regarding a point on the homework:

"Confirm with LCC that the CPO decision only confirmed phase 2 of the WHLR"

Please find below an email from LCC to confirm this (phase 2 being from Altham Lane to Bolton Ave).

Joanne

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From: Nurser, Louise [mailto:Louise.Nurser@lancashire.gov.uk]
Sent: 23 August 2011 16:05
To: Simon Prideaux; Joanne Macholc
Cc: Hudson, Marcus
Subject: RE: Whinney Hill Link Road

Joanne/Simon

I spoke to our legal department who confirms that the approach set out below in yesterday's email is correct.

I apologise that the information that I gave out was incorrect but hope that we now have a definitive view. We obviously still have an extant permission for the road, a safeguarded route through the emerging MWDF, support from the emerging LTP and support from your plan.

Best wishes

Louise.

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From: Hudson, Marcus
Sent: 23 August 2011 16:00
To: Nurser, Louise
Cc: Anderson, Jill; Birch, John; 'Joanne Macholc'
Subject: RE: Whinney Hill Link Road

Louise,

As we discussed the other day and I mentioned to Simon in passing, my understanding which stands up to a reading of the CPO Inspector’s Report is that the Whinney Hill Link Road (‘WHLR’) CPO was confirmed (that part of the road from Altham Lane westwards to Bolton Avenue) and that the East Lancashire Technology Park (‘ELWTP’) CPO was not confirmed. I am unaware (in the absence of the SoS letter regarding the latter whether the ELWTP CPO failed on a point of legal process or technical argument.

Regards,
From: Nurser, Louise  
Sent: 22 August 2011 17:41  
To: 'Joanne Macholc'  
Cc: Anderson, Jill; Birch, John; Hudson, Marcus  
Subject: RE: Whinney Hill Link Road

Joanne - I will ensure that there is a clear agreement on this as soon as possible as I appreciate that you are putting your statements together with the same deadline as ourselves.

Thanks

Louise

From: Joanne Macholc [mailto:Joanne.Macholc@hyndburnbc.gov.uk]  
Sent: 22 August 2011 17:36  
To: Nurser, Louise  
Cc: Simon Prideaux; Farooq Rafiq  
Subject: Whinney Hill Link Road

Dear Louise

We have met recently with a representor in relation to land at Huncoat. Our understanding, which you confirmed to be correct at our meeting on 2nd August was that the CPO for the full length of the WHLR had been confirmed. However the representor has a different view as follows:

They advised that the CPO relating to what the Core Strategy (CS) refers to as the 'Phase 1' link road (i.e. from Burnley Road to Altham Lane) has not been confirmed. They state that the confusion here lies in an apparent error in the Department of Transport's letter, and the reference to the WTP 'access road' being assumed to be a spur from the link road when in fact it was the first tranche of the link road itself. Paragraph 2 of the DoT's letter of 11th October 2010 is misleading as it seems to suggest that the Whinney Hill Link Road CPO applies to the whole length of the proposed new highway. That is incorrect; attention is directed, however, to the words "the land described therein" i.e. the land subject to that Order.

They further state that clarification is available from two sources:

1. The Whinney Hill Link Road CPO itself. The Order describes the land subject to that Order both in writing and by reference to the Order Map. It is to be noted that the Order does not apply to the whole section of land referred to in the Department of Transport's letter.

2. Reference should also be made to the Inspector's Report, particularly paragraph 6.7 (at which the scope of the Whinney Hill Link Road CPO is described, together with its relationship with the ELWPT CPO). The scope of the relevant planning permission is described at paragraph 6.8. See also paragraph 6.122 of the Inspector's Report which again describes the scope of the WHLR CPO.
Clearly there is a difference in understanding so I should be grateful if you could clarify the position so we can advise the Inspector accordingly and ensure our references are correct.

Many thanks

Joanne Macholc
Principal Planning Officer
Hyndburn BC

e-mail: joanne.macholc@hyndburnbc.gov.uk
tel: 01254 380174

The examination of the Hyndburn Core Strategy and Accrington Action Area Plan commences on 20th September 2011. For more details, including submission documents click here