

Public Document Pack

Executive Board

Thursday, 5 July 2018

Time: 6.00 pm

Venue: Meeting Room A

Address: Town Hall, Blackburn

AGENDA

Information may be provided by each Executive Member relating to their area of responsibility

1. **Welcome and Apologies**
2. **Minutes of the Previous Meeting**
14th June 2018 - Minutes **3 - 10**
3. **Declarations of Interest**
Declarations of Interest **11**
4. **Equality Implications**
The Chair will ask Members to confirm that they have considered and understood any Equality Impact Assessments associated with reports on this agenda ahead of making any decisions.
5. **Public Forum**
To receive written questions or statements submitted by members of the public no later than 4.00pm on the day prior to the meeting.
6. **Questions by Non- Executive Members**
To receive written questions on any issue submitted by Non-Executive Members no later than 4.00pm on the day prior to the meeting.
7. **Youth MP's Update**
An update will be provided to the next meeting of the Board.
8. **EXECUTIVE MEMBER REPORTS**
 - 8.1 **LEADER (CHAIR OF THE EXECUTIVE BOARD)**
 - 8.2 **HEALTH AND ADULT SOCIAL CARE**
 - 8.3 **CHILDREN, YOUNG PEOPLE & EDUCATION**

8.4 ENVIRONMENT

8.5 LEISURE, CULTURE AND YOUNG PEOPLE

8.6 NEIGHBOURHOOD AND PREVENTION SERVICES

8.7 REGENERATION

8.7.1 Joint Lancashire Cycling and Walking Strategy 2017-2027

Report withdrawn.

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Date Published: Wednesday, 27 June 2018
Harry Catherall, Chief Executive

EXECUTIVE BOARD

14th June 2018

PRESENT

COUNCILLOR:

Mohammed Khan
 Brian Taylor
 Maureen Bateson
 Damian Talbot
 Shaukat Hussain
 Andy Kay
 Phil Riley
 Jim Smith

PORTFOLIO:

Leader
 Health and Adult Social Care
 Children, Young People & Education
 Leisure & Culture
 Neighbourhood & Prevention Services
 Resources
 Regeneration
 Environment

EXECUTIVE MEMBER

John Slater

NON-PORTFOLIO

Leader of the Conservative Group

ALSO IN ATTENDANCE

Elle Walsh Youth MP

	Item	Action
1	<p><u>Welcome & Apologies</u></p> <p>The Leader of the Council, Councillor Mohammed Khan, welcomed all present to the meeting in particular the two new Executive Members, Councillors Shaukat Hussain and Brian Taylor. Apologies were received from the two Deputy Youth MPs, Aliyah Shah and Sameer Ali.</p>	Noted
2	<p><u>Minutes of the Meeting held on 12th April 2018</u></p> <p>The minutes of the meeting of the Executive Board held on 12th April 2018 were agreed as a correct record.</p>	Approved
3	<p><u>Declarations of Interest</u></p> <p>There were no Declarations of Interest submitted.</p>	
4	<p><u>Equality Implications</u></p> <p>The Chair asked Members to confirm that they had considered and understood any Equality Impact Assessments associated with reports on the agenda ahead of making any decisions.</p>	Confirmed
5	<p><u>Public Forum</u></p> <p>No questions were received from members of the public.</p>	
6	<p><u>Questions by Non-Executive Members</u></p> <p>No questions were received from Non-Executive Members.</p>	
7	<p><u>Youth MPs Update</u></p>	

	Item	Action
	<p>The Youth MP, Elle Walsh provided an update on recent activities and events as follows;</p> <ul style="list-style-type: none"> • Recent attendance at the re-design of CAHMS workshop to take part in discussions around how children and young people receive help in mental health. • Elle recently attended a meeting with the Borough's school nursing team at Shadsworth Children's Centre to discuss the work the forum was doing about raising awareness of mental health and the curriculum pack sessions produced with YPS. It was fantastic to hear that Blackburn with Darwen Council had 2 dedicated mental health school nurses which was unique and the only Borough who were currently providing this. • Aliyah had been selected out of 100's of young people to take part in a US embassy exchange programme. During the exchange she would visit several states for 2 weeks to explore programs that were promoting tolerance and inclusion in communities and schools. • Elle had recently been involved in some video cases studies that YPS had produced for consultation around adolescent services and how young people in our Borough would like to receive them and where. • Elle really enjoyed being duct taped to the wall in Children's Services with Councillor Maureen Bateson, which was a fantastic way to raise money for children and young people in our Borough who were struggling and it meant they could have an enjoyable Christmas which many took for granted. • Elle and some other young people had taken part in an interview workshop in preparation for interviewing for the new DCS post which was taking place next Monday. • After the success of last year's regional Youthforia event in the Town Hall, Blackburn with Darwen would again be hosting the event in September to over 120 young people from 23 Local Authority youth councils. 	<p>Noted</p>
<p>8.3</p>	<p><u>Quarter 4 Fostering Report – 1st July 2018 – 31st March 2018</u></p> <p>A report was submitted which provided information on the management and performance of the Local Authority's Fostering Service for the quarter of 2017/18.</p> <p>RESOLVED – That the Executive Board:</p> <ul style="list-style-type: none"> • Note the Quarterly report which is available on the Council's website. 	<p>Noted</p>

	Item	Action
8.4	<p><u>Environment Update</u></p> <p>Councillor Jim Smith advised that he was pleased to report that the targets for customers signing up to green waste collection was exceeding expectations.</p> <p>RESOLVED – That the Executive Board note the update.</p>	Noted
8.8.1	<p><u>Update on Coronial Services</u></p> <p>A report was submitted on the successful transition to a merged Coronial Service.</p> <p>The former Senior Coroner for Blackburn with Darwen, Hyndburn and Ribble Valley indicated last year his intention to retire from 30th June 2017.</p> <p>As a consequence the Council requested the Ministry of Justice to consider replacing the Senior Coroner for Blackburn with Darwen, Hyndburn and Ribble Valley. The retirement facilitated a potential merger between Preston & West Lancashire, East Lancashire and Blackburn with Darwen coronial areas, and changes were already under way across Lancashire. The Ministry of Justice in responding to Blackburn with Darwen’s Borough Council’s request to replace the existing Senior Coroner role identified that in accordance with long standing government policy, that a merger of coroner areas should be considered, pointing out the significant service efficiencies that could be achieved by both Councils.</p> <p>Following the decision by the Council to support the merger proposals detailed work was undertaken with the Council’s key partner in the changes, Lancashire County Council (LCC). At the time it was the relevant authority supporting the work of the full-time Senior Coroner for Preston and West Lancashire and the Senior Coroner for East Lancashire who was part-time. LCC also contributed 50% towards the cost of the Senior Coroner for Blackburn with Darwen as the jurisdiction at the time included Accrington, Hyndburn and Ribble Valley.</p> <p>The Then Senior Coroner for Preston and West Lancashire, Dr James Adeley was subsequently appointed as the Senior Coroner for the new revised jurisdiction of Lancashire & Blackburn with Darwen (having initially been appointed on an interim basis during the consultation and pending formal approval of the merger by statutory instrument).</p> <p>Over the last 12 months the Coroners service had moved administratively to Preston, from the former base in a Blackburn Business Centre and the inquests had moved into the Blackburn Town Hall unless there were reasons otherwise</p> <p>There continued to be a move to a more electronic way of working which correlated effectively with the digital strategy of Blackburn with Darwen.</p>	

	Item	Action
	<p>Notwithstanding the transitional activity and the merger only being in place during part of the year, some savings to the two local authorities had been delivered in 2017/18. The changes had delivered savings for Blackburn with Darwen of circa £35k and these had been utilised to offset budget pressures elsewhere in the Resources portfolio.</p> <p>RESOLVED – That the Executive Board:</p> <ul style="list-style-type: none"> Note the success of the merger of the former Coronial Districts of Blackburn with Darwen, Hyndburn and Ribble Valley Coronial Service with the Preston and West Lancashire and East Lancashire Coronial Service. 	<p>Noted</p>
<p>8.8.2</p>	<p><u>Replacement of the Council’s IT Laptop and Desktop Estate</u></p> <p>A report was submitted which sought approval to progress with a programme of works to replace the Council’s 2,100 end user devices commencing in September 2018.</p> <p>The ITM&G Team began the last desktop refresh programme back in 2011 with a scheme completing in 2014. The majority of end user devices were now between 4 and 6 years old and were not covered under warranty with many of them having reached the point where they were no longer fit for purpose and were costing the Council time and money in their maintenance.</p> <p>As the Council moved forward with different technologies, the necessity to ensure the workforce was suitably equipped with flexible IT solutions became greater. In January 2020 Windows 7 would no longer be supported, making it imperative that the Local Authority upgrade to Windows 10.</p> <p>A business case was submitted to Management Board which outlined 3 options;</p> <ol style="list-style-type: none"> 1) Do nothing – with retention of current devices to be used / recycled across the Council 2) Full refresh of corporate devices on a like for like basis 3) Full refresh of corporate devices with users receiving new device types where necessary (e.g some laptop users receiving tablets) <p>Option 1 was discounted due to the impact on staff using ageing devices, the fact that as devices break, there would not be enough spare devices available to replace them with and also due to the fact that the current devices would become non-compliant in 2020.</p> <p>Due to the limited cost differential (£50k) between Options 2 and 3, a decision was made to progress with Option 3 as this provided for the projected growth in devices as the authority continued to increase its digital requirement and capability; this option also ensured that employees were using the most suitable device for their roles and as such, efficiency would increase.</p> <p>The project would commence in September 2018 and would be</p>	

	Item	Action
	<p>ongoing for a 2 year period replacing 2,100 devices over this period. The report also advised of the chosen procurement method.</p> <p>A critical area for the department was the ability to specify the manufacturer of the devices to be supplied. If this was not specified then it was possible that the Council could end up with devices from a little known manufacturer which, although they may meet the specification, issues could arise in terms of performance, longevity and the robustness of the equipment. The Council had used Lenovo devices for the past 7 years and during this time had built up significant knowledge and experience of the equipment and method of build, which would be more efficient and save time in such an extensive refresh.</p> <p>To ensure the best price was obtained whilst specifying the manufacturer, utilising the framework would facilitate competition between various Lenovo Resellers who sought to win the tender. The Council would also benchmark their process with other authorities who had procured Lenovo devices to act as a price comparison to ensure value for money was obtained.</p> <p>RESOLVED – That the Executive Board;</p> <ol style="list-style-type: none"> 1) Further to approval of the Capital Programme for 2018-2021 at Finance Council in February 2018, the Executive Board is asked to note the reallocation of £1,875,000 from the earmarked ICT Capital Reserve across 2018/19 and 2019/20, in order to commence the programme of works to replace the Council’s end user laptop and desktop estate; and 2) Approval is sought to progress with the procurement in line with the department’s recommended strategy outlined in section 3 of the report. 	<p></p> <p>Approved</p> <p>Approved</p>
<p>8.8.3</p>	<p><u>Replacement of key areas of the Council’s IT Infrastructure</u></p> <p>The Executive Board report were advised that it had been approximately five years since the last overhaul of the core IT infrastructure and subsequently there were several areas of the existing infrastructure that were due to be renewed and/ or replaced, with the majority of these required in 2018/19. There would be further works that needed to take place however over the next five years to further maintain and/or enhance the existing infrastructure. The areas that were required to be addressed in the current financial year were as follows;</p> <p><u>Internal Firewalls</u> The firewalls were used to prevent unauthorised access to Council systems. The existing firewalls were due to become end of support and needed to be replaced to ensure compliance moving forwards.</p> <p><u>Wi-Fi</u> The Councils current wi-fi network currently provided corporate connectivity, guest/public access connectivity and NHS wireless connectivity. There were currently 230 access points in the Borough to allow users to connect to Page 7 The solution currently being</p>	

	Item	Action
	<p>used by the Council was no longer being developed and issues had been observed in the stability of system, the current solution could be expanded further as the products could no longer be sourced leaving the department unable to provide wireless in new locations. The project would replace all the current access points with a new solution.</p> <p><u>Virtual Platform & Storage</u> The servers which hosted all the software that was utilised within the Council and also provide storage for Council data would very shortly be no longer supported by the manufacturer and had a high failure rate of disks. The project would look to replace up to 50% of the current estate in this phase of works.</p> <p><u>Netscaler's</u> The devices managed the internet traffic for the Council and required replacing due to end of support with the manufacturer.</p> <p><u>Lync/Skype for business</u> The telephony solution for the majority of Council users. The current version that the Council was using would shortly be unsupported and therefore there was a requirement to migrate onto the latest platform.</p> <p><u>Citrix Server Farm</u> Citrix was used within the Council to provide access to Council systems for external users and also to give access to certain systems to Council users when working remotely. The current solution was now almost 'end of life' and would shortly be unsupported moving forwards.</p> <p>Each individual workstream would be procured separately to ensure best value for money from the marketplace under a strategy agreed with the Commissioning and Procurement Team.</p> <p>RESOLVED –</p> <p>That the Executive Board: Further to approval of the Capital Programme for 2018-2021 at Finance Council in February 2018, the Executive Board is asked to note the reallocation of £950,000 from the earmarked ICT Capital Reserve in 2018/19, in order to commence the programme of works to replace key areas of the Council's IT infrastructure as intended.</p>	
9.1	<p><u>Report on the progress against the Corporate Plan 2017/2018 for six months to Year-end (October 2017 to March 2018).</u></p> <p>A report was submitted which provided the Executive Board the opportunity to review progress against the Council's strategic priorities documented within the Corporate Plan and to provide assurance that appropriate actions were being taken to address key areas of concern.</p> <p>As per previous years, robust performance management arrangements continued to be in place to monitor and ensure the</p>	Approved

	Item	Action
	<p>Signed at a meeting of the Board on the day of</p> <p>(being the ensuing meeting of the Board)</p> <p>Chair of the meeting at which the Minutes were confirmed</p>	

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **EXECUTIVE BOARD**

DATE: **5th July 2018**

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)

Agenda Annex

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Regeneration

LEAD OFFICERS: Deputy Chief Executive

DATE: 5 July 2018

PORTFOLIO/S AFFECTED: Regeneration

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT:

Publication of the Draft Minerals and Waste Local Plan for Public Consultation

1. EXECUTIVE SUMMARY

A review of the Joint Lancashire Minerals and Waste Core Strategy, and Site Allocation and Development Management Policies Local Plan, is underway. This report presents the draft revised Joint Lancashire Minerals and Waste Local Plan, including the main changes it contains and the proposed process for carrying out the statutory public consultation it must undergo before public examination and adoption.

It also presents a timetable for the review process.

The Minerals and Waste planning policy work is led by officers at Lancashire County Council, with Blackburn with Darwen and Blackpool Councils contributing 10% each towards the resourcing budget. Any decisions to adopt policy must be taken by all three minerals planning authorities (i.e. Lancashire County Council, Blackpool Council and Blackburn with Darwen Borough Council).

2. RECOMMENDATIONS

That the Executive Board agrees to:

1. Publish the draft revised Joint Lancashire Minerals and Waste Local Plan (Appendix 'A' refers) for consultation purposes during the summer.
2. Adopt the revised Joint Lancashire Minerals and Waste Local Plan Local Development Scheme 2014-20 (Appendix 'B' refers), which sets out the timetable for plan production.
3. Note the outcomes of the scoping consultation, and the proposed changes to the Local Plan review, set out in the Scoping Consultation Outcomes Report (Appendix 'C' refers).

3. BACKGROUND

The Joint Advisory Committee for Strategic Planning met on the 20 June 2018 to consider the outcomes of the Local Plan review scoping consultation, the draft revised Joint Lancashire Minerals and Waste Local Plan, and the timetable for the Local Plan review. At this meeting they agreed to recommend to each of the three authorities (Blackpool Council, Blackburn with Darwen Borough Council, and Lancashire County Council) that they should publish the draft revised Joint Lancashire Minerals and Waste Local Plan (Appendix 'A' refers) for consultation purposes during the summer, and adopt the revised Joint Lancashire Minerals and Waste Local Plan Local Development Scheme 2014-20 (Appendix 'B' refers), which sets out the timetable for plan production.

Local Development Scheme

A local development scheme sets out the timetable for a local plan's production. The adopted Joint Lancashire Minerals and Waste Local Plan Local Development Scheme 2014-17 was adopted in 2014; since then the progress of the review has changed and it is necessary to update the adopted Scheme with a revised version, the Joint Lancashire Minerals and Waste Local Plan Local Development Scheme 2014-20 (Appendix 'B' refers).

The programme set out in the revised scheme provides for:

- a summer 2018 consultation on the draft revised Joint Lancashire Minerals and Waste Local Plan under regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012 – Publication of a Local Plan;
- this will be followed in the summer 2019 by submission to the Secretary of State, for examination under section 20(3) of the Planning and Compulsory Purchase Act 2004 – Independent Examination.

The Draft Revised Minerals and Waste Local Plan

Following a review of the representations received during the scoping consultation, set out in the Scoping Consultation Outcomes Report (Appendix 'C' refers), and the up to date evidence base, a draft revised Joint Lancashire Minerals and Waste Local Plan (Appendix 'A' refers) has been prepared.

4. KEY ISSUES & RISKS

The main changes in this draft revised local plan are:

- A combined plan, rather than two separate documents, with a change in presentation;
- The inclusion of a policy on onshore oil and gas in line with the latest Government guidance (the draft revised Local Plan contains most of the content from the draft Onshore Oil and Gas Supplementary Planning Document previously considered by the Joint Advisory Committee and it is therefore proposed that the draft revised Local Plan policy be progressed instead of the supplementary planning document);
- An identified need for new sand and gravel reserves to support the plan areas economy;
- A recognition of local supply/demand issues that may require small scale releases of new reserves at gritstone quarries to support the plan areas economy;
- A potential identified need for new limestone reserves at the end of the plan period to support the plan areas economy;
- A number of consultation areas identified around mineral sites, to ensure they are taken into account when housing developments come forward in close proximity to them;
- A waste policy that uses criteria to direct development to suitable areas, rather than identifying specific industrial estates;
- The extension of mineral safeguarding areas over urban areas, but the policy will only apply to developments over 5 hectares;
- A landfill policy, providing support for time-limited sites given the continued uncertainty around

need and availability, but tempered with a requirement for review periods allowing for reassessment during the life of the landfill.

5. POLICY IMPLICATIONS

The policies in the adopted Joint Lancashire Minerals and Waste Core Strategy, and Site Allocation and Development Management Policies Local Plan, will be replaced upon the adoption of the Minerals and Waste Local Plan 2019-2034. At this stage there are no immediate policy implications, but as the review progresses beyond submission the materiality of the emerging policies for planning decisions will increase.

6. FINANCIAL IMPLICATIONS

Any costs of undertaking the consultation will be contained within the existing 2018/19 minerals and waste planning budget.

7. LEGAL IMPLICATIONS

Failure to consult in accordance with the adopted Statements of Community Involvement, and the adopted Minerals and Waste Development Scheme, could result in the Local Plan being found unsound by the Planning Inspector during its examination in public, or in the Local Plan being subject to judicial review following its adoption. Failure to consult the appropriate individuals or organisations could result in policy issues coming to light too late in the review process, affecting the delivery schedule of the Local Plan review.

8. RESOURCE IMPLICATIONS

None.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

The Publication Consultation (under regulation 19)

Local plans are subject to statutory preparation procedures under Part 6 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The format of the proposed consultation is in

accordance with these regulations and the three authorities Statements of Community Involvement.

The regulations require a minimum consultation period of 6 weeks; given that the consultation period may span the school summer holidays it is suggested that, in order to be in accordance with the three authorities Statements of Community Involvement, the consultation period should be extended to 8 weeks.

The following approaches are suggested:

- Advanced notification to councillors by email and on the CFirst webpage, and an opportunity for a bite size briefing for councillors
- Issue press release
- Send letters/emails to stakeholders (members of the consultation database, operators, and statutory consultees) informing them of the consultation
- Advertise on the three authorities websites, with online consultation at the Lancashire County Council 'Have your say' consultation portal, and the Joint Lancashire Minerals and Waste Objective Online consultation portal
- Place hard copies for inspection at deposit points (libraries, county hall, district town halls, county information centres)
- Electronic versions of documents available to view on the Joint Lancashire Minerals and Waste homepage, and the consultation portals.

This is in addition to the on-going dialogue with specific consultees (including through attending forums such as the North West Aggregate Working Party and the North West Waste Network) that the three authorities carry out to ensure cooperation in maximising the effectiveness of the preparation of the Local Plan, as required by section 33A of the Planning and Compulsory Purchase Act 2004 (the duty to cooperate).

The Scoping Consultation Outcomes Report (Appendix 'C' refers) sets out how the scoping consultation was undertaken and the companies and organisations notified (a number of private individuals were also notified of the consultation but these are not listed in the report). It also summarises the main issues raised in the representations submitted, and how the draft revised Local Plan has responded to those representations.

The scoping consultation took place between 7 November and 19 December.

Notification emails or letters were sent out to all of the specific consultation bodies listed in the Town and Country Planning (Local Planning) Regulations 2012, and the general consultation bodies held on our consultation database, including members of the public/businesses who have asked to be notified of local plan consultations. In addition an email or letter was sent out to the persons listed in section 33a (1) of the Planning and Compulsory Purchase Act 2004, and regulation 4 of the Town and Country Planning (Local Planning) Regulations 2012 to invite them to enter into discussions with us under the duty to cooperate.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	1
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CONTACT OFFICER:	Helen Holland
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DATE:	5 th July 2018
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BACKGROUND PAPER:	Appendix A - Draft revised Joint Lancashire Minerals and Waste Local Plan Appendix B – Revised Joint Lancashire Minerals and Waste Local Plan Local Development Scheme 2014-20 Appendix C - Scoping Consultation Outcomes Report
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Review of the Joint Lancashire Minerals and Waste Local Plan

Publication Consultation
Version (Regulation 19)



This document has been prepared jointly by Blackpool Council, Blackburn with Darwen Borough Council and Lancashire County Council

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Email: enquiries@lancashire.gov.uk

For further details of the Local Plan, and to download this and other documents, please visit our web site www.lancashire.gov.uk

Preface

Whatever your view, for one reason or another you will recognise the importance to our everyday lives of extracting minerals and managing waste.

Minerals are essential raw materials to our manufacturing industry, and to building or improving our roads, homes, hospitals, schools, shops and offices.

In the same way, our quality of life relies on the safe, clean and effective collection, treatment and disposal of waste. And by reusing, recycling and finding other uses for more of our waste we can help to reduce our impact on the environment and benefit future generations.

There is no doubt that good planning of our minerals and waste is fundamental to the way we live our lives and the way our cities, towns and villages appear and function. Equally though, we need to appreciate the potential for minerals exploitation and the management of waste to cause disruption to our environment and to our communities.

Planning can help to minimise any conflicts, and ensure that the wider community can enjoy the benefits of good minerals and waste planning now and in many years to come. This Local Plan is central to this process.

However, we are entering a new and challenging time in managing our waste and natural resources, and it is necessary to review the Local Plan to ensure it remains up to date. This consultation is a key part of the review process.

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Introduction to the Publication Consultation

The minerals and waste planning authorities of Lancashire County Council, Blackpool Council and Blackburn with Darwen Borough Council (the Joint Authorities) are carrying out a review of the Joint Lancashire Minerals and Waste Local Plan.

The Local Plan consists of:

- an adopted Core Strategy (2009), containing strategic policies and identifying need; and
- an adopted Site Allocation and Development Management Policies Local Plan (2013) which seeks to implement Core Strategy policy through land allocations and development management policies.

The adopted Local Plan has a plan period of 15 years, to 2021. The intention of the review is to roll this 15 year plan period forwards, ensuring the plan remains relevant to 2032, and to ensure the Local Plan is up to date.

The first stage in the review was a scoping consultation, carried out in the winter of 2014, under regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012.

This document represents the second stage in the review, the publication of a draft revised Local Plan for consultation prior to submission to the Secretary of State for examination, under Regulation 19 of the Town and Country Planning (Local Planning) Regulations 2012.

This revised Local Plan has been informed by a consideration of representations received during the scoping consultation, and the wider evidence base. A description of the main changes can be found below. Alternatives and options considered as part of the review, together with their appraisal, are described in the accompanying Interim Sustainability Appraisal report.

Description of Main Changes Proposed Through the Review

The most apparent change is the combination of the Core Strategy and the Site Allocation and Development Management Policies Local Plan into one Local Plan document. As part of this a number of policies have been combined to reduce duplication, and a considerable amount of supporting text has been removed. The NPPF states that "only policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan"; as a result the number of policies is reduced overall, and they are presented in a different way.

In addition to this, as part of the review and rolling forward of the plan to 2032, some changes to these policies, and some new policies, are proposed.

The vision and objectives have been refreshed. A new emphasis is placed on key strategic priorities, rather than a spatial vision, by the NPPF. Three key spatial priorities have been drawn out from the vision, objectives and policies of the adopted Local Plan: Protecting and enhancing our natural and built environment and quality of life; Ensuring the prudent use of resources; Supporting growth and innovation. These key priorities are used to order the policies of the draft revised Local Plan.

The table below describes the main issues arising from a consideration of the evidence and representations received during the scoping consultation, alongside a description of the response proposed in the draft Local Plan; a more detailed summary of the views expressed during the

scoping consultation can be found in the Scoping Consultation Outcomes Report. A description of the main changes introduced through the revised Local Plan is set out in Appendix D 'Replaced Local Plan Policies'

Main Issue	How the Plan has responded
<p>Combining the Core Strategy and the Site Allocation and Development Management Policies Local Plan into one concise document.</p>	<p>The draft plan represents a single, concise document setting out land use planning policies for the consideration of minerals and waste developments. Due to the two tier nature of the Core Strategy/Site Allocation development plan documents there was a significant degree of overlap, and opportunities have been taken to combine a number of policies in the draft plan, without significantly changing the policy requirements set out in the adopted Local Plan.</p>
<p>There appear to be adequate permitted reserves to meet the anticipated need for limestone, but there is uncertainty around the productivity of these permitted reserves and its ability to continue to meet demand through to the latter stages of the Plan period.</p> <p>Also, the landbank of permitted reserves may fall short during the plan period.</p>	<p>Adopted Policy M1 addresses this uncertainty by providing flexibility and support for the release of new reserves under certain situations. Policy M1 is carried forwards in the review and redrafted slightly.</p>
<p>There appear to be adequate permitted reserves to meet anticipated need for gritstone, but a large proportion of the permitted reserve is held in one quarry and there is uncertainty around how this will affect competition and the spatial distribution of aggregate supplies in the Plan area over the plan period.</p>	<p>The draft plan includes draft policy supportive of extensions in certain circumstances.</p>
<p>Site allocations have been proposed by the industry but there is no under supply in permitted reserves for limestone and gritstone.</p>	<p>To protect these mineral resources the draft plan includes draft policy on mineral consultation areas to ensure quarry operators are made aware of planning applications in close proximity to active mineral workings (250m of quarries, 400m of hard rock aggregate quarries). The proposed site allocations have been included in these mineral consultation areas, with buffers extended accordingly.</p>

Main Issue	How the Plan has responded
<p>The permitted reserves of sand and gravel are likely to fall short during the plan period under several of the anticipated need scenarios, and all of the planning permissions that make up the permitted reserve are currently set to expire before the end of the Plan period. The landbank is predicted to fall short during the plan period.</p> <p>There is also uncertainty around the productivity of these sites, and how this will affect the rate that the permitted reserves are worked out, and a large proportion of the permitted reserves is held in one quarry.</p> <p>A site allocation has been proposed by the industry.</p>	<p>The draft plan includes draft policy supportive of extensions to existing sites and new mineral workings under certain circumstances.</p>
<p>Projected demand for aggregates over the Plan period is based on a number of assumptions, which leads to a degree of uncertainty over their accuracy in the medium to long term.</p>	<p>The draft plan includes draft policy describing a range of figures, using the 10 year average of sales and the 3 year average of sales in the 2017 Local Aggregate Assessment, but including reference to the need to consider the policy in the context of the most recent Local Aggregate Assessment, to ensure a degree of flexibility should predicted demand increase or decrease over the Plan period.</p> <p>This approach is preferable rather than trying to quantify any increase in projected demand by any future increase in economic activity in the absence of specific evidence; particularly given the regular monitoring and review required through the NPPF.</p>
<p>The threat to minerals infrastructure and reserves posed by demand for new housing.</p>	<p>Adopted policy M2 addresses this in part. The draft plan includes draft policy to ensure development in close proximity to mineral workings and mineral processing infrastructure consider the economic benefits associated with these operations, and the impacts such development proposals could have on the continued operation of the existing minerals developments.</p>

Main Issue	How the Plan has responded
<p>The growing commercial interest in onshore oil and gas within the Plan area.</p>	<p>The draft plan includes a draft policy on onshore oil and gas appraisal, and production. Specific reference is made to hydraulic fracturing, and unconventional reserves both in these policies and in technical appendices.</p> <p>A draft policy is also included on mineral exploration.</p>
<p>Mineral resources extend under previously developed urban areas. The adopted Local Plan does not safeguard mineral resources that may be under urban areas.</p>	<p>The draft plan includes a draft policy requiring the submission of a mineral resource assessment for large scale redevelopments of over 5ha within the urban area.</p> <p>To extend safeguarding of all minerals to urban areas would be disproportional and place an unreasonable burden on applicants for planning permission in these areas. By focusing on developments of over 5ha ensures the opportunities for prior extraction are maximised.</p> <p>The draft plan includes a draft policy separating out the former Salt workings at Preesall from the general MSA policy, due to the specific reasons for protecting this land from inappropriate development.</p>
<p>The larger than local (neighbouring, regional or national) markets served by many of the industries in the Plan area, resulting in significant movements of waste and minerals into and out from the Plan area.</p> <p>These, and the uncertainties around the economics of these movements, affects the projected demand that the Plan seeks to plan for.</p>	<p>The draft plan includes revised draft policy setting out predicted demand, based on the assumption that we will plan for net-self-sufficiency, recognising these movements take place and are a necessary part of the successful waste and minerals industry. This is a continuation of adopted policy, with updated figures to reflect the changes since the Core Strategy was adopted.</p> <p>The draft plan includes a number of references to larger than local markets, in both minerals and waste policies to ensure plan policies are not interpreted in too parochial a manner.</p>
<p>How can the Local Plan drive the management of waste up the waste hierarchy</p>	<p>The draft plan includes redrafted adopted policy to require a waste audit for large redevelopment or regeneration proposals.</p> <p>In identifying projected waste management need the draft plan uses emerging EU recycling targets, and is mindful of the Government's commitment of zero avoidable waste to landfill by 2050 contained in the Clean Growth Strategy.</p>

Main Issue	How the Plan has responded
	<p>An increased degree of flexibility is introduced in the draft policy, which is less prescriptive over identifying specific sites, and setting limits on capacities, than the adopted policy. This will reduce unnecessary burdens on applicants for planning permission, particularly given that different types and scales of facility are required but not necessarily reflected in the general projected need figures. Draft policy also includes consideration of 'wider than local' facilities, which will have a larger catchment area and capacity than reflected in the projected need figures. However, within this flexibility, draft policy criteria requires that applicants demonstrate that their proposal accords with the waste hierarchy.</p> <p>The plan also includes a draft policy on waste management in the countryside, providing a degree of support where the location is close to the source of waste, or the end market for the 'recyclate', in particular anaerobic digestion for land spreading.</p> <p>The draft plan recognises the need for waste disposal capacity, by continuing the adopted policy of supporting time extensions for existing landfill capacity, whilst also including draft policy recognising the potential need for additional capacity under certain circumstances.</p> <p>However, many actions required to move waste management up the waste hierarchy are demand led measures implemented by Government on a national scale.</p>
<p>Uncertainty in the availability of landfill capacity, within the Plan area and regionally, over the plan period, due to changes in the waste management industry and its emerging sensitivity to economic factors, and a large void space that is reliant on future quarrying operations for its creation.</p>	<p>The Plan includes a slight redrafting of adopted policy, in response to a continued recognition of the long term uncertainty in the industries investment in landfill capacity.</p> <p>The draft plan recognises the need for waste disposal capacity, by continuing the adopted policy of supporting time extensions for existing landfill capacity, whilst also including draft policy recognising the potential need for additional capacity under certain circumstances, and a requirement for review periods to ensure the landfill is restored in a timely manner.</p> <p>This is in line with the waste hierarchy and the Government's commitment to zero avoidable waste to landfill by 2050 contained in the Clean Growth Strategy.</p>

Main Issue	How the Plan has responded
<p>The uncertainty in the projection of demand for waste management capacity, and the availability of existing capacity, over the Plan period.</p>	<p>The Plan includes a draft policy describing a range of figures, using the higher and lower scenarios in the 2017 Local Waste Assessment, but including reference to the need to consider the policy in the context of the most recent Local Waste Assessment, to ensure a degree of flexibility should predicted demand increase or decrease over the Plan period.</p>
<p>How can the Local Plan contribute to the mitigation of, and adaptation to, climate change</p>	<p>The Plan seeks to reduce the need to travel by:</p> <ul style="list-style-type: none"> • Continuing to identify the main waste producing areas, and providing policy support to developments in those areas. It includes a revised draft policy broadening the number of industrial estates with policy support, increasing the likelihood of a site close to the waste producer being available and therefore providing for a network of facilities and thus reducing the need to transport the waste over unsustainable distances. • Including a revised draft policy requiring 'larger than local' facilities to have considered rail rather than road for the movement of waste. • Including a revised draft policy ensuring access to local markets is a material consideration when considering development proposals for minerals extensions, therefore providing for a network of facilities where appropriate, thus reducing the need to transport the aggregates over unsustainable distances. <p>The Plan seeks to provide opportunities for low carbon technologies by:</p> <ul style="list-style-type: none"> • Providing draft policy recognition of the benefits there may be in locating anaerobic digestion facilities in the countryside, and in locating heat generating facilities adjacent to developments with a high heat demand where that may be outside of the areas identified as having policy support. • Providing draft policy requiring heat generating development proposals to be designed in such a way so as to allow the subsequent connection to a heat distribution network.

Main Issue	How the Plan has responded
	The plan includes revised draft policy seeking to include a consideration of emission reduction, and future climate risk in the design and location of the proposed development, when considering development proposals.

The Timetable for Review

The timetable for carrying out the Local Plan review is set out in the Joint Lancashire Minerals and Waste Development Scheme 2014-2019, and described below for reference.

- Scoping Consultation 2014
- Publication Consultation Summer 2018
- Submission to Secretary of State Summer 2019
- Examination by Planning Inspectorate Autumn 2019
- Adoption Spring 2020

Making comments on the review of the Local Plan

If you have any suggestions to make on the draft Local Plan please send them, with your name and address, to the address below before the end of the **XXX**:

- Planning Team, Lancashire County Council, PO Box 100, County Hall, PRESTON, PR1 0LD
- Or by email at: lmwf@lancashire.gov.uk
- or use our 'Have your say' website at: <http://www.lancashire.gov.uk/haveyoursay>

All comments received will be made public, together with your surname and the name of the organisation you represent (addresses and signatures will be removed or censored).

1 Introduction

1.0.1 Lancashire County Council, Blackburn with Darwen Borough Council, and Blackpool Council are the planning authorities for minerals and waste developments⁽¹⁾ in Lancashire. They are responsible for producing planning policies and determining planning applications in this respect within their respective administrative areas. The three authorities work cooperatively in their local plan making functions, to produce this Joint Minerals and Waste Local Plan⁽²⁾. The Joint Lancashire Minerals and Waste Local Plan is a local plan prepared in accordance with the Planning and Compulsory Purchase Act 2004; it is one of a number of planning documents which make up the development plan for Lancashire⁽³⁾. Planning applications are required to be in accordance with the development plan unless material considerations indicate otherwise⁽⁴⁾; the development plan will therefore provide the basis for the consideration of proposals for minerals and waste developments.

1 such as quarries, waste recycling sites, landfill sites, concrete batching plants

2 though it is adopted by each authority individually rather than through a joint committee as defined in the Planning and Compulsory Purchase Act 2004

3 the rest comprising the relevant district/borough/city local plan and the relevant neighbourhood plan

4 Town and Country Planning Act 1990 s70(2) and Planning and Compulsory Purchase Act 2004 s38(6)



1.1 A Spatial Vision

1.1.1 Lancashire contrasts some of the most densely populated urban areas in the country with large expanses of sparsely populated and highly valued rural countryside. It is bordered by rural areas of Cumbria and North Yorkshire to the north, the three major metropolitan areas of Merseyside, Manchester, and West Yorkshire to the south and east, and the Irish Sea to the west. More than four-fifths of Lancashire's total area is rural, although most of Lancashire's 1.4 million residents live and work in its dispersed cities and towns.

1.1.2 The characteristics of the Plan area including:

- Continuing population and household growth, accompanied by economic and regeneration growth, focussed on the Central Lancashire City Region area, the Enterprise Zones at Hillhouse, Warton, Salmesbury, and Blackpool Airport, Lancaster, the Fylde Coast and the main urban areas of east Lancashire and West Lancashire; there is also significant economic activity influencing the plan area from Greater Manchester and Merseyside.
- A great diversity of landscapes, including some of the most valued landscapes in northern England, nationally important archaeological sites, and an increasing number of protected wildlife sites, some of international significance, supporting a variety of species.
- An internationally important coastline for its nature conservation value.
- A valuable built heritage including historic buildings of various periods and types, historic parks and gardens, and numerous Conservation Areas.
- A diverse economy built on a long history of urban and industrial growth, dominated in western areas by tourism and a number of significant manufacturing firms, and in eastern parts by a diverse local manufacturing base.
- Relatively large amounts of derelict and degraded land recognised as having a significant effect on the image of and investment in our sub-region.
- A well-developed transport system, with an interregional motorway and rail network linking north-south and east-west, well connected urban areas, two major canal waterways and port facilities at Heysham, Fleetwood and Glasson.

1.1.3 Relating these to minerals and waste, we see that many of our mineral resources are tightly constrained by the valuable landscape and important nature conservation interests in our Plan area, meaning opportunities for extraction are limited. Some are threatened by other development pressures. Others suffer from poor access to our primary transport network and impact upon their local environment and communities. For some minerals, a diminishing supply brings difficulties of its own, with possible encroachment towards populated areas if we are to continue to meet our local, regional and national needs with primary land won minerals. Similarly, diminishing landfill capacity, whilst supporting our efforts to reduce and recycle our waste, throws up its own challenges to minimise waste growth from an expanding population and economy, handle our waste in more resourceful ways, and find locations for new waste technologies with the capacity to manage our waste but also potentially to find more landfill for a decreasing but continuing demand for final disposal.

1.1.4 Identifying a vision of Lancashire in the future allows us to translate the principles of sustainable development handed down to us by national Government into something that is hopefully relevant and meaningful to Lancashire's residents, businesses and visitors.

1.1.5 The Spatial Vision presents a vision of Lancashire in 2032 and the actions needed to deliver that vision, taking account of social, economic and environmental constraints and opportunities. It is informed by the sustainability appraisal of the reasonable options and alternatives.

1.1.6 It describes the broad philosophy of the Plan. The spatial distribution of this vision is expressed on the key diagram.

Spatial Vision

Over the Plan period, Lancashire's minerals and waste industries will continue to support and contribute to the local and wider economy and quality of life, both through employment and by providing raw materials and services to support other industries.

This support is delivered in the right quantities and in the right locations to support the growth aspirations of local areas, in particular those identified in the Lancashire Strategic Economic Plan, the Central Lancashire City Deal, and District Local Plans, and so as to ensure these growth aspirations do not impact on neighbouring areas.

Recycling and recovery form a key part of a circular economy, and they are fully integrated within the wider business environment.

Disposal, whilst a necessary part of the circular economy, is no longer the foundation stone of waste management; it is reduced to the provision of a limited number of facilities to provide for the last resort disposal of waste treatment and pollution control residues.

The benefits of the minerals and waste industry are recognised, but the industry are responsive to local concerns about the disturbance their operations can cause by implementing mitigation and sensitive operational practices, and by avoiding sensitive or unsuitable locations. Residents and industry work closely together and with local authorities to shape the way sites are planned.

1.2 Strategic Priorities

To deliver this vision, the aim of the Local Plan is to plan positively for the development and infrastructure required in the plan area, to meet the objectives, principles and policies of the National Planning Policy Framework and in so doing to contribute to the achievement of sustainable development.

Key strategic priorities of the plan are:

- Protecting and enhancing our natural and built environment and quality of life.
- Ensuring the prudent use of resources.
- Supporting growth and innovation.

1.3 Spatial Objectives

1.3.1 Our proposed vision outlines our ambition for sustainable resource management in the Plan area. All the objectives that follow are underpinned by this ambition to manage waste and minerals extraction according to the principles of sustainable development.

Protecting and enhancing our natural and built environment and quality of life

The potential impacts from minerals and waste developments can be significant and can result in considerable nuisance to local communities and harm to the environment if not managed appropriately.

Objective: To direct proposals to the areas most appropriate to their character and away from those most sensitive to their impacts.

Objective: To support high standards of working practice and environmental protection.

Objective: To optimise the value of operational and restored sites.

Objective: To encourage greater community involvement and partnership working.

Objective: To minimise the unnecessary movements of waste and aggregates by road

Objective: To support the mitigation and adaptation to climate change

Ensure the prudent use of resources

Objective: To identify and safeguard mineral resources.

Objective: To avoid wastage of resources and to maximise the reuse of waste materials.

Supporting growth and innovation

Minerals are a key raw material for several industries and ensuring a steady and adequate supply is essential to the economy.

Objective: To identify our contribution to local, regional and national need for minerals.

Objective: To maintain a suitable landbank in line with national policy.

Objective: To plan for minerals extraction sufficient to provide for this need and distributed, as far as possible, so as to reduce the need to transport minerals over unsustainable distances.

Adequate waste management provision is essential to the economy, and to driving waste management up the waste hierarchy.

Objective: To identify our contribution to local, regional and national need for waste management capacity.

Objective: To plan for waste management capacity sufficient to provide for this need, and distributed so as to reduce the need to transport waste unsustainable distances.

Objective: To plan for a limited and declining number of existing landfill sites.

Objective: To plan for net self-sufficiency in waste management capacity

2 Protecting and Enhancing our Natural and Built Environment

2.1 Development Management

Policy MW 1

Management of Waste and Extraction of Minerals

Proposals for minerals or waste management operations will be supported where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of robust and comprehensive information, that all material social, economic and environmental impacts that would cause demonstrable harm can be eliminated or reduced to acceptable levels⁽⁵⁾. In assessing proposals account will be taken of the proposal's setting, baseline environmental conditions and neighbouring land uses, together with the extent to which its impacts can be controlled in accordance with current best practice and recognised standards.

Justification

2.1.1 Minerals and waste developments are vital to the economy of Lancashire, either by supplying raw materials to manufacturing processes or by treating the wastes produced as a byproduct of manufacturing or other business or commercial activity; they also provide jobs for a wide range of skill sets, from manual handling to process engineering. They are essential for the nation's prosperity, infrastructure and quality of life. However, they have the potential to cause disruption to local communities and the environment due to the nature of their operations, in common with other heavy industries. These impacts can often be addressed through the sensitive design and operation of the facility; planning conditions will be imposed, where appropriate, to ensure this.

2.1.2 Such conditions may indeed enable development to take place where it would otherwise be necessary to refuse planning permission. Conditions will be attached to planning permission to control how development takes place, to minimise disturbance to the environment, and to ensure the satisfactory working and reclamation of the site. To ensure certainty, transparency and to speed up negotiations the Minerals and Waste Planning Authority has produced model planning conditions. In certain situations the Minerals and Waste Planning Authority may choose to impose conditions on planning permissions restricting permitted development rights or imposing stand off distances for certain high impact operations or sensitive locations.

2.1.3 A balance needs to be struck between the social, economic and environmental impacts of, and the need for, the development. Thus, if the adverse impacts of operations cannot be reduced to acceptable levels through careful working practices, planning conditions or legal agreements, then the operation will not be permitted. What is acceptable will depend on the level of need for the development; in particular proposals the need may be such that it overrides certain impacts and would support a proposal despite significant impacts.

2.1.4 The impact of a development can be positive or negative; short, medium or long term; reversible or irreversible; permanent or temporary. In assessing the acceptability of an impact the following criteria will be relevant:

⁵ Where necessary, this is to be demonstrated through the submission of appropriate surveys, impact assessments, and proposed mitigation measures

- Sensitivity of receptor: different receptors (residents; designated areas of historic, landscape or biodiversity value; plants and animals; businesses) respond to environmental changes or disturbances in different ways. Certain locations or land users have an enhanced sensitivity to certain impacts, for example locations that can be viewed from a designated heritage asset will need to be dealt with more sensitively when considering visual or landscape impacts, as they may affect elements of the asset's setting.
- Magnitude of impact: this is the severity of an impact and could be measured subjectively or in relation to statutory threshold values. It is influenced by the following:
 - Proximity to receptor: the effects of many impacts tend to reduce with distance, though this distance is dependent on the nature and scale of the impacts, for example large dust particles will largely deposit within 100m of their source.
 - Frequency of impact: impacts can arise persistently, or erratically and unpredictably. The frequency of an impact, relative to the ability of the receptor to tolerate or recover from the impact, is important when considering the impact's magnitude.
 - Duration of impact: impacts associated with the construction phase of a proposal have a much shorter duration relative to the impacts associated with the operation of a proposal.

2.1.5 The significance of an impact is predicted through an evaluation of the above, allowing the Minerals and Waste Planning Authority to determine whether any demonstrable harm will be caused. For example noises associated with the frequent movement of skips could be severe in a suburban neighbourhood, but on an industrial estate it would not necessarily be out of character for the area. Further guidance on the sensitivity of receptors can be found in national policy. Cumulative impacts are also relevant to the assessment of an impacts significance; there may be circumstances where, whilst individually or looked at in isolation the impacts may be within acceptable limits, collectively or when considered in the context of other developments in the immediate vicinity, the impacts may be more significant.

2.1.6 In order to minimise the social, economic and environmental impact of minerals and waste sites it is essential that high standards of management are maintained throughout the operational life. The Minerals and Waste Planning Authority will seek to ensure that sites are developed in the least intrusive way to minimise disturbance. To achieve this current best practice in all aspects of site operation should be used. The following paragraphs outline those points which the Minerals and Waste Planning Authority would expect operations to address in order to satisfy this policy, and gives some idea as to what evidence should be submitted in support of a planning application. Further information on supporting information can be found on the Minerals and Waste Planning Authority's Validation Checklist.

2.1.7 Operators should provide sufficient information to enable a full assessment to be made of the baseline conditions, and likely effects of the proposed development. Information should be provided on how these impacts are addressed, either through the design of the scheme, or through mitigation measures. The information below provides guidance on the type of information and scheme features that a developer could include as part of an application to assist in demonstrating it is in accordance with the policies of the development plan. Information other than that listed below may be necessary, depending on the particular circumstances of each application.

2.1.8 The Minerals and Waste Planning Authority will expect the developer to address the following, and will only support development where these issues are satisfactorily addressed:

Visual

- Provide for the submission of a landscape and visual impact assessment where the proposal is of a scale or nature that is not in keeping with its surroundings
- Provide for the screening of plant and machinery and security infrastructure appropriate to the landscape character area and the nature and duration of impact, including the opportunity for off-site landscaping
- Ensure that the quality of design, layout, form, scale and appearance of buildings is sympathetic and responsive to the surrounding circumstances

2.1.9 The visual impact of a site can result from prominent rock faces, soil, overburden and stockpile mounds, plant and machinery, litter or fences, hardstandings and buildings. In addition, the height of such developments can have safety implications for airports. The degree of visual impact depends on a number of factors such as the topography of the area, the scale of the development and its proximity to residents and other sensitive land uses. The cumulative impact of a development, when seen in the context of other built development in the wider landscape (particularly similar to the proposed development), can be sufficient to alter peoples perception of the character of an area, and should be considered as part of the proposed developments application.

2.1.10 Careful consideration of the siting of the development, the method of working and the layout and design of the site will be required to mitigate any visual impact. The visual impact of operations can be minimised in a number of ways: a site location which respects existing topography and features of importance; a method, phasing and direction of working which takes account of views into the site and is chosen as the least intrusive; phased working and progressive restoration to minimise the amount of land being worked at any one time; careful siting and design of buildings and plant, location and height of stockpiles, and siting of internal haul roads and conveyors. All plant and buildings should: where practicable be grouped to prevent the creation of an unsightly sprawl of development and to facilitate screening; be kept as low as practicable to minimise visual intrusion; be of an appropriate colour, cladding or suitable treatment to reduce visual impact; be satisfactorily maintained to preserve their external appearance, exercise a restrained use of lighting to minimise light spill onto neighbouring properties, and glare. It is important that those engaged with the development of waste facilities embrace all aspects of good design practice. Applicants are directed to the Defra publication "Designing Waste Facilities - a guide to modern design in waste" for guidance on improved standards of design in the delivery of waste management facilities.

2.1.11 Effective screening can improve the appearance of mineral and waste sites by hiding visually intrusive elements of the operation and softening the hard, unnatural lines of plant and buildings, especially on the skyline. Screening can be achieved by high quality landscape treatment such as planting trees and shrubs, constructing earth bunds or utilising the natural ground contours of the site. As much use as possible should be made of suitable existing trees and hedgerows since growth is slow and new trees are unlikely to be adequate for screening purposes for many years. Advance planting can help overcome this problem and should be undertaken wherever possible. This is particularly relevant for long term, phased sites. Consideration needs to be given to the time required for natural screening to grow to a sufficient height and density to be effective, and opportunities for off-site screening where possible.

2.1.12 Further information on landscape capacity and sensitivity to development can be found in Lancashire's Landscape Strategy⁽⁶⁾.

2.1.13 The Minerals and Waste Planning Authority will give great weight to conserving the landscape and scenic beauty of the Arnside/Silverdale, and Forest of Bowland, areas of outstanding natural beauty (AONB) when considering proposals. Proposals for major development in these areas will be refused except in exceptional circumstances, in line with the NPPF. In addition the Minerals and Waste Planning Authority has a general duty, under the Countryside and Rights of Way Act 2000, to have regard to the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty when exercising its functions where there may be an effect on the area of outstanding natural beauty. Developments outside these areas will need to consider their visual impact when viewed from within the AONB, particularly from important viewpoints.

High Operating Standards

- Provide for an agreed schedule of work to avoid disruption
- Provide for suitable hours of operation as a means of minimising disturbance to neighbours
- Provide for on-going monitoring of established baseline conditions⁽⁷⁾.

2.1.14 Developments should implement high operating standards, sensitive working practices and environmental management systems to minimise harm and nuisance to the environment and to local communities throughout the operational life of the site. Sites should be developed in the least intrusive way to minimise disturbance. Where relevant they should be developed in such a way so as to ensure slope stability, and that any rock faces or excavations created do not result in uncontrolled hazards within the site or land instability beyond the boundary of the site. Operators should work co-operatively with regulatory agencies and other stakeholders to promote best practice(s), and improve communication with local communities⁽⁸⁾.

Noise and vibration

- Developers should carry out detailed investigations and submit appropriate levels of mitigation, including details of the noise output, and the provision of purpose designed attenuation for all noise generative plant and equipment including baffle mounds and acoustic fencing to the site or areas of the site.

2.1.15 Noise pollution has a number of sources such as lorry traffic, plant and machinery, blasting and soil stripping operations. The degree of noise impact depends on distance from noise sensitive land uses, the nature and lay of the land and the times at which operations are carried out, together with the background noise associated with the area, and the nature of the noise (including a consideration of its sound power, tonality and frequency). Appropriate noise standards for minerals operators are set out in the national planning practice guidance.

2.1.16 The effects of noise can be reduced if its reduction is planned at the outset and is taken into account in the layout and nature and sequence of working. Examples include: the maintenance of acceptable distances between the operation and noise sensitive land uses; the avoidance of severe gradients on haul roads; use of alternatives to reversing beepers; the use of conveyors rather than trucks; the use of acoustic fencing or baffle mounds. Other methods include the fitting of silencers, the housing and cladding of fixed plant and machinery, the use of rubber liners on certain sections of plant and the maintenance of such measures. Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours.

7 Some elements will be controlled through the land use planning system by the mineral planning authority, some will be controlled through the environmental permitting system by the Environment Agency.

8 Operators should consider the benefits of establishing local trade agreements and of notifying neighbours in advance of new operations being carried out on site, or in advance of new applications being submitted.

2.1.17 It is recognised that there may be a long term benefit in allowing an otherwise unacceptably noisy activity for a short period of time; for example the use of heavy machinery on the boundary of a site to enable the construction of a visual or acoustic bund. These aspects of the proposed development will be considered on their merits. However, if the activity is solely related to an economic benefit, or is not clearly short term, it is unlikely to receive policy support.

Blasting

2.1.18 Blasting is often a major cause of concern to residents close to mineral workings. Disturbance is dependent on the quantity of explosive used, the distance to the receptor, the geology of the site and atmospheric conditions.

2.1.19 Measures to reduce the impact of blasting at mineral extraction sites could include planning operations so that blasting does not take place during unsociable hours, notifying residents in advance, the use of correct stemming, avoiding the use of surface detonation cord where possible, reducing the maximum instantaneous charge, avoiding secondary blasting and the use of screen nets.

Air Quality

- Developers should carry out detailed investigations and submit appropriate levels of mitigation addressing releases to air.
- Where a proposed development is in or is likely to affect an AQMA, provide specific evidence and mitigation for any impacts on the actions and targets set out in the Local Air Quality Action Plan.

Odour

2.1.20 Unpleasant odours can arise from the tipping, storage, sorting, treatment or transportation of wastes, either from the decomposition of biodegradable wastes or off-gassing from chemical wastes, or from the treatment process.

2.1.21 Odour emissions can be reduced and properly controlled by careful planning and management. For example the production of odours can be minimised by ensuring correct storage of wastes, odour emissions can be reduced by containing malodorous operations in buildings or appropriate vessels, operating buildings at negative pressure, and including odour scrubbers on air extraction systems. Correct operation of the waste management processes should reduce or prevent most odour production, and at the design stage the benefits of locating features with odour creation potential away from and downwind of residential properties and other sensitive land uses should be explored. Odour is also addressed by other legislation, implemented by the District Councils and Unitary Authorities or Environment Agency. Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours.

Dust

2.1.22 Problems of dust and consequent air pollution can arise from soil stripping, blasting, crushing and screening operations, stockpiling and the movement of materials. The severity of the problem will vary according to the time of year, moisture in the soil, temperature, humidity and wind direction.

2.1.23 Dust emissions can be reduced and properly controlled by careful planning and management. Examples include: locating features with dust creation potential (such as stockpiles) away from and downwind of residential properties and other sensitive land uses; the use of conveyors rather than haul roads; constructing stockpiles with gentle slopes; tar sealing internal haul roads; and enclosing dust generating plant and activities. Additional measures can be used to control the escape of dust and minimise pick up in the wind once the site is operating, including appropriate wheel cleaning facilities, vehicle speed restrictions, dampening haul roads and stockpiles, the use of fine water sprays, and sheeting of lorries. Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours.

Other Emissions

2.1.24 Industrial processes and transportation can give rise to other emissions to air, such as oxides of nitrogen (NO_x), oxides of sulphur (SO_x), volatile organic compounds (VOC's) and particulates (such as PM₁₀ and PM_{2.5}), amongst others. The regulation of these through the application of pollution control techniques is the responsibility of the Environment Agency through the pollution control regime, as described in Appendix K 'Regulatory Bodies', and as such it is not the responsibility of the minerals and waste planning authority to consider the merits or otherwise of any pollution control processes. It is the role of the minerals and waste planning authority to consider whether the development itself is an acceptable use of land, and the impacts of those uses.

2.1.25 It is the responsibility of District and Unitary authorities to identify air quality management areas (AQMA's) where national air quality objectives are exceeded, or are at risk of not being met, and to set out in a local air quality action plan measures that will be introduced to achieve the national air quality objectives. These are likely to have implications for proposed developments within AQMAs, or proposed developments that would generate significant traffic movements through AQMAs, and should be given specific and detailed attention within the planning application.

Transport

- Provide for the submission of a transport assessment, and a traffic management plan where vehicle movements are significant⁽⁹⁾
- Provide for appropriate traffic routing through Section 106 agreements
- Provide for suitable access
- Ensure the number, frequency and timing of vehicle movements are suitable to the local road network
- Provide for the maintenance of the local highway infrastructure should damage occur

2.1.26 Heavy lorries can have adverse impacts on residents and other sensitive land uses; they can also cause damage to roads and verges, especially at the point of access; they can contribute to congestion; they can contribute to noise and they can impact on road safety, if unsuitable roads are used. An unsustainable distribution of facilities can also result in wasteful consumption of fuel and excessive greenhouse gas emissions.

2.1.27 Where rail movements are impractical or unsustainable, recognised methods of controlling transport impacts can include travel routing agreements and sheeting of loads. However, proposals should be located so as to minimise "minerals and waste road miles" - the distances travelled by

⁹ It should be assumed that proposals will require a transport assessment, although the need for one should be confirmed with the Highways Authority at the earliest opportunity

wastes or minerals either to or from the proposal. As such, facilities co-located so as to utilise materials or wastes arising onsite or on adjacent sites will be supported. This is relative though, and what is considered an acceptable distance will vary depending on the specialised nature of the process, and the availability of similar or alternative processes within or beyond the Plan area.

2.1.28 Hours of operation can also be imposed on planning permissions as a means of minimising disturbance to neighbours. Even if site operations do not commence until the permitted hour, HGVs may arrive at the site entrance before this time, thus negating the benefits of controlling hours of operation. The control of these early morning HGV movements should be undertaken. There is also scope to restrict hours of working in order to control vehicle movements at peak times, and thus reduce the development's impact on the road network. In relevant circumstances applicants will be required to submit a transport assessment in support of their planning application.

2.1.29 Where road borne transportation of minerals is the most appropriate solution, we will ensure that efficiency improvements are made to reduce the number of vehicle movements required. As far as possible, all traffic will be encouraged to use the primary route network⁽¹⁰⁾, and this applies especially to heavy goods vehicles.

2.1.30 Developers should seek to mitigate these potential effects, through all phases of development, using planning or highway agreements where necessary, including through committing to pre and post commencement surveys to determine if any damage caused to the highway can be attributed to the development and compensated for. The aim is to ensure that the state of the local highway network is not adversely affected and local communities are not disadvantaged. There may also be scope to restrict hours of working in order to control vehicle movements at peak times, and thereby reduce the development's impact on the local road network.

2.1.31 Transport directly or indirectly associated with the development will not exceed the capacity of the local road network or result in any significant adverse impact on the amenities of the area.

Water Protection

- Developers should carry out detailed investigations into the effect of the proposed development on groundwater and surface water courses.
- Where appropriate provide for a flood risk assessment, including consideration of flood prevention and flood protection

2.1.32 With some operations there is the potential for impacts on the available water resource, either through pollution, abstraction for process water or impacts on water flows through dewatering operations. There are also opportunities through quarry restoration for enhancing the water environment through flood water storage schemes. Reference should be made to the North West River Basin District Flood Risk Management Plan.

2.1.33 Developers should discuss proposals for ground and surface water protection with the Environment Agency and Lead Local Flood Authority prior to submitting a planning application. Measures should include storing fuels and oil in appropriately designed tanks with impervious

¹⁰ The primary route network is illustrated in the key diagram and is made up of the main routes linking major destinations (mainly urban centres), these are the routes most suitable to HGVs. The suitability of sites that are not directly accessible from the primary route network, but instead require vehicles to travel on other roads once they leave the primary route network, will require an assessment of the suitability of the roads in question; this will include an assessment of the roads surface condition, width, bends, footpaths, visibility, and existing traffic movements (including recreational users such as walkers, cyclists and horse riders and a consideration of their unique needs and vulnerabilities), to provide an indication of its suitability for HGV movements.

bunds and requiring operation(s) to take place on impervious hard-standings. Wastewater generated on site should be re-used where possible and the operator should install on-site wastewater treatment if appropriate, or should demonstrate sustainable means of disposing of the waste water off site. Much of this is prescribed by other legislation.

2.1.34 Any developments that fall within a prescribed flood risk area will need to include the submission of a flood risk assessment, demonstrating that the development would not adversely contribute to fluvial flood risks or surface water flooding, and would not be susceptible to it, and provision should be made where there is a risk to ensure that the risk is minimised. Site selection should be in accordance with the sequential test as described in national policy and guidance.

Nature Conservation

- Provide for habitat surveys
- Provide for a scheme to demonstrate avoidance, mitigation, and as a last resort compensation, including a seasonal schedule of work to avoid disturbance
- Where appropriate provide for an appropriate assessment

2.1.35 Biodiversity can be affected either by habitat destruction or displacement (including habitat linkages) through construction on previously undeveloped or vacant land; or impacts on neighbouring habitats⁽¹¹⁾; or through the disturbance of species on surrounding land in much the same way as people (through dust, noise, pollution, light).

2.1.36 Consideration should be given early in the site design stage of how any nature conservation interests likely to be affected by the operations will be protected and enhanced, with evidence submitted in support of a planning application. This may include; undertaking surveys, leaving appropriate separation between workings and sensitive habitats or species, monitoring of the ecology of the site, and allowing for progressive restoration to minimise the risk of permanent change to the nature conservation interest. In addition to this there may be significant opportunities to benefit the local biodiversity, through proposals for habitat creation and long term management on the site, that could lead to a net gain for biodiversity.

2.1.37 Developers should consult the relevant Biodiversity Action Plan, River Basin Management Plan, and the landscape character types identified on the Lancashire County Council website, together with the findings of any site evaluation and biodiversity survey work carried out in support of the planning application. Proposals should consider both the potential impacts of the proposal on biodiversity, and potential opportunities for the proposal to enhance biodiversity. Developers should consider the proposed site in the broader environmental context, and identify any opportunities to improve the coherence and resilience of ecological networks.

2.1.38 The Nature on the Map⁽¹²⁾ website is a useful source of information on the location and qualifying features of the international and national designations. The local environmental records centre (LERN) can provide information on the extent of ecological networks, and holds information on species, habitats and protected sites; they can be contacted on lern@lancashire.gov.uk, and further information can be found on the Lancashire County Council webpage⁽¹³⁾. Further guidance for applicants on nature conservation and planning can be found on the Lancashire County Council webpage⁽¹⁴⁾.

11 Natural England has prepared an Impact Risk Zone GIS layer to assist when considering this issue

12 <http://www.natureonthemap.naturalengland.org.uk/>

13 <http://www.lancpartnerships.org/lern/>

14 <http://www.lancashire.gov.uk/council/planning/planning-application-process/ecology.aspx>

2.1.39 Applicants should demonstrate that any adverse impacts that might arise from the proposed development would not adversely affect the integrity of any SAC, SPA or RAMSAR site either alone or in combination with other plans or projects, where appropriate through the submission of an appropriate assessment.

2.1.40 In assessing proposals distinctions are required to be made between the hierarchy of internationally, nationally and locally designated sites, so that protection is commensurate with their status and appropriate weight is given to their importance and the contribution that they make to wider ecological networks.

2.1.41 In addition to the policies of the development plan, the minerals and waste planning authority has a statutory duty, under the Natural Environment and Rural Communities Act (2006), to have regard to the purpose of conserving biodiversity in exercising its functions, and under the Wildlife and Countryside Act (1981), to further the conservation and enhancement of the features of a SSSI when exercising its functions.

History and Geodiversity

- Provide for archaeological or heritage survey

2.1.42 Historic, archaeological and geological features contain irreplaceable information about our past. These features can include buried or above ground historic remains, exposed rock faces, standalone geological features or other features associated with historic mineral workings such as mine shafts or tram lines. Given the nature of proposals for minerals extraction in particular, their large size, extended duration of the development, and their utilisation of previously undeveloped land, they are more likely to have archaeological or geological impacts. Sufficient information should be made available to establish the site's archaeological or geological importance, which can include an archaeological assessment and a field evaluation where necessary.

2.1.43 The local historic environment records centre may be of assistance⁽¹⁵⁾. This type of information and early discussion of an application site can assist in identifying opportunities for accommodating the development in ways which would not cause unacceptable losses, for example, by amending site boundaries to avoid the most sensitive areas. There may also be need for a watching brief as phased operations progress.

2.1.44 Great weight will be given to the conservation of designated heritage assets (and non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments), in line with the NPPF.

2.1.45 In addition, the minerals planning authority has a statutory duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special regard to the desirability of preserving the setting of a listed building (s66) and for special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area (s72). These will be given considerable importance and weight, relative to other material considerations, when considering any planning application. In considering the proposed developments potential impact on the asset the developer should consider:

2.1.46 Does the proposal fall within and affect the setting of the asset?

- Visible presence
- Clear influence on surroundings

2.1.47 To what extent does the visible presence affect the significance of the heritage asset and the ability to appreciate that significance?

- Nature and character, including the architectural quality or interest, of the asset
- The contribution of the surroundings to the assets significance
- Nature and appearance of the existing surroundings of the asset, including a consideration of how the landscape has changed over time

2.1.48 Consideration of the future need for the mineral resource when considering restoration schemes or redevelopment proposals, particularly when considering inactive, dormant or historic quarries, must be taken into account to avoid sterilisation of a mineral resource that may be required to meet a particular demand for heritage stone required in building restorations or to implement design policies of the wider development plan.

Soil Resources and Agriculture

2.1.49 Developers will need to consider the proposed developments effect on the ability to work agricultural land adjacent to it, and the effect of the loss of any best and most versatile agricultural land necessary to facilitate the proposed development.

2.1.50 Further information is available on the MAGIC⁽¹⁶⁾ website.

Public Health

2.1.51 Where appropriate developers will need to consider the positive and negative impacts of the proposed development on the health and wellbeing of local communities close to the proposed development. These should include direct impacts on health caused through emissions to land, water, and air, and from transportation, and indirect impacts on health that might occur through social, economic and community factors.

2.1.52 Where appropriate developers will need to consider and explain how they will provide baseline, and on-going health surveillance monitoring in a way that provides confidence to the community in terms of its independence, integrity and accuracy.

Economics

2.1.53 Developers will need to consider the positive and negative economic impacts of the proposed development. The National Planning Policy Framework states that "*when determining planning applications, local planning authorities should...give great weight to the benefits of the mineral extraction, including to the economy*". This includes direct benefits of the extraction, and indirect benefits e.g. through the development of a local supply chain or other supporting infrastructure and services. These should be considered alongside the potential negative impact on local businesses operating in other sectors. When considering the economic impact reference should be made to any relevant local economic growth strategy.

2.1.54 There will be an expectation that proposed developments are supplied by local businesses as far as practicable.

Climate Change

2.1.55 The release of greenhouse gases through industrial processes, transport, waste management and disposal activities is acknowledged, but is a matter that is essentially outside of the control of the Minerals and Waste Planning Authority. The application of technologies to minimise or control emissions is a matter for the Environment Agency through the pollution prevention and control regime. However, it is appropriate that consideration is given to greenhouse gas emissions, within this context, and their land use implications; in particular the location of the proposed development relative to its market, and the mode of transport proposed to access this market.

2.1.56 Conversely, proposals must also be designed and located such that they are resilient to the effects of any reasonably foreseeable changes to the climate arising from climate change; for example proposals may need to be designed to be more resilient to flooding, or restoration schemes may need to focus on enhancing habitat connectivity. The planned length of operation of the proposed development will influence the degree to which these matters are taken into account.

Implementation

2.1.57 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

2.1.58 It should be noted that the findings of the Habitat Regulations Screening Report does not preclude the need for additional assessment under the Habitats Regulations should this be required by other regulatory processes identified at the application stage.

2.2 Minerals Exploration

Policy MW 2

Minerals Exploration

Proposals for minerals exploration activities will be assessed against the effects of the exploration activity rather than on the merits of any possible future proposals for commercial extraction, and without prejudice to the consideration of any subsequent planning application for appraisal or extraction. Proposals for exploration will normally be approved provided that they do not give rise to significant adverse impacts.

Justification

2.2.1 Mineral exploration is the process of ascertaining the presence, extent or quality of a mineral deposit with a view to commercial exploitation of that mineral. It encompasses a range of activities, including geological mapping, geophysical (seismic) investigations through shot holes or vibration platforms, and the drilling and investigation of boreholes to assess prospects in more detail (in some instances including lateral drilling).

2.2.2 Many proposals for mineral exploration are small scale, have limited environmental impacts and are permitted under the Town and Country Planning (General Permitted Development) Order 2015. Exploration not permitted by the general permitted development order requires a specific planning permission from the minerals planning authority, or are subject to prior notification procedures.

2.2.3 Whilst exploration is an integral part of the winning and working of minerals, the grant of permission to explore for minerals does not infer any principle that the winning and working of the minerals will be acceptable; every application must be considered on its own merits. The impacts of minerals exploration are, by the nature and scale of the operations, likely to be very different to the impacts associated with the winning and working of minerals.

Implementation

2.2.27 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

2.2.27 Some proposals for onshore oil and gas exploration may include some elements of appraisal alongside the exploration. These aspects of the application should be considered under Policy MW 17 'Onshore Oil and Gas'.

2.3 Planning Obligations

Policy MW 3

Planning Obligations

Where planning obligations are required to make a development acceptable in terms of its social, economic, and environmental impacts, the minerals and waste planning authority will seek to ensure the provision of, but not exclusively, the following where appropriate:

- Access or road improvements.
- Traffic routing.
- Long term aftercare or management.
- Provision of new or diverted footpaths.
- Public access to restored sites.
- Compensatory provision elsewhere for ecological mitigation.
- Wider transport improvements highlighted in the development's travel plan.
- District heating infrastructure.

Justification

2.3.1 Planning obligations offer a mechanism by which development proposals may sometimes be made acceptable by legally committing interested parties to matters which cannot properly be dealt with by conditions attached to a planning permission. They constitute a way of allowing development to proceed with safeguards, environmental improvements or other commitments. They do not constitute a device to enable unacceptable development to be permitted because of unrelated benefits offered by the applicant. The approach concentrates on ensuring the acceptability in planning terms of proposals and should not be misinterpreted as an attempt to negotiate financial or other compensation for individuals or communities. The tests as to whether a planning obligation may be legally applied, and full guidance on the implementation of planning obligations, are outlined in the Community Infrastructure Levy Regulations 2010 and the NPPF and NPPG.

2.3.2 As far as possible planning permission will be controlled by the imposition of conditions; obligations will be used to add to, not substitute for, this preferred approach.

2.3.3 In considering the scale and form of contributions, the Mineral and Waste Planning Authorities will seek to ensure that local communities and the environment are protected, as far as possible, from any planning loss brought about by new development, and that opportunities may be identified to enhance the proposal. Applicants are encouraged to discuss and agree contributions as early as possible.

2.3.4 Financial guarantees (restoration bonds) to cover restoration and aftercare costs may be necessary in exceptional circumstances. Further information is available under Policy MW 5 'Decommissioning, Restoration and Aftercare'.

Implementation

2.3.5 This will be implemented through negotiations with applicants, within the context of the other policies of the areas development plan, and the production of agreed heads of terms. Where obligations are required, the grant of planning permission will be conditional on the signing of the obligation's legal agreement; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

2.4 Development in the Countryside

Policy MW 4

Development in the Countryside

Proposals for waste management developments in the countryside will only be supported where it can be demonstrated that:

- Its specific rural location is necessary for the sustainable management of the waste, and
- It is in scale and keeping with its surroundings; and
- It would not result in an unacceptable loss of best and most versatile agricultural land; and
- The highway network and site access can satisfactorily accommodate the traffic generated

Proposals for minerals developments in the countryside will be supported where it can be demonstrated that:

- It would not give rise to unacceptable large scale landscape or visual impacts; and
- The highway network and site access can satisfactorily accommodate the traffic generated.

Justification

2.4.1 Minerals and waste developments can contribute to the maintenance of a strong rural economy, through employment, farm diversification, and their support to existing businesses. This is recognised in the NPPF, and the Plan's spatial priorities and objectives.

2.4.2 However, this must be balanced against the need to maintain the intrinsic character and beauty of the countryside. By their nature minerals and waste developments have the potential to be intrusive. In particular increased levels of light, noise or traffic can have a detrimental impact on the tranquil nature of the countryside. Likewise, the introduction of built forms can have significant visual or landscape impacts where they are not a current feature of the area, and the existing road network is often of a nature or character that is unsuitable for even a moderate number of heavy goods vehicles.

2.4.3 The type and amount of development in the countryside must therefore be strictly controlled; sensitive siting, design and operation are essential.

Waste

2.4.4 Whilst waste management operations are generally of an industrial nature, and the Plan seeks to ensure they take place in industrial locations, in certain circumstances it is advantageous for operations to take place in the countryside - through for example its proximity to the source of

waste arising in the countryside (e.g. a sewage works or dairy farm), or by virtue of its proximity to a customer base or market for the treated waste (e.g. land spreading), or due to the rural nature and associations of the operations (e.g. open windrow composting).

2.4.5 By their nature, these criteria indicate a small scale operation directly related to the operations of an existing rural development, i.e. an in house anaerobic digester associated with the treatment of wastes arising on site or within close proximity to the site, or open windrow composting and associated land spreading. Large numbers of vehicle movements would not be associated with this type of development, and would not be acceptable.

2.4.6 The size of the proposed facility, and the amount of traffic anticipated, are key factors in determining whether the proposal should more appropriately take place within industrial areas.

Minerals

2.4.7 Unlike waste developments, minerals developments generally have less flexibility around the choice of location; minerals can only be worked where they are found, and where they are accessible. Consequently proposals are most likely to occur in the countryside.

2.4.8 None the less heavy goods vehicles associated with minerals developments present a particular risk of damage to the integrity and safety of the road network in the countryside. Significant adverse impacts of this nature would not be acceptable, unless they can be alleviated to an acceptable level by appropriate means, including highway works. It would be preferable for development to be located with good accessibility to the strategic road network, either directly accessible by a new or existing access point that is acceptable, or a feeder road where the traffic, road safety and amenity impacts are minimised.

2.4.9 Landscape is a significant issue for minerals proposals in the open countryside; by the very nature of the deposits they are often associated with the better quality landscapes. Minerals developments can have a considerable, often adverse effect on the local landscape, in terms of disruption to and loss of distinctive local landforms. Proposals which have an unacceptable adverse impact on the local landscape character, or would result in the loss of key features, will not be permitted⁽¹⁷⁾. Although many minerals developments are temporary uses of land, their impact on landscape can last for many years following completion of working. Even with comprehensive restoration, recreating complex landscapes that have evolved over many years is difficult to achieve.

Implementation

2.4.10 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

2.4.11 The policy will be applied to proposed developments outside of the settlement boundary. The definition of the settlement boundary, and the open countryside, will generally be found in the unitary/District Local Plan. This policy should be read so as to provide additional context to any Unitary/District Local Plan policy on the Open Countryside, where those policies do not sufficiently reflect the specific issues associated with minerals or waste developments.

17 Further guidance can be found in the Minerals and Waste Planning Authorities' landscape strategy - <http://www.lancashire.gov.uk/council/strategies-policies-plans/environmental/landscape-strategy.aspx>

2.5 Decommissioning, Restoration and Aftercare

Policy MW 5

Decommissioning, Restoration and Aftercare

Proposals for minerals or landfill developments will only be supported where:

- Soils and soil making materials are appropriately handled and stored so as to ensure that damage to their structure is minimised; and
- It can be demonstrated that the site will be restored to a condition fit for an acceptable afteruse; and
- The proposal provides for progressive restoration where practicable; and
- Restoration is at the earliest practicable opportunity; and
- The restoration proposal reflects the nature and characteristics of the site and its surroundings; and
- The restoration proposal enhances the area and helps bring about an overall environmental improvement wherever possible
 - Where appropriate, this will include improvements to public access to the former workings to realise their amenity value; and
- The restoration proposal includes an acceptable aftercare scheme of an agreed timescale following restoration.

Justification

2.5.1 Minerals extraction and waste deposition can have a substantial impact on people and the environment of an area. Notwithstanding that they can have long lifespans they are temporary development and on their ultimate completion the land must be reclaimed and returned to its previous use or a new one.

2.5.2 Once the development ceases it is important that this land does not become derelict or remain out of beneficial use for long periods. If there is serious doubt that satisfactory restoration can be achieved, then planning permission for the development will not be granted.

2.5.3 Agreeing and fixing a date for development to end and for restoration to be completed reflects the transitory nature of some mineral and waste developments. It offers the prospect for greater transparency, which in turn should instil greater public confidence in the decision-making process. Time limits ensure that sites are utilised and reclaimed or restored to other beneficial uses at the earliest opportunity, and within acceptable timescales, in the interests of the local characteristics of the site and its surroundings, visual amenities and the amenities of local communities. The effect of the duration of development can be important to the well-being and amenity of local communities living in close proximity to mineral and waste developments. Whilst most impacts can be mitigated, some impacts which are genuinely felt but not necessarily of a physical nature, can only be mitigated by time limiting the duration of development.

2.5.4 In agreeing a fixed time limit for completing the development and restoration, the effect on local amenity and environment and other land uses must be considered and weighed in the balance with the need for the development, including the importance of its continuing contribution to local or national supply as set out in the Local Plan and national policy, as well as the ability to achieve a suitable final landform and after-use. The onus will be on the applicant to provide, as far as practicable, a realistic and achievable indication of the anticipated duration to complete the development. This will be supported by credible and reliable predictions of future demand and an assessment of market, commercial and any other factors which could curtail operations during that time.

2.5.5 Detailed restoration proposals providing for the progressive restoration of the site are required for all applications for minerals extraction or waste deposition.

2.5.6 Proposals should aim to assimilate the site into its surrounding landscape. They should be informed by and sympathetic to the character of the landscape and its features.

2.5.7 Restoration proposals should be seen as an opportunity for creating land-uses of benefit to the environment and the public to partly compensate for the disturbance that the development will cause⁽¹⁸⁾. These could include public access, education, flood amelioration or water purification, carbon capture and storage, or locally significant habitat creation (with reference to the relevant BAP targets); the creation or enhancement of habitat linkages to allow restored sites to link up the ecological network on a landscape scale is encouraged. Decision making will recognise the value of the services provided by the natural environment and as such the weight attached to these ecosystem services should be considered to have the same weight as the easier to quantify economic benefits associated with other restoration options such as farming and leisure.

2.5.8 Proposals involving the use of best and most versatile agricultural land need to include satisfactory evidence that measures to be taken will reclaim land back to the best and most versatile category.

2.5.9 Developers should consider the appropriate restoration of the site at the planning application stage. The level of detail required will depend on the expected duration of operations on the site. On long-term sites, where it is difficult to determine precise afteruse, it may be impractical to submit full restoration proposals. It may be more appropriate to include a restoration strategy or an overall concept plan so that the viability of restoration can be established at the outset. Full restoration details should be submitted thereafter on an agreed phased basis.

2.5.10 It may be necessary, in exceptional circumstances, for the operator to enter into a planning obligation or financial guarantee (bond) sufficient to provide for the restoration of the proposed development in the event of operator failure, particularly if the proposal utilises a novel approach or technique, or the proposal is very long term.

2.5.11 The overburden produced during quarrying is often replaced in the resultant quarry void and so, together with the subsoil and topsoil, is essential to restoration and should not be regarded as a waste. In managing mineral waste, wastes will be used positively wherever appropriate and will not constitute a nuisance before a suitable use can be found.

18 Within the context of the commitment to net environmental and climate in the Governments 'A Green Future A 25 Year Plan to Improve our Environment', restoration of mineral workings and landfill is in a unique position to provide this on a significant scale

2.5.12 In line with national policy this Plan pursues a general approach of applying a downward pressure on landfilling, as part of moving waste management up the waste hierarchy. The fundamental objective of this policy is to ensure the reclamation of waste and minerals sites, rather than to provide for more capacity for landfill, i.e. to ensure that sites are only restored by landfilling with waste if that proves a satisfactory restoration solution. The reclamation benefits likely to be achieved must outweigh any disbenefits of landfilling; it is unlikely that the large scale importation of waste as part of the restoration of a site will be acceptable in most circumstances.

Implementation

2.5.13 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

2.6 Protection of the Surface of the Former Saltfield from Development

Policy MW 6

Protection of the Surface of the Former Salt Field from Development

The surface of the Preesall Salt Field will be protected from development which may be adversely affected by land instability due to the existence of underground cavities.

Justification

2.6.1 An important function of the planning system is to guide development to the most suitable sites. This means taking account of a wide range of factors that can influence the suitability and physical capability of land for different types of development. Potential hazards associated with the environmental geology are a factor to be taken into account as part of this process.

2.6.2 The solution mining method of extracting salt/brine results in large underground voids which are filled with saturated brine. Although unlikely to cause subsidence it is appropriate to adopt a precautionary approach when it comes to permitting surface development in the area of these cavities.

2.6.3 Proposals for built development which is not closely located to existing development will need to take into account the potential effects of land instability; this may include the submission of detailed investigations.

Implementation

2.6.4 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report. It is likely that the majority of applications that are likely to come forward will be submitted to the Local Planning Authority to determine.

3 Ensure the Prudent Use of Resources

3.1 Mineral Safeguarding

Policy MW 7

Safeguarding Minerals

Mineral resources with the potential for extraction now or in the future must be safeguarded against needless sterilisation by other forms of development. Within the Plan area, Mineral Safeguarding Areas have been delineated on the Policies Map around all known deposits of:

- Limestone
- Sand and Gravel
- Gritstone [Sandstone]
- Shallow Coal
- Brickshales

Within these mineral safeguarding areas identified, planning permission will be supported only where the applicant can demonstrate to the satisfaction of the local planning authority that either:

- The mineral resource is not likely to be subject to commercial extraction, now or in the future, by virtue of significant levels of prior development in the locality, or the quality or quantity of the mineral resource; or
- The development will not prejudice the working of the mineral resource; or
- There is an overarching need for the development, in that location, which outweighs the need to avoid the sterilisation of the mineral resource.

Justification

3.1.1 An important function of the planning system is to guide development to the most suitable sites. This means taking account of a wide range of factors that can influence the suitability and physical capability of land for different types of development. Potential issues associated with the environmental geology are a factor to be taken into account as part of this process.

3.1.2 Minerals are a finite resource and need to be carefully managed and used within a sustainable planning framework⁽¹⁹⁾. This is to ensure that mineral resources are not needlessly sterilised by our actions, to the detriment of future generations⁽²⁰⁾.

19 All local planning authorities are required by national policy to ensure that unworked mineral deposits are safeguarded from development that would unnecessarily sterilise their potential exploitation at some future date, and to delineate them on the policies map

20 As such the quantity of any permitted reserves of the mineral in question is not relevant when considering the sterilisation of that mineral

3.1.3 The presence of a MSA does not necessarily preclude other forms of development being permitted nor confer any presumption that the mineral will be worked⁽²¹⁾. It is a policy tool to alert the applicant that minerals may be sterilised by the proposed development and that this should be taken into account by the planning process.

3.1.4 This policy provides criteria against which to judge the appropriateness of a development, or a site allocation in a draft local plan, within a mineral safeguarding area (MSA)⁽²²⁾. The mineral deposits within the Plan area are extensive and whilst they continue beneath urban areas they are already sterilised by non mineral development and are not sufficiently valuable with very little prospect of future working. Therefore in a wish to make our safeguarding realistic and practical as possible we have excluded such areas from the mineral safeguarding areas. None the less, large scale regeneration projects have the potential to yield minerals from areas that were previously considered to have been sterilised. Applicants should be mindful of the contribution that these minerals can have to sustainable development, and prior extraction would be encouraged in these circumstances.

3.1.5 This policy seeks to prevent the needless sterilisation of mineral resources by non-minerals development.

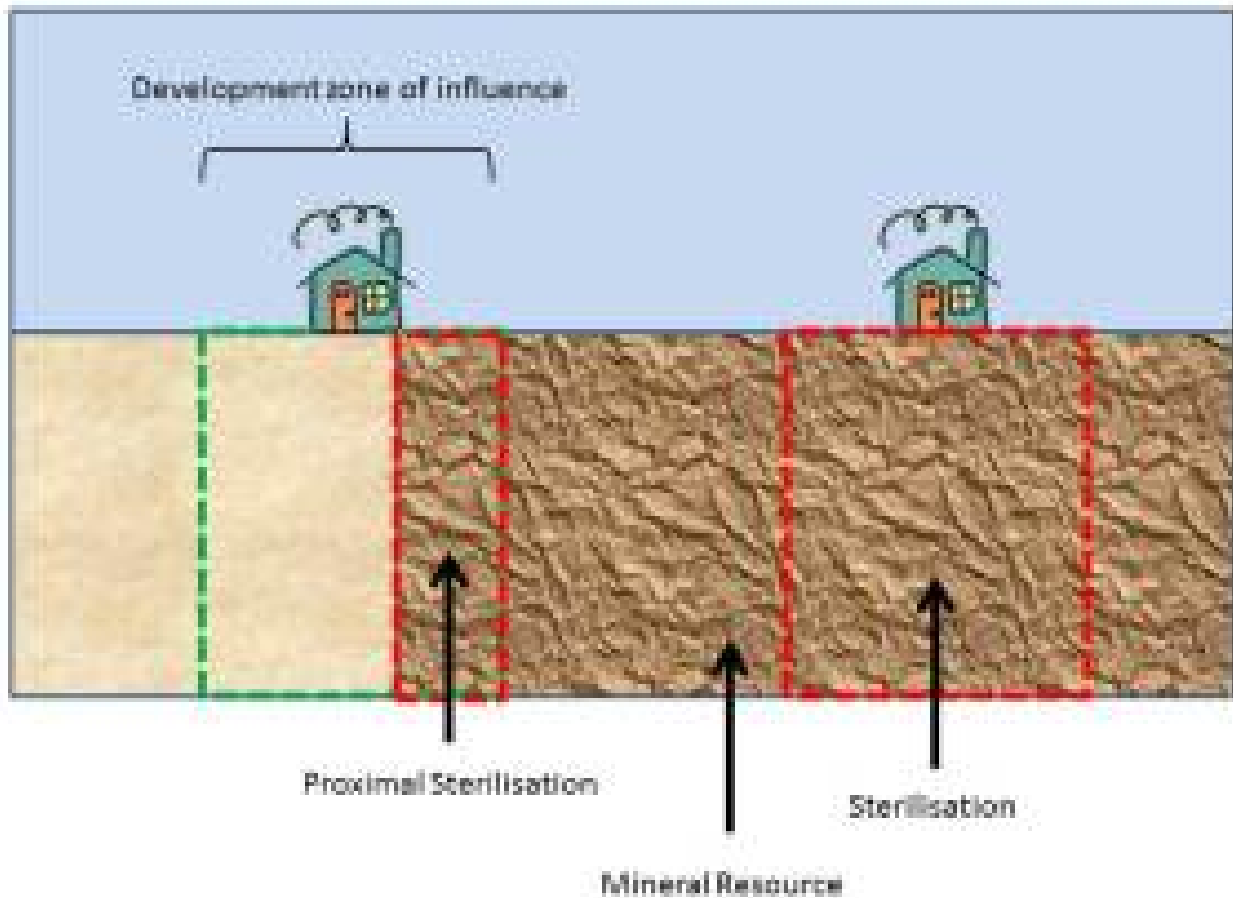
3.1.6 Even very small developments require the greatest scrutiny as they have the potential to sterilise large amounts of mineral, both through their immediate land take and their presence influencing the potential workability of the surrounding land (as illustrated below); this can also include indirectly sterilising the mineral through closing off the access to a mineral resource, in circumstances where access to the resource is limited.

3.1.7 Further to this, the MSAs in and around existing quarries will need to be enforced stringently, so as to prevent the sterilisation of reserves or resources by proximal development; the relevant quarry operator should be consulted in these circumstances.

21 Nor does the MSA designation provide any support for a planning application for minerals extraction submitted within it.

22 In compiling these mineral safeguarding areas the British Geological Survey (BGS) map 'The Mineral Resource Map for Lancashire 2006' (comprising Lancashire, Blackburn with Darwen and Blackpool) has been used as the best source of information available.

Figure 1 Proximal Sterilisation



3.1.8 Clearly there are many forms of development that, by their nature, will not lead to the sterilisation of mineral resources. Proposals which are excluded from these considerations are:

- Development already permitted by the General Development Order
- Development where outline planning permission has already been granted
- Development within the curtilage of existing developments
- Listed building consent applications Advertisement applications
- Applications for new or improved access
- Lawful development certificates
- Temporary development which can be completed and the site returned to its original condition prior to the minerals being worked

Temporary development

3.1.9 For other types of development, if the development is temporary sterilisation or prior extraction is unlikely to be a consideration; consideration will still need to be given to their impact on the operation of any permitted quarries or site allocations in the vicinity, or how they may be impacted on by the quarry.

3.1.10 The degree of engineering work associated with the proposed development is likely to be a key consideration when determining if the proposed development is temporary; the nature of land ownership associated with the proposed development is also likely to be significant in informing this consideration of 'permanence'.

3.1.11 Consideration must also be given to the likely demand for the mineral resource during the anticipated lifespan of the proposed development – the upper limits of temporary may be as short as a couple of years in certain circumstances adjacent to an active quarry or on an identified mineral reserve.

Urban areas

3.1.12 Within urban areas, whilst any mineral resource present could be considered to have already been sterilised, there are circumstances when the mineral resource may be accessible; in particular large scale redevelopment or urban renewal projects. To ensure these are addressed, without increasing the burden on other applications:

- the policy extends mineral safeguarding areas over urban areas for sand and gravel, and coal.
- within these urban MSAs, proposals for development of over 5ha would fall under Policy XX.

The value of the mineral resource in planning terms

3.1.13 The applicant will need to consider the quality of the resource when determining if there is likely to be a commercial interest in it. This should concentrate on whether the mineral resource has the specification required to meet its intended use; does it fulfil a BSI standard or equivalent (with or without processing). The need to process the mineral to produce a saleable product will affect the economics of extraction, both through the costs of waste disposal and the provision of extra plant.

3.1.14 The depth of overburden is a key consideration when assessing the commercial interest of the mineral. As a rule of thumb it is uneconomic to extract material with a greater than 1:1 overburden to mineral ratio (though this is influenced by the value of the mineral, coal can be viable with ratios of 40:1 on a large enough site): likewise the presence of interburden.

3.1.15 The proximity to market, and the associated transport costs, will influence these economics.

3.1.16 In addition, the applicant will need to consider if the mineral resource is present in a realistic quantity when determining if there is likely to be a commercial interest in it.

3.1.17 Small ribbons or isolated occurrences of mineral resource are unlikely to be economic to work and so sterilisation may not be an issue. Likewise, if the surrounding area is developed to such an extent that it makes the potential extraction of minerals unfeasible it can be considered that the mineral resource is already sterilised. Page 61

or if the area contains scattered houses, or fields broken up by roads, that reduce the amount of free land potentially developable for a quarry. The quality of mineral and its intended end use will influence the quantities needed to make the mineral of a commercial interest; 10,000 to 100,000 tonnes of mineral resource may be viable (though possibly as low as 1,000 tonnes may be viable for some minerals), over 100,000 tonnes is likely to be viable and so represent a mineral resource with a likely commercial interest.

3.1.18 If it is unlikely there will be a commercial interest in the mineral resource the applicant is none the less encouraged to make use of any mineral that may be available through prior extraction in the design and construction of the proposed development. However, consideration of proximal sterilisation may still be necessary if the proposed development is close to potentially workable mineral resources.

Overarching need

3.1.19 Ultimately it is for the LPA to determine the level of need for the proposed non-minerals development based on the information specific to that particular development proposal. Primary consideration will need to be given to the policies of the development plan, read as a whole, then to other material considerations.

3.1.20 Minerals can only be worked where they are found. The needs of the present generation for economic growth or housing should not be found to outweigh the needs of future generations for access to local construction raw materials without due consideration of alternative sites. It is not enough simply to say that the short term market demand for housing outweighs the long term demand for minerals.

3.1.21 Considerations will include the development's contribution to the delivery of the Local Plan's vision or strategic land allocations, and the level of economic benefit associated with the non-minerals development, particularly relative to the level of need for that benefit in that location. This will need to be balanced against the importance of the mineral resource in terms of its quantity and quality and, if prior extraction is being considered, its effect on the timescale for implementing the non-minerals development.

Prior extraction

Prior extraction⁽²³⁾ may enable an otherwise unacceptable development to be found to be acceptable. Consideration will need to be given to whether prior extraction of the mineral resource is feasible or desirable in that location. Prior extraction of the mineral resource need not necessarily result in delay to development if it were considered early enough in the developer's decision making process.

3.1.22 Prior extraction is unlikely to be practicable for small developments, and significant levels are unlikely on any development proposal less than 5ha. Sterilisation, both on the development site and proximal to the development, is likely to be the main consideration for small sites, which have just as much potential to sterilise a mineral resource as a large development.

3.1.23 When considering prior extraction the depth of overburden must be considered in the context of the size of the site. The depth of overburden is a key consideration when assessing the commercial interest of the mineral. As a rule of thumb it is uneconomic to extract material with a greater than 1:1 overburden to mineral ratio.

3.1.24 Prior extraction of hard rock is only likely to be practicable if it is a large development proposal where the resultant void could be combined with opportunities for SuDS measures, or the site as a whole could be accommodated within the void in a way sympathetic to the surrounding landscape and land uses. Most sites will likely only yield rock as a by-product of the necessary ground works associated with the development, which could nevertheless provide some building stone for boundary walls etc, but is unlikely to yield a meaningful quantity, and would be ancillary to the operations permitted through the construction works rather than extra works distinct from them. The use of waste stone in boundary walls could be conditioned, but prior extraction is unlikely to be a consideration.

3.1.25 Prior extraction of coal or sand and gravel is in comparison much more practicable.

3.1.26 Excavator booms will typically be able to create a void 5-6m deep; going deeper will require steps in the void, which will not be practicable on smaller sites given the batter necessary to ensure land stability (the batter slope will also be influenced by the material excavated). Further to this small sites may not be able to practicably store the overburden without constraining site operations.

3.1.27 Prior extraction is likely to significantly affect the nature of the site, by potentially changing the ground conditions (either through reducing the site levels, exposing a bedrock or producing made land through the importation of inert fill to fill the void created by the removal of the mineral), altering the site levels, and introducing slopes. All of these will affect the potential for the land to accept built development, particularly in areas at risk of flooding. The potential to exploit these effects to improve the scheme should also be considered through, for example, the reduction in the visibility of the proposed development by locating it in the void, or the creation of SuDS attenuation measures in the void.

3.1.28 Any minerals extracted from the site that are not used on site will need to be removed off site, either direct to market, or to another site for storage prior to sale or for processing to a saleable product. Overburden may also need to be moved off site temporarily. This may generate significantly more vehicle movements than if the site were to be developed with the minerals in situ. Furthermore the storage of material onsite will need to be considered, and its potential effects on the design and phasing of the proposed development, particularly on a small site. Potential markets for the minerals extracted should be identified in the minerals resource assessment.

Implementation

6.2.5 This policy will be implemented through the approval of applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; to be monitored and reported in the Joint Authorities Monitoring Report. Outside of the administrative areas of Blackpool and Blackburn with Darwen the district and borough councils will be required to consult Lancashire County Council on relevant non Minerals and Waste developments that are within the mineral safeguarding areas. It is likely that the majority of applications that are likely to come forward will be submitted to the Local Planning Authority to determine.

3.1.29 Applicants can assist the LPA in determining whether their application is in accordance with the policy through the submission of appropriate information. This should be in the form of a mineral resource assessment, more details of which can be found in Appendix F 'Mineral Resource Assessments'. The level of detail should be appropriate to the scale and nature of the proposed development.

3.1.30 Pre-application discussions and engagement is useful as it will enable an applicant to be better informed of what is required at submission, allowing more time for evidence to be collected and considered before the scheme is finalised and submitted to the LPA. This serves to reduce the risk of a delayed, prolonged determination of an application.

3.2 Conservation of High Quality Material

Policy MW 8

Ensuring the Best and Most Efficient Use of Resources

Minerals should only be extracted where they meet a proven need for materials with those particular specifications. High grade minerals should not be used for more general purposes when lower grade alternatives are readily available.

Where proposals are justified on the basis of a resource's specific qualities consideration will be given to:

- Evidence supporting the specific quality of the material
- The need for it in relation to its proposed purpose
- An examination of alternative sources of supply, including secondary and recycled material

Justification

3.2.1 In order to conserve high grade resources minerals should be used for purposes for which they are best suited.

3.2.2 Rigorous evidence will need to be provided to demonstrate the special quality of the material (in relation to its physical or chemical properties), together with the need for it in relation to its proposed purpose and an examination of alternative sources of supply.

3.2.3 Although the policy does not seek to control the end use of high quality materials, in some cases it may be appropriate to control the quantity and nature of the materials to be extracted by planning condition or planning obligation.

Implementation

3.2.4 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

3.3 Sustainable Construction and Waste Management in New Developments

Policy MW 9

Sustainable Construction

All new developments will be expected to maximise the use of recycled and secondary materials by including measures to:

- reduce, reuse, recycle and recover the waste they produce during construction and demolition, where possible on-site;
- maximise the use of recycled and secondary aggregates, and the reuse of other building materials, within the development; and
- maximise the potential for recovering and recycling construction materials at the end of the development's life, through the design of, and specification of materials used in the development.

Proposals that are likely to generate significant volumes of waste should be accompanied by a waste audit setting out the anticipated volumes of demolition or excavation wastes and the measures proposed to manage those wastes, both on-site or off-site.

Justification

3.3.1 We know that we cannot go on consuming our natural resources at the rates we have in the past. As well as using up valuable finite resources at an unsustainable rate, this brings problems in dealing with the wastes generated, both on a global scale through the emissions of greenhouse gases that our waste generates, and on a local scale through the potential nuisance created by the collection, transport and disposal of our waste.

3.3.2 Waste minimisation sits at the heart of the national waste agenda and at the 'top' of the waste hierarchy. It embraces a wide range of initiatives, most outside the scope of land-use or spatial planning. Many of these initiatives will be very familiar to us.

3.3.3 In accordance with National Planning Practise Guidance waste audits should only be necessary for developments likely to generate significant volumes of waste, for example very large scale development proposals or large scale regeneration proposals. In these circumstances it is recommended that The Institution of Civil Engineers 'Demolition Protocol' be applied; this contains a framework methodology to help developers ensure that the potential for incorporating recovered and recycled demolition materials into the new build phase has been effectively considered, and aims to add value by saving costs.

Implementation

3.3.4 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be

monitored and reported in the Joint Authorities Monitoring Report. It is likely that the majority of applications that are likely to come forward will be submitted to the Local Planning Authority to determine.

Policy MW 10

Designing in Waste Management

All new developments should provide adequate space for the storage of recyclate and waste during the operation of the development. The location of any bin storage areas should be secure and not visually intrusive.

Significant weight should be afforded to proposals which seek to manage waste arisings on site.

Justification

3.3.5 Household waste collection has been transformed over recent years, with the separate collection of paper, glass, metals, plastics and green waste designed in part to raise awareness of waste generation and minimise wastes going to landfill. The provision of composting bins to households and the switch to fortnightly collections using specific bins are designed to reduce the amounts of household waste to be managed.

3.3.6 They do however have the potential to affect the street scene, both in city centres and residential neighbourhoods, and the provision of adequate space for waste and recyclate storage is an essential part of ensuring good design. Secure storage space is also necessary, particularly at commercial and industrial locations, to prevent vandalism and arson. These should also be accessible to refuse collection vehicles and staff.

3.3.7 The LPA, in their capacity as waste collection authority, is the best source of information on the space and access requirements associated with kerbside collection.

3.3.8 Industrial developments potentially generate significant volumes of waste, in the case of larger developments this waste can be of a sufficient volume and make up to result in on site waste management processes becoming viable; specific examples include anaerobic digestion associated with the food industry and sewage treatment. Where this treatment would otherwise take place off site, or replaces a waste management process further down the waste hierarchy, it has the potential to reduce the amount of vehicle movements, and the waste miles travelled. This is a significant benefit that should be weighted in the proposals favour.

Implementation

3.3.9 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report. It is likely that the majority of applications that are likely to come forward will be submitted to the Local Planning Authority to determine.

4 Supporting Growth and Innovation

4.1 Meeting the Demand for Aggregates

Policy MW 11

Aggregate Provision

Provision will be made for the extraction of the following amounts of mineral for aggregate use between 2017-2034:

- 6.8 - 8.8 million tonnes of Sand and gravel
- 15 - 18 million tonnes of Gritstone
- 34 - 37 million tonnes of Limestone

This provision will be made through a combination of existing permitted reserves, and limited new permissions or extensions where necessary (including where necessary to maintain a landbank of at least 7 years for sand and gravel and 10 years for limestone and gritstone.).

Justification

4.1.1 Aggregates are materials used in the construction industry. The development and maintenance of roads, houses, schools and commercial and industrial buildings all depend on a supply of aggregates for concreting, filling and surfacing purposes. Lancashire's aggregate minerals comprise of sand and gravel, limestone and gritstone (including sandstones and shales).

4.1.2 The minerals and waste planning authority sit on the North West Aggregate Working Party; a key part of this is the production of a local aggregate assessment. The Joint Lancashire Local Aggregate Assessment reports annually on the production and sales of aggregates, and the permitted reserves of aggregate minerals. The figures described above are informed by the Local Aggregate Assessment 2017⁽²⁴⁾. A summary of the Local Aggregate Assessment 2017 (using 2016 data) is set out in Appendix B 'Aggregate Objectively Assessed Need (Local Aggregate Assessment 2017, using 2016 data)'.

4.1.3 They represent the forecast demand during the plan period, as a range using the projection of the average of 10 years production and sales figures to inform the lower figure and the average of 3 years production and sales figures to inform the higher figure. The use of either figure in isolation would be inappropriate as, for example the use of a lower figure is only likely to support recent levels of growth not reflective of growth aspirations expressed in national policy and emerging district local plans, whilst the higher figure may result in over provision should economic uncertainties continue.

24 It has been necessary to extend the Local Aggregate Assessment projections so that they correspond to the plan period - the figures above are for a 17 year period of forecast demand

4.1.4 The use of a range of figures is considered appropriate due to the uncertainties around predicting future demand. When considering this range reference should be made to the most recently published local aggregate assessment, which provides information on annual production and sales, and their trends (the figures below are informed by the most up to date information available at the time, 2016 production and sales). Should these trends indicate an increase in demand for aggregates, through an upturn in the 10 year average or a sustained upturn in the 3 year average, then provision towards the higher range of figures would be considered appropriate. The use of the range of figures, and the monitoring indicators, is in the interest of sustainable development and conserving mineral resources, and avoiding the unnecessary over provision of permitted reserves.

Summary of the Local Aggregate Assessment 2017 projected demand and supply (projected an additional 2 years to 2034 to provide for plan period)

2017-2034 (17 years)	Sand and Gravel (million tonnes)		Gritstone (million tonnes)		Limestone (million tonnes)	
	<u>3</u>	<u>10</u>	<u>3</u>	<u>10</u>	<u>3</u>	<u>10</u>
Projection of average of <u>x</u> years production and sales figures	<u>3</u>	<u>10</u>	<u>3</u>	<u>10</u>	<u>3</u>	<u>10</u>
Annual demand	0.52	0.4	1.06	0.92	2.18	2
Forecast Demand	8.84	6.8	18	15.64	37.06	34
Permitted Reserves	7	7	77.86	77.86	58.02	58.02
Shortfall in Supply	-1.84	-	-	-	-	-
Surplus in Supply	-	0.2	59.86	62.22	20.96	24.02
Surplus in supply represents a landbank of <u>x</u> years	-	<u>less than 1</u>	<u>63</u>	<u>67</u>	<u>9</u>	<u>12</u>

4.1.5 The permitted reserves appear sufficient to meet estimated need during the plan period, and provide for a landbank beyond, with the exception of sand and gravel. However, resources are no guarantee of supply. There are potential issues around continuity of supply for all of the mineral types.

4.1.6 The potential issues around the continuity of supply associated with the delivery of the forecast demand are described in the following mineral specific policies.

4.1.7 Minerals can only be worked where they occur; their distribution is not even, either in terms of quality or quantity, within the Plan area, and within the North West region, or England as a whole. Inevitably given the nature of such, these operations are usually undertaken in open countryside areas, and they can be moved long distances to their relevant market.

4.1.8 Where mineral extraction does take place, it is important that we make the most efficient use of those minerals. We will encourage operators to undertake extraction efficiently, in order to maximise the economic value of the mineral and minimise waste, and to avoid the potential for sterilisation of any further minerals in proximity to current workings. In instances where different minerals are found in the same location, it is beneficial in environmental and economic terms for the minerals to be worked together. Concurrent working will be encouraged where it is demonstrated that this will maximise the recovery of the materials worked, including secondary materials.

4.1.9 It is not unusual for mineral operations to have some adverse impacts and the acceptability of such must be weighed against the benefits of exploring, appraising and winning minerals.

Implementation

4.1.10 In line with the Planning and Compulsory Purchase Act 2004, and as described in Appendix A 'Implementation, Monitoring and Policy Evaluation', the evidence base will be monitored and reviewed regularly. This policy will be monitored using the Joint Lancashire Local Aggregate Assessment; annual updates of which will also take into account neighbouring Local Aggregate Assessments, in particular the Greater Manchester, Merseyside and Warrington Local Aggregate Assessment, the administrative area of which has limited mineral resources and increasing economic growth aspirations and resource demands.

4.1.11 The policy should be read together with the most up to date local aggregate assessment, which is capable of being a material consideration, particularly as the plan period progresses. If, during the plan period, provision, production or need is not as expected, then the adequacy of the landbank could be reassessed when considering particular planning applications.

4.1.12 The average of three years sales data will be key when considering the general trend of demand, relative to the provision identified above, as part of the consideration of whether it might be appropriate to increase supply through the release of additional permitted reserves.

4.1.13 In line with the Planning and Compulsory Purchase Act 2004, and as described in Appendix A 'Implementation, Monitoring and Policy Evaluation', the Local Plan will be reviewed and kept up to date where necessary.

4.1.1 Managing Limestone Aggregate Supply

Policy MW 12

Limestone for Aggregate Purposes

Proposals for the winning and working of limestone for aggregate purposes will only be supported:

- At Dunald Mill quarry within the land shown on the Policies Map; or
- Where the proposal is to increase the working depth at an existing limestone aggregate quarry

Only if:

- it is necessary to contribute to the continuity of supply, or towards the end of the plan period for the maintenance of a suitable landbank in line with national policy; and
- does not give rise to significant amenity or environmental impacts,

Proposals will be permitted at Dunald Mill only if:

- they make satisfactory arrangements for the diversion of any highway affected; and
- satisfactory arrangements are made for the management of traffic generated by the proposal, and that these arrangements form part of a long-term solution to accessing existing and prospective extractive operations in the Kellet mineral resource area, such as the implementation of route MRT14 safeguarded through Policy MW 26 'Safeguarding of Land for Access Improvements' or a suitable alternative.

The precise extent of additional extraction and processing will be determined by detailed evaluation of environmental impacts and the introduction of appropriate measures to minimise those impacts to acceptable levels.

Justification

4.1.1.1 The policy aims to address a potential issue in the provision of crushed rock aggregate over the period of the plan identified in the Local Aggregate Assessment 2017. The concentration of limestone reserves in only a limited number of quarries may constrain the ability of the mineral industry to maintain production of limestone at a level commensurate with predicted annual demand during the plan period. The policy above would provide for greater flexibility over the plan period, particularly when existing reserves at individual quarries are nearing exhaustion. In addition the landbank is approaching the minimum level required by the NPPF at the end of the plan period, and will fall below it if sales continue or exceed recent levels.

4.1.1.2 To maintain Lancashire's required level of limestone production, any necessary additional provision could only be provided by the extension or deepening of existing sites⁽²⁵⁾. Dunald Mill is identified as a reserve site because it offers the best prospect over other lateral extensions of

25 The scope for limestone quarrying is limited by the extent of the mineral resource within the Plan area, much of which is in areas of great environmental sensitivity such as the Arnside/Silverdale AONB

ensuring a level and continuity in production levels (due to its planning permission currently being set to expire during the plan period) with the potential for only limited additional environmental impacts.

Implementation

4.1.1.3 Additional extraction at Dunald Mill quarry is anticipated to include land carrying a public highway which will be closed and a replacement highway would need to be provided. A route is safeguarded under Policy MW 26 'Safeguarding of Land for Access Improvements' and shown on the Policies Map which is considered would not significantly impact on neighbouring land uses.

4.1.1.4 Proposals must come forward with satisfactory arrangements for managing the additional traffic generated and will be expected to consider arrangements for accessing the Kellet mineral resource area in the longer-term, to ensure there is no increase in quarry traffic in the villages and to reduce the impact of traffic from ongoing operations. This could include the provision of a haulage road through Back Lane and Leapers Wood quarries, as safeguarded under Policy MW 26 'Safeguarding of Land for Access Improvements' and indicated on the Policies Map, and proposals will be expected to show proper consideration has been given to this alternative route.

4.1.1.5 Information on aggregate supply is reported in the Joint Authorities Local Aggregate Assessment.

4.1.1.6 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory when tested against the policies of the development plan. These outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

4.1.1.7 Increasing the working depth of a quarry can have implications for the hydrogeology of the area. Proposals would need to demonstrate that unacceptable adverse hydrogeological impacts will not arise.

4.1.1.8 Due to the current confidentiality agreement placed on the AWP data, the Joint Authorities Monitoring Report cannot report on the proportion of the landbank held by the each of the minerals operators. Consequently, this policy will rely in part on the industry to provide information in support of an application.

4.1.2 Managing Gritstone Aggregate Supply

Policy MW 13

Gritstone for Aggregate Purposes

Proposals for the winning and working of gritstone for aggregates will only be supported where:

- The proposal is an extension to an existing site which will contribute to the continuity of local supply and does not give rise to significant amenity or environmental impacts; or
- The proposal involves the amending of boundaries at existing operations where the net area would not be extended and would result in significant net environmental benefits.

The precise extent of additional extraction and processing will be determined by detailed evaluation of environmental impacts and the introduction of appropriate measures to minimise those impacts to acceptable levels.

Justification

4.1.2.1 Gritstone permitted reserves do suggest a considerable over-provision during the plan period. However, these reserves are distributed unevenly between the quarries; a significant proportion of the gritstone reserve is at one site in Rossendale, where production at the present time and for the foreseeable future may be low.

4.1.2.2 Due to its physical properties gritstone is mainly used for graded fill, limestone can in addition be used in road building for sub base and coated stone⁽²⁶⁾. Thus the main market for gritstone and shales for aggregate purposes is as a low cost material, and so the transport costs are much more influential in determining the viability of extraction operations or civil engineering projects.

4.1.2.3 As a result the market area for a gritstone quarry is typically much more limited than that of a limestone quarry. The existing distribution of gritstone quarries currently appears to ensure that local needs for bulk aggregate are met and discourages the use of limestones for low-grade uses.

4.1.2.4 The policy aims to address a potential issue in the provision of crushed rock aggregate over the period of the plan. Whilst total reserves are adequate to satisfy the objectively assessed need over the plan period, these reserves are unevenly distributed. Over time more of the production of gritstone aggregate would default to the larger quarries as those with smaller permitted reserves become worked out. This may constrain the ability of the mineral industry to maintain production of gritstone sufficient to meet the needs of the construction industry locally. The policy above would avoid a disproportionate weight being given to the landbank, over the potential economic benefits of the continued operation of the existing network of quarries. It will provide for greater flexibility over the plan period, particularly when existing reserves at identified sites are nearing exhaustion, in order to ensure the continuity of a local supply.

4.1.2.5 However, the benefits of maintaining a local supply must be measured against the impacts of a quarry's continued operation on the surrounding area, particularly given that the landbank is far in excess of that required to meet anticipated need. The majority of gritstone sites in the Plan area utilise long established sites and the scale of operations has increased many times over the original 'horse and cart' levels due to mechanisation and increased efficiencies in extraction and road transport. Environmental problems related to the effects of heavy lorry traffic using the original access can be significant. Applicants must demonstrate that access arrangements are acceptable, provide for alternative access where necessary⁽²⁷⁾, and should not result in an increase in the scale of operations such that the number of vehicle movements would increase significantly.

4.1.2.6 The cumulative impacts of the proposal, in combination with previous proposals, should not serve to significantly alter the character of the site, and proposals that significantly increase the scale of operations or the level of reserves beyond what is necessary to secure the quarry businesses needs during the plan period will not be supported.

Borrow pits

4.1.2.7 A local supply for specific large construction or engineering or construction projects can also be served through the use of short term borrow pits. The benefits associated with these are only apparent where the extraction would cease on completion of the construction scheme and where there are clear environmental advantages over using existing sources of supply (such as reducing long distance vehicle movements).

Net Environmental Benefit

4.1.2.8 In the case of historic permissions the areas with planning permission for mineral working are often extensive, and can include areas of ecological or landscape value. Proposals that include a surrender of permitted reserves affected by landscape or ecological value traded for a release of new permitted reserves can result in a net environmental gain. Net environmental benefits can also occur where proposals would enable a more sustainable afteruse or a better restoration of the area than that which the current planning permission requires.

Implementation

4.1.2.9 Information on aggregate supply is reported in the Joint Authorities Local Aggregate Assessment.

4.1.2.10 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory when tested against the policies of the development plan. These outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

4.1.2.11 Due to the current confidentiality agreement placed on the AWP data, the Joint Authorities Monitoring Report cannot report on the proportion of the landbank held by the each of the minerals operators. Consequently, this policy will rely in part on the industry to provide information in support of an application.

27 In one instance an alternative access has been safeguarded from the possibility through Policy MW 26 'Safeguarding of Land for Access Improvements'

4.1.2.12 Fletcher Bank Quarry straddles the border between Lancashire and Bury. Whilst much of its permitted reserves are in the Plan area, its access is in Bury's administrative area, and most of its aggregates are sold to customers in Bury and Greater Manchester. For this reason it has been agreed by the North West Aggregate Working Party that its permitted reserves should be considered as part of the Greater Manchester aggregate provision. The need for any future release of permitted reserves at this site is therefore not reflected in Policy MW 11 'Aggregate Provision'

4.1.3 Managing Sand and Gravel Aggregate Supply

Policy MW 14

Sand and Gravel

Proposals for the winning and working of sand and gravel will be supported where:

- It is necessary to contribute to the continuity of supply during the plan period or the maintenance of a suitable landbank in line with national policy; and
- It does not give rise to significant amenity or environmental impacts.

Justification

4.1.3.1 The Local Aggregate Assessment 2017 indicates that permitted reserves will not be sufficient to meet forecast demand during the plan period, and that the landbank of permitted reserves for sand and gravel will reduce below the minimum of 7 years set out in the NPPF by 2026, indicating a release of new reserves of sand and gravel will be necessary. This need is in the region of a minimum of 0 to 1.84 million tonnes shortfall in supply, and an additional 2.8 - 3.64 million tonnes (depending on the use of the 3 or 10 year average) to provide for a 7 year landbank beyond the plan period.

4.1.3.2 An additional consideration is that the existing permitted reserves are distributed unevenly between the sand and gravel pits; a significant proportion of the permitted reserve is contained in one pit, where output had not commenced in 2017. This unequal distribution will increase during the plan period as all of the currently permitted quarries are expected to progressively become worked out.

4.1.3.3 However, the benefits of maintaining a local supply must be measured against the impacts of a quarry's continued operation on the surrounding area. Whilst sand and gravel pits are often worked over a shorter timescale than hardrock quarries, they are often more extensive and, because of the geology's influence on landscape and landscape quality, are often in areas of high landscape value and are not necessarily accessible from the primary road network.

4.1.3.4 The policy aims to address this potential issue in the provision of aggregate over the period of the plan by providing for greater flexibility, particularly when existing reserves at identified sites are nearing exhaustion, in order to ensure the continuity of a local supply.

4.1.3.5 There are two main factors when considering if a proposal is necessary:

- The number of active or permitted sand and gravel pits contributing to supply, the quality or quantity of that contribution, and their location relative to demand
- The need to maintain a sufficient landbank above that advocated in national policy

4.1.3.6 These must be weighed against the environmental impacts associated with that particular proposal in that particular location, the need to minimise the impact of traffic, and protection of the best quality landscapes and the best quality agricultural land. In particular the aim is to ensure that low quality materials (which can be substituted by other aggregates) are not obtained within environmentally sensitive areas.

Lower Hall Farm

4.1.3.7 Land owners have identified a mineral resource of 3 million tonnes of high quality sand and gravel at Lower Hall Farm, on the outskirts of Preston. The need for the reserves at Lower Hall Farm should be considered to be demonstrated by this policy, unless significant new reserves of sand and gravel are permitted during the plan period prior to Lower Hall Farm gaining planning permission. Notwithstanding this there will still be traffic, landscape and environmental impacts that will need to be mitigated satisfactorily to ensure that support for the winning and working of the minerals.

High Quality Sand

4.1.3.8 National policy provides for the calculation and maintenance of separate landbanks for any aggregate material of a specific type or quality. National planning guidance states that this could include sand used for concrete or asphalt. However, in the Plan area sufficient information is not available to separately and unambiguously define the reserves of the different aggregate types. Whilst river terrace sands generally produce high quality sands⁽²⁸⁾ and glacial sands (which are complex and highly variable through the plan area) usually produce only building sands, glacial sands are often capable of meeting the relevant specifications for concreting sand following washing or screening. Further to this only limited information is available on the output of these quarries, and due to the small number of sites operating and commercial confidentiality restrictions it would not be possible to quantify either the production levels or reserves of high grade relative to low grade sand. Further to this there are no restrictions imposed through the planning permissions on the end use of their outputs.

4.1.3.9 The size of a resource will often dictate the viability of the provision of processing facilities necessary to wash or screen sand to the relevant specifications, with resources of less than 1 million tonnes often not justifying the capital investment associated with the processing facilities.

4.1.3.10 Any weight that needs to be attached to the need or value of a resource should be informed by:

- The quality of the resource (a resource is of a higher quality if the proposal is to work it for concreting or asphalt sand)
- The availability of permitted reserves to serve the relevant market (in particular a specific mixing or batching plant) and
- the availability of alternative sources of supply.

Implementation

4.1.3.11 Information on aggregate supply is reported in the Joint Lancashire Local Aggregate Assessment.

4.1.3.12 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, including restoration conditions, or refusal of applications if proposals are unsatisfactory. These outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

4.1.3.13 Due to the current confidentiality agreement placed on the AWP data, the Joint Authorities Monitoring Report cannot report on the proportion of the landbank held by the each of the minerals operators. Consequently, this policy will rely in part on the industry to provide information in support of an application.

4.2 Building Stone

Policy MW 15

Building Stone

Proposals for the winning and working of building stone for building and architectural purposes will be supported where:

- The primary purpose of the proposed quarrying operation would be to produce and sell building stone; and
- Proposals including the processing of building stone will only be permitted where any processing equipment is located within a building to minimise adverse impacts on amenity; and
- Proposals for the crushing of stone are restricted to a level which is small in scale, and ancillary to the winning and working of stone quarried from the site, and does not compromise the restoration of the site or cause significant transport impacts.

Justification

4.2.1 Building stone is used for new buildings, architectural cladding and restoration of historic buildings. Each type of stone has to fulfil specific physical characteristics and may be obtained from geological formations which are restricted in occurrence.

4.2.2 Good quality architecture, urban design and landscaping depend on the availability of newly quarried stone. The colour and texture of the stone is often important to ensure good matching with existing stonework in restoration projects or to maintain local distinctiveness in line with development plan design policies.

4.2.3 Proposals for the extension of building stone will be considered on their merits having regard to the geological issues and the volumes of material involved.

4.2.4 Quarries associated with the winning and working of building stone are often characterised by their small scale and low rate of working, and intermittent working schedule, and are often served by small rural roads where HGV movements can have a significant effect. They are often located in areas of significant landscape sensitivity. In these circumstances the need for the mineral should be balanced with the impact associated with its working, in particular with the nature and character of the area and the frequency with which the impacts occur. Before considering proposals in landscape sensitive areas, alternative locations should be investigated, with reference to the Lancashire Strategic Stone Study.

4.2.5 As described earlier the minerals and waste planning authority has a statutory duty, under the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special regard to the desirability of preserving the setting of a listed building (s66) and for special regard to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area (s72). These will be given considerable importance and weight, relative to other material considerations, when considering any planning application.

4.2.6 It is recognised that building stone quarries could also produce aggregate from the removal of overburden and the winning and working of the building stone. Local Plan policy does not seek to prevent the necessary extension of building stone quarries where aggregates are produced as a necessary part of their working, but it is important to consider the impact of aggregate by-products on the supply identified when considering such proposals, and the impacts of the movements of aggregate on the local transport network.

4.2.7 Whilst many building stone quarries are small scale, others have developed over time, particularly in the 1930s as the construction industry changed, to be primarily crushed rock (aggregate) producers. However, in many aggregate quarries the mineral resource being worked is suitable for building stone applications, and some still maintain a degree of building stone output.

4.2.8 This could present some uncertainty as to which policy is relevant to a proposed development of this sort.

4.2.9 Proposals should be determined using a hybrid approach, under the relevant aggregate policy but with a degree of weight attached to the building stone resource appropriate to the circumstances of the application. The degree of weight will be informed by:

- The specific qualities of the mineral in relation to its use as a building stone
- The market served by the proposal
- The availability of alternative sources of supply both locally and serving a wider market
- Any unique historical or heritage market needs met by the mineral
- The quantities of building stone and aggregates proposed, informed by a detailed geological assessment of the quality and workability of the mineral resource
- An open book financial assessment of the contribution the building stone products will make to the viability of the proposal.

4.2.10 The principal reason for the different policy approach is due to the difference in the scale of operations associated with a traditional building stone quarry and a modern quarry, and will be particularly relevant when considering proposed developments in landscape sensitive areas.

Implementation

4.2.11 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

4.3 Meeting the Demand for Industrial Minerals

Policy MW 16

Industrial Minerals

Applications for the extraction of industrial minerals will be supported where:

- The landbank of permitted reserves supplying the manufacturing plant can be shown to fall below an acceptable level during the Plan period; or
- The mineral is needed to supply a particular special quality of material which cannot be met from elsewhere; or
- The release of permitted reserves is necessary to ensure the security of supply to justify a new investment in the manufacturing plant, and there is a reasonable degree of certainty that the investment will be implemented.

Justification

4.3.1 As well as our aggregate minerals, the Plan area produces significant amounts of minerals for use in cement production (limestone and shale) and in brick manufacture (clay and shales). These minerals are valued for their physical and chemical properties. However, their extent and quality fundamentally reflect geology and many are highly restricted in their occurrence.

4.3.2 These minerals typically require a longer landbank to provide security for the higher levels of investment in quarrying and processing facilities, particularly kilns. The expected landbank described in the NPPF are 25 years for brick manufacturing and 15 years for cement manufacturing.

4.3.3 It is possible that during the Plan period established sources of supply to one or more of these plants may fall short of this requirement. In addition, there remains the possibility that brickworks outside Lancashire may require materials from Lancashire, given the nature of the raw material.

4.3.4 Subtle differences in the properties of industrial minerals can make the performance of different minerals from one deposit quite different from another, limiting the potential sources of supply. This is likely to have a significant effect on any landbank figure published, as it may not reflect the diversity of supply necessary for the industrial process, or may contain hidden areas of low quality materials that are not suitable for processing.

4.3.5 Consideration will be given to the reasonable availability of supplies of an appropriate quality from elsewhere.

Implementation

4.3.6 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Annual Monitoring Report.

4.4 Onshore Oil and Gas Developments

Policy MW 17

Onshore Oil and Gas

Proposals for onshore oil and gas developments will only be supported where:

- The proposal is sited in the least sensitive location from which the target formation can be accessed;
- The proposal is either directly accessible from, or located in close proximity to, the primary route network, as illustrated on the key diagram;
- The proposal is sited, designed and operated to minimise environmental and amenity impacts;
- The cumulative impacts of the proposal, considered in combination with any other plan, project or programme, are acceptable;
- It can be demonstrated that there will be no adverse impact on the integrity of the geological structure;
- It can be demonstrated that greenhouse gases associated with fugitive emissions from the proposal will not lead to unacceptable adverse environmental impacts;
- Operations are for an agreed, temporary length of time;
- The well site and associated infrastructure are restored at the earliest practicable opportunity following the temporary operations.

In addition -

At the appraisal stage, where:

- An indicative framework of the resource is submitted to the Minerals and Waste Planning Authority setting out the extent of the reservoir and the extent of the area of search within the reservoir, informed by the earlier exploration work.
- Wherever possible any gas collected is utilised rather than flared.

At the production stage, where:

- A framework for the full development of the resource is submitted to the Minerals and Waste Planning Authority in which;
 - The number and location of well sites and associated infrastructure are justified in terms of their number and extent, and are progressively installed wherever possible;
 - The minimum number of well sites are proposed

- The well sites and associated infrastructure are sited in the least sensitive location from which the target formation can be accessed.
- A community benefits package is agreed and secured;
- No existing facilities could be used for the exploitation of the target formation.

Justification

4.4.1 The Government's energy policy is to ensure a secure, diverse and sustainable supply⁽²⁹⁾. Government policy states⁽³⁰⁾ that shale gas development is of national importance. As set out earlier in the Plan, the Government expects Mineral Planning Authorities to give great weight to the benefits of mineral extraction; this includes shale gas exploration and extraction. However, it is recognised that the nations interest in developing indigenous onshore oil and gas resources can give rise to conflict with protecting the environment and the amenity of local people. This Plan, and the wider national policy, seek to ensure that these issues are considered in tandem such that a balanced decision is reached.

Directional drilling

4.4.2 Whilst minerals can only be worked where they are found, there is a greater degree of flexibility in the location of surface developments, relative to the location of the mineral resource, in onshore oil and gas developments as compared to quarrying, due to the nature of the winning and working of the mineral, and specifically the directional drilling techniques available to the industry. This offers some opportunities to locate development away from sensitive receptors⁽³¹⁾.

4.4.3 To ensure the benefits of this flexibility are realised, applicants will be expected to carry out a site selection exercise, and applications should be supported by information that describes this process, and justifies the proposal over other sites.

4.4.4 Site selection should consider accessibility to the primary route network⁽³²⁾, the proximity to sensitive receptors including residential areas and designated wildlife sites, the proximity to protected landscapes, the availability of industrial land, the proximity to the water and gas distribution network, and the nature of the geology through which vertical or directional drilling is proposed.

Hydraulic fracturing

4.4.5 Hydraulic fracturing ("fracking") is a generic term for operations which aim to improve hydrocarbon flow rates in low permeability oil/gas reservoirs by increasing the natural fracturing in the rocks, or by creating artificial fractures. This is known as well stimulation. These operations

29 The areas currently licensed for oil and gas exploration as part of this policy are described in Appendix J 'Petroleum Exploration and Development Licences'.

30 the National Planning Policy Framework and energy policy written statement HCWS690

31 Subject to any limitations imposed by faults within the areas geology

32 The primary route network is illustrated in the key diagram and is made up of the main routes linking major destinations (mainly urban centres), these are the routes most suitable to HGVs. The suitability of sites that are not directly accessible from the primary route network, but instead require vehicles to travel on other roads once they leave the primary route network, will require an assessment of the suitability of the roads in question; this will include an assessment of the roads surface condition, width, bends, footpaths, visibility, and existing traffic movements (including recreational users such as walkers, cyclists and horse riders and a consideration of their unique needs and vulnerabilities), to provide an indication of its suitability for HGV movements.

vary, in choice and volume of fluid injected, pressures and rates, depending on specific reservoir attributes. They are likely to be associated with significant numbers of HGVs, over and above those required for oil and gas developments that do not require well stimulation, to bring in the fluid for injection and to remove the returned water (waste water arising from the well stimulation).

4.4.6 Applicants will be required to demonstrate that adequate arrangements can be made for the on-site management of this returned water and other wastes arising from the drilling and well stimulation process, including through reuse, recycling or treatment, so as to reduce vehicle movements; and that adequate arrangements can be made for the off site management or disposal of any remaining return water or sludges.

4.4.7 Proposals for hydraulic fracturing are likely to require an Environmental Impact Assessment (EIA); in developing proposals for hydraulic fracturing applicants should work on the presumption that environmental impact assessment will be necessary to support a planning application. The applicant is encouraged to request a scoping opinion from the minerals planning authority to determine the level of detail and breadth of information required.

4.4.8 For other onshore oil and gas development unrelated to hydraulic fracturing the minerals planning authority will consider whether any proposal for onshore oil or gas extraction requires an environmental impact assessment on a case by case basis.

4.4.9 The proposed development is EIA development where it is within schedule 1 of the Regulations (including amongst other things applications for extracting over 500 tonnes per day of oil or 500,000m³ per day of gas), or is within schedule 2 (including amongst other things applications for deep drilling) and a screening process has shown it likely to have significant environmental effects. This screening process considers the nature, size and location of the proposed development, the environmental sensitivity of the location, and the characteristics of the potential impacts; in making this determination all applications are assessed on a case by case basis.

Phases of development

4.4.10 The main activities in onshore oil and gas development are exploration, appraisal, and production. It is a requirement of the NPPF to clearly distinguish between the three phases of development (exploration, appraisal, and production) when considering planning issues arising from onshore oil and gas developments, to ensure that undue burdens are not placed on an applicant at an early stage in the sites consideration. It also means that the grant of planning permission for exploration and appraisal does not carry with it any presumption that long-term production from those wells will be permitted, or that the development of other exploration or appraisal wells will be permitted. In addition to these planning matters, there are other technical matters that mean that not all exploration will lead to appraisal, and not all appraisal will lead to production.

4.4.11 Each phase is likely to include several distinct stages, with associated increases in activity and vehicle movements, including site establishment, delivery and removal of plant and equipment specific to that stage, drilling, and site disestablishment and restoration.

4.4.12 However, developments requiring well stimulation may not have the same discrete phases; exploration and appraisal may take place as a single process using the same wells. Information on the phases of development is presented below. Individual applications will be considered on their own merits and will not take account of future hypothetical activities for which permission has not yet been sought.

4.4.13 It is likely that activities associated with some phases will require 24 hour operation, particularly well drilling and well stimulation. Night time operations have an enhanced likelihood of impacting on residential or other sensitive land uses (hospitals, hotels, bird roosts, etc), due to the use of lighting and noisy activities at a time when they would be significantly more noticeable and disruptive. This will be particularly apparent in rural areas with relatively low background noise levels and limited artificial lighting. Whilst all development proposals will be required to demonstrate that they are sited and designed so as to minimise impacts, development proposals that require 24 hour operation are, for the reasons set out above, likely to have to provide significant levels of mitigation to demonstrate impacts are acceptable; this in turn may have an effect on the proposals visual impact which will also need to be taken into account.

- Exploration

4.4.14 Before commercial exploitation of oil and gas is begun exploration work is usually carried out to assess the location and extent of the deposit. Drilling of wells for oil and gas exploration is not permitted development and a planning application must be made.

4.4.15 If the resource is 'unconventional' (shale gas or coal bed methane for example) this may include stimulating the gas flow through hydraulic fracturing or dewatering. Consequently the exploration phase may include some hydraulic fracturing and dewatering.

4.4.16 Applications for planning permission will be assessed against the effects of the exploration activity rather than on the merits of any possible future proposals for commercial exploitation. Consideration will not include any hypothetical future proposal for development of the oil or gas resource. Applicants should indicate what knowledge has been gained from seismic investigations in selecting the well site.

4.4.17 The NPPG states that "*there is a pressing need to establish – through exploratory drilling – whether or not there are sufficient recoverable quantities of unconventional hydrocarbons such as shale gas and coalbed methane present to facilitate economically viable full scale production*". Subject to the effects on the environment being appropriately addressed and mitigated, and a satisfactory restoration and aftercare plan prepared, applications for exploration may be favourably considered.

- Appraisal

4.4.18 Should hydrocarbons or potentially hydrocarbon bearing strata be found as a result of the exploration phase the deposit will need to be defined through further testing and appraisal. Before the appraisal information is available it is difficult to evaluate the various options available or to assess the viability and potential environmental effects of commercial exploitation.

4.4.19 The appraisal phase may involve the carrying out of further exploratory work around an existing exploratory well (including additional drilling, in some instances including lateral drilling) to further define the deposit, and will also involve flow testing, sometimes over a period of 2 years

or longer. If the resource is 'unconventional' (shale gas or coal bed methane for example) the gas flow will need to be stimulated through hydraulic fracturing or dewatering. Developers will need to consider the proposed developments impact on land stability. Notwithstanding that DECC are responsible for controls to mitigate seismic risk, developers should provide details of any seismic monitoring and risk assessments carried out so as to be able to assess any land use planning implications.

4.4.20 At this stage sufficient volumes of gas may be captured to enable on site generation or distribution to the grid to take place, rather than flaring.

4.4.21 As with all other forms of development an application for appraisal must be considered on its merits.

4.4.22 At this stage the cumulative visual effect of an increased number of wells or an intensification of development in the local area will be a key consideration. As will the concentration of vehicle movements. Directional drilling may be used to minimise the number of sites required, and provides a degree of flexibility over site selection. Directional drilling is considered preferable to the creation of additional drill sites.

- Production

4.4.23 Proposals for the commercial development of a deposit should be presented to the mineral planning authority in an overall scheme providing for the comprehensive development of the deposit, to ensure it is exploited efficiently and in an environmentally satisfactory way. This comprehensive scheme will have to demonstrate that extraction, transportation and reclamation can be undertaken in a satisfactory way and that the potential risk from hazards can be kept to acceptable levels.

4.4.24 In submitting an application for the drilling of production wells the developer should justify the number of wells proposed using the knowledge gained from the exploration and appraisal stages, and demonstrate that the site(s) proposed are the most suitable given the above and below ground constraints, and that the number proposed is optimal – to minimise the cumulative visual impact the number of wellheads should be kept to a minimum. Directional drilling may be used to minimise the number of sites required to exploit a field, and provides a degree of flexibility over site selection. Directional drilling is considered preferable to the creation of additional drill sites.

4.4.25 Issues to be considered at this stage will include the need for gathering stations, compressors and scrubbers or the need for onsite generators, and the distribution infrastructure associated with either of these (gas pipelines or electricity cables). Landscape and visual impacts are likely to be significant considerations given that, whilst temporary in planning terms, the structures and land uses associated with the production and distribution phase are likely to be in place for 10-20 years.

4.4.26 However, there will be a degree of flexibility in locating the distribution infrastructure which should be utilised to reduce the visual impact; given this flexibility gathering stations should be located where they would not have unacceptable environmental impacts. Screening, landscaping and design, and sinking facilities below ground level should be utilised where necessary and appropriate. Where possible they should be located on industrial or brownfield land, and where they can feed into a long distance pipeline in preference to relying on road transport.

4.4.27 Proposals for distribution should also address the possible implications on the movement of animals, and agricultural activities, from the distribution network.

4.4.28 If the resource is 'unconventional' (shale gas or coal bed methane for example) the gas flow may need to be stimulated through hydraulic fracturing or dewatering throughout the productive life of the well. This will result in periods of increased levels of activity and infrastructure throughout the production phase. Developers should ensure prior notification of routine flow stimulation operations, where these are required through the lifetime of the development.

4.4.29 Developers will need to consider the proposed developments impact on land stability. Notwithstanding that DECC are responsible for controls to mitigate seismic risk, developers should provide details of any seismic monitoring and risk assessments carried out so as to be able to assess any land use planning implications.

Implementation

4.4.30 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Annual Monitoring Report.

4.4.31 Onshore oil and gas operations are the subject of a licensing system by the Department of Energy and Climate Change (DECC). Petroleum Exploration and Development Licences (PEDL) are issued by DECC through licencing rounds; these licences grant exclusive rights to the licensee over any oil or gas in the licence area. This is separate from the planning and pollution control regimes, and the licensee must still apply to the Minerals and Waste Planning Authority and the Environment Agency for the necessary planning permissions and pollution control permits.

4.4.32 There are restrictions on hydraulic fracturing contained in national legislation, and in the specific licences issued by DECC to operators. These restrict hydraulic fracturing to a set distance below the surface, and below protected areas (groundwater source protection zone 1, national parks, and AONBs)⁽³³⁾, and prevent surface development in certain protected areas (SSSIs, Natura 2000 and Ramsar sites, groundwater source protection zone 1, national parks, and AONB's)⁽³⁴⁾. The Act also require that, in respect of the hydraulic fracturing activity restrictions, the Minerals and Waste Planning Authority are required to issue a notice upon the grant of planning permission confirming that the hydraulic fracturing will not take place within these protected areas, and also confirming that the Minerals and Waste Planning Authority have (where material) taken into account the cumulative impacts of the development, and other oil and gas developments.

33 The Petroleum Act 1998, amended by The Infrastructure Act 2015, and The Onshore Hydraulic Fracturing (Protected Areas) Regulations 2015

34 specific PEDL licence restrictions

4.5 Meeting the Demand for Waste Management Facilities

Policy MW 18

Waste Management Provision

Development will be supported for waste management facilities to provide for the requirements of the Plan area identified below⁽³⁵⁾, subject to the other policies of the Development Plan.

- Provision over and above these amounts will be supported where this would contribute towards net self-sufficiency, and moving the management of waste up the waste hierarchy.
- The provision of capacity to manage these amounts at a faster rate than indicated will be encouraged.
- Provision should be made in accordance with the waste hierarchy and this should be addressed and justified as a prerequisite of any grant of planning permission.

Municipal Waste

Period	Arisings (tonnes)	Recycling and composting	Recovery	Landfill
2017-21	625,000 - 852,000	381,000 - 528,000	169,000 - 230,000	75,000 - 94,000
2022-26	573,000 - 929,000	350,000 - 623,000	155,000 - 251,000	56,000 - 69,000
2027-32	526,000 - 1,014,000	321,000 - 710,000	142,000 - 273,000	30,000 - 63,000

Commercial and Industrial Waste

Period	Arisings (tonnes)	Recycling and composting	Recovery	Landfill
2017-21	929,000 - 2,987,000	467,000 - 1,312,000	317,000 - 837,000	243,000 - 642,000
2022-26	749,000 - 3,347,000	443,000 - 1,626,000	256,000 - 938,000	153,000 - 563,000
2027-32	605,000 - 3,750,000	412,000 - 2,102,000	206,000 - 1,051,000	68,000 - 350,000

Construction, Demolition and Excavation Waste

Period	Arising (tonnes)	Recyclable	Recovery	Landfill
2017-21	3,678,000 - 6,336,000	1,361,000 - 3,801,000	993,000 - 2,218,000	317,000 - 1,324,000

Period	Arising (tonnes)	Recyclable	Recovery	Landfill
2022-26	3,866,000 - 8,086,000	1,508,000 - 4,852,000	1,121,000 - 2,830,000	404,000 - 1,237,000
2027-32	4,063,000 - 10,320,000	1,625,000 - 6,192,000	1,219,000 - 3,612,000	516,000 - 1,219,000

Hazardous Waste

Period	Arisings (tonnes)
2017-21	102,000 - 163,000
2022-26	86,000 - 183,000
2027-32	69,000 - 210,000

Justification

4.5.1 The European Waste Framework Directive, the Waste Management Plan for England and the National Planning Policy for Waste Policy all seek to ensure that waste is produced and managed in an environmentally friendly and sustainable way. A key part of this is to drive waste management up the waste hierarchy.

4.5.2 We know that we do not manage all of our own waste, with some travelling out of the Plan area but also other waste coming into the Plan area from neighbouring areas and from further afield. This reflects the commercial and geographical realities of the waste management industry, and the wider economy. However, the economic, social and environmental impacts of transporting waste can be significant and should be reflected in the Plan. Net-self-sufficiency, where the movements of waste are balanced seeks to ensure that there is not a disproportionate reliance on either the export or import of waste, to the detriment of sustainability. It ensures that local communities can take more responsibility for their own wastes, and that there are opportunities to manage waste close to where it arises. For some larger or specialist facilities this will not be practicable.

4.5.3 This policy shows the amounts of waste to be dealt with during the plan period, based on national targets, as set out in the Local Waste Assessment. This requirement is based on a range of projections of demand for waste management capacity. It represents an estimate of need, and the bottom of the range should be viewed as a minimum not a ceiling⁽³⁶⁾. The range of these figures reflects the uncertainties around future recycling targets, future economic conditions, and future waste arisings; they should be viewed within the context of the most up to date local waste assessment.

36 It should be noted that these figures should be approached differently when considering landfill capacity; the high range for landfill demand corresponds to the low range for recycling, composting and recovery. For example, the high range for landfill capacity will only be relevant if recycling and composting facilities are not delivered, or existing facilities are not maintained. Therefore the above tables should not simply be viewed as representing a mutually exclusive high and a low scenarios.

4.5.4 The Local Waste Assessment identifies several uncertainties around the projections and capacity data, and it must also be recognised that individual waste management facilities may provide for a general or specific service with the potential for significant overlap throughout the industry. Also that the waste management and recycled products markets can be unstable over time as prices and demand fluctuate relative to the markets and other external factors.

4.5.5 Consequently the following policies seek to provide for any waste management proposals which may come forward during the plan period through specific sets of criteria.

Implementation

4.5.6 In line with the Planning and Compulsory Purchase Act 2004, and as described in Appendix A 'Implementation, Monitoring and Policy Evaluation', the Local Plan and evidence base will be reviewed and kept up to date where necessary will be monitored and reviewed regularly. This policy will be monitored using the Joint Lancashire Local Waste Assessment.

4.5.7 The policy should be read together with the most up to date local waste assessment, which is capable of being a material consideration, particularly as the plan period progresses. If, during the plan period, provision, production or need is not as expected, then the information above could be reassessed when considering particular planning applications. In particular the closure of time limited facilities , or other facilities through other business/investment decisions, will be reflected in the local waste assessment.

4.5.1 Recycling, Sorting, Treatment and Recovery of Waste

Policy MW 19

Recycling, Sorting, Treatment and Recovery of Waste

Proposals for waste management development will be supported where it can be demonstrated that:

- They are suitably located on an appropriate industrial area or landfill site; and
 - Where the development is proposed at a landfill site;
 - the waste management method should be reasonably related to the operation of the landfill site; and
 - the proposal is time limited for the same duration as the landfill permission;
- They are appropriate to their location in scale, form, character and siting; and
- The highway network and site access can satisfactorily accommodate the traffic generated; and
- All operations and stockpiles are located within buildings unless it can be demonstrated that no harm to amenity will take place.

Justification

4.5.1.1 There are substantial benefits to be gained from recycling and treating wastes; in particular reducing the risk of pollution, reducing the demand for landfill sites, conserving natural resources, and economic benefits both directly through a range of investment and employment opportunities, and through the support it provides to other businesses and industries.

4.5.1.2 However, these activities can also have disadvantages; they can involve large numbers of vehicle movements, they may be unsightly in appearance especially if undertaken in the open, and they may result in noise and dust.

4.5.1.3 It should be recognised that recycling and recovery are not waste management options to be pursued at any cost. Proposals should not give rise to unacceptable adverse impacts on the environment or people.

4.5.1.4 Waste management operations are generally similar to industrial activities, particularly when they are enclosed in purpose designed buildings. The policy refers to appropriate industrial areas as acceptable locations for these developments. Industrial areas are those allocated as suitable for the general industrial classes in the district local plan, or currently in industrial use. However, what is appropriate industrial land needs to be considered in terms of the scale and nature of the proposal, considered against the size, transport connections, existing industrial users and other neighbours, and the proximity to sensitive receptors.

Landfill Sites

4.5.1.5 Facilities located on landfill sites can serve to remove recyclables from waste that would otherwise be disposed of in the landfill. However, given that landfill sites are generally in rural areas it would be inappropriate for these recycling operations to continue beyond the life of the landfill, as they would likely represent an inappropriate industrial development in the countryside. It would also not necessarily be appropriate for wastes that were not otherwise destined for disposal in the landfill to be imported to the recycling facility, as this could represent an unsustainable movement of waste outside of the key waste producing areas identified on the key diagram.

Other areas

4.5.1.6 There may be situations where development outside of these areas would be appropriate, either due to the nature of the proposal, or due to the lack of available industrial land and the pressing need for the proposal in that area. In the case of the former there are several policies in the Local Plan which provide criteria for consideration. When there is a lack of available industrial land and a proposed development is brought forwards outside of a suitable industrial area, applicants will be required to demonstrate this in the application through a site selection process. The need for the proposed development in that area will also need to be demonstrated by the applicant, with an expectation that developments would mainly be expected to come forwards in the key waste producing areas identified on the key diagram.

4.5.1.7 National policy presents a brownfield first approach in such circumstances, and unallocated brownfield land that is still industrial in character may be appropriate if allocated industrial land is not available. These sites should be identified in the site selection process, and if they are ruled out this should be justified.

4.5.1.8 When assessing the suitability of the proposed development's location, the suitability of the local highway network will be a key material consideration, as would the visual and amenity impacts of the proposal. Balanced against this would be a consideration of the proposed developments contribution to moving waste up the waste hierarchy.

Larger than Local

4.5.1.9 It is generally preferable for recycling and treatment facilities to be located close to the producers of waste in order to reduce transportation. However, due to economies of scale and the specialist nature of some waste treatment and material specific recycling processes, some proposals may have catchment areas extending far beyond the Plan area.

4.5.1.10 The area of search for such sites should reflect the location of major waste producing areas as set out on the key diagram, and should be directed towards the central Lancashire corridor and the east Lancashire M65 corridor, though other accessible locations may also be appropriate.

4.5.1.11 None the less, given the potential for significant amounts of waste to be moved over significant distances, the frequency and type of vehicles serving them, and due to the nature of their centralised position in the supply chain, these facilities should be located on sites directly accessible from the strategic road network. So as to reduce the burden on the highway network, and ensure the proposal does not encourage unsustainable waste movements, the site should also be rail accessible and should make use of rail transport for the receipt of all deposits arising from beyond the Plan area wherever the volumes transported would make this practicable.

4.5.1.12 Given the larger catchment areas and the wider needs served by this type of facility, it may be necessary to consider proposals in the regional or national context, and not just on local subregional considerations.

Implementation

4.5.1.13 The policy applies to amendments to existing planning permissions and applications for new planning permissions. It will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report - the capacity of new waste management facilities by type is a monitoring indicator.

4.5.2 Construction, Demolition and Excavation Waste Recycling

Policy MW 20

Construction, Demolition and Excavation Waste Recycling

Developments for construction, demolition and excavation waste recycling facilities will be supported at:

- Operational quarries and landfill sites where they do not compromise the long term restoration of mineral workings and landfill sites back to a beneficial afteruse within the original timescale of the parent permission, and would not give rise to a significant increase in existing vehicle movements.
- Industrial areas where it is compatible with neighbouring land uses, where the facilities will be expected to be housed within a building, unless it can be demonstrated that no harm to amenity will take place.
- Construction and demolition sites where no material will be imported to the facilities at the site from elsewhere and where the facilities will be removed on completion of the construction and demolition project.

Justification

4.5.2.1 Construction and demolition waste includes soil, brick, concrete, steel, timber, plastics etc. Once sorted the inert portion can be screened or crushed to produce a material suitable for use in the construction industry (recycled aggregates). Excavation wastes will generally consist of subsoils and clays, which can be screened to produce soil mixes, often combined with composts. They have an increasing use in new construction and road building and play a valuable role in reducing the demand for new virgin material to be quarried for use as primary aggregate.

4.5.2.2 To support the conservation of primary aggregates and the prudent use of our resources we must have in place sufficient construction, demolition and excavation waste recycling facilities to provide the necessary capacity for recycled and secondary materials. Lancashire's recycling industry has grown over recent years, with a dozen or so recycling facilities now located across Lancashire and the increasing use of mobile recycling facilities at major development sites for reuse on site or for general sale.

4.5.2.3 There are advantages in co-locating construction, demolition and excavation waste recycling and processing facilities on mineral and waste disposal sites. In terms of mineral sites the materials are broadly similar in nature, as are the processes that they need to undergo (crushing, screening and grading) and potentially there are transport related savings to be made. At waste sites the introduction of screening facilities could reduce the amount going into the landfill and also provide a source of material for intermediate cover and road making thus reducing the need for virgin material.

4.5.2.4 However, we can also achieve higher rates of recycled and secondary aggregate use, in place of primary minerals, by providing a greater capacity of processing facilities near to the sources of construction, demolition and excavation wastes, our larger towns, and particularly Lancashire's regeneration areas.

4.5.2.5 Complementing this approach, temporary recycling facilities will be encouraged at larger sites of construction, demolition and highway projects where there are environmental benefits to be gained from the treatment of construction, demolition and excavation wastes, and re-use on-site where possible.

Implementation

4.5.2.6 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report.

4.5.3 Energy from Waste

Policy MW 21

Energy from Waste

All developments that include processes capable of recovering energy from waste will be required to include measures to capture any heat or electricity produced directly or as a byproduct of the waste treatment process and either use it on site or export it to the national grid or a local energy or heat consumer.

Proposals for combined heat and power may be supported on sites not compatible with Policy MW 19 'Recycling, Sorting, Treatment and Recovery of Waste' where:

- The benefit of the location in terms of connectivity to heat users or distribution systems outweigh the negative impacts associated with the proposal in that location.

Justification

4.5.3.1 There are a number of waste management technologies that extract energy from waste, either through biological or thermal processes, with heat as a byproduct. These include pyrolysis, anaerobic digestion (including landfilling), gasification, and incineration. The heat can be used in the facility or exported to be used in nearby industrial processes or to heat nearby buildings. Electricity generated can be used to power associated machinery on site or exported either to the grid or by private wire to neighbouring developments. The production of heat and electricity in this way serves to displace carbon dioxide that would otherwise have resulted from the combustion of fossil fuels. Climate change is something we must all address; the development of waste facilities should be seen as a potential opportunity to reduce carbon emissions and our carbon footprint.

4.5.3.2 Particular attention should be given to the location of the plant to ensure opportunities for heat use.

4.5.3.3 Proposals will be required to demonstrate that the scheme offers the best practicable use of the energy resource, through the submission of a Combined Heat and Power Feasibility Review in support of an application, assessing potential commercial opportunities for the use of heat from the Development. Every effort should be made to find an end user for the heat in order to ensure the process occurs with the highest possible efficiency. Where relevant the Minerals and Waste Planning Authority may either ensure through condition future use of heat is implemented, or that any proposal for Combined Heat and Power ensures heat is used straight away, or at least that infrastructure is laid down in readiness for future heat users. The design should ensure that there are no barriers to the future supply of heat to the boundary of the site.

4.5.3.4 If there is no immediate opportunity or demand for the surplus heat, the Minerals and Waste Planning Authority may condition the planning permission with the ongoing monitoring and full exploration of potential commercial opportunities to use heat from the development as part of a Good Quality Combined Heat and Power scheme (as defined in the CHPQA Standard), and for the provision of subsequent reviews of such commercial opportunities as necessary. In the event that viable opportunities for the use of heat in such a scheme are identified, a scheme for the provision of the necessary plant and pipework to the boundary of the site may be required.

4.5.3.5 Heat maps or lists of industrial processes that are significant users of electricity or heat held by the district councils may be useful when identifying sites for these sorts of facilities.

Implementation

4.5.3.6 This policy will be implemented through pre-application discussions and the development management process, ultimately through the approval of planning applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; these outcomes will be monitored and reported in the Joint Authorities Monitoring Report. The implementation of this policy will involve other policies of the development plan, but DM2 and DM3 in particular.

4.5.3.7 District planning authorities will be considering similar proposals through their planning function, but any process that uses waste as a feedstock is considered a County Matter planning application and will be dealt with by the Waste Planning Authority.

4.6 Landfill

4.6.1 Landfilling of Waste

Policy MW 22

Landfilling of Waste

Where an application is made to extend the time limit on an existing permission it will be supported subject to conformity with other policies of the development plan. Such time extensions will, where appropriate, set out the requirement for a review of the void consumption and proposed restoration scheme before the commencement of key phases in the proposals delivery.

Where conditions already outline a review process, time extension will not be supported without significant sustainability benefits.

New development will only be supported where it can be demonstrated that the permitted capacity will not be available over the long term, or where it can be demonstrated that the proposal will meet a specific need that is not provided for elsewhere, and where it will not prejudice the movement of waste up the waste hierarchy.

Justification

4.6.1.1 Landfill represents the bottom of waste hierarchy. Early in the plan period it will represent a necessary part of the waste management industry; however, as the plan period progresses, various factors may come to influence the demand for landfill disposal. Consequently there is a greater degree of uncertainty over the predicted demand for landfill void over the plan period.

4.6.1.2 A reduction in demand for landfill is reflected now through unused landfill void, and applications for time extensions to existing landfills. Whilst these will be supported, to ensure the sustainable use of an existing void and to avoid the need for new releases of land later on, a delay in the implementation of the restoration scheme will affect the balance to be made between the benefits of the development and its impact.

4.6.1.3 Consequently it is appropriate that any scheme for landfilling should include a review mechanism, either through condition or planning agreement, to assist in identifying future issues with the timing of the delivery of the restored landform. This should provide for a contingency position for restoring the site by the due date to a suitable landform, in the event that the development is not capable of completion as a result of market, commercial or other factors. Regular reviews should be agreed to monitor progress of operations where it is appropriate to do so, for example, for developments of a long duration or where demand is more unpredictable. This will provide an early indication where completion to consented limits is unlikely to be achieved and when the contingency position is to be adopted to ensure an acceptable conclusion to activities.

4.6.1.4 If a review indicates that such a delay is likely, alternative options for the completion of the restoration could include raising the basal layer of any remaining cells, importing inert waste to fill the remaining void, or not implementing a phase or partial phase.

4.6.1.5 The Local Waste Assessment identifies the predicted total landfill capacity requirements for non-hazardous waste during the Plan period. This indicates that there is no immediate need for new landfill capacity. Never the less it is a situation that needs close monitoring given the uncertainties inherent in the projections; whilst the local waste assessment indicates that there is sufficient capacity to provide for predicted demand under most scenarios, it indicates that in certain circumstances new capacity may be necessary.

4.6.1.6 As the plan period progresses, landfill capacity will reduce through the deposition of waste. The only long term landfill capacity available in the Plan area is held at Whinney Hill landfill site. The availability of this capacity is dependent upon material being quarried in a timely manner as part of the operation of the Huncoat brickworks.

4.6.1.7 The progression of these works, and the consumption of the available voidspace, will require careful monitoring; should this indicate that the landfill capacity at Whinney Hill is likely to become unavailable or significantly restricted in relation to the demand for landfill capacity, this will be addressed through a review of the Plan. However, given that landfill is at the bottom of the waste hierarchy, and to ensure that wastes are not needlessly transported over long distances, any new capacity must meet a need for waste management that is not adequately provided for elsewhere.

Hazardous

4.6.1.8 Given the presence of a generalist hazardous waste landfill in the Plan area at Whitemoss, and the large extension recently granted permission, there is unlikely to be a need for additional capacity during the plan period, unless it can be demonstrated that it would serve a particular specialist local need.

Implementation

4.6.1.9 The requirement for landfill capacity and the availability of landfill capacity will be closely monitored - the remaining landfill void space is reported in the Joint Authorities monitoring report. Should regular monitoring indicate that landfill capacity is likely to become unavailable or significantly restricted, in relation to the required landfill capacity, this will be addressed by a review of the Local Plan.

4.6.2 Landfilling of Low Level Radioactive Waste

Policy MW 23

Landfilling of Low Level Radioactive Waste

The disposal of low level radioactive waste will only be supported for:

- A proposal for the disposal of very low level radioactive waste arising from the Springfield nuclear fuel manufacturing complex, on operational land within this complex;
- Proposals within existing landfill sites that would not result in significant movements of waste from beyond the Plan area.

Justification

4.6.2.1 Within Lancashire there are specific requirements for the disposal of large volumes of very low level radioactive waste derived from Springfield nuclear fuels manufacturing complex⁽³⁷⁾

4.6.2.2 The plan area contains a number of active landfill sites; currently only one of these, Clifton Marsh landfill site, situated approximately 2km south of the Springfield nuclear fuels manufacturing complex, has planning permission and environmental permits for the disposal of low level nuclear waste. In order to preserve the capacity at the national Low Level Waste Repository applications may come forwards in the plan area for the disposal of low volume low level waste at other landfill sites.

4.6.2.3 However, the nuclear industry operates throughout the UK, and proposals of this nature are likely to involve large volumes of waste. Despite the specialist nature of the waste producer, the disposal of low level waste to landfill is in principle no different to the disposal of other wastes to landfill, in land use terms, with the exception that it is subject to the necessary radionuclei safety assessment by the Environment Agency. Consequently their transportation over long distances cannot be easily justified⁽³⁸⁾. Proposals for the disposal of low level radioactive waste in the Plan area will only be supported where they are primarily for the disposal of wastes arising in the Plan area. Proposals which would manage significant volumes of waste from outside the plan area would be likely to represent an unsustainable use of land in that location, due to the distances travelled by the vehicles associated with their operation.

4.6.2.4 In light of the need to reduce the movements of low level radioactive waste, and the uncertainty over the potential availability of a local disposal facility, a site suitable for the disposal of very low level radioactive waste has been identified within the cartilage of the Springfield nuclear fuel manufacturing site, to provide for its long term security. The site is suitable to maintain an adequate landfill capacity for the type and quantity of waste produced by the facility.

37 Other wastes produced or predicted to arise within the plan area include those arising from the lifecycle of the Heysham nuclear reactors, which are managed at specialist facilities based outside the plan area catering to a national catchment area. Also within the plan area are several sources of anthropogenic non nuclear industry (hospitals, universities etc), these waste arisings are typically managed at conventional landfills or incinerators.

38 In addition, operators of nuclear licenced sites are required to prepare low level waste management plans, setting out how the wastes generated through the life cycle of the site will be managed, as part of the environmental permitting process overseen by the Environment Agency. These plans should be in accordance with the waste hierarchy, informed by an assessment of the risks to public health, and a consideration of all practicable options. When preparing these transport must be explicitly considered, taking into account the volumes and activity of the waste as well as the distance over which it will need to be transported for each option. Alternatives to long distance transport are particularly relevant where large volumes of lower activity wastes are produced.

Implementation

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

4.6.3 Construction, Demolition and Excavation Waste Deposits to Land

Policy MW 24

Construction, Demolition and Excavation Waste Deposits to Land

Development for the deposition of construction, demolition and excavation waste will only be supported where the applicant can demonstrate that:

- The benefits of the proposal outweigh any potential harm arising from the proposal; and
- The highway network and site access can satisfactorily accommodate the traffic generated; and

Justification

4.6.3.1 Following construction, demolition and excavation waste recycling there may still be a proportion for which there is no demand from the construction industry. In addition, the nature of subsoils in the Plan area (normally heavy boulder clay) means that there is often little potential for the reuse or recycling of excavated spoil. In these instances recovery to land, in the form of landscaping or acoustic bunds, or agricultural improvements, or finally disposal to landfill, may be the most sustainable option.

4.6.3.2 Consequently there will remain a need for the continued deposition of waste to land during the plan period. This will take the form of short term local agricultural improvements or landscaping schemes associated with construction projects, and longer term quarry restorations or dedicated landfill sites.

4.6.3.3 Agricultural improvements through the deposit of waste can be necessary to address a localised water-logging issue, or to make a field more accessible to machinery or livestock. In these instances it is necessary to ensure that the proposal results in conditions that are at least equivalent to the original quality of the agricultural land.

4.6.3.4 Proposals for the deposit of waste that cannot otherwise be recycled in voids created by minerals extraction may be acceptable, in particular restoration works to increase biodiversity, for safety reasons, or to provide for an agricultural end use, though the quantities of inert waste proposed should be proportionate to the need and not excessive. By restricting the tipping of recyclable waste the Plan seeks to drive an increase in construction, excavation and demolition waste recycling and reuse.

4.6.3.5 In all cases, the restoration or other benefits of the deposit to land must be balanced against the potential environmental or social impacts of the proposal. In particular, given the likelihood that most proposals will come forwards in rural areas, the impact on the road surface through wear and in particular on road safety through the tracking of soil onto the road or the size and frequency of vehicles associated with the proposal will be relevant. Impacts of noise, dust and potential issues around flooding will also be important.

Implementation

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

4.7 Safeguarding Developments and Infrastructure

4.7.1 Safeguarding Minerals Infrastructure

Policy MW 25

Safeguarding Minerals Infrastructure

Proposals for incompatible development in close proximity to minerals infrastructure and their operations will only be supported where:

- They are designed or located so as to be compatible with any impacts arising from the minerals infrastructure; and
- They would not give rise to any unacceptable impact upon the operations of the minerals infrastructure.

Minerals infrastructure operators shall be consulted as part of any planning application for incompatible development within the safeguarding area.

Justification

4.7.1.1 In certain parts of the Plan area there is an increasing demand for developable land; where other suitable sites are not available this can result in encroachment upon minerals infrastructure by incompatible development⁽³⁹⁾. These types of land uses are therefore likely to be incompatible within close proximity to the minerals infrastructure identified below.

4.7.1.2 In line with the 'agent of change' principle, proposals for development must consider the potential disturbance arising from the minerals infrastructure's operations upon the proposed development, and where necessary ensure that they are located or designed in such a way as to reduce or remove those impacts; so that the future of the safeguarded operation will not be prejudiced. Failure to do so is likely to result in impacts upon the future residents or land users of the proposed development, and a concomitant impact on the operations of the minerals infrastructure as the operator seeks to respond to complaints arising from these impacts.

4.7.1.3 The impacts upon the operational practices of the minerals infrastructure potentially resulting from the encroachment of incompatible development may give rise to significant economic impacts in the Plan area, affecting the supply of construction materials, and should be considered as part of the determination of relevant planning applications.

Minerals Infrastructure Safeguarding Areas

4.7.1.4 Minerals infrastructure safeguarding areas are defined on the policies map, extending 250m⁽⁴⁰⁾ around the identified minerals infrastructure described below. Within these safeguarding areas this policy should be applied, and operators should be consulted on any application within them. However, due to the nature of minerals infrastructure and the operations associated with

39 housing or other sensitive developments (such as hospitals or hotels) which may be impacted upon due to the early morning/late night operations of the mineral industry, or the noisy/dusty nature of some of their operations

40 400m around hardrock aggregate quarries

them, safeguarding implications may extend beyond the area identified on the policies map. The policy may also therefore be applied outside of the minerals infrastructure safeguarding areas under some circumstances⁽⁴¹⁾.

Coating and batching plant

4.7.1.5 Coating⁽⁴²⁾ and batching⁽⁴³⁾ plant are vital to support the local construction industry, and thus the wider economy, through their role in manufacturing and distributing materials key to the delivery of new infrastructure. However, the market for these materials often requires irregular operating hours, and in particular early morning or nighttime operations and vehicle movements associated with those operations.

Aggregate Wharfs

4.7.1.6 In setting out the revised National and regional guidelines for aggregate provision 2005-2020 one of the assumptions made is that the importation of marine aggregates into the north west will substantially increase in future years as a replacement for land based sand and gravel. There are very few wharves capable of receiving such material in the Plan area and as such any site capable of such use should be safeguarded for the future.

4.7.1.7 Historically the Port of Heysham has imported marine dredged aggregate in bulk and distributed from there by road. Although this use has recently ceased, should there be a future requirement for importation of marine aggregate or crushed rock then this site would appear to be the only site suitable for meeting such requirements.

Minerals Railheads

4.7.1.8 National Policies encourage an alternative to bulk transportation of minerals by road and support the sustainable movement of waste/minerals, seeking where practical to use alternative modes of transport such as rail, sea or inland waterways. The only site within the plan area where this occurs at present is Ribblesdale Cement Works, Clitheroe.

4.7.1.9 Land should be protected from alternative development that would prevent its effective use for rail freight generating uses.

Quarries and known mineral resources

4.7.1.10 In the Plan area there are a substantial number of existing mineral sites and permitted reserves where conflict with future development could arise.

4.7.1.11 Proximal sterilisation of potentially workable reserves should be considered, as well as sterilisation of currently permitted reserves brought about by possible changes or restrictions to working practices necessary in order to avoid impacts on the proposed development. To facilitate this mineral consultation areas are defined including known resources adjacent to the quarry's reserves. To reflect the use of blasting in hard rock quarries, the minerals infrastructure safeguarding area is extended to 400m around hard rock quarries.

Implementation

41 For example where the topography or landscape lacks natural screening features, or where the infrastructure is accessed from a single road off the primary route network

42 A plant to combine various materials (bitumen, aggregates etc) to make asphalt/tarmac

43 A plant to combine various materials (aggregates, cement, water etc) to make concrete

4.7.1.12 This policy will be implemented through the approval of applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; to be monitored and reported in the Joint Authorities Monitoring Report. It is likely that the majority of applications that are likely to come forward will be submitted to the Local Planning Authority to determine.

4.7.1.13 Pre-application discussions and engagement is useful as it will enable an applicant to be better informed of what is required at submission, allowing more time for evidence to be collected and considered before the scheme is finalised and submitted to the LPA. This serves to reduce the risk of a delayed, prolonged determination of an application.

4.7.1.14 The relevant mineral operator shall be consulted for any applications for incompatible development within the minerals infrastructure safeguarding area.

4.7.2 Safeguarding Land for Access Improvements

Policy MW 26

Safeguarding of Land for Access Improvements

The Minerals and Waste Planning Authority will safeguard land for:

- Relocated access to Whitworth Quarry Complex
- Re-alignment/diversion of Long Dales Lane, Dunald Mill
- Haulage route through Back Lane and Leapers Wood Quarries

Justification

4.7.2.1 The majority of minerals and waste will, however, continue to be moved by road, and a number of the current and proposed sites within the Plan area suffer from poor access. Safeguarding proposals have been identified where improvements could be made to reduce the impacts on these locations. These proposals are an effort to raise the profile of access improvements and alternative roads in improving the amenity of these areas, and particularly to ensure these opportunities are taken into account when new development comes forwards.

Implementation

4.7.2.2 Approval of applications subject to appropriate conditions, or refusal of applications if proposals are unsatisfactory; to be monitored and reported in the Joint Authorities Monitoring Report. In the majority of cases planning applications would be part of applications for minerals and waste development which would need to ensure improvements were made prior to implementation of those permissions, possibly necessitating the implementation of Policy MW 3 'Planning Obligations'. All of the schemes set out above would require implementation and funding by the applicant to realise the associated development. Allocations that are not taken up will be reviewed and updated at least every 5 years.

Appendix A Implementation, Monitoring and Policy Evaluation

The Minerals and Waste Planning Authority have a statutory requirement to keep under review matters which may be expected to affect development in the plan area (s13 (1) of the Planning and Compulsory Purchase Act 2004). They also have a statutory requirement to keep the local plan under review, having regard to the results of the review above (s17 (6) of the Planning and Compulsory Purchase Act 2004).

The NPPF states that Local Plans should be kept up to date and regularly reviewed; the NPPG suggests that most Local Plans are likely to require updating in whole or in part every five years.

As part of this review the Minerals and Waste Planning Authority will produce and regularly update a Local Aggregate Assessment and a Local Waste Assessment, as well as contribute to work on any regional monitoring reports produced by working groups such as the aggregate working party or waste network. The Minerals and Waste Planning Authority will report annually on the extent to which the policies of the Local Plan are being implemented, and where appropriate this report will contain information on the progress made towards implementing the Local Development Scheme.

Monitoring indicators are identified; any significant changes in these indicators (relative to the figures set out in policy) will prompt a consideration of the implications on the Local Plan, and may prompt a partial review of the Local Plan policies.

Policy Aim	Mechanism	Stakeholder Responsible	Monitoring Indicator	Implementation Issue
<p>11.1 Protect mineral resources from permanent sterilisation by other development</p> <p>11.2 Protect coating/batching plant and safeguarded land for access improvements from inappropriate development</p>	<p>Mineral resource to be a material consideration in determining planning applications within safeguarded areas.</p>	<p>LPA. Applicant.</p>	<ul style="list-style-type: none"> Planning permissions refused/granted in safeguarded areas. 	<p>Reliant on district/developer awareness of the policy.</p>

Policy Aim	Mechanism	Stakeholder Responsible	Monitoring Indicator	Implementation Issue
Maximise the use of recycled and secondary materials in all new development	Sustainable construction to be a material consideration in determining planning applications .	Applicant LPA.	<ul style="list-style-type: none"> Demolition protocol accompanying large planning applications 	Investment is influenced by economy and landfill tax escalator. Reliant on district/developer awareness of the policy.
Extract sufficient minerals to meet our contribution to local, regional and national needs	Refuse or approve planning applications with the use of appropriate conditions where necessary, should the policy criteria be met.	M&WPA. Applicant - minerals industry Land owners	<ul style="list-style-type: none"> Distribution and well pad density of planning permissions for energy minerals granted/refused Amount of permitted reserves and production/sales of aggregate minerals, including a consideration of productive capacity and distribution. This reserve expressed as a landbank. Time extensions approved/refused. 	Should the industry develop to the extent that there are 10 wells per 100km ² this may indicate a review of the Plan should be considered. Some permitted reserves may not be extracted during the plan period, due to economic or practical constraints on the resource. The availability of information on permitted reserves/landbanks of individual operators or quarries. Difficulties may be encountered securing the access improvement identified. Projected demand may change.

Policy Aim	Mechanism	Stakeholder Responsible	Monitoring Indicator	Implementation Issue
			<ul style="list-style-type: none"> ● Major infrastructure projects granted planning permission. ● GVA of minerals industry. 	
Provide for a suitably located network of waste management facilities	Refuse or approve planning applications, with the use of appropriate conditions where necessary.	M&WPA. Applicant - waste industry. Land owners.	<ul style="list-style-type: none"> ● Capacity of permitted facilities, by management type. ● Major infrastructure projects granted planning permission. ● GVA of waste industry. 	<p>Investment in, and provision of, facilities is directly related to the economy and the landfill tax escalator.</p> <p>Land owners changing aspirations for site.</p> <p>LPAs changing long term aspirations for areas around allocated land.</p> <p>Projected demand may change.</p> <p>there are acknowledged issues around the availability of waste arising information.</p>



Appendix B Aggregate Objectively Assessed Need (Local Aggregate Assessment 2017, using 2016 data)

B.1 Sand and gravel: Permitted reserves are sufficient to meet forecast demand, however all current sand and gravel extraction planning permissions expire during the forecast period, and half of the permitted reserve is held in one quarry. Also the landbank will be reduced below acceptable levels during the forecast period. In addition recent demand, as illustrated by the 3 year average of sales, has increased above the 10 year average.

2017-2032	Sub-regional forecast (mt)	10 year average land won sales forecast (mt)	3 year average land won sales forecast (mt)
Annual demand	0.44	0.4	0.52

	Sub-regional forecast (mt)	10 year average land won sales forecast (mt)	3 year average land won sales forecast (mt)
Forecast demand	6.6	6	7.8
Permitted reserves	7	7	7
Shortfall in supply	-	-	- 0.7
Surplus in supply during forecast demand period	-0.4	1	-
Representing a landbank of x years	-	3	

B.2 Limestone: The permitted reserves are sufficient to meet forecast demand, but will be held in a dwindling number of quarries. Also the landbank may be reduced below acceptable levels during the forecast period. In addition recent demand, as illustrated by the 3 year average, is increasing.

2017-2032	Sub-regional forecast (mt)	10 Year Average forecast (mt)	3 year average sales forecast (mt)
Annual demand	2.54	2	2.18

	Sub-regional forecast (mt)	10 Year Average forecast (mt)	3 year average sales forecast (mt)
Forecast demand	38.1	30	32.7
Permitted reserves	58.02	58.02	58.02
Shortfall in supply	-	-	-
Surplus in supply during forecast demand period	19.9	28	25.4
Representing a landbank of x years	7.8	14	11

B.3 Gritstone: The permitted reserves are sufficient to meet forecast demand, but the majority of the permitted reserve is held in one quarry. In addition recent demand, as illustrated by the 3 year average, is increasing.

2017-2032	Sub-regional forecast (mt)	10 year average forecast (mt)	3 year average sales forecast (mt)
Annual demand	1.69	0.92	1.06

	Sub-regional forecast (mt)	10 year average forecast (mt)	3 year average sales forecast (mt)
Forecast demand	25.4	13.8	15.9
Permitted reserves	77.86	77.86	77.86
Shortfall in supply	-	-	-
Surplus in supply during forecast demand period	52.5	64.1	62
Representing a landbank of x years	31	70	59

Appendix C Waste Objectively Assessed Need (Local Waste Assessment 2016 using 2015 data)

C.1 Municipal solid waste

	Recycling and composting (tpa)	Recovery (tpa)
Predicted demand in 2032	Using the different recycling and growth rates described above: No change targets scenario – Range from 321,000 to 618,000 EC targets scenario – Range from 368,000 to 710,000	Using the different recycling and growth rates described above: Both scenarios – Range from 142,000 to 274,000
Permitted capacity	450,000 (including 35,000 permitted but not built in-vessel composting at WTSs)	340,000
Shortfall in 2032	It can be seen that under three of the scenarios there is no shortfall; where there is a shortfall it ranges from 68,000 in the lower scenario to 260,000 in the highest scenario	No shortfall anticipated

C.2 Commercial and industrial waste

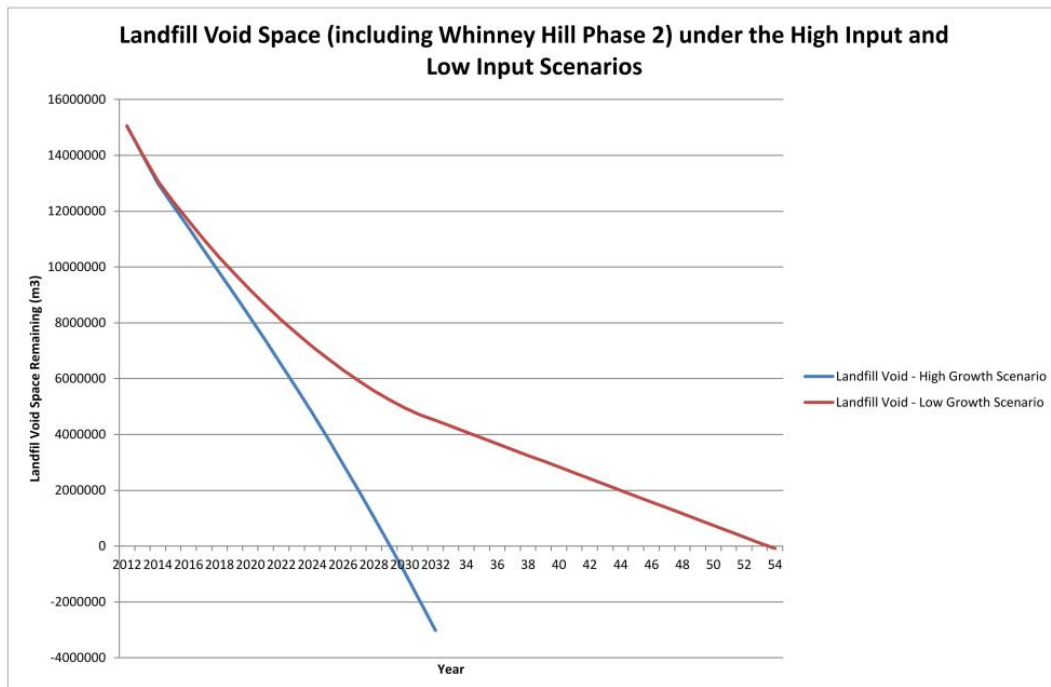
	Recycling and composting (tonnes)	Recovery (tonnes)
Predicted demand in 2032	Using the different recycling and growth rates described above: 2009 arisings scenario – Range from 413,000 to 1,535,000 Plus imports scenario – Range from 565,000 to 2,102,000	Using the different recycling and growth rates described above: 2009 arisings scenario – range from 206,000 to 767,000 Plus imports scenario – Range from 283,000 to 1,050,000
Permitted capacity	5,000,000	
Shortfall in 2032	No shortfall anticipated	No shortfall anticipated

C.3 Construction and demolition waste

	Recycling and composting	Recovery
Predicted demand in 2032	Range from 1.6 million to 6.2 million tonnes using the different growth and recycling scenarios described above	Range from 1.2 million to 3.6 million tonnes using the different growth and recycling scenarios described above
Permitted capacity	There is considerable degree of uncertainty over permitted capacity, particularly given the availability of exempt sites	There is considerable degree of uncertainty over permitted capacity, particularly given the availability of exempt sites
Shortfall in 2032	There is considerable degree of uncertainty over the presence or otherwise of a shortfall in capacity, particularly given the availability of exempt sites	There is considerable degree of uncertainty over the presence or otherwise of a shortfall in capacity, particularly given the availability of exempt sites

C.4 Landfill

Landfill Void Space Projections



Appendix D Replaced Local Plan Policies

D.1 With the adoption of the Joint Lancashire Minerals and Waste Local Plan all of the policies of the Joint Lancashire Core Strategy and the Joint Lancashire Site Allocation and Development Management Policies Local Plan are superseded.

D.2 The table below is provided for information, and is not a comprehensive record; it should not be used to infer weight or policy consideration beyond that which is written in the policy or policy justification.

Revised Local Plan Policy	Core Strategy and Site Allocation Policy replaced	Policy addition arising through review	Policy removed arising through review
MW1	DM2, CS5, CS6, CS9, NPPF1, DM1	Explicit reference to public health, economy, and climate change in justification text.	NPPF1 removed, no longer a Government requirement to include in Local Plan. DM1 removed as no longer necessary now plans are combined.
MW2	CS5, CS9, M1	Policy added.	Local liaison groups and early consultation removed as policy consideration, these are addressed in the SCI and appendix to the Local Plan.
MW3	CS5, CS9, DM2, DM3	Policy added.	Reference to using s106 to enforce planning permission end date removed as policy consideration, replaced by review period in MW22.
MW4	CS5, CS8, CS9, DM2, WM2, WM3, WM4, M1	Policy added.	
MW5	CS5	Policy added.	
MW6	M2	Preeseall salt field separated out from general MSA policy.	
MW7	CS1, M2	Urban areas included, with specific policy considerations in these areas.	
MW8	CS1, CS5, CS6		

Revised Local Plan Policy	Core Strategy and Site Allocation Policy replaced	Policy addition arising through review	Policy removed arising through review
MW9	CS2	Reference to waste audits added to bring in line with NPPW.	
MW10	CS6, CS7		
MW11	CS3, CS4, DM1, M1	Figures revised/updated.	Reference to 25% use of recycled aggregates as review indicator removed.
MW12	CS3, CS4, M1		
MW13	CS3, CS4, M1	Flexibility added.	
MW14	CS3, CS4, M1	Lower Hall Farm added.	
MW15	CS3, CS4, M1		
MW16	CS3, CS4, M1		
MW17	CS5, DM2	Policy added.	
MW18	CS6, CS7, CS8, DM1, WM1	Figures revised/updated.	
MW19	CS8, CS9, WM2, WM3		Specific industrial estates no longer named.
MW20	CS2, CS8, CS9, WM4		Specific industrial estates no longer named.
MW21	CS8, CS9, DM4	Proximity to heat user added as policy consideration.	
MW22	CS7, CS8, DM3, LF1, LF2	Review period added as policy consideration.	Reference to Whinney Hill as 'long term strategic provision' removed as policy consideration. Specific hazardous landfill policy removed.
MW23	CS8, LF4	Consideration of the amount of waste coming from outside of the Plan area added as policy consideration.	
MW24	CS8, LF2		
MW25	M2	Safeguarded areas around quarries and known reserves separated out from general MSA policy.	

Revised Local Plan Policy	Core Strategy and Site Allocation Policy replaced	Policy addition arising through review	Policy removed arising through review
MW26	M3	Coating and batching plants identified and safeguarded areas identified around them and added as policy consideration.	
MW27	SA1		Safeguarded rail sidings unrelated to specific minerals or waste sites removed from policy.
MW28	SA2		Safeguarded access improvements unrelated to specific minerals or waste sites removed from policy.

Appendix E The Planning Application Process

E.1 The minerals planning authority is required to determine applications within the statutory timescales (from validation to committee decision - 8 week for planning applications, 13 weeks for major applications and 16 weeks for applications accompanied by an environmental statement), or such period as may be agreed with the applicant, or in accordance with a planning performance agreement.

E.2 In order to ensure the minerals planning authority can keep to these timescales it is important that applications, when submitted, are accompanied by sufficient information to allow full consideration of any environmental impacts and proposed mitigation measures. The validation checklist is produced to ensure applicants are aware of the necessary information that should accompany a planning application.

E.3 Pre-application discussions can assist in ensuring the efficient operation of the planning application process. Applicants are encouraged to discuss proposed developments with the minerals planning authority at the earliest opportunity.

E.4 Environmental Impact Assessment (EIA) is required where the proposed development is major development which is of more than local significance or with unusually complex and potentially adverse environmental impacts. Details of how and when development will require Environmental Impact Assessments are contained within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011.

E.5 If the proposed development is EIA development the applicant is also encouraged to request a scoping opinion, to determine the scope of the information to be provided in the environmental assessment.

E.6 Applications that are received and validated will be entered on the planning register [Broken link - possible circular reference](#)⁽⁴⁴⁾.

E.7 The planning application will be advertised in the press and by notice on the application site. The Parish Council and District Council will be consulted, together with other statutory consultees including the Environment Agency and Natural England. The relevant mineral planning authority Ward Councillor, and nearby residents [Broken link - possible circular reference](#)⁽⁴⁵⁾ will also be notified.

E.8 Following this there is a statutory 21 day period [Broken link - possible circular reference](#)⁽⁴⁶⁾ for consultation responses within which representations should be sent, either online or using the contact details in Appendix 5. If representations are received outside of this period they will still be taken into account up to the time the decision on the planning application is taken. Members of the public may inspect copies of the application, plans and any other documents submitted with it at the County Council or appropriate District Council office.

44 Details of which are available in Appendix M 'Contact Details'

45 Owners and occupiers that are adjacent to or considered to be directly affected by the development

46 This may be extended at the discretion of the minerals planning authority, depending on the nature and complexity of the proposal

E.9 A report describing the planning application, its context and impacts, responses to the consultation, and officer recommendations is prepared by officers of the Council, and presented to the mineral planning authority's planning or development CommitteeBroken link - possible circular reference ⁽⁴⁷⁾.

E.10 The agenda and items are published on the Council's website at least 5 working days before the committee meeting. There is the opportunity to speak at the planning committee (further details can be found on the Council's websiteBroken link - possible circular reference ⁽⁴⁸⁾).

E.11 The members of the planning or development control Committee consider the officers report, hear any third party representations, discuss the application, and vote on whether to grant or refuse planning permission. Each application must be considered on its own merits, in accordance with the development plan and considering present guidance, national policy and other material considerationsBroken link - possible circular reference ⁽⁴⁹⁾.

E.12 If the decision is refused the applicant can appeal to the Secretary of State. Any such appeal is considered by an independent inspector of the Planning Inspectorate, who will report their findings to the Secretary of State. The appeal process can be either by written representations, an informal hearing or by full public inquiry. The decision of the Secretary of State is final, subject to a 'statutory appeal' which can consider the lawfulness of the decision that was taken.

E.13 Alternatively the lawfulness of the decision can be challenged (a judicial review), if the applicant or a third party feel that the minerals planning authority acted unlawfully. This requires the permission of the courts; there are strict time limits for applying to the courts for a judicial review.

Monitoring

E.14 Once planning permission is granted the developer is required to operate within the conditions imposed on the planning permission. Monitoring and inspection visits will form a key part of the successful implementation of any planning permission, to ensure the operator complies with any conditions imposed on the planning permission. The frequency with which sites are visited will depend on the nature and scale of the development. Sites where breaches of planning control have been identified will be visited more regularly.

E.15 Where a breach of planning control is identified the Council will take appropriate and proportionate action to remedy the breach using the powers at its disposal.

E.16 Monitoring will also be carried out through the other regulatory regimes, including the Environment Agency and the Health and Safety Executive.

47 Alternatively, under certain circumstances, a decision may be made under the mineral planning authority's scheme of delegation by the head of planning. Further information is available on the Council's website

48 Details of which are available in Appendix M 'Contact Details'

49 A material consideration is a factor to be taken into account when a decision on a planning application is reached. Ultimately what is or is not a material consideration is determined by the courts. Any consideration that relates to the development or use of land is capable of being a material consideration: material considerations include for example the impacts associated with noise and dust, but do not include loss of a personal view or loss of property value. The weight to be given to a material consideration is a question of planning judgement for the planning authority.

Appendix F Mineral Resource Assessments

F.1 Sufficient information on mineral resources is necessary for local authorities to determine planning applications for non-mineral development within an MSA. The level of detail provided should be appropriate to the scale and nature of the proposed development. An assessment needs to be carried out by a suitably qualified professional. The minerals resource assessment should specify whether there are minerals present and, if so, whether it is feasible to extract the mineral(s).

1. Presentation of geological data. This could take the form of:
 - a. Desk top study of existing surface and solid geological and mineral resource information;
or
 - b. Borehole investigations
2. Assessment of the mineral resource potential of any mineral present considering its ability to meet the required specification for its intended use, before or after processing (the relevant BSI or equivalent), and the quantity present.
3. Assessment of the mineral recovery potential:
 - a. Acceptability
 - i. Site surroundings and neighbours, and their sensitivity to impacts associated with working minerals)
 - ii. Depth of overburden
 - iii. Size of site, and the ability of the site to accommodate batters and storage of overburden, mineral processing facilities
 - iv. Benefits such as SUDs, local vernacular, reduced visual impact
 - b. Viability
 - i. Whether the prior extraction will prejudice the development of the land by:
 - i. Delaying the implementation of the proposed development beyond an acceptable timescale
 - ii. Affecting the ability of the land to receive the proposed development
 - iii. Significantly affecting the developments viability
 - ii. Consideration should be given to the location of potential markets for the mineral, including on site
 - iii. Does the developer hold the mineral rights
4. Potential for proximal sterilisation
 - a. Extent of MSA around development and its development potential
 - b. Impact of proposed development on current or potential future working of any nearby quarry and the impact of the quarry on the proposed development

F.2 BGS can be contacted for information on mineral resource datasets at enquiries@bgs.ac.uk

F.3 The Coal Authority can be contacted for information on coal datasets at coalresources@coal.gov.uk

Appendix G Prior Extraction

- Minerals which are very close to the surface usually present the least difficulties with extraction and could be extracted using a mobile excavator.
- Deeper minerals may require a specialist earth moving contractor and may take longer to excavate. These are also more likely to require the restoration/backfilling of the void created by the excavation.
- The extraction of hard rock will require specialist equipment, as a general rule will be associated with more environmental impacts, and as such will not normally be a candidate for prior extraction, especially in urban locations.

G.1 Prior extraction will be carried out by excavators and dumper trucks; the size of these will be dictated by the size of the site. They will usually be the same as the machinery used in the site preparation works associated with the proposed development (site levelling, digging foundations, etc). Where prior extraction involves the stockpiling of the minerals on site, or an off-site location for stockpiling such as a permitted quarry or a dedicated site, it is likely to require further planning permission. This choice will be informed by the amount of mineral present, the size of the site and the phasing of the delivery of the proposed development.

G.2 In considering prior extraction the LPA will need to consider both the impacts and the benefits of prior extraction. The potential practical implications of prior extraction are matters of fact and degree involving the scale and nature of those possible impacts, some of these are set out below. Details of these may need to be submitted as part of the mineral resource assessment, or a separate planning application for prior extraction⁽⁵⁰⁾.

G.3 Flood Risk

G.4 When considering the prior extraction of a mineral resource, its potential to increase the sites vulnerability to flooding is a key consideration. Reducing the ground level may make the site more vulnerable to flooding, and affect drainage from the site. On sites less vulnerable to flooding, prior extraction can assist in ensuring the development does not increase flood risk elsewhere, as per the NPPF. Prior extraction could produce voids suitable for use in attenuating surface water in tanks or open features as part of a sustainable urban drainage system (SUDs); it could also create a much larger void for use as a landscape or recreational asset.

G.5 Dust emissions

G.6 Prior extraction has the potential to produce dust. However, the emission of dust will be short-lived at prior extraction sites, due to the limited life of the working. It may be appropriate for the mineral resource assessment to include information on:

- baseline conditions of the existing dust climate around the site of the proposed operations and anticipate the dust emissions generated during the non-mineral development following prior extraction;
- identify site activities and parameters that could lead to dust emission and propose mitigation where appropriate;
- proposals to monitor and report dust emissions to ensure compliance with appropriate environmental standards and to enable an effective response to complaints.

50 A separate planning application may be required for the prior extraction of the mineral(s); this will need to be submitted for determination by the MPA, in two tier areas this will be Lancashire County Council.

G.7 Noise generation

G.8 Prior extraction has the potential to generate noise. However, the noise will be short-lived at prior extraction sites, due to the limited life of the working. It may be appropriate for the mineral resource assessment to include information on:

- baseline conditions around the site, including the location of noise-sensitive properties;
- the main characteristics of the production process and proposals to minimise, mitigate or remove noise emissions at source;
- proposals to monitor noise emissions during prior extraction of minerals, to ensure compliance with appropriate environmental standards.

G.9 Traffic movements

G.10 Prior extraction has the potential to increase HGV movements to and from the development site, though there may be opportunities for backhauling using empty delivery wagons. It may be appropriate for the mineral resource assessment to include information on:

- The vehicle movements associated with the removal of minerals from the site;
- The opportunities for using the mineral resource on site and the number of vehicle movements reduced as a result.

G.11 Land stability in surface mine workings and tips

G.12 Prior extraction has the potential to affect the stability of neighbouring land. It may be appropriate for the mineral resource assessment to include information on:

- the stability characteristics of any slopes required during excavation or once restored;

G.13 any stability hazards created and the location of vulnerable features (such as buildings or rights of way).

Appendix H Sources of Technical Information in Support of the Local Plan

There are a number of sources of information and guidance that can assist in the procedure for determining the significance of an impact, alongside the information provided in support of an application. These include:

Standards published at the national or local level that identify specific targets or levels:

- National Planning Practice Guidance
- UK Air Quality Strategy
- District Air Quality Management Areas

Information on measurement and analysis is available in published British Standards (BS EN) on, amongst other things, ground borne vibration, noise monitoring and noise attenuation.

Specialist advice and guidance on the interpretation of information and determining the acceptability of impacts is provided by officers in the minerals and waste planning authority and the district authority for transport and traffic, landscape, biodiversity, heritage and archaeology, and environmental health.

Other guidance documents on monitoring and best practice include:

- Designing waste facilities – a guide to modern design in waste (DEFRA, 2008)
- Habitat creation handbook for the minerals industry (RSPB, 2003)
- Controlling the environmental effects of recycled and secondary aggregate production: good practice guidance (DETR, 2000)
- Reducing the effects of surface mineral workings on the water environment: a guide to good practice (DETR, 1998)
- Good practice guide for handling soils (MAFF, 2000)
- Defra guidance on successful reclamation of minerals and waste sites (DEFRA, 2004)
- Lancashire County Council landscape, heritage, and ecology planning advice webpages referred to in this Local Plan.

Appendix I Unconventional Oil and Gas Reservoirs

I.1 Hydrocarbons (gas and oil) are predominantly extracted from permeable rock formations such as sandstones. Here hydrocarbons have flowed over time from their source rock through the permeable rock until they are trapped under an impermeable rock formation where it collects and forms a reservoir.

I.2 'Unconventional' or 'tight' reservoirs are rock formations that are not as permeable. These are both source rock and reservoir. Processes need to be applied to these formations in order to stimulate the flow of gas.

I.3 One example of this kind of formation is shale⁽⁵¹⁾ with significant organic content. The Lancashire Bowland Shales have been identified as having potential to hold shale gas which could be exploited for commercial purposes. Shale gas mainly consists of methane, although other gases may also be present. Shale has low permeability (i.e. does not allow gas to flow) so gas production in commercial quantities requires the rock structure to be fractured to provide permeability; the process to achieve this is known as hydraulic fracturing ('fracking').

Map 1 Schematic geology of natural gas resources (BGS, 2013)



I.4 Figure 1: Schematic geology of natural gas resources (BGS, 2013)

I.5 Similar processes can also be applied to old coal mines or coal seams (Coal Bed Methane), which may require dewatering operations and possibly hydraulic fracturing, or be generated by burning the coal in place underground (Underground Coal Gasification), which requires the injection of oxygen and steam into the coal measure⁽⁵²⁾.

51 Shale is a common type of sedimentary rock formed from deposits of mud, silt, clay and organic matter.

52 The exploitation of these require permission from the Coal Authority (for access to the coal) and a licence from DECC (for capture of the hydrocarbons). The Coal Authority manages the UK's coal resources and must agree to any access to coal formations for any purpose, including drilling through it.

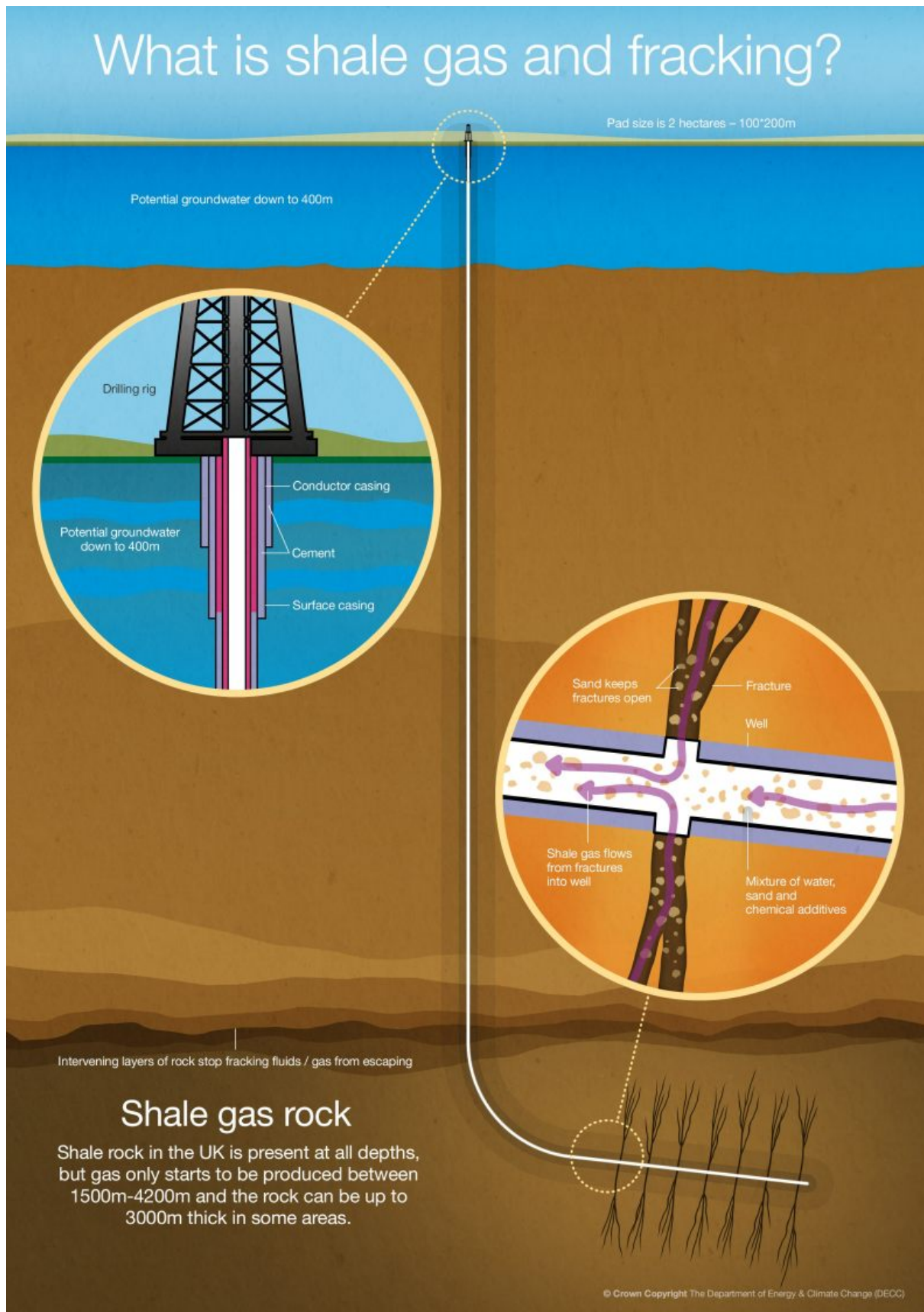
I.6 Hydraulic fracturing (“fracking”) is a generic term for operations which aim to improve hydrocarbon flow rates in low permeability oil/gas reservoirs by increasing the natural fracturing in the rocks, or by creating artificial fractures. These operations vary, in choice and volume of fluid injected, pressures and rates, depending on specific reservoir attributes.

I.7 The fluid consists of water, fine sand particles to act as a proppant and a combination of chemicals chosen relative to geology type to act as a lubricant. Fluids are pumped into the shale under pressure in a controlled way to fracture the rock. Additional fluids are pumped into the well to maintain the pressure in the well so that fracture development can continue and the proppant can be carried deeper into the formation. A well may be too long to maintain sufficient pressure to stimulate fractures across its entire length. Plugs may be inserted to divide the well into smaller sections (‘stages’). Stages are fractured sequentially, beginning with the stage furthest away and moving towards the start of the well. After fracturing, the plugs are drilled through and the well is de-pressurised. This creates a pressure gradient so that gas flows out of the shale into the well.

I.8 As the pressure is released, the pressurised fracturing fluid flows back to the surface (‘flow-back water’) but it now also contains saline water with dissolved minerals from the shale formation (‘formation water’). Some fracturing fluid is left within the shale including the sand which resides within the fractures and creates a migratory path way from which gas can flow to the surface via the borehole. Fracturing fluid and formation water returns to the surface over the lifetime of the well as it continues to produce shale gas (‘produced water’) and may contain naturally occurring radioactive materials (NORM), depending on the source rock. This is common to oil and gas exploration, but due to the processes involved in fracking, it has the potential to generate larger volumes.

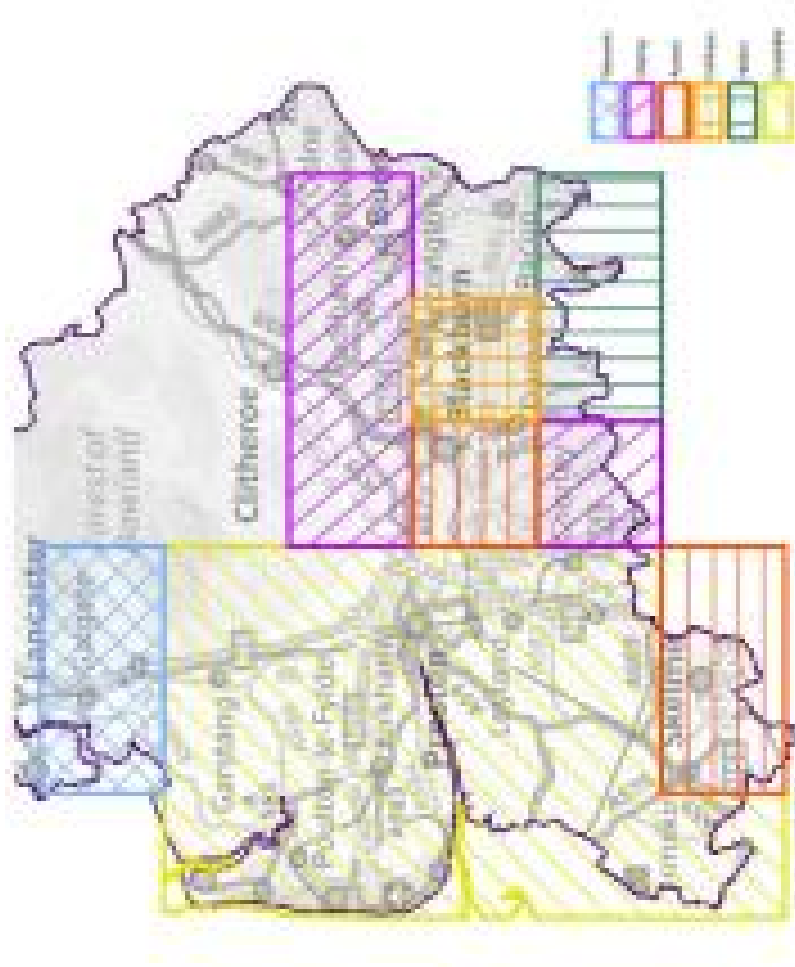
I.9 Horizontal drilling is often used with shale gas wells, with lateral extensions up to 10,000 feet within the shale, to enable the creation of a very large fracture network within the shale. However, the ability to carry out lateral drilling, and the flexibility in site selection it may provide, must take into account the geological conditions and the likely passage of any drilled borehole through fault lines potentially giving rise to seismic movement and contamination pathways.

Figure 2 Shale Gas and Fracking (DECC, 2014)



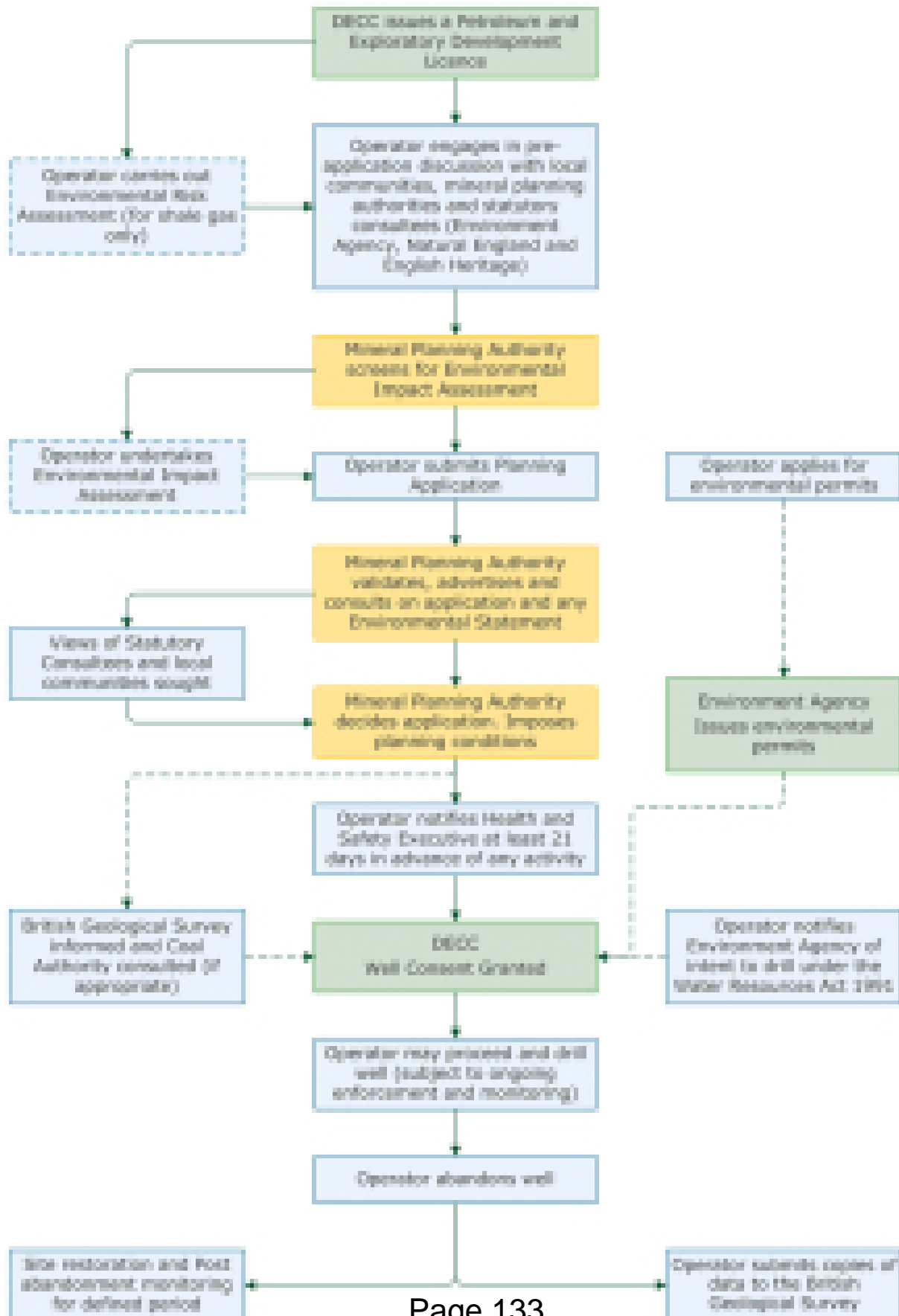
Appendix J Petroleum Exploration and Development Licences

Picture 1 Onshore Oil and Gas Petroleum Exploration and Development Licences (14th Round)



Appendix K Regulatory Bodies

Picture 2 The Role of the Regulatory Bodies (CLG, 2013)



K.1 There are four regulatory bodies responsible for on shore oil and gas exploration and exploitation:

Minerals Planning Authority

K.2 The minerals planning authority is the strategic planning authority for mineral developments in their area: Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Council are the minerals planning authority for their respective areas. This involves managing the planning process according to planning rules set out by the government to assess applications for mineral developments, including mineral exploration. The minerals planning authority must determine applications in accordance with planning law.

K.3 Where developments involving onshore oil and gas development are not classed as permitted development and actually require planning permission, the minerals planning authority must determine planning applications in accordance with the NPPF, together with policies in the Development Plan. Planning applications are considered on their merits and whether or not they are in compliance with the policies in the Development Plan. Safety and environment are important factors and we consider the advice provided by other agencies before making those decisions. A planning application can only be refused if it is contrary to the policies of the development plan and there are legitimate reasons to do so. If planning permission is granted, the minerals planning authority monitor and inspect the operations to ensure they comply with any conditions imposed.

K.4 The minerals planning authority will consider the land use implications of matters regulated by the other regulatory authorities, such as emissions to atmosphere, water and seismic risks for example, but will not seek to duplicate their regulatory controls through the imposition of conditions etc.

The Environment Agency (EA)

K.5 The Environment Agency's key role in on-shore drilling is to protect groundwater including aquifers, and surface water including rivers and water courses from pollution and to ensure that any hydraulic fracturing flowback water is managed and disposed of responsibly.

K.6 An environmental permit (under the Environmental Permit Regulations) will be required for oil and gas developments, and may include industrial emissions activity, mining waste activity, groundwater activity, waste discharge activity, abstraction, and radioactive substances activity. The chemical content of hydraulic fracturing fluids are also covered by the environmental permitting regime.

K.7 The EA are also a statutory consultee in the planning process and will discuss proposals and provide advice to planning authorities. The EA provide advice as part of pre-application enquiries, for scoping of any Environmental Impact Assessment and on the planning application itself. Where risks to the environment are significant, for example where development is proposed contrary to groundwater protection policy and practice, the EA will object to the planning application.

K.8 Operators must demonstrate to the EA that their proposed activities are not harmful to people or the environment. The EA use a variety of methods such as audits, site inspections, check monitoring and / or sampling, and reviewing operator records and procedures. They may ask to monitor the effects their activities have on the environment and report these for inclusion on EA public registers through the permits issued. The EA have the power to serve notice on an operator to stop an activity; and where an offence is committed, the Environment Agency can prosecute.

Picture 3 Types of Environment Agency Permits (EA, 2014)

Type of Permit	Why this type of permit may be required for oil and gas development
Groundwater activity	Where the EA considers that the risk of inputs to groundwater requires this.
Mining waste activity	Likely to apply in most circumstances.
Industrial emissions activity	When the intention is to flare more than 10 tonnes of natural gas per day (generally applies to exploration phase only).
Radioactive substances activity	Likely to apply where low level Naturally Occurring Radioactive Material (NORM) are contained in the rock cuttings or fluid returned to the surface from the well.
Water discharge activity	If surface water run-off from the site becomes polluted, for example, due to a spill of diesel.
Abstraction	If more than 20,000 litres of water per day is to be abstracted as part of the development.
Groundwater investigation consent	To cover drilling and test pumping where there's the potential to abstract more than 20 cubic metres per day (m ³ /day) of water.
Water abstraction licence	If the plan is to abstract more than 20m ³ /day for own use rather than purchasing water from a public water supply utility company.
Flood defence consent	If the proposed site is near a main river or a flood defence.

Department of Energy and Climate Change (DECC)

K.9 Companies seeking to explore for or produce oil or gas must first obtain a petroleum exploration and development licence (PEDL) from DECC. These licences are bid for by operators in licencing rounds.

K.10 The issue of a PEDL conveys no permission for operations on land, but gives exclusivity for exploration operations against other oil and gas exploration companies within a defined area. DECC regulates the efficient use of the resource (i.e., the oil or gas in the ground) by scrutiny of the drilling operations and production plans, as well as proposals for flaring, and any hydraulic fracturing programme and the methods proposed to monitor, report and mitigate the associated seismic risk.

Health and Safety Executive (HSE)

K.11 The HSE is responsible for regulating the health and safety aspects of oil and gas operations, including considering well design and construction, inspecting well integrity, and the transport and injection of gas into the grid. Operators are required to notify HSE on well design and, whilst the HSE do not give consent, they will scrutinise the design and can undertake a range of further interventions (up to issuing prohibition notices) if they have concerns about the proposed design. Operator are also required to have a well examination scheme, delivered by an independent well examiner who (as part of that scheme) will review the well design and monitor the construction phase of the well and its subsequent maintenance and decommissioning.

K.12 They require operators to provide them with a weekly report of drilling activity, the contents of which can trigger further interventions, including site visits.

K.13 Further information is available in the HSE questions and answers document:

K.14 <http://www.hse.gov.uk?shale-gas/assets/docs/shale-gas.pdf>

Appendix L General Duties and the Relevant Objectives

L.1 Under the requirements of the Waste (England and Wales) Regulations 2011, the Minerals and Waste Planning Authorities must:

- Carry out their planning functions, including the drafting of the Plan, having regard to the relevant objectives of the revised Waste Framework Directive:
 - Article 13 - ensure that waste management is carried out without endangering human health, without harming the environment and, in particular:
 - without risk to water, air, soil, plants or animals;
 - without causing a nuisance through noise or odours; and
 - without adversely affecting the countryside or places of special interest.
 - The first part of Article 16 (1) - take appropriate measures to establish an integrated and adequate network of waste disposal installations and of installations for the recovery of mixed municipal waste collected from private households, including where such collection also covers such waste from other producers
 - Article 16 (2) - The network shall be designed to enable the Community as a whole to become self-sufficient in waste disposal as well as in the recovery of waste referred to in paragraph 1, and to enable Member States to move towards that aim individually, taking into account geographical circumstances or the need for specialised installations for certain types of waste.
 - Article 16 (3) - The network shall enable waste to be disposed of or waste referred to in paragraph 1 to be recovered in one of the nearest appropriate installations, by means of the most appropriate methods and technologies, in order to ensure a high level of protection for the environment and public health.
- Not grant planning permission or development consent for a landfill unless it has taken into consideration the requirements of—
 - paragraph 1.1 of Annex I to Council Directive [1999/31/EC](#) on the landfill of waste(1);
 - paragraph 5 of that Annex, but only in respect of nuisances and hazards arising from traffic beyond the site of the landfill.

Broken link - possible circular reference Broken link - possible circular reference Broken link - possible circular reference

- Not grant planning permission for a mining waste facility to which Article 7 of Directive [2006/21/EC](#) of the European Parliament and of the Council on the management of waste from extractive industries(2) applies unless it is satisfied that—
 - the operator of that facility will meet the requirements of Article 11(2)(a) of that Directive; and
 - the management of waste at that facility will not conflict directly or otherwise interfere with the implementation of the plans referred to in Article 7(3)(b) of that Directive.

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Appendix N Glossary

Adopted Policies Map	This map illustrates all the policies contained in the local plan, together with any saved policies. It will always reflect the up to date minerals and waste planning strategy for the area. Relevant minerals and waste policy will be represented by inset maps, to be included in the districts' policies map.
Aggregates	Sand, gravel, crushed rock and other bulk materials used by the construction industry.
British Standard (BSI)	In 2002 new European standards were published for aggregates and came into force as new British Standards in 2004, abbreviated to BS EN.
CHPQA Standard	Combined heat and power is the simultaneous generation of heat and power in a single process. CHPQA is a management and administrative process, including Registration, Self-Assessment, Validation and Certification, carried out on behalf of the Department of Energy and Climate Change. The CHPQA Standard is the formal document setting out the CHPQA methodology, definitions, thresholds, and criteria for Good Quality certification.
Coating and Batching Plant	Industrial plant composing weighbridge, cabin, towers, storage bays, silos, conveyors, and in the case of coating plant a burner and trommel, for the mixing of concrete or asphalt, and their loading onto lorries.
Commercial & Industrial Waste (C&I)	Industrial waste is waste generated by factories and industrial plants. Commercial waste is waste arising from the activities of wholesalers, catering establishments, shops and offices; as defined by the Controlled Waste Regulations 1992.
Construction & Demolition Waste (C&D)	Controlled waste arising from the construction, repair, maintenance and demolition of buildings and structures.
Core Strategy (CS)	Sets out the long-term spatial vision for the local planning authority area, the spatial objectives, and outlines the strategic policies required to delivery that vision in respect of minerals and waste. District and unitary authorities also produce a core strategy as part of their Local plan.
Crushed Rock	Hard types of rock, which have been quarried, fragmented and graded for use as aggregate.
Degree of Permanence	The anticipated lifespan of the development, or the change of use established by the development. Temporary

	developments are unlikely to prevent the extraction of a mineral resource for future generations.
Development plan	Consists of the Local Plans that have been adopted in that area, as defined in the Planning and Compulsory Purchase Act 2004 s38. Planning decisions must be made in accordance with the development plan, unless material considerations indicate otherwise.
Dormant Site	A historic quarry with planning permission that was not been worked between 1982 and 1995; as registered under the Planning and Compensation Act 1991 and the Environment Act 1995 . These sites would require the submission and approval of updated planning conditions prior to the restarting of quarrying.
End Markets	The user of diverted material that has been returned to the marketplace as a feedstock (raw materials used in the manufacturing process).
Energy from Waste (EfW)	The conversion of waste into a usable form of energy, often heat or electricity.
Gasification & Pyrolysis (Advanced Thermal Treatment)	A means of recovering energy from waste, known as advanced thermal treatment. Waste is heated at high temperatures and a usable gas is produced.
Generic Development Management Policies	These are a series of criteria-based policies which ensure that all development within the area will meet the spatial vision and spatial objectives set out in the Core Strategy.
Gritstone	The use of the term gritstone in the Local Plan includes sandstones.
Hard Rock	Consolidated rock such as limestone, gritstone and granite.
Hazardous Waste	Wastes that have the potential to cause harm to human health or the environment, for example contaminated soil; as defined by the Hazardous Waste Regulations 2005 and the European waste classifications.
Heavy Goods Vehicle (HGV)	Lorries or trucks over 3.5 tonnes
Household Waste	Refuse from household collection rounds, waste from street sweepings, public litter bins, bulky items collected from households and wastes which householders themselves take to household waste recovery centres and "bring sites"; as defined by the Controlled Waste Regulations 1992.
Household Waste Recycling Centres (HWRC)	A facility provided by the Waste Disposal Authority that is available to the public to deposit waste which cannot be collected by the normal household waste collection round.

Incineration	The controlled burning of waste. Energy may also be recovered in the form of heat (see Energy from Waste).
Independent Examination	Prior to adoption the local planning authority must submit the local plan to the Secretary of State for examination, under section 20 of the Planning and Compulsory Purchase Act 2004. The examination is carried out by a planning inspector appointed by the Secretary of State, in order to test the soundness and conformity of the local plan and the consultation processes undertaken.
Inert Waste	Waste which does not contain any components which exhibit chemical or biological activity (i.e. wastes that do not contain any organic matter or "chemicals"); as defined by the Landfill Directive. Examples of inert wastes include sand, clay, crushed rock, demolition rubble and hardcore.
Infrastructure	The physical features (for example roads, rails, and stations) that make up the transport network.
Interburden	Rock lying inbetween areas of mineral resource. This will influence the value of the mineral resource as it will affect the time, efficiency and cost associated with working and working the mineral resource.
Issues, Options and Preferred Options	The "pre-submission" consultation stages on Local Plan with the objective of gaining public consensus over proposals ahead of submission to Government for independent examination.
Joint Authorities	Refers to the Joint Working of Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Council in preparing the Joint Lancashire Minerals and Waste Local Plan.
Kerbside Collection	The collection by local authorities of recyclable goods directly from households, or occasionally industrial and commercial premises.
Lancashire Minerals and Waste Local Plan (LMWLP)	Contains planning policies on minerals and waste for Lancashire prepared under the old style plan making process. Adopted in 2001, half of its policies have been replaced by the Core Strategy in 2006.
Landbank	A stock of planning permissions sufficient to provide for continued mineral extraction over a given period.
Landfill (including land raising)	The permanent disposal of waste into the ground, by the filling of man-made voids or similar features, or the construction of land forms above ground level (landraising).

Local Plan	Planning policy document prepared by a planning authority for use in determining planning applications within their administrative area, forming part of the development plan.
Local Planning Authority (LPA)	The statutory authority whose duty it is to carry out the planning function for an area.
Marine Dredged Aggregate	Sand and gravel dredged from deposits on the seabed and landed at shipping wharves for use as aggregate.
Material Considerations	A process in planning law in which the decision maker when assessing an application for development must consider matters relevant to that application in planning terms in deciding the outcome of an application.
Materials Recycling Facility (MRF)	Facility that separates recyclables from the general waste stream
Mechanical Biological Treatment (MBT)	The treatment of residual waste using a combination of mechanical separation and biological treatment.
Merchant Site	A facility that accepts waste from a variety of producers or managers on a commercial basis, rather than only disposing of its own waste.
Mineral	Rock or other material that has a commercial value when extracted.
Mineral Development	Any activity related to the exploration for or winning and working of minerals, including tipping of soil and ancillary operations such as the use of processing plant.
Mineral Resource	A potential mineral deposit where there quality and quantity of material present has not been tested.
Mineral Safeguarding Areas	Areas of known mineral resources that are of sufficient economic or conservation value to warrant protection for generations to come.
Minerals and Waste Development Scheme	Document setting out documents the Joint Authorities intend to include within its MWDF, and the programme for production.
Minerals and Waste Planning Authority (M&WPA)	A local planning authority with responsibility for mineral and waste planning, including deciding planning applications.
Minerals Apportionment	The splitting of regional supply guidelines for minerals demand between planning authorities or sub regions, based on national estimates of the country's future needs for minerals.

Minerals Consultation Area (MCA)	An area identified in order to ensure consultation between the relevant Minerals Planning Authority and district planning authority before certain non-mineral planning applications made within the area are determined, using powers under schedule 1 of the Town and Country Planning Act 1990.
Minerals Reserves	Mineral deposits which have been tested to establish the quality and quantity of material present and which could be economically and technically exploited.
Mineral Resource Assessment	An assessment containing sufficient information on the mineral resource to allow the LPA to determine a planning application within a MSA.
Municipal Solid Waste (or MSW); Also referred to as Municipal Waste	Household waste and any other waste collected by a Waste Collection Authority such as municipal parks and gardens waste, beach cleansing waste and waste resulting from the clearance of fly-tipped materials.
Non-Minerals Development	Development that is not associated with the winning and working of minerals.
Non-Renewable Resources	A resource that does not renew itself at a sufficient rate for sustainable economic extraction.
NPPF	National Planning Policy Framework. The framework acts as guidance for local planning authorities and decision-takers, both in drawing up plans and making decisions about planning applications.
Overburden	Rock or soil overlying a mineral resource. The depth of overburden will influence the value of the underlying mineral resource as it will affect the time, efficiency and cost associated with working and working the mineral resource.
Permitted Reserves	Mineral reserves with the benefit of planning permission for extraction.
Planning & Compulsory Purchase Act 2004	The Planning and Compulsory Purchase Act 2004 introduces a statutory system for regional planning; a new system for local planning; reforms to the development control and compulsory purchase and compensation systems; and removes crown immunity from planning controls. It also updates elements of the 1990 Town & Country Planning Act.
Primary Aggregates	Naturally occurring sand, gravel and crushed rock used for construction purposes.

Primary Route Network	<p>The Primary Route Network (PRN) is defined by the Highways Authority (Lancashire County Council, Blackpool Council, and Blackburn with Darwen Borough Council). It comprises non-motorway trunk roads and the more important 'A' class roads. In conjunction with motorways, the PRN provides a national network for medium/longer distance traffic serving places of traffic importance throughout Great Britain. The PRN is identifiable by direction signs with a green background; these show a limited number of forward 'primary destinations', which can include key nodes on the PRN even though the location may not be a significant traffic generator.</p> <p>Although not a road classification as such, primary routes are required to be open to all classes of traffic without restriction and must not have permanent or environmental weight restrictions upon any part of them. The Department for Transport expects local authorities to maintain primary routes in good order.</p>
Prior Extraction	The extraction of minerals prior to development taking place
Proximal Sterilisation	The sterilisation of a mineral resource by the influence of a development adjacent to the resource. The potential for waste should be managed as near as possible to its place of production, reducing travel impacts.
Proximity Principle	Waste should be managed as near as possible to its place of production, reducing travel impacts.
Recovery	Value can be recovered from waste by recovering materials through recycling, reducing travel impacts.
Receptor	Some one or thing affected by an impact.
Recycled Aggregates	Aggregates produced from recycled construction waste such as crushed concrete and planings from tarmac roads.
Recycling	The reprocessing of waste either into the same products or a different one.
Refuse Derived Fuel (RDF)	A fuel product produced from the combustible fraction of waste.
Regional Aggregate Working Party (RAWP)	A working group comprising members from the constituent mineral planning authorities (MPAs), Central Government departments and representatives from the mineral extraction industry.
Regional Self Sufficiency	Requires that most waste should be managed within the region in which it is produced.
Regional Technical Advisory Body (RTAB)	Provides specialist advice on waste to the Regional Planning Body.

Safeguarding	The process of ensuring that non-minerals development does not needlessly prevent the future extraction of mineral resources, of local and national importance.
Secondary Aggregates	Aggregates other than crushed rock and sand and gravel (primary aggregates) produced as by-products of other processes such as foundry sand and furnace bottom ash.
Significant impact	The significance of an impact is a product of an impacts characteristics and the value, sensitivity, and recoverability of the relevant receptor.
Site of Special Scientific Interest (SSSI)	Affords legal protection to the best sites for wildlife and geology in England.
Site Specific Policies and Allocations	This refers to allocation of sites for specific minerals and waste developments. Policies will identify any specific requirements for individual proposals.
Spatial Planning	Spatial planning goes beyond traditional land use planning to bring together and integrate policies for the development and use of land with other policies and programmes which influence the nature of places and how they function. This will include policies which can impact on land use, for example by influencing the demands on, or needs for, development, but which are not capable of being delivered solely or mainly through the granting or refusal of planning permission and which may be implemented by other means.
Spatial Vision	A brief description of how the area will be changed at the end of the plan period (often 10-15 years).
Sterilisation	When development or land use changes prevent possible mineral exploitation in the foreseeable future.
Supplementary Planning Guidance (SPG) or Supplementary Planning Document (SPD)	Provides further detail on certain policies and proposals related to specific policy in development plans.
Sustainable Development	Sustainable development is focused on providing a better quality of life for everyone now and for generations to come. This is achieved through considering the long-term effects of social, economic and environmental impacts in an integrated and balanced manner. Development that meets the needs of the present without compromising the ability of future generations to meet their own needs.
Sustainable Urban Drainage Systems (SuDS)	A sequence of water management practices and facilities designed to drain surface water in a manner that will provide a more sustainable approach than the conventional practice of routing run-off through a pipe to a watercourse.

	<p>These can include attenuation measures where water is delayed from entering the public drains until demand on the wider network is reduced for example during periods of heavy rain.</p>
Very low level radioactive waste (vLLRW)	<p>This is a subset of low level waste, with very low amounts of radioactivity. The decommissioning and clean-up of nuclear sites will create large amounts this waste, typically lightly contaminated soil and building rubble.</p> <p>It does not need the level of disposal engineering provided by the low level waste repository at Drigg, so National policy states that it can be disposed of to landfill, providing it is controlled in ways specified by the Environment Agency.</p> <p>The maximum activity is 4 MBq per tonne of total activity. For waste containing tritium, the concentration limit for tritium is 40MBq per tonne.</p>
Waste	<p>Waste in any material or object that is no longer wanted and which requires disposal. If a material or object is reusable, it is still classed as waste if it has first been discarded.</p>
Waste Hierarchy	<p>A framework for securing a sustainable approach to waste management as defined by the EU Waste Framework Directive:</p> <ul style="list-style-type: none"> ● Prevention, through design etc ● Preparing for reuse, by checking, cleaning, repairing etc; ● Recycling or composting, by turning waste into new products, materials or substances etc; ● Other recovery, where waste serves a useful purpose by replacing other materials that would otherwise have been used, for example energy from waste (including gasification and pyrolysis, anaerobic digestion, some land spreading or landscaping/restoration work etc; ● Disposal, for example landfill or incineration without energy recovery etc.
Waste Minimisation/Reduction	<p>Found at the top of the waste hierarchy, the most desirable way of managing waste - avoiding the production of waste in the first place.</p>
Waste Stream	<p>Waste stream is the flow or movement of wastes from the point of generation (i.e. household or commercial premises) to final disposal. A waste stream may reduce significantly over time as valuable items are separated for recycling and a Page 146 through resource recovery.</p>





Lancashire
Minerals & Waste
Local Plan

Joint Lancashire Minerals and Waste Development Scheme 2014-2020

September 2014
Updated 2018

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1. Introduction

This Minerals and Waste Development Scheme has been prepared by the Joint Authorities of Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Council in respect of the Joint Lancashire Minerals and Waste Local Plan. It is produced in accordance with the Planning and Compulsory Purchase Act 2004 and is intended to replace the Local Development Scheme 2012-2016, which was previously published by the authorities in September 2012.

It describes the minerals and waste local plan that is to be produced or revised between 2014 and 2019, within the administrative areas of Lancashire, Blackburn with Darwen, and Blackpool, and the timetable for their production and consultation.

This represents a new development scheme, rather than a revision to a previous scheme, in the sense that the previous schemes were concerned with the production and delivery of the Joint Lancashire Minerals and Waste Local Development Framework. This suite of documents has now been completed, with the adoption of the Site Allocation and Development Management Policies Local Plan in September 2013. This new development scheme concerns the preparation of a single minerals and waste local plan, containing the policies of the Local Development Framework, updated where necessary to reflect current evidence.

2. Minerals and Waste Local Plan Review

2.1 Timetable

A review of the Minerals and Waste Core Strategy and the Minerals and Waste Site Allocation and Development Management Policies Local Plan is under way. This does not and should not be considered to cast doubt on the up to date nature of the policies in the adopted plan which are due to run until 2021, but rather to demonstrate commitment by the Joint Authorities to operating a strong plan led system beyond the 2021 deadline.

Table 1: Schedule of Proposed Joint Lancashire Minerals and Waste Local Plan Review (publication, submission, adoption)

Document Title	Brief Description	Consultation (Regulation 18)	Publication of the DPD (Regulation 19)	Submission to Secretary of State	Date of Adoption
Joint Lancashire Minerals and Waste Local Plan	Review of the Site Allocations and Development Management Policies Local Plan and Core Strategy	Nov-Dec 2014	Summer 2018	Summer 2019	Spring 2020

2.2 Subject Matter of the Review

- Review of the evidence base for the development plan, and review of the policies and vision where necessary to determine whether they remain up to date, together with combining the two development plan documents into one local plan.
- Where necessary site allocations suitable for minerals and waste developments, and policies for the development of those sites in light of the above.

- Development management policies to cover matters not covered in national policy, or where special local circumstances prevail, arising since the adoption of the Core Strategy and Local Plan.
- Updating the policies map to show any additional site specific policies (e.g. mineral consultation areas, designated sites or areas, or site allocations).

2.3 Geographical Area

- Covers the area of Lancashire County Council and Blackburn with Darwen and Blackpool Borough Councils.

2.4 Arrangements for Production

- Staff resources from within the County Council's Planning Group, cost sharing between the Joint Authorities where appropriate.
- Political management through the Joint Advisory Committee and the appropriate Executive Member, Cabinet/Executive Board or Full Council/Council forum of each of the Joint Authorities.
- Planning Inspector will be requested under section 20(7C) to provide Main Modifications.
- Involve stakeholders and the community in accordance with the Council's Statement of Community Involvement and the duty to cooperate as set out in the legislation.

3. Changes from Previous Schemes

Delays to the previously adopted schedule occurred due to two of the risks identified in the risk assessment, mainly the issue of staff turnover due to significant restructure and budget reductions at the Council. Furthermore, the 14th round of onshore oil and gas licences commenced, and the Infrastructure Act 2015 was issued, resulting in a degree of uncertainty around national level controls and requirements.

4. Resources

The preparation of the Local Plan is a joint process between Lancashire County Council, Blackburn with Darwen Borough Council and Blackpool Council. In practice, the work will fall largely upon the Planning Policy Group of the County Council, with the County Council being financially reimbursed by the two Unitary Authorities as appropriate; as described in the service level agreement.

5. Political Management

The document will be guided, scrutinised and approved by elected members and official committees and councils of the three authorities, at each stage of production.

Recommendations on the preparation and publication of the local plan will be taken by the Joint Advisory Committee; principal decisions will be taken by the three authorities, either by their executive members or by Full Council, depending on the significance of the decisions being made. Committee and Council decisions are open to the public.

6. Risk Assessment

Every effort will be made to ensure that the programme set out in this Development Scheme will be fulfilled, but clearly there are various risks to different aspects of it. The following table identifies these possible risks, the problems that could ensue, the inherent risk (before any mitigation is place), and the mitigation measures that might be taken to alleviate them and the residual risk (after mitigation measures are taken).

Likelihood of Occurrence	High	4	7	9
	Medium	2	5	8
	Low	1	3	6
		Low – minor delay and impact on staff allocation	Medium – delay, with associated minor budget impact	High – significant delay, with associated budget impact
Impact on Business				

RISK	PROBLEM	INHERENT RISK	MITIGATION MEASURE	RESIDUAL RISK
Staff turnover or required for other work items.	Under resourced to take forward the Local Plan preparation resulting in delays.	7	Experienced staff in post. Resources may be drawn from other areas within the wider Strategy and Planning Policy Group in order to ensure continuity	5
Administrative delays	Programme is too tight with insufficient time for document preparation resulting in delays	5	Some leeway has been built into the post consultation and committee stages.	5
Capacity of the Planning Inspectorate (PINS)	Inability of PINS to meet deadlines for examination/decisions will result in delays to Local Plan process and adoption.	5	Leeway has been built into the post submission stages.	3
Plan found to not be legally compliant	At the prehearing meeting or the examination the plans preparation found to not accord to the duty to cooperate	8	Continued attendance at regional and sub-regional minerals and waste meetings. Early engagement with relevant authorities to identify strategic issues. Leeway built into post consultation stages to allow time for duty to cooperate meetings to discuss and resolve any issues of soundness identified through the consultation.	6
Emerging/	Changes to national	8	Long range forecasts of	6

RISK	PROBLEM	INHERENT RISK	MITIGATION MEASURE	RESIDUAL RISK
changing policy or issue	policy affect the Local Plan process resulting in changes to process or changes to emerging policy, or reassessment of evidence. In particular the publication of the Governments Resources and Waste Strategy is expected during the programme.		need are less sensitive to changes in policy, as are locally specific policies. Budget must contain contingency funds to allow for any associated reconsultation or redrafting necessary.	
High levels of objection to site allocation	High levels of objections could result in additional time needed to process and assess comments, and may affect political will to proceed, resulting in the need to redraft, or consult on alternatives.	7	Leeway has been built into the post consultation and committee stages. Front loading the consultation will ensure the significant issues are identified early in the process, and can inform policy development. Reserve sites will receive the same treatment as the preferred sites to ensure the availability of credible alternatives in the event of having to reject the preferred site later in the process, without the need to reconsult.	5
Judicial review	Administrative failure results in legal challenge post adoption	6	Experienced staff in post, thorough project plan, and sufficient time after and leading up to key stages	6
Joint Authority discord	Disagreements between the three authorities, causing delays to the adoption of the Local Plan documents	3	Joint authority members and officers involvement throughout the process.	3



Scoping Consultation Outcomes Report

May 2018

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This document has been prepared jointly by Lancashire County Council, Blackpool Council and Blackburn with Darwen Borough Council.

Further details of the local plan, and to download this and other documents, please visit our website www.lancashire.gov.uk. Or contact:

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1. Introduction

In October 2014 Lancashire County Council, Blackpool Council and Blackburn with Darwen Borough Council resolved to review the adopted Minerals and Waste Local Plan (the Core Strategy and the Site Allocation and Development Management Policies Local Plan). The first step in this process was to consult on the potential scope of the review. This consultation was carried out between 7th November and 19th December 2014. This report presents information on this consultation, describing who was consulted, what they said, and how the draft Local Plan was drafted to respond to what was said.

2. The bodies and persons invited to make representations under regulation 18

Notification emails or letters were sent out to all of the specific consultation bodies listed in the Town and Country Planning (Local Planning) Regulations 2012, and the general consultation bodies held on our consultation database. In addition an email or letter was sent out to the persons listed in section 33a (1) of the Planning and Compulsory Purchase Act 2004, and regulation 4 of the Town and Country Planning (Local Planning) Regulations 2012 to invite them to enter into discussions with us under the duty to cooperate.

A list of organisations notified is available at Appendix A.

3. How those bodies and persons were invited to make representations under regulation 18

The consultation was advertised on the Council's websites, and consultation documents were available to view at the inspection points described in the Council's adopted Statement of Community involvement.

Representations could be submitted in writing, by email, or online through the Council's 'Have your Say' webpage, and the 'objective online consultation portal'.

4. A summary of the main issues raised by the representations made pursuant to regulation 18, and how they have been taken into account

35 representations were received: 2 were received through the Council's objective online consultation portal; and 33 were received by email. These representations received, and the issues they raise, have been taken into account when preparing the draft Local Plan. A further 3 representations have been received since the consultation closed, but have been included as duly made.

The following table presents a summary of the main issues raised by respondents during the consultation, and describes how the document was drafted to address these issues.

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
<p>Question 1: Are there any issues with the vision and objectives as they relate to the circumstances now, and as they relate to the circumstances that may apply in 20 year; are they still valid for the proposed extended plan period?</p>	<p><i>Support for the existing vision.</i></p>	<p><i>"The vision must retain the reference to 'conserving and enhancing quality of life'..."</i></p> <p><i>"We support the Spatial Visions for Minerals and Waste in Lancashire"</i></p> <p><i>"The spatial vision of the adopted Core Strategy remains valid."</i></p> <p><i>"The vision remains valid for the extended period of the plan and the objectives remain a basis for fulfilling net self-sufficiency and sustainable waste management."</i></p>	<p>Support for the existing vision is noted; these elements have been carried through into the draft revised local plan.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
	<p><i>The vision should be updated to reflect the economic benefits of the minerals industry.</i></p>	<p><i>"We suggest that there should be a statement within the vision that supports the national aspiration for onshore hydrocarbon exploration and extraction. We also recommend that that there should be an additional objective to align with the Government's support for new sources of natural gas and oil."</i></p> <p><i>What is missing is any reference to the positive benefits of mineral working</i></p>	<p>The draft revised Local Plan includes a consideration of the economic benefits in the vision and objectives. More detailed consideration of specific minerals is set out in specific policies where necessary.</p>
	<p><i>The vision should be updated to reflect changes in waste management.</i></p>	<p><i>"The vision and objectives should be updated to reflect the NPPF and National Planning Policy for Waste."</i></p> <p><i>"The vision should acknowledge that there remains a need for landfill facilities. In objective 9 it should be noted that some waste facilities are necessary not only to provide for locally arising wastes but can function as either regional or national facilities. In Objective 10, and the comment on achieving sustainable waste management on page 6 of the Core</i></p>	<p>Noted. These matters are reflected in the vision and objectives of the draft revised local plan, and follow through into the draft policies.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>Strategy the text should be amended to reflect properly the proximity principle.</i></p> <p><i>It must recognise that a strategic network of waste disposal facilities must be developed and that waste must be managed in the nearest appropriate installation rather than 'as close to its source as possible'.</i></p>	
	<p><i>The vision should be updated to correct issues around the existing wording as it relates to minerals.</i></p>	<p><i>"The Spatial Vision defined in the current Core Strategy lacks significant spatial elements. It is a stretch to claim that the use of alternatives will increase when national indications are that recycled aggregates supply is near full capacity. The objectives also confuse two separate aspects of mineral planning. Objective 1 conflates safeguarding of mineral and conservation of minerals. These are 2 distinct objectives."</i></p> <p><i>The vision suggests that minerals development will contribute towards conserving and enhancing the landscape. This is somewhat</i></p>	<p>The draft revised local plan has been revised to provide clarification on these matters.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>confusing. Clearly, materials arising from mineral extraction do precisely that by providing for example new construction, but to achieve that some disturbance is unavoidable."</i></p> <p><i>"The purpose of safeguarding is to protect resources from unnecessary sterilisation for future uses which we cannot determine at this time. The words 'for specific purposes' are contrary to this concept as a specific purpose does not have to be known, and these words should be deleted."</i></p>	
<p>Question 2: Comments are invited on the proposed amalgamation of similar policies and any other opportunities to reduce duplication.</p>	<p><i>The amalgamation of policies is welcomed</i></p>	<p><i>"The drawing together of the two existing documents is welcomed. With reference to CS9 and DM2 the principle of amalgamating policies between the Core Strategy and Site Allocation Development Management Policies documents is accepted provided the details and protection currently found in each policy are not diminished or lost."</i></p> <p><i>"We welcome the amalgamation of policies within the Site Allocation Local Plan and the Core Strategy as this will</i></p>	<p>Noted.</p>

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		<p><i>provide more succinct policy and remove any duplication."</i></p> <p><i>"The amalgamation of the listed policies would be useful and lead to a simplified set of policies and documents."</i></p> <p><i>"Support the amalgamation of similar policies, particularly where this seeks to minimise potential policy duplication and thereby provides greater clarity."</i></p>	
	<p><i>The amalgamation of certain minerals policies should not take place.</i></p>	<p><i>It is suggested that M1 would sit better as a sub-policy to an amalgamated CS3 and CS4."</i></p> <p><i>"It is considered that CS2 should remain a standalone Policy, of a strategic nature, that sets out the overall approach to minimising the extraction of minerals.</i></p>	<p>Noted. The need for aggregates has been reassessed as part of the review. The draft revised local plan includes draft policy outlining projected need and separate sub-policies on specific considerations for each mineral, together with separate policies on the efficient use of minerals and sustainable construction.</p>
	<p><i>Separate minerals and waste policies should be maintained when amalgamating the plans.</i></p>	<p><i>"Care will need to be taken with amalgamating policies, especially where it is proposed to combine waste and minerals policies."</i></p>	<p>Noted. There remains a need for generic policies and minerals/waste specific policies, but in combining the two policy documents no policies have been amalgamated unnecessarily.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<i>It would be beneficial if a clear distinction can be maintained between minerals and waste policies."</i>	
Question 3: Comments are invited on whether there is any need for new policies to be added to the Local Plan.	<i>The draft plan should include policies requiring more public accountability and protection through the planning process.</i>	<p><i>"Bourne Leisure strongly suggests that four additional policies need to be included within the reviewed plan:</i></p> <ul style="list-style-type: none"> <i>• Pre-application Consultation</i> <i>• Consultation on submitted planning applications</i> <i>• Enforcement</i> <i>• Annual Monitoring Report"</i> 	<p>It is not appropriate to include these issues in the draft plan, as the NPPF states that only 'policies that provide a clear indication of how a decision maker should react to a development proposal should be included in the plan'.</p> <p>The Statement of Community Involvement, and the Development Management Charter, describe how the councils expect applicants to engage with the community, and how the councils will carry out their development management function.</p>
	<i>The draft plan should include a policy on onshore gas.</i>	<p><i>A policy on Onshore Oil and Gas should be adopted, and a policy on treatment and disposal of the contaminated water associated with fracking should be adopted and its provision for its treatment made."</i></p> <p><i>"It would be appropriate to include a comprehensive policy approach within</i></p>	<p>The draft revised local plan includes a policy on minerals exploration, and a specific policy for developments of onshore oil and gas appraisal and production. There is specific text on hydraulic fracturing (fracking), and an appendix on unconventional resources.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>any new Local Plan which relates to any unconventional hydrocarbons. The provision of a policy for unconventional hydrocarbons should not exclude any specific unconventional hydrocarbon and should not relate solely to shale gas but should embrace the spectrum of these potential energy sources."</i></p> <p><i>"The policies of the Local Plan Review should support the principle of exploration, appraisal and production of shale gas.</i></p> <p><i>The Local Plan Review should also include a map of the Petroleum License Areas which fall within the Local Plan Area.</i></p> <p><i>As the Joint Authority falls within a Petroleum License Area, the NPPG expects the plan to include criteria based policies for each of the exploration, appraisal and production phases of hydrocarbon extraction.</i></p> <p><i>The Local Plan should clarify what authorities and regulators are</i></p>	<p>In addition, the draft revised local plan includes a general recognition of the economic benefits of mineral working, and quotes the National Planning Practice Guidance paragraph 27-091-20140306 which expresses a 'pressing need to establish, through exploratory drilling' whether resources are present.</p> <p>A map of licences issued under the 13th round is included as an appendix to the draft revised local plan and an appendix has been included describing the different roles and responsibilities of the regulatory agencies/regimes.</p>

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		<p><i>responsible for which aspects of the process."</i></p> <p><i>"This is an ideal opportunity to consider the possibility of including a new policy or policies in the plan given the significant interest in shale gas activity in the area."</i></p> <p><i>"There is a need to consider additional policies dealing with the emerging issue of onshore gas and oil production."</i></p>	
	<p><i>The draft plan needs to account for the treatment of leachate from landfill sites.</i></p>	<p><i>A policy is needed on the treatment of leachate from Hazardous Waste landfill before it is discharged into the public sewer."</i></p>	<p>The appropriate treatment and disposal of wastes is required by the environmental permitting process and regulated by the Environment Agency.</p> <p>If a planning application is submitted for treatment or disposal facilities the policies of the draft revised local plan provide sufficient detail.</p>
	<p><i>The draft plan needs to account for heritage assets.</i></p>	<p><i>"The Plan will need to demonstrate how it will deliver a steady supply of minerals whilst still safeguarding those elements that contribute to the significance of the heritage assets of</i></p>	<p>Noted. This is addressed in the Sustainability Appraisal and is covered in the draft revised local plan through the main generic development management</p>

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		<p><i>the area. The plan also needs to ensure that the strategy for minerals development, and in particular, the location identified for future extraction are delivered in a manner which safeguards those elements which contribute to the significance of the heritage assets of the Lancashire Area."</i></p> <p><i>"It should be acknowledged in the plan that most development plans include policies which encourage the need for new development to be built in traditional styles and materials. For these policies to be brought to fruition it is essential that sufficient supplies of building materials are allocated. The fact that products from different building stone quarries are often not interchangeable and that building/block dimensional stone quarries can be significant to local employers should also be acknowledged in the Plan Review."</i></p>	<p>policies; there is also explicit reference to heritage assets in the policy justification.</p> <p>The draft revised local plan includes a policy on building stone, including consideration of these issues.</p>
	<p><i>The draft plan needs to encourage waste minimisation.</i></p>	<p><i>"In terms of waste, the Plan needs to show how encouraging the reuse or adaption of existing buildings might</i></p>	<p>The draft revised local plan has a policy on inert waste recycling, and a policy on sustainable</p>

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		<p><i>assist in reducing the amounts of construction and demolition waste."</i></p> <p><i>"It is considered that greater efforts need to be made, primarily through education and reduced landfill capacity, to decrease waste arisings."</i></p>	<p>construction. However, reuse and adaption of buildings is outside of the scope of the draft revised local plan, but may be more appropriately addressed in a district local plan</p>
	<p><i>There is no need for new aggregate policies.</i></p>	<p><i>"We do not think there is a need for new policies on aggregates and that necessary changes can be made to the existing suite of policies."</i></p>	<p>The evidence on need indicates a change is necessary, in most cases this has been in the form of revisions to the wording of the existing policies. Though it should be noted that this has the effect of changing the nature of the policy significantly.</p>
	<p><i>The draft plan needs to account for restoration and aftercare.</i></p>	<p><i>"The following principles should be applied with regards to restoration and aftercare:</i></p> <ul style="list-style-type: none"> <i>• Be based on a specific, up to date evidence base, including a biological and geological baseline, current trends and conditions,</i> <i>• Seek to secure adequately funded long term management programmes for aftercare and site management, which should</i> 	<p>Noted. The draft revised local plan contains a draft policy on restoration and aftercare that addresses these issues.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>be set out from the earliest stage of planning, and</i></p> <ul style="list-style-type: none"> • <i>Deliver locally tailored phased restoration and management proposals and consider strategic proposals to deliver restoration at a wider scale."</i> • <i>Where minerals underlie the best and most versatile agricultural land, it is particularly important that restoration and aftercare preserve the long term potential of the land as a national, high quality resource.</i> 	
	<p><i>The draft plan needs to account for habitat protection.</i></p>	<p><i>"The Plan should give consideration to the mitigation hierarchy of Avoid; Mitigate and then Compensate as a last resort as well as consideration to irreplaceable habitats."</i></p>	<p>The draft revised local plan includes a development management policy which refers to the assessment of impacts and their mitigation, with specific reference to the mitigation hierarchy. In addition, there is a restoration policy which refer to the appropriate safeguarding of soils, and a consideration of agricultural land.</p>
	<p><i>The draft plan needs to account for development proposals</i></p>	<p><i>"It is desirable to explore the possibility of a specific policy on existing built facilities as they do not appear to be recognised as fulfilling the vital role</i></p>	<p>The policies of the draft revised local plan apply to any application, whether it is a new facility or an alteration or extension to an</p>

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	<i>at existing waste facilities.</i>	<i>they play in meeting the current and potential future needs of the joint authorities."</i> <i>"Existing facilities should be supported in providing new technology and facilities "</i>	existing facility. The policy wording has been clarified to make this clear.
	<i>The draft plan need to account for cross boundary movements of waste.</i>	<i>"Existing facilities ... which are strategically located in close proximity to other authorities should be supported in their capacity to meet the need from those adjoining waste authorities"</i>	Noted. The draft revised local plan recognises both the movement of waste across local authority boundaries as part of local waste markets, and also the movements associated with the large catchment areas of strategic type facilities.
	<i>When preparing the draft plan please consider its usability for applicants and officers.</i>	<i>"Please ensure that the Head of Development Management is involved in drafting the policies in order to ensure that the policies make sense from a Development Management perspective."</i>	This has been the case.
	<i>The draft plan needs to address building stone.</i>	<i>"Building/block and dimensional stone resources require more intense capital than typical aggregate quarries , such as the security of allocated reserves is integral to justify the significant investment needed to maintain such operations.</i>	The draft revised local plan includes a policy on building stone that provides for a consideration of these issues. Monitoring information presented in the Local Aggregate

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		<p><i>"When assessing need for gritstone resources we ask that special consideration is given to dimension stone."</i></p> <p><i>"If encouragement of building stone is to continue it must be accepted that some addition to the aggregate landbank comes with it."</i></p>	<p>Assessment describes the extent of the reserve identified for aggregate use; this is operator submitted. However, there is no monitoring information submitted on the need for, or reserves of, solely building stone producing quarries.</p>
<p>Question 4: Comments are invited on the scenarios for assessing objectively assessed need identified in the Local Aggregate Assessment (and the assumptions underlying them), with a view to identifying minerals objectively assessed need.</p>	<p><i>The projections for aggregates, and how they will inform the draft plan.</i></p>	<p><i>"We have concerns at the use of GVA in the introductory section 2.1 (page 5-7). GVA – the increase in the value of the economy due to the production of goods and services, it is a very indirect indicator for forecasting need for aggregate. Similarly, the attempt in Appendix 2 to link housing delivery with aggregate supply ignores the many alternative principle materials that may be chosen, brick, steel, timber, concrete, cast and natural stone etc and detracts from the quantitative assessment of demand and supply."</i></p> <p><i>"There is no justification to suggest that GVA will fall, particularly as the works for the City Deal etc kick in."</i></p>	<p>The draft revised local plan recognises the potential impact of the past recession on the use of past sales data to inform an estimate of future demand (i.e. projecting forward of a recessionary trend). The draft revised local plan therefore uses a range of figures, which will be informed by up to date monitoring information as the plan period progresses, to predict future demand.</p> <p>Whilst a number of past trends were explored for use as a proxy for projecting future demand of aggregates, none demonstrated a sufficient correlation with</p>

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		<p><i>The calculation of objectively assessed need should take into account the fact that the UK economy has been in deep recession since 2008, and the minerals plan will need to cater for a recovering, and eventually growing economy."</i></p> <p><i>"The forecasts should be based on projecting past trends for the sales of different sands and aggregates and applying alternative scenarios to obtain a range of forecasts and then to assess the probability of their likely occurrence."</i></p> <p><i>"The average should be adjusted upwards to reflect the negative impact of the recession and to reflect the more positive conditions now pertaining. In addition the average should be adjusted upwards to reflect the substantial planned development coming forward through new infrastructure works."</i></p> <p><i>"Using the 10 year average as a long term projection can then be tempered by using the 3 year average to indicate short term trends."</i></p>	<p>aggregate production or waste arisings and so none have been taken forwards in the draft revised local plan.</p>

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		<p><i>"A total for consumption plus an expected level of exports should be used for demand. The 10 year average should only be relied on if there is an indication that future conditions will be the same as the last 10 years. Attention should be directed to NPPG which advises that in the absence of certainty on forecasting data, regard should be had for policy purposes to the National Guidelines. We also support the analysis you have carried out on the productive capacity of individual sites. We also support your approach to alternative materials of assuming a constant share of supply."</i></p> <p><i>"If the 10 year average of sales should be adjusted upwards the issue is by how much should any assessment be adjusted, It is correct to take into account the recession. Caution should be taken with regard to over provision and a mechanism for monitor and review /adjustment is needed in the Plan."</i></p>	

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		<p><i>"The 10 year average should be for land-won sand and gravel sales. For sand and gravel, medium to long term supply is dependent upon just one site, i.e. there is no contingency plan should this site fail to deliver."</i></p> <p><i>"It would probably be more prudent to take into account movements as they are present."</i></p>	
	<p><i>The projections for waste, and how they will inform the draft plan.</i></p>	<p><i>"We have concerns that the Gross Value Added (GVA) is the combined recorded values of water supply, sewage and waste management. While there may be a connection between water supply and drainage there can be little connection these activities and waste management. In reference to Municipal Solid Waste we support the more rigorous EC targets and recognise the need for some additional capacity in East Lancashire towards the end of the plan period. We support the more ambitious recycling targets in Commercial and Industrial Waste."</i></p> <p><i>"The use of Environment Agency capacity figures should not be used as</i></p>	<p>The local waste assessment recognises the uncertainties around estimating future demand. However, the NPPG (at 28-038-20141016) recognises that landfill is at the bottom of the waste hierarchy and planning authorities may wish to plan for a close fit of land allocations with planned waste management capacity.</p> <p>The draft revised local plan recognises this uncertainty, but seeks to avoid an inappropriate degree of flexibility. The draft revised local plan includes policies containing a range of figures, where appropriate, to reflect the uncertainties around predicting</p>

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		<p><i>a basis of defining capacity. Transfer station figures should be excluded unless it can be clearly shown that treatment/recovery is actively being undertaken. The waste assessment acknowledges that the comparables have little if any correlation, and yet these are still used to develop the scenarios."</i></p> <p><i>"All the forecasts of arisings and capacity are big picture figures and as such, often mask shortages in individual areas or treatment methods."</i></p> <p><i>"None of the comparables are robust enough to be used as proxy growth rates, so a flexible plan with close monitoring is desirable."</i></p> <p><i>"It would be prudent to model future waste arisings based on a 1% growth scenario."</i></p> <p><i>"We suggest that potential increased demand from including need from adjacent Waste Authorities the continual progression of co-mingling of waste, new technological innovations</i></p>	<p>future demand which, when informed by the application of up to date monitoring data, provide for a flexible yet robust policy.</p> <p>The local waste assessment will be updated annually and will reflect the most up to date information available.</p>

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		<p><i>and recycling will impact upon the waste arising figures over the intervening period."</i></p> <p><i>"The more onerous recycling targets should be used to model required capacity, in line with European aspirations. Progress against these ambitious targets would need to be carefully monitored in the annual monitoring reports however, to ensure a capacity shortfall does not result."</i></p>	
	<p><i>There needs to be more information on different waste management types.</i></p>	<p><i>"Insufficient information is given, other than landfill, for the types of management capacity required. Information should also be provided on how the limited facilities are to be replaced."</i></p> <p><i>"We seek greater information on the capacity of the various treatment/processing techniques currently available."</i></p>	<p>The draft revised local plan does not provide estimates of the types of waste management capacity required, only breaking it down with reference to the national/international targets. To be more specific is unnecessary.</p> <p>More information on active permitted capacity by technique is set out in the Local Waste Assesment.</p>
	<p><i>The revised plan should only consider operational capacity when preparing its projections.</i></p>	<p><i>"The Local Waste Assessment refers to capacity consented but not yet constructed. Only operational capacity should be included because a planning</i></p>	<p>Noted. This is the approach that is set out in the Local Waste Assessment.</p>

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		<i>permission is by no means a guarantee of development."</i>	
	<i>The revised plan should not plan for self-sufficiency.</i>	<i>"The existing Minerals and Waste Local Plan focuses on achieving self-sufficiency and this needs to be reviewed for the new Local Plan."</i>	The existing Minerals and Waste Local Plan plans for net-self-sufficiency. This approach has been carried through into the draft revised local plan.
	<i>Hazardous waste projections are not correct.</i>	<i>"The trend for future hazardous waste arisings in the Local Waste Assessment states that levels of arisings will decrease on a year on year basis and this is inconsistent with the data and with other policy documents that have been produced by the Government with respect to hazardous waste."</i>	NPPG paragraph ref 28-034-20141216 states that hazardous waste forecasts should be based on extrapolating time series data; this approach has been followed in the local waste assessment. The local waste assessment will be updated annually and will reflect the most up to date information available.
Question 5: Comments are invited on whether existing policies will remain fit for purpose during the extended plan period to 2032 in	<i>The revised plan should receive less weight than district local plans.</i>	<i>"There needs to be better cooperation between the LCC as Minerals and Waste Authority and the Borough and Unitary Authorities who determine most other planning applications. We believe in practice, more weight should be given to designated areas by the Borough Council when determining planning applications."</i>	The amount of weight to be afforded each policy in an areas development plan is a matter for the decision maker, having regard to the particular facts of each individual application.

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<p>light of the scenarios for assessing objectively assessed need, and whether there is any need for new allocations for quarries, landfill sites or waste management facilities(including suggested new allocations) to contribute to meeting objectively assessed need.</p>	<p><i>The revised plan should reduce vehicle movements.</i></p>	<p><i>"The local plan ought to capitalise on every opportunity to reduce pollution associated with road transportation of waste and minerals by encouraging self-sufficiency within the plan area."</i></p>	<p>Consideration of transport impacts, including pollution, congestion and safety amongst others are recognised and described in the draft revised local plan.</p>
	<p><i>The revised plan should not promote planning agreements where conditions would be more appropriate.</i></p>	<p><i>"Existing policy DM3 seeks that, where appropriate, planning obligations include time limiting developments. SITA UK's view is that these matters can be appropriately covered by planning conditions. This view is supported by the inclusion of a 'review of void consumption' requirement."</i></p>	<p>The draft revised local plan includes draft policy to this effect, using planning conditions and a review of void consumption.</p>
	<p><i>The revised plan should not require need for a proposed minerals development to be demonstrated.</i></p>	<p><i>"Policy CS1 requires need be established for mineral when no such proof of need is required by national policy."</i></p>	<p>The draft revised local plan contains a draft policy setting out a requirement to demonstrate need in certain circumstances where the landbank or permitted reserve situation does not clearly demonstrate a need when considered against the predicted need.</p>
	<p><i>The revised plan should not include capacity restrictions for waste developments.</i></p>	<p><i>"The limitations on site capacities and on catchment area capacities in policies WM2 and WM3 should be removed as they unnecessarily restrict investment and flexibility of solutions."</i></p>	<p>The draft revised local plan includes draft policy identifying a range of figures for predicted demand. This is not applied in a</p>

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		<i>"Any capacity restrictions in the Local Plan (as in the existing policies WM2 and WM3) should not be considered relevant to waste transfer proposals."</i>	restrictive manner, or as a cap, in recognition of these issues.
	<i>The revised plan should not require waste operations to be carried out within a building,</i>	<i>"Existing Policy WM4 part C expects inert waste recycling facilities on the allocated industrial sites to be housed within a building. Whilst operations within a building may be appropriate for many sites, it should not simply be a blanket requirement and there should be opportunity to consider whether or not it would be appropriate or necessary to enclose such operations"</i>	The draft revised local plan includes this wording. The policy wording provides for a default position of operations and stockpiles in buildings, unless the applicant can demonstrate no amenity impact will arise from outside operations. It is not a blanket approach.
	<i>The revised plan should include a new policy on landfill.</i>	<p><i>"Policy LF1 will need to be reviewed in line with the Local Waste Assessment."</i></p> <p><i>"The capacity figure includes the full utilisation of time limited voids such as that at Clifton Marsh. This must be made clear in the plan to ensure informed decisions are made on any applications to change existing site time limits."</i></p> <p><i>"Policy LF1 will not be fit for purpose. The continuation of this long term</i></p>	<p>The NPPG, at paragraph 28-038-20141016, recognises that landfill is at the bottom of the waste hierarchy and planning authorities may wish to plan for a close fit of land allocations with planned waste management capacity.</p> <p>The draft revised local plan has an objective to plan for a limited and declining number of existing landfill sites, due to the availability of permitted void space relative to the volume of predicted waste arisings.</p>

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		<p><i>single site policy cannot be justified for these reasons:</i></p> <ul style="list-style-type: none"> • <i>It will lead to a monopoly situation in non-hazardous landfill provision</i> • <i>Consideration should be given to increased capacity at existing landfills</i> • <i>The questions over the total capacity of Whinny Hill remain."</i> 	<p>Draft policy seeks to restrict new releases of landfill void space within this context. Given the uncertainty around the delivery of some of this void space described in the local waste assessment, flexibility is provided through the commitment to monitor delivery and a trigger for a review of the plan is provided.</p>
	<p><i>The revised plan should include a policy on low level radioactive waste.</i></p>	<p><i>The purpose of existing policy LF4 is simply to allocate a new site within the Springfields complex, but SITA UK believe that a policy with a wider scope, covering LA-LLW and including reference to the existing Clifton Marsh Site would be more appropriate."</i></p> <p><i>"Lancashire must not be used as a dumping ground for natural occurring radioactive materials."</i></p>	<p>The draft revised local plan includes a policy on the landfill of low level radioactive waste, including the Springfields allocation, but with a wider scope to also include other active landfills.</p> <p>This draft policy includes a requirement to consider the origin of waste arisings and limit deposits from outside the north west to a proportion of the overall waste capacity.</p>
	<p>Urban areas should not be excluded from mineral safeguarding areas.</p>	<p><i>"We still oppose the omission of MSAs in urban areas."</i></p>	<p>The draft revised local plan includes a draft policy on urban mineral safeguarding areas, applying them to relevant</p>

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		<i>"We do not wish to see any areas excluded from the Mineral Safeguarding Area, as is currently the case."</i>	developments over 5ha. This seeks to balance the benefits associated with prior extraction, with the removal of burdens on small scale developments where prior extraction would be unsustainable.
	<i>The revised plan needs to do more to protect minerals infrastructure and reserves.</i>	<p><i>We also consider the continued potential threat to the regionally important limestone resources from speculative housing applications and proposed housing land allocations. Consideration in the policy review should be given to enhancing the protection of these sites."</i></p> <p><i>"The safeguarding of the Kellet Limestone resource from the potential encroachment of new housing developments is essential."</i></p>	The draft revised local plan includes mineral safeguarding areas, and also includes a draft policy on safeguarding mineral infrastructure, including an additional demarcation of mineral consultation areas around existing permitted reserves and adjacent resources, to address this concern.
	<i>The revised plan should include reference to a full consideration of sustainability criteria.</i>	<i>"The tests for considering the acceptability of a proposal need to address amenity, health and economic well-being separately. It also needs to apply to all proposals for waste facilities and not only new facilities."</i>	This forms part of the vision and objectives of the draft revised local plan. It contains a generic policy on the management of minerals and waste developments to ensure impacts on local communities and businesses are considered. It provides a list of impacts but it is

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>"Policy DM2 needs to give greater protection to local communities and the need to conserve and enhance neighbouring amenity. A reference to odour and vibration must be included in the final list of bullet points of the Policy."</i></p> <p><i>"Policy CS5- Whilst we have no comments on the list of criteria as presented, we believe that they fall short of a full consideration of sustainable mineral working. The following should also feature as criteria; the economic benefit to the local economy including upstream and downstream contributions, transport and contracting, plus the essential support to the local construction industry."</i></p> <p><i>"The site selection methodology should account for the importance of avoiding harm to the character of nationally protected landscapes and locally valued landscapes."</i></p>	<p>not exhaustive, the intention is to provide an indication of how the policy could be implemented.</p> <p>The draft revised local plan sets out the factors that will be relevant when considering the significance of an impact. Clearly some impacts will be more severe than others, a key aim will be to determine whether an impact will generate a demonstrable harm, and then seek to mitigate that impact or to refuse the application.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>The site selection process should also consider the availability and opportunities to enhance GI networks.</i></p> <p><i>Mineral Development allocations should avoid adverse impacts on National Trails and networks of public right of way."</i></p>	
	<p><i>The revised plan should not direct waste management developments to industrial areas/</i></p>	<p><i>"Within Policy CS9 Bourne Leisure disagree that priority should be given to locations within existing industrial and commercial areas."</i></p>	<p>NPPW states planning authorities should consider a broad range of locations, including industrial estates. NPPG advises that care should be taken when identifying broad locations to avoid limiting market flexibility.</p> <p>Industrial locations will not be the most suitable location in all circumstances. The draft revised local plan seeks to identify circumstances where alternative locations may be appropriate. The draft revised local plan also seeks to ensure that facilities are appropriate for the location proposed, and impacts will be mitigated, or if this is not possible the proposal will be refused.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
	<i>The revised plan should not have a target for recycled aggregate use.</i>	<i>"Policy CS2 – unless there is to be a regular survey of the production and use of recycled and secondary aggregates in the future, we see no point in having a separate target for these materials in policy."</i>	Noted. Due to the recognised limits on the availability of information on recycled aggregates the draft revised local plan does not contain a target for recycled aggregate use or use it as a review indicator.
	<i>The revised plan needs to update the aggregate policies to ensure an adequate supply of sand and gravel.</i>	<p><i>"Policy CS3 – the figures for provision in this policy would need to be updated in line with the LAA."</i></p> <p><i>"M1 does not comply with CS3 or CS4 and a complete revision of these policies is required, in particular to allow for the allocation of specific sites and/or preferred areas to ensure an adequate supply of sand and gravel to meet the need over the reviewed plan period as identified in paragraph 4.1 in the Local Aggregate Assessment."</i></p> <p><i>"There are a number of deliverability issues relating to the permitted reserves of sand and gravel. The primary issue is that the reserves in a number of sites do not meet the relevant BS EN specification. A further issue is that, as identified in the LAA</i></p>	Noted. The draft revised local plan has been prepared using the most up to date Local Aggregate Assessment, and draft policies provide an appropriate strategy to meet the need identified.

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>the reserves at Runshaw (4.2 million tonnes and currently inactive) dominate the total reserve. This dominance by a single inactive site seriously affects competition and deliverability of sand and gravel to meet demand and needs to be addressed in a review. Out of 7 sites with reserves, the permissions at 4 of those sites expire by 2017.</i></p> <p><i>"We give our total support to the continued use of sand quarries in the area as they are of growing importance."</i></p>	
	<p><i>The revised plan needs to update the aggregate policies to ensure an adequate supply of limestone.</i></p>	<p><i>"The permitted reserves of limestone are in the control of a single operator."</i></p>	<p>Limestone reserves are in the control of three separate operating companies.</p>
	<p><i>The revised plan needs to update the aggregate policies to ensure an adequate supply of gritstone.</i></p>	<p><i>"One very large gritstone permission dominates and distorts the landbank. Whitworth Quarry has probably the single largest reserve in the county but the site now has a small output because it is largely worked for dimension stone. There are a number of other active gritstone quarries where reserves are relatively limited. However, because of the current policy</i></p>	<p>The draft revised local plan includes draft policies which responds to these issues.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<i>constraint of no permissions being founded on a land bank based largely upon one dominant permission the policy discriminates those other operational sites."</i>	
	<i>The revised plan needs to address hazardous waste landfill.</i>	<i>"There appears to be no mention of Whitemoss Landfill site in the Local Plan."</i>	The draft revised local plan does not refer to each active site within the Plan area. Should an application come forwards the draft revised local plan contains a suite of policies to enable its determination.
	<i>No new sites would be appropriate in West Lancashire</i>	<i>"We are of the view that no additional minerals/waste sites would be appropriate in West Lancashire over the proposed Local Plan Review Period."</i>	Noted. This is not supported by the evidence, it not a sustainable approach, or an appropriate strategy and the plan would be unlikely to be found sound if it was implemented.
	<i>The revised plan needs to reconsider the weight to be attached to mineral safeguarding.</i>	<i>"We would suggest that consideration be given to amending the wording of Policy M2 – Safeguarding Minerals to provide an appropriate balance between avoiding the sterilisation of minerals and the permitting of necessary development and that the policy specify that the extent (supply) and value of the mineral in question be taken into account in the decision making process."</i>	The draft revised local plan provides additional draft policy justification to provide assistance in interpreting the policy requirements and to ensure that when implementing the policy the appropriate balance is struck between the various issues. However, it should be noted that mineral safeguarding is a requirement of the NPPF and the

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
			<p>Minerals and Waste Planning Authority's main role is in identifying the areas where safeguarding should apply.</p> <p>The amount of weight to be afforded each policy in an areas development plan is a matter for the decision maker, having regard to the particular facts of each individual application.</p>
	<i>Impact of active quarries.</i>	<i>"Should any further Permissions be sought, it should be determined that no further Round O traffic should pass through the village. The final Minerals and Waste Local Plan should include an assessment of the environmental impacts such quarries have on Lancashire villages and the formation of a policy to deal with such impacts."</i>	Noted. The draft revised local plan sets out the factors that will be relevant when considering the significance of an impact. Clearly some impacts will be more severe than others, a key aim will be to determine whether an impact will generate a demonstrable harm, and then seek to mitigate that impact or to refuse the application.
	Waste management site suggestion	<i>"WM2 and WM3/CS9 – We consider that Simonswood Moss site should be included as a large scale Built Waste Management Facility within Policy WM2."</i>	A site allocation for developments of this nature is not considered appropriate, the strategy in the draft revised local plan is to provide criteria for operators/planners to use in identifying appropriate locations.

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>"We would like to include Hill Top Farm, Blackburn Road, Edgworth, BL7 0LA as a site for handling biomass waste."</i></p> <p><i>"On behalf of our clients Wood Waste, we would suggest that their site at Westby would be considered as an alternative site to provide Local Waste Management Facilities."</i></p> <p><i>" We request that you consider protecting the resource that is Westby inert landfill site by adopting it into the local plan during your current review"</i></p> <p><i>"Policy WM3 and WM4: The sites allocated should be reviewed as there are other sites to those identified in WM3 and WM4 that could now be considered as alternatives. On behalf of our clients at NWM we would suggest that their site at Clayton Hall should be considered as an alternative site to provide local Waste Management facilities."</i></p>	<p>The draft revised local plan includes a policy on developments in the countryside, and waste management developments.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
		<p><i>"It is imperative that the remaining capacity of existing sites, such as Jamestone Road landfill at Fleetwood, is fully taken into account before determining the need for provision of new facilities."</i></p> <p><i>"We wish to promote Ravenhead Quarry as an inert waste disposal facility for inclusion in the forthcoming Minerals and Waste Local Plan."</i></p>	
	<p><i>Minerals site suggestion for gritstone</i></p>	<p><i>"We wish to put forward 2 mineral sites (2 existing sites with 2 proposed extensions) at Brinscall Quarry, Chorley and Waddington Fell Quarry, Clitheroe."</i></p> <p><i>"Site allocations for extensions to Jamestone Quarry and Waddington Fell Quarry should be adopted."</i></p>	<p>A site allocation for developments of this nature is not considered appropriate, given the large landbank. However, as a large part of the landbank is held by one quarry there is the risk that as other quarries are worked out they may not be able to secure extensions, which could affect the supply of aggregates to the local market. The draft revised local plan includes a policy on building stone, and a policy on gritstone that recognises the benefits of a continued local supply.</p> <p>The draft revised local plan also includes a policy on building stone.</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
			<p>The draft revised local plan includes a mineral safeguarding policy which introduces mineral consultation areas around permitted reserves and other known mineral resources around active quarries (including an appropriate buffer). The allocation proposal will be included in this mineral consultation area.</p>
	<p><i>Minerals site suggestion for sand and gravel</i></p>	<p><i>"In terms of new sites, Lower Hall Farm could supply some 3.0 million tonnes of sand and gravel."</i></p> <p><i>We would like to include Lydiate Lane sand quarry (and the indicative reserve calculation) to be considered as a suggested allocation</i></p>	<p>The evidence indicates a shortfall in the landbank during the plan period and a probable shortfall in the amount of permitted reserves to meet predicted demand. A large part of the landbank is held by one quarry and there may be a risk that as other quarries are worked and the number reduces this may affect the supply of aggregates to the local market.</p> <p>The draft revised local plan includes a policy on sand and gravel that recognises the benefits of a continued local supply, and the need to meet a possible shortfall in permitted reserves</p>

Scoping consultation question	Summary of main issue	Examples of representations received	How this has been taken into account
			identified as likely to arise during the plan period.
	<i>Minerals site suggestion for hydrocarbons</i>	<i>"To comply with paragraph 107 of the NPPG, the Local Plan Review should identify existing hydrocarbon exploration and extraction sites through the local plan site allocation process. We would like the Local Plan Review to highlight the exploration sites at Roseacre Wood and Preston New Road."</i>	Operational sites will be shown on the key diagram alongside the other minerals and waste sites, and in line with the NPPG Preston New Road site will be shown on the policies map. As Roseacre Wood is the subject of an appeal it is not appropriate to include reference to it in the draft revised local plan.

Appendix A: Key stakeholders notified of the consultation

In addition to the companies and groups listed below, all parish councils within the Joint Plan area, and on the boundary with the Joint Plan area, were notified, along with a number of private individuals.

1st Class Nursery
A1 Skip Hire Ltd
A1 Supa Skips
Able Skip Hire
Ace Skips
AEA Technology Environment
Age Concern Blackpool
Age Concern Lancashire
Aggregate Industries UK Ltd
Alliance Planning
Armstrong Aggregates Ltd
Armstrong Group
Arnside Silverdale AONB Landscape Trust
ARROW
Arup
Asco Joucomatic Ltd
Ashurst One Tenants and Residents Association
Associated British Ports
Association of Inland Navigation Authorities (AINA)
Aurora Petroleum
Axis PED Ltd
BAE Systems

Barratt Manchester
Barton Willmore
Bay Letting Co Ltd
Beetham Parish Council
Bell Ingram
Bentham Town Council
Biffa Waste Services Ltd
Biogen Power Ltd
Blackburn Labour Party
Blackburn with Darwen Borough Council
Blackburn with Darwen Clinical Commissioning Group
Blackpool Borough Council
Blackpool Clinical Commissioning Group
Blackpool International Airport
Blackpool North and Cleveleys Conservative Party
Blackpool PCT
Blacks Bike Shop
Blainscough Works
BNP Paribas Real Estate
Bolton Metropolitan Borough Council
British Aggregates Association
British Geological Survey
British Trust For Conservation Volunteers
Brown Bros (Longridge) Ltd
Brown Rural Mineral Partnership
BT Group PLC
Burnley Borough Council
Burnley Liberal Democrats
Bury Metropolitan Borough Council
C&C Supplies

C&S Civils Ltd
Cable & Wireless
Calderdale MBC
Capstick Waste Reclamation Services
Carter Jonas LLP
Cassidy and Ashton
Castle Cement Ltd
Caton with Lonsdale Composting Club
CEMEX UK Ltd
Central Lancashire PCT
Central Networks
Centre for Ecology and Hydrology
Centre for Local Economic Strategies
Centre for Waste Management (UCLAN)
Centrica Plc
CgMS Consulting
Charnock House Farm
Cheshire East Council
Cheshire West and Chester Council
Chorley and South Ribble Clinical Commissioning Group
Chorley Borough Council
Chorley Environmental Forum
Chorley Labour Party
Chorley Sand Company
Church Commissioners For England
Churchill Enviro Limited
City Centre Commercials
City of Bradford Metropolitan District Council
Civil Aviation Authority
Claybrow & Holland Moor Estate Management Board

Clayton Hall Sand Company
Clement Dickens and Sons Ltd
Clive Hurt Plant Hire Ltd
Cliviger Coal Company
Cliviger Stone Merchants
CLP Envirogas Ltd
Coal Authority
Coke Turner
Colliers CRE
Commercial Estates Group
Community Futures
Connolly Demolition Ltd
Consultancy Services UK
Country Land and Business Association
CPRE - Lancashire
CPRE West Lancashire District Group
Craven District Council
Cuadrilla
Cumbria County Council
Cumbria Wildlife Trust
Cyril Sweett
Dale Supply Services Ltd
Dalton Coal & Fireclay
Dalton Warner Davis
DECC Office for Unconventional Gas and Oil
Defence Infrastructure Organisation
Defend Lytham
DevPlan UK
DPDS Consulting Group
Duchy of Lancaster

East Lancashire Bat Group
East Lancashire Clinical Commissioning Group
Edenfield Village Residents Association
Edwardson Associates
English Heritage
Entec UK Ltd
Enviro Skips Ltd
Environment Agency
Environmental Services Association Ltd
EPIK
ERASE
F Brewer & Son
Facit Quarry Ltd
Fairhurst
FCC Environmental
FELLS
Fisher German Chartered Surveyors
Forestry Commission
Frack Free Fylde
Frank Barnes (Darwen) Ltd
Freight Transport Association
Friends of the Earth
Friends of the Tawd Valley Park
Fusion Online Ltd
Fylde and Wyre Clinical Commissioning Group
Fylde Borough Council
Fylde Conservative Association
Geoplan Limited
Gilbert Foods Limited
Glasdon Group Ltd

Glenburn Sports College
GMGU (Urban Vision Partnership Ltd)
Graham Bolton Planning Partnership Ltd
Great Harwood Reclamation Centre
Greater Preston Clinical Commissioning Group
Greenpeace UK
Green's Natural Stone Products
Grimebridge Colliery Co
Halletec Environmental
Hamilton Gee Partnership
Hanson Aggregates
Hanson Brick Ltd
Hanson Cement Ltd
Harding Valley Skips
Hardrock Ltd
Hargreaves North West
Harleyford Aggregates
Hawthorns Caravan Park
Health and Safety Executive
Heritage Trust for the North West
Heysham Investments Limited
Heysham Port Ltd
Highways Agency
HJ Banks & Co Ltd
Homes and Communities Agency
Honour of Clitheroe
Houghton House Sand Ltd
HRM Resources Ltd
Hyndburn Borough Council
Hyndburn CPRE

Hyndburn Labour Party
Ibstock Brick Ltd
Iceni Projects Limited
Intercontinental Recycling Ltd
Irwell Vale and Lumb Residents' Association
J A Jackson (Contractors) Ltd
J Doyle & Co (Demolition) Ltd
J&J Ashcroft Ltd
J&L Skip and Plant
JA Jackson (Preston) Ltd.
JC Country Fresh Produce
John Pallister Limited
Jones Day
Jones Lang LaSalle
JWPC Ltd
Kensington Developments
Kiernan Construction Ltd
Kilnhouse Residents Association
Kingscourt Developments
Kirkwells Ltd
Knight & Sons
Knowsley MBC
KWFG Farms
Kwik Skip Hire Ltd
Labour Party Blackpool South
LaFarge Tarmac Ltd
Lake District National Park Authority
Lambert Smith Hampton
Lancashire Economic Partnership
Lancashire Environment Forum Local Nature Partnership

Lancashire North Clinical Commissioning Group
Lancashire Partnership
Lancashire Police and Crime Commissioner
Lancashire Waste Services
Lancashire Wildlife Trust
Lancaster City Council
Landmark Information Group
Leeming Quarry
Leith Planning
Leyland Pet Cemetery & Crematorium
Liverpool John Moores University
Marine Management Organisation
Marshall Clay Products
Marshalls Mono Ltd
Marshalls Mono Plc
Marshalls Natural Stone
Marshalls plc
Martland's Skip Hire
Merseyside Environmental Advisory Service
Metro Metals (Burnley) Ltd
Mineral & Resource Planning Associates Ltd
Mineral Planning Group
Mineral Products Association
Ministry of Defence
MJM Strategies Ltd
Morecambe & Lunesdale Conservative Association
Morecambe Bay Local Nature Partnership
Morecambe Metals
Moss Rose Piggeries Ltd
MP Group

Mulberry Waste
N&R Contractors Ltd
National Farmers Union
National Grid
National Trust (North West Regional Office)
Natural England
Natural England Consultation Service
Neales Waste Management
Network Rail
New Earth Solutions Limited
Newfield Jones Homes
NHS East Lancashire
NLCCC
North Lancashire Bat Group
North Lancashire Conservative Campaign Centre
North West Health Observatory
North West Waste Forum
North Yorkshire County Council
NPL Estates LTD
NSS UK Ltd
Nuclear Decommissioning Authority
NULEAF
Oakfield Riding School
OCS Group Ltd
Office of Rail Regulation
OK Energy Ltd
Omega Atlantic
One Voice
P Casey Environmental Ltd
Park Pit Landfill Ltd

Park Royal Haulage
Peacock and Smith
Peak & Northern Footpaths Society
Peat Moss Supplies
Peel Environmental Ltd
Peel Holdings (Land & Property)
Pendle Borough Council
Pendle CLP
Pendle Conservative Party
Performance Springs Ltd
Peter Marquis Waste Disposal
Pimbo Garden Centre
Preston City Council
Preston Plastics
Preston Recycling Ltd
Primrose House Trust
PTMC
Public Health England
Public Interest Consultants
Quod
R Barker & Sons Transport Ltd
R&A Draper
Ramblers Association
Redwood Engineering (UK) Ltd
Reformation Disposal Services
Regenerate Pennine Lancashire
Residents Action on Fylde Fracking
Ribble Valley Borough Council
Ribby Hall Village
Richard Raper Planning Ltd

Rigshaw Ltd
Road Haulage Association
Rochdale MBC
Roseacre Awareness Group
Rossendale and Darwen Conservative Party
Rossendale Borough Council
Rossendale Ornithologists Club
Rossendale Pet Crematorium
RPS Planning
RSPB (Northern England Team)
Ruttle Contracting (LTD)
S Hancock Skip Hire
S&L Rigby
SAFE Residents Group
Savills
SB (Tippers) Ltd
Sefton Metropolitan Borough Council
Shanks Waste Services (HQ)
Shevington Parish Council
Silkstone Environmental Ltd
SITA UK
Skelmersdale Senior Citizens Association
SLR Consulting Ltd
Smiths Gore
South Lakeland District Council
South Lancashire Bat Group
South Lathom Resident's Association
South Ribble Borough Council
South Ribble Conservative Association
Springfields Fuels Ltd

SSCF Community Board
St Helens MBC
Stephenson Halliday
Steven Abbott Associates
Stewart Ross Associates
Storeys:ssp
T and T Contracts
T.P.Aspinall & Sons Limited
Temp Plant Ltd
The Arley Consulting Company Limited
The Casey Group
The Crown Estate
The Gypsy Council
The Over Kellet View
The Penhale Practice Solicitors
The Showmen's Guild of Great Britain
The Wildlife Trust for Lancashire, Manchester & North Merseyside
The Wilson Trust
Thornton Skip Hire
Tong Quarry Ltd (Moreland Aggregates)
Triple C Skips
TRS Tyres Ltd
UK Onshore Operators Group
United Utilities
United Utilities Water PLC
Valpack
Vaux Parts
Viridor
W Maher & Sons Ltd
W&S Mason

Wardell Armstrong LLP
WBB Minerals
West Coast Car Breakers Ltd
West Craven Stone Company
West Lancashire Borough Council
West Lancashire Clinical Commissioning Group
West Lancashire Labour Group of Councillors
West Lancashire Labour Party
White Moss Horticulture Ltd
Whitemoss Landfill Ltd
Whittaker & Co
Whitworth Community High School
Wigan MBC
William Blythe & Co
William Pye Ltd
William Rainford Holdings Ltd
Woodman (Whitworth) Ltd
Woods Waste
WRAP
WRATH
Wyre Borough Council
Wyre Waste Management
Yate and Pickup Parish Council
Yorkshire Dales National Park Authority

Agenda Annex

EXECUTIVE BOARD DECISION



REPORT OF:	Executive Member for Resources
LEAD OFFICERS:	Director of HR, Legal and Corporate Services
DATE:	5 th July 2018

PORTFOLIO/S AFFECTED:	ALL
WARD/S AFFECTED:	All
KEY DECISION:	YES <input checked="" type="checkbox"/> NO <input type="checkbox"/>

SUBJECT: CLOSURE OF COUNCIL CHARITIES: Henrietta Kenyon Bequest, Harriet Holt Trust, and Common Goods Trust

1. EXECUTIVE SUMMARY

In delivery of the Council's proposals to close dormant charities accounts; to close all business, dealings and the accounts of the Henrietta Kenyon Bequest, Harriet Holt Trust and the Common Good Trust charities held and managed by the Council.

2. RECOMMENDATIONS

That the Executive Board:

- note the background and options available to the Council relating to the dormant charities;
- authorises the change of 'purpose' of each charity as identified in this report; and where the current purpose is sufficient, authorise the transfer of funds and close the account.
- In relation to a charity registered with the Charities Commission; to inform the Charities Commission of the change of purpose. (Henrietta Kenyon Bequest & Common Good Trust)
- enter into discussion/consultation with other charities that may be eligible to receive funds, with the new purpose in mind;
- approve the transfer of funds to other charities identified as having the same aims and purpose by the Director of Finance and Customer Services in consultation with the Executive Member for Resources.
- Subject to a-e above close the financial accounts.

3. BACKGROUND

As previously reported to the Executive Board, the Council is the corporate trustee of five inactive charities/trusts that are no longer managed or meeting the purpose they were initially set up to achieve. The five charities are as follows:-

Harriet Holt Trust (unregistered)

Common Goods Trust

Garstang Lecture Fund 526120

Henrietta Kenyon Bequest 225127

Poors Land Charity (unregistered)

Over the years these charities have gradually become redundant resulting in funds sitting in the charities accounts, unspent for numerous years and accruing interest . For most of the charities, the purpose for which they were set up has become obsolete, thus restricting the spending of monies and being inactive from lack of trustee management to conduct business. Three of these charities are registered with the Charities Commission whereby annual accounts are required to be submitted yearly, requiring resources from the Council.

No monies have been injected into or spent from the accounts for almost 15 years or longer.

Collectively there are sums of approximately £81,851 held in the accounts. Given the lack of activity it is now considered appropriate for the Council to utilise dormant funds for good causes in the Borough and to close the accounts.

This report deals with the following three charities: Henrietta Kenyon Bequest, Harriet Holt Trust and Common Good Trust. These three charities have funds of £46,116 held in the accounts.

The remaining Charities i.e. Garstang Lecture Fund and Poors Land will be the subject of a report to the Executive Board in August 2018.

4. KEY ISSUES & RISKS

As the 'purpose' of the charities are obsolete, it is considered appropriate to amend that particular purpose in order to apply the funds effectively. This will enable the council to spend monies properly and with transparency facilitating the closing of the accounts process. Details of each charity is set out below:-

Henrietta Kenyon Bequest

- This is a registered charity and the purpose of the charity is “for the benefit of the inmates of the Women’s ward of the Queens Park Hospital Blackburn from time to time by way of extra comforts and nourishment over and above the normal amount supplied by the Committee out of public money”.
- The Governing Document is a Will dated 19 July 1932 of Henrietta Kenyon who was an “inmate” of Queens Park Hospital Blackburn whereby she instructed the residue of monies from her estate to be paid “for the benefit of the inmates of the Women’s ward of the Queens Park Hospital, Blackburn”
- It is suggested that given the nature of the Bequest the Council change the purpose of the charity to be for the benefit of older people in the Borough.
- Estimated sums: £14,752.09 – remain in the account for transferring to a suitable local charity.

Harriett Holt

- This is not a charity registered with the Charities Commission
- The purpose it was established was for the ‘benefit of the blind people of Darwen.’
- The Council will seek to meet the current purpose by identifying a suitable local charity.
- Estimated sums: £7,717.55 – remain in the account for transfer as above.

Common Good Trust

- Established in 1962 for any charitable purpose for the benefit of the inhabitants of the Borough of Blackburn or any part of the said Borough as the Trustees shall from time to time determine in their discretion. The charity monies are to provide for the relief of poverty.
- Purpose: “Charitable purpose directed wholly or mainly to the benefit of the inhabitants of the Borough of Blackburn ... or any part of the said Borough as the Trustees shall from time to time in their discretion determine”
- At the Trustees final meeting of 20th February 2018 they resolved that the Common Good Trust Fund be closed and funds be divided between the following organisations, food Bank (Blackburn), Nightsafe (Blackburn) and the Wish Centre, Blackburn.
- Estimated sums: £23,646.73 to be divided between the organisations as resolved by the Trustees of the Trust.

5. POLICY IMPLICATIONS

The Council supports a range of services in the local community and transferring money from a dormant charity account to support local services reflects the Council’s objectives of improving health and wellbeing of all persons in our community.

6. FINANCIAL IMPLICATIONS

There are no direct financial costs to the proposals to transfer money from a dormant account to local charities as set out in the report, other than internal officer time and related resources.

7. LEGAL IMPLICATIONS

The Council as trustees have the power to amend the purpose of the charity to a similar purpose provided a charity has an income of less than £10,000 in the last financial year and does not hold any functional land or property. In relation to charities registered with the Charities Commission, once the ‘purpose’ of a charity has been amended the trustees must inform the Charities Commission. Additionally once the funds have been transferred the trustees must inform the Charities Commission so that it can be removed from the register of Charities.

In relation to charities not registered with the Charities Commission, there is no requirement to inform the Charities Commission.

In disposing of a charity’s funds the Council must be mindful to its ethos as a charity and ensure that there is transparency.

Any transfer of funds will be subject to consultation and discussion with the receiving charity and also checking the activity of the receiving charity and work history.

All existing debts and liabilities will need to be cleared before the remaining assets are transferred.

8. RESOURCE IMPLICATIONS

The legal processes required will be funded from within existing resources and once completed the transfer will result in a small resources utilisation saving within the Financial Services Team which is factored into the current restructuring programme.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Consultation has been undertaken with the Charities Commission and the Trustees (where appropriate).

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	2
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CONTACT OFFICER:	David Fairclough and Rabia Saghir
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DATE:	25 th June 2018
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BACKGROUND PAPER:	Review of Charities Accounts. HR, Legal & Governance
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EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Regeneration
Executive Member for Resources

LEAD OFFICERS: Deputy Chief Executive

DATE: 5 July 2018

PORTFOLIO/S AFFECTED: Regeneration Resources

WARD/S AFFECTED: Blackburn Central

KEY DECISION: YES NO

SUBJECT: Blackburn Cinema, Undercroft Car Park & Jubilee Square Development Scheme

1. EXECUTIVE SUMMARY

This report details the Council's final proposals for a new development in Blackburn town centre comprising a cinema, two leisure units and undercroft car park together with a new public square to be called 'Jubilee Square'. The new development will fill a much needed gap in the town centre leisure offer and will help to stimulate the evening economy and complement the Council's existing Northgate and Blakey Moor investment programmes.

The Council has signed an agreement with Reel Cinemas for a 20 year lease of the completed development which will see Reel operate the new cinema and leisure units. The scheme will complement their recent investment in the Lemon Tree bar (former Jubilee public house), adjacent to the site on Blakey Moor Terrace, which they acquired and refurbished in 2017.

Public consultation on the details of the new development was undertaken during the planning application process with full planning approval received in March 2018 (see planning application reference 10-18-0077 for further details). As noted in the Cinema Exec Board Report of April 2017, this report sets out the final business case proposals for the Council to proceed with the construction phase of the development.

The Council has now received tenders from contractors for the construction of the development and has reviewed the tenders and completed the final business case assessment which demonstrates the development is viable and will generate a positive return for the Council as a property investment in addition to generating business rates and economic benefits for the town centre.

It is anticipated construction works will commence on site in October 2018 following site set up with the works completed on the cinema and undercroft car park by December 2019. Construction of final phase to complete Jubilee Square will be undertaken over the summer of 2019 following consultation with the College.

Following completion Reel Cinema will then fit out the new cinema with a planned opening date set for Easter 2020.

2. RECOMMENDATIONS

That the Executive Board:

- a) Notes the development scheme received planning approval in March 2018 with scheme details and drawings contained within planning application reference 10/18/0077;
- b) Notes the independent assessments provided on the legal arrangements and financial viability of the proposed development scheme;
- c) Notes the existing capital programme allocation of £6.5 million to cover the cinema scheme;
- d) Notes the existing LTP programme allocation of £0.75 million to cover the public realm, terracing and external works scheme;
- e) Approves a capital programme allocation of £2.75 million to cover the undercroft car park and infrastructure;
- f) Approves the selection of Bidder A as Preferred Contractor for phase 1 of the construction works;
- g) Approves Officers to proceed with the appointment of a consultancy team to administer the construction contract and supervise the phase 1 works on site;
- h) Delegates authority to the Deputy Chief Executive in consultation with the Executive Members for Resources and Regeneration to agree the terms for the appointment of the consultancy team and agree the final terms of the construction contract with Bidder A for phase 1 of the works;
- i) Delegates authority to the Deputy Chief Executive in consultation with the Executive Members for Resources and Regeneration to agree the terms for the appointment of the consultancy team and agree the final terms of the construction contract for phase 2 of the works;
- j) Notes the proposed development will be complete by November 2019 and handed over to Reel Cinema who will complete the fit-out ready for public opening over the Easter holidays 2020.

3. BACKGROUND

3.1 Local Context

The Council has invested and supported regeneration and development schemes in both Blackburn and Darwen town centres over many years, with recent examples being the Cathedral Quarter development in Blackburn, The Mall shopping centre improvements and the current investment in Darwen Town Centre improved public realm and open space on the former 3 day market site. These are positive developments which improve the towns and bring other private investment and increased footfall for businesses.

The **Northgate Quarter** has been defined within the Local Plan Part 2 – adopted in 2015 – as a key area of Blackburn town centre where the objective is to protect and enhance the leisure offer, support the development of an evening economy and encourage specific uses such as cultural and entertainment facilities, art galleries and music venues.

Annex 1 attached to this report provides a plan of the proposed investment areas within the Northgate Quarter.

3.2 Background

Development options have been considered by the Council for various end uses on the site of the former Waves Leisure Centre (“Waves”) in Blackburn Town Centre. The Waves site is a Council owned site, located in a prominent area of the town centre opposite King Georges Hall and adjacent to Feilden Street Car Park. It is also close to Blackburn College campus and the new Blackburn Leisure Centre. The site is approximately 0.94 acres in area. **Annex 2** attached to this report provides the context showing an overview of the town centre and the site’s prominent location within the Northgate Conservation Area.

The Council carried out extensive research to determine the best use for the former Waves site and concluded a new cinema would be the best development to generate economic activity and stimulate the evening economy. The studies also concluded the development would be complimentary to the Vue as it is aimed at attracting a new audience of cinema goers.

3.3 Demographic Study

A demographic study was undertaken by consultants which considered the catchment population within a 20 minute drive time of the proposed cinema site and factored in the nearest competing cinemas at locations in Burnley, Preston and Bolton. The population within the 20 minute drive time for whom the proposed site would be closest is 182,526. This provides potential admissions of 547,578pa based on the national average admission rate of 3 visits a year. If the current Vue admissions which are estimated at circa 300,000pa are deducted from this figure this leaves unprovided admissions of 247,578pa. The population figures exclude the Borough's housing growth and estimated future population increases.

3.4 Selection of a Cinema Operator

The Council instructed specialist leisure consultants to help market the cinema and leisure opportunity at the feasibility stage. This commenced with a soft market testing exercise with approaches to all of the main cinema operators in the UK. From this extensive engagement process four operators expressed serious interest and were subsequently invited to submit informal tender bids to operate the facility. The bid from Reel Cinema was the strongest financial offer and had the highest quality score when assessed against other bids. Reel Cinema also submitted a 5 year business plan which identified their detailed profit and loss forecast, capital investments and forecast annual admissions of circa 200,000pa which align with the market research. Reel Cinema's offer will be markedly different from Vue, much more diverse, and will attract audiences that are not currently coming to the town to go to the cinema. Therefore the planned admissions for Reel exclude the admissions from the Vue. In addition the financial strength of Reel Cinema has been reviewed and this indicates that the company's covenant strength and their ability to cover the lease payments are strong. The lease default risk is therefore considered low by the Council.

3.5 Scheme Proposals

Cinema and Leisure Units

A scheme comprising two storeys with an undercroft car park. The ground floor comprises an entrance foyer, ticketing and bar area with eight cinema screens in the main building complex with the first floor housing the projection suite and plant room. Adjoining the cinema are two separate leisure units which are to be operated and leased by Reel Cinema and will likely comprise a bar/restaurant and coffee shop. An artist's impression of the proposed cinema at night time is attached as **Annex 3**.

Public Car Park and Infrastructure

A scheme including a public car park and associated infrastructure is to be provided below the new cinema development in an undercroft style basement. Due to the sloping nature of the land, an undercroft has been included under the building. The undercroft car park is enclosed on two elevations and open on the remaining two.

The new car park will be operated by the Council as a pay-and-display for all town centre visitors (not only for cinema patrons). The car park will provide 98 spaces in total and will include infrastructure investments to facilitate up to 10 No. Electrical Vehicle Charging points. Vehicular access would be provided via Feilden Street and pedestrian access via Nab lane and Barton Street. The car park will allow the nearby surface level car park at Barton Street to be released for future commercial development.

Jubilee Square, Terracing and External Works

This is an additional scheme to connect the external works between King Georges Hall, Blakey Moor and the new College campus. This scheme will maximise the impact of the already committed investments and ensure that an attractive and inviting public setting is provided in line with the Conservation Area status and adjacent listed buildings. Jubilee Square will bring the neighbouring investment areas together, enhancing the setting, providing attractive pedestrian links and support the ongoing investment in the evening economy by attracting end users to establish and open new business premises in the area. The scheme would incorporate the external cinema terrace and seating area for the new leisure units and would incorporate a central green space feature, with relaxing seating and paving contrasts. In addition improvements to the external paving and highways will be incorporated.

The proposed concept scheme for Jubilee Square is attached as **Annex 4**.

4. KEY ISSUES & RISKS

4.1 Agreement for Lease and Lease Agreements

The Council will be leasing the cinema as part of a pre-let lease agreement with Reel Cinema. The lease will be with Reel Cinema's primary trading business which has excellent covenant strength and has been assessed to the satisfaction of the Council's finance team as discussed in section 3.4. The Agreement for Lease and the Lease are the contractual agreements which commit both parties, the Council acting as Landlord and Reel Cinema's as Tenant, to the development and subsequent leasing of the building. Reel Cinema has agreed a 20 year long lease for the building and is within the Landlord & Tenant Act.

4.2 JCT Design & Build Construction Contract

The proposed construction contract between the Council and the appointed contractor for the construction of the scheme will be in accordance with the JCT Design & Build Contract (2016 edition) with amendments. The Employer's Requirements detail all the technical specifications and requirements of the Employer (the Council). The Employer's Requirements will be incorporated into the construction contract. The proposed contract will fix the price for the works and will limit the Council to any further price exposure.

4.3 Procurement of the Contractor

The procurement of the construction works has used the Council's Growth Framework.

The bids were assessed on the basis of a price/quality ratio with the lowest price receiving 80% and all remaining bids pro-rata on the basis of the lowest score.

Tender Weightings	%
Price Response	80%
Quality Response	20%
Total	100%

The 20% quality element was further sub-divided across five quality questions:

Quality Questions & Weightings	%
Q1. Design Management	6%
Q2. Programme & Resources	4%
Q3. Specifications & Materials	4%
Q4. Supply Chain	4%
Q5. Health & Safety	2%
Total	20%

4.4 Assessment of Tender Returns

Tenders were issued on the 1st March 2018 and returned from all five Framework Partners on the 14th May 2018. The Framework Partners in alphabetical order include Barnfield, Casey, Eric Wright, I&H Brown and Seddon.

The five Framework Partners (not in alphabetical order) are referred to as Bidder A to E below.

Following initial assessment post tender clarifications were issued to all five Framework Partners on the 20th May and returned on the 6th June.

Further clarifications were discussed at meetings held with the two highest scoring contractors referenced as Bidder A and Bidder B as detailed below. These meetings were held on the 12th June with a final clarification letter issued to Bidder A and Bidder B on the 14th June and returned on the 18th June 2018. The below table is a summary of the tender results following the final post tender clarifications with Bidder A and Bidder B.

Contractor	O/A % Score (out of 100%)
Bidder A	93.6%
Bidder B	92.3%
Bidder C	88.5%
Bidder D	85.2%
Bidder E	74.6%

4.5 Tender Recommendation

Bidder A is therefore the recommended Contractor for the Phase 1 of the construction works which includes the cinema building, undercroft car park and external terracing. Phase 2 of the works to complete the external paving works will be let as a separate contract in 2019 with a budget cost included at this stage.

4.6 Capital Costs

The capital costs for the overall development are £10m and cover the construction of the cinema, undercroft car park, terracing, external works, Jubilee Square, Fees, Planning and Fit-Out contributions.

4.7 Business Case Modelling

A business case for the proposed capital investment was prepared to model the financial returns generated by the development.

These returns were modelled using varying input assumptions to test the sensitivity and referred to as **best case, base case and worst case scenarios**.

The modelling was independently assessed by an external financial consultant to assist the Council in the due-diligence process.

4.8 Development Returns

The financial returns generated from each of the three modelled scenarios are outlined in section 6 of this report. In addition to the financial returns the following scheme benefits will also be realised.

Increasing Town Centre GVA £pa	1,205,364
Increasing BwD NNDR Income £pa	34,300
Number of New Jobs Created	70

4.9 Development Programme

The outline development programme is presently as follows.

Appoint D&B Contractor	-	August 2018	
Construction Complete	-	November 2019	(Practical Completion)
Fit-out Complete by	-	March 2020	(Reel Cinema Fit-Out Complete)
Completion	-	April 2020	(Opening of Cinema)

The opening for the cinema is programmed for **Easter 2020**.

5. POLICY IMPLICATIONS

The development of Cinema, Undercroft Car park and Jubilee Square is within the Northgate area of Blackburn Town Centre and meets the objectives of the Council's adopted Core Strategy and Local Plan Part 2.

It also accords with the 'Culture and Life' objective of the Blackburn Town Centre Strategy. Specifically, Policy 26 of the Local plan supports the delivery of the projects within the defined Northgate Quarter.

The project also helps to deliver the improvements set out in the Northgate Conservation Area Appraisal and Management Plan, and the heritage priority and ambitions within the Council's 12 point Plan.

All of these projects are illustrated within the Town Centre Supplementary Planning Document (SPD), a draft version of which was consulted on in February 2017 and is set to be published in September 2018.

6. FINANCIAL IMPLICATIONS

The existing Capital Programme already approved by Finance Council makes provision for a £6.5 M scheme for the development of a cinema. The proposals are now for an enhanced £10 M scheme, with the increased costs financed partly from the reallocation of LTP funds to cover public realm works to highways land, and partly from additional borrowing:

	Total	2017/18	2018/19	2019/20	2020/21	Future Years
	£'000	£'000	£'000	£'000	£'000	£'000
Amount in capital programme	6,500	288	2,462	3,575	175	
Cost of proposal	10,000	288	3,642	5,557	513	
VARIATION IN CAPITAL SPEND	3,500	0	1,180	1,982	338	
Proposed financing of Variations						
Grant - vired from existing LTP	750			273	477	
Additional Borrowing	2,750		1,180	1,709	(139)	
	3,500	0	1,180	1,982	338	
Revenue effect of Variance						
Additional Car Park Income (net)				(99)	(101)	(103)
Financing costs of additional borrowing			16	100	100	100
ADDITIONAL OVERALL ANNUAL COST (INCOME)		0	16	1	(1)	(3)

In addition to considering the projected impact on the Council's Capital Programme and Revenue Budgets, summarised above, the Business Case Modelling has evaluated the returns made under different scenarios.

Reflecting State Aid considerations, the Market Economy Investor Principle (MEIP) return has been considered by the Council.

The MEIP returns generated from each of the three modelled scenarios are given below.

Project Returns	Best Case	Base Case	Worst Case
MEIP Internal Rate of Return	5.3%	4.6%	3.9%
Net Cashflow After Finance	24,287,778	15,588,707	8,917,912
Present Value of Net Cashflow After Finance	2,791,509	1,689,912	2,892,984

The returns demonstrate the financial viability of the development with the base case scenario expected to achieve a 4.6% Internal Rate of Return generating a cash surplus with a present value of £1.69m over the life of the project.

While there is an inevitable degree of commercial risk in a project of this scale and nature, there is an exit strategy in terms of the alternate commercial use of the redeveloped site.

7. LEGAL IMPLICATIONS

Design and consultancy support would be provided by the Council's Technical Services Partner Capita for both the supervision of the construction works and the design of the external Jubilee Square and external works.

Procurement of the construction works has been in accordance with a mini-competition tender using the Council's Growth Framework.

Phase 2 of the construction works to complete Jubilee Square will also use the Council's Growth Framework.

In nearly all cases where government bodies use state resources to assist in economic activity and because of that assistance there is the potential to affect or distort competition, then State aid is most likely to exist. However there are a number of acceptable State Aid exemptions which can potentially apply to a particular scheme. Accordingly, State Aid has been considered during the development of this project to ensure compliance with the regulations and external legal advice has been consulted when necessary. The Council in this case has taken advice that the market economy investor principle ("MEIP") can be applied in this case. In simple terms, if the Council has operated in a similar financial manner to that of a private economic operator, then the conclusion can be made that there is no "unfair advantage" by the use of the state resources in the economic activity and that State aid will not apply.

For example, the Council could lend money to a local company but to readily comply with MEIP it would have shown that it was charging the same interest rate as what a bank or financial institution would normally charge the company.

In respect of this development, the Council has taken independent financial advice to support the Council in finalising the business case which assesses the potential returns on the investment against MEIP compliant levels, as detailed in section 6. On the basis of the scheme returning a positive return the Council has a defensible case for State Aid considerations.

8. RESOURCE IMPLICATIONS

Current staff resources from the Council's Growth, Property, Planning, Procurement and Legal teams will be utilised to complete the legal agreements and supervise the works on site.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Public consultation on development of the Cinema and Undercroft Car park was undertaken during the planning application process, with the scheme receiving planning approval in March 2018 (see planning application reference 10/18/077).

Consultation will be undertaken with Blackburn College and other key stakeholders for the Jubilee Square public realm scheme.

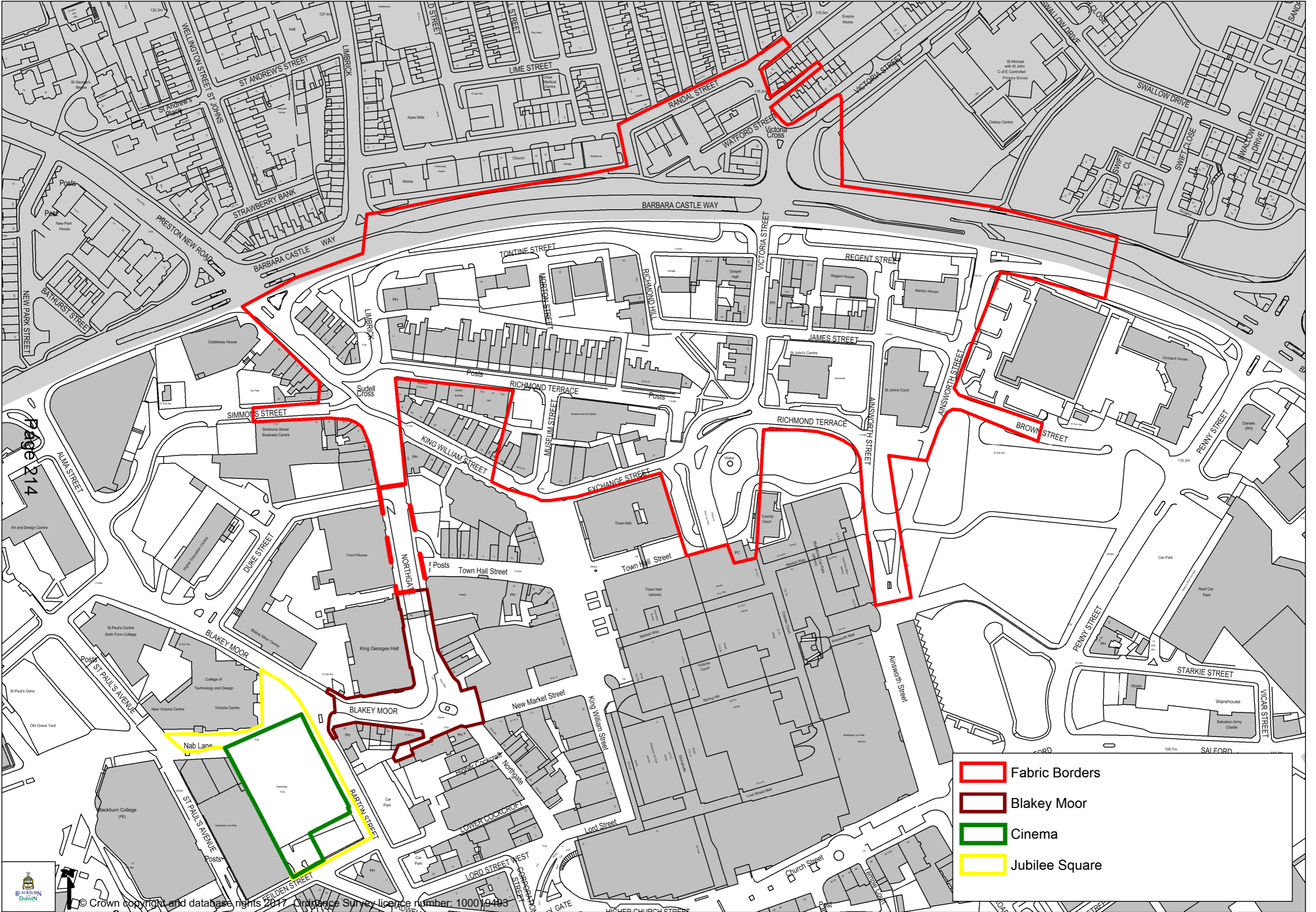
11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

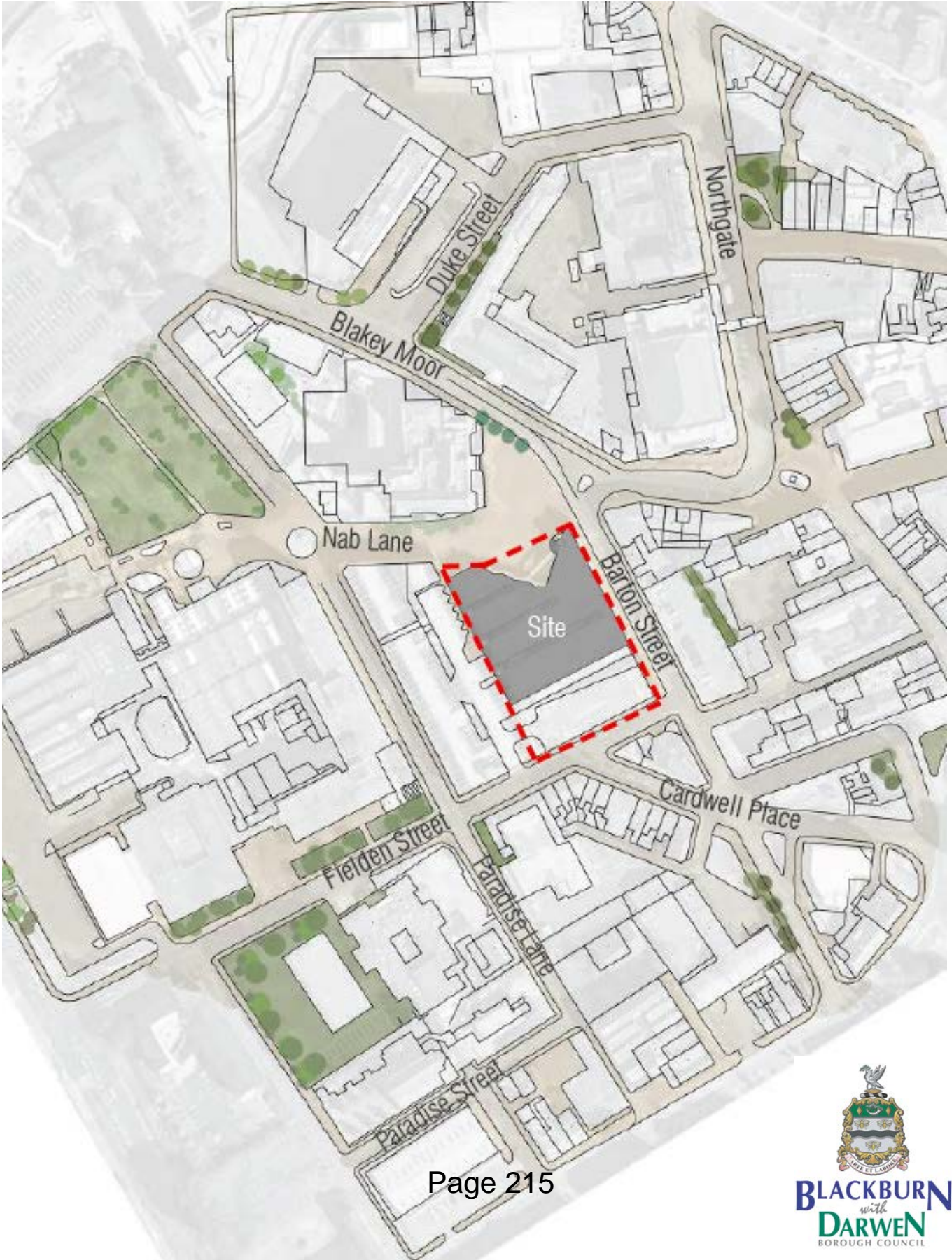
VERSION:	Final
CONTACT OFFICER:	Simon Jones, Growth Programme Director, Department of Growth & Development
DATE:	June 2018
BACKGROUND PAPER:	None



- Fabric Borders
- Blakey Moor
- Cinema
- Jubilee Square



Annex 2 – Blackburn Cinema Site Location Plan





FEILDEN ST
CAR PARK

Jubilee Square Concept Proposals

Blackburn
College
Victoria
Building

Blakey Moor

Barrow Street

Feilden
Street
Car Park

REEL Cinema



Agenda Annex

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Regeneration
Executive Member for Resources

LEAD OFFICERS: Deputy Chief Executive

DATE: 5 July 2018

PORTFOLIO/S AFFECTED: Regeneration Resources

WARD/S AFFECTED: Blackburn South and Lower Darwen

KEY DECISION: YES NO

SUBJECT: Investment Opportunity, Land at Milking Lane, Lower Darwen

1. EXECUTIVE SUMMARY

The Milking Lane site in Lower Darwen has attracted negative publicity over the years with a long and chequered site history of stalled development activity and more recently incidents of anti-social behaviour, vandalism and trespass as reported by local residents, businesses and Ward Councillors.

This report recommends investment by the Council as a minority shareholder in a new Special Purpose Vehicle (SPV) along with a local developer as majority shareholder who has now secured exclusivity of the site from the administrators. The Developer is local and a well-regarded development company and a partner on the Council's Growth Framework.

The site is ideally located and will provide much needed employment land for new businesses for local expansion and inward investment in the Borough. The minority investment by the Council will help ensure the site is developed and that development is accelerated to generate a positive return for the Council and directly support growth in jobs and housing.

2. RECOMMENDATIONS

That the Executive Board:

- i. Notes the Lower Darwen site has attracted negative publicity over the years with several stalled developments and more recently incidents of anti-social behaviour and vandalism;
- ii. Approves the Council to invest in the Special Purpose Vehicle (SPV) as a minority shareholder with a local developer as majority shareholder for the purposes of acquiring the site, preparing the site for development and disposing of land parcels to 3rd parties for development;
- iii. Notes the proposed development will contain a mix of employment and residential end uses;
- iv. Approves a capital allocation to invest in the SPV for a 25% investment in the SPV which will be in accordance with Council's accounting framework; and

- v. Delegate's authority to the Deputy Chief Executive in consultation with the Executive Member for Resources to agree final terms for the Shareholders Agreement (SHA) and SPV legal, financial and ongoing management arrangements.

3. BACKGROUND

3.1 Site Location

The site is located in Lower Darwen and is circa 9 hectares or 22 acres in site area. The site is bounded by Milking Lane to the east, Greenbank Terrace to the west, Lower Darwen Primary School to the north and the M65 to the south. **Annex 1** attached contains a site location plan with **Annex 2** containing an aerial photograph of the site.

3.2 Site Context

The site was formerly home to the Lower Darwen Paper Mill before its demolition and is now relatively undeveloped with the exception of two derelict office buildings which front Greenbank Terrace. Due to the land topography, the site effectively splits into 4 land parcels; two of which are accessed from Milking Lane (C&D) and two from Greenbank Terrace (A&B) as identified on the attached **Annex 3** Indicative Land Parcels diagram. The northern parcels (C&D) are in a predominantly residential area with parcels (A&B) located in an employment area. The Council's Local Plan allocates parcels A and B as a development opportunity site.

The site is causing blight and is a nuisance to the local neighbourhood with regular vandalism and trespassing with the Council receiving many complaints over several years from residents, businesses and local Ward Councillors.

3.3 Site Ownership

The site is currently owned by River Street Assets LLP. Duff & Phelps were appointed administrators in November 2016 following River Street Assets LLP going to administration. Title to the site is freehold and is registered under Title Numbers LA58170, LA540260, LA852143 and LA788020 with title absolute. A summary of the land ownership is attached as **Annex 4**.

3.3 Planning History

No planning permissions are currently in place for development of the site, however the below provides a summary of the recent activity with regards to planning.

2015

Planning reference 10/15/1119 – Planning permission was refused in November 2015 for the erection of up to 180 dwellings, open space and associated works including the construction of a link road together with the demolition of the existing redundant office buildings. The application was refused because the Section 106 agreement for an affordable housing contribution was not signed after a protracted period of failure by the applicant to communicate with the planning authority.

2010

Planning reference 10/10/0551 – Outline planning permission was approved in November 2012 for a residential development and link road, subject to 24 conditions and a section 106 agreement for affordable housing. This permission expired in 2015.

2005

Planning reference 10/05/0317 – Planning permission was approved in June 2006 for the redevelopment of part of the former Lower Darwen Paper Mill site to create a business park comprising 12 office / commercial buildings. Two of the buildings were built during 2007 but were never occupied and so the development was abandoned.

3.4 Development Proposals

The focus for the overall site is to develop high quality new employment uses on the lower ground together with new family housing on the higher ground (adjacent to the existing residential community).

Employment Scheme – Parcels A&B

Parcels A&B adjacent to the M65 and Greenbank Terrace will comprise new employment uses which could include industrial buildings, offices or storage facilities complimented by roadside uses if appropriate. Circa 10 acres of employment land can accommodate a scheme of circa 130,000 sqft of business/industrial space set in an attractive location with easy access from Junction 4 of the M65 with good visibility from the motorway. Various sizes of commercial units would suit a number of end users who have recently enquired to the Council for sites and should generate in the order of 250 jobs. In addition The Developer has received several enquiries from business looking for sites. The SPV will therefore balance commercial return with end user suitability to ensure the site is maximised for high quality jobs and business growth.

Residential Scheme – Parcels C&D

Parcels C&D adjacent to the existing residential area and Lower Darwen Primary School off Milking Lane provide circa 5 acres of developable land set in an attractive neighbourhood. Previous proposals for a link road from Greenbank Terrace will be explored with the Planning & Highways Department together with options to upgrade the Milking Lane and Greenbank Terrace junction.

3.5 Investment Opportunity

A local developer submitted a confidential bid to the administrators along with a private sector investment partner. However during the bidding process the Developer's partner withdrew from the process leaving them in a position to either withdraw or seek an alternative investment partner.

Given the site history and complications of the site ownership local Developer could not find an alternative partner and therefore made representations to the Council to invite the Council as an alternative investment partner.

The invitation from the local Developer is for the Council to acquire a minority share ownership in the SPV and to benefit from development gains from disposing of the land for future development. The purpose of the SPV is to proactively promote development and not to land bank. The SPV will ensure this happens by preparing all necessary surveys and permissions to ensure the sites are ready for disposal.

The Developer has secured exclusivity of the site from the administrators and is in a legal process to transfer the ownership of the site into a new SPV.

The Developer has been dealing directly with the administrators and has sought independent legal advice in acquiring the land and has been keeping Council Officers updated and involved in the process.

Details of the Council's investment and expected returns are contained in the financial section of this report.

4. KEY ISSUES & RISKS

There are several site constraints which are briefly outlined below. Risks associated with the constraints have been assessed by Council Officers and have been minimised to ensure the

Council's risk exposure is quantified and capped at the proposed initial investment.

Site Constraints

4.1 Unregistered route of former Milking Lane

To the eastern boundary of Parcels (C&D) is a Public Right of Way on land which is referred to as Milking Lane on the Land Registry Plans. The land comprising the track is unregistered land and seems to have been the former Milking Lane road which is presumed to have been abandoned as a track when the new Milking Lane was constructed to serve the new housing. The track is now overgrown with a PROW designated. The land will be incorporated into the development and the PROW diverted. The SPV will make an application to claim this land with various legal mechanisms being discussed.

4.2 Topography stepped changes

The site is effectively split with higher ground (Parcels C&D) to the east and lower ground (Parcels A&B) to the west. The level difference between the lower ground and higher ground is significant and is circa 10 to 15 metres. In addition there is a valley with a watercourse separating Parcels C and Parcels D.

4.3 Ecology constraints

There are no details available to inform on any ecological constraints however from visual observation the lower ground (Parcels A&B) has been previously developed with the former Lower Darwen Paper Mill and the still visible derelict offices. There are no trees or vegetation except at the boundary and therefore ecological issues would appear to be low. Whereas the higher ground (Parcels C&D) has not been previously developed and therefore may have some ecological constraints which would have to be taken into account in any future development. Japanese knotweed Himalayan Balsam is present on the banks of Davy Field brook.

4.4 Ground conditions

Previous studies to date have identified the site as being underlain by Alluvium and glacial Sand & Gravel over Boulder Clay and Lower Coal Measures. There is no record of coal mining on or near the site. The Lower Coal Measures are classified as a minor aquifer which is overlain by low permeability drift deposits.

The groundwater sensitivity of the site is considered to be low to medium. A stream crosses the site from east to west, and joins the River Darwen adjacent to the site and is culverted within the lower ground area for approximately 90m. Davy Field Brook forms part of the south west boundary to the site. The site will contain the former foundations and concrete hardstanding of former paper mill remain.

4.5 Flood risk

Site is predominantly in flood zone 1 with the south west portion of site in flood zone 3 within the vicinity of Davy Field Brook.

4.6 Ground contamination

Previous investigations to date have confirmed the presence of contamination at the site, although the levels identified do not appear to represent a significant constraint to the proposed development, subject to further characterisation of the site and where necessary, implementation of appropriate remedial measures.

There appears to have been landfill activity within the area of Parcel C and in the southern area of Parcel A. Previous studies indicate only inert waste recorded at landfill site however there is a gas contamination risk.

4.7 Planning

The development scheme proposed complies with the Local Plan Policy 28/9, which envisages a mixture of employment and residential development at the site. In addition Parcels A&B benefit from being on the Council's Brownfield Register.

4.8 Highways access

The Highway's Authority has indicated there are capacity issues with the junction of Milking Lane and Greenbank Terrace. Therefore any residential development which increases traffic onto Milking Lane will need to consider highway junction improvements.

5. POLICY IMPLICATIONS

The development scheme proposed complies with the Local Plan Policy 28/9, which envisages a mixture of employment and residential development at the site.

6. FINANCIAL IMPLICATIONS

The Developer has secured exclusivity with the administrators for the acquisition of the land.

The Developer intends to incorporate an SPV to acquire the site in full and will own 100% of the shareholding.

The Developer's invitation to the Council is for a 25% ownership of the SPV shareholding.

The Council's 25% investment in the SPV will be used to support the acquisition of land and working capital requirements.

Working capital will help cover the SPV's activities which will include the demolition of the existing derelict office buildings and site clearance and the associated work involved in securing approvals. In addition the site will be made secure with hoardings. Other activities will include surveys, feasibility studies and investigations. It is anticipated that proceeds from early land sales will cover future working capital requirements.

The Council has commissioned independent advice from Capita to provide a financial assessment of the proposed investment and a summary of the assessment is provided in the Part 2 report

The Council will retain the investment in the SPV for a minimum of 3 years with the initial investment being repaid to the Council at year 3 with the expected returns being repaid by year 5.

With any development investment there is always a risk that the expected level of returns may not be achievable if the assumptions prove to be incorrect based on further studies and investigations, or due to changes in the development market. However based on the proposed levels of investment and abnormal allowed the appraisal demonstrates a market return for the proposed investment and development risk therefore satisfying the market economy investor principle ("MEIP") as required to ensure State Aid is not a consideration.

7. LEGAL IMPLICATIONS

The SPV will be incorporated as a company limited by shares and will be registered at Companies House as a private company with the Developer appointed as Company Secretary. The Council will agree a Shareholders Agreement (SHA) with the Developer to ensure the Council has protections and safeguards to ensure compliance with Council procedures. The Council will be represented by a Senior Officer who will be appointed as a Company Director.

The SPV will not employ any persons and will instead have Service Agreements to cover any services required to operate the SPV. Services will be provided to the SPV by the Developer and the Council and will be by agreement.

The SPV will not undertake direct development and instead is a vehicle to acquire the site and then dispose of discrete parcels of land to developers and end users for development. The SPV will undertake surveys, investigations, demolitions and obtain any necessary approvals to assist in the process which may involve securing planning approvals. The procurement of these activities will be undertaken by either the Council or the Developer on behalf of the SPV.

Because the Council is intending to enter to a legal relationship with a legal person (a company) and invest the Council's resources to generate economic activity through that company then issues of public procurement have to be addressed. The Council's shareholding is set to be 25% and despite there being protections put in place in order to ensure that as a minority shareholder the Council's views are not automatically overruled, it is apparent that this is not an "in-house" company.

The Council does have general capacity under the Localism Act 2011 to enter into any legal arrangements just like any other legal person subject to pre-existing legislation. However, in nearly all cases where government bodies use state resources to assist in economic activity and because of that assistance there is the potential to affect or distort competition, then State aid is most likely to exist. There are a number of acceptable State Aid exemptions which can potentially apply to any given scheme. In this case any potential State Aid arises by the fact that the Council is investing money into the SPV as set out in the financial implications section.

Under the market economy investor principle ("MEIP") the Council is entitled to undertake the economic activity if it operates in a similar financial manner to that of a private economic operator, most relevantly here, in terms of the risk versus reward considerations. This is because while it is acting within the market, its use of state resources do not distort competition because it is acting as any other entrepreneur might and there is no "unfair advantage" by the use of the state resources. The financial implications have been detailed in respect of the potential returns on its investment to form a conclusion on this point.

8. RESOURCE IMPLICATIONS

Current staff resources from the Council's Growth, Property, Planning and Legal teams will be utilised to complete the agreement and subsequently work with the Developer towards development of the site.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Public and stakeholder consultation on development of the sites will take place as part of the planning application process.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	1.1
CONTACT OFFICER:	Simon Jones, Growth Programme Director, Department of Growth and Development
DATE:	June 2018
BACKGROUND PAPER:	None

Annex 1 - Milking Lane Site Location Plan



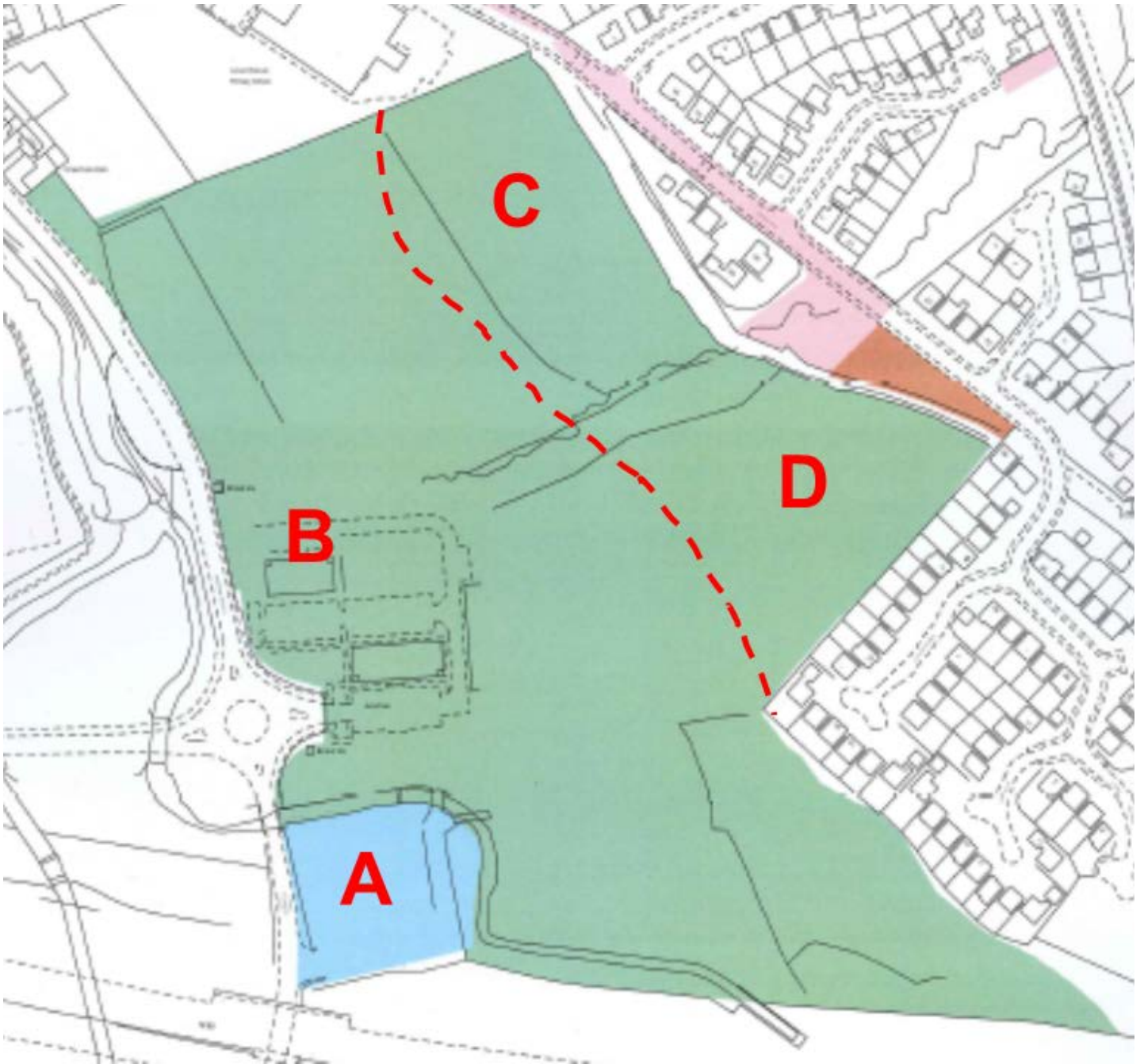
Page 225

Annex 2 - Milking Lane Site Aerial Photograph



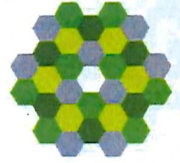
Milking Lane Investment Opportunity

Annex 3 – Indicative Land Parcels



Land Registry Illustrative plan

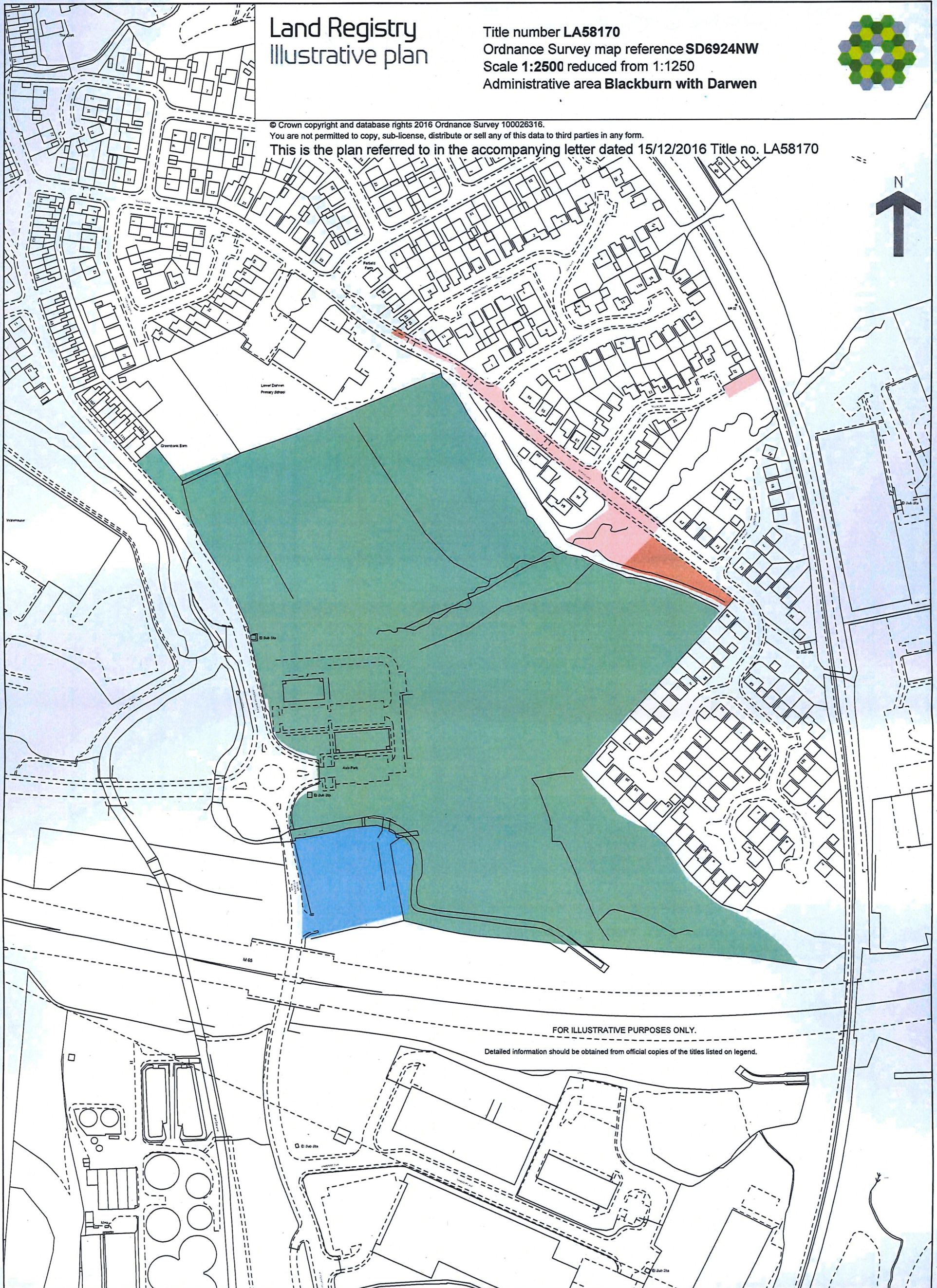
Title number **LA58170**
Ordnance Survey map reference **SD6924NW**
Scale **1:2500** reduced from 1:1250
Administrative area **Blackburn with Darwen**



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This is the plan referred to in the accompanying letter dated 15/12/2016 Title no. LA58170



FOR ILLUSTRATIVE PURPOSES ONLY.

Detailed information should be obtained from official copies of the titles listed on legend.

This plan shows the general position, not the exact line, of the boundaries. It may be subject to distortions in scale. Measurements scaled from this plan may not match measurements between the same points on the ground.

Agenda Annex

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Resources

LEAD OFFICERS: Director of Finance and IT

DATE: 5 July 2018

PORTFOLIO/S AFFECTED: All

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: CORPORATE REVENUE BUDGET MONITORING REPORT QUARTER 4 - 2017/18 OUTTURN POSITION

1. EXECUTIVE SUMMARY

The report details the overall revenue position of the Council for the year ended 31st March 2018, highlighting key issues. It also determines the year end position with regard to portfolio under/overspends and the impact on earmarked and unallocated reserves.

2. RECOMMENDATIONS

The Executive Board is asked to approve:

- the portfolio budget adjustments outlined in Appendix 1.
- carry forward of the specific amounts shown in Appendix 1 from 2017/18 to 2018/19.
- the earmarked reserves position shown in Appendix 2
- the variations to revenue expenditure, as listed in Section 6, thereby giving rise to a revised balance of £6.055 million on the unallocated General Fund revenue reserve at 31st March 2018.

3. BACKGROUND

All portfolios are required to examine their revenue budget position on a monthly basis. Regular reports are submitted to Executive Board for review along with a final report, detailing the financial outturn position.

4. KEY ISSUES & RISKS

a) Actual net revenue expenditure at 31st March 2018 was £133.850 million, compared to an original budget of £124.322 million i.e. an increase in expenditure of £9.528 million. However, the original estimate did not include expenditure funded by the further allocation of the Improved Better Care Fund (iBCF) of £3.590 million, announced in the Chancellor's 2017 Spring Budget; this was reported in the Corporate Revenue Budget Monitoring Report for Quarter 1.

b) Portfolio controllable expenditure, including Schools & Education (DSG), was £112.636 million for the year resulting in an overspend of £0.580 million against the revised budget, approved by Executive Board in February 2018.

c) General Fund unallocated reserves are £6.055 million at 31st March 2018, compared to £6.119 million at 31st March 2017. The decrease relates to a number of transfers both to and from unallocated reserves that were approved during the year, together with final outturn adjustments detailed in Section 6.

d) The Council holds earmarked reserves of £11.017 million for discretionary purposes. These include;

- £1.168 million to fund improvements to assets, infrastructure and IT
- £3.768 million to meet the cost of downsizing and transformation in future years including meeting redundancy costs
- £1.583 million to meet future demand pressures
- £2.189 million for People, Place and Resources services
- £0.268 million set aside in respect of welfare and local taxation reform.
- £2.041 million in respect of grants, contributions and other budgets carried forward from 2017/18 to 2018/19 to meet specific costs.

The Council also holds reserves of £2.090 million for specified non-discretionary purposes. A further £14.383 million of reserves are held in relation to expenditure for Schools and Education, and £0.411 million is held in respect of joint arrangements, charitable purposes and other ring-fenced commitments.

5. POLICY IMPLICATIONS

The information contained within the report accords with the three year budget forecast within the Medium Term Financial Strategy 2017-20, as approved at Finance Council on 27th February 2017.

6. FINANCIAL IMPLICATIONS

6.1 CASH LIMITS AND REVENUE EXPENDITURE

6.1.1 Revenue Budget Overview

Portfolio controllable budgets were overspent by £0.580 million at 31st March 2018; this has been funded through the Council's reserves. The summary of the outturn revenue position is as follows:

	Original Budget (after portfolio changes)	Revised Budget (budget approved by Exec Board in Feb 2018 incl outturn adjustments at Appendix 1)	Actual	Variation from Revised Budget Over/ (Under) spend
	£000	£000	£000	£000
Net Expenditure				
Health and adult social care	43,353	46,185	45,811	(374)
Children's services	21,134	26,051	26,057	6
Environment	8,860	8,783	8,824	41
Leisure, culture and young people	3,162	3,255	4,232	977
Neighbourhood and prevention services	1,368	989	825	(164)

Regeneration	7,692	7,940	7,665	(275)
Resources	13,531	15,947	15,615	(332)
Schools and education (Non-DSG)	3,402	3,547	3,534	(13)
Schools and education (DSG)	(641)	(641)	73	714
Net portfolio controllable expenditure	101,861	112,056	112,636	580
Contribution from schools for prudential borrowing	(650)	(650)	(650)	0
Contribution to capital expenditure	500	349	349	0
Interest and debt repayment	18,545	18,302	18,452	150
Amounts to be allocated / contingencies	3,885	2,881	2,882	1
Parish councils	181	181	181	0
Total net expenditure	124,322	133,119	133,850	731
Contribution (from)/to reserves	1,573	(3,611)	(3,389)	222
Total net budget	125,895	129,508	130,461	953
Financed by:				
Non-ringfenced Government grants	(59,919)	(63,532)	(64,485)	(953)
Non-domestic rates	(19,281)	(19,281)	(19,281)	0
Council tax	(47,059)	(47,059)	(47,059)	0
Net deficit on Collection Fund	364	364	364	0
Total financing	(125,895)	(129,508)	(130,461)	(953)

6.1.2 Performance against budgets

Appendix 1 details the portfolio budgets approved by the Executive Board in February 2018 together with the details of the adjustments recommended to the Board for approval in this report. These include:

- budget virements (transfers) between portfolios
- transfers from earmarked reserves to support spending on specific schemes for which these reserves were established
- transfers from unallocated reserves to support budget pressures
- transfers from contingencies
- transfers to earmarked or unallocated reserves in respect of grants / contributions and other budget carryover requests

The outturn position and key financial issues for each portfolio are as follows:

Health & Adult Social Care

The key points to note are;

Adult Social Care

Throughout the course of 2017/18 the portfolio continued to face significant pressures from the commissioned placement budget due to increased activity and the increased cost of individual care

packages arising from the complexity of care required by some individuals. As previously reported, the majority of these pressures were mitigated by the agreed allocation of the Improved Better Care Fund, transfers from the social care demand reserve and a transfer from the contingency budget held for Adult Commissioning inflationary cost pressures.

The portfolio ended the year with an underspend of £0.374 million against its cash limited budget. The majority of the underspend relates to the utilisation of the Disabled Facilities Grant (DFG) capital resources and the receipt of an unanticipated Personal Social Services (PSS) revenue grant allocation in the year. The pressures in the adult commissioning budgets are expected to continue into 2018/2019, however the level of demand anticipated and increased cost of care from factors such as National Living Wage, have already been included within the budget for 2018/19.

Public Health

The department has achieved a breakeven position at outturn, following transfer of ring-fenced grant funding of £215,500 to the Public Health Reserve. The transfer relates to agreed and contracted expenditure for which the programmes will continue into 2018/19.

Children's Services

Children's Services have reported significant cost pressures during the year due to increasing social work caseloads in respect of vulnerable children, combined with increasing expenditure on commissioned placements and special guardianship orders. Placement costs have increased significantly during the course of the year predominantly due to changes in complexity of need for individual children and young people. As previously reported, the portfolio has been unable to contain these costs within budget and as such increases in the budget have been made during the year from the Complex Needs and Transition Reserve and the Social Care Demand Reserve. In addition the portfolio has utilised external funding and the generation of savings to offset additional costs, resulting in a final overspend of £6,000 at the year end.

Environment

The portfolio ended the year with an overspend of £40,700 against their cash limited budget. This overspend was a result of waste disposal costs and a reduction in car park income in the last quarter of the year.

Leisure, Culture and Young People

In the report to the February Executive Board the portfolio highlighted the significant budget pressures faced, totalling £326,000. Whilst efforts were made throughout the year to contain these, at outturn the portfolio overspent by £977,200 above its adjusted budget with additional cost pressures and a shortfall against income targets at the Blackburn, Darwen and Witton Leisure Centres and on bars and catering. The portfolio is working on an action plan to address these shortfalls/pressures in the 2018/19 financial year.

Neighbourhoods & Prevention

The final outturn position was an underspend of £164,100. The majority of the variation from the overspend of £191,000 previously reported to Executive Board at the end of Quarter 3, relates to further Section 31 grant income received in the final quarter of the year for Social Integration.

Regeneration

The final outturn for the portfolio was an underspend of £275,600. This position follows the corporate funding provided in Quarter 3 of £1.088m to assist in meeting the significant pressures faced in Highways, the Blackburn Market and in Winterbourne. Savings on Building Maintenance and

in the Property Team have now been realised to offset some of the pressures previously reported.

Resources

The portfolio ended the year with an underspend of £331,900. This was predominantly due to savings across the Tenanted Property and Industrial Estates budgets and savings on various team budgets in the portfolio, which more than offset several overspends on some of the other cost centre budgets.

Schools & Education

The portfolio returned an underspend of £12,600 at the year end. The portfolio faced significant pressures on SEN transport during the course of the year however these costs were offset by additional income and some vacancy savings.

Dedicated Schools Grant / Schools Block

Schools & Education is funded through the Dedicated Schools Grant (DSG) and Pupil Premium. This is monitored by the Schools Forum at which financial reports are considered on a regular basis.

The net deficit of £714,000 comprises of a deficit of £601,000 across all of the individual school budgets and a deficit of £113,000 in respect of centrally retained budgets. These overspends reduce the level of the School Balances Reserve to £5.652 million and the Dedicated Schools Grant Reserve to £8.731 million respectively.

6.2 General Fund Unallocated Reserves

The table below shows the movements in unallocated reserves since the last Executive Board report in February 2018.

	£'000	£'000
Forecast unallocated reserves as per Executive Board Report February 2018		6,119
<i>Transfers to / from unallocated reserves</i>		
Net savings on portfolios (excluding Schools & Education DSG)	+ 134	
Carbon Reduction Commitment saving	+ 124	
Additional government grant income	+ 659	
Net savings on "ringfenced" budgets	+ 111	+ 1,028
Contingencies – deferral of 17/18 savings targets	- 610	
Funding for portfolio pressures (as detailed in Appendix 1)	- 318	
Net increase in respect of interest and debt repayment costs	- 150	
Other net variations	- 14	- 1,092
Balance on unallocated general fund reserves at 31 March 2018		6,055

6.3 Earmarked reserves

Total earmarked reserves stand at £13.107 million at 31st March 2018 comprising discretionary reserves for use by the Council of £11.017 million and reserves that are non-discretionary and specified for specific purposes of £2.090 million. Other earmarked reserves, which largely comprise reserves held in respect of schools, are £14.794 million.

Details of the requested application of reserves are included in Appendix 1.

Details of all earmarked reserve balances at 31st March 2018 are shown in Appendix 2. This

Appendix shows all movements in the specific reserves since the February Executive Board report including:

- utilisation of the individual reserves
- increases made to these reserves from unallocated reserves or creation of new reserves
- revenue contributions made to capital that are no longer required in 2017/18
- transfers to reserves in respect of grants / contributions and other budgets for carry forward into 2018/19

7. LEGAL IMPLICATIONS

The Council has a duty to ensure it can deliver a balanced budget. The Local Government Act 2003 imposes a duty on an authority to monitor its budgets during the year and consider what action to take if a potential deterioration is identified.

8. RESOURCE IMPLICATIONS

None.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

Not applicable

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION: 0.04

CONTACT OFFICER:	Julie Jewson (Ext 5893)
DATE:	25th June 2018
BACKGROUND PAPER:	N/A

SCHEDULE OF BUDGET ADJUSTMENTS REQUESTED - QUARTER 4 OUTTURN

	Health & Adult Social Care £	Children's Services £	Environment £	Leisure, Culture & Young People £	Neighbourhood & Prevention Services £	Regeneration £	Resources £	Schools & Education (Non-DSG) £	Schools & Education (DSG) £	TOTAL £
Controllable Budget approved on 8 February 2018	46,825,500	25,810,200	8,760,400	3,317,400	1,218,500	8,805,400	16,039,600	3,438,100	(646,900)	113,568,200
Transfers between portfolios:										
Transfer of Policy and Engagement post	(24,500)	24,500								0
Transfer of Governance post	(55,500)	55,500								0
Transfer of Road Safety			(50,000)		50,000					0
Growth Lancashire - contribution to Finance Support						(18,500)	18,500			0
Transfer of Corporate Repairs & Maintenance						(321,600)	321,600			0
Insurance budget adjustment							(5,900)		5,900	0
Transfers (to)/from earmarked reserves										
ER/VR and Pension Strain adjustments	9,900	65,500	11,800	29,000	37,500	97,200	44,200			295,100
S106 contributions received in year						(455,095)				(455,095)
S106 Funding for Bold Venture Playarea			7,000							7,000
S106 Pleckgate Playing Fields path				4,000						4,000
S106 Spring Vale Garden					(2,000)					(2,000)
YOT Partnership Reserve		(36,000)								(36,000)
Local Safeguarding and Children's Board		7,578								7,578
Arts Acquisition Reserve				(1,366)						(1,366)
Turton Charity Reserve				(7,350)						(7,350)
Joint Building Control Account						(27,281)				(27,281)
Highways 3rd Party Claims						(176,739)				(176,739)
CCTV Hub carry forward					(52,100)					(52,100)
Troubled Families		(152,400)								(152,400)
Public Health grant - funds required in 2017-18 for service delivery	(215,537)									(215,537)
Home First / 180 funds	(372,000)									(372,000)
Better Care Fund	(22,700)									(22,700)
Transfer from SEN Reform Grant Reserve								183,600		183,600
Transfer from Music Service Reserve								41,800		41,800
Transfer to SSIF Reserve								(123,834)		(123,834)
Transfers (to)/from unallocated reserves										
Festival of Music					1,500					1,500
Pension Deficit adjustment						2,200				2,200
Benefit and award payments							(141,281)			(141,281)
Benefit overpayments provision							98,909			98,909
Coroners							(18,721)			(18,721)
Flood defence levy							1,124			1,124
Non distributed costs							(50,545)			(50,545)
Family Group Conference Coordinator		158,100								158,100
Social Work Team Support Officers x 4		50,200								50,200
Two Additional social workers from blue pot P9-12		17,800								17,800
Ground Maintenance - additional gardening supplied for competitions			30,000							30,000
Housing Needs - loss of housing Benefit for Dispersed Properties					43,600					43,600
Funding for 2 x DWP posts - Universal Credit							8,400			8,400
Digital Transformation project							9,000			9,000
Transfers (to)/from contingency										
Carbon Reduction Commitment allocation	3,400	9,600	8,900	41,600	4,200	69,900	27,000	1,400		166,000
Apprentice Levy	36,600	58,100	21,200	27,600	14,700	24,800	42,100	12,700		237,800
Modern Apprentice Funding							165,800			165,800
Other budget adjustments										
Night Time Noise Service budget carry over - contrib from other Local Authorities			(4,000)							(4,000)
Community Hygiene - Land Charge receipt in wrong year			(2,500)							(2,500)
Blackburn Museum - Lancashire County Council				(3,000)						(3,000)
Central Participation - Blackburn Youth Zone				(10,000)						(10,000)
Budget carry over for implementation of Concerto (Property system)						(20,000)				(20,000)
Budget carry over for Intack Depot driveway						(10,000)				(10,000)

SCHEDULE OF BUDGET ADJUSTMENTS REQUESTED - QUARTER 4 OUTTURN

	Health & Adult Social Care	Children's Services	Environment	Leisure, Culture & Young People	Neighbourhood & Prevention Services	Regeneration	Resources	Schools & Education (Non-DSG)	Schools & Education (DSG)	TOTAL
Audley - Rev Cont returned to portfolio from capital financing		7,500								7,500
Little Harwood - Rev Cont returned to portfolio from capital financing		13,400								13,400
Underspend arising from unspent grants and contributions										
Delivery Support Fund		(28,200)								(28,200)
Local Family Offer Ambassador Grant		(10,000)								(10,000)
Found in Blackburn - HLF grant				(13,500)						(13,500)
Darwen Cultural Hub - Arts Council funding				(9,200)						(9,200)
Arts Council grant funding - Museum & Arts Project				(28,900)						(28,900)
British Museum grant - Museum & Arts Project				(9,600)						(9,600)
Victoria & Albert Museum grant - Museum & Arts Project				(15,400)						(15,400)
Museum & Schools grant - Arts Council Funding				(5,000)						(5,000)
Clinical Commissioning Group grant - MacMillan				(15,400)						(15,400)
Troubled Families grant - Targetted Youth Support				(26,000)						(26,000)
NCS grant - Positive Activities				(14,000)						(14,000)
NCS grant - Kentmere				(6,000)						(6,000)
Transforming Lives					(46,500)					(46,500)
BWD Trailblazer					(115,800)					(115,800)
Migration Fund					(56,900)					(56,900)
Communities Fund					(38,100)					(38,100)
Talk English					(4,600)					(4,600)
Overhauling Data grant					(41,200)					(41,200)
Dovetail					(7,000)					(7,000)
Prevent					(4,100)					(4,100)
Prevent - Projects					(12,000)					(12,000)
Prevent - Police monies					(500)					(500)
Local Plan Review grant - Growth Team						(30,000)				(30,000)
One Public Enterprise grant							(555,700)			(555,700)
Electoral Grant							(57,500)			(57,500)
Linking Network funding								(7,000)		(7,000)
Revised Controllable Budget as at 31st March 2018	46,185,163	26,051,378	8,782,800	3,254,884	989,200	7,940,285	15,946,586	3,546,766	(641,000)	112,056,062

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APPENDIX 1

	Balance at 31 Dec 2017	Requested Transfers to/(from) earmarked reserves in Qtr 4			Balance at 31 March 2018
	As reported to Exec Board Feb 2018 £000	Utilised £000	Increased or new reserves £000	Carry-over requests £000	Q4 / Outturn £000
Welfare, council tax and business rates reforms					
Welfare and council tax reforms	268	0	0	0	268
Investment in assets and infrastructure					
Office Accommodation and property improvements	567	0	300	0	867
Highways winter maintenance	24		0	0	24
Redevelopment of Blackburn Markets site	200	0	0	0	200
Flood Defence	77	0	0	0	77
Support for Other Resources and Transformation projects					
Legal Advice Reserve	105	0	0	0	105
Partnerships & Transformation	80	0	0	0	80
Insurance risk investment fund	43	0	0	0	43
Support for People Services					
Troubled Families	110	0	152	0	262
YOT partnership	118	0	36		154
Music Services	159	(42)	0	0	117
Disabled Facilities Grants	289	0	0		289
Future Demand Pressures	1,583	0	0	0	1,583
Better Care Fund	0	0	395	0	395
Schools Improvement (SSIF)	0	0	124	0	124
Support for Place Services					
Investment to support business rates growth	370	0	0	0	370
Place Shaping Investment Reserve	250	0	0	0	250
Contingent sums to support future downsizing and transformation programmes					
Review of services provided by strategic partnership	57	0	0	0	57
Support for future redundancy costs	1,706	(296)	0	0	1,410
Support for part year effect of future savings plans	1,242	0	0	0	1,242
Digital Programme (reallocated from the ICT Revenue Projects reserve)	1,059	0	0	0	1,059
Amounts carried forward in respect of unspent grants and contributions					
Transformation Challenge Award	64	0	0	0	64
SEN / SEND Reform Grant /SEND Prep for Empl	236	(183)	283	0	336
Public Health Grant	0	0	215	0	215
Transforming Lives	37	0	0	0	37
DCLG Grant Housing Advisor Post	15	0	0	0	15
Delivery Support Fund	0	0	0	28	28
Local Family Offer Ambassador Grant	0	0	0	10	10
Found in Blackburn - HLF grant	0	0	0	14	14
Darwen Cultural Hub - Arts Council funding	0	0	0	9	9
Arts Council grant funding - Museum & Arts Project	0	0	0	29	29
British Museum grant - Museum & Arts Project	0	0	0	10	10
Victoria & Albert Museum grant - Museum & Arts Project	0	0	0	15	15
Museum & Schools grant - Arts Council Funding	0	0	0	5	5
Clinical Commissioning Group grant - MacMillan	0	0	0	15	15
Troubled Families grant - Targetted Youth Support	0	0	0	26	26
NCS grant - Positive Activities	0	0	0	14	14
NCS grant - Kentmere	0	0	0	6	6
Transforming Lives	0	0	0	46	46
BWD Trailblazer	0	0	0	116	116
Migration Fund	0	0	0	57	57
Communities Fund	0	0	0	38	38
Talk English	0	0	0	5	5
Overhauling Data grant	0	0	0	41	41
Dovetail	0	0	0	7	7
Prevent	0	0	0	17	17
Local Plan Review grant - Growth Team	0	0	0	30	30
One Public Estate grant	0	0	0	556	556
Electoral Grant	0	0	0	57	57
Linking Network funding	0	0	0	7	7
DCLG Transparency Code New Burdens	0	0	13	0	13

	Balance at 31 Dec 2017	Requested Transfers to/(from) earmarked reserves in Qtr 4			Balance at 31 March 2018
	As reported to Exec Board Feb 2018 £000	Utilised £000	Increased or new reserves £000	Carry-over requests £000	Q4 / Outturn £000
Amounts committed in future year budgets/MTFS					
Night Time Noise Service budget carry over - contrib from other Local Authorities	0	0	0	4	4
Community Hygiene - Land Charge receipt in wrong year	0	0	0	3	3
Blackburn Museum - Lancashire County Council	0	0	0	3	3
Central Participation - Blackburn Youth Zone	0	0	0	10	10
Budget carry over for implementation of Concerto (Property system)	0	0	0	20	20
Budget carry over for Intack Depot driveway	0	0	0	10	10
CCTV Hub carry forward	0	0	0	52	52
Development Investment Fund (Capital)	0	0	0	101	101
Reserves held for specified non discretionary purposes					
Developers Contributions (\$106 Income)	(261)	(11)	457	503	688
Future Maintenance of Wainwright Bridge	506	0	0	0	506
Highways claims anticipated for years up to current year but not yet received	434	0	177	0	611
Art Acquisitions Fund	14	0	1	0	15
W. Ferrier Bequest (for museum re Kathleen Ferrier)	20	0	0	0	20
Allowance for contingent liabilities (e.g. MMI)	250	0	0	0	250
TOTAL EARMARKED RESERVES FOR DISCRETIONARY USE	9,622	(532)	2,153	1,864	13,107
Other Earmarked' Reserves					
Reserves held in respect of joint arrangements and charitable bodies					
Darwen Market Traders Association	2	0	0	0	2
Joint Building Control Account	182	0	27	0	209
Turton Tower Charity	45	0	7	0	52
LSCB Safeguarding Partners Fund	156	(8)	0	0	148
Reserves held in relation to schools					
Dedicated Schools Grant - Surplus	8,844	(113)	0	0	8,731
LMS Schools Balances	6,253	(601)	0	0	5,652
TOTAL 'OTHER EARMARKED' RESERVES	15,482	(722)	34	0	14,794
TOTAL EARMARKED RESERVES	25,104	(1,254)	2,187	1,864	27,901
UNALLOCATED RESERVES	6,119	(2,216)	2,152	0	6,055

Agenda Annex

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Resources

LEAD OFFICERS: Director of Finance and Customer Services

DATE: 5th July 2018

PORTFOLIO/S AFFECTED: All

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: CORPORATE CAPITAL BUDGET AND BALANCE SHEET MONITORING REPORT
Quarter 4 2017/18 – as at 31st March 2018

1. EXECUTIVE SUMMARY

To report the overall financial position of the Council in respect of the capital programme as at 31st March 2018, highlighting major issues and explaining variations at the year end with regard to portfolio under/overspends and slippage since the last report to the Executive Board in February 2018.

2. RECOMMENDATIONS

That the Executive Board:

- a) Notes the final capital outturn for 2017/18 as per Appendix 1, together with the variations in Appendix 2
- b) Agrees that the slippage of £4.186 million in the 2017/18 capital programme across all the portfolios, along with the net £12,000 in respect of Earmarked Schemes, can be carried forward into 2018/19, and that the 2017/18 capital programme is amended accordingly.

3. BACKGROUND

All portfolios are required to examine their capital budget position on a monthly basis.

4. KEY ISSUES & RISKS

a) The Council's capital investment for 2017/18 across the portfolios has decreased from the projection of £22.512 million, reported and approved by Executive Board on 8th February 2018, to an actual outturn spend of £18.656 million. The net variation (excluding earmarked schemes) of £3.856 million (detailed at Appendix 2), reflects requested variations to the programme of £330,000 and transfers from the 17/18 programme into future years of £4.186 million.

b) Capital receipts to the value of £0.75 million were received in 2017/18 and were used to support the Minimum Revenue Provision. This compares with the estimate reported to the February Executive Board of £674,000.

5. POLICY IMPLICATIONS

The information contained within the report accords with the capital strategy and the three year budget forecast within the Medium Term Financial Strategy 2017-20, as approved at Finance Council on 26th February 2017.

6. FINANCIAL IMPLICATIONS

6.1 CAPITAL PROGRAMME

The variations in projected spend and resource availability for 2017/18 are summarised by portfolio in Appendix 1. Variations in spending are set out in Appendix 2.

The total variation at outturn in the Capital Programme across the portfolios compared to the last report approved by Executive Board is £3.856 million, of which £2.168 million relates to slippage on the Schools capital programme. The major capital variations to note are as follows:

6.1.1 Health & Adult Social Care

Disabled Facilities Grant

As reported to Executive Board in February 2018, the volume of applications to access the Disabled Facilities Grant was unusually lower than in previous years. A request to slip £599,000 into 2018/19 is made so that these funds are available to cover costs in 2018/19.

6.1.2 Children's Services

Disabled Facilities Grant

A request to slip £112,000 of Disabled Facilities Grant is made to fund schemes in 2018/19. An underspend of £132,000 is also reported, which will reduce the amount of main programme borrowing required in the capital programme.

Longshaw Nursery School Early Years Capital Fund

As reported to the Executive Board in February 2018, discussions are ongoing with the DfE to approve an extension to the funding to 4th October 2018. Whilst these discussions are ongoing, a request is made to slip the £189,000 provision for the scheme in to 2018/19.

6.1.2 Environment

Old Bank Lane Car Park

Following a slight delay due to bad weather, the car park became fully operational on 21st May 2018. Approval is now sought to slip £269,000 to 2018/19 to cover the costs for the completion of this scheme in 2018/19.

6.1.3 Leisure, Culture & Young People

Blakeys Air Conditioning

As per the Executive Board decision dated 8th March 2018, approval was given to add the scheme to the capital programme for an upgrade to the air handling system, and other minor works (removal of bar and a new stud wall partition) at a cost of £72,000. Approval is required to add this to the capital programme and also to slip £71,000 into 2018/19 when the majority of the work will be completed.

6.1.4 Regeneration

Cathedral Quarter Development

Approval is sought to slip £100,000 of the project provision into 2018/19 to meet the costs of the outstanding retention payments owed to the contractor.

Darwen 3 Day Market

Work on the public realm has progressed at a quicker pace than anticipated in 2017/18 and a request to bring forward budget of £96,000 from future years is made to cover the costs incurred in 2017/18.

Blakey Moor

Approval to transfer £680,000 from the Corporate Property Investment earmarked schemes is requested to cover the costs of a Compulsory Purchase Order, which was approved at Executive Board on 11th January 2018.

A further request is made to reprofile £75,000 of the unspent budget at 31st March 2018 into 2018/19; the scheme is due to run until the end of 2021/22.

Local Transport Plan

There has been a reduction in the Local Transport Plan budget comprising:

Details	Amount
Reductions	
Reduction in S106 funding	(£168,000)
Reduction in contributions from third parties	(£12,000)
Virement to Darwen Public Realm (Darwen 3 Day Market scheme)	(£151,000)
Virement to Town Heritage Scheme	(£2,000)
Increases	
Additional Pot Hole Funding Grant	£89,000
Virement from Street Lighting Investment	£50,000
Additional late charges received in March	£22,000
Total Variation	(£172,000)

Granville Rd/Westland Ave Flood Study

Following the submission to the Environment Agency of the Flood Study at this site, a further grant has been awarded to carry out the required works identified in the study. Approval is now required to include this in the capital programme and for £183,000 to be transferred into 2018/19 when the works will commence.

Bank Top and Griffin Clearance

Approval is sought to slip £145,000 of the programme provision into 2018/19 as this funding will be used to purchase 3 properties that will complete the assembly of the Griffin clearance site.

Affordable Homes

Griffin Pub has been purchased as part of the Griffin Area Redevelopment. Approval is sought to bring forward programme provision of £200,000 and to vire fund from the Bank Top and Griffin

Clearance scheme to cover these costs.

Development Investment Fund

Slippage of £101,000 into 2018/19 is requested to support committed and programmed work on Council owned sites in the Growth Development pipeline.

6.1.5 Resources

Corporate ICT Schemes

A request is made to slip the following elements of the individual programme budgets into 2018/19 when the respective project implementations will complete.

Scheme	Slippage Requested
Monitoring & Management - service systems	£13,000
Public Access	£39,000
WAN Connectivity	£20,000
Digitisation of planning service	£41,000
Finance System	£38,000

Corporate ICT – Microsoft EA

As per the Executive Member Decision Paper dated 9th March 2018, approval was given to renew of the Microsoft SCE agreement for the provision of licences to cover the Council's database environment server and system centre estate. This will be a capital investment of approximately £318,000 over a 3 year period, with the first instalment due in 2017/18. This is to be funded from the Corporate ICT earmarked schemes.

Fishmoor Drive Demolition

The buildings on this site are now fully demolished and an underspend of £98,000 is reported on this scheme. The scheme was funded from the Corporate Investment Fund Earmarked schemes and a request is now made to transfer the underspend back to this earmarked scheme.

Digital Advertising Screen

The total value of this scheme is £125,000 profiled across the 2017/18 year end. A request is made to reprofile the programme provision in line with the timing of the actual spend and to approve the transfer of £43,000 from 2018/19 to fully cover the spend in 2017/18.

6.1.6 Schools and Education

Slippage of programme provision is requested from 2017/18 into 2018/19 on the following schemes:

Scheme	Slippage Requested
Audley Juniors	£9,000
Audley Infant and Junior – New Heating System	£20,000
Audley Junior – Roofing Works	£13,000
Belmont	£8,000
Lower Darwen	£13,000
Shadsworth Juniors	£14,000

St Thomas CE Primary School	£110,000
Longshaw Junior	£64,000
Roe Lee Class Room Works	£136,000

Cedars Primary

The single site rationalisation of Cedars School was completed in September 2017, and the scheme is now complete. In the Quarter 4 Executive Board Capital Budget Monitoring Report for 2016/17, the provision for this scheme was reduced by £300,000, however this has now proven to be an overstatement given the contracts in place to complete the work. As a result, in 2017/18 the reduction has led to an overspend of £132,000; this has been funded from the schools unallocated capital fund.

A review of the final costs has identified that there may be £4,000 still outstanding on survey fees a request to approve slippage to 2018/19 of this amount is made, until confirmation is received in this regard.

St Barnabas and St Pauls

Specification and survey fees of £101,000 have been incurred in 2017/18 against a programme provision of £32,000 in the year. A request is therefore made to transfer budget of £68,000 from 2018/19 to cover these costs.

Newfield ASD Provision

This scheme was scheduled to complete in February 2018, but due to contractor delays it is anticipated that the building will only now be handed over in June 2018. Slippage of £697,000 into 2018/19 is therefore requested.

6.2 CAPITAL RECEIPTS

Actual capital receipts at 31st March 2018 were £0.75 million; all of these receipts will be utilised to support of the Minimum Revenue Provision.

6.3 BALANCE SHEET POSITION

6.3.1 Overview

Good balance sheet management assists in the effective use and control over the Council's assets and liabilities. Key assets comprise the Council's tangible fixed assets, debtors, investments and bank balances. Key liabilities include long and short-term borrowing, creditors and reserves.

6.3.2 Non-current Assets

Tangible non-current assets include property, plant and equipment held by the Council for use in the production or supply of goods and services, for rental to others or for administrative purposes. Property assets are the responsibility of the Resources portfolio. One fifth of all assets are re-valued every year, and annual reviews are undertaken to establish whether any impairment or other adjustments need to be applied. New assets and enhancements to existing assets are managed by way of the capital programme, as reported in Appendix 1.

6.3.3 Borrowing and Investments

Long term borrowing requirements flow from the capital programme. Regular dialogue and meetings take place between the Director of Finance, her staff and the Council's independent Treasury

consultants Arlingclose, and options for optimising borrowing requirements are actively reviewed.

No long term borrowing has been taken for the last three years. While short term borrowing has historically been used to help with cash flow management, for the last four years it has also been used strategically to cover the borrowing requirements generated by the capital programme and the repayment of existing long term debt. This has generated significant revenue savings and has reduced investment exposures and risk. Going forward, it is recognised that this approach could impact on the Council's opportunities for obtaining the maximum benefit from future interest rate changes and as such will continue to be monitored.

The Council's surplus cash balances are managed on a day to day basis in line with the Treasury Management Strategy approved by Finance Council. The Council spreads its investment risk over a number of institutions and has limits on how much can be invested in any one institution and for how long. The list of approved institutions is kept under regular review by the Treasury Management Group in conjunction with information from the Council's treasury consultants.

The most significant variation at outturn was an increase of £280,000 in the MRP (Minimum Revenue Provision) charge, resulting from lower than anticipated capital receipts. This was partly offset by net savings on interest costs and dividends of around £60,000.

Treasury debt and investments at Year End were as follows:

	Amounts at 31/03/18 £000	Amounts at 31/03/17 £000
Short term borrowing	85,000	57,000
Long term borrowing	125,341	127,122
Transferred debt re Local Government Re-organisation	15,352	15,992
<i>Associated Capital Financing Requirement</i>	<i>15,978</i>	<i>16,318</i>
Debt in relation to PFI arrangements (including short term debt)	66,849	68,551
<i>Associated Capital Financing Requirement</i>	<i>69,825</i>	<i>69,965</i>
Investments made by the Council	33,720	22,075

The totals above include the debt recognised on the balance sheet as a result of accounting adjustments in respect of bringing into use the new BSF school buildings which are financed through PFI arrangements. These adjustments are made to ensure that the Council's effective control over, and use of, these assets is recognised with corresponding adjustments to the debt. These changes do not add to the costs faced by the Council Tax payer as the actual capital costs for these schools form part of the ongoing stream of payments made to the PFI contractor (which are in turn largely offset by PFI grant funding from the Government).

	Original Budget 2017-18 £'000	Outturn 2017-18 £'000
Interest paid on borrowing	6,203	6,024
PFI interest paid	6,411	6,420

Interest receipts	(135)	(247)
MRP (Minimum Revenue Provision) for debt repayment – non-PFI	5,925	6,073
MRP (Minimum Revenue Provision) for debt repayment – PFI	141	141

Excluding PFI elements, interest on financing the Council's debt cost the Council approximately £6.1 million (down from £6.2 million in 2016/17) – this includes £0.3 million interest on the debt managed on the Council's behalf by Lancashire County Council. Lower interest rates brought down the cost of short term borrowing, generating a saving against the original budget.

Treasury interest receipts remained low, reflecting exceptionally low interest rates. The Council's returns on its Local Education Partnership investment were again the most significant element, at over £150 thousand of the total return.

In 2016/17 the Council reviewed its MRP (Minimum Revenue Provision) Policy, which determines how it will make a prudent charge for debt repayment in the accounts. The change more closely aligned the revenue costs of capital expenditures with the economic benefits received over the life of those assets, and resulted in significantly lower MRP charges over the first 20 years. As the MRP cost currently borne is lower than the actual cash repaid in relation to both PFI and Transferred Debt, the outstanding CFR (Capital Financing Requirement) is higher than the remaining debt for both these elements. A small part of the MRP saving is therefore offset by higher interest costs, but there is still a significant net saving (of over £4 million)

6.3.4 Debtors

The Council has a corporate debt policy as well as other specific policies for the management of debt in the key areas of council tax, business rates and housing benefit overpayments. The table below summarises the collection performance of the various debts and the total outstanding debt in the respective areas at a single point in time, i.e. 1st April 2018. The table also shows the corresponding level of debt at the same point in the last financial year.

Council Tax

The current year collection rate has slightly improved on the previous year, however, the arrears continue to increase, due mainly to the inability to collect arrears from Council Tax Support claimants.

Business Rates

Business Rates continues to have legislative changes that result in less collectable debt – these include changes to small business rate relief and the introduction of government reliefs and pub reliefs last year. There has also been an improvement in collection rate due to the introduction of bankruptcy as a recovery option. A number of very hard to collect debts have been recovered via this method in 2017/18.

	Position at 1/4/18	Position at 1/4/17
Council tax		
Current year arrears (£000)	2,556	2,474
Previous year arrears (£000)	8,027	7,137

Total Council tax arrears	10,583	9,611
Collection rates	95.4	95.3%
Business rates		
Current year arrears (£000)	687	1,243
Previous year arrears (£000)	2,010	2,041
Total Business rates arrears	2,697	3,284
Collection rates	98.5%	97.4%
Housing Benefit		
Overpayments balances (£000)	2,737	2,706

NB.

Arrears reported above are net of credits and exclude costs outstanding.

In addition to the above, the following is also outstanding in 2017/18:

Council Tax court costs £1,497,483

Business Rates court costs £49,573

7. LEGAL IMPLICATIONS

The Council has a duty to ensure it can deliver a balanced budget. The Local Government Act 2003 imposes a duty on an authority to monitor its budgets during the year and consider what action to take if a potential deterioration is identified.

8. RESOURCE IMPLICATIONS

None.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. *(insert EIA link here)*

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. *(insert EIA attachment)*

10. CONSULTATIONS

None

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION:	V2
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CONTACT OFFICER:	Gaynor Simons (Ext 5635) Julie Jewson (Ext 5893)
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DATE:	21st June 2018
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BACKGROUND PAPER:	N/A
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Overall Capital Monitoring 2017/18

	2017/18				2018/19 and Future Years			
	Approved Programme 2017/18	Programme approved at Executive Board February 2018	Requested Variations (See Appendix 2)	Revised 2017/18 Capital Programme As at Outturn 31st March 2018	Approved Programme 2018/19 and future Years	Programme approved at Executive Board February 2018	Requested Variations (See Appendix 2)	Revised Future Capital Programme As At 31st March 2018
	(2017/18 Budget Book) £'000	£'000	£'000	£'000	(2017/18 Budget Book) £'000	£'000	£'000	£'000
Costs								
Health & Adult Social Care	2,079	1,892	(628)	1,264	6,472	6,858	607	7,465
Children's Services	533	872	(542)	330	1,200	1,463	301	1,764
Environment	0	1,365	(275)	1,090	0	300	272	572
Leisure, Culture & Young People	6	569	(94)	475	0	0	123	123
Neighbourhood and Prevention Services	623	84	4	88	1,000	0	0	0
Regeneration	6,033	7,719	94	7,813	20,578	35,182	550	35,732
Resources	2,115	1,549	(163)	1,386	0	1,351	377	1,728
Schools & Education	6,495	8,462	(2,252)	6,210	0	2,213	2,168	4,381
Total Predicted Expenditure	17,884	22,512	(3,856)	18,656	29,250	47,367	4,398	51,765
Resources								
- Department for Communities & Local Government	0	0	0	0	0	0	0	0
- Department for Education	6,495	8,810	(2,446)	6,364	0	2,426	2,310	4,736
- Department for Energy & Climate Change	0	589	(20)	569	0	0	20	20
- Department for Transport	3,827	3,977	87	4,064	18,728	20,728	0	20,728
- Disabled Facilities Grants	1,461	1,762	(403)	1,359	5,844	5,844	403	6,247
- Housing Grants	0	98	(59)	39	0	190	23	213
- Other Grants	333	314	(65)	249	182	1,451	265	1,716
Government Grants	12,116	15,550	(2,906)	12,644	24,754	30,639	3,021	33,660
Unsupported Borrowing	3,753	5,358	(236)	5,122	2,953	14,511	1,252	15,763
External Contributions	1,515	830	(290)	540	1,543	1,717	187	1,904
Revenue Contributions	500	774	(424)	350	0	500	(62)	438
Total Resources	17,884	22,512	(3,856)	18,656	29,250	47,367	4,398	51,765
Difference	0	0	0	0	0	0	0	0
Earmarked Schemes								
Corporate ICT	1,416	63	(63)	0	2,834	6,500	(250)	6,250
Corporate Property Investment	658	643	(643)	0	1,317	1,655	50	1,705
Phase 2 Accommodation strategy	2,271	0	0	0	1,514	1,945	0	1,945
Vehicles (funded from capital or leased)	700	700	(700)	0	1,400	1,400	0	1,400
	5,045	1,406	(1,406)	0	7,065	11,500	(200)	11,300

Scheme variations to 2017/18 Capital Programme

Capital Programme Schemes Approved by Executive Board on 10th February 2018 £ 000	Slippage/Reprofiling of budgets £ 000	Requested Variations £ 000	Total Capital Programme at 31 March 2018 £ 000	Capital Programme 18/19 and Future Year Approved By Executive Board on 10th February 2018 £'000	Portfolio Changes £'000	Slippage from/(to) previous year and Reprofiling of Budget £'000	Requested Variations £'000	Total Programme 18/19 and Future Years £'000
Health & Adult Social Care								
Demolition of Tower View HOP	75	0	(21)	54	0	0	0	0
Disabled Facilities Grant	1,655	(599)	0	1,056	6,032	0	599	6,631
Telecare Project	160	(8)	0	152	640	0	8	648
Longshaw HOP Demolition	2	0	0	2	0	0	0	0
Riverside Heights Extra Care Scheme Site (formerly Shorey Bank)	0	0	0	0	186	0	0	186
1,892	(607)	(21)	1,264	6,858	0	607	0	7,465
Children's Services								
Disabled Facilities Grant	395	(112)	(132)	151	1,200	0	112	1,312
Two Year Old Grant	0	0	0	0	263	0	0	263
Shadsworth Child Dev Centre (unrequired creditor 16/17)	0	0	(20)	(20)	0	0	0	0
Audley Children's Centre Early Years	133	0	(25)	108	0	0	0	0
Little Harwood Children's Centre	94	0	(49)	45	0	0	0	0
Stepping Stone's Nursery	61	0	(15)	46	0	0	0	0
Longshaw Nursery School	189	(189)	0	0	0	0	189	189
872	(301)	(241)	330	1,463	0	301	0	1,764
Environment								
Old Bank Lane Car Park	1,300	(269)	0	1,031	300	0	269	569
Pleasington Cemetary	65	(3)	0	62	0	0	3	3
Brown Street Car Park Extension	0	0	0	0	0	0	0	0
Davyfield Road Development	0	0	(3)	(3)	0	0	0	0
1,365	(272)	(3)	1,090	300	0	272	0	572
Leisure, Culture & Young People								
Darwen Leisure Centre Replacement	55	(9)	0	46	0	0	9	9
Blackburn Leisure Centre Replacement	49	0	(4)	45	0	0	0	0
Waves Demolition	99	(6)	(39)	54	0	0	6	6
Witton Athletics Floodlights	13	0	0	13	0	0	0	0
Bangor St - Refresh Car Park	21	0	0	21	0	0	0	0
Woodridge Playing Fields	330	(37)	0	293	0	0	37	37
Making Room Equipment	2	0	0	2	0	0	0	0
Blakeys Air Conditioning	0	(71)	72	1	0	0	71	71
569	(123)	29	475	0	0	123	0	123
Neighbourhood and Prevention Services								
CCTV Hub	84	0	4	88	0	0	0	0
84	0	4	88	0	0	0	0	0
Regeneration								
Redevelopment of Former Blackburn Markets	12	0	0	12	0	0	0	0
Assistance to Industry	187	(29)	0	158	600	0	29	629
Cathedral Quarter Development	100	(100)	0	0	0	0	100	100
Cathedral Quarter Office Block Fit Out	311	(41)	0	270	10	0	41	51
Darwen 3 Day Market	366	96	0	462	1,550	0	(96)	1,454
Blakey Moor	150	(75)	680	755	3,397	0	75	3,472
Local Transport Plan	4,722	0	(172)	4,550	19,778	0	0	19,778
National Productivity Investment Fund - Fabric Borders	0	0	0	0	2,000	0	0	2,000
Growth Deal 3 (Pennine Gateways)	0	0	0	0	0	0	0	0
Darwen East Corridor	0	0	0	0	0	0	0	0
Street Lighting Investment	125	0	(52)	73	0	0	0	0
Bury Fold Brook	15	(15)	0	0	0	0	15	15
Integrated Modelling Works	11	0	0	11	0	0	0	0
Bala Close Drainage Improvements	13	0	(2)	11	0	0	0	0
Granvill Rd/Westland Ave Flood Study	20	(183)	180	17	0	0	183	183
Birch Hall Ave diversion appraisal	14	(4)	0	10	0	0	4	4
Livesey Branch Rd Culvert	41	(27)	0	14	0	0	27	27
Highways Network Recovery	84	0	2	86	0	0	0	0
M65 JS Signalisation	39	0	0	39	0	0	0	0
Bank Top and Griffon Clearance	199	(145)	(3)	51	300	0	145	445
Group Repair (Inner NW/InnerSE/Darwen)	46	(23)	0	23	0	0	23	23
Insulation for Hard to Treat Properties	3	(3)	0	0	0	0	3	3
Neighbourhood Intervention Fund	106	(12)	8	102	560	0	12	572
Equity Loans	0	0	0	0	87	0	0	87
Empty Homes Cluster	20	(20)	0	0	440	0	20	460
Other Acquisition costs	0	0	0	0	10	0	0	10
DECC Central Heating Fund	589	(20)	0	569	0	0	20	20
Affordable Homes Funding	27	200	3	230	200	0	(200)	0
Development Investment Fund	144	(101)	0	43	0	0	101	101
Capacity Funding	75	(36)	0	39	50	0	36	86
Real Cinema	300	(12)	0	288	6,200	0	12	6,212
Land Release Fund	0	0	0	0	0	0	0	0
7,719	(550)	644	7,813	35,182	0	550	0	35,732

Resources

Scheme variations to 2017/18 Capital Programme

	Capital Programme Schemes			Total Capital Programme at 31 March 2018 £ 000	Capital Programme 18/19 and Future Year Approved By Executive Board on 10th February 2018 £'000			Portfolio Changes £'000	Slippage from/(to) previous year and Reprofiting of Budget £'000		Total Programme 18/19 and Future Years £'000
	Approved by Executive Board on 10th February 2018 £ 000	Slippage/Reprofiting of budgets £ 000	Requested Variations £ 000		February 2018 £'000	Requested Variations £'000	Requested Variations £'000				
Corporate ICT - Montr & Mgmt, service systems & op	43	(13)	0	30	30	0	13	0	43		
Corporate ICT - Digital Services	7	0	(7)	0	0	0	0	0	0		
Corporate ICT - Public Access	127	(39)	0	88	150	0	39	0	189		
Corporate ICT - WAN Connectivity	66	(20)	0	46	70	0	20	0	90		
Corporate ICT - Replacement Infrastructure	0	0	0	0	0	0	0	0	0		
Corporate ICT - HR & Payroll System	5	0	0	5	0	0	0	0	0		
Corporate ICT - Adult Social Care IT System	0	0	0	0	0	0	0	0	0		
Corporate ICT - Digitisation of Planning Service	217	(41)	0	176	0	0	41	0	41		
Corporate ICT - Till and Stock System	28	0	1	29	0	0	0	0	0		
Corporate ICT - Finance System	224	(38)	0	186	0	0	38	0	38		
Corporate ICT - Microsoft EA	9	2	106	117	9	0	(2)	212	219		
Corporate ICT - New Leisure System	48	0	4	52	0	0	0	0	0		
Corporate ICT - Adults Mobile Working	12	0	(1)	11	0	0	0	0	0		
Corporate ICT - Nursery Management System	29	0	(2)	27	0	0	0	0	0		
Corporate ICT - Digitisation of Registrars	80	1	0	81	20	0	(1)	0	19		
Corporate ICT - Desktop Refresh	0	0	0	0	0	0	0	0	0		
Corporate ICT - Core Infrastructure Programme	0	0	0	0	0	0	0	0	0		
Corporate ICT - Ticketing System KGH/DLT	0	0	0	0	0	0	0	0	0		
Corporate ICT - Legal Services Case Management System	0	0	0	0	0	0	0	0	0		
Carbon Management Plan	53	(1)	0	52	159	0	1	0	160		
Old Town Hall Stonework	0	0	0	0	0	0	0	0	0		
Land Remediation Schemes	14	(5)	0	9	199	0	5	0	204		
Accommodation Strategy	30	(30)	0	0	0	0	30	0	30		
Freckleton Street Acquisitions	65	0	(1)	64	0	0	0	0	0		
Corporate DDA Work	8	0	0	8	169	0	0	0	169		
Akzo Nobel Demolition	1	0	0	1	0	0	0	0	0		
Griffin Lodge	0	0	0	0	300	0	0	0	300		
Fishmoor Drive Demolition	185	0	(98)	87	0	0	0	0	0		
Davyfield Road Bungalow Remodel	247	(35)	0	212	50	0	35	0	85		
Velvet Lounge Commons Street	21	0	0	21	0	0	0	0	0		
Demolition of power house farm 100k from earmarked schemes -	0	11	0	11	100	0	(11)	0	89		
Digital Advertising Screen Blackburn Town Centre	30	43	0	73	95	0	(43)	0	52		
Corporate Accommodation Strategy Phase 2	0	0	0	0	0	0	0	0	0		
	1,549	(165)	2	1,386	1,351	0	165	212	1,728		
Schools and Education											
Capital allocations	1,343	(1,155)	(188)	0	0	0	1,155	50	1,205		
Audley Juniors	32	(9)	0	23	0	0	9	0	9		
Cedars Primary	1,411	(4)	132	1,539	0	0	4	0	4		
St Barnabas and St St Pauls	32	68	1	101	790	0	(68)	0	722		
St Thomas CE Primary School	191	(110)	1	82	0	0	110	0	110		
St Thomas Centre Phase 2	30	4	0	34	457	0	(4)	0	453		
Newfield	4,935	(697)	36	4,274	0	0	697	0	697		
Turton/Edgworth Primary School	0	3	0	3	99	0	(3)	0	96		
Audley Nursery	1	0	(1)	0	0	0	0	0	0		
Audley Infant and Junior - New Heating System	20	(20)	0	0	480	0	20	(50)	450		
Audley Junior - Roofing Works	20	(13)	0	7	217	0	13	0	230		
Audley Steps	0	7	0	7	0	0	7	0	0		
Belmont	10	(8)	0	2	0	0	8	0	8		
Feniscowles	0	0	0	0	0	0	0	0	0		
Intack	25	0	(12)	13	0	0	0	0	0		
Longshaw Junior	65	(64)	0	1	0	0	64	0	64		
Lower Darwen	20	(13)	0	7	170	0	13	0	183		
Meadowhead Junior	25	0	(16)	9	0	0	9	0	0		
Roe Lee Park - Classroom Works	150	(136)	0	14	0	0	136	0	136		
Roe Lee Park - Refurbishment of boys toilets	38	0	2	40	0	0	0	0	0		
Shadsworth Juniors	14	(14)	0	0	0	0	14	0	14		
Our Lady and St Johns Sport Pitch	50	0	0	50	0	0	0	0	0		
St Michael and St John Class room reorder	0	0	11	11	0	0	0	0	0		
Longshaw Infants	0	0	1	1	0	0	0	0	0		
Roe Lee School old scheme over accrued	0	0	(4)	(4)	0	0	0	0	0		
Brookhouse School	0	0	(4)	(4)	0	0	0	0	0		
Project Management Fee	50	0	(50)	0	0	0	0	0	0		
	8,462	(2,168)	(84)	6,210	2,213	0	2,168	0	4,381		
Portfolios Total	22,512	(4,186)	330	18,656	47,367	0	4,186	212	51,765		
Earmarked schemes:											
Corporate ICT	63	38	(101)	0	6,500	0	(38)	(212)	6,250		
Corporate Property Investment	643	(50)	(593)	0	1,655	0	50	0	1,705		
Phase 2 Accommodation Strategy	0	0	0	0	1,945	0	0	0	1,945		
Vehicles (funded from capital or leased)	700	0	(700)	0	1,400	0	0	0	1,400		
Total	1,406	(12)	(1,394)	0	11,500	0	12	(212)	11,300		

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