

The Town and Country Planning (Local Development) (England) Regulations 2004

CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK

Regulation 13 (5) Statement of saved development plan policies that would be superceded by the submission draft Core Strategy and Generic Development Control policies

The Minerals and Waste Development Framework (MWDF) will be a direct replacement for the Minerals and Waste Local Plan 1996 to 2006 (MWLP) which was adopted in May 2000. Most of its policies have been “saved” until the adoption of the MWDF and these are set out in the following list. The following table sets out the MWDF policies that would supercede saved MWLP policies.

The Cumbria and the Lake District Joint Structure Plan 2001 – 2016 was adopted in April 2006 and its policies are, therefore, saved until April 2009 or until they are superceded by North West Regional Spatial Strategy policies.

At the present time it is not known which Structure Plan policies will be superceded by those of the RSS and it would be premature for this Statement to identify ones that would be superceded by the MWDF policies. The most obvious Structure Plan policies that will need to be considered with regard to minerals and waste policies are ST 2, 3 and 4; E 34, 35, 37 and 38; C 42 and 43; R 46, 47, 48, 49, 50 and 51.

CUMBRIA MINERALS AND WASTE LOCAL PLAN POLICIES

Policies not listed below expired on 27th September 2007.

POLICY 1

Proposals for minerals and waste development which generate road traffic will only be permitted where:

- i. the roads, junctions and site access are to the appropriate standard, or they can be upgraded without causing irreversible damage to the character of the road, so that the road network is capable of accommodating the type and volume of traffic without having an unacceptable impact on highway safety or the convenience of other road users; and
- ii. the increase in traffic would not have an unacceptable impact on local communities by reason of visual intrusion, fumes, dust, noise and vibration.

Proposals for sites with good links to the strategic route network will be favoured.

POLICY 2

Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

POLICY 3

Blasting will only be permitted where it will not cause unacceptable disturbance to surrounding land uses.

POLICY 4

Proposals for minerals and waste development will only be permitted where surrounding land uses can be adequately safeguarded from dust and odour.

POLICY 5

Proposals for minerals and waste development will only be permitted where any change in surface and groundwater levels and flows will not have an unacceptable impact on water abstractions or the future use of the water resource.

POLICY 6

Proposals for the extraction of minerals from watercourses or beaches will not be permitted.

POLICY 7

Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.

POLICY 9

Proposals for minerals and waste development which would be detrimental to the distinctive character of a designated County Landscape will only be permitted where the detriment will be temporary.

POLICY 10

Proposals for minerals and waste development outside AONBs, the Heritage Coast and County Landscapes will be permitted provided there will not be unacceptable permanent harm to features of local landscape significance.

POLICY 11

Proposals for minerals and waste development on the best and most versatile agricultural land will only be permitted where the site can be restored to a condition equivalent to at least the original quality of the agricultural land within five years from the completion of the restoration.

POLICY 12

Proposals for minerals and waste development which would adversely affect a nationally important archaeological site or monument, whether scheduled or not, or its setting, will not be permitted unless the site can be preserved in situ.

POLICY 13

Proposals for minerals and waste development on sites where there is good reason to believe there are remains of archaeological importance will only be permitted where evaluation is carried out prior to determination.

Proposals for minerals and waste development on other sites will require an evaluation and, where necessary, provision for an appropriate field investigation prior to the development commencing.

In all cases an archaeological evaluation will comprise a documentary search and normally a detailed site inspection and/or systematic prospecting trenching, carried out by a suitably qualified and experienced person or organisation.

POLICY 14

Proposals for minerals and waste development where there is evidence of archaeological remains, but which do not warrant preservation, will only be permitted if provision is made for an appropriate field investigation to be carried out.

The type of archaeological field investigation required will be determined by the nature and importance of the remains and the type and impact of the proposed development.

POLICY 19

Proposals for minerals and waste development which would affect a public right of way will only be permitted where:

- i. users of the route can be adequately protected from the adverse effects of the development through screening, segregation or other measures as appropriate; and
- ii. in the event that the route would be lost, either temporarily or permanently, a satisfactory alternative can be established or can be shown to be unnecessary.

POLICY 20

The County Council will seek, where appropriate, the provision of public access including new public rights of way within restoration schemes.

POLICY 21

There will be a presumption in favour of restoring mineral and waste sites to agricultural, forestry and amenity (including nature conservation) afteruses following temporary developments. Restoration to agriculture will be required where the loss of agricultural land would adversely affect the economic viability of the farm holding.

POLICY 22

The County Council will require a scheme of aftercare, for up to five years, for land being restored to amenity, forestry or agricultural afteruses. For proposals where a further period of management is considered to be necessary the County Council will need to be satisfied that this will be provided.

POLICY 23

In assessing the extent to which proposals for minerals and waste development meet the social and economic needs of the County's population and help maintain rural communities, the following will be taken into account:

- i. the number, type and duration of direct and indirect jobs to be generated or maintained and how many will be or are occupied by local people; and
- ii. the opportunities for the development of skills of locally employed people; and
- iii. the level and nature of investment in the local economy from wages and use of local businesses; and
- iv. the impact on economic development initiatives and neighbouring businesses, including tourism.

POLICY 24

Mineral resources will be safeguarded from sterilisation. The County Council will oppose development proposals within Mineral Consultation Areas which would prevent or prejudice potential future mineral extraction unless it is satisfied that the area affected does not contain a workable mineral deposit; or there is an overriding need for the development and the mineral cannot be extracted in advance.

POLICY 25

Proposals for the extraction of minerals prior to development which would otherwise sterilise proven mineral deposits will be permitted except where prior extraction would prejudice the development of the land or would not take place within a reasonable timescale.

POLICY 26

Proposals for the importation and processing of waste or low grade materials to produce mineral products will be permitted at active quarries for a temporary period not exceeding the permitted life of the quarry, where this can be accommodated without prejudicing the operation or restoration of the quarry.

POLICY 27

In assessing proposals for the extraction of minerals which are accompanied by an Environmental Statement or where there are material planning objections or where Local Plan Policies 29, 30, 31, 33, 34, 36 and 43 apply, the following will be taken into account in determining the need for the mineral to be worked:

- i. national, regional and local need as appropriate; and
- ii. the location, amount, quality and type of existing permitted reserves and the rate at which they are likely to be worked; and
- iii. the availability of less damaging alternative sites or sources of supply.

The particular needs of an individual mineral operator will not be taken into account unless it can be demonstrated that special considerations should apply.

POLICY 30

In the West Cumbria production area proposals for the extraction of sand and gravel from land within the Aldoth area of search and the Bullgill and Cardewmires preferred areas will be permitted subject to there being a demonstrable need. Planning permission will not be granted elsewhere unless a need can be demonstrated which cannot be met from the area of search, the preferred areas or existing sites, or unless significant benefits would accrue to local communities or the environment.

POLICY 31

Proposals for the extraction of sand and gravel in the North, East and South Cumbria production areas will only be permitted where there is a demonstrable need unless significant benefits would accrue to local communities or the environment.

POLICY 32

Proposals for the development of new quarries for the extraction of general crushed rock aggregates will not be permitted unless there is a demonstrable need and significant benefits would accrue to local communities or the environment.

POLICY 33

Proposals for quarry extensions to provide general crushed rock aggregates will not be permitted unless there is a demonstrable need or significant benefits would accrue to local communities or the environment.

POLICY 34

Proposals for the extraction of High Specification Aggregates will not be permitted unless there is a demonstrable national or regional need or significant benefits would accrue to local communities or the environment

POLICY 35

Proposals for the extraction of minerals from borrow pits will be permitted provided there are net environmental and economic benefits compared with supplying the minerals from existing quarries.

POLICY 36

Proposals for the extraction of high purity limestone will only be permitted where there is a demonstrable national or regional need and it will be used primarily for non aggregate uses or where significant benefits would accrue to local communities or the environment.

POLICY 37

Unless there would be significant benefits to local communities and the environment sufficient to outweigh any non-compliance with the following criteria, opencast coal extraction will only be permitted where:

- (i) there would be no material adverse impact on local communities, including that arising from the cumulative impact from other permitted and previous opencast coal operations; and
- (ii) there would be no material adverse impact on a designated landscape; and
- (iii) it would not inhibit the ability of West Cumbria to attract inward investment, economic development and tourism; and

- (iv) the working life to the cessation of coaling has been minimised commensurate with the environmental and amenity impacts and the market place, and in any event should not exceed ten years.

POLICY 38

Planning permission will not be granted for opencast coal extraction in the Alston/Nenthead and East Fellside areas.

POLICY 40

Proposals for the appraisal, drilling and testing of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the appraisal of the resource.

POLICY 41

Proposals for the commercial production, processing and transporting of oil or gas will be permitted provided the proposals are consistent with an overall scheme for the optimum development of the resource (and where appropriate any other adjoining oil or gas resources).

POLICY 42

Planning permission will not be granted for minerals and waste development which would adversely affect peatlands of high nature conservation or archaeological value.

POLICY 43

Proposals for peat extraction will only be permitted where:

- i. there is a demonstrable national requirement for the peat to be worked; and
- ii. where the site has already been significantly damaged by recent human activity and is of limited or no current nature conservation or archaeological value; and
- iii. the restoration scheme, wherever practicable, gives priority to wetland rehabilitation and to the enhancement of the nature conservation resource.

POLICY 44

Schemes of working, restoration and afteruse will be sought at existing peat working sites to safeguard areas of important nature conservation interest and to maximise the potential for restoration of the sites to appropriate nature conservation afteruses.

POLICY 45

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

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

POLICY 48

Proposals for new building stone quarries which raise significant planning objections may be permitted only where it can be demonstrated that the material cannot be adequately supplied from existing sources.

POLICY 52

Proposals for Scrapyards, Vehicle Dismantlers, Materials Recovery Facilities, Transfer and Storage Facilities to facilitate materials re-use and recycling will be permitted on industrial sites provided that they do not have an adverse impact on surrounding landuses and do not prejudice the overall development of the area.

POLICY 53

Proposals for Construction and Demolition Waste Recycling Facilities will be permitted at active quarries and landfill sites for a temporary period not exceeding the permitted life of the quarry or landfill site, where they can be accommodated without prejudicing the operation or restoration of the site.

POLICY 54

Proposals for temporary Construction and Demolition Waste Recycling Facilities will be permitted, subject to the submission of a satisfactory scheme, at:

Hespin Wood Landfill Site, Carlisle
Todhills Landfill Site, Carlisle
Tendley Quarry, Cockermouth
Moota Quarry, Cockermouth
Roose Sandpit, Barrow in Furness

A proposal for a permanent Construction and Demolition Waste Recycling Facility at Blencowe Quarry, Penrith will be permitted subject to the submission of a satisfactory scheme and it not prejudicing the overall development of the area.

POLICY 55

Proposals for Civic Amenity Sites will be permitted at industrial sites and non-inert landfill sites.

At non-inert landfill sites they will only be permitted for a temporary period not exceeding the permitted life of the landfill site where this can be accommodated without prejudicing the operation or restoration of the site.

POLICY 56

Proposals for the composting of waste will be permitted where surrounding landuses can be adequately safeguarded from odours and emissions by one of the following methods:

- i. the composting of appropriate types of waste;
- ii. an acceptable stand off distance;
- iii. enclosure of the composting within a building or other methods of enclosure;
- iv. the use of other techniques to control harmful or noxious emissions to atmosphere.

POLICY 57

Proposals for the landspreading of waste will be permitted where there will be no significant degradation of land quality through the build up of contaminants.

POLICY 59

Proposals for the physical, chemical or biological treatments of waste will be permitted where:

- i they reduce the potential of waste to pollute the environment; and
- ii they are situated on an industrial site provided that they do not have an adverse impact on surrounding land uses and do not prejudice the overall development of the area; or
- iii at a non-inert landfill site where required for pre-treatment of waste or treatment of leachate, where they can be accommodated without prejudicing the operation or restoration of the site.

POLICY 60

Planning permission will be granted for wastewater treatment facilities. Proposals which are likely to have significant adverse effects on the environment or communities will only be permitted where they represent the best practicable environmental option.

POLICY 62

Proposals for the disposal of waste by landfill will only be permitted where there is a demonstrable need for additional landfill capacity.

In assessing whether there is a demonstrable need for additional landfill capacity the following will be taken into account:

- i. the availability of facilities to manage the waste higher up the hierarchy of options (Local Plan Policy 50); and
- ii. how the proposal contributes to providing an integrated and adequate network of waste management facilities to cater for wastes arising in the County (Local Plan Policy 51); and
- iii. whether the proposal would seriously prejudice the infill and restoration of existing sites (Structure Plan Policy 60) and whether permitted landfill capacity comprises an adequate landfill capacity bank. It will be necessary to show that permitted landfill capacity is only sufficient for seven years or less for non-inert waste or four years or less for inert waste, or in the case of proposals to dispose of inert waste arisings from major construction projects at dedicated sites that there are net environmental and economic benefits compared with disposing of the waste at existing sites.

POLICY 63

Where there is a demonstrable need for additional landfill capacity, proposals which will satisfactorily restore mineral workings and other derelict land will be favoured.

Proposals involving landraising will only be permitted where the landform to be created reflects the character and scale of the surrounding topography and on restoration will fit naturally into the landscape of the area.

POLICY 64

Proposals for the disposal of non-inert waste by landfill will only be permitted where surrounding landuses can be adequately safeguarded from potential nuisance and hazard. Proposals which do not include the provision of a standoff of 250 metres from residential properties and other sensitive receptors will require special justification.

POLICY 65

The County Council supports the extension of landfilling at Kendal Fell Quarry subject to appropriate safeguards to protect the environment and the amenity of local residents.

POLICY 66

Planning permission will be granted for the disposal of inert waste to landfill at Kendal Fell Quarry subject to the submission of a satisfactory scheme.

POLICY 67

Planning permission will be granted for the disposal of inert waste to landfill at Roose Sand Pit and Mouzel Farm subject to the submission of a satisfactory scheme

POLICY 69

Where it is not possible to achieve the necessary control through the use of planning conditions alone the County Council will, where appropriate, seek a planning obligation or other legal agreement.

POLICY 70

The County Council will require applicants to demonstrate with their application what the likely financial and material budgets for restoration, aftercare and after-use will be, and how they propose to make provision for such work during the operational life of the site, including where appropriate, any necessary financial guarantees.

Where the County Council considers that adequate provision has not been made to fulfil the proposed restoration and aftercare works, planning permission will be refused.

M&W Local Plan Policies	MWDF Core Strategy	MWDF Generic Development Control Policies	M&W Local Plan Policies	MWDF Core Strategy	MWDF Generic Development Control Policies
Policy 1		DC1 & 3	Policy 35	CSP2, 5 & 5	DC6
Policy 2		DC2 & 3	Policy 36	CSP16	DC6
Policy 3		DC3 & 3	Policy 37		DC7
Policy 4		DC2 & 3	Policy 38	CSP4	DC7
Policy 5	CSP4	DC3 & 14	Policy 39 not saved		
Policy 6	CSP4	DC2, 6, 12 & 14	Policy 40	CSP18	DC7
Policy 7	CSP4	DC2 & 12	Policy 41	CSP18	DC7
Policy 8 not saved			Policy 42	CSP4	
Policy 9	CSP4	DC2, 3 & 12	Policy 43	CSP4	
Policy 10	CSP4	DC2, 3 & 12	Policy 44	CSP4 & 5	DC6 & 16
Policy 11	CSP4 & 5	DC15 & 16	Policy 45	CSP4, 7, 13 & 14	
Policy 12	CSP4	DC11	Policy 46 not saved		
Policy 13	CSP4	DC11	Policy 47 not saved		
Policy 14	CSP4	DC11	Policy 48	CSP4 & 17	
Policy 15 not saved			Policy 49 not saved		
Policy 16 not saved			Policy 50 not saved		
Policy 17 not saved			Policy 51 not saved		
Policy 18 not saved			Policy 52		DC4
Policy 19	CSP4	DC2	Policy 53	CSP13	DC4
Policy 20	CSP5	DC2 & 16	Policy 54	CSP14	DC4
Policy 21	CSP5	DC2 & 26	Policy 55	CSP9	DC4
Policy 22	CSP5	DC16 & 17	Policy 56		DC2 & 4
Policy 23	CSP2 & 3	DC2, 3 & 16	Policy 57		DC2, 3
Policy 24	CSP14	DC9	Policy 58		
Policy 25		DC9	Policy 59	CSP4	DC2 & 4
Policy 26	CSP13	DC4	Policy 60	CSP4	DC2 & 4
Policy 27	CSP4 & 13	DC6, 7, 10, 11, 12 & 13	Policy 61 not saved		
Policy 28 not saved			Policy 62	CSP4, 8 & 9	DC3
Policy 29 not saved			Policy 63	CSP4 & 5	DC2, 3 & 5
Policy 30	CSP13 & 14	DC6	Policy 64	CSP4	DC2, 3 & 5
Policy 31	CSP13 & 14	DC6	Policy 65	CSP4 & 9	
Policy 32	CSP13	DC6	Policy 66	CSP4	DC2, 3 & 5
Policy 33	CSP13	DC6	Policy 67	CSP4 & 5	DC2, 3 & 5
Policy 34	CSP4 & 13	DC6	Policy 68 not saved		
			Policy 69	CSP6	DC17
			Policy 70	CSP5 7 6	DC17

