



**CUMBRIA MINERALS AND WASTE DEVELOPMENT  
FRAMEWORK**

**SUBMISSION DRAFT**

**CORE STRATEGY AND GENERIC DEVELOPMENT CONTROL  
POLICIES**

**Cumbria County Council's response to the Inspector's  
request for further information (as set out in Annex C  
of the Guidance Notes for participants)**

RGE/ p 334/021/003

**September 2008**



## **Introduction**

This statement has been prepared to inform the Independent Examination by the Planning Inspectorate of the submitted draft Core Strategy and draft Generic Development Control Policies of the Cumbria Minerals & Waste Development Framework (MWDF). The Examination commenced in March 2008 when these Development Plan Documents were submitted to the Secretary of State. As part of the Examination process, some of the representations that have been made will be heard at a Hearing in Public. The Hearing is programmed over two weeks commencing on 11<sup>th</sup> November 2008.

A Pre-hearing meeting is being held on 25<sup>th</sup> September 2008 and the Inspector has provided Guidance Notes for participants at the Hearing. This statement sets out Cumbria County Council's response to the further information that was requested by the Inspector in Annex C of the Guidance Notes.

The consultation period for the submitted documents ended on Friday 30 May 2008. Sixty one people or organisations submitted representations. A total of 197 separate comments were made about the Core Strategy and 66 about the Generic Development Control Policies.

For the Core Strategy there were 81 comments that it was unsound; 53 that it was sound and 63 which did not specify whether it was sound or unsound.

For the Generic Development Control Policies there were only 7 comments that they were unsound; 37 that they were sound and 22 that did not specify sound or unsound.

Email representations that were received just after midnight on 30 May were accepted as having been duly made because there has been a problem with the Council's email system earlier that day. One representation was received on Monday 2<sup>nd</sup> June and was not accepted as being duly made. This was because it was not received within the statutory period for consultations and also because it appeared to relate to consultations for the South Lakeland Local Development Framework and not the MWDF.

# 1 Procedural, conformity and general matters

## a. Details of any proposed/suggested changes to the submitted DPDs (including any minor updates/changes to the wording of policies/text).

- 1.1 *Post submission changes are being recommended, these are mainly for amendments and additions to paragraphs of text but also for limited changes to policies. The recommended changes will be considered by Cabinet on 7<sup>th</sup> October. Where changes are being recommended in response to representations, letters are being sent to the representors asking for comments on the recommended changes.*
- 1.2 *The most significant change would be to Core Strategy Policy 1. This is intended to bring it into line with changes in national and regional policies. The change would require carbon reduction measures instead of just focusing on a requirement for developments to secure a proportion of their energy needs from renewable or low carbon energy supplies. This change is not in direct response to representations but is relevant to some of them.*
- 1.3 *It is also recommended that reference to Mineral Consultation Areas for the shallow coal resources should be added to Core Strategy Policy 14, in response to representations by the Coal Authority and Kier Mining. The Inspector has advised that this change will have to be advertised and be subject to consultation, because it is a matter that was not considered at the earlier Issues and Options and Preferred Options stages.*
- 1.4 *The changes that are being recommended are highlighted in the copies of the Core Strategy and Generic Development Control Policies documents in Appendices 1 and 2 to this statement. Spreadsheets that set out the recommended changes against summaries of the relevant representations are included as Appendix 3. The Sustainability Appraisal of the recommended changes to the two policies is included as Appendix 4*
- 1.5 *Copies of the letters that have already been sent to representors are included in Appendix 5.*

## **An assessment of the implications of the Secretary of State's Proposed Changes to the draft RSS and any consequential changes needed to the policies/text of the submitted DPDs.**

- 1.6 *The adopted RSS will be published on 30 September 2008, until then it is not known if all of the Secretary of State's Proposed Changes will be included. The recommended change to Core Strategy Policy 1, to align it with the Proposed Changes to RSS*

*Policies EM 17 and 18 and national policy has been mentioned above.*

- 1.7 With regard to RSS Policy EM13 and its related Table 9.3, significantly different figures for commercial and industrial waste arisings and management were introduced at the Proposed Changes stage. If those figures are incorporated into the adopted RSS then changes to Core Strategy Policy 9 may be appropriate.*
- 1.8 However, these changes would only involve altering numbers for quantities of waste. The soundness test is for general conformity with the RSS, not conformity. In accordance with PPS 12 paragraph 4.20 (2004), this means whether any inconsistency would cause significant harm to the implementation of the RSS. No such harm has been identified and it is not considered that the Secretary of State's Proposed Changes raise issues of general conformity of the Core Strategy or Generic Development Control Policies with the RSS. This is confirmed by the Regional Planning Body's statement that the submitted documents are in general conformity with both the draft RSS and the Proposed Changes. The Regional Planning Body, now renamed 4NW, will be attending the Pre-Hearing Meeting.*
- 1.9 The details of this change to the Core Strategy would be that the figures of commercial and industrial waste management/treatment capacity in the first paragraph of Core Strategy Policy 9 would be increased (from the present range of 659,000 to 750,000 tonnes/year to the 849,000 tonnes/year in the RSS Proposed Changes). However, the eleven treatment facilities mentioned in Core Strategy paragraph 7.30 and in the third paragraph of Policy 9 – Waste Facilities - should still be adequate because of the flexibility in their throughput. They include seven facilities for commercial and industrial wastes and four for municipal*
- 1.10 Whilst, for the Core Strategy, the throughput of each treatment plant has been assumed to be 50,000 tonnes/year (paragraph 7.30), experience with municipal waste facilities suggests that up to 70,000 tonnes/year would be practicable. That would appear to give sufficient flexibility if it proves necessary to treat the RSS's Proposed Changes forecast of an additional 99,000 tonnes/year of commercial and industrial waste arisings.*
- 1.11 There would be concern if we had to reduce the landfill figure to accord with the RSS Proposed Changes forecast of considerably reduced landfill requirements for commercial and industrial waste. Such a rapid diversion from landfill would be welcome and the Council had argued at the Examination of the draft RSS that it was inappropriate for it to assume there would*

*be no change in the way these wastes are managed. This was because of the powerful drivers for change, including the rapidly escalating cost of landfill.*

1.12 *The RSS Proposed Changes have gone to the other extreme by assuming there will be very rapid diversion away from landfill. Our concern is that the essential infrastructure needed to achieve this is not in place and that under provision of treatment or disposal capacity could restrain the economy. No change is being recommended to the Core Strategy Policy 9 figure of an additional 2 million cubic metres of landfill capacity above permitted void space at existing sites. It seems likely that these will be the only sites in the county for the plan period.*

**b. Confirm that the approach to Appropriate Assessment under the Habitat Regulations has the approval of Natural England.**

1.13 *Copies of Natural England's (NE) letters dated 4 June and 28 May 2008 are included as Appendix 6. The later letter confirms that Natural England agrees with the conclusions of the Assessment. The letter also sets out suggestions for additional and amended wording for the text of the Assessment. The Council will be discussing this matter with Natural England to see if a revised Assessment can be produced by 21<sup>st</sup> October.*

1.14 *Consultations with Natural England commenced in July 2006, we then had a power point presentation about Appropriate Assessment from NE in September 2006. A first draft of the Assessment was forwarded in November 2007 and the submitted version incorporated changes that had been requested by NE in March 2008.*

**c. Confirm that the approach to Strategic Flood Risk Assessment has the approval of the Environment Agency.**

1.15 *The Environment Agency's letter dated 21 May 2008 is included as Appendix 7. It confirms that the Agency is satisfied with the content of the SFRA and that it has been developed in accordance with PPS 25.*

1.16 *The Strategic Flood Risk Assessment was commissioned jointly with the Lake District National Park, Copeland Borough and Eden and South Lakeland District Councils. The other Cumbria districts – Carlisle, Barrow and Allerdale - had already commissioned their SFRA's. The Environment Agency was involved and was very helpful throughout the process, from preparing the brief for consultants to signing off the final reports.*

**d. Summarise the process of Sustainability Appraisal of the DPDs and how this has influenced the submitted DPDs.**

- 1.17 *The purpose of the SA is to guide the MWDF, by identifying the key sustainability issues facing Cumbria, and predicting what would be the likely effects of the Core Strategy and Generic Development Control Policies on those issues. We have approached the SA process with an attitude of trying to move away from a simple “do no harm” approach to one of “do some good”. The emphasis given to enhancement and opportunities in Core Strategy Policy 4 is an example of this approach. An aim has been to ensure that developments on the ground, in accordance with the policies, have as many positive effects as possible, and that any negative effects are avoided or mitigated.*
- 1.18 *It is considered that implementing the Core Strategy policies will make a positive contribution towards achieving the sustainability objectives. The Core Strategy policies will not operate in isolation; the Generic Development Control Policies will play a vital sustainability role in ensuring that enhancement potential is realised, where practicable, and that potential negative effects on the environment, people and the economy are minimised.*
- 1.19 *Work on the Sustainability Appraisal commenced in 2005. Several meetings were held, throughout that year and in 2006, jointly with all of the Cumbria District Councils and the Lake District National Park Authority. These meetings were to agree a common set of SA Framework objectives and to identify the key issues and problems for the county. The four statutory Strategic Environmental Assessment consultees attended some of these meetings.*
- 1.20 *The County Council’s Sustainability Team produced a draft Scoping Report for the Sustainability Appraisal of the Minerals and Waste Development Framework, which was sent out to consultees in December 2005; the final Scoping Report was produced in July 2006 (Document reference LD77).*
- 1.21 *Land Use Consultants Ltd (LUC) were commissioned, in August 2006, to carry out the Sustainability Appraisal. Regular meetings were held as the Development Plan Documents were being drafted to ensure that they were in accordance with the findings of the SA. LUC were also involved in meetings with stakeholders. A meeting with biodiversity stakeholders had already been held in January 2006; this was before LUC’s involvement. They gave presentations at subsequent meetings with other stakeholders, which were held in September 2006 and May 2007.*
- 1.22 *Building on the Council’s preliminary scoping work, LUC developed an appraisal framework that was used as the basis*

for the SA. The following objectives were identified as those most relevant to the MWDF:-

- *NR4: to manage mineral resources sustainably and to minimise waste*
- *SP2: to improve access to services, facilities, the countryside and open spaces*
- *SP5: to improve the health and sense of well-being of people*
- *EN1: to promote and enhance biodiversity*
- *EN2: to preserve, enhance and manage landscape quality and character for future generations*
- *EN3: to improve the quality of the built environment*
- *NR1: to improve local air quality and reduce greenhouse gas emissions*
- *NR2: to improve water quality and resources*
- *NR3: to restore and protect land and soil*
- *EC1: to retain existing jobs and create new employment opportunities*
- *EC3: to diversify and strengthen the local economy.*

1.23 *Each of these objectives is supported by a set of more detailed criteria, which have been used to determine whether the Core Strategy and Generic Development Control Policies would contribute to achieving the SA objectives. The criteria were tailored in order that they would be appropriate to assess policies specific to waste, policies specific to minerals and those specific to both policy areas (submitted SA Report February 2008, paragraph 13 of the Non technical summary).*

1.24 *The Issues and Options Discussion paper had been published in June 2006, before LUC's involvement. The first part of their work was to go through these issues and options very carefully with us and to advise on their findings. The Stage 1 Sustainability Appraisal Report on the Issues and Options was produced in November 2006 (Document reference LD90).*

1.25 *The Preferred Options were published for consultation in February 2007 together with LUC's Stage 2 Report Preferred Options.*

1.26 *Following criticism by Government Office North West, the Council repeated its consultations on the Core Strategy in November 2007 for the Changes to the Preferred Options Core Strategy together with LUC's Stage 2.1 Report.*

1.27 *It should be noted that, up to this stage, the Council was still progressing the Site Allocations Policies and Proposals Map alongside the Core Strategy and Generic Development Control Policies. This meant that information about specific sites that had been identified, and which ones were preferred, was in the*

*public arena. Sites were the focus of many of the comments that were made at public meetings. Following advice from Government Office North West and the Planning Inspectorate, the Council decided to delay further work on sites until after the Core Strategy had been examined.*

*1.28 The submission draft Core Strategy and Generic Development Control Policies were published in March 2008 together with LUC's final Sustainability Appraisal Report.*

*1.29 Work on progressing the Council's preferred options for sites is continuing and will involve further Sustainability Appraisals. Consultations on these Site Allocations Policies are programmed to start in December 2008.*

*1.30 The sustainability effects of the DPD policies will be monitored and it is intended to focus on identifying:*

- sustainability performance trends*
- potentially significant effects that may give rise to irreversible damage to sustainability*
- potentially significant beneficial and enhancing effects*
- potentially significant effects where there is uncertainty in the SA, in order for preventative or mitigation measures to be taken.*

*1.31 Monitoring of effects will depend to an extent on indicators or datasets that are provided by outside bodies, such as the Environment Agency. The Council will continue to liaise with statutory environmental consultees and other stakeholders, in order to obtain up-to-date information that can effectively inform the monitoring process. The most recent work has been on improving the biodiversity evidence base.*

*1.32 All of the Sustainability Appraisal Reports have been published on the County Council's website.*

**e. Summarise the alternative strategies/options considered for minerals and waste planning and how they were consulted on and assessed, including by Sustainability Appraisal.**

*1.33 The consultation process is described in the Regulation 28 Pre-submission Consultations Statement. Regulation 25 consultations commenced in May/June 2005. Further letters and a summary of background information were sent out in September 2005. Local architects and planning consultants were consulted specifically about building stones in November 2005.*

*1.34 The Issues and Options Discussion Paper (Document reference LD73) was published in June 2006. It covered the Core*

*Strategy, Site Allocations Policies, Generic Development Control Policies and included maps of sites. This was the main Regulation 25 consultation, initially with a six week consultation period to the end of July, but which was extended until 30 September. During this period, presentations were made at 28 public meetings around the county.*

- 1.35 The Discussion Paper set out options and invited suggestions for any others that people considered were appropriate. Twenty four questions were included in the text; these were intended as an aid for anyone making comments. The most relevant parts of the evidence base were set out in the first half of the document as Background Information.*
- 1.36 For waste management, the main strategic option was whether or not to make provision for all of Cumbria's wastes and just for Cumbria's wastes. Subsidiary options were whether sites should be suitable for both municipal and commercial and industrial waste; how many sites should be identified for new facilities; whether assumptions about how wastes would be managed were correct; how much landfill capacity should be provided; whether energy from waste plants should only be for Cumbria's wastes; whether there should be a centralised or decentralised pattern of facilities; the relevance or adequacy of existing development plan policies and whether additional facilities for Low Level Radioactive Wastes should only be for those arising in Cumbria; the types of location for new facilities; the process and methodology of finding sites and issues about identified sites..*
- 1.37 Aggregates are the main minerals worked in the county. The extent of current planning permissions means that there are very limited practicable planning policy options available in relation to crushed rock for general aggregate use. The main strategic choice has been whether to provide for sand and gravel at the level of the Regional Spatial Strategy's sub-regional apportionment or at the level of the historic sales figures.*
- 1.38 The minerals options put forward in the Issues and Options paper related to the pattern of sand and gravel quarries; how appropriate current development plan policies still are and which ones should be kept; whether a larger proportion of aggregate supply should be from marine dredged sand; whether the plan should try to identify the circumstances in which zinc mining in the North Pennines AONB would be acceptable; issues about identified proposals for additional working of aggregates; and criteria for additional gypsum and anhydrite workings.*
- 1.39 The Sustainability Appraisal consultants commenced work in August 2006, their Stage 1 Report on the Issues and Options was produced in November 2006 (Document reference LD90).*

- 1.40 *The conclusions of the Stage 1 SA are set out in Section 4 of the report. This highlighted the potentially significant issues and provided guidance on the relative merits or otherwise of pursuing different options. Particular matters that it identified, to help define the most appropriate way forward, were – whether economic benefits were justifiable in terms of higher environmental and social effects; the need for further testing of relative cumulative impacts, thresholds and environmental capacity at subsequent stages; the need for further site-specific analysis; that it would be useful to understand more fully the transport related repercussions of proposed approaches; and that further consideration should be given to the relative weighting of policy drivers.*
- 1.41 *A number of the issues and options were excluded from the Stage 1 report as they were not felt to be key issues or there were no reasonable alternatives (paragraphs 3.105 to 3.107 in the Stage 1 Report). It also identified options that could effectively be excluded from further analysis on the basis of their potentially adverse impact.*
- 1.42 *The Preferred Options Core Strategy, Site Allocations Policies and Generic Development Control Policies were published in March 2007. The six week, Regulation 26, consultation period for these was from 1<sup>st</sup> March to 13<sup>th</sup> April 2007.*
- 1.43 *The findings of the SA of the Issues and Options Discussion Paper had been taken into account by the Council when developing the Preferred Options. For example, considerable emphasis was placed on reducing “minerals and waste miles”. In addition, many of the preferred policies attempted to strike a balance between the “do minimum” and “do maximum” approaches which had been tested out in order to incorporate elements of both, which performed well in sustainability terms and provided a “best fit” for Cumbria (submitted SA Report February 2008, paragraph 14 of the Non technical summary).*
- 1.44 *The Core Strategy was then revised in order to demonstrate that options had been considered. The Proposed Changes to the Preferred Options Core Strategy were published in November 2007. The repeated six week Regulation 26 consultation period ran from 1<sup>st</sup> November to 14<sup>th</sup> December 2007. The Sustainability Appraisal Stage 2.1 Report was published at the same time.*
- 1.45 *The Proposed Changes to the Preferred Options Core Strategy included twenty two policies; alternatives were listed for seven of these (Policies 1, 3, 4, 8, 13, 16 and 17) and the reasons for not choosing them were set out. For the other policies, alternatives were not put forward for reasons that are explained in paragraph 3.23 of the submitted Regulation 28 Pre-submission*

*Consultations Statement, although suggestions for alternatives were invited.*

*1.46 The alternative policy options that were listed included –*

- a centralised pattern of sites/facilities instead of one that reduces “waste and mineral miles”;*
- different thresholds for triggering renewable/low carbon energy supply requirements;*
- to use carbon dioxide emissions as a sustainability criterion instead of energy supply;*
- not to take account of how buildings fitted into an integrated waste management process, or*
- of their construction and design;*
- not to expect afteruse and restoration schemes to deliver sustainability objectives;*
- to expect that significant amounts of Cumbria’s wastes would be managed elsewhere, or*
- that regional waste management facilities would be sited in Cumbria;*
- for a more decentralised network of waste management facilities, or*
- for just two facilities;*
- not to identify sites but rely on criteria based development control policies;*
- to maximise the economic potential of Cumbria’s mineral resources, or*
- to minimise mineral production to maximise environmental protection;*
- to increase the landbank of crushed rock aggregates;*
- to concentrate on a smaller number of larger quarries;*
- not to recognise the national importance of some minerals.*

*1.47 The key findings of the Sustainability Appraisal of the Proposed Changes are set out in paragraphs 3.3 to 3.16 in the Stage 2.1 SA Report and the appraisal of the sustainability implications of the revised plan objectives in its Table 2.1. The Key Conclusions were set out in paragraphs 4.2 to 4.7.*

*1.48 The performance of several of the revised policies against SA objectives was considered to have been strengthened and they scored well against them. In some cases preferences needed to be based on the relative strength of key policy drivers.*

*1.49 The Appraisal pointed out the challenges associated with policies relating to climate change, as it is very much an emerging area of planning policy, which is heavily reliant on supporting economic and technological initiatives. The need to strike a balance between competing plan and SA economy and environment objectives continued to be a theme of the Appraisal*

*particularly with strengthened policies. The Development Control Policies were seen to have a key role in preventing unacceptable environmental impacts.*

- 1.50 Planning obligations were seen as having a key role in delivering sustainability and in striking the balance between the potentially competing objectives. The policy on strategic areas for new developments was considered to be an important step forward in establishing a clearer spatial view. There was continued SA concern about the lack of a waste reduction policy and possible internal plan inconsistency was identified, with a need for further clarification of the role of the planning system.*
- 1.51 Attention was drawn to the need to mitigate the impacts of new facilities because of their potential to score negatively against social and environmental objectives. The specialised area of policies relating to radioactive waste was acknowledged, aspirations in relation to community engagement about Cumbria's role in accommodating new radioactive waste facilities were considered to require further explanation and clarification of the role of the planning system.*
- 1.52 With regard to mineral supply and landbanks, further SA assessment would need to have the benefit of site specific information. An assessment of the landscape and traffic implications of a revised pattern of quarries compared to the existing ones, and of a concentrated or dispersed pattern of environmental impacts, were also considered to require more detailed information. The importance of using site selection criteria that reflected SA objectives was flagged up.*
- 1.53 The conclusions of the Sustainability Appraisal of the submitted Core Strategy and Generic Development Control Policies are set out in its Chapter 9. It notes at the outset that, subject to the planning system making sufficient suitable sites available, the Core Strategy Policies will make an important contribution to achieving key SA Objective NR4 – To manage mineral resources sustainably and to minimise waste.*
- 1.54 With regard to environmental and social SA objectives, it identifies a need for a co-ordinated approach to education and awareness raising to overcome perceptions about “bad neighbour developments”. Further work is also seen to be particularly important in relation to minimising “minerals and waste miles” because it is a key provision of policy.*
- 1.55 The strong policy protection given to landscape, biodiversity, water, land and soil needs to be reflected in the Site Allocations and is seen to depend on effective implementation of the Generic Development Control Policies. Similarly, the positive policies to provide materials to maintain and restore local*

*distinctiveness will also require further consideration in the Site Allocations and effective implementation of the development control policies.*

*1.56 The potential tensions between economic and environmental objectives in terms of delivering mineral and waste developments are mentioned again, as at previous SA stages.*

**f. What is the current position with the Council's municipal waste management contracts and new draft Joint Municipal Waste Management Strategy, and do they have any implications for the policies/text of the submitted DPDs.**

*1.57 Negotiations continue with the preferred bidder for the Council's municipal waste management contract, with a projected completion date of December 2008. In the event that the negotiations are unsuccessful, the County Council has a reserved bidder. This would involve a change in technology from Mechanical and Biological Treatment (MBT) to Energy from Waste (EfW).*

*1.58 The details of the two bids are summarised in Core Strategy paragraph 7.26. Because negotiations with the preferred bidder have not yet been concluded, paragraph 7.27 explains how the Core Strategy retains flexibility for both of these waste contract options. This flexibility is demonstrated in Core Strategy Policy 9 under Waste Facilities, which makes provision for both options.*

*1.59 The basic locational strategy would almost certainly remain the same, i.e. two main waste management plants, one in the north and one in the south of the county, with materials recovery facilities and/or transfer stations serving these facilities. If the reserve bid is implemented the change would be likely to require amendments to the detailed wording of Core Strategy Policy 7 and its associated text, but not to its principles. The reserve bidder included proposals for its existing waste management sites in the county, including those at Lillyhall, near Workington and Bennett Bank, near Barrow in Furness.*

*1.60 The Joint Municipal Waste Management Strategy 2008 - 2020 (Document reference LD38) has now been agreed by all the partners and is no longer a draft. The text has been updated in terms of numbers and percentages reported, but there are no changes to targets or actions and, therefore, no changes are needed to the Core Strategy.*

**g. How do the DPDs relate to other plans/strategies, including district Local Plans, and what is the relationship with the**

**provision for waste and minerals in the Lake District and Yorkshire Dales National Parks.**

- 1.61 *All of the councils within and adjacent to Cumbria and the National Park authorities have been consulted at each stage of preparing the MWDF. All of the Cumbria district councils, as waste collection authorities, are members of the Joint Municipal Waste Management Partnership.*
- 1.62 *A wide range of documents and their policies, themes and objectives have been taken into account in preparing the MWDF. Core Strategy paragraph 1.4 lists the plans/strategies which provide its spatial context. National and Regional policies set the context for all Local Development Frameworks, which should not repeat those policies. It is considered that the Core Strategy and Generic Development Control Policies are in accordance with national and regional policies and no issues of unconformity have been identified.*
- 1.63 *In addition to PPS 12 : Local Development Frameworks, the national planning policies that are most relevant are those which are set out in the following Planning Policy Statements (PPS) and Mineral Policy Statements (MPS):-*
- *PPS 1: Delivering Sustainable Development;*
  - *its Planning and Climate Change Supplement;*
  - *PPS 9: Biodiversity and Geological Conservation;*
  - *PPS 10: Planning for Sustainable Waste Management;*
  - *PPS 25: Development and Flood Risk;*
  - *MPS 1: Planning and Minerals;*
  - *MPS 2: Controlling and Mitigating the Environmental Effects of Mineral Extraction.*
- 1.64 *Other Government policies relating to radioactive wastes are particularly relevant to Cumbria because of its concentration of nuclear facilities:-*
- *Managing Radioactive Waste Safely programme for higher activity radioactive wastes (DEFRA) (Document references LD43, LD44), and*
  - *Policy for the Long-term Management of Solid Low Level Radioactive Waste in the UK (DEFRA, DTI and the devolved administrations) (Document reference LD42).*
- 1.65 *With regard to regional policies, the draft Regional Spatial Strategy (RSS) has been published and has undergone its Examination during the preparation of the MWDF. This has meant that account has had to be taken of policies in the draft RSS, the Examination Panel's recommendations and, more recently, the Secretary of State's Proposed Changes. The*

*following RSS policies have been the most relevant ones:-*

- *DP 1 Regional Development Principles;*
- *EM 1 Integrated Land management (changed to Integrated Enhancement and Protection of the Region's Environmental Assets);*
- *EM 7 Minerals Extraction;*
- *EM 8 Land-won Aggregates;*
- *EM9 Secondary and Recycled Aggregates;*
- *EM 10 A Regional Approach to Waste Management;*
- *EM 11 Waste Management Principles;*
- *EM 12 Proximity Principle (changed to Locational Principles);*
- *EM 13 Provision of Nationally, Regionally and Sub-regionally Significant Waste management principles;*
- *EM 14 Radioactive Waste;*
- *EM 17 Renewable Energy.*

*1.66 The adopted Regional Spatial Strategy will be published on 30 September 2008.*

*1.67 The North West Regional Economic Strategy, Climate Change – North West Action Plan, and the Annual Reports of the North West Regional Aggregates Working Party and North West Regional Technical Advisory Body have also been taken into account. The latter two set out detailed figures for provision of aggregates supplies and of waste management capacities.*

*1.68 At sub-regional or county level, there is a range of documents that tackle both overarching policies, such as the County Council Plan, as well as discrete areas of policy, such as the Local Transport Plan and the Local Area Agreements. The relationship of the MWDF to other strategies is summarised in Chapter 5 of the Core Strategy which focuses on the six Community Strategies, more detail was given in Chapter 4 of the Issues and Options Discussion Paper.*

*1.69 The Cumbria Strategic Partnership's Sub-regional Spatial Strategy (Document reference LD30) describes the key spatial issues for Cumbria and these are directly relevant to minerals and waste management issues:-*

- *geographic isolation;*
- *dispersed population and settlements;*
- *out of date transport infrastructure;*
- *poor economic growth;*
- *affordable housing;*
- *the contrast between the county's environmental assets and its legacy from earlier urban development, and*
- *monitoring and review of plans.*

- 1.70 *The overall context and the scale of the economic and social problems faced by the county are set out in Sustainable Cumbria 2004 – 2024 A Strategy for growth and progress for Cumbria. This highlights the county’s problems of social and economic decline, that are unrivalled in the UK, and its priorities for regeneration and diversification of the economy. The Strategy’s vision – to have the fastest growing economy in England – requires that worthwhile jobs be provided, the quality of employment sites be improved to enable diversification of the economy and more development land opportunities identified, whilst at the same time, the environment is protected and enhanced.*
- 1.71 *Bringing this vision to fruition will have a direct bearing on the Cumbria MWDF. The planned regeneration schemes, additional employment land and economic diversification will need adequate supplies of minerals, particularly aggregates, and an adequate network of appropriately located waste management facilities. It is essential that these are provided in the right places and at the right times. It is also important that minerals and waste management developments are not perceived as being prejudicial to regeneration initiatives. Jobs that are created or maintained in minerals and waste management developments can be regarded as part of economic regeneration.*
- 1.72 *All of the Community Strategies include policies about use of natural resources and for moving waste up the waste hierarchy. Reducing, re-using, recycling and composting wastes will all require new facilities to be provided. For West Cumbria, the Community Strategies seek its development as a centre of excellence in growth sectors where there are significant strengths and proven capability, including management of wastes arising from nuclear decommissioning. This mirrors the management theory philosophy ‘to succeed, do more of what you do well’.*
- 1.73 *The West Cumbria Spatial Masterplan, now called the Energy Coast Masterplan, was prepared at the same time as the MWDF, and seeks the transformation of this part of the county through regeneration and diversification. It envisages the development of centres of excellence for energy and environmental technologies, as well as seeing the challenge of nuclear decommissioning and radioactive waste disposal as a contribution to global sustainability.*
- 1.74 *The District Council Local Plans cannot include policies for minerals and waste developments. Their main relevance for the MWDF has been their allocations of land for business and industry, which have been used in identifying potential sites for the Site Allocations Policies. The County Council, Allerdale and*

*Copeland Borough Councils have worked together on issues concerning radioactive wastes, and the Copeland Local Plan policies relating to these and to community benefits have been relevant considerations.*

- 1.75 The Cumbria MWDF excludes those areas of the county that are within the Lake District and Yorkshire Dales National Parks. The two National Park Planning Authorities are preparing their own Local Development Frameworks, which include minerals and waste policies. The numbers of people within these areas are relatively small, and in the Cumbria MWDF it is assumed that there will be no significant new waste management facilities within the National Parks that would reduce the provision that needs to be made in the Cumbria MWDF. The County Council has an existing Household Waste Recycling Centre at Ambleside, within the LDNP.*
- 1.76 The figures for annual aggregate sales for Cumbria include quarries that are within, or straddle the boundary of, the Lake District National Park and these cannot be separated due to confidentiality restrictions. It is not considered that this is a serious problem that distorts the overall production/supply issues. The LDNP boundary bisects Kendal Fell quarry, on the outskirts of Kendal, which was identified for waste management facilities in the Site Allocations Policies with the approval of the National Park Authority.*
- 1.77 There is close working between the relevant mineral and waste planning authorities, demonstrated by the regular meetings of the Northern counties and the North West mineral and waste planning authorities concerning MWDF matters. Strategic minerals and waste issues are addressed through the representation of the North West authorities on the Regional Aggregates Working Party and Regional Technical Advisory Body.*
- 1.78 Those parts of the north and east of the county that adjoin the Northern region and Northumberland, Durham and North Yorkshire are sparsely populated. In general, no issues have been identified that cross the administrative boundaries. There are two exceptions to this, as described below.*
- 1.79 There are old planning permissions for underground mining of zinc near Nenthead, which extend into Northumberland and are close to the county boundary with Durham (see Core Strategy paragraph 10.35, Changes to the Preferred Options Core Strategy paragraph 7.53, Issues and Options Discussion Paper paragraphs 6.17, 6.18 and Question 16).*
- 1.80 There are also potential issues relating to high specification roadstone quarries in the Yorkshire Dales National Park. As*

*stated in Core Strategy paragraph 7.19, Cumbria may be asked to make up any shortfall that arises if National Park policies result in a decrease in output from those quarries. It is not yet clear whether that will happen.*

*1.81 The most relevant considerations for adjoining authorities relate to Lancashire. The main issue is that, at the present time, waste from the southern part of Cumbria is taken to landfill near Fleetwood in Lancashire. Discussion with Lancashire confirms that the county has extensive permitted landfill capacity but the Cumbria Core Strategy seeks to make provision for all of Cumbria's wastes. Core Strategy paragraph 7.10 explains that an implication of this is that at least one new waste disposal facility will need to be provided in the south of the county. Lancashire is also pursuing a policy of self-sufficiency in waste management.*

*1.82 People living in the south of Cumbria tend to use the Household Waste Recycling Centre at Carnforth in Lancashire, but there is no formal arrangement or reciprocal agreement between the Councils. The Issues and Options Discussion Paper (paragraph 2.30) identified a possible need for a new HWRC at Milnthorpe. This could be needed if the Joint Municipal Waste Management Partnership keeps the target of providing an HWRC within five miles of 90% of the population. This matter will be reconsidered in the Site Allocations Policies and kept under review in the Annual Monitoring Reports.*

*1.83 Another cross boundary issue is that the Low Level Waste Repository has a national role, which includes taking wastes arising from nuclear and non-nuclear establishments within the region and elsewhere.*

**h. Does the Core Strategy make the difficult decisions about minerals and waste planning, including the nature, number and broad locations of mineral sites and waste management facilities, or does it leave too many details for further reviews, subsequent DPDs and the Annual Monitoring Reports.**

*1.84 The Core Strategy includes details of the nature, number and broad locations for a range of minerals and waste management facilities.*

*1.85 Core Strategy Policy 7 – Strategic Areas for New Developments – identifies broad locations for new municipal waste management facilities and for some minerals. Core Strategy Policy 9 quantifies the waste management capacity that will be needed, the number of facilities and additional landfill capacity. The types of facilities are described in paragraphs 7.26 to 7.32.*

- 1.86 *The different types of waste management facilities were described in more detail in Chapter 2 and Box 1 of the Issues and Options Discussion Paper. Possible sites were also identified at that stage, and in the subsequent Preferred Options Site Allocations. Sites are not identified in the submitted documents because further work on them has been postponed until after the Hearing. Site location criteria are listed in Table 7.1 (Core Strategy paragraph 7.34) and are being reviewed for the Site Allocations Policies and their Sustainability Appraisal.*
- 1.87 *The continuing national role of the Low Level Waste Repository near Drigg is identified in Core Strategy Policy 12.*
- 1.88 *Roan Edge and Ghyll Scaur high specification roadstone quarries are specifically mentioned in Core Strategy paragraphs 10.15 and 10.16.*
- 1.89 *Core Strategy Policy 13 states that provision will be made to meet the RSS's apportionment to Cumbria of primary land won aggregates. The policy also explains that the apportionment will be refined to take account of the characteristics of the county.*
- 1.90 *The size of the landbank of crushed rock for general aggregate use is so large that no further provision is proposed (Core Strategy paragraph 10.13).*
- 1.91 *The sand and gravel landbank will fall below seven years within the plan period and most of the quarry planning permissions expire well within that period. As stated in Core Strategy paragraph 10.19, there is insufficient information about sand and gravel resources to determine whether an alternative pattern of quarries is feasible. This matter will be addressed in the Site Allocations Policies.*

## **2 Overall Strategy, Purpose, Vision & Strategic Objectives**

### **a. What is the basis and justification for the overall vision and strategic objectives, and do they cover the full range of objectives relevant to minerals and waste planning in the plan area.**

- 2.1 *The spatial context for the strategy is a county that contrasts some of the country's best environments with some of its worst social and economic problems and which has one of the world's largest concentrations of nuclear facilities.*
- 2.2 *The overall spatial vision is derived from this context, the county's characteristics, issues, problems and challenges and the Community Strategies. Aspects of these are described in Chapter 2 of the Core Strategy and in Appendices A and B of the Appendices document. The vision relates to the issues that*

*are of specific importance to Cumbria and gives a picture of how it is hoped the county will develop spatially over the plan period. The Core Strategy provides a policy framework for delivering the vision.*

- 2.3 *Cumbria has a relatively small population dispersed over the second largest county in England with, in places, inadequate and outdated travel networks. A major challenge is to grow its economy faster than anywhere else just to catch up. This is exacerbated by the implications of accelerated nuclear decommissioning and the job losses that are likely to ensue in West Cumbria.*
- 2.4 *The county is mostly self-sufficient for minerals from its own resources and also supplies some to national and regional markets. It provides most of its current waste management needs, except for landfill in the south of the county. The Low Level Waste Repository near Drigg has a national role in managing radioactive wastes.*
- 2.5 *The vision reflects the needs of regeneration and development for adequate supplies of minerals and of new waste management facilities so that the economy is not restrained. It emphasises the importance of the county's environmental assets, that underpin much of the economy, and the emphasis that needs to be given to driving waste up the waste hierarchy and to reducing carbon emissions.*
- 2.6 *The strategic objectives reflect the vision and the principles of sustainable development and are considered to cover the full range that is appropriate for the county.*

### **3 Delivering the Overall Strategy**

**a. Is the approach of the policies and evidence base on climate change soundly based and in line with national and regional policy, particularly in the light of the Supplement to PPS1 on Climate Change.**

- 3.1 *Throughout the preparation of the Cumbria MWDF, high priority has been given to climate change issues and this is reflected in them being included in the first Core Strategy policy and its supporting text in paragraphs 3.3 to 3.28. One point that is stressed, in Core Strategy paragraphs 3.21 to 3.23, and reflected in Core Strategy Policy 1, is that an integrated network of modern waste management facilities will, in itself, help to reduce carbon emissions by more effective use of natural resources and diversion away from landfill.*
- 3.2 *Core Strategy Policy 1 was written at a time when the climate*

*change supplement to PPS1 was still at the consultation draft stage. The wording of the policy reflected that draft's focus on requiring developments to meet a proportion of their energy needs from renewable or low carbon sources. A post-submission change is proposed, which accords with the now less specific national and regional policies. It includes a broader requirement for carbon reduction measures, which could include such energy supplies, in accordance with the decision making principles. This approach is considered to be more practicable for minerals and waste management developments, and takes account of their role in securing reductions in carbon emissions.*

- 3.3 The policy is in accordance with the key planning objectives of securing the highest viable resource use, energy efficiency and reduction in emissions. Core Strategy Policies 4 and 5 should help deliver the PPS key planning objective of conserving and enhancing biodiversity.*
- 3.4 We have focused to a large extent on the need to minimise "waste and minerals miles", which is in accordance with the PPS decision making principles and the principle of communities taking responsibility for their own wastes.*
- 3.5 In developing the Core Strategy we have built on the policies of the draft RSS and, where possible, kept up with its changes. The final version of the RSS will be published on 30 September 2008.*
- 3.6 It is considered that the Core Strategy policies will help to secure carbon reduction measures. The need for, and practicability of, relevant Local Development Orders will be kept under review in the MWDF Annual Monitoring Reports.*
- 3.7 All landfill sites that generate sufficient volumes of gas already have on-site land fill gas powered electricity generators. For other types of waste management facilities and minerals developments, there appears, at present, to be no evidence base to draw upon which relates specifically to the potential, and to relevant targets, for renewable or low-energy technologies. The potential for co-location of energy from waste plants and high energy use industries is mentioned in paragraph 7.7.*

**b. What is the basis for the policies on economic/community benefits, protection of Cumbria's environmental assets, restoration/after-use, and planning obligations.**

- 3.8 The key strategic issue for the county, identified in the Council Plan and the Community Strategies, is the need to regenerate and expand the economy by creating and diversifying jobs. One of the Council's six core themes "Wealthier" is to make Cumbria*

*more prosperous. In accordance with this, Core Strategy Policy 2 requires the potential for the economic benefit of minerals and waste management developments to be realised. Whilst in many cases this may be by providing the construction materials or waste management infrastructure that businesses will need, it also includes the jobs that will be directly or indirectly created or safeguarded.*

- 3.9 The presence of certain facilities can have adverse impacts on the ability of an area to retain and attract investment. The community benefits package that has already been negotiated, relates to the Low Level Radioactive Waste Repository. It recognises the wider adverse impacts such facilities can have on the local economy, largely due to perceptions of impacts rather than any actual ones. Core Strategy Policy 3 reflects the fact that other types of large national or regional waste management facilities could have similar impacts. The policy requires community benefits packages, which would be directly related and proportionate to those impacts.*
- 3.10 Core Strategy Policy 4 relates to the county's extensive environmental assets. In addition to their importance in their own right, they underpin the county economy. The Policy is directly relevant to the Council's core theme "Greener" to create a high quality environment for all. Paragraph 3.58 explains that it is intended to focus on enhancement and that this should be possible because of the relatively small scale of the developments that Cumbria will need. The policy clearly separates the policy issues for national and internationally important areas and features from more locally important ones.*
- 3.11 With regard to the last sentence in the policy it has subsequently been decided that these two Supplementary Planning documents will not be prepared. They are now intended to be design guides. A slight change to the wording of the policy has been recommended in response to representations.*
- 3.12 Core Strategy Policy 5 relates to Afteruse and restoration and derives from Strategic Objective 8. The policy recognises that restoration schemes have the potential to deliver land uses that help to deliver sustainability objectives. Paragraphs 3.61 and 3.62 describe some of the opportunities.*
- 3.13 Core Strategy Policy 6 relates to Planning obligations and sets out the types of measures that could be relevant for these. These are all matters that could not be secured through planning conditions. It is considered that the policy is consistent with the advice in Circular 5/2005. Cross reference is made in the text (paragraph 3.69) to differentiate planning obligations from the community benefits packages required by Policy 3.*

## 4 Strategic Areas for New Development

### a. What is the general basis and specific justification for the broad locations identified as strategic locations/areas for new minerals and waste developments, and what is the criteria for allocating specific sites for minerals and waste developments in subsequent DPDs.

- 4.1 *Core Strategy Policy 7 identifies strategic areas for new waste management developments. These are Carlisle, Workington/Whitehaven, Barrow-in-Furness, Kendal and Penrith. They are identified because those locations have been proposed for Mechanical and Biological Treatment Plants and Transfer Stations by the preferred bidder for the municipal waste management contract. The bidder's proposals are based on the pattern of waste arisings, waste collection arrangements and existing facilities. It is likely that the bid that is being held in reserve would require a similar pattern, but different types, of facilities.*
- 4.2 *The basis for identifying the Kirkby Thore/Long Marton area for gypsum is that it is the only known location within Cumbria of the remaining viable resources of that mineral.*
- 4.3 *Similarly, the only known location for mudstones, with known firing characteristics, that are used to produce the special bricks at Askam in Furness brickworks, is land next to High Greenscoe Quarry. This location is also very close to the brickworks, minimising transport of raw materials.*
- 4.4 *The igneous rock, which is quarried at Ghyll Scaur Quarry for very high specification roadstone, is found in very limited locations outside the National Parks. It is considered to be appropriate for land next to the quarry to be safeguarded. The Site Allocations will determine whether this is as a Preferred Area or Area of Search.*
- 4.5 *Whilst the quarry is poorly located in relation to the road network to serve its national market, it is anticipated that a permanent rail loading facility will be included in planning application proposals to extend the life of the quarry planning permission and to extend the permitted area. Such a proposal to rail link the quarry will be a material consideration for the planning application. Planning permission has recently been granted for a temporary rail loading facility near the quarry, this is associated with the supply of materials for the construction of Vault 9 at the LLWR, near Drigg.*
- 4.6 *A set of site selection criteria is included in Table 7.1 paragraph 7.34. These are in the process of being reviewed as part of the*

*Sustainability Appraisal of ongoing work on the Site Allocations Policies.*

**b. Does this approach provide sufficient strategic guidance and spatial direction for making specific site allocations in subsequent DPDs.**

4.7 *It is considered that this approach provides sufficient guidance for those developments for which it is possible to identify broad locations at this stage. The site selection criteria provide the guidance for more specific site allocations, for waste management facilities the sequential approach that is highlighted in the proposed post submission changes to paragraphs 3.26 and 7.23 is also relevant.*

4.8 *As part of the SA review of the site selection criteria, it is proposed to develop weightings and rankings for them which will be included in the consultations about Site Allocations.*

**c. How is this approach related to the work being undertaken as part of a partial review of the RSS in terms of regionally/sub-regionally significant waste management facilities.**

4.9 *Waste matters are no longer to be considered in the partial review of the RSS, they will be included in the work on the Single Integrated Regional Strategy.*

4.10 *The North West's centres of gravity of waste arisings are Greater Manchester and Merseyside. Work, to date, on the regional broad locations study recognises that Cumbria is not likely to be an appropriate location for facilities that serve the region. The exceptions are the roles that Sellafield and the LLWR perform for radioactive wastes. There is also the possibility that any energy from waste proposals that may be put forward by high energy using local industries, in the context of Core Strategy paragraph 7.7 and policy 8, would require more waste derived fuel than is available from within Cumbria.*

4.11 *Some of the work on the regional broad locations study has been repeated in response to concerns expressed by the North West waste planning authorities. The final version of the revised study was received on 24<sup>th</sup> September and is intended to be "signed off" at a meeting on Monday 29<sup>th</sup> September, subject to the agreement of the working group.*

## 5 Waste Core Strategy and Delivering the Waste Strategy

- a. **Does the Core Strategy set out a planning strategy for sustainable development which enables sufficient opportunities for the provision of waste management facilities in appropriate locations, in line with the plan's strategic objectives, helping to implement the requirements of the Municipal Waste Management Strategy, and in accordance with the approved/emerging Regional Spatial Strategy and key planning objectives of national policy in PPS10 and the National Waste Strategy 2007.**

5.1 *The Core Strategy helps to deliver the key planning objectives of driving waste management up the waste hierarchy and implementing Waste Strategy 2007 in accordance with European Directives. It is based on the objective of Cumbria taking responsibility for all of its wastes with a dispersed pattern of facilities to meet the needs of its communities.*

5.2 *Core Strategy Policy 4 secures protection of quality of life and the environment. Core Strategy Policy 1's emphasis on minimising "waste miles" is relevant to the objective of enabling waste to be disposed of in one of the nearest appropriate installations. Core Strategy paragraph 7.31 explains that the Site Allocations will try to identify more than the minimum number of sites set out in Policy 9. This could encourage competitiveness.*

5.3 *There are no Green Belts in Cumbria.*

5.4 *The Core Strategy does not include a policy relating to the objective for ensuring that the design and layout of new development supports sustainable waste management. Core Strategy paragraph 6.19 refers to draft RSS policy 11.22 and explains that this type of policy is considered to be more appropriate for District LDFs which relate to such developments.*

5.5 *Core Strategy Policy 9 sets out the estimated amounts of waste and the types and numbers of facilities that will be needed in Cumbria to manage its waste streams. It includes details based on the two bids for the municipal waste management contract and on targets in national policies for driving commercial and industrial waste up the waste hierarchy.*

5.6 *The figures for commercial and industrial waste may need to be increased; this depends on which figures are included in the adopted RSS. However, assuming that this waste stream will need similar facilities to those used for municipal waste, there is considerable flexibility in the throughput capacity of waste management facilities. Experience with municipal wastes suggests a range of annual capacity between 50,000 and 70,000 tonnes/year is practicable. The Core Strategy proposes eleven treatment facilities, in addition to ones expected to be*

*provided by businesses on-site. These should be capable of providing sufficient waste management opportunities opportunities for both the RSS's increased quantities of wastes (99,000 tonnes/year) and its forecast of very rapid diversion away from landfill.*

*5.7 A pattern of facilities spread between the District Council areas is preferred. This accords with the principle of communities taking responsibility for their own waste. It is also suited to the dispersed pattern of waste arisings and the transport infrastructure of the county. The possibility of a more centralised network of one or two waste resource parks is not ruled out but, at present, seems unlikely to be proposed.*

**b. What is the basis and justification for the figures, assumptions and targets for waste generation, provision for waste management, the network of facilities required for waste management/treatment, residual landfill capacity, and site location criteria, and how do these future requirements relate to the Municipal Waste Management Strategy and compare with policies in the latest version of the emerging RSS.**

*5.8 The Waste Capacity section of Core Strategy Policy 9 states that capacity will be provided for managing and treating a stated range of waste quantities. Details of how these quantities were estimated is set out in Appendix 8 This is a copy of the details set out in Appendix E of the Preferred Options Core Strategy (February 2007). The estimates were based on the draft RSS tables and the Environment Agency's published figures for wastes managed in Cumbria. A lower figure than in the draft RSS was used for landfill capacity requirements, because the Council considered the draft RSS had been wrong to assume that the way these wastes are managed would not change.*

*5.9 As a result of the Secretary of State's Proposed Changes to the RSS, the landfill figures that we have used may need to be revised downwards. The required treatment capacity needed for commercial and industrial wastes may need to be revised upwards by 99,000 tonnes/year, but the number of facilities proposed in the policy should be capable of treating this additional quantity (please see paragraphs 1.9 and 1.10 above).*

*5.10 The landfill estimates take account of the Landfill Allowance Trading Scheme's figures for Cumbria's bio-degradable municipal waste. The treatment requirements for this waste stream take account of the details of the two bids for the waste contract.*

**c. What are the reasons for the lack of specific policies covering waste minimisation/waste reduction targets, waste recycling/composting/re-use targets, hazardous waste, and broad location(s) of future additional landfill capacity.**

- 5.11 *The question of whether the Core Strategy should include policies with these targets was raised in the Issues and Options Discussion Paper and at the Preferred Options stages and has been an issue for the Sustainability Appraisal. Other authorities have included such policies.*
- 5.12 *It was decided not to include them because there are similar policies or targets in the Local Area Agreement, the RSS and in Waste Strategy 2007. These are set out in Table 6.2 and in paragraphs 7.16 to 7.21 of the Core Strategy. It is considered that they will be more effective than MWDF policies in securing waste hierarchy targets. There is no need to duplicate what other policies are doing. Another factor is that introducing another set of different targets or figures would lead to uncertainty and confusion about which ones should be used. There are already tensions between some of the other targets.*
- 5.13 *Reference is made, in Core Strategy paragraph 6.19, to paragraph 11.22 of the draft RSS. The paragraph explains that it is considered more appropriate for policies relating to waste minimisation, recycled materials, construction, demolition and excavation wastes, to be included in District LDFs that provide for the relevant types of development. Paragraph 6.18 refers to the new requirement for Site Waste Management Plans which also address this matter. The construction industry is the largest single source of wastes and the need for a policy will be kept under review in the Annual Monitoring Reports.*
- 5.14 *With regard to hazardous waste, figures for the amounts of waste that are managed in Cumbria are included in Core Strategy paragraph 6.9. The number of sites that can accept hazardous wastes has reduced, partly because they can no longer be landfilled with other wastes, and facilities are increasingly provided on a regional or national basis. There is around 30,000 cubic metres of permitted hazardous waste landfill capacity at the Lillyhall landfill site and no need for additional facilities has been identified in the course of preparing the Core Strategy. This matter will be kept under review in the MWDF Annual Monitoring Reports. The representation by SITA relates to the lack of policy provision for the specific types of High Volume Low Activity radioactive wastes.*
- 5.15 *At the earlier stages of the MWDF, the Site Allocations Policies were being progressed alongside the Core Strategy and were specific about sites for different types of development. With regard to new landfill, attention was drawn to pre-planning*

*application proposals for additional capacity at Lillyhall near Workington and at Bennett Bank near Barrow, which together had the potential to provide the additional 2 million cubic metres capacity that was estimated to be needed. A planning application for approximately 500,000 cubic metres of additional capacity at the Bennett Bank landfill was submitted on 24 September 2008. No new sites for landfills were able to be identified in the work, to date, on Site Allocations.*

*5.16 Because further work on sites has been postponed, it was considered inappropriate to keep references to them in the submitted Core Strategy. Specific sites have been in the public arena during the consultation processes and, as would be expected, they have been one of the main issues raised at the public meetings.*

- d. What are the approach and criteria for identifying broad locations and specific sites for waste management facilities, including MBT/EfW, waste transfer stations and future landfill capacity, and how does this relate to current/future municipal waste management contracts and subsequent site identification in the Site Allocations DPD.**

*5.17 The broad locations of Workington/Whitehaven, Carlisle, Barrow, Kendal and Penrith in Core Strategy Policy 7, have been identified by the preferred bidder for the municipal waste management contract. It is unlikely that the bid that is being held in reserve would differ significantly from these locations, although the types of facilities would be different, i.e. Energy from Waste plants and Material Recovery Facilities instead of Mechanical and Biological Treatment (MBT) and Transfer Stations. The reserve bidder proposals are more site specific because of the facilities that the company already owns within Cumbria, including the Lillyhall waste management complex and Bennett Bank landfill.*

*5.18 The approach and criteria for site location criteria can be seen in table 7.1 paragraph 7.34 of the Core Strategy. New municipal waste management facilities need to be operating by 2011 and it is likely that the submission of planning applications will overtake the Framework process. For example a Scoping Opinion has already been given for an MBT plant proposal at the Hespian Wood landfill site near Carlisle. A planning application for additional capacity at Bennett Bank landfill was submitted on 24 September 2008.*

- e. Does the waste strategy provide sufficient strategic guidance and spatial direction for the identification and allocation of future sites for waste management/disposal in subsequent DPDs, including the means of treatment and disposal.**

- 5.19 *The approach that has been taken is that similar types of site will be needed for waste management, whether it is for the municipal or the commercial/industrial waste streams. Core Strategy paragraph 7.27 describes the types of facilities and the sizes of sites that will be needed. The different types of treatment and disposal facilities are described in Box 1 of the Issues and Options Discussion Paper. There could be benefits if facilities provided for municipal waste could also deal with other waste streams. This is encouraged by Waste Strategy 2007, but no delivery mechanism for achieving it has been identified.*
- 5.20 *Apart from locations near the main towns, which are the centres of gravity of waste arisings, it is not clear where facilities for commercial and industrial waste should be because there is no critical mass of arisings in one locality. Much may depend on which, if any, of the high energy use local industries decide to pursue Energy from Waste schemes.*
- f. What is the approach to cross-boundary movements of waste (including the adjoining National Parks), net self-sufficiency in waste management capacity, future landfill capacity and the implications of transport of waste.**
- 5.21 *The Core Strategy is based on providing for all of Cumbria's wastes, but recognises that waste management cannot respect administrative boundaries and that there will always be movements of waste across these. The largest known movements of waste across the county boundary are set out in Core Strategy paragraph 7.6.*
- 5.22 *The Core Strategy approach is described as net self-sufficiency, which accepts limited quantities of waste moving in both directions across boundaries. Core Strategy Policy 8 makes provision for more significant movements of waste into Cumbria if local benefits can be demonstrated.*
- 5.23 *As stated in paragraph 7.10, an implication of the approach to provide for all of Cumbria's wastes is that additional treatment/disposal capacity will have to be provided in the south of the county. This would reduce traffic movements involved in transporting wastes to landfill in Lancashire.*
- 5.24 *The estimates of waste arisings and management needs are for all of Cumbria, including these areas that are outside the plan area. It has been assumed that no significant new waste management facilities will be provided in the National Parks. Kendal Fell Quarry is a possible exception to this; it was identified as a potential waste management site in the earlier Site Allocations documents, with the approval of the National Park Authority. The National Park boundary bisects the quarry.*

- 5.25 *The collection of household and commercial waste in the Yorkshire Dales National Park is undertaken by Richmondshire and Craven District Councils (North Yorkshire) and South Lakeland District Council (Cumbria), who transport waste, requiring disposal, to landfill sites located outside the National Park. Following the closure of the household waste disposal site at Langcliffe Quarry in Ribblesdale in 1993, there has been no disposal of household, commercial or industrial waste in the National Park.*
- 5.26 *There are household waste recycling sites at locations around the margins of the National Park - at Leyburn, Skibeden near Skipton, Settle (all North Yorkshire) and Kendal (Cumbria). Throughout the National Park itself, there are smaller-scale facilities for the collection of materials such as glass and paper, for recycling. In addition, the District Councils operate a number of schemes to collect materials for recycling.*
- 5.27 *Mineral wastes are produced at active quarries in the Yorkshire Dales but none of these are within Cumbria. Waste may be overburden, weathered rock or clay or other un-saleable materials, resulting from the quarrying and processing. Overburden and mineral waste is, in almost all circumstances, used on site as part of the approved landscaping and restoration scheme. This position is not expected to change.*
- 5.28 *There are relatively few development schemes of any significant scale within the Yorkshire Dales and as a result only small volumes of construction and demolition (C&D) wastes are produced. There is increasing emphasis on minimising the waste of materials on building sites and the bulk of C&D wastes can potentially be re-used or recycled.*
- 5.29 *The Lake District National Park Authority is not responsible for either the waste collection services - including weekly collections of household waste, special collections for bulky household items and the recycling of rubbish - or for the disposal of waste that is generated within the Park - this falls within the responsibilities of the Cumbria District Councils and Cumbria County Council.*
- 5.30 *However, as the local planning authority for the National Park, the Authority does have a role to play in identifying sites for future waste collection sites and ensuring that new development takes account of the need to provide adequate space for the storage of recyclable waste. There is a Household Waste Recycling facility at Ambleside. The Authority also needs to reduce the amount of construction waste generated, by encouraging developers to re-use building materials wherever feasible.*

5.31 *Acknowledging the importance of addressing the effects of climate change, the Authority's priority will be focussed on developing opportunities that will cater for waste generated within the National Park. However, there is the possibility that a strategic site near Kendal, located just within the National Park boundary, may come forward by the County Council as a proposal for municipal waste management (please see paragraph 5.24). It is anticipated that this will be the exception.*

5.32 *The Lake District National Park Authority published its Minerals and Waste Core Strategy preferred Options on 30 May 2008 with a consultation period until 11 July. With this timetable it was not possible to refer to its options in the MWDF Core Strategy.*

**g. What is the basis and justification for the policies covering radioactive wastes, including:**

- i. what is the appropriate nature, scope and level of detail of policies relating to the disposal/storage of radioactive wastes which should be included in the Core Strategy and Development Control Policies DPDs.**
- ii. what is the basis and application of the specific policies for storage/disposal of high/intermediate and low level radioactive wastes.**

5.33 *Cumbria is unique in hosting such a large proportion of the country's radioactive wastes. National policies for these wastes have been evolving during the preparation of the MWDF and this process continues, for the higher activity wastes, with the consultations about Managing Radioactive Waste Safely. The MWDF needs policies that relate to anticipated developments for managing these wastes during the plan period.*

5.34 *Factual post submission changes are recommended to Core Strategy paragraph 8.2 to take account of comments by Sellafield Ltd. It will be many years before there is a disposal facility for the higher activity wastes, but interim developments at Sellafield are likely to be proposed in the meantime. Core Strategy Policy 10, therefore, sets out appropriate details for considering such proposals.*

5.35 *Because Government has now commenced the siting process for a geological disposal facility, it is appropriate for the MWDF to set out how the County Council would expect the planning application process to proceed. Core Strategy Policy 11 describes the three stages at which planning applications should be submitted. This should be seen in the context of the NDA's anticipated programme that two candidate sites should be identified by 2012 and that both would be investigated by 2025.*

*ILW is anticipated to be being emplaced from 2040, HLW and spent fuel from 2075 with closure in 2130. This programme does not take account of nuclear new build.*

- 5.36 *Some of the representations have related specifically to geological disposal. Whilst some of the comments are not considered to be appropriate matters for the Examination of the MWDF, post submission changes to paragraphs 8.6 and 8.11 are being recommended. Copies of the letters that have been sent to representors are included in Appendix 5.*
- 5.37 *The Core Strategy policy towards Low Level Wastes has evolved during the preparation of the plan. The Council has now accepted that the Repository has a national role, subject to the implementation of the programme of initiatives that has been described by the Nuclear Decommissioning Authority and the new site operating company. These are referred to in Core Strategy paragraphs 8.19 to 8.23. The Council has outstanding concerns about the radiological capacity of the site, the legacy of wastes that were tumble tipped in trenches between the 1950's and 1980's and about the implications of sea level rise and coastal erosion. These are reflected in the policy.*
- 5.38 *Core Strategy Policy 12 sets out an appropriate level of detail about the role of the site and the Council's concerns about whether it is a suitable site for disposal rather than storage. Paragraphs 8.18 to 8.23 set out the background for this policy.*
- 5.39 *Many of the potential environmental impacts of radioactive waste developments are the usual ones to be expected with any waste development – e.g. traffic, noise, general disturbance. Generic Development Control Policies 1, 2, 3, 4, 10, 11, 12 13, 14, 15, 16 and 17 include the appropriate scope and details related to such impacts.*
- iii. **are the policies relating to the storage/disposal of radioactive wastes consistent with national/regional policy, and does the Core Strategy have sufficient flexibility and contingency to accommodate likely changes and developments in national/regional policy on radioactive waste.**
- 5.40 *National policy for the higher level wastes is still evolving, but requires the development of a geological disposal facility. The County Council has supported this in principle and the Core Strategy is consistent with this approach.*
- 5.41 *Government has recently invited expressions of interest for involvement in the siting process through its White Paper on 'Managing Radioactive Waste Safely; A Framework for Implementing Geological Disposal' (June 2008). It seems likely*

*that a community(ies) in Cumbria will express a ‘without commitment’ interest in taking part in the process, but it is not known if there are any sites in the county that are suitable geologically. The MWDF does not propose that there should be a facility in Cumbria, but, because the siting process has commenced, Core Strategy Policy 11 sets out the stages at which the Council would expect planning applications to be considered. It is considered that this provides sufficient flexibility to accommodate changes in policies and proposals.*

- 5.42 No changes have been proposed to draft RSS Policy EM 14 – Radioactive Waste. This policy supports the continuing role of the North West as a centre of expertise and requires partners to work towards an agreed solution for long-term management. The MWDF is consistent with this policy.*
- 5.43 Government policy for the Low Level Wastes requires the NDA to make optimal use of the Repository near Drigg and to look for other disposal options. Core Strategy Policy 12 is consistent with this. Paragraph 8.19 sets out the basic approach for using capacity at the LLWR only for wastes that require such an engineered facility. The County Council is a member of the National Low Level Waste Strategy Group, which is looking at all the management options for these wastes.*
- 5.44 Planning permission has been granted for additional storage capacity at the LLWR, which should last at least ten years. Construction of the new vault will commence mid-October 2008 and will provide a degree of flexibility and contingency for changes. Any further changes are more likely to reflect a greater focus on driving these wastes up the waste hierarchy rather than reverting to the previous profligate use of available capacity.*
- 5.45 Representations by SITA UK refer to lack of provision in the MWDF for Very Low Level Wastes, or High Volume Low Activity Wastes. These are lightly contaminated materials, mostly concrete, that will arise from nuclear decommissioning. The Nuclear Decommissioning Authority has not made representations that the Core Strategy is unsound on these grounds.*
- 5.46 There is still uncertainty about the amounts of these wastes that will be involved, and about what proportions can be managed on site, can be moved up the waste hierarchy, or can be “free-release” or may need off-site disposal. Details will be developed in each individual nuclear site’s Integrated Waste Strategy. The latest estimate for Sellafield is that there could be 1 million cubic metres of VLLW decommissioning wastes. Because the uncertainties are so significant, it is considered inappropriate to include a policy for such wastes. This is a matter that will be*

*kept under review in the Annual Monitoring Reports.*

**iv. what are the roles and responsibilities of other bodies/agencies responsible for planning and delivering the management of the country's radioactive wastes (including DEFRA/Nuclear Decommissioning Authority), and will the policies in the Core Strategy conflict with any policies/proposals of these other bodies/agencies.**

- 5.47 *The other regulators are the Nuclear Installations Inspectorate for storage of radioactive wastes and the Environment Agency for disposals. The Nuclear Decommissioning Authority (NDA) owns most of the country's nuclear sites and its radioactive wastes and has responsibilities for managing the wastes.*
- 5.48 *The NDA is a public, non-departmental body set up by the Government in April 2005, with responsibility for the UK's public sector civil nuclear liabilities and their subsequent management. In October 2006, the Government also gave the NDA the responsibility for developing and ensuring delivery and implementation of the programmes for interim storage and geological disposal of the UK's higher activity wastes. From March 2007, the NDA was given responsibility for developing a UK-wide strategy for managing the UK nuclear industry's LLW and for securing disposal capacity for LLW generated by non-nuclear industry users.*
- 5.49 *Under the Energy Act 2004, the NDA has a responsibility to compete the Site Licence contracts (i.e. the company that runs the site) at each of its 19 sites in the UK.*
- 5.50 *The Health and Safety Executive (HSE) regulates the nuclear industry through its Nuclear Directorate (ND), which is responsible for operational and decommissioning safety regulation on civil, defence and research sites throughout the UK. As part of the ND, the Nuclear Installations Inspectorate (NII) licences all nuclear sites, attaching conditions with which sites must comply. Regular inspections are undertaken by NII and, if any contravention of licence conditions is found, the site may have to suspend operational or decommissioning activity until compliance is restored.*
- 5.51 *All users of radioactive materials and all accumulations or disposals of radioactive materials or waste must be approved by the Environment Agency (EA), in England and Wales, by the Scottish Environment Protection Agency (SEPA), in Scotland, and by the Industrial Pollution and Radiochemical Inspectorate (IPRI), in Northern Ireland. Disposal of radioactive waste, whether by incineration or transfer to an authorised disposal/storage site, and discharges of radioactive substances,*

*whether gaseous or aqueous, must be in accordance with an authorisation under the Radioactive Substances Act 1993. These authorisations are regulated by EA, SEPA and IPRI, who specify annual radiological and volumetric limits, to ensure that human health and the environment are protected from the effects of exposure to ionising radiation resulting from these disposals and discharges, in accordance with internationally agreed standards (Euratom Treaty and EU Directives).*

- 5.52 *The current national long-term policy for the management of higher activity wastes is set out under the Government's 'Managing Radioactive Waste Safely' programme, which is being co-ordinated by DEFRA, BERR and the devolved administrations. The Committee on Radioactive Waste Management (CoRWM), an independent body, was appointed in 2003 to advise on the best technical long-term solution for higher activity wastes that is safe, environmentally sound and secures public confidence – their suite of recommendations was published in 2006. Since then, CoRWM has been re-constituted, with modified terms of reference and membership, in order to scrutinise the implementation of the MRWS programme. Along with publication of the White Paper on MRWS in June 2008, a letter was sent to all local authorities in the UK inviting communities to express an interest in opening up 'without commitment' discussion on the possibility of hosting a geological disposal facility in the future.*
- 5.53 *The current national policy for the long-term management of solid low level radioactive waste is set out by DEFRA (document reference LD 42), and covers all aspects of its generation, management and regulation.*
- 5.54 *In the past there has been tension between the Council as the planning authority and the other regulators. The Council submitted objections to Radioactive Substances Act applications for disposals of LLW to the LLWR from power stations around the country. That was at a time when the LLWR did not have any remaining capacity. The Council's view was that waste should be stored where it arises, the other regulators favoured a "central" storage facility, i.e. the LLWR and not on-site storage.*
- 5.55 *It is understood that the negotiation of new contracts by the new LLWR site licence company has addressed some of the Council's concerns. Such matters will also be considered by the NDA's National LLW Strategy Group, of which all three regulators are members. It is not anticipated that there will be conflict between the Core Strategy and the policies/proposals of the other regulators. Regular meetings are held with them.*

## **6 Minerals Core Strategy and Delivering the Minerals Strategy**

**a. Does the Core Strategy ensure the best integration of social, economic and environmental costs and benefits, by applying the principles of sustainable development and by carefully considering how best to maintain an adequate and steady supply of minerals, commensurate with protecting the environment and securing prudent use of natural resources, as set out in MPS1.**

*6.1 The social, economic and environmental impacts of the policies are appraised in Chapter 8 of the Sustainability Appraisal report.*

*6.2 The Minerals Core Strategy operates in the context that is set by Core Strategy Policies 1: Sustainable location and design, 2: Economic benefit, 4: Environmental assets, 5: Afteruse and restoration and 6: Planning obligations. These relate to social, economic and environmental costs and benefits and sustainable development.*

*6.3 The UK's shared principles for sustainable development are included in Core Strategy paragraph 2.15 and have been taken into account, together with MPS 1's national objectives for mineral planning, for the Strategic Objectives in Box 2.*

*6.4 The Core Strategy identifies the nationally and regionally important minerals that are supplied from Cumbria, in accordance with MPS1 and the RSS. It focuses on "mineral miles" as part of the climate change policy. Core Strategy Policy 4 relates to protecting and enhancing environmental assets. Core Strategy Policy 13 proposes that landbanks should be maintained. Core Strategy Policy 17 relates to building stone quarries and their role in providing authentic materials for conservation and repair of historic buildings.*

*6.5 A proposed post submission change to Core strategy paragraph 3.24 refers to the respective merits of extending a quarry compared with the development of a new one. The contribution that direct and indirect employment in the minerals and waste management industries make to the economy is recognised in Core Strategy paragraphs 3.29 to 3.35 and Policy 2. Core Strategy policy 5 requires restoration schemes to realise their potential to deliver sustainability objectives; a post-submission change to the wording of this policy is recommended.*

*6.6 For primary land won aggregates, the sub-regional apportionment to Cumbria already takes MPS 1's hierarchical approach to minerals supply by first taking out the contribution that alternative materials should make, in accordance with national and regional policy. Core Strategy Policy 13 proposes to make provision for the apportionment and also that sites*

*should be identified for secondary and recycled aggregate production. A post submission change to the wording of the policy is recommended.*

- 6.7 *The existing planning permissions for crushed rock represent a land bank far larger than MPS 1 recommends. Therefore, the MWDF has extremely limited scope to affect the pattern of these quarries. The Sustainability Appraisal refers to this in paragraph 7.25, but did not identify any sustainability issues that would override the difficulties of reducing the landbank. Core Strategy paragraph 10.14 explains why this is not considered a practicable option and that opportunities will be taken if they occur.*
- 6.8 *The strategic choice for sand and gravel has been whether to plan for 700,000 tonnes/year (the sub-regional apportionment) or around 900,000 tonnes/year (the long standing sales levels). Core Strategy Policy 13 proposes the sub-regional apportionment level.*
- 6.9 *Further permissions for sand and gravel will be needed within the plan period (Core Strategy paragraph 10.18). It is proposed that the Site Allocations Policies will include assessments of the local supply patterns of these quarries related to the sub-regional apportionment. This will depend on quarry companies providing relevant information on a non-confidential basis. The main purpose of the assessment is to identify the most sustainable pattern of quarries in relation to the special characteristics of Cumbria.*

**b. What is the basis and approach towards safeguarding minerals, including Preferred Areas/Areas of Search (including broad locations/specific quarries), and Minerals Safeguarding/Consultation Areas, (including safeguarding coal resources), and the links between the broad criteria for defining Areas of Search and the identification of specific sites/areas in the subsequent Site Allocations DPD.**

- 6.10 *The Key Diagram shows the current Mineral Consultation Areas (MCA). These were drawn up by the County Council in 1981 for use by the Districts, in accordance with the requirements of the Local Government, Planning and Land Act 1980. They are for limestone and sand and gravel.*
- 6.11 *It is proposed that considerations about the different types of safeguarding area, that are listed in paragraph 10.1 of the Core Strategy, will to a large extent be based on the maps and report produced by the British Geological Survey - Mineral Resource Information for Development Plans – Cumbria and the Lake District (Document reference LD 46).*

- 6.12 *With regard to the site selection criteria in Core Strategy paragraph 7.34 Table 7.1, the advice contained in the Guide to Minerals Safeguarding in England is that Mineral Safeguarding Areas should normally be defined without consideration of other designations. This advice is particularly significant for Cumbria because of the extensive environmental designations including the North Pennines AONB and the Special Areas of Conservation and Special Protection Areas. As a general rule, it is anticipated that Mineral Consultation Areas will probably be the MSAs plus a buffer zone around 250 metres wide.*
- 6.13 *The Site Allocations document will review the current MCAs against the latest geology maps. It will try to identify areas that would need to be safeguarded for the remaining gypsum resources (the geology map only shows their outcrop). This is because of the national importance of this mineral and its importance in the local economy. It will make separate provision for safeguarding resources of high specification roadstones. Core Strategy Policy 14 also makes specific reference to a Preferred Area or Area of Search for extending Ghyll Scaur Quarry. This is because it is the only quarry in England that produces very high specification roadstone. Post submission changes to the wording of this policy are recommended. The Site Allocations will consider the extent of Mineral Safeguarding Areas for the geological resources of all high specification roadstones.*
- 6.14 *The local planning authorities used to consult the Coal Authority about planning applications for buildings and pipelines within the area of the West Cumbria Coalfield Consultation Area. This had been notified by the Coal Authority for this purpose and the consultations were in accordance with the requirements of Regulation 10 of the 1995 General Development Procedure Order and earlier legislation. However, in 2004, under the provisions of Regulation 10 (iii), the Coal Authority advised that it no longer wished to be consulted.*
- 6.15 *With the present national focus on energy supply, the Coal Authority is now adopting a more pro-active engagement with the planning system, having set up a new planning department in April 2008. In its representations about the two submitted Development Plan Documents, the Coal Authority has provided a map which shows the extent of the deep and shallow coal resources within the county. It is requesting that the Development Framework incorporates a Mineral Consultation Area for the shallow coal resources.*
- 6.16 *A mining company has also submitted similar representations about the need to safeguard these and the associated fireclays. Post submission changes are being recommended to paragraphs 4.5, 4.12, 9.4 and 10.39. The recommended change*

*to Core Strategy 14 would have to be publicised with a six week consultation period. The Coal Authority map, showing the shallow coal resources and land that has already been opencast mined, will be considered as the basis for a Mineral Consultation Area in the Site Allocations Policies.*

- c. What is the basis and justification for the supply of minerals, provision levels (apportionment/production levels) and landbanks for each mineral (including aggregates (crushed rock, roadstone, sand & gravel and marine-dredged aggregates, gypsum, mudstones, industrial limestones, zinc, building stones, coal, oil, gas, coal-bed methane and peat), and other minerals, how does this reflect local demand/supply, and what is the relationship with the strategic minerals policies in the emerging RSS and the forthcoming update of the sub-regional apportionment figures.**
- d. What are the reasons for the lack of any specific policies covering the specific provision figures for the supply of minerals, targets for use of recycled/secondary aggregates and safeguarding existing/potential railheads/wharves.**

*6.17 Core Strategy Policy 13 proposes that provision will be made to meet the RSS's sub-regional apportionment of primary land won crushed rock and sand and gravel. The relevant figures are included in paragraphs 9.8 and 10.3 to 10.11. The question of whether there could be a more appropriate pattern of sand and gravel quarries is proposed to be addressed in the Site Allocations. The policy also proposes that sites shall be identified to enable at least one quarter of aggregates to be secondary or recycled materials.*

*6.18 Figures for other minerals are included in Core Strategy paragraph 9.9. A recommended change to Core Strategy paragraph 10.2 explains that landbanks are not appropriate for energy minerals.*

*6.19 Core Strategy Policy 15 encourages an increase in marine dredged aggregates. This is in the context of landings at Barrow having reduced, in recent years, from around 40,000 tonnes/year to around 20,000 tonnes/year. There may be potential for greater use of these aggregates in regeneration schemes around harbours/docks.*

*6.20 A policy with a quantified target for sales of alternative materials is not included because, if it was to mean anything, it would require figures for monitoring purposes. Our experience is that these are not available. Neither the RAWP annual surveys nor the survey commissioned by the North West authorities have been able to provide figures in which confidence can be placed. This is in large part due to the fragmented nature of the industry.*

*The situation will be kept under review in the AMRs.*

6.21 *Eighteen building stone quarries are listed in paragraph 3.30 of the Issues and Options Discussion paper and shown on its Map 4. Core Strategy Policy 17 sets out a more proactive policy than at earlier stages in response to comments by the Regional Planning body about conformity with draft RSS policy. The need for a more detailed and location or geology specific policy will be kept under review in the AMRs.*

6.22 *With regard to zinc mining, this was a traditional industry at Nenthead in the North Pennines. There are extensive planning permissions for underground mining but no permissions for the surface facilities that would be needed. It is not clear if there is any likelihood of the industry being resurrected. Any proposals would be likely to raise issues of AONB policies, Habitats Regulations Assessment, landscape character and traffic routes/modes. Advice from the British Geological Survey has been that zinc is not regarded as a nationally strategic mineral and that there is no longer a zinc smelter in this country. Zinc is listed in the MPS 1 Practice Guide as one of the minerals not dealt with in the MPS Annexes.*

6.23 *Core Strategy paragraphs 10.43 and 10.44 refer to policy regarding peat. Paragraphs 3.54 to 3.58 in the Issues and Options Discussion Paper set out background information. Bolton Fell has recently been identified as a candidate Special Area of Conservation.*

6.24 *Core Strategy Policy 14 proposes that the safeguarding of potential railheads and wharves will be considered in the Site Allocations Policies. This is because the evidence base is insufficient at present to identify specific locations. The existing railheads are at Shap Beck quarry, Hardendale Works and the LLWR. These are on-site facilities that are not considered to require specific policy protection. A temporary rail facility has recently been granted planning permission near Millom for Ghyll Scaur quarry. There are other rail and wharf facilities within the operational land at Barrow and Workington docks.*

**e. Are the minerals strategy and policies locally distinctive, providing sufficient guidance and criteria for identifying and allocating future sites for mineral working.**

6.25 *The policies are distinctive to the minerals that are found within the county. This includes those with a wider market, the high and very high specification roadstones, brick making raw materials and gypsum. The broad geological locational issues are mentioned in paragraph 9.4.*

- 6.26 *The present pattern of 14 crushed rock quarries, 14 for sand and gravel and 18 for building stones has evolved to suit the characteristics of the county and its dispersed pattern of demands. For crushed rock for general aggregate use, paragraphs 10.13 and 10.14 describe the landbank position and the reason why it is not necessary to identify sites for future working. Consequently, there are limited opportunities for policy to influence the pattern of these quarries.*
- 6.27 *Further work for Site Allocations is needed in order to assess whether an alternative pattern of sand and gravel quarries is feasible. This will assess whether a different pattern would suit the locally distinctive characteristics of the county better and would be more sustainable. The work will depend on more details of sales and markets being provided by the industry for use in the Framework as non-confidential information.*

## **7 Monitoring and Implementation**

- a. **Are the arrangements for monitoring the policies of the Core Strategy & Development Control Policies DPDs adequate and soundly based, including the Implementation Matrix, indicators, baseline information, targets/milestones and bodies/agencies responsible for implementation, and what is the relationship with the Annual Monitoring Reports.**

7.1 *The monitoring matrix will need to be reviewed to take account of Defra's new national indicators. GONW commented that the matrix does not make clear who is responsible for the monitoring information. A change to the heading of the Data Source column is recommended to clarify this.*

7.2 *It is considered that the monitoring system is adequate and soundly based. The indicators are related in the matrix to the specific policies which enables them to be used in the AMRs to assess the performance of each policy.*

- b. **Do the DPDs have the flexibility to respond to changing circumstances and accommodate likely changes at national/regional level (including climate change, the current partial review of the RSS, revised sub-regional mineral apportionments and regionally important waste management facilities).**

7.3 *With regard to climate change the basic requirement of reducing carbon emissions will not change and Core Strategy policy relates to that. The implications of climate change have been taken into account in the Strategic Flood Risk Assessment. Resilience and adaptation to the effects of climate change are*

*considered to be issues that will need to be addressed in the Site Allocations Policies. There is specific reference to sea level rise and coastal erosion in Core Strategy Policy 12 in relation to the LLWR near Drigg.*

- 7.4 *The partial review of the RSS is not now going to deal with matters that are relevant to this MWDF.*
- 7.5 *Core Strategy paragraph 10.11 refers to the revised aggregates guidelines. The marginal changes that are set out for the North West are not considered to raise any serious issues for the MWDF. The changes will be on the agenda for next meeting of the North West RAWP in December 2008. The AMRs will take the revised sub-regional apportionments into account.*
- 7.6 *The final report of the further work on regionally important waste management facilities has only been circulated on 24<sup>th</sup> September 2008, it is intended to be signed off on Monday 29<sup>th</sup> September, if agreed by the working group. Its assumptions, findings and recommendations will be part of the evidence base for the preparation of the SIRS. As the appropriate location for such facilities will be nearer the region's centre of gravity for waste arisings, the two conurbations, it is unlikely that the Core Strategy will be in conflict with its recommendations.*

## **8 Key Diagram**

- a. **Is the Key Diagram adequate, clear and comprehensive in presenting a spatial expression of the Core Strategy policies and giving sufficient strategic guidance and spatial direction to subsequent DPDs in terms of the broad locations of future minerals (including safeguarding areas) and waste management developments.**

- 8.1 *It is considered that the Key Diagram clearly shows the necessary locations to enable subsequent DPDs, such as the Site Allocations document, to provide effective spatial direction.*
- 8.2 *It shows the current Mineral Consultation Areas (MCA), which were drawn up by the County Council in 1981 for use by the Districts, in accordance with the requirements of the Local Government, Planning and Land Act 1980. These are for limestone and sand and gravel. The west Cumbria coalfield Consultation Area is not shown because, in 2004, the Coal Authority notified the Councils that it no longer wished to be consulted (please see paragraphs 6.14 to 6.16).*
- 8.3 *With regard to strategic locations for new developments for minerals supply, one of the main principles is that they should be located near to the communities or local markets that they*

would serve. However, it has to be recognised that minerals can only be worked where they occur in viable quantities.

- 8.4 *The Kirkby Thore/Long Marton area is identified as the only location for further supplies of gypsum. Land next to High Greenscoe Quarry is identified as the only location for further supplies of mudstones for the Askam-in-Furness brickworks. The igneous rocks near Ghyll Scaur Quarry are identified as the only location for further supplies of very high specification roadstone.*
- 8.5 *The Diagram also shows the strategic locations for new municipal waste management facilities. Assuming the preferred bidder for the municipal waste management contract is successful, then the broad locations of Workington/Whitehaven, Carlisle, Barrow, Kendal and Penrith, identified by the preferred bidder, will go ahead for Mechanical and Biological Treatment plants and associated Transfer Stations. Alternatively, if the reserve bidder for the contract were successful, then the types of facilities would be different, i.e. Energy from Waste plants and Material Recovery Facilities. The overall locations would be similar, particularly because of the sites that the reserve bidder already owns. This pattern reflects the principle of locatios close to the waste arising and the communities to be served.*
- 8.6 *The proposed pattern of waste management facilities is not likely to conflict with any findings of the regional broad locations study, which has not yet been completed. Waste matters are no longer to be considered in the partial review of the RSS, they will be included in the work for the Single Integrated Regional Strategy.*
- 8.7 *The Key Diagram shows the position of Sellafield and the Low Level Waste Repository because they are so significant in the county.*
- 8.8 *Major environmental assets and the main transport infrastructure are shown on the Key Diagram.*

## **9 Generic Development Control Policies**

### **a. Are the development control policies consistent with the Core Strategy, including possible duplication of national/regional policy.**

- 9.1 *The Generic Development Control Policies were developed having regard to the Core Strategy and to national policy. This has inevitably led to duplication in some elements of the proposed policies., This is considered unavoidable in order to provide a clear context for their Cumbria specific elements and*

*also to provide a clear guide to potential developers as to the policy matters to be addressed in planning applications.*

9.2 *Development Control Policy 13 duplicates national policy as set out in PPS 25 but relates it specifically and more succinctly, to minerals and waste developments. It is considered that this exception to the rule of not duplicating policies is justified and will be helpful to applicants.*

**b. Are the development control policies locally distinctive and do they help to clarify, reflect and achieve the objectives and policies in the Core Strategy.**

9.3 *Cumbria is unique in the North West, with such a high proportion of the county covered by national and international environmental designations, which protect the distinctive landscapes and other environmental assets. This contrasts with its economic and social problems. It is a large predominantly rural county. However, urban development has left a legacy of towns, many in remote or coastal locations, that require regeneration and renewal. The west coast has the country's largest concentration of nuclear facilities.*

9.4 *The Development Control policies attempt to reflect Cumbria's distinctiveness, its challenges and the quality of its landscapes and rich environmental assets. These are reflected in policies on traffic and transport, cumulative impacts, biodiversity, geodiversity and landscape. Traffic and transport are emphasised because they are the most common, and often controversial, impact of minerals and waste management developments particularly in the context of elements of Cumbria's transport networks. Specific policies on minerals and waste reflect the range of minerals and facilities which will be required to meet the requirements of the Core Strategy.*

9.5 *The policies are intended to be applicable to all minerals and waste management developments that are required to achieve the Core Strategy objectives and also to provide a context for developments which may not be covered by a specific policy, for example proposals for zinc mining. Together with the site location criteria, they will provide a framework against which site allocations in future DPDs can be objectively assessed. The basis and justification of individual policies is set out in the document itself, supported by the Sustainability Appraisal.*

9.6 *There will always be tensions between the need for development and the need to protect the environment. The SA has highlighted this issue in relation to the plan's objectives. The development control policies provide the means for achieving an appropriate balance for Cumbria.*

9.7 *Minerals will be required to support regeneration initiatives, to provide aggregates for new construction as well as to maintain basic infrastructure, they can only be extracted where they occur. The economy and regeneration may be constrained if waste management facilities are not provided in the right places and at the right time.*

**c. What is the basis and justification for the various criteria-based policies, do they provide sufficient strategic guidance and spatial direction for decisions on future planning applications and allocations in subsequent DPDs, and do they provide full coverage of the minerals and waste planning matters likely to be relevant in the plan area.**

9.8 *The Generic Development Control Policies provide guidance to the public, as well as mineral and waste operators, about the issues to be considered when planning applications for mineral working and waste management developments are submitted. Policies DC 1, 2, 3, 10, 11, 12, 13, 14, 15, 16 and 17 apply to both types of development proposals. They include detailed criteria that are considered to be relevant to the impacts that minerals and waste management developments can have. The policies are considered to be in accordance with MPS 1 and its Practice Guide and with MPS 2.*

9.9 *Certain issues are common to both minerals and waste developments, and although development may have beneficial effects by providing jobs, essential minerals or managing the community's waste, development will only be permitted when it can be demonstrated that it would not cause unacceptable impacts.*

9.10 *Development Control Policy DC 2 : General criteria, derives from Core strategy Policy 4. It requires proposals to demonstrate where appropriate, that noise levels, blast vibration and air overpressure levels are within acceptable limits; that there will be no significant degradation of air quality; that public rights of way are not adversely affected and that carbon emissions from buildings, plant and transport have been minimised. These criteria will be used to assess planning applications. Suitable conditions will be imposed to secure mitigation of impacts where necessary in accordance with MPS 2.*

9.11 *Policy DC 3 relates to the cumulative impacts that these types of development can be demonstrated to have.*

9.12 *Other policies, for example DC 4, 5 and 6 and their criteria are based on long established practices with the Minerals and Waste Local Plan Policies. The criteria in DC 7 accord with*

*national policy.*

- 9.13 *Policy DC 9 relates to Core Strategy Policy 14 and is considered to be in accordance with MPS 1 and the guidance on minerals safeguarding.*
- 9.14 *Policy DC 10 derives from Core Strategy Policy 4 and is in accordance with Proposed Change RSS Policy EM 1B and PPS 9.*
- 9.15 *Policy DC 11 derives from Core strategy Policy 4 and is in accordance with Proposed Change RSS Policy EM 1C, PPS 9 and the advice in PPG 16. A slight change to the wording of this policy is recommended.*
- 9.16 *Policy DC 12 derives from Core Strategy Policy 4 and is in accordance with Proposed Change RSS Policy EM 1A and PPS 7.*
- 9.17 *Policy DC 13 in effect repeats national policy in PPS 25 (please see paragraph 9.2 above).It is in accordance with Proposed Changes RSS Policy EM 5.*
- 9.18 *Policies DC 15 and 16 derive from Core Strategy Policy 5 and are in accordance with MPS 1 and MPG 7.*
- 9.19 *Policy DC 17 derives from Core Strategy Policy 6 and is in accordance with the advice in Circular 5/2005.*
- 9.20 *Further development of Cumbria's energy minerals resources could become important for both the national and local economy. National energy policy and the need to work these resources, including deep-mined coal, will be kept under review. Development Control Policy 'DC7: Criteria for Energy Minerals', relates to these minerals. The policy is considered to accord with MPS 1, its Annex 4 and This policy may need to be reviewed if national energy policy is likely to result in proposals for new deep coal mines. Coal is not the cleanest source of energy but is part of the Government's energy mix.*
- 9.21 *It is considered that the policies cover the full range of matters that are likely to arise with development proposals in Cumbria. Together with the site selection criteria and the Sustainability Appraisal they are considered to provide sufficient guidance and spatial direction for the subsequent Site Allocations Policies DPD and the Proposals Map.*