This is in response to the Main Matter 1 of the Inspector’s Main Matters, Issues and Questions (document reference ED 50)
MAIN MATTER 1

Legal Requirements, Evidence Base & Relationship to other Minerals and Waste Development Plan Documents

Whether the Documents meet all of the legal requirements of the Planning and Compulsory Purchase Act 2004 and associated Regulations (as amended in 2008), are informed by robust, up-to-date and proportionate evidence and are consistent with the Core Strategy and Generic Development Control DPDs.

ISSUES and QUESTIONS

1.1 What is the evidence to confirm that all the above legal requirements have been met? In particular what is the evidence to demonstrate that the requirements for the following matters are met:

(i) Has the DPD been prepared in accordance with the Minerals and Waste Development Scheme (MWDS); does its listing and description in the MWDS match the submission document; have the timescales set out in the MWDS been met?

Response

1. The current Minerals and Waste Development Scheme (LD151) came into effect in March 2009. The listing and description of the Site Allocations Policies and Proposals Map in its Section 3 match the submitted documents.

2. The programme for preparing these documents is set out in Section 3 and on its Programme Chart. This programme indicated that the Site Allocations Policies and Proposals Map would be published for consultation (Regulation 27) in October/November 2009 and submitted (Regulation 30) to the Secretary of State in January 2010.

3. The actual timetable for Regulation 27 was 11 December 2009 to 8 February 2010, and the documents were submitted on 30 April 2010.

4. The reason for the slippage was that additional rounds of Regulation 25 consultations were required in 2009. This was because additional sites were suggested for consideration following initial consultations. There had to be three rounds of Regulation 25 consultations in 2009 – January/February; June/July and September/October.
Has regard been paid to the County Council Plan, the community strategies of the County’s borough councils and those of neighbouring local planning authorities and other relevant strategies?

Response

5. The County Council Plan presents the Council’s priorities in six inter-related themes – Better; Wealthier; Healthier; Happier; Safer; and Greener. Regard has been paid to these; for example, a relevant section is required to be completed in all the reports to Cabinet and Full Council.

6. The Site Allocations Policies and Proposals Map are directly relevant to the Council Plan’s ‘Greener’ theme. In particular, they should help deliver the sites that are needed for new waste management facilities, in a sustainable manner, and one of the main MWDF objectives is to minimise the impacts of minerals and waste management developments on climate change. They are also relevant to the ‘Wealthier’ theme, particularly in relation to improving Cumbria’s infrastructure. The community engagement procedures for the MWDF are relevant to the ‘Better’ theme.

7. Regard has been paid to Community Strategies. There are six Strategic Partnerships and Community Strategies in Cumbria – County wide; Carlisle; Eden; Furness; South Lakeland; and West Cumbria. The Community Strategies and Action Plans are documents LD8, LD11, LD13, LD124, LD125, LD126 and LD127.

8. The relationship of the MWDF to these strategies is set out in Chapter 5 of the Core Strategy (CSD14) and in its Appendix C (CSD16). The most relevant has been the Cumbria Strategic Partnership’s Sub-regional Spatial Strategy (LD139).

9. The content of the Community Strategies is reflected in the profile of the key issues and pressures affecting Cumbria, which are set out in the Sustainability Appraisal of the Site Allocations Policies (SAP3). This also explains that the sustainability objectives that have been developed from these issues and pressures have been tried and tested in the sustainability appraisals of Community Strategies.

10. Regard has also been paid to the Regional Spatial Strategy, Regional Economic Strategy, Regional Waste Strategy, Climate Change – North West Action Plan, the annual reports of the North West Aggregates Working Party, Regional Technical Advisory Body, Local Transport Plan, Local Area Agreements, the Energy Coast Masterplan, District Local Plans and emerging Local Development Frameworks and the Nuclear Decommissioning Authority’s draft Low Level Radioactive Waste Strategy.

11. It has not been considered necessary to include sections on the Community Strategies of neighbouring local authorities. This is because they have not raised relevant new issues that have not been mentioned in the strategies of the Cumbria Local Strategic Partnerships. Where matters relevant to minerals and waste are mentioned in those Strategies they are references to the waste hierarchy, protection of the environment and access to services.

12. Some of the adjacent areas demonstrate similarities with Cumbria in terms of being sparsely populated, having ageing populations, difficulties in
retaining young people and experiencing marked contrasts between relative affluence and serious deprivation.

13. The most tangible inter-relationships are between the southern part of South Lakeland and the northern part of Lancashire and Lancaster. In this area, Carnforth, with its train station, supermarkets and Household Waste Recycling Centre (see representor ref 58), provides services that are used by people in the south of Cumbria.

14. Community Strategies in Durham and Northumberland are markedly different because of their understandable focus on the Tyne and Wear and Tees Valley City Regions.


16. Close contacts with the adjoining minerals and waste planning authorities have been maintained, not only through formal consultations but also through MWDF officer working groups for the North West and North East regions.

(iii) Does the DPD comply with the Statement of Community Involvement (SCI) and has the Council carried out all consultation consistent with the SCI?

Response

17 The Statement of Community Involvement (CSD13) was adopted in January 2006.

18 Its’ Appendix 2 lists the Specific Consultation Bodies, Government Departments, General Consultation Bodies and other consultees which the County Council was proposing to consult. Lists of those consulted at the different stages for preparing the Site Allocations Policies and Proposals Map are included in the Pre-submission Consultations Statement and its Appendices (SAP5 and 6).

19 At each stage of the process, copies of documents have been made available for public inspection at the County Council offices in Kendal and Carlisle and at District Council offices and public libraries.

20 Appendix 4 of the SCI sets out the proposed consultation methods. In addition to consultation letters, the Limehouse on-line consultation system and the council’s website, it explains that a main focus of public engagement would be through the established network of Neighbourhood Forums and Local Committees with their regular meetings. The council’s Neighbourhood Development Officers have arranged the publicity and locations, which has involved press notices, leaflet drops and “flyers” distributed with local newspapers.

21 Contacts have been made with the hard to reach groups, but these have not been successful in persuading them to engage directly with the process. This may be understandable in that we have not been able to identify any significant equality issues raised by MWDF proposals. Representatives of hard to reach groups have frequently seen our presentations when they were attending Neighbourhood Forum meetings
to seek support or grants. No requests have been received for documents to be made available in different formats or other languages.

22 The stakeholder group meetings that have been held have been with the minerals and waste management industries and environmental organisations. Direct involvement with Site Liaison Committees has been relatively limited; their meetings are usually attended by development control case officers who have been briefed about the MWDF. Exceptions have been attendance at the Ghyll Scaur quarry liaison committee and regular attendance at the quarterly meetings of the Low Level Waste Repository Site Stakeholder Group Sub-committee. People who have submitted comments on particular aspects of MWDF proposals that they considered were likely to affect them have been kept informed of progress and changes.

23 The County Council considers that the consultations summarised above, have, throughout the preparation of MWDF development plan documents, been in accordance with the Statement of Community Involvement. There have been numerous public meetings, mostly focussed on the Council's existing network of Neighbourhood Forums and Local Committees with their regular meetings schedules.

24 Our experience has been that this focus is appropriate because meetings that have been held specifically about strategic minerals and waste matters have tended to be very poorly attended, despite widespread publicity. Similarly, we found that attended exhibitions at public libraries did not attract much interest.

25 In the main, public interest has been in waste management; the only areas where minerals matters have taken precedence have been the Kirkby Thore/Long Marton area, with regard to gypsum, and the Holme St Cuthbert/Westnewton area, north of Aspatria, with regard to lorry traffic from sand and gravel quarries.

26 For the Site Allocations Policies and Proposals Map, the consultation processes are described in the Pre-submission Consultations Statement (SAP5) and its Appendices (SAP6).

(iv) Has the DPD been subject to a Sustainability Appraisal and has the Council provided a final report of the findings of the Appraisal?

Response

27. The Site Allocations Policies Sustainability Appraisal (SAP3) was submitted with the Policies.

(v) Were any requirements for Appropriate Assessment under the Habitats Regulations met before publication of the DPD?

Response

28. A Habitats Regulations Assessment (SAP4) was submitted with the Site Allocations Policies. It was prepared in close consultation with Natural England. Its conclusion, supported by Natural England, is that the Site Allocations Policies are not likely to adversely affect the integrity of European Wildlife Sites (see representor reference 73 letter, dated 5 February 2010).
29. However, the Assessment also concludes that, when detailed development proposals are being considered, thirteen of the proposed sites may require Appropriate Assessment. This would be to assess the mitigation measures that could be needed to ensure that they do not affect the integrity of a European Site.

30. None of the mitigation measures, that are considered likely to be needed, would involve measures that are not commonplace requirements of planning permissions or Environmental Permitting.

(vi) Has the general conformity of the DPD with the RSS been confirmed by the Regional Planning Body?

Response

31. 4NW, the Regional Leaders Board, has confirmed that the Site Allocations Policies and Proposals Map are in general conformity with the published North West of England Plan: Regional Spatial Strategy to 2021. A copy of the 4NW letter, dated 8 February 2010, is included in the Regulation 28 Representations document SAP7 (representor reference 86). This now has limited relevance because of Government statements about RSSs.
(vii) Does the DPD comply with all of the 2004 Regulations, as amended in 2008?

Response

32. The initial work on the Site Allocations Policies commenced in 2005 under the requirements of the original 2004 Regulations. At that time, these policies were being progressed at the same time as the Core Strategy and Development Control Policies.

33. Sections 7 and 8 of the 2006 Regulation 25 Issues and Options Discussion Paper (LD73) identified sites; maps of them were in the Appendix and a supplement. This document had an extended consultation period from June to September 2006, during which presentations were made at 28 public meetings around the county. Copies of consultation letters and other papers are included in Appendices 6, 7 and 8 of document SAP6.

34. In accordance with Regulation 26 of the 2004 Regulations, the Preferred Options Site Allocations were published in February 2007 together with the Preferred Options Core Strategy, Generic Development Control Policies and Maps. Details of the consultations are included in Appendices 9a and 9b of SAP6 (please note that its contents page incorrectly labels these as Appendix 10).

35. In 2007, following the Regulation 26 consultations, the County Council was persuaded by Government Office and the Planning Inspectorate to delay further work on sites until the Core Strategy had completed its Examination.

36. Work on sites was recommenced in February 2009. This later work has been in accordance with the 2008 amendments to the Regulations.

37. There were three sets of Regulation 25 consultations for the Site Allocations Policies, in January/February, June/July and September/October 2009. These are described in Section 4 of the Pre-submission Consultations Statement (SAP5).

38. The Regulation 27 version was published for consultation in December 2009 to February 2010, as described in Sections 1 to 3 of the Pre-submission Consultations Statement (SAP5). Copies of the individual and general consultation letters and the consultee list are in Appendix 1 of document SAP6. A copy of the Press Notice that was placed in the six local newspapers is Appendix 2 of document SAP6.

39. The only procedural matter, that has been raised, is in relation to alterations that were made to the Site Allocations Policies 2 and 3 between the Regulation 27 Publish and Consult version and the Regulation 30 Submitted version.

40. Although the content of the Regulation 30 documents is similar, its format is significantly different. The concerns that have been expressed are that four sites were deleted from the policies at that late stage and that it was not clear whether people had had an opportunity to comment on those changes.

41. The four sites were BA25 Haws View industrial estate, Barrow in Furness; ED33 former rail sidings at Tebay; CA28 Rockcliffe industrial estate, Carlisle; and CA29 Heathlands industrial estate, Carlisle.
42. **Document ED48** includes letters, detailing these changes, that were sent when the Policies were submitted, to representors who had commented on these sites.

43. Those individual letters dated 30 April 2010 were to Mr and Mrs D Williams (rep ref 24); Mr D Eastaugh (rep ref 30); Eden DC (rep ref 34); Rockcliffe Parish Council (rep ref 35); Mr and Mrs D Jones (rep ref 50); Enzygo for Kingmoor Park Properties (rep ref 54); Mr J Walker (rep ref 59); Ms D McGonagle (rep ref 61); Tebay Parish Council (rep ref 62); Park Gate and Co Ltd (rep ref 67); Mr D Major (rep ref 68); Mr N Conacher (rep ref 70); Mrs P Murphy (rep ref 76); Mrs A Walker (rep ref 78); Mr R McNeill (rep ref 79); Axis (rep ref 82); Furness Enterprise (rep ref 93); and Gyrodata Inc (rep ref 97).

44. **In the County Council’s opinion**, no-one has been disadvantaged by not being made aware of these changes or of the opportunity to be involved in the Examination and Hearing in Public.

(viii) **Specifically does it comply with the requirement regarding the publication of prescribed documents, their availability at the Authority’s principal offices and on the Authority’s website, the placing of local advertisements and notification of the DPD bodies?**

**Response**

45. Details of the consultations and publicity in accordance with Regulation 27 are included in Section 1 of the Pre-submission Consultations Statement (SAP5).

Copies of the consultation letters and consultee list are in Appendix 1 (SAP6).

46. A copy of the Press Notice dated 11 December 2009, that was placed in the six local newspapers, is in Appendix 2 (SAP6).

47. Copies of the Regulation 27 documents were made available at County Offices, Kendal, The Courts, Carlisle, and at District Council Offices.

48. Copies of the Summary of the Site Allocations Policies were made available for inspection at public libraries.

49. Copies of the letters dated 9 December and 11 December 2009 to district councils and to libraries about the inspection copies are also included in Appendix 1 (SAP6).

50. Copies of all of the Regulation 27 and 30 documents were placed on the County Council’s website [www.cumbria.gov.uk](http://www.cumbria.gov.uk) under ‘Environment and Planning’ and then ‘Minerals and Waste Development Framework’.

51. Copies of the text of the Press Notices, dated 30 April 2010 and 15 June 2010, that were placed in the six local newspapers are attached to this Topic Paper. These, respectively, give notice that the documents had been submitted to the Secretary of State and of the Pre-hearing Meeting. The six newspapers are the Cumberland News (Carlisle), Times and Star (Allerdale), Whitehaven News (Copeland), Cumberland and Westmorland Herald (Eden), North West Evening Mail (Barrow) and the Westmorland Gazette (South Lakeland). (See also document LD154)
(ix) How is the Regulation 13(5) requirement to list saved Structure and Local Plan policies that will be superseded met?

Response

52. A Regulation 13(5) Statement was not submitted because there are no relevant development plan policies that have not already been superseded, or, in the case of the Structure Plan, were expected to be lost through the, then anticipated, review of the Regional Spatial Strategy.

53. The position is still as set out in the Regulation 13(5) Statement for the Core Strategy and Generic Development Control Policies. This is included as Appendix H in the Minerals and Waste Development Scheme’s 5th Annual Monitoring Report (document LD153).

54. That Statement explains that twenty two policies of the Cumbria and the Lake District Joint Structure Plan 2001-2016 (document LD16) were “extended” by the North West Regional Spatial Strategy (RSS) until they were to be replaced by a future revision of the RSS. In accordance with paragraph 15.3 of the RSS, local planning authorities were encouraged to consider whether these extended Structure Plan policies could be expressed within Local Development Frameworks.

55. The most obvious Structure Plan policies that have already been taken into account or expressed within the adopted Minerals and Waste Development Framework development plan documents are ST4 Major development proposals; E35 Areas and features of nature conservation interest; E37 Landscape character; E38 Historic environment; R47 Mineral extraction outside the Lake District National Park and AONBs; R48 Mineral extraction in the Lake District National Park and AONBs; R49 Waste recovery facilities; R50 Thermal treatment and energy recovery from waste plants; and R51 Residual waste and landfill.

56. The stated mechanism for replacing these policies would have been a review of the RSS but, with the new Government’s statements about these strategies, that will no longer happen. Until the procedural uncertainties are cleared up, it is being assumed that the “extended” Structure Plan policies will remain even when RSS policies are no longer part of the development plan. As it is a Joint Structure Plan with the National Park Authority, it would not be possible for some of its extended policies to be unilaterally superseded by the Cumbria Minerals and Waste Development Framework.

57. Only one of the “saved” Cumbria Minerals and Waste Local Plan (MWLP) policies was not superseded by the adopted Core Strategy and Generic Development Control Policies.

58. That is MWLP Policy 58, which states “Proposals to recover energy from waste through the utilisation of landfill gas will be permitted at the Flusco and Kendal Fell Quarry landfill sites, subject to the submission of a satisfactory scheme.”

59. This policy is not superseded by the Site Allocations Policies but it has lost any relevance through the passage of time. Landfill gas electricity generators have been operational at the Flusco site for several years; it is still an operating landfill. The landfill at Kendal Fell Quarry closed several years ago and the landfill gas electricity generator has now been removed because landfill gas volumes have reduced to the extent where the generator is no longer viable.
1.2 Do the proposed sites fully meet the identified requirements for waste management capacity and minerals production over the Plan period consistent with the adopted Core Strategy?

Response

60. The Site Allocations Policies and the Proposals Map identify the sites and areas of land that will be required to fully implement the Core Strategy’s policies for working and safeguarding minerals and for managing wastes.

61. A more than sufficient number of waste management sites are identified to meet the Core Strategy requirements.

62. Provision is already in place to meet requirements for aggregate minerals over the plan period. The current position is that the landbank of planning permissions for sand and gravel is equivalent to around 20 years’ sales and for crushed rock, around 45 years. The provision for other minerals in accordance with the Core Strategy is described below.

63. The most directly relevant Core Strategy policies are:

- 7 which identifies strategic areas for new developments;
- 8 which states that provision will be made for managing all Cumbria’s wastes;
- 9 which states how much waste management capacity is needed and the number of sites that will be identified;
- 12 which relates to the Low Level Radioactive Waste Repository;
- 13 the supply of minerals; and
- 14 minerals safeguarding.

64. In addition, Core Strategy paragraph 7.30 states that the Site Allocations Policies will try to identify more than the minimum number of sites for waste management facilities. Accordingly, the Site Allocations Policies identify nearly twice as many sites as are estimated to be needed.

65. With regard to Household Waste Recycling Centres, paragraph 3.5 of the Site Allocations Policies explains that the nine sites required by Core Strategy Policy (CSP) 9 are reduced to six because of subsequent developments and planning permissions. Site Allocations Policy 1 identifies seven first preference sites and three reserves.

66. For Mechanical and Biological Treatment plants, Materials Recovery facilities and Transfer/Bulking Stations, paragraph 3.6 of the Site Allocations Policies explains that the CSP9 requirement for eleven sites has been reduced to seven by subsequent developments and planning permissions.

67. Ten sites are identified in Site Allocations Policy 2 as first preference ones and two as reserves. The planning permissions include ones at the strategic locations identified in CSP7. The still outstanding requirement is now for ten sites because, as explained in the text and noted in the policy, planning permission has been granted for a Mechanical and Biological Treatment plant on site BA24.

68. With regard to Energy from Waste (EfW) plants, Site Allocations Policies paragraphs 3.7 and 3.8 explain the current position with regard to the CSP9 requirement for two EfW plants.
Four first preference sites are identified in Site Allocations Policy 3 and one reserve.

Paragraph 3.8 also refers to supplementary guidance being prepared. The context for this is that the County Council is engaged in a European Waste to Energy project (INTERREG4C W2E), with partner authorities from Sweden, Poland, Italy, Slovakia and Hungary.

In addition to sharing good practice, the project will develop a policy tool, policy recommendations and action plans, which will be integrated into wider sustainable waste management strategies. These will then be disseminated widely to other European regions. In our case, supplementary guidance related to the MWDF would appear to be a relevant way forward.

With regard to non-inert waste landfill capacity and the requirements of CSP9, Site Allocations Policies paragraphs 3.9 and 3.10 summarise the current position. Planning permission has been granted, on appeal, for additional capacity in the priority area of the south of the county identified in CSP7 and paragraph 7.31.

In Site Allocations Policy 4, one site in the west and one in the north are identified as first preference sites, and one in the south and one in the north as reserves. The need for additional capacity will be kept under review in the Annual Monitoring Reports; current expectations are that less additional capacity is likely to be needed than the 2 million cubic metres referred to in CSP9.

With regard to CSP12, matters relating to radioactive wastes are discussed under Main Matter 4 and in the separate Topic Paper.

With regard to minerals, CSP7 identifies the Kirkby Thore/Long Marton area for further supplies of gypsum, land next to High Greenscoe quarry for further supplies of mudstones and the igneous rocks near Ghyll Scaur quarry for further supplies of very high specification roadstones.

The current position regarding gypsum is summarised in Site Allocations Policies paragraphs 3.19 to 3.21. Recent need for gypsum for plaster and plasterboard has fallen considerably as fewer houses are being built, and it is not clear when new resources would be likely to be needed. The best estimate is that the Birkshead mine reserves will probably be sufficient for up to 15 years. On that basis, the lead in time for securing replacement resources would be within the plan period.

In accordance with CSP7, Site Allocations Policy 6 identifies M18 Stamphill as the Preferred Area for gypsum and M27 Roose sand quarry as a reserve Preferred Area. Areas of Search are identified for M5 land adjacent to High Greenscoe Quarry and M17 land adjacent to Ghyll Scaur quarry.

CSP7 also states that supply and production areas, strategic locations and preferred sites for further supplies of sand and gravel and crushed rock for general aggregate use will be identified.

Site Allocations Policies paragraphs 3.12 to 3.14 summarise the current position for sand and gravel.

In accordance with CSP7 Site Allocations Policy 6, Areas of Search for sand and gravel are identified as M6 land between Overby and High House quarries, M8 land adjacent to Cardewmires quarry and M15 land
adjacent to Peel Place quarry. For High Specification roadstone, an Area of Search is identified as M30 land adjacent to Roan Edge quarry.

81. The Preferred Areas and Areas of Search are shown on the Proposals Map.

82. With regard to the other minerals safeguarding requirements of CSP14, Site Allocations Policy 7 refers to the areas and minerals that are shown on the Proposals Map. The Mineral Safeguarding Area for sandstones includes one for a building stone quarry, Birkhams quarry (see representor references 39 and 85).

83. In accordance with CSP14, the need for other safeguarding, Site Allocations Policy 8 identifies AL32 Siddick and M31 Salthouse for potential railheads and M24 Derwent Howe slag bank for secondary aggregate.

1.3 Having regard to the evidence base that underpinned the adopted Core Strategy, the 5th Annual Monitoring Report (LD153) and the information subsequently becoming available, how have the following been taken into account in the DPD and how does that influence, if at all, issue 1.2 above?

(i) Planning permissions granted (including on appeal) for waste and minerals developments since adoption of the Core Strategy and the implications for the number and locations of facilities required by the it;


Response

84. Paragraphs 3.12 to 3.14 of the Site Allocations Policies summarise the planning permissions that have been granted for sand and gravel quarrying since the Core Strategy was prepared. The current landbank, equivalent to around 20 years’ sales, is not likely to fall below the seven years criterion in CSP13 within the plan period.

85. There is still the issue of the disproportionate location of reserves within the north of the county. In accordance with CSP13, Site Allocations Policy 6 identifies M27 Roose sand quarry, Barrow in Furness, as a reserve Preferred Area in the south and M15 Peel Place as an Area of Search in the west. Paragraph 5.58 of the Site Allocations Policies relates to Roose and the possible need for an alternative site. Paragraph 5.107 relates to Peel Place.

86. The size of the current landbank of crushed rock for general aggregate use is around 40 years and will not fall below the CSP13 criterion of 10 years within the plan period. No further provision for crushed rock is considered to be needed. With reference to the distribution of crushed rock reserves, Core Strategy paragraph 10.13 explains that the County Council is not aware of circumstances that would justify extensions to meet shortfalls in specific areas or for specific needs.

87. Site Allocations Policy 6 identifies M10 as an Area of Search adjacent to Silvertop limestone quarry near Brampton. Paragraph 5.80 in the Site Allocations Policies explains that this extension would only be justified if it secured overall landscape mitigation measures for the setting of the AONB. It is not intended to increase reserves.
88. The revised national and regional guidelines for aggregates 2005 – 2020 (ND37) reflect the overall fall in national demand for aggregates. They have only a marginal affect on the regional apportionment to the North West for land won aggregates.

89. The apportionment to the North West Region 2005 to 2020 for sand and gravel is 52 million tonnes (Mt) compared with 55 Mt in the 2001 to 2016 Guidelines. For crushed rock, the apportionment has reduced from 167 Mt to 154 Mt. By contrast, the apportionment for marine dredged sand and gravel has increased from 4 Mt to 15 Mt. RAWP has been advised that this increase can be met from licenced areas.

90. The sub-regional apportionments within the North West Region have not yet been agreed. They will need to be taken into account in the Minerals and Waste Development Scheme’s Annual Monitoring Reports. At the moment, it seems extremely unlikely that these will identify that additional provision for land won aggregates is going to be needed, in Cumbria, to meet revised sub-regional apportionments.

91. With regard to waste management facilities, the planning permissions that have been granted subsequent to the Core Strategy are summarised in Site Allocations Policies paragraphs 3.5, 3.6, 3.8 and 3.9. Some of the facilities required by CSP9 have already been provided; others are under construction or have been granted planning permission. The policies identify around twice as many sites as will needed for the outstanding requirements of the Core Strategy.

### 1.4 With regard to the policies of the adopted Core Strategy and Generic Development Control DPDs:

(i) How will the Council ensure that reserve sites do not come forward in advance of first preference sites which is the (implied) policy position set out in paragraph 2.3 of the DPD (SAP1)?

(ii) How will the ‘Comments and Issues about the Proposed Sites’ in section 5 of the DPD (SAP1) be given policy effect?

**Response**

92. As stated in paragraph 2.3, the reserve sites would be intended to come forward if the first preference ones:-

- are taken by other developments, or
- do not come forward for development, or
- prove to be unsuitable, for example, following a more detailed assessment for planning application proposals, or also
- because of specific issues with regard to the reserve sites.

93. The specific issues why sites are identified as reserves and not the first preference are explained in Section 5 of the Site Allocations Policies. These issues include their location compared to that of the first preference (AL8 and CO32); the need for a flood risk assessment (AL30); reservations about feasibility (BA10); access issues (CA11); a contingency for unlikely circumstances (CO11); and uncertainty about delivery (M27, ED1 and ED7).
94. It is not considered that the Site Allocations Policies can pre-empt or pre-judge the consideration of a planning application. Whilst there is a presumption that decisions will be made in accordance with the development plan, there is also the proviso that material considerations may indicate otherwise.

95. Any planning application proposals for first preferences, reserves, or indeed sites that are not identified in the policies, would need to be considered on their merits in the context of the adopted Generic Development Control Policies. The reasons why sites are reserves will be material considerations, but it is not possible to anticipate in advance what weight will be given to them when a planning application proposal is being considered.
PRESS NOTICES

TOWN AND COUNTRY PLANNING (LOCAL DEVELOPMENT) (ENGLAND) REGULATIONS 2004 (as amended) REGULATION 34.

PUBLICITY FOR THE HEARING IN PUBLIC FOR THE CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK SITE ALLOCATIONS POLICIES AND PROPOSALS MAP

Cumbria County Council gives notice that Mr Brian Cook BA (Hons), DipTP, MRTPI has been appointed, on behalf of the Secretary of State, as the Inspector to examine the soundness of the submitted Site Allocations Policies and the Proposals Map of the Cumbria Minerals and Waste Development Framework (MWDF). This process includes Hearing in Public sessions for those who submitted objections to the documents.

A Pre-Hearing Meeting will be held at the offices of the Lake District National Park Authority, Murley Moss, Oxenholme Road, Kendal at **10.30am on Thursday 29 July 2010**, at which the Inspector will explain the procedure for examining the submitted documents, including the draft programme for the Hearings and the Inspector's Schedule of Matters and Issues for Examination.

The Hearing in Public sessions of the Examination are currently scheduled for three weeks, commencing on **Tuesday 28 September 2010**, at locations in Kendal, Whitehaven and the Kirkby Thore/Long Marton area. Further details of these will be published in July/August.

Further information about the Examination is available from the Programme Officer:

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Paul Feehily, Assistant Director Planning and Sustainability, Environment Directorate, Cumbria County Council

Date: 15 June 2010
CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK
SITE ALLOCATIONS POLICIES AND PROPOSALS MAP

In accordance with Regulation 30(3)(e) of the above Regulations, Cumbria County Council gives notice that it has submitted the above Site Allocations Policies development plan document and the Proposals Map to the Secretary of State. These identify the sites and areas of land that the County Council considers are needed for the working and safeguarding of minerals and for managing wastes over the period to 2020. The policies will apply to those areas of the county that are outside the Lake District and Yorkshire Dales National Parks.

Copies of the Site Allocations Policies, a summary of them, the Proposals Map, Sustainability Appraisal, Habitats Regulations Assessment, Pre-submission Consultations Statement and its Appendices, the representations that were made in accordance with Regulation 28 and the Site Assessments Report can be seen on the County Council website www.cumbria.gov.uk under Environment and Planning, then Minerals and Waste Development Framework.

Copies of the documents are available for inspection, between 9am and 4pm Mondays to Fridays, at County Offices, Kendal LA9 4RQ; The Courts, Carlisle CA3 8NA; Town Hall, Barrow LA14 2LD; Mansion House, Penrith CA11 7YG; South Lakeland House, Kendal LA9 4UG; The Copeland Centre, Whitehaven CA28 7SJ and Allerdale House, Workington CA14 3YJ; and at Barrow, Carlisle, Kendal, Penrith, Whitehaven and Workington public libraries during their opening hours. Copies of the documents on CD can be seen at other libraries.

Paper copies, or a CD, of the documents can be provided, on request, from Environment Unit, County Offices, Kendal LA9 4RQ, tel 01539 713403, email mwdf@cumbriacc.gov.uk.

The documents will now be independently examined by the Planning Inspectorate, on behalf of the Secretary of State. This process will involve Hearing in Public sessions in the summer 2010.

Shaun Gorman
Head of Environment
Cumbria County Council
Dated: 30 April 2010