

Joint Advisory Committee for Strategic Planning

**Wednesday, 23rd March, 2011 at 2.00 pm in Cabinet Room 'C' - County Hall,
Preston**

Agenda

No. Item

- 1. Apologies for Absence**
- 2. Disclosure of Personal and Prejudicial Interests**
Members are asked to consider any Personal/Prejudicial Interests they may have to disclose to the meeting in relation to matters under consideration on the Agenda.
- 3. Minutes of the Meeting held on 29 September 2010** (1 - 8)
- 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.** (9 - 18)
- 5. Joint Lancashire Minerals & Waste Development Framework: Report Back on Regulation 27 Consultation for Site Allocations and Development Management Development Plan Documents** (19 - 22)
- 6. 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.
- 7. Date of Next Meeting**
TBC

I M Fisher
County Secretary and Solicitor

County Hall
Preston

Agenda Item 3

Joint Advisory Committee for Strategic Planning
Wednesday, 29 September 2010, 10am, County Hall, Preston

Minutes

Present

Members

Councillor Ian Fowler	Blackpool Council (Chair)
Councillor Tony Humphreys	Blackburn with Darwen Borough Council
County Councillor Tim Ashton	Lancashire County Council
County Councillor Albert Atkinson	Lancashire County Council
County Councillor Malcolm Barron	Lancashire County Council
County Councillor Michael Green	Lancashire County Council
County Councillor Howard Henshaw	Lancashire County Council
County Councillor Jennifer Mein	Lancashire County Council
County Councillor Miles Parkinson	Lancashire County Council
County Councillor Paul Rigby	Lancashire County Council

Officers

Steve Browne	Lancashire County Council
Rea Psillidou	Blackburn with Darwen Borough Council
Jane Saleh	Blackpool Council
Ian Blinkho	Lancashire County Council
Marcus Hudson	Lancashire County Council
Joanne Mills / Andy Milroy	Lancashire County Council (Minutes)
Louise Nurser	Lancashire County Council
Richard Sharples	Lancashire County Council

Apologies for Absence

Apologies for absence were received from Councillor Dave Harling (Blackburn with Darwen Borough Council) – Councillor Tony Humphreys substituted.

Disclosure of Personal and Prejudicial Interests

None Disclosed

Minutes of the Meeting held on 22 June 2010

The minutes were agreed as a correct and accurate record.

Urgent Business

No additional items of urgent business were notified to the chair.

Joint Lancashire Minerals and Waste Development Framework: Outcomes Report on Addendum to Consultation on Possible Minerals and Waste Site Allocations and Development Management Policies

Marcus Hudson presented the report which set out the main issues that have been raised as part of the consultation that took place between May and June 2010 (extended to 21 June 2010) on the proposals contained in the Appendix to the report (circulated) to the Possible Minerals and Waste Site Allocations and Development Management Policies.

Topics included:

- Managing Road Transport
- Built Waste Facilities

The Outcomes Report outlined common issues raised by those making representations and an accompanying officer response. These issues were previously reported verbally at the Joint Advisory Committee meeting of 22 June 2010, and informed the content of the Submission Version of the Minerals and Waste Site Allocations and Development Management Policies Development Plan Document (reported at Item 6A to this meeting)

Managing Road Transport

In relation to Kellet Quarries Haulage Road and Middleton Junction Marcus explained that officers recommend that both proposals are taken forward as they consider that the proposals are consistent with the objectives of the Core Strategy, and do not raise fundamental issues that cannot be resolved at the planning application stage.

Allocation of Built Waste Facilities

Marcus Hudson summarised each of the preferred locations for smaller built waste facilities and explained that officers had considered detailed alternatives, including other sites and potential for a site redesign at Flensburg Way but considered that the proposed extension to the Household Waste Recycling Centre to be the best solution and recommended that it be brought forward.

Marcus noted that the more common concerns focused around a perceived increase of HGV's in the area, the uncertainty about suitable uses for the sites, and an inconsistent geographical spread of sites. Other comments related to a perceived detrimental effect on business operating in the area; this was based on the environmental impacts of some existing waste related businesses. It was added that as it was not possible to predict how the waste industry would develop in the future it would be inappropriate to allocate sites for specific uses, beyond the proposals contained in the Submission Version (reported at Item 6A) to distinguish between strategic and local sites, and that planning applications would determine the suitability of a site for specific uses.

1. Resolved:- The Joint Advisory Committee for Strategic Planning agreed to the recommendation detailed in the report, and endorsed the officer responses set out in the Outcomes Report as a basis for moving forward with Submission Version of Minerals and Waste Sites Allocations and Development Management Policies Development Plan Document.

Joint Lancashire Minerals and Waste Development Framework: Submission Version Minerals and Waste Site Allocations and Development Management Policies Development Plan Document and Proposals Map

Marcus Hudson presented the report and explained that this report and its proposals followed lengthy consultation which began at the beginning of the year. Marcus outlined the process involved regarding submission of the Development Plan document and explained that recommendations made by the Joint Advisory Committee would then need to be approved by the Joint Committee for Strategic Planning and in turn by each authority's Full Council. The document will then be published in the new year for inspection and comments invited from the public and other stakeholders over a period of six weeks before the document and a full record of representations is submitted to the Secretary of State, who will appoint an independent planning inspector to consider the Development Plan Document at an Examination in Public.

Marcus Hudson updated the Committee following a meeting between several County Councillors and officers and representatives of ARROW Northwest, on 24 September 2010, and summarised the points made by ARROW. Following that meeting, officers had been asked by the County Council's Cabinet Member for Environment & Planning to explore the opportunity for introducing greater safeguards into the policy, to support the Core Strategy's objectives for minimising waste requiring final disposal, promoting the development of environmental technologies, providing a sufficient capacity of facilities to meet net self-sufficiency, allowing waste to be dealt with as close to its source as possible, and minimising harm to local communities, which would meet concerns expressed by ARROW Northwest and others.

An amendment to the Submission Version of the Minerals and Waste Site Allocations and Development Management Policies Development Plan Document (Item 6A – Appendix 'A') was tabled at the meeting, to amend section 4.3 Hazardous Landfill (page 25) by replacing the wording in the document presented at Appendix 'A' with the following wording:

4.3 Hazardous Landfill Policy LF 3 - Site for Hazardous Landfill

Development will be supported for the disposal of residues from the treatment of hazardous waste that cannot be recycled or recovered on land adjacent to and as an extension to Whitemoss Landfill [ALC2], only when the applicant can demonstrate:

- there is a continuing national or regional need for that disposal to take place at Whitemoss landfill; and
- that all possible alternatives to landfilling residues are exhausted, and the only residues that are counted towards need are those that cannot be recycled or recovered or otherwise treated at another facility nationally, or else deposited at a suitable licenced landfill nearer to where residues will originate; and
- that the permitted capacity is below the equivalent of five years predicted need and that this capacity taken together with a new extension will not exceed five years predicted need; and

- the application is accompanied by a planning obligation to give effect to full restoration of the existing and extended site by 2018.

Justification

4.3.1 Policy CS8 of the Core Strategy requires the maintenance of adequate capacity to meet the predicted demand for hazardous waste. Policy LF3 identifies a site which could provide capacity during the plan period for those anticipated waste arising without encouraging excessive landfilling. 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. This policy provides for exhausting all alternatives to depositing the residues of hazardous wastes at Whitemoss landfill, and limits the residues that can be counted towards demonstrating a continuing national or regional need to those that cannot be recycled or recovered, or otherwise treated to reduce their quantity and/or environmental impact, at a facility elsewhere nationally.

4.3.2 Year on year the amounts of hazardous waste sent to landfill are reducing, due to the implementation of further strict controls over the type of wastes that can be landfilled and better performance on recycling and recovering value from hazardous wastes. As an indication of the success of the UK in driving waste up the waste hierarchy, the amount of hazardous waste disposed of to landfill fell from approximately 2 million tonnes in 2000, to just over 1 million tonnes in 2008 (representing 16% of hazardous wastes managed in 2008). However, there remains a diminishing but continuing need for disposal of hazardous residues.

4.3.3 Whitemoss landfill site is one of a limited number of hazardous waste landfills and provides a national and regional significant waste management facility. The site contributes to the Plan area's ability to work towards a net-self sufficient position for hazardous waste management, in which broadly equivalent volumes of hazardous waste enter and leave the area, expressed in Policy CS8 of the Core Strategy. In 2008, some 100,000 tonnes of hazardous waste from other areas was imported into the Plan area, with around 125,000 tonnes of hazardous waste produced in the Plan area exported outside to other areas.

Implementation

4.3.4 Approval of applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; to be monitored and reported in the Annual Monitoring Report - the remaining landfill void space is reported in the annual monitoring report. Allocations that are not taken up will be reviewed and updated at least every 5 years.

4.3.5 Applications will need to be accompanied by a full and detailed analysis of the types of residues predicted to be deposited, to include:

25ission Version

- the pre-treatment method, under the requirements of the Landfill regulations, expected to be applied to the type of waste;
- what potential each waste type has, in full or in part, to be fully recovered and turned into one or more alternative, quality products;

- what has to be done to produce a fully-recovered, non-waste product; and
- what facilities or markets there are on a national scale to undertake this, either existing at the time of the application or through emerging technologies.

4.3.6 Only those residues which are not recyclable or recoverable through this analysis, and for which there is no nearer suitable alternative licenced landfill, can be counted towards the assessment of need. In turn, this assessment of need will also inform a maximum position for five years capacity that will not be exceeded.

2. Resolved:- The Joint Advisory Committee resolved to recommend to the Joint Committee for Strategic Planning that:

- (a) The Revised Submission Version of the Site Allocations and Development Management Policies Development Plan Document as updated with the approved revisions made in connection with section 4.3/Policy LF3, and attached at Appendices 'A' and 'B', subject to any decision on the Queensway and Whitehill sites, together with Proposals Map (Appendix 'C'), Habitat Regulations Screening Report (Appendix 'D') and an accompanying Sustainability Appraisal Report (Appendix 'E'), be referred to the Full Councils of the three constituent Waste and Mineral Planning Authorities for approval and authorisation for publication and the submission thereafter to the Secretary of State for Communities and Local Government.
- (b) The Chief Planning Officers of Lancashire County, Blackpool and Blackburn with Darwen Councils be given delegated authority to propose minor amendments to improve the clarity of the document, or Proposals Map, and which do not alter the substance of the document when submitting the document to the Secretary of State. These amendments are to be collated in a list form.

Joint Lancashire Minerals and Waste Development Framework: Report on proposed allocations for local built waste facilities – Fylde Coastal Towns

Marcus Hudson presented the report and explained that following the Committee meeting held on 22 June 2010 the Joint Advisory Committee had requested officers to consider an alternative to both the Whitehills and Queensway sites for smaller built waste facilities. Officers have investigated a further site at Westby and have concluded that it would not be appropriate to be taken forward as an alternative to be consulted on, for reasons of availability, acceptability and deliverability, specifically that there is no current interest from the owner and the site has significant access issues constraining any further opening up of the site.

Marcus outlined the relative planning merits of the Whitehills and Queensway sites, setting out some more background information on the scale and type of local built waste management facility that could be accommodated under the proposed policy wording.

In conclusion, it was noted that the Whitehills site has benefits over the Queensway site and can appropriately be taken forward into the Submission Version of the Minerals and Waste Site Allocations and Development Management Policies. An alternative to this course of action detailed in the report would be to rely on the Hillhouse site as the preferred location to manage commercial waste produced across the Fylde catchment.

3. Resolved:- The Joint Advisory Committee agreed to a revised recommendation as follows:

That, subject to the recommendations relating to the Submission Version of the document which are found in a separate report to this Committee, the Joint Advisory Committee recommends an appropriate network of site(s) to accommodate built waste management facilities in the Fylde catchment, namely that:

1. The Queensway proposal is not taken forward into the Submission Version of the Minerals and Waste Site Allocations and Development Management Policies, as this does not provide a satisfactory arrangement.
2. The Whitehills site is proposed as the preferred location for local built waste management facilities.

**Joint Lancashire Minerals and Waste Development Framework:
Regulation 27 Consultation for Site Allocations and Development Management
Development Plan documents**

Louise Nurser presented the report which described the consultation and publicity that will take place relating to the Submission Version of the Site Allocations and Development Management Policies for the Minerals and Waste Development Framework.

4. Resolved:- The Joint Advisory Committee notes the contents of the report and recommends to the Joint Committee for Strategic Planning and the Full Councils of the three plan authorities that the pre-submission consultation goes ahead in January 2011.

**Joint Lancashire Minerals and Waste Development Framework:
Local Development Scheme 2010-2014**

Louise Nurser presented the report which outlined that the County Council is required to produce and maintain a Local Development Scheme setting out the timetable and procedures for producing documents in the Minerals and Waste Development Framework.

Progress towards producing these documents is measured against the Development Scheme and reported to the Secretary of State on an annual basis. The milestones set by the Development Scheme are also included in the Authority's business plans.

Louise explained that work on the Development Framework has progressed significantly since the last development scheme, and the Site Allocations and Development Management Policies DPD is now at an advanced stage. Meanwhile, changes in the legislation (particularly regarding the process around consultations) and significant public interest generated by the site allocations process have created considerable challenges.

With these challenges in mind, it is now anticipated that the final parts to the Development Framework containing detailed development management and site specific policies will be adopted by March 2012.

5. Resolved:- The Joint Advisory Committee endorses the revised Development Scheme and recommend its approval by the Joint Committee and subsequent submission to the Secretary of State.

Date of Next Meeting

To be confirmed. Marcus Hudson proposed that a meeting be held in early March 2011 to allow the Committee to receive a report on the consultation on the Submission Version to be published in the new year, and the nature of representations received during that process.

Joint Advisory Committee for Strategic Planning

Meeting to be held on 23 March 2011

Electoral Division affected: All

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.

(Appendix 'A' refers)

Contact for further information:

Richard Sharples, 01772 534294, Environment Directorate

richard.sharples@lancashire.gov.uk

Executive Summary

At its meeting on 29 September 2010, the Joint Advisory Committee for Strategic Planning recommended that 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, and authority for publication and the submission thereafter to the Secretary of State for Communities and Local Government.

The Site Allocations and Development Management Policies Development Plan Document and supporting documents were recently published for consultation between 10 January and 21 February 2011. This was to allow representations to be made by people affected by, or concerned with, the implementation of the DPD. These representations are to be forwarded to the Secretary of State for the Communities and Local Government.

This report sets out the broad issues raised following the Regulation 27 publicity, and sets out at Appendix 'A' some proposed changes which, whilst not of a substantive nature, would improve the clarity of the plan and would not require further consultation. Most of the issues raised have been raised in previous consultations.

Members will recall that in previous meetings they delegated to Chief Officers the ability to make such minor changes. These proposed changes would be submitted to the Secretary of State in early May, together with the Development Plan Documents which have already been approved for submission by the three Joint Planning Authorities as well as all the representations received.

Given the recent closure of the statutory period for consultation it has not been possible to analyse in detail all the representations which have been made.

Therefore the report should not be seen as a complete picture of all representations made, nor the appendix seen as an exhaustive list of minor changes.

Recommendation

That the Joint Advisory Committee notes the main issues which have been raised as part of the consultation and endorses the approach set out in the non-exhaustive Schedule of Minor Changes.

Background and Advice

At its meeting on 29 September 2010, the Joint Advisory Committee recommended that 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, and authority for publication and the submission thereafter to the Secretary of State for Communities and Local Government.

A separate report on the agenda sets out in detail the consultation which took place between 10 January and 21 February 2011.

Due to the numbers of representations received and the time scale involved not all responses have been able to be analysed. However the following gives a flavour of the main representations received.

Principal Issues Raised

The majority of the representations received concerned three policies in the Plan: LF3 – Sites for Hazardous Landfill; M2 – Safeguarding Minerals; and SA2 – Safeguarding of Land for Access Improvements. A number of comments, particularly from Skelmersdale and Middleton, have questioned the legal compliance of the document by criticising this and previous consultation exercises.

LF3 Sites for Hazardous Waste Landfill

The allocation of land adjacent to Whitemoss Landfill site for the disposal of hazardous waste has raised considerable objections. These are mainly concerned with the need for the site given the existing regional capacity for hazardous waste recycling and landfill. Its proximity to residential properties/Skelmersdale is considered to make it an unsuitable location; and the ability of the Council to enforce the provisions of the policy has been questioned. Responses were received from residents associations, parish councils, district councils and councillors and two action groups WRATH and ARROW.

Comments were received in support of the allocation from the current site operators, but objecting to the detailed provision of the policy as it is considered to be over prescriptive and impractical, especially in setting a date of 2018 for final restoration of the site, and in demonstrating the requirements on alternatives and need.

SA2 Safeguarding of Land for Access improvements

The safeguarding of land for access improvements at Whitworth Quarry has raised objections concerning the impact of the proposed road on the slope's wildlife, the suitability of the route given the slopes' purported instability, the impact on the town of increased traffic, and the planning blight associated with the allocation in the Plan. There are also concerns that the allocations should not be in the plan as there is no chance of it being implemented.

The provisions for the Kellet Quarries Haul Road were supported by respondents.

M2 Safeguarding Minerals

Objections have been raised to the mineral safeguarding areas where people have become aware of them, particularly around the Nether Kellet and Over Kellet villages. A number of representations have sought a further stand off from residential properties, of between 200-500m. There have however also been objections from industry that MSAs should not exclude built up areas.

In addition, Natural England have requested that peat be specifically safeguarded under Policy M2 as an major habitat and environmental resource.

Other Policy Areas

M1 Managing Aggregate Supply

Members of the industry have questioned the suitability of allocating a reserve site, and of Dunald Mill as the reserve site. They have also expressed reservations over the industry's ability to demonstrate the provisions of the policy, i.e. that the sub regional apportionment cannot be met, and that the land bank is tied up in sufficiently few facilities that it would stifle competition.

LF1 Sites for Non-Hazardous Landfill

Members of the waste management industry have questioned the inclusion of the 2015 cut off for time extensions saying that it is unreasonable and will lead to the loss of permitted void space.

WM1 Capacity of Waste Management Facility

Comments have been received questioning the validity of the municipal waste figures, originating from the Core Strategy and its evidence base, given that they were called in to question by a Planning Inspector at the inquiry into the compulsory purchase of land for a link road and waste management facility at Huncoat as part of the Councils PFI Waste Network.

WM2 Large Scale Built Waste Management Facilities

There were comments questioning Simmonswood's allocation for large scale built waste management facilities, given its location at the periphery of Lancashire. A representation was received from the industry in support of the policy. They are investigating the opportunity for master planning the industrial estate at the moment to improve its layout and create a green energy park, and to facilitate the use of recovered heat in local housing. There were also representations concerning Heysham Port, and the need to limit developments on that site to uses requiring a port location.

There were also representations questioning the suitability of the restrictions placed on the types of facility acceptable as large scale/local facilities.

WM3 Local Built Waste Management Facilities

The allocation of land at Lancaster West business Park and Heysham Industrial Estate have raised objections from local residents, who feel there is too much industrial development in the area already, and that they are too close to Middleton village. Whilst Heysham Investments consider that the restrictions placed on the type and scale of uses on the site are too restrictive.

Very few comments were received concerning allocations in South Ribble, where large numbers of responses were received in previous consultations.

WM4 Inert Waste Recycling

Members of the industry have criticised the exclusion of quarries, other than those named in the policy, for the use of inert waste recycling. Natural England has also requested that steps are taken to avoid compromising restoration opportunities, particularly in the case of quarry and landfill sites.

Supporting documents:

Concerns were raised by Natural England (the Government's independent conservation body) regarding several of the supporting documents accompanying the consultation. These issues are currently being discussed with Natural England and are unlikely to have significant implications for the plan itself. MEAS, responding on behalf of the Merseyside authorities consider the Habitats Regulations Assessment inadequate.

Responses from Districts

The following is a brief summary of the responses from the district councils.

Chorley Borough Council

Object to Policy M2 Safeguarding Minerals, further guidance is needed on which forms of development might be considered compatible otherwise all development could fall foul of the policy.

Lancaster City Council

Support the document but have concern with the wording of some of the allocations in the Lancaster area specifically; policy WM2 Large Scale Built Waste Management Facilities and the use of Heysham Port by non-port related facilities contravening a Local Plan policy, and impacts this may have on regeneration efforts in the area.

They also commented on WM3 Local Built Waste Management Facilities and the area allocated at West Lancashire Business Park outside of that originally suggested by Lancaster City Council, as this extra land goes beyond that currently allocated for employment in the Lancaster Local Plan and includes previously undeveloped land and the Middleton Marsh biological heritage site.

They also have concerns relating to the transport impacts on the industrial estates.

They commented that policy M2 Safeguarding Minerals is too restrictive on developments in mineral safeguarding areas.

They also suggest the need for a criteria based policy(s), as per Policy EM7 of the regional Spatial Strategy, to indicate the circumstances under which minerals extraction might or might not be permitted in mineral safeguarding areas.

Ribble Valley Borough Council

Concern regarding policy WM3 Local Built Waste Management Facilities and the possibility of hazardous waste being processed at potential future facilities at the Salthill site. Also concerns over policy M2 Safeguarding Minerals, and the impact of the Minerals Consultation Areas and associated Peat Safeguarding Areas on future land allocations within the developing Local Development Framework for the Borough and on the ongoing processing of planning applications for sites that may fall within these areas.

Rosendale Borough Council

Object to the safeguarding of Whitworth Access Road. Support policy WM4 Inert Waste Recycling and LF2 Sites for Inert Landfill as they concern the Scout Moor allocation, but would like change to policy so it explicitly indicates that any subsequent permission would require upgrading the access road and management of lorry movements immediate to the site, within Edenfield, and over a wider area.

South Ribble Borough Council

Found the document sound but have minor comments firstly the importance of environmental safeguards relevant to individual sites. Secondly, the Mineral Safeguarded Areas along the river valleys should not compromise any sites that may be identified for development in the borough's forthcoming Site Allocations DPD.

West Lancashire Borough Council

Finds LF3 Sites for Hazardous Landfill unsound – they support the restrictions placed on further developments by the policy, but do not support the extension of the landfill to the west of the present site. WM2 Large Scale Built Waste Management Facilities (Simonswood Industrial estate) unsound due to absence of infrastructure delivery planning – how deliverable will this site be and effectiveness of policy WM2.

A number of West Lancashire councillors have also objected to the allocation at Whitemoss landfill.

Wyre Borough Council

Had no comments and found the document sound.

Response from Parish Councils

Lathom South PC, Lathom PC, and Dalton PC object to the allocation of Whitemoss, due to the perceived impact it will have on Skelmersdales image and regeneration, the perceived impact on health, the lack of focus on recycling, the expectation of residents that the site will close in line with the planning permission, and past complaints about the operation of the site.

Middleton PC have objected to the allocations at Lancaster West Business Park and Heysham Industrial Estate. They do not want any further development what so ever.

Houghton PC have strong reservations about the allocation of Red Scar should there be any plans to site an incinerator there.

Nether Kellet PC and Over Kellet PC have objected to the lack of buffer zones within the mineral safeguarding areas around houses, and the coverage of a blanket area by the mineral safeguarding areas. Nether Kellet PC support the allocation of the Kellet Quarries Haul Road and state that it must be a condition should the proposed possible development of Dunald Mill quarry take place.

Other Responses

Natural England

Concerns were raised by Natural England (the Government's independent conservation body) regarding several of the supporting documents accompanying the consultation. These issues are currently being discussed with Natural England and are unlikely to have significant implications for the plan itself.

Natural England has also asked for several minor amendments to strengthen the environmental protection of the development management policies, and have requested that peat be specifically safeguarded under Policy M2 Safeguarding Minerals as a major habitat and environmental resource. They have also requested that steps are taken to avoid compromising restoration opportunities, particularly in the case of quarries and landfills.

Environment Agency

Find the document generally sound but have provided comments on policies and paragraphs. They have found one paragraph unsound and have suggested this could be rectified by including reference to sustainable urban drainage systems when referring to water pollution controls.

West Lancashire MP Rosie Cooper

Objects to all of the sites identified in West Lancashire. These pertain to policy WM2 Large Scale Built Waste Management Facilities, WM3 Local built Waste Management Facilities and LF3 Sites for Hazardous Landfill.

Neighbouring Authorities

GMGU, responding on behalf of the Greater Manchester authorities, commented on M2 Safeguarding Minerals stating that Fletcher Bank quarry, an existing operation, was not included in the mineral safeguarding areas, and should be.

MEAS, responding on behalf of the Merseyside authorities, and Knowsley Council, both submitted comments on LF3 Sites for Hazardous Waste Landfill, and the allocation of Simmonswood Industrial Estate in policy WM2 Large Scale Built Waste Management Facilities, raising particular concerns about the use of land within the allocated sites, specifically for incineration, the methodology used to choose these industrial estates and the likelihood that it will take Merseyside's waste, given its location at the periphery of Lancashire. MEAS also commented on policy WM4 Inert Waste Recycling as it applies to Simmonswood Industrial Estate. They also consider the Habitats Regulation Assessment inadequate.

Next steps:

The Local Development Framework is now at a stage where it is not possible for the Councils to table substantive changes, such as the deletion of policy LF3 (Whitemoss Landfill).

The Planning Inspector appointed by the Secretary of State will consider any representations that have been made in relation to the soundness of the policies in the plan as part of the Examination in Public and may make binding recommendations to the Councils requiring changes to the DPD. The Examination in Public will begin with the Submission of the plan documents in early May, and will sit formally in September.

The Councils can address through minor changes, some of the representations made which do not raise substantive issues. An example of the types of changes that could take place are set out at Appendix 'A'.

None of these directly affect the soundness of the document.

Recommendations

That the Joint Advisory Committee notes the main issues which have been raised and that the Joint Advisory Committee endorses the approach set out in the production of a Schedule of Minor Changes to provide clarity and to address where possible the non substantive representations. This schedule will accompany the Site Allocations and Development Management Policies Development Plan Document when submitted to the Secretary of State.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Making changes to the DPD should only be made if they are of a minor nature and improve the clarity of the document which has been approved for Submission by Members of the Full Councils of the Joint Authorities. Significant changes without subsequent consultation could result in the DPD being found Unsound by the Planning Inspector, meaning the Joint Authorities would not be able to move forward with its adoption.

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

Paper	Date	Contact/Directorate/Tel
Submission Version	29 September 2010	Louise Nurser/Environment Directorate-1772 534136
Outcomes on Addendum Report	29 September 2010	
Second Outcomes Report	22 June 2010	
First Outcomes Report	19 May 2010	

Reason for inclusion in Part II, if appropriate

N/A

Appendix A - Schedule of Minor Changes

Document	Location (Paragraph Number, Policy Box etc)	Proposed Change	Reason	Change Suggested by
DPD Part 2	4.2 pg 64	Remove the following from the 1st paragraph, <i>"but the scheme is on hold whilst a inquiry into the required Compulsory Purchase Order is undertaken"</i>	Bring the document up to date	Reid Lewis
DPD Part 1	2.2.19	Change "nearest building" to "receptor".	Improve clarity in policy's intent	National Trust
DPD Part 1	WM1	Change the dates in the 2nd table to 2011-2015 and 2016-2020	Correct an error	Sita
DPD Part 1	3.2.2	change "there" to "their" at end of paragraph		Sita
DPD Part 1	3.2.2 - 3.2.5	correct paragraph numbering to remove duplicate 3.2.2	Correct an error	Sita
DPD Part 2	4.1 Dunald Mill Haul Road para 4.4	change "waste planning authority" to "minerals planning authority"		
DPD Part 2	Simonswood Industrial Estate	Include reference to possible impacts on migratory bird populations		Natural England
DPD Part 2	Heysham Port	Include reference to possible impacts on Morecambe Bay wildlife interests		Natural England
DPD Part 2	Huncoat & Whinney Hill industrial areas	Include reference to the presence of derelict and underused land and the possibility for green infrastructure contributions		Natural England
DPD Part 2	Lomeshaye Industrial Estate	Include reference to implement opportunities for habitat re-creation		Natural England

Joint Advisory Committee for Strategic Planning

Meeting to be held on 23 March 2011

Electoral Division affected: All

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

Contact for further information:

Niamh O'Sullivan, 01772 530695, Environment Directorate,
niamh.o'sullivan@lancashire.gov.uk

Executive Summary

This report describes the consultation that has taken place between 10 January and 21 February 2011, relating to the Submission version of the Site Allocations and Development Management Policies for the Minerals and Waste Development Framework.

It sets out in broad terms the number of responses and the next steps. Given the number of responses it is not yet possible to give a definitive report on the representations received.

A separate report elsewhere on the agenda sets out the main issues raised by the consultation.

Recommendation

That the Joint Advisory Committee considers the initial feedback from the consultation exercise and notes the proposed next steps.

Background and Advice

Members of the Joint Advisory Committee were previously briefed on the consultation that was to take place on the Submission version of the Minerals and Waste Site Allocations and Development Management Policies Document.

What Happened?

Copies of the Councils' Framework Update newsletter were sent out in October 2010 to all registered Consultees, this provided the date of the consultation and what it was about, including a "jargon buster" of planning terms.

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.

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 (over and above the statutory minimum requirements for consultation).

The consultation generated considerable publicity, with several press articles. One article caused concern in Heasandford as the policy was misinterpreted by the paper suggesting that an industrial estate would be become a large landfill tip.. We received many telephone calls about this but were able to alleviate people's concerns.

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.

However, as might be expected there have been times when the Council has been criticised. This has mostly related to problems with the post; expectation that at this stage of the process that there would be wider publicity; confusion around what the consultation was about; the limited number of drop-in sessions; as well as criticism of the actual proposals themselves.

Three drop-in sessions were held in Skelmersdale, the Kellet Villages and Whitworth during the consultation. These were held to provide information on the proposals, explain what will happen next and to help fill in the representation forms.

The Environment Agency attended the event in Skelmersdale. In addition, officers from Lancaster City and West Lancashire District Council were in attendance. In response to a request from Middleton Parish Council officers will meet with parish council representatives to explain the policy and discuss their concerns.

Both the Whitworth and Kellet Village events were well attended.

At the time of writing the report your officers have processed over 298 representations from over 264 separate individuals, or organisations. The content of these representations is discussed in a separate report.

Next Steps

This Consultation is concerned with publishing the Councils' proposals for inspection and for 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. Other parties are also able to express their wish to rely on written representations or to appear in person or be represented at a hearing session during the examination. The Councils' role during this time is to receive these representations, in effect on behalf of the Secretary of State, and submit these alongside the Plan's proposals and any other supporting information.

There is also 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.

The project plan to the MWDF anticipates that the Plan's proposals and all other information to be submitted, including representations, will be submitted to the Secretary of State. This is the formal start to the Examination in Public. The oral part of the Examination in Public is due to take place in September 2011 with proposed adoption in March 2012.

All representations will be analysed and forwarded to the Secretary of State.

Consultations

N/A

Recommendation

That the Joint Advisory Committee considers the consultation exercise and notes the proposed next steps.

Implications:

This item has the following implications, as indicated:

Risk Management

The Joint Authorities are convinced that they have followed procedures relating to the publicity surrounding the plan.

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