

**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.