



**AGENDA ITEM: 7.**

**PLANNING COMMITTEE  
6 OCTOBER 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.	Wrightington	2016/0470/FUL	<p>Fifteens At The Fox Roby Mill Up Holland Skelmersdale Lancashire WN8 0QF</p> <p>Change of use of southern part of public house (18 and 20 Roby Mill) to 2 dwellings (reverting to original use), including demolition of an existing single storey rear extension and erection of new single storey rear extension and replace slates on roof.</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 a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</b></p> <p><b>Pages 5 - 15</b></p>

2.	Wrightington	2016/0471/LBC	<p>Fifteens At The Fox Roby Mill Up Holland Skelmersdale Lancashire WN8 0QF</p> <p>Listed Building Consent - Change of use of southern part of public house (18 and 20 Roby Mill) to two dwellings (reverting to original residential use), including the demolition of an existing substandard single storey rear extension and erection of new single storey rear extension and replace slates on main roof.</p>	<p><b>Listed Building Consent be granted.</b></p> <p><b>Pages 16 - 21</b></p>
3.	Tanhouse	2016/0675/FUL	<p>192 - 198 Ennerdale Tanhouse Skelmersdale Lancashire WN8 6AN</p> <p>Conversion of vacant office unit into 4 no. 2 bed flats and 2 no. 3 bed maisonettes.</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 22 - 26</b></p>
4.	Aughton Park	2016/0625/FUL	<p>183A Long Lane Aughton Lancashire L39 5BU</p> <p>Erection of one single, two storey detached dwelling</p>	<p><b>Planning permission be granted.</b></p> <p><b>Pages 27 - 33</b></p>

5.	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 34 - 127</b></p>
6.	Aughton And Downholland	2016/0381/OUT	<p>Garages To The East Of Arnian Court Molyneux Road Aughton Lancashire</p> <p>Demolition of 31 lock- up garages and outline application including means of access for the redevelopment of the site to provide residential use (Use Class C3).</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 a planning obligation under Section 106 of the Town and Country Planning Act 1990 being entered into.</b></p> <p><b>Pages 128 - 140</b></p>

<b>No.1 APPLICATION NO.</b>	2016/0470/FUL
<b>LOCATION</b>	Fifteens At The Fox Roby Mill Up Holland Skelmersdale Lancashire WN8 0QF
<b>PROPOSAL</b>	Change of use of southern part of public house (18 and 20 Roby Mill) to 2 dwellings (reverting to original use), including demolition of an existing single storey rear extension and erection of new single storey rear extension and replace slates on roof.
<b>APPLICANT</b>	Fox Inn Developments Ltd
<b>WARD</b>	Wrightington
<b>PARISH</b>	Up Holland
<b>TARGET DATE</b>	15th September 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be dealt with under the Council's delegation scheme; however Councillor Pendleton has requested that it be referred to the Planning Committee to consider the impact of the development on Roby Mill Conservation Area.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 2016/0471/LBC – PENDING Listed Building Consent - Change of use of southern part of public house (18 and 20 Roby Mill) to two dwellings (reverting to original residential use), including the demolition of an existing substandard single storey rear extension and erection of new single storey rear extension and replace slates on main roof.
- 2.2 2016/0808/FUL – PENDING Erection of 4 dwelling houses and related works on land to east of car park
- 2.3 2013/0232/FUL – REFUSED (13.05.2013) Erection of two detached dwellings (car park)
- 2.4 2013/0866/FUL – GRANTED (16.10.2013) Modifications to enlarge the patio doors to the rear elevation, installation of new extract duct and floodlights to front and side elevations.
- 2.5 2013/0867/LBC – GRANTED (16.10.2013) Listed Building Consent – Modifications to enlarge the patio doors to the rear elevation, installation of new extract duct and floodlight to front and side elevations.

### **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 HIGHWAY AUTHORITY (14.09.2016) – The applicant has provided a revised car parking layout (Drg no. 36320193 Rev A) and Traffic Survey. The amended parking layout is acceptable and the applicant is proposing for spaces numbered 17-20 to be allocated to the two converted properties. These spaces should be marked out as private parking spaces and must be retained as such in perpetuity to ensure the retention of adequate parking provision for these properties. This should form the basis of a condition. On road parking to serve these two properties would not be acceptable and would present a safety hazard to other users of the highway.
- 3.2 LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (20.06.2016) – Recommend the avoidance of the use of uPVC within the front elevation.
- 3.3 ENVIRONMENTAL HEALTH (19.09.2016) – The kitchen extraction equipment, located adjacent to the rear of the proposed residential properties, is noisy and is likely to effect the amenity of the proposed residential properties, both internally and also within the outdoor amenity space. There is also an air conditioning units which may be noisy and noticeable should the kitchen extraction system be off, for example during the night time period. As such a proper assessment of the noise from this plant is required which should include any possible options for mitigation and details of and consideration of the hours of operation of both of these pieces of plant. A suitably worded condition is recommended. The applicant should also be asked to provide details of the existing odour abatement on the extraction unit, if any.
- 3.4 ENVIRONMENTAL HEALTH (SCIENTIFIC OFFICER) (03/08/2016) – No objection/comments in relation to any possible contamination issues.

### **4.0 OTHER REPRESENTATIONS**

- 4.1 WEST LANCASHIRE CONSERVATION ADVISORY PANEL (07.07.2015) – No objection in principle but external treatment needs to be more sympathetic to the character of the Listed Building. Recommends that the stone flag roof be retained.
- 4.2 Eight representations have been received. A summary of the issues raised is as follows:

The allocated parking within the PH car park will further reduce parking for customers

The proposed elevations are inaccurate and do not reflect the materials of the existing building

The roof should be finished in stone

Car parking provision should accord with the Local Plan

The materials for the replacement doors and windows are inappropriate for a Conservation Area and harmful to the Heritage Asset

The future occupants of No. 20 Roby Mill are likely to be affected by the close proximity of the kitchen extract equipment at the PH. If this in turn requires a new extract design, this could have a detrimental appearance to the outlook

Harmful to setting of Conservation Area and therefore contrary to Policy

The original stone slates should be retained on the front elevation and any replacement stone slates should be on the rear elevation in order to maintain the originality of the building

Also plastic fascia should not be fitted to a listed building.

Building work has already started (without planning permission)

The property is Grade II listed and should be preserved as original

No objection to the buildings reverting to original use but should have regard to historical interest

It is a criminal offence to carry out unauthorised works to a listed building

Scaffolding has been blocking the footpath for approximately 2 years

## **5.0 RELEVANT PLANNING POLICIES**

- 5.1 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.

The site is located within the Green Belt and Roby Mill Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD.

### **National Planning Policy Framework**

Promoting sustainable transport

Delivering a wide choice of high quality homes

Requiring good design

Protecting Green Belt land

Conserving and enhancing the natural environment

Conserving and enhancing the historic environment

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

SP1 – A Sustainable Development Framework for West Lancashire

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

RS1 – Residential Development

IF2 – Enhancing Sustainable Transport Choice

EN2 – Preserving and Enhancing West Lancashire's Natural Environment

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

In addition the following supplementary documents are material considerations:

Supplementary Planning Document - Design Guide (Jan 2008)

Supplementary Planning Document – Development in the Green Belt (Oct 2015)

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

### The Site

- 6.1 The site forms part of the public house known as Fifteens at the Fox (PH). The PH is located on the corner of Roby Mill and School Lane and is a Grade II listed building.
- 6.2 This application relates specifically to the southern part of the PH, which is known as 18 and 20 Roby Mill. These properties are attached to the PH and currently form part of the wider internal layout. However, as their address and appearance suggest, their original function was that of two separate dwellings.

### The Proposal

- 6.3 Planning permission is sought for change of use of No. 18 and 20 Roby Mill to two dwellings for the open market. The proposal also includes the demolition and replacement of an existing single storey rear extension (2.1m x 4m x 3.1m) and the replacement of the roof materials and inclusion of four rooflights within the rear roof slope. Parking for the proposal would be provided in the car park which serves the PH, with two spaces allocated per dwelling.

### Principle of Development

- 6.4 The site lies within the Green Belt and as such must be considered in accordance with the NPPF. Policy GN1 of the Local Plan confirms that development proposals within the Green Belt will be assessed against national policy and any relevant Local Plan policies.
- 6.5 Paragraph 90 of the NPPF advises that the re-use of building is not inappropriate in the Green Belt provided that the buildings are of a permanent and substantial construction and provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.
- 6.6 Paragraph 89 of the NPPF advises that the extension or alteration of a building is not inappropriate in the Green Belt provided that it does not result in disproportionate additions over and above the size of the original building. The Council's SPD on Development in the Green Belt clarifies that extensions/alterations to a building within the Green Belt which exceed 40% of the volume of the original building and likely to be materially larger and therefore disproportionate.

- 6.7 I am satisfied that the existing buildings are of a permanent and substantial construction and the proposed re-use, which is effectively returning them to the their original use, is acceptable as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within the Green Belt. In terms of the proposed extension/alterations, I am satisfied that these would not amount to a disproportionate addition over and above the size of the original dwelling. For these reasons, the principle of the development is deemed to be acceptable and in accordance with the NPPF and Policy GN1 of the Local Plan.

#### Impact on Conservation Area/Listed Building

- 6.8 The buildings proposed to be converted are Grade II Listed Buildings and lie within the Roby Mill Conservation Area. The principle statutory duty under the P(LBCA) 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 require 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 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.

- 6.9 The applicant has revised the plans since the initial submission. This has resulted in confirmation of the following:

The front roof slope would be finished with new stone roof slabs;

The rear roof slope would be finished by using the stone roof slabs removed from the front of the building;

A new black UPVC fascia and soffit with a black OSMA Stormline gutter would be added to the front of the building;

Existing doors on front elevation would be removed and replaced with black painted hardwood doors and frames;

New timber windows to front and rear elevation;

New cast iron rain water pipe to front elevation.

In addition the submitted plans confirm that the proposed rooflights to the rear would be grey conservation style with flush mountings and flashings. The

proposed single storey rear extension would be finished in render to match existing with a stone slab roof and conservation style windows.

- 6.10 With respect to the roof detail, prior to works commencing on site it is agreed that the front roof slope consisted of stone slabs and the rear was finished in slate. The stone flags which have been removed from the buildings have been retained on site and due to the need to repair some of these, it is accepted that the applicant would not have enough material to recover the front roof slope and that 'patching up' the remaining areas would not benefit the overall appearance of the finished development. As the rear roof slope now include rooflights, less material is required to finish this part of the building and this is the reason why the original material is going to be replaced on the rear roof slope, while the front roof slope would be finished in new stone material. Ultimately the retention of a stone roof over the whole building is considered to offer some betterment than the previous condition of the building and is therefore considered to be acceptable.
- 6.11 Whilst the inclusion of a UPVC fascia on the front elevation is not ideal, there is limited evidence to confirm the material of the pre-existing fascia. In addition the applicant is providing a new cast iron rainwater pipe which offers some betterment to the overall appearance of the front elevation. Visually, I do not feel that the inclusion of the proposed fascia would cause significant harm to the appearance of this listed building.
- 6.12 Further to the above, the proposed design/appearance of No. 18 and 20 Roby Mill is considered to be acceptable. The proposed single storey rear extension is considered to be of an acceptable design and scale. Subject to conditions in respect of further window detail (including cross-sections), I am satisfied that the proposed development, in terms of design and appearance would preserve, and in some areas enhance, the character and appearance of the Conservation Area.
- 6.13 I am satisfied that the interior of the building is of limited value due to alterations which have occurred over the years. For this reason it is considered that the proposed development would not cause harm to the Listed building in this respect. Otherwise, I conclude that the proposed development would lead to less than substantial harm to the significance of the Listed building. In accordance with paragraph 134 of the NPPF, this harm must be weighed against the public benefits of the proposal, including securing its optimum viable use. In this respect, the proposal would result in returning the buildings to their original use and thereby securing their sustainable future. In addition, the proposals would result in achieving a stone flagged roof across the whole of the building and new timber doors and windows to enhance its current appearance. These are considered to represent a public benefit which would outweigh the identified '*less than substantial harm*' caused to the listed buildings.
- 6.14 For the above reasons, the proposal is considered to comply with the NPPF and Policy EN4 of the Local Plan.

### Impact on Residential Amenity

- 6.15 Policy GN3 of the Local Plan requires all new development to retain or create reasonable levels of privacy, amenity and sufficient garden/outdoor spaces for occupiers of the proposed and neighbouring properties.
- 6.16 With respect to neighbouring residents, I am satisfied that the proposal would not affect the amenities of those immediately surrounding the application site. There are no additional new openings within the side elevation facing towards No. 16 Roby Mill and so the privacy of this particular neighbour will be retained at current levels. The proposed single storey extension would replace an existing extension and, given its scale, would not cause harm to the amenities of the neighbouring property.
- 6.17 There is an existing air conditioning unit fixed to the rear wall of the PH and in close proximity to the boundary with the application site and an existing kitchen flue attached to the single storey element of the PH. This is set off the boundary with the application site. It is accepted that these units are likely to cause some impact on the amenity of future residents through noise, and possibly smell. However there are a number of mitigating factors to consider in this respect. Firstly, any future residents of the proposed dwellings would be likely to be accepting of the fact that residing next door to a PH would bring with it some potential amenity issues and consider these carefully prior to making a purchase/moving in. Secondly, the positioning of the both of these units need to be sensitive due to the listed status of the PH and their current position is considered to be quite discreet. The Council would wish to avoid the need to relocate these units due to the likely impact this would have on the character and appearance of the listed building. Therefore, and in accordance with the advice received from the Council's Environmental Health department, a condition would be imposed to require a noise and odour assessment to be carried out prior to any further works taking place to ascertain the extent of the potential impact on future residents and to obtain reasonable mitigation measures to address these impacts.
- 6.18 The proposal involves the provision of an area of private amenity space for the each of the proposed dwellings, together with an additional communal area. This level of amenity space provided is considered to be sufficient for the future occupants of these 2 bed properties.
- 6.19 For the reasons outlined above and subject to the imposition of suitable conditions, I am satisfied that the proposal is compliant with Policy GN3 of the Local Plan.

## Highways

- 6.20 Policy GN3 of the West Lancashire Local Plan 2012-2027 DPD states development should incorporate suitable and safe access and have a parking provision which is line with the standards set out in Local Plan Policy IF2 and Appendix F.
- 6.21 The location of the application site is such that on-road parking would not be acceptable as it would present a safety hazard to other users of the highway. As such the applicant has allocated a total of four spaces within the car park which serves the PH to the proposed dwellings (2 per dwelling). The use of these spaces by the occupants of the two properties must be maintained in perpetuity and as such the applicant would be expected to enter into a legal agreement to secure this. Subject to this agreement, I am satisfied that the parking provision for the proposed dwelling is acceptable and would not unduly harm the level of parking retained for the purposes of customers of the PH.

## Summary

- 6.22 In summary, I am satisfied that the principle of the proposed development is acceptable and would not cause harm to the openness of the Green Belt or conflict with the purposes of including land within it. I am required to give the duty imposed under the P(LBCA) considerable weight and in doing so I am satisfied that the proposed development would not significantly harm the designated heritage value of the existing buildings and as such would accord with both the NPPF and the Local Plan. In terms of design/appearance, I am satisfied that the proposal is acceptable; this includes the proposed boundary treatments to the rear. Subject to conditions, I am satisfied that the proposal would result in the retention of reasonable levels of amenity for the future occupants of the proposed dwellings and the proposal would not cause harm to the amenities of existing neighbouring properties. In terms of highway issues, the proposal is considered to be acceptable subject to the applicant entering a legal agreement to reserve the parking spaces for future occupants of the dwellings in perpetuity.

## **7.0 RECOMMENDATION**

- 7.1 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.

- 7.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 7.1 above 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:-

Drawing no. 3632-03 Rev D, 3632-04 Rev C received by the Local Planning Authority on 27th July 2016

Site and location plan received by the Local Planning Authority on 21st July 2016

Proposed Site Layout received by the Local Planning Authority on 8th September 2016

Existing Building Elevations Rev A received by the Local Planning Authority on 27th April 2016

Topographical Survey received by the Local Planning Authority on 19th May 2016

3. The development hereby approved shall be constructed/finished in materials as outlined on plan reference 3632 - 04 Rev C received by the Local Planning Authority on 27th July 2016.
4. No development shall take place until full details of the new/replacement window and door treatment has been submitted to and approved in writing by the Local Planning Authority. Details shall include cross sectional drawings, materials, method of fixing any double glazing and their position within the opening (to confirm the depth of the reveal). The development shall proceed in accordance with the approved details at all times.
5. No development shall take place until samples of any new flag stone roofing slates and details of the laying pattern for both front and rear roof slopes have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details at all times.
6. The car parking shall be marked out in accordance with drawing no. 3632-103 Rev A (received by the Local Planning Authority on 8th September 2016) before the use of the buildings hereby permitted commences and the spaces shall be permanently maintained thereafter for vehicular parking associated with the hereby approved dwellings.
7. No development shall take place until a noise assessment has been carried out by a suitably qualified person and submitted to and approved in writing by the Local Planning Authority. The survey shall assess the impact that noise from the kitchen extraction system and air conditioning unit (located to the rear of the Public House) may have on the development hereby approved. Any

- recommendation agreed by the Local Planning Authority shall be carried out as part of the development, prior to the first occupation of the dwellings.
8. No development shall take place until an odour assessment has been carried out by a suitably qualified person and submitted to and approved in writing by the Local Planning Authority. The survey shall assess the odour impact from the kitchen extraction equipment (located to the rear of the Public House) on the future occupants of the development hereby approved. Any recommendation agreed by the Local Planning Authority shall be carried out as part of the development, prior to the first occupation of the dwellings.
  9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) or any subsequent Orders or statutory provision re-enacting the provisions of these Orders no garages, extensions, alterations, porches, garden sheds, out buildings, greenhouses, swimming pools, hardstandings or means of enclosure shall be erected or undertaken without the express written permission of the Local Planning Authority.
  10. No development shall take place until a scheme for the foul and sustainable surface water systems for the drainage of the development, including any necessary attenuation measures, has been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in full prior to the first occupation of the first new dwelling and maintained as such at all times for the duration of the development.

### **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. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
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5. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
6. To allow for the effective use of the parking areas.
7. To safeguard the amenity of future occupants of the dwellings hereby approved 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 future occupants of the dwellings hereby approved and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

9. The character and location of the property are such that the Local Planning Authority wishes to exercise maximum control over future development to protect the openness of the Green Belt in order to comply with the provisions of Policy GN1(b) in the West Lancashire Local Plan 2012-2027 Development Plan Document and the NPPF.
10. 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.

### **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

RS1 - Residential Development

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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.2 APPLICATION NO.</b>	2016/0471/LBC
<b>LOCATION</b>	Fifteens At The Fox Roby Mill Up Holland Skelmersdale Lancashire WN8 0QF
<b>PROPOSAL</b>	Listed Building Consent - Change of use of southern part of public house (18 and 20 Roby Mill) to two dwellings (reverting to original residential use), including the demolition of an existing substandard single storey rear extension and erection of new single storey rear extension and replace slates on main roof.
<b>APPLICANT</b>	Fox Inn Developments Ltd
<b>WARD</b>	Wrightington
<b>PARISH</b>	Up Holland
<b>TARGET DATE</b>	14th July 2016

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## **1.0 PREVIOUS RELEVANT DECISIONS**

- 1.1 2016/0470/FUL– PENDING Change of use of southern part of public house (18 and 20 Roby Mill) to two dwellings (reverting to original residential use), including the demolition of an existing substandard single storey rear extension and erection of new single storey rear extension and replace slates on main roof.
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- 1.4 2013/0866/FUL – GRANTED (16.10.2013) Modifications to enlarge the patio doors to the rear elevation, installation of new extract duct and floodlights to front and side elevations.
- 1.5 2013/0867/LBC – GRANTED (16.10.2013) Listed Building Consent – Modifications to enlarge the patio doors to the rear elevation, installation of new extract duct and floodlight to front and side elevations.

## **2.0 OBSERVATIONS OF CONSULTEES**

- 2.1 LANCASHIRE ARCHAEOLOGICAL ADVISORY SERVICE (20.06.2016) – Recommend the avoidance of the use of uPVC within the front elevation.

### **3.0 OTHER REPRESENTATIONS**

- 3.1 WEST LANCASHIRE CONSERVATION ADVISORY PANEL (07.07.2015) – No objection in principle but external treatment needs to be more sympathetic to the character of the Listed Building. Recommends that the stone flag roof be retained.
- 3.2 Three representations have been received from three local residents. A summary of the issues raised is as follows:

The roof should be finished in stone

The materials for the replacement doors and windows are inappropriate for a Conservation Area and harmful to the Heritage Asset

Harmful to setting of Conservation Area and therefore contrary to Policy

The original stone slates should be retained on the front elevation and any replacement stone slates should be on the rear elevation in order to maintain the originality of the building

Also plastic fascia should not be fitted to a listed building.

### **4.0 RELEVANT PLANNING POLICIES**

- 4.1 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.

The site is located within the Green Belt and Roby Mill Conservation Area as designated in the West Lancashire Local Plan 2012-2027 DPD

#### **National Planning Policy Framework**

Requiring good design

Protecting Green Belt land

Conserving and enhancing the historic environment

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

GN1 – Settlement Boundaries

GN3 – Criteria for Sustainable Development

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

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

### The Site

- 5.1 The site forms part of the public house known as Fifteens at the Fox (PH). The PH is located on the corner of Roby Mill and School Lane and is a Grade II listed building.
- 5.2 This application relates specifically to the southern part of the PH, which is known as 18 and 20 Roby Mill. These properties are attached to the PH and currently form part of the wider internal layout. However, as their address and appearance suggest, their original function was that of two separate dwellings.

### The Proposal

- 5.3 Listed Building consent is sought for change of use of No. 18 and 20 Roby Mill to two dwellings for the open market. The proposal also includes the demolition and replacement of an existing single storey rear extension (2.1m x 4m x 3.1m) and the replacement of the roof materials and inclusion of four rooflights within the rear roof slope. Parking for the proposal would be provided in the car park which serves the PH, with two spaces allocated per dwelling.

### Impact on Listed Building

- 5.4 The buildings proposed to be converted are Grade II Listed Buildings. The principle statutory duty under the P(LBCA) 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 its decisions and/or assessments which require 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 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.

- 5.5 The applicant has revised the plans since the initial submission. This has resulted in confirmation of the following:

The front roof slope would be finished with new stone roof slabs

The rear roof slope would be finished by using the stone roof slabs removed from the front of the building

A new black UPVC fascia and soffit with a black OSMA Stormline gutter would be added to the front of the building

Existing doors on front elevation would be removed and replaced with black painted hardwood doors and frames  
New timber windows to front and rear elevation  
New cast iron rain water pipe to front elevation

In addition the submitted plans confirm that the proposed rooflights to the rear would be grey conservation style with flush mountings and flashings. The proposed single storey rear extension would be finished in render to match existing with a stone slab roof and conservation style windows.

- 5.6 With respect to the roof detail, prior to works commencing on site it is agreed that the front roof slope consisted of stone slabs and the rear was finished in slate. The stone flags which have been removed from the buildings have been retained on site and due to the need to repair some of these, it is accepted that the applicant would not have enough material to recover the front roof slope and that 'patching up' the remaining areas would not benefit the overall appearance of the finished development. As the rear roof slope now include rooflights, less material is required to finish this part of the building and this is the reason why the original material is going to be replaced on the rear roof slope, while the front roof slope would be finished in new stone material. Ultimately the retention of a stone roof over the whole building is considered to offer some betterment than the previous condition of the building and is therefore considered to be acceptable.
- 5.7 Whilst the inclusion of a UPVC fascia on the front elevation is not ideal, there is limited evidence to confirm the material of the pre-existing fascia. In addition the applicant is providing a new cast iron rainwater pipe which offers some betterment to the overall appearance of the front elevation. Visually, I do not feel that the inclusion of the proposed fascia would cause significant harm to the appearance of this listed building. Other external features, such as the window and door detail is considered to be acceptable and appropriate for a Listed building.
- 5.8 I am satisfied that the interior of the building is of limited value due to alterations which have occurred over the years. For this reason it is considered that the proposed development would not cause harm to the Listed building in this respect. Otherwise, I conclude that the proposed development would lead to less than substantial harm to the significance of the Listed building. In accordance with paragraph 134 of the NPPF, this harm must be weighed against the public benefits of the proposal, including securing its optimum viable use. In this respect, the proposal would result in returning the buildings to their original use and thereby securing their sustainable future. In addition, the proposals would result in achieving a stone flagged roof across the whole of the building and new timber doors and windows to enhance its current appearance. These are considered to represent a public benefit which would outweigh the identified '*less than substantial harm*' caused to the listed buildings.

- 5.9 For the above reasons, the proposal is considered to comply with the NPPF and Policy EN4 of the Local Plan.

### Summary

- 5.10 I have given the duty imposed by s.66(1) considerable weight and feel the proposed works would accord with both the NPPF and Policy EN 4 of the Local Plan.

## **6.0 RECOMMENDATION**

- 6.1 The Listed Building Consent should be GRANTED subject to the following conditions:

### **Conditions**

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

Drawing no. 3632-03 Rev D, 3632-04 Rev C received by the Local Planning Authority on 27th July 2016

Site and location plan received by the Local Planning Authority on 21st July 2016

Existing Building Elevations Rev A received by the Local Planning Authority on 27th April 2016

3. The development hereby approved shall be constructed/finished in materials as outlined on plan reference 3632 - 04 Rev C received by the Local Planning Authority on 27th July 2016.
4. No development shall take place until cross sections of the new/replacement windows have been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the approved details at all times.
5. No development shall take place until details of the method of laying the stone roof flags has been submitted to and approved in writing by the Local Planning Authority. The development shall proceed in accordance with the agreed details at all times.

### **Reasons**

1. Required to be imposed pursuant to Section 18 of the Planning (Listed Buildings & Conservation Areas) 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 preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
5. In order to preserve the special architectural or historic interest of the building and so comply with the provisions of Policy EN4 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.

<b>No.3 APPLICATION NO.</b>	2016/0675/FUL
<b>LOCATION</b>	192 - 198 Ennerdale Tanhouse Skelmersdale Lancashire WN8 6AN
<b>PROPOSAL</b>	Conversion of vacant office unit into 4 no. 2 bed flats and 2 no. 3 bed maisonettes.
<b>APPLICANT</b>	Tanhouse Community Enterprise
<b>WARD</b>	Tanhouse
<b>PARISH</b>	Unparished - Skelmersdale
<b>TARGET DATE</b>	19th August 2016

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## **1.0 PREVIOUS RELEVANT DECISIONS**

- 1.1 1990/1498 – Conversion of maisonette block into Neighbourhood Housing Office. GRANTED.

## **2.0 OBSERVATIONS OF CONSULTEES**

- 2.1 Environmental Protection (14.07.16) – No objections, a condition should be attached requiring installation of electric vehicle charging points.
- 2.2 County Surveyor (08.08.16) – No objection in principle.

## **3.0 OTHER REPRESENTATIONS**

- 3.1 None received.

## **4.0 SUPPORTING INFORMATION**

- 4.1 None.

## **5.0 RELEVANT PLANNING POLICIES**

- 5.1 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.
- 5.2 The site is located within the Regional Town of Skelmersdale as designated in the West Lancashire Local Plan 2012-2027 DPD.

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

SP1 A Sustainable Development Framework for West Lancashire

## **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

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

#### **The Site**

- 6.1 The application site is an existing 4 storey detached rendered building within the Ennerdale Housing Estate. It is currently surrounded by palisade fencing. There is a community centre to the south and there are two storey residential dwellings to the north, east and west. The building was originally built as residential accommodation but was last used as an office; it is currently vacant.

#### **The Proposal**

- 6.2 The application seeks planning permission for conversion of the vacant office building into 4no. 2 bedroom flats and 2no. 3 bedroom maisonettes. The conversion would involve both internal alterations and also alterations to external elevations of the building. These external alterations include the removal of window bars, security lights, cameras and signage; and the installation of some new windows and juliet balconies. An existing porch and doorway on the south elevation would be blocked up, and access to the building will be taken via the existing 3 storey outrigger.

#### **Principle of Development**

- 6.3 The site is located within the settlement area of Skelmersdale, and surrounded by residential development. The building was originally constructed as residential accommodation and converted into office use in 1990, as such residential accommodation in this location is considered acceptable subject to compliance with all other relevant plan policies.

#### **Visual appearance / design / character of area**

- 6.4 Policy GN3 of the Local Plan states that in the case of conversion or alterations to existing buildings, the proposal should relate to the existing building, in terms of design and materials.
- 6.5 The proposed alterations to the building mainly involve the installation of windows and changes to the access to the building. I am satisfied that the external

alterations to the building are acceptable and would not impact detrimentally upon the character of the building or the street scene.

### **Impact on Residential Amenity**

- 6.6 Policy GN3 of the Local Plan advises that developments should retain reasonable levels of privacy and amenity for occupiers of the neighbouring and proposed properties.
- 6.7 Whilst the conversion works would result in the installation of some new windows in particular the enlargement of windows on the south elevation and installation of juliet balconies; these would overlook the rear garden area and beyond that the community centre, and as such there would be no undue impact on residential amenity.
- 6.8 In terms of the impact on residential amenity of future occupiers, there is a garden area to the rear of the building to the south which would provide sufficient amenity space for future occupiers of the building.
- 6.9 I am satisfied that the conversion of the premises to residential use would not have an undue impact on the amenities of local residents.

### **Highways**

- 6.10 Skelmersdale was designed as a new town and therefore the layout and design of the housing estates commonly features parking provision for properties in communal parking areas along the access roads. The block 192-198 Ennerdale was originally constructed as flats/maisonettes which was later converted to office space, therefore the application is to convert it back to its original use. There is no objection to the development on highway safety grounds; I consider that the use of premises for residential accommodation should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.
- 6.11 The Environmental Protection Manager has advised that electric vehicle recharging points should be provided on the site. However, as the site was previously developed for residential purposes and the car parking is already in situ rather than being a new provision, it is not reasonable in this instance to require the provision any vehicle charging points.

### **Summary**

- 6.12 The principle of allowing conversion to residential accommodation is acceptable. The development would not give rise to a detrimental impact on residential or visual amenity, nor would there be a detrimental impact on highway safety. The proposed development accords with Policies SP1, GN1, GN3 and IF2.

## **7.0 RECOMMENDATION**

7.1 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 '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.
3. All external render shall be identical to that on the existing building in respect of colour and texture. If the applicant or developer has any doubts as to whether the proposed materials do match they should check with the Local Planning Authority before commencement of the building works.

### **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 protect the privacy of adjacent residential properties and so comply with the provisions of Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
4. 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.

### **Notes**

1. The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848.

Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).

Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

## **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

IF2 Enhancing Sustainable Transport Choice

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>	2016/0625/FUL
<b>LOCATION</b>	183A Long Lane Aughton Lancashire L39 5BU
<b>PROPOSAL APPLICANT WARD PARISH TARGET DATE</b>	Erection of one single, two storey detached dwelling Mr Jake Kirkham Aughton Park Aughton 10th August 2016

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## **1.0 DEFERRAL**

- 1.1 This application was deferred at September's planning committee in order for members to visit the site.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 1986/0548: GRANTED (18.07.1986) – Outline detached bungalow and new access
- 2.2 1987/0032: GRANTED (133.05.1987) – Outline detached bungalow
- 2.3 1988/0030: GRANTED (08.04.1988) – Detached bungalow and new access
- 2.4 1988/0982: REFUSED (04.11.1988) - Outline – One detached bungalow and new access
- 2.5 1989/1471: REFUSED (30.03.1990) – Outline – One dwelling and new access
- 2.6 1990/1169: REFUSED (30.11.1990) - Detached dormer bungalow and new access.
- 2.7 1994/0359: REFUSED (19.05.1994) - Erection of one detached bungalow with new vehicular access.
- 2.8 2002/0827: REFUSED (05.09.2002) - Erection of three detached dwellings with integral garages.
- 2.9 2004/1079: WITHDRAWN (30.11.2004) - Two storey side extension, replacement single storey front projection with double garage & utility room and dormer to front: APPEAL DISMISSED

- 2.10 2005/0440: GRANTED (08.06.2005) - Incorporation of land into residential curtilage. Two storey side extension; replacement single storey front projection with double garage and utility room and dormer to front.
- 2.11 2014/0391/FUL: GRANTED (18.06.2014) - Erection of one single detached dwelling.

### **3.0** **CONSULTEE RESPONSES**

- 3.1 United Utilities (05.07.16) No Objections subject to conditions
- 3.2 Highways (29.07.16) – No Objection. The applicant has provided adequate parking for the size of property proposed and the proposed layout enables vehicles to enter/exit the site in a forward gear. The proposed development should have a negligible impact on highway safety and highway capacity within the immediate vicinity of the site.

### **4.0** **OTHER REPRESENTATIONS**

- 4.1 I have received 4 letters of objection from neighbouring properties. Their concerns are outlined as follows:

*Concerns of loss of light* - The adjacent property, 183, is a single storey house and the side elevation (gable) that faces the development has a bedroom window on the ground floor and a window in the loft (not velux). Concerned the two storey building in so close proximity would block these rooms of light, especially as there is no other source of natural light to the ground floor bedroom.

The adjacent property number 185 has 4 windows and door which will be impacted on through overshadowing and loss of outlook

*Concerns of overlooking* – Due to the close proximity of the house, we have concerns about being overlooked. The upper floor has been extended and will overlook our property which bounds the site to the rear

*Overdevelopment* – The previously approved application for two bedroom property was reasonable but to increase the size of the dwelling to 4 would be overdevelopment of this site. A 4 bedroom house does not relate to the adjacent buildings which are mainly bungalows

*Disturbance* – I occupy the bedroom at the front of 185 which has the proposed driveway running alongside it. The number of cars associated with a 4 bedroom property would cause disturbance. My property is not very soundproofed as felt was not used under the tiles.

*Boundary treatments* – a fence is proposed between 185 and 183A, the existing hedge (hawthorn and privet) is long established and I hope there is no intention to damage this hedge.

*Drainage* – existing surface water problem in neighbouring gardens, thought to be a blocked culvert. Neighbours have suffered flooding in previous years during

heavy rainfall. An additional dwelling with considerable hard surfaced areas would have serious implications for surrounding properties.

## **5.0 SUPPORTING INFORMATION**

5.1 Design and Access Statement

## **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.

The site is located in Aughton and is designated as a Key Service Centre in the West Lancashire Local Plan DPD (2012-2027)

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

Policy GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing sustainable transport choices

**Supplementary Planning Document:** Design Guide (Jan 2008)

## **7.0 SUMMARY OF ISSUES**

### The Site

7.1 The site relates to an area of land which appears to be garden area and is located to the east of 183 Long Lane, Aughton. To the front of the site is mature hedging. The area features a mixture of primarily residential single storey and two storey developments of varying ages and styles.

### The Proposal

7.2 Planning permission is sought for the erection of a two storey detached 4 bedroom house. As part of the works a new access would be created onto Long Lane.

7.3 Planning permission has previously been granted on the site for a detached two storey dwelling in 2014, reference 2014/0391/FUL.

The main difference with this application and the previously approved application is:

Internal alterations to increase the number of bedrooms;

First floor rear extension over existing kitchen to create a 4th bedroom;  
Alteration to the dwelling by the addition of windows to the front elevation and repositioning of windows and doors.

### Assessment

#### Principal of Development

- 7.4 The principle of development has been established by the granting of planning permission (2014/0391/FUL) as detailed above. That permission remains valid.

#### Design and External Appearance

- 7.5 Policy GN3 of the West Lancashire Local Plan DPD (2012-2027) states that new development should add to the distinctive character and visual amenity of the area. Proposals should consider the scale of new development and ensure that the height and massing is appropriate in relation to the neighbouring properties and the surrounding environment, and that the importance of spaces between buildings is recognised.
- 7.6 With regards to the design and visual appearance of the proposed dwelling, the surrounding area is characterised by a mix of dwelling types and styles. The alteration to the front of the property to incorporate additional windows is considered acceptable and I do not consider that it would result in harm to the character of the street scene. The repositioning of other windows and doors around the property is also considered acceptable in terms of design. I do not consider the design of the property would be out of keeping with the area. I am satisfied that the proposed dwelling can be adequately accommodated on the plot.

#### Impact upon neighbouring properties

- 7.7 Policy GN3 of the West Lancashire Local Plan states that development should “retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor spaces for occupiers of the neighbouring and proposed properties”.
- 7.8 I have received information that confirms the neighbouring dwelling at 183 Long Lane includes a sole habitable bedroom window at ground floor on the gable facing the application site. In order to ensure that the proposed development does not impact on this neighbour’s residential amenity, to a more significant extent than the approved scheme, amended plans have been received during the course of the application. The amended plans show the position of the proposed building closest to 183 Long Lane is now, at 2.5m from the bedroom window, in the same position as the previously approved and extant application ref: 2014/0391/FUL. The proposed dwelling retains the width of the previously approved scheme and is therefore considered to be acceptable.

- 7.9 It is proposed to extend above the previously approved single storey kitchen to create a 4<sup>th</sup> bedroom at first floor. In terms of the impact to 185, there are two 1st floor windows on the two storey rear outrigger facing the development site. It has been confirmed that one is an obscured glazed bathroom window and the second is a clear glazed window serving a part of a bedroom. Whilst the proposed first floor extension would be close to number 185 (7m), given that the windows are secondary (the bedroom has a further window facing the rear garden of the property) I do not consider that the occupiers of 185 will be significantly impacted by the development in terms of poor outlook. Neither do I envisage that the first floor addition would result in a loss of amenity or privacy to the neighbours of 183 Long Lane, given the inset from the party boundary.
- 7.10 In terms of the impact of the 1<sup>st</sup> floor extension on number 239 Black Moss Lane (off set to the rear of the site), the proposal will result in 1<sup>st</sup> floor principle bedroom window facing the rear garden of number 239. There will be approximately 12.5m – 14.5m between the proposed window and rear boundary with number 239. Given that number 239 is off set to the rear, I am satisfied that there are adequate interface distances between the two properties, and the proposed dwelling would not significantly harm the amenities of the occupants of the property to the rear or result in overlooking sufficient to warrant a refusal of planning permission.

#### Highways/Parking

- 7.11 Policy IF2 of the West Lancashire Local Plan DPD (2012-2027) indicates parking provisions for new residential development. It identifies that for 4 bedroom properties as is the case here 3 onsite parking spaces are required. A side drive is proposed which would accommodate two spaces, and a third space is proposed in front of the property.
- 7.12 I am satisfied that the proposed development would provide adequate off road parking provision for this type and size of development. Furthermore I am of the opinion that the proposed dwelling should have a negligible impact on highway safety and highway capacity in the immediate vicinity of the site.

#### Drainage

- 7.13 I note the concerns of residents relating to flooding and drainage. Under the previous approved application conditions were imposed requesting details of foul and surface water drainage to be submitted prior to development. These conditions will be reapplied. United Utilities have raised no objections subject to conditions being attached.

## Summary

- 7.14 In summary I am satisfied that the proposed dwelling would not significantly impact on the character of the street scene or neighbouring properties and the development is in compliance with policies GN1, GN3 and IF2 of the adopted Local Plan.

## **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 Floor layout, KIRKHAM/03 Rev A, Elevations KIRKHAM/04 Rev A, received by the Local Planning Authority on 30th August 2016
3. All external elevations and roofing materials shall be as detailed in section 9 of the application form received 1st June 2016. If the applicant or developer has any doubts as to whether the proposed materials are acceptable they should check with the Local Planning Authority before commencement of the building works.
4. No development shall take place until full details and samples of the hardstanding have been submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt the proposed hardstanding shall be made of a porous materials or provision shall be made to direct run off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwelling house.
5. No development 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.
6. No development shall take place until a scheme for the foul and surface water drainage of the development, including any necessary attenuation measures, has been fully agreed with the relevant statutory body/bodies, and until written evidence of that agreement has been provided to and acknowledged in writing as acceptable by the Local Planning Authority. Foul and surface water shall be drained on separate systems
7. No development shall take place until a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions has been submitted to and approved in writing by the Local Planning Authority.  
The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015)

or any subsequent replacement national standards. In the event of surface water draining to the public surface water sewer, the pass forward flow rate to the public sewer must be restricted to 5 l/s.

### **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. This information is required upfront 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.
5. This information is required upfront 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.
6. This information is required upfront 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. This information is required upfront 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.

### **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 GN1 – Settlement Boundaries

Policy GN3 – Criteria for Sustainable Development

Policy RS1 – Residential Development

Policy IF2 – Enhancing sustainable transport choices

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.5 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 PREVIOUS RELEVANT DECISIONS**

- 1.1 2012/0407/FUL- Installation of an 80m high meteorological mast for a period of 3 years. GRANTED 21.06.12
- 1.2 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
- 1.3 ADJACENT LAND AT HILLHOUSE WASTE WATER TREATMENT WORKS LCC/2015/0061 - Erection of two wind turbines and ancillary works. Approved 20.01.2016

## **2.0. OBSERVATIONS OF CONSULTEES**

- 2.1 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.

- 2.2 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 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)
- 2.3 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>, 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: 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)

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.

#### 2.4 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.

- 2.5 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.
- 2.6 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.
- 2.7 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.
- 2.8 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.
- 2.9 NATS (NATIONAL AIR TRAFFIC SERVICES) (12.09.16 & 11.02.16) – Objects to proposal as the development conflicts with air traffic safeguarding.
- 2.10 MOD (MINISTRY OF DEFENCE) (19.01.16) – Object as the turbines will cause unacceptable interference to the Air Traffic Control radar at Warton Aerodrome.
- 2.11 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).

2.12 LCC ARCHAEOLOGY (22.01.16) – No objection subject to conditions.

2.13 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.

- 2.14 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

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

- 2.16 HEALTH AND SAFETY EXECUTIVE (10.03.16) – No comment

- 2.17 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 - see below.

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.

### **3.0 OTHER REPRESENTATIONS**

#### **3.1 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.

### 3.2 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.

### 3.3 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.

3.4 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.

3.5 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.

3.6 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.

3.7 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.

3.8 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.

3.9 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.

3.10 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 NO<sub>2</sub>).

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 NO<sub>2</sub>) 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 (NO<sub>2</sub>);

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 Môr 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.

### 3.11 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.

3.12 Lydiate 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 areal  
Increased noise  
Shadow flicker  
Impact of construction process and related traffic disruption.

3.13 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.

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

3.14 I have received a substantial number of representations (572) 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

- 3.15 I have received 23 individual letters of support, including one from Central Lancashire Friends of the Earth, and 1133 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

#### **4.0 SUPPORTING INFORMATION**

- 4.1 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  
Socio- Economics  
Traffic and Transport

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)

## **5.0 RELEVANT PLANNING POLICIES**

- 5.1 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.
- 5.2 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  
West Lancashire Borough Council's Sustainable Energy Strategy 2012-20

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

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

### **The Site**

- 6.1 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.
- 6.2 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.
- 6.3 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.

- 6.4 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:

- 6.5 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.
- 6.6 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).
- 6.7 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.
- 6.8 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.
- 6.9 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.

- 6.10 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.
- 6.11 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).
- 6.12 The scheme also allows for the micro-siting of the individual turbines to take account of ground conditions. A micro-siting tolerance of 30 metres radius in any direction is proposed for the turbines, internal access tracks and other associated infrastructure.
- 6.13 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.
- 6.14 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.
- 6.15 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**

- 6.16 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)

- 6.17 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”*.
- 6.18 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)”*.
- 6.19 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”*.
- 6.20 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.
- 6.21 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)

- 6.22 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)

- 6.23 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)

- 6.24 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.
- 6.25 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.
- 6.26 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)

- 6.27 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.

- 6.28 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**

- 6.29 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.
- 6.30 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.
- 6.31 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.
- 6.32 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.
- 6.33 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.

- 6.34 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.
- 6.35 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

- 6.36 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”*.
- 6.37 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.
- 6.38 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

- 6.39 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.
- 6.40 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.
- 6.41 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.
- 6.42 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**

- 6.43 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.

- 6.44 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".
- 6.45 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".
- 6.46 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.
- 6.47 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.

- 6.48 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.
- 6.49 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.
- 6.50 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.
- 6.51 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.
- 6.52 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.

- 6.53 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.
- 6.54 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.
- 6.55 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.
- 6.56 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.

- 6.57 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.
- 6.58 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.
- 6.59 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.
- 6.60 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.
- 6.61 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**

- 6.62 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.*

- 6.63 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.
- 6.64 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.

- 6.65 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.

- 6.66 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.
- 6.67 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.
- 6.68 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.
- 6.69 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 on heritage assets.
- 6.70 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.
- 6.71 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.

- 6.72 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.
- 6.73 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.
- 6.74 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.
- 6.75 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.
- 6.76 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.

- 6.77 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.

- 6.78 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.

- 6.79 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.

- 6.80 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.

- 6.81 *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).

- 6.82 *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).
- 6.83 *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).
- 6.84 *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).
- 6.85 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.
- 6.86 *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.
- 6.87 *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.
- 6.88 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.
- 6.89 *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)

- 6.90 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.
- 6.91 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.
- 6.92 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.
- 6.93 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)

- 6.94 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)
- 6.95 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.
- 6.96 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.
- 6.97 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.
- 6.98 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.

- 6.99 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.
- 6.100 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.
- 6.101 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.
- 6.102 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.
- 6.103 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**

- 6.104 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.*

- 6.105 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.
- 6.106 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, National Vegetation Classification Survey, bat surveys, badger, otter and water vole surveys, amphibian survey and other terrestrial mammal survey.

#### Avian Impacts

- 6.107 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;  
Mersey Estuary SPA;  
Mersey Estuary Ramsar;  
Mersey Narrows and North Wirral Foreshore SPA; and  
Mersey Narrows and North Wirral Foreshore Ramsar.

- 6.108 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 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.
- 6.109 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.
- 6.110 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.

*Age and quality of survey information*

- 6.111 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.

#### *Overall qualifying bird assemblage*

- 6.112 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.
- 6.113 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.
- 6.114 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*

- 6.115 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.

- 6.116 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.
- 6.117 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.
- 6.118 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.
- 6.119 MEAS, 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.

- 6.120 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.
- 6.121 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.
- 6.122 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*

- 6.123 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*

6.124 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*

6.125 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.

6.126 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.

6.127 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.

6.128 I note that RSPB, Wildfowl and Wetlands Trust, 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*

6.129 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*

- 6.130 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*

- 6.131 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*

- 6.132 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*

- 6.133 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*

- 6.134 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.
- 6.135 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.
- 6.136 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*

- 6.137 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*

- 6.138 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 in particular and receives many visitors. 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.
- 6.139 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.
- 6.140 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

- 6.141 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.
- 6.142 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

- 6.143 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.
- 6.144 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*

- 6.145 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.
- 6.146 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.
- 6.147 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.
- 6.148 The Written Ministerial Statement of 25<sup>th</sup> March 2015, issued by the former Secretary of State for the Department of Communities and Local Government indicates that “meeting our energy goals should not be used to justify the wrong

development in the wrong location and this includes the unnecessary use of high quality agricultural land.

- 6.149 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.
- 6.150 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.
- 6.151 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.

- 6.152 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.
- 6.153 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.
- 6.154 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.
- 6.155 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.

- 6.156 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.
- 6.157 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. I can find no evidence in the submission that the applicant has sought to use areas of poorer quality land in preference to that of higher quality contrary to the requirements of the NPPF and NPPG. I consider the application to be deficient in this regard. 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. Whilst the Local Plan is supportive of renewable energy development, the site is not allocated for such a purpose and I remain to be convinced that the loss of best and most versatile agricultural land is justified. In my opinion the application is not compliant with the NPPF, NPPG and policies EC2 and EN2 of the West Lancashire Local Plan in this regard.

#### *Peat*

- 6.158 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.

- 6.159 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.
- 6.160 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.
- 6.161 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.
- 6.162 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

CO2. 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.

6.163 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**

6.164 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;”*

6.165 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.”*

6.166 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.”*

- 6.167 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.”*
- 6.168 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.*
- 6.169 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.
- 6.170 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.
- 6.171 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”*.
- 6.172 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.”*

- 6.173 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”*.
- 6.174 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”*.
- 6.175 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

- 6.176 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.
- 6.177 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).

- 6.178 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.
- 6.179 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.
- 6.180 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.
- 6.181 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.
- 6.182 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

- 6.183 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.

- 6.184 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.
- 6.185 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

- 6.186 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.

- 6.187 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.
- 6.188 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.
- 6.189 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.
- 6.190 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

- 6.191 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.

- 6.192 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.
- 6.193 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.
- 6.194 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

- 6.195 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.
- 6.196 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.

- 6.197 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.
- 6.198 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.
- 6.199 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.
- 6.200 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.
- 6.201 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 “harm” 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).

- 6.202 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 “unpleasant” place to live.
- 6.203 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.
- 6.204 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

- 6.205 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.
- 6.206 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**

- 6.207 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.
- 6.208 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.

- 6.209 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.
- 6.210 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.

6.211 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.

6.212 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.

6.213 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.

6.214 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.

- 6.215 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.
- 6.216 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.
- 6.217 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**

- 6.218 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.

- 6.219 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.
- 6.220 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.
- 6.221 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.

- 6.222 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.
- 6.223 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.
- 6.224 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.
- 6.225 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.
- 6.226 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.
- 6.227 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 routing of construction traffic to allow LCC to conclude that the impacts of routing 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.

- 6.228 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.
- 6.229 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.
- 6.230 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**

- 6.231 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".
- 6.232 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”

- 6.233 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.
- 6.234 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.
- 6.235 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.
- 6.236 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.
- 6.237 The Ministry of Defence have objected to this planning application on the basis that the turbines will be 23.2km from, detectable by, and will cause unacceptable interference to the ATC radar at Warton Aerodrome. NATs have also objected on the grounds that the development will cause false primary plots to be generated and a reduction in the radars probability in detection for real aircraft is anticipated.
- 6.238 Therefore the response received from The MoD and NATs are material planning considerations. 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. As the MoD and NATs have objected to the application, I consider that the development would fail to 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 has not been made acceptable.

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

- 6.239 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.
- 6.240 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.
- 6.241 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.
- 6.242 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.
- 6.243 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.

6.244 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.

6.245 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.

6.246 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**

6.247 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.

- 6.248 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.
- 6.249 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.
- 6.250 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.
- 6.251 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**

- 6.252 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.
- 6.253 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.

- 6.254 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.
- 6.255 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.
- 6.256 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.
- 6.257 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**

- 6.258 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.

- 6.259 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.
- 6.260 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**

- 6.261 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.
- 6.262 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**

- 6.263 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.

6.264 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**

6.265 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.

6.266 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 so significant that it cannot be outweighed by the benefits associated with meeting renewable energy targets.

6.267 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.

6.268 The application would result in the loss of best and most versatile agricultural land. The economy of the Borough is based on agriculture and whilst I appreciate that there would be economic and environmental benefits associated with the proposed scheme, I find the loss of best and most versatile agricultural land is not

sufficiently justified. Furthermore 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.

6.269 I also give the impact of proposed development on aviation significant weight. The impacts of the development on radar and therefore air safety have been found to be unacceptable. I give the objections from NATS and the MOD significant weight in the planning balance and conclude that the contribution the development would make to the production of renewable energy would not outweigh the potential harm to air safety.

6.270 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, Best and Most Versatile agricultural land, the rural landscape and air safety 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) 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 conflicts with the requirements of National Planning Policy Framework together with the Overarching National Policy Statement for Energy (EN1) and Policy EN1 of the West Lancashire Local Plan Development Plan Document 2012-2027 in that it has not been demonstrated that the wind farm would not present a hazard to the safe operation of aircraft.
  6. The proposed development would result in loss of the best and most versatile agricultural land and there is no evidence that the applicant has sought to use areas of poorer quality land in preference to that of higher quality. It has not been justified that this loss is absolutely necessary to deliver strategic infrastructure and the development therefore fails to comply with the National Planning Policy Framework, National Planning Practice Guidance and Policies EC2 and EN2 of the West Lancashire Local Plan Development Plan Document 2012-2027.
  7. 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, aviation, ecology and loss of agricultural land have not been fully addressed and therefore the proposal does not have their backing.

<b>No.6 APPLICATION NO.</b>	2016/0381/OUT
<b>LOCATION</b>	Garages To The East Of Arnian Court Molyneux Road Aughton Lancashire
<b>PROPOSAL</b>	Demolition of 31 lock-up garages and outline application including means of access for the redevelopment of the site to provide residential use (Use Class C3).
<b>APPLICANT</b>	Lock Up Garages Limited
<b>WARD</b>	Aughton And Downholland
<b>PARISH</b>	Aughton
<b>TARGET DATE</b>	31st August 2016

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## **1.0 REFERRAL**

- 1.1 This application was to be determined under the Council's delegation scheme, however, Councillor O'Toole requested that it be referred to the Planning Committee for consideration.

## **2.0 PREVIOUS RELEVANT DECISIONS**

- 2.1 None.

## **3.0 OBSERVATIONS OF CONSULTEES**

- 3.1 Environmental Health (21.07.16) – No comments regarding contamination. The garage roofs consist of corrugated Asbestos Cement sheets, and as such must be taken down and disposed of following the duty of care regulations for such a product. This process should be carried out by an approved contractor with experience in handling asbestos cement sheets.
- 3.2 Environmental Health (06.07.16) – No objections. Request conditions in respect of noise during construction work, air quality and lighting.
- 3.3 Highway Authority (01.07.16) – The proposal has the potential to have a detrimental impact on highway safety and amenity within the immediate vicinity of the site. The site is in close proximity to Town Green Railway Station which is located on Middlewood Road. Due to the proximity to the railway station, parking is at a premium on the surrounding residential roads. Middlewood Road has parking restrictions along its length from its junction with Town Green Lane (No Waiting – Mon-Sat, 8am-6pm) which continues into Molyneux Road for 23m on its Northern side. Molyneux Road also has 'No Waiting Any Time' on its southern side for 75m in an easterly direction from its junction with Middlewood Road.

The proposed development will remove the available off-road parking spaces and the properties in Arnian Court and nearby bungalows do not have any off-road parking spaces. It is accepted that the residents do not actually have rights to park on this land.

From observations on site there are currently lock-up garages and a large parking area, seven vehicles were parked on the parking area at the time of the site visit. It was also observed that vehicles were parked along Molyneux Road which restricted visibility from the site access. Many of the vehicles were parked partly on the footpath. The potential increase of additional parking will worsen the situation and cause amenity issues especially for prams and mobility impaired. Additional on road parking may lead to vehicles parking closer to corners to the detriment of highway safety, by restricting access at the junction to the site and/or obstructing sight lines.

Consideration for providing waiting restrictions at the junction of the access with Molyneux Road or additional off-road parking provision should be considered as part of any reserved matters planning application. It should be noted that the introduction of waiting restrictions has the potential to remove even more parking spaces.

The access road is not to an adoptable standard and will therefore remain private. If the road is not going to be adopted the turning head should be designed as table 8 of the Approved Document B Dwelling Houses. With a minimum of turning head width of 16.8m between kerbs and 19.2m between walls.

The applicant it required to prove the access with Molyneux Road by swept path analysis for a twin axel refuse vehicle or provide a prescribed access with a 5.5m wide road for a minimum of 10m into the site and provide a 6m radius on both sides of the access. This requirement is to prevent the need for a vehicle to reverse back onto Molyneux Road when another vehicle is leaving the access road.

With regard to any future planning application the applicant should take into account the Joint Lancashire Structure Plan and page 126 from West Lancashire Borough Council's Local Plan which recommends the following individual parking provision:

- 1 bedroom dwelling to have 1 car parking space
- 2-3 bedroom dwellings to have 2 car parking spaces
- 4+ bedroom dwellings to have 3 car parking spaces

- 3.4 United Utilities (29.06.16) – No objection to the proposed development provided that conditions in respect of foul and surface water are attached to any consent granted.

#### **4.0 OTHER REPRESENTATIONS**

- 4.1 A total of 8no. letters of representation have been received from local residents. The main grounds of objection can be summarised as:

As a resident of Arnian Court I have had use of one of the garages for 16 years and the leaser has not advised me that this may change.

The traffic on Middlewood Road and Molyneux Road would increase.

Parking is already a problem for residents of Arnian Court, Molyneux Road and Middlewood Road because of the close proximity to the train station.

The development would be a great loss to the local community and area, putting a greater strain on the existing overstretched parking in Molyneux Road and surrounding streets.

Even now parking is such that local buses, lorries and emergency vehicles struggle to travel along Molyneux Road with parked vehicles being damaged.

Around the site levels of parking vary significantly between times of the day, days of the week and months of the year. For these reasons the sample size of the three inspections over two weeks (given in the Transport Statement) is inadequate. As commuters using Town Green station are a large part of the demand sample, taken exclusively in a holiday friendly period is particularly unrepresentative.

There would be a deficiency in parking on the site of approximately 12 spaces, but this does not take into account the removal of the garages and current shortfall in provision for Arnian Court.

If the plan goes ahead car owners from Arnian Court may be forced to sell their cars.

Many of the garages are currently used for storage and accessed far less than daily, there will therefore be an increase in vehicular movements at the site.

The garages and hardstanding have been in existence for more than 50 years. The proposed development will only provide 5 parking spaces outside the gated area replacing the garages and existing hardstanding.

No clear evidence has been given that it is uneconomic to maintain Arnian Court's parking.

There is only one narrow entrance to the site.

The privacy and light of Arnian Court and the surrounding residential area will be affected.

Supporting information with the application suggests that local educational and healthcare facilities are reporting a shortage of demand. However there is no awareness of school spaces for instance being undersubscribed and as such additional housing units will result in oversubscription of the available places.

If members are minded to approve the application additional steps should be taken to mitigate the adverse impacts of the scheme on the immediate area, specifically regarding parking.

- 4.2 Aughton Parish Council (21.06.16) – No objection in principle but access to the site which backs onto the gardens belonging to the Victorian houses in the Conservation Area is currently via a single track road so concern is raised about highway and parking issues, trees, loss of residential amenity and the views into and out of the Conservation Area dwellings.

## **5.0 SUPPORTING INFORMATION**

- 5.1 Design and Access Statement (March 2016)  
Planning Statement (March 2016)  
Affordable Housing Statement (April 2016)  
Crime Impact Statement (April 2016)  
Statement of Community Involvement (April 2016)  
Heritage Statement of Significance and Impact (April 2016)  
Tree Survey and Report (April 2016)  
Drainage Strategy (10.05.16)

## **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 the Key Service Centre of Ormskirk with Aughton as designated in the West Lancashire Local Plan 2012-2027 DPD. It is also adjacent to the Granville Park Conservation Area.

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

Delivering a wide choice of high quality homes  
Promoting sustainable transport  
Requiring good design

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

SP1 – A Sustainable Development Framework for West Lancashire  
GN3 - Criteria for Sustainable Development  
RS1 – Residential Development  
RS2 – Affordable and Specialist Housing  
IF2 – Enhancing Sustainable Transport Choice  
EN2 – Preserving and Enhancing West Lancashire’s Natural Environment  
EN4 - Preserving and Enhancing West Lancashire’s Cultural and Heritage Assets

## **Supplementary Planning Advice**

SPD – Design Guide (January 2008)

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

### **The Site**

- 7.1 The site currently contains single storey garages and car parking. Access is taken via a single lane driveway from Molyneux Road, to the east of Arnian Court. The site is bound to the south by a row of bungalows which front onto Molyneux Road; to the west by Arnian Court which are three storey flats; to the north by a mix of detached and semi-detached dwellings which are located within Granville Park Conservation Area, and; to the east two storey dwellings fronting onto Whalley Drive.

### **The Proposal**

- 7.2 This application seeks outline planning permission for residential development on the site following demolition of 31 no lock up garages. All matters have been reserved for future consideration with the exception of access. Indicative plans and elevations have been submitted with the application which show two apartment blocks, one of which would be two storey and the other three storey; these plans are indicative only.

### **Principle of Development**

- 7.3 Policy RS1 of the Local Plan states that residential development will be permitted within the Borough’s settlements, including Key Service Centres, on brownfield

sites, and on greenfield sites not protected by other policies. The site is within the Key Service Centre of Ormskirk with Aughton and as such the principle of developing the site for residential purposes is acceptable subject to the proposal conforming with all other planning policy.

### **Affordable Housing**

- 7.4 Under the terms of Policy RS2 of the Local Plan affordable housing will be required as a proportion of new residential developments of 8 or more dwellings within the Borough's Key Service Centres. The terms and conditions of any affordable housing that may be required as part of the development can be secured via a section 106 agreement attached to any approval given.

### **Heritage Impact**

- 7.5 The site lies adjacent to the Granville Park Conservation Area. The principle statutory duty under the Planning (Listed Building and Conservation Areas) Act 1990 is to preserve the special character of heritage assets, including their setting.

- 7.6 Paragraph 131 of the NPPF says that in relation to heritage 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.

- 7.7 Policy EN4 of the WLLP states that there will be a presumption in favour of the conservation of designated heritage assets, and that development will not be permitted that will adversely affect a conservation area. Development should preserve or enhance the area's character or appearance and in particular harmonise with its surroundings in terms of mass, scale, form, use of materials and overall design quality.

- 7.8 The Design Guide goes on to say in Policy DP9 that development affecting a listed building or conservation area should always reflect their special interest. Proposals should be sensitive to the character of the historic environment, be high quality in terms of design and materials and aim to enhance the character and appearance of the wider area.

- 7.9 In assessing applications that may affect conservation areas there is a need to give considerable weight and importance to the presumption in favour of the desirability of the preservation of heritage assets including their setting. The main

heritage issue in this case is whether the proposal will have an impact on the setting of the conservation area.

- 7.10 The site is located partly on the sub-divided plots of properties on Middlewood Road. The remainder appears from historic maps to have been occupied by a former nursery and two cottages. Arnian Court, immediately to the west of the site appears to have been constructed in the 1960s. In its current form the site provides a 'neutral' setting to the Conservation Area since it is barely perceived from the principle view of this part of the Conservation Area – from Middlewood Road. This road is lined with large mid-late Victorian villas, most with large gardens to the rear.
- 7.11 The application has been accompanied by indicative drawings to demonstrate how development may be accommodated on the site. From these indicative drawings I consider that the three storey block in particular will be visible behind the large houses on Middlewood Road, particularly through the gaps between these semi-detached dwellings. The current perception is one of openness beyond the rear of these villas; whilst development does exist, it is not perceived from this view. There has been limited backland development near this location in the past (at no.1a Middlewood Road), however at a small two storeys and given its set back, it appears subservient in form to the frontage properties. The three storey apartment block shown in the indicative drawing will appear as large, or potentially larger than those on Middlewood Road, and as the site can be glimpsed at various points through the gaps between houses along Middlewood Road, this would give the impression of the area being more intensively developed, in turn negatively impacting upon the feeling of spaciousness and openness which prevails through the Conservation Area and contributes to its character and appearance. The two storey block shown in the indicative drawings is smaller in scale and would be seen more in context with the garage/outbuilding to the rear of no.7 Middlewood Road and would not cause the same level of harm as the three storey building.
- 7.12 I consider that a three storey development in this location would cause harm to the setting of the Granville Park Conservation Area, however, the harm identified would be considered as less than substantial harm to the designated heritage asset, and the plans submitted are only indicative at this stage. An application for reserved matters would be required to determine the detail of the application, including the scale and layout of the development. I consider that it would be possible to redevelop the site for residential purposes without causing harm to the setting of the Conservation Area, however, not at the scale currently suggested; any subsequent application for reserved matters approval would include full details of the scale and appearance of the buildings which would be fully assessed at this time.

## **Design /Layout**

- 7.13 Policy GN3 of the WLLP states that proposals for development should be of a high quality design and have regard to visual amenity and complement or enhance any attractive attributes and / or local distinctiveness within its surroundings through sensitive design, including appropriate siting, orientation, scale and materials.
- 7.14 The indicative plans show a two storey block of accommodation adjacent to the boundary with no.1a Middlewood Road and a three storey block of accommodation. I consider that whilst the principle of allowing residential accommodation on the site may be acceptable, the form of development shown on the indicative plans represents an overdevelopment of the site in that it would appear out of scale with surrounding buildings and would have a detrimental impact on the setting of the conservation area and may impact on residential amenity. Whilst I do not necessarily support the proposals shown on the indicative plans, these plans are only indicative and any subsequent reserved matters application would have to address these concerns.

## **Impact on Residential Amenity**

- 7.15 Policy GN3 of the WLLP states that proposals for development should retain or create reasonable levels of privacy, amenity and sufficient garden / outdoor space for occupiers of the proposed and neighbouring properties.
- 7.16 The development site is located within close proximity to existing residential dwellings, and as such when considering the design/layout of the proposed dwellings it would be necessary to consider potential impact on existing residents. As the application is in outline form with all matters reserved, potential impact on neighbouring occupiers through overlooking, overshadowing or creation of poor outlook will be an issue that is fully considered at reserved matters stage.

## **Drainage / Flood Risk**

- 7.17 The site lies within Flood Zone 1 and as the site is less than 1ha in size it is outside of the threshold requirements for a Flood Risk Assessment. It has been recommended that the development incorporates sustainable drainage systems into the drainage design. Should planning permission be granted details of drainage would be subject to a planning condition.

## **Trees / Landscaping**

- 7.18 Policy GN3 of the WLLP requires development to minimise the removal of trees, hedgerows, and areas of ecological value, or where removal is unavoidable,

provide for their like for like replacement or provide enhancement of features of ecological value.

- 7.19 As the application is in outline with layout to be agreed at a later date, information in relation to trees is limited. An application for reserved matters should include a design layout with regard to tree constraints in order to meet the requirements of BS: 5837 Trees in Relation to Design, Demolition and Construction.

### **Highways**

- 7.20 The Highway Authority have been consulted with regard to the application and have advised that the proposed development would have the potential to have a detrimental impact on highway safety and amenity within the immediate vicinity of the site. This is a result of the site being in close proximity to the railway station which generates increased on street parking, and the removal of the available off-road parking spaces from within the site.
- 7.21 From information provided within the application submission it seems that whilst the lock up garages themselves are rented to a number of local individuals they are not for the exclusive use of local residents, and are generally used as storage facilities rather than for the parking of cars. Therefore the removal of the garages may displace some vehicles, meaning that they will be required to find alternative parking solutions which could increase parking in surrounding side streets, however, it is unlikely to displace a significant number of parked vehicles to the surrounding road network. Furthermore, the garages were not built specifically for use by local residents and in some cases are rented out to users who do not live in the local area, therefore the displacement from the garages themselves is not likely to be significant in terms of impact on the local highway network.
- 7.22 Vehicles do park on an area of hardstanding located towards the southern boundary of the site. Up to 14 vehicles can be parked in this area, however, these vehicles are parking here without the consent of the landowner, therefore the use of this facility could be restricted at any time by the landowner. Cars can access the site as it is not gated (unlike most of the other sites that are operated by Lock Up Garages Limited), and it would be possible to secure the site at any time and remove all of the unauthorised use. Therefore the off road parking provided here should not be seen as a long term parking solution as it can legitimately be prevented by the applicant.
- 7.23 Concern has also been raised by the Highway Authority in respect of the impact that any additional on road parking may have on the safety at the vehicular access point. The concern is that any additional on road parking may lead to vehicles parking closer to corners at the junction to the site, to the detriment of highway safety, however, this could be managed by the introduction of waiting restrictions. Furthermore, restricted visibility due to parked cars is not uncommon in urban areas particularly residential estates and this restricted visibility generally

encourages slower speeds and in turn the ability to stop a vehicle over a shorter distance.

- 7.24 The indicative plan shows that adequate parking for a residential development can be provided on site. The exact parking requirements will be determined in the assessment of any future reserved matters application. The applicant has provided details to show that the site is accessible by a refuse vehicle.

### **Summary**

- 7.25 This outline application for a residential development is considered acceptable in principle in accordance with all relevant policies of the WLLP. However, the Council concludes that the indicative plans would not represent an appropriate form of development for this site. The Council is of the view that the site could not accommodate 3 storey development satisfactorily.

## **8.0 RECOMMENDATION**

- 8.1 That a decision to grant planning permission be delegated to the Director of Development and Regeneration in consultation with the Chairman and 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.

- 8.2 That any planning permission granted by the Director of Development and Regeneration pursuant to recommendation 8.1 above be subject to the following conditions:

### **Conditions**

1. Application for approval of reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.
2. Before any part of the development hereby approved is commenced approval shall be obtained from the Local Planning Authority for the reserved matters namely the layout; scale and appearance of the building(s); and landscaping of the site.
3. The development hereby approved shall be carried out in accordance with details shown on the following plans:-  
Plan reference 'Location Plan' received by the Local Planning Authority on 01.04.16.  
Plan reference '14.043L(02)002 Demolition Plan' received by the Local Planning Authority on 01.04.16.

4. 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.
5. Foul and surface water shall be drained on separate systems.
6. Prior to the commencement of any development, a surface water drainage scheme, based on the hierarchy of drainage options in the National Planning Practice Guidance with evidence of an assessment of the site conditions shall be submitted to and approved in writing by the Local Planning Authority.

The surface water drainage scheme must be in accordance with the Non-Statutory Technical Standards for Sustainable Drainage Systems (March 2015) or any subsequent replacement national standards and unless otherwise agreed in writing by the Local Planning Authority, no surface water shall discharge to the public sewerage system either directly or indirectly.

- The development shall be completed 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. 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.

9. 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.
10. Prior to construction 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.
11. Prior to the first occupation of any dwelling, those dwellings shall be provided with an electric vehicle charging point which shall be retained for that purpose thereafter.
12. No development 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.
13. No construction 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.

### **Reasons**

1. Required to be imposed pursuant to Section 92 of the Town and Country Planning Act 1990.
2. The application is in outline and the matters referred to in the Condition are reserved for subsequent approval by the Local Planning Authority.
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.
4. 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.
5. 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.

6. To promote sustainable development, secure proper drainage and to manage the risk of flooding and pollution. This condition is imposed in light of policies within the NPPF and NPPG.
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 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 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.
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. In the interests of sustainability in accordance with Policy GN3 in the adopted West Lancashire Local Plan 2012-2027 Development Plan Document.
12. 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.
13. 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.

#### **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

GN3 - Criteria for Sustainable Development

RS1 - Residential Development

RS2 - Affordable and Specialist Housing

IF2 - Enhancing Sustainable Transport Choice

EN2 - Preserving and Enhancing West Lancashire's Natural Environment

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.