



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

CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK

APPENDIX 7 TO THE REGULATION 31 STATEMENT ABOUT REPRESENTATIONS

GENERIC DEVELOPMENT CONTROL POLICIES REPRESENTATIONS BY ALL REPRESENTORS AGAINST SECTIONS

JULY 2008

RGE/p.334/21

Appendix 7. Representations about the Generic DC Responses against specific sections of the document

Representor ID	Organisation	Surname	Representation number.	Nature of Response	Examination(other = not specified)	RepresentationSummary	Test of soundness number
Document			SUBMISSION DRAFT GENERIC DEVELOPMENT CONTROL POLICIES				
41	Natural England	Hedley	2696	Sound	written	We do not consider (the DPD) 'unsound' on the various tests of soundness. However areas of supporting text and wording in policies could still be improved.	
42	Environment Agency	Pickup	2635	Sound	other	Consider the Generic Development Control Policies document to be sound.	
54	Cumbria Action for Sustain	Suddaby	2577	Sound	other	Generally supportive of the whole document.	
60	Government Office for the	Bamber	2575	Soundness Not Specified	other	No comments	
102	The National Trust	Hubbard	2620	Sound	written	The Trust is content with the Submission Document apart from the items identified.	
169		Steele	2557	Sound	written	Supports recycling and landfill in Kendal (at Kendal Fell Quarry) as a way of reducing transport and pollution issues.	
196	Barrow Borough Council	Huck	2704	Soundness Not Specified	written	Supports all generic Development Control Policies except Development Control Policy DC4	
285	Dalston Parish Council	Auld	2656	Soundness Not Specified	other	No Comments	
299	Craven District Council	Gunn	2564	Soundness Not Specified	other	No comment	
394	Stephenson Halliday	Edwards	2808	Sound	other	General support - sensible modernisation of policy.	
476	Durham County Council	Oliver	2573	Soundness Not Specified	other	Supports the approach of the DPD.	
486	Allerdale Borough Council	Ward	2658	Sound	written	All policies are sound.	
DEVELOPMENT CONTROL POLICY DC 1			TRAFFIC AND TRANSPORT				
102	The National Trust	Hubbard	2621	Soundness Not Specified	written	Criterion 'b' should precede criterion 'a'.	
187	Cumbria Wildlife Trust	Willshaw	2587	Sound	written	support	
493	Cemex UK Operations	Frost	2753	Soundness Not Specified	other	The potential for transport by rail or sea should not be a requirement for the location of a quarry. Delete 'and' at the end of 'a'.	
DEVELOPMENT CONTROL POLICY DC 2			GENERAL CRITERIA				
102	The National Trust	Hubbard	2622	Sound	written	Support - changes address previous concerns in Policy DCE9.	
187	Cumbria Wildlife Trust	Willshaw	2588	Sound	written	support	
489	Lazonby Parish Council	Thomson	2811	Soundness Not Specified	written	Policy should 'require' site liaison committees rather than 'encourage' them.	
DEVELOPMENT CONTROL POLICY DC 3			CUMULATIVE ENVIRONMENTAL IMPACTS				
27	United Utilities	Hardman	2791	Sound	other	Support DC3 - point b re: ground and surface water resources/quality and flood risk	
187	Cumbria Wildlife Trust	Willshaw	2586	Sound	written	Support inclusion of species and habitats .	
489	Lazonby Parish Council	Thomson	2812	Soundness Not Specified	written	Clarify 'compensatory measures' and criteria for when they are required.	
Paragraph 3.2			Proposals for waste management facilities that contribute to an adequate network of provision, and do not have an unacceptable adverse impact on surrounding land uses or pr				
475	Appleby Town Council	Connell	2568	Soundness Not Specified	written	Concerned that the potential HWRC site at Appleby is not included at this stage.	
DEVELOPMENT CONTROL POLICY DC 4			CRITERIA FOR WASTE MANAGEMENT FACILITIES				
27	United Utilities	Hardman	2792	Sound	other	Supports DC4 point f.	

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196	Barrow Borough Council	Huck	2705	Soundness Not Specified	other	Recognises waste facilities can often be accommodated within industrial units, there should not be a blanket presumption of approval. The policy should refer to the objective of Policy CS2.	
DEVELOPMENT CONTROL POLICY DC 6				CRITERIA FOR NON - ENERGY MINERALS DEVELOPMENT			
130	Marshalls Natural Stone	Pearson	2566	Unsound	written	Amend the text of the second bullet point to:'.....meet the need for stone to match regional vernacular building.'	7
130	Marshalls Natural Stone	Pearson	2566	Unsound	written	Amend the text of the second bullet point to:'.....meet the need for stone to match regional vernacular building.'	9
493	Cemex UK Operations	Frost	2755	Soundness Not Specified	other	It is only necessary for developments to be generally in accord with the Development Plan not 'all relevant policies'. 6 a â€" not in accordance with MPS 2 and does not allow for the merits of a particular proposal to be taken in to account.	
Section				ENERGY MINERALS			
427	The Coal Authority	Bust	2723	Unsound	attend	Fails Test 6 internal consistency of DPDs . Cross-reference to Core Strategy Policy 5 would be helpful to emphasise restoration and afteruse.	6
DEVELOPMENT CONTROL POLICY DC 8				Â APPLICATIONS FOR NEW CONDITIONS			
102	The National Trust	Hubbard	2623	Sound	written	Support amended Policy wording.	
394	Stephenson Halliday	Edwards	2809	Soundness Not Specified	other	Clarify phrase achieve significant enhancements for, the environment and communities	
493	Cemex UK Operations	Frost	2757	Soundness Not Specified	other	Consideration of applications should not unduly affect the asset value and viability of the quarry, (Environment Act 1995 and the guidance on ROMP applications).	
DEVELOPMENT CONTROL POLICY DC 9				MINERALS SAFEGUARDING			
394	Stephenson Halliday	Edwards	2810	Sound	other		
427	The Coal Authority	Bust	2721	Unsound	attend	Fails Test 6 - inconsistent with other DPDs; Test 7 - based on out of date evidence and also Test 8 as no Proposals Map to give spatial illustration regarding implementation. This should define MCA boundaries on an OS base (para 2.21 of PPS12) and be acce	7
427	The Coal Authority	Bust	2721	Unsound	attend	Fails Test 6 - inconsistent with other DPDs; Test 7 - based on out of date evidence and also Test 8 as no Proposals Map to give spatial illustration regarding implementation. This should define MCA boundaries on an OS base (para 2.21 of PPS12) and be acce	6
427	The Coal Authority	Bust	2721	Unsound	attend	Fails Test 6 - inconsistent with other DPDs; Test 7 - based on out of date evidence and also Test 8 as no Proposals Map to give spatial illustration regarding implementation. This should define MCA boundaries on an OS base (para 2.21 of PPS12) and be acce	8
492	Quarry Products Associati	Bromley	2736	Unsound	attend	The policy is weighted towards development. Reword 'â€"will not be permitted unless the following is achieved' and refer to "A guide to mineral safeguarding in England".	4B
495	Confederation of UK Coal	Brewer	2784	Soundness Not Specified	written	Policy DC9 is inadequate if the MCAs do not include shallow coal reserves.	
Paragraph 5.1				The Minerals and Waste Development Framework Core Strategy recognises and describes the unique importance of the natural assets and historic environment of Cumbria. Thes			
187	Cumbria Wildlife Trust	Willshaw	2590	Sound	written	Change word "eco-system" to ecosystem and mention Ecosystem Services .	
Paragraph 5.7				The aim of planning decisions will be not only to prevent harm to biodiversity and geological conservation interests but to seek enhancements. In addition to national policies, Core			
187	Cumbria Wildlife Trust	Willshaw	2591	Sound	written	Support wording - as in PPS9.	
DEVELOPMENT CONTROL POLICY DC 10				BIODIVERSITY AND GEODIVERSITY			
41	Natural England	Hedley	2689	Soundness Not Specified	written	Policy should include statement that development proposals should initially seek to avoid any adverse impacts, clarify that avoidance is prioritised over mitigation, and emphasise enhancement, and restoration.	
187	Cumbria Wildlife Trust	Willshaw	2592	Sound	written	support	
Paragraph 5.9				The policy highlights the need not only to avoid significant harm to assets but to enhance them where possible. This is reflected in the order in which criteria will be considered. W			
187	Cumbria Wildlife Trust	Willshaw	2594	Sound	written	Support recognition that enhancement of biodiversity should take place wherever possible, and long term management where appropriate.	
Paragraph 5.1				Other legislation requires Habitat Regulations Assessment for any proposals which may impact upon a European site, or features associated with it.Â This is to determine whethe			
41	Natural England	Hedley	2690	Sound	written	Welcome clear reference to Habitats Regulations Assessment in paragraph 5.10, and clear statement wrt adverse effects on a European designated site.	

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Paragraph 5.11				Developers are advised that ecological surveys are usually needed to establish whether protected species are present on prospective minerals and waste sites.Â Early attention n			
187	Cumbria Wildlife Trust	Willshaw	2593	Sound	written	Support requirement for early attention to ecological surveys.	
DEVELOPMENT CONTROL POLICY DC 11				HISTORIC ENVIRONMENT			
212	Carlisle City Council	Hardman	2731	Unsound	written	Does not sufficiently reflect protection of the historic environment in line with national policy. Reword last section of the policy to increase the emphasis that permission will not be granted unless the need decisively outweighs the interest and there i	4B
492	Quarry Products Associati	Bromley	2735	Unsound	attend	Not in line with PPG16 and the CBI Code . Add '.....these interests or unless "rescue and record" is appropriate" " to the final sentence.	4B
DEVELOPMENT CONTROL POLICY DC 12				Â LANDSCAPE			
102	The National Trust	Hubbard	2624	Sound	written	Amended Policy reference at (f) to National Parks is welcomed.	
DEVELOPMENT CONTROL POLICY DC 13				FLOOD RISK			
27	United Utilities	Hardman	2793	Sound	written	Supports the 2nd bullet point re sewage transmission infrastructure and pumping stations and 5th bullet point re sewage treatment plants.	
102	The National Trust	Hubbard	2625	Sound	written	Support amended wording.	
DEVELOPMENT CONTROL POLICY DC 14				THE WATER ENVIRONMENT			
27	United Utilities	Hardman	2794	Sound	other	Supports the wording of this Policy on the water environment.	
42	Environment Agency	Pickup	2636	Soundness Not Specified	other	Support DC14 the Water Environment but amend " watercourses" to "surface waters" to include coastal waters, lakes and ponds.	
DEVELOPMENT CONTROL POLICY DC 15				PROTECTION OF SOIL RESOURCES			
41	Natural England	Hedley	2691	Sound	written	Welcome the inclusion of this additional Policy (DC 15): and supporting paragraphs 5.22 â€ 5.28.	
102	The National Trust	Hubbard	2626	Sound	written	New Policy on soil resources welcomed and supported	
342		Cook	2814	Sound	written	Supports policy and believe it should protect existing and active farm units from minerals proposals.	
486	Allerdale Borough Council	Ward	2659	Sound	written	Supports this policy.	
Paragraph 5.31				Whilst sites on the best and most versatile agricultural land should usually be restored to a similar standard, other uses will be encouraged that contribute to the "step-change" in			
187	Cumbria Wildlife Trust	Willshaw	2597	Sound	written	Support strengthening of ecological networks and contribution to UK and Cumbria BAP habitats;also encouragement of technically feasible and self supporting schemes.	
Paragraph 5.32				The success of reclamation schemes based on landscape, recreation and nature conservation enhancement will however sometimes depend not only on a well-funded and effecti			
187	Cumbria Wildlife Trust	Willshaw	2595	Sound	written	Change "bio-diversity" to biodiversity.	
DEVELOPMENT CONTROL POLICY DC 16				Â AFTERUSE Â AND RESTORATION			
41	Natural England	Hedley	2692	Sound	written	Broadly welcome the more detailed Policy and paragraphs 5.29 â€ 5.32 . Strongly support 2nd paragraph of policy. Suggest that text supporting Core Strategy Policy 1 should be brought into accord with Policy DC 16. Expand criterion (a) of DC 16 to include	
102	The National Trust	Hubbard	2627	Sound	written	Amended wording and amalgamation of Preferred Option policies is satisfactory.	
187	Cumbria Wildlife Trust	Willshaw	2596	Sound	written	Support improvements to policy wording.	
427	The Coal Authority	Bust	2724	Unsound	attend	Fails Test 4 no apparent account of PPG14 ref addressing public safety issues arising from land instability by appropriate restoration and remediation Suggests additional criteria (e) .	4B
489	Lazonby Parish Council	Thomson	2813	Soundness Not Specified	written	The list of requirements could be made less restrictive to enable after-uses other than restoration to biodiversity or pre-development status.	
Paragraph 6.4				New criteria are also being introduced for the validation of planning applications by local planning authorities.Â Until now the lack of essential details in a planning application has			
187	Cumbria Wildlife Trust	Willshaw	2598	Sound	written	Support requirement for biodiversity survey in local 1App form list.	
DEVELOPMENT CONTROL POLICY DC 17				PLANNING OBLIGATIONS			

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27	United Utilities	Hardman	2795	Sound	other	Supports planning obligations for off-site monitoring of water courses, groundwater levels and water supply abstractions.	
41	Natural England	Hedley	2693	Sound	written	Support this policy, specifically obligations securing enhancement and longer term management .	
102	The National Trust	Hubbard	2628	Soundness Not Specified	written	Refers to previous reference to enhancement of historic environment	
212	Carlisle City Council	Hardman	2732	Soundness Not Specified	written	There is no reference to ensure Legal agreements are in place prior to development.	
492	Quarry Products Associati	Bromley	2737	Soundness Not Specified	other	Delete point (h). Aspects such as dust and noise are covered by the ALSF fund.	
493	Cemex UK Operations	Frost	2758	Soundness Not Specified	written	Should relate to the need to secure planning obligations or legal agreements and each proposal should be judged on its merits. Exclude 'h' as this should be within normal mitigation measures. Also the Aggregates Levy is the appropriate fund to address ame	