

**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:
- (i) 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?
  - (ii) 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?
  - (iii) Does the DPD comply with the Statement of Community Involvement (SCI) and has the Council carried out all consultation consistent with the SCI?
  - (iv) Has the DPD been subject to a Sustainability Appraisal and has the Council provided a final report of the findings of the Appraisal?
  - (v) Were any requirements for Appropriate Assessment under the Habitats Regulations met before publication of the DPD?
  - (vi) Is the DPD in the general conformity with the Regional Strategy?
  - (vii) Does the DPD comply with all of the 2004 Regulations, as amended in 2008?
  - (viii) 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?
  - (ix) How is the Regulation 13(5) requirement to list saved Structure and Local Plan policies that will be superseded met?
  - (x) 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.