

**CUMBRIA MINERALS AND WASTE LOCAL PLAN**

**2015-2030**

**CUMBRIA COUNTY COUNCIL STATEMENT  
ON THE SCHEDULE OF MATTERS AND ISSUES FOR EXAMINATION**

**November 2016**

Where documents have been referenced in the following text, the *Title* is set out in *italics* and the Submission or Evidence Base document reference follows in brackets, e.g. (LD46).

All documents can be accessed via the Core Document List, located on the Examination web page: [http://www.cumbria.gov.uk/planning-environment/policy/minerals\\_waste/MWLP/Examination.asp](http://www.cumbria.gov.uk/planning-environment/policy/minerals_waste/MWLP/Examination.asp)

Alternatively, all Submission documents can be accessed on the Submission version web page: [http://www.cumbria.gov.uk/planning-environment/policy/minerals\\_waste/MWLP/submissiondocuments.asp](http://www.cumbria.gov.uk/planning-environment/policy/minerals_waste/MWLP/submissiondocuments.asp)

And all Evidence Base documents can be accessed via the Evidence Base web page: [http://www.cumbria.gov.uk/planning-environment/policy/minerals\\_waste/MWLP/EB.asp](http://www.cumbria.gov.uk/planning-environment/policy/minerals_waste/MWLP/EB.asp)

## **Legal Matters**

### **Matter 1a: Duty to Co-operate (DtC)**

#### ***Issue: Has the DtC been met?***

- 1. I have considered the *Statement on Compliance with the Duty to Co-operate* (SD40) and the *Statement of Consultation* (SD41). Please briefly explain how the DtC has been met with respect to Historic England.**

The County Council has always welcomed early and ongoing discussion with Statutory and Specified consultees, such as Historic England (and its previous embodiment of English Heritage). The Council has met its duty to co-operate with Historic England through formal consultation at each stage of the Local Plan's progress - under Regulations 18 (in February 2013 and February 2015) and 19 (in May 2016) of the Town and Country Planning (Local Planning) (England) Regulations 2012. Historic England was also consulted as part of the Supplementary Sites consultation in October/November 2015.

At each stage that Historic England submitted comments on the Local Plan, these were taken on board by the Council and amendments made to the Plan where necessary. As a result of comments received from Historic England in July 2016, a number of modifications to improve the clarity of the Plan and to ensure consistency with the NPPF have been proposed by the Council in the submitted *Proposed Modifications to the Regulation 19 (Publication Version) of the Minerals and Waste Local Plan* (SD48).

- 2. Have any relevant authorities indicated that they are not satisfied that the DtC has been met?**

Yes. The Mineral Products Association ticked the box to say that they considered the Local Plan failed to meet the DtC. However, within their representation, they provided no further information to clarify or explain why they consider this to be the case and, on further questioning, have not provided any more information. It is hoped that this matter can be resolved prior to the opening of the Hearing sessions.

### **Matter 1b: Other Legal and Procedural Requirements**

#### ***Issue: Whether the Plan meets all other relevant legislative requirements***

- 3. I have considered the *Legal Compliance Checklist* (SD43), the *Minerals and Waste Development Scheme* (SD39) and the *Equality Impact Assessment* (SD46). Are there any outstanding issues arising from matters contained within these documents?**

No. There are no outstanding issues arising from matters contained within these documents.

4. **I note that the Statement of Community Involvement dated 2006 is in need of review. However, I have considered the interim steps taken by the Council including developing a bespoke consultation database as indicated in SD44. Are there any issues that have arisen over the Statement of Community Involvement?**

No issues have arisen over the *Statement of Community Involvement* (SCI). However, two representors noted that the SCI (PPP31, formerly CSD13) has not been updated or amended since 2006.

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.

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 (SD44), which sets out how and why changes have occurred in the way that the Council carries out planning related consultations. Notwithstanding the above, the Local Plan has been prepared in line with the tenets of the SCI and also with Duty to Co-operate Protocol, prepared in November 2015.

The County Council's Senior Management Team have seen a draft copy of a revised SCI, and have confirmed that a revised version can be signed off by the Corporate Director, following a period of consultation (early 2017).

5. **Regulation 8(5) of the Local Plan Regulations 2012 requires the Plan to identify superseded policies from the adopted development plan. There is no indication in the Plan of what policies it supersedes, although document SD37 provides details. How should this be rectified?**

A table has been prepared (see Appendix 1), which can be added as an appendix to the Local Plan. This simplifies document SD37, showing the direct replacements for the adopted Core Strategy (CS) and Development Control (DC) policies.

6. **With reference to an attached map, explain briefly how the Yorkshire Dales and Lake District National Park Authorities boundary changes, which took effect on 1 August 2016, alter the boundary area that Cumbria County Council is responsible for. Briefly explain who is responsible for minerals and waste policy in this area at the current time and provide the legal authority to support this.**

The extensions to the Yorkshire Dales and Lake District National Parks, by Variation Order, were confirmed in writing by the Secretary of State on 23 October 2015: <https://www.gov.uk/government/publications/national-parks-extensions-to-the-lake-district-and-yorkshire-dailes-parks>

The extension areas are shown on the map in Appendix 2. Apart from a small area of land between Kirkby Lonsdale and Ingleton on Leck Fell, which lies in Lancashire, all of the extension areas fall within the county of Cumbria.

The Secretary of State stated that "The Order should take effect from 1 August 2016 to permit local arrangements to be made to transfer the planning role...". The responsibility to establish transitional, and ongoing planning responsibilities was placed upon the affected Local Planning Authorities. Considerable discussion took place between all the local authorities prior to 1 August.

Following the transfer of functions, the respective National Park Authorities became the Local Planning Authority for the newly designated areas, with responsibility for determining all applications for planning permission and Listed Buildings consent, as well as the responsibility for preparing a Local Plan, which would include minerals and waste planning policy.

Both the Lake District National Park Authority (LDNPA) and Yorkshire Dales National Park Authority (YDNPA) have clarified that they will use existing, adopted development plan policies in the extension areas, i.e. the adopted policies of South Lakeland District Council, Cumbria County Council, Lancaster City Council and Lancashire County Council, as appropriate. This is because the policies contained within the two adopted National Park Local Plans cannot just be extended to cover the new areas without consultation. However, the National Parks have indicated that the statutory implications of National Park designation, as outlined in the NPPF, will be a material consideration in their determination of applications in these areas.

Therefore, whilst the National Park Authorities are now the minerals and waste planning authorities in the extension areas, the adopted Core Strategy and Development Control Policies for Cumbria will remain the extant minerals and waste policy for those areas in Cumbria. This will continue until either: a) the YDNPA and LDNPA choose to adopt the new Cumbria Minerals and Waste Local Plan for the relevant extensions or b) the YDNPA and LDNPA review their own Local Plans, to include the extension areas.

## Soundness Matters

### Matter 1: Vision and Objectives

***Issue: Whether the identified Vision and Objectives are the most appropriate for the Plan area***

**7. Is there a clear relationship between the Spatial Vision and the pattern of proposed development and existing facilities?**

Yes. The Spatial Vision requires the Plan to ensure that waste management facilities will be built in the 'right places', and that re-used and recycled materials are encouraged to augment the county's mineral resources, which can only be worked where they are found. Thus, a sustainable pattern of local facilities, keeping road transport to a minimum, which suits the geographic characteristics of the county and is sited appropriately in relation to environmental assets, is reflected in the site allocations.

The Spatial Vision informed the site selection criteria that were used in the *Site Assessments* document (SD16 to SD22) to assess sites and areas. These criteria include those relating to transport and environmental assets. A qualitative score for each criterion was awarded to each site and area, which helped to exclude those sites/areas that did not perform well from the process. Therefore, the pattern of proposed sites and areas is based on a methodology which has, at its heart, the Spatial Vision.

**8. Should the Plan contain a separate overall Spatial Strategy providing more detail about where potential development might be proposed? Should the Spatial Strategy be more reflective of the distinctive spatial characteristics of the Plan area and its geography/geology?**

No. Further to the Spatial Vision, Box 3.1 on page 32 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01), sets out a Waste Strategy. It is considered that together, there is sufficient detail within the Spatial Vision and Waste Strategy to indicate where potential development might be proposed.

There is no separate Minerals Strategy, as minerals can only be worked where they are found, but the Spatial Vision is sufficient to ensure that mineral developments are located in the right place. Therefore, regard will be paid to minimising road miles, encouraging re-used and recycled materials, encouraging extensions to existing mineral sites rather than new, greenfield locations, and siting developments so that Cumbria's environmental assets are protected, maintained or enhanced.

The full spatial picture of where development may be proposed can be seen on the Policies Map.

**9. Are the most significant key challenges facing the County identified in the Plan and reflected in the vision, overall strategy and objectives?**

The original key challenges for the county were identified during work on the Sustainability Appraisal, in 2005. Joint meetings were held with all of the Cumbria District Councils and the Lake District National Park Authority, at which the key issues and problems for the county were identified, out of which a common set of objectives evolved. These were separated into Natural Resource, Social, Environmental and Economic objectives, and set out in the 2006 *Sustainability Appraisal: Scoping Report* (PPP39, formerly LD77).

These objectives were reviewed, at each stage of the Local Plan development, for their continued relevance to the key issues and problems as they have changed over time. In the 2016 *Sustainability Appraisal – Report* (SD23), the environmental, social and economic baseline conditions for Cumbria are set out, and paragraphs 2.1 to 2.18 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01) provide an overview of the issues arising and how they need to be addressed. The SA work and the discussion in the Local Plan underpin the vision, overall strategy and objectives.

**10. Do the vision, overall strategy and objectives reflect the most appropriate issues?**

Yes, it is considered that the vision, overall strategy and objectives reflect the most appropriate issues. They are based on the summarised information in the preceding text (paragraphs 2.1 to 2.18), which sets out 'where we are' and 'where we need to be'. Also, see response to Q9.

**11. Is there sufficient inclusion of radioactive waste matters? Should there be a strategic objective relating to radioactive waste?**

No, it is not considered appropriate to include a Strategic Objective specifically for radioactive waste. No other waste stream has been singled out in the Strategic Objectives and it is expected that radioactive waste will be managed as high up the waste hierarchy as practicable, along with all other waste streams – that is the issue and objective identified. Radioactive waste is acknowledged elsewhere in the Local Plan as being significant in terms of the Cumbrian economy, and the plans for radioactive waste set out by other organisations, such as the LEP, are supported. Radioactive waste is also given a chapter on its own, so it is not considered that the issues surrounding radioactive waste management are ignored in any way.

**12. What evidence is there to demonstrate how the chosen vision/strategy and objectives were arrived at and have all reasonable alternatives been considered?**

A *Matrix of Internal Consistency* (SD36) has been prepared by the Council. The table in this document shows the links within the Local Plan, from the identification of key sustainability issues, to development of the Spatial Vision,

Strategic Objectives and Overall Strategy, through to the Policies and the Monitoring Framework. Notably, this shows how the chosen vision/strategy and objectives can be linked back to key sustainability issues. The sustainability issues themselves were developed as part of work on the 2006 *Sustainability Appraisal: Scoping Report* (PPP39, formerly LD77) in consultation with Cumbria's planning authorities, statutory consultees and businesses.

**13. Do the vision and objectives reflect the three dimensions of sustainable development (economic, social and environmental)?**

Chapter 2 'Overall Strategy', contains the spatial vision and strategic objectives, and sets the context for the entire Local Plan, making it clear that sustainable development, and each of its constituent parts, are at the heart of the Local Plan's approach.

Paragraphs 2.1 to 2.8 outline a spatial portrait of Cumbria, identifying environmental, social and economic issues specific to the county. Paragraph 2.9 clarifies that these will be taken into account in order to achieve sustainable development. Paragraph 2.10 identifies and explains the three dimensions of sustainable development, noting that they should not be taken in isolation, but rather, in order to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously. Paragraph 2.19 makes it clear that these factors have been taken into account in the spatial vision and overall strategy of the Local Plan.

The spatial vision consists of eight statements. Some of these explicitly address all three elements of sustainable development (1 – environmental, economic, social); others focus upon one or two aspects more specifically (2, 3 – environmental and social; 4, 7 – economic; 5, 6 – environmental; 8 – social). Taken together, the eight vision statements provide a comprehensive coverage of the three aspects of sustainable development.

Paragraph 2.20 clarifies that the overarching context of the Local Plan must accord with the UK Sustainable Development Strategy. Paragraph 2.21 again restates the three dimensions of sustainable development, and what they entail.

As with the spatial vision, the strategic objectives consist of a series of statements (Objectives 1-11). Again, some of these explicitly address all three elements of sustainable development (2, 3, 5 – environmental, economic and social); others focus more closely upon one or two aspects (4 – environmental and social; 8 – environmental and economic; 7 – economic; 1, 6, 9, 10 – environmental; 11 – social). Taken together, the objectives provide a comprehensive coverage of the three aspects of sustainable development.



**14. Explain briefly how the Plan's strategic approach is sufficiently flexible to accommodate all significant and foreseeable eventualities and changing circumstances.**

It is considered that the Plan's strategic approach can achieve sufficient flexibility in a number of ways. Firstly, the Plan relies on a pattern of development sites of varying sizes, in a range of locations, as opposed to a reliance on one or more 'centralised' sites – although minerals can only be worked where they are found, it is considered that this applies to both minerals and waste allocations. The Plan will support a number of combinations of site specific choices, providing flexibility for implementation as changing circumstances require. For waste management facilities in particular, more sites have been allocated than predicted by the results of the Waste Needs Assessment; this is because some sites may be taken by other development or some may prove to be unsuitable once the detailed investigation at pre planning application stage is undertaken.

Secondly, it is considered that the Plan's policies are written in a flexible style, which allows interpretation of development proposals on a case-by-case basis. The policies are not overly prescriptive, but are designed to provide flexibility in their implementation, which will also take account of economic and site specific circumstances at the time an application is made.

A Monitoring Framework is set out in the Local Plan, which will consider the effectiveness of the Plan in delivering the strategy. The underpinning documents are the Local Aggregates Assessment (annual), the Authority Monitoring Report (annual) and the Waste Needs Assessment (at least every 2 years). Together, these will provide a continuous monitor of changing circumstances, which, if at a significant scale, would trigger a review of the Local Plan.

**15. It used to be a Government requirement that the presumption in favour of sustainable development was reflected in the local plan. This is no longer the case. Therefore, it is a matter for the Council whether it wishes to retain Policy SP1.**

The Council wish to retain this policy.

## **Matter 2 – Waste Strategy**

***Issue: Do the strategic waste policies provide sufficient opportunities for an appropriate level of sustainable waste management facilities to operate in suitable locations throughout the County?***

### **16. Is there any update on when the new Joint Municipal Waste Management Strategy (JMWMS) is likely to be published?**

There has been no progress on the JMWMS, as no agreement was reached between the District Council's and the County Council on the funding of an officer to carry out the work. Although the original still stands (it is dated until 2020), much of the content is not now relevant. However, the legacy of the Strategic Waste Partnership between the Councils has been a significant improvement to the county's waste collection and recycling services since 2008. Furthermore, it enabled the construction of the necessary infrastructure to treat the county's Local Authority Collected Waste, under the long-term municipal waste management contract that was negotiated with Shanks Group PLC.

The County Council are currently working closely with WRAP (the Waste and Resources Action Programme), and Cumbria is one of seven areas in the UK that are involved in the Government's 'Consistency in Recycling' Project. This is looking at savings and services to get the best of both. It will also investigate consistency of collecting material types (food waste, dry recycling, garden waste, etc.) and frequency of collections; this will be followed by a review of the infrastructure required to provide greater harmonisation of recycling across the UK.

### **17. Are the methodologies used in the Waste Needs Assessments for forecasting waste arisings and waste movements during the Plan period the most appropriate?**

Section 2 of the 2015 *Cumbria Waste Needs Assessment* (LD300) sets out the methodology used for forecasting future waste arisings. The needs assessment was based on the most up-to-date information at the time. Information on waste arisings has been provided directly by the Council's Waste Services teams, for Local Authority Collected Waste and for Waste Data Flow. For the other waste streams, namely Commercial and Industrial (C&I), Construction, Demolition and Excavation (CD&E) and Hazardous, the data has been obtained from that published by the Environment Agency through their Waste Data Interrogator (WDI) and the Hazardous Waste Data Interrogator (HWDI). The above named sources are recognised as the best data available for calculating waste arisings in an Authority's area, and for use as the basis for calculation of waste arisings.

The WDI provides details of the waste managed at licenced sites across England. The database also provides details on the last origin for the waste before it was deposited at that site. This allows for interpretation of how much waste managed at sites in Cumbria actually arose there, and how much came

from outside the Authority (imports). To get the full arisings for Cumbria, and to obtain data on where this was deposited, waste data was reviewed for the whole of England (excluding Scotland and Wales). Again, this approach is the standard one for calculating waste arisings. As set out in paragraph 2.3 of document LD300, the arisings data also incorporates those parts of the county under the control of the National Parks; there is no way of excluding this data, due to the way in which it is recorded.

Data on hazardous waste is taken from the HWDI; the level of interpretation on this dataset only allows for review of imports and exports to an area, it does not provide site details.

When looking at waste movements, data was reviewed over a number of years in order to identify any trends in those movements and to consider if this is something that was likely to continue. When looking at arisings and movements it is also important to look at the type of facilities at which the waste was managed. A lot of waste in Cumbria is managed at transfer stations, and can pass through one or more transfer station before reaching its final destination. Therefore, to get accurate levels of waste arisings, consideration is given to the amount of waste managed at these facilities. This can be done by looking at transfer stations and waste removed in the WDI. This then shows where waste went to; for waste that was then moved on to another site in Cumbria, this would need to be removed from the calculations, in order to avoid double counting.

In relation to waste movements, because of the nature of the county, a lot of waste has to travel through transfer stations before reaching its final destination. Therefore, this information was looked at in its entirety, in order to assess future provision requirements. Paragraph 2.6 of document LD300 sets out how waste arisings and wastes managed were calculated. Again, this is the standard approach, proposed by the Environment Agency, which is used by Waste Planning Authorities and is considered to be the most appropriate. The approach is also endorsed by Defra, through the report that Jacobs prepared on their behalf in 2014, for calculating arisings of C&I waste<sup>1</sup> (ND129).

**18. Do the high, medium and low growth scenarios provide sufficient sensitivity testing of the assumptions used?**

Chapter 7 of the 2015 *Cumbria Waste Needs Assessment* (LD300) discusses the approach to predicting future levels of growth. The 2014 *Cumbria Waste Needs Assessment* (LD267) was based on data provided by Experian through the production of an econometric model at the county level. This model is used by all of Cumbria's Local Planning Authorities to predict future levels of growth. It was, therefore, considered an appropriate basis for waste modelling, and similar approaches have been used elsewhere across England.

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<sup>1</sup> New Methodology to Estimate Waste Generation by the Commercial and Industrial Sector in England, DEFRA, Project Report, August 2014 (Evidence Base reference ND129)

Responses received during the Regulation 18 consultation on the Local Plan in February 2015, raised some questions in relation to calculating future growth (paragraph 7.2 of LD300). These aspects were reviewed as part of the work on the updated Waste Needs Assessment in 2015. The results of this work are shown in paragraphs 7.2 to 7.19 of LD300. The high, medium and low growth profiles were based on the Experian work, and the evidence has shown that for some waste streams, i.e. C&I, the growth seen to date is in line with what is expected. For other waste streams there has been a drop in growth.

However, there are issues in using historic data and limitations with the analysis that can be taken. When looking at growth going forward, it is an accepted approach to look at established growth models and use this as a basis for establishing growth. By doing this, the growth levels applied align with that expected across the region.

Sensitivity testing has been applied where necessary, to account for information from Government where, for example, they have indicated that growth in some waste sectors should stabilise (C&D waste). In addition, waste minimisation factors have been applied to some waste streams where initiatives are anticipated to have an effect. This has not been applied across all waste streams, as factors for LACW have already been accounted for by the Waste Disposal Authority team. Each waste stream has been looked at separately to assess the most appropriate level to be applied.

Paragraphs 7.20 to 7.25 of LD300 set out an explanation of the growth factors and reduction factors applied. The levels are considered appropriate, and account for local infrastructure programmes that could affect future waste levels for CD&E waste. The most realistic level assumed for each waste stream has been chosen to go forward, as this best aligns with the Experian model levels of growth, and has been reviewed to account for known local changes.

Like all aspects of the Local Plan, the policies in the Plan that are linked to the Needs Assessment will be reviewed as part of the production of the annual Authority Monitoring Report. Should this work highlight that the levels of growth anticipated are significantly different, this would trigger a need to review the assessment in full.

**19. How have the resulting forecast figures for the waste streams managed in Cumbria and exported out of Cumbria throughout the Plan period been chosen?**

The preferred scenario chosen is the most realistic option, as this best reflects the current situation and predicted levels of growth expected. The targets are considered reasonable and reflect the rural nature of the county. The county will continue to plan to manage all waste streams. Where waste has a contract for exportation out of the Plan area, as is the case for the refuse derived fuel (RDF) element of LACW, this has been accounted for in assessing future needs.

In looking at waste managed, Cumbria is providing for more capacity than that arising. This therefore means that the county is accounting for the levels of waste imported into the Plan area as waste needing to be managed locally. This compensates for any waste exported out of the Plan area, and recognises the types of facility available and those likely to be built across Cumbria in the future. As the area is predominantly rural, waste tends to be bulked up locally and moved elsewhere for final management. In some cases, the nearest appropriate facility to manage the waste may well be over the border into Scotland, south to Lancashire or east into Yorkshire and the North East. The location of the Lake District National Park means that there are no centrally located waste facilities and, therefore, consideration of what is likely to be provided has accounted for how waste is currently managed and what is required going forward.

The Plan has assumed that hazardous waste will continue to be exported, based on current management, and that this is likely to continue. This accounts for the nature of this waste and the need for regional scale facilities to make waste sites financially viable. The levels of hazardous waste arising in Cumbria are not currently considered sufficient enough to warrant investment in a Cumbria specific plant, due to the proximity to Cumbria of facilities that can accept this waste stream. As this need is likely to be of a commercial nature, it is also a matter that the Council cannot influence.

**20. Are there preferred scenarios which have been followed through to the MWLP and, without seeking spurious accuracy, are they sufficiently robust?**

The scenarios chosen are considered robust for the reasons set out in the response to Q18. The approach uses the Experian model results, which aligns with the approach being taken across Cumbria for establishing levels of growth in all sectors of planning, and is an accepted methodology used for predicting future levels of waste growth.

**21. How have Broad Areas for development been chosen?**

Proposals for waste management facilities, on sites that have not been allocated in the Local Plan, could arise at any time and may be appropriate for a number of reasons. In order to be prepared for such an eventuality and, based on the experience of the County Council's waste and planning teams, Broad Areas were considered as a way of providing a better understanding, for both operators and communities, of the likelihood of where such development might be located.

This approach is in line with national planning policy (PPG paragraph 046, chapter 28), which makes it clear that unallocated sites may be used where opportunities arise that were not anticipated, potentially due to technological or land ownership changes, or for new entrants into the market. In addition,

smaller scale waste management developments may be proposed in industrial areas where other waste uses already exist, where waste arises from existing industries or where waste could be used as a resource. This does not imply that waste management proposals on sites that have not been allocated in the Cumbria Local Plan would be acceptable on all commercial and/or industrial estates throughout the county, but some will clearly be suitable for certain types of facility. The five most likely estates are set out in paragraph 3.77 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01).

## **22. Are the Broad Areas identified on the Policies Map?**

The Broad Areas are not identified on the Policies Map, as there is not a finite list of commercial and/or industrial estates that would be acceptable for suitable waste management facilities; the number of suitable estates could change over the Plan period, with some closing, some opening and others changing their fundamental character. However, paragraph 3.77 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01) gives an indication of the five most likely estates, based on their current character, which have potential to support further waste provision. These can be considered as Broad Areas, where any of a number of individual sites would be suitable for waste management if the proposals conform to the other relevant policies of the Plan. The sites are:

- Lillyhall Industrial Estate, Workington
- Sowerby Wood Estate and Park Road Estate, Barrow
- Gilwilly Industrial Estate, Penrith
- Kingmoor Park Rockcliffe Estate, Carlisle

## **23. Should the proposed waste water treatment works at Bridekirk referred to in Plan paragraph 3.66 be allocated?**

No. United Utilities submitted a planning application in spring 2016 for the development of the new water supply pipeline connection from Thirlmere (within the Lake District National Park) to West Cumbria (within the two Districts of Allerdale and Copeland). The proposed new Waste Water Treatment Works at Bridekirk is just one element of the whole project.

United Utilities submitted planning applications to Allerdale Borough Council (ref: 2/2016/0045), Copeland Borough Council (ref: 4/16/2108/0F1) and the Lake District National Park Authority (ref: 7/2016/2027). A four month consultation was held on the application proposals from 15 April to 26 August 2016, and Cumbria County Council (including Minerals & Waste Planning Policy) submitted comments, the latest on 14 October 2016.

The applications will be determined at the following planning committee meetings: Allerdale, 8 November 2016; Copeland, 26 October 2016; and Lake District National Park, 9 November 2016. The separate elements of the applications should, therefore, be granted planning permission before the Cumbria Minerals & Waste Local Plan is adopted.

### **Matter 3 – Radioactive Waste Strategy**

See separate response paper

### **Matter 4 – Minerals Strategy**

***Issue: Do the strategic minerals policies provide sufficient opportunities for maintaining a steady and adequate supply of important minerals in a sustainable way and for appropriately safeguarding resources?***

- 24. Should this chapter give a broad indication of the scale of minerals provision likely to be required over the Plan period based on current assessments? Even though the sales figures and reserves will change over time, would a broad indication of requirements provide some certainty at the start of the Plan period and a basis for designating areas for future sites?**

Whilst it is acknowledged that this chapter does not include the specific amounts for which provision should be made over the Plan period, it is considered that reference to the figures in the latest Local Aggregates Assessment (LAA), rather than the figures at a specific point in time, will enable Policy SP7 to remain flexible in responding to changes in demand. Having a set figure was not considered flexible enough. As the LAA is prepared annually, it will reflect the most recent assessment of demand, and it is thought that this more accurately reflects the NPPF, in particular paragraph 145, which requires provision to be made for land-won aggregates, and other elements of the LAA, in Minerals Local Plans.

However, in order to aid clarity, the tables set out within paragraphs 5.10-5.20 of the 2015 *Cumbria and LDNPA Local Aggregates Assessment – supporting information* (LD309) can be added to chapter 5 of the Local Plan. These tables set out the requirements to meet the landbanks for sand and gravel, limestone and High/Very High Specification Aggregates. In addition, if required, an appendix to the Plan can be prepared to provide more detailed background information to support chapter 5.

#### *Land-won Primary Aggregates*

- 25. I note that Plan Table 5.2 indicates that the limestone reserves are for aggregates. However, please confirm that they do not include any limestone that is used for industrial lime or building stone.**

It is confirmed that Table 5.2 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01) does NOT include any limestone that is used for industrial purposes or for building stone.

- 26. Is it possible to indicate the reserves of industrial lime?**

Yes, a rough estimate of the reserves of industrial lime could be calculated. This would be based on the returns made by each operator to the annual

aggregate monitoring survey that the County Council and Lake District National Park Authority undertake jointly. The survey form asks the operators what percentage of their mineral reserve is allocated by them for non-aggregate uses. Understandably, not all operators are assiduous in completing this part of the form, as it is not currently the main focus of that survey.

**27. In Plan paragraph 5.55 where are the other main concentrations of population where growth and development are likely?**

The other main concentrations referred to are Carlisle and Penrith in the north, Workington and Whitehaven in the west, and Kendal in the south east. The intention of paragraph 5.55 is to clarify that access to these areas for minerals supply is relatively good, whereas the other key concentrations of population in the county, located in the Districts of Barrow and southern Copeland (i.e. Barrow-in-Furness and Millom respectively), are less accessible, especially by road, and therefore more dependent upon the local supplies at Roosecote and Peel Place quarries.

*Industrial Minerals*

**28. Is the winning and working of anhydrite still commercially viable or likely to be so in the future?**

Anhydrite for the manufacture of sulphuric acid (at the nearby Marchon Works, which closed in 2005) was mined on a large scale near Whitehaven until 1975, when the company converted to burning sulphur instead of using anhydrite for acid manufacture. Anhydrite on its' own is not commercially viable for the range of industrial uses that it was applied to in the past; this is due to the cheap availability of sulphur compounds from the oil and gas industries.

In the Eden Valley, gypsum is mined by British Gypsum (owned by French company Saint Gobain), for the manufacture of plaster and plasterboard. Due to the stratification of the gypsum and anhydrite beds, gypsum cannot be extracted without some removal of anhydrite too. The company blends these two minerals, which is sold to cement producers as 'cement rock'. The works at Kirkby Thore supply this product at present, but with low levels of anhydrite. All other British Gypsum supplied cement rock (from Fauld mine and Brightling mine) contains anhydrite, so if material containing both gypsum and anhydrite was available, this would be used to meet the cement rock demand. The gypsum/anhydrite cement rock is used in the final stages of cement manufacturing to delay the setting time of cement in concrete to make it possible to work/deliver in ready mix vehicles.

Nearby, the former Newbiggin Mine worked the deeper anhydrite beds, supplying the Eastgate cement works in Weardale. When Eastgate closed, one of the mine's main markets for anhydrite, this damaged its viability; the mine closed in 2006.



As set out in British Geological Survey's *Mineral Resource Information for Development Plans – Cumbria and the Lake District: Resources and Constraints* (LD46), anhydrite is not considered to be of economic importance in the county, either now or in the foreseeable future.

**29. Should the gypsum policies also include anhydrite?**

No. No new anhydrite mining is envisaged. See response to Q28.

**30. What is the basis for stating at Plan paragraph 5.61 that the gypsum reserves are sufficient for around 15 years?**

The reserves at the currently operating Birkshead mine are split into:

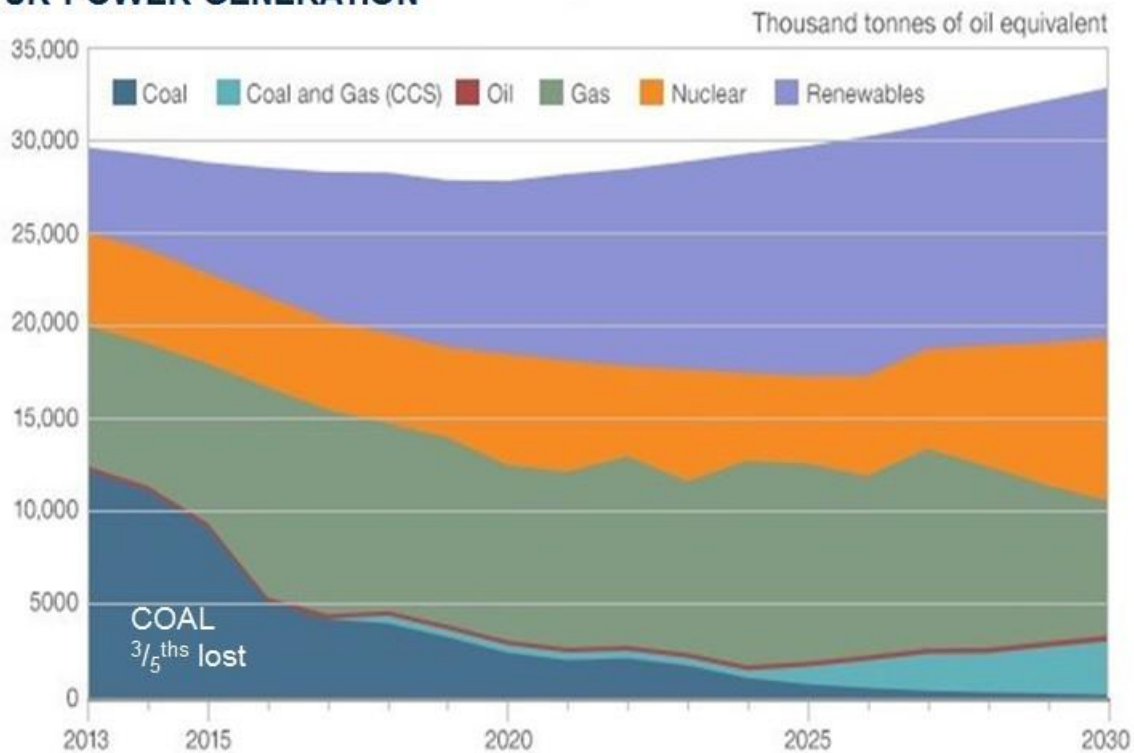
- a) mill rock – suitable for plasterboard manufacture (high gypsum/low chloride)
- b) plaster only (higher chloride content)
- c) cement rock (low gypsum content)

The reserves of the mill rock and plaster grade have been estimated based on the results of exploratory boreholes and anticipated recovery factors (the pillar sizes and hence extraction rate is based on the depth of working).

- a) reserves at 1.1.2016 = 4.03 million tonnes, sufficient until c2038 at projected outputs (in March 2016 significant capital investment of £6.5m was agreed to enable the extraction of these permitted reserves).
- b) reserves at 1.1.2016 = 0.80 million tonnes, sufficient until c2029 at projected outputs.
- c) Cement rock reserves are sufficient beyond 2042.

Mine life projections have been, and still are, very difficult to complete. Desulphur gypsum (DSG), which has been the main stay of plasterboard production, is no longer available in sufficient quantities for Kirkby Thore plant. It has been very difficult to predict the exact timing in the reduction in DSG availability and the exact percentage of the mine rock that it is/will be possible to blend, but the last couple of years have seen significant and accelerated closure of coal fired power stations (see graph – source DECC 2013). British Gypsum now import high purity Spanish gypsum (by rail into Kirkby Thore) and, once the steep seam investment is completed, will be increasing the addition rate of mined rock from Birkshead mine from c10% to c40%. DSG has helped extend the life of the permitted natural gypsum reserves. Spanish rock is 90% gypsum and Birkshead mine rock c70%. Circa 80% gypsum is needed for standard plasterboard.

## UK POWER GENERATION



source: DECC 2013

Stamphill remains a strategically important resource for the company. Whilst current reserve life at Birkshead exceeds 15 years, the mine design is by no means finalised; the new cutting equipment for working the very steep gradients of 1 in 3 are, as yet, un-tested (i.e. reserve life could be less). The Stamphill site, which previously had the benefit of planning consent, would be worked on exhaustion of the mill rock reserves from Birkshead mine. Given the time necessary to obtain planning consent, complete an Environmental Impact Assessment and build any new necessary infrastructure, it is import that this resource is maintained by Cumbria County Council to enable future opencast operation, subject to planning consent and EIA, to overlap that of the mine and ensure that there is no gap in the lower cost indigenous raw material availability.

31. **I note from Plan paragraph 5.63 that there is a specialist brickworks which uses mudstones from an adjacent quarry although paragraph 5.64 indicates that it is not a practical option to maintain a 25 year landbank for brick clay. Please give further brief details as to why.**

The Furness Brick & Tile Company, established in 1845, is an independent, family-run business specialising in the production of traditional pressed, clamp and handmade facing bricks and pavers. It uses one of only a few remaining coal-fired, traditional kiln brickworks in England, capable of producing bricks that match those used in the past and required for many important building projects for Listed Buildings and in Conservation Areas.

The bricks are manufactured using mudstone extracted from High Greenscoe Quarry, which is located on the opposite side of the A595 to the brickworks. The operator has permission to extract until 2028, but this is on a campaign basis; mudstone extraction/transportation is limited by condition to 66 days per year. In March 2012, production had fallen so much due to the recession, that extraction had only occurred on 12 days out of the previous 12 months. Production has recovered since then, but in 2016 extraction has only occurred on 35 days, just over half the amount permitted.

In the 19<sup>th</sup> century, a large number of small brick works were operating in Cumbria, especially in the north and west of the county. They produced bricks for a very local market and most of the sites closed down before or shortly after the Second World War. Modern brickworks need high capital investment and are dependent on the continuity of supply of consistent raw materials. This is not feasible in Cumbria.

As Furness Brick & Tile Company is such a small, specialist business that is subject to the economic climate, and is the only brickworks left in Cumbria, it is not practical to require a 25 year landbank to be maintained. However, a strategic policy commitment has been made to identify a site that will enable continued extraction of brick-making mudstones. The existing quarry has permission until 2028 and a strategic area has been identified next to the existing quarry, which has the potential to provide additional reserve. It is considered that this is sufficient to meet the needs of the brickworks, in line with NPPF.

**32. Is there any indication of what the landbank for the brickworks might be?**

On current extraction rates and remaining permitted reserves, a very rough estimate of the landbank is 37 years. This is considered to be quite a meaningless gauge of time in which reserves will be available, due to the very varied extraction rates of mudstone year-on-year. In the 10-year period between 2007 and 2016, days worked have ranged from 12 to 41; at no point has it reached the permitted 66 days.

**33. Plan paragraph 5.65 refers to industrial grade limestone the supply of which is covered by Policy SP10. Can it be assumed from this paragraph that no significant quantities of industrial lime are used for cement primary and, therefore NPPF paragraph 146 3<sup>rd</sup> bullet does not apply?**

Yes, the assumption is correct, no significant quantities of industrial lime are used for cement primary. Five of the limestone quarries are known to use some or all of their minerals for industrial purposes; the range is quite varied – iron/steel making, paper making, pharmaceuticals and agricultural uses.

**34. Should Policy SP7 include a preferred area/area of search for industrial limestone?**

No. See response to Q33

*Building Stone*

**35. Are there different types of sandstone/limestone/slate produced in the 17 building stone quarries?**

A continuing supply of building stones from a variety of sources is important for new build and conservation work. Building stone producers range from small operations only supplying resources for the local construction market, to larger concerns that trade across the UK and sometimes overseas. The building stones currently extracted in Cumbria have a wide variety of colours and uses.

Baycliff Haggs	limestone	<ul style="list-style-type: none"> <li>- Urswick Formation</li> <li>- buff coloured with light coffee mottling</li> <li>- often polished for interior use</li> <li>- dense texture, durable</li> </ul>	<ul style="list-style-type: none"> <li>- floors</li> <li>- interior fittings</li> <li>- walling</li> <li>- rock armour</li> </ul>
Pickering	limestone	<ul style="list-style-type: none"> <li>- Salterwath Formation</li> <li>- dark blue when newly quarried, weathers to pale grey</li> <li>- dense, easily takes a polish that gives a rich chocolate brown</li> <li>- fine grained, durable, good resistance to acid rain</li> </ul>	<ul style="list-style-type: none"> <li>- Commonwealth war graves (primary use)</li> <li>- load bearing masonry</li> </ul>
Rooks	limestone	<ul style="list-style-type: none"> <li>- Salterwath Formation</li> <li>- colour varies with finish, from light grey to dark brown/black</li> <li>- possible white crystal inclusions</li> <li>- very dense and durable</li> </ul>	<ul style="list-style-type: none"> <li>- masonry</li> <li>- flooring</li> <li>- walling</li> </ul>
Snowhill no.1	limestone	<ul style="list-style-type: none"> <li>- Eskett Formation</li> <li>- white/light, mottled</li> </ul>	<ul style="list-style-type: none"> <li>- walling</li> <li>- building</li> <li>- armour stone</li> </ul>
Birkhams	sandstone	<ul style="list-style-type: none"> <li>- St Bees Formation</li> <li>- red-plum in colour with darker variations through it</li> <li>- fine grained, consistent texture</li> </ul>	<ul style="list-style-type: none"> <li>- interior cladding</li> <li>- masonry</li> <li>- walling</li> <li>- detailed carving</li> <li>- heritage restoration</li> </ul>
Bowscar*	sandstone	<ul style="list-style-type: none"> <li>- Penrith Formation</li> <li>- light pink in colour</li> <li>- high quartz content making it sparkle</li> <li>- medium grained, hard wearing and consistent texture</li> </ul>	<ul style="list-style-type: none"> <li>- walling</li> <li>- cladding</li> <li>- paving</li> <li>- heritage restoration</li> </ul>
Crag Nook*	sandstone	<ul style="list-style-type: none"> <li>- Penrith Formation</li> <li>- salmon pink in colour</li> <li>- medium grained, occasional coarse grains</li> <li>- resistant to abrasion and weathering</li> </ul>	<ul style="list-style-type: none"> <li>- heritage restoration</li> <li>- vernacular building</li> </ul>

Flinty Fell	sandstone	<ul style="list-style-type: none"> <li>- Stainmore Formation</li> <li>- grey to white in colour</li> <li>- some with heavy iron staining</li> <li>- fine to medium grained</li> <li>- very hard (used for stone arches in the Nenthead lead mines)</li> </ul>	<ul style="list-style-type: none"> <li>- building stone</li> <li>- roofing</li> <li>- walling</li> <li>- distinctive colour for local and heritage restoration (e.g. Durham Cathedral)</li> </ul>
Grange	sandstone	<ul style="list-style-type: none"> <li>- St Bees Formation</li> <li>- red in colour</li> <li>- fine grained, consistent texture</li> </ul>	<ul style="list-style-type: none"> <li>- heritage restoration</li> <li>- vernacular building</li> </ul>
Lambhill	sandstone	<ul style="list-style-type: none"> <li>- Whitehaven Formation</li> <li>- buff/brown in colour with a silver heart</li> <li>- fine grained, textured</li> </ul>	<ul style="list-style-type: none"> <li>- masonry</li> <li>- walling</li> <li>- cladding</li> <li>- paving</li> </ul>
Leipsic	sandstone	<ul style="list-style-type: none"> <li>- Stainmore Formation</li> <li>- buff to red in colour</li> <li>- fine to medium grained</li> <li>- very hard</li> </ul>	<ul style="list-style-type: none"> <li>- building</li> <li>- paving</li> </ul>
Mousegill	sandstone	<ul style="list-style-type: none"> <li>- Stainmore Formation</li> <li>- buff/grey in colour</li> <li>- very localised use</li> </ul>	<ul style="list-style-type: none"> <li>- walling</li> <li>- paving</li> </ul>
Red Rock Canyon*	sandstone	<ul style="list-style-type: none"> <li>- Penrith Formation</li> <li>- red in colour</li> <li>- medium grained, hard wearing and consistent texture</li> </ul>	<ul style="list-style-type: none"> <li>- flagstones</li> <li>- flooring</li> <li>- walling</li> </ul>
Scratchmill Scar*	sandstone	<ul style="list-style-type: none"> <li>- Penrith Formation</li> <li>- consistent salmon red colour</li> <li>- enhanced by the sparkle of quartz grains</li> <li>- coarse to medium grained</li> </ul>	<ul style="list-style-type: none"> <li>- heritage restoration</li> <li>- vernacular building</li> </ul>
Snowhill no.2	sandstone	<ul style="list-style-type: none"> <li>- grey to brown</li> <li>- very localised use</li> </ul>	<ul style="list-style-type: none"> <li>- walling</li> </ul>
West Brownrigg*	sandstone	<ul style="list-style-type: none"> <li>- Penrith Formation</li> <li>- consistent salmon red colour</li> <li>- coarse to medium grained</li> </ul>	<ul style="list-style-type: none"> <li>- heritage restoration</li> <li>- vernacular building</li> </ul>
Kirkby Slate	slate	<ul style="list-style-type: none"> <li>- blue/grey in colour</li> <li>- Wray Castle formation</li> <li>- often polished for interiors</li> </ul>	<ul style="list-style-type: none"> <li>- floors</li> <li>- interior fittings</li> <li>- roofing</li> <li>- architectural</li> </ul>

\* There are currently five active building stone quarries within the sandstone ridge north of Penrith, where the red sandstones of the Penrith Formation are found; these are Bowscar, Crag Nook, Red Rock Canyon, Scratchmill Scar and West Brownrigg. The sandstones within the ridge vary significantly, and the continued operation of these sites enables the full range of red sandstones to continue to be available, especially for heritage restoration or vernacular building.

The slate quarries within the Lake District National Park exhibit other colours and qualities to Kirkby slate:

Brathay (blue black) - architectural  
 Broughton Moor (light to dark green) - some roofing and architectural  
 Bursting Stone (dark green) - architectural  
 Elterwater (light green) – aggregates, roofing and architectural  
 High Fell (light green) - architectural  
 Honister (light to dark green) - roofing and architectural, some aggregates  
 Low Brandy Crag (silver grey) - roofing and architectural  
 Peatfield (light green) - roofing and architectural  
 Petts (light and olive green) - architectural

**36. Besides Kirkby Slate are any of the building stones of significant importance to the economy or otherwise?**

No. Although some of the other currently operating building stone quarries do have a national or international market, whether for high quality products or heritage conservation, none are of a similar scale as Kirkby Slate, either in volumes extracted or economically. Apart from Kirkby, they are all operated on a seasonal or campaign basis, usually filling a particular niche market.

**37. Is there sufficient policy support for the winning, working and processing of the different types of building stone?**

Yes. Policy DC12: Criteria for non-energy minerals development, would be used to assess any applications relating to building stone, and specifically references favourable consideration for proposals for sustainable building stone quarries.

**38. Apart from Kirkby Slate Quarry, is it sufficient to only have a criteria-based policy (DC12) against which to determine building stone development proposals?**

Yes. There are 11 operational building stone quarries with consent due to expire by the end of the Plan period (2030) and, given this large number, it is considered more appropriate to have a single criteria-based policy that covers all these quarries, as well as any other potential new building stone proposals that may come forward.

*Areas of Designation: Allocations/Preferred Areas/Areas of Search*

**39. Why have areas of search been chosen over preferred areas?**

It is not considered that Areas of Search have been chosen over Preferred Areas. Allocations have been identified as Areas of Search, only where the knowledge of mineral resources is less certain than in Preferred Areas. This is because no qualitative or quantitative evidence has been supplied by the operators who have put these sites forward. The County Council does not have the resources to undertake borehole or other analysis themselves.

#### **40. Why have preferred areas been chosen over allocations?**

Preferred Areas have not been chosen over Specific Site allocations. Allocations have been identified as Preferred Areas where there are known mineral resources, but the operator has not indicated, or provided evidence, that these resources are definitely viable. This is in line with PPG (chapter 27, para 008).

#### **41. What main factors were taken into account in assessing areas of search?**

All of the Areas of Search were put forward by the operators, except for the land between Overby and High House quarries (M6), which the County Council considered was a logical future progression of sand and gravel extraction. Each of the Areas of Search were assessed for environmental, economic and social constraints and opportunities, which in some cases resulted in a reduction or realignment of the area put forward by the operator. For example, at Peel Place Quarry, the area was cut back to a field boundary, to exclude land on which the minerals rights owner disagreed with the allocation. At Kirkhouse Quarry, the area was cut back to avoid a flood zone, a pipeline hazard consultation zone and environmental designations.

The method of assessment is set out in full in paragraphs 3 to 11 of the *Site Assessments – Introduction* (SD16). In summary, the County Council's in-house GIS was used to look at a 2km radius around each site (although in some cases the assessment went further afield if, for example, pathways to environmental designations were being looked at). The GIS layers that were used are listed in paragraph 7 of SD16, but the main factors (in no particular order) were proximity to European Wildlife Sites, proximity to housing, an identified need for the mineral (if an aggregate, identified in LAA), likelihood and impact of flooding (if relevant), proximity to landscape designations, proximity to heritage assets, impact on public amenity, likelihood of job retention or creation, transport accessibility, deliverability and viability. This assessment provided a context for each site and this was backed up by site visits.

This site assessment provided a mechanism for reviewing and scoring each of the proposed sites against the sustainability criteria and for assessing the likely environmental, social and economic impacts of each site. It also enabled the sustainability objectives and site location criteria, to be explored in terms of how the proposed sites related to them. Reference was also made to the Habitats Regulations Assessment, the Strategic Flood Risk Assessment, the Local Aggregates Assessment and the Waste Needs Assessment. Local knowledge and professional expertise added weight to the approach.

**42. What main factors were taken into account in assessing preferred areas?**

Both of the Preferred Areas were put forward by the operators. The same approach to their assessment was undertaken as for the Areas of Search (see response to Q41).

**43. What are the main distinguishing factors between the two?**

The LAA identified a need for additional sand and gravel reserves within the Plan period, and the identification of a Preferred Area by the operator was welcomed. With regard to the Preferred Area for gypsum, the examination into the Site Allocations Policies in 2012 discussed the local community (Kirkby Thore/Long Marton) concerns about any gypsum allocations. It was agreed to keep the Preferred Area even though it may not be needed until close to the end of the Plan period, as it gave some certainty to locals.

The Areas of Search are forecasting measures by the operators, to enable them to make sound future investment plans. Again, the need for additional sand and gravel reserves within the Plan period meant that those identified by operators were welcomed.

**44. Is the lack of sites being put forward by developers the only reason for not allocating sites in the Plan or have other considerations been taken into account?**

Yes, the lack of sites being put forward as Specific Sites, where the operator considers there are known viable resources, is the only reason for not providing such allocations in the Local Plan. This is to some extent a historic situation, as no Specific Sites have been put forward since work on the previous Minerals & Waste Development Framework commenced in 2005. This has not been challenged with any vigour by the County Council, as it is considered that the operators know which resources are suitable for their products, and that they are working to a sound business plan.

**45. Is there insufficient certainty of resources to allocate sites within preferred areas/areas of search?**

Yes. All these allocations, except M18 Stamphill and M12 Roosecote, are extensions to existing quarries, and the operators have indicated that there is a reasonable certainty that the resources lie in the areas that they have identified, but not certain viability.

The Roosecote Area of Search (M12) lies on the other side of Rampside Road to the existing quarry. There is some historical borehole evidence in the general area of M12, but no certainty of viability until further investigations take place. At Stamphill, there was a planning permission in the 1990's, but this lapsed before implementation; there is, therefore, a better certainty at this site.



**46. Were economic factors taken into account in discarding resources from areas of search?**

No, not in discarding Areas of Search from allocation. See response to Q41.

**47. Plan paragraph 18.29 states that SP7 does not include preferred areas and/or areas of search for all local building stone as the detailed evidence to support such an exercise is not available. Is slate the only building stone that should be included in this policy?**

Yes. See responses to Q35 and Q36.

**48. It is noted from paragraph 15.27 that the hoped for building stone survey of Cumbria has not been undertaken. However, is there not sufficient information available to designate building stone from the *Strategic Stone Study: A Building Stone Atlas of Cumbria and Lake District* (English Heritage) August 2013?**

No. The strategic stone study for Cumbria (LD249) is set out at a high level, providing a useful background to the history of building stone extraction and its uses in Cumbria, but it does not drill down to detail on individual quarries. The hoped for building stone survey would have involved visiting each building stone quarry to discuss such matters as: current permissions; sales and reserves; markets; and future business plans. Amongst other things, this would have yielded better certainty of future areas of expansion, which could have been allocated in the Local Plan.

In order to alert the County Council to any non-mineral development that could affect the building stone quarries, the Mineral Consultation Area was prepared so that all of the building stone quarries fell within it. However, it has been noticed during preparation of responses to these Matters and Issues for Examination, that an out of date GIS layer has been used on the Policy Maps published for consultation and then submitted (SD11). It is considered that this can be rectified by a modification to the Local Plan, using the correct GIS layer.

*Minerals Safeguarding Areas (MSAs) and Mineral Consultation Areas (MCAs)*

**49. Are all economically significant minerals safeguarded as well as those that have reasonable prospects of becoming economically viable in the future?**

Yes. The Mineral Safeguarding Areas have been developed using British Geological Survey's *Mineral Resource Information for Development Plans – Cumbria and the Lake District: Resources and Constraints* (LD46), and are based on the GIS layers that BGS provided. In line with guidance set out in *Mineral safeguarding in England: good practice advice* (LD187), these have been refined through consultation with industry. This includes the MSA for gypsum, which now safeguards all the gypsum beds, even though BGS do not currently identify more than the outcrops as economically viable.

**50. Do the MSAs cover the whole mineral resource in accordance with the BGS guidance (paragraph 4.2.3 *Mineral safeguarding in England: good practice advice* (LD187)? Should this advice be followed?**

Chapters 5 and 15 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01) set out the approach to safeguarding mineral resources in Cumbria, including: the background to the approach, the relevant policies (Policy SP7 and DC15), reference to the Policies Map that identifies the extent of the MSAs delineated, and justification for any modifications made to resources.

MSAs are delineated for resources of sand and gravel, limestone, igneous rock, sandstone, shallow coal and fire clay, brick clay, gypsum and slate; there is also an MSA for secondary aggregates, based on the slag resource at Derwent Howe. The MSAs have been developed in consultation with industry and, where they do not cover the whole of the resource, this is justified in the Local Plan. This approach is still in line with the guidance set out in paragraph 4.2.3 of *Mineral safeguarding in England: good practice advice* (LD187). Paragraphs 15.24 to 15.31 of the Local Plan explain any modifications made to the resources.

**51. For any such minerals not safeguarded give brief reasons why.**

Although the Mineral Safeguarding Areas were based on the mineral resources identified by British Geological Survey's *Mineral Resource Information for Development Plans – Cumbria and the Lake District: Resources and Constraints* (LD46), BGS provide further information in this document on which minerals they consider economically viable in the county. Therefore, those GIS layers that the County Council received from BGS are the economically viable ones, and do not exactly match the resources in the county.

<b>RESOURCES (in LD46)</b>	<b>MSA in Local Plan</b>	<b>Comment</b>
coal	shallow coal & fireclay	- BGS provided layer for shallow coal & fireclay only - the surface works for the extraction of deep coal do not necessarily have to be located directly above the resource, there is some flexibility in the siting, so the resource is unlikely to be sterilised by non-minerals
limestone	limestone	-
igneous rock	igneous rock	-
sandstone	sandstone	-
sand & gravel	sand & gravel	-
building stone	X	- quarries fall within respective MSAs/MCA (sandstone, limestone)
slate	slate	- BGS layer refined by industry
clay & shale	brick clay	- BGS provided layer for brick clay only
peat	X	- MSA not appropriate (NPPF para 144)

hydrocarbons <ul style="list-style-type: none"> <li>• coal bed methane</li> <li>• coal mine gas</li> <li>• oil</li> <li>• gas</li> </ul>	X	- the surface works for the extraction of hydrocarbons do not necessarily have to be located directly above the resource, there is some flexibility in the siting, so the resource is unlikely to be sterilised by non-minerals development.
gypsum/anhydrite	gypsum	- BGS layer refined by industry - anhydrite not commercially viable on its own
halite (salt)	X	- not commercially viable now or in future
iron ores	X	- not commercially viable now or in future
non-ferrous metalliferous minerals	X	- this group includes copper, lead, zinc, silver, tungsten, antimony, arsenic, cobalt, manganese, nickel, pyrite, barytes, quartz - BGS layers not provided as deposits exist as veins within other rock types and not commercially viable
secondary aggregates	secondary aggregates	- based only on slag resource at Derwent Howe

**52. Does exclusion of land from a MSA weigh against prior extraction of a mineral should it be present?**

No. Any applications for prior extraction of a mineral would be assessed against the relevant policies, e.g. non-energy minerals would be assessed against DC12 and any other relevant policies.

**53. Should anhydrite resources be safeguarded along with gypsum resources?**

See response to Q28

**54. Are there any remaining iron ore deposits that are reasonably likely to become commercially viable in the future? If so, should they be safeguarded?**

No. In the 19<sup>th</sup> and 20<sup>th</sup> centuries, the existence of haematite in the county formed the basis for heavy industry in Cumbria. Large deposits of this iron ore were worked in the West Cumbrian Orefield (between Lamplugh and Calder Bridge) and in the South Cumbrian Orefield (around Millom and in the Furness peninsula). Throughout the first half of the 20<sup>th</sup> century, both orefields provided substantial tonnages of iron ore to the steelworks at Barrow, Millom and Workington. The iron industry in Cumbria severely declined in the latter half of that century, due to dwindling shallow ore deposits, cheap foreign imports and the pressures of economic viability. All three steelworks were closed by 1982, each leaving a legacy of slag banks.

Whilst historically iron ore has been mined at thousands of sites across the world, today almost all of the production comes from a few dozen large deposits where significant equipment investments allow companies to efficiently mine and process the ore. Most ore is now produced in China, Australia, Brazil, India, Russia, Ukraine, South Africa, Canada, Venezuela and the United States.

There remain flats of low phosphorous iron ore in the carboniferous limestone deposits of west Cumbria, and numerous conical haematite bodies known as 'sops' in the Furness area. As set out in British Geological Survey's 'Mineral Resource Information for Development Plans – Cumbria and the Lake District: Resources and Constraints' (Evidence Base document reference LD46), there may be deep, undiscovered iron ore deposits to the west and south of the West Cumbrian Orefield. However, any such deposits are likely to require significant volumes of water to be pumped out before and during any extraction; unless there are significant changes to global markets, it is unlikely that iron mining will be viable in Cumbria in the foreseeable future.

**55. It is said that 8 of the 17 building stone quarries produce aggregates as well as building stone. Is it correct to assume that these aggregate resources are safeguarded?**

Yes. Paragraph 15.31 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01) explains that all current aggregate workings are located within the relevant MSAs.

**56. Paragraph 15.27 indicates that the building stone MSA has been removed. How are the building stone resources at these quarries distinguished from the aggregate resources?**

The previous MSA for building stone quarries, prepared for the Site Allocations Policies document in 2010, in fact only covered one quarry – Birkhams. This was because the operator's agent at that time put forward a case for an MSA. However, the quarry lies on the cliff top, adjacent to St Bees Head Heritage Coast, and it was considered that there was no chance for non-minerals development to sterilise any of the mineral resource, so the MSA was removed.

The aggregate resources at building stone quarries are generally very small, mostly comprising offcuts and waste. In these cases, the aggregate volumes rise and fall in line with building stone production. In terms of the identification of a separate MSA, it is not possible to distinguish the building stone from aggregate resources at these quarries. However, the building stone quarries fall within the relevant MSA/MCA and so will be considered if non-minerals development is proposed, under Policy DC15.

**57. With the exception of slate, Policy SP7 does not include building stone. Should building stone be included?**

No. As set out in the response to Q36, the nature of the building stone quarries is such that, apart from Kirkby Slate Quarry, they are all operated on a seasonal or campaign basis, usually filling a particular niche market. None of the operators at these small quarries have requested the inclusion of an Area of Search or a Preferred Area. It is considered that the small scale nature of extensions can be dealt with adequately through the planning application process.

**58. Should high quality limestone for industrial use be safeguarded separately to other limestone and shown as such on the Policies Map?**

No. The MSA for limestone includes both high purity limestone (>97% CaCO<sub>3</sub>) and that of lower purity (generally <97% CaCO<sub>3</sub>). It is not considered necessary to safeguard them separately because the MSA applies the same approach to all mineral resources.

**59. Should high value and very high value aggregate be safeguarded separately and shown as such on the Policies Map?**

No. There are currently three quarries in the Plan area with permission to extract high or very high specification roadstone: Ghyll Scaur (igneous rock); Roan Edge (sandstone); and Holmescales (sandstone). This shows that high and very high specification roadstone does not come from a single type of resource. MSAs have been identified for both igneous rock and sandstone resources, therefore these resources are protected from unnecessary sterilisation. Should a non-minerals development come forward, detailed boreholes would show whether or not the resource has the quality required to be called high or very high specification roadstone.

*Strategic Areas*

**60. With reference to Policy SP8 what distinguishes strategic areas for new minerals development from areas of search/preferred areas?**

Strategic Areas have been defined within Policy SP8 based on additional identified needs for further supplies of minerals within the Plan period to ensure the continued provision of nationally/regionally important minerals. Policy SP8 commits to identifying sufficient areas to meet the need for further/continuous supplies of sand and gravel in the south west of the county, for gypsum, high specification roadstones, mudstones and slate.

The underlying geology of Cumbria means that the majority of sand and gravel resources are located in the north and east of the county, in the Abbeytown Ridge and the Brampton Kames. There are only two operating sand and gravel quarries in the south west of the county, Roosecote and Peel Place, yet they are located close to two of the main centres of population (Barrow and Whitehaven/Workington), with the potential for high demand for these resources. Demand is likely from a number of regeneration projects, such as those identified in the Area Action Plan around Barrow Docks (LD169), or on the former steelworks site at Workington. There are also a number of potential major infrastructure projects in these areas, such as the proposed new nuclear power station at Moorside or the proposed tunnel to carry powerlines under Morecambe Bay. Therefore, the resources at Roosecote and Peel Place are considered to be strategic.

The gypsum deposits that are currently being worked in the Long Marton/Kirkby Thore area, have a national market, supplying plaster and plasterboard for

house and other building projects. These resources are, therefore, also considered to be strategic. Once Birkshead mine is exhausted, the remaining resources in the area would have to be worked by surface mining, so the allocation at Stamphill (M18) is a strategic area for the continued extraction of gypsum, towards the end of the Plan period.

In order to enable the continued steady and adequate supply of regionally important high specification roadstone, two strategic areas have been identified at Holmescales and Roan Edge quarries.

The only existing brickworks in the county, at Askam-in-Furness, uses the nearby mudstone deposits to produce traditional bricks for a niche heritage and conservation market. The brickworks is a small, but significant employer in the area. Whilst it is difficult to predict the rate of extraction and the life of the current reserves or future resources, a strategic policy commitment has been made, to identify a site that will enable continued extraction of brick-making mudstones.

Kirkby Slate Quarry has an international market and is a significant employer in Cumbria. Therefore, Policy SP8 identifies the Wray Castle slate formation around the quarry as a strategic area for further supplies of slate, outside the National Park.

## Matter 5 – Other Strategies

**Issue: Whether other strategic policies provide appropriate direction for the operation and development of existing and proposed minerals and waste facilities.**

**61. Does Policy SP14, in the paragraph headed *Heritage Designations* (as modified in the submission MWLP) properly comply with the heritage chapter in the NPPF?**

Yes. It is considered that due regard has been paid to Chapter 12 (Conserving and enhancing the historic environment) of the NPPF, in particular paragraph 132, which discusses 'designated heritage assets'.

The policy approach in SP14 with regard to the historic environment, is not only that development should not result in harm to an asset's significance, but also to open up the potential for a development to enhance that significance. Although this is less likely for minerals or waste developments than for other County developments, there could be a positive contribution to local character and distinctiveness. However, where a proposed development will lead to substantial harm to, or total loss of, significance of a designated heritage asset, planning permission would be refused, unless it can be demonstrated that substantial public benefits will outweigh the substantial harm or loss. This reflects national legislation and the NPPF, which require exceptional circumstances to be demonstrated where development may result in adverse impacts on such areas. This approach is also carried through to development control policy DC17 in the Local Plan.

Through the preparation of *Proposed Modifications to the Regulation 19 (Publication Version) of the Minerals and Waste Local Plan* (SD48), the County Council have confirmed their willingness to amend Policy SP14, using the wording suggested by Historic England. Policy SP14 is, therefore, now considered to be justifiable, effective and consistent with national policy.

**62. Does the provision for financial guarantees at point 2 of Policy SP16 and do Plan paragraphs 10.6 and 10.7 properly reflect Government guidance (PPG ID 27-048-20140306)? Is this internally consistent with Plan paragraph 16.52 which correctly makes reference to exceptional circumstances?**

As set out in paragraph 10.7 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01), financial guarantees are most likely to apply to new sites rather than physical extensions to existing sites. As every proposal is different, the County Council consider that it is not possible to further define 'exceptional circumstances' within this Policy. It is considered that point 2 of Policy SP16 is consistent with development management Policy DC22, which makes reference to exceptional circumstances.

## **Matter 6 – Development Management Policies**

***Whether the Development Management Policies strike the right balance between encouraging sustainable winning and working of minerals and protecting sensitive receptors.***

**63. Should the reference on Plan page 113 to the Highways Agency be to Highways England?**

Yes. This can be rectified by a modification to the Local Plan.

**64. Should the reference in Plan paragraph 13.15 to chapter 27 of the NPPF be to the Planning Practice Guidance?**

Yes. This can be rectified by a modification to the Local Plan.

**65. Does Plan paragraph 15.6 relating to oil and gas accurately reflect the wording of NPPF paragraph 14 where the Plan paragraph states *it requires that consent is granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Plan taken as a whole?***

Paragraph 15.6 does not accurately reflect the wording of NPPF paragraph 14. Policy SP1 accords with this paragraph, as it requires that development proposals that accord with the development plan are approved without delay.

Paragraph 15.6 should be reworded to more accurately reflect the wording of the NPPF and Policy SP1, as follows:

~~"...it requires that consent is granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Plan taken as a whole~~ development proposals that accord with the development plan are approved without delay. Only where there are no policies relevant to the application or where relevant policies are out of date, does the policy require that the Council grant permission, unless material considerations indicate otherwise. Such a decision would need to take into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or if specific policies in that Framework indicate that development should be restricted."

**66. Does Policy DC8 comply with the Ministerial Statement of 18 June 2015 so far as wind turbines are concerned?**

No, to accord with the Ministerial Statement, the policy needs to be amended by inserting the following bullet points;

- proposals involving one or more wind turbine will need to demonstrate that:
  - the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and



- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and, therefore, the proposal has their backing.

**67. In DC13 under *Exploration and appraisal of hydrocarbons* should impact on the community be included in the list?**

Yes, in order to reflect the comment under point d. of '*Commercial exploitation of hydrocarbons*', the impact on communities should be added to point a. of '*Exploration and appraisal of hydrocarbons*' to read:

".....not have any unacceptable impacts upon the environment or communities; and"

**68. Table 15.1 sets out exemptions to Policy DC15 on minerals safeguarding and at exemption ix includes *Applications for temporary planning permission*. Some temporary developments can last for decades or more such as certain renewable energy schemes. Would it be more appropriate to provide some flexibility by caveating this exemption along the lines of requiring development to be completed and the site to be restored within a timescale that would not inhibit extraction when likely to be needed?**

The purpose of an MSA is to safeguard mineral resources from sterilisation from non-minerals development so that the mineral can be extracted in the future, i.e. beyond the Plan period. Any mineral likely to be needed during the Plan period will be provided for through the identified Areas of Search and Preferred Areas. There is, therefore, no need to insert a caveat to ensure that temporary development can be completed and the site restored within a timescale that would not inhibit extraction.

**69. In DC15 at point one, who is it envisaged will decide whether the non-minerals development outweighs the need for extraction?**

The Local Planning Authority will decide whether the non-minerals development outweighs the need for extraction, through consultation with the County Council as the Mineral Planning Authority. This will allow the Minerals Planning Authority time to comment on the significance of that proposal, on the future potential for winning and working of minerals, before the District or Borough determines the planning application for the non-mineral development.

**70. With reference to paragraph 15.26 should these areas be safeguarded irrespective of their nature designation? Would this be more in accordance with BGS advice, e.g. paragraph 4.2.9 *Mineral safeguarding in England: good practice advice* (LD187)? Should this advice be followed?**

No, not in this case, as it is considered that in reality, non-mineral development is unlikely to come forward at Millom and Barrow slag banks.

The operator at the Derwent Howe slag bank, south of Workington, grinds up the slag, mixes it with other materials and uses it as a secondary aggregate. This has proved to be reasonably economically viable, as the operator also runs several sand and gravel quarries in the county.

In the 1970's, one company intended to use the material from Barrow slag bank as a substitute to crushed rock in the making of cement. However, the material proved to be so poor that, even after mixing with other aggregate, the result was not economically viable and the idea was abandoned. Since that time, the County Council has spent time and money ensuring that the contaminated and derelict land is no longer an eyesore; the bank has been restored to an open access amenity for the local communities.

Similarly, Millom was investigated for the use of its slag and found wanting. The spoil heaps and ruins have been left as a Local Nature Reserve, linked particularly to the Natterjack Toad. There are interpretation panels for both nature conservation and the history of the site as an iron works, and it is considered that it has industrial archaeological value. Furthermore, the slag bank altered the entrance to the Duddon Estuary, and provides a haven for small boats.

As it says in British Geological Survey's *Mineral Resource Information for Development Plans – Cumbria and the Lake District: Resources and Constraints* (LD46), secondary aggregates, such as slag, are only suitable for less demanding applications, and their production and end use may not always be environmentally or economically desirable. On balance, it is considered that the economic viability of the material from both Barrow and Millom slag banks does not outweigh their environmental advantages.

**71. Please elaborate in more detail to paragraph 15.28 why the exclusion of coal, lead and zinc from MSAs is justified.**

*Coal*

Although previously shown on the Mineral Safeguarding map, deep coal, lead and zinc were never identified as Mineral Safeguarding Areas – the deep coal resource, as provided by the Coal Authority, was shown and the two areas of lead and zinc planning permissions were shown.

As it says in paragraph 15.28, it has not been considered necessary to delineate an MSA for deep coal, because any future mining will not be directly sterilised by non-minerals development. This is because of the depth of the coal (from 50m to over 1,200m) and the fact that adits, mine entrances or surface works do not need to be situated directly above the deposit. The Coal Authority have not disagreed with this decision, and in their representation on the Publication version of the Local Plan in 2016, they state "we agree that there is no requirement to safeguard deep coal resources".

## *Zinc and Lead*

The County Council originally based their mineral resource delineation on the GIS layers provided by British Geological Survey. Layers for lead and zinc were not provided, as these minerals exist in small, vertical, fracture-filling veins within the larger deposits of, for example, limestone. Outside of the Lake District National Park, these veins of lead and zinc lie only in the North Pennines AONB and have not been exploited since the 1940's, mostly to the east of the County boundary, in Durham and Northumberland. There are, however, several dormant, underground permissions in Cumbria (until 2042) that are shown in Figure 5.1 of the *Cumbria Minerals & Waste Local Plan 2015-2030* (SD01).

The mineralised deposits of the North Pennines orefield are located in a mostly rural area, and the landscape is predominantly open moorland, divided by stone walls and the occasional stone cottage. Most of the major mines around Nenthead were developed during the 18<sup>th</sup> and 19<sup>th</sup> centuries by the London Lead Company. With the collapse of the lead market in the 1880s, they gave up their leases in the area, many of which were subsequently acquired by the Vieille Montagne Lead and Zinc Company of Belgium, who switched from lead to zinc production. Active mining continued until just after World War II.

There are extant planning permissions for underground lead/zinc mining, but no permissions for the surface facilities that would be needed. It is not clear if there is any likelihood of the industry being resurrected; despite the fact that Minco PLC carried out borehole investigations around Nenthead in 2013, no further dialogue has been entered into with any of the three planning authorities. Any proposals would be likely to raise issues of AONB policies, Habitats Regulations Assessment, landscape character and traffic routes/modes. British Geological Survey note that neither lead nor zinc can be regarded as nationally strategic minerals, especially as there is no longer a zinc smelter in this country, so neither mineral could be regarded as economically viable in Cumbria, and no MSA is identified.

As many of the major lead/zinc mines around Nenthead were eventually joined underground, with ore brought to surface through the most convenient level from any of a number of different actual mines, access for any future mineral workings could be in Cumbria, Northumberland or Durham. The three authorities keep up a regular dialogue on the issue.

**72. With reference to paragraph 15.30 explain briefly why it has been decided to use a 250m buffer zone. Is this the most appropriate buffer for all safeguarded minerals apart from gypsum and secondary aggregates?**

Yes the County Council consider that a 250m buffer zone is the most appropriate buffer for all safeguarded minerals, apart from gypsum and secondary aggregates.

The use of buffers in mineral safeguarding is acknowledged in the guidance from British Geological Survey - *Mineral safeguarding in England: good practice advice* (LD187) - and the County Council has been mindful of this guidance in its approach. Case Study 3 in LD187, shows the different buffers adopted by two different Local Authorities; one chose 500m for rocks that may require blasting and for deep resources, whilst the other chose 500m for limestone only, to smooth the outcrop boundary. Whilst there was consideration of a larger 'buffer' of 500m for the identified resources of hard rock in Cumbria, it was considered that as there is a relatively low incidence of blasting in the county, its effects could be modulated by modern blasting techniques, so only 250m were added to the known hard rock resources. It had already been decided that 250m was a sufficient buffer for the other mineral resources.

**73. Is DC17 (including the submission version) fully compliant with the historic environment section of the NPPF? For example, in NPPF paragraph 133, where substantial harm will be caused to a designated heritage asset this should be outweighed by substantial public benefits. Is this reflected in DC17?**

Historic England suggested changes to the wording of Policy DC17, as outlined within the proposed tracked changes version of the Plan (SD50). Despite not being recommended by Historic England, it is considered that the third line of the first paragraph of this text should be further amended to read "*developments that would result in substantial harm*", in order to accord with Paragraph 133 of the NPPF. The word 'substantial' being required.

## **Matter 7 – Site Allocation Policies**

***Issue: Whether sufficient land is allocated or designated in appropriate locations to meet objectively assessed need and to provide choice and flexibility.***

**74. With reference to the sites identified in Policy SAP1 (household waste recycling centres) and Policy SAP2 (waste treatment and management facilities) is there any likelihood of significant residual environmental or amenity impacts being generated?**

The detailed site assessments accompanying each proposed site, discuss the suitability of that site for a range of waste uses, taking account of any potential impacts that may arise from the development. In line with recommendations by the Environment Agency, it is noted that new waste facilities should be enclosed to minimise any adverse impacts, unless the applicant can demonstrate that this is not possible or would impact the operational ability of the facility. In such situations, the applicant will need to demonstrate that there are no unacceptable adverse impacts on the local environment resulting from developing in that location.

With all development, not just waste development, there is the potential for impacts on the local area. In the case of the sites proposed in Policy SAP1, these will be to replace existing operations that must cease in their current location. The sites put forward have been discussed with the relevant local authorities and have been supported by them for inclusion in the Local Plan. The proposed sites are considered to have potentially fewer impacts on local amenities, and are allocated in the District Local Plans for employment use, within which waste development would be compatible with a B2 use. More details on the specific impacts and proposed mitigation can be found in the *Sustainability Appraisal - Appendix 5: Site Assessments* (SD28) and in the *Site Assessment* documents (SD16 to SD22), which provide details of the sites assessment exercise and draw upon the findings of the SA.

The sites proposed in Policy SAP2 are to provide for the wider waste needs of the area over the Plan period. In most cases, as set out above, the site assessments state that new facilities should be enclosed to minimise any impacts. Modern waste facilities in most cases can be located within an industrial unit and would not look out of place alongside other uses. In addition, licenced waste facilities are controlled under permit by the Environment Agency and will have conditions imposed by the planning permission. Together, these systems help to ensure that these facilities operate without unacceptable harm to the local environment, or impose mitigation measures to ensure impacts are minimised to an acceptable level.

All allocations proposed in the Plan will need to be considered in detail once an application comes forward; however, the Sites Assessment documents (SD16 to SD22) and Sustainability Appraisal findings (SD28), indicate that these sites would be suitable in principle for a range of waste uses, and these are indicated

on the individual site assessments. In some cases, the assessments indicate a need for local mitigation, depending on the type of facility proposed.

By identifying sites suitable for specific waste uses, the inclusion of Policy DC9 'Criteria for Waste Management Facilities' and controls enforced by the EA Permit and planning conditions, it is unlikely that significant residual environmental or amenity impacts would be generated by proposals at these sites.

**75.If so, is it likely that these impacts would significantly and demonstrably outweigh the benefits and/or are there any specific policies within the NPPF that indicate that development at these sites should be restricted?**

As noted in the response to Q74, the sites have been selected following a detailed assessment process, and environmental and planning controls would be in place to make significant residual environmental or amenity impacts from development at the sites unlikely. This would have to be determined on a case-by-case basis upon the submission of a planning application. Should any significant impacts be identified, whether or not they outweigh the benefits of the development, would also depend upon the specifics of the proposal outlined within the planning application. The approach to allocating sites and the development management policies within the Plan, such as Policy DC9, accords with paragraph 14 of the NPPF, which is clear that sufficient flexibility should be provided to adapt to rapid change unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole.

**76.Please confirm whether the boundaries of any sites within SAP2 intersect with major hazard installation consultation zones and if so, how this might impact on future development and/or the major hazard installation.**

Of the sites identified in Policy SAP2 that intersect with major hazard installations, Oldside (AL3) and Bridge End (CO11) are the only currently undeveloped sites, all the others are identified for an additional waste treatment or management facility on currently operating sites.

- Oldside (AL3) lies within the consultation zones for three Hazardous Substances Consents. Any future waste treatment or management facilities on the allocated site would ensure that there were no conflicts.
- Port of Workington (AL18) has two Hazardous Substances Consents on site and another one close by, whose consultation zone overlaps the Port perimeter. The Port is currently operational with no problems from these consents, and any future waste treatment or management facilities on the Port would ensure that there were no conflicts.
- Willowholme (CA11) lies within the consultation zone for one Hazardous Substances Consent. The site is currently operating as a waste transfer

station, but any future waste treatment or management facilities on the allocated site would ensure that there were no conflicts.

- Bridge End (CO11) lies within the consultation zone for Sellafield's Nuclear Consent. Any future waste treatment or management facilities on the allocated site would ensure that there were no conflicts.
- Lillyhall waste treatment (AL8) – no intersection
- Kingmoor Road recycling centre (CA30) – no intersection
- Kingmoor Park East (CA31) – no intersection

**77. Should the Plan indicate what sites within SAP2 are suitable for which type and scale of waste management facilities?**

The *Site Assessments* documents (SD17 to SD22) provide a detailed review of each of the proposed allocations. In the introduction to each site, the expected use(s) are set out. In some cases this is more detailed than others, as there may be existing information on the allocation that has been used to inform the assessment, or been provided by the applicant submitting the site for consideration. In most cases, the sites are considered suitable for a range of uses. The Plan is not specifically looking for hazardous waste facilities; therefore, the specific suitability requirements for this type of facility have not been considered. This would only be an issue for any site for which flood risk issues have been identified, in accordance with requirements of the Environment Agency.

With the exception of Policy SAP1, which will provide for the new HWRC's, the Plan has not been specific about what types of facility should come forward on the sites allocated, as this is a decision for the private sector to implement. However, where a specific use has been identified as not being suitable, i.e. Energy from Waste, this is indicated within the assessment. Some allocations are specific about only one use, i.e. CA31, which is identified for Energy from Waste. The sites have not been limited on scale, as again, this is a commercial decision for the private sector; however, the physical size of the site allocations will limit the scale capable of being operated. Only built waste facilities are considered suitable at the locations identified in Policy SAP2; no landfill is proposed.

To aid users reading the Plan, and to assist policy makers, it is proposed that a table be added to the supporting text of SAP2, to indicate the range of uses that may be suitable at each location.

**78. Do the sites in SAP2 provide sufficient opportunity in the right location for meeting identified waste management needs throughout the Plan period?**

The proposed allocations for waste management provide locations with good access to the strategic road network and are close to the main urban areas across the county, with the main sources of waste. The allocations will most likely be fed by satellite, smaller sites across the county, and provide a

strategic solution. The relationship between the existing clusters of waste management facilities and the allocations in Policy SAP2, can be seen on the map at Appendix 3.

It is not anticipated that all the allocations included within the Plan will be suitable for all waste management uses. The Waste Needs Assessment identifies a need for built facilities for thermal treatment of waste and potentially some recycling and composting. The allocations are able to provide the right mix of options to meet this need. A thermal treatment facility has recently been granted planning permission on site allocation CA31, which, when built, will meet the identified need. The proposal is for the construction of an Energy Recovered Fuel (ERF) facility that would receive up to 195,000 tonnes of refuse derived fuel (RDF) annually; it would generate 22MW of electricity, enough to power the equivalent of up to 45,000 homes.

The needs assessment has not identified a particular shortfall in any location, or of a particular facility type, except thermal treatment/energy from waste; and requirements have been looked at on a county level. Any of the locations proposed would need to be able to meet this strategic need. As reported under Matter 2, due to the location of the Lake District National Park, waste in Cumbria can move between multiple locations before final treatment and, as such, the actual location in one particular geographical area is not important. The locations put forward are considered acceptable, in principle, for waste use.

The location of the allocations put forward, are considered to meet the anticipated need over the Plan period. Although some waste is expected to still be exported, the proposed sites offer development potential in areas where cross boundary movement is less likely to occur and so localised facilities will be required. The locations are predominantly in less rural, built up areas, and offer flexibility in the type of facility that may come forward. The type of facility to come forward will be purely market-led and a commercial decision. No objections from industry have been made in regards to the allocations proposed and they also have the support of the relevant authorities.

It is also important to note that additional facilities may come forward on unallocated sites, or smaller sites and extensions to existing sites may also be required. In addition, recognition of the role of the allocations proposed, in supplementing the existing network of facilities, should also be made.

**79. With reference to paragraphs 18.32 and 18.33 explain how the MSAs for gypsum have been drawn and the reasons for this.**

During the Site Allocations Policies examination in 2010, a special Hearing session was held in Long Marton, to specifically engage with the local community on the issues that they perceived with regard to the identification of a gypsum MSA. The County Council had put forward several options for delineation of the MSA and these were discussed at the session.



The concern of local residents was that the MSA was too narrowly drawn and that both property owners and local businesses seeking to expand would be blighted as a result. At the Hearing session the Council explained that the MSA had originally been based on the 'A' bed information provided by BGS, but an equally credible case could be made for using the 'B' bed data. A geologist from British Gypsum attended the Hearing and, in his professional opinion, he said that would identify gypsum resources both economically viable at that time and those that may become so in the future. At no point was it suggested that anhydrite should also be safeguarded.

In February 2013, in response to the Regulation 18 (erroneously named Reg 19 at that time) consultation on the first draft of the Local Plan, British Gypsum provided a further amendment to the gypsum MSA, which was subsequently incorporated. The south eastern extent of the MSA was extended to include all of the Eden Shales outcrop near Appleby; these host the beds where economically viable deposits have been proven in the past. The south eastern end of the outcrop is overlain by the MOD firing ranges at Warcop, so that area was excluded.

**80. With reference to the sites in Policy SAP4 what criteria have distinguished their designation as either a preferred area or an area of search?**

No qualitative or quantitative evidence relating to the certainty of minerals resources has been submitted by operators to support the designation of Preferred Areas, other than at M27 Roosecote and M18 Stamphill. Therefore, all other allocations have been designated as Areas of Search. Please see responses to Q39-42 for further information.

**81. Do the designated areas in SAP4 provide sufficient opportunity for meeting the objectively assessed need for winning and working the identified mineral resources throughout the Plan period?**

Yes, the designated areas in SAP4 do provide sufficient opportunity for meeting the objectively assessed need for winning and working the identified mineral resources throughout the Plan period. This is currently set out in the 2015 *Cumbria and LDNPA Local Aggregates Assessment – supporting information* (LD309), paragraphs 5.10-5.20

**82. Is it likely that residual environmental or amenity impacts from winning and working the areas in SAP4 would significantly and demonstrably outweigh the benefits and/or are there any specific policies within the NPPF that indicate that development in these areas should be restricted?**

The areas identified within Policy SAP4, for the winning and working of minerals, have been subject to the site assessment process that is set out in full in paragraphs 3 to 11 of the *Site Assessments – Introduction* (SD16). In summary, the County Council's in-house GIS was used to look at a 2km radius

around each site (although in some cases the assessment went further afield if, for example, pathways to environmental designations were being looked at). The GIS layers that were used are listed in paragraph 7 of SD16. This method of assessment was used to establish the type and level of constraints and opportunities for each site; this was backed up by site visits.

The site assessment provided a mechanism for reviewing and scoring each of the proposed sites against the sustainability criteria, and for assessing the likely environmental, social and economic impacts of each site. It allowed an in-depth and informed discussion to be held, where the context of each of the sites was analysed and assessed. The assessment also enabled the sustainability objectives and criteria, set out in the *Sustainability Appraisal – Report* (SD23), as well as site location criteria, to be explored in terms of how the proposed sites related to them. Reference was also made to the need for Habitats Regulations Assessment, where development may have impacts on European Wildlife Sites. Local knowledge and expertise added weight to this approach.

Inevitably, the site assessment process involved some subjective judgements; for example, about the likely impacts of a particular type of development, the scale of those impacts or the sensitivity of an environmental asset to impacts.

Any proposal for the winning and working of minerals will need to be considered in detail once an application comes forward; however, the site assessment document and Sustainability Appraisal findings indicate that these would be suitable in principle, and unlikely to result in residual environmental or amenity impacts. If necessary, this would be further assisted by the use of planning conditions attached to any grant of planning permission within these areas.

**83. Please confirm whether the boundaries of any areas within SAP4 intersect with major hazard installation consultation zones and if so, how this might impact on future development and/or the major hazard installation.**

All of the sites allocated for minerals in Policy SAP4 would be extensions to currently operating quarries, with the exception of the proposed Stamphill gypsum mine (M18), which would be new and in a greenfield location and also the future Area of Search at Roosecote (M12), which lies on the other side of the road to the current quarry. Of the mineral sites:

- Cardewmires Quarry (M8) a Northern Gas Networks pipeline runs across the site, so consideration will be necessary to site any future mineral extraction area away from the pipeline.
- Roosecote Area of Search (M12) lies in the consultation zone for one Hazardous Substances Consent at the gas terminal, and also in the consultation zone for a National Grid gas pipeline, going to the terminal. The former consent should cause no conflicts between the Terminal and site, but consideration may be necessary to site any future mineral extraction area away from the pipeline's outer consultation zone.

- Peel Place Quarry (M15) lies within the consultation zone for Sellafield's Nuclear Consent. As this is an existing quarry, which operates with no problem within the Consent, it is not expected that any issues would arise if extraction moved to the allocation area.
- Roosecote Preferred Area (M27) lies in the consultation zone for two Hazardous Substances Consents, one at the gas terminal and one with a company to the south. It also lies in the consultation zone for a National Grid gas pipeline, going to the terminal. The former consents should cause no conflicts between the Terminal and site, but consideration will be necessary to site any future mineral extraction area away from the pipeline.
- High Greenscoe Quarry (M5) – no intersection
- Overby/High House quarries (M6) - no intersection
- Silvertop Quarry (M10) – no intersection
- Kirkhouse Quarry (M11) – no intersection
- Kirkby Slate Quarry (M14) – no intersection
- Holmescales Quarry (M16) – no intersection
- Stamphill gypsum mine (M18) – no intersection
- Derwent Howe slag bank (M24) – no intersection
- Roan Edge Quarry (M30) – no intersection

**84. With respect to Roosecote Quarry, could its development impact on gas terminal expansion? If so, how should this be addressed?**

The owner and operator of the gas terminal, Centrica, also owns the land and minerals rights at Roosecote Quarry. Until recently, Centrica would only allow the quarry operator an annual licence to extract sand and gravel; this has now changed to 10 years, although that could be rescinded, with due notice.

There has been continuing discussion between Centrica and the quarry operator concerning future sand and gravel extraction at Roosecote Quarry. Centrica have stated that as part of their future expansion plans, they require the land identified as the Preferred Area to be levelled, and the sand and gravel extraction would facilitate this for them.

**85. Internal consistency within the Plan – paragraph 18.38 refers to the facility at site M31 near Millom possibly being re-instated whilst the submission version of Policy SAP5 removes the allocation. Does this need amending?**

Yes, the site needs removing from the text and maps, as well as from Policy SAP5. This is because Aggregate Industries confirmed that the temporary rail facility is going to be restored to agriculture in summer/autumn 2016. The loading facility had not been used since 2009/10 and is unlikely to be used for the future supply of Ghyll Scaur stone, as the Low Level Waste Repository have supply contracts with other sites. Furthermore, the asphalt plants supplied by Ghyll Scaur Quarry do not have rail connections and do not require the tonnages that a train would deliver.

**86. Please confirm whether the boundaries of any safeguarded facilities within SAP5 intersect with major hazard installation consultation zones and if so, how this might impact on the safeguarding and/or the major hazard installation.**

All of the facilities allocated for safeguarding in Policy SAP5 are being safeguarded for their current operations, e.g. port, or their potential to provide infrastructure in the future, e.g. potential rail sidings. Of the safeguarded facilities:

- the Port of Workington (AL18) has two Hazardous Substances Consents on site and another one close by, whose consultation zone overlaps the Port perimeter. The Port is currently operational with no problems from these consents, and any future waste treatment or management facilities on the Port would ensure that there were no conflicts.
- Siddick potential rail sidings (AL32) has two Hazardous Substances Consents close by, whose consultation zones overlap the site perimeter. These consents overlap the currently operating rail line with no problems, and any future rail siding use would ensure that there were no conflicts.
- Innovia rail sidings (AL38) has a Hazardous Substances Consent on site. The consent overlaps the currently operating rail sidings with no problems.
- Barrow Port (BA26) has one Hazardous Substances Consent and one Explosives Consent on site, whilst the consultation zone for the Nuclear Consent at Ramsden Dock overlaps the Port perimeter. The Port is currently operational with no problems from these consents, and any future development on the Port would ensure that there were no conflicts.
- Low Level Waste Repository rail sidings (CO35) has one Nuclear Consent on site, whilst the consultation zone for the Nuclear Consent at Sellafield overlaps the Repository perimeter. The Repository sidings are currently operational with no problems from these consents.
- Sellafield site rail spur (CO36) has four Hazardous Substances Consents and one Nuclear Consent on site. Sellafield's rail spur is currently operational with no problems from these consents.
- Shapfell Quarry rail sidings (M36) runs along the eastern edge of a National Grid Gas pipeline. The rail spur currently operates with no problem.
- Silloth Port (AL39) – no intersection
- Kingmoor rail sidings (M34) - no intersection
- Shap Beck Quarry rail sidings (M35) - no intersection
- Shap Blue Quarry rail sidings (M37) - no intersection
- Kirkby Thore gypsum works rail sidings (M38) - no intersection

## Other Matters

### *Infrastructure*

#### 87. **What certainty is there that required infrastructure to ensure the effectiveness of the Plan is deliverable?**

The table below identifies potential/necessary infrastructure at each of those site allocations that will require some new or improved infrastructure. The two Household Waste Recycling Centres will be funded through the County Council's long term municipal waste management contract with Shanks PLC. All other allocations are private, commercial ventures that will be funded by the operator or developer – if a development is commercially viable and part of the business plan, then the operator/developer will ensure the infrastructure is completed.

The Cumbria LEP has undertaken a number of scoping studies for potential projects around the county. One of these is based around the Port of Workington and another is at Kendal Fell. It is possible, therefore, that the LEP may fund all or some of the road improvements required in those areas, as this could provide opportunities for the wider economy.

<b>Site</b>	<b>Infrastructure</b>	<b>Responsible</b>
AL3	- on site buildings, bays, hard standings, roads, drains, electricity - possible off-site junction improvements	- developer  - developer/LEP
AL8	- on site buildings, bays, hard standings, roads	- developer
AL18	- on site buildings, bays, hard standings, roads - possible off-site junction improvements	- developer - developer/LEP
AL32	- on site buildings, bays, hard standings, roads, sidings, drains, electricity - off-site entrance/highway improvements	- developer
AL37	- on site buildings, bays, hard standings, roads, drains, electricity - possible off-site road signage/restrictions	- municipal waste contractor
M6	- on site cabins, sheds, bays, hard standings	- operator
M24	- on site cabins, sheds, bays, hard standings	- operator
M5	- on site cabins, sheds, bays, hard standings	- operator
M12	- on site cabins, sheds, bays, hard standings - entrance/highway improvements	- operator
M27	- on site cabins, sheds, bays, hard standings	- operator
CA11	- on site buildings, bays, hard standings, roads	- developer
CA30	- on site buildings, bays, hard standings, roads	- developer
CA31	- on site buildings, silos, bays, hard standings, roads, drains, electricity	- developer
M8	- on site cabins, sheds, bays, hard standings, conveyors - possible work on rail underpass	- operator
M10	- on site cabins, sheds, bays, hard standings, roads	- operator
M11	- on site cabins, sheds, bays, hard standings, roads - possible off-site conveyor across roads	- operator

CO11	- on site buildings, bays, hard standings, roads, drains, electricity - possible off-site junction improvements	- developer
CO32	- on site buildings, bays, hard standings, vaults, roads, rail, drains, electricity - access expected via Sellafield site (need bridge?)	- developer
CO35	- on site buildings, bays, hard standings, vaults, roads, rail	- developer
CO36	- on site buildings, bays, hard standings, roads, rail	- developer
M15	- on site cabins, sheds, bays, hard standings, roads	- operator
M18	- on site cabins, sheds, bays, hard standings, conveyor - off site road access	- operator
SL1B	- on site buildings, bays, hard standings, roads, drains, electricity  - possible off-site road junction improvements	- municipal waste contractor - LEP?
M14	- on site cabins, sheds, bays, hard standings	- operator
M16	- on site cabins, sheds, bays, hard standings	- operator
M30	- on site cabins, sheds, bays, hard standings	- operator

**88. How is it envisaged that the critical infrastructure for at least the next five years will be funded?**

None of the critical infrastructure required in the next five years will be supplied or funded by the County Council, except the Household Waste Recycling Centres, which will be funded through the long term municipal waste contract with Shanks Group PLC.

With regard to infrastructure for any other waste facilities, the only critical need identified in the county, through the Waste Needs Assessment, is for thermal treatment – this would be in the next 5 years. There are a few sites that state this use could happen - allocations AL3, AL8 and CA 31. Since starting to respond to these questions, planning permission has been granted at site CA31 for a private commercial venture using RDF for fuel (see response to Q78).

With regard to infrastructure required for minerals, the table below highlights those sites that could be thought of as critical, either in terms of the need for a steady and adequate supply of sand and gravel or to fulfil strategic allocations for slate and for high specification aggregates. All necessary infrastructure is expected to be funded by the operator, as part of their ongoing business investment plans.

site	mineral	expires	comment
M5	mudstone	2028	-
M6	sand & gravel	2021 High House 2026 Overby	High House have requested a scoping opinion, as reserves will not last until 2021
M8	s&g	2025	-
M10	limestone	2042	-
M11	s&g	2023	reserves likely to be exhausted before 2023

M12	s&g	n/a (new)	dependent on life of existing quarry and then Preferred Area (M27) – Centrica could give notice to cease operations
M14	slate	2042	planning application under consideration now, as permitted reserves have technical issues
M15	s&g	2025	-
M16	HSA	2042	inactive as reserves exhausted; regionally important mineral
M18	gypsum	n/a (new)	dependent on exhaustion of reserves at Birkshead Mine
M24	slag	2016	Environment Agency require sea defences for safety of slag bank
M27	s&g	2029	dependent on progress of Centrica and terminal expansion
M30	HSA	2038	-

### *Policies Maps*

**89. Should the MSAs in Part 2 (SD10) and the MCAs in Part 3 (SD11) be more clearly defined?**

No. It is considered that both of these parts of the Policies Map have sufficient detail for all planning purposes. Once the Local Plan and Policies Map have been adopted, the relevant GIS overlays will be supplied to the District Councils; these can then be viewed digitally, at a scale relevant to the use.

**90. How do the MSAs in Part 2 relate to the MSAs set out in Policy SP7? Is there any mineral shown as being safeguarded in Part 2 that is not within Policy SP7?**

No. All the minerals shown as being safeguarded on Part 2 of the Policies Map are set out within Policy SP7. Where Policy SP7 refers to “hard rock resources (including high specification aggregates)”, these are shown on Part 2 separately as igneous, limestone and sandstone. If necessary, a note to this effect could be added to the text in chapter 5.

**91. Does Part 4 fully comply with NPPF paragraph 117 2<sup>nd</sup> bullet? If not, are the local ecological networks mapped elsewhere?**

No, Part 4 does not fully comply with the 2<sup>nd</sup> bullet of NPPF paragraph 117, as it does not identify and map components of the local ecological networks. However, the Cumbria Biodiversity Data Centre<sup>2</sup> has the detailed representation of current knowledge of Cumbria's biodiversity. Its evidence base includes species and habitat statements, habitat targets, planning considerations and enhancement opportunities. Further work for the biodiversity evidence base will include identifying the networks of natural habitats required by national policies, mapping biodiversity opportunities and defining the landscape features that are of major importance for migration, dispersal and genetic exchange.

<sup>2</sup> <http://www.cbdc.org.uk/>

This is an iterative process that will continue to inform the Plan and thus any necessary updates.

When carrying out the assessment of each site in the Local Plan, the County Council used the CBDC data contained on the in-house GIS layers to identify constraints and opportunities.

In a two-tier authority area, it is considered that the local ecological networks can be better mapped at the District scale. See all District and Borough Council draft or adopted Policies Maps.

**92. Is there any reasonable likelihood that policies within the MWLP could lead to conflict with facilities covered by the Technical Safeguarding Areas shown in Part 6 (SD14)?**

No. The *Site Assessments* document (SD16 to SD22) that accompanies the Local Plan, has considered whether any constraints imposed by the Technical Safeguarding Areas will lead to conflict with the Local Plan policies, especially the site allocation policies. It has been concluded that none of the sites allocated nor any of the Local Plan policies will lead to conflict with the Technical Safeguarding Areas.

The Airfield Technical Site Safeguarding Areas relate primarily to operations that could potentially bring about bird strike events, and also conflict between aeronautical operations and tall structures, wind turbine heights or wind farm development. The main potential for bird strike events could arise from waste management operations, especially landfill, but Planning Authorities are required to consult NATS/CAA, as a statutory consultee, on all applications involving major tree planting schemes, mineral extraction or quarrying, a refuse tip, a reservoir, a sewage disposal works, a nature reserve or a bird sanctuary.

The Ministry of Defence Technical Sites relate primarily to wind turbine heights or wind farm development that could affect either their aircraft or the seismic reading station at Eskdalemuir.

The two HSE safeguarding areas, for pipelines and hazard sites, relate primarily to alerting developers and planning authorities that these hazards exist and should be taken into account when considering where to site development. Planning Authorities are required to consult HSE, as a statutory consultee, on proposed developments around Major Hazards.

The table below gives a brief overview of which bodies require consultation if certain infrastructure is to be developed at each site (wind turbines, windfarms, tall structures, facilities that attract birds) or if certain hazards are within or near each site (pipelines, hazard sites such as chemical or nuclear plants).



<b>Site</b>	<b>NATS and CAA</b>	<b>HSE</b>	<b>MoD</b>
AL3	windfarm	hazard sites (substances)	windfarm
AL8	windfarm	-	windfarm
AL18	windfarm	hazard sites (substances)	windfarm
AL32	windfarm	hazard sites (substances)	windfarm
AL37	windfarm	-	windfarm
AL38	windfarm	-	windfarm
AL39	windfarm	-	windfarm
M6	windfarm	-	windfarm
M24	windfarm	-	windfarm
BA26	windfarm 90m tall structures bird strike	hazard sites (substances) hazard sites (BAE nuclear) hazard sites (explosives)	windfarm
M5	windfarm 10m tall structures bird strike	-	windfarm
M12	windfarm 90m tall structures bird strike	hazard sites (substances) pipelines (gas)	windfarm
M27	windfarm 90m tall structures bird strike	hazard sites (substances) pipelines (gas)	windfarm
CA11	windfarm 90m tall structures bird strike	hazard sites (substances)	windfarm
CA30	windfarm 90m tall structures bird strike	-	windfarm
CA31	windfarm 90m tall structures bird strike	-	windfarm
M8	windfarm 90m structures	pipelines (gas)	windfarm
M10	windfarm bird strike	-	windfarm
M11	windfarm 45m tall structures bird strike	-	windfarm
M34	windfarm 90m tall structures bird strike	-	windfarm
CO11	windfarm	hazard sites (Sellafield)	windfarm
CO32	windfarm	hazard sites (Sellafield) hazard sites (substances)	windfarm
CO35	windfarm	hazard sites (Sellafield)	windfarm
CO36	windfarm	hazard sites (Sellafield) hazard sites (substances)	windfarm
M15	windfarm	hazard sites (Sellafield)	windfarm
M18	windfarm technical site (transmitter)	-	windfarm
M35	windfarm technical site (transmitter)	-	windfarm
M36	windfarm technical site (transmitter)	pipelines (gas)	windfarm

M37	windfarm technical site (transmitter)	-	windfarm
M38	windfarm technical site (transmitter)	-	windfarm
SL1B	windfarm	-	windfarm
M14	windfarm	-	windfarm
M16	windfarm	-	windfarm
M30	windfarm	-	windfarm

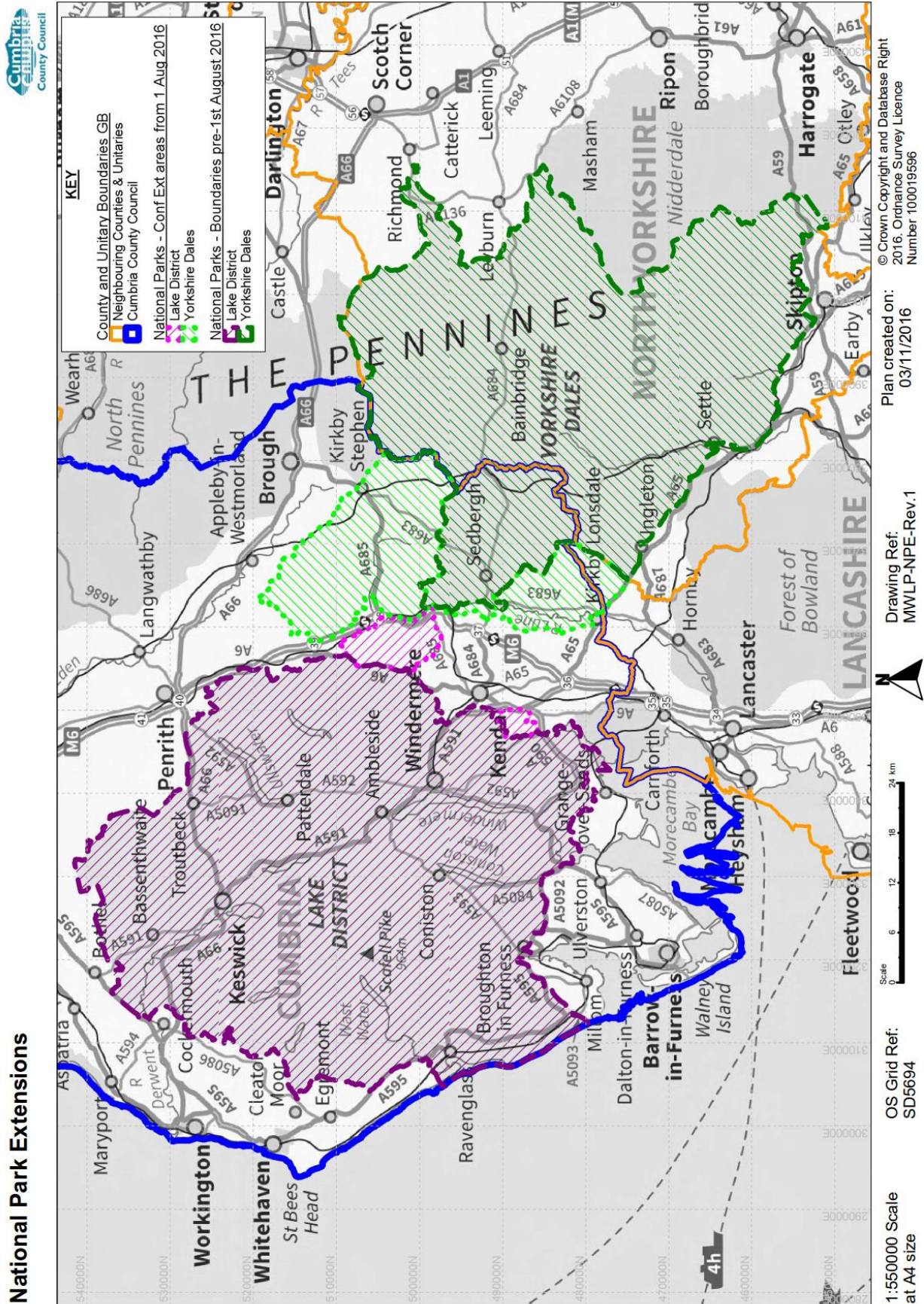
## APPENDIX 1

### Cumbria Minerals & Waste Local Plan – replacement of adopted MWDF policies

CS = Core Strategy policy    DC = Development Control policy    SP = Strategic Policy

<b>MWDF 2009</b>	<b>Title</b>	<b>MWLP 2016 replacement</b>
CS1	Sustainable Location and Design	SP12 Climate change mitigation and adaptation
CS2	Economic Benefit	SP13 Economic benefit
CS3	Community Benefits	deleted
CS4	Environmental Assets	SP14 Environmental assets
CS5	Afteruse and Restoration	SP15 Restoration and afteruse
CS6	Planning Obligations	SP16 Section 106 planning obligations
CS7	Strategic Areas for New Developments	SP8 Strategic areas for new mineral developments
CS8	Provision for Waste	SP2 Provision for waste
CS9	Waste Capacity	SP3 Waste capacity
CS10	High and Intermediate Level Radioactive Wastes Storage	SP6 Higher activity radioactive wastes treatment, management and storage
CS11	High and Intermediate Level Radioactive Waste Geological Disposal	deleted
CS12	Low Level Radioactive Waste	SP5 Development criteria for low level radioactive waste sites
CS13	Supply of Minerals	SP7 Minerals provision and safeguarding
CS14	Minerals Safeguarding	SP7 Minerals provision and safeguarding
CS15	Marine Dredged Aggregates	SP9 Marine dredged aggregates
CS16	Industrial Limestones	SP10 Industrial limestones
CS17	Building Stones	DC12 Criteria for non-energy minerals development
CS18	Oil and Gas and Coal Bed Methane	DC13 Criteria for energy minerals
DC1	Traffic and Transport	DC1 Traffic and transport
DC2	General Criteria	DC2 General criteria
DC3	Cumulative Environmental Impacts	DC6 Cumulative environmental impacts
DC4	Criteria for Waste Management Facilities	DC9 Criteria for waste management facilities
DC5	Criteria for Landfill	DC10 Criteria for landfill and landraise
DC6	Criteria for Non-Energy Minerals Development	DC12 Criteria for non-energy minerals development
DC7	Criteria for Energy Minerals	DC13 Criteria for energy minerals
DC8	Applications for New Conditions	DC14 Review of Mineral Permissions
DC9	Minerals Safeguarding	DC15 Minerals safeguarding
DC10	Biodiversity and Geodiversity	DC16 Biodiversity and geodiversity
DC11	Historic Environment	DC17 Historic environment
DC12	Landscape	DC18 Landscape and visual impact
DC13	Flood Risk	DC19 Flood risk
DC14	The Water Environment	DC20 The water environment
DC15	Protection of Soil Resources	DC21 Protection of soil resources
DC16	Afteruse and Restoration	DC22 Restoration and afteruse
DC17	Planning Obligations	SP16 Section 106 planning obligations

Map showing the new areas designated as National Park



## Map showing the allocations in Policy SAP2 in relation to existing waste sites

### Cumbria Waste Managed

Based on the Environment Agency's 2014 Cumbria Wastes Managed Data

