PART 2

DEVELOPMENT CONTROL POLICIES

12. INTRODUCTION

12.1 This section sets out the Development Control Policies of the Cumbria Minerals and Waste Local Plan. These are the policies that are used when planning applications are considered. The Strategic Policies set out what the Local Plan will do; the Development Control Policies must conform to the Strategic Policies and help to deliver those policies and strategic objectives.

Purpose

12.2 The purpose of the Development Control Policies is to provide guidance to the public, and to mineral and waste operators, about the issues that will be considered when planning applications for mineral working and waste management developments are submitted. They provide the detailed criteria needed to control and manage minerals and waste developments, for example, relating to individual environmental impacts.

12.3 Planning applications should be determined in accordance with the development plan. This will comprise the Cumbria Minerals and Waste Local Plan and the District Council Local Plans, once they have been formally adopted. In addition to the development plan, national policies in the form of the National Planning Policy Framework (NPPF), the National Planning Policy for Waste and the latest Planning Practice Guidance (PPG) are also material considerations for any planning applications or proposals.

Conforming to the Strategic Policies

12.4 The Development Control Policies conform to the Strategic Policies, and provide additional detailed criteria to enable the Strategic Policies to be implemented. For most subjects or issues, broad generic policies are all that is required. For others, for example environmental assets, more detailed criteria based policies, which are specific to the subject, are needed in this Plan, in addition to the higher level strategic policy.

12.5 Sustainable development[147] requires that the needs of the economy are taken into account as well as the environmental impacts of development. This balance is required to ensure that Cumbria's waste management and minerals needs are met, to support economic activity in appropriate locations and circumstances. These should maintain the viability of local enterprises and minimise impacts on climate change. The strategic policy on economic benefit has no direct development control policy counterpart, but is reflected in the wording of several policies.

Standing advice

12.6 The Development Management Procedure Order (DMPO)[148] sets out in Schedule 5, those bodies who must be consulted, and for what type of development, before a planning permission can be granted. Separate standing advice may also be provided by statutory organisations, and this,

[147] see paragraph 2.27 of this Plan

[148] The Town and Country Planning (Development Management Procedure) Order 2010: www.legislation.gov.uk/uksi/2010/2184/pdfs/uksi_20102184_en.pdf

together with their comments from planning application consultations, are material planning considerations when determining the planning application.

12.7 Many of the statutory organisations also provide standing advice on the Local Plan and its policies, setting out how that advice should be taken into account in the planning process. The range of organisations providing the County Council with their specific requirements or constraints is wide - they include utility companies, environmental organisations and Government departments.

- **United Utilities** seek assurance that the criticality of the public water supply system is acknowledged and that any risks to the associated infrastructure, water quality or water resource is accounted for in the Local Plan. They provide advice on availability of potable water, capacity of sewer networks and wastewater treatment.
- **National Grid** is responsible for electricity and gas transmission networks, as well as gas distribution networks. In order to meet the goals of the Energy White Paper, it will be necessary to revise and update much of the UK's energy infrastructure over the next 20 years. National Grid wish to be involved in the preparation, alteration and review of Local Plans, which may affect their assets, such as:
  - overhead transmission lines, underground cables or gas pipeline installations;
  - high voltage electricity substation sites and gas above ground installations.
- The **Environment Agency** has a remit to implement the Water Framework Directive. They set out a list of ways that the Directive can be achieved through new development, and this is directly relevant to the determination of planning application proposals. The Environment Agency also has a remit, and provides advice, regarding radioactive waste disposal. Furthermore, they provide regularly updated flood mapping.
- **Natural England** is a non-departmental public body, whose statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development. Given the scope of policy and proposals made in the Local Plan their interests need to be recognised and account taken of their advice.
- The **Marine Management Organisation** is the marine planning authority for England and is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent, a marine plan will apply up to the mean high water springs mark, which includes the tidal extent of any rivers; therefore, there is likely to be an overlap with terrestrial plans, which generally extend to the mean low water springs mark. In their duty to take all reasonable steps to ensure compatibility with existing development plans, they seek to identify the 'marine relevance' of applicable plan policies. Until such time as a marine plan is in place for an area, they advise local authorities to refer to the Marine Policy Statement for guidance on any planning activity that includes a section of coast or tidal river.
- **Network Rail** is the "not for dividend" owner and operator of Britain's railway infrastructure, which includes the tracks, signals, tunnels, bridges,

viaducts, level crossings and stations. They request that the potential impacts from development that may affect Network Rail's level crossings, are specifically addressed in the Local Plan.

- The **Highways Agency** is mainly concerned with the safe operation of the Trunk Road network.
- The **Coal Authority** main areas of planning interest, in terms of policy making, relate to:
  - the safeguarding of coal as a mineral in accordance with the advice contained in the NPPF, paragraphs 143 and 144; and
  - ensuring that future development is undertaken safely and reduces the future liability on the tax payer for subsidence and other mining related hazards claims arising from the legacy of coal mining in accordance with the advice in the NPPF, paragraphs 109, 120, 121 and 166.
- The **Office for Nuclear Regulation** (ONR) was established as an agency of the Health & Safety Directorate and is the principal regulator of the safety and security of the nuclear industry in the UK.

13. ENVIRONMENT AND COMMUNITIES

13.1 Cumbria is unique within the North West, with a high proportion of the county covered by national and international environmental designations. These recognise, and seek to protect, its landscape and other environmental assets. At the same time, urban development has left a legacy of towns, many in remote or coastal locations, which require regeneration and renewal. These include communities that have been based, in the past, on primary industries. They are now planning for regeneration and improved environments, with diversification of employment to include high value businesses and tourism. The initiatives in connection with Britain's Energy Coast and Cumbria's economic ambitions, through the LEP, are relevant.

13.2 Minerals extraction is required to provide aggregates for new construction and to maintain basic infrastructure, whilst modern waste management facilities are an essential pre-requisite for sustainable development of all kinds.

13.3 This chapter sets out the policies for protecting the environment and communities, whilst enabling appropriate and essential minerals and waste management developments where these are needed. Criteria are set out that will be used to decide when planning consent for different types of waste management or minerals developments should be granted, including the most suitable types of location. It also contains guidance on what information might be required with a planning application, what conditions or limitations may be placed on a planning consent and where additional guidance can be found.

Protecting communities

13.4 Most minerals developments, and some waste management developments, are temporary, but may be there for many years. Whilst these developments are essential for the community as whole, local communities close to them, or to their lorry routes, need to be protected from unacceptable impacts. Applications to extend the working area or the working life of existing sites will be considered against the latest policies adopted in the Local Plan. It may be that the original planning application was considered acceptable because of its short term nature, or because it was granted when different criteria or environmental standards were applied, or because needs were estimated to be higher than they are today.

13.5 Where physical or time extensions of long standing developments are granted, planning permission conditions will be upgraded to modern standards (see also policy DC14 Review of mineral permissions). Environmental impacts are integrated into a number of policies; traffic and transport impacts are set out separately, as they are usually relevant for any minerals or waste management proposal.

Health

13.6 Local planning authorities should ensure that health and wellbeing, and health infrastructure, are considered in Local Plans and in planning decision-making. The link between planning and health has been long established. The built and natural environments are major determinants of health and wellbeing.

13.7 In respect of health and healthcare infrastructure, there are a range of issues that could be considered through the plan-making and decision-making processes. For minerals and waste, this includes how potential pollution and other environmental hazards, which might lead to an adverse impact on human health, are accounted for in the consideration of new development proposals. Policy DC2 General criteria, refers to assessments that may be required to accompany a planning application in connection with, where relevant, impacts on human health. The text preceding the policy includes a non-exhaustive list of possible assessments required.

Traffic and transport

13.8 The public are generally more aware of traffic than any other aspect of minerals and waste management developments. In Cumbria, lorries often have to use local roads before reaching the strategic road network. Representations are often received about the need to reduce lorry traffic and, particularly, its impacts on communities and on climate change. With regard to the latter point, policy DC1 requires that all proposals for minerals and waste management developments demonstrate that they minimise "minerals or waste miles". The opinion of the Highways Authority will be taken on board in assessing development proposals, and its policies and standards will need to be applied.

POLICY DC1 Traffic and transport

Proposals for minerals and waste developments should be located where they:

a. are well related to the strategic route network as defined in the Cumbria Local Transport Plan, and/or
b. have potential for rail or waterborne transport and sustainable travel to work, and
c. are located to minimise operational "minerals and waste road miles".

Mineral developments that are not located as above may be permitted:

- if they do not have unacceptable impacts on highway safety and fabric, the convenience of other road users, and on community amenity;
- where an appropriate standard of access and traffic routing is provided.

General criteria

13.9 Certain issues are common to both minerals and waste developments, and although development may have beneficial effects by providing jobs, essential minerals or managing the community's waste, development will only be permitted when it can be demonstrated that it would not cause unacceptable impacts. Policy DC2 covers specific potential impacts on sensitive receptors. These could include homes, schools, businesses and individuals. Sensitivity to impacts can vary in different situations; for example, people may be particularly sensitive to extraneous noise when enjoying quiet areas of the countryside. The timing or duration of impacts may be important.

13.10 The criteria will be used to assess planning applications, and suitable conditions will be used to secure mitigation of impacts where necessary. In some cases, a development may only have been acceptable because of its short term nature and, over the life of a development, accepted environmental standards may change. Proposals to extend the operational life, or the area of a development, will be considered against current environmental standards and development plan policies. Operators are encouraged to engage with local communities, through site liaison committees, about issues that may arise from any operations. The County Council monitors sites and their planning permission conditions on a regular basis.

13.11 It is expected that proposals will, where appropriate, be accompanied by relevant assessments. These assessments are likely to be identified during pre-application discussions and may include: noise, light, dust, blast vibration, air over-pressure, visual intrusion, traffic, increased flood risk, impacts on the flow, quality and quantity of surface and ground water and migration of contamination from the site. This is a non-exhaustive list, as each proposal will have its own requirements.

13.12 Information about the impacts of noise, light and dust and how they can be measured and monitored can be found in the Planning Practice Guidance[149]. The Campaign to Protect Rural England has produced maps showing areas of tranquillity[150], and reference to these may assist in the assessment of proposals. Policies DC3 (Noise), DC4 (Quarry blasting) and DC5 (Dust) are intended to stop unacceptable impacts from mineral or waste activities.

POLICY DC2 General criteria

Minerals and waste proposals must, where appropriate, demonstrate that:

a. assessments have been carried out, the relevant scope of which have been agreed in advance with the planning authority, and proposals have been designed to address, where relevant, impacts on the natural and historic environment or human health;
b. the cumulative effects of multiple impacts from individual sites and/or a number of sites in the locality have been taken into account;
c. public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made;
d the overall carbon footprint of the development has been minimised;
e. issues of ground stability have been addressed including tip and quarry slope stability, mining subsidence and differential settlement of backfill.

Considerations will include:

- the proximity of sensitive receptors, including impacts on surrounding land uses, and protected habitats and species;
- how residual and/or mineral wastes will be managed;
- the extent to which adverse effects can be controlled through sensitive siting and design, or visual or acoustic screening;

[149] PPG paragraphs 11 to 18, chapter 27 Minerals
[150] Evidence Base document reference LD28: Campaign to Protect Rural England, 2007

- the use of appropriate and well maintained and managed equipment;
- phasing and duration of working;
- progressive restoration;
- hours of operations;
- appropriate routes and volumes of traffic; and
- other mitigation measures.

POLICY DC3 Noise

Noise attributable to minerals and waste developments should not exceed background noise levels, L_{Aeq} 1 hour (free field) by more than 10dB(A) at noise sensitive properties, subject to:

- weekday daytime (0700 to 1900 hours) maximum of 55dB(A) L_{Aeq} 1 hour (free field)
- Saturday daytime (0700 to 1300) maximum of 55dB(A) L_{Aeq} 1 hour (free field)
- evening (1900 to 2200 hours) maximum of 55dB(A) L_{Aeq} 1 hour (free field)
- night time (2200 to 0700 hours) maximum of 42dB(A) L_{Aeq} 1 hour (free field)

Sunday, public/Bank holiday and night time working near to noise sensitive properties should be avoided where practicable. Developments that are required to operate at these times shall provide extensive noise mitigation measures and, when operational, shall proactively seek to minimise noise throughout the life of the development, based on the findings of comprehensive environmental noise monitoring.

It is recognised that some temporary activities, including soil stripping, construction and removal of soil storage and baffle mounds, aspects of road construction and maintenance, often bring longer-term environmental benefits. For such activities, increased temporary weekday daytime noise level limits should not exceed 70dB(A) L_{Aeq} 1 hour (free field) for periods up to eight weeks in a year at specified noise sensitive properties. Operators will be expected to make every effort to deliver temporary works at a lower level of noise impact.

Where tonal noise and/or peak and impulsive noise would contribute significantly to total site noise, separate limits will be required independent of the background noise levels and may include L_{max} in specific octave or third-octave bands, and will not be allowed to occur regularly at night.

POLICY DC4 Quarry blasting

Ground vibration attributable to quarry blasting shall not exceed peak particle velocities of 6mm/second in any direction at sensitive properties.

The operator shall develop a regression line model[151] which will be used to inform blast design. Records of the detailed design of each blast shall be maintained and made available to the mineral planning authority within two weeks of written request.

Records of the detailed design of each blast shall be maintained at the site for a period of at least three months and be made available to the mineral planning authority on request.

POLICY DC5 Dust

Applications for new minerals and waste development, and for the expansion of existing operations, will only be permitted where the applicant can provide evidence that the proposed development will not have a demonstrable impact on amenity, human health, air quality and the natural and historic environment, with regard to dust emissions.

Applications for developments must be accompanied by a dust assessment study. The scope of the study should be agreed with the Local Planning Authority, but the study must: identify sensitive receptors/locations; identify the existing baseline conditions at the application site and the sensitive receptors; identify site activities that could lead to dust emission; identify site parameters which may increase potential amenity impacts from dust; and recommend mitigation measures and site design modifications. The study should also include details of how the dust levels arising from the development would be monitored during the operation of the site and how complaints relating to dust emissions will be managed.

Applicants must first seek to remove dust emissions at their source. If this is not possible, then the emissions must be controlled. Should neither option be possible, mitigation measures must then be implemented. Planning applications should clearly set out what measures to minimise the potential effects of dust from development sites on sensitive receptors/locations are proposed.

If the development is expected to produce fine particulates (PM_{10} dust), additional measures may need to be put in place if the actual source of emission is within 1,000m of any residential property or other sensitive receptor/location (this distance may be revised due to local circumstances).

All laden Heavy Good Vehicles entering/leaving a site should be sheeted to avoid dust being emitted from the lorry load when transporting loose materials.

Cumulative environmental impacts

13.13 In some cases, a proposed development may itself have multiple environmental impacts that would be acceptable on their own, but which may

[151] http://www.sustainableaggregates.com/sourcesofaggregates/landbased/blasting/blasting_acceptlevels_p2.htm

exacerbate impacts caused by other developments. Such cumulative environmental impacts can derive either from a number of developments with similar impacts being operational at the same time in an area, or from a number of concurrent developments in an area with different impacts or from a succession of similar developments over time. They can include the impacts of noise or traffic, and impacts on the landscape, water resources or wildlife habitats.

13.14 Local Plan policy needs to take account of the extent to which a particular locality, community, environment or wider area can reasonably be expected to tolerate such cumulative impacts. This may involve mitigation of impacts or the timing of permissions and phasing of operations to make a proposal acceptable.

POLICY DC6 Cumulative environmental impacts

Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Considerations will include:

a. impacts on local communities;
b. all environmental aspects including habitats and species, visual impact, landscape character, cultural heritage, noise, air quality, ground and surface water resources and quality, agricultural resources and flood risk;
c. the impact of processing and other plant;
d. the type, size and numbers of vehicles generated, from site preparation to final restoration and their potential impacts on the transport network, safety and the environment;
e. impacts on the wider economy and regeneration;
f. impacts on local amenity, community health and areas for formal and informal recreation.

Climate change and energy from waste developments

13.15 Chapter 6 of this Local Plan explains the need for proactive policies to tackle climate change and its impacts, and lists a number of opportunities afforded by the Plan, many of which have been integrated into specific policies. The key Strategic Policy, SP12 “Climate Change Mitigation and Adaptation”, requires mineral and waste development proposals to demonstrate that their design, location, use of resources, and restoration proposals will make an appropriate contribution to greenhouse gas reduction and adaptation to climate change. In addition, policy SP12 sets out the County Council’s support in principle for low carbon renewable energy generation, but there are specific environmental issues in relation to such developments that are discussed in more detail in this chapter.

13.16 Significant opportunities exist for generating renewable energy from biodegradable wastes from a variety of sources, using anaerobic digestion (AD). The UK government supports AD through financial incentives aimed at

increasing energy from waste provision[152]. Agricultural wastes, such as slurry, manure and sewage waste, would emit methane either when disposed of in landfill or when spread on land, and anaerobic digestion recovers the methane, which is then burnt to produce electricity and/or 'waste' heat. The residues from the digestion process may then be used as fertiliser, dependent on Environment Agency regulations.

13.17 Anaerobic digesters may also use non-waste feedstocks, including crops, which can add considerably to the calorific value and viability of the facility. Such feedstocks use short cycle carbon that is already in circulation, rather than long cycle carbon from fossil fuels, and may contribute to energy security. However, the carbon balance includes emissions generated in growing replacement food crops (whether animal or human) and food security may also become a UK priority over the lifetime of this Local Plan. It is, therefore, clear that the major benefits of the AD process are realised when the use of biodegradable waste is maximised.

13.18 Use of any waste heat to replace fossil fuel use in nearby premises is also a significant addition to the carbon balance of the proposal. However, it is often impractical to set up the waste heat use simultaneously with the facility and locating near potential premises is sometimes the best option available.

13.19 Anaerobic digestion can also be used to recover value and reduce greenhouse gas emissions from food and drink processing wastes, and from biodegradable fractions deriving from other waste processes, such as Mechanical Biological Treatment (MBT). In some cases, the process sells on the biogas (e.g. as transport fuel) rather than generating electricity.

13.20 Farm based anaerobic digesters, where the waste is all derived from the one farm, are generally small scale and may even be classed as permitted development. The impacts of such developments are no greater than other farm based technologies, and it is expected that the District Councils would determine such planning applications, as necessary. Larger or centralised facilities, which collect waste from a number of sources, have similar impacts to other waste developments. These impacts can be addressed by a number of development control policies in this Local Plan. Measures to be achieved under these policies include appropriate location, acoustic screening for gas engines, adequate storage and handling of waste, protection of groundwater, and regulation of traffic movements. It is considered that as the waste planning authority is best placed to maximise the sustainability of such developments, the County Council would expect to determine such applications as "County Matters"[153], even where some non-waste material is used as feedstock. Encouraging AD plants to operate without any waste inputs is not advised, as it removes one of the key sustainability benefits of the process, and limits the flexibility of the facility to adapt to future changes in Government priorities and incentives.

13.21 Other energy from waste technologies, including gasification, incineration of mixed wastes or refuse derived fuels may come forward in Cumbria during the

[152] Evidence Base document reference ND43: Anaerobic Digestion Strategy and Action Plan, DECC, 2011
[153] The Town and Country Planning (Prescription of County Matters) (England) Regulations 2003

lifetime of the Plan, probably for commercial wastes, because the county's municipal waste is now being processed in Mechanical and Biological Treatment plants in Carlisle and Barrow. Whilst incineration may be appropriate in some circumstances, it is important that energy recovery is not at the expense of more sustainable and lower carbon options, such as reducing waste generation from the outset, or re-using or recycling the materials.

13.22 The County Council will actively support energy from waste proposals that make a positive contribution to reducing greenhouse gas emissions and do not have unacceptable impacts contrary to other policies in this Plan, but also conform to the specific criteria listed in Policy DC7.

13.23 Developers should demonstrate that there is a suitable heat user (currently using fossil fuels to heat premises or processes) within feasible distance of the proposed facility, and that the proposed AD energy from waste plant has the ability to share the excess waste heat in this way.

POLICY DC7 Energy from waste

Development that would generate energy from waste will be permitted if they conform to the all other relevant polices in this Plan and demonstrate that:

- the proposal conforms to the waste hierarchy and does not prejudice the reduction, re-use or recycling of waste; and
- the proposal contributes to a reduction in greenhouse gas emissions compared to the feasible alternatives; and
- there are appropriate storage facilities for waste and other potential feedstocks; and
- the location and design maximises opportunities for waste heat utilisation.

Proposals utilising agricultural waste from more than one source as feedstock will be favoured where the process maximises the use of waste and also the beneficial use of digestates or other waste products.

Renewable energy generation on minerals and waste sites

13.24 Policy SP12 Climate Change Mitigation and Adaptation, requires that energy management, carbon reduction and resource efficiency are determining design factors for all minerals or waste developments; such proposals may include renewable and low carbon energy installations within the site boundary. Proposals may also come forward to establish renewable low carbon energy installations on existing operational minerals and waste sites.

13.25 The County Council will give support to such proposals from the minerals or waste operators of the site in situations where the energy generated will reduce the greenhouse gas emissions of the operation and will not significantly increase any adverse impacts of the site. Proposals must also be compatible with the existing operation and the existing restoration scheme for the site.

13.26 In all situations, evidence should be submitted to show how the proposal contributes to a carbon reduction strategy for either the site itself, or for the operating company, and this should be based on the energy hierarchy. Reduction of energy use and increased efficiency of plant should be the key priorities, and proposals that include renewable energy generation from biomass should demonstrate that the emissions produced are less than those of the fuel replaced. These will generally only be an improvement where the fuel replaced is oil or coal, and evidence should be submitted to demonstrate that alternative lower carbon energy technologies were not feasible.

POLICY DC8 Renewable energy use on minerals and waste sites

The County Council will support planning applications for the use of renewable and low carbon energy installations on minerals and waste sites that:

a. conform to all other relevant policies of this Plan; and
b. do not adversely affect any operations of the application site, either individually or cumulatively, during either construction or operation.

Proposals must also demonstrate that:

- the proposal is part of a carbon reduction plan that prioritises energy saving and energy efficiency;
- the stability of the site has been established through an appropriate site investigation report;
- excavated material would be dealt with appropriately;
- in the case of planning applications for wind turbines, the micro-siting distance for the turbines does not affect the working operations of the site;
- connections to the electricity distribution network would be feasible and not have unacceptable adverse environmental impacts;
- adequate measures would be put in place to remove structures and restoration of the site, should the site become non-operational;
- appropriate mitigation can be applied to address any negative impacts and, if appropriate, demonstrate that such mitigation measures can be secured by Planning Obligations.

14. WASTE MANAGEMENT DEVELOPMENT

14.1 The Strategic Policies for waste (policies SP2 and SP3) seek to make provision for managing all of Cumbria's wastes as high up the waste hierarchy as possible, whilst accepting limited cross boundary movements of waste. Policy SP3 further defines the waste capacity policy required to achieve this aim, and to manage predicted[154] waste arisings for Cumbria over the Plan period.

14.2 Policy SP3 proposes additional sites for waste management facilities, which are identified in the Site Allocations Policies of the Local Plan. The policy does not identify a need for additional landfill capacity, but does provide strategic criteria by which time extensions for existing non-inert landfills, and if a need for additional capacity for inert or non-inert landfill does arise, would be considered. Chapter 3 also lists site location criteria that represent material considerations in the determination of planning applications for further waste developments, and some Broad Areas around the county, where sites may be suitable for waste management.

14.3 Assessment of waste sites allocated in chapter 18 of this Plan, has included consideration of their likely impacts, of opportunities for enhancement and of how they could contribute to the integrated network of facilities that is required. However, all proposals for waste management development, whether on allocated or on un-allocated sites, within or outside the Broad Areas listed, will be considered under the relevant policies in the Plan. Sustainable design will still have to be demonstrated and Environmental Impact Assessments and Habitats Regulations Assessments may still be required. Prospective applicants should seek early advice about these matters.

14.4 The policies in this chapter are particularly directed at waste management developments: DC9 to waste management facilities other than landfill provision; DC10 to landfill sites (including those for landraise), whether inert or non-inert; and DC11 to the use of inert waste for agricultural improvement.

Hazardous waste

14.5 No requirements for additional hazardous waste capacity in Cumbria have been identified in the Waste Needs Assessment[155] for this Local Plan, and, therefore, no Site Allocations are included in the Plan and no development control policies specific to hazardous waste are proposed.

Radioactive waste

14.6 The Strategic Policies include a detailed policy (SP5) for development criteria related to Low Level radioactive wastes (LLW). No additional development control policies specific to these wastes are proposed. The reference in paragraph 14.5, to keeping hazardous waste under review is, however,

[154] Evidence Base document reference LD267: Cumbria County Council Waste Needs Assessment, Urban Vision, December 2014
[155] Evidence Base document reference LD267: Cumbria County Council Waste Needs Assessment, Urban Vision, December 2014

relevant. This is because some quantities of hazardous wastes, such as asbestos, may also be contaminated by radioactivity. These are likely to arise in the demolition of old buildings during nuclear licensed site decommissioning.

Waste management facilities

14.7 Proposals for waste management facilities that contribute to an adequate network of provision, and do not have an unacceptable adverse impact on surrounding land uses or prejudice the overall development of an area, will be encouraged.

POLICY DC9 Criteria for waste management facilities

Proposals for waste management facilities that conform to all other relevant policies in this Plan, will be permitted subject to the locational and other criteria set out in the table below.

Proposals on other locations, or those that do not meet the key criteria, would need to be justified under policy SP1.

	Facility Type	**Locations**	**Key Criteria**
a.	Scrapyards, vehicle dismantlers, materials recovery facilities or waste transfer facilities	Suitable existing or planned industrial estates; or	If no unacceptable impacts on housing, business uses or other sensitive land uses
		Existing waste management sites	
b.	Household Waste Recycling Centres	Suitable existing or planned industrial estates	If no unacceptable impacts on housing, business uses or other sensitive land uses
c.	Open windrow green waste composting	Farms or open countryside locations; or	Where adequate stand-off distances can be established, and no unacceptable impacts on housing, business uses or other sensitive land uses
		Isolated suitable industrial estates; or	
		Isolated waste management sites	
d.	Enclosed composting facilities	As for c. above; or	If no unacceptable impacts on housing, business uses or other sensitive land uses
		Suitable industrial estates; or	
		Existing waste management sites	
e.	Physical, chemical or biological waste treatment	Suitable industrial estates; or	If the development reduces the potential of waste to pollute the environment
		Non-inert landfill sites where required for pre-treatment, or for treatment of leachate	If they do not prejudice good operational standards or the restoration scheme

f.	Construction and demolition, mineral or excavation waste recycling	Suitable industrial estates; or	If no unacceptable impacts on housing, business uses or other sensitive land uses
		Active quarries and landfill sites, i.e. not for periods beyond the active life of the site	If they do not prejudice good operational standards or the restoration scheme
g.	Wastewater treatment infrastructure	Appropriate locations as required by the wastewater network	If adverse environmental impacts are minimised

Landfill (including landraise)

14.8 The Cumbria County Council Waste Needs Assessment[156] (WNA) identified a need for between 2.6 million and 3.4 million cubic metres of non-inert landfill capacity over the Plan period. These are approximate figures because, although reasonable predictions for the quantity of residual household waste still being landfilled by 2029 are possible, there are no reliable forecasts about how much waste minimisation measures and diversionary technologies will reduce the amounts of non-inert (i.e. biodegradable) commercial and industrial waste deposited into landfill. Investigation of cross-boundary waste exports referred to in chapter 3, indicated that a small proportion of Cumbria's residual non-inert waste is currently landfilled outside the county, and some of these landfills have limited life or space. Cumbria should take responsibility for waste arising within the county, and landfill capacity should be available when required, in order to comply with national guidance[157] and with Strategic Policy SP2.

14.9 The remaining capacity provided by the current planning permissions for the non-inert landfills in Cumbria, is likely to be sufficient to meet even the "higher bound" scenario or "Pragmatic case" defined in the WNA; but as explained in chapter 3, some of the planning permissions for some of that landfill capacity expire within the Plan period. If planning applications for time extensions for landfills with remaining available voidspace are not granted, additional sites or lateral extensions could be required. Policy DC10 is intended to enable continued availability of essential landfill infrastructure, where it complies with Strategic Policy SP3 (Waste capacity).

14.10 If, however, the Annual Monitoring process and review of the WNA model shows that waste minimisation and improved recycling is sharply reducing the quantities of waste being landfilled, proposals to provide excess capacity will be discouraged in order to maintain a "close-fit" of land allocation with capacity requirements[158]. Such an approach is required, because over-provision of permitted capacity could hinder initiatives for more sustainable waste management, and delay the completion and restoration of the existing landfills.

[156] Evidence Base document reference LD267: Cumbria County Council Waste Needs Assessment, Urban Vision, December 2014
[157] PPG paragraph 007, chapter 28 Waste (ID: 28-007-20141016)
[158] PPG paragraph 038, chapter 28 Waste (ID: 28-038-20141016)

14.11 A substantial proportion of inert waste can be driven up the waste hierarchy for use as an alternative aggregate. The disposal of residual inert waste should, as a first priority, be directed to landfill engineering works, mineral workings or derelict land requiring fill for agreed restoration schemes. Proposals for new or extended inert waste landfill will need to demonstrate that they will not undermine the availability of such waste material for these uses, or for non-inert landfill engineering, and do not conflict with the County Council's culverting policy as the Lead Local Flood Authority.

14.12 The need for inert landfill capacity during the Plan period will be affected by a number of major infrastructure proposals, including new nuclear capacity, national grid and water supply infrastructure. A need for colliery spoil disposal could also arise if current drift mining proposals are progressed. Policy DC10 aims to be responsive to objectively defined need for inert landfill capacity, without undermining the waste hierarchy or the current positive record of aggregate recycling in the county.

14.13 All proposals for additional inert or non-inert landfill capacity will also be assessed against the other relevant policies in this Local Plan. If a proposal involves landraise, as many of Cumbria's landfills do, particular attention will be given to policy DC18 (Landscape and visual impact). Proximity to aerodromes/airfields will also be a material consideration, as non-inert landfill has the potential to attract large numbers of birds, which pose a hazard to aircraft.

POLICY DC10 Criteria for landfill and landraise

Proposals for additional non-inert 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 have comprehensive landfill gas management systems, including electricity generation where viable.

All such proposals will also be assessed against environmental and community policies in this Plan and, in addition, their proximity to sensitive receptors, including aerodromes. Proposals involving landraising should comply with policy DC18.

Proposals for new or extended inert waste landfill will need to demonstrate that they will not undermine the availability of such waste material for agreed restoration schemes at mineral workings and landfills and for derelict land and do not conflict with the County Council's culverting policy as the Lead Local Flood Authority.

Use of inert waste for agricultural improvement

14.14 Disposing of inert waste in landfill sites carries a cost in terms of gate fees and landfill tax, and demand for alternative disposal sites, particularly for excavation waste, has grown in recent years. Proposals to dispose of inert material on agricultural land, using the waste for improvement or land reclamation, may be appropriate in some circumstances, but can potentially

undermine the availability of suitable material for essential restoration works to quarries, landfills and derelict land. Disposal of inert waste without applying waste reduction, re-use and recycling principles is also contrary to the waste hierarchy, and disposal of such waste on agricultural land requires consideration of drainage, flood risk and water quality in surrounding areas.

14.15 Many policies in this Plan are likely to be relevant to such proposals, including DC1: Traffic and transport, DC16: Biodiversity and geodiversity, DC18: Landscape and visual impact, and DC22: Restoration and afteruse. In addition, proposals will be considered under policy DC11, which incorporates specific criteria relevant to such development.

POLICY DC11 Inert waste for agricultural improvement

Residual inert waste that cannot be recycled should, as a first priority, be directed to landfill engineering works, mineral workings or derelict land requiring fill for agreed restoration schemes.

Proposals for the use of inert waste for the improvement or reclamation of agricultural land will only be permitted if they can demonstrate that they:

a. will not undermine the availability of such waste for use in the type of schemes described above;
b. will result in a material improvement to the grade or classification of agricultural land;
c. will use the minimum amount of material necessary;
d. will have no adverse impact on the drainage system or water quality (either coastal, surface or groundwater) of the land which is the subject of the proposals or any land outside the site; and
e. do not conflict with other policies in this Plan and with any relevant locational or site specific policies.

15. MINERALS DEVELOPMENT

15.1 The Strategic Policies for minerals in chapter 5, consider the need for a steady and sustainable supply of minerals and include policies for the significant minerals that are extracted within the County. In order to deliver the vision and objectives of the Strategic Policies, the Local Plan also needs to set out clear and appropriate Development Control policies, which protect resources and make them available to meet the needs of the economy.

Non-energy minerals

15.2 As explained in chapter 5, some minerals, such as oil, gas and coal, are used to produce energy, whilst others do not have that capability. Those that are not used to produce energy include aggregates, industrial minerals and building stones.

15.3 Policies SP7 to SP11 set out the strategic requirements for aggregates and other non-energy producing minerals, and for safeguarding these resources. Further provision is made by Preferred Areas or Areas of Search. Safeguarding will be achieved by identifying Mineral Safeguarding Areas and Mineral Consultation Areas in the Site Allocations Policies (see chapter 18); these are shown on the Policies Map. The Site Allocations Policies consider whether the release of identified Preferred Areas should be related to the landbanks (as set out in the Local Aggregates Assessment) and how they may be phased over the Plan period. Policy DC12 relates to aggregates, building stones, gypsum and any other non-energy producing minerals.

POLICY DC12 Criteria for non-energy minerals development

Proposals for non-energy minerals development inside the identified Preferred Areas will be permitted if they do not conflict with other policies in this Plan.

Proposals for non-energy minerals development outside the Preferred Areas, whether an 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. land stability.

Favourable consideration may also be given to proposals that can be demonstrated to be more sustainable than any available alternative, including:

- borrow pits to meet a specific demand not easily met from elsewhere;
- building stone quarries to meet the need for stone to match local vernacular building, and the conservation and repair of heritage assets;
- areas already subject to minerals extraction where the additional working will enable comprehensive exploitation of the reserves, or where the proposal achieves a more sustainable afteruse or a better restoration of the area.

Energy minerals

15.4 Chapter 5 of this Local Plan concluded that the most likely forms of hydrocarbon development to be progressed in Cumbria within the Plan period are: Coal Bed Methane (CBM), sourced from coal seams that have not yet been mined by conventional methods; deep mining for coking coal; and Underground Coal Gasification, possibly associated with, and following, deep mining. During the Plan period, however, it is quite possible that other studies will be completed that identify other sources of conventional and unconventional oil and gas; therefore, policy DC13 covers conventional and unconventional oil and gas, as well as coal development.

Oil and gas

15.5 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. 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."[159]

15.6 The shale gas industry has also committed to providing community benefits payments to local communities, and the Government has proposed other financial incentives to Local Authorities. However, such payments are not material planning considerations and cannot be considered as benefits in the determination of the planning application by the mineral planning authority. Payments under planning obligations, to mitigate or compensate for identified adverse impacts, or to realise specific benefits that are relevant to the planning proposal, may however be offered by an applicant or required by the mineral planning authority. Policy DC13 would ensure that such impacts are fully understood, and that appropriate mitigation and/or compensation can enable impacts to be weighed against the benefits of the development.

15.7 Government policy[160] also requires mineral planning authorities to set out clear guidance and criteria for the location and assessment of hydrocarbon extraction within the Petroleum Development Licence Areas (PEDL); however, locational aspects are covered by national policies, such as those for Areas of Outstanding Natural Beauty, and also by policies in this Plan, such as SP14 Environmental assets. It is considered, therefore, that these aspects do not need to be repeated in policy DC13. Developers are encouraged, however, to enter pre-application discussions with the County Council at the earliest possible opportunity, so that a full understanding of the proposals, and of the potential constraints or issues in specific areas, are fully explored prior to planning applications being submitted.

15.8 Many issues related to oil and gas development are not material planning considerations because they are regulated by other agencies, such as the Environment Agency and Health and Safety Executive. Some of the key

[159] https://www.gov.uk/government/groups/office-of-unconventional-gas-and-oil-ougo
[160] PPG paragraph 105, chapter 27 Minerals (ID: 27-105-20140306)

material planning issues for the assessment of oil and gas planning applications are also common to other minerals or waste developments and are covered by the other environmental policies in this Plan. However, there are distinct planning issues that affect the assessment of oil and gas proposals, and one of these is the need for exploration, appraisal and production phases of hydrocarbon development.

15.9 Government requires[161] that Local Plan policy distinguishes between the different phases of oil and gas developments; thus policy DC13 provides separate criteria for the exploration and appraisal phases, compared to the production phase. In particular, it is considered that the pressing need for full and timely restoration of exploratory or appraisal wells, in cases where they are not progressed to production, requires a specific policy, in addition to Strategic Policy SP15 and policy DC22, which relate to the restoration and afteruse of sites.

15.10 In addition, policy DC13 requires that planning applications for production should be fully informed by a completed appraisal for the oil or gas field; that cumulative impacts of the development have been considered; and that significant adverse impacts are adequately mitigated or compensated for. This may be by mitigation proposed with the submission or, where appropriate, by conditions attached to a planning consent. Where the adverse impacts or harms are outside the application site, mitigation or compensation may be provided through planning obligations.

15.11 Government guidance[162] advises that planning applications covering more than one phase may be submitted if the full environmental information for the whole development is available with the application. It is considered, however, that applications including the commercial production of unconventional gas within the same proposal as exploration and appraisal, are unlikely to satisfy this requirement. This is because the scale and nature of the resource, including connection to the gas transmission network, and associated water treatment and gas compressing facilities that may be required for the viable development of the gas field, could not be known at that time.

15.12 Therefore, the proposed policy makes it clear that applications for the commercial production of oil and gas should include an appraisal of the hydrocarbon resource of the oil or gas field. This should enable traffic impacts and the potential need for additional highway provision, the cumulative landscape and visual impact of the proposals, and impacts on other environmental assets to be adequately assessed. It should be noted that the Environmental Impact Assessment Regulations (2011) require all necessary ancillary development, and cumulative impacts with other existing or planned proposals, to be included within the assessment.

Coal

15.13 The key issues related to coal extraction were outlined in chapter 5 and it was concluded that all such proposals should be assessed on their own merits

[161] NPPF paragraph 147
[162] PPG paragraph 094, chapter 27 Minerals (ID: 27-094-20140306)

rather than identifying strategic locations where either coal extraction or disposal of colliery spoil were acceptable. The NPPF[163] requires that permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations, or, if not, provides national, local or community benefits that clearly outweigh the likely impacts, in order to justify the grant of planning permission. This guidance is followed explicitly in policy DC13.

15.14 The movement of coal, and potentially colliery spoil, from major coal extraction development would involve large scale transport movements, and yet the location of such developments is dependent on geological factors. Impacts on sensitive sites and other land uses will also be major factors in site selection, and therefore minimising "mineral or waste miles", as required by policy SP12, is often not possible. Nevertheless, the environmental acceptability of such a proposal will include the amenity, safety and highway maintenance aspects of traffic movements. Provision of sustainable transport, e.g. rail or sea, would enhance the environmental acceptability of such proposals and is included as a criterion in DC13.

15.15 Mineral planning authorities are also required[164] to encourage the capture and use of methane from coal in active coal mines (known as CMM), in order to minimise greenhouse gas emissions and contribute to energy supply, and this is also included as a criterion within policy DC13.

15.16 However, it should be noted that the deep coal measures identified around Whitehaven and Workington are largely offshore, where the Marine Management Organisation would be the relevant planning authority. The identified underground mining areas near Longtown, and the opencast licence area on the border, are largely within Dumfries and Galloway.

15.17 The provisional licences for the areas identified above, have to be converted to operational licences from the Coal Authority before any mining can commence, and both agreement from land owners and planning consent have to be obtained before such operational licences are granted. It is possible, therefore, that operational licences would cover a smaller land area than presently shown by the conditional licences (see chapter 5, Figure 5.2).

POLICY DC13 Criteria for energy minerals

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

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 only have an acceptable environmental impact;

[163] NPPF paragraph 149
[164] NPPF paragraph 147

and

b. the proposal provides for appropriate baseline monitoring prior to commencement of development; and
c. the timely restoration and subsequent aftercare of the site, whether or not oil or gas is found.

Commercial production

Planning permission will be granted for proposals for commercial production 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 environmental, geological and technical factors;
c. the cumulative impacts of the development of the gas field and essential associated infrastructure have been assessed; and
d. provision is made for mitigation or compensation for significantly adverse impacts on the environment and communities.

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 production, 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 is environmentally acceptable; or
- can be made so by planning conditions or obligations; or, if not
- 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 subsidence and the disposal of colliery spoil. Provision of sustainable transport will be encouraged, as will Coal Mine Methane capture and utilisation.

Applications for new conditions

15.18 There are two categories of site that may be subject to a review of mineral planning conditions[165] – dormant sites (see Glossary) and those active mineral

[165] PPG paragraph 178, chapter 27 Minerals (ID: 27-178-20140306)

sites whose planning permission lasts for many years (under the Environment Act 1995, this is usually until 2042). The Environment Act required a mineral planning authority to review conditions every 15 years, in order to ensure that site operations followed best practice and were environmentally sustainable. The Growth and Infrastructure Act 2013 amended the Review of Mineral Permissions (ROMP) regulations in several ways. The County Council now has a power rather than a duty, and instead of the review period being set at 15 years, there is flexibility in deciding if and when a review is required. The Council may consider that the conditions are acceptable and there is no need to ask for a ROMP at all, or to ask for one after a period that is longer than 15 years.

15.19 When a review is requested, if the site is dormant, the operator will submit a set of up-to-date conditions and an Environmental Statement. A period of negotiation may ensue, before the application is determined. If the site is active, the planning authority serves a 12-month notice on the operator, at least 14 years after initial permission or the last review; this gives the operator time to consider their working practices and prepare updated conditions. Again, a period of negotiation may ensue before the application is determined.

15.20 Applications for new conditions, submitted under the terms of the Environment Act 1995, are considered against the policies of the Local Plan that are current at the time that the application is submitted. This is subject to the provisions of the Act, and that the asset value and economic viability of the site should not be unduly affected. All conditions must also meet the policy tests and be necessary[166].

POLICY DC14 Review of mineral permissions

In all initial or periodic reviews of minerals developments, standards of operation consistent with present day standards must be achieved, which:

- minimise impacts on the environment and communities;
- realise the potential to achieve significant environmental enhancement; including
- enhanced restoration and after-use schemes.

Minerals safeguarding

15.21 Mineral Safeguarding Areas (MSA's) are required by national policy[167] to be identified for potentially useful and viable mineral resources, of both local and national importance. Using the Mineral Resource Information for Development Plans – Cumbria and the Lake District[168], as part of the Site Allocations Policies work for the Cumbria Minerals and Waste Development Framework in 2008, MSA's were defined for sand and gravel, limestone, building stone, igneous rock, sandstone, shallow coal, fireclay and gypsum. An MSA for secondary aggregates was also defined, based on the extent of the slag bank

[166] PPG paragraph 187, chapter 27 Minerals (ID: 27-187-20140306)
[167] National Planning Policy Framework, Section 13, DCLG, March 2012
[168] Evidence Base document reference LD46: British Geological Survey, 2001

at Derwent Howe, which is owned by the County Council and worked by a local operator.

15.22 In consultation with the relevant mineral operators in the county, further work since that time has refined the gypsum MSA and a slate MSA has also been identified. The MSA for building stone was very localised, around Birkhams Quarry in west Cumbria. It was hoped that a building stone survey of Cumbria could be undertaken, that would identify the range of stones, their uses and markets. To date, this survey has not been undertaken, but this situation will be kept under review. In the meantime, it was decided to remove the building stone MSA. Previously, the deep coal resource delineation, supplied by the Coal Authority, and the extent of lead and zinc planning permissions around Alston were shown on the MSA section of the Policies Map. It was decided that maps of these resources would be of more value within the Local Plan text, so they have been removed from the Policies Map. All of the current Mineral Safeguarding Areas are shown on the Policies Map Part 2.

15.23 Since the early 1980's, it has been a requirement of national policy for counties that are a two tier planning authority to also establish Mineral Consultation Areas (MCA's); these are constituted by placing a buffer around each MSA. The County Council has added a 250m buffer to all the MSA's and this will ensure that resources are safeguarded from proximal development. MCA's have the dual purpose of ensuring that sensitive development, such as houses, are not built in areas close to mineral workings, and that minerals, which are a non-renewable resource, are not unnecessarily sterilised by other types of development. The Mineral Consultation Areas are shown on the Policies Map Part 3.

15.24 Whilst the District Councils in Cumbria are not the mineral planning authorities, they have an important role in helping the County Council to safeguard minerals. The Districts will show the MSA's on their Policies Maps, which will aid the decisions that they make in identifying suitable areas for non-minerals development in their Local Plans.

15.25 The Districts will also take account of the MCA's before determining certain planning applications for non-minerals development within an MCA. It is not necessary for the District Councils to consult the County Council on every development application, only those such as large employment or housing sites, or sensitive development, where future extraction of workable mineral resources would be prevented without significant adverse effects on future occupiers of such developments. Some consultation with the Districts has already taken place to agree a protocol about which planning applications should be subject to the consultation requirements and which would be exempt. Householder developments, developments within existing built up areas or developments that are allocated in current development plans would not be subject to this policy.

POLICY DC15 Minerals safeguarding

District Councils should consult the County Council on any planning applications they receive for non-minerals development, which fall within the boundary of a Minerals Consultation Area, and which would be likely to affect the winning and working of minerals. Where a development site overlies or would sterilise mineral resources, their prior extraction will be permitted as long as it can be achieved:

a. without prejudicing the development, and
b. completed within a reasonable timescale, and
c. without unacceptable environmental impacts.

16. ENVIRONMENTAL ASSETS

16.1 The Strategic Policies recognise and describe the unique importance of the natural assets and historic environment of Cumbria. These underpin the tourism industry, attract business and investment and contribute to the quality of life. The health of the eco-system is vital for everyone.

16.2 The environmental assets include, but are not confined to, the nationally and internationally designated areas and their settings. There are also local designations and additional areas within the area of this plan where the historic environment, wildlife habitats, species and landscape character are highly valued (see Boxes 8.1 and 8.2 in chapter 8).

16.3 Bearing in mind the probable scenarios for minerals and waste developments that are likely to be proposed in Cumbria, it is considered that the Local Plan's focus can, in most cases, be on enhancement as well as on protection of the county's environmental assets. It is also important that development is compatible with the characteristics and features of Cumbria. Many waste management developments are fairly flexible with regard to their precise location and should be able to avoid the more sensitive locations. In contrast, minerals can only be worked where they occur.

16.4 Strategic Policy SP14 provides for protection and enhancement of all Cumbria's environmental assets, including habitats, species and geological assets, as well as the historic environment, landscape and water resources. Each of these aspects is considered in more detail in the following sections. Matters relating to quality of life and amenity are covered in the previous chapters.

Biodiversity and geodiversity

16.5 The approach of this Local Plan is to help increase the county's biodiversity resources, whilst ensuring that sustainable development can take place, that contributes to the growth of Cumbria's economy. This would involve protecting, enhancing, expanding and linking habitats, using the functional ecological and green infrastructure networks. These include the networks of natural habitats, which are essential for migration, dispersal, genetic exchange and the general ecological fabric.

16.6 Cumbria's list of Key Wildlife Species identifies those species that have the status of being specifically protected or are UK Priority and/or Cumbria Biodiversity Framework (Action Plan) species. Work has been undertaken to relate species to appropriate habitat types, functional ecological networks and to geographic areas of the county; Key Species and Priority Habitat Statements have been prepared, which provide further guidance for policy and for applicants. Twenty three of the species could, potentially, be the ones that are most likely to be at risk from minerals and waste developments within the Plan area.

16.7 The aim of planning decisions will be not only to prevent harm to biodiversity and geological conservation interests, but also to seek enhancements. In addition to national policies, Strategic Policy SP17 sets out that where granting

planning permission would result in significant harm to those interests; local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests, which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.[169]

16.8 Strategic Policy SP14 makes it clear that the development control process will ensure that proposals demonstrate compliance with the statutory protection for internationally and nationally protected features, and will seek to protect and enhance all environmental assets. More detailed policy criteria for local biodiversity and geodiversity resources, including County Wildlife Sites and Local Nature Reserves are set out below.

POLICY DC16 Biodiversity and geodiversity

Proposals for minerals and waste developments, including ones for the renewal of existing planning permissions, will be required to identify:-

- their likely impacts on important biodiversity and geological conservation assets, as defined in the Strategic Policies and on functional ecological and green infrastructure networks, and
- their potential to enhance, restore or add to these resources, and
- to contribute to national and local biodiversity and geodiversity objectives and targets.

Proposals for developments within, or affecting the features or settings of such resources, should demonstrate that:

a. the need for, and benefits of, the development and the reasons for locating the development in its proposed location and alternatives, have been considered;
b. appropriate measures to mitigate any adverse effects (direct, indirect and cumulative) have been identified and secured, and advantage has been taken of opportunities to incorporate beneficial biodiversity and geological conservation features; or
c. where adverse impacts cannot be avoided or mitigated for, that appropriate compensatory measures have been identified and secured; and
d. that all mitigation, enhancement or compensatory measures are compatible with the characteristics of, and features within, Cumbria.

16.9 Policy DC16 derives from policy SP14 and its supporting text. It highlights the need not only to avoid significant harm to assets, but also to enhance them where possible. This is reflected in the order in which criteria will be

[169] NPPF paragraph 118

considered. Where harm cannot be avoided or mitigated for, compensatory measures should be provided, and these will need to be well considered and designed, with provision for long term management where appropriate.

16.10 Other legislation requires Habitat Regulations Assessment for any proposals that may impact upon a European Wildlife Site, or features associated with it. This is to determine whether the proposal would be likely to have significant adverse effects on the integrity of the European site. Any developments that are unable to demonstrate no adverse effect will not be supported.

16.11 Developers are advised that ecological surveys are usually needed to establish whether protected species are present on prospective minerals and waste sites. Early attention needs to be given to these, as some of these surveys can only be done effectively at certain times of the year. Planning applications may not be able to be considered without the survey information and a criminal offence may be involved if harm is caused to the species or their habitat.

Historic environment

16.12 Strategic Policy SP14 (Environmental assets) aims to protect, conserve and enhance the historic environment (see Glossary). The policy below contains more detailed advice and criteria that will be applied to relevant proposals. The policy relating to cumulative impacts (DC6) may also be relevant for some proposed developments.

POLICY DC17 Historic environment

In accordance with NPPF paragraphs 126 to 141:

Proposals for waste management developments that would result in the harm to the significance of a designated heritage asset, or an undesignated heritage asset that is demonstrably of equivalent importance to a designated heritage asset, or its setting, will not be permitted unless the asset and setting can be conserved in situ.

Proposals for mineral developments that would result in the harm to the significance of a designated heritage asset, or an undesignated heritage asset that is demonstrably of equivalent importance to a designated heritage asset, or its setting, will not be permitted unless it can be demonstrated that the harm is necessary to achieve public benefits that outweigh the harm, or the asset and setting can be conserved in situ.

Any proposals that cause substantial harm to the outstanding universal value of the 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 will be judged on the significance of the heritage asset and the scale of the harm.

Any heritage asset, 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.

Proposals that will have an impact on any heritage asset, whether designated or not, should be accompanied by an assessment of the significance of the heritage asset and how that significance will be affected by the proposed development. The level of information required will be proportionate to the asset's significance and to the scale of impact of the proposal, and may require, where necessary, archaeological field investigation.

16.13 The County Council's Historic Environment Service provides advice about recorded historic environment interests and whether a development would be likely to affect a heritage asset or its setting. Issues that should be considered are listed in the box below. Planning applications will need to include sufficient information about such interests and may be required to include the findings of preliminary site investigations, or other information relevant to a design statement. Advice about the appropriate level of field investigation can be found in NPPF section 12, on conserving and enhancing the historic environment. Applicants are advised to contact the Council's Historic Environment Unit at an early stage for advice.

BOX 16.1

Issues that should be considered when assessing the significance of impacts upon the historic environment

a. The rarity of the heritage asset and any trends;
b. The historic environment is an irreplaceable and finite resource and hence, impacts are unlikely to be reversible;
c. The critical importance of a thorough understanding of the historic environment and a robust baseline so that significant adverse impacts can be avoided or reduced and potential benefits maximised;
d. The inextricable link between the historic and natural environment and the character of the landscape;
e. The potential for cumulative impacts: when considering impacts on the historic environment, care must be taken before concluding that impacts on individual heritage assets are not significant. This is because:
    - individual assets can have local, regional or national significance through scarcity or associations with similar assets, e.g. a particular building type or earthwork, ridge and furrow;
    - cumulative minor impacts on a range of individual assets can become significant;
    - the effect of small impacts, or loss of features, which are not significant individually may become significant, e.g. loss of character of a Conservation Area.

16.14 In any exceptional case of over-riding national importance, where a Scheduled Monument would be affected, Scheduled Monument Consent under other legislation[170] is required as well as planning consent.

Landscape, visual impact and design

16.15 National policies provide for the protection of Heritage Coast, National Parks and Areas of Outstanding Natural Beauty; these are set out in paragraphs 114 and 115 of the NPPF. The protection of other valuable landscapes from unacceptable adverse effects of developments is intended to be achieved by the use of the Cumbria Landscape Character Assessment Toolkit. It enables the distinctive characteristics of a landscape to be assessed, its sensitivity to development to be evaluated and its "capacity" to accept development to be determined. Development proposals, and their restoration schemes, will be considered against these findings and will be expected to be compatible with landscape character and distinctive features.

POLICY DC18 Landscape and visual impact

Proposals for development should be compatible with the distinctive characteristics and features of Cumbria's landscapes and should:

a. avoid significant adverse impacts on the natural and historic landscape;
b. use Landscape Character Assessment to assess the capacity of landscapes to accept development, to inform the appropriate scale and character of such development, and guide restoration where development is permitted;
c. in appropriate cases, use the Guidelines for Landscape and Visual Impact Assessment to assess and integrate these issues into the development process;
d. ensure that development proposals avoid adverse visual impacts and consider the effects on: locally distinctive natural or built features; scale in relation to landscape features; public access and community value of the landscape; historic patterns and attributes; and openness and remoteness;
e. ensure high quality design of modern waste facilities to minimise their impact on the landscape, or views from sensitive areas, and to contribute to the built environment;
f. direct minerals and waste developments to less sensitive locations, wherever this is possible, and ensure that sensitive siting and high quality design prevent significant adverse impacts on the principal local characteristics of the landscape including views from, and the setting of, Areas of Outstanding Natural Beauty, the Heritage Coast or National Parks.

16.16 Modern waste management facilities need to be in sustainable locations, to reduce "waste miles" and to ensure that impacts on climate change and the environment are minimised. These modern facilities will often be within buildings and should be located where possible on brownfield or industrial land. In Cumbria, such land is often highly visible from high quality or sensitive landscapes or coasts. The policy requires high quality of design, and sensitive siting, to ensure that adverse effects are minimised.

[170] Ancient Monument and Archaeological Areas Act 1979

Flood risk and water resources

16.17 The river systems, lakes and groundwater resources of Cumbria, form a unique resource, and contribute significantly to the character and perceptions of the county. Many of them are internationally and nationally important for wildlife and are protected as Special Areas of Conservation, Special Protection Areas, Ramsar sites or Sites of Special Scientific Interest. These aspects of the water environment are covered under the strategic and biodiversity policies in this Plan. Policies DC19 and DC20 relate to flood risk and to the prudent use of water resources.

16.18 With regard to flooding, national policy is set out in the NPPF and in chapter 7 of the Planning Practice Guidance. The aim of this is to steer new development to areas with the lowest probability of flooding and it includes a sequential approach for determining appropriate locations. This approach is based on the indicative Flood Maps prepared by the Environment Agency. A Strategic Flood Risk Assessment was carried out to inform the preparation of the Minerals and Waste Development Framework; this work has been built upon to also inform this Local Plan preparation.

16.19 As Lead Local Flood Authority (LLFA), Cumbria County Council has powers and duties for managing flooding from local sources, namely Ordinary Watercourses, surface water (overland runoff) and groundwater, but not from main rivers, such as the Eden or Kent. A Preliminary Flood Risk Assessment[171] was carried out by the Council in 2011, which identified areas of significant flood risk in the county, making particular reference to local historic flood data. The report has helped the Council develop a flood risk strategy, to manage local flooding in the county. Early engagement with the Local Flood Risk Team by developers is encouraged.

16.20 For planning applications in identified areas of flood risk, the Sequential Test and, where appropriate, the Exception Test, will need to be carried out together with site specific Flood Risk Assessments to demonstrate that the development will be safe. Advice and guidance is given on https://www.gov.uk/planning-applications-assessing-flood-risk

POLICY DC19 Flood risk

All proposed minerals and waste management developments should be located using the sequential tests set out in chapter 7 of the Planning Practice Guidance. Developments should be located, wherever possible, in areas with the lowest probability of flooding (Zone 1). A site-specific flood risk assessment is required for proposals of 1 hectare or greater in Flood Zone 1, and is also required for: all proposals for new development (including minor development and change of use) in Flood Zones 2 and 3, or in an area within Flood Zone 1 which has critical drainage problems (as notified to the local planning authority by the Environment Agency); and where proposed development or a change of use to a more vulnerable class may be subject to other sources of flooding.

[171] Evidence Base document reference RD25:

When undertaking a flood risk assessment, account must be taken of the flood vulnerability of the development:-

- sand and gravel workings are water-compatible development and may be appropriate in the functional flood plain (Zone 3b);
- sewage transmission infrastructure and pumping stations are water-compatible development and may be appropriate in the functional flood plain (Zone 3b);
- docks and wharves are water-compatible development (Zone 3b);
- certain mineral workings and processing may be appropriate in areas of high probability (Zone 3a);
- waste treatment facilities (except landfill and for hazardous wastes) may be appropriate in areas of high probability (Zone 3a);
- sewage treatment plants may be appropriate, if adequate pollution control measures are in place, in areas of high probability (Zone 3a);
- water treatment works that do not need to remain operational during times of flood (Zone 3a);
- landfills and sites used for hazardous waste management facilities may be appropriate in areas of medium probability (Zone 2).

Exceptions to the policy will only be permitted if:-

a. it is demonstrated that the wider sustainability benefits of the development outweigh the flood risk and contribute to sustainability development; or
b. development is on developable brownfield land or there are no reasonable alternative sites on developable brownfield land; and
c. flood risk assessment demonstrates that the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

16.21 The Environment Agency is consulted on all minerals and waste management planning applications and provides advice on the protection of surface and groundwater resources. The identified groundwater protection zones in Cumbria cover only a small proportion of the groundwater resources that are used for water supplies. Proposals will, therefore, be required to demonstrate that they do not have unacceptable adverse impacts on water resources. Any adverse impact should be avoided or, if unavoidable, suitable mitigation measures should be proposed.

POLICY DC20 The water environment

Proposals for developments should demonstrate that they would have no unacceptable quantitative or qualitative adverse effects on the water environment, both within the application site and its surroundings, including surface waters, coastal waters and groundwater resources. Proposals that minimise water use and include sustainable water management will be favoured.

Land quality and soil resources

Protection and management of soil resources

16.22 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[172] 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.

16.23 Some types of development have not always appreciated the need to protect soil resources, and they are under threat from a number of processes including: climate change, compaction, erosion, loss of biodiversity, loss of organic matter, contamination and the sealing that occurs when impermeable materials such as concrete and asphalt are superimposed on valuable soil.

16.24 Soils may overlie valuable mineral resources, particularly sand and gravel. Even in the case of valuable agricultural land, this may not prevent development as long as the soil resources are protected, and restoration is to the highest standards. The waste developments expected over the period of the Plan are less likely to involve valuable soil resources if the Strategic Policies' site selection criteria are used, which favour the use of brownfield sites. This is in line with paragraph 112 of the NPPF.

16.25 National policy[173] requires Mineral Planning Authorities to "safeguard the long-term potential of Best and Most Versatile agricultural land, and conserve soil resources in a sustainable way". The County Council has secured the management and protection of soil resources on minerals and waste development through conditions on planning consents and agreed operations programmes. Typically, planning permissions require topsoil and subsoil to be stripped and stored separately in grassed mounds of appropriate height and shape before a site is developed or traversed by heavy vehicles or machinery. The soils have to be retained for use in the restoration schemes that are required to be submitted with planning applications. These can specify details of soil handling and replacement and secure land forms that avoid soil erosion and enable after-care management operations to be carried out.

16.26 Returning organic matter to soil, such as agricultural wastes and sewage sludge, is considered to be advantageous in some circumstances, but is managed under other regulatory regimes.

[172] Safeguarding our Soils: A Strategy for England, DEFRA, 2009
[173] NPPF paragraph 143, bullet 8

Best and Most Versatile agricultural land

16.27 "Best and Most Versatile" (BMV) agricultural land is defined as that in Grades 1, 2 and 3a under the Defra system of Agricultural Land Classification[174]. NPPF paragraph 143 requires that high quality restoration and aftercare of mineral sites takes place, including, for agriculture, safeguarding the long term potential of best and most versatile land and conserving soil resources.

POLICY DC21 Protection of soil resources

Proposals for minerals and waste development will be required to demonstrate that:

a. the long-term potential of Best and Most Versatile agricultural land will be safeguarded;
b. soil resources are conserved and maintained in viable condition to be used in restoration of the site; or
c. where developments are permanent and restoration is not envisaged, that soil resources are used effectively on undeveloped areas of the site, or used appropriately on other suitable sites.

16.28 This policy will apply particularly to greenfield sites, especially where the site includes Best and Most Versatile agricultural land. Soils and land quality surveys may be required to provide a definitive record of the soil quality prior to the proposals. Planning application proposals would need to demonstrate that soil would be protected and include a soil handling and replacement strategy, to demonstrate that a satisfactory standard of reclamation would be achieved for the proposed afteruses. Restoration and afteruse are covered more broadly in the following section.

Restoration and afteruse

16.29 It is particularly important that sites of temporary developments are properly restored and that restoration is appropriate to the character of the area. If high standards of restoration are not achieved, the trust necessary for further developments is undermined. Problems may arise from technical failure more often than financial failure and the risk of problems may be significantly reduced when restoration is progressive, i.e. is phased during the working life of the development.

16.30 Strategic Policy SP15 affirms that restoration of sites should take full advantage of opportunities to deliver sustainability objectives relating to the environment and the economy of the county. It is essential that planning applications establish an appropriate afteruse for mineral working and temporary waste management sites and ensure that resources are secured for that afteruse to be successfully established once restoration is complete.

16.31 All afteruses will be considered in the light of realistic assumptions about the availability of restoration materials, particularly inert waste. Aftercare can only

[174] Agricultural Land Classification: protecting the best and most versatile agricultural land, Natural England, Technical Information Note TIN049, Edition 2, December 2012

be required for agricultural, forestry or amenity afteruses and most sites have been restored for these. There has been a presumption that agricultural afteruse should be required where the loss of land would adversely affect the economic viability of an agricultural holding.

16.32 Whilst sites on the Best and Most Versatile agricultural land should usually be restored to a similar standard, other uses will be encouraged that contribute to the "step-change" in biodiversity required by Strategic Policy SP14. It is important to restore wildlife habitats that may have declined as a consequence of development at the site or within the local area, to strengthen regional and functional ecological and green infrastructure networks, and to contribute to UK and Cumbria Biodiversity Framework (Action Plan) targets.

16.33 Schemes that are designed with an appropriate habitat for the prevailing conditions, and demonstrated to be both technically and economically feasible, will be favoured. This is because they are more likely to create self-sustaining habitats and require minimum intervention and long term management. On large sites, a mix of compatible uses may provide the best balance for the future; for example, low intensity agricultural use, tourism and nature conservation. Some restored sites can also be designed to fulfil a role as educational assets.

16.34 The success of reclamation schemes based on landscape, recreation and nature conservation enhancement will, however, sometimes depend not only on a well-funded and effective 5-year scheme of aftercare being implemented, but also provision for the longer-term management of the land. Non-profit generating afteruses (e.g. leisure, amenity, nature conservation, etc.) may require applications to provide long-term management proposals to demonstrate how such uses will be sustainable in the longer-term.

16.35 Prospective developers may demonstrate how they propose to make provision for the proper reclamation of their sites either through membership of an established and properly funded industry guarantee scheme, or by the provision of a bond or other financial guarantee, prior to the commencement of development. The exceptional circumstances where financial contributions or agreements may be required are referred to in NPPF Planning Practice Guidance, Minerals section, paragraph 48. Table 17.1 suggests how specific Strategic Objectives could be met by different afteruses, in locations where they are compatible with other development plan policies, including District Councils' Local Plans.

Table 17.1: Afteruse options in relation to Strategic Objectives of the Plan

Strategic Objective	**Afteruse options**
1. To minimise the impacts of climate change on people and the environment	Some mineral workings may have potential for flood water storage to mitigate flood risk. When extraction has finished, peat workings should be restored to peat generating vegetation wherever possible. Long-lived woodland species could be planted on other suitable sites. A minimum standard could be to replace the carbon capture capability of the site before development.

7. To optimise local economic benefit	Enhance and preserve the economic viability of agricultural undertakings where land has been temporarily used for minerals or waste development; afteruses should either be agricultural, farm diversification activities or employment land. Other opportunities may be available, particularly where waste facilities were on brownfield sites.
8. To protect and enhance natural environmental assets (including the historic environment)	Enhance biodiversity through nature conservation after-uses that protect and enhance species and habitats that either pre-existed on minerals and waste sites or for which the site has potential. Provide for enhancement of the historic environment, including industrial archaeology; and/or select an after-use that contributes to the local landscape character. Aftercare programmes that are properly financed may be essential to achieve and sustain high quality restoration.
9. To reduce the proportion of development on greenfield sites	Built development can deliver social and economic benefits on former minerals and waste sites if the local highways network is suitable for the traffic generated.

Policy

16.36 Policy DC22 seeks to secure the most appropriate and sustainable restoration and afteruse of sites. This will be achieved through suitable planning conditions and, where necessary, planning obligations. The exact planning conditions should be framed with the intended after-use in mind.

POLICY DC22 Restoration and afteruse

Proposals for minerals extraction, or for temporary waste facilities such as landfill, should be accompanied by detailed proposals for restoration, including proposals for appropriate afteruse, financial provision and long term management, where necessary. Restoration and enhancement measures should maximise their contributions to national and local biodiversity objectives and targets, including by establishing coherent ecological networks that are more resilient to current and future pressures. In all cases, restoration schemes must demonstrate that the land is stable and that the risk of future collapse of any mine workings has been minimised.

After-uses that enhance biodiversity and the environment, conserve soil resources, conserve and enhance the historic environment, increase public access, minimise the impacts of global warming and are appropriate for the landscape character of the area, will be encouraged. These could include: nature conservation, agriculture, leisure and recreation, green infrastructure and woodland.

Where sites accord with other policies in the Plan, an alternative or mixed afteruse that would support long term management, farm diversification, renewable energy schemes, tourism or employment land, may be acceptable.

All proposals must demonstrate that:

a. for agricultural, forestry, nature conservation and amenity afteruses, there is an aftercare management programme of at least 5 years, but longer where required to ensure that the restoration scheme is established;
b. the restoration is appropriate for the landscape character and wildlife interest of the area, and measures to protect, restore and enhance biodiversity and geodiversity conservation features are practical, of a high quality appropriate to the area and secure their long-term safeguarding and maintenance;
c. restoration will be completed within a reasonable timescale and is progressive as far as practicable;
d. provision for the likely financial and material budgets for the agreed restoration, aftercare and afteruse will be made during the operational life of the site;
e. restoration will be undertaken using industry best practice.

Once peat workings have become non-operational, they should be restored to peat regeneration wherever possible.

17. IMPLEMENTATION AND MONITORING

17.1 The County Council is committed to ensuring robust monitoring of the implementation of this Minerals and Waste Local Plan. Therefore, a monitoring and implementation framework is needed, with clear objectives for delivering the overall vision of the Plan. Monitoring will assess the delivery and effectiveness of achieving the vision, strategic objectives, spatial strategy and the policy objectives, including any associated site allocations. The aim will be to ensure the successful and timely delivery of the Plan, and to instigate appropriate actions or measures to address underperformance, or to remedy issues arising as a result of changing circumstances (including from new or updated evidence) or from external factors (including changes to legislation or national policy).

17.2 Indicators will be used to assess performance of the Plan. The indicators that are most directly relevant for minerals and waste in Cumbria are:

- sales of primary land won aggregates, broken down into:
  - sand and gravel;
  - crushed rock for general aggregate use; and
  - high and very high specification roadstones;
- sales of industrial minerals;
- production of secondary and recycled aggregates;
- landings of marine dredged aggregates;
- capacity of new waste management facilities by type;
- municipal waste arisings and management methods;
- commercial and industrial waste arisings and management methods;
- construction and demolition waste arisings and management methods.

17.3 Reliable data is available from surveys for most of these indicators, but as discussed in chapter 3, there are particular concerns about details of commercial, industrial, construction and demolition wastes and secondary and recycled aggregates.

Evidence base

17.4 Monitoring data will be drawn from a wide range of sources, but three 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 Annual Monitoring Report assesses the overall performance of the Plan in terms of:

- are policies achieving their objectives, and is sustainable development being delivered;
- have policies had the intended consequences;
- are the assumptions and objectives behind policies still relevant;
- are the targets set in the Local Development Framework being achieved.

Monitoring matrix

17.5 The adopted Minerals and Waste Development Framework Core Strategy[175] includes a monitoring matrix in its Table 11.1; this is replicated at Appendix 3 of this Plan. It is intended that an updated and expanded matrix will be included when the Minerals and Waste Local Plan is submitted to the Secretary of State for Examination. Once the Local Plan is adopted, this matrix will be populated in the first of the annual reports on the Local Plan.

17.6 The monitoring matrix will set clear objectives, with targets and indicators that will be Specific, Measurable, Achievable and Realistic and, where appropriate, Time bound (SMART). The matrix will also identify triggers at which it is appropriate to address any issues emerging. The Annual Monitoring Reports will highlight any implementation problems, and the need for the strategic approach, policies or site allocations to be reviewed.

17.7 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.

Planning application process

17.8 A range of scenarios could arise that have the potential to impact adversely on the provision of sustainable minerals or waste developments. Examples include: where development fails to come forward due to infrastructure or land assembly difficulties; if major infrastructure projects require further reserves of aggregates to be identified; if a significant number of waste management facilities close; or if the population increase is much higher than that predicted. The monitoring matrix and its supporting evidence base would pick up these issues and the Local Plan policies would be augmented by standing advice provided to the Development Management Team on how to consider relevant planning applications.

Duty to Co-operate (DtC)

17.9 The Council's obligation to undertake the preparation and review of the Local Plan, in co-operation with specific organisations, also needs to be recognised in the approach to monitoring. In strategic terms, the Minerals and Waste Local Plan needs to have recognition of, and potential to align with, the plans of partners and organisations with cross-over interests and policy linkage. Hence, where the plans or practice of others is evolving and responding to external factors, then this may need to be taken into account in the monitoring and review of the Local Plan. The Council will, therefore, ensure that the outcome from the annual monitoring exercise is shared with those bodies identified in the legislation relating to DtC, and continue to engage as appropriate, to recognise changing circumstances.

[175] Evidence Base document reference CSD14: Cumbria County Council, 2009