

**CUMBRIA MINERALS AND WASTE LOCAL PLAN  
2015-2030**

**CUMBRIA COUNTY COUNCIL STATEMENT  
ON THE FURTHER QUESTIONS FOR**

**WASTE**

**~ POST HEARING SESSIONS ~**

**January 2017**

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)

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## Part A: 6 December 2016

### Inspector's Opening and Introductions

#### Questions

##### Legal Matters

##### *Matter 1a: Duty to Co-operate*

- 1. The 2014 Waste Needs Assessment (LD267) page 28, paragraph 8.1.6 indicates that 51 authorities were consulted about cross border movements. Does this 51 include the 34 authorities mentioned in paragraph 8.4.3 who were contacted in relation to hazardous waste?**

Yes, the 51 authorities consulted about cross border movements included the 34 authorities mentioned in paragraph 8.4.3, who were consulted in relation to hazardous waste.

- 2. Paragraph 8.1.6 indicates that these authorities had no concerns about waste exports from Cumbria. Were any other Duty to Co-operate concerns raised by any of these authorities that remain unresolved?**

No. There are no outstanding concerns in relation to the Duty to Co-operate.

- 3. Paragraph 8.2.4 of the Assessment indicates that, using a threshold of 1,000 tonnes or above for defining a strategic movement of waste (apart from hazardous), 13 authorities would come within the Duty to Co-operate considerations. What is the basis for using the 1,000 tonnes threshold and is this the most appropriate figure?**

The basis of the use of a threshold comes from work at the regional level, through what is known as the North West Waste Network (former NW RTAB). The group discussed setting thresholds based on work carried out and levels proposed in other areas, principally the South East Waste Planning Advisory Group. For the NW Authorities, a standard threshold was discussed at the NWWN meeting on 20 May 2014. However, a standard threshold was not agreed at this meeting, as local circumstances meant that one area may wish to set a higher or lower threshold than another, based on existing sites and known inputs. The matter was again discussed at the NWWN on 27 January 2015, and it was agreed that each area in the NW region would set their own thresholds.

The purpose of the threshold is to reduce the level of requests that Authorities were receiving, as a number of areas, including Cumbria, had requests sent for less than 1 tonne of waste, which cannot be considered significant. Over 50 movements to Cumbria were under the 1,000 tonne threshold and of those, 20 were below 100 tonnes.

The time it takes to respond to these requests, and the significance of them in relation to the available capacity in Cumbria, was considered when setting a threshold. In most cases, for Cumbria, a threshold of 1,000 tonnes was considered appropriate. This means that any movement of over 1,000 tonnes per annum, to a facility in Cumbria from outside the area, would be considered significant for Cumbria, and the Council would wish to continue to liaise with the Authority in that area exporting waste to Cumbria, under the remit of DtC.

4. **For hazardous waste, paragraph 8.4.2, page 31 of the 2014 Waste Needs Assessment (LD267) indicates that 100 tonnes or above was used as the threshold for the Duty to Co-operate. What is the basis of this figure and is it the most appropriate?**

See the response to Q3. The same information was used as a basis for setting the hazardous waste threshold. A lower threshold of 100 tonnes was set for this waste stream, based on the low incidence of hazardous waste facilities in the county. Hazardous waste movements also tend to be smaller than non-hazardous. The level adopted is appropriate to the provision in, and significance for, Cumbria.

5. **Paragraph 8.4.3 indicates that all but two of the 34 authorities that met the threshold were contacted. Were any concerns raised about exports to these authorities or any other Duty to Co-operate matters that remain unresolved?**

No. There were no concerns raised in relation to exports to these Authorities, or in relation to any other Duty to Co-operate matters.

6. **With respect to the two authorities that were not contacted, said at paragraph 8.4.3 to be Wolverhampton and Warwickshire, what hazardous waste is being exported to them and for how long have these wastes been exported to these authorities? Have any significant issues ever arisen over these exports?**

The type of hazardous waste and the amount being exported to both Warwickshire and Wolverhampton is set out in the tables below. We have gone back to 2006, which is a far back as our records allow. No significant issues have ever arisen over these exports.

<b>Movements of hazardous waste from Cumbria to Warwickshire</b>		
<b>Year</b>	<b>Waste Type</b>	<b>Amount (tonnes)</b>
2006	Not otherwise specified	2.2
2007	N/A	0
2008	N/A	0
2009	C&D waste and asbestos	7.6
	Not otherwise specified	1.2
	Solvents	3.9
2010	Municipal and similar commercial wastes	0.4
	C&D waste and asbestos	0.7
	Not otherwise specified	4.5
	Packing, cloths, filter materials	2.5
	Oil and oil/water mixtures	2.5
	MFSU* paints, varnish, adhesive and inks	0.2
2011	C&D waste and asbestos	5.3
	Not otherwise specified	0.9
	Packing, cloths, filter materials	4.1
	Solvents	0.6
	Oil and oil/water mixtures	0
2012	N/A	0
2013	Shaping/treatment of metals and plastics	87.5
	Oil and oil/water mixtures	0.2

	C&D waste and asbestos	6.1
2014	Oil and oil/water mixtures	1.0
	Shaping/treatment of metals and plastics	57.3
2015	C&D waste and asbestos	0.5
	Oil and oil/water mixtures	6.0
	Shaping/treatment of metals and plastics	28.5

\*MFSU = Manufacture, Formulation, Supply and Use of...

<b>Movements of hazardous waste from Cumbria to Wolverhampton</b>		
<b>Year</b>	<b>Waste Type</b>	<b>Amount (tonnes)</b>
2006	N/A	0
2007	N/A	0
2008	C&D waste and asbestos	0.1
2009	C&D waste and asbestos	7.6
	Not otherwise specified	1.2
	Solvents	3.9
2010	N/A	0
2011	Municipal and similar commercial wastes	0
2012	Oil and oil/water mixtures	3.0
	Packing, cloths, filter materials	0.1
2013	Oil and oil/water mixtures	109.1
	Packing, cloths, filter materials	0.2
2014	Packing, cloths, filter materials	0.3
	Oil and oil/water mixtures	96.1
2015	Packing, cloths, filter materials	1.0
	Oil and oil/water mixtures	54.7
	Shaping/treatment of metals and plastics	29.2

**7. Were any other criteria used to determine waste strategic matters for waste of any kind for the purposes of invoking the Duty to Co-operate and if so, what were they?**

As well as using thresholds, in order to determine which waste planning authorities to contact in relation to the export of conventional wastes from Cumbria, the selection process also looked at trends. Therefore, using the export data from the WDI/HWDI (2006 onwards), Authorities were identified that usually received very little or no waste from Cumbria, but in recent years there has been an anomaly, and a relatively large amount was received from Cumbria; and conversely, Authorities that usually received significant amounts of waste from Cumbria, but in recent years a relatively small amount was received from Cumbria. This often illustrated 'one off' contract movements, which in discussion with the receiving Authority, showed that they were unlikely to be repeated, or highlighted that facilities had closed. See *Statement of Compliance with the Duty to Co-operate (SD40)* for the detail on discussions.

All cross border movements of radioactive waste are considered strategic, but detailed data on them is not available. Therefore, most DtC work on radioactive waste is carried out via discussion at the Nuclear Legacy Advisory Forum (NuLeAF), with other Authorities who host nuclear licensed sites.

**8. To what extent have elected members of the various Councils been involved in Duty to Co-operate waste issues?**

Within Cumbria, Members at both Cabinet and full County Council level have agreed the Local Plan format and contents. The Leader of the Council was particularly involved with the radioactive waste chapter; the various incumbents of the Environment Portfolio have usually had significant involvement with development of the Plan; there have been irregular, cross-party Member Steering Group meetings to discuss the Plan's progress and content.

Within the Cumbria District Councils, a presentation on the Cumbria Local Plan was made to a number of Copeland Councillors prior to their decisions on a consultation response, in September 2015. The District Council and National Park officers usually put their response to MWLP consultations to their Executive committees for discussion and agreement.

Within the other Local Authorities with whom Cumbria engage on strategic matters, the full extent of Member involvement with consultations, letters or meetings is not known; it is assumed that officers in those Authorities follow their own protocols on whether responses to Cumbria need to be referred to their own Councillors. Usually, when other Authorities are seeking a consultation response from Cumbria on their statutory documents, they state whether or not this has been through their Executive process.

### ***Matter 1b: Other Legal Matters***

#### *Participants' issues*

- 9. Any legal issues relating to waste that participants wish to raise will be discussed at this stage.**

### **Soundness Matters**

#### ***Matter 1: Vision, Objectives and Overall Strategy***

#### *Participants' issues*

- 1. Any vision/objectives/overall strategy issues that participants wish to raise will be discussed at this stage.**

#### ***Matter 2: Waste Strategy***

#### ***Future Waste Arisings, Capacity and Capacity Gaps***

**It would be helpful to gain a clear understanding from the Plan itself (as opposed to the evidence base) of the figures used to reach conclusions on waste management capacity gaps/sufficiency of facilities for the various waste streams and management types. Setting out figures in the Plan for estimated future waste arisings/management requirements (at the end of the Plan period and for interim dates) and figures for existing capacity would aid the reader's understanding of the scale of need and provision.**

**The following questions build on Qus 18-20 M&Is**

- 2. The Plan does not seem to give figures on how much waste the County is likely to have to manage over the Plan period. What are the forecast**

**quantities of future waste arisings/management requirements for each of the main waste streams over the Plan period? Should these figures and what they are based on be set out in the Plan (for the end of the Plan and interim periods)?**

To provide information on the scenario taken forward in the Waste Needs Assessment, and to show future waste arisings, in line with the National Planning Policy for Waste, a new paragraph will be inserted, following existing paragraph 3.22, and a new table that provides details on the waste arisings over the Plan period – see Main Modifications MM6a and MM6b.

- 3. Should the high, medium and low growth scenarios in the 2015 Waste Needs Assessment (LD300) be explained in the Plan along with the preferred scenarios chosen as the most realistic options?**

See modification proposed under Q2; this sets out that the Council considers the realistic scenario is the best approach, and why.

- 4. The Plan does not set out the figures for how much overall capacity exists for managing each of the main waste streams. Should broad summary figures for existing capacity be set out in the Plan?**

To provide information on the capacity at current waste facilities in Cumbria, text will be inserted into existing paragraph 3.15, and a new table will follow, that provides details on the waste capacity by facility type – see Main Modifications MM5a and MM5b.

- 5. I note from the Council's answer to M&I Qu 78 that site allocation CA31 has now gained planning permission for an Energy Recovered Fuel facility with capacity to take up to 195,000 tonnes of Refuse Derived fuel. Should the capacity of this facility be included in the figures?**

The baseline waste figures presented in the Plan are for calendar year 2014, and show available capacity at 31 December 2014. Although this facility has been granted permission, it is not yet built and therefore the capacity is not yet available, so cannot be shown in the tables presented. To provide further information on waste management capacity that has emerged since the Plan was submitted, additional text will be added to the final bullet of existing paragraph 3.48 – see Main Modification MM13.

- 6. The Plan (page 23, paragraph 3.47) refers to estimated required capacity in the 2014 Waste Needs Assessment (LD267) under "Best" case and "Pragmatic" case scenarios, and the "Best" case scenario is also referred to with respect to mixed recycling (page 26, paragraph 3.57). How does this relate to the "high", "medium" and "low" growth scenarios in the 2015 Waste Needs Assessment? What Assessment figures is the Plan based on? If based on figures from both Assessments, to aid reading and understanding, should the Plan make clear how the figures relate?**

Paragraph 3.47 should have been updated to reflect the 2015 assessment only. Paragraph 3.48, which presents the conclusions, has been updated, but needs a change in the introduction line to reflect the 2015 assessment. Section 10 of the *2015 Waste Needs Assessment* (LD300) provides the latest position, based on

requirements following the change of approach to assessing future need from that proposed in the 2014 assessment. The 2014 assessment did not assume that recycling facilities that manage LACW, could also take C&I. However, as most of these sites are commercially operated, in reality they can and do take C&I waste; therefore, the requirements identified in the 2014 assessment are not correct. In order to update the Plan with the correct data, a replacement for paragraph 3.47 will be inserted and the correct date will be inserted into paragraph 3.48 – see Main Modifications MM10 and MM11.

**7. Should the capacity gap figures for built facilities including composting be set out in the Plan (at interim dates and at the end of the Plan period)?**

See responses to Q4 and Q6. Paragraph 3.48 states that there is an immediate need for thermal waste treatment; it states the same for recycling of C&I wastes, but only if existing facilities were waste stream specific - which is not the case. As these facilities can take other waste streams, there is sufficient capacity available. Paragraph 3.48 also states the need for a composting site in 2020, if a time extension at the existing facility is not obtained, but the existing consent would be automatically extended if the adjacent landfill were granted a time extension.

Additional text to state the capacity requirements to meet local demand for composting will be added to the fourth bullet of existing paragraph 3.48; this will be cross referenced into existing paragraph 3.59 – see Main Modifications MM12 and MM16.

**8. The Plan gives details of current waste capacity for landfill (Table 3.7 on page 21) and refers to an identified capacity gap arising (paragraph 3.50 on page 24). However, it does not give forecast figures for the overall amount of waste that is likely to require landfilling. In order to understand how the identified capacity gap arises, should these forecasts, and the main assumptions upon which they are based, be set out in the Plan (for interim dates and the end of the Plan period)?**

As set out in Table 3.7, there are currently four non-inert landfill sites in Cumbria – Bennett Bank (Barrow), Flusco (Penrith), Lillyhall (Workington) and Hespín Wood (Carlisle). Bennett Bank will be removed from the equation entirely on 31 December 2017, when it ceases to accept non-inert waste and closes; it will, however, use inert waste to achieve the required restoration profiles until closer to its final date of 31 December 2018. Flusco has permission until 2032 and Lillyhall has permission until 2029; closer to the end of the Plan period, monitoring and waste needs assessment should pick up when time and/or physical extensions may need to be considered.

The permission for non-inert landfill at Hespín Wood ends in 2020. Landfill is not the only waste facility located at Hespín Wood; the complex also hosts an aggregates recycling facility, a Materials Recycling Facility, a transfer station, composting, an MBT plant and a waste baling facility. The MBT plant, which was built as part of the long-term municipal waste contract, has a permission end date of December 2039. The MBT plant was located here for a reason - there is a synergy with the other waste management operations carried out on site. There will always be some element of residual waste from the MBT plant, as well as the other facilities, and this will require landfilling – unless technology advances to find a more sustainable solution.

If Hespian Wood landfill did not gain a time extension beyond 2020, the fact that the residual waste would still need landfilling somewhere, would provide a much less sustainable solution than currently. Without trying to prejudice any application that may come forward, if it is assumed that a planning application for a time extension were granted permission, then there is no capacity gap arising for non-inert landfill over the Plan period. It is considered that if this turns out to be undeliverable, that is one of the key events that could trigger a review of the Plan, through the monitoring process.

A new table, showing non-inert landfill requirements over the Plan period, which is based on the realistic scenario being delivered, will be inserted after existing paragraph 3.50; this will be cross referenced to new text at the end of paragraph 3.50 – see Main Modifications MM14a and MM14b.

To provide the same illustration for inert landfill, a new table will be inserted after the amended existing paragraph 3.56 and new paragraph 3.57; this will be cross referenced to new text at the end of new paragraph 3.57 – see Main Modifications MM15a and MM15b.

**9. The Plan indicates (page 24, paragraph 3.48 1st and 2nd bullets) that to provide sufficient landfill capacity, current consents due to expire will need time extensions. What confidence is there that the various landfill consents that are due to expire within the Plan period will come forward for time extensions?**

See response to Q8 with regard to non-inert landfill.

Many legitimate inert landfill sites in Cumbria are struggling, because they attract landfill tax and are being priced out of the market. There is a surprising amount of agricultural land that needs "improvement" or farmyards that need extending (thus recovering what was inert waste and not attracting landfill tax). Other customers for inert waste include the non-inert landfill sites, who require a certain amount of inert waste for daily covering, engineering or restoration profiling; furthermore, some quarries are using both their own and imported inert waste for restoration. A number of local civil contractors have aggregates recycling facilities, but they produce very little residual waste.

As shown in the table (3.9 in Q8) for inert landfill requirements over the Plan period, the voidspace requirement in cubic metres is assumed to be 2,244,000. The following details on dedicated inert landfill sites show that there is 1,090,000m<sup>3</sup> permitted space, with a further 510,000m<sup>3</sup> if time and physical extensions go ahead; this amounts to 1,600,000m<sup>3</sup>. Both the capacity available and capacity required will be reviewed via the annual monitoring process and future waste needs assessments.

Goldmire: The quarry has a current planning permission (6/11/9006) for disposal of inert waste, that will provide a voidspace of 850,000m<sup>3</sup>. This would be filled at an average 27,500m<sup>3</sup> per annum (equating to around 38,000 tonnes per annum); the permission is for a 30 year period, which would coincide with the anticipated permitted life of the quarry, which expires in 2042. After some years of prior extraction and engineering preparation, using inert waste from the quarry and the onsite aggregates recycling facility, the landfill is almost ready and will start accepting waste in 2017.

Roan Edge: The current planning permission (5/06/9008) expires 31 November 2016. Pre-application talks were held in May 2016 and a S73 planning application (5/16/9014) was subsequently submitted in October, for a 15 year time extension to 2031; the application will be considered at Committee in the new year. Pre-application talks included a proposal for a physical extension, but this application and supporting data are not yet received. However, waste importation is estimated to increase from 40,000 tonnes per annum to 70,000tpa, but with the increased space for waste recycling, the rate of waste deposit is likely to remain at 50,000tpa. Together, the current and proposed voidspaces are in the region of 510,000m<sup>3</sup>.

Silverfields (Flusco): The current planning permission (3/12/9013) expires 31 December 2031 (restore 2032) and provides a voidspace for inert landfill of circa 240,000m<sup>3</sup>. This permitted capacity at Flusco will come on stream later in the Plan period, as progressive restoration of the limestone quarry is carried out with inert waste landfill; this process has not yet started.

Thackwood: The landfill site is no longer operational, due to changes in regulations relating to environmental permitting of landfill sites. There is a void that is partially filled with water, which would have been the next landfill cell. The site has been capped off and partially restored. Recent pre-application discussion has been held with a company that is interested in acquiring the site from the present owners. In the medium term, they hope to develop a facility to manufacture SRF; in order to do this, they want to import inert material to fill the remaining void and restore the rest of the site. The available voidspace is very small and will take approximately 6 months to fill and restore, including use of inert waste materials from onsite.

Derwent Howe: The planning permission for this site (2/13/9012) ran out on 31 October 2016. There had been discussion on the future of the site for several years, between the operator, the owner (Cumbria County Council) and the Environment Agency; this mostly centred around whether or not there were adequate sea defences for the slag bank and, in particular, the landfill site. The operator is currently in the process of putting a scheme together, that will cap off and landscape the existing site (to the satisfaction of the EA); this will mainly be with soil-type material from around the site.

To provide an update and context on inert landfill requirements in Cumbria, a precis of the above information will be inserted into existing paragraph 3.56, which will also be split into two paragraphs. Information on the percentage of inert waste required for non-inert landfill cover and engineering will be added at the end of new paragraph 3.57 – see Main Modification MM15a.

Information will also be added as a new paragraph following existing paragraph 3.39 – see Main Modification MM8.

**10. Should there be policy support for any time extension applications that might come forward for existing identified landfill facilities?**

Policy SP3 includes a provision for time extensions at existing landfills; however, to set out the policy approach more clearly, the priority for time extensions first, additional capacity second, text will be swapped around in the landfill section of this policy – see Main Modification MM18.

**11. Should one or more landfill consents not come forward for a time extension, what flexibility is there in the Plan to deal with the waste elsewhere?**

The monitoring framework of the plan includes provision for review of closure of sites and this is set out under Policy SP3. Should monitoring show a closure of sites and indicate a shortage of capacity, this will trigger a need to review the relevant parts of the Plan.

Policies DC10 and SP3 together, allow for new sites to come forward if it can be demonstrated that there is a need. If the existing sites do not get extensions, then there will be a clear gap in provision, and any applications forthcoming would reflect that need as part of the justification for the development.

**12. Is it appropriate for all landfill applications to be dealt with via the same development control policies, in particular Policy DC10 Criteria for landfill or landraise, or should time extensions be distinguished from other applications?**

Policy DC10 only applies to landfill proposals for new or physically extended facilities, i.e. applications where additional capacity is proposed. The policy does not apply to proposals that are solely seeking an extension of time to existing landfill or landraise sites. Instead, such proposals will be considered against Policy SP3, where they are distinguished from other applications, and against other environmental and community policies in the Plan.

Proposals for time extensions to landfill sites should be looked upon favourably, because the remaining capacity provided by the current planning permissions for the non-inert landfills in Cumbria is likely to be sufficient to meet even the realistic scenario defined in the Waste Needs Assessment. However, as explained in chapter 3 of the Plan, some of the planning permissions for some of that landfill capacity expire within the Plan period. If planning applications for time extensions to landfills with remaining available voidspace are not granted, additional sites or lateral extensions could be required.

With regards to inert landfill, the WNA has identified that the low inert landfill capacity remaining by 2030 under the realistic scenario, would be even lower if no time extensions were granted to existing sites. For example, ongoing provision at Roan Edge requires a time extension early in the Plan period; and as discussed in the response to Q9, is already under consideration. Needs for landfill capacity or site allocations will be monitored at regular intervals during the Plan period, and made public through the Authority Monitoring Report or revised Waste Needs Assessment.

For clarity on how time extensions to existing landfill operations will be regarded, text will be swapped around in the landfill section of Policy SP3 – see Main Modification MM18.

**13. The Plan indicates (page 24, paragraph 3.48 4th bullet) that a need for additional composting facilities will arise in 2020 if a time extension were not granted for an existing facility. Should this facility be identified and policy support provided for any time extension application that might come forward for it?**

This refers to Hespín Wood waste management complex. See responses to Q7 and Q15.

**14. Should this composting facility not obtain a time extension, what flexibility is there in the Plan to deal with the waste elsewhere?**

See response to Q11.

**15. Is it appropriate for all composting applications to be dealt with via development control policies, in particular Policy DC9 Criteria for waste management facilities, or should time extensions be distinguished?**

As stated in paragraph 3.59 of the Plan, the need for composting sites arises from the potential closure of one 25,000tpa composting facility adjacent to the Thackwood landfill site, and one 75,000tpa facility that is adjacent to Hespín Wood landfill. The composting facility at Thackwood is still operating, and has planning permission to do so until 31 December 2018; there is the potential that a time extension will be sought closer to this date.

The temporary planning consent for the development at Hespín Wood, is directly linked to the continued operation of that landfill site, which has a permission end date of 2020; therefore, if a time extension for the landfill site were to be granted, it would automatically extend the timescale of the composting facility. If it were granted, no further composting sites would be required in the Plan period; if not, one additional site of 85,000tpa capacity would be sufficient.

It is considered that, as an extension of time to the Hespín Wood landfill site would automatically extend the time for the composting operations, the support provided to proposals for extensions of time to landfill sites by Policy SP3 should be sufficient. Time extensions to composting facilities do not, therefore, need to be distinguished. If Hespín Wood did not get a time extension, then replacement capacity would have to be provided by a new site, so the policy distinction wouldn't be needed.

Clarification text will be added to the fourth bullet of existing paragraph 3.48 – see Main Modification MM12.

**16. In order to understand whether there might be any impact on capacity from exemptions, should the Plan briefly explain why waste management exemptions have not been included in assessed local waste management capacity, as set out in the 2014 Waste Needs Assessment, section 9.4 (pages 37-38)?**

Exemptions have not been included in the estimation of capacity for the following reasons.

- exemptions only last for a 3 year period;
- exemptions provide a maximum amount that can be deposited, but do not indicate the actual amount - therefore, an over estimation of capacity can be made that would skew figures;
- there is no requirement to provide information on how the waste managed through exemptions will be brought on site - there is, therefore, no accurate information on annual capacity and the time frame in which waste will be managed, it could be that the full exemption is reached in the first month or never achieved over the 3 years.

It is still assumed that significant amounts of CD&E waste will continue to be managed through exemptions, in line with past usage; these waste streams tend to manage themselves.

The 2014 needs assessment, identified over 23,000 exemptions in Cumbria. Over 15,000 were agricultural only, and a further 6,500 agricultural and non-agricultural. The most useful source for assessing the role of exemptions in managing Cumbria's waste, is the non-agricultural, with around 1,700 exemptions. Without detailed analysis of the agricultural and non-agricultural mix, it is hard to estimate what role this sector plays. Information on the public register does not contain any data on tonnage, and data requested from the Environment Agency has also not provided tonnages; therefore, it is not possible to make an estimation of the likely quantities of waste that are currently managed by exemptions.

If tonnages could be accessed, detailed analysis of this dataset would then be required, and each of the 8,000 plus exemptions that could play a role, would need to be assessed individually. The Defra report "New Methodology to Estimate Waste Generation by the Commercial and Industrial Sector in England", August 2014, includes a section on how to review this data for use in estimating C&I arisings; however, the limitations of this dataset are recognised, and reviewing a number of years' worth of data would be necessary to gain an understanding of the level of provision provided.

To assist with understanding the role that exemptions play, a new paragraph will be inserted after existing paragraph 3.46, and a new table, providing an overview of the number and type of principal waste exemptions, will follow – see Main Modifications MM9a and MM9b.

- 17. The 2014 Waste Needs Assessment (LD267) at page 25, paragraph 6.3.8 indicates that the Plan should provide for some new agricultural waste capacity for recycling, although it recognises that most of the material will be similar to commercial and industrial waste and so the capacity might be provided at facilities handling those wastes. Should the Plan make clear what forecast quantities of agricultural waste are estimated to be managed off site and what facilities are available to manage this waste?**

There is no data specifically collected on agricultural waste now, and thus all arisings that leave farms and enter the Waste Data system, will be recorded and managed as C&I waste. This requirement is, therefore, addressed through the facilities in place to deal with the C&I waste stream, and no specific facilities solely for agricultural waste are considered necessary as it is already being accounted for.

To provide clarification on agricultural waste data, text will be added into existing paragraph 3.66 – see Main Modification MM17.

- 18. (Qu 23 M&Is) With respect to the waste water supply project incorporating Bridekirk water treatment works, please provide an update on the planning applications set out in the Council's response and what element each application is for. Should the Plan be updated to reflect these developments?**

The three planning applications (in Allerdale – 2/2016/0045; in Copeland – 4/16/2108/0F1; in Lake District National Park – 7/2016/2027) were granted permission in November 2016. To clarify the position that there will be a net balance of capacity for sewage waste (although there will be a new WwTW, others will be decommissioned), existing paragraph 3.66 will be split, and information placed into new paragraph 3.67 – see Main Modification MM17.

### ***Hazardous waste***

- 19. The 2014 Waste Needs Assessment (LD267) states (page 19, paragraph 5.3.10) that “the small quantity of material going directly to recovery or recycling facilities identifies a lack of local capacity that the Waste Plan might seek to address.” It adds (page 19, paragraph 5.3.13) “This analysis shows the limited scale of local hazardous waste management.” And (page 20, paragraph 5.3.13) “The reason for the decline in recycling/re-use/recovery is a potential cause for concern as the levels managed locally are much lower than the amount that is exported...”. It continues (page 33, paragraph 8.5.2) “.....it appears that planning for locally managed, rather than local arising, hazardous wastes would help ensure existing capacity is used effectively and efficiently, and to maintain recycling without resulting in local over-capacity. On this basis, should the Plan provide more support for any hazardous waste management facility application that might come forward?**

Hazardous waste facilities are considered specialist and tend to be larger than local in scale; therefore, they need to be developed in locations that are easily accessible from major road or rail networks. This would limit the areas in Cumbria where such facilities could be developed. Currently, hazardous waste tends to be exported over the county border to facilities in neighbouring areas. However, this does not mean that such facilities should not be developed locally and, should a proposal come forward, they would be considered against policy DC9.

The 2015 Waste Needs Assessment has moved to the approach of waste managed, rather than locally arising for Cumbria, as was assessed in the 2014 WNA, and thus the identified need for hazardous waste management is low. The specific site assessments identify the suitability for a range of facilities, in which hazardous waste could be managed. By not explicitly identifying hazardous waste as a need, the Plan is not seen to be against such development, but is planning positively, based on the type of facilities that it expects to be developed and which the industry are more likely to see as viable in Cumbria.

Following discussion at the Hearing session, and to ensure that users of the Plan understand that there is support for the development of appropriate hazardous waste facilities in Cumbria, text will be added to existing paragraph 14.5, with a new paragraph to follow. Cross reference is made in Policy DC9 – see Main Modifications MM46 and MM48.

- 20. Should there be a criteria based policy in the Plan for any hazardous waste management proposal that might come forward?**

See the response to Q19. Policy DC9 covers the main types of waste facilities that could come forward, and this is considered appropriate to assess facilities

that may also seek to manage hazardous waste. The only additional criteria for hazardous waste would be the exclusion of sites located in areas of high flood risk; however, of the locations identified in SAP2, those that would be suitable for processing hazardous waste are not located within such areas.

Although the Plan does not specifically identify areas for hazardous waste, it does not mean that such developments cannot come forward and would be considered within the framework of the Plan.

### ***Exports and Imports***

- 21. Table 3.3 on page 17 of the Plan provides overall waste export data from 2006 to 2014. Is it possible to add overall waste imports for these years in order to better understand historical self-sufficiency?**

Existing Table 3.3 will be updated to show both exports and imports, and then the balance that arises. The information provided will be reduced to the dataset from 2010 onwards, as the WDI format changed from the earlier years, thus providing more certainty in the later figures. DtC requests usually use around 3 years' worth of data to establish a trend, so a reduced table coverage is justified. See Main Modification MM7.

### *Participants' issues*

- 22. Any other waste strategy issues that participants wish to raise will be discussed at this stage.**

## Part B: 7 December 2016

### ***Matter 6: Development Management Policies***

#### *Participants' issues*

- 23. Any other strategic issues that participants wish to raise will be discussed at this stage.**

### ***Matter 7: Allocations Policies***

#### *SAP1 Household Waste Recycling Centres*

- 24. Policy SAP1 simply lists sites. To be effective and provide Policy support for any waste application on listed sites, should the Policy state what the significance of the list is? Should it state that appropriate applications at these sites will be supported?**

For clarity, a sentence will be inserted at the beginning of Policy SAP1, in order to show the support for the site allocations listed – see Main Modification MM68.

#### *SAP2 Waste treatment and management facilities*

- 25. Policy SAP2 simply lists sites. To be effective and provide Policy support for any waste application on listed sites, should the Policy state what the significance of the list is? Should it state that appropriate applications at these sites will be supported? Whilst paragraph 18.5 provides some context, is this sufficient?**

In order to illustrate the type of facilities suitable for the site allocations in this policy, a new table will be inserted following existing paragraph 18.5. Cross reference to the table will be inserted into an introductory sentence within Policy SAP2, as well as into existing paragraph 18.5 – see Main Modifications MM69a, MM69b and MM70.

#### *Broad locations*

- 26. Should the identified Broad Areas set out in paragraph 3.77 on page 32 of the Plan be set out in a Site Allocations Policy, particularly as the Plan appears to be giving support to appropriate waste proposals coming forward in these locations? (This would appear to be consistent with the way Areas of Search have been dealt with for minerals).**

In line with PPG chapter 28, paragraph 39 (ID: 28-039-20141016), Local Plans covering waste should include clearly defined locations and these should be identified on the Policies Map.

The Broad Areas in the Cumbria Local Plan, were identified because of the likelihood that proposals on sites that have not been allocated would come forward throughout the Plan period. To provide more flexibility for the market, paragraph 3.77 of the Plan sets out a number of industrial estates that have the potential to support further waste provision, where it is considered that any of a number of individual sites would be suitable for waste management.

As the list of estates is non-exhaustive, it was considered that depiction of the estates on the Policies Map may imply a restrictive approach, which is certainly not intended. However, following discussion at the Hearing session, to clarify support for appropriate waste proposals at existing industrial areas in Cumbria, a new section on Broad Areas will be added to Policy SAP2. New text will be inserted into existing paragraph 18.6, to provide the context for Broad Areas, and the locations will be shown on Policies Map Part 1 – see Main Modifications MM71, MM72a and MM72b.

#### *Carlisle sites*

##### *CA30 Kingmoor Road recycling centre*

- 27. The Carlisle site assessment document (SD19) states on page 117 (selection criterion 9) that the site is within a designated area. In order to demonstrate deliverability, please confirm the designation and its status and explain how mitigation might make a proposal acceptable on this site.**

The comment referred to is: "The site is 700m from River Eden SAC and SSSI - assessment of watercourse receptors required. Evidence indicates Great Crested Newts are adjacent to the site." Clearly, CA30 is not in a designated area, but is 700m from the River Eden SAC and SSSI; the comment should, therefore, be moved into the box above, "Indirect adverse (site outside designated area)". See Site Assessments document Modification 22.

##### *CA31 Kingmoor Park East*

- 28. (Qus 78 & 88 M&Is). Please provide information on potential timescales for bringing forward the recently granted Energy Recovered Fuel facility at site CA31 and whether there are any significant barriers to development.**

The planning permission was granted on 24 October 2016 and has a 3 year commencement condition. The applicant has indicated that they will commence development sooner rather than later, but it is understood that they are waiting for a Government scheme window for grant assistance.

There are grampian requirements on 15 of the 33 conditions, which must be fulfilled before development can commence. Perhaps the most significant are those relating to the need for Great Crested Newt exclusion fencing and, by implication, a season for capture and relocation if found; details of drainage systems; and a scheme and implementation of ground contamination investigation/remediation.

A range of consents or licences may need to be obtained from United Utilities, the Environment Agency and Natural England. It is the responsibility of the applicant to consult the appropriate body.

Once development is started, it is anticipated that the construction phase would extend over approximately 24 months, after which there would be a 6 month internal fit-out and commissioning period. Therefore, the latest date that the plant should become operational is spring 2022.

*Other allocation matters*

- 29. With respect to Electricity North West's representation (Rep 003) have their identified assets been added to the relevant minerals allocations in the site assessments documents and has this made any difference to the site assessments?**

Yes, the *Table of Proposed Modifications to the Site Assessments Document* (SD49) includes the comments provided by Electricity North West (ENW) on their assets. The inclusion of ENW assets has made no difference to the site assessments for waste allocations. The information provided within ENW's representation (Rep 003) will be used as an informative for applicants, should a planning application come forward.

*Monitoring*

- 29a. Should the Plan be reviewed upon the happening of any specific events with regard to waste, during the Plan period?**

Yes. Several instances of review triggers have been noted in the responses to questions above:

- non-inert landfill permission – failure to gain time extension (2020)
- inert landfill permission – failure to gain time extension (2016/2017)

This is a non-exhaustive list, and other triggers could include: failure to implement the Energy Recovered Fuel facility at site CA31, significant volumes of inert waste arisings from proposed major infrastructure projects, and failure to gain time extensions to the permissions for composting (2018 and 2020). See Main Modification MM67.

*Participants' issues*

- 30. Any allocation matters that participants wish to raise will be discussed at this stage.**

***Submission Version Main Modifications***

- 31. I will hear any comments on the Council's suggested main modifications within SD48 that relate to waste. As set out in the draft M&Is dated 12 October, I consider the main modifications in SD48 to be:**

M10, M11, M16, M17, M18, M19, M21, M22, M23, M26, M27, M29, M30, M31, M32, M34, M39, M40.

The Council agrees with this approach, and the above modifications have been incorporated into the final Table of Main Modifications.

***Other Matters***

*Whether the MWLP deals adequately with Air Quality*

- 32. Having regard to PPG ID 32-002-20140306, and the recent judgement handed down in Client Earth v SoS for ERFA [2016] EWHC 2740 (Admin)**

**that quashed the national Air Quality Plan, should the MWLP specifically address air quality and risks from pollution?**

Impacts upon air quality are also specifically referred to within policies DC5 Dust and DC6 Cumulative environmental impacts. None of the site allocations fall within AQMA's in the county, which are designated by the district authorities. However, to provide clarity on the policy approach to air quality management, a new criterion will be inserted after "criterion a." – see Main Modification MM43.

**33. Should there be a DC policy dealing with air quality?**

No. In a two-tier Authority area, AQMAs are dealt with by the District Councils.

PPG chapter 32, paragraph 001 (ID 32-001-20140306) is clear that the local air quality management (LAQM) regime requires every district and unitary authority to regularly review and assess air quality in their area. These reviews identify whether national objectives have been, or will be, achieved at relevant locations, by an applicable date.

If national objectives are not met, or at risk of not being met, the Local Authority concerned must declare an Air Quality Management Area, and prepare an air quality action plan. This identifies measures that will be introduced in pursuit of the objectives, and can have implications for planning.

In light of the above, it is considered that the revised wording for Policy DC2 (put forward in response to Q32) is sufficient to protect local air quality and is an approach taken by other recently adopted County-level Local Plans.

**34. Are there any Air Quality Management Areas that may be affected by the Plan's policies? If so, how does the Plan ensure that air quality in these areas is protected from polluting emissions?**

None of the site allocations fall within AQMA's in the county. If any unallocated sites come forward, then the usual environmental issues would be considered. The NPPF sets out a non-exhaustive list of examples of mitigation:

- the design and layout of development to increase separation distances from sources of air pollution;
- using green infrastructure, in particular trees, to absorb dust and other pollutants;
- means of ventilation;
- promoting infrastructure to promote modes of transport with low impact on air quality;
- controlling dust and emissions from construction, operation and demolition;
- contributing funding to measures, including those identified in air quality action plans and low emission strategies, designed to offset the impact on air quality arising from new development.

*Any other matters*

**35. I will take comments on any other matters that participants wish to raise at this stage.**

**Any closing housekeeping matters**