

Inspector's Agenda and Supplementary Questions: Issue 3

Agenda

- 1 Opening remarks
- 2 Which sites should be included within Policy 6
- 3 Lillyhall
- 4 The precise wording of the relevant text in the Plan
- 5 Should Policy 6 remain in the Plan?

Having read the further submissions, the following questions need to be addressed by the Council, and others as appropriate, **at the Hearing session. Unless specifically requested by the Inspector via the Programme Officer, no further written statements should be supplied in response and any that are will be returned by the Programme Officer.**

*This matter was the subject of considerable debate at both the previous examination and also at the examination of the Core Strategy. The report of the Inspectors who examined the CS was extensively referenced during my previous examination and in my report (RSAP10). I dealt with this issue at some length (paragraphs 69 to 96). In my view certain matters have been resolved and I see no merit in re-opening the debate on them. Principal among these is that **this** Plan cannot identify sites for the management of LLW, other than at the LLWR, or VLLW at all. This is the clear view of WRG too. To do so would not be consistent with the Core Strategy, where CS policy 12 quite clearly refers only to the LLWR itself. While I acknowledge that this may no longer be a soundness test under the National Planning Policy Framework (because the Framework does not envisage a suite of local plans for an area), I consider that it would still not meet the 'positively planned' test for much the same reasons as set out paragraphs 71 to 75 of RSAP10. There is also the requirement of Reg 8(4) of the 2012 Local Planning Regulations to consider. If participants take a different view this will be discussed.*

*As I set out in RSAP10, paragraph 91, the LLWR (site CO35) is to all intents and purposes identified in the Core Strategy and whether or not it is specifically allocated in **this** Plan it would appear to be allocated in the adopted development plan for Cumbria. Its 'in principle' suitability does not therefore appear to me to be a matter needing discussion. While the extent of the site identified might be a matter for debate, this does not appear to be the case made by any of those making representations.*

The position with site CO36, Land within Sellafield, is however different. In my view, it is clear from paragraphs 92 and 93 of my report (RSAP10) that my endorsement of this site was on an interim basis only given the Council's commitment to an urgent review of the spatial strategy. That review has not yet taken place. The flaw in Policy 6 may therefore be that it adds a site beyond the LLWR, not that it fails to allocate all existing sites as argued by WRG.

Agenda Item 2

1. The essence of the case made by WRG, is that Policy 6 should treat all existing sites capable of managing LLW on the same basis (ED91). If they already have the necessary authorisations to manage that waste what purpose would that serve?
2. What is the **planning** status of the sites referred to by WRG (these are the LLWR, the landfill within site CO36, the MRF at Lillyhall and the area of Lillyhall landfill for which the HV-VLLW permit has been issued)?
3. What would be the effect of cutting down the area of site CO36 as suggested by WRG?
4. What is the timetable for the review of the CS, particularly in the light of the approach to plan making set out in the Framework?

Agenda Item 3

1. As I read document LD197, the EA is fully aware that planning permission expires in 2014, but explains both its duty to determine the permit application and the basis on which it must do so (see response to consultee comment 3.6 and paragraph 4.37 in particular). We will discuss this also under Issue 2, but my understanding of the Plan is that provision for non-inert landfill will not be delivered unless, in effect, the current planning permission at Lillyhall is extended. What would be the effect (if any) on the permit of a further planning permission which might, by condition say, prohibit the landfilling of any radioactive wastes at Lillyhall?
2. We will also have discussed this to an extent under Issue 1, but could the Council explain which policies of the development plan as it now stands adopted and submitted would be relevant to the determination of an application for landfilling at Lillyhall that proposed the management of radioactive wastes?

Agenda Item 4

1. In paragraph 3.14 of the Plan, the Council refers to its and Copeland Borough Council's policy. This is not a CS policy and I have not been referred to the Borough Council development plan that contains this policy. Can the Council explain when this policy was adopted and the process by which it evolved, including the consultation with the local community that took place?
2. WRG has referred in its statement (ED91) to text in the Plan that it considers to be prejudicial to or prejudging of planning processes yet to take place. Can the Council point to the evidence to support the views expressed in these passages of text in the Plan?

Agenda Item 5

1. Given what I have set out in the context section above and the discussion that we will have had, what would be the effect on planning for the management of radioactive wastes in Cumbria if policy 6 and its text were to be deleted altogether from this Plan? Does the CS already provide sufficient guidance given that it does not, and thus **this** Plan cannot, say anything about VLLW?