



PLANNING AND COMPULSORY PURCHASE ACT 2004

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

**DRAFT CUMBRIA MINERALS AND WASTE LOCAL PLAN
2015 to 2030**

**PROPOSED MODIFICATIONS TO THE
PUBLICATION (REGULATION 19) PLAN**

AUGUST 2016

Introduction

Since publication in May 2016, a number of modifications to the Minerals and Waste Local Plan are proposed. The purpose of the proposed modifications is to respond to comments submitted during consultation or to add clarity to the Plan.

The table of proposed modifications is in paragraph and policy order:

- deleted text is shown with a line through the words (~~strikethrough~~)
- new text is shown in **bold**

Modification Number	Page Number	Paragraph/ Policy Number	Proposed Modification	Reason for Proposed Modification
M1	34	4.3	Amend paragraph 4.3 as follows: <ul style="list-style-type: none"> “High Level Waste.....from nuclear reactors; it is still categorised as HLW in its conditioned solid form.” “Low Level Waste.....not exceeding 4 gigabecquerels/tonne (4,000 Bq/g) of alpha radiation or 12 GBq/te (12,000 Bq/g) of beta/gamma....” 	To aid clarity and ensure consistency
M2	34	4.4	Amend paragraph 4.4 as follows: <ul style="list-style-type: none"> “<i>Low Volume VLLW</i>.....contains less than 400 kilobecquerels (400,000 Bq) of total activity, or a single item contains less than 40 kBq (40,000 Bq) of total.....” “<i>High Volume VLLW</i>.....maximum concentration of 4,000,000 Bq/tonne (4 Bq/g), and.....” 	To ensure consistency
M3	38	Table 4.1	Amend the entry for Studsvik in Table 4.1 as follows: <p>“....Sweden, or. Contaminated metals are also sent from the Sellafield site to other operators....”</p>	To aid clarity
M4	38	Table 4.1	Amend the entry for International Services in Table 4.1 as follows: <p>International Nuclear Services Ltd - “This company, a wholly owned subsidiary of the NDA, manages the.....”</p>	To aid clarity

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M5	39	4.16	Amend paragraph 4.16 as follows: “...from the LLWR, once the during decommissioning of the magazines are finally demolished.”	Factual change
M6	40	Footnote 45 (para 4.19)	Amend footnote 45 as follows: “...units called rads Gray (Gy) for absorbed dose and Sievert (Sv) for effective dose ”	Factual change
M7	40	Table 4.2	Amend Table 4.2 as follows: Amend title of SEPA to read: “Scottish Environment Protection Agency” and add “ Natural Resources Wales ”	Factual change
M8	41	4.26	Amend paragraph 4.26 as follows: “waste management option, optioneering is a mandatory legal requirement via the NDA expects the Site License Companies to undertake appropriate optioneering supported by business cases as needed, and this would be carried out under the NDA’s Value Framework process. ”	Factual change
M9	42	4.27	Amend paragraph 4.27 as follows: “...principle is of greater weight than another. Proposals for the management of radioactive waste should also comply with national strategies for waste management and for radioactive waste management specifically, in the latter case including those produced by the Nuclear	To aid clarity

Modification Number	Page Number	Paragraph/ Policy Number	Proposed Modification	Reason for Proposed Modification
			Decommissioning Authority.”	
M10	42	4.28	Add new sentence at the beginning of paragraph 4.28 as follows: “Proposals for the management of radioactive waste should also comply with national strategies for waste management and for radioactive waste management specifically, in the latter case including those produced by the Nuclear Decommissioning Authority. The County Council would...”	To aid clarity
M11	42	Policy SP4	Add a new bullet at the end of policy SP4 as follows: <ul style="list-style-type: none"> • “the proximity principle • the national strategy for managing radioactive wastes” 	To aid clarity
M12	43	4.30	Amend paragraph 4.30 as follows: “LLW can be disposed of at near surface facilities. The regulatory framework allows for disposal of LLW at near surface facilities.”	To aid clarity
M13	47	4.53	Amend paragraph 4.53 as follows: “...proposals should minimise impacts and should not prejudice site restoration remediation” .	To aid clarity
M14	48	4.54	Add a footnote to this sentence to read: “It should be noted that any operator of a nuclear power station is responsible for dealing with any waste that it produces and ensuring that the site is decommissioned	To aid clarity

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			and remediated in accordance with relevant legal and licensing requirements”	
M15	45	Policy SP5	Amend Policy SP5 as follows: <ul style="list-style-type: none"> “it conforms to UK Government national policies and strategies for LLW;” 	To aid clarity
M16	48	Policy SP6	Add a new bullet at the beginning of Policy SP6 as follows: <ul style="list-style-type: none"> “that it conforms to national policies and strategies for HAW; and compliance with.....” 	To aid clarity
M17	53	5.18	Amend paragraph 5.18 as follows: <p>“...national policy requires landbanks of at least 10 years for crushed rock and at least 7 years for sand and gravel (calculated on 10-year rolling averages and other relevant local data) to be maintained throughout the Plan period.”</p>	To ensure consistency with the NPPF
M18	61	5.56	Amend paragraph 5.56 as follows: <p>“...are required to ensure that at least a 7-year landbank remains in place throughout the Plan period.”</p>	To ensure consistency with the NPPF
M19	63	5.65	Amend paragraph 5.65 as follows: <p>“Policy SP10 aims to conserve industrial limestone resources for such purposes maintain a steady and adequate supply of industrial limestone throughout the Plan period, to</p>	To ensure consistency with the NPPF

Modification Number	Page Number	Paragraph/ Policy Number	Proposed Modification	Reason for Proposed Modification
			reflect current national policy.”	
M20	71	5.91	Amend paragraph 5.91 as follows: “...and part of the Frontiers of the Roman Empire World Heritage Site (Hadrian’s Wall) and its v visual l impact Z zone.”	Factual change
M21	77	SP7	Amend Policy SP7 as follows: <ul style="list-style-type: none"> • “.....Plan period; • for continued quarrying a steady and adequate supply of nationally important very high specification roadstone and regionally important high specification roadstone; • for continued quarrying a steady and adequate supply of brickmaking mudstones; • for continued quarrying a steady and adequate supply of slate; and • for continued extraction a steady and adequate supply of gypsum.” 	To ensure consistency with the NPPF
M22	77	SP7	Amend Policy SP7 as follows: “Mineral resources, existing, planned and potential infrastructure and plant will be safeguarded from being unnecessarily sterilised by other developments by identifying:- <ul style="list-style-type: none"> • existing and potential railheads and wharfs to be safeguarded; • Mineral Safeguarding Areas.....” 	To ensure consistency with the NPPF

Modification Number	Page Number	Paragraph/ Policy Number	Proposed Modification	Reason for Proposed Modification
M23	78	SP10	Amend Policy SP10 as follows: “To ensure a steady and adequate supply, Any proposal for the extraction of high purity limestone should demonstrate that it is primarily for non-aggregate uses.”	to aid clarity and to ensure consistency with the NPPF
M24	95	Box 8.1	Amend Box 8.1 as follows: <ul style="list-style-type: none"> • “World Heritage Site - "Frontiers of the Roman Empire: Hadrian's Wall" and its visual impact zone; 	Factual change
M25	95	Box 8.1	Amend Box 8.1 as follows: “...whether designated as Scheduled Monuments or not;” and Scheduled Monuments will be in bold	To aid clarity
M26	100, 101, 102	Policy SP14	Amend Policy SP14 as follows: “Heritage designations Major development proposals that adversely impact harm the Outstanding Universal Value of a World Heritage Sites, Scheduled Monuments, Registered Historic Battlefields, Registered Historic Parks and Gardens, Listed Buildings and Conservation Areas, or the significance of a designated heritage asset, or their settings, will only be granted planning permission in exceptional or wholly exceptional circumstances (in accordance with paragraph 132 of the National Planning Policy Framework) and where it can be demonstrated that there are substantial public benefits of the proposals outweigh the harm or loss (in accordance with	To aid clarity and ensure consistency with the NPPF

Modification Number	Page Number	Paragraph/ Policy Number	Proposed Modification	Reason for Proposed Modification
			<p>the National Planning Policy Framework).</p> <p>Environmental assets not protected by national, European or international legislation</p> <p>Where not otherwise.....</p> <ul style="list-style-type: none"> •offsetting actions <p>Where not otherwise protected by national, European or international legislation, the effect of a development proposal on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect, directly or non-directly, non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss and the significance of the heritage asset. Non-designated heritage assets of national importance are treated as designated assets."</p>	
M27	103	Policy SP15	<p>Amend Policy SP15 as follows:</p> <p>"POLICY SP15 Restoration and afteruse-aftercare"</p> <p>"...of this Plan. Where appropriate, this should include consideration...."</p>	To aid clarity and ensure consistency with the NPPF
M28	120	13.25	Delete paragraph: 'If a development is proposed that requires an Environmental Impact Assessment, under EIA regulations, cumulative impact cannot be considered unless the other	To aid clarity

Modification Number	Page Number	Paragraph/ Policy Number	Proposed Modification	Reason for Proposed Modification
			developments(s) already have planning permission or if a planning application for the development(s) has been submitted.	
M29	126	Policy DC9	Amend Policy DC9 as follows: Add "If no unacceptable impacts on housing, business uses or other sensitive land uses" into Key Criteria for facility types e. and g.	To ensure consistency
M30	131	Policy DC12	Amend Policy DC12 as follows: "d. the cumulative impact of proposals in an area; e-d. land stability."	To remove repetition within policies
M31	143	Policy DC17	Amend Policy DC17 as follows: "In accordance with NPPF paragraphs 126 to 141: Cumbria's heritage assets and their settings will be preserved and, where appropriate, enhanced. Proposals for waste management developments or mineral developments that would result in harm to, or total loss of, the significance of a designated heritage asset or its setting (or an an non-designated heritage asset of national significance, or its setting) that is demonstrably of equivalent importance to a designated heritage asset, or its setting or the Outstanding Universal Value of a World Heritage Site, will only not be permitted unless where it can be clearly demonstrated that public benefits outweigh the harm and that the harm is necessary to achieve those public benefits, in cases of less than substantial harm to the	To ensure consistency the NPPF

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			<p>significance of assets, or substantial public benefits, in cases of substantial harm to the significance of assets.</p> <p>Any proposals that cause substantial harm to the outstanding universal value of the Frontiers of the Roman Empire — Hadrian’s Wall World Heritage Site, a Scheduled Monument, a grade I or II* Listed Building, the Solway Moss Registered Battlefield or a grade I or II* Registered Park and Garden, will only be permitted in wholly exceptional circumstances.</p> <p>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.</p> <p>Any proposals that affect a non-designated heritage asset or its setting will be judged on the significance of the heritage asset and the scale of the harm, including the public benefits of the proposal.</p> <p>Where a development proposal affecting archaeological sites is acceptable in principle, the preservation of the remains in situ will be the preferred solution. Where in situ preservation is not possible or justified, the development will be required to make adequate provision for excavation and recording before or during development.</p> <p>Any heritage asset and its setting, whether designated or not, that is harmed by a proposal, will need to be recorded by the developer to a level that is proportionate to its significance and to the scale of impact of the proposal. The information will need to be made publically accessible in the County’s Historic Environment Record.</p>	

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			<p>All development pProposals that will have an impact on any heritage asset or its setting (including where there is potential for unknown archaeological assets), whether designated or not, should be accompanied by an assessment of the significance of the heritage asset and its setting, and how that significance will be affected by the proposed development. The level of information required will be proportionate to the asset's significance of the asset and to the scale of impact of the proposal, and may require, where necessary, an archaeological desk based assessment and field investigation. The recording of the loss of, or harm to, any heritage assets (where justified), and any supporting information, will need to be made publically accessible in the County's Historic Environment Record."</p>	
M32	151	16.38	<p>Amend paragraph 16.38 as follows:</p> <p>"The Soil Strategy for England sets out an ambitious programme of actions to improve the protection and sustainable use of soils (irrespective of their Agricultural Land Classification grading). These cover cross-cutting issues relating to the different function of soils, protecting soils through the planning system and minimising contamination.</p> <p>The Natural Environment White Paper^{add reference} emphasises the importance of natural resource protection, including the conservation and sustainable management of soils. This covers the protection of Best and Most Versatile agricultural land, as well as safeguarding soils in order to achieve a range of important ecosystem services and functions, such as</p>	To ensure consistency with the most up-to-date and relevant national guidance on soils

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			food production, carbon storage and climate regulation, water filtration, flood management and support for biodiversity and wildlife.”	
M33	153	16.49	Amend paragraph 16.49 as follows: “ Whilst Sites on the Best and Most Versatile agricultural land should usually be restored to a similar standard, though the proposed afteruse need not always be for agriculture. In appropriate situations , other uses will be encouraged that contribute to the movement from a net loss of biodiversity towards achievement of net gains in biodiversity resources, required by Strategic Policy SP14”.	To ensure consistency with the NPPF
M34	155	Policy DC22	Amend Policy DC22 as follows: “POLICY DC22 Restoration and afteruse aftercare ”	To ensure consistency with the NPPF
M35	165	18.8	Amend paragraph 18.8 as follows: “...facilities, and the waste compaction facilities and facilities for higher activity waste .”	To ensure consistency
M36	165	18.8	Amend paragraph 18.8 as follows: “...Extension Segregated Area, for disposal of certain types of the site’s own wastes...”	To aid clarity
M37	165	18.10	Amend paragraph 18.10 as follows: “...Repository (LLWR), in line with the UK Nuclear LLW	To aid clarity

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			Strategy.”	
M38	166	18.16	Amend paragraph 18.16 as follows: “.....disposing of a range of activity levels of VLLW within....”	Factual change
M39	167	18.19	Amend paragraph 18.19 as follows: “....Plan period. However, Policy SAP3 safeguards.....disposal routes), as well as continued HAW treatment (such as vitrification) and storage , in site allocation CO36.”	To ensure consistency
M40	173	Policy SAP5	Amend Policy SAP5 as follows: “ M31 Salthouse, near Millom, potential sidings for Ghyll Scaur Quarry” ”	The site is to be restored to agriculture