

## **Hyndburn Borough Council**

### **Statement on Huncoat relating to the issues arising from Policy WM2 and Plan BWF8 of the Minerals and Waste Site Allocations DPD.**

**November 2011.**

#### **1. Purpose of Statement**

- 1.1 The purpose of this statement is to set out the Borough Council's position on the issues surrounding the proposed allocation of land for a built waste management facility at Huncoat in the Minerals and Waste Site Allocations DPD.

#### **2. Background**

- 2.1 The Hyndburn Core Strategy was prepared in the context of a proposal to construct a "Waste Technology Park" on land at the strategic employment site at Huncoat for which planning permission had been granted. The Lancashire Waste Strategy supported the need for a strategic waste management facility in this location. This background is set out in more detail in the Huncoat Topic Paper that was prepared for the Examination in Public.
- 2.2 The submission Lancashire Minerals and Waste Site Allocations and Development Management DPD (LM&W SA/DM DPD) includes the allocation of a site for large scale built waste management facilities at Huncoat/Whinney Hill at Policy WM2. The allocation covers two separate areas which are shown on plan BWF8 of the submission DPD (Plan A, Appendix 1).
- 2.3 The Hyndburn Core Strategy includes a Policy that concerns the development of a strategic employment site on land at Huncoat. The Submission version of the Core Strategy and Policy A8 includes reference to the development of a Waste Technology Park.
- 2.4 The Examinations of the Hyndburn Core Strategy (the Hyndburn Examination) and Lancashire Minerals and Waste Site Allocations and Development Management DPD's (the Lancashire Examination) were held in September 2011.
- 2.5 The issues surrounding the development of a large scale built waste management facility were considered at both examinations primarily in the context of objections made by Quod Planning on behalf of the owners of the former power station site (Omega Atlantic).

- 2.6 At the Lancashire Examination issues were raised by the land owner (Omega Atlantic) concerning the need for the development and the means by which it would be implemented without their support.
- 2.7 At the Hyndburn Examination, the main issue raised concerned the need for the Hyndburn Core Strategy to be consistent with the Lancashire Site Allocations DPD. Issues surrounding the description of the waste development (Built Waste Management Facilities in place of Waste Technology Park) were also raised.
- 2.8 The current position in relation to the Hyndburn Core Strategy is that the hearing sessions have taken place as part of the examination and the Council has proposed a number of changes to Core Strategy. These are the subject of a focussed consultation which runs until 21<sup>st</sup> November 2011. Proposed changes CS45 relates to policy A8. This continues to identify a strategic employment site at Huncoat for B1,B2 and B8 uses. In addition the development of a built waste management facility will be supported subject to criteria.
- 2.9 Following representations at the LM&W SA/DM DPD examination, the joint Minerals and Waste Planning authorities have agreed to amend plan BWF8 (MPC/189) to remove the land owned by Omega Atlantic. The effect of this is to reduce the area of the eastern site to which Policy WM2 applies<sup>1</sup> to that shown in Appendix 1(B).
- 2.10 The Borough Council believe this represents a significant change and that the Joint Authorities should consult on this change.
- 2.11 The Inspectors holding the Lancashire Examination (Mr Hill) and Hyndburn Examination (Mr Pratt) have both asked the Borough Council for a statement on this matter.
- 2.12 The LM&W SA/DM DPD examination is currently suspended whilst the joint authorities undertake consultation on proposed changes. Following suspension the Inspector, Mr Geoffrey Hill has written to the joint authorities raising several matters for their consideration (click [here](#) for letter). One of the matters relates to the allocation at Huncoat and how, in the light of the comments made on behalf of D&J Leitherd, the Joint Authorities might take the matter forward.
- 2.13 The Joint authorities have yet to respond and the Joint Advisory Committee for Strategic Planning is not meeting until later in November to agree a formal response. It is not known at this stage whether the Joint Authorities will

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<sup>1</sup> the land at the Whinney Hill Industrial Estate -western site- also included in BWF8 is unaffected by the exclusion of Omega Atlantic's land).

pursue MPC/189 and whether the DPD will include an allocation at Huncoat as part of BWF8 (the eastern part of the site) for a waste management facility.

### **3. The Position of the Borough Council**

- 3.1 The Hyndburn Core Strategy is not solely concerned with the delivery of the aims and aspirations of the Borough Council, it should seek to address the aspirations of other stakeholders including Lancashire County Council where these aspirations are considered acceptable.
- 3.2 The Hyndburn Core Strategy should adopt an approach that is consistent with that taken by the Lancashire Minerals and Waste LDF. Although now expired, the principle of waste development at Huncoat had been established through the grant of planning permission (ref 11/905/0535). In considering the acceptability of the proposed waste uses at Huncoat, the Borough Council took into consideration the presence of the planning permission and also the benefits that would arise through the development of a substantial stretch of the Whinney Hill Link Road (the access to the Waste Technology Park). The development of this stretch of road would have facilitated the development of the remaining part of the employment site at Huncoat (Outline planning permission ref: 11/08/0355), bringing a variety of economic benefits.
- 3.3 The Hyndburn Local Plan allocates the Huncoat Power Station Site (Policy I.1 (V) for employment uses within Class B of the Town and Country Planning Use Classes Order (Business, Industry, Distribution and Storage). The Borough Council observe that planning permission had been granted (now expired) for a major waste development (the Waste Technology Park) on this site and that the relevant Local Plan policy (Policy I.1(V)) contains no reference to waste, or other uses, being developed.
- 3.4 The Borough Council note that waste transfer stations and waste processing plants have sometimes been considered to be a B2 use on the basis that the activities carried out fall within the definition of an industrial use.
- 3.5 On the basis of 3.3 and 3.4 above, there would appear to be no reason, in principle, why a waste development could not be granted planning permission<sup>2</sup> on land at Huncoat if Policy A8 of the Core Strategy only makes reference to B1, B2 and B8 uses being developed at the site.
- 3.6 The Borough Council would not object if either Inspector chose to remove reference to waste development on this basis.

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<sup>2</sup> Subject to other policy and environmental considerations.

- 3.7 In order to implement new development, generally speaking<sup>3</sup> it is necessary to have the support of the relevant landowners. In this instance, it is understood that both of the major landowners have indicated that they would not support the development of waste uses on their respective areas of land. Even if the policy included a reference to built waste development, without support from owners there is no certainty that this would be implemented.
- 3.8 The Borough Council do not have a view on the level of need for waste management facilities. This is a matter for the Joint Authorities.
- 3.9 The Borough Council are concerned about the reduction in area of the site proposed by the Joint Authorities in October 2011 (MPC / 189). Throughout the development of the Core Strategy, the Borough Council has worked with the Huncoat Community and has sought to ensure that the scale and location of development proposed would not have an unacceptable adverse impact on the village or its residents. Throughout those discussions, the Council consider that local community believed that the waste development would be sited on that part of the site once occupied by Huncoat Power Station.
- 3.10 Notwithstanding the views of the land owners, the Council believe that it would be easier to find a suitable site for a built waste management facility on a larger site (submission proposals) than a smaller one (post examination proposals). The site (approx 7.8ha) could not accommodate a development of the scale (11ha) and type envisaged by the policy (WM2) given the proximity of housing and the presence of high voltage power lines across the site.
- 3.11 The Borough Council are concerned that the reduction of size of the allocation, coupled with its proximity to residential areas of Huncoat, will make it much more difficult for a large scale built waste management facility to be developed without having an unacceptable adverse impact (by reason of visual impact, noise, dust or odour for example) on the local community. Although the Borough Council have been advised by the Joint Authorities that a total of 11ha may not be needed at Huncoat if municipal waste is not provided for and that some requirements for different components of industrial and commercial waste may be met on other sites, if a smaller area is needed, or if the quantity of land required can be disaggregated between several sites, it is important that the Minerals and Waste Development Framework makes this clear.
- 3.12 Although the owners of the land occupied by the revised allocation have made representations also indicating that they would not support waste uses on their site, the Borough Council note the presence of an extant outline

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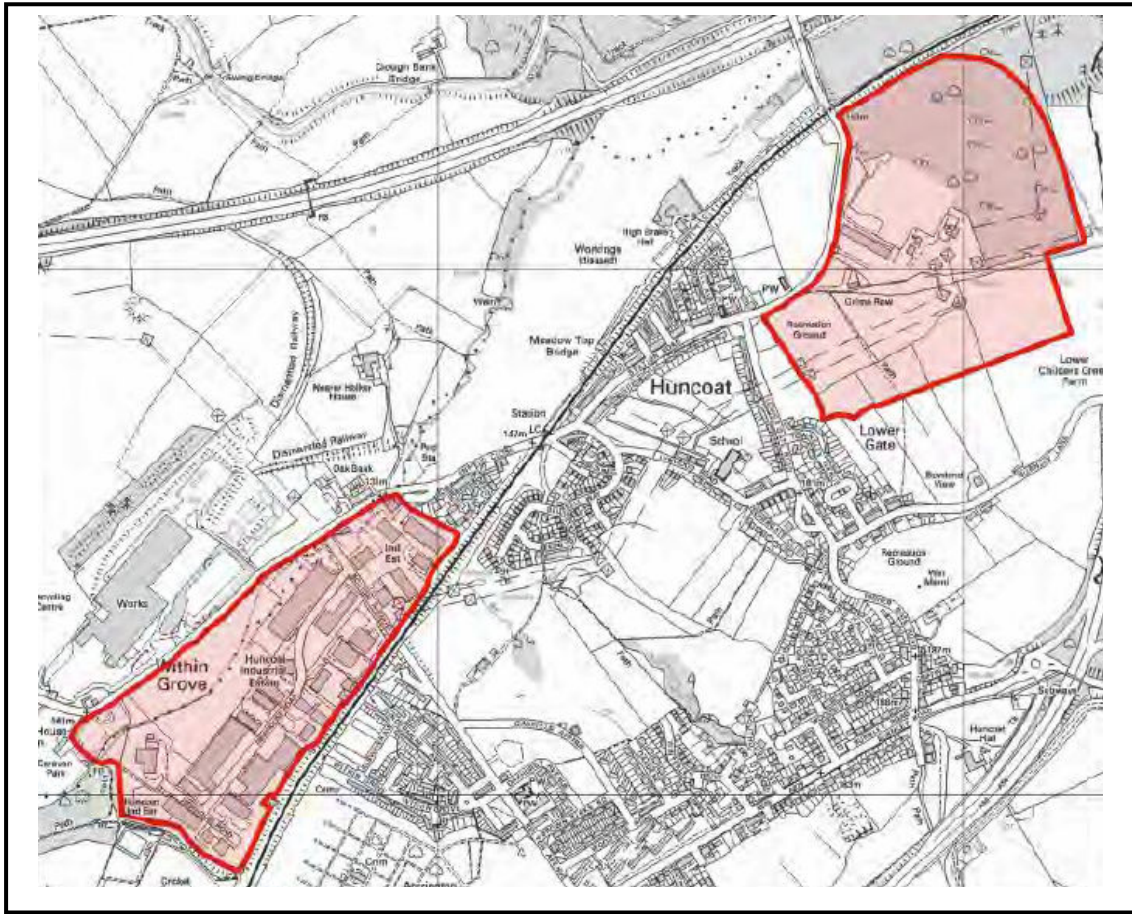
<sup>3</sup> Notwithstanding powers to compulsory purchase land. In this instance CPO's have already been tried but were unsuccessful in relation to the Waste Technology Park.

planning permission for the development of B1, B2 and B8 uses on this area of land.

- 3.13 One of the main “benefits” of the grant of planning permission for the Waste Technology Park was that the development made provision for a high quality access road that would facilitate the development of the 8ha of employment land referred to in paragraph 3.11 above. This “benefit” no longer exists.
- 3.14 The doubts raised about the allocation by the Joint Authorities places the Borough Council in an awkward position. The Borough Council do not wish to delay the potential adoption of the Hyndburn Core Strategy but recognise the need for the DPD’s to be consistent. The Council make two observations in this respect:
- Removal of specific references to built waste management facilities from the policy does not necessarily prevent waste uses from being developed at the site (3.3 and 3.4). The Borough Council ask the Inspector to consider whether, if references to waste development were removed from Policy A8, such a change would necessarily make that policy inconsistent with the approach taken by the Joint Authorities.
  - Inclusion of specific references to built waste management facilities within the policy does not necessarily mean that such facilities will be developed, particularly if the land owners are objecting to such uses.
- 3.15 The Core Strategy, in itself, does not “promote” a Built Waste Facility but is reflecting what is included in the Minerals and Waste Development Framework. If the Inspector was minded to recommend the removal of specific references to waste development the Borough Council would not object to this. Such a recommendation would be welcomed by the land owners and local residents.
- 3.16 At this stage, the Council are not proposing to make any further proposed changes to the Core Strategy.
- 3.17 This statement sets out the position of Hyndburn Borough Council in relation to the issue of waste development at Huncoat. The Statement was written before the completion of the consultation period on the changes proposed by the Borough Council to the Core Strategy.
- 3.18 On completion of the consultation period, and after consideration of the representations received, the Council will advise the Inspector examining the Hyndburn Core Strategy (Mr Pratt) whether it believes further changes will be proposed.

## Appendix 1

### A. Lancashire Minerals and Waste Site Allocations DPD – Submission Version.



### B. Lancashire Minerals & Waste Site Allocations DPD, Proposed Change (Oct 2011)

