

**CUMBRIA COUNTY COUNCIL'S MINERALS AND WASTE
DEVELOPMENT FRAMEWORK 2007 - 18**

EXECUTIVE MEMBER: Cllr Geoff Blackwell
LEAD OFFICER: Mike Tichford/David Davies
REPORT AUTHOR: John Hughes/David Davies

Summary: To consider a response to the County Council's consultation on an Issues and Options Paper for its Minerals and Waste Development Framework.

Recommendation:	That the views of the Nuclear Working Party and the Environmental Wellbeing Overview and Scrutiny Committee be combined and endorsed as the Council's formal response to the consultation.
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Impact on delivering the Corporate Plan: Has relevance for Quality of Life objectives and sustaining a healthy local economy.

Impact on other statutory objectives (e.g. crime & disorder, LA21): Major impact in relation to environmental sustainability.

Financial and human resource implications: None of this report

Project & Risk Management: None

Key Decision Status

- **Financial:** None
- **Ward:** None

Other Ward Implications: None

1. INTRODUCTION

1.1 The County Council is responsible for planning decisions on Minerals and Waste development throughout Cumbria except for the National Park. Under the new planning system it has to prepare a Mineral and Waste Development Framework which incorporates a Core Strategy, Site Allocation Policies and Proposals and a set of "Generic" Development Control Policies, together with Proposals Map. Effectively the Framework will replace parts of the Joint Structure Plan and all the previous Mineral and Waste Local Plan. Its main objective is to secure more sustainable ways of providing the facilities needed for Mineral's and Waste Management at the local level over the next twelve years in accordance with national and regional policy requirements.

1.2 A discussion document has been prepared by the County Council on the issues and options which the Framework might tackle. This includes various sections of background information, strategic issues, policy options and selection of possible sites interspersed with a series of questions inviting comment on what the Framework should try to do. The Council's Nuclear Working Group considered the main issues relating to radioactive waste management at its

meeting on 7 July (Questions 11, 12 and 20). The Environmental Wellbeing OSC discussed all the remaining issues at its meeting on 10 July. The comments set out in Section 3 below in relation to each of the County Council's questions are those of the Working Party and the OSC and these are submitted to the Executive as the proposed Council response.

- 1.3 Copies of the County Council's discussion document are available for reference in the Members' Room and at www.cumbriacc.gov.uk (Planning and Environment > Planning Policy > Minerals and Waste DF). A summary is attached as Appendix A.
- 1.4 Following consideration of all responses the County Council intends to produce a Preferred Options document in November 2006 involving further consultation to January 2007.

2. THE CONSULTATION QUESTIONS

- 2.1 The discussion document includes 24 questions. These are set out as follows in bold italics. Any additional information from the County Council's document is also in italics. The recommended responses are in normal script. The questions relating to radioactive waste ie nos 11, 12 and 20 are dealt with at the end of this section.

QUESTION 1

COUNTY COUNCIL'S PROPOSED OBJECTIVES

- *to seek to minimise the impacts of minerals and waste developments*
- *to make provision for the supply of the minerals needed by society from environmentally acceptable sources;*
- *to make provision for the waste management facilities that Cumbria needs to increase the amount of waste reused, recycled or composted*
- *to meet national targets and to minimize the disposal of waste to landfill;*
- *to seek maximum local economic benefits from minerals and waste developments;*
- *to promote efficient use of minerals and the reuse / recycling of suitable materials in order to minimise the need for new primary extraction;*
- *to help secure the management of waste as near as possible to where it is produced without endangering human health and without harming the environment;*
- *to secure sound working practices so that the environmental impacts of minerals and waste developments, including traffic, are kept to a minimum,*
- *to protect and, where possible, to enhance the overall quality of the environment including high standards of restoration once developments are completed;*
- *to help to conserve and safeguard mineral resources*

(Two of the most important and over-riding objectives for mineral production and for waste management generally are to minimise waste and to break the link between economic growth and waste production. Whilst the plan can have policies relating to these matters it is considered that effective progress will mostly depend on Government action and publicity/education campaigns largely outside the scope of this plan).

A. Should the plan adopt these objectives? Yes

B. Should any of them be deleted or amended? Yes (see below)

C. Do you think any have been missed out? No

The EWOSC was pleased to note the inclusion of objectives re maximising economic benefit for local communities and minimisation of environmental impacts. However, it did suggest clarification that sound working practice should be adopted in all development to ensure that there is no detrimental effect on human health or likely disturbance via dust, smells, smoke etc to surrounding communities. It also asked the County Council to consider an additional objective which is to avoid the situation where one community hosts an unnecessary number of waste facilities. Distington, Gilgarran and nearby areas have had to endure a good deal of disruption and odour problems over a number of years. It would be unfair to continue to concentrate such facilities here which could affect the same population unless the problems are properly dealt with.

QUESTION 2

A. Do you agree that the plan should try to make provision for all of the wastes that arise within Cumbria? If not,

B. What other option do you consider would be appropriate?

AND

Do you consider that the plan should only consider proposals that take waste solely or mainly from Cumbria?

Consider that in the main the principle of management at source is sound. However, there is need for specialist handling/disposal for some hazardous or special types of waste which could be of economic benefit to the County if this was to be undertaken in Cumbria. It is important to strike a balance between economic gain and potential environmental effects to ensure regeneration of West Cumbria is sustainable. We would not wish to be regarded as the world's dustbin.

QUESTION 3

Do you agree that the plan should identify sites suitable for both municipal and commercial and industrial waste?

If not,

What other option do you consider would be appropriate?

Waste management should wherever possible combine arrangements for both types in line with the principle of management at source, to ensure economics of scale and to avoid the risk of losing any local employers because of this issue.

QUESTION 4

Do you think it is reasonable to assume that half of the capacity for new commercial and industrial waste treatment facilities will be provided in-house at the site where the waste comes from?

This really depends on many factors – the size and type of the originator, the nature of the waste, the volumes produced, the proximity of residential development. There has to be a

measure of reasonableness involved otherwise the system might create new environmental problems rather than solving existing ones.

QUESTION 5

To identify sites where the following new waste treatment facilities could be developed:

Two Materials Recovery Facilities,

Eleven treatment/recycling facilities (including thermal treatment),

Three Energy from Waste plants,

Provision of around 2 Million cubic metres of landfill in addition to existing permitted capacity towards the end of the plan period, depending on the type of waste treatment at earlier stages, and to investigate whether any waste management facilities provided for decommissioning operations at Sellafield and/or Windscale could be used for other waste streams.

Until there is clarification on the need for each type of facility and what is feasible in each District it is difficult to comment. There are a lot of assumptions involved and we would want to ensure that safety is of paramount concern in terms of site selection, including transportation arrangements. This is especially the case at Sellafield and/or Windscale in relation to the investigations suggested. Given the large volumes of contaminated material to be dealt at the latter sites the potential for dealing with other waste streams appears unlikely in any event. (See Questions 8, 9, 18, and 19 for site specific issues relating to household and industrial/commercial waste).

QUESTION 6

Do you agree that new landfill proposals to serve an area should only be permitted if it has 7 years or less existing capacity for non- inert waste and 4 years for inert waste?

The size of site must relate to the area it serves – and the subject area could, for instance, be West Cumbria rather than Allerdale or Copeland. With progressively less material destined for landfill we will need less anyway but it would be best for everyone if the allocation of land for the purpose was made as early as possible. EWOSC Members made the same point here as Q1 in relation to the Distington situation noting that all decisions about site selection should incorporate a “non injurious to health and well-being” test as prescribed in the West Cumbria Community Strategy, and that all alternative options to the Lillyhall and Distington landfill sites should be explored.

QUESTION 7

To only permit energy from waste plants where they are for residual wastes arising solely or mainly from within Cumbria.

Do you have any comments on this and do you want to suggest another option?

If there is economic or community benefit to be generated by using some imported waste (eg via specialist services) it should be accepted. As well as job creation this could involve consideration of free energy to the host community. Again the balance should be with safety considerations.

QUESTION 8

**A . Do you agree that the plan should identify a range of sites in each district, and also for
B) one, or C) two "Green Resource Parks" to serve the whole of the county where a full range of waste management and recycling activities could take place.**

It would be equitable to begin with these aims but the reality is that safe opportunities might be spread somewhat differently around the County. EWOSC would support solutions for West Cumbria as a whole in the general hierarchy of facilities.

QUESTION 9

Do you have any comments on the existing number and locations of Household Waste Recycling Centres?

There are two existing sites – one in North Copeland near Frizington and one at Redhills, Millom in the south. This leaves a large area of Mid Copeland at a disadvantage. EWOSC felt there should be a consistent approach across the County between community size and distance to a HWRC eg 10km max for populations of 2000 or more. Also since the existing sites are not related to landfill capacity nearby EWOSC questioned whether there is a need to find new replacement sites – could not the existing facilities at Frizington and Millom not be modernized with a third, mid Copeland site brought into play? (See also Question 19).

QUESTION 10

If you have had any experience of these policies in action, would you like to make any comments about how relevant they are for this Core Strategy?

(The policies referred to are in the current Minerals and Waste Local Plan set out in Box 3 in the County document).

EWOSC had no real experience as a basis for comment and asked the County Planners to liaise closely with the Council's Waste Management Section on such matters.

QUESTION 13

Do you consider it is realistic that the pattern of sand and gravel working could be influenced by the investigation and development of alternative sources of supply?

As with all minerals, granting planning permission could alter the available supply and therefore influence the market. It is only important to ensure that there is no unnecessary impediment to supply in all areas of the County so long as issues relating to safety, environmental impact and job security/creation are safeguarded. However, it is going to be difficult to achieve a target of 25% use of recycled material for aggregates if natural gravel is cheaper so there might be a case for some manipulation.

QUESTION 14

Which of the current development plan policies do you consider are still appropriate to this Core Strategy?

Do you consider that any changes or additional policies are needed?

Do you consider that the very high skid resistance roadstone at Ghyll Scaur Quarry should be regarded as a national resource for the purposes of this plan?

(The policies referred to are in Boxes 5 and 6 in the County document)

Agree that Consultation Areas need to be as up to date as possible.

Policy 21 should be reworded : “a presumption in favour” of restoration to beneficial after uses for the local economy and/or community should be replaced by a clear requirement for this. Otherwise most policies are still relevant on the face of it.

QUESTION 15

Do you consider that the plan should seek a larger proportion of aggregates supply to be met from marine dredged sand?

It is difficult for us to assess the implications of this question. It would depend on where the dredging was being proposed, the volume involved, likely environmental effects etc... What we should be asking is whether the Framework can help achieve the 25% target for aggregate supplies from secondary and recycled sources.

QUESTION 16

Should this plan seek to identify the exceptional circumstances and public need which could be considered to over-ride the presumption against major developments in the North Pennines Area of Outstanding Natural Beauty?

If so would appropriate criteria be the provision of at least 100 jobs for a period of 25 years, limited environmental impacts, measures to minimise road traffic and substantial environmental enhancement measures .

Not relevant for CBC since involves North Pennines and Zinc mining. However we are surprised that there is no specific question relating to coal mining issues in West Cumbria and the likely interest in oil/gas exploration.

QUESTION 17

As a general principle should permanent waste management facilities be allowed to be located at :

- A. non-inert landfill sites,***
- B. on industrial sites,***
- C. on some mineral sites***

A – Yes

B – Yes

C – No. These may occur in locations which would be unsuitable for waste management eg in terms of safety, health, transport, environmental impact. It would not be a good idea to operate it as a principle.

QUESTION 18

Do you want to make comments on the site search process and methodology for identifying sites?

The process of site selection seems to be fairly restricted eg one or two existing/previously used waste-related sites in Copeland are not mentioned. There perhaps needs to be additional liaison between the County and District planners to ensure all options are considered. As a principle, however, the search sequence outlined in para 7.25 seems appropriate following closely the requirements in our own Local Plan in terms of previously used land and sustainable locations.

QUESTION 19

Do you want to comment on any of the employment land sites that are identified in the following list?

Do you want to suggest any other sites for consideration for waste management facilities?

COPELAND

Household Waste Recycling Centres:

Two sites are needed in order to replace the ones at Frizington and Millom. Potential sites are identified in:

CO1 Whitehaven Commercial Park Moresby Parks

CO8 Millom Slag Bank

CO17 Millom Pier

CO18 Frizington Rd, Frizington

CO27 Wilson Pit, Nr Marchon, Whitehaven

CO28 East of Wilson Pit Road, Nr Marchon, Whitehaven

The Moresby Parks site is greenfield; the others are regarded as brownfield. The site at Millom slag bank does not have any development plan allocation; the others are allocated employment land. In addition opportunities exist within the regeneration scheme for the Employment Opportunity Sites at the former Marchon site at Whitehaven, Pow Beck and Leconfield Estate.

Areas where sites of 1.5 to 2ha for other waste management/treatment facilities could be accommodated:

CO1 Whitehaven Commercial Park, Moresby Parks

CO3 Sneckyeat Industrial Estate, Whitehaven

CO9 Leconfield Estate, Cleator Moor

CO11 Bridge End Road, Egremont

CO13 Land at Cleator Mills

All of these sites are Greenfield. They are employment land in the adopted Local Plan but the site at Leconfield is for mixed employment and housing in the draft revised plan.

Areas where sites of 4.5ha could be accommodated:

Whitehaven Commercial Park Moresby Parks may have space for this size of facility.

Areas where sites of at least 10ha for Green Resource Recovery Parks could be accommodated

No sites have been identified that would be large enough. There may be opportunities within the Employment Opportunity Sites. There is also a possibility that facilities

provided on the Sellafield/Windscale complex in connection with nuclear decommissioning could also deal with other waste streams.

Non – inert landfill sites:

The Distington site has estimated remaining capacity of 65,000 cubic metres.

Construction and demolition waste recycling:

No Preferred Area for temporary construction and demolition waste recycling is identified in the Minerals and Waste Local Plan.

Response

As in Q18 above we would question the need to find replacements for the HWRC's at Frizington (Yeathouse) and Millom (Redhills). If the latter cannot be adequately modernised we would support a site on or adjoining the Whitehaven Commercial Park at Moresby Parks for North Copeland and, on balance, the Slagbank at Mainsgate Road, Millom for the south – although the existing Redhills site (or other options if there are any) would be preferred because of environmental and traffic considerations. The other sites identified are not considered appropriate because of impact on regeneration schemes and the Tourism Opportunity sites identified in the Copeland Local Plan.

There is also a need to consider a site for a Mid-Copeland HWRC and the former Beckermat No1 Pit is a possibility which may also provide for nearby National Park communities as well.

Of the sites suggested for larger transfer/sorting type of facilities (1.5 – 20ha and 4.5ha) only the Moresby Parks site would seem to be appropriate now that the Leconfield Street site has been designated for mixed use including housing in the Copeland Local Plan. Further discussion would be needed on the potential types and siting of facilities at Moresby Parks before support could be confirmed. We would question whether the economies of scale for the larger types of facility are appropriate for a Copeland-only site and that a single site in the 4.5ha category, perhaps close to landfill facilities, could accommodate all West Cumbria's needs given adequate HWRC provision and new waste collection arrangements as part of the parallel waste strategy currently being developed.

As per previous comments it is not thought practicable to consider the Sellafield or Windscale sites as potential hosts to waste other than that associated with on-site decommissioning.

No recommendation is made in the discussion document about the Distington non-inert landfill site nor on a site for temporary construction and demolition waste recycling so it is difficult to provide a response. We would therefore request clarification on both issues.

QUESTION 21

Do you have any comments on additional working for aggregates as discussed in paragraphs 8.1 to 8.4

No great relevance to the Copeland area in these paragraphs except mention of the important roadstone quarry at Ghyll Scaur near Millom which is of exceptional quality for skid resistance. The County Council may consider making it a nationally important resource and making provision for further extraction by deepening or extending the operational area.

The possible extension of Ghyll Scaur Quarry must be accompanied by a thoroughgoing assessment of transport options including the effects on nearby communities in Millom, The Hill, and The Green etc.

QUESTION 22

Possible site allocation policy:

In addition to demonstrating exceptional circumstances and over-riding public need, any proposals for underground zinc mining or to provide surface developments in the North Pennines, would have to meet the following criteria :-

- a) that the landscape and visual impacts have been mitigated to the fullest extent;***
- b) that the unavoidable landscape impacts are compensated by proposed environmental enhancement measures in the locality;***
- c) that impacts on wildlife habitats have been minimised and that equivalent compensatory measures are proposed;***
- d) that all alternatives to road traffic have been fully investigated and that all practicable mitigation measures for traffic impacts are proposed;***
- e) that comprehensive schemes are proposed for avoiding water pollution, and controlling noise, ground vibration and dust;***
- f) that detailed proposals for site restoration and aftercare management are provided;***

Do you have any comments on this policy?

No relevance to CBC

QUESTION 23

POLICY 45

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

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

POLICY 46

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

Do you have any comments on these policies?

No relevance to CBC

QUESTION 24

Which of the present policies do you consider should be kept as Generic Development Control policies?

Do you consider the wording of any of these policies needs to be altered?

Do you consider that additional policies are needed?

The "Generic" Development Control Policies are set out in Box 15 in the County's document

Traffic Issues:	need to refer to rail transport as a requirement where practicable
Landscape:	the wording appears out of date in relation to new advice and landscape character assessments
St Bees Heritage Coast:	no policy steer is given in relation to development within the Heritage Coast or on land which can be viewed from it.
s.106 Agreements:	(or similar) there should be clearer explanation of the policy on securing such agreements including any community benefits which might be involved – eg free energy

QUESTIONS RELATING TO RADIOACTIVE WASTE MANAGEMENT

QUESTION 11

Structure Plan Policy ST4: Major Development Proposals

Major development will only be permitted where:

1. the total benefit clearly outweighs the total detrimental effects,

2. the proposal complies with national standards and best practice for environment, safety and security, and where appropriate is independently reviewed; and

3. alternative locations and methods giving rise to less harm have been fully considered and rejected.

4. In addition in the case of the Lake District National Park and AONBs:

a) there are no alternative sites available outside the designated areas,

b) the need for the development cannot be met in any other way,

c) the development has a proven case in the public interest,

d) the development is designed and carried out to cause least practicable harm, and

e) the development has no overall adverse impacts on the local economy.

Permission will be granted only on condition that:

i. all possible measures are taken to minimise the adverse effects of development and associated infrastructure, and where appropriate,

ii. provision is made to meet local community needs,

iii. acceptable measures are secured for decommissioning and site restoration, and

iv. arrangements are made for suitable local community involvement during the development, decommissioning and restoration.

For the purposes of this policy 'major development' is defined as development that has significant environmental effects and is more than local in character.

Do you consider that Structure Plan policy ST4 is adequate as an interim Core Strategy policy for High and Intermediate Level Radioactive Wastes? OR

Do you consider that the plan should make provision now for additional interim safe storage management of these wastes?

Point 3 may create difficulties for the volunteering process proposal by CoRWM which is supported by both Borough and District Councils. Considerable thought is necessary as to how it would operate in practice. ~~It is generally vague and impractical, and t~~he concept of “less harm” not clear. Is it expected that every possible location is checked against some agreed criteria defining “less harm”?

Point 4(e) of ST4 should apply to all areas and not just the National Park.

It is probably best the plan does not make special provision for interim safe storage until a later date. Additionally, both policy ST4 should apply and consistency with CoRWMs recommendations.

QUESTION 12

Additional facilities for storing or disposing of Low Level Radioactive Wastes should only be provided for wastes that arise from within the County?

Consistency with the DEFRA LLW Policy Review is required. It seems incongruous that LLW facilities might be acceptable if complying with ST4 but LLW facilities not. Suggest that similar policies should relate to LLW as ILW in this respect.

~~Need to be consistent with CoRWMs recommendations.~~

It is Copeland Borough Council's Policy that the remaining capacity at the LLWR is used for locally produced waste from Sellafield. However the strategy will need to recognise that further site finding exercises for new LLW repositories will be necessary due to both the volume of waste that may need to be accommodated and the fact the sea level rise issues may require the relocation of existing facilities. The strategy may need to consider criteria for identifying such sites across the whole County

~~The Polluter Pays Principle and the Proximity Principle guide Cumbria towards taking responsibility for its own waste. It would be prudent to assume that there may be circumstances where sites other than in Copeland or West Cumbria are chosen for both the storage and disposal of Low Level and intermediate Level Wastes.~~

QUESTION 20

Additional facilities for storing or disposing of Low Level Radioactive Wastes that arise within Cumbria shall only be provided at the site near Drigg if:-

a) full account can satisfactorily be taken of the site's long term suitability in relation to climate change and coastal erosion;

Complies with Copeland Borough Council's Policy.

b) detailed investigations show that the site has sufficient radiological capacity;

Complies with Copeland Borough Council's Policy.

c) the facilities cannot be provided within the Sellafield/Windscale complex;

This implies that the site end state for Sellafield should be a LLW Repository. A Site End-State has not yet been decided by the local community. Indeed, Copeland's nuclear sites should be treated no less favourably than nuclear sites elsewhere in the country. We believe industry that despoils land and buildings has a duty to the local community and society at large to put right contamination and return the site to its original condition. Any intention to reclaim sites to a lower standard should not disadvantage the community affected. Incomplete clean up should only be carried out with the agreement of the community as represented by their local authority.

There would need to be clear benefits to the community if it were to accept less than full restoration.

It is assumed that both the LLWR near the village of Drigg and the sites at Windscale and Sellafield would be the only options for radioactive waste disposal. Again it would be prudent to consider other sites sites within Cumbria, particularly as coastal sites may be adversely affected by sea level change.

d) ~~as a whole rather than solely Copeland.~~

the proposals satisfy the environmental criteria of Generic Development Control policies;

The Council believes that any additional development would need to satisfy the Environmental Criteria of Generic Development Control policies as a minimum. It would also need to satisfy Environmental Agency and Nuclear Safety Directorate regulation.

e) ***e) the proposals include an appropriate off-set package of benefits to compensate for hosting such a facility***

Complies with our policies. However, it would be better if the wording was changed – “to compensate” could be removed, and replaced with “in recognition of”.

f) ***f) With the exception of no more than one lorry load per week, all wastes for storage/disposal at additional facilities within the site shall be brought in by rail***

It is appropriate to push for a complete new access road into the site to bypass the village of Drigg.

One lorry load per week seems too rigid and could lead to impracticality. A better approach would be to say that every effort should be to have carriage by rail and only by road when this is not possible we also in exceptional circumstances believe that a new access to the site should be provided before any further expansion is allowed to take place

Do you have any comments to make on the above suggested policy?

In general we are disappointed that the document clearly assumes that radioactive waste management would be exclusively carried out in Copeland and that elsewhere in Cumbria has not been considered.

There is no mention of the need to encourage minimisation of waste in the nuclear industry and promotion of treatment processes that would maximise on recycling and reuse.

Currently there are numerous significant reviews in Government nuclear policy and the Industry is in a state of flux. The document will need to be consistent with the outcomes from the CoRWM recommendations and the DEFRA Radioactive Waste Management Policy Review.

List of Appendices

[Appendix A – Summary of CCC's Discussion Document](#)

List of Background Documents:
A copy of The Discussion Document
is available in the Members' Room

List of Consultees:

Corporate Team
Janice Carrol