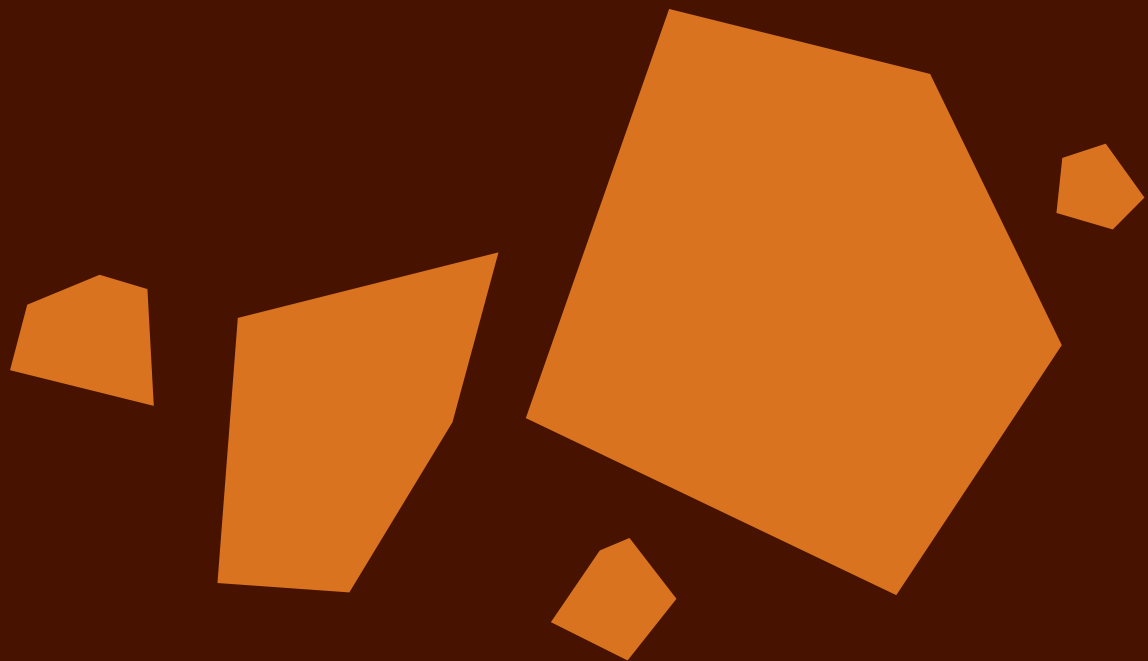




Proposed Major Changes Consultation Outcomes Report



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1 Introduction

1.1 Following the Joint Authorities request to suspend the Examination in Public the Proposed Major Changes were published for a six week consultation to allow representations to be made by people and organisations affected by, or concerned with, the implementation of the development plan.

1.2 The consultation was issued for public consultation on 19th January 2012 to 1st March 2012 and was made available on line and at deposit points throughout the plan area in line with the Statement of Community Involvement. Consultees were able to respond online using the Objective Consultation system, by e-mail or by written response.

1.3 There were a total of 89 separate comments received from 73 respondents. These are summarised in the following chapters, together with an officer response. Where changes are to be made they are presented in the Proposed Major Changes document, to be submitted to the Planning Inspector once the Examination in Public reconvenes.

2 Matter 7 - Non Hazardous Landfill (LF1)

Submitted by	Common Issue	Officer Response
Sita UK Springfields Fuels Ltd	Support the changes in support of time extensions	Noted

DRAFT

3 Matter 11 - Heysham Port (WM2 WM4)

Submitted by	Common Issue	Officer Response
<p>Lancaster City Council</p> <p>Middleton Parish Council</p>	<p>There should be more clarity in the policy to give a clearer indication of what and how much will be built</p>	<p>Noted. Appendix B of Part One of the Site Allocations and Development Management Policies Development Plan Document sets out the types of uses that might be appropriate on this site.</p> <p>The policy is clear on the levels of need for waste facilities in the catchment area.</p> <p>It would be inappropriate to prescribe the technology or detailed scale of any development. Appendix 3 to the May 2011 Appendix to the Position Statement sets out indicative requirements.</p>
<p>Middleton Parish Council</p> <p>Individuals</p>	<p>The increase in size will result in an increased impact on neighbours, wildlife and increased traffic on Middleton Road. No one in the area wants it. There are too many waste facilities in the area. The South Pennine Moors are susceptible to atmospheric pollution that will easily travel significant distances owing to the strong winds that prevail on this coast.</p>	<p>Noted. The policy will be read along Policy DM2, which seeks to prevent or mitigate impact on setting and neighbouring land uses, which would take into account detailed issues of amenity including the cumulative impacts of developments. Any new proposal will require a Transport Assessment to determine any highway impacts. The Environment Agency will consider impacts relating to pollution when determining environmental permit applications.</p> <p>Changes will be put forward to Part 1 of the DPD, ref MPC/201.</p> <p>The supporting text to policy WM2, WM3 as changed, when read with Policy DM2, provides the context for an appraisal of the particular issues and impacts associated with any proposal given its surrounding environment and circumstances. Whether outside storage is appropriate will be considered at the planning application stage and will be influenced by the nature of the waste to be stored, any impacts that may arise from its storage (including visual impact), and the sensitivity of surrounding land uses to those impacts.</p> <p>This will ensure that any development will not give rise to any unacceptable adverse impacts on people or the local environment.</p>
<p>Individual</p>	<p>Objection is raised to the change of wording from 'up</p>	<p>This is a minor change MPC/179. It emerged as part of discussions into Matter 5 of the Public hearings.</p>

Submitted by	Common Issue	Officer Response
	to a maximum' capacity to 'around a', concern this will cause ambiguity.	The policy was considered to be inflexible and arbitrary.
Lancaster City Council Heysham Port Ltd	Support the removal of Heysham Port as an allocation	Noted.
Lancaster City Council	Object to the safeguarding of the wharf due to the impacts on the ports wider operations	<p>This is not a new policy, the major change MajPC/37 refers to the creation of a stand alone section in Part 2. This was removed to accommodate text that was originally housed in Part 2 section 2.1.4. Heysham Port which was deleted following the removal of Heysham Port as an allocation by MajPC/22.</p> <p>Safeguarding infrastructure is a national requirement. The policy will be read alongside the other policies of the areas Development Plan and does not have primacy.</p>
Heysham Port Ltd	Object to the safeguarding of the wharf due to the permitted development rights meaning the policy cannot be implemented	<p>This is not a new policy, the major change MajPC/37 refers to the creation of a stand alone section in Part 2. This was removed to accommodate text that was originally housed in Part 2 section 2.1.4. Heysham Port which was deleted following the removal of Heysham Port as an allocation by MajPC/22.</p> <p>Safeguarding infrastructure is a national requirement. The policy does not seek to constrain the ports permitted development rights, and could be seen to be limited in its effectiveness as a result of that, but we feel it is appropriate in the circumstances. It will ensure that the use of the allocated land for aggregate landings will be a material consideration when considering developments where planning permission is applied for. The policy will be read alongside the other policies of the areas Development Plan and does not have primacy.</p>

4 Matter 12 - Huncoat/Whinney Hill (WM2 WM4)

Submitted by	Common Issue	Officer Response
Land Owner Burnley Borough Council	Unwilling land owner so not deliverable	Noted. The commitment to remove the site was made prior to the consultation, but after the document had been agreed by the Joint Committee, following further communication with the land owner. A note was added to the consultation portal to this effect. Allocation BWF27 will be removed from the Schedule of Proposed Major Changes
Hyndburn Borough Council Cllrs	Waste facilities would undermine Altham Industrial Estate as a high quality employment site by lowering the quality of the environment and could have detrimental impacts on existing precision engineering uses	<p>The Joint Authorities consider that built waste facilities can co-exist with existing general industrial uses and that the identification of such sites provides a positive advantage for industries given the increasing need for businesses to manage their waste and to treat it as a resource with the opportunity to exploit energy from waste.</p> <p>Policy DM2 sets out strict criteria for determining planning applications including the need to assess baseline conditions.</p> <p>Moreover the proposed minor change MPC/197 makes it explicit that there should be no outside storage or operations on site.</p>
Hyndburn Borough Council	Moorfield is acceptable if it can be demonstrated that development would not have an adverse impact on air quality and congestion at the Hare and Hounds junction	It is considered that the air quality issue at the Hare and Hounds junction would be compounded by the allocation of the site to serve the Lancashire's waste needs as a strategic built waste facility. Therefore there is no need for the Moorfield Industrial Estate.
Cllrs	Moorfield is accessed from the Hare and Hounds Junction. This junction already causes major problems within the area with the high volumes of traffic and the levels of pollution	It is considered that the air quality issue at the Hare and Hounds junction would be compounded by the allocation of the site to serve the Lancashire's waste needs as a strategic built waste facility. Therefore there is no need for the Moorfield Industrial Estate.
Pendle Borough Council	Outside storage of waste on Lomeshaye would have significant impact on its ability to attract and retain employment uses, contrary to Local Plan Policy 22. The policy should	<p>Changes to address these concerns will be put forward to Part 1 of the DPD, ref MPC/201.</p> <p>The supporting text to policy WM2 WM3 as changed, when read with Policy DM2, provides the context for an appraisal of the particular</p>

Submitted by	Common Issue	Officer Response
	<p>require activities to be wholly contained within the fabric of buildings with no outside storage of materials.</p>	<p>issues and impacts associated with any proposal given its surrounding environment and circumstances. Whether outside storage is appropriate will be considered at the planning application stage and will be influenced by the nature of the waste to be stored, any impacts that may arise from its storage (including visual impact), and the sensitivity of surrounding land uses to those impacts.</p> <p>This will ensure that any development will not give rise to any unacceptable adverse impacts on people or the local environment.</p>
National Trust	<p>The historic environment should be referred to in the supporting text, with specific mention of particular buildings made in the representation.</p>	<p>Noted. Changes to address these concerns will be put forward, ref MPC/199</p>
Atlantic Omega	<p>Support the removal of Huncoat/Whinney Hill allocation (BWF8)</p>	<p>Noted</p>
Natural England	<p>Support Altham Industrial Estate but ensure the impact on Green Belt, ecological and landscape is considered.</p> <p>Support Burnley Bridge but ensure that careful consideration is given to impact on Green Belt, local community and wildlife value of surrounding land.</p> <p>Support Moorfield Industrial Estate but proposed use may be incompatible with public rights of way on the site that will need to be considered.</p>	<p>Noted. Changes will be put forward to Part 1 of the DPD, ref MPC/201.</p> <p>The supporting text to policy WM2 WM3 as changed, when read with Policy DM2, provides the context for an appraisal of the particular issues and impacts associated with any proposal given its surrounding environment and circumstances. Whether outside storage is appropriate will be considered at the planning application stage and will be influenced by the nature of the waste to be stored, any impacts that may arise from its storage (including visual impact), and the sensitivity of surrounding land uses to those impacts.</p> <p>This will ensure that any development will not give rise to any unacceptable adverse impacts on people or the local environment.</p>

5 Matter 14 - Lancaster West Business Park (WM2 WM4)

Submitted by	Common Issue	Officer Response
Middleton Parish Council	Support the changes to the southern boundary	Noted
Lancaster City Council	Do not support the continued inclusion of the BHS	Noted. The Biological Heritage Site was included within the allocation to ensure that it was fully taken account of in the design as a whole as and when the site is developed. Paragraph 2.2.9 in Part 2 of the Submission DPD refers to the BHS and makes it clear that proposals will, as a minimum, have no adverse impacts on the designation. This has previously been raised and discussed at the Examination under Matter 14.

6 Matter 17 - Whitemoss (LF3)

Submitted by	Common Issue	Officer Response
<p>Individuals Friends of the Earth MP Arrow Consultant Parbold Parish Council WRATH Lathom South Parish Council</p>	<p>The criteria should require the applicant to demonstrate a local need</p>	<p>The applicant is required to demonstrate a contribution to net self-sufficiency, which will include a consideration of arisings in the Plan area.</p> <p>However, very few waste management facilities cater for an exclusively local need. Economies of scale and the wide geographic spread of industries, businesses and other waste producers mean that facilities will cater for a much wider catchment area. As recognised in the Strategy for Hazardous Waste Management in England (ND29) and the draft National Policy Statement for Hazardous Waste (EX20) some hazardous waste facilities accept waste from all over the country and are considered nationally significant infrastructure projects.</p> <p>Hazardous waste inevitably arises from the production, distribution or recycling of the products that society consumes. It is appropriate that communities that benefit from this consumption, together with those that benefit indirectly through contributions to the local economy from commercial bodies that generate hazardous materials, share in the responsibility for managing these hazardous wastes, whilst recognising that each and every local authority cannot necessarily be self sufficient in the matter of waste management.</p> <p>However, the Joint Authorities consider that this should not result in waste being deposited at sites where there are closer landfills to their origin (see below).</p>
<p>Individuals Friends of the Earth MP Arrow Consultant</p>	<p>The criteria should require the applicant to demonstrate that the residues cannot be treated at a suitable landfill nearer their origin</p>	<p>The policy consulted on supports the disposal to landfill of residues from the treatment of hazardous waste <u>that cannot be recycled or recovered</u> only when the applicant can demonstrate that...the residues <u>cannot be be deposited at a suitable licensed landfill nearer to their origin.</u></p> <p>The policy adequately covers the issue raised and no further change is necessary.</p>

Submitted by	Common Issue	Officer Response
Parbold Parish Council WRATH Lathom South Parish Council		
Individuals MP Arrow Consultant CPRE West Lancashire District Group West Lancashire Borough Council Friends of the Earth Dalton Parish Council Parbold Parish Council Shevington Parish Council Lathom South Parish Council WRATH South lathom Residents Association	Support the removal of the Whitemoss allocation (ALC2) and the replacement with a criteria based policy	Noted.

Submitted by	Common Issue	Officer Response
Arrow	<p>The policy should be changed from a permissive policy to a restrictive wording along the lines of "No development for the disposal to landfill of hazardous waste or residues from the treatment of hazardous waste will be supported unless....", given the reductions in hazardous waste arisings and hazardous waste landfilled evidenced by the Environment Agency, and the very small local need for landfill, together with the large capacity of hazardous waste treatment already permitted in the Plan area.</p>	<p>Policies for Spatial Plans: a guide to writing the policy content of LDDs (POS, 2005) (ND22) recommends that policies should be framed in positive terms wherever possible.</p> <p>PPS10 (ND7a) states that "positive planning has an important role in delivering sustainable waste management".</p> <p>This approach is reinforced by PPS1 (ND1) using phrases like 'promote' throughout when describing the planning authority's duty when delivering sustainable development, and the draft National Policy Planning Framework (NPPF) (EX19) states that planning authorities should 'plan positively'.</p> <p>However, a negative or a positive version of the this policy would require the developer to produce the same evidence and demonstrate the same circumstances in support of their application, so it is not considered that the change is necessary.</p>
Whitemoss Landfill Ltd Individuals	<p>Objection to the removal of the Whitemoss allocation (AMLC2). Whitemoss Landfill is a valuable resource not only locally but also to Lancashire and the region and beyond.</p> <p>The lack of an allocation does not provide the necessary certainty to support investment, and is inflexible.</p>	<p>Given the uncertainty around hazardous waste arisings, and evidenced by recent planning applications, the Joint Authorities consider that it is inappropriate to identify a site allocation, preferring to fall back on the original intention of identifying a criteria based policy set out in the adopted Core Strategy.</p> <p>Core Strategy Policy CS8 states that "Criteria will be identified for considering proposals for waste management facilities (including landfill) for hazardous...Waste, to include the proposals contribution to achieving net self-sufficiency".</p> <p>The revised policy MajPC/43 seeks to achieve this, and provides the necessary criteria, together with Policy DM2 and the other policies of the areas Development Plan, to determine a planning application.</p> <p>The policy itself does not undervalue the importance of Whitemoss. It is however, up to the developer to demonstrate that any proposal is required given the overarching objective of reducing the levels of hazardous waste being disposed of to landfill.</p>

Submitted by	Common Issue	Officer Response
Whitemoss Landfill Ltd	The policy represents a miss application of the proximity principle, which only requires that waste is disposed of within Member States. There is no support nationally for a local application of the proximity principle. Relevant provisions clearly establish that waste should be managed at "one of the nearest appropriate installations".	<p>The Strategy for Hazardous Waste Management in England (ND29) states that "in terms of inter-regional movements of hazardous waste, the Waste Strategy for England 2007 acknowledged that the regional distribution of hazardous waste facilities could more closely match regional arisings, to reduce the number and length of these movements of hazardous waste", whilst stating that "the aim is not to move to complete regional self sufficiency for hazardous waste management, which is not required by the WFD and is unrealistic".</p> <p>The revised policy MajPC/43 seeks to achieve this.</p> <p>A change is suggested by Whitemoss Landfill Ltd to alter the 3rd criteria. This change in emphasis more closely accords with the Core Strategy and the Strategy for Hazardous Waste Management in England.</p> <p>It is appropriate that an applicant demonstrate why waste is required to be disposed of at their proposed site, if it could be deposited at a facility closer to its arisings. This allows for an objective assessment of any new development. This does not represent a departure from national policy.</p>
Whitemoss Landfill Ltd	The only evidence to justify Policy LF3 is not robust enough to support the departure from national policy (proximity principle)	<p>The communication from Ineos Chlor is to satisfy a question from the Planning Inspector.</p> <p>As described above there is no departure from national policy.</p>
Whitemoss Landfill Ltd	There should not be a requirement to demonstrate need; need has been demonstrated in the NPS, and the operator has submitted evidence of need in its previous representations. Requiring the operator to demonstrate a need is unreasonable.	<p>It is reasonable for the policy to require an applicant to demonstrate a need for their proposal, given the uncertainty around hazardous waste arisings and the national policy intention of moving waste away from landfill.</p> <p>The draft National Policy Statement for Hazardous Waste (NPS) (EX20) is a draft document subject to consultation and the final document has not been published yet. Furthermore, the draft NPS applies to nationally significant infrastructure (in the case of landfills, those taking over</p>

Submitted by	Common Issue	Officer Response
		<p>100,000tpa); no evidence has been submitted suggesting this applies to the need identified by Whitemoss Landfill Ltd. In producing the draft NPS Government considered and rejected a policy of identifying a larger number of smaller facilities, rather than the approach taken forward of identifying a few major facilities to manage these wastes.</p>
Whitemoss Landfill Ltd	Other waste plans are relying on the site	<p>Reference to Whitemoss Landfill in Greater Manchester's and Merseyside's emerging waste plan is to describe it as an existing facility, whilst describing the current position. Whitemoss Landfill is an existing time limited planning application.</p> <p>Merseyside and Greater Manchester's policy position is that hazardous waste that cannot be disposed of in the Plan area will continue to be exported.</p>
Whitemoss Landfill Ltd	The policy should provide a clear preference for the extension of existing sites, in line with the approach taken in RSS Policy EM13	<p>Policy EM13 is an adopted policy and as such should not be repeated in the DPD. It will be read alongside the DPD, as part of the Development Plan for the area, when determining planning applications. However, one the RSS has been revoked PPS10 will remain which provides an overarching national policy context.</p>
Whitemoss Landfill Ltd	The policy seeks to push hazardous waste facilities out of the subregion, it is a prohibitive policy.	<p>The policy is positively worded so as to support appropriate development</p>
Whitemoss Landfill Ltd	<p>The approach would give a clear commercial advantage to a single existing operator.</p> <p>No analysis has been carried out to consider if Ineos Chlor is the best alternative option.</p>	<p>The communication from Ineos Chlor is to satisfy a question from the Planning Inspector. The Joint Authorities' favour a criteria based policy, rather than a site specific policy. This approach does not favour any operator over another.</p>

7 Other

Submitted by	Common Issue	Officer Response
Coal Authority Network Rail South Ribble Borough Council Knowsley Metropolitan Borough Council United Utilities Pendle CLP	General support	Noted
Armstrong Aggegates Ltd	Object to the lack of changes to Policy M1	Comment not related to the Proposed Major Changes, is contained in earlier representations presented to the Planning Inspector, and has been debated at the Hearing Sessions
Haighton Parish Council	The allocation at Red Scar will have an impact on the local community through air pollution which has not been taken into account	Comment not related to the Proposed Major Changes, is contained in earlier representations presented to the Planning Inspector, and has been debated at the Hearing Sessions
Arrow	There is no evidence to support the waste predictions set out in policy WM1; they are likely to lead to an over provision of facilities lower down the waste hierarchy	Comment not related to the Proposed Major Changes, is contained in earlier representations presented to the Planning Inspector, and has been debated at the Hearing Sessions

Submitted by	Common Issue	Officer Response
Rochdale Borough Council Officer Comment	<p>On page 5, relating to Scout Moor, the second paragraph outlines some of the sensitive issues in respect of the site, and then concludes: "It is likely, therefore, that proposals will be expected to avoid harm to these interests."</p> <p>I would suggest possibly omitted the first several words and simply having a sentence reading "Proposals will be required to avoid harm to these interests."</p>	Comment not related to the Proposed Major Changes.

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