



# 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 extensions 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.

<b>VERSION:</b>	<b>1</b>
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<b>CONTACT OFFICER:</b>	<b>Helen Holland</b>
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<b>DATE:</b>	5 <sup>th</sup> July 2018
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<b>BACKGROUND PAPER:</b>	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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