

Joint Advisory Committee for Strategic Planning

Minutes of the Meeting held on Wednesday, 4th April, 2012 at 10.00 am in Cabinet Room 'B' - County Hall, Preston

Present:

Chair

County Councillor Michael Green, Lancashire County Council

Committee Members

County Councillor Albert Atkinson, Lancashire County Council
County Councillor Malcolm Barron, Lancashire County Council
County Councillor Howard Henshaw, Lancashire County Council
County Councillor Jennifer Mein, 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
Louise Nurser, Lancashire County Council
Ms Rea Psillidou, Blackburn with Darwen Borough Council
Ms Jane Saleh, Blackpool Council
Niamh O'Sullivan, Lancashire County Council

1. Apologies for Absence

Apologies for absence were received from County Councillors Miles Parkinson and Tim Ashton.

2. Disclosure of Personal and Prejudicial Interests

None.

3. Minutes of the Meeting held on 7 December 2011

The minutes of the previous meeting held on 7 December 2011 were agreed as an accurate record.

4. Joint Lancashire Minerals & Waste Development Framework: Report Back on Proposed Major Changes Consultation for Site Allocations and Development Management Development Plan Documents

Niamh O'Sullivan, Lancashire County Council, presented the report. Niamh explained that a consultation had taken place relating to the Proposed Major Changes of the Site Allocations and Development Management Policies for the Minerals and Waste

Development Framework. The consultation took place between 19 January 2012 and 1 March 2012.

Niamh explained the process that had been followed and that a briefing note was sent to Chief Executives, Chief Officers, and directly affected Parish Councils to inform them about the consultation and availability of documents.

Officers sent out over 2107 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.

Press releases were sent to targeted media contacts. Public notices were put in eight main papers covering the Plan area.

The Schedule of Proposed Major Changes document was put on the dedicated consultation website together with all the supporting documents. During the consultation period this received over 573 hits from 269 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 were sent out on request.

All those who had been consulted on the Proposed Major Changes were also made aware of the relevant minor changes which had been discussed at the hearings in September and October of last year.

Officers contacted the Land Registry for information regarding land ownership to ensure that the issues of deliverability were explored. However, there were over 400 titles registered to the sites making it unlikely that each of the individual sites were in one controlling the ownership. To have confirmed this by getting detailed records from the Land Registry would have been prohibitively expensive and not proportionate to the consultation. Niamh highlighted the officers view that where the owners of the sites have not made representations relating to the consultation, that it is likely that there are a number of controlling interests of the site, and therefore it would be unlikely that an unwilling owner would prevent the deliverability of the level of waste facilities required in the East Lancashire and Lancaster catchment areas.

Success of the Consultation

The Joint Planning Authorities have taken the approach throughout the development of the Minerals and Waste Development Framework to be as transparent as possible.

The approach of directly contacting the public has been successful in raising awareness. Officers within the Minerals and Waste Policy team were on call to answer enquiries, and help people fill in the Representation form.

In response to a request from Middleton Parish Council for a public meeting, officers held a drop-in session at Middleton Village Hall to provide information on the proposals, explain

what will happen next and to help fill in the representation forms. This exhibition was well attended having been well publicised by the Parish Council. Officers from Lancaster City were in attendance to help answer any questions.

Officers have examined over 89 representations from over 73 separate individuals, or organisations. The content of these representations is considered in a separate report.

Next Steps

This Consultation on the Proposed Major Changes took place to allow other parties to express their views on the soundness of the proposals, in terms of the proposal's effectiveness, justification and compliance with national policy; and their reasons for finding the proposal's sound or unsound. All those who responded to the consultation have been asked if they wish to rely on written representations or to appear in person or be represented at a hearing session during the examination. Where Proposed Major Changes that are subsequently recommended via the Joint Committee to go to the Full Councils of the Joint Authorities, and then to the Inspector for his consideration, these will be accompanied by the relevant representations.

The consultation has provided the opportunity for the Councils to consider the content of representations and to take a view on any matters of significance that may warrant additional work, evidence gathering or partner consideration by the authorities, or any other matter that may warrant small changes that might improve or clarify the content or meaning of the proposals. The matters raised by representations received during this time are reported separately.

It is anticipated that the Proposed Changes, together with supporting information and the relevant representations will be submitted to the Secretary of State in early June. This will recommence the Examination in Public. The Hearing in Public, if it is to take place, is scheduled for 24 to 26 July 2012 with proposed adoption in early 2013.

Resolved: The Joint Advisory Committee for Strategic Planning agreed to note the report, and consultation that has taken place and approved the proposed next steps.

5. Joint Lancashire Minerals & Waste Development Framework: Proposed Major Changes to Site Allocation and Development Management Policies Consultation Outcomes and consequential formal request under Section 20 (7C) to Inspector to recommend any necessary modifications to the Development Plan Document

Before commencing her presentation Louise Nurser, Lancashire County Council, gave an update on the National Planning Policy Framework and stated that the inspector has asked that the planning authorities write to all involved and give a further 6 weeks for comments, by all those who have made a representation in response to the DPD, on whether and how the NPPF affects their concerns over the DPD as submitted and as now proposed to be changed. The officers view expressed was that this should not pose a risk to getting the plan approved as the NPPF was in draft when the plan was submitted and has not changed in any way that should affect the plan's soundness.

Resolved:

The Joint Advisory Committee for Strategic Planning agreed to a further 6 week consultation requested by the inspector being undertaken.

Louise then presented the report regarding the proposed major changes to site allocation and development management policies consultation outcomes.

Louise explained that following the Joint Authorities' request to suspend the Examination in Public, and the Joint Committee for Strategic Planning's approval, the Proposed Major Changes were published for the statutory 6 week consultation. This was to allow representations to be made by people affected by, or concerned with, the implementation of the development plan.

This report summarises the issues raised in representations to the consultation, and sets out some changes that have been made to the Proposed Major Changes in response to these representations. Louise explained that the Consultation Outcomes Report attached as Appendix 'A' and the Proposed Major Changes following the consultation attached at Appendix 'B' were submitted for the Committees approval, and, that subject to the Committees approve these documents would then require approval at the Full Councils of the three constituent Waste and Mineral Planning Authorities before submission to the Planning Inspector on behalf of the Secretary of State for Communities and Local Government.

Louise highlighted the principal issues raised following the 6 week consultation period as follows:

Matter 7 Non-Hazardous Landfill (LF1)

Three representations were been received, from two consultees. Support was received for the changes in support of extensions to time frames for filling permitted voids at existing landfill sites (MajPC/39).

Matter 11 Heysham Port (WM2 WM4)

12 representations were been received, from seven consultees.

Lancaster West Business Park

Representations were been received relating to Lancaster West Business Park (MajPC/24). These referred to the increase in size and range of appropriate technologies allowed, and possible increase in traffic levels on Middleton Road; impacts on residents and wildlife; proliferation of waste facilities in the area, and that local residents did not want site identified. Comment was also received stating these changes are premature given the hearing session outcomes have not been published yet. Support was received for the removal of Heysham Port from the policy. There was a request for more clarity in the policy to give a clearer indication of what and how much would be expected to be built.

Safeguarding of Aggregate Wharf Heysham Port

Louise explained that as Members were aware the Joint Authorities have not proposed changes to Policy M3 which relates to the Safeguarding of the Aggregate Wharf at Heysham Port. However, as Heysham Port has been deleted as a strategic built waste facility the detailed site description in Part Two of the document was required to be moved, and amended to remove reference to the waste uses, but to keep references to the safeguarding of aggregates. This was advertised as a Major Change. As a result of this, similar representations to those made previously were received. These included possible impact on the development of the port for other port related activities which should have priority, and that the existing permitted development rights make the policy ineffective.

Matter 12 Huncoat/Whinney Hill (WM2 WM4)

16 representations have been received, from nine consultees.

Burnley Bridge

Representations were received to the Burnley Bridge allocation; most notably from an unwilling landowner. Reference was made to specific historic assets close to the site.

Lomeshaye Industrial Estate

A representation was received that the policy does not contain any restrictions on the nature of activities that could be accommodated, to protect visual intrusion and bad neighbours. The policy should require activities to be wholly contained within the fabric of buildings with no outside storage of materials.

Moorfields Industrial Estate

Concerns were expressed about the allocation relating to the high volumes of traffic already experienced in the area and the limited access to the site from the Hare and Hounds junction. Support was expressed for the allocation, provided there was no adverse impact on the Hare and Hounds junction and that the air quality issues could be resolved.

Altham Industrial Estate

Louise reported that representations were received stating that the site is one of Hyndburn's premier employment sites and waste uses would not encourage new employers to locate to the area and also have a detrimental impact on the confidence of companies already present on the site. Reference was made to lack of direct access to M65 concern there is an over reliance on local road network. Reference was made to specific historic assets close to the site, suggesting that they be referred to within the detailed site plans within Part Two of the Site Allocation and Development Management Policies DPD.

The Chair of the Joint Advisory Committee, County Councillor Green, also noted that correspondence had been received from County Councillor Miles Parkinson who, in his capacity as Leader of Hyndburn Borough Council reconfirmed Hyndburn Borough

Councils opposition to Altham Industrial Estate being allocated in the Joint Lancashire Minerals & Waste Development Framework.

Matter 14 Lancaster West Business Park (WM2 WM4)

Two representations were been received from two consultees. Support has been received for the change to the southern boundary which increased the distance between the village and the identified site. There was continued objection to the continued inclusion of the Biological Heritage Site. This was previously discussed at the hearings under Matter 14. Additional comments were reported under Matter 11 above.

Matter 17 Whitemoss (LF3)

44 representations were received, from 41 consultees. Representations were received to support the removal of the Whitemoss allocation (MajPC/43). However, representations were also raised to the criteria based policy's perceived lack of robustness; specifically that the policy should require that local need should be demonstrated, and the requirement that residues should be treated at a suitable landfill nearer their origin be made more explicit.

Representations were also received objecting to the removal of the Whitemoss allocation and the revised policy wording (MajPC/43) as it is argued that the landfill site provides jobs in the area; is a valuable resource locally, to Lancashire, and to the region and beyond, and that the policy is not deliverable without the allocation, nor is it flexible or able to be monitored.

Representations stated that the site is of regional/national importance, a physical extension is required, no analysis has been carried out to consider if Ineos Chlor is the best alternative option, no other proposals have been submitted in the North West, the site is referred to in Greater Manchester and Merseyside's development plan documents, the policy is a prohibitive policy which seeks to push hazardous waste facilities out of the sub-region, the approach would give a clear commercial advantage to a single existing operator, a criteria based policy does not provide the certainty necessary for investment, the policy should favour extensions to existing sites, the criteria are unsound: need has been demonstrated by the operator and nationally in the National Planning Statement; the policy favours one commercial interest over another; there is no support nationally for a local application of the proximity principle.

Louise also highlighted a number of other responses (detailed in the report) from District Councils, Parish Councils, National Bodies, Industry and Neighbouring Authorities which the Committee noted.

Louise then summarised the suggested proposals in the report as follows:

- To continue with the Proposed Change to Policy LF3.
- To continue with the Proposed Changes relating to Heysham Port. None of the representations relating to the safeguarding of the land for the importation of mineral aggregates raise new issues to those previously made. Whilst the issues raised relating to the change in range, type and capacity of waste facilities at

Lancaster West Business Park can be adequately mitigated by the policies in the Development Plan Document, as well as being covered by the Environment Agency's permitting process.

- Not to progress the Burnley Bridge allocation (BWF27). This is due to the land owners being unwilling to allow waste uses on their site. This would risk the deliverability of the plan.
- Altham, Lomeshaye Industrial Estates and Lancaster West Business Park to be taken forward, with a proposed minor change to the justification of policies WM2 and WM3 to make clear that all operations and stockpiles would be required to be contained within buildings to ensure that the highest amenity standards are maintained (policies WM2 and WM3). This is important to underline that well designed high quality built waste facilities can, and do, coexist with good quality employment sites and to provide reassurance that the historic poor perception of waste is misplaced. This is evidenced by the recent proposal by Sainsbury's to invest in a new store located next door to the Thornton Waste Recovery Park (see Appendix F).
- To make specific reference to historic assets relating to Altham Industrial Estate in Part Two of the Development Plan Document.
- Not to progress Moorfield Industrial Estate as this site does not provide the transport advantages of Altham and Lomeshaye Industrial sites in serving an East Lancashire catchment area, and raises concerns due to air quality issues.
- To take forward the criteria based policy to determine applications for hazardous waste landfill and amend the third criterion in Policy LF3 to delete "accords with the principle of net self sufficiency," to "contributes to the objective of net self sufficiency". This is a more accurate representation of the objectives of the Core Strategy.

It was also noted that due to changes proposed there will be consequential changes to the Proposal Map which will include the removal of sites no longer taken forward and to include the new sites recommended.

Louise also highlighted that since the submission of the Development Plan Document to the Secretary of State planning permission has been granted for the extension of the Household Waste Recycling Centre at Farrington following the demonstration of very special circumstances. This now means that as the proposal is a commitment no purpose is served in keeping the site within the Development plan. Therefore it was suggested that MPC/202 will be tabled to the Inspector not to take the site forward.

It was clarified that the minor amendments referred to in paragraph (iii) of the recommendation related to any post submission amendments once full Council had approved the version of the Plan to be submitted to the Secretary of State.

Resolved:

The Joint Advisory Committee for Strategic Planning noted the report and the responses received and agreed to recommend to the Joint Committee for Strategic Planning that:

- i. The Proposed Major Changes to the Site Allocations and Development Management Policies Development Plan Document, and the associated minor proposed modifications, and associated supporting documents, the Additional Sites Sustainability Appraisal, Additional Sites Habitat Regulations and Additional Sites Health and Equality Impact Assessment (Appendices C-E to the report) be referred to the Full Councils of the three constituent Waste and Mineral Planning Authorities with a recommendation for approval and submission to the Planning Inspector on behalf of the Secretary of State for Communities and Local Government;
- ii. The Planning Inspector be formally requested to recommend any necessary modifications to the Development Plan Document to make the Plan sound under section 20(7C) of the Planning and Compulsory Purchase Act 2004; and
- iii. Chief Officers of Lancashire County Council, Blackpool and Blackburn with Darwen after consultation with the relevant Portfolio holder, be given delegated authority to propose minor amendments to improve the clarity of the documentation referred to under Recommendation (i), and which do not alter the substance of the documents when submitting the Proposed Major Changes to the Inspector on behalf of the Secretary of State. These amendments are to be collated in a list form.

6. Urgent Business

None.

7. Date of Next Meeting

To be confirmed.

Ian Fisher
County Secretary and Solicitor

County Hall
Preston