



PLANNING AND COMPULSORY PURCHASE ACT 2004

THE TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT) (ENGLAND)
REGULATIONS 2004 (as amended)

CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK

REPEATED SITE ALLOCATIONS POLICIES AND PROPOSALS MAP

REGULATION 30

PRE-SUBMISSION CONSULTATIONS STATEMENT

This is a statement by Cumbria County Council that sets out who was consulted, and how they were consulted, during the preparation of the Site Allocations Policies Development Plan Document and the Proposals Map.

It includes these details for the most recent repeated consultation period from October to December 2011. The Statement summarises the main issues that were raised in the consultation responses and how these have been addressed in the documents that are being formally submitted to the Secretary of State.

The Appendices to this Statement are included as Documents RSAP 6 to 11.

January 2012

PREFACE

This report describes the 2011 consultations about the Minerals and Waste Development Framework's Site Allocations Policies and Proposals Map. It summarises the comments that were received and the way that the County Council has responded to them.

The County Council started to consult about sites for minerals and waste management developments in 2005. Since then, there have been eleven separate consultation stages. It has taken such a long time to reach the present stage because two breaks in the process caused delays of over three years.

In 2005, the sites policies were being progressed at the same time as the Core Strategy and Development Control Policies. However, in 2007 the County Council was persuaded by Government Office and the Planning Inspectorate that further work on them should be postponed until the Core Strategy had completed its Examination process.

Work on sites subsequently recommenced in February 2009. This recommenced work then had to involve four separate consultation periods during 2009/10 because additional sites kept being put forward for consideration by consultees.

The Site Allocations Policies and Proposals Map were submitted to the Secretary of State in April 2010. The Examination of them included Hearing in Public sessions in September and October 2010 and, following receipt of the Inspector's Report, the documents were formally adopted by the County Council in January 2011.

Barrow Borough Council then successfully challenged the adopted Site Allocations Policies in the High Court. This led to a further delay until October 2011, when the Policies and Proposals Map were republished for consultation in accordance with Regulation 27.

This Statement relates to the 2011 repeated Regulation 27 "publish and consult" stage of preparing the policies. The previous Pre-submission Consultations Statement, and its Appendices, is included as Appendix 5. Those are the documents that were submitted in support of the Site Allocations Policies and Proposals Map in April 2010.

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APPENDICES

(These are separate Repeated Site Allocations Policies (RSAP) documents)

1. Consultation letters and addressees (RSAP 6).
2. Copies of the representations (RSAP 7).
- 3 and 4. Press Notice and Statement of the Representations Procedure (RSAP 8).
5. Previous Pre-submission Consultations Statement (RSAP 9).
6. The 2010 Inspector's Report (RSAP 10)
7. The duty to cooperate (RSAP 11).

References are also made to the following) documents

RSAP 1 The Site Allocations Policies;

RSAP 2. Sustainability Appraisal;

RSAP 3 Habitats Regulations Assessment;

RSAP 4 Site Assessments Report.

1 REGULATION 27 CONSULTATIONS FOR THE PUBLISHED REPEATED SITE ALLOCATIONS POLICIES AND PROPOSALS MAP (October to December 2011).

- 1.1 Regulation 27 consultation letters were sent out on 24 October 2011, with a consultation period until 5 December 2011. Copies of the consultation letters, and lists of addressees, are included in Appendix 1 (Document reference RSAP 6).
- 1.2 It was explained in the letters that the previous consultations were having to be repeated to include an Area of Search for sand and gravel near Barrow in Furness, which had been the subject of a successful legal challenge. The basis of the challenge was that another round of consultations should have been carried out before this Area of Search was included in Site Allocations Policy 7.
- 1.3 Printed copies of the Site Allocations Policies document (Document reference LD198), which included the Statement of the Representations Procedure, and of Proposals Map Insert G – Furness Area, were sent to forty consultees (the Specific Consultation Bodies), together with a CD containing all of the documents that were intended to be submitted. These were also made available for inspection by the public at the County Council offices in Kendal and Carlisle, and at District Council offices.
- 1.4 Printed copies of the Site Allocations Policies document and the Representations Procedure (Document reference RSAP 8) were made available for public inspection at forty nine public libraries.
- 1.5 Letters about the repeated consultation and copies of the Representations Procedure were sent to Parish and Town Councils and the General Consultation Bodies.
- 1.6 All of the documents could be viewed on the County Council website. Paper or CD copies were available on request.
- 1.7 Notices of the publication and consultation under Regulation 27 were placed in the six local newspapers. A copy of the press notice is in Appendix 3 (RSAP 8). It was published in the Westmorland Gazette (South Lakeland), North West Evening Mail (Barrow), and the Whitehaven News on Thursday October 20th 2011; the Times and Star (Allerdale) and Cumberland News (Carlisle) on Friday October 21st 2011; and in The Herald (Eden) on Saturday 22nd October 2011.

2. REPRESENTATIONS RECEIVED

- 2.1 During the consultation period, a total of 30 people or organisations responded and made a total of 65 comments about specific policies, sites and other matters. Copies of all of the responses are included in Appendix 2 (Document reference RSAP 7).
- 2.2 The comments can be grouped as follows:-
 - Two representors made “no comment” responses.
 - Two comments sought clarification of specific matters.

- Fourteen comments of support.
- Twenty three comments of qualified support.
- Nine comments requesting additional policy or content.
- Seventeen objections.

2.3 With regard to the subject matter of the comments:-

- Seven were about the policies in general.
- Twenty six were about sites in Allerdale.
- Seventeen were about sites in Barrow.
- One was about a site in Carlisle.
- Seven were about sites in Copeland.
- Two were about sites in Eden.
- Three were about sites in South Lakeland.
- Two were about the Mineral Consultation Areas.

3. MAIN ISSUES

- 3.1 The comments and the County Council's recommended response to each of them are described in sections 4 to 11 and are summarised in Table 1 below.

TABLE 1: SPREADSHEET OF REPRESENTATIONS THAT WERE RECEIVED FOR THE REPEATED REGULATION 27 CONSULTATIONS (OCTOBER – DECEMBER 2011) AND RECOMMENDED RESPONSES

These have been put in the order of general comments followed by ones about sites in each of the district council areas and ones about Mineral Consultation Areas.

GENERAL COMMENTS				
	REF NO.	NAME	SUMMARY OF COMMENTS	RECOMMENDED RESPONSE
“No comment” responses				
-	4	euNetworks	- no network in Cumbria and no strategic additions planned to the existing network in this area	Noted.
-	8	The Coal Authority	- no specific comments to make on this document at this stage	Noted.
“Support” responses				
-	21	Durham County Council	- we welcome the approach of identifying reserve sites, as this gives flexibility if the first choices prove unsuitable	Noted.
Responses with qualified support				
-	7	Highways Agency	- where any of the sites are next to the Strategic Road Network, Transport Assessments will have to be carried out for planning application proposals; this would need to assess, among other matters, whether improvements would be necessary	These are matters that would be taken into account when planning applications are submitted. The Core Strategy and Generic Development Control Policies are relevant.
-	10	Electricity NW	- where a development is adjacent to operational land or electricity distribution assets, the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements	These are matters that would be taken into account when planning applications are submitted. It is not considered that an additional policy is needed.

Responses requesting additional policy or content				
-	6	Network Rail	<ul style="list-style-type: none"> - the Council has a statutory duty to flag to Network Rail any form of development that may impact upon a level crossing - request that the Council includes a policy in the Site Allocations for a need for any minerals and waste sites to be examined with a view to their effect upon any level crossings <ul style="list-style-type: none"> - request that Network Rail is consulted on all planning applications for minerals and waste management proposals within 250 metres of the boundary of Network Rail owned land and any operational railway land 	<p>The statutory requirement to consult Network Rail about planning applications for development likely to result in a material increase in the volume, or a material change in the character, of traffic over a level crossing, is set out in the Development Management Procedure Order. It would be inappropriate to repeat this duty in a Development Framework policy.</p> <p>The consultation response suggests that there may be a misunderstanding by Network Rail of the details of these requirements.</p> <p>The request for a wider range of consultations will be taken up outside the context of the Development Framework. The purpose for consultations in connection with all Network Rail owned land is not clear.</p> <p>It is not considered that an additional policy is needed.</p>
-	16	English Heritage	<ul style="list-style-type: none"> - the repeated consultation document is silent on the historic environment, except for site AL35, paragraph 5.37 - the Site Assessments should address issues relating to the historic environment 	<p>It is correct that AL35 is the only site for which the Site Allocations Policies specifically identify the impact on the historic environment as an issue. However, the Site Assessments Report does list historic assets within 250m of</p>

				each site and points out any potential issues, either in the text or in the site scoring matrix. Reference will be made in the policies document re M12 and M27 (see relevant section below).
“Object” responses				
-	22	Mr Steve Balogh	<p>- no changes have been made to bring the MWDF in line with national radioactive waste policy, as requested by the Core Strategy Inspectors.</p> <p>- Chapter 8 of the Core Strategy is unfit for purpose, as it makes no provision for management of the huge quantities of spoil arising from a Geological Disposal Facility.</p>	<p>The Core Strategy does not propose that there should be a deep geological repository for higher activity wastes. Its' Policy 11 only sets out the stages at which planning applications should be submitted if there is such a proposal.</p> <p>The Inspectors for the Examination of the Core Strategy required the Council to commit to a timely review of the Core Strategy, particularly its radioactive waste policies. This has been delayed by both budgetary constraints and the need to repeat this process for the Site Allocations Policies, but it is anticipated that work can commence on the Review in early 2012.</p>
-	29	Barrow Borough Council	<p>- paragraph 1.7 of the current Site Allocations document, indicates that the published document may be altered; any alterations, other than minor post-publication edits that are to improve the plan's legibility or ensure it is up-to-date, should be republished to allow further representations in accordance with the legislation.</p> <p>- there does not appear to be a statement, required to be published by Reg 24, at Reg 27 stage, about the representations procedure</p>	<p>Not an issue, no alterations have been made.</p> <p>The Statement of the Representations Procedure is included in the Site Allocations Policies document.</p>

			<ul style="list-style-type: none"> - the Council is concerned about the overall coherence and effectiveness of the proposed strategy as a whole, and the Site Allocations Policies in particular; when Barrow BC are identifying, and consulting upon, sites for housing and employment, there will be insufficient certainty on whether minerals or waste sites will be given permission near these sites - the Council objects to paragraph 2.3, which effectively seeks to reinterpret Core Strategy Policy 9, to state that it is not intended to be used restrictively (these sites and no other); it is not considered appropriate for the Site Allocations to change the strategic application of Core Strategy policies 	<p>The Borough Council has not yet published its programme for preparing its own Local Development Framework. It is considered unreasonable to expect the County Council to delay its own work. The Mineral Consultation Areas procedures are also relevant for this comment.</p> <p>This paragraph recognises the rapidly changing context of waste management and the uncertainties about predicting exactly what facilities will be needed to drive wastes up the waste hierarchy. It explains that, because of this uncertainty, the fact that the need for a particular type of facility is not identified in the Core Strategy does not necessarily rule it out of consideration. The Inspector for the previous Examination welcomed this statement and did not consider that it was inconsistent with the Core Strategy.</p>
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COMMENTS ABOUT SITES				
Sites in Allerdale				
SITE NO.	REF NO.	NAME	SUMMARY OF COMMENTS	RECOMMENDED RESPONSE
“Support” responses				
AL29	28	Allerdale Borough Council	- this allocation is supported	Noted.
AL32	28	Allerdale Borough Council	- this allocation is supported	Noted.
AL34	28	Allerdale Borough Council	- this allocation is supported	Noted.
Responses with qualified support				
AL3	3	Allerdale Highways	- a preferable site for brownfield, position and access - mitigation measures required for safety at A596/A66 Ramsay Brow junction, Workington, and A596/A594 Netherhall Corner junction, Maryport	Noted. These matters are included in Chapter 5 of the Policies document.
AL3	28	Allerdale Borough Council	- this allocation is supported for waste treatment facilities - it must be recognised that EfW facilities can have a severe blighting effect on neighbouring land users, and this would not be the Council's preferred site for such use	Noted. The benefits of EfW are increasingly being recognised and detailed impacts would be considered for any planning application proposals.
AL8	3	Allerdale Highways	- good highway connection, accessible by rail and sea via HGVs - if there were a large increase in numbers of vehicles, there would be a need for highway improvements - as the site is next to the A66 trunk road, the Highways Agency may have an interest	Noted. These are matters that would be taken into account for planning applications.

AL8	28	Allerdale Borough Council	<ul style="list-style-type: none"> - whilst the principle of an HWRC can be supported here, the Council would not support it as an alternative to AL17, unless that site cannot be delivered - this allocation is supported for waste treatment facilities - this allocation is supported for EfW and is the Council's preferred site for this kind of facility 	The support is welcomed, it seems unlikely that AL 17 can be delivered.
AL17	3	Allerdale Highways	<ul style="list-style-type: none"> - the site already has permission for an HWRC and access improvements to serve this are being negotiated 	The site was recommended for permission, but the application was not determined. Alternatives are being pursued, but it is considered appropriate for it to still be in the policy.
AL18	3	Allerdale Highways	<ul style="list-style-type: none"> - a preferable site for brownfield, position and access - mitigation measures required for safety at A596/A66 Ramsay Brow junction, Workington, and A596/A594 Netherhall Corner junction, Maryport 	Noted. These matters are included in Chapter 5 of the Policies document.
AL18	28	Allerdale Borough Council	<ul style="list-style-type: none"> - this allocation is supported for waste treatment facilities - it must be recognised that EfW facilities can have a severe blighting effect on neighbouring land users, and this would not be the Council's preferred site for such use 	Noted. The benefits of EfW are increasingly being recognised and detailed impacts would be considered for any planning application proposals.
AL29	3	Allerdale Highways	<ul style="list-style-type: none"> - good highway connection - as the site is next to the A66 trunk road, the Highways Agency may have an interest 	Noted.
AL30	28	Allerdale Borough Council	<ul style="list-style-type: none"> - the Council is aware that this site is liable to flooding and would not support an EfW development here if it were subject to Environment Agency objection; however, if it was permitted by the EA, the Council could support this allocation only if it were relatively small scale and for the sole use of Innovia 	This site had to be removed from the Site Allocations Policies because of its location within the identified functional floodplain.
AL31	3	Allerdale Highways	<ul style="list-style-type: none"> - good highway connection, accessible by rail and sea via HGVs - if there were a large increase in numbers of vehicles, there would be a need for highway improvements - as the site is next to the A66 trunk road, the Highways 	Noted. These are matters that would be taken into account for planning applications.

			Agency may have an interest	
AL31	28	Allerdale Borough Council	- this allocation is supported, subject to there being no worsening effect on the existing odour issues	The odour issues appear to have been resolved. Detailed impacts would be considered for any planning application proposals.
AL32	3	Allerdale Highways	- a preferable site for position and access - mitigation measures could be required for safety at A596/A66 Ramsay Brow junction, Workington, and A596/A594 Netherhall Corner junction, Maryport	Noted. This is a site for a railhead, to avoid increases in lorry traffic.
AL34	3	Allerdale Highways	- access would only be considered via Pittwood Road, on the Lillyhall estate - good highway connection, accessible by rail and sea via HGVs - if there were a large increase in numbers of vehicles, there would be a need for highway improvements - as the site is next to the A66 trunk road, the Highways Agency may have an interest	These are matters that would be taken into account for planning applications.
AL35	3	Allerdale Highways	- close to the strategic road network - site served by an existing industrial estate - may need highway improvements to A596, depending on proposed traffic levels	Noted. This matter would be taken into account for planning applications.
AL35	28	Allerdale Borough Council	- on the basis that this proposal will only be implemented if a replacement for the Glasson, Maryport HWRC is required, this allocation is supported	Noted.
M6	3	Allerdale Highways	- there has already been an extension granted on this site, for which extensive highway improvements were carried out - if there is a further extension, and the quarry life prolonged, then contributions towards future maintenance of the highway network would be required	 This matter would be taken into account for planning applications.
M24	3	Allerdale Highways	- good access by rail and sea - all but one road access is via residential areas, so any traffic volume increase would have major implications	Noted. This matter would be taken into account for planning applications.

Responses requesting additional policy or content				
AL31	5	Waste Recycling Group (WRG)	<ul style="list-style-type: none"> - it is a very risky position for the County Council not to allocate this site for disposal of High Volume Very Low Level radioactive Waste (HV-VLLW) - this site has such a disposal permit from the EA - WRG believe that Lillyhall should be considered a deliverable disposal solution, which scores highly when assessed alongside the currently identified preferred and reserve sites for VLLW - adequate disposal capacity is available at Lillyhall to accommodate a significant proportion of the forecast arisings of HV-VLLW from Sellafield decommissioning - this site is underlain by Quaternary clays and other sediments, which provide an effective barrier to the migration of radionuclides; it is also at a sufficient elevation that it will not be affected adversely by the processes of coastal erosion and sea level rise - a small number of radioactive waste disposals have been made to the site previously, under Exemption Orders, including Naturally Occurring Radioactive Material (NORM) from the oil and gas industry 	<p>This is not agreed. In accordance with the conclusions of the Inspector at the 2010 Examination no sites are identified for VLLW in the policies.</p> <p>The assessment process by the Environment Agency for Environmental Permits is very limited in scope and relates to criteria for landfills in general, not to a specific one.</p> <p>The Council considers that radioactive waste disposal proposals such as this, at this site, would be likely to lead to adverse social and economic impacts.</p> <p>Cumbria will have difficulties providing sufficient additional landfill capacity for its own residual municipal, commercial and industrial wastes without HV-VLLW. The existing planning permission for Lillyhall requires the site to be restored by 2014.</p> <p>The Council's concerns are not about its technical suitability.</p> <p>Noted. The terms of the 1993 planning permission do not preclude such wastes.</p>

			<p>- to make the Site Allocations sound, Policy 6 needs more flexibility to allow for deliverability that meets nuclear industry requirements and does not prejudice the Drigg Repository void being filled with VLLW</p> <p>- this accords with the 2011 UK LLW Strategic Review; Regional Spatial Strategy Policy EM13; DEFRA's 2007 Policy for the Long Term Management of Solid LLW in the UK; and the NDA's April 2011 Strategy</p>	<p>This is not considered to be a soundness issue; the policies identify land within Sellafield for managing its wastes. It is not accepted that Cumbria should provide the UK's facilities for VLLW.</p> <p>The County would not support the highly engineered vaults at the LLWR being used for wastes that do not require that level of containment.</p> <p>These matters are not agreed and will no doubt be on the agenda for the Examination of the Policies.</p>
AL31	24	Energy Solutions	<p>- as well as responsibility for the management of 10 Magnox reactor sites in the UK (for the Nuclear Decommissioning Authority), Energy Solutions is part of a commercial venture with WRG to develop new routes for HV-VLLW to commercial landfill</p> <p>- the acceptance of HV-VLLW at Lillyhall would be consistent with the identified need for sites alternative to the LLWR, that are fit-for-purpose disposal solutions for this waste</p> <p>- this site has a disposal permit for HV-VLLW from the Environment Agency</p> <p>- Lillyhall is located in close proximity to Sellafield, Calder Hall, LLWR and Chapelcross</p>	<p>The Council's policy is that there should be rigorous assessments of the ability of the nuclear site where the wastes arise, and of adjacent land, to manage them on-site. Only if such assessments demonstrate that is impracticable, should more distant and dispersed sites be considered, with existing nuclear licenced sites considered first.</p> <p>See AL31, ref 5 above.</p> <p>There has not been a rigorous assessment of the ability for Sellafield's wastes to be managed within its complex, in accordance with County and Copeland Borough Council policy. Chapelcross is not in close proximity, it is in Scotland and around 50 miles away.</p>

			<ul style="list-style-type: none"> - adequate disposal capacity is available at Lillyhall to accommodate a significant proportion of the forecast arisings of HV-VLLW from Sellafield decommissioning - this site is underlain by Quaternary clays and other sediments, which provide an effective barrier to the migration of radionuclides; it is also at a sufficient elevation that it will not be affected adversely by the processes of coastal erosion and sea level rise - a small number of radioactive waste disposals have been made to the site previously, under Exemption Orders, including Naturally Occurring Radioactive Material (NORM) from the oil and gas industry - whilst it is acknowledged that there are uncertainties in the predicted volumes of future arisings of HV-VLLW, the 2011 UK LLW Strategic Review is clear that very large volumes of HV-VLLW, which will exceed current disposal capacity, will arise from decommissioning in West Cumbria 	<p>See AL31, ref 5 above.</p> <p>See AL31, ref 5 above.</p> <p>See AL31, ref 5 above.</p> <p>There has not been a rigorous assessment of the ability for its wastes to be managed within the Sellafield complex, in accordance with County and Copeland Borough Council policy.</p>
Moota Quarry	15	Cemex	- suggest including two Areas of Search around this hard rock quarry, as current permitted reserves offer only a 4 to 5 year quarry life	<p>This is a new proposal that would require another repeat of the Regulation 25 and 27 consultation processes, which is not considered to be appropriate at this late stage.</p> <p>In accordance with the Core Strategy, the need for additional provision for crushed rock for general aggregate use would need to be demonstrated.</p>
“Object” responses				
AL17	28	Allerdale Borough Council	- although this allocation was previously supported as the Council’s preferred site for a replacement HWRC for Workington, now that the HWRC is going ahead at	The employment land allocation should not be affected.

			Lillyhall, the Council would wish to see this site allocated for employment use	
M6	28	Allerdale Borough Council	<p>- this Area of Search is not supported because it appears unlikely that these extra reserves will be needed within the plan period; therefore, the Council considers it inappropriate to identify the site</p> <p>- should a proposal emerge that would lead to increased traffic movements, the Council would wish to see highway improvements</p>	<p>It is unlikely that this Area of Search will be needed within the plan period, but it is considered appropriate to retain it in the policy.</p> <p>Detailed impacts, including traffic, would be considered for any planning application proposals.</p>
M24	28	Allerdale Borough Council	<p>- the Council has serious concerns about the deliverability of any extraction that may be proposed subsequent to this safeguarding designation</p> <p>- the Council cannot support the designation without further information on timescales, scale of extraction, aggregate transport methods, biodiversity and the implications for adjacent development</p>	<p>This site is already being used as a source of alternative aggregates for concrete block making.</p> <p>The site assessment text refers to traffic and other issues, if a higher rate of extraction was to be proposed. These matters would be taken into account for planning applications.</p>
Sites in Barrow				
SITE NO.	REF NO.	NAME	SUMMARY OF COMMENTS	RECOMMENDED RESPONSE
Response seeking clarification				
M12	2	Duddon Estuary Partnership	- questioned the extent of the Area of Search	The Area of Search has been defined by appropriate field boundaries and features. It does not affect the areas mentioned by the Partnership.
“Support” responses				
BA10	27	Stephens Associates for Holker Estates	<p>- although planning permission has been granted to extend the life of Bennett Bank landfill site until 2017, there is still a shortfall in provision for non-inert waste disposal in the south of the county</p> <p>- the current planning application for an integrated inert</p>	<p>That is the reason for having to include BA10 in the policy.</p> <p>This planning application has not yet been</p>

			waste recycling and disposal facility at Goldmire is compatible with Site Allocations Policy 5	determined.
M5	29	Barrow Borough Council	- no objections to this site	Noted.
M12	14	Cumbria RIGS Group	- currently, we do not have a Regionally Important Geological Site in the vicinity of M12 or M27, nor do we envisage the creation of such a site in the foreseeable future	Noted.
M17	19	Aggregate Industries	- the inclusion of this site is supported - the Area of Search has been drilled; results expected by Feb 2012 - it has a current short life (until 2021), so should be considered in a review of the Core Strategy and Site Allocations	Noted.
M12	20	Natural England	- support the intention to survey for wildlife interest, for a planning application, and also the statement that there is potential for habitat creation and enhancement within a restoration scheme	Noted.
M12	27	Stephens Associates for Holker Estates	- the inclusion of this site is welcomed - Holker Estate is actively progressing a scheme of working, with the intention of obtaining planning permission before the consent for the existing quarry (M27) expires; this includes a borehole investigation to confirm depth and quality of the sand	Noted.
M27	27	Stephens Associates for Holker Estates	- planning permission has now been granted to extend the timescale for this quarry, until 31 August 2016, but it continues to operate under a 12-month licence from the landowner	Noted. The uncertainty about continued quarrying is the reason for identifying the M12 Area of Search as a potential replacement for M27.
M27	29	Barrow Borough Council	- no objections to this site	Noted.
M31	19	Aggregate Industries	- the inclusion of this site is supported	Noted.
Responses with qualified support				
M12	11	Aldingham Parish	See no major problems but raise a few minor points:-	The Area of Search is intended as a

		Council	<ul style="list-style-type: none"> - concerns about disruption to traffic if vehicles are frequently moving back and forth across the A5087, - potential for the road to become messy, so would like to see measures put in place for road cleaning. - concerned that footpath number 601014, which runs alongside the proposed site, is fully protected from damage by operations. 	<p>replacement for the existing quarry on the other side of A5087.</p> <p>Detailed impacts of any proposals and mitigation measures would be part of the considerations for a planning application; the potential impacts to be considered could include traffic moving back and forth across the road, if this was a possibility.</p>
M12	13	Environment Agency	<ul style="list-style-type: none"> - the inclusion of this site creates no further issues at a strategic level and the generic comments from the previous consultation still apply. - for information, the EA has a water level observation borehole within the area of M12. 	<p>The previous comments were that sites would need specific hydrogeological assessment to determine their acceptability. The factors influencing this process would include the relationship with the water table, pollution control measures, potential impacts on groundwater resources and the groundwater vulnerability of the site. These are matters that would need to be covered in a planning application. References were also made to the Environment Agency's own regulatory responsibilities.</p> <p>Noted.</p>
Responses requesting additional policy or content				
M12	16	English Heritage	<ul style="list-style-type: none"> - for this site, chapter 5 of the Site Allocations Policies (Comments and Issues about the Proposed Sites) needs to refer to Moorhead Cottages Listed Buildings; it should specifically identify potential effects upon heritage assets and any mitigation required for M12 - in the Sustainability Appraisal site assessment matrix for this site, it should refer to Moorhead Cottages Listed Buildings in criteria 6 (environmental assets) and 7 (visual and landscape impact) 	<p>Text to be added to Chapter 5, to highlight the potential impacts on the Listed Buildings.</p> <p>Reference is made to the Listed Buildings in criterion 5 (proximity to housing) of the Sustainability Appraisal matrix.</p>

M27	16	English Heritage	<ul style="list-style-type: none"> - for this site, Chapter 5 of the Site Allocations Policies (Comments and Issues about the Proposed Sites) needs to refer to Moorhead Cottages Listed Buildings - in the Sustainability Appraisal site assessment matrix for this site, it should refer to Moorhead Cottages Listed Buildings in criteria 6 (environmental assets) and 7 (visual and landscape impact) 	<p>Text to be added to Chapter 5, to highlight the potential impacts on the Listed Buildings.</p> <p>Reference is made to the Listed Buildings in criterion 5 (proximity to housing) of the Sustainability Appraisal matrix.</p>
“Object” responses				
BA10	25	National Trust	<ul style="list-style-type: none"> - reiterate the comments made in February 2010; object to this site being used for non-inert landfill - the scoring assessment table does not appear to have regard to previous feedback, in respect of potential heritage implications - in addition, wider landscape and heritage impacts were identified as a result of necessary related works, such as access - traffic associated with landfill will have adverse impacts on the wider area, including noise impacts on Dalton and its Conservation Area 	<p>The Core Strategy states that priority should be given to finding additional landfill capacity in the south of the county (this was one of the Inspector's required additions to the text). The only potential sites that have been able to be identified are Bennett Bank and Goldmire. There are still outstanding reservations about the feasibility of Goldmire.</p> <p>Detailed impacts of any proposals would be part of the consideration of a planning application.</p>
BA10	29	Barrow Borough Council	<ul style="list-style-type: none"> - object to the inclusion of this site; in the absence of technical and feasibility studies, it is considered premature to allocate this site for non-inert landfill, as the site suitability, capacity and deliverability cannot be demonstrated - the text in paragraph 3.10 appears illogical; robust and up-to-date information is essential to justify proposed sites, and there should be clear evidence to support it 	<p>The Core Strategy states that priority should be given to finding additional landfill capacity in the south of the county (this was one of the Inspector's required additions to the text). The only potential sites that have been able to be identified are Bennett Bank and Goldmire. There are still outstanding reservations about the feasibility of Goldmire. These would need to be covered in a planning application together with the detailed impacts of any proposals.</p> <p>Even taking into account a potential reduced estimate of the county's landfill needs, additional capacity is likely to be needed in</p>

				the south. The recent planning permission for Bennett Bank only provided an additional 580,000 cubic metres and is only to 2017.
M12	29	Barrow Borough Council	<p>- object to the inclusion of this site, as it is a completely stand alone area of land separated from the existing quarry (M27) by Rampside Road; the area is prominent greenfield land, located in an area of valuable open countryside</p> <p>- the development of this site has not been demonstrated to be justified in accordance with Core Strategy Policy 4 and DC Policies 3, 6 and 12</p> <p>- the Sustainability Appraisal for this site does not identify any adverse environmental/sustainability impacts against criteria EN2 (to preserve, enhance and manage landscape quality and character for future generations) and NR4 (manage mineral resources sustainably and minimise waste); the council disagrees with these conclusions and questions the assessment methodology</p> <p>- the commentary/explanatory/issues text (of the site</p>	<p>The Area of Search is intended as a replacement for the existing quarry on the opposite side of the road. Sand and gravel quarries tend to have to be developed on greenfield land; the Council is not aware of any brownfield sites that could be alternative Areas of Search.</p> <p>A planning application would need to demonstrate that it did not conflict with these policies.</p> <p>It needs to be borne in mind that the sand and gravel quarry near Roosecote is the only one in the south of the county. The nearest alternative sources are at least 40 miles away in Copeland or 70 miles away in Allerdale, Eden, Carlisle or Lancashire. A replacement for it needs to be identified because there are serious uncertainties about its continued availability due to land and mineral rights ownership issues.</p> <p>Noted; these are matters that may be considered during the Examination process.</p> <p>A replacement paper copy would have been</p>

			<p>scoring matrix) at the bottom of page 88 is cut off</p> <p>- the Sustainability Appraisal also states that this site is within a Mineral Safeguarding Area; this is incorrect, as the MSAs are to be identified in the Site Allocations Policies</p> <p>- the site is not included in the Habitats Regulations Assessment, which states in paragraph 1.8 that “the assessment does not include land that the Council is proposing should be identified as Areas of Search for extending quarries or as Mineral Safeguarding Areas”</p>	<p>provided if this had been brought to the Council’s attention.</p> <p>If necessary, an editing change can be made to the Sustainability Appraisal to make it clear it is a proposed MSA.</p> <p>This approach was supported by Natural England.</p>
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Site in Carlisle				
SITE NO.	REF NO.	NAME	SUMMARY OF COMMENTS	RECOMMENDED RESPONSE
“Support” response				
CA31	1	Kingmoor Park Properties	- confirm continued interest in developing an EfW plant at this site	Noted.

Sites in Copeland				
SITE NO.	REF NO.	NAME	SUMMARY OF COMMENTS	RECOMMENDED RESPONSE
“Object” responses				
CO32	5	Waste Recycling Group	<p>- question the methodology for identifying this site; a number of selection criteria have been overlooked or misjudged, whilst not adequately comparing the sustainability of this site against others</p> <p>- the site scoring should be revisited and the site's</p>	This site is no longer in the Site Allocations Policies.

			<p>assessment be reconsidered in a clear and transparent manner alongside other, alternative sites</p> <ul style="list-style-type: none"> - WRG still consider that the negative scoring associated with this site is clearly over-ridden by the proximity to the waste arisings 	
CO32	12	<p>Gosforth and Ponsonby Parish Councils.</p> <p><i>(NB one reference number for a joint response from two representors)</i></p>	<ul style="list-style-type: none"> - the stance of the Parish Councils has not changed from previous consultations The previous comments were:- - the use of such a huge area of greenfield land in a rural area is totally unacceptable - the proposal covers the only presently possible alternative route to the A595, when this road is blocked for any reason - if this site goes ahead, the cumulative impact with Peel Place Quarry, Sellafeld site, the LLWR and the potential Geological Disposal Facility, would be to make the whole area an industrial desert 	This site is no longer in the Site Allocations Policies.
CO35	5	Waste Recycling Group	<ul style="list-style-type: none"> - despite the lack of a detailed assessment of feasibility, land within the LLW Repository is included in Site Allocations Policy 6 for potential additional disposal facilities - Regional Spatial Strategy Policy EM13 states that in considering any proposals for new (waste management) facilities, preference should be given to using established waste sites - in accordance with national policy, the availability of landfill routes (such as Lillyhall Landfill, site AL31) would help ensure that disposal capacity at the LLWR is used only for wastes that warrant a more highly engineered disposal solution 	<p>A planning application for additional disposal capacity at the LLWR is currently being considered.</p> <p>The LLWR is an established waste site.</p>
CO35	24	Energy Solutions	<ul style="list-style-type: none"> - despite the lack of a detailed assessment of feasibility, land within the LLW Repository is included in Site Allocations Policy 6 for potential additional disposal facilities - Regional Spatial Strategy Policy EM13 states that in 	<p>A planning application for additional disposal capacity at the LLWR is currently being considered.</p> <p>The LLWR is an established waste site.</p>

			considering any proposals for new (waste management) facilities, preference should be given to using established waste sites	
CO36	5	Waste Recycling Group	<p>- question the methodology for identifying this site; a number of selection criteria have been overlooked or misjudged, whilst not adequately comparing the sustainability of this site against others</p> <p>- WRG still consider that the negative scoring associated with this site is clearly over-ridden by the proximity to the waste arisings</p> <p>- despite the lack of a detailed assessment of feasibility, land within Sellafield is included in Site Allocations Policy 6 for potential additional disposal facilities</p> <p>- Regional Spatial Strategy Policy EM13 states that in considering any proposals for new (waste management) facilities, preference should be given to using established waste sites</p>	<p>These are matters that may be considered during the Examination process.</p> <p>A rigorous assessment of the ability to provide facilities within the Sellafield complex has been requested more than once, in accordance with CCC policy.</p> <p>The LLWR is an established waste site.</p>
CO36	24	Energy Solutions	<p>- despite the lack of a detailed assessment of feasibility, land within Sellafield is included in Site Allocations Policy 6 for potential additional disposal facilities</p> <p>- Regional Spatial Strategy Policy EM13 states that in considering any proposals for new (waste management) facilities, preference should be given to using established waste sites</p>	See comments in CO36, ref 5 above.

Sites in Eden				
SITE NO.	REF NO.	NAME	SUMMARY OF COMMENTS	RECOMMENDED RESPONSE
Response seeking clarification				
gypsum MSA	18	Mr Dennis Gallyer	- clarification requested on which Mineral Safeguarding Area map is intended for submission to the Secretary of State	Email reply sent.
Response with qualified support				
M18	17	Carlisle & Eden Highways	- content with the Carlisle and Eden sites proposed - if gypsum is extracted at this site, it is expected that an internal means of its transport to the processing plant is used	Noted. It is anticipated that continued use of conveyors would be part of any proposals, avoiding road traffic.

Sites in South Lakeland				
Response with qualified support				
SL1A	23	Lake District National Park	- the whole of this site lies within the National Park; therefore, is it appropriate to refer to it in the County Council policy? - the context is provided in paragraph 5.126, which, with some amendment, would provide sufficient information to demonstrate the Council's aspirations for the site as a whole and how the two components fit together	As shown on the map in the Site Allocations Policies, a small part of SL1A is outside the National Park and within the area of this Framework.
Responses requesting additional policy or content				
M16	19	Aggregate Industries	- this is a regionally important site for High Specification Aggregates, which has limited consented reserves remaining (may be exhausted by 2013), but has	This matter was considered during the previous Examination. With no apparent solution to the serious access issues for this

			potential for extension - request that an Area of Search for this site is added in Policy 7	quarry, it is not considered appropriate to identify an Area of Search. The alternative source for high specification roadstone is Roan Edge quarry at junction 37 of the M6 motorway (site M30 in Policy 7).
Kirkby Slate Quarry	26	Stephens Associates for Burlington Slate Ltd	- the text in paragraph 3.25, recognising the importance of this quarry, gives some reassurance - however, the Site Allocations Policies do not include a Mineral Safeguarding Area for slate and it is requested that the whole of the Wray Castle Formation be included as a slate MSA	This has not been considered before because it was not requested. To propose it now would seem to require a further repeat of the Regulation 25 and 27 consultation procedures, which is not considered to be appropriate. It is proposed that an MSA for slate could be considered, together with the wider MSA for gypsum, in the upcoming review of the Core Strategy.

Mineral Consultation Areas

	REF NO.	NAME	SUMMARY OF COMMENTS	RECOMMENDED RESPONSE
“Object” responses				
	9	Northumberland County Council	- parts of the Mineral Consultation Areas extend into Northumberland; these should be cut back to the boundary	The Mineral Consultation Areas have been defined to include a 250 metre wide buffer around Mineral Safeguarding Areas and Areas of Search. In places, these buffer areas cross administrative boundaries. This is considered to be appropriate. The MSA mistakenly extended beyond the county boundary and will be corrected.
	21	Durham County Council	- parts of the Mineral Consultation Areas extend into Durham; these should be cut back to the boundary	See above comment.

4. THE POLICIES IN GENERAL

Objections

Representor reference 22 (Mr S Balogh)

- 4.1 Mr Balogh's objection is that no changes have been made to bring the policies for radioactive wastes into line with national policy. He refers to the Core Strategy Examination Inspectors' requirement for the County Council to commit itself to a review of these policies. This commitment is set out in paragraph 8.5 of the Core Strategy (Document reference CSD14). It is for a timely review of the Core Strategy policies if they are no longer consistent with, or reflect progress on, the detailed implementation of national policy.
- 4.2 A programme for reviewing the Core Strategy in 2011 had been agreed by the County Council. This had to be delayed due to budgetary matters and the unanticipated requirement for this current process of repeating the procedures for the Site Allocations Policies. It is anticipated that the Core Strategy review can be commenced within the next few months.
- 4.3 Mr Balogh's objection relates, in particular, to the possibility of a deep geological repository being constructed in Cumbria for the UK's higher activity radioactive wastes. Mr Balogh suggests that the Site Allocations Policies should have considered what provision would need to be made for the "gargantuan" volumes of material that would be excavated during the construction of a repository.
- 4.4 There is no proposal for a deep geological repository in the county. West Cumbria is the only part of the country that has been willing to consider participating in the Nuclear Decommissioning Authority's process of looking for potentially suitable sites under the Managing Radioactive Waste Safely (MRWS) procedures. Those procedures are based on areas volunteering to take part.
- 4.5 The current stage is that the West Cumbria MRWS Partnership has launched a formal public consultation to consider whether West Cumbria should take part in the search for a site for such a repository, without any commitment to have it. That consultation process runs until 23 March 2012.
- 4.6 Core Strategy Policy 11 – 'High and intermediate level radioactive waste geological disposal', does not propose that there should be a disposal repository. It only sets out the planning application stages that would be expected should an area of suitable geology within Cumbria be volunteered for consideration. This is made clear in Core Strategy paragraph 8.16.
- 4.7 It is agreed that it is now timely to commence a review of the policies for radioactive wastes. However, this will be a review of the Core Strategy. It would be inappropriate to seek to pre-empt the Core Strategy review considerations, by including policies or proposals in the Site Allocations Policies.

Representor reference 29 (Barrow Borough Council)

- 4.8 The Borough Council's concerns are partly about procedural matters and partly about the relationship of the Site Allocations Policies to its own Local Development Framework.

- 4.9 Two procedural matters are raised. The first refers to a paragraph in the Introduction, which says that the Council will decide whether the policies need to be altered having taken account of the comments that are received. As no alterations have been made, this is not an issue.
- 4.10 The other procedural matter that has been raised is not understood. It makes reference to there not being a Statement of the Representations Procedure in accordance with Regulation 24. That Statement (RSAP 8) is on the inside of the front cover of the Site Allocations Policies document, it was sent out with the consultation letters to the general consultation bodies and was made available for inspection at public libraries.
- 4.11 The objection that is in connection with the relationship between the MWDF Site Allocations Policies and the Borough Council's own Local Development Framework (LDF), expresses the Borough Council's concerns about whether the Site Allocations Policies effectively identify the minerals and waste sites that will be needed. The Borough Council is concerned about the impacts of those policies on its own Core Strategy.
- 4.12 The objection refers to paragraph 2.3 of the Site Allocations Policies. This explains that the Core Strategy's estimates of the number of waste management facilities that will be needed over the plan period are not intended to be interpreted as that number and no more. It is acknowledged that proposals may be able to demonstrate need for additional facilities. The County Council considers that this flexible approach is necessary because of all the uncertainties in the rapidly changing context of planning for waste. The clarification of how the Core Strategy policy would be implemented was endorsed by the Inspector at the previous Examination – paragraph 13 of his Report (RSAP 10).
- 4.13 The latest information that has been provided to the County Council is that the Borough Council's Local Development Scheme, which will include the programme for preparing the Core Strategy, will not be able to be prepared until after the Borough Council has decided on the restructuring of its planning service. It is understood that that decision may be made by the end of January 2012. At the present time, it is not known when the Borough Council intends to commence the initial Regulation 25 consultation stage for its Core Strategy.
- 4.14 It is considered to be unreasonable to expect the County Council to delay its own work whilst the Borough Council identifies and consults about potential development sites.
- 4.15 The Mineral Consultation Areas provide a mechanism in two-tier administrative areas for considering the relationship between mineral sites and those for other forms of development. Whilst they are intended for consultations about planning application proposals rather than those in development plans, they can be taken into account during plan preparation.

Responses giving qualified support to the policies in general

Representors references 6, 7 and 10.

- 4.16 These responses from Network Rail, the Highways Agency and Electricity NW, relate to the planning application process rather than the preparation of the Site

Allocation Policies.

Representor reference 16

- 4.17 With regard to the English Heritage response, text has now been added to Chapter 5 for M12 and M27 and further references to the historic environment have been included in the Site Assessments Report (RSAP 4), where necessary.

5. SITES IN ALLERDALE

Objections

AL17 Solway Road Workington

Representor reference 28 (Allerdale BC)

- 5.1 This is a first preference site in Policy 2 for a Household Waste Recycling Centre (HWRC) to replace the nearby one at Clay Flatts.
- 5.2 The County Council now intends that the replacement HWRC should be on the Lillyhall industrial estate. This will not be the AL8 reserve site, because it has not been possible to reach agreement with the land owners.
- 5.3 The identification of AL17 for an HWRC should not affect its allocation for employment use or a planning application for employment development. It has always been recognised that some sites would be developed for other uses, which is one of the reasons why more than the minimum number have been identified.
- 5.4 Until a site for the replacement HWRC has been definitely secured and developed, the County Council would prefer that AL17 is retained in the policy.

M6 land between Overby and High House sand and gravel quarries

Representor reference 28 (Allerdale BC)

- 5.5 M6 is identified as an Area of Search in Policy 7. SAP paragraph 5.39 explains that it is considered unlikely to be needed within the plan period. The Borough Council considers that, because of this, it is inappropriate to identify the Area of Search.
- 5.6 Core Strategy (document reference CSD14) paragraph 10.1, describes the four types of measures for safeguarding mineral resources. Core Strategy Policy 14 requires that, for sand and gravel, Preferred Areas or Areas of Search will be identified to enable a landbank of at least seven years sales at the Regional Spatial Strategy's (RSS) apportionment level to be maintained throughout the plan period.
- 5.7 The Government's intention is to abolish all of the RSSs and the Localism Act now gives it the ability to do this. Therefore, the RSS policy now has only limited relevance. However, it was based on the work by the Regional Aggregates Working Party, which will continue.

- 5.8 The most recent Aggregates Working Party Report (document reference LD177) proposes an increase in the sub-regional apportionment to Cumbria from 700,000 to 800,000 tonnes/year of sand and gravel. This is despite projections of falling demand for sand and gravel nationally and within the North West, and the distant location of the Cumbria quarries in relation to the main areas of demand within the North West. There was no consensus about this increase, which was not subject to Sustainability Appraisal, Cumbria County Council dissented.
- 5.9 Whilst it still seems unlikely that this Area of Search will be needed before 2020, it is a possibility. Provisions for safeguarding mineral resources are also intended for much longer periods than the immediate plan period. In the circumstances, the County Council considers that this Area of Search should be kept in the policy.

M24 Derwent Howe slag bank, Workington

Representor reference 28 (Allerdale BC)

- 5.10 This is identified in Policy 8 as a Mineral Safeguarding Area for its resource of secondary aggregate.
- 5.11 The Borough Council cannot support the possibility of extraction arising from the identification of this Area without further information about timescales and scale of extraction, means of transport, biodiversity and implications for adjacent development. Reference is made to significant and potentially unacceptable traffic, restrictions on post-restoration development, blighting effect on the redevelopment of the former steelworks immediately to the south and the Shoreline Management Plan's identification of this length of coast as a 'no active intervention zone'.
- 5.12 Approximately 4.7 ha of the slag bank has been quarried since the early 1990's and provides a secondary aggregate for specialist lightweight concrete applications. Its current planning permission expires 31 October 2013. A condition of the permission requires a 15 metre wide strip on the seaward side to be retained as an erosion protection buffer. The restoration condition requires that it should seek to enhance the site's contribution to biodiversity objectives and targets. The target species is the Small Blue butterfly.
- 5.13 The concerns raised by the Borough Council are acknowledged in the Site Allocations Policies paragraph 5.41. They are matters that would need to be addressed in planning applications for further extraction. For information, the County Council owns the slag bank.

Responses requesting additional policy or content in Allerdale

AL31 Lillyhall landfill, Workington

Representors references 5 and 24 (Waste Recycling Group and Energy Solutions)

- 5.14 This is a site for additional non-inert landfill capacity in Policy 5, but is not included in Policy 6 for Low Level Radioactive Wastes for reasons explained in Site Allocations Policies (SAP) paragraph 5.24. SAP paragraphs 3.12 to 3.15

are also relevant.

- 5.15 These are similar representations by partners in a joint venture, which is seeking to develop new routes for the disposal of High Volume Very Low Level Radioactive Wastes to conventional landfill sites. The responses seek the inclusion of Lillyhall landfill for the disposal of these wastes.
- 5.16 At the previous Examination, the Inspector determined that identifying any sites for VLLW disposal would not be consistent with the Core Strategy. His report (RSAP 10, Appendix 6 to this Statement) addressed the issues in some detail under Issue 5, in paragraphs 69 to 96. These paragraphs include his considerations of AL 31 and the other challenger site which was Keekle Head. The County and Borough Councils' view remains that AL 31 should not be included in the policy.
- 5.17 The policies of the County and the Borough Councils are that, before more distant sites are considered for decommissioning wastes, there should be rigorous assessments of the ability of the nuclear sites where the wastes arise to manage them on-site or on adjacent land, or if those are demonstrated to be impracticable, the abilities of other existing nuclear sites. There have not been those rigorous assessments.
- 5.18 The County and Borough Councils' policies, whilst not statutory development plan policies, reflect their views that a proliferation of sites for disposing of any types of radioactive wastes would be likely to cause unacceptable adverse social and economic impacts. The perception of Cumbria as the prime disposal/management area for all types of the UK's radioactive wastes would be detrimental to the efforts that are being made to rebalance the local economy and make it particularly hard to attract investment. The stakes are considered to be too high to take such risks. In accordance with the Inspector's conclusions at the 2010 Examination of the policies, no sites are identified for managing VLLW.
- 5.19 In addition, nuclear decommissioning wastes were not included in the Core Strategy's estimates of non-inert landfill requirements over the plan period. Their disposal in Cumbria would lead to a substantial increase in the requirements for additional landfill capacity to 2020 and beyond, and would not be consistent with Core Strategy Policies 2, 8 and 9.
- 5.20 Reference is made in the representations to the Environmental Permit for Lillyhall landfill that has been issued by the Environment Agency (Document reference LD197). It is important to be clear about the separate roles of the different regulatory regimes. The limited scope and generic nature of the assessments under the Environmental Permitting Regulations exclude matters which are material planning considerations.
- 5.21 It is the planning system which determines where developments take place, whilst Environmental Permitting considers whether a site meets detailed technical requirements for its proposed use. The Environmental Permit is based on a generic assessment of the technical details of this landfill which are not specific to the local circumstances of the Lillyhall site.
- 5.22 The different nature of the two regulatory regimes is illustrated by the facts that the Lillyhall Environmental Permit envisages VLLW being disposed of at the

landfill over a period to 2031, whilst the current planning permission requires the site to be fully restored by 2014.

- 5.23 The Environmental Permit is for up to 582,000 cubic metres of VLLW to be disposed at Lillyhall. This is at permitted annual rate of up to 26,000 cubic metres/year, but subject to the VLLW being part of a total of 67,000 cubic metres/year of all wastes. That implies a need for a total of over 1.3 million cubic metres additional landfill capacity at Lillyhall over the 20 year period. This seems difficult to reconcile with the Government's zero waste to landfill agenda.
- 5.24 One matter over which there is no disagreement, is that the highly engineered facilities at the Low Level Waste Repository should only be used for those Low Level Wastes that require such a high level of containment.

Policy 7 - Areas of Search

Representor reference 15 (Cemex Ltd)

- 5.25 Cemex request that two Areas of Search should be identified next to Moota quarry. This is a limestone quarry with an asphalt plant and has only limited permitted reserves. The quarry is adjacent to the A595, approximately 6 km south of Aspatria.
- 5.26 At the end of 2009, the landbank of permitted reserves of limestone in Cumbria was just over 100 million tonnes. Total reserves of crushed rock for general aggregate use (i.e. excluding high specification roadstone) were equivalent to a landbank of around 40 years.
- 5.27 With such a large landbank, Core Strategy paragraph 10.13 explains that no further provision is proposed for general crushed rock aggregate. This is because no action is needed to maintain either a ten or fifteen year landbank throughout the plan period. The paragraph acknowledges the possibility that a case could be demonstrated for extensions to meet shortfalls in particular supply areas or to meet specific needs.
- 5.28 Including these Areas of Search for Moota quarry at this late stage would require yet another repeat of the Regulations 25 and 27 consultation processes. The County Council considers this would be inappropriate.
- 5.29 A planning application to extend the quarry would be considered in the context of the Core Strategy and Generic Development Control Policy 10 – Criteria for non-energy minerals development (Document reference CSD15). It would need to demonstrate that it was meeting a shortfall in its supply area.
- 5.30 Taking account of the pattern of crushed rock quarries in the north of the county, and the information in the representor's letter, it would appear that the supply area for Moota, together with Eskett/Rowrah and Tendley limestone quarries, which are also located on the north west fringes of the Lake District, could extend from Whitehaven/Workington to Carlisle.

Responses with qualified support for sites in Allerdale

Representors references 3 and 28 (Highways and Allerdale BC)

- 5.31 These comments generally relate to the planning application process rather than the preparation of the Site Allocation Policies. The Highways' comments identify possible traffic mitigation measures, the Borough Council's to potential blighting effects of Energy to Waste plants and ranking between alternative sites. The reference to flooding is for a site that is no longer in the policies.

6. SITES IN BARROW

Objections

BA10 Goldmire quarry

Representor reference 25 (the National Trust)

- 6.1 This is an objection to BA10 Goldmire quarry being included in Policy 5 for additional non-inert landfill capacity.
- 6.2 SAP paragraph 5.46 explains the County Council's reservations about this site. In accordance with Core Strategy Policy 7, the priority for additional landfill capacity is the south of the county. Goldmire is the only site, in addition to the existing Bennett Bank landfill, which has been put forward for consideration. Without it there would be a gap in provision after Bennett Bank is completed, it is permitted only to 2017. Paragraphs 60 to 68 of the 2010 Inspector's Report (RSAP 10) are relevant.
- 6.3 The environmental assets near to the quarry are listed in paragraphs 1.250 and 1.251 on page 88 of document RSAP 4 – the Site Assessments Report. Potential impacts upon them would need to be addressed in a planning application proposal for the landfill.

Representor reference 29 (Barrow BC)

- 6.4 The Borough Council considers it is premature to include this site in Policy 5 unless and until technical and feasibility studies demonstrate that it is suitable and could be delivered.
- 6.5 The County Council has reservations about the feasibility of landfill at this limestone quarry, which are reflected in the wording of the policy and SAP paragraph 5.46. The previous Examination Inspector shared these reservations but, on balance, concluded that it was appropriate to include BA10 in the policy (paragraphs 63 to 68 of the Inspector's Report).
- 6.6 The Borough Council also criticises SAP paragraph 3.10 as being illogical. This paragraph states that landfill capacity requirements are likely to be less than was estimated in the Core Strategy. That estimate can be re-assessed in the forthcoming review of the Core Strategy. It is, however, clear that some additional landfill provision will be needed in the south of the county towards the end of the plan period and following the expiry of the Bennett Bank planning permission in 2017.
- 6.7 Paragraph 6.2 above is relevant to the Borough Council's representations.
- 6.8 In the County Council's opinion, BA10 needs to be in Policy 5 in order for the Site Allocations Policies to be consistent with the Core Strategy.

M12 Roosecote quarry extension Area of Search

Representor reference 29 (Barrow BC)

- 6.9 This Area of Search is included in Policy 7 as a possible replacement for M27 Roose sand quarry, which is on the opposite side of Rampside Road. At the previous Examination, the Inspector considered that it needed to be included in order to ensure that the Site Allocations Policies are consistent with the Core Strategy. Paragraphs 105 to 108 of the December 2010 Inspector's Report (RSAP 10) are relevant.
- 6.10 The Area of Search is needed in order to make provision for continuing supplies of sand and gravel in the south of the county in accordance with Core Strategy Policies 13 and 14 and its paragraph 10.20.
- 6.11 Roose is the only sand and gravel quarry in the south of the county, but its future is uncertain because the owner of the land and the minerals is only prepared to grant licences for continued quarrying on a year at a time basis. The County Council does not consider that to be a viable basis for planning for continued sustainable supply of essential construction aggregates.
- 6.12 The ambitious development and regeneration schemes at Barrow will require substantial tonnages of sand and gravel, for example, to make concrete. The nearest alternative sources are at least 40 miles away in Copeland or 70 miles away in Allerdale, Eden, Carlisle or Lancashire. The County Council considers that reliance on quarries in those areas would be inappropriate and would not be consistent with Core Strategy Policies 1, 13 and 14.
- 6.13 The representation refers to M12 being a stand-alone prominent greenfield site in an area of valuable open countryside, the need for which has not been demonstrated in accordance with the requirements of MWDF policies.
- 6.14 The previous paragraphs explain the need for a sand and gravel quarry to supply the south of the county. By their nature, sand and gravel quarries are temporary developments, which tend to have to be on greenfield sites. The County Council is not aware of any previously developed land that could be considered as an alternative to M12. A planning application would have to address the matters that are required by the Core Strategy and by the Generic Development Control Policies that the Borough Council lists, which relate to cumulative impacts, criteria for non-energy minerals development and landscape.
- 6.15 The Borough Council disagrees with the conclusions of the Sustainability Appraisal (SA) for M12 (Document reference RSAP 2). With regard to this, and in response to the representation by English Heritage, reference is now made in the SA matrix to the nearby listed buildings – Moorhead Cottages.
- 6.16 Apart from this change, the County Council considers the SA assessment is correct. Under NR4, it scores negatively for accessibility, positively for proximity to houses (it is understood that the nearby Moorhead Cottages have been boarded up for many years) and positively for economic potential. Under NR4 and EN2, it scores positively for no impact on nationally designated landscape areas. Under EN2, it scores positively under impact on European and National

wildlife assets and potential to enhance.

Response requesting additional policy or content in Barrow

Representor reference 16

- 6.17 With regard to M12 and M27, English Heritage requests references to the Moorhead Cottages listed buildings in Chapter 5 of the Site Allocations Policies and in the Sustainability Appraisal. Reference has now been made to the listed buildings in SAP paragraphs 5.61 and 5.65. The Sustainability Appraisal does not include a criterion for listed buildings, but attention is drawn to these buildings under criterion 5 - proximity to houses, and in the Site Assessments Report paragraphs 1.281 and 1.292.

Responses with qualified support for sites in Barrow

M12 Roosecote quarry extension Area of Search

Representor reference 11 (Aldingham Parish Council)

- 6.18 Aldingham is the nearest parish to M12, extending to within approximately 400 metres of its boundary. The parish council was sent paper copies of the Site Allocations Policies and Insert Map G as a Specific Consultation Body.
- 6.19 The Parish Council can see no major problems with the proposals, but raises “minor points” for consideration. The concerns are about disruption to traffic and mess on A5087, Rampside Road, if quarry vehicles are frequently crossing it, and about the protection of the public footpath, which runs alongside the Area of Search.
- 6.20 These are matters about detailed impacts that would be considered if a planning application is submitted for M12. As the Area of Search is intended to replace Roose quarry, it may be unlikely that vehicles would cross from one to the other, except in the initial stage of developing a new quarry.

Representor reference 13 (Environment Agency)

- 6.21 The Agency refers to its generic comments about sites needing specific hydrogeological assessment to determine their acceptability. This would include relationship with the water table, pollution control measures, potential impacts on groundwater resources and the groundwater vulnerability of a site. These are matters that would need to be covered in a planning application for M12.
- 6.22 The Agency also refers to its own regulatory responsibilities and to a water level observation borehole within the boundaries of M12.

7. SITE IN CARLISLE

- 7.1 Only one representation was received. This was of support for including site CA31 Kingmoor Park East for an Energy from Waste plant in Policy 4.

8. SITES IN COPELAND

Objections

CO35 the Low Level Waste Repository (LLWR), near Drigg

Representors references 5 and 24 (Waste Recycling Group and Energy Solutions).

- 8.1 These are similar representations by partners in a joint venture, which is seeking to develop new routes for the disposal of High Volume Very Low Level Radioactive Wastes to conventional landfill sites.
- 8.2 The representors' comments about the LLWR are included in their representations seeking the inclusion of AL31 Lillyhall landfill, (see paragraphs 5.14 to 5.23 above). The references to CO35 (the LLWR) and CO36 (land within Sellafield) are taken, by the County Council, to be objections to them being included in Policy 6 for potential additional Low Level Radioactive Waste disposal facilities, without a feasibility study. Regional Spatial Strategy Policy EM13 is also referred to, which states that, in considering any proposals for new facilities, preference should be given to established waste sites.
- 8.3 In the previously submitted version of the Site Allocations Policies (March 2010), the County Council had sought to identify sites for the disposal of Very Low Level Radioactive Wastes. During the Examination process, the Inspector ruled this out as not being consistent with the Core Strategy. Paragraphs 71 to 90 of the 2010 Inspector's Report (RSAP 10) are relevant. He concluded that, on balance, the allocation of CO35 and CO36 for LLW was appropriate (paragraph 96 of his Report).
- 8.4 There have not been the feasibility studies of the potential capabilities of land within the 280 ha Sellafield complex and within the 100 ha LLWR to accommodate facilities for managing the lower activity range of LLW. The County Council has been requesting these studies for several years, without success; they are not something that the County Council itself could do.
- 8.5 The Nuclear Decommissioning Authority (NDA) and the site operating companies are the only ones who could carry out or commission such studies, but they have been unwilling to do so. At a Hearing in Public session during the previous Examination of the Site Allocations Policies, the NDA indicated that it had no intention of investigating on-site facilities for waste management at Sellafield before 2025, or within the LLWR before the end of the plan period.
- 8.6 The references, in the representations, to waste arisings are in the context of the two partner companies seeking the role for west Cumbria as the disposal facility to serve the UK, not just wastes arising within Cumbria. That would be a departure from the principles of Core Strategy Policy 12, which accepts a continuing role for the LLWR only as a component of the UK's radioactive waste management capabilities, not the component.
- 8.7 In accordance with the 2010 Inspector's Report (paragraphs 87 to 89), policy for VLLW needs to be considered in the review of the Core Strategy and cannot be

pre-empted by the Site Allocations Policies.

- 8.8 With regard to the reference to Regional Spatial Strategy Policy EM13, both Sellafield and the LLWR are established waste management sites. Their identification is, therefore, in accordance with the sequential approach of the regional policy.

CO36 Land within Sellafield

Representors references 5 and 24 (Waste Recycling Group and Energy Solutions).

- 8.9 Paragraphs 8.1 to 8.8 above are also relevant for this objection. In addition, the methodology for identifying this site is questioned. It is alleged that a number of site selection criteria have been overlooked or misjudged and that its sustainability has not been adequately compared with other sites.
- 8.10 The selection of Sellafield is in line with the County and Borough Councils' policies that a rigorous assessment of the ability of the nuclear sites, where the wastes arise, to manage them on-site should be the first step in looking for sites for managing the wastes. The Calder Landfill Extension Segregated Area (CLESA) is within the Sellafield complex and has remaining capacity. It is understood that initial work has been commenced in connection with a second on-site landfill.
- 8.11 The County Council considers that the Sustainability Appraisal's site selection criteria details for sites CO35 and CO36, on pages 132 to 139 of Document RSAP 2, are correct.

9. SITES IN EDEN

Response seeking clarification

Policy 8 Mineral Safeguarding Area (MSA)

Representor reference 18 (Mr D Gallyer)

- 9.1 Mr Gallyer sought clarification of the extent of the Mineral Safeguarding Area for gypsum. This was in connection with presentations about alternatives that were given at public meetings prior to the previous submission of the Site Allocations Policies and Proposals Map. The map to which Mr Gallyer refers was one which showed an initial estimate of the areas of land that could be needed to work the remaining "A" bed gypsum resources near Long Marton, with a suggestion for which land could be excluded because it had properties on it.
- 9.2 In an email to Mr Gallyer, dated 30 November 2011, it was explained that that particular alternative had not been pursued and a larger, rather amorphous shaped MSA around the Main "A" bed resources had been submitted to the Secretary of State. That has not been changed in the current Proposals Map submission.
- 9.3 It was agreed during the previous Examination, that the gypsum MSA would be

reviewed as part of the forthcoming review of the Core Strategy. That review would be on the basis that a larger MSA would be considered, based on the extent of both the “A” and “B” bed gypsum resources.

Response with qualified support

M18 Stamphill Preferred Area

Representor reference 17 (Highways)

- 9.4 This Preferred Area for gypsum near Long Marton is included in Policy 7. The comment is that an internal means of transport to the Kirkby Thore processing plant would be expected.
- 9.5 At present, conveyors are used to take the mined gypsum to the plant and there have been no suggestions that this would change.

10 SITES IN SOUTH LAKELAND

Responses requesting additional policy or content

Policy 7 - Area of Search

Representor reference 19 (Aggregate Industries)

- 10.1 This response seeks an Area of Search for extending M16 Holmescales high specification roadstone quarry. This matter was considered at the previous Examination, paragraphs 110 to 113 of the 2010 Inspector’s Report are the relevant ones.
- 10.2 The County Council’s view is still that there is no evidence to suggest that an acceptable access to this quarry can be found. Core Strategy paragraph 10.15 acknowledges that additional provision for these special aggregates, which are also quarried at Roan Edge quarry may need to be made in a review of the MWDF.

Policy 8 Mineral Safeguarding Area (MSA)

Representor reference 26 (Stephens Associates for Burlington Slate)

- 10.3 This is a request that the Wray Castle Formation be shown as an MSA for slate.
- 10.4 SAP paragraph 3.25 recognises the importance of these local building stones. An MSA for them would be consistent with Core Strategy Policy 14, but it has not been suggested in earlier representations.
- 10.5 It seems unlikely that a new MSA could be included on the Proposals Map at this late stage, without yet another repeat of the Regulation 25 and 27 consultation processes. The County Council considers this would be inappropriate, but proposes that the matter is considered in the forthcoming review of the Core Strategy alongside the MSA for gypsum.

11. MINERAL CONSULTATION AREAS (MCA)

Objections

Representors references 9 and 21 (Northumberland and Durham County Councils)

- 11.1 These responses request that the Mineral Consultation Areas do not extend into Northumberland and Durham.
- 11.2 The definition of Mineral Consultation Areas is a statutory requirement in two-tier planning areas. They enable county and district councils to cooperate in the exercise of their planning functions over land that has potential for mineral extraction. They provide the mechanism for consultation, between the county and district, about development which would be likely to affect the winning and working of minerals and also about how mineral working could affect existing or proposed other land uses.
- 11.3 The Cumbria MCAs have been defined to include a 250 metre wide buffer around areas that have been identified for safeguarding mineral resources. Although the statutory purposes of MCAs are for their use within two-tier local government areas, it is considered useful for them to extend into adjacent authority areas. This would not be to the extent that was shown on the Proposals Map.
- 11.4 This is because, in some places, a mistake was made in the Mineral Safeguarding Areas shown on the Proposals Map. The extent of the geological resource area, which was used to define the Mineral Safeguarding Areas, was not cut back to the county boundary. This meant that the MSA and MCA extended a significant distance across the county boundary.
- 11.5 This mistake has now been corrected. It is, however, considered that, where the MSA ends at the county boundary, it would be useful for the MCA to extend into the other counties. This would be the 250 metre wide buffer around the MSA.