



**PLANNING AND COMPULSORY PURCHASE ACT 2004**

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

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

**REGULATION 19 OUTCOMES REPORT**

**REPRESENTOR ORDER**

**JULY 2016**

**Cumbria draft MWLP - Regulation 19 consultation: 23 May 2016 to 4 July 2016**

The tables below set out a precis of each representation, in representor order, on the whole, or part, of the Publication version of the Minerals & Waste Local Plan. The full version of each representation can be seen in the Appendix to the Policy Order Outcomes Report (SD45).

ID	Consultee	Comment	Action
001	Marine Management Organisation	<p>Marine aggregates: If you are consulting on a mineral/waste plan or local aggregate assessment, the Marine Management Organisation recommend reference to marine aggregates is included and reference to be made to the documents below:</p> <ul style="list-style-type: none"> <li>• The Marine Policy Statement (MPS), section 3.5 which highlights the importance of marine aggregates and its supply to England’s (and the UK) construction industry.</li> <li>• The National Planning Policy Framework (NPPF) which sets out policies for national (England) construction minerals supply.</li> <li>• The Managed Aggregate Supply System (MASS) which includes specific references to the role of marine aggregates in the wider portfolio of supply.</li> <li>• The National and regional guidelines for aggregates provision in England 2005-2020 predict likely aggregate demand over this period including marine supply.</li> </ul> <p>The NPPF informed MASS guidance requires local mineral planning authorities to prepare Local Aggregate Assessments, these assessments have to consider the opportunities and constraints of all mineral supplies into their planning regions – including marine. This means that even land-locked counties, may have to consider the role that marine sourced supplies (delivered by rail or river) play – particularly where land based resources are</p>	<p><b>No Action</b></p> <p>Core Document reference ND133 (Marine Planning: a guide for local authority planners) has been used in the preparation of the Plan, along with the other documents referred to here, including Core Document reference ND183 (Marine Policy Statement). Paragraph 5.6 of the Plan refers to the contribution made by marine dredged aggregates to the county, set out in more detail in Table 5.1. Therefore, it is not considered necessary to modify the Plan in response to this comment.</p>

ID	Consultee	Comment	Action
		becoming increasingly constrained.	
002	Brougham Parish Council	Whole MWLP: Thank you for the consultation on your Local Plan. Brougham Parish Council has no comment to make.	<b>No Action</b>
003	Electricity North West	<p>Site allocations policies: The details of whether the site will affect any Electricity North West assets is detailed in the following SAP specific tables.</p> <p>Some of the developments are shown to be adjacent to or affect Electricity North West operational land or electricity distribution assets. Where the development is adjacent to operational land the applicant must ensure that the development does not encroach over either the land or any ancillary rights of access or cable easements.</p> <p>The applicant should be advised that great care should be taken at all times to protect both the electrical apparatus and any personnel working in its vicinity.</p> <p>The applicant should also be referred to two relevant documents produced by the Health and Safety Executive:-</p> <ul style="list-style-type: none"> <li>HS(G)47 – Avoiding danger from underground services.</li> <li>GS6 – Avoidance of danger from overhead electric lines.</li> </ul> <p>The applicant should also be advised that, should there be a requirement to divert the apparatus because of the proposed works, the cost of such a diversion would usually be borne by the applicant. The applicant should be aware of our requirements for access to inspect, maintain, adjust, repair, or alter any of our distribution equipment. This includes carrying out works incidental to any of these purposes and this could require works at any time of day or night.</p> <p>It is recommended that the applicant give early consideration in project design as it is better value than traditional methods of data gathering. It is, however, the applicant's responsibility to demonstrate the exact relationship on site between any assets that</p>	<p><b>Action</b></p> <p>Ensure detail of ENW assets is added to relevant allocations in Site Assessments document – for when an application comes forward.</p>

ID	Consultee	Comment	Action
		<p>may cross the site and any proposed development.</p> <p>SAP1: The details of whether the site will affect any Electricity North West assets is detailed below:-  AL37 – Lillyhall HWRC, Workington: 11kV assets present within the development area  SL01B – Kendal Fell: 11kV assets present within the development area</p> <p>SAP2: The details of whether the site will affect any Electricity North West assets is detailed below:-  AL03 – Oldside, Workington: No impact  AL08 – Lillyhall Waste Treatment Centre, Workington: 33kV &amp; 11kV assets present within the development area  AL18 – Port of Workington: 11kV assets present within the development area  CA11 – Willowholme, Carlisle: 132kV, 33kV &amp; 11kV assets present within the development area  CA30 – Kingmoor Road: 11kV assets present within the development area  CA31 – Kingmoor Park East: 11kV assets present within development area  CO11 – Bridge End Industrial Estate, Egremont: 11kV assets present within the development area</p> <p>SAP3: The details of whether the site will affect any Electricity North West assets is detailed below:-  CO32 – Sellafield: 33kV &amp; 11kV assets present within the development area)  CO35 – Low Level Waste, Drigg: 11kV assets present within the development area  CO36 – Sellafield: 132kV, 33kV &amp; 11kV assets present within the development area</p>	

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		<p>SAP4: The details of whether the site will affect any Electricity North West assets is detailed below:-</p> <p>M05 – High Greenscoe Quarry: 11kV assets present within development area</p> <p>M06 – Overby &amp; High House, Abbeytown: No impact</p> <p>M8 – Cardewmires Quarry: 33kV assets present within the development area</p> <p>M10 – Silvertop Quarry: 11kV assets present within the development area</p> <p>M11 – Kirkhouse Quarry: 11kV assets present within the development area</p> <p>M12 – Roosecote Quarry: 33kV &amp; 11kV assets present within the development area</p> <p>M14 – Kirkby Slate Quarry: 11kV assets present within the development area</p> <p>M15 – Peel Place Quarry, Gosforth: 11kV assets present within the development area</p> <p>M16 – Holmescales Quarry: 33kV &amp; 11kV assets present within the development area</p> <p>M18 – Stamphill Gypsom Site, Long Marton: No impact</p> <p>M24 – Derwent Howe, Workington: 11kV assets present within the development area</p> <p>M27 – Roosecote Quarry: 33kV &amp; 11kV assets present within the development area</p> <p>M30 – Road Edge Quarry: 33kV &amp; 11kV assets present within the development area</p>	

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		<p>SAP5: The details of whether the site will affect any Electricity North West assets is detailed below:-</p> <p>AL18 – Port of Workington: 11kV assets present within the development area</p> <p>AL32 – Siddick Rail Sidings: No impact</p> <p>AL38 – Innovia Rail Sidings, Wigton: 11kV assets present within the development area</p> <p>AL39 – Silloth Port: 11kV assets present within the development area</p> <p>BA26 – Barrow Port: 33kV &amp; 11kV assets present within development area</p> <p>CO35 – Low Level Waste, Drigg: 11kV assets present within the development area</p> <p>CO36 – Sellafield: 132kV, 33kV &amp; 11kV assets present within the development area</p> <p>M31 – Salthouse Rail Sidings, Millom: No impact</p> <p>M34 – Kingmoor Rail Sidings: 33kV &amp; 11kV assets present within the development area</p> <p>M35 – Shap Beck Quarry: 33kV &amp; 11kV assets present within the development area</p> <p>M36 – Shapfell Quarry: 132kV, 33kV &amp; 11kV assets present within the development area</p> <p>M37 – Shap Blue Quarry: 132kV, 33kV &amp; 11kV assets present within the development area</p> <p>M38 – Kirkby Thore Gypsum: No impact</p>	
004	Health & Safety Executive	<p>SAP2: I can confirm that our advice dated 16.5.15 remains valid: We have concluded that there is potential for land allocated in your plan to encroach on Health &amp; Safety Executive consultation zones. 1. allocations that intersect with major hazard installation consultation zones - AL3, AL18 and CA11.</p> <p>SAP3: I can confirm that our advice dated 16.5.15 remains valid:</p>	<p><b>Action</b></p> <p>Ensure detail of HSE hazards is added to relevant allocations in Site Assessments document – for when an application comes forward.</p>

ID	Consultee	Comment	Action
		<p>We have concluded that there is potential for land allocated in your plan to encroach on Health &amp; Safety Executive consultation zones.</p> <p>1. allocations that intersect with major hazard installation consultation zones - CO32 and CO36</p> <hr/> <p>SAP4: I can confirm that our advice dated 16.5.15 remains valid: We have concluded that there is potential for land allocated in your plan to encroach on Health &amp; Safety Executive consultation zones.</p> <p>1. allocation that intersect with major hazard installation consultation zones - M12</p> <p>2. allocations that intersect with major accident hazard pipeline consultation zones - M8 and M12</p> <hr/> <p>SAP5: I can confirm that our advice dated 16.5.15 remains valid: We have concluded that there is potential for land allocated in your plan to encroach on Health &amp; Safety Executive consultation zones.</p> <p>1. allocations that intersect with major hazard installation consultation zones - BA26, AL18, AL32, AL38, CO36,</p> <p>2. allocation that intersect with major accident hazard pipeline consultation zones - M36</p>	
005	Canal and Rivers Trust	Whole MWLP: Having reviewed the documentation, policies and site allocations, the Canal and Rivers Trust have no comments to make.	<b>No Action</b>
006	Cumbria GeoConservation	<p>SP14: Having studied the Local Plan, and having made previous comments, which have been incorporated, Cumbria GeoConservation are convinced of its soundness. However we would request two minor modifications to the text if this is possible.</p> <p>1. We would request an additional bullet point, to say that the policy “Should recognise Cumbria’s mineral resources are also important geodiversity assets, and to ensure that restoration does not obscure features of geological conservation interest”.</p>	<p><b>No Action</b></p> <p>It is considered that Policy SP14 affords sufficient protection to geodiversity assets, including those set out in Boxes 8.1 and 8.2.</p>

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		2. Under Geodiversity designations, please remove mention of GeoParks, as there are none (as yet) in Cumbria. Please replace this with “designated geological conservation sites such as NNR, SSSI and Local Geological Sites, formerly Regionally Important Geological Sites”.	In 2003, the North Pennines AONB was awarded the UNESCO-endorsed status of European Geopark. The North Pennines AONB/Geopark lies partially within Cumbria.
007	Northamptonshire County Council	<p>SP6: In relation to Hazardous Waste, the Council notes Policy SP6 in relation to radioactive waste is included in the Plan but is concerned over the lack of policy in relation to hazardous waste. A policy should be included setting out the criteria on which the planning authority would determine any proposal coming forward for a specific hazardous waste disposal landfill site/ management facility.</p> <p>SP7: Concerned by the lack of a provision figure in Policy SP7. It considers that the Minerals and Waste Local Plan process should lead to a policy that contains the quantity of sand and gravel provision to be made over the plan period. Monitoring could then include triggers for review where appropriate.</p> <p>The matter of making numerical provision in policy formed part of the examination into both the Kent Minerals and Waste Local Plan and the Oxfordshire Minerals and Waste Core Strategy as both the submitted plans were proposing not to include a figure within policy.</p> <p>The Inspector stated in correspondence to Kent County Council that the Plan should clearly indicate the quantity of mineral for</p>	<p><b>No Action</b></p> <p>It was not considered necessary to include a policy for hazardous waste, as the amounts arising are so small in Cumbria, and the settlement pattern is annular around the National Park, so this waste stream is usually exported to facilities elsewhere. All of this is set out in the 2014 and 2015 Waste Needs assessments. If a proposal for a hazardous waste facility were to come forward, it would be considered on its merits, using the full suite of relevant DC policies.</p> <p><b>No Action</b></p> <p>The Council considered adding figures for aggregates into policy SP7, but felt that this was better set out in the annual Local Aggregates Assessment, as the figures can change year-on-year dependent on markets, recession, etc. Having a set figure in the policy was not considered flexible enough.</p>

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		<p>which provision is to be made, either annually or over the Plan period. He continued that without this information, there would be no basis in the Plan on which to assess the need for mineral or the size of the landbanks and only once an annual or total figure is arrived at will it be possible to assess the need to make additional provision; the quantity of that provision; the size of the landbanks; and the sites to meet the requirement. The Inspector was of the view the policy did not fulfil the requirements of the NPPF. KCC proposed, in advance of the hearing sessions, main modifications that included a provision figure in the relevant policy.</p> <p>The Inspector also raised his concerns about this matter in correspondence with Oxfordshire County Council. Information about the Inspectors concerns can be found at paragraph 40 of the document <a href="http://www.hwa.uk.com/site/wp-content/uploads/2015/12/Inspector-letter-22-1-20161.pdf">http://www.hwa.uk.com/site/wp-content/uploads/2015/12/Inspector-letter-22-1-20161.pdf</a> where he raised the fact that a lack of figures in policy is “not in accordance with national policy”. For information Oxfordshire’s response to the Inspector can be found at paragraph 30 of the following document <a href="http://www.hwa.uk.com/site/wp-content/uploads/2015/12/LetterToInspector_PHD_20160203_Redacted.pdf">http://www.hwa.uk.com/site/wp-content/uploads/2015/12/LetterToInspector_PHD_20160203_Redacted.pdf</a></p>	
008	Tarmac	<p>SAP5: Tarmac welcome the safeguarding of Kingsmoor Rail Sidings (Site Ref. M34) in Policy SAP5 of the Minerals and Waste Local Plan. As stated in the Site Assessment Paper (page 143) ‘the allocation recognises its existing strategic role and development potential for minerals and waste management facilities’. The Council’s approach accords with the NPPF (paragraph 143) and will ensure that the operation of this strategic facility is not unnecessarily hindered or fettered by non-minerals development. Policy SAP5 is sound as it is positively prepared, justified, effective and consistent with national policy.</p>	<b>No Action</b>

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009	Centrica/HRL	<p>SAP4: Although representatives of Centrica/HRL met with the operators of Roosecote Quarry who are promoting the allocation, we can confirm our previous objection was not withdrawn. The primary reason for this objection is the strategic importance of this land to Centrica/HRL's future operations, as well as to the local and wider regional and national economies in terms of job creation and energy generation, transmission and security. In particular, the following points are of note:</p> <ol style="list-style-type: none"> <li>1. grid connection</li> <li>2. future energy development</li> <li>3. Barrow Local Plan policy</li> <li>4. NPPF</li> <li>5. North West Coast Connections Project route corridor</li> </ol>	<p><b>No Action</b></p> <p>There has been continuing discussion between Centrica (the land and mineral rights owner) and Burlington Aggregates Ltd (the quarry operator) concerning sand and gravel extraction on the allocated Preferred Area at Roosecote Quarry. The objection appears to have arisen because BNP Paribas have advised that any allocation in the Minerals &amp; Waste Local Plan would effectively "trump" the allocation of this area for Energy Uses, in the emerging Barrow Local Plan. All parties were advised by the County Council that there is no hierarchy of site allocations, whereby a County-level allocation would hold more weight than a District-level allocation.</p> <p>In fact, Centrica have stated that as part of their future expansion plans (energy use), they require the land identified as the Preferred Area to be levelled, and the sand and gravel extraction would facilitate this for them.</p>
010	Durham County Council	<p>Whole MWLP: Support the general approach of the Plan for Minerals and Waste, which is in line with national policy direction and provides a suitable and sound policy basis to plan for the steady and adequate supply of minerals, the sustainable management of waste and the protection and enhancement of environmental assets in Cumbria in the period to 2030. We</p>	<p><b>No Action</b></p>

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		especially welcome the Plan's approach to nationally important resources such as the Low Level Waste Repository near Drigg and very high specification roadstone. We neither wish to support nor object to any of the proposed sites, noting that none of the proposed sites would have an unacceptable adverse impact on County Durham's environment or amenity.	
011	The Coal Authority	<p>SP7: Welcome the proposed designation of the MSA covering the entire surface coal resource as this mirrors the approach pursued across England and meets the requirements of paragraphs 143 and 144 of the NPPF. It also follows the guidance set out in the Planning Practice Guidance and the 2011 BGS/The Coal Authority document 'A Guide to Mineral Safeguarding in England' which is cited in the PPG as the relevant practice advice.</p> <p>SP15: The Coal Authority supports Policy SP15</p> <p>DC13: The Coal Authority supports Policy DC13 and the overall approach to energy minerals, the comments we have made previously have been taken into account. In particular The Coal Authority welcomes recognition of the fact that restoration and aftercare needs to be a consideration at the exploration and appraisal stage for hydrocarbons as cessation of activity could occur at any stage.</p> <p>DC15: The Coal Authority welcomes the proposed designation of the MSA covering the entire surface coal resource, we agree that there is no requirement to safeguard deep coal resources.</p> <p>DC22: The Coal Authority supports Policy DC22, particularly in relation to ensuring that restored mineral workings pose no future instability risks.</p>	<b>No Action</b>
012	NuLeAF	Whole MWLP: We provided comments on the previous Cumbria Minerals and Waste Plan consultation in May 2015. We are satisfied with the response of Cumbria County Council to our comments, as set out in the Outcomes Report. As the current	<b>No Action</b>

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		consultation is solely on the soundness and legal compliance of the Local Plan, we have no further comments to make.	
013	Aggregate Industries	SP8: The inclusion of Holmescales Quarry is supported. No amendment proposed but Aggregate Industries would wish to participate in the Hearing when this policy is discussed.	<b>No Action</b>
		SAP2: The use of land in the Port of Workington (AL18) for aggregate related uses needs to be safeguarded.	<b>No Action</b> This site is already safeguarded in Policy SAP5.
		SAP4: The inclusion of Holmescales Quarry (M16) is supported. No amendment proposed but Aggregate Industries would wish to participate in the Hearing when this policy is discussed.	<b>No Action</b>
		SAP5: The inclusion of Barrow Port and Port of Workington is supported but the Salthouse, Millom rail facility is going to be restored to agriculture in Summer/Autumn 2016 because it has not been used since 2009/10 and was unlikely to be used for the future supply of Ghyll Scaur stone because the Drigg LLWR have supply contracts with other sites and the asphalt plants supplied by Ghyll Scaur Quarry do not have rail connections and do not require the tonnages that a train would deliver.	<b>Action</b> Site allocation M31 will be removed from the Local Plan. Reason for modification: the site is to be restored to agriculture.
014	Environment Agency	Whole MWLP: No specific comments to make on the publication version of the Minerals and Waste Local Plan and associated documents; overall we are satisfied that our comments provided at previous stages of consultation have been included.	<b>No Action</b>
015	Derwent Parish Council	Soundness of the MWLP: The draft Plan deviates from the government's, in the National Planning Policy Framework (NPPF), definition of Soundness. Evidence of deviation: - extract from table 1 NPPF definition of 'Justified': 'This means that the DPD should be based on a robust and credible evidence base involving: 'Evidence of participation of the local community and others having a stake in the area;' <b><i>The current statement of community involvement (SOI) is not fit for purpose as it is 10</i></b>	<b>No Action</b>  - A Statement of Consultation has been prepared to accompany the submitted MWLP. This sets out how consultation has been undertaken at each of the 4 consultation stages of MWLP preparation

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		<p><i>years old.</i></p> <p>- extract from table 1 NPPF definition of 'Effective': 'Any measures which the Council has included to make sure that targets are met should be clearly linked to an Annual Monitoring Report.' <b><i>There is no target monitoring in the current Annual Monitoring Plan 2014 P334/13.</i></b></p> <p>- Glossary (Page 127) 'Statement of Community Involvement (SCI) Sets out the standards that local authorities will achieve with regard to involving individuals, communities and other stakeholders in the preparation of Local Plans and in development control decisions. Cumbria County Council's Statement of Community Involvement was adopted in January 2006 and <u>is currently being reviewed.</u>' <b><i>The Glossary within the Plan defining the SCI suggests it is under review. However the Cumbria County Council web page shows this document as 'current' and not 'under review.</i></b></p>	<p>and who has been consulted during the process.</p> <p>- The current Authority Monitoring Report monitors the adopted Core Strategy and Generic Development Control Policies (2009). The indicators and targets that will be used to monitor the new MWLP, once adopted, are set out in Appendix 3 of the Plan.</p> <p>- A review of the SCI was begun in July 2014, but completion of the recommended updates was stalled awaiting changes to the Council's Constitution; therefore, the 2006 SCI was still the current version. The Constitution was finally amended in September 2015. By then, however, priority had to be given to the Supplementary Sites consultation and then the Publication version of the MWLP. In 2016, the updates to the SCI have been reviewed again, in case of further changes to legislation, electronic communication methods and structure of the County Council's Communications Team. An Addendum Report to the SCI has been prepared, which sets out how and why changes have occurred in the way that the Council carries out planning</p>

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			<p>related consultations. Notwithstanding the above, the MWLP has been prepared in line with the tenets of the SCI and also with Duty to Co-operate Protocol.</p>
		<p>Monitoring of the MWLP: There is a significant difference between previous monitoring techniques and the current draft shown in the M&amp;W Plan. <b>See the list of headings below that describe the methodology used by each monitoring matrix. There is a danger the current draft M&amp;W Plan Monitoring Matrix is not fit for purpose.</b></p> <ul style="list-style-type: none"> <li>- 2009 AMP Appendix D Monitoring Matrix Indicators and Targets for the adopted Core Strategy 2009 (Page 39) Matrix <u>Headers:</u> Theme, Objectives, Core Strategy, Generic DC Policies, Subject, Indicators, Data Source, Baseline, Target or Milestones, Target Source</li> <li>- draft M&amp;W Plan (Page 213) Appendix 3 Monitoring Matrix <u>Headers:</u> Policies, Indicators, Who? How? When? Trigger for the review of the Plan Policy.</li> </ul>	<p><b>No Action</b> The Monitoring Matrix set out in the 2009 Core Strategy was designed specifically for that document and was a product of the data available from the range of external organisations existing at that time. Following the enactment of the Localism Act 2011, it is now the responsibility of each local authority to decide what to include in their monitoring reports, while ensuring that they are prepared in accordance with relevant UK and EU legislation. Therefore, the Monitoring Matrix in Appendix 3 of the 2016 MWLP, was designed specifically for that document. Further discussion on how the Matrix was designed, can be found in chapter 17 of the MWLP.</p>
		<p>Waste Needs Assessment: In the draft M&amp;W Plan (page 15 footer reference), it says of the Waste Needs Assessment, December 2015 'It is a joint report undertaken by CCC and the Lake District National Park authority and provides an explanation of the methodology and definitions of the waste streams which have been developed to provide usable predictions whilst avoiding spurious accuracy.' <b>Currently this 2015 WNA cannot be found in the</b></p>	<p><b>No Action</b> The Joint Waste Needs Assessment (December 2015) [pdf 1.8MB] is included in the evidence presented as immediately relevant on the consultation webpage: <a href="http://www.cumbria.gov.uk/planning-">http://www.cumbria.gov.uk/planning-</a></p>

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		<p><b><i>Evidence Base report list (only WNA Waste Arisings and Capacity Requirements Final December 2014) therefore within section 3 of the Plan some of the data sources and methodology used to support the strategic objectives and their monitoring and review is not currently evidenced.</i></b></p> <p>Strategic Objective 1: There is evidence of strategic objectives differences between reports.</p> <p>- Annual Monitoring Plan (AMP)2014 – ‘SO1 – that minerals and waste management developments will take due account of the issues of climate change, in particular through energy use and transport; that any adverse impacts <u>on the environment and the local economy will be minimised and that potential benefits will be maximised</u>’.</p> <p>- draft M&amp;W Plan Appendix 3 Monitoring Matrix (Page 213) ‘strategic objective 1 ‘that minerals and waste management developments will take due account of the issues of climate change, in particular through energy use and transport; that any adverse impacts’.</p> <p><b><i>There is a difference in wording between the reports which may compromise future reviews of the M&amp;W Plan.</i></b></p> <p>In the Annual Monitoring Plan 2014 section 8.11 (Page 34) it says ‘The ten Strategic Objectives are’.....</p> <p><b><i>There are eleven shown in the draft M&amp;W Plan Monitoring Matrix.</i></b></p> <p>In the draft M&amp;W Plan Regulation 19 2016 (Page 214) Appendix 3 Monitoring Matrix, it says ‘Strategic Objective 2: That opportunities will be taken to secure improvements to Cumbria’s environment , communities, and local economy maximising potential benefits and avoiding adverse impacts.’</p> <p><b><i>Strategic objective 2 shown above is not listed in the Annual Monitoring Plan 2014.</i></b></p>	<p>environment/policy/minerals_waste/MWLP/Consultations2016.asp The Council are a phone call away from any document that could not be located.</p> <p><b>No Action</b></p> <p>The Authority Monitoring Report (AMR) for calendar year 2014, was written before decisions had been made on the Council’s response to the MWLP consultation held in March to May 2015. One representation made on the 2015 MWLP, requested that the second part of Objective 1 should be a separate Objective in its own right and should be more positively worded.</p> <p>In 2015, Objective 1 read “That minerals and waste management developments will take due account of the issues of climate change, in particular through energy use and transport; that any adverse impacts on the environment and the local economy will be minimised and that potential benefits will be maximised.”</p> <p>For the 2016 MWLP, it was decided to split former Objective 1. Thus in 2016, Objective 1 reads “That minerals and waste management developments will take due account of the issues of climate change, in particular through energy use and transport” and Objective 2 reads</p>

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		<p>Strategic Objective 8/9: In the 2016 draft M&amp;W Plan, Strategic Objective 9 reads: 'That the overall quality of Cumbria's environment will be protected and where possible enhanced by high standards of design and operation in new developments and high standards of restoration once developments have been completed.'</p> <p>In AMP 2014, Strategic Objective 8 reads – 'that the overall quality of Cumbria's environment will be protected and, where practicable, enhanced by high standards of design and operation in <u>35</u> new developments and high standards of restoration once developments have been completed.'</p> <p><b><i>The number of developments '35' should be included in both reports else removed.</i></b></p> <p>Scope of the MWLP: In the draft M&amp;W Plan Glossary, it explains under National Park that 'The Cumbria Minerals and Waste Local Plan does not cover land within the county of Cumbria that is within either the Lake District National Park or the Yorkshire Dales National Park'.</p> <p>In Appendix 1, Table 9 regarding crushed rock quarries, there are various sites on or near the Lake District National Park and</p>	<p>"That opportunities will be taken to secure improvements to Cumbria's environment, communities and local economy, maximising potential benefits and avoiding adverse impacts."</p> <p>Therefore, AMR2014 will still reflect the 10 Strategic Objectives that were current in 2014, whilst the 2016 MWLP has acted on the representation and split Objective 1, providing 11 Strategic Objectives.</p> <p><b>No Action</b></p> <p>There is no number '35' in the discussion of Strategic Objective 8, in the 2014 AMR. The Objective is split across two pages and there is a number '25', denoting the page number. It is assumed that this was picked up in a cut and paste action.</p> <p><b>No Action</b></p> <p>If an application is received by the County Council for a proposal that requires infrastructure within the County's remit, but extraction within a neighbouring Authority's remit, discussion would be entered into with</p>

ID	Consultee	Comment	Action
		<p>Yorkshire Dales boundaries such as Shap Beck, Shap Blue and among others Kendal Fell, while Shap Pink is located inside the Park.</p> <p><b><i>The M&amp;W Plan needs to clarify if there is a criteria which would invalidate any new application requiring to tunnel, mine, or drill beneath the Cumbria Lake District National Park or Yorkshire Dales Park.</i></b></p>	<p>that Authority as to who would determine the application.</p> <p>If this question is actually referring to the development of a Geological Disposal Facility for higher activity radioactive waste, this would not be considered by either the County Council or the other Authority, as it would be considered as a Nationally Significant Infrastructure Project – both Authorities would, however, be consultees to the proposal.</p>
		<p>Evidence for the MWLP: There is a lack of commitment to use effective and balanced evidence gathering and the proper use of evidence for Council decision making. This is evidenced by:</p> <ul style="list-style-type: none"> <li>- paragraph 13.7 (Page 114) Health: ‘Policy DC2 General criteria refers to assessments that <b><u>may be required</u></b> to accompany a planning application in connection with, where relevant, impacts on human health. The text preceding the policy includes a non-exhaustive list of <b><u>possible assessments required</u></b>.</li> <li>- paragraph 13.9 (Page 115) Traffic: ‘Mineral development has to be worked at its source, so at times there will be impacts on the rural road network and on community amenity from staff travel. In such instances and <b><u>where possible</u></b>, mitigation measures <b><u>should be considered</u></b> to reduce any impacts on highway safety, convenience to other road users and community amenity.</li> </ul>	<p><b>No Action</b></p> <p>Every development proposal is different, in a different location, with different requirements, with different constraints, requiring different conditions, etc. Therefore, it is impossible to define a definitive list of every assessment required or every condition necessary. Non exhaustive lists are supplied in the MWLP, so that a developer can get an idea of the type of assessments that may be required. Pre-application discussion is advocated to sort out the exact requirements.</p>
		<p>MWLP Options Report March 2015: In paragraph 4.13 (Page 38) of the 2016 MWLP, it says ‘as with conventional wastes, there should be an understanding of what is arising and where it goes; there should not be a default position of exporting these wastes to existing facilities in West Cumbria.’</p> <p><b><i>The above statement is a good one to make but it is not</i></b></p>	<p><b>No Action</b></p> <p>Policy SP6 has not yet been adopted, in any version.</p>

ID	Consultee	Comment	Action
		<p><b><i>supported by the following extracts.</i></b></p> <p>- Options Report: Draft Cumbria Minerals and Waste Local Plan 2014-2029 March 2015 Issue RAD 3: (Page 11) section 4.19 Criteria for Low Level radioactive wastes (LLW) facilities, including consideration of wastes from outside Cumbria. ‘The option selected was to accept a National role, i.e. the import of LLW from elsewhere in the UK, conditional on measures to reduce the proportion of such waste assigned to the site. This attempted to ensure the “optimal use” of the highly engineered capacity at the Repository, and ensure development plans for the site were proportionate.’</p> <p>- Options Report: Draft Cumbria Minerals and Waste Local Plan 2014-2029 March 2015 (Page 10) section 4.13 ‘Issue RAD 6 Proposed Policies. Policy SP6 High and Intermediate level radioactive waste treatment, management and storage takes forward Option B 1-5, and makes it clear that: Sellafield is the only site in Cumbria where such proposals would be permitted; and involvement in, or benefits from, the proposal with, or for, local communities are not criteria for the assessment of planning applications. (Option B 5 is omitted).’</p> <p><b><i>The policy statement above seems to be in conflicts with the LEP Strategic Plan which is all about promoting nuclear jobs in Cumbria for the local workforce.</i></b></p> <p><b><i>Has this policy been adopted?</i></b></p> <p>Sustainability Appraisal: TABLE 1, Appendix 1, Cumbria Mineral &amp; Waste local plan, regulation 18 SA report <a href="https://www.cumbria.gov.uk/elibrary/Content/Internet/538/755/1929/42079143738.pdf">https://www.cumbria.gov.uk/elibrary/Content/Internet/538/755/1929/42079143738.pdf</a></p> <p>CCC recognised there was a need to review relevant policies, plans and programmes to accommodate European directives. This report contained key messages to be incorporated into the current</p>	<p><b>No Action</b></p> <p>This table isn’t saying ‘these are the things that need changing in the Local Plan’, but it is highlighting what the various plans and programmes require the Local Plan to do.</p>

ID	Consultee	Comment	Action
		<p>Mineral &amp; Waste local plan.  <b>Although Regulation 18 is briefly mentioned in this plan there is no evidence to suggest the issues highlighted in Appendix 1 have been incorporated.</b></p> <p>SP6: In the 2013 UK INVENTORY (Page 28) section 3 Table A1.3: Wastes at sites in England (only) Volume at 1 April 2013 and estimated for future arisings, it says:  <i>'Only about 5% of the total volume of radioactive waste has already been produced, existing in either an untreated or partly treated state, whilst some wastes are conditioned directly into containers for long-term management. Of the other 95% (4.3 million cubic metres), the majority will arise when existing nuclear facilities, including reprocessing plants and nuclear reactors, are shut down and dismantled. This waste is the legacy of past and current civil and military nuclear programmes.'</i>  <b>An astonishing statement of fact.</b>  In the draft M&amp;W Plan (Page 35) section 4.8, it says:  <i>'The total volume of radioactive waste that exists or is forecast to arise in the UK, from existing facilities, is about 4.5 million cubic metres (4.9 million tonnes)<sup>42</sup>; this volume would fill Wembley stadium about four times over.'</i>  (<sup>42</sup> UK RWI 2013, Waste Quantities from all Sources, section 2.1, DECC &amp; NDA, February 2014)  <b>Based on the Volume of Waste in Table A1.3 it is difficult to understand why only 4 Wembley Stadiums will be filled as previous MRWS reports (2013) stated current waste would fill 1 Wembley stadium.</b>  <b>Table A1.3 shows total waste = current ILW x3; current LLW x21; current VLLW x 2840.</b>  <b>Unless this statement is properly qualified it might be better to drop the 'Wembley Stadium' comparison.</b></p>	<p><b>No Action</b>  It can only be assumed that the MRWS report (2013) was indeed illustrating the <u>current</u> waste at that time, whereas paragraph 4.8 of the MWLP is referring to waste that "exists or is forecast to arise in the UK".  The Summary Report of the 2013 Inventory says in the first paragraph on page 10:  "The total volume of radioactive waste that exists today or is forecast over the next century or so from existing facilities is about 4.5 million cubic metres (4.9 million tonnes). This volume would fill Wembley stadium about four times over."</p>

ID	Consultee	Comment	Action
016	Allerdale Borough Council	Site AL3 (Oldside, Workington): Allerdale Borough Council welcomes the reference to a potential Energy from Waste plant on this site in the Site Assessment document.	<b>No Action</b>
017	Minerals Product Association	<p>Para 5.18: This is a misquote of paragraph 145 of the NPPF, which requires landbanks to be “at least” the figures indicated and for other relevant information to be considered not just the rolling average of 10 years sales data. Indeed, paragraph SP7 reflects National Policy in NPPF.</p> <p>This paragraph should be amended to read: “National policy requires landbanks of <b>at least</b> 10 years for crushed rock and <b>at least</b> 7 years for sand and gravel (calculated on 10 year rolling averages <b>and other relevant local data</b>).....”</p>	<p><b>Action</b> Update paragraph 5.18 as proposed.</p> <p>Propose modification to paragraph 5.18: “..national policy requires landbanks of <b>at least</b> 10 years for crushed rock and <b>at least</b> 7 years for sand and gravel (calculated on 10-year rolling averages <b>and other relevant local data</b>) to be....”</p> <p>Reason for proposed modification: to ensure consistency with the NPPF.</p>
		<p>Para 5.56: This policy needs to reflect NPPF, para 145 and needs to be reworded to read: “...are required to ensure that <b>at least</b> a 7-year landbank remains in place throughout the Plan period.”</p>	<p><b>Action</b> Update paragraph 5.56 as proposed.</p> <p>Propose modification to paragraph 5.56: “...are required to ensure that <b>at least</b> a 7-year landbank remains in place throughout the Plan period.”</p> <p>Reason for proposed modification: to ensure consistency with the NPPF.</p>
		<p>Para 5.65: The wording in this paragraph (not the Policy) is more aligned with safeguarding the resource than making provision for the steady and adequate supply. Whilst safeguarding is appropriate, this paragraph deals with provision.</p> <p>Amend the paragraph to read: “Policy SP10 aims to <b>maintain a steady and adequate supply of industrial limestone</b></p>	<p><b>Action</b> Update paragraph 5.65 as proposed.</p> <p>Propose modification to paragraph 5.65: “Policy SP10 aims to <del>conserve industrial limestone resources for such purposes</del></p>

ID	Consultee	Comment	Action
		<p>throughout the plan period, to reflect current national policy”.</p>	<p><b>maintain a steady and adequate supply of industrial limestone throughout the Plan period</b>, to reflect current national policy.”</p> <p>Reason for proposed modification: to ensure consistency with the NPPF.</p>
		<p>Para 13.25: This Paragraph states that cumulative impact cannot be considered unless other developments (s) (typo) already have planning permission or if a planning application for the development(s) has been submitted. We are not sure that this is a correct interpretation of the EIA guidelines. We believe that Cumulative effects are defined as those arising from the development with other existing and approved developments. The text should be amended to accord with the guidelines.</p>	<p><b>Action</b></p> <p>This paragraph was attempting to be helpful to developers, explaining the types of projects that would be considered in assessing cumulative impacts and effects. However, as this has caused some confusion, paragraph 13.25 will be deleted.</p> <p>Reason for modification: clarity.</p>
		<p>Policies Map Parts 2 and 3 Minerals Safeguarding and Consultation Areas: The scale of the policies map makes the plan difficult to read; improve the quality of the base map.</p>	<p><b>No Action</b></p> <p>The maps can be viewed in more (or less) detail by zooming in and out on screen. If an individual does not have access to a digital copy, maps or extracts can be printed at an appropriate size, on request.</p>
		<p>SP1: Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise. Minerals fall outside the scope of Neighbourhood Plans. If the development accords with the policies of the minerals local plan it should be approved without delay. The bracketed text should be deleted.</p>	<p><b>No Action</b></p> <p>The text in parentheses is qualified by ‘where relevant’. There are few Neighbourhood Plans currently in place in Cumbria and none of these would have a bearing.</p>

ID	Consultee	Comment	Action
		<p>SP4: All decision making on planning applications should be transparent, not just those dealing with radioactive waste. However, this Policy is more a development management policy dealing with proposals for Radioactive waste. Suggest the Policy is renamed “Radioactive Waste” and relocated to the Development Management Section.</p>	<p><b>No Action</b> This policy was specifically written to address the issue of decisions being taken within the nuclear industry that were not transparent to those outside.</p>
		<p>SP7: Including mineral provision and minerals safeguarding in one policy causes confusion to the plan user and should be remedied by having one policy for Minerals Provision and one for Minerals Safeguarding - create two separate Policies.</p>	<p><b>No Action</b> This is the first time in the preparation of the MWLP that anyone has suggested confusion over this policy. The Council consider that the policy is quite clear.</p>
		<p>SP7: The policy uses the word “continued” and not “steady and adequate” as referred to in NPPF. Amend the 3rd – 5th Bullet points to make provision for a “steady and adequate supply of” the respective minerals.</p>	<p><b>Action</b> Update SP7 as suggested.</p> <p>Propose modification:</p> <ul style="list-style-type: none"> <li>• <del>for continued quarrying</del> <b>a steady and adequate supply</b> of nationally important very high specification roadstone and regionally important high specification roadstone;</li> <li>• <del>for continued quarrying</del> <b>a steady and adequate supply</b> of brickmaking mudstones;</li> <li>• <del>for continued quarrying</del> <b>a steady and adequate supply</b> of slate; and</li> <li>• <del>for continued extraction</del> <b>a steady and adequate supply</b> of gypsum.”</li> </ul> <p>Reason for modification: to ensure consistency with the NPPF.</p>

ID	Consultee	Comment	Action
		<p>SP7: Minerals Provision – The 2nd bullet point the “continued quarrying of nationally important very high specification roadstone and regionally important high specification roadstone” does not accord with National Policy in Para 145 which requires the calculating and maintaining of separate landbanks for any aggregate material of a specific type or quality which have a distinct and separate market. Amend the Policy to reflect National Policy.</p>	<p><b>No Action</b> The Council’s approach to high and very high specification aggregate is set out in paragraph 5.24, which explains that a separate landbank has been calculated for these minerals, in line with Para 145 of NPPF.</p>
		<p>SP7: This policy considers safeguarding for slate resources, but does not make provision for the safeguarding of other recognised building stones such as limestone and sandstone. Amend the text to make provision for the safeguarding of all building stone resources.</p>	<p><b>No Action</b> As set out in paragraph 5.74, there is no need anticipated for additional building stone quarries, due to the often slow and intermittent operational character of such quarries in Cumbria. Therefore, an Area of Search has only been identified for slate in policy SP7. However, this would not preclude the consideration of a planning application at any building stone quarry, should one come forward. Policy DC12-Criteria for non-energy minerals development would be used.</p>
		<p>SP7: This Policy seeks to safeguard specific minerals resources and it is assumed that these resources are those of local and national importance to the area. However, Policy 143 4th Bullet Point of NPPF requires the safeguarding of existing, planned and potential infrastructure and plant. Amend the Policy to safeguard railheads, rail links, wharfage, handling and processing facilities, etc.</p>	<p><b>Action</b> Specific existing and potential railheads and wharfs are safeguarded through Policy SAP5, the supporting text of which already refers to SP7. However, for clarity, amend the text to read: “Mineral resources, <b>existing, planned and potential infrastructure and plant</b> will be safeguarded from being unnecessarily sterilised by other</p>

ID	Consultee	Comment	Action
			developments by identifying:- <ul style="list-style-type: none"> <li>• <b>existing and potential railheads and wharfs to be safeguarded;</b></li> <li>• Mineral Safeguarding Areas.....”</li> </ul> Reason for modification: to ensure consistency with the NPPF.
		SP7: Mineral Consultation Areas should be applied to all safeguarded areas (see above), including plant and infrastructure. Amend the Policy to include all safeguarded resources and infrastructure identified within this response.	<b>No Action</b> Paragraph 18.34 confirms that all sites identified in Policy SAP5 for the safeguarding of existing and potential railheads and wharfs lie with the Mineral Safeguarding Areas, and thus within the Mineral Consultation Area.
		SP10: Paragraph 146 of the NPPF requires mineral planning authorities to plan for a steady and adequate supply of industrial minerals. The policy as worded only details how applications for high purity limestone will be considered and what the applicant should demonstrate. It does not seek to maintain the requisite “steady and adequate supply”. Indeed it appears to be relying upon “urgent need” being a trigger. Amend the Policy to maintain a steady and adequate supply of Industrial Limestone and to maintain a minimum stock of reserves at each site.	<b>Action</b> Policy SP10 requires applications for the extraction of high purity limestone to demonstrate that the mineral would be primarily used for non-aggregate uses, therefore safeguarding this mineral for industrial uses. Suggest a modification to this policy to clarify that the purpose of this is to ensure a steady and adequate supply:  <b>“To ensure a steady and adequate supply, Any proposal for the extraction of high purity limestone should demonstrate that it is primarily for non-aggregate uses.”</b>  Reason for modification: clarification and

ID	Consultee	Comment	Action
		<p>SP12: The 5th bullet point refers to “where appropriate”. This is relevant to the remaining bullet points and the policy should therefore be amended to read: “<b>Where appropriate</b>, proposals for minerals and waste management developments should demonstrate that:....”</p>	<p>to ensure consistency with the NPPF.</p> <p><b>No Action</b>            Bullet point 1 is already caveated (‘proportionate to...’), bullet point 3 also contains a caveat (‘as far as is practicable’) and bullet point 4 is relevant only to sites affecting or adjacent to peat bog. The Council does not consider it necessary to caveat bullet point 2 as suggested.</p>
		<p>SP12: Unlike waste management facilities which may be located close to waste source or waste market, minerals can only be worked where they are found. Delete reference to “minerals” and “minerals..... road miles” from this policy.</p>	<p><b>No Action</b>            Geological considerations of minerals development are already included within bullet Point 2.</p>
		<p>SP13: Minerals are essential to support sustainable economic growth and our quality of life. Paragraph 144 of the NPPF highlights the great weight that should be given by local planning authorities to the benefits of mineral extraction, including to the economy. Elsewhere in the proposed plan policies the plan seeks to emphasize the “great weight” that should be given to environmental designations.            Amend the policy to accord with para 144 of NPPF to recognise the “great weigh” that should be given to the economic benefits of mineral extraction and delete those matters which are specific to development control considerations.</p>	<p><b>No Action</b>            It is considered that the economic benefits of mineral workings are sufficiently expressed in policy SP13 and in the supporting text, in line with NPPF.</p>
		<p>SP14: Many of these environmental assets and designations have different weighting and have different tests to assess the suitability and appropriateness of development. This is confusing and inappropriate.            Separate out the respective environmental assets in to individual policies.</p>	<p><b>No Action</b>            To do so would result in many additional policies and the Council consider that the single strategic policy covering environmental assets is clear.</p>

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		<p>SP15: With the exception of Agriculture, Forestry and Amenity (including Nature Conservation), afteruse is a district council issues. The second sentence in this policy appears to be wholly inclusive and it is clear that not all the matters will be relevant to development proposals.</p> <p>The Policy should be retitled “Restoration and Aftercare”, whilst the second sentence should be amended to read: “<b>Where appropriate</b>, this should include consideration.....”</p>	<p><b>Action</b> Amend SP15 as suggested.</p> <p>Propose modification to SP15: “POLICY SP15 Restoration and afteruseaftercare Restoration, afteruse and aftercare....this Plan. <b>Where appropriate, T</b>this should include consideration....”.</p> <p>Reason for proposed modification: for clarity and to ensure consistency with NPPF.</p>
		<p>SP16-Paragraph 144, bullet point 6 of the NPPF states that “Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;” This Policy should recognise the “exceptional circumstances”.</p>	<p><b>No Action</b> As explained in paragraph 10.7, financial guarantees are most likely to apply to new sites rather than physical extensions to a site. As every proposal is different, it is not possible to further define ‘exceptional circumstances’.</p>
		<p>DC1: The Policy and the associated preamble should recognise that minerals can only be worked where they are found (Para 142, NPPF). It needs to be amended to reflect the limitations associated with minerals development.</p>	<p><b>No Action</b> Minerals developments are already afforded additional wording in this policy, in terms of locational constraints, and paragraph 13.9 explains that minerals can only be worked at source.</p>

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		<p>DC4: This Policy appears overly restrictive and is more akin to a planning condition. NPPF and the accompanying guidance is silent on appropriate guidance for blasting. Previous planning guidance in MPGs 9 and 14 stated “ground vibrations as a result of blasting operations shall not exceed a peak particle velocity of [6mm/sec] [10mm/sec] in 95% of all blasts measured over any period of six months and no individual blasts shall exceed a peak particle velocity of 12mm/sec as measured at vibration sensitive buildings”. This wording allowed an element of flexibility when dealing with PPVs and provided a maximum in relation to a single blast. The flexibility facilitated the varying sensitivities of properties and should be regarded as best practice.</p> <p>Amend the policy accordingly to reflect best practice and the British Standard.</p>	<p><b>No Action</b></p> <p>Paragraphs 13.16 to 13.18 explain the situation on quarry blasting in Cumbria, and the rationale behind the policy.</p>
		<p>DC6: This is covered under EIA regulations. The scope of the assessment, including cumulative impacts will vary from site to site. Retitle the Policy “Environmental Impacts”. Amend the text to read: “Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. <b>Where appropriate</b> considerations will include.....”</p>	<p><b>No Action</b></p> <p>The purpose of this policy is to ensure that cumulative environmental impacts are considered and, therefore, this should be set out in the title of the policy. It is considered that ‘where appropriate’ is superfluous, as ‘considerations will include’ already implies that not every impact will need consideration for every development proposal.</p>
		<p>DC12: The Policy states “Proposals for non-energy minerals development inside the identified Preferred Areas will be permitted if they do not conflict with other policies in this Plan. Proposals for non-energy minerals development outside the Preferred Areas, whether a physical <u>or time extension to an existing site or a new site</u>, will be considered on their individual merits. Criteria to be considered are: .....</p>	<p><b>No Action</b></p> <p>In the MWLP, all but one allocated Preferred Area and all but one allocated Area of Search are adjacent to existing quarries, so are not new development areas.</p> <p>Although existing quarries have planning</p>

ID	Consultee	Comment	Action
		<p>The highlighted text is of concern. Existing sites with planning permission have been through the democratic process and the need for the mineral, environmental considerations, economic benefits, etc. have already been considered. Existing sites are unlikely to be allocated in preferred areas as these areas tend to be for new development areas. There should be a presumption in favour of a time extension and this reference should be deleted.</p> <p>Amend text to read: 'Proposals for <b>new</b> non-energy minerals development outside the Preferred Areas, <del>whether a physical or time extension to an existing site or a new site,</del> will be considered on their individual merits. Criteria to be considered are: .....</p>	<p>permissions that have been through the democratic process, there is no presumption that a time extension will be granted without the consideration of all impacts, especially environmental and amenity impacts. This is because the world is constantly changing and circumstances, such as the new designation of a World Heritage Site or a Marine Conservation Zone, could affect the consideration of a proposal.</p>
		<p>Sub paragraph d) refers to cumulative impacts. This repeats the requirements of Policy DC6 and is unnecessary; this subsection should be deleted.</p>	<p><b>Action</b> Remove d. from the list of criteria as suggested.</p> <p>Proposed modification to DC12: <del>"d. the cumulative impact of proposals in an area;</del> e-d. land stability."</p> <p>Reason for modification: to remove repetition.</p>
		<p>DC16: This assumes that there will be impacts on important biodiversity and geological conservation assets. This should be amended to read: "will <b>where appropriate</b>, be required to identify:- <b>any potential</b> impacts on important biodiversity and geological conservation assets"</p>	<p><b>No Action</b> The first bullet says 'their <u>likely</u> impacts on important biodiversity and geological conservation assets....', which already implies that this will not be the case for every proposal. In any case, proportionality would be applied once the scale of importance for any asset was identified.</p>

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		<p>DC17: Para 127 of NPPF refers to the designation of Conservation Areas by LPAs and is therefore not relevant. Similarly, paras 129 and 130 are not relevant. Delete the first sentence of this Policy “<del>in accordance with NPPF paragraphs 126 to 144....</del>”</p> <p>DC22: Whilst the principle behind alternative afteruses should be appropriate considered, it is not clear how this will be considered in the context of the development control process, as some of the afteruses identified are district matters. Clarification is sought.</p>	<p><b>No Action</b> Historic England have proposed an amendment to DC17 that would address these concerns; it is proposed to use their wording.</p> <p>See proposed modification in row below</p> <p><b>Action</b> Update the title of policy DC22 in line with the NPPF.</p> <p>Propose modification to DC22:</p> <p><b>POLICY DC22 Restoration and afteruseaftercare</b></p> <p>Reason for proposed modification: to ensure consistency with the NPPF.</p>
018	Lakeland Minerals	<p>SAP4: The recognition that addition reserves need to be released adjacent to the existing Lakeland Minerals operated Kirkhouse quarry and the allocation of two parcels of land as an area of search areas are very much welcomed. However, the allocation of broader areas in line with the original representation is sought to provide greater flexibility in designing an extension to the site in the future.</p> <p>Paragraph 145 of the National Planning Policy Framework requires Minerals Planning Authorities to plan for ‘...<i>a steady and adequate supply of aggregates...</i>’ Restricting the areas of search could have the effect of preventing the future expansion of the quarry resulting in a local shortage of supply. In turn this would create precisely the types of vehicle movements Policy DC 1c. seeks to prevent.</p>	<p><b>No Action</b> Both the Supplementary Sites consultation (October 2015) and the Local Aggregates Assessment 2015, identified that further Areas of Search were required for sand and gravel in the Local Plan; an Area of Search at Kirkhouse Quarry would be an appropriate allocation. However, four Areas of Search were put forward and considered in the Supplementary Sites consultation, which amounted to just over 28 hectares of</p>

ID	Consultee	Comment	Action
		<p>Consequently, the restricted areas of search could prevent an adequate supply of aggregates and would be contrary to the NPPF.</p>	<p>land. For residents in the vicinity, this would probably be a daunting prospect, if they thought that the whole area could be developed at once.</p> <p>Therefore, the County Council considered it was appropriate to allocate those parts of the Areas put forward that would be most likely to be developed first – thus the Areas were reduced to avoid constraints and then areas adjacent to current working were selected.</p> <p>If on further investigation by the operator, these Areas of Search do not provide suitable minerals, then the search can be widened. If an application comes forward for an area that is not in the Areas of Search, it will not be rejected because of that, but will be considered on its merits.</p>
019	Cumbria Waste Management	<p>SAP2: The purpose of the plan should be to identify the waste capacity required over the plan period and for that to be reflected in the number and type of allocations brought forward. (PPG: Waste paragraph 11)</p> <p>The Waste Needs Assessment (WNA) for 2015 suggest that fewer sites are needed than those in the 2014 WNA. The figure of 7 sites seems to come from the 2014 and has not been updated. The inclusion of the following sites would meet identified needs providing a more appropriate strategy than the provision and sites taken forward in the submission draft of the Cumbria Minerals and Waste Local Plan.</p> <p>The suggested Hespın Wood (owned by Cumbria Waste</p>	<p><b>No Action</b></p> <p>The Hespın Wood site was put forward during the previous consultation on the full Local Plan (February 2015) for a range of waste uses/facilities:-</p> <ul style="list-style-type: none"> <li>• Increased areas for waste treatment for: <ul style="list-style-type: none"> <li>- Materials Recovery Facility and/or composting</li> <li>- other waste treatment (thermal treatment plant proposed in initial submission)</li> </ul> </li> </ul>

ID	Consultee	Comment	Action
		<p>Management) site reflects an emerging need for capacity to process Commercial and Industrial wastes into Refuse Derived Fuel/Solid Recovered Fuel. The Hespin Wood site offers an ideal location for such a facility and represents part of the most appropriate strategy in meeting this need.</p> <p>The plan makes no provision for the increases in waste volumes associated with the increased economic activity likely in West Cumbria which will result from the construction and subsequent operation of a number nationally significant and major projects. The additional site proposed at the Former Alcan site would provide additional capacity to manage these wastes.</p>	<ul style="list-style-type: none"> <li>• Installation of solar panels on existing landfill area</li> <li>• Extension of time for landfill operations</li> </ul> <p>A Supplementary Sites consultation was subsequently held in October 2015, and the Outcomes Report of that consultation concluded that an allocation at Hespin Wood would fall almost entirely within the permitted area of the existing waste management facility; the site is, therefore, already in waste use and any issues about minor boundary extensions or a change in the type and impacts of the waste facility would be more appropriately considered through a planning application.</p>
020	Essex County Council	Whole MWLP: Satisfied with the policy directions taken and have no further comments to make.	<b>No Action</b>
021	Mrs Carmichael	<p>Site Allocation SL1: This representation is specifically focused on the proposals within the MWLP to relocate the HWRC from Canal Head in Kendal to Kendal Fell Quarry.</p> <p>Whilst there is evidence and argument to assert that all four tests for soundness are not met in respect of the MWLP to relocate to Kendal Fell Quarry the two that are of particular concern are:-</p> <p><b>That it is NOT Justified</b> – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence; and</p> <p><b>That it is NOT Effective</b> – the plan should be deliverable over its period and based on effective joint working on cross-boundary</p>	<b>No Action</b>

ID	Consultee	Comment	Action
		<p>strategic priorities.</p> <p>Further, the Statement of Community Involvement available on the website has not been updated or amended since 2006. It is lamentable that 10 years has passed since CCC reviewed its community involvement strategy, as evidenced by the fact that nobody, including statutory partners, appears to be aware of the proposals in the MWLP.</p> <p>The issue of the proportionate evidence on which the MWLP is based being substantially out of date is fundamental to our case. The sustainability appraisal and site assessment for Kendal Fell Quarry were completed in 2014. The site assessment, in particular,</p>	<p>- A review of the SCI was begun in July 2014, but completion of the recommended updates was stalled awaiting changes to the Council's Constitution. The Constitution was finally amended in September 2015. By then, however, priority had to be given to the Supplementary Sites consultation and then the Publication version of the MWLP.</p> <p>In 2016, the updates to the SCI have been reviewed again, in case of further changes to legislation, electronic communication methods and structure of the County Council's Communications Team. An Addendum Report to the SCI has been prepared, which sets out how and why changes have occurred in the way that the Council carries out planning related consultations.</p> <p>Notwithstanding the above, the MWLP has been prepared in line with the tenets of the SCI and also with Duty to Co-operate Protocol.</p> <p>The Sustainability Appraisal and the Site Assessments document, for all proposed site allocations, were both prepared in April 2016, building on the work carried</p>

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		<p>drew from partial, incomplete and erroneous statements that are demonstrably inaccurate in June 2016. As such there appears to have been a complete lack of proper communication between the respective statutory bodies in this regard with the consequence that the Duty to Co-operate has not been met appropriately. The alternative to this view is that there has been collusion in the manipulation of timings in the planning system in order to achieve both the proposed relocation outcome for CCC and the housing targets for SLDC. That, in itself, makes a mockery of the SCI.</p> <p>We believe the key issues that need to be considered in assessing the justification and effectiveness of the MWLP proposal to relocate the HWRC to Kendal Fell Quarry are:-</p> <ol style="list-style-type: none"> <li>1. The inaccuracy and contradictions evident in the Site Assessment for a HWRC at Kendal Fell Quarry.</li> <li>2. The amendments and incorporation of the SLDC Land Allocations into the Local Plan.</li> <li>3. The Development Phases within the SLDC Local Plan and the stage which individual developments have reached.</li> <li>4. The flooding in the Kendal area in December 2015 and subsequent Cumbria Flood Partnership work and resulting plans.</li> </ol> <p><u>Site Assessment</u> The assessment states that the site has been allocated under policy SAP1 for a replacement HWRC. SAP1 states that the SLDC Land Allocation designates the site for waste and recycling. This is categorically not the case, as evidenced by the Kendal Area Maps in the SLDC Local Development Plan where the site is listed as for existing employment use.</p>	<p>at all previous consultation stages.</p> <p>A Statement of the Compliance with the Duty to Co-operate and also a Statement of Consultation have been prepared to accompany the submission of the Plan to the Secretary of State.</p> <p>In the SLDC adopted Land Allocations document, Kendal Fell Business Park is identified as an existing employment area, and is suitable for the following uses: B1 - business, B2 – general industrial and B8 – storage and distribution. So waste use is compatible</p>

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		<p>It goes on to state that the current Canal Head HWRC site is no longer suitable as it has a (negative) impact on a range of properties including those in a Conservation area. It omits to mention that Canal Head is designated for major redevelopment in the SLDC Local Plan. It goes on to state that the key issues for any planning application will be impacts of noise, odour, increased traffic, dust and emissions on human receptors. Presumably these key issues are the very negative impacts currently being experienced by the range of “properties” in the Canal Head area.</p> <p>Further, the assessment notes that the increased traffic generated by the relocation to Kendal Fell Quarry could gain access from a privately owned link road to the A591. Most tellingly and, frankly, indefensibly the only justification for the relocation appears to be that no other suitable sites near and within Kendal have been identified.</p> <p>There has also been demonstrable disregard for elements of the broader picture in the assessment. The reductionist approach, e.g. the Environment Agency states that it is important to establish the relationship with the water table and active or passive dewatering failing to be set in the context of major and recurring events like</p>	<p>with the employment uses identified.</p> <p>Paragraph 18.3 of the MWLP explains that Kendal Canal Head is a temporary site that is too small for current operations and the land has development potential and needs to be vacated – this relates to the Canal Head Area Action Plan.</p> <p>If the proposal to develop an HWRC at Kendal Fell were to go ahead, it is recommended that access is provided for lorries/operational vehicles via the old quarry road, rather than access through town.</p> <p>The County Council began looking for a replacement site for the Canal Head HWRC in 2006 and the best option to date has been provided by Kendal Fell. This site was put forward by the operators on the site at that time – Waste Recycling Group.</p> <p>If a planning application were to be submitted for an HWRC at Kendal Fell, that is the point at which much greater depth of investigation would be undertaken, including a range of surveys,</p>

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		<p>Storm Desmond, is virtually guaranteed to make a contribution to heightened risks associated with the proposed use.</p> <p>It is our contention that the Waste Management Site Scoring Matrix has to be re-examined in the light of:-</p> <ul style="list-style-type: none"> <li>• The totality of the SLDC Local Plan with particular reference to the housing land allocation and Phase 1 Development Brief for land South of Underbarrow Road, directly opposite and downhill from Kendal Fell Quarry.</li> <li>• The actual (and not estimated) current and proposed homes located within 250 metres of the site and the proximity of the Limekiln and Greenside Conservation areas. The assessments statement that there are currently only 16 homes in the area is a gross distortion of reality and underlines the lack of appropriate consultation with local residents.</li> <li>• The feasibility of gaining full access to Kendal by-pass and the consequences of a considerable increase in heavy traffic in this area.</li> <li>• The apparent inability to understand that a site placed on top of a hill will, by definition, be in a Flood Zone 1 but that the site drains into a main river – Blind Beck, which makes a major contribution to flood risks downstream and in the River Kent.</li> <li>• The inaccuracy of the assessment of co-location potential when the adjoining quarry area sits within the LDNP who have already identified consideration of landfill use for the site.</li> <li>• The total inaccuracy of the assessment of the sites impact on environmental assets.</li> <li>• The overstatement of the economic potential in the light of the reviewed and amended Canal Head Area Action Plan.</li> <li>• Ignorance or disregard of safeguarding issues associated with locality of nursery schools and potential children’s playgrounds; emissions and leachates from the old landfill sites at Kendal</li> </ul>	<p>some of which may be required by the Statutory Consultees. For example, the Environment Agency may require flood surveys, Natural England may require protected species surveys, Historic England may require heritage asset surveys.</p> <p>Throughout the preparation of the County Council’s development plan documents, since 2006, there have been detailed, 3-way discussions between the Council, SLDC and the LDNPA on the use of this site. Neither the LDNPA nor the County Council are proposing landfill at this location – the only proposal is for a Household Waste Recycling Centre.</p>

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		<p>Fell Quarry; and surface and ground water treatments in the context of projected substantial increases in rainfall.</p> <p><u>SLDC Local Plan</u>  As stated above, the SLDC land allocation incorporated into the Local Plan does not specify a waste and recycling use for Kendal Fell Quarry. Further, the MWLP fatally fails to identify the SLDC Local Plan's allocation and Phase 1 Development Brief for 156 homes on land South of Underbarrow Road, directly opposite and downhill from Kendal Fell Quarry. If SLDC gives consent to the two applications currently being considered for the site this will increase the number of homes directly affected by the relocation of the HWRC to much greater levels than is currently the case at Canal Head.</p> <p>On the basis of the impact and risk assessments, bringing both these proposed developments forward would make them mutually incompatible. In short, SLDC can have its houses OR CCC can have its HWRC. They can't have both.</p> <p><u>Flood Risk Assessment</u>  The EA and CCC are leading the activity to analyse and review flood risk management in the county following the 2015 floods. The impact of Storm Desmond on the population of Kendal is difficult to overstate. The Management Plan is being consulted on this month and there is a clear intention to improve flood mitigation and prevention standards nationally and locally. There is irrefutable</p>	<p>SLDC have not objected to the inclusion of this site. Their response to this Regulation 19 consultation is: "The allocation of site SLB1, Land Adjacent to Kendal Fell Quarry, as a location for a Household Waste Recycling Centre (HWRC) to replace the HWRC at Canal Head, is supported provided it does not in any way restrict access to the Kendal Fell Quarry site or restrict the potential for redevelopment of the Quarry site for other suitable economic or commercial uses."</p> <p>With regard to the housing allocation that come forward in SLDC's adopted Land Allocations document, there has been continued liaison between the two Councils and careful consideration of Development Brief or Local Plan consultation responses.</p> <p>The EA have not objected to the inclusion of this site.  If a planning application were to be submitted for an HWRC at Kendal Fell, that is the point at which much greater depth of investigation would be</p>

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		<p>evidence that the water table downhill of the sites has risen considerably to levels not experienced for a decade. Given this background it is our contention that it is not acceptable to dismiss the relocation of the HWRC to Kendal Fell Quarry with statements like:-</p> <ul style="list-style-type: none"> <li>• No flood risk identified</li> <li>• Important to establish the relationship with the water table and active and passive dewatering.</li> </ul> <p>We firmly believe, therefore, that there is a substantial failure in potential compliance with the following MWLP policies. SP1, SP14, SP15, SP17, SP20, DC1, DC2, DC6, DC7, DC13, DC17.</p> <p>Consequently the MWLP fails to meet the test for soundness in terms of:-</p> <ul style="list-style-type: none"> <li>- it not being <b>justified</b> through reason of it being based on contradictory, incomplete and inaccurate evidence, lack of concerted action to identify reasonable alternatives and thus not being the most appropriate strategy.</li> <li>- it not being <b>effective</b> as it is not deliverable when set against the competing priorities in the SLDC Local Plan and the amended Canal Head Area Action Plan.</li> </ul>	undertaken, including flood surveys.
022	Natural England	<p>Monitoring Matrix: We have noted and would support the proposed monitoring and review of policies relating to soils, agricultural land quality and reclamation in relation to the wider Objectives set out by the Draft Plan.</p> <p>Site Assessments document: We note that there have been a number of alterations, deletions and additions by comparison to the 2015 Site Allocations Policies and Plans (Part 3) document. However, so far as we are aware, these do not materially raise any</p>	<p><b>No Action</b></p> <p><b>No Action</b></p>

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		<p>further considerations in addition to those addressed by our earlier (March 2015) response, and we would advise that these, together with our comments above in relation to Policy DC21, remain broadly relevant to all site specific proposals; especially for larger schemes in rural areas.</p> <p>Nevertheless, as regards the details of the Site Assessments document, we would advise that suggested application of Policy DC21 (Protection of Soil Resources) under the Relevant MWLP policies appears to be somewhat inconsistent; for example:</p> <ul style="list-style-type: none"> <li>- Policy DC21 is specifically stated to be relevant the proposed Site Allocations at Overby and High House Quarries (M6), Cardewmires Quarry (M8), Kirkhouse Quarry (M11), Holmescales Quarry (M16), and Roan Edge Quarry (M30).</li> <li>- However, no reference is made to Policy DC21 in relation to the proposed allocations at Silvertop Quarry (M10), Peel Place (M15), Stamphill (M18) and Land adjacent to Sellafield Site (CO32).</li> </ul> <p>This appears somewhat illogical; especially as some of the former are noted in the supporting text to have a “low” (i.e. less than 20% likelihood) of Best and most Versatile (BMV) land (e.g. Roan Edge Quarry), whereas some of the latter are noted to have a “high” (i.e. greater than 60% likelihood) that of BMV land (e.g. Stamphill).</p> <p>As Policy DC21 is clearly intended to encompass both the safeguarding of BMV land and the conservation of soil resources, we would advise that it should be identified as a relevant policy in relation to all site allocations which would entail the disturbance and/or reinstatement of significant volumes of soil; especially where there is a greater likelihood of BMV land.</p>	<p>The Site Assessments are intended as a guidance tool for both developers and Development Control planners, which gathers into one place all constraints that are likely to need consideration once a planning application is submitted. The fact that some sites have or don't have particular policies marked as relevant in this document is not vital, as once a more detailed investigation is begun at application stage, all relevant policies will be used to help determine that application.</p>
		<p>Para 16.38: (Protection and management of soil resources) includes the following reference: “The Soil Strategy for England sets out an ambitious programme of actions to improve the protection and sustainable use of soils (irrespective of their</p>	<p><b>Action</b> Update paragraph 16.38 to reflect Natural Environment White Paper (Defra, June 2011).</p>

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		<p>Agricultural Land Classification grading). These cover cross-cutting issues relating to the different function of soils, protecting soils through the planning system and minimising contamination.” (Safeguarding our Soils: A Strategy for England, DEFRA, 2009). However, while the aims and objectives of the Soil Strategy remain relevant, the Natural Environment White Paper (NEWP) 'The Natural Choice: securing the value of nature' (Defra, June 2011) also emphasises the importance of natural resource protection, including the conservation and sustainable management of soils, for example:</p> <ul style="list-style-type: none"> <li>- A Vision for Nature: 'We must protect the essentials of life: our air, biodiversity, soils and water, so that they can continue to provide us with the services on which we rely' (paragraph 2.5).</li> <li>- Safeguarding our Soils: 'Soil is essential for achieving a range of important ecosystem services and functions, including food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife' (paragraph 2.60).</li> <li>- 'Protect 'best and most versatile' agricultural land' (paragraph 2.35)."</li> </ul> <p>Hence, we would suggest that the County Council may wish to amend the text of the Minerals and Waste Local Plan to reflect the wording of this more recent publication?</p>	<p>Propose modification to paragraph 16.38:  <del>“The Soil Strategy for England sets out an ambitious programme of actions to improve the protection and sustainable use of soils (irrespective of their Agricultural Land Classification grading). These cover cross-cutting issues relating to the different function of soils, protecting soils through the planning system and minimising contamination.</del>  <b>The Natural Environment White Paper (add ref) emphasises the importance of natural resource protection, including the conservation and sustainable management of soils. This covers the protection of Best and Most Versatile agricultural land, as well as safeguarding soils in order to achieve a range of important ecosystem services and functions, such as food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife.”</b>  Reason for modification: to ensure consistency with the most up-to-date and relevant national guidance on soils.</p>
		<p>DC21: In the light of our earlier comments, Natural England continue to welcome and support the proposed wording of Policy</p>	<p><b>No Action</b>  Paragraph 16.44 already says 'Where no</p>

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		<p>DC21, in particular the 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.” However, we consider the supporting text in Para 16.44 that “it may be necessary to undertake a new ALC survey” to be rather vague. 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 21st December 2012), in the Site Assessments document, we would wish to reiterate that this information 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 recommend that Para 16.44 should alert 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 irreversible loss of high quality land.</p>	<p>reliable or sufficient data is available to inform decision making’ when discussing the range of soil and land quality surveys, so it is considered to be repetition to say again ‘where no reliable information was available, we would expect that a new detailed ALC survey should be provided’.</p>
		<p>DC22: We continue to welcome and support the proposed wording of Policy DC22, which includes a number of criteria to promote the effective reclamation of mineral (and waste) sites to appropriate and sustainable after uses, with complementary environmental enhancement wherever practicable.</p> <p>However, we consider the supporting text in Para 16.49 that “sites on the Best and Most Versatile agricultural land should usually be restored to a similar standard” to be ambiguous; leaving the impression that the degradation of such land may be acceptable for other uses “that contribute to the movement from a net loss of</p>	<p><b>Action</b> Update paragraph 16.49 in line with comments from Natural England.</p> <p>Propose modification to para 16.49: “<del>Whilst</del> <b>S</b>ites on the Best and Most Versatile agricultural land should usually be restored to a similar standard, <b>though the proposed afteruse need not</b></p>

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		<p>biodiversity towards achievement of net gains in biodiversity resources.”</p> <p>We would recommend that Para 16.49 should more closely reflect Paragraph: 040 (Reference ID: 27-040-20140306) of Minerals Planning Practice Guidance; namely that: “Where working is proposed on the best and most versatile agricultural land the outline strategy should show, where practicable, how the methods used in the restoration and aftercare enable the land to retain its longer term capability, though the proposed after-use need not always be for agriculture.”</p> <p>The underlined text is intended to encourage reclamation to biodiversity or amenity after uses in appropriate situations, provided the inherent quality of the restored land is not compromised.</p>	<p><b>always be for agriculture. In appropriate situations,</b> other uses will be encouraged that contribute to the movement from a net loss of biodiversity towards achievement of net gains in biodiversity resources, required by Strategic Policy SP14.”</p> <p>Reason for proposed modification: to ensure consistency with the NPPF.</p>
023	South Lakeland District Council	<p>DC3: South Lakeland District Council would ask that it is specified that noise assessments should be submitted with applications: 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.</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.</p> <p>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.</p> <p>Whilst a blanket limit of 6mm/second would be supported in order to protect residents, I am not aware of any change in guidance</p>	<p><b>No Action</b></p> <p>This is set out in paragraphs 3.14-3.15.</p> <p><b>No Action</b></p> <p>Paragraphs 13.16 to 13.18 explain the situation on quarry blasting in Cumbria, and the rationale behind the policy.</p>

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		<p>which would justify this lower limit and it could therefore be contested by applicants.</p>	
		<p>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.</p>	<p><b>Action</b>  Add ‘<b>If no unacceptable impacts on housing, business uses or other sensitive land uses</b>’ into Key Criteria for facility types e. and g.  Reason for modification: to ensure consistency</p>
		<p>Site Allocations: It should be made clear for each of the sites in South Lakeland that key issues to be addressed are traffic, air quality, noise and vibration and private water supplies.</p>	<p><b>No Action</b>  These issues are addressed through the DC policies, to which any application would be required to demonstrate compliance.</p>
		<p>SAP1: The allocation of site SLB1, Land Adjacent to Kendal Fell Quarry, as a location for a Household Waste Recycling Centre (HWRC) to replace the HWRC at Canal Head, is supported provided it does not in any way restrict access to the Kendal Fell Quarry site or restrict the potential for redevelopment of the Quarry site for other suitable economic or commercial uses.</p>	<p><b>No Action</b></p>
024	Verus Energy	<p>Paragraph 3.69: Assume that the term ‘centralised facilities’ in this paragraph refers to facilities which serve the entire Cumbria county geographic area, as opposed to a facility located geographically central within Cumbria. We would suggest that clarification is provided within the paragraph.  Assuming the term ‘centralised facilities’ relates to a single facility which serves the entire Cumbria county geographic area, we would also suggest that the paragraph is amended to remove the suggestion that centralised facilities are less likely to be feasible in Cumbria than other parts of the UK. We would also suggest that it acknowledges that certain forms of waste management</p>	<p><b>No Action</b>  Paragraph 3.69 explains that centralised facilities are those that take waste from all parts of Cumbria to achieve economies of scale and it is not considered necessary to expand further upon this description. The paragraph explains why such facilities are less likely to be feasible in Cumbria than in other Waste Planning Authority areas: the low population density and dispersed urban</p>

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		<p>infrastructure are only economically viable where they can attract waste from across the county.</p> <p>Alternative wording to paragraph 3.69 is suggested below;  '<del>Centralised facilities, taking waste from all parts of Cumbria to achieve economies of scale, are less likely to be feasible than in many waste planning authorities, due to the</del> <b>(i.e. single facilities which serve the entire Cumbria county geographic area), may be faced by challenges such as the County's</b> low population density, the dispersed urban settlement pattern and the presence of the Lake District National Park in the centre of the county. <b>Nevertheless, it is acknowledged that certain forms of waste management infrastructure, such as energy recovery facilities, require significant investment and may only be economically viable where they can attract waste from across the county and, in some cases, from outwith the county.'</b></p>	<p>settlement pattern, as well as the National Park in the centre of the county.</p> <p>This paragraph does not deal with certain technologies, e.g. Energy from Waste, and therefore it is not considered appropriate to update the paragraph as suggested. However, there is nothing in the existing paragraph to say that centralised facilities <i>cannot</i> be located in Cumbria, just that it is less likely to be feasible due to the listed reasons.</p>
		<p>SP2: We agree that provision must be made for a degree of cross boundary movements of waste. The dispersed population of not just Cumbria, but also the surrounding areas (which include the Yorkshire Dales National Park, the Pennines, Northumberland National Park and large rural areas of southern Scotland) will inevitably lead to waste crossing county boundaries, particularly C&amp;I waste streams which are managed by commercial contract. We also agree that Cumbria County Council has a duty to ensure that the CMWLP makes provision to ensure that waste generated within Cumbria can be managed within Cumbria.</p>	<p><b>No Action</b></p>
		<p>SP3: None of the Policies contained within the CMWLP contain a clear statement that preference should be made to allocated sites (as identified within Policy SAP2). Without this statement, the CMWLP does not provide sufficient clarification as to the status of these sites. Policy SP3 should clearly state that allocated sites will be given preference which either equals or exceeds sites which</p>	<p><b>No Action</b></p> <p>The Plan does not have a 'preference' towards proposals coming forward on allocated sites. Whilst the Plan identifies sites to meet future identified need for waste management, proposals coming</p>

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		<p>'contribute to an integrated network of waste facilities'.</p> <p>Energy recovery facilities require to be designed to a certain size to ensure the capital and operating costs do not become uneconomical. Whilst we agree that facilities should be located close to other complementary waste management facilities, it may not be possible to ensure the throughput capacity of an ERF matches that of the nearby network of other facilities. It may therefore be necessary to transport a proportion of the waste managed at an ERF over greater distances. We would suggest that this is reflected in Policy SP3 and paragraph 3.74.</p> <p>"Preference will be given to <b>allocated sites (as identified within Policy SAP2) and</b> to sites that contribute, <b>in whole or in part</b>, to an integrated network of waste facilities by accommodating several types of facility, or by being well located in relation to the sources, or to the destination of, the waste stream being managed..."</p>	<p>forward on unallocated sites would be also considered and would need to conform to the relevant policies in the Plan.</p>
		<p>SAP2: We request that Policy SAP2 contains a statement which explains the purpose for the allocation.</p> <p><b>"In accordance with Policy SP3, the following sites have been allocated to address the identified need for new waste management infrastructure within Cumbria;</b> AL3 Oldside, Workington....."</p>	<p><b>No Action</b></p> <p>The supporting text in paragraph 18.5 already provides similar wording.</p>
		<p>SAP2: The representation supports the allocation of the site CA31 Kingmoor Park East under Policy SAP2 Waste treatment and management facilities for Energy from Waste Development.</p>	<p><b>No Action</b></p>
025	United Utilities	<p>DC20: As per our comments to previous rounds of consultation on the emerging MWLP, United Utilities supports the inclusion of draft Policy DC20, which seeks to ensure developments have no adverse impact on the water environment. However we would encourage the County Council to include the following text within the body of the policy, as a principle that the Local Plan will apply:</p>	<p><b>No Action</b></p> <p>The proposed text is very detailed and it is considered to be too intensive for inclusion in the policy. Consideration was also given to including the proposed wording into the supporting text of the Plan, but again, it</p>

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		<p>“Surface water should be discharged in the following order of priority:</p> <ol style="list-style-type: none"> <li>1. An adequate soakaway or some other form of infiltration system;</li> <li>2. An attenuated discharge to a surface water body such as a watercourse;</li> <li>3. An attenuated discharge to public surface water sewer, highway drain or another drainage system;</li> <li>4. An attenuated discharge to public combined sewer.</li> </ol> <p>Applicants wishing to discharge to public sewer will need to submit clear evidence demonstrating why alternative options are not available.</p> <p>Approved development proposals will be expected to be supplemented by appropriate maintenance and management regimes for surface water drainage schemes.</p> <p>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 between phases, between developers, and over a number of years of construction.</p> <p>On greenfield sites, applicants will be expected to demonstrate that the current natural discharge solution from a site is at least mimicked.</p> <p>On previously developed land, applicants should target a reduction of surface water discharge in accordance with the non-statutory technical standards for sustainable drainage produced by DEFRA. In demonstrating a reduction, applicants should include clear</p>	<p>was considered too detailed to be placed there.</p> <p>The Environment Agency did not recommend such detail to be added to either the policy or the supporting text.</p> <p>When an application is submitted to the Council, United Utilities will, of course, be consulted for their professional comments – as will the Environment Agency. At that time, it is expected that United Utilities would consider that level of detail in their proposed wording, and respond accordingly.</p>

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		<p>evidence of existing positive connections from the site with associated calculations on rates of discharge.</p> <p>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.</p> <p>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.”</p>	
026	LLW Repository Ltd	<p>Paragraphs 3.1 and 4.1: Welcome the clarity provided in these paragraphs, which recognises that chapter 3 does not address radioactive waste.</p> <p>Paragraph 4.4: The definition used for high volume VLLW is inconsistent with the definitions used in the previous paragraph for other categories of radioactive waste. It would be beneficial to use consistent units throughout (so the definition of HV-VLLW should be in Bq/g rather than Bq/te) to make it clearer for non-technical audiences.</p> <p>Table 4.1: The entry for Studsvik UK Ltd states that ‘...or to other operators in Germany, which have more extensive facilities’. Studsvik UK Ltd does not send metallic waste for treatment to anywhere outside the UK except to their Swedish facility, so this statement should be removed.</p> <p>Through the commercial frameworks managed by LLWR Ltd, it is possible for waste producers to send metallic LLW for treatment to Germany, but not through Studsvik.</p>	<p><b>No Action</b></p> <p><b>Action</b> Text to be amended to read: “<i>High Volume VLLW</i>.....maximum concentration of 4,000,000 Bq/tonne (<b>4 Bq/g</b>), and.....”. Reason for modification: consistency.</p> <p><b>Action</b> The LLWR Ltd’s response to the February 2015 consultation, noted that “some metallic LLW is exported to Germany and Sweden for treatment (not just to Studsvik in Cumbria)”. The entry for Studsvik was not intended to imply that Studsvik operated in Germany or</p>

ID	Consultee	Comment	Action
			<p>sent metallic waste to Germany. Amend text to read: “...Sweden, <del>or</del>. <b>Contaminated metals are also sent from the Sellafield site</b> to other operators...”</p> <p>Reason for modification: clarity.</p>
		<p>Paragraph 4.16: The sentence ‘A further 491m<sup>3</sup>...of ILW is forecast to arise from LLWR, once the magazines are finally demolished.’ is inaccurate. The ILW will arise during the decommissioning of the magazines and it would be beneficial to amend this sentence to reflect this.</p>	<p><b>Action</b> Amend text to read: “...from the LLWR, <del>once the</del> <b>during decommissioning of the magazines</b> are finally demolished.”</p> <p>Reason for modification: factual change.</p>
		<p>Table 4.2: The correct title for SEPA is the Scottish Environment Protection Agency. The box referencing the environmental regulators should include Natural Resources Wales for completeness.</p>	<p><b>Action</b> Amend title of SEPA to read: “Scottish Environment <b>Protection Agency</b>” and add “<b>Natural Resources Wales</b>”.</p> <p>Reason for modification: factual change.</p>
		<p>Paragraph 4.26: The final sentence in this paragraph states that ‘<i>optioneering is a mandatory legal requirement via business cases</i>’. This is not correct and would benefit from rewording to reflect that the NDA expects its SLCs to undertake optioneering, supported by business cases where necessary.</p>	<p><b>Action</b> Amend text to read: “waste management option, <del>optioneering is a mandatory legal requirement via</del> <b>the NDA expects the Site License Companies to undertake appropriate optioneering supported by business cases as needed, and this would be carried out under the NDA’s Value Framework process.</b>”</p> <p>Reason for modification: factual change.</p>
		<p>Paragraph 4.34: This paragraph would benefit from some simplification. Whilst recognising that the Lillyhall facility is permitted to accept VLLW from anywhere in the UK, it also states that the majority of VLLW sent there would arise from either Sellafield or from Chapelcross – this is not necessarily the case</p>	<p><b>No Action</b> This paragraph does not state that the majority of VLLW sent to Lillyhall would arise from Sellafield or Chapelcross. Rather, the paragraph provides an</p>

ID	Consultee	Comment	Action
		(and cannot be predicted with any certainty). It would therefore be beneficial to simplify the paragraph to the section that recognises that the permit for the site allows it to accept VLLW from anywhere in the UK.	opinion that due to the proximity of this permitted landfill to both those sites, it is likely to receive their suitable VLLW instead of it being consigned to permitted landfills located further away.
		Paragraph 4.39: This paragraph states that ‘... <i>the Council would wish to see clear evidence of how management decisions are formulated, in order to safeguard, through planning decisions...</i> ’ As noted in relation to paragraphs 4.28 and SP4, this statement would appear an overlap with the role of the environmental regulators.	<b>No Action</b> As stated earlier in this paragraph, the County Council recognise that it is not their role to undertake optioneering themselves. However, in the interests of being able to make planning decisions with regard to radioactive waste, which is the Council’s role, the Council need to base these decisions on a clear picture of how a proposal by the nuclear industry has been formulated, with particular regard to sustainability, the waste hierarchy, the precautionary principle and the proximity principle.
		SP6: This policy would benefit from recognising national policies and strategies for the management of HAW, as Policy SP5 does for LLW.	<b>Action</b> It was intended that the first bullet on compliance with national and international standards would encompass national policies. However, add a new first bullet, to read: <b>“that it conforms to national policies and strategies for HAW; and”</b> Reason for modification: clarity
		Paragraphs 18.8–18.23: This section is missing any reference to facilities for the treatment, management or storage of HAW at Sellafield, LLWR or Moorside in the future.	<b>Action</b> Although facilities for higher activity wastes (HAW) are discussed in chapter

ID	Consultee	Comment	Action
			<p>4, it is correct that they are not discussed in chapter 18.</p> <p>Therefore, it is proposed that text is added to paragraph 18.8, to read: “...<del>facilities, and the waste compaction facilities</del> <b>and facilities for higher activity waste</b>).”</p> <p>Furthermore, it is proposed to add text to paragraph 18.19, to read: “...Plan period. <del>However, p</del>Policy SAP3 safeguards.....disposal routes), <b>as well as continued HAW treatment (such as vitrification) and storage</b>, in site allocation CO36.”</p> <p>Reason for modification: consistency.</p>
		<p>Paragraph 18.10: It would be beneficial to reference the UK LLW Strategy in this paragraph.</p>	<p><b>Action</b></p> <p>Amend text to read: “...Repository (LLWR), <b>in line with the UK Nuclear LLW Strategy</b>.”</p> <p>Reason for modification: clarity.</p>
		<p>Paragraph 18.16: This paragraph states that ‘<i>there would certainly appear to be significant capacity for disposing of a range of activity levels of LLW within the capping layer and infilling, that will be required over and between the existing permitted facilities.</i>’ This statement is incorrect – there may be an opportunity to dispose of VLLW within the profiling of the cap, not ‘a range of activity levels of LLW’.</p>	<p><b>Action</b></p> <p>Amend text to read: “.....disposing of a range <del>of activity levels of</del> <b>VLLW</b> within....”</p> <p>Reason for modification: factual change.</p>

ID	Consultee	Comment	Action
		<p>Site Assessments Report, CO35: As noted in the previous consultation response, there appear to be inconsistencies in the scoring matrix – there are no greenfield areas on the site; and it is unclear why there is a question mark over ‘conflict unlikely with other land use’ (the explanation states ‘<i>within existing site</i>’). As noted in LLWR Ltd’s previous consultation response, it is also not clear why the proposal is ‘<i>not as supportable as CO36</i>’ since this assessment seems to take no recognition of the site’s national role in LLW management and in UK Government policy and strategy.</p>	<p><b>Action</b>  The whole of the LLWR site cannot be considered as brownfield, there are areas that have not been disturbed, either by the site’s use in WWII or its use as the Repository, and areas that may have been brownfield many years ago, but have now revegetated.  The question mark over whether there is conflict with other land use, is based on the other, existing functions undertaken in the Repository – such as offices, concrete batching plant, parking, etc.  However, the words ‘not as supportable’ will be removed from the Site Assessments report entry for CO35.  Reason for modification: clarity.</p>
		<p>Paragraph 4.28 and Policy SP4: LLWR Ltd noted in its response to the previous consultation on this Mineral and Waste Local Plan that the expectation that the County Council is setting out in this paragraph and Policy appears to overlap with the role of the Environment Agency. It was noted, in the 2014 Planning Inspector’s report for the Northamptonshire Minerals and Waste Local Plan, the recommendation was made that “...<i>the waste producer/consignor must undertake a 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 it was suggested that the paragraph and Policy SP4 were removed. We therefore reiterate</p>	<p><b>No Action</b>  As stated in paragraph 4.39, the County Council recognise that it is not their role to undertake optioneering themselves. However, in the interests of being able to make planning decisions with regard to radioactive waste, which is the Council’s role, the Council need to base these decisions on a clear picture of how a proposal by the nuclear industry has been formulated, with particular regard to sustainability, the waste hierarchy, the precautionary principle and the proximity principle.</p>

ID	Consultee	Comment	Action
		<p>the suggestion in this response document.</p> <p>SAP3: In the Site Assessment for CO35, the 3<sup>rd</sup> paragraph under Considerations states ‘...it will continue to store these materials indefinitely and any perceived impacts from proximity to the site will persist regardless.’ This statement would benefit from amending to recognise that there is already LLW disposed (not just stored) in the trenches and Vault 8.</p>	<p><b>No Action</b></p> <p>This comment has been superseded by the granting of planning permission for disposal, rather than storage, of LLW at the Repository.</p>
027	Historic England	<p>Whole MWLP: There is no official designation of the ‘Visual Impact Zone’ with regards the Hadrian’s Wall WHS and therefore, if the Plan is to reference this is should not be capitalised and removed as part of the title of the World Heritage Site.</p> <p>Box 8.1: The list provides specific detail on designated heritage assets such as the historic battlefields, parks and gardens and listed buildings. Yet it misses out reference to scheduled monuments and conservation areas.</p> <p>The list should be amended to ensure that it covers all types of designated heritage assets within Cumbria.</p>	<p><b>Action</b></p> <p>The titles of ‘World Heritage Site’ and ‘Visual Impact Zone’, were merely copied from the data layer on the Council’s GIS system, which is based on data supplied by English Heritage in 2005.</p> <p>Although the ‘visual impact zone’ is not an international designation, it would be a material planning consideration, so the phrase will be retained, to aid in the consideration of constraints. However, the capital letters will be removed in all instances (paragraph 5.91 and Box 8.1).</p> <p>Reason for modification: factual change.</p> <p><b>Action</b></p> <p>Conservation Areas (and their settings) are already in Box 8.2.</p> <p>Box 8.1 includes Scheduled Monuments already, in the bullet “nationally important archaeological sites, whether Scheduled or not”. However, text will be amended to read: “...whether <b>designated as Scheduled Monuments</b> or not;” and</p>

ID	Consultee	Comment	Action
			<p>Scheduled Monuments will be in bold.</p> <p>Reason for modification: clarity.</p>
		<p>Box 16.1: The NPPF requires that the Local Plan should contain a positive strategy for the conservation and enhancement and enjoyment of the historic environment.</p> <p>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 predetermine this. Therefore, this box should be deleted from the Plan.</p>	<p><b>No Action</b></p> <p>This box is intended to be of help to developers when deciding what issues may need to be considered and, as it says in paragraph 16.13, “The circumstances that contribute to the significance of an asset will vary from asset to asset; however, as an aid, a non-exhaustive list of the issues that should be considered are listed in the box.”</p>
		<p>SP14: The NPPF requires that Plan policies should contain a positive strategy for the conservation and enhancement of the historic environment.</p> <p>We consider this policy to be unsound as it does not accord with the requirements of the NPPF and primary legislation on historic environment matters, including the following:</p> <ul style="list-style-type: none"> <li>- for ease of reading and to accord with terminology of the NPPF, reference should be made to heritage assets both within the text and in the title.</li> </ul> <p>- the policy incorrectly refers to “significance of World Heritage Sites”. The overriding objective should be to ensure that the</p>	<p><b>No Action</b></p> <p>As set out in paragraph 8.1, environmental assets encompass landscapes, geology, wildlife, buildings and features of archaeological and historic importance. Therefore, it is not considered necessary to add ‘heritage’ into the title.</p> <p>To be consistent throughout this policy, it is considered that the section title should remain ‘Heritage designations’; this also accords with paragraph 132 of the NPPF, which discusses ‘designated heritage assets’.</p> <p><b>Action</b></p> <p>With regard to World Heritage Sites, the</p>

ID	Consultee	Comment	Action
		<p>Outstanding Universal Value (OUV) is not harmed. New development within the WHS and its buffer zone will be expected to enhance and better reveal its significance and accords with the approved management plan. Any proposal in the buffer zone should be assessed for its impact on its OUV and particularly on key views both into and out of it.</p> <p>- the policy refers to “adversely impact” and this should read “harm” as harm is used by the NPPF.</p> <p>- the policy is worded to only deal with proposals that have substantial harm and therefore, does not provide any information on less than substantial harm, therefore it is suggested that the policy be amended.</p> <p>- the policy does not deal with archaeology that is not scheduled but is of national significance. Hence the reference to heritage assets.</p>	<p>policy text will be amended from ‘significance’ to ‘outstanding universal value’ (see amendment to policy below). The Frontiers of the Roman Empire: Hadrian’s Wall WHS has not been singled out, in order to maintain flexibility, since the Lake District National Park has been nominated for submission to UNESCO in 2017, for consideration of World Heritage Site status.</p> <p><b>Action</b> Amend policy text from ‘adversely impact’ to ‘harm’ (see amendment to policy below).</p> <p><b>Action</b> It was not intended that this policy only covered proposals resulting in substantial harm, so the policy text will be amended to encompass all harm (see amendment to policy below).</p> <p><b>Action</b> It was not intended that this policy only covered scheduled heritage assets, so the policy text will be amended to encompass all assets (see amendment to policy below).</p>

ID	Consultee	Comment	Action
		<p>The policy should be amended to read:  <del>“Heritage designations</del> <b>assets</b></p> <p><del>Major dDevelopment proposals that adversely impact harm</del> the significance of a heritage asset, or their settings <b>or the Outstanding Universal Value of the Hadrian’s Wall World Heritage Site</b> will only be granted planning permission <b>where it can be demonstrated that the public benefits of the proposals outweighs the harm or loss</b> in exceptional or wholly exceptional circumstances (in accordance with paragraph 132 of the National Planning Policy Framework) <del>and where is can be demonstrated that there are substantial public benefits.</del></p>	<p><b>Action</b></p> <p>The policy will be amended to read:  <del>“Heritage designations</del> <b>Major dDevelopment proposals that adversely impact harm the Outstanding Universal Value of a World Heritage Sites, Scheduled Monuments, Registered Historic Battlefields, Registered Historic Parks and Gardens, Listed Buildings and Conservation Areas,</b> <b>or the significance of a designated heritage asset,</b> 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) <b>and where it can be demonstrated that there are substantial public benefits of the proposals outweigh the harm or loss (in accordance with the National Planning Policy Framework).</b></p> <p>Environmental assets not protected by national, European or international legislation  Where not otherwise.....</p> <ul style="list-style-type: none"> <li>• .....offsetting actions</li> </ul> <p><b>Where not otherwise protected by national, European or international</b></p>

ID	Consultee	Comment	Action
			<p>legislation, the effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect, directly or non-directly, non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. Non-designated heritage assets of national importance are treated as designated assets.”</p> <p>Reason for proposed modifications: for clarity and to ensure consistency with NPPF.</p>
		<p>DC17: The NPPF requires that the Local Plan should contain a positive strategy for the conservation and enhancement and enjoyment of the historic environment. The policy does not provide sufficient clear and detailed guidance to guide those submitting planning applications to determine their degree of success. The policy includes a lot of repetition and does not provide information on proposals affecting all types of heritage assets and the need for public benefits to outweigh the harm in accordance with the requirements of the NPPF. The policy should be amended to read:          “In accordance with NPPF paragraphs 126 to 141:  <b>Cumbria’s heritage assets and their settings will be preserved and where appropriate, enhanced.</b> Proposals for waste</p>	<p><b>Action</b>          Amend DC17. Proposed modification to DC17:  <del>“In accordance with NPPF paragraphs 126 to 141:</del>  <b>Cumbria’s heritage assets and their settings will be preserved and, where appropriate, enhanced.</b> Proposals for waste management developments or mineral developments that would result in harm to, <b>or total loss of,</b> the significance of a designated heritage</p>

ID	Consultee	Comment	Action
		<p>management developments or mineral developments that would result in harm to <b>or total loss</b> of the significance of a designated heritage asset or its setting <b>(including non-designated archaeological assets of national significance)</b> or the <b>Outstanding Universal Value of the Frontiers of the Roman Empire – Hadrian’s Wall World Heritage Site</b> or and undesignated heritage asset that is demonstrably of equivalent importance to a designated heritage asset, or its setting, will <b>only not</b> be permitted <b>where it can be clearly demonstrated that public benefits outweigh the harm and that the harm is necessary to achieve those benefits.</b> unless it can be demonstrated that the harm is necessary to achieve public benefits, 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>Any proposals that cause substantial harm to the outstanding universal value of the Frontiers of the Roman Empire – Hadrian’s Wall World Heritage Site, a Scheduled Monument, a grade I or II* Listed Building, the Solway Moss Registered Battlefield or a grade I or II* Registered Park and Garden, will only be permitted in wholly exceptional circumstances.</p> <p>Proposals that cause substantial harm to a grade II Listed Building, a grade II Registered Park and Garden and a Conservation Area, will only be permitted in exceptional circumstances.</p> <p>Any proposals that affect a non-designated heritage asset or its setting will be <b>assessed</b> judged on the significance of the heritage asset and the scale of the harm, <b>including the public benefits of the proposal.</b></p> <p><b>Where a development proposal affecting archaeological sites is acceptable in principle, the preservation of the remains in situ will be the preferred solution. Where in situ preservation</b></p>	<p>asset <b>or its setting</b> (or an <del>an</del> <b>non-designated heritage asset of national significance, or its setting</b>) that is demonstrably of equivalent importance to a designated heritage asset, or its setting <b>or the Outstanding Universal Value of a World Heritage Site</b>, will <b>only not</b> be permitted unless <b>where</b> it can be <b>clearly demonstrated that public benefits outweigh the harm and that the harm is necessary to achieve those public benefits</b>, 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>Any proposals that cause substantial harm to the outstanding universal value of the Frontiers of the Roman Empire – Hadrian’s Wall World Heritage Site, a Scheduled Monument, a grade I or II* Listed Building, the Solway Moss Registered Battlefield or a grade I or II* Registered Park and Garden, will only be permitted in wholly exceptional circumstances. Proposals that cause substantial harm to a grade II Listed Building, a grade II Registered Park and Garden and a Conservation Area, will only be permitted in exceptional circumstances.</p>

ID	Consultee	Comment	Action
		<p><b>is not possible or justified, the development will be required to make adequate provision for excavation and recording before or during development.</b></p> <p><del>Any heritage asset and its setting, whether designated or not, that is harmed by a proposal, will need to be recorded by the developer to a level that is proportionate to its significance and to the scale of impact of the proposal. The information will need to be made publically accessible in the County's Historic Environment Record.</del></p> <p><b>All development proposals that will have an impact on any heritage asset or its setting (including where there is potential for unknown archaeological assets), whether designated or not, should be accompanied by an assessment of the significance of the heritage asset and its setting and how that significance will be affected by the proposed development. The level of information required will be proportionate to the asset's significance of the asset and to the scale of impact of the proposal, and may require, where necessary, an archaeological desk based assessment and archaeological field investigation. The recording of the loss of or harm to any heritage assets (where justified) and any supporting</b> The information will need to be made publically accessible in the County's Historic Environment Record."</p>	<p>Any proposals that affect a non-designated heritage asset or its setting will be judged on the significance of the heritage asset and the scale of the harm, <b>including the public benefits of the proposal.</b></p> <p><b>Where a development proposal affecting archaeological sites is acceptable in principle, the preservation of the remains in situ will be the preferred solution. Where in situ preservation is not possible or justified, the development will be required to make adequate provision for excavation and recording before or during development.</b></p> <p><del>Any heritage asset and its setting, whether designated or not, that is harmed by a proposal, will need to be recorded by the developer to a level that is proportionate to its significance and to the scale of impact of the proposal. The information will need to be made publically accessible in the County's Historic Environment Record.</del></p> <p><b>All development p</b>Proposals that will have an impact on any heritage asset or its setting <b>(including where there is potential for unknown archaeological assets)</b>, whether designated or not, should be accompanied by an</p>

ID	Consultee	Comment	Action
		<p>SAP2: The following comments are based on the content of the accompanying site assessment for CA11 Willowholme, Carlisle, in the evidence base:</p> <ul style="list-style-type: none"> <li>- it incorrectly refers to the Visual Impact Zone as part of the title of the world heritage site</li> <li>- where reference is made to “Historic England seeking opportunities....” It should read to ensure that opportunities should be sought from all interested parties including LPAs, public agencies, private sector developers to enhance the setting and better reveal the significance.</li> <li>- in addition the following text should be inserted: ‘....and the higher</li> </ul>	<p>assessment of the significance of the heritage asset <b>and its setting, and</b> how that significance will be affected by the proposed development. The level of information required will be proportionate to the <del>asset’s</del> <b>asset’s significance of the asset</b> and to the scale of impact of the proposal, and may require, where necessary, <b>an archaeological desk based assessment and</b> field investigation. <b>The recording of the loss of, or harm to, any heritage assets (where justified), and any supporting information, will need to be made publically accessible in the County’s Historic Environment Record.”</b></p> <p>Reason for proposed modification: to ensure consistency the NPPF.</p> <p><b>Action</b>  In the Site Assessments document for site allocation CA11:</p> <ul style="list-style-type: none"> <li>- the capitals will be made lower case</li> <li>- no change necessary, as this was a summary of the response to the February 2015 consultation, which can be seen in full elsewhere</li> <li>- no change necessary, as this was a</li> </ul>

ID	Consultee	Comment	Action
		ground to the north and southwest, <b>which allows an understanding of the planning and operation of the Roman frontier in relation to this local topography.</b> "	summary of the response to the February 2015 consultation, which can be seen in full elsewhere
028	Nuclear Decommissioning Authority	<p>Paragraphs 3.1 and 4.1: The Nuclear Decommissioning Authority welcomes the addition of these paragraphs which confirm that Chapter 3 does not apply to radioactive waste.</p> <p>Paragraphs 4.3 and 4.4: These paragraphs define the different categories of radioactive waste. The UK Strategy for the Management of Solid Low Level Waste from the Nuclear Industry (February 2016) provides the most up-to-date definitions of radioactive waste. It is recommended that these paragraphs are updated in line with definitions provided in the 2016 Strategy.</p> <p>For completeness, it should also be noted in the supporting text that higher activity waste includes low level waste for which there is no current disposal route.</p> <p>In addition, although HLW arises in a liquid form, it is still categorised as HLW in its conditioned solid form – it is considered that this should be acknowledged in the text within paragraph 4.3.</p>	<p><b>No Action</b></p> <p><b>Action</b> Amend text as per the categories defined in the 2016 document.</p> <ul style="list-style-type: none"> <li>• “Low Level Waste.....not exceeding <b>4 gigabecquerels/tonne (4,000 Bq/g)</b> of alpha radiation or <b>12 GBq/te (12,000 Bq/g)</b> of beta/gamma....”</li> <li>• “<i>Low Volume VLLW</i>.....contains less than <b>400 kilobecquerels (400,000 Bq)</b> of total activity, or a single item contains less than <b>40 kBq (40,000 Bq)</b> of total.....”</li> <li>• “High Volume VLLW.....maximum concentration of 4,000,000 Bq/tonne (<b>4 Bq/g</b>), and.....”</li> </ul> <p>Reason for modification: consistency.</p> <p><b>No Action</b> This is set out in paragraph 4.53.</p> <p><b>Action</b> Amend text on solid HLW to read: “...from nuclear reactors; <b>it is still categorised as HLW in its conditioned</b></p>

ID	Consultee	Comment	Action
		<p>The second bullet point of paragraph 4.4 refers to the maximum concentration of High Volume VLLW as a Bq/tonne measurement whereas the measurement used for the other waste definitions is Bq/g. It is considered that this may be confusing for non-technical readers and, for clarity, should be amended to:</p> <ul style="list-style-type: none"> <li>• High Volume VLLW (bulk disposals) – higher volumes of waste that can be safely disposed of with municipal, commercial or industrial waste, but only at specified landfill sites and for a specified amount. This waste has a maximum concentration of 4 Bq/g, and there is an additional limit for wastes containing tritium. It is mostly produced at nuclear licensed site</li> </ul>	<p><b>solid form.”</b> Reason for modification: clarity.</p> <p><b>Action</b> Text to be amended to read: “High Volume VLLW.....maximum concentration of 4,000,000 Bq/tonne (<b>4 Bq/g</b>), and.....” Reason for modification: consistency.</p>
		<p>Table 4.1: This Table refers to International Nuclear Services Ltd. INS is a wholly owned subsidiary of the Nuclear Decommissioning Agency. It is considered that this should be noted in Table 4.1 for completeness.</p>	<p><b>Action</b> Add text to read: “This company, a <b>wholly owned subsidiary of the NDA</b>, manages the.....” Reason for modification: clarity.</p>
		<p>Paragraph 4.19, footnote 45: The footnote to this paragraph states that radiation dose is measured in units called rads. It should be noted that Rads is an American unit of measurement and is not used in the UK. The measurement units used in the UK are Gray (Gy) for absorbed dose and Sievert (Sv) for effective dose. The footnote needs to be updated to reflect this</p>	<p><b>Action</b> It is noted that Rads is an American unit of measurement; the footnote will be amended to reflect the UK units of Gray (Gy) for absorbed dose and Sievert (Sv) for effective dose. Text to read: “...units called <del>rads</del>—<b>Gray (Gy) for absorbed dose and Sievert (Sv) for effective dose</b>” Reason for modification: factual change.</p>
		<p>Paragraph 4.20/Table 4.2: Please note that the correct title for SEPA is the Scottish Environment Protection Agency. The word</p>	<p><b>Action</b> Amend title of SEPA to read: “Scottish</p>

ID	Consultee	Comment	Action
		<p>'Protection' is missing from the first column of the table below this paragraph.</p> <p>With regard to the NDA, it is requested that an additional first bullet point is added to the third column of the table. This additional bullet reflects the NDA's key responsibility and is as follows:  - the organisation tasked with the decommissioning and clean-up of the UK nuclear legacy;</p>	<p>Environment <b>Protection</b> Agency" and add "<b>Natural Resources Wales</b>".  Reason for modification: factual change.</p> <p><b>No Action</b>  It is considered that there is already sufficient breadth of information regarding the NDA in this chapter.</p>
		<p>Paragraph 4.23: The recognition of the NDA Strategy is welcomed as it is an important policy document requiring consideration in the preparation of Local Plans and development management decision-making. To accurately reflect the key principles of the NDA Strategy, the first bullet point should be amended as follows (proposed additional text is underlined):  • risk reduction, through flexible approaches to long-term waste management, is a priority</p>	<p><b>No Action</b>  It is considered that the text already provides an adequate overview of the key principles in the Strategy, and, if required, further detail can be found in the Strategy document.</p>
		<p>Paragraph 4.13: This paragraph states that "...there should not be a default position of exporting these [radioactive] wastes to existing facilities in Cumbria." It is considered that additional clarity could be added to this paragraph by reference to the NDA Strategy for radioactive waste management (Strategy III was issued in March 2016) as the national framework for management of radioactive waste, and the UK Nuclear LLW Strategy (February 2016).</p>	<p><b>No Action</b>  This paragraph is setting the scene for Waste Planning Authority responsibilities, so it is not considered necessary to reference the two strategies here.</p>
		<p>Paragraph 4.26: The last sentence of this paragraph states that 'optioneering is a mandatory legal requirement' via business cases. From the NDA's perspective, this statement is not strictly accurate and the last sentence should be replaced with the following:  In addition to the above, for the NDA estate, where investment is required for the execution of a waste management option, the NDA expects the Site License Companies to undertake appropriate</p>	<p><b>Action</b>  Amend text to read: "waste management option, <del>optioneering is a mandatory legal requirement via</del> <b>the NDA expects the Site License Companies to undertake appropriate optioneering supported by business cases as needed, and this</b></p>

ID	Consultee	Comment	Action
		<p>optioneering supported by business cases as needed, and this would be carried out under the NDA's Value Framework process.</p>	<p><b>would be carried out under the NDA's Value Framework process."</b> Reason for modification: factual change.</p>
		<p>Paragraph 4.30: For clarity, the first sentence should be deleted and replaced with: 'The regulatory framework allows for disposal of LLW at near surface facilities.'</p> <p>As this paragraph relates to LLW, it is considered that it should also reflect the fact that some LLW cannot be managed at LLWR and therefore is required to be managed as HAW. This is reflected in the MWLP at paragraph 4.53 which states that "There also needs to be flexibility with regard to those low level wastes for which current disposal facilities are not suitable, as they will have to be managed through the routes for higher activity waste." For clarity and consistency, a similar statement should be added to paragraph 4.30.</p>	<p><b>Action</b> Replace first sentence of this paragraph with the suggested text. Reason for modification: clarity</p> <p><b>No Action</b> As noted, paragraph 4.53 already states this fact.</p>
		<p>Paragraph 4.39: This paragraph states that "Cumbria County Council's preferred approach is that decommissioning wastes should be managed on the site where they arise unless a rigorous assessment demonstrates that this is not practicable." It is not clear from this statement, however, what the County Council considers to represent a rigorous assessment. If the Council considers this to be the detail of the optioneering process as referred to in paragraph 4.28, then this should be stated in paragraph 4.28. If the Council considers that other detail is required, then this needs to be clearly stated in the text for clarity and the avoidance of doubt.</p>	<p><b>No Action</b> Every development proposal is different, in a different location, with different requirements, with different constraints, requiring different conditions, etc. Therefore, it is impossible to define a definition of what constitutes a rigorous assessment. However, it would of course include the optioneering process.</p>
		<p>Paragraph 4.53: To accurately reflect the objectives and responsibilities of the NDA with respect to the UK's nuclear legacy, the third sentence of this paragraph should be amended as follows (replacement text is underlined):</p>	<p><b>Action</b> Replace the existing word 'restoration' with '<b>remediation</b>'. Reason for modification: clarity</p>

ID	Consultee	Comment	Action
		As set out in policy SP6, any development proposals should minimise impacts and should not prejudice site remediation.	
		<p>Paragraph 4.54: This paragraph states that Policy SP6 has to be “flexible enough to cater for operational waste that may arise if a new nuclear power station is built at Moorside”. It is considered that this should be clarified to align with 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 requests that this clarification is added to this paragraph.</p>	<p><b>Action</b>  Add a footnote to this sentence to read:  <b>“It should be noted 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”</b></p> <p>Reason for modification: clarity</p>
		<p>Paragraphs 7.12–7.16: These paragraphs refer to the provision of community benefits in connection with developments schemes as defined by the Nuclear Legacy Advisory Forum. The NDA notes that the supporting text goes on to confirm that community benefits are not material planning considerations.</p> <p>It is the NDA’s position that it will generally only consider statutory community benefit and not non-statutory benefit in connection with development proposals on its nuclear sites. Therefore, any community benefits would need to be justified on the basis that the benefits would make the development in question indicating that permission should be refused, and/or should offer indirect benefits to the community whilst still retaining more than a negligible link to the development. This is reflected in the current MWLP text.</p> <p>Notwithstanding this view, it should be noted that there are other mechanisms, outside planning legislation and policy, already in place to ensure that the community hosting an NDA facility can receive social and economic benefit. These measures fall within NDA’s statutory duties under the Energy Act 2004. It is</p>	<p><b>No Action</b>  As paragraph 7.14 says, although community benefits are often considered in the context of the nuclear industry, they are equally relevant for mineral, waste management and renewable energy developments. Therefore, it is not considered necessary to add detail on the NDA’s statutory duties under the Energy Act 2004.</p>

ID	Consultee	Comment	Action
		recommended that reference to these other mechanisms should be included within the supporting text on community benefits.	
		<p>Paragraph 13.25: It is noted that this states that:            “If a development is proposed that requires an Environmental Impact Assessment, under EIA regulations, cumulative impact cannot be considered unless the other developments(s) already have planning permission or if a planning application for the development(s) has been submitted.”            This statement is inconsistent with the UK Planning Practice Guidance which states:            “The local planning authorities should always have regard to the possible cumulative effects arising from any existing or approved development. There could also be circumstances where two or more applications for development should be considered together”.  <a href="http://planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/screening-schedule-2-projects/">http://planningguidance.communities.gov.uk/blog/guidance/environmental-impact-assessment/screening-schedule-2-projects/</a>            It is suggested by paragraph 13.25 that a cumulative assessment will be required of other development(s) that are subject to planning applications, rather than approved or existing. This should be clarified to align with the Planning Practice Guidance.</p>	<p><b>Action</b>            This paragraph was attempting to be helpful to developers, explaining the types of projects that would be considered in assessing cumulative impacts and effects. However, as this has caused some confusion, paragraph 13.25 will be deleted</p>
		<p>Paragraph 14.6: The NDA notes that no additional development control policies are considered necessary for radioactive waste, but it would add clarity to the plan if the supporting text specified which development control policies the Council consider to be relevant to radioactive waste development(s).</p>	<p><b>No Action</b>            Every development proposal is different, in a different location, with different requirements, with different constraints, requiring different conditions, etc. Therefore, it is impossible to specify which Development Control policies may be relevant to radioactive waste development(s).</p>
		<p>Paragraph 18.8: It is considered that there is a word missing from the fourth line of this paragraph, as underlined in the extract below:</p>	<p><b>Action</b>            Amend text as proposed.</p>

ID	Consultee	Comment	Action
		<p>“...Extension Segregated Area, for disposal of certain <u>types</u> of the site’s own wastes,”</p>	<p>Reason for modification: clarity.</p>
		<p>Paragraph 18.10: The NDA considers that the clarity of this paragraph would be improved through reference to the UK LLW Strategy. This is shown as underlined text below:            “It is particularly important that facilities are provided, within Cumbria and throughout the UK, to divert Low Level Waste, including the sub-category of VLLW, away from the highly engineered facilities at the Low Level Waste Repository (LLWR) <u>in line with the UK Nuclear LLW Strategy.</u>”</p>	<p><b>Action</b>            Amend text as proposed.            Reason for modification: clarity.</p>
		<p>SP4: Waste planning authorities (WPAs) are required to have regard to Article 16 of EU Waste Framework Directive 2008/98/EC, which requires Member States to take account of the principles of self-sufficiency and proximity. Whilst Directive 2008/98/EC specifically excludes radioactive waste from its scope in Article 2, from a radioactive waste management perspective, disposals of waste are subject to the requirement of Best Available Techniques (BAT) for which the proximity principle is a factor the EA would expect to be considered.            National Planning Policy for Waste (NPPW) (October 2014) describes the Government’s ambition to work towards a more sustainable and efficient approach to resource use and management. Key principles in the NPPW include the consideration of need for additional waste management capacity of more than local significance, collaborative working between waste planning authorities, and account for waste management arising in more than one waste planning authority area where only a limited number of facilities would be required or existing facilities are under-utilised.            The NDA reiterates its position at Draft MWLP stage that Policy SP4 should be removed as it duplicates other statutory</p>	<p><b>Action</b></p> <p>The Council would wish to retain policy SP4, in order to ensure that all the facts</p>

ID	Consultee	Comment	Action
		<p>requirements for waste management. However, should the Council be minded to retain the policy, the following wording is suggested as additional text to be added to paragraph 4.27 to acknowledge and clarify the statutory position with regard to the proximity principle and the management of radioactive waste (and to align with the principles of NPPW):</p> <p>“Proposals for the management of radioactive waste should also comply with national strategies for waste management and for radioactive waste management specifically, in the latter case including those produced by the Nuclear Decommissioning Authority.”</p> <p>It is noted that paragraph 4.27 states:</p> <p>“In the Council’s experience, these criteria are not given enough weight or are decided before a project is made public by an operator, and presented as a fait accompli.”</p> <p>As stated earlier, EU Directive 2008/98/EC specifically excludes radioactive waste from its scope in Article 2, from a radioactive waste management perspective, disposals of waste are subject to the requirement of Best Available Techniques (BAT) for which the proximity principle is a factor the EA would expect to be considered. As such, the NDA considers that the Council is making an inappropriate generalisation as radioactive waste proposals are required to be compliant with other relevant legislative provisions. The sentence should therefore be deleted.</p> <p>If the policy is retained, we would also recommend that the compliance with national strategy is reflected in the wording of Policy SP4 through the addition of a final bullet point as follows:</p> <ul style="list-style-type: none"> <li>• the national strategy for managing radioactive wastes.</li> </ul>	<p>are clear when a planning decision is to be taken.</p> <p>Proposed sentence to be added at the beginning of paragraph 4.28, before “The County Council would....”.</p> <p>Reason for modification: clarity.</p> <p>Proposed new bullet point to be added at the end of policy SP4.</p> <p>Reason for modification: clarity.</p>

ID	Consultee	Comment	Action
		<p>SP5: It is noted that Policy SP5 includes compliance with UK Government policies and strategies for LLW as one of its criteria. However, as national strategies for waste management are issued by the NDA, it is considered that this statement should be amended as follows, for the avoidance of doubt:</p> <ul style="list-style-type: none"> <li>• it conforms to national policies and strategies for LLW;</li> </ul>	<p><b>Action</b> Text to be amended as proposed. Reason for modification: clarity.</p>
		<p>SP6: It is noted that, unlike the policy and supporting text for LLW, there is no reference to national strategy and policy within the policy text for HAW. It is therefore considered that the following bullet should be added to the policy (for proposals for the management, treatment and storage of HAW arising both from within, and from outside, Cumbria):</p> <ul style="list-style-type: none"> <li>• compliance with national policies and strategies (including the NDA's HAW Strategy, published in May 2016) for the treatment, management, and storage of HAW</li> </ul>	<p><b>Action</b> It was intended that the first bullet on compliance with national and international standards would encompass national policies. However, add a new first bullet, to read: <b>“that it conforms to national policies and strategies for HAW; and”</b> Reason for modification: clarity</p>
		<p>Development Control Policies - The NDA recognises the need for detailed policies to be included within the plan which specify the technical assessments required to demonstrate that proposed developments do not have a detrimental impact on the natural and historic environment or human health.</p> <p>It is noted, however, that Policy DC2 includes provision under part (a) to agree in advance with the WPA the scope of any relevant assessments required to support planning applications. This approach is supported as it recognises that the scope of assessments should be agreed on a case-by-case basis. This approach does not appear to apply to the issue specific policies within the plan including:</p> <ul style="list-style-type: none"> <li>• Policy DC3 - Noise</li> <li>• Policy DC5 – Dust</li> <li>• Policy DC6 – Cumulative Environmental Impacts</li> </ul> <p>The NDA considers that the above policies would be clarified by</p>	<p><b>No Action</b> As a precursor to part a. of this policy, it says ‘where appropriate’; so not all impacts will be relevant for all development proposals. However, if noise, dust or cumulative impacts are relevant to a development proposal, then policies DC3, DC5 and DC6 would be used to help determine an application.</p>

ID	Consultee	Comment	Action
		<p>the inclusion of text confirming that the scope of any assessment to be agreed with advance with the WPA.</p> <p>SAP3/paragraph 4.55: It should be noted that the NDA's land ownership extends beyond the CO32 and CO36 allocations and includes immediately adjacent, additional land to the east and west of the Sellafield complex.</p>	<p><b>No Action</b> The Site Assessment report for this site says, "The site has been identified from the land owned by the Nuclear Decommissioning Authority (NDA), which has then been refined by consideration of known environmental asset and other constraints. Any development would use only part of the site allocated, dependent on any further constraints identified at the more detailed planning application stage."</p>
029	Mr Balogh	<p>Whole MWLP: Mr Balogh states that he will be pleased to submit an addendum to SP5&amp;6 at the time of the Inspectors hearings. In their present form they are neither sound nor consistent with SP4. This will have sequelae for the Restoration and aftercare and afteruse of these sites which in this plan comes under the SP15 and DCC22 paragraphs.</p> <p>SP5: Because bullets 1 to 6 inclusive apply only to new facilities, one is left with the impression that they will not be applied to the existing one at Drigg which will inevitably be the subject to inundation by rising sea-level.</p> <p>With regard to bullet 7, by the same token we might expect a specific plan for the closure of Vault 9 before 2019 to ensure that whatever measures made to provide for it, historic LLW is accounted for and has no chance to contaminate further a site already dangerous before it came into service as a dumpsite.</p>	<p><b>No Action</b> It is not clear what Mr Balogh would like to change, and therefore we cannot address it at this stage or suggest any modifications.</p> <p><b>No Action</b> Any further vaults proposed at the Low Level Waste Repository will be new facilities on that site. The recent planning application for new vaults, and for disposal of LLW rather than storage, was granted permission in July 2016. Therefore, Vault 9 does not now have to close before 2019.</p>

ID	Consultee	Comment	Action
		SP6: In order for the criteria established by SP4 to be met by SP5 & 6, there needs to be a specific and dedicated plan for the implementation of National Policy as delineated in the SINTRA Declaration.	<b>No Action</b> Agreed, but this is not within the remit of the County Council.
030	Burlington Aggregates Ltd	SAP4: Fully support the inclusion of site allocations M12 and M27 as part of Policy SAP4.	<b>No Action</b>
031	Mr Thompson	<p>Flusco Lodge Quarry: Mr Thompson states that Cumbria County Council has not considered the brown field site Flusco Lodge Quarry, Stainton, Penrith, Cumbria for its draft Minerals and Waste Local Plan 2015 to 2030. This despite having identified the site in 2007 in its Minerals and Waste Development Framework both as a potential waste management site and as a potential quarry site for limestone and sandstone building stones and aggregates. In 2011 the site was put forward to Cumbria County council Minerals and Waste Local plan programme as a Sustainable Development Project. Given the changes since then it should have been considered for the Cumbria Minerals and Waste Local Plan 2015 to 2030. In many ways the site is far preferable than the draft's ED1 Blencowe Quarry site at Newbiggin.</p> <p>The 2010 plan concluded that:</p> <p><b><i>ED5 Flusco Lodge Quarry. Stainton</i></b>  <i>This site, partly within the National Park, has been suggested for consideration for waste management facilities and for aggregate and building stone quarrying. This is a site in the open countryside. Away from settlements, and whilst a former quarry and brickworks it is not considered to be a suitable location for a built waste management facility - this is not a preferred site.</i></p> <p>This was based on incorrect data eg:  “Environmental assets</p>	<p><b>No Action</b></p> <p>There is no comparison to be made, as site ED1 is no longer an allocation for waste management facilities and it was never considered for mineral extraction.</p> <p>Site allocation ED5 was eliminated from consideration during preparation of the MWDF. The site was rejected because it lies in open countryside partly within the Lake District National Park, is away from settlements and, whilst a former quarry and brickworks, was not considered to be a suitable location for built waste management facilities.</p> <p>It is too late to include the site as an allocation in the Local Plan, but if an application were to be submitted, it would be considered on its merits.</p>

ID	Consultee	Comment	Action
		<p>A Special Roadside Verge is 50m away, (see A below) on the other side of the A66. It is also 500m from Dalemain House and grounds -Registered Historic Park and Garden, the Lake District National Park boundary runs across the southern part of the site. (see B below)</p> <p>A public footpath runs along the western edge of the site.” (see C below)</p> <p>A - This is in fact at the far side of a dual carriageway with a wide wooded central reservation.</p> <p>B - Factually incorrect the relevant details are the quarry at 800 feet is separated from Dalemain at 500 feet by about 2.4 km which includes a very steep wooded fault line scarp.</p> <p>C - The footpath is about 3 metres away in the adjacent field.</p> <p>The result is that the site has been totally ignored for the current plan yet it is in many ways better than the ED1 Blencowe Quarry that was considered.</p> <p>Flusco Lodge has the benefits of:</p> <ul style="list-style-type: none"> <li>- Good access from the A66</li> <li>- Well away from dwellings.</li> </ul>	<p>The Site Assessment for ED5 <i>does</i> say that it lies on the other side of the A66.</p> <p>The distance between the boundary of the former allocation of ED5 and the edge of the area designated as Dalemain historic park and garden is approximately 500m, though it does not take into account any difference in heights above sea level.</p> <p>The footpath does indeed run along the boundary on the inside of the adjacent field.</p>

ID	Consultee	Comment	Action
		<p>It is well screened on a flat plateau landscape and is only overlooked from the east from the east fellside at a range of about 8 miles. The quarry at 800 feet is separated from Dalemain at 500 feet by about 2.4 km which includes a very steep wooded fault line scarp.</p>	
		<p>Policies SP3 and DC9: Given its location, screening and access, site ED5 (Flusco Lodge Quarry) is ideal for green waste windrow composting.</p>	<p><b>No Action</b>  Site ED5 was previously considered for waste management facilities and for aggregate and building stone quarrying. The site was rejected because it lies in open countryside partly within the Lake District National Park, is away from settlements and, whilst a former quarry and brickworks, was not considered to be a suitable location for built waste management facilities.  It is too late to include the site as an allocation in the Local Plan, but if an application were to be submitted for open windrow composting, it would be considered on its merits.</p>
		<p>Policies SP3 and DC11: Use inert waste for the restoration of the old mineral workings and the A66 landfill area not restored Wimpey Ltd as required by their planning permission. Site ED5 (Flusco Lodge Quarry) has been used for such activities in the past and has been accepted in the CCC as a potential transfer station site (Appendix 1 – copy of Flusco Lodge Quarry inert landfill, planning permission conditions, 27 April 1992; and Appendix 2 – planning application by Cumbria County Council to use Flusco Lodge Quarry for inert landfill and other waste uses, spring 1993).</p>	
		<p>Policies SP7 and DC12: The site is ideal for use of the dormant quarry and brickworks as an environmentally friendly, low impact quarrying operation. This would extract the stone mechanically, without explosives, using skilled labour. It has significant reserves of both hard Carboniferous limestone suitable for building stone and orange grey Carboniferous sandstone Bore holes show that there are four metres of hard carboniferous limestone over one and a half metres of sandstone. In addition the eastern side the face is from 20 to 40 of hard carboniferous shattered limestone as a</p>	<p><b>No Action</b>  Site ED5 was previously considered for waste management facilities and for aggregate and building stone quarrying. The site was rejected because it lies in open countryside partly within the Lake District National Park, is away from settlements and, whilst a former quarry and brickworks, was not considered to</p>

ID	Consultee	Comment	Action
		<p>readily available reserve. The product range would include random rubble and hand dressed walling stone, gate stoops, architectural 'wild stones' and stone armour for river bank protection. Burnt lime could be an additional product made in the traditional manner using the old kiln on site and wood fuel to produce a range of traditional lime mortars to provide building stone for new buildings to match the local vernacular building materials and for the repair of existing vernacular buildings. The orange grey Carboniferous sandstone is needed for repairs as it was used extensively locally for the window and door surrounds in the local buildings prior to the introduction of the hard red Permian sandstone in about the mid 19<sup>th</sup> century. In addition limestone could be burnt in the C19th kiln after restoration. The quick lime to be used to produce traditional lime plasters and lime putty for local building work. Associated with this could be a traditional building skills centre and an information centre featuring vernacular Cumbrian architecture, materials and methods.</p>	<p>be a suitable location for built waste management facilities. It is too late to include the site as an allocation in the Local Plan, but if an application were to be submitted for mineral extraction, it would be considered on its merits.</p>
032	Friends of the Earth	<p>Strategic Objective 1: Concerned that strategic objective 1, does not meet the legal test set out in the Planning and Compulsory Purchase Act 2004 (as amended by the Planning Act 2008) section 19 that provides that: "Development plan documents must (taken as a whole) include policies designed to secure that the development and use of land in the local planning authority's area contribute to the mitigation of, and adaptation to, climate change." Objective 1 of the two strategic objectives of the plan as set out in box 2.3 states: "That minerals and waste management developments will take due account of the issues of climate change, in particular through energy use and transport." Independent legal advice obtained by Friends of the Earth makes</p>	<p><b>No Action</b> The MWLP includes a policy on climate change mitigation and adaptation in Policy SP12. This policy requires proposals for minerals and waste management developments to demonstrate a range of points relating to climate change and it is considered that this meets requirements set out in NPPF and other relevant climate change strategies.</p>

ID	Consultee	Comment	Action
		<p>clear that this is not akin to a “due regard” duty.</p> <p>“The obligation is not simply to have due regard to a need to achieve a result (i.e. inclusion of policies as specified). Rather, the obligation is to achieve that result, namely the inclusion of policies as specified.”</p> <p>The Government adopted the fifth carbon budget (30 June 2016) which confirms the obligation to deliver emission cuts of 57% against 1990 levels by 2032. The lifespan of this plan makes it clear that it has to take its share of delivering these emissions cuts as set out in the National Planning Policy Framework. NPPF paragraph 94 provides that:</p> <p>“Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change [footnote 16], taking full account of flood risk, coastal change and water supply and demand considerations.”</p> <p>Footnote 16 provides that:</p> <p>“In line with the objectives and provisions of the Climate Change Act 2008.”</p> <p>The objectives of the Climate Change Act 2008 include meeting the target imposed by its section 1, namely ensuring that:</p> <p>“net UK carbon account for the year 2050 is at least 80% lower than the 1990 baseline.”</p> <p>In our view, the test of soundness is whether the plan as a whole has achieved this obligation that the plan as a whole that mitigate climate change impacts. That is different to ‘due account’. See our comments on the proposed wording of Policy SP1.</p>	
		<p>SP1: In our view Policy SP1, which should enable the delivery of the plan’s objectives, fails to then reflect this legal obligation to consider climate change as it is not explicitly mentioned but is merely a repeat of NPPF paragraph 14. To be clear: nothing in the NPPF provides a basis for not including a climate change</p>	<p><b>No Action</b></p> <p>A separate Strategic Policy on Climate Change mitigation and adaptation (SP12) has been developed. In addition, Appendix 3 (Monitoring Matrix) identified</p>

ID	Consultee	Comment	Action
		<p>reference. The obligation to do so is in primary legislation, and clear. In terms of ‘policies being out of date’, in our view, and according to case law that it is always open to the decision-maker to attach weight to policies that may be pre-date national policy change, particularly where a certain direction of travel is indicated for example.</p> <p>We suggest that the wording of SP1 should be:  <i>“Ensure minerals and waste developments contribute towards the mitigation of, and adaptation to, the effects of climate change. This includes helping to shape places to secure radical reductions in greenhouse gas emissions and supporting the delivery of renewable and low carbon energy and associated infrastructure.”</i></p>	<p>which policies implement Strategic Objective 1, which relates to issues of climate change. These include SP1 and SP12, amongst other policies.</p>
		<p>SP5: Suggested amendment to Policy SP5:</p> <p>Any proposal for new facilities for the treatment, management, storage and/or disposal of <b>very low</b>, low level radioactive waste, must demonstrate that:</p> <ul style="list-style-type: none"> <li>• it conforms to UK Government policies and strategies for LLW;</li> <li>• it conforms to the other relevant policies of this Local Plan;</li> <li>• it represents the most appropriate option;</li> <li>• 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;</li> <li>• it complies with the principles of sustainable waste management - in doing so, it should identify the intended catchment area;</li> <li>• any <del>significantly</del> adverse impacts will be mitigated to an acceptable level;</li> <li>• <b>the cumulative impact is acceptable.</b></li> </ul>	<p><b>No Action</b></p> <p>In bullet 1, the sub-category of VLLW is included in LLW.</p> <p>There will always be some adverse impacts of any proposal, so this bullet is to address proportionality. Therefore, it is not considered appropriate to remove the word ‘significantly’ in bullet 6.</p> <p>Cumulative impacts will be considered against Development Control policy DC6, there is no need to add it in this policy too.</p>

ID	Consultee	Comment	Action
		<p>SP6: On policy SP6 we are concerned that the points made in the previous submission about the reclassification of materials imported into Cumbria as waste have not been covered. We suggest an amendment to the policy on that technicality. Suggest amendment to Policy SP6: Development proposals for the treatment, management and/or storage of waste <b>and materials that may become classified as waste</b> that arises from outside Cumbria, will need to demonstrate that...(etc)</p>	<p><b>No Action</b> It is assumed that this is referring to plutonium, especially the material currently stored at Sellafield. The decision on whether the material is regarded as a waste or not is for central Government to take. If national policy does come to regard it as a waste, then this policy will apply at that time.</p>
		<p>SP12: On the policy with regard to climate change, we are concerned that this is not an accurate reflection of the Section 19 duty. The policy needs to show how ‘as a whole’ the plan is contributing to the mitigation of carbon emissions – there is nothing about the impact of the developments on climate change mitigation as a whole, but rather only with regard to design. We further refer you to the following evidence <a href="http://www.cumbrianenergyrevolution.org.uk/">http://www.cumbrianenergyrevolution.org.uk/</a>. Suggest amendment to Policy SP12: Proposals for minerals and waste management developments should demonstrate that: <del>proportionate to the scale and type of development,</del> <b>a positive contribution has been made to efficient</b> energy management, the <b>achievement of</b> carbon reduction and resource efficiency <del>have been determining design factors</del> for the development; and</p>	<p><b>No Action</b> The Plan is subject to Sustainability Appraisal and Sustainability Objective NR1 is ‘<i>To improve local air quality and reduce greenhouse gas emissions</i>’. Climate change has, therefore, been a consideration throughout the development of the Plan and Policy SP12 has been developed in order to ensure proposals for minerals and waste developments take climate change into account.</p>
		<p>DC13: Object to the development control policy as outlined for energy minerals. This policy does not reflect the principles of sustainable development, in particular in relation to sound science and the precautionary principle. Firstly the policy is phrased to be “will be granted” rather than “will be considered”. We are concerned that there is no environmental justification for the former approach. Climate change is caused by</p>	<p><b>No Action</b> The first sentence of Policy DC13 states ‘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:...’ It is clear that any</p>

ID	Consultee	Comment	Action
		<p>burning fossil fuels and environmental degradation. There is no guarantee that gas will replace coal, or that CCS will ever be proven to work. For the lifetime of this plan, it cannot be justified in terms of the contribution to the greenhouse gas emissions impact of the plan policy because there is no evidence to prove that the consenting of shale gas wells, coal mining, coal bed methane extraction and underground coal gasification (an unproven technology itself) will contribute to the <i>reduction</i> in greenhouse gas emissions.</p> <p>Secondly the policy fails to reference the other policies in the plan. The concern is that these will not be brought to bear if these are either not specifically or comprehensively referred to.</p> <p>Thirdly, the policy should differentiate between the different energy minerals as they have different planning policy context. NPPF has paragraph 144 generally on minerals for example but an additional paragraph 149 on coal. Unproven technologies (including fracking for shale gas, CBM and in particular UCG) should not be considered in the same context e.g. as conventional gas. It fails to adequately distinguish planning policies required for conventional hydrocarbons; collecting methane from abandoned mines (coal mine methane) –which is a well-established process, desirable to reduce climate change emissions; unconventional hydrocarbons, including shale gas and coal bed methane, which may utilise horizontal drilling and fracking requiring special regulation; underground coal gasification – which is so experimental that it is considered on the evidence to be extremely risky.</p> <p>In addition we draw your attention to the conclusions of the Chat</p>	<p>proposals will be required to meet this and other relevant planning policies, including that for climate change.</p> <p>It is considered that a single policy for energy minerals is sufficient and will ensure that all the relevant issues are considered for proposals for energy mineral extraction.</p> <p>Furthermore, planning is not the only regulatory process that such proposals will be subject to. Others include the Environmental Permitting process. It is considered that the planning issues to be considered when assessing applications for energy mineral developments are adequately catered for through the existing policy.</p>

ID	Consultee	Comment	Action
		<p>Moss Peat Works appeal, where the Secretary of State endorsed the reasoning of Inspector Alan Robinson to refuse an appeal in relation to the variation and extension of certain planning conditions.</p> <p>Further, the Secretary of State also acknowledged that the application would 'frustrate the move from peat to non-peat media and discourage the development and take up of peat substitutes. The Secretary was also considering not only the emissions which would occur as part of the extraction process but also those associated with the end-use to which the peat would be put (paras 947-961 of the Inspector's Report).</p> <p>In the drafting of these policies with regard to energy minerals, it is a material consideration that their extraction will release substantial amounts of carbon dioxide into the atmosphere, contrary to the commitments to reduce these emissions.</p> <p>With regard to underground coal gasification, this technology has been tried in the 1950s in the UK – prompting questions in parliament about 'noxious fumes over a wide area' reference: <a href="http://hansard.millbanksystems.com/commons/1955/nov/28/underground-gasification-experiments">http://hansard.millbanksystems.com/commons/1955/nov/28/underground-gasification-experiments</a></p> <p>More recently a pilot facility operated in Queensland Australia by Cougar Energy was shut down due to potentially carcinogenic pollution including benzene and toluene emissions: <a href="http://frack-off.org.uk/extreme-energies/underground-coal-gasification/">http://frack-off.org.uk/extreme-energies/underground-coal-gasification/</a></p> <p>Gasification of coal is the process which used to be operated at gas works and coking works. In many cases the resulting contamination is still being cleared up. A precautionary approach should be followed to ensure that underground gasification is not allowed to create new contamination. We suggest therefore that there is a presumption against underground coal gasification.</p> <p>We suggest the following wording for policy DC13 to comply with</p>	<p>The proposed wording is not in line with the NPPF, especially the requirement of a presumption in favour of sustainable development.</p>

ID	Consultee	Comment	Action
		<p>Section 19, and the precautionary principle:</p> <p><b>POLICY DC13 Criteria for energy minerals</b>  Proposals for energy minerals developments that conform to the Strategic and other Policies of this Local Plan will be <del>supported</del> <b>considered</b> subject to the following criteria:</p> <p><b>Exploration and appraisal of hydrocarbons</b>  Planning permission will be <del>granted</del> <b>considered</b> for proposals for exploration and appraisal of oil and gas resources provided that:</p> <ul style="list-style-type: none"> <li>a. <b>the proposal will not compromise the Council’s duties in relation to climate change mitigation; and</b></li> <li>b. the site and equipment is sited at a location where it can be demonstrated that it will not have any <del>unacceptable</del> <b>adverse environmental impact or on residential amenity, or on public health, as set out in other policies within this plan;</b> and</li> <li>c. the proposal provides for appropriate baseline monitoring prior to, <b>during and after commencement</b> of development; and</li> <li>d. the timely restoration and subsequent aftercare of the site, whether or not oil or gas is found.</li> </ul> <p><b>Commercial exploitation of hydrocarbons</b>  Planning permission will be <del>granted</del> <b>considered</b> for proposals for commercial exploitation of oil and gas, provided that:</p> <ul style="list-style-type: none"> <li>a. <b>the proposal will not compromise climate change mitigation; and</b></li> <li>b. a full appraisal programme for the oil or gas field has been completed;</li> <li>b. the proposed location is the most suitable, taking into account environmental, <b>social, public health</b>, geological and technical factors;</li> <li>c. the cumulative <b>and long term</b> impacts of the development of the</li> </ul>	

ID	Consultee	Comment	Action
		<p>gas field and essential associated infrastructure have been assessed <b>in particular on the environment and local economy</b>; and</p> <p>d. <del>provision is made for mitigation or compensation for</del>  <b>Where there are</b> significantly adverse impacts on the environment and communities, <b>the development will be refused.</b></p> <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><b>Underground Coal Gasification</b>  <b>Where it can be demonstrated to the satisfaction of the mineral and waste planning authority, by the provision of appropriate information, that any risk of adverse impacts has been eliminated beyond all reasonable scientific doubt and</b>  The criteria set out above in this policy, for exploration and appraisal and commercial exploitation, <b>together with the other policies in this plan</b> <del>will also apply to proposals for onshore surface works or ancillary development to support offshore</del>  Underground Coal Gasification (UCG) <b>may be considered.</b> 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><b>Coal</b>  Planning applications for coal extraction will only be granted where;</p> <ul style="list-style-type: none"> <li>• <b>The direct, indirect and cumulative impacts of the proposal are consistent with climate change mitigation;</b></li> <li>• the proposal is environmentally acceptable; or</li> <li>• can be made so by planning conditions or obligations; or, if</li> </ul>	

ID	Consultee	Comment	Action
		<p>not</p> <ul style="list-style-type: none"> <li>provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission <b>and through the provision of appropriate information can satisfy the planning authority as to the viability of any restoration guarantees.</b></li> </ul>	
033	Carlisle City Council	Whole MWLP: Nothing further to add to the comments made at Reg 18 (with regard to the recent consultation on the Publication version of the Cumbria Minerals and Waste Local Plan). Those comments were signed off by the portfolio holder.	<b>No Action</b>
034	Lake District National Park Authority	<p>Whole MWLP: The Lake District National Park Authority considers the draft Cumbria Minerals and Waste Local Plan 2015 to 2030 is sound.</p> <p>It is a comprehensive document and sets out with considerable detail the Council's approach to mineral working and waste management developments in Cumbria during the plan period.</p> <p>The Authority has been involved in the preparation of the Local Plan having met with the Council on numerous occasions to discuss cross-boundary strategic priorities.</p>	<b>No Action</b>
035	Mr Williams	<p>CA30 and CA31: The documents are far too complex for the ordinary layman.</p> <p>With Cumbria being one of the largest and least populated counties in the UK, I am amazed that the County Council has a continued blinkered view of placing refuse recycling and incineration (proposed) sites within short distances from residential properties. I refer to the Carlisle area only namely CA30/31.</p> <p>It would appear that refuse from all over the county is now going to be hauled into these areas, and if planning is granted – which it will be – burnt on one of those sites.</p> <p>Surely there are redundant quarries, workings and industrial sites away from residential areas that could be utilized where the stench</p>	<p><b>No Action</b></p> <p>The MWLP has been prepared in line with the principle of achieving sustainable development, as set out in NPPF and NPPW.</p>

ID	Consultee	Comment	Action
		of both of these operations could dissipate into the atmosphere before it descends into residents back gardens.	
036	Eden District Council	<p>Site allocation M18: note that the proposed allocation would be a replacement for the Birkshead underground mine, which is likely to be worked out towards the end of the plan period. Birkshead supplies gypsum to the nearby plaster and plasterboard works in Kirkby Thore, a major employer locally. Due to the shallow depth of the gypsum deposits open cast mining would be used.</p> <p>I am aware that planning permission for the extraction of gypsum by opencast methods at Stamphill was granted planning permission with 71 conditions on 11 April 1991. This planning permission has now expired.</p> <p>I recognise that minerals can only be worked where they occur. I support the proposed allocation in principle. The continued extraction of gypsum is likely to safeguard jobs and may assist in the regeneration of the wider area. I support the recognition in the draft plan that detailed assessments are required to address potential impacts and mitigation of impacts on wildlife, on the North Pennines SPA, the River Eden SAC and the Moor House, Upper Teesdale SAC, on the setting of the North Pennines AONB, and on Long Marton Village and other properties. Because open cast working is proposed, the use of best practice mitigation to address impacts from dust, noise, vibration and water quality is supported. Potential transport impacts arising during the construction phase of opencast working would need to be addressed.</p>	<p><b>Action</b></p> <p>Ensure any new points are added to allocation M18 in the Site Assessments document – for when an application comes forward.</p>
		Express support for M35, M36, M37 and M38	<b>No Action</b>
037	Copeland Borough Council	<p>Whole MWLP: There is no reference to the Housing and Planning Act 2016 in the Plan.</p> <p>The NPPF is mentioned in the first policy yet there is no reference to other relevant national planning policy. Although for the most part the Act is centred around housing, it does actually state that in</p>	<p><b>No Action</b></p> <p>This Act came into force on 12 May 2016, after the Local Plan text had been finalised. It is not considered necessary to retrospectively reference this Act.</p>

ID	Consultee	Comment	Action
		<p>terms of the 'permission in principle' ethos, "<i>Permission in principle may not be granted for development consisting of the winning and working of minerals.</i>"</p> <p>This might not necessarily need to be specifically included in the Plan, but it is worth being aware of for clarity.</p>	
		<p>Whole MWLP: The plan should place greater emphasis on the significance to other local authorities on a national and local scale, drawing clear links between local authorities with reference to how the Minerals and Waste Local Plan relates to the policies of other local authorities.</p>	<p><b>No Action</b></p> <p>Paragraph 1.1 explains that the County Council is the Planning Authority for minerals and waste developments. Paragraphs 15.34 and 15.35 explain the consultation process, and its exceptions, on planning applications that are submitted to the District Councils for non-minerals development.</p>
		<p>Whole MWLP: The MWLP should recognise the significance of the economic benefits of the nuclear industry in Cumbria, which includes nuclear facilities and nuclear waste management facilities.</p>	<p><b>No Action</b></p> <p>Chapter 7 explains the significance of the minerals and waste industries to Cumbria's economy and paragraph 7.7 specifies the economic importance of the nuclear industry from the work undertaken by the LEP to facilitate investment in key projects, such as building on nuclear industry strengths.</p>
		<p>Overall Strategy - Strategic policy should draw reference to the objectives of the LEP Strategic Economic Plan in relation to the economic opportunities of radioactive waste management in Cumbria.</p>	<p><b>No Action</b></p> <p>Paragraphs 2.12 to 2.15 discuss the role of the LEP and the Strategic Economic Plan for Cumbria.</p>
		<p>Box 2.1 - The spatial vision has been amended following previous comments which is welcomed, but has not made reference to the storage facilities which are present in Cumbria which receive waste from outside of the County. Cumbria County Council should</p>	<p><b>No Action</b></p> <p>Reference to the storage facilities that are present in Cumbria are discussed in chapter 4 on radioactive waste.</p>

ID	Consultee	Comment	Action
		ensure that this is adequately covered in the MWLP.	
		<p>Box 2.2/Strategic Objectives - The overall strategy should make specific reference to the management of radioactive waste. This is of particular significance to Cumbria as the largest nuclear region in the country, as over 4.5million cubic metres of radioactive waste exists or is forecast to arise from existing facilities over the next 100 years, as referenced in Section 4.8 of the draft MWLP.</p> <p>The strategic objectives should elaborate on the principles to be applied to the management of radioactive wastes, making reference to the responsibilities of wider regulatory bodies as appropriate.</p> <p>Proposed text changes/additions are provided in Appendix A of this document.</p>	<p><b>No Action</b></p> <p>The MWLP deals with all waste streams and no other waste streams are specifically mentioned in the Overall Strategy. The strategy deals with all the waste streams, including radioactive waste.</p>
		<p>Box 2.3 - The strategic objectives set out in Box 2.3 note that “the need for mining and quarrying will be minimised by prudent use of resources and by supplies of alternative re-used and recycled materials”. This provides limited flexibility for the extraction and export of coking coal associated with the West Cumbria Mining development which is likely to provide significant economic benefits to Cumbria.</p>	<p><b>No Action</b></p> <p>The MWLP is developed in line with NPPF and this development is specifically referred to in paragraph 5.81. The substitutability of recycled and secondary sources of minerals for primary sources only applies to aggregates.</p>
		<p>Overall Strategy - It is of particular significance that the Overall Strategy clearly defines how the Proximity Principle will be applied. Whilst Section 3 (Waste Management) refers to the need to implement the principles of self-sufficiency and proximity (‘Proximity Principle’) this has not been clearly identified within the Overall Strategy.</p> <p>See response to Policy SP4 below for a possible form of words for consideration within the MWLP.</p>	<p><b>No Action</b></p> <p>Further detail is provided in paragraph 4.13, which explains that communities should take responsibility for their own waste, whilst recognising that not all waste planning authorities will host their own radioactive waste management facilities.</p>
		<p>Paragraph 4.3 - Change to text for consideration:  <i>“Radioactive waste is divided into three categories according to</i></p>	<p><b>No Action</b></p> <p>The Nuclear Decommissioning Authority</p>

ID	Consultee	Comment	Action
		<p><i>how much radioactivity it produces in terms of Becquerel's (Bq) per gram, and the heat that this radioactivity produces."</i></p> <p>Clarify the definitions of Radioactive Waste as follows:</p> <ul style="list-style-type: none"> <li>It should be clarified that because of amendments to legislation the term VLLW is now obsolete. (See Joint Guidance from ONR, EA, SEPA and Natural Resources Wales on "Basic principles of radioactive waste management"). Suggested text below:  <i>"Very Low Level Waste (VLLW) is a former sub-category of LLW, where the waste can be disposed of conveniently and without causing environmental harm provided that it is mixed with large quantities of non-radioactive waste (e.g. to permitted landfills). Amendments to legislation in 2011 means that this sub-category is now obsolete. The former VLLW and LLW together are often termed 'lower activity wastes'."</i></li> <li>Higher Activity Waste also includes LLW with no disposal route. Change text to:  <i>"HLW, ILW and such LLW that cannot be disposed of at present, are often termed 'higher activity wastes'."</i></li> <li>Change definition of High Level Waste as follows:  "...reprocessing of spent nuclear fuel. The heat generated by the radioactive decay of HLW has to be taken into account..."</li> <li>Delete Bullet "Very Low Level Waste". Suggest it is replaced with the following bullet point:  <i>"Exempt Waste - Disposal of some radioactive waste can be considered "exempt" from regulation, because its levels of</i></li> </ul>	<p>(NDA) has not requested a similar amendment, therefore, this change is not considered necessary.</p> <p><b>No Action</b>  Although the February 2015 document quoted says that VLLW is obsolete, the NDA state that the reference document for radioactive waste categories is the February 2016 'UK Strategy for the Management of Solid Low Level Waste from the Nuclear Industry' – this latter document says that VLLW "covers waste with very low concentrations of radioactivity" and provides a definition. The 2013 UK Radioactive Waste Index also clearly identifies VLLW, so to ignore this category would not be appropriate.</p> <p><b>No Action</b>  This is set out in paragraph 4.53</p> <p><b>No Action</b>  The suggested amendment does not illustrate the point.</p> <p><b>No Action</b>  See comment above on VLLW. The County Council do not wish to discuss exempt waste in this part of the</p>

ID	Consultee	Comment	Action
		<p><i>radioactivity fall below thresholds defined in legislation and disposal of this waste does not require a radioactive substances permit from the Environment Agency. However, disposal of exempt waste may be subject other environmental regulation because of its non-radiological properties.”</i></p>	Plan.
		<p>Paragraph 4.4 - Suggest delete Section 4.4 and two accompanying bullets. This text is superseded by the additional text provided in paragraph 4.3 suggested above.</p>	<p><b>Action</b> The NDA have not requested removal of this paragraph, but have suggested an amendment from 4,000,000 Bq/tonne to <b>4 Bq/g</b> in the second bullet - this amendment will be undertaken.</p>
		<p>Paragraph 4.6 - Details should be provided around how routine discharges are managed, along with the storage of smaller sources. This should include the role of the Environment Agency and the Radioactive Substances Regulations Permit. It should also cover how in the case of a Nuclear Site the Site License covers accumulation and storage, whereas on non-nuclear sites the permit covers these factors.</p> <p>Suggest that text is altered as follows:  <i>“The Inventory does not include liquid and gaseous wastes containing very low concentrations of radioactivity, which are routinely discharged to the environment within authorised limits. These discharges are regulated by the Environment Agency in England and Wales, and an annual report of the agencies monitoring results along those of the Northern Ireland Environment Agency and the Scottish Environment Protection Agency are presented in the Food Standard Agencies Radioactivity in Food and the Environment Publication.</i>  <i>Nor does the inventory include small quantities of solid wastes with very low concentrations of radioactivity, typically from hospitals,</i></p>	<p><b>No Action</b> Neither the Environment Agency nor the NDA have requested this or a similar amendment to the text. The change requested is too detailed in the context of the overview provided by the rest of this paragraph.</p>

ID	Consultee	Comment	Action
		<p><i>universities and the non-nuclear industry (collectively termed ‘small users’) that can be disposed of with domestic refuse to landfill, either directly or after incineration.”</i></p>	
		<p>Paragraph 4.8 - These quantities do not include those from the proposed Nuclear New Builds. Suggest text is altered as follows:  <i>“...The volumes estimated for any future waste arisings, between 2013 and 2120, reflect current (as of 1 April 2013) waste management practices; therefore, there will be opportunities, through the application of the waste hierarchy, to reduce the actual waste arisings in the future. It should be noted that the volumes estimated for future arising do not account for those arising from the Civil Nuclear New Build Programme.”</i></p>	<p><b>No Action</b>  This is set out in paragraph 4.7.</p>
		<p>Table 4.1 - A number of comments are raised including:</p> <ul style="list-style-type: none"> <li>• Separate the Table into 2 parts. Nuclear and Non-Nuclear.</li>   <li>• A breakdown of the waste on each site should ideally be provided. Noting that LLWR’s waste quantities will vary as a function of time.</li> <li>• Review the descriptions of the various sites. For instance LLWR talks about ILW from MoD sites. This text is not relevant to LLWR and does not belong here.</li> </ul>	<p><b>No Action</b>  This table is to provide an overview of the number of sites and organisations associated with radioactive waste in the county; whether they are nuclear industry or non-nuclear industry is not the point being made.</p> <p><b>No Action</b>  This is not the point being made.</p> <p><b>No Action</b>  The text is NOT referring to ‘MoD sites’, it specifically refers to the magazines at the LLWR that were built by the MoD during World War II, when it was a Royal Ordnance Factory. At the end of the war, the factory was closed, leaving a</p>

ID	Consultee	Comment	Action
		<ul style="list-style-type: none"> <li>• Try and ensure a consistent level of information for each site described.</li> </ul> <p>A suggested table is provided in <b>Appendix A</b> which could be used to address these comments.</p> <p>In addition consideration should be given to also including new proposed developments in the time period the plan covers. Whether in this part of the MWLP or elsewhere within Chapter 4. For instance why is NuGen and Moorside not included?</p>	<p>legacy of contaminated land and buildings.</p> <p><b>No Action</b></p> <p><b>No Action</b> The suggested table is far too detailed for the purpose of an overview.</p> <p><b>No Action</b> In providing an overview of the number and range of sites and organisations already in Cumbria, Table 4.1 cannot include ones that may or may not exist in the future. New nuclear build and the need to cater for any waste arising, is in paragraph 4.54.</p>
		<p>Paragraph 4.16 - Recommend adding text to the last sentence around interim storage of ILW on the nuclear site prior to ultimate disposal within the GDF. It should also note that NuGen will be required to construct the interim store for their ILW on the Moorside Site.</p> <p>Suggested text below:  <i>“...Other nuclear licensed sites in the UK either have or are preparing their own ILW stores, but it is likely that some ILW will continue to be sent to Sellafield for storage.</i>  <i>Although not included within the current forecasted future arisings the Civil Nuclear New Build Programme will additionally generate ILW over the next 100 years. Any ILW generated during operation and eventual decommissioning will be stored in interim stores on</i></p>	<p><b>No Action</b> New nuclear build and the need to cater for any waste arising, is in paragraph 4.54.</p>

ID	Consultee	Comment	Action
		<p><i>the site where it was generated prior to disposal at the Geological Disposal Facility. As such there is the potential for the interim storage of ILW at the proposed New Nuclear Build at Moorside.”</i></p> <p>Table 4.2 &amp;Footnote 45 - Suggest reviewing the table to reflect the following:</p> <ul style="list-style-type: none"> <li>• ONR regulate both accumulation and storage of Radioactive Waste.</li> <li>• ONR regulate the safe management of Radioactive Waste. NDA do not regulate the safe storage.</li> <li>• EA/SEPA - In the Nuclear Industry they regulate disposal of radioactive waste (including routine discharges). In the non-nuclear industry they also regulate accumulation and storage of radioactive waste.</li> <li>• SEPA - SEPA issues an authorisation rather than a permit.</li> </ul> <p>A suggested table is provided in <a href="#">Appendix A</a> to this document to address these comments.</p> <p>Footnote 45 should be corrected as follows:  <i>“Radiation dose is a general term used to quantify how much</i></p>	<p><b>No Action</b> It is considered that storage is sufficient detail to include in a quick overview of ONR’s responsibilities.</p> <p><b>No Action</b> The Table does not say that the NDA regulates safe storage. Neither the NDA nor ONR have requested a change to this text.</p> <p><b>No Action</b> The extra detail suggested falls within the point about regulating nuclear and non-nuclear industry sites.</p> <p><b>No Action</b> As Cumbria is in England, any Cumbrian sites will have a permit issued by the EA.</p> <p><b>No Action</b> The suggested table is far too detailed for the purpose of an overview.</p> <p><b>Action</b> It is noted that Rads is an American unit</p>

ID	Consultee	Comment	Action
		<p><i>radiation exposure a person has received. The exposure can subsequently be expressed in terms of the absorbed, equivalent, committed, and/or effective dose based on the amount of energy absorbed and in what tissues. It is usually measured in Sieverts (Sv)</i></p>	<p>of measurement; the footnote will be amended to reflect the UK units of Gray (Gy) for absorbed dose and Sievert (Sv) for effective dose. Text to read:  “...units called rads—<b>Gray (Gy) for absorbed dose and Sievert (Sv) for effective dose</b>”  Reason for modification: factual change.</p>
		<p>Paragraphs 4.21 to 4.24 - The NDA Strategies and CoRWM set out the National strategies for Long Term Management on Radioactive Waste. Although these do not explicitly address planning these should be used by Cumbria County Council to inform the strategy for the MWLP. This is discussed in Section 4.21 - 4.24 of the MWLP however it could be clarified more clearly. Planning should also be based on an assessment of the radiological impacts to the area underpinned by provisions/processes including Environmental Impact Assessment. Whilst no guidance exists explicitly about how this can be done, a similar approach to that used in assessing the radiological impacts as part of an Radioactive Substances Regulation (RSR) Permit is normal practice. This should include additional assessments to address construction of such facilities. As part of the MWLP it would be sensible to include reference to the Environment Agency and their assessment approach for radiological impacts. We would suggest consideration of the following:  Text could be clarified to clearly define the role of the NDA Strategies and CoRWM in setting out the national strategies for Long Term Management on Radioactive Waste.  Although these do not explicitly cover planning these should be used by CCC to help inform their strategy.  In relation to planning details could be added in relation to the Joint</p>	<p><b>No Action</b>  It is considered that the existing text in paragraphs 4.21 to 4.24 covers the matter in sufficient detail.</p>

ID	Consultee	Comment	Action
		<p>Guidance from ONR, EA, SEPA and Natural Resources Wales on “Basic principles of radioactive waste management”.</p> <p>As part of the CCC strategy it may also be sensible to put in a link to the regulators.</p> <p>Suggested text below to be added after 4.23:  <i>“In addition consideration should be given to the regulators, their objectives and their key principles for the management of radioactive waste. These are summarised in the Joint Guidance from ONR, EA, SEPA and Natural Resources Wales on “Basic principles of radioactive waste management”. Early engagement with the relevant regulatory bodies is therefore encouraged, to ensure these are adequately considered within the Local Plans.”</i></p> <p>Suggested text below to be added after 4.24  <i>“Furthermore for Higher Activity Wastes attention should be given to the recommendations from the Committee on Radioactive Waste Management (CoRWM), which provides independent scrutiny and advice to the UK governments on the long-term management of higher activity radioactive wastes.”</i></p>	
		<p>Paragraph 4.26 - BAT forms only part of the regulatory expectations. When building a Radioactive Waste Treatment or Management Facility there will be a requirement by ONR to produce a robust justification for the facility and the proposed approach/design, along with a demonstration of the risks being reduced to ALARP and compliance with relevant constraints and limits. This will be in addition to BAT which is driven by the Environmental Permit. Add further information on the role of the ONR and EA in the permissioning approach, along with the Nuclear Site License and Environmental Permit.</p> <p>Suggested text below:  <i>“There are a number of ways that the nuclear industry arrives at decisions on waste transport, treatment, management, storage,</i></p>	<p><b>No Action</b></p> <p>Much of the text in this paragraph was provided by the Environment Agency and the nuclear industry during the previous consultation (spring 2015). Other than clarification of a point in the last sentence of this paragraph, no further changes have been requested by these organisations.</p> <p>It is considered that the existing paragraph 4.26 provides sufficient detail on this matter.</p>

ID	Consultee	Comment	Action
		<p><i>disposal, etc. In the UK, formal and robust waste management decision making and optioneering is a regulatory expectation <b>under the Nuclear Site License and Radioactive Substances Regulation Permit</b>; it is part of the requirement for demonstration of Best Available Technique (BAT) in England and Wales, and Best Practicable Environmental Options (BPEO)/Best Practicable Management (BPM) in Scotland, <b>along with the demonstration of the principles of As Low As Reasonably Practicable (ALARP) under the Nuclear Safety Case</b> – see Glossary for further explanation. These reviews consider a range of factors including safety and security, environmental impact, technical feasibility, community impacts and financial costs. The National Waste Programme team at LLWR Ltd has produced a series of National Strategic BATs and guides for waste practitioners involved in decision making. In addition to the above, for the NDA estate, where investment is required for the execution of a waste management option, optioneering is a mandatory legal requirement via business cases.”</i></p>	
		<p>Paragraph 4.27, 4.28 and SP4 - The majority of this would be regulated by the Environment Agency under the Environmental Permit. The Council should ensure clarity as to whether there is a need for this information to be provided to CCC. It is possible that there could simply be a line of communication between the EA and CCC?</p> <p>For instance could 4.27 not simply state:  <i>“...Policy SP4 is designed to ensure that the County Council <b>is provided with evidence</b> these principles have been considered; it is not intended that the Council uses the policy to demand that a project be undertaken in a certain way or that one principle is of greater weight than another. <b>Where similar evidence is to be provided to one to the Nuclear Regulatory Bodies then the County</b></i></p>	<p><b>Action</b>  It is agreed that the majority of this would be regulated by the Environment Agency, but the point of the policy and supporting text is to ensure that decision making is transparent.  In line with the NDA’s suggestion, extra text to be added to the end of paragraph 4.27, to read <b>“Proposals for the management of radioactive waste should also comply with national strategies for waste management and for radioactive waste management</b></p>

ID	Consultee	Comment	Action
		<p><i>Council will ensure this is undertaken in a coordinated manor.”</i></p> <p>Policy SP4 has not been amended following our previous comments to provide clarity in relation to the application of the Proximity Principle to radioactive waste facilities.</p> <p>It should be noted that, as a significant proportion of the radioactive waste that is managed in Cumbria is imported, there is limited scope for radioactive waste management facilities to consistently apply the Proximity Principle.</p> <p>A possible form of words for consideration after Paragraph 4.28 / SP4 is included below. It will be for CCC to determine whether this form of words is helpful to the formulating the MWLP:</p> <p><i>“It should be noted that whilst SP4 requires demonstration of compliance with the proximity principle, the County Council recognises the benefits and importance of the NDA’s Strategy for consolidating assets and transferring / importing of radioactive waste to the stores at Sellafield, from both an environmental improvement perspective in terms of allowing the decommissioning of other Nuclear Sites, and economic efficiencies in the management of these wastes.</i></p> <p><i>It additionally recognises the importance of the role that LLWR plays as a disposal route for the UK’s LLW.</i></p> <p><i>Due consideration of the above will need to be given when applying SP4 to ensure that it does not create a conflict with the current national arrangements for disposal of radioactive waste, whilst still noting the relevance of the proximity principle.”</i></p>	<p><b>specifically, in the latter case including those produced by the Nuclear Decommissioning Authority.”</b> Reason for modification: clarity</p> <p><b>No Action</b> Every development proposal is different, in a different location, with different requirements, with different constraints, requiring different conditions, etc. Therefore, the inclusion of the four principles does not indicate that there is a rigid or over-riding need to give great weight to the proximity principle, if it is not of most importance in a particular proposed development.</p>

ID	Consultee	Comment	Action
		<p>Paragraph 4.30 - Ensure consistency with terminology. Earlier on in the document CCC refer to VLLW. However in this Section you refer to LLW, at the lower end...</p> <p>Suggest text is reworded as follows:  <i>“The majority of LLW, at the lower end, usually does not require the level of engineering and containment provided by the LLWR, and could be disposed of via alternative routes, such as disposal to specified, permitted non-inert landfill. Within Cumbria, Lillyhall landfill has an Environmental Permit to accept waste that was formerly defined as VLLW, but now falls under an exemption provision (it also has planning permission to operate until 2029).”</i></p> <p>Paragraph 4.35 provides further justification for the provision of additional land for an extension to CLESA for LLW:</p> <ul style="list-style-type: none"> <li>• There is a radioactivity limit in the current landfill of 27Bq/g;</li> <li>• There are limits on conventional and hazardous waste types that can be disposed of at CLESA; and</li> <li>• CLESA’s capacity is approximately 70,000m<sup>3</sup> and is anticipated to be full in 2025.</li> </ul> <p>This demonstrates that there is likely to be a need for additional capacity in the form of a CLESA-2 towards the end of the Plan period.</p> <p>Despite this comment above, Copeland Borough Councils <b>objects to Site CO32</b> as there does not appear to be sufficiently robust evidence to support the allocation of a site of that size in that particular location.</p>	<p><b>No Action</b></p> <p>The previous version of this text referred to Low Activity LLW, which is a broader definition than just VLLW. This was amended in line with comments from the regulators and nuclear industry; none of these organisations have requested further changes to paragraph 4.30.</p> <p><b>No Action</b></p> <p>A detailed discussion on the need for, and purpose of, this allocation is in paragraphs 18.17 to 18.21 of the MWLP. 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</p>

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		<p>The Council's key areas of concern are:</p> <ul style="list-style-type: none"> <li>• Why has such a large site (56ha, equal to 20% of Sellafield site) been proposed? What is the evidence for a site of this size? Would all of the proposed site be needed?</li>   <li>• The site has a strong slope towards the river Calder</li>   <li>• Development would result in a loss of a large amount of relatively good agricultural land in Copeland</li>   <li>• The cumulative effects of this development, which would be</li> </ul>	<p>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 strategies.</p> <p>With regard to the bullet points:</p> <ul style="list-style-type: none"> <li>• as set out in the Site Assessments document, CO32 has been identified from the land owned by the NDA, which has then been refined by consideration of known environmental assets and other constraints. Any development would use only part of the site allocated, dependent on any further constraints identified at the more detailed planning application stage.</li> <li>• this constraint would be considered at the more detailed planning application stage.</li> <li>• any development would use only part of the site allocated, dependent on any further constraints identified at the more detailed planning application stage.</li> <li>• this constraint would be considered at</li> </ul>

ID	Consultee	Comment	Action
		<p>seen as a large extension to Sellafield site, together with the Sellafield complex and Moorside to the north will be unacceptable</p> <ul style="list-style-type: none"> <li>The land is poorly connected by rail and road</li> </ul> <p>There does not appear to have been a clear and transparent assessment of the options for this waste, and that the proximity principle appears to have been used as the overriding factor</p>	<p>the more detailed planning application stage.</p> <ul style="list-style-type: none"> <li>it is assumed that the existing internal rail and/or road systems at Sellafield could be extended into CO32. If a stand-alone waste park were to be developed (subject to planning permission), a new rail spur could be built in a similar manner as that proposed for Moorside.</li> </ul>
		<p>Paragraph 4.37 - The Plan should note the importance of recognising the existence and role of existing facilities when discussing the future policies in relation to managing low activity radioactive waste.</p>	<p><b>No Action</b> Noted</p>
		<p>Paragraph 4.41/SP5 - Delete "Environmental Safety Case". This is part of the requirements under the Environmental Permit. Suggested text as follows: <i>"It will also be necessary to consult with the relevant regulators, as any LLW site would require a valid permit from them, in addition to valid planning permission."</i></p> <p>Whilst SP5 of the amended MWLP does not note that LLWR operates under Nuclear Decommissioning Strategy, it notes that low level radioactive waste sites should conform to UK Government policies and strategies. Clear reference should be made to low level radioactive waste sites operate under NDA strategy.</p>	<p><b>No Action</b> Paragraph 4.41 already says that a permit from the regulators would be required. As the Low Level Waste Repository had their Environmental Safety Case reviewed and agreed by the EA in recent years, it was considered a useful reference to add in here.</p> <p><b>No Action</b> The full range of (current) national policies and strategies are set out in paragraphs 4.19 to 4.24. The first bullet of policy SP5 refers to these policies and strategies, so it is not considered</p>

ID	Consultee	Comment	Action
		<p>A possible form of words for consideration and relating to Paragraph 4.41/SP5 are below:  <i>“Due consideration will need to be given to the importance of the role that LLWR plays as a disposal route for the UK’s LLW when applying SP5, so as to ensure that it does not create a conflict with the current national arrangements for disposal of radioactive waste (including the NDA’s Strategy).”</i></p>	<p>necessary to repeat the fact again.</p>
		<p>Paragraph 4.46 - The MWLP should provide clear reference to the NPS in relation to future waste arisings from nuclear new build. The Council would recommend consideration of text presented in response to paragraph 4.16 above stating the limits of the presented data and potential ILW arisings from NuGen during the lifetime of the MWLP.</p>	<p><b>No Action</b>  Paragraph 4.50 refers to the National Policy Statement, which is currently in draft.  No data on potential ILW arisings from new nuclear build is currently available.</p>
		<p>Paragraph 4.50 - CCC have yet to include reference to disposal routes for HLW as there is no current disposal route. Reference should be made to the GDF and National policy position as noted previously.</p>	<p><b>No Action</b>  Paragraphs 4.44 and 4.45 state that HLW and ILW are in storage, whilst paragraph 4.50 talks of the national policy position for development of a GDF and interim storage.</p>
		<p>Paragraph 4.51 - The draft MWLP’s commentary on a GDF remains limited in Policy and approach. The MWLP notes that a National review relating to GDFs is currently underway and that Cumbria County Council will keep a watching brief on the outcomes of this, in particular the White Paper.  Whilst the amended MWLP refers to implications for the movement of waste from Sellafield, it does not provide a structure going forward due to Cumbria County Council taking a view that this is unlikely to occur within the Plan period.  Cumbria County Council has used this as justification for not providing a clear approach in relation to GDFs. Notwithstanding, Copeland Borough Council would anticipate a more detailed</p>	<p><b>No Action</b>  Paragraph 4.50 refers to the National Policy Statement, which is currently in draft.</p>

ID	Consultee	Comment	Action
		<p>commentary on the GDF from the perspective of National policy. The MWLP should make clear reference to the emerging National Policy Statement and information on the planning process.</p>	
		<p>Paragraph 4.54 - In response to the 2015 consultation Copeland Borough Council suggested that Paragraph 4.51 could refer to the Policies which would be applied to a proposal for the storage of submarine reactor vessel storage.</p> <p>Paragraph 4.51 (now 4.54) has not been amended in relation to this suggestion and this recommended change is outstanding. The Council would seek clarity on whether the possible amendment is intended</p>	<p><b>No Action</b></p> <p>As stated in the Outcomes Report to the previous consultation on the MWLP (spring 2015), 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 it was considered by the County Council that it was very unlikely with Sellafield's constrained space that a new building will be erected; it was 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) would be used to assess any proposal that may come forward.</p> <p>In July 2016, the MoD announced that Capenhurst in Cheshire has been selected as the MOD's recommendation, with AWE Aldermaston in Berkshire</p>

ID	Consultee	Comment	Action
			chosen as a fall back.
		<p>Radioactive waste - In response to the 2015 consultation Copeland Borough Council suggested that policy could advocate treatment to change classification in line with Nuclear Decommissioning Authority Strategies.</p> <p>This has not been addressed in the amended MWLP and remains outstanding. The Council would seek clarity on whether the possible amendment is intended.</p>	<p><b>No Action</b></p> <p>The use of treatment methods to reduce the capacity or the radioactivity of wastes is not a matter to be dictated by the County Council; however, we would obviously support such proposals.</p>
		<p>Cumulative impacts - There are a number of major developments in west Cumbria, and Copeland specifically, that may have implications for the Cumbria Minerals and Waste Local Plan. We have provided details for two of these below, which you may wish to incorporate into the final MWLP document:</p> <ul style="list-style-type: none"> <li>• West Cumbria Mining and</li> <li>• Moorside Nuclear Development</li> </ul> <p>Further details are provided within Copeland Borough Council's representation.</p>	<p><b>No Action</b></p> <p>The West Cumbria Mining project has indicated the volume of annual waste arisings and also developed a disposal plan – inert waste will go to an existing quarry operator for recycling into aggregates and any residue will be disposed of to a currently permitted landfill.</p> <p>The financial decision on the development of the proposed new nuclear power station will not be taken until 2017. So far, NuGen's consultation documents have not provided any firm indications of volumes of either waste arisings or minerals required. However, with the number of proposed large infrastructure projects in Cumbria potentially creating waste and needing aggregates at similar timescales, the County Council has repeatedly requested the projects to collaborate on synergies for using inert waste as</p>

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		<p>SAP3: Copeland Borough Councils objects to Site CO32 as there does not appear to be sufficiently robust evidence to support the allocation of a site of that size in that particular location. The Council's key areas of concern are:</p>	<p>recycled aggregate, reducing the need for extraction of primary aggregates and for waste disposal.</p> <p><b>No Action</b>  A detailed discussion on the need for, and purpose of, this allocation is in paragraphs 18.17 to 18.21 of the MWLP. 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</p>

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		<ul style="list-style-type: none"> <li>• Why has such a large site (56ha, equal to 20% of Sellafield site) been proposed? What is the evidence for a site of this size? Would all of the proposed site be needed?</li>   <li>• The site has a strong slope towards the river Calder</li>   <li>• Development would result in a loss of a large amount of relatively good agricultural land in Copeland</li>   <li>• The cumulative effects of this development, which would be seen as a large extension to Sellafield site, together with the Sellafield complex and Moorside to the north will be unacceptable</li>   <li>• The land is poorly connected by rail and road</li> </ul>	<p>NDA's decommissioning strategies.</p> <p>With regard to the bullet points:</p> <ul style="list-style-type: none"> <li>• as set out in the Site Assessments document, CO32 has been identified from the land owned by the NDA, which has then been refined by consideration of known environmental assets and other constraints. Any development would use only part of the site allocated, dependent on any further constraints identified at the more detailed planning application stage.</li> <li>• this constraint would be considered at the more detailed planning application stage.</li> <li>• any development would use only part of the site allocated, dependent on any further constraints identified at the more detailed planning application stage.</li> <li>• this constraint would be considered at the more detailed planning application stage.</li>   <li>• it is assumed that the existing internal rail and/or road systems at Sellafield could be extended into CO32. If a stand-alone waste park were to be</li> </ul>

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		There does not appear to have been a clear and transparent assessment of the options for this waste, and that the proximity principle appears to have been used as the overriding factor	developed (subject to planning permission), a new rail spur could be built in a similar manner as that proposed for Moorside.
100	Historic Environment Service (CCC)	<p>DC17: As it stands, DC17's first paragraph states that proposals need to demonstrate public benefits in order to be permitted to cause less than substantial harm to heritage assets. It is considered that <i>all</i> minerals and waste proposals could be argued to provide a level of public benefit, and so it is necessary to bring in to the policy a judgement on the value of the public benefit. (Otherwise all the proposals could potentially be justified on the grounds of their public benefit.) The suggested re-wording seeks to show that the degree of the public benefits is important in the acceptability of the less than substantial harm to designated assets and so the determining of the application. This brings the policy in line with para 134 of NPPF.</p> <p>Suggested wording of DC17 with amendment in red:  "Proposals for waste management developments or mineral developments that would result in harm to the significance of a designated heritage asset, or an undesignated heritage asset that is demonstrably of equivalent importance to a designated heritage asset, or its setting, will not be permitted unless it can be demonstrated that the harm is <b>outweighed by the public benefits of the proposal. In the cases where substantial harm to the significance of assets will occur, it will need to be demonstrated that the public benefits of the proposal are substantial.</b>"</p>	<p><b>No Action</b>  Historic England have proposed an amendment to DC17 that would address these concerns; it is proposed to use their wording.</p> <p>See proposed modification against representor 027 Historic England</p>