

**EXAMINATION OF THE LANCASTER DISTRICT STRATEGIC POLICIES AND LAND  
ALLOCATIONS DEVELOPMENT PLAN DOCUMENT AND DEVELOPMENT PLAN DOCUMENT  
SUBMISSION DRAFTS**

**INSPECTOR'S MATTERS, ISSUES AND QUESTIONS TO THE COUNCIL**

**HEYSHAM PORT LIMITED (PART OF THE PEEL PORTS GROUP): SUPPLEMENTARY  
STATEMENT**

**Brabners**

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## 1. Introduction

1.1 This statement (with supporting exhibits) is submitted on behalf of the Port and is supplementary to the hearing statement provided on 1 April 2019 and the representations / discussions which took place at the Examination Hearing on 9 April 2019.

## 2. National Policy Statement for Ports (January 2012)

2.1 The National Policy Statement for Ports (NPS) as presented to Parliament pursuant to section 5 (9) of the Planning Act 2008 in January 2012 provides the framework for decisions on proposals for new port development. Paragraph 1.2.1 of the NPS states that the framework is a relevant consideration for local planning authorities (where they have a role to play) and the Marine Management Organisation when determining port development proposals and applies to associated development such as infrastructure. We therefore submit the NPS document (Appendix A) for the Inspector's consideration and ask that in relation to this document the following points are duly noted:

2.1.1 The provision of sufficient sea port capacity is an essential element in ensuring sustainable growth in the UK economy (paragraph 3.1.4)

2.1.2 Ports have a vital role in the import and export of energy supplies, including oil, liquefied natural gas and biomass, in the construction and **servicing of offshore energy** installations and in supporting terminals for oil and gas pipelines. Port handling needs for energy can be expected to change as the mix of our energy supplies changes and particularly as **renewables play an increasingly important part as an energy source**. Ensuring security of energy supplies through our ports will be an important consideration, and ports will need to be responsive both to changes in different types of energy supplies needed **(and to the need for facilities to support the development and maintenance of offshore renewable sites)** and to possible changes in the geographical pattern of demand for fuel, including with the development of power stations fuelled by biomass within port perimeters (paragraph 3.1.5)

2.1.3 Ports continue to play an important part in local and regional economies, further supporting our national prosperity. In addition to some 70,000 people estimated in 2010 to be working on port related activities or on the port estate, indirect employment (supplying goods and services to companies engaged in port activity) and induced employment (associated with expenditure resulting from those who derive incomes from ports) ranged from 18,000 to 86,000. More recent studies have produced higher estimates. **By bringing together groups of related businesses within and around the estate, ports also create a cluster effect, which supports economic growth by encouraging innovation and the creation and development of new business opportunities.** And new investment, embodying latest technology and meeting current needs, will tend to increase the overall sector productivity (paragraph 3.1.7)

2.1.4 The Government's policy for ports **allows for judgements about when and where new developments might be proposed to be made on the basis of commercial factors by the port industry or port developers** (paragraph 3.3.1)

2.2 The Land is a helicopter facility used to support the Port's operations. The Port requires the continued use of the helicopter facility so as to support the Morecambe Bay off-shore gas fields, and, with regards to future use, the Land will support the Ports proposed operations / expansion into renewable (offshore) wind energy. As previously submitted, the Crown Estate propose developments for offshore wind farm zones in North Wales and the Irish Sea and the Port is keen to provide offshore support in respect of this. The Port's future business strategy is to develop its offshore wind operations which is justified and supported by the NPS. To restrict commercial expansion by de-allocating the Land from being within Policy SG14 would go against the NPS, a material consideration to which weight should be afforded.

### 3. Planning fall-back

- 3.1 The Land has an established land use as a helicopter facility for the Port's operations. Planning permission was granted by Lancaster City Council on 25<sup>th</sup> February 1985 and the Inspector has already been provided with a copy of this planning permission.
- 3.2 As a result of the 1985 Planning Permission, the Land has 'operational land status'; the helicopter facility was granted for the Port and for the purpose of supporting the Port's operations / operational development. The helipad has a functional link to the Port's land and operations (current and future) and therefore should be allocated as the Port's operational land.
- 3.3 The helicopter facility for the Port's operations is the 'planning fall-back' position in respect of the land; irrespective of whether or not the LDC is granted or the land is allocated, the authorised use of the Land in accordance with planning permission is a helipad to support the Port's operations. Accordingly, the Port is entitled to make use of this land use and the existing facilities to support future developments / operations. Given that the fall-back position is a helipad for the Port's operations, there is no justifiable reason why the Land should not be retained as part of Policy SG14 which allocates land as the 'Port's operational land'.
- 3.4 The Port has sufficient evidence to demonstrate the continuous use of the Land as a helipad / operational land since 1991 to present day and therefore has applied to Lancaster City Council for a Certificate of Lawful Use for Existing Use ('the LDC'). The purpose of the LDC is to demonstrate the authorised land use and to show that the Port has sufficient evidence of lawful use. Where the LDC is granted, this will confirm the fall back planning position; that the Land is a helicopter facility for use by the Port and to support the Port's operations / future operational development. We submit the following documents for the Inspector's consideration which have been submitted with the LDC application and document the existing use of the Port as a helipad for the Port's operations:
- 3.4.1 LDC Exhibit 1 (Appendix B) – Location plan to identifying the Land. This location plan was provided by search flow and identifies the helipad facility on the Land showing that the facility is registered as being in existence.
- 3.4.2 LDC Exhibit 5 (Appendix C) - The Bolton News article entitled 'Little Lever Teenager' reporting on a rescued teenaged in Heysham after being swept away by the tide. This article, dated 10 August 2015) reveals that the North West Air Ambulance attended the incident scene and landed at the helipad at the Port of Heysham.
- 3.4.3 LDC Exhibit 6 (Appendix D) - Morecambe Bay Partnership Recreational Disturbance and Access Management Report dated May 2015. As requested, the full document is provided.
- 3.4.4 LDC Exhibit 8 (Appendix E) - Aeronautical chart of UK airspace restrictions and hazardous areas (and Schedule) produced by National Air Traffic Services (3 May 2012)
- 3.4.5 LDC Exhibit 11 (Appendix F) - National Non Domestic Rate Bill in respect of the Helicopter Pad and premises for the period 16 January 2009 to 1 April 2009 issued by Lancaster City Council on 3 September 2009. This is a bill issued to the Port by Lancaster City Council to set out the National Non Domestic Rate / charge payable by the Port to the Council for the helicopter pad and premises – the premises to which this bill is applicable is described as the 'Helicopter Pad and Premises' and the address given is the Centrica Helicopter Landing Pad, North Quay, Heysham Port, Morecambe, Lancashire, LA3 2UL.
- 3.4.6 LDC Exhibit 18 (Appendix G) - Heysham Port Map (Official Map) dated 2005. A helicopter pad is labelled as being situated on the Land on the official Port of Heysham Map. The document also provides the following as a description for the Port of Heysham:

"located on the north side of the harbour, on more than 20 acres with a 150 metre long exclusive quay, the supply base includes 5,100 square metres of modern warehousing, cement and bentonite silos, bunkering, craneage, workshops, storage compound and helipad overseen by a contemporary management and administration centre.

- 3.6 The LDC was validated on 17 April 2019 by Lancaster City Council.
- 3.6 Given the above position, the historical use of the Land together with the supporting policy documents it is clear that the Land in question is part of the operational area of the Port.
- 3.7 Whilst the Council may view this use and the LDC as a "red herring", it does form an important baseline of the use which must be considered against any future use whether that be an expansion of the Port or any future opportunities around diversification.
- 3.8 The use described above, in the previous statement and in the LDC is an important narrative which should have been considered.

#### **4. Habitats Regulations Assessment ("HRA")**

- 4.1 The information contained in both the previous statement and this supplementary statement together with the LDC clearly supports the position regarding the historical and current of the site.
- 4.2 It, therefore, cannot be right that the Council, Natural England and Arcadis have not included this use within the HRA and it shows an ignorance of the Port's operation in its entirety.
- 4.3 The statement of common ground, between the Council and Natural England, states that this Land was included in the allocation for SG14 in error, but this Land has always been included in the previous land allocation for the Port under the local planning policy.
- 4.4 There was no consultation with the Port for the Land to be removed from the allocation. As such for this to have been included as a result of an error by the Council and then subsequently removed in its entirety following discussions with Natural England seems unreasonable.
- 4.5 It is the fault of Natural England, the Council and Arcadis for this land not to have been included in the HRA and therefore a full assessment is required to allow for the land to be potentially allocated in Policy SG14.

#### **5. Strategic Policies & Land Allocations Development Plan Document**

- 5.1 The Strategic Policies and Land Allocations Development Plan Document (as proposed to be modified) is unsound. The Land is for the Port's current and future operational use justified by planning permission and supported under the NPS. There is no justifiable reason for the Land to be de-allocated from SG14.

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**APPENDIX A**

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