

CUMBRIA MINERALS & WASTE DEVELOPMENT FRAMEWORK

EXAMINATION OF MINERALS & WASTE CORE STRATEGY & GENERIC DEVELOPMENT CONTROL POLICIES

Submission by the QPA under Matter 3: “Delivering the overall strategy”

- (i)b. It is a requirement under 3.28g (CSD1) for all new minerals development proposals to demonstrate that a proportion of energy requirement has been secured from renewable sources. It is rarely possible to meet any significant proportion of the energy needs of minerals sites from such sources. Extraction sites are unpopular enough without additional concerns being raised by proposing the erection of structures such as wind turbines. Policy CS1 (CSD1) restricts this requirement to waste management developments, and QPA have no objection if that is the intention to that. However, as worded, the inconsistency renders the Core Strategy unsound as 3.28g fails soundness test vi. To correct this, 3.28g should be brought into line with the third bullet point of CS1.

The fourth bullet point of CS1 is unclear and could consequently render the Core Strategy unsound as it fails soundness tests vii and viii. No justification is given for requiring a cradle to grave analysis of the products of mineral workings and it is not clear how such an analysis can be undertaken for process emissions. Indeed, the last paragraph of CS1 implies that Cumbria CC are not yet clear how such analyses should be undertaken.

The fourth bullet point should be deleted.

- (iii)a. As drafted, Policy CS4 (CSD1) is not consistent with National policy (MPS1 (ND11) Para.14) and therefore fails test iv .

The policy does not distinguish between major mineral development, to which MPS1 (ND11) requires that rigorous tests apply, including the scope for alternative supply from outside a designated area and non-major development where those tests should not all apply.

In the case of major mineral development in some nationally designated areas and sites, alternative sites being considered should be outside those designated areas or sites and do not necessarily have to be less harmful.

The words “waste and major minerals” should be inserted before “development” in the first line of the last section of CS4.

The words “that would result in less or no harm” should be deleted from the second bullet point of the last section of CS4.

- (iii)c. As drafted Policy DC11 (CSD3) does not properly reflect national policy. It therefore fails soundness test iv. MPS1 (ND11) Para.14 advises that MPAs should adopt a presumption in favour of the preservation in-situ of nationally importance heritage assets and sites, if minerals proposals would have a significant impact or cause damage to them. That is not the same as a presumption against planning permission being granted if in-situ preservation cannot be secured, which is the effect of DC11.

The presumption against permission being granted for any minerals or waste development that would have any impact on sites and areas carrying a local heritage designation fails to acknowledge that “rescue and record” techniques, though they will technically damage a site, may be acceptable and that effects upon the character and appearance of Conservation areas may not be significant.

- (v)a. It should be made clear that if compensation is sought through a planning obligation to address a loss of amenity, that compensation will only accord with the tests set out in Circular 05/2005 if it directly addresses the loss of amenity. As a result of the compensatory measures, the development should be made to accord with published local, regional or national planning policies (Circular 05/2005, Annex B, Para.B3). Funding to support enhancements to amenity that is not directly related to new minerals development can be secured through the Aggregates Levy Sustainability Fund.