



2018 Regulation 19 Publication Consultation Outcomes Report

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2026**

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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 second step in this process was to consult on the draft revised Minerals and Waste Local Plan. This consultation was carried out between 28th September and 28th November 2018. This report presents information on this consultation, describing who was consulted, what they said, and how the draft Local Plan was redrafted to respond to what was said.

2. The bodies and persons invited to make representations under regulation 19

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 19

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, and the Council's website.

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

4. A summary of the main issues raised by the representations made pursuant to regulation 19, and how they have been taken into account

100 representations were received: 12 were received through the Council's objective online consultation portal; and 88 were received by email.

A small number of comments raised criticisms with the objective online portal. There was an issue with the sequencing of the policy numbers on the online portal (and any pdfs created directly from the portal) where policy MW6 Protection of the surface of the former salt field from development was renumbered MW1; policy MW7 Safeguarding minerals was then numbered MW6, and all following policies were therefore 1 out of sequence. None of the titles were affected and it is not felt that this has affected anybody's ability to understand and comment on the document. Any incorrectly referenced comments submitted by representors have been corrected, it has not resulted in any confusion over which part of the plan representations relate to. Historic England stated that the issue, and the resulting difference in references between the Plan and the Sustainability Appraisal, meant they could not complete their appraisal and comment on the Sustainability Appraisal. Extra time was offered by the Council, and a full representation was subsequently submitted.

These representations received, and the issues they raise, have been taken into account when preparing the draft Local Plan.

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.

Comments in support of the plan are not included below.

General comments on the plan as a whole

Summary of main issue	Council response
The plan does not include an adequate, up-to-date evidence base which includes information on the historic environment.	<i>No change. The sustainability appraisal has been updated to include a site specific assessment of the Plans allocations, including reference to the historic environment record.</i>
Much of the plan is not aligned with 'Protecting and enhancing our natural and built environment and quality of life'; judgements or caveats in policies fail to meet the strategic priority, all proposals should be judged directly against this spatial priority. 'Do not give rise to significant adverse impacts' should be deleted and replaced with 'demonstrably protect and enhance our natural and built environment and quality of life'. This replacement should be reflected throughout the justification.	<i>No change. The Plan should be read as a whole. It is inappropriate to focus on one element of the Plan in isolation.</i>
It is not clear what level of pre-consultation has been undertaken and there is no formal approach indicated to the duty to cooperate.	<i>The Councils held a scoping consultation under regulation 18 of the Town and Country Planning (Local Planning) Regulations 2012 in the winter of 2014. The outcomes of this are set out in the Scoping Consultation Outcomes Report. The Councils contacted duty to cooperate partners and undertook to resolve issues directly with them following the consultation. Invitations for dialogue were sent out at the scoping consultation stage, and annually when consulting on the Local Aggregate Assessment. All meetings regarding the duty to cooperate are set out in the Authorities Monitoring Report, as recommended by the PPG. No other 'preconsultation' has been undertaken.</i>

Vision

Summary of main issue	Council response
There are some variations within the Plan concerning a stated plan period.	<i>Noted. These will be updated as the Plan is redrafted to reflect the anticipated adoption date, and a 15 year period running from then.</i>
Within the text describing the characteristics of the area at para 1.1.3 the text should be amended to recognise that whilst 'many of the resources may be tightly constrained by valuable landscapes', there are no outright policy restrictions on mineral resources. Within the vision 'essential' should be added before 'raw materials' to bring the Plan in line with NPPF.	<i>No change. These are not necessary to make the Plan sound. Para 1.1.3 is setting the context in a broad sense, it is not necessary to caveat each statement within a broader policy context. The absence of 'essential' before 'raw materials' does not render the Plan unsound, and this change is not necessary to make the Plan sound. This level of conformity with the NPPF is unnecessary.</i>
Should include reference to the duty to cooperate with the MMO, and reference to the forthcoming North West Marine Plan.	<i>No change. Neither of these are necessary to make the Plan sound. It is not necessary for the Plan to provide a comprehensive record of the application of the duty to cooperate, or to set out the policy context for local plan making or development management decisions.</i>
The spatial vision does not mention 'conservation and enhancement of the historic environment'.	<i>The vision cannot mention everything, it is sufficient for these matters to be addressed through the priorities and objectives.</i>
The characteristics of the area should include countryside, coastal, leisure and tourism, agriculture.	<i>These matters are adequately addressed. Para 1.1.2 does not set out to comprehensively list the areas characteristics; the absence of anything from the list does not undermine the Plan in any way.</i>
The vision should be rewritten to better reflect the industries potential	<i>No change. The vision sets out where the Plan wishes to be, by the end of the plan period. It is not a comprehensive list of matters or issues relevant to the Plan. This matter is adequately addressed by the first, second and final paragraph.</i>

contribution to quality of life beyond economic and employment benefits.	
The vision does not capture the importance of minerals to the economy.	<i>No change. The vision sets out where the Plan wishes to be, by the end of the plan period. It is not a comprehensive list of matters or issues relevant to the Plan. This matter is adequately addressed by the first, second and final paragraph.</i>
The Vision should make clearer reference to the environment and the requirement to balance the economic benefits of mineral extraction with the protection of the environment.	<i>No change. The vision sets out where the Plan wishes to be, by the end of the plan period. It is not a comprehensive list of matters or issues relevant to the Plan. This is adequately addressed in the second and final paragraph.</i>
There is a deliberate policy change it seems for the Plan to place no requirement for waste storage, sorting or treatment to be related to the geography of its arising, its onward sale/reuse or the Plan's identified capacity	<i>No change. It is incorrect to state that the Core Strategy (2009) vision contained any such requirements. The vision sets out where the Plan wishes to be, by the end of the plan period. This reflects the role the industries of Lancashire play in the economy, both the local economy and the wider regional or national economy.</i> <i>The 'geography of its arisings' will vary depending on the nature of the waste and the nature of the waste treatment process applied for – a waste transfer station will serve a local market, whilst a specialist treatment facility will serve a much larger market area; neither of which will correspond to local authority boundaries.</i>

Strategic Priorities and Objectives

Summary of main issue	Council response
Within the strategic priorities, built environment should be changed to 'historic environment'. There is no mention of the historic environment within the objectives. In the 1st objective it is unclear what 'appropriate to their character' means, how will this be defined and delivered?	<i>This change has been made.</i> <i>Regarding the definition and delivery of 'appropriate to their character' it is not necessary to be so specific in the spatial objectives; further detail is provided in the policies of the Plan.</i>
The objective 'to direct proposals to the areas most appropriate to their character and away from those most sensitive to their impacts' does not comply with the strategic priority 'protecting and enhancing our natural and built environment and quality of life'; it should read 'to direct proposals to the areas most appropriate to their character' in order to protect and enhance our natural and built environment and quality of life'.	<i>No change. The objectives, and the Plan at large, should be read as a whole. This level of duplication and cross referencing is unnecessary.</i>
'Mitigating and adaption to climate change' should be made more specific.	<i>No change. This matter is adequately addressed by in the Plan.</i>
The objectives should be amended to 'Ensuring the [sustainable development and] prudent use of resources' and 'Supporting growth and [strong, vibrant and healthy communities] innovation'.	<i>No change. The strategic priorities, when read together, already adequately address these matters.</i>
The priorities should reflect those in para 20 of the NPPF; the provision and safeguarding of minerals and minerals infrastructure, and the safeguarding of waste infrastructure. The objectives should be amended to make it clear that minerals can only be worked where they are found. 'Landbank' should be changed to 'landbanks'.	<i>No change. The safeguarding of infrastructure is adequately addressed in the objectives. The safeguarding of minerals is adequately addressed under the objectives. The use of landbank rather than landbanks does not render the Plan unsound in this context</i>

The objective of supporting growth and innovation could usefully be expanded on to include reference to supporting 'waste innovation and new technologies'.	<i>No change. This is implicit in the existing objective.</i>
The importance of safeguarding waste and minerals sites is missing from the objectives. The importance of the circular economy does not come across in the objectives.	<i>No change. The safeguarding of infrastructure is adequately addressed in the objectives. The delivery of the circular economy is addressed in the vision, the objectives adequately set out the Plans contribution to the delivery of the vision</i>
At para 2.4.1 'spatial priorities and objectives' should be changed to 'strategic priorities and spatial objectives'.	<i>This change has been made.</i>

Policies map and insets

Summary of main issue	Council response
The inset map document is confusing, many of the sites do not conform to recognised scales.	<i>No change. All maps have a scale appropriate to their size; the guidance or regulations do not set out recognised scales.</i>
Some clarity has been lost in the presentation of the policies map	<i>No change. The size of the mineral safeguarding area will inevitably result in a map lacking detail, even at A0. None the less the map is sufficient for consultation purposes, in particular as the mineral safeguarding areas (with the exception of the urban area mineral safeguarding areas) are unchanged. Inset maps have been provided to allow smaller areas to be presented in more detail.</i>
Some buffer zones refer to sand buffer when the sites are not sand sites.	<i>The buffer areas displayed are accurate, the key should have stated '250m', rather than 'sand buffer'.</i>
Greater cross referencing between the inset maps and the relevant policy would be useful	<i>Noted</i>
There is no key diagram, despite references.	<i>No key diagram was provided during the consultation, this was an error but it is not felt anybody has been disadvantaged as it does not contain any key elements or decision making features of the Plan.</i>
The Local Plan map should identify existing strategic waste management sites.	<i>No change. There is no statutory requirement or planning guidance requiring existing waste management facilities to be identified on the policies map. To do so would cause confusion as to their status and relationship to the planning policy allocations set out on the policies map in line with the regulations. Though it should be noted that permitted waste sites are now included under policy MW21 and so will appear on the policies map.</i>
The Plan is too technical for the wider public to understand, an interactive policies map is required.	<i>No change. It is inevitable that due to its subject matter the Plan is specialised, however it is not overly technical, and a glossary is provided. An interactive policies map would not assist in making the Plan more accessible to the lay person, particularly due to the limited number of policies that actually appear on the Policies map.</i>

Policy MW1 Management of Waste and Extraction of Minerals

Summary of main issue	Council response
Impacts on landscape character should be taken into account and not just visual impacts. We recommend that a section is included focusing on landscape character and that reference is made to the Arnside & Silverdale AONB Landscape and Seascape Character Assessment (2015). We would also recommend inclusion in this section that developments outside the AONB will also need to consider the impact on the landscape character of the setting of the AONB as well as the visual impact.	<i>Reference to the National Landscape area's landscape character assessments have been added. The subsection heading has been expanded to include landscape.</i> <i>It is not necessary, or the intention of the policy, to produce a comprehensive description of all issues. The development plan should be read as a whole, including in particular the landscape policies in the relevant Local Planning Authority Local Plan.</i>
There should be a policy specifically relating to conservation and enhancement of landscape and natural environment.	<i>A separate policy on preserving and enhancing landscape and one on the natural environment is not necessary, this is adequately addressed by policy MW1, together with the other policies of the development plan (including in particular the landscape and biodiversity policies in the relevant Local Planning Authority Local Plan)</i>
Nature Conservation - Priority habitats and priority species and Local Wildlife Sites (Biological Heritage Sites) must be mentioned and protection of ecological networks must be taken into account.	<i>It is not necessary, or the intention of the policy, to produce a comprehensive description of all issues. The development plan should be read as a whole, including in particular the biodiversity policies in the relevant Local Planning Authority Local Plan.</i>
Reference should be made to Limestone Pavement Orders and Local Geological Sites.	<i>Geodiversity is addressed at para 2.1.43, it is not necessary to list limestone pavement orders in order to make the plan sound.</i>
The requirement to undertake an assessment of the potential impacts on health are set out under the Town and Country	<i>No change. This level of detailed cross referencing is not necessary. The EIA regulations do not prevent the</i>

Planning (Environmental Impact Assessment) Regulations 2017 (EIA Regulations 2017). Para 2.1.51 is a duplication of that requirement and is not necessary. The policy should be reworded to state that public health should be considered in EIA development proposals, the use of 'where appropriate' is ambiguous.	<i>consideration of health impacts, where relevant to the proposal, when the proposals does not otherwise require an EIA. 'Where appropriate', whilst potentially being ambiguous, is the most appropriate form of words where the circumstances of each individual application the Plan is likely to apply to are likely to vary so much</i>
Planning authorities are not responsible for matters covered by other regulatory regimes. The plan should include a review of each regulatory function and identify those areas that fall outside of the planning process. Supporting text should be amended to state environmental baseline information is collected for environmental permitting purposes too to ensure the wider context of environmental baselining is clear. At page 27 under 'water protection' the supporting text should recognise that other regulators are involved, and that environmental permitting and planning processes often run in parallel and that avoidance and mitigation measures under other regulatory responsibilities may not be fully identified prior to the submission of planning applications. Para 183 of the NPPF 2018 states that MPA's should assume other regimes will operate effectively.	<i>No change. It is not necessary for the Plan to go into more detail on the relationships between the various regulators. The Plan is a land use planning document to guide the determination of planning applications, not a comprehensive record of the wider regulatory regime. Para 183 of the NPPF is recognised, nothing in the Plan seeks to undermine this principle.</i> <i>Under water protection it is clear that other regulators are involved, as set out in para 2.1.33.</i>
Under 'climate change' the application of technologies to minimise or control emissions is a matter for the EA. It is important to recognise that these matters only apply to the development, operation and restoration of a site and not to the use of gas produced.	<i>No change. This is sufficiently addressed in the draft wording.</i>
There is substantial existing guidance set at a national level, the Plan must not additionally seek to unduly restrict, through the wording of the plan, the exploration for and development of petroleum, a nationalised resource, the development of which has been deemed to be in the national interest. At page 23 under	<i>No change. The policy does not seek to 'unduly restrict' the exploration or development of petroleum.</i> <i>The Plan is a land use planning document to guide the determination of planning applications, not a</i>

Visual first bullet point replace 'where the proposal is of a scale or nature that is not in keeping with its surroundings' with 'where the proposal would have an unacceptable impact on the landscape'. As the former may be considered too subjective. At page 24 under High Operating Standards third bullet point 'provide for ongoing monitoring of established baseline conditions' further wording should be added 'for a period commensurate with the proposal'. At page 27 under Water Protection, the MPA should seek to avoid regulatory overlap with the appropriate regulatory body, and should not require additional information above that required by the Environment Agency.	<i>comprehensive record of the wider regulatory regime. Para 183 of the NPPF is recognised, nothing in the Plan seeks to undermine this principle.</i> <i>The suggested changes are unnecessary as the existing wording is sufficient to address these concerns.</i>
Para 2.1.7 and 2.1.8 go beyond what is necessary, and require the submission of all the information listed thereafter, whether it is relevant to the particular circumstances of the proposal or not. The last sentence of 2.1.7, and the whole of 2.1.8, should be deleted.	<i>No change. The last sentence of para 2.1.7 is appropriate, the Plan does not set out to provide a comprehensive list of all the matters that may be relevant to any particular application. Para 2.1.8 is appropriate, and uses the same form of words as can be found in para 2.2.6 of the adopted Site Allocation and Development Management Policies Local Plan, which it will replace, and which have not given rise to any of the circumstances expressed by the representation.</i>
At para 2.1.2 the removal of permitted development rights should be the exception, as set out in planning guidance. '...where there are exceptional and sound planning reasons for doing so' should be added to the last sentence.	<i>No change.</i>
At para 2.1.6, which refers to high operating standards being required to 'minimise the social, economic and environmental impacts', some impacts associated with minerals working are positive so it would not be in the best interests to minimise them, minimise should be changed to 'managed'.	<i>No change. This level of duplication and cross referencing within the Plan is not necessary.</i>

At para 2.1.4 text to should be amended to read “locations which can be viewed from a designated heritage asset <u>may</u> will need to be dealt with more sensitively.....as they may affect elements of the asset’s setting”.	<i>No change. This text uses the same form of words as can be found in para 2.2.6 of the adopted Site Allocation and Development Management Policies Local Plan, which it will replace, and which have not given rise to any issues.</i>
At para 2.1.27 reference to minimising 'minerals and waste road miles should be caveated with a statement that minerals can only be worked where they are found.	<i>No change. This level of duplication and cross referencing within the Plan is not necessary.</i>
At para 2.1.42 there is little logic in combining cultural heritage with geodiversity.	<i>No change. The subheading is sufficiently clear. These matters are combined under one heading in the adopted Site Allocation and Development Management Policies Local Plan, which it will replace, and which have not given rise to any issues.</i>
At para 2.1.49 amend the title to 'Soils Resource and Land Classification or Quality'.	<i>No change. The subheading is sufficiently clear.</i>
At para 2.1.23 it is unclear how restricting the hours of working could control potential dust.	<i>This has been removed as it duplicates earlier text.</i>
At para 2.1.35 opportunities for quarrying to create permanent or temporary improvements to biodiversity through habitat restoration should be recognised.	<i>The specific issues referred to are set out in the Plan as examples, not requirements or comprehensive descriptions, and are adequately addressed by the Plan, either as drafted under policy MW1 or later in the Plan at Policy MW4.</i>
At para 2.1.54 the 'expectation that proposed developments are supplied by local businesses as far as practicable' is not something that can be controlled by policy or planning condition, but will be based upon economics, availability and proximity.	<i>This is an 'expectation' to be applied 'as far as practicable'. As set out at para 2.1.7 this information may not be relevant to each application, but it is appropriate for the planning system to include it as a material consideration where relevant.</i>
At para 2.1.55 the requirement that appropriate 'consideration is given to greenhouse gas emissions...in particular the location of the proposed development relative to its market' should be caveated with a statement that minerals can only be worked where they occur.	<i>No change. This level of duplication and cross referencing within the Plan is not necessary.</i>

Para 2.1.3 does not define 'level of need'; further explanation is needed, as where there is a national or regional need for minerals this would weigh significantly in favour of the proposed development.	<i>No change. This is a statement of fact, setting out that need must be balanced against impacts. The Plan should be read as a whole. Where appropriate need is defined in the relevant policies of the Plan. Need may also be defined at a national policy level, or may be determined on a case by case basis when an application comes forwards. Where appropriate the criteria for determining need in some of these circumstances is set out in the Plan.</i>
The policy seems to be referring only to economic impacts related to the immediate environmental effects of proposals and not for example the wider effects of the displacement of other employment uses; economic impacts should include the loss of allocated or protected B class employment land to waste uses, or the incompatibility of a waste proposal in relation to neighbouring B class uses e.g. a business park environment, to be addressed in the planning balance.	<i>No change. Economic impacts includes a consideration of all economic impacts, not just to the immediate the environmental effects. The more detailed considerations around a proposals suitability are addressed in policy MW15. Though it should be noted that waste management proposals do provide employment opportunities across a range of skills and education levels.</i>
Para 2.1.3 refers to need for the development; this should be included in the policy.	<i>At para 2.1.3, the Plan should be read as a whole, it is not necessary for all considerations to be included in the policy wording.</i>
Para 2.1.53 states reference should be made local economic growth strategy; it is not clear how this would be factored into the application of the policy.	<i>The economic growth strategy may provide a local context to economic impact or need.</i>
Para 2.1.55 refers to the location to market, it should perhaps include reference to the location of the waste arisings. It is not clear how this issue would be balanced.	<i>At 2.1.55 the 'market' referred to in this instance applies equally to the waste arisings as to the final destination of the waste post processing, they are both 'markets' for a waste proposal. Reference to the distance waste has to travel as a consideration in development management decision making is also made in the supporting text.</i>
Should include reference to section 3.10 of the Marine Policy Statement.	<i>No change. Water protection is adequately addressed. Reference to section 3.10 of the MPS does not add</i>

	<i>anything to the interpretation or implementation of the Plan.</i>
The policy should cross reference Policy MW17 as it currently contains insufficient detail to deal with onshore oil and gas. A section on earth tremors or seismic events should also be included.	<i>No change. This level of cross referencing within the Plan is unnecessary. The Plan should be read as a whole. Regarding earth tremors this is more appropriately addressed under policy MW13.</i>
The policy should be expanded to include in more detail some of the issues set out in the justification	<i>No change. The Plan should be read as a whole. The matters set out in the justification are, as stated at para 2.1.7, guidance on some of the matters that may be relevant; it is not comprehensive. The policy is deliberately broad, referencing all material social, economic and environmental impacts. There is a risk, in including some matters but not others, that they are perceived to be more important, where this is not necessarily the case.</i>
At 2.1.11 bunds should be seeded to reduce dust, at 2.1.23 chemical analysis of dust on landfill boundaries should be taken to measure harmful materials, at 2.1.52 this should include air quality assessments and chemical analysis of soil.	<i>No change. It is not necessary for the Plan to go into this much detail.</i>
There is no 'need' for a development, there is instead a business owners desire for profit. In societal terms there is always an alternative. Their profit must not be at the expense of the strategic objectives. The Plan fails to actively assess the merits of activities, including the effects of forecast climate change contributions in economic terms, such that the choices of developers failure to adopt avoidable climate changing activities are fully costed.	<i>No change. It is appropriate for the Plan to set out a consideration of the need for a proposal. This is an established planning practice.</i>
Much of the plan is not aligned with 'Protecting and enhancing our natural and built environment and quality of life'; judgements or caveats in policies fail to meet the strategic priority, all proposals should be judged directly against this spatial priority. 'Or reduced to acceptable levels' should be deleted and replaced with 'so as to demonstrably protect and enhance our natural and built	<i>Regarding the strategic priorities, the Plan should be read as a whole. It is inappropriate to focus on one element of the Plan in isolation.</i>

environment and quality of life'. This should also be added to the end of the policy. This replacement should be reflected throughout the justification.	
The Plan should set out the mechanisms to ensure that planning conditions or obligations are not breached, and that breaches are enforced.	<i>The mechanisms concerning the enforcement of planning conditions are established in statute and the Plan does not need to repeat them or duplicate them.</i>
The justification should be amended to require a minimum separation distance between landfill and housing of at least 500m to prevent odour nuisance amongst other things, that nanoparticles should specifically be referred to, and that the policy takes wind direction into account and 'dust' content into account and be more rigorous in protecting residents and the environment as landfill dust will include hazardous substances. Methane harvesting should be required on landfills.	<i>No change. Prescribing separation distances of at least 500m is inappropriate and does not allow for a case by case consideration of site specific factors. This position is supported by the NPPG which states (under minerals guidance, but it is considered the principles are the same) at para 018 (Reference ID: 27-018-20140306 Revision date: 06 03 2014) that any proposed separation distance should be established on a site specific basis.</i> <i>It is not necessary for the Plan to refer specifically to wind direction or about nanoparticles, it does not set out to provide a comprehensive list of matters or issues.</i> <i>The choice of the appropriate technique to manage methane pollution controls from landfills is a matter for the Environment Agency; it is inappropriate for the Plan to require methane harvesting in all instances.</i>
None of the material considerations listed in the justification address social impacts, the provided list of material considerations is unnecessarily restrictive by excluding issues such as: social conflict, impacts on community cohesion, potential deepening of socioeconomic inequalities, an atmosphere of fear and surveillance and chronic stress and anxiety. They suggest an additional reference to social impacts in the policy text.	<i>No change. The matters set out in the justification are guidance on some of the matters that may be relevant; it is not comprehensive. The economic need for oil and gas is not established by the Plan, it is set out in national policy. As stated at para 2.1.3 this need will be balanced against the other social, economic and environmental impacts. The weight to be attached to each will vary depending on the individual circumstances of an application, though national policy, repeated at para</i>

It should be clear that the economic need for oil and gas must be assessed objectively.	<i>2.1.50, states that 'great weight should be given to the benefits of minerals extraction'.</i>
It is not clear if this policy applies to onshore oil and gas.	<i>The plans policies, and the wider development plan, should be read as a whole.</i>
At para 2.1.53 the economic benefits of minerals extraction now excludes coal and this should be clarified.	<i>This is sufficiently addressed in the NPPF and need not be duplicated.</i>
Reference to 'stand off distances' at 2.1.2 should be clarified; does it apply to hydraulic fracturing?	<i>The plans policies, and the wider development plan, should be read as a whole. Reference in para 2.1.2 are examples of potential courses of action and not a policy position.</i>
The policy provides guidance that is not in accordance with the NPPF. There should be no unacceptable harm to the significance of heritage assets and their setting, and any harm identified must be fully justified and include mitigation measures to minimise any harm. Yet the policy suggested that provided harm can be "eliminated" or "reduced to acceptable levels", taking into account setting, baseline environmental conditions and neighbouring land uses, it will be acceptable.	<i>No change. The policy is general in nature. The policy only provides support where harm is mitigated or eliminated.</i> <i>The Plan forms part of the development plan for the area, as defined by s38 of the Planning and Compulsory Purchase Act 2004; this includes the relevant Local Planning Authority Local Plan.</i> <i>The Local Planning Authority Local Plan will contain detailed policies on these matters. The Minerals and Waste Local Plan contains minerals and waste specific policies, it is not a standalone document.</i>
The Plan needs to be amended as a whole to include a policy on the historic environment. The Plan does not contain any policies that will safeguard Lancashire's historic environment and to help manage and inform development management decisions for mineral and waste applications that may harm the historic environment. The other policies as drafted, also do not cross reference the historic environment as well.	<i>No change. The Plan forms part of the development plan for the area, as defined by s38 of the Planning and Compulsory Purchase Act 2004; this includes the relevant Local Planning Authority Local Plan.</i> <i>The Local Planning Authority Local Plan will contain detailed policies on these matters. The Minerals and Waste Local Plan contains minerals and waste specific policies, it is not a standalone document.</i>

	<i>In light of this it is appropriate, to avoid confusion associated with slight variations in policy wording, and to avoid duplication, that the Plan does not contain detailed policy on these matters but instead relies on the policies contained in the Local Planning Authority Local Plans.</i> <i>Section 70 of the Town and Country Planning Act (1990) requires a local planning authority, when determining planning applications, to have regard to material considerations, and that para 2 of the NPPF states that 'the NPPF...is a material consideration in planning decisions'. In light of this, to avoid duplication, the Plan does not contain detailed policy on these matters but instead relies on the policies contained in the NPPF.</i>
At para 2.1.4 1 st bullet point “Designated areas” should be replaced with “Assets”. In terms of setting, reference to “viewed from” needs to be deleted and reference should be made to the general principles of development and setting impacts.	<i>These are examples, it is not a comprehensive list.</i> <i>1st sentence – Delete 'designated'.</i> <i>2nd sentence – Change 'designated heritage asset' to 'listed building' and change 'elements of the assets setting' to 'the significance of the landscape setting'</i>
At para 2.1.4 2 nd bullet point Historic England objects to the content of this as the impact of any proposal on a heritage asset is not determined by the distance from the asset, and in some instances the impact of setting does not reduce with distance. The impact on a heritage asset and its setting needs an individual assessment to determine what contribution the site makes to its significance and should not be determined by the distance away. As drafted this would not safeguard the future of any heritage assets and their setting within the Plan area.	<i>No change. These are examples, it is not a comprehensive list.</i>

It is not clear what 'provide for archaeological or heritage survey' means; this needs amending to referred to the need to undertake a 'heritage impact assessment'.	<i>This change has been made.</i>
History in the heading should be revised to 'historic environment'.	<i>This change has been made.</i>
At para 2.1.42 and throughout 'features' should be replaced with 'assets'.	<i>This change has been made.</i>
At para 2.1.44 the Plan only seeks to conserve heritage assets of archaeological interest. This puts at risk the rest of the area's historic environment and needs to be amended accordingly.	<i>The paragraph has been removed.</i>
At para 2.1.46 Historic England are concerned about the degree to which the list of requirements expected from a proposed development will provide the appropriate evidence to fully consider the impact it will have on the historic environment, heritage assets and their setting	<i>The paragraph has been removed.</i>
At para 2.1.47 the Plan only requires that the visible presence of a proposal needs to be assessed. Heritage assets and their setting can be harmed by a proposal that doesn't just have a "visible" presence but in a number of different ways.	<i>The paragraph has been removed.</i>
Para 2.1.45 it is not clear why legal duties relating to designated assets are referred to but not the assets themselves.	<i>The paragraph has been removed.</i>
By suggesting that proposals for mineral extraction are more likely to affect archaeology and only requires information to be submitted where this is the case, puts at risk the future of heritage assets which are not archaeological for the duration of the Plan. This needs to be amended to ensure that all heritage assets are covered.	<i>This text has been redrafted to add additional wording at the end of the third sentence to set out that this statement is comparing minerals and waste developments to 'other forms of development'.</i>
The wording of the Water Protection section at 2.1.32 could be improved to ensure the risks to controlled waters are more effectively managed to ensure compliance with national planning policy. Revised wording is provided.	<i>These changes have been made.</i>
While reference is made to opportunities for net gain for biodiversity, the significance of this ambition is not reflected. The	No change. Biodiversity Net Gain is now mandated under Schedule 7A of the Town and Country Planning Act 1990

DEFRA 25 Year Environment Plan includes the aim of “embedding an ‘environmental net gain’ principle for development including housing and infrastructure”. While the mechanisms for achieving this are still being developed, it is important that emerging Local Plans make reference to a need to deliver net environmental gain rather than seeking opportunities to do so.	and will be delivered through the planning application process. It is not necessary for the Plan to include policies duplicating this process. The NPPF states 'plans should...identify and pursue opportunities for securing measurable net gains for biodiversity'. The Plan as drafted recognises 'net gain' as a principle and provides for its consideration and delivery where appropriate.
There is some supporting text in Policy MW 1 relating to impacts on the environment, however it is not acceptable to have this wording as supporting text. We recommend that a separate environmental policy is created which covers the following topics: • Protection, conservation and enhancement of the natural environment, • Creation, protection, enhancement and management of biodiversity networks and achievement of net gain, • The mitigation hierarchy, • Planning policy distinctions between international, national and local sites, • That any proposal that adversely affects an European site or causes significant harm to a SSSI will not normally be granted permission – in terms of European designations, this will involve the precautionary principle as outlined in the Habitats Regulations, • In terms of local sites, there should be a set criteria based policy to guide decisions on developments impacting local sites. Appropriate weight should be given to the importance of local sites and the contribution they make to the wider ecological network. • Protection and recovery of priority habitats and species, • Requirements for assessment of air and water quality impacts, • Soils and best and most versatile agricultural land,	<i>No change. The Plan forms part of the development plan for the area, as defined by s38 of the Planning and Compulsory Purchase Act 2004; this includes the relevant Local Planning Authority Local Plan. The Local Planning Authority Local Plan will contain detailed policies on these matters. The Minerals and Waste Local Plan contains minerals and waste specific policies, it is not a standalone document.</i> <i>In light of this it is appropriate, to avoid confusion associated with slight variations in policy wording, and to avoid duplication, that the Plan does not contain detailed policy on these matters but instead relies on the policies contained in the Local Planning Authority Local Plans.</i>

• Developments achieving net gains for nature, • Protection of ancient woodland and veteran trees, • Protection and enhancement of geological conservation interests, including Limestone • Pavement Orders and Local Geological Sites. Policy wording for protected landscapes, setting out a clear criteria for; • appropriate development within or impacting on AONBs (and National Parks), • consideration of the visual impact and impact on the landscape character of the setting of the AONB, • the major developments test for major development within the protected landscape. • appropriate policies to manage the nature, scale and location of development in the protected landscape or, where appropriate, its setting • encourage the highest standards of design for such development.	
Reference should also be made to the plan referring to/reflecting the AONB management plan objectives.	<i>The AONB management plan objectives have informed the development of the Plan, where relevant. It is not necessary for the Plan to refer to this, the Plan is not a comprehensive record of what has informed its production, or to set out the policy context for local plan making or development management decisions.</i>
The Plan should specify a stand off distance for onshore oil and gas developments at paragraph 2.1.2.	<i>No change. Prescribing separation distances is inappropriate and does not allow for a case by case consideration of site specific factors. This position is supported by the NPPG which states (under minerals guidance) at para 018 (Reference ID: 27-018-20140306 Revision date: 06 03 2014) that any proposed separation distance should be established on a site specific basis.</i>

Policy MW2 Minerals Exploration

Summary of main issue	Council response
This policy should cross reference Policy MW17.	<i>The policy has been removed as not being sufficiently justified.</i>
The policy should be deleted as its relevance is limited.	<i>The policy has been removed as not being sufficiently justified.</i>
Reference to the Marine Policy Statement.	<i>The policy has been removed as not being sufficiently justified.</i>
Much of the plan is not aligned with 'Protecting and enhancing our natural and built environment and quality of life'; judgements or caveats in policies fail to meet the strategic priority, all proposals should be judged directly against this spatial priority. 'Do not give rise to significant adverse impacts' should be deleted and replaced with 'demonstrably protect and enhance our natural and built environment and quality of life'. This replacement should be reflected throughout the justification.	<i>The policy has been removed as not being sufficiently justified.</i>
This policy is unrealistic from a social point of view. Since all gas exploration and appraisal is planned with a view to possible commercial extraction, it is only reasonable to expect that local communities will be concerned about the potential impacts of full scale production	<i>The policy has been removed as not being sufficiently justified.</i>
Mineral exploration may harm heritage assets and their setting and there are no provisions within the policy to deal with this. Therefore, the Policy should be amended to include reference to this.	<i>The policy has been removed as not being sufficiently justified.</i>

Policy MW3 Planning Obligations

Summary of main issue	Council response
Not all of the matters will be capable of being delivered at each site, and should be assessed on a site by site basis.	<i>The policy has been removed as not being sufficiently justified.</i>
The policy does not reflect the limitations which apply to the application of s106 agreements, and should make direct reference to the tests.	<i>The policy has been removed as not being sufficiently justified.</i>
CIL is not applicable to minerals extraction and this should be recognised within para 2.3.1.	<i>The policy has been removed as not being sufficiently justified.</i>
There should be a planning condition limiting the length of planning permissions, 25 year permissions give no security to residents.	<i>The policy has been removed as not being sufficiently justified.</i>
Onshore oil and gas should be included within 'exceptional circumstances' (which should be defined), within the context of financial guarantees for restoration.	<i>The policy has been removed as not being sufficiently justified.</i>
Damage to existing infrastructure such as roads should be addressed through a financial guarantee.	<i>The policy has been removed as not being sufficiently justified.</i>
'Make a development acceptable' should be deleted and replaced with 'demonstrably protect and enhance our natural and built environment and quality of life'. This replacement should be reflected throughout the justification.	<i>The policy has been removed as not being sufficiently justified.</i>

Policy MW4 Development in the Countryside

Summary of main issue	Council response
Oil and gas can only be worked where they are found, as clearly stated in the Written Ministerial Statement Energy (May 2018), The MPA should not be formulating policies that unnecessarily restrict the exploration for or development of Petroleum - a nationalised resource	<i>No change. This is a statement of fact, rather than policy, and is sufficiently addressed in the policy and the wider Plan. The policy does not unduly restrict the exploration or development of petroleum.</i>
Para 2.4.9 states that 'by the very nature of the deposits they are often associated with the better quality landscapes', It is the underlying geology that is the major influence on the landscape, and this should be amended to read that 'the better quality landscapes that are associated with the underlying minerals'.	<i>No change, the meaning of the words is sufficiently clear.</i>
The policy should include the importation and deposition of waste into quarry voids as being suitable in the countryside, given the support for minerals extraction in the countryside. The policy should explicitly exclude landfill, which will nearly always need to take place in the countryside and the tests are clearly not intended to apply to landfill.	<i>No change. Examples are provided, they are not a comprehensive list.</i>
This policy should cross reference Policy MW17.	<i>No change. This level of cross referencing within the Plan is unnecessary. The Plan should be read as a whole.</i>
Paragraph 2.1.13 identifies that great weight will be given to conserving the highest categories of landscape. This does not	<i>No change. The Plan should be read as a whole.</i>

however appear to be reflected in the wording of Policy MW4.	
Waste management proposals should provide an economic justification of the need for their scheme and demonstrate that adequate alternative sources do not exist.	<i>No change. It would be inappropriate for this requirement to be imposed on proposals in the countryside but not those in industrial areas.</i>
Much of the plan is not aligned with 'Protecting and enhancing our natural and built environment and quality of life'; judgements or caveats in policies fail to meet the strategic priority, all proposals should be judged directly against this spatial priority.	<i>No change. The Plan should be read as a whole. It is inappropriate to focus on one element of the Plan in isolation.</i>
Development in the countryside may harm heritage assets and their setting and there are no provisions within the policy to deal with this. Therefore, the Policy should be amended to include reference to this.	<i>No change. The Plan (including the wider development plan) should be read as a whole. This matter is addressed in policy MW1 and the relevant District Local Plan policy.</i>

Policy MW5 Decommissioning, Restoration and Aftercare

Summary of main issue	Council response
There should be cross reference to financial guarantees under policy MW3. There is enough evidence to support financial guarantees for oil and gas developments, due to their speculative nature.	<i>No change. The Plan should be read as a whole.</i>
Much of the plan is not aligned with 'Protecting and enhancing our natural and built environment and quality of life'; judgements or caveats in policies fail to meet the strategic priority, all proposals should be judged directly against this spatial priority.	<i>No change. The Plan should be read as a whole. It is inappropriate to focus on one element of the Plan in isolation.</i>
Some objectives should not be applied in such a way so as to harm restoration achievements of greater value; for example the requirement for public access detracting from a quiet nature focused restoration.	<i>No change. This is adequately addressed in the policy and justification, in particular the policy states that proposals will bring about an overall environmental improvement wherever possible, and public access will be required 'where appropriate', rather than requiring it for all proposals. Habitat creation, including linkages, flood amelioration and agricultural land are all referenced in the justification. These issues will be addressed in more detail at the planning application stage, and it is not necessary to go into more detail in the Plan.</i>
Para 2.5.8, in requiring land that is best and most versatile agricultural land to be restored to the same is neither viable nor desirable, and should be amended to take account of where other significant assets are created.	<i>A change to the supporting text provides for other restoration schemes to come forwards, whilst protecting the soil resource.</i>
It is not clear from the wording that the management of mineral wastes in relation to site restoration may also be subject to controls through the environmental permitting regime.	<i>No change. Many of the activities referred to in the Plan will require other permits or permissions. It is not necessary for the Plan to set out the wider regulatory environment.</i>

The Plan needs to demonstrate how it will ensure that the after use strategy for minerals sites safeguards the historic environment. This will require a strategic approach to restoration which sets out an effective and co-ordinated after use strategy.	<i>No change. The Plan should be read as a whole. This matter is addressed in policy MW1 and the wider development plan.</i>
The policy should be strengthened by removing 'wherever possible' from the sixth bullet point and including the words 'net gain' in biodiversity.	<i>No change. It will not be possible or appropriate to require public access in every situation, to do so could compromise a biodiversity restoration scheme or endanger public safety for example.</i>
'only' in the policy is superfluous and negative and should be deleted.	<i>No change. This is a necessary and appropriate use of the word.</i>
No reference is made to decommissioning within the policy justification, it would be useful to include reference to landfill gas and leachate requirements which will be needed long after the facility has closed.	<i>No change. This level of detail is not necessary</i>
It should be noted that decommissioning is the remit of the OGA.	<i>No change. The division of responsibilities is not relevant.</i>
Not all of the matters will be capable of being delivered at each site, and should be assessed on a site specific basis.	<i>No change. This is adequately addressed in the policy and justification. In particular the policy sets out that public access will only be where appropriate, and the justification provides examples of restoration opportunities.</i>

Policy MW6 Protection of the Surface of the Former Salt Field from Development

Summary of main issue	Council response
Is there a difference between the red zone and the blue zone?	<i>The buffer zone is now considered unnecessary given that solution mining will not have been undertaken to the edge of the site boundary and will be removed from the policies map and inset map.</i>
Further guidance is necessary on the considerations they will be required to take into account in determining planning applications in the area. The policy should be amended to require surface development within the zone to be supported by an instability report.	<i>Text has been revised to require the submission of detailed investigations. Further information on the kinds of application that are not relevant has been included in the implementation section.</i>
it is unclear if this policy is a Safeguarding Policy or a policy to protect future development. It is assumed to be the latter. If that is the case, then the salt fields should be included in Policy MW7. The current and adopted minerals safeguarding policy (M2) includes salt and there is no justification for its removal.	<i>No change. Policy MW4 is to ensure any surface stability issues associated with past solution mining activities is taken into account through the development management process. It is entirely separate to the aims of Policy MW5.</i>

Policy MW7 Safeguarding Minerals

Summary of main issue	Council response
Why the minerals infrastructure safeguarding area is extended to 400m (paragraph 4.7.1.11), rather than the mineral safeguarding area itself.	<i>The purpose of policy MW5 and policy MW20 are different, as are the matters to be considered during the planning application process. The MSAs are so extensive that a buffer is considered unnecessary.</i>
The additional requirement in urban area MSAs could stifle development opportunities, particularly in areas of low viability or for low-value schemes, such as the provision of new employment sites	<i>This element of the policy has been removed as not being sufficiently justified.</i>
The MSAs and urban area designations are not detailed or clear in respect of the defined areas.	<i>Noted. A more detailed map, including GIS shapefiles, will be provided once the Plan is adopted.</i> <i>The size of the mineral safeguarding area will inevitably result in a map lacking detail, even at A0. None the less the map is sufficient for consultation purposes.</i>
Clarification is needed on whether these areas need to be shown on the LPAs policies map.	<i>No change. The Town and Country Planning (Local Plan) Regulations (2012), s9(c) states that the adopted policies map must illustrate geographically the application of the policies in the adopted development plan. The Planning and Compulsory Purchase Act (2004) s38(3) defines the development plan as the adopted development plan documents for an area taken as a whole. The Plan will constitute one of the 'adopted development plan documents for an area'. It is not necessary for the Plan to repeat legislation. The mineral safeguarding areas should be included on the Local Planning Authority adopted proposals map.</i>
The basis for the designation is unclear.	<i>No change. The MSAs are based on BGS mineral resource digital data under licence 2007/098.</i>

What is the specifics of the 5 hectare plus?	<i>This element of the policy has been removed as not being sufficiently justified.</i>
As this policy falls to local planning authorities to administer - how will an application be assessed against this criterion by the local planning authority – the information provided is not comprehensive, and is inadequate.	<i>No change. The supporting text provides information on a range of applications that may come forwards that, by their nature will not lead to sterilisation. Guidance is provided but, in the interests of producing a concise document there is a limit to the extent of guidance that can be provided. Published guidance is referenced.</i>
The second paragraph of the policy should refer to planning permission for 'built development'.	<i>No change. The purpose of the policy is clear as currently drafted..</i>
The Ribble estuaries, sand dunes and salt marsh are designated nationally or internationally; they should be excluded from the safeguarded area for this reason.	<i>No change. Excluding designated areas is contrary to guidance contained in the BGS' Mineral Safeguarding in England Good Practice Advice</i>
The policy should exclude sites allocated in up-to-date adopted district local plans. The policy will impact on their ability to meet future development needs, including proposals in the emerging Local Plan for significant residential growth at South Carnforth.	<i>A para has been added at 2.6.12 to make it clear that allocations contained in an adopted local plan, where MSA has been considered as part of the strategic site appraisal process, do not need to revisit the MSA policy at the planning application stage.</i> <i>In assessing local plan allocations and progressing their local plans Local Planning Authorities will need to have considered mineral safeguarding as it forms part of the adopted development plan.</i> <i>It is appropriate that mineral resources are considered by Local Planning Authorities when considering strategic land allocations. This is in line with national policy.</i>
The requirement to supply a minerals resource assessment in support of an application within a MSA is disproportionate, particularly for small scale developments.	<i>It is appropriate that mineral resources are considered by Local Planning Authorities when determining planning applications. This is in line with national policy. The policy is not unduly restrictive. Guidance is provided in the justification to assist in interpreting the policy, in a large number of cases a mineral resource assessment will not be necessary, supporting text provides additional information on this.</i>

	<i>Para 2.6.33 makes clear the information required should be appropriate to the scale and nature of the development. It is difficult in a strategic policy to address all potential circumstances, guidance is provided but ultimately a planning judgement must be made in light of the particular circumstances of an application on a case by case basis.</i>
The Council do not possess the expertise to interpret the information; it is incumbent on the County Council to advise the Council on the potential for mineral workings and geological potential.	<i>As with the submission of other technical data in support of planning applications the necessary expertise may need to be procured. Para 2.6.32 sets out that the Minerals and Waste Planning Authority should be consulted on applications within MSAs. The Minerals and Waste Planning Authority will assist the Local Planning Authority in implementing the policy, but weighing the policy as part of the planning balance is ultimately a matter for the Local Planning Authority, as the decision maker.</i>
MSA's do not appear on our validation checklist.	<i>The validation checklist is a matter for the Local Planning Authority. Mineral safeguarding is contained in an extant planning policy. Local Planning Authorities were contacted in 2014 after the Joint Lancashire Minerals and Waste Site Allocation and Development Management Policies Local Plan was adopted, recommending validation checklists were updated.</i>
It is not clear how this is to be applied where district councils are considering allocations in their local plans; this should include requiring prior extraction as part of the district allocation policy.	<i>No change. Information is provided in the supporting text. Section 38(5) of the Planning and Compulsory Purchase Act 2004 is clear that the most recently adopted plan takes precedent. It is not necessary to repeat legislation. In assessing local plan allocations and progressing their local plans Local Planning Authorities will need to have considered mineral safeguarding as it forms part of the adopted development plan.</i> <i>The Plan will form part of the development plan for the area, which Local Planning Authorities are required to have regard to it when determining planning applications and when preparing their own local plans. The Plan does not need to set this out. In assessing local plan allocations and progressing their local plans, Local Planning Authorities will need to consider mineral safeguarding. The Minerals and Waste Planning Authorities will be involved in this process through the statutory consultation stages and</i>

	<i>through duty to cooperate meetings. Ultimately it is a matter for the Local Planning Authority, and the planning inspectorate, to determine if any local plan allocation in a mineral safeguarding area is sound or not.</i>
It is unclear if this policy includes building stone.	<i>No change. Gritstone and limestone are safeguarded, as set out in the policy text, using the BGS mineral resource digital data under licence 2007/098, as set out on the policies map. No assessment has been made of the quality of the resource, or the uses it could be put to, and the MSA area as set out on the Policies map does not distinguish between each mineral type.</i>
The proposed revisions represent a significant weakening of the adopted policy and does not accord with established principles and guidance. There is a significant amount of supporting text which in many respects is very simplistic.	<i>No change. There is no weakening of the policy.</i> <i>The additional text has been proven to be necessary to assist Local Planning Authorities and developers interpret the policy, in the absence of national guidance. It is based on the councils Guidance Note on Policy M2, produced with the cooperation of the MPA.</i>
Preesall Salt Field should be included.	<i>No change. As any salt is worked through underground methods it is not necessary to safeguard it using policy MW6.</i>
The second paragraph should be amended to 'within these mineral safeguarding areas identified, planning permission [for non-minerals development] will be supported...'	<i>No change. The purpose of the policy is clear as currently drafted.</i>
They are pleased to see that for shallow coal Mineral Safeguarding Areas have been extended over and does not exclude urban areas.	<i>This element of the policy has been removed as not being sufficiently justified.</i>
There has been a failure in Lancaster to prevent housing encroaching on a ready mixed concrete plant and Back Lane Quarry. Safeguarding of mineral reserves, resources and infrastructure needs to be robustly defended by policies and refusal of applications that potentially compromise the safeguarding requirements of the NPPF.	<i>No change. The policies as drafted provide the necessary protections.</i>

Policy MW8 Ensuring the Best and Most Efficient Use of Resources

Summary of main issue	Council response
As the policy only relates to minerals, the word minerals should precede resources in the title.	<i>The policy has been removed as it is not sufficiently justified</i>
The policy is unduly restrictive in interpreting NPPF policy. It wrongly translates the intention in NPPF paragraph 203 (which is to encourage the best use of minerals) in an unduly restrictive and negative manner and also introduces a 'need test' which has no justification based on the relevant considerations set out in NPPF paragraphs 207 and 208. The first sentence should be deleted and the second should be reworded to replace 'high grade' with 'where practicable'. The last bullet point should be deleted.	<i>The policy has been removed as it is not sufficiently justified</i>
Why at para 3.2.2 'rigorous' evidence is needed; this is analogous to establishing 'exceptional circumstances' and public interest for all minerals proposals, which is wholly unnecessary. Para 3.2.3 is vague and does not justify why restrictions would be necessary. Both paragraphs should be deleted.	<i>The policy has been removed as it is not sufficiently justified</i>
Sand not capable of meeting the relevant BS EN specification should be removed from the aggregate stock.	<i>The policy has been removed as it is not sufficiently justified</i>

Policy MW9 Sustainable Construction

Summary of main issue	Council response
The Plan needs to show how encouraging the reuse or adaptation of existing buildings might assist in reducing the amounts of construction and demolition of waste. This can include exploring how it can include appropriate policies to encourage the reuse of existing buildings (rather than simply allowing them to be demolished and the site redeveloped). Consideration should also be given to the encouragement of the development of appropriate facilities for the re-use of demolition waste particularly where these might help facilitate the repair of the area's historic buildings.	<i>The policy has been removed, as it is not sufficiently related to minerals or waste developments to justify its inclusion in the Plan</i>
Site waste management plans should be a requirement for all developments	<i>The policy has been removed, as it is not sufficiently related to minerals or waste developments to justify its inclusion in the Plan</i>
This policy is outside of the control of the Minerals and Waste Planning Authority. It should require resource assessments and supply audits of all major developments.	<i>The policy has been removed, as it is not sufficiently related to minerals or waste developments to justify its inclusion in the Plan</i>

Policy MW10 Designing in Waste Management

Summary of main issue	Council response
The policy lacks clarity, the Minerals Planning Authority has no control over the majority of developments the policy would be relevant for.	<i>The policy has been removed, as it is not sufficiently related to minerals or waste developments to justify its inclusion in the Plan</i>
'Accessible' should be added after 'secure'.	<i>The policy has been removed, as it is not sufficiently related to minerals or waste developments to justify its inclusion in the Plan</i>
Access for collection vehicles should also be required.	<i>The policy has been removed, as it is not sufficiently related to minerals or waste developments to justify its inclusion in the Plan</i>

Policy MW11 Aggregate Provision

Summary of main issue	Council response
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 the area. The Plan will need to show how the scale of future mineral provision is based upon a robust assessment of the likely impacts which the level of extraction proposed might have upon the environment.	<i>No change. The policy is concerned with identifying an estimated need during the Plan period. Policies to deliver that need are set out at MW7 to MW9</i> <i>The strategic policy does not give rise to any inherent risk to heritage. Specific impacts will be assessed as and when proposals come forwards through the development management process.</i> <i>Need is proposed to be met by existing reserves, extensions to existing sites where other policy considerations of the development plan will be applied (including for the historic environment), and new quarries for sand and gravel but in the absence of any sites coming forwards it is not possible to carry out an assessment on this at this time.</i>
It would be helpful to include a breakdown of existing sites, including end dates, so it is clear what/if any shortfall exists.	<i>This more detailed information on sites is provided in the Local Aggregate Assessment.</i>
Where there is a shortfall it is not clear what work has been undertaken to ascertain how this will be met, or how the plan will meet the requirement and the maintenance of a landbank.	<i>Policy MW7 identifies a shortfall in sand and gravel during the Plan period and provides policy support for new reserves. No site allocations have been brought forwards by the industry.</i> <i>Supporting text provides some context regarding potential issues around continuity of supply in addition to the needs identified earlier. As set out in that text these are addressed in the subsequent minerals specific policies MW7 to MW9.</i>
The policy is not positively planned in that it contains text clearly limiting where such provision can be sourced. The policy needs to recognise that there will be a shortfall not least because sites will run out of material and permissions will expire. The policy fails to	<i>No change. The policy identifies a quantum of need; the shortfall during the plan period is identified in the policy, and the policy states that 'provision will be made' for the identified need 'through a combination of existing permitted reserves and limited new permissions and extensions where necessary'.</i>

address the fact that when sites close there is a serious risk that competition will be stifled.	<i>Continuity of supply is specifically mentioned in the supporting text, and subsequent policies.</i> <i>The Local Aggregate Assessment, containing a more detailed assessment of supply, is specifically referred to in the implementations section as being necessary to interpret the policy.</i> <i>The release of specific reserves is addressed in the subsequent mineral specific policies. In so doing the Plan is prepared 'having regard to the NPPF' as required by the Planning and Compulsory Purchase Act 2004.</i> <i>This is in line with the soundness test of being 'positively prepared' as set out in the NPPF; it is entirely appropriate given local circumstances to contain text limiting where provision can be sourced.</i>
At para 4.4.1 'steady and adequate' should be added in front of supply to reflect the NPPF, and 'shale' should be added to the definition of gritstone; though the inclusion of shales in the landbank is a concern, given their limitations.	<i>It is not necessary to duplicate the NPPF to the extent that non key wording is copied and pasted directly; the use of 'steady and adequate' throughout the plan is not necessary for soundness.</i> <i>Shale is included in the landbank where relevant, where the shale in question is sold as an aggregate, and reported as such by the operator to the Mineral Planning Authority and the Aggregate Working Party through the Local Aggregate Assessments annual monitoring. Regarding adding shale to the definition of gritstone, the use of gritstone within the policy is defined in para 3.1.1 to include sandstones and shales.</i>
We are not aware that the plan has been preceded by a formal call for sites. Planning practice guidance is clear that authorities should identify specific sites, preferred areas and or areas of search. Specific sites should be identified.	<i>The regulations do not provide for a specific 'call for sites' stage. Sites can and are submitted during any consultation stage.</i> <i>The NPPF para 207 states that 'mineral planning authorities should plan for a steady and adequate supply of aggregates by...c) making provision for...taking the form of specific sites, preferred areas and or areas of search and locational criteria as appropriate'.</i>

The estimated need is based on sales figures that include the most significant period of economic downturn in living memory. Sales figures have increased significantly in 2016, in excess of the 10 and 3 year average, as set out in the Local Aggregate Assessment.	<i>This is recognised in the Local Aggregate Assessment 2017, and in the Plan in supporting text. A range of figures, using both the 3 year average and the 10 year average, has been used to provide flexibility, and supporting text refers to the use of the most up to date Local Aggregate Assessment to provide up to date context on aggregate sales and predicted demand indicated by the 3 and ten year averages.</i>
The policy should include a requirement to provide at least a 7 year landbank for sand and gravel and 10 years for crushed rock beyond the plan period, in accordance with the NPPF para 207.	<i>NPPF para 207 states MPAs should 'plan for a steady and adequate supply of aggregates by...f) maintaining landbanks of at least...'. There is no requirement to plan beyond the Plan period, in NPPF or guidance. The policy commits to maintaining 'a landbank of at least 7 years for sand and gravel and 10 years for limestone and gritstone'. This applies during and beyond the Plan period and is sufficient.</i> <i>Regulation 10a of the Town and Country Planning (Local Planning) Regulations require that a Local Plan is reviewed every 5 years. National Planning Guidance Minerals paragraph: 083 (Reference ID: 27-083-20140306 Revision date: 06 03 2014) states that landbanks should be calculated every year.</i> <i>With regards sand and gravel and limestone, this has been addressed under policy MW7 and MW9.</i>
The plan period should be extended beyond 2042 because of the significant number of planning permissions expiring in 2042. Quarries in South Lakeland, the Yorkshire Dales and the Peak District will close in or around 2042 which will realistically increase the demand for aggregates in Lancashire, and there are gritstone quarries with residential access where consent beyond 2042 seems very unlikely.	<i>No change. This should not be necessary given the requirement to review a Local Plan at least every 5 years set out in regulation 10a of the Town and Country Planning (Local Planning) Regulations.</i>

Policy MW12 Limestone for Aggregate Purposes

Summary of main issue	Council response
Additional information on the trigger points likely to result in the requirement for highway improvements is requested.	<i>The policy is clear that any new release at Dunald Mill must be accompanied by highway mitigation.</i>
The policy is unduly restrictive, binding up any shortfall in production in one mothballed site contrary to the NPPF. State 'only' should be removed from the policies first sentence, as it is superfluous. The imposition of the new water regulations may restrict the depth of operations and this does not appear to have been considered; lateral extensions should be supported given this. Given potential restrictions in neighbouring areas (national parks) the Minerals Planning Authority should be considering longer term capacity potential under the duty to cooperate.	<i>Significant new reserves have been granted planning permission (subject to s106 agreement) through deepening at Leapers Wood and Back Lane quarries. This is referred to in the Plan. Within the context of these new reserves the policy is appropriate.</i> <i>Neighbouring authorities, and those from wider afield that are linked through past aggregate movements, have been consulted on the Plan, and on the Local Aggregate Assessment. No issues on longer term capacity have been raised. If these do appear they will be addressed through the regular reviews of the Plan required by regulation 10a of the Town and Country Planning (Local Planning) Regulations 2012.</i>

Policy MW13 Gritstone for Aggregate Purposes

Summary of main issue	Council response
Para 4.1.2.8 establishes the importance of making the most efficient use of those minerals, and promotes the benefits of concurrent working and undertaking extraction efficiently. The policy establishes a presumption against granting planning permission for the extraction of gritstone unless various tests are met, on the grounds that the landbank is sufficient. This fails to respond to the very large landbank held in one site (25,740,000 tonnes at 2016). The failure to recognise and respond to this is contrary to PPG paragraph 084 (ref ID: 27-084-2014306). The policy should be redrafted to provide support for the winning and working of gritstone '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 does not give rise to significant amenity or environmental impacts'.	<i>No change. The proposed amendment is not necessary. The Plan does recognise the situation described, at para 3.1.2.1 and 3.1.2.4 (it is also recognised within the Local Aggregate Assessment). The policy drafted is an appropriate response to the situation.</i> <i>The maintenance of the continuity of supply, rather than the granting of extensive new reserves, is the aim of the policy; an appropriate response to the local circumstances.</i>
'only' should be deleted from the policy as it is superfluous. The wording of the policy is currently overly restrictive, the vast majority of the landbank is bound up in one site, and the proximity to Greater Manchester should not be underestimated, bearing in mind the growth aspirations regionally. Of great concern is the end date of many of the quarries is 2042. It should be amended to provide for greater flexibility to broaden the scope for aggregate production over the medium to long term and to provide a steady and adequate supply of gritstone. At para 4.1.2.7, the plan would benefit from a	<i>No change. The permitted reserves for gritstone are vastly in excess of estimated need, as set out in policy MW8 and the Local Aggregate Assessment. However, the policy provides flexibility to allow for new releases of gritstone reserves in recognition of the need to ensure continuity of supply locally, due to amongst other things the large landbank held in one quarry, as set out in the justification. In light of these circumstances the policy as drafted, including the use of 'only' is an appropriate response.</i> <i>The Minerals and Waste Planning Authority is aware of the end date of quarries in the Plan area; this is described in the Local Aggregate Assessment. This will be addressed in future</i>

separate borrow pits policy, rather than solely relating to gritstone.	<i>reviews of the Plan. Regulation 10a of the Town and Country Planning (Local Planning) Regulations require that a Local Plan is reviewed every 5 years.</i> <i>There is no need for a stand-alone policy on borrow pits, para 4.1.2.7 is sufficient, together with the general considerations under policy MW1. It is not necessary for the plan to include a policy to address all considerations or circumstances.</i>
There are known access issues with Whitworth quarry, which holds a large proportion of the permitted reserves; the NPPF states that this should not stifle competition. Given its location it is also not viable to transport minerals to a number of significant markets in the county and beyond. Whilst the policy provides support for extensions to existing quarries we consider the formal process of site allocation is more robust and effective; we propose an extension at Hutch Bank, and reiterate our previous representations on Jamestone Quarry and Waddington Fell Quarry.	<i>No change. The policy provides sufficient support, given the quantum of permitted reserves.</i>
Would welcome recognition of the potential needs in Greater Manchester and the need for sites to serve this area. As a member of the NW AWP, you will be aware of the need of more urban areas, such as Greater Manchester, where minerals are not as abundant, we welcome recognition in the Local Aggregates Assessment of the need to consider the future requirements of such areas and we will continue to work closely with you on such matters.	<i>No change. Need is addressed in policy MW6 which includes reference to the use of the most up to date Local Aggregate Assessment, where emerging issues such as this will be identified. No quantum of unmet need has been identified by Greater Manchester Combined Authorities, and no approach has been made to address this unmet need.</i> <i>As set out in the representation, both Minerals and Waste Planning Authorities are active members of the North West Aggregate Working Party, and such matters will be facilitated through this partnership working.</i>

At para 4.1.2.5 an alternative access at Whitworth Quarry is very unlikely to ever be viable.	<i>No change. Whilst the representation states it is not viable now, that is no reason to not safeguard it for the future, particularly as planning permission currently runs out in 2042 and significant reserves are likely to still remain. At this time the viability of the access will be significantly different.</i>
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Policy MW14 Sand and Gravel

Summary of main issue	Council response
A large diameter pressurised main and a smaller diameter main pass through the Lower Hall Farm site; these will need to be taken into consideration as part of any proposed development on the site.	<i>No change. This will be addressed through the development management process, or earlier land owner, lease holder/easement negotiations.</i>
The Plan should give support to the supply of sea dredged aggregates in preference to land based resources.	<i>No change. The Plan has no role in the determination of applications for permission to dredge marine sand and gravel. It is not possible to come to a conclusion that marine dredging is more sustainable than quarrying on land. It would not be sound to offset some of the predicted need identified in policy MW6 against an as yet unrealised marine dredged resource.</i>
There appears to be a reliance on sites with planning permission which have not yet being developed coming forwards, and it is questioned if they will come forwards. Only supporting text in the policy supports the requirement in paragraph 207 (c) of the NPPF that 'local plans should include specific sites, preferred areas and/or areas of search and locational criteria as appropriate', rather than within the policy wording.	<i>In the absence of industry submitted proposed allocations, and information on likely resources sufficient to identify preferred areas or areas of search, the policy is generic and provides support for the winning and working of sand and gravel.</i> <i>This is in light of the shortfall identified in policy MW6, and the potential issues around continuity of supply also identified in policy MW6 and set out in the supporting text, including the fact that the Runshaw Quarry has not commenced extraction.</i>
The policy should be amended to plan more proactively and positively, particularly in light of the significant proportion of reserves held in one inactive quarry, relying on one quarry with a large landbank is contrary to national policy.	<i>The policy has been redrafted to reflect the significant reduction in workable reserves since the last consultation.</i> <i>The policy provides support for the winning and working of sand and gravel. This is in light of the shortfall identified in policy MW6, and the potential issues around continuity of supply also identified in policy MW7 and set out in the supporting text, including the fact that the Runshaw Quarry has not commenced extraction. These issues are set</i>

	<i>out in more detail in the Local Aggregate Assessment, also referred to in the justification. This is an appropriate policy response to the circumstances described above.</i>
'steady and adequate' should replace 'continuity' in the policy wording, in line with the NPPF	<i>The policy has been redrafted to reflect the significant reduction in workable reserves since the last consultation, this change is not necessary, the intention of the policy is clear and this level of repetition with the NPPF is not necessary.</i>
It should be noted that extensions are unlikely at a number of sites due to constraints.	<i>The policy has been redrafted to reflect the significant reduction in workable reserves since the last consultation.</i>
At para 4.1.3.1 'at least' should be added before 7 year landbank.	<i>The policy has been redrafted to reflect the significant reduction in workable reserves since the last consultation.</i>
'suitable landbank' should be replaced with 'landbank of at least 7 years'.	<i>The policy has been redrafted to reflect the significant reduction in workable reserves since the last consultation, this change is not necessary, the policy is clear and this level of repetition with the NPPF and policy MW6 is not necessary.</i>
Para 4.1.3.3 is not relevant or accurate and should be deleted. At 4.1.3.5 a third bullet point should be added 'the need to maintain a steady and adequate supply of aggregates'.	<i>The policy has been redrafted to reflect the significant reduction in workable reserves since the last consultation.</i>
At para 4.1.3.6, this should result in the exclusion of lower quality material from the landbank, so as not to distort the landbank.	<i>A policy restriction on lower quality material was introduced into the 2001 Local Plan, in response to a large landbank of sand and gravel. Today's situation is entirely different and such a restriction would be inappropriate.</i>
The 2nd bullet point of the policy is a duplication of Policy MW1.	<i>It is correct to state that the second bullet point effectively duplicates the requirements of policy MW1. The Minerals and Waste Planning Authorities, in drafting the Plan, have sought to reduce duplication and cross referencing within the Plan. However, in this instance it is considered appropriate to provide a degree of reassurance to members of the public.</i>

Given the identified need for sand and gravel, whether or not the Lower Hall Farm site is an allocation should be clarified.	<i>At the time of drafting, Lower Hall Farm and Land off Bourbles Lane were live planning applications. Lower Hall Farm has subsequently been withdrawn to allow time to update its evidence base. Land off Bourbles Way was refused by the Councils planning committee. This decision was subsequently appealed by the applicant and is the subject of determination by the Planning Inspectorate. It would be inappropriate for them to also be included in the draft Plan.</i>
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Policy MW15 Building Stone

Summary of main issue	Council response
The policy does not give sufficient clarity on the situation where a quarry works both building stone and aggregate or contains a number of different mineral types. The last sentence in para 4.1.8 should be added to the policy.	<i>No change. The policy concerns building stone quarries where there may be small scale production of aggregates as a by product, which the policy seeks to control where necessary.</i> <i>The Plan must be read as a whole and cross referencing or repetition is not necessary.</i>
The open book financial assessment is not necessary or appropriate, if it is required it should be confidential.	<i>Para 4.2.6-4.2.10 have been removed as not being sufficiently justified.</i>
The policy does not comply with the positive support provided in NPPF para 204 'planning policies should provide for the extraction of mineral resources of local and national importance'. The policy should be reworded to provide support 'where it is necessary to contribute to the continuity of supply from a given source and does not give rise to significant amenity and environmental impacts'. Para 4.2.6 to 4.2.10 should be deleted, as they cloud the correct policy as set out in para 4.1.8. Furthermore, • the main issues addressed in para 2.4.6 are already covered by MW1-MW10 • the uncertainty discussed in 4.2.7 to 4.2.8 is a non-issue as it would be considered under MW12 and MW14 • no pass/fail criteria are included in the tests listed at para 4.2.9	<i>Para 4.2.6-4.2.10 have been removed as not being sufficiently justified.</i>

para 4.2.10 is unworkable as landscape sensitive areas are not defined. If it is AONBs then this is already addressed at para 2.1.13.	
Proposals for the winning and working of stone may harm heritage assets and their setting and there are no provisions within the policy to deal with this. There is some mention of the historic environment in Para 4.2.5 (incorrectly so as it doesn't cover all heritage assets and only refers to setting in the context of a listed building) but none in the policy. Therefore, the policy should be amended to include reference to this.	<i>No change. The Plan must be read as a whole. This matter is addressed in policy MW1 and the wider development plan.</i>

Policy MW16 Industrial Minerals

Summary of main issue	Council response
The policy is contrary to national policy as drafted, it should state clearly the requisite landbanks on the NPPF. The policy and justification do not detail what should happen where sources of supply fall short of the requirement. At para 4.3.1 'our aggregate minerals' should be redrafted to read "aggregate minerals'. At para 4.3.2 'at least' should be added in front of '25 years' and '15 years' to ensure the description is in line with NPPF.	<i>The policy does not need to be redrafted, the policies reference to landbanks is adequately set out in the policy when read in conjunction with the supporting text; there is no need for this level of repetition with the NPPF.</i> <i>Where there is a shortage of supply the policy clearly provides support for an application, as one or all of the criteria will be satisfied.</i> <i>The minor suggested changes have been made.</i>
The extraction of industrial minerals may harm heritage assets and their setting and there are no provisions within the policy to deal with this. Therefore, the Policy should be amended to include reference to this.	<i>No change. The Plan must be read as a whole. This matter is addressed in policy MW1 and the wider development plan.</i>
The policy providing support for proposals when the landbank drops below that set out in national policy is inappropriate, and should instead consider each application on its merits.	<i>No change. The policy provides support for proposals, with reference to three criteria. One of these makes reference to landbanks. There is no requirement for an applicant to demonstrate compliance with all of them. They therefore allow for an application to be considered on its merits.</i>

Policy MW17 Onshore Oil and Gas

Summary of main issue	Council response
Paragraph 4.4.4 should be revised to take account of the fact that offsets of 10km have been demonstrated in the UK, and that this allows for the use of an abundance of locations already provisioned and designated for such heavy industrial activities in the local plans of district planning authorities.	<i>No change. The policy is sufficiently robust.</i>
It is not a requirement to work 24 hours, only a commercial desire.	<i>No change. The policy is sufficiently robust.</i>
The policy should require all applications to be screened for EIA. Reference to applicants working on the presumption that applications involving hydraulic fracturing likely to require EIA should be moved into the policy text.	<i>No change. The policy is sufficiently robust.</i>
The policy should require 'the transmission of gas via pipeline infrastructure is proposed; or where robust justification is provided as to why it cannot be undertaken'.	<i>No change. The policy is sufficiently robust.</i>
The policy should require stand off distances in 'certain high impact operations or sensitive locations'.	<i>No change. The policy is sufficiently robust.</i>
The Plan should require development to be in suitable locations away from residential property and other sensitive areas, and must have the necessary infrastructure to support them, including suitable highways.	<i>No change. The policy is sufficiently robust.</i>
The cumulative impacts of a full scale production scenario must be taken into account.	<i>No change. The policy ensures consideration of this through the criteria under the appraisal and production subheadings.</i>
The policy should require a minimum separation distance of 5 miles between hydraulic fracturing sites.	<i>No change. The policy is sufficiently robust.</i>
The policy should ensure a consideration of the overall duration of the development beyond the exploration phase moving into production.	<i>No change. The plan cannot require the consideration of hypothetical scenarios that go beyond the actual planning application submitted for determination.</i>

The plan should ensure financial guarantees are in place to cover legacy issues and serious incidents.	<i>No change. This is sufficiently addressed under Policy MW1</i>
The policy should ensure the capture of fugitive emissions, and ensure no unnecessary flaring of methane.	<i>No change. This is a matter for the Environment Agency.</i>
There should be a thorough risk assessment with a published emergency plan.	<i>No change. The policy is sufficiently robust. This is a matter for the wider regulatory regime.</i>
Call for a 10km buffer zone preventing hydraulic fracturing around Springfields Nuclear Fuel Manufacturing complex and Clifton Marsh landfill site.	<i>No change. The policy is sufficiently robust.</i>
Fracking is not compatible with climate change objectives.	<i>Noted.</i>
Object to the general principle of hydraulic fracturing and fossil fuel extraction/use.	<i>Noted.</i>
Fracking can cause earthquakes and subsidence.	<i>Noted.</i>
If the policy seeks to support 'the minimum number of wells' and only support proposals where 'existing facilities cannot be used', this makes residents vulnerable to having their objections at the exploration stage overruled because of their temporary nature.	<i>No change. Temporary developments are considered through the same process as permanent ones, and no objections are overruled.</i>
At what point does the cumulative effect on local residents become a consideration?	<i>No change. Cumulative impacts are always a consideration in the development management process, as described in Policy MW1.</i>
New criteria should be added 'The proposal enables development that improves and meets the economic, social and environmental objectives of the area in line with the presumption in favour of sustainable development', and 'It can be demonstrated that, on balance, the social impacts of the proposal will not be unacceptable and unsustainable.'	<i>No change. The policy is sufficiently robust.</i>
Proposals should be subject to a safety and risk audit of the cumulative effect on existing industrial traffic (specifically in relation to the movements associated with Springfields).	<i>No change. Transport impacts are addressed under Policy MW1.</i>

A new criteria should be added to ensure developments 'mitigate the cumulative impacts of climate change'. A new criteria should be added to ensure developments 'can demonstrate that they will have a net zero impact on climate change'.	<i>No change. The policy is sufficiently robust. This is adequately addressed through the other policies of the development plan.</i>
Sensitive receptors should be identified and measures to mitigate harm put in place.	<i>No change. This adequately addressed by the policies of the plan, and the wider development plan.</i>
The developer should be required to specify which formation will be subject to fracking, and what technology will be used to prevent fluid penetrating contiguous formations.	<i>No change. The policy is sufficiently robust. This matter will mainly be dealt with through the other regulatory regimes.</i>
Independent evidence that the preliminary acquisition of seismic data and its analysis is sufficiently detailed should be provided. Seismic data shall be published as they become available.	<i>This will be addressed where necessary in the development management process</i>
A formal arrangement for liaison between the LCC and the Shale Environmental Regulator Group should be required to provide a forum for the LCC to express concerns about standards of regulation where they impinge on surface land use.	<i>No change. This is not a matter for the local plan.</i>
The Plan should include an acidisation policy; where the intention is to widen fissures by pumping even at a pressure below that necessary for fracturing rock, the process should be regarded as well stimulation and be treated in the same way as fracking. The Plan should prohibit the use of hydrofluoric acid.	<i>No change. The Plan does not seek to define hydraulic fracturing, it is not necessary to interpret the policy.</i>
The wider, rather than the Infrastructure Act, definition of fracking should be used.	<i>No change. The Plan does not seek to define hydraulic fracturing, it is not necessary to interpret the policy.</i>
Fracking should not be allowed where there are geological faults and dangers of seismic activity, or on flood plains, or under aquifers, or in or near coal mines.	<i>No change. Seismicity is adequately addressed in the policy.</i>
Additional criteria to further protect environmentally sensitive locations should be included, to introduce a 3.5km buffer around the AONB.	<i>No change. This is adequately addressed at para 2.1.13 and the policies of the wider development plan.</i>

MW17 should be cross referenced in all minerals policies to avoid confusion over their implementation.	<i>The Plan should be read as a whole and this level of duplication is unnecessary.</i>
As it is not possible to use the plan to determine the 'need' for oil and gas, unlike the aggregate policies, text on the national need should be included in the Plan.	<i>This is adequately addressed at para 3.4.1, there is no need to duplicate national policy in the Plan.</i>
The first sentence should be amended to read '...will not be permitted unless all of the following criteria are met:'.	<i>No change. The policy is sufficiently robust.</i>
Criteria X should include the parameters for assessing combined impacts of multiple wells and should provide a way of assessing clusters of wells.	<i>No change. The policy is sufficiently robust.</i>
An additional criteria should be added – 'No more than 10 well heads should be developed per 100km ² (applied pro rata where a pedl licence block is more or less than 100km ² '.	<i>No change. The policy is sufficiently robust.</i>
Paragraph 4.4.7 should also refer to habitats regulations assessment, as much of the Fylde is likely to be functionally linked to the Ribble/Morecambe estuaries.	<i>No change. This is addressed through regulations and it is not necessary to refer to it in planning policy.</i>
The policy should be strengthened by revising the second and third sub headings to read 'at the appraisal/production stage, it is required that...'.	<i>No change. The policy is sufficiently robust.</i>
The policy does not make any requirements for the exploration phase, and should be amended accordingly, including paragraph 4.4.17 which states 'applications for exploration will be favourably considered'.	<i>No change. The policy as drafted applies to all stages, the appraisal and production stages have additional tests, due to the great degree of certainty around the location of the viable oil and gas reserve.</i> <i>Paragraph 4.4.17 has been deleted, as it relates to a version of the NPPG that has been replaced.</i>
Criteria one should define 'sensitive', this is included in the justification but it would strengthen the policy if specific issues were referred to.	<i>No change. This level of repetition and duplication within the Plan, and the wider development plan, is not necessary.</i>

The policy should refer specifically to landscape, water and air quality within the policy text.	<i>No change. This level of repetition and duplication within the Plan, and the wider development plan, is not necessary.</i>
'acceptable' is imprecise, and should be defined.	<i>No change. It is an acceptable use of language. Acceptable can be determined with reference to the policies of the Plan, having regard to the site specific issues on a case by case basis.</i>
Paragraph 4.4.1 refers to reaching a 'balanced decision' but it is not clear in the policy how this will be achieved.	<i>No change. This is a reference to the development management decision making process, where the decision will involve a balancing of matters and a consideration of their materiality and weight. The policies of the development plan will assist in this.</i>
Paragraph 4.4.26 raises the issue of displacement of other employment uses.	<i>This wording has been removed.</i>
Proposals for onshore oil and gas may harm heritage assets and their setting and there are no provisions within the policy to deal with this. Whilst reference is made to ensuring the proposal is sited, designed and operated to minimise environmental and amenity impacts, it does not go far enough to ensure that proposals do not harm the historic environment, heritage assets and their setting and the need for appropriate mitigation measures where necessary in line with the NPPF. Therefore, the Policy should be amended to include reference to this.	<i>No change. The Plan must be read as a whole. This matter is addressed in policy MW1 and the wider development plan.</i>
The policy is more stringent and detailed than the relevant part in the adopted and emerging local plans in the Liverpool City Region. It is important that there is compatibility in policy approach between adjacent authorities within PEDLs. Is the proposed policy approach compatible with national policy and guidance? Is there any specific local circumstances that need to be taken into account, how has this been	<i>No change. The policy is considered appropriate for Lancashire, in accordance with national policy, and is not so rigorous or lax as to influence development in neighbouring areas. It is natural that, as plans come forwards at different timescales, there will be</i>

justified? How will the policy approach respond to the three recent Government consultations with respect to shale gas.	<i>differences in policy approach to emerging issues.</i>
The section could be reduced considerably, much of the information is available elsewhere. A comparison of the length of the section with that for other minerals is informative.	<i>Noted.</i>
The requirement at bullet point 4 to consider cumulative impacts is at odds with the previously stated position that each application should be considered on its merits.	<i>No change. The consideration of cumulative impacts is an established planning practice, and is required through the Environmental Impact Assessment Regulations.</i>
The requirement at bullet point 5 to consider the integrity of the geological structure is vague and lacks the required precision, if this is meant as a proxy for limiting the impact of induced seismicity then this is an area within the regulatory purview of the Oil and Gas Authority, the regulation of the geological structure is not a material consideration.	<i>This bullet point has been redrafted. The impacts of seismicity is a legitimate material consideration.</i>
The requirement at bullet point 6 to consider the impact of fugitive greenhouse gas emissions is the responsibility of the Environment Agency and the MPA should seek to avoid regulatory overlap.	<i>This bullet point has been redrafted.</i>
The requirement to utilise rather than flare gas should be removed, this is regulated by the Environment Agency.	<i>This bullet point has been redrafted.</i>
The requirement to submit and indicative framework at the appraisal stage should only be required for information purposes, the licenced operator is the licensee of the state and must be free to formulate the best plan to explore and produce gas within the normal planning constraints. The requirement to submit and indicative framework at the production stage should only be required for information purposes, the licensee will determine the number and location of well sites in agreement with the OGA. The role of the MPA is restricted to the suitability in planning terms with regards to the environment and local amenity of the proposed surface works.	<i>No change. This is an appropriate policy response to the uncertainties</i>

The requirement to justify the number of wells is regulated by the OGA Field Development Plan process, and the justification will contain commercially sensitive information; the guidance is clear that the operator must have a planning permission in place before a Field Development Plan can be approved. The 12th and 13th bullet points of the policy the number and location of well pads to be justified and their number to be minimised; national policy is clear that assessments should be made, and mitigation applied, on a case by case basis. It is therefore possible for a number of well sites to come forward at the same time.	
In relation to the final bullet point simply because a target formation can be physically reached from an existing facility does not mean that it can be developed for many geological reasons and so should be deleted.	<i>No change. It is legitimate in this instance to require a consideration of the use of existing facilities before considering a new facility</i>
The use of 'only' throughout the policy is negative, overly restrictive and should be removed.	<i>No change.</i>
Great weight should be given to the benefits of mineral extraction, in line with Government policy.	<i>No change. The Plan must be read as a whole.</i>
The first bullet point requires proposals to be located in the 'least sensitive location' due to the flexibility associated with directional drilling. This flexibility is in practice very limited. The policy should highlight that factors other than geology are constraints; exploration is usually from a vertical well before directionally drilled lateral wells are considered commercially viable; directional drilling takes longer, increasing costs and the duration of environmental impacts. However, directional drilling would reduce the number of wells in a production scenario. Greater clarity should be provided on how the council defines 'least sensitive location', it is important the industry have the opportunity of accessing optimal zones to explore the target formation.	<i>No change. This level of repetition and duplication within the Plan, and the wider development plan, is not necessary.</i>
The statement at para 4.4.14 regarding 'drilling wells for gas exploration not being permitted development' may be inconsistent with future planning regulations. References to DECC should be replaced by OGA.	<i>No change. The plan will be subject to regular review.</i>

The second bullet point seeks to only support proposals directly accessible or in close proximity to the primary route network. This is inconsistent with national policy.	<i>No change. It is appropriate for the Plan to seek to direct development to the more accessible locations.</i>
The 7 th bullet point concerns the limit of permission to a temporary length of time, it is unclear whether this statement is specific to the exploration phase or for all phases. Production phases would be expected to be in place for approximately 20-30 years; this would not be consistent with the definition of 'temporary' from a planning or EIA perspective.	<i>No change. This section of the policy clearly refers to all oil and gas developments.</i> <i>A 20-30 year land use is clearly temporary. To have an open ended permission would be unacceptable. This is a well established principle, with planning permissions for quarrying often running for periods in excess of this.</i>
It must be demonstrated that any wells will be decommissioned so as to prevent the risk of any contamination of ground and surface waters and emissions to air. A financial guarantee should be provided by the operator to cover all restoration and aftercare costs required in order to protect the local community.	<i>No change. Restoration is addressed under policy MW3. It will be dealt with on a case by case basis and it is not necessary to prescribe it through policy. The decommissioning described in the comment is a matter for the Environment Agency.</i>
Any greenhouse gas emissions are unacceptable, levels of acceptable greenhouse gas emissions need to be set, and the ways in which they will be independently assessed need to be established.	<i>No change. The policy is suitably robust.</i>
Adequate separation distances between operations and houses should be included, particularly where operations are 24 hours a day; developments within 500m of houses should not be permitted.	<i>No change. The policy is suitably robust.</i>
There is no mention of the fact that waste water will contain naturally occurring radioactive waste (NORM), and reinjection should only be allowed where a high standard of protection can be provided to ground and surface waters and where it can be demonstrated that any risk from induced seismicity can be mitigated to an acceptable level. Operators	<i>No change. This is a matter for other regulators.</i>

should be required to submit waste water management plans showing how waste water and NORM will be dealt with.	
Due to the quality of its landscape, and the 30-45m height of rigs and lights associated with developments of this kind, proposals for surface hydrocarbons development within a 3.5km zone of the Forest of Bowland AONB should be supported by detailed information assessing the impact of the proposed development on the protected area.	<i>No change. This is suitable addressed through other policies of the local plan, and the wider development plan.</i>
A figure needs to be set for the maximum volume of gas that can be flared in a given time period.	<i>No change. This is a matter for other regulators.</i>
Developers should be required to carry out seismic monitoring during the exploration phase and submit the full details of this, due to the highly faulted nature of the rock and the apparent difficulty Cuadrilla have had in interpreting their 3D seismic survey data.	<i>No change. This is a matter for other regulators.</i>
As proposals require a high volume of water, they should be located where an adequate water supply can be made available by means such as pipeline or directly from a suitable local source, without the need for road transport of water	<i>No change. The policy is suitably robust.</i>
The plan should also mention the large volumes of sand required for hydraulic fracturing, and proposes a number of changes set out in the track changes policy below.	<i>No change. This level of detail in a basic descriptive paragraph is unnecessary.</i>
Hydraulic fracturing should be defined as 'The fracturing of rock under hydraulic pressure regardless of the volume of fracture fluid used'.	<i>No change. The Plan does not seek to define hydraulic fracturing, it is not necessary to interpret the policy.</i>
The policy feels negative. As gas is a useful resource the policy should be more encouraging.	<i>No change. The policy is suitably balanced.</i>

Policy MW18 Waste Management Provision

Summary of main issue	Council response
The plan needs to do more to support recycling. We would like a target for the sorting and recycling of all types of plastic waste.	<i>No change. The Plan, in identifying areas and providing policy for the consideration of proposals, sufficiently supports recycling. It is not for the Plan to introduce recycling targets, this is for the Municipal Waste Management Strategy or national Government.</i>
Most municipal, commercial and industrial waste can be recycled so there is no need to provide additional landfill capacity or incineration and energy from waste capacity.	<i>No change. This is beyond the remit of the Plan. There is a need to provide treatment and disposal capacity, if for no other reason than to support the recycling industry which through its operation generates unrecyclable wastes. There continues to be a need to treat and to dispose of wastes that cannot be recycled, failing to recognise this need would likely result in the Plan being found unsound.</i>
The term municipal waste should be replaced with local authority collected waste.	<i>Noted.</i>
It is unclear which targets the Plan is seeking to deliver.	<i>The Plan was prepared having regard to the national waste strategy. The national targets are set out in the Local Waste Assessment and the relevant appendix. It is not necessary to repeat these in the policy.</i>
It is not clear what requirement there is for new infrastructure over the plan period, and how the Plan intends for it to be delivered. Is the provision what is needed or what is required over existing permitted capacity i.e. is there a shortfall? A more thorough assessment of qualitative and quantitative assessment of OAN is needed, to provide the baseline for the planning strategy. The Plan should be based on operational, not consented capacity, in line with NPPW.	<i>The Local Waste Assessment has been updated, and the policy has been revised to reflect the updated figures.</i> <i>Permitted capacity is no longer available through the Environment Agency's Waste Data Interrogator, but it was never the only indicator used</i> <i>There are significant issues around the availability of accurate waste data, beyond municipal waste. This is recognised by Government.</i> <i>The information referred to in para 24 of the NPPG waste is available from the Environment Agency's National Waste interrogator. It has been used in the production of the Local Waste Assessment. The presentation of this full list of information, either in the draft Plan or in the Local Waste Assessment, is impractical given the size of the Plan area and the</i>

	<i>subsequent large size of the table that would result. A summary of the information is provided in the Local Waste Assessment. It is not the remit of the draft Plan to provide a detailed market assessment. The national targets, where there are any, are structured around recycling, composting, recovery and disposal; these have been addressed in the Local Waste Assessment, and are used in policy MW13. It is not for the draft Plan to determine whether there is sufficient capacity of, for example, anaerobic digestion and insufficient capacity of windrow composting or car breakers, it is beyond the remit of the draft Plan and sufficient data is not available.</i> <i>The NPPW advise against spurious precision, and Government recognise the lack of detailed or accurate information on waste.</i> <i>The Local Waste Assessment considers assessments of existing capacity and future need, it identifies significant uncertainties with a number of factors feeding into these assessments of need. This is recognised in the Plan at para 4.5.4. The use of a range of figures is therefore considered appropriate, to avoid spurious precision in accordance with para 2 of the NPPW.</i>
It is not clear how the policies support additional provision only where this contributes towards achieving net self-sufficiency?	<i>There are significant issues around the availability of accurate waste data, beyond municipal waste. This is recognised by Government.</i> <i>The policy provides an estimate of need during the plan period. The policy support for additional provision over and above that set out in the estimated need is necessary because of these uncertainties, and the complicated and interrelated nature of the waste management industry, whereby waste will pass through a number of facilities as it moves from waste to resource.</i> <i>The reference to net self sufficiency seeks to ensure a balanced consideration of the wastes origin, to be considered alongside the other matters.</i>

A key role of the Plan is implementing the MWMS, but it does not mention it or the sites needed to deliver it. Given that the Council is responsible for its management there should be more information on the facilities to be used, and the need for new facilities.	<i>A large part of the strategy is not relevant to land use planning. None the less the Plan was prepared having regard to the strategy, in particular the facilities needed to achieve the strategy's targets, expressed in the strategy as the waste network.</i> <i>These facilities have largely been delivered. It is not the purpose of the Plan to provide an up to date record of the operation of the Councils own waste management facilities.</i>
The Plan needs to ensure that the strategy for waste management and in particular, the locations identified for future waste developments are delivered in a manner which safeguards those elements which contribute to the significance of the heritage assets	<i>No change. The plan should be read as a whole. The overarching considerations of Policy MW1, together with the Local Planning Authorities Local Plan heritage policies contained in the wider development plan, are sufficient. Such repetition and duplication does not enhance the Plan.</i>
Whether reference to the 'development plan' includes the district Local Plan.	<i>The definition of development plan is established in legislation. It is repeated in the draft Plan's glossary and the introduction.</i>

Policy MW19 Recycling, Sorting, Treatment and Recovery of Waste

Summary of main issue	Council response
The policy needs to raise public awareness of the need to reduce, reuse and recycle. Recovery should not involve burning materials. Resource recovery parks should be built into the policy.	<i>No change. The purpose of the Plan is not to raise awareness of recycling or change the definition of recovery. These are matters addressed through other areas of local government work, or at the national level. The Plan does not prevent the delivery of resource recovery parks, i.e. the colocation of waste management facilities; actively planning for the financing, delivery and operation of waste management facilities is a matter for the industry.</i>
When read as a whole the Plan does not appear to provide sufficient scope for resisting proposals for the importation of waste for management where this constitutes highly unsustainable waste management practice or movements from beyond the geography of its arisings. The policy does not cross refer to the required capacity set out in Policy MW18 or net self-sufficiency and its open-ended nature is of concern. Paragraph 1.5.1.9 states 'it is generally preferable for recycling and treatment facilities to be located close to the producers of waste'; it is not clear that this is followed through in the Plans policies.	<i>No change.</i> <i>Cross referencing policies within the Plan is not necessary.</i> <i>The 'geography of its arisings' will vary depending on the nature of the waste and the nature of the waste treatment process applied for – a waste transfer station will serve a local market, whilst a specialist treatment facility will likely serve a much larger market area; neither of these will correspond to local authority boundaries. It would be inappropriate for the Plan to seek to restrict the cross border movements of waste.</i> <i>The Plan provides for a consideration of the source of wastes, and the distances travelled, through the principal of minimising 'minerals and waste road miles' described under Policy MW1.</i>
The loss of employment land to waste uses could have an impact on the delivery of the District Local Plan's identified needs.	<i>No change. As stated, the proposed additional policy wording is already a policy in the District Local Plan. The development plan should be read as a whole and this level of repetition is unnecessary.</i>

An additional criteria should be included stating 'There would not be a significant or unacceptable reduction on the type, quality or quantity of employment land supply'; this criteria is set out in the emerging Wyre Local Plan.	<i>None the less it should be noted that many waste uses are found to be B2 or B8 uses (as recognised in the planning portals Guidance Note Waste Management, and case law). Notwithstanding whether a land use is B2 or sui generis, waste management land uses provide employment opportunities across a range of skills and education levels, and do not generally occupy disproportionately large footprints relative to their level of employment provision.</i>
Para 4.5.1.11 second sentence requiring sites using waste from outside of the plan area to 'make use of rail transport...wherever the volumes transported would make this practicable' does not allow developers flexibility to use road transport where there is capacity and where other transport is not 'practicable and beneficial' as set out in NPPW.	<i>No change. The flexibility to use road transport is provided by the policy.</i>
The Plan lacks a spatial strategy identifying where existing waste infrastructure is placed and where new infrastructure should be focused, or suggestions of locations where such facilities should be developed/could be needed. The spatial components of the supporting text could be stronger in directing proposals to the areas considered most suitable. The policy provides no description of 'appropriate industrial area'; the Plan should assess each industrial estate for its suitability (suitable, available viable, deliverable), in accordance with NPPW para 5, rather than	<i>No change. This is a strategic plan, and this level of detail is inappropriate.</i> <i>The Plan sets out a spatial strategy, through the spatial objectives and key diagram, and implemented through the policies of the Plan, including Policy MW14, and the relevant policies in the Local Planning Authority's Local Plan.</i> <i>The Plan states that proposals should be directed towards industrial areas. The definition of 'appropriate industrial area' will vary depending on the nature of any given proposal; the criteria for determining this are set out in the policy and justification. As set out in the supporting text this will include Local Planning Authority allocated sites, and sites currently in industrial use (which would include active built waste sites). It is impractical and unnecessary for the Plan to assess each and every industrial estate, particularly given the size of the Plan area.</i>

leave it to be dealt with on a case by case basis at the application stage. The Plan should allocate sufficient sites to meet the OAN, but also achieve a degree of flexibility to allow for other sites to come forward. Para 4 of the NPPW states that plans should identify sites and or areas for new/enhanced waste management facilities in appropriate locations. The narrow definition of 'industrial sites' is not in accordance with National Planning Policy for Waste. This narrow definition of 'suitable' sites could inadvertently rule out perfectly acceptable sites on land other than zoned as 'industrial'.	<i>The approach of the draft Plan is in accordance with para 28-040-20141016 of the NPPG. Based on past experience in development management and monitoring of permissions it is clear that there are any number of industrial sites which would be suitable for waste management without the need to carry out a detailed assessment as part of the Local Plan review.</i> <i>The policy provides support for any industrial location subject to the site and the proposals suitability; this is an extension of the existing Plan's policy support rather than a weakening. At present policy support is only expressed in the adopted Plan for particular identified industrial areas.</i> <i>The Plan has been prepared having regard to the NPPW, as is required by s 19 of the Planning and Compulsory Purchase Act 2004. NPPW para 3 states Plans should 'identify sufficient opportunities to meet the identified needs of their area for the management'. Para 4 states Plans should identify 'sites and/or areas for new or enhanced waste management facilities in appropriate locations'. The Plan does this through policy MW14 to MW19, amongst others.</i> <i>Regarding the broad types of waste management facilities considered appropriate, this is achieved through policies MW2, and MW14 to MW19.</i>
Proposals should not be limited to the end date of the landfill site, if co-located.	<i>It is appropriate that restrictions should be placed on landfill sites, given that co-location is only appropriate in principle to ensure the efficient use of the landfill by providing for pretreatment of the waste before deposition. Their acceptability in that location is inherently linked to the landfill operations.</i>

The policy should support redevelopment/intensification of existing waste sites, as per para 24 of the NPPG.	<i>This policy applies equally to redevelopment/intensification of existing uses as it does to new proposals.</i>
The policy should be amended to reflect that some waste facilities are not best suited to industrial sites and are broadly similar to agricultural uses, and some are land intensive low margin operations.	<i>This is suitably dealt with by the policies of the Plan, in particular Policy MW2.</i>
Proposals for the recycling, sorting, treatment and recovery of waste may harm heritage assets and their setting and there are no provisions within the policy to deal with this. Therefore, the Policy should be amended to include reference to this.	<i>No change. The plan should be read as a whole. The overarching considerations of Policy MW1, together with the Local Planning Authorities Local Plan heritage policies contained in the wider development plan, are sufficient. Such repetition and duplication does not enhance the Plan.</i>

Policy MW20 Construction, Demolition and Excavation Waste Recycling

Summary of main issue	Council response
Developments for the construction, demolition and excavation waste recycling facilities may harm heritage assets and their setting and there are no provisions within the policy to deal with this. Therefore, the Policy should be amended to include reference to this. Consideration should also be given to the encouragement of the development of appropriate facilities for the re-use of demolition waste particularly where these might help facilitate the repair of the area's historic buildings.	<i>No change. The plan should be read as a whole. The overarching considerations of Policy MW1, together with the Local Planning Authorities Local Plan heritage policies contained in the wider development plan, are sufficient. Such repetition and duplication does not enhance the Plan.</i> <i>Regarding the reuse of building materials arising from demolition in the repair of heritage assets, facilities for this are likely to be considered under the policies of the wider development plan, as is the requirement to preserve certain features when redeveloping a building.</i>
Landfill sites often have the benefit of suitable infrastructure and established screening and continued use after the duration of the landfill should be considered on its merits.	<i>No change. It is appropriate that restrictions should be placed on these locations, given that the facilities are only appropriate in principle so as to ensure the efficient use of the landfill by providing for pretreatment of the waste before deposition. Their acceptability in that location is inherently linked to the landfill operations.</i>
The loss of employment land to waste uses could have an impact on the delivery of the District Local Plan's identified needs.	<i>No change. Many waste uses are found to be B2 or B8 uses (as recognised in the planning portals Guidance Note Waste Management, and case law). Notwithstanding whether a land use is B2 or sui generis, waste management land uses provide employment opportunities across a range of skills and education levels, and do not generally occupy disproportionately large footprints relative to their level of employment provision.</i>

Policy MW21 Energy from Waste

Summary of main issue	Council response
Additional text should be added to para 4.5.3.1 to set out the carbon benefits of EfW over landfill.	<i>No change. The addition proposed is not necessary, as energy recovery already sits above landfill in the waste hierarchy.</i>
It is not clear how this policy will operate in relation to the waste used and other policies of the Plan.	<i>No change. The policy is to ensure that a) any energy produced is captured, b) any energy from waste facility is designed so that if a heat user is not immediately available but does emerge later, the design can accommodate retrofitting the heat output, c) to provide an extra degree of flexibility in interpreting policy MW14 when considering energy from waste facilities, when that flexibility would allow the proposal to be located outside of an allocated industrial use, but next to a heat user. The waste used in these facilities is not a matter for this policy. The Plan should be read as a whole.</i>
The policy wording could be expanded to provide additional clarity, based on para 4.5.3.1-4.5.3.7.	<i>No change. The supporting text is provided to expand on the policy text; the justification and policy must be read together.</i>
This policy is not necessary and should be removed, it is not compatible with climate change reduction targets.	<i>No change. Energy from waste is not, in principle, incompatible with climate change reduction targets. The increased efficiency of EfW, through the capture and use of heat, is a key sector recommendation of the Climate Change Committee.</i>
Developments that include processes for energy from waste may harm heritage assets and their setting and there are no provisions within the policy to deal with this. Therefore, the Policy should be amended to include reference to this.	<i>No change. The plan should be read as a whole. The overarching considerations of Policy MW1, together with the Local Planning Authorities Local Plan heritage policies contained in the wider development plan, are sufficient. Such repetition and duplication does not enhance the Plan.</i>

Policy MW22 Landfilling of Waste

Summary of main issue	Council response
The landfilling of timber and plastics should be prohibited.	<i>This is beyond the remit of the Plan.</i>
Existing remaining landfill void capacity should be retained and protected unless there are clear reasons why a site should close before it is completed. The policy supports new capacity where there is a need, but not time extensions where a review process has been set out in a planning condition. The consideration of need should be set out in the policy as also applying to the varying the review process. Historically landfill has provided a significant buffer, being easily scaled up or down quickly. It also provides a lot of flexibility for waste types.	<i>Additional flexibility has been introduced to the policy.</i>
The Whitemoss hazardous waste landfill should be designated on the policies map, and additional text added to 4.6.1.8; without this any future application that comes to the Council may be determined under a policy void.	<i>No change. Whitemoss Landfill Site is an active landfill with planning permission for both its current operations and an extension. It is not appropriate to designate Whitemoss Landfill Site on the policies map; there is no site allocation, nor need for one, in the draft Plan. There is no need for additional text; the policies contained in the Plan would not constitute a policy vacuum.</i>
There is no specific acknowledgement that landfill capacity is becoming a regionally significant resource. Merseyside and Halton will increasingly be reliant on adjacent areas for landfill capacity, however commercial markets will dictate the catchment and rate of fill.	<i>Additional flexibility has been introduced to the policy. No authorities have formal approached the Minerals and Waste Planning Authority, under the duty to cooperate, to set out an unmet need and seek agreement on its management.</i>

Policy MW23 Landfilling of Low Level Radioactive Waste

Summary of main issue	Council response
Additional reference should be made at para 4.6.2.1 to the ongoing nature of the decommissioning works at the Springfields site.	<i>No change. This is not necessary</i>
There are very few landfill sites in the UK which can accept LLW for disposal. The proximity principle is considered at the point of consignment. Given the national need for suitable disposal sites, the policy should be revised to seek to restrict large volumes of waste arising from outside of the north west, rather than the plan area.	<i>No change. The justification for this is set out in the supporting text. There are a limited number of facilities nationally because operators have not come forwards with applications to allow these operations at other sites. As set out in the Plan there is no reason, in principle, why any landfill site cannot accommodate these activities. This policy may encourage other operators to bring applications forwards. Without restrictions such as the one proposed in the Plan, the situation where waste can be transported over unsustainable distances will continue.</i>
While there is no specific conflict with the relevant NPPF policy, at para 4.6.2.2 the terminology used should reflect that used in other regulatory regimes to avoid inconsistency; nuclear waste should be replaced with 'radioactive waste'.	<i>This has been rectified.</i>
Given Heysham 1 is scheduled to close in 2024 and Heysham 2 in 2030 there should be a statement in the Plan concerning their decommissioning and the waste arising from it. It would also useful to reference the changes currently under consideration in the national policy landscape which may result in more waste being disposed of onsite.	<i>No change. The decommissioning of the Heysham reactors is referenced in the supporting text. Referencing ongoing changes to national policy is not necessary.</i>

Policy MW24 Construction, Demolition and Excavation Waste Deposits to Land

Summary of main issue	Council response
Specific reference should be made in the policy wording to recognise the importance that the deposition of this type of waste has to the timely and beneficial restoration of quarry sites.	<i>No change, the considerations are sufficiently expressed in the policy wording, and this is expanded in the justification to set out particular considerations relevant to the circumstances described.</i>
The current wording fails to provide the positive support which is required to encourage proposals to be put forward for the levels of CDE landfill which may be needed. 'Only be supported' should be replaced with 'supported' and an additional criteria should be added 'at operational quarries where they do not compromise the long term restoration of minerals workings back to a beneficial after use within the original timescales of the parent permission'	<i>No Change. This is adequately expressed at para 4.6.3.4. Additional policy support, beyond that already expressed, is inappropriate within the context of a national policy to move waste up the waste hierarchy.</i>
It is not clear from the wording that the management of construction, demolition and excavation wastes may be subject to controls through the environmental permitting regime.	<i>No change. Many of the activities referred to in the Plan will require other permits or permissions. It is not necessary for the Plan to set out the wider regulatory environment.</i>
Developments for the deposition of construction, demolition and excavation waste may harm heritage assets and their setting and there are no provisions within the policy to deal with this. Therefore, the Policy should be amended to include reference to this.	<i>No change. The Plan must be read as a whole. This matter is addressed in policy MW1 and the wider development plan.</i>

Policy MW25 Safeguarding Minerals Infrastructure

Summary of main issue	Council response
Safeguarding of mineral reserves, resources and infrastructure needs to be robustly defended by policies and refusal of applications that potentially compromise the safeguarding requirements of the NPPF.	<i>No change. The policies as drafted provide the necessary protections.</i>
The policy should also cover waste infrastructure.	<i>Noted. The policy has been extended to cover licenced waste facilities.</i>
It is unclear why this is not a part of Policy MW7 Safeguarding Minerals.	<i>No change. The purpose of policy MW5 and policy MW20 are different, as are the matters to be considered during the planning application process.</i>
It seeks to only safeguard existing uses and not planned or potential sites.	<i>The policy seeks to implement the agent of change principle, as such it only applies to existing facilities.</i> <i>If an item of minerals or waste infrastructure is developed during the plan period then clearly this would also be covered by the policy without the need for the policy to be redrafted. The policy map would need updating, or an updated electronic map sharing with the relevant local planning authority. Text has been added to the implementation section to describe the process of reviewing and updating of the site list and notifying District councils.</i>
The policy does not fully incorporate the agent of change principle.	<i>The agent of change principle is sufficiently incorporated into the plan; this level of repetition/duplication with the NPPF and NPPG is not necessary or appropriate.</i>
Port activities benefit from permitted development rights, therefore the policy approach is ineffective.	<i>As set out in the justification, the intent of the policy is to protect existing operations on the land from encroachment of, for example housing development, without the housing development being designed to prevent amongst other things, noise impacts being felt</i>

	<i>by occupants of the development. It is not the intent of the policy to prevent redevelopment of the site itself, if the particular use has finished.</i>
The full extent of the reserves at Scout Moor have not been encapsulated	<i>This change has been made. Issues with the boundary at this or other sites can be resolved through alterations to the inset map as and when needed.</i>
The Scout Moor quarry access road should be included within the buffer zone	<i>No change. The policy is concerned with activities on site and using the site boundary was felt to be the most appropriate and consistent method.</i>
Recommends reference at section 4.7.1.6 to section 3.5 of the Marine Policy Statement.	<i>No change. This level of duplication is not necessary</i>
The policy should be clearer that the onus is on the developer to design their proposals to protect existing businesses and not the other way around. At paragraph 4.7.1.12 'non minerals development' should be added where the text states that 'the majority of applications likely to come forwards will be submitted to the Local Planning Authority to determine'. It would be helpful for the policy to reference the policies map or inset maps, as well as a list of current quarries/minerals infrastructure.	<i>No change. Para 4.7.1.4 refers to the policies map. Any list of infrastructure provide in the Plan will be subject to change during the Plan period and so have limited use. The first bullet point of the policy requires that a development is designed or located so as to be compatible with any impacts arising from the minerals infrastructure, this is sufficiently clear. At para 4.7.1.12 the wording is clear and the proposed addition is unnecessary.</i>
The City Council is concerned regarding the implications of this policy on existing residents and businesses located in the areas, are concerned that this policy may impact on their ability to meet future development needs on current or emerging allocated sites (including listing specific sites affected); and recommend that the policy be reworded to recognise that whilst the presence of adjacent minerals infrastructure is a material consideration, it is only one of a number of considerations to be taken into account.	<i>No change. The development plan must be read as a whole, this level of cross referencing is unnecessary.</i>
concerned that this policy may impact on their ability to meet future development needs on current or emerging allocated sites (including listing specific sites affected);	<i>No change. The development plan must be read as a whole, this level of cross referencing is unnecessary. It would be inappropriate</i>

and recommend that the policy be reworded to recognise that whilst the presence of adjacent minerals infrastructure is a material consideration, it is only one of a number of considerations to be taken into account. Inactive sites should not be included in the policy (including listing specific sites).	<i>to not consider potential future impacts, just because a site is inactive at the time an application comes forwards.</i>
The policy should include criteria, as found at paragraph 3.1.8, identifying the forms of development that, by their nature, are not relevant for consideration under this policy.	<i>These have been added.</i>
The MPA should be a consultee on the relevant applications. The Council should provide districts with contact details for the operators	<i>Contact details will be provided, as set out in the implementation subsection. It is inappropriate for the policy to specify that the MPA be a consultee, given that many of the applications concerned would be for waste proposals, or non-member minerals proposals.</i>
Clarification is needed on whether these should be shown on the LPAs policies map.	<i>The Town and Country Planning (Local Plan) Regulations (2012), s9(c) states that the adopted policies map must illustrate geographically the application of the policies in the adopted development plan. The Planning and Compulsory Purchase Act (2004) s38(3) defines the development plan as the adopted development plan documents for an area taken as a whole. The Plan will constitute one of the 'adopted development plan documents for an area'. It is not necessary for the Plan to repeat legislation.</i>
Why the minerals infrastructure safeguarding area is extended to 400m (paragraph 4.7.1.11), rather than the mineral safeguarding area itself.	<i>The purpose of policy MW5 and policy MW20 are different, as are the matters to be considered during the planning application process.</i>

Policy MW26 Safeguarding of Land for Access Improvements

Summary of main issue	Council response
A main foul sewer passes through the south eastern part of the Whitworth Quarry Alternative Access site	<i>No change. This is a matter that will be dealt with by the applicant in preparing a planning application, and through the development management process</i>
Due consideration should be given to the cycle route identified in the Rossendale draft Local Plan Publication (Pre-submission) as it relates to the safeguarded Alternative Access to Whitworth Quarry.	<i>No change. The Minerals and Waste Planning Authority is aware of the cycle route, and was involved in its inception and development. The safeguarded Alternative Access was considered during this process. It was considered that the safeguarding of the access should not prevent the routes development, and that it would be possible to develop the Alternative Access in the future, should it come forwards, without it interfering with the operation of the route.</i>
The haulage route through Back Lane quarry should not be allowed to constrain the potential lateral extension or deepening of Back Lane quarry.	<i>No change. This is not the intention of the policy.</i>
The alternative access at Whitworth Quarry is unlikely to ever be viable	<i>Whilst it may not be viable now, that is not to say it will not be at some point in the future, particularly as planning permission currently runs for another 20 years. Its retention is considered worthwhile.</i>

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

Arnsdale 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	EPIK
Dalton Coal & Fireclay	ERASE
Dalton Warner Davis	F Brewer & Son
DECC Office for Unconventional Gas and Oil	Facit Quarry Ltd
Defence Infrastructure Organisation	Fairhurst
Defend Lytham	FCC Environmental
DevPlan UK	FELLS
DPDS Consulting Group	Fisher German Chartered Surveyors
Duchy of Lancaster	Forestry Commission
East Lancashire Bat Group	Frack Free Fylde
East Lancashire Clinical Commissioning Group	Frank Barnes (Darwen) Ltd
Edenfield Village Residents Association	Freight Transport Association
Edwardson Associates	Friends of the Earth
English Heritage	Friends of the Tawd Valley Park
Entec UK Ltd	Fusion Online Ltd
Enviro Skips Ltd	Fylde and Wyre Clinical Commissioning Group
Environment Agency	Fylde Borough Council
Environmental Services Association Ltd	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	Knowsley MBC
Irwell Vale and Lumb Residents' Association	KWFG Farms
J A Jackson (Contractors) Ltd	Kwik Skip Hire Ltd
J Doyle & Co (Demolition) Ltd	Labour Party Blackpool South
J&J Ashcroft Ltd	LaFarge Tarmac Ltd
J&L Skip and Plant	Lake District National Park Authority
JA Jackson (Preston) Ltd.	Lambert Smith Hampton
JC Country Fresh Produce	Lancashire Economic Partnership
John Pallister Limited	Lancashire Environment Forum Local Nature Partnership
Jones Day	Lancashire North Clinical Commissioning Group
Jones Lang LaSalle	Lancashire Partnership
JWPC Ltd	Lancashire Police and Crime Commissioner
Kensington Developments	Lancashire Waste Services
Kiernan Construction Ltd	Lancashire Wildlife Trust
Kilnhouse Residents Association	Lancaster City Council
Kingscourt Developments	Landmark Information Group
Kirkwells Ltd	Leeming Quarry
Knight & Sons	Leith Planning

Leyland Pet Cemetery & Crematorium	Morecambe Metals
Liverpool John Moores University	Moss Rose Piggeries Ltd
Marine Management Organisation	MP Group
Marshall Clay Products	Mulberry Waste
Marshalls Mono Ltd	N&R Contractors Ltd
Marshalls Mono Plc	National Farmers Union
Marshalls Natural Stone	National Grid
Marshalls plc	National Trust (North West Regional Office)
Martland's Skip Hire	Natural England
Merseyside Environmental Advisory Service	Natural England Consultation Service
Metro Metals (Burnley) Ltd	Neales Waste Management
Mineral & Resource Planning Associates Ltd	Network Rail
Mineral Planning Group	New Earth Solutions Limited
Mineral Products Association	Newfield Jones Homes
Ministry of Defence	NHS East Lancashire
MJM Strategies Ltd	NLCCC
Morecambe & Lunesdale Conservative Association	North Lancashire Bat Group
Morecambe Bay Local Nature Partnership	North Lancashire Conservative Campaign Centre

North West Health Observatory	Peat Moss Supplies
North West Waste Forum	Peel Environmental Ltd
North Yorkshire County Council	Peel Holdings (Land & Property)
NPL Estates LTD	Pendle Borough Council
NSS UK Ltd	Pendle CLP
Nuclear Decommissioning Authority	Pendle Conservative Party
NULEAF	Performance Springs Ltd
Oakfield Riding School	Peter Marquis Waste Disposal
OCS Group Ltd	Pimbo Garden Centre
Office of Rail Regulation	Preston City Council
OK Energy Ltd	Preston Plastics
Omega Atlantic	Preston Recycling Ltd
One Voice	Primrose House Trust
P Casey Environmental Ltd	PTMC
Park Pit Landfill Ltd	Public Health England
Park Royal Haulage	Public Interest Consultants
Peacock and Smith	Quod
Peak & Northern Footpaths Society	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

