



CUMBRIA MINERALS AND WASTE LOCAL PLAN
(SUBMISSION DRAFT)

STATEMENT OF MAIN ISSUES

Prepared under Regulation 22 (c) of the Town and Country Planning
(Local Planning) (England) Regulations 2012

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1. Introduction

- 1.1 The consultation on the Publication draft MWLP took place between Monday 23 May and Monday 4 July 2016; it was carried out in accordance with the requirements of Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012.
- 1.2 Representations were received from 37 external organisations; there was also one internal representation. All the representations received were in the form of written or e-mail submissions.
- 1.3 This report identifies the main issues that have been raised through the representations, but does not include a summary of all the representations made on the Publication document.

2. Strategy for Minerals

Issue: Minerals provision and safeguarding (Policy SP7 and supporting text)

There were four representations submitted relating to this policy. The issues raised relate to:

- a lack of a provision figure within the policy
- the policy is confusing and should be separated into two policies - one for minerals provision and one for minerals safeguarding
- the policy should be amended to safeguard railheads, rail links, wharfage, handling and processing facilities
- Mineral Consultation Areas should be applied to all safeguarded areas
- national policy requires landbanks of at least 10 years for crushed rock and at least 7 years for sand and gravel (calculated on 10 year rolling averages and other relevant local data)

There was one supporter of the Policy, who welcomed the proposed designation of the MSA covering the entire surface coal resource.

Issue: Industrial limestones (Policy SP10)

There was one representation submitted in relation to this Policy. The point raised was that the policy only details how applications for high purity limestone will be considered and what the applicant should demonstrate; it does not seek to maintain the requisite “steady and adequate supply.”

Issue: Restoration and afteruse (Policy SP15)

There were two representations submitted relating to this policy. One was a supporter of the policy. The other raised the issue that ‘Afteruse’ is a District Council responsibility; the Policy should be re-titled “Restoration and Aftercare”.

3. Strategy for Waste

Issue: Provision for waste (Policy SP2)

There was one representation submitted relating to this policy. This was in support of the policy and raised no major issues.

Issue: Waste capacity (Policy SP3)

There were two representations submitted relating to this policy. One requested that preference should be made to allocated sites; the other requested the addition of a new site allocation.

4. Strategy for Radioactive Waste

Issue: Transparent decision making (Policy SP4)

There were four representations submitted relating to this policy. The issues raised relate to:

- the policy overlaps with the role of other regulatory bodies and should be removed
- the policy should be renamed “Radioactive Waste” and relocated to the Development Control section
- the policy should be amended to provide clarity in relation to the application of the Proximity Principle to radioactive waste facilities

Issue: Development criteria for low level radioactive waste sites (Policy SP5)

There were three representations submitted relating to this policy. The issues raised relate to:

- the policy should be amended to confirm that national policies and strategies for Low Level Waste are issued by the Nuclear Decommissioning Authority and not UK Government
- the policy should be amended to include reference to ‘very low’ level waste and ‘cumulative impact’ should be added to the list of criteria
- this policy has added in the term ‘significantly’ to adverse impacts; it should be removed as it is not compatible with the need to minimise adverse environmental impacts on communities

Issue: Higher activity radioactive wastes treatment, management and storage (Policy SP6)

There were six representations submitted relating to this policy. The issues raised relate to:

- the policy should recognise national policies and strategies for the management of Higher Activity Wastes (HAW), including the Nuclear

Decommissioning Authority's HAW Strategy published in May 2016

- there should be an additional policy, setting out the criteria on which the planning authority would determine any proposal coming forward for a hazardous waste disposal landfill site/management facility
- concern that the policy does not cover materials imported into Cumbria if they are then reclassified as waste

Issue: General comments on radioactive waste

There were a number of representations received that related to Chapter 4 on radioactive waste, but were not specifically related to the radioactive waste policies.

The main issues raised relate to:

- the definition used for high volume Very Low Level Waste is inconsistent with the definitions used for other categories of radioactive waste
- the definitions for radioactive waste should be clarified
- ensure consistency of terminology
- there are a number of major developments in west Cumbria, and Copeland specifically, that may have implications for the Cumbria Minerals and Waste Local Plan:

- West Cumbria Mining and
- Moorside new nuclear build

5. Development Control Policies

Issue: Quarry blasting (Policy DC4)

There were two representations submitted relating to this policy. The main issue raised related to concerns that this policy is overly restrictive and should be reworded in line with best practice and the British Standard.

Issue: Criteria for non-energy minerals development (Policy DC12)

There were two representations submitted relating to this policy. A concern was raised that there should be a presumption in favour of a time extension to existing quarries, as their planning permission(s) have already been through the democratic process, and the need for the mineral, environmental considerations, economic benefits, etc. have already been considered. The other issue was that there is repetition of cumulative impacts, already set out in policy DC6, so not required again in this policy.

Issue: Criteria for energy minerals (Policy DC13)

There were two representations submitted relating to this policy. One welcomed recognition of the fact that restoration and aftercare needs to be a consideration at the exploration and appraisal stage for hydrocarbons. The other raised issues relating to:

- the 'granting' of planning applications for energy minerals should be changed to 'considering'
- the policy fails to reference the other policies in the plan
- the policy should differentiate between different energy minerals as they have different planning policy contexts
- the policy does not reflect the principles of sustainable development, in particular in relation to sound science and the precautionary principle

Issue: Historic environment (Policy DC17)

There were three representations submitted relating to this policy. All suggested rewording the policy to ensure that it provides clear and detailed guidance to developers, in terms of how planning applications will be assessed in relation to heritage assets, and to bring it in line with paragraph 134 of the National Planning Policy Framework.

Issue: The water environment (Policy DC20)

There was one representation submitted relating to this policy, which suggested the inclusion of some detailed text within the policy, regarding the discharge of surface water.

Issue: Protection of soil resources (Policy DC21)

There was one representation submitted relating to this policy. This raised concerns that the citing of this policy has not been applied consistently to the section on 'relevant MWLP policies' in the Site Assessments document. Some of the site allocations are noted to have a high likelihood of Best and Most Versatile land, and Policy DC21 should be identified as relevant to these allocations.

Issue: Restoration and afteruse (Policy DC22)

There were three representations submitted relating to this policy. One was in support of the policy and raised no issues. The other raised issues relating to;

- amend the title to 'aftercare' instead of 'afteruse'
- the policy should encourage reclamation to biodiversity or amenity afteruses in appropriate situations, provided the inherent quality of the restored land is not compromised, to ensure conformity with paragraph 040 of Planning Practice Guidance for Minerals

6. Site Allocations

Issue: Household Waste Recycling Centres (Policy SAP1)

There were three representations submitted in relation to this policy. The main issue raised is an objection to the inclusion of SLB1 Land Adjacent to Kendal Fell Quarry as an allocated site (to replace the HWRC at Canal Head), as it is considered that there are a number of issues including traffic, amenity impacts and environmental impacts relating to this allocation.

Issue: Waste treatment and management facilities (Policy SAP2)

There were eight representations submitted in relation to this policy. The main issues raised were:

- the boundary of three site allocations intersect with major hazard installation consultation zones
- the use of land in the Port of Workington (AL18) for aggregate related uses needs to be safeguarded
- the number of sites allocated in the Plan does not adequately reflect the requirement set out in the Waste Needs Assessment
- the policy should contain a statement that explains the allocations arise from policy SP3 Waste capacity
- concern that allocated sites are too close to populated areas and that waste management facilities should be located away from where people live

Issue: Radioactive wastes treatment, management, storage and disposal (Policy SAP3)

There were five representations submitted in relation to this policy. The main issues raised were:

- site allocations CO32 and CO36 intersect with major hazard installation consultation zones
- an objection to site allocation CO32, as there does not appear to be

sufficiently robust evidence to support the allocation of a site of that size in that particular location

- it should be noted that the NDA's land ownership extends beyond the CO32 and CO36 site allocations, and includes immediately adjacent, additional land to the east and west of the Sellafield complex

Issue: Areas for minerals (SAP4)

There were seven representations submitted in relation to this policy. Four site allocations in this policy were supported. The main issues raised were:

- site allocation M12 intersects with a major hazard installation consultation zones, and allocations M8 and M12 intersect with major accident hazard pipeline consultation zones
- an objection to the inclusion of Roosecote Quarry because of its proximity to the gas terminal and its plans for future expansion
- concern that restricting the Areas of Search at Kirkhouse Quarry could prevent an adequate supply of minerals, which is contrary to the National Planning Policy Framework

Issue: Safeguarding of existing and potential railheads and wharves (Policy SAP5)

There were five representations submitted in relation to this policy. There was support for seven site allocations. The main issues raised were:

- site allocations BA26, AL18, AL32, AL38 and CO36 intersect with major hazard installation consultation zones, and site M36 intersects with a major accident hazard pipeline consultation zone
- site allocation M31 should be removed, as the former temporary rail facility is to be restored to agriculture in 2016, because it has not been used since 2009/10 and is unlikely to be used again

7. Other Matters

Issue: Overall Strategy (Chapter 2)

A number of representations were submitted that comment upon the Overall Strategy. The main issues raised were:

- Strategic Objective 1 does not meet the legal test set out in the Planning and Compulsory Purchase Act 2004
- there is no reference in the Spatial Vision to the radioactive waste storage facilities in Cumbria
- there should be specific reference to the management of radioactive waste
- the strategic objectives should elaborate on the principles to be applied to the management of radioactive wastes, making reference to the responsibilities of wider regulatory bodies
- the Overall Strategy should clearly define how the Proximity Principle will be applied

Issue: Environmental assets (Policy SP14)

There were three representations submitted in relation to this policy. The main issues raised were:

- the policy does not accord with the requirements of the NPPF and should be reworded to ensure conformity
- the policy is confusing and should be amended to separate out the respective environmental assets into individual policies
- the list of designated heritage assets in Box 8.1 has missed reference to Scheduled Monuments and Conservation Areas