

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

**Wednesday, 7th December, 2011 at 2.00 pm in Cabinet Room 'A' - County Hall, Preston**

### **Agenda**

#### **No. Item**

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

The role of Chair / Vice Chair rotates between the three authorities on an annual basis, it is necessary to appoint a Chair and Vice Chair for the Joint Advisory Committee for Strategic Planning. The previous two Chairs were appointed from Blackpool Council and Blackburn with Darwen Council respectively, therefore the Chair should be appointed from Lancashire Council on this occasion, with Vice Chairs appointed from Blackpool Council and Blackburn with Darwen Council for the 2011 / 12 municipal year.

**2. Apologies for Absence**

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

**4. Constitution and Terms of Reference of the Joint Advisory Committee for Strategic Planning** (Pages 1 - 10)

The Joint Advisory Committee for Strategic Planning is asked to note the Constitution and Terms of Reference of the Joint Advisory Committee.

**5. Minutes of the Meeting held on 23 March 2011** (Pages 11 - 14)

The Committee are asked to agree the minutes of the previous meeting held on 23 March 2011.

**6. Joint Lancashire Minerals & Waste Development Framework - Consultation for Major changes to Site Allocations and Development Management Development Plan Documents** (Pages 15 - 18)

**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** (Pages 19 - 58)

**8. Urgent Business**

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the Minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the clerk should be given advance warning of any Member's intention to raise a matter under this heading.

**9. Date of Next Meeting**

To be confirmed.

I M Fisher  
County Secretary and Solicitor

County Hall  
Preston

# Agenda Item 4

## Joint Advisory Committee for Strategic Planning

Meeting to be held on 7 December 2011

Electoral Division affected: All
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### Constitution and Terms of Reference of the Joint Advisory Committee for Strategic Planning

(Appendix 'A' refers)

Contact for further information:

Andy Milroy, (01772) 536050, Office of the Chief Executive,

[andy.milroy@lancashire.gov.uk](mailto:andy.milroy@lancashire.gov.uk)

#### Executive Summary

This report is for the Committee to note its Constitution and Terms of Reference.

#### Recommendation

The Joint Advisory Committee for Strategic Planning is asked to note the Constitution and Terms of Reference of the Joint Advisory Committee, attached at Appendix 'A' to this report.

#### Background and Advice

An agreement was made on the 1<sup>st</sup> April 1998 between Lancashire County Council, Blackpool Council and Blackburn with Darwen Borough Council to create a Joint Advisory Committee for Strategic Planning between the three Constituent Authorities.

It was agreed that the Committee be responsible for the Structure Plan covering the years 2001 – 2016 and any monitoring of the plan, or work on its replacement and alteration or any subsequent Structure Plan within the provisions of the Joint Working Arrangements attached at Appendix 'A'.

This report is to ensure that any new members of the Committee are aware of the Constitution and Terms of Reference of the Committee.

#### Consultations

N/A

#### Implications:

This item has the following implications, as indicated:

## **Risk management**

There are no risks associated with this report.

## **Local Government (Access to Information) Act 1985 List of Background Papers**

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A

## **Joint Working Arrangements Structure Plan**

THIS AGREEMENT is made the 1<sup>st</sup> day of April 1998 BETWEEN Lancashire County Council (“The County Council”) of County Hall Preston and Blackpool Borough Council (“Blackpool”) of Town Hall Blackpool and Blackburn with Darwen Borough Council (“Blackburn”) of Town Hall Blackburn (hereinafter collectively referred to as “The Constituent Authorities”)

### **WHEREAS**

- (1) Under the terms of Section 17 Local Government Act 1972 and Statutory Instrument 1966 No. 1868 Lancashire (Boroughs of Blackburn and Blackpool) (Structural Change Order 1996 the Secretary of State has determined that Strategic Planning shall be carried out over a wider area than that of individual authorities AND
- (2) The Constituent Authorities may put in place arrangements for joint working on their Structure Plan
- (3) The Constituent Authorities have agreed that the structure plan covering the years 2001 – 2016 (hereinafter referred to as “the Plan Period”) and any monitoring of current plan or work on its replacement and alterations or any subsequent Structure Plan shall be carried out within the provisions of the following joint working arrangements.

**IT IS HEREBY AGREED AS FOLLOWS:**

**PART 1**

**JOINT ADVISORY COMMITTEE**

- 1.1 A Joint Advisory Committee (“J.A.C.”) shall be established with powers to make recommendations to the Constituent Authorities regarding matters concerning the Structure Plan.
- 1.2 (i) No other powers shall be delegated to the J.A.C. or any of its members.
- 1.3 The J.A.C. shall consist of 8 elected members of the County Council and two elected members of Blackpool and Blackburn Councils respectively.
- 1.4 (a) The J.A.C. shall appoint a Chairman and Vice Chairman or Chairmen at its first meeting.  
  
(b) The role of the Chairman shall be rotated on an annual basis between members of the Constituent Authorities.  
  
(c) The Chairman and Vice Chairman or Chairmen shall be drawn from different Constituent Authorities.  
  
(d) In the absence of the Chairman a Vice Chairman shall preside.
- 1.5 Business shall not be transacted by the J.A.C. unless at least 5 members are present and at least one member from each Constituent Authority is present.
- 1.6 (a) Except where otherwise provided the mode of voting at each meeting shall be by show of hands.  
  
(b) Motions shall be carried upon a majority vote in favour.

- 1.7 (a) The J.A.C. shall sit in public although nothing contained in this provision shall prevent a working group of J.A.C. Members meeting in private
- (b) The J.A.C. may exclude members of the press and public from meetings wherever it is likely that exempt information is defined by section 100 Local Government Act 1972 would otherwise be disclosed.
- 1.8 In the event that a member from a Constituent Authority is unable to attend a committee meeting a substitute member appointed by the same Constituent Authority may attend in his place.

## **PART 2**

### **STEERING GROUP OF OFFICERS**

- 2.1 A Steering Group of Officers ("S.G.O.") shall be established and shall consist of the Chief Planning Officers or the Assistant Chief Planning Officer or the equivalent Officer from each Constituent Authority.
- 2.2 The S.G.O. shall ensure that the Joint Technical Team ("J.T.T.") referred to in part 3 herein carry out the functions outlined in Part 3 of this Agreement and shall ensure that all work is properly coordinated.
- 2.3 The S.G.O. shall regularly set out a programme of the work for the J.T.T. and shall thereafter review progress on a regular basis.
- 2.4 The S.G.O. shall advise the J.A.C. on all matters relating to the monitoring, review and/or adoption of the Structure Plan.

## **PART 3**

### **JOINT TECHNICAL TEAM**

- 3.1 A joint Technical Team (J.T.T.) shall be established and shall carry out the following activities:
- (a) Take the necessary steps to ensure that the Constituent Authorities are able to comply with all obligations in relation to structure planning under the Town and County Planning Act 1990 and the Town and County Planning (Development Plan) Regulations 1991 or any future statutory provisions or regulations which may be enacted or come into force;
  - (b) Ensure that all necessary and appropriate steps are taken to carry out the review of the Structure Plan and take all steps to secure its adoption;
  - (c) Maintain information systems and collect and analyse data for the purpose of the Structure Plan review;
  - (d) Ensure that all members of the J.T.T. obtain necessary training in professional and technical areas related to Structure Plan issues;
  - (e) Carry out such other tasks as the S.G.O. may from time to time consider necessary in relation to the Structure Plan.
- 3.2 (a) The County council shall provide a Lead Officer (“The Lead Officer”) who shall have responsibility for managing the work of the J.T.T.
- (b) The Lead Officer shall report to and be directed by the S.G.O.
- 3.3 Blackburn and Blackpool shall each appoint a Contact Officer
- 3.4 The Lead Officer shall under instruction from and in consultation with the S.G.O. determine a work programme throughout the plan period



including identifying all steps necessary to monitor and review the plan through to the adoption stage.

- 3.5 The Lead Officer shall report to the S.G.O. at meetings to be held at least twice per annum or on such other occasions at the S.G.O. may from time to time determine.
- 3.6 Technical services may be purchased or provided in addition to those provided by the J.T.T. however such services may only be purchased if the Lead Officer and the S.G.O. agree that they are necessary.

#### **PART 4**

#### **FINANCES**

- 4.1 Each party's contribution to the J.T.T. shall be on the basis of a split of 80 (The County Council): 10 (Blackpool): 10 (Blackburn).
- 4.2 The costs of the J.T.T. will consist of the following elements:
  - (a) Core technical staff costs (including overheads and time spent at meetings pursuant to this Agreement).
  - (b) External technical costs for services not available within the J.T.T.
  - (c) Other costs – technical documents, statutory notices, printing and stationery, etc.
- 4.3 An estimate of the total annual costs of the above will be prepared in November/December preceding the financial year by the County Council, this will include an indicative split for the forthcoming financial year of each party's contribution based on the 80:10:10 share.

- 4.4 Each Constituent Authority shall ensure that all time spent by officers in the performance of this Agreement shall be recorded in such a way that all time spent is readily identifiable.
- 4.5 Costs incurred and time spent in the performance of this Agreement shall be monitored on a six monthly basis by the S.G.O.
- 4.6 At the end of each financial year, the County Council shall prepare a statement summarising total costs for the year and the time spent by each Constituent Authority. Relevant officers of the Constituent Authorities must be consulted during preparation. If, as a result of this adjustment is necessary based on an apportionment of total costs and contributions on an 80:10:10 basis, an invoice shall be submitted to the Constituent Authority in whose favour the adjustment is to be made to either one or both of the other Constituent Authorities as appropriate. Save as may be provided for in 4(iii) below no invoices shall be submitted in respect of any adjustments for officer time.
- 4.7 The costs shall be shared on the following basis:
- (a) Salary and associated costs of the J.T.T. on a notional 80:10:10 ratio; where possible each Constituent Authorities share shall approximate to the above. In any financial year where the proportion of expenses does not mach these proportions a cash adjustment shall occur between the respective parties in accordance with 3.3 above;
  - (b) In the case of all other costs each Constituent Authorities share shall be on the basis outlined above with the adjustments to reflect this;
  - (c) If time recorded figures show that one party is consistently under performing in terms of officer hours spent in the performance of this Agreement and the deficiency is detrimentally affecting the work programme agreed the other two parties may take whatever steps they feel are necessary to ensure that the work programme is

completed within the time agreed between the parties and may recover the costs of any such action taken from the defaulting party.

## **PART 5**

### **PLANNING APPLICATIONS**

- 5.1 Where the County Council is consulted by a District Council within the county of Lancashire in respect of a planning application and The Assistant Director (Planning) considers that the application has a sub-regional significance the County Council shall consult with both Blackburn and Blackpool before a formal response is given to the application.
- 5.2 Where either Blackpool or Blackburn receives a planning application and the Chief Planning Officer of that Borough Council considers that the application has a sub-regional implication the other Constituent Authorities shall be consulted before any formal response to the planning application is given.
- 5.3 Where consultation on a planning application takes place as a result of falling within paragraph 5.1 or 5.2 above, a report shall be prepared and presented for consideration by each Constituent Authority and such report shall state whether the proposed response is agreed by each Constituent Authority and if agreement has not been reached the report shall outline the areas of disagreement between the Constituent Authorities on the strategic planning aspects of the application. A written strategic response to applications shall then be made to the authority determining the application on behalf of the Constituent Authorities.
- 5.4 Before any reports are submitted to the appropriate committees officers from any Constituent Authority may request a meeting with officers from the other Constituent Authorities. Where such a meeting has been requested it shall take place before the completion of any report on the planning application in question.

5.5 Each month the County Council shall supply to Blackpool and Blackburn a list showing consultations with district authorities on strategic planning matters which the County Council considers do not fall within paragraph 5.1 above.

# Agenda Item 5

## Joint Advisory Committee for Strategic Planning

Minutes of the Meeting held on Wednesday, 23rd March, 2011 at 2.00 pm in Cabinet Room 'C' - County Hall, Preston

### Present:

#### Chair

Councillor Ian Fowler, Blackpool Council

#### Committee Members

County Councillor Albert Atkinson, Lancashire County Council  
County Councillor Michael Green, Lancashire County Council  
County Councillor Jennifer Mein, Lancashire County Council  
Councillor Dave Harling, Blackburn with Darwen Borough Council

#### Officers

Marcus Hudson, Lancashire County Council  
Louise Nurser, Lancashire County Council  
Niamh O'Sullivan, Lancashire County Council  
N Rodgers, Blackburn with Darwen Borough Council

#### 1. Apologies for Absence

Apologies were presented from County Councillor Tim Ashton.

#### 2. Disclosure of Personal and Prejudicial Interests

County Councillor Michael Green informed the Committee that he is a Councillor at South Ribble Borough Council. It was deemed that this did not present a personal or prejudicial interest in any of the agenda items.

#### 3. Minutes of the Meeting held on 29 September 2010

The meetings of the meeting held on 29 September 2010 were agreed as an accurate record.

#### 4. **Joint Lancashire Minerals & Waste Development Framework, Update on Representations Received Following Pre-Submission Consultation on Site Allocations and Development Management Policies Development Plan Document and Supporting Documents, and examples of proposed Minor Changes to accompany the Submission.**

Louise Nurser presented the report (as circulated) and explained that at its meeting held on 29 September 2010 the Joint Advisory Committee for Strategic Planning recommended the Site Allocations and Development Management Policies and background documents be referred to the Joint Committee for Strategic Planning, who in turn, recommended that

the documents be referred to the Full Councils of the three constituent Waste and Mineral Planning Authorities for approval, which was subsequently given.

In approving the Sites Allocations and Development Management Policies and background documents, the three constituent Waste and Mineral Planning Authorities gave permission for Chief Planning Officers of each authority, to make minor amendments, as necessary, to improve the clarity of the document, or Proposals Map, which do not alter the substance of these documents when submitting the document to the Secretary of State and during the examination process.

Louise gave an overview of the main minor amendments made (circulated at Appendix 'A' to this report) and also some of the main points raised during the consultation which took place between 10 January 2011 and 21 February 2011 as detailed in the report.

## **Resolved**

The Joint Advisory Committee for Strategic Planning noted the main issues raised as part of the consultation and endorsed the approach set out in the non-exhaustive Schedule of Minor Changes.

### **5. Joint Lancashire Minerals & Waste Development Framework: Report Back on Regulation 27 Consultation for Site Allocations and Development Management Development Plan Documents**

Niamh O'Sullivan presented the report which gave an overview of the consultation process followed:

A briefing note was sent to Chief Executives, Chief Officers, District Councils and Parish Councils to inform them about the consultation and availability of documents.

Officers sent out over 1651 letters to residents and businesses that had previously shown an interest in the Minerals and Waste Local Development Framework. These letters drew peoples' attention to the consultation, and where documents could be found, the link to the dedicated website, and gave a phone number to call and some letters had details of drop-in sessions.

Three drop-in sessions were held, in the areas of Whitworth, Nether Kellet and Skelmersdale. Officers were there to help people fill in the Representation Form.

Press releases were sent out and a public notice was put in three main papers covering the Plan area. Display posters advertising where the document was available was displayed in colleges, universities, municipal buildings and Libraries across Lancashire.

A leaflet was produced which has already been circulated to Members of the Committee setting out how to fill in Representation Form, a brief introduction and a plan showing proposed sites in a diagrammatic form. This was made widely available.

The Local Development Framework newsletter was sent to all stakeholders and made available at 113 deposit points, and on the website.

The dedicated website was set up and publicised the drop-in sessions as well as hosting the supporting documents. During the consultation period this has received over 829 hits from 428 visitors.

Paper copies of the documents were also placed on deposit at all the libraries in the County and in Blackpool and Blackburn with Darwen libraries, as well as the deposit points of the County Information Centres, Town Halls, District Planning Departments, and County Hall. Additional hard copies of documents and CDs were sent out on request.

At the time of writing this report over 298 representations from over 264 separate individuals, or organisations had been received. All representations will be analysed and forwarded to the Secretary of State.

## **Resolved**

The Joint Advisory Committee considered the initial feedback from the consultation exercise and noted the proposed next steps.

### **6. Urgent Business**

None

### **7. Date of Next Meeting**

To be confirmed.

Ian Fisher  
County Secretary and Solicitor

County Hall  
Preston





# Agenda Item 6

## Joint Advisory Committee for Strategic Planning

Meeting to be held on 7 December 2011

Electoral Division affected: All
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### Joint Lancashire Minerals & Waste Development Framework: Consultation for Major changes to Site Allocations and Development Management Development Plan Documents

Contact for further information:

Louise Nurser, 01772 534136, Environment Directorate,

[Louise.nurser@lancashire.gov.uk](mailto:Louise.nurser@lancashire.gov.uk)

#### Executive Summary

This report describes the consultation and publicity that will take place relating to the major changes to the Site Allocations and Development Management Policies for the Minerals and Waste Development Framework.

#### Recommendation

That the Joint Advisory Committee for Strategic Planning note the contents of the report.

#### Background and Advice

Members of the Joint Advisory Committee 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:*

Following 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 our 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.

## Consultations

N/A

## Implications:

This item has the potential to cause controversy. However, much of the consultation set out is prescribed in the authorities Statements of Community Involvement and set by statute.

Moreover, the Councils have already undertaken considerable consultation.

## Risk Management

Making significant changes to the Development Plan Document without consulting on those changes could result in prejudice being caused to any individuals who may be affected by the proposals.

## Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Directorate/Tel
N/A		

Reason for inclusion in Part II, if appropriate

N/A



## Joint Advisory Committee for Strategic Planning Meeting to be held 7 December 2011

Electoral Division affected: All
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### **Joint Lancashire Minerals & Waste Development Framework Proposed Major Modifications to Site Allocation and Development Management Policies DPD Arising from the Examination in Public Hearing Sessions.**

(Appendices 'A' and 'B' refer)

Contact for further information:

Richard Sharples, 01772 534294, Environment Directorate  
[richard.sharples@lancashire.gov.uk](mailto:richard.sharples@lancashire.gov.uk)

#### **Executive Summary**

The submitted Site Allocation and Development Management policies DPD has been subject to an Examination in Public and associated Hearing Sessions carried out by a Planning Inspector on behalf of the Secretary of State. Throughout the Examination in Public and Hearing Sessions it has been necessary to make changes to the DPD to reflect the debate at the various Hearing Sessions. Members will recall that in previous meetings the ability to make minor changes was delegated to Chief Officers. A number of these changes have been made and publicised.

However, as a result of the debate, there are several changes required which are considered to be major. These would require consultation before submission to the Planning Inspector.

These are set out in the Proposed Major Modifications to the Site Allocations and Development Management Policies Development Plan Document.

#### **Recommendation**

That the Joint Advisory Committee for Strategic Planning recommends to the Joint Committee for Strategic Planning that the Major Proposed Modifications to the Site Allocations and Development Management Policies Development Plan Document be approved for Consultation.

#### **Background and Advice**

Following the Joint Committee meeting on 29 September 2010, the Submission Version of the Site Allocations and Development Management Policies Development Plan Document was referred to the Full Councils of the three constituent Waste and Mineral Planning Authorities for approval and authority for publication and the

submission thereafter to the Secretary of State for Communities and Local Government.

Chief Officers, following consultation with their respective Portfolio members, were given delegated authority to propose minor amendments to improve the clarity of the document, which did not alter the substance of the document.

The Examination in Public began into the Development Plan Document when it was submitted to the Secretary of State on 31 May 2011. Geoff Hill Bsc Dip TP MRTPI was appointed as the Planning Inspector whose role was to judge the plan against the national criteria of soundness. The Inspector's role is to direct the hearings. At the closure of the Examination in Public he is to produce a report setting out his recommendations which must be published by the Joint Authorities. The report is binding on the Joint Authorities of Lancashire County Council, Blackpool Council and Blackburn with Darwen Council. However, the Joint Authorities have discretion as to whether to adopt the plan at their Full Councils.

The programmed Hearing Sessions began on 20 September 2011 and were formally suspended on 14 October. During these sessions a number of changes of a minor nature were offered by Officers under delegated powers.

However, the Inspector directed that there were also a number of areas where changes were required which would be considered to be more than minor. These were where the soundness of the plan was brought into doubt and therefore could prejudice the adoption of the Development Plan Document.

Addressing the Inspector's concerns will require a major change to the submitted Development Plan Document.

These major changes will require full consultation to ensure interested parties have the opportunity to make representations (see separate report). If not, the Development Plan's adoption could result in prejudice being caused to any individuals who may be affected by the proposals. This would risk the adoption of an up to date Development Plan, which has increasing importance following the publication of the draft national planning policy framework.

The major changes required are described below. The detailed changes are set out in Appendix 'A'.

## **Policies WM2 and WM4**

### **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 (see below).

### **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.

It is your officers' advice 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 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.

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 to be approved by the respective Full Councils 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.

## **Recommendation**

That the Joint Advisory Committee recommends 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.

## **Consultations**

Legal

Financial

N/A

## **Implications:**

Publication of Proposed Major Changes to the Submission Version of the Minerals & Waste Site Allocations and Development Management Policies Development Plan Document is likely to continue to be controversial as it relates to specific sites. It should attract considerable attention in the press, and a significant number of representations from the public and their local representatives. All representations will be recorded, analysed and a report will be brought to the Joint Committee for Strategic Planning and the Joint Advisory Committee.

## **Risk management**

Making significant changes to the Development Plan Document without consulting on those changes could result in prejudice being caused to any individuals who may be affected by the proposals.

Failing to address the Planning Inspector's concerns by making these suggested changes may result in the Development Plan Document being found unsound, and the Joint Authorities being unable to move forward with adoption as scheduled.

Following the proposed changes to the draft National Planning Policy Framework with its presumption in favour of sustainable development, in the absence of an up to date development plan, it is vital that the Joint Authorities move to adoption of the Site Allocations and Development Management Policies DPD as soon as possible.

**Local Government (Access to Information) Act 1985  
List of Background Papers**

Paper	Date	Contact/Directorate/Tel
Site Allocation and Development Management Policies DPD – Part One	January 2011	Louise Nurser Environment 534136

Site Allocation and Development Management Policies DPD – Part Two

A full list of submission documents available at <http://www.lancashire.gov.uk/corporate/web/?siteid=6106&pageid=35243&e=e>

Reason for inclusion in Part II, if appropriate

N/A.



## SCHEDULE OF MAJOR MODIFICATIONS

Date: 7<sup>th</sup> December

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
Matter 12 – Huncoat/Whinney Hill					
MajPC/01	Part one of the Site Allocations and DM DPD	Page 7, Table 1 Location Plan Index, fifth row, second column	Delete "Huncoat/Whinney Hill" and replace with "Altham Industrial Estate"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/02	Part one of the Site Allocations and DM DPD	Page 7, Table 1 Location Plan Index, fifth row, second column	Add new row below and insert "Lomeshaye Industrial Estate"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/03	Part one of the Site Allocations and DM DPD	Page 7, Table 1 Location Plan Index, 10th row	Delete row	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/04	Part one of the Site Allocations and DM DPD	Page 7, Table 1 Location Plan Index, fifth row, second column	Add new row below and insert "Moorfield Industrial Estate"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/05	Part one of the Site Allocations and DM	Page 7, Table 1 Location Plan Index, fifth row, second column	Add new row below and insert "Burnley Bridge"	To reflect the change of Policy WM2 and Policy WM4	JA

Appendix 'A'

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
	DPD				
MajPC/06	Part one of the Site Allocations and DM DPD	Page 6, map 1	Add green dots to map for Altham, Burnley Bridge, and Moorfield.  Change Lomeshaye (no 35) from a red dot to a green dot	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/07	Part one of the Site Allocations and DM DPD	Policy WM2, Table seventh row, third cell, page 18	Delete text from the third cell ("Huncoat/Whinney Hill - Subject to the provision of the Whinney Hill Link Road as identified in policy SA2") of the seventh row of the table  Replace with: "Altham Industrial Estate Burnley Bridge Moorfield Industrial Estate Lomeshaye Industrial Estate"	Unwilling land owners make the allocation undeliverable	PI JA
MajPC/08	Part one of the Site Allocations and DM DPD	Policy WM4, page 21	Delete text under point 8) "c) Huncoat/Whinney Hill, Hyndburn (BWF8) Subject to the provision of the Whinney Hill Link Road as identified in policy SA2."  Replace with: "Altham Industrial Estate Burnley Bridge Moorfield Industrial Estate Lomeshaye Industrial Estate"	Unwilling land owners make the allocation undeliverable	PI JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
MajPC/09	Part one of the Site Allocations and DM DPD	Policy WM3, Table seventh row, page 19	Delete "Land at Lomeshaye Industrial Estate, Pendle BWF13"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/10	Part Two of the Site Allocations and DM DPD	Contents, 2. Built Waste Facilities, 2.1.8, page 1	Delete "Huncoat/Whinney Hill"  Insert text: "Lomeshaye Industrial Estate"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/11	Part Two of the Site Allocations and DM DPD	Contents, 2. Built Waste Facilities, 2.1.8, page 1	Insert "2.1.9 Altham Industrial Estate 2.1.10 Burnley Bridge 2.1.11 Moorfield Industrial Estate "	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/12	Part Two of the Site Allocations and DM DPD	Contents, 2. Built Waste Facilities, 2.2.5, page 1	Delete	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/13	Part Two of the Site Allocations and DM DPD	Section 2.1.8, Page 23	Delete text and replace with: " <b>Lomeshaye Industrial Estate Site Location and Overview</b> Lomeshaye Industrial Estate (BWF13) is located in Brierfield, and is within the administrative boundary of Pendle Borough Council. The site includes a mixture of small and large industrial buildings, offices, warehouses and distribution units and	To reflect the change of Policy WM2 and Policy WM4	JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
			<p>retail businesses. The site has a dedicated access onto the M65 (Junction 12).</p> <p><b>Environmental Safeguards</b>                      Built waste facilities may generate a range of potential impacts which applicants will be expected to address. To ensure that these issues are dealt with in a timely and adequate manner, applicants are advised to hold pre-application discussions with the waste planning authority. This may also assist both the applicant and the planning authority to determine the extent and nature of any environmental or other assessments required in support of particular development proposals. In terms of specific challenges, approximately half of the site falls within Flood Zone 3, much of which occurs along the course of the former river channel, which has been straightened and diverted. Several major flood events have occurred in recent years and major flood defence works have been undertaken. Developers will be expected to undertake an assessment of these risks and, where necessary, to propose appropriate measures to reduce the likelihood and impact of flooding.</p>		



Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
			<p>The site is bounded by designated Greenbelt to the east and several individual built conservation areas to the north and east, including Lomeshaye Industrial Hamlet, which is an area of Victorian terraced housing and textile mills. Development proposals for the site will need to take into account measures to avoid potential impacts on these areas.</p> <p>There is also a Biological Heritage Site in the centre of the industrial estate, although this is excluded from the allocated area. Proposals will be expected to demonstrate how these ecological interest will be protected.</p> <p>Where required, consideration should also be given to other relevant aspects of the proposed development, such as amenity issues and proximity to sensitive receptors. Applicants will also be required to undertake a transport assessment of their proposals, and will need to comply with the validation checklist for a relevant planning application. "</p>		
MajPC/14	Part Two of the Site Allocations and DM	Map BWF8: Huncoat/Whinney Hill, Section 2.1.8, Page 23	Delete map  Insert BWF8: Lomeshaye Industrial Estate	To reflect the change of Policy WM2 and Policy WM4	JA

**Appendix 'A'**

<b>Reference number</b>	<b>Document</b>	<b>Location (Paragraph Number, Policy Box etc.)</b>	<b>Proposed Modification</b>	<b>Reason</b>	<b>Change Suggested by</b>
	DPD				
MajPC/15	Part Two of the Site Allocations and DM DPD	Section 2.1.8, Page 23	Add new page, text and map, at appendix 1	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/16	Part Two of the Site Allocations and DM DPD	Section 2.1.8, Page 23	Add new page, text and map, at appendix 2	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/17	Part Two of the Site Allocations and DM DPD	Section 2.1.8, Page 23	Add new page, text and map, at appendix 3	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/18	Part Two of the Site Allocations and DM DPD	Section 2.2.5, Page 34 and 35	Delete	To reflect the change of Policy WM2 and Policy WM4	JA
<b>Matter 14 – Lancaster West Business Park</b>					
MajPC/19	Part Two of the Site Allocations and DM DPD	Section 2.2.9, page 43	Delete map BWF17 and insert revised Map BWF 17	To reflect the land allocation in the Lancaster City Council Local Plan	JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
Matter 11 – Heysham Port					
MajPC/20	Part one of the Site Allocations and DM DPD	Map 1 Location Plan, page 5	Delete "26" and corresponding green dot	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/21	Part one of the Site Allocations and DM DPD	Map 1 Location Plan, page 5	Change dot relating to 39 from red to green	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/22	Part one of the Site Allocations and DM DPD	Table 1 Location Plan Index, 27 <sup>th</sup> row, Reference No. 26, page 6	Delete "Land at Heysham Port" from second cell Insert "Lancaster West Business Park"  Delete from Location Plan Reference "26" from first cell Insert "39"  Delete "BWF4" from fourth cell Insert "BWF17"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/23	Part one of the Site Allocations and DM DPD	Table 1 Location Plan Index, 14 <sup>th</sup> row, second cell, Reference No. 39, page 7	Delete row	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/24	Part one of the Site	Policy WM2 – Large Scale built Waste Management	Delete from column three, "Land at Heysham Port"	Unwilling land owners make the allocation	PI JA

Appendix 'A'

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
	Allocations and DM DPD	Facilities, Table row two, page 18	Insert "Land at Lancaster West Business Park".  Delete from column 4 "BWF4". Insert "BWF17".	undeliverable.	
MajPC/25	Part one of the Site Allocations and DM DPD	Policy WM3, Table second row, page 19	Delete from third column "Lancaster West Business Park" And fourth column "BWF17"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/26	Part one of the Site Allocations and DM DPD	Section 3.3, Policy WM4, Point c), point 1, page 21	Delete "Heysham Port (BWF4)" Insert "Lancaster West Business Park (BWF 17)"	Unwilling land owners make the allocation undeliverable	PI JA
MajPC/27	Part Two of the Site Allocations and DM DPD	Contents, 2. Built Waste facilities, page1,	Delete "2.1.4 Heysham Port" Insert "2.1.4 Lancaster West Business Park"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/28	Part Two of the Site Allocations and DM DPD	Contents, 2. Built Waste facilities, page 1	Delete "2.2.9 Lancaster West Business Park 42"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/29	Part Two of the Site Allocations and DM	Section 2.1.4, page 14	Delete text under 2.1.4	To reflect the change of Policy WM2 and Policy WM4	JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
	DPD				
MajPC/30	Part Two of the Site Allocations and DM DPD	Section 2.1.4, page 14	<p>Insert:</p> <p><b>Lancaster West Business Park</b></p> <p><b>Site Location and Overview</b> Lancaster West Business Park (BWF17) is a former industrial site located to the north of the village of Middleton and is within the administrative boundary of Lancaster City Council. The allocated area includes a newly built municipal waste transfer station and planning permission has been granted elsewhere on the site for a wood-fired power facility.</p> <p>The allocation includes land which is safeguarded under Policy SA2 of this plan for a new junction which would connect Middleton Road to Lancaster West access road and create a through road to the A683.</p> <p><b>Environmental Safeguards</b> Built waste facilities may generate a range of potential impacts which applicants will be expected to address. To ensure that these issues are dealt with in a timely and adequate manner, applicants are advised</p>	To reflect the change of Policy WM2 and Policy WM4	JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
			<p>to hold pre-application discussions with the waste planning authority. This may also assist both the applicant and the planning authority to determine the extent and nature of any environmental or other assessments required in support of particular development proposals.</p> <p>In terms of more specific challenges, as with other former industrial areas, there is a risk of contaminated soil within the site and developers will be expected to find safe solutions to these problems. There is also a Biological Heritage Site within the allocated area and applicants will (as a minimum) be expected to demonstrate that proposals will not have adverse impacts on these interests.</p> <p>There are residential properties to the south and west of the site. Most of these properties are screened from the site by existing woodland, parts of which are protected by tree preservation orders. However, developers will need to ensure (either by means of location, the types of activities to be undertaken or other preventative measures) that there are no significant effects on the amenity, safety or health of these areas.</p>		

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
			Where required, consideration should also be given to other relevant aspects of the proposed development, such as amenity issues and proximity to sensitive receptors. Applicants will be required to undertake a transport assessment of their proposals, and will need to comply with the validation checklist for a relevant planning application.		
MajPC/31	Part Two of the Site Allocations and DM DPD	Section 2.1.4, page 15	Insert Map BWF17	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/32	Part Two of the Site Allocations and DM DPD	Section 2.1.4, Map BWF4 Land at Heysham Port, page 15	Delete	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/33	Part Two of the Site Allocations and DM DPD	Contents, 4. Transport Schemes, page 2	Insert "4.7 Heysham Dock Wharf"	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/34	Part Two of the Site Allocations and DM	Section 2.1.4, Map MRT1: Heysham Dock Wharf, page 16	Delete	To reflect the creation of a Heysham Port Wharf entry in Section 4 Transport as a result of the change of	JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
	DPD			Policy WM2 and Policy WM4	
MajPC/35	Part Two of the Site Allocations and DM DPD	Section 2.2.9 page 42	Delete	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/36	Part Two of the Site Allocations and DM DPD	Section 2.2.9, Map BWF17: Lancaster West Business Park, page 43	Delete	To reflect the change of Policy WM2 and Policy WM4	JA
MajPC/37	Part Two of the Site Allocations and DM DPD	After Section 4.6, page 80	<p>Create new section "Section 4.7 Heysham Wharf". Insert text below:</p> <p><b>"Site Location and Overview</b>  Heysham Port Wharf (MRT1) is a working passenger and freight port located to the south-west of Heysham and within the administrative boundary of Lancaster City Council. On its southern boundary, the site adjoins Heysham Power Station and is served by a single track railway line and by the A589 from Lancaster.</p> <p>The aggregate wharf is safeguarded by Policy M3 in this plan. In such circumstances, developers will be encouraged to look at ways of making use</p>	As a result of the change of Policy WM2 and Policy WM4	JA



Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
			<p>of this facility with a view to reducing the need for road transport.</p> <p><b>Environmental Safeguards</b> There are wildlife interests in the surrounding area including the internationally-important Morecambe Bay and several Biological Heritage Sites. Developers will be expected (as a minimum) to demonstrate that proposals will not have adverse effects on these interests. In the case of significant impacts on Morecambe Bay this would rule out development.</p> <p>Where required, consideration should also be given to other relevant aspects of the proposed development, such as amenity issues and proximity to sensitive receptors, and impacts on nearby residential properties. Applicants will also be required to undertake a transport assessment of their proposals, and will need to comply with the validation checklist for a relevant planning application."</p>		
MajPC/38	Part Two of the Site Allocations and DM	After Section 4.6, page 80, after MajPC/0.....	Insert map "MRT1: Heysham Dock Wharf " to new section 4.7.	As a result of the change of Policy WM2 and Policy WM4	JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
	DPD				
Matter 8 – Non-Hazardous Waste Landfill					
MajPC/39 (MPC175)	Part one of the Site Allocations and DM DPD	Policy LF1 – Sites for Non-Hazardous Landfill, page 23	Delete last paragraph of policy and replace with:  "The mineral and waste planning authority will only support landfilling of non-hazardous waste at existing permitted sites. Where an application is made to extend the time frame of an existing permission it will be supported subject to conformity with other DPD policies."	Because of insufficient evidence in support of the imposition of a limit on time extensions.	PI JA
MajPC/40 (MPC176)	Part one of the Site Allocations and DM DPD	Para 4.1.2 and 4.1.3	Delete para 4.1.2 and 4.1.3 replace with:  "This policy ensures that no additional non hazardous landfill capacity is permitted within the plan period in line with policy CS8".	To reflect the change of Policy LF1	JA
Matter 17 – Site for Hazardous Landfill					
MajPC/41	Part one of the Site Allocations and DM DPD	Page 5, Map 1 Location Plan	Delete reference five and renumber all subsequent references	To reflect the removal of Whitemoss Landfill as an allocation and its replacement with a generic criteria based policy	JA
MajPC/42	Part one of the Site	Page 6, Table 1 Location Plan Index	Delete sixth row reference five Whitemoss Landfill, and renumber all subsequent	To reflect the removal of Whitemoss Landfill as an	JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
	Allocations and DM DPD		references	allocation and its replacement with a generic criteria based policy	
MajPC/43	Part one of the Site Allocations and DM DPD	Policy LF3, page 25	<p>Delete policy text below title.</p> <p>Replace with: "Development will be supported for the disposal to landfill of residues from the treatment of hazardous waste that cannot be recycled or recovered or otherwise treated only when the applicant can demonstrate that:</p> <ul style="list-style-type: none"> <li>• There is a continued national or regional need for that disposal; and</li> <li>• The residues cannot be deposited at a suitable licensed landfill nearer to their origin; and</li> <li>• The proposed landfill accords with the principle of net self sufficiency." </li></ul>	Because of insufficient evidence of requirement for allocation.	PI JA
MajPC/44	Part one of the Site Allocations and DM DPD	Para 4.3.1, page 25	<p>Delete paragraph and replace with: "The Defra Strategy for Hazardous Waste Management promotes the waste hierarchy, with emphasis put on reducing the amounts of hazardous wastes, and recycling and recovering what is produced, with disposal being a last resort.</p> <p>This policy provides for exhausting all alternatives to depositing the residues of</p>	To reflect the removal of Whitemoss Landfill as an allocation and its replacement with a generic criteria based policy	JA

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
			hazardous wastes at landfill, and limits the residues to those that cannot be recycled or recovered, or otherwise treated to reduce their quantity and/or environmental impact, and that cannot be deposited at a facility elsewhere nationally closer to their arisings. The principle of working towards net self sufficiency is to guard against the proliferation of hazardous landfill sites within the region".		
MajPC/45	Part one of the Site Allocations and DM DPD	Para 4.3.3, page 25	Delete paragraph	To reflect the removal of Whitemoss Landfill as an allocation and its replacement with a generic criteria based policy	JA
MajPC/46	Part one of the Site Allocations and DM DPD	Para 4.3.4, page 25	Delete the last sentence "Allocations that are not taken up will be reviewed and updated at least every five years."	To reflect the removal of Whitemoss Landfill as an allocation and its replacement with a generic criteria based policy	JA
MajPC/47	Part one of the Site Allocations and DM DPD	Para 4.3.2 (corrected to 4.3.6), page 26	Delete the last sentence "In turn, this assessment of need will also inform a maximum position for five years capacity that will not be exceeded"	To reflect the removal of Whitemoss Landfill as an allocation and its replacement with a generic criteria based policy	JA
MajPC/48	Part Two of the Site Allocations and DM	Contents, 5. Landfill Sites	Delete "5.2 Whitemoss Landfill"	To reflect the removal of Whitemoss Landfill as an allocation and its replacement with a generic	JA

Appendix 'A'

Reference number	Document	Location (Paragraph Number, Policy Box etc.)	Proposed Modification	Reason	Change Suggested by
	DPD			criteria based policy	
MajPC/49	Part Two of the Site Allocations and DM DPD	5.2 Whitemoss Landfill, page 84 and 85	Delete	To reflect the removal of Whitemoss Landfill as an allocation and its replacement with a generic criteria based policy	JA

Appendix 1 Burnley Bridge text

**Burnley Bridge Business Park**

**Site Location and Overview**

Burnley Bridge Business Park (Insert Map ref) is located in the administrative boundary of Burnley Borough Council it lies south of Padiham, and is off Junction 9 of M65. It covers an area of 19 hectares and is made up of industrial units and business premises.

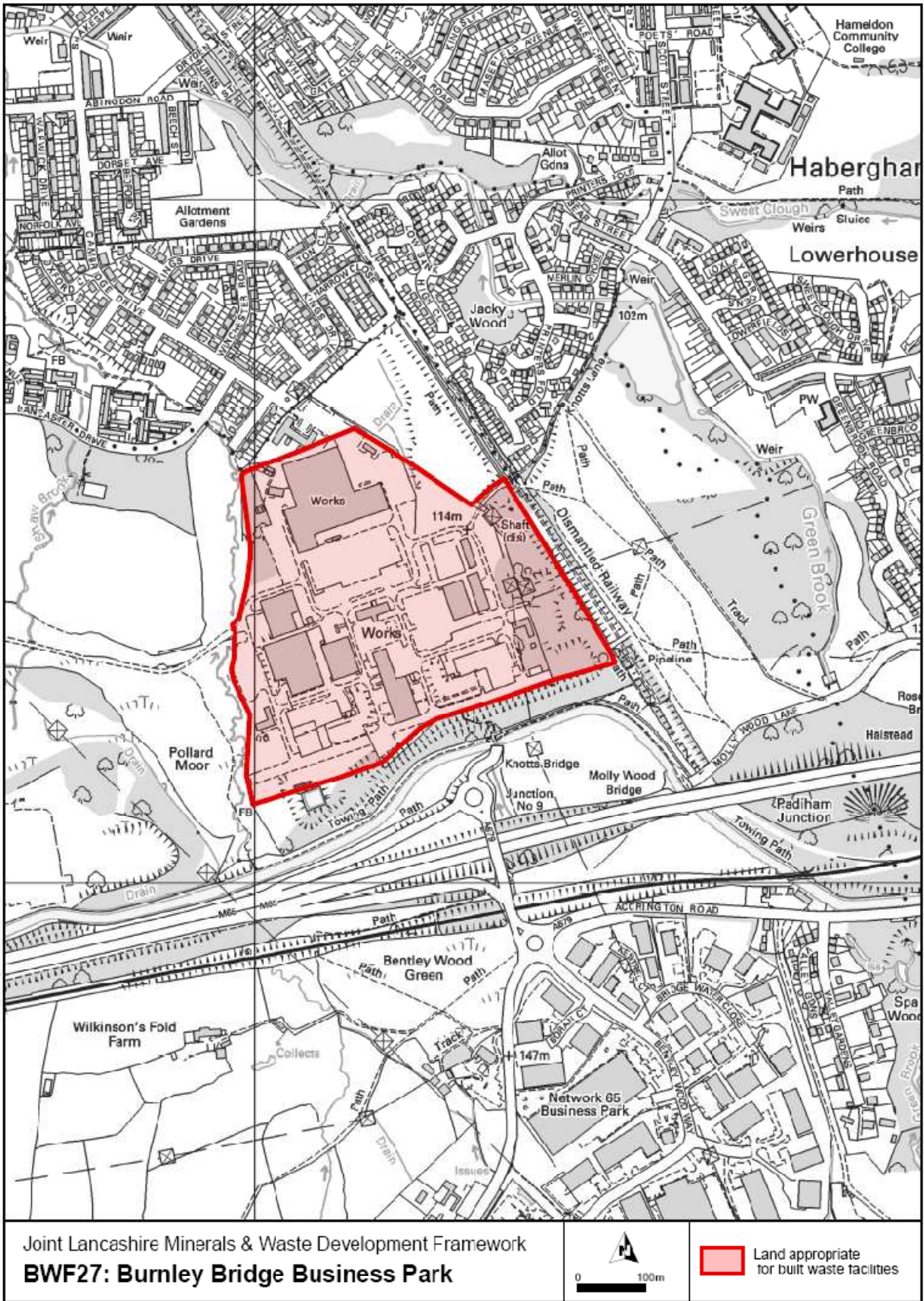
**Environmental Safeguards**

Built waste facilities may generate a range of potential impacts which applicants will be expected to address. To ensure that these issues are dealt with in a timely and adequate manner, applicants are advised to hold pre-application discussions with the waste planning authority. This may also assist both the applicant and the planning authority to determine the extent and nature of any environmental or other assessments required in support of particular development proposals.

In terms of more specific challenges the site is bounded on the west of the site by a biological heritage site and to the west and south of the site by Green Belt. Applicants will be expected to demonstrate that proposals could be brought forward without causing harm to these interests.

There are access issues with this site. A new bridge link is need to M65. There is an outline planning permission for this connection and for re-development of this site for business use.

Where required, consideration should also be given to other relevant aspects of the proposed development, such as amenity issues and proximity to sensitive receptors. Applicants will be required to undertake a transport assessment of their proposals, and will need to comply with the validation checklist for a relevant planning application.



Appendix 2 Altham Industrial Estate text

**Altham Industrial Estate**

**Site Location and Overview**

Altham Industrial Estate (insert Map ref ) is located on the eastern edge of the Hyndburn administrative boundary, between the towns of Accrington and Burnley and close to Junction 8 of the M65 motorway. It covers an area of over 60 hectares and is made up of industrial units and business premises.

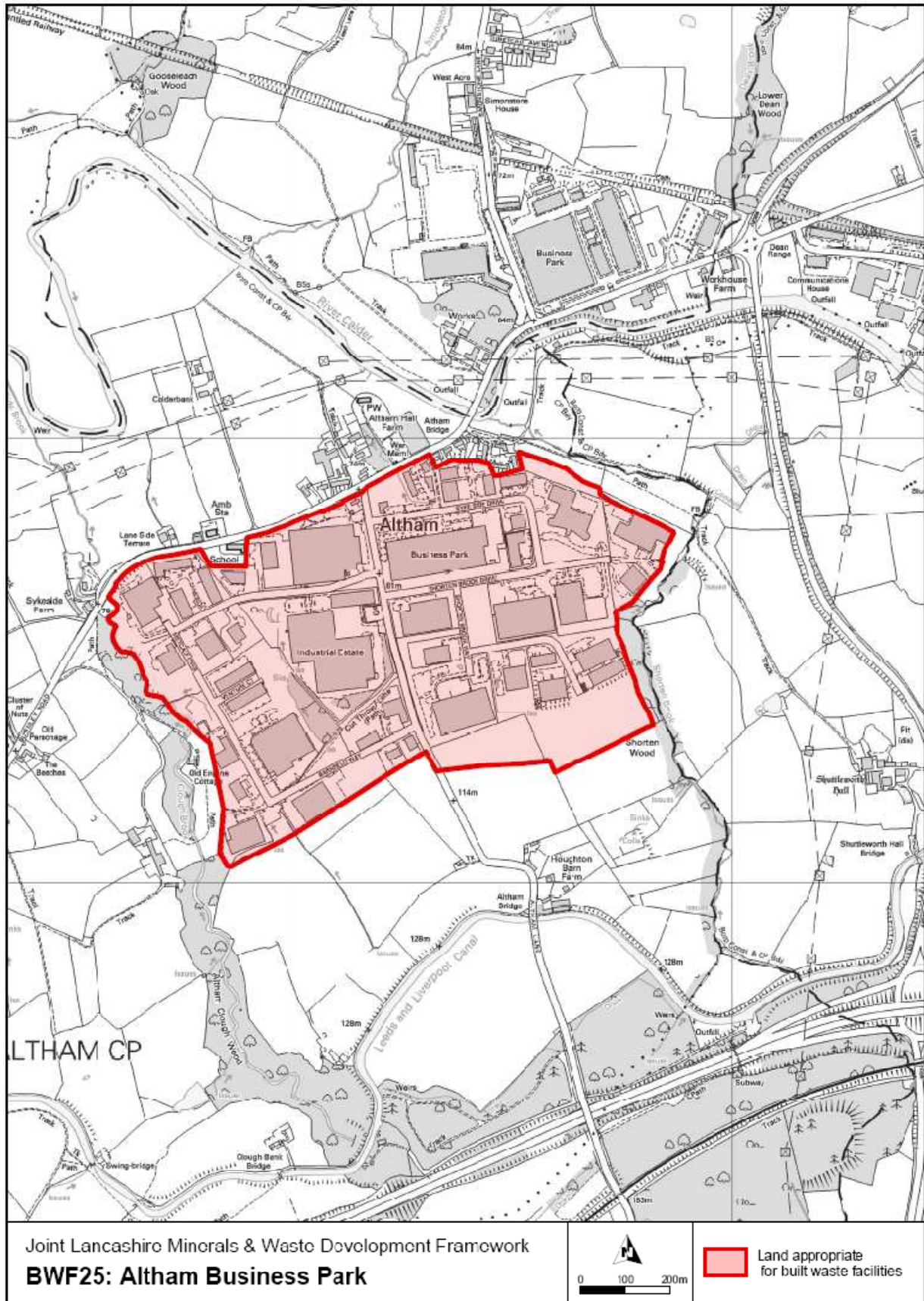
**Environmental Safeguards**

Built waste facilities may generate a range of potential impacts which applicants will be expected to address. To ensure that these issues are dealt with in a timely and adequate manner, applicants are advised to hold pre-application discussions with the waste planning authority. This may also assist both the applicant and the planning authority to determine the extent and nature of any environmental or other assessments required in support of particular development proposals.

In terms of more specific challenges the site is bounded on four sides by the Green Belt and there is a Biological Heritage Site located on the western boundary. The village of Altham lies immediately to the north of the site and includes a primary school and a Conservation Area. Applicants will be expected to demonstrate that proposals could be brought forward without causing harm to these interests.

Where required, consideration should also be given to other relevant aspects of the proposed development, such as amenity issues and proximity to sensitive receptors. Applicants will be required to undertake a transport assessment of their proposals, and will need to comply with the validation checklist for a relevant planning application.





Appendix 3 Moorfield Industrial Estate text

**Moorfield Industrial Estate**

**Site Location and Overview**

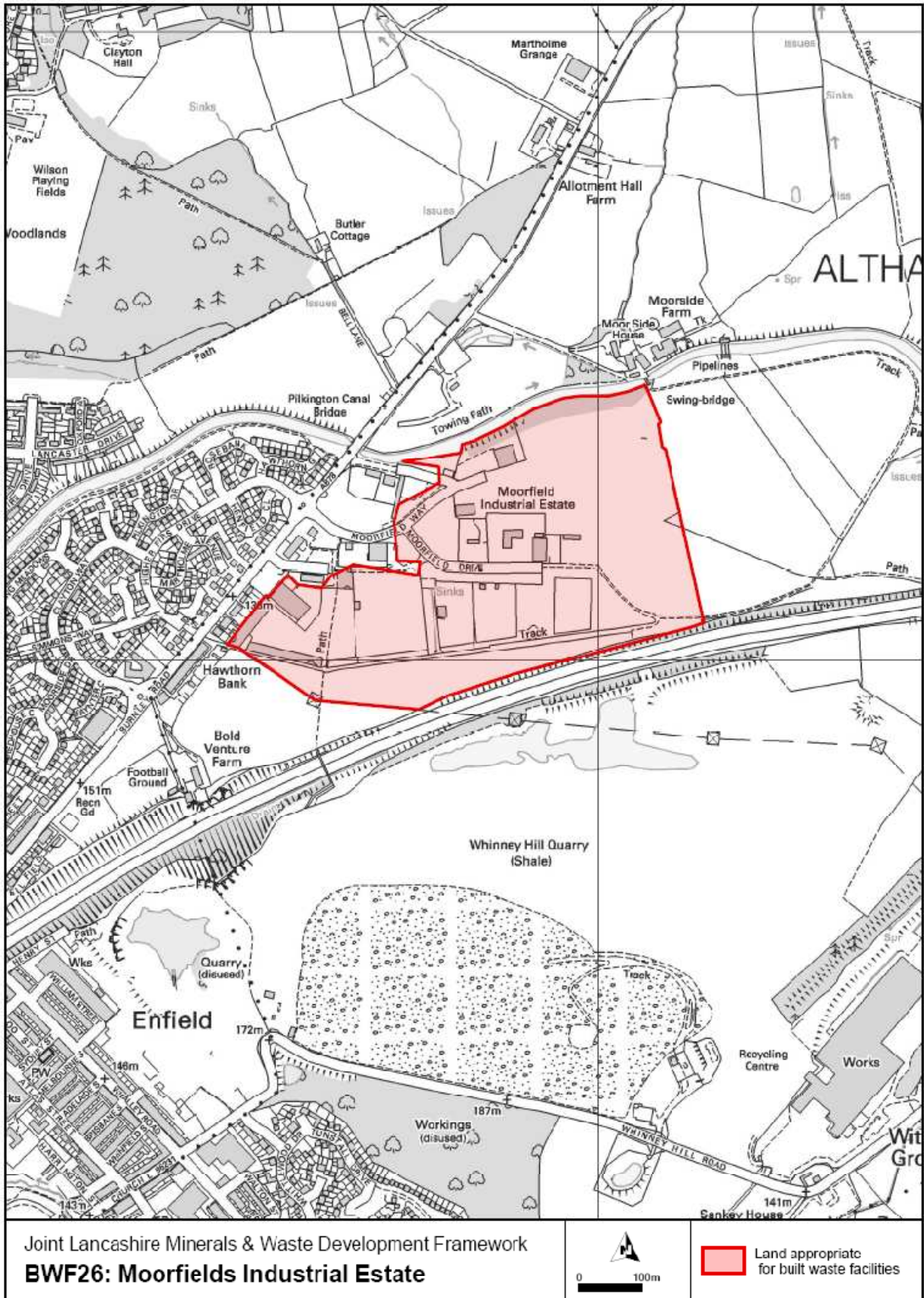
Moorfield Industrial Estate (insert Map ref ) is located within the administrative area of Hyndburn Borough Council just to the north of Accrington, and is close to Junction 7 of the M65. It covers an area of approximately 20 hectares and is made up of largely recycling and reclamation businesses.

**Environmental Safeguards**

Built waste facilities may generate a range of potential impacts which applicants will be expected to address. To ensure that these issues are dealt with in a timely and adequate manner, applicants are advised to hold pre-application discussions with the waste planning authority. This may also assist both the applicant and the planning authority to determine the extent and nature of any environmental or other assessments required in support of particular development proposals.

In terms of more specific challenges the site is bounded on three sides by the Green Belt and on its western side by the residential area of Clayton-le-Moors. Two Public Rights of Way pass through the site. Applicants will be expected to demonstrate that proposals could be brought forward without causing harm to these interests.

Where required, consideration should also be given to other relevant aspects of the proposed development, such as amenity issues and proximity to sensitive receptors. Applicants will be required to undertake a transport assessment of their proposals, and will need to comply with the validation checklist for a relevant planning application.





## **SITE ALLOCATION AND DEVELOPMENT MANAGEMENT POLICIES DPD EXAMINATION**

Inspector	Geoffrey Hill BSc DipTP MRTPI	
Programme Officer	Mrs Julie Salgado-Pérez Ground Floor, Christ Church Precinct, County Hall, Fishergate, Preston, PR1 8XJ	Mobile: 07554438121 e-mail: <a href="mailto:programmeofficer@lancashire.gov.uk">programmeofficer@lancashire.gov.uk</a>

***By e-mail to:***

Mrs J Salgado-Pérez  
Programme Officer

21 October 2011

Dear Mrs Salgado-Perez

### **REVISIONS TO THE DPD AND FURTHER PUBLIC CONSULTATION**

- 1 I note that, as stated in the letter of 14 October, the Joint Authorities (JAs) propose to undertake formal consultation on matters relating to changes to Policy LF1 and the changes to the boundaries of the Lancaster West Business Park shown in Part 2 of the DPD as BWF17.
- 2 It could be argued that, certainly insofar as the proposed changes to BWF17 are concerned, following the 'Wheatcroft' principles, reducing the allocated area may not impinge upon the soundness of the Plan in that seemingly no interests of parties not previously engaged in the process would be affected. Also, the changes would not (seemingly) undermine the soundness of the Plan in that, after deletion of the extension areas, sufficient land would be available to meet the anticipated needs set out in the Core Strategy. I leave this for the JAs to consider in the light of their closer understanding of local views.
- 3 The JAs have already publicised a number of minor proposed changes, to reflect the debate at the various hearing sessions. This is a positive move, and is welcomed by me. These will, it is hoped, have addressed initial concerns expressed by many of the participants, and overcome difficulties for the eventual adoption of the DPD. There are, perhaps inevitably, further matters where further consideration needs to be given by the JAs.
- 4 I note that publicity so far to the proposed change to the Huncoat / Whinney Hill allocation, as shown in Part 2 as BWF8, has brought forward at least one significant response. I comment on this in greater detail below.
- 5 Following my letter of 17 October, this letter expands on my preliminary thoughts where revisions may be required to the DPD to make it 'sound' in the terms of the tests given in PPS12. Some of these became apparent at

the hearing sessions. For other points, these have arisen from my further consideration of the discussion at the hearing sessions. If changes are to be made to the DPD to address these points, then these too should be subject to formal public consultation. It is fair to emphasise that these are my early thoughts and I have not had the opportunity to consider in detail all the matters raised in the representations and at the hearing sessions. That is, there may be further points I would wish the JAs to consider, but it is unlikely that these will be major or significant ones which bear upon the soundness of the DPD.

### ***Points where the DPD can be seen to be unsound***

#### **Heysham Port: Policy WM2, site BWF4**

- 6 At the hearing it became apparent that the operators of the port and Lancaster City Council consider that the allocation of Heysham Port under Policy WM2 is inappropriate because;
  - a) of a clash with the City Council's planning policies which see the area of BWF4 being used for port-related industry and commercial uses
  - b) the port operators are unwilling to accept a waste processing operation which is not ship-related
  - c) there may be no area of land big enough to accommodate a WM2-scale process within the port area.
- 7 In which case the reference in Policy WM2 (and allocation BWF4) would fail the test of being justified, in that there is no apparent need for the processing of ship-borne waste under the Core Strategy. Also, the policy would not be effective in that, with the land owners being unwilling to accept a general waste operation to serve the Lancashire / Morecambe area on this land, this aspect of the DPD would not be deliverable.
- 8 It was also accepted that BWF4 should be deleted from Policy WM4 as no land would be available at the port for inert waste processing.
- 9 These points were discussed at the hearing session on Friday 14 October, where it was indicated that it would be necessary to remove BWF4 from Policy WM2 and to identify a replacement site to accommodate the anticipated waste arisings for the Catchment Area.

#### **Farington HWRC: Policy WM3, site BWF24**

- 10 As raised at the hearing session on 14 October, the allocation of the extension to the Farington HWRC represents a *prima facie* conflict with national policy as set out in Planning Policy Guidance 2 *Green Belts*. The HWRC is essentially an urban development and, in the terms discussed in PPG2 should be regarded as inappropriate development in the Green Belt.
- 11 A HWRC does not meet any of the purposes of including land within a Green Belt, as given at paragraph 1.5 of PPG2; indeed, it would appear to be directly in conflict with the third bullet point under this paragraph. Neither can it be seen to be a use which is seen to have a positive role to

play in fulfilling the objectives given at paragraph 1.6 of PPG2. In particular, it would seem to be directly contrary to the final bullet point of that paragraph.

- 12 In view of what is said at Section 38(6) of the Planning and Compulsory Purchase Act 2004, a planning application must be determined in accordance with the development plan; that is, it would be reasonable to expect that a scheme identified in an adopted development plan has a high probability of being approved. However, in the case of Farington HWRC there ought to be a presumption against the principle of further development here, having regard to the advice and guidance on inappropriate development in the Green Belt given in PPG2.
- 13 The discussion of the allocation of the site under Part 2 of the DPD acknowledges the site is in Green Belt, and indicates that a developer pursuing the scheme in a planning application would have to demonstrate special circumstances to justify the development. Whereas – exceptionally – inappropriate development may be permitted in the Green Belt, this has to be on the basis of very special circumstances<sup>1</sup> (my emphasis) - not just “special circumstances”.
- 14 A development plan document should not be indicating that a positive decision will be made on an application which is clearly contrary to a long established and well-respected national planning policy. As it stands, Policy WM3 would give such support, seemingly unconditionally. This would appear to be a conundrum.
- 15 Despite what is said at paragraph 3 of section 8 of the Core Strategy (CS), it is not clear as to how much the Green Belt location represented a “primary” constraint in the site identification process here. Furthermore, paragraph 6.9.1 of the Core Strategy says that HWRCs should be close to residential areas. Farington is clearly in open countryside.
- 16 From what was said at the hearing session, I appreciate there have been difficulties in finding an alternative site for a suitable HWRC site in this part of the County. It would be useful to have sight of an appraisal report which set out the process and findings which led to the selection of this site and the alternatives which were considered and rejected. It is possible that there might be sound reasons relating to waste recycling targets which indicate this to be the best practical option.
- 17 Such considerations may represent very special circumstances which would justify permitting the enlargement of the existing Farington HWRC, but it would be wrong to pre-empt this by giving such a clear and positive indication in this DPD. Such a proposal should only be brought forward as an acknowledged exception to national policy and be open to consideration on its own merits in the light of the operative development plan policies relating to Green Belt in this part of Lancashire and the advice and

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<sup>1</sup> See paragraph 3.1 of PPG2,  
and

*R(Chelmsford BC) v First Secretary of State & Draper* [2003] EWHC 2978 (Admin), particularly paragraphs 55-58

guidance given in PPG2. Whereas Part 2 of the DPD does acknowledge its location in the Green Belt and the need for particular justification, my concern is that these caveats are not part of the DPD's main (WM3) policy.

- 18 It is not obvious how the JAs might be able to readily revise the DPD to address this point. Allocation BWF24 could be deleted from Policy WM3 and Part 2 of the DPD, but this may leave the plan deficient in meeting the expectations of the Core Strategy in this part of Lancashire. It may be that an alternative site – or sites – could be identified which do not conflict with national policy and could be included as specific allocations. Alternatively, the DPD could be used to modify the Green Belt boundary – as envisaged in Section 2 of PPG2 – with the broad analogy of the scheme representing limited development or limited expansion (see the box under paragraph 2.11 of PPG2). Another option may be to revise the wording of Policy WM3 to introduce clear indications that development at this site must be able to demonstrate very special circumstances to justify a departure from the normal presumption against inappropriate development in the Green Belt. There may be other approaches which would meet the needs of the Core Strategy and the tests of soundness given in PPS12.
- 19 I leave this as point for the JAs to consider how best to take further forward.

### **Whitemoss: Policy LF3, site ALC2**

- 20 Having considered the written submissions and the evidence given orally at the hearing sessions I have concerns over how this site is seen to contribute to meeting the needs set out in the CS.
- 21 Whereas there are no specific quantified expectations for the disposal of hazardous waste given in the CS, the CS does envisage such waste continuing to arise throughout the Plan period. A figure of 165,000 tonnes per annum is given (table after paragraph 6.8.7). The table after paragraph 6.8.6 shows that, historically, 165,000 tonnes of hazardous waste arisings has led to the need to dispose of 17,000 tones of residual waste within the plan area.
- 22 Paragraph 4.3.2 argues that the amount of hazardous waste being sent to landfill is declining, but I cannot identify where in the Core Strategy or the current DPD it is demonstrated that this will fall away completely. CS paragraph 6.8.10 envisages a continuing need to dispose of such residues, and indeed paragraph 4.3.2 acknowledges such a need. That is, it might be reasonable to assume that there will be a continuing need to find a location for the disposal of perhaps up to 17,000 tonnes per annum throughout the Plan period. Paragraphs 6.8.11 and 6.8.12 endorse the concept of self-sufficiency (ie it should accepted that hazardous waste residues after treatment should be disposed of locally).
- 23 The DPD supports the continuation of disposal of such wastes at Whitemoss, but only until 2018; that is, some 2-3 years short of the Plan period. It is not clear where disposal of this type of waste will be diverted to after 2018. I acknowledge that other sites may operate across the



North West which could accept some, if not all, of this type of waste, but I need to see that this approach is supported by the operators of these other sites, and by the Regional Technical Advisory Body (as a proxy for a regional planning overview).

- 24 The justification for seeking to close Whitemoss by 2018 appears to be based on the very strongly expressed local opposition to the present operations continuing. This opposition is based upon – amongst other matters – a perception of harm to health, harm to residential amenity (living conditions) and the impact of the waste operation to the image of the wider Skelmersdale area and the consequent effect on its economic regeneration. I fully accept such concerns are genuine and sincerely held, and this represents a material consideration. However, a perception of harm is rarely a determinative consideration; such a perception needs to be backed up by evidence of harm that has occurred or where there is a reasonable probability of such harm occurring.
- 25 For the most part, the evidence of harm is anecdotal or based on theoretical or generalised academic studies of such waste operations. There was little hard evidence of recorded and quantified harm attributable to activity at this particular site, at least in recent years, and particularly none from the Environmental Health Officer of the local council or the Environment Agency. This also has to be seen in the context of what is said in Section 8 of the CS at paragraph 6, where proximity to residential areas and cumulative impact are seen to be “secondary constraints”.
- 26 From what I have read and heard, there seems to be a degree of ambivalence on the part of the JAs over these matters. If the present operations at Whitemoss are indeed seen to be causing unacceptable harm to local interests, then there would seem to be no justification for this DPD accepting a further extension of the site area and its operational life at all. If the JAs believe, as discussed at the hearing sessions, that such harms are controllable to within acceptable limits up to 2018 through the application of Policy DM2 and (as advised in PPS10) by pollution controls imposed by an Environment Agency waste permit, then this would seem to undermine the strength of the view that this site has to shut because of its unacceptable impact on local residents and businesses. Rationally, the same controls should be able to keep the operations within acceptable limits throughout the Plan period.
- 27 It seems to me that further thought needs to be given in this DPD to the disposal of hazardous waste during the Plan period and beyond, having regard to the expectation of at least (my emphasis) a 10 year provision, as set out in paragraph 18 of PPS10. There may be a number of possible alternative options to address this need and I do not propose to suggest what may be feasible or acceptable. The points where I need further evidence to be satisfied that the DPD can be seen to be sound are:
- a) If the present scale of operations at Whitemoss can be controlled within acceptable limits up to 2018 (in a period where such wastes are argued to be declining), why cannot this continue after 2018? If the controls would not be effective after 2018, why are they considered to be effective up until then?

- b) If it is accepted that the controls would not be effective in the longer-term, then this would seemingly support the view that the site has to be deleted now. If so, what alternative approach should be put forward to dispose of the anticipated arisings of residual hazardous waste?
- c) If Whitemoss is to remain in the DPD as proposed, where will the anticipated residual amounts of hazardous waste be disposed of after 2018? What is the supporting evidence for this and where can it be found? What is the regional context to support the envisaged response? Would such a response meet the test of soundness, and how?

### ***Huncoat / Whinney Hill***

- 28 Referring back to the point made in paragraph 4 above, comments have been received from Messers D&J Leitherd in response to the publicised proposed change to delete Omega Atlantic's land from the Huncoat / Whinney Hill site allocation under Policy WM2 and BWF8 in Part 2 of the DPD. There is no plan to show the boundaries of D&J Leitherd's land, but I assume it is the remainder part of the area after the deletion of Omega Atlantic's holding.
- 29 D&J Leitherd state that they are unwilling for any of their land to be developed for waste management purposes. This would seem to be exactly the same situation as was revealed at the hearing session into the Omega Atlantic land and Heysham Port as a site under WM2. That is, with a land owner who is hostile to the principle of waste development on their land, this must undermine the deliverability of this aspect of the Plan<sup>2</sup> – and hence whether the allocation meets the "effective" test in PPS12. D&J Leitherd also say that a waste development here could be contrary to the Hyndburn Core Strategy in that it may not generate sufficient jobs and therefore not contribute positively to the regeneration of the area. I have not had a submission from Hyndburn Borough Council on this point.
- 30 I would be grateful for a firm indication that this land has been properly identified for waste management purposes, and that there is a reasonable likelihood of it being developed as such and making a contribution under Policy WM2 during the Plan period. Such a statement would need to be corroborated by the landowners and, ideally, Hyndburn Borough Council.
- 31 In the absence of such corroboration I would need confirmation that, with the deletion of D&J Leitherd's and Omega Atlantic's land, there is sufficient opportunity in the remainder of BWF8 to meet the expected requirements under Policy WM2 in this part of Lancashire. Alternatively, it may be necessary to identify an alternative or additional site to meet the needs of the Minerals and Waste Core Strategy.

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<sup>2</sup> See third bullet point under paragraph 18 of PPS10.

32 I appreciate that formulating a response to the above points may take some time. However, I have already acknowledged the JAs' request for the examination to be suspended and I will take no further action (other than carrying out site visits) on writing my report and recommendations until such time as the JA's consider it appropriate for me to resume the examination.

Yours sincerely

*Geoffrey Hill*

INSPECTOR

