

**TOWN AND COUNTRY PLANNING
(LOCAL DEVELOPMENT)(ENGLAND) REGULATIONS 2004**

REGULATION 31 STATEMENT ABOUT REPRESENTATIONS

CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK

SUBMISSION DRAFTS

**CORE STRATEGY
AND
GENERIC DEVELOPMENT CONTROL POLICIES**

JULY 2008

RGE/p.334/21

1. Total number of representations made.

- 1.1 Sixty one people or organisations submitted representations. In all 197 separate comments were made about the Core Strategy; 66 about the Generic Development Control Policies and 2 about the Appendices document, a total of 265 comments.
- 1.2 For the Core Strategy there were 81 comments that it was unsound; 53 that it was sound and 63 which did not specify whether it was sound or unsound. For the Generic Development Control Policies, there were 7 comments that policies were unsound; 37 that they were sound and 22 which did not specify sound or unsound.
- 1.3 The “unspecified” representations (85) are around one third of the total, it appears that many of them do not raise any issues of soundness.
- 1.4 Summaries of the numbers of comments about soundness, and the parts of the documents to which they relate, are set out in Appendices 1, 2 and 3.
- 1.5 The comments that have been made by each representor are set out in Appendix 4 for the Core Strategy and Appendix 5 for the Generic Development Control Policies.
- 1.6 Details of the comments made by all representors against specific sections of the documents are set out in Appendix 6 for the Core Strategy and Appendix 7 for the Generic Development Control Policies.

2. Copies of the representations.

- 2.1 Copies of the representations on a CD have already been forwarded. An amended CD is now enclosed on which the format of the files has been improved and a register of the representations has been added. A file with paper copies of the representations is also enclosed.

3. Summary of the main issues raised in the representations about the Core Strategy.

3.1 Relationship with District Local Plans and Development Frameworks.

That the siting criteria for urban based waste management facilities should include the settlement boundary limits set in District Council adopted development plans.

This relates to Para 1.4, the supporting text for CS Policy 1; and to Table 7.1.

(Copeland BC. Representor ref 256 representation ref 2760)

3.2 Restoration and after-use

- a) That additional matters should be taken into account in accordance with PPG 14, including ground treatment, land instability and public safety.

The comments relate to Strategic Objective 8 in Box 2 (p.7) and to CS Policy 5.

(Coal Authority. Representor ref 427, representation refs 2708 and 2709).

- b). That there are alternatives to woodland planting for carbon capture in restoration schemes.

These comments relate to paragraph 3.28 and CS Policy 1.re greenhouse gas emissions. It may be relevant for them to be considered in the context of both Policies 1 and 5 (see 3.3 below).

(Natural England. Representor ref 41 representation refs 2679 and 2680).

3.3 **CS Policy 1 Sustainable location and design**

- a) That the criteria in the policy need to be set in the context of making an adequate supply of minerals; that the matters in bullet point 1 should be considerations but not necessarily determining factors, that the bullet points should also include economies of scale and that bullet point 5 is not relevant for an MWDF.

(Cemex UK. Representor ref 493, representation ref 2739).

- b) That trigger levels should be identified in the policy and that minerals built developments should be included.

(Stephenson Halliday. Representor ref 394, representation ref. 2799).

- c) There should also be a requirement to compare the environmental effects/sustainability of extending existing quarries with new quarries.

(Aggregate industries. Representor ref. 44, representation 2629).

- d) Comments about alternatives to woodland planting for carbon capture.

These relate to CS paragraph 3.28 re greenhouse gas emissions as well as CS Policy 1. It may be relevant for them to be considered in both contexts (as for 3.2 above).

(Natural England. Representor ref 41 representation ref 2679 and 2680).

- e) Please see also Copeland BC comments about the supporting text for the policy in 3.1 above.

3.4 **CS Policy 3 Community benefits**

- a) That the policy should be deleted.

(Stephenson Halliday. Representor ref 394, representation ref 2800).

- b) That reference should be made to joint arrangements that would be driven by the host community.

This relates to CS paragraph 3.41.

(Copeland BC. Representor ref 256, representation ref 2765).

3.5 **CS Policy 4 Environmental assets**

That reference should be made to additional sites/features. *(It seems likely these can probably all be agreed as minor changes).*

(Natural England; Durham CC; National Trust; Cumbria RIGS; Cumbria Wildlife Trust; English Heritage).

Representor refs. 41, 476, 102, 89, 187, 39. Representations refs. 2570,2617,2657,2602,2697.

3.6 **CS Policy 5 Afteruse and restoration**

- a) That additional matters should be taken into account in accordance with PPG 14, including ground treatment, land instability and public safety. *(As representation in 3.2 above).*

(Coal Authority. Representor ref 427, representation refs 2708 and 2709).

- b) That the sustainability objectives and their weight need to be clarified.

(Stephenson Halliday Representor ref 394 representation ref 2801).

3.7 **CS Policy 7 Strategic areas for new developments**

- a) An objection to Whitehaven being included, it is specific to an area to the south of the town.

(National Trust. Representor ref 102, representation ref 2619).

- b) Conflicting comments that the reference to Ghyll Scaur Quarry needs to be strengthened or is premature.

(Aggregate Industries and Cemex UK. Representor refs 44 and 493, Representations refs 2630 and 2743).

- c) That Holmescales Quarry should be identified as an Area of Search for high specification roadstone *(see also 3.11 below).*

(Aggregate Industries. Representor ref 44, representation 2630).

- d) Please also see Copeland BC comment about the reference to the early submission of planning applications. Representor ref 256.

3.8 **CS Policy 9 Waste capacity**

- a) The amount of landfill capacity that should be provided.

(Allerdale BC Representor ref 486, representation ref 2668).
(Stephenson Halliday. Representor ref 394, representation 2802).
- b) That the commercial and industrial waste figures are not founded on a robust and credible evidence base.
(Waste Recycling Group Representor ref 38, representation 2798).
- c) That clearer figures need to be given about waste management requirements and their source.and the assumptions that have been made.

(Waste Recycling Group Representor ref 38, representation 2798).
(Stephenson Halliday. Representor ref 394, representation 2802).
- d) That provision should not be made for Energy from Waste incinerators because they are not part of the preferred bid for managing municipal waste.

(Barrow BC. Representor ref 196, representation 2701).
- e) That the Waste Core Strategy should be delayed for the Partial Review of the Regional Spatial Strategy.

(Copeland BC. Representor ref 256, representation 2775. *Please note this comment was made about Chapter 6 but seems directly relevant to consideration of Policy 9).*

3.9 **CS Policies 10, 11 and 12 Radioactive wastes**

- a) That, in CS Policy 10 there should be a cross reference to CS Policy 3 requiring community benefits packages for future storage approvals at Sellafield.

(Copeland BC. Representor ref 256, representation 2768).
- b) That the level of detail in the policies is inappropriate given the stages reached in national and regional policies for high and intermediate level wastes.

(Copeland BC. Representor ref 256, representation 2769).
- c) That community benefits packages should be a requirement for Stage 1 of the process in policy 11.

(Copeland BC. Representor ref 256, representation 2770).
- d) That the right to withdraw process and its implications need to be clarified.

(Copeland BC. Representor ref 256, representation 2771).

- e) That provision should be made for those wastes that do not require multi-barrier containment that arise at Sellafield.

(Copeland BC. Representor ref 256, representation 2772).

- f) How the implications of sea level rise and coastal erosion on the Low Level Waste Repository will be assessed.

(Copeland BC. Representor ref 256, representation 2773).

- g) That Policy 12 should include a requirement for the waste to be retrievable.

(Copeland BC. Representor ref 256, representation 2774).

- h) That provision needs to be made for another Low Level or Very Low Level Waste Repository.

(Low Level Waste Repository Ltd. Representor ref 48, representation 2776,2778).

(Sita UK. Representor ref 425, representations 2647,2648,2649, 2651,2652).

(Sellafield Ltd. Representor ref 483, representation 2819).

- i) Detailed amendments and additional comments for the text.

(Sellafield Ltd. Representor ref 483, representation 2632);

(Environment Agency. Representor ref 42, representation 2634)

Other representations cover a wide range of issues, some of which appear to be more relevant to national policy or to the responsibilities of other regulators than to the Core Strategy. The main issues that they raise are considered to be:-

- j) That, for the higher level wastes, it is premature to assume that they can be buried safely and may put the safety and well-being of the people of Cumbria in jeopardy. International progress is less advanced than implied.

- k) That the evidence base for geological disposal needs to be examined more thoroughly and independently; in particular; research is not finished into the chemical parameters to be used in risk calculations about the solubility of radioactive wastes and resulting contamination of groundwaters.

- l) That there is no deep repository for spent fuel anywhere in the world and it cannot be assumed it will be co-disposed alongside legacy wastes, the nature of a joint facility would be different.

- m) That references should be made to the findings of the Longlands public inquiry into a rock characterisation facility near Sellafield.

- n) That the Sustainability Appraisal is inadequate for radioactive wastes.

- o) That paragraph 8.1 is incorrect about radiation levels at Sellafield having been reduced.
- p) That the policies are based on false premises because the Committee on Radioactive Waste Management's recommendations have been ignored or misinterpreted by Government.
- q) That further research is needed into the impact of low levels of radiation on people.
- r) That a geological repository would leave an expensive and unwanted legacy for future generations.
- s) Significant issues about a geological repository, the wastes and the definition of a community are ignored or not explained.

(Cumbria CND Representor ref 485; Nuclear Waste Advisory Associates Representor ref 496; Cumbrians Opposed to a Radioactive Environment. Representor ref 449 ; S Balogh. Representor ref 346; R Western. Representor ref 457; Wilkinson Environmental. Representor ref 490; Greenpeace. Representor ref 491; 484 H Richards. Representor ref 484; West Cumbria and North Lakes Friends of the Earth. Representor refs 97 and 455; South Lakeland Friends of the Earth. Representor ref 29; P Davies. Representor ref 465; and Friends of the Earth. Representor ref 47).

Representations:2654,2733,2738,2759,2780,2781,2751,2713,2817, 2714,2715,2752,2718,2818,2722,2754,2725,2726,2756,2645,2711, 2744,2727,2646,2728,2745,2749,2750,2762,2764,2730,2819,2777, 2778, 2648,2650,2651,2652,2746,2779.

3.10 CS Policy 13 Supply of minerals

- a) That 900,000 tonnes/year for sand and gravel is a more accurate figure than the sub-regional apportionment.
- b) That reserves figures should include an allowance for below specification/unusable material.
- c) That the landbank needs to be more flexible.
- d) That there should be some provision for extending crushed rock quarries.

(Stephenson Halliday. Representor ref 394, representations 2804, 2803).

- e) That a new section on energy minerals is needed, the landbank approach is not appropriate for them.

(Kier Mining. Representor ref. 481, representation 2641,2639).

3.11 CS Policy 14 Mineral Safeguarding

- a) That Holmescales Quarry should be identified as an Area of Search for high specification roadstone (*see also 3.7 above*).

(Aggregate Industries. Representor ref 44, representation 2630).

- b) That coal resources need to be safeguarded (see 4.4 below)

3.12 **CS Policy 16 Industrial limestones**

References to national policies should be included.

(Natural England and Friends of the Lake District. Representor refs 41 and 222, representations 2688 and 2589).

4. Summary of the main issues raised in the representations about the Generic Development Control Policies.

4.1 **GDC Policy 6 Non-energy minerals**

- a) That the policy should recognise that provision should be made for building stones for regional vernacular buildings not just the local vernacular.

(Marshalls Stone. Representor ref 130, representation ref 2566).

- b) That it should only be necessary for developments to be generally in accord with the Development Plan, not “conform to all relevant policies”.

(Cemex UK. Representor ref 493 representation ref 2755).

4.2 **GDC Policy 7 Energy minerals**

That for internal consistency of DPDs cross reference is needed to CS Policy 5 restoration and afteruse, particularly the removal of surface dereliction.

(Coal Authority. Representor ref 427, representation ref 2723).

4.3 **GDC Policy 8 Applications for new conditions**

- a) That “significant improvements” needs to be clarified.

(Stephenson Halliday. Representor ref. 394 representation ref 2809).

- b) That the policy should recognise that considerations of ROMP applications should not affect the viability and asset value of the quarry.

(Cemex UK. Representor ref 493 representation ref 2757).

4.4 **GDC Policy 9 Minerals safeguarding**

- a) That the policy fails test 6 as it is inconsistent with other DPDs; test 7 because it is based on out of date evidence and test 8 because there is no Proposals Map. That the West Cumbria coalfield should be identified as a mineral consultation area. (*The CA has submitted a map that shows the deep and shallow coalfields*). That paragraph 4.12 should be amended.

(Coal Authority. Representor ref 427, representation ref 2721).
(Kier Mining. Representor ref 481, representation 2642).

- b) That the policy is inadequate if mineral consultation areas do not include shallow coal resources.

(Confederation of UK Coal Producers. Representor ref 495, representation ref 2784).

- c) That the policy does not safeguard minerals, it is weighted towards development.

(Quarry Products Association. Representor ref 492 representation ref 2736).

4.5 **GDC Policy 11 Historic environment**

- a) That the policy does not sufficiently reflect protection of the historic environment in line with national policy.

(Carlisle City Council. Representor ref. 212, representation ref 2731).

- e) That the policy is not in line with PPG 16 and the CBI Code. That "...or unless rescue and record is appropriate" should be added to the end of the last sentence.

(Quarry Products Association. Representor ref 492, representation 2735).

4.6 **GDC Policy 15 Protection of soil resources.**

That the policy should also refer to farm viability.

(Mr and Mrs Cook. Representor ref 342, representation 2815).

4.7 **GDC Policy 16 Afteruse and restoration**

- a) That criterion (a) should be expanded to include a period of formal aftercare management.

(Natural England. Representor ref 41, representation 2692).

- b) That the policy fails test 4 because it takes no account of PPG 14 and does not refer to public safety hazards.

(Coal Authority. Representor ref 427, representation 2724).

- c) That the list of requirements could be made less restrictive.

(Lazonby Parish Council. Representor ref 489, representation 2813).

4.8 GDC Policy 17 Planning obligations

- a) That additional matters need to be included, including enhancement of the historic environment and the arrangements for the restoration and afteruse of a site.

(National Trust. Representor ref 102, representation 2638). *Please note this refers back to comments made at the Preferred Options stage for what was then policy DCI 2.*

- b) That it should be made clear that legal agreements have to be in place prior to development.

Carlisle City Council. Representor ref 212, representation 2732.

- c) The policy should be generic and specify the matters that may be included That point (h) should be deleted because the Aggregates levy Sustainability Fund should already address compensation for amenity impacts.

(Quarry Products Association and Cemex UK. Representor refs 492 and 493, representations 2737 and 2758).