

# **CUMBRIA MINERALS AND WASTE DEVELOPMENT SCHEME**

**1ST ANNUAL MONITORING REPORT 2004/05**

**December 2005**



## Executive Summary

During 2004/5 work on the Cumbria Minerals and Waste Development Framework progressed in accordance with the programme that had been set out in its Development Scheme.

With regard to Core Indicators the latest available figures for supplies of crushed rock and sand and gravel are for the 2003 calendar year. These show three-year average annual sales of 3.97 Million tonnes of crushed rock and 900,000 tonnes of sand and gravel. The crushed rock figures were slightly (3%) lower than the apportionment set by the Regional Aggregates Working Party and the sand and gravel figures were considerably (29%) higher than the apportionment.

The aggregate minerals have landbanks of permitted reserves that are significantly longer than the minimum seven years for sand and gravel and fifteen years for crushed rock that are set out in current planning policies.

There are no figures available for the total production of secondary and recycled aggregates in which there can be any degree of confidence. The published figures show these alternative materials representing 6% of aggregate supplies but this is an underestimate.

The amount of municipal waste increased by over 10% over the previous year. This was because of green garden waste collections. The proportion of municipal waste sent to landfill fell by around 7%, composting more than doubled and recycling increased by around 30%.

A range of waste management related developments were brought into use during 2004/5 or were granted planning permission but consistent information on existing and new capacities is not available. This type of information will be included in next year's report for the 2004/5 and 2005/6 years.

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## 1 Context

- 1.1** Cumbria is the most northerly county within the North West Region and adjoins the border with Scotland. It is one of the largest English counties, with an area of 676,780 ha but is relatively sparsely populated with a population of approximately 488,500. It includes England's finest scenery and the world's first national park (the Lake District) but has very serious economic problems. Many of these problems are associated with the decline of traditional industries particularly in west Cumbria and the Furness peninsula and the decommissioning of nuclear sites. The Community Strategy identifies Cumbria as the only county that is experiencing economic decline.
- 1.2** Cumbria is an important producer of crushed rock aggregate, including high specification skid resistant roadstone for the national market. Its sand and gravel quarries serve predominantly local or regional markets. There are several quarries producing traditional building and roofing stones with their own niche markets. One shale quarry provides raw materials for a traditional brick works which has a national market for its products.
- 1.3** Cumbria is an important supplier of gypsum for the national market for plaster and plasterboard and has extensive areas of raised moss peat workings. All of the deep coal mines have closed. Extensive areas of the exposed coalfield have previously been mined by opencast methods.
- 1.4** In general waste management facilities within the county serve their local areas and most parts of the county have access to the necessary facilities. There is however a shortfall in landfill capacity in the south of the county from where residual waste is sent to Lancashire.
- 1.5** West Cumbria has a concentration of nuclear facilities and the Low Level Radioactive Waste Repository near Drigg currently provides a national facility. Reviews of national policies for the different categories of radioactive wastes are currently in progress and will inform the local policy making processes.

## 2 Core output indicators

2.1 In accordance with the ODPM's Good Practice Guide for Local Development Framework Monitoring, and its October 2005 update, the core output indicators for the Minerals and Waste Development Framework are :

### For Minerals

- Production of primary land won aggregates.
- Production of secondary / recycled aggregates.

### For Waste

- Capacity of new waste management facilities by type.
- Amount of municipal waste arising, and managed by management type, and the percentage each management type represents of the waste managed.

### Primary Land Won Aggregates

2.2 The latest figures that are available are from the North West Regional Aggregates Working Party Annual Report 2004. These are up to the calendar year 2003 and include quarries that are within the Lake District National Park.

2.3 The average annual sales 2000 to 2003 for Cumbria were 3.97m tonnes of crushed rock and 0.9m tonnes of sand and gravel. These compare with the Aggregate Working Party's guideline sub-regional apportionment figures of 4.1m tonnes and 0.7m tonnes respectively.

2.4 The annual sales of crushed rock have, therefore, been marginally lower than the apportionment (by 130,000 tonnes/year or 3%) and those for sand and gravel have been significantly higher than the apportionment ( by 200,000 tonnes/year or 29%).

## Secondary/Recycled Aggregates

- 2.5** Secondary aggregates are those produced from minerals wastes and recycled aggregates are those produced from previously used materials eg construction and demolition wastes. It is not possible to provide figures for the annual production of these within Cumbria. This is a national problem and it is hoped that progress will be made in time for next year's Monitoring Report.
- 2.6** Government guidance and the focus on sustainable development provide for an increasing proportion of aggregate supplies to be met from these "alternative" materials. The aim is for them to provide approximately 25% of aggregates supplies. The Regional Aggregate Working Party Report only includes figures for secondary aggregates for the region as a whole and these are incomplete figures and do not include recycled aggregates.
- 2.7** In 2003 recorded sales of secondary aggregates in the North West were just under 760,000 tonnes. This compares with total aggregate production that year of 13.18m tonnes, i.e. they represented just under 6% of aggregates supply. This is an underestimate because the published figures do not include output from all of the secondary aggregate and recycled aggregate producers. Arrangements need to be made for collecting accurate figures for recycled aggregates and for increasing the accuracy of those for secondary aggregates.

## Waste Management

### Municipal waste

- 2.8** The details for the year 1 April 2004 to 31 March 2005 are :-
- Total municipal waste - 355,001 tonnes.
  - Total recycled - 43,261 tonnes (13.61%)
  - Total composted - 37,952 tonnes ( 11.94%)
  - To landfill - 273,787 tonnes (77.12%)

Source BVPI Household and municipal waste statistics for Cumbria 2004/5.

- 2.9** The amount of municipal waste had increased by 10.2% over the previous year. This is largely attributable to green bin green garden waste collections. The amount that was landfilled increased by only 1% and the proportion of the

## Core output indicators

total waste that went to landfill had fallen by 7% from 84%. The amount of waste composted more than doubled and recycling increased by just over 30% compared with 2003/04.

**Capacity of new facilities**

**2.10** The planning permissions that were granted for waste management developments during 2004/5 are listed in paragraph 9.5. At this stage it is considered that the available information about their capacities and about existing capacities is not consistent and that it would be misleading to set out figures for increased capacity. It is intended to resolve this matter before next year's monitoring report.

**2.11** In addition the following other core output indicators are relevant to minerals and waste :-

- **Flood protection and water quality** – No planning permissions were granted contrary to the advice of the Environment Agency on either flood defence or water quality grounds.
- **Biodiversity** – These indicators relate to changes in areas and populations of biodiversity importance. We will have to develop our database and a rolling programme of monitoring to be able to address these indicators in subsequent Annual Monitoring Reports.

### 3 The monitoring framework

- 3.1 For aggregate minerals the authority is dependent on the survey information that is collected on behalf of the Regional Aggregates Working Party. This is for Cumbria as a whole and not for the area covered by the Development Framework which excludes the Lake District National Park. The latest information is for 2003. To protect commercial confidentiality figures for individual quarries are not published, the figures are combined so that they are for at least three quarries.
- 3.2 For waste management facilities the main source of information is the annual monitoring report published by the Regional Technical Advisory Body. The most recent one is for 2003 and was published in February 2004.
- 3.3 Other information is obtained from details submitted with planning applications, meetings with site operators and from consultations about the Environment Agency's waste management licensing procedures.
- 3.4 There are considered to be inconsistencies in much of the information that is available and very little information about commercial and industrial wastes. It is anticipated that these problems will be resolved in time for a meaningful Report to be made next year.
- 3.5 Our information systems will need to be developed to provide the details required for the Biodiversity core indicators. This is also likely to require a rolling programme of monitoring quarry and landfill site developments and their restoration and after-care management schemes.

Documents specified in the Minerals and Waste Development Scheme and the timetable for preparing them

## **4 Documents specified in the Minerals and Waste Development Scheme and the timetable for preparing them**

**4.1** The Minerals and Waste Development Scheme has been revised in accordance with Regulation 11 of the Town and Country Planning (Local Development) (England) Regulations 2004. The programme chart from this Scheme is included in this Appendix. The main points can be summarised :

- The Statement of Community Involvement was programmed for preparation from February 2005 to adoption by the County Council in January 2006.
- The Development Plan Documents are programmed for preparation from mid May 2005 to adoption by the County Council in March 2008., These are the Core Strategy, Generic Development Control Policies, Site Allocations/Policies and the Proposals Map.
- The Sustainability Appraisal is programmed for preparation from mid- May 2005 to submission in January 2007.

## 5 Programme for complying with Regulation 26

5.1 Regulation 26 requires the local planning authority to publish and consult on proposals documents before they are prepared for submission to the Secretary of State. These Regulation 26 “pre-submission” consultations are programmed in the Minerals and Waste Development Scheme as follows:-

- Statement of Community Involvement for June/July 2005.
- Development Plan Documents for June/July 2006.
- Sustainability Appraisal for June/July 2006.

Programme for complying with Section 20 (1) of the Planning and Compulsory Purchase Act 2004

## **6 Programme for complying with Section 20 (1) of the Planning and Compulsory Purchase Act 2004**

**6.1** This Section of the Act requires documents to be submitted to the Secretary of State for independent examination. These submissions are programmed in the Minerals and Waste Development Scheme as follows :-

- Statement of Community Involvement for August 2005 (*it was submitted on 29 July*).
- Development Plan Documents for January 2007.
- Sustainability Appraisal for January 2007.

## **7 First Steps in preparing documents that were taken by 31st March 2005**

- 7.1** No matters have been identified which were falling behind the timetable set out in the Minerals and Waste Development Scheme.
- 7.2** The steps that were undertaken before the end of March were :-
- preparing the Minerals and Waste Development Scheme
  - initial preparatory work for the Statement of Community Involvement,
  - agreeing work packages for consultants to provide information for the evidence base, and
  - liaison meetings with Cumbria district councils, adjoining authorities and other agencies about Local Development Framework, the Cumbria Joint Municipal Waste Strategy and Sustainability Appraisal matters.

Details of these steps are described below.

### **Minerals and Waste Development Scheme**

- 7.3** The original Scheme was approved by Cabinet on 28 September 2004 and by Council on 20 January 2005. It was submitted to the Secretary of State on 18 March 2005. Government Office confirmed by letter dated 11 April 2005 that the Secretary of State did not intend to issue a Direction. and the Scheme came into effect on 18 April 2005.
- 7.4** The Scheme was subsequently revised to take account of the removal of the requirement to produce an Interim Sustainability Appraisal and to clarify the different stages of consultations. This revised scheme was approved by Cabinet on 19 July 2005 and by Council on 28 July 2005. It was submitted to the Secretary of State on 28 July 2005 and came into effect on 26 August 2005. Government Office confirmed by letter dated 10 September that the Secretary of State did not intend to issue a Direction about this Scheme.

First Steps in preparing documents that were taken by 31st March 2005

## **Statement of Community Involvement**

- 7.5** Work on the Statement of Community Involvement prior to 31 March 2005 involved internal discussions about how to manage the process, project management training and identifying consultees. This included discussions with the Council's Equality Officer about engaging with hard to reach groups.
- 7.6** Engagement with the community involved a presentation that was given to Envirolink North West, a meeting of approximately seventy local businesses. Please see paragraph 13.2 about subsequent progress with the Statement of Community Involvement.

## **Evidence base work packages**

- 7.7** Two work packages were agreed with consultants. One dated 11 March was to provide information about mineral resources and reserves. This was completed by 15 June 2005. The other work package was for the provision of a schedule of all development plan policies for the Strategic Environmental Assessment baseline information. This was completed by 1 April 2005.

## **8 Local Development Orders**

**8.1** No Local Development Orders were made or revoked during the period.

## 9 Planning application decisions

**9.1** The main policy context for maintenance of mineral landbanks and production levels is set by Regional Spatial Strategy Policy ER 9 and Minerals and Waste Local Plan Policy 28 (please see the Appendix ). Paragraph 3.1 explains that the latest published figures for aggregate mineral production and reserves are for 31 December 2003. This Report, therefore, includes details of aggregate mineral planning permissions granted between 1 January 2004 and 31 March 2004 and between 1 April 2004 and 31 March 2005. For other minerals and for waste management facilities the details are for the Report's normal period 1 April 2004 to 31 March 2005.

### Aggregates planning permissions 01/01/04 to 31/03/04

**9.2** The following permissions were granted during this period ;-

- Additional area of sand extraction at New Cowper and Aikshaw. This provided 500,000 tonnes of reserves.
- Extraction of sand and gravel at Bullgill sand pit. This extended the period for extraction but did not provide additional reserves.
- Extension of quarry at Grange quarry (building stone only).
- New access road at Sandside quarry. Approximately 58,000 tonnes of stone were required to be extracted to provide this road.

### Aggregates planning permissions granted 01/04/04 to 31/03/05

**9.3** The following planning permissions were granted during this period :-

- Continuation of slag extraction at Derwent Howe slag bank, Workington.
- Extended area of quarrying at Flusco Quarry. This did not provide significant additional reserves.
- In addition new conditions were determined for earlier permissions at Sandside Quarry and Holmescales Quarry.

## **Waste management planning permissions granted 01/04/04 to 31/03/05**

**9.4** There are uncertainties and inconsistencies in the estimates of existing and proposed new capacities of waste management facilities. This includes the figures included in the Regional Technical Advisory Body Annual Monitoring Report 2004. Because of this no figures for the capacities of new facilities are given in this report. This is a matter that will be addressed for next year's report so that the authority can have confidence in the figures that are used.

**9.5** The following permissions were granted during this period :-

- A Materials Recovery Facility at Kingmoor Rockcliffe Estate.
- Continued use of a waste transfer station at Warren House Farm.
- Extended period to 2014 for crushing, screening and stockpiling of inert wastes and compostable waste at Lillyhall landfill site.
- Waste transfer and recycling centre at Pitwood Road.
- Increase in height limit at Moss Bay Metals scrapyard.
- Change of use to end-of-life vehicle dismantling at Unit 2 Kingmoor.
- Change of use and bunkers for storing bulked dry recyclables at Hilltop Farm.
- Dismantling shed and extension of site at Bonnie Mount scrapyard.
- Inert landfill at Shore Road.
- Liquid leachate treatment plant at Rhodia site.
- Extended period to 2008 for use as a Civic Amenity site at Redhills quarry.
- Extended period to 2007 for use as a Civic Amenity site at Yeathouse quarry.
- Completion of inert landfill at Fairthorns Road.
- Recycling of aggregates and blending of topsoils at Whinfield Farm.
- Extension to waste transfer building off Scarth Road.

## Planning application decisions

- Change of use for recycling of construction materials and manufacture of aggregates at Roosecote sand pit.
- Disposal of inert wastes at Goldmire quarry.
- Extensions to waste transfer building and store at Ormsgill Yard.
- Raising of levels and provision of hardstanding and crushing operations of waste building materials at Goldmire quarry.
- Green waste building at Bolton Fell.

In addition to the above twelve planning permissions were granted for waste water treatment infrastructure.

**9.6** Whilst accurate information on the capacity provided by these developments is not yet available it is clear that the planning system has responded to the need for additional facilities.

## 10 Implementation of policies

**10.1** At the present time (October 2005) there are no new Development Plan Document policies and the authority continues to implement the “old policies” of the current development plan. In the transitional period before the new type of development plan documents are adopted the existing or “old” development policies are “saved”. At 31 March 2005 the development plan comprised :-

- the former Regional Planning Guidance Note 13 for the North West (March 2003). This was prescribed as the Regional Spatial Strategy (RSS) from September 2004 by the Planning and Compulsory Purchase Act 2004. An Examination in Public of a partial review of this Strategy was held in November 2004. The Panel report was received in March 2005. The Government Office has now announced that the proposed changes should be fed into the Full Review of the RSS which is due to be submitted to the Secretary of State in January 2006.
- The Cumbria and Lake District Joint Structure Plan 1991-2006 was adopted in 1995. The Examination in Public of the new Joint Structure Plan 2001–2016 was held in September/October 2004. The Panel Report was received in January 2005. The proposed Modifications were published for public consultation from 1 September to 15 October 2005.
- The Cumbria Minerals and Waste Local Plan 1996-2006 which was adopted in June 2000.
- The District Local Plans.

**10.2** This Monitoring Report’s assessment of the implementation of policies is intended to focus on ones, or their policy areas, where there is a need to revisit the policies due to problems or the need to bring them up to date. No major problems have been identified with the policies which have generally stood the test of time. As may be expected some policies would benefit from updating.

**10.3** The policies that are most relevant to minerals and waste management are set out in the Appendix . These were not, generally, written with a view to providing a basis for monitoring report indicators. The policies which this Monitoring Report focuses on are set out in the following paragraphs.

**10.4** **For land won aggregates** -Regional Spatial Strategy (RSS) Policies ER 9 and 10 Structure Plan Policy 58 and Cumbria Minerals and Waste Local Plan Policy 28. In addition to the details given in section 2 the Regional Aggregates Working Party Report shows permitted reserves of crushed rock of 161.2 M

## Implementation of policies

tonnes compared with a sub-regional apportionment need 2001 to 2016, of 65.5 M tonnes. For sand and gravel permitted reserves at 31/12/03 were 11.4M tonnes compared with a sub regional apportionment, 2001 to 2016, of 11.2 M tonnes. Policy 28 of the Minerals and Waste Local Plan needs updating because it includes higher production figures for aggregates than the latest guidelines. However, it has not affected decision making on planning application proposals because of the size of the current landbank of permitted reserves.

The planning permission for the very high specification roadstone quarry expires during the plan period, which will be an issue for the plan.

**10.5 Other minerals** –Structure Plan Policy 58, Minerals and Waste Local Plan Policies 45, and 46 and section 5.18.

With regard to gypsum and anhydrite British Gypsum is reviewing its requirements and will be submitting details for consideration in the plan.

The planning permission for mudstone for the Askham brickworks expires during the plan period and will be an issue for the plan.

**10.6 For secondary and recycled materials** -RSS Policy ER 11 and Cumbria Joint Structure Plan Policy 61 and Cumbria Minerals and Waste Local Plan Policies 51. and 52.

The planning system is delivering sites for additional facilities.

Paragraph 9.5 lists the planning permissions that were granted for waste management facilities some of which were for these materials.

As already mentioned there are continuing problems with the monitoring of secondary and recycled materials and the published figures are considered to be underestimates. This is a national problem which is being addressed.

**10.7 For radioactive wastes** - RSS Policy EQ 7 and Cumbria Joint Structure Plan Policy 57.

The policy context for radioactive waste management has changed substantially. The focus now is on nuclear decommissioning which will generate considerable volumes of decommissioning wastes. National policy reviews are programmed to report in mid 2006. In addition the planning permission capacity of the Low Level Waste Repository near Drigg is much less than was anticipated in the Structure Plan and the Minerals and Waste Local Plan and it is likely to be full by mid-2008. Despite these changes it is considered that Structure Plan Policy 57 still provides a workable context for development control purposes.

One point that has to be stressed is that every waste planning authority in the country needs to have policies for the Low Level Radioactive Wastes that are generated within its area. Those

authorities with nuclear facilities also need to have policies for decommissioning wastes. Cumbria County Council is concerned that other authorities may continue to assume that most of these wastes will be managed in Cumbria.

- 10.8 Departures from development plan policies** - with reference to paragraph 9.5 the temporary planning permissions for continued use of the Civic Amenity sites at Yeathouse Quarry and Redhills Quarry were treated as departures from Cumbria Minerals and Waste Local Plan Policy 55. The change of use for End of Life Vehicle dismantling was treated as a departure from Carlisle District Local Plan Policy.
- 10.9** No planning decisions were made that conflicted with advice or recommendations from the Environment Agency, English Nature, English Heritage or the Countryside Agency. Only one appropriate assessment under the requirements of the Habitats Regulations was necessary. This was in connection with the requirements of an Enforcement Notice relating to an unauthorised waste recycling operation. The terms of the Notice and the assessment were agreed with English Nature.

Old policies that are not being implemented

## **11 Old policies that are not being implemented**

**11.1** No development plan policies have been identified that are not being implemented. Some policies may need to be reviewed to take account of subsequent national and regional policies and to ensure they do not repeat such policies.

## 12 Progress since 31st March 2005

- 12.1** The position with regard to the Minerals and Waste Development Scheme itself has already been described.
- 12.2** For the Statement of Community Involvement the pre-preparation public consultation process commenced on 3 May 2005. This was followed by the Regulation 26 pre-submission consultation starting on 20 May. Following consideration of representations a revised Statement of Community Involvement was approved by Cabinet on 19 July and by Council on 28 July 2005. It was submitted to the Secretary of State on 29 July 2005 together with its Pre-submission Consultation Statement.
- 12.3** The period for submitting representations expired on 9 September 2005. By that date only one substantive objection had been received. This was from Government Office North West and relates to the resources and funding that the Council has made available for managing and carrying out the process. The Examination will be by written representations only in December 2005. No one submitted any further material in connection with their representation.
- 12.4** Work has been carried out on the Sustainability Appraisal framework and objectives. This has included meetings and consultations with the Cumbria district councils to agree a joint approach and with the four statutory "consultation bodies" identified for Strategic Environmental Assessment. Formal consultation on the Sustainability Framework and its Scoping Report were programmed to be undertaken in October/November 2005 but will now be in December 2005. Details of these and the indicators that are proposed to be used will be included in next year's Monitoring Report.
- 12.5** Pre-preparation consultations about the Development Plan Documents commenced with the industries and other organisations on 20 May 2005. It has been followed, in September 2005, by consultations with the industries, district councils and environmental organisations on background information relating to aggregates and waste management. In November 2005 planning consultants and architects were consulted about possible issues for the supply of local building stone.
- 12.6** Further meetings have been held with the Northern and North Western local authorities about Minerals and Waste Development Framework and Sustainability Appraisal matters.

Progress since 31st March 2005

**12.7** Progress since April 2005 has so far been in accordance with the programme set out in the Minerals and Waste Development Scheme. However work on preparing the Development Plan Documents and the Sustainability Appraisal is falling behind schedule.

## 13 Appendix

### LIST OF THE DEVELOPMENT PLAN POLICIES THAT ARE RELEVANT TO THE ANNUAL MONITORING REPORT (as at 31 March 2005 )

#### Regional Spatial Strategy

The policies that are directly relevant to minerals and waste are :-

##### **Policy ER9 Minerals Extraction**

Appropriate provision should be made in the North West for the supply of a range of minerals. This will take into account:

- the national significance of the Region's reserves of salt, silica sand, gypsum and peat;
- the need to maintain land banks of permitted reserves of certain minerals including materials for the cement industry;
- the contribution that substitute, secondary or recycled sources, or imports from outside the Region, should make;
- the principles set out in Policy DP2 and other relevant national and regional policies; and
- the provisions made for aggregates in Policies ER10, ER11 and ER12.

Minerals extraction forms an exception to the sequential approach set out in Policy DP1. Development plans should:

- subject to the necessary information being available, identify and safeguard mineral resources to ensure that appropriate levels of current and future supplies can be maintained and indicate where future land-based extraction would or would not be appropriate;
- include criteria-based policies to indicate the circumstances under which extraction might or might not be permitted;
- identify in broad terms the preferred after-use of extraction sites, and encourage environmentally sensitive restoration and after-care strategies, taking account of local circumstances and strategies;

- identify, safeguard and encourage opportunities for the transportation of minerals by pipeline, rail or water, including the maintenance of existing wharvage and railhead facilities and the provision of new ones and of facilities for on-shore processing and distribution of hydrocarbons; and
- include policies to safeguard mineral resources from other forms of development.

### **Policy ER10** Land-won aggregates

Mineral planning authorities should continue to work together to make provision for the agreed regional apportionment of land-won aggregate requirements to 2006 that is set out in Minerals Planning Guidance Note 6 (MPG6), pending its review, and the subregional apportionment set out in Table 8.2. Following publication of the revised MPG6, the NWRA will work with the Regional Aggregates Working Party to identify an appropriate distribution within the North West and to undertake an early review of this Policy and of Policy ER11. The NWRA will then provide guidance to mineral planning authorities in making appropriate provision in their development plans for the extraction of aggregates and the maintenance of landbanks.

### **Policy ER11** Secondary and recycled aggregates

The NWRA will work with the Regional Aggregates Working Party, mineral and waste planning authorities, and others to maximise the role played by secondary and recycled sources of aggregates in meeting the Region's requirements by:

- developing better systems to monitor the use of secondary and recycled aggregates in construction projects;
- working with the construction industry to achieve a target of 20% of construction aggregates to be from secondary or recycled sources by 2010 and 25% by 2021;
- encouraging local authorities and developers to incorporate temporary materials recycling facilities on the sites of major demolition or construction projects; and
- identifying in development plans, sites or criteria for the provision of permanent recycling plants for construction and demolition waste in appropriate locations.

### **Policy EQ4** Principles Governing a Regional Approach to Sustainable Waste Management

Because of the rapidly diminishing landfill capacity in the Region, waste planning, collection and disposal authorities should, as a matter of priority, work with all stakeholders, including the waste industry, to significantly reduce the volume of biodegradable waste sent to landfill, in accordance with the national waste strategy and the requirements of the EU Landfill Directive. All key agencies should review their waste minimisation policies as a matter of priority with a view to adopting best practice, and co-operate in the promotion of waste minimisation practices throughout the Region.

Waste management options should be determined through the application of the following principles:

- The waste hierarchy which advocates waste minimisation, then re-use, then recycling, composting and energy recovery, where recycling and composting options are not appropriate. Disposal should only be considered if none of the former options is viable. Disposal through 'landraising' should be discouraged and regarded as a very last resort.
- The Best Practicable Environmental Option (BPEO) for each waste stream. Consideration of what constitutes BPEO in each case should be guided by the priorities of the waste hierarchy.
- Regional Self Sufficiency – most waste should be treated or disposed of within the region in which it is produced.
- 'The proximity principle' – waste should generally be managed as near as possible to its place of production, to minimise the environmental impact of transporting waste

### **Policy EQ5** A Regional Approach to Waste Management

Waste management options should be determined through the application of the principles listed in Policy EQ4 and comprise an appropriate mix of:

- increased re-use and recycling of household, commercial and industrial waste, including the development of centralised materials recycling facilities;

- bio-treatment through composting and anaerobic digestion; and, only if these options are not feasible,
- energy recovery from waste facilities, using the most environmentally- friendly technologies possible.

Waste planning and disposal authorities should establish clear frameworks for the provision of appropriate waste management in their areas. These will be informed by the Regional Waste Strategy, which the NWRA is drawing up with advice from the Regional Technical Advisory Body (RTAB) on the likely levels of waste to be managed within the Region and the likely requirements for management and disposal facilities. The Regional Waste Strategy should be incorporated in the next RPG review.

Additional landfill capacity should only be required where the preferred alternatives do not meet the overall capacity requirement. New landfill sites should be primarily located to meet the needs of those parts of the Region where alternatives are not viable.

#### **Policy EQ6 Waste Management Facilities**

New major waste management proposals, with the exception of those for new final disposal in or on land facilities, will be required to adopt the sequential approach outlined in the Core Development Principles and the Spatial Development Framework. Wherever possible they should be accessible by rail or by water, with existing wharves and railheads protected.

#### **Policy EQ7 Radioactive Waste**

The North West is a centre of national and international expertise in the fields of nuclear fuel fabrication, reprocessing, radioactive waste management and decommissioning.

National and regional partners will work together to promote an agreed solution to the safe long-term management of radioactive waste, based on consultation with all relevant interests. This will incorporate a long-term commitment to the reduction of radioactive discharges and to radioactive waste minimisation, management and safe storage techniques.

In addition the following policies are relevant to minerals and waste development proposals :-

**ER1** Management of the North West's natural, built and historic environment. ("protect designated areas").

**ER2** Landscape character ("provide strongest level of protection for the AONBs and St Bees Head Heritage Coast").

**ER3** Built heritage ("protect, conserve and, where appropriate enhance Hadrian's Wall World Heritage Site, listed buildings, conservation areas and battlefields and the wider historic landscape").

**ER5** Biodiversity and nature conservation ("afford strongest level of protection to designated international and national sites and statutorily protected species").

**ER6** Woodlands ("take every opportunity to increase the level of tree cover by at least 10% by 2010 and 15% by 2020").

**ER8** Development and flood risk.

## Cumbria Joint Structure Plan

For the position at the end of March 2005 it is considered that the adopted Structure Plan policies should be used. The ones that are directly relevant to minerals and waste management are :-

**Policy 20** Mineral resources – "Development will not normally be permitted which sterilises mineral resources that may need to be worked in the future."

**Policy 54** – Major Projects Major developments which are more national than local in character and have significant environmental effects will only be permitted where:

- i. the sum of national, regional and local benefits is shown to clearly outweigh any harm or risks to the local or wider environment, and
- ii. the proposed scheme will be carried out in such a manner as to cause the least practicable harm, and

- iii. direct and indirect adverse impacts during construction and during operation (including those from the winning and working of construction materials, the disposal of waste and their transportation) are minimised, and
- iv. they do not harm areas or features of international or national conservation importance\* except where it can be demonstrated that the value of the benefits would arise clearly outweigh the international or national conservation value of the interest affected, and in addition:
  - in National Parks a case can be made in the national interest and all reasonable alternative locations and methods of satisfying the need have been explored and shown to be unacceptable;
  - in AONBs a case can be made in the national interest and all reasonable alternative locations have been explored and shown to be unacceptable.

**Policy 57** – Nuclear waste reprocessing and disposal. It is the policy of the County Council that any new development concerned with the reprocessing, storage or final disposal of nuclear waste will not be permitted unless

- i. In the case of applications which must be accompanied by an Environmental Statement, due consideration is given to alternative locations and the site is suitable for the use proposed, and
- ii. The safety, security and the environmental consequences have been fully examined and shown to be acceptable, and
- iii. Infrastructure exists or will be provided to meet the requirements of the project having regard to the needs of the site as a whole. Where new or improved communications are required they should be in place for both the construction and operational phases of the project, and
- iv. There is no adverse impact on the social and economic well being of West Cumbria and the Lake District National Park, and

- v. It is located on land in the vicinity of the existing Sellafield licensed site or, where related directly to the disposal of low level waste, within the Drigg licensed site, and
- vi. Harm to the visual character and amenity of the area is minimised, and
- vii. The proposals identify acceptable principles for decommissioning and site restoration.

### **Policy 59** – Mining and quarrying in National Parks and AONBs

In National Parks and AONBs proposals for the development of new mines or quarries will be considered under Policy 54. Expansion of existing facilities or reworking of spoil will only be permitted where it is clear the development can be achieved without adverse impacts on the landscape or surrounding area and there are demonstrable benefits arising from the continued working. In any developments the production of waste should be minimised, and that produced dealt with in an environmentally acceptable manner.

### **Policy 60** – Disposal of waste

Adequate sites should be provided for the disposal of wastes arising within the County. Planning permission for waste disposal facilities will not be granted where the proposal has adverse effects on local communities or on the environment, or where the infill and restoration of existing sites would be seriously prejudiced.

### **Policy 61** – Recycling of waste

Proposals for developments which minimise waste production or which recycle, reuse or otherwise utilise waste materials will be favourably considered in appropriate locations subject to the criteria in Policy 60.

### **Policy 62** – Restoration of minerals and waste disposal sites

Strict conditions will be imposed on all permissions for mineral extraction and waste disposal to ensure their full restoration to an acceptable use. A progressive scheme to restore land at the earliest opportunity will be required wherever practicable. The creation of

diverse and attractive landscapes, including water areas and woodland to enhance nature conservation and recreation interest will be favourably considered.

In addition other policies are relevant to minerals and waste development proposals and are similar to the ones in the regional Spatial Strategy. Policies 11, 12 and 13 relate to the protection of landscapes of national and county importance and the rest of the countryside respectively. Policies 17 and 18 relate to protection of nature conservation interests, Policy 19 to protecting best and most versatile agricultural land; and Policy 24 to Flood risk.

### **Cumbria Minerals and Waste Local Plan**

This includes policies for protecting designated and identified environmental interests. In addition to these the policies that are most relevant to the Monitoring Report are as follows.

#### **POLICY 24**

Mineral resources will be safeguarded from sterilisation. The County Council will oppose development proposals within Mineral Consultation Areas which would prevent or prejudice potential future mineral extraction unless it is satisfied that the area affected does not contain a workable mineral deposit; or there is an overriding need for the development and the mineral cannot be extracted in advance.

#### **POLICY 25**

Proposals for the extraction of minerals prior to development which would otherwise sterilise proven mineral deposits will be permitted except where prior extraction would prejudice the development of the land or would not take place within a reasonable timescale.

#### **POLICY 26**

Proposals for the importation and processing of waste or low grade materials to produce mineral products will be permitted at active quarries for a temporary period not exceeding the permitted life of the quarry, where this can be accommodated without prejudicing the operation or restoration of the quarry.

## **POLICY 27**

In assessing proposals for the extraction of minerals which are accompanied by an Environmental Statement or where there are material planning objections or where Local Plan Policies 29, 30, 31, 33, 34, 36 and 43 apply, the following will be taken into account in determining the need for the mineral to be worked:

- i. national, regional and local need as appropriate; and
- ii. the location, amount, quality and type of existing permitted reserves and the rate at which they are likely to be worked; and
- iii. the availability of less damaging alternative sites or sources of supply.

The particular needs of an individual mineral operator will not be taken into account unless it can be demonstrated that special considerations should apply.

## **POLICY 28**

The County Council will aim to grant planning permissions for sufficient land to enable the production of sand and gravel at an average rate of 1.05 million tonnes per annum and the production of crushed rock aggregate at an average rate of 4.55 million tonnes per annum.

## **POLICY 29**

The County Council will aim to grant sufficient permissions to maintain throughout, and at the end of the Plan period, a landbank of permitted reserves for at least seven years extraction of sand and gravel and at least fifteen years extraction of crushed rock aggregate unless exceptional circumstances prevail.

## **POLICY 30**

In the West Cumbria production area proposals for the extraction of sand and gravel from land within the Aldoth area of search and the Bullgill and Cardewmires preferred areas will be permitted subject to there being a demonstrable need. Planning permission will not be granted elsewhere unless a need can be demonstrated which cannot

be met from the area of search, the preferred areas or existing sites, or unless significant benefits would accrue to local communities or the environment.

### **POLICY 31**

Proposals for the extraction of sand and gravel in the North, East and South Cumbria production areas will only be permitted where there is a demonstrable need unless significant benefits would accrue to local communities or the environment

### **POLICY 32**

Proposals for the development of new quarries for the extraction of general crushed rock aggregates will not be permitted, unless there is a demonstrable need and significant benefits would accrue to local communities or the environment.

### **POLICY 33**

Proposals for quarry extensions to provide general crushed rock aggregates will not be permitted unless there is a demonstrable need or significant benefits would accrue to local communities or the environment.

### **POLICY 34**

Proposals for the extraction of High Specification Aggregates will not be permitted unless there is a demonstrable national or regional need or significant benefits would accrue to local communities or the environment.

### **POLICY 35**

Proposals for the extraction of minerals from borrow pits will be permitted provided there are net environmental and economic benefits compared with supplying the minerals from existing quarries.

### **POLICY 36**

Proposals for the extraction of high purity limestone will only be permitted where there is a demonstrable national or regional need and it will be used primarily for non aggregate uses or where significant benefits would accrue to local communities or the environment.

**POLICY 37**

Unless there would be significant benefits to local communities and the environment sufficient to outweigh any non-compliance with the following criteria, opencast coal extraction will only be permitted where:

- i. there would be no material adverse impact on local communities, including that arising from the cumulative impact from other permitted and previous opencast coal operations; and
- ii. there would be no material adverse impact on a designated landscape; and
- iii. it would not inhibit the ability of West Cumbria to attract inward investment,
- iv. economic development and tourism; and
- v. the working life to the cessation of coaling has been minimised commensurate with the environmental and amenity impacts and the market place, and in any event should not exceed ten years.

**POLICY 38**

Planning permission will not be granted for opencast coal extraction in the Alston/Nenthead and East Fellside areas.

**POLICY 39**

Proposals for underground coal mines will be permitted subject to adequate precautions being taken to avoid subsidence damage that would cause significant land use problems.

**POLICY 40**

Proposals for the appraisal, drilling and testing of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the appraisal of the resource.

**POLICY 41**

Proposals for the commercial production, processing and transporting of oil or gas will be permitted provided the proposals are consistent with an overall scheme for the optimum development of the resource (and where appropriate any other adjoining oil or gas resources).

**POLICY 42**

Planning permission will not be granted for minerals and waste development which would adversely affect peatlands of high nature conservation or archaeological value.

**POLICY 43**

Proposals for peat extraction will only be permitted where:

- i. there is a demonstrable national requirement for the peat to be worked; and
- ii. where the site has already been significantly damaged by recent human activity and is of limited or no current nature conservation or archaeological value; and
- iii. the restoration scheme, wherever practicable, gives priority to wetland rehabilitation and to the enhancement of the nature conservation resource.

**POLICY 44**

Schemes of working, restoration and afteruse will be sought at existing peat working sites to safeguard areas of important nature conservation interest and to maximise the potential for restoration of the sites to appropriate nature conservation afteruses.

**POLICY 45**

Planning permission will only be granted for the extraction of gypsum from the Stamp Hill preferred area if it can be demonstrated that the supply of desulphogypsum is insufficient to meet the production requirements of the Kirkby Thore works and the gypsum is:

- i. only to be used at the Kirkby Thore Works; and
- ii. transported to the works by conveyor.

**POLICY 46**

Planning permission will be granted for an extension of the underground anhydrite workings within the Newbiggin Mine preferred area subject to appropriate safeguards against subsidence.

**POLICY 47**

Proposals for the extraction of salt from the Walney Channel preferred area will only be permitted if it can be demonstrated that there will be no adverse effects on the operation of the Port of Barrow and there are adequate safeguards against subsidence.

**POLICY 48**

Proposals for new building stone quarries which raise significant planning objections may be permitted only where it can be demonstrated that the material cannot be adequately supplied from existing sources.

**POLICY 49**

Proposals for minerals and waste development which would adversely affect limestone pavement will not be permitted.

**POLICY 50**

Proposals for waste development will be considered in accordance with the hierarchy of options in the following order of preference:

- i. reduction in the amount of waste produced
- ii. reduction in the amount of waste produced
- iii. re- use of waste without significant processing
- iv. recovery of value from the waste and volume reduction by any of the following:
  - recycling of material
  - composting or landspreading
  - energy recovery
- v. disposal of waste by landfill and incineration without energy recovery.

Proposals which move the management of waste up the hierarchy will be favoured.

#### **POLICY 51**

Proposals for waste development which contribute to providing an integrated and adequate network of waste management facilities to cater for wastes arising in the County will be permitted in appropriate locations.

#### **POLICY 52**

Proposals for Scrapyards, Vehicle Dismantlers, Materials Recovery Facilities, Transfer and Storage Facilities to facilitate materials re-use and recycling will be permitted on industrial sites provided that they do not have an adverse impact on surrounding landuses and do not prejudice the overall development of the area.

#### **POLICY 53**

Proposals for Construction and Demolition Waste Recycling Facilities will be permitted at active quarries and landfill sites for a temporary period not exceeding the permitted life of the quarry or landfill site, where they can be accommodated without

prejudicing the operation or restoration of the site.

#### **POLICY 54**

Proposals for temporary Construction and Demolition Waste Recycling Facilities will be permitted, subject to the submission of a satisfactory scheme, at:

Hespin Wood Landfill Site, Carlisle

Todhills Landfill Site, Carlisle

Tendley Quarry, Cockermouth

Moota Quarry, Cockermouth

Roose Sandpit, Barrow in Furnes

A proposal for a permanent Construction and Demolition Waste Recycling Facility at Blencowe Quarry, Penrith will be permitted subject to the submission of a satisfactory scheme and it not prejudicing the overall development of the area.

#### **POLICY 55**

Proposals for Civic Amenity Sites will be permitted at industrial sites and non- inert landfill sites.

At non-inert landfill sites they will only be permitted for a temporary period not exceeding the permitted life of the landfill site where this can be accommodated without prejudicing the operation or restoration of the site.

#### **POLICY 56**

Proposals for the composting of waste will be permitted where surrounding landuses can be adequately safeguarded from odours and emissions by one of the following methods:

- i. the composting of appropriate types of waste;
- ii. an acceptable stand off distance;
- iii. enclosure of the composting within a building or other methods of enclosure;
- iv. the use of other techniques to control harmful or noxious emissions to atmosphere.

#### **POLICY 57**

Proposals for the landspreading of waste will be permitted where there will be no significant degradation of land quality through the build up of contaminants.

#### **POLICY 58**

Proposals to recover energy from waste through the utilisation of landfill gas will be permitted at the Flusco and Kendal Fell Quarry Landfill Sites, subject to the submission of a satisfactory scheme.

**POLICY 59**

Proposals for the physical, chemical or biological treatments of waste will be permitted where:

- i. they reduce the potential of waste to pollute the environment; and
- ii. they are situated on an industrial site provided that they do not have an adverse impact on surrounding land uses and do not prejudice the overall development of the area; or
- iii. at a non-inert landfill site where required for pre-treatment of waste or treatment of leachate, where they can be accommodated without prejudicing the operation or restoration of the site.

**POLICY 60**

Planning permission will be granted for wastewater treatment facilities. Proposals which are likely to have significant adverse effects on the environment or communities will only be permitted where they represent the best practicable environmental option.

**POLICY 61**

Proposals for incinerators will only be permitted where:

- i. the waste arises solely or mainly from within Cumbria; and
- ii. the residues can be disposed of safely; and
- iii. the proposed plant would be located on an industrial site or at the premises where the waste arises provided that it would not have an adverse impact on surrounding land uses and will not prejudice the overall development of the area.

Proposals for incinerators which include energy recovery, including the utilisation of waste heat, will be more favourably considered.

**POLICY 62**

Proposals for the disposal of waste by landfill will only be permitted where there is a demonstrable need for additional landfill capacity.

In assessing whether there is a demonstrable need for additional landfill capacity the following will be taken into account:

- i. the availability of facilities to manage the waste higher up the hierarchy of options (Local Plan Policy 50); and
- ii. how the proposal contributes to providing an integrated and adequate network of waste management facilities to cater for wastes arising in the County (Local Plan Policy 51); and
- iii. whether the proposal would seriously prejudice the infill and restoration of existing sites (Structure Plan Policy 60) and whether permitted landfill capacity comprises an adequate landfill capacity bank. It will be necessary to show that permitted landfill capacity is only sufficient for seven years or less for non- inert waste or four years or less for inert waste, or in the case of proposals to dispose of inert waste arisings from major construction projects at dedicated sites that there are net environmental and economic benefits compared with disposing of the waste at existing sites.

### **POLICY 63**

Where there is a demonstrable need for additional landfill capacity, proposals which will satisfactorily restore mineral workings and other derelict land will be favoured. Proposals involving landraising will only be permitted where the landform to be created reflects the character and scale of the surrounding topography and on restoration will fit naturally into the landscape of the area.

### **POLICY 64**

Proposals for the disposal of non- inert waste to landfill will only be permitted where surrounding land uses can be adequately safeguarded from potential nuisance and hazard.

Proposals which do not include the provision of a standoff of 250 metres from residential properties and other sensitive receptors will require special justification.

**POLICY 65**

The County Council supports the extension of landfilling at Kendal Fell Quarry subject to appropriate safeguards to protect the environment and the amenity of local residents.

**POLICY 66**

Planning permission will be granted for the disposal of inert waste to landfill at Kendal Fell Quarry subject to the submission of a satisfactory scheme.

**POLICY 67**

Planning permission will be granted for the disposal of inert waste to landfill at Roose Sand Pit and Mouzel Farm subject to the submission of a satisfactory scheme.