

Inspector's Agenda and Supplementary Questions: Issue 4

Agenda

- 1 Opening remarks
- 2 Policy 7: Site M12 Roosecote
- 3 Holmescales Quarry
- 4 Mineral safeguarding area for slate
- 5 Moota Quarry
- 6 Mineral Consultation Areas

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.**

Agenda Item 2

1. Does the third paragraph of Barrow BC's statement (ED100) contain the correct references to RSAP2?
2. The Borough's concerns regarding the Sustainability Appraisal (RSAP2) seem more related to the methodology itself than the outcome for this site. Would the effect of any development on the low drumlin landscape referred to not be a matter properly and robustly considered under Policy DC12 (CSD15)?
3. Where is the document/evidence to support the Council's contention that Natural England agree with the approach taken to the Habitats Regulation Assessment (ED89, paragraph 11)?
4. With regard to the HRA, the Borough Council appears to take a different view to Natural England regarding the need to assess Areas of Search. What is the evidence for this stance?
5. Could the Council explain what is said in paragraphs 11 and 12 of ED89? Natural England's response (RSAP7) refers to the wrong paragraphs of RSAP1 although the text accurately quoted is from paragraph 5.62 which does refer to site M12. However, this paragraph also appears to be incorrect. The site has **not** been subject to HRA, presumably for the reasons set out in ED89 paragraph 11 so what is the evidence for this conclusion?
6. Would Policy DC10 and paragraph 5.10 (CSD15) nevertheless enable these matters to be addressed if and when an application is forthcoming?
7. It seems to be common ground that the Plan would be unsound if provision for further sand and gravel reserves were not made in the south of the County. Does the Framework alter this at all - the concept of Areas of Search no longer appears to be mentioned?

Agenda Item 3

1. Unless I have misunderstood Aggregates Industries' statement (ED93), the only material change in circumstances that has occurred since the previous examination is the changed method of specification for skid resistance. No evidence of any progress regarding access to the quarry is provided. I suggest the discussion at the hearing session debates the clearly opposed

positions of the Council and Aggregates Industries as set out in ED89 and ED93 respectively.

Agenda Item 4

1. If possible, a consensus view should be reached as to whether the Plan is unsound if the MSA is not referred to in Policy 8 and shown on the Proposals Map.
2. It seems from ED96 that the proposed wording in ED89 paragraph 38 may be acceptable as a way forward. If the view formed in response to question 1 is that the Plan would be unsound without some kind of change, then the suggested wording would be a 'main modification' which could only be recommended if the s20(7C) request was made and consultation then carried out. If however the view was formed that this was not an issue of soundness, the new wording would be an additional modification which would not be referred to in my report. What are the participants' views?

Agenda Item 5

1. Cemex sets out its position in ED92 and quite fairly explains that the evidence to support its contention that a further area should be added to Policy 7 is in the process of being gathered. Would the Council like to comment on ED92 generally and explain how the planning application indicated will be judged against the development plan policies in the absence of this site being identified as a Preferred Area?
2. On the basis of the evidence before it, does the Council consider that this site should be identified as Preferred Area?

Agenda Item 6

1. With reference to ED89 and in particular paragraph 39, it would appear that the Framework may have altered what is said. Paragraph 143 of the Framework refers to what **local** (as opposed to **mineral**) planning authorities should do in preparing local plans and included in the list is the definition of MCAs based on MSAs, which are also to be defined. Does the Council consider that this alters the requirement placed upon both Durham and Northumberland County Councils?