



PLANNING AND COMPULSORY PURCHASE ACT 2004

**TOWN AND COUNTRY PLANNING
(LOCAL PLANNING) (ENGLAND) REGULATIONS 2012**

**REGULATION 19 CONSULTATION
PUBLICATION VERSION**

**DRAFT CUMBRIA MINERALS AND WASTE LOCAL PLAN
2015 to 2030**

REGULATION 18 OUTCOMES REPORT

APRIL 2016

Cumbria draft MWLP - Regulation 18 consultation: 10 March to 11 May 2015

Part 1 Strategic Policies

General Comments on the Strategic Policies

ID	Consultee	Comment	Action
10	Bootle Parish Council	It is not obvious from the Plan that any co-ordination of controls or policies regarding waste disposal and treatment facilities is undertaken between the National Park Authority and the County in areas where the effects could cross the boundary	Add text to para 3.10, to read: "Local Authority Collected Waste (LACW, formerly known as municipal waste) includes household, commercial and industrial waste that the District Councils collect, rubble from Household Waste Recycling Centres and grounds maintenance waste. Local Authorities are responsible for managing LACW in their area. Cumbria County Council is responsible for the disposal of waste collected by the Lake District National Park Authority and the District Councils. The County Council and Cumbria District Authorities formed the Cumbria Strategic Waste Partnership (Resource Cumbria) to deliver a Joint Municipal Waste Management Strategy (JMWMS) for the period 2008-2020, which updated waste collection and recycling services, and enabled the construction of the necessary infrastructure to treat the county's LACW."
14	Marshalls Natural Stone	para 5.76: it should be acknowledged that building stone products often have properties and characteristics that are unique to individual quarries - demand for building stone products is therefore not confined to markets solely within the county, as materials travel beyond the county boundary and are also imported into the county from elsewhere	It is not intended to imply that building stone products should be confined to county markets; the wording in policy DC12 has been reordered for clarity, to read: "building stone quarries, including their need for stone to match the conservation and repair of heritage assets and also for local vernacular building". Para 5.77 has also been amended to read: "...development control policy DC12 supports national planning policy to maintain supplies of building stone required for the repair of national and, potentially, international heritage assets, and also to maintain Cumbria's local architectural distinctiveness. Proposals at building stone quarries that are unrelated to historic assets or local vernacular, will be assessed using the criteria for non-energy minerals in policy DC12."
16	Historic England	Spatial vision: we welcome the recognition of the need for Cumbria's environmental assets to be protected, maintained and enhanced. Where reference is made to	The Spatial vision has been amended and the third paragraph has been revised to include 'but do not have unacceptable adverse social, environmental and economic impacts'.

	<p>low level radioactive waste it is important that it does not have an adverse impact on the environment as well as social and economic factors.</p>	
	<p>Box 2.2: in line with the principles of sustainable development, the overall strategy could be further enhanced through specific reference to the various elements that make up the 'environment' in Cumbria, this could include an insertion in the final bullet point – "protection and enhancement of the natural and historic environment".</p>	<p>As environmental assets in general are covered in the previous bullet, the final bullet has been reworded to read: "...achieved economic, social and environmental gains for Cumbria...."</p>
	<p>Box 2.3: whilst the Plan reinforces the importance of sustainable development, one of the core principles of sustainable development is the conservation and enhancement of heritage assets, the historic environment and its setting, yet there is no strategic objective to cover this.</p>	<p>For clarity, objective 9 has been amended to read: ".....Cumbria's natural and historic environment....."</p>
	<p>Paragraph 5.77: we welcome the Plan's recognition for the need to maintain the supplies of building stone required for the repair of heritage assets and in particular to maintain Cumbria's local architectural distinctiveness.</p>	<p>Noted - no change required</p>
	<p>Box 8.1: the table provides specific detail on environmental assets but does not provide equal detail on heritage assets. The box should be amended to provide additional detail on important heritage assets including listed buildings, scheduled monuments, conservation areas, etc.</p>	<p>Box 8.1 already includes World Heritage Sites, Registered Historic Battlefields, Registered Historic Parks and Gardens, listed buildings; whilst Box 8.2 includes Conservation Areas and locally listed archaeological sites, monuments, buildings and their settings.</p>
	<p>Box 16.1: this policy attempts to define what significance is and what issues that may affect it. Heritage assets and their settings and what contributes towards their significance can vary greatly from asset to asset and therefore, it is not necessary to pre-determine this. It is recommended that this box be deleted from the Plan.</p>	<p>Not agreed; it is considered that the non-exhaustive list could aid decision making. Text to that effect has been added to paragraph 16.13.</p>

25	Scotts Miracle Gro Company (UK) Ltd	<p>Paragraph 5.74: this states that the inclusion of Solway Moss as a strategic resource was rejected as unnecessary, on the grounds that the site has planning permission and a strategic designation, however, there may be a need for new planning permissions or amendments to existing permissions during the plan period - to provide clarity and to ensure that the planning requirements of the Solway Moss peat extraction site and its ancillary operations are managed appropriately during the plan period, we feel that the whole site should be included in the Local Plan as a strategic site for peat extraction.</p>	<p>Noted. No change in the Plan's approach is proposed, because the Council does not consider that this site is strategic in the same way as other minerals in policy SP8. Many mineral or waste sites are subject to planning applications or amendments within the site boundary, which are dealt with satisfactorily without the site being designated as a strategic resource – this is clarified in para 5.74.</p>
29	Environment Agency	<p>Paragraph 4.4: NORM waste may arise through other industries processing natural materials, for example the china clay industry.</p> <p>Table 4.2: in the first and final rows it is incorrect to refer to foreign HLW being sent to Sellafield for reprocessing. Foreign spent nuclear fuel is sent for reprocessing, which gives rises to HLW that is returned. The same comment applies to para 4.50 and Options Report, 4.15.</p> <p>Paragraph 4.21: the reference (footnote 60) to the Managing Radioactive Waste Safely document is out of date. UK Government has published a revised policy 'Implementing Geological Disposal' in July 2014. The latter reference is used elsewhere in the document (see footnote 69).</p> <p>Paragraph 4.25: Higher Activity Low Level Waste (HA-LLW) is waste with activity levels above 200 Bq/g, which require highly engineered containment facilities, such as the ones at LLWR. The upper threshold is that of low level waste, not just 4,000 Bq/g. We note that the term HA-LLW is not defined either within the Environmental Permitting Regulations or in UK LLW policy. LLW (or any solid radioactive waste) disposal is permitted based on</p>	<p>Para 4.4 (now 4.7) updated.</p> <p>Change made to Table 4.2 (now Table 4.1) and to paragraph 4.50 (now paragraph 4.53).</p> <p>Both documents are now referenced, to aid discussion on progress made towards a GDF.</p> <p>LA-LLW is a term used by LLWR Ltd., so by inference it was presumed that HA-LLW existed. However, paragraph 4.25 has been deleted.</p>

	<p>the wastes applied for by the applicant and then following technical review of the application and associated environmental safety case. We then consult publicly and take account of consultation responses before determining the decision on the application.</p> <p>Paragraph 4.25: LA-LLW is, as a general rule, waste with activity levels between 0.4 and 200 Bq/g, which do not need the highly engineered containment systems that are provided at the LLWR near Drigg. They can be sent to suitably permitted conventional non-inert landfills. LA-LLW is not a term used by the Environment Agency or in UK LLW policy.</p> <p>Paragraph 4.28: This paragraph states: “The total predicted volume of LA-LLW arising during the Plan period is 445,918m³, of which 220,207m³ (an average of 12,234m³ per year) will require disposal to a near surface facility (i.e. wastes with this level of activity do not need deep geological disposal).” This statement seems incorrect and inconsistent with the inventory for disposal identified in UK Government’s policy document ‘Implementing Geological Disposal’, which refers to only a small proportion of LLW unsuitable for LLWR. We would not expect anything other than very small volumes of LA-LLW to be sent to geological disposal.</p> <p>Paragraph 4.29: according to the definition of HA-LLW used within this consultation Clifton Marsh can also take HA-LLW within certain limits.</p> <p>Paragraph 4.30 and 4.31: These paragraphs only refer to the LLWR disposing of HA-LLW, which appears to exclude any waste with lower activity levels (e.g. LA-LLW). This appears to exclude the possibility of lower activity wastes being incorporated into the engineered cap, profiling material or elsewhere within the facility where there may be a benefit in doing so (an option</p>	<p>Paragraph 4.25 has been deleted.</p> <p>Paragraph 4.28 has been deleted.</p> <p>All references to HA-LLW have been removed.</p> <p>Paragraph 4.30 has been amended, and para 4.31 removed.</p>
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		referred to positively elsewhere in the consultation material). We also note the possibility that some waste below around 200 Bq/g may continue to be best disposed of within the highly engineered facility at the LLWR in line with BAT. For example, other available facilities might not be suitable for the waste in question and the waste might not be physically suited to disposal as profiling materials in the LLWR cap. We do, however, agree that preference should be given to avoiding such disposals within the highly engineered facilities at the LLWR wherever practicable.	
32	Allerdale Borough Council	<p>Chapter 4: The timescales for development of a Geological Disposal Facility would mean that an application for such a facility is unlikely to come forward within the Plan period. Therefore, the County Council has decided not to include a policy on a potential Geological Disposal Facility and instead will rely on a partial review of the Plan if the need arises. Should this take place on this issue, we would encourage them to work closely with Allerdale Borough Council so that the interests of both authorities and the communities are taken into account.</p> <p>Chapter 10: As the provision of community benefits for planning applications are not a material planning consideration, the deletion of the previously adopted policy on community benefits is supported. If the draft Local Plan had contained such a policy, then this would have been a soundness issue.</p>	<p>Noted - no update required</p> <p>Noted - no update required</p>
32	Allerdale Borough Council	Chapter 1: reference should be made to the two-tier authority system in Cumbria and that in the determination of planning applications, the County Council will give consideration to relevant adopted Local Plan policies of the district authorities.	Noted. No changes to the Plan proposed - giving consideration to District Policies does not make the district local plan policies part of the relevant Development Plan for the application.

33	Low Level Waste Repository Ltd	<p>Paragraph 1.2: It would be helpful if this paragraph recognised the economic benefit, including jobs, from the nuclear industry in Cumbria. The final sentence could be changed to <i>“The minerals, waste and nuclear industry also provide direct local economic benefits, including jobs.”</i></p> <p>Chapter 2</p> <p>Paragraph 2.1: again, this paragraph would benefit from recognising that the <i>“important direct local benefit”</i> is not just from the minerals and waste industry but also the nuclear industry (see comment above on paragraph 1.2).</p> <p>Paragraph 2.9 The statement that the Low Level Waste Repository’s <i>“current planning permission is for storage of wastes until 2018”</i> is inaccurate and could be misleading. We would suggest that this is replaced with <i>“substantial volumes of Low Level Radioactive Waste have been disposed of at the Low Level Waste Repository; although the planning permission for the currently active vault is for the storage of LLW until 2018”</i>.</p> <p>Paragraph 2.10 This paragraph may be considered overly pessimistic - while there will be a reduction in jobs at Sellafield it is likely to occur over the long term, beyond the timescales of this minerals and waste plan, since the decommissioning programme at the site is scheduled until 2120. The document would benefit from recognising the British Energy Coast strategy to build the strength of the sector and to sell the skills of those already working within it; and the economic benefit of the wider nuclear sector to the county.</p> <p>Paragraph 2.14 – 2.19: Again these paragraphs do not recognise the economic value of and benefits from the nuclear sector in West Cumbria. We would suggest that opportunities for development, such as new facilities</p>	<p>Noted. No changes to the Plan proposed – the introduction is discussing the two strands of the Local Plan in general at this point, rather than singling out particular industries within either minerals or waste.</p> <p>Noted. No changes to the Plan proposed - this is the wrong place to single out one industry that falls within the waste strand of the Local Plan.</p> <p>Paragraph 2.9 has been amended and reference to the current planning permission has been removed.</p> <p>At the end of the first sentence in this paragraph the following text has been added: <i>“...and plays an important role in Cumbria’s economy.”</i></p> <p>Paragraph 2.10 has been deleted.</p> <p>The paragraphs on Britain’s Energy Coast have been deleted.</p> <p>Text on Copeland’s workforce has been added to para 18.39.</p>
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	<p>and/or the nuclear business cluster, are considered and recognised in the paragraph (for example approximately 40% of Copeland workforce are employed at Sellafield).</p> <p>Box 2.1: the wording should recognise that LLW and ILW also arise at the LLW Repository; and that ILW and HLW arise at the Sellafield complex. The document refers to the Sellafield site as the “<i>Sellafield/Windscale complex</i>”, when they are now a single licenced site – perhaps this could be amended throughout the Local Plan to reflect the current position.</p> <p>Box 2.1: It is notable that this box does not recognise that the Repository is identified as a national asset in both the 2007 Government Policy on LLW or the 2010 UK Strategy for Solid LLW from the Nuclear Industry. Therefore it is misleading to include the text ‘<i>a reasonable contribution to managing ones from elsewhere</i>’, since the Repository is the UK’s single asset for waste requiring disposal in an engineered facility. As a result we would suggest that this sentence is reworded to “<i>That facilities have been provided to manage the LLW and HAW that arise at the Sellafield and LLWR sites; and that the LLWR site is recognised as the UK national facility for LLW which requires disposal within an engineered facility.</i>”</p> <p>Box 2.2: Again it would be beneficial if the first bullet recognised that the nuclear industry makes a significant contribution to the county’s economy.</p> <p>Chapter 3 If it is not intended to cover radioactive wastes (as Section 4 has the specific heading) it would be beneficial if this was made clear in the introductory paragraph of Section 3, rather than being implicit in a sentence in paragraph 3.9.</p>	<p>Text amended to read: “That facilities will have been provided to manage those radioactive wastes that arise in Cumbria and to make a national contribution to managing ones from elsewhere in the UK that require the county’s specialist facilities, but do not have adverse social, economic or environmental impacts.”</p> <p>Noted. No changes proposed to the Plan. Although it is acknowledged that the Repository is a national facility (para 2.9), there cannot be a statement that appears to pre-empt the decision on any future planning application for storage and/or disposal of Low Level Waste at the facility.</p> <p>Noted. However, no changes are proposed to the Plan, as this is the wrong place to single out one industry that falls within the waste strand of the Local Plan.</p> <p>A sentence has been inserted at paragraph 3.1 to read: “This chapter addresses all waste streams except radioactive waste, which is addressed in Chapter 4 of this Local Plan”.</p>
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	<p>If it does apply to radioactive wastes, we would suggest that a textual thread runs through the whole chapter:</p> <ul style="list-style-type: none">- Within the policy context section of the chapter, we would suggest that additional text should be added to reference the 2007 Policy and the 2010 UK Strategy for LLW; and the White Paper for HAW. Within this context the role of LLWR as the national repository and the only facility that is licensed to accept types of LLW that cannot be disposed of elsewhere could be explained. The text could also usefully make reference to the considerable expertise which exists within Cumbria in the management and treatment of radioactive wastes. It would be beneficial if this section recognised the 2012 anthropogenic and the 2014 NORM strategies, since these two strategies impact hospitals, and industries such as pharmaceuticals, mining and minerals processing, oil and gas, and any future fracking development within the county.- 3.1 could recognise that the waste hierarchy also applies to radioactive waste (see the UK LLW strategy and Joint Regulatory Guidance).- 3.4 could recognise the significant work that has been undertaken across the nuclear industry to increase diversion and so to reduce disposals to the LLW repository.- Do paragraph 3.7/table 3.1 and paragraph 3.22/table 3.4 include radioactive waste? It would appear not, but should be made explicit. If they do it would be beneficial if they reflected the exports of radioactive waste from the county, as well as any imports.- 3.25 references radioactive waste, and seems to imply that radioactive waste movements could be considered disproportionate. Perhaps this could be reworded to remove this potential inaccuracy (see below 3.59).- Table 3.6 would need to include radioactive waste sites.	<p>Not applicable, as chapter 3 is not intended to apply to radioactive wastes (see previous comment).</p>
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- 3.43 could include an analysis for radioactive waste.
- 3.59 references “considerable imports of radioactive waste”. This statement is misleading – during 2014/15 only 193 containers of waste were disposed of in the Repository (approximately 1930 m3), 135 of which were from Sellafield. Thus only approximately 600 m3 of LLW was imported from outside the county for disposal at the Repository.

It would be beneficial if there was a similar thread through the section describing broad areas and site locational criteria.

Chapter 4

If chapter 3 does not include consideration of radioactive wastes, chapter 4 would benefit from an equivalent introduction and policy context section (rather than pushing the policy to the back of the chapter) where the application of the waste hierarchy, the Government policy and three strategies for LLW (the nuclear industry strategy, the anthropogenic strategy and the NORM strategy) and the White Paper for HAW could be considered.

Similarly this chapter would benefit from equivalent data analysis and summary of provision and needs for radioactive waste sites as described in chapter 3 for other waste.

We would suggest that the whole chapter is edited to reflect the current position of the nuclear industry and its approach to the management of radioactive waste (there are inaccuracies throughout the chapter). It would benefit from reflecting the significant shift that has occurred in the management of LLW from disposal to the application of the waste hierarchy and the use of the LLW Repository as a last resort (as required by the UK Solid LLW Strategy for the Nuclear Industry) which has occurred over the five year period since the publication of

A sentence has been inserted at paragraph 4.1 to read “This chapter addresses only radioactive waste; all other waste streams are addressed in Chapter 3 of this Local Plan”. Consideration was given to re-ordering the chapter, but on balance, it was decided not to change it.

Noted. However, the data is not consistently available - no change recommended.

Noted. Considerable amendments have been made to Chapter 4. However, Cumbria’s Local Plan must reflect the county’s local distinctiveness, so it is considered inappropriate to approach this chapter from the industry’s angle – that information is available on the websites of the NDA/Sellafield Ltd/LLWR.

	<p>the Strategy.</p> <p>It would also be beneficial if it were to reflect the position of the LLW Repository within Government Policy and Strategy as a national asset; and from recognising the importance of the nuclear industry to sustaining economic growth, jobs and supporting the supply chain in the county.</p> <p>Paragraph 4.2: references the anthropogenic strategy – it may be more useful to reference the UK Strategy for Solid LLW from the Nuclear Industry. In addition, the definitions for the categories of waste are incomplete and would benefit from rewording in accordance with the definitions in the strategy document.</p> <p>Paragraph 4.3: notes that the Inventory “<i>contains details of over 1000 individual wastes...</i>”. We would suggest that this be reworded to state “<i>contains details of over 1000 individual waste streams</i>”; and that it also recognises the inventory includes stock (existing waste) and future projections.</p> <p>Paragraph 4.4: the description of NORM wastes is much more substantive within the NORM strategy and this paragraph would benefit from some rewording (they do not just “<i>accumulate on pipework during the extraction of oil and gas</i>” but within other areas of the oil and gas industry, as well as in mining and minerals processing).</p> <p>Paragraph 4.5: the paragraph is misleading – 96% of the waste has not been produced, but is forecast to arise in the future. Whilst some has been produced (the stock) most is yet to be retrieved or generated (for example VLLW from decommissioning and remediation activities) – there are therefore opportunities through the application of the waste hierarchy to reduce, in the future, the actual arisings of waste.</p>	<p>Text added within (new) paragraph 4.24.</p> <p>Document reference and text amended.</p> <p>Text amended.</p> <p>Text amended.</p> <p>Text amended.</p>
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	<p>Paragraph 4.7: noted that “<i>The issue for Cumbria is the storage and disposal of radioactive wastes in the county.</i>” In our view this is misleading – the real issue for the county is the safe and efficient decommissioning and demolition of nuclear facilities; and ensuring the safe storage and management of radioactive wastes. It again would be beneficial if this paragraph recognised the considerable economic benefit (including jobs) to the county from these decommissioning and demolition activities.</p> <p>Paragraph 4.8: we would suggest that this paragraph needs to recognise that radioactive waste is also exported from the county.</p> <p>Paragraph 4.9: we would suggest that this paragraph needs to recognise that the LLW Repository is a national facility within Government Policy and Strategy; that both LLW and VLLW are exported from the county (over 1000m³ in the last financial year); and that, as has been previously noted, only approximately 600m³ was imported for disposal at the Repository. Indeed, over 12,000m³ LLW was diverted from the Repository by nuclear facilities across the UK during 2014/15 – thus the statement that there is a “<i>default position of exporting these wastes to existing facilities to West Cumbria</i>” is no longer accurate. It should also be noted that the County Council has a Duty to Cooperate with those councils receiving radioactive waste from Cumbria.</p> <p>Table 4.2: would benefit from some amendments to reflect the current position of the sites:</p> <ul style="list-style-type: none"> - Sellafield. Foreign spent fuel is sent to Sellafield for reprocessing, rather than HLW. In general, spent fuel is not considered waste if it is being reprocessed; although waste, including LLW, ILW and HLW is produced during reprocessing. It would be beneficial 	<p>Text amended to read: “The issue for Cumbria is the safe and efficient decommissioning and demolition of nuclear licensed facilities, as well as ensuring the safe storage and management of radioactive wastes from all sources in the county”.</p> <p>Text added.</p> <p>Paragraph 4.9 (now 4.13) has been amended.</p> <p>Table 4.2 (now Table 4.1) has been amended.</p>
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	<p>to recognise that the LLW/VLLW sent to landfill or for incineration is exported from the county; that some metallic LLW is exported to Germany and Sweden for treatment (not just to Studsvik in Cumbria); and Sellafield sends waste for disposal at the Repository.</p> <ul style="list-style-type: none">- The National Nuclear Laboratory may also send metallic waste for treatment. Again it should be recognised that waste sent to landfill or for incineration would be exported from the county, since the relevant facilities are not available in Cumbria.- LLW Repository. ILW (in the form of PCM) is being generated during the decommissioning of historic facilities and will be sent to Sellafield for storage; the entry needs to reflect the current permit position (as described elsewhere in this consultation response); and that the site will send LLW and VLLW from the site for incineration, to landfill and for treatment, potentially out of the county, if the requisite facilities are not available within Cumbria. Thus we would suggest rewording this entry to: <i>“The site is the National Repository for LLW and, for over 50 years has received waste for disposal in trenches and in an engineered vault. The currently active vault has planning permission for the storage of LLW until 2018. ILW is being generated during the decommissioning of historic facilities and will be sent to Sellafield for storage. LLW generated on the site either disposed at the site or sent for treatment, incineration or to landfill, out of the county.”</i>- Eskmeals does not forecast any radioactive waste arisings in the UKRWI.- Studsvik sends secondary waste arising from its treatment facility for disposal at the repository; to landfill and for incineration (both exported from the county).- BAE Systems does not currently have a contract with LLWR and does not forecast any radioactive waste arisings in the UKRWI.	
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	<ul style="list-style-type: none"> - Kingmoor Properties has historically sent some waste to the repository but their site has been fully remediated and they no longer have a contract with LLWR. Thus if any LLW is generated from industrial processes they are not currently sent to the Repository. - INS does not deliver foreign HLW to Sellafield, but spent fuel (see previous comments on this). <p>Paragraph 4.10: We would suggest that this paragraph is amended to note that LLWR has 33.9 m3 ILW stored at the site.</p> <p>It is unclear why it is difficult to “<i>separate those arisings from within Cumbria and those from other parts of the UK</i>” since the UKRWI does this analysis, unless this sentence is referencing the wastes currently stored within Cumbria. If so the sentence would benefit from some amendment to make this clear.</p> <p>Paragraph 4.11: The paragraph would benefit from the consideration and inclusion of site end state definitions.</p> <p>Paragraph 4.13: As noted above there is currently ILW stored at the Repository and there are arisings forecast in the UKRWI (491 m3). The final sentence – “<i>there may be some ILW that has to be sent...</i>” could be reworded to reflect that ILW is already being sent to Sellafield for storage from outside the county.</p> <p>Paragraph 4.14: It would be beneficial to avoid the use of the term “<i>Higher Activity LLW</i>” throughout the plan, since the term has no formal definition and, indeed, LLW at the lower end of the radiological spectrum may require disposal at the Repository (depending upon its properties). In addition the final sentence would benefit from rewording since, as previously noted, the majority of LLW (over 80%) has been diverted from the Repository</p>	<p>Paragraph 4.10 (now 4.14) has been amended.</p> <p>Text amended for clarification.</p> <p>Noted. However, this paragraph has been deleted.</p> <p>Paragraph 4.13 (now 4.16) has been amended to read: “ it is likely that some ILW will continue to be sent to Sellafield for storage”.</p> <p>The final sentence of this paragraph has been deleted.</p>
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	<p>over the past three years.</p> <p>Paragraph 4.16: The sentence “<i>Some radioactive waste is stored...</i>” and the subsequent sentences in the paragraph would benefit from rewording. Wastes are treated after they arise to render them suitable for onward treatment and/or disposal, to transform them into a form suitable for storage; to reduce their volume or to reduce the dose from them.</p> <p>Paragraph 4.17: the role descriptions for the various organisations could be improved:</p> <ul style="list-style-type: none"> • ONR regulate nuclear licenced sites and their adherence to the licence conditions. • The environment agencies (including the EA) regulate the adherence to site permits by the sites. • NDA implement government policy on the long term management of radioactive waste, ensuring that wastes are safely managed; and develop the LLW Strategy on behalf of the Government. <p>Paragraph 4.18: A number of the principles referenced are enshrined within the 2007 LLW Policy, thus it would be beneficial to reference this.</p> <p>Paragraph 4.19: Again it would be beneficial to reference the UK Policy and Strategy for LLW since the Planning Inspector did refer to these in his decision.</p> <p>Paragraph 4.20: To reflect the comments noted above, we would suggest that this paragraph references the 2007 LLW Policy and the 2010 UK Strategy for Solid LLW from the Nuclear Industry, in addition to the NDA Strategy in relation to the preparation of local plans.</p> <p>Paragraph 4.21: For higher activity wastes, we would suggest that the Implementing Geological Disposal White</p>	<p>The paragraph has been amended.</p> <p>The paragraph has been amended and text placed into Table 4.2.</p> <p>Noted. Discussion in this paragraph is geared towards planning policy; addition considered unnecessary.</p> <p>Noted. This is discussed in (new) paragraph 4.24, so not included in 4.19.</p> <p>Noted. This is discussed in (new) paragraph 4.24, so not included in 4.20.</p> <p>This paragraph has been amended.</p>
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	<p>Paper should be referenced. Reference 62 is not an NDA strategy, but the UK Strategy for LLW – thus the wording in the paragraph would benefit from being adjusted to reflect this. The paragraph should also reference the anthropogenic and NORM strategies (as noted previously).</p> <p>Paragraph 4.23: It would be beneficial to note that the application of BAT is a requirement for waste producers under their permits.</p> <p>Paragraph 4.24: The expectation that the County Council is setting out in this paragraph appears to overlap with the role of the Environment Agency. In the August 2014 Planning Inspector’s report for the Northamptonshire Minerals and Waste Local Plan, the recommendation was made that <i>“Further, the waste producer/consignor must undertake a Best Available Technique (BAT) review before transfer takes place. The BAT review includes consideration of disposal options that cannot be managed higher up the waste hierarchy, including identification of the nearest appropriate installation. There is no benefit in duplicating these requirements; and to do so risks inconsistency and uncertainty.”</i> Thus we would suggest that this paragraph and Policy SP4 is removed.</p> <p>Paragraph 4.25: As noted previously the use of the term higher activity LLW is confusing, and the definitions used in this section are incomplete (see previous comments).</p> <p>Paragraph 4.26: This paragraph is somewhat misleading and may therefore benefit from rewording. As noted previously it would be better to avoid the use of the terminology HA-LLW and LA-LLW. Some LA-LLW can be sent to suitably permitted landfills, but it depends on their acceptance criteria. The Lillyhall site cannot accept LA-LLW but only VLLW.</p>	<p>This paragraph has been deleted and replaced by paragraphs 4.25-4.28.</p> <p>Noted. However, the section in the Plan on BAT has been replaced with a section entitled ‘Transparent Decision Making’. Policy SP4 has been amended and reference to BAT alone has been removed.</p> <p>Paragraph 4.25 has been deleted.</p> <p>This paragraph (now 4.30) has been amended and reference to HA-LLW has been removed.</p>
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	<p>document is not referenced. In addition, this document uses data from the 2010 UKRWI, so cannot be directly compared with the data used elsewhere in this Local Plan, which uses data from the 2013 UKRWI. The paragraph includes data for the non-nuclear industries and references NORM wastes (as noted previously NORM arises from a range of industries, not just oil and gas), without clarifying whether these wastes are lower end LLW or LLW. We would therefore suggest that the paragraph is removed. It does not reflect the opportunities for the sector – including the development in the UK of infrastructure to support diversion, allowing waste to be treated further up the waste hierarchy.</p> <p>Paragraph 4.29: The Augean site at Kings Cliffe does not currently have permission to accept HA-LLW.</p> <p>Paragraph 4.30: As noted previously, the LLW Repository is identified as a national asset within Government Policy and Strategy and we consider that it should be recognised as such in this document. The Local Plan would also benefit from recognising that the Repository already forms one part of the LLW management solution and that there are existing alternate treatment and disposal routes used by the UK’s nuclear industry (including within Cumbria).</p> <p>Paragraph 4.31: The annual WIF inventory analysis already assesses forecast waste arisings against potential route. It would be beneficial if the Local Plan recognised that LLW is already being managed up the waste hierarchy by waste producers in accordance with Government Policy and Strategy; and how the County Council engages with the National LLW Programme, led by LLWR on behalf of the NDA, which works across the industry to implement the LLW Strategy.</p> <p>Paragraph 4.33: The permit which the Lillyhall site has</p>	<p>Para 4.29 has been deleted and correct data inserted into new para 4.30.</p> <p>Paragraph 4.30 (now 4.32) has been amended.</p> <p>Paragraph 4.31 has been deleted.</p> <p>Paragraph 4.33 (now 4.34) has been amended to read: “It is</p>
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	<p>allows it to accept VLLW from anywhere within the UK where BAT has been demonstrated. It is therefore not necessarily correct to state that “<i>the majority of the radioactive waste material sent to Lillyhall is intended to be sourced from decommissioning and demolition works at Sellafield.</i>”</p> <p>Paragraph 4.36: As noted above, Lillyhall is not a dedicated facility for Sellafield’s VLLW, as is implied within this paragraph. This should be clarified. In addition the statements within this paragraph appear contradictory with respect to BAT determination by Sellafield for their wastes.</p> <p>Paragraph 4.37: Again there is no recognition that UK Government Policy and Strategy identify the LLW Repository as the national disposal facility. For the Local Plan to be in accordance with Government Policy and Strategy it would benefit from recognising this within the document. In addition, this paragraph does not recognise that within Policy (and thus this Local Plan) the proximity principle can be overridden for centralised facilities, such as the Repository.</p> <p>Paragraph 4.38: Could this paragraph be used to recognise the opportunity to improve rail infrastructure within the county?</p> <p>Paragraph 4.40: this is not accurate as either a definition or a description for higher activity wastes.</p> <p>Paragraph 4.41 and 4.42: The use of the term “accumulating” could be seen as misleading. HLW is in safe managed storage until the final UK disposal solution for HAW is developed</p> <p>Paragraph 4.43: The sentence “<i>One of the greatest impacts on the amount of higher activity wastes requiring</i></p>	<p>anticipated that the majority of the radioactive waste material sent to Lillyhall will be sourced from decommissioning and demolition works at Sellafield.”</p> <p>Paragraph 4.36 has been deleted.</p> <p>Paragraph 4.37 (now 4.38) has been amended.</p> <p>Reference to rail infrastructure has been added to the text as an example.</p> <p>Paragraph 4.40 has been amended.</p> <p>The term ‘accumulated’ has been removed from the text.</p> <p>The sentence ‘<i>one of greatest...</i>’ has been deleted.</p>
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		<p><i>safe storage could arise if the current proposals for a new generation nuclear power station...</i>” is not accurate. During the period of the local plan, as the final sentence recognises, there would only be operating wastes from the reactor, which would be mainly LLW in relatively low volumes. Modern reactors are designed to produce less waste over their lifetimes than older reactor designs and it would be useful to recognise these two points in modified text.</p> <p>Paragraph 4.49: would benefit from being updated to recognise that the development of a GDF was made a nationally significant infrastructure project in early 2015 under the Infrastructure Planning (Radioactive Waste Geological Disposal Facilities) Order 2015.</p> <p>Paragraph 4.50: would benefit from being corrected to reflect, as noted previously, that foreign HLW is not sent to the UK, but spent fuel is sent to the UK for reprocessing (with HLW or equivalent radionuclides returned to the country of origin).</p> <p>Chapter 5 Paragraph 5.45: Subject to planning permission, LLWR capping would commence during the period of this plan and will require minerals and aggregates – the paragraph may benefit from reflecting this.</p> <p>Chapter 7 Chapter 7: We would suggest that the section on economic benefits recognises the contribution the nuclear industry makes to the county’s wider economy, including the management of nuclear waste.</p>	<p>This is in new paragraph 4.50.</p> <p>Paragraph 4.50 (now 4.53) has been amended.</p> <p>Text added to paragraph 5.47.</p> <p>Reference to the nuclear industry strengths in the county has been added to paragraph 7.7.</p>
41	Mineral Products Association	Paragraph 5.10 to 5.26: We consider that the analysis of the landbank needs considerable qualification. The Cumbria LAA lists 12 sand and gravel quarries all but one of which has an end date before the end of the Plan	Noted. PPG (chapter 27, para 083) sets out how the landbank should be calculated and this method has been used in the MWLP. Notwithstanding this, the LAA has been updated to clarify expiry dates and the progress of operators to extend planning

	<p>period. If no renewals occur, then CCC will face significant shortfalls in capacity in only a few years and the landbank will not by itself be a good indicator of need since it should be considered alongside productive capacity data. Similarly, the LAA lists 13 crushed rock quarries in the county, none of which lasts longer than 2042 and seven of which expire well before that date. And yet the Local Plan claims to have a landbank lasting to 'early 2056' for limestone and overall to 'late 2049'.</p>	<p>permission where this expires before reserves have been worked out. The impact of this on the landbank is considered in the LAA and, therefore, is reflected in the MWLP.</p>
	<p>Given that applications for renewal of consent have to be supported by and be subject to, environmental assessment, CCC cannot guarantee that any material remaining in sites will be available to the landbank after the expiry of planning permission. In this case, we believe the landbank figures quoted (although calculated according to PPG) are misleading. We also believe that the Local Plan needs to grasp this nettle more firmly than it does presently. Policy should either be specific in its support of time extensions to expiring planning permissions, or analyse the potential shortfalls and provide accordingly. We acknowledge the effort the Local Plan goes to ensure continuity of supply and make allocations in the circumstances of apparently high landbanks, but at present this largesse is not fully supported by evidence and we judge would be vulnerable to challenge. Therefore, we request a fuller analysis that identifies shortfalls in capacity quantitatively and outlines the preferred option for provision.</p> <p>Moreover, it is not necessary (indeed, it is confusing) to list three separate landbank calculations based on a 10 yr average, a 3 yr average and the old SRA (Table 5.2). This illustrates comments made later about policy SP7, in that the Local Plan needs to fully analyse the likely future demand for aggregates in the county, and adopt one single policy figure of provision and consequently one</p>	<p>Noted; the County Council cannot guarantee that applications for time extensions will be granted as there may be material considerations that have changed or working schemes that are no longer appropriate, and the Plan should not pre-determine forthcoming planning applications in such a way as to negate any legitimate negotiation on details of the development. Information highlighting potential losses of reserves has been added to the LAA and reflected in the MWLP. Although reliance is placed on current permissions and reserves, as well as Areas of Search and Preferred Areas, it is considered that there is sufficient analysis of potential hurdles to that reliance.</p> <p>Discussion in the 2015 LAA shows the landbank based on 10-year average, 2014 sales, rise to pre-recession sales and rise to highest pre-recession sales. The LAA sets out a commitment to plan for sand and gravel at 2014 sales levels, whereas limestone, HSA and VHSA will be planned for based on 10-year rolling average sales. This will be kept under review annually through the production of the LAA. The Plan reflects the figures set out in</p>

	<p>single landbank figure for each mineral type.</p> <p>Paragraph 5.31 to 5.33: We are concerned that there appears to be no protective mechanism to retain the benefit of permitted reserves (such as Kendal Fell and Roosecote) in the event that the current mineral owners decide to apply for or implement alternative development. All such sites should be located within an MSA where the presumption against non-mineral development applies under national policy. In this respect, Roosecote is particularly important since it is the only sand and gravel consent to outlast the plan period. If developers seek to remove mineral from the landbank, we would expect the Local Plan to have adequate policy safeguards against the unnecessary removal of mineral from landbanks and for potential developers to fully justify the loss even to the extent of providing alternative resources. If such reductions in the landbank seem unavoidable then we consider that the appropriate adjustments and caveats should be made to the landbank, for example, that the reserves at Roosecote are suitably qualified within landbank calculations and the uncertainty of future working is acknowledged.</p> <p>Paragraph 5.49: Your statements about HSA sources and future demand need to be revised. The government white paper Action for Roads says that “by 2021, spending on road enhancements will have tripled from today’s (2013) levels, and we will have resurfaced 80% of the network. This is a genuinely transformational package, every bit the equal of the major investments we are making on rail and High Speed 2.” This includes investing more than £12 billion in maintaining the network, including over £6 billion to resurface over 3,000 miles of the strategic road network. Such activity will have a significant impact on the demand for HSA and Cumbria’s resources will be of increasing importance</p>	<p>the 2015 LAA.</p> <p>Presumption against non-mineral development in MSAs is in NPPF para 144, which says in considering planning applications, planning authorities should “not normally permit other development proposals in Mineral Safeguarding Areas where they might constrain potential future use for these purposes”. PPG, however, says that mineral planning authorities should “encourage the prior extraction of minerals, where practicable and environmentally feasible, if it is necessary for non-mineral development to take place” in MSAs; and NPPF para 143 says that MSAs do not create “a presumption that resources defined will be worked”. Policy DC15 (Minerals safeguarding) has been amended to better reflect the NPPF and PPG, requiring prior extraction of viable minerals; however, an owner cannot be forced to extract minerals.</p> <p>The 2015 LAA 2015 has been updated to reflect government proposals and explains that demand will be kept under review.</p> <p>Do not agree that scale of provision should be quantified in the policy – this is too uncertain over the Plan period.</p> <p>There are 3 HSA/VHSA quarries in Cumbria. Of these, 1 is currently mothballed – that is the operator’s decision and the Plan has identified an Area of Search at the quarry. Another quarry also has an Area of Search. The third quarry had an Area of Search in the previous version of the Local Plan, but this has been removed following planning permission in 2015 for an extra 6.8 million tonnes. It is considered that the County Council can do no more to ensure adequate provision of HSA/VHSA, when these are commercial decisions.</p>
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regionally and nationally, so even with full output coming from the Yorkshire Dales Cumbria's output is likely to increase markedly. It is, therefore, vital that this is reflected in policy and we support your actions to keep the HSA landbank at healthy levels, and to support reserves as strategic locations. Although these intentions are set out between Policies SP7 & SP8 we think you need to mention the scale of provision quantitatively and to specifically say you intend to maintain (and if necessary increase) productive capacity to meet expected needs from this strategic resource. This is more of a change of emphasis than a major change of direction for the plan which if altered in this way would give the industry added assurance that CCC is fully committed to government plans and industry needs.

Paragraph 5.53: The fact that information cannot be collected about markets to justify a separate landbank, does not mean that they do not exist, and conclusions that there are no differences between sand and gravel providers or that there are no sub-markets dealing in particular qualities of aggregate are invalid. Every pit is different by reason of its geology, especially in a county like Cumbria with a wide variety of geological conditions. As a result, many pits will specialise in the types of material they market which reflects what is in their reserves. Even though sand and gravel is available generally in the landbank, this may mask shortages of particular types of material that can justifiably be permitted to improve availability. This has been acknowledged in the past in CCC decisions such as the shortage of concreting sand. We therefore ask that the substance of these comments be incorporated in the paragraph to make it clear that the absence of a separate landbank is not a justifiable reason to refuse to make up shortages of particular types of mineral where this can be shown to be the case.

Partially agree – but the justifiable reasons for granting planning consent when there is an adequate landbank are laid down in PPG chapter 27, para 085. These are:

- significant future increases in demand that can be forecast with reasonable certainty;
- the location of the consented reserve is inappropriately located relative to the main market areas;
- the nature, type and qualities of the aggregate such as its suitability for a particular use within a distinct and separate market;
- and known constraints on the availability of consented reserves that might limit output over the plan period.

All these issues should be addressed if operators give sufficient data, or can be submitted in planning applications.

	<p>Paragraph 5.54: We consider that you should not conclude the absence of any supply problems based on the mothballing of certain sites due to the current recession. This recession is unprecedented in scale and duration and our members have had to take painful decisions that do not represent optimal operating conditions in order to preserve their businesses. You should not on that account consider such conditions normative. We suggest you strike the last part of the paragraph from the text.</p> <p>Paragraph 5.76 and 5.77: We believe that a strategic policy for dimension stone is required. The number and variety of dimension stone operations in the county is sufficient for this. We acknowledge your support for slate in particular, but feel that this recognition needs to be extended to all types of dimension stone activity. It is important that you do not limit dimension stone extraction to local markets or the heritage sector. You should note that building stone is not only reserved for 'historic' purposes (repairs and Conservation Areas) and operators should be free to develop new-build markets like any other entrepreneur. That being so, repairs may be a very small part of production (our members report that only 10% of sales are for the repairs market). So we should be pleased to see a recognition that higher production will not be resisted if it contributes to economic development. However, it is important that the authority does not artificially seek to impose further restrictions, but allows any expansion of the operation (subject to environmental safeguards) without decreeing maximum production levels or prohibitions on aggregates production or limits to reserves, for example. All of these restrictions are commonly met by our members in their businesses on the mistaken assumption by local government that building stone operations must be small and confined in order to be acceptable. We look forward to a more flexible approach being adopted in this</p>	<p>Partially agree. However, mothballing does appear to be more common in Cumbria than other, more populated, areas and may be a structural issue related to costs of transport, increase in recycled aggregates, and substitution between sand and gravel and crushed limestone. This will become clearer in future years and will be noted in annual monitoring within the LAA. Amend rather than strike out the paragraph.</p> <p>It is considered that the criteria in policy DC12 on non-energy minerals are applicable to dimension stone as well as aggregates. There is no intention to limit building stone quarries to local markets or the heritage sector and this has been clarified in policy DC12 and its preceding text. No new policy is considered necessary.</p> <p>The currently proposed policy is based on the fact that building stone quarries may be permitted in locations that have significant adverse environmental impacts (including from traffic) ONLY BECAUSE the operations are limited in scale and are often intermittent. It is important that quarries permitted on that basis do not subsequently expand to a point that would not have been acceptable as an initial proposal.</p> <p>Concerns about "running out of" limited supplies of high quality building stone that are essential to Cumbrian heritage and local distinctiveness, may be correct where a very unique stone is accessed in a quarry with significant environmental constraints, which would prevent expansion or new quarries.</p> <p>Whilst economic expansion from building stone quarries and businesses makes a valuable contribution to the economy, this would be balanced against other policy dis-benefits, and not override them to the same extent as the need for adequate aggregate supplies, or conservation and repair of historic assets.</p>
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document. In particular, an emphasis of policy on local markets or small scale working is likely to discourage applications. Our members report problems because they are being limited to 'local markets', which reflects the historic circumstances of the industry and the emphasis on heritage end uses. A 'local market' means restricted outlets, low volumes and low turnover/operating profit. This scenario does not allow the operator to invest in the technology and training that is increasingly being required of him, and his low sales forecast means that he will be turned away by his bank manager for loans to keep the business going. This is a serious threat to continuity of security of supply. Conversely, serving wider markets makes it easier to guarantee that stone will also be available to serve the local market. Emphasising local markets and small scale operations like this is merely descriptive of the traditional character of the industry and should not be prescriptive since it is changing rapidly in the light of regulatory drivers and commercial pressures, and must expand in order to survive. We should prefer policy to omit implications that dimension stone production needs to be controlled or curtailed, which we believe is against the spirit and purpose of NPPF. We wish to see a strategic policy for dimension stone as well.

Paragraph 5.81: We object to the approach to MSAs, which does not include buffers against sterilisation as advised by BGS good practice guidance. Your solution to this issue is to surround the MSAs with MCAs to a standard distance of 250 metres. We consider this to be against good practice. The BGS guidance specifically advises against this approach because MCAs lack the required 'presumption against' protection that national policy gives to MSAs. Para 5.3.4 of the guidance says *"MCAs are a consultation mechanism and are not a safeguarding mechanism. They do not carry any presumption against permission being granted for*

Note that the importance for heritage and local distinctiveness in new buildings is the key issue about building stone in the BGS guidance on MSAs.

The approach to MSAs and the MCA has been reviewed and amended in line with good practice set out by BGS in their 2011 Mineral Safeguarding Guidance.

		<p><i>development on a mineral resource and there is virtually no sanction should planning permission be granted within one. Primarily, the level of safeguarding that MCAs can provide is not comparable to that which can be afforded through a MSA-based process.” We strongly urge CCC to adopt the current MCAs as the MSA boundaries and to review the standoff distances for each mineral to see whether they are appropriate (e.g. crushed rock standoffs need to be bigger to reflect the effects of blasting on sensitive landuses). The result of your approach could be that damaging development on the edge of a resource could still be permitted because it is not located in an MSA.</i></p>	
43	Ignis Biomass Ltd	<p>Para 3.52: this refers to the proposed plant that was to be built by New Earth Solutions in Galashiels for the Borders Council - recent press reports suggest that this project has been abandoned.</p>	Reference to project deleted.
45	Sellafield Ltd	<p>Chapter 4: There are references throughout section 4 that refer to ‘foreign HLW’ being imported to Sellafield. There is no HLW from overseas imported into Sellafield. There is only overseas customer spent fuel brought to Sellafield for reprocessing with the subsequent HLW returned to the customers.</p> <p>Para 4.2: The lower end of VLLW is defined by the Environmental Permitting Regulations Out of Scope Limits. The 0.4 Bq/g is a reference to the old SOLA legislation and no longer relevant to this definition.</p> <p>Para 4.5: There is a disconnect between paragraphs 4.5 and 4.6. Paragraph 4.5 states 4.3 cu metres already produced, whereas 4.6 states 3.9 cu metres will arise. Appears to be an incorrect statement in Para 4.5.</p> <p>Table 4.2:</p> <ul style="list-style-type: none"> A more accurate definition of treatment and disposal operations for Sellafield could be the following: “LLW 	<p>Noted. Text has been amended.</p> <p>Reference to the 0.4 Bq/g has been removed.</p> <p>The text in (new) paragraph 4.9 has been amended to read: “Of the other 95% (4.3 million cubic metres), the majority will arise when...”.</p> <p>Table 4.2 (now Table 4.1) has been amended.</p>

		<p>is managed through a variety of disposal and treatment options. This includes facilities on and off of the Sellafield site as well as treatment facilities outside of the UK.”</p> <ul style="list-style-type: none"> • The routes available to NNL are similar to Sellafield and utilise the Sellafield infrastructure to manage LLW arisings. • The metal released from Studsvik is classified as Out of Scope. <p>Para 4.12: The vitrification process is scheduled to operate until March 2030. (The Sellafield Performance Plan 2014 assumptions are that Lines 1 and 2 will operate to March 2022. One will close at this point. Line 3, with one of Lines 1 or 2 held as standby, will continue to operate to March 2030 to support site and plant operational clean out activities).</p> <p>Para 4.23: We note that a BAT assessment provides an overarching rationale for the optimised management of relevant wastes. It takes into account a wide range of factors (broadly encompassing safety and security, environmental impact, technical feasibility, community impacts and financial cost). It is not solely focussed on ensuring exposures to the environment are ALARA.</p> <p>Para 4.25: The term ‘Higher Activity Low Level Waste’ is not used within the nuclear industry and this is not a definition that would mean anything within this context.</p> <p>Para 4.26: There is no requirement for a highly engineered containment facility for all HA-LLW. LLW covers a wide range of activity, and the vast majority of material could be accommodated by a less engineered design. It is important to note that it is not just landfill disposal but specified landfill disposal with the appropriate permits.</p>	<p>Paragraph 4.12 (now 4.15) has been amended.</p> <p>Text changed to reflect all optioneering, not just BAT.</p> <p>Paragraph 4.25 has been deleted.</p> <p>Reference has been made within Paragraph 4.26 (now paragraph 4.30) to ‘specified landfill disposal with the appropriate permits’.</p>
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		<p>Para 4.27: Incorrect to state majority of solid LLW is sent to LLWR. The implementation of the UK LLW Strategy, and the drive to implement the Waste Management Hierarchy, has had a significant impact on the management of LLW within the nuclear industry. Last year 85% of the LLW generated was diverted away from LLWR (see Draft UK LLW Strategy). (Note there is an overall position taken within Section 4 that the vast majority of LLW is disposed of. This is not the case, with significant volumes of metals recycled, and a large proportion of combustible material incinerated).</p> <p>Para 4.28: Near-surface disposal describes all disposals that are not of the form of the deep geological repository. It is our understanding that none of the LALLW require geological disposal and therefore would all be reused, recycled or disposed of to a near surface facility.</p> <p>Para 4.29: Although there are a small number specified landfills available for disposal, a previous LLWR report has shown there to be enough capacity for the foreseeable future. The ENRMF facility has limits to 200Bq/g and can accept hazardous waste as well.</p> <p>Para 4.33: Although it is most likely that waste from outside of the county may be disposed of at Lillyhall from Chapelcross, there is the possibility that this waste could come from anywhere within the country.</p> <p>Para 4.34: CLESA is not able to accept the full range of LALLW material. The current radioactivity limits are 37Bq/g of which half of this can be alpha activity. The comment of 'specific radioactive waste types' is not completely accurate. The radioactivity limits are defined as stated above. There are limits on conventional and hazardous waste types that cannot be disposed of to CLESA, regardless of contamination.</p>	<p>Paragraph 4.27 has been amended.</p> <p>Paragraph 4.28 has been deleted.</p> <p>Paragraph 4.29 has been deleted.</p> <p>Paragraph 4.33 (now Paragraph 4.34) has been amended.</p> <p>Paragraph 4.34 (now paragraph 4.35) has been amended.</p>
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46	Nuclear Decommissioning Authority	<p>Para 2.27: Box 2.3 lists the strategic objectives. Objective 2 states that waste, including radioactive waste will be managed at the highest achievable level within the waste hierarchy. For radioactive wastes this should read highest practicable level to take into account ALARP, BAT and value for money considerations. NDA commends the use of the approach articulated NDA's 2011 Strategy, which has established a policy position consistent with regulatory requirements.</p> <p>Chapter 4: this Plan needs to be clear that spent fuel and nuclear materials are not considered as wastes and are outside the scope of this Minerals and Waste Local Plan.</p> <p>Para 4.2: The definition of VLLW quoted is the 2007 policy definition for High Volume VLLW. There are different VLLW definitions for VLLW and since the replacement of the RSA 93 exemption limit of 0.4 Bq/g with the EPR10 radionuclide specific limits for 'out-of-scope' wastes. It should be noted that Intermediate Level Waste definition omits the alpha threshold where waste is ILW above 4,000 Bq/g. The definition of radioactive waste categories are found in the relevant Government policies and the United Kingdom Radioactive Waste Inventory: NDA & DECC (2014), The 2013 UK Radioactive Waste Inventory, Scope and Conventions, https://www.nda.gov.uk/wp-content/uploads/sites/2/2014/02/14D044_NDASTSTY140008_-_Scope_and_Conventions.pdf (See section 3).</p> <p>Para 4.4: There are other examples of NORM waste, e.g. mineral processing. The phrase 'contaminated land'</p>	<p>Objective 2 has been amended and reference to 'achievable' has been replaced by 'practicable'.</p> <p>Clarification text added as new para 4.1.</p> <p>Paragraph 4.2 (now paragraph 4.3) has been amended; the lower limit of VLLW of 0.4Bq/g has been removed and the distinction between ILW alpha and beta/gamma limits has been added.</p> <p>Text has been amended in line with the consultation comment.</p>

	<p>should be 'land contamination' to avoid confusion with the legal definition of contaminated land under the Environmental Protection Act, which does not apply to the land contamination referred to in the plan. This land contamination is included in the UK radioactive Waste inventory where there is reasonable certainty in future waste arisings.</p> <p>Para 4.5: It may be worthwhile stating that the waste reported in the UKRWI will arise over a period of more than 100 years. (From 2013 – 2120).</p> <p>Para 4.8: LLWR has been operating as a national radioactive waste facility since 1959 and therefore imports from outside the county will continue in accordance with planning and application of BAT. This was recognised in the previous version of the Minerals & Waste Development Framework which stated that “the County Council accepts that it (LLWR) will continue to be an essential component of the UK’s national waste management capability. This accords with national policy and also the aim that West Cumbria should be the centre of excellence for radioactive waste management.” This was also reinforced in Core Strategy Policy 12.</p> <p>Para 4.8: Sellafield stores ILW and HLW pending disposal where other sites across the country will also continue to store ILW pending disposal. NDA has investigated a number of ILW storage consolidation opportunities, which are limited in number and the implementation of any inter-site transfers need to be supported by a robust business case subject to planning and regulatory approvals. It should also be noted that HAW covered by Scottish Government’s long-term management Policy does not support long-term interim storage or disposal outside of Scotland. Scottish Government’s HAW Policy does not include HLW, due to there being no HLW accumulated in Scotland and does</p>	<p>Text has been amended in line with the consultation comment.</p> <p>Paragraph 4.8 has been amended.</p> <p>Noted - no change to text recommended.</p>
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	<p>not cover any spent fuel or nuclear materials that are not presently classified as waste.</p> <p>Para 4.9: The paragraph should be clear about which situation regarded by the County Council as not being sustainable. The planning process will also need to take into consideration the relevant UK radioactive waste policies and national strategies. Sellafield is the single largest site in the UK and it has and will continue to generate significant quantities of wastes. It would therefore be expected that facilities developed for Sellafield would be made available for other waste producers where waste volumes may not be sufficient to support development of multiple facilities and could result in a default position of sending materials for disposal to LLWR. Para 2.9 (page 8) in this Strategic Policies part of the plan recognises this stating that the LLWR 'provides a national radioactive waste facility'.</p> <p>The Policy for the long term management of solid Low Level radioactive waste in the UK states that the NDA should wherever appropriate and practicable make LLW management and disposal facilities available to other nuclear and non-nuclear radioactive waste producers.</p> <p>Table 4.2: The first and last rows state that 'foreign HLW' is sent to Sellafield for reprocessing - this is incorrect and should refer to 'spent fuel', which is not considered waste and therefore is not included within the definition of HLW. The Local Plan needs to be accurate in the context of national and international policy definitions and to correctly distinguish wastes from other radioactive materials. It should also be noted that some waste is sent to Studsvik for treatment, some for incineration and some for landfill. Significant amounts of waste from Sellafield are sent to other out of county facilities either in the UK or overseas due to lack of capacity or capability locally.</p>	<p>Text has been amended in line with the consultation comment.</p> <p>Noted - no change to text recommended.</p> <p>Table 4.2 (now Table 4.1) has been amended and reference to 'spent fuel' has been added. Reference has also been made to the fact that significant amounts of waste from Sellafield are sent to other, out of county, facilities.</p>
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	<p>Para 4.12: Last sentence, the current position is that the main operations are due to finish in 2022 noting that vitrification will continue in support of decommissioning until circa 2030.</p> <p>Para 4.14: Higher Activity LLW does not have any legal, policy or regulatory definition nor is it a recognised term used within the industry. Therefore the use of this term risks significant confusion with respect to the Plan and the strategies within it.</p> <p>Para 4.21: This paragraph should reference the 2014 White Paper on Implementing Geological Disposal. The references to the UK Strategy for the Management of Solid LLW from the Nuclear Industry should recognise that this is a UK Government Strategy, written on behalf of Government, and not a NDA Strategy.</p> <p>Para 4.23: The section mentions ALARA and BAT with respect to keeping radioactivity exposure to the environment as low as achievable, for clarity it should also mention that within the nuclear industry BAT is applied with ALARP with respect to minimising dose uptake to workers.</p> <p>Para 4.25: These waste definitions are not existing legal, policy or regulatory definitions and either need to be clarified as CCC definitions or removed.</p> <p>Para 4.26: We suggest that the paragraph should be reworded following comment on paragraph 4.25. Should also reference other landfill sites outside of Cumbria that can accept LLW.</p> <p>Para 4.27: Historically the majority of LLW has been sent to LLWR, however now we have a disposal facility for DSRL wastes in Scotland and in the last few years the majority has been diverted from LLWR through the use of</p>	<p>Paragraph 4.12 (now paragraph 4.15) has been amended.</p> <p>Reference to Higher Activity LLW has been deleted.</p> <p>Paragraph 4.21 (now paragraph 4.24) has been amended in line with the consultation comment.</p> <p>This section of the Plan has been amended and reference is now made to 'Transparent Decision Making' rather than BAT.</p> <p>Paragraph 4.25 has been deleted.</p> <p>Paragraph 4.26 (now paragraph 4.30) has been amended.</p> <p>Paragraph 4.27 (now para 4.31) has been amended in line with the consultation comment.</p>
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	<p>a range of commercial services including metal treatment and VLLW disposal. NDA understands that vault 9 has permission for storage only at this stage, and the last sentence should note that the lifetime of the LLW is being extended by utilising other routes.</p> <p>Para 4.29: LLW definitions as per comment above</p> <p>Para 4.30: The LLWR is an important component of the UK Strategy for the Management of Solid LLW from the Nuclear Industry, where it is identified as a key asset to the UK, ensuring that the UK is able to effectively manage LLW, and the MWLP should reflect this. If a second national repository was required in the long term we would expect the facility to be subject to an updated UK Strategy position that would consider wider implications for the nuclear industry.</p> <p>Para 4.31: LLW definition as earlier. NDA actively supports initiatives that diverts waste away from the LLWR and takes into due consideration the waste hierarchy.</p> <p>Para 4.34: CLESA was designed to accept material that couldn't be disposed of at LLWR due to restrictions on putrescible materials. At CLESA there are specific radiochemical limits as with all other waste management facility permits. CLESA 2 should be referred to as future on or near site disposal facilities.</p> <p>Para 4.36: The long-term solution disposal position highlighted in this paragraph should be subject to the BAT process and aligned to Policy-SP4 and not highlight specific locations without a BAT assessment being carried out.</p> <p>Para 4.41: For further details on HAW inventories this paragraph could refer to NDA's overview of HAW, which</p>	<p>Paragraph 4.29 has been deleted.</p> <p>Noted. Text amended.</p> <p>Paragraph 4.31 has been deleted.</p> <p>Paragraph 4.34 (now paragraph 4.35) has been amended.</p> <p>Paragraph 4.36 has been deleted.</p> <p>Noted - no change to text recommended.</p>
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		<p>will be updated in the near future.</p> <p>Para 4.42: New HAW interim storage facilities should have a design life of at least 100 years.</p> <p>Para 4.43: It should be noted that HAW generated by New Build programmes are assumed to be managed on the site of arising and not Sellafield and contradicts the Policy SP6 that states that Sellafield is the only site that can treat, manage and store HAW.</p> <p>Para 4.44: This paragraph should refer to the Implementing Geological Disposal White Paper and not the MRWS Policy. Welsh Government has also consulted on its HAW Policy position and will publish its updated policy in due course. Some of the wording is no longer relevant and needs to reflect the fact that the process is now a Nationally Significant Infrastructure Project (NSIP) and falls largely outside of the scope of the MWLP.</p> <p>Para 4.50: Spent fuel is sent to Sellafield for reprocessing not HLW.</p> <p>Para 4.52: This section identifies land allocation C032 adjacent to Sellafield as suitable for radioactive waste treatment, management, storage and/or disposal, however limits this to LA-LLW (Cumbria County Council definition) or VLLW. The Plan should only identify the land and not specify the activity limits. Disposal limits would be determined by ESC and for storage or other management this would be determined by total activity and permit/NIA licence requirements.</p>	<p>Paragraph 4.42 (now paragraph 4.45) has been amended.</p> <p>Paragraph 4.43 (now paragraph 4.46) has been amended.</p> <p>Additional text has been added to (new) paragraph 4.50, which refers to the Geological Disposal White Paper.</p> <p>Reference to Spent Fuel has been amended.</p> <p>Paragraph 4.52 (now paragraph 4.55) has been amended.</p>
48	National Trust	<p>Chapter 2: The overall Strategy as written is largely the antithesis of an NPPF approach to sustainable development, setting out solely an economic dimension with no assessment of the approach that is relevant to</p>	<p>Noted. The long term spatial vision in box 2.1, sets out the aim to protect Cumbria's environmental assets, and reduce carbon emissions in line with sustainable development. A new paragraph has been added (paragraph 2.10), which makes reference to the</p>

	<p>Cumbria’s social and environment assets and issues, e.g. as exemplified in paras 7-9 of the NPPF – with particular reference to: <i>“Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.”</i></p> <p>Spatial vision: third para: this worryingly refers to not having adverse social or economic impacts, but is entirely silent on environmental impacts, it is essential that these are given equal status in securing sustainable development.</p> <p>Whilst the title refers to a ‘spatial’ vision and there is reference to developments being ‘in the right places’ and to minimising road miles, it is not clear that this amounts to a ‘spatial’ dimension of the Vision for Cumbria is – it might be better simply to refer to this as the “Vision”.</p> <p>The final paras from ‘Carbon Footprint’ onwards are welcomed and supported.</p> <p>Overall strategy: in large measure this is supported. However, there is an objection to the text in the final bullet point, which refers to a ‘balance’ between economic potential and environmental protection. This is stated to be ‘in accordance with the principles of sustainable development’, but in fact as set out in the NPPF sustainable development is not achieved by setting one role (economic, social or environmental) against another and seeking to balance them, but rather by an approach that jointly and simultaneously secures gains for all three roles.</p> <p>The following is suggested as an alternative that would be in accordance with the NPPF: <i>“Prudent and environmentally sensitive use of Cumbria’s minerals and waste management resources will have jointly and simultaneously achieved an appropriate</i></p>	<p>three dimensions of sustainable development.</p> <p>The Spatial vision has been amended and the third paragraph has been revised to include ‘but do not have unacceptable adverse social, environmental and economic impacts’.</p> <p>Noted - no change to text recommended.</p> <p>Noted.</p> <p>Text has been amended to read: “Prudent and environmentally sensitive use of Cumbria’s minerals and waste management resources will have achieved economic, social and environmental gains for Cumbria, in accordance with the principles of sustainable development.”</p> <p>Paragraph 2.24 and policy SP1 have been moved.</p>
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	<p>balance between their economic potential and the protection of the environment <u>economic, social and environmental gains for Cumbria</u>, in accordance with the principles of sustainable development.”</p> <p>Objective 1 - it is considered that the second part of this should be a separate Objective in its own right and should be more positively worded, e.g. <i>“Opportunities will be taken to secure improvements to the environment and the local economy, maximising potential benefits and avoiding adverse impacts”</i>.</p> <p>Objectives 2 – 10 – supported.</p> <p>Para 3.62: it is considered that the final sentence should be expanded as follows: <i>“Proposals to import significant volumes of waste would be acceptable only if local social, <u>environmental</u> and economic benefits demonstrably outweigh other sustainability criteria.”</i></p> <p>Whilst there will be environmental disadvantages from the movement of waste over long distances there will also be local environmental factors to consider such as the impacts upon environmental assets and their settings, including the potential to achieve enhancements, e.g. through works to restore landscape character, create additional areas of habitat or improve green infrastructure.</p> <p>Para 5.29: the relative success in sourcing secondary and recycled aggregates in recent years is noted and the 25% figure established in the adopted MWDF for their contribution to total aggregates requirements. Given that we are now several years on from when that Policy was developed, along with the expectation that such sources should be increasingly recognised and utilised, it is reasonable to suggest that a figure for 2015 should be 30%.</p>	<p>Existing Objective 1 has been split into two objectives.</p> <p>Noted.</p> <p>Paragraph 3.62 has been amended and also policy SP2.</p> <p>It is not proposed to have a policy requiring the provision of aggregates from secondary or recycled sources; there will, however, continue to be a positive approach towards proposals for secondary or recycled aggregates facilities, as long as they conform to all relevant policies in the Local Plan.</p>
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		<p>Para 5.59 to 5.63: it is disappointing that this summary does not include any reference to the (increasing) role of secondary and recycled aggregates in meeting demand.</p> <p>Chapter 6: good to see this section included and the level of detail is appropriate.</p> <p>Boxes 8.1 and 8.2: There are some confusions here in respect of “settings”. The settings of Listed Buildings have not been referred to in either box; the settings of the World Heritage Site (Visual Impact Zone), Registered Historic Parks and Gardens and of Scheduled Ancient Monuments are not separated out in legislation or the NPPF from the designated heritage assets themselves, i.e. they too are of at least national, rather than only County, importance. Similarly with the National Parks, AONBs and the St Bees Head Heritage Coast, all designated landscapes of the highest national importance, their settings are also of significance in a national context rather than only locally. It is requested that assets listed above are all included in Box 8.1, that references are made there to their settings, and that references to settings are removed from Box 8.2.</p>	<p>Text to be added to para 5.63, to read: “The County Council also recognises the contribution made by secondary and recycled aggregates as an alternative to primary aggregate and will monitor the role played by secondary and recycled aggregates through annual monitoring.”</p> <p>Noted.</p> <p>Boxes 8.1 and 8.2 have been updated in line with consultation comment.</p>
49	Cumbria Geo-Conservation	<p>Para 8.1: Please add ‘Cumbria is underpinned by a rich and diverse geological heritage of rocks and minerals. These provide mineral resources for such needs as building stone, aggregates, coal and gypsum.</p> <p>Para 8.15: note that RIGS are now known as Local Geological Sites (LGS). There are approximately 150 LGS sites in Cumbrian outside National Park areas.</p> <p>Box 8.1: please add Geological Conservation Review sites as areas of national importance.</p>	<p>Noted: ‘geology’ has been added to para 8.1, but it is considered that discussion of the minerals is addressed in chapter 5.</p> <p>Noted: all references in the Local Plan have been amended.</p> <p>The Joint Nature Conservation Committee website discusses the GCR, but does not appear to designate sites; text has been added to para 8.18 (old para 8.15), but not to Box 8.1.</p>

		<p>Box 8.2: 3rd bullet, replace RIGS with Local Geological Sites. These are the same as Cumbria Geodiversity Action Plan sites, but please add a web link to this document.</p> <p>Para 8.24: please insert ‘and geological’ into the first sentence.</p> <p>Para 8.25: Please add ‘working quarries offer invaluable opportunities to geologists, amateur and professional, to gain access to fresh rock faces to understand the processes acting in the past. It is vital to retain safe and clean vertical faces, at right angles if possible, to aid reconstruction of 3D structure.’ Please also note that disused quarries are of great value as geological conservation sites. Valuable LGS sites in Cumbria include both working and disused quarries.</p> <p>Para 8.26: Quarry restoration schemes should seek to maintain safe, clean and vertical surfaces for geological study.</p> <p>Chapter 9: Please include recognition that restoration of mineral working should seek to maintain the geological resource accessible for geological study. Please refer to geodiversity.</p>	<p>Noted: all references in the Local Plan have been amended. Weblink has been added as a footnote reference.</p> <p>Not agreed: ‘geological’ is already encompassed in the term ‘natural’.</p> <p>Noted – paragraph 8.30 (old para 8.25) has been amended.</p> <p>Not agreed that this detail is relevant in this paragraph. However, text “access to geological resources” has been added to para 9.2 on restoration.</p> <p>Noted: “access to geological resources” has been added to para 9.2. ‘Geodiversity’ has been added to policy SP15.</p>
50	Derwent Parish Council	<p>Strategic objectives</p> <p>Objectives are clearly formulated but not easily measurable in their present form. The criteria used in assessment of objectives to support the MWLP is not fit for purpose, as the criteria is judgement based rather than measure based. This causes assessments to be confused, and fails to provide credible evidence. Evidence shows using judgement based assessments in comparison or cross-checking begins to fail and does not</p>	<p>The monitoring framework for the Plan itself will attempt to measure outcomes of the objectives by choosing measures (sometimes necessarily surrogate ones) that can be objectively measured.</p> <p>The objectives set out the goals that the County Council considers will provide sustainable development in Cumbria, they do not necessarily reflect the current situation, but the policies in the Local Plan are written in order to help reach those objectives.</p>

	<p>properly monitor or assist with the appraisal of policies or sites within the MWLP or provide credible supporting evidence to the objectives.</p>	
	<p>Strategic objective 1: ‘any adverse impacts on the environment and the local economy will be minimised and that potential benefits will be maximised’. Using the judgement based criteria, how will evidence be produced?</p> <p>Strategic objective 3: ‘waste will be managed as near as practicable to where it is produced without endangering people’s health and without harming the environment’. This statement is <u>incorrect</u> as radioactive waste is transported into and across the county and is not just produced locally.</p> <p>Chapter 3 We welcome the vision to minimise domestic, industrial and agricultural waste.</p> <p>We are concerned over the imminent closure of three waste disposal sites: Kendal Canal Head, where it is stated that the land has “development potential”, Clay Flatts and Frizington, which are planned to be replaced by a single facility at Lillyhall, but we have concerns that continuing austerity measures may impede this development.</p> <p>Para 4.4: Given that a new nuclear power station is more than likely to be commissioned in West Cumbria in the</p>	<p>This objective has been split and new Objective 2 now reads: “That opportunities will be taken to secure improvements to Cumbria’s environment, communities and local economy, maximising potential benefits and avoiding adverse impacts.” Each proposal will be considered on a case-by-case basis by experienced planners, who also call on the knowledge of other experts. All data is then considered against the development control policies to determine the proposal.</p> <p>The County Council’s recommended approach to radioactive waste is that it be managed on the site of arising first, then adjacent to that site and as a last resort, on a site further away. Unfortunately, the final destination of all waste streams, other than Local Authority Collected Waste, is a commercial decision. Any waste management facility proposal in the county will be determined by use of the Local Plan’s development control policies, which are designed to deliver sustainable development in the county that does not have significant environmental, social or economic impacts.</p> <p>Noted.</p> <p>Text added to para 18.3, to read: “These three existing HWRCs cannot, under the terms of the municipal waste contract, close until the replacement sites are built and ready to operate; otherwise, targets for recycling and diversion of waste from landfill could not be met.”</p> <p>The Inventory referred to is the 2013 UK Radioactive Waste Inventory that is compiled by DECC and the NDA. The</p>

		<p>foreseeable future, we are concerned that “<i>Waste estimates for any new nuclear power stations are not projected in the Inventory</i>” in this part of the Plan.</p> <p>Chapter 7 We support the concept of community benefits with the proviso that “the community” would need to be clearly defined.</p>	<p>information that is included in the RWI is decided by those organisations and not by the County Council – we too would wish to see such figures.</p> <p>Paragraph 7.13 (old para 7.12) has been amended to provide more clarity.</p>
52	Carlisle City Council	Chapter 7: Elements of this policy are complementary to Policy CC3 of the proposed submission draft Carlisle district Local Plan, which seeks to endure that new development makes the fullest contribution to creating environments which enable carbon reduction and are resilient to the effects of climate change.	Noted - no action required.
56	Essex County Council	SP3, SP4, SP5: it is considered that the proposed use of the “proximity principle” in relation to waste facilities for radioactive waste, as indicated in these policies should be treated with caution. It is considered that there is the potential for this approach to have wider implications, outside the plan area, given the special nature of the wastes concerned. It is recommended that this approach is re-considered in light of national policy statements and that further clarification is provided on its implementation.	New paragraphs 4.25 to 4.28 have been expanded to discuss the decision-making process in optioneering being more transparent, rather than just use of BAT. Paragraph 4.13 (old para 4.9) also expands on the discussion about communities taking more responsibility for their own wastes.
57	Friends of the Earth	<p>chapter 5: The plan policy fails to adequately distinguish planning policies required for <i>conventional</i> hydrocarbons; collecting methane from abandoned mines (coal mine methane), which is a well-established process, desirable to reduce climate change emissions - and the <i>unconventional</i> hydrocarbons, including shale gas and coal bed methane, which may utilise horizontal drilling and fracking requiring special regulation; and underground coal gasification, which is so experimental that it should be considered on the evidence to be extremely risky.</p> <p>There should be no assumption that unconventional fossil fuels are needed without a proper assessment of the impacts of this assumption through the Strategic</p>	The policy conforms to NPPF and PPG on hydrocarbons, and the alternative suggested would not. The regulatory framework for fracking specifically excludes a number of issues from the remit of land-use planning. However, the regulation is apparently under review (Part 1 of Task Force report released 15 July 2015). The issue of climate change, methane release and “green completions” is referred to in the review, but is excluded from material planning considerations by PPG.

		Environmental Assessment, and in terms of ensuring that cumulative climate change impacts are considered through planning control.	
62	Friends of the Lake District	<p>Paras 2.4 and 2.12: Cumbria LEP's Strategic Economic Plan has no statutory planning status, and is focused almost entirely upon economic growth. As such, FLD would wish to ensure that the SEP does not exert an unduly biased influence over the MWLP, which as a statutory planning document, must clearly take into account environmental factors.</p> <p>Paras 2.14 to 2.19: The Energy Coast Masterplan has no statutory planning status, does the West Cumbria Blueprint. The Strategy is focused almost entirely upon economic growth and FLD would therefore wish to ensure that the document does not exert an unduly biased influence over the MWLP, which as a statutory planning document, must clearly take into account environmental factors.</p> <p>Box 2.3: support objectives 7-10 as laid out in this section.</p> <p>Table 3.7: support the site location criteria listed, particularly the recognition of the sensitivity of settings for AONBs and National Parks.</p> <p>Para 4.9: strongly support - Cumbria should not become the default dumping ground for the UK's (and other countries') nuclear waste.</p> <p>Chapter 6: concerned that there is a very large disconnect within the MWLP between the stated need to reduce emissions of greenhouse gases and planning for the extraction of hydrocarbons, which when used will emit further greenhouse gases as detailed in Policy DC13. It appears that the environmental cost of</p>	<p>Paragraph 2.4 has been deleted; the section on the Cumbria LEP remains. New paragraph 2.10 discusses the three dimensions of sustainable development.</p> <p>The section on Britain's Energy Coast has been deleted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted.</p> <p>Noted – but the MWLP has to reflect Government policy and guidance, which still supports extraction of hydrocarbons as part of its energy policy. “Whole life” carbon analysis is being addressed to some extent at a national level.</p>

		<p>extracting these minerals can be enumerated and considered within a planning application, but the environmental and climate costs of using these minerals aren't considered.</p> <p>Chapter 8: support the text regarding environmental assets and consider that it is comprehensive and will help to ensure that landscape character and wildlife habitats are identified, conserved and enhanced if the policy and text is adhered to in the decision-making process.</p> <p>Chapter 9: Restoration and afteruses of sites should include consideration of landscape scale conservation and connectivity. It should be possible to ensure that restoration and afteruse contributes to strengthening landscape character and habitats within the wider landscape.</p>	<p>Noted.</p> <p>Text added to paragraph 9.2.</p>
63	NuLeAF	<p>Box 2.1: generally supportive of the long term spatial vision, and recognition of the national significance of the LLWR is welcome</p> <p>Box 2.2: generally supportive of the overall strategy</p> <p>Overall Strategy/chapter 4: one of these should seek to explain and define more clearly how the Proximity Principle will be applied, in particular to radioactive wastes, and also the Duty to Co-operate</p> <p>Chapter 4: The County's expectation is that clear evidence should be provided to show how the Best Available Techniques (BAT) process was undertaken and how all options, including on or near site disposal, were evaluated. As the draft acknowledges, there are some uncertainties around the weight that should be given to BAT and how it should be applied. BAT also excludes important considerations such as transport</p>	<p>Noted.</p> <p>Noted.</p> <p>Paragraph 4.13 (old para 4.9) expands on the discussion about communities taking more responsibility for their own wastes.</p> <p>Noted. This section and policy has been amended to cover all optioneering processes, not just BAT.</p>

		<p>impacts. NuLeAF will continue to engage with the NDA, regulators and government on these issues to ensure the application of BAT is as robust as possible.</p> <p>para 4.21: the Plan makes reference to the Managing Radioactive Waste Safely document as being important in relation to HAW. As is recognised later in the Plan, this document has been superseded by the new White Paper on Implementing Geological Disposal - we would suggest this is a more appropriate reference point for HAW.</p> <p>para 4.48: The Plan states that ‘the White Paper excludes all County Councils in two tier areas from decision-making in relation to a GDF.’ This is not the case, although it is the case that no tier of local government will have a veto over proposals as in MRWS.</p>	<p>Paragraph 4.24 (old para 4.21) references both documents now.</p> <p>Text in (new) para 4.51 amended to read: “Although the White Paper states that all councils should have a voice in decision-making, it excludes all County and District Councils in two tier authority areas from implementing a veto in relation to a GDF (section 7.9, page 43).”</p>
64	Copeland Borough Council	<p>para 4.37: the statement should make reference to the existence and role of existing facilities; statements around Copeland BC are presumed and not based on discussion or reference to adopted principles of CBC</p> <p>para 4.41: although HLW does not have a current disposal route there are national policies and process</p> <p>para 4.43: needs reference to NPS for nuclear new build which offers clarity in approach to management of spent fuel. There should be clarity as to the definition and</p>	<p>Table 4.2 lists all sites associated with radioactive waste in Cumbria, along with their role. The statement referred to in paragraph 4.37 is based on discussion and agreement between CCC and Copeland BC over many years – certainly since joint discussions (also with Allerdale BC) and a joint response to central Government’s consultation on the long term management of LLW in 2006. The February 2013 version of the MWLP had almost exactly the same phrasing regarding the joint approach to radioactive waste disposal. Disagreement with this was not raised in the January 2013 DtC meeting and was not submitted in a response to the MWLP consultation in 2013. However, this can be easily remedied by removal of the reference to Copeland BC in the chapter 4 amendments for the next version.</p> <p>This is discussed in paragraphs 4.16 to 4.21 – will consider if this can be clarified any further.</p> <p>It would seem more appropriate to discuss the NPS with other legislation, paragraphs 4.16 to 4.21 – will consider if and where it can be added.</p>

		<p>classification of this source of material</p> <p>para 4.50: there are distinctions between spent fuels and wastes which are not accurately described in this paragraph</p> <p>para 4.51: should there be reference to the policies which would be applied to any proposal for the storage of submarine reactor vessel storage? Should policy advocate treatment to change classification in line with NDA strategies?</p>	<p>Agreed; this will be amended.</p> <p>The MoD held a consultation on the Submarine Dismantling Project in early 2015, which included a shortlist of five sites with the potential to interim store 27 defuelled reactor pressure vessels, until they could be processed and sent to a GDF. Sellafield was one of the sites shortlisted, but the recommended site will not be announced until 2016. If Sellafield is chosen, it is very unlikely with the site's constrained space that a new building will be erected; it is more likely that a redundant building may be used, although it may need work to ensure the correct level of shielding for ILW and also have a design life of 100 years. Either way, the relevant Development Control policies (of either the MWDF or the MWLP if adopted by then) will be used to assess any proposal that may come forward. There has been some discussion that as the required store will be very large (2,000m² floorspace and 20m high) and provide a national function, it may be regarded as an NSIP.</p>
66A	Cumbria Waste Management Ltd (Stephenson Halliday)	<p>The Waste Needs Assessment has the following limitations:</p> <ul style="list-style-type: none"> a) no evidence to justify the 2% reduction rates for LACW is provided in the report b) from the discussion in the Plan, it is impossible to understand why the modelling option based on GVA was rejected when calculating C&I waste arisings c) the overview of management mix assumptions (Table 10.4) indicates the assumptions used for the shifts in the use of waste management processes over the Plan period - the methods employed in developing these assumptions differ from waste type to waste type and include no substantiation of why the assumptions have been made d) the closure of Bennett Bank and the revisions to the 	<p>For detail, please refer to the 2015 WNA review (incorporating 2014 data).</p> <ul style="list-style-type: none"> a) Agree – the LACW reduction should have been an on/off option with both scenarios considered, as in 2015 AMR. (Defra national forecasts could also be used for reference). b) Experian and Cumbria Intelligence Observatory confirm that the GVA forecasts are derived from the employment forecasts and are not suitable for waste growth predictions. Clarify text. c) They are hard to explain in the Plan text. Clarify text to explain the assumptions. d) The 2015 AMR picks up these changes as happening in 2014 (2014 WNA was on end 2013 data). CCC has also re-run WNA with more scenarios, and will review. e) The 2015 AMR quotes the 2013 EA permit void spaces less, these are very close to 2014 WNA figures. Clarify the text, as

		<p>Lillyhall site reduce the overall amount of permitted landfill voidspace available within the County for non-radioactive wastes to 2,580,400m³, which consequently shows a shortfall of capacity of 445,600m³ even at the lower bound (realistic) scenario.</p> <p>e) there is no information on whether the landfill capacity figures are based upon gross or net capacity, or on the tonnes/cubic metre conversion.</p> <p>The Plan is therefore unsound, and it is recommended that:</p> <ol style="list-style-type: none"> 1. the Plan acknowledges a need for at least a further 500,000 m³ and preferably 100,000m³ non-inert landfill during the Plan period 2. it is also recommended that the Plan adopts a landbank approach, which provides for sufficient landfill capacity over the life of the plan including the end of the plan period to allow for further landfill capacity schemes to be developed; such a landbank should allow sufficient time for a new landfill site to be established – nominally 7 years 	<p>planning application figures are normally net and EA permit figures gross. Further information from operators could help, by confirming the practice at their own sites, as the EA says 25% is an estimate.</p> <ol style="list-style-type: none"> 1. Agree with the lower amount, but see review of scenarios in 2015 WNA. 2. Agree with the concept, but unclear how annual inputs should be predicted (unlike NPPF and PPG on minerals, where it is clear that it is on 10 year rolling averages, with 3 year averages and local factors). Landfills all over the NW are failing to find enough inputs to remain viable.
102	Economic Development	<p>para 7.12: As with the MRWS process, there was a lot of debate about “host communities”, i.e. who are they and how are they defined. It also refers to “local community” in the same paragraph, which is confusing.</p> <p>We could be a bit more assertive than saying that it is “considered reasonable to expect”; shouldn’t we say the “County expects that proportionate benefits packages should be secured”.</p> <p>It says “the relevant Cumbrian local authorities will work jointly on such matters.” Experience from LLWR is that this is not the case. Rather CCC would lead on applications that it determines, in consultation with District Authorities.</p>	<p>Paragraph 7.12 has been updated to clarify local community and lead authority.</p>

Comments on Policy SP1 Presumption in Favour of Sustainable Development

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP1: general support of policy	Noted – no action required
25	Scotts Miracle Gro Company (UK) Ltd	SP1: we support the wording of this policy	Noted – no action required
41	Mineral Products Association	SP1: supported	Noted – no action required
48	National Trust	SP1: supported	Noted – no action required
49	Cumbria Geo-Conservation	SP1: supported	Noted – no action required
50	Derwent Parish Council	SP1: supported	Noted – no action required
51	Egremont Town Council	SP1: supported	Noted – no action required
52	Carlisle City Council	SP1: This is the model policy provided by PINS and echoes the corresponding policy regarding sustainable development in the proposed submission draft Carlisle District Local Plan.	Noted – no action required
57	Friends of the Earth	SP1: object to this policy, as it fails to reference the specific principles of sustainable development. In our view the five guiding principles should be reiterated. Suggested amendment in bold <i>“When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find solutions that mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions jointly and simultaenously in the area. The guiding principles of Sustainable Development set out in ‘Securing the Future’ are: living within the planet’s environmental limits; ensuring a strong, healthy and just society; achieving a sustainable economy; promoting good governance; and using sound science responsibly.”</i>	Not agreed: we consider the policy to reflect the NPPF in its current form.

Comments on Policy SP2 Provision for waste

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP2: support the policy, especially minimise waste miles	Noted.
15	Oxfordshire County Council	SP2: this plans for net self-sufficiency in managing all waste streams and limited cross-boundary waste - there could be difficulty interpreting this policy if 'limited' is not defined;	Paragraph 3.62 discusses the principle of net self-sufficiency; however, for clarity the following text has been added to the Glossary: "The objective of attaining net self-sufficiency in a Waste Planning Authority area relates to the provision of adequate waste management capacity to meet the arisings of waste from within the WPA. However, net self-sufficiency allows for continued import and export of waste by proposing to manage the equivalent of 100% of waste arisings within the WPA, allowing for any imports of waste to match exports. Self-sufficiency in waste management at a national level is an aim deriving from Article 16 of the Waste Framework Directive."
		SP2: how will 'limited' be defined for radioactive waste, where for some forms of waste the LLWR is the only disposal option nationally - will the term be measured by waste stream, sub-waste stream (in the case of radioactive waste) or against Cumbria's total waste arisings?	Paragraph 3.9 states that radioactive waste is addressed in chapter 4; however, for clarity the following amendments have been made: - new paragraph 3.1 has been added, stating that chapter 3 does not relate to radioactive waste, as this is in chapter 4 - a reminder in paragraph 3.62 that policy SP2 does not relate to radioactive waste has been added
33	Low Level Waste Repository Ltd	SP2: A general strategic policy apparently applicable to all types of waste is set out at Policy SP2 (and paragraph 3.62). This seeks to limit the import of waste from outside Cumbria with provision only made for limited import by stating that: " <i>Proposals involving significant volumes of waste from outside the county would have to demonstrate that the local, economic and social benefits outweigh the sustainability matters</i> ". There is no definition as to what significant is to be taken to mean for the purposes of the draft policy but it seems likely that levels of waste imported to LLWR might possibly be regarded as such.	Paragraph 3.9 states that radioactive waste is addressed in chapter 4; however, for clarity the following amendments have been made: - new paragraph 3.1 has been added, stating that chapter 3 does not relate to radioactive waste, as this is in chapter 4 - a reminder in paragraph 3.62 that policy SP2 does not relate to radioactive waste has been added

		<p>This proposed policy is set out at the end of the section which sets out a discussion of waste arisings and levels of import and export of wastes across the county boundary for the various categories of waste. However this section does not include any discussion of the role of LLWR or Sellafield or of the radioactive waste which is either generated, treated or disposed in Cumbria. Whilst the approach proposed in SP2 might be argued to flow from that discussion in respect of other waste streams this is not so for radioactive wastes and the policy does not therefore provide for a suitable approach in respect of radioactive waste.</p> <p>We would suggest that clarification is added to this policy either to make it clear that the test that is set out for waste imports will not be applied to radioactive waste; or to recognise that the import of LLW for which the Repository is the only disposal or storage option, following the application of BAT, is not required to pass this test.</p>	
47	South Gloucestershire Council	<p>SP2: <i>'The principles of managing waste as close as possible to its source, with each community taking responsibility for its own wastes and taking account of the nearest appropriate facility'</i></p> <p>While it is accepted that it may be reasonable for communities to take responsibility for the generation of their own household waste, in the case of radioactive waste, South Gloucestershire believes this to be different – see comments below in respect of Policies SP4 – SP6.</p> <p>Given that Cumbria currently hosts significant radioactive waste processing/ storage facilities there could be implications of their proposed policy approach for other sites around the country that may generate radioactive waste - such as Oldbury in South Gloucestershire.</p>	<p>Paragraph 3.9 states that radioactive waste is addressed in chapter 4; however, for clarity the following amendments have been made:</p> <ul style="list-style-type: none"> - new paragraph 3.1 has been added, stating that chapter 3 does not relate to radioactive waste, as this is in chapter 4 - a reminder in paragraph 3.62 that policy SP2 does not relate to radioactive waste has been added
48	National Trust	<p>SP2: it is considered that the Policy should be modified as follows: <i>"Any proposals to manage significant volumes of wastes from outside the county would have to demonstrate that the local, social, environmental and economic benefits outweigh other sustainability criteria."</i></p> <p>Whilst there will be environmental disadvantages from the movement of waste over long distances there will also be local environmental factors to consider such as the impacts upon environmental assets and their settings, including the potential to</p>	Policy SP2 has been amended as suggested.

		achieve enhancements, e.g. through works to restore landscape character, create additional areas of habitat or improve green infrastructure.	
51	Egremont Town Council	SP2: making the assumption this does not include nuclear waste? If this is correct, then we fully support the policy	Noted: the text now clarifies which chapter refers to which type of waste.
52	Carlisle City Council	SP2: It is considered that the policy should include as bullet points the criteria against which proposals to manage significant volumes of waste will be judged. The way the last paragraph of the policy is worded in ambiguous.	Policy SP2 is a strategic policy and criteria for assessment of planning applications can be found in the development control policies
55	Somerset County Council	SP2: It is unclear if this policy relates to radioactive waste or not; it is assumed it would not apply, but this should be made more explicit. It is suggested that paragraph 3.62 be revised or an additional paragraph be inserted in the supporting text. Alternatively, the title of the policy could be more explicit about its scope. SCC supports the notion of communities taking responsibility for their own wastes, whilst acknowledging that cross boundary movements of waste do occur and that certain facilities fulfil a wider role.	Paragraph 3.9 states that radioactive waste is addressed in chapter 4; however, as this seems to have become 'lost' in the text, the following actions are required for clarity: - add a new paragraph 3.1, stating that chapter 3 does not relate to radioactive waste, as this is in chapter 4 - add a reminder in paragraph 3.62 that policy SP2 does not relate to radioactive waste
57	Friends of the Earth	SP2: this policy on the Provision for Waste, fails to adequately consider the environmental and health impacts of managing significant volumes of waste and spent fuel, which results in further waste and itself may be classified as waste in the future from outside the County. Suggested amendment in bold: "Provision will be made for the management of all of Cumbria's wastes within the county, with the acceptance of limited cross boundary movements (net self-sufficiency). This will be achieved by allocating sufficient sites to meet objectively identified needs for additional facilities. Materials that may become classified as waste once they are received within the County must be treated similarly. Any proposals to manage significant volumes of wastes from outside the county would have to demonstrate through evidence that there are no unacceptable adverse impacts on affected communities' health, especially the most vulnerable, and that local, social, environmental and economic benefits outweigh other sustainability criteria.	Paragraph 3.9 states that radioactive waste is addressed in chapter 4; however, for clarity the following amendments have been made: - new paragraph 3.1 has been added, stating that chapter 3 does not relate to radioactive waste, as this is in chapter 4 - a reminder in paragraph 3.62 that policy SP2 does not relate to radioactive waste has been added

		These other criteria include the impacts of the additional "waste miles" and the principles of managing waste as close as possible to its source, with each community taking responsibility for its own wastes and taking account of the nearest appropriate facility."	
62	Friends of the Lake District	SP2: support the policy	Noted.
63	NuLeAF	SP2: our members are unclear as to the extent to which this policy applies to radioactive waste management and this should be made clear.	Paragraph 3.9 states that radioactive waste is addressed in chapter 4; however, for clarity the following amendments have been made: - new paragraph 3.1 has been added, stating that chapter 3 does not relate to radioactive waste, as this is in chapter 4 - a reminder in paragraph 3.62 that policy SP2 does not relate to radioactive waste has been added

Comments on Policy SP3 Waste capacity

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP3: support the policy on capacity provision	Noted.
15	Oxfordshire County Council	SP3: this applies a needs test to unallocated sites that otherwise meet all other policies in the Plan - is this setting the bar too high, particularly in the case of proposals for re-use or recycling, when maybe this is necessary for only limited types of facility (residual waste treatment?)	The following text in policy SP3 has been moved to before the paragraph starting "Preference...", so that it clearly refers to the first section of the policy: "Proposals on unallocated sites, where opportunities arise that were not anticipated, will be considered if they conform to the other policies in this Plan." The needs test for EfW plants is obliquely covered in DC7, by referring to waste hierarchy, and for landfill disposal specifically, further down SP3 AND in DC10.
20	New Hutton Parish Council	SP3 and DC9: it is not clear from the criteria how they apply to the recycling site at Roan Edge. It is doing very useful work and is in an ideal location. It recycles much inert waste but some, such as silt, cannot be recycled. The last visit of the Parish Council to the site revealed that a hole was being quarried on the recycling site in order to dispose of this unrecyclable waste. The question arises, therefore, whether the wording of these policies covering waste recycling sites	Noted. A small amendment has been made to SP3 by deleting the word "non-inert" from the phrase about time extensions for existing landfills. Policy SP3 does currently have two provisos that would apply to any application for inert landfill within the boundary of 5/05/9005, but applications for inert

		sufficiently permits quarrying and landfill occurring at the site. Would it not be more sensible to dispose of the unusable material in those parts of the adjacent Roan Edge Quarry which have been worked out? The map showing the proposed expansion of Roan Edge Quarry also indicates that the boundary of the recycling site will not be able to expand so the scope for disposing of unusable material on site will be diminished;	waste recycling AND landfill would also be supported by Policy DC9.
32	Allerdale Borough Council	SP3: this policy seeks to identify how waste facilities will be planned for during the Plan period, but does not specify the annual tonnages of municipal, commercial and industrial wastes to be provided for, nor does it identify specific waste management technologies. This approach is supported, as it will allow facilities to come forward when they are needed, but it allows for flexibility during the Plan period should the objectively assessed waste needs change and should waste management technologies alter. This approach will also allow for the waste generated as a result of major infrastructure projects in Cumbria to be managed in a sustainable manner.	Noted.
33	Low Level Waste Repository Ltd	SP3: appears to not consider waste management facilities and landfill sites for radioactive waste. Again, if this policy is not intended to include consideration of radioactive wastes it would be helpful to make this explicit (or could be covered by an overarching sentence at the beginning of the chapter as noted earlier).	Noted, but not applicable, as chapter 3 is not intended to apply to radioactive wastes.
43	Ignis Biomass Ltd	SP3: Ignis would suggest that preference should be given to sites that can show high efficiency in the use of resources, e.g. in the context of Ignis' remarks, a site that has high thermal efficiency. This would prioritise steam or combined heat and power plants over incinerators with no heat recovery.	Noted. The MWLP requires proposals to be in line with the waste hierarchy, which prioritises energy recovery over incineration with no energy recovery.
50	Derwent Parish Council	SP3: A comprehensive review.	Noted
51	Egremont Town Council	SP3: believe that other considerations should be taken into account, i.e. proximity to residential areas in that HWRC should <u>not</u> be located near housing.	The development control policies will be used to determine any HWRC proposal, including proximity to sensitive receptors, noise and impact on amenity.
67	Lakeland Minerals Kirkhouse (Stephenson Halliday)	SP3: this policy accepts the justification for the release of non-inert landfill capacity if it contributes to maintaining ' <i>an integrated network of appropriate and necessary waste management facilities across the county</i> ', but it seems that such a justification would not apply for additional inert landfill capacity. This is inconsistent with the aims of	Noted. Text amended to remove "non-inert" so that it applies to all landfills.

		Strategic Objective 3, that waste be managed as near as practicable to where it is produced. It is perhaps even more important for construction and demolition wastes which can be high volume, high density wastes for which significant costs would be entailed if it was required to be transported to remote or distant sites for disposal.	
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Comments on Policy SP4 Use of Best Available Technique

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP4: support the policy	Noted.
15	Oxfordshire County Council	SP4: is the scope sufficiently clear, does it apply only to proposals that are assessed under BAT, and will this always be known at the planning stage? If this does apply only to cases where BAT is used, we will be interested to see if EA acknowledges that all the criteria specified in the policy are critical to BAT assessment – in particular the proximity principle;	The section on BAT has been expanded to include any optioneering process. The aim of policy SP4 is to ensure that when an operator undertakes the review process, they demonstrate that they have considered the three principles (sustainable development, precaution and proximity) and also the waste hierarchy. In the Council's experience, these criteria are not given enough weight or are decided before a project is made public and presented as a fait accompli.
29	Environment Agency	SP4, paras 4.22 to 4.24: This section identifies Best Available Technique (BAT) as an important control, as required by the environmental permitting process. We agree with this and that BAT must be demonstrated for all developments on permitted sites to keep radioactive doses ALARA. This is in accordance with the Environmental Permitting Regulations. We also agree that proposals for new radioactive waste disposal facilities must demonstrate how the development complies with sustainability, waste hierarchy, proximity and precautionary principles that are encompassed by the principle of BAT. However, we note that it is the Environment Agency's role to ensure compliance with BAT in accordance with environmental permits for the activities undertaken at sites disposing of radioactive waste.	Noted. Text changed to reflect the fact that it is the Environment Agency's role to ensure compliance with BAT.
33	Low Level Waste Repository Ltd	SP4: It is a requirement under the permit for a nuclear licenced site to apply BAT within the decision making processes. As noted in the comments relating to paragraph 4.24 the inclusion of this Policy	Noted. The title of the policy has been changed and the preceding text has been amended, to better reflect Council's intentions of this policy

		would appear to contradict the recommendation of the Planning Inspector for the Northamptonshire Mineral and Waste Local Plan. If the policy were to be retained in any form, there should be explicit recognition that the Repository is identified for LLW/VLLW disposal and as such the criteria are not applicable.	
46	Nuclear Decommissioning Authority	SP4: The waste producer is required to comply with policy, in respect to preparation of waste management plans and also to undertake a BAT review and application of the waste hierarchy. There is therefore no need to duplicate this requirement within the MWLP. This is consistent with planning inspectorate advice on other MWLP produced recently. SP4 as a policy statement should therefore be removed.	The title of the policy has been changed and the preceding text has been amended, to better reflect Council's intentions of this policy.
47	South Gloucestershire Council	SP4: Given that Cumbria currently hosts significant radioactive waste processing/storage facilities, there could be implications of the proposed policy approach, in particular the 'proximity principle', for other sites around the country that host nuclear facilities/may generate radioactive waste - see comments in SP5 below.	Noted. The title of the policy has been changed and the preceding text has been amended, to better reflect Council's intentions of this policy.
50	Derwent Parish Council	SP4: Clarification needed on "the precautionary principle".	Explanation of this principle has been added to the Glossary.
51	Egremont Town Council	SP4: agree	Noted.
55	Somerset County Council	SP4: This policy refers to the proximity principle as one of several relevant criteria when determining proposals for additional radioactive waste facilities and applying the use of BAT. Consideration of the proximity principle in radwaste management is more nuanced than for wastes such as household waste. Whether explicit or implicit, acknowledgement in Cumbria's Plan of the need to consider proximity with reference to a range of relevant factors on a case-by-case basis would be welcome.	The section on BAT has been expanded to include any optioneering process. The aim of policy SP4 is to ensure that when an operator undertakes the review process, they demonstrate that they have considered the three principles (sustainable development, precaution and proximity) and also the waste hierarchy. In the Council's experience, these criteria are not given enough weight or are decided before a project is made public and presented as a fait accompli.
57	Friends of the Earth	SP4: We welcome the principle of reducing the amount of waste produced as a first step in nuclear waste management and also the application of the precautionary principle. We are, however, concerned that the possible interpretation of re-use to mean re-processing is problematic because of the further creation of waste, contrary to the principle to reduce, when it comes to nuclear fuel re-	It is not considered appropriate to add the highlighted text in policy SP4; however, it has been added to (new) paragraph 4.38.

		<p>processing. In addition 'recycling' could have a similar problematic interpretation. Suggested amendment in bold: "Proposals for additional radioactive waste facilities, which utilise the Best Available Technique review process, will need to demonstrate how the development complies with:</p> <ul style="list-style-type: none"> • the principles of sustainable development; • the waste hierarchy; • the precautionary principle; and • the proximity principle. <p>Re-use or recycling of waste must not contribute to a net increase in waste, or an increase in waste with more damaging long-term and cumulative impacts."</p>	
63	NuLeAF	<p>SP4: we assume that 'additional radioactive waste facilities' include the extension of existing sites (e.g. additional vaults at LLWR) as well as entirely new infrastructure. If that is the case, we have concern at the use of the proximity principle in SP4 in line with the comments on this issue made earlier in this response. Please see concerns set out at (a) above about the proposal to apply the proximity principle to intermediate level radioactive waste.</p>	<p>Policy SP4 has been amended to encompass all methods of optioneering, not just BAT. The word 'additional' has been deleted, to avoid confusion.</p>

Comments on Policy SP5 Development criteria for low level radioactive waste sites

ID	Consultee	Comment	Action
10	Bootle Parish Council	<p>SP5: the siting of facilities that generate large volumes of LLW have a national decision element; If capacity exists or can be developed in Cumbria, then it may be in the national interest to do that rather than invoking the policy that local facilities should be provided at sites throughout UK, thus enabling the county's economy to benefit from receiving that waste;</p>	<p>The policy has been amended to clarify that it's for new facilities only. The criteria in the policy would not preclude a facility, but would ensure that the relevant data has been assembled to determine an application.</p>
15	Oxfordshire County Council	<p>SP5: this requires, inter alia, that LLW facilities represent the most appropriate option. This can be measured in a number of ways (e.g. BAT, BPEO). Is the policy saying that the criteria it specifies are those that are relevant for assessing the most appropriate option? The policy expresses a preference for waste being managed or disposed on existing licensed sites. Is this in line with national policy, which appears to promote assessment of radioactive waste disposal options on a case by case basis?</p>	<p>The policy has been amended to clarify that it's for new facilities only. The criteria in the policy would not preclude a facility, but would ensure that the relevant data has been assembled to determine an application.</p>

		Particular justification may be required for the expressed preference applying to Cumbria.	
32	Allerdale Borough Council	<p>SP5: Lillyhall landfill has permission until 2029 to accept Very Low Level Waste; this accounts for around 20% of the total waste volume received at Lillyhall. The majority of this waste will be from Sellafield but some will be from the decommissioning at Chapelcross in Dumfries and Galloway.</p> <p>The supporting text for this policy states that the acceptance of Very Low Level Waste at Lillyhall landfill is only a medium term solution to dispose of such waste.</p> <p>It is suggested that Cumbria County Council liaises with Dumfries and Galloway Council to encourage them to make provision for its own waste in order to reduce the waste miles associated with these movements and in order to protect the existing capacity within Lillyhall.</p>	Noted; however, the limited remit of all Waste Planning Authorities to influence market led provision of facilities is to be borne in mind. Regular liaison with neighbouring Local Authorities is undertaken.
33	Low Level Waste Repository Ltd	<p>SP5: The first sentence in SP5 would benefit from amendment to: “<i>Any proposal for <u>new facilities</u> for the treatment, management...</i>”.</p> <p>It should conform to UK Government Policy and Strategy for LLW; and, as noted previously, should recognise that the proximity principle can be overridden for centralised facilities, such as the Repository.</p> <p>There should also be explicit recognition that the Repository is identified for LLW/VLLW disposal and as such the criteria are not applicable.</p>	Policy amended to read ‘new facilities’.
46	Nuclear Decommissioning Authority	SP5: will need to take into consideration the relevant UK policies and national strategies for LLW.	Noted.
47	South Gloucestershire Council	<p>SP5: Given that Cumbria currently hosts significant radioactive waste processing/storage facilities, there could be implications of their proposed policy approach for other sites around the country that may generate radioactive waste - such as Oldbury in South Gloucestershire. This would include the decommissioning of the old power station as well as possibly in the future, the new build. Although in Gloucestershire, Berkley is also close to the South Gloucestershire administrative boundary.</p> <p>In seeking to apply the ‘proximity principle’ to radioactive waste, this raises the question if this will result in less going to existing facilities</p>	<p>Paragraph 4.13 (old para 4.9) expands on the discussion about communities taking more responsibility for their own wastes.</p> <p>The fact that South Gloucestershire hosts Oldbury Power Station (and potentially a new power station) on behalf of the nation, does not stop short of being responsible for the radioactive waste arising. Cumbria hosts Sellafield nuclear licensed site on behalf of the nation, but do not insist that the waste arising should go elsewhere.</p>

		<p>elsewhere and more being stored locally. With the 'preference' to use existing nuclear licensed sites, this policy could potentially, therefore, look to sites such as Oldbury to store/treat/manage/dispose of its low level radioactive waste.</p> <p>This may be of concern, as local communities such as at Oldbury and surrounding areas in South Gloucestershire, which already host the existing Oldbury Power Station (and potentially a new power station) on behalf of the nation, as they may not consider themselves responsible for the radioactive waste arising and the storage thereafter.</p> <p>How would an authority determine the 'most appropriate option'?</p> <p>It is also not clear from the policy if this would require all or some of the low level radioactive waste to be treated/managed/stored and/or disposed on site either from the decommissioning of the existing power station or when necessary the new build - What volumes of waste is this policy proposing?</p>	<p>Ultimately, the decision on where waste goes is a commercial one, but the Local Plan policies are intended to limit unacceptable adverse impacts of those decisions.</p>
48	National Trust	<p>SP5: generally the approach and principles set out in this Policy are supported</p>	<p>Noted</p>
50	Derwent Parish Council	<p>SP5: We have issue with the assessment criteria used. Clarification needed on what constitutes "an acceptable level" in terms of the impact of low level radioactive waste disposal.</p>	<p>The development control policies will be used to determine impacts on the environment, the economy and communities, whilst the developer must demonstrate whether the impacts can be mitigated to an acceptable level.</p>
51	Egremont Town Council	<p>SP5: believe the proximity principle should be included in this policy, and that a integrated waste strategy should be drafted, consulted upon and agreed before any further plans to store waste are agreed.</p>	<p>Data gathered for policy SP4 will be used to demonstrate how the development complies with the proximity principle. It is understood that the NDA is working on an Integrated Waste Strategy.</p>
55	Somerset County Council	<p>SP5: Somerset CC object to this policy as worded - in particular the phrasing "to its point of arising, the preference being on existing nuclear licensed sites" – as this in effect is implying policy for other areas and also does not fully recognise the wide role delivered by the LLWR.</p> <p>Set in this context, whilst SCC supports work to divert radwaste up the waste management hierarchy and make best use of the LLWR facility, we suggest that the policy as worded is not consistent with national policy and would not be effective as it would set internal conflicts in the Plan, undermining the decision-making process.</p>	<p>This is a Strategic Policy, which sets out the preferred approach of Cumbria County Council. The relevant Development Control policies would be used to determine an application.</p>

		<p>To overcome our objections, we suggest that the third bullet should end with the words “nearest appropriate installations” and that the remainder of the bullet should be deleted.</p> <p>As an additional point of concern, reference to “identifying the catchment area for proposals” feels at odds with the wider role of the LLWR and national policy, and the phrasing implies an alignment with national guidance without specifying which part of national policy or guidance. Which guidance is being followed? It is suggested that the fourth bullet be revised or deleted.</p> <p>A minor point – the policy refers to other relevant policies in the Plan, presumably this can be taken as given. Each policy either makes clear which other policies are relevant or a statement is made that the Plan should be read as a whole</p>	<p>The phrase concerning identification of the catchment area was taken from Northamptonshire’s adopted Plan, which has set a precedent. Reference to national guidance has been moved to a separate bullet point.</p> <p>As some consultees do not read the whole document, they often do not appreciate that the policies are a suite and not to be used in isolation.</p>
57	Friends of the Earth	<p>SP5: in light of the precautionary principle, suggested amendment in bold:</p> <p>“Any proposal for the treatment, management, storage and/or disposal of very low, low level radioactive waste, must demonstrate that:</p> <ul style="list-style-type: none"> • the cumulative impact is acceptable; • it conforms to the other relevant policies of this Local Plan; • it represents the most appropriate option, particularly in terms of long-term integrity; • it is in line with the principle that communities take more responsibility for their own waste, enabling the waste to be managed in the nearest appropriate installations to its point of arising, the preference being on existing nuclear licensed sites; • it complies with national guidance and the principles of sustainable waste management - in doing so, it should identify the intended catchment area; • any adverse impacts can be mitigated to an acceptable level; • a feasible strategy is in place in relation to the long-term integrity of the site; it will not prejudice the existing use where the proposal involves co-location on an operational waste disposal site.” 	<p>Very Low Level Waste is a sub-set of Low Level Waste, so there is no need to specify both.</p> <p>This is a Strategic Policy, which sets out the preferred approach of Cumbria County Council. The relevant Development Control policies would be used to determine an application, including that for cumulative impact.</p>

63	NuLeAF	SP5: there needs to be a clarification of what are considered to be the other 'relevant' policies of the Local Plan. In particular we are not sure that SP2, as currently worded, is compatible, as it implies that local, social and economic criteria should out-weigh other factors such as the environment or the need for a national and strategic management of some wastes. We believe that local, economic and social factors are of central importance but that there is a need for a balanced appraisal of all economic, social and environmental criteria, in line with the Plans definition of sustainable development. Please see concerns set out at (a) above about the proposal to apply the proximity principle to intermediate level radioactive waste.	This is a Strategic Policy, which sets out the preferred approach of Cumbria County Council. The relevant Development Control policies would be used to determine an application; deciding which policies are relevant can only be done on a case-by-case basis, as each development proposal will be different. Policies SP2 and SP3 are not associated with radioactive waste and this is now set out at the beginning of chapter 3.
64	Copeland Borough Council	SP5: should note that LLWR operates under NDA strategy on a commercial basis	It is considered inappropriate to add this fact to the policy, but it could be added to the preceding text or Table 4.2 – will consider if and where it can be added.

Comments on Policy SP6 High and Intermediate level radioactive wastes treatment, management and storage

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP6: support the policy	Noted.
19	Dr Gordon Taylor	SP6: no mention of exploratory drilling for subsurface depositories	Noted. Most boreholes for exploration (not involving fracking) are allowed under Permitted Development regulations, as long as they do not constitute Environmental Impact Assessment development. Matters related to screening for EIA development are covered by Regulations and are not a matter for the Local Plan.
29	Environment Agency	The proposed policies SP6 and SAP3 would appear to restrict disposals to the LLWR strictly to LLW only, no matter over what volume or mass it is averaged. By retaining this restriction some higher activity wastes could not be disposed of at the LLWR where they may be demonstrated to be safe by the environmental safety case and in accordance with our guidance and requirements and offering an overall benefit to the management of radioactive waste.	Policy SP6 has been amended to 'higher activity waste'. Policy SAP3 has been amended to encompass all radioactivity levels and no restriction on which levels are managed where, subject to the granting of planning permission.

33	Low Level Waste Repository Ltd	<p>SP6: this policy does not recognise the existing storage of ILW on the LLWR Repository site. Whilst we recognise that this is a temporary arrangement until the completion of the decommissioning and demolition activities on the site, there may be a requirement for an additional building if there are delays to the transfer of the drummed ILW to Sellafield.</p> <p>There is no Policy for the disposal of higher activity wastes – we would assume that this is necessary to meet the requirements for this Local Plan (the policy may simply reflect that the County will observe progress on the implementation of the White Paper).</p>	<p>Policy SP6 has been amended to 'higher activity waste' and any site restrictions have been removed.</p> <p>This is because the disposal of HLW/ILW will not occur within the lifetime of this Plan. This will be kept under review.</p>
46	Nuclear Decommissioning Authority	<p>SP6: covers high and intermediate level radioactive wastes and in the first paragraph refers to higher activity radioactive waste. The HAW category also includes LLW that is not suitable for disposal in current facilities. The Policy position should be clear in terms of which waste categories the Policy applies to.</p> <p>According to Policy SP6, any HAW generated on a New Build site (Moorside) in Cumbria would have to be treated, managed and stored on the Sellafield Site, which does not align to the current UK Government Position on New Build Reactors where it is stated in the Funded Decommissioning Programme that 'Any operator of a nuclear power station is responsible for dealing with any waste that it produces and ensuring that the site is decommissioned and remediated in accordance with relevant legal and licensing requirements'.</p> <p>The NDA would like a greater understanding of the justification for this Policy position and the alternatives considered. For example, the reasoning for the closure of potential options for management of any HAW at existing and new nuclear licensed sites outside Sellafield or adjacent to the Sellafield site.</p>	<p>Policy SP6 has been amended to 'higher activity waste' and any site restrictions have been removed.</p>
47	South Gloucestershire Council	<p>SP6: The local community of Oldbury and surrounding areas in South Gloucestershire, which already host the existing Oldbury Power Station (and potentially a new power station) on behalf of the nation and are also located close to the Berkley station, may not consider themselves responsible for the radioactive waste arising and the storage thereafter.</p> <p>It is also not clear from the policy if this would require all or some of</p>	<p>Paragraph 4.13 (old para 4.9) expands on the discussion about communities taking more responsibility for their own wastes.</p> <p>The fact that South Gloucestershire hosts Oldbury Power Station (and potentially a new power station) on behalf of the nation, does not stop short of being responsible for the radioactive waste arising.</p>

		<p>the high level/intermediate radioactive waste to be treated/managed/stored on the existing site either from the decommissioning of the existing power station or when necessary the new build - What volumes of waste is this policy proposing? It is questioned what is meant by 'rigorous assessment'? Would this simply be satisfying the provisions set out in Policy SP5 or is it a separate assessment? What are the terms of this? The wording of the policy appears to lend itself to again the use of existing nuclear licensed sites, therefore again the need to look to the site at Oldbury to store/treat/manage its intermediate level waste <u>before</u> looking to alternative sites. Please see also comments on SP5 that are relevant to SP6.</p>	<p>Cumbria hosts Sellafield nuclear licensed site on behalf of the nation, but do not insist that the waste arising should go elsewhere. Ultimately, the decision on where waste goes is a commercial one, but the Local Plan policies are intended to limit unacceptable adverse impacts of those decisions.</p>
48	National Trust	SP6: generally the approach and principles set out in this Policy are supported	Noted
50	Derwent Parish Council	SP6: We are in broad agreement	Noted
51	Egremont Town Council	<p>SP6: this policy will only deal with any new waste arisings and does not help with the existing inventory, so any existing adverse impacts are not compensated for. Again, a integrated waste strategy is needed. Is there a reason ILW is mentioned only and not HLW when discussing waste from outside the county?</p>	<p>Policy SP6 has been amended to 'higher activity waste' and any site restrictions have been removed. It is understood that the NDA are preparing an Integrated Waste Strategy.</p>
57	Friends of the Earth	<p>SP6: in light of the precautionary principle, suggested amendment in bold: "Sellafield is the only site in the county where development proposals for the treatment, management and storage of higher activity radioactive waste will be permitted. Materials that may become classified as waste once they are received within the County must be treated similarly.</p> <p>Such proposals will need to demonstrate:</p> <ul style="list-style-type: none"> • the cumulative impact is acceptable; • compliance with national and international standards and best practice for environment, safety and security, and proven long term integrity; • the reasons why possible alternative methods (for dealing with the waste) have been rejected; and 	<p>Policy SP6 has been amended. This is a Strategic Policy, which sets out the preferred approach of Cumbria County Council. The relevant Development Control policies would be used to determine an application, including cumulative effects.</p>

		<ul style="list-style-type: none"> that any adverse impacts have been adequately mitigated or compensated for. <p>Development proposals at Sellafield for the treatment, management and/or storage of waste that arises from outside Cumbria, will need to demonstrate that:</p> <ul style="list-style-type: none"> for Intermediate Level Waste, alternative locations, at or closer to where these wastes arise, have only been rejected following rigorous assessment; all practicable measures are taken to minimise the adverse effects of development and associated infrastructure; acceptable measures are in place to secure decommissioning and site restoration.” 	
63	NuLeAF	SP6: we have concerns about the proposal to apply the proximity principle to intermediate level radioactive waste. Please see concerns set out at (a) above about the proposal to apply the proximity principle to intermediate level radioactive waste.	Noted. This is a Strategic Policy, which sets out the preferred approach of Cumbria County Council. The relevant Development Control policies would be used to determine an application.

Comments on Policy SP7 Minerals provision and safeguarding

ID	Consultee	Comment	Action
12	The Coal Authority	<p>SP7: The heading immediately prior to this policy refers to ‘Policies for non-energy minerals’, however, in relation to safeguarding, the policy deals with both energy and non-energy minerals – request that this heading is removed to avoid confusion.</p> <p>The criterion relating to the designation of the Mineral Safeguarding Areas for sand and gravel, hard rock and shallow coal refers to a BGS Technical Report, however this report does not form part of the Local Plan and is not therefore open to consultation - we do not consider it is appropriate to reference it within the policy itself, but if reference is to be made to it, then this should be within the supporting text.</p> <p>Paras 5.83 to 5.113: the title of this section is ‘Energy minerals (hydrocarbons)’, this would be better cited as ‘Energy minerals (including conventional and unconventional hydrocarbons)’ - coal is</p>	<p>Noted. The title has been removed and the policies have been moved to the end of the chapter.</p> <p>Reference to the BGS Technical Report has been moved into the supporting text.</p> <p>Title of this section has been amended.</p>

		<p>an energy mineral but is not a hydrocarbon within the NPPF/PPG definitions.</p> <p>Figure 5.2, para 5.88, table 5.8, paras 5.93 to 5.96: the key refers to 'opencast coal extraction plus shallow mining', this would be more appropriately referred to as '<u>surface and/or underground mining</u>' to better reflect the licence granted and encompass the various methods of surface extraction that could feasibly occur - consequential change from 'opencast' to 'surface' in the other paras and tables.</p> <p>Para 5.98: the Development Management Procedure Order 2010 is now replaced by the 2015 Development Management Procedure Order.</p>	<p>Figure 5.2, paragraph 5.88, table 5.8 and paragraphs 5.93 to 5.96 have been amended accordingly.</p> <p>Paragraph 5.98 has been amended.</p>
12	The Coal Authority	<p>Figure 5.6: this figure is potentially confusing as it doesn't include the Cumbria Local Plan boundary and it includes notations that are not required to be illustrated on the Policies Map - it may be more appropriate to only illustrate PEDL 159 on a suitable figure.</p> <p>Figures 5.6 and 5.7: these would appear to be more appropriate for inclusion within a technical background paper rather than the Local Plan itself and perhaps some of the Plan text could also be moved there.</p> <p>Figure 5.8: this figure should also indicate the Plan area boundary.</p>	<p>Figure 5.6 has been updated to reflect the current PEDL situation.</p> <p>Noted. Consideration was given to the preparation of Technical Paper, but on balance rejected.</p> <p>Noted. The data belongs to DECC and the Plan area boundary cannot be added.</p>
32	Allerdale Borough Council	<p>SP7: The use of Mineral Consultation Areas will be supported by Allerdale Borough Council. If the County Council adopts its Local Plan containing Mineral Consultation Areas before Allerdale Borough Council adopts our Local Plan, then the Mineral Consultation Areas will be included in the Proposal Map of Allerdale's Local Plan.</p>	<p>Noted. District/borough councils will be required to take account of the MCA and the County Council will require evidence of this for the Examination.</p>
40	National Grid	<p>SP7: relates to the identification of Mineral Safeguarding Areas and Mineral Consultation Areas, stating that these should be safeguarded from being unnecessarily sterilised by other developments. The route of the NW Coastal Connections project had not been finalised at the time of representation 40, but National</p>	<p>Noted – ongoing dialogue with North West Coastal Connections project will be maintained.</p>

		<p>Grid have sought to avoid mineral sterilisation where possible, whilst balancing this against other routeing considerations.</p>	
41	Mineral Products Association	<p>SP7: We object to the lack of any numerical reference to provision and to the linking of provision to the LAA for three reasons.</p> <p>First, the LAA is a monitoring tool that is changed each year and is not a policy document. The LAA is meant to lead to the adoption of a policy provision figure that takes into account all relevant factors. It is by itself, too uncertain to perform that role on its own, and a Local Plan based upon an unquantified reference to LAAs does not give the industry the certainty of future provision it needs. We therefore request that CCC chooses a policy provision figure and substitutes that for the reference to the LAA.</p> <p>Second, in our view, it does not take account of all relevant local information and is therefore deficient. This deficiency is carried over into the Local Plan. In brief, the LAA relies on a bare 10 year average when this is still going down as it is rolled forward each year, at the same time as the industry is seeing significant increases in sales. In addition, the Local Plan has an aspirational vision for economic growth involving significant extra construction activity, some of which is quantified and more of which could be quantifiable given further work. This aspiration is not reflected in the LAA, which is an anomaly that should be rectified by quantifying expected growth in construction and translating that into additional demand for aggregate materials. This should be carried out as part of the choice of the level of policy provision.</p> <p>Third, CCC believes that any adjustments to provision can be made on review and that lead in times for construction activity will be sufficient to give advance warning of shortfalls but no evidence is presented of this. In addition, the industry is sceptical of this policy because of the fast moving nature of the recovery in sales. The MPA's view is that a fully calculated provision should be made at the start of the Plan period or at least some contingency allowed for. We have no confidence in the local plans system to deliver reviews of documents on time.</p>	<p>The LAA has been updated for 2015 and now provides information on which requirement is being taken forward for planning purposes, at paragraphs 5.13, 5.16 and 5.20. This is reflected in the MWLP.</p> <p>It is considered inappropriate to put specific figures into the MWLP policy, when that figure could change year-on-year.</p> <p>The LAA has been updated for 2015 and provides further information on projects that may require or supply aggregates. This is reflected in the MWLP.</p> <p>It is considered that the evidence set out in the LAA gives a good understanding of future aggregate supplies needed in the county – allocations for Preferred Areas and Areas of Search have been made on this evidence. However, if there is a need for supplies over and above those in the allocations, operators will come forward with market-led proposals and applications will be considered on a case-by-case basis.</p>

		In accordance with our observations about the inadvisability of using MCAs as a safeguarding tool, we also ask that the last bullet point of the policy is removed.	Policies SP7 and DC15 have been updated to clarify the role of MCA and MSA.
48	National Trust	SP7: no comments to make – generally agreed	Noted.
50	Derwent Parish Council	SP7: We are in broad agreement	Noted.
51	Egremont Town Council	SP7: making the assumption that businesses are okay with the limitations and does this take into account minerals needed for within the nuclear industry – do not want work going out of the county.	Not clear what limitations are referred to. However, we agree that the minerals needs for new nuclear development should be included within assessment of aggregate needs, and taken into account in the LAA as soon as information is available.
59	Burlington Slate/Aggregates Ltd (Stephenson Halliday)	SP7: the recognition that minerals need to be safeguarded from potential sterilisation by other developments is welcomed	Noted.
62	Friends of the Lake District	SP7: object to the identification of a minerals safeguarding area for the “remaining gypsum deposits” as this will mean identifying an area for a new surface mine, where the gypsum has been previously extracted underground, bringing with it landscape and visual impacts	Noted. However, MSAs do not imply that the reserves identified will necessarily be used or that planning permission would be granted. Also, MPAs are required to identify MSAs, and this one has been developed in consultation with the community. The issues would be addressed at planning application stage.

Comments on Policy SP8 Strategic areas for new mineral developments

ID	Consultee	Comment	Action
31	Aggregate Industries UK Ltd	SP8: the references to Holmescales Quarry should be strengthened by emphasising that this quarry is nationally important in the context of sideways force coefficient values (measured by SCRIM - sideways force coefficient routine investigation machine). PSV polished stone value is a laboratory based test; SCRIM is a measurement of the performance of the aggregate in the road surface. The shortage of high PSV aggregate resources outside National Parks is a major issue, and it is essential that the strongest possible policy support is given to the development of the	Noted. Comment on SCRIM considered as part of 2015 LAA, and reflected in MWLP.

		Holmescales Quarry Area of Search, which is one of only 3 high PSV quarries in the North West Region .The constraints on high PSV resources in the Yorkshire Dales National Park, in Shropshire and in South Wales are increasing the demands upon the sources of supply in Cumbria.	
41	Mineral Products Association	SP8: Supported	Noted.
50	Derwent Parish Council	SP8: We are in agreement, but would emphasise that permission for any new site must include the restoration of the environment when extraction has ceased.	Noted. Policies SP15 and DC22 are designed to do this.
51	Egremont Town Council	SP8: Supported	Noted.
62	Friends of the Lake District	<p>SP8: object to the identification of a number of the proposed strategic areas for new mineral developments:</p> <ul style="list-style-type: none"> - Kirkby Thore/Long Marton, as there would be significantly more landscape and visual impacts from a surface mine than the current underground mine. Kirkby Thore and Long Marton sit close to the North Pennines AONB, and we are concerned that surface mining in this area would cause damage to the setting of the AONB. This area should not be allocated as a strategic area for new mineral developments. - Kirkby Slate Quarry, as it will mean destruction of part of the Kirkby Moor SSSI. The argument used in the Site Assessment that enhancement within the SSSI will mitigate for the loss from quarrying is flawed on the basis that enhancing habitat within a SSSI whilst losing part of it to development will lead to a net loss of area of SSSI. Improvement in the SSSI's condition should not be conditional of loss of another part of it. The quarry is also close to the boundary of the Lake District and there may be further landscape impacts on the National Park from a quarrying extension. 	<p>Noted. However, this would be assessed as part of any planning application, should a proposal come forward.</p> <p>Minerals can only be extracted where they occur and there must be a balance between the impacts of extraction at Stamphill, where the mineral can be conveyed to the plaster works vs extraction further afield that would require significant road transport.</p> <p>Comments added to Site Assessment. This would be assessed as part of any planning application, should a proposal come forward.</p>

		<p>- Roan Edge Quarry, on the basis that the proposed extension area will break the ridge line, leading to views into the quarry from the east. Much of the land to the east lies within the proposed extension area for the Yorkshire Dales National Park, and we are therefore concerned that this proposal would have a damaging impact on a landscape of national importance and its setting.</p> <p>- Roosecote Quarry, on the basis that it is a greenfield extension. We are also concerned that as the extension is across the road from the existing site, that it is not actually an extension, but is rather a new site. We are also concerned that the proposed extension area boundaries show no regard for the field boundary pattern.</p>	<p>Comments added to Site Assessment. This would be assessed as part of any planning application, should a proposal come forward.</p> <p>Comments added to Site Assessment. This would be assessed as part of any planning application should a proposal come forward. Following the Supplementary Sites consultation, a southern extension to Roosecote has been identified as a Preferred Area and the area to the east as an Area of Search.</p>
104	Development Control	SP8: the policy states "The slates near Kirkby Slate Quarry are identified as the location for further supplies of slate" - should it not read 'the land' or 'the slate resources'?	Noted. Text amended to read: "Land next to Kirkby Slate Quarry is identified as the location for further supplies of slate"

Comments on Policy SP9 Marine dredged aggregates

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP9: new proposals must show that unacceptable environmental effects do not occur; these must take account of effects on the redistribution by the tides removing sand/ aggregate from beaches and thus increasing coastal erosion, which is already severe in this area.	Noted. The following text has been added to paragraph 5.30: "Policy SP9 states that planning permission will be granted for proposals if there are no unacceptable impacts and if they are in appropriate locations; where developments are on the coastal/beach margin, this would include consideration of the potential effect on coastal erosion."
41	Mineral Products Association	SP9: Supported	Noted.
51	Egremont Town Council	SP9: Supported	Noted.
52	Carlisle City Council	SP9: Policy would be better worded: " <i>Any proposals for marine dredged aggregates should demonstrate that ... appropriate location,</i> " etc.,	Noted. Policy amended.

Comments on Policy SP10 Industrial Limestones

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP10: support the policy	Noted. No changes proposed to the Plan.
41	Mineral Products Association	SP10: In line with NPPF para 146, we suggest the policy is revised to include a commitment to maintain a minimum stock of reserves at each site of an appropriate duration rather than the present text, which would be in accordance with NPPF paragraph 146.	No change proposed to the Plan as it is considered that the Policy already reflects the NPPF.
51	Egremont Town Council	SP10: Supported	Noted. No changes proposed to the Plan.

Comments on SP11 Peat

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP11: support the policy	Noted.
18	Scotts Company (UK) Limited	SP11: this policy is written to only allow continued extraction of peat at Solway Moss if it is required to "enable proper restoration" or "secure biodiversity, climate change or other objective". It is not clear what is meant by the terms, and there is no mention of any such prerequisites in the Planning Practise (<i>sic</i>) Guidance - it is recommended that policy SP11 be simplified to read <i>"Planning permission will not be granted for peat extraction on new sites or extensions to existing sites. Time extensions to allow peat extraction from existing sites shall be considered on a case-by-case basis"</i> ;	Noted. The policy only refers to time extensions, and the site in question already has consent to 2042, with extraction up until February 2040. It therefore does not affect continuation of extraction for the foreseeable future. However, an amendment to SP11 has been made by inserting "appropriate" between "other" and "objective".
25	Scotts Miracle Gro Company (UK) Ltd	SP11: although the Solway Moss site has permission to 2042, we support the wording of the policy that time extensions for existing peat extraction operations will be considered on a case-by-case basis	Noted.
32	Allerdale Borough Council	SP11: The decision not to include Solway Moss as a strategic peat resource in order to protect its environmental designation is supported by Allerdale Borough Council.	Noted.
48	National Trust	SP11: The overall position is generally noted and supported; however, given the presumption against new sites coming forward and just one operational site at present with a life to 2042, it is	Noted. No changes are proposed, as the suggested changes are not supported by PPG.

		<p>considered that, for the environmental reasons set out in the supporting text, a stronger line should be taken so as to encourage swifter cessation of the existing activity rather than potentially prolonging it. The following alternative wording is suggested: <i>“Time extensions for existing peat extraction planning consents will only be considered on a case-by-case basis, where it is demonstrated that it is necessary solely to enable the proper restoration of the land or to secure biodiversity, climate change or other objectives of this Plan. Any such proposals must also conform to all relevant policies in this Plan.”</i></p> <p>SP11: The approach to ‘Energy Minerals’ is noted and supported, in particular the intention to deal with any proposals that come forward through Policy DC13 (and DC14/DC15).</p>	
51	Egremont Town Council	SP11: Supported	Noted.
62	Friends of the Lake District	SP11: strongly support the first line, stating that permission for peat extraction will not be granted from new or extended sites	Noted.

Comments on SP12 Climate change mitigation and adaptation

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP12: support the policy in general	Noted.
25	Scotts Miracle Gro Company (UK) Ltd	SP12: clause b. should be revised to include the words ‘to unacceptable levels’ at the end of the sentence	Policy amended to take account of comment.
33	Low Level Waste Repository Ltd	SP12: this is concerned with climate change mitigation and adaptation. The first bullet requires applicants to demonstrate that <i>“energy management, carbon reduction and resource efficiency have been determining design factors for the development”</i> . We would suggest that the phrase <i>“as far as practicable/reasonable”</i> is added to reflect that there may be valid technical reasons where one or more of these factors are secondary.	The first bullet point of the policy has been amended to read: <i>“proportionate to the scale and type of development.....”</i> .
41	Mineral Products Association	SP12: We suggest that this policy is too inflexible given the wide variety of mineral and waste management projects that fall under its remit. We suggest that the laudable caveats and allowances	Noted.

		<p>provided for in the supporting text be elevated to the policy in order to improve its deliverability.</p> <p>In particular, the first bullet point is unlike the others and is an absolute statement that admits no exceptions or qualifications. We suggest the preamble and first point be reworded to say, <i>“Proposals for minerals and waste management developments should where appropriate demonstrate that:</i></p> <ul style="list-style-type: none"> • Proportionate to the scale and type of development energy management, carbon reduction and resource efficiency have <i>influenced the design of the development</i>; 	<p>The first bullet point of the policy has been amended to read: “proportionate to the scale and type of development.....”.</p> <p>The addition of “where appropriate” to the initial statement is not agreed, as it (or similar) has already been included in the bullet points where it is considered necessary.</p> <p>The change requested to say “influence” rather than “determining factors” is considered to be so weak as to be meaningless.</p>
48	National Trust	SP12: generally supported	Noted.
50	Derwent Parish Council	SP12: generally supported	Noted.
51	Egremont Town Council	SP12: Supported	Noted.
59	Burlington Slate/Aggregates Ltd (Stephenson Halliday)	SP12: the current wording of this policy regarding energy reduction, carbon management and resource efficiency is more aspirational than practical, and it is recommended that the requirement to provide evidence is removed in its entirety or it needs significant clarification	The first bullet point of the policy has been amended to read: “proportionate to the scale and type of development.....”.

Comments on SP13 Economic benefit

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP13: support the policy	Noted.
32	Allerdale Borough Council	SP13: This policy states that “proposals for new minerals and waste developments should demonstrate that they would realise their potential to provide economic benefit”. It is considered that the word “that” should be replaced with “how” for the purpose of clarity. If this policy is designed to include extensions to existing minerals and waste developments, then this should be stated in the first	The policy has been updated in line with comments.

		<p>sentence of the policy.</p> <p>Paragraph 7.10: this states that “there is no intent to place economic benefit before other interests”. For the purpose of clarity, it is felt that it should explicitly state that this includes environmental and social interests, and not just other economic interests.</p>	<p>Noted. Paragraph 7.10 has been amended to include environmental and social interests.</p>
33	Low Level Waste Repository Ltd	<p>SP13: this requires proposals for new minerals and waste developments to demonstrate that they would “<i>realise their potential to provide economic benefit</i>”. It is not clear whether this would also apply to radioactive waste developments, where the economic aspect is part of the wider determination criteria set.</p>	<p>Noted. This would apply to radioactive waste developments where appropriate, but this would be considered in detail at the planning application stage.</p>
41	Mineral Products Association	<p>SP13: We object to this policy in view of the statements made in NPPF para 142, that minerals are essential to support sustainable economic growth and our quality of life, and in para 144 when determining planning applications, MPAs are to give great weight to the benefits of the mineral extraction, including to the economy. The Government has already concluded that mineral working is a beneficial activity both to the economy and to sustainability. It should not, therefore, be open to CCC to require applicants for mineral working to prove the economic worth of their proposals. We request that the policy is deleted on the basis that it is contrary to national policy.</p>	<p>Noted. However, giving great weight to the benefits of minerals to the economy does not imply that there is never a balancing exercise between the benefits of the development and any dis-benefits that may accrue to other industries or regeneration and development initiatives. No changes are therefore proposed to the Plan, as it is not considered that this policy is contrary to national policy.</p>
43	Ignis Biomass Ltd	<p>SP13: Ignis strongly supports this policy, as generation of energy using RDF on existing industrial sites supports the host site in economic terms and environmental performance.</p>	<p>Noted.</p>
50	Derwent Parish Council	<p>SP13: support the policy</p>	<p>Noted.</p>
51	Egremont Town Council	<p>SP13: Do not agree that a finite list is included within the policy. Each proposal should be judged on its own merits and in some areas, financial compensation might be more desirable than jobs.</p>	<p>Noted. However, this is not excluded from the non-exhaustive list, which is clarified by the addition of ‘may’ instead of ‘will’.</p>
59	Burlington Slate/Aggregates Ltd (Stephenson Halliday)	<p>SP13: the statement regarding economic growth and the supply of minerals in paragraph 7.1 is welcomed, but this does not seem to translate into policy, so it is recommended that SP13 includes a statement to the effect that the positive economic impacts of minerals and waste developments will be taken into account in the determination of planning applications</p>	<p>Noted. However, no changes are proposed, as it is considered that this is already clear in the policy.</p>

Comments on SP14 Environmental assets

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP14: support the policy and presume that the protections applied will consider the effects of developments on the adjacent areas not in the control of this Plan, like the National Park.	Noted. Paragraph 8.42 (old para 8.36) states that “the environmental assets include the normal residential and workplace amenities for quality of life, those areas and features listed in Boxes 8.1 and 8.2 and 8.2 and, where appropriate, their settings.” The settings of National Parks are included in Box 8.1; furthermore, if any proposal comes forward that is adjacent to such an area, the relevant National Park Authority will be consulted.
16	Historic England	SP14: Historic England welcomes the inclusion of this policy, however to ensure consistency with national policy, it should be amended to ensure that the significance of heritage assets and their setting is conserved and enhanced and not reference to features. The policy includes specific policies to cover areas of important designations yet the Frontiers of the Roman Empire WHS are not included. The policy should be expanded to include this.	A section on heritage designations has been added to the policy to read: “Major developments that adversely impact on the significance of World Heritage Sites, Scheduled Monuments, Registered Historic Battlefields, Registered Historic Parks and Gardens, Listed Buildings and Conservation Areas, or their settings, will only be granted planning permission in exceptional or wholly exceptional circumstances (in accordance with paragraph 132 of the National Planning Policy Framework) and where it can be demonstrated that there are substantial public benefits.”
19	Dr Gordon Taylor	SP14: there is no mention of a Cumbria Geodiversity statement or indeed proposals for the protection/conservation of RIGS.	Noted. The environmental assets that are considered in SP14 are listed in Boxes 8.1 and 8.2, they include Geoparks, Local Geological Sites (formerly called RIGS) and Cumbria Geodiversity Action Plan sites. Policy SP14 has been amended and now includes Geodiversity Designations. Additional text has also been to paragraph 8.18 (old para 8.15).
20	New Hutton Parish Council	SP14 and DC20: the Parish Council agrees with the fundamentally important policy SP14.	Noted.
21	Old Hutton and Holmescales Parish Council	SP14: agree with this fundamentally important policy and no change is needed to the wording of it, but it is not always supported by subsidiary policies elsewhere, which are designed to implement it - policies SP16 and SP17 need to be strengthened	Noted. It is considered that as a whole, the entire suite of policies in the Local Plan set out a robust framework.

32	Allerdale Borough Council	SP14: In order to ensure that the areas and features identified in Boxes 8.1 and 8.2 are considered under this policy, it is suggested that the wording of the first bullet point of SP14 is amended to read “protect, maintain and enhance people’s overall quality of life and the natural, historic and other distinctive features (including those identified in Boxes 8.1 and 8.2) that contribute to the environment of Cumbria...”.	Noted. This is already set out in paragraph 8.42 (old para 8.36). It is not considered necessary to repeat the text in the policy.
36	Arnside & Silverdale AONB	SP14: support policy and the specific mention of AONBs.	Noted.
48	National Trust	SP14: a. In the first sentence the words “aim to” are superfluous and should be omitted. b. In the second and third bullets points the first word (‘improve’) should be replaced by “Enhance” – e.g. in accordance with historic environment legislation and the NPPF. c. The text on AONBs should also include the St Bees Heritage Coast (NB the NPPF states that this is one of the areas where development should be restricted). d. After the initial six bullets there is a dearth of consideration of any of the range of heritage assets, some of which (and their settings) are protected by national legislation and others in accordance with the NPPF. A similar level of treatment should be included as that for nature conservation sites/AONBs.	a. The words ‘aim to’ have been deleted. b. The word ‘improve’ has been changed to ‘conserve’ in the second bullet, but disagree with change to third bullet. c. Reference has been made to the Heritage Coast within the new text on Landscape Designations in the policy. d. Sections on Landscape, Heritage, Geodiversity and Maritime Designations have been added to policy SP14.
50	Derwent Parish Council	SP14: support the policy	Noted.
51	Egremont Town Council	SP14: support the policy	Noted.
52	Carlisle City Council	SP14: Under ‘European and Ramsar Sites’, this part of the policy need to be clear that HRA may also be required for proposal outside these designated sites, if such proposals are likely to have an effect on the sites.	It is set out in the HRA that whether a site is inside or outside the European Site, it is subject to HRA. However, additional text has been added to paragraph 8.40 (old para 8.34) in line with the consultation comments.
59	Burlington Slate/ Aggregates Ltd	SP14: the ‘step change’ in biodiversity required in bullet 5 of the policy is erroneously based on the revoked RSS policy and its reference should be removed from the Plan	The fifth bullet point of the policy has been amended to reflect NPPF paragraph 9: “help to secure movement from a net loss of biodiversity towards achievement of net gains.....”

	(Stephenson Halliday)		
62	Friends of the Lake District	SP14: strongly support this policy, however, we would like to see Limestone Pavement Orders in the list of national policies protecting environmental assets. Limestone Pavement Orders are a national designation under S34 of the Wildlife and Countryside Act (1981) as amended. This gives statutory protection for limestone pavements and prohibits the removal or damage of limestone within the designated area. LPO sites are often, but not exclusively, SSSIs, so this is an additional designation in place which needs to be taken into consideration.	Noted. However, limestone pavements are already set out in Box 8.1 and have, therefore, not been repeated within the text of the policy.
69	North Pennines AONB	The AONB Partnership is broadly supportive of the draft policy. We would ask that reference is made to Section 85 of the Countryside and Rights of Way Act (2000) as appropriate and that any reference to the NPPF includes paragraphs 115 and 116.	A section on Geodiversity Designations has been added to the policy, which references paragraph 116 of the NPPF. The CROW Act has been added to paragraph 8.26 (old para 8.22). Reference to paragraph 115 of the NPPF is in paragraph 16.15.
69	North Pennines AONB	<p>In relation to the specific text relating to AONB's, which states</p> <p><i>“Areas of Outstanding Natural Beauty</i> <i>Major developments in these designated areas will only be granted planning permission in exceptional circumstances and where it can be demonstrated that they are in the public interest, in accordance with paragraph 116 of the National Planning Policy Framework.”</i></p> <p>We suggest the wording below as an alternative</p> <p><i>“Areas of Outstanding Natural Beauty (AONBs) will be conserved and enhanced. Development in or affecting AONBs will only be permitted where it does not, individually or cumulatively, have a significant adverse impact on special qualities or statutory purposes. Major developments including the winning and working of minerals or the use of land for mineral working deposits will only be permitted in AONBs in exceptional circumstances where they can be clearly demonstrated to be in the public interest and where the following have been fully considered:</i></p> <p><i>a. The need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon local communities and the local economy;</i></p>	The section on AONB's in the policy has been amended to encompass all landscape designations. It is not considered appropriate to include the level of detail requested on AONB's in the policy.

	<p><i>b. The cost of, and scope for, developing elsewhere outside designated areas, or meeting the need for it in some other way; and</i></p> <p><i>c. Any detrimental effect on the environment, the landscape, and recreational opportunities, and the extent to which that could be moderated.”</i></p>	
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Comments on SP15 Restoration and afteruse

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP15: support the policy	Noted.
12	The Coal Authority	SP15: support this policy	Noted.
18	Scotts Company (UK) Limited	SP15: it is not for the planning authority to dictate the type of restoration, rather the requirement is to deliver high quality restoration and aftercare - proposals for restoration should be submitted with planning applications and the detail to be included depends on each case, but sufficient to demonstrate what the overall objectives of the restoration are, and its practical delivery.	Paragraphs 39 and 40 of PPG state that restoration and aftercare proposals should be submitted with the planning application, in sufficient detail to demonstrate overall objectives; it does not imply that these objectives cannot be set by the MWLP, as laid down as duties of the MPA in the NPPF and PPG. Rather than amend policy SP15, policy DC22 has been amended.
		SP15: PPG has a list of possible land uses and these should be reflected in the policies of the Local Plan.	Noted. However, the list of possible afteruses in the NPPF and PPG (paragraph 045) is not exclusive or exhaustive. Discussion on the type of afteruses and consideration of their suitability is set out in the paragraphs preceding policy DC22. There are only a limited range of afteruses for a minerals site can be approved by a Mineral Planning Authority in a two tier authority area.
		SP15: this policy doesn't accord with NPPF, it is too prescriptive and onerous - the following revised policy is suggested <i>"Restoration, afteruse and aftercare schemes, for mineral working & waste management sites, should be carried out to high environmental standards and at the earliest opportunity. Restoration should involve the following land uses, in agreement with the minerals planning authority:</i>	Noted. The policy suggested by the consultee would not conform to PPG paragraph 046, would fail to meet the requirements of NPPF paragraphs 94, 96, 109 and 111, and is considered less clear than the policy drafted by the Council.

		<p>* agriculture; * forestry; * biodiversity/habitat creation; * recreation; * landscape enhancement; and * development that delivers social or economic benefits. It must be demonstrated that a Scheme is practically deliverable, and that funding is available for long term projects."</p>	In addition, SP15 is the strategic policy, and more detailed policy on afteruses and information requirements is contained in development control policy DC22.
36	Arnside & Silverdale AONB	SP15: support the mention within policy that the potential for biodiversity and landscape enhancement should be considered in any restoration, afteruse and aftercare schemes. This is particularly relevant with respect to the future restoration of Sandside Quarry which is within the AONB.	Noted
41	Mineral Products Association	SP15: The inclusion in the policy of the phrases 'best practicable measures' and 'secure full advantage' are tautological and one of them should be deleted.	Noted. However, "Best practicable measures" refers to the methods and techniques used in achieving the desired outcome, and includes the concept of practicality and, therefore, viability; it should remain in the policy. Also added to Glossary. "Secure full advantage of their potential" has been removed.
49	Cumbria Geo-Conservation	SP15: Please insert 'and geodiversity' into the second sentence	SP15 has been amended.
50	Derwent Parish Council	SP15: support the policy	Noted.
51	Egremont Town Council	SP15: does not clarify what 'best practicable' means and maybe should say 'should return to its past state subject to valid reasons why not'	Noted. "Best practicable" is an accepted term (now added to Glossary) and refers to the measures and ways in which restoration takes place. The suggested alternative is weaker, in that "valid" is not clarified and could just be "because a better solution costs more".
62	Friends of the Lake District	SP15: We would like to see consideration of landscape scale conservation and connectivity mentioned in the policy, not just in the supporting text. It should be possible to ensure that restoration and afteruse contributes to strengthening landscape character and habitats within the wider landscape.	The phrase "landscape scale conservation and connectivity" has been added to paragraph 9.2, rather than the policy.

Comments on SP16 Section 106 planning obligations

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP16: support the policy	Noted.
17	Lake District Area Ramblers	SP16: pleased to see inclusion of points g. and h. – could also include, for example, provision of interpretation boards giving information to the public;	The non-exhaustive list of requirements a) to k) in policy SP16 have been moved into paragraph 10.6; other examples, such as interpretation boards, are not precluded.
20	New Hutton Parish Council	<p>SP14 and SP16: The measures listed 1 to 3 and (a) to (k) in policy SP16 do not address the issue of “enhancing people’s overall quality of life” as stated in SP14.</p> <p>In the case of wind farm developments section 106 agreements have to be agreed to provide local community funds of £5000/MW of installed capacity. This is to offset the visual impact of wind turbines on the local landscape and community. Turbines have planning permission for only 25 years and can be removed afterwards. Quarries have an equally damaging but longer-lasting impact on the landscape with a consequent impact on the local tourist industry, and the traffic they generate has a greater impact on the lives of local people.</p> <p>However, policy SP16 does not address the issue of a local community fund. It could be argued that there is a national minerals and aggregate fund but that does not guarantee funds annually for local communities and their infrastructure. It should be noted that quarries are often in parishes such as New Hutton which will not be included in the Connecting Cumbria/BT project to install superfast broadband for 93% of the county’s population. Therefore, they have a real need for funds to improve their infrastructure to the level of other parts of the county and country. The Parish Council believes that policy SP16 should be expanded to include provision of a community fund to “enhance people’s overall quality of life”.</p>	<p>The non-exhaustive list of considerations a) to k) in policy SP16 have been moved into paragraph 10.6.</p> <p>S106 agreements have to relate directly to impacts attributable to the development. The type of infrastructure referred to in the representation does not fit this definition, as provision of broadband and other similar infrastructure benefits do not (at first sight) mitigate directly for impacts, such as those of traffic or on the tourism industry.</p> <p>Policy SP16 refers to S106 planning obligations, and the policy that was previously in the Plan, which used to refer to Community Funds, has been deleted, because such funds are not a material consideration in planning decisions.</p> <p>The ‘quality of life’ phrase in SP14 seems to have been misinterpreted, as it really refers to the quality of life that is enhanced by existing natural beauty and landscapes.</p>
21	Old Hutton and Holmescales	SP16: It is assumed that if Holmescales Quarry were to be re-opened, the previous traffic arrangements would apply. These	It would be anticipated that similar conditions would be attached to a new planning permission, if granted at

	Parish Council	<p>included a limit on the daily tonnage of rock to be transported in order to limit the number of large lorries going through the villages, times during the day when lorries were not allowed to travel, and a one-way system through Helmside, the B6254, Gatebeck Lane to the quarry and then via Gatebeck Lane and Low Park back to the A65. However, experience showed that these measures were not sufficient to “maintain people’s overall quality of life (SP14)”. The lorries travelled far too fast often exceeding speed limits and caused damage to road surfaces and verges as well as posing danger to pupils at Old Hutton School.</p> <p>The wording of the policy should, therefore, be amended such as in the following ways: “3. Provide <u>and maintain</u> necessary infrastructure such as highway and transport improvements ... through (a) highways and access improvements and (b) the management of traffic <u>speed and volume</u> measures”. In the case of Old Hutton and Holmescales this enhancement of the policy would enable measures such as prompter repairs to the road surface, a 20mph speed limit past the school which is on a bend, and improvements at other places with poor visibility along the lorries’ route.</p> <p>SP16: the measures listed 1 to 3 and (a) to (k) in this policy do not address the issue of “enhancing people’s overall quality of life” as stated in SP14. In the case of wind farm developments, section 106 agreements have to be agreed to provide local community funds of £5000/MW of installed capacity. This is to offset the visual impact of wind turbines on the local landscape and community. Turbines have planning permission for only 25 years and can be removed afterwards. Quarries have an equally damaging but longer-lasting impact on the landscape and the traffic they generate has a greater impact on the lives of local people, yet policy SP16 does not address the issue of a local community fund. It could be argued that there is a national minerals and aggregate fund, but that does not guarantee funds annually for local communities and their infrastructure. It should be noted that quarries are often in parishes such as Old Hutton and Holmescales, which will not be included in the Connecting</p>	<p>Holmescales, as those that existed for the previous planning permission. Improvements would be provided by the highways authority.</p> <p>The non-exhaustive list of considerations a) to k) in policy SP16, have been moved into paragraph 10.6. The policy does not preclude the inclusion of the conditions suggested, and this is something that would be considered at the planning application stage.</p> <p>It is not considered appropriate to make the changes requested to the policy, as these are more appropriate as planning conditions.</p> <p>The Community Funds for wind farms (and proposed for shale gas developments) are not S106’s, but are funds required under non-planning legislation. The Community Benefits policy that was included in previous drafts of the MWLP has been deleted following legal advice, and any community benefits negotiations would be held outside the remit of the MWLP.</p> <p>The disparity between protection of residential amenity and quality of life, between wind farms and quarries, arises from national legislation and policy guidance, and the MWLP is not able to correct or compensate for it.</p>
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		Cumbria/BT project to install superfast broadband for 93% of the county's population. Therefore, they have a real need for funds to improve their infrastructure to the level of other parts of the county and country. The Parish Council believes that policy SP16 should be expanded to include provision of a community fund to "enhance people's overall quality of life".	
41	Mineral Products Association	<p>SP16: We object to the wording of the policy, because in places it is unclear what is meant. In particular, we find the use on several occasions of the term 'long term' without qualification, and the use of the term 'environmental asset' which is undefined. The supporting text does not provide any assistance in this respect. We might surmise that an environmental asset is one which is referred to in Section 8 of the plan, in Boxes 8.1 & 8.2 and policy SP14. If so, we would appreciate confirmation. This is an extremely wide ranging term and would benefit from some clarification.</p>	<p>The use of 'long term' in the policy will need to be considered on a case-by-case basis for each proposal. An example has been added to new paragraph 10.7.</p> <p>Paragraph 8.42 (old para 8.36) states that "the environmental assets include the normal residential and workplace amenities for quality of life, those areas and features listed in Boxes 8.1 and 8.2 and 8.2 and, where appropriate, their settings."</p>
		<p>However, that still leaves 'long term' to be considered, which occurs five times in this policy in several contexts.</p> <ul style="list-style-type: none"> • in criterion 1 this is the 'long term management of relevant environmental assets'. Does this refer to off site assets, or on site assets or both? If off site, it raises issues about whether access and control can be exercised over the asset by the applicant. Or is the environmental asset that which is created on restoration? What does long term mean in this context? Is it the duration of the planning permission, or a longer period? And if longer, by what criterion is this to be measured? Given the importance of clarity, certainty and deliverability for the development plan, we request greater clarification about what is intended here. • criterion d. is clearer about what it refers to, but long term is still undefined. Is this to be determined by the circumstances and, if so, what criteria are to be used to judge what is necessary? • In criterion f. we dispute that long term afteruse is needed in an active sense that requires a legal agreement to secure. Once restoration and aftercare has been successful in establishing an afteruse, it should thereafter be self-sustaining. This is 	<p>Clarification has been added to the text preceding the policy.</p> <p>The non-exhaustive list of considerations a) to k) in policy SP16, have been moved into paragraph 10.6.</p>

		<p>usually secured by the inclusion of an income stream to finance any continuing maintenance. We suggest the text is changed to “secure management of the restored site to ensure the establishment of the proposed afteruse”. The text in brackets should be deleted.</p> <ul style="list-style-type: none"> • In criterion h. the same considerations apply. Amenity sites need a sustainability component in order that they do not become a constant drain on resources. This does not obviate the need for management, but helps to identify what the most appropriate approach is. • In addition, we believe that criterion k. is too wide ranging and should be deleted. If retained, it calls into question that need for an extensive list at all. In general, we believe the list complicates the development plan unnecessarily and it would be better to leave it out. • In criterion 2, NPPG is very clear that funding of restoration should be tackled through conditions, and that financial guarantees are to be considered only in exceptional circumstances, and even then should not be required if the operator subscribes to an industry restoration guarantee fund. However, it should be noted that exceptional circumstances should apply in all cases. Item 2 does not therefore reflect national policy and guidance. Ideally, it should be deleted but could be rescued by changing ‘where appropriate’ to ‘in exceptional circumstances set out in PPG para 027-048’. 	<p>Additional text has been added in paragraph 10.7, to read: “With regard to financial guarantees, they are most likely to apply to new sites rather than physical extensions to existing sites.”</p>
48	National Trust	SP16: generally supported - no particular comments to make	Noted.
50	Derwent Parish Council	SP16: support the policy	Noted.
51	Egremont Town Council	SP16: Do not agree, as this list excludes anything the affected local community might like to see. Including k. is ludicrous and could easily scare off much needed developments. What about community benefits?	The non-exhaustive list of considerations a) to k) in policy SP16, have been moved into paragraph 10.6. Community Funds are not a material consideration in planning decisions and community benefits do not fall under planning legislation, so need to be negotiated outside the planning process.
62	Friends of the Lake District	SP16: support the policy	Noted.

Comments on SP17 Monitoring and enforcing planning control

ID	Consultee	Comment	Action
10	Bootle Parish Council	SP17: support the policy to prevent damage to environment or safety of people	Noted.
20	New Hutton Parish Council	<p>SP17 and DC20: policy SP17 identifies the County Council as the organisation that monitors and enforces planning control, however, there is no mention of the frequency of monitoring or its nature, such as whether CCC itself actively monitors or whether it relies on local people and parish councils. New Hutton Parish Council has in the past reported pollution in the tributary flowing from Roan Edge Quarry to Hutton Park resulting in it being silted up and discoloured, especially in dry weather. This could have a detrimental effect on rare species in St Sunday's Beck such as crayfish. Frequent monitoring of tributaries on the eastern side of the ridge flowing into Killington reservoir will also be needed. The Parish Council suggests that the wording of the policy to do with monitoring should be strengthened with regard to its frequency and how it is done.</p> <p>The issues of frequency of monitoring and how it is done also exist for the inert waste recycling site at Roan Edge - New Hutton Parish Council has in the past reported to CCC when piles of waste have far exceeded the banks of earth designed to screen the site.</p>	<p>The County Council has a duty to monitor for any breaches of the conditions that are attached to planning permissions. The Environment Agency are consulted on all planning applications and, where they consider the type of monitoring set out by the consultee is necessary, this will be placed into a condition. The EA also have their own controls on discharges, and undertake their own monitoring visits.</p> <p>The County Council commit to making monitoring visits at least once per year. It is not considered appropriate to add such detail into the policy.</p> <p>The supporting text to Policy SP17 has been amended.</p> <p>Noted. The County Council monitors this type of activity and aims to undertake a monitoring visit to each operating site for which it has granted planning permission, on an annual basis or more frequently if experience shows it is required. The Council welcomes the reporting of breaches of conditions by the public.</p>
21	Old Hutton and Holmescales Parish Council	SP17: the policy identifies the County Council as the organisation that monitors and enforces planning control. Past problems associated with Holmescales Quarry have been the excessive speed of the lorries and their occasional non-compliance with the travel times and one-way system. It is not clear from the wording of the policy whether it covers the monitoring and enforcement of these traffic management issues, nor does it mention whether speed would be monitored regularly. The Parish Council suggests that the policy should make these aspects explicit.	<p>Noted. If the quarry work practices, such as lorry routing, sheeting or speed are a condition of the planning permission, then they are subject to monitoring and enforcement by the Council. Speed limits are a matter for the police.</p> <p>It is not practical to place too much detail into the policy on conditions, as each planning permission is different, with a different set of circumstances.</p>

32	Allerdale Borough Council	SP17: this policy and its supporting text provide details of how the County Council will seek to undertake enforcement action. However, there appears to be no mention of how the monitoring of planning permissions will be undertaken or what people can do should enforcement action be taken against them. In order to provide clarity, and in line with the recommendations of paragraph 207 of the National Planning Policy Framework, the County Council should consider publishing a local enforcement plan.	Noted; however, there are no current plans to publish a local enforcement plan. Text on Local enforcement Plans has been added at new paragraph 11.5.
48	National Trust	SP17: generally supported as being a proportionate approach	Noted.
50	Derwent Parish Council	SP17: We are in broad agreement but suggest that ANY development that is undertaken without full planning permission be treated as a serious infringement.	Noted. However, penalties and procedures for infringements of planning control are laid down in national legislation; Cumbria Council can only work within this framework.
51	Egremont Town Council	SP17: Should include 'ensure CCC or the developer communicates with the affected public'. Remove 'where appropriate' from 9.	Noted. Liaison with the developer will always be needed, and with community quite often, but not always – every case is different. "Where appropriate" has been replaced with "when appropriate" for clarification.
52	Carlisle City Council	SP17: This policy is not considered necessary as monitoring and enforcement are both regimes which are covered by other legislation and processes.	Noted, but no change proposed.
62	Friends of the Lake District	SP17: support the policy	Noted.

Part 2 Development Control Policies

General Comments on DC Policies

ID	Consultee	Comment	Action
29	Environment Agency	<p>Flood risk: table of comments on allocated sites submitted.</p> <p>Water resources: All sites allocated for development will need to be subject to site specific hydro geological assessment to determine their acceptability. Some factors influencing this process are the type of facility, the pollution control measures adopted, the potential impacts on groundwater resources and the</p>	<p>Noted - any new or updated comments will be fed into the Strategic Flood Risk Assessment and the Site Assessments documents.</p> <p>Text added to new paragraphs 16.33 and 16.34 to reflect consultation comments.</p>

		<p>groundwater vulnerability of the site.</p> <p>With respect to minerals applications, it is beneficial to highlight that there is a requirement to establish the relationship that the development has with the water table. If the base of the excavation is near or below the anticipated water table then there will be a requirement to establish an appropriate monitoring scheme. In some circumstances the development may be considered unacceptable if it is carried out below the level of the water table.</p>	
33	Low Level Waste Repository Ltd	<p>Chapter 12</p> <p>Paragraph 12.7: This paragraph does not fully describe the role of the Environment Agency. As has been noted previously, the EA has a role to regulate adherence to site permits, and it would be beneficial to describe this aspect of their role within the Local Plan.</p> <p>Chapter 13</p> <p>Paragraph 13.8: This paragraph considers the impact of traffic on the public, with respect to minerals and waste developments. Whilst it is important to minimise “<i>minerals or waste miles</i>” it would be beneficial to include the “<i>where practicable</i>” since there may be greater benefits from the use of centralised facilities, which may increase transport distances.</p> <p>Paragraph 13.21: It would be useful to recognise the role that incineration plays within the management of radioactive waste, as an approach which enables diversion from disposal at the Repository.</p> <p>Chapter 14</p> <p>para 14.2: As noted previously, it is not clear whether SP3 and chapter 3 apply to radioactive wastes. If they do then they contradict elements of chapter 4 (site locations).</p> <p>para 14.6: The radioactive waste section and paragraph 14.6 make no reference to higher activity wastes and thus we would</p>	<p>Noted. Paragraph 12.7 has been amended.</p> <p>Noted. Point c of policy DC1 updated to include ‘where practicable’.</p> <p>Text added to new para 13.32 (old para 13.21).</p> <p>Paragraphs 3.1, 3.62 and 3.65 make it clear that chapter 3, policy SP2 and SP3 do not apply to radioactive waste.</p> <p>Reference to policy SP6 added to paragraph 14.6.</p>

		suggest that the paragraph be expanded to do so.	
		<p>Chapter 17 para 17.2: this includes no indicators for radioactive waste. The County Council may see benefit from the inclusion of some existing indicators.</p> <p>para 17.9: It is not clear how the County Council undertakes its duty to cooperate in relation to radioactive wastes (since the county is exporting wastes for treatment and disposal). It may be beneficial to describe this.</p> <p>Chapter 18 This section is missing any reference to HAW facilities for treatment, management or storage (at Sellafield and LLWR) and there is no accompanying SAP table – this needs to be corrected.</p> <p>para 18.7: The scope of activity described in this paragraph is incomplete and would benefit from amendment – Sellafield has on site facilities for the treatment of metals; the LLWR has disposed of LLW in trenches 1-7 and vault 8, as well as storing LLW in the active vault. The reference in the final sentence to “<i>hospital or research VLLW, which does not require permitting</i>” could be confusing, since nowhere else in the plan has the difference between low volume VLLW and high volume VLLW been explained.</p> <p>para 18.9: The LLW Strategy identifies the need to apply the waste hierarchy to appropriately divert waste from the Repository, not just “<i>low activity low level waste, including the sub category of VLLW</i>” but all suitable LLW, it would be beneficial to reword this.</p>	<p>Indicators have been added to the Monitoring Schedule, which will be placed in an appendix to the Local Plan</p> <p>It would not be appropriate to include such level of detail about radioactive waste, without adding more detail on other waste streams and also minerals. Details will be included in the Duty to Co-operate Statement of Compliance.</p> <p>The title of this section of chapter 18, and of policy SAP3, has been amended to ‘radioactive waste’. It is unclear what is meant by ‘SAP table’.</p> <p>Text on waste facilities added to paragraph 18.7. Text on high and low volume VLLW has been set out in new paragraph 4.4.</p> <p>Text amended in line with comment.</p>
		para 18.12: As previously noted, the permit at Lillyhall allows it to take suitable VLLW from anywhere in the UK if it is BAT to send it there; thus cannot be stated that it would be “ <i>sourced mainly from decommissioning works at Sellafield</i> ”.	Text deleted.

		<p>para 18.13: Similarly, Sellafield may use the Lillyhall landfill for some of its waste arisings, if it is BAT to do so; but will also (and already does) export lower activity LLW for disposal at permitted landfills out of the county.</p> <p>para 18.14: The paragraph should reference that waste has been disposed in the trenches and Vault 8 and include recognition of the Repository as a national asset, in accordance with Government Policy and Strategy. As noted previously, the reference to the withdrawn planning application is unnecessary and unhelpful and should be removed. How has the final sentence in the paragraph been substantiated?</p> <p>para 18.15: In line with previous comments, it would be beneficial to remove the reference to LA-LLW in this paragraph.</p> <p>para 18.23: As noted previously, the paragraph would benefit from recognising that the Repository is a national asset for LLW from throughout the UK, not just for LLW from Sellafield. There should also be recognition that Sellafield is implementing the LLW Strategy within their site, applying the waste hierarchy to divert wastes where BAT.</p> <p>para 18.43: The Port of Workington is also used for radioactive waste rail movements – it may be useful to recognise this in the paragraph.</p> <p>There would appear to be an anomaly in the numbering after 18.45 (18.42 and 18.43 are repeated).</p> <p>Within the chapter it is noticeable that there are references listed that have already been referenced earlier in the document, with a new number. It would be helpful to use a single reference number for any specific document throughout the plan.</p>	<p>Text amended to reflect comments.</p> <p>The paragraph already states that disposal took place at the Repository, so no change to the text is planned. However, reference to the planning application has been removed and the final sentence amended.</p> <p>Text amended.</p> <p>Text amended.</p> <p>The paragraph already mentions nuclear fuel carrying vessels, and that the port is connected to the mainline for rail freight. No additional text proposed.</p> <p>These three paragraphs have been deleted.</p> <p>Rationalisation will be carried out, as far as possible.</p>
62	Friends of the Lake District	chapter 16: support the statements in paras 16.1-16.4, however we would point out that a number of the site allocations for minerals in this document do not necessarily conform to the	Noted. However, these issues would be addressed at planning application stage.

		statements on environmental assets (e.g. Roan Edge Quarry and Kirkby Slate Quarry)	
66A	Cumbria Waste Management Ltd (Stephenson Halliday)	landfill: the County Council's approach to landfill provision is indicated at paragraph 14.10, where it is stated that it aims to ensure a 'close fit' between land allocations and capacity requirements (this approach is consistent with paragraph 38 of the Waste PPG), but trying to achieve too close a fit has the potential for under-provision for landfill capacity and the attendant implications for the economy of the County	Noted. However, paragraph 14.10 of the draft Plan says that proposals for excess capacity would only be discouraged if the Annual Monitoring Report and WNA reviews showed that waste minimisation and improved recycling is SHARPLY REDUCING the quantities of waste being landfilled (in comparison to the 2014 WNA model). Clarification of text in AMR and 2015 WNA review.

Comments on Policy DC1 Traffic and transport

ID	Consultee	Comment	Action
41	Mineral Products Association	DC1: supported	Noted.
50	Derwent Parish Council	DC1: supported	Noted.
59	Burlington Slate/Aggregates Ltd (Stephenson Halliday)	DC1: there is a potential tension between the wording of this policy and that of SP12 – the latter recognises that there are a host of reasons why the locations of developments may not accord strictly with the aim of minimising road miles, whilst the former does not. It is recommended that DC1 includes the environmental/sustainability and, for minerals, geological considerations that may over-ride the aims of reducing road miles	Not agreed – many of the policies involve balancing objectives, and providing all aspects in every policy is unnecessary and confusing.
33	Low Level Waste Repository Ltd	DC1: In bullet point c) include the words “ <i>where practicable</i> ” (see comment referencing paragraph 13.8).	Policy amended as suggested.

Comments on Policy DC2 General criteria

ID	Consultee	Comment	Action
3	Office for Nuclear Regulation	DC2: there is no specific reference to taking into consideration the potential for mineral and waste proposals to present an external hazard to nuclear licensed sites; It is requested that words similar to “the potential hazard that the proposal may present to a nuclear	Noted. However, the change requested is considered too specific, it is just one of many hazards and other constraints that would be considered during determination of a planning application. Text on

		site” are added to the policy.	hazards arising from other land uses has been added to paragraph 13.10 (old para 13.9).
17	Lake District Area Ramblers	DC2: support point c.	Noted.
20	New Hutton Parish Council	DC2 and M30: this policy seems to cover adequately the fact that the bridleway (right of way 559018) along the crest of Roan Edge would have to be diverted by the expansion of the quarry - however, diversion will harm the spectacular 360° views which are available at present.	Noted. Any planning application would need to consider whether the diversion of the Right of Way would be permanent or temporary, until the quarry is restored. However, as the contours would be reduced by the removal of the ridge line, the views from the bridleway would be very different as a result of the development whichever option was confirmed in the restoration scheme agreed between operator and planning authority. Landscape issues would be considered under policy DC18.
41	Mineral Products Association	DC2: Under item a., we are not aware of any requirement in national policy, guidance or regulation to agree in advance with the planning authority the scope of any assessments. It might be advisable to do so, but we believe it goes too far to insist in the development plan that it is done. We suggest that the text “the relevant scope of which have been agreed in advance with the planning authority,” is relegated to the supporting text as good practice.	Noted. However, the detailed discussion on what assessments may be relevant, would occur at scoping opinion or pre application stage. Paragraph 13.12 (old para 13.11) has been updated to clarify this.
50	Derwent Parish Council	DC2: Consultation with local communities should be a major criterion. However, we have issues with the criteria assessment mechanism used, which is judgement based rather than fixed measurable targets.	Noted. The Localism Act 2011, created an obligation on developers to publicise and consult local communities on certain applications. Article 15 of the Development Management Procedure Order requires Local Planning Authorities to undertake a formal period of public consultation, prior to deciding a planning application. Therefore, it is considered unnecessary to include a criterion for consultation in this policy.
51	Egremont Town Council	DC2: should include areas which don't have high populations and there is no mention of communicating with the public	It would not be appropriate to include ‘areas which don't have a high population’ as a development criterion, as each proposal is different – it may be wise to place HWRCs away from housing, but it wouldn't be good practice to place them in the middle of the countryside. The Localism Act 2011, created an obligation on developers to publicise and consult local communities

			on certain applications. Article 15 of the Development Management Procedure Order requires Local Planning Authorities to undertake a formal period of public consultation, prior to deciding a planning application. Therefore, it is considered unnecessary to include a criterion for consultation in this policy.
62	Friends of the Lake District	DC2: would like to see “landscapes” added to the first bullet of the considerations sections of this policy, so the sentence could read “ <i>the proximity of sensitive receptors, including impacts on <u>landscapes</u>, surrounding land uses and protected habitats and species</i> ”	Noted. Bullet point amended to read: “.....surrounding land uses, and protected habitats, species and landscapes;”

Comments on Policy DC3 Noise

ID	Consultee	Comment	Action
28	South Lakeland District Council	<p>DC3: the policy should commence with the requirement: “<i>Applications for new minerals and waste developments or extensions shall be accompanied by a noise assessment. This shall consider noise from the site itself and from road traffic associated with the development.</i>”</p> <p>The word ‘should’ should be replaced with ‘shall’.</p> <p>Where developments are required to operate on Sundays, public/Bank Holidays or at night, this should be agreed in writing with the Local Planning Authority and justification for the requirement provided. Where developments are required to operate on Sundays, public/Bank Holidays or at night, a limit of 42dB (A) LAeq 1 hour (free field) shall apply.</p>	<p>Noted. Rather than placing in the policy, supporting text has been added between policies DC2 and DC3 for clarification.</p> <p>Policy has been amended.</p> <p>Text on prior written permission has been added to new paragraph 13.15. Text on the Sunday/Bank Holiday/night limit has been added to the policy.</p>
41	Mineral Products Association	DC3: We believe this policy duplicates national guidance in PPG paras 027-019-022 and should be deleted in its entirety.	Noted. However, there is no requirement to avoid such duplication and the County Council consider the policy appropriate.
50	Derwent Parish Council	DC3: We are in agreement	Noted.
51	Egremont Town Council	DC3: We are in agreement	Noted.

59	Burlington Slate/ Aggregates Ltd (Stephenson Halliday)	DC3: this policy accords with the NPPF, is helpful and is supported	Noted.
62	Friends of the Lake District	DC3: would like to see “sensitive landscapes” added to the following sentence “ <i>Sunday, public/Bank holiday and night time working near to noise sensitive properties <u>and sensitive landscapes</u> should be avoided where practicable</i> ”. This is because people seeking recreation in open countryside should also be protected from disturbance by operations on Sundays and Public Holidays.	Noted. However, a recreational area and, for example footpaths, can be a sensitive receptor and are, therefore, already included.

Comments on Policy DC4 Quarry Blasting

ID	Consultee	Comment	Action
28	South Lakeland District Council	DC4: The proposed limit on ground vibration is more stringent than currently used in existing consents. The standard limits used (derived from BS7385) are a peak particle velocity of 6mm/second for 95% of blasts measured over any period of 6 months and no individual blast exceeding 12mm/second. Whilst a blanket limit of 6mm/second would be supported in order to protect residents, we are not aware of any change in guidance which would justify this lower limit and it could therefore be contested by applicants.	Noted. New paragraphs 13.16 to 13.18 explain the situation on quarry blasting in Cumbria, and the rationale behind the limit in the policy. No change to policy recommended.
41	Mineral Products Association	DC4: Although this policy contains no duplicate in national guidance it is written as a planning condition rather than a policy and redrafting needs to be considered.	Not agreed. New paragraphs 13.16 to 13.18 explain the situation on quarry blasting in Cumbria, and the rationale behind the policy. No change to policy recommended.
50	Derwent Parish Council	DC4: We are in agreement	Noted.
51	Egremont Town Council	DC34 We are in agreement	Noted.

Comments on Policy DC5 Dust

ID	Consultee	Comment	Action
41	Mineral Products Association	DC5: We believe this policy duplicates national guidance in PPG paras 027-023-032 and should be deleted in its entirety.	Not agreed. There is no requirement to avoid such duplication. However, some of the policy text has been moved into new paragraphs 13.19 to 13.22.
50	Derwent Parish Council	DC5: We are in agreement	Noted.
51	Egremont Town Council	DC5: We are in agreement	Noted.
62	Friends of the Lake District	DC5: We are in agreement	Noted.

Comments on Policy DC6 Cumulative environmental impacts

ID	Consultee	Comment	Action
36	Arnside & Silverdale AONB	DC6: support policy and the consideration of cumulative visual and landscape impacts, habitats and species, and cultural heritage impacts. This will be important for any proposals within the setting of the AONB.	Noted – no action required.
41	Mineral Products Association	DC6: Whilst this policy appears unexceptional, it does not allow the very valid point to be made that impacts, even cumulative impacts, of mineral proposals can be <u>positive</u> . We should like to see some recognition in the Plan that such impacts can and do occur, and how they will be set against any adverse impacts.	Noted. However, it should be evident from reading the preceding text along with the policy, that it is concerned only with adverse cumulative impacts – no action required.
50	Derwent Parish Council	DC6: We are in agreement	Noted – no action required.
51	Egremont Town Council	DC6: We are in agreement	Noted – no action required.
62	Friends of the Lake District	DC6: We are in agreement	Noted – no action required.

Comments on Policy DC7 Energy from waste

ID	Consultee	Comment	Action
50	Derwent Parish Council	DC7: We are in agreement	Noted – no action required.

51	Egremont Town Council	DC7: We are in agreement	Noted – no action required.
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Comments on Policy DC8 Renewable energy use and carbon reduction

ID	Consultee	Comment	Action
25	Scotts Miracle Gro Company (UK) Ltd	<p>DC8: we are supportive of the overall principle of this policy, but have comments in relation to some of the policy wording:</p> <ul style="list-style-type: none"> • clause b. should be reworded to say ‘do not adversely affect the operations of the application site to an unacceptable level, either individually or cumulatively, during either construction or operation.’ • the fourth bullet should include the word ‘significantly’ before the word ‘affect’ • the sixth bullet should be removed and therefore, the policy should not require the removal of renewable energy installations if the minerals and waste site becomes non-operational. The installation should only be removed at the expiry date of its planning permission (e.g. 25 years for wind turbines) unless the permission is specifically linked to the expiry date of the minerals or waste site permission. • the seventh bullet is too prescriptive and should be reworded to say ‘appropriate mitigation can be applied to address negative impacts and, if appropriate, demonstrate that such mitigation measures can be secured by Planning Conditions and Planning Obligations.’ 	<p>Policy updated in line with comment.</p> <p>Policy updated with ‘adversely’ rather than ‘significantly’.</p> <p>This bullet point has been amended for clarification, to refer to structures that are ancillary to the existing operations of the site.</p> <p>Policy updated in line with comment.</p>
36	Arnside & Silverdale AONB	DC8: the visual impact and the impact on the setting of the AONB must be considered in any proposal for wind turbines within minerals and waste sites.	Noted. This policy is not to be used in isolation; landscape and visual impact would be considered under policy DC18.
48	National Trust	DC8: Generally supported; however, para 13.25 – very correctly in our view – specifically states that renewable energy proposals should be compatible with the existing restoration scheme for the site; this requirement is not at present written into the Policy and it is requested that this is explicitly referred to at b), e.g.: <i>“do not adversely affect any operations of the application site, either individually or cumulatively, during either construction or operation, and are compatible with the approved restoration proposals</i>	Policy amended at criterion b in line with comments.

		<i>for the site</i> ".	
50	Derwent Parish Council	DC8: We are in agreement	Noted.
51	Egremont Town Council	DC8: the concerns of local residents should be taken into consideration, if they are impacted by such a installation	Any concerns that are material planning considerations will be taken into consideration.
59	Burlington Slate/ Aggregates Ltd (Stephenson Halliday)	DC8: this policy is welcomed and supported as a means of promoting the deployment of renewable energy schemes at locations that may have high energy demands	Noted.

Comments on Policy DC9 Criteria for waste management facilities

ID	Consultee	Comment	Action
25	Scotts Miracle Gro Company (UK) Ltd	<p>DC9: existing peat extraction sites can also be suitable for open windrow green waste composting and enclosed composting facilities and already have much of the necessary locational characteristics and infrastructure to undertake these operations - there are examples from around the country of sites where green waste composting is undertaken alongside existing peat extraction operations, successfully providing materials for the manufacture of sustainable growing media.</p> <p>In addition to open windrow composting at peat extraction sites, enclosed composting facilities can also be erected to further the number of materials that can be processed at the site and used for horticulture.</p> <p>Therefore, rows c. and d. of the table should be amended to include existing peat extraction sites as a suitable location for open windrow green waste composting and enclosed composting facilities.</p>	Rows c and d have been amended to show that existing peat extraction sites are a suitable location for open windrow green waste composting and enclosed composting facilities.
28	South Lakeland District Council	DC9: the Key Criteria "If no unacceptable impacts on housing, business uses or other sensitive land uses" should also be included for facility types e. and g.	Noted. However, the different criteria for e and g relate to an additional weighting for physical, chemical or biological waste treatment, and for waste water treatment, which is essential or reduces pollution of the environment in general. All developments would have to conform to other relevant policies in the Plan, and would not be permitted if there were unacceptable

			impacts that could not be mitigated.
33	Low Level Waste Repository Ltd	DC9: It is not clear whether Policy DC9 applies to radioactive waste management facilities. We would therefore suggest expanding it to include consideration of radioactive waste management facilities, for completeness.	Text has been added to paragraph 14.6, to explain that any relevant development control policy could be used to determine a radioactive waste proposal.
48	National Trust	DC9: Supported. A number of the activities identified in the left hand column could have particular adverse implications for environmental assets and it is therefore essential that the opening sentence relating to “conform to all other relevant policies in this Plan” is in place.	Noted. However opinion is divided amongst consultees as to whether this phrase should be in every policy or in none. New paragraph 2.25 clarifies that policies are not be used in isolation, but that they are a suite. In this case, the phrase has been removed from DC9 and placed in paragraph 14.7.
50	Derwent Parish Council	DC9: We have issue with the assessment criteria used. We are concerned that section e. provides for the disposal of chemical and biological waste in landfill sites.	The table in this policy describes the facility types for which a proposal may come forward and then indicates the type of locations where it is considered these facilities could be suitably sited, having taken regard of all other relevant policies in the Local Plan. The reference to landfill sites does not mean disposal in the landfill – rather an appropriate place to site a separate treatment plant for such wastes. There is a synergy in siting a physical, chemical or biological waste treatment facility at a non-inert landfill complex. Firstly, the leachate that is collected at a landfill needs treatment and secondly, oils and other solvents may require pre-treatment before their disposal in the landfill - so this could be an onsite facility. This is explained in new paragraph 14.8.
51	Egremont Town Council	DC9: agree	Noted.
62	Friends of the Lake District	DC9: the key criteria should all include “no adverse impacts on sensitive landscapes or biodiversity”	Noted. There are separate policies on landscape and biodiversity, which will be used to determine an application..

Comments on Policy DC10 Criteria for landfill and landraise

ID	Consultee	Comment	Action
50	Derwent Parish	DC10: We have issue with the assessment criteria used. However, we are in broad agreement with the criterion used.	Noted – no change required

	Council		
51	Egremont Town Council	DC10: A fair balance of the number should be taken into consideration, to ensure that it is only one part of Cumbria who carries this burden.	The planning system is limited to dealing with proposals received from the waste industry; however, a range of locations that provide a network and provision for all parts of the county would be welcomed. No change required.
62	Friends of the Lake District	DC10 Support	Noted – no change required

Comments on Policy DC11 Inert waste for agricultural improvement

ID	Consultee	Comment	Action
50	Derwent Parish Council	DC11: We are in agreement	Noted – no change required
51	Egremont Town Council	DC11: agree	Noted – no change required
62	Friends of the Lake District	DC11: This should include another bullet to ensure that importation of waste for agricultural improvement does not damage biodiversity or have an adverse impact on the landscape	Noted. However, this policy would not be used in isolation and there are separate policies on landscape and biodiversity. No change required.

Comments on Policy DC12 Criteria for non-energy minerals development

ID	Consultee	Comment	Action
14	Marshalls Natural Stone	DC12: policy generally supported	Noted.
41	Mineral Products Association	DC12: This policy needs to be reworded, since it does not do justice to the types of development that will arise in the Plan period. The Plan admits that a majority of current aggregate sites will come to the end of their planning permission within the plan period and, in order to maintain landbanks, such sites will need to be renewed. Yet such sites are relegated to a footnote. We should like to see the important part these sites will play in maintaining the landbank reflected in policy, by being specifically mentioned as a sub set of sites that will receive favourable consideration. We suggest the last bullet point is deleted, and the policy reordered along the following lines; insert new text as first paragraph.	The second paragraph of policy has been updated to clarify 'physical or time' extensions. However, the addition of a further bullet that would favour time extensions on aggregate sites, is considered unnecessary – this would be covered by points a. and/or b. in the policy.

		<p>“Proposals for aggregates as an extension of time to existing planning permissions will be permitted for their contribution to the landbank if they do not conflict with other policies in this Plan.”</p> <p>In addition, dimension stone quarries also appear to merit only a permissive reference in the last paragraph. We consider that this is too restrictive and references to local markets and heritage end uses should be deleted. Dimension stone operations should be allowed to expand and become established, in order to serve any potential market and use. The words after ‘quarries’ in the second bullet point should be deleted.</p>	<p>Dimension stone quarries are ‘specific minerals’, so are covered in point a. of the policy. The bullet point on building stones further down the policy, is geared towards the smaller, intermittently used quarries, which often have a niche market. For clarity, the order of these niche uses has been changed, and text has been added into new paragraph 15.4.</p>
48	National Trust	DC12: supported	Noted.
49	Cumbria Geo-Conservation	DC12: supported	Noted.
50	Derwent Parish Council	DC12: We have issue with the assessment criteria used. However we are in broad agreement with the criterion used.	Noted.
51	Egremont Town Council	DC12: agree	Noted.

Comments on Policy DC13 Criteria for energy minerals

ID	Consultee	Comment	Action
19	Dr Gordon Taylor	DC13: although it may be generally covered by the statement, there is no specific mention of Hydraulic Fracturing, nor the effects that such activities might have on the siting and management of any nuclear subsurface depositories.	Policy DC13 sub policy a) has been amended to say “at a location where it can be demonstrated that it will not have any unacceptable environmental impacts”. Whilst such policies can be included in the MWLP, the assessment of any evidence provided, whether this might affect any other land use, not just a GDF, would be the responsibility of statutory consultees, e.g. the Environment Agency and Health and Safety Executive, who have parallel regulatory responsibilities.
32	Allerdale Borough Council	DC13: This policy, and its supporting text, provides detailed guidance on the considerations County Council will take into account when assessing planning applications for energy minerals (including shale gas) at the exploration and appraisal phase and the commercial production stage. A strategic policy was not created as the County Council	The policy mechanism to deal with legislative or other changes is included in the monitoring framework; see chapter 17 and Appendix 3 of the MWLP.

		<p>considered that, as the direction for policy is set by national energy policy which may change over the Plan Period, especially when the understanding of High Pressure Hydraulic Fracturing (or 'Fracking') is still developing.</p> <p>It is considered that the national policy regarding energy minerals and the understanding of High Pressure Hydraulic Fracturing will evolve, develop and change of the Plan Period of the County Council's Minerals and Waste Local Plan. Therefore, it is considered that the County Council should have a policy mechanism in place to update the Council position on this matter in order to avoid creating a policy vacuum; this could either be in the form of a partial Local Plan review or the production of an energy minerals supplementary planning document.</p>	
50	Derwent Parish Council	<p>DC13: We have issue with the assessment criteria used.</p> <p>Clarification needed in Exploration and appraisal a. - what constitutes "acceptable environmental impact"</p> <p>In Commercial production d., we disagree that planning permission should be granted where there are "significantly adverse impacts on the environment and communities."</p>	<p>Noted; however, the criteria are based on national policy.</p> <p>This has been amended to read: ".....it will not have any unacceptable environmental impact". Unacceptable would be determined by consideration of a proposal against the full suite of environmental, economic and social policies.</p> <p>Planning policy and guidance requires that permission is granted where adverse impacts can be mitigated (i.e. do not occur as a result of mitigating measures) or can be suitably compensated in some circumstances, e.g. provision of an alternative habitat for biodiversity, or some provision under a S106.</p>
51	Egremont Town Council	DC13: agree	Noted.
57	Friends of the Earth	<p>DC13: suggested amendment in bold: "Proposals for energy minerals developments that conform to the Strategic and other Policies of this Local Plan will be supported subject to the following criteria:</p> <p>Exploration and appraisal Planning permission will be granted for proposals for exploration</p>	<p>Noted. However, it is considered that the existing policy is sufficient to ensure that the impact of unconventional energy mineral development is fully considered. A number of the suggested additions would, in fact, be considered when the whole suite of policies are used to determine any proposal – policy DC13 would not be used in isolation, so every criterion does not need to be</p>

		<p>and appraisal of oil and gas resources provided that:</p> <ul style="list-style-type: none"> a. the site and equipment is sited a location where it can be demonstrated that it will only have an acceptable environmental impact, including on communities' health, safety and amenity; and b. the proposal provides for appropriate baseline monitoring prior to commencement of development; and c. the timely restoration and subsequent aftercare of the site, whether or not oil or gas is found; d. it has been demonstrated beyond all reasonable scientific doubt that any risk of adverse impacts has been eliminated; and e. the proposal will not compromise the Council's duties in relation to climate change mitigation. <p>Commercial production Planning permission will be granted for proposals for commercial production of oil and gas, provided that:</p> <ul style="list-style-type: none"> a. a full appraisal programme for the oil or gas field has been completed; b. the proposed location is the most suitable, taking into account environmental, geological, and technical factors, the avoidance of protected areas, groundwater protection 	<p>repeated in every policy.</p> <p>It is likely that Government will decide that exploratory drilling will become Permitted Development, and this policy would have to be amended.</p> <p>The same comments apply to the suggested additions on commercial production, and coal applications.</p> <p>The County Council does not have the power to impose the suggested policy on UCG, as this would be contrary to national planning policy and guidance.</p>
		<ul style="list-style-type: none"> zones, sensitive water bodies and air quality management areas; and the impact on communities' health, safety and amenity is acceptable; c. the cumulative impacts of the development of the gas field and essential associated infrastructure have been assessed; and d. provision is made for mitigation or compensation for significantly—adverse impacts on the environment and communities; and e. it has been demonstrated beyond all reasonable scientific doubt that any risk of adverse impacts has been eliminated; and f. the proposal will not compromise the Council's duties in relation to climate change mitigation. 	

		<p>Combined planning applications for more than one phase will only be considered if all relevant information, including environmental information, to support the full extent of the application is provided.</p> <p>Underground Coal Gasification The criteria set out above in this policy, for exploration and appraisal and commercial production, will also apply to proposals for onshore surface works or ancillary development to support offshore Underground Coal Gasification (UCG). Where a UCG proposal follows a planning permission for coal extraction only, a separate planning application will be required for development related to UCG.</p> <p>Underground coal gasification is unproven technology and any proposal must demonstrate by appropriate evidence and assessment that reasonable scientific doubt can be excluded as to adverse impacts of the proposed development alone or in combination with other developments.</p> <p>Coal Planning applications for coal extraction will only be granted where;</p> <ul style="list-style-type: none"> • the proposal is environmentally acceptable; or • can be made so by planning conditions or obligations; or, if not • provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission • it has been demonstrated beyond all reasonable scientific doubt that any risk of adverse impacts has been eliminated; and • the proposal will not compromise the Council’s duties in relation to climate change mitigation. <p>For underground coal mining, potential impacts to be considered and mitigated for will include subsidence and the disposal of colliery spoil. Provision of sustainable transport will be encouraged, as will Coal Mine Methane capture and utilisation.”</p>	
62	Friends of the Lake District	DC13: concerned by the wording of DC13 Exploration and Appraisal a. What does “demonstrated that it will only have an	Headings within the policy have been amended for clarity; the current policy covers unconventional gas

		<p>acceptable environmental impact” actually mean? The wording needs to be made clearer. Should there be a policy specific to fracking?</p> <p>Object to coal extraction being included in energy minerals, as coal has significantly higher greenhouse gas emissions when burnt than gas or oil. If CCC were serious about reducing climate change gases, there would be a moratorium on coal extraction.</p>	<p>and it is considered this policy is appropriate. This point about ‘acceptable impact’ has been amended to read: “.....it will not have any unacceptable environmental impact”. Unacceptable would be determined by consideration of a proposal against the full suite of environmental, economic and social policies.</p> <p>Noted. However the criteria included apply equally to all such developments, even though the risks and methods of development may differ. The overall policy on energy is set by national government. NPPF and PPG do not enable mineral planning authorities to set such a moratorium.</p>
12	The Coal Authority	DC13: the policy and accompanying text should be clear in consistent use of the term ‘hydrocarbons’ – request policy heading changes to “Exploration and appraisal of <u>Hydrocarbons</u> ” and “Commercial production of Hydrocarbons”;	Policy headings have been amended.

Comments on Policy DC14 Review of Mineral Permissions

ID	Consultee	Comment	Action
18	Scotts Company (UK) Limited	DC14 and para 15.20: The planning authority makes a determination of the periodic review application, but section 96 applications are not determined in accordance with the development plan, contrary to what is stated in para 15.20 of the Local Plan. Conditions imposed must only satisfy the 'six tests' set out in NPPF, and discussed in more detail in PPG - para 15.20 and policy DC14 are, therefore, unnecessary and should be deleted from the Local Plan.	Policy DC14 has been amended and the preceding paragraphs have been updated to clarify the law and regulations on ROMPS.
25	Scotts Miracle Gro Company (UK) Ltd	DC14: we agree that restoration and after-use schemes should provide environmental enhancement against the baseline operational site, however, enhanced restoration and after-use schemes (i.e. against those prior to the review) should only be required where the council can demonstrate that the previously permitted schemes are not consistent with present day standards. It is not clear whether the final point refers to the enhancements	<p>DC 14 has been amended to read: “All applications for initial and periodic reviews of minerals permissions, should demonstrate that appropriate environmental and working standards will be achieved by:</p> <ul style="list-style-type: none"> • minimising impacts on the environment and communities; and

		provided by the schemes or to enhancement of the schemes themselves.	<ul style="list-style-type: none"> providing environmental enhancements through restoration and after-use schemes.”
41	Mineral Products Association	DC14: We believe this policy is misconceived and goes beyond national guidance. In particular, the tests of what can be legitimately imposed on a review are set out in PPG para 027-186. Among other things, this limits conditions to meeting the policy tests (PPG 21a-003 & 004) which not only covers what is necessary but also what is reasonable. The MPA accepts and welcomes the opportunity to upgrade old permissions to modern standards, and also places a high value on effective restoration, but each case should be treated on its merits. The policy as drafted is not sensitive enough to the particulars of each site. It may for example, not be necessary on review to upgrade restoration at all if the permitted scheme was already of a high standard. We suggest that CCC rethinks the policy to make it more flexible and realistic. As a guide policy DC16 parts b-d are better phrased in this respect.	Policy DC14 has been amended and the preceding paragraphs have been updated to clarify the law and regulations on ROMPS.
50	Derwent Parish Council	DC14: We are in agreement	Noted.
51	Egremont Town Council	DC14: agree	Noted.
62	Friends of the Lake District	DC14 Support	Noted.

Comments on Policy DC15 Minerals safeguarding

ID	Consultee	Comment	Action
12	The Coal Authority	DC15: the policy as presently worded gives no guidance to consultees, plan users or decision makers how the policy is to be implemented – it is unsound, as it gives no justification as to what proposals are or are not to be subject to the mineral sterilisation consideration - the approach of excluding allocated sites and urban areas from the remit of DC15 is considered contrary to NPPF, PPG and to the good practice advice.	Policy DC15 and its supporting text have been amended and now include the circumstances under which non-minerals development within the MSA would be permitted. However, it is not considered necessary to include the urban areas within the MSA. This is because mineral resources are extensive across Cumbria, and Districts should consider prior extraction when allocating sites in their Local Plans. In addition, it is unlikely that extraction would be acceptable in the urban

			environment; however, this does not prevent prior extraction from taking place within the urban area, should opportunities arise.
38	Lancashire County Council	There don't appear to be any policy criteria for the application of the minerals safeguarding areas: the only one appears to be DC15, which seeks to address prior extraction. There are no policy criteria addressing the issue of mineral sterilisation, of when incompatible development in a mineral safeguarding area will or will not be acceptable.	Policy DC15 and its supporting text have been amended and now include the circumstances under which non-minerals development within the MSA would be permitted.
40a	National Grid	<p>Further representation submitted on 3/7/15 following the announcement of the Proposed Route Corridor, which highlights continuing concerns about DC15.</p> <p>National Grid do not consider that Policy DC15 adequately deals with Mineral Safeguarding (which will be explored in more detail below), and secondly, the Council's Options Report does not consider or address the overall policy on Mineral Safeguarding; rather it provides an assessment of specific sites.</p> <p>National Grid's primary concern is that policy DC15 does not include standard provisions (where certain information can be demonstrated), which allow non-mineral development to be supported by MPAs in MSAs.</p> <p>Should CCC adopt Policy DC15 in its current format, it would appear that the policy will prevent non-mineral development from proceeding in MSAs, where standard mitigating factors/material planning considerations (widely accepted by other Mineral Authorities) could otherwise be considered and weighed in the planning balance.</p> <p>The NWCC Project would be contrary to the provisions of Policy DC15, as the Project would conflict with all safeguarded mineral categories, save gypsum, at various interactions along the length of the Proposed Route Corridor. Furthermore, prior extraction of minerals for the length of the NWCC Project would not be an economically viable option.</p> <p>Firstly, National Grid do not consider that Policy DC15 adequately deals with Mineral Safeguarding (which will be explored in more detail below), and secondly, the Council's Options Report does not consider or address the overall policy on Mineral Safeguarding;</p>	<p>Policy DC15 and its supporting text have been amended and now include the circumstances under which non-minerals development within the MSA would be permitted.</p> <p>It also includes a reference to the list of developments exempt from consideration under the safeguarding policy, which are set out in Table 15.1. This is in line with good practice set out by BGS in their guidance document "Mineral Safeguarding in England, 2011". It is considered that the amended policy would provide more certainty to developers, including those of major infrastructure.</p>

rather it provides an assessment of specific sites.
National Grid therefore urge CCC to incorporate additional provisions in the wording of Policy DC15, so the policy recognises the importance of safeguarding minerals, with reference to the Policies Map and then seeks to prescribe reasonable provisions which would allow non-mineral development to proceed.

National Grid therefore recommends Policy DC15 be re-worded as drafted below, which is consistent with similar policies adopted by other Minerals and Waste Authorities across the country, including Lancashire County Council.

PART A

Within the Plan area, Mineral Safeguarding Areas have been delineated on the Policies Map around all deposits of:

- sand and gravel;
- limestone;
- building stone;
- igneous rock;
- sandstone;
- shallow coal and fireclay; and
- gypsum.

The County Council will support applications for the mining and working of these minerals.

PART B

District Councils should consult the County Council on any planning applications they receive for non-minerals development, which fall within the boundary of a Minerals Consultation Area, and which would be likely to affect the winning and working of minerals. ~~Where a development site overlies or would sterilise mineral resources, their prior extraction will be permitted as long as it can be achieved:~~

- ~~a) without prejudicing the development, and~~
- ~~b) completed within a reasonable timescale, and~~
- ~~c) without unacceptable environmental impacts.~~

		<p>Within Mineral Safeguarding Areas identified on the Proposals Map, planning permission will not be supported for any form of development that is incompatible by reason of scale, proximity and permanence with working the minerals, unless the applicant can demonstrate to the satisfaction of the Local planning authority that one or more of the following apply:</p> <ul style="list-style-type: none"> <input type="checkbox"/> The mineral concerned is no longer of any economic value or potential value or has been fully extracted; or <input type="checkbox"/> The full extent of the mineral can be extracted satisfactorily prior to the incompatible development taking place; or <input type="checkbox"/> The incompatible development is of a temporary nature and can be completed and the site returned to its original condition prior to minerals being worked; or <input type="checkbox"/> There is an overarching need for the incompatible development that outweighs the need to avoid the sterilisation of the mineral resource; or <input type="checkbox"/> That prior extraction of minerals is not feasible due to the depth of the deposit; or <input type="checkbox"/> Extraction would lead to land stability problems 	
41	Mineral Products Association	<p>DC15: We consider this policy not to be in accordance with good practice. Mineral safeguarding is not only about prior extraction and, as previously mentioned, an MCA is not a safeguarding tool and not the same as an MSA. We suggest that CCC consider using the model DC policies found in the BGS guidance, which take account of proximal sterilisation, exemption criteria and mineral assessment requirements for developers. We suggest the following text instead of the existing policy,</p> <p>“Within or adjacent to Mineral Safeguarding Areas, non-mineral development, which would adversely affect the viability of exploiting the underlying or adjacent deposit in the future, will only be supported where it can be demonstrated that the:</p> <ol style="list-style-type: none"> 1. Underlying or adjacent mineral is of limited economic value; or 2. Need for the development outweighs the need to safeguard the mineral deposit; or 3. Non-mineral development can take place without preventing the mineral resource from being extracted in the future; or 4. Non-mineral development is temporary in nature; or 	<p>Policy DC15 has been revised in line with BGS guidance (Mineral Safeguarding in England, 2011). The MSA extends 250m beyond the resource (except for gypsum and secondary aggregates) to take account of potential sterilisation by proximal development. It is considered that 250m is sufficient for all mineral types, given modern extraction and blasting techniques. The boundary of the MSA and MCA are now the same, and Districts will be required to show the MCA on their Policies Map, to ensure consultation with the County on relevant applications.</p>

	<p>5. Non-mineral development is in accordance with an allocation in the Allocations Document or a Neighbourhood Development Plan; or</p> <p>6. The underlying or adjacent mineral deposit can be extracted prior to the non-mineral development proceeding, or prior extraction of the deposit is not possible; or</p> <p>7. The development is exempt as set out in accompanying exemption criteria.</p> <p>Applications for permission for non mineral development in a MSA must include an assessment of the effect of the proposed development on the mineral resource beneath or adjacent to the site of the development (termed a Mineral Assessment). This obliges an applicant to provide information with the planning application to demonstrate to the satisfaction of the Mineral Planning Authority that the mineral resource has been adequately considered.</p> <p>Exemption Criteria:</p> <ol style="list-style-type: none">1. applications for householder development;2. applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site;3. applications that are in accordance with the development plan where the plan took account of the prevention of unnecessary mineral sterilisation and determined that prior extraction should not be considered when development applications in a MSA came forward;4. applications for advertisement consent;5. applications for reserved matters including subsequent applications after outline consent has been granted;6. prior notifications (telecoms, forestry, agriculture, demolition);7. Certificates of Lawfulness of Existing Use or Development (CLEUD) and Certificates of Lawfulness of Proposed Use or Development (CLOPUD);8. applications for works to trees;9. applications for temporary planning permission.“10. development types already specified in a DPD as exempt from	
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		the need for consideration on safeguarding grounds.	
50	Derwent Parish Council	DC15: Clarification needed on what constitutes “unacceptable environmental impacts.”	“Unacceptable” would be determined by consideration of a proposal against the full suite of environmental, economic and social policies. The MWLP policies conform to national legislation, policy and guidance, which set limits on a range of impacts, such as noise and dust.
51	Egremont Town Council	DC15: agree	Noted.
59	Burlington Slate/ Aggregates Ltd (Stephenson Halliday)	DC15: the addition of a 250m buffer for MSA’s is considered a sensible tool for safeguarding purposes and for avoiding conflict between quarries and other potentially sensitive land uses – this provision is supported	Noted.

Comments on Policy DC16 Biodiversity and geodiversity

ID	Consultee	Comment	Action
41	Mineral Products Association	DC16: This policy needs some redrafting because it appears to be illogical. The policy covers both new development and existing development that is being renewed. It also covers not only designated assets but also functional ecological and green infrastructure networks. However, criterion a. requires consideration of the need for, and benefits of, the development and the reasons for locating the development in its proposed location and alternatives. Applied to an existing site, this is nonsense. If the policy were restricted to designated assets then it would make more sense, but because it applies to almost all ecological assets of whatever value, it aims to do too much. We suggest that consideration is given to redrafting so that it applies more evenly and is clearly limited to assets of recognised and designated importance.	Noted. It is considered appropriate to apply the policy to both new and existing developments. International, European and national designations of environmental assets change; for example, the designation of two more Marine Conservation Zones off the Cumbrian coast in 2016. NPPF paragraph 9 seeks positive improvements to the quality of the built, natural and historic environment, not just designated national assets. No change recommended.
48	National Trust	DC16: supported	Noted - no change required
49	Cumbria Geo-Conservation	DC16: supported	Noted - no change required
50	Derwent Parish	DC16: We are in agreement	Noted - no change required

	Council		
51	Egremont Town Council	DC16: agree	Noted - no change required
62	Friends of the Lake District	DC16: supported	Noted - no change required

Comments on Policy DC17 Historic Environment

ID	Consultee	Comment	Action
16	Historic England	<p>DC17: in terms of development management policies, it is clear that the NPPF expects plans to include detailed polices, which will enable a decision maker to determine a planning application.</p> <p>paragraph 1 – this policy does not accord with the requirements of the NPPF as it allows harm to the significance of a heritage asset and its setting where it can be conserved in situ.</p> <p>paragraph 2 - this policy does not accord with the requirements of the NPPF as it allows harm to the significance of a heritage asset and its setting where it can be conserved in situ. It also states that where conservation in situ can be achieved that there is no need to demonstrate that there are any public benefits to justify the harm.</p> <p>paragraph 3 – it is unclear how this relates to the previous two paragraphs and why there is a need to group individual assets together here. Harm to heritage assets is covered under the previous two paragraphs (subject to the suggested amendments) and therefore there is no need to repeat here. It is suggested that this paragraph should be deleted and replaced with one that covers Hadrian’s Wall and a separate one on conservation areas and as these are both subject to difference requirements.</p> <p>paragraph 4 – this needs to make reference to setting.</p> <p>paragraph 5 – this needs to state that where harm is justified and that the public benefits can be demonstrated then the recording of the asset will be expected. Reference should also be made to setting.</p> <p>paragraph 6 - this should include reference to setting.</p>	<p>Paragraphs 1 and 2 have been combined. Reference to conserved in situ has been removed and the following text added at the end of the paragraph: “...in cases of less than substantial harm to the significance of assets, or substantial public benefits, in cases of substantial harm to the significance of assets.”</p> <p>Consideration was given to removing this paragraph, as all assets are mentioned in Boxes 8.1 and 8.1, but after discussion with the Historic Environment Team, it was decided to retain it.</p> <p>Added. Reference to recording is already in the paragraph. Added ‘setting’ to text.</p> <p>Added.</p>
48	National Trust	DC17: supported	Noted.

50	Derwent Parish Council	DC17: We are in agreement	Noted.
51	Egremont Town Council	DC17: agree	Noted.
59	Burlington Slate/Aggregates Ltd (Stephenson Halliday)	DC17: this policy is unclear and does not seem to accord with national policy, and fails to reflect the distinction between impacts of 'substantial' and 'less than substantial' harm, so redraft is recommended in line with NPPF. The indication that the amount of information required for a heritage assessment would be proportionate to the asset's significance and scale of development impact, is welcomed	The policy has been amended to better reflect the requirements set out in the NNPf, paragraph 132.
62	Friends of the Lake District	DC17: supported.	Noted.

Comments on Policy DC18 Landscape and Visual Impact

ID	Consultee	Comment	Action
30	Lake District National Park Authority	We welcome draft policy DC18, which includes criteria aimed at preventing significant adverse impacts on the principal local characteristics of the landscape including views from, and the setting of, National Parks. DC18: Hadrian's Wall was made a World Heritage Site in 1987 in recognition of its historical and cultural importance, and is also one of the most dramatic features of the landscape of Northern England. Given its importance in the landscape, we suggest you also include a reference to World Heritage Sites within this policy.	Noted. Text added to point f of the policy.
36	Arnside & Silverdale AONB	DC18: welcome policy and the reference to 'views from, and the setting of, AONBs'.	Noted.
44	Kingmoor Park Properties Ltd	DC18: It is recommended that the wording of criterion a) is reworded to state 'Seek to avoid significant adverse impacts...'. This should be carried through to criterion d) as well, simply to ensure that there a degree of flexibility in the policy, to ensure a balancing exercise can be carried out if necessary.	It is considered that 'seeking to avoid' is meaningless and that consideration of 'significant adverse' impacts still provides flexibility. 'Significant' has been added to point d.
48	National Trust	DC18: Generally supported, but at f) it is noted that for many our nationally important landscapes it is not only the views from them	Text updated in line with comment.

		but also to them that are significant – this is, for example, especially true of many views from the Cumbrian Coast in to the National Park, or along the coast towards the St Bees Head Heritage Coast. Accordingly it is requested that the wording is amended as follows: <i>“...prevent significant adverse impacts on the principal local characteristics of the landscape including views to and from, and the setting of, Areas of Outstanding Natural Beauty, the Heritage Coast or National Parks”.</i>	
50	Derwent Parish Council	DC18: We are in agreement	Noted.
51	Egremont Town Council	DC18: agree	Noted.
59	Burlington Slate/ Aggregates Ltd (Stephenson Halliday)	DC18: criterion d. of this policy requires that development proposals avoid adverse visual impacts, but all minerals and waste developments would have visual impacts, few would not be considered adverse, so all developments would be contrary to this policy It is suggested that the policy is reworded to indicate that visual impact would be considered as one component in the balance of considerations in determining applications	The text has been amended to read: “.....proposals avoid significant adverse visual impacts.....”
62	Friends of the Lake District	DC18: supported	Noted.

Comments on Policy DC19 Flood Risk

ID	Consultee	Comment	Action
41	Mineral Products Association	DC19: We object to this policy which requires the sequential test to be applied to all mineral developments contrary to NPPG para 7-018. PPG makes the point that the test should be applied to waste development and if possible to minerals acknowledging that certain types of mineral development are water compatible and minerals can only be worked where they occur. We therefore request a change to the policy that omits minerals from the sequential test in the first sentence, and makes it subject to site specific FRA. In addition, you could add that where appropriate, developers of mineral workings should take in to consideration the sequential	The bullet points have been moved from the policy and into Table 16.1, which sets out the vulnerability of minerals and waste developments and their compatibility with flood zones. Further amendments have been made to the policy text, in order to clarify the guidance on flood risk set out in PPG.

		approach in the siting of ancillary development and the design of phasing of working.	
50	Derwent Parish Council	DC19: We are in agreement; however, there are some comments with regard to the Strategic Flood Risk Assessment.	Noted.
51	Egremont Town Council	DC19: agree	Noted.

Comments on Policy DC20 The water environment

ID	Consultee	Comment	Action
19	Dr Gordon Taylor	DC20: no indication who deals with any problems caused by contamination of water aquifers and ground water from road salting activities	Noted. However, road salting is not regulated by the planning system and, therefore, is not a matter for the Local Plan
20	New Hutton Parish Council	<p>SP14 and DC20: the Parish Council agrees with the fundamentally important policy SP14.</p> <p>SP17 and DC20: policy SP17 identifies the County Council as the organisation that monitors and enforces planning control, however, there is no mention of the frequency of monitoring or its nature, such as whether CCC itself actively monitors or whether it relies on local people and parish councils. New Hutton Parish Council has in the past reported pollution in the tributary flowing from Roan Edge Quarry to Hutton Park resulting in it being silted up and discoloured, especially in dry weather. This could have a detrimental effect on rare species in St Sunday's Beck such as crayfish. Frequent monitoring of tributaries on the eastern side of the ridge flowing into Killington reservoir will also be needed. The Parish Council suggests that the wording of the policy to do with monitoring should be strengthened with regard to its frequency and how it is done.</p>	<p>Noted.</p> <p>The County Council has a duty to monitor for any breaches of the <u>conditions</u> that are associated with a planning permission; for example, the height of spoil heaps, the sheeting of lorries, etc. The type of monitoring set out in the Parish Council's comment could be relevant if it were required in a condition of the planning permission. Where the Environment Agency (EA) judged such testing to be necessary, they would request the planning authority to place such a condition on the permission, but they also have their own controls on any discharges of water into water courses and make monitoring visits to quarries and conduct tests on watercourses potentially affected.</p> <p>The important issue will be to make sure that baseline monitoring is required before the development commences, so that any impacts can be demonstrated, and this is also a matter for conditions rather than the enforcement policy.</p>
28	South Lakeland District Council	DC20: There is no specific mention in the Plan of the potential impact on private water supplies, this should be remedied - there are over 1,900 private water supplies within South Lakeland District (around 4,000 supplies serving 30,000+properties county-wide)	Reference to 'private water supplies' has been added to the policy.

		<p>serving domestic, commercial, agricultural and industrial properties. These supplies are often to properties too remote to be serviced by mains water and whose supplies are maintained at the consumers' expense and regulated by the Local Authority. Due to modern appliances and increased water usage these supplies are often affected by dry weather and may be on the verge of being insufficient in terms of quantity.</p>	
50	Derwent Parish Council	<p>DC20: Clarification needed on what constitutes "unacceptable quantitative or qualitative adverse effects"</p>	<p>"Unacceptable" would be determined by consideration of a proposal against the full suite of environmental, economic and social policies. The MWLP policies conform to national legislation, policy and guidance, which set limits on a range of impacts, such as water quality. Clarification on the role played by the Regulator, has been added to para 16.32.</p>
51	Egremont Town Council	<p>DC20: agree</p>	<p>Noted.</p>
61	United Utilities	<p>DC20: support the inclusion of a policy that seeks to ensure developments have no adverse impact on the water environment, but would suggest the inclusion of the following text (italic) to the body of the policy, as a principle that the Local Plan will apply:</p> <p><i>"Surface water should be discharged in the following order of priority:</i></p> <ol style="list-style-type: none"> <i>1. An adequate soakaway or some other form of infiltration system.</i> <i>2. An attenuated discharge to watercourse.</i> <i>3. An attenuated discharge to public surface water sewer.</i> <i>4. An attenuated discharge to public combined sewer.</i> <p><i>Applicants wishing to discharge to public sewer will need to submit clear evidence demonstrating why alternative options are not available. Approved development proposals will be expected to be supplemented by appropriate maintenance and management regimes for surface water drainage schemes. On large sites it may be necessary to ensure the drainage proposals are part of a wider, holistic strategy which coordinates the approach to drainage</i></p>	<p>It is not agreed that the suggested text be inserted into the policy, as it is far too detailed. However, text has been added into the paragraphs preceding policy DC19, which is more closely related to the comments.</p> <p>- new paragraph 16.27</p> <p>- new paragraphs 16.28 and 16.29</p>

		<p><i>between phases, between developers, and over a number of years of construction. On greenfield sites, applicants will be expected to demonstrate that the current natural discharge solution from a site is at least mimicked. On previously developed land, applicants should target a reduction of surface water discharge.</i></p> <p><i>Landscaping proposals should consider what contribution the landscaping of a site can make to reducing surface water discharge. This can include hard and soft landscaping such as permeable surfaces. The treatment and processing of surface water is not a sustainable solution. Surface water should be managed at source and not transferred. Every option should be investigated before discharging surface water into a public sewerage network. A discharge to groundwater or watercourse may require the consent of the Environment Agency.”</i></p>	- new paragraph 16.30
62	Friends of the Lake District	DC20: supported	Noted.

Comments on Policy DC21 Protection of soil resources

ID	Consultee	Comment	Action
39	Natural England	<p>DC21: In the light of our comments on the previous earlier Policy DC18, we welcome and support the proposed revised wording of Policy DC21, to include the additional requirement for proposals for minerals and waste development to demonstrate that “the long-term potential of Best and Most Versatile agricultural land will be safeguarded.”</p> <p>Taken together with the other criteria of Policy DC21, this would offer an appropriate level of protection for soil resources and high quality land, meeting the requirements for sustainable minerals development set out in the NPPF and current Minerals Planning Practice Guidance.</p>	Noted – no change required
50	Derwent Parish Council	DC21: We are in agreement	Noted - no change required
51	Egremont Town Council	DC21: agree	Noted - no change required
62	Friends of the Lake District	DC21: supported	Noted - no change required

Comments on Policy DC22 Restoration and afteruse

ID	Consultee	Comment	Action
12	The Coal Authority	DC22: support this policy, particularly in relation to ensuring that restored mineral workings pose no future instability risks.	Noted.
17	Lake District Area Ramblers	DC22: support afteruses that increase public access, leisure and recreation;	Noted.
18	Scotts Company (UK) Limited	<p>DC22: it is not acceptable to dictate that Solway Moss should only be restored to “peat regeneration” (however undefined) as it is a very large extraction site, capable of a variety of afteruses, such as a windfarm (9 turbines) - the following revised policy is suggested-<i>“Proposals for minerals extraction, or for temporary waste facilities such as landfill, should be accompanied by detailed proposals for restoration, including proposals for appropriate afteruse, financial provision and long term management, where necessary. Restoration schemes must demonstrate that the land is stable and that the risk of future collapse of any mine workings has been minimised.</i></p> <p><i>After-uses that enhance biodiversity and the environment, conserve soil resources, conserve and enhance the historic environment, increase public access, minimise the impacts of global warming and are appropriate for the landscape character of the area, will be encouraged. These could include: nature conservation, agriculture, leisure and recreation, green infrastructure and woodland.</i></p> <p><i>Where sites accord with other policies in the Plan, an alternative or mixed afteruse that would support long term management, farm diversification, renewable energy schemes, tourism or employment land, may be acceptable.</i></p> <p><i>All proposals must demonstrate that for:</i></p> <p><i>a. for agriculture, forestry, nature conservation and amenity afteruses, there is aftercare management for at least 5 years;</i></p> <p><i>b. the restoration is appropriate for the landscape character and wildlife interest of the area. Measures to protect, restore or</i></p>	<p>Noted. The suggested changes to policy DC22 are not agreed; however, alternative amendments have been made to the policy to remove the blanket requirement for detailed restoration proposals with all applications, as this is contrary to PPG chapter 27 Minerals, paragraph 040.</p> <p>With respect to the policy as written, in part a) it is considered that it reflects NPPF para 109 and also para 114.</p> <p>With respect to b), PPG chapter 27, para 52 states that the mineral planning authority cannot require any steps to be taken after the end of a 5-year aftercare period <u>without the agreement of the mineral operator</u>; therefore deletion is not considered necessary.</p> <p>With respect to c), the policy is aimed at minimising greenhouse gas emissions from peat extraction sites and re-commencing carbon sequestration following restoration; this is consistent with PPG chapter 6, paragraph 003.</p> <p>The last phrase of policy DC22 has been amended to read: “Once peat workings have become non-operational, they should be restored to peat regeneration wherever feasible, using best practicable measures. Where such re-generation is not demonstrably feasible, the detailed restoration scheme should minimise carbon loss and maximise both habitat</p>

		<p><i>enhance biodiversity and geodiversity conservation features must be: practical, high quality and are safeguarded for the longer term;</i></p> <p><i>c. restoration will be completed within a reasonable timescale and is progressive as far as practicable;</i></p> <p><i>d. funding for the agreed restoration, aftercare and afteruse will be made during the operational life of the site;</i></p> <p><i>e. restoration will be undertaken using industry best practice"</i></p>	<p>re-creation and carbon sequestration capacity across the site.”</p> <p>For clarity, reference to national guidance has been added to the text preceding the policy.</p>
25	Scotts Miracle Gro Company (UK) Ltd	DC22: we support the acknowledgement that alternative or mixed afteruse may be acceptable where it accords with other policies in the Plan.	Noted.
36	Arnside & Silverdale AONB	DC22: welcome policy and reference to after-uses being ‘appropriate for the landscape character of the area’.	Noted.
39	Natural England	<p>DC22: Likewise, we welcome and support the proposed changes to former Policy DC19 to reflect our earlier comments that this policy could be improved by encouraging the inclusion of green infrastructure into the Plan and in any proposed development. This approach can be especially appropriate to minerals reclamation schemes, where the temporary nature of development may offer exceptional “blank canvas” opportunities for the creation of biodiversity and amenity after uses in situations where these did not exist prior to site working – and on a scale rarely practicable or affordable on undisturbed land.</p> <p>(Natural England is pleased to note that these aims are also reiterated in the linked Policy SP14: Environmental assets). However, as implied elsewhere in Policy DC22, such proposals also need to be rigorously examined to ensure that they are practicable, adequately funded and compatible with neighbouring land uses.</p> <p>As a further minor comment on Policy DC22, we would suggest that Criterion (e) might usefully be re-worded “restoration and aftercare (or reclamation) will be undertaken using industry best practice.</p> <p>This would emphasise the point that the highest practicable standards should be maintained during the post restoration management of the land.</p>	Point (e) amended in line with comment.

49	Cumbria Geo-Conservation	DC22: Supported. In the second sentence please insert 'geodiversity', and also in the 2 nd paragraph	Policy DC22 updated.
50	Derwent Parish Council	DC22: We are in agreement	Noted.
51	Egremont Town Council	DC22: agree though consideration of the local community needs to be taken into consideration	Noted.
62	Friends of the Lake District	DC22: supported	Noted.

Part 3 Site Allocations Policy

General Comments on Site Allocations Policies

ID	Consultee	Comment	Action
22	Health & Safety Executive	<p>we have concluded that there is potential for land allocated in the Plan to encroach on HSE consultation zones</p> <p>Major Hazard Installations – AL3, AL18, AL32, AL38, BA26, CA11, CO32, CO36, M12</p> <p>Major Accident Hazard Pipeline – M8, M12, M36</p> <p>these are brought to your attention so that you can assess the actual extent of any incompatibility – it is recommended that the relevant HSE consultation zones are depicted on a map with your site allocations</p>	<p>Noted. The Council receives notification of all HSE Major Hazard Sites and Pipelines, which are uploaded to GIS. Whilst assessing each allocated site, all constraints, including those from HSE are considered and detailed in the Site Assessment document – the currency of HSE data on GIS will be checked and updated as necessary.</p> <p>Airfield Technical Site Safeguarding and MoD Technical Sites are shown on Policy Map Part 6; HSE safeguarding areas have been added.</p>
29	Environment Agency	<p>Paragraph 18.9: we consider it important that not just LA-LLW be diverted away from highly engineered facilities at the LLWR, but also HA-LLW as defined in Part 1, where that waste can be safely managed in accordance with regulatory criteria at other sites and the option is demonstrated to be optimal and the BAT.</p> <p>Paragraph 18.15: We are aware that the disposal of lower activity LLW within the capping layers and profiling materials is something that LLWR Ltd is considering. We wish to clarify that at this point in time LLWR Ltd has not addressed this possibility within their environmental safety case, nor submitted any assessments related to this to the Environment Agency. Should LLWR Ltd wish</p>	<p>Reference to 'low activity' has been removed.</p> <p>The existing reference in the paragraph to the Environmental Permit needing amendment, if this course is pursued, has been amended to the ESC.</p>

		<p>to pursue this possibility we will require the environmental safety case to be updated, along with any associated waste acceptance criteria, to demonstrate that such disposals will be safe and meet all relevant regulatory criteria detailed within our guidance. For clarity we note that this proposal may not necessarily require a variation to the environmental permit which will already require an environmental safety case and appropriate waste acceptance criteria to be in place for any proposed disposals by burial.</p>	
39	Natural England	<p>Site allocations: In the Proposed Site Allocations Reports for each County District, reference is made to likelihood that this is Best and Most Versatile land being identified within these boundaries if an Agricultural Land Classification survey was carried out at a detailed level (e.g. Eden District; Preferred Area 18: Stamphill). In the Stamphill example, we note that the Preferred Area has been considered against all Relevant Sustainability Appraisal (SA) Objectives; including NR3 “to restore and protect land and soil.” As it is further stated that “in order to avoid the loss of valuable BMV land, impacts on the soil environment will be minimised through effective implementation of the Strategic and Development Control Policies,” we assume Policy DC21 (Protection of soil resources) would be the principal policy to apply in this context.</p> <p>However, while Natural England is pleased that the County Council has found it helpful to refer to the “Strategic” Agricultural Land Classification (ALC) Map for the County (as attached to our e-mail dated 21 December 2012), we would wish to reiterate that the information shown is indicative only and should not be solely relied upon for definitive site selection or for site-specific planning applications.</p> <p>Hence, in order to effectively apply Policy DC21, we would advise that the Council should require prospective developers of allocated sites or preferred areas to ensure that sufficient site specific Agricultural Land Classification (ALC) survey data was available to inform decision making. For example, where no reliable information was available, we would expect that a new detailed ALC survey* should be provided, together with proposals for mitigating any adverse impacts on soil resources or the</p>	<p>This comment relates to the Site Assessments document, not the Local Plan. The Site Assessments are intended to show all potential constraints to a development in one place, for easy reference by the developer, the Development Control Team, etc. Therefore, rather than amend the Site Assessments document, it is considered more appropriate to add text that reflects the comments to paragraph 16.44 (old para 16.28).</p>

		irreversible loss of high quality land. (* As specified in the 1988 MAFF/Defra publication Agricultural Land Classification of England and Wales - revised guidelines and criteria for grading the quality of agricultural land).	
40	National Grid	Site allocations: the following sites could potentially interact with the route of the emerging preference – M5, M12, M15, M34, CO32, CO36.	Noted – ongoing dialogue with North West Coastal Connections project will be maintained
42	Woodland Trust	The Trust objects to the sites below, until the two areas of ancient woodland in question are suitably buffered from the proposed quarry extensions: M15 Peel Place Quarry M17 Ghyll Scaur Quarry	Noted, however, no changes proposed. The identification of an Area of Search does not guarantee that a planning permission will be granted if an application is submitted. The Site Assessment document details, amongst many other constraints to be considered, the Addyhouse and Cragfield Ancient Woodlands at these sites.
45	Sellafield Ltd	<p>Para 18.7: We note there are additional capabilities for the management of LLW on the Sellafield site, including metal recycling, sorting/segregation, decontamination and bag monitoring.</p> <p>Para 18.14: Our understanding is that with additional vault construction, LLWR are more confident that there will be sufficient LLW disposal capacity.</p> <p>Para 18.18: We would anticipate that additional LLW disposal capability will be developed near to site during the plan period.</p> <p>Para 18.22: Whilst any capabilities might not be commissioned until nearer the end of the plan we would expect the planning to be initiated within the next few years. A more detailed scoping study addressing CLESA 2 will commence during FY17.</p>	<p>Text added to reflect the comment.</p> <p>Text amended to reflect the comment.</p> <p>Text amended to reflect the comment.</p> <p>Text amended to reflect the comment.</p>
46	Nuclear Decommissioning Authority	<p>Para 18.7: It states in this section that the Lillyhall landfill can accept the full range of wastes whereas it is not permitted to accept hazardous wastes other than asbestos, also for LLWR it just mentions that waste is in storage and does not mention that everything up to vault 8 is disposed.</p> <p>Para 18.13: CLESA was primarily designed to accept some</p>	<p>Text regarding hazardous waste amended; text regarding former disposals at the LLWR is already set out elsewhere.</p> <p>Text amended.</p>

		<p>wastes which cannot go to the LLWR, and operates to specific radionuclide limits and the waste input is managed to ensure that capacity is available for putrescible wastes. For wastes not sent to CLESA or LLW the application of BAT would apply and therefore there is no need to mention other facilities specifically by name.</p> <p>Para 18.14: LLWR's capacity to meet future national needs will be dependent on the successful diversion of suitable wastes from disposal to the repository.</p> <p>Para 18.17: Change name of CLESA-2 to a future on or near site disposal facility.</p> <p>Para 18.20: Why limit the land to the east of Sellafield to LA-LLW activities only? Same comment applies to Policy SAP3</p>	<p>Noted – no change required.</p> <p>Text amended.</p> <p>Restrictions on radioactive waste levels removed from paragraph and policy.</p>
50	Derwent Parish Council	<p>chapter 19: It would be more helpful to overlay the Part 4-Environmental Designations map onto the individual Proposed Sites maps for ease in seeing how near or far, or how proportionate the proposed site areas are (including safeguarding areas) when comparing with the nearest Nature Conservation areas.</p>	<p>The site allocations are marked on each Part of the Policies Map, so that all constraints can be seen. As there are so many constraints, it would not be possible to show them all on each site plan. It is recognised that there is some difficulty in reading hard copy of the Policies Map, but there is a zoom facility on the digital copy.</p>
59	Burlington Slate/Aggregates Ltd (Stephenson Halliday)	<p>Kirkby Slate Quarry: support the allocation of an Area of Search at this quarry and also the safeguarding of the Wray Castle slate formation – request a slight change to the AofS delineation on the map.</p> <p>Roose Sand Quarry: request the allocation of a Preferred Area to the south of the existing quarry, whilst retaining the current allocation (M12) as an Area of Search.</p> <p>Goldmire Limestone Quarry: request the allocation of an Area of Search to the south of the existing quarry</p>	<p>These three sites were subject to a Supplementary Sites consultation in October/November 2015. As a result, it was decided that:</p> <ul style="list-style-type: none"> - it was not necessary to amend the boundary of Kirkby Slate Quarry - a Preferred Area was allocated to the south of Roose Sand Quarry, whilst the former Preferred Area to the east was amended to an Area of Search - it was not necessary to allocate an Area of Search for limestone at Goldmire Quarry.
61	United Utilities	<p>BA10: Near Greenhaume, may have to be pumped up to Greenhaume Pumping Station? Greenfield site. Further information required.</p>	<p>Noted. No changes proposed – this site is not allocated in the Plan.</p>

		<p>BA23: No shape file? Near Thwaite flat? Location and details need to be confirmed.</p> <p>BA26: Is likely to require draining to Harbour yard. Brownfield site.</p> <p>M5: Is likely to drain to Greenscoe WWTW</p> <p>M12: North east of Barrow WWTW. Greenfield site</p> <p>M14: Greenfield site. Potentially drain to Chapels, Kirkby. Quarry has Surface Water pumps? Needs confirming.</p> <p>M16: Greenfield site. Location of nearest sewer needs confirming as may be a remote site.</p> <p>M30: No shape file? Location of nearest sewer needs confirming as may be a remote site.</p> <p>M36 and M38: Further information is required</p> <p>SL1: Likely brownfield site is already connected to sewer in Greenside. No history of flooding on site</p>	<p>Noted. No changes proposed – this site is not allocated in the Plan.</p> <p>Noted. No changes proposed – this site is allocated only to safeguard the wharf and rail facilities.</p> <p>Comment added to Site Assessment document.</p> <p>Comment added to Site Assessment document.</p> <p>Comment added to Site Assessment document</p> <p>Comment added to Site Assessment document</p> <p>Comment added to Site Assessment document</p> <p>Noted. No changes proposed – these sites allocated only to safeguard the rail facilities</p> <p>Comment added to Site Assessment document</p>
66	Cumbria Waste Management Ltd/Lakeland Waste Management (Stephenson Halliday)	<p>Hespin Wood waste management park: seek the allocation of this site for</p> <ol style="list-style-type: none"> expansion of composting or MRF areas (area 3 and 4? on submitted plan) Energy from Waste plant to utilise co-located MBTs RDF and/or predicted rising need for C&I waste (area 2 on plan) installation of solar panels to generate electricity(area 5 and 1) <p>- support for a landfill (Area 1) time extension to be included as an allocation.</p>	<p>This site was subject to a Supplementary Sites consultation in October/November 2015. As a result, it was decided that:</p> <ul style="list-style-type: none"> - it was not necessary to identify the site for any allocation proposed - the site could not be supported for a time extension to the landfill operations, as this would amount to pre-determination of a planning application.
66	Cumbria Waste Management Ltd/Lakeland	<p>Seeks the allocation of 3 sites on or near the Flusco site for:</p> <ol style="list-style-type: none"> increased area for waste management/treatment (area 1) new area for inert waste recycling , (area 2). 	<p>This site was subject to a Supplementary Sites consultation in October/November 2015. As a result, it was decided that:</p>

	Waste Management (Stephenson Halliday)	c) installation of solar panels to generate electricity on the whole permitted area (area 3)	- it was not necessary to identify the site for any allocation proposed
66	Cumbria Waste Management Ltd/Lakeland Waste Management (Stephenson Halliday)	South Walney: seek the allocation of this former landfill site for - installation of solar panels to generate electricity	This site was withdrawn before being subject to a Supplementary Sites consultation in October/November 2015, because the site was already restored following its former use as landfill and any proposal would be determined by the District Council.
66	Cumbria Waste Management Ltd/Lakeland Waste Management (Stephenson Halliday)	Distington: seek the allocation of this former landfill site for - increased area for waste management/treatment - installation of solar panels to generate electricity	This site was subject to a Supplementary Sites consultation in October/November 2015. As a result, it was decided that: - it was not necessary to identify the site for any allocation proposed
67	Lakeland Minerals Kirkhouse (Stephenson Halliday)	seek the allocation of this site for a) an Area of Search for an extension to sand extraction b) inert landfill c) processing inert wastes to produce a secondary aggregate	This site was subject to a Supplementary Sites consultation in October/November 2015. As a result, it was decided that: - it was appropriate to allocate an Area of Search for sand - it was not necessary to identify the site for any other allocation proposed
68	Lakeland Minerals Blencowe (Stephenson Halliday)	seeks the allocation of this site for - an Area of Search for limestone (to replace the reserves currently being extracted at Flusco for concrete production, but which are likely to be exhausted by 2023/4)	This site was subject to a Supplementary Sites consultation in October/November 2015. As a result, it was decided that: - it was not necessary to identify the site for allocation of an Area of Search
71	L&W Wilson (Stephenson Halliday)	Proposes 11ha site adjacent to existing Roan Edge Landfill (5/06/9008). Requests site allocation of the single area: 1. under SAP2 as a waste treatment area for inert waste recycling: and 2. under SAP4 as Area of Search for minerals.	This site was subject to a Supplementary Sites consultation in October/November 2015. As a result, it was decided that: - it was not necessary to identify the site for any allocation proposed
101	Historic Environment	Some of the allocated sites have the potential to disturb archaeological assets, particularly High House Quarry, Roosecote	Comments added to the Site Assessments document

		Quarry, Sellafield and Kirkby Quarry. At Kirkby Quarry there is the potential for currently unknown but designatable assets to be found within the proposed extension area.	
103	Carlisle Highways	Comments made by the Highway Authority for the Carlisle area remain unchanged. No comments to make on M34.	Noted – no action required

Comments on Policy SAP1 Household Waste Recycling Centres (HWRC)

ID	Consultee	Comment	Action
10	Bootle Parish Council	SAP1: this policy makes no mention of existing facilities in Millom/Barrow area continuing to operate throughout the Plan period - does this imply closure before the start of this Plan or that they will continue because they are not explicitly being replaced by new sites? In line with the policy about minimising waste miles, these facilities will be required for the whole of this period.	Noted. As set out in para 18.3, this policy only identifies alternative sites for those HWRC's that are required to be replaced – this does not imply that the Millom and Barrow HWRC's will close, as they each have their own planning permissions.
28	South Lakeland District Council	SAP1 – site SL1B: we view this allocation as essential for relocation of the Canal Head HWRC and for SLDCs wider regeneration objectives, therefore, we support this allocation – The allocation would not compromise the Districts supply of employment land, but please note the allocation for residential development on Underbarrow Road. Any application should be accompanied by an assessment of the impact of the development on traffic, air quality, dust, odour, light, contaminated land and noise, and any adverse impact should be mitigated	Noted. The request to mitigate “any adverse impact” does not conform to national policy, and developers could only be required to mitigate “unacceptable” or “significant” adverse impacts. Any mitigation over and above that level would be voluntary, but can still be requested. If a scoping opinion is requested or during pre-application talks, the impact assessments required to accompany an application will be agreed between the developer and DC Team.
32	Allerdale Borough Council	SAP1: Allerdale Borough Council is supportive of the proposed new Household Waste Recycling Centre at Lillyhall Industrial Estate (AL37) which will replace the existing Centre at Clay Flatts. It is noted that a previous plan for the establishment of a small Household Waste Recycling Centre in Cockermouth has been postponed due to current austerity measures. Allerdale Borough Council supports the County Council's statement that they will keep this position under annual review; a small Centre within Cockermouth would be welcomed as it would provide a service whilst reducing the need for residents to travel.	Noted – no change required
50	Derwent Parish Council	SAP1: We are in agreement	Noted - no change required

51	Egremont Town Council	SAP1: To many without transport, this is placing unacceptable cost onto the residents of Egremont/Copeland	Provision of HWRCs to those without car ownership is a problem, but even the shortest journey is impractical. Alternative services, such as bulky waste collection are important, but the Plan cannot make such provision, as this is a matter for the District Council.
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Comments on Policy SAP2 Waste treatment and management facilities

ID	Consultee	Comment	Action
3	Office for Nuclear Regulation	SAP2: if the Sellafield emergency planning zone is extended to cover site CO11 at Egremont, then ONR must be consulted regarding any development at that site.	Comment added to Site Assessments document.
16	Historic England	SAP2: it is acknowledged that site CA11 is within the industrial area of Carlisle and the land-use has been long-standing. The site at present does little to enhance the setting of the World Heritage Site and opportunities should be made to better reveal its significance and increase its understanding.	Comments added to Site Assessments document.
32	Allerdale Borough Council	SAP2: This policy seeks to allocate sites for waste treatment and management facilities. There are three potential sites identified for this purpose within Allerdale: AL3 (Oldside, Workington), AL8 (Lillyhall Waste Treatment Centre) and AL18 (Port of Workington). Allerdale Borough Council raises no objection to the proposed site allocation at Lillyhall Waste Treatment Centre (AL8) given the current specialism for waste treatment on the proposed site. The proposed sites of AL3 and AL18 are located at the Port of Workington. AL3 has been put forward for consideration through Allerdale's Site Allocations process as potential employment land. It is Allerdale Borough Council's opinion that any development on these sites should be facilitative of the role of the Port of Workington and allow for the future economic growth of the Port. A waste treatment and management facility could be accommodated on one of these sites and it is considered that site AL3 could be a suitable location for an Energy from Waste plant. Whilst AL3 has also been put forward for employment uses through the Site Allocations process, it is considered that the site could accommodate both an employment use and a waste treatment/management facility.	Comments added to Site Assessments document.

43	Ignis Biomass Ltd	SAP2: Ignis supports the objective, but thinks that two additional sites will result in over-provision of energy from waste capacity.	Noted – however, identification of a site is not a guarantee of its development, which is market led. No change recommended.
44	Kingmoor Park Properties Ltd	CA31: KPPL consider the site to be entirely suitable for this allocation given the excellent access which exists to the strategic road network via the Carlisle Northern Development Route (CNDR). The land is well removed from residential property and the provision of an Energy from Waste plant here has the potential to serve Kingmoor Park in its entirety.	Comment added to Site Assessments document.
50	Derwent Parish Council	SAP2: We are in agreement	Noted - no change required
51	Egremont Town Council	SAP2: CO11 is totally unsuitable. The site is home to businesses and the ambulance station. The concern would be placing such a facility would not enhance its reputation. It is also a site under consideration by NuGen to utilise for offsite developments.	Noted – however, identification of a site is not a guarantee of its development, which is market led. More than the required number of sites are allocated in the Plan, in case of take up by other development. No change recommended.
52	Carlisle City Council	SAP2: Site CA30, land adjacent to Kingmoor Road recycling centre, is immediately adjacent to Kingmoor Sidings Local Nature Reserve, which is also designated as a County Wildlife Site. An adequate buffer zone/treatment may be required to ensure no adverse effects on the biodiversity of the reserve.	Following this site's inclusion in the Supplementary Sites consultation in 2015, the boundary has been amended. Comment added to Site Assessment document.
62	Friends of the Lake District	AL3 Oldside: This site is a small blue butterfly habitat and is also extensively used by local people for informal recreation. We do not agree with its allocation for waste treatment and management and would like to see it allocated as public open space instead. AL18 Port of Workington: This site will need significant mitigation for the small blue butterfly if it is going to be able to survive on this site along with waste management uses. CA30 Kingmoor Road Recycling Centre: We object to the extension of this site into biodiverse habitat as it will lead to the loss of protected species (great crested newt) and also loss of existing open space used as an informal recreation site. CO11 Bridge End Industrial Estate: This is currently a greenfield site which will extend the not-directly-adjacent industrial estate	Noted, however, this site is allocated by Allerdale Borough Council for employment. Allocation as Open Space would be a matter for the District Planning Authority to decide. No change recommended. Comment added to Site Assessments document. Following this site's inclusion in the Supplementary Sites consultation in 2015, the boundary has been amended. Comment added to Site Assessment document. Noted – however, such criteria would not conform to NPPF or PPG. Waste sites can sometimes be

		into a field surrounded by hedgerows and bounded by woodland. FLD considers that this site should not be allocated on the basis that it is greenfield.	appropriate on greenfield sites, as proximity to residential properties can be a problem. No change recommended.
66	Cumbria Waste Management Ltd/Lakeland Waste Management (Stephenson Halliday)	Kingmoor Road recycling centre: the allocation of this site in policy SAP2, and the potential area for its extension as illustrated on plan CA30, is welcomed and supported - a slight revision of the plan is proposed to extend the allocation to the south east to include CWM's offices.	Following this site's inclusion in the Supplementary Sites consultation in 2015, the boundary has been amended - consequent changes to SA, HRA, SFRA and Site Assessment document needed.

Comments on Policy SAP3 Low Level Radioactive Wastes management and disposal

ID	Consultee	Comment	Action
16	Historic England	SAP3: there is the potential for some important archaeological remains at CO32, therefore, a desk based assessment should be undertaken prior to the next stage of the Plan.	The assessment will be carried out by the developer, should a proposal come forward. Comment added to Site Assessment document.
29	Environment Agency	Paragraph 18.16 and SAP3: The proposals in SAP3 are "for additional capacity for the storage and/or disposal of higher activity LLW within the highly engineered containment facilities, plus lower activity LLW outwith these facilities". Environmental permits issued for the disposal of radioactive waste are based upon the environmental safety case presented and assessed against relevant guidance and requirements. Through this approach we do not necessarily restrict disposal of radioactive waste to any one facility or part of that facility by category. Instead, subject to the environmental safety case presented and consultation, we may permit the disposal of radioactive waste spanning more than one category. We consider that these statements in SAP3 may unnecessarily restrict the range of possible disposals both within the engineered facility at the LLWR and outwith (for example within the cap or profiling materials). For example: <ul style="list-style-type: none"> as discussed against Part 1 paragraphs 4.30 to 4.31, it may be appropriate in some circumstances to dispose of LA-LLW within the highly engineered facilities at the LLWR. it may be possible for the operators to demonstrate within an 	Restrictions on radioactive waste levels in policy SAP3 and paragraph 18.16 (now 18.17) have been removed.

		<p>environmental safety case that the disposal of HA-LLW outwith the highly engineered facilities at the LLWR is appropriate, for example within the cap or profiling materials.</p> <p>Paragraph 18.17: the Sellafield environmental permit to dispose of solid radioactive waste at CLESA is not based upon the VLLW (very low level waste) and LA-LLW categories, but does fall within the scope of LA-LLW as defined for this consultation.</p>	Noted – no change required.
32	Allerdale Borough Council	SAP3: This policy seeks to safeguard the capacity for Low Level Waste treatment, management, storage and/or storage at Studsvik metal processing complex and Lillyhall landfill. Providing that the sites continue to operate as they currently do, and amenity and safety issues do not worsen, Allerdale Borough Council does not object to this.	Noted – no change required.
33	Low Level Waste Repository Ltd	SAP3: The bullets associated with CO35 would benefit from rewording – both lower and higher activity LLW may be stored and/or disposed within highly engineered containment facilities.	Restrictions on radioactive waste levels in policy SAP3 have been removed.
		<p>CO35 Site Assessment – Low Level Waste Repository: This section would benefit from recognising UK Government Policy and Strategy for LLW and the identification of the Repository as a national asset within these. It does not recognise the disposal of LLW in Vault 8 and the trenches. We are uncertain of the reason for referencing a 2018 closure date.</p> <p>Summary of comments from previous consultation section – we assume that these are verbatim from the previous Mineral and Waste Local Plan consultation (there are factual inaccuracies within the comments).</p> <p>The scoring matrix would appear to have some inconsistencies – why is there a question mark for the score for “<i>conflict unlikely with other land use</i>”, when there are no greenfield areas on the repository site. The summary would benefit from recognising the site as a national facility within UK Policy and Strategy. In this regard it is also not comparable with the Sellafield site - “<i>the proposal is not as supportable as CO36</i>” - since there would need to be significant development on the Sellafield site were the decision taken to build an engineered disposal facility there for LLW.</p>	This comment relates to the Site Assessments document, not the Local Plan. Where appropriate, the Site Assessments document has been updated.

		<p>CO36 Site Assessment – Sellafield Site:</p> <p>The final sentence within the first paragraph of the section titled ‘Considerations’ would benefit from rewording since it may be BAT to send VLLW for disposal both off the site and out of the county. The CLESA facility can only accept certain wastes and has limited capacity; thus the cost of developing a new on site facility may be disproportionate when considered against other options.</p> <p>No consideration is taken in the assessment for HAW treatment or storage – this would appear an omission.</p>	<p>This comment relates to the Site Assessments document, not the Local Plan.</p>
46	Nuclear Decommissioning Authority	<p>SAP3: specifies that CO36 and CO32 are limited to lower activity LLW disposal. This is not a legal definition and as discussed earlier, radioactivity limits for disposal and/or storage/treatment would be determined by safety case and permit or licence requirements. Reference to specific radioactivity limits should be removed.</p>	<p>Restrictions on radioactive waste levels in policy SAP3 have been removed.</p>
47	South Gloucestershire Council	<p>SAP3: Whilst encouraged by this policy, and the additional capacity that exists, South Gloucestershire continues to have concerns in relation to the policies SP4 - 6 as set out above in respect of radioactive waste.</p>	<p>See previous responses to comments on SP4, SP5 and SP6.</p> <p>No further change recommended to SAP3.</p>
48	National Trust	<p>SAP3: supported</p>	<p>Noted - no change required</p>
50	Derwent Parish Council	<p>SAP3: We are in agreement; however, the assessment of site CO35 in the Sustainability Appraisal says <i>‘the facility may not be licensed to accept LLW for storage after 2018 (as per the current planning permission)’</i>. No mitigation plan is seen to be in place to remove the storage waste to an alternative new site at Sellafield should the license cease in 2018.</p>	<p>This comment relates to the Sustainability Appraisal document, not the Local Plan.</p> <p>Any mitigation plan would be part of the planning permission, and its conditions, for the temporary higher stacking and temporary storage at the LLWR. A new application from LLWR Ltd has been received, and this includes proposals to make the temporary elements permanent. However, if this were not granted permission, then the mitigation plan would come into play and the County Council would ensure that it was enforced.</p>
51	Egremont Town Council	<p>SAP3: do not agree with any other site outside of LLWR until a integrated waste management plan is in place, consulted upon and agreed</p>	<p>The Sellafield site (allocation CO36) is already a licensed nuclear waste management site, so it would seem inappropriate to discount it as the location for future waste management activities. It is understood that work is underway on an IWS.</p>

62	Friends of the Lake District	CO32 Land Adjacent to Sellafield: strongly object to the allocation of the greenfield site north-east of Sellafield on the basis that it will encourage yet more nuclear sprawl on the Cumbrian plain and will bring industrial development to within 500m of the Lake District National Park boundary. This will cause further landscape damage, and remove pretty much any buffer between Sellafield and the National Park.	Noted. Comment added to Site Assessments.
63	NuLeAF	SAP3: We support this policy and its commitment to safeguard the facilities at Sellafield, LLWR, Studsvik and Lillyhall for the management, treatment and disposal of radioactive waste. We also support the identification of LLWR and Sellafield as sites that are suitable for additional capacity in future, while recognising that these must be used appropriately.	Noted – no change required.
64	Copeland Borough Council	The plan makes provision to allocate land south west of SL site boundary for an extension to existing landfill for LLW produce rad waste. Justification for such a key decision is clearly lacking a sound evidential basis.	There is no allocation of land to <u>extend</u> the existing onsite landfill (CLESA) to the south west of the Sellafield site. There is, however, an allocation to the east, identified as CO32 in the MWLP. A detailed discussion on the need for, and purpose of, this allocation is in paragraphs 18.17 to 18.21. This particular allocation was identified in 2009, primarily in response to Sellafield Ltd putting forward this NDA-owned land for a waste park in 2007, which would attract commercial enterprises to develop new and innovative waste treatment technologies. Although this proposal was subsequently dropped, more recent discussions with Sellafield Ltd have led to identification of the land for potential storage of construction and demolition waste arising from Sellafield's decommissioning, which cannot be accommodated on the space-constrained site. This is in addition to the potential for the NDA-owned land to be able to host the successor to the CLESA (termed CLESA-2) once that landfill is full, around 2025. A feasibility study was carried out by Sellafield Ltd in 2013, to investigate this potential. The allocation of site CO32 and the range of uses for which it could be considered, is in accord with Sellafield Ltd's and the NDA's decommissioning

			strategy for Sellafield, as well as with the potential identified by CoNE.
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Comments on Policy SAP4 Areas for minerals

ID	Consultee	Comment	Action
3	Office for Nuclear Regulation	SAP4: site M15 (Peel Place Quarry) lies within the Sellafield emergency planning zone; ONR therefore asks to be consulted on any planning applications at this site	Noted – no change required, but the Development Control Team will be informed.
16	Historic England	SAP4: there is the potential for some impact on the historic environment at site M18 and therefore, additional work will need to be undertaken prior to the site being allocated.	The assessment will be carried out by the developer, should a proposal come forward. Comment added to Site Assessment document.
17	Lake District Area Ramblers	M30: support the Parish Council comment regarding any extension of Roan Edge Quarry, to move the public footpath to the east.	Noted – no change required. The Site Assessment document that accompanies the Local Plan, states that the re-routing of the public right of way, which follows the existing quarry boundary, would be a consideration at planning application stage.
20	New Hutton Parish Council	M30: there will need to be a full environmental analysis to prevent waste water reaching Killington Reservoir, as the expansion of Roan Edge Quarry will allow quarrying for the first time on the eastern side of the watershed.	Noted. However, such detailed investigation would be part of the consideration of a planning application, should one be submitted. Comment added to Site Assessments.
28	South Lakeland District Council	<p>SAP4: any application to develop the following sites (M14, M16 and M30) should be accompanied by an assessment of the impact of the development on traffic, dust, private water supplies, noise and vibration, and any adverse impact should be mitigated - at site M16 in particular there are issues to be addressed regarding HGV access.</p> <p>SAP4 – site M14: we support this allocation subject to appropriate mitigation and habitat creation and enhancement to Kirkby Moor SSSI and provision of appropriate alternative routes for footpaths - we also support the investigation of RIGs potential.</p> <p>SAP4 – site M16: we support this allocation subject to robust conditioning of lorry movements.</p>	<p>Information requirements will be assessed in accordance with PPG at the time of any planning application, usually as part of EIA screening and scoping exercises, and mitigation will be required for significant or unacceptable adverse impacts. HGV access issues at M16 are referred to in the Site Assessments</p> <p>Noted – add to Site Assessments document.</p> <p>Noted – add to Site Assessments document.</p>

		SAP4 – site M30: we support this allocation subject to appropriate rerouting of the footpath and careful management of visual impacts.	Noted – add to Site Assessments document.
30	Lake District National Park Authority	M15. We note that Peel Place Quarry is identified as a location for further supplies of sand and gravel in the south west of the county and land adjacent to Peel Place sand and gravel quarry is identified as an Area of Search, which is immediately adjacent to the National Park boundary; there may be issues relating to the potential of landscape and visual impact should planning permission for mineral extraction be granted.	Noted – comment added to Site Assessments document.
32	Allerdale Borough Council	SAP4: Cumbria County Council has identified land between Overby and High House quarries as an area of search for sand and gravel extraction (M6). Given the existence of the two quarries surrounding the identified area of search, the principle of sand and gravel extraction on this site is acceptable. However, in order to reduce the impact of associated transport movements on local communities, should a planning application be approved on this area of search, the County Council should impose planning conditions restricting traffic movements to and from the site. In addition, extraction in this area of search should only be allowed when the working of the existing quarry ceases. This, alongside the transport movement condition, will ensure that, overall, there is no worsening effect as a result of extraction works in this area. It is suggested that wording to this effect is included within the supporting text of Policy SAP4.	The comment on planning conditions on traffic movement has been added to the Site Assessments Document. However, the timing restriction on working in the Area of Search may not be practicable, and is not appropriate within a policy. Notwithstanding this, any development would be required to conform to all relevant policies within the MWLP, including those relating to impacts on amenity and traffic.
41	Mineral Products Association	SAP4: Supported	Noted - no change required
50	Derwent Parish Council	SAP4: We are in agreement	Noted - no change required
51	Egremont Town Council	SAP4: We are in agreement	Noted - no change required
62	Friends of the Lake District	M6 land between Overby and High House Quarries: concerned that this quarry extension would bring further noise and disruption to the local area which already suffers from problems with quarry wagons on narrow roads. We would prefer to see that this extension is not opened until one or the other quarries closes.	Noted. Comment added to Site Assessment. However, control on vehicle movements could mitigate the issue.

	<p>M12 Roosecote Quarry extension: object to the allocation of the land on the opposite side of the road to the existing quarry as it is an extension into a greenfield site. We are concerned that as the extension is across the road from the existing site, so that it is not actually an “extension”, but rather is an entirely new site. We are also concerned that the proposed extension area boundaries show no regard for the field boundary pattern.</p> <p>M8 Cardewmires Quarry: We have some concern that this quarry extension will have landscape and visual impact. We would need to see further details about landscaping to reduce impact on the surrounding area. We are also concerned that the proposed area is on the other side of the railway line from the existing quarry and would therefore need significant new infrastructure to ensure access.</p> <p>M15 Peel Place Quarry: strongly object to the extension of this quarry on the basis that it will extend right up to the boundary of the Lake District National Park. This is a greenfield extension and will have significant landscape and visual impacts.</p> <p>M18 Stamphill Quarry: object to the allocation of this site for gypsum mining on the basis that it would have major impacts on the surrounding landscape and also on the setting of the village of Long Marton. The AONB boundary is also relatively close and development of this site would bring noise and disturbance into the area.</p> <p>M14 Kirkby Slate Quarry: object to the proposed extension of the slate quarry as it will mean destruction of part of the Kirkby Moor SSSI. The argument used in the Site Assessment that enhancement within the SSSI will mitigate for the loss from quarrying is flawed on the basis that enhancing habitat within a SSSI whilst losing part of it to development will lead to a net loss of area of SSSI. Improvement in the SSSI’s condition should not</p>	<p>Noted. Comment added to Site Assessment. The concern may not conform to NPPF or PPG, as mineral sites are almost always on greenfield sites. The field boundary pattern can be restored and enhanced in the restoration plan, should a proposal come forward on this site. It has, however, been relegated to an Area of Search.</p> <p>Noted. Comment added to Site Assessment. The details of impacts would be assessed if a planning application were submitted. There is currently an underpass for the farmer to access both sides of the railway, and the operator has stated that a conveyor would be sited to use that underpass.</p> <p>Noted. Comment added to Site Assessment. The concern may not conform to NPPF or PPG, as mineral sites are almost always on greenfield sites. The details of impacts would be assessed if a planning application were submitted.</p> <p>Noted. Comment added to Site Assessment. Minerals can only be extracted where they occur and there must be a balance between the impacts of extraction at Stamphill, where the mineral can be conveyed to the plaster works vs extraction further afield that would require significant road transport. Detailed assessment of all impacts would occur if an application is submitted.</p> <p>Noted. Comments added to Site Assessment. Detailed assessment of all impacts would occur if an application is submitted, and the operator will be required to discuss all options with Natural England.</p>
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	be conditional of loss of another part of it. The Kirkby Moor slate site is also close to the boundary of the Lake District and there may be further landscape impacts on the National Park from a quarrying extension.	
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Comments on SAP5 Mineral Safeguarding Areas

ID	Consultee	Comment	Action
10	Bootle Parish Council	SAP5: note that the policy safeguards Derwent Howe slag bank as a source of aggregate but not the slag banks in Barrow or Millom, some of which would be useable even though some has been defined as nature reserve - is there a reason for this?	New paragraph 15.26 has been added to read: "Previous drafts of the Local Plan have suggested that both Millom and Barrow slag banks, which are also owned by the County Council, could be safeguarded for future use as secondary aggregate. It is considered that neither resource is likely to be accessible: Millom slag bank is now a Local Nature Reserve and falls within the Duddon Estuary Special Protection Area and Ramsar; Barrow slag bank lies adjacent to the same SPA and Ramsar, as well as the Morecambe Bay Special Area of Conservation."
12	The Coal Authority	SAP5: this policy is wholly unnecessary given the content of SP7 and DC15, and is internally inconsistent with them	Policies SP7 and DC15 have been amended and the revised policies will ensure appropriate safeguarding of mineral resources. Policy SAP5 has, therefore, been removed.
32	Allerdale Borough Council	SAP5: Derwent Howe Slag Bank (M24) has been identified as a Minerals Safeguarding Area for its resource of secondary aggregate. Allerdale Borough Council understands the importance of identifying the Derwent Howe Slag Bank as a Minerals Safeguarding Area in order to protect against the sterilisation of the minerals. Immediately to the south of this identified Minerals Safeguarding Area lies the former Corus Steelworks site. Given that the redevelopment of the Corus Steelworks site is an important brownfield regeneration priority for the area, Allerdale Borough Council would like to see some wording contained within the Local Plan that states that any development/safeguarding of the Slag Bank should not prejudice the redevelopment of the former Corus Steelworks site.	Agreed. Comment added to Site Allocations document.

35	St Bees Parish Council	SAP 5: the Parish Council is concerned to see that small scale local resources of high quality building sandstone are included in the policy	Although the list of Mineral Safeguarding Areas does include sandstone, it excludes the area around St Bees and the Heritage Coast, on the grounds that the stone has not been worked for aggregates. The sandstone MSA is related mainly to High Specification Aggregate resources.
41	Mineral Products Association	SAP5: This policy should be amended to include buffers that are currently represented by the MCA. In other words, the MCAS should become the MSAs and any MCA should be coterminous with the MSA.	Policies SP7 and DC15 have been amended and the revised policies will ensure appropriate safeguarding of mineral resources. Policy SAP5 has, therefore, been removed.
50	Derwent Parish Council	SAP5: We are in agreement	Noted; however, this policy has been removed.
51	Egremont Town Council	SAP5: We are in agreement	Noted; however, this policy has been removed.

Comments on SAP6 Safeguarding of existing and potential railheads and wharves

ID	Consultee	Comment	Action
32	Allerdale Borough Council	SAP6: The safeguarding of four existing and potential railheads and wharves in Allerdale is supported. Allerdale Borough Council is committed to the reduction of carbon emissions associated with the transportation of materials and goods and so encourages methods to reduce vehicular movements and associated carbon miles.	Noted and welcomed.
33	Low Level Waste Repository Ltd	AL18 Site Assessment - Port of Workington: As has been noted previously, the site is used within the infrastructure for movements of radioactive waste and it would be useful to recognise this within the assessment.	Comment added to Site Assessments document
40	National Grid	BA26: note that Barrow Port is crossed by 1 Medium Pressure pipe, 14 Low Pressure pipes and the Intermediate Pressure line 1045 Barrow Vickers – Million 7 Bar.	Noted. Comment added to Site Assessments document
48	National Trust	SAP6: supported	Noted - no change required
50	Derwent Parish Council	SAP6: We are in agreement	Noted - no change required
51	Egremont Town Council	SAP6: We are in agreement	Noted - no change required

100	Eden Highways	M38: the comment for M18 will also cover this new site	Comment added to Site Assessments document
		M35, M36 and M37: a Traffic Management plan should be agreed with the Highway Authority with the aim to limit any significant increase in HGV flows through Shap	Comment added to Site Assessments document

General Comments on the Draft MWLP

ID	Consultee	Comment	Action
1	Defence Infrastructure Organisation	confirm no comment in respect of the policy and no sites fall within safeguarding areas	Noted.
2	Network Rail – town planning	request a policy in the MWLP that requires developers to fund qualitative improvements to existing rail facilities and infrastructure as a result of increased patronage from new development	Noted – no changes to the Plan proposed as this is not within the remit of the MWLP.
		request that Network Rail is consulted on all planning applications for minerals proposals, within 200m, and waste proposals, within 250m, of railway property	Noted - text added to chapter 12.
4	Equality and Human Rights Commission	the Commission does not have the resources to respond to all consultations, unless they raise issues of strategic importance; the Commission provides advice through their technical guidance on Public Sector Equality Duty	Noted.
5	Lancaster City Council	no comments to submit in relation to this consultation	Noted.
6	Cumbria Fire & Rescue Service	no comments arising	Noted.
7	Network Rail – mining	support the transport of minerals and waste via rail, in order to reduce the impact of heavy vehicles on the surrounding road infrastructure	Noted.
		request that this branch of Network Rail is consulted on all planning applications for mineral extraction, within 200m, and waste sites, within 250m, of the rail boundary	Noted - text added to chapter 12.
8	Friends of Rural Cumbria's Environment	the draft Plan does not mention the potential for renewable energy schemes to impact on anything other than minerals and waste sites, and the operation of those sites, there is no protection provided to residents or the landscape	Noted. The County Council would only be the determining authority for a renewable energy scheme if it involved large amounts of waste, such as an Anaerobic Digester plant that accepted appropriate wastes from a number of farms, or if a scheme were proposed on an existing or mineral or waste site; policies DC7 and DC8 would be the relevant ones by which to consider such schemes, but the proposals would need to conform to all other policies in the Plan. So if a wind turbine were proposed on an existing

			landfill site, the other relevant Development Control policies would also be used to consider the application - this would include DC3 Noise, DC5 Dust, DC6 Cumulative impacts, DC16 Biodiversity and geodiversity, and DC18 Landscape and visual impact. To say that no protection is provided to residents or the landscape is, therefore, not correct.
9	Preston Patrick Parish Council	request that in respect of any extension to Holmescales Quarry, restrictions be placed on the movement of lorry traffic to match those existing	Noted. Detailed assessment of impacts and the provision of conditions will be determined at planning application stage.
11	Scottish Borders Council	confirm that Scottish Borders Council has no comments to make and is content that the draft has no implications for their area	Noted.
13	Appleby Town Council	no comments	Noted.
18	Scotts Company (UK) Limited	Solway Moss should be included in a table and shown on a map in Appendix 1 for 'Peat Extraction Sites';	Noted. A map of Solway Moss and peat resources has been added to the Plan as Figure 5.2.
		the definition of 'Industrial Minerals' in the Local Plan Glossary doesn't include peat, but according to PPG it is an industrial mineral so the definition should be altered - NPPF requires the Local Plan to provide a "steady & adequate" supply of industrial minerals.	Glossary definition of industrial minerals has been amended to add peat. Paragraph 5.2 already states that peat is a non-energy mineral, because in the UK we do not burn it. Text has been added to paragraph 5.72 to clarify that the NPPF does not class peat as essential, and require stocks to be provided, as there are alternatives available for its horticultural purposes.
23	Marine Management Organisation	until such time as a marine plan is in place for the North West, we advise Cumbria County Council to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coastline or tidal river	Noted. The MMO's guide for Local Authority planners is part of the County Council's Evidence Base.
24	Eden District Council	no comment to make, other than to offer support for the policies and allocations	Noted.
26	Road Haulage Association	The RHA does not object in principle to the objectives for traffic and transport, but we urge consideration of road upgrading, a solution which could help relieve existing problems - if trucks can proceed unhindered on their journeys, without becoming stuck on narrow local roads, then complaints from residents are likely to reduce.	Noted. Road upgrade by the operator may be a consideration when assessing a planning application.

	<p>Much work has been done by the Noise Abatement Society on the issue of quiet deliveries in the haulage sector, and many operators and local authorities are currently collaborating to help reduce noise related nuisance by adopting the methods identified as effective in quiet delivery trials.</p> <p>The proposal on page 112 that all laden HGVs entering/leaving a site should be sheeted, to avoid dust being emitted from the lorry load when transporting loose materials, is supported by the RHA, who are keen to promote secure loading methods to RHA members so that road safety is improved, the environment protected, and the reputation of the haulage industry is enhanced.</p> <p>The RHA has no in principle objection to proposals to reduce the number of waste or mineral road miles, but where Cumbria minerals are of regional or national importance, transport by road may be the most efficient option for onward transport after extraction of minerals - trucks are an essential part of the transport process because in all likelihood it will be necessary to transport material by truck for the “last mile” to sea ports or rail terminals, even where these alternative modes are available. While the movement of minerals and waste by non-road transport modes may be a long term policy aspiration, trucks managed well are likely to present the most efficient and cost effective option for transporting these materials in the short and medium term - the focus of the Plan should be on working with the sector to improve road safety and to reduce negative environmental impacts of truck traffic, rather than focusing limited resources on building new and expensive infrastructure to facilitate complete modal shift.</p> <p>If there is a rise in HGV traffic levels resulting from local economic growth, then extra road capacity should be planned for now.</p> <p>Proposals to create new waste management facilities, to minimise the disposal of waste at landfill sites, the decommissioning of Sellafield and its potential replacement with a new power station at Moorside, would also result in more truck movements on the roads of Cumbria while construction and decommissioning work is</p>	<p>Noted.</p> <p>Noted</p> <p>Noted</p> <p>Noted. HGV increases due to generalised economic growth are not in our remit. Where proposed new or increased minerals or waste development would be unacceptable without new road capacity, then S106 could provide funds for new capacity under policy SP16.</p> <p>Noted.</p>
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		<p>underway - this would have positive employment benefits for Cumbria, but adequate road infrastructure would be needed to cope with major development if negative impacts on the quality of life of local residents are to be avoided.</p> <p>With increased haulage traffic, the use of modern traffic management technology in Cumbria, such as intelligent transport systems would help alleviate any congestion generated, also the positioning of road signs is important to help drivers find correct routes, and to avoid the risk of trucks, for example, hitting low bridges because signs are in the wrong place or because the bridge sign gives insufficient notice for the driver to divert before approaching the bridge.</p> <p>The RHA would like to see local and central government and planners take more seriously the need for provision of secure lorry parking sites, particularly near interchanges and major industrial sites - lack of provision creates problems in terms of security of load and driver and road safety. It is also essential that drivers should have easy access on long journeys to refreshments and bathroom facilities, if such facilities are not available, then drivers may stop at inappropriate locations that cause inconvenience to local residents and other road users - the tachograph rules require drivers to take regular rest breaks, so the development of comprehensive facilities along the road network in Cumbria to accommodate drivers can only be of benefit to the haulage industry and to local residents alike.</p>	<p>Noted. However this is not within the remit of the MWLP.</p> <p>Noted. However this is not within the remit of the MWLP.</p>
27	Centrica Energy	Centrica owns and operates a number of assets in the Local Plan area, including the Barrow Terminals, of which the operation and storage inventories have the potential to give rise to significant offsite hazard – the area to the west of the North Terminal that is identified in the Local Plan, will have an impact on site emergency evacuation and access to hazard detection equipment.	Noted. Assuming that the site referred to is Barrow Port (BA26), this is allocated as a safeguarding site for the port activities and any related rail infrastructure – therefore, there is no impact on site emergency evacuation and access to hazard detection equipment.
29	Environment Agency	Overall, we support the strategy promoting the use of Best Available Technique and the waste management hierarchy for all waste types, including radioactive waste management.	Noted.

		Radwaste general: The environmental permit for the LLWR is not strictly based upon the LLW category, but instead limits disposals of radioactive waste to the site to those demonstrated within the environmental safety case to be safe and consistent with EA guidance and requirements. Although all disposals must be LLW when averaged over a consignment (as required by the permit), some individual components of a consignment may be restricted to activities lower than LLW limits, whilst others may be acceptable at activities above LLW limits (for example items within the waste where their radioactive half-life is relatively short). LLWR Ltd could in the future apply to the EA to receive and dispose of higher activity wastes, which we would consider on its merits in accordance with our guidance and requirements.	Noted.
30	Lake District National Park Authority	We have considered the draft policies and are generally supportive of the approach that they offer	Noted.
31	Aggregate Industries UK Ltd	Aggregate Industries considers that the Plan should specifically support the grant of a time extension permission at Holme Park Quarry. Without this, the quarry would close in 2023 with the sterilisation of c10 million tonnes of Carboniferous limestone, which, combined with the anticipated closure of Sandside Quarry in 2020, would result in a very serious shortfall in the supply of limestone aggregates in South Lakeland, bringing forward the search for greenfield quarry locations.	Noted. However, a Local Plan cannot specifically support granting a planning application, as this would amount to pre-determination. The issues of crushed limestone landbanks and local supply in South Lakeland is considered in the Local Aggregates Assessment, and the Local Plan updated to reflect this.
33	Low Level Waste Repository Ltd	glossary: this would benefit from using definitions for all categories of radioactive waste which are more reflective of those used within UK Government Policy and Strategy documents (it may also be useful to include one for out of scope wastes). Options Report: <u>RAD1</u> does not reference the July 2014 White Paper on Implementing Geological Disposal– this is an omission. <u>RAD2</u> again mentions “ <i>imports of HLW from outside the UK</i> ”; when, as noted previously, the imports are spent fuel and the exports are HLW. <u>RAD3</u> , we would suggest that this recognises the LLW Repository’s role as a national facility.	The definitions of radioactivity levels have been expanded in paragraph 4.3, so the numeric definitions in the Glossary have been removed. Noted. However, the Options Report reflected a ‘moment in time’ and this document will not be produced again.

34	Robert Dickie	<p>a. The paper presents as a well researched and well written document.</p> <p>b. The presentation is clear and coherent.</p> <p>c. Despite my best efforts, I am unable to detect any fault with the logic and I believe that the proposals are reasonable and achievable.</p>	Noted.
37	Durham County Council	Durham County Council considers the draft plan to be sound. In particular, the Council supports the Local Plan's overall vision, strategy and strategic objectives and strategic policies which variously seek to ensure the sustainable management of waste, the steady and adequate supply of minerals and the protection of the environment.	Noted.
38	Lancashire County Council	There is no policy explicitly setting out the projected demand during the Plan period: I am not clear what need for minerals or waste developments the plan is aiming to provide for, or what the sustainability implications are for meeting this need.	Noted. This information is provided in detail in the Local Aggregates Assessment and the Waste Needs Assessment rather than the Local Plan itself, as the demands will change over the Plan period. It is more efficient to amend the LAA and WNA at regular intervals, rather than review the MWLP.
39	Natural England	<p>Sustainability appraisal: Natural England's previous response dated 13 April 2013, raised the following point "Objective NR3: To restore and protect land and soil, could be made clearer in what it is trying to achieve. It could also be extended to include geodiversity."</p> <p>It does not appear this comment has been responded to by the County Council. Geodiversity is referred to in the Sustainability Appraisal and although this is welcomed Natural England strongly encourage this is specifically added to Objective NR3.</p> <p>Habitat regulations assessment: Natural England's previous response dated 13 April 2013, noted that the sites had only been assessed against the 'SSSI objectives' that the European sites comprise of. The HRA has since been updated to include assessment against the actual Conservation objectives for the European sites in accordance with Regulation 61 of the Habitat and Species Regulation 2010 (as amended).</p>	<p>Noted. However, the suggested amendment is not supported by planning policy or guidance requirements, and it is considered that this is not a soundness issue.</p> <p>Noted.</p>
43	Ignis Biomass Ltd	Ignis is engaged with James Cropper PLC, in detailed discussions to develop an energy plant for the paper mill at Burneside, Kendal	Noted. Under the municipal waste contract for the County Council, it appears that Cumbria RDF is going

		- the quantity of RDF required will be significant in terms the of the local waste arisings (36,000 tpa), and should be considered in the context of the need for other sites to be identified in the draft Minerals and Waste Local Plan.	to be sent to Ferrybridge Multi-Fuel plant. RDF arising from commercial wastes is likely to require a market-led facility, which will be provided by a commercial venture. Policy SAP2 allocates several sites that could be appropriate for Energy from Waste plants. If a proposal for such a plant were to come forward at an unallocated site, it would be judged on its own merits against the Local Plan policies.
50	Derwent Parish Council	<p>Sustainability Appraisal</p> <p>Para 1.5.1: <i>'The SA is part of a suite of evidence base documents and other assessments being carried out as the MWLP is prepared. There is an interaction between the requirements for Habitats Regulations Assessment and Strategic Flood Risk Assessments and the SA should take the findings of these into account'</i>.</p> <p>There is no clear evidence showing how the Strategic Assessment has taken into account the Habitats Regulation Assessment.</p>	Not agreed. The SA has taken account of both SFRA and HRA. These documents do not need to cross reference themselves; this would make it logistically very difficult to complete them. For each site, the Site Assessments document sets out HRA, SA and SFRA outcomes, as well as bringing together all constraints to be considered if a proposal on that site came forward.
		Table 2.1, Resources: 'Problems of disposal and storage of radioactive wastes' is noted as a key sustainability issue, but there is no response in the 'Update and Implications for the MWLP' column. <i>it is highlighted as a key sustainable issue relevant to the MWLP as shown on page 31, 3.1.3 'Those highlighted in grey are those considered most relevant to the assessment of the MWLP'</i> .	Text to be added to Table 2.1: "There will always be a need for the disposal of radioactive waste, but techniques are constantly developing to divert waste into treatments that will decrease their volume or reduce their hazard. Environmentally sustainable options will be supported."
		Tables 3.4 (Compatibility Cross-Check between SA and Plan Objectives) and 3.5 (Scoring criteria): The '?' in these tables show the criteria are not working.	The Strategic Objectives are distinct from the Sustainability Appraisal objectives; the former are focused on specific goals relating to the production of minerals and to the provision of waste management capacity, whereas the latter cover the wider perspective of the social, economic and environmental impacts of the Local Plan. Table 3.4 evaluates the extent to which these two sets of objectives are aligned, i.e. whether they are working against each other. The analysis does

			not identify any incompatible objectives (x), but for some, their compatibility is uncertain (?). This does not mean that any objective is not working.
		Tables 5.1 (Summary of Assessment of the Development Control Policies), 6.1 (Summary of Assessment of Sites Proposed for Household Waste Recycling Centres, Waste Treatment Facilities and the Storage/Disposal of Low Level Radioactive Wastes Identified in Policies SAP1, SAP2 and SAP3), 6.2 (Summary of Assessment of Minerals Sites Identified in Policies SAP4 and SAP5) and 6.3 (Summary of Assessment of Existing/Potential Railheads/Wharves Proposed for Safeguarding in Policy SAP6): There are many '?' within these tables, which provides further evidence of unsuitability.	Table 3.5 sets out the scoring used in Tables 4.1, 4.2, 5.1, 6.1, 6.2 and 6.3. These tables assess the beneficial and adverse impacts of the Vision, Overall Strategy, Strategic Objectives, Strategic, Development Control and Site Allocation Policies. A score of '?' indicates that the nature and scale of the impact cannot be assessed at present, but some impact <u>may</u> occur. This is erring on the side of precaution and does not mean that any element of the Plan is unsuitable.
		Para 3.5.2: <i>'In assessing the MWLP a different issue encountered is that in some cases it has proved difficult to judge the scale or extent of the impact'</i> . Evidence shows using judgement based assessments in comparison or cross-checking begins to fail and does not properly monitor or assist with the appraisal of policies or sites within the MWLP or provide credible supporting evidence to the objectives.	If there is difficulty in judging the scale or extent of an impact, then a pragmatic approach has been taken, to record the possibility of an impact. Recording no effect would not correctly identify a potential effect – this is a precautionary approach (as set out in the Glossary).
		Page 32: There is <u>no evidence</u> to suggest that issues at the proposed sites are being properly considered or addressed, nor is CCC seen to be engaging sufficiently with other stakeholders or interested parties during the plan preparation process. Example: Proposed sites Copeland (North): M15 Peel Place Quarry, Holmrook, page 32 <i>'possible use of conveyors to move material around the site to reduce vehicle noise and emissions. It is assumed that the existing workings use the road linking Hallsenna to the A595 for access and that this will continue to be used in conjunction with any conditions restricting the times of day, number and routeing of movements to and from the site. In principal, this should not result in a worsening of impacts compared to those generated by the existing workings'</i> .	There is no reference to M15 on page 32 of the SA or its appendices, so it is assumed that this is SA Appendix 5, page 95. The discussion about possible use of conveyors, the use of the existing access road and the use of conditions to restrict working hours and routeing of lorries, is found in the section on potential mitigation measures that could be carried out at site M15, in order to lessen impacts on operations at the site on the environment, humans, etc. There are existing conditions on the current planning permission at the site, but if that permission were to be reviewed or if a new application were to be submitted, then any new

			<p>conditions would be consulted upon with all necessary consultees, including local residents and the Parish Council.</p>
		<p>Table 6.4, page 62, site CO36: <i>'Compared to allocation CO36' - should this read CO35?</i></p> <p>Site Assessments</p> <p>Introduction, Para 11: <i>'The majority of sites allocated in the Local Plan policies score positively. This is because many of the alternative sites considered that did not score positively, were rejected at an earlier stage'.</i></p> <p>There appears to be no evidence or logical argument in this confusing statement.</p> <p>Strategic Flood Risk Assessment</p> <p>Table 2, Assessment of Site CO35: <i>'A very small section of land at the southern boundary of the site is affected by Zone 2 and 3 flooding – this will not impact on operations at the site'</i></p> <p>There is <u>no evidence</u> that supports the statement that the LLW repository at Drigg will not be impacted by sea flooding.</p> <p>With regard to flood risk zones, in Cumbria there are existing and proposed sites along the west coast that are at risk. There is <u>no evidence</u> of a fully cost risk management plan or critical issues log that fully accepts, manages and mitigates the known Cumbria flood risks. For example, the LLW radioactive storage site at Drigg is known to be at risk to sea flooding due to climate change, yet no working risk management plan is seen as part of the MWLP suite of documents.</p> <p>Duty to Co-operate</p> <p>There is no evidence to suggest the views and issues of local communities and others who have a stake in the future of the area</p>	<p>Noted. Table 6.4 has been amended.</p> <p>Noted. This statement was trying to say that the sites that have been allocated in the February 2015 version of the MWLP are the result of the consideration of alternative sites since 2009. The Site Assessments document provides details of those sites that have been rejected, and the reasons for this, as well as discussing the allocated sites.</p> <p>Noted. However, this does not fall within the remit of the County Council. This is an issue that should be addressed in the LLWR's Environmental Safety Case, which has been subject to scrutiny by the Environment Agency over a number of years.</p> <p>Since 2004, there have been 14 public consultations on the preparation of the Core Strategy, Development</p>

	<p>have been gathered, assessed and recorded.</p> <p>There is insufficient evidence that CCC has met its Duty to Co-operate by setting up a mechanism to record when constructive, active and ongoing engagement took place, with all relevant planning authorities and organisations such as the Environment Agency, English Heritage, Natural England, the Royal Society for the Protection of Birds, the Internal Drainage Board, the Highways Agency, across a range of strategic mineral planning policy matters, as is required under section 33A of the 2004 Act in relation to the Plan's preparation.</p> <p>MWLP</p> <p>Preface: does the phrase 'outside the Lake District and Yorkshire Dales National Parks' mean above <u>and</u> below the national parks or just above? If 'above only' it will be necessary to state this, as the current wording would be seen to be deliberately misleading with regards to a GDF.</p> <p>Please clarify where the CCC Minerals & Waste Plan sits within the document hierarchy that includes other documents, such as waste, land and transport, mining, water, because these documents currently make no reference to the Minerals & Waste Plan?</p>	<p>Control Policies, Site Allocation Policies and the Minerals & Waste Local Plan. Each time a pre submission consultation statement or an Outcomes Report has been prepared, this has been publically available to show how comments have been taken into account.</p> <p>The County Council has a Duty to Co-operate, under the Town and Country Planning (Local Planning) (England) Regulations 2012, with those bodies set out in Part 2 of the Regulations, as applicable. This includes a very wide range of specific, general, DtC, adjoining and internal consultees.</p> <p>The County Council is preparing a DtC Statement of Compliance, which has to be submitted to the Secretary of State, setting out how it has met the DtC.</p> <p>Noted. However, Cumbria County Council has no remit to determine any planning applications at the surface or under either National Park.</p> <p>It is not clear which documents are being referred to here.</p> <p>A Local Planning Authority has the remit, from central Government, to regulate land use; at the County level, in a two-tier authority area, this encompasses land use for minerals and waste operations. District/Borough Councils have a remit to regulate housing allocations, employment land, leisure, etc.</p> <p>There are a large number of other regulators in England, each with their own discrete area of regulation. Of most relevance to the Minerals & Waste Local Plan are the Environment Agency, Natural England, Historic England and the Health & Safety Executive.</p>
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51	Egremont Town Council	<p>Within the whole document, there seems to be lack of consideration of the views of the public. A lot of these proposals potentially impact on many communities and, therefore, they should be at the forefront of any plans.</p> <p>Realistic potential for developments should be included instead of the production of a list of available areas. Existing or potential plans need to be taken into consideration when again considering areas for waste management sites.</p>	<p>Since 2004, there have been 14 public consultations on the preparation of the Core Strategy, Development Control Policies, Site Allocation Policies and the Minerals & Waste Local Plan. Each time a pre submission consultation statement or an Outcomes Report has been prepared, this has been made publically available to show how comments have been taken into account.</p> <p>The Site Assessments document brings together all constraints and opportunities in one place for developers, the Development Control, Highways and Economic Development Teams, the public, etc. to see. Specific issues in relation to sites are often raised in general site allocations consultations (such as this Plan) and these are taken into account in the Site Assessments.</p>
52	Carlisle City Council	A number of policies contain the statement: "Proposals ... will be supported where they conform to other policies in the Plan". It is not necessary to include this within policies, as local plans are intended to be read as a whole, rather than as a series of self-contained policies.	Noted. Many representees seek the assurance that this provides, especially if they read certain policies of the Local Plan in isolation. The phrase has been removed from some policies and clarification text inserted into new paragraph 2.25.
53	Brough Parish Council	no adverse comments re the consultation	Noted.
54	Nateby Parish Meeting	the Meeting wish to make no comment	Noted.
56	Essex County Council	Duty to Co-operate: we welcome the opportunity to continue to actively engage with Cumbria CC on strategic planning matters of interest, including the treatment, management and disposal of radioactive waste.	Noted.
60	Rachel Western	Cumbria County Council's rejection of disposal of High Level Waste is to be welcomed, but given the NDA's cavalier approach to safety, CCC should take a more proactive approach to Sellafield and the NDA.	Noted; however, the County Council is not the regulator for safety at any nuclear licensed site.
70	Steve Balogh	The most serious wasteform the plan fails to address is discharged to seabed from Sellafield whence it has steadily made its reappearance on Cumbrian beaches. Cumbria lacks the will to	Noted; however, the County Council is not the regulator for discharges, storage, disposal or safety at any nuclear licensed site. The precautionary principle is

		<p>protect the environment in this regard, this has led the industry to believe it has carte blanche to offend even those strictures that are present in the plan. Hence the criminal actions that took place at Lillyhall landfill.</p> <p>The Keeklehead applicants made a case that because they would restore the site they could make use of it for inappropriate activity in an opencast minefield in a catchment that includes arable land. I conclude that the precautionary principle must be enshrined in the Plan to cover eventual restoration and recovery NOT being implemented.</p> <ul style="list-style-type: none"> - Such an instance already exists in Cumbria. That should prohibit any extension to, or change of regime at, landfill sites planned for closure and restoration. - Such an instance already occurs in Cumbria. These are breaches of the Plan's predecessor and must be fixed. 	<p>enshrined in the Plan, and is set out in policy SP4, as a requirement for a developer to demonstrate how they have taken this principle, and others, into consideration for radioactive waste developments.</p>
100	Eden Highways	the previous Highways comments for Eden are still appropriate	Noted.