

ADVICE NOTE

NOTICE OF MOTION – NORTHERN BY-PASS

COUNCIL 15TH MARCH 2006

Introduction

The motion relates to a scheme that has already been considered by the Council and its planning committee. The detailed planning application for the Heysham/M6 link was submitted by the County Council on 19th December 2005 and considered by the Planning committee on 20th February 2006. (A copy of the relevant minute is attached)

The City Council was a key statutory consultee, and its views as Local Planning Authority on the planning application are an important material consideration in the determination of the scheme.

The County Council as transport authority are responsible for major road schemes and they are also responsible for the determination of the planning application.

Call in procedures for planning applications

Duties to determine planning applications are allocated to District and County Councils in the Town and Country Planning Acts 1990. There are provisions in Section 77 that allow the Secretary of State in certain cases to call in applications to determine himself. These provisions are normally only exercised where the Local Planning Authority depart from the approved local plan, where there are more than local issues to consider, and where the Secretary of State believes that particular cases should be more closely scrutinised before permission is granted.

Applications come to the Secretary of States attention to potentially trigger this provision by a number of means. There may be a requirement to notify receipt of schemes by a direction in regulations; this is a matter for the County Council. There may be a requirement for the planning authority to give notification of schemes they want to approve which are departures from the development plan. Lobbying by third parties for call-in is also common place.

If the Secretary of State calls in the application there must be a Public Inquiry if the applicant or local planning authority request one.

This scheme is consistent with the current planning framework and not a departure from the local plan.

Reference to the Secretary of State

The County Council's Development Control service who are responsible for processing the planning application have already notified the Secretary of State of the application under the Environmental Impact Assessment directions. In this case there is not a question therefore of whether notification should be made, but whether the Secretary of State believes that he needs to deprive the County Council, as planning authority in this case, of jurisdiction to make the decision, and on what grounds.

The City Council's stated position to date

The Planning and Highways Regulatory Committee considered the detailed planning application on 20th February in its role as statutory consultee. The Committee resolved to support the application subject to a number of comments covering technical and sustainable transport provisions.

To summarise the current position the City Council has to date expressed support for the chosen northern route, consistent with its adopted Local Plan and the aspirations in the Community Strategy.

The effect of supporting the motion

The motion asks that the Council make direct representations to the Secretary of State to ask for the application to be called in and for a Public Inquiry to take place.

There are two ways in which such an action could be interpreted. The first is that the City Council is comfortable with this major development proposals being fully scrutinised and aired in public once again, and is supporting this action to ensure that all representations are fully and properly considered. A second and more negative interpretation would be that the City Council is giving an inconsistent message to national decision makers and funding bodies, implying that it is not confident with its decision to support the scheme.

Even with its current expression of full support for the scheme, it is a matter of fact that the City Council would co-operate fully with Public Inquiry procedures should the Secretary of State feel fit to require one to be held. In such a scenario the City Council's clear and consistent support would make its position in taking part in the Inquiry unambiguous.

If the motion were supported then two differing messages would have been given to the eventual decision makers muddying the City Council's actual position as an organisation. It would also be interpreted as a lack of confidence that a proper level of detailed consideration has been given to the policy position and detailed planning design of this scheme, despite over thirty years of debate on the matter. In short the credibility given to the City Council's evidence at any subsequent Inquiry, would be weakened.

Conclusions

The City Council has an agreed position on the Heysham/M6 link road and has a clear response to the County Council's application as a statutory consultee (Planning and Highways Committee 20th February 2006 minute 213). The County Council is the relevant planning authority for the application and will refer to the Secretary of State as the regulations require. A call for a public inquiry into the application could be interpreted as an objection to the application and inconsistent with the Planning Committee decision of the 20th February 2006. Ultimately equivocation around the proposal could damage the project's potential to attract the necessary financial support to be implemented. The City Council has responded, as a statutory consultee through the planning committee but this does not represent the only way that alternative views to the scheme can be presented. The County Council gave the opportunity for objections to the application to be made and individuals and lobby groups can still seek a call in of the application by approaching the Secretary of State directly.

John Donnellon
Corporate Director Regeneration

Planning & Highways regulatory committee 20th February 2006

Minute 213

A17 05/01584/CPA

Construction of a new highway – completion of Heysham to M6 link and improvements to existing highways for Lancashire County Council

It was proposed by Councillor Chadwick and seconded by Councillor Gilbert

“That the application be approved”

12 members voted in favour, 7 against with 1 abstention, subject to extra comments on those listed to take account of,

1. the Chief Environmental Health Officers advice on controls over the construction phase, including the hours of working, noise control and pile driving
2. The environment Agency’s requirements in respect of flood risk/environmental impact issues
3. The need for the introduction of “routing” controls for HGV’s in relation to the new road.