

## **Joint Advisory Committee for Strategic Planning**

**Minutes of the Meeting held on Wednesday, 7th December, 2011 at 2.00 pm in Cabinet Room 'A' - County Hall, Preston**

### **Present:**

#### **Chair**

County Councillor Michael Green, Lancashire County Council

#### **Committee Members**

County Councillor Tim Ashton, Lancashire County Council  
County Councillor Albert Atkinson, Lancashire County Council  
County Councillor Malcolm Barron, Lancashire County Council  
County Councillor Paul Rigby, Lancashire County Council  
Councillor Dave Harling, Blackburn with Darwen Borough Council  
Councillor Gary Coleman, Blackpool Council

#### **Officers**

Jill Anderson, Lancashire County Council  
Marcus Hudson, Lancashire County Council  
Louise Nurser, Lancashire County Council  
Neil Rodgers, Blackburn with Darwen Borough Council  
Ms Jane Saleh, Blackpool Council

### **1. Appointment of Chair and Vice Chair**

The Committee agreed to appoint County Councillor Michael Green (Lancashire County Council) as Chair, with Councillor Dave Harling (Blackburn with Darwen Borough Council) and Councillor Gary Coleman (Blackpool Council) appointed as Vice Chairs for the 2011/12 municipal year.

County Councillor Michael Green assumed the role of Chair from this point forward.

### **2. Apologies for Absence**

Apologies for absence were received from County Councillor Howard Henshaw, County Councillor Jennifer Mein (both Lancashire County Council) and from Councillor Alan Cottam (Blackburn with Darwen Borough Council)

### **3. Disclosure of Personal and Prejudicial Interests**

None disclosed.

#### **4. Constitution and Terms of Reference of the Joint Advisory Committee for Strategic Planning**

The Committee agreed to note the current constitution and terms of reference of the Joint Advisory Committee for Strategic Planning.

#### **5. Minutes of the Meeting held on 23 March 2011**

The Committee agreed the minutes of the meeting held on 23 March 2011 were an accurate record.

#### **7. Joint Lancashire Minerals & Waste Development Framework - Proposed Major Modifications to Site Allocation and Development Management Policies Arising from the Examination in Public Hearing Sessions**

The Committee agreed to consider agenda item 7 before agenda item 6.

Louise Nurser provided an update and PowerPoint presentation on the proposed major modifications to site allocation and development management policies arising from the examination in public hearing sessions.

Louise reported that following these sessions several changes are required to be made, which are considered to be major. The major changes related to Policies WM2 and WM4 as follows:

##### **Heysham Port (BWF4)**

The Inspector directed that as the operators of the port would be unwilling to allow non-port related activities on the site that this aspect of the Development Plan Document is potentially undeliverable.

Consequently, reference to Heysham Port is required to be deleted from Policies WM2 and WM4. It is proposed that it be replaced with the Lancaster West Business Park (BWF17) allocation to ensure that there is adequate provision for waste capacity of a strategic nature in the Lancaster catchment area.

##### **Lancaster West Business Park (BWF17)**

As a consequence of the deletion of Heysham Port from Policies WM2 and WM4 a replacement Large Scale Built Waste Management Facilities site is required to serve the Lancaster Catchment area.

Following discussion with Lancaster City Council, Lancaster West Business Park is considered to be an appropriate replacement for Heysham Port. Previously, Lancaster West Business Park was included in the Site Allocations and Development Management Policies DPD as being suitable for Local Built Waste Management Facilities. The proposed major change would extend the range and scale of built waste facilities that would be considered appropriate.

It is well served by access from the A683, has 21ha vacant land, and already accommodates one of the County's waste transfer stations. A revised sustainability assessment does not suggest any barriers to its development and it is well screened from housing to the south.

In response to representations relating to the proximity of Middleton village to the southern boundary of the site made by residents and Middleton Parish Council, supported by Lancaster City Council, the Inspector directed that the southern boundary of the site be altered to reflect the land allocation in the Lancaster City Council Local Plan. This resultant change means the boundary of the site is now further away from the village than at the Preferred Options and Publication consultations.

### **Huncoat/Whinney Hill (BWF8)**

The Inspector directed that as the owners of the northern part of the site (land at the former Huncoat power station) would be unwilling to allow waste related uses on their land that their land be removed from the Huncoat part of the allocation. Subsequent to this the owners of adjoining land to the former power station made similar representations. Consequently, this aspect of the DPD is considered to be undeliverable and is required to be removed together with the Whinney Hill industrial estate from Policies WM2 and WM4.

This then has meant additional replacement capacity is required to be identified to serve the East Lancashire catchment for Large Scale Built Waste Management Facilities.

In order to provide flexibility the following sites have been identified as being suitable to be included for Large Scale Built Waste Management Facilities.

**Lomeshaye.** Presently, Lomeshaye is included in the Site Allocations and Development Management Policies DPD as being suitable for Local Built Waste Management Facilities. The proposed major change would extend the range and scale of built waste facilities that would be considered appropriate.

It is well served by access from the M65 with some vacancies. A revised sustainability assessment does not suggest any barriers to its development and there are no residential properties within close proximity.

**Altham Industrial estate.** Hyndburn is considered to be suitable for Large Scale Built Waste Management Facilities. It can be accessed off Junction 8 of the M65, and currently has land available. The site currently accommodates a range of industrial uses which would be compatible with well designed built waste developments. The sustainability assessment does not suggest any barriers to its inclusion.

**Moorfield Industrial Estate.** This site is allocated within the Hyndburn Local Plan for employment uses and currently contains a number of waste uses as well as an area of undeveloped land. It can be accessed off Junction 7 of the M65 via the A678.

**Burnley Bridge,** Burnley. This is a large brownfield site which has outline planning permission for redevelopment for a mixture of business and residential uses. The identified site excludes the area identified for residential.

The site is to be accessed off the M65 to the north of Junction 9 but requires the building of a bridge over the canal. By including built waste facilities as being appropriate as part of its redevelopment it would allow a flexible portfolio of sites to come forward.

## **Policy LF1**

### **Sites for Non-Hazardous Landfill**

The Inspector directed that he was unable to support the policy's intention to prevent landfill operators from applying for time extensions to existing permitted landfills beyond 2015.

Therefore, this requires that the wording of Policy LF1 be amended to support time extensions. However, Members should note that additional supporting text has been included in the Planning Obligations policy (DM3) as a minor change. This is to ensure agreed time extensions are reasonable and achievable and that they should also include contingency measures should the volumes of waste requiring landfilling decrease to the extent that they affect the ability of the operator to achieve the agreed landform in the agreed time scale.

## **Policy LF3**

### **Site for Hazardous Landfill**

The Inspector has not directed the Joint Authorities to make changes to the policy relating to Hazardous Landfill. However, he has raised a number of issues relating to policy LF3 and the allocation of Whitemoss for hazardous waste landfill (ALC 2) in his letter of 21 October 2011 (see Appendix 'B'). This strongly suggests that the policy as currently worded would be found unsound.

The Inspector considered that a perception of harm is rarely a determinative consideration. Because the Joint Authorities were not able to convince the Inspector that there was hard evidence to demonstrate harm as a result of the continued landfill of the site, it would not be appropriate to set a fixed time limit for the conclusion of the landfill to the existing permitted site.

Members may be aware that since the MWDF was approved for submission the operators of the Whitemoss facility have applied for, and have been granted planning permission for an extension to the time period for operation of the existing landfill until 2018.

The Committee were informed that Planning Officers advice is that given that the newly permitted site at Whitemoss which will take Lancashire's hazardous waste almost up to the end of the plan period, there is no justification at this time in terms of capacity for the allocation of the extension to the site.

If additional hazardous waste landfill disposal is required, the Joint Authorities have received confirmation that capacity equivalent to the quantity of hazardous waste arising from the Plan area during and beyond the plan period is available at the Randle landfill site in Merseyside.

Nonetheless, it was reported to the Committee that it is important to ensure that there is a clear policy to determine any future applications for hazardous waste landfill disposal within the Plan area. This should be a criteria based policy modelled on the existing policy LF3 but with the site specific reference removed and consideration of the proposal's contribution to achieving net- self sufficiency.

### **Next steps:**

The Examination in Public was suspended, at the request of the Joint Authorities, to allow for consultation on these major changes.

Subject to the approval of the Committee, the Joint Authorities will publish the proposed major changes for consultation over the statutory six week period. Following the end of the consultation period a report will be brought to the Joint Committee for Strategic Planning from the Joint Advisory Committee. This will set out the responses to the consultation, and provide recommended Major Changes which will then need to be approved by the respective Full Councils of each authority and then formally submitted to the Planning Inspector. The Examination in Public will then formally reopen. Mr Hill will then continue with the Examination as before. Further hearing sessions may be required before the Inspector is able to provide the Joint Authorities with his report.

As a result of the suspension of the Examination in Public the adoption date of March 2012 will not be achieved. It is envisaged that the plan, if found sound, will be adopted in the autumn of 2012.

### **Resolved**

That the Joint Advisory Committee for Strategic Planning agreed to recommend to the Joint Committee for Strategic Planning that the proposed major modifications to the Site Allocations and Development Management Policies Development Plan Document be approved for consultation.

## **6. Joint Lancashire Minerals & Waste Development Framework - Consultation for Major changes to Site Allocations and Development Management Development Plan Documents**

Louise Nurser presented the report and reminded members of the Joint Advisory Committee that they were previously briefed on the consultation that has taken place relating to the Submission version of the Site Allocations and Development Management Policies for the Minerals and Waste Development Framework. This took place between 10 January 2011 and 21 February 2011.

### ***Engagement so far:***

The document was submitted to the Secretary of State for Communities and Local Government in May 2011. A Planning Inspector was appointed and hearing sessions took place from September to October 2011. The hearing sessions have been adjourned to allow for further consultation on some major changes to the Site Allocations and Development Management Policies for the Minerals and Waste Development Framework.

### **The Next Steps:**

Subject to the approval for consultation by the Joint Committee for Strategic Planning the approved changes to the document will be publicised in January 2012 for the statutory six week period. To meet the aims of the authorities Statement of Community Involvement documents the following approaches are suggested:

- Brief press, and send out press releases.
- Offer special public meetings if requested.
- Advertise the consultation in all district papers providing them with dates and where the documents will be displayed.
- Send letters and/or emails to stakeholders (residents, community leaders, Government agencies, businesses, and County, Town, District and Parish Councillors) informing them of the consultation.
- Publicise the consultation and have documents available on the website [www.lancashire.gov.uk/mwdf](http://www.lancashire.gov.uk/mwdf)
- Utilise Limehouse software with a dedicated LDF portal where the document will be available for online consultation <http://lancashire-consult.objective.co.uk/portal>
- Make hard copies available of the document at deposit points (libraries, county information centres, district town halls, district planning departments, county hall and county council environment directorate).
- Make hard copies of the document available to the public on request.

Following this six week consultation any representations made will be considered and the Joint Advisory Committee and Joint Committee will meet to consider those representations before making recommendations to the Councils of the three authorities. The Development Plan Document will then be submitted to the Planning Inspector who will reopen the Examination in Public and then consider if further hearing sessions are needed. The Planning Inspector will then produce a binding report to the three Councils.

### **Resolved**

The Joint Advisory Committee for Strategic Planning agreed to note the contents of the report.

#### **8. Urgent Business**

None.

#### **9. Date of Next Meeting**

A meeting of the Joint Advisory Committee for Strategic Planning will be arranged on a date to be determined in March 2012.

Ian Fisher  
County Secretary and Solicitor

County Hall  
Preston