Dear Mr Evans

**Topic Papers and other Documents Requested of the Council**

The Inspector has asked me to alert you to the need for you to prepare a number of Topic Papers or other statements. The majority of these are referred to in the Pre Hearing Meeting Inspector’s Guidance Notes and the majority are required by 20 August 2010. The completed documents should be added to the Core Document list and placed on the Examination web site as necessary. However, certain matters need to be addressed in documents to be submitted to the Programme Officer **not later than 16 July 2010** in preparation for the Pre Hearing Meeting (PHM) and placed on the Examination web site. These should deal with the following:

**Self Assessment**

The Planning Inspectorate guidance is that such an Assessment is recommended. If this has been prepared and supplied with the Core Documents bundle sent to the Inspector perhaps you could identify the Core Document number? If the Assessment is still in preparation it will need to be **completed by 16 July 2010**. As part of either this or the ‘Procedural Matters’ document below the County Council (CCC) will need to explain how it has secured compliance with Regulations 27, 28 and 30 given the extensive changes to the documents between Regulations 27 and 30. As CCC does not regard the document submitted at Regulation 30 to be an addendum, its status will have to be clarified. CCC will also need to consider how it intends to request the changes that might be necessary to the Regulation 27 documents in order that the Inspector can recommend the appropriate changes necessary for the Plan to be found sound on this matter.

**Procedural matters**

At the PHM the Inspector will ask CCC the following questions which are taken from paragraph 4.1 of the PHM Guidance Notes:
“Can the Council confirm that the submitted documents have been:

(i) prepared in accordance with the statutory procedures under Section 20 (5) (a) of the 2004 Act?

(ii) prepared in compliance with the 2004 Regulations (as amended), specifically regarding the publication of prescribed documents, their availability at the Council’s principal offices and website, the placing of local advertisements and notification of the DPD bodies?

(iii) is the Council aware of any fundamental procedural shortcomings concerning the submitted documents?

(iv) has this meeting been advertised? How?”

The more detailed matters which need to be addressed are included within Issues and Questions 1.1 of Main Matter 1 of the PHM Inspector’s Guidance Notes. The Inspector would be grateful if the answers to these questions could be provided to me in advance and not later than 16 July 2010.

*Topic Papers*

Paragraph 9.2 of the PHM Guidance Notes sets out the Inspector’s requirements for the preparation and submission of Topic Papers by CCC. As indicated above, these are required to be submitted to me not later than 20 August 2010. However, paragraph 9.3 calls for the Topic Paper for Main Matter 4: Policy 5: Proposed Sites for Low Level and Very Low Level Radioactive Wastes to be prepared and submitted to me not later than 16 July 2010. The reason for this is to enable the Inspector to formulate the Issues and Questions for the Hearing session in sufficient detail to guide the discussion on the day.

The following is an extract from the Issues and Questions document as it now stands.

“This matter was debated during the Examination of the submitted Core Strategy and extensively reported upon by the Inspectors. The relevant Core Strategy policy (12) refers only to the Low Level Repository (LLR) near Drigg and paragraph 8.28 makes it clear that there is no policy for Very Low Level Wastes arising in Cumbria. It also sets out the reasons for this and explains that in the interim and before any review of the Core Strategy any proposals for managing these wastes would be considered in the context of the relevant Core Strategy and Generic Development Control polices, namely 1 and 2 and 1 to 4 respectively.
The only Annual Monitoring Report to be published since the adoption of the Core Strategy (LD153) makes no material mention of this matter. The Core Document List suggests that the UK strategy for the management of low level radioactive waste from the nuclear industry remains in draft (LD157) which appears to be confirmed by the Regulation 28 representation from Low Level Waste Repository Ltd.

The County Council has therefore been asked to provide a short statement setting out the evidence base for submitted DPD policy 5 explaining with reference to that evidence base the ways in which circumstances have changed since the adoption of the Core Strategy to support an approach that does not appear consistent with Core Strategy policy 12. Although it is not appropriate for that Inspectors’ Report to be a Core Document for this Examination, it may be helpful for the relevant extracts to be appended to the County Council’s statement. These would appear to be paragraphs 8.57 to 8.89 and 8.105 to 8.116.

Once the statement is available more detailed questions will be published to guide the discussion at the Examination hearing session.

This matter will also address the representations that sites AL31 (Lillyhall) and CO31 (Keekle Head) should be included in policy 5. In this context and without prejudice to anything arising from the County Council’s statement the question will be whether there are any serious constraints to the deliverability of the identified sites that would require either or both of the alternative sites suggested to be considered and, if so, have they been subject to SA?“.

In preparing this Topic Paper the Inspector hopes that CCC will be able to liaise with the various interested bodies who have not made representations, such as the Environment Agency and the Nuclear Installations Inspectorate, in order that the most up-to-date picture as possible can be given regarding national policy for the management of the relevant wastes, the volumes of such wastes likely to arise during the Plan period and so on. This will then enable the Issues and Questions to be refined and give representors an opportunity to prepare their own further statements as necessary.

Yours sincerely

Kerry Trueman
Programme Officer