

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)

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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