Dear

Town and Country Planning (Local Development)(England) Regulations 2004 as amended
Cumbria Minerals and Waste Development Framework: Site Allocations Policies and Proposals Map

The Examination of the above documents has now commenced. Having reviewed several of the key documents there are some matters that need to be brought to your attention for consideration as to how best to proceed.

The clear intention of Regulation 27 is that the documents that are proposed to be submitted include those published in accordance with that Regulation. The representations made under Regulation 28 are about those documents. Regulation 30 then requires the submission of the DPD document(s) and the others listed in regulation 30 (1).

In this case, the Regulation 27 document (Core Document LD163) is significantly different from the Regulation 30 document (CD SAP1 and associated proposals maps). It is acknowledged that to a large degree this is a matter of format rather than content with a large amount of text having been removed and editing of that which remains. The status of some sites has altered from ‘preferred’ to ‘reserve’ or vice versa and it may well be possible to address any issues arising during the relevant Hearing session. However, four sites appear to have been excluded from the policies altogether. These are BA25, CA28, CA29 and ED33. The reasons for this are given in SAP1 paragraphs 1.16 - 1.17, 1.23 – 1.25 and 1.26 respectively.

CD SAP1 is very clearly endorsed “Please note that this is not a consultation”. However, taking sites CA28 and CA29 as examples, CD SAP5 records that, at the Regulation 28 consultation, Kingmoor Park Properties supported the identification of both sites. It is not apparent from the documentation so far reviewed that Kingmoor Park Properties are even aware that these two sites are no longer in the submitted DPD let alone what view they might have about that.

The County Council is therefore asked to consider whether a proper opportunity has been given for representations to be made in accordance with the Regulations on the DPD that has actually been submitted for Examination. In short, is the County Council satisfied that the requirements of s20(5)(a) of the 2004 Act have been met?

If the County Council comes to the view that CD SAP1 and associated proposals maps are more akin to an addendum to CD LD163 upon which no consultation has taken place, suggestions are invited as to how this can be rectified. If a further round of consultation is considered necessary for full compliance with the Act and Regulations the form, extent and timing should be set out.
Currently, arrangements are being made for the Pre Hearing Meeting to be held on 29 July with the formal Hearing sessions beginning during the week commencing 27 September, after the school holidays and my pre-arranged annual leave. In these circumstances, it may well be that any further consultation could proceed in parallel with these existing arrangements and that a formal suspension of the Examination can be avoided. All the affected parties can be invited to the PHM and matters explained.

I am on pre-arranged annual leave from 14 to 25 June inclusive and would therefore be grateful for your views not later than 10 June so that appropriate arrangements can be made during my absence. Would you also please ensure that this letter and your response are made Core Documents and placed on the Examination web page?

Yours sincerely

_Brian Cook_

Appointed Inspector