

**Meeting Note**

<b>File reference</b>	<b>TR010008 Heysham to M6 Link Road</b>
<b>Status</b>	<b>Final</b>
<b>Author</b>	<b>Jolyon Wootton</b>

<b>Meeting with</b>	<b>Lancashire County Council (LCC) Lancaster City Council (LC)</b>
<b>Meeting date</b>	<b>17 August 2011</b>
<b>Attendees (IPC)</b>	<b>Robert Upton</b> (Pre-application commissioner) <b>Tom Carpen</b> (Case leader) <b>Andrea Kellegher</b> (Case officer) <b>Jolyon Wootton</b> (Assistant case officer)
<b>Attendees (non IPC)</b>	<b>Steven McCreesh</b> (Project manager - LCC) (promoter) <b>Mike Kirby</b> (Director and SRO for Heysham - LCC) (promoter) <b>Ian Blinkho</b> (LCC solicitor) <b>Shiona MacDonald</b> (Project team – LCC) (promoter) <b>Malcolm Morrison</b> (Project team - LCC) (promoter) <b>Stuart Perigo</b> (Head of Development Management - LCC) (consultee) <b>Andrew Dobson</b> (Head of Planning - LC) (consultee)
<b>Location</b>	LCC offices, Winckley House, Preston

<b>Meeting purpose</b>	Inception meeting with Lancashire County Council and Lancaster City Council to discuss the role of the Local Authorities in the application process, in particular the final parts of the pre-application stage and to understand the pre-application work undertaken to date.
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<b>Summary of key points discussed and advice given</b>	<p>The Infrastructure Planning Commission (IPC) case team met with Lancashire County Council (LCC) (promoter), Lancashire County Council (LCC) (consultee) and Lancaster City Council (LC) to discuss the proposed Heysham to M6 Link Road.</p> <p>The IPC advised on its openness policy, that any advice given will be recorded and placed on the IPC's website under s.51 of the Planning Act 2008 (the Act) and also to note that any advice given does not constitute legal advice upon which applicants (or others) can rely.</p> <p><u>Project Introduction</u></p> <p>For the benefit of new members to the IPC team, LCC showed an animated fly-through video presentation that lasted 10 minutes. The presentation illustrated the length and landscape of the proposal to build a dual carriageway to connect Heysham with Junction 34 of the M6. The presentation showed the</p>
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beginning of the new road at the junction of the A683/A589, travelling north-east and passing over Torrisholme Road, West Coast railway line and the Lancaster Canal; passing under the A6 as well as Green and Kellet lanes on its course. The presentation also featured the roundabout to link the new road with the A6 and two bridges to take Green and Kellet lanes over the new road. The Shefferlands roundabout and the new realigned northbound on slip road to the M6 were also shown, as were links to Halton Road and Caton Road, other slip roads, and the park and ride facility. During the presentation, LCC pointed to recent changes to the project, including alterations to the Shefferlands roundabout, a new road to cross over Halton Road, changes to the alignment of the slip roads onto the M6, and the reduction of street lighting with only major junctions to be lit.

#### Project update

The IPC sought an update from LCC (promoter) on the completion of the draft documents, as well as its discussions with statutory consultees, and the submission of the application.

LCC (promoter) explained that funding for the scheme has been approved and key elements of the draft Development Consent Order (DCO) have been written, though some technical revisions are expected before submission. The Environmental Statement (ES) and ecology surveys are currently subject to a programme of rolling revisions. It gave a provisional date of end of August for sending the draft DCO to the IPC, and the end of October for the submission of the application. This is to allow for further consultation work to be carried out.

The IPC advised that it is able to comment on technical aspects of the draft DCO, but not on the merits of any particular application or proposed application as stated under s.51(2) of the Act. The IPC recommended to LCC (promoter) that, to allow sufficient time for comments to be made, a draft DCO should be submitted to the IPC at the earliest opportunity.

The IPC advised all parties that a meeting note would be published on the IPC website in accordance with s.51 of the Act, and Regulation 11(1) and (2) of The Infrastructure Planning (Applications: Prescribed Forms and Procedure) Regulations 2009 (APFP) but that the draft DCO would not be disclosed to the public as the document is deemed unfinished. The IPC added that LCC (promoter) may wish to share draft documents with stakeholders in order to ensure all issues that had been raised during the pre-application stage had been addressed where possible.

#### LCC Internal Arrangements

The IPC asked LCC (consultee) to clarify its internal

arrangements for the project, since LCC has a dual role under the terms of the Act as the promoter of the project and to fulfil its obligations as a statutory consultee. The IPC enquired how LCC would take steps to account for these separate duties.

LCC (consultee) presented an organisation chart in the meeting, illustrating the lines of reporting within the Authority for the promoter and consultee aspects of the Heysham Project. A copy of the organisation chart is attached to this meeting note.

LCC (consultee) explained that different Cabinet Members are responsible for the different roles of the County Council in connection with the proposal. The Cabinet Member for Highways & Transport is responsible as promoter whereas the Cabinet Member for Economic Development Planning and Environment is responsible for consultation responses. Separate project directors on the promoter and consultee side report to these Cabinet Members, so that the LA can carry-out its dual role as promoter and statutory consultee as a B authority.

#### The role of Local Authorities in respect of consultation

The IPC informed LCC (promoter) that the Commission had been made aware by stakeholders of their concerns regarding the nature of the consultation approach undertaken by LCC (promoter), questioning as to whether the whole project had been properly consulted upon.

The IPC advised LCC (promoter) of the importance of its duty to consult stakeholders in line with pre-application procedures under the Act and to take account of stakeholder responses to consultation. The IPC advised that LCC (promoter) in their Consultation Report would need to clearly demonstrate how it had consulted on the whole scheme and had taken account of the issues raised by stakeholders. In addition, the IPC advised attendees that on receipt of the application the Commission would write to them and neighbouring LAs to request their views on the adequacy of the consultation report. The IPC encouraged the LAs to start preparing their responses in advance of this date. The IPC informed attendees that, in general, where stakeholders had contacted the IPC it advised them to contact the promoter and LAs.

LCC (promoter) reported that a Statement of Community Consultation (SoCC) had been advertised and that consultation had been targeted towards those most affected by the project. An exhibition of the project had been shown in eight venues and attendees were invited to complete a questionnaire. Information about the proposal has been published on the LCC website.

LCC (promoter) advised that the whole proposal had been consulted on and not just the changes to the previously approved

scheme, but that the changes to the previous application were specifically highlighted during consultation.

LCC (promoter) raised that one prescribed person had been unable to provide comment so far on the scheme at this time owing to its current workload. LC advised LCC (promoter) to seek early feedback from prescribed persons yet to respond to ensure all issues raised from the consultation process are fully covered. The IPC endorsed the view that the promoter should aim to identify all the issues during pre-application process rather than submitting an application in haste. However, outstanding issues can still be raised at the relevant representations stage should the application be accepted for Examination.

The IPC addressed the stages at which an LA can submit views on an application. Once an application is accepted the LAs are asked to make representations to IPC regarding the adequacy of the consultation carried out by the applicant. The Commission has 28 days in which to make a decision on whether to accept the application for examination. The LAs were advised to ensure they would be able to respond in good time to the IPCs request.

If the application is accepted, the IPC will then request the LAs to submit their Local Impact Reports (LIR): the Commission sets a deadline for the submission of LIRs during Pre-examination. LAs will then submit their LIRs within the set deadline during Examination and make other representations should they wish to do so.

The IPC advised that, if the application is accepted, individual Councillors may make relevant representations about the proposal during the registration period. This is independent to the procedures followed by LAs as described above.

The IPC advised that, as statutory consultees, LC and LCC (consultee) are automatically registered as interested parties.

#### Local Impact Report (LIR)

LCC (consultee) queried whether it would need to consult stakeholders before preparing its LIR, as the IPC had previously advised that it should take on board any views it received when preparing its response to the SoCC.

The IPC advised that although that was the case for the SoCC, the LIR is the Council's own document on the impacts, and it does not need to consult stakeholders in preparing it; however, the council could do so if it wished. It would be for the Council to determine any necessary scheme of delegation for the production of the document. The Council's views on the acceptability of the proposal can be made separately through its representation as an interested party.

LC stated that they were consulting internally on their LIR. LCC (consultee) are currently producing their LIR.

The IPC advised that, should an application be accepted for examination, LIRs would be requested at the Pre-Examination Meeting, and IPC Advice Note One published on the IPC website offers information on the production of LIRs.

<http://infrastructure.independent.gov.uk/wp-content/uploads/2010/05/Advice-note-1-LIR.pdf>

Lancaster City Council's position on the previous (non-IPC) application.

The IPC advised that it was aware of different views on the LC's position in relation to the previous proposal. LC clarified that there was an extant Council decision in support of the previous application.

#### Compulsory Acquisition

LCC (promoter) asked the IPC about compulsory acquisition. It explained that it has identified the sites needed for work to be carried out, including the stationing of machinery and the storage of top soil. LCC anticipates that land in excess of that required to complete the proposal could be included under Compulsory Acquisition as there were alternative sites.

The IPC recommended to LCC (promoter) that a draft DCO needs to be clearly set-out, including Compulsory Acquisition. Compulsory Acquisition in the draft DCO would need to account for all sites, within the redline, required for works to be carried out.

Furthermore, the IPC encourages the promoter to ensure that all parts of the SoCC, the Book of Reference and relevant plans are appropriately set-out in line with the s.55 checklist: that the application satisfies all parts of s.55(3) (a)-(e) and s.55(4) of the Act in conjunction with the APFP regulations to be accepted by the Commission for examination.

LCC enquired at what point should Secretary of State consent be sought for Special Category land'. The IPC advised that it should discuss this as early as possible as agreement would be needed before a decision.

The IPC encourages LCC (promoter) to set out its questions in writing on Compulsory Acquisition and Special Category Land so that they could be fully considered.

Changes to the application post acceptance.

	<p>The IPC advised all parties of its recent procedural decision on the Brig Y Cwm application for an Energy from Waste scheme currently in examination. The applicant sought changes to the application during examination. The Examining Authority considered these to be material changes and they were not accepted. The IPC advised all parties that there is limited scope for any deviation from the scheme once it is submitted and importance is placed on promoters finalising all aspects of a project before a proposed application is sent to the Commission for acceptance.</p>
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<b>Specific decisions/ follow up required?</b>	<p>LCC (promoter) to send draft DCO to IPC at the end of August.</p> <p>IPC has requested LCC (promoter) to formulate a detailed question about the appropriate submission time for an application for a Certificate for Open Space land and 'Exchange Land', with IPC to provide a written response.</p> <p>IPC to provide clarification on whether land previously included in the draft DCO for compulsory acquisition can be deleted from the application if it is later decided that the land is not needed.</p> <p>IPC suggested a follow-up meeting to be arranged after the draft DCO is submitted.</p>
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<b>Circulation List</b>	<table border="1"> <tr> <td>Attendees</td> </tr> <tr> <td> </td> </tr> <tr> <td> </td> </tr> <tr> <td> </td> </tr> <tr> <td> </td> </tr> </table>	Attendees				
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# Lancashire County Council Organisation Chart

