

CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK

**SUBMISSION DRAFT CORE STRATEGY AND GENERIC
DEVELOPMENT CONTROL POLICIES**

**RESPONSE TO THE INSPECTOR'S REQUEST FOR FURTHER
INFORMATION**

12 September '08 (by email)

Dear John,

Copeland BC's comments on the Cumbria MWDF Core Strategy

I am currently considering how we should respond to all of the representations that we received. As you will appreciate, one aim is to see if changes to the text and/or policies would resolve some of the points that are made.

No doubt there will still be differences between us, that will need to be aired at the hearing, but I shall be grateful if you can let me know if the following changes would satisfy some of your objections. Can we arrange to meet to go through them?

- a) Add "District Local Plans and Local Development Frameworks" to the spatial context list in paragraph 1.4.(representation ref 2760)
- b) Additional text in para 3.26 and 7.23 as below re location for urban based waste management facilities. I do not consider we could give a commitment to only identify sites within defined settlement boundaries.(representation ref 2760)

3.26 This Framework also focuses on the emissions from traffic that would be generated by minerals and waste developments. Minerals can only be worked where they occur and the approach, that will be developed in the Site Allocations Policies, is to seek to minimise "mineral road miles" by meeting local demand from the nearest geological source. Similarly, optimum locations will be sought for waste management facilities related to the area they serve. The approach has the added advantage of reducing the impacts of minerals and waste traffic on the Cumbria road network. **For the siting of waste management facilities a sequential approach will be adopted which gives preference to brownfield land and sites within District Local Plans and Local Development Frameworks over greenfield sites.**

7.23 An integrated and adequate network of facilities is needed, which takes account of the characteristics and geography of Cumbria. **For urban based waste management facilities a sequential approach will be adopted which gives preference to brownfield sites and allocated land.** The accessibility principle of the Local Transport Plan, and considerations of the transport implications of waste management facility locations, are at the heart of an integrated approach. This Waste Core Strategy proposes a decentralised network with a preference for sites which could accommodate more than one type of facility, for example, a Household Waste Recycling Centre and a Transfer/Bulking Station. This relates well to the Overall Strategy and Core Strategy Policy for minimising "waste miles".

- c) In paragraph 8.10 add a cross reference to Policy 3 (representation ref 2768):

8.10 The uncertainties about national policy for managing the higher level wastes, and about who would make the decision to grant or refuse planning permission for any proposed facilities, have been outlined above. In the light of such uncertainties, it has

been necessary to consider the appropriateness of including detailed policies, in this plan, for the staged process that is likely to be involved for managing these higher level wastes. It is likely that further planning applications will be submitted in connection with interim storage of the higher level wastes at Sellafield. A policy for such proposals is therefore, appropriate and Structure Plan Policy ST4 has been used as the basis for this policy. **With regard to community needs Core Strategy Policy 3 on Community Benefits is also relevant.**

d) Additional text in paragraph 8.20 about wastes that do not require multi-barrier containment (representation ref 2772):-

8.20 It seems likely that the recently permitted additional capacity for storing waste at the Repository will last until 2019 or even beyond the plan period. It is possible that proposals for additional capacity may need to be considered towards the end of that period. Other development proposals, not involving additional capacity, are expected to come forward in the next few years associated with the proposed new methods of managing the waste at the Repository. **Wastes that do not require multi-barrier containment will continue to arise, including substantial quantities from nuclear decommissioning. The nature of these wastes , their quantities and how much of them will require off-site provision for disposal is not yet clear from the Integrated Waste Strategies. The matter will be kept under review in the MWDF Annual Monitoring Reports.**

e) Re Policy 11 and your point about dealing with a planning application when a community wishes to withdraw from the process. I don't think there is a difference of opinion between us about this. My understanding is that the whole process would stop if a community withdrew.

Yours sincerely,

Richard Evans

Environment

County Offices, Kendal, Cumbria
LA9 4RQ Tel: 01539 713425
Fax: 01539 773439
Email information@cumbriacc.gov.uk

Date: 16 September 2008
Ref: RGE/p334-021-002

Miss Rachel Bust
Deputy Head of Planning
The Coal Authority
200 Lichfield Lane
Berry Hill
Mansfield NG18 4RG

(By email)

Dear Miss Bust,

The Coal Authority's representations on the Cumbria MWDF Core Strategy and Generic Development Control Policies (representor ref 427)

I refer to our meeting in July and to our telephone conversation. As I explained, I am currently considering how to respond to all of the representations that we received and with a view to finding out if amendments to the text could satisfy the issues/objections. I shall, therefore, be grateful if you can let me know if the following amendments would overcome some of your concerns. Some of these changes relate to comments made by other people. I would also suggest that we try to agree a statement of common ground before the Hearing in November. The deadline for this would be 21st October.

At this stage the suggested changes are only officer recommendations, they will be considered by the Council at a meeting on 7th October. It will be helpful if you can let me have your comments by 3rd October. We have been advised that a change to Core Strategy Policy 14 to include a consultation area for coal, would have to be publicised with a six week consultation period. This is because the safeguarding of coal resources has not been proposed at earlier stages of the plan preparation process.

- a) Additional text in para 3.62 re restoration:

3.62 In addition to biodiversity there can be other important restoration objectives such as landscape enhancement and retention of best and most versatile agricultural land. There may also be opportunities where built development is an appropriate and practicable afteruse which can deliver social and economic benefits. [The sustainability objectives referred to in the policy are set out in Section 5.3 and Tables 5.1 and 5.2 of the submitted Sustainability Appraisal Report.](#) [Appropriate and thorough restoration may also be needed for some sites in order to reduce future liability for public safety arising from previous mineral and waste developments and land instability.](#)

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- b) Additional text in para 4.5 re a consultation area.

4.5 Strategic areas can be identified for sand and gravel and for crushed rock. The Key Diagram at the end of this document shows their existing Mineral Consultation Areas. Detailed assessments of supply areas, quarry outputs and remaining permitted reserves will be undertaken in connection with the

Site Allocations Policies Development Plan Document. This work will take into account the present pattern of quarries and other indicative resource areas identified on the geology map. (Mineral Resource Information for development plans - Cumbria and the Lake District : Resources and Constraints British Geological Survey 2001). **The need for a Consultation Area for shallow coal resources is being reviewed with the Coal Authority.**

c) Additional text in paras 4.12 and 10.39 re fireclay and consultation areas:

4.12 Cumbria has extensive coal **and associated fireclay resources**, although the last deep mine closed several years ago and there are now no active opencast sites. There are no current proposals for further coal **and fireclay** mining, but the situation will be kept under review. **The need for a consultation area for the shallow coal resources, which are mostly in west Cumbria, is being reviewed with the Coal Authority.** There has also been interest in appraising Cumbria's oil and gas resources. A Minerals Core Strategy policy is proposed for coal bed methane and for oil and gas.

10.39 There are extensive coal **and associated fireclay** resources within West Cumbria but none of these are being worked. National energy policy and the need to mine coal will be kept under review. That could result in the need for a Core Strategy policy but, for the present time, the Generic Development Control Policies are considered to be adequate. **The Coal Authority has proposed that areas of shallow coal resources should be identified as a Mineral Consultation Area, this will be taken into account in the Site Allocations Policies.**

d) Additional text in para 9.4 re remaining coal resources:

9.4 There are fourteen active crushed rock quarries within Cumbria, three of these are partly within the Lake District National Park. Limestone, igneous and sandstone rocks are quarried. In addition to producing aggregates, four of the limestone quarries supply industrial **markets, mostly for burnt lime. There are also fourteen active sand and gravel quarries, none of these are within the National Park. Lists of the quarries are included in the Background Information section of the Issues and Options Discussion Paper. All of the sandstone and igneous rock quarries are in the south of the county, whilst the majority of the limestone ones are in the east, relatively few quarries supply the north and west of the county. There are around seven processing plants producing aggregates from recycled or reused materials. There are currently no active surface or underground coal mines in the county but there are extensive deep and shallow coal resources..**

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e) Reference to a consultation area in Core Strategy Policy 14:

Core Strategy Policy 14

MINERALS SAFEGUARDING

Mineral resources will be safeguarded by identifying :-

- Preferred Areas and/or Areas of Search to enable a landbank of at least seven years sales at the Regional Spatial Strategy's apportionment level for sand and gravel to be maintained throughout the plan period;
- A Preferred Area or Area of Search for extending Ghyll Scaur quarry for nationally important very high specification roadstone ;

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- An Area of Search for extending High Greenscoe quarry for brickmaking mudstones ;
- A Preferred Area and/or Area of Search for working additional gypsum and a Mineral Safeguarding Area for the remaining gypsum resources;
- Mineral Safeguarding Areas for the indicative sand and gravel and hard rock resources identified by the British Geological Survey;
- Mineral Safeguarding Areas for resources of local building stones.
- Mineral Consultation Areas, which will include buffer zones around the Preferred Areas, Areas of Search, Mineral Safeguarding Areas and shallow coal resources.

The need to safeguard other mineral resources, secondary aggregate resources and potential railheads and wharves, will be considered in the Site Allocations Development Plan Document.

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f) Additional text in para 10.2 re landbanks:

10.2 It is proposed to identify areas in the Site Allocations Policies Development Plan Document and on the Proposals Map, although it may not prove necessary to identify all four different types of areas. Whatever approach is adopted for safeguarding minerals, the County Council is responsible for making sufficient provision to meet anticipated need over the plan period. **Except for energy minerals, for which "need" does not have to be established,** this involves the sizes of "landbanks" of minerals planning permissions that will be maintained at any one time. Quarry companies have put forward proposals for quarry extension areas to be identified in the Development Framework. The Site Allocations Policies will consider if provision should be made for these areas of land and, if so, what type of safeguarding is appropriate.

The Key Diagram shows the existing Mineral Consultation Areas for sand and gravel and limestone, to be consistent with this approach, we could show the west Cumbria coalfield consultation area that was used for consultations with the Coal Authority prior to 2004. The revised consultation area would be considered in the Site Allocations Policies

Yours sincerely,



Richard Evans

Principal Planning Officer

email: Richard.Evans@cumbriacc.gov.uk

Date: 15 September 2008
Ref; RGE/p334-021-002/JEF

Mr D Richardson
Development Manager
Kier Mining
Greenburn OCCS
Auchincross Farm
New Cummock
Ayrshire KA18 4QR

Dear Mr Richardson,

Kier Mining's representations on the Cumbria MWDF Core Strategy and Generic Development Control Policies (representor ref 481)

I am currently considering how to respond to all of the representations that we received and with a view to finding out if amendments to the text could satisfy the issues/objections. I shall, therefore, be grateful if you can let me know if the following amendments would overcome your concerns.

c) Additional text in para 4.5 re Consultation Areas:

4.6 Strategic areas can be identified for sand and gravel and for crushed rock. The Key Diagram at the end of this document shows their existing Mineral Consultation Areas. Detailed assessments of supply areas, quarry outputs and remaining permitted reserves will be undertaken in connection with the Site Allocations Policies Development Plan Document. This work will take into account the present pattern of quarries and other indicative resource areas identified on the geology map. (Mineral Resource Information for development plans - Cumbria and the Lake District : Resources and Constraints British Geological Survey 2001). **The need for a Consultation Area for shallow coal resources is being reviewed with the Coal Authority.**

d) Additional text in paras 4.12 and 10.39 re fireclay and consultation areas:

4.12 Cumbria has extensive coal **and associated fireclay resources**, although the last deep mine closed several years ago and there are now no active opencast sites. There are no current proposals for further coal **and fireclay** mining, but the situation will be kept under review. **The need for a consultation area for the shallow coal resources, which are mostly in west Cumbria, is being reviewed with the Coal Authority.** There has also been interest in appraising

Cumbria's oil and gas resources. A Minerals Core Strategy policy is proposed for coal bed methane and for oil and gas.

10.39 There are extensive coal **and associated fireclay** resources within West Cumbria but none of these are being worked. National energy policy and the need to mine coal will be kept under review. That could result in the need for a Core Strategy policy but, for the present time, the Generic Development Control Policies are considered to be adequate. **The Coal Authority has proposed that areas of shallow coal resources should be identified as a mineral consultation area, this will be taken into account in the Site Allocations Policies.**

e) Additional text in para 10.2 re landbanks:

10.3 It is proposed to identify areas in the Site Allocations Policies Development Plan Document and on the Proposals Map, although it may not prove necessary to identify all four different types of areas. Whatever approach is adopted for safeguarding minerals, the County Council is responsible for making sufficient provision to meet anticipated need over the plan period. **Except for energy minerals, for which "need" does not have to be established**, this involves the sizes of "landbanks" of minerals planning permissions that will be maintained at any one time. Quarry companies have put forward proposals for quarry extension areas to be identified in the Development Framework. The Site Allocations Policies will consider if provision should be made for these areas of land and, if so, what type of safeguarding is appropriate.

The changes to the submitted documents are being considered by the Council at a meeting on 7th October, it would be helpful if you could let me have your comments by 3rd October.

Yours sincerely,



Richard Evans
Principal Planning Officer

email: Richard.Evans@cumbriacc.gov.uk

15th September '08 (by email)

Dear Mr Storey,

**Aggregate Industries' comments on the Cumbria MWDF Core Strategy
(representor ref 44)**

I am currently considering how to respond to all of the representations that we have received and with a view to seeing if amendments to the text could satisfy some of the issues/objections. I shall, therefore, be grateful if you can let me know if the following amendments would overcome some of your concerns.

- a) Additional text in para 3.24:
3.24 For proposed mineral working and processing developments, it is considered that the whole life cycle of the product and its purpose will need to be taken into account rather than just a particular proposed development. There would appear to be considerable potential for effective actions since the Stern Report lists mining and quarrying and concrete production in the 25 most energy intensive UK industrial sectors (out of 123). **One of the considerations may involve the respective merits of extending an existing quarry compared with the development of a new one.**
- b) Include reference to national importance in Core Strategy Policies 7 and 14:

Policy 7
The igneous rocks near **Ghyll Scaur Quarry** are identified as the only location for further supplies of **nationally important** very high specification roadstone
Policy 14
A Preferred Area or Area of Search for extending Ghyll Scaur quarry for **nationally important** very high specification roadstone ;
- c) I do not consider we can reach agreement about identifying an Area of Search for Holmescales Quarry, it will have to be a Hearing matter.

Changes to the submitted documents are being considered by Cabinet on 7th October, it would be helpful if you could let me have reply by 3rd October.

Yours sincerely,

Richard Evans
Principal Planning Officer

Date: 15 September 2008
Ref: RGE/P334/021/002/JEF

Letter to representors about radioactive wastes

Dear «Title» «Lastname»

Representations on the Cumbria MWDF Core Strategy and Generic Development Control Policies

As you know the radioactive wastes sessions of the Hearing into the Minerals and Waste Development Framework are programmed for 18th and 19th November at Whitehaven. An additional Inspector will be attending these sessions. As part of the preparation for the Hearing I am currently considering how the County Council should respond to all of the representations that we received about the above documents. As part of this process I would like to find out if amendments to the text could satisfy some of the issues/objections that you have raised.

Some of the comments relate to the principles of geological disposal of the higher activity wastes and I think it could be appropriate for some of these points to be referred to in the supporting text. However, I should make it clear that I do not consider that issues about geological disposal are appropriate matters for the Examination of the Minerals and Waste Development Framework. This is because the Framework does not include any proposals for such disposal. As stated in Core Strategy paragraphs 8.11 and 8.12 it is not even known if there are areas of suitable geology within the county.

Core Strategy Policy 11 relates to geological disposal but it only sets out the stages at which the County Council would expect planning applications to be submitted. The policy is included because the Government has started its process of inviting expressions of interest. The policy would come into play only if a community in Cumbria volunteered to participate in the process of finding a site for a geological disposal facility and if it involved a site with suitable geology. The environmental impacts to which representations have referred would need to be addressed in any planning application at Stage 2 and Stage 3 as described in the policy.

Some of the comments are also considered to be more relevant to the responsibilities of the Nuclear Installations Inspectorate and the Environment Agency rather than to those of the County Council as the local planning authority. The Inspector has invited these other regulators to attend the Hearing in November.

No doubt there will still be differences between us that will need to be discussed at the Hearing but I should be grateful if you could let me know if some of your concerns would be overcome if the additions/amendments that are set out on the attached pages were made to paragraphs of the text and to Core Strategy Policy 10. These additions and amendments relate to representations about radioactive wastes that were made by a number of people as well as the ones that you made. I think it will be useful for you to consider all of these changes that are being considered. I would stress that these are only suggestions for changes at the moment, the Council will be formally considering what changes it should propose at a meeting on 7th October. It will be helpful if I could have your comments by Friday 3rd October.

I would also point out that the Council will soon be formally publicising some of the proposed post-submission changes to the submitted Core Strategy and Generic Development Control Policies and that there will be a six week consultation period about these.

Yours sincerely

A handwritten signature in black ink that reads "Richard Evans," with a comma at the end. The signature is written in a cursive, slightly slanted style.

Richard Evans
Principal Planning Officer

email: Richard.Evans@cumbriacc.gov.uk

