



The Planning  
Inspectorate

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# Report to West Lancashire Borough Council

by **Roger Clews BA MSc DipEd DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Date 26 September 2013

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PLANNING AND COMPULSORY PURCHASE ACT 2004 (AS AMENDED)

SECTION 20

## **REPORT ON THE EXAMINATION INTO THE WEST LANCASHIRE LOCAL PLAN**

*The Local Plan was submitted for examination on 31 October 2012.*

*The Examination hearings were held between 19 February and 7 March 2013.*

File Ref: P2365/429/1

## Abbreviations used in the report

2004 Act	<i>Planning and Compulsory Purchase Act 2004 (as amended)</i>
2012 Regulations	<i>The Town and Country Planning (Local Planning) (England) Regulations 2012</i>
the Council	West Lancashire Borough Council
CS	Core Strategy
CSPO	<i>Core Strategy Preferred Options</i>
DCLG	Department for Communities and Local Government
DPD	Development Plan Document
dpa	dwellings per annum
dph	dwellings per hectare
HCA	Homes and Communities Agency
HRA	Habitats Regulations Assessment
HRR	Household representative rate
HMO(s)	House(s) in Multiple Occupation
JELPS	<i>Joint Employment Land and Premises Study</i>
LCC	Lancashire County Council
LDS	<i>Local Development Scheme</i>
LPPO	<i>Local Plan Preferred Options</i>
MM	Main Modification
NLP	Nathaniel Lichfield and Partners
NPPF	<i>National Planning Policy Framework</i>
NWRSS	<i>North West Regional Spatial Strategy</i>
ONS	Office for National Statistics
the (Local) Plan	<i>The West Lancashire Local Plan</i>
R&D	Research and development
RDO site	Rural Development Opportunity site
RLP	<i>The West Lancashire Replacement Local Plan, adopted 2006</i>
RPG13	<i>Regional Planning Guidance Note 13</i>
SA	Sustainability Appraisal
SCI	<i>Statement of Community Involvement</i>
SCS	<i>Sustainable Community Strategy</i>
SDS	Strategic Development Site
SHLAA	<i>Strategic Housing Land Availability Assessment</i>
SHMA	<i>Strategic Housing Market Assessment</i>
SNPP	Sub-national population projections
SPA	Special Protection Area
UW	United Utilities Water plc
WWTW	Waste Water Treatment Works

## **Non-Technical Summary**

This report concludes that the West Lancashire Local Plan provides an appropriate basis for the planning of the Borough until 2027, provided that a number of modifications are made to the Plan. The Council has specifically requested that I recommend any modifications necessary to enable them to adopt the Plan. All the necessary modifications were proposed by the Council, and all have been the subject of public consultation. I have recommended their inclusion after full consideration of the representations made on them.

The purposes of the modifications can be summarised as follows:

- Amending the housing land requirement for the Plan period in the light of evidence provided during the Examination;
- Clarifying the number of dwellings expected to come forward on each allocated site;
- Allocating additional sites for development to meet the assessed need for housing and employment land;
- Updating and clarifying the Plan's position towards drainage and sewerage infrastructure constraints;
- Formalising the mechanism for allocating reserve housing sites ("Plan B") to make it effective;
- Amending some of the development management policies so that they are clear and comply with national policy.

## Introduction

1. This report contains my assessment of the West Lancashire Local Plan in terms of Section 20(5) of the *Planning and Compulsory Purchase Act 2004*, as amended [the 2004 Act]. It considers first whether the Plan's preparation has complied with the duty to co-operate, since there is no scope to remedy any failure in this regard. It then considers whether the Plan is sound and whether it is compliant with all the legal requirements. At paragraph 182, the *National Planning Policy Framework* [NPPF] makes it clear that to be sound, a plan should be positively prepared, justified, effective, and consistent with national policy.
2. The starting point for the Examination is the assumption that West Lancashire Borough Council [the Council] have submitted what they consider to be a sound plan. The basis for my examination is the submitted draft plan, which is the same as the document published for consultation in August 2012.
3. In accordance with section 20(7C) of the 2004 Act, the Council have requested that I recommend modifications to rectify any matters that make the Plan unsound or legally non-compliant and thus incapable of being adopted. My report therefore considers the main modifications that are needed to make the Plan sound and legally compliant. They are identified in bold in the report with the prefix **MM**, and set out in full in an Appendix.
4. The main modifications have been subject to public consultation and, where necessary, Sustainability Appraisal [SA]. Consultation also took place on the implications of the revocation of the *North West Regional Spatial Strategy* [NWRSS], and of the publication by the Department for Communities and Local Government [DCLG] of interim household projections for 2011-2021, both of which occurred after the Examination hearings had finished. I have taken all the responses to each consultation, the Council's comments about the representations made on the Main Modifications, and all the other written and oral representations made during the Examination into account in preparing my report.

## Assessment of the duty to co-operate

5. The Council's *Statement of Compliance with the Duty to Co-operate*<sup>1</sup> describes the work that they have undertaken with other bodies in order to maximise the effectiveness of plan preparation on the strategic issues mentioned in NPPF paragraph 156.
6. The other bodies with which the Council have co-operated in preparing the Plan include Lancashire County Council [LCC], neighbouring borough and district councils (including councils in Greater Manchester and Merseyside as well as Lancashire), Government agencies, transport authorities and companies, the Local Economic Partnership, health authorities, utility providers and voluntary organisations. They include all the bodies prescribed by Regulation 12 of the *Town and Country Planning (Local Planning) (England) Regulations 2012* [the 2012 Regulations].

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<sup>1</sup> All the documents referred to in this report are available on the Council's website.

7. One element of the joint work that was undertaken involved a series of studies, including a *Strategic Housing Land Availability Assessment* [SHLAA], a *Joint Employment Land and Premises Study* [JELPS], a Green Belt study independently validated by LCC, and various studies on renewable energy and transport issues. Another element was the work the Council did with bodies responsible for infrastructure provision, including United Utilities, Merseytravel and LCC, to assess the infrastructure impact and needs of the Plan's proposals.
8. Evidence of the effectiveness of this co-operation will be found below in my consideration of the various main issues concerning the soundness of the Plan. Each neighbouring authority and prescribed body was consulted on the Council's *Statement of Compliance* and none raised any concern that the duty to co-operate had not been met<sup>2</sup>.
9. Taking all these points into account, I am satisfied that the duty to co-operate in the preparation of the Plan has been complied with.

## **Assessment of soundness**

10. Taking account of all the representations, written evidence and the discussions that took place at the Examination hearings I have identified 18 main issues upon which the soundness of the Plan depends. I shall deal with each in turn.

### **Issue A – Is there adequate justification for the Local Plan's spatial strategy and the need for release of Green Belt land?**

#### ***The settlement hierarchy and the spatial allocation of development***

11. The Spatial Portrait in chapter 2 of the Local Plan accurately identifies West Lancashire as a predominantly rural area lying within the Liverpool City Region, and also influenced by and with strong links to the Central Lancashire and Manchester City Regions. It identifies the borough's three main settlements as Skelmersdale (including Up Holland), Ormskirk (including Aughton), and Burscough. Although some representors objected to the inclusion of part of Aughton Parish in Ormskirk, most of the built development in the parish forms part of a continuous urban settlement with Ormskirk, notwithstanding the fact that the historic village of Aughton stands apart from the urban area.
12. Similarly, both Up Holland and the Blaguegate area lie in separate parishes from the town of Skelmersdale<sup>3</sup>. Up Holland has its own village centre, and the Spatial Portrait acknowledges that its residents *arguably look more towards Wigan ... to meet their needs*. Nonetheless, both Up Holland and Blaguegate lie directly alongside built development in Skelmersdale itself, and both are tightly linked into Skelmersdale by the road network, and linked to its town centre by bus routes. Despite their differences in character from the New Town development which makes up most of Skelmersdale, therefore, it would be unrealistic to regard either area as entirely separate from its larger neighbour.

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<sup>2</sup> One other representor, however, considered that the duty was not met in respect of employment land. I deal with this under Issue N below.

<sup>3</sup> Blaguegate is in Lathom South parish.

13. There is no serious dispute that Skelmersdale should occupy the highest tier in the Local Plan settlement hierarchy<sup>4</sup>. It is the biggest settlement in the borough, with a population of some 42,000 people<sup>5</sup>, and contains all but two of the services and facilities identified in the Council's *Sustainable Settlement Study*. Its existing infrastructure, highway capacity and proximity to the motorway network give it the potential for significant growth.
14. As the borough's administrative centre, Ormskirk has more services and facilities than Skelmersdale, although the capacity of its infrastructure to support growth is somewhat more constrained. Together with Aughton, it has a population of about 31,500 and is appropriately identified as a second-tier settlement.
15. The designation of Burscough as the other second-tier settlement attracted controversy. It has a population of under 9,000, and, it appears, is usually referred to as a village rather than a town. While it has all but three or four of the services and facilities identified in the *Sustainable Settlement Study*, it has fewer individual shops, restaurants, schools and so on than Ormskirk, reflecting its smaller size. However, a recently-permitted development at Pippin St<sup>6</sup> will significantly expand retail facilities in Burscough. Its two railway stations mean that its accessibility by public transport is similar to that of Ormskirk, and the two settlements are similarly positioned in terms of access to the motorway and main road network.
16. The main purpose of the Local Plan's settlement hierarchy is to identify the relative potential of settlements to support future growth, rather than simply to reflect their current status. On this basis, I find that it is appropriate for the Local Plan to place Burscough alongside Ormskirk with Aughton in the second tier. On the same basis, it would be inappropriate to promote Tarleton and Hesketh Bank, as a combined settlement, from the third tier into the second. Although their combined population is comparable with that of Burscough, and they have almost as many services and facilities, they have no railway station and they are significantly further from the motorway network.
17. The settlement hierarchy is appropriately reflected in the spatial allocation of development set out in policy SP1<sup>7</sup>. Skelmersdale takes by far the biggest share of both housing and employment development. The second-tier settlements of Ormskirk with Aughton and Burscough take the next-largest share, and the remainder is distributed among the rural parishes, including a significant share at the third-tier settlements of Tarleton with Hesketh Bank and Banks. In this way the Local Plan meets the advice in NPPF paragraph 17 to focus significant development in locations that are or can be made sustainable.

### ***The need for Green Belt release***

18. Until 2008, the policy context for housing in West Lancashire was set by *Regional Planning Guidance Note 13 [RPG13]* and the *Joint Lancashire*

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<sup>4</sup> The settlement hierarchy is defined in policy SP1.

<sup>5</sup> That is the approximate population of Skelmersdale and Up Holland. All population figures in the Spatial Portrait were taken from the 2001 Census.

<sup>6</sup> See Examination documents SP.207(a)-(e)

<sup>7</sup> As amended by **MM51** – see Issues E & F below.

*Structure Plan 2001-2016.* These imposed limits on housing development in most of West Lancashire and other rural areas in the North West, in order to encourage the regeneration of larger towns and cities in the region. In response, and in order to avoid a continuing housing land over-supply, the Council adopted supplementary planning guidance in 2002. That guidance, which became policy DE1 in the adopted 2006 Replacement Local Plan [RLP], imposed what amounted to a moratorium on new residential permissions outside the three main settlements.

19. National and regional policy guidance then underwent a major change with the publication of PPS3: *Housing* in 2006 and the new NWRSS in 2008, leading the Council to produce an Interim Housing Policy which allowed for housing development in most of the borough's settlements, not just the three main ones. But the influence of the earlier, restrictive national and regional policies on the RLP meant that, when beginning work on allocating sites for residential development in the present Local Plan, the Council had few safeguarded areas of land on which to draw<sup>8</sup>. Furthermore, because nearly all the borough outside the defined settlements is designated as Green Belt, it was inevitable that the Local Plan would need to release some Green Belt land for development, unless all the remaining land needed could be found within settlements.
20. Chapter 4 of the Plan makes it clear that the Council have sought to maximise the amount of development accommodated within the existing settlement boundaries. That approach is consistent with the NPPF objectives of promoting sustainable development and maintaining the permanence of the Green Belt. But the Plan makes it clear at paragraphs 4.25-4.26 that the borough's locally-determined targets for residential and employment development cannot fully be met in this way. Both land that was safeguarded in the RLP and some Green Belt land also need to be released for development.
21. As will be clear from my assessment of the Local Plan's housing and employment proposals below, I agree with this general proposition. The NPPF, at paragraph 83, envisages that Green Belt boundaries may be altered in exceptional circumstances, through the preparation or review of a Local Plan. The lack of any other available and suitable land to meet the objectively-assessed need for housing and employment development constitutes such exceptional circumstances. The Council's decisions on which sites to release from the Green Belt was informed by SA and by a *Green Belt Study and Addendum*, published in 2011 and 2012 respectively. I assess the soundness of the individual sites proposed for release later in this report.

### **Issue B – Did the Council act appropriately in selecting their preferred strategic development option?**

22. The Council published five spatial planning options in the September 2009 *Core Strategy Options Paper*. These were reduced to three in the *Core Strategy Preferred Options [CSPO]* of May 2011<sup>9</sup>. Each of the latter three

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<sup>8</sup> Four areas of land, about 43ha in total, were safeguarded by RLP policy DS3 for development beyond the RLP period.

<sup>9</sup> These Core Strategy documents were produced before the Council decided, in the light of national planning policy changes, to prepare a Local Plan.

options envisaged 500-600 dwellings being delivered on Green Belt land: on a single strategic site at Burscough; on sites at Ormskirk and Burscough; or, as a "non-preferred" option, on a strategic site on the south-eastern edge of Ormskirk, incorporating a new sports village and an expansion of Edge Hill University.

23. The subsequent *Local Plan Preferred Options* [LPPO] of January 2012 proposed allocating two large Green Belt sites for development of 750 dwellings in total: Yew Tree Farm, Burscough and Grove Farm, Ormskirk. Paragraph 4.39 of the LPPO indicates that in selecting this preferred option – which is a combination of some of the earlier options and has effectively been carried forward into the submitted Local Plan – the Council took account of the response to consultation on the CSPO. In particular they recognised that, in the interests of ensuring deliverability, rather less development needed to be focussed on Skelmersdale.
24. There is some controversy over the process by which the preferred option was arrived at, and in particular over the Council's decision not to propose the allocation of the "non-preferred" strategic site on the south-eastern edge of Ormskirk<sup>10</sup> rather than the Yew Tree Farm strategic site. However, the decision was informed by SA of the development options that emerged from the work on strategic options for Green Belt release.
25. The SA concluded that it was difficult to distinguish between the relative sustainability merits of an option based on this strategic site at Ormskirk (then known as Option A) and an option based on Yew Tree Farm (Option B). Option A would arguably bring greater benefits than Option B, but also had the potential to have the greatest negative impacts, particularly in relation to impacts on the transport network<sup>11</sup>. Option B's benefits were not as pronounced as Option A, but the SA found that this was offset by the lesser negative impacts.
26. Given these findings of the SA, I find nothing untoward in the Council's decision to pursue the Yew Tree Farm strategic site, in preference to the strategic site at Ormskirk. It was a decision they were entitled to take in the light of the SA and all the other evidence before them, notwithstanding that more objections were made to Yew Tree Farm than to the Ormskirk site during consultation on the CSPO<sup>12</sup>.
27. The SA report on the LPPO concluded that *the Local Plan achieves a sustainable balance between making provision for development to meet local needs taking into account infrastructure requirements and the physical and environmental constraints of the area, in particular the amount of Green Belt land in the Borough and the waste water treatment constraints....* A similar conclusion was reached by the SA report on the published Local Plan. No substantial evidence was submitted calling into question the methodology or findings of these SA reports, which in my view are thorough and sound.

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<sup>10</sup> The submitted Local Plan proposes the expansion of the University, but not as part of a larger strategic development site.

<sup>11</sup> Examination document LP.302, para 3.1.2

<sup>12</sup> See Examination document CN.206, pp 33-36.

28. For these reasons it appears to me that the Council's decision to propose the allocation of the Yew Tree Farm strategic site in the submitted Local Plan followed an appropriate and adequate consideration of the reasonable alternatives. I consider the soundness of the Yew Tree Farm allocation itself under Issue F below.

**Issue C – Was consultation on the Local Plan carried out fairly, lawfully, and in accordance with the Council's *Statement of Community Involvement*?**

29. The process of consultation on a Local Plan is governed by the 2004 Act and the Regulations deriving from it. Alongside the specific consultation requirements set out in the Regulations, section 19 of the Act requires that the local planning authority must comply with their own Statement of Community Involvement [SCI]. The Council's SCI was itself subject to three rounds of public consultation, following which its soundness was examined by a planning inspector. The Council adopted the final version of their SCI in 2007. In 2009 a short Addendum updated the SCI to take account of amendments to the Regulations that came into effect in 2008.
30. In accordance with the 2012 Regulations, the Council submitted a *Consultation Statement* with the Local Plan, setting out how consultation on the Plan had complied with the requirements of the Act, the Regulations and their SCI. The Statement shows conclusively that all those requirements were met, and in certain respects exceeded, at each stage of preparation of the Plan. The relevant requirements were also met by the consultation process on the Main Modifications.
31. Notwithstanding this, a number of representations alleged that the consultation process was inadequate or unfair. Some criticised the consultation material distributed to households as wrap-arounds with the free local *Champion* newspaper. In my view, however, the wrap-arounds provided as much information as could reasonably have been expected, while making it clear where further details of the proposals could be obtained. Distributing them via the *Champion* was a cost-effective method of getting them into most homes in the borough, and the decision to use a wrap-around format would have maximised their prominence. I note also that the Council posted similar leaflets to homes in those areas not covered by the *Champion*.
32. The consultation forums held by the Council also attracted strong criticism, in part because in a few cases some people were turned away from them due to lack of capacity (albeit that additional events were then organised to compensate). Nonetheless, having considered all the representations submitted, both in writing and orally at the hearings<sup>13</sup>, I find no substance in allegations that the Council manipulated the attendance or deliberately misrepresented the outcome of the discussions at them. I can understand that residents in some areas, for example Up Holland, would have preferred a forum to be held locally, but the Council must inevitably have regard to resource constraints. The forums that were held in Burscough, Ormskirk,

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<sup>13</sup> This includes all the documents and supporting material submitted by Mr G Rattray to the Programme Officer on 12 August 2013.

Skelmersdale and the Northern Parishes were reasonably accessible to residents in each part of the borough.

33. It is clear that many residents and others are disappointed that the Council did not alter the Local Plan in response to the views they expressed during the consultation process. But that does not mean that the process itself was inadequate or unfair. On the contrary, it provided them with adequate information and reasonable opportunities to express their views on the various stages of the emerging Plan. This is evident from the volume of representations received on both the submitted Plan and the Main Modifications, from which I was able to gain a clear understanding of the opinions of all respondents.

#### **Issue D – Does the Local Plan take adequate account of the constraints on sewerage capacity and water supply?**

34. The Council's *Infrastructure Delivery Plan* identifies three potential sewerage capacity and water supply constraints affecting future development in the borough. These are: sewerage capacity problems at Burscough (New Lane) Waste Water Treatment Works [WWTW]; surface water flooding from the public sewers in Tarleton, Hesketh Bank and Banks; and poor or variable water pressure in Tarleton and Hesketh Bank.
35. As submitted, the Local Plan reflected those potential constraints by stating in policies SP1 and SP3 that development on greenfield sites in Ormskirk and Burscough (including the allocated sites at Grove Farm and Yew Tree Farm), Rufford and Scarisbrick would be restricted until 2020 unless the waste water treatment constraints could be resolved sooner. Infrastructure improvements would also be needed to enable the proposed development at Edge Hill University to come forward before that date.
36. However, before the hearing sessions opened the Council concluded a *Statement of Common Ground* with the local water and sewerage utility company, United Utilities Water plc [UUV]. This set out UUV's view that additional information received since the publication of the Local Plan meant that it was no longer necessary to restrict development at Grove Farm, Yew Tree Farm or the University until 2020. Most importantly, that additional information included evidence that the development proposals for each site would prevent any surface water from entering the public sewerage system or discharging to New Lane WWTW, and, in the case of Grove Farm and Yew Tree Farm, would divert additional existing surface water flows away from the public sewers.
37. This updated position, removing the time constraint on the commencement of development at those three sites, is reflected in **MM1-MM7 & MM10**. It is reasonable to expect that UUV will take the Local Plan's development proposals into account when planning sewerage improvement works during their next five-year investment programme (2014-2019) so that the existing constraints at New Lane will have been overcome by 2020. However, those constraints will continue to affect the potential for development on any unallocated greenfield sites in the New Lane catchment area until then, unless solutions similar to those proposed for Grove Farm and Yew Tree Farm can be found. This is reflected in **MM34**.

38. U UW submitted a further statement to the hearing session on infrastructure provision dealing among other things with the sewerage and water pressure issues affecting Tarleton, Hesketh Bank and Banks. Their general view is that, given the amount of development in these settlements already committed or proposed through allocations in the Local Plan, *any additional allocations should be brought forward in parts of the borough which have capacity in water and wastewater infrastructure*<sup>14</sup>. If additional allocations were to be made in Tarleton, Hesketh Bank and Banks, U UW would wish to see them allocated to a later stage in the Plan period in order to manage their impact appropriately. This position is also reflected in **MM34**. On the evidence I saw and heard, it is a sensible and constructive response to the constraints that exist in that part of the borough. Thus **MM1-MM7, MM10 & MM34** are needed to make the Plan effective.

### **Issue E – Is the Local Plan's housing requirement based on a full and objective assessment of housing need?**

#### ***The available evidence***

39. NPPF paragraph 47 advises that the Local Plan should meet the full, objectively assessed need for housing, as far as is consistent with the NPPF's policies. Thus it is necessary to begin by making an objective assessment of housing need. NPPF paragraph 159 indicates that this should be done by means of a Strategic Housing Market Assessment [SHMA] to identify the scale of housing need over the Plan period. It should meet household and population projections, taking account of migration and demographic change.
40. The Council commissioned a SHMA for West Lancashire, published in 2009. In the previous year, a report<sup>15</sup> prepared for the then regional planning body, 4NW, had recommended that West Lancashire should continue to be regarded as part of the Liverpool City Region North housing market area. Despite this, none of West Lancashire's neighbouring authorities has raised any concerns about the Council's decision to proceed with the 2009 SHMA. None of those authorities is looking to West Lancashire to accommodate any of their own identified housing need<sup>16</sup>, or is capable of meeting any of the need arising within West Lancashire. Consequently, it is appropriate that the 2009 SHMA dealt with West Lancashire's own housing need.
41. When the 2009 SHMA was being prepared, the latest available population and household projections were, respectively, the 2006-based ONS sub-national population projections [SNPP] and the DCLG 2006-based household projections published in 2008. The SHMA itself considered seven scenarios for future housing need which resulted in projected increases for the borough ranging from 329 to 651 dwellings per annum [dpa]<sup>17</sup>. A further eight scenarios developed as part of the preparatory work for the abandoned *North West Regional Strategy* projected increases of between 198 and 439 dpa.

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<sup>14</sup> Examination document EX.230(c), section 9

<sup>15</sup> *The definition of housing market areas in the North West region*, August 2008.

<sup>16</sup> In particular, Sefton Council's comments on the Publication Draft Local Plan indicated that they *would like to commit to work more closely on reviews of housing need, economic development and other cross-boundary issues*, but did not identify any housing need to be met within West Lancashire.

<sup>17</sup> All "dpa" figures are expressed as annual averages over the relevant period.

42. The Council's *Technical Paper 2* argues that future housing need should be assessed on the basis of the more recent 2008-based DCLG household projections, published in 2010. They indicated that the annual average requirement between 2008 and 2033 would be about 260 dpa. That figure is significantly lower than the corresponding figure in the 2006-based household projections.
43. Further modelling was carried out prior to the Examination hearings by Nathaniel Lichfield and Partners [NLP], using the PopGroup software. The various scenarios considered by NLP gave requirements ranging from 256 to 782 dpa.
44. After the hearings had closed, DCLG published interim household projections for 2011-2021. The DCLG projections indicate an average rate of household growth of 247 dpa in West Lancashire over the 10-year period.
45. A number of respondents argued that the assessment of housing need should be based on the adopted NWRSS requirement of 300 dpa for West Lancashire. However, I share the Council's view that it is necessary to take account of more up-to-date evidence than was available when the NWRSS was being prepared some seven or more years ago.

### ***Assessment of the evidence***

46. A number of the available scenarios and projections are based on natural population change, taking no account of migration into and out of the borough. Since it is clear from published statistics that in recent years migration has been an important component of population and therefore household change in West Lancashire, I regard those "no-migration" scenarios as unrealistic.
47. At the other end of the range is one scenario which seeks to meet the full level of affordable housing need by building at least twice the number of houses required to meet any of the population-based household projections<sup>18</sup>. It appears to me that this approach would result in a substantial surplus of market houses and so would be economically unrealistic. The same applies to those scenarios which have as their principal objective stabilising house prices.
48. A third category of scenarios seeks to project rates of household growth resulting from changes to the workforce due to job creation, demographic change, alterations in commuting rates and related factors. In the 2009 SHMA, such scenarios project forward from 2011 a similar annual rate of job creation (just under 800) to that achieved between 2001 and 2008. But in view of the economic downturn since 2008, it seems unlikely that such a rate of job creation will be achieved, at least in the early years of the Plan period.
49. On the face of it, NLP's Scenario 5 (*75ha Local Plan Job Growth*) appears more realistic because it is based on the amount of land actually allocated for future employment development in the Local Plan. However, the results imply that a growth rate of some 400 new jobs each year corresponds to an overall housing requirement of just over 700 dpa. That seems entirely at odds with

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<sup>18</sup> On the assumption that overall 30% of the new houses would be provided as affordable housing.

actual trends since the 1990s, in which average employment growth of some 450 jobs per annum has co-existed with housing growth of under 400 dpa<sup>19</sup>. While account needs to be taken of the backlog of housing need, the effect of in-commuting and the decline in the working-age population of the borough, those factors would not appear to be sufficient to explain this large discrepancy. A similar discrepancy is apparent in NLP's Scenario 6 (*Past Trends Job Growth*).

50. All this means that the scenarios most likely to give a realistic view of the need for housing over the Plan period are those based on official population and household projections. While those projections are based on earlier demographic, household formation, migration and economic factors, that is appropriate given that the Local Plan does not seek any fundamental alteration in the existing role of the borough in relation to its neighbours. The 75ha allocated for new employment development over the Plan period is broadly in line with long-term average take-up rates between 1992 and 2011<sup>20</sup>. Thus it is unlikely that job growth will occur at a level that dictates a substantial departure from trends in household growth over the last decade.
51. However, I do not agree with the Council's position that the 2008-based DCLG household projections give the most robust assessment of housing need over the Plan period. That is for two reasons: first, those projections are not based on the most up-to-date available population information; and secondly, they do not take on board subsequent changes in methodology in respect of migration. The Council accept that the 2011-based ONS population projections [SNPP], which are based on the 2011 mid-year population estimates rolled forward from the 2011 Census and take account of the latest methodology for estimating migration, project a higher rate of population increase between 2011 and 2021 than the 2008-based projections.
52. Notwithstanding this, the DCLG's interim household projections for 2011-2021, which use the population data from the 2011-based SNPP, forecast a somewhat lower rate of household growth than their 2008-based household projections. This discrepancy is due principally to a fall in the projected rate of household formation, particularly among young adults, based on observed trends between the 2001 and 2011 Censuses<sup>21</sup>.
53. It may be that this fall in the household formation rate results partly from the under-provision of housing in West Lancashire over the last six years, compared with the NWRSS requirement<sup>22</sup>. Any such effect will be addressed by the Council's acceptance that the shortfall against the NWRSS requirement up to 2012 should be made up within the Plan period. But it is also likely that both downward trends reflect a reduction in effective demand consequent

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<sup>19</sup> See the summaries of NLP Scenarios 6, 8 and 9 at Examination document HS.145-01, para A2.5.

<sup>20</sup> See Issue M below.

<sup>21</sup> The Methodology Report issued with the DCLG 2011-based interim household projections notes (p10) that the aggregate household representative (or "headship") rate [HRR] in the 2011 Census was 0.424, compared with 0.434 suggested by the 2008-based household projections. As disaggregated household representative data is not available from the 2011 Census data, the interim 2011-based household projections use Labour Force Survey data to estimate the change in HRR between the 2001 and 2011 Censuses.

<sup>22</sup> See Examination document SP.102, Table 3.2 (p9).

upon the post-2008 economic recession. That being so, for the foregoing reasons I consider that the DCLG 2011-based interim household projections represent the most robust and up-to-date available assessment of newly-arising housing need over the period 2011-2021. They correspond to an average growth rate of 247 dpa over that period.

54. However, for the rest of the Plan period beyond 2021, DCLG itself advises caution in using the 2011-based projections, saying *users that require a longer time-span would need to judge whether recent household formation trends are likely to continue*<sup>23</sup>. No such judgment can be made with certainty. But as both the NPPF and the Local Plan itself seek to support economic growth, it would be inconsistent with that aspiration to assume that reduced household formation rates will persist indefinitely. Thus it would be unsafe to assume that the average annual housing requirement derived from the 2011-based household projections accurately reflects housing need beyond 2021.
55. For the period beyond 2021, the most sophisticated available evidence of housing need before me is the PopGroup modelling carried out by NLP. This uses methodologies drawn from the ONS and DCLG datasets, supplemented with economic assumptions specific to West Lancashire, to assess household growth rates over the Plan period. In particular NLP's *2011-based SNPP Scenario 2* takes account of the latest 2011-based SNPP and, like the DCLG household forecasts, largely reflects recent past trends in demography and migration. However, its assumed household formation rates (or "headship rates") are based on the government data which was used to underpin DCLG's 2008-based household forecasts, rather than the more recent data used in the interim 2011-based household projections.
56. Using these older household formation rates, which largely reflect pre-recession trends, NLP's Scenario 2 projects an annual average increase of 299 dpa over the Plan period as a whole. Taking account of national and local growth aspirations, it would not be unreasonable to expect that annual household formation rates will have recovered, in the period after 2021, to a level that would correspond to that rate of household growth.

### ***The housing requirement***

57. The analysis above identifies an average requirement of 247 dpa for the period 2011-2021. With the addition of a 4% vacancy and second-home allowance, as assumed in the submitted Plan, this becomes 257 dpa. Over the relevant nine years of the Plan period, 2012-2021, that gives a requirement of 2,313 dwellings. For the period 2021-2027, the analysis indicates an average requirement of 299 dpa, which with the addition of the 4% allowance becomes 311 dpa. Over the six years 2021-2027, this produces a requirement of 1,866 dwellings.
58. 2,313 plus 1,866 gives a total of 4,179 for newly-arising housing need within the Plan period. More recent monitoring of housing provision has refined the accrued shortfall between 2003 and 2012 against the NWRSS requirement to 679 dwellings, rather than the 750 assumed in the submitted Plan. Adding

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<sup>23</sup> DCLG, *2011-based interim household projections: quality report*, p7.

those 679 dwellings to 4,179 gives a total requirement of about 4,858 dwellings for the Plan period, 2012-2027.

### ***Phasing of the housing requirement***

59. As submitted, the Local Plan proposes to deliver its overall housing requirement of 4,650 dwellings in three phases: from 2012 to 2017 at 260 dpa, from 2017 to 2022 at 320 dpa, and from 2022 to 2027 at 350 dpa. The reasons given for this staggered phasing are that an annual target of 310 dpa (as would result if the overall requirement were distributed equally over 15 years) will be difficult to achieve in the initial years of the Plan period, given the continuing effects of the post-2008 recession and the waste water treatment infrastructure constraints<sup>24</sup>.
60. As is made clear under Issue D above, the latter constraints no longer apply to the extent that they appeared to when the Local Plan was published. Nonetheless, the interim household projection figures suggest that a reduced demand for housing compared with the pre-2008 period will continue, at least in the first few years of the Plan period. Perhaps more importantly, the Plan relies on the release of safeguarded and Green Belt land to meet a substantial proportion of the housing requirement. As this land cannot be released until the Plan has been adopted, there will be an inevitable lead-time before houses can actually be built on it. Account must be taken of this fact in order not to set targets that are impossible for the Plan to meet.
61. Bearing these factors in mind, my view is that in the first five years of the Plan period, the Plan should seek to meet the average requirement derived from the 2011-based interim housing projections, that is to say 257 dpa, plus a proportion of the accrued shortfall of 679 dwellings against the NWRSS requirement for 2003-2012. The shortfall itself should be distributed as evenly as possible across the Plan period, so as to ensure that it begins to be addressed immediately and is eliminated by the end of the period<sup>25</sup>. This results in a requirement of at least 1,510 dwellings, or 302 dpa<sup>26</sup> in the five years 2012-2017.
62. Notwithstanding the fact that the DCLG interim household projections cover the period to 2021, I consider that the residual Local Plan requirement should then be distributed evenly over the remaining 10 years of the Plan period, so as to ensure that the anticipated recovery in demand is not artificially constrained by any under-provision. On this basis, the requirement for 2017 to 2027 would be 335 dpa (rounded), or a total of at least 3,350 dwellings.
63. Both the overall housing requirement and these phased requirements are inserted into the Plan by **MM51 & MM53**. While these requirements would, on the basis of current evidence, meet the full, objectively-assessed need for housing over the Plan period, it is of course possible that circumstances may change significantly at some point between now and 2027. Should annual monitoring of housing provision or a future SHMA reveal that the requirements

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<sup>24</sup> Local Plan, para 4.22

<sup>25</sup> For the reasons given in paragraph 60 it would be unrealistic, in the circumstances of West Lancashire, to seek to eliminate the shortfall in the first five years of the period.

<sup>26</sup> That is, 257 dpa plus 45 dpa – 45 dpa being 679 divided by 15 and rounded.

have become insufficient to meet the objectively-assessed need, I would expect the Council to review the Local Plan to address the matter.

**Issue F – Are the sources of housing land supply identified in the submitted Local Plan justified, deliverable and adequate to meet the assessed need?**

***Categories of housing supply and the Council's housing trajectory***

64. The Council's *Technical Paper 2* makes it clear that the anticipated housing land supply is made up of four categories: committed sites – that is, sites with unimplemented residential planning permissions; other sites which the Council consider will come forward in the Plan period; sites identified by the SHLAA as deliverable within the Plan period; and sites proposed for allocation in the Local Plan. I shall consider the soundness of the sites in each category in the following sections.
65. The expected numbers of dwellings from each source, for each year of the Plan period, is set out in the Council's Housing Trajectory. An updated version annexed to this report reflects various modifications to the numbers, discussed below. All subsequent references to "the Housing Trajectory" are to that annexed version. In the interests of clarity and effectiveness, **MM62 & MM68** are needed to reflect those modifications and to state the number of dwellings to be provided on the sites identified under policies RS1 and EC3.

***Committed housing sites and housing provision on other sites not specifically identified in the Local Plan***

*"Committed" and "other" sites*

66. The Council's December 2012 SHLAA Update envisages that 642 dwellings will be provided on sites with planning permission in the first five years of the Plan period. That is a realistic assessment of the available supply on "committed sites". It represents a substantial discount of about 29%, based on discussions with applicants and developers about their intentions, against the 899 dwellings for which there are current planning permissions. A further 76 dwellings are assumed to come forward in the first five years on "other sites" – sites with outstanding planning applications, or awaiting the completion of section 106 agreements, on the base date of 1 April 2012. As over 90 dwellings in this category have since been granted planning permission, that is a reasonable position to take.
67. Similarly, in the absence of any substantial contrary evidence, I accept the assumption made in the Housing Trajectory that about 120 dwellings will come forward on these two categories of site in the following five years, 2017-2022.

*SHLAA and windfall sites*

68. The December 2012 SHLAA Update found 107 dwellings to be deliverable on the individually-assessed SHLAA sites in 2012-2017. In the Housing Trajectory, two of those are now, properly, listed separately as allocated sites, because they are allocated for mixed use, including residential, by policy EC3. Of the remaining four sites, two have outline planning permission for a total of

43 dwellings<sup>27</sup> and a third is being actively marketed by the Council, development having already begun on a site immediately adjacent. Thus the Council's estimate of 51 dwellings from these four sites (after allowing for a 20% "risk assessment" reduction on the notional total) is a reasonable one.

69. I invited the Council to review the expected delivery from the SHLAA sites in the light of statements submitted by other participants and discussion at the hearing session. In their *Supplementary Information* submitted in response, the Council concluded that the 2017-2022 and 2022-2027 supply should be reduced from the levels anticipated in the SHLAA. There is some force in their view that the 20% "risk assessment" reduction (already applied to the original SHLAA totals) was intended to allow for a degree of uncertainty over delivery. Nonetheless, in the light of the NPPF's aim of boosting significantly the supply of housing, it is important that the assessment of existing capacity is carried out rigorously. The Housing Trajectory therefore takes account of the reductions proposed in the Council's *Supplementary Information*.
70. As part of this adjustment, a SHLAA site at Burscough was removed from the 2022-2027 supply after the owner stated at the hearing session that she did not want to see the site developed. This example underlines the importance of a rigorous approach to the assessment process, so as to ensure that the capacity of the SHLAA sites is not over-estimated. It is not, as was suggested, evidence of a lack of commitment on the part of the Council to identifying as much housing land within settlements as possible.
71. Alongside the individually-identified SHLAA sites, the figures given for "SHLAA (and windfall) sites" in the Housing Trajectory include a total of 94 dwellings from smaller SHLAA sites (of under 0.1ha) and windfall sites over the whole Plan period. This modest total is amply justified by the evidence of actual delivery since 2008, when the first SHLAA for the borough was produced.
72. In the context of windfall developments, **MM78** amends policy RS1 to clarify the definition of infill development in Small Rural Villages. Other development plan policies will ensure that local character and facilities and other relevant considerations are taken into account when proposals for such development come forward. There is no need for any further amendment to the policy.

### ***Allocated sites for housing outside the Green Belt***

#### *Sites in Skelmersdale Town Centre*

73. As the Spatial Portrait and Vision recognise, Skelmersdale is in urgent need of regeneration. Policy SP2 identifies the town centre as a Strategic Development Site [SDS] and sets out a programme of retail, leisure, office and housing development in the defined SDS area.
74. In December 2012 the Council resolved to grant two planning permissions for commercial development in the heart of the town centre, subject to s106 agreements. One is for a new supermarket next to the existing Concourse shopping centre, and the other for a larger-scale, mixed-use development including a new supermarket, a cinema, restaurants and bars, other

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<sup>27</sup> These include 40 "later living retirement" units which are separate dwellings, and not part of a residential institution.

commercial floorspace and a new Youth Zone building and sports facility. The latter development in particular is closely aligned to the Local Plan proposals for the town centre<sup>28</sup>, albeit that it does not include any housing. These are encouraging signs of progress towards achieving the objectives of the SDS.

75. Alongside the commercial development, policy SP2, as submitted, proposes that some 800 dwellings will also be built within the defined town centre. The Local Plan does not precisely identify the individual sites on which this development is to take place, but in the course of the Examination a schedule and plan<sup>29</sup> were produced detailing them and the anticipated yield from each. All would need to be developed at a density of 40 dwellings per hectare [dph] to achieve the 800 dwellings that are sought. The Council's position at the hearings was that 20 dwellings would be delivered in 2014/15, 40 in each of the next two years, and then 70 a year for the rest of the Plan period<sup>30</sup>.
76. After inspecting each site, I see no substantial impediments to the development of H3 to H8<sup>31</sup> inclusive at 40dph. That is an appropriate density for each of those sites in view of their proximity to the town centre. However, parts of H1 and H2, as delineated on the Council's plan, are constrained by their topography. It would be more realistic, taking the Council's assessed developable area of the two sites as a basis, to expect them to deliver at 30dph rather than 40dph<sup>32</sup>. The result of this is to reduce the overall capacity of the town centre sites to some 730 dwellings, rather than the 800 envisaged by policy SP2 as submitted.
77. In terms of viability, several respondents pointed out that no dwellings have yet been built in the town centre, despite housing development having been encouraged there at least since the adoption of the RLP in 2006. Data submitted by the Emery Planning Partnership revealed that in a high proportion of cases the actual price paid for existing houses in the town centre in recent years had fallen below the likely new-build cost of dwellings of similar size. On the other hand, there was evidence that newly-built houses in the Tanhouse area of Skelmersdale are selling for considerably more.
78. Apart from the former College site, all the town centre housing sites are owned by the Homes and Communities Agency [HCA] or the Council. At the Examination hearing, the HCA's representative made it clear that the agency is taking a more pro-active approach to development of its landholdings than in the past. As public sector bodies both the HCA and the Council are in a position to promote development through, for example, profit-sharing and deferred payment schemes with developers. It is also very likely that newly-built houses in the town centre will attract higher sales prices than the dated 1970s New Town-style dwellings that currently predominate there.

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<sup>28</sup> These proposals in turn reflect recommendations from the *West Lancashire Retail Study Update* (December 2011).

<sup>29</sup> Examination document EX.212

<sup>30</sup> Examination document EX.131

<sup>31</sup> These reference numbers are taken from Examination document EX.212 and supersede those used in the *Skelmersdale Town Centre SPD and Masterplan*.

<sup>32</sup> An alternative method would be to reduce the developable area to take account of the constraints and then assume development at 40dph. But that would not produce any materially different result.

79. Taking all these points into account, it is not unreasonable to expect 100 dwellings to be delivered in Skelmersdale town centre, on the sites now being marketed by the HCA, over the three years from 2014/15. However, even after allowing for economic recovery, delivery thereafter is unlikely to accelerate to the 70 dwellings per hectare [dpa] envisaged in the Council's trajectory. A continuation of output at 40 dpa appears more realistic. That would enable 500 dwellings out of the total capacity of the town-centre sites to be built by the end of the Plan period.
80. The proposed inclusion of housing sites H1 to H8 in the town centre requires the extension of the town centre boundary beyond that defined in the Council's 2008 *Skelmersdale Town Centre Supplementary Planning Document and Masterplan*. This raised concerns that parts of the wooded cloughs, which are a distinctive and very attractive feature of the town centre, would be harmed by development close to or even within them. But I am satisfied that their designation as Nature Conservation Sites under policy EN2 provides adequate safeguards in this respect. By contrast, the adjacent, open grassed areas on which much of the housing development is proposed add little to the environmental quality of the town centre, and tend to isolate the centre from the existing housing which surrounds it.
81. Subject to **MM57 & MM62**, therefore, which reduce the number of new dwellings proposed in the Plan period from 800 to 500<sup>33</sup>, the allocation of the Skelmersdale SDS by policy SP2 is sound.

*Land at Firswood Road, Lathom / Neverstitch Road, Skelmersdale*

82. In the RLP, nearly all this site was safeguarded for housing development beyond 2016, provided that there are no other suitable sites in the urban area. In concluding that there was no evidential case for residential allocation of the land in the RLP, the inspector commented that significant quantities of additional housing were not then required<sup>34</sup>. But in the changed circumstances that now prevail, and in the interests of promoting sustainable development, it is necessary to consider the site for housing, especially given its location on the edge of the borough's largest settlement.
83. There is no evidence of any significant infrastructure constraints affecting the site. A development brief could ensure that development has proper regard to environmental and nature conservation interests. Particular attention would need to be paid to the proposed linear park along the disused railway line that bisects the site, and to buildings at Slate Farm which were designated in the RLP as part of the adjacent green space.
84. The site has capacity for some 400 dwellings. It is not yet openly backed by a housebuilder, nor is there any evidence of a consortium agreement between the various landowners. Following the session, however, a letter was submitted signed by the landowners of more than 90% of the site, expressing

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<sup>33</sup> The consultation version of MM62 has been revised in the Appendix to this report to take account of my conclusion on the overall capacity of the town-centre sites in paragraph 76 above. The revision does not, however, alter the number of dwellings expected to be delivered there in the Plan period.

<sup>34</sup> RLP Inspector's Report, para 2.449

their commitment to seeing the land developed and stating that they were in discussions with a national housebuilder to this end<sup>35</sup>.

85. Given this stated commitment, and the financial benefits the development would bring to the landowners, it is reasonable to suppose that an agreement will be reached allowing it to proceed. However the need to prepare and consult on a development brief and undertake other preparatory work means that it would be over-optimistic to expect development to begin in 2014/15. A more realistic start date would be 2015/16.
86. Notwithstanding the huge distribution centre building to the north, the site is attractively located on the edge of the urban area, with good access to Ormskirk and the motorway as well as Skelmersdale town centre. Once delivery is established, therefore, it ought to be capable of achieving the 40 dpa envisaged in the Housing Trajectory.

#### *Land at Whalleys, Skelmersdale*

87. The allocated land at Whalleys comprises five sites. All benefit from the generous infrastructure provision associated with Skelmersdale New Town and there are no significant physical constraints to their development. In total they are capable of delivering some 615 dwellings.
88. Discussion at the hearing session focussed on their deliverability, with some representors expressing doubt that the housing market in Skelmersdale is capable of supporting the Council's assumed delivery rate of 55 dpa on these sites at the same time as the development of the town centre, Firswood Road / Neverstitch Road and Chequer Lane sites. No development has in fact taken place here since the 1990s. However, the Council fairly pointed to subsequent policy constraints on greenfield development in the form of Circular 08/2000 and PPG3/PPS3: *Housing*. Those no longer apply and the HCA, which owns the sites, is now committed to bringing them forward for development as early as possible through a Public Land Auction Pilot. An outline planning application is to be submitted in 2013 and the first site is to be offered for sale in 2014/15.
89. Given their attractive, modern suburban setting on the northern edge of Skelmersdale, the Whalleys sites are eminently marketable. Delivery rates of up to 51 dpa were achieved there in the late 1990s. The timescales discussed at the hearing session mean it is unlikely that any houses will be built in 2014/15, but thereafter I see no reason why delivery should not increase to a rate between that envisaged for the town centre and the Firswood Road / Neverstitch Road site, and the previous peak rate achieved here. On this basis most of the Whalleys sites' capacity would be built out by the end of the Plan period.

#### *Chequer Lane, Up Holland*

90. In the RLP this site was designated as Protected Land on the Urban Fringe, and thus suitable for small-scale, low-intensity development which preserves its rural character. Given the much higher housing requirement that now prevails, however, it is appropriate for its potential to be reassessed,

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<sup>35</sup> Examination documents EX.231c & 231d

particularly in view of its position close to the edge of the borough's largest settlement. Development of the northern part of the site already has outline planning permission. As noise levels from the nearby brickworks were considered acceptable in respect of that development, it is reasonable to expect that the same will apply to the southern part of the site which is further away.

91. The condition and capacity of the road network appear adequate for a development of the size proposed, and there is no substantial evidence of any other infrastructure constraints. Bus stops in Ormskirk Road are some way away, but nonetheless within walking distance, and are served by frequent buses to Skelmersdale, Ormskirk and Wigan, while Upholland railway station is also reasonably close by. Although the site is in a former coal-mining area, I was told that trial pits have revealed no insurmountable constraints on development.
92. Taking all this into account, the allocation of the site for about 175 dwellings in total, with delivery beginning in 2013/14, is sound.

*Guinea Hall Lane / Greaves Hall Avenue, Banks*

93. This site in Banks was also designated as Protected Land on the Urban Fringe in the RLP. The current Local Plan, as submitted, proposed to allocate it as land safeguarded for development beyond 2027. However, planning permission for 115 dwellings on the site was granted in March 2013. To reflect this change in circumstances, **MM62** re-designates it as a housing site under policy RS1. There is no evidence to suggest that the start date and build-out rate envisaged in the Housing Trajectory are unreasonable.

*The Rural Development Opportunity Sites*

94. Policy EC3 designates four brownfield sites, all located in third- or fourth-tier settlements, as Rural Development Opportunity [RDO] sites on which mixed use development, including housing, will be permitted. This is a sound and pragmatic approach to bringing forward some employment-generating development on these previously-developed sites, which are otherwise likely to remain wholly or largely unused.
95. The Housing Trajectory reflects reasonable assumptions about the number of dwellings which each site is likely to deliver. The two sites in Tarleton and Hesketh Bank are expected to yield some 340 dwellings, about 255 are expected in Banks from the Greaves Hall Hospital site together with Guinea Hall Lane / Greaves Hall Avenue<sup>36</sup>, and only 60 dwellings are expected on the East Quarry site in the smaller settlement of Appley Bridge. That distribution is broadly consistent with the Local Plan's spatial strategy. Although these settlements have fewer facilities than Skelmersdale, Ormskirk or Burscough, and more limited road and public transport provision, each is nonetheless capable of supporting the level of growth proposed for it.
96. As noted under Issue D, the Council's *Infrastructure Delivery Plan* refers to problems of low water pressure and surface water flooding from the public sewers in the Northern Parishes, including Hesketh Bank, Tarleton and Banks.

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<sup>36</sup> See the last-but-one paragraph.

Nonetheless, UUW have confirmed that they are currently meeting the standards of service for water supply in these areas<sup>37</sup>. They are aware of the proposed Guinea Hall Lane /Greaves Hall Avenue and RDO site allocations and have made no objection in principle to them. Allocating the sites in the Plan will enable UUW to take them into account when planning their own future infrastructure investment. Moreover, the requirement of policy GN3 (as modified by **MM8**) for measures to divert surface water arising from new development away from the public sewers should ensure that existing flooding problems are not exacerbated by the development of these sites.

97. Concerns were raised over the condition of the roads around the East Quarry RDO site and on-road parking by users of the nearby Appley Bridge station. However, the Council resolved in July 2012 to approve an outline planning application, subject to conditions and the signing of a section 106 agreement, for a development including 61 dwellings, a hotel, restaurant, community centre and a car park for rail travellers. LCC as the local highway authority made no fundamental objection to the development. Even if the planning permission has not yet been issued, I am satisfied that 60 dwellings could, in principle, be built on this site as part of a mixed-use scheme.
98. Policy EC3(iii) makes it clear that not all the Alty's Brickworks RDO site at Hesketh Bank will comprise built development and that a masterplanning exercise will be required. I note that the SHLAA found the southern portion of the site unlikely to be suitable for development in view of its environmental and coastal zone designations. However, the proposed RDO site covers a much larger area, and the Council have made it clear that their approval would be required for any masterplan prepared in accordance with the policy. Consultation on the masterplan would also need to take place with regulatory bodies and the public and the Marine Management Organisation would be one of the bodies consulted.
99. Taking all this into account, I consider that the policy requirements provide sufficient safeguards to ensure that any development takes proper account of the nature conservation, landscape history and coastal zone designations that cover a substantial proportion of the site, and the requirement of policy IF2 for it to accommodate a linear park. Thus I see no need for a more explicit reference to any of these matters in the policy itself. It would be inconsistent with national policy guidance to seek to hold back other allocated housing land in the Northern Parishes pending the development of this brownfield site.
100. The majority of the site is the subject of an independent masterplanning and public consultation exercise on behalf of a prospective developer. It appears that no discussions took place with some of those who own land within the designated RDO site before the consultation was launched. It also seems that some smaller landholdings within the RDO site have been excluded from the site on which the developer is consulting<sup>38</sup>.
101. This particularly affects the land at Mill Farm which, in the RLP, lay within the rural settlement boundary of Hesketh Bank and thus benefitted independently from the potential for development conferred by that policy. After taking into

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<sup>37</sup> See Examination document EX.230(c).

<sup>38</sup> See Examination documents EX.401a-EX.401e.

account the expressed views of the owners of Mill Farm, I consider there is little prospect of achieving an effective, co-ordinated development of the RDO site if it includes their land. Thus I find that the inclusion of the Mill Farm land in the RDO allocation is unsound, and that it should instead be designated as part of the Hesketh Bank Key Sustainable Village under policy SP1 (**MM69**). Through their development control powers, the Council will be able to ensure that any future developments on the Mill Farm and RDO sites are compatible with one another.

102. Subject to **MM69**, I find that the RDO site allocations are sound. The start dates and build-out rates envisaged by the Housing Trajectory for each site also appear realistic.

### ***Allocated sites in the Green Belt***

#### *Yew Tree Farm, Burscough*

103. Policy SP3 indicates that the Yew Tree Farm site is expected to deliver at least 500 dwellings and 10ha of employment land in the Plan period, and up to 500 dwellings and 10ha of employment land after 2027. The policy also requires the provision of a primary school, a new town park, a linear park / cycle route and a decentralised energy network facility, together with transport and other infrastructure. Given the expected scale of the development, I consider that these policy requirements are necessary to produce a sustainable development. Yew Tree Farm is by some distance the largest of the sites which the Plan proposes to release from the Green Belt, and so it is appropriately designated as a strategic development site.

104. As submitted, the Plan indicates that development of the site could not begin until at least 2020, due to constraints on capacity at the New Lane WWTW which are unlikely to be resolved before then. However, further work by the promoters of the site demonstrated that it would be possible both to discharge all surface water from the site to an existing watercourse, at greenfield run-off rate, and to remove a volume of surface water from the existing (combined) sewerage system greater than the foul flows from the new development.

105. UUW confirm that this would enable the anticipated delivery of some 150 houses on the site by 2020 to be achieved without overloading the sewerage system. The Environment Agency are also satisfied that this rate of delivery is acceptable. Thereafter, the anticipated delivery of about 350 dwellings (at a rate of about 50-55 dpa) over the rest of the Plan period would depend on funding from Ofwat for upgrading works at New Lane. Future development proposals would be an important factor in any decision on funding, and given the pattern of proposed site allocations in the Local Plan the evidence indicates that the prospects of UUW securing funding are good.

106. However, the allocation of Yew Tree Farm for development is one of the most controversial proposals in the Local Plan. At a Parish Poll, 96% of those voting registered their opposition to the proposal, albeit that the turnout was only about 20% of the Burscough electorate. During my site visit, various displays of posters and banners produced by the Burscough Action Group and others reinforced the point that there is strong opposition to the allocation among a significant number of residents.

107. One particular concern is the effect of the proposed development of the site on the character of Burscough and, linked to that, whether the removal of such a large area of land from the Green Belt has been properly justified. The Council's original 2011 *Green Belt Study* had divided the site into five parcels and found that all five met none of the purposes of including land in the Green Belt<sup>39</sup>. In response to comments received during consultation, the Council's 2012 Addendum to the *Green Belt Study* gave further consideration to the parcelling of the site and concluded that *no single boundary within the parcel could be considered to be as strong as the built form and road network that encompasses the entire parcel as a whole*.
108. From what I saw during my site visit, I agree with this conclusion. Notwithstanding its size, the Yew Tree Farm site is firmly enclosed on all sides by roads and existing built development, providing a clear and permanent boundary definition as advised by NPPF paragraph 85. In contrast to this very firm outer boundary, any Green Belt boundary created by internal sub-division would inevitably appear weaker.
109. Unlike the original *Green Belt Study*, however, the Addendum also acknowledged that there is some agricultural use of the site, and that it currently fulfils one of the purposes of the Green Belt. But that fact in itself does not automatically rule it out of consideration for development. The handful of sites located around the main settlements that were assessed in the study and were found to meet none of the Green Belt purposes would not come near to meeting the need for additional land to fulfil the borough's development requirements<sup>40</sup>.
110. As most of its southern and eastern edges are concealed behind frontage development, the visual impact on the public realm of development at Yew Tree Farm would be limited to Higgins Lane and the roads and the industrial estate to the west. Undoubtedly most of the site would undergo a change in character from a generally open rural landscape to a developed urban form, over the course of the Plan period and beyond. However, sound masterplanning ought to ensure that this is done in such a way as to complement the existing development in Burscough.
111. To make this effective, **MM76** requires that planning permission should not be granted until the masterplanning process is complete. The masterplan should also ensure that the new housing co-exists satisfactorily with existing and proposed employment development. **MM77** is necessary to ensure that proper consideration is given to biodiversity and the provision of recreational opportunities and green spaces in the development.
112. Clearly the increase in Burscough's population arising from the proposed allocation would also have an impact on its character. But as the increase would happen gradually over the Plan period and beyond, it seems to me that it is capable of being absorbed without serious risk of social disruption. There is no substantial evidence to justify the concerns that schools, health services and community facilities would be overloaded as a result of the development, particularly when account is taken of policy SP3's requirements for both

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<sup>39</sup> Those purposes are defined in NPPF paragraph 80.

<sup>40</sup> See Issue A above.

physical infrastructure and financial contributions to support the planned housing and employment development. A recent survey has established that no part of the site is Grade 1 agricultural land.

113. In respect of traffic impacts, the Council acknowledge that any major development such as this will lead to an increase in vehicle movements on the local roads. However, LCC, the local highway authority, have made no objection in principle to the proposed allocation. Their comments on the need for a travel plan to be drawn up and implemented, and for a series of measures to improve both traffic flow and conditions for pedestrians and cyclists on the local roads, are reflected in the requirements of policy SP3. Having also considered the transport statement prepared for the landowner by CBO Transport, and the TIAT modelling work carried out for the Council by AECOM, my view is that there would be no adverse transport impacts of such magnitude as to make the allocation of the Yew Tree Farm site unsound.
114. For all these reasons, the Council's proposal to release the Yew Tree Farm site from the Green Belt and allocate it for development is sound. I also find that the projected delivery of 150 dwellings in the five years from 2015/16 to 2019/20, and a further 350 dwellings at 50-55 dpa over the remainder of the Plan period, is realistic.

*Grove Farm, Ormskirk*

115. The 2011 *Green Belt Study* and its Addendum examined a parcel of land at Grove Farm, extending no further north than the existing farm buildings. That parcel was found to meet only one of the purposes of including land in the Green Belt: safeguarding the countryside from encroachment. As with Yew Tree Farm, that fact in itself did not automatically rule it out of consideration for development, and the parcel was included as a proposed housing allocation in the LPPO of January 2012.
116. It seems that it only emerged later that the landowner wished to retain the farm buildings on the land. This would have prevented the LPPO site from delivering all the 250 dwellings expected from it: the Council estimate that a maximum of 175 could have been achieved, and then only by building right up to the boundaries. Consequently, in the submitted Local Plan the site was extended to the north, taking in an area of land which the Council had rejected at Preferred Options stage as being suitable for safeguarding for future development<sup>41</sup>. The prospective developer estimates that the extended site is capable of delivering 300 dwellings<sup>42</sup>.
117. I am not persuaded that the built-up area of Ormskirk begins at Heyes Farm, on the opposite side of the A59 from the amended northern boundary of the Grove Farm site, as there is a significant gap between those farm buildings and the housing on Mawdsley Terrace where continuous urban development starts. Thus development of the enlarged site would have the effect of reducing the undeveloped gap between Ormskirk and Burscough. To that extent it would conflict with the Green Belt purpose of preventing the merging of neighbouring towns.

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<sup>41</sup> Examination document LP.401, para 5.26.

<sup>42</sup> See Examination document HS.145-04, Appendix 3.

118. Having said that, however, the gap would be reduced by a matter of only about 150m as a result of the site's northward extension, and an undeveloped gap of over 1km would remain. The site is very strongly enclosed on three sides by a main road, a railway line and existing development, and the amended northern boundary, which is defined by a ditch and is lined by trees for part of its length, is no less strong than the original proposed boundary formed by a dirt track also with a partial line of trees. Moreover, the developer proposes to leave an undeveloped, landscaped buffer alongside the northern boundary, and to define the boundary itself with a strong tree belt. This would help to ensure that the amended Green Belt boundary achieved the necessary permanence.
119. Development of the site would also facilitate the provision of a linear park alongside the railway line, extending north beyond the site through land in the same ownership to create a link for pedestrians and cyclists between Ormskirk and Burscough. (Some land in separate ownership at the northern end of the link would also be needed, but I was told that there are ongoing discussions between that landowner and the Council.) This would be a very substantial public benefit, and the fact that the allocation of the Grove Farm site would go a long way towards achieving it is sufficient to outweigh any harm arising from the reduction in the undeveloped gap between the two settlements.
120. While the AECOM study commissioned by the Council shows that development at Grove Farm would cause some increase in peak-hour traffic on the Ormskirk gyratory system, LCC have raised no objection in principle to the allocation, subject to the provision of a transport plan and local highway improvement works. The site would have direct access onto the A59 which also carries regular bus services. Pedestrian and cycle links to the town centre and Ormskirk railway station could be provided through the residential areas and along a disused railway branch line to the south. While traffic from the site might cause some additional delay to drivers seeking to join the A59 from a private access lane opposite, the resulting harm would not be so severe as to render the proposed allocation unsound.
121. Like Yew Tree Farm, sewage from Grove Farm would discharge to the New Lane treatment works. The prospective developer proposes to discharge all surface water to a local watercourse at greenfield run-off rate, and to divert a volume of existing surface water arising elsewhere away from the public sewerage system. UUW are satisfied that on this basis up to 170 houses could be built on the site in the period up to 2020 without overloading the system. From 2020 onwards, it is reasonable to assume that upgrading works will have been implemented at New Lane so as to enable the rest of the development to proceed<sup>43</sup>.
122. Policy RS1 requires a masterplan or development brief to be prepared for the site before development begins. While dropping this requirement might enable development to begin six months earlier, I consider that it is necessary particularly in order to ensure that there is appropriate consultation on development principles and to secure the provision of the proposed linear park. Notwithstanding this, the site should be capable of delivering at least 11

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<sup>43</sup> See paragraph 105 above.

houses in 2015/16, 25 in the following year and then 30 dpa until the development is built out<sup>44</sup>.

123. Taking all these factors into account, the removal of the Grove Farm site from the Green Belt and its allocation for housing development is sound. Its revised capacity of 300 dwellings is reflected in **MM62**.

*Fine Jane's Farm and New Cut Lane, Halsall*

124. As is apparent from the Housing Trajectory, the total projected delivery between 2012 and 2027, from all the sources identified in the submitted Plan, is some 4,840 dwellings, only marginally short of the assessed need of about 4,858. However, after taking into account the considerations discussed above, the projected pattern of delivery from those sources alone would lead to a more serious shortfall in the five-year housing land supply over the early years of the Plan period. Following the Examination hearings, at my request the Council assessed a number of alternative housing sites with the potential to make up the shortfall<sup>45</sup>.

125. As a result of this assessment, two sites at Halsall are allocated for housing development by **MM51 & MM62**, for a total of 210 dwellings. The sites lie on the edge of the large urban area of Southport, with good access to its services and facilities. The Council's decision to propose their allocation was informed by SA and Habitats Regulations Assessment [HRA]. There is no evidence of any substantial constraints to the development of the Fine Jane's Farm site. The extant planning permission for industrial use has not been implemented and so there would be no loss of existing employment land. The site could deliver 60 dwellings over three years from 2015/16.

126. The allocated 6ha site at New Cut Lane includes more land than the 2.4ha previously safeguarded under policy GN2. Nonetheless, the site would still project less far into the Green Belt than adjacent existing development, and the deep straight cutting of Fine Jane's Brook would form a strong eastern boundary. Technical solutions are available to enable building in this area, notwithstanding the ground conditions, as demonstrated by the presence of other development nearby. There have been no highway authority objections to the allocation, and while the development of 150 dwellings would inevitably add traffic to the local road network, there is no substantial evidence to show that this would have an unacceptable impact. Nor have UuW raised any significant concerns over the feasibility of providing drainage and sewerage at the site. Any necessary upgrading of existing watercourses to facilitate this could be carried out as part of the development.

127. The Council's HRA indicates that development of this predominantly grassland site is unlikely to have a tangible impact on the integrity of the nearby SPA / Ramsar sites. Given the vast areas of undeveloped mossland nearby, it is also unlikely to have a harmful impact on the pink-footed geese or whooper swans which resort to this area in large numbers. There have been no formal surveys demonstrating the presence of other protected species on the site, and in any case appropriate wildlife surveys, and any necessary mitigation measures, would need to be carried out as part of the development. Taking

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<sup>44</sup> See Examination document EX.213

<sup>45</sup> See Examination document EX.815

all these points into account, the site could deliver 150 dwellings over six years from 2015/16.

128. However, concern was also raised over the decision to allocate the two Halsall sites in view of their proximity to the boundary with Sefton Metropolitan Borough. While Sefton Council have not raised any specific concerns over infrastructure capacity, they have argued that because many future residents of the sites would be dependent on schools and other services in Sefton, up to 75% of the dwellings built on the sites should be counted against Sefton's housing land requirement, rather than West Lancashire's. Their argument was supported by a letter from an experienced local chartered surveyor indicating that in his view, 75% of likely purchasers for the dwellings would come from the Sefton and Southport area generally. This appears to be a professional opinion rather than the outcome of any specific data analysis.
129. As is made clear under Issue E above, the projections on which the assessment of West Lancashire's housing need is based include migration into and out of the borough, alongside housing need as a result of demographic change within the borough itself. Given that some 5,000 West Lancashire residents commute to work in Sefton, while over 4,000 Sefton residents commute the other way<sup>46</sup>, it is reasonable to suppose that migration between West Lancashire and Sefton accounts for a proportion of the housing need in both boroughs, not just in Sefton.
130. No doubt some current Sefton residents may be attracted to live in the new housing at Halsall, but it is also likely to attract West Lancashire residents looking to shorten their commuting distance into Sefton. Similarly, some of the new housing in Skelmersdale and the other larger settlements in West Lancashire will no doubt be occupied by people currently living in Sefton, and vice-versa. Such cross-boundary effects occur in any local planning and housing market context.
131. While a very substantial allocation of housing close to the borough boundary might have the potential to alter the pattern of housing need in an adjacent borough, there is no substantial evidence to show that the 210 dwellings proposed at Halsall would have that effect. Thus I am not persuaded that a proportion of that allocation should go to meet the assessed need in Sefton. Specific arrangements for the provision and funding of services and infrastructure for the new development are a separate issue, to be determined in the context of future planning applications.
132. The main alternatives to the Halsall sites which the Council considered for allocation to meet the housing supply shortfall were the two sites at Parr's Lane, Aughton, referred to under Issue I below. Having considered the Council's account of the selection process<sup>47</sup>, the SA and HRA reports on the Main Modifications, and the relevant representations, I am satisfied that the process was carried out rationally, fairly and in accordance with legal requirements. For the reasons given above I consider that the site allocations at Halsall are sound. Thus there would be no justification on grounds of

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<sup>46</sup> Examination document SP.601, Table 6

<sup>47</sup> Examination document EX.815

soundness or legal compliance for replacing one or both of the allocated Halsall sites with one or both of the sites at Parr's Lane.

133. **MM59 & MM63** provide necessary amendments to the reasoned justification to reflect the allocation of the Halsall sites. The Council may wish to consider a further, minor modification to relocate amended paragraphs 4.45-4.46 to a more appropriate position under policy SP1.

**Issue G – Does the Local Plan provide a continuous five-year housing land supply in accordance with national policy?**

134. At paragraph 47 the NPPF requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, together with an appropriate buffer moved forward from later in the Plan period. The bottom three lines of the Housing Trajectory annexed to this report demonstrate how this will be achieved by the Plan. They show, respectively, the actual projected supply for each complete five-year period covered by the Plan; the total requirement for each five-year period, including a 5% buffer; and the difference between the two figures. Together they demonstrate that the projected housing land supply is in surplus for each complete five-year period from 2013 onwards.
135. The NPPF requires a 20% buffer in circumstances where there has been a record of persistent under-delivery of housing. Such circumstances do not apply in West Lancashire. Indeed, the borough experienced a significant housing over-supply until the publication in 2008 of revised housing targets in the NWRSS. Even when measured against the raised target in the NWRSS, applied retrospectively from 2003, delivery comfortably outstripped policy requirements until 2007/08. Since then, housing delivery has fallen behind the requirement, but this is almost certainly due, in large part, to the ongoing effects of the financial crisis of 2008. In response, the Plan's strategy of Green Belt release will directly address the national policy requirement to provide a substantial boost to the supply of housing land and will also recoup the accrued shortfall.
136. The rolling five-year supply set out in the Housing Trajectory includes sites that are identified in the SHLAA alongside those allocated in the Local Plan. I am satisfied that the inclusion of the SHLAA sites meets national policy requirements, as they are specifically identified in the SHLAA and their deliverability has been assessed under Issue F above. Similarly, under Issue F I have found the windfall allowance in the trajectory to be realistic and supported by compelling evidence.
137. The Housing Trajectory shows that 139 dwellings were completed in West Lancashire in 2012/13. This "actual completions" figure was not available when the hearings took place and it represents a shortfall of about 50 dwellings against the total that had previously been projected for the year. I do not see this shortfall as evidence of any fundamental unsoundness in the Plan. The Housing Trajectory makes it clear that the significant uplift in housing delivery in the borough will occur from 2015 onwards, when the sites released from the Green Belt start to come on stream. That is consistent with the Plan's overall strategy and the approach to Green Belt release discussed

under Issue A above, and it will be more than sufficient to recoup the 2012/13 shortfall.

138. It follows that there is no need to release any additional sites, including any of those safeguarded for future development, for development now in order to maintain a five-year housing land supply. Indeed, to do so would potentially conflict with national policy, as it would be likely to require the subsequent release of additional land from the Green Belt to meet future development needs, in a situation where the exceptional circumstances needed to justify that release do not exist.

#### **Issue H – Is there justification for the Local Plan's "Plan B" and would it be effective?**

139. Chapter 10 of the submitted Plan sets out a "Plan B", which would require five-yearly reviews of the housing land supply position, and the release of safeguarded land for development if the supply were found to have fallen below a defined trigger-point. While the site allocations have been rigorously tested in the Examination and ought to provide an adequate housing land supply, Plan B is intended to provide a further safeguard should unexpected circumstances lead to one or more of the larger allocated sites not coming forward as anticipated. It is a constructive response to the uncertainty inherent in planning for housing provision.

140. The provisions of Plan B would be supplemented by the mechanism contained in paragraphs 49 and 14 of the *National Planning Policy Framework* to address any failure to maintain a five-year housing land supply. In this context, five-yearly reviews of housing delivery under Plan B would be sufficiently frequent to maintain the overall supply, while allowing for peaks and troughs in the trend of provision. Setting the trigger-point at 80% of the required level of supply is also appropriate, providing robust justification, in the form of a demonstrated significant shortfall in provision over time, for the release of Green Belt land under Plan B which would otherwise be safeguarded for development after 2027.

141. In order for the Plan B mechanism to be effective, it needs to form part of a formal policy in the Local Plan. This is achieved by **MM73 & MM74**. It is important to retain flexibility for the Council to determine which of the Plan B sites would be best suited to meet any future shortfall, and so it would be inappropriate for the policy to specify a priority order, or priority criteria, for their release.

#### **Issue I – Is there justification for the safeguarding by policy GN2 of Green Belt land for future development?**

142. In addition to the land allocated for development in the Plan period, submitted Local Plan policy GN2 proposes to remove a further 11 sites from the Green Belt or from Protected Land status. They are to be safeguarded for future development, either under "Plan B", should that be required, and otherwise for development beyond 2027. This is clarified by **MM61**. The general approach of safeguarding land for use beyond the Plan period is consistent with advice in NPPF paragraphs 83 and 85, and the appraisal and selection of

the individual Green Belt sites was informed by the Council's *Green Belt Study*.

143. One of the policy GN2 sites (Guinea Hall Lane / Greaves Hall Avenue, Banks) now has outline planning permission for residential development and **MM60 & MM62** accordingly reallocate it as a housing site under policy RS1. Another site forms part of the Yew Tree Farm SDS, discussed in the preceding section.
144. The sites at Ruff Lane, Ormskirk and Red Cat Lane, Burscough are bounded on three sides by existing development, while the site at Mill Lane, Up Holland has existing development on two sides and a playing field within the urban area on a third. Each, therefore, represents a rounding-off of the urban form and each has a clear, defensible boundary on its currently-open side.
145. The two sites at Parr's Lane, Aughton, taken together, are also contained by existing development on three sides, while their south-eastern boundary, formed by Parr's Lane itself, is itself developed for much of its length. Like the previous three sites, therefore, the Parr's Lane sites also represent a rounding-off of the urban form, albeit on a larger scale, while Parr's Lane forms a strong defensible boundary on their outer, south-eastern edge.
146. The inspector who conducted the inquiry into the RLP rejected proposals for the Parr's Lane sites to be removed from the Green Belt. However, he did so on the basis that there was very little scope for additional housing supply in the context of the restrictive regional policy that applied at that time<sup>48</sup>.
147. The situation today is quite different. There is insufficient land within existing settlements to meet development needs in the current Plan period and the same must logically apply in the future. Thus it is appropriate to consider releasing sites such as these from the Green Belt, even though their Green Belt status was deemed necessary to prevent urban sprawl and safeguard the countryside from encroachment at the time when the RLP was prepared.
148. There are at least seven heritage assets listed in the Lancashire Historic Environment Record on the Parr's Lane land, and although many of the former hedgerows have been removed, it is possible that some historic hedgerows may remain. Careful attention would need to be given at the development stage to safeguarding these assets, but their presence does not make the proposed allocation unsound.
149. Appropriate consideration was given to the potential ecological value of the land in the SA and HRA that support the submitted Local Plan. During consultation on the Main Modifications, reports of statutorily-protected wildlife living and feeding on the land were submitted. Those reports do not appear to be based on formal, professionally-conducted surveys. Such surveys would need to be carried out before any development of the land takes place, and the need for any measures to protect wildlife and habitats would be considered in the light of that information.
150. Aughton Town Green primary school lies close to the western edge of the sites, on the opposite side of Prescott Road. I observed traffic conditions around the school between 0835 and 0905 on a Tuesday morning in term-

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<sup>48</sup> RLP Inspector's report, para 2.162

time. There was some blocking-back of traffic in Town Green Lane caused by cars using the drop-off zone outside the school, but I saw no significant delays to traffic on the B5197 Prescott Road – the main route into Ormskirk and towards the motorway network to the south – despite some on-road parking associated with the school. The local highway authority have raised no major concerns over the impact of either site on the wider road network and this position is supported by a traffic study in respect of the western site.

151. The Parr's Lane sites are within a reasonable walking distance of Aughton Park and Town Green railway stations, which are served by frequent services between Ormskirk and Liverpool. There are also bus services along Prescott Road to Ormskirk town centre, Skelmersdale and Liverpool. The nearest substantial collection of shops and other services is in Ormskirk town centre, some 2km away, and there is also a small range of local shops at Town Green. Development of the sites would not involve significant loss of Grade 1 agricultural land, and there is no substantial evidence to show that any existing local flooding would be exacerbated.
152. The eastern site was safeguarded in the submitted Plan for potential development as part of Plan B and the western site for development after 2027. However, because of the similarities in their characteristics and their relationship to the whole Ormskirk and Aughton urban area, their merits as potential housing sites appear indistinguishable, notwithstanding the fact that certain local facilities are closer to one site or the other.
153. Bringing both sites forward together, as proposed by **MM60**, would have the benefit of enabling a co-ordinated approach to be taken to their masterplanning and development. This would be sensible, especially given that the western site controls the access to the B5197 Prescott Road and its bus services. The proposed provision of a second access towards the eastern end of Parr's Lane should obviate any over-concentration of traffic onto Prescott Road. Variations in the character of existing development surrounding the combined site could also be taken into account in the masterplanning process.
154. Like the Halsall sites discussed under Issue F above, the other two safeguarded sites at Moss Road lie on or close to the western boundary of the borough, abutting the continuously built-up area of Southport with good access to its facilities. They were designated in the RLP as Protected Land, and are separated from the Green Belt by continuous development along Moss Road itself. There is no evidence of any substantial constraints to their development, and similar considerations to those discussed under Issue F apply in respect of their proximity to the Sefton borough boundary.
155. In total, and as clarified by **MM60**, the sites safeguarded under policy GN2 have capacity for about 1,500 dwellings. That compares with capacity for just over 1,000 dwellings on the Green Belt sites released by the Plan for development in the current Local Plan period. As previously-safeguarded land is used up, more land currently within the Green Belt is likely to be required for development in future plan periods, should housing need continue to grow. On that basis, and taking account of the inherent uncertainty in predicting housing requirements so far ahead, I consider that the level of future provision

in the Plan is prudent and consistent with national policy advice to set Green Belt boundaries that are capable of enduring beyond the Plan period.

156. Subject to **MM60**, therefore, the safeguarding of the sites listed under policy GN2 and, where necessary, their removal from the Green Belt, are justified by exceptional circumstances and consistent with the Local Plan's spatial strategy and with the objectives of sustainable development.

**Issue J – Should any other housing sites be allocated for development or as safeguarded land in the Local Plan?**

157. For the reasons given above, the Local Plan, incorporating the Main Modifications, would provide adequate housing land to meet the assessed need, and also to meet needs beyond the Plan period as far as they can be predicted. While other sites were put forward for allocation during the Examination, my view is that it would be inappropriate, having regard to the tests of soundness, to allocate any of them in place of one or more of the allocated sites. Below I set out the reasons why I have reached that view, in respect of the main alternative sites. All are currently in the Green Belt unless otherwise stated.

*Land at Alty's Lane, Ormskirk*

158. These two sites on either side of Alty's Lane correspond to the land identified for the "non-preferred option" in the May 2011 *Core Strategy Preferred Options*<sup>49</sup>, excluding the university expansion land. The sites are now being promoted for 600 dwellings and a sports village, without the employment component of the CSPO proposal.

159. Although the sites discharge to the New Lane WWTW, it appears that measures similar to those proposed for Yew Tree Farm and Grove Farm could enable development to proceed up to 2020 without additional detriment to sewerage capacity. Beyond 2020, it is reasonable to assume that UUW would take account of any development allocated for the Alty's Lane sites in their future investment programme.

160. One of the principal reasons for the Council's rejection of the Ormskirk strategic site in the CSPO was the adverse impact of traffic from the development on the A570 St Helens Road and on the Ormskirk town centre gyratory system. This conclusion was based on the TIAT modelling work carried out for the Council by AECOM. Further modelling work commissioned by the landowners, however, indicates that their current, reduced proposals would have no more harmful impact on the main road network in Ormskirk than the Council's preferred option.

161. But the Alty's Lane sites suffer from the overriding drawback that they are very poorly contained, in Green Belt terms. The site west of Alty's Lane has existing development on two sides and on part of a third, but a significant section of its south-eastern boundary, facing out towards the open countryside, is not demarcated by any physical feature. The south-western and part of the south-eastern boundaries of the larger site to the east of Alty's Lane are marked by watercourses lined with a few trees but there is otherwise

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<sup>49</sup> See Issue B above.

nothing to differentiate the farmland inside the boundaries from that beyond them.

162. Thus both sites lack the strong and complete enclosure by existing development and roads that characterises the sites at Yew Tree Farm and Parr's Lane. Although the northern boundary of the extended Grove Farm site is also marked only by a tree-lined watercourse, it does not have the particularly weak form of the proposed site boundaries at Alty's Lane, with their exposed south-western corners.

163. The development proposals include substantial landscaping of the southern edges of the Alty's Lane sites and, in one of the proposed options, sports pitches at the southern end of the larger site. Nonetheless, I find that the sites would appear as arbitrarily-shaped wedges of landscaped development protruding into the countryside to the south-east of Ormskirk, which has a distinctively open character at present. Altering the Green Belt boundaries in this way would, therefore, fail to achieve a satisfactory relationship between the urban area and its rural surroundings. The apparent weakness and arbitrariness of their outer boundaries would also undermine their permanence in the long term, contrary to the advice of the NPPF. The same criticism would apply to either site considered separately.

*Land at Nursery Avenue, Ormskirk*

164. The Council considered allocating this site (also known as Bath Farm) as safeguarded land but rejected it, in part because of highways access concerns<sup>50</sup>. At my site visit I saw that Nursery Avenue, onto which access would be provided, is residential in character, contains sharp bends and rises quite steeply to join Greetby Hill, which is itself an unclassified, predominantly residential road. No substantial study has been submitted to assess the traffic impact of development on these roads. While LCC have confirmed that adequate sight lines could be achieved, it is also unclear how access into the site could be provided without severing the designated linear park and wildlife corridor formed by a disused railway branch line.

165. In addition, the northern boundary of the site lacks clear definition and so it would be difficult to create a strong and permanent Green Belt boundary. Unlike on the Grove Farm site on the opposite side of the railway line, there is no compensating benefit to counter-balance this deficiency. Despite its potentially good pedestrian and cycle links, therefore, the allocation of this site would not be justified.

*Land at Little Hall Farm Mushrooms, Ormskirk*

166. A larger site at Little Hall Farm was assessed as part of the Council's *Green Belt Study* and a smaller site was considered in their *Technical Paper 1*. However, the promoters seek the allocation of a different area of land, estimated to be capable of delivering some 220 dwellings.

167. As I noted during my site visit, the mushroom farm business is an intensive operation, conducted almost entirely inside buildings and enclosed yards which already cover a proportion of the site, and there is an extant planning

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<sup>50</sup> See Examination document SP.607, Appendix A

permission for significant expansion. The operation generates an unpleasant smell, and it may be that there would be benefit in relocating it further away from a residential area to allow development of the site for housing. Given the size of the site, it is likely that waste water constraints could be overcome in a similar fashion to that proposed for Grove Farm and Yew Tree Farm.

168. However, LCC as the local highway authority have significant concerns about the capacity of the road network to absorb the traffic generated by housing on the site. It is also unclear whether a housing development would improve or worsen the environmental impact of traffic on the residential Cottage Lane, which provides access to the site. While a Traffic Impact Assessment has demonstrated that expansion of the mushroom farm is acceptable in highway capacity and environmental terms, no similar analysis has been made of the traffic impact of residential development.
169. The site is enclosed by residential development on two sides and defined by a straight ditch on its north-western boundary. Its south-western boundary, however, is undefined or only weakly defined for much of its length, and, similarly to the Alty's Lane sites, its western corner is enclosed by open countryside on two sides. As such, were it to be fully developed for housing, it would appear as a somewhat artificial extension of development into the surrounding countryside, posing a risk to the long-term permanence of the new Green Belt boundary. Even after its expansion, the mushroom farm, on the other hand, would not occupy the whole of the proposed housing site.
170. These deficiencies outweigh any potential benefits arising from the relocation of the mushroom farm and make the site unsuitable for allocation.

#### *Land at Aughton East*

171. The Aughton East land lies to the south of Parr's Lane and east of Prescott Road. Representations made on behalf of the potential developer suggest that it could be developed for 200 to 300 dwellings, in parallel with the Parr's Lane sites to the north. (It would not make sense to develop the site in place of the Parr's Lane sites because that would create an almost isolated patch of development, separated from the main body of urban development to the north by Green Belt land.)
172. The eastern boundary of the site is defined by a tree-lined watercourse, but there is no other obvious differentiation between the farmland within and outside it. Although the north-eastern boundary is more strongly defined by a metalled lane, the eastern corner of the site nonetheless abuts open countryside on two sides. Despite the proposal to dedicate a substantial proportion of the site on its eastern side as a country park, therefore, it would suffer from a similar drawback to the Alty's Lane sites in that it would appear arbitrarily-defined in relation to the surrounding countryside. This would undermine the permanence of the Green Belt boundary in the longer term. Moreover, no analysis has been made of the potentially substantial traffic impact of developing this site in combination with the Parr's Lane sites.
173. For these reasons, and despite any benefits that might arise from the creation of a local shopping centre and the diversion of traffic off a section of Prescott Road, allocation of the Aughton East site would not be justified.

*Other sites in the three main settlements*

174. Land at the White Moss Business Park, Skelmersdale is unsuitable for residential development due to its separation by the M58 motorway from other housing, shops and services. As discussed under Issue N below, moreover, its residential allocation would also result in the loss of employment land in a location that is particularly appropriate for office, R&D and related development. No substantial evidence has been submitted to show how the former St Joseph's seminary, Up Holland, could be re-developed in a viable manner.
175. The proposed allocation north of Vale Lane, Skelmersdale would lack a strongly-defined western boundary, and so the long-term permanence of the Green Belt boundary would be threatened. In addition there is a significant risk that its allocation would undermine delivery of the allocated Whalleys sites, which lie nearby but are not in the Green Belt.
176. The Whittle Drive playing fields, Ormskirk are owned by the Council who do not wish to see them developed. In any case no site has been suggested for their replacement, which would be necessary to preserve recreational opportunities in the area.
177. The potential for development of non-Green Belt land at and around the Burscough sports centre is unclear due to the number of land ownerships and the need to find replacement sites for the sports centre itself, its playing fields and perhaps Burscough Football Club as well. Despite reports of discussions between promoters of such development and the Council, no clear proposals were put before me. Although it is bounded by roads and a railway line, the adjacent Green Belt site at Orrell Farm, unlike the land at Yew Tree Farm and Parr's Lane, faces open rural land on three sides. Its development would create a poor relationship between the urban form and the surrounding countryside.
178. The same applies to the land south of Briars Lane, Burscough (which includes the site described as Land at Brooklands Grove / Flax Lane, Lathom). Although there is a small outcrop of development south of the A5209 at the western edge of this land, the proposed development site extends significantly further southwards, away from the main body of the settlement, and faces open countryside on three sides.
179. In addition, I have no clear evidence of how any of the suggested sites in and around Ormskirk and Burscough would address the sewerage constraints arising from limited capacity at New Lane WWTW.

*Other sites in the Northern Parishes*

180. As modified to take account of recent planning permissions and other changes reflected in the Housing Trajectory, the Local Plan expects settlements in the Northern Parishes to provide some 800 dwellings in the Plan period. Given their position below Skelmersdale, Ormskirk and Burscough in the settlement hierarchy, the allocation of significantly more housing land in the Northern Parishes would not accord with the Local Plan's spatial strategy or the objectives of sustainable development.

181. Moreover, as is made clear under Issue D above, the water supply and sewerage constraints affecting Banks, Tarleton, Hesketh Bank and Rufford also make it undesirable to allocate significant further development there. On this basis, and notwithstanding any individual merits they may have, I find no justification for allocating any additional sites in the Northern Parishes, either for development in the Plan period or as safeguarded land. There is no necessary requirement under the terms of Plan B for any shortfall that might occur in expected housing provision in the Northern Parishes to be made up here, rather than elsewhere in the borough.
182. I have made clear under Issue F why I consider the Local Plan housing sites in the Northern Parishes to be sound, and the proposed level of development at the various settlements to be appropriate. I find no evidence to show that replacing any of those allocated sites with one or more of the suggested alternatives would better meet the objectives of sustainable development, especially in view of the progress already made towards development of the allocated sites at Banks and the application site at Sluice Road / New Road, Rufford. In particular, the suggested development of up to 250 dwellings on protected land in Tarleton and Hesketh Bank would involve several separate land parcels with multiple access points, and would increase traffic flows on Carr Lane which is fairly narrow in places and has a largely rural character. This would make it unsuitable for inclusion in preference to any of the allocated sites.

### **Issue K – Affordable and specialist housing**

183. Policy RS2 requires a proportion of market housing developments of eight units or more to be provided as affordable housing, the proportion varying according to the size of the development. Lower requirements apply in Skelmersdale, in recognition of its weaker housing market compared with the rest of the borough. The affordable housing requirements are justified by the Council's *Housing Need and Demand Study* and *Affordable Housing Viability Study*, both published in 2010.
184. While the maximum amount of affordable housing yielded by policy RS2 would only represent about half the assessed need, the requirements are based on a robust assessment of how much could be achieved without threatening development viability. The assessment has taken into account variations in viability according to both the size and the location of developments. Policy RS2 also allows for a reduction in the specified proportion of affordable housing in individual cases where there is evidence that this is necessary to make the development viable. Taking all these points into account, I see no need to alter the proportions of affordable housing sought by the policy or the thresholds at which they apply.
185. Alongside affordable provision as part of market housing developments, policies GN1 and RS1 allow for 100% affordable housing developments to meet local needs to come forward both inside and outside settlements, subject to a sequential test<sup>51</sup>. In respect of the tenure, sizes and types of affordable dwellings to be provided on all sites, policy RS2 sensibly allows these to be

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<sup>51</sup> 76 affordable dwellings provided in this way were under construction at the time of the Examination, with a further 30 programmed to be complete by 2014.

negotiated on a case-by-case basis, subject to a general expectation, supported by evidence from the *Housing Need and Demand Study*, that the majority will comprise rented housing<sup>52</sup>. **MM64** is needed to ensure that the policy reflects the NPPF's definition of affordable housing, including affordable rented housing. The policy also allows for the off-site provision of affordable housing in exceptional circumstances, reflecting the emphasis of relevant guidance in the NPPF<sup>53</sup>.

186. Policy RS1 also requires that 20% of the dwellings in housing developments of 15 units or more should be designed specifically to accommodate the elderly. The term "the elderly" is deliberately not defined in the policy, nor does the policy seek to specify how this provision should be made. Instead it is left to individual developers to decide what is appropriate in each case. This is a realistic and flexible response to the evidence from the Census and ONS population projections that the proportion of older people in the borough, which already exceeds the national average, will increase significantly over the Plan period. Making specific provision for this age group ought to be in developers' interests, and need not necessarily involve any significant additional cost.

187. Nonetheless it is important that the combined affordable housing and specialist housing requirements should not render any individual development scheme unviable. **MM26 & MM27** provide the safeguard that in such circumstances a reduction in the level of affordable housing, specialist housing or both will be permissible. This safeguard also applies to the requirement under policy RS1(e) for new dwellings to meet Lifetime Homes standards.

### **Issue L – Provision for gypsies and travellers and travelling showpeople**

188. As stated in Issue B above, the Council began preparing the Plan in 2008 as a Core Strategy, under the provisions of the 2004 Act that applied at that time. In 2011, however, the Council switched to preparing a comprehensive Local Plan, in the light of national planning policy changes and the amendments to the 2004 Act made by the *Localism Act 2011*.

189. As a Core Strategy, the Plan would have been required to identify the need for traveller site provision, but not to identify specific sites to meet that need. Having ultimately been submitted in the form of a comprehensive Local Plan, however, it is unsound because it fails to identify a five-year supply of specific deliverable sites to meet the need identified in policy RS4. This makes it inconsistent with policy B of the national *Planning Policy for Traveller Sites* [PPTS].

190. After the hearing session into this issue, the Council submitted a document containing supplementary information on three sites which there were discussions about, or interest in, developing as traveller provision<sup>54</sup>. However, the sites had not been the subject of public consultation, nor had they been subject to sustainability appraisal [SA] or Habitats Regulations Assessment [HRA]. Moreover, the three sites listed in the Council's document are all situated in the Green Belt, and as the Local Plan does not propose to remove

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<sup>52</sup> See Examination document SP.104, paras 8.15-8.18 and Table 8.4

<sup>53</sup> NPPF, paragraph 50, bullet point 3

<sup>54</sup> Examination Document EX.238

them from the Green Belt, very special circumstances would need to be demonstrated in order to obtain planning permission for their development<sup>55</sup>.

191. For these reasons, the Council's supplementary information failed to demonstrate that the three sites were deliverable, in the terms of PPTS paragraph 9(a) and its footnote 7. I made it clear to the Council that, in the absence of further evidence to demonstrate that the sites were deliverable, the Local Plan would still fail to identify a five-year supply of specific deliverable sites to meet the identified need. Thus I would not be able to find policy RS4 sound, even if it were subject to a commitment by the Council to undertake a single-issue review.
192. In the light of this advice, the Council proposed **MM65**, deleting the unsound policy RS4 from the Local Plan and making clear their intention to deal with the issue of traveller provision in a separate development plan document [DPD]. The timeline provided by the Council<sup>56</sup> indicates that consultation on preferred options would take place early in 2014 and the *Provision for Travellers' Sites* DPD would be published for consultation by July 2014. This is consistent with the information now contained in their revised *Local Development Scheme* [LDS].
193. It is, of course, very important that the Council adheres to – and, if at all possible, improves upon – this timescale in order to bring its policy on traveller sites into line with national guidance without delay. Saved policy DE4 of the RLP will remain in place alongside PPTS to guide decision-making on any planning applications for gypsy or traveller sites that come forward before the DPD is adopted. (A consequential minor modification is needed to Appendix H of the Plan to make this clear.)
194. In considering the merits of this way forward, account needs to be taken of the evidence I heard at the hearing session of the good working relationship that exists between the Council and members of the gypsy and traveller community in the borough. Although the three sites proposed by the Council are not currently deliverable in planning policy terms, the fact that the Council were readily able to identify them indicates a positive willingness to make the necessary site allocations in their forthcoming DPD. Thus it does not appear that the Council are seeking to side-step the obligation in PPTS to meet the identified need for traveller sites.
195. It is also the case that the DPD will be able to take account of more up-to-date evidence on the need for traveller provision than is currently available. This is being compiled through the *Joint Liverpool City Region Gypsy & Traveller Accommodation Needs Assessment*, due to be completed towards the end of 2013.
196. Taking all these points into account, I find that the deletion of policy RS4 and the Council's commitment to prepare a *Provision for Travellers' Sites* DPD for consultation by mid-2014 is an acceptable way forward in this case, despite

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<sup>55</sup> The same considerations apply to the potential site for travelling showpeople that was put forward in a consultation response on the Main Modifications, and appears to be very similar to one of the three considered by the Council.

<sup>56</sup> Examination document EX.228

the fact that a similar approach is very unlikely to be appropriate for plans coming forward where the same specific circumstances do not apply.

**Issue M – Are the employment and retail land requirement figures set out in the Local Plan based on robust evidence about business and economic development needs?**

197. The Council's *Technical Paper 3: The Economy and Employment Land* explains that the employment land requirement set out in the submitted Local Plan is based on evidence of past delivery. An annual average of the actual delivery of employment development from 1992 to 2011, excluding the delivery figures for 1997/98 and 2003/04, which the Council regard as anomalously high, was multiplied by 15, and a 20% contingency allowance was then added to give a figure of 75ha for the whole Plan period<sup>57</sup>. Even if that calculation were better-balanced by excluding the two years of lowest delivery as well as the two highest years, it would still equate to a 15-year requirement comfortably within the 75ha figure, albeit with a reduced contingency buffer.
198. Clearly, that 75ha figure is lower than the 91ha (for the period 2010-2026) recommended by the JELPS which was produced for the Council and three neighbouring authorities in 2010. However, the calculations underpinning that recommendation were based on a shorter series of delivery data than that used in *Technical Paper 3*. There is no substantial current evidence to show that employment land take-up in future is likely to exceed the long-term average rates used in the *Technical Paper 3* calculation, which cover periods of both rapid growth and slowdown in the national economy. On this basis I consider that the employment land requirement of 75ha is justified as a realistic assessment of business development needs over the Plan period.
199. While it may be that take-up is low in the early years of the period, due to the ongoing effects of the post-2008 economic downturn, I see no justification for basing the Plan's delivery strategy on that pessimistic expectation. Nor are there any significant constraints affecting most of the land which is identified to meet the requirement, or any other clear evidential basis to justify the phasing of the employment land provision targets shown in Table 4.1 of the submitted Plan. Accordingly, **MM53** deletes the phasing and makes it clear that the 75ha requirement applies across the Plan period as a whole.
200. The additional retail capacity figures for the Plan period, set out in paragraph 4.39 of the submitted Local Plan<sup>58</sup>, are supported by up-to-date evidence in the *West Lancashire Retail Study Update* (December 2011). They are based on a realistic objective of increasing the share of comparison expenditure retained within the borough from its current low level of 26% to 35%, and also increasing the retained share of convenience expenditure. While both the employment land and retail floorspace requirement figures are fully justified on current evidence, as with the housing land requirement I would expect the Council to review this aspect of the Local Plan, should annual monitoring

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<sup>57</sup> Examination Document SP.602, paragraphs 4.4-4.11. A minor inconsistency in the table included in the consultation version of MM51, which produced an inaccurate total requirement of 75.5ha, has been corrected in the Appendix to this report.

<sup>58</sup> The figures are to be relocated to a more appropriate position under policy SP1 by means of a minor modification proposed by the Council.

reveal that the requirement had unexpectedly proven insufficient to meet the actual level of business need.

**Issue N – Does the Local Plan make adequate and effective provision to meet the identified need for employment and retail land?**

201. The Council's *Technical Paper 3* identifies about 40ha of undeveloped land in existing employment land allocations brought forward from the 2006 *Replacement Local Plan*. It also refers to 18ha of supply to be brought forward through re-modelling and regeneration of the existing Skelmersdale industrial estates. I am satisfied that these figures reflect a robust assessment of those existing sites, based on survey work carried out for the JELPS and the Council's own *Study into the Regeneration / Remodelling Opportunities of Employment Areas in West Lancashire*.
202. A further 10ha of new employment land would be provided as part of the Yew Tree Farm SDS, considered under Issue F above, and 2ha would be provided on the rural employment site at Banks allocated by policy EC2. This leaves a shortfall of 5ha, which the submitted Local Plan envisages coming forward on the existing Simonswood Industrial Estate through existing allocations and remodelling.
203. The Table on pp11-12 of *Technical Paper 3*, however, identifies the 5.02ha at Simonswood previously allocated in the RLP as "unrealistic land supply". Similarly, while the following Table on p12 identifies 5ha at Simonswood as a regeneration opportunity, that is not borne out by the findings of the *Study into Regeneration / Remodelling Opportunities*. *Technical Paper 3* itself acknowledges that "further investigations will be required" into land availability at Simonswood. Thus the submitted Plan is not justified in relying on the provision of 5ha of employment land through remodelling at Simonswood.
204. In response to my expressed concerns on this point, the Council assessed four alternative locations to meet the 5ha shortfall – two at Skelmersdale, one at Burscough, and one on protected land adjacent to the existing Simonswood Industrial Estate<sup>59</sup>. Both the Skelmersdale sites would involve the release of additional Green Belt land, beyond that proposed in the submitted Local Plan. SA indicated that the Simonswood site would have more positive and fewer negative impacts than either of those sites, or the land at Burscough.
205. Moreover, allocating additional land at Burscough, over and above the 10ha already allocated for the Plan period, would almost certainly mean taking land from the 10ha of employment land at Yew Tree Farm that is planned for development after 2027, in conjunction with a further 500 dwellings. This would unbalance the pattern of development envisaged for Burscough and risk an over-concentration of allocated employment land in that one location. Similar concerns would apply to the allocation of land on the former Burscough airfield.
206. By contrast, allocating additional land at Simonswood would effectively restore the balance of employment allocations contained in the submitted Local Plan. At some 7ha the site is rather larger than the 5ha that the submitted Plan

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<sup>59</sup> See Examination documents EX.815 & EX.802

expected to be released through remodelling of the existing industrial estate, but the increase would still be a relatively small proportion of the 53ha area of the existing estate. This modest increase is unlikely to result in unacceptably harmful effects on the local environment or to threaten the prosperity of the much larger industrial estates at Kirkby nearby, even in the unlikely event that it proceeded alongside a substantial remodelling of the existing industrial estate.

207. The site is located very close to the boundary with Knowsley Metropolitan Borough, and is difficult to reach by public transport from most parts of West Lancashire. On the other hand, it has the significant benefit that it is owned by a business already located at Simonswood which is looking to expand. Its allocation would therefore be consistent with the NPPF's advice, at paragraph 160, that local authorities should work closely with businesses to understand their changing needs.
208. An adjacent site of about 14ha, also on protected land next to the existing Simonswood Industrial Estate, was promoted for allocation, either in place of or alongside the 7ha site. There is no evidence that Knowsley Council would contemplate the allocation of this land to meet employment needs arising in their borough: on the contrary they have objected to the allocation of the adjacent 7ha site<sup>60</sup>. I therefore find no grounds for concluding that the Council's decision not to allocate the larger site indicates a failure to comply with the duty to co-operate.
209. The 14ha site is not needed to meet the employment land requirement over the Plan period. It would be inappropriate, having regard to the Plan's settlement hierarchy, to allocate it in preference to the allocated land at Skelmersdale or Burscough. If allocated in place of the 7ha site at Simonswood it would relate less well to the existing industrial development on the Stopgate Lane frontage, and lie significantly closer to the large residential area of Tower Hill. If allocated alongside the 7ha site it would create a much more substantial extension to the existing industrial estate which could not be justified on the basis of meeting West Lancashire's employment needs, given its likely impacts on Knowsley in terms of traffic generation and competition with the Kirkby industrial area.
210. **MM14** amends policy EC1 to make it clear that employment-generating uses in use classes C1 and D1 will be permitted at White Moss Business Park and in the Ormskirk Business Area. This additional flexibility will facilitate complementary development on these strategic employment sites which are currently geared towards office and R&D uses. Given the comparative scarcity of sites in the borough for such uses, releasing White Moss Business Park for residential development, in whole or part, would not be justified.
211. Policy SP2 makes it clear that a substantial proportion of the additional retail floorspace identified for the Plan period should be provided, along with leisure and entertainment facilities, in Skelmersdale town centre. Elsewhere in the borough, policy IF1 directs retail and other main town centre uses into town, village and local centres. There is no evidence of any lack of capacity for the scale of retail development envisaged by the Plan.

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<sup>60</sup> The substance of that objection is considered in the foregoing paragraphs.

212. Taking all these points into account, I conclude that subject to **MM66 & MM67**, which insert the 7ha site at Simonswood into policy EC1, there is adequate and effective provision in the Plan to meet the identified need for employment and retail land.

**Issue O – Is the Local Plan's policy approach to Edge Hill University, including a 10ha expansion into the Green Belt, justified and effective?**

213. Edge Hill University is an important asset to the borough, contributing some £75 million annually to the local economy and providing over 1,500 jobs<sup>61</sup>. In this context, policy EC4 provides general support for the university's growth, development and improvement. In particular, it provides for the release of 10ha of Green Belt land to expand the existing campus facilities and provide improved highway access and parking. I agree that exceptional circumstances justify this release, in view of the university's importance to the borough, the lack of other land onto which to extend the campus, the adverse effects of the proliferation of student Houses in Multiple Occupation [HMOs] in Ormskirk<sup>62</sup>, and the significant traffic and parking impacts associated with the previous access arrangements.

214. The development for which the policy provides is already well under way following the grant of planning permission for new student accommodation and a new sports and recreation complex. **MM10** is necessary to reflect this current position. As part of the development, the tree belts which formed the notional new Green Belt boundary depicted in Local Plan Figure 6.1 have been removed. Accordingly, **MM70 & MM71** amend that new Green Belt boundary so that it follows the access road created by the current development works. This is a readily-recognisable and continuous feature that is likely to be permanent, as recommended by NPPF paragraph 85. These advantages outweigh the fact that the access road boundary would leave the new University sports building within the Green Belt. The alternative boundary proposed by the University would be significantly less well-defined on the ground.

215. There is no evidence that the University are seeking to expand built development further into the Green Belt than the current planning permission allows for. Instead, the rest of the land enclosed by the campus itself, St Helens Road, Scarth Hill Lane and Ruff Lane is intended for sports fields and recreational land. This position will be safeguarded by the strong protection given to Green Belt land by section 9 of the NPPF.

**Issue P – Are the provisions of the Local Plan's other development management policies justified and consistent with national policy?**

***General development policies GN3-GN5***

216. Policy GN3 is a wide-ranging policy covering several aspects of development management. These reflect national guidance and the requirements are generally clear and effective. The overlap that exists with part of policy EN4 (as submitted) is addressed by **MM43**. **MM23** adds a necessary reference to

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<sup>61</sup> See the Council's *Technical Paper 4: Edge Hill*, paras 3.5 to 3.6.

<sup>62</sup> See also the discussion of policy RS3 below.

the role of design in reducing opportunities for crime, in accordance with NPPF paragraph 58.

217. In the light of evidence of sewerage capacity problems in many parts of West Lancashire, **MM8** and **MM9** are needed to strengthen policy GN3 so that it requires consideration of the use of sustainable drainage systems in all new development. The requirement for reductions in surface water run-off and discharge to sewers reflects the general thrust of national policy on flood risk and the findings of the Council's *Strategic Flood Risk Assessment*. However, **MM45** is necessary to account for situations where such reductions are not feasible or viable. With these modifications, the policy is justified and effective.
218. **MM24** substantially restructures and rewords policy GN4 in the light of the discussion at the hearing session. As submitted, the policy is too prescriptive and has shortcomings in terms of effectiveness and compliance with national policy. But the modified text provides a clear and robust approach to assessing proposed redevelopments and changes of use where the viability of the existing use is a relevant consideration. With the modification, the policy's approach strikes an appropriate balance between protecting essential land uses while allowing flexibility for alternative uses, including housing, to come forward on sites that are no longer suitable or viable for their existing use.
219. There is no need for policy GN4 to refer to the specific case of listed building conversions, as an appropriate cross-reference is made from policy EN4. Nor is this policy the appropriate place to seek to clarify national planning policy on changes of use in the Green Belt. Best and most versatile agricultural land, except where absolutely necessary for development, is protected by policy EN2.
220. A number of the Plan's policies require a sequential test of alternative sites to be carried out before development proceeds. Policy GN5 neatly encapsulates in a single policy the approach to be followed in such circumstances, thus avoiding unnecessary duplication. The overall approach is consistent with national policy advice, but the policy itself complements that advice by providing more guidance, specific to West Lancashire, on the required scope and content of sequential tests. Subject to the necessary clarification on the extent of the area of search provided by **MM25**, policy GN5 is sound.

### ***Student housing***

221. Policy RS3 applies an appropriately balanced approach to the provision of student housing. Proposals for purpose-built student housing are to be permitted within Edge Hill University campus and its proposed extension. On the other hand, both purpose-built student housing and the conversion of dwellings to HMOs will be restricted in other parts of Ormskirk and Aughton.
222. The need to restrict further HMO conversions in particular is demonstrated by evidence of the harmful effects, especially on residential amenity, of excessive clustering of HMOs in parts of Ormskirk. The policy's approach of limiting the maximum proportion of HMOs in certain streets is proportionate to the problem identified, and is also consistent with the Article 4 Direction which came into force in 2011. However, in order to ensure its effectiveness **MM11**

**& MM12** allow account to be taken of compelling individual circumstances that might justify an exception to this approach. These could include, for example, a situation where imposing the policy limit would perpetuate significant harm to neighbouring residential amenity, outweighing any harm that would arise from making an exception to the limit.

### ***Provision of infrastructure and services***

223. Policy IF1 defines the borough's town, village and local centre hierarchy and sets out a firm framework for permissible uses and changes of use within the defined centres, together with a sequential approach to proposals on edge-of-centre and out-of-centre sites. With the necessary clarification provided by **MM17**, it is consistent with national policy, and the local standards which it contains, including impact assessment thresholds, are justified by specific evidence<sup>63</sup>. **MM18 & MM28** are needed to clarify the policy's approach to cultural, leisure and community facilities, which also contribute to the vitality and viability of centres.
224. Given the importance of encouraging regeneration in Skelmersdale town centre and the concentration of existing retail outlets in the Concourse Centre, it would be counter-productive to define a primary shopping area for Skelmersdale in the Plan, as this could unduly restrict the emerging commercial proposals for the town centre. The definition of a new large village centre at Aughton could only be justified as part of a proposal for residential development on land at Aughton East, which I have found should not be included in the Plan<sup>64</sup>.
225. **MM29, MM31, MM32 & MM33** are necessary to make policy IF2 effective by relocating explanatory text from the policy to the reasoned justification. Policy IF2(1)(b) gives support to a series of transport schemes and facilities and protects their sites, where necessary, from adverse development. There are no current proposals to restore to active use either of the former railway curves at Burscough. Nonetheless, the scheme would have significant benefits in terms of promoting the more sustainable use of transport. In the light of work done for the Lancashire & Cumbria and Merseyside Route Utilisation Strategies and further study work planned by Merseytravel<sup>65</sup>, it is possible that funding might become available at some point during the 15-year period covered by the Plan.
226. The policy also safeguards the concrete railway pad at Appley Bridge for development as a small-scale rail facility. The Council have made it clear that what they envisage here is a freight facility. While this has the potential to reduce the environmental impact of freight transport, especially if integrated into an on-site commercial operation, the site's small size and relative remoteness from the motorway network would make it unsuitable for anything more than a limited throughput of freight. There must be considerable doubt whether such limited throughput would be able to support the significant investment needed to restore the track connections to the pad and the associated signalling, which were removed after the pad went out of active

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<sup>63</sup> In particular, the *West Lancashire Retail Study Update 2011*

<sup>64</sup> See Issue J above

<sup>65</sup> See Examination document HS.WLBC-14, paras 5.11-5.12.

railway use some 20 years ago. Those costs were recently estimated by Network Rail at between £1.5 million and £2 million<sup>66</sup>.

227. I note that the land was removed from the Green Belt and safeguarded for small-scale rail-based facilities by RLP policy SC8 in 2006. That policy goes on to say that *Development which would prejudice such future uses will not be permitted unless there has been a conclusive demonstration that such uses are not viable*. This additional flexibility is absent from policy IF2, as submitted, but I consider it necessary to reinstate it, via **MM46**, in view of the significant uncertainty over the deliverability of a rail-based facility at the site. The RLP policy accepted the possibility of other development at the site, and I was not made aware of any exceptional circumstances that would justify returning the site to the Green Belt.

228. There is no substantial evidence that any specific development proposals would be hindered by the protection of any of the other sites listed in policy IF2(1)(b), or that there are any other strategic transport schemes that require protection under the policy.

229. **MM30** is needed to clarify the approach to parking standards in policy IF2(2) and to ensure that adequate cycle parking is provided in apartment developments. At the hearing session, the Council confirmed that the parking standards are intended to apply unless there is evidence to justify higher or lower provision. That approach is consistent with national guidance, and the policy clearly sets out the local circumstances that may justify a variation from the standards. The evidence before me indicates that the policy's requirements for providing electric vehicle recharging points – which are specifically supported by NPPF paragraph 35 – are most unlikely to threaten the viability of development proposals.

230. Subject to **MM35**, **MM36** and **MM37**, which clarify the way that policy IF4 will be applied and make it clear that viability considerations will be taken into account, the policy is consistent with national advice in NPPF paragraphs 204-205 and provides clear guidance on developer contributions towards infrastructure provision. As the Council's *Infrastructure Delivery Plan Update* identifies no specific need for emergency service provision in connection with new development, there is no need for such provision to be included in the list of infrastructure in part 2 of the policy. As the list is not exclusive, it would not prevent contributions being sought towards other types of infrastructure where justification exists.

### ***Sustaining the environment and addressing climate change***

231. The low-carbon design requirements of policy EN1(1) reflect national standards applied by the Building Regulations, as recommended by NPPF paragraph 95. The policy also requires all developments to consider the requirements of the emerging *Allowable Solutions* scheme<sup>67</sup> and asks those promoting major developments to explore the potential for a district heating or decentralised energy network. Given the flexible terms in which these latter

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<sup>66</sup> See Appendix III to *Planning Application – Supporting Document* submitted by Appley Bridge Biomass to Energy Ltd as part of planning application Ref 2013/0140/CMA.

<sup>67</sup> This scheme forms part of the Government's strategy for the cost-effective delivery of zero-carbon homes.

requirements are expressed, they are not unduly onerous or likely to threaten the viability of developments. Nor, on the available evidence about the likely terms of the *Allowable Solutions* scheme, would there be any unavoidable conflict with the *Community Infrastructure Levy Regulations*.

232. In respect of wind energy proposals, policy EN1(3), as submitted, lacks the positive emphasis of NPPF section 10 towards renewable energy. This is rectified by **MM38**, while **MM47** is also needed to bring the policy into line with national policy on Green Belt. The provisions of the modified policy, supported by those of policies EN2 and EN4, are consistent with the Written Ministerial Statement *Local Planning and Onshore Wind*, issued on 6 June 2013 and with DCLG's *Planning practice guidance for renewable and low carbon energy* (July 2013). Given the stage reached in the county-wide *Lancashire Sustainable Energy Study*, it is appropriate for more detailed guidance on renewable energy projects, including local targets, to be dealt with in a future Supplementary Planning Document.
233. As submitted, Policy EN2 fails to distinguish between different tiers in the hierarchy of protected nature conservation sites and thus conflicts with the advice in NPPF paragraph 113. However, **MM39, MM40, MM41 & MM42** restructure the policy and its reasoned justification, so that it applies different levels of protection commensurate with the importance of each category of site. In respect of local sites in particular, the policy as a whole strikes an appropriate balance between protecting biodiversity and permitting necessary or beneficial development. The Plan's defined Landscape Character Areas and Areas of Landscape History Importance are soundly based on evidence in the Council's *Natural Areas and Areas of Landscape History Importance* Supplementary Planning Guidance, updated in 2007.
234. **MM48, MM49 & MM50** are necessary to ensure that policy EN3 provides a clear indication of how a decision-maker should react to a development proposal. As modified, the policy sets out a clear framework for the provision and protection of green infrastructure, open space and recreation facilities, including addressing existing deficiencies. The evidence before me does not justify removing that protection from any designated area of open space. The Whittle Drive playing fields, Ormskirk and the land around the Burscough Sports Centre are in active use for sport and recreation, while the area of open land at Tarleton, to the west of Hesketh Lane and north of Howard Drive, provides an attractive break, reflecting Tarleton's rural setting, in the extensive linear development along Hesketh Lane. Nor would the policy be justified in allocating specific sites for children's play areas or for sports and recreation unless there is clear evidence that they would be deliverable.
235. **MM19, MM20, MM43 & MM44** are necessary to give a clear focus to policy EN4 by clarifying its application to heritage assets, and by removing material which duplicates the provisions of policy GN3. The modified policy sets out a positive approach, which is consistent with national policy, to the conservation and enhancement of the borough's cultural and built heritage.
236. While concern is felt by some participants about the potential for shale gas exploitation (or "fracking") in West Lancashire, LCC, as the relevant minerals planning authority, have not requested the inclusion of a policy on this topic in

the Local Plan. There is no need for the EN policies to duplicate the specific support given by policy IF2 to the development of cycle routes.

**Issue Q – Does the Local Plan set out effective mechanisms for monitoring and implementation?**

237. Appendix B to the Plan contains a comprehensive series of indicators against which the achievement of its policies will be monitored through the Council's Annual Monitoring Report. They are logically grouped under the objectives of both the Plan itself and the Council's *Sustainable Community Strategy*. As modified by **MM75** to take account of all the main modifications detailed above, the indicators are appropriate and will enable effective monitoring of the Plan.

238. For each of the Plan's policies, Appendix E identifies who is responsible for implementing it and when, assesses the risks to implementation and sets out contingency measures for addressing them. It demonstrates how the Plan can be practically implemented and that it is sufficiently flexible to cope with risks to delivery. As submitted, the Appendix requires some minor updating before adoption to take account of the main modifications to the Plan, but that will have no material effect on the policies themselves.

**Issue R – Is there justification for the published minor changes to the submitted proposals maps, and should any other changes be made to the Green Belt boundary?**

239. Alongside the consultation on the main modifications, the Council published details of a number of minor modifications to certain designations shown on the proposals maps that accompanied the submitted Local Plan. (These maps will be renamed Policies Maps when the Plan is adopted, in order to accord with current legislation.) None of the proposed changes raises any issues of soundness, or materially affects any of the Plan's policies.

240. In particular, the minor modifications to the Green Belt boundary (Min 40, 41, 45 & 118-123) are intended solely to correct earlier drafting errors and restore the boundary in each case to the position shown on the adopted RLP. There were no exceptional circumstances to justify altering the position of the boundary in those instances: the apparent alterations simply arose through error. Thus the modifications are justified and necessary in order to correct the errors. It would not be appropriate in this Examination to re-examine the designation, in the RLP or the previous Local Plan, of the Green Belt boundary in these locations.

241. Having considered all the relevant written and oral submissions, I find that exceptional circumstances have not been demonstrated to justify the other Green Belt boundary alterations sought by various representors. (These included the proposed alterations at Chapel Lane, Burscough, Ruff Lane, Ormskirk and Hall Lane / Robin Hood Lane, Appley Bridge.) In each case the existing boundary is adequately and appropriately defined in relation to neighbouring development. Consequently, no modifications to the Plan are necessary in these cases.

## Assessment of legal compliance

242. My assessment of the compliance of the West Lancashire Local Plan with the relevant legal requirements is summarised in the table below. I conclude that it meets them all.

<b>LEGAL REQUIREMENTS</b>	
<i>Local Development Scheme (LDS)</i>	The Plan is identified in the approved LDS (May 2013), which sets out an expected adoption date of October 2013. The Plan's content and timing are compliant with the LDS.
<i>Statement of Community Involvement (SCI) and relevant regulations</i>	The SCI was adopted in July 2007 and consultation has been compliant with the requirements therein, including the consultation on the proposed main modifications.
Sustainability Appraisal (SA)	SA has been carried out and is adequate.
Habitats Regulations Assessment (HRA)	The HRA has been carried out and is adequate.
National policy	The Plan complies with national policy except where indicated and modifications are recommended.
<i>Sustainable Community Strategy (SCS)</i>	Satisfactory regard has been paid to the SCS.
2004 Act (as amended) and 2012 Regulations.	The Plan complies with the Act and the Regulations.

## Overall conclusion and recommendation

243. The West Lancashire Local Plan has a number of deficiencies in relation to soundness and/or legal compliance for the reasons set out above, which means that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. Those deficiencies have been explored in the main issues set out above.

244. The Council has requested that I recommend main modifications to make the Plan sound and/or legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix, the Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

*Roger Clews*

Inspector

This report is accompanied by a separate Appendix containing the Main Modifications.

ANNEX

West Lancashire Local Plan 2012-2027  
Housing Trajectory - Post-Modifications, WLBC (May 2013), also taking into account actual housing completions 2012-13

Source / Site	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	Totals
Sites with outstanding permissions / pending applications (1)	139	227	104	144	104	45	45	17	7	7	-	-	-	-	-	839
SHLAA (and windfall) Sites (2)	-	10	38	26	26	56	57	57	57	57	113	113	114	113	113	950
Skeinersdale Town Centre	-	-	20	40	40	40	40	40	40	40	40	40	40	40	40	500
Whalleys Sites, Skeinersdale	-	-	0	30	40	45	45	45	45	45	45	45	45	45	45	520
Firswood Road, Lathom	-	-	0	20	30	40	40	40	40	40	40	40	40	30	-	400
Chequer Lane, Up Holland	-	25	25	25	25	25	25	25	-	-	-	-	-	-	-	175
Grove Farm, Ormskirk (3)	-	-	11	25	25	30	40	40	40	40	40	34	-	-	-	300
Yew Tree Farm, Burscough	-	-	-	20	25	25	40	40	50	50	55	55	55	55	30	500
Guinea Hall Lane, Banks	-	-	25	30	30	30	-	-	-	-	-	-	-	-	-	115
EC3(i) Greaves Hall Hospital, Banks	-	-	10	20	20	25	25	25	25	10	-	-	-	-	-	140
EC3(ii) East Quarry, Appley Bridge	-	-	-	10	15	15	20	-	-	-	-	-	-	-	-	60
EC3(iii) Alty's Brickworks, Heskeith Bank	-	-	10	20	25	35	35	35	35	35	25	15	-	-	-	270
EC3(iv) Tareyton Mill, Tareyton	-	-	-	20	20	20	10	-	-	-	-	-	-	-	-	70
New Cut Lane, Halsall	-	-	-	25	25	25	25	25	25	-	-	-	-	-	-	150
Fine Jane's Farm, Halsall	-	-	-	20	20	20	-	-	-	-	-	-	-	-	-	60
<b>Annual Delivery Totals</b>	<b>139</b>	<b>262</b>	<b>222</b>	<b>451</b>	<b>470</b>	<b>476</b>	<b>447</b>	<b>389</b>	<b>364</b>	<b>324</b>	<b>358</b>	<b>342</b>	<b>294</b>	<b>283</b>	<b>228</b>	<b>5,049</b>
Modified Local Plan Targets	302	302	302	302	302	335	335	335	335	335	335	335	335	335	335	4,860
Deviation from requirement (4)	-163	-40	-80	-149	-168	-141	-112	-54	-29	-11	23	7	-41	-52	-107	-
Cumulative Deviation (5)	-163	-203	-283	-134	34	175	287	341	370	359	382	389	348	296	189	-
Rolling 5-year supply (Actual) (6)	1,544	1,881	2,066	2,233	2,146	2,000	1,882	1,777	1,662	1,601	1,505	-	-	-	-	-
Rolling 5-year supply plus 5% buffer (Target) (7)	1,586	1,791	1,868	1,987	1,865	1,723	1,575	1,457	1,401	1,370	1,382	-	-	-	-	-
Deviation from Target (8)	-42	90	198	246	281	277	307	320	281	231	123	-	-	-	-	-

Notes

- (1) 139 completions were achieved 2012-13; the shortfall (51 units) compared with the 190 units predicted for the year comes from slower-than-anticipated completions on a number of larger sites. It is assumed this shortfall will be made up in the remainder of the five year period (i.e. 2013-17).
- (2) SHLAA figures have been reduced by 20%. Further reductions (60 units net) have been made as a result of site-specific comments submitted during Examination Hearings sessions (see Examination document EX.240). Based on delivery rates since 2008, these figures include a windfall allowance of 36 units (9 units per annum 2013-17); and an allowance for small unassessed SHLAA sites: 14 total over 2012-17 (3.5 units per annum 2013-2017); 22 total over 2022-2027 (4.4 units per annum).
- (3) The Grove Farm delivery trajectory is based on the Timescale Option with Development Brief for 300 units (Examination document EX.213).
- (4) Difference between the anticipated number of completions for a particular year and the modified Local Plan target for the same year.
- (5) Sum of annual deviations from the modified Local Plan target from 2012 onwards.
- (6) Sum of anticipated completions for the year in question plus the four subsequent years.
- (7) Sum of modified Local Plan target completions for the year in question plus the four subsequent years, and taking into account any cumulative deficit / surplus.
- (8) Difference between actual and target five-year supply.