Report on Burscough Parish Neighbourhood Plan 2017-2027

An Examination undertaken for West Lancashire Borough Council with the support of Burscough Parish Council on the August 2018 submission version of the Plan.

Independent Examiner: Bob Yuille MSc DipTP MRTPI

Date of Report: 30 April 2019
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Main Findings - Executive Summary

From my examination of the Burscough Parish Neighbourhood Plan (the Plan) and its supporting documentation including the representations made, I have concluded that subject to the policy modifications set out in this report, the Plan meets the Basic Conditions.

I have also concluded that:

- The Plan has been prepared and submitted for examination by a qualifying body – Burscough Parish Council;
- The Plan has been prepared for an area properly designated – as shown on Figure 1.1 of the Plan;
- The Plan specifies the period to which it is to take effect – 2017 - 2027; and
- The policies relate to the development and use of land for a designated neighbourhood area.

I recommend that the Plan, once modified, proceeds to Referendum on the basis that it has met all the relevant legal requirements.

I have considered whether the referendum area should extend beyond the designated area to which the Plan relates and have concluded that it should not.

1. Introduction and Background

Burscough Parish Neighbourhood Plan 2017-2027

1.1 Burscough is located on low-lying land reclaimed from the Ribble Estuary in the West Lancashire Green Belt. It is on the Leeds – Liverpool Canal and is at the crossing point of the Southport - Manchester and Ormskirk - Preston railway lines. Although Burscough is referred to as a village by its residents, it has many of the characteristics of a small town with its sizeable population (some 10,000 residents), its substantial employment areas, its central shopping area which is defined as a town centre in the retail hierarchy and its ‘out of town’ retail centre at Ringtail Retail Park. Work has commenced on a substantial housing and employment development at Yew Tree Farm.

1.2 Work on the Burscough Parish Neighbourhood Plan began in 2014 with the designation of the parish as a Neighbourhood Plan Area and the setting up of a Neighbourhood Steering Group to oversee the work on the Plan’s preparation. As its name implies, the Plan covers the settlement of Burscough and its surrounding parish.
1.3 As the Plan has now reached the examination stage, I have been appointed as the examiner of the Plan by West Lancashire Borough Council (the Borough Council) with the agreement of the Burscough Parish Council (the Parish Council).

1.4 I am a chartered town planner and former government Planning Inspector, with over 20 years’ experience of examining development plans. I am an independent examiner, and do not have an interest in any of the land that may be affected by the Plan.

The Scope of the Examination

1.5 As the independent examiner I am required to produce this report and recommend either:

(a) that the Plan is submitted to a referendum without changes; or

(b) that modifications are made and that the modified Plan is submitted to a referendum; or

(c) that the Plan does not proceed to a referendum on the basis that it does not meet the necessary legal requirements.

1.6 The scope of the examination is set out in Paragraph 8(1) of Schedule 4B to the Town and Country Planning Act 1990 (as amended) ('the 1990 Act'). The examiner must consider:

- Whether the Plan meets the Basic Conditions;

- Whether the Plan complies with provisions under s.38A and s.38B of the Planning and Compulsory Purchase Act 2004 (as amended) ('the 2004 Act'). These are:
  - it has been prepared and submitted for examination by a qualifying body, for an area that has been properly designated by the local planning authority;
  - it sets out policies in relation to the development and use of land;
  - it specifies the period during which it has effect;
  - it does not include provisions and policies for ‘excluded development’;
  - it is the only neighbourhood plan for the area and does not relate to land outside the designated neighbourhood area;
- whether the referendum boundary should be extended beyond the designated area, should the Plan proceed to referendum; and
- Such matters as prescribed in the Neighbourhood Planning (General) Regulations 2012 (as amended) (‘the 2012 Regulations’).

1.7 I have considered only matters that fall within Paragraph 8(1) of Schedule 4B to the 1990 Act, with one exception. That is the requirement that the Plan is compatible with the Human Rights Convention.

The Basic Conditions

1.8 The ‘Basic Conditions’ are set out in Paragraph 8(2) of Schedule 4B to the 1990 Act. In order to meet the Basic Conditions, the Plan must:

- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area;
- Be compatible with and not breach European Union (EU) obligations; and
- Meet prescribed conditions and comply with prescribed matters.

1.9 Regulation 32 of the 2012 Regulations prescribes a further Basic Condition for a neighbourhood plan. This requires that the making of the Plan does not breach the requirement of Chapter 8 Part 6 of the Conservation of Habitats and Species Regulations 2017.

2. Approach to the Examination

Planning Policy Context

2.1 The Development Plan for the area, not including documents relating to excluded minerals and waste development, is the West Lancashire Local Plan 2012 - 2017 (the Local Plan) adopted in October 2013. The Council is in the process of preparing the West Lancashire Local Plan Review (the emerging Local Plan). It consulted on the Preferred Options version of

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1 This revised Basic Condition came into force on 28 December 2018 through the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018.
this plan in 2018 but, at the time this report was drafted, had yet to publish or consult on the Submission version. While there is no requirement for the Plan to be in general conformity with any strategic policies in the emerging Local Plan, there is an expectation that the Borough Council and the Parish Council will work together to produce complementary plans².

2.2 The planning policy for England is set out principally in the National Planning Policy Framework (the Framework). The Planning Practice Guidance (PPG) offers guidance on how this policy should be implemented.

2.3 A revised Framework was published on 24 July 2018, with a further revised version on 19 February 2019, replacing the previous 2012 Framework. The transitional arrangements for local plans and neighbourhood plans are set out in paragraph 214 of the 2018 (and subsequent 2019) Framework, which provides that ‘The policies in the previous Framework will apply for the purpose of examining plans, where those plans are submitted on or before 24 January 2019’. A footnote clarifies that for neighbourhood plans, ‘submission’ in this context means where a qualifying body submits a plan to the local planning authority under Regulation 15 of the 2012 Regulations. The Plan was submitted to the Borough Council before 24 January 2019. Thus, it is the policies in the original, 2012 Framework that are applied to this examination and all references in this report are to the March 2012 Framework and its accompanying PPG.

Submitted Documents

2.4 I have considered all policy, guidance and other reference documents I consider relevant to the examination, including those submitted which comprise³:

- the submission version of the Burscough Parish Neighbourhood Plan 2017-2027, dated August 2018;
- Figure 1.1 of the Plan, which identifies the area to which the proposed Neighbourhood Development Plan relates;
- the Consultation Statement, dated September 2018;
- the Basic Conditions Statement, dated September 2018;
- all the representations that have been made in accordance with the Regulation 16 consultation;
- the Burscough Neighbourhood Plan Combined Strategic Environmental Assessment and Habitats Regulation Screening Opinion, dated January 2017;

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³ These documents are available on the Borough Council’s website at: [https://www.westlancs.gov.uk/planning/planning-policy/neighbourhood-planning.aspx](https://www.westlancs.gov.uk/planning/planning-policy/neighbourhood-planning.aspx)
the Strategic Environmental Assessment, dated July 2018;
the Burscough Neighbourhood Plan – Submission Version Habitat Regulations Assessment Screening Report, dated July 2018; and
the Borough Council’s answers (12 March 2019) and the Parish Council’s answers (received on 21 March 2019) to my questions of 7 March 2019.

Site Visit

2.5 I made an unaccompanied site visit to the Neighbourhood Plan Area in the week commencing 1 April 2019 to familiarise myself with it, and visit relevant sites and areas referenced in the Plan and in evidence.

Written Representations with or without Public Hearing

2.6 This examination has been dealt with by written representations. There was no request for hearing sessions and I considered these to be unnecessary as the consultation responses and other evidence clearly articulated the objections to the Plan, and presented arguments for and against the Plan’s suitability to proceed to a referendum.

Modifications

2.7 Where necessary, I have recommended modifications to the Plan (PMS) in this report in order that it meets the Basic Conditions and other legal requirements. For ease of reference, I have listed these modifications separately in the Appendix.

3. Procedural Compliance and Human Rights

Qualifying Body and Neighbourhood Plan Area

3.1 The Plan has been prepared and submitted for examination by Burscough Parish Council which is a qualifying body for an area, the Parish of Burscough, that was designated by the Borough Council on 11 November 2014.

3.2 It is the only neighbourhood plan for the parish, and does not relate to land outside the designated Neighbourhood Plan Area.

Plan Period

3.3 The Plan specifies clearly the period to which it is to take effect, which is from 2017 to 2027.
3.4 When the preparation of the Plan commenced in 2014, a Neighbourhood Steering Group was set up charged with overseeing this work. This consists of local Parish, Borough and County Council members who, together with local people, examined a wide range of themes relating to the planning of the area. Planning consultants have been retained to assist in the preparation of the Plan.

3.5 A number of meetings have been held locally to engage and consult with local people and a survey has been carried out to establish people’s opinions on a range of issues. The responses to this survey were displayed at the Annual General Meeting of the Parish Council in May 2016. Progress on the Plan was also reported in the Parish Council’s quarterly newsletter.

3.6 Consultation on the Plan under Regulation 14 took place between the 11 August and 6 October 2017. The Parish Council considered the various responses to this exercise and as a consequence made a number of modifications to the Plan. Consultations under Regulation 16 took place between 9 January and 20 February 2019. 39 consultation responses were received as a result of this exercise, all of which have been considered in the preparation of this report.

3.7 Bearing in mind these points, I am satisfied that the Plan has been publicised in a manner that is likely to bring it to the attention of people who live, work or carry on business in the parish of Burscough; that the consultation process has met the legal requirements and that it has had due regard to the advice on plan preparation and engagement in the PPG.

Development and Use of Land

3.8 The Plan sets out policies in relation to the development and use of land in accordance with s.38A of the 2004 Act.

Excluded Development

3.9 The Plan does not include provisions and policies for ‘excluded development’.

Human Rights

3.10 The Parish Council has confirmed its view that the Plan does not breach Human Rights (within the meaning of the Human Rights Act 1998), and from my independent assessment I see no reason to disagree.
4. Compliance with the Basic Conditions

EU Obligations

4.1 The Plan was screened for Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA) by the Borough Council, which concluded a SEA was required as was a full screening for HRA. The SEA was carried out and concluded that the Plan would have either a significant positive effect or a minor positive effect on various specified SEA objectives. Having read this document, I see no reason to disagree with these conclusions.

4.2 The full screening for HRA was also carried out and concluded that none of the policies in the Plan, alone or in combination with other elements of the Plan, were considered likely to have significant effects on the three European Sites within and near the parish boundary. I note that the statutory consultees have raised no objection to these conclusions and on the evidence available to me I have no reason to take a different view.

Main Issues

4.3 Having considered whether the Plan complies with the various legal and procedural requirements it is now necessary to deal with the question of whether it complies with the remaining Basic Conditions (see paragraph 1.8 of this report), particularly the regard it pays to national policy and guidance, whether it is in general conformity with strategic development plan policies and the contribution it makes to sustainable development.

4.4 I should say at this point that the purpose of the examination is not to delve into matters that do not fundamentally affect the Plan’s ability to meet the Basic Conditions. I do not, therefore, deal with representations which, in effect, seek to improve the Plan but which are not necessary to meet the Basic Conditions.

4.5 From my reading of the Plan, the consultation responses and other evidence, I consider that in this examination there are two main issues relating to the Basic Conditions. These are:
   - General issues of compliance of the Plan as a whole; and
   - Specific issues of compliance of the Plan’s policies.

General Issues of Compliance

Regard to National Policy and Guidance

4.6 The Plan contains policies which seek:
- to build a strong competitive economy (Policy BPE1: Burscough Industrial Estate and Policy BPI4: High Quality Communications Infrastructure);
- to ensure the vitality of town centres (Policy BPR1: Burscough Centre);
- to support a prosperous rural economy (Policy BPEV1: Visitor Economy);
- to promote sustainable transport (Policy BPT1: Transport and Development, Policy BPT2: Environmental Improvement Corridors, Policy BPT3: Car Parking and Policy BPT4: Sustainable Transport Routes);
- to support high quality communications infrastructure (Policy BPI4: High Quality Communications Infrastructure);
- to deliver a wide choice of high quality homes (Policy BPH1: New Residential Development, Policy BPH2: Housing Mix and Policy BPR2: Lord Street Opportunity Area);
- to require good design (Policy BPD1: Design and Accessibility Principles and Policy BPD2: Detailed Design Elements);
- to promote healthy communities (Policy BPEV1: Green Space, Policy BPC1: Community Infrastructure and Policy BPC2: Community Hub Opportunity Area);
- to meet the challenge of climate change (Policy BPI1: Development and Infrastructure, Policy BPI2: Surface Water Drainage and Policy BPD3: Microgeneration);
- to conserve and enhance the natural environment (Policy BPEV1: Green Space and Policy BPT2: Environmental Improvement Corridors); and
- to conserve and enhance the historic environment (Policy BPEV2: Local Heritage Assets).

4.7 All of these policies have regard to the Framework (sections 1-8 and 10-12) which seek to achieve precisely the same ends. I am satisfied, therefore that, subject to modifications which I propose later in this report, the Plan meets the Basic Conditions in this respect.

General Conformity with Strategic Development Plan Policies

4.8 The Plan acknowledges the role of Burscough as a Key Service Centre, as identified in Policy SP1 of the Local Plan. It also accepts that at Yew Tree Farm, development and associated infrastructure will be delivered in accordance with Local Plan Policy SP3 and that land will be safeguarded in accordance with Local Plan Policies GN2 and RS6. The Policies Map of the Plan shows the Settlement Boundary for Burscough identified in Local Plan Policy GN1 and, in line with Local Plan Policy RS1, allows for residential development within this boundary.
4.9 The Plan seeks to deliver additional new employment land in accordance with Local Plan Policy EC1 and maintain the vitality of Burscough town centre in accordance with Local Plan Policy IF1. Finally, it seeks to support sustainable transport in line with Local Plan Policy IF2.

4.10 I am satisfied, therefore, that, subject to the modifications proposed subsequently in this report, the Plan is in general conformity with the strategic policies of the Local Plan and meets the Basic Conditions in this respect.

**Contribution to Sustainable Development**

4.11 The most clearly defined assessment of what constitutes sustainable development in Burscough is contained in the Local Plan. Most significantly, Local Plan Policy SP1 identifies Burscough as a Key Service Centre - which means it is an important location for new development capable of accommodating some 850 new dwellings and 13ha of new employment land. This policy together with Local Plan Policy SP3, allocates a site of 74ha in Burscough, Yew Tree Farm, capable of accommodating, amongst other things, 500 dwellings and 10 ha of employment land. The Plan accepts the scale and location of development in Burscough put forward in the Local Plan.

4.12 Local Plan Policies SP3 and GN2 safeguard some 30ha of the Yew Tree Farm site from development until at least 2027. The emerging Local Plan does not safeguard any land but allocates the whole of Yew Tree Farm for development within its plan period. It is suggested that the Plan, which follows the adopted Local Plan in its treatment of safeguarded land, does not align with the emerging Local Plan in this respect.

4.13 I do not see this as a fundamental concern. The Plan is in general conformity with the adopted Local Plan and need not alter its stance in response to an emerging plan that is at a relatively early stage of its evolution. Moreover, the approach taken in the emerging Local Plan simply reflects the fact that it, unlike the adopted Local Plan and the Plan, covers the period beyond 2027, so safeguarding is unnecessary. Finally, I note the commitment in the Plan to assess the need to carry out a review once the emerging Local Plan has been submitted for examination4.

4.14 The Plan does not address the question of whether Yew Tree Farm should be extended, or its mix of land uses altered, nor is there any requirement that it do so. Such matters are, in any event, capable of being dealt with through the emerging Local Plan.

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4 Paragraph 8.6 of the Plan.
As is established in paragraph 4.6-4.7 above the Plan contains a range of policies which seek to promote various aspects of sustainable development. With this in mind, together with the other points made in this section of the report, I am satisfied that the Plan will enable Burscough to contribute to sustainable development.

**Specific Issues of Compliance**

**Infrastructure**

4.16 Policies BPI1 to BPI4 seek to ensure the timely provision of adequate infrastructure. This is understandable in a settlement in which major development is proposed. National advice makes clear that neighbourhood plans should have their say on what infrastructure should be provided\(^5\) and Local Plan policies SP1, SP3 and IF3 also emphasise the importance of infrastructure provision.

4.17 Policy BPI1 Development and Infrastructure requires the provision of an Infrastructure Delivery Statement for large scale major developments. It is suggested that this is unnecessary insofar as it applies to Yew Tree Farm, as it is made clear in the Supplementary Planning Document for that site\(^6\) that infrastructure provision will be co-ordinated and funded across the whole site. However, while that will undoubtedly be the case, I can see no objection in terms of the Basic Conditions to individual developments within the overall site spelling out what contribution they will make to the overall provision of infrastructure.

4.18 In the interests of accuracy and clarity, the Parish Council has accepted that a number of changes should be made to these policies and their reasoned justification. These are set out in PM1 to PM16. With these modifications in place, I am satisfied that Policies BPI1 to BPI4 meet the Basic Conditions.

**Housing**

4.19 As has already been established the Plan accepts the scale and location of housing proposed in the Local Plan. In addition, Policy BPR2: Lord Street Opportunity Area identifies a site suitable for a mix of uses including residential care accommodation and extra care sheltered housing. Other than that, the two housing policies in the Plan (Policy BPH1: New Residential Development and Policy BPH2: Housing Mix) support development within the settlement boundary, take a restrictive approach to development in Green Belt beyond the settlement boundary and seek to ensure that a mix of housing is provided, which reflects the needs

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\(^5\) PPG Reference ID:41-001-20140306.

identified in an up to date Local Housing Needs Assessment or Strategic Housing Market Assessment.

4.20 These policies have regard to national policy which seeks to deliver a wide choice of high-quality homes (section 6 of the Framework) and are in general conformity with the Local Plan policies referred to in paragraph 4.8 of this report. I am satisfied, therefore, that Policies BPR2, BPH1 and BPH2 meet the Basic Conditions.

Employment

4.21 As established, the Plan accepts the scale and location of employment land allocated in the Local Plan. Burscough Industrial Estate is the largest employment site in the Plan area and Policy BPE1 seeks to encourage B1, B2 and B8 uses within it. There is concern that the growth of other uses in this area could reduce the availability of employment land and harm the vitality and viability of Burscough Centre, so Policy BPE1 sets out conditions under which non B1, B2 or B8 uses will be supported. It is suggested that this approach would preclude uses such as cafes, gymnasiums, play centres and children’s nurseries which can play a complementary role in industrial estates. This is not the case. Part B4 of Policy BPE1 allows for small scale ancillary uses to meet the needs of those employed within Burscough Industrial Estate.

4.22 I am satisfied, therefore, that Policy BPE1 meets the Basic Conditions in that it has regard to national policy which seeks to build a strong competitive economy (section 1 of the Framework) and is in general conformity with the Local Plan strategic Policy EC1, which seeks to ensure the delivery of additional employment.

Retail

4.23 Policy BPR1 Burscough Centre supports a range of uses within the town centre of Burscough. In so doing, it has regard to national policy (section 2 of the Framework) and is in general conformity with Local Plan Policy IF1, each of which seeks to ensure the vitality of town centres. This policy meets the Basic Conditions.

4.24 Policy BPR2 Lord Street Opportunity Area identifies land suitable for residential provision and community centre provision. The question of residential provision has been dealt with above. Community centre provision has regard to the Framework (section 8), which promotes healthy communities and does not conflict with any strategic policy in the Local Plan. This policy meets the Basic Conditions.
Visitor Economy

4.25 Policy BPEV1: Visitor Economy sets out the conditions under which proposals to enhance existing, and encourage new, tourism opportunities will be supported. Amongst other things, this policy seeks to conserve and enhance biodiversity and minimise, or mitigate for, any adverse impact on nature conservation. The policy thus has regard to national policy which seeks to support a prosperous rural economy (section 3 of the Framework) while being in general conformity with Local Plan Policy EN2 which is concerned with preserving and enhancing the natural environment. Policy BPEV1 meets the Basic Conditions.

Transport

4.26 There are four policies in the Plan dealing with transport. Policy BPT1: Transport and Development sets out the criteria that will be required to ensure satisfactory access to all major new development. Policy BPT2: Environmental Improvement Corridors identifies a number of the main routes in and out of the Plan area which would benefit from landscape and public realm improvements. Policy BPT3: Car Parking seeks to ensure that car parking in Burscough Centre is retained or increased. Policy BTP4: Sustainable Transport Routes supports proposals to protect, provide, improve and extend such routes. This group of policies meets the Basic Conditions in that it has regard to national policy (section 4 of the Framework) and is in general conformity with Local Plan strategic Policy IF2, insofar as these seek to promote sustainable transport.

Environment

4.27 Policy BPEV1: Green Space (Part A) identifies a Local Green Space at Richmond Park, within which inappropriate development will not be approved other than in very special circumstances. This aspect of the policy has regard to the Framework which acknowledges that local communities should identify such spaces but advises (paragraphs 76 to 78) that, amongst other things, this designation should only be used where; firstly, the green space is in reasonably close proximity to the community it serves; secondly, where the green space is demonstrably special to a local community and holds particular local significance; and thirdly, where it is local in character and not an extensive tract of land.

4.28 Having assessed the evidence\(^7\), I am satisfied that this modestly sized (2.5ha), centrally located park used by the community for a wide range of sporting and recreational activities meets these requirements. This aspect of Policy BPEV1 meets the Basic Conditions. As only one Local Green

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\(^7\) In particular the Green Space Reasoning Statement, dated September 2018.
Space is identified, references to it in the policy should be in the singular, as shown in PM17, rather than in the plural.

4.29 In addition Policy BPEV1 (Part B) identifies 29 Neighbourhood Green Spaces, which are also to be protected. These include outdoor sports facilities, churchyards, open spaces and other areas which fall within the definition of Green Infrastructure contained in the Framework, as they are a network of multifunctional green spaces capable of delivering a wide range of environmental and quality of life benefits to local communities. A number of these spaces are already protected under the terms of Part 2 of Local Plan Policy EN3, although I note that this is not regarded as a strategic policy by the Borough or Parish Councils.

4.30 For the most part, these proposed designations are uncontentious and I have no reason to doubt that these various sites help promote healthy communities, as advocated in section 8 of the Framework. However, four of the sites proposed for designation (NGS05: St John’s Catholic Primary School Playing Fields; NGS06: Burscough Cricket Club; NGS08: Burscough Fitness and Rackets Leisure Centre and NGS10: St John’s RC Church) are partly or wholly in Green Belt and are thus protected by that designation. The question is, therefore, what additional local benefit would be gained by the proposed Neighbourhood Green Space designation. The Parish Council takes the view that the Neighbourhood Green Space designation would ensure that the outdoor recreational function of a site would be taken into consideration when assessing development proposals. However, the Green Belt status of these sites already offers them stringent protection and it is difficult to see what such a consideration would add to this. These sites should, therefore, be deleted as shown in PM18.

4.31 Several other sites proposed as Neighbourhood Green Spaces (NGS01: Burscough Priory Science College Playing Fields; NGS02: Burscough Lordsgate Township CE Primary School Playing Fields; NGS03: Burscough Village Primary School Playing Fields; NGS04: St John’s CE Primary School Playing Fields and NGS05: St John’s Catholic Primary School Playing Fields) involve school playing fields. It has been pointed out that these sites are already protected under the Department of Education Section 77 Guidance and that the ability to provide for future school expansion should not be limited.

4.32 Leaving aside NGS05, which has been dealt with above, the proposed designation of these sites as Neighbourhood Green Spaces would allow for school expansion, if it could be demonstrated that the playing fields in question were surplus and that adequate provision could be retained on site or, if not, that off-site provision could be made. It is not

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8 See, for example, paragraphs 87 and 88 of the Framework.
unreasonable to expect any responsible education provider to meet these conditions. These sites need not, therefore, be deleted.

4.33 Subject to the proposed modification set out above, I am satisfied that Policy BPEV1 meets the Basic Conditions.

4.34 Policy BPEV2 seeks the preservation or enhancement of non-designated heritage assets and requires any harm caused to such an asset to be balanced against any benefits. This has regard to the Framework which, at paragraph 135, requires that such a balanced judgement be made. This policy does not conflict with any strategic policies in the Local Plan. On a point of detail, the policy refers to consent being required; strictly speaking, this should refer to planning permission as shown in PM19. With this modification in place, Policy BPEV2 meets the Basic Conditions.

**Design**

4.35 Policy BPD1: Design and Accessibility Principles and Policy BPD2 Detailed Design Elements have regard to the Framework which, at paragraph 58 stresses the importance of robust and comprehensive policies that set out the quality of development that will be expected. Nothing in the strategic policies of the Local Plan conflicts with these policies. Policy BPD1 is wrongly called BDP1. In the interests of clarity this should be corrected as shown in PM20. With this modification in place, Policies BPD1 and BPD2 meet the Basic Conditions.

4.36 Policy BPD3: Microgeneration supports the provision of small scale heat and electricity generation by individuals, small businesses and local communities to meet their own needs as long as this does not unacceptably affect nature conservation interest, the character of the area or the amenity of neighbours. This policy has regard to the Framework (section 10) insofar as it seeks to meet the challenge of climate change and is in general conformity with Local Plan Policy EN2 (Part 1), which seeks to preserve and enhance the natural environment. Policy BPD3 meets the Basic Conditions.

**Community**

4.37 Policy BPC1: Community Infrastructure seeks to safeguard existing social and community facilities and ensure the provision of new such facilities. Policy BPC2: Community Hub Opportunity Area identifies an area which includes sporting, recreational and community uses but where additional such provision could be made by a more efficient use of land. The policy correctly acknowledges that Green Belt policies would apply to part of the site. These policies have regard to the section 8 of the Framework, which promotes healthy communities and they do not conflict with any strategic
policy in the Local Plan. Policies BPC1 and BPC2 therefore meet the Basic Conditions.

5. Conclusions

Summary

5.1 The Burscough Parish Neighbourhood Plan has been duly prepared in compliance with the procedural requirements. My examination has investigated whether the Plan meets the Basic Conditions and other legal requirements for neighbourhood plans. I have had regard for all the responses made following consultation on the Neighbourhood Plan, and the evidence documents submitted with it.

5.2 I have made recommendations to modify a number of policies and text to ensure the Plan meets the Basic Conditions and other legal requirements. I recommend that the Plan, once modified, proceeds to referendum.

The Referendum and its Area

5.3 I have considered whether or not the referendum area should be extended beyond the designated area to which the Plan relates. The Neighbourhood Plan as modified has no policy or proposals which I consider significant enough to have an impact beyond the designated Neighbourhood Plan boundary, requiring the referendum to extend to areas beyond the Plan boundary. I recommend that the boundary for the purposes of any future referendum on the Plan should be the boundary of the designated Neighbourhood Plan Area.

Overview

5.4 The Parish Council is to be congratulated on producing a Plan which grapples with the challenges facing Burscough in its role as a Key Service Centre. Much hard work and thought has obviously gone into producing a wide-ranging set of policies which deal, amongst other things, with the complexities of infrastructure provision, with the judgements to be made in seeking to encourage employment uses while not undermining vitality and viability of the town centre and with the identification and protection of valued green spaces. The result is a clearly written and focussed plan.

R J Yuille

Examiner
# Appendix: Modifications

<table>
<thead>
<tr>
<th>Proposed modification number (PM)</th>
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| PM1                               | Paragraph 3.56  
Page 25              | *Delete paragraph 3.56. Replace with:*  
A Critical Drainage Area (CDA) is an area within flood zone 1 that has critical drainage problems where surface water runoff causes flooding at locations within that area. A site-specific FRA would be required for all development other than minor development. Currently there are no areas within the parish designated as a CDA. However, with incidents of frequent surface water flooding in parts of the parish there may be evidence to support the possible designation of a CDA in the future. |
| PM2                               | Paragraph 3.57  
Page 26              | The BFG are investigating the potential for designating land within the NPA as CDA. The BFG are supporting the Lead Local Flood Authority and West Lancashire Borough Council as they investigate surface water flood risks in Burscough. |
| PM3                               | Paragraph 3.58  
Page 26              | Management of surface water flood risk is the role of Lancashire County Council in its capacity as Lead Local Flood Authority. As part of its duties, the LLFA is required to be responsible for investigating occurrences of flooding in line with the LCC Flooding Investigation Policy and preparing a Flood Risk Management Strategy (FRMS) for its area.  
*Add a footnote to paragraph 3.58 providing the web link to the LCC Flooding Investigation Policy:*  
https://www.lancashire.gov.uk/media/392349/Flood-Investigation-Policy.pdf |
| PM4                               | Paragraph 3.59  
Page 27              | *Add a footnote to paragraph 3.59 stating:*  
The Local FRMS is being refreshed. A further review is planned when the National Flood Risk Management Strategy is published. |
| PM5                               | Paragraph 3.61  
Page 27              | The Parish Council, through BFG will seek to work with the LLFA on developing a Flood Risk Management Strategy for the Parish. As BFG have developed locally as a point of contact for providing details on flooding issues and for collecting all types |
of flooding incidents details and maintaining a register of flooding events, BFG it will pass to the LLFA this information to the relevant authorities to ensure the appropriate organisations are informed to ensure their documents and policies contain the they have the relevant flooding information. The BFG will also encourage residents and other property owners to contact the relevant authorities of flooding incidents. It is an objective of BPNP to reduce flooding across Burscough through ensuring that all key stakeholders, the Flood Risk Management Authorities, work with BPC through the BFG.

| PM6 | Policy BPI1 Paragraph 2 Page 38 |
| PM7 | Paragraph 6.1.12 Page 39 |
| PM8 | Policy BPI2 Paragraph 1 Page 41 |
| PM9 | Policy BPI2 Paragraph 2 Page 41 |
| PM10 | Policy BPI2 |

| PM6 | Policy BPI1 Paragraph 2 Page 38 |
| The required infrastructure should be provided at the appropriate time during the construction of the development. It should normally be provided prior to the development becoming fully operational or occupied unless it is demonstrated that its provision after this will not have an unacceptable adverse impact on highway safety or the amenity of residents and occupiers within and adjacent to the development. Larger developments may need to be phased to ensure this requirement can be met. |

| PM7 | Paragraph 6.1.12 Page 39 |
| iii. A review of any planned and proposed infrastructure improvement works related to the application site by the relevant providers or other parties. |

| PM8 | Policy BPI2 Paragraph 1 Page 41 |
| The approach to surface water drainage should be considered in liaison with the Lead Local Flood Authority, the Local Planning Authority, the Local Highway Authority, the public sewerage undertaker and where appropriate the Environment Agency. |

| PM9 | Policy BPI2 Paragraph 2 Page 41 |
| A discharge to groundwater or watercourse may require the consent of the Environment Agency or Lead Local Flood Authority and, in the case of potential discharge to a canal, the Canal & River Trust. |

| PM10 | Policy BPI2 |
| On previously developed land, applicants should target a reduction of surface water discharge in accordance with the non- |
| Paragraph 3 | Page 41 | **statutory technical standards for sustainable drainage produced by DEFRA and, where appropriate, West Lancashire Local Plan Policy GN3 and associated WLBC guidance notes.** |
| PM11 | Paragraph 6.1.19 | Page 42 | Third bullet point. |
| | | | - Incorporate maintenance and management arrangements within including SuDS Management Plans including, where possible, the adoption of the SuDs and a programme and delivery of the SuDs in relation to the planning of the development. |
| PM12 | Paragraph 6.1.19 | Page 42 | **Add to the end of this paragraph:** |
| | | | It is not always possible to provide clear evidence of existing positive connections from previously developed land. If this is the case WLBC can provide a developer with alternative approaches as detailed in WLBC guidance notes relating to Drainage, Flood Risk and Sustainability available via: [https://www.westlancs.gov.uk/planning/planning- applications-enforcement/applying-for-planning-permission/theplanning-application-process/registration-and-validation.aspx](https://www.westlancs.gov.uk/planning/planning-applications-enforcement/applying-for-planning-permission/theplanning-application-process/registration-and-validation.aspx) |
| PM13 | Paragraph 6.1.19 | Page 42 | **After paragraph 6.1.19 add the following paragraphs:** |
| | | | Consideration should be given to climate change in designing drainage systems and an allowance made for urban creep in designing such systems for residential development. Where appropriate construction phase mitigation plans should be prepared to ensure that development does not increase the risk of flooding during construction. |
| | | | Applicants should note that the LLFA has a preplanning application flood risk and land drainage advice service for planning applications. This is a charged for service and can be utilised by applicants to discuss the details of development surface water proposals prior to submitting a formal application. Further information regarding this service can be found at: [https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-flood-risk-and-land-drainage-advice-service/](https://www.lancashire.gov.uk/business/business-services/pre-planning-application-advice-service/pre-planning-application-flood-risk-and-land-drainage-advice-service/) |
Delete paragraph 6.1.20 and replace with the following:

According to the West Lancashire Infrastructure Delivery Plan Update (October 2018)\(^3\), at paragraph 4.11, at that time United Utilities had advised that New Lane WWTW was at capacity and that to treat any additional discharge, whilst maintaining accordance with Environment Agency (EA) standards, could be beyond financial and technical feasibility. It was considered that there was likely to be further investment in the work to improve the quality of the treatment at New Lane WWTW, and this was anticipated to commence later in the UU AMP6 2015-2020 period or early in the AMP7 2020-2025 period. However, United Utilities updated their position with regard to New Lane WWTW in their Regulation 16 submission on the Burscough Parish Neighbourhood Plan and now consider that there are no capacity issues at New Lane WWTW. In terms of the sewer network there is a bottleneck in the sewer system as the sewer narrows beneath the railway line. In intense rainfall this can lead to sewer flooding at locations within the Burscough sewer network. This is an unacceptable situation leading to public health issues as well as costs to people's properties and livelihoods. It is therefore of great importance that the Surface Water Hierarchy (see below) is followed to prevent surface water from entering the combined sewer network, reducing the impact of new development in the area and ensuring new development is delivered in the most sustainable way.

- a) An adequate soak away or some other adequate infiltration system (approval must be obtained from local authority/building control/environment Agency/LLFA); or, where that is not reasonably practicable;
- b) Attenuated discharge to watercourse (approval must be obtained from riparian owner/land drainage authority/Environment Agency/LLFA); or, where that is not reasonably practicable;
- c) Attenuated discharge to surface water sewer (approval must be obtained from United
Utilities/LLFA); or, where that is not reasonably practicable;

d) Attenuated discharge to combined sewer (approval must be obtained from United Utilities/LLFA).


| PM15 | Paragraph 6.1.21 Page 43 | This policy seeks to ensure that proposed new development does not worsen this existing situation and brings about improvements where necessary. Reference should be made to BFG’s flooding database and the EA’s surface water flooding maps when demonstrating capacity...

| PM16 | Paragraph 6.1.22 Page 43 | Add the following to the end of paragraph 6.1.22: As noted earlier the LLFA has a preplanning application flood risk and land drainage advice service for planning applications.

| PM17 | Policy BPEV1 Page 71 | Development on the sites-designated as a Local Green Spaces ............

| PM18 | Figure 6.7 Page 73 Key Diagram Appendix 6.2 Page 110 | Delete the following sites from the Key Diagram, from Appendix 6.2. and from Figure 6.7: NGS05; St John’s Catholic Primary School Playing Fields: NGS06; Burscough Cricket Club: NGS08; Burscough Fitness and Rackets Leisure Centre and NGS10 St John’s RC Church

| PM19 | Policy BPEV2 Page 74 | Proposals requiring consent planning permission......

| PM20 | Policy BPD1 Page 76 | BDP1 BPD1: Local Heritage Assets