

# ED81

Cumbria County Council

Local Development Framework

Independent Examination

29 February 2012

Dear

**Cumbria Minerals and Waste Development Framework: Repeated Site Allocations Policies and Proposals Map DPD**

I am the Programme Officer for the Public Examination into the above Development Plan Document. The Secretary of State has appointed Brian Cook BA (Hons) DipTP MRTPI, of the Planning Inspectorate, to conduct the Examination, the hearings for which are currently intended to take place during week commencing 23 April 2012 at County Offices, Busher Walk, Kendal, Cumbria, LA9 4RQ.

I attach for your information the Hearing Pack which consists of four separate documents including this letter. The other documents attached are:

- The Guidance notes
- Draft Hearing timetable
- The draft Issues and Questions

Could you please read these documents carefully as they contain important information about the conduct of the examination.

The hearings timetable lists all the parties (highlighted in Green) who initially indicated that they wish to participate at the examination but I would appreciate it if everyone could advise me by noon on 14 March 2012 of their intentions; if you do not confirm or contact me I will presume that you DO NOT WISH TO PARTICIPATE at the examination.

The parties that are highlighted in Yellow are requested to participate at the wishes of the Inspector. Could you advise if you are available and willing to participate please.

Could you also give me detail of your e-mail address if you have not already done so. Final versions of the timetable and Issues and Questions will be sent to you as soon as possible after 14 March so that any further statements may be prepared by the 4 April deadline.

If you have any questions please do not hesitate to contact me.

Nicola White  
Programme Officer

Ms Nicola White, Programme Officer, Cumbria County Council, The Lonsdale Building, The Courts, Carlisle, Cumbria, CA3 8NA Tel: 01228 221044



**CUMBRIA REPEATED SITE ALLOCATIONS POLICIES AND PROPOSALS MAP DPD**  
**Examination Hearings Timetable**

Date	Session	Time	Dealing with	Participants
<b>WEEK 1</b>				
Tuesday 24 April	Opening Announcements	10:00		Inspector and Council
	Session 1	10:30	Issue 1 Legal requirements, evidence base & relationship to other M&W DPDs	Council Barrow BC
	Session 2	13:30	Issue 3 Proposed sites for Low Level Radioactive Wastes	Council Waste Recycling Group Energy Solutions Copeland BC
Wednesday 25 April	Session 3	10:00	Issue 4 Policy 7: Areas of Search for Minerals; Policy 8: Mineral Safeguarding Areas; and Mineral Consultation Areas	Council Barrow BC Holker Estates Aggregate Industries Cemex? Burlington Slate
	Session 4	14:00	Issue 2 Proposed Additional Non-Inert Landfill Capacity	Council Barrow BC Holker Estates
Thursday 26 April	Session 5	10:00	Issue 5 Any other miscellaneous, procedural and outstanding matters  Closing remarks	Council  Inspector and Council



# **CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK REPEATED SITE ALLOCATIONS POLICIES AND PROPOSALS MAP DPD**

## **INSPECTOR'S GUIDANCE NOTES**

### **1 Introduction**

- 1.1 The appointed Inspector is Brian Cook. He is a Senior Planning Inspector for the Planning Inspectorate. He is a Chartered Town Planner and holds a BA Honours Degree in Geography, a post graduate Diploma in Town Planning, and is a Member of the Royal Town Planning Institute. He has been appointed by the Secretary of State under Section 20 (4) of the Planning & Compulsory Purchase Act 2004 to hold the Examination into the soundness of the submitted Plan. He has been involved in waste and mineral planning since 1988, mostly in local government but also in private practice for a 3 year period prior to joining the Inspectorate in February 2006.
- 1.2 He has conducted a number of Examinations into waste and minerals DPDs including in 2010 the Examination of the previous version of this DPD. After a number of changes, that DPD was adopted by the County Council in January 2011 but following a successful challenge by Barrow Borough Council on a procedural point, it was quashed in June 2011. That chain of events has clearly influenced the content of the submitted Plan, the nature of the representations made and, to a degree, the Examination itself.
- 1.3 The Programme Officer for the Examination is Nicola White, who for the purposes of the Examination, is acting as an independent Officer, under the Inspector's direction, not as employee of the County Council. Her contact details are: Nicola White, Programme Officer, Environment, Lonsdale Building, The Courts, English Street, Carlisle CA3 8NA.; Telephone: 01228 221044; Email: [MWDFOffice@cumbria.gov.uk](mailto:MWDFOffice@cumbria.gov.uk)
- 1.4 The Programme Officer is responsible for finalising the programme for the Hearing Sessions of the Examination, for maintaining the Examination Library, recording and circulating all material received, and assisting the Inspector with procedural and administrative matters.
- 1.5 The Programme Officer will be able to advise you on any programming queries, and any procedural queries should be addressed to her in the first instance. Any matters which either the County Council or anyone else wishes to raise with the Inspector should also be addressed to the Programme Officer initially.

### **2 Pre-Hearing Meeting**

- 2.1 Having completed an initial review of the submitted documents, the Inspector does not consider that a Pre-Hearing Meeting is necessary for the Examination of the DPD. These Guidance Notes therefore contain all the information that those taking part in and/or wishing to follow the Examination should need in order to do so.

### **3 Scope of the Examination and Inspector's Role**

- 3.1 The Inspector's role is to consider whether the DPD meets the requirements of sections 19, 24 (i) and 33A of the 2004 Act (as amended) and the associated Regulations, and whether the DPD is sound in terms of being justified, effective and consistent with national policy, the Regional Strategy and the County Council's adopted Minerals and Waste Core Strategy and

Generic Development Control Policies DPDs, as appropriate. The starting point for the Examination is the assumption that the County Council has submitted what it considers to be a sound DPD, and the County Council should rely on evidence collected while preparing it to demonstrate that it is sound. Representors seeking changes to the DPD have to demonstrate why they consider it to be unsound and how their suggested changes would make it sound.

- 3.2 Representations made to the submitted documents will be considered insofar as they relate to its soundness, but they will not be reported on individually.
- 3.3 The Examination will be closed when the Inspector submits to the County Council his report on his conclusions and actions or changes needed as regards the soundness of the document. His recommendations are binding on the County Council.
- 3.4 There are now several possible outcomes of the Examination of the document resulting from changes to the 2004 Act introduced by the Localism Act of 2011:
  - A failure to comply with any duty imposed by s33A of the 2004 Act (the duty to co-operate) must lead to a recommendation not to adopt the DPD (s20(7A));
  - Where the duty has been complied with and the DPD is in all other respects sound a recommendation to adopt the DPD as submitted must be made (s20(7));
  - Where the duty has been complied with but the Inspector considers that the DPD is not sound but could be made so by making changes ("main modifications") he can only recommend those changes if asked to do so by the County Council under s20(7C) of the 2004 Act (s20(7B)). Those "main modifications" must themselves be sound and meet the requirements for public consultation and sustainability appraisal;
  - If the Inspector is not asked under s20(7C) as set out in the above bullet he must recommend that the DPD not be adopted (s20(7A));
  - Conversely, if the Inspector considers the submitted DPD to be in all respects sound, he has no power to make any "main modifications" put to him by either the County Council or any other party (s20(7));
  - If the County Council does make a request under s20(7C) the Inspector must recommend modifications to make the DPD legally compliant and/or sound. Where the Inspector considers this would not be possible, for example because they would be so extensive as to result in a materially different DPD to the one submitted, this would cause procedural difficulties. The timing of any such request is therefore important.
  - Finally, where the DPD is recommended to be adopted either as submitted or with the requested "main modifications" the County Council may adopt it with "additional modifications" as long as, together with any "main modifications", they would not materially affect the policies in the document (s23(3)).
- 3.5 The assumption underlying the process is that few, if any, "main modifications" should be required. Any that are necessary are likely to need to be subject of further public consultation following a review of the

Sustainability Appraisal. Any further representations then made will be considered by the Inspector with further Hearing sessions as appropriate depending on the nature of the matters raised. Since the “additional modifications” do not, by definition, affect the soundness of the DPD and are not the subject of either the Inspector’s report or recommendation to the County Council there is no requirement for them to be subject of any public consultation.

#### **4 Procedural Questions for the County Council**

4.1 The Inspector will need to be assured that the County Council can confirm:

- (i) that the submitted document has been prepared in accordance with the statutory procedures under Section 20 (5) (a) and Section 33A of the 2004 Act;
- (ii) that the submitted document has been prepared in compliance with the 2004 Regulations (as amended), specifically regarding the publication of prescribed documents, their availability at the County Council’s principal offices and websites, the placing of local advertisements and notification of the DPD bodies;
- (iii) that the County Council is not aware of any fundamental procedural shortcomings concerning the submitted document;

4.2 The County Council is asked to prepare a short document confirming this and place it on the Examination web site not later than **4 April 2012**. This document will build upon or be an addendum to ED56a which contained all this information for the previous Examination. At the opening of the Hearing sessions the County Council will be asked if there is any change to this position.

#### **5 Representations made on the submitted documents**

5.1 The County Council has advised that some 65 representations were made by a total of 30 organisations and individuals during a 6-week consultation period prior to the formal submission of the documents to the Secretary of State. On the basis of either definitive statements made or the nature of the comments the County Council has assessed that about 26 of the representations may have considered elements of the documents to be unsound.

5.2 The representations made under Regulation 28 cover most aspects of the DPD published as the Pre Submission documents under Regulation 27. The County Council has confirmed that it is document RSAP1 and the Proposals Map that are to be examined which can be found at:

[http://www.cumbria.gov.uk/planning-environment/planning/policy/minerals\\_waste/mwdf/RSAP.asp](http://www.cumbria.gov.uk/planning-environment/planning/policy/minerals_waste/mwdf/RSAP.asp)

while the list of Examination (ED) and Hearing (HD) documents can be found using the Core Documents List link on the right. After considering the representations made under Regulation 28 the County Council intends to propose a number of changes. These are shown in Document LD199 as track changes to Document RSAP1. The Inspector’s current view is that these amount to “additional modifications” that will not be referred to in his report.

## **6 Methods of considering representations**

- 6.1 Those who have made representations on the documents and consider it to be unsound need to decide whether they wish to present their views in writing or orally at the relevant Hearing session of the Examination. **Both methods carry the same weight** and the Inspector will have equal regard to views put to him orally or in writing. Attendance at the Hearings will only be helpful if you wish to participate in the debate.
- 6.2 With reference to the two main ways in which representations on the documents can be considered:
- Written representation – Most representations will be considered by this method and will be based on the representation made under Regulation 28 to the consultation carried out between October and December 2011. These will also have helped the Inspector identify the Issues and Questions to be discussed at the Hearing sessions although some arise from his own consideration of the submitted documents. Those people who wish to proceed by written representations can rely on what they have already submitted in writing and need take no further action. Alternatively, having read the Inspector's Issues and Questions Papers they may wish to add a further written representation in support of their position where relevant to those Issues and Questions. Written representations will not be specifically discussed at the Hearings and attendance at the Hearing sessions is not necessary, although all will be public meetings;
  - Oral representations – Where Representors have indicated to the Programme Officer that they wish to be heard, relevant points of their representation will be considered at a Hearing session of the Examination, where the County Council and other participants will be able to debate the main points on the key issues, in a structured discussion led by the Inspector.
- 6.3 Whichever method you select, please remember that the Inspector's role is to consider the soundness of the documents in the light of the representations received, rather than considering all the points raised in those representations. Only those parties seeking specific changes to the documents are entitled to attend the Hearing sessions of the Examination. There is no need for those supporting or merely making comments on the plan to attend, unless they wish to as observers. However, the Inspector may invite anyone who he considers can assist him on any matter to participate in a particular Hearing session.

## **7 Procedure and Programme for the Hearing Sessions of the Examination**

- 7.1 The Hearing Sessions for the Examination will commence at 10:00 on **Tuesday 24 April 2012**, in County Offices, Busher Walk, Kendal, Cumbria, LA9 4RQ. It is currently intended that all the Hearing sessions will take place there. The Hearing sessions will end on **Thursday 26 April 2012**.
- 7.2 The sessions will start as indicated on the Hearing Timetable. Sessions will not start before the advertised time and will finish when the business is completed. The Inspector would expect each morning session to be completed by 13:00 and each afternoon session to end before 17:00. Short breaks will be taken mid-session.



- 7.3 The Hearing Sessions will take the form of a structured discussion, where the County Council and those who have been invited to participate will discuss the key issues, around a table. This will provide a relaxed and informal setting for dealing with the Issues and Questions. Those attending may bring professional representatives with them, who may ask other participants questions, but there will be no formal presentation of evidence, cross-examination or formal submissions. If the County Council or any participants intend to invite their legal representatives/expert witnesses to any of the Hearing Sessions please would they inform the Programme Officer and provide her with their details so that the necessary administrative and seating arrangements can be made.
- 7.4 The Inspector has set out a range of Issues and Questions on which he needs information or a response from the County Council and representors. These accompany this note. They will also be on the Examination website. The discussion at the Hearing Sessions will focus on the Issues and Questions identified which may be added to or amended in the light of further submissions (see section 9 below). The Inspector will make a few brief opening comments on the matters he wants covered in the session. He will then invite the participants to make their contribution in response to the points he has raised. The Hearing Session will progress under his guidance, drawing those present into the discussion in such a way as to enable him to gain the information necessary to come to firm conclusions and recommendations with regards the soundness of the Documents. There will be opportunity in the Hearing Sessions to ask questions, and professional representatives and advocates can also join in the discussion.
- 7.5 The Hearings will be conducted on the basis that everyone taking part has read the relevant documents, although participants will be able to refer to and elaborate on relevant points, as necessary. The Inspector will endeavour to progress the Hearing Sessions in an effective and efficient manner. As part of that process, he will aim to minimise the amount of material to that necessary to come to informed conclusions on the Issues and Questions.

## **8 Hearings Programme**

- 8.1 The draft Hearings Timetable is attached. The representors listed to participate are those who have indicated to the Programme Officer that they wished to do so and those who the Inspector considers will be able to assist him at the Hearings. Listed participants should confirm to the Programme Officer as soon as possible, **but no later than noon on 14 March 2012**, that it is their intention to appear. Other representors who wish to participate, and believe they can contribute to the discussion but have not so far been invited, should also inform the Programme Officer **by the same date** explaining in writing what contribution they think they can make. In doing so, please remember that the Inspector must focus on the soundness of the DPD and the changes required to make it sound.
- 8.3 Bearing in mind their associated Issues and Questions, you are invited to contact the Programme Officer not later than **noon 14 March 2012** if you consider that there are other issues that go to the heart of the soundness of the documents and which should therefore be discussed. The Inspector can then consider any changes that may be required to the programme.

## 9 Preparation and submission of further material

### Core Documents

- 9.1 The Examination web page lists the submission documents and will list other Examination and Hearing Documents and further representations and statements as they become available. A paper copy of this list can be obtained from the Programme Officer and is also available on the County Council's website. Hard copies of all Examination and Core Documents are available for inspection in the Examination Library, which is located in the County Offices, Buser Walk, Kendal, Cumbria, LA9 4RQ, subject to prior appointment with the Programme Officer. The Examination web page may be viewed at: [http://www.cumbria.gov.uk/planning-environment/planning/policy/minerals\\_waste/mwdf/RSAPExam.asp](http://www.cumbria.gov.uk/planning-environment/planning/policy/minerals_waste/mwdf/RSAPExam.asp)

### Topic Papers

- 9.2 In response to each of the Inspector's five Issues the County Council will prepare a full written response in the form of an individual Topic Paper; each Issue Topic Paper will address each question as appropriate. They should include full and precise references (Core Document number and paragraph) to the evidence base to justify the particular approach taken in the DPD, along with any supporting documentation not already in the Examination library as either an additional Examination Document or an appendix to the Topic Paper. They should also include references to any suggested changes considered necessary by the County Council to make the documents sound, bearing in mind that any further changes suggested at this stage should be assessed against an associated sustainability appraisal and the implications for further public consultation. These Topic Papers will provide the County Council's detailed answers to the Inspector's questions and will set the scene for the issues to be debated at the Hearings sessions. The Councils' Topic Papers should be submitted to the Programme Officer by **noon Wednesday 4 April 2012**. In addition, a schedule of any "main modifications" arising from the County Council's responses to the Issues and Questions is required **by the same date**. This schedule may be added to following debate during the Hearing sessions and the County Council will keep it up-to-date.

### Submission of further written statements and other material

- 9.3 The representations already made should include all the points and evidence to substantiate Representors' cases. However, if you wish to submit further evidence in response to the Inspector's Issues and Questions that is relevant to your representation, either for the Hearings or as additional written representations, it should be sent to the Programme Officer by **noon Wednesday, 4 April 2012**. If your representations are to be considered at more than one hearing session, a copy of your further written statement is required for each of the relevant Hearing sessions. If you have not already done so in your representations you must explain why the DPD is unsound and how you wish to see it changed in order for it to be found sound.
- 9.4 The Inspector emphasises the need for succinct submissions, avoiding any unnecessary detail and repetition. There is no need for verbatim quotations from the DPD, or other sources of policy guidance. Nonetheless, it is vital that the fundamental elements of cases are set out clearly, since the Hearings are not the place for new points or evidence to be presented for the first time. Please note that it is the quality and substance of the reasoning that carries weight, not the bulk of the documents. Where it is considered

essential to refer to a document that has been published since the submission documents themselves were published at the Regulation 27 stage, clear reference should be made to the relevant passage with **4 copies** of the document plus any available web link being provided to the Programme Officer.

- 9.5 Those appearing at **Hearings** should send sufficient copies of all statements to the Programme Officer for issuing to each participant, plus 4 (for the Inspector, the County Council and Library), e.g. If 8 people are listed for a Hearing session, then the Programme Officer will require 12 copies. For **written representations** only 4 copies of statements need to be submitted.
- 9.6 A separate statement in response to each of the Inspector's Issues (or individual Questions within an Issue as appropriate if you do not wish to comment on the whole Issue) that you wish to address should be submitted. One copy of each should be left loose-leaf, the remaining copies should be stapled with no spiral binding. In addition, an electronic copy should be sent to the Programme Officer as an email attachment by the same deadline.
- 9.7 Statements should:
- (i) Be no longer than **2,000 words**, for any one Issue either for a Hearing session or further written representations. All statements should focus on the elements of soundness; justification, effectiveness and consistency with national policy, the Regional Strategy and the adopted Minerals and Waste Local Development Framework documents as appropriate, and they should specifically demonstrate how the submitted documents are unsound. Statements which are excessively long or contain irrelevant or repetitious material may be returned. The **only** exception to this word limit will be where the County Council, which must respond to all Issues and Questions, would be otherwise unable to provide the proper background information to facilitate the debate;
  - (ii) Be A4 size in portrait orientation, with any plans folded so as not to exceed that size;
  - (iii) Technical evidence should be limited to appendices, and should be clearly related to the Issue and/or Question. Any supporting material should be limited to that which is essential and should not contain extracts from any documents that are already in the Examination Library, although these should be cross-referenced if referred to. Where the Inspector considers that the appendices are being used to circumvent the word limit for statements they may be returned;
  - (iv) Clearly indicate the change required by the representor which they consider would make the document sound.
  - (v) There is no need for summary statements.
- 9.8 Statements should be headed with the representor's name and be clearly marked, **at the top, right hand corner**, with the appropriate Issue number and representor reference. The County Council's Topic Papers should be separately referenced ED??/ followed by the Issue number (e.g. ED??/Issue 1). Representors' statements should be referenced: Issue 1/1234 for representor 1234's statement on Issue 1.

## **10 Site visit arrangements**

- 10.1 The Inspector is very familiar with both the area and the vast majority of the sites allocated in the DPD. As necessary, he will visit any other sites and locations referred to in the representations prior to the Hearing Sessions on

an unaccompanied basis. If, exceptionally, there are particular reasons for an accompanied visit, participants should discuss these with Programme Officer.

## **11 Close of the Examination**

- 11.1 The Examination will remain open until the Inspector's report is submitted to the County Council. However, he will not accept any further representations or evidence after the Hearing sessions have finished, unless he specifically requests further information on particular topics. Any late or unsolicited material will be returned.

## **12 Submission of the Inspector's Report to the County Council**

- 12.1 The Inspector will announce the date when he expects to submit his report to the County Council at the last Hearing Session.

*Brian Cook*

Inspector

**CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK:  
REPEATED SITE ALLOCATIONS POLICIES AND PROPOSALS MAP  
INSPECTOR'S ISSUES AND QUESTIONS**

**ISSUE 1 – Legal Requirements, Evidence Base & Relationship to other M&W  
DPDs**

*Whether the Documents meet all of the legal requirements of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011, and associated Regulations (as amended in 2008), are informed by robust, up-to-date and proportionate evidence and are consistent with the Core Strategy and Generic Development Control Policies DPDs.*

**QUESTIONS**

- 1.1 What is the evidence to confirm that all the above legal requirements have been met? In particular what is the evidence to demonstrate that the requirements for the following matters are met:
- (iv) Has the DPD been prepared in accordance with the Minerals and Waste Development Scheme (MWDS); does its listing and description in the MWDS match the submission document; have the timescales set out in the MWDS been met?
  - (v) Has regard been paid to the County Council Plan, the community strategies of the County's borough councils and those of neighbouring local planning authorities and other relevant strategies?
  - (vi) Does the DPD comply with the Statement of Community Involvement (SCI) and has the Council carried out all consultation consistent with the SCI?
  - (vii) Has the DPD been subject to a Sustainability Appraisal and has the Council provided a final report of the findings of the Appraisal?
  - (viii) Were any requirements for Appropriate Assessment under the Habitats Regulations met before publication of the DPD?
  - (ix) Is the DPD in the general conformity with the Regional Strategy?
  - (x) Does the DPD comply with all of the 2004 Regulations, as amended in 2008?
  - (xi) Specifically does it comply with the requirement regarding the publication of prescribed documents, their availability at the Authority's principal offices and on the Authority's website, the placing of local advertisements and notification of the DPD bodies?
  - (xii) How is the Regulation 13(5) requirement to list saved Structure and Local Plan policies that will be superseded met?
  - (xiii) Has the Duty to Cooperate introduced as s33A of the 2004 Act by s110 of the Localism Act 2011 been met?
- 1.2 The DPD identifies the sites that the Core Strategy (CSD14) establishes are needed. Proposals made on those and any other sites will be assessed against Policies within the Generic Development Control Policy DPD (CSD15). Policy 1 does no more than put into policy form text that was in paragraph 2.3 of the previously submitted DPD (SAP1 and ED56a paras 92-95). CS policy 9 requires the provision of a number of waste management sites of various sizes which depending on what actually comes forward may or may

not provide either the capacity or the integrated network required. Only for landfill is a quantum specified against which future provision can be measured. GDCP policy DC4 sets out a number of criteria which waste management facilities that 'accord with' CS policies 2, 8 and 9 must meet. In this context how do the CS and GDCP policies limit, other than for landfill, facility provision and is paragraph 2.3 of RSAP1 therefore inconsistent with the CS so as to cause the submitted DPD to be unsound? How should the submitted DPD be changed to make it sound?

- 1.3 Does English Heritage consider the submitted DPD to be inconsistent with national policy and therefore unsound? If so, do the changes suggested by the County Council in LD199 address this concern? Alternatively, if English Heritage does not regard this as an issue of soundness would those changes in LD199 nevertheless be welcomed as minor changes not requiring a formal recommendation from the Inspector?

## **ISSUE 2 – Policy 5: Proposed Additional Non-Inert Landfill Capacity**

*Whether the identification of Goldmire Quarry, Barrow is justified, effective and consistent with national policy and the Core Strategy*

### **QUESTIONS**

- 2.1 How, if at all, has the factual position recorded in paragraphs 60 to 67 of RSAP10 (my report on the examination of the previous DPD) altered?
- 2.2 If the identified quantitative shortfall (RSAP10, paragraph 63) would still remain beyond 2017, would the DPD be consistent with the CS if Goldmire Quarry, or some other site, was not identified?
- 2.3 What prospect is there of another site coming forward?
- 2.4 Is any further information available about the deliverability of the site within the plan period (see RSAP10, paragraph 66)?

### **ISSUE 3 – Policy 6: Proposed Sites for Low Level Radioactive Wastes**

*Whether the identified sites are justified, effective and consistent with national policy and the Core Strategy.*

#### **QUESTIONS**

- 3.1 As a result of the debate during the previous examination (see RSAP10, paragraphs 69 to 90) the County Council proposed that to ensure that DPD was consistent with the adopted CS and thus sound, it should not include provision for the management of high volume very low level radioactive waste (HV-VLLW). Have circumstances changed to require a different approach now in order for this DPD to be sound?
- 3.2 Similarly, has there been any change in the recorded circumstances at Lillyhall to support the contention of Waste Recycling Group and Energy Solutions that without their proposed change (inclusion in the DPD of Lillyhall landfill for the management of HV-LLW) the DPD would be unsound?
- 3.3 The deliverability of the two identified sites (CO35 and CO36) was debated during the previous examination and the conclusions set out in RSAP10, paragraphs 83 to 93. Has there been any change in circumstances to indicate that the submitted DPD would be unsound if the two sites were to remain identified in the policy?



## **ISSUE 4 – Policy 7: Areas of Search for Minerals, Policy 8: Mineral Safeguarding Areas and Mineral Consultation Areas**

*Whether the identified sites and areas are justified, effective and consistent with national policy and the Core Strategy.*

### **QUESTIONS**

#### ***Policy 7: Site M12 Roosecote***

- 4.1 Is the evidence included within the Sustainability Appraisal (RSAP2) for this site robust?
- 4.2 Is the decision not to report on this site within the Habitats Regulations Assessment (RSAP3) justified?
- 4.3 Having regard to the circumstances of site M27 (Roose sand quarry), the text of CSD14 paragraphs 10.20 to 10.21 and CS policy 7 and no evidence of any other sites coming forward, would the DPD be sound if identified site M12 was not to be included as an Area of Search?

#### ***Policy 7: omission: extension to Holmescales Quarry***

- 4.4 This matter was debated during the previous examination (see RSAP10 paragraphs 110 to 113). What evidence is there of a change in circumstances to suggest that the DPD would be unsound if the proposed site was not added to policy 7?

#### ***Policy 7: omission: areas around Moota Quarry***

- 4.5 Is the crushed rock landbank position now materially different from that recorded at RSAP10, paragraph 109?
- 4.6 Even if there is no material change, are there any local supply issues, such as those for sand and gravel in the south of the County, which would nevertheless justify the identification of an additional Area of Search in this part of Cumbria?
- 4.7 If such an identification was justified for soundness, is there any evidence about the mineral potential to include the suggested site(s) in the DPD as Areas of Search?
- 4.8 Has the suggested site(s) been subject to Sustainability Appraisal and consultation?

#### ***Policy 8: omission: Mineral Safeguarding Area for slate***

- 4.9 In the light of the County Council's response (RSAP5, paragraphs 10.3 to 10.5) is the DPD **not** consistent with the CS (and thus not sound) if the requested mineral safeguarding area is not identified?
- 4.10 If that would be the case, is the County Council proposing a change to the text as indicated to address the issue?

### ***Mineral Consultation Areas***

- 4.11 The County Council recognises (RSAP5, section 11) that it cannot show material on the proposals map that extends into adjoining administrative areas. However, the issue raised in paragraph 11.5 of RSAP5 appears valid. How is this to be taken forward with adjoining mineral planning authorities and is this a soundness issue for the DPD?

## **ISSUE 5 – Any other miscellaneous, procedural and outstanding matters**

- 5.1 Any other representations for changes to the DPD required in order for it to be sound not otherwise covered in previous Hearing sessions.
- 5.2 Council's recommended changes if any to the DPD and Proposals Maps.