



PLANNING AND COMPULSORY PURCHASE ACT 2004

**TOWN AND COUNTRY PLANNING
(LOCAL PLANNING) (ENGLAND) REGULATIONS 2012**

REGULATION 18 CONSULTATION

**DRAFT CUMBRIA MINERALS AND WASTE LOCAL PLAN
2014 to 2029**

**POLICIES AND PLANS
without supporting text**

FEBRUARY 2015

Preface

This is a consultation about the Cumbria Minerals and Waste Local Plan. This Plan has to identify what minerals developments and waste management facilities Cumbria will need by 2029 and to indicate appropriate locations for them. It includes strategic policies, policies for assessing planning application proposals, it identifies sites and it includes a Policies Map.

The Local Plan strategic policies should cover all of the significant and relevant strategic issues that face Cumbria and state what the Local Plan aims to do. It also has to demonstrate that it accords with national policies.

The Local Plan applies to those parts of Cumbria that are outside of the Lake District and Yorkshire Dales National Parks.

Comments are being invited on this draft of the Local Plan and should relate to whether it is considered to be “sound”.

The National Planning Policy Framework’s definition of soundness (paragraph 182) is that the Local Plan is:-

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

Having taken account of comments that are received during this consultation period, the Council will decide whether to submit the draft Plan to the Secretary of State or to amend it. If it is amended, there will have to be another round of consultations before it can be submitted. Plans that are submitted to the Secretary of State are examined by an independent Inspector. That examination process usually includes hearing in public sessions at which objectors can make their points directly to the Inspector.

Comments are invited on the draft Local Plan and should be sent in by **Monday 11 May 2015**. Please send comments by email to mwlp@cumbria.gov.uk or by post to the Minerals & Waste Planning Policy Team, County Offices, Kendal LA9 4RQ.

Our phone numbers for further information are 01539-713409 or 01539-713425.

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PART 1

STRATEGIC POLICIES

POLICY SP1 Presumption in favour of sustainable development

When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants to find solutions that mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Planning applications that accord with the policies in this Local Plan (and, where relevant, with policies in Neighbourhood Plans) will be approved without delay, unless material considerations indicate otherwise.

Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision, then the Council will grant permission unless material considerations indicate otherwise – taking into account whether:

- any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or
- specific policies in that Framework indicate that development should be restricted.

POLICY SP2 Provision for waste

Provision will be made for the management of all of Cumbria's wastes within the county, with the acceptance of limited cross boundary movements (net self-sufficiency). This will be achieved by allocating sufficient sites to meet objectively identified needs for additional facilities.

Any proposals to manage significant volumes of wastes from outside the county would have to demonstrate that the local, social and economic benefits outweigh other sustainability criteria.

These other criteria include the impacts of the additional "waste miles" and the principles of managing waste as close as possible to its source, with each community taking responsibility for its own wastes and taking account of the nearest appropriate facility.

POLICY SP3 Waste capacity

Waste management facilities

In order to provide an integrated network and to meet any waste capacity gaps that are predicted to arise during the Plan period, the Plan identifies:

- 8 sites of between 2 and 4ha for additional waste recycling and treatment facilities (these could provide for commercial and industrial waste or municipal waste);
- Broad Areas where any of a number of sites may be suitable for waste management;
- alternative sites for those Household Waste Recycling Centres (HWRC) that are required to be replaced.

Preference will be given to sites that contribute to an integrated network of waste facilities by accommodating several types of facility, or by being well located in relation to the sources, or to the destination of, the waste stream being managed.

Proposals on unallocated sites, where opportunities arise that were not anticipated, will be considered if they conform to the other policies in this Plan and would meet an identified need in a timely manner.

The need for provision for construction and demolition, or excavation, waste arising from major infrastructure projects will be kept under review and proposals considered against relevant policies in this Plan.

Landfill

Time extensions for existing non-inert landfill facilities will be considered if they are necessary:

- to meet the capacity need identified in this Plan; or
- to achieve acceptable restoration contours; or
- to maintain an integrated network of a range of appropriate and necessary waste management facilities across the county.

Proposals for additional inert or non-inert landfill capacity would need to demonstrate that there is a need for the development and that it would not undermine the waste hierarchy.

Policy SP4 Use of Best Available Technique

Proposals for additional radioactive waste facilities, which utilise the Best Available Technique review process, will need to demonstrate how the development complies with:

- the principles of sustainable development;
- the waste hierarchy;
- the precautionary principle; and
- the proximity principle.

Policy SP5 Development criteria for low level radioactive waste sites

Any proposal for the treatment, management, storage and/or disposal of low level radioactive waste, must demonstrate that:

- it conforms to the other relevant policies of this Local Plan;
- it represents the most appropriate option;
- it is in line with the principle that communities take more responsibility for their own waste, enabling the waste to be managed in the nearest appropriate installations to its point of arising, the preference being on existing nuclear licensed sites;
- it complies with national guidance and the principles of sustainable waste management - in doing so, it should identify the intended catchment area;
- any adverse impacts can be mitigated to an acceptable level;
- a feasible strategy is in place in relation to the long-term integrity of the site;
- it will not prejudice the existing use where the proposal involves co-location on an operational waste disposal site.

Policy SP6 High and Intermediate level radioactive wastes treatment, management and storage

Sellafield is the only site in the county where development proposals for the treatment, management and storage of higher activity radioactive waste will be permitted.

Such proposals will need to demonstrate:

- compliance with national and international standards and best practice for environment, safety and security;
- the reasons why possible alternative methods (for dealing with the waste) have been rejected; and
- that any adverse impacts have been adequately mitigated or compensated for.

Development proposals at Sellafield for the treatment, management and/or storage of waste that arises from outside Cumbria, will need to demonstrate that:

- for Intermediate Level Waste, alternative locations, at or closer to where these wastes arise, have only been rejected following rigorous assessment;
- all practicable measures are taken to minimise the adverse effects of development and associated infrastructure;
- acceptable measures are in place to secure decommissioning and site restoration.

Policy SP7 Minerals provision and safeguarding

Provision for potential further mineral working will be made by identifying Preferred Areas and/or Areas of Search:-

- to enable a landbank of at least seven years sales at the Local Aggregates Assessment level for sand and gravel and at least ten years for crushed rock to be maintained throughout the Plan period;
- for continued quarrying of nationally important very high specification roadstone and regionally important high specification roadstone;
- for continued quarrying of brickmaking mudstones;
- for continued quarrying of slate; and
- for continued extraction of gypsum.

Mineral resources will be safeguarded from being unnecessarily sterilised by other developments by identifying:-

- Mineral Safeguarding Areas for the indicative sand and gravel and hard rock resources (including high specification aggregates) and shallow coal resources identified by the British Geological Survey in its report “Mineral Resource Information for Development Plans - Cumbria and the Lake District: Resources and Constraints” (BGS Technical Report reference WF/01/02);
- Mineral Safeguarding Areas for the remaining gypsum resources;
- Mineral Safeguarding Area for identified resources of slate;
- Mineral Consultation Areas, which will include 250 metre wide buffer zones around the Mineral Safeguarding Areas.

Policy SP8 Strategic areas for new mineral developments

The **Kirkby Thore/Long Marton** area is identified as the location for further supplies of gypsum, if required towards the end of the Plan period.

Land next to **High Greenscoe Quarry** is identified as the location for further supplies of mudstones for the Askam in Furness brickworks.

The slates near **Kirkby Slate Quarry** are identified as the location for further supplies of slate.

The igneous rocks near **Ghyll Scaur Quarry** are identified as the location for further supplies of nationally important very high specification roadstone.

The sandstones near **Roan Edge Quarry** and **Holmescales Quarry** are identified as the locations for further supplies of regionally important high specification roadstone.

The sand and gravel resources in the **Roosecote** area and near **Peel Place Quarry** are identified as the location for further supplies of sand and gravel in the south west of the county.

Policy SP9 Marine dredged aggregates

Planning permission will be granted for developments at appropriate locations, and which do not have unacceptable environmental impacts, that would enable the increased use of marine dredged aggregates as an alternative to land won aggregates.

Policy SP10 Industrial limestones

Any proposal for the extraction of high purity limestone should demonstrate that it is primarily for non-aggregate uses. Each application will be considered on its own merits against other relevant policies in this Plan, regardless of the stock of permitted reserve. However, low stocks of permitted reserves, to serve a related industrial facility, may be seen as an indicator of urgent need.

Policy SP11 Peat

Planning permission will not be granted for peat extraction from new or extended sites.

Time extensions for existing peat extraction planning consents will be considered on a case-by-case basis, where it is demonstrated that it is necessary to enable the proper restoration of the land or to secure biodiversity, climate change or other objectives of this Plan. Any such proposals must conform to all relevant policies in this Plan.

POLICY SP12 Climate change mitigation and adaptation

Proposals for minerals and waste management developments should demonstrate that:

- energy management, carbon reduction and resource efficiency have been determining design factors for the development; and
- water use and the requirement for wastewater treatment have been minimised; and
- their location will minimise, as far as is practicable, the "minerals or waste road miles" involved in supplying the minerals or managing the wastes, unless other environmental/sustainability and, for minerals, geological considerations override this aim; and
- where the development affects or is adjacent to peat bog, that carbon emissions would not be significantly increased and the condition of remaining peat bog would not be adversely affected; and
- where appropriate, restoration and afteruse proposals fulfil a role in helping to mitigate for or adapt to climate change.

Proposals for low carbon renewable energy will be supported where they conform to other policies in this Plan and either:

- a. use residual waste as part of the feedstock; or
- b. are located within a proposed or existing mineral or waste site and do not adversely affect the operations, restoration or aftercare of the site.

POLICY SP13 Economic benefit

Proposals for new minerals and waste developments should demonstrate that they would realise their potential to provide economic benefit. This will include such matters as the number of jobs directly or indirectly created or safeguarded and the support that proposals give to other industries and developments.

Relevant adverse economic impacts on other industries, or on regeneration and development initiatives, will be weighed against the overall economic benefits of the proposal.

POLICY SP14 Environmental assets

Minerals and waste management developments, including restoration and afteruse, should aim to:

- protect, maintain and enhance people's overall quality of life and the natural, historic and other distinctive features that contribute to the environment of Cumbria and to the character of its landscapes and places;
- improve the settings of these features;
- improve the linkages between these features and buffer zones around them, where this is appropriate;
- realise the opportunities for expanding and increasing environmental resources, including adapting and mitigating for climate change;
- help to secure a 'step-change' increase in biodiversity resources by protecting, enhancing, expanding and linking areas for wildlife within and between the locations of highest biodiversity resources and encouraging the conservation and expansion of the ecological fabric elsewhere;
- help to create new green infrastructure, and to conserve and manage where it is existing, and enhance its functionality, quality, connectivity and accessibility.

There are national policies for areas and features that are identified to be of international or national importance, as set out below.

Areas of Outstanding Natural Beauty

Major developments in these designated areas will only be granted planning permission in exceptional circumstances and where it can be demonstrated that they are in the public interest, in accordance with paragraph 116 of the National Planning Policy Framework.

Ramsar and European Wildlife Sites

Planning permission will be granted only if Habitats Regulations Assessment can determine that a proposal will not have an adverse effect on the integrity of the Site. The only exceptions are where there are no alternative solutions that would have no (or a lesser) effect, or that there are imperative reasons of overriding public interest, in accordance with paragraphs 25 to 32 of ODPM Circular 06/2005 (Defra Circular 01/2005).

In accordance with NPPF paragraph 118, this policy also applies to potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites where the Government has initiated the relevant public consultation, and for sites identified, or required, as compensatory measures for adverse effects on European or Ramsar Sites, including the potential, possible or proposed ones.

Sites of Special Scientific Interest (SSSI)

In accordance with paragraphs 56 to 73 of ODPM Circular 06/2005, and the general and overarching duty placed on local planning authorities, to take reasonable steps to further the conservation and enhancement of the features for which sites are of special interest:-

- Planning permission will not normally be granted for development within or outside an SSSI, which is likely to have an adverse effect on it, individually or in combination with other development.
- Exceptions will only be made where the benefits of the development, at the proposed site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs.

Environmental assets not protected by national or European legislation

Where not otherwise protected by national or European legislation, great weight will be given to conserving habitats of principal importance, ancient woodlands and veteran trees outside of ancient woodlands. In accordance with NPPF paragraph 118, planning permission will be refused for development resulting in the loss or deterioration of such irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweigh the loss.

Planning permission will not be granted for development that would have an unacceptable impact on the environmental assets, on its own or in combination with other developments, unless it is demonstrated that:-

- there is an overriding need for the development, and
- it cannot reasonably be located on any alternative site that would result in less or no harm, and then,
- the effects can be adequately mitigated, or if not,
- the effects can be adequately and realistically compensated for through offsetting actions.

All proposals would also be expected to demonstrate that they include reasonable measures to secure the opportunities that they present for enhancing Cumbria's environmental assets.

Information on environmental assets and guidance on implementing parts of this policy are provided by the Landscape Character Toolkit, the Guide to using the Cumbria Historic Landscape Character database, the Cumbria Biodiversity Evidence Base and the Cumbria Historic Environment Record.

POLICY SP15 Restoration and afteruse

Restoration, afteruse and aftercare schemes for mineral working and waste management sites should demonstrate that best practicable measures have been taken to secure full advantage of their potential to help deliver the sustainability objectives of this Plan. This should include consideration of the potential for biodiversity and landscape enhancement, flood risk mitigation and water quality, maintaining agricultural land quality, ameliorating contaminated land and securing land stability.

POLICY SP16 Section 106 planning obligations

Where it is not possible to achieve the necessary control or outcome through the use of planning conditions, the County Council will require appropriate mitigation to be secured through Section 106 planning obligations that ensure that development proposals:-

1. Secure long term management of relevant environmental assets.
2. Provide financial guarantees, including with parent companies, where appropriate for restoration works, except where a national industry guarantee fund will remain in place.
3. Provide necessary infrastructure such as highway and transport improvements, flood and surface water management schemes and green infrastructure.

Where planning obligations or legal agreements are required in order to achieve the necessary control of a development, provision for the following may be included in a planning obligation:

- a. highways and access improvements;
- b. traffic management measures;
- c. the undertaking of landscape improvements;
- d. the implementation of long term monitoring, mitigation and enhancement measures for environmental assets, before, during and after development;
- e. the provision for archaeological investigation, analysis, reporting, publication and archive deposition;
- f. the long term restoration and afteruse of sites (including financial guarantees to ensure restoration and long term maintenance is undertaken);
- g. the provision of, maintenance of, and improvements to the public rights of way network;
- h. the long term management of, and public access to, sites restored for amenity purposes;
- i. the off-site monitoring of watercourses, groundwater levels and water supply abstractions;
- j. the provision of facilities to compensate local communities for the loss of amenity; or
- k. any other improvements deemed necessary by Cumbria County Council.

POLICY SP17 Monitoring and enforcing planning control

The County Council, in exercising its function of ensuring compliance with planning control, will:

1. where there is serious harm caused to amenity or potentially irreparable harm to the environment, take practicable immediate action against a breach of planning control to stop further damage;
2. in all other instances, seek to resolve any problems within a reasonable timescale by discussion and negotiation without the need to resort to legal action;
3. only take enforcement action where it is necessary to do so to protect people, the environment, the public interest, transport systems and the amenity of the area, in accordance with the provisions of the development plan;
4. ensure that action is always commensurate with the breach of planning control;
5. give due regard to current legislation, policy framework, instructions, appeal decisions and relevant judicial authority;
6. take account of comments made by the general public and consultees;
7. enable sustainable development to take place, even though it may initially have been unauthorised;
8. maintain the integrity of sites having interests of acknowledged historical or environmental importance and their surroundings;
9. where appropriate, maintain liaison and contact with the general public, and mineral and waste management operators;
10. where a planning application is submitted to address a breach of planning control, only take formal enforcement action in exceptional circumstances, until such time as the application has been determined.

PART 2

DEVELOPMENT CONTROL POLICIES

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.

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;
- 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 model¹ 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.

¹http://www.sustainableaggregates.com/sourcesofaggregates/landbased/blasting/blasting_acceptlevels_p2.htm

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 (PM₁₀ 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.

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.

POLICY DC7 Energy from waste

Development that would generate energy from waste will be permitted if they conform to the all other relevant policies 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.

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.

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 Existing waste management sites	If no unacceptable impacts on housing, business uses or other sensitive land uses
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 Isolated suitable industrial estates; or Isolated waste management sites	Where adequate stand-off distances can be established, and no unacceptable impacts on housing, business uses or other sensitive land uses
d.	Enclosed composting facilities	As for c. above; or Suitable industrial estates; or Existing waste management sites	If no unacceptable impacts on housing, business uses or other sensitive land uses
e.	Physical, chemical or biological waste treatment	Suitable industrial estates; or Non-inert landfill sites where required for pre-treatment, or for treatment of leachate	If the development reduces the potential of waste to pollute the environment 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 Active quarries and landfill sites, i.e. not for periods beyond the active life of the site	If no unacceptable impacts on housing, business uses or other sensitive land uses 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

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.

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.

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.

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; 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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

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.

PART 3

SITE ALLOCATIONS POLICIES and PLANS

POLICY SAP1 Household waste recycling centres (HWRC) (sites of around 0.5 to 1.0 ha)

- AL37 Lillyhall industrial estate to replace the HWRCs at Clay Flatts, Workington, and at Frizington
- SL1B Land adjacent to Kendal Fell Quarry, to replace the HWRC at Canal Head

POLICY SAP2 Waste treatment and management facilities (sites of around 2 to 4 ha)

- AL3 Oldside, Workington
- AL8 Lillyhall Waste Treatment Centre, Workington
- AL18 Port of Workington
- CA11 Willowholme, Carlisle
- CA30 Kingmoor Road recycling centre, Carlisle
- CA31 Kingmoor Park East, Carlisle
- CO11 Bridge End Industrial Estate, Egremont
- ED31 Flusco waste management site, near Penrith

POLICY SAP3 Low level radioactive wastes (LLW) treatment, management, storage and disposal

Unless it can be demonstrated that it is no longer required, the capacity for LLW treatment, management, storage and/or disposal will be safeguarded over the Plan period at the following existing sites:

- Sellafield/Windscale complex
- Low Level Waste Repository
- Studsvik metal processing complex
- Lillyhall landfill

The following sites are considered to be suitable locations for additional capacity:

1. CO35 The Low Level Waste Repository, near Drigg
 - higher activity LLW storage and/or disposal, within highly engineered containment facilities;
 - lower activity LLW storage and/or disposal, outwith highly engineered containment facilities
2. CO36 Land within Sellafield
- CO32 Land adjacent to Sellafield
 - lower activity LLW disposal;
 - lower activity LLW long-term storage, linked to an approved site decommissioning strategy

POLICY SAP4 Areas for minerals

Preferred areas

- M18 Stamphill, Long Marton, for gypsum
- M12 Roosecote sand and gravel quarry extension, Barrow-in-Furness

Areas of Search

- M5 land adjacent to High Greenscoe Quarry, near Dalton-in-Furness, for brickmaking mudstones
- M6 land between Overby and High House sand and gravel quarries, near Abbeytown
- M8 land adjacent to Cardewmires sand and gravel quarry, near Dalston
- M10 land adjacent to Silvertop limestone quarry, near Brampton
- M14 land adjacent to Kirkby Slate Quarry, near Kirkby-in-Furness
- M15 land adjacent to Peel Place sand and gravel quarry, near Gosforth
- M16 land adjacent to Holmescales high specification roadstone quarry, near Kendal
- M17 land adjacent to Ghyll Scaur very high specification roadstone quarry, near Millom
- M30 land adjacent to Roan Edge high specification roadstone quarry, near New Hutton

Sites for secondary or recycled aggregates facilities

In addition to existing recycling facilities at waste management sites and elsewhere, the hard rock quarries are considered to be suitable locations for processing alternative aggregates from their quarry wastes and from recycled aggregates.

POLICY SAP5 Mineral Safeguarding Areas

These are defined for sand and gravel, limestone, high purity limestone, igneous rocks, sandstone, shallow coal, fireclay and gypsum in accordance with the geological resources maps included within the British Geological Survey Technical Report WF/01/02 Mineral Resource Information for Development Plans: Cumbria and the Lake District.

A Mineral Safeguarding Area is also defined for the Wray Castle slate formation.

- M24 Derwent Howe Slag Bank, Workington, is a Mineral Safeguarding Area for its resource of secondary aggregate.

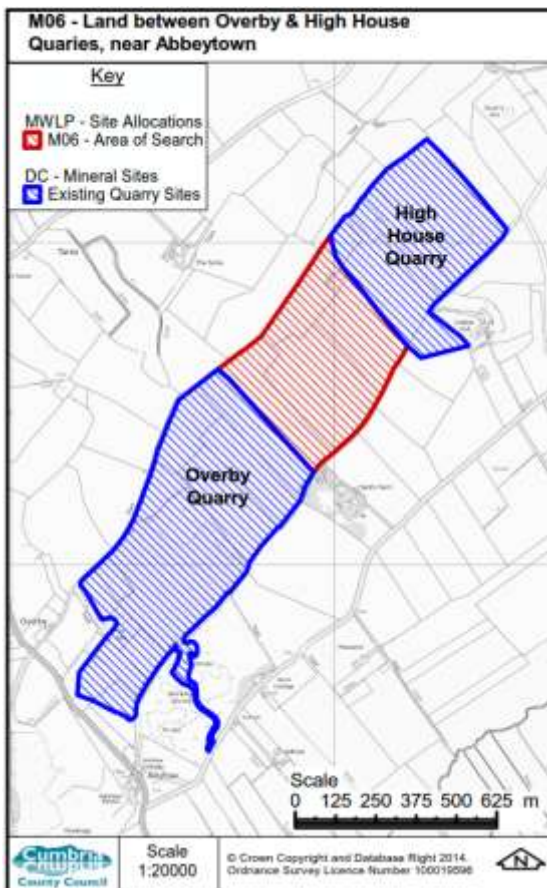
POLICY SAP6 Safeguarding of existing and potential railheads and wharves

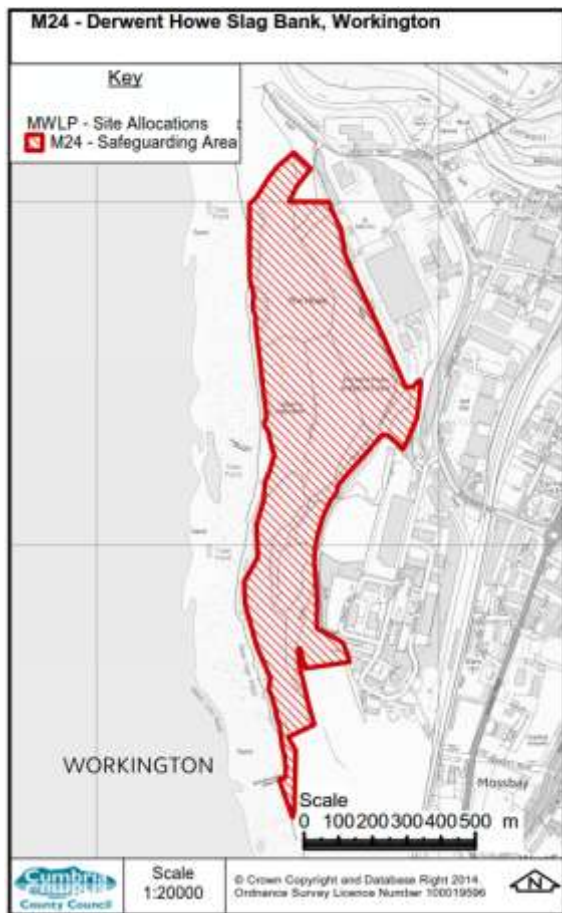
AL18	Port of Workington and railhead
AL32	Siddick potential rail sidings
AL38	Innovia rail sidings, Wigton
AL39	Silloth Port
BA26	Barrow Port and rail sidings, Barrow
CO35	Low Level Waste Repository rail spur, Drigg (within LLWR site allocation)
CO36	Sellafield site rail spur (within Sellafield site allocation)
M31	Salthouse, near Millom, potential rail sidings for Ghyll Scaur Quarry
M34	Kingmoor rail sidings, Carlisle
M35	Shap Beck Quarry rail sidings, Shap
M36	Shapfell Quarry rail sidings, Shap
M37	Shap Blue Quarry rail sidings, Shap
M38	Kirkby Thore gypsum works rail sidings, Kirkby Thore

MAPS OF PROPOSED SITES

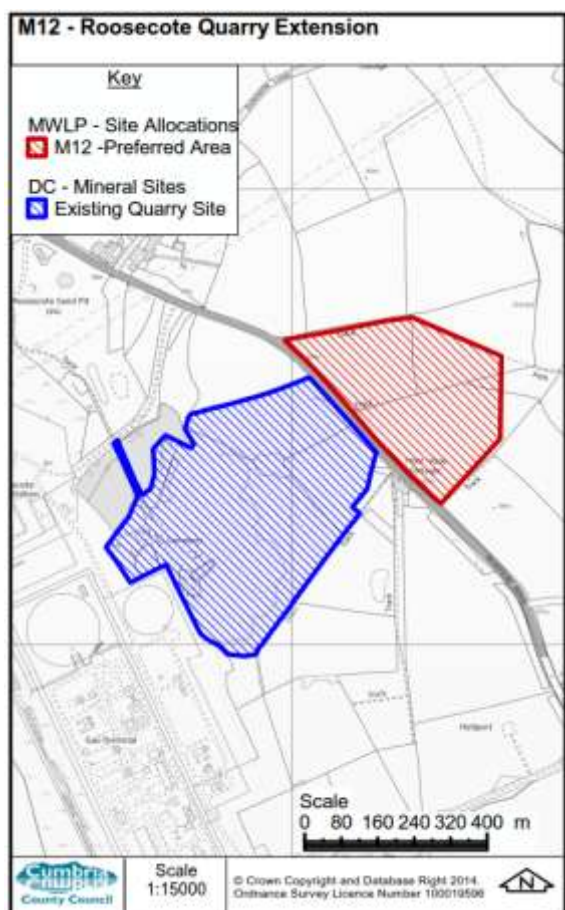
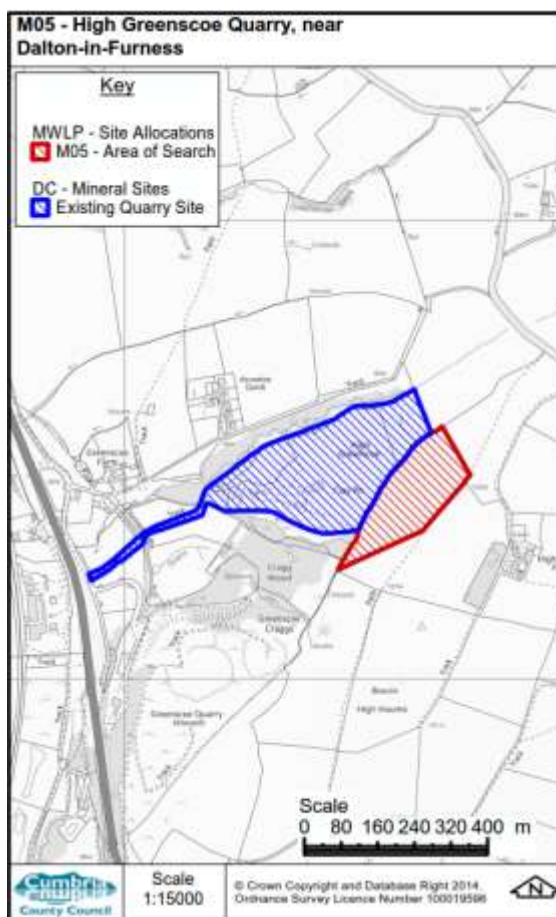
Allerdale



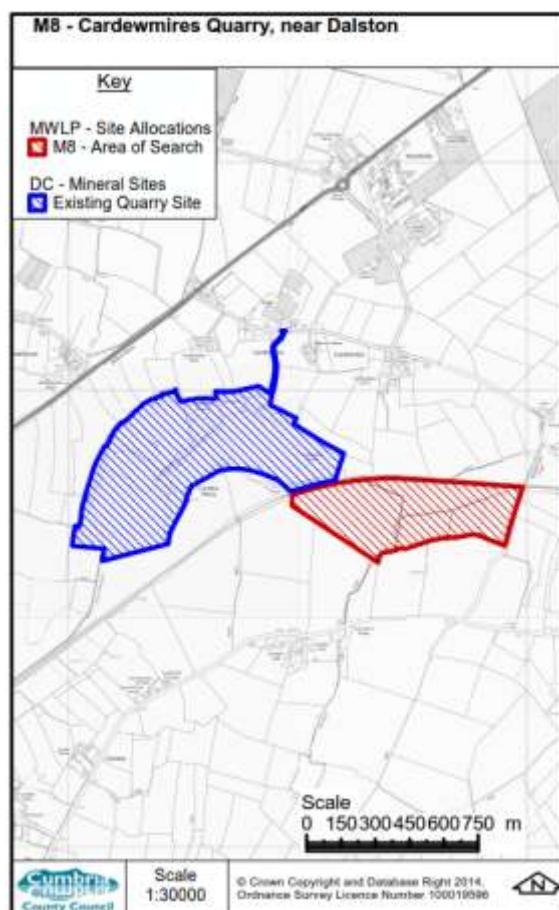
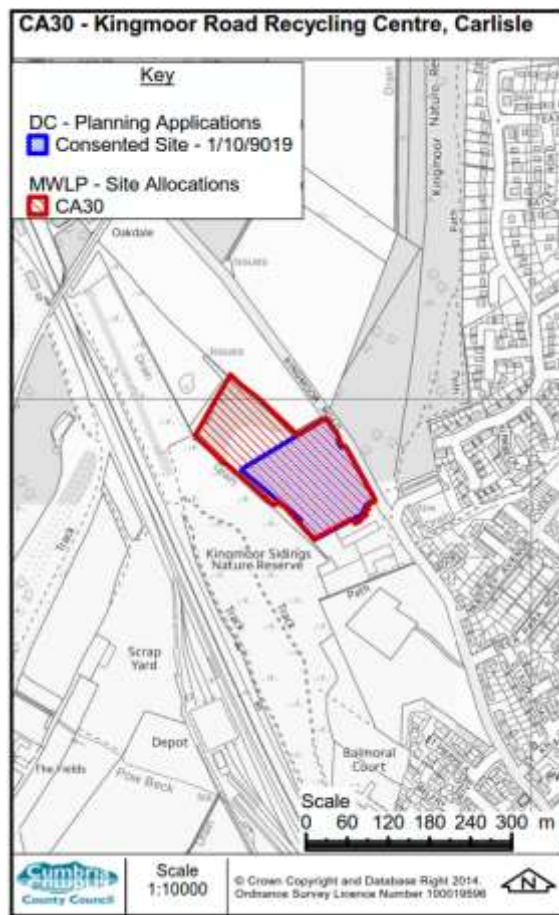


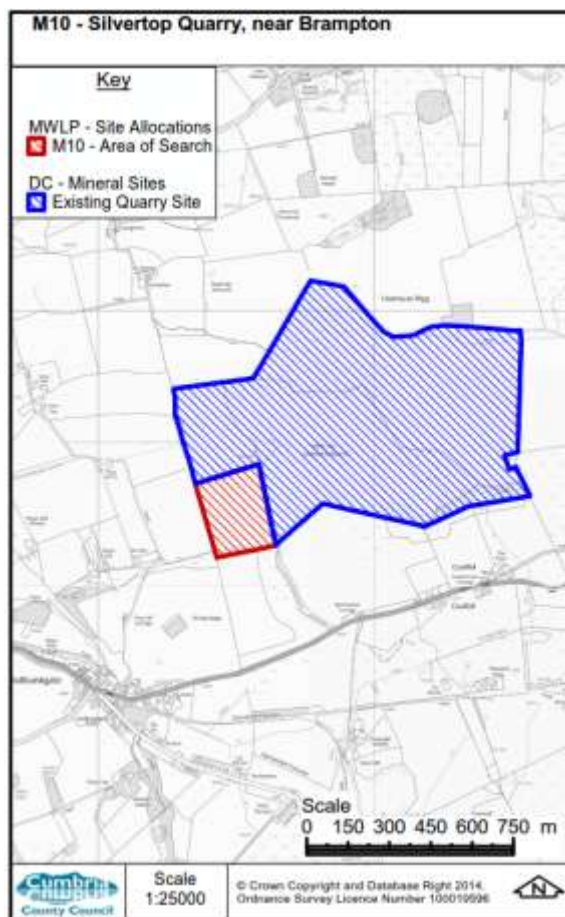


Barrow



Carlisle





CO11 - Bridge End Industrial Estate, Egremont

Key

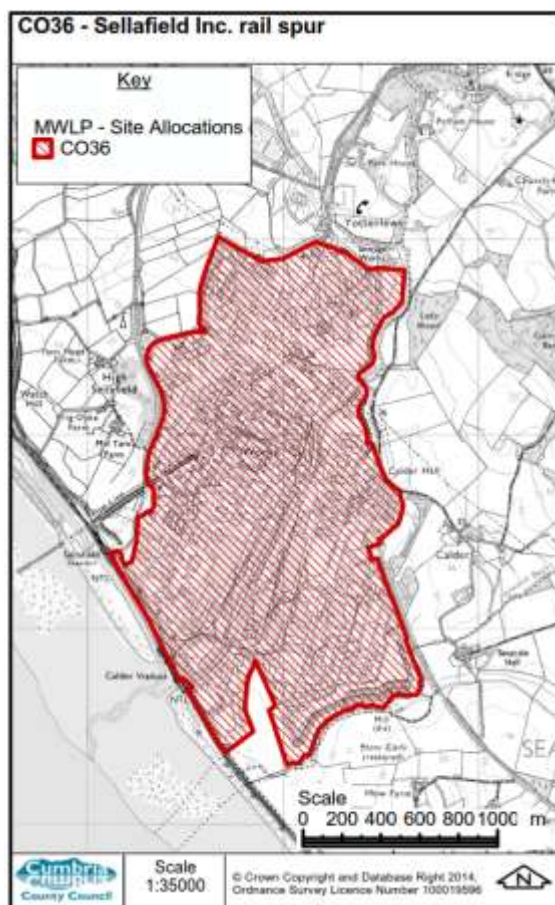
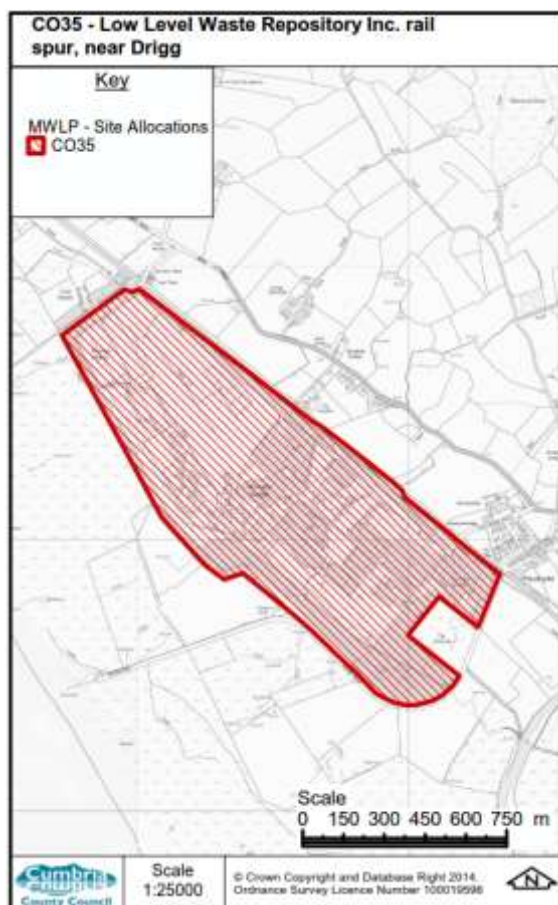
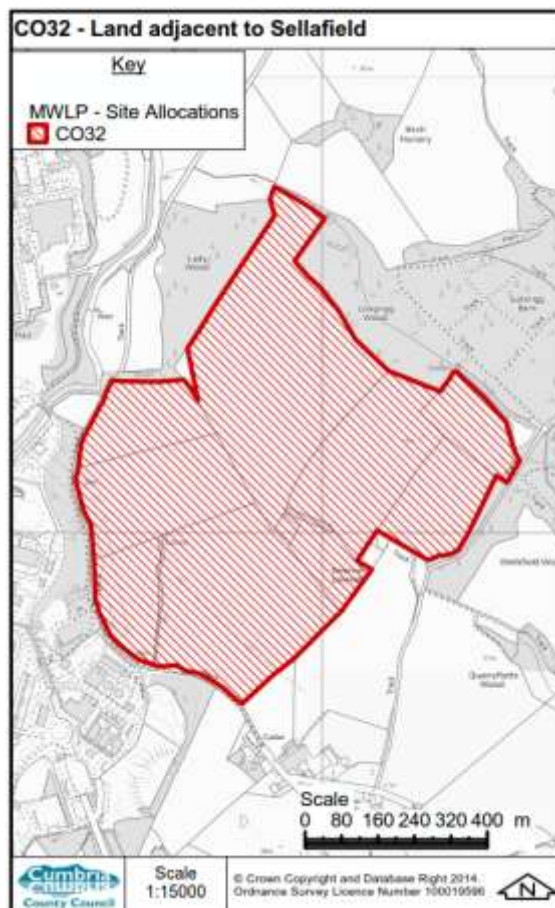
MWLP - Site Allocations
 CO11

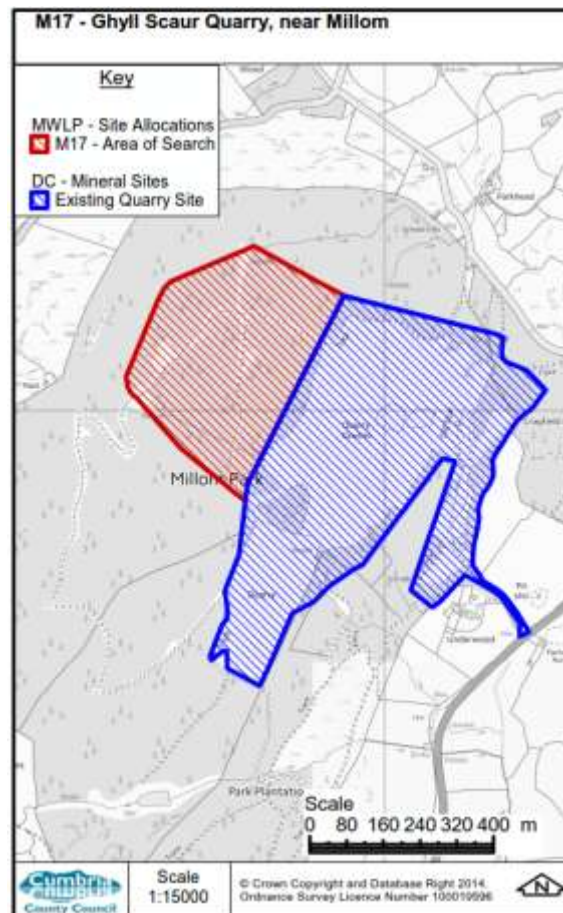
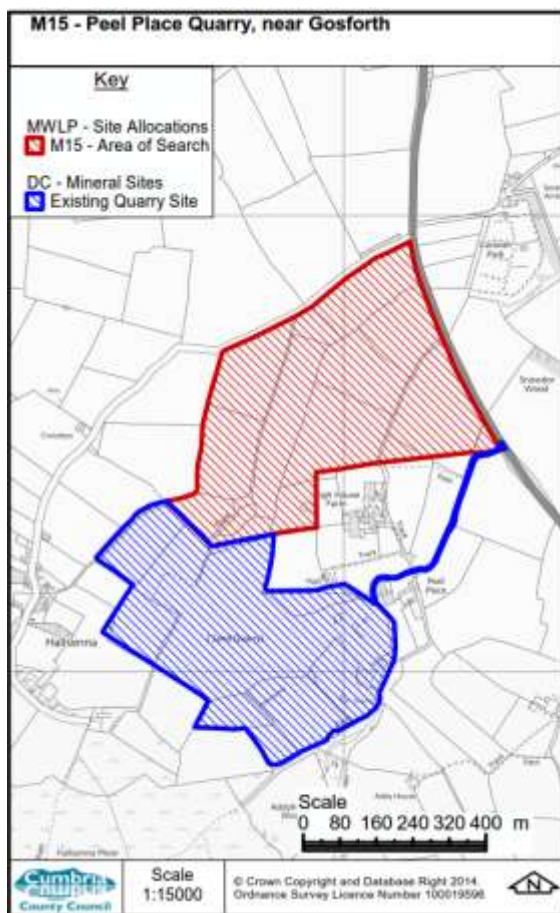
Map labels include: Bridge End, Industrial, St Thomas's Cross, Depot, Ennerdale Mill, Beggartill Quarry (disused), Carleton, and various roads like Mill Lane, Bridge End Lane, and the A59.

Scale: 0 60 120 180 240 300 m

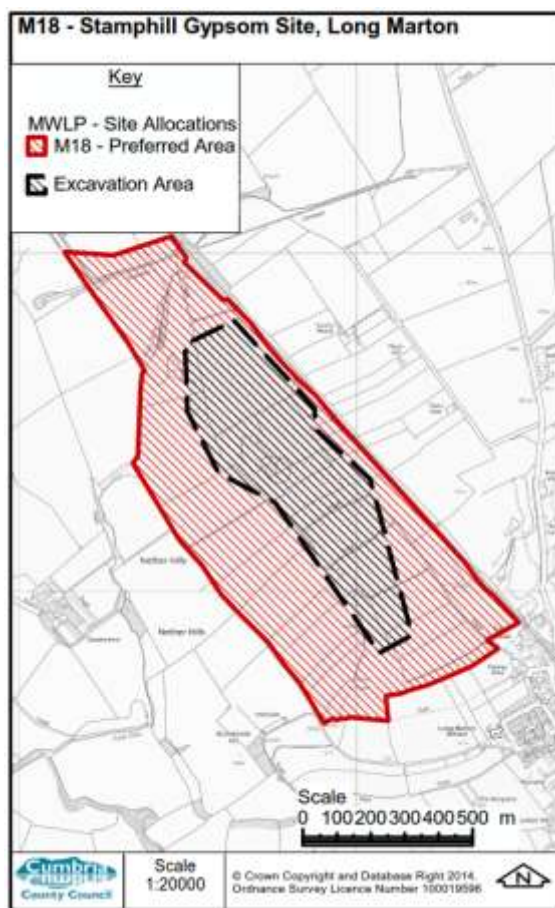
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Eden





South Lakeland

