking the turbines, masts, compounds and substation totalling about 10 km in total. The access tracks would generally have a driving width of 5.5 metres with additional passing places and widening on the bends. The exception would be tracks leading solely to the substation and the wind monitoring masts which would have a width of 4.5 metres. The tracks would be made of crushed stone.

- 7.11 Planning permission is sought for the construction, operation and decommissioning of the development for a period of 25 years (the operational life of the scheme), including approximately 18 months for construction and 12 months for decommissioning. One of the temporary construction compounds may be retained for the life of the scheme (unspecified).
- 7.12 The scheme also allows for the micrositing of the individual turbines to take account of ground conditions. A micrositing tolerance of 30 metres radius in any direction is proposed for the turbines, internal access tracks and other associated infrastructure.
- 7.13 As part of the application, the submitted information identifies the site selection process and identifies that proposals for wind farm development are clearly restricted by many factors. The first stage of the process establishes whether proposed sites have sufficient wind resources, and have proximity to a local grid connection point. The proximity of dwellings is then considered together with the presence of any national landscape designations. Once those criteria have been satisfied, the second stage of assessment involves a range of technical, environmental, planning and commercial considerations including, access to the site, land availability, local landscape considerations, nature constraints and heritage assets, likely effects on aviation and green belt and cumulative impact. The applicant advises that in this particular case the application site has been identified because of its relatively limited number of constraints compared with other parts of the wider area and its technical suitability for wind energy. The applicant advises that potential wind farm opportunities with a suitable wind resource are very limited in West Lancashire and indeed in the Liverpool City Region.
- 7.14 The applicant states that it is anticipated that the scheme could generate around 67,800 megawatt hours (MWh) of electricity per year or 67,800,000 kWh (domestic units). This is equivalent to the annual electricity needs of between 16,500 and 23,100 average UK homes.
- 7.15 When generating electricity the wind turbines would offset the generation of a similar amount of electricity that would otherwise be generated by conventional power stations. While the displacement or offset figure would change as the generation mix changes, the scheme would with the current UK generation mix potentially offset the production of over 29,155,000 kg of carbon dioxide-equivalent per year.

### **Renewable Energy**

- 7.16 In November 2008, the Climate Change Act was published, which created a new legal framework for the UK to achieve a mandatory 80% cut in the UK's CO<sub>2</sub> emissions and other greenhouse gases by 2050. The UK Renewable Energy

Strategy (2009) set a Government target of 15% of the country's energy to come from renewable sources by 2020.

### The National Planning Policy Framework (NPPF)

- 7.17 At the heart of the NPPF is the presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. In terms of the environmental role, the planning system is required to *“contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, help to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy”*.
- 7.18 One of the core planning principles stated in paragraph 17 of the NPPF is to *“support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example by the development of renewable energy)”*.
- 7.19 Paragraph 93 states that *“Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development”*.
- 7.20 Paragraph 97 lists a number of ways to help increase the use and supply of renewable and low carbon energy and confirms that local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable and low carbon sources.
- 7.21 Paragraph 98 advises that when determining planning applications, local planning authorities should:-  
*“Not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small scale projects provide a valuable contribution to cutting greenhouse emissions; and Approve applications, unless material considerations indicate otherwise, if their impact are (or can be made) acceptable”*

### National Planning Statement – Overarching National Policy Statement for Energy (EN-1)

- 7.22 This sets out the national policy for energy infrastructure and at paragraph 2.2.6 states that *‘the UK needs to wean itself off a high carbon energy mix: to reduce greenhouse gas emissions and to improve the security, availability and affordability of energy through diversification’*.



National Planning Statement- National Policy Statement for Renewable Energy Infrastructure (EN-3)

- 7.23 This sets out the national policy for renewable energy and section 2.7 deals with onshore wind development and advises that onshore wind farms will continue to play an important role in meeting renewable energy targets. The document also gives guidance on how determining authorities should assess onshore wind farm impacts.

National Planning Practice Guidance (NPPG)

- 7.24 The Renewable and Low Carbon Energy chapter sets out a number of factors that need to be considered by Local Planning Authorities in determining applications for wind energy development. NPPG advises that renewable energy developments should be acceptable for their proposed location.

- 7.25 National Planning Policy Guidance indicates that the Written Ministerial Statement made on 18 June 2015 is quite clear that when considering applications for wind energy development, Local Planning Authorities should only grant planning permission if:

the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

- 7.26 Whether the proposal has the backing of the affected local community is a planning judgement for the Local Planning Authority.

West Lancashire Local Plan 2012-2027 DPD (WLLP)

- 7.27 Policy EN1 of the WLLP supports proposals for renewable, low carbon or decentralised energy schemes, provided they can demonstrate that they will not result in unacceptable harm to the local environment, having regard to policies EN2 and EN4, which cannot be satisfactorily addressed and which are not outweighed by the benefits of such proposals.

- 7.28 Therefore, the principle of the development is acceptable, subject to it being demonstrated that the proposed development is compliant with national and local planning policies, statutory requirements and consideration of all other material planning considerations.

## Green Belt

- 7.29 The application site in its entirety is located within land designated as Green Belt. Paragraph 79 of the NPPF states that the Government attaches great importance to Green Belts and that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Paragraph 80 states that one of the purposes of the Green Belt is to safeguard the countryside from encroachment. Paragraph 81 states that once green belts have been defined, LPA's should plan positively to enhance the beneficial use of the green belt, such as looking at opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- 7.30 Paragraphs 89 and 90 of the NPPF identify the types of development deemed to be appropriate within the Green Belt. However, the proposed development does not fall into any of these categories. Therefore the proposal must be found to be inappropriate development in the Green Belt. This is in accordance with paragraph 91 of the NPPF which states that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development.
- 7.31 Paragraph 87 of the NPPF confirms that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 clarifies that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- 7.32 In terms of 'any other harm', it is considered that the proposed development would have a significant impact on the openness of the Green Belt. The concept of openness relates to the physical presence of the new built form rather than how visible it is within its surroundings. The proposed scheme would introduce an array of tall structures, hard surfaced tracks, substantial areas of hardstanding and ancillary buildings into an area of rural land which is essentially undeveloped, resulting in a negative effect on and the reduction of, the openness of the Green Belt.
- 7.33 Furthermore, taking into account the rural character of the surroundings and the fact that this particular area of Green Belt forms an extremely important function in providing a "green wedge" around an area of dense population on the edge of the Merseyside conurbation (in effect providing the first breathing space away from the urban area), it is considered that the proposed development would extend the urban form into the Green Belt and thereby conflict with one of the five purposes of including land within the Green Belt (as outlined in paragraph 80 of the NPPF), that being to safeguard the countryside from encroachment.

- 7.34 In addition to the harmful impact on openness, I consider that the introduction of a continuous arc of tall structures with large rotating blades in this flat and open area would severely harm the rural character and visual amenity of the Green Belt. In this regard, the proposal would be contrary to Paragraph 81 of the NPPF in that the development would not retain or enhance the landscape or visual amenity of the area.
- 7.35 Therefore, the proposed development is found to cause harm to the Green Belt by reason of inappropriateness as well as significant harm to the openness and visual amenity of the Green Belt and harm by virtue of its conflict with the purpose of safeguarding the countryside from encroachment.

#### Very Special Circumstances

- 7.36 In accordance with Paragraph 87 of the NPPF, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 88 of the NPPF advises that “*when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations*”.
- 7.37 The benefits of the proposed scheme have been outlined earlier in the ‘Proposal’ section. However these can generally be described as environmental benefits, due to the production of renewable energy, along with economic benefits which are also assessed elsewhere in this report. In addition, the applicant has drawn attention to the amount of the land within the Borough which is designated as Green Belt and comments that virtually all renewable energy development in the Borough would be within this designation. Furthermore, the applicant refers to the location of the Lower Alt proposal being one of only two areas in the Borough which are identified as being suitable for wind energy development of any significant scale, resulting in the underperformance of West Lancashire in terms of implementing renewable energy development.
- 7.38 The submitted Planning Statement indicates that wind farms have the characteristic of having a high degree of visual permeability permitting observers to look between and beyond the visual elements and thus maintain linkage and reference with the wider context. As such the applicant concludes that whilst openness of the green belt would be reduced, this would not be significant and the harm to the Green belt in terms of loss of openness would not be great.

## Assessment of Very Special Circumstances

- 7.39 In terms of the harm caused by the proposed development, whilst the submission recognises that the proposed development is an inappropriate form of development in the Green Belt, the applicant concludes that the harm arising from it would be limited. As outlined earlier, the Council does not agree with this view and the harm caused by the proposal is considered to be significant.
- 7.40 The applicant is correct in identifying that the Borough of West Lancashire is predominantly Green Belt and therefore in order to contribute to the generation of renewable energy, proposals may have to be sited on Green Belt land. Planning permission has been granted elsewhere in the Borough for wind energy development in Green Belt land where the impact of the development on the visual appearance and openness of the Green Belt has not been so substantial e.g. Stopgate Lane. In this particular location given that the application site forms an immediate green buffer to the coastal settlements, I consider that encroachment into this land by a wind farm would be particularly harmful to openness and the intrinsic value of this part of the Green Belt.
- 7.41 Whilst this site has been identified in regional studies as potentially being suitable for wind energy development, the Council did not produce these studies, validate their findings or identify this site as being appropriate for this form of development in the Local Plan. This is because, as is demonstrated elsewhere in this report the Council was not satisfied that the harm to the Green Belt and other harms, could be satisfactorily addressed in this location.
- 7.42 Core principle 6 and part 10 of the NPPF indicate that the wider environmental benefits of energy production from renewable sources should be given significant weight and the Council recognise the valuable contribution which the proposed development would make in this regard. However in this particular case, and on balance, the proposed very special circumstances are not considered to outweigh the harm to this part of the Green Belt by reason of inappropriateness, harm to openness and visual amenity and harm due to the failure to safeguard the countryside from encroachment.

## **Landscape and Visual Amenity**

- 7.43 Paragraph 17 of the NPPF sets out the core planning principles and includes a requirement for account to be taken of the different roles and character of different landscape areas and recognition of the intrinsic character and beauty of the countryside. Paragraphs 58 and 109 seek to achieve visually attractive schemes as a result of appropriate landscaping and the protection and enhancement of valued landscapes. Policy EN2 of the WLLP requires new development to take advantage of its landscape setting and historic landscape by having regard to the different landscape character types across the Borough. The

level of protection afforded depends on the quality, importance and uniqueness of the landscape in question as defined in the Council's SPG 'Natural Areas and Areas of Landscape History and Importance'. Policy GN3 in the Local Plan requires developments to maintain the distinctive character and visual quality of the landscape character areas in which they are located.

- 7.44 With reference to Policy EN1 in the Council's Local Plan , and in particular the statement that wind energy proposals will be given positive consideration, the applicant is required to demonstrate that the proposed development would not have an unacceptable impact upon landscape character and value. The policy accepts that there are "limitations that the existing evidence base offers with reference to understanding the environmental and landscape capacity for renewable energy development within the Borough". The statement goes on to say "Therefore, the Council relies upon the landscape character information set out within the SPG Natural Areas and Areas of Landscape History Importance in order to assess the possible landscape impacts of any proposals. This will need to be given due regard when submitting proposals that could have an impact on the landscape".
- 7.45 West Lancashire Borough Council's 'Supplementary Planning Guidance' (SPG) entitled; Natural Areas and Areas Landscape History Importance, lists the area as The South Western Mosses. A small area in the north of the site is listed as being of "County Importance" and the southern area of the site is of "Local Importance" both mainly due to the retention of the original network of drainage channels across Altcar Moss. The checklist section of the SPG, under the heading: 'mechanism for minimising environmental impact', opens with reference to "tall, columnar constructions are inappropriate" and goes on to state: "particular care is needed with built development, especially in terms of siting and use of materials to minimise visual impact".
- 7.46 Chapter 11 of the submitted Environmental Statement seeks to address the visual impact of the proposed wind farm and its impact on the landscape. As well as the 12 turbines themselves, there would be the associated infrastructure that includes hardstanding areas and external transformers next to each turbine. There are also proposals for temporary construction compounds with a maximum floor space of 1600m<sup>2</sup> made of crushed stone that are to accommodate site offices, storage areas for materials as well as car parking areas. Also included is the required network of internal access tracks that links all elements of the scheme. The applicant concludes that the ancillary works, buildings and structures will result in limited harm to the appearance or intrinsic character of the landscape. The main impact of the development would be the proposed turbines.
- 7.47 To assess the overall impact of the development, the applicant has carried out a Landscape and Visual Impact Assessment (LVIA) based on a study area of 35km radius and a total of 26 viewpoints were selected to be representative of the main and more open views of the site and the receptors in the study area. The

assessment also considered the potential cumulative effects of this proposal with other operational, consented or proposed wind turbines within 60km of the Lower Alt. Photomontages were also submitted.

- 7.48 The applicant is of the view that with regard to the key features of the landscape, the wind turbines would leave the existing characteristics of the landscape largely unchanged. The area would remain a large scale, flat landscape with simple linear patterns and the key features would not be affected. The wind turbines would introduce a new feature into the area which would be a dominant characterising presence within approximately 800 m of the nearest turbine or a new defining characteristic up to a distance of between 1.5 and 2.75km. The applicant is of the view that whilst the proposal would not affect the key features of the landscape, the turbines would create new localised landscape character areas.
- 7.49 The applicant asserts that localised changes to landscape character do not translate into significant changes to landscape character areas as recognised at broader geographic scales and that none of the key characteristics of the Mossland landscape type would be significantly affected at the scale of the host landscape type. The applicant also asserts that by tackling climate change the landscape would be a beneficiary as if left unchecked, global warming would result in significant changes in landscape character over time.
- 7.50 The applicant points to advice in the National Policy Statement for Renewable Energy Infrastructure which states that “modern onshore wind turbines that are used in commercial wind farms are large structures and there will always be significant landscape and visual effects from their construction and operation for a number of kilometres”. The applicant is of the view that the wind farm proposals demonstrates good design in terms of the layout of the turbines and location chosen, which would result in coexistence of the turbines and the host landscape. The LVIA indicates that “the change would not be incompatible with the context given the attributes and local features of the site and its siting combined with its large scale; openness under sometimes over-arching skies; its relatively simple, modified and much managed character which also accommodates substantial utilities (high voltage electricity transmission lines and pylons as well as the Hillhouse SWT) and communications infrastructure.”
- 7.51 The applicant also points to the fact that studies which have been carried out into the potential for wind energy in Lancashire have indicated that the mosses, including the area where the wind farm would be sited is the landscape character area with the lowest sensitivity to large scale wind energy development. With this in mind the applicant concludes that proposal would not cause significant harm to the character of the landscape.
- 7.52 The LVIA also considers the impact of the development on visual amenity. The applicant indicates that the proposal would bring about significant visual effects

within the range of 4.5-5.5. km from the proposed turbines where views are open and to a reasonable proportion of the wind farm. This would include parts of Haskayne, Lydiate, Maghull, Crosby, Ince Blundell and Formby. Recreational users of the area would also experience considerable change when using the footpaths within and in the vicinity of the site. The LVIA identifies that significant visual effects would be apparent but would not be necessarily unacceptable. The identification of significance is based on a judged relationship between the magnitude of change and sensitivity of the receptor. The applicant has also indicated that the impact of the development on residential visual amenity has been assessed. This matter is dealt with later in this report.

- 7.53 The applicant is of the view that the scheme is compliant with the NPPF as the development has been designed so that the landscape and visual impacts are not so significant as to warrant a refusal of planning permission. The applicant is of the view that the National Policy Statement on Renewable Energy accepts that significant landscape and visual effects are part and parcel of wind farm developments, and therefore in, and of themselves, cannot be considered to be unacceptable.
- 7.54 However I do not necessarily concur with this view. I have serious concerns that due to the sheer number of turbines, and the considerable size, scale and form of the proposed development, the proposals would represent a significant change and introduce an almost industrial like element to the landscape, with consequent visual harm. The adverse landscape and visual effects arising from the scale and visual prominence of the proposal, when seen within its local landscape context, would be experienced by a wide variety of receptors including, amongst others, users of the Lunt Meadows Nature Reserve, the Cheshire Lines Path, Clieves Hill and on roads travelling through Great Altcar, Wood Lane and Causeway Lane.
- 7.55 Lunt Meadows is a relatively new wetland nature reserve that covers approximately 77 hectares and is an increasingly popular recreational site that claims to attract around 10,000 visitors annually. When looking north and west towards the proposed development site, there are long range views across the open, flat landscape which is occasionally punctuated by trees and hedgerows. Eventually the landscape rises gently upwards to higher ground around Ormskirk, which ultimately forms the skyline. The proposed turbine would result in a substantial visual detractor within this largely unchanged expansive flat open landscape.
- 7.56 The Cheshire Lines track is a disused former railway line which is now a popular multi use route for walkers, cyclists, and horse riders. Known locally as the 'Cheshire Lines Path', it provides a 5-mile link between Southport and Maghull. The proposed development will be highly visible from this location as the views across the site are again flat and open with little or no vegetation or screening. The nearest proposed turbine will be 500m from the route. Also proposed, in very

close proximity to the route, is an associated new substation and temporary construction compound.

- 7.57 Great Altcar, Wood Lane/Causeway Lane is a busy road that links the north of Lydiate and west Ormskirk areas to Formby via the conservation area of Great Altcar. When travelling towards Formby along this road, the proposed site would be highly visible as the majority of the roadside hedges are low and the views are long and flat. A particularly important viewpoint was observed at the entrance of Hill House Farmhouse, a listed building amongst residential properties. Here the nearest turbine will be less than 1km away.
- 7.58 A further significant viewpoint and popular stopping off point is Clieves Hill Lane where people regularly sit and enjoy the panoramic views looking west towards the coast. Less than 5km from the proposed site, the development will be clearly apparent from Clieves Hill. I remain concerned about the impact of the development particularly when viewed from the sites identified above.
- 7.59 There are also three public footpaths that dissect the application site. The footpath south of the site links Showick Bridge across the application site towards the Cheshire Lines Pennine Trail and would be approximately 1km from the nearest turbine. The footpath north of this runs along Maghull Hey Cop from Baines Bridge to the Cheshire Lines and onto Acres Lane. This footpath will effectively run right through the middle of the turbine development site and be as close as 80m to the nearest turbine. The turbines would be highly visible from these footpaths.
- 7.60 When viewed from these busy recreational resources, the turbines would be highly prominent features in the landscape that would significantly impact on the skyline for a majority of their height. The turbines would create an immediate negative impact upon the panoramic views experienced from these locations, particularly in this flat open landscape which affords distant views both in to and out of the site. The Council's SPD specifically advises that tall columnar structures are to be avoided in this landscape in order to prevent harm to the landscape character.
- 7.61 It must be remembered that the site lies within the green belt and the NPPF at paragraph 81 requires that once green belts have been identified LPA's should plan positively to enhance the beneficial use of the green belt to retain and enhance landscapes, visual amenity and biodiversity. A development on a scale such as this would appear as an inappropriate man-made intrusion in an area largely devoid of visual detractors, as well as being out of scale and visually dominant, in this lowland small-scale landscape. The prospect of the proposed development being removed after 25 years would not make the substantial harm any more acceptable. In relation to the provisions of the West Lancashire Local Plan, the proposed development does not comply with Policy EN1 in that any adverse impacts have not been fully addressed. I find the harm to the landscape



character and visual amenity of this part of the green belt to be significant and contrary to the NPPF and policies GN3 and EN2 in the WLLP. Whilst the National Policy Statement for Renewable Energy Infrastructure indicates that significant landscape and visual impacts of wind farms are inevitable, in this location, given the siting of the proposed development on open relatively unchanged Green Belt land at the urban fringe, I consider the scheme would have a materially harmful impact on the landscape and visual amenity of the area.

### **Impact on Heritage Assets**

- 7.62 One of the principle duties under the Planning Listed Building and Conservation Areas Act 1990 is to preserve the special character of heritage assets, including their setting. Local Planning Authorities should in coming to decisions refer to the principle act in their decisions and/or assessments, which requires for;

#### *Listed Buildings - Section 66(1)*

*In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.*

#### *Conservation areas – Section 72(1)*

*In undertaking its role as a planning authority the Council should in respect to conservation areas pay special attention to the desirability of preserving or enhancing the character or appearance of that area.*

- 7.63 In respect to the latter, decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and decision makers must be aware that development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
- 7.64 National Planning Guidance about heritage protection is provided in Chapter 12 of the NPPF and paragraph 131 advises that in determining planning applications LPA's should take account of;

The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

The positive contribution that heritage assets can make to sustainable communities; and

The desirability of new development making a positive contribution to local character and distinctiveness.

- 7.65 Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to its conservation. The more important the asset, the greater the weight be provided

to its significance. Paragraph 134 identifies that where a proposal would lead to less than substantial harm to a designated heritage asset (including its setting), the harm should be weighed against the public benefits of the proposal.

- 7.66 Chapter 7 of the NPPF at paragraph 65 states that LPA's should not refuse planning permission for infrastructure works which promote high levels of sustainability unless the concern relates to harm to designated heritage assets which is not outweighed by the benefits of the proposal.
- 7.67 Policy EN 4 in the Council's adopted Local Plan states there will be a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects listed buildings, Scheduled Ancient Monuments, a Conservation Area, historic park or garden or archaeological remains. The Policy also requires that development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of special interest.
- 7.68 The Council's Design Guide advises in policy DP9 that development, which affects a listed building, conservation area, historic park and garden, scheduled monument or their historic settings, should always reflect their special architectural, archaeological and or historic interest. Proposals need to be sensitive to the character of the historic environment, be of high quality in terms of design and the materials used and aim to enhance the character and appearance of the wider area.
- 7.69 The Good Practice Advice from Historic England on the Setting of Heritage Assets- July 2015 sets down good practice to assist Local Authorities in implementing national planning policy. It provides advice on a staged approach to assessment including how to attribute significance, assessing the effect of a proposed development and minimizing the harm to heritage assets.
- 7.70 The applicant has submitted supporting information relating to heritage assets, contained in Chapter 9 (Built Heritage) of the Environmental Statement and volumes 1A, 1B and 2 and provided further submissions regarding the assessment of 33 heritage assets where some degree of harm has been identified.
- 7.71 The applicant identifies that within 10km of the site, there are almost 560 Listed Buildings, 24 Conservation Areas, 20 Scheduled Monuments and 6 Registered Parks and Gardens. A desk based assessment filtered out those assets which were unlikely to be affected by the proposed wind farm and the impact of the development on the remaining assets was assessed in detail. The submitted ES identifies that the proposal would have some slight to moderate effect on the significance off the Churches of St Michael and St Helen. All other assets would experience slight or less than slight effects on their significance. The applicant is of the view that the Lower Alt wind farm would not diminish the inherent qualities of any of the designated assets and would only affect to a small degree the appreciation of the assets in their wider landscape contexts.

- 7.72 The applicant is of the opinion that the proposal would not bring about substantial harm to any heritage asset and at most would result in slight/moderate harm to heritage assets, including the Churches of St Helens and St Michael's, Ince Blundell Hall and registered Park and Garden and the nearby Conservation Areas. The applicant is of the view that this less than substantial harm is outweighed by the substantial benefits of the proposal in terms of the wind farm's potential contribution to renewable, low carbon energy provision.
- 7.73 Having given due consideration to the applicant's view and the supporting information, I do not necessarily concur with his opinion. Generally I agree with the method of assessment used to assess the impacts on built heritage contained in Chapter 9 of the Environmental Statement (tables 9.3 and 9.4) and the identified baseline conditions and characteristics of the area. Through the assessment the applicant has identified, some degree of harm to 33 designated heritage assets, made up of 25 Listed Buildings and 8 Conservation Areas. Of those identified, 8 are within West Lancashire including 6 Listed Buildings (1- Grade 2\* and 5 - Grade 2 buildings) and 2 Conservation Areas. The likely harm/impacts on other recognised heritage assets i.e. Scheduled Monuments, Registered Parks and Gardens and Locally Listed Buildings are reported in Chapter 9 of the report.
- 7.74 The applicant has considered the magnitude of impact on these buildings and Conservation Areas, caused by the turbines, to fall within a number of categories ranging from major, moderate, minor, negligible through to no change. It is worth noting that under this impact criteria even minor changes are identified as being changes where the significance (of a heritage asset) is noticeably changed. Overall the significance of the effects is based on professional judgement and the degree of harm is recorded on a scale from neutral through to very large. All the harms attributed to the heritage assets in this proposal are identified as being from neutral to slight, slight and slight to moderate. However I do not necessarily agree with the level of harm attributed by the applicant to some of the heritage assets considered, particularly listed farm houses which lie close to the site, the Great Altcar, Carr Houses and Sefton Village Conservation Areas.
- 7.75 As identified in the documentation, the site and surrounding Lower Alt area is a drained moss-land which until the middle to late C19 was still un-reclaimed. The low lying agricultural area is sparsely populated and can be appreciated within wide open views. Due to the historical context development remains limited to small settlements and isolated farms occupying slightly raised ground around the Alt basin. The area has not seen a great deal of change since this period.
- 7.76 I feel the landscape character of the lower Alt area contributes positively to the setting of the wider area in which those heritage assets are located. The pattern of historic settlements and farmsteads which sporadically populate the area are largely unaltered and are a positive part of the unique character of the landscape. I feel this connection to their shared landscape setting is a contributory factor in the

significance of the landscape, their individual setting and also influences the area's capacity for change.

- 7.77 Historic England's Good Practice Advice - 3 on the Setting of Heritage Assets identifies that;

It is clear that the extent of the setting to a heritage asset(s) (paragraph 4) is not fixed and is the surroundings in which the asset is experienced. The setting to conservation areas in particular can be extensive and the setting of an asset "*may reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it, whether fortuitously or by design*";

The contribution of setting to the significance of an asset is often expressed by reference to views including views of the surroundings from or through the asset;

Views which contribute more to understanding the significance include those between heritage assets and natural or topographic features;

The capacity for change to the setting of heritage assets varies and can be influenced by the nature of the location as this may increase its sensitivity to change.

- 7.78 The proposed development of the 12 turbines will harm the historic setting to a wide range of nationally important historic buildings. This is evidenced in the applicant's submission documents.

- 7.79 The harm attributed to the settings of the Listed Buildings is identified, in the submission reports, as being within a range which would be regarded as being 'less than substantial' as described under paragraph 134 of the NPPF. I am not opposed to that view and agree that the development would not cause the total loss, in the significance, of the setting to any of the historic assets within the study area. However it is important to stress that 'less than substantial' harm in this respect does not mean that the Council's statutory duty to preserve should be down played and that considerable weight still needs to be given to the conservation of heritage assets as part of the Council's judgement.

- 7.80 In relation to those buildings in West Lancashire the list of assets identified as having some degree of harm attributed to their setting, not surprisingly, includes a high proportion of farm houses which have been established to exploit the fertile Mossland. In relation to the detailed comments/assessments made in Chapter 9 of the applicant's submission and subsequent additional information, I have some particular concerns about the level of harm identified to several of the heritage assets within West Lancashire, where I disagree with the applicant's assessment of harm as identified below.

- 7.81 *Hill House Farmhouse* - I do not feel enough value (significance) has been attributed to the importance of the rural context of the building (landscape/topography) and whilst I accept views will be offset, the presence of the turbines will appear prominently in the context of the asset. The experience the viewer has of the building

will be harmed by the presence of the turbines. I consider the impact to be moderate and the overall impact to be slight/moderate (not slight as recorded).

- 7.82 *New Hill House* – The house has a designed southerly aspect to make the most of the open rural landscape and the unique topography of the former Hill House coastline. The similar reasons to the above I consider the impact to be moderate and the overall impact to be slight/moderate (not slight as recorded).
- 7.83 *Old Gore Farmhouse* – The presence of the turbines, as a group to the north- west of the farmhouse will cause a distracting feature (overly dominant) and will significantly alter the historic setting to the farmhouse. The open landscape setting forms an integral part of how the listed building is experienced. I consider the impact to be moderate and the overall impact to be slight/moderate (not slight as recorded).
- 7.84 *Upper Gore Farmhouse* – Upper Gore illustrates the proximity and presence of the turbines and the distracting nature of the proposal on the setting to the farmhouse. The open landscape forms an integral part of how the listed building is experienced. I consider the impact to be minor and the overall impact to be slight (not neutral to slight as recorded).
- 7.85 Whilst not identified in Chapter 9 as having some degree of harm attributed to the setting, I feel the following 2 buildings should be added to the list.
- 7.86 *Francis Farmhouse* – Francis Farm is located on the south eastern side of Great Altcar on the edge of the settlement. As reported, I agree that its farmland setting is an important part of its significance. I feel the presence of the turbines to the south-east will be appreciated by the viewer. I consider the impact to be minor and the overall impact to be slight not neutral as reported.
- 7.87 *Altcar Hall Farm Barn* – This building is located approximately 50 metres to the south-east of St Michael’s Church on the edge of the settlement. The brick and stone barn forms part of a group of buildings associated to the former Altcar Hall and St Michael’s Church. As per the assessment on the adjacent Church, the presence of the turbines will be evident, although this will be filtered by trees. I consider the magnitude of impact to be minor and the overall impact on significance to be slight.
- 7.88 In addition to the above heritage assets in West Lancashire, Sefton have also raised concerns about the impact on heritage assets within Sefton Borough where they disagree with the applicant’s assessment of harm as identified below.
- 7.89 *Rigmaidens Farmhouse* - The farmhouse whilst the building is set back from Carr House Lane the turbines will still be read in its context when travelling along Carr House Lane and due to their close proximity and size I would suggest the impact is slight (rather than neutral to slight as recorded)

- 7.90 Notwithstanding my judgement on the impact of the development on the above mentioned assets, I accept that issues relating to setting and the impacts on their significance are subjective matters. However I consider that the presence of the 12 turbines will be felt across a wide tract of the historic, lowland landscape. Harm (to some degree) to the setting of 27 (25 identified in the applicants submission plus a further 2 highlighted above) designated Listed Buildings has been identified, within the submission, and as such, 'great weight' (p.132 - NPPF) needs to be given to the conservation of those heritage assets, which includes the significance they derive from their setting. The 'less than substantial' harm (p.134 – NPPF) to the designated assets must still be given considerable weight in the Council's planning judgment to ensure the Council meets its statutory duty.
- 7.91 Not only does the proposed development affect the setting of many Listed Buildings, it will also impact on the setting of Conservation Areas. The applicant's submission concludes that the significance of 8 designated Conservation Areas will be affected by the proposed turbines. In all respects the effects are identified as being slight within the assessment. Six of the Conservation Areas are in Sefton MBC and two are in West Lancashire. Generally I agree with the assessments made in the submission in relation to Conservation Areas in West Lancashire and accept that the harm to West Tower Conservation will be slight.
- 7.92 However in relation to the impact on Great Altcar, the Council's approved Conservation Area Appraisal (2007) identifies that its historic significance is derived, in part, by its rural landscape setting. Views emphasise the isolated agricultural nature of the settlement. I feel the landscape quality of the Moss-land area, its distinctive character and topography contributes to the significance of the setting of the historic assets within Great Altcar and its overall character and appearance. Because of the open, sporadic development the proposed 12 turbines will be experienced by the viewer to the south east of the village when moving through the village and will form an unwelcome and dominant addition to the skyline. I feel the magnitude of the impact will be somewhere between minor/moderate and the overall impact would be slight /moderate not slight as reported.
- 7.93 Whilst the Council can only comment on the impact of the development on heritage assets within West Lancashire, I have consulted Sefton Council with regard to the proposal as the application site lies adjacent to the Borough boundary. Sefton consider that the impact of the development on two of their conservation areas has been understated by the applicant. Carr Houses Conservation Area was designated due to its medieval field patterns including building arrangements, the origins being a minor rural settlement within the wider Ince Blundell estate. The Conservation Area is approached from two lanes Carr House Lane and Hall Lane. The turbines are visible travelling towards the Conservation Area on both lanes and viewed within the Conservation Area particularly on Carr House Lane and bearing in mind the close proximity of the turbines and their prominence they will be read in context with the settlement particularly on Carr House Lane Sefton consider that the impact is slight/moderate (rather than slight as recorded)

- 7.94 Furthermore, Sefton Village Conservation Area was designated due to its medieval origins and grouping of Mill Houses and Cottages dating from the 18<sup>th</sup> Century. They are an important physical reminder of the presence of the 16<sup>th</sup> Century mill which is now covered by public open space. The turbines when travelling westward on Lunt Road would be viewed in context of the Punch Bowl Public House and also more wide ranging views from the open aspect to the area of the former mill which is now public open space. Sefton would therefore consider the impact to be slight/moderate (rather than slight as recorded)
- 7.95 I have consulted Historic England with regard to the application who initially requested further information in relation to the impact of the development on Ince Blundell Hall, which lies within Sefton. The applicant was unable to provide the information as access to the estate was not permitted. Historic England have concluded on the basis of the information available that the development would not be visible as part of the setting of the Church of Holy Family, the Garden Temple or Ince Blundell Old Hall and that the harm to those assets would be minimal. However Historic England does identify slight harm to the historic park and garden at Ince Blundell Hall. Historic England also concurs with the applicant's assessment of the harm caused to the settings of St Michael's Church, Great Altcar and St Helen's Church in Sefton.
- 7.96 Historic England advise that the Local Planning Authority need to assure themselves that a clear and convincing justification for this harm has been provided and if this justification has been provided, that the potential level of harm which Historic England view as less than substantial is weighed against the public benefits of the scheme.
- 7.97 I concur with Historic England that in terms of impact on the historic environment, as discussed above, I would regard the harm caused by the proposals to be 'less than substantial' (as defined under the terms of P.134 NPPF). However the less than substantial harm to the heritage assets still needs to be given considerable weight in the Council's planning judgement to ensure that the statutory duty to 'preserve' under S.66(1) and S.72(1) is complied with. Whilst the applicant points to the fact Historic England have not lodged objections to the scheme, Historic England only provide comments on the impact of development on Grade I and II\* assets and their settings. Historic England has no responsibility for assessing the impact of the development on Grade II listed buildings and Conservation Areas. HE must defer to the Local Planning Authority to carry out a balancing exercise to conclude whether the totality of harm to heritage assets is outweighed by the benefits of the proposal as set out in para 7.96 above.
- 7.98 Local Planning Authorities should in coming to decisions refer to the principle act which requires having "having special regard to the desirability of preserving Listed Buildings or their setting" and the character and appearance of Conservation Areas (as in s.66(1) and s.72(1) of the principle act) . It is important to note that this

requirement should not be 'weighed' in the same way that is required under the NPPF (P134). Recent Court judgements have shown that the statutory duty prescribed under the P (LBCA) Act 1990 and the desirability to preserve heritage assets, including their setting, should be given considerable weight in the Council's decision.

- 7.99 The Court of Appeal rulings from the cases of Barnwell, Forge Field, South Lakeland and more recently Mordue have sought to clarify how to address the impacts of development on heritage assets. It is made clear in Forge Field, that even if the harm (to the heritage asset) would be less than substantial so that paragraph 133 of the NPPF did not apply but paragraph 134 did, the harm must still be given considerable importance and weight.
- 7.100 In a paragraph 134 case, the fact of harm to a heritage asset is still to be given more weight than if it were simply a factor to be taken into account along with all other material considerations, and paragraph 134 needs to be read in that way. As Barnwell states, any assessment of "less than substantial" harm in terms of the NPPF does not equate to a "less than substantial objection" in the application of the Act.
- 7.101 This interpretation differs from that expressed in the supporting documentation and in particular the Planning Appraisal, which summarises the case for the applicant. In my view Chapter 1.4 and 6.8 do not set out adequately the weight the Council should place on the statutory duty to preserve as required by the P(LBCA)A and whilst I agree that the harm caused by the proposal can be considered to be 'less than substantial the duty 'to preserve' needs to be given significant weight in the planning judgement.
- 7.102 No information has been provided (or offered) as part of the planning submission regarding any mitigation measures in the design of the turbines to reduce or eliminate the harm identified to the settings of the 35 heritage assets. I do not agree that limited 25 year permission (if controlled by a suitable Condition) would mitigate the harm caused over that period to the setting of those designated heritage assets affected. I remain concerned that the development would be harmful to heritage assets within the Borough and beyond am not satisfied that the public benefits of the scheme namely the generation of renewable energy outweighs the harm caused to heritage assets.
- 7.103 I therefore find that the application fails to comply with the Council's statutory duty, the NPPF, and Policy EN4 in the adopted Local Plan.

### **Ecology**

- 7.104 The NPPF seeks to protect biodiversity by resisting development which would destroy or adversely affect important wildlife habitats. In particular paragraph 118 states that when determining planning applications, Local Planning Authorities



should aim to conserve and enhance biodiversity by applying a set of principles which includes the following:-

*If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.*

*Proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest*

*The following wildlife sites should be given the same protection as European sites:*

*Potential Special Protection Areas and possible Special Areas of Conservation Listed or proposed Ramsar sites and Sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation and listed or proposed Ramsar sites.*

*The presumption in favour of sustainable development does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.*

- 7.105 Policy EN2 in the WLLP confirms that the Council is committed to ensuring the protection and enhancement of the Borough's biodiversity and will have regard to international, national and local conservation sites when making planning decisions.
- 7.106 The applicant has undertaken a number of ecological surveys for a range of species and habitats. These include autumn and wintering bird surveys, breeding bird surveys, vantage point surveys, Extended Phase 1 Habitat Survey, Population Viability Analysis for Pink Footed Geese, National Vegetation Classification Survey, bat surveys, badger, otter and water vole surveys, amphibian survey and other terrestrial mammal survey.

#### Avian Impacts

- 7.107 The application site is located in an area which supports sensitive passage and wintering bird species such as Pink Footed Geese (PFG) and other waders and

wildfowl. On this basis it is identified as being ecologically linked to European designated sites (also commonly referred to as Natura 2000 sites) and therefore the proposed development has the potential to affect its special features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitat Regulations'). The development site provides functionally linked land (supporting habitat) for qualifying features of the following European protected sites:

Ribble and Alt Estuaries SPA;  
Ribble and Alt Estuaries Ramsar;  
Martin Mere SPA;  
Martin Mere Ramsar;  
Martin Mere SSSI;  
Mersey Estuary SPA;  
Mersey Estuary Ramsar;  
Mersey Narrows and North Wirral Foreshore SPA;  
Mersey Narrows and North Wirral Foreshore Ramsar;  
Sefton Coast SSSI

- 7.108 These are primarily concerned with their value as habitat for overwintering and passage birds. The proposed wind farm is also located within designated site Altcar Within BHS, this site is designated as it regularly supports 0.5% of the British wintering population of pink-footed geese and is regularly used by hunting barn owl.
- 7.109 Due to the development's potential pathways and impacts on the above sites, this proposal requires an "appropriate assessment" under the Habitats and Species Regulations 2010. Regulations 61 and 62 of the Habitat Regulations state that a competent authority (i.e. the Local Planning Authority) must make an appropriate assessment of the implications of a plan or project which is likely to have a significant effect on a European protected site. Merseyside Ecological Advisory Service (MEAS) frequently carry out that appropriate assessment (or Habitat Regulation Assessment) on behalf of the Council.
- 7.110 The applicant has undertaken wintering bird surveys and provided a report to inform a Habitats Regulation Assessment and also proposed a pink-footed goose management scheme to mitigate for any impacts that have been identified. The applicant has also provided their own report to inform a Habitats Regulations Assessment that identifies no significant likely effect that could affect a European Protected Site. However the Council's ecological advisers (MEAS) disagree with this assessment and consider that a number of issues remain outstanding in relation to fully assessing impacts to bird species and completing a Habitats Regulations Assessment. In addition, Natural England also advise that there is currently not enough information to rule out the likelihood of significant effects.

### *Age and quality of survey information*

7.111 Firstly, the age of the wintering and breeding bird surveys is of significant concern. Breeding and autumn-wintering bird survey has been provided, however these surveys are now dated. The full breeding bird survey undertaken in 2011 is almost five years old. Schedule 1 species survey and vantage point surveys were undertaken in 2013 and are almost three years old and only provide a partial picture of breeding bird use. Autumn-wintering bird surveys are now two seasons old. It is likely that the use of this area has changed since 2013 with the development of Lunt Meadows nature reserve and its increased use by breeding, passage and wintering bird species. Bird survey results for the final year of survey 2012/13 reflect this with greater numbers of whooper swan, teal and wigeon recorded reflecting changes in trends on Lunt Meadows. Therefore, due to the date of survey and changing conditions due to Lunt Meadows the bird data does not accurately reflect current usage of the area by wintering and breeding birds. There are also concerns regarding the survey information submitted and despite a request for further information, this has not been forthcoming. As a result it is not possible to accurately assess impacts to qualifying species of the European Designated sites and to complete a Habitats Regulations Assessment. Both MEAS and Natural England advise that that the last survey carried out is no longer representative of the current baseline on the site and the study area and the increased use of Lunts Meadows by non-breeding birds over the last 2 years needs to be taken into account. Both consultees advise that a further over wintering bird survey must be undertaken.

### *Overall qualifying bird assemblage*

7.112 Secondly, of concern is the lack of assessment of likely significant effects on the qualifying bird assemblage as a whole and provision of mitigation or compensation.

7.113 The submitted Environmental Statement focuses primarily on Pink-footed geese and compensating likely significant effects on this species. However, other qualifying bird species of European Designated Sites have also been recorded in significant numbers within the windfarm site. The following species have been recorded at greater than 1% of European Designated Site populations; whooper swan, shelduck, golden plover, lapwing, black-tailed godwit, curlew, teal and wigeon.

7.114 The applicant's report to inform the HRA has assessed impacts on these species individually but has not set peak counts in the context of population levels within the European Designated Sites, instead species have been assessed on a local or regional level which describes the counts as low without setting this in context. The report also only assesses impacts on individual species and not collectively on the qualifying species assemblage recorded within the development site.

Therefore there is no overall assessment of impacts on qualifying bird assemblages of the European designated sites. When impacts are assessed on the qualifying bird assemblages as a whole and on individual qualifying bird species there will be likely significant effects on Ribble and Alt Estuaries SPA and Ramsar; Martin Mere SPA and Ramsar; and Mersey Estuary SPA and Ramsar.

*Mitigation and compensation*

- 7.115 Thirdly, the applicant has not provided any mitigation or compensation measures for qualifying bird species other than pink-footed goose. To allow further assessment of the proposed development in relation to HRA the applicant must provide details of mitigation or compensation measures for likely significant effects on qualifying species assemblage. No such further information has been forthcoming.
- 7.116 Displacement of species and barrier effects of the wind farm site are likely to have the greatest long term impact on bird species with the submitted Environmental Statement citing a range of studies which show displacement effects. However, impacts from this have not been fully mitigated or compensated within the proposed development. Therefore it is not currently possible to fully assess impacts.
- 7.117 Finally, the applicant has acknowledged that there will be an impact on the population of pink footed goose (PFG) using the wind farm site through collision risk and disturbance of habitat leading to birds being displaced from their feeding areas. In terms of mitigation and compensation a Goose Management Scheme (GMS) has been proposed. This entails the establishment of a goose refuge, or series of smaller refuges, where food resources for PFG will be provided. The aim of a refuge is to provide foraging resources in order to attract the PFG away from their existing habitat within the application site. The refuge area will be put in place prior to and for the life of the development.
- 7.118 The location of the proposed goose refuge area/s is not confirmed although a plan showing a search area has been submitted, located 600m from the turbines. I note that NFU have raised issues over the implications of any wintering bird mitigation on farm viability and further loss of Grade 1 and 2 agricultural land. In my view more certainty is required on the location of the goose management area. This is required to allow the completion of a Habitat Regulations Assessment.
- 7.119 MEAS, Natural England the RSPB, the WWT and LWT all consider that the proposed size of the goose refuge area/s has been calculated using mean count rather than mean peak counts (the standard unit used in assessment of wildfowl and wading birds in relation to Natura 2000 sites) and that this is not acceptable. MEAS advise that the use of mean counts significantly down plays the use of this area by bird species and reduces the area of compensatory goose management

area and additional feeding to be provided. As a result the use of mean peaks may not provide sufficient compensation to accommodate peak numbers of pink-footed geese recorded using the site. The requirement to use mean peak was highlighted to the applicant in pre-application meetings by Natural England and RSPB. The applicant has rebutted this point by stating that using peak/mean peak figures would result in a massive over-supply of food each year, going beyond “compensating” for effects in terms of theoretical lost feeding resources back to “net-neutral” and may also cause more problems with wasted food decomposing and leading to infestation or pollution. However, I consider that using only the mean counts may under-estimate the level of food required leading to a loss of food supply and resultant loss of population and in this instance the precautionary approach should be taken, particularly when considering the importance of the Habitats Regulations.

- 7.120 A range of criteria for determining the location of the goose refuge area/s are proposed, one of which is that the location of the proposed goose refuge area/s should not be located where geese and other species regularly overfly the wind farm. MEAS advise that identifying such an area will be difficult to achieve due to the movement of birds between any goose management site and roosts on Taylors Bank, Simonswood Moss near Kirkby, Lunt Meadows, Martin Mere and the Ribble Estuary.
- 7.121 Within the goose management area/s, which would include feeding grounds, a 400m buffer zone free from disturbance sources would be incorporated. The buffer zone would not be managed to provide a food resource but would need to maintain a low vegetation height to provide geese with an open view whilst feeding. The RSPB consider this 400m buffer to be inadequate and evidence is quoted that geese (and waders) appear to be more sensitive than other groups with disturbance effects recorded at up to 800m. The RSPB would only consider a 400m buffer to be acceptable as part of an adaptive strategy on the understanding that it may need to be increased or decreased, depending on monitoring feedback.
- 7.122 The applicant advises that the method of providing refuge areas has enabled the resolution of issues relating to PFG at 6 other wind farm sites in England and has submitted monitoring reports for two of these sites. However, one of these sites had only been operational for one year and it is too early to establish the effectiveness of the compensation. The other site at Hellrigg, Silloth, Cumbria, includes monitoring that has been undertaken for the full 5 years required. The monitoring shows that no collision casualties of qualifying species (including pink-footed geese) were recorded over the monitoring period. Flight line data shows clear avoidance of the wind farm by pink-footed geese and illustrates the displacement and avoidance effects of wind farms on this species. However, flight lines for other qualifying species were not provided and although monitoring showed some use of the refuge areas by pink-footed geese, the Hellrigg site is not directly comparable as it did not involve the provision of supplementary food.

### *Collision risk assessment*

7.123 Bird collision risk assessment has been undertaken and is largely found to be acceptable. The assessment finds that there will be no likely significant effect from collision risk to any qualifying bird species. However it uses Scottish National Heritage guidelines of 99.8% avoidance level rather than 99% avoidance level used by Natural England. Using NE recommended 99% avoidance level would result in a likely significant effect on the population of Pink-footed geese. This issue has been highlighted within the WWT response. WWT have also raised issues with increased risk of collision with power lines in the vicinity of windfarm due to avoidance of wind turbines.

### *In-combination assessment*

7.124 The applicant's report to inform HRA includes an in-combination assessment, however, this only considers other wind farms and wind turbines projects. Other projects which may result in displacement of qualifying bird species and assemblages from functionally linked land also need to be assessed.

### *Breeding birds*

7.125 Breeding bird surveys were undertaken in 2011 and updated in 2013 for Schedule 1 birds (birds and their young, for which it is an offence to intentionally or recklessly disturb at, on or near an 'active' nest). A total of 36 breeding bird species were recorded, of which 3 are Schedule 1 Wildlife and Countryside Act species, 1 EU Birds Directive species, 9 red data list species, 7 species were present at more than 1% of the regional population, and 11 are Priority species. Impacts to breeding birds relate to loss of habitat and disturbance during the construction period, collision risk with the turbines and displacement and barrier effects. As outlined above, there are concerns that the actual survey data is now out dated, particularly with the increasing use of Lunt Meadows Nature Reserve by bird species in close proximity to the development site.

7.126 Assessment of bird populations on site has been undertaken. The ES assesses breeding bird numbers as low generally, however this is not the case for all species. For example the density of breeding lapwing within the survey area is 7.8 pairs per km<sup>2</sup>, mean breeding densities of lapwing within West Lancashire are between 5.32 – 8.76 per km<sup>2</sup>, therefore within the context of West Lancashire breeding density within the site is not low.

7.127 Skylark is a Priority Species and is likely to breed on site. However, the development is unlikely to harm the local skylark population as the open area proposed at the southern end of the site will continue to support skylark provided the correct management is in place.

- 7.128 I note that RSPB, Natural England, the Wildfowl and Wetlands Trust and The Wildlife Trust for Lancashire, Manchester and North Merseyside have all objected to the application on the issue of impacts to bird species.

### Non-Avian Impacts

#### *Bats*

- 7.129 Natural England produced guidance in March 2014 in the form of a Technical Information Note entitled 'Bats and Onshore Wind Turbines Interim Guidance' to help planners and wind turbine operators consider the potential adverse impacts to bats when assessing proposals for wind turbine development. In this context, bat surveys have been undertaken using appropriate methods. Additional flight line data showing flight lines for high and medium risk species such as noctule and pipistrelle species has been requested and although this has not been submitted, on balance and taking into account the information already known and provided, it is concluded that there is unlikely to be any significant effect on bats but that the additional information would be required to inform effective mitigation to minimise impacts on these protected species.

#### *Brown hare*

- 7.130 Priority Species, brown hare was recorded during the Phase 1 Extended habitat survey, however locations are not presented within the Phase 1 habitat map or report. MEAS has advised that details of brown hare locations are required and should be provided on a plan and in table form in order to adequately assess the impact on brown hare. However, despite this information not being submitted, MEAS has subsequently confirmed that there is unlikely to be a significant effect on this priority species such to warrant refusal of the application but that additional information would be required to inform effective mitigation to minimise impacts on this Priority species.

#### *Badger and Red Squirrel*

- 7.131 No evidence or records of badger activity was found within 2km of the site. Red squirrel was recorded within 5km of the site, however most records dated from before 1996 and the woodland present on the site is predominantly broad-leaved and unlikely to support a viable population of the species, particularly in the presence of grey squirrels.

#### *Otter and water vole*

- 7.132 Otter and water vole have been recorded within ditches and water courses on site. Potential impacts of the proposed development relate to construction of ditch crossings and disturbance to these species during construction. The ES states that pre-construction surveys for otter and water vole will be undertaken and this

is considered acceptable and could be incorporated within an appropriately worded Construction Environment Management Plan. However, impacts to water vole were not initially set out within the ES and although the ES states that land take for ditch crossings will equate to approximately 208m based on 26 crossings, it is not clear how many of these crossings will impact on known water vole habitat. Similarly, an 8m buffer is proposed for ditches where possible but no information is provided on locations where this is not possible. Following discussions with the Environment Agency, the applicant has now provided a Water Vole Mitigation Strategy which includes as a minimum, a new 300m length of ditch to the east of Carr Wood, an additional 50m length of ditch habitat creation and/or enhancement and improvements to existing ditch habitat where possible. The proposed mitigation is considered acceptable by the EA.

#### *Great Crested Newts and other Amphibians*

- 7.133 Surveys for GCN and other amphibians have been undertaken as the site includes ditches and ponds. However, no evidence was found of the species or other amphibians within the 2011 survey and most ditches and ponds on the site offer unfavourable aquatic habitat.

#### Designated Sites for Nature Conservation

##### *Biological Heritage Sites*

- 7.134 There are no statutorily designated sites for nature conservation located within 5km of the centre of the site (SPA's are internationally designated sites and have been addressed above). Three non-statutory designated Biological Heritage Sites are identified within the site. Altcar Withins BHS lies within the site but this BHS is designated for its bird populations, primarily pink footed geese and the impact on this species has been discussed above.
- 7.135 Cheshire Lines and Moss Lane Ditches BHS runs along the Cheshire Lines path to the east and north-east of the site. Carr Wood and Carr Wood Rushes BHS lies centrally within the site. This BHS is designated due to the presence of remnant lowland raised bog, which is Priority Habitat (NERC, 2006) and can be sensitive to changes in drainage. The ES proposes to minimise impacts to drainage by use of 'floating track'. This will reduce impacts on the BHS and final details on the measures to be employed will be incorporated into a Construction Environmental Management Plan (CEMP) which can be secured by condition. The Environmental Statement states that the access track will pass within around 1m of the BHS, the access track will require widening. It is not entirely clear whether all working will be outside of the BHS boundary. However, there is sufficient agricultural land adjacent to the proposed access track to accommodate the track and working area and no works would take place within the BHS boundary. This can be secured by a suitably worded planning condition.



- 7.136 There is potential for construction related pollutants to enter the BHS site. The applicant proposes implementing standard pollution prevention control measures in line with Environment Agency guidance. These measures can be incorporated into a CEMP and dealt with by condition.

#### *Sites of Local Biological Interest*

- 7.137 Three further Sites of Local Biological Interest (SLBI), with non-avian features of interest, are also sited within 2km of the centre of the site. Lydiate Wood, Lydiate SW of Hollands Farm SLBI is to the east of the site, Homer Green Sewage Works SLBI lies to the SW of the site and Ince Blundell and Little Crosby Estates SLBI lies to the west. I consider the proposed development will not impact upon these SLBI's.

#### *Lunt Meadows*

- 7.138 In addition to these three SLBI's Lunt Meadows to the SW corner is a former flood alleviation scheme and is now managed by the Lancashire Wildlife Trust in partnership with the Environment Agency. The site currently has no statutory or non-statutory designation as it has only been properly established for the last few years. The site has grown considerably over the last two years. The site was created as a flood alleviation scheme for the River Alt but also with a view to the expansion of wetland habitats in NW England and strengthening the connections between them. A fundamental aim of Lunt Meadows is to consolidate the ecological network and create links to existing wetlands at Marshside, Ribble Marshes and Martin Mere and there is evidence of movement of wetland birds between Lunt, Ribble and Alt Estuaries and Martin Mere. The LWT are concerned that the introduction of a windfarm will act as a barrier to such movements, thus diminishing connectivity and value of the ecological network that has been established.
- 7.139 In addition to the disturbance to interconnectivity, the LWT are also concerned that turbine 12 in particular is within 350m of Lunts Meadows and turbine 11 is 555m away, therefore both fall within the 600m disturbance zone identified as being unacceptable for winter disturbance. In total 11ha or 16% of Lunt Meadows falls within the 600m zone. Natural England guidance advises that impact on breeding bird assemblages on SSSI's from windfarms may extend as far as 1km.
- 7.140 In view of the relative age of the surveys undertaken in the ES (the last one being undertaken in 2013) and the recent growth of Lunt Meadows, I consider that insufficient up to date information has been provided in order to fully assess the impact of the proposed development on the avian population using Lunt Meadows in conflict with Policy EN2 of the Local Plan.

### Habitat Management Plan

- 7.141 A Habitat Management Plan has been proposed for the development site, however no details have been provided and without this information I cannot confirm that the impacts outlined above can be compensated for to ensure no net loss of biodiversity and compliance with the NPPF and Policy EN2 of the Local Plan.
- 7.142 It is noted that a Construction Environmental Management Plan could provide the means to ensure that some of the ecological impacts can be addressed. This could cover matters such as the survey and method for prevention of spread and monitoring of invasive species (such as Himalayan Balsalm); pre-construction surveys for Schedule 1 species, barn owl, quail, marsh harrier, hobby and kingfisher. However, this would not deal with the primary concerns in relation to impacts on biodiversity.

### Conclusion and Habitats Regulations Assessment

- 7.143 Regulation 61 of the Conservation of Habitats and Species Regulations 2010 (as amended) requires an appropriate assessment of the likely significant effects on European Protected Sites. MEAS would carry out that assessment on behalf of the Council. MEAS advise that, as a result of the age of the wintering, passage and breeding bird surveys and the lack of assessment of likely significant effects on the qualifying bird assemblage as a whole and provision of adequate mitigation or compensation, they are of the opinion that the project as currently proposed will result in likely significant effects on qualifying bird species and assemblages and associated European Designated Sites. There is currently insufficient information to allow the Council to complete a Habitat Regulations Assessment and fulfil its duty as a Competent Authority insofar as it is unable to determine the potential impact on designated sites, a qualifying feature of which is its use either directly or in a supporting capacity by over-wintering birds. This view is supported by Natural England who advise that the Council does not have enough information to rule out the likelihood of significant effects.
- 7.144 I also consider that the proposed development has failed to comply with the requirements of the NPPF as it has not been demonstrated that the scheme would not be detrimental to designated sites. This is also contrary to Policy EN2 in the WLLP.

## Land resources

### *Agricultural land*

- 7.145 The application site is currently in use for arable farming and forms part of the Lord Leverhulme Estate, which is separated into a number of tenant farm holdings.
- 7.146 Paragraph 112 of the NPPF states that Local Planning Authorities should take account of the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of higher quality.
- 7.147 Paragraph 26 of the National Planning Practice Guidance (Natural Environment Chapter) indicates that where significant development of agricultural land is demonstrated to be necessary, Local Planning Authorities should seek to use areas of poorer quality land in preference to that of a higher quality.
- 7.148 Policy EC2 in the Council's adopted Local Plan indicates that the irreversible development of open agricultural land will not be permitted where it would result in the loss of best and most versatile agricultural land, except where absolutely necessary to deliver development allocated within the Local Plan or strategic infrastructure, or development associated with the agricultural use of the land. Policy EN2 in the Local Plan indicates that development will have regard to the conservation of the Borough's deep peat resources and reiterates the Council's approach regarding the use of best and most versatile agricultural land identified by Policy EC2. The Justification for Policy EN2 gives further information regarding the importance of avoiding the extraction and degradation of peat, recognising the role it plays as a unique habitat and as an important carbon store. Figure 9.1 in the Local Plan provides a map of the deep peat deposits in the Borough and identifies that a substantial part of the application site lies in an area of peat deposits.
- 7.149 The Agricultural Land Classification of England and Wales provides a framework for classifying land according to the extent to which its physical or chemical characteristics impose long- term limitations on agricultural use. The principal physical factors influencing agricultural production are climate, site and soil. These factors together with interactions between them form the basis for classifying land into one of five grades; Grade 1 land being of excellent quality through to Grade 5 land of very poor quality. Grades 1, 2 and 3a are considered to be the BMV. In terms of Defra's Agricultural Land Classification (ALC) map of England and Wales, the application site is classified as Grade 1 excellent quality and Grade 2 very good quality.

- 7.150 Chapter 15 of the submitted Environmental Statement indicates that all of the land to which the application relates is a mixture of Grade 1 and Grade 2 agricultural land. Paragraph 15.5.1 indicates that the applicant has sought to minimise the loss of agricultural land through siting the turbines with their associated hardstandings and access tracks as far as possible towards the edges/corners of fields. Chapter 4 of the Environmental Statement indicates that the routes of the internal access tracks have been designed to use existing farm tracks where possible to reduce land take and that internal access tracks are proposed to be of 'floating' construction whereby the roads are constructed by stone overlaid by geotextile. The applicant indicates that existing subsoil pipes were also taken into account in the project design process in order to limit impacts upon the existing land drainage regime and thereby upon agricultural land use. Whilst construction of the wind farm would involve a degree of disruption to farming activities on the application site, the applicant indicates that this disruption would be temporary.
- 7.151 The applicant indicates that existing farming activities would be able to continue on the majority of the site following the wind farm construction. Approximately 11.6 hectares of land would be removed from agricultural production to make way for the tracks and hardstandings. The supporting statement indicates that some additional land would also be lost for practical purposes due to it becoming too difficult to farm, for example the placement of access tracks may make the land impractical to plough and it is not possible to quantify the potential loss at the present time. It is also proposed that 5 hectares of land plus a 400 metre buffer zone would be used for a programme to mitigate the potential impacts of the wind farm upon Pink Footed Geese which would result in a reduction in the maximum potential arable productivity on this area of land.
- 7.152 The applicant is of the view that the proposed development of the Lower Alt wind farm would inevitably result in some reduction in productivity from the agricultural holding. However 11.6 hectares to be lost from production would only represent just over 1% of the total application site, which in turn is part of a much larger agricultural holding. The applicant states that even if the same amount of land again ceases to be farmed due to difficulties of management, only 2.5% of the development site would be lost from agricultural production. The applicant is of the view that this loss is not significant and furthermore would not be irreversible as the site would revert to agricultural use once the wind farm is decommissioned. The applicant advises that the decommissioning of the wind farm at the end of its operational phase involves removal of all infrastructures to a depth allowing arable agriculture to resume, with the exception of any areas where the landowner requests that access tracks are retained.
- 7.153 The applicant advises that there would be a net gain to agriculture as a result of the proposal as the proposed wind farm would provide an additional source of income from the land whilst retaining the primary agricultural use and that enhances the economic viability of the farming enterprise itself. Furthermore the

applicant provides a list of other examples of wind farms throughout England operating and consented on best and most versatile agricultural land. The applicant also indicates that the wind farm should be considered as a strategic infrastructure project which would therefore comply with the Local Plan policies regarding the use of best and most versatile agricultural land.

- 7.154 It is noteworthy that both the CPRE and the National Farmers Union have expressed concern regarding the impact of the development on best and most versatile agricultural land. The NFU indicate that whilst they are supportive of the principle of renewable energy development, this development results in the loss of the highest grades of agricultural land which is the most productive. The NFU indicate that the proposal to use part of the application site to mitigate the impact of the development on Pink Footed Geese (PFG) is also a cause for concern. Not only would restricted agricultural activity take place on this part of the site but the proposal would impact on the wider farming area as the proposals would provide a feeding area for PFG meaning that they would be attracted to the wider farm holding and surrounding area, concentrating their numbers with consequent impact on development potential for the farm holdings and farming practices as geese would be attracted to other crops in the vicinity.
- 7.155 The NFU indicate that it is likely that the construction phase would seriously disrupt the farming operations of tenant farmers who would suffer crop losses and potential damage to fields and logistical difficulties during harvesting due to the traffic to and from the site impacting on their ability to harvest crops efficiently. The NFU also express concern about the loss of productive land resulting from the physical elements of the development and that the proposal could have a significant detrimental impact on flood risk due to the increase in impermeable footprint (see paragraphs on flood risk and drainage) with consequent harm to agricultural operations on the land. The NFU conclude that due to the amount of productive land taken up by the scheme, and potential impact on farming practices, the application should not be supported.
- 7.156 Having reviewed the policy background, submitted information and consultation responses, I am of the opinion that the application would have a clear impact on best and most versatile agricultural land. The loss of agricultural land is anticipated to be 11.6 hectares plus other land that could become difficult to farm because of the introduction of access tracks and the turbine hardstandings and the use of land for goose refuge area/s, and there would be further disruption to agricultural practices during the construction phase. The reduction in agricultural productivity as a result of the proposed development is also of some concern which must be given weight in the overall planning balance. However the Local Plan is supportive of renewable energy development, and having given consideration to the additional information submitted by the applicant since my earlier report was prepared I am satisfied that adequate justification has now been provided for the site selection. The applicant points out that given the nature of the Borough, the majority of agricultural land is best and most versatile and in

this regard, it is likely that the loss of agricultural land will be necessary to deliver strategic infrastructure for example renewable energy development. The applicant draws attention to the fact that compared to other forms of renewable energy technology e.g. solar farms, the land take by wind energy developments is considerably lower. Having reviewed the submitted information and given further consideration to the impact of this development on agriculture, I conclude that the land take is limited and although the development would result in the loss of some Grade 1 and grade 2 land, on balance I do not consider that this loss would be so significant to warrant a refusal of planning permission on this basis. On balance, I consider the application is compliant with the NPPF, NPPG and policies EC2 and EN2 of the West Lancashire Local Plan in this regard.

### *Peat*

- 7.157 Section 2.7.37 of the National Policy Statement for Renewable Energy Infrastructure (EN-3) indicates that there are specific considerations which should inform decision making where developments are proposed on peat. In these cases, the determining Authority should be satisfied that the wind farm layout and construction methods have been designed to minimise soil disturbance when building and maintaining roads and tracks, turbine bases and other infrastructure. This is to ensure that the development will result in minimal disruption to the ecology or release of CO<sub>2</sub> and that the carbon balance savings of the scheme are maximised.
- 6.158 The Liverpool City Region Renewable Energy Capacity Study 2009 indicates that one of the constraints to wind energy development within the Liverpool City region is the existence of peat resources. The Study advises that deep peat areas are carbon sinks, which, when damaged, can release carbon dioxide. Therefore, renewable energy developments that harm deep peat areas or prevent their restoration can potentially increase, rather than decrease the carbon in the atmosphere. The report advises that Sefton and West Lancashire have deep peat areas, with West Lancashire having a large portion in the western rural part of the borough. The report advises that any renewable energy development in areas of deep peat would need to consider whether it would have any negative impacts.
- 6.159 Chapter 10 of the submitted Environmental Statement seeks to address issues in relation to peat. The applicant acknowledges that the majority of the turbines would be sited in areas of peat resource. The applicant has taken samples across the site and the depth of the peat resource is shown to vary from 97cm to 375 cm. The main area of peat has been shown to run through the centre of the application site in a north west to south east direction, with the deepest peat recorded in the north western part of the survey area, around Linacre Lane and Lydiate Brook. The collected data shows that 3 of the proposed turbines do not overlap with the peat resources and 8 of the remaining turbines overlap deeper peat, however the ES indicates that the turbines have where possible been sited

towards the outer edge of the main area of deep peat. The applicant advises that the quality of peat resource has been adversely affected by land management practices, namely drainage and cultivation, such that it no longer supports habitats of value and does not support peat forming vegetation.

- 6.160 The ES advises that based on the proposed dimensions and construction methodology of the wind turbine foundations and the associated areas of hardstanding, as well as the temporary laydown areas, substation building and compound, temporary construction compounds, permanent wind masts and the sections of new and upgraded internal access track, there would be direct impact on approximately 12.8 hectares of peat. The construction of this infrastructure would result in direct disturbance of the peat resource. However the applicant advises that only 0.29 hectares would be excavated, with the rest buried below floating infrastructure. With a recorded average peat depth of 97cm, this could equate to a volume of approximately 2,741m<sup>3</sup> of peat excavated. The construction of the turbines would also be likely to result in temporary impacts on the peat resource due to limited effects on drainage.
- 6.161 The applicant has sought to quantify the impact of the development on the likely release of CO<sub>2</sub> from the peat resource and has submitted a carbon balance assessment in Appendix 10.2 of Volume 2 of the ES. This assessment seeks to balance the carbon gains and losses as a result of the proposed scheme. The data shows that over the 25 year operational period of the wind farm there would be considerable carbon savings, estimated to be in excess of 990,000 tonnes of CO<sub>2</sub>. The ES concludes that the main effects on the peat resources are considered to be temporary and as such the residual impacts on the peat resource are not considered to be significant.
- 6.162 Whilst the Council has received objections in relation to this application based on the impact of the development on the peat resource, I have no evidence to dispute the information provided by the applicant. As the application site lies within a minerals safeguarding area in the Local Plan I have consulted LCC with regard to this application who have not responded formally to the consultation but have advised that they would not sustain an objection based on the impact of the development on mineral resources including peat reserves. Having reviewed the supporting information and in the absence of an objection from LCC, I am satisfied that the applicant has had regard to the conservation of the Borough's deep peat resources and the scheme is compliant with Policy EN2 in the Local Plan and that the impact of the development on the peat resource would appear to be minimised in accordance with the aims of National Policy Statement for Renewable Energy Infrastructure (EN-3).

## Impact on Residential Amenity

### Noise – National and Local policy

- 6.163 Paragraph 109 of the NPPF advises that the planning system should contribute to and enhance the natural and local environment by:  
*“preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.”*
- 6.164 Furthermore paragraph 123 of the NPPF also advises that planning policies and decisions should aim to:  
*“Avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;  
Mitigate and reduce to a minimum other adverse impacts on quality of life arising from noise from new development, including through the use of conditions;  
Recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and  
Identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.”*
- 6.165 Specifically in regard to wind farm schemes the NPPF advises in footnote 17 to paragraph 96 states:  
*“In assessing the likely impacts of potential wind energy development when identifying suitable areas, and in determining planning applications for such development, planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure.”*
- 6.166 The National Policy Statement for Renewable Energy Infrastructure at paragraph 5.11.6 advises that:  
*“Further information on assessment of particular noise sources may be contained in the technology-specific NPSs. In particular, for renewables (EN-3) and electricity networks (EN-5) there is assessment guidance for specific features of those technologies.”*
- 6.167 The National Policy Statement for Renewable Energy Infrastructure (EN3) discusses noise from onshore wind farm schemes as follows:  
*The method of assessing the impact of noise from a wind farm on nearby residents is described in the report, ‘The Assessment and Rating of Noise from Wind Farms’ (ETSU-R-97)<sup>32</sup>. This was produced by the Working Group on Noise from Wind Turbines Final Report, September 1996 and the report recommends noise limits that seek to protect the amenity of wind farm neighbours. The noise*



*levels recommended by ETSU-R-97 are determined by a combination of absolute noise limits and noise limits relative to the existing background noise levels around the site at different wind speeds. Therefore noise limits will often influence the separation of wind turbines from residential properties. The applicant's assessment of noise from the operation of the wind turbines should use ETSU-R-97, taking account of the latest industry good practice. This should include any guidance on best practice that the Government may from time to time publish.*

- 6.168 At the Invitation of the Department for Energy and Climate Change and following extensive consultation the Institute of Acoustics (IOA) has produced a Good Practice Guide to the Application of ETSU – R - 97 for the Assessment and Rating of Wind Turbine Noise and a series of Supplementary Guidance Notes. The guide and the supplementary notes have been approved by the Secretary of State and are considered to constitute guidance on best practice in the context of paragraph 2.7.56 of the National Policy Statement for Renewable Energy Infrastructure (EN3) as described above.
- 6.169 The Noise Policy Statement for England (NPSE) seeks to clarify the underlying principles and aims in existing policy documents, legislation and guidance that relate to noise. The statement applies to all forms of noise, including environmental noise, neighbour noise and neighbourhood noise.
- 6.170 The statement sets out the long term vision of the government's noise policy, which is to *"promote good health and a good quality of life through the effective management of noise within the context of policy on sustainable development"*.
- 6.171 The guidance promotes the effective management and control of noise, within the context of Government policy on sustainable development and thereby aims to:  
*"Avoid significant adverse impacts on health and quality of life;  
Mitigate and minimise adverse impacts on health and quality of life; and  
Where possible, contribute to the improvements of health and quality of life."*
- 6.172 The NPPG also goes on to identify unacceptable noise exposure as follows: *"At the highest extreme, noise exposure would cause extensive and sustained changes in behaviour without an ability to mitigate the effect of noise. The impacts on health and quality of life are such that regardless of the benefits of the activity causing the noise, this situation should be prevented from occurring"*.
- 6.173 Wind energy schemes are considered in Chapter 9 of the West Lancashire Local Plan (2012-2027); and Policy EN1, part 3 specifically states that wind energy proposals in the Borough *"will be given positive consideration provided any adverse impacts can be satisfactorily addressed"*; and requires developers to support their proposals with evidence in regard to noise. The same policy advises that the evidence will be required to demonstrate that *"any impacts can be satisfactorily addressed but need only be proportionate to the scale and nature of development"*.

6.174 The application submission discusses local policy and in response to there being no reference to specific guidance in local policy in regard to windfarm noise advises that “*Therefore in the absence of any further specific guidance, the methodology recommended in national planning guidance was adopted to assess the potential impacts raised.*” This approach is considered appropriate.

#### Operational Noise

6.175 There are two sources of noise from wind turbines - the turbine blades passing through the air and noise from the gearbox, generator and other parts of the drive train. All sources are strongly affected by rotor speed. There is an increase in turbine noise level as wind speed increases. However background noise also increases with wind speed and at a faster rate. The difference between the noise of a wind turbine and the background noise is therefore liable to be greatest at low wind speeds provided that there is sufficient wind to operate the turbine. Wind turbines do not operate below the wind speed referred to as the cut-in speed (usually around 4- 5 metres per second) and above a set cut-out speed. Many modern turbines have a direct drive design, eliminating the use of a gearbox, so mechanical noise is normally no greater than the aerodynamic noise. In addition to the operational turbine noise, there is also noise associated with construction and decommissioning.

6.176 Noise measurements were carried out within a “study area” confined to locations predicted to experience wind turbine noise equal or greater than 35dB LA90/10 mins. Additional base line noise surveys were carried out from 29<sup>th</sup> January to 21<sup>st</sup> February of 2013 at the 12 closest residential properties surrounding the site (four in Sefton and eight in West Lancs – 122 Carr House Lane, Carr Side Farm, Orchard House, The North Tithe Barn, Maukin Farm, Mercer Court, Old Gore House Farm, Millbourne Cottage, Oliver’s Farm and Pump House Cottage).

6.177 The Council instructed consultants, Temple, to review the noise, vibration and shadow flicker aspects of the proposal and provide an assessment of the material considerations.

6.178 In assessing the impact from operation noise from the turbines, the day time and night time levels from each of the monitored properties has been reviewed and calculations have been based on two “candidate turbines”, the Vestas V112 and the Nordex N100 turbine (these are similar scale turbines that would be used at the site). The noise levels have also been assessed at varying wind speeds.

6.179 Temple (on behalf of the Council) conclude that the noise assessment presented in the Environmental Statement (ES) follows the advice of ETSU-R-97, the Good Practice Guidance (GPG) and Supplementary Guidance Notes (SGNs) published by the Institute of Acoustics, as advised by National Planning Policy for the noise assessment of windfarms.

- 6.180 Temple advise that the background noise survey is regarded as robust and the derived noise limits are considered suitably precautionary. The prediction of turbine noise levels uses a methodology following established practice tested at multiple planning appeals; and is in line with the advice of the GPG and SGNs. The predicted noise levels range from 17.1-39.8 dB(A) and with all factors taken into consideration, a limit of 38dB(A) is considered appropriate for the scheme. It has therefore been demonstrated that both the day-time and night-time noise criterion limits can be satisfied at all properties across all wind speeds and whilst the turbines may be audible at times, they will be able to comply with current standards for wind energy projects. Temple recommend the use of a noise condition to protect the amenities of the closest 12 residential properties.
- 6.181 A cumulative noise assessment has also been carried out for a number of relevant assessment locations, taking into consideration noise from the proposed neighbouring Hill House proposal (2 no. 61m tip height turbines): this also demonstrated that both the day-time and night-time noise criterion limits can be satisfied at all properties across all wind speeds. This assessment has been based on the use of the manufacturer's sound power data for the wind turbines, with suitable consideration of uncertainties, with models which are considered typical of the type and size of turbine which may be considered for this site, and assuming worst case downwind propagation

#### Construction Noise

- 6.182 With regards construction noise it is noted that noise generation is always difficult to assess at application stage as it is necessary to make some assumptions on likely plant, vehicles and equipment to be deployed. However, based upon the experience of the types and number of equipment usually associated with the key phases of constructing a wind farm, together with sound power data provided by BS 5228, a prediction has been made as to arrive at an upper sound emission level over the course of a working day. It has generally been assumed that the plant will operate for between 75% and 100% of the working day. The worst case scenario is predicted based upon noise predicted from the nearest residential property to the base of a turbine whilst under construction. Other noise would of course be derived from traffic movements to and from the site as well as access track construction. The predictions suggest that the noisier construction activities would be audible at various times throughout the construction phase, although comparing the criteria against industry standard, this equates to effects of negligible to slight significance. The short term nature of construction activity consequently categorises the effect to be slight.
- 6.183 In addition to on-site activities, construction traffic passing to and from the site would also represent a potential source of noise to surrounding properties. The applicant advises that the most intensive traffic is predicted to occur in months 7 to 10 of the construction programme, in which an average of 130 daily traffic

movements are predicted. A particular noise sensitive receptor is Alt Cottage as it lies along the site access route on New Causeway. Due to the proposed one-way circulation system, this property would experience approximately half of these 130 maximum daily movements. Large vehicles can generate noise levels in the order of 108dB and the predicted noise level at Alt Cottage is 57dB LAeqT. Construction traffic around existing local roads also represents a potential source of noise. A maximum potential increase of 0.2dB9A in the day time average noise level during particular phases of the construction program is predicted at locations adjoining the B5195. The overall conclusion of the applicant is that there would be a temporary slight overall effect from construction noise.

- 6.184 It is noted that a noise mitigation scheme is proposed to be incorporated into a Construction Environmental Management Plan, and this would include measures such as control over construction hours which are currently indicated as 0700-1900 on weekdays and 0700-1300 on Saturdays. With any approval it is considered important that such a scheme is conditioned. However, in light of the above and subject to appropriate conditions it is considered that the on-site construction noise would not be significantly adverse in terms of impact on residential locations.

#### Amplitude Modulation

- 6.185 The sound level of aerodynamic noise from wind turbine blades is not completely steady, but is modulated (fluctuates) in a cycle of increased and then reduced level, sometimes called “blade swish”; typically occurring in step with the angle of rotation of the blades and so being periodic at the rotor’s rotational speed. For typical large scale commercial wind turbines, this fluctuation in noise is at a rate of around once or twice per second. This phenomenon is known as Amplitude Modulation of Aerodynamic Noise or more succinctly by the acronym AM. In some situations, however, the modulation characteristics can change in character to the point where it can potentially give rise to increased annoyance compared to the typical modulation characteristics.
- 6.186 In early wind turbine designs, where the rotor was positioned downwind of the tower, a pronounced ‘beat’ was audible as each blade passed through the turbulent wake shed from the tower. However, this effect does not exist for the upwind rotor designs found on the majority of modern wind farms (as are proposed here) where the air flow to the blades is not interrupted by the tower structure. Instead, it seems that aerodynamic modulation is due to fluctuation of the primary mechanisms of aerodynamic noise generation.
- 6.187 Whilst all the causes are not known, it appears that AM tends to occur under certain meteorological conditions and the limited evidence available suggests this effect is likely to be manifest at a minority of wind farms. Moreover, it is a highly technical area, which despite research by numerous investigators over the last 20 years; there is to date no universally accepted explanation as to the causes of

AM or means to predict its occurrence. The Institute of Acoustics has established a working group to consider the issue of Amplitude Modulation of wind turbine noise and the Department of Energy and Climate Change has commissioned a research project to look at the matter. Both are due to publish results and recommendations later this year.

- 6.188 Temple (on behalf of the Council) advise that consequently, a condition such as the one imposed by the Secretary of State in a recent (Turncole) appeal decision would be recommended. If subsequent to any grant of any permission the IOA published guidelines or the Government adopted as good practice any other relevant guidance on measuring, assessing and mitigating the impacts of Amplitude Modulation; the operator of the wind farm could apply to vary such a condition.
- 6.189 To conclude, in relation to the noise issue, subject to conditions, the scheme would comply with the relevant advice included in ETSU-R-97, the purpose of which is to seek to achieve the accommodation of wind energy projects in a landscape which includes residential properties.

#### Shadow Flicker

- 6.190 Under certain combinations of geographical position, time of day and year, the sun may pass behind the rotor of a wind turbine and cast a shadow. When blades rotate and the shadow passes a narrow window then a person within that room may perceive that the shadow appears to flick on and off; this effect is known as shadow flicker. This only occurs within buildings where the shadow appears through a narrow window opening. Only buildings within 130 degrees either side of north relative to a turbine can be affected and the shadow can be experienced only within 10 rotor diameters of the wind farm.
- 6.191 Under current planning guidance there are no published criteria for the assessment of shadow flicker and there is no UK statutory limit or guidance to stipulate acceptable levels of shadow flicker and at what point it becomes a nuisance to human beings.
- 6.192 The submitted Shadow Flicker Assessment has assumed a worst case scenario of a turbine with a 136.5m tip height, 114m rotor diameter and 79.5m hub height. So when considering a 114m diameter there should be no shadow flicker effects outside 1140m from a wind turbine. The Assessment submitted found 16 properties within 1140m that might be affected. Of these properties, three were identified where there were potentially significant or borderline significant effects. A further assessment of these properties, applying the mitigating effects of separation distances, proper account taken for the locations and viewing directions of receptor windows, realistic average sunshine/weather conditions, and potential intervening obstacle screening, concluded that it is likely that no significant effects in EIA terms would arise.

6.193 The Council's Environmental Health Officer has considered this information and raises no objection on the basis of shadow flicker, provided that in the event that shadow flicker occurs and causes significant effects at any residential property, then mitigation can be implemented. Turbines can be fitted with a control system to inhibit the turbines at all the relevant times that shadow flicker could occur. Implementation of appropriate mitigation, including the option to install such a control system, could be secured through a suitably worded condition.

### Outlook

6.194 Policy GN3 in the Local Plan requires development to retain reasonable levels of privacy and amenity for occupiers of neighbouring properties. For the local residents and surrounding areas the effect of the proposed wind turbine on their visual amenities when they are in their own properties should be considered. It has been recognised that being able to observe a turbine from the living areas of dwellings alone would not in itself be a decisive factor in determining a planning application nor should visual amenity in its own right rely upon the existence of one particular view in one direction from a property. Rather it is factors including the extent to which the proposal would be unduly obtrusive or have an overbearing impact which are, among other things, determinative factors.

6.195 National Policy Statement EN3 recognises that the introduction of turbines into a landscape would result in significant visual effects that would change the outlook of dwellings over an area up to several kilometres. In this context, the identification of a significant change, or indeed a significant change in the outlook of a substantial number of dwellings, is not, on its own, necessarily harmful. The visual component of residential amenity should be assessed in the round, taking into account factors such as separation distance, orientation, size and layout of a dwelling, location of habitable rooms, garden and other amenity space, arc of view occupied by the turbines, views through the turbines and the availability of screening. Once these factors are assessed, the question to ask is, would the presence of the turbines be so unpleasant, overwhelming and oppressive, that the dwelling would become an unacceptably unattractive place in which to live.

6.196 The visual impact of the proposed development upon residential amenity has been assessed as part of the submitted application. The submitted ES has considered the effects of the proposal on the living conditions of residents living within 1.2km of the proposed wind turbine, with particular regard to visual effects.

6.197 In many cases it has been identified in appeal decisions that it is seldom that a wind farm proposal has been deemed unacceptable with respect to residential amenity beyond 800m from the nearest turbine, although there are mixed appeal decisions on this issue. For instance, one Inspector concluded unacceptable harm to outlook at distances of about 700m from 100m high turbines whereas a different Inspector for a different appeal concluded that 120m high turbines would

not result in unacceptable living conditions for occupiers at a similar distance of 700m.

- 6.198 There are many properties within 1.2km of the turbines and the settlements of Ince Blundell, Great Altcar, Lunt, parts of Lydiate and Homer Green are within 2km of the turbines. 22 properties have been assessed by the applicant within the 1.2km range and a further 29 properties just beyond. The consented two turbines at Hill House have also been taken onto account with regards the cumulative impact on residents.
- 6.199 The closest properties to the turbines are Milbourns Cottage, Acres Lane (850m) Delph Farm, Wood Lane (860m) New Hill House, Wood Lane (880m) Railway Cottage and Whistlestop, Carr Lane (900m) Carr Side Farm, Park Wall Road (910m) and Savages Cottage, Causeway Lane (920m). From many of the properties assessed there is no doubt that the proposed turbines would be visually intrusive. Even from further afield, due to the open and flat nature of the surrounding area, the turbines would be clearly visible from many residential properties, although potentially less prominent and intrusive than they would be from closer properties. The applicant has acknowledged that the view of the turbines from many of the properties close to the site would cause moderate to significant harm. The applicant considers that other visual detractors in the area such as pylons, trees and hedgerows reduce the overall impact.
- 6.200 Approximately 40 properties closest to the site would experience a significant visual effect and this is acknowledged by the applicant. However, the applicant states that the overall character of and general amenity to be enjoyed within and walking out from the surrounding settlements would not be significantly affected when judged as a whole. From some properties and settlements, although views of parts of the wind farm may be possible, they have not been identified by the applicant as significantly affecting the character or/and or amenity to be enjoyed within these areas. However, the applicant recognises that a proportion of the residents would consider that their individual private residential amenity would be significantly affected. The applicant goes on to state that with respect to those residents adopting the adverse impact stance, the extent of <sup>3</sup> harm<sub>s</sub> perceived, whilst regarded as significant adverse, would not be such as to transform any individual property into an unpleasant place to live by virtue of the wind farm having unpleasantly overwhelming or over-bearing visual presence and therefore failing the Lavender Test (a recognised useful rule of thumb when considering visual residential impact of wind farms in appeal decisions).
- 6.201 The applicant concludes that from the private amenity standpoint, whether in settlements, small clusters, or individual properties, none of the locations would be converted into an <sup>3</sup> unpleasant<sub>s</sub> place to live.
- 6.202 I have visited the external aspect of the properties closest to the site and others along Wood Lane, Acres Lane, Causeway Lane, Carr House Lane, Hall Lane,

Broad Lane, Green Lane, Bells Lane, Altcar Lane and Pilling Lane. It is clear from this site inspection that the turbines would be prominent from many of the habitable windows and garden areas of properties, as well as from roads and tracks leading up to a number of the properties across largely open ground. 23 of the properties are within one kilometre of the nearest turbine. As the houses are reached and occupants go about their daily business it would be impossible to avoid views of the turbines. When assessing the residential visual impact of a development, it is very important to differentiate between visual impact and a change in the view. Many of the properties and settlements in the surrounding area are too distant at 2km or more from the site for there to be any visual effect that could reasonably be described as dominant or overbearing. What would happen in these circumstances is that part of the view from these properties would change but it is a fundamental tenet of the planning system that there is not inalienable right to a view. The visual presence of a turbine, while perhaps unwelcome, would, in objective terms, have no adverse impact on the living conditions of residents in these dwellings.

- 6.203 There are a number of individual dwellings that I consider are more finely balanced cases. However, in all of these cases, and having carefully assessed their potential relationship with the turbines and their internal and external layouts, I conclude that the change in their outlook, whilst significant, would not, given the degree of separation, orientation of main windows and garden areas, intervening vegetation and tree screening, make those dwellings unacceptable and unattractive places in which to live.

#### Conclusions on Residential Amenity

- 6.204 Whilst many residents in the local area would experience a significant change in outlook, the degree of which would lessen with distance, that change for many would not be such that it would make the occupation of these dwellings or use of their external amenity areas unacceptable or unattractive places in which to live. Therefore, assessed in an objective way, the proposal would not result in significant harmful impact on their living conditions.
- 6.205 In terms of noise it has been demonstrated that both the day-time and night-time noise criterion limits can be satisfied at all properties across all wind speeds and whilst the turbines may be audible at times, the development would be able to comply with current standards for wind energy projects. Furthermore, having assessed the impact of shadow flicker, I find the proposal to be acceptable. Therefore the proposal complies with the NPPF, NPPG and Policies GN3 and EN1 of the Local Plan in regard to residential outlook and noise.



## **Flood risk and drainage**

- 6.206 The application site is situated within the River Alt catchment with drainage of the flat, low lying land facilitated by a network of field and main drains and pumping stations.
- 6.207 When determining planning applications, the NPPF requires that Local Planning Authorities should ensure that the proposed development does not increase flood risk elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site specific flood risk assessment following the sequential test, it can be demonstrated that :

Within the site, the most vulnerable development is located in area of lowest flood risk unless there are overriding reasons to prefer a different location;  
Development is appropriately flood resilient and resistant... and that any residual risk can be safely managed... and it gives priority to the use of sustainable drainage systems.

- 6.208 National Planning Practice Guidance requires that sustainable drainage systems should be provided unless demonstrated to be inappropriate and generally, the aim should be to discharge surface run off as high up the hierarchy of drainage options as reasonably practicable, i.e. infiltration should be discounted as impractical before disposal to a surface water body or disposal by other means can be considered.
- 6.209 Policy GN3 in the Council's adopted Local Plan requires that development be located away from flood zones 2 and 3 wherever possible with the exception of water compatible uses and key infrastructure, Policy GN3 requires that the Council ensures the development does not result in unacceptable flood risk or drainage problems.
- 6.210 Chapter 10 of the submitted Environmental Statement refers to matters relating to drainage and flood risk associated with the proposed development. The site is located within a mixture of flood zones 1, 2 and 3a and a site specific Flood Risk Assessment has been submitted. The NPPG classifies wind turbines as essential infrastructure which is an acceptable land use in zones 1 and 2 and in zone 3a provided the development is constructed to remain operational and safe in times of flood. However essential infrastructure should only be permitted in zone 3a if the Exception Test is passed. The following two criteria must be met:

it must be demonstrated that the development provides wider sustainability benefits to the community that will outweigh flood risk; and  
a site specific FRA must demonstrate that the development will be safe for its lifetime taking account of the vulnerability of users, without increasing flood risk overall.

- 6.211 The applicant indicates that the sustainability benefits which are assessed elsewhere in this report, namely the production of renewable energy, outweigh the flood risk and that the design of the development ensures that it will be safe for its lifetime. The applicant is of the view that the development will not increase the flood risk overall.
- 6.212 The sequential test also needs to be satisfied for developments in higher flood risk zones and the general principle is to give preference to development in lower flood risk zones where feasible. The applicant submits that there is clear need for renewable energy and such development can only take place where the relevant resources exist therefore a sequential approach is inappropriate for a development of this nature ( as advised in paragraph 2.5.36 of the National Policy Statement for Renewable Energy Infrastructure). Furthermore, the acceptability of a wind farm can only be established via detailed environmental studies and it is not feasible to carry out this work in respect of alternative sites simultaneously. The applicant considers that the sequential test in relation to its correct application to this case has been met.
- 6.213 I have consulted the Lead Local Flood Authority, United Utilities and the Environment Agency to seek their views with regard to the proposed development. The Environment Agency has advised that there are several watercourses designated as main rivers on and adjacent to the site but that they have no objection to the proposed development in relation to impact on these water bodies as the proposed development maintains adequate separation distances to the watercourses. United Utilities offer no objections to the development other than to comment that in accordance with the NPPF and NPPG surface water should drain in the most sustainable way. The submitted application forms and drainage strategy indicate that surface water would drain in a sustainable manner via infiltration where possible or alternatively to a watercourse within the application site. Lancashire County Council as the Lead Local Flood Authority has also advised that they have no objections to the application subject to the imposition of conditions.
- 6.214 Local residents have raised concerns about the impact of the development on the drainage of the area and have indicated that the farmland is particularly prone to flooding. Concerns have been expressed about the potential impact of the development on flood risk and drainage, particularly given the intention of the Environment Agency to abandon pumping in the Alt/Crossens catchment area. Local residents have also expressed concerns as the area has an aquifer under part of the site and during testing on site, it is claimed that a borehole was sunk into the aquifer and it has not been possible to stem the water flow.
- 6.215 The submitted ES does advise that aquifers underlie parts of the site which support the baseflow of nearby watercourses. The applicant advises that the actual construction of the wind farm does not in itself involve drilling boreholes. In

relation to the test borehole which was drilled on site, repairs to this have been delayed due to contractual complications; however a process is underway to remedy the situation. The applicant advises that the construction of piled foundations required for turbines consists of inserting solid impermeable concrete into the ground, which in practice mitigates the risk of groundwater transmitting upwards. The Flood Risk Assessment (which forms part of the ES as an appendix and informs its conclusions) identifies the potential for localised upwelling of groundwater during turbine foundation installation, which may be mitigated via construction measures. The FRA advises that such mitigation measures would generally be specified within a Construction Environmental Management Plan (CEMP) which could be required by the imposition of a suitably worded planning condition.

6.216 The applicant is of the view that the development would result in minor changes to surface water drainage systems but that these would be insignificant. As neither the LLFA nor the Environment Agency has objected to the application, I conclude that the development would not be detrimental to water resources within the application site. I am satisfied that the development would not result in increased flood risk or drainage problems and the development complies in principle with the NPPF, NPPG and Policy GN3 in the adopted Local Plan in this regard.

### **Highways/ Transportation**

6.217 The NPPF requires in paragraph 32 that all developments which generate significant amounts of vehicular movements should be supported by a Transport Assessment and that development should only be prevented or refused on transport grounds where the residual cumulative impact of the developments are severe. Policy GN3 in the Council's adopted Local Plan requires that developments should incorporate suitable and safe access and road layout design.

6.218 The impact of the construction, operation and decommissioning of the Lower Alt wind farm would have a clear impact on the highway network. The construction of the wind farm requires the delivery of the main components to the site, including turbine blades, tower and nacelle. It is proposed that access tracks would be upgraded and extended and constructed of stone imported to the site. Concrete would also be imported to the site for the construction of the turbine foundations. The main traffic and transport effects relating to the proposed development would be associated with the movements of HGV's transporting construction materials such as steel, cement and aggregates and the movement of abnormal loads carrying the turbine components.

6.219 The submitted Environmental Statement indicates that the wind farm would be likely to have an 18 month construction period, with the number of vehicular movements to the site varying from approximately 17 vehicles per day to 130

vehicles per day during the busiest periods. In terms of HGV's it is expected that there would be in the region of 80 vehicular movements per day during the first six months, during the site preparation phase, rising to 102 vehicles per day in months 7-10. During months 7-10 it is estimated that there would be a further 28 car and light van movements per day to transport construction workers to and from the site. After month 10 it is estimated that the number of HGV movements to and from the site would then fall sharply. During the operational phase of the development, the volumes of traffic visiting the site would be minimal, although regular visits would be made for maintenance checks. It is anticipated that the decommissioning phase would involve fewer trips than the construction phase.

- 6.220 Chapter 16 of the submitted Environmental Statement considers the likely significant effects related to transport associated with the development of the wind farm. The access route for general construction traffic is identified in the Environmental Statement. It is proposed that construction traffic would approach from the motorway network or the port of Liverpool via Brooms Cross, the Thornton to Switch island link road. Vehicles would then travel in a northerly direction on the A565 Formby Bypass. From the A565 vehicles would turn right onto New Causeway and then turn right into the site access. Outbound traffic would turn right onto New Causeway northbound, turn left onto the B5195 Lord Sefton Way and then left onto the A565 at the signalised junction, thereby creating a one way system for construction traffic. Highway works would be required within the application site and New Causeway to allow for the delivery of abnormal loads. For example road widening, trimming of vegetation and relocation / removal of street furniture would be required. The applicant proposes to construct a new access off New Causeway into the application site. From the proposed new access the applicant proposes to construct a new road which would then connect to Meadow Lane where a temporary construction compound would be located.
- 6.221 The submitted Transport Assessment concentrates on the impacts on A565, the A5147 (Maghull- Scarisbrick) the B5195 (Lord Sefton Way) and Acres Lane. The assessment considers the increase in traffic on these roads as a result of the development based on monthly averages during the 18<sup>th</sup> month construction programme. Information on traffic movements on the road network around the site was derived from traffic counts including traffic counts undertaken in July 2015.
- 6.222 The applicant has assessed potential traffic impacts against the Institute of Environmental Assessment guidelines (referred to as the IEMA guidelines) for the Environmental Assessment of Road Traffic. According to this guidance any increase in traffic volume less than 30% is not considered to be significant. The submitted Transport Assessment identifies that neither the total number of vehicular movements nor the number of HGV movements are predicted to increase by more than 30% on the A565 or A5147.

- 6.223 On the B5195, total traffic movements are not anticipated to increase by more than 30%. However on the B5195 west of New Causeway although total traffic movements are predicted to increase by only 2.46%, HGV movements are predicted to increase by 43.24% over the baseline situation during the construction period. Given this position the impact of the development on this part of the B5195 and New Causeway was given further detailed consideration in the Transport Assessment.
- 6.224 Following more detailed assessment the Environmental Statement concludes that the traffic generated by the proposal would be likely to result in short term significant effects on pedestrian amenity on New Causeway. However pedestrian flows on New Causeway are likely to be low as there is no pavement and the lane is some distance from the residential areas so the effect of this is likely to be limited. The applicant takes the view that with mitigation measures such as remedial works to the public road to accommodate the abnormal loads and the development of a Construction Management Plan (which could be secured via condition) this would satisfactorily mitigate the impact of construction traffic movements and ensure the safety of all road users during the transit of abnormal loads.
- 6.225 The applicant concludes that following the implementation of the identified mitigation, the only residual effect considered to be significant would be the impact of the development on pedestrian amenity on New Causeway however this would not be so severe as to warrant a refusal of planning permission.
- 6.226 I have consulted the Highway Authority with regard to the application and have been advised that having reviewed the information provided, LCC have no objections in principle to the development and no comments to make of significance. Although the site is within West Lancashire, the majority of the proposed access for both HGV's and abnormal loads is outside of the Borough, within the Sefton MBC area. LCC are of the opinion that limited information has been provided regarding the routeing of construction traffic to allow LCC to conclude that the impacts of routeing can be suitably accommodated within land controlled by the applicant or by the Highway Authority. Since these comments were received, the applicant has demonstrated that all the land is either in the control of the applicant or the relevant highway authority. They have also indicated that there are two bridges both outside the Borough boundary, situated on the proposed construction route which should be checked to ensure that they would accommodate the proposed loads.
- 6.227 Sefton Council have commented on the highway aspects of the proposed scheme and advised that they would require a full assessment to be carried out in respect to the feasibility and cost of the proposed changes required to the highway network in order to enable the passage of construction vehicles and abnormal loads. Such an assessment would include bridge structures and carriageway works. All bridges affected must be inspected prior to the

commencement of any installation works to determine the current condition and arrange any remedial works. To address these issues both Lancashire County Council and Sefton Council agree with the applicant that any planning permission granted should be subject to a Construction Traffic Management Method Statement to require the submission of full details relating to vehicle routing and highway works.

6.228 Highways England have also been consulted with regard to the application and have expressed the view that the proposed development would not have a severe impact on traffic conditions on the Strategic Road network, which in this locality consists of the A5036 (T) Dunning's Bridge Road (if turbine components are routed via the Port of Liverpool) and the M57 and M58 motorways.

6.229 Given the above, I am satisfied that the impacts of the development on the adopted highways in the vicinity of the site and the strategic road network would not be so severe as to warrant refusal of planning permission. Subject to the imposition of appropriate planning conditions I consider that the development would not have a severe impact on highway safety and the development is compliant with the NPPF and Policy GN3 in the Local Plan in this regard.

### **Aviation**

6.230 Section 5.4 of the Overarching National Policy Statement for Energy (EN1) addresses civil and military aviation and defence interests. Paragraph 5.4.9 states that "It is important that new energy infrastructure does not significantly impede or compromise the safe and effective use of any defence assets".

6.231 Paragraph 5.4.17 sets out circumstances where permission should not be granted, one of the circumstances listed is that the development should not have an "impact on the safe and efficient provision of en route air traffic control services for civil aviation, in particular through an adverse effect on the infrastructure required to support communications, navigation or surveillance systems".

6.232 The National Planning Policy Framework (NPPF) indicates that "when determining planning applications, Local Planning Authorities should apply the presumption in favour of sustainable development and approve the application if its impacts are (or can be made) acceptable". The NPPF is also clear that Local Planning Authorities should follow the same approach set out in the National Policy Statement for Renewable Energy Infrastructure in conjunction with the relevant sections of the Overarching National Policy Statement for Energy Infrastructure.

6.233 Policy EN1 of the adopted Local Plan advises that wind energy proposals must be supported by evidence to show that the impacts on aviation navigation systems can be satisfactorily addressed.

- 6.234 The applicant is of the view that the proposed development would have no significant impact on operations at RAF Woodvale, on air traffic control radars at Manchester and Liverpool Airports or on aeronautical radio navigation, radio communication or Meteorological Office radar facilities.
- 6.235 The scheme is predicted to have a limited impact on radars serving BAE systems at Warton and would be in the line of the sight of the NATS En Route (NERL) primary surveillance radars at St Annes and Manchester. The applicant is of the view that a scheme of technical mitigation could be put in place to mitigate the effects on these radars.
- 6.236 Although the Ministry of Defence initially objected to the development, this objection has now been withdrawn subject to a condition relating to the submission of a Radar Mitigation Scheme. An initial objection was also received from NATS who objected on the grounds that the wind farm would cause false primary plots to be generated and a reduction in the probability of radar detecting real aircraft was anticipated.
- 6.237 The Policy Statement makes it clear (paragraphs 5.4.10 – 5.4.13) that the onus is on the applicant to carry out assessment and consultation with aviation authorities to overcome any issues. Discussions have been on-going between the applicant and NATS and I have now been advised that contracts have been signed to allow the applicant to proceed with a scheme which would mitigate any impact on radar. It is therefore anticipated that NATS will withdraw their formal objection and this matter could be dealt with by the imposition of an appropriately worded planning condition. I consider that the development would therefore comply with the Overarching National Policy Statement for Energy (EN1), the NPPF and Policy EN1 of the Local Plan as the impact of the development on aviation can be made acceptable

### **Impact on recreational users and tourism**

- 6.238 The application site forms a largely open rural area which is used for recreational purposes by residents in the surrounding settlements. It forms a green wedge between the settlement areas of Formby, Ince Blundell and Lydiate and offers the most accessible countryside environment for the residents living in coastal locations. Due to its proximity to settlements this area is used for a variety of recreational purposes, particularly for walking, cycling and horse riding.
- 6.239 Paragraph 73 of the NPPF advises that access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Paragraph 75 of the NPPF indicates that planning policies should protect and enhance public rights of way and access. Policy GN3 in the Council's adopted Local Plan advises that proposals for

development should integrate well with the surrounding area and provide safe, convenient and attractive pedestrian and cycle access.

- 6.240 As public footpaths cross the application site, I have consulted the Public Rights of Way Officer at Lancashire County Council with regard to the application. No PROW would be closed, diverted or blocked during the operational period of the development. The submitted ES advises that the wind farm has been designed so that there is no oversailing of public rights of way by turbine blades and the closest turbine to a footpath would be approximately 80 metres. The PROW Officer is of the opinion that the proposed development will detract from the enjoyment of users of the public footpaths which at present represent a walk through open countryside. On completion of the development there would appear to be scope for the developer to include a traffic free multi user route from New Causeway to the Cheshire Lines cycle route along the access tracks that will be needed for the construction and maintenance of the proposed development. This would improve access to the Cheshire Lines cycle way from Formby to Lydiate and Maghull which would mitigate the impact on the existing PROW. I concur with this view and such provision could be secured by an appropriate planning condition.
- 6.241 Local residents have indicated that the development would impact on the use of the site and surrounding area for horse riding. The British Horse Society have issued guidance on the separation distances between turbines and bridleways which advises that there should be a minimum separation distance of 200m between a turbine and any route used by horses. From the submitted plans, it appears that the scheme would be compliant with this advice.
- 6.242 The proposed development would clearly result in disruption to recreational users of the site during the construction phase and the proposed development would inevitably have an impact on the overall appearance of the site following construction. Local residents and Parish Council's have expressed concern that the enjoyment of this area for recreational purposes will be significantly harmed as a result of the proposed development as the landscape and intrinsic rural beauty and character of the area would be detrimentally impacted.
- 6.243 In my opinion, the application site by virtue of its juxtaposition to surrounding settlements, particularly those along the coastal fringe provides a valuable rural recreational asset /green lung, the enjoyment and usability of which would be affected by the introduction of a substantial wind farm. On balance, I accept that there could be some betterment in the creation of a traffic free multi user route linking through to The Cheshire Lines path, however I remain concerned that the development would detrimentally impact on the recreational enjoyment of users and this impact must be given some weight. However I do not consider the impact on recreational use of the site to be so significant as to warrant a refusal of planning permission on this basis.



6.244 In relation to the proposed impacts of the development on tourism, the coastal area with its various attractions, cultural and scenic, is an important resource. Particular concerns have been raised by the Curator of the Museum of Liverpool advising that the Lunt Meadows Mesolithic settlement will be highlighted as a visitor attraction once excavations are finished. He advises that the presentation of the site, on the edge of the Wildlife Trust nature reserve, mirrors the original landscape setting of 8000 years ago. Therefore the visitor experience would be enhanced in being able to provide direct visual landscape references for the original setting to help explain why the original settlers may have chosen the location. I have been advised that Heritage Lottery funding has been obtained to promote future educational and recreational use of the reserve and concern has been expressed that the proposed wind farm development would harm the landscape and visual appearance of the site and therefore impact negatively on the visitor experience.

6.245 Despite the comments from local residents about the potential negative effect the proposed wind farm may have on tourism in West Lancashire and Sefton, this has not been substantiated and the applicant is of the view that visitors may be attracted to see an operational wind farm in close proximity. Overall I consider that impacts on tourism would be limited and I cannot conclude that the impact of the development on tourism and the visitor economy would be so significant to warrant a refusal of planning permission on this basis.

### **Archaeology**

6.246 Paragraph 139 of the NPPF advises that non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments should be considered subject to the policies for designated assets. Policy EN4 of the Local Plan seeks to protect sites of archaeological value.

6.247 Chapter 6 of the submitted Environmental Statement relates to Archaeology and an archaeological desk based assessment has been submitted in support of this application and an augur survey has been carried out across the application site. This ES identifies that on the basis of recorded archaeological evidence within the application site and its surroundings, there is little evidence to suggest the presence of any archaeological remains of sufficient importance to require preservation in situ. However the assessment has concluded that the application site has a moderate potential to contain Mesolithic and potentially wartime remains.

6.248 Local residents have objected to this application on the grounds that recent archaeological work undertaken in the area will be affected and the site is close to a recently excavated Mesolithic village. I have received an objection from the Curator of Prehistoric Archaeology at the Museum of Liverpool who has been

involved in excavating a site at Lunt Meadows to the south side of the River Alt which shows the remains of an 8000 year old Mesolithic settlement.

6.249 I have consulted the Council's Archaeological Advisor with regard to the application and have been advised that although there appear to be some errors in the submitted archaeological report, the general conclusion that there are no known or potential heritage assets that should be preserved in situ, appears to be valid.

6.250 Some mitigation works in advance of construction are proposed relating, inter alia, to the potential for further early remains. The Council's Archaeological Advisor considers this to be justified by the results of fieldwork on the southern side of the River Alt which has produced evidence of Mesolithic activity which may be of international significance. Therefore the Council's Archaeological Advisor has recommended that should planning permission be granted, an appropriate condition is attached to require the submission of a programme of archaeological recording and analysis. With the imposition of such a condition, the development would be considered to accord with paragraph 141 of the NPPF relating to archaeology.

### **Socio- economic factors**

6.251 The NPPF advises that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three factors to sustainable development, economic, social and environmental. At paragraph 19, the NPPF indicates that the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth.

6.252 In the Vision for West Lancashire the Local Plan indicates the rural areas of West Lancashire will continue to thrive off a strong agricultural sector, whilst enhancing biodiversity and providing a more diverse and adaptable economy. Policy EC2 in the adopted Local Plan refers to the rural economy of the Borough and seeks to protect the employment use of existing employment site, including agriculture and farming. Policy EC2 also seeks to resist the development of agricultural land where it is best and most versatile.

6.253 Chapter 15 of the submitted Environmental Statement assesses the socio economic impact of the proposed wind farm. The document states that the construction of the wind farm will necessarily involve a degree of disruption to farming activities during the construction phase. The loss of agricultural land and potential impact on food resources and farm viability has been identified in the agricultural land section of this report. The ES indicates that the wind farm would result in a loss of approximately 1% of the development site and there would be further potential losses due to areas that are hard to get to by farm machinery which could result in the loss of a further 1.5% of productive land within the application site.

- 6.254 The applicant indicates that the site layout has been discussed with the landowner and has taken into account the requirements of farming practices to seek to restrict the impact on agricultural activity and productivity. The Environmental Statement indicates that there would be a net gain to the farm holding as the proposed wind farm would provide an additional source of income from the land whilst retaining the primary agricultural use, enhancing the economic viability of the farming enterprise itself.
- 6.255 The Environmental Statement also advises that there would be other significant economic benefits arising from the wind farm development. During the construction phase it is estimated that there would be an average of 28 people employed on site and local companies would be used where possible to source construction materials, labour, equipment and services. Ancillary and tertiary impacts may be felt in terms of demand for accommodation and goods and services.
- 6.256 On balance I am of the view that the proposed wind farm would have a limited impact on the productivity of agricultural enterprises but the scheme would deliver other local economic benefits and the harm identified is not so substantial as to warrant a refusal of planning permission.

### **Telecommunications**

- 6.257 Although local residents have raised concerns about the impact of the development on television signals, there is no specific legislation or policy relating to telecommunication issues arising from wind energy development in the UK. NPPG advises that wind turbines can potentially affect electromagnetic transmissions (e.g. radio, television and phone signals). Specialist organisations responsible for the operation of electromagnetic links typically require 100m clearance either side of a line of sight link from the swept area of turbine blades. OFCOM acts as a central point of contact for identifying specific consultees relevant to a site. In this particular case limited information has been submitted in relation to the impact of the development on telecommunications but the applicant has advised that consultations have been carried out with Ofcom and relevant microwave link operators.
- 6.258 The applicant advises that there were records of a few links directed through the site, but upon further investigation all but one of these were shown to be redundant or else the applicants have been able to avoid interference through the scheme design. However there is one link, belonging to BT, for which the applicant has agreed a re-routing scheme. No impacts are therefore predicted on telecommunications.
- 6.259 In relation to TV reception the applicant advises that television reception impacts are quite rare nowadays following the switchover to digital, however assessments

and mitigation schemes are typically covered by planning condition. Having reviewed previous Inspector's appeal decisions in relation to the impact of the development on television reception, I am satisfied that any potential impact could be dealt with by way of planning condition. Therefore based on the information submitted, I am satisfied that the proposed development would be unlikely to have a detrimental impact on telecommunications.

### **Community Consultation**

- 6.260 The NPPG advises that there is a legal requirement to carry out pre-application consultation with the local community for planning applications for wind turbine development involving more than 2 turbines or where the hub height of any turbine exceeds 15 metres as identified in Article 3 of the Town and Country Planning (Development Management Procedure) (England) (Order) 2015. NPPG says that in identifying suitable areas for renewable and low carbon energy by Local Planning Authorities, the views of the local communities likely to be affected should be listened to.
- 6.261 Evidence of community consultation has been submitted in support of the application. Appendix 3.2 of the submitted ES indicates that the applicant has advertised the proposals, held public exhibitions and revised the proposals in the light of comments received. Notwithstanding this exercise, significant local concern and objection remains in respect of this application and the level of consultation carried out. However I am satisfied that the applicant has adequately complied with the consultation requirements.

### **Written Ministerial Statement**

- 6.262 The Written Ministerial Statement made on 18 June 2015 and NPPG is quite clear that when considering applications for wind energy development, local planning authorities should only grant planning permission if:

the development site is in an area identified as suitable for wind energy in a Local or Neighbourhood Plan; and  
following consultation, it can be demonstrated that the planning impacts identified by local communities have been fully addressed and therefore the proposal has their backing.

- 6.263 In this particular case the application site is not identified within the West Lancashire Local Plan 2012-27 DPD as being suitable for wind energy development. Furthermore, it is clear that the planning impacts identified by the local communities have not all been fully addressed and the scheme does not have their backing. Therefore this application is considered to be contrary to advice in the NPPG in this regard.

## Summary and Planning Balance

- 6.264 The Council has a positive approach to the delivery of renewable energy proposals as set out within the WLLP and in line with the NPPF. However, these proposals must be in the right location and may not proceed at the expense of other environmental concerns. The Council considers this proposal does not accord with its adopted Local Plan.
- 6.265 The proposed development is inappropriate development in the Green Belt and accepted as such by the applicant. A balanced assessment has been carried out of the harm caused by the proposed development in terms of inappropriateness, loss of openness and encroachment into the countryside and the visual and landscape impact, against the case for very special circumstances made by the applicant. The proposal would result in harm to the character of the landscape and I consider that the harm would not be localised and limited. I attribute the harmful impact on this important part of the green belt with its flat rural character considerable weight. Whilst I give significant weight to the contribution that the scheme would make to the Government's commitment to tackle climate change, by reducing carbon dioxide emissions and towards energy security, I conclude that the identified harm to Green Belt is not outweighed by the benefits associated with meeting renewable energy targets.
- 6.266 Having carefully considered the impact of the development on designated heritage assets I have identified harm, albeit it less than substantial harm. In line with the Council's statutory duty I attribute this harm significant weight and importance and in my view the public benefits arising from the generation of renewable energy would not outweigh the identified harm to those heritage assets.
- 6.267 Whilst the above concerns are subjective matters where Members may wish to come to a different conclusion, the impact of the development on ecology is not a matter for subjective judgment. In relation to ecology, I conclude that the applicant has failed to demonstrate that the proposed development would not impact upon European designated sites or their qualifying feature (wintering birds). The Council as Competent Authority has therefore been unable to complete an HRA Assessment to comply with the statutory requirements. I give the potential impact to ecology substantial weight in the assessment of this application. The positive determination of this application without an "appropriate assessment" having been carried out under the Habitats Regulations would result in an unlawful planning permission.
- 6.268 As stated in paragraph 98 of the NPPF, and as confirmed in the NPPG (paragraph ID 5-005), an application for renewable energy should only be approved if the impact is (or can be made) acceptable. The impacts of the development have not been fully identified in terms of ecological matters and in

my view the impact of the development on the Green Belt, heritage assets, and on the rural landscape cannot be made acceptable. The site is not identified for wind energy development in the Council's adopted Local Plan, the planning impacts identified by local communities have not been fully addressed and the proposal does not have their backing. I therefore conclude that the proposed development is contrary to the NPPF, the NPPG and Policies GN1, EN1, EN2 and EN4 in the WLLP.

## **7.0 DEPARTURE APPLICATION**

7.1 This proposal is a significant Departure from the Development Plan in that it involves a development normally inappropriate in the Green Belt. The application should, therefore, be referred to the Secretary of State if the Council were mindful to grant approval.

## **8.0 RECOMMENDATION**

8.1 That planning permission be REFUSED for the following reasons:-

### **Reasons for Refusal**

1. The proposed development constitutes inappropriate development within the Green Belt which would be harmful to the Green Belt by definition, contrary to the National Planning Policy Framework and Policy GN1 in the West Lancashire Local Plan Development Plan Document 2012-2027. In addition the proposed development would have a significant adverse impact upon the openness of the Green Belt and conflict with one of the purposes of including land in the Green Belt, aimed at safeguarding the countryside from encroachment. The very special circumstances advanced in favour of the proposed development, namely the provision of renewable energy, are considered insufficient to outweigh this harm.
2. By virtue of its siting, height and scale the proposed development would be harmful to the visual amenity and landscape character of this part of the Green Belt contrary to the National Planning Policy Framework, Policies GN3 and EN2 of the West Lancashire Local Plan Development Plan Document 2012-2027 and the Council's Supplementary Planning Guidance "Natural Areas and Areas of Landscape History Importance".
3. The development of the proposed 12 turbines would due to their height, scale, proximity and extent cause harm to the significance, to the historic setting, of a number of designated heritage assets (Listed Buildings and Conservation Areas). The proposal in this respect fails to meet the statutory duty as required by Section 66(1) and Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990. The Council does not consider the stated public benefits, including the provision of renewable energy, outweigh the harm identified (less than substantial) to the designated heritage assets affected. The proposal is therefore contrary to the National Planning Policy Framework and Policy EN4 of the adopted West Lancashire Local Plan Development Plan Document 2012-2027.

4. The proposed development conflicts with paragraph 118 of the National Planning Policy Framework and the Conservation of Habitats and Species Regulations 2010 (as amended) and Policy EN2 of the West Lancashire Local Plan Development Plan Document 2012-2027 in that insufficient information has been provided to demonstrate that the proposed development would not adversely affect internationally designated sites, their qualifying features and supporting habitat.
5. The proposed development fails to comply with the National Planning Practice Guidance in that the site is not allocated as suitable for wind energy development in the West Lancashire Local Plan Development Plan Document 2012-2027 and the planning impacts identified by local communities in relation to the green belt, landscape character, heritage assets and ecology have not been fully addressed and therefore the proposal does not have their backing.

<b>No.2 APPLICATION NO.</b>	2016/0668/FUL
<b>LOCATION</b>	The Cockbeck Tavern 58 Town Green Lane Aughton Ormskirk Lancashire L39 6SF
<b>PROPOSAL</b>	Change of use from Use Class A4 to Use Class A1 with part demolition, extension, external alterations and works to car park area.
<b>APPLICANT</b>	The Co-operative Group
<b>WARD</b>	Aughton And Downholland
<b>PARISH</b>	Aughton
<b>TARGET DATE</b>	11th August 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be determined by the Council's delegation scheme, however, Councillor O'Toole has requested it be referred to Planning Committee to consider the impact of the development upon the street scene and the village itself.

## **2.0 CONSULTEE RESPONSES**

- 2.1 DESIGNING OUT CRIME OFFICER (24/6/16) – Recommend security measures are incorporated into the design.
- 2.2 ENVIRONMENTAL HEALTH OFFICER (15/7/16) - This application will take away a public house that has been the source of complaints over the years from music and patrons, which can occur late at night. No objections in principle subject to conditions to control noise.
- 2.3 LCC HIGHWAYS (30/9/16) – Inadequate car parking provision has been provided.

## **3.0 OTHER REPRESENTATIONS**

- 3.1 AUGHTON PARISH COUNCIL (26/7/16) -

Fully support an organised Site Visit by the Planning Committee to allow members the opportunity to view the important village location of this planning proposal;

The planning regulations in respect of the Change of Use from Use Class A4 to Use Class A1 were noted;

The site is situated on an extremely busy stretch of road between the busy junctions of Bold Lane /Winifred Lane, with traffic entering and leaving the car



park area behind the row of shops onto this junction It is therefore important to preserve the setting, character and views into and out of the Conservation Area.

The Parish Council's main concerns therefore are:

The impact on the street scene;

The detrimental impact on pedestrian and highway safety at the front and side of the building;

The increase in traffic from early morning to late evening entering and leaving the site onto a busy junction merging Bold Lane/Granville Park/Town Green Lane traffic;

The increase in all day activity to and from the car park, together with additional noise from delivery, waste and refrigerated vehicles would result in loss of residential amenity to surrounding properties;

External Lighting of the car park would need to be enhanced affecting residential amenity of surrounding properties;

The proposal could have a detrimental impact on the visual amenity of the Conservation Area and the adjacent Heritage Asset.

- 3.2 I have received 3 letters of representation from neighbouring residents making the following comments:

Inclusion and maintenance of greenery would break up and improve the view of the Conservation Area;

Late opening hours are inappropriate in this residential area;

Parking is an on-going problem in this location;

Will result in an increased traffic flow;

Question the need in this area for another shop;

It would be a very good idea to keep some form of bar in this area.

#### **4.0 SUPPORTING INFORMATION**

- 4.1 The following documents have been submitted in support of the planning application:

Planning and Heritage Statement

Car Parking Assessment

#### **5.0 LOCAL PLAN ALLOCATION**

- 5.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

- 5.2 The site is located within the Key Service Centre of Aughton as designated in the West Lancashire Local Plan DPD 2012-2027 and is adjacent to Granville Park Conservation Area. The following policies are therefore relevant:

**National Planning Policy Framework (NPPF)**

Building a strong, competitive economy  
Ensuring the vitality of town centres  
Promoting sustainable transport  
Requiring good design  
Promoting healthy communities  
Conserving and enhancing the historic environment

**West Lancashire Local Plan (WLLP) 2012-2027 DPD**

GN1 - Settlement Boundaries  
GN3 - Criteria for sustainable development  
EC1 - The Economy and Employment Land  
IF1- Maintaining Vibrant Town and Local Centres  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

Supplementary Planning Document – Design Guide (January 2008)

**6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

The Site

- 6.1 The application site comprises of the Cockbeck Tavern Public House located on a corner plot on the northern side of Town Green Lane with Granville Park. Opposite the site are a small number of retail premises. The building itself is two storey's in height with single storey additions to its side and rear. There is a large car park also to the rear with a bowling green beyond. Residential properties are located to the west of the site (No.'s 62 and 64 Town Green Lane and 4 and 6 Winifred Lane).

The Proposal

- 6.2 Planning permission is sought for the change of use of the premises from Use Class A4 (Public House) to Use Class A1 (Retail). Along with the change of use the following works are proposed:

Demolition of the existing single storey conservatory and replacement with an L shaped flat roof extension to the side and rear;  
Removal of the existing canopy and bay window on the front elevation and replacement with flush window, glazed shop front and level access;

Creation of service yard area to the south of the premises. This will have a 2.5m high fence erected around its periphery.

The pedestrian access to the bowling green through the pub car park will be retained and the bowling green will be unaffected by the development.

#### Permitted Development

- 6.3 Members should be aware that the actual change of use of the premises from Class Use A4 (Public House) to Class Use A1 (Retail) is permitted development under Part 3, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and does not require planning permission in itself.

#### Principle of Development

- 6.4 The site is located within a main settlement area, outside the boundaries of the local centre. However, the nearest local centre does in fact lie directly opposite the site, on the opposite side of Town Green Lane. Paragraph 24 of the NPPF requires a sequential test where planning applications are for *'main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan'*. Applications for main town uses should be located, where possible, within town centres in the first instance. The order of preference for the sequential approach is:-

first, locations within existing town centres

second, edge of centre locations, with preference given to accessible sites that are well connected to the centre; and then

out-of-centre sites, only in circumstances where there are no in-centre or edge-of-centre sites available. Preference should be given to accessible sites that are well-connected to the town centre.

- 6.5 Annex 2 of the NPPF (Glossary) confirms that edge of centre is defined as *'for retail purposes, a location that is well connected and up to 300 metres of the primary shopping area. For all other main town centre uses, a location within 200 metres of a town centre boundary. For office development, this includes locations outside of the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances'*.
- 6.6 Policy IF1 of the WLLP (Maintaining Vibrant Town and Local Centres) reiterates the approach set out at paragraph 24 of the NPPF.
- 6.7 The planning application includes some information regarding the sequential assessment and rightly identifies that the site sits immediately adjacent to a defined Local Centre. Policy IF1 states that retail and other town centre uses will

be encouraged in Local Centres followed by edge of centre locations. The boundary of the Local Centre is very tightly drawn, and there are no in-centre locations capable of being considered suitable to accommodate further retail floorspace. The applicant suggests that there is a strong argument that the site, whether in the existing A4 use or the proposed A1 use, would function in reality as part of the existing Local Centre given its proximity and pedestrian linkage to it.

- 6.8 On the basis of the above, and when considering that the actual change of use is indeed permitted development, I am satisfied that the proposed development can be classed as an 'edge of centre location' and will not compromise the aims of Policy IF1 in the WLLP.

#### Design, Layout and Impact upon Conservation Area

- 6.9 The building is located on a key corner site immediately adjacent to the boundary of the Granville Park Conservation Area. This corner marks one of the two main entrances into the residential area which forms the Conservation Area.
- 6.10 The principle statutory duty under the P(LBCA) Act 1990 is to preserve the special character of heritage assets, including their setting. LPA's should in coming to decisions refer to the principle act in its decisions and/or assessments, which requires for;

#### *Conservation areas – Section 72(1)*

*In the exercise, with respect to any buildings or other land in a conservation area, of any [functions under or by virtue of] any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

- 6.11 Decision makers should consider the impacts on the character and appearance of a conservation area (which includes its setting) separately and development proposals need to satisfy both aspects (to preserve or enhance) to be acceptable.
- 6.12 Under the NPPF, in determining planning applications LPAs should take account of:

The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;  
The positive contribution that heritage assets can make to sustainable communities; and  
The desirability of new development making a positive contribution to local character and distinctiveness.

- 6.13 Paragraph 132 of the NPPF states that the significance of a heritage asset needs to be given weight to the asset's conservation. The more important the asset, the greater the weight be provided to its significance.
- 6.14 Paragraph 134 requires that where a proposal leads to less than substantial harm to a designated asset (including its setting), this harm should be weighed against the benefits of the proposal including securing its optimum viable use.
- 6.15 Policy EN4 of the WLLP has a presumption in favour of the conservation of designated heritage assets. Development will not be permitted that adversely affects listed buildings, a Schedule Ancient Monument, a conservation area, historic park or garden or archaeological remains. Development affecting the historic environment should seek to preserve or enhance the heritage asset and any features of special interest.
- 6.16 The ground floor of the building has been subject to alteration at some point during the 20<sup>th</sup> century as early photographs show a more symmetrical front elevation with a central doorway and large windows either side. The proposals for the front elevation originally included an enlarged entrance with large glazed panels, accessed by a ramp and steps. My initial view was that this would cause some harm to the appearance of the building and on that basis the plans have been amended.
- 6.17 The revised plans now include the reinstatement of a smaller, centralised entrance door to the front elevation which retains a more domestic scale and appearance and ultimately preserves this heritage asset. The bay window on the far left of the building will be replaced with what would appear to be a simple flush fitting casement window which replicates the design of those at first floor, but has a double width. This is also acceptable subject to details of the window fittings.
- 6.18 The proposed extension at the side/rear of the building will replace existing single storey additions to the building and will form a wraparound extension on its north-western corner. The extension will project out 3.4m from the northern (rear) elevation and 3.9m from the western (side) elevation and will have a maximum height of 4.5m. I consider that this would have relatively little impact upon the setting of the Conservation Area given its location and would somewhat tidy up this aspect of the building by the removal of the existing extensions.
- 6.19 The proposals also include the erection of a 2.5m high boundary fence to enclose a rear service yard. Given its location at the rear and out of site from public vantage points, I do not consider that this will have a significant impact upon the setting of the Conservation Area.
- 6.20 Overall therefore, I am satisfied that the proposed design and layout is acceptable and the proposed development will preserve the setting of the Conservation Area complying with policies GN3 and EN4 of the WLLP.

### Car Parking and Highway Safety

- 6.21 The car parking area will remain at the rear of the premises and will incorporate 21 no. car parking spaces with 2 spaces allocated as disabled. Based on the car parking standards with Policy IF2, the shop floorspace indicates that 24 car parking spaces should be provided. This therefore represents a shortfall of 3 no. spaces. However change of use can take place without the need for planning permission and it is only the extensions and external works which require consideration. The proposed extension adds limited floorspace to the development given that it would replace an existing conservatory. The County Highways Officer has raised the shortfall in car parking as a concern. However, given that planning permission is not required for the change of use and this is a relatively sustainable location, close to Aughton Park train station and within walking distance of a bus stop, I am satisfied that this shortfall is acceptable and a deviation from the standards can be supported in this instance due to the circumstances. Furthermore, the application is supported by information which assesses convenience store trips and customer duration at convenience stores. The data indicates that the proposed car parking provision is adequate to prevent on street parking taking place in nearby residential roads. The NPPF advises that planning permission may only be refused if developments would have a severe impact on highway safety. In this particular case I do not consider that the proposed development would have a significant impact on highway conditions or highway safety in the vicinity of the site.

### Impact upon Residential Amenity

- 6.22 The nearest residential properties are located to the west of the site and to the east on the opposite corner of the entrance to Granville Park. The service yard and delivery vehicle parking area will back on to the boundary with no.'s 62 and 64 Bold Lane and no. 4 Winifred Lane.
- 6.23 The existing premises has been the subject of complaints to the Council in terms of noise and disturbance. Whilst the existing premises will encounter deliveries throughout the week, it is likely that this will be intensified through the proposed use as a retail store. Deliveries for this type of store will involve chilled and frozen products via refrigerated vehicles and newspaper deliveries. Such vehicles usually have reversing alarms. In order to protect the residential amenity of the neighbouring residents, the Council's Environmental Health Officer has requested that conditions be attached to the planning permission which restrict the hours of opening to 0700-2300 Mondays to Saturdays and 0800-2200 on Sundays and Public/Bank Holidays, restrict the hours of deliveries to 0800-2000 Monday to Saturday, 0800-1800 on Sundays and Public/Bank Holidays, limit the noise levels of any plant and require the erection of an acoustic fence along this shared boundary. Subject to the aforementioned conditions, I am satisfied that adequate levels of residential amenity should be maintained and there should be little

additional impact upon the neighbouring residents than that resulting from the existing public house.

## **7.0 SUMMARY**

- 7.1 I am satisfied that the proposed development is acceptable in principle and will preserve the character of Granville Park Conservation Area. Subject to planning conditions, it will retain adequate residential amenity for the surrounding residential properties. The premises are in a sustainable location and I am satisfied adequate car parking is provided and the development will not be significantly harmful to highway to highway conditions in the area. I therefore consider that the proposal is compliant with policies GN1, GN3, EC1, IF1, IF2, IF3 and EN4 of the WLLP and should be recommended for approval.

## **8.0 RECOMMENDATION**

- 8.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-

Plan reference 5620(P)110 Rev A received by the Local Planning Authority on 8th September 2016.

Plan reference 5620(P)203 Rev B and 5620(P)503 Rev E received by the Local Planning Authority on 27th September 2016.

3. No development shall take place until details of the proposed external materials including the window and door frames have been submitted to and approved in writing by the Local Planning Authority.
4. The premises shall only be open to customers between the hours of 0700 and 2300 Mondays to Saturdays and 0800 and 2200 on Sundays and Public/Bank Holidays.
5. No deliveries shall be taken at the premises or waste collections made except between the hours of 0800 and 2000 Monday to Saturday, 0800 and 1800 on Sundays and Public/Bank Holidays.
6. Prior to commencement of the use of any fixed plant, a scheme shall be submitted to and approved in writing by the Local Planning Authority, to demonstrate that the rating level of noise from fixed plant shall not exceed 5dB(A) below the existing LA90 background noise level at the boundary of any of the nearby residential premises. All measurements and assessments shall be done in accordance with BS4142.2014 Methods for rating and assessing industrial and commercial sound.

7. The service yard, delivery vehicle parking area and car park shall be bounded on the west side of the site by an acoustic close-boarded fence or solid wall, the details of which shall be submitted to and approved in writing with the local planning authority. The approved boundary treatment shall be provided on site prior to the convenience store being brought into use. Thereafter the fence/wall shall be maintained for the duration of the development.
8. Prior to the convenience store being brought into use a scheme detailing the proposed lighting to be installed on the site shall be submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed and maintained in accordance with the agreed scheme and shall thereafter be kept clear at all times for the parking, turning and manoeuvring of vehicles.
9. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative, and shall thereafter be kept clear for the parking, turning and manoeuvring of vehicles.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To allow for vehicles visiting the site to be parked clear of the highway and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



## **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for sustainable development

EC1 - The Economy and Employment Land

IF1- Maintaining Vibrant Town and Local Centres

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN4 - Preserving and Enhancing West Lancashire's Cultural and Heritage Assets

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.3 APPLICATION NO.</b>	2016/0878/FUL
<b>LOCATION</b>	Store And Premises 30A Scarth Hill Lane Aughton Lancashire L39 4UH
<b>PROPOSAL</b>	Erection of eight detached dwellings and access road following demolition of existing buildings.
<b>APPLICANT</b>	Kingswood Homes UK Ltd
<b>WARD</b>	Aughton Park
<b>PARISH</b>	Aughton
<b>TARGET DATE</b>	1st November 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Councils delegation scheme; however, Councillor O'Toole has requested it be referred to the Committee to review concerns in respect of Green Belt issues and the potential impact on the highway and street scene.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2015/0264/LDC – Certificate of Lawfulness – Use of building for storage of caravans. GRANTED.
- 2.2 2008/0400/COU – Retention of use of building for the storage of coaches including ancillary washing of coaches. GRANTED 24.07.08.
- 2.3 2008/0399/COU – Retention of offices contained within the existing building. APPLICATION RETURNED (undetermined).
- 2.4 2006/0618 – Removal of condition 1 imposed on 8/6/1653 – ‘The dwelling house shall be occupied together with the 2.75 acres of land referred to in this application, the subject of the permission, by a person engaged in working the said land as a small holding. GRANTED 17.07.06.
- 2.5 2002/0989 – Use of building for the storage of coaches including ancillary washing of coaches (renewal of planning permission 8/2001/0785). Temporary permission granted for two years) 25.10.02.
- 2.6 2001/0785 – Use of building for storage of coaches, including ancillary washing of coaches (renewal of planning permission 8/2000/0175). Temporary planning permission granted for one year 24.09.01.

- 2.7 2000/0175 – Retention of use of building for storage of coaches and including ancillary washing of coaches. Temporary permission granted for one year 31.08.00.

### **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 Environmental Protection (04.10.16) – No objections, recommend that conditions in respect of management during the construction phase and proposed lighting be placed on any approval given. It is also recommended that the dwellings be provided with an electric vehicle charging point.
- 3.2 United Utilities (27.09.16) – No objection provided conditions are attached to any approval given to ensure that foul and surface water drainage systems are drained on separate systems and an appropriate surface water drainage scheme is implemented.
- 3.3 Drainage (18.10.16) – The applicant has indicated that a connection for the foul drainage will be made with the foul public sewer in Scarth Hill Lane, which is an acceptable proposal. It is essential that a formal detailed surface water drainage strategy is submitted to and approved in writing by the local planning authority prior to the commencement of any development. Conditions should be included requiring a sustainable urban drainage scheme on the site.
- 3.4 LCC Highways (20.10.16) - The Highways Development Control Section is of the opinion that the applicant has provided adequate parking for the size of development. There are no Public Rights of Way which would be affected by this development.

Scarth Hill Lane (C117) is a classified road which has been categorised as a Secondary Distributor road with a speed limit of 30mph fronting the proposed access however, due to the proximity of the access to the end of the 60mph limit traffic appears to be travelling at a speed in excess of 30mph. The applicants Planning Statement states that a traffic count has been carried out which indicates 85th percentile speed of 37mph northbound and 40.8mph southbound however no details of the traffic count have been submitted.

Based on the information provided sight lines of 2.4 x 56m should be provided in to the south and 2.4 x 106m to the north of the access measured from the centre of the new site access onto Scarth Hill Lane. The site line requirement is based on table 7.1 from Manual for Streets and the traffic speed survey.

The required sight line requirement may be reduced if the applicant can provide an acceptable traffic study, which indicates the 85<sup>th</sup> percentile traffic speeds are less than detailed above.

The Proposed Access (Drawing No A099333-001) shows that the visibility cannot be achieved without Scarth Hill Lane being reduced in width. As stated, the proposed access is in close proximity to the end of a 60mph speed limit and also opposite an existing junction of New Lane. Narrowing of the highway on Scarth Hill Lane is not acceptable to the Highway Authority.

The Highways Development Control Section has made several recommendations for changes to the highway. Whilst the Development Controls Section has no objection in principle to the proposed development, we are unable to support the application in its present form.

- 3.5 LCC Highways (31.10.16) - Further to my previous response dated 20<sup>th</sup> October and following additional information and discussions with the applicant, I can confirm that my previous concerns regarding the access and narrowing of Scarth Hill Lane to achieve visibility splays to the site have now been adequately addressed.

The sight lines of 2.4 x 43m should be provided in both directions from the centre of the new site access onto Scarth Hill Lane. The site line requirement is based on table 7.1 from Manual for Streets and classified speed of the road.

The applicant has now provided details of the traffic survey and is proposing to provide traffic calming measures to the north of the site where the road speed changes from 60mph to 30mph. The applicant has proposed Traffic Calming measures on Scarth Hill Lane which are acceptable as shown on Drawing No.A099333-001 Rev B.

The construction of the access and all off site works and traffic calming within the highway shall be carried out under an appropriate legal agreement with Lancashire County Council as the highway authority.

The Development Control Section has provided guidance in respect of future highway adoption. Where the recommendations are not implemented the highways may not be suitable for adoption.

The Development Controls Section has no objection in principle to the proposed development and is of the opinion that the proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

Conditions recommended.

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 Two letters of objection have been received from local residents. The grounds of objection can be summarised as:

There are three houses that have recently been built on Scarth Hill Lane, with no interest from prospective buyers. More unsold houses are not needed and will affect the aesthetics of the area;

Many houses have been built or have received planning permission in the area including on the Mount Carmel site and Parris Lane site; there is no need for more houses;

Views over the fields will be lost.

- 4.2 Aughton Parish Council (19.10.16) – Having taken into account the history of the site, street scene issues and access arrangements, members considered that if the proposal did not breach planning policy or highway regulations, although the housing density seems excessive, the development overall could improve the aesthetic appearance of the location and be of benefit to this residential area.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Planning Statement (including Transport Assessment) (August 2016)  
Bat Survey – Preliminary Roost Assessment (08.02.16)  
Design and Access Statement  
Site Waste Management Plan (August 2016)  
Drainage Statement (August 2016)  
Arboricultural Assessment (14.07.16)  
Extended Phase 1 Ecological Assessment (August 2016)  
Email and attached weather reports from WYG Engineers (October 2016)

## **6.0 RELEVANT PLANNING POLICIES**

- 6.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.
- 6.2 The site is located within Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **National Planning Policy Framework**

Promoting sustainable transport  
Delivering a wide choice of quality homes  
Requiring good design  
Protecting Green Belt land  
Conserving and enhancing the natural environment

### **West Lancashire Local Plan 2012-2027 DPD**

SP1 – A Sustainable Development Framework for West Lancashire  
GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development  
GN4 - Demonstrating Viability  
RS1 - Residential Development  
IF2 - Enhancing Sustainable Transport Choice  
IF3 - Service Accessibility and Infrastructure for Growth  
EN2 - Preserving and Enhancing West Lancashire's Natural Environment  
EC1 - The Economy and Employment Land  
EC2 - The Rural Economy

### **Supplementary Planning Advice**

SPD – Design Guide (January 2008)  
SPD - Development in the Green Belt (October 2015)

## **7.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### **The Site**

- 7.1 The application site is located within the Green Belt and currently contains a large detached building fronted by an area of hardstanding. There are some stables on the land at the rear of the buildings. The settlement area lies to the immediate north and west of the site and contains no.30 Scarth Hill Lane, the property which neighbours the application site.

### **The Proposal**

- 7.2 This application seeks planning permission for the erection of 8no.two storey detached dwellings following demolition of the existing buildings. Access to the site would be taken from Scarth Hill Lane adjacent to no.40. There would be 2no. houses adjacent to no.30 which would front onto Scarth Hill Lane, and the remaining 6no. houses would be within the site.

### **Principle of Development – Green Belt**

- 7.3 Policy GN1 of the Local Plan states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 7.4 The NPPF at paragraph 89 indicates that the construction of new buildings in the Green Belt is inappropriate other than for a number of identified exceptions. One of these exceptions 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), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development'.

- 7.5 Annex 2 of the NPPF defines 'previously developed land' as being '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...'. This definition sets out a number of exclusions including '...land that is or has been occupied by agricultural or forestry buildings...and land which 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'.
- 7.6 It is clear from the site history that part of the building, that closest to the road frontage (approximately one third of the overall building), was used in the past for the storage and ancillary washing of coaches. Although it is evident that this use is no longer active, it is accepted that the frontage of the building could be defined as 'previously developed land'. However, all the planning consents granted in respect of this use contained that use to the frontage of the site only. Application 2015/0264/LDC was submitted and subsequently approved to establish that the remainder of the building to the rear has been used for the storage of caravans. As such the rear of the building could also be defined as 'previously developed land'. There is currently hardstanding to the north east of the site; evidence has been submitted with the application to show that this part of the site was previously covered with glasshouses, which have since been removed from the site, despite there being no buildings on this part of the site, the hardstanding is still present and counts as part of the fixed infrastructure of the site as it has not blended into the landscape over time.
- 7.7 In this case the development represents the complete redevelopment of a previously developed site, and as such the principle of its redevelopment is acceptable provided that there is no greater impact on openness of the Green Belt than that which currently exists.

### **Openness**

- 7.8 Paragraph 89 of the NPPF also requires the redevelopment of previously developed land to not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.
- 7.9 The applicant has submitted information to demonstrate that the development represents a smaller volume of built structures on the site than the existing building. The volume of the existing building is 4137m<sup>3</sup> whilst the combined volume of the 8no. dwellings would be 4095m<sup>3</sup>, which equates to a small decrease in volume. Whilst the principle of the amount of development on the site may be acceptable in order to fully assess the impact on openness, the form, mass and layout of the proposed development needs to be compared to that currently existing.

- 7.10 The two dwellings which would front onto Scarth Hill Lane would be on a part of the site which is currently free from buildings, however, whilst this part of the site is currently free from built development I consider that the erection of 2no. dwellings on this part of the site would not impact on openness because it is currently seen against the backdrop of the existing building on the site and does not afford views across the site. Furthermore, the extent of built form would be offset by the open aspect created by the rear gardens belonging to these properties. The 4no. houses to the rear of the site would be located on the site of the existing building, but with a reduced footprint and building volume. The dwellings would be detached and as such, in contrast to what currently exists on the site, the built form would be broken up with views allowed through the buildings, thereby reducing the impact on the openness of the Green Belt to that which currently exists.
- 7.11 There would be 2no. dwellings behind no.40 Scarth Hill Lane which would be on a part of the site which does not currently contain buildings. However, this part of the site is currently bound by buildings on three sides and would continue to be so following the development. The development would have dwellings on either side of an access road which would allow for views through the site to the Green Belt beyond. Therefore, I consider that openness would not be affected from this element of the proposal.

#### **Principle of Development – Loss of Employment Land**

- 7.12 Policy EC1 of the WLLP states that the redevelopment of existing individual employment sites for other uses will be considered where a viability case can be put forward in line with Policy GN4. Policy GN4 seeks to retain existing commercial / industrial (B1, B2 and B8) and retail (A1) land / premises unless it can be robustly demonstrated that to maintain the former use is no longer viable.
- 7.13 Paragraph 22 of the NPPF advises that *“where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities”*.
- 7.14 The application includes a Supporting Statement which sets out why the site is no longer suitable for employment purposes, and provides details of a marketing exercise which has been unsuccessful.
- 7.15 During a period of marketing the only interest received was from parties seeking to redevelop the site for alternative residential uses. In total 5no. offers were received with all being conditional offers on the basis of gaining planning consent for a residential development of the site. No offers have been received from any parties for employment uses. The applicant considers that this is for the following reasons:



The buildings no longer have any water supply to them (water was previously supplied via the residential property no.30 Scarth Hill Lane which was sold some time ago;

The buildings have no foul drainage serving them and therefore no welfare facilities;

The existing buildings are old and in need of complete modernisation and repair in order to comply with current standards;

The buildings are largely constructed of asbestos;

The buildings are un-insulated and have no form of heating;

There are adjoining residential occupiers whose amenity would need to be protected;

As a result of the construction of the buildings they are difficult to properly secure and insure.

- 7.16 The applicant is of the opinion that in order for the site to be used for employment uses that comply with modern day requirements the existing building would need to be demolished or at least substantially rebuilt.
- 7.17 The poor condition of the building, the lack of demand for the continued use of the building, and the considerable level of investment required to bring the site forward to enable it to be suitable for another employment use demonstrates that the most appropriate future for the site is redevelopment. I consider that it would be unproductive to protect the site for the current use and therefore the principle of allowing the site to be developed for residential purposes is acceptable, in accordance with advice in the NPPF and Policies EC1 and EC2 of the Local Plan.

### **Design / Layout**

- 7.18 Policy GN3 of the Local Plan together with the Council's SPD Design Guide states that new development should be of a scale, mass and built form which responds to the characteristics of the site and its surroundings.
- 7.19 All of the proposed 8 dwellings are detached and there are 4no. different house types proposed on the site, with a mix of 3 and 4 bedrooms. This leads to a mixed development, with differing house types as advocated in Policy GN3 and the Design Guide SPD.
- 7.20 The houses would be two storey and therefore be in keeping with the scale of other residential dwellings in the area. Scarth Hill Lane has a mix of primarily semi-detached houses, with older houses being typically on the northern side of the road and more uniform townhouse type dwellings found on the southern side. Given the mix of styles on the road there is no local vernacular and the design of the proposed dwellings would be appropriate in the street scene.

- 7.21 The houses at plots 1 and 2 follow the established building line along this stretch of Scarth Hill Lane, and address the main road frontage, with the remaining houses being within the site. The separation distances between new and existing properties, and between new properties accord with standards given in the Design Guide SPD.

### **Impact on Residential Amenity**

- 7.22 Policy GN3 of the Local Plan advises that development should retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties.
- 7.23 The garden depths proposed are broadly in line with advice given in the Design Guide SPD, and where gardens depths do fall slightly short of the recommended 10m depth the proposed gardens are sufficiently wide enough to compensate for this and offer a reasonable standard of amenity for future occupiers. The interface distances provided between new and existing properties also comply with advice given in the Design Guide SPD.
- 7.24 In terms of the potential impact on the amenities of existing residents, the nearest residential dwelling would be no.30 Scarth Hill Lane. The dwelling at plot 1 would have 3no. windows at first floor level on its gable end which would directly face the gable end of no.30; these windows would not serve main habitable rooms and would be obscurely glazed and as such there would be no undue impact from overlooking. The rear garden boundaries belonging to plots 3-6 would abut the side garden boundary of no.30, however, this boundary is heavily planted and the proposed gardens are of sufficient depth to ensure that there would be no undue impact on the amenities of occupiers of no.30 through overlooking or perceived overlooking.

### **Drainage**

- 7.25 A Drainage Statement has been submitted with the application which states that foul water from the 8no. dwellings is to be connected to the existing main foul drain within the road on Scarth Hill Lane, which is considered acceptable. In terms of surface water drainage the applicant has advised that current ground conditions are being assessed to determine exactly which sustainable urban drainage method would be most appropriate in this area. United Utilities and the Council's Drainage Engineer have requested that prior to the commencement of development a surface water drainage scheme, based on the hierarchy of drainage options in the NPPF with evidence of an assessment of the site conditions is submitted to, and approved in writing by the Local Planning Authority. Drainage details will be requested by a planning condition.

## **Ecology**

- 7.26 An Extended Phase 1 Ecological Assessment and a Bat Survey have been submitted with the application in accordance with Policy EN2 of the Local Plan.
- 7.27 The Ecological Assessment concludes that there is no evidence to suggest that any of the habitats on site are currently supporting any protected species such as great crested newts, water voles and badgers. Due to the suitable habitat (hedge, scattered trees, scrub and buildings) present for breeding birds, it is recommended that site works take place outside the peak bird breeding season; if site works to these habitats will be undertaken within the nesting season than an appropriately qualified ecologist will be required to undertake a site walkover to visually assess potentially suitable nesting habitat for active nests. The recommendations set out in the Ecological Assessment will be subject to a planning condition.
- 7.28 The Bat Survey concludes that the buildings on site do not contain live protected species and have no evidence of them ever being used by bats, furthermore, they lack habitat features that make them suitable for bats. As such no further survey work or mitigation measures are required.

## **Trees**

- 7.29 A tree report and proposed landscaping plans have been submitted with the planning application. The site features many lower grade trees around the boundaries both inside and outside the site. To the rear of the site boundary is an oak tree which is a higher quality tree. Ground protection and fencing will be required for this tree during the course of construction and therefore I consider that a planning condition requesting submission of a method statement and tree protection measures will be necessary. I consider that the proposed tree and shrub species shown in the proposed landscaping plan are suitable for the site.

## **Highways**

- 7.30 Following the initial comments by the Highway Engineer details of the traffic survey, undertaken in June 2016, have been submitted along with an amended visibility assessment. The application now also proposes traffic calming measures to be installed on Scarth Hill Lane to the north of the site.
- 7.31 The Highway Engineer has assessed the amended proposals and is satisfied adequate visibility splays can be achieved. The submission also demonstrates that adequate parking and turning areas can be provided within the site

- 7.32 I concur with the view of the Highway Engineer that the proposed development would have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

### **Summary**

- 7.33 In my view the principle of the proposed development is acceptable. The development is not considered to have a significant impact on highway safety, the character or appearance of the area or on any protected species or habitats. Subject to suitable conditions the proposed development is considered to be compliant with the NPPF and Policies GN1, GN3, GN4, RS1, IF2, IF3, EN2, EC1 and EC2 in the WLLP.

## **8.0 RECOMMENDATION**

- 8.1 That planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-
  - Plan reference 'L01 – Location Plan' received by the Local Planning Authority on 18.08.16.
  - Plan reference 'Tree Constraints Plan' received by the Local Planning Authority on 18.08.16.
  - Plan reference 'L03C' – Proposed Site and Landscape Plan' received by the Local Planning Authority on 28.10.16.
  - Plan reference 'SK05C – Visual Impact Images' received by the Local Planning Authority on 28.10.16.
  - Plan reference 'A099333-001B – Proposed Access Visibility Assessment' received by the Local Planning Authority on 28.10.16.
  - Plan reference 'G01, G02, G04, G05, G06, G07' received by the Local Planning Authority on 18.08.16.
  - Plan reference 'KB01A, KB02' received by the Local Planning Authority on 18.08.16.
  - Plan reference 'KB04A, KB05B, KB06B, KB07A' received by the Local Planning Authority on 28.10.16.
  - Plan reference 'KB(i)02' received by the Local Planning Authority on 18.08.16.
  - Plan reference 'KB(i)04A, KB(i)05B, KB(i)06B, KB(i)07A' received by the Local Planning Authority on 28.10.16.
  - Plan reference 'SK01A, SK02A, SK03, SK04' received by the Local Planning Authority on 18.08.16.
3. No construction shall take place until full details and samples of the external brickwork and roofing materials have been submitted to and approved in writing

by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

4. Within a period of 9 months from the date of this permission the approved landscaping scheme shall be carried out. All trees and shrubs planted shall comply with BS. 3936 (Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
5. No development shall take place until a Method Statement detailing measures to be taken during construction to protect the health of the existing trees has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved Method Statement shall be fully implemented during construction.
6. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.  
Those details shall include, as a minimum:
  - a) Evidence of an assessment of the site conditions to include any existing surface water flow routes, drains, sewers and watercourses, site investigation and test results to confirm infiltration rates;
  - b) Demonstration that surface water run-off will not exceed or, for formerly developed land, will reduce pre-development run-off rates and volumes. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;
  - c) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
  - d) Evidence that flood flows resulting from rainfall up to and including a 1 in 100 year (including a +30% allowance for climate change) rainfall event will be managed within the site at designated temporary storage locations unless it can be shown to have no material impact by leaving the site in terms of nuisance or damage, or increase river flows during periods of river flooding;
  - e) Evidence that the design of the site ensures that, so far as is reasonably practicable, flows resulting from rainfall in excess of a 1 in 100 year rainfall events are managed in exceedance routes that minimise the risks to people and property.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

7. Prior to the commencement of the development a sustainable drainage management and maintenance plan for the lifetime of the development shall be submitted to the Local Planning authority and agreed in writing. The sustainable drainage management and maintenance plan shall include as a minimum:
  - a. The arrangements for adoption by an appropriate public body or statutory undertaker, or, management and maintenance by a Resident's Management Company; and
  - b. Arrangements concerning appropriate funding mechanisms for its ongoing maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as ongoing inspections relating to performance and asset condition assessments, operation costs, regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

The development shall subsequently be completed, maintained and managed in accordance with the approved plan.

8. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
9. Prior to the first occupation of any dwelling, it shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
10. Construction work, which is audible from the boundary of any noise sensitive receptor, shall only take place between the hours of 08:00 - 18:00 on Monday to Friday inclusive, 08:00 - 13:00 hours on Saturdays with no such working on a Sunday or local or national public holiday. The receipt of any materials or equipment for the construction of the site is not allowed outside the said hours, unless otherwise approved in writing by the local planning authority having been given a minimum of two working days' notice of the occurrence of the proposed event. Fixed and mobile plant used within the site during the construction period shall not incorporate 'bleeping' type warning devices that are audible at the boundary of any noise sensitive property without prior written consent of the local planning authority.
11. No construction shall take place until full details of the finished levels of all parts of the site, including the floor levels of all buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with those details.
12. The new estate road/access between the site and Scarth Hill Lane shall be constructed in accordance with the Lancashire County Council Specification for

- Construction of Estate Roads to at least base course level before any development takes place within the site.
13. Before the development hereby permitted becomes operative the visibility splays measuring 2.4 metres by 43 metres in both directions shall be provided, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Scarth Hill Lane, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
  14. The proposed access road and turning area shall be completed in accordance with the details shown in the approved plan prior to occupation of the first dwelling, and the off street car parking for each dwelling shall be provided prior to occupation of the associated dwelling.
  15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended or any subsequent Orders or statutory provision re-enacting the provisions of these Orders, all garages shown on the approved plan shall be maintained as such and shall not be converted to or used for living accommodation.
  16. No part of the development hereby approved shall commence until a scheme for the construction of the site access and the off-site works of highway improvement has been submitted to, and approved by, the Local Planning Authority in consultation with the Highway Authority as part of an appropriate legal agreement, under the Highways Act 1980.
  17. No development shall be commenced until details of the proposed arrangements for future management and maintenance of the proposed streets within the development have been submitted to and approved by the local planning authority. The streets shall thereafter be maintained in accordance with the approved management and maintenance details until such time as an agreement has been entered into under section 38 of the Highways Act 1980 or a private management and Maintenance Company has been established.
  18. The development shall be carried out in accordance with the details included within the 'Extended Phase 1 Ecological Assessment, August 2016' and 'Bat Survey, February 2016'.

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. To ensure that the external appearance of the building(s) is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

4. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To safeguard the health of the trees and so ensure that the proposed development complies with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To manage flooding and pollution and to ensure that a managing body is in place for the sustainable drainage system and there is funding and maintenance mechanism for the lifetime of the development.
8. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To ensure that satisfactory access is provided to the site before the development hereby permitted becomes operative and to ensure the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To allow for the effective use of parking areas and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
16. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.



17. In order to satisfy the Local Planning Authority and Highway Authority that the final details of the highway scheme/works are acceptable before work commences on site and to enable all construction traffic to enter and leave the premises in a safe manner without causing a hazard to other road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
18. To safeguard a protected species and so ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant is advised to contact the County Council's Highway Development Control Section on [lhscustomerservice@lancashire.gov.uk](mailto:lhscustomerservice@lancashire.gov.uk) or by writing to the Highway Development Control Manager, Cuerden Mill Depot, Cuerden Way, Bamber Bridge, Preston, PR5 6BJ quoting the planning application number in either case.
2. The applicant is advised that to discharge condition 17 that the local planning authority requires a copy of a completed agreement between the applicant and the local highway authority under Section 38 of the Highways Act 1980 or the constitution and details of a Private Management and Maintenance Company confirming funding, management and maintenance regimes

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

SP1 - A Sustainable Development Framework for West Lancashire

GN1 - Settlement Boundaries

GN3 - Criteria for Sustainable Development

GN4 - Demonstrating Viability

RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choice

IF3 - Service Accessibility and Infrastructure for Growth

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

EC1 - The Economy and Employment Land

EC2 - The Rural Economy

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal

complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.4 APPLICATION NO.</b>	2016/0176/FUL
<b>LOCATION</b>	Stanley Gate Nursery Ormskirk Road Bickerstaffe Ormskirk Lancashire L39 0HD
<b>PROPOSAL</b>	Erection of single storey dwelling for occupation by nursery worker and family.
<b>APPLICANT</b>	Mr Ian Sands
<b>WARD</b>	Bickerstaffe
<b>PARISH</b>	Bickerstaffe
<b>TARGET DATE</b>	8th June 2016

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## **1.0 REFERRAL**

1.1 This application was to be determined by the Council's delegation scheme; however, Councillor Cotterill has requested it be referred to Planning Committee to consider the impact of the development upon visual amenity and the use of former PPS7 Annex A in assisting the recommendation process.

## **2.0 PREVIOUS RELEVANT DECISIONS**

2.1 2014/1003/FUL REFUSED - Erection of single storey dwelling for occupation by nursery worker and family.

2.2 2012/0844/FUL REFUSED (Dismissed at Appeal) Erection of agricultural workers cottage.

2.3 2009/1164/FUL WITHDRAWN - Erection of detached dwelling for occupation by nursery worker and family.

2.4 2009/0250/FUL WITHDRAWN - Erection of detached dwelling for occupation by nursery worker and family.

2.5 2005/0838 WITHDRAWN - Outline - Erection of nursery retail shop; relocation of polytunnels; bungalow for nursery owner and change of use of existing retail building to production; associated car parking and landscaping (including details of siting and means of access).

2.6 2003/0801 GRANTED - Retention of siting of mobile home to provide office and living accommodation.

2.7 2002/1021 REFUSED - Retention of siting of a mobile home.

### **3.0 CONSULTEE RESPONSES**

#### **3.1 ADAS (3/10/16 & 18/10/16) –**

Supporting information is lacking;

Need further detail to confirm that the functional need is still demanded by the essential requirements of the business;

Cannot see evidence as to where this growth is likely to come from, it sounds like there will be a reduction in output – if there is less greenhouse space there will surely be a reduced output?

No detail on how the business will meet the predicted growth.

#### **3.2 LCC HIGHWAYS (8/3/16) – No objections.**

#### **3.3 LCC LAND AGENT (21/6/16) –**

Loss of use of part of the plant production area will impact on the scale of the output of the operation.

Profit may be capable of sustaining a £75k mortgage but this residue profit would not sustain a livelihood.

#### **3.4 UNITED UTILITIES (8/3/16) - In accordance with the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG), the site should be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way. The NPPG clearly outlines the hierarchy to be investigated by the developer when considering a surface water drainage strategy. We would ask the developer to consider the following drainage options in the following order of priority:**

1. into the ground (infiltration);

2. to a surface water body;

3. to a surface water sewer, highway drain, or another drainage system;

4. to a combined sewer.

#### **3.5 HSE (7/3/16) – No objections.**

### **4.0 OTHER REPRESENTATIONS**

#### **4.1 BICKERSTAFFE PARISH COUNCIL (11/4/16) - Bickerstaffe Parish Council unreservedly supports this planning application. This application provides a home for a family in a much needed area for regeneration (as identified in WLBC Local Plan); supports economic growth as the family run the viable and sustainable business of Stanley Gate Nursery; and does not impact the green belt. This application therefore fulfils several criteria in WLBC local plan.**

## **5.0 SUPPORTING INFORMATION**

5.1 The following documents have been submitted in support of the application:

Supporting Statement  
Landscape and Visual Impact Statement  
Financial Information

## **6.0 LOCAL PLAN ALLOCATION**

6.1 The National Planning Policy Framework (NPPF) and the West Lancashire Local Plan 2012-2027 DPD provide the policy framework against which the development proposals will be assessed.

6.2 The site is located within Green Belt as designated in the West Lancashire Local Plan 2012-2027 DPD. The following policies are therefore relevant:

### **National Planning Policy Framework (NPPF)**

Supporting a prosperous rural economy  
Promoting sustainable transport  
Delivering a wide choice of quality homes  
Requiring good design  
Protecting Green Belt land

### **West Lancashire Local Plan 2012-2027 DPD (WLLP)**

Policy GN1 – Settlement Boundaries  
Policy GN3 – Criteria for Sustainable Development  
Policy EC2 – The Rural Economy  
Policy RS1 – Residential Development

Supplementary Planning Document 'Design Guide' (Jan.2008).

## **7.0 SUMMARY OF ISSUES**

### **Site Description**

7.1 Stanley Gate Nurseries is located to the south of Ormskirk Road, Bickerstaffe and consists of an operational nursery business with associated buildings. The buildings include a multi span greenhouse and a quadruple span polytunnel. The site extends to 2.2ha (5.5 acres). There is also a caravan on site used as accommodation for the applicant and his family. The Sandpiper Public House is located to the west of the site. The site is located within the Green Belt.

## The Proposal

- 7.2 The proposed development relates to the erection of an agricultural workers dwelling. It is proposed to remove a portion of the existing glasshouse equivalent to two bays on its western side, adjacent to the static caravan. The proposed dwelling will then occupy the remaining footprint with its living accommodation and garden area. The proposed dwelling will be constructed using a timber framing structure that will be clad in grey zinc with grey aluminium windows and doors. It will measure 6.6m x 22m, resulting in a total floor area of 145 square metres and will comprise of a lounge, kitchen, three bedrooms and a bathroom.

## Site Background

- 7.3 The applicants currently reside in a caravan on the site that was granted a temporary planning permission under planning application 2003/0801 which expired on 31<sup>st</sup> March 2007. Since that time two separate planning applications - 2009/0250/FUL & 2009/1164/FUL for the erection of an agricultural workers dwelling have been submitted and subsequently withdrawn. In 2012 planning permission was sought and refused for an agricultural workers dwelling and was also dismissed at appeal (2012/0844/FUL). In 2014 (2014/1003/FUL) a further application was submitted for a dwelling for occupation by a nursery worker and again this was ultimately refused. This latter application was refused for the following reason:

*The proposed development constitutes inappropriate development in the Green Belt and unduly reduces the openness of the Green Belt. This would be contrary to the advice given in the National Planning Policy Framework (NPPF). No very special circumstances have been identified which would outweigh the harm caused as the application has failed to establish an essential need for an agricultural workers dwelling on the unit. Notably, it has not been clearly demonstrated that there is a functional need for an agricultural worker to live permanently on the site, and financially, the profit is insufficient to support a sustainably viable business, contrary to paragraph 55 of the NPPF.*

## The Principle of Development

### **Impact on the Green Belt**

- 7.4 Policy GN1 of the West Lancashire Local Plan 2012-2027 states that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 7.5 Paragraph 89 of the NPPF states that '*a local planning authority should regard the construction of new buildings as inappropriate in Green Belt*'. Exceptions to this include the '*limited infilling or the partial or complete redevelopment of*

*previously developed sites (brownfield land) whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing development*. 'Previously developed land' is defined within the glossary of the NPPF as *land which is or was occupied by a permanent structure, including the curtilage of the developed land. It excludes land that is or has been occupied by agricultural or forestry buildings*. In the appeal of January 2014 (APP/P2365/A/13/2199218) the Inspector acknowledged the site was in agricultural use, therefore the site is classed as a Greenfield site. As a result, the redevelopment of this Green Belt site for residential development is deemed to be inappropriate.

- 7.6 The proposal does not fit within any of the categories of appropriate development in the Green Belt and is therefore considered inappropriate development, which by definition is harmful to the Green Belt. In addition to the harm resulting from inappropriateness it is anticipated that harm to the openness would occur. Openness is one of the essential characteristics of the Green Belt. It is proposed to remove the two western end bays of the existing glasshouse house arrangement and site the proposed dwelling partially over its footprint, covering 145m<sup>2</sup>. The remainder of the existing greenhouse footprint will be utilised as a garden area occupying a floor area of 65m<sup>2</sup>. The height and design of the dwelling will mirror the adjoining greenhouses, with the exception of the materials which will be a timber frame with a grey zinc seamed cladding. The existing glasshouses are low in height and of a lightweight construction and as a result are inconspicuous by reason of their association with the nursery building and not an uncommon feature in an agricultural landscape. Whilst I appreciate that the dwelling has been designed so that its scale mirrors that of the existing glasshouses, it will be constructed from materials which are more solid and have a permanent form, in comparison to the greenhouses which are a lightweight temporary construction. Consequently, the dwelling would be more prominent than the structure it replaces and as such would impact on the openness of the Green Belt contrary to the NPPF.

### **Very Special Circumstances**

- 7.7 Paragraph 87 of the NPPF states that inappropriate development is harmful to the Green Belt and should not be approved except in very special circumstances. As the proposed development is deemed to be inappropriate it is pertinent to assess whether or not any very special circumstances can be demonstrated. Paragraph 88 of the NPPF states that substantial weight should be given to any harm to the Green Belt and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm are clearly outweighed by other considerations.
- 7.8 Paragraph 55 of the NPPF states that: *'Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances*

*such as the essential need for a rural worker to live permanently at or near their place of work in the countryside;*

- 7.9 As no specific guidance is provided within the NPPF, Planning Policy Practice Guidance or the Local Plan for assessing either the financial security or the functional need of the unit, I consider the wording contained within the former PPS 7 (Annex A) provides a level of guidance on how essential need can be best assessed. Although I acknowledge that the document is no longer a policy document, since the introduction of the NPPF it has been used in the assessment of similar cases throughout Lancashire by the County Land Agent and recent appeal decisions issued by the Planning Inspectorate refer to the former Annex to PPS7 as it remains the most appropriate guidance to assist decision makers in determining whether proposals comply with the requirements of the NPPF.

### **Functional Need**

- 7.10 The functional test is an assessment of whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement might arise, for example if workers are needed to be on hand day and night:

in case animals or agricultural processes require essential care at short notice;

to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems.

- 7.11 At the time the planning permission was granted for the temporary siting of the caravan in 2003, the County Land Agent accepted that a functional need did exist on the site for the temporary siting of a caravan to serve as a residence for the applicant (the main worker). In respect of planning application 2009/1164/FUL, the County Land Agent concluded in a report dated 8<sup>th</sup> December 2009 that there continued to be a functional need on the site sufficient to support a permanent workers dwelling.
- 7.12 On revisiting the site as a result of the 2012 planning application, the County Land Agent was of view that the workings of the nursery enterprise had been adjusted from that which existed on the site in 2003. The element of the enterprise which has a bearing on the functional need is still undertaken; however this is just confined to one of the undercover growing areas. Apart from the outdoor display area, the remainder of the land is not utilised. When the functional requirement was assessed previously, this had been on the basis that the whole of the site was fully utilised.
- 7.13 The Inspector advised in the appeal decision dated 29<sup>th</sup> January 2014 that a functional need did exist at that point to justify a permanent dwelling. However in the most recent application 2014/1003/FUL it was found that a functional need



was not clearly demonstrated primarily due to changes in the scale of the business in that the entire site was not being utilised to its full potential. In respect of the current application, within the supporting information, the applicant states there is an operational need for the unit's operator to be on site constantly to monitor the condition of the plants that are being cultivated and they argue that as the Council agreed to the siting of the mobile home that this functional need has already been accepted.

- 7.14 In respect of the current application, I have taken advice from the County Land Agent and ADAS and I am not convinced that there is a functional need for the applicant to be on the site 24hours a day. In their response, ADAS made the following comments – *“The Design and Access Statement doesn't really mention what the proposed use of the greenhouses will be post-development but does suggest the poly tunnels will be utilised and that open ground will be laid for further display planting including eco strip farming areas. Unlike plants growing under glass in carefully controlled conditions, open areas of planting do not in my opinion generate an essential need for a worker to live on-site. Further information on the functional need is therefore essential in determining this planning application”*. As advised by ADAS, additional information was submitted for consideration. This stated that *“The aim of the farmer is for the indoor growing areas to be reconfigured more efficiently enabling extra floor space to become available. The farmer would harden off his plant stock externally and also within the large sales poly tunnel nearby. This working pattern will create an underutilised space within the green houses that can then be taken advantage off in constructing the new cottage. The greenhouses are largely required for the growing of seedlings, propagation and 4/6 week plant incubatory period. Much of the space is presently wasted by existing plant stock stored beyond the 6 week period whilst awaiting collection or sale. The farmer believes that as much as 40% of the floor area could be reutilised by adjusted racking systems and re distributing the older plant stock away from the growing houses.”* However, this additional information did little to allay the concerns of ADAS in respect of the functional need test. ADAS consider that the application is supported by conflicting comments and thus are unable to support the application in its current format.
- 7.15 It is evident that the type of plants grown and the use of the undercover facilities have changed since the temporary permission for the caravan back in 2003. Furthermore, there would be a fundamental change in the operations of the nursery as a result of the proposed development which would result in the loss of some of the undercover growing areas. The intention of the applicant to utilise a racking system to account for this loss in undercover growing floorspace has not been fully documented within the planning application i.e. by a business plan. Overall therefore, I have to conclude that the application has failed to demonstrate that there is a functional need for an agricultural worker to live permanently on this site.

## Financial Security

- 7.16 The Inspector advised in the appeal decision dated 29<sup>th</sup> January 2014 that she did not consider that the financial performance of the enterprise was sustainable to provide for a permanent dwelling on the unit. The enterprise, including the cost of the proposed dwelling, should be financially viable and should have a reasonable prospect of remaining so. The Inspector made reference to the cost of the proposed development being £100,000 to £120,000. The Inspector did not think the level of profitability exhibited by the nursery at that time would be capable of supporting such an investment and commented *“In the absence of a clear plan for direction and development of the nursery business I have no confidence that this situation would change over time”*. Following the appeal a further planning application, 2014/1003/FUL was submitted and after careful consideration of the accounts, the Council determined that the agricultural enterprise was not sufficiently profitable to remain viable in the future, allowing for the costs of construction of the proposed dwelling. Under the current application, the applicant intends to fund the proposed dwelling through the business, and in response to the appeal decision the applicant proposes to build a smaller dwelling constructed from a timber frame with zinc cladding to further reduce the costs. The applicant estimates the build would cost £75k and is of the view that the business could support a loan of £75k.
- 7.17 In terms of the financial requirement, the Annex to former PPS 7 requires that the business needs to have been established for at least three years, have been profitable for at least one of them, be currently financially sound, and have a clear prospect of remaining so. Clearly the business has been established in excess of three years. The Supporting Information by P Wilson and Company summarises the business accounts for years 2012, 2013 and 2014 and provides forecasted accounts for 2016/2017, 2017/2018 and 2018/2019, which show a pre-tax profit of £16,313, £16,379 and £16,458 respectively.
- 7.18 Despite the forecasted accounts generally showing an increased profit, this is a small amount and doesn't predict any significant growth in the business. In addition, the information submitted in support of the proposal is conflicting in parts; for example, one statement suggests a 50% growth, whereas in reality there is likely to be a reduction in output owing to the loss of some of the covered growing areas. The Design and Access Statement also suggests that some open areas of the site may be offered to local residents to grow fruit and veg.
- 7.19 As well as demonstrating there is an essential need, there is a requirement to demonstrate the business is sustainable. In respect of the financial aspect, ADAS state *“I cannot see evidence as to where this growth (50%) is likely to come from, in fact as described, it sounds like there will be a reduction in output – if there is less greenhouse space, there is surely a reduced output?”*. The County Land Agent states that *“...whilst the profit may be able to fund the repayment of a £75k mortgage the residue profit I do not feel would sustain a livelihood for the*

*applicants and their family*". I am of the opinion that the information submitted with this current planning application does not demonstrate that the nursery business has developed in order to increase profits on a sustainable basis to ensure that it is a viable business. The proposal does not appear to account for the loss of use of part of the plant production area through the removal of two bays of glass, and, a clear plan for the direction and development of the nursery business remains absent.

### Summary

- 7.20 The proposed development is considered to be inappropriate development in the Green Belt, contrary to the NPPF and policy GN1. There are not considered to be any very special circumstances which would outweigh the identified harm as the proposal fails to functionally and financially prove the need for a permanent agricultural workers dwelling on the site, contrary to paragraph 55 of the NPPF. Furthermore, the dwelling due to its design and construction would be more prominent in this landscape than the structure it replaces and as such would impact on the openness of the Green Belt contrary to the NPPF.

## **8.0 RECOMMENDATION**

- 8.1 That planning permission be REFUSED for the following reason:

### **Reasons for Refusal**

1. The proposed development constitutes inappropriate development in the Green Belt and reduces the openness of the Green Belt. This would be contrary to the advice given in the National Planning Policy Framework (NPPF). No very special circumstances have been identified which would outweigh the harm caused as the application has failed to establish an essential need for an agricultural workers dwelling on the unit. Notably, it has not been clearly demonstrated that there is a functional need for an agricultural worker to live permanently on the site, and financially, the profit is insufficient to support a sustainably viable business, contrary to paragraph 55 of the NPPF.

<b>No.5 APPLICATION NO.</b>	2015/0904/FUL
<b>LOCATION</b>	Burscough AFC Victoria Park Mart Lane Burscough Lancashire L40 0SD
<b>PROPOSAL</b>	Works to create a replacement football ground including a two storey main stand and club house, a single storey secondary stand, flood lighting, hardstandings and car park, with access from Bobby Langton Way
<b>APPLICANT</b>	Chequer Properties
<b>WARD</b>	Burscough West
<b>PARISH</b>	Burscough
<b>TARGET DATE</b>	22nd July 2016

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## **1.0 RECENT RELEVANT PLANNING HISTORY**

- 1.1 2015/0457/COU Change of use to grass football pitch. PENDING DECISION
- 1.2 2007/0789/FUL Demolition of existing football club, buildings and Barons Social Club and the erection of 76 residential units and community sports complex comprising 500 seat stadium; club house incorporating changing facilities, classroom, first aid, laundry, club shop, offices, stores, bar facility, hall; full size adult floodlit artificial sports pitch; two senior grass pitches, six junior grass pitches; all weather netball court; car and coach parking, associated access road, landscaping and boundary fencing. APPLICATION DISPOSED OF 21/07/16

## **2.0 CONSULTEE RESPONSES**

- 2.1 LCC HIGHWAYS (02.06.16) – No objection subject to appropriate funding for travel plan support of £6,000 by way of S106 Agreement and subject to a number of conditions. A summary of highway comments is provided below:  
Trip Generation – Whilst the development could provide a ground capacity of 1950, it is recognized that it is rarely going to be at or near capacity. It has been calculated that, by taking the expected Premier Division attendance of 201 and multiplying it by 1.5 to reflect the attraction generated by a new stadium and the forthcoming increased population of Burscough, the new stadium should be assessed based on an expected average attendance of 302 with an estimated 136 car trips both to and from the ground.  
Traffic Impact – LCC are not overly concerned by the impact on the highway network due to the fact that the vast majority of matches will occur outside normal peak periods. Using LCC traffic counts (three along the A59 since the beginning of 2014) and including committed developments result in significantly higher

traffic levels than those submitted. However, as the development will be used outside of peak periods in the main, the impact is considered acceptable.

Site Access – The new access is proposed 13m south of the Barons Club on Bobby Langton Way. Adequate visibility splays can be provided for this access and the junction design is deemed appropriate. Bobby Langton Way is an un-adopted highway and any proposed works will need to be agreed with the land owner before any new access connections are constructed.

Parking – A concern is the effect of the proposal on parking on the surrounding streets where on-street parking could be an amenity issue and lead to inappropriate parking and safety issues. Only 18 spaces are provided within the development for match day and club officials only. There is a significant shortage of on-street spaces available in the area and without additional parking provision, match days will cause severe parking issues across the area. In order to address this a Draft Car Parking Strategy was submitted by the applicant. This advises that on regular match days, permission has been given by the Venue Manager for Burscough Priory Science College to use the school car park and that this will be staffed by a parking attendant and does not include any of the school's grassed areas. In addition to this, a Park and Ride scheme will be operated at Skelmersdale United FC's ground whereby away supporters coaches, after dropping off supporters near to the railway station, will park at Skelmersdale United FC. In addition, this ground has 79 parking spaces for away supporters who will be directed to use this parking and will be bused to Burscough. Whilst some of this parking is further away than is ideal, it is not sufficient reason in itself as to raise an objection to the development as a whole, although this parking provision should be sought through condition and/or legal agreement.

Travel Plan – The submitted Travel Plan is inadequate and should be updated, this can be dealt with by condition. In addition, LCC consider a £6,000 funding contribution towards Travel Plan support and monitoring by LCC in this instance is necessary to make the development acceptable in regard to highways.

- 2.2 ENVIRONMENT AGENCY (03.12.15) – No comment as the EA do not need to be consulted on this application.
- 2.3 ASSISTANT DIRECTOR COMMUNITY SERVICES (16.12.15) – No objection subject to conditions relating to floodlighting and use of the pitch restricted to 8am to 10pm Monday to Saturday and 8am to 8pm Sundays and Bank Holidays.
- 2.4 LCC LEAD LOCAL FLOOD AUTHORITY (06.01.16 & 06.06.16) – No objection subject to conditions relating to implementation of sustainable drainage systems in accordance with the submitted drainage strategy.
- 2.5 UNITED UTILITIES (17.11.15 & 22.12.15) – No objection subject to foul and surface water being drained on a separate system and provision of detailed surface water drainage details.

- 2.6 LANCASHIRE CONSTABULARY (22.09.15) – Make a number of suggestions about stadium and spectator security.
- 2.7 NATURAL ENGLAND (10.12.15 & 10.08.16) - Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. Natural England therefore advises that your authority should not grant planning permission at this stage. *Further information has been sent to Natural England and comments are awaited.*
- 2.8 MERSEYSIDE ENVIRONMENTAL ADVISORY SERVICE (MEAS)  
(08.01.16) - Results of the wintering bird survey are required, timing of construction to avoid ecology impacts can be conditioned, protection within 5m of the ditch to the west of the site to protect water voles can be conditioned.
- (21.06.16) - The applicant's ecology report concludes there will be no likely significant effect on the European protected sites. This conclusion is not accepted and the current development proposals require an Appropriate Assessment based on evidence submitted. A revised mitigation strategy is required prior to determination to demonstrate how likely significant effects would be avoided or reduced to less than significant and to inform the Appropriate Assessment. The non-breeding bird survey has not used best practice methods and the wintering bird survey is not acceptable and the proposed mitigation strategy is not accepted. In the absence of a suitable mitigation strategy the proposals will have a likely significant effect on the European protected sites and an Appropriate Assessment under Regulation 61 of the Habitats Regulations, and in accordance with Local Plan policy EN2, is required prior to determination. A revised mitigation strategy is required to inform an Appropriate Assessment.
- (05.08.16) - The proposals will have a likely significant effect on the European sites due to a loss of foraging habitat for significant numbers of Pink footed goose caused by direct land take and disturbance displacement effects. An Appropriate Assessment is required prior to determination. The Appropriate Assessment requires a detailed mitigation strategy to demonstrate how likely significant effects would be avoided or reduced to less than significant to enable the proposed development to proceed. A revised mitigation strategy is required to inform an Appropriate Assessment.
- (13.10.16) - The applicant has submitted revised further information to enable a Habitats Regulations Assessment (HRA) to be carried out, following protracted discussions. The applicant's ecology report by TEP now contains the information previously requested by MEAS to inform a Habitats Regulations Assessment with the exception of Appendix 9 (the Letter of Intent) and this is welcomed. However, the Letter of Intent (Martin Gilchrist) does not provide sufficient clarity or confirmation that the land identified to implement the proposed mitigation will be under the control of the applicant.

To enable a finding of no likely significant effect is dependent on the mitigation proposal and confirmation that it can be delivered. The Letter of Intent refers to options for planning conditions and / or planning obligations as a means to secure the land required for the mitigation proposal. A legal view on whether the options are sound would be required prior to completion of the HRA for this planning application. However, from my reading of the situation as described, it is unclear whether the land can be secured by the applicant in the foreseeable future. I will be guided on this matter by legal advice.

MEAS have suggested additional information may be sufficient to provide certainty that the applicant will be able to gain control of the proposed mitigation land. If it is considered sufficient it will enable the HRA to be completed and ensure a finding of no likely effect on the European sites

### **3.0 OTHER REPRESENTATIONS**

#### **3.1 Burscough Parish Council object to the proposed development for the following reasons:**

Much of the submitted drainage information is drawn from 2012 and asserts that the risk of flooding is low. This is incorrect, as the area has suffered from serious flooding in 2012 and 2015. There is also deterioration of the foul sewer across the site. The information is out of date and not fit for purpose;

The access road is too close to the Barons and would interfere with the effective operation of an emergency exit and is inadequate for shared pedestrian and vehicular access;

Access road cuts across part of existing pitch and it is not clear how the existing pitch will remain operational until the new pitch is completed;

The transport plan is not deliverable;

The proposal to use drop off coaches near the railway will cause congestion at the access to Tesco;

Question the applicant's opinion that there are no feeding birds on the land as it is well known that there are many birds feeding on the land;

The football ground must be maintained and in use until a replacement stadium is built;

Level of parking is insufficient;

Until the option of retaining the existing football club through the process of it being a community asset is resolved, encroachment into the Green Belt should not be considered;

Loss of Grade 1 agricultural land;

The proposed football stadium is smaller than the existing ground and express concern that temporary and low quality facilities may be in place for a long time before being replaced by permanent facilities.

#### **3.2 Burscough Independent Supporters Association object to the proposed development for the following reasons:**

Loss of Green Belt land;

Loss of Grade 1 agricultural land;  
 Loss of land for the feeding of pink footed geese and the impact this has on Martin Mere;  
 Lack of parking;  
 No pitches for youth football;  
 Detrimental to surrounding residents;  
 No assurance given that the new development will be built before the present ground is demolished;  
 No guarantee that the plans showing "proposed future development" will ever be built – the new facilities should at least be superior to the one it is replacing;  
 The proposals do not match up to the assurances and presentations given by the applicant;  
 The claim that the existing ground is not fit for purpose is not true – the Chairman of the Evostik League stated the ground was suitable;  
 The current ground is an Asset of Community Value;  
 Fails to meet Policy EN3 of the Local Plan;  
 Not convinced that the Chairman, Head Teacher or Governors of Burscough Priory Science College or residents are aware of the agreement for match day parking;  
 Other car parks in the area cannot be assumed to be available or have agreements for match day parking;  
 Use of Skelmersdale Utd car park is too far away and if they are playing at home there will be no room available;  
 The land floods;  
 Fans should be separated and away fans will have to walk through the village to get to the ground;  
 The use of another field for bird mitigation is not acceptable and the birds may not use it as they have been using the field the application site is located in for years;  
 The applicant does not own the land and it has been in the control of a tenant farmer for many years;  
 The assurances given would be null and void if the developer sold on the land subsequently.

3.3 Martin Mere Wetland Centre – objects to the development due to inadequate bird surveys and potential impact on a ditch and damp depressions on the site which provides valuable water for birds during feeding, displacement of birds and not convinced mitigation is achievable.

3.4 16 letters of objection to the application have been received which can be summarised as follows:  
 History of flooding on the field and the surrounding area and the development will increase flooding;  
 It is not correct to say that pink footed geese feed on the field due to supplementary feeding and the tenant farmer has confirmed no supplementary



feeding has been provided but that the geese have been using the field for many years;  
Area used regularly by migrating wildfowl;  
Loss of Grade 1 agricultural land;  
Lack of parking and inadequate public transport;  
Increased light pollution from floodlights;  
Increased traffic;  
Increased load on drainage system;  
New access will be very close to fire exit at The Barons Club;  
Site is 1m lower than the existing ground and will get waterlogged;  
Drainage solution will undermine the existing equilibrium;  
Inappropriate development in the Green Belt;  
Development here will set a precedent for further development on the field;  
Better to redevelop the existing ground;  
The land, if developed, should be put into a community trust.

#### **4.0 SUPPORTING INFORMATION**

4.1 The application is accompanied by the following supporting information:

Agricultural Land Statement  
Building Survey report  
Report to Inform Habitats Regulations Assessment/Assessment of Likely Significant Effect, including Winter Bird Survey  
Bat Scoping Survey  
Transport Statement/Travel Plan and Draft Car Parking Strategy  
Drainage Strategy  
Design and Access Statement  
Planning Statement

#### **5.0 RELEVANT PLANNING POLICIES**

5.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.

5.2 The site is located within the Green Belt.

5.3 Relevant West Lancashire Local Plan policies:  
SP1 – A Sustainable Development Framework for West Lancashire  
GN1 – Settlement Boundaries  
GN3 – Design of Development  
IF2 – Enhancing Sustainable Transport Choice  
IF3 – Service Accessibility and Infrastructure for Growth  
IF4 – Developer Contributions

- EN1 – Low Carbon Development and Energy Infrastructure
- EN2 – Preserving and Enhancing West Lancashire’s Natural Environment
- EN3 – Provision of Green Infrastructure and Open Recreation Space
- EN4 – Preserving and Enhancing West Lancashire’s Built Environment

In addition the following supplementary document is a material consideration:

SPD – Design Guide (Jan 2008)

## **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

### The Site

- 6.1 The site of approximately 1.7 hectares is in the north-east corner of an arable agricultural field located within the Green Belt adjacent to the north-western edge of the settlement of Burscough. To the north lies the Manchester to Southport railway line with Green Belt beyond. To the east is a grass playing pitch and 3G pitch forming part of Burscough Sports Centre. To the south and west is the remaining agricultural field upon which the site is located. The current Burscough Football Club lies to the immediate south-east of the site.
- 6.2 The current site is used for arable purposes and comprises Grade 1 agricultural land. There is a ditch to the west of the site continuing westwards and the ditch is culverted beneath the site. The land falls slightly from east to west and there is a line of trees and shrubs along the western and northern boundaries.

### The Proposal

- 6.3 It is proposed to relocate the existing Burscough football club to the site and create the following:
- a new grass pitch measuring 105m x 70m with a 1.2m high fence around the perimeter;
  - a main covered stand on the western side of the pitch with the capacity for 480 seats and measuring 24m x 18m x 19m high with rendered walls and a metal standing seam roof;
  - a secondary covered stand on the eastern side of the pitch measuring 24m x 5m x 4m high for standing only and constructed of timber panelling and a metal standing seam roof;
  - a two storey clubhouse adjacent to the main stand measuring 18m x 8.7m x 6.5m high constructed of timber paneling with photovoltaic roof panels. The ground floor of the clubhouse incorporates changing facilities and toilets for home and away teams and officials along with a storage area. The first floor is for use as a bar/function room;
  - entrance gates/turnstiles;
  - a 1.8m high timber fence around the perimeter of the seating and playing area;
  - a 5m high mesh fence along the railway boundary to the north;

four 18m high floodlights, one at each corner of the pitch;  
a car park for 16 vehicles and two coaches along the southern edge of the site.

- 6.4 Access to the site is proposed from Bobby Langton Way immediately south of the Barons Club. The access is 4m wide and will cut across the north-east corner of the existing football pitch and run the length of the current pitch (approximately 130m) to the proposed car park. The proposed car park is for use by disabled badge holders and club officials only.
- 6.5 Additional car parking on match days, when required, is proposed at Burscough Priory Science College and for away fans, at Skelmersdale United's ground.

### Principle of Development

#### *Green Belt*

- 6.6 Paragraph 79 of the NPPF sets out the government's view that great importance is attached to Green Belts. It states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. Paragraph 89 of the NPPF advises that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are, inter alia, the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with one of the purposes of including land within it. In addition, paragraph 90 advises that certain other forms of development are not inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within the Green Belt. The West Lancashire Local Plan advises that development within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 6.7 In my view, the creation of the pitch would be an engineering operation but one that is essential for outdoor sport and recreation and one which preserves the openness of the Green Belt, thereby constituting appropriate development in the Green Belt. This aspect of the proposal is therefore considered acceptable in principle.
- 6.8 In terms of the erection of the buildings on the site, whilst some may be considered to be appropriate facilities, such as changing rooms and toilets, the large seated stand and two storey clubhouse would clearly not preserve the openness of the Green Belt and would conflict with one of the purposes of including land within the Green Belt – that being encroachment. Furthermore, I consider the creation of the hardstandings, access track, car park, fencing and floodlights would also impact on openness as well as the visual amenity of the Green Belt. Many elements of the proposed development are therefore considered to constitute inappropriate development in the Green Belt.

Inappropriate development should not be approved unless there are very special circumstances which outweigh the harm to the Green Belt and any other harm. The case for very special circumstances is assessed elsewhere in this report.

### Design and Appearance

- 6.9 Policy GN3 of the WLLP states that proposals for development should have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design. The Council's SPD Design Guide requires that new commercial development, regardless of location, should be a focus to promote high quality design in order to enhance the overall quality of the built environment, both aesthetically and functionally.
- 6.10 The layout of the site is typical of many non-league football clubs and scope has been built into the design to allow for increased capacity in the future. The layout allows for space to accommodate communal gathering and also space for food stalls at matches, a facility that does not exist at present. The proposed main stand building is simple in design but due to the curved design of the roof, provides interest and a similar feature to that design built recently at Ringtail Retail Park in Burscough. The design of the club house is also simple and interest is created by the use of timber with a low pitched roof designed to carry solar thermal installations. A two storey glazed elevation facing the pitch creates a lightweight element to the structure and adds interest. The secondary stand is basic in structure, functional in design, but will not result in visual harm. The materials that would be included in the design of the buildings have been chosen to ensure that minimum maintenance is required and the choice of timber cladding for the club house provides a more rural feel to the development.
- 6.11 The proposed protective railway fence is high at 5m but is of lightweight mesh design and will be colour coated green and its extent on the northern boundary has been kept as limited as possible to prevent footballs interfering with the safe operation of the railway. The four floodlights are also tall structures at 18m, however, at distance, they will be seen against the background of the tall Tesco building and the industrial sheds of TRM Packaging to the north-east. The proposed design of the development is considered acceptable in accordance with Policy GN3 of the Local Plan.

### Access, Traffic and Parking

- 6.12 The proposed development would be accessed from Bobby Langton Way, an unadopted private road. The access is south of the Barons Social Club and cuts across the corner of the existing football ground. Visibility splays have been provided of 2m x 22m that meet with LCC approval. The access will be 4.1m wide and extend to a proposed car park for 16 vehicles and two coaches. The access will be managed on non-match days and match days with gates and

stewards respectively. The creation of the access across part of the existing ground would result in the loss of the football pitch. Whilst the applicant would prefer to take access across the existing stadium for construction purposes, this would result in the existing stadium being rendered unusable. The applicant suggests that to overcome this problem, the Club could play at the Skelmersdale United ground for one season whilst the new facility is developed. However, in my view, access for construction vehicles could be taken elsewhere which would allow the existing stadium to remain operational whilst the new facility is constructed. A condition is therefore recommended that requires the submission of details of the proposed access for construction vehicles and prevents the new site access being constructed until the new stadium is completed.

- 6.13 In terms of vehicular movements and traffic impact, LCC have assessed the proposal on the basis of traffic likely to be generated from the Club being in the Northern Premier League Premier Division (the division higher than the one the Club are currently in and last achieved in the 2011/12 season), along with a likely increase in the population of Burscough and the surrounding area. Although LCC Highways have not accepted the traffic count levels indicated by the applicant and consider they are underestimated, they nonetheless consider the likely increased traffic generation will not cause any severe traffic impact concerns as the additional impact on the local highway network will be outside of peak times.
- 6.14 The main concern in terms of the proposed development is the lack of parking at the site. The proposal will increase parking demand in the area at match times. However, it must be borne in mind that no off-street parking exists for the Football Club at present and no proper management takes place, hence, on match days, the area is congested and most available on-street parking spaces are taken. This has been the case even when the Club had more successful times in the Premier Division. The layout of the proposed re-development includes parking for 16 vehicles and two coaches. This will be managed for visiting coaches, club officials and disabled parking only. When assessing the anticipated level of demand for various scenarios (league games and a good run in a Cup competition) it is clear that there is very little residual on-street parking in the area available. In order to address this, a draft parking strategy has been submitted. This advises that on match days, Burscough Priory Science College have given consent for the Club to utilise their car park, which allows for up to 60 spaces (not extending onto any grassed area) and which will be staffed by an attendant. In addition, should it be required, the car and coach park at Skelmersdale United's ground on Statham Road, Skelmersdale, will be available for use and a park and ride facility which will operate to transport supporters to Burscough. Away coaches will be instructed to park there after dropping off their passengers in Burscough. The Chairman of both clubs will liaise with the fixture secretary of the League to separate home fixtures.
- 6.15 Whilst this will provide sufficient parking for more popular matches, it is not ideal due to the distance away from the football ground; however, LCC Highways do

not consider this in itself to be a sufficient reason as to why an objection should be raised to the whole development. For the majority of regular league matches, the parking situation will not be different to that which already exists. Provided the above parking facilities are available in perpetuity, which can be secured through a S106 Agreement, I consider the proposal satisfactorily addresses parking in accordance with Policy GN3 of the Local Plan.

#### Surface Water, Drainage and Flood Risk

- 6.16 In terms of the principle of development relating to flood risk, the application site lies entirely within Flood Zone 1, the least susceptible to flood risk. However, the NPPF requires that a site specific Flood Risk Assessment (FRA) is submitted for proposals of 1 hectare or greater. As the site is presently greenfield, the NPPF and Policies GN3 and IF3 of the Local Plan require that any development upon the land should not result in unacceptable flood risk or drainage problems and should achieve a surface water run-off rate to that equivalent of the greenfield run-off rate.
- 6.17 In terms of foul drainage, United Utilities has confirmed that they have no objection to the development, provided the site is drained on a separate system. Foul water will be connected to an existing foul water sewer to the south of the site via a packaged pumping station with a suitable allowance for storage and an alert system in case of pump failure.
- 6.18 In terms of surface water drainage, the drainage strategy confirms that no surface water will be discharged into the public sewerage system. As site investigations have revealed the ground conditions are unsuitable for infiltration, surface water will be treated by way of an underground attenuated storage system which means surface water will be attenuated before being discharged into the culverted watercourse (which currently runs under the site and which will be diverted around the pitch) at greenfield run-off rate.
- 6.19 The submitted drainage strategy addresses the principles of sustainable drainage, the Lead Local Flood Authority have raised no objections to the proposed drainage strategy, subject to conditions. I am satisfied that the proposed development demonstrates compliance in principle with the NPPF and Local Plan Policy regarding drainage and flood risk.

#### Ecology

##### *Habitats Regulations*

- 6.20 The development of this site will inevitably affect its existing biodiversity value, particularly given its current greenfield status and use for agricultural purposes and I note local concerns raised in this respect. However, any development on the land must be carried out in such a way that respects this biodiversity value.

Policy EN2 in the Local Plan requires that development proposals must seek to avoid impacts on significant ecological assets and protect and improve the biodiversity value of sites. If significant impacts on biodiversity are unavoidable, then mitigation or as a last resort, compensation, is required to fully offset impacts.

The ecological impact of the proposed development has been informed by an ecological assessment, including a wintering bird survey and an assessment of Likely Significant Effect has been submitted in order to address the Habitats Regulations.

- 6.22 The application site is located in an area (known as an Impact Risk Zone) which could have the potential to support qualifying features within or in close proximity to the designated sites of the Ribble and Alt Estuaries, Mersey Estuary and Martin Mere SPA, Ramsar and SSSI site. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended) (the 'Habitat Regulations').
- 6.23 The Council is a competent authority for the purposes of the Habitat Regulations and in considering the European site interest, regard must be had for any impacts that the proposed development may have. Regulations 61 and 62 of the Habitat Regulations set out a series of steps and tests that should be followed in assessing whether development could potentially affect a European Site. These steps are commonly referred to as the 'Habitats Regulations Assessment' process.
- 6.24 Natural England and Merseyside Environmental Advisory Service have been consulted and there have been protracted discussions between parties. Significant number of pink footed geese and whooper swan use the field during the autumn and winter. The use of part of the land as a football ground will result in the long-term intermittent disturbance of the agricultural land, which is a potential food resource for the wintering birds and foraging opportunities will be reduced by approximately 1.99 hectares (14% of the existing field).
- 6.25 In order to address this loss of resource, mitigation is proposed in the form of an additional 17.88 hectares of agricultural land adjacent to the site coming under the control of the applicant. This land would continue to be farmed in such a way as to benefit pink footed geese and 565kg of supplementary grain will be applied to the land each autumn for the lifetime of the football ground development. The details of the mitigation will be provided within a Pink Footed Geese Management Plan and its implementation secured by condition and S106 Agreement in that it requires long-term use of land off-site. Furthermore, construction activities would disturb the geese between 1<sup>st</sup> December and 31<sup>st</sup> December and should be avoided, and only certain construction activities should take place from 1<sup>st</sup> January to 30<sup>th</sup> April and be subject to a watching brief by an ornithologist.

- 6.26 Provided that the above measures are in place for the lifetime of the development and there is a guarantee that the mitigation land can be secured by the applicant, which will be assured through a S106 Legal Agreement, then this will enable a Habitats Regulations Assessment to be completed and a finding of no likely significant effect to be concluded.

#### *Protected and Priority Species and Habitats*

- 6.27 The site provides habitat for breeding birds and the site must be checked for ground nesting birds by a suitably qualified ecologist immediately prior to the start of any ground disturbance. This can be achieved by condition. Furthermore, there are water voles records for the ditch immediately west of the site. Water vole is a protected species. No work should take place within 5m of the top of the bank and details for methods of protection to this zone should be submitted for approval. As it is proposed to divert the watercourse at the point where this ditch becomes culverted, and this would disturb the top of the bank, full details of water vole mitigation would be required by condition.
- 6.28 To summarise impacts on ecology, provided the long-term ownership of the mitigation land can be demonstrated and tied by S106 Agreement in perpetuity, and any works within 5m of the watercourse to the west of the site do not result in disturbance to water voles (or mitigation agreed), then the development would result in no likely significant effect on the qualifying features of designated sites.

#### Trees and Landscaping

- 6.29 The site contains limited and modest trees and hedges along the eastern and northern boundary. It is proposed that all existing landscaping would be retained and additional planting would take place along the southern and western boundaries, to add to the landscaping already present and screen the development from the wider Green Belt.
- 6.30 I am satisfied with the landscape proposals and I consider that they are appropriate for the proposed development given the existing characteristics of the site. Further details of the additional planting would be required and this matter can be dealt with by way of a planning condition. The proposed development is considered to be compliant with Policy EN2 of the Local Plan in respect of trees/landscaping.

#### Mineral Safeguarding Area

- 6.31 The Lancashire County Council Minerals and Waste Site Allocation and Development Management Policies DPD was adopted in September 2013. This plan provides policies for minerals and waste planning in Lancashire. Policy M2 of this document identifies the site as falling within a Minerals Safeguarding Area. Within these areas, planning permission will generally not be granted for any form



of development that is incompatible by reason of scale, proximity and permanence with working the minerals found on the land, unless the applicant can demonstrate that the mineral concerned is no longer of any value or has been fully extracted, or there is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource.

- 6.32 On the basis of proximal sterilisation from existing housing development to the east, the potential environmental impact to the groundwater and surface water regime along with the likely environmental impacts it is considered that pre-extraction of the mineral would not be sustainable. As such the exemption requirements of Policy M2 of the Lancashire Minerals and Waste Local Plan have been engaged so it is not necessary to undertake prior extraction in advance of the proposed development.

#### Impact on Neighbouring Land Uses

- 6.33 Policy GN3 of the WLLP states that development should 'retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of neighbouring and proposed properties. The proposed development would be sufficient distance from the nearest residential neighbours to ensure that the development would not cause any significant harm to the amenities of neighbouring residents, through overlooking, overshadowing or creation of poor outlook in accordance with Policy GN3.
- 6.34 The main impacts of the development would be during the construction phase of development in terms of noise; and in the longer term, from increased traffic and noise on match days. However, this is a replacement ground for one that has been established in this location for many years and so is not introducing a new source of noise. In addition, the proposed location of the replacement ground is further away from the nearest residential properties than the existing ground. The floodlighting proposed is designed with downward facing asymmetric beams directed over the playing area. The light overspill indicates limited light overspill outside of the pitch area and upward glare is minimized. The Director of Health and Wellbeing has been consulted and, provided the lighting is fitted in accordance with the manufacturer's instructions and that they are fitted with a device that ensures they are not used when lighting is unnecessary and the lighting and use of the ground ceases at 10pm Mondays to Saturdays and 8pm Sundays and Bank Holidays, the application is considered to be acceptable.

#### Very Special Circumstances

- 6.35 The development has been found to constitute inappropriate development in the Green Belt. The NPPF states at paragraphs 87 and 88 that inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that substantial weight should be given to any harm to the Green Belt. Very special circumstances will not exist

unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The onus rests with the applicant to justify why permission should be granted for development that is considered inappropriate by definition.

6.36 The applicant acknowledges that elements of the proposal constitute inappropriate development and advances the case that there are very special circumstances which exist to justify the inappropriate development. In essence, the applicant claims that a number of considerable benefits would result from the proposals. There are no defined criteria for assessing what constitutes very special circumstances and each case must be judged on its own merits.

6.37 The special circumstances advanced by the applicant include the following:

The proposal would resolve current problems with the ground as the existing dilapidated facilities fail to meet current standards, basic DDA Regulations and FA requirements. The existing pitch size and perimeter restrictions limit the ability of the football club to expand and to progress into higher leagues. An existing sewer crosses the pitch and has settled over the years which has adversely affected the playing surface. The perimeter enclosure is structurally unsound. There is evidence of ground contamination, asbestos within existing structures and Knotweed contamination to the site;

It would provide an improved playing surface which would allow additional use by Academy and local community;

It would lever funding for future improvements and discussions are ongoing with potential lenders. Grant aid is likely to be forthcoming to benefit BFC and the local community;

It would act as a catalyst for further development. The current proposals are seen as a first phase of a more extensive development with the potential redevelopment of Victoria Park for housing and possible redevelopment of adjacent land for community use and for the NHS;

There are socio-economic benefits of a new ground – inward investment/sponsorship/supply chain;

Community benefits – links with local schools for training facilities (50-100 local 16-18 year olds studying NVQ levels), new club will bring in social return on investment in community sport for every pound spent, 4 to 5 times this is returned to the local community, help creates employment with social network around the new club, health benefits, academy for 8-18 year olds and U21 will bring football coaching sessions to Burscough, physio on site will bring clinic to local community, create a new hub of the community and the facilities will be a community club run by trustees selected from the community and the club,

education and awareness campaigns will be run, local business partnerships formed;

There is a lack of non-Green Belt alternatives as no suitable brown field sites in Burscough so club has no option but to seek the release of Green Belt land to deliver its development;

Doing nothing is not an option as the ground is sub-standard and not fully FA compliant, with consideration being given to preventing access to the café due to asbestos and a flood light recently collapsed and part of the perimeter damaged due to speeding motorist;

Repairing the existing ground is not viable and approximately £300,000 would be required to carry out basic repair work (and even with this spend the ground wouldn't be fully FA compliant and significant monies would also be required to improve the playing surface);

Redeveloping the existing ground is not viable as no funds are available, the site is restricted by existing site boundaries, no possibility of increasing pitch size if club are promoted to higher leagues;

Moving to a non Green Belt site would mean leaving Burscough as no viable alternatives available;

Building the proposed new stadium and unlocking the funding from the sale of Victoria Park is the only solution.

- 6.38 In order to assess whether or not the benefits advanced by the applicant outweigh the effect of the development upon the openness and visual amenity of the Green Belt, it is necessary to identify the harm caused to the purposes served by this Green Belt site. In my opinion, whilst the erection of a stand and clubhouse, man-made surfacing (car park and access), lighting and fencing harms the openness and visual amenity of the Green Belt, the extent of that harm should be identified and weighed in the balance with the very special circumstances put forward. For example, if the proposal is judged to cause a great amount of visual harm or loss of openness comparable to the current situation and the very special circumstances put forward are not significant, then the proposal would clearly not outweigh the harm caused to the visual amenity or openness of the Green Belt and should be refused; however if the proposal is judged not to result in significant visual harm or loss of openness relative to the very special circumstances or benefits put forward, then those special circumstances would outweigh the harm caused to the visual amenity or openness of the Green Belt.
- 6.39 In my view, whilst the majority of the existing field is open agricultural land and any development upon the area would be clearly visible, the proposed football

club site is in the north-east corner of the field and a large part of the site would remain in an appropriate use. The function of this land currently acts as a rural “lead” into Burscough and because the main built elements of the proposal and hardsurfaced areas are close to the western edge of the site and therefore closer to the village settlement, the existing Burscough Sports Centre, Tesco, the railway line and employment units to the north, the overall impact of the proposal will be reduced and will not be seen as a harsh urbanised entrance into the town. The harm caused to openness and visual amenity is therefore limited.

- 6.40 Given the circumstances that the club find themselves in and the wish to retain the football club in the local area, together with the fact that the design and layout seeks to limit the impact on the openness by virtue of development to the west of the site, closest to the settlement boundary and the flat roof nature of the two storey element, I consider the case put forward by the applicant on this occasion amounts to special circumstances sufficient to outweigh the harm to the Green Belt.

#### Planning Obligations

- 6.41 Under the terms of the provisions of Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 and requirements under s.106 of the Planning Act 1990, planning obligations are subject to three tests:

That the subject of the agreement is/are:  
Necessary to make the development acceptable in planning terms;  
Directly related to the development; and,  
Fairly related in scale and kind to the development.

- 6.42 The restriction of these tests will see the following requirements be secured by s.106 agreement:  
Securing the use of additional parking at Burscough Priory Science College and Skelmersdale United for the lifetime of the Football Club  
Securing the use of the wintering bird mitigation land in perpetuity

#### Summary

- 6.43 The site is located within the Green Belt and the development constitutes inappropriate development in the Green Belt. However, very special circumstances have been demonstrated to outweigh the limited harm to the Green Belt, the design and appearance of the development is considered acceptable, as is the impact on neighbouring residential amenity and drainage. Provided land can be secured in perpetuity for the mitigation of impact upon qualifying features of European designated sites such to enable an appropriate assessment to be carried out under the Habitat regulations which demonstrates no likely significant effects and for the provision of additional parking, I am satisfied that the proposal complies with all relevant NPPF and Local Plan

policies.

## **7.0 DEPARTURE**

- 7.1 As this application is considered to constitute inappropriate development in the Green Belt and is more than 1 hectare in site area, it is required to be referred to the Secretary of State for determination under the Town and Country Planning (Consultation)(England) Direction 2009.

## **8.0 RECOMMENDATION**

- 8.1 That the decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman or Vice Chairman of the Planning Committee subject to the applicant entering into an obligation under s.106 of the Town and Country Planning Act 1990 to secure the provision of:

The use of additional parking at Burscough Priory Science College and Skelmersdale United for the lifetime of the Football Club;  
The use of the wintering bird mitigation land in perpetuity.

- 8.2 That once the above S106 Agreement has been secured, a full assessment under the Habitats Regulations is provided which concludes “no likely significant effects”
- 8.3 That, pursuant to recommendation 8.1 and 8.2 above having been satisfied, the application is referred to the Secretary of State for determination.
- 8.4 That, subject to the application not being “called in” by the Secretary of State pursuant to 8.3 above, any planning permission granted by the Director of Development and Regeneration be subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 3765-304 Rev B received by the Local Planning Authority on 27th October 2016;  
Plan reference 3765-305 Rev B received by the Local Planning Authority on 27th October 2015;  
Plan reference 3765-307 Rev B received by the Local Planning Authority on 27th October 2015;
3. Development shall not begin until details of construction access to the site have been submitted to and approved in writing by the Local Planning Authority. The approved access to the site indicated on Plan Ref 3765-304 Rev B shall not be

- constructed until the proposed replacement ground (including the pitch, main stand and parking area) has been completed and is available for use.
4. No building shall be erected until full details and samples of wall and roofing materials have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
  5. No hardstanding, including parking and circulation areas shall be created until full details and samples of materials have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, surfacing materials shall be designed to be porous. Development shall be carried out in accordance with the approved details.
  6. No development shall take place until a landscaping scheme has been submitted to and approved by the Local Planning Authority. The landscaping scheme shall show the location, branch spread, and species of all existing trees and hedges; the location, species and number of all proposed trees, shrubs and hedges; and the location of all existing and proposed grassed and hard surfaced areas. Trees and shrubs planted shall comply with BS. 3936(Specification of Nursery Stock) and shall be planted in accordance with BS. 4428 (General Landscape Operations). Within a period of 9 months from the date when any part of the development is brought into use the approved landscaping scheme shall be carried out. All planting shall be maintained and dead or dying material shall be replaced for a period of seven years from the agreed date of planting.
  7. Floodlighting shall be installed in accordance with the manufacturer's/designer's instructions as indicated on Plan Ref: UKS11055 received by the local Planning Authority on 27th October 2015.
  8. The floodlights hereby approved shall not be used outside the hours of 0800 to 2200 hours Monday to Saturday and 0800 to 2000 hours on Sundays and Bank Holidays.
  9. The pitch shall not be used outside the hours of 0800 hours and 2200 hours Monday to Saturday and 0800 hours to 2000 on Sundays and Bank Holidays.
  10. The pitch and buildings shall not be brought into use until an Interim Travel Plan has been submitted to, and approved in writing by the Local Planning Authority. The provisions of the Interim Travel Plan shall be implemented and operated in accordance with the timetable contained therein unless otherwise agreed in writing with the Local Planning Authority.
  11. Prior to commencement of any part of the development hereby approved, including site clearance, ground preparation, or drainage works, a facility shall be provided by which the wheels of all vehicles leaving the site can be cleaned. The wheels of all vehicles leaving the site during all stages of implementation shall be cleaned so that they do not carry any mud, soil, grit or other such materials onto the public highway.
  12. The new estate road for the development hereby approved shall be constructed in accordance with the Lancashire County Council Specification for the Construction of Estate Roads to at least base course level up to the entrance of the site compound before the use of the site becomes operative.

13. Before the access for the development hereby approved is used for vehicular purposes, the visibility splays measuring 2 metres by 22 metres in both directions, measured along the centre line of the proposed new road from the continuation of the nearer edge of the existing carriageway of Bobby Langton Way shall be provided, to the satisfaction of the Local Planning Authority. The land within these splays shall be maintained thereafter, free from obstructions such as walls, fences, trees, hedges, shrubs, ground growth or other structures within the visibility splays in excess of 1.0 metre in height above the height at the centre line of the adjacent carriageway.
14. The car park shall be surfaced or paved and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan, before the use of the premises hereby permitted becomes operative.
15. No part of the development hereby approved shall be brought into use until the approved access shown on plan Ref: 3765-304 Rev B has been constructed and completed in accordance with the scheme details.
16. Prior to first use of the development hereby approved, a car parking strategy shall be submitted to and approved in writing by the Local Planning Authority to cover the parking requirements necessary in respect of:
  - a) regular league match and expected attendance; and
  - b) high / capacity attendance fixture such as FA Cup/FA Trophy match.
17. The site shall be drained on a separate system, with only foul drainage connected to the public sewerage system. Surface water should discharge directly to soakaway/watercourse. No surface water will be allowed to be discharged into the public sewerage system via direct or indirect means.
18. No development shall commence until details of the design, based on sustainable drainage principles, and implementation of an appropriate surface water sustainable drainage scheme have been submitted to and approved in writing by the local planning authority.

Those details shall include, as a minimum:

  - a) Information about the lifetime of the development, design storm period and intensity (1 in 30 & 1 in 100 year +30% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters, including watercourses, and details of floor levels in AOD;
  - b) The drainage strategy should demonstrate that the surface water run-off must not exceed the pre-development greenfield runoff rate which has been calculated at 9.3 litres per second. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.
  - c) Flood water exceedance routes, both on and off site;
  - d) A timetable for implementation, including phasing as applicable;
  - e) Evidence of an assessment of the site conditions to include site investigation and test results to confirm infiltration rates;
  - f) Details of water quality controls, where applicable.

The scheme shall be implemented in accordance with the approved details prior to first occupation of any of the approved dwellings, or completion of the development, whichever is the sooner. Thereafter the drainage system shall be retained, managed and maintained in accordance with the approved details.

19. No development shall commence until details of an appropriate management and maintenance plan for the sustainable drainage system for the lifetime of the development have been submitted which, as a minimum, shall include:
  - a) the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Management Company
  - b) arrangements concerning appropriate funding mechanisms for its on-going maintenance of all elements of the sustainable drainage system (including mechanical components) and will include elements such as:
    - i. on-going inspections relating to performance and asset condition assessments
    - ii. operation costs for regular maintenance, remedial works and irregular maintenance caused by less sustainable limited life assets or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime;
  - c) means of access for maintenance and easements where applicable.The plan shall be implemented in accordance with the approved details prior to first occupation of the development. Thereafter the sustainable drainage system shall be managed and maintained in accordance with the approved details.
20. No development shall commence until details of how surface water and pollution prevention will be managed during the construction phase have been submitted to and approved in writing by the local planning authority. Those details shall include, as a minimum:
  1. How the peak run-off from surface water shall be limited to the pre-development greenfield run-off rate.
  2. How any potential sources of pollution during the construction phase will be contained
21. Tree felling, vegetation clearance works, demolition work or other works that may affect nesting birds shall not be undertaken between the months of March to August inclusive unless the absence of nesting birds has been confirmed by further surveys or inspections. Such surveys shall be carried out by a suitably qualified and experienced ecologist. If nesting birds (or dependent young) are found to be present, works shall be delayed until such time as nesting is complete and the young have fledged.
22. No work shall be carried out within 5m of the top of the bank of the ditch immediately west of the site and details of methods of protection to this zone shall be submitted to and approved in writing by the Local Planning Authority.
23. No development shall take place until a construction environment management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be implemented in full. The plan shall provide for details of measures to mitigate impacts on biodiversity including a timetable of mitigation works relative to site investigation, site preparation and site clearance;



## **Reasons**

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. In order to ensure that the existing facility is not lost prior to the replacement facility being available for use in the interests of continuing recreational use and in accordance with Policy EN3 of the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. To ensure that the external appearance of the development is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. To ensure that the external appearance of the development is satisfactory and that the development therefore complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To assimilate the proposed development into its surroundings and to ensure that the development complies with the provisions of Policy EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
7. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
8. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
9. To safeguard the amenity of adjacent properties and the area generally and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
10. To ensure that the development provides sustainable travel options in accordance with Policy IF2 of the West Lancashire Local Plan 2012-2027 Development Plan Document.
11. To avoid the possibility of the public highway being affected by the deposit of mud and/or loose materials thus creating a potential hazard for road users and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
13. To ensure adequate visibility for the drivers of vehicles entering and leaving the site and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
14. To allow for vehicles visiting the site to be parked clear of the highway and to assimilate the new car parking areas within the site and to ensure that the

- development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
15. To safeguard the safety and interests of the users of the highway and to ensure that the development complies with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  16. To reduce the traffic impact on the sports complex, the surrounding neighbourhood, the highway and businesses within Burscough and to ensure that the development complies with the provisions of Policies GN3 & IF2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  17. To ensure that the site is properly drained in the interest of local amenity and that the development, therefore, complies with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  18. To ensure that the proposed development can be adequately drained. To ensure that there is no flood risk on or off the site resulting from the proposed development. To ensure that water quality is not detrimentally impacted by the development proposal and to ensure that options reducing the requirement for culverting (and therefore higher up the SuDS hierarchy) have been fully explored in compliance with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  19. To ensure that appropriate and sufficient funding and maintenance mechanisms are put in place for the lifetime of the development. To reduce the flood risk to the development as a result of inadequate maintenance and to identify the responsible organisation/body/company/undertaker for the sustainable drainage system in compliance with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  20. To ensure that the construction phase of development does not pose an undue flood risk on site or elsewhere and to ensure that any pollution arising from the development as a result of the construction works does not adversely impact on existing or proposed ecological or geomorphic condition of water bodies in compliance with the provisions of Policies GN3 & IF3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  21. In the interests of nature conservation and to ensure compliance with the provisions of Policies GN3 & EN2 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
  22. To safeguard protected species and so ensure compliance with Policy EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.
  23. In the interests of protecting biodiversity and residential amenity so to ensure compliance with Policies GN3 and EN2 in the West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Notes**

1. For the avoidance of doubt, this response does not grant the applicant permission to connect to the ordinary watercourse(s) and, once planning permission has been obtained, it does not mean that land drainage consent will be given.

The applicant should obtain Land Drainage Consent from Lancashire County Council before starting any works on site. Information on the application process and relevant forms can be found here:

<http://new.lancashire.gov.uk/roads-parking-and-travel/roads/flooding/alterations-to-a-watercourse.aspx>

2. This response does not grant the applicant permission to connect to the highway drainage network.  
If there are any material changes to the submitted information which impact on surface water, the local planning authority is advised to consider re-consulting the LLFA. Please send a copy of the decision notice to: [suds@lancashire.gov.uk](mailto:suds@lancashire.gov.uk)
3. The grant of planning permission does not entitle a developer to obstruct a right of way and any proposed stopping-up or diversion of a right of way should be the subject of an Order under the appropriate Act.
4. The grant of planning permission will require the applicant to enter into an appropriate Legal Agreement with the County Council as Highway Authority. The Highway Authority hereby reserves the right to provide the highway works within the highway associated with this proposal. Provision of the highway works includes design, procurement of the work by contract and supervision of the works. The applicant should be advised to contact the Director of Community Services at County Hall, Preston PR1 0LD, in the first instance, to ascertain the details of such an agreement and the information to be provided.
5. Traffic Regulation Orders, diversions of Public Rights of Way, Stopping Up of existing highway, changes to public transport scheduling/routing and other activities require separate statutory consultation processes beyond the planning application process. The applicant will be obliged to meet all the costs associated with these of works and ensure that any works which rely upon them do not commence until all legal processes have been satisfactorily completed.
6. This permission is subject to a planning obligation under Section 106 of the Town and Country Planning Act 1990.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:
  - SP1 - A Sustainable Development Framework for West Lancashire
  - GN1 - Settlement Boundaries
  - GN3 - Design of Development
  - IF2 - Enhancing Sustainable Transport Choice
  - IF3 - Service Accessibility and Infrastructure for Growth
  - IF4 - Developer Contributions
  - EN1 - Low Carbon Development and Energy Infrastructure
  - EN2 - Preserving and Enhancing West Lancashire's Natural Environment
  - EN3 - Provision of Green Infrastructure and Open Recreation Space
  - EN4 - Preserving and Enhancing West Lancashire's Built Environment

together with Supplementary Planning Guidance and all relevant material considerations. Whilst the Local Planning Authority recognises that the proposal does not fully comply with Policy GN1 in the West Lancashire Local Plan 2012-2027 DPD it feels that special circumstances exist, namely the circumstances that the club find themselves in and the wish to retain the football club in the local area, together with the fact that the design and layout seeks to limit the impact on the openness by virtue of development to the west of the site, closest to the settlement boundary and the flat roof nature of the two storey element. It is considered that these special circumstances justify approval of the application as set out in the Officer's report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.6 APPLICATION NO.</b>	2016/0941/WL3
<b>LOCATION</b>	185 Banksbarn Digmoor Skelmersdale Lancashire WN8 9ER
<b>PROPOSAL</b>	Conversion of police point/EMB office back into original 3 bedroom bungalow.
<b>APPLICANT</b>	West Lancashire Borough Council
<b>WARD</b>	Digmoor
<b>PARISH</b>	Unparished - Skelmersdale
<b>TARGET DATE</b>	1st December 2016

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### **1.0 PREVIOUS RELEVANT DECISIONS**

None

### **2.0 CONSULTEE RESPONSES**

ESTATES AND VALUATION - 13/10/2016  
Fully support the application

DIGMOOR Estate Management Board – awaiting at time of writing report

LCC HIGHWAYS – awaiting at time of writing report

### **3.0 OTHER REPRESENTATIONS**

None received

### **4.0 SUPPORTING INFORMATION**

None

### **5.0 LOCAL PLAN ALLOCATION**

5.1 The site is located within the settlement area of Digmoor, Skelmersdale as designated as a Regional Town in the West Lancashire Local Plan.

5.2 **National Planning Policy Framework**  
Requiring good design

5.3 **West Lancashire Local Plan (2012-2027)**  
Policy RS1 - Residential Development  
Policy GN1 – Settlement Boundaries

5.4 **Supplementary Planning Document, Design Guide (Jan 2008)**

6.0 **OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

The Site

6.1 The site relates to a single storey mono pitched roof community police point building. The building is located to at the head of the cul-de-sac of Banksbarn and is surrounded by residential dwellings. Prior to becoming a police building it was a dwelling.

6.2 The building was used as a police point and estate management board office and meeting room.

The Proposal

6.3 Planning permission is sought for the change of use of the police point / Estate Management Board (EMB) office back to a 3 bedroom bungalow. As part of the works there would be some alterations to the existing doors and windows. No new openings are proposed.

Assessment

6.4 The main considerations for the determination of this application are;

Principle of development  
Design / appearance / impact on street scene  
Impact upon neighbouring properties  
Highways / parking

**Principle of development**

6.5 The site lies within an established residential area within the settlement area of Digmaor in Skelmersdale. The building does not constitute an essential service and as such its conversion to a residential unit is acceptable and in accordance with Policy RS1 and IF3 of the WLLP.

**Design / appearance / impact on street scene**

6.6 Policy GN3, criterion vi of the West Lancashire Local Plan states that where proposals involve extensions to existing buildings, its design should relate to the

existing building, in terms of design and materials, and should not detract from the character of the street scene.

- 6.7 The property has previously been used as a residential dwelling prior to becoming a police point / EMB office. Many of the existing windows and doors have been maintained and as such only small alterations are proposed to windows and doors as part of this application. Most of the works will be internal. Overall I am satisfied that the proposed alterations are acceptable and would not result in harm to the host building or the wider street scene.

### **Impact upon neighbouring properties**

- 6.8 Policy GN3 of the Local Plan states that developments should 'retain reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the neighbouring and proposed properties.'
- 6.9 The property benefits from a rear garden of about 112m<sup>2</sup>. This is considered ample for the scale of the property proposed. This garden size is also commensurate with other similar properties in the area.
- 6.10 The neighbour at 183 backs directly onto the rear garden of the application property however has no windows which face onto the site. I do not consider that the change of use to a residential dwelling would result in any loss of amenity or privacy to this neighbour.
- 6.11 The eastern side elevation of the application property backs directly onto the neighbouring garden at 187. As part of the works no windows are to be added to this elevation and as such I am satisfied that no overlooking or loss of privacy will result.
- 6.12 I am satisfied that the proposal would not result in any loss of privacy or amenity to any neighbouring property and as such would be compliant with Policy GN3 of the WLLP.

### **Highways / parking**

- 6.13 Policy IF2 of the WLLP states that for a 3 bedroom property, as is the case here, 2 onsite parking spaces must be achieved. 1 dedicated parking space is provided to the front of the property. Whilst this does fall short of the requirements advocated in Policy IF2 I am satisfied that as there are no restrictions on the roads around the property and due to the quiet nature of the cul-de-sac additional parking can be accommodated on the road without resulting in a highway hazard. Therefore the parking arrangements in this case are considered acceptable and should not compromise highway safety in this location.

## **Summary**

- 6.14 In summary, the principle of changing the use of the police point / EMB office is considered acceptable. There would be no detrimental impact to the host building or the character of the street scene as a result of the minimal external works. Furthermore no impact to neighbouring residents is anticipated and parking requirements whilst not being met can be accommodated on the road without resulting in a highway obstruction. Overall the proposal accords with Policy GN3, IF2 and RS1 of the WLLP and should be recommended for approval.

## **7.0 RECOMMENDATION**

The site notice for this application expires on 11<sup>th</sup> November. Subject to no further representations being received that raise issues that have not previously been considered in this report I recommend that planning permission be GRANTED subject to the following conditions:

### **Conditions**

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.
2. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference existing and proposed plans received by the Local Planning Authority on 06.09.2016

### **Reasons**

1. Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

Policy RS1 - Residential Development  
Policy GN1 - Settlement Boundaries  
Policy GN3 - Criteria for Sustainable Development  
Policy IF2 - Enhancing Sustainable transport choices  
Policy IF3 - Service Accessibility and Infrastructure for Growth



together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.

<b>No.7 APPLICATION NO.</b>	2016/0787/COU
<b>LOCATION</b>	Moss Bridge Barn Moss Bridge Lane Lathom Ormskirk Lancashire L40 4BE
<b>PROPOSAL</b>	Change of use from hen cabin to office/workers mess (Retrospective).
<b>APPLICANT</b>	Mr G Parry
<b>WARD</b>	Newburgh
<b>PARISH</b>	Lathom
<b>TARGET DATE</b>	12th October 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be determined by the Council's delegation scheme; however, Councillor Pope has requested it be referred to Planning Committee to consider the impact of the development upon the Green Belt.

## **2.0 PREVIOUS RELEVANT DECISIONS**

### *Planning*

- 2.1 2016/0786/LDC PENDING CONSIDERATION - Certificate of Lawfulness - Dog run erected on an existing hard standing. The pen is made up of a number of galvanised panels, which are bolted together on a concrete base. The run measures 10m long x 2m wide x 2m high and has a small timber kennel 1.1m x 2m at the rear of the run.
- 2.2 2015/0308/PNC REFUSED - Application for determination as to whether prior approval of details is required - Part conversion and change of use of an existing agricultural storage building to a residential unit, alongside associated internal and external alterations.
- 2.3 2013/1208/FUL REFUSED & DISMISSED AT APPEAL - Retention of wood store
- 2.4 2013/0535/FUL GRANTED - Agricultural cattle building.
- 2.5 2009/0573/CON GRANTED - Approval of Details Reserved by Condition No. 2 of planning permission 2009/0271/FUL relating to materials details for the poultry cabin.
- 2.6 2009/0271/FUL GRANTED - Erection of poultry shed and polytunnel.
- 2.7 2008/0949/FUL REFUSED - Erection of timber poultry shed and polytunnel.

- 2.8 2006/1418 DETAILS APPROVED - Consideration of Details for Prior Approval - Erection of agricultural storage building.

*Enforcement complaints and notices*

- 2.9 E/2015/0315/UAU - Unauthorised Change of Use - Change of use of hen shed to dwelling.
- 2.10 E/2013/0231/UBW - Unauthorised Building Works - Without planning permission the construction of an open fronted timber wood store. Appeal dismissed.
- 2.11 E/2013/0023/UAU - Unauthorised Change of Use - Without planning permission the change of use and conversion of a hen cabin into residential accommodation. Notice issued and upheld at appeal.
- 2.12 Other complaints investigated and closed:  
E/2010/0179/BPC - Tractor sales.  
E/2009/0461/BPC - Living in a barn. File closed 8th November 2012.  
E/2009/0199/UAU - Unauthorised use of land for residential purposes.  
E/2008/0391/BPC - Siting of a post box and storage of a boat on land.  
E/2008/0050/UAU - Change of use of barn to have caravan and persons living in it.

**3.0 CONSULTEE RESPONSES**

- 3.1 None.

**4.0 OTHER REPRESENTATIONS**

- 4.1 None.

**5.0 LOCAL PLAN ALLOCATION**

- 5.1 National Planning Policy Framework (NPPF), National Planning Practice Guidance (NPPG) and the West Lancashire Local Plan 2012-2027 DPD (WLLP) provide the policy framework against which the development proposals will be assessed.
- 5.2 The site is located within the Green Belt. The following policies are therefore relevant:

**National Planning Policy Framework (NPPF)**  
Supporting a prosperous rural economy  
Requiring good design

## **West Lancashire Local Plan (WLLP) 2012-2027 DPD**

GN1 - Settlement Boundaries

GN3 - Criteria for sustainable development

EC2 – The Rural Economy

### **6.0 OBSERVATIONS OF DIRECTOR OF DEVELOPMENT AND REGENERATION**

#### The Site

- 6.1 The application site is located at the address of Moss Bridge Barn, Moss Bridge Lane, Lathom. The Leeds-Liverpool Canal defines the northern boundary, Moss Bridge Lane lies to the east and a scattering of residential properties lie to the south and south-east along Moss Bridge Lane. To the west lies agricultural land. The site is located within the Green Belt.

#### The Proposal

- 6.2 Planning permission is sought for the retention of a change of use of a hen cabin to an office/workers mess. The building is located centrally within the site, amongst a small fruit orchard. The building is constructed from timber boarding and has a profiled coloured coated steel roof sheeting. It measures 9m x 4.5m and is located 20m away from Moss Bridge Lane. The interior of the building is partitioned to create a seating area (where there is a solid fuel burner), office, workroom, bathroom and kitchen.

#### Planning History

- 6.3 The site has a fairly extensive history which includes planning permission for the erection of the hen cabin (2009/0271/FUL) and then its unlawful change of use to a dwelling E/2013/0023/UAU. The latter enforcement notice was upheld at appeal. The site has recently had a change in ownership.

#### Principle of Development

- 6.4 Policy GN1 of the West Lancashire Local Plan 2012-2027 DPD states development proposals within the Green Belt will be assessed against national policy and any relevant local plan policies. Therefore, the provisions of the NPPF need to be followed to assess this change of use. Paragraph 90 of the NPPF states that the re-use of buildings is not inappropriate development in the Green Belt, provided that the buildings are of permanent and substantial construction and meet the tests of preserving openness and not conflicting with the purposes of the Green Belt. Given the provisions of the NPPF providing that the existing building is of a permanent and substantial construction and meets the two tests set out above the principle of the retention of the use is accepted.

### Permanent and substantial construction?

- 6.5 At the time E/2013/0023/UAU was being investigated by the Council, it was accepted that this building was of permanent and substantial construction owing to its approved construction materials of horizontal boarding for the walls on red rustic multi facings brick plinth and profiled steel sheet roof sheeting. In addition, substantial works had already been undertaken to convert the building to facilitate an unauthorised residential use, including the partitioning of the interior to create a living room, kitchen, bathroom, central passageway, two bedrooms, the installation of a solid fuel burner and flue and the erection of a porch. Aside from the former bedrooms being used for different purposes (office and workroom), and the porch having been removed, the building has not been altered, but a new porch has been erected without permission. Furthermore, there is a kitchen drain pipe on the southern elevation and a tall vent pipe attached to the eastern side elevation. Apart from the additions to the exterior of the building referred to above, the rest of the elevations have the appearance of those of the approved building with three long horizontal windows on the north and south elevations. Although a large part of the exterior comprises of timber, the Local Planning Authority is of the opinion it meets the tests of permanent and substantial construction in accordance with paragraph 90 of the NPPF.

### Openness

- 6.6 This is the concept of freedom from development and is an absolute test. The development (operational or use) is there or it is not. It relates to the absence of buildings and structures rather than to visual impacts. The concept of openness has been helpfully clarified in a number of appeal decisions as:

a sense of being undeveloped;  
openness relates to the absence of buildings and structures rather than to visual impacts;  
freedom from development;  
a matter of physical presence, not a visual matter.

In this case, the main part of this building has been approved, but the addition of a flue and unauthorised porch do have a limited impact on openness.

### Purposes of the Green Belt

- 6.7 As mentioned in paragraph 5.4 above paragraph 90 the NPPF states five forms of development, including the re-use of buildings, are not inappropriate provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in the Green Belt. Therefore, the re-use of buildings that fail one or both of these two tests, would be contrary to the NPPF due to the detrimental impact on the openness of the Green Belt and the conflict with one of

the purposes of including land in Green Belt aimed at safeguarding the countryside from encroachment.

- 6.8 When the conversion of the hen cabin to a dwelling was being assessed by the Council, it was considered that the addition of a porch, solid fuel burner and flue constituted creeping external domestication in association with the residential use. The original porch no longer exists but it has been replaced and the solid fuel burner and flue still remain. As the fuel burner is internal, the only external item to be considered in respect of openness is the flue. On its own, I do not consider that this has a material impact upon openness. However, I do consider that the solid fuel burner and its flue is unnecessary for use as an office/workers mess and if they remained in situ, the building could easily revert back to being used as a dwelling which was found to be unacceptable under E/2013/0023/UAU. On this basis, I propose to include a condition which would require the removal of the porch, solid fuel burner and flue and to also restrict the building to its proposed use as an office/workers mess.

#### Summary

- 6.9 The change of use of the building to an office/workers mess is in principle acceptable and will not result in a material impact upon the openness of the Green Belt in accordance with Policy GN1 of the WLLP and paragraph 90 of the NPPF. The porch, solid fuel burner and its flue are considered to be unnecessary for the proposed use and do have an additional impact upon openness of the Green Belt. Therefore, these will be required to be removed by a planning condition.

### **7.0 RECOMMENDATION**

- 7.1 That planning permission be GRANTED subject to the following conditions:

#### **Conditions**

1. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
  
Plan reference DWG-NR 1 received by the Local Planning Authority on 22nd July 2016.
2. Within one month of the date of this permission being granted, the existing porch, solid fuel burner and flue shall be removed.
3. The use of the building shall be limited to an office and workers mess serving the purposes of the agricultural holding only and for no other purpose.

### **Reasons**

1. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
2. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN1 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
3. For the avoidance of doubt and to ensure compliance with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

### **Reason for Approval**

1. The Local Planning Authority has considered the proposed development in the context of the Development Plan including, in particular, the following Policy/Policies in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document:

GN1 - Settlement Boundaries

GN3 - Criteria for sustainable development

EC2 - The Rural Economy

together with Supplementary Planning Guidance and all relevant material considerations. The Local Planning Authority considers that the proposal complies with the relevant Policy criteria and is acceptable in the context of all relevant material considerations as set out in the Officer's Report. This report can be viewed or a copy provided on request to the Local Planning Authority.







## **PLANNING COMMITTEE**

**10<sup>th</sup> November 2016**

**(Agenda Item 7)**

**PLANNING APPLICATION ITEMS**

**LOCATION PLANS**

# REPORT NO. 1 : LAND TO THE WEST OF CABIN LANE, GREAT ALTCAR

15 / 1055

N

L31 4LT

West Lancashire Borough Council

23 OCT 2015

RECEIVED

0 0.2 0.4 0.8 km

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Date	02/09/2015
Drawn	T HUNTER
Checked	C IBBOTSON

Coriolis Energy

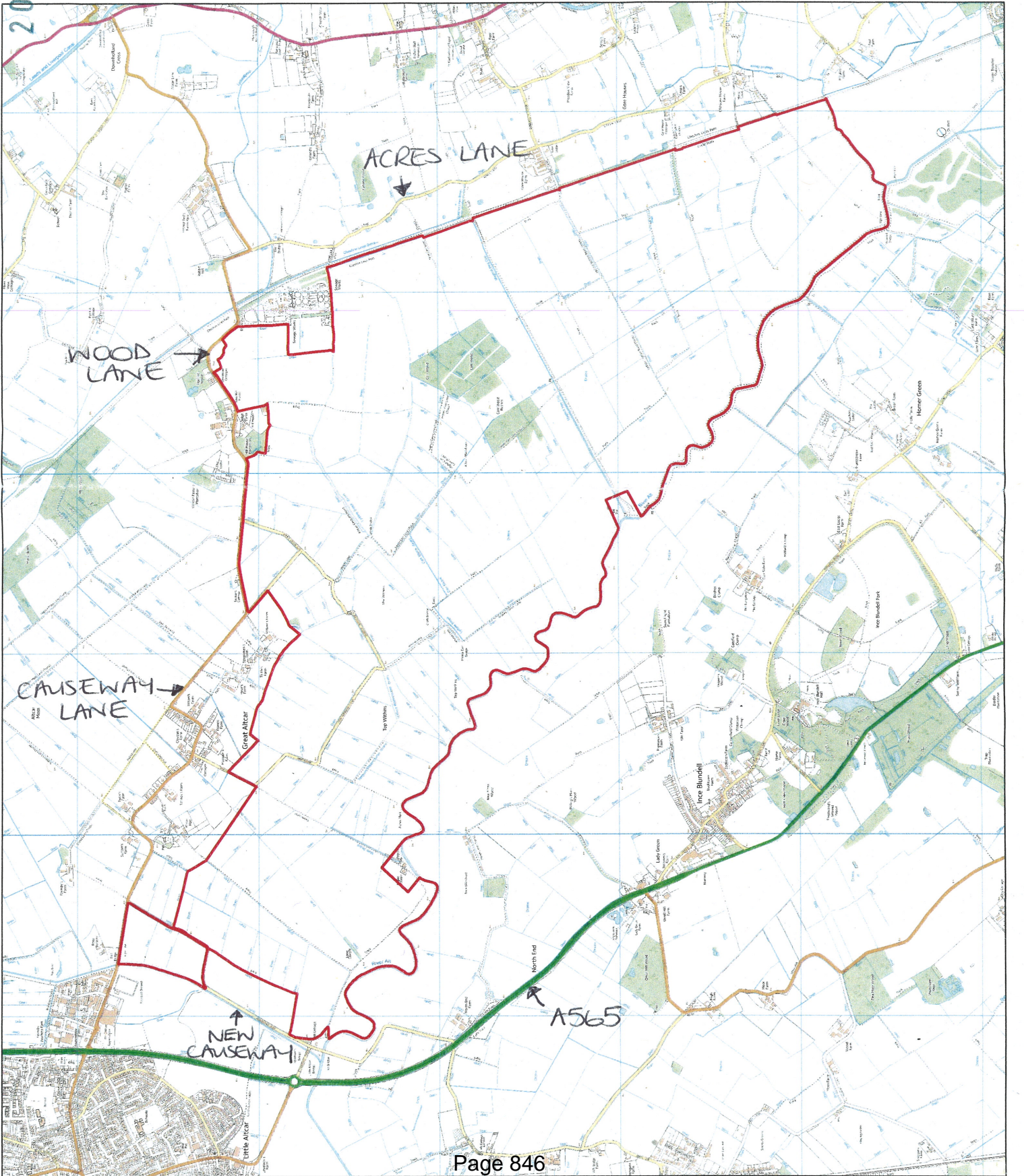
Applicant  
**LOWER ALT WIND FARM LIMITED**  
22-24 King Street  
Marshead  
Berkshire  
SL6 1EF  
Tel: +44 (0) 1628 629 344  
E-mail: info@loweraltwindfarm.co.uk

Project  
**LOWER ALT WIND FARM**

Title  
**APPLICATION BOUNDARY**

Drawing No  
**APP02**

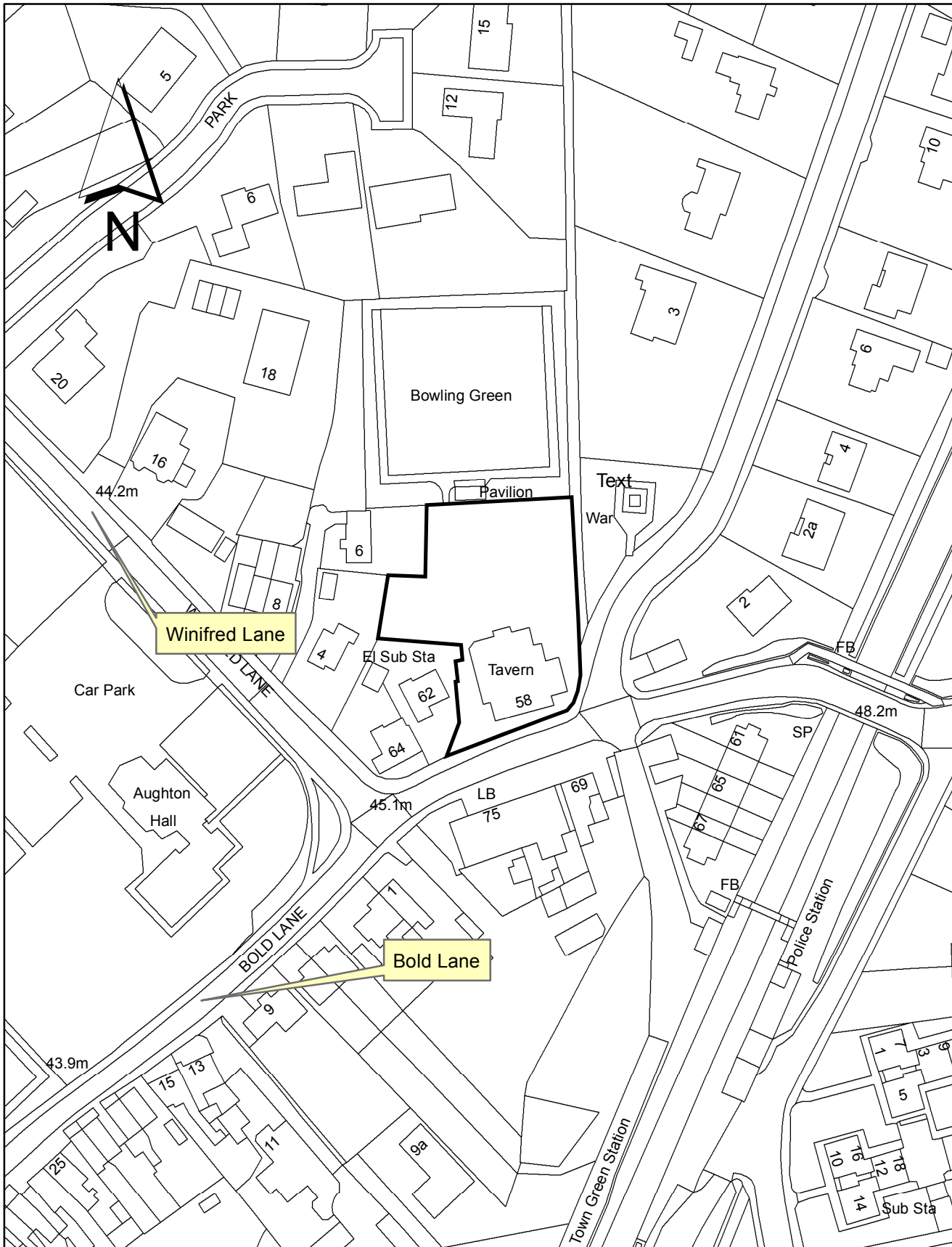
Issue  
**01**





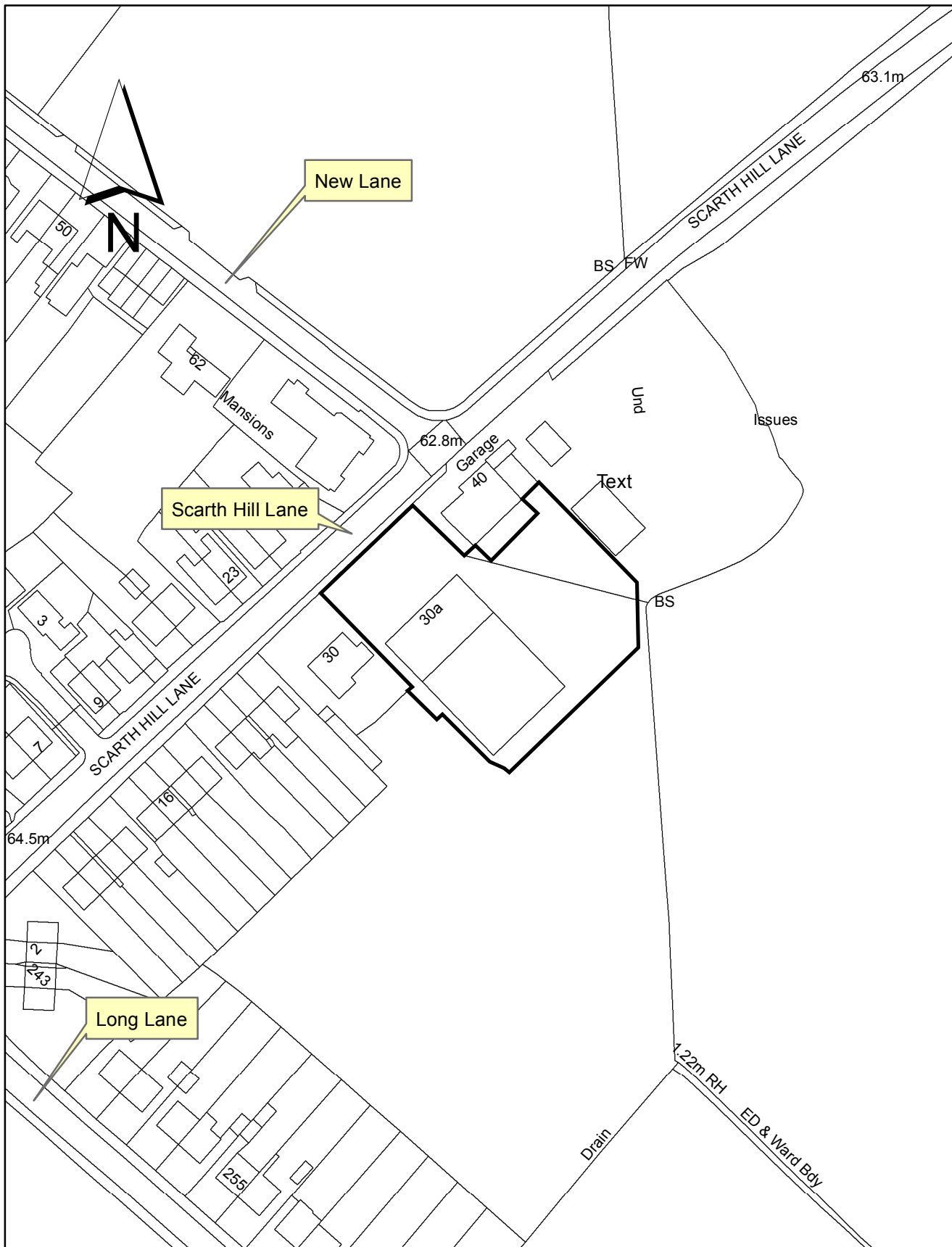


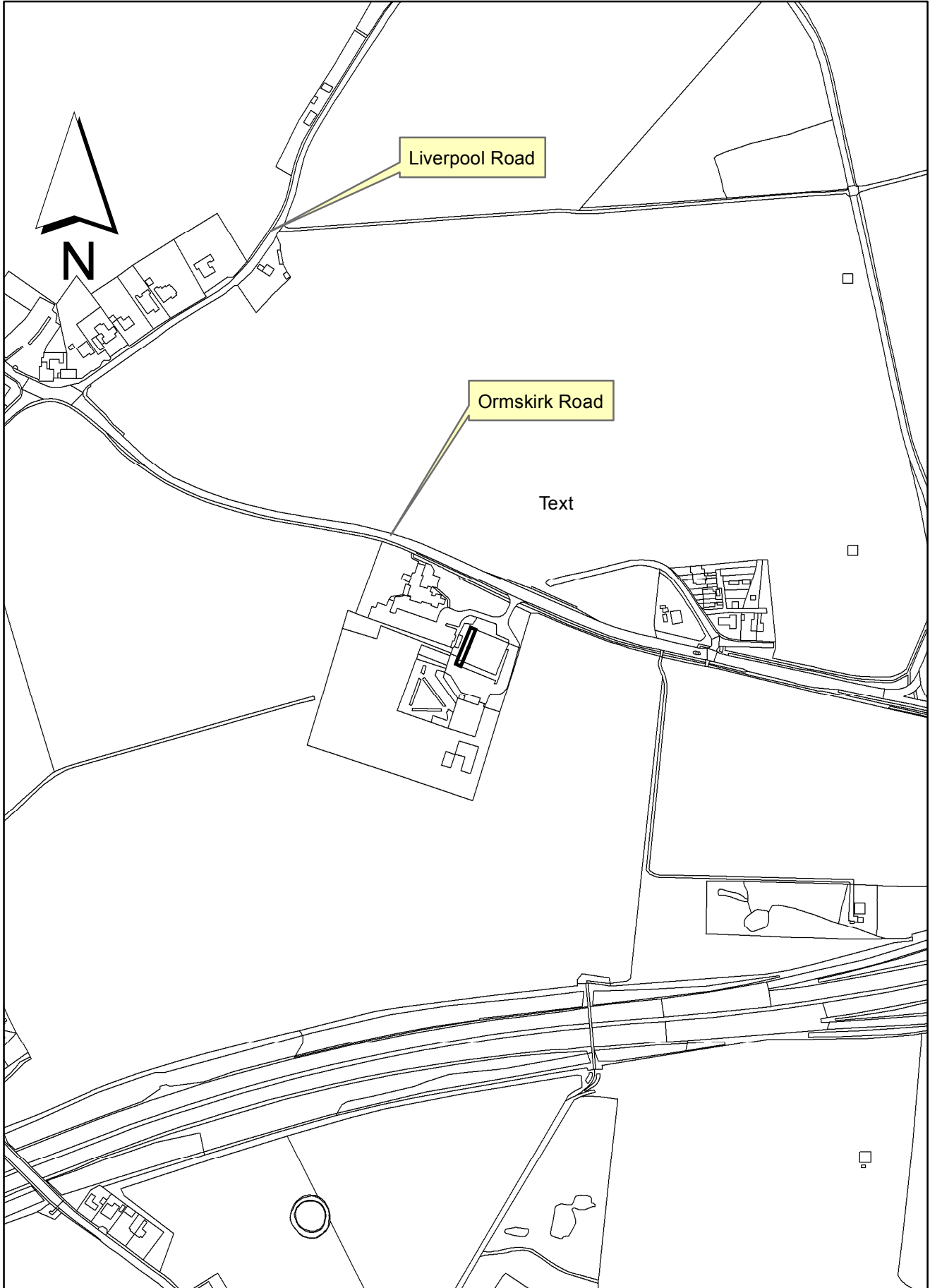
The Cockbeck Tavern, 58 Town Green Lane, Aughton  
Ormskirk L39 6SF





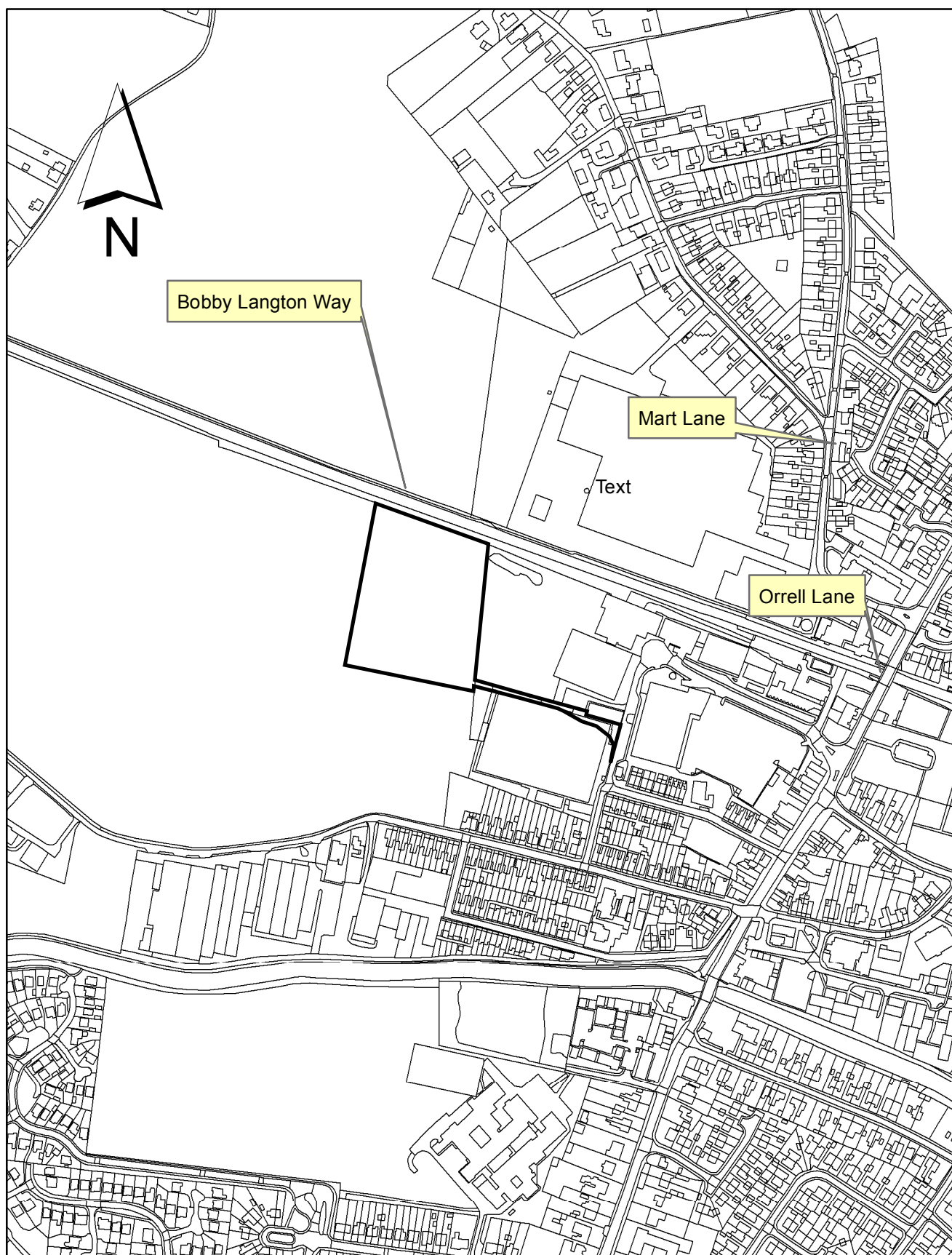
Store and Premises, 30A Scarth Hill Lane, Aughton  
L39 4UH

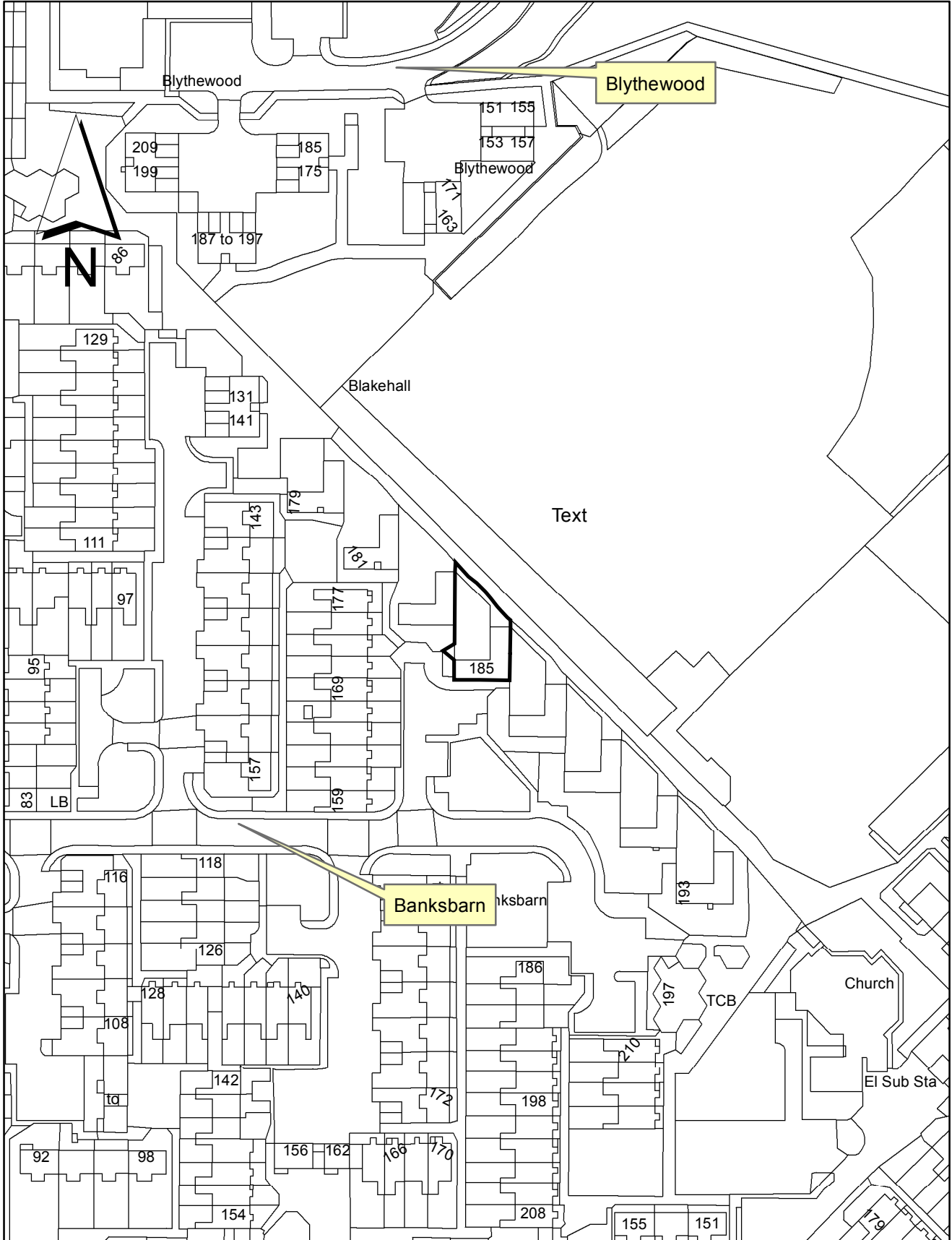






Site







Moss Bridge Barn, Moss Bridge Lane, Lathom, Ormskirk  
L40 4BE

