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Cumbria Mineral and Waste Development Framework: Repeated Site Allocations Policies and Proposals Map

Barrow Borough Council Statement

Issue 2: Proposed Additional Non-Inert Landfill Capacity

The Borough Council wish to reiterate their previous comments regarding this issue, made in the response dated 5 December 2011, to the repeated Regulation 27 Publication of Site Allocations Policies DPD and Proposals Map.

Barrow Borough Council remains of the opinion that in the absence of technical and feasibility studies, the allocation of Goldmire Quarry for non inert landfill would be premature. Without such studies, the suitability of the site, its capacity and its deliverability cannot be adequately demonstrated.

The Mineral and Waste Core Strategy Policy 9 states that, "Around 7 million cubic metres of landfill capacity will be provided, including the void space remaining in sites that have planning permission." Paragraph 7.31 of the Core Strategy breaks this down to explain that there is estimated to be around 5 million cubic metres of remaining capacity with planning permission, therefore there is a need for a further 2 million cubic metres of capacity.

Taking into account the allowed appeal at Bennett Bank in March 2010, which provided an additional 580,000 cubic metres of landfill capacity, and the remaining additional void space at Lillyhall, Hespin Wood and Thackwood, which was estimated to be between 1,060,000 and 1,310,000 cubic metres in total (information taken from paragraph 61 of RASP10), the shortfall is between 690,000 and 940,000 cubic metres. It is noted however that regional level work suggested that less landfill capacity than is identified in the Core

Strategy was now likely to be needed (SAP1 paragraph 3.10 and RASP10).

Paragraph 63 of RASP10 indicates that the Inspector considered the shortfall, combined with the gap in provision in the south of the County after Bennett Bank ceased receiving waste at the expiration of planning consent in 2017, was inconsistent with the Mineral and Waste Core Strategy.

The Borough Council appreciates the difficulty this presents. However, Planning Policy Statement 12 (PPS12), which was relevant during preparation of both SAP1 and RASP1, required Development Plan Documents (DPDs) to be 'justified', 'effective', and 'consistent with national policy'.

In order to be considered 'effective' PPS12 required DPDs to be 'deliverable' (para 5.2). Paragraph 4.45 of PPS12 explained to be 'effective' "LPAs should be able to state clearly who it is intended to implement different elements of the strategy and when this will happen."

As it is not clear if Goldmire Quarry will be able to contribute to the implementation of the Minerals and Waste Strategy at the present time, it cannot be considered 'deliverable' and therefore the plan fails to be 'effective', when considered against the tests of soundness set out in PPS12.

The National Planning Policy Framework (NPPF), which replaced a number of planning policy guidance documents, including PPS12, on 27 March 2012, now requires Local Plans to be 'positively prepared', 'justified', 'effective' and 'consistent with national policy' in order to be considered sound.

The NPPF, like PPS12 before it, requires Plans to be 'deliverable' in order for them to be 'effective' and states that "the plan should be deliverable over its period...". Therefore, the plan fails to be 'effective', when considered against the tests of soundness set out in the NPPF.

Further to this, although without technical and feasibility studies it is not possible to reasonably estimate the potential capacity of Goldmire Quarry for non inert landfill, Stephens Associates indicated (on behalf of Holker Estates Company Ltd and Neil Price Ltd) at the Hearing for SAP1, that Goldmire Quarry presents a potential additional capacity for

non inert waste of up to a maximum of 225,000 cubic metres (ID: HD29 of Core Document List for Examination of SAP1, October 2010).

The Borough Council are cautious of Stephens Associates estimation as it is based on limited assessment. However, it is worth noting that, even if Stephen Associates full capacity estimation of Goldmire Quarry is taken into account, there would remain a shortfall of non inert landfill requirement of between 465,000 and 715,000 cubic metres.