



**Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Planning) (England) Regulations 2012**

**Draft Cumbria Minerals and Waste Local Plan
2014 to 2029**

TABLE OF MODIFICATIONS STRATEGIC POLICIES

REGULATION 18 CONSULTATION

FEBRUARY 2015

Strategic Policy evolution

MWDF 2009	MWLP 2013	Title	MWLP 2015	Title
CS1	SP14	Sustainable location and design	SP12	Climate change mitigation and adaptation
CS2	SP15	Economic benefit	SP13	Economic benefit
CS3	SP16	Community benefits	-	DELETED
CS4	SP17	Environmental assets	SP14	Environmental assets
CS5	SP18	Afteruse and restoration	SP15	Restoration and afteruse
CS6	SP19	Section 106 planning obligations and Community Infrastructure Levy	SP16	Section 106 planning obligations
CS7	SP4	Strategic areas for new waste management developments	-	DELETED
	SP8	Strategic areas for new mineral developments	SP8	Strategic areas for new mineral developments
CS8	SP2	Provision for waste	SP2	Provision for waste
CS9	SP3	Waste capacity	SP3	Waste capacity
CS10	SP5	High and Intermediate Level radioactive wastes treatment and storage	SP6	High and Intermediate Level radioactive waste treatment, management and storage
CS11	-	DELETED	-	-
CS12	SP6	Higher Activity range of Low Level radioactive waste	SP5	Development criteria for low level radioactive wastes
	SP7	Lower Activity Low Level radioactive wastes		
CS13	SP9	Minerals provision and safeguarding	SP7	Minerals provision and safeguarding
CS14				
CS15	SP10	Marine dredged aggregates	SP9	Marine dredged aggregates
CS16	SP11	Industrial limestones	SP10	Industrial limestones
CS17	SP12	Building stones	-	DELETED
CS18	SP13	Oil and gas and coal bed methane	-	DELETED
-	SP1	Presumption in favour of sustainable development	SP1	Presumption in favour of sustainable development
-	-	-	SP4	Use of Best Available Technique
-	-	-	SP11	Peat
-	SP20	Monitoring and enforcing planning control	SP17	Monitoring and enforcing planning control

Cumbria Minerals & Waste Local Plan – Strategic Policies

Regulation 19 Consultation Responses – policy/section/paragraph order

MWDF 2009	MWLP Feb 2013	Comments – changes made to CS Policies in MWLP Policies	MWLP representations	Recommended action
CS1	SP14	Revised wording re decentralised and renewable/low carbon energy supplies. SP12 in Feb 2015 consultation draft	Rep. 18: the requirement for mineral working proposals to demonstrate a life cycle analysis of products and process carbon emissions should be eliminated.	Partially agreed – delete requirement from policy, insert text (para 6.26) that similar evidence should be submitted with planning applications (where proportionate to the scale and scope of the development) to demonstrate compliance with bullet 1 of the policy.
			Rep. 25: a number of the proposals within the policy are not appropriate: • the requirement to show ‘cradle to the grave’ analysis of product and process carbon emissions are unreasonable; and	As above
			• the remainder of the policy far exceeds the advice of the NPPF in this regard and should be redrafted accordingly or deleted.	Remove the policy requirement to use decentralised, renewable or low carbon energy, but add “an appropriate balance of energy and resource minimisation and low carbon energy generation” to text (para 6.26). Insert bullets in policy on water use and protection of peat bog. These reflect section 10 of the NPPF, which states that local planning authorities should adopt proactive strategies to mitigate and adapt to climate change; to this end, it is for the local authority

				to decide which proactive strategies it adopts that are appropriate in their area.
			Rep. 37: it is considered that requirements for restoration and afteruse should be directly linked to the requirements set out under policy SP14 (Sustainable location and design) to ensure that restoration and afteruse activities also support the sustainability and environmental criteria set out. It is suggested that the first sentence of policy SP14 is amended to read '.....developments, <u>including proposals for restoration and afteruse</u> , should demonstrate....'	Amend wording to read, "where appropriate, the restoration <u>and afteruse</u> proposals fulfil a role in helping to mitigate for or adapt to climate change" - now bullet point 5.
			Rep. 44: this policy is generally supported	Delete bullet point from policy. See also para 6.26 in preceding text, which requires an appropriate balance of energy and resource minimisation, and low carbon generation.
			<ul style="list-style-type: none"> the third bullet point is more applicable to waste developments than to isolated quarries; this should be caveated to say that it will be applied 'where appropriate' there should be an explanation provided as to what 'carbon offsetting measures' would be expected 	Delete words from policy, but include text in paragraph 6.31 about carbon sequestration with examples such as tree planting. Refer to mitigation for loss of active peat bog by improving condition of existing areas in text (para 6.30). See 'carbon offsetting' in Glossary.
			<ul style="list-style-type: none"> the requirement to demonstrate a 'cradle to grave' life cycle analysis does not make sense; in order to carry out this analysis, you would need to know what the aggregates were going to be used for and the use of the product - this clause also seems to be covered by the first clause 	Agreed – remove bullet point and focus on bullet one. See also response to rep 18 above.

			<ul style="list-style-type: none"> for most mineral products this will be difficult to do until the product is sold - could CCC adopt a 'cradle to gate' analysis or to be more nuanced about the 'product and process carbon emissions' that CCC is seeking information about? 	Agreed - see response to rep 18 above.
			<ul style="list-style-type: none"> how would CCC view a scenario where there was, for example, higher emissions arising from asphalt production offset by replacing production from a less carbon efficient operation elsewhere? 	Explain that each case would be looked at on its own merits in the text (see para 6.26).
			<ul style="list-style-type: none"> the requirement for the construction of buildings to minimise waste production and use of primary aggregates and make best use of products made from recycled/re-used materials is not a sensible sustainability clause as written - these issues need to take into account the type of construction required and the availability of recycled materials 	Delete bullet point on building construction. Any such sustainability measures can be proposed as a way to conform to bullet point 1.
		Rep. 48:	<ul style="list-style-type: none"> supplies of potable water to the future minerals and waste facilities from United Utilities' network, whether they be temporary or permanent, need to be discussed with United Utilities so that proposals can be incorporated into future business plans. This will also allow for an assessment on the potential impact on wastewater treatment works and sewerage infrastructure assets in the area. 	Noted – consult United Utilities on site allocations, and take account of their latest development plans (AMP 6).
			<ul style="list-style-type: none"> United Utilities expects to place a greater emphasis on groundwater sources, beginning with boreholes currently being sunk in the Egremont area. 	Noted.
			<ul style="list-style-type: none"> the construction of minerals and waste facilities may generate large volumes of groundwater, the disposal of which may require United Utilities to be involved. 	Noted. Bullet point on waste water treatment added to policy and explained in text (para 6.27).
		Rep.49: the approach set out here is supported.		Noted

			Rep. 103: bullet point 4 states that developments should demonstrate that, 'where appropriate, the restoration proposals have a role in helping to combat climate change' - it is suggested that the policy is improved by specifically referring to: a) improved carbon storage and b) creation of habitats to improve resilience and adaptation to climate change.	Agreed - further to the comment re Rep. 37, add examples to the text (paragraph 6.31) to include points (a) and (b) from Rep. 103.
CS2	SP15	Identical. SP13 in Feb 2015 consultation draft	Rep. 52: it appears that this policy directly conflicts with Mineral Safeguarding Areas - as minerals can only be worked where they are found, the thrust of this policy should be changed so that other developments should only be permitted where they would not impact upon present or future mineral activities.	Amend policy to clarify that seeking economic benefits is a balancing exercise with other interests. There is no intent to place economic benefit before mineral safeguarding. This is also clarified in the text (para 7.10).
CS3	SP16	Identical. No policy in Feb 2015 consultation draft	Rep 31: this policy is supported, as the representor believes that community benefits packages should be provided to local areas supporting nuclear facilities of regional or national significance.	Noted, but policy deleted because community benefits are a voluntary contribution, and not a material consideration for the planning process.
CS4	SP17	References to biodiversity increase and to green infrastructure added, to replace RSS policies EM1 and EM3. SP14 in Feb 2015 consultation draft.	Rep. 8: <ul style="list-style-type: none"> • note that NPPF paragraph 117 requires that policies should 'identify and map components of the local ecological networks...' • policies SP17 and DC13 refer to environmental assets, biodiversity and geodiversity, but paragraph 8.5 indicates 'further work for the biodiversity evidence base will include...' • the suggested future work should be undertaken to inform the policies, not the other way round. 	Partially agreed. Add reference in text (para 8.13) to note that the work of the CBDC is an iterative, ongoing programme. The assets listed in Boxes 8.1 and 8.2 include sites, networks, corridors and stepping stones, but new information is constantly coming in and the evidence base is updated. Future work by, for example, the Local Nature Partnerships or for the Nature Improvement Area will augment the evidence base and help to identify further networks or links. This work is not needed before a policy, that

				<p>protects those assets, is written. Add bullet “Areas identified by LNPs” into Box 8.2. Add “including sites, networks, corridors and stepping stones” at the end of bullet 8, Box 8.2.</p>
			<p>Rep. 17: the phrase “... great weight will be given to conserving habitats of principal importance ...” is not sufficiently precise, as it does not specify whether the habitats in question are confined to the site of the proposed development or whether a wider area, which could be affected by the development, is included.</p>	<p>Not agreed. The impacts on habitats of principal importance not on a site being developed are material considerations in the Development Management process and can be delivered by the policy, as it stands. Add clarification text on sources of biodiversity data to include crucial areas of land adjacent to designated areas to the text (para 8.11).</p>
			<p>Rep. 37: it is considered that requirements for restoration and afteruse should be directly linked to the requirements set out under policy SP17 (Environmental assets) to ensure that restoration and afteruse activities also support the sustainability and environmental criteria set out - it is suggested that the first sentence of policy SP17 is amended to read ‘....developments, <u>including in their restoration and afteruse</u>, should aim to....’</p>	<p>Agreed – add text to policy.</p>
			<p>Rep. 46: Policy SP17 should be changed to reflect paragraph 149 of the NPPF and be consistent with Policy DC10; it is suggested that the latter part of this policy could contain an additional bullet point, to read “in relation to the extraction of coal (by surface or deep method of extraction), it demonstrates national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission”.</p>	<p>Disagree. The Local Plan text (now para 8.34) is a paraphrase of NPPF paragraph 118 bullet point 1, and is applied to environmental assets protected by national or European legislation. The final section of the policy (now SP14) already includes a bullet point that</p>

				requires demonstration if there is an overriding need for the development; this is consistent with paragraph 149 of the NPPF. Both NPPF paragraphs would be material considerations for any planning proposals.
			Rep. 49: the proposed policy is supported, in particular the approach in the supporting text as to how existing Regional Policy will be addressed once the RSS is revoked is an important consideration.	Noted.
			Rep. 52: bullet points 5 and 6 appear to suggest that minerals applications will be expected to make environmental contributions outside the application area - this is unacceptable and goes beyond the sustainability principles.	The policy does not imply that environmental contributions are expected outside the planning permission area. Rather, it indicates that a development, whether waste or mineral, could include, for example, a wildlife corridor if development doesn't take up the entire the permitted area, or provision of biodiversity opportunities in the restoration scheme to enhance, expand or link areas for wildlife. As agreed in response to Rep. 37, the addition of 'including restoration and afteruse' to the first line of this policy, will clarify this issue
			Rep. 58: this policy is supported, but it could be improved if it referred to the Wildlife and Countryside Act 1981 (as amended); the policy could also set out that suitable mitigation should be proposed where it is likely to be a significant adverse impact, which will be effective at either avoiding or reducing the impact.	Statutorily protected wildlife species are in bullet 7 of Box 8.1 – to ensure clarity, this will be made into its own bullet point.

CS5	SP18	References to potential benefits of after uses added. SP15 in Feb 2015 consultation draft	Rep. 12: Policy SP18 is sound	Noted
			Rep.17: omission of examples for disused roadstone quarries.	Landscape enhancement and biodiversity are suitable for many disused hard rock quarries and are included in the non-exhaustive list of afteruses within the policy.
			Rep. 27: recommend change of wording from 'may' to 'should' ("This <u>should</u> include consideration of...").	Agree text change, and add that this is a non-exhaustive list (para 9.2).
			Rep. 37: it is recommended that the second sentence of policy SP18 is amended to read 'This <u>should</u> include consideration...[existing list of considerations]...and the criteria set out in policies SP14 and SP17'.	Agree text change and refer back to the policies on Climate Change and Environmental assets (now SP12 and SP14) in para 9.3
			Rep. 49: no specific comments to make other than to note the potential for, and importance of securing, the phased restoration of large sites.	Agree – text to be added (para 9.3).
CS6	SP19	Significant alterations, including reference to the Community Infrastructure Levy SP16 in Feb 2015 consultation draft	Rep.18: suitable financial guarantees should also include a parent company guarantee.	Agree – text added in point 2.
			Rep. 25: should identify that financial guarantees may also include parent company guarantees.	Agree – text added in point 2.
			Rep. 44: there is a potential overlap between CIL and s106 requirements and the cumulative impact of 'compensation' becoming too onerous - the policy should be amended so that requirements are required through either CIL or s106, but not both.	Agreed - revised policy refers only to S106 agreements.
			Rep. 52: point 2 should be deleted to comply with government policy, as set out in the Technical Guidance to the NPPF (paragraphs 49-51).	Disagreed - NPPF paragraph 50 sets out a non-exhaustive list of exceptional cases where a financial guarantee may be required.
CS7	SP4 and SP8	Separate policies for waste management and minerals. Significant revisions	SP4 - Rep. 40: objection to the proposed allocation of Goldmire Quarry, as there is an absence of appropriate technical and feasibility studies; without such studies, the suitability of the site, its capacity and its deliverability	Former policy SP4 has been deleted, and no allocations for additional landfill capacity are included in the Plan. This is because there is

		<p>reflecting content of RSS Policy EM13, recent developments and lower forecasts of non-inert landfill capacity requirements.</p> <p>Waste policy SP4 is deleted in Feb 2015 consultation draft.</p> <p>Minerals policy SP8 retained in Feb 2015 consultation draft.</p>	cannot be adequately demonstrated - as an alternative, the County Council could consider Bennett Bank as a strategic landfill site.	sufficient non-inert landfill void capacity for the Plan period if all current consents were granted time extensions at the end of their current expiry dates.
			SP4 – Rep. 33: support the proposed policy.	Noted
			SP4 - Rep.41: making provision within or adjacent to the Sellafield site for its decommissioning waste has not been demonstrated to be the most sustainable approach; what is the need to refer to Sellafield's decommissioning in this policy, where there are other policies in the Plan relating specifically to radioactive wastes.	Agreed - former policy SP4 has been deleted.
			SP4 – Rep. 49: this policy approach is supported and the position of Bennett Bank is noted. Given the environmental issues raised by this landfill site, especially given its location near to Sandscale Haws, it is considered that no landfilling should take place post-2017. Early steps should be taken to ensure appropriate restoration of the site in a timely manner.	Noted. See response to rep. 40 above.
			SP4 - Rep.59:	See response to rep 40 above. This policy has been deleted.
			<ul style="list-style-type: none"> the first three paragraphs set out the same priorities; the fourth paragraph simply contains a statement and does not set the boundaries of 'West Cumbria' for this purpose; 	Agreed. The wording was not clear and this paragraph did not add significantly to overall policy. It is no longer in the Plan.
			<ul style="list-style-type: none"> and the last paragraph states that for decommissioning Sellafield, provision will be made for radioactive waste management facilities within or adjacent to the site - does this mean that nuclear waste currently on site will not be exported elsewhere, but does it mean that waste from other 	Agreed. The wording was not clear and this paragraph did not add significantly to overall policy. It is no longer in the Plan.

			sources will not be managed there, and does 'management' mean storage or disposal or both or neither?	
			SP8 - Rep. 23: the inclusion of Ghyll Scaur Quarry is supported, but the omission of the potential Holmescales extension makes the policy unsound.	The sandstones near Holmescales Quarry are identified as a strategic location for further supplies of regionally important high specification roadstone.
			SP8 - Rep. 26: the Solway Moss site should be identified as the location for further peat supplies if required.	The comment refers to a potential time extension at the existing Solway Moss site. However, any proposal for a time extension for the site would be addressed through Development Control policies and would not constitute a strategic new development (which is the remit of Policy SP8). Also note that Paragraph 143 of the NPPF says that Local Authorities should not identify new sites or physical extensions to existing sites for peat extraction.
			SP8 - Rep. 34: to ensure consistency with the NPPF, the Minerals and Waste Local Plan should identify Kirkby Quarry as a strategic area for new mineral development.	Agreed - add the slate quarry to the strategic areas for new mineral developments in the policy (still SP8).
			SP8 - Rep. 44: this policy is supported as it stands, but it should be informed by the possible need for further HSA resources to replace the HSA sites likely to close in the Yorkshire Dales National Park.	Agreed - add Holmescales Quarry to the policy in response to potential issue in the future. The draft Local Plan includes an update of the HSA landbank following planning consents granted in Cumbria. The situation will be kept under review in the Annual

				Reports and in continuing dialogue with the YDNPA.
			SP8 - Rep. 46: this policy does not identify any strategic areas with the potential for the future extraction of coal by either deep or surface mining methods; this is contrary to paragraph 147 of the NPPF. There is likely to be renewed interest in surface mining of coal within the Plan period.	Paragraphs 5.90 - 5.97 of the draft Local Plan recognise the requirements of NPPF para 147, but it has not been possible to identify any areas in the county where surface mining development and associated colliery spoil would be acceptable, mainly due to the county's environmental and other sensitive assets. The Plan text describes new proposals for deep mining that have come forward, as well as one proposal for open cast mining, includes information on the coal resources in the county and explains why each proposal will be dealt with on a case by case basis.
			SP8 - Rep. 52: this policy appears to introduce the category 'strategic areas' – this needs collaborative/supporting information as to how it has been derived, to show the timings for sites in strategic areas to be brought on stream, and an explanation of how it relates to Preferred Areas and Areas of Search. If the extension of time for Low Plains is refused, and given the limitations in quality/quantity at Bonnie Mount and Cardewmires, Eden may have to be identified as an area where the minerals plan has failed in its obligation to meet local need.	Strategic areas are not intended to be a new designation, but reflect those minerals or supply areas that will provide more than a local service or where there is no other choice of supply. Clarify text in relation to: sand and gravel resources (para 5.50-5.58); HSA (para 5.62-5.63); gypsum (para 5.64-5.65); brick-making mudstones (para 5.66–5.67) and slate (para 5.77), in order to explain why areas related to these minerals have been

				identified as strategically important.
			<p>SP8 - Rep. 62:</p> <ul style="list-style-type: none"> the representor supports the inclusion of the strategic area for future opencast gypsum operations at Kirby Thore/Long Marton; the area identified represents a future source of plaster or cement rock grade material from A bed deposits as currently mined at Birkshead Mine. 	Noted.
			<ul style="list-style-type: none"> at present, the highest grade materials are imported in the form of desulphur gypsum, but the anticipated switch from coal to gas (and renewable) power generation will require increased output from the companies mines to supply the requirement for plaster and plasterboard. 	Noted.
CS8	SP2	<p>The policy now also applies to radioactive wastes.</p> <p>SP2 in Feb 2015 consultation draft</p>	Rep. 21: the term 'municipal waste' should be referred to as 'Local Authority Collected Waste (LACW)'; and the Plan does not contain information on existing waste management sites for Cumbria's LACW/municipal waste, including those required to deliver the MWMS (with the exception of landfill).	Where not already used, text will be changed to LACW, as appropriate. Municipal waste is LACW plus a small amount of C&I waste (see paragraph 3.7). The Plan includes information on the waste management facilities provided to date to deliver the MWMS (para 3.10 - 3.15).
			Rep. 33: support the proposed policy	Noted
			Rep. 50: there should be an acceptance that some types of waste travel significant distances as they are relatively low in volume but often attract high management costs; facilities to treat these wastes often serve a regional or national market as a result.	Text to be added, explaining contrast between CD&E waste and hazardous waste (para 3.26 – 3.27 and para 3.61).
			<p>Rep. 59:</p> <ul style="list-style-type: none"> it is not clear if “net self-sufficiency” applies to all wastes, including radioactive waste - if it does apply 	Clarification text to be added to para 3.9 “Radioactive waste is addressed in chapter 4 of the Plan”.

			to radioactive waste, then the suggested policy would prevent high level radioactive waste being taken out of the county to be deposited in any future national Repository elsewhere in the UK. An explicit exception for radioactive waste should be included in the policy for clarification policy.	Also add (para 3.59) that net self-sufficiency does not apply to radioactive waste.
			<ul style="list-style-type: none"> this policy should deal specifically with whether radioactive waste can be imported into Cumbria and its status when processed – any limits should be clarified; the policy should also clarify whether, and to what extent, waste from reprocessing could be exported from the county. 	<p>Radioactive waste is dealt with in Chapter 4, so any necessary changes will be made in that chapter.</p> <p>In the UK, High Level Waste (HLW) arises only at Sellafield; this is vitrified and stored on site, awaiting disposal in a deep repository (GDF). However, the site does have existing contracts with foreign countries to reprocess their spent fuel and then return the treated waste to them. A limit on this could not be set by the County Council.</p> <p>Intermediate Level Waste arises at all nuclear licenced sites and the Nuclear Decommissioning Authority (NDA) is currently looking at options for single or multiple on-site storage until a GDF is operational. Sellafield is not part of that optioneering, but it will be treating and storing its own ILW, until a GDF is ready.</p> <p>The Repository near Drigg is currently a national facility for the storage of Low Level Waste, though there has historically been disposal. The Environment Agency set the limits,</p>

				<p>both radiological and volumetric, on imports of this waste. A limit on this could not be set by the County Council.</p> <p>Para 4.50 discusses the import of foreign HLW for processing and its subsequent export, plus the import of ILW for treatment or storage. Policy SP6 sets criteria.</p>
			<ul style="list-style-type: none"> the status of plutonium should be clarified – whether it is waste and if it should be managed under this Plan. 	<p>Central Government's preferred option for dealing with plutonium is that it is reused as a MOX fuel. At present, therefore, it is stored and not regarded as a waste.</p>
CS9	SP3	<p>Significant changes reflecting subsequent developments, lower forecasts of non-inert landfill capacity requirements and budget restraints on expanding/improving the HWRC network.</p> <p>SP3 in Feb 2015 consultation draft</p>	<p>Rep. 21: the supporting text and the policy should provide detail about what type of facilities are required for the 650,000 tonnes of C&I waste; and it would be useful to understand the capacity of the facilities needed to be provided for EfW.</p>	<p>The Waste Needs Assessment provides evidence to support the C&I waste arisings approximated in the previous draft plan, but provides further breakdown of the types of treatment and/or disposal likely to be required. The Plan text will be amended to indicate the likely tonnages requiring thermal treatment (EfW), and the policy will be revised to include a sufficient number of sites. However, specifying technologies is not within the remit of the planning process, as any provision would be market led.</p>
			<p>Rep. 33: support the proposed policy</p>	<p>Noted</p>
			<p>Rep. 50:</p> <ul style="list-style-type: none"> the Local Plan does not take into consideration that, based on current planning permissions, after 2020 	<p>Two non-inert landfills have since been granted time extensions, and now expire in 2029 and 2032. There</p>

			<p>there will be no consented landfill void in Cumbria – the Plan needs to ensure that there is sufficient void throughout the Plan period.</p>	<p>is an inert landfill that expires in 2042. However, the WNA does indicate that further time extensions are likely to be required if sufficient capacity is to be available. Policy will be revised to: reflect the circumstances in which time extensions would, in principle, be appropriate; allow some flexibility in the light of future uncertainties; while maintaining a “close fit” between capacity and need.</p>
			<ul style="list-style-type: none"> it is unclear if having sufficient landfill capacity will have a detrimental impact on driving up the waste hierarchy – it should be noted that most treatment options have a residual element that requires management, usually disposal. 	<p>It is agreed that there are other policy and economic drivers that will influence the movement of waste up the waste hierarchy. The situation will be kept under review in the Annual Reports.</p>
			<p>Rep. 55: this policy identifies that only around 1.3 million cubic metres of non-inert landfill capacity should be needed over the plan period, which is a considerable reduction from the figure included within the Core Strategy. The representor has commissioned a study that concludes that the requirement is likely to be much higher, close to 4 million cubic metres.</p>	<p>The WNA re-assessed landfill requirements for the plan period to be between 2 and 3 million cubic metres and concluded that the current landfill capacity is likely to be sufficient if time extensions to current consents were to be granted. Policy SP3 will be revised to remove specific limits on landfill capacity, clarify circumstances in which such time extensions may be appropriate, and include some flexibility with respect to additional inert and non-inert capacity if ongoing waste needs assessment indicates it to be necessary.</p>

CS10	SP5	References added to waste treatment, alternative locations for waste from outside Cumbria. SP6 in Feb 2015 consultation draft	Rep. 35: it appears that the Strategic Objectives, Policy SP1 and its supporting text are not consistent with the management, storage and disposal of radioactive wastes, and, in particular, High Activity Wastes at Sellafield, as outlined in paragraphs 4.1 to 4.17 and Policy SP5.	The County Council is not the Regulator for radioactive wastes – the Environment Agency regulates the movement and disposal of these wastes, whilst the Office of Nuclear Regulation (ONR) regulates their storage. The Council is a Regulator for land use, so in this context it is for the siting of waste facilities, not what processes are carried out.
			Rep. 47: the NDA has initiated a number of strategic studies that are exploring the possibility of waste movements between sites, which could include off-site treatment and return to the original waste producer, or treat and store at the recipient site.	Former policy SP5 has been amended and is now SP6. It is considered that the policy is now flexible enough to allow such movements. Furthermore, a new policy (SP4) has been added, that sets out how the County Council would wish to see Best Available Technique applied to any radioactive waste management decisions.
			Rep. 51: fully endorses the comments made by representor 35.	Noted
			Rep: 53: who is going to scrutinise the decision, if it is said that the criteria has not been met – the decision should be scrutinised by an independent reviewer with no connection to DECC, NDA or the Councils – will this be guaranteed?	The County Council is the local planning authority for mineral working and waste management developments. In this role, it is responsible for determining planning applications and also for preparing planning policy for those types of development. Thus former policy SP5 (now SP6) sets out the strategy that the County Council will follow with regard to higher activity

				radioactive waste, whilst the relevant DC policies will be used to determine any planning application that may be submitted.
			Rep. 58: this policy does not provide detail around the potential impacts on the natural environment from the treatment and storage of radioactive waste; it is suggested that a policy is included to ensure the impacts on the following are considered – marine/freshwater fish species and assemblages; marine/freshwater invertebrates, plants and other organisms; sub-tidal and intertidal marine or freshwater features/habitats; bird species and assemblages; protected landscapes; protected species and biodiversity; and access and recreation.	The MWLP contains a suite of strategic and DC policies that are used in tandem to determine any planning application that may be submitted. Former policy SP5 (now SP6) sets out the strategy that the County Council will follow with regard to higher activity radioactive waste, whilst the relevant DC policies will be used to determine any planning application that may be submitted. There is no need, therefore, to repeat elements of SP14 and DC16 in this policy.
			Rep. 59:	A policy for the disposal of higher activity radioactive wastes was considered but omitted from the plan. This is because there is currently no disposal route available and there is not likely to be one within the Plan period.
			<ul style="list-style-type: none"> there does not appear to be a Policy regarding disposal of nuclear waste in the County, as distinct from storage and management. 	
			<ul style="list-style-type: none"> the first paragraph deals with treatment and storage of high and intermediate storage of both levels of waste if certain criteria are satisfied – how are these wastes going to be disposed of, what is the policy for what happens to the waste at the end of the ‘interim period’, and how will the end of this period be recognisable? 	Geological disposal of higher activity radioactive waste became Government policy in 2008. The provision of a Geological Disposal Facility (GDF) for these wastes will be determined as a Nationally Significant Infrastructure Project. The NDA’s Radioactive Waste Management

				<p>Directorate is responsible for carrying out preparatory work to plan for geological disposal over the next 15 to 20 years, at which time construction of the GDF may start. Safe interim storage is designed to last for 100 years.</p>
			<ul style="list-style-type: none"> second paragraph – what is the policy for proposals to bring high level waste from outside? 	<p>Clarified in the policy- but only for waste from elsewhere in the UK. Non UK sourced waste for management and return would not be covered by the revised policy. See also para 4.50, which says that the last 2 bullets in (new) SP6 apply to foreign HLW.</p>
			<ul style="list-style-type: none"> what would the policy be for an application to store or dispose of radioactive waste coming from outside the county at a site other than Sellafield? 	<p>Clarified in the policy – Sellafield is the ONLY site where such a proposal would be permitted.</p>
			<p>Rep. 60:</p> <ul style="list-style-type: none"> the representor objects to this policy as there should be a presumption against new nuclear developments unless they are accompanied by a plan detailing how the radioactive wastes arising from the proposed development will be dealt with – this should include plans for sub-optimal and optimal performances. 	<p>The County Council is not the Regulator for radioactive wastes – the Environment Agency regulates the movement and disposal of these wastes, whilst the Office of Nuclear Regulation (ONR) regulates their storage. The Council is a Regulator for land use, so in this context it is for the siting of waste facilities. Addition of new policy SP4 sets out how the County Council would wish to see Best Available Technique applied to any radioactive waste management decisions.</p>

			<ul style="list-style-type: none"> the plan should provide a framework to <i>help secure the recovery or disposal of waste without endangering human health</i> – a key planning objective as set out in PPS 10, paragraph 3. 	PPS10 now superseded by the National Planning Policy for Waste.
CS11	-	No policy in Feb 2015 consultation draft		Not included because of the County Council's decision not to participate in stage 4 of the Managing Radioactive Waste Safely process
CS12	SP6 and SP7	<p>Significant changes reflecting the new categories of High and Low Activity Low Level Radioactive Wastes. References to the waste hierarchy, a sequential test re on-site/adjacent to nuclear site locations and to a community fund added.</p> <p>Combined policy SP5 in Feb 2015 consultation draft</p> <p>Also new policy SP4 in Feb 2015 consultation draft</p>	SP6 – Rep. 41: it should be made clear that the embargo on other HA-LLW sites within Cumbria is not strictly limited to activity levels above 200 Bq/g, but that it is based upon a risk assessment approach to what can be safely and appropriately disposed of elsewhere without the level of containment provided at LLWR. The footnotes numbered 33 and 34 imply this, but the representor suggests that the following words are added: ' <i>although this would be subject to the application site's Environmental Safety Case</i> '.	Recombined to create new SP5. The combined policy, in tandem with new policy SP4, which sets out how the County Council would wish to see BAT applied to any radioactive waste management decisions, is considered to be more flexible and follows the precedent set by Northamptonshire County Council Local Plan Examination in 2014.
			<p>SP6 – Rep. 58:</p> <ul style="list-style-type: none"> this policy should state that the site is in close proximity to Drigg Special Area of Conservation (SAC) and Site of Special Scientific Interest (SSSI); it should also explain how development proposals of this nature will not be permitted in this location if they have a significant effect on the interest features of the designated site. 	<p>Policies Map Part 4 and insert map C, show the LLWR (site allocation CO35) in relation to all landscape, historic and conservation designations and constraints.</p> <p>The protection and enhancement of all environmental assets is covered in policy SP14 and in the DC policies of chapter 16. Former policy SP6 (now SP5) will not be considered in isolation when determining any planning application that may be submitted. There is no need, therefore, to repeat elements of SP14 and DC16 in this policy.</p>
			<ul style="list-style-type: none"> the representor welcomes the fact that this policy seeks to prevent coastal erosion; however, it should also seek to protect the SAC habitats between the site and the coast. 	
			<ul style="list-style-type: none"> translocation and mitigation for protected species should also be mentioned – great crested newts and natterjack toads are an interest feature of the SSSI. 	

			<p>SP6 – Rep. 60:</p> <ul style="list-style-type: none"> the representor objects to this policy. 	<p>The County Council is not the Regulator for radioactive wastes – the Environment Agency regulates the movement and disposal of these wastes, whilst the Office of Nuclear Regulation (ONR) regulates their storage. The Council is a Regulator for land use, so in this context it is for the siting of waste facilities. The addition of new policy SP4 sets out how the County Council would wish to see BAT applied to any radioactive waste management decisions. PPS10 now superseded by NPPW.</p>
			<ul style="list-style-type: none"> there should be a presumption against new nuclear developments unless they are accompanied by a plan detailing how the radioactive wastes arising from the proposed development will be dealt with – this should include plans for sub-optimal and optimal performances. 	
			<ul style="list-style-type: none"> the plan should provide a framework to <i>help secure the recovery or disposal of waste without endangering human health</i> – a key planning objective as set out in PPS 10, paragraph 3. 	
			<ul style="list-style-type: none"> this policy, with its restrictions on what may enter the UK LLW Repository at Drigg, contains a danger that a great deal of low level waste that arises elsewhere in the country will be diverted and dealt with via incinerator or landfill. 	
			<p>SP6 and SP7 – Rep. 31: these policies provide a clear statement of the Council's views around LLW and VLLW/LA-LLW and are in line with the stated aims of the national LLW Strategy.</p>	Noted
			<p>SP7 – Rep. 27: 'LA-LLW' – the terminology in the title of this policy needs to be addressed.</p>	<p>LA-LLW is no longer used in the title of the combined policy (now SP5). However, the term LA-LLW is still used in chapter 4 because the LLW Repository Ltd use it and it helps to compare like-for-like when referencing their documents.</p>

			<p>SP7 – Rep. 41:</p> <ul style="list-style-type: none"> this policy is inconsistent with national LLW policy, has not been positively prepared, and is neither justified nor effective, thereby failing the four soundness tests in the NPPF. 	The combined policy (former SP6 and SP7 – now SP5) is significantly amended.
			<ul style="list-style-type: none"> in the first bullet point, it is not appropriate to require a proposal for an LA-LLW treatment or disposal site to demonstrate compliance with the waste hierarchy at the planning application stage; the facility simply provides a route for a particular point in the hierarchy and will be open to appropriately consigned wastes – the waste hierarchy should be considered at the point where waste is generated. 	This element is removed from SP5, but the waste hierarchy is included as a principle in new policy SP4.
			<ul style="list-style-type: none"> in bullet points 2, 3 and 4, it is considered that this approach renders the Plan unsound, as it has not been demonstrated as the most appropriate strategy when considered against the reasonable alternatives and is not demonstrated to be the most sustainable approach. 	Revised policy, now SP5, replaces bullets 2, 3 and 4.
			<ul style="list-style-type: none"> section 5 of the Sustainability Appraisal looks at the Strategic Policies and alternatives considered; paragraphs 5.55 to 5.57 of the SA refer to policies SP6 and SP7 and references the alternatives considered in the MWDF process, but it is clear from these paragraphs and the Inspector's reports on the earlier MWDF process, that all the reasonable alternatives to this strategic policy have not been considered. 	All elements of the SA of the February 2013 draft Plan have been considered and the new policies re-assessed in a new SA.
			<ul style="list-style-type: none"> a similar approach to that used in Policy SP3 would be more appropriate – the current proposed approach in Policies SP6 and SP7 is in direct conflict with the UK LLW policy and strategy and the requirements of the NPPF, rendering the Plan 	The approach in the revised policy has some similarities to the approach in the February 2013 draft Policy SP3 (which dealt with non-radioactive waste)

			<p>unsound.</p> <ul style="list-style-type: none"> the requirement for the applicant in Policy SP7 to assess nuclear licensed sites is unsound, as it does not constitute a 'positively prepared' plan. The proposed policy stands in the way of the supply chain meeting the need identified in national LLW policy and in the text of the Plan for diversion of lower activity wastes from the LLWR. It is not 'justified' in that it has not been considered against reasonable alternatives. It is not 'effective' in that the deliverability of on or near-site LALLW management sites is unknown. It is inconsistent with national LLW policy that seeks early LLW management solutions; as it stands, Policy SP7 will act to delay new alternative LLW management solutions coming forward. 	Revised policy, now SP5, replaces bullets 2, 3 and 4.
			<ul style="list-style-type: none"> this policy focuses on waste miles to the exclusion of other sustainability factors; this is not consistent with PPS10, which requires waste to be disposed of in one of the nearest appropriate installations. 	Revised policy, now SP5, refers to enabling the waste to be managed in the nearest appropriate installation to its point of arising.
			<ul style="list-style-type: none"> the Plan's approach to require on or adjacent to site locations potential to be rigorously assessed before any more distant sites are considered, is based on an unrealistic assumption that the NDA/nuclear licensed site operators would develop timely facilities at these locations, when they are in fact looking to the supply chain to provide such LALLW management solutions. 	The combined policy (former SP6 and SP7 – now SP5) is significantly amended.
			<ul style="list-style-type: none"> the policy does not allow for development of appropriate routes; in fact it stands in the way of such development and is, therefore, contrary to the UK non-nuclear LLW Strategy. 	See above

		<ul style="list-style-type: none"> It is considered that the approach taken in policy SP7 will continue to postpone final disposal of LLW to future generations and does not represent sustainable development. 	See above
		<p>SP7 – Rep. 42:</p> <ul style="list-style-type: none"> consider replacing the word ‘impracticable’ with ‘not the best practicable option’, to be consistent with terminology used by existing regulatory practices. 	Agreed: The revised policy (SP5) does not use the word “impracticable”. New policy SP4 refers to “Best Available Technique”).
		<ul style="list-style-type: none"> the stipulation in point 4 regarding nuclear licensed sites is redundant and adequately covered by points 2 and 3. 	See responses to rep. 41 above.
		<ul style="list-style-type: none"> clarity is required on how a proposal would ‘demonstrate’ social and economic benefits vs. dis-benefits. 	Agreed. The phrase is not included in either of the two policies, SP4 and SP5.
		SP7 – Rep. 47: the term ‘impracticable’ should be replaced with ‘best practicable option’ to be consistent with national strategy and policy.	See responses to rep. 42 above.
		SP7 – Rep. 49: no specific comments to make, other than to note that it appears that bullets 3 and 4 are actually sub-bullets of bullet point 2.	The combined policy (former SP6 and SP7 – now SP5) is significantly amended.
		SP7 – Rep. 50: the assessment is too simplistic, in that on site or adjacent are preferred before more distant sites – the draft policy should be widened to acknowledge other environmental factors; sites should not be preferred simply as they are nearer, regardless of the impacts of their development.	The combined policy (former SP6 and SP7 – now SP5) is significantly amended.
		SP7 – Rep. 58: this policy does not provide detail around the potential impacts on the natural environment from the treatment and storage of radioactive waste; it is suggested that a policy is included to ensure the impacts on the following are considered – marine/freshwater fish species and assemblages;	Not agreed. Policies Map Part 4 and insert map C, show the LLWR (site allocation CO35) in relation to all landscape, historic and conservation designations and constraints.

			marine/freshwater invertebrates, plants and other organisms; sub-tidal and intertidal marine or freshwater features/habitats; bird species and assemblages; protected landscapes; protected species and biodiversity; and access and recreation.	The protection and enhancement of all environmental assets is covered in policy SP14 and in the DC policies of chapter 16. Former policy SP7 (now SP5) will not be considered in isolation when determining any planning application that may be submitted. There is no need, therefore, to repeat elements of SP14 and DC16 in this policy.
			<p>SP7 – Rep. 61:</p> <ul style="list-style-type: none"> the Lillyhall site complies with the intent of the national LLW strategy through diversion of LLW from LLWR to fit for purpose alternative sites for recycling and disposal, thus directly adhering to the principles of the Waste Hierarchy 	<p>Lillyhall is not mentioned because it is an existing site.</p> <p>See Policy SAP3 (was SAP5 in the February 2013 draft Local Plan).</p>
			<ul style="list-style-type: none"> assessments of the practicality of Sellafield on-site or near-site disposal, as well as other existing licensed sites, should be carried out by the NDA and site operators as a matter of urgency 	Noted: This work is ongoing, but is not under the remit of the County Council.
			<ul style="list-style-type: none"> the Sellafield site has little available development space to develop such a facility; this is unlikely to be resolved in the near term – a high level assessment would quickly realise the constraints attached to such propositions and enable early discounting of these options 	As above
			<ul style="list-style-type: none"> developing new waste disposal facilities and routes is a lengthy and onerous process and the delays could potentially slow decommissioning progress and increase its overall cost. 	Noted.

CS13 and CS14	SP9	Significant change reflecting the new requirement for Local Aggregates Assessments. References to Roan Edge Quarry and to secondary/recycled aggregates added. SP7 in Feb 2015 consultation draft	Rep. 12: Policy SP9 is sound.	Noted
			Rep. 17: the phrase “mineral resources will be safeguarded” is not sufficiently precise about timescale.	The Local Plan period is until 2029.
			Rep. 18: <ul style="list-style-type: none">• additional information about shallow coal resources may be available free of charge from the Coal Authority.	Noted
			<ul style="list-style-type: none">• there is no key to the Minerals Safeguarding Areas Policy Map and it is difficult to identify the area of shallow coal resources that are safeguarded – this should include urban areas.	There is a generic key available for all the maps; there is not a key on each map, as there is a great amount of detail on each map that may be hidden by a legend.
			Rep. 23: the omission of Holmescales Quarry from this policy makes it unsound.	Revised policy (now SP7) to refer to the minerals that the provision is made for, not the areas. Bullet point 2 of policy SP7 to refer to both HSA and VHSA. Holmescales Quarry to be added as an Area of Search for HSA in Policy SAP4.
			Rep. 25: <ul style="list-style-type: none">• support the requirement to safeguard mineral resources	Noted
			<ul style="list-style-type: none">• the Coal Authority holds detailed plans of the shallow coal resources	Noted
			<ul style="list-style-type: none">• the Minerals Planning Authority needs to develop an appropriate methodology to be used to define the boundaries of Mineral Safeguarding Areas (MSA); they should consult key stakeholders and then define the MSA's• any policy/policies in respect of MSAs should identify that non-mineral development will only be permitted	MSAs are based on the known deposits of the relevant mineral, as identified by British Geological Survey – see reference in the policy. Policy DC15, in the Development Control section of the Local Plan, sets out minerals safeguarding.

			<p>when it can be demonstrated that: the mineral is no longer of economic value or potential value; the mineral can be extracted prior to development taking place; the development will not inhibit extraction if required in the future; the development is not incompatible with mineral extraction; and that the development will not prejudice existing or future mineral working</p>	<p>The Options Report, that supports the MWLP, highlights the options that were considered during the preparation of the Plan with regard to identified issues, such as minerals safeguarding.</p>
			<ul style="list-style-type: none"> • CCC may wish to look at the Cambridgeshire and Peterborough Minerals and Waste Development Plan, Core Strategy as an example of how to deal with MSAs. 	<p>Noted</p>
			<p>Rep. 26: The peat deposit at Solway Moss is deep, and a major contributor to supply for horticultural markets. There is potential for continued extraction beyond 2040, and this should be recognised in the DLP. Ergo, it is recommended that SP9 should include an additional bullet point: “a Preferred Area for the identified remaining peat resource at Solway Moss”.</p>	<p>The policy relates to strategic areas for FURTHER supplies, i.e. after current consents expire. 2042 is outside the scope of the Plan. Also paragraph 143 of the NPPF says that Local Authorities should not identify new sites or physical extensions to existing sites for peat extraction. No amendment to the policies.</p>
			<p>Rep. 34: to ensure consistency with the NPPF, the Minerals and Waste Local Plan should identify Kirkby Quarry as a Preferred Area, or at least an Area of Search, for an extension to the quarry in policy SP9.</p>	<p>Kirkby Quarry will be included in the draft Local Plan as an Area of Search. A reference will be added to Policies SP7, SP8 and SAP4</p>
			<p>Rep 44: the policy does not mention how non mineral development in an MSA, which conflicts with the mineral interest, will be determined; further criteria are needed about the redesigning of the development to accommodate mineral safeguarding, or temporary development, or whether the need for the development overrides the mineral interest.</p>	<p>Policy DC15, in the Development Control section of the Local Plan, sets out minerals safeguarding. The Options Report, that supports the MWLP, highlights the options that were considered during the preparation of the Plan with regard to identified issues, such as minerals</p>

				safeguarding.
			Rep. 46: this policy does not include coal extraction, although it does identify the need to identify Minerals Safeguarding Areas for shallow coal resources.	<p>The inclusion of an MSA for shallow coal reserves does include coal in the policy.</p> <p>No provision for areas for new coal extraction is included in the first half of the policy, and this is explained in the text of the Plan (para 5.90 - 5.97). See also the response to Rep 46's comment on SP8 (retained as SP8 in the Feb 2015 draft) above.</p>
			Rep. 52:	Once the Local Plan is adopted, the Areas of Search are confirmed. If in the future additional proposals are put forward, then they will be determined individually, on their own merits.
			<ul style="list-style-type: none"> how will the proposal for future identification of Areas of Search work with approval of the Local Plan? 	
			<ul style="list-style-type: none"> bullet point 1 should be amended to include the wording "as advised by the AWP". 	Not agreed. Explain in the text of the Local Plan (see paras 5.22-5.24 and 5.59). The Options Report for the Local Plan covers the choices under Issue MIN 1.
			<ul style="list-style-type: none"> Mineral Safeguarding Areas should also include the main access routes to the primary road network. 	MSAs have associated Mineral Consultation Areas (MCAs) as a 250m buffer around the MSA boundary. In most cases this will include areas suitable for access to a highway.
			Rep. 62: supports the inclusion of an area of search for gypsum, but the southern extent of the Area of Search should be extended to include all of the Eden Shales outcrop near Appleby – these host the gypsum/anhydrite beds where economically viable	The second element in this representation refers in fact to a Mineral Safeguarding Area, and is addressed in the Site Allocations section of this report under Policy

			deposits have been proven in the past.	SAP5 (previously SAP7).
CS15	SP10	Identical. SP9 in Feb 2015 consultation draft	Rep. 40: any increase in the use of marine dredged aggregates should be accomplished in a way so as not to affect the Barrow Port Regeneration proposals.	Noted.
			Rep. 52:	Policy SP9 to be amended to say “as an alternative to”. Text to be added (para 5.30) to explain this and explain that the policy relates only to on-shore facilities to support marine dredging, which could be positive in areas where there were local shortages of supply.
			<ul style="list-style-type: none"> • does this infer that marine dredged aggregates are always preferable to land based? If so, why? Will this be subject to review through SEA? • the expression “as substitutes for land won ones” should be deleted as each application should be considered on their own merit. 	
CS16	SP11	Identical. SP10 in Feb 2015 consultation draft	Rep. 44: this policy is unsound, as it does not reflect the requirements of the NPPF (paragraph 146) for committing to the maintenance of site specific stocks of permitted reserves for industrial minerals; the policy should be amended to reflect this and link to existing or anticipated investment or the customer requirements.	Amend policy to reflect NPPF para 146, and acknowledge that low stocks of permitted reserve will be seen as an indicator of need for a related industrial facility.
			Rep. 52: need appears to be placed at the forefront, rather than the presumption in favour of sustainable development that meet the sustainability criteria.	See above
CS17	SP12	Identical. No policy in Feb 2015 consultation draft	Rep. 44: <ul style="list-style-type: none"> • this text does not reflect the NPPF (paragraph 146) with regards to dimension stone; the Plan should say that applications will be permitted for this stone, where it enables stocks of permitted reserves to reflect the levels of existing and anticipated investment, the production should not be simply used to supply local needs. 	Para 146 of NPPF refers to industrial minerals not building stone. Building stone is addressed in NPPF para 144, which refers to all heritage assets, not just Cumbrian ones. The DC non energy minerals policy conforms better to NPPF, but it is agreed that the strategic policy is not entirely consistent with it. It also partially duplicates policy DC12. Delete Strategic Policy and rely on section within policy DC 12.

			Rep.49: the approach set out here is supported.	Noted
18	SP13	<p>Identical.</p> <p>No strategic policy in Feb 2015 consultation draft</p> <p>See Development Control Policy DC13</p>	Rep. 12: Policy SP13 = sound.	Noted
			Rep. 13: this policy is inadequate to ensure the prevention of adverse environmental impacts from oil, gas and coal bed methane operations – there should be a policy on fracking; two new precautionary policies are proposed, that would be in line with the NPPF and the EU Water Framework Directive.	<p>Agreed, but the policy proposed in the representation would not conform to Planning Practice Guidance (PPG) (paragraphs 109 - 112).</p> <p>Explain issues re oil and gas in Plan text (paras 5.99 - 5.113), and that strategic policy direction relating to oil, gas (including shale gas) and coal bed methane are contained in national energy policy.</p> <p>Include detailed policy to address potential adverse impacts in the development control section of the Plan (see policy DC13 policy for energy minerals). For a discussion of these decisions see the Options Report for the draft Local Plan, under Issues HYD1 and HYD2.</p>
			Rep. 16: this policy is inadequate to ensure the prevention of adverse environmental impacts from oil, gas and coal bed methane operations – there should be a policy on fracking; two new precautionary policies are proposed, that would be in line with the NPPF and the EU Water Framework Directive.	As above
			Rep. 21: should this policy be retitled 'Oil and Unconventional Gas Resources'?	The strategic policy is deleted and the previous DC policy on energy minerals expanded to deal with all hydrocarbon development, including unconventional resources.

			<p>Rep. 36:</p> <ul style="list-style-type: none"> the Local Plan should include text that pre-empts the 'threats' from Government about its aims for fracking for gas and/or coal bed methane. the policy is inadequate to ensure the prevention of adverse environmental impacts from oil, gas and coal bed methane operations. two precautionary policies are suggested for the Plan, which are based on the precautionary principle (1992 Rio Declaration on Environment and Development) and are supported by the NPPF and the EU Water Framework Directive. 	<p>The Local Plan is required to conform to national policy, including national energy policy.</p> <p>See response to Rep 16.</p>
			Rep. 41: the Plan needs to address the NORM wastes that these activities will produce, for which 'open gate' LLW management facilities are likely to be required during the plan period.	Additional text to be added to the radioactive waste section in the draft Local Plan to refer to NORM waste (para 4.28).
			Rep. 60: an amendment to this policy is suggested, so that it reads, " <i>A precautionary approach will be taken for proposals associated with the exploration and development of onshore and offshore oil and gas and coal bed methane so that: a) the Council is satisfied that all reasonable scientific doubt that there is any risk of adverse impacts including groundwater contamination has been eliminated; b) the proposal will not compromise the Council's duties in relation to climate change mitigation; and c) the proposal is environmentally acceptable, or it can be made so by planning conditions or obligations</i> ".	See response to Reps 16 and 36.
-	SP20	New policy re monitoring and enforcing planning control.	Rep. 27: suggested change to text to read, "where there is serious harm to amenity or " <u>damage to the environment</u> " or potentially irreparable harm to the environment...."	Not agreed. Environmental assets are addressed in policies SP14 and DC16, and aspects such as the water environment, flooding and protection of soil resources in policies DC19,

		SP17 in Feb 2015 consultation draft		DC20 and DC21. The word “sustainable” should replace “acceptable” in sub-policy point 7, and “historical” be added to sub policy 8.
-	SP1	New policy on the presumption in favour of sustainable development	Rep. 33: support the proposed policy	Noted.
			Rep. 48: United Utilities should be engaged and consulted on all minerals and waste projects, including the investigation process, design, construction phase, operation and maintenance of the permanent/temporary facilities.	Noted.
		SP1 in Feb 2015 consultation draft	Rep. 103: in order to meet the definition of sustainable development, policy SP1 requires the nature conservation policies within the Plan to be robust enough to be able to protect and enhance our natural environment, improve biodiversity and enable nature’s adaptation to climate change and to move from a net loss of biodiversity to achieving net gains for nature.	Noted - SP14 is strengthened to rebuild the valuable policies that were in the now revoked NW RSS. In addition, SP12 refers to adaptation to climate change, and SP15 and DC22 refer to these issues in respect to restoration and afteruses.
General comments				
Spatial vision			Rep. 49: in Box 2.1, it is recommended that the third paragraph is removed, as this approach does not meet paragraph 8 of the NPPF; the paragraph needs to refer to all three roles which constitute sustainable development – this paragraph only refers to adverse social and economic impacts.	Not agreed. The paragraph is important for the spatial vision of the Plan. Inserting the phrase “and environmental” in the last sentence was considered but not implemented.
Overall strategy			Rep. 49: in Box 2.2, it is suggested that the final bullet point is amended to align with paragraphs 7 and 8 of the NPPF; the suggested text is: “to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system”.	Not agreed. The suggested text does not carry forward the intent of the paragraph.

	Rep. 52: <ul style="list-style-type: none"> acknowledges the endorsement of the role of minerals in paragraph 2.1, Box 2.2, Policy SP1 and Box 2.3. However, this does not appear to follow through in the rest of the Plan, and the representor is unsure as to how Objectives 4 and 5 in Box 2.3 are followed through into policy. 	References to Strategic Objectives throughout the Local Plan will be made clearer in the next draft. Objectives 4 and 5 are followed through in a number of policies including SP7, SP8, and DC12, and referred to in para 5.1 and para 6.24.
	<ul style="list-style-type: none"> in Box 2.3, Objective 10, it is not clear why this objective is necessary or what it adds to the planning process, as it appears a repetition of requirements for statutory and public consultation. 	Disagree. Objective 10 should remain as it represents a specific aspect of the objectives of the Plan, and policies should be assessed against the whole range of objectives.
Strategic objectives	Rep. 49: in Box 2.3, it is recommended that Objectives 1 and 9 are reworded <ul style="list-style-type: none"> object to Objective 1, it should be to 'enhance' environmental assets and the local economy, or to avoid any adverse impacts, not simply to 'minimise' them. 	Not agreed. This detail is included in the Local Plan policies, in particular Policy SP14. Objective 1 is designed to provide a balanced overview and should be read in conjunction with Objectives 8 and 9.
	<ul style="list-style-type: none"> the text of Objective 9 is disappointing and does not take the appropriate positive approach to the County's environmental assets. 	Not agreed. This objective needs to be both short, and specific to the minerals and waste issues identified for Cumbria, and should be read in conjunction with Objectives 1 and 8. Detail is contained in the text and policies of the Local Plan.
	Rep. 12: Objective 6 re mineral safeguarding = sound.	Noted.
	Rep. 60: the representor objects to Objective 2 <ul style="list-style-type: none"> it is suggested that the text is changed to: "<i>When applying the waste hierarchy to radioactive waste, given the nature of new wastes that arise from existing and planned nuclear processes at the Sellafield site for which no safe disposal solution exists, any increase in unmanageable waste</i> 	Not agreed. Cumbria County Council is not the regulator for the discharge, storage or disposal of radioactive waste.

	<p><i>(including discharges of waste into the air and water) should be avoided”;</i></p> <ul style="list-style-type: none"> plutonium should be classified as a waste and to immobilise it, as it is potentially useable in nuclear weapons and vulnerable to theft by terrorists - if it were to be re-used, the wastes produced could be difficult to deal with and there could be a situation where there is no sustainable solution for storage/disposal; the application of a waste hierarchy would create a presumption against the ‘safest’ option for plutonium, namely immobilisation as a waste. 	<p>This level of detail is not appropriate for an Objective. The draft Local Plan includes a chapter specifically on radioactive waste.</p> <p>New Policy SP4 does specifically include the waste hierarchy, and would apply to additional radioactive waste facilities.</p>
Site location criteria	Rep. 49: in Table 3.1, under point 8 (visual impact), reference should also be made to the settings of Listed Buildings; protecting their setting is set out in the NPPF and is a requirement of statute.	Agreed - Listed Buildings (and their settings) to be added to the list, as will Conservation Areas, which are also included in the NPPF as another designated heritage asset (Table 3.7)
	Rep. 40: the approach set out in paragraph 3.62 appears to vary from the approach contained within the Site Location Criteria in Table 3.1 – clarity is sought on this point.	Agreed. Delete the paragraph and amend the table (now Table 3.7), replacing heading 3 “Sequential approach” with “Allocated land use”.
	Rep. 58: Table 3.1 should be altered to “Previously developed land (brownfield) shown not to be of high environmental value”, to be in conformity with paragraph 111 of the NPPF.	Not agreed. The phrase suggested is too long for a table of this type, and the issue of environmental value is contained in heading 7 of the table.
Environmental assets	Rep. 49: in Boxes 8.1 and 8.2, there appears to be a gap in the environmental assets recorded here as there is no reference to the settings of Listed Buildings; it is considered that the final item in the Box should be amended to read “Listed Buildings and their settings”.	Reference to the setting of Listed Buildings will be added to Box 8.1
	Rep. 103: <ul style="list-style-type: none"> paragraph 8.3 covers two points – the economic 	This text will be amended to reflect the fact that there are two different

	activity within the environmental conservation sector and ecosystem services - it is suggested that this is split into two separate paragraphs as it is making two distinct points;	points referred to in this paragraph (see new paras 8.2 and 8.3).
	<ul style="list-style-type: none"> paragraph 8.5 refers to the CBDC and the information it holds - CCC did not financially contribute to the maintenance of this information in 2012/2013 and the future use of the information by CCC could be compromised if future funding is not provided - without this information, CCC may not meet the provisions of paragraph 117 of the NPPF; 	The text will be amended to reflect the importance of the CBDC and its evidence in the Local Plan making and planning application processes (see new para 8.10).
Restoration and afteruse	Rep. 103: <ul style="list-style-type: none"> it is suggested that the text is amended to read: <i>"should take account of the key habitats <u>and</u> species lists in the Cumbria Biodiversity Evidence Base; the England Biodiversity List as it applies to Cumbria;..."</i>. 	Agreed
Telecommunications	Rep. 1: current telecommunications work will not be affected by CCC proposals and no strategic additions to our existing network are envisaged in the immediate future.	Noted.
Water Framework Directive	Rep. 27: the Environment Agency can offer site specific Water Framework Directive advice when sites come forward at the planning stage, to prevent development affecting groundwater or groundwater resources; the representor provides a list of methods to achieve the Directive through new development.	Noted. This will be referred to in the Local Plan.
Minerals	Rep. 25: <ul style="list-style-type: none"> within the preamble for the section 'Strategic Policies for Minerals', the text should state that "local authorities should: give great weight to the benefits of the mineral extraction, including to the economy". 	Agreed, the text in para 5.1 will be amended to reflect this.

	<ul style="list-style-type: none"> paragraph 5.2 – minerals should be worked from <i>appropriate locations</i> – this should be balanced by the acknowledgement that mineral resources are a function of geology and may only be worked where they exist. 	This will be clarified in the text. Para 6.29 explains the balance between location and sustainable operations.
	Rep. 44: <ul style="list-style-type: none"> the representor draws the attention of CCC to a document produced by the MPA entitled ‘Making the Link’. 	Noted
	<ul style="list-style-type: none"> the Plan is too long and would benefit from substantial editing. 	The County Council consider that the Local Plan contains all relevant information
	<ul style="list-style-type: none"> with regard to the LAA discussed in paragraphs 5.40 to 5.44, in order to ensure soundness, the analysis later in the document needs to be substantiated by an LAA; a draft LAA needs to be published for consultation before a further draft of this Plan goes to print. 	Two LAA’s have been prepared and published, jointly by Cumbria County Council and the Lake District National Park – they are on both authority’s websites. One LAA covers the calendar years 2011 and 2012, whilst the other covers 2013. A new LAA for calendar year 2014 is being prepared.
	<ul style="list-style-type: none"> paragraph 5.36 confuses the use of landbanks with a secondary development control application; it is suggested that the purposes of the two landbanks are kept separate in their explanations in order to reflect the distinctions made in national guidance and policy. 	See published LAAs for clarification.
	<ul style="list-style-type: none"> in paragraph 5.50, the Plan should give consideration to provide for the replacement of HSA sites in the Yorkshire Dales National Park – three of which are due to close before 2018 - and Cumbria is the nearest and best alternative to accommodate them; an acknowledgement of this should be made 	See published LAAs for more detailed discussion of this point. The MWLP identifies three HSA/VHSA quarries as Areas of Search in policy SAP4.

	in the Plan with a strategy for any further provision in co-operation with neighbouring authorities and the industry, possibly in the form of Areas of Search.	
	<ul style="list-style-type: none"> in paragraph 5.51, the data suggests that there is a continued demand for Cumbrian stone that runs counter to national trends; further analysis is needed to determine the reasons for this continued demand and the effect that a future return to better economic conditions might have on the ability of local production to meet demand. 	See published LAAs for more detailed discussion of this point. The demand for HSA/VHSA explains the trend to a great extent.
	<ul style="list-style-type: none"> in paragraph 5.55, the calculation is unreliable at a local level; an alternative would be to take production, deduct exports and add in imports to arrive at a local consumption figure. 	Agreed, but such exact figures on exports and imports are not available from individual operators, due to confidentiality.
	<ul style="list-style-type: none"> in paragraph 5.56, evidence is needed to justify why sales before the recession can be sustained in the longer term. 	This reference has been removed.
	<ul style="list-style-type: none"> in paragraphs 5.69 and 5.70, the Plan should prepare for contingences now rather than in a future review of Cumbria-specific increases in demand. 	See published LAAs for more detailed discussion of this point.
	Rep. 52:	
	<ul style="list-style-type: none"> chapter 5 seems to indicate that minerals development is to be avoided wherever and as far as possible and the requirement to justify need rather than cater for it seems to weigh heavy; it is suggested that the following words are omitted from paragraph 5.2 in order to be consistent with the presumption in favour of sustainable development: "...policies seek to ensure that the minerals that need to be provided from Cumbria's mineral resources that can be worked...". 	New para 5.1 clarifies the need for a steady and adequate supply of minerals.
	<ul style="list-style-type: none"> in paragraph 5.3, the following statement should be removed, as it appears incongruous within the text 	This reference has been removed.

	and has no collaborative information: “there are doubts about the extent to which that can continue in the longer term”.	
	<ul style="list-style-type: none"> • in paragraph 5.9, unknown destinations are likely to be ‘collects’ and will usually be local. 	Noted.
	<ul style="list-style-type: none"> • in paragraph 5.12, it should be noted that Stainton Quarry has become an important source of local stone for use in offshore wind developments off the Cumbrian coast, via Barrow dock. 	Noted.
	<ul style="list-style-type: none"> • Low Plains Quarry has been a significant and long term supplier of sand and gravel to Carlisle; this resource should continue to be recognised in the Local Plan until the question of its time extension application is properly heard via appeal. 	Noted.
	<ul style="list-style-type: none"> • in paragraph 5.10, references to the county being self sufficient are misleading and should reflect the fact that Cumbria also supplies into the North West region. 	See new para 5.4
	<ul style="list-style-type: none"> • in paragraph 5.17, the comments submitted to the Competition Commission must be taken in context; not sure that they merit highlight in the Local Plan. 	See published LAAs for more detailed discussion of this point.
	<ul style="list-style-type: none"> • in paragraph 5.71, bullet point 1 should have “and the advice of the AWP” added to the end 	See new paras 5.11 and 5.22-5.24.
	<ul style="list-style-type: none"> • in paragraph 5.71, bullet point 2 should delete “and with prudent use of them in environmentally sensitive ways” or redefine the text, as it does not provide clarity or purpose. 	This reference has been removed.
Landbanks	<p>Rep. 52:</p> <ul style="list-style-type: none"> • in paragraph 5.36, the Local Plan should be planning for at least the minimum level of landbank throughout the Plan period, rather than planning for only the minimum. Is it an acceptable sustainable 	<p>See published LAAs for more detailed discussion of this point.</p> <p>It is recognised that although there is a minimum landbank, there is no maximum.</p>

	<p>presumption to reasonably minimise the number of operations or permitted reserves in order to reduce environmental damage? There are other factors including scale and transport that can mean that further, smaller local sources can be beneficial. It does not appear justified to minimise the extent of permitted reserves as an end in itself - there is no support for this through national policy. This approach appears to be contrary to the preface, which states that the plan is 'positively prepared' and the presumption in favour of sustainable development in paragraph 1.8; the first bullet point should be deleted.</p>	
	<ul style="list-style-type: none"> in paragraph 5.46, the representor does not believe that the NPPF places an overt duty on the MPA to take action to ensure that competition is not stifled by large landbanks; it says that "large landbanks bound up in very few sites do not stifle competition". The Local Plan should reflect real demand and supply and the issue of productive capacity. 	See published LAAs for more detailed discussion of this point.
	<ul style="list-style-type: none"> it should be noted that there is no upper limit on landbanks. 	Noted
	<ul style="list-style-type: none"> in paragraph 5.50, the Local Plan should indicate how it will meet its minimal land bank commitment through the Plan period; a plan that provides for 'now' appears to miss the point of a plan led system - the exception of local needs could be relevant here; it is not clear how Areas of Search will fit in, especially with Policy DC9. 	See published LAAs for more detailed discussion of this point.
	<ul style="list-style-type: none"> paragraph 5.52 should be qualified to reflect that the county, in particular the construction sector, is going through the longest ever recorded recession. 	See published LAAs for more detailed discussion of this point.

	<ul style="list-style-type: none"> paragraph 5.53 refers to ‘major implications’ – these implications need to be explored and clarified. 	See published LAAs for more detailed discussion of this point.
	<ul style="list-style-type: none"> based on a recent planning decision, CCC appears generally anxious to restrict timescales for extraction; this provides little help for long term planning and investment. There is an argument that expiry dates on aggregates planning permissions should not be time limited beyond the statutory maximum or that they should be long enough to cope with significant fluctuations. 	This is a matter for planning applications and will be considered on a case by case basis.
Aggregates Working Party	Rep. 21:	
	<ul style="list-style-type: none"> paragraph 5.15 – this should be updated to reflect the fact that the NAWP has funding and is continuing. 	Agreed - see published LAAs for more detailed discussion of this point.
	<ul style="list-style-type: none"> the 2010 AWP figures have now been released. 	Noted
	Rep. 52: paragraph 5.15 should be updated to reflect the fact that the Cheshire and Chester tender was successful.	Noted
Preferred Areas/Areas of Search	Rep. 52: in paragraph 5.38	
	<ul style="list-style-type: none"> CCC should add that the Local Plan has a key role in making provision through policies that recognise need and benefits of mineral extraction in the balance of development control. 	See published LAAs for more detailed discussion of this point.
	<ul style="list-style-type: none"> the NPPF could be better reflected. 	Agreed – see new chapter 5
	<ul style="list-style-type: none"> to reflect the presumption in favour of sustainable development, the following should be deleted from the area of search policy: “to meet any shortfalls in supply”. 	New para 5.78 clarifies that this is the case “particularly if there is a potential shortfall in supply”
Mineral Safeguarding Areas	Rep. 6: welcome designation of MSAs in Cumbria.	Noted
Coal	Rep. 6: where did CCC source the deep coal resource areas?	The Coal Authority

	Rep. 46: section 5 should give clear guidance on future coal extraction of coal by surface mining methods in West Cumbria; if this section is left in its current format, it would be contrary to paragraph 147 of the NPPF. This guidance should reflect the properties and qualities of the shallow coals within West Cumbria and their value to the UK's coke and steel making industries.	See new chapter 5, especially paras 5.83 to 5.104
Local Aggregates Assessment	Rep. 6:	
	• can you provide an update on the CCC Local Aggregates Assessment?	See published LAAs on County Council website
	• welcome CCC's approach to aggregates and high spec roadstone.	Noted
	Rep. 52:	
	• paragraph 5.54 would appear to be an odd approach as the need from Cumbria is its wider contribution to the North-West, which is fundamental to the LAA.	This reference has been removed.
	• in paragraph 5.55, the representor is surprised to note the figure for per capita consumption and its use here; the long established UK trend is an average of 4-5 tonnes of aggregates per capita. This approach does not reflect the actual requirement from Cumbria for the contribution to the North West as advised by the AWP – this approach would appear to undermine the work of the AWP.	See published LAAs for more detailed discussion of this point. See new paras 5.11 and 5.22-5.24.
	• in paragraph 5.56, the final sentence should be deleted unless collaborative information is provided through the LAA.	This reference has been removed
	• in paragraph 5.67, the views of CCC in relation to the Competition Commission should not be highlighted out of context; CCC should continue to consider road miles in line with strategic objectives	Noted

	stated elsewhere in the Plan, regardless of what is happening in other parts of the country, whether vis-à-vis haulage distances or crushing of rock for sand.	
Marine aggregates	Rep. 54:	
	<ul style="list-style-type: none"> suggests that consideration for marine dredged supplies be given throughout the document and that consideration is also give to the protection of wharfs for this purpose. 	Discussion of marine dredged aggregates is now on paras 5.27 to 5.30. Also policy SAP6 is expanded to safeguard wharves.
	<ul style="list-style-type: none"> the Plan should be consistent with the Marine Policy Statement for guidance on any planning activity that includes a section of coast or tidal river, until a marine plan is in place to cover Cumbria. 	Noted
	<ul style="list-style-type: none"> area licensed and figures for tonnages for marine minerals/aggregates should be updated since the 2009 Core Strategy 	See published LAAs for more detailed information.
	<ul style="list-style-type: none"> narratives should take account of whether the trend for marine mineral/aggregate extraction has increased or decreased since 2009, and the impacts on the environmental, social and economic balance. 	See published LAAs for more detailed discussion of this point.
Dormant zinc permissions	Rep. 6: agree with CCC's approach to dormant zinc permissions in North Pennines AONB, but would wish to keep situation under review and be appraised of any change in policy.	Noted
Holme Park Quarry	Rep. 23: as a strategic site for the supply of carboniferous limestone in South Lakeland, a time extension beyond the 2023 permission expiry for this quarry should be given site specific policy support.	Noted. It is expected that an application for a time extension will be submitted soon.
Peat	Rep. 26: <ul style="list-style-type: none"> in paragraph 5.26 – alteration should be made to the text to allow continued working of existing sites whilst preventing the identification of new sites and the granting of permission for extensions to existing 	Agreed. See paragraphs 5.72 to 5.75 and new policy SP11 Peat.

	<p>sites.</p> <ul style="list-style-type: none"> a new policy covering peat should be introduced to page 48 which allows for the continued extraction of peat at Solway Moss. 	<p>New policy SP11 on peat is introduced, and does not prevent continued extraction of peat at Solway Moss while the planning consent remains extant.</p>
	<ul style="list-style-type: none"> the Local Plan should include policies for mineral extraction. Although there is no need to identify new peat extraction sites, the NPPF doesn't prevent continued extraction of existing sites; therefore, Scotts site at Solway Moss should be identified on the Policies Map 	<p>Not agreed. The Policies Map does not show every operating mineral site; it does show Areas of Search and Preferred Areas – Solway Moss does not fall into either category.</p>
	<ul style="list-style-type: none"> the Local Plan should define 'Minerals Safeguarding Areas' to prevent sterilisation - Scotts considers that the County Council must identify Solway Moss accordingly 	<p>Not agreed. Not every mineral type is identified under a Mineral Safeguarding Area. Exceptions include building stones (except slate), zinc and brick making mudstones.</p>
	<ul style="list-style-type: none"> the Local Plan should safeguard existing, planned and potential transport, handling and processing facilities for minerals - this includes the factory operated by Scotts at Solway Moss 	<p>Not agreed. In the same way that not every operating mineral site is identified, not every piece of associated infrastructure is identified. As required by NPPF paragraph 143, existing and potential railheads and wharves have been identified in policy SAP6, which has been considerably expanded since the February 2013 draft MWLP.</p>
Radioactive waste	<p>Rep. 20: the proposals for the provision for strategic land-use planning policies for radioactive waste management and the identification of the need for, and the locations of, waste management sites and facilities within the county are noted.</p>	<p>Noted.</p>

	Rep. 27:	Noted
	<ul style="list-style-type: none"> in general, the spatial vision and overall strategy promoting the use of Best Available Techniques and waste management hierarchy for all types of waste is supported. 	
	<ul style="list-style-type: none"> in Table 3.1, does CCC intend to apply the criteria to radioactive waste treatment facilities? 	No. Paragraph 3.9 explains that radioactive waste is discussed in chapter 4, not chapter 3.
	<ul style="list-style-type: none"> section 4.1 would benefit from an explanation of the assessment process carried out to justify the statement made regarding sustainability. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in section 4.5, it is suggested that use of the word “until” rather than “before” a geological disposal facility is developed would help remove any confusion that might relate to waste requiring cooling periods. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in section 4.15, does the statement “that existing facilities at Sellafield for the storage of higher activity level wastes should be improved” relate to all Higher Activity Waste storage facilities or legacy facilities? 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in section 4.27, CCC should confirm if the issues referred to in this section relating to coastal erosion are planning issues. 	This planning application referred to has been withdrawn.
	<ul style="list-style-type: none"> section 4.18 uses terminology that is no longer used in Environmental Permitting Regulations and there are some factual inaccuracies in the description of how wastes are managed and the role of the Environment Agency - the representor has suggested changes to the text where wording could be improved. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in section 4.20, the representor states that they do not explicitly apply an ‘averaging process’ to consignments of radioactive waste and suggests 	Noted

	changes to the text to explain the process; suggests that the term 'Directive Waste' is more applicable than 'controlled wastes', due to the influence of EU Directives; seeks clarification, as the text implies that CCC believe that the Landfill Directive distinction between hazardous and non-hazardous waste applies; explains that radioactive waste is not non-hazardous or hazardous waste in the context of EU Directives.	
	<ul style="list-style-type: none"> • in section 4.24, 'LWR' should read 'LLWR Ltd.' 	Noted
	<ul style="list-style-type: none"> • in section 4.28, the text refers to the total waste disposal of 67,000m³/year; the permit does not mention the total waste disposal. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> • in section 4.29, the text refers to a date in the permit of 2014; whilst the decision document includes the date, the permit does not have a specified end date. 	Agreed. By virtue of the fact that once Lillyhall landfill is closed there will be no disposal route available at the site, the provisions of the Permit will be tied to the end of the landfill's planning permission (see para 4.32)
	Rep. 31:	
	<ul style="list-style-type: none"> • welcomes the text in paragraph 1.12 that identifies that one of the main priorities is to update the policies relating to lower activity level radioactive wastes and believes that it is important that policies within the Plan are updated to reflect the national strategy for LLW and other changes in the planning framework. 	Noted
	<ul style="list-style-type: none"> • supports the aspiration to deal with LLW arising from Sellafield/Windscale and also the emphasis on sustainable development. 	Noted
	<ul style="list-style-type: none"> • welcomes the application of the Waste Hierarchy. 	Noted.
	<ul style="list-style-type: none"> • welcomes the inclusion of a chapter devoted specifically to radioactive wastes and the clarity this 	Noted.

	gives to the County's policy on this issue	
	<ul style="list-style-type: none"> • supports the position for other areas to manage their own wastes and to make provision within their own Local Plans; it is considered important that a balance is struck between Cumbria's national role and expertise and the need to promote a more localised approach to radioactive waste management where possible. 	Noted
	Rep. 35: new evidence regarding radioactive waste should be considered and acted upon before signing off the Local Plan; for example, there is concern about evidence released in March 2013 ('Towards a Safer Cumbria') about plans for dealing with high level radioactive waste at Sellafield not being sustainable.	New evidence on radioactive waste and relevant national policy has been continually updated. The cut-off date for this Local Plan is February 2015.
	Rep. 51: fully endorses the comments made by representor 35.	Noted.
	Rep. 32: paragraph 4.30 – this paragraph should be re-worded to clarify the fact that SEPA did respond to the application by Hunterston A power station to dispose of VLLW.	Chapter 4 on radioactive wastes has been completely rewritten
	Rep. 45: strongly supports the proposals within the draft Local Plan regarding the management, storage and disposal of the range of radioactive wastes and supports the Government's existing position on the arrangements for funding and development of a deep waste facility, under the arrangements set out in the Funded Decommissioning Programme.	Noted.
	Rep. 47: <ul style="list-style-type: none"> • the first sentence in paragraph 4.1 should consider the Scottish Government's Higher Activity Waste Policy that does not allow for the export of waste arising in Scotland to another country for either long-term storage or disposal; in addition, there are 	Chapter 4 on radioactive wastes has been completely rewritten

	LALLW disposal facilities already in operation outside Cumbria.	
	<ul style="list-style-type: none"> with regards to the last sentence, the representor is aware that other Local Planning Authorities are considering their radioactive waste management responsibilities. 	Noted.
	<ul style="list-style-type: none"> in paragraph 4.3, it should be noted that whilst the NDA is responsible for planning and delivering the Geological Disposal Facility and is also responsible for the safe management of the radioactive waste it owns, there are other waste owners in the UK (e.g. MoD and EDF Energy) who are required to ensure the safe management of their own wastes. 	Noted
	<ul style="list-style-type: none"> it is considered that a definition of radioactive waste categories could be inserted into paragraph 4.6; it is suggested that CCC look at the MRWS White Paper (section 3.3, page 16) for the definitions. 	Agreed. Inserted in paragraph 4.2.
	<ul style="list-style-type: none"> with regard to ILW storage, all NDA sites that manage ILW have in place baseline plans that specify how the waste will be managed; however, the NDA has initiated a small number of strategic studies that have investigated, or are in the process of investigating, waste consolidation opportunities where the business objective is clear. The current planning assumption for Magnox and AGR reactor decommissioning wastes in England and Wales is direct transfer to the Geological Disposal Facility and large scale storage facilities are not required. 	Noted
	<ul style="list-style-type: none"> in paragraph 4.8, it is considered that clarification is needed about the classification of plutonium and the fact that it is not regarded as a radioactive waste - if it were to be converted into MOX fuel, then it would be necessary to consider this in the design of the 	Chapter 4 on radioactive wastes has been completely rewritten

	geological repository. Work has been undertaken by the representor on the disposability of MOX fuels and potential impacts on the design of a deep geological repository.	
	<ul style="list-style-type: none"> in paragraph 4.9, It is considered that 6,500 tonnes of SNF will be the maximum stored at Sellafield, rather than the minimum. 	Noted
	<ul style="list-style-type: none"> Government policy on nuclear new build is that spent fuel from reactors will be stored at the site where they are generated; the management of these fuels is the responsibility of the power station operators and the NDA has no plans to consolidate the spent fuels from these power stations at Sellafield. 	Noted
	<ul style="list-style-type: none"> the estimate included of “as much as 34,000 tonnes” would require the construction of between 20-30 new reactors UK and presumes that all of this fuel would come to Cumbria for long term storage at Sellafield. 	Noted
	<ul style="list-style-type: none"> in paragraph 4.11, it should be made clear that the agreement of both levels of local government must form a mutual agreement with respect of how the MRWS decision making process will be applied in Cumbria. 	Chapter 4 on radioactive wastes has been completely rewritten and the MRWS process has moved on since the February 2013 position.
	<ul style="list-style-type: none"> paragraph 4.15 should recognise that safe and secure interim storage while geological disposal is implemented is already UK Government Policy and NDA Strategy; the paragraph should also include the statement from the Government on the 31 January 2013 about the Government embarking on a renewed drive to find a location to host a GDF. 	Noted
	<ul style="list-style-type: none"> in paragraph 4.18, reference to ‘Exempt’ waste has been superseded by ‘Out of Scope’ where the 	This reference has been removed

	0.4Bq/g limit is no longer used under the EPR legislation; therefore, the definition for LALLW and VLLW should be amended to identify the lower limit, as these materials cannot be classed as Out of Scope.	
	<ul style="list-style-type: none"> Lillyhall may be better suited under the VLLW description rather than LALLW (whilst LALLW is not an officially recognised term at present, it has been employed to aid a better description of those wastes that can undergo controlled burial at certain permitted disposal facilities). 	Noted
	<ul style="list-style-type: none"> in paragraph 4.27, it is suggested that the paragraph acknowledges the LLWR 2011 Environmental Safety Case, which was submitted to the Environment Agency for their review. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in chapter 4, it is considered that a statement on the role of NuLeAF and their objectives should be included. 	Noted
	Rep. 56: it is considered timely to commence a review of the Core Strategy. Following previous examinations, the representor's previous comments should be taken forward, i.e.	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> no changes have been made to bring the policies for radioactive wastes into line with national policy; 	Noted
	<ul style="list-style-type: none"> concern about the possibility of a deep geological repository being constructed in Cumbria for the UK's higher activity radioactive waste; 	Noted
	<ul style="list-style-type: none"> the Site Allocations Policies should have considered what provision would need to be made for the 'gargantuan' volumes of material that would be excavated during the construction of a repository; 	It is not considered that a GDF will be constructed within the Plan period (to 2029) and there is no decision made on its location

	Rep. 59:	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the draft Plan appears to have potential gaps and areas of concern relating to policies covering the management and disposal of all levels of radioactive waste within Cumbria. 	
	<ul style="list-style-type: none"> reference should be made to the management of radioactive and nuclear substances and waste in order to be consistent with Government policy. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> all of the representor's points should be drawn together in the Plan with a section dedicated to radioactive waste; this would include policy/policies that would give clarity and coherence to Cumbria's approach to dealing with radioactive waste in all its forms. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> it is suggested that the document is re-issued for a further round of consultation when all of the representor's issues have been addressed. 	Noted
	Rep.60: the representor objects to the draft Local Plan for the following reasons	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> it fails to set out a clear precautionary policy in relation to radioactive waste and unconventional gas exploration; 	For unconventional gas exploration see responses to Reps 13, 16 and 36.
	<ul style="list-style-type: none"> the Core Strategy has not been reviewed in line with the commitment undertaken under the previous draft Minerals and Waste Development Framework; 	The planning system changed in 2012 and a new, evidence-based approach has been adopted – this has taken time.
	<ul style="list-style-type: none"> evidence within the strategic plans of the NDA, the Government or any other relevant body concerning radioactive waste management, in particular where there is potential for conflict with CCC's policy or legal powers, has not been taken into account; 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> evidence within the current negotiations on the Funded Decommissioning and Waste Transfer Price 	This is not within the remit of Cumbria County Council

	for nuclear waste from proposed new reactors, taking place between DECC and EDF has not been taken into account;	
	<ul style="list-style-type: none"> the Plan should not apply the waste hierarchy to reprocessing in particular because it creates other types of radioactive waste; 	Noted
	<ul style="list-style-type: none"> the Plan should clearly set out the precautionary principle approach – in particular with regard to nuclear waste and unconventional gas activities; 	Chapter 4 on radioactive wastes and chapter 5 on hydrocarbons have been completely rewritten
	<ul style="list-style-type: none"> the Plan should make provision for the effects of any new nuclear developments that could occur in Cumbria; 	Noted – see new chapter 4
	<ul style="list-style-type: none"> a variety of waste could be produced as a result of potential future developments - the Plan needs to take a view on all of these sources of radioactive wastes; 	Noted
	<ul style="list-style-type: none"> it is unclear as to whether Plutonium Contaminated Material is still regarded as constituting Low Level Waste - this should be clarified; 	Government policy is that all PCM is regarded as Intermediate Level Waste
	<ul style="list-style-type: none"> the Council's policy is unclear on legacy waste held, or to be produced, at Sellafield, legacy waste from other parts of the UK and wastes from proposed nuclear activities – the Plan should do more to distinguish between the three and give a more accurate picture of the current situation in this county; 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the 'Towards a Safer Cumbria' report recommended that the Council should take action in respect of recommendations 1, 2, 3, 4, 5 and provision should be made in the Plan for these; 	Noted - chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the policies on radioactive waste do not address the question of intergenerational impacts, and this 	Noted

	needs to be remedied.	
Higher level radioactive wastes	Rep. 31:	
	<ul style="list-style-type: none"> • supports the development of an appropriately located and designed GDF for Higher Level wastes; 	Noted
	<ul style="list-style-type: none"> • considers that the Plan should adopt a flexible approach to the GDF process, while reserving the right of the County to reject unacceptable proposals; 	Noted
	<ul style="list-style-type: none"> • supports the statement that: <i>“It is possible that it might seek alternative means to identify suitable locations for a GDF facility. If this were to happen, and any part of Cumbria's geology was subsequently found to be suitable to host a GDF, then a development proposal may well come forward and would need to be considered under the relevant planning legislation at the time”</i>. However, paragraph 4.15 appears to contradict this statement: <i>“The County Council’s view is that existing facilities at Sellafield for the storage of higher activity level wastes should be improved. This is to provide more robust surface storage facilities in the decades to come while the Government finds a permanent solution <u>outside Cumbria</u> for the country’s higher activity radioactive waste”</i>. The representor believes that these paragraphs should be reworded to clarify the position. 	Chapter 4 on radioactive wastes has been completely rewritten
	Rep. 35:	
	<ul style="list-style-type: none"> • the Local Plan needs to concentrate its radioactive waste management policies on cleaning up the mountain of unsafe High Level Waste and, in particular, liquid HLW, which in its present state can increase the overall volume of waste by 160-fold over that of the original spent fuel rods. 	Although the County Council is a Regulator, its remit does not cover the disposal of radioactive waste, which falls under the EA, nor the storage and treatment of such waste, which is the remit of the Office for Nuclear Regulation.

	<ul style="list-style-type: none"> in order to address issues surrounding the Office for Nuclear Regulation and the Nuclear Decommissioning Authority, the Local Plan should include recommendations from Pete Roche's Friends of the Earth report (the representor included a list of nine recommendations that the Local Plan should include). 	Noted - chapter 4 on radioactive wastes has been completely rewritten
	Rep. 51: fully endorses the comments made by representor 35.	Noted
Low level radioactive waste	Rep. 31: <ul style="list-style-type: none"> supports the concerns of CCC about the issues arising around applications for disposal of LA-LLW/VLLW at the Lillyhall site and plans for the Keekle Head site; it is hoped that this Plan can help contribute to improvements in the disposal of VLLW across the UK, with a greater emphasis on local disposal near to the point of generation; 	Noted
	<ul style="list-style-type: none"> paragraph 4.36 – the representor agrees that there is a general perception of detrimental economic and social impacts associated with radioactive waste developments, though actual impacts need to be more firmly established; the representor is hoping to commission research on this later in the year. 	Noted
	Rep. 41: <ul style="list-style-type: none"> the Plan is unsound in relation to LLW, as it has not been positively prepared and it is not justified, effective or consistent with national policy. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> supports the approach in paragraph 3.3, but considers that it does not provide such opportunities for LLW despite an identified need to divert lower activity wastes from the LLWR near Drigg to enable it to continue to serve the UK Nuclear industry and its proposed Operational and Decommissioning 	Noted

	Lifetime Plans.	
	<ul style="list-style-type: none"> the third bullet point in paragraph 4.18 lists Lillyhall as a landfill site with an Environmental Permit to accept LALLW; it is the understanding of the representor that the site currently only has a permit to accept only VLLW and this is actually stated later in the Plan; the Plan needs to be clear and consistent. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the figures in paragraph 4.19 suggest that diversion is behind target levels; this emphasises the critical need for new diversion/disposal routes. 	Noted
	<ul style="list-style-type: none"> the last sentence in paragraph 4.20 should be removed as the Landfill Directive's 2004 ban does not apply to radioactive waste. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> it is considered that emerging on-shore fracking and shale gas industries are also likely to start producing NORM waste within the Plan period; the 'UK non-nuclear LLW strategy' should be referenced here and in paragraph 4.13. 	Chapter 4 on radioactive wastes and chapter 5 on hydrocarbons have been completely rewritten
	<ul style="list-style-type: none"> in paragraph 4.26, it is considered that the ten years is a relatively short period of time when the lead-in time for bringing new LLW management facilities on stream is likely to be in excess of three years. This emphasises the need in the short term for new solutions to be encouraged to come forward. 	Noted
	<ul style="list-style-type: none"> in paragraph 4.27, should the application not be successful to extend the LLWR near Drigg, it emphasises the critical need to identify deliverable alternative management routes for LALLW within Cumbria now; the paragraph refers to problems and serious issues that would need to be resolved relating to the current application for further vaults at the LLWR, which casts doubt on deliverability. 	Chapter 4 on radioactive wastes has been completely rewritten

	<ul style="list-style-type: none"> in paragraph 4.33, it is considered unsustainable that a disposal site in Northamptonshire could be relied upon to dispose of LLW inputs. 	Noted
	<ul style="list-style-type: none"> in paragraph 4.34, the figure of 220,200m³ for disposal needs to be clarified and it should be made clear where the figures have come from; the percentage expected to arise from the Sellafield complex should be made clear. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in paragraph 4.36, the Plan appears to be concerned that a proliferation of radioactive waste management sites in West Cumbria would be likely to have adverse social and economic impacts due to the manner in which such wastes are perceived; the representor considers that such developments actually provide socio-economic benefits and that the Plan should explicitly explain what the adverse impacts could be. 	Chapter 4 on radioactive wastes has been completely rewritten
	Rep. 42:	
	<ul style="list-style-type: none"> in paragraph 4.18, recommend the deletion of the 'non-inert' terminology as it could be unnecessarily restrictive. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in paragraph 4.19, consider that the figures are misleading as they only relate to 3 months of the year; CCC should look to use the figures from the financial year 12/13. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in paragraph 4.23, a statement should be added to recognise that much of the volume is LA LLW and could be suitable for disposal to permitted landfill. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in paragraph 4.27, the second and third sentences are considered misleading as the objections will not have any implications for the design of future vaults or the way the repository is operated; a statement should be added to recognise that the issues 	Chapter 4 on radioactive wastes has been completely rewritten

	around sea level rises and coastal erosion have been addressed in the Environmental Safety Case currently under review by the Environment Agency.	
	<ul style="list-style-type: none"> in paragraph 4.29, recommend the deletion of the final sentence as it is felt that the statement is not accurate; forecasts show that volumes of VLLW are likely to be much lower than the limit of 26,000m³ - a much lower quantity of non-radioactive waste would be required to maintain the appropriate ratio. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in paragraph 4.30, the final sentence should be deleted as the NDA has engaged on the permitting of the facility to accept radioactive waste from around the country in a number of different forms. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> in paragraph 4.34, consider removing the term "it remains to be seen" with more neutral language; and the volume estimates quoted should be referenced to a published data source for transparency. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> paragraphs 4.35 and 4.36 appear to be inconsistent with the vision for West Cumbria, set out in paragraphs 2.13 and 2.17. 	Noted - chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the Plan should acknowledge the LLWR as the national facility for the management (including disposal) of Low Level Radioactive Waste. 	The Plan acknowledges that the LLWR has a continued strategic role to play as part of the UK's radioactive waste management network
	<ul style="list-style-type: none"> the Plan should provide for facilities to take other types of radioactive waste, such as lower activity low level waste and very low level waste, within Cumbria. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the Plan should be sufficiently flexible not to preclude the development of new waste management facilities within Cumbria and the use of facilities outwith Cumbria. 	Chapter 4 on radioactive wastes has been completely rewritten

	<ul style="list-style-type: none"> the scope of the Plan should include waste treatment facilities as well as disposal facilities. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the Plan should not rule out the disposal of suitable radioactive waste to appropriately permitted and licensed landfill facilities where it is demonstrated to be the Best Available Technique. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the Plan should recognise that regions are not necessarily self sufficient in the management of radioactive waste and transfer between regions will be required - this applies to waste generated within Cumbria and waste generated elsewhere. 	Agreed - chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the Plan should acknowledge that there will be a requirement to export waste to other countries for treatment prior to disposal. 	Agreed - chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> Rep. 61: the Local Plan should be justified, effective and consistent with: <ul style="list-style-type: none"> the national policy framework for the management of LLW (as set out in the 'Policy for the Long Term Management of Solid Low Level Radioactive Waste in the UK', March, 2007); NDA Strategy and Plans for the management of LLW; the preference for use of existing waste sites (set out in the North West RSS); the presumption in favour of sustainable development (set out in the NPPF); recognition of the precedent set by the successful permitting, implementation and development of other landfill sites in the NW and SE of the UK, in line with national policy, to accept VLLW/LA-LLW radioactive wastes. 	Agreed – these are referenced in the rewritten chapter 4

	<ul style="list-style-type: none"> • Lillyhall landfill site should be identified as a site for VLLW because: <ul style="list-style-type: none"> – no demonstrable adverse impacts have been identified associated with use of this site; – there is an absence of a policy relating to VLLW within the Local Plan; – it would be consistent with the wider policy framework; – Policy EM13 states that in considering any proposals for new facilities, preference should be given to using established waste sites - the Lillyhall landfill site is the only new established waste route for VLLW disposal in West Cumbria to which such waste could be diverted in the immediate term; – the site is well suited to providing a disposal service to consigning nuclear sites located outside of West Cumbria due to: its proximity to the Sellafield site; the location of the vast proportion by volume of VLLW and lower activity LLW arisings; good conditions for VLLW and lower activity LLW disposal; the potential capacity of the site and the lack of significant adverse public or local community opposition to its permitting as a commercial facility for the disposal of VLLW from the Sellafield site and from other consigning nuclear sites. 	Chapter 4 on radioactive wastes has been completely rewritten
Sellafield	Rep. 24: the draft Plan does not adequately reflect recent reports from the National Audit Office and the Public Accounts Select Committee about the risks that Sellafield presents and the failure by the managing companies and the regulators to adequately deal with these risks.	These matters do not fall under the regulation remit of the County Council, but are dealt with by the EA and ONR.

	Rep. 35: questions have to be raised about the state of the storage facilities within Sellafield and how safe these facilities are.	These matters do not fall under the regulation remit of the County Council, but are dealt with by the EA and ONR.
	Rep. 51: fully endorses the comments made by representor 35.	Noted
	Rep. 59: the Plan should refer to the need for a Government commitment to enhance and invest in safe storage of the existing radioactive waste at Sellafield.	These matters do not fall under the regulation remit of the County Council, but are dealt with by the EA and ONR.
	Rep. 60: <ul style="list-style-type: none"> the following evidence has not been taken into account - those issues relevant to storage of wastes, not covered by national policy documents, but which should be included in CCC's policy deliberations; these include the National Audit Office report (November 2012), as well as the follow-up report from the Public Accounts Committee and the Friends of the Earth briefing 'Towards a Safer Cumbria' - this is particularly a consideration given that The National Policy Statement on Nuclear, Annex B, states in <i>B.5.3</i> that waste management will be kept under review. 	Chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the Plan needs to give consideration as to what surface facilities might be needed if Sellafield expanded its storage capacity to accept new build spent fuel. 	Agreed - chapter 4 on radioactive wastes has been completely rewritten
MRWS	Rep. 2: agree with CCC's decision to pull out of MRWS.	Noted
	Rep. 28: what impact will the recent decision not to proceed with an underground nuclear waste facility have on the area at Drigg?	Unknown.

	Rep. 59:	
	<ul style="list-style-type: none"> the Plan appears to have been written to the assumption that a Repository would be situated in Cumbria – something which is now not happening following the decision by CCC. Policies should, therefore, take into account the likelihood that in the future, such a Repository would be elsewhere and they should be reviewed and clarified in light of this. 	Not agreed; however, chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> given the Government's policy for ultimate disposal of nuclear waste is that it should be stored underground, the doubts over the suitability of Cumbria's geology for a Repository and CCC's current stance that there is no place for a Repository in the county, should the Plan not explicitly state this? 	Not agreed; however, chapter 4 on radioactive wastes has been completely rewritten
	Rep.60: the representor objects to the draft Local Plan for the following reasons:	It is not considered that this is necessary. However, chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> it fails to reference evidence from the MRWS process; 	
	<ul style="list-style-type: none"> it fails to reflect the Council's recent decision with regard to the Geological Disposal Facility for higher radioactive waste; 	It is not considered that this is necessary. However, chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> evidence contained within the reports and statements from CCC Leader and Deputy Leader on why CCC actively opposed the move to Stage 4 of the MRWS process, but instead agreed a proactive stance on better waste management and storage at Sellafield for that waste already in Cumbria, has not been taken into account; 	It is not considered that this is necessary. However, chapter 4 on radioactive wastes has been completely rewritten
	<ul style="list-style-type: none"> the Plan should contain a presumption against a deep geological disposal facility for higher radioactive waste to comply with the NPPF 	That is not within the remit of the Minerals & Waste Local Plan

	(paragraph 154);	
	<ul style="list-style-type: none"> the Plan needs to cover the possibility that a further version of the MRWS process may be introduced in Cumbria with the purpose of identifying a suitable site and setting up a Community Siting Partnership; 	That is not within the remit of the Minerals & Waste Local Plan
	<ul style="list-style-type: none"> it is suggested that the following policy about deep geological disposal is included within the Plan: <i>"Cumbria will maintain its presumption against hosting a deep geological disposal facility for higher activity radioactive wastes"</i>. 	That is not within the remit of the Minerals & Waste Local Plan
Fracking	Rep. 35: the Local Plan should consider the environmental and waste effects of fracking in Lancashire on Cumbria, with regard to three main concerns: <ul style="list-style-type: none"> – risk of earthquakes – contamination of water supplies – the creation of dangerous gases, air pollution and ill health 	Chapter 5's section on hydrocarbons has been completely rewritten
	Rep. 51: fully endorses the comments made by representor 35.	Noted
Unconventional gas	Rep.60: the representor objects to the draft Local Plan for the following reasons <ul style="list-style-type: none"> it fails to set out a clear precautionary policy in relation to radioactive waste and unconventional gas exploration; 	See responses to Reps 13, 16 and 36 in relation to policies numbered in the February 2013 draft as SP13 and DC10.
	<ul style="list-style-type: none"> it fails to set out a clear climate change policy in relation to unconventional gas exploration; 	Chapter 5's section on hydrocarbons has been completely rewritten
	<ul style="list-style-type: none"> the Plan should clearly set out the precautionary principle approach – in particular with regard to nuclear waste and unconventional gas activities; 	Agreed
	<ul style="list-style-type: none"> the lack of a precautionary principle in relation to unconventional coal and gas; this needs to be 	Chapter 5's section on hydrocarbons has been completely rewritten and a

	rectified in order to comply with the NPPF, the 1992 Rio Declaration on Environment and Development and the Interdepartmental Liaison Group on Risk Assessment.	new policy (DC13) prepared
Landfill	Rep. 50:	
	<ul style="list-style-type: none"> in paragraph 3.14, the suggested 1.2 tonnes per cubic metre is too high; it is suggested that a conversion factor of 1 for landfills accepting hazardous waste should be used to ensure the predicted void requirement is correct. 	Noted. The paragraph is deleted. This aspect is addressed in the Cumbria Waste Needs Assessment.
	<ul style="list-style-type: none"> in paragraph 3.32, justification should be provided as to why the estimated capacities in the document are so different to those estimated in the North West RSS. 	Noted. Text (para 5.22) and Table 5.2 amended to explain this issue.
	<ul style="list-style-type: none"> in paragraph 3.49, the reference to Lillyhall's life of site is incorrect; current operations are covered by planning permission 2/93/9033, which was granted in 1995 for Phase 3, an extension to Phases 1 and 2 - condition 1 of this permission allows landfill operations at Lillyhall until 1 June 2014, with a further year to complete restoration. 	Noted. This reference has in any case been updated to reflect the current planning permission.
	<ul style="list-style-type: none"> in paragraph 3.55, the principle that landfill sites that have an associated MBT facility should be allowed to provide the continuing residual waste disposal capacity is flawed; the approach does not take account of likely suitability or otherwise of the landfill site to continue operating beyond their consented life of site - this can only be appropriately considered through a detailed environmental assessment as part of a planning application. 	<p>Agreed. The current draft Local Plan has been significantly amended on this issue.</p> <p>See CCC comments above related to the policies numbered SP3 and SP4 in the 2013 draft MWLP.</p> <p>Also see Issue WAS2 in the Options Report.</p>
	<ul style="list-style-type: none"> adjoining Lillyhall landfill site is an operational MRF that removes recyclable material from the incoming waste stream prior to transferring the residual waste 	All operational facilities have been considered in the preparation of the Waste Needs Assessment. Only sites

	to the landfill for disposal - this option appears to have been overlooked in the draft document.	for additional facilities are considered in the draft Plan.
	Rep. 104: concern that the strategic landfill policy clearly covers all waste, including inert, without any distinction at all - if CCC believes that there should not be any inert landfill, the Plan should include a policy saying this.	Noted: see comment to Rep 50 above.
Rail infrastructure	Rep. 57: <ul style="list-style-type: none"> the Local Plan should set a strategic context requiring developer contributions towards rail infrastructure, whereby new development will create a significant change in the usage of a part of the transport network and thus generate requirement for new or improved infrastructure and/or station facilities. 	Noted. This would be dealt with at planning application stage.
	<ul style="list-style-type: none"> request that a policy is included within the Plan that requires developers to fund any qualitative improvements required in relation to existing facilities and infrastructure as a direct result of increased patronage resulting from new development - developer contribution should also apply to those proposals which arise from the Local Plan. 	Not agreed. This would be dealt with at planning application stage.
	<ul style="list-style-type: none"> as a result of increased patronage, Network Rail could be forced to reduce train line speed in direct correlation to the increase in vehicular and pedestrian traffic using a crossing; this would have severe consequences for the timetabling of trains and would also effectively frustrate any future train service improvements - this would be in direct conflict with strategic and government aims of improving rail services. 	Noted
	<ul style="list-style-type: none"> requests that a policy is provided confirming that: <ul style="list-style-type: none"> the Council have a statutory responsibility under 	Not agreed.

	<p>planning legislation to consult the statutory rail undertaker where a proposal for development is likely to result in a material increase in the volume or a material change in the character of traffic using a level crossing over a railway; Schedule 5 (f)(ii) of the Town & Country Planning (Development Management Procedure) Order, 2010</p> <ul style="list-style-type: none"> – any planning application which may increase the level of pedestrian and/or vehicular usage at a level crossing should be supported by a full Transport Assessment assessing such impact; and – the developer is required to fund any required qualitative improvements to the level crossing as a direct result of the development proposed. 	<p>Repetition of a legal duty in a policy is not appropriate but reference is added to the text of the draft Plan (paras 12.6 and 12.7).</p> <p>This would be dealt with at planning application stage.</p> <p>As above.</p>
	<ul style="list-style-type: none"> • it is requested that Network Rail is consulted on all planning applications for minerals and waste management proposals within 200 metres and 250 metres respectively of railway property. 	<p>Noted: This would be dealt with at planning application stage.</p>