The Planning Inspectorate

Report to Cumbria County Council

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an Inspector appointed by the Secretary of State for Communities and Local Government

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Planning and Compulsory Purchase Act 2004

(as amended)

Section 20

Report on the Examination of the Cumbria Minerals and Waste Local Plan

The Plan was submitted for examination on 8 September 2016

The examination hearings were held between 29 November and 14 December 2016

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Abbreviations used in this report

BGS	British Geological Survey
CLESA	Calder Landfill Extension Segregated Area
GDF	Geological Disposal Facility
ha	Hectare
HAW	Higher Activity Waste
HLW	High Level Waste
HRA	Habitats Regulations Assessment
HWRC	Household Waste Recycling Centre
ILW	Intermediate Level Waste
LAA	Local Aggregate Assessment
LDS	Local Development Scheme
LLW	Low Level Waste
MM	Main Modification
MSA	Mineral Safeguarding Area
NPPF	National Planning Policy Framework
NPPW	National Planning Policy for Waste
PPG	Planning Practice Guidance
SA	Sustainability Appraisal
SCI	Statement of Community Involvement
SD	Submission Document
tpa	tonnes per annum
VLLW	Very Low Level Waste

Non-Technical Summary

This report concludes that the Cumbria Minerals and Waste Local Plan [the Plan] provides an appropriate basis for the planning of the County's minerals and waste, provided that a number of Main Modifications [MMs] are made to it. Cumbria County Council has specifically requested me to recommend any MMs necessary to enable the Plan to be adopted.

All the MMs were proposed by the Council, and were subject to public consultation over a six-week period. I have recommended their inclusion in the Plan after considering all the representations made in response to consultation on them.

The Main Modifications can be summarised as follows:

- Inserting details of superseded policies;
- Explaining the Plan's remit with respect to new National Park designations;
- Expanding on the overall strategy and strategic objectives;
- Providing more quantitative and explanatory details on waste arisings, capacity and minerals provision;
- Providing more policy support for certain developments;
- Adjusting minerals and waste strategies;
- Amending Development Control Policies;
- Adding triggers for review and monitoring provisions for radioactive waste;
- Adjusting allocations policies.

Introduction

1. This report contains my assessment of the Cumbria Minerals and Waste Local Plan in terms of Section 20(5) of the Planning & Compulsory Purchase Act 2004 (as amended). It considers first whether the Plan's preparation has complied with the duty to co-operate. It then considers whether the Plan is sound and whether it is compliant with the legal requirements. The National Planning Policy Framework (paragraph 182) makes it clear that in order to be sound, a Local Plan should be positively prepared, justified, effective and consistent with national policy.

2. The starting point for the examination is the assumption that the local planning authority has submitted what it considers to be a sound plan. The Cumbria Minerals and Waste Local Plan of April 2016 [the Plan] is the basis for my examination. This is the version that was published for consultation. It does not contain the modifications included within the August 2016 version, some of which go beyond what would fall within the category of additional amendments that the Council has the power to make without consultation. As the August version did not undergo public consultation, I have considered the more substantial changes within it as proposed main modifications [MMs].

Main Modifications

3. In accordance with section 20(7C) of the 2004 Act the Council requested that I should recommend any MMs necessary to rectify matters that make the Plan unsound and/or not legally compliant and thus incapable of being adopted. My report explains why the recommended MMs, all of which relate to matters that were discussed at the examination hearings, are necessary. The MMs are referenced in bold in the report in the form **MM1, MM2, MM3** etc, and are set out in full in the Appendix.

4. Following the examination hearings, the Council prepared a schedule of proposed MMs and carried out sustainability appraisal [SA] of them. The MM schedule was subject to public consultation for six weeks. I have taken account of the consultation responses in coming to my conclusions in this report and in this light I have made some amendments to the detailed wording of the main modifications where these are necessary for clarity. None of the amendments significantly alters the content of the modifications as published for consultation or undermines the participatory processes and SA that has been undertaken.

Policies Map

5. The Council must maintain an adopted policies map which illustrates geographically the application of the policies in the adopted development plan. When submitting a local plan for examination, the Council is required to provide a submission policies map showing the changes to the adopted policies map that would result from the proposals in the submitted local plan. In this case, the submission policies map comprises the set of plans identified as Cumbria Minerals and Waste Local Plan Policies Map Parts 1-6 as set out in Submission Documents SD2-SD15.

6. The policies map is not defined in statute as a development plan document and so I do not have the power to recommend main modifications to it.

However, a number of the published MMs to the Plan's policies require further corresponding changes to be made to the policies map. In addition, there are some instances where the geographic illustration of policies on the submission policies map is not justified and changes to the policies map are needed to ensure that the relevant policies are effective.

7. These further changes to the policies map were published for consultation alongside the MMs on the Main Modification webpage. When the Plan is adopted, in order to comply with the legislation and give effect to the Plan's policies, the Council will need to update the adopted policies map to include all the changes proposed in Main Modification webpage incorporating any necessary amendments identified in this report.

Assessment of Duty to Co-operate

8. Section 20(5)(c) of the 2004 Act requires that I consider whether the Council complied with any duty imposed on it by section 33A in respect of the Plan's preparation. When preparing the Plan the Council is required to engage constructively, actively and on an on-going basis with a range of local authorities and a variety of prescribed bodies in order to maximise the effectiveness of plan preparation with regards to strategic, cross-boundary matters.

9. Details of how the Council has met this duty are set out in the *Statement of Compliance with the Duty to Co-operate,* the *Statement of Consultation* and the Council's written responses to pre-hearing questions. These documents set out where, when, with whom and on what basis co-operation has taken place over all relevant strategic matters. Strategic minerals and waste themes, informed by the findings of core evidence base documents, were ascertained for discussion.

10. The evidence demonstrates that the Council has worked closely with neighbouring minerals and waste authorities, and other planning authorities in the North West and North East of England, as well as some further afield where a strategic relationship was identified. Also, the Lake District National Park Authority, the Yorkshire Dales National Park Authority, and the six District Councils within Cumbria, namely Allerdale, Barrow, Carlisle, Copeland, Eden and South Lakeland were invited to comment on all aspects of the Plan during all consultation stages.

11. Also evident is the effective relationship the Council has established and maintained with all relevant bodies listed in Regulation 4 of the Town and Country Planning (Local Planning)(England)Regulations 2012 (as amended). In addition, consultation has taken place with a wide range of organisations and bodies as part of the formal consultation process. The Council has been responsive to discussions and suggestions, which have all been taken into account, and have often influenced the content of the Plan.

12. With respect to strategic minerals matters, the Council is a member and active participant of the North West Aggregates Working Party. This comprises minerals planning authorities and representatives of the minerals industry, and meetings are also attended by representatives from the Department for Communities and Local Government and the Environment Agency. The advice of this co-ordinating group has been taken into account in Plan preparation.

13. Furthermore, the Council prepared its third Local Aggregates Assessment jointly with the Lake District National Park Authority. Of particular significance is the engagement with the Yorkshire Dales National Park Authority with regard to high specification road stone, which is a nationally important material that occurs both within the National Park, and within parts of the administrative area of Cumbria controlled by the Council.

14. With respect to waste management, the Council is a member of the North West Waste Network, whose membership consists of waste planning authorities, and which is regularly attended by the Environment Agency. The Council used this forum to identify strategic movements of waste to and from Cumbria that have the potential to impact on waste management facility provision in Cumbria or that of other waste planning authorities. As a result, 50 waste planning authorities were identified for contact. Whilst Scotland is not specifically covered by the Duty to Co-operate, the Council has liaised and co-operated with relevant Scottish authorities, given their geographical links and potential cross boundary issues.

15. As regards the radioactive waste management industry, the Council is a key stakeholder and meets regularly with operators and regulators to discuss the future management of radioactive waste arising from the decommissioning of nuclear facilities. The Council is a member of the Local Government Association's Nuclear Legacy Advisory Forum, which is a subscription based group of waste planning authorities. The Council is a regular contributor and attendee of its Radioactive Waste Planning Group. This has provided a forum to discuss strategic radioactive waste management issues, sharing best practice and developing radioactive waste policies during Plan preparation.

16. Overall I am satisfied that where necessary the Council has engaged constructively, actively and on an on-going basis in the preparation of the Plan and that the duty to co-operate has therefore been met.

Assessment of Soundness

Background

17. The geographical area of Cumbria contains the Lake District National Park and part of the Yorkshire Dales National Park. However, these National Park Authorities are minerals and waste planning authorities in their own right. Therefore, the Plan only covers the areas of Cumbria that are outside the National Parks.

18. Extensions to these National Parks were made by Variation Order and confirmed by the Secretary of State on 23 October 2015. Transfer of functions occurred on 1 August 2016 and the respective National Park Authorities then became the minerals and waste planning authorities for the newly designated areas with responsibility for preparing their own minerals and waste plans. These extensions included land that was previously within the administrative area of Cumbria County Council.

19. Pending the adoption of their own plans, the National Park Authorities will use Cumbria County Council's adopted development plan, whose minerals and waste policies will remain extant in the relevant extension areas. This will continue until the National Park Authorities either choose to adopt the Cumbria

Minerals and Waste Local Plan (the subject of this examination) for the new designations, or they review their own plans to include the extensions.

20. There are no Plan allocations within the extensions. However, in order to clarify the geographical extent of the Plan and ensure it is effective, new text is proposed setting out the background to the National Parks extensions and illustrating in Appendix 1 the new areas covered as proposed in **MM2a** and **MM2b.** Furthermore, in order to ensure the Plan is sound, a corresponding change will be required to the Policies Map.

Main Issues

21. Taking account of all the representations, the written evidence and the discussions that took place at the examination hearings I have identified eight main issues upon which the soundness of the Plan depends. Under these headings my report deals with the main matters of soundness rather than responding to every point raised by representors.

Issue 1 – Whether the Vision, Overall Strategy and Strategic Objectives reflect the key challenges facing the County.

22. The key challenges facing the County informed the SA, which underpins the Vision, Overall Strategy and Strategic Objectives and generally, these issues are appropriately reflected in the Plan. However, there is little reference to radioactive waste. Whilst most of the challenges relating to general waste also relate to radioactive waste, there are some which are specific to radioactive waste and should be addressed.

23. The management of radioactive waste is of particular local significance in Cumbria, as well as being of national importance, and consequently it should be specifically referenced in the overall strategy. Without this, the approach is not effective. Consequently, **MM3** is proposed, which inserts a distinct overall strategy relating specifically to radioactive waste.

24. Whilst it is the Council's intention to aim for net self-sufficiency in managing waste, as promoted by the National Planning Policy for Waste [NPPW], this is not clearly reflected in the Strategic Objectives. Therefore, to ensure compliance with national policy **MM4** is proposed, which sets out the Plan's aim of net self-sufficiency.

25. Subject to the identified modifications, I am satisfied that the Vision, Overall Strategy and Strategic Objectives reflect the most appropriate strategic approach for the Plan's administrative area. On this basis, I find this part of the Plan to be sound.

Issue 2 – Whether the strategic waste policies provide sufficient opportunities for appropriate waste management facilities to be developed to meet any identified capacity gaps.

26. The *Cumbria Waste Needs Assessment 2015* provides an appropriate assessment of waste needs within the County. It considers arisings data taken from reliable sources, namely the Council's Waste Services teams (for Local Authority Collected Waste), and from the Environment Agency's Waste Data Interrogator (for Commercial and Industrial; Construction, Demolition

and Excavation) and Hazardous Waste Data Interrogator (for Hazardous Waste).

27. Growth models are used to establish projected growth across all main waste streams over the Plan period and different assumptions applied to provide sensitivity testing. Movements of waste, including through transfer stations and across borders, are analysed to estimate waste managed in the County, and potential capacity gaps are identified by taking forward what is considered to be the most realistic scenario. I find this to be a robust evidence base for supporting the Plan's waste strategies contained in policies *SP2* & *SP3*.

28. The NPPW states that Local Plans should consider the extent to which existing capacity satisfies identified need. To do this effectively, the Plan should refer to figures on waste arisings and capacity. This enables a proper understanding of the scale of need and provision to be made. The Plan does not adequately do this.

29. The Plan should set out details of existing waste management capacity to establish the baseline against which the need for new facilities is assessed. This is not adequately addressed. Therefore, **MM5a** and **MM5b** are proposed, which insert a table and explanatory text on existing waste management capacity in Cumbria by facility type (excluding landfill – dealt with below).

30. There are no figures in the Plan on the quantities of waste arisings for the main waste streams likely to be managed over the Plan period, or how such figures have been calculated. Therefore, **MM6a** and **MM6b** are proposed, which link information in the *Waste Needs Assessment* and provide context for a new table setting out projected waste arisings at intervals throughout the Plan period.

31. Whilst the Plan gives details of current void-space for landfill and identifies a capacity gap, it does not give forecast figures for the amount of waste that is likely to require landfilling. In order to understand how the identified capacity gap arises **MM14a** and **MM14b** are proposed, which set out text and a table for non-inert landfill of projected arisings and void-space requirements at intervals throughout the Plan period.

32. Also proposed are **MM15a** and **MM15b**, which make similar modifications for inert landfill and provide background details of extant and expected planning applications at landfill sites. So that they are not considered in isolation, it is also explained that an estimated 25% of non-inert landfill capacity is taken up by inert waste.

33. In order to provide information on landfill sites and capacity likely to come forward during the Plan period and to ensure proper waste management in accordance with national policy, **MM8** is proposed.

34. To make best use of existing landfill capacity before considering additional capacity, thereby minimising environmental impacts, the policy approach in *Policy SP3 Waste capacity* was intended to give priority to time extensions at existing landfills. However, this distinction is not actually made in the Policy, which is, therefore, not effective. Consequently, **MM18** is proposed, which treats applications for time extensions more favourably than additional capacity.

35. The *2014 Waste Needs Assessment* indicates that some new agricultural capacity for the recycling of agricultural waste should be provided, although it recognises that most of the material would be similar to commercial and industrial waste and so the capacity could be provided at facilities handling those wastes. However, the Plan does not make clear how agricultural waste has been accounted for and, therefore, appears inconsistent with national policy by not assessing this waste stream. Nonetheless, I understand that the Environment Agency has recently stopped recording data on agricultural waste separately, and it is now combined with commercial and industrial waste. Consequently, by explaining this in proposed **MM17**, the Plan properly deals with agricultural waste.

36. The Plan indicates that there are no significant gaps in provision for sewage/wastewater treatment, but refers to the 5 year Asset Management Programme for the statutory undertaker (United Utilities), which identifies a need for a new wastewater treatment works as part of a major capital scheme to upgrade the West Cumbria water supply network. This entire scheme recently gained planning permission and, therefore, all capacity requirements are fully met. Therefore, in order to be consistent with national policy, the up-to–date capacity position should be set out. This is achieved by **MM17**.

37. Sites that operate under an exemption from the environmental permitting regime, and which are not obliged to report on the amount of waste they handle, could have an impact on waste management capacity. The Plan does not include waste handled under exemption within the assessed waste management figures and without some explanation of what type of waste this is and why it has been excluded, the Plan is unjustified. Therefore, **MM9a** and **MM9b** are proposed to assist in understanding the role exemptions play, by providing details of the principal exemptions in the County by type and number, together with reasoning as to why it is appropriate not to include exemptions in the figures.

38. Whilst the key conclusions from the 2015 *Waste Needs Assessment* are set out in the Plan, they are erroneously preceded by reference to and details from the 2014 *Waste Needs Assessment,* which is confusing and unjustified. Therefore, **MM10** and **MM11** are proposed to update the text and properly reference the 2015 *Waste Needs Assessment*.

39. Furthermore, the key conclusions make reference to a need for additional composting facilities if a time extension were not granted to an existing facility. However, there is no indication of the capacity gap that would need addressing. Therefore, to comply with national policy, **MM12** and **MM16** are proposed, which identify capacity requirements for composting and cross reference this to explanatory text.

40. The key conclusions also refer to a need for thermal waste treatment capacity of up to 120,000tpa. However, planning permission has recently been granted for a thermal facility with capacity of up to 195,000tpa. Therefore, to reflect the updated capacity position and to comply with national policy, **MM13** is proposed.

41. The NPPW indicates that waste planning authorities should aim for net self-sufficiency in managing waste. Therefore, the Plan should provide details of

waste imports and exports. Whilst quantities of waste for export have been set out, there is no corresponding detail for imports. Consequently, **MM7** is proposed to provide the relevant import figures, and from which the balance of imports and exports can be shown.

42. In summary, I find that subject to the identified modifications, the Plan's strategic waste policies provide sufficient opportunities for appropriate waste management facilities to be developed to meet identified capacity gaps, and are sound.

Issue 3 – Whether the strategic radioactive waste policies provide adequate direction for the management of radioactive waste and sufficient opportunities for the development of appropriate waste management facilities to meet any identified capacity gaps.

43. As with other types of waste, to be consistent with national policy, the Plan should consider the extent to which existing capacity for managing radioactive waste satisfies identified need. However, for Cumbria, a greater than local need will have to be considered. Cumbria has by far the largest concentration of nuclear waste management facilities in the UK and they are of national importance, taking waste from around the UK.

44. The NPPW states that waste planning authorities should consider the need for additional waste management capacity in facilities of greater than local significance to reflect any identified national requirements. Therefore, the need to provide for large amounts of imported radioactive waste must be taken into account.

45. There are significant uncertainties about the volumes of radioactive waste arisings and when they will occur over time, and the quality of the data in the Radioactive Waste Inventory, from which much of the information is derived, requires improvement. Nonetheless, the best possible estimates of projected arisings should be reflected in the Plan. Whilst the Plan deals with both local and national requirements, setting out some data on arisings and capacity for various levels of radioactive waste types, the figures are not sufficiently comprehensive.

46. Therefore, to comply with national policy, more detail is required. Accordingly, **MM20** is proposed, which gives data and corresponding explanations for radioactive waste arisings, movements and capacity for Very Low Level Waste (VLLW), Low Level Waste (LLW), Intermediate Level Waste (ILW) and High Level Waste (HLW). Furthermore, **MM19** is proposed to correct figures on conditioned and unconditioned waste.

47. Proposals for the management of radioactive waste should comply with national strategies for radioactive waste management, as well as other national waste policy. Specifically, it should be clear that the Plan conforms to strategies produced by the Nuclear Decommissioning Authority. The Plan does not adequately reference these waste strategies and this is unjustified. Therefore, **MM21, MM22** and **MM25** make the appropriate references within *Policy SP4 Transparent decision making* and *Policy SP6 Higher activity radioactive wastes treatment, management and storage,* as well as in the accompanying text.

48. In accordance with the proximity principle promoted in the NPPW, the Plan requires decommissioning wastes to be managed on the site where they arise unless a rigorous assessment demonstrates that this is not practicable. However, there is insufficient direction on what may be considered a "rigorous" assessment, rendering this part of the Plan ineffective. Therefore, **MM24** is proposed, which provides the appropriate guidance.

49. Government policy is to eventually dispose of Higher Activity Waste [HAW] in a Geological Disposal Facility [GDF]. Once a suitable site has been found and a GDF implemented, this will have a significant impact on how HAW is managed in Cumbria and elsewhere. At present, it is envisaged that site investigations will take another 15 to 20 years and, therefore, implementing a GDF is most likely to occur some considerable time beyond the Plan period. Consequently, no policy direction relating to a GDF has been included in the Plan. However, in the event that the situation changes, so as to affect radioactive waste management within the Plan period, an appropriate trigger for review is proposed by **MM67**.

50. Currently, spent nuclear fuels, uranics and plutonium are not classified as waste and, therefore, although they are included in national policy for the long-term management of HAW via a GDF, they are currently beyond the remit of the Plan. However, it is possible that national policy on their classification will change in time. Therefore, to ensure that the Plan remains consistent with national policy and effective, the re-classification of these materials as waste is proposed as a trigger for review as set out in **MM67**.

51. The Plan does not specifically provide for the management of any radioactive waste that might be generated from the proposed Moorside nuclear power station. However, no application for development consent has yet been made for this potential facility. Should consent be granted, the earliest Moorside is expected to generate radioactive waste is 2030. This is considered to be outside the timeframe of the Plan. However, to account for radioactive waste being produced sooner, and to ensure its effective management, this eventuality is included as a trigger for review in **MM67**.

52. Subject to the above modifications, the strategic radioactive waste policies (*SP4 to SP6*) provide sufficient direction for the management of radioactive waste and sufficient opportunities for development of appropriate waste management facilities to meet identified capacity gaps. Consequently, I find this part of the Plan, as modified, to be sound.

Issue 4 – Whether the strategic minerals policies provide for a steady and adequate supply of all appropriate and economically viable mineral types within the County, and their safeguarding.

53. In general, the minerals chapter, containing strategic policies *SP7* to *SP11*, sets out a suitable, comprehensive strategy for minerals provision, identifying strategic locations for new minerals development of varying types, where appropriate. However, there are a few shortcomings, as discussed below.

54. The National Planning Policy Framework (NPPF) requires a "steady and adequate" supply of minerals to be planned for. However, in this respect the wording used in strategic policies *SP7 Minerals provision and safeguarding*,

and *SP10 Industrial limestones* do not reflect national policy. Therefore, **MM35** and **MM36** are proposed to amend this wording.

55. Whilst the chapter includes information on reserves, landbanks and requirements, it does not adequately set out and explain the scale of minerals provision that is likely to be required over the Plan period. Although sales figures and winnable reserves will be subject to on-going change, making it difficult to be precise about requirements, it is nonetheless important for the Plan to broadly identify the quantity of minerals likely to be needed at the start of the Plan period. This provides some certainty of requirement for the identified supply then to meet and can be used as a basis for designating areas for future potential development. Without this, the Plan is ineffective because there is insufficient information on the scale of minerals provision that it seeks to deliver.

56. For sand, gravel, crushed rock and high/very high specification roadstone, the annual Local Aggregates Assessment [LAA] is the main tool for providing details of supply and demand and hence for indicating potential need. Therefore, **MM27a** and **MM27b** make the link with the most recent LAA, and provide tables setting out requirements for the Plan period whilst explaining how figures will change over time with market demand and permitted reserves.

57. The NPPF states that provision should be made for landbanks of "at least" 7 years for sand and gravel and "at least" 10 years for crushed rock. However, the Plan has omitted the words "at least" and, therefore, does not accord with national policy. **MM26** and **MM28** add these words to the text.

58. With respect to gypsum, there are three main types that are mined for different products and uses, and it is important to ensure that an adequate supply of each is maintained as far as possible. Therefore, information on landbanks for the three types should be included in the Plan. However, this information is absent, thereby making this part ineffective. Consequently, **MM29a** and **MM29b** are proposed which give a broad indication of the scale of the different reserves and predicted requirements along with explanatory text.

59. There is only one brickworks within Cumbria and this is a small scale, specialist family run business that produces bricks for Listed Buildings and Conservation Areas and takes its brickmaking clay from the adjacent mudstone quarry. I understand that it is difficult to estimate the landbank at this adjacent mudstone quarry due to the very varied extraction rates experienced over the years. Nonetheless, to be effective a best estimate should be contained within the Plan. **MM30** explains historical extraction rates and from this provides a range of time periods over which the landbank of reserves might last.

60. It is possible that the 25 year landbank required by the NPPF for brick clay supplies might not be met. However, the circumstances of these specialised operations and the policy commitment identifying an Area of Search for possible future supplies, justifies the approach taken in the Plan.

61. Whilst industrial grade limestone is quarried in Cumbria no significant quantities are used for cement primary, and instead it has a range of uses

such as iron/steel making, paper making, pharmaceuticals and agriculture. Consequently, the 25 year landbank requirement within the NPPF does not apply. Nonetheless, in order to ensure a steady and adequate supply, more detail is needed in the Plan about supply and demand. **MM31** provides details about which quarries supply industrial limestone, their reserves and recent sales figures from which landbanks are estimated.

62. The winning, working and processing of building stone, makes a significant contribution to Cumbria's economy and represents an important aspect of rural enterprise and diversification of farm and other rural businesses. It has a variety of uses and is integral to maintaining the distinctive character of many areas and the historic environment. Yet none of the strategic policies makes provision for the supply of building stone (with the exception of slate), and this does not accord with the national policy requirement of positive planning. Therefore, **MM33a** and **MM35** are proposed to provide policy support and context for the supply of building stone.

63. Moreover, in order to ensure that the wide range of building stone types are positively planned for, **MM33b** inserts a table listing, stone types, stone quarries and their scale, and other information. Some of these quarries also produce aggregates from their waste rock and, similarly, in the interests of positive planning, this should be recognised in the Plan. This is proposed by **MM32**.

64. Policy *SP7 Minerals provision and safeguarding* covers two important and distinct strategies which are, as the title suggests 1) the provision of minerals and 2) safeguarding. The two strategies should be set out in two separate policies as, in its combined form *SP7* attempts to cover too much and is unjustified. Therefore, **MM35** is proposed to separate them out.

65. The NPPF requires Minerals Safeguarding Areas [MSAs] to be identified for specific minerals resources of local and national importance. The Plan does not on the face of it appear to safeguard building stone resources, although the rocks from which building stones are quarried (igneous rock, limestone and sandstone) are actually safeguarded, thereby safeguarding the building stone. Nonetheless, this is not clear from the Plan, which does not explain this link, making it ineffective.

66. Similarly, in order to comply with national policy, it must be clear that, as well as aggregates, all significant industrial minerals are safeguarded, along with existing, planned and potential infrastructure and plant. The range of minerals and facilities to be safeguarded is not sufficiently apparent from the Plan, rendering this part ineffective. Therefore, **MM34** and **MM35** are proposed, which make appropriate additions to the range.

67. Furthermore, the Policy will only be sound if the corresponding Policies Map is altered to clearly set out what resources the MSAs cover. Therefore, for igneous rock, limestone and sandstone it should indicate that aggregates, high/very high specification road-stone and building stones are covered, and that limestone encompasses both aggregate and industrial limestone. Existing building stone quarries that are safeguarded should also be identified.

68. In summary, subject to the above modifications, the strategic minerals policies provide for a steady and adequate supply of all appropriate and economically

viable mineral types within the County, and their safeguarding. I therefore find the modified minerals strategies to be sound.

Issue 5 – Whether the other Strategic Policies provide appropriate direction for the operation and development of existing and proposed minerals and waste facilities.

69. Other strategic policies (*SP1* and *SP12* to *SP17*) cover a comprehensive and appropriate set of matters pertinent to minerals and waste development in the County. However, there are a few modifications required to some strategies to ensure soundness, as identified below. The remainder of the strategic policies are sound without modification.

Policy SP14 Environmental Assets

70. This policy contains a section on how to consider potential impacts on heritage designations. However, the wording does not conform to the NPPF and is, therefore, not consistent with national policy. Accordingly, **MM37** is proposed which appropriately amends the wording.

Policy SP15 Restoration and aftercare

71. Although the Policy is aimed mainly at restoration and "aftercare", the title refers to "afteruse". Therefore, so as to avoid confusion and to ensure its effectiveness, the title should refer to "aftercare". Also, it lists a set of measures that should be taken into consideration when devising schemes. However, not all restoration and aftercare schemes will require all of these measures to be taken into account and, therefore, the policy is unjustifiably inflexible. Accordingly, to ensure flexibility the policy should make clear that such measures will be considered "*where appropriate"*. These changes are proposed by **MM38**.

Policy SP16 Section 106 planning obligations

72. The policy and its supporting text indicate that financial guarantees may be required in some circumstances, which are not explicitly referred to as being exceptional. This does not accord with the Planning Practice Guidance [PPG], which makes clear that such guarantees should only be required in exceptional circumstances. The PPG also advises that financial guarantees should not be required where an operator is contributing to an established mutual funding scheme. Therefore, to be consistent with national policy, **MM39** and **MM40** are proposed, which reflect the PPG advice.

73. Subject to the above identified modifications, these policies provide appropriate direction for the operation and development of existing and proposed minerals and waste facilities. Consequently, I find this modified section of the Plan to be sound.

Issue 6 – Whether the Development Control Policies reflect a balanced and comprehensive approach to development control that accords with national policy.

74. The development control policies (*DC1* to *DC22*) cover an appropriate range of development control matters and are sound without modification, apart from those discussed below, which can be made sound by amendment.

Policy DC2 General Criteria

75. *Policy DC6 Cumulative environmental impacts* deals with cumulative effects from multiple sources. Therefore, it is unnecessary and unjustified to duplicate the requirement within *Policy DC2.* Consequently, **MM41** is proposed to remove the duplication.

76. The Plan does not provide for the protection of ambient air quality, which is an increasingly important environmental consideration that should be taken into account in accordance with the PPG. Therefore, and particularly in light of the recent *ClientEarth* judgement[1], **MM42** is proposed to accord with national policy.

Policy DC4 Quarry Blasting

77. The British Standard 6472-2:2008 *Guide to evaluation of human exposure to vibration in buildings* Part 2: *Blast-induced vibration* gives guidance on human exposure to blast-induced vibration in buildings and is applicable to blasting operations associated with mineral extraction. It sets what is considered to be satisfactory maximum daytime magnitudes of vibration in the range of 6 to 10mm/second peak particle velocity. Due to natural variations within the rock mass and other factors outside the shot firer's control, it is common practice to require only 95% of blasts to be below these limits to give some flexibility.

78. In Cumbria explosives are used infrequently at quarries. Therefore, in order to get a 95% confidence in blasting velocities, records going back five years would need to be considered. Blasting techniques have improved significantly since then and, consequently, the old data could potentially distort the confidence level. Accordingly, instead of a 95% confidence level, the Plan provides for a regression line model to be developed and maintained. The evidence suggests that this accounts better for exact blast conditions and reduces the influence of unknown factors to a minimum.

79. On this basis the policy requires ground vibration, attributable to quarry blasting, not to exceed peak particle velocities of 6mm/second at sensitive properties. This is at the lowest end of the British Standard range and provides no flexibility, as the 95% confidence is not reflected.

80. Whilst improved blasting techniques may generally be able to stay below this maximum, there could still be exceptional circumstances when this was not possible, regardless of the use of regression line modelling. Therefore, in order to justify the policy it should be more balanced by introducing some

[1] ClientEarth v SoS EFRA, [2016] EWHC 2740 (Admin)

flexibility. This is achieved by proposed **MM43,** which allows for exceedances in justified circumstances.

Policy DC6 Cumulative environmental impacts

81. This policy sets out a non-exhaustive list of factors to take into account when considering applications. However, not all applications will require all of these factors to be taken into account, rendering the policy unjustifiably inflexible. Therefore, to ensure flexibility and proportionality of evidence the policy should make clear that such factors will be considered "*where appropriate"* as set out in **MM44**.

Policy DC8 Renewable energy use and carbon reduction on existing minerals and waste sites

82. Subsequent to the Written Ministerial Statement of 18 June 2015, wind turbine development should only take place in an area identified as suitable in a Local or Neighbourhood Plan, and when the planning impacts identified by affected local communities have been fully addressed. The Plan does not reflect this and, therefore, in order to comply with national policy, **MM45** is proposed.

Policy DC9 Criteria for waste management facilities

83. Currently, Cumbria's non-radioactive hazardous waste is generally exported over the county border to facilities in neighbouring areas. This is because Cumbria does not have any significant non-radioactive hazardous waste management facilities, but is able to use other authorities' facilities that are specialist and larger than local in scale. Whilst the 2015 Waste Needs Assessment considers that the need for non-radioactive hazardous waste management within Cumbria is low, in the interests of self-sufficiency, as promoted by the NPPW, the County should plan positively for any suitable non-radioactive hazardous waste proposals that might come forward.

84. The Plan does not adequately support hazardous waste development because it states that there is no requirement for additional hazardous waste capacity. Consequently, **MM46** and **MM48** are proposed, which delete this statement and make it clear that, should a hazardous waste scheme come forward, it would be considered against policy *DC9's* criteria for waste management facilities.

85. In the justification text under "*Waste Management Development*" reference is made to development criteria in policies *SP5* and *SP6* for radioactive waste. The text then goes on to indicate that no other development control policies specific to these wastes are necessary. This could be interpreted as other development control policies not applying to radioactive waste, which would render this section ineffective. Therefore, **MM47** is proposed, which removes this statement.

86. *Policy DC9* sets out key criteria to be considered for each facility type and generally includes a requirement that there be no unacceptable impacts on housing, business uses or other sensitive land uses. However, this requirement has been inadvertently omitted from two facility types and needs to be added in to ensure the policy is effective. Consequently, **MM49** is proposed to rectify this.

Policy DC10 Criteria for landfill and landraise

87. Strategic *Policy SP3 Waste capacity* states that proposals for landfill capacity must not undermine the waste hierarchy. Therefore, it is unnecessary and unjustified to duplicate the requirement within *Policy DC10.* Consequently, **MM50** is proposed to remove the duplication.

Policy DC12 Criteria for non-energy minerals development

88. Whilst the Plan designates Areas of Search, it does not provide any more policy support for applications within these areas than for those in undesignated areas. However, the authority has confirmed that Areas of Search are where it would expect to see future development taking place and where it would give policy support. Consequently, in order to be effective, **MM52** is proposed which gives policy support to proposals within Areas of Search.

89. Policy DC12 includes a criterion requiring cumulative impacts to be considered. However, cumulative impacts are already comprehensively covered in *Policy DC6 Cumulative environmental impacts.* Therefore, this duplication is unnecessary and unjustified. Consequently, **MM52** is proposed to remove it.

90. The supporting text on criteria for non-energy minerals discusses potential uses for building stone, emphasising conservation, repair to heritage assets and local vernacular buildings. Satisfying "need" should not be limited to demonstrating a requirement for a particular type of use, as the stone could be needed for a wide range of applications, including internal decoration and outside walling. However, the text could be construed in this restrictive way and, therefore, a wider approach is required to justify this section.

91. Furthermore, there is no mention of the stone products/processing industry, which can bring significant economic benefits to the County and should be recognised. Not to do so is unjustified. Accordingly, **MM51** proposes more supportive, comprehensive text to include other building stone uses and the stone products/processing industry.

Policy DC13 Criteria for energy minerals

92. This policy does not adequately test the potential effects on the community of energy minerals development and, therefore, protective criteria should be added as appropriate. Furthermore, given the potential for energy minerals development to impact on climate change, a specific reference to this consideration should be included. Without this, the policy is unjustified.

93. With respect to commercial exploitation of hydrocarbons, the policy requires "provision" to be made for mitigation of adverse impacts. However, without qualification "provision" could be strictly construed as including what may be considered to be "inadequate provision", rendering the policy ineffective. Therefore, to avoid uncertainty over policy compliance, the reference should be amended to "appropriate provision".

94. Furthermore, the policy does not fully reflect the PPG guidance on underground coal mining. Therefore, to accord with national policy, the list of impacts to be considered should be extended to include potential hazards of

old mine workings, the treatment and pumping of underground water and the monitoring and preventive measures for potential gas emissions.

95. Accordingly, **MM54** is proposed to deal with the above matters.

96. The supporting text to the policy refers to NPPF paragraph 14 and purports to set out its requirements. However, it is inaccurate. Therefore, to be compliant with national policy, **MM53** is proposed.

Policy DC15 Minerals safeguarding

97. The British Geological Survey's *Mineral safeguarding in England: good practice advice* states that MSAs should usually cover the whole resource and not be curtailed by other planning considerations. However, Millom and Barrow slag banks have not been safeguarded although, in practice, they are unlikely to be developed as they fall within nature and environmental designations. In any event, they are not considered to be economically viable and, this negates the need for safeguarding. Nonetheless, in order to justify this approach, the Plan should provide text to explain why these slag banks have been omitted from safeguarding. **MM55** is proposed to achieve this.

98. The supporting text also indicates that, contrary to the BGS's *good practice advice,* the building stone MSA has been removed. Without further explanation, this is unjustified. However, the Council has explained that in actual fact, the resources from which building stones are obtained, namely the igneous rocks, limestones and sandstones, are all safeguarded and, therefore, not unduly at risk of being sterilised. On this basis, and subject to further reasoning being set out as proposed in **MM56**, this approach is sound.

Policy DC16 Biodiversity and geodiversity

99. This policy sets out a list of matters to consider. However, not all applications will require all of these matters to be taken into account, rendering the policy unjustifiably inflexible. Therefore, to ensure flexibility and proportionality of evidence the policy should make clear that such matters will be considered "*where appropriate"*. Furthermore, the wording of the policy assumes it is likely there will be an impact on biodiversity/geodiversity, which is not intended and is unjustified. This can be rectified by removing the word "likely" and inserting "potential". **MM58** is proposed to deal with both of these amendments.

100. NPPF paragraph 117 requires planning policies to identify and map components of local ecological networks, which the Plan does not do. However, within Cumbria, biodiversity details are held by the Cumbria Biodiversity Data Centre which is currently identifying networks of natural habitats and mapping biodiversity opportunities, amongst other things. This is an iterative process. Therefore, subject to the Plan identifying where this information can be obtained, the Council has justified its approach. **MM57** is proposed, which adds explanatory text and makes the link.

Policy DC17 Historic environment

101. The wording of this policy does not accord with the NPPF. Therefore, to ensure consistency with national policy, **MM59** is proposed.

Policy DC21 protection of soil resources

102. The supporting text to this policy makes reference to a national strategy that is now outdated. Therefore, to ensure that up-to-date guidance is taken into account and the policy accords with national policy, **MM60** is proposed.

Policy DC22 Restoration and aftercare

103. The Policy aims to control restoration and "aftercare" as opposed to "afteruse". However, the title in the Plan refers to "afteruse" and is confusing. Therefore, to be effective, it requires amending to "aftercare" and this is proposed by **MM62**.

104. The supporting text refers to Best and Most Versatile Agricultural Land being restored to a similar standard. However, this might not take into consideration its longer term capability and opportunities for enhancement, where appropriate, as advised by the PPG. Therefore, to be consistent with national policy, **MM61** is proposed.

105. In summary, subject to the identified modifications, the development control policies reflect a balanced and comprehensive approach to development control that accords with national policy. Accordingly, I find this part of the Plan, as modified, to be sound.

Issue 7 – Whether the provisions for implementation and monitoring are effective and adequately identify triggers for review.

106. This chapter of the Plan does not adequately cover radioactive waste arisings and radioactive waste management and, therefore, is ineffective. In order to properly address these matters they need to be specifically referred to in the text and the tables. An indication of the relevant organisations involved and the underpinning documents used for monitoring radioactive waste should be included. This is achieved by **MM63, MM64, MM65** and the cross reference proposed by **MM20** in the radioactive waste chapter.

107. During the hearing discussions a number of triggers were identified that could necessitate a full or partial review of the Plan, but which were not included in the Plan, rending this part ineffective. Therefore, to ensure comprehensive monitoring, amendments are proposed to the text and another schedule added so that all relevant matters are covered as set out in **MM66** and **MM67**.

108. Subject to these modifications, the provisions for implementation and monitoring are effective and adequately identify triggers for review. I therefore, find this modified part of the plan to be sound.

Issue 8 – Whether the broad areas and locations identified for potential minerals and waste development are justified.

109. The site allocations policies and accompanying Policies Map identify sites and areas of land that are required to implement the Plan's strategic policies for managing waste and working and safeguarding minerals. The allocations have gone through appropriate SA and the *Site Assessments* documents for each of the six Cumbrian districts (Allerdale, Barrow, Carlisle City, Copeland, Eden and South Lakeland) set out guidance for developers on constraints and other

significant matters, to which an appropriate link is made within the Plan. Infrastructure requirements have been assessed and funding adequately addressed for critical infrastructure for at least the next five years.

110. Subject to the amendments discussed below, the broad areas and locations identified for potential minerals and waste development are justified. Consequently, I find the Plan's allocations to be sound, as modified.

Waste Management Allocations

111. *Policy SAP1 Household waste recycling centres (HWRCs)(sites of around 0.5.to 1.0 ha)* allocates two HWRC for which a need has been identified. These are Lillyhall industrial estate in Allerdale Borough to replace the HWRCs in Workington and Frizington, and land adjacent to Kendal Fell Quarry in South Lakeland District to replace the HWRC at Canal Head. These allocations are in suitable geographical locations to meet need. Furthermore, from the *Site Assessments* documents and other submitted evidence, it is apparent that these sites would not result in undue adverse impacts, subject to satisfactory development control at application stage.

112. However, the Policy simply lists the sites and does not give them policy support. Therefore, to be effective, **MM68** is proposed, which provides support to appropriate applications on the identified sites.

113. *Policy SAP2 Waste treatment and management facilities (sites of around 2 to 4 ha)* lists seven industrial estates within which an identified need for three additional facilities could be sited. Whilst more sites have been allocated than are needed, this is in order to provide choice and flexibility, as not all sites would be suitable for all facilities and some may not come forward. The *Site Assessments* documents and other evidence demonstrate that these sites are appropriate for allocation.

114. However, the Policy simply lists the estates and does not give them policy support. Furthermore, there is no indication of which sites might be suitable for what facilities. Therefore, to be effective, more support for appropriate applications, and direction to potential developers should be provided. Accordingly, **MM69a**, **MM69b** and **MM70** are proposed, which provide this support and guidance within the Policy and accompanying text and, whilst avoiding spurious accuracy, insert a table of suitable facility types for each location.

115. The identified sites are not intended to act as a restriction to other suitable sites that may come forward and, therefore, to add further flexibility, the supporting text also identifies broad locations for additional waste management provision. These broad locations are industrial estates that, based on their character, are most likely to come forward with sites, although the Plan indicates that this does not preclude other unlisted sites being considered. The identified broad locations have the potential to accommodate appropriate waste management facilities and are industrial estates from where it is considered any of a number of individual sites would be suitable.

116. It is not clear from the Plan what status is intended for these broad locations and this makes the reference to them ineffective. Therefore, **MM71** and **MM72** are proposed, which insert a new section into *Policy SAP2* giving policy

support to appropriate applications within the identified estates, and adding explanatory text. A corresponding amendment will also need to be made to the Policies Map to illustrate the modifications and ensure the soundness of this policy.

Radioactive Waste Management Allocations

117. There is one policy dealing with radioactive waste allocations and that is *Policy SAP3 Radioactive wastes treatment, management, storage and disposal.* Given the local and national importance of radioactive waste management facilities in Cumbria, the first part of the policy appropriately safeguards four existing facilities.

118. The second part of the policy allocates three sites for additional radioactive waste capacity, all of which are within Copeland Borough Council's administrative area. Additional capacity for LLW to satisfy identified need is provided by the Low Level Waste Repository allocation (CO35). The Repository is a national facility, which has been taking LLW from around the country for many decades and is the most appropriate location to site further provision.

119. The other two allocations relate to radioactive waste produced at Sellafield. Sellafield has its own onsite facility for the disposal of VLLW/Low Activity LLW, namely the Calder Landfill Extension Segregated Area [CLESA]. However, there are specific radioactive waste types that cannot be accommodated at the CLESA. Therefore, Sellafield has the potential to export some of this waste for disposal to Lillyhall landfill (which is safeguarded in part one of *Policy SAP3*) and across the County boundary to permitted landfill sites.

120. The remaining capacity at the CLESA is not likely to last throughout the Plan period, thereby generating the need for an additional disposal facility. The proposed CLESA-2 is intended to meet this need either on site or nearby. Sellafield is currently undergoing decommissioning and the site complex currently has many spatial constraints. Having undertaken a feasibility study, it is understood that there is no capacity within the Sellafield complex at present to site CLESA-2, although there are possible locations on adjacent land, owned by the Nuclear Decommissioning Authority. A strategic assessment of this adjacent land by the Council has not highlighted any major planning constraints.

121. Consequently, two allocations have been made. One is on the Sellafied site (CO36) to provide a range of waste management needs that might arise, and to accommodate CLESA-2 if this becomes feasible. The other (CO32) is adjacent to Sellafield to accommodate CLESA-2 if needed, and for potential storage of wastes linked to the approved Sellafield decommissioning strategy. Allocation CO32 could be linked into the Sellafield site and the existing internal rail and/or road systems extended. The allocation also accords with the Nuclear Decommissioning Authority's decommissioning strategy. On the evidence before me, both CO36 and CO32 are sustainable and the approach taken is justified.

122. Concerns have been raised about allocation CO32, and in particular the large area of the site (56ha). However, I am told that only parts of the site would be developed due to environmental constraints, although determining which

parts are suitable would need further investigation and would best be dealt with at application stage. However, to justify the policy, the approach taken to allocating CO32 should be better explained in the Plan, indicating clearly that CO32 would only accommodate CLESA-2 if it could be robustly demonstrated that it was not feasible to use land within CO36 or an existing disposal route. Consequently, **MM23**, **MM73**, **MM74** and **MM75** are proposed, which set out in *Policy SAP3* criteria to be met to gain planning permission on CO32, along with further explanation in the accompanying text.

Minerals Allocations and Safeguarded Infrastructure

123. There are two minerals allocations policies. The first is *Policy SAP4 Areas for minerals*, which identifies Preferred Areas, Areas of Search and a safeguarded site for secondary aggregates. There are no defined sites allocated because insufficient certainty over identifying viable resources has not resulted in any being put forward by operators. Therefore, in order to maintain a steady and adequate supply, Preferred Areas and Areas of Search have been designated. This approach accords with NPPF paragraph 145, third bullet point.

124. Preferred Areas reflect areas of known mineral resources of unknown viability, but where planning permissions might reasonably be anticipated. Areas of Search are broader areas where there is less qualitative or quantitative evidence at locations put forward by operators, but where, nonetheless, planning permissions could be granted. The Plan does not adequately explain the significance of these areas and, therefore, **MM78** and **MM79** are proposed to *Policy SAP4* and its supporting text.

125. Planning permission has recently been granted for the whole area covered by the Area of Search at land adjacent to Kirkby Slate Quarry (M14) and, therefore, it is no longer an Area of Search. Consequently, to be effective M14 should be removed from *Policy SAP4*. This is achieved by **MM80**. A corresponding amendment to the Policies Map will also be required to ensure the policy is sound.

126. *Policy SAP4* does not include any designations for building stone and the accompanying text implies that there is no requirement for building stone. As there certainly is a requirement, the accompanying text could be misleading and, therefore unjustified. Accordingly, to give more support to potential building stone applications, **MM77** is proposed to amend the accompanying text.

127. The Preferred Area on land adjacent to Roosecote sand and gravel quarry near Barrow-in-Furness (M27) lies adjacent to existing gas terminals, and recent engineering works have led to consolidation of gas processing close to M27. This may impact on the deliverability of any future sand and gravel site in this Preferred Area, although this will not be clear until the Health and Safety Executive have fully assessed the situation.

128. There is likely to be a significant need for sand and gravel in this part of Cumbria during the Plan period and there are limited options for new sand and gravel sites within the area. Therefore, Preferred Area M27 is of considerable importance to the maintenance of a steady and adequate supply of these aggregates. Nonetheless, health and safety must be ensured and if undue risks were identified, a review should be triggered. Consequently, in the

interests of effectiveness, the situation should be explained, and an appropriate trigger added to the Plan's monitoring section. This is achieved by **MM76** and **MM67**.

129. The second policy is *Policy SAP5 Safeguarding of existing and potential railheads and wharves*, which lists infrastructure that is required to be safeguarded by the NPPF. However, the policy is simply a list without any explanation of its significance and is, therefore, ineffective. Consequently, **MM82** is proposed, which explains the significance of the policy.

130. Furthermore, one of the facilities, a potential rail sidings near Millom (M31), should be removed as the site is apparently to be restored to agriculture. **MM82** is, therefore, proposed to remove the site from *Policy SAP5* and **MM81** provides explanatory text. To ensure the Policy's soundness, a corresponding amendment will be required to the Policies Map.

Assessment of Legal Compliance

131. Regulation 8(5) of the Town and County Planning (Local Planning) (England) Regulations 2012 requires the Plan to identify superseded policies from the adopted development plan. There is no indication in the Plan of what policies it supersedes. Therefore, to ensure legal compliance, **MM1a** and **MM1b** are proposed detailing the superseded policies.

132. My examination of the compliance of the Plan with the legal requirements is summarised in the table below. Subject to the identified modifications I conclude that the Plan meets them all.

LEGAL REQUIREMENTS	
Local Development Scheme [LDS]	The Cumbria Minerals & Waste Local Plan has been prepared in accordance with the Council's LDS, which came into force in August 2016; the consultation on the MMs has introduced slight delay to the timetable.
Statement of Community Involvement [SCI] and relevant regulations	The SCI was adopted in January 2006. An Addendum Report to the SCI was prepared in August 2016, to provide an update on legislative and policy changes in the 10 years since the SCI was adopted. Consultation on the Plan and the MMs has complied with SCI requirements.
Sustainability Appraisal [SA]	SA (incorporating Strategic Environmental Assessment) was undertaken on the submitted Plan in April 2016 and was carried out on the MMs in February 2017. The SA was carried out in an iterative manner, with its recommendations having been incorporated into the Plan as it progressed. The SA is adequate.
Habitats Regulations Assessment [HRA]	The Habitats Regulations Assessment, undertaken in April 2016, sets out why Appropriate Assessment is not necessary. This position has been endorsed by Natural England.

National Policy	The Cumbria Minerals & Waste Local Plan complies with national policy, subject to the proposed MMs.
2004 Act (as amended) and 2012 Regulations.	The Cumbria Minerals & Waste Local Plan complies with the Act and the Regulations, subject to the proposed MMs.

Overall Conclusion and Recommendation

133. The Plan has a number of deficiencies in respect of soundness and legal compliance for the reasons set out above, which mean that I recommend non-adoption of it as submitted, in accordance with Section 20(7A) of the 2004 Act. These deficiencies have been explored in this report.

134. The Council has requested that I recommend MMs to make the Plan sound and legally compliant and capable of adoption. I conclude that with the recommended main modifications set out in the Appendix the Cumbria Minerals and Waste Local Plan satisfies the requirements of Section 20(5) of the 2004 Act and meets the criteria for soundness in the National Planning Policy Framework.

Elizabeth C Ord
Inspector

This report is accompanied by an Appendix containing the Main Modifications.

Appendix

In response to comments submitted during the Regulation 19 consultation on the Local Plan (May to July 2016), a number of modifications were proposed when the Plan was submitted to the Planning Inspectorate for examination. Following the Hearing sessions of the Plan's examination (November/December 2016), further modifications were proposed and consulted upon, in order to ensure consistency with national policy, to make factual changes or to add clarity to the Plan.

1. A table of **Main Modifications** is set out in paragraph and policy order:

   - deleted text is shown as red, with a line through the words, e.g. ~~strikethrough~~
   - new text is shown in green

2. An **Annex 1** is provided, to illustrate map and table additions or amendments – this is cross referenced to the table of Main Modifications

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
MM1a	1	Paragraph 1.5	Insert new sentence "…..consultations in 2009 to 2011. For a list of all the superseded MWDF policies, and the MWLP policy replacements, see Appendix 1."
MM1b	203	Appendix 1	Insert new Appendix 1, listing the superseded and replacement policies. (*see Annex 1 to this Table of Main Modifications for new Appendix*)
MM2a	1	Following paragraph 1.6	Insert new paragraphs 1.7, 1.8 and 1.9, to read: "*New National Park designations* 1.7 Extensions to the Yorkshire Dales and Lake District National Parks, by Variation Order, were confirmed in writing by the Secretary of State on 23 October 2015. The extension areas are shown on the map in Appendix 2; apart from a small area of land between Kirkby Lonsdale and Ingleton on Leck Fell, which lies in Lancashire, all of the extension areas fall within the county of Cumbria. 1.8 Following the transfer of functions on 1 August 2016, the respective National Park Authorities became the Local Planning Authority for the newly designated areas, with responsibility for determining all applications for planning permission and Listed Buildings consent, as well as the responsibility for preparing a Local Plan, which would include minerals and waste planning policy. Both the Lake District National Park Authority (LDNPA) and Yorkshire Dales National Park Authority (YDNPA) will use existing, adopted development plan policies in the extension areas, i.e. the adopted policies of South Lakeland District Council, Cumbria County Council, Lancaster City Council and Lancashire County Council, as appropriate. However, the National Parks have indicated that the statutory implications of National Park designation, as outlined in the NPPF, will be a material consideration in their determination of applications in these areas. 1.9 Whilst the National Park Authorities are now the minerals and waste planning authorities in the extension areas, the adopted development plan document for Cumbria County Council will remain the extant minerals and waste policy for those new areas that fall in Cumbria. This will continue until either: a) the YDNPA and LDNPA choose to adopt the Cumbria Minerals and Waste Local Plan for the relevant extensions or b) the YDNPA and LDNPA review their own Local Plans, to include the extension areas."

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			There will be consequent changes to the Policies Map Part 1, and to Insert maps E and F; these will identify the new areas designated as National Park.
MM2b	203	Appendix 2	Insert new Appendix 2, showing the new areas designated as National Park on a map. (*see Annex 1 for new Appendix*)
MM3	9	Box 2.2 overall strategy	Insert new bullet points at the end of the Box, to read: • As for conventional wastes, radioactive waste arisings in the county will be minimised, as will its unnecessary import, ensuring that the right facilities are built in the right place at the right time; the full range of the radioactive waste industry's management, movements and facilities will be supported, as long as they do not have any significant adverse environmental, social or economic impacts in the county. • The appropriate long term, safe storage facilities for higher activity radioactive wastes are provided, until a suitable disposal route is available.
MM4	10, 11	Box 2.3 Strategic Objectives	Add text into Objective 4, on the aim for net self-sufficiency in waste management. • that whilst aiming for net self-sufficiency in waste imports and exports, waste will be managed as near as practicable to where it is produced**,** without endangering people's health and without harming the environment.
MM5a	16	Paragraph 3.15	Amend paragraph, to read: "It is evident that current waste tonnages were being accommodated in 2014, and there are no immediate capacity gaps for Cumbria; there could indeed be spare capacity in the existing Cumbria waste facilities. Table 3.3 provides details of known capacity (excluding landfill, which is provided in Table 3.7) at built facilities across Cumbria at the end of 2014; when available landfill capacity is added to this figure, the total capacity available exceeds that required to manage all the waste that arose. Furthermore, the Waste Data Interrogator for calendar year 2015 indicates that there is a further 300,000 tonnes of capacity available[2]. The potential need for additional waste facilities during the lifetime of the Local Plan was examined in terms of

[2] The 2015 WDI was released during the MWLP examination, but data in the Local Plan and Waste Needs Assessment are based on the 2014 WDI

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			waste growth, changes in imports and exports, increased diversion from landfill and a corresponding need for new built facilities for recycling or recovery. Possible closures of facilities were also considered."
MM5b	16	Following paragraph 3.15	Insert new Table 3.3: Waste capacity (tonnes) in Cumbria by facility type – 2014 (*see Annex 1 for new Table*) There will be consequent changes to the numbering of the Tables that follow in chapter 3.
MM6a	18	Following paragraph 3.22	Insert new paragraph 3.23, to read: "The scenario taken forward by the needs assessment is the realistic scenario. All three scenarios use the same growth assumptions for LACW, C&I and hazardous wastes, with differing options for CD&E waste. The realistic scenario is considered the most appropriate, as this accounts for expected changes in the levels of Excavation waste and Construction & Demolition waste; the growth in excavation waste is closely linked to planned major infrastructure in the county. Although exact figures are not yet known, there is some indication that around 2.5 million cubic metres of excavation spoil may arise as a result of developments such as new nuclear build and the associated upgrade of the National Grid network under the North West Coast Connections project; such forecasts and the estimated timescales for the projects are incorporated into the modelling for this WNA. In respect of C&D waste, the realistic scenario assumes some growth, but that materials are re-used, recycled or used onsite in place of primary aggregates, and thus assumes lower levels of waste generation. Table 3.4 shows projected arisings at 5 year intervals over the Plan period." There will be consequent changes to the numbering of the paragraphs that follow in chapter 3.
MM6b	18	Following new paragraph 3.23	Insert new Table 3.4: Predicted waste arisings in Cumbria 2015 to 2030 (tonnes) (*see Annex 1 for new Table*)
MM7	18	Table 3.3	Update Table 3.3 to show information from 2010 to 2014 for waste imports and exports to/from Cumbria. Table 3.3: Cumbria R~~r~~ecorded waste exports and imports (in tonnes) ~~from Cumbria 2006~~2010 to 2014 (excluding ~~to~~ Scotland) (*see Annex 1 for updated Table*)
MM8	22	Following paragraph 3.38	Insert new paragraph 3.39, to read: "Bennett Bank will continue to accept non-inert waste until December 2017, after which, capacity will be

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			reserved for inert waste for restoration purposes; this will cease by December 2018, when restoration should be complete. Additional inert voidspace of 850,000m^3 will be created at Goldmire, with landfilling due to commence during 2017. Capacity at Flusco is expected to come on stream later in the Plan period and will provide at least 240,000m^3, following extraction of limestone. Further development at Roan Edge is currently subject to a planning application, which is due to be determined in 2017; if permitted, this would increase the existing voidspace to around 510,000m^3."[3]
MM9a	24	Following paragraph 3.46	Insert new paragraph 3.47, to read: "In addition to waste managed at licensed sites, exemptions[3] also play a role in managing Cumbria's waste. Information provided by the Environment Agency shows that there were over 23,000 simple waste management exemptions issued in the county in 2014; Table 3.10 provides details on reported exempt activity (by number) at sites across Cumbria. Almost two-thirds of the exemptions relate to agricultural activities only, which allow storage or disposal of wastes on the holding where the wastes arose and**,** therefore**,** do not need to be taken into account in the needs assessment. Although it is recognised that infrastructure provided at sites that have been issued with exemptions make some contribution to local waste management capacity, it is not possible to identify this accurately. However, it is assumed that this route of waste management will continue and will provide capacity equivalent to existing levels."
MM9b	24	Following new paragraph 3.47	Insert new Table 3.10: Overview of principal waste exemptions (*see Annex 1 for new Table*)
MM10	24	Paragraph 3.47	Replace paragraph with up-to-date information, to read: "~~The 2014 WNA report provided a summary of total capacity required 2013-2030 for the principal types of waste management functions [4], a summary of additional built waste facilities that may be required, and estimates of landfill void capacity throughout the Plan period. Tables provided predictions under the "Best" case and "Pragmatic" case scenarios at 2015, 2020, 2025 and 2030. The capacity gaps estimated for the principal waste management functions were also detailed for both the Best and Pragmatic cases.~~Section 10

[3] Exemptions provide a simplified licensing structure for waste activities with limited environmental risk, occurring typically on a very small scale for specific purposes. Exemptions have to be renewed every 3 years, which also indicates that they tend to occur on a one-off basis or over a limited period.

[4] ~~Evidence Base document reference LD267: Table 11.1, Cumbria County Council Waste Needs Assessment, Urban Vision, December 2014~~

Ref No.	Page No.	Paragraph/ Policy/Figure/ Table/Map/Box	Main Modification
			of the 2015 Waste Needs Assessment provides a summary of the capacity requirements over the Plan period. Appendix B, Tables B4 to B6 of the 2015 WNA, provide a detailed breakdown of waste growth and waste minimisation initiatives over the Plan period, and the requirements for managing waste that result from this. The needs assessment concludes that the capacity requirements identified are deliverable over the Plan period."
MM11	25	Paragraph 3.48	Amend the first sentence of this paragraph, to read: "The key conclusions from these tables in the ~~2014~~2015 WNA are as follows:"
MM12	25	Paragraph 3.48	Amend the fourth bullet of this paragraph, to read: • A need for additional composting facilities for C&I waste and LACW would arise in 2020 **if a time extension were not to be granted for an existing facility**. The existing consent would, however, automatically be extended if the adjacent landfill were to be granted a time extension. Should the consent not be extended, a capacity gap in the order of 57,000 tonnes would occur for treating compostable waste arising in Cumbria, increasing to up to 85,000 tonnes, if waste that is currently imported is also included.
MM13	25	Paragraph 3.48	Amend the final bullet of this paragraph, to read: • There is a current requirement for thermal waste treatment capacity in the county, **which is likely to reach a maximum of almost 120,000tpa in 2020 and diminish thereafter**. A permission was granted late 2016 which, when built, will provide for up to 195,000tpa, more than sufficient capacity to meet this need.
MM14 a	25	Paragraph 3.50	Add new sentence at the end of this paragraph, to read: "Table 3.11 provides details of the anticipated tonnages and voidspace for the realistic scenario, which the Plan is seeking to deliver."
MM14 b	25	Following paragraph 3.50	Insert new Table 3.11: Non-inert landfill requirements in Cumbria 2015 to 2030 (*see Annex 1 for new Table*)
MM15	26	Paragraph 3.56	Add new text and split this paragraph into two, to read:

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a			"3.56 Ongoing provision for inert landfill at Roan Edge would require a time extension early in the Plan period; an application for a 15 year time extension to 2031 was submitted in October 2016. Although still awaiting supporting data, a further application is expected for a physical extension at Roan Edge, which together with the current voidspace will provide around 510,000m^3 capacity. ~~but t~~There is ~~an additional 1,413,000m^3 of inert capacity with~~ planning consent for inert landfill capacity at Flusco (at least 240,000m^3) and at Goldmire Quarry (850,000m^3); they are both reliant on mineral extraction to provide the voidspace~~,~~ ~~though inert material for bunding has begun import at Goldmire~~. After some years of prior extraction and engineering preparation, Goldmire will become operational in 2017; Flusco will come on stream later in the Plan period. Thackwood landfill is no longer operational, but recent pre-application talks indicate that it may be restored with inert material, though the volume would be very small. The operator of Derwent Howe inert landfill is currently developing a scheme to cap and landscape this site, which is also no longer operational. 3.57 It is considered that an overly restrictive policy approach to new inert landfill should be avoided, whilst ensuring that inert landfill capacity to meet specific needs, if and when they arise, do not undermine the waste hierarchy. It is also important to recognise the role that non-inert landfill plays in managing inert waste; this is clear when looking at how inert waste to landfill was disposed of in 2014, which indicated that just 10% went to inert landfill with the remaining going to non-inert sites. In addition, the Environment Agency estimate that 25% of the capacity of non-inert sites will be taken up by inert waste; therefore, the capacity needs for inert waste disposal should not be considered in isolation. Table 3.12 provides details of the anticipated tonnages and voidspace for the realistic scenario, which the Plan is seeking to deliver."
MM15 b	27	Following paragraph 3.56	Insert new Table 3.12: Inert landfill requirements in Cumbria 2015 to 2030 (*see Annex 1 for new Table*)
MM16	27	Paragraph 3.59	Amend paragraph, to read: "The need for composting sites identified in paragraph 3.48, 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 Hespin Wood landfill. The temporary planning consent for the latter development is directly linked to the continued operation of the Hespin Wood landfill site, which has a permission end date of 2020, and would automatically be extended if a time extension for the landfill site were to be granted. If it were granted, no further composting sites would be required in the Plan period. If not, one additional site of ~~7~~85,000tpa

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			capacity would be sufficient."
MM17	29	Paragraph 3.66	Amend this paragraph and split into two, to read: "3.66 The 2014 WNA did not identify any current or predicted gaps in provision for agricultural waste. Data is no longer specifically collected on agricultural waste by the Environment Agency; thus all arisings that leave farms and enter the Waste Data system, are recorded and managed as C&I waste. Any requirement would, therefore, be addressed by those facilities in place to deal with the C&I waste stream. 3.67 The WNA did not identify any ~~or~~ significant gaps in provision for sewage waste (wastewater treatment). United Utilities (UU), the statutory undertaker for wastewater in Cumbria, confirms that their latest 5-year Asset Management Programme (AMP6) identifies the need for a new wastewater treatment works (WwTW) as part of a major capital scheme to upgrade the West Cumbria water supply network. The entire scheme gained planning permission in November 2016, and the~~proposed~~ WwTW at Bridekirk ~~would~~ will connect a new clean water transfer main from Thirlmere and a new treated water transfer main to an existing service reservoir. However, there will be associated decommissioning of a number of WwTWs and pumping stations, so the amount of wastewater needing treatment will not increase significantly. Capacity requirements~~Progress~~ will be kept under review, but currently, all requirements are fulfilled."
MM18	31	Policy SP3 Waste capacity	Amend the Landfill section of this policy, to read: "**Landfill** Time extensions for existing landfill facilities will be considered favourably if they are necessary: • to meet a capacity need identified in this Plan; or • to achieve acceptable restoration contours; or • to maintain an integrated network of a range of appropriate and necessary waste management facilities across the county. Proposals for additional inert or non-inert landfill capacity will be considered if they are necessary to meet a capacity need identified in this Plan, or if it can be demonstrated that there is a need for the development and that it would not undermine the waste hierarchy.

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			~~Time extensions for existing landfill facilities will be considered if they are necessary:~~ ~~• to meet a capacity need identified in this Plan; or~~ ~~• to achieve acceptable restoration contours; or~~ ~~• to maintain an integrated network of a range of appropriate and necessary waste management facilities across the county.~~
MM19	39	Paragraph 4.14	Amend the text on Sellafield in this paragraph, to read: "Sellafield: 1,770m^3 HLW (100% of UK total), in 5,626 packages 69,600m^3 ILW (73% of UK total)~~, in 47,569 packages~~ conditioned and unconditioned[5] 3,450m^3 LLW (5% of UK total) 1,080m^3 VLLW (92% of UK total)"
MM20	39	Following paragraph 4.18	Insert new paragraphs 4.19 to 4.24, to read: "*Capacity to manage the volumes of radioactive waste* 4.19 Unlike conventional wastes (discussed in chapter 3), the County Council cannot aim for net sufficiency in the management of radioactive wastes, other than for HLW; this arises only at Sellafield, from the reprocessing of foreign and domestic spent fuel, and is repatriated or safely stored on site, awaiting a disposal route. It is planned to export high level vitrified waste to a Geological Disposal Facility circa 2089. Assuming all HLW from overseas spent fuel has been exported, a total of around 7,500 HLW containers are expected to be stored in an engineered facility on the Sellafield site; storage capacity in this Vitrified Product Store is 7,960 containers. 4.20 The majority of the ILW safely stored at Sellafield is generated internally, with additional, smaller volumes of wastes from Harwell and Winfrith; altogether over the Plan period, it is anticipated that these will amount to approximately 17,000m^3. There may also be a few hundred cubic metres of waste generated during the decommissioning of storage vaults at LLWR, and the potential for around 1,000m^3 of plutonium contaminated material (PCM) generated at Aldermaston. There are a range of engineered ILW stores at

[5] The UK total number of conditioned ILW packages is 54,129, of which 47,569 (88%) are at Sellafield

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			Sellafield, designed specifically for the different waste types (e.g. PCM, beta gamma) and packaging (e.g. drums, concrete boxes); both the current and future planned stores have adequate capacity for ILW management until a disposal route is available. It is planned to export ILW to a Geological Disposal Facility circa 2089. 4.21 Sellafield currently has the capacity to manage all of its LLW arisings, which are forecast to be around 80,000m^3. On site capabilities include handling, segregation and measurement; metals recycling; and a supercompaction plant. Off-site capabilities include metals recycling (both within and outside the county), incineration (outside the county) and disposal to the LLWR. The Repository has planning permission for disposal of LLW until 2055, in the current vaults (8, 9) as well as future vaults (9a, 10, 11); excluding the waste already emplaced in vaults 8 and 9, this provides an overall capacity of around 263,000m^3. Imports of LLW into the county over the Plan period are estimated to be around 135,000m^3; exports are estimated to be approximately 37,800 m^3. This figure is based on extrapolation of current volumes of wastes transferred from Sellafield to alternative routes such as incineration, metal decontamination/melting and VLLW disposal. Therefore, there is sufficient capacity at the Repository over the Plan period. 4.22 Sellafield Ltd anticipate generation of some 96,000m^3 of VLLW over the Plan period; two thirds of this volume (61,000m^3) is planned to be disposed of to its on-site landfill facility, Calder Landfill Extension Segregated Area (CLESA). The remaining 35,000m^3 is expected to be consigned as VLLW for disposal at an authorised landfill, which is likely to be outside of the county. The CLESA facility at Sellafield, which can only accept the site's own VLLW, has a total capacity of 120,000m^3 and a remaining capacity of 63,000m^3. It is estimated that the CLESA will be full by 2025, but it is planned that a successor will be developed. 4.23 Large volumes of VLLW arise annually at nuclear sites, which are generally sent for disposal to permitted landfill, if suitable, at the earliest opportunity after they are generated. For example, in 2015/16 6092m^3 VLLW from waste producers across the UK was disposed to suitably permitted landfill sites and, additionally, 3736m^3 was disposed by Sellafield to the CLESA. There is one permitted commercial landfill site in the county that is able to accept VLLW – the FCC Environment site at Lillyhall. The planning permission allows disposal of VLLW at the site until 2029, with a limit of 26,000m^3 annually; to date, none has been disposed of to Lillyhall. It is difficult to forecast the volume of VLLW that might be imported into the county during the Plan period, since VLLW would only be imported if it was to be disposed of to the Lillyhall facility. It is considered that there is sufficient capacity to manage or dispose of VLLW in the county over the Plan period.

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			4.24 Paragraph 17.7 considers the implementation and monitoring framework for the Local Plan, and expects that one of the main documents to be used to provide evidence on the Plan's performance will be the UK Radioactive Waste Inventory, which is updated every 3 years. The annual Authority Monitoring Report will also provide an opportunity to monitor radioactive waste facilities the capacity to manage the wastes and progress. The monitoring framework will include triggers concerning radioactive waste, which would indicate when a full or partial review of the Plan may be required." There will be consequent changes to the numbering of the paragraphs that follow in chapter 4.
MM21	42	Paragraph 4.28	Insert new sentence at the beginning this paragraph, to read: "Proposals for the management of radioactive waste should also comply with national strategies for waste management and for radioactive waste management specifically, in the latter case including those produced by the Nuclear Decommissioning Authority. The County Council would…."
MM22	42	Policy SP4 Transparent decision making	Add a new bullet at the end of policy SP4 as follows: • "the proximity principle • the national strategy for managing radioactive wastes"
MM23	44	Paragraphs 4.35 and 4.36, new following paragraph	Amend the final two sentences of paragraph 4.35, to read: "The CLESA has a remaining capacity of approximately 70,000m^3, so it is expected~~scheduled~~ to be full around 2025. Sellafield Ltd is, therefore, already carrying out feasibility studies into where CLESA-2 may be located~~; this will be a future on or near site disposal facility~~." Amend paragraph 4.36, to read: "Sellafield Ltd is also working on a Development of Sellafield Decommissioning Strategy, which will set out a critical path of what activities have to occur when and where, in order to carry out an effective and efficient decommissioning programme. The site currently has many spatial constraints, so the strategy will look at all the NDA-owned land adjacent to Sellafield, for its potential to accommodate the temporary ~~clean waste~~ storage of non-radioactive inert wastes arising solely from the Sellafield site, subject to any covenants or

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			special provisions that would restrict this suggested use of the land. Non-radioactive inert wastes are generated from the~~such as~~ construction, demolition or excavation activities on Sellafield, which fall under the legal definition of waste; they would be retained for restoration purposes on the Sellafield complex, rather than importing large volumes of inert wastes for this purpose, in the future.~~wastes. Both the CLESA-2 work and the decommissioning strategy work, tie in with the Local Plan's site allocation CO32 land adjacent to Sellafield (see chapter 18), and this will have to provide a more flexible approach for Sellafield's future needs than solely for the disposal or storage of radioactive wastes.~~" Insert new paragraph 4.37, to read: "The Local Plan identifies site CO32, land adjacent to Sellafield, in Policy SAP3 (see chapter 18). This has been allocated to take account of the likely needs identified in paragraphs 4.35 and 4.36, to provide the opportunity for use of this land, in the event that Sellafield Ltd has demonstrated, after rigorous assessment, that it is not feasible to use land within the Sellafield site (allocation CO36), in accordance with Policy SP4, or that it is not feasible to utilise an existing disposal route."
MM24	44	Paragraph 4.39	Amend the last sentence of this paragraph, to read: "The County Council recognises that the nuclear industry operators will undertake that rigorous assessment, in the form of the optioneering process to assess the available management options for radioactive waste, which is then reviewed by the regulators. Also part of the rigorous assessment, ~~but~~ the Council would wish to see clear evidence of how those management decisions ~~are~~ have been formulated, in order for the Council to safeguard, through planning decisions, the interests of Cumbria's communities and environmental assets."
MM25	48	Policy SP6 Higher activity radioactive wastes	Add a new bullet at the beginning of Policy SP6 as follows: • "that it conforms to national policies and strategies for HAW; and • compliance with….."
MM26	53	Paragraph 5.18	Amend paragraph 5.18 as follows: "…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) to be maintained throughout the Plan period."

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MM27 a	53	Following paragraph 5.18 and Table 5.2	Insert new paragraph 5.19, to read: "The Cumbria Local Aggregates Assessment (LAA) provides an annual assessment of the demand for, and supply of, aggregates. Chapter 3 of the 2015 LAA discusses options for forecasting future demand; the options presented were based on different ways of looking at past sales and forecasting future demands based on those past sales. Tables 5.3 to 5.5 provide a summary of the requirements based on the options considered. However, it should be noted that the LAA will be updated annually and these figures are likely to change in the future, in accordance with market demand and permitted reserves. Any planning application should be based on the most up-to-date LAA and not the figures presented here." There will be consequent changes to the numbering of the paragraphs that follow in chapter 5.
MM27 b	53	Following new paragraph 5.19	Insert three new Tables: Table 5.3: Requirements for sand and gravel Table 5.4: Requirements for limestone Table 5.5: Requirements for High/Very High Specification Aggregates (*see Annex for new Tables*) There will be consequent changes to the numbering of the Tables that follow in chapter 5.
MM28	61	Paragraph 5.56	Amend paragraph 5.56 as follows: "….are required to ensure that at least a 7-year landbank remains in place throughout the Plan period."
MM29 a	62	Following paragraph 5.61	Insert new paragraphs 5.62 and 5.63, to read: "5.62 The reserves at Birkshead mine can be split into three separate types, each with a separate product and use (see Table 5.10). The reserves of the mill rock and plaster grade gypsum have been estimated based on the results of exploratory boreholes and anticipated recovery factors (the pillar sizes and hence extraction rate is based on the depth of working). The reserves of mill rock were reassessed in 2016, following the decision to make significant capital investment of £6.5 million at Birkshead; new cutting equipment should enable access to areas of the mine with steeper gradients, to extract greater reserves than previously calculated. 5.63 In the Table, the 'sufficient until' dates are based on projected outputs. This is a very broad indication of likely requirements over the Plan period, as any number of changes in circumstances could impact on these

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			figures – for example, another recession or the under performance of the new equipment."
MM29 b	62	Following new paragraph 5.62	Insert new Table 5.10: Birkshead Mine gypsum reserves at 31 December 2015 (*see Annex 1 for new Table*)
MM30	63	Paragraph 5.64	Add text to paragraph 5.64 and split into two paragraphs, to read: "5.64 National policy requires mineral planning authorities to plan for a 25-year landbank for **brick clay**; however, this is not a practical option in Cumbria. Output from High Greenscoe Quarry has significantly reduced due to the recession and a planning permission to extend the life of the permission to 2028 was approved in 2013. On current extraction rates and remaining permitted reserves, a very rough estimate of the landbank is 37 years. There is, however, a very varied extraction rate of mudstone year-on-year. In the 10-year period between 2007 and 2016, days worked have ranged from 12 to 41; at no point has it reached the permitted 66 days. If the quarry were to extract the maximum amount required to produce bricks at full capacity (10.5 million bricks), then on current reserves, the landbank may only last 12.5 years. If, however, production were to fall back to their lowest levels, the landbank could last for 82 years. 5.65 Whilst it is difficult to predict the rate of extraction and life of existing or proposed resources, a strategic policy commitment to identify site(s) to enable continued extraction of brick-making mudstones, and to identify an area next to the existing quarry as a strategic area (policy SP9~~8~~), have been included. Brick clay is included as a Mineral Safeguarding Area in policy SP8~~7~~."
MM31	63	Paragraph 5.65 and following new paragraph	Amend paragraph 5.65, to read: "Some aggregate quarries also market high purity industrial grade limestone; but these are not included in the figures for~~of~~ sales of aggregates. Although currently inactive, ~~T~~the most notable of these quarries is Shap Fell, which used to supply~~ies~~ the steel industry's lime kilns at the nearby Hardendale Works; there is a current planning application for a further 5.2 million tonnes of industrial limestone that would, if approved, provide around seven years stock of permitted reserves, which although a very low stock, would take advantage of the adjacent kilns~~and may potentially be required for other associated industrial facilities~~. Stainton Quarry, near Barrow, has an international market for industrial limestones that are used in pharmaceuticals and paper-making; here, the industrial grade limestone lies below that extracted for aggregates. Two other quarries are known to dedicate a small percentage of their limestone reserves for industrial uses, in their case, agricultural purposes. ~~Policy SP10 aims to conserve industrial limestone resources for such purposes,~~

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			~~to reflect current national policy.~~" Insert new paragraph 5.66, to read: "The broad estimate of the permitted reserves of industrial limestone, outside the National Park, is 1.85 million tonnes with all the quarries having an end date of 2042. Looking at sales for these four quarries, based on current sales levels, the 1.85 million tonnes could last around 140 years; based on both 3-year and 5-year rolling averages, it could last around 120 years. It is not considered that their scale of production warrants a Preferred Area or an Area of Search for industrial minerals alone; all these quarries are located within the general limestone Mineral Safeguarding Area and, therefore, the Mineral Consultation Area. Policy SP10 aims to maintain a steady and adequate supply of industrial limestone throughout the Plan period, to reflect current national policy."
MM32	65	Paragraph 5.72	Insert new text at the end of this paragraph, to read: "….and limestone; the other nine quarries do not produce aggregates from their waste, as their waste rock is usually stored on site, for its future or progressive restoration."
MM33 a	65	Following paragraph 5.72; paragraphs 5.73 and 5.74; following new paragraphs	Insert new paragraph 5.73, to read: "5.73 The winning, working and processing of building stones make an important contribution to the minerals sector and the economy of Cumbria; they are also important for rural enterprise and diversification of small farms or other businesses. Building stones are used in existing buildings for restoration, conservation and extensions, as well as for new building, decorative and memorial work. Their use is integral to the distinctive character and historic environment of Cumbria and further afield. It is vital to ensure that a steady and adequate supply of building stones is available so that the local character of the county is maintained. The Plan provides a positive and flexible policy framework to support investment in appropriate sites, facilities and skills." Amend paragraph 5.73 and split over two paragraphs; insert new paragraphs 5.75, 5.76 and 5.78: "~~5.73~~5.74 Table 13 in Appendix 2~~1~~ shows that 11 of the operational building stone quarries have planning consents that expire during the Plan period. Due to the often small scale, slow and intermittent nature of the

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			building stone quarries in Cumbria, it is not anticipated that there will be a need for additional quarries during the Plan period. It is more likely that time extensions and small scale physical extensions will be sought, but all applications, for whatever use of the stone, will be considered on their own merits, in accordance with Policy DC2 and the criteria set out in Policy DC12. 5.75 Policy SP9 identifies the Wray Castle slate formation around Kirkby Slate Quarry, which has an international market and is of a much larger scale than all the other building stone quarries, as a strategic area for further supplies of slate, outside the National Park. However, the quarry was granted planning permission in November 2016, giving it a permitted area of 111 hectares, and reserves that now equate to around 1.4 million tonnes of workable stone/slate. Processing occurs at Kirkby Slate Quarry for all of Burlington's building stone quarries, whilst sales from all their quarries are quoted as 100,000 to 110,000 tonnes per annum, in the form of tiles, paving, walling, lintels, construction and landscaping materials, internal polished products and aggregates. To get an idea of scale, the next largest building stone quarry is 8.5 hectares, at Flinty Fell Quarry. 5.76 Excluding Kirkby Slate, the average size of a building stone quarry in Cumbria, outside the National Parks, is 2 hectares. The volume of permitted reserves range from 5,000 to 1,000,000 tonnes, though this does not include calculation of waste rock that is often retained on site for restoration, which can range from 10 to 80% of the total extracted. Sales per annum also have a wide range; of the known sales figures, this is between 0 and 10,000 tonnes. For some building stone quarries, only the maximum permitted sales are known, but site monitoring often shows that these maximums are not reached. Of course, low sales can change and in most cases are shown to be rising since the recession, but because of this situation, the majority of planning permissions since 2007 for the building stone quarries have been time rather than physical extensions. 5.77 Development control policy DC12 supports national planning policy to maintain supplies of building stone, whether required for the repair of national and, potentially, international heritage assets, ~~and also~~ to maintain Cumbria's local architectural distinctiveness, or for a wide range of other uses. All ~~P~~proposals ~~at building stone quarries that are unrelated to historic assets or local vernacular,~~ will be assessed using the criteria for non-energy minerals in policy DC12. 5.78 Apart from slate, current building stone operations are located within the limestone and sandstone Mineral Safeguarding Areas; there are no operations using igneous rock for building stone purposes. The full

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			range of building stones will be safeguarded from non-minerals development by the igneous, limestone and sandstone Mineral Safeguarding Areas, and thus the Mineral Consultation Area. Table 5.11 overleaf, provides an overview of the current building stone quarries in Cumbria, outside the National Parks; Part 2 of the Policies Map, Mineral Safeguarding Areas, identifies their locations. ~~5.74 No need for additional building stone quarries is anticipated, due to the often slow and intermittent use of such quarries. However, policy SP8 identifies the Wray Castle slate formation around Kirkby Slate Quarry, which has an international market, as a strategic area for further supplies of slate, outside the National Park.~~" There will be consequent changes to the Policies Map Part 2, Mineral Safeguarding Areas, to add identification of current building stone quarries.
MM33 b	66	New Table in Building Stones section	Insert new Table 5.11: Building Stone Quarries in Cumbria (outside the National Parks) (*see Annex 1 for new Table*)
MM34	67	Paragraph 5.78	Amend the first sentence of this paragraph, to read: "The Mineral Safeguarding Areas, identified in policy SP8~~7~~ and on the Policies Map, are for: sand and gravel, hard rock (including aggregates, high specification aggregates, industrial minerals and building stones), shallow coal and fire clay, brick clay, gypsum and slate resources."
MM35	77	Policy SP7 Minerals provision and safeguarding	Amend and add text in Policy SP7; split policy into two policies. "**Policy SP7 Minerals provision ~~and safeguarding~~** Provision for potential further mineral working will be made by identifying Preferred Areas and/or Areas of Search:- • to enable a landbank at the Local Aggregates Assessment level of at least seven years sales for sand and gravel and at least ten years for crushed rock to be maintained throughout the Plan period; • for ~~continued quarrying~~ a steady and adequate supply of nationally important very high specification roadstone and regionally important high specification roadstone; • for ~~continued quarrying~~ a steady and adequate supply of brickmaking mudstones; • for ~~continued quarrying~~ a steady and adequate supply of slate; ~~and~~

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			• for ~~continued extraction~~ a steady and adequate supply of gypsum; and • for a steady and adequate supply of building stone. **Policy SP8 Minerals safeguarding** Mineral resources, existing, planned and potential infrastructure and plant will be safeguarded from being unnecessarily sterilised by other developments by identifying:- • existing and potential railheads and wharves to be safeguarded; • Mineral Safeguarding Areas for the indicative sand and gravel and hard rock resources (including aggregates, high specification aggregates, industrial minerals and building stones), shallow coal and fireclay resources; • Mineral Safeguarding Area for identified resources of brick clay; • Mineral Safeguarding Areas for the remaining gypsum resources; • Mineral Safeguarding Area for identified resources of slate; • Mineral Safeguarding Area for identified resources of secondary aggregates; • Mineral Consultation Area, which covers the resources within all the Mineral Safeguarding Areas." All references in the Plan to Policy SP7 and new Policy SP8 will require amendment. There will be consequent changes to the numbering of the Policies that follow.
MM36	78	Policy SP10 Industrial limestones	Amend the first sentence of this policy, to read: "To ensure a steady and adequate supply, ~~A~~any proposal for the extraction of high purity limestone should demonstrate that it is primarily for non-aggregate uses."
MM37	100, 101, 102	Policy SP14 Environmental assets	Amend the final two sections of this policy, to read: "**Heritage designations** ~~Major~~ In general, development proposals that ~~adversely impact~~ substantially harm or totally destroy the Outstanding Universal Value of a World Heritage Site~~s, Scheduled Monuments, Registered Historic Battlefields, Registered Historic Parks and Gardens, Listed Buildings and Conservation Areas~~, or the

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			significance of a designated heritage asset, or their settings, will only be granted planning permission ~~in exceptional or wholly exceptional circumstances (in accordance with paragraph 132 of the National Planning Policy Framework) and~~ where it can be demonstrated that ~~there~~ they are necessary to achieve substantial public benefits that outweigh the harm or loss (in accordance with NPPF paragraph 133). Where development proposals cause less than substantial harm to the Outstanding Universal Value of a World Heritage Site or the significance of a designated heritage asset, or their setting, the harm will be weighed against the public benefits of the proposals (in accordance with NPPF paragraph 134)." "**Environmental assets not protected by national, European or international legislation** Where not otherwise…… • ……offsetting actions Where not otherwise protected by national, European or international legislation, the effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect, directly or non-directly, non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. Non-designated heritage assets of national importance are treated as designated assets."
MM38	103	Policy SP15 Restoration and afteruse	Amend Policy SP15 as follows: "**POLICY SP15 Restoration and ~~afteruse~~ aftercare**" "….of this Plan. Where appropriate, ~~T~~this should include consideration….."
MM39	105	Following paragraph 10.7	Insert new paragraph 10.8, to read: "In accordance with chapter 27, paragraph 48 of PPG (ID:27-048- 20140306), where an operator is contributing to an established mutual funding scheme, such as the Mineral Products Association Restoration Guarantee Fund or the British Aggregates Association Restoration Guarantee Fund, no financial guarantee, even in the exceptional circumstances set out in Policy SP16, will be sought."
MM40	105	Policy SP16	Amend policy, to read:

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		Section 106 planning obligations	"Where it is not possible to achieve the necessary control or outcome through the use of planning conditions, the County Council will require appropriate mitigation to be secured through Section 106 planning obligations that ensure that development proposals:- 1. Secure long term management of relevant environmental assets. 2. Only where one of the following exceptional circumstances applies, ~~P~~provide financial guarantees, including with parent companies, where appropriate for restoration works, except where a national industry guarantee fund will remain in place: • very long-term new projects, where progressive reclamation is not practicable, such as an extremely large limestone quarry; or • where a novel approach or technique is to be used, but the minerals planning authority considers it is justifiable to give permission for the development; or • where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission. 3. Provide necessary infrastructure such as highway and transport improvements, flood and surface water management schemes and green infrastructure."
MM41	117	Policy DC2 General criteria	Amend policy to remove following text: "~~b. the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality have been taken into account;~~"
MM42	117	Policy DC2 General criteria	Insert new criterion b., to read: "b. the proposal would not give rise to significant adverse impacts upon local air quality, particularly within an Air Quality Management Area (AQMA) designated by the district authority;"
MM43	119	Policy DC4 Quarry blasting	Amend second paragraph of this policy, to read: "Generally, ground vibration attributable to quarry blasting shall not exceed peak particle velocities of 6mm/second in any direction at sensitive properties, unless robust justification is provided."

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MM44	121	Policy DC6 Cumulative environmental impacts	Amend first paragraph of this policy, to read: "Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Where appropriate, ~~C~~considerations will include:"
MM45	124	Policy DC8 Renewable energy use and carbon reduction on existing minerals and waste sites	Insert a new bullet as bullet number 6, to read: • in the case…….operations of the site: and • proposals involving one or more wind turbine will need to demonstrate that: ▪ the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and ▪ following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and, therefore, the proposal has their backing; and
MM46	125	Paragraph 14.5 and following new paragraph	Amend this paragraph, to read: "~~No requirements for additional~~ The 2015 Waste Needs Assessment considers waste managed in Cumbria, rather than locally arising as was assessed in the 2014 WNA, and thus the identified need for hazardous waste management is low. ~~capacity in Cumbria have been identified in the Waste Needs Assessment for this Local Plan, and, t~~Therefore, no Site Allocations ~~are included in the Plan~~ and no development control policies specific to hazardous waste are proposed in the Plan." Insert new paragraph 14.6, to read: "Hazardous waste facilities are considered specialist and tend to be larger than local in scale; therefore, it is more appropriate that they are 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. Policy DC9 provides the criteria by which hazardous waste development should be considered, if any proposals were forthcoming. Facility types a., b., d., e. and f. could handle all major waste streams including hazardous. The only additional criteria for hazardous waste would be the exclusion of sites located in areas of high flood risk; of the locations for waste management facilities identified in SAP2, those that would be suitable for processing hazardous waste are not

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			located within such flood risk areas." There will be consequent changes to the numbering of the paragraphs that follow in chapter 14.
MM47	125	Paragraph 14.6	Amend the second sentence of this paragraph, to read: "~~No additional development control policies specific to these wastes are considered necessary, but i~~If a proposal came forward on a nuclear site, all relevant development control policies would be used to determine the application; unlike conventional waste streams, no specific development control policy has been prepared for radioactive wastes."
MM48	126, 127, 128	Policy DC9 Criteria for waste management facilities	Amend first paragraph of this policy, to read: "Proposals for waste management facilities for all waste streams excluding radioactive, will be permitted subject to the locational and other criteria set out in the table below."
MM49	126, 127, 128	Policy DC9 Criteria for waste management facilities	Amend Policy DC9 as follows: Add "If no unacceptable impacts on housing, business uses or other sensitive land uses" into Key Criteria for facility types e. and g.
MM50	129	Policy DC10 Criteria for landfill and landraise	Amend first paragraph of policy, to read: "Proposals for additional landfill capacity will only be permitted if they comply with Strategic Policy SP3 Waste capacity, and will be required to demonstrate the measures that have been taken to ~~drive the wastes up the waste hierarchy, to~~ reduce waste road miles, and to have comprehensive landfill gas management systems, including electricity generation where viable."
MM51	131	Paragraph 15.4	Amend paragraph, to read: "Policy DC12 relates to aggregates, industrial minerals, building stones, gypsum and any other non-energy producing minerals. 'Building stone' is used generically to cover all uses for building stones, whether for internal decoration, outside walling, etc.; the term 'dimension' stone' is often used by the industry. As well as

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			consideration under the criteria in the policy, building stone quarries are highlighted in the second part of the policy for particular, smaller scale roles. Cumbria represents an area of highly varied geology, and the various rock types present have been used extensively to construct its unique assemblage of vernacular stone buildings and, in some cases, have been exported to markets located much further afield (both national and international); this is reflected in the flexible approach in DC12, to the need for stone with very specific characteristics. Therefore, Cumbria's building stone quarries have a unique role to play in the conservation and repair of heritage assets or in the matching of stone in local developments. This policy would equally apply to applications associated with the stone products/processing industry within Cumbria, outside the National Parks."
MM52	131	Policy DC12 Criteria for non-energy minerals development	Amend policy, to read: "Proposals for non-energy minerals development inside both the identified Preferred Areas and the identified Areas of Search, will be permitted if they do not conflict with other policies in this Plan. Proposals for non-energy minerals development outside both the Preferred Areas and Areas of Search, whether a physical or time extension to an existing site or a new site, will be considered on their individual merits. Criteria to be considered are: a. the need for the specific mineral; b. economic considerations; c. positive and negative environmental impacts (including a strategic approach); ~~d. the cumulative impact of proposals in an area;~~ ~~e~~d. land stability."
MM53	132	Paragraph 15.6	Amend paragraph, to read: "The determination of planning applications for oil and gas minerals is based on NPPF paragraph 14, which is incorporated into this Local Plan as Strategic Policy SP1; it requires that ~~consent is granted unless the adverse impacts significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies of the Plan taken as a whole~~ development proposals that accord with the development plan are

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			approved without delay. Only where there are no policies relevant to the application or where relevant policies are out of date, does the policy require that the Council grant permission, unless material considerations indicate otherwise. Such a decision would need to take into account whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or if specific policies in that Framework indicate that development should be restricted. The Government states that unconventional gas development can benefit the economy by "improving security of supply, creating jobs, growth and investment, and supporting the transition to a low carbon economy at the least cost"."
MM54	135, 136	Policy DC13 Criteria for energy minerals	Amend Policy DC13, to read: "Proposals for energy minerals developments that conform to the Strategic and other Policies of this Local Plan will be supported subject to the following criteria: **Exploration and appraisal of hydrocarbons** Planning permission will be granted for proposals for exploration and appraisal of oil and gas resources provided that: a. the site and equipment is sited at a location where it can be demonstrated that it will not have any unacceptable social and environmental impacts; and b. the proposal provides for appropriate baseline monitoring prior to commencement of development; and c. the impacts of the development have been considered in relation to impact on climate change; and ~~e~~d. the timely restoration and subsequent aftercare of the site, whether or not oil or gas is found. **Commercial exploitation of hydrocarbons** Planning permission will be granted for proposals for commercial exploitation of oil and gas, provided that: a. a full appraisal programme for the oil or gas field has been completed; b. the proposed location is the most suitable, taking into account social, environmental, geological and technical factors; c. the cumulative impacts of the development of the gas field and essential associated infrastructure have

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			been assessed; ~~and~~ d. appropriate provision is made for mitigation or compensation for significantly adverse ~~impacts on the~~ environmental and ~~communities~~social impacts; and e. the impact of the development has been considered in terms of contributing to the mitigation of climate change. Combined planning applications for more than one phase will only be considered if all relevant information, including environmental information, to support the full extent of the application is provided. **Underground Coal Gasification** The criteria set out above in this policy, for exploration and appraisal and commercial exploitation, will also apply to proposals for onshore surface works or ancillary development to support offshore Underground Coal Gasification (UCG). Where a UCG proposal follows a planning permission for coal extraction only, a separate planning application will be required for development related to UCG. **Coal** Planning applications for coal extraction will only be granted where; • the proposal would not have any unacceptable social or environmental impacts~~is environmentally acceptable~~; or, if not • it can be made so by planning conditions or obligations; or, if not • it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission. For underground coal mining, potential impacts to be considered and mitigated for will include the effects of subsidence including: the potential hazard of old mine workings; the treatment and pumping of underground water; monitoring and preventative measures for potential gas emissions; and the disposal of colliery spoil. Provision of sustainable transport will be encouraged, as will Coal Mine Methane capture and utilisation." "Notwithstanding the fact that these environmental designations are, in effect, safeguarding these two slag
MM55	137	Paragraph 15.26	Add a final sentence to the end of this paragraph, to read:

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			banks, previous trials to use the slag as a secondary aggregate have shown them not to be economically viable."
MM56	137	Paragraph 15.27	Amend the last sentence of this paragraph, to read: "In the meantime, it was decided to remove the specific building stone MSA; however, the resources from which building stones are or may be obtained in the future (igneous rock, limestone and sandstone), are safeguarded through the relevant Mineral Safeguarding Areas and, therefore, the Mineral Consultation Area."
MM57	141	Following paragraph 16.5	Insert new paragraphs 16.6 and 16.7, to read: "16.6 NPPF paragraph 117 requires planning policies to identify and map components of the local ecological networks. As set out in paragraph 8.11 of the Plan, within Cumbria, the detailed representation of current knowledge of the county's biodiversity is held by the Cumbria Biodiversity Data Centre (CBDC). Its evidence base includes species and habitat statements, habitat targets, planning considerations and enhancement opportunities. Further work for the biodiversity evidence base will include identifying the networks of natural habitats required by national policies, mapping biodiversity opportunities and defining the landscape features that are of major importance for migration, dispersal and genetic exchange. This is an iterative process that will continue to inform the policy and thus any necessary updates. 16.7 In a two-tier authority area such as Cumbria, it is considered that the local ecological networks can be better mapped at the District scale; the CBDC data is available to all relevant Councils. For further information, reference should be made to all District and Borough Council draft or adopted Policies Maps." There will be consequent changes to the numbering of the paragraphs that follow in chapter 16.
MM58	142	Policy DC16 Biodiversity and geodiversity	Amend the first bullet of this policy, to read: "Proposals for minerals and waste developments, including ones for ROMP applications and time extensions, will be required to identify, where appropriate:- • ~~their likely~~ any potential impacts on important biodiversity and geological conservation assets, as defined in the Strategic Policies, and on any functional ecological and green infrastructure networks; and"
MM59	143, 144	Policy DC17 Historic	Amend Policy DC17 as follows:

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		environment	"~~In accordance with NPPF paragraphs 126 to 141:~~ Minerals and waste management developments, including restoration and afteruse, will, where necessary, preserve and, where appropriate, enhance Cumbria's heritage assets and their settings. Any such p~~P~~roposals ~~for waste management developments or mineral developments~~ that would result in harm to, or total loss of, the significance of a designated heritage asset or its setting (or a~~n un~~ non-designated heritage asset of national significance, or its setting) ~~that is demonstrably of equivalent importance to a designated heritage asset, or its setting~~, or the Outstanding Universal Value of a World Heritage Site, will only ~~not~~ be permitted ~~unless~~ where it can be clearly demonstrated that public benefits outweigh the harm, and that the harm is necessary to achieve those ~~public~~ benefits. ~~, in cases of less than substantial harm to the significance of assets, or substantial public benefits, in cases of substantial harm to the significance of assets.~~ ~~Any proposals that cause substantial harm to the outstanding universal value of the Frontiers of the Roman Empire – Hadrian's Wall World Heritage Site, a Scheduled Monument, a grade I or II* Listed Building, the Solway Moss Registered Battlefield or a grade I or II* Registered Park and Garden, will only be permitted in wholly exceptional circumstances. Proposals that cause substantial harm to a grade II Listed Building, a grade II Registered Park and Garden and a Conservation Area, will only be permitted in exceptional circumstances.~~ Any proposals that affect a non-designated heritage asset or its setting will be judged on the significance of the heritage asset, ~~and~~ the scale of the harm and the public benefits of the proposal. Where a development proposal affecting archaeological sites is acceptable in principle, the preservation of the remains in situ will be the preferred solution. Where in situ preservation is not possible or justified, the development will be required to make adequate provision for excavation and recording before or during development. ~~Any heritage asset and its setting, whether designated or not, that is harmed by a proposal, will need to be recorded by the developer to a level that is proportionate to its significance and to the scale of impact of the proposal. The information will need to be made publically accessible in the County's Historic Environment Record.~~ All development p~~P~~roposals that will have an impact on any heritage asset or its setting (including where there is potential for unknown archaeological assets), whether designated or not, should be accompanied by

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			an assessment of the significance of the heritage asset and its setting, and how that significance will be affected by the proposed development. The level of information required will be proportionate to the ~~asset's~~ significance of the asset and to the scale of impact of the proposal, and may require, where necessary, an archaeological desk based assessment and field investigation. The recording of the loss of, or harm to, any heritage assets (where justified), and any supporting information, will need to be made publically accessible in the County's Historic Environment Record."
MM60	151	Paragraph 16.38	Amend paragraph 16.38 as follows: "Soils are a vital, natural resource, that form the foundation of much of the county's landscape, land use and wildlife interests and serve a wide range of essential functions. Soils are also a "carbon sink" that can either sequester or emit carbon, depending on their condition and temperature. ~~The Soil Strategy for England sets out an ambitious programme of actions to improve the protection and sustainable use of soils (irrespective of their Agricultural Land Classification grading). These cover cross-cutting issues relating to the different function of soils, protecting soils through the planning system and minimising contamination.~~The Natural Environment White Paper[6] emphasises the importance of natural resource protection, including the conservation and sustainable management of soils. This covers the protection of Best and Most Versatile agricultural land, as well as safeguarding soils in order to achieve a range of important ecosystem services and functions, such as food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife."
MM61	153	Paragraph 16.49	Amend the first sentence of this paragraph, to read: "Whilst s~~S~~ites on the Best and Most Versatile agricultural land should usually be restored, where practicable and appropriate, to retain its longer term capability~~a similar standard~~, though the proposed afteruse need not always be for agriculture. In appropriate situations, other uses will be encouraged that contribute to the movement from a net loss of biodiversity towards achievement of net gains in biodiversity resources, required by Strategic Policy SP14".
MM62	155	Policy DC22 Restoration and	Amend the title of Policy DC22 as follows:

[6] The Natural Environment White Paper, The Natural Choice: securing the value of nature, Defra, June 2011

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		afteruse	"**POLICY DC22 Restoration and ~~afteruse~~ aftercare**"
MM63	156	Paragraph 17.4	Add a final bullet point to this paragraph, to read: • radioactive waste arisings and management methods.
MM64	157	Paragraph 17.7	Amend paragraph, to read: "Monitoring data will be drawn from a wide range of sources, but ~~three~~ four main documents will be used to provide evidence on the Plan's performance. Firstly, the annual Local Aggregates Assessment will give a rolling picture of aggregate reserves and associated landbanks. Secondly, the Waste Needs Assessment gives a snapshot in time of the quantity of waste arising in the county, as well as the capacity of the waste management network to deal with that waste. Thirdly, the UK Radioactive Waste Inventory gives a snapshot in time of radioactive wastes and nuclear materials. Fourthly, the ~~A~~annual Authority Monitoring Report assesses the overall performance of the Plan in terms of:"
MM65	157	Table 17.1	Amend table to include organisations, roles and responsibilities concerning the implementation of the Plan with regard to radioactive wastes *(see Annex 1 for amended table)*
MM66	158	Paragraphs 17.9, 17.10, 17.11	Amend paragraphs, to read: "17.9 A monitoring schedule has been prepared (see Appendix 3), which shows how the Plan will be monitored in relation to its policies. However, the County Council will also seek to monitor other elements relating to the Local Plan and its implementation, including site allocations, national infrastructure projects, time extensions to permissions at key facilities, minerals and waste production and their cross-border movements, although recognising that, at present, the availability of this information is limited. Therefore, a further monitoring schedule is set out as Table 17.2, which shows how the Plan will be monitored in relation to these non-policy events. 17.10 The policy monitoring schedule sets clear objectives, with, where possible, targets and indicators that are Specific, Measurable, Achievable and Realistic and, where appropriate, Time bound (SMART). ~~The matrix will~~; it also identifies~~y~~ trigger points at which it is appropriate to address any issues emerging. The non-policy monitoring schedule is simpler, consisting of a non-exhaustive list, but also sets out triggers, of

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			which there is a very wide range; generally, these non-policy triggers form Contextual Indicators. These measure background events and circumstances that have a bearing on policy performance – the social, economic and environmental context in which the Plan and its policies operate. 17.11 As set out in paragraph 17.7, the monitoring process involves preparation of the annual Authority Monitoring Report, the annual Local Aggregates Assessment and the biennial Waste Needs Assessment, all of which use data gathered from planning permissions, site monitoring visits, case officers, nationally available data, etc., as well as reference to the UK Radioactive Waste Index. These ~~Annual Monitoring R~~reports will highlight any implementation problems, and the need for the strategic approach, policies or site allocations to be reviewed. 17.12~~1~~ The Local Plan is intended to be a robust document, suitable for setting the direction of development locally for the next 15 years. Nevertheless, changing conditions may be so significant as to require a review or partial review of the Local Plan, including, potentially, a call for new minerals or waste sites. This latter example, may only take the form of a public consultation on alternative sites and then an Addendum to the Plan; however, every circumstance will be different and judged on its impacts at the time of arising." There will be consequent changes to the numbering of the paragraphs that follow in chapter 17.
MM67	159	Following paragraph 17.11	Insert new Table 17.2: Non-policy monitoring schedule (*see Annex 1 for new Table*)
MM68	164	Policy SAP1 HWRCs	Insert a sentence at the beginning of this policy, to read: "Appropriate applications at the following sites will be supported:"
MM69 a	164	Paragraph 18.5	Amend this paragraph, to read: "In accordance with Policy SP3, Policy SAP2 identifies seven sites to accommodate a need for three additional facilities during the Plan period, as predicted by the Waste Needs Assessment. The sites may be required for mixed recycling, materials recovery, transfer stations or thermal treatments (Energy from Waste). It is not considered that all the sites allocated would be suitable for the whole range of waste management facilities; an indication of which sites are suitable for what uses is set out in Table 18.X~~included in the Site Assessments document~~. The table excludes: HWRCs, as these are covered within SAP1; landfill, as no such

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			sites are allocated; and composting, because i~~t~~f a replacement composting facility is required for either Hespin Wood or Thackwood, as discussed in paragraph 3.59, that may require an alternative location to be considered under policy DC9 (Criteria for waste management facilities)."
MM69 b	164	Following paragraph 18.5	Insert a new Table 18.1: Suitability of waste facility types (*see Annex 1 for new Table*)
MM70	164	Policy SAP2 Waste treatment and management facilities	Insert a sentence at the beginning of this policy, to read: "The following sites are identified as suitable, in principle, for waste management facilities, in line with the waste facility types listed in Table 18.1. Proposals on the allocated sites for other facility types, not listed within the table, shall be assessed against Policy DC9."
MM71	164	Policy SAP2 Waste treatment and management facilities	Insert a new section at the end of this policy, to read: "**Broad Areas** The following existing industrial estates have the potential to support further waste management provision, if facilities are appropriate to the type and scale of estate, and proposals conform to other relevant policies of the Plan: BRO1 Lillyhall Industrial Estate, Workington BRO2 Sowerby Wood Estate, Barrow BRO3 Park Road Estate, Barrow BRO4 Gilwilly Industrial Estate, Penrith BRO5 Kingmoor Park Rockcliffe Estate, Carlisle"
MM72	164	Paragraph 18.6	Amend this paragraph, to read: "It is acknowledged that it may be possible to demonstrate a need for additional waste treatment or management facilities on unallocated sites and, therefore, it is not intended to use policy SAP2 restrictively. The Broad Areas were identified as industrial areas, where waste facilities already exist, where waste arises from existing industries or where waste could be used as a resource; the list set out in SAP2 is not

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			exhaustive, as opportunities for additional or improved waste management provision may come forward at other, new or existing, employment or industrial estates. ~~Such~~Any proposals on unallocated sites will be considered against ~~if they conform to~~ all other relevant policies in this Plan, and if they would meet an identified need in a timely manner." In order to comply with national policy, the Broad Areas will be added to the Policies Map, Part 1 Site Allocations.
MM73	167	Paragraphs 18.18 and 18.19	Amend paragraph 18.18, to read: "The CLESA at Sellafield is licenced only to take Sellafield's VLLW and LA-LLW; it has a remaining capacity for disposal of approximately 70,000m^3, which means that it is ~~due to close~~expected to be full around 2025. There has been some assessment undertaken on the capability of the 280ha Sellafield complex to accommodate facilities for managing LLW from its own decommissioning activities. Firstly, Sellafield Ltd has carried out a feasibility study into where a future on or near site disposal facility (CLESA-2) may be located, and it is anticipated that a more detailed scoping study will commence during FY 2017/18. ~~It is understood that the initial~~ The conclusion ~~is that there is no capacity within that complex at present, but there are possible sites on adjacent land to the east, owned by the Nuclear Decommissioning Authority. To reflect this, a strategic assessment of land adjacent to Sellafield (site allocation CO32) was carried out by the County Council in a site allocations deliverability study. This did not highlight any major planning constraints.~~of that study or any future assessments will determine the opportunity or otherwise to accommodate CLESA-2 within the Sellafield complex (site CO36). Where it has been demonstrated by rigorous assessment that it is not feasible to use land within CO36 in accordance with Policy SP4, or to utilise existing disposal routes, then consideration may be given to the use of land outwith CO36. ~~18.19~~Secondly, Sellafield Ltd is working on the Development of Sellafield Decommissioning Strategy (see paragraph 4.42~~36~~) as the site currently has so many spatial constraints." Amend the rest of paragraph 18.19,to read: "~~As the site currently has so many spatial constraints, it is likely that an additional LLW disposal facility will be developed near to Sellafield, rather than onsite, within the Plan period. However, p~~Policy SAP3 safeguards the Sellafield complex for continued LLW treatment (such as supercompaction) and management (i.e. consignment to appropriate treatment, storage or disposal facilities~~routes~~), as well as continued HAW treatment (such as vitrification) and storage, in site allocation CO36. The policy also identifies the Sellafield

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			complex as an area of~~for~~ potential consideration ~~of~~for additional capacity for the disposal or storage of a range of radioactive wastes, subject to planning permission, should a proposal come forward within the Plan period."
MM74	167, 168	Paragraphs 18.21, 18.22, 18.23	Amend these paragraphs, to read: "18.21 The Local Plan identifies site CO32, land adjacent to Sellafield, in Policy SAP3 to provide the opportunity for use in the event that it has been demonstrated, after rigorous assessment, that it is not feasible to utilise existing disposal routes or to use land within CO36, in accordance with Policy SP4. As part of the rigorous assessment, Sellafield Ltd will need to demonstrate how they are meeting the requirements of Policy SAP3. ~~As well as the potential for this~~ Subject to meeting the requirements of policies SP4 and SAP3, site allocation ~~(~~CO32~~) to be considered~~ is identified for the potential development of ~~a~~ CLESA-2 and~~, it also has~~ the potential for temporary long or short-term storage of non-radioactive inert wastes arising during the demolition or excavation stages of decommissioning, linked to an approved Sellafield site decommissioning strategy. The non-radioactive inert wastes would be used in association with the phased restoration of site CO36, in accordance with the decommissioning strategy.~~Furthermore, it is intended that there is a flexible approach to this allocation, whereby any needs identified by Sellafield Ltd. for space to temporarily store clean waste, arising during the demolition or excavation stages of decommissioning, could also be accommodated.~~ 18.22 To reduce the wider impacts (such as noise, visual and transport) of any development on CO32, t~~T~~here is potential for this land to the east of Sellafield to be accessed from within the existing Sellafield nuclear licensed site~~, thus reducing wider impacts and allowing for integration or expansion of existing, suitable installations and/or facilities. Policy SAP3 identifies this site allocation for potential consideration of additional capacity for radioactive waste disposal or storage, should a proposal come forward within the Plan period~~. 18.23 It is considered that the Low Level Waste Repository, the Sellafield complex and land adjacent to it, can provide adequate capacity for the treatment, management, storage and/or disposal of appropriate levels of radioactive waste or non-radioactive inert wastes within Cumbria, subject to planning permission, throughout the Plan period."
MM75	168	Policy SAP3	Amend this policy, to read:

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		Radioactive wastes treatment, management, storage and disposal	"Unless it can be demonstrated that it is no longer required, the capacity for the treatment, management, storage and/or disposal of currently permitted radioactive wastes will be safeguarded over the Plan period at the following existing sites: • Sellafield complex (including former Windscale site) • Low Level Waste Repository • Lillyhall~~Studsvik~~ metal processing complex (Cyclife) • Lillyhall landfill The following sites are considered to be suitable locations for additional capacity, subject to the granting of planning permission: ~~CO32 Land adjacent to Sellafield~~ CO35 The Low Level Waste Repository, near Drigg CO36 Land within Sellafield Subject to the granting of planning permission, the following site is considered to be a suitable location to provide additional capacity for: - the temporary storage of non-radioactive inert wastes from the Sellafield complex (CO36); - the temporary treatment, management and/or storage of appropriate levels of lower activity radioactive waste from CO36; - the disposal of lower activity radioactive waste from CO36 that would previously have been disposed in CLESA. Proposals for development on the following site will be required to demonstrate that: • there is a clear need that cannot be met within CO36, or via the use of other existing disposal routes; • how the need is to be met; • the use of any part of CO32 is proportionate in terms of scale, timescale and footprint; • direct access is provided from site CO36, where appropriate.

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			CO32 Land adjacent to Sellafield"
MM76	169	Following paragraph 18.26	Insert new paragraph 18.27, to read: "The existing Roose Quarry and the proposed Preferred Area for its future extension (M27) lie adjacent to existing gas terminals. Recent engineering work at the terminals has led to consolidation of gas processing at the north terminal, which in conjunction with the Rivers Terminal is closest to M27, and this work is likely to have increased the potential impact of any incident at the terminal on land within M27. The results of the new safety case for gas processing, being prepared for the Health & Safety Executive, are not scheduled for issue until 2017. Whilst it is acknowledged that this consolidation, and perhaps future operations on the terminals estate, may impact upon the feasibility of M27 to be worked for sand and gravel, the County Council consider that this is an important site that will help to provide an adequate and steady supply of this mineral over the Plan period; therefore, the site has been retained as a strategic allocation. However, a clear and robust monitoring framework has been developed, which would trigger a review of the Local Plan, if necessary, once the information becomes available regarding the feasibility of the site for future minerals extraction. Any review of the Plan could lead to the removal of this site or to the consideration of a smaller area, as appropriate." There will be consequent changes to the numbering of the paragraphs that follow in chapter 18.
MM77	169	Paragraph 18.29	Amend paragraph and title, to read: *Slate and other building stones* Other than for slate, there are currently no specific allocations of ~~Policy SP7 does not include a requirement for~~ Preferred Areas and/or Areas of Search for ~~all~~ local building stones, ~~as the detailed evidence required to support such an exercise is not available.~~ within Policy SP7. ~~does, however, require t~~The sole allocation of an Area of Search ~~such areas specifically for slate,~~ is to ensure the steady and adequate supply of slate~~its continued quarrying~~, and also requires a Mineral Safeguarding Area for identified resources of this mineral. Policy SP9~~8~~ identifies the area around Kirkby Slate quarry as a strategic location for this resource within the Plan area; however, following planning permission granted in November 2016,~~and~~ policy SAP4 no longer~~accordingly~~ identifies an Area of Search at the quarry. Proposals for other building stone quarries will be supported where they meet the criteria set out in Policy DC12 of the Plan.

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MM78	170	Following paragraph 18.33	Insert new paragraph 18.34, to read: "Policy SAP4 identifies both Preferred Areas and Areas of Search for a range of quarries in Cumbria, which will enable a steady and adequate supply of these minerals over the Plan period. As set out in paragraph 5.84, the Preferred Areas are areas of known resources, where planning permission might reasonably be anticipated; such areas may also include essential operations associated with mineral extraction. Areas of Search are broader areas, where knowledge about mineral resources may be less certain, but within which planning permissions for particular sites could be granted, particularly if there is a potential shortfall in supply."
MM79	170	Policy SAP4 Areas for minerals	Insert new sentence at the beginning of this policy, to read: "To enable a steady and adequate supply of minerals: Preferred Areas are identified where there are known mineral resources; Areas of Search are identified where knowledge of the mineral resource is less certain."
MM80	170	Policy SAP4 Areas for minerals	Remove site allocation M14, to read: "~~M14 land adjacent to Kirkby Slate Quarry, near Kirkby-in-Furness~~" There will be a consequent change to the Policies Map, Part 1 Site Allocations.
MM81	172	Paragraph 18.38	Amend paragraph, to read: "Policy SAP5 identifies ~~two~~one potential railhead~~s~~, AL32 ~~and M31~~. The site~~former~~ was put forward during the MWDF process, in connection with the transport of coal. However, the associated coal site was rejected, but the potential railhead retained, as the large manufacturing companies located nearby could use a railhead for import of materials or export of products or waste. ~~Site M31 at Salthouse near Millom, previously had a temporary planning permission, tied to the life of Ghyll Scaur Quarry, for an aggregate loading facility for the quarry; if necessary, this facility could be reinstated, after due consideration of any submitted planning application.~~"
MM82	173	Policy SAP5 Safeguarding of existing and potential railheads and	Add introductory paragraph, to read: "The following existing and potential railheads and wharves are safeguarded, in line with paragraph 143 of the NPPF."

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		wharves	Remove following allocation: "~~M31 Salthouse, near Millom, potential sidings for Ghyll Scaur Quarry~~" There will be a consequent change to the Policies Map, Part 1 Site Allocations.

ANNEX 1
Tables and Maps Associated with Main Modifications

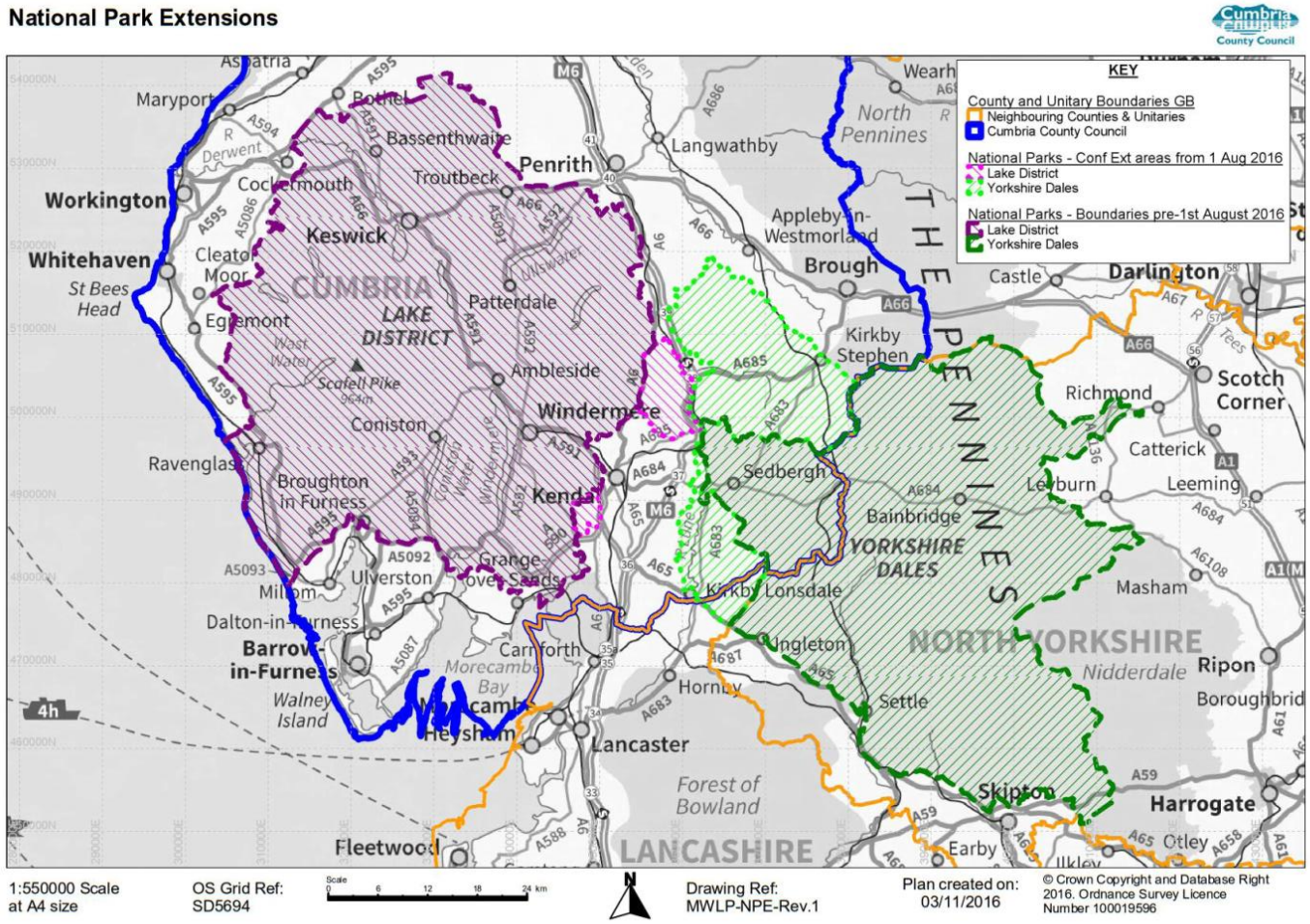
Main Modification MM1b

New **Appendix 1: List of superseded MWDF policies and replacement MWLP policies**

MWDF 2009	Title	MWLP 2016 replacement
CS1	Sustainable Location and Design	SP13 Climate change mitigation and adaptation
CS2	Economic Benefit	SP14 Economic benefit
CS3	Community Benefits	deleted
CS4	Environmental Assets	SP15 Environmental assets
CS5	Afteruse and Restoration	SP16 Restoration and aftercare
CS6	Planning Obligations	SP17 Section 106 planning obligations
CS7	Strategic Areas for New Developments	SP9 Strategic areas for new mineral developments
CS8	Provision for Waste	SP2 Provision for waste
CS9	Waste Capacity	SP3 Waste capacity
CS10	High and Intermediate Level Radioactive Wastes Storage	SP6 Higher activity radioactive wastes treatment, management and storage
CS11	High and Intermediate Level Radioactive Waste Geological Disposal	deleted
CS12	Low Level Radioactive Waste	SP5 Development criteria for low level radioactive waste sites
CS13	Supply of Minerals	SP7 Minerals provision
CS14	Minerals Safeguarding	SP8 Minerals safeguarding
CS15	Marine Dredged Aggregates	SP10 Marine dredged aggregates
CS16	Industrial Limestones	SP11 Industrial limestones
CS17	Building Stones	DC12 Criteria for non-energy minerals development
CS18	Oil and Gas and Coal Bed Methane	DC13 Criteria for energy minerals
DC1	Traffic and Transport	DC1 Traffic and transport
DC2	General Criteria	DC2 General criteria
DC3	Cumulative Environmental Impacts	DC6 Cumulative environmental impacts
DC4	Criteria for Waste Management Facilities	DC9 Criteria for waste management facilities
DC5	Criteria for Landfill	DC10 Criteria for landfill and landraise
DC6	Criteria for Non-Energy Minerals Development	DC12 Criteria for non-energy minerals development
DC7	Criteria for Energy Minerals	DC13 Criteria for energy minerals
DC8	Applications for New Conditions	DC14 Review of Mineral Permissions

DC9	Minerals Safeguarding	DC15 Minerals safeguarding
DC10	Biodiversity and Geodiversity	DC16 Biodiversity and geodiversity
DC11	Historic Environment	DC17 Historic environment
DC12	Landscape	DC18 Landscape and visual impact
DC13	Flood Risk	DC19 Flood risk
DC14	The Water Environment	DC20 The water environment
DC15	Protection of Soil Resources	DC21 Protection of soil resources
DC16	Afteruse and Restoration	DC22 Restoration and aftercare
DC17	Planning Obligations	SP17 Section 106 planning obligations

Main Modification MM2b – new **Appendix 2**



Map showing the new areas designated as National Park

Main Modification MM5b

New **Table 3.3: Waste capacity (tonnes) in Cumbria by facility type – 2014**

Facility Type	Available capacity
Biological Treatment	122,545
Civic Amenity Site	46,777
Car Breaker	6,193
Composting	84,502
Use of waste in Construction	12,708
Deposit of waste to land (recovery)	48,228
Hazardous Waste Transfer	82,565
Hazardous Waste Transfer/Treatment	94,329
Inert Waste Transfer/Treatment	184,686
Metal Recycling	30,541
Non-Hazardous Waste Transfer	192,720
Non-Hazardous Waste Transfer/Treatment	85,205
Physical Treatment	380,917
Physical-Chemical Treatment	5,545
Use of waste for Reclamation	44,586
Vehicle Depollution Facility	2,694
WEEE treatment facility	1,205
Total Capacity	**1,425,945**

source: EA WDI 2014

Main Modification MM6b

New **Table 3.4: Predicted waste arisings in Cumbria 2015 to 2030 (tonnes)**

	Baseline 2014	2015	2020	2025	2030	2015-2030
LACW	266,212	268,422	279,748	291,551	303,853	4,572,733
Commercial	284,896	286,719	296,013	324,266	353,650	5,020,336
Industrial	304,489	306,611	317,447	329,041	345,483	5,188,080
Non-inert total	**855,597**	**861,752**	**893,207**	**944,858**	**1,002,986**	**14,781,150**
Construction & Demolition	383,988	387,828	407,611	428,403	428,403	6,627,957
Excavation	473,486	482,956	533,222	747,872	642,223	9,743,592
Inert waste total	**857,474**	**870,784**	**940,833**	**1,176,275**	**1,070,626**	**16,371,550**
Hazardous waste – average last 5 years	16,659	20,600	20,600	20,600	20,600	329,600
All totals in tonnes	**1,729,730**	**1,753,136**	**1,854,640**	**2,141,733**	**2,094,212**	**31,482,299**

source: Waste Needs Assessment 2015, Appendix B, Table B4

Main Modification MM7

Updated **Table 3.3: Cumbria recorded waste exports and imports (tonnes) 2010 to 2014 (excluding Scotland)**

Movements	~~2006~~	~~2007~~	~~2008~~	~~2009~~	2010	2011	2012	2013	2014
Exports	~~40,696~~	~~41,422~~	~~65,527~~	~~141,178~~	249,248	260,742	175,041	178,936	187,343
Imports			~~340,847~~		213,462	206,866	323,927	318,558	288,735
Balance					-35,786	-53,876	148,886	139,622	101,392

source: EA Waste Data Interrogators, 2014

Main Modification MM9b

New **Table 3.10: Overview of principal waste exemptions (number)**

Reported exempt activity	Agricultural only	Agricultural and Non-agricultural	Non-agricultural only
Aerobic composting and associated pre-treatment	504	169	18
Burning waste as a fuel in a small appliance	513	230	16
Burning waste in the open	2388	662	66
Cleaning or spraying relevant waste	501	163	12
Deposit of plant tissue under a Plant Health notice	826	-	-
Deposit of sludge from dredging inland waters	1870	497	30
Sorting and de-naturing of controlled drugs for disposal	-	-	120
Spreading of waste or plant matter	1808	750	39
Storage of sludge	-	-	268
Storage of waste	347	195	48
Storage of waste in a secure place	472	245	91
Treatment of sheep dip	222	-	-
Treatment of waste wood by chipping, etc.	1066	418	30
Use of mulch	254	179	18
Use of waste for a specified purpose	1572	730	211
Use of waste in construction	1235	1289	419
Other activities	1502	970	316
TOTAL number of exemptions	**15,080**	**6,497**	**1,702**

source: Environment Agency 2014

Main Modification MM14b

New **Table 3.11: Non-inert landfill requirements in Cumbria 2015 to 2030**

Year	2015	2020	2025	2030	2015-2030
tonnes of non-inert waste to landfill	140,290	145,411	153,820	163,283	1,580,031
assumed voidspace requirement m^3	140,000	145,000	154,000	163,000	1,580,000

source: Waste Needs Assessment 2015 (tonnes to m^3 conversion assumed 1:1 ratio)

Main Modification MM15b

New **Table 3.12: Inert landfill requirements in Cumbria 2015 to 2030**

Year	2015	2020	2025	2030	2015-2030
tonnes of inert waste to landfill	167,646	184,815	257,262	221,743	3,365,966
assumed voidspace requirement m^3	112,000	123,000	172,000	148,000	2,244,000

source: Waste Needs Assessment 2015 (tonnes to m^3 conversion assumed 1.5:1 ratio)

Main Modification MM27b

New **Table 5.3: Requirements for Sand and Gravel**

Scenario	Sales Levels (Million tonnes – Mt)	Landbank (years)	Landbank end date	Tonnage required to maintain at least a 7-year landbank (Mt)
1: 10 year rolling average	0.63	14.60	2029	5.3
2: Stabilise at 2014 sales	0.70	13.53	2028	6.4
3: rise in pre-recession average sales	0.80	11.50	2026	9.2

source: Cumbria Local Aggregates Assessment, 2015

New **Table 5.4: Requirements for Limestone**

Scenario	Sales Levels (Mt)	Landbank (years)	Landbank end date	Tonnage required to maintain at least a 10-year landbank (Mt)
1: 10 year rolling average	2.26	42.59	2057	0
2: Stabilise at 2014 sales	1.90	50.66	2065	0
3: rise in pre-recession average sales	2.75	35.00	2050	0
4: rise to highest pre-recession sales	3.00	32.09	2047	0

source: Cumbria Local Aggregates Assessment, 2015

New **Table 5.5: Requirements for HSA/VHSA**

Scenario	Sales Levels (Mt)	Landbank (years)	Landbank end date	Tonnage required to maintain at least a 10-year landbank (Mt)
1: 10 year rolling average	0.62	17.71	2032	<1.0
2: Stabilise at 2014 sales	0.38	28.90	2043	0
3: rise in pre-recession average sales	0.73	15.04	2030	1.0
4: rise to highest pre-recession sales	0.80	13.73	2028	3.0

source: Cumbria Local Aggregates Assessment, 2015

Main Modification MM29b

New **Table 5.10: Birkshead Mine gypsum reserves at 31 December 2015**

	RESERVES at 31.12.2015	SUFFICIENT UNTIL	COMMENT
mill rock	4.03 million tonnes	2038	suitable for plasterboard manufacture (high gypsum/low chloride)
plaster	0.80 million tonnes	2029	plaster (higher chloride content)
cement rock	not quantified	beyond 2042	used to delay the setting time of cement to make it possible to work/deliver in ready mix vehicles (low gypsum content)

source: British Gypsum, 2016

Main Modification MM33b

New **Table 5.11: Building Stone Quarries in Cumbria (outside the National Parks)**

Quarry	Size (hectares)	End Date	Estimated Sales (tonnes)	Last Permission	Attributes	Uses
LIMESTONE						
Baycliff Haggs	1.8	2042	30,000 tpa max 500 (2013) 3,000 (2012)	2012 – boundary amendment	- Urswick Formation - buff coloured with light coffee mottling - often polished for interior use - dense texture, durable	- floors - interior fittings - walling - rock armour
Pickering	2.1	2023	2,000 tpa max 50 (2015) 25 (2014) 550 (2012)	2013 – time extension	- Salterwath Formation - dark blue, weathers to pale grey - dense, easily takes a polish that gives a rich chocolate brown - fine grained, durable, good resistance to acid rain	- Commonwealth war graves (primary use) - load bearing masonry

Rooks	0.7	2017	2,000 tpa max 700 (2015) 800 (2014) 550 (2012) 70% rock = waste	2007 – time and physical extension	- Salterwath Formation - colour varies with finish, from light grey to dark brown/black - possible white crystal inclusions - very dense and durable	- masonry - flooring - walling
Snowhill 1	0.5	2017	50,000 tpa max 40 (2014)	2014 – increase aggregate use	- Eskett Formation - white/light, mottled	- walling - building - armour stone
SANDSTONE						
Snowhill 2	1	2020	on demand 0 (2013, 2011)	2015 – time extension	- grey to brown - very localised use	- walling
Birkhams	1.7	2030	5,000 tpa average 60-80% rock = waste	2015 – time extension	- St Bees Formation - red-plum in colour with darker variations through it - fine grained, consistent texture	- interior cladding - masonry - walling - detailed carving - heritage restoration
Bowscar	5.7	2042	8-11,000 tpa average 65% rock = waste	2015 – physical extension	- Penrith Formation - light pink in colour - high quartz content making it sparkle - medium grained, hard wearing and consistent texture	- walling - cladding - paving - heritage restoration
Crag Nook	4.3	2042	1,000 tpa average 900 (2011) 1,000 (2010)	2012 – ROMP	- Penrith Formation - salmon pink in colour - medium (occasional coarse) grain - resistant to abrasion and weathering	- heritage restoration - vernacular building
Flinty Fell	8.5	2024	8,500 tpa average	2010 – physical extension	- Stainmore Formation - grey to white in colour - some with heavy iron staining - fine to medium grained - very hard (used for stone arches in the Nenthead lead mines)	- building stone - roofing - walling - distinctive colour for local and heritage restoration (e.g. Durham Cathedral)

Grange	2.7	2028	3,750 tpa average	2015 – time extension	- St Bees Formation - red in colour - fine grained, consistent texture	- heritage restoration - vernacular building
Lambhill	1.5	2021	7,500 tpa average	2010 – time extension	- Whitehaven Formation - buff/brown in colour with a silver heart - fine grained, textured	- masonry - walling - cladding - paving
Leipsic	1.2	2022	1,000 (2011)	2012 – time extension	- Stainmore Formation - buff to red in colour - fine to medium grained - very hard	- building - paving
Mousegill	1	2016	3,000 tpa average	2006 – restart	- Stainmore Formation - buff/grey in colour - very localised use	- walling - paving
Red Rock Canyon	1	2025	500 tpa average	1999 – start	- Penrith Formation - red in colour - medium grained, hard wearing and consistent texture	- flagstones - flooring - walling
Scratchmill Scar	3.6	2031	20,000 tpa max 2,750 (2015) 7,000 (2014)	2015 – time extension	- Penrith Formation - consistent salmon red colour - enhanced by sparkle of quartz grains - coarse to medium grained	- heritage restoration - vernacular building
West Brownrigg	3.4	2021	500 (2015) 5,500 (2014) 50% rock = waste	2011 – time extension	- Penrith Formation - consistent salmon red colour - coarse to medium grained	- heritage restoration - vernacular building
SLATE						
Kirkby Slate	111	2050	100,000 tpa average	2016 – time and physical extension	- Wray Castle formation - blue/grey in colour - often polished for interiors	- floors - interior fittings - roofing - architectural

source: Cumbria County Council

Main Modification MM65

Amend **Table 17.1: Roles and responsibilities involved in implementing the Plan**

Organisation	Role	Responsibilities
County Council	apply Plan policies	Assess suitability of mineral and waste applications against Plan policies and priorities
	regulate/monitor	Inspect operating mineral and waste sites periodically Monitor Plan performance annually
	performance delivery	Support/promote waste reduction initiatives through the planning system Support/promote a steady and adequate supply of minerals through the planning system Co-operate with all the following organisations, as well as adjoining or more distant Councils
District/Borough/ City Councils	apply Plan policies	Identify applications affecting safeguarded sites and areas, mineral safeguarding areas and strategic areas
Landowners	infrastructure delivery	Propose new minerals and waste sites in sustainable areas and sites that deliver capacity requirements
Waste industry	infrastructure delivery	Propose new waste sites in sustainable areas and sites that deliver capacity requirements Prioritise management of locally arising waste in local, rather than more distant, facilities
Minerals industry	infrastructure delivery	Propose new minerals sites in sustainable locations that deliver a steady and adequate minerals supply
The Environment Agency	regulate/monitor	Advise on planning applications according to the nature of the proposal Assess applications for Environmental Permits Inspect operating waste sites periodically Collect and publish information about waste movements for use in Plan monitoring Regulate nuclear and non-nuclear industry sites Regulate radioactive waste disposal
	performance delivery	Promote waste reduction initiatives

The Health and Safety Executive	regulate/monitor	Advise on planning applications according to the nature of the proposal
Other statutory bodies (e.g. Natural England)	regulate/monitor	Advise on planning applications according to the nature of the proposal
Nuclear Decommissioning Authority	implement/monitor	Implement Government policy on the long term management of radioactive waste Ensure that radioactive wastes are safely managed Develop the LLW Strategy on behalf of Government Own assets of a number of the UK's nuclear licensed sites
Office for Nuclear Regulation	regulate/monitor	Regulate nuclear licenced sites Regulate adherence to nuclear site licence conditions Regulate radioactive waste storage

Main Modification MM67

New **Table 17.2: Non-policy monitoring schedule**

Contextual Indicator	Trigger for review of the Plan	Action
Social, Economic or Environmental		
National Park extension areas in Cumbria	a - Yorkshire Dales National Park Authority and/or Lake District National Park Authority adopt the Cumbria Minerals and Waste Local Plan for the new National Park areas b - YDNPA and/or LDNPA prepare and adopt their own MWLP covering the new National Park areas	a – addendum note to be added to Cumbria MWLP b – addendum note to be added to Cumbria MWLP
HSE Safety Report for Barrow Gas Terminals	a – site allocation M27 (Roose sand quarry) falls wholly within an incident effect zone, that would preclude future sand and gravel extraction	a – M27 becomes unavailable and future mineral extraction will be directed to M12 b – if sufficient resource lies outside the zone, future

	b - site allocation M27 falls partly within an incident effect zone c – site allocations M27 and M12 (new sand and gravel quarry at Roose) fall partly within an incident effect zone d - site allocations M27 and M12 fall wholly within an incident effect zone	mineral extraction will be directed to that part of M27 c - if sufficient resource lies outside the zone, future mineral extraction will be directed to that part of M27 or M12 d – incorporate data into LAA; partial review, with call for site(s) and public consultation
Landbank for industrial minerals	any changes to sales and/or reserves of industrial minerals that would significantly alter the current 120-year landbank	incorporate data into LAA; partial review, with call for site(s) and public consultation
Nationally Significant Infrastructure Projects		
Moorside new nuclear power station	a – significant increase in demand for aggregates during construction b – significant increase in excavation wastes arising during construction, that may need management facilities and/or disposal routes c – radioactive waste arising from new operations, that may need management facilities and/or disposal routes	a - incorporate data into LAA; consider whether a call for site(s) and public consultation is required b - incorporate data into WNA; engage operator in discussion on uses of inert waste at other NSIPs; consider whether a call for site(s) and public consultation is required c - consider whether a call for site(s) and public consultation is required; may result in full or partial review
Geological Disposal Facility (GDF)	a - site is chosen within Cumbria, construction work begins, significant increase in demand for aggregates b - site is chosen within Cumbria, construction work begins, significant increase in excavation wastes arising c - site is chosen outside Cumbria, Higher Activity Waste movements begin	a – incorporate data into LAA; consider whether a full or partial review is required b - incorporate data into WNA; engage operator in discussion on uses of inert waste at other NSIPs; consider whether a full or partial review is required c - consider whether a full or partial review is required
Other NSIPs in Cumbria	a – significant increase in demand for aggregates during construction	a - incorporate data into LAA; consider whether a call for site(s) and public consultation is required

	b – significant increase in excavation wastes arising during construction, that may need management facilities and/or disposal routes	b - incorporate data into WNA; engage operator in discussion on uses of inert waste at other NSIPs; consider whether a call for site(s) and public consultation is required
Planning permissions		
Time extensions	a – currently operating non-inert and inert landfills are not granted a time extension, resulting in loss of landfill capacity	a - incorporate data into WNA; consider whether a call for site(s) and public consultation is required; may result in full or partial review
	b - currently operating composting facilities are not granted a time extension, resulting in loss of composting capacity	b - incorporate data into WNA; consider whether a call for site(s) and public consultation is required
Energy from Waste	planning permission at site allocation CA31 (Kingmoor Park East) not implemented, resulting in thermal waste treatment capacity gap	incorporate data into WNA; future capacity to be directed to other suitable site allocations (AL3, AL8, AL18)
National policy changes		
Naturally Occurring Radioactive Materials	radioactive waste arising from industrial operations, that may need management facilities and/or disposal routes	consider whether a call for site(s) and public consultation is required; may result in full or partial review
Spent fuels and exotic spent fuels	if policy changes and they come to be regarded as a waste, management facilities or disposal routes may be needed	consider whether a call for site(s) and public consultation is required; may result in full or partial review
Plutonium and uranium	if policy changes and they come to be regarded as a waste, management facilities or disposal routes may be needed	consider whether a call for site(s) and public consultation is required; may result in full or partial review

Main Modification MM69b

New **Table 18.1: Suitability of waste facility types**

Site Ref	Site Name	Authority	Waste Facility Type		
			Materials recovery/mixed recycling facility (MRF) and transfer stations accepting non-putrescible waste only	Transfer stations accepting putrescible waste	Thermal treatment (EfW)
AL3	Oldside	Allerdale	√	√	√
AL8	Lillyhall Waste Treatment Centre	Allerdale	√	√	√
AL18	Port of Workington	Allerdale	√	-	√
CA11	Willowholme	Carlisle	√	√	-
CA30	Kingmoor Road recycling centre	Carlisle	√	-	-
CA31	Kingmoor Park East	Carlisle	-	-	√
CO11	Bridge End Industrial Estate	Copeland	√	-	-

source: Cumbria County Council