

**WLBC RESPONSE TO REGULATION 14 DRAFT BURSCOUGH PARISH NEIGHBOURHOOD PLAN POLICIES**

<b>BNP Policy</b>	<b>West Lancashire Borough Council Response</b>
<p>BPI1 Infrastructure and Development</p>	<p><b>Advise against inclusion of the policy in the Neighbourhood Plan as currently drafted</b></p> <p>The policy is not in conformity with West Lancashire Local Plan Policy SP3 which is strategic and would be contrary to national advice.</p> <p>Whilst WLBC recognise concerns in relation to infrastructure within the Neighbourhood Plan Area, the policy is unduly onerous. The first paragraph refers to proposals for new development which would include development such as house extensions. It also represents frontloading and would be difficult to meet in practice. As the duty is upon a utilities infrastructure provider to connect and make good the policy could not be enforced (see below).</p> <p>Paragraph 6.1.9 refers to WLBC's Infrastructure Delivery Plan (September 2012). The IDP was updated in 2017 and can be found here:  <a href="http://www.westlancs.gov.uk/planning/planning-policy/the-local-plan/local-plan-review/evidence-base.aspx">http://www.westlancs.gov.uk/planning/planning-policy/the-local-plan/local-plan-review/evidence-base.aspx</a></p> <p>Paragraph 6.1.10 of the Reasoned Justification is inconsistent with the policy in that it states that for major applications an assessment should be provided through the submission of an Infrastructure Delivery Statement (IDS). The policy refers to requiring an IDS in relation to the Strategic Development Site and Safeguarded Land sites and requiring a section on infrastructure provision for (other) major developments within a Design and Access Statement. The criteria in relation to the content of the IDS are unduly onerous upon an applicant and criterion iv is not enforceable.</p> <p><u>Suggested Change</u></p> <ul style="list-style-type: none"> <li>• The first sentence of the policy should refer to new development, where appropriate, so as not to apply to minor development such as house extensions.</li> <li>• The first paragraph of the policy should be amended so as to not require a developer to make good infrastructure provision that is the responsibility of a utilities infrastructure provider.</li> <li>• The last sentence of the policy should have "it" inserted after "from".</li> <li>• Criterion iv) of paragraph 6.1.10 should be removed.</li> </ul>

BPNP Policy	West Lancashire Borough Council Response
BPI2 Infrastructure Provision	<p><b>Advise against inclusion of the policy in the Neighbourhood Plan</b></p> <p>This is not a land use planning policy but a statement of how Parish Council wish to see CIL / S106 monies spent and is therefore not necessary. The Parish Council is not the decision-maker for how CIL / S106 is spent other than the "neighbourhood"/"local" portion of the CIL. The wording of the last sentence of the policy in relation to S106 agreements in the preceding sentence is not accurate. The Reasoned Justification also makes reference to chapter 7 (Plan, Delivery and Implementation) in relation to paragraphs 7.25 and 7.26. Paragraph 7.25 is also not accurate; S106 monies can only be sought from developers towards the costs of providing infrastructure that is not on the Regulation 123 list, and if there is a need for the infrastructure which has arisen as a result of a new development taking place (i.e. the infrastructure would be necessary to make the development acceptable in planning terms).</p> <p><u>Suggested Change</u> The policy should be removed from the Neighbourhood Plan with relevant text incorporated into Policy BPI1. Paragraph 7.25 needs to be redrafted in line with comments above.</p>
BPI3 High Quality Communications Infrastructure	<p><b>Supported.</b> WLBC officers have previously commented upon the content of earlier drafts of this policy and the Council has no further observations.</p>
BPI4 Sustainable Urban Drainage System	<p><b>Supported in principle</b>, subject to the following changes.</p> <ol style="list-style-type: none"> <li>1. The widely recognised abbreviation of Sustainable Drainage System is SuDS and not SDS, therefore SDS should be replaced.</li> <li>2. The fourth sentence of the policy should be replaced with "Discharge of surface water to any existing foul drainage system should only be considered as a last resort."</li> <li>3. Paragraph 6.1.20 is not required as underground storage tanks and oversized pipes used to store attenuated flows (i.e. storage employing a flow control device) are deemed to be SuDS.</li> </ol>
BPI5 Foul Water Sewerage System	<p><b>Advise against inclusion of the policy in the Neighbourhood Plan as currently drafted</b></p> <p>The policy is not in conformity with West Lancashire Local Plan Policy SP3 which is strategic, and would be contrary to</p>

BPNP Policy	West Lancashire Borough Council Response
	<p>national advice.</p> <p>Whilst WLBC recognise concerns in relation to wastewater infrastructure within the Neighbourhood Plan Area the policy could not be enforced as the duty is upon an infrastructure provider to connect and make good. It would be very difficult for the developer to demonstrate whether there is sufficient capacity in the system or not. The public sewage system in Burscough is owned and operated by a private company (United Utilities) and only it would know if there is sufficient capacity within the system, not the developer.</p> <p>In addition, the policy requires clarification in relation to the text “the development will need to provide improvements, agreed by United Utilities and other relevant stakeholders, to the sewer infrastructure”. Improvements to the whole network are the responsibility of United Utilities and as such they are the only stakeholder in this context, and such improvements could not be required of a developer.</p> <p>A sewer is usually designed to not flood in a 30 year period so there needs to be clarification at paragraph 6.1.21 within the reasoned justification in relation to what is meant by intense rainfall in this context. It would be better to take surface water off the combined system.</p> <p><u>Suggested change</u> The policy needs to be rewritten in close consultation with United Utilities.</p>
Local Plan Compliance Section relating to infrastructure policies BP11-5	It is considered that the Neighbourhood Plan's infrastructure policies do not presently comply with West Lancashire Local Plan Policy SP3 or complement Local Plan Policies IF3 and IF4. Comments made above need to be taken into account in order to do so.
BPH1 New Residential Development	<p><b>Supported in principle</b>, subject to the following changes.</p> <p>Criterion 4 cannot be enforced so should either be removed or redrafted.</p>
BPH2 Housing Mix	<b>Supported.</b> WLBC officers have previously commented upon the content of earlier drafts of this policy and the Council has no further observations.
Local Plan compliance section	It is considered that Neighbourhood Plan Policy BPH1 does not presently comply with WLLP Policy SP3 or complement

BPNP Policy	West Lancashire Borough Council Response
relating to housing policies BPH1-2	Policy IF3. Comments made above need to be taken into account in order to do so.
BPE1 Burscough Industrial Estate	<p><b>Supported in principle</b>, subject to the following changes.</p> <p>Whilst the first paragraph of the policy refers to employment allocated land at Yew Tree Farm the adopted Local Plan Policies Map does not identify different land uses but simply provides a site boundary for the Strategic Development Site. Figure 4.3 of the WLLP does show employment land within the Strategic Site, however this figure is indicative. It is suggested that in paragraph A the words "the employment allocated land at" are deleted.</p> <p>Criterion A2 should be supported by an explanation / definition of "high quality sustainable design" in the context of the industrial estate.</p> <p>Criterion B1 should be supported by an explanation in the reasoned justification of what marketing exercise is expected. As adopted Local Plan Policy GN4 addresses marketing, consideration could be given to a cross reference to that policy.</p> <p>Criterion B3 should replace "limit" with "prejudice".</p> <p>Criterion C3 should be changed to allow one or more of the non-car mode options, rather than all, by using "and / or".</p> <p>Further consideration should be given to the content of criterion B4 which allows use class A1-A5 uses under certain circumstances. This policy is currently weaker than adopted Local Plan Policy EC1 and could potentially undermine the primary function of the estate for B class employment purposes. The policy criterion should be reworded to allow like for like replacement of existing A1-A5 uses and to allow for small scale ancillary uses to meet the needs of estate workers, with appropriate explanation in the reasoned justification.</p>
Local Plan compliance section relating to employment Policy BPE1	It is considered that Neighbourhood Plan Policy BPE1 does not presently comply with WLLP Policy EC1. Comments made above need to be taken into account in order to do so.
BPR1 Burscough Centre	<b>Supported.</b> WLBC officers have previously commented upon the content of earlier drafts of this policy and the Council has no further observations.
BPR2 Lord Street Opportunity Area	<b>Supported.</b> WLBC officers have previously commented upon the content of earlier drafts of this policy and the Council has no further observations.

BPNP Policy	West Lancashire Borough Council Response
Local Plan compliance section relating to retail policies BPR1-2	Agree with compliance.
BPVE1 Visitor Economy	<b>Supported.</b> WLBC officers have previously commented upon the content of earlier drafts of this policy and the Council has no further observations.
Local Plan compliance section relating to visitor economy policy BPVE1	Agree with complementing Local Plan policies listed; however, reference should be to GN3 and not GEN3.
BPT1 Transport and Development	<p><b>Advise against inclusion of the policy in the Neighbourhood Plan</b></p> <p>The policy repeats national and local plan policy (particularly WLLP Policy GN3) so is not needed. If retained, criterion 4 should be amended as it may prevent development.</p> <p><u>Suggested change</u> The policy should be deleted. If retained, "or alternative modes" should be added to the end of criterion 4.</p>
BPT2 Environmental Improvement Corridors	<p><b>Supported in principle</b>, subject to the following changes.</p> <p>1. The policy may unduly restrict small householder development and looks to influence areas beyond planning control. Part A is too onerous as it refers to all developments and it could not be justified to require house extensions or other small householder development to be accompanied by landscaping or public realm schemes. Criterion A4 may be particularly difficult to achieve for small scale development such as dropped kerbs, hardstanding or adverts. The use of "where relevant" in paragraph A is not considered sufficiently precise to overcome these concerns.</p> <p>2. Criterion A1 wording does not read correctly, "It does not have an unacceptable adverse...." is suggested instead. Paragraph A of the policy should therefore be revised.</p>
BPT3 Car Parking	<p><b>Supported in principle</b>, subject to amendment of paragraph A.</p> <p>Given the limited availability of land within the centre of Burscough, land for replacement car parking of an equivalent basis may not be available which may deter or prevent limited development taking place that could be beneficial to the wider Burscough community.</p>

BPNP Policy	West Lancashire Borough Council Response
	<p>It is unclear how replacement car parking of an equivalent basis could be incorporated in the centre should development or expansion of facilities take place on the Community Hub Development Opportunity Area (Policy BPC2) such as the Grove or Burscough Leisure Centre.</p> <p>Paragraph A of the policy should therefore be amended to allow more flexibility in relation to the provision of replacement car parking.</p>
BPT4 Sustainable Transport Routes	<p><b>Supported in principle</b>, subject to the following changes.</p> <ol style="list-style-type: none"> <li>1. "unless otherwise justified" should be added to the end of criterion 1. Limited circumstances may arise where it would not be practical to provide for all users.</li> <li>2. The last paragraph of the policy may represent double counting by insisting on a development making a contribution to the maintenance / improvement of the STRs as well as paying CIL (which is non-negotiable). As such it is not appropriate and unfairly places a burden on sites local to the STRs when they serve a much wider, strategic function used by residents of sites much further afield, including outside Burscough.</li> <li>3. Figure 6.5 does not show all STRs previously listed and misses out the Ormskirk-Burscough linear park. This figure is also not consistent with the Key Diagram so should be amended for consistency or deleted.</li> </ol>
Local Plan compliance section relating to transport policies BPT1-4	Agree with compliance and complementing Local Plan policies listed.
BPEV1 Local Green Space including accompanying Appendix 6.1 of green space sites	<p><b>Support in principle</b>, subject to the following changes.</p> <ol style="list-style-type: none"> <li>1. Figure 6.6 should be amended to exclude the highway land on site NGS12 Rees Park.</li> <li>2. The site access (Mill Dam Close) cannot reasonably be designated as a neighbourhood green space on site NGS24 (Manor Road) and the site boundary should therefore be amended.</li> </ol> <p>And in terms of the Greenspace Reasoning evidence base document:</p>

BPNP Policy	West Lancashire Borough Council Response
	<p>3. It is not sufficient reason to designate Richmond Park as a Local Green Space because it "accords with the WLLP" (as Green Infrastructure / Open Recreation Space). To designate this site as Local Green Space accordance with the criteria of NPPF paragraph 77 must be demonstrated. Cheshire West and Chester Council have produced a guidance note on the designation of local green space which can be found here:  <a href="http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/toolkit">http://consult.cheshirewestandchester.gov.uk/portal/cwc_ldf/np/toolkit</a></p> <p>4. The explanation in the Greenspace Reasoning evidence base document does not match the site boundary shown on figure 6.6 on site NGS17 Furnival Drive.</p> <p>5. There is a paragraph of non-relevant text in the Greenspace Reasoning evidence base document which should be removed in relation to NGS27 Richmond Court / Square Lane.</p> <p>It is of note that the Strategic Environmental Assessment of the BPNP to accompany the Regulation 14 Public Consultation considers that there would be likely negative effects from this policy upon SEA objectives 1, 2 and 3. As the policy seeks to protect green spaces (many of which are designated by the adopted Local Plan) this assessment of effects is considered to be unduly negative.</p>
BPEV2 Local Heritage Assets	<p><b>Support in principle</b>, subject to the following changes.</p> <p>The second part of the policy seems to go beyond what is asked in the NPPF (paragraphs 128 and 135). Para 128 identifies that the applicant is required to describe the significance of heritage assets and that the level of detail should be proportionate to its importance. Para 135 states that we need to take the significance of a non-designated asset into account and should have regard to the loss/harm in our planning judgement. The 2<sup>nd</sup> part of the policy uses the terms "protect" and "where possible enhance". This goes beyond the NPPF's scope. The last part of the policy relating to mitigation measures again goes beyond national policy.</p> <p>It is of note that to include heritage assets on the Local List will require meeting WLBC assessment criteria and clear evidence to back up inclusion. It may be that when this work is completed, some assets identified are included on the WLBC Local List.</p>
BPEV3 Neighbourhood Heritage Areas including evidence base	<p><b>Support in principle</b>, subject to the following changes.</p>

BPNP Policy	West Lancashire Borough Council Response
Heritage and Character Assessment	<p>The policy should be amended to identify what the elements of value in the Neighbourhood Heritage Areas identified by the Heritage and Character Assessment are and why they are deemed to constitute “special local architectural and historic interest”.</p> <p>And in terms of the Heritage and Character Assessment evidence base document: The Heritage and Character Assessment itself is a high level assessment of the Burscough Parish area. As such, it is not clear how some of the statements in the 'Character Management Principles' section have been arrived at including the following:</p> <ol style="list-style-type: none"> <li>1. The statement <i>"The open landscape between Burscough and other settlements should continue to be protected by Green Belt policy"</i> would need to be supported by an assessment which considers the role of Green Belt in the area in relation to the five purposes identified at paragraph 80 of the NPPF.</li> <li>2. The statement that <i>"without protection enforced through planning policy there is potential for loss of historic features and mature vegetation, further erosion of the historic local vernacular and incursions into the local countryside...."</i> It is considered that the adopted West Lancashire Local Plan Policies EN2 and EN4 provide such protection.</li> <li>3. How the <i>"Reinstatement of the original fenestration patterns, doors and materials should be encouraged"</i> at Orrell Lane, Square Lane, Mart Lane and Victoria Square as there are no powers to do this given that these changes are permitted development.</li> </ol> <p>In addition, several of the projects and initiatives identified under the heading as having potential to be brought forward by CIL, S106 or other means would not be able to be delivered through S106. S106 monies can only be sought from developers towards the costs of providing infrastructure that is not on the Regulation 123 list, and if there is a need for the infrastructure which has arisen as a result of a new development taking place (i.e. the infrastructure would be necessary to make the development acceptable in planning terms).</p>
Local Plan compliance section relating to environment policies BPEV1-3	Neither WLLP Policies EN3 nor EN4 are considered to be strategic policies. Otherwise agree with compliance and complementing Local Plan policies listed.
BPD1 Development and Design	<b>Supported in principle</b> , subject to the following changes.



BPNP Policy	West Lancashire Borough Council Response
Principles	<p>In order to assist prospective applicants, the Reasoned Justification should indicate what current national, County Council and Borough Council guidance referred to in criterion 4 entails.</p> <p>In relation to criterion 6, the term “visually attractive architecture” is too subjective – it should be linked back to reflecting local character – which again needs to be assessed and described.</p>
BPD2 Development and Accessibility Principles	<p><b>Advise against inclusion of the policy in the Neighbourhood Plan</b></p> <p>WLBC officers consider that only criterion 1 should remain as other criteria are addressed elsewhere. As such, this would be insufficient to justify a policy on its own. Even criterion 1 would normally be dealt with via S278 agreement and details not often included on a planning application.</p> <p>Criterion 1 should be incorporated into preceding Policy BPD1.</p>
BPD3 Detailed Design Elements	<p><b>Supported in principle</b>, subject to the following changes.</p> <p>WLBC officers have previously indicated that several of the items listed may not require planning permission e.g. satellite dishes, cable and telephone lines and meter boxes but understand the Parish Council's overall desire to retain the policy. Additionally, provision of and connection to water for fire fighting is dealt with by Building Regulations. It is therefore suggested that criteria 6, 7 and 9 of the policy should be removed.</p>
BPD4 Microgeneration	<p><b>Supported</b></p> <p>Paragraph 6.8.9 should say "and provides <u>a</u> local perspective...."</p>
Local Plan compliance section relating to development and design policies BPD1-4	<p>Agree with complementing Local Plan policies listed.</p>
BPC 1 Community Infrastructure	<p><b>Supported in principle</b>, subject to the following changes.</p> <p>Paragraph 6.9.6 refers to lobbying to obtain receipts from the New Homes Bonus, CIL and S106 agreements. This is not appropriate terminology for inclusion in a planning policy document and should be removed. The Parish Council is not</p>

BPNP Policy	West Lancashire Borough Council Response
	<p>the decision-maker for how CIL / S106 is spent other than the “neighbourhood”/”local” portion of the CIL. S106 monies can only be sought from developers towards the costs of providing infrastructure that is not on the Regulation 123 list, and if there is a need for the infrastructure which has arisen as a result of a new development taking place (i.e. the infrastructure would be necessary to make the development acceptable in planning terms).</p> <p>Paragraph 6.9.7: as above S106 monies can only be sought from developers towards the costs of providing infrastructure that is not on the Regulation 123 list, and if there is a need for the infrastructure which has arisen as a result of a new development taking place.</p> <p>Paragraphs 6.9.6 and 6.9.7 of the Reasoned Justification should be amended to reflect that S106 monies can only be sought from developers towards the costs of providing infrastructure that is not on the Regulation 123 list, and if there is a need for the infrastructure which has arisen as a result of a new development taking place</p>
<p>BPC 2 Community Hub Development Opportunity Area</p>	<p><b>Supported in principle</b>, subject to the following changes.</p> <p>West Lancashire Borough Council are a significant landowner in this area. The policy is too restrictive given the size of the site. It does not have sufficient flexibility to allow enabling development to come forward which could help facilitate the delivery of important aspects of the Community Hub Opportunity Area. The policy may prevent appropriate development coming forward in the future which may be required to help facilitate economic development or meet future objectives that may be beneficial for Burscough.</p> <p>An additional criterion should be added to the policy which indicates that those existing on site facilities that are lost through new development will need to be replaced elsewhere if they are still needed.</p> <p>As presently drafted, Criterion A of Policy BPT3 Car Parking would potentially restrict redevelopment opportunities on this site (see comments in relation to that policy).</p> <p><u>Suggested change</u> The policy needs to be redrafted in close consultation with WLBC.</p>
<p>Local Plan compliance section relating to community policies</p>	<p>Agree with complementing Local Plan policies listed.</p>

BPNP Policy	West Lancashire Borough Council Response
BPC1-2	
Appendix 2.1 West Lancashire Local Plan Non-Strategic Policies	Appendix 2.1 identifies policies that are considered to be non-strategic. WLBC officers consider that the following policies are also not of a strategic nature: EC3, EC4, RS3, RS4 and RS5.
Section 8 Plan Monitoring and Review	Indicators that will be used to assess the success of the Neighbourhood Plan should be identified. At present there is no information about what each Neighbourhood Plan policy will be monitored against.
Key Diagram	<p>Sustainable transport routes shown are not consistent with figure 6.5. The Ormskirk-Burscough linear park is also omitted.</p> <p>The boundary of green space site NGS17 is inconsistent with figure 6.6.</p> <p>The highway land on neighbourhood green space site NGS12 Rees Park should be excluded.</p> <p>The site access (Mill Dam Close) cannot reasonably be designated as a neighbourhood green space on site NGS24 (Manor Road) and the site boundary should therefore be amended.</p> <p>Conservation Area boundaries are incorrect – see comment below in relation to figure 3.8.</p>
Recommended minor changes	<ol style="list-style-type: none"> <li>1. Paragraph 3.12 - Outline planning permission for a mixed-use development including up to 580 dwellings at Yew Tree Farm (Local Plan Policy SP3) (2015/0171/OUT) was approved on 20th March 2017.</li> <li>2. Paragraph 3.30 – the last sentence indicates that the WLLP policies are sufficient to protect the existing employment land provision and that there is no need for an additional policy within the Neighbourhood Plan. However, the Neighbourhood Plan does include Policy BPE1 in relation to the Burscough Industrial Estate.</li> <li>3. Paragraph 3.46 – the last sentence indicates that the Neighbourhood Plan contains a policy seeking protection of nature conservation sites and ensuring that any development that would impact upon them should be mitigated for. This policy was contained in an earlier draft of the Neighbourhood Plan and was subsequently removed. However, a recommendation of the Burscough Parish Neighbourhood Plan Habitats Regulations Assessment Screening (HRA) Report (August 2017) was that an additional policy should be added to Section 6.7: Environment which specifically protects the natural environment.</li> </ol> <p>West Lancashire Borough Council officers are of the opinion that such a policy is not necessary in the Neighbourhood Plan as a cross reference to Local Plan Policy EN2 of the WLLP would be sufficient. The HRA Screening Report has been sent to Natural England for comment and a response is presently awaited.</p>

BPNP Policy	West Lancashire Borough Council Response
	<p>4. Figure 3.8 Junction Lane and Top Locks Conservation Areas – both conservation areas shown on the figure do not reflect the respective designated conservation area boundaries. A minor change is required in respect of Junction Lane and more substantive changes in relation to Top Locks. The correct boundaries can be found here: <a href="http://www.westlancs.gov.uk/about-the-council/contact-us/maps-and-directions/conservation-areas.aspx">http://www.westlancs.gov.uk/about-the-council/contact-us/maps-and-directions/conservation-areas.aspx</a></p> <p>5. Paragraph 7.19 should refer to considering the ground floor of the library for community use as well as other uses.</p> <p>6. Paragraph 7.27 Delivery Action Plan – there is no arrangement with West Lancashire Borough Council for the Parish Council to be allocated New Homes Bonus monies. Previous references in the Neighbourhood Plan (paragraphs 6.9.6 and 7.25) refer to the Parish Council lobbying to obtain receipts to the New Homes Bonus. Paragraphs 7.25 and 7.27 should therefore be amended accordingly.</p>