



REPORT TO COUNCIL

TO: Council Forum

FROM: Executive Member for Regeneration

DATE: 4 November 2010
(Previously Regeneration Senior Policy Team 18 October 2010)

PORTFOLIOS AFFECTED:

Regeneration

WARDS AFFECTED:

All

KEY DECISION: Yes

SUBJECT: Joint Lancashire Minerals and Waste Local Development Framework: Regulation 27 Consultation for Site Allocations and Development Management Development Plan Documents

1. PURPOSE

1. To brief Members on the Submission Version of the Site Allocations and Development Management Policies Development Plan Document (Appendices 'A' and 'B'), Proposals Map (Appendix 'C'), Habitat Regulations Screening Report (Appendix 'D'), and Sustainability Appraisal (Appendix 'E') and to seek their approval for Submission to the Secretary of State for formal Examination and Approval.
2. To seek Member approval for the documents above to be published for public consultation in accordance with Regulation 27.

2. RECOMMENDATIONS

1. The Members are requested that the Submission Version of the Site Allocations and Development Management Policies Development Plan Document (Appendices 'A' and 'B'), Proposals Map (Appendix 'C'), Habitat Regulations Screening Report (Appendix 'D'), and Sustainability Appraisal (Appendix 'E') are approved for public consultation in accordance with Regulation 27.
2. The Members are requested to approve the documents above for Submission to the Secretary of State for Communities and Local Government for their formal Examination and Approval.
3. The Head of Planning in consultation with the Chief Planning Officers of Lancashire County and Blackpool Council is 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 documents when submitting the documents to the Secretary of State. These amendments will be collated in a list form.

3. BACKGROUND

Joint Lancashire Minerals & Waste Local Development Framework

In January 2009 this Council approved the adoption of the Joint Lancashire Minerals & Waste Core Strategy following an examination in public where it was found to be sound by a planning inspector. This was the first Development Plan Document ("DPD") in the Joint Lancashire Minerals & Waste Local Development Framework (LDF) to be adopted by the Joint Lancashire Authorities (Blackburn with Darwen Borough Council, Blackpool Borough Council and Lancashire County Council).

Under the provision of the Local Development Scheme (LDS) for the Minerals and Waste LDF, the Joint Authorities are to prepare a Submission Version Minerals and Waste Site Allocations and Development Management Policies Development Plan Document and Proposals Map. The LDS timetables publication of the document, including consultation, in January 2011, with submission to the Secretary of State in May 2011, and an anticipated adoption date of March 2012.

Site Allocations and Development Management Policies Development Plan Document

Since the adoption of the Core Strategy work has commenced on preparing the second DPD: the Site Allocations and Development Management Policies Development Plan Document.

The Submission Version of this document, along with the Proposals Map and accompanying documents, is appended to this Report. It is proposed that the Submission Version of the document be published for the purpose of consultation in January 2011 for six weeks. Details of the consultation were approved by the Joint Committee and are appended.

The contents of the Minerals and Waste Site Allocations and Development Management Policies Development Plan Document and Proposals Map provide the detailed sites and policies to guide and control mineral extraction and waste management developments during the period to 2020/21.

The proposed document and Proposals Map presents a suite of policies implementing the policies of the Core Strategy.

It should be stressed that the allocation of a site for a particular use within the plan does not necessarily mean that planning permission would automatically be granted on that site. At the planning application stage detailed issues of impact and all other material considerations will be considered to determine whether planning permission can be granted for any detailed proposal.

The policies to be used in determining planning applications relate to:

- **Development Management Policies**

These policies direct new development of an appropriate scale to specific sites which provide a network of sites to serve the catchment areas of Lancashire/Morecambe, the Fylde Coastal Towns, Central Lancashire, West Lancashire, Blackburn with

Darwen/Ribble Valley and the East Lancashire Towns.

Policies relate to s106 obligations, energy recovery and the need to ensure certainty for communities that time limited proposals for development will be implemented, as well as criteria to ensure that developments are well planned and that any impacts are limited.

- **Waste Management Facilities**

This policy section relates to the waste management facilities required to ensure Lancashire, Blackburn with Darwen and Blackpool Councils' waste needs are catered for. It includes site specific areas for built waste facilities and inert waste recycling, as well as the safeguarding of land for transport infrastructure, and site specific allocations for landfill. It also sets out the circumstances in which it may be appropriate to allow development outside of the identified sites.

Representations made as part of the Regulation 25 consultation relating to smaller built waste facilities raised concerns over the scale and type of uses that could be located on these sites. In response to these concerns and to increase certainty these sites will be restricted to smaller scale waste facilities operating at less than 50,000 tonnes per annum and restricted to the recovery, recycling and transfer of materials.

Implications for Blackburn with Darwen

The Site Allocations and Development Management Policies DPD allocates 2 sites within Blackburn with Darwen Borough, where an individual large scale built waste management facility will be supported, not exceeding the need within the catchment. These are:

- Land at Whitebirk Industrial Estate
- Former Wolstenholme Bronze/Goosehouse Lane Site

Such facilities would provide up to a maximum capacity of 200,000 tonnes per year for recycling, transfer, materials recovery and processing (including mechanical and biological treatment and thermal treatment).

Development for a local built waste management facility will be supported at the Roman Road site within the Blackburn with Darwen Borough.

- **Minerals**

Policies relate to the management of the supply of minerals, the safeguarding of minerals from sterilisation and the safeguarding of peat for its carbon sink characteristics.

Implications for Blackburn with Darwen

There are no mineral sites in Blackburn with Darwen; however the DPD designates Mineral consultation areas outside the built up area.

Consultation to date:

This version of the plan is the result of considerable consultation, having been subject to continual and targeted consultation with stakeholders and the general public as part of its preparation. Many of the sites brought forward have been suggested by landowners or the waste and minerals industry.

In February 2009 a number of workshops were held throughout the plan area with stakeholders, the public and representatives of the waste and minerals industry. These addressed the issues and options involved in implementing the requirements which have already been agreed and set out in the Core Strategy.

Following on from this further consultation took place in the early part of this year on Possible Minerals and Waste Site Allocations and Development Management Policies. Letters were sent to stakeholders, industry, amenity ground and statutory consultees. In a departure from normal practice, over 30,000 letters were sent out to residents and businesses located within 400 metres of proposed sites. Exhibitions were held in libraries throughout the plan area.

Officers have taken into account the representations that have been made as part of the consultation, the provisions of the adopted Core Strategy and national policy statements, and have been guided by the advice proffered by the Joint Advisory Committee. Officers have produced a suite of policies that they consider will be found sound by the Inspectorate at the Examination in Public which is due to take place in September 2011, and which will implement the requirements of the policies of the Core Strategy and help to realise its vision.

4. RATIONALE

Following on from the extensive consultation which has taken place between February 2009 to 21 June 2010, under Regulation 25 of the Planning and Compulsory Purchase Act 2004, the Joint Planning Authorities are in a position to submit the Minerals and Waste Site Allocations and Development Management Policies Development Plan Document.

Prior to submission to the Secretary of State for Communities and Local Government, the Councils must make the development plan document available for public inspection and allow a minimum of six weeks in which to receive representations (Regulations 27 & 28). On submission, a summary of any representations made, together with copies of any representations, will be forwarded to the Secretary of State.

Members should be aware that once the Submission Version has been approved by them and published for inspection (commonly known as the Publication Version) it is the intention to submit this version to the Secretary of State as the Councils' position, to be examined in public by a Planning Inspector. The proposed consultation will publicise the availability of the plan for comments prior to submission. Representations received will be used at the provided into the public examination to assist in determining the soundness of the Minerals and Waste Site Allocations and Development Management Policies Development Plan Document. Unless new matters of significance are raised through consultation, it is not anticipated that there will be a further opportunity to make changes to the Publication Version of the development plan document prior to submission, as this version should be the one which the Councils would be willing to adopt.

The document contains a number of development management and site specific policies relating to minerals and waste development in Lancashire, Blackpool and Blackburn with Darwen. It is also accompanied by a Sustainability Appraisal which has informed the progress of the plan and presents the social, economic and environmental benefits and drawbacks of various policies.

5. KEY ISSUES

Under the provision of the Local Development Scheme (LDS) for the Minerals and Waste LDF, the Joint Authorities are to prepare a Submission Version Minerals and Waste Site Allocations and Development Management Policies Development Plan Document and Proposals Map. The LDS timetables publication of the document, including consultation, in January 2011, with submission to the Secretary of State in May 2011, and an

anticipated adoption date of March 2012.

The Site Allocations and Development Management Policies Development Plan Document has been drafted with the purpose of implementing the Councils' adopted Core Strategy. This is to enable the Joint Authorities to satisfy their requirements relating to mineral production, and recycling as well as their requirement to plan for its waste needs. The development management policies are necessary to ensure that the impact of any development is minimised and Lancashire's, Blackburn with Darwen's and Blackpool's residents, countryside and natural and historic environment are protected.

Implications:

Publication of 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 number of representations from the public and their local representatives. All representations will be analysed and forwarded to the Secretary of State.

However, in relation to sites in Blackburn with Darwen at previous stages, these did not attract significant opposition.

Risk Management:

The potential for the site specific proposals in this document to raise significant representations and adverse press comments has been identified through the Local Development Scheme.

Given the considerable consultation and publicity that the Preferred Options document has already received it is unlikely and inappropriate for further sites or issues to come forward for consideration. If any sites are brought forward at this stage they must be accompanied with a Site Appraisal.

The programme and timetable has been designed to allow for due consideration of any unforeseen matters that might arise during this consultation. Similarly, the potential for challenges to be made to procedural aspects of this process has been uppermost in officers' minds in preparing for future consultation.

Once the contents of the Submission Version are agreed by the three Full Councils for the purposes of public consultation and formal submission to the Secretary of State as outlined in the recommendations above, it is not anticipated that further changes will be sought before the Plan is examined by the Planning Inspector. Any significant changes emerging post-consultation would most likely necessitate a further round of consultation, which would inevitably delay submission of the document for public examination by a number of months, and extend the period to adoption, which may risk inappropriate developments occurring during that time.

6. POLICY IMPLICATIONS

The policies within the Joint Lancashire Minerals and Waste Site Allocations and Development Management Policies Development Plan Document (DPD), and illustrated on the Proposals Map, are drafted with the purpose of implementing the Councils' adopted Core Strategy.

This DPD enables the Joint Authorities to satisfy their requirements relating to mineral production, and recycling as well as their requirement to plan for its waste needs.

The development management policies are necessary to ensure that the impact of any development is minimised and Lancashire's, Blackburn with Darwen's and Blackpool's

residents, countryside and natural and historic environment are protected.

7. FINANCIAL IMPLICATIONS

In order to cover the examination costs during 2011/2012 financial year there will be need for additional resources currently estimated at £4,300. The County Council have been asked to examine any potential savings in the production of the document which may reduce the additional cost to the Council.

Any further costs arising from implication of the framework would be subject to individual reports as required.

8. LEGAL IMPLICATIONS

Stages from publication to submission of the DPD as outlined at 5 above to be carried out in order to comply with the Town and Country Planning (Local Development) (England) Regulations 2004 as amended, and Planning Policy Statement 12.

9. RESOURCE IMPLICATIONS

There are no resource implications other than those identified at 7 above.

10. CONSULTATIONS

Details of previous consultations are outlined in the body of this Report above, and in detail in the Preferred Options Consultation Report appended to this Report, and form part of the accompanying documents for Publication and Submission.

<p>Signed: <i>Janie Berry</i> Deputy Head of Legal Director Legal Services:</p> <p>Date: <i>October 18, 2010</i></p>	<p>Signed: <i>Elizabeth Dixon</i> Director of Finance:</p> <p>Date: <i>15/10/10</i></p>
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CONTACT OFFICER: Elizabeth Dixon
DATE: 13 October 2010
BACKGROUND PAPER:



EXECUTIVE MEMBER DECISION FORM

DECISION TO BE TAKEN BY: Council Forum

KEY DECISION (YES/NO)

PORTFOLIO AREA: Regeneration and Environment

PORTFOLIOS AFFECTED: Regeneration and Environment

WARDS AFFECTED: All

SUBJECT: Joint Lancashire Minerals and Waste Local Development Framework: Regulation 27 Consultation for Site Allocations and Development Management Development Plan Documents

1. RECOMMENDATIONS:

1. The Members are requested that the Submission Version of the Site Allocations and Development Management Policies Development Plan Document (Appendices 'A' and 'B'), Proposals Map (Appendix 'C'), Habitat Regulations Screening Report (Appendix 'D'), and Sustainability Appraisal (Appendix 'E') are approved for public consultation in accordance with Regulation 27.
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2. REASONS FOR THE DECISION

Under the provision of the Local Development Scheme (LDS) for the Minerals and Waste LDF, the Joint Authorities are to prepare a Submission Version Minerals and Waste Site Allocations and Development Management Policies Development Plan Document and Proposals Map. The LDS timetables publication of the document, including consultation, in January 2011; with submission to the Secretary of State in May 2011, and an anticipated adoption date of March 2012.

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relating to mineral production, and recycling as well as their requirement to plan for its waste needs. The development management policies are necessary to ensure that the impact of any development is minimised and Lancashire's, Blackburn with Darwen's and Blackpool's residents, countryside and natural and historic environment are protected.

3. STATEMENT OF COMPLIANCE

The recommendations are made further to legal advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

4. DECLARATION OF INTEREST

Signed:  Executive Member: Date: 18/10/10 Also present:	Signed:  Chief Officer: Date: 18 Oct 2010
Date of Senior Policy Team Meeting(s):	

A list of background papers on this issue is held with:

Contact Officer: Elizabeth Dixon
Date: 4 October 2010

Date of Publication:

Date of Expiry of Call-In Period: