

## Cumbria Minerals and Waste Local Plan Soundness Self-Assessment Checklist (July 2016)

This checklist is based on the template published by the Planning Advisory Service in March 2014 in light of the Town and Country Planning (Local Planning) (England) (Amendment) Regulations 2012. Reference should also be made to the Cumbria County Council Minerals and Waste Local Plan - Legal Compliance Checklist (August 2016).

Reference is made in this checklist to the submission documents (denoted SD) and evidence base documents (denoted LD, RD or ND, for Local, Regional or National documents, and PPP for any historic Previous Plan Preparation documents) that form part of the submission of the Minerals and Waste Local Plan to the Secretary of State.

### **In summary – the key requirements of Plan preparation are:**

- Has the Plan been positively prepared, i.e. based on a strategy that seeks to meet objectively assessed requirements?
- Is the Plan justified?
- Is it based on robust and credible evidence?
- Is it the most appropriate strategy when considered against the alternatives?
- Is the document effective?
- Is it deliverable?
- Is it flexible?
- Will it be able to be monitored?
- Is it consistent with national policy?

### **The Tests of Soundness at Examination**

The starting point for the Examination, is the assumption that the Council has submitted what it considers to be a sound Plan. Those seeking changes should demonstrate why the Plan is unsound, by reference to one or more of the soundness criteria.

The tests of soundness are set out in paragraph 182 of the National Planning Policy Framework (NPPF): “The Local Plan will be examined by an independent Inspector whose role is to assess whether the Plan has been prepared in accordance with the Duty to Co-operate, legal and procedural requirements, and whether it is sound. A local planning authority should submit a Plan for examination, which it considers is sound”, namely that it is:

#### **1. Positively Prepared: based on a strategy that seeks to meet objectively assessed development and infrastructure requirements**

This means that the Development Plan Document (DPD) should be based on a strategy that 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. The NPPF, together with the Marine Policy Statement (MPS), set out principles through which the Government expects sustainable development can be achieved.

**2. Justified: the most appropriate strategy when considered against the reasonable alternatives, based on proportionate evidence**

This means that the DPD should be based on a robust and credible evidence base involving:

- research/fact finding: the choices made in the Plan are backed up by facts;
- evidence of participation of the local community and others having a stake in the area.

The DPD should also provide the most appropriate strategy when considered against reasonable alternatives. These alternatives should be realistic and subject to sustainability appraisal. The DPD should show how the policies and proposals help to ensure that the social, environmental, economic and resource use objectives of sustainability will be achieved.

**3. Effective: deliverable over its period, based on effective joint working on cross-boundary strategic priorities**

This means the DPD should be deliverable, requiring evidence of:

- sound infrastructure delivery planning;
- having no regulatory or national planning barriers to delivery;
- delivery partners who are signed up to it; and
- coherence with the strategies of neighbouring authorities, including neighbouring marine planning authorities;
- the DPD should be flexible and able to be monitored.

The DPD should indicate who is to be responsible for making sure that the policies and proposals happen and when they will happen. The Plan should be flexible to deal with changing circumstances, which may involve minor changes to respond to the outcome of the monitoring process or more significant changes to respond to problems such as lack of funding for major infrastructure proposals. Although it is important that policies are flexible, the DPD should make clear that major changes may require a formal review, including public consultation. Any measures that the Council has included to make sure that targets are met should be clearly linked to an Authority Monitoring Report.

**4. Consistent with national policy: enabling the delivery of sustainable development**

The demonstration of this is a 'lead' policy on sustainable development, which specifies how decisions are to be made against the sustainability criterion.

The following table sets out the requirements associated with these four tests of soundness.

The Duty to Co-operate will also be assessed as part of the Examination process.

**Soundness Test and Key Requirements**

**Possible Evidence**

**Evidence Provided**

***Positively Prepared:** the Plan should be prepared based on a strategy that 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.*

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p><i>Vision and Objectives</i></p> <p>Has the LPA clearly identified what the issues are that the DPD is seeking to address? Have priorities been set so that it is clear what the DPD is seeking to achieve?</p> <p>Does the DPD contain clear vision(s) and objectives, which are specific to the place? Is there a direct relationship between the identified issues, the vision(s) and the objectives?</p> <p>Is it clear how the policies will meet the objectives? Are there any obvious gaps in the policies, having regard to the objectives of the DPD?</p> <p>Have reasonable alternatives to the quantum of development and overall spatial strategy been considered?</p> <p>Are the policies internally consistent?</p> <p>Are there realistic timescales related to the objectives?</p> <p>Does the DPD explain how its key policy objectives will be achieved?</p>	<ul style="list-style-type: none"> <li>• Sections of the DPD and other documents, which set out (where applicable) the vision, strategic objectives, key outcomes expected, spatial portrait and issues to be addressed.</li> <li>• Relevant sections of the DPD, which explain how policies derive from the objectives and are designed to meet them.</li> <li>• The strategic objectives of the DPD, and the commentary in the DPD of how they derive from the spatial portrait and vision, and how the objectives are consistent with one another.</li> <li>• Sections of the DPD which address delivery, the means of delivery and the timescales for key developments through evidenced infrastructure delivery planning.</li> <li>• Confirmation from the relevant agencies that they support the objectives and the identified means of delivery.</li> <li>• Information in the local development scheme, or provided separately, about the scope and content (actual and intended) of each DPD showing how they combine to provide a coherent policy structure.</li> </ul>	<p>Part 1 (pages 3-108) of the Submission Draft MWLP (<b>Document Ref SD1, August 2016</b>) sets out the key issues that the MWLP will need to address in the Plan's Vision, Objectives and Policies. The Vision and Objectives have drawn support throughout the various iterations of the Plan.</p> <p>Chapter 2 of the Submission Draft MWLP (<b>SD1, August 2016</b>), discusses 'where we are now' and 'where we need to be' with regard to the key issues for Cumbria identified in the Sustainability Appraisal Report (<b>SD23, April/May 2016</b>). The Vision and Objectives (set out in Boxes 2.1 and 2.3 within chapter 2) flow clearly from the issues identified earlier in the chapter and also from the Sustainability Appraisal. The Plan's Objectives are also clearly linked to each policy within the MWLP, to identify how each policy will help achieve the Objective - these are cross referenced in the Monitoring Matrix, set out within Appendix 3 of the Submission Draft Plan (<b>SD1, August 2016</b>). A Matrix of Internal Consistency (<b>SD36, April 2016</b>) has also been prepared, which shows the links within the MWLP, from the identification of key sustainability issues, to development of the Spatial Vision, Strategic Objectives and Overall Strategy, through to the Policies and the Monitoring Framework.</p> <p>As noted above, the Submission Draft MWLP (<b>SD1, August 2016</b>) sets out a clear monitoring framework and the County Council is committed to ensuring that proposals are brought forward in a timely manner, to address the supply needs and the provision of waste management facilities and mineral developments for Cumbria.</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p>Reasonable alternatives to the quantum of development and overall spatial strategy have been considered through previous stages of consultation on the MWLP and, importantly, within the Sustainability Appraisal Report, sections 4-6 (<b>SD23, April/May 2016</b>), and Appendix 6: Strategic Alternatives Table (<b>SD26, May 2016</b>). In both the Report and Appendix 6, a number of strategic alternative options to the proposed policy approach, and the sites being taken forward, were assessed.</p> <p>Reasonable alternatives were also considered in the Options Report (<b>SD38, March 2015</b>) that was prepared for the March-May 2015 consultation on the Local Plan. This document highlights the options that were considered during the preparation of the Local Plan, and the main reasons for the choices made in developing the proposed policies.</p> <p>Policies are internally consistent, compatible and complementary, as evidenced in the Matrix of Internal Consistency (<b>SD36, April 2016</b>) and by Table 3.4, page 37, of the Sustainability Appraisal Report (<b>SD23, April/May 2016</b>), which demonstrates that against the sustainability appraisal objectives, the cumulative impact of policies can be seen to be positive.</p> <p>The Submission Draft MWLP (<b>SD1, August 2016</b>) contains a Monitoring and Implementation chapter (chapter 17, pages 156-159) and an associated Monitoring Matrix (Appendix 3, pages 213-236), in order to measure the effectiveness of policies and sites, and as a means of understanding progress towards meeting the Plan's Strategic Objectives and,</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p>ultimately, its Vision. Table 17.1 of the Plan (pages 157-158) summarises the organisations/agencies involved in the implementation of the Plan and their associated roles and responsibilities.</p> <p>For each policy, the Monitoring Matrix (Appendix 3, pages 213-236) makes clear the detailed objective, indicators, triggers for intervention and what form these interventions may take; the County Council prepares an Authority Monitoring Report on an annual basis, to report on the results of this monitoring. Realistic timescales to meet the objectives are also outlined in the Monitoring Matrix, which shows targets for the Plan period (to 2030).</p> <p>The Minerals and Waste Development Scheme (2015-2017) (<b>SD39, August 2016</b>) sets out the scope and content of the MWLP and shows how the basic elements of the suite of documents that previously made up the Minerals and Waste Development Framework are integrated into the Local Plan.</p>
<p><i>The presumption in favour of sustainable development (NPPF paras 6-17)</i></p> <p>Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.</p> <p>Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:</p> <p>— any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the</p>	<ul style="list-style-type: none"> <li>• An evidence base, which establishes the development needs of the Plan area (see Justified below) and includes a flexible approach to delivery (see ‘Section 3 Effective’, below).</li> <li>• An audit trail, showing how and why the quantum of development, preferred overall strategy and Plan area distribution of development were arrived at.</li> <li>• Evidence of responding to opportunities for achieving sustainable development in different areas (for example, the marine area).</li> </ul>	<p>The Submission Draft MWLP (<b>SD1, August 2016</b>) is based upon a robust and proportionate evidence base, which has been published and made available throughout the entirety of the Plan’s evolution, being updated and added to when considered necessary, in response to changes in circumstances.</p> <p>The evidence base establishes the development needs of the area, and was used to inform the Plan’s spatial strategy and other detailed policy options.</p> <p>The Cumbria County Council Waste Needs Assessment (WNA) (<b>LD300, December 2015</b>) and</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p>policies in this Framework taken as a whole; or                      — specific policies in this Framework indicate development should be restricted.</p>		<p>the Local Aggregates Assessment (LAA) Supporting Information <b>(LD309, October 2015)</b> provide fundamental data on which the MWLP is based. The WNA and the LAA set out an objectively assessed need for minerals development and waste management facilities within the County, and the quantum required.</p> <p>There is an extensive audit trail of how the proposed strategy has been developed. The Options Report <b>(SD38, March 2015)</b> in particular, highlights the options that were considered during the preparation of the various stages of the MWLP, and the main reasons for the choices made in developing the proposed policies.</p>
<p>Policies in Local Plans should follow the approach of the presumption in favour of sustainable development, so that it is clear that development which is sustainable can be approved without delay. All Plans should be based upon and reflect the presumption in favour of sustainable development, with clear policies that will guide how the presumption should be applied locally.</p>	<ul style="list-style-type: none"> <li>• A policy or policies that reflect the principles of the presumption in favour of sustainable development</li> </ul>	<p>Strategic policy SP1 (page 12) of the Submission Draft MWLP <b>(SD1, August 2016)</b> reflects the principles of the presumption in favour of sustainable development.</p>
<p><i>Objectively assessed needs</i>                      The economic, social and environmental needs of the authority area addressed and clearly presented in a fashion that makes effective use of land and specifically promotes mixed use development, and takes account of cross-boundary and strategic issues.                      Note: Meeting these needs should be subject to the caveats specified in</p>	<ul style="list-style-type: none"> <li>• Background evidence papers demonstrating requirements based on population forecasts, employment projections and community needs.</li> <li>• Technical papers demonstrating how the aspirations and objectives of the DPD are related to the evidence, and how these are to be met, including from consultation and associated with the Duty to Co-operate.</li> </ul>	<p>The Submission Draft MWLP <b>(SD1, August 2016)</b> is based upon a robust and proportionate evidence base, which has been published and made available throughout the entirety of the Plan's evolution, being updated and added to when considered necessary, in response to changes in circumstances. The evidence base establishes the development needs of the area, and was used to inform the Plan's spatial strategy and other detailed policy options.</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p>paragraph 14 of the NPPF (see above).</p>		<p>A list of evidence base documents used to inform the development of the Plan, including the Sustainability Appraisal Report (<b>SD23, April/May 2016</b>) and the Habitats Regulations Assessment (<b>SD32, April 2016</b>), is available on the MWLP Evidence Base page of Cumbria County Council's website: <a href="http://www.cumbria.gov.uk/planning-environment/policy/minerals_waste/MWLP/EB.asp">http://www.cumbria.gov.uk/planning-environment/policy/minerals_waste/MWLP/EB.asp</a></p> <p>The Waste Needs Assessment (<b>LD300, December 2015</b>) sets out an objectively assessed need for waste management facilities within Cumbria and the quantum required.</p> <p>The Site Assessments Report, which is divided into sections for each District within Cumbria (<b>SD16 - SD22, April 2016</b>), also provides sufficient evidence of how sites have been assessed and selected, as well as why certain sites have been rejected.</p> <p>The provision for minerals in the MWLP was assessed both through the Plan preparation process and the Local Aggregates Assessment (LAA) Supporting Information (<b>LD309, October 2015</b>). The County Council prepared its third LAA in 2015, jointly with the Lake District National Park Authority. These assessments also take account of cross-boundary and strategic issues. The LAA is also subject to agreement with the North West Aggregates Working Party, which includes all minerals planning authorities in the North West region.</p> <p>Sustainability appraisal of the MWLP has been used alongside both the evidence base and the consultation outcomes, to inform and, therefore, support the preferred strategic and policy options within the Plan. The Sustainability Appraisal (SA)</p>



Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p>Report <b>(SD23, April/May 2016)</b> details why alternative options were discounted and why not (alongside the supporting policy text within the Plan). The SA also assessed the economic, social and environmental needs of the authority area, against the Plan’s Vision, Objectives, Strategy and Policies.</p> <p>A Statement of Compliance with the Duty to Co-operate <b>(SD40, July 2016)</b> has been prepared, which sets out the Council’s engagement with neighbouring authorities, prescribed bodies and key stakeholders with a statutory responsibility in the preparation of the Local Plan and its evidence base. The Statement of Consultation <b>(SD41, August 2016)</b> sets out the Council’s engagement with local communities and key stakeholders.</p>
<p><b>NPPF Principles: Delivering sustainable development</b></p>		
<p><b>1. Building a strong, competitive economy (paras 18-22)</b></p>		
<p>Set out a clear economic vision and strategy for the area, which positively and proactively encourages sustainable economic growth (paragraph 21)</p>	<ul style="list-style-type: none"> <li>• Articulation of a clear economic vision and strategy for the Plan area, linked to the Economic Strategy, LEP Strategy and marine policy documents, where appropriate.</li> </ul>	<p>The Submission Draft MWLP <b>(SD1, August 2016)</b> supports the strategies set out within the Cumbria Local Enterprise Partnership’s Strategic Economic Plan (pages 6 and 7) <b>(LD230, March 2014)</b> through the delivery of sufficient minerals and waste infrastructure to support the economic aspirations.</p> <p>The Spatial Vision, Overall Plan Strategy and Strategic Objectives 2 and 8 (pages 8-11) of the Submission Draft MWLP <b>(SD1, August 2016)</b>, set out a range of economic goals to be achieved by 2030. A number of policies also support these objectives, in particular strategic policies SP3-Waste capacity, SP8-Strategic areas for new mineral developments, SP13-Economic benefit, and development control policy DC22—Restoration and</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p>afteruse.</p> <p>The Waste Needs Assessment (<b>LD300, December 2015</b>) has also used a number of economic growth forecasts when calculating the waste arisings and capacity requirement forecasts.</p> <p>The assessment of sites, to inform the identification of site allocations, included consideration of economic factors and deliverability. Further information on this can be found in the Site Assessments Report, which is divided into sections for each District within Cumbria (<b>SD16 - SD22, April 2016</b>).</p>
<p>Recognise and seek to address potential barriers to investment, including poor environment or any lack of infrastructure, services or housing (paragraph 21)</p>	<ul style="list-style-type: none"> <li>• A criteria-based policy, which meets identified needs and is positive and flexible in planning for specialist sectors, regeneration, infrastructure provision and environmental enhancement.</li> <li>• An up-to-date assessment of the deliverability of allocated employment sites, to meet local needs (taking into account that LPAs should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of an allocated site being used for that purpose) - paragraph 22, NPPF</li> </ul>	<p>The Site Assessments Report (<b>SD16 - SD22, April 2016</b>) assessed a number of key aspects relating to deliverability, with those sites having greater deliverability likelihood, receiving a higher score in the assessment matrices.</p> <p>The site allocation matrices within the Site Assessments Report, set out detailed planning guidance covering a number of key themes including: flood risk, physical development constraints, design and highways. This guidance addresses any potential barriers to the development of the site and how these can be overcome.</p> <p>The Assessment of Infrastructure Requirements and Deliverability (<b>SD33, May 2016</b>) also identifies the key infrastructure requirements associated with the delivery of the site allocations set out within the Plan.</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<b>2. Ensuring the vitality of town centres (paras 23-37)</b>		
Policies should be positive, promote competitive town centre environments, and set out policies for the management and growth of centres, over the Plan period (paragraph 22)	<ul style="list-style-type: none"> <li>The Plan and its policies may include such matters as: definition of networks and hierarchies; defining town centres; encouragement of residential development on appropriate sites; allocation of appropriate edge of centre sites, where suitable and viable town centre sites are not available; consideration of retail and leisure proposals, which cannot be accommodated in or adjacent to town centres.</li> </ul>	N/A
Allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community services and residential development needed in town centres (paragraph 23)	<ul style="list-style-type: none"> <li>An assessment of the need to expand (the) town centre(s), considering the needs of town centre uses.</li> <li>Primary and secondary shopping frontages identified and allocated.</li> </ul>	N/A
<b>3. Supporting a prosperous rural economy (para 28)</b>		
Support sustainable economic growth in rural areas. Planning strategies should promote a strong rural economy by taking a positive approach to new development (paragraph 28)	<ul style="list-style-type: none"> <li>Where relevant, include a policy or policies that support the sustainable growth of rural businesses; promote the development and diversification of agricultural businesses; support sustainable rural tourism and leisure developments, and support local services and facilities.</li> </ul>	<p>The MWLP does not directly address the rural economy. However, the Submission Draft MWLP (<b>SD1, August 2016</b>) does recognise that the county has a mix of urban and rural areas (paragraph 2.9, page 6). The Vision, Objectives, Spatial Strategy and other elements of the Plan, give consideration to how the Plan can contribute to ensuring a prosperous economy for Cumbria, which includes its rural economy.</p> <p>In addition, sites are allocated in rural areas for minerals and waste development and, therefore, the Plan takes a positive approach to appropriate development in rural areas.</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<b>4. Promoting sustainable transport (paras 29-41)</b>		
<p>Facilitate sustainable development whilst contributing to wider sustainability and health objectives (paragraph 29)</p> <p>Balance the transport system in favour of sustainable transport modes and give people a real choice about how they travel, whilst recognising that different policies will be required in different communities, and opportunities to maximise sustainable transport solutions will vary from urban to rural areas (paragraph 29)</p> <p>Encourage solutions that support reductions in greenhouse gas emissions and congestion (paragraph 29), including supporting a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport (paragraph 30)</p> <p>Local authorities should work with neighbouring authorities and transport providers, to develop strategies for the provision of viable infrastructure necessary to support sustainable development (paragraph 31)</p> <p>Opportunities for sustainable transport modes have been taken up, depending on the nature and location of the site, to reduce the need for major transport infrastructure (paragraph 32)</p> <p>Ensure that developments which generate significant movement, are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised (paragraph 34)</p>	<ul style="list-style-type: none"> <li>• Joint working with adjoining authorities, transport providers and Government Agencies on infrastructure provision, in order to support sustainable economic growth, with particular regard to the facilities referred to in paragraph 31.</li> <li>• Policies encouraging development that facilitates the use of sustainable modes of transport and a range of transport choices, where appropriate, particularly the criteria in paragraph 35.</li> <li>• A spatial strategy and policy that seeks to reduce the need to travel, through balancing housing and employment provision.</li> <li>• Policy for major developments, which promotes a mix of uses and access to key facilities by sustainable transport modes.</li> <li>• If local (car parking) standards have been prepared, are they justified and necessary? (paragraph 39)</li> <li>• Identification and protection of sites and routes where infrastructure could be developed to widen transport choice linked to the Local Transport Plan.</li> </ul>	<p>Wider sustainability and health benefits will be promoted by, for example, Objective 4 of the MWLP, and implemented via policy DC6-Cumulative environmental impacts (page121) of the Submission Draft MWLP <b>(SD1, August 2016)</b>.</p> <p>The Plan's Overall Strategy seeks to ensure that waste arisings are managed as close to source as possible. This will reduce the need to travel, reduce the number of HGV movements and, subsequently, impact positively upon reductions in greenhouse gas emissions and congestion.</p> <p>There are also a number of policies in the Plan that encourage development that facilitates sustainable modes of transport or reduces transportation of minerals and waste. In particular, policy DC1-Traffic and transport (page 115) encourages development that facilitates the use of sustainable and alternative modes of transport.</p> <p>The site allocation matrices within the Site Assessments Report <b>(SD16 - SD22, April 2016)</b> set out detailed planning guidance covering a number of key themes, including highways and accessibility. This guidance addresses any potential barriers to the development of the site and how these can be overcome.</p> <p>The Assessment of Infrastructure Requirements and Deliverability <b>(SD33, May 2016)</b> also sets out the infrastructure requirements, to ensure site deliverability and to further promote sustainable</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p>Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people (paragraph 35)</p> <p>Policies should aim for a balance of land uses, so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities (paragraph 37)</p> <p>For larger scale residential developments in particular, planning policies should promote a mix of uses, in order to provide opportunities to undertake day-to-day activities including work on site. Where practical, particularly within large-scale developments, key facilities such as primary schools and local shops should be located within walking distance of most properties (paragraph 38)</p> <p>The setting of car parking standards, including provision for town centres (paragraphs 39-40)</p> <p>Local planning authorities should identify and protect, where there is robust evidence, sites and routes that could be critical in developing infrastructure to widen transport choice (paragraph 41)</p>		<p>transport movements.</p> <p>Site allocations policy SAP5–Safeguarding of existing and potential railheads and wharves (page 173) of the Submission Draft Plan (<b>SD1, August 2016</b>) protects and provides opportunities for the use of sustainable transport modes and the provision of the viable infrastructure required to support it.</p>
<p><b>5. Supporting high quality communications infrastructure (paras 42-46)</b></p>		
<p>Support the expansion of the electronic communications networks, including telecommunications’ masts and high speed broadband (paragraph 43)</p> <p>Local planning authorities should not impose a ban on new telecommunications development in certain areas, impose</p>	<ul style="list-style-type: none"> <li>• Policy supporting the expansion of electronic communications networks, including telecommunications and high speed broadband, noting the caveats in paragraph 44.</li> </ul>	<p>N/A</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
blanket Article 4 directions over a wide area or a wide range of telecommunications development, or insist on minimum distances between new telecommunications development and existing development (paragraph 44)		
<b>6. Delivering a wide choice of high quality housing (paras 47-55)</b>		
Identify and maintain a rolling supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements; this should include an additional buffer of 5% or 20% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. The 20% buffer applies where there has been persistent under delivery of housing (paragraph 47)	<ul style="list-style-type: none"> <li>• Identification of five years or more supply of specific deliverable sites; plus the buffer, as appropriate</li> <li>• Where this element of housing supply includes windfall sites, inclusion of 'compelling evidence' to justify their inclusion (paragraph 48)</li> <li>• A SHLAA</li> </ul>	The Submission Draft MWLP ( <b>SD1, August 2016</b> ) supports the delivery of housing and sustainable communities, through the provision of aggregates and building stone.
Identify a supply of developable sites or broad locations for years 6-10 and, where possible, years 11-15 (paragraph 47).	<ul style="list-style-type: none"> <li>• Identification of a supply of developable sites or broad locations for: a) years 6-10; b) years 11-15</li> </ul>	N/A
Illustrate the expected rate of housing delivery through a trajectory; and set out a housing implementation strategy describing how a five year supply will be maintained (paragraph 47)	<ul style="list-style-type: none"> <li>• A housing trajectory</li> <li>• Monitoring of completions and permissions (paragraph 47)</li> <li>• Updated and managed SHLAA (paragraph 47)</li> </ul>	N/A
Set out the authority's approach to housing density to reflect local circumstances (paragraph 47).	<ul style="list-style-type: none"> <li>• Policy on the density of development.</li> </ul>	N/A
Plan for a mix of housing, based on current and future demographic and market trends, and needs of different groups (paragraph 50) and caters for housing demand and the scale of housing supply to meet this	<ul style="list-style-type: none"> <li>• Policy on planning for a mix of housing (including self-build, and housing for older people)</li> <li>• SHMA</li> <li>• Identification of the size, type, tenure and</li> </ul>	N/A

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
demand. (paragraph 159)	<p>range of housing required in particular locations, reflecting local demand (paragraph 50)</p> <ul style="list-style-type: none"> <li>• Evidence for housing provision based on up to date, objectively assessed needs (paragraph 50)</li> <li>• Policy on affordable housing and consideration for the need for on-site provision or if off-site provision or financial contributions are sought, where these can these be justified, and to what extent do they contribute to the objective of creating mixed and balanced communities (paragraph 50)</li> </ul>	
<p>In rural areas, be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate (paragraph 54).</p> <p>In rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.</p>	<ul style="list-style-type: none"> <li>• Consideration of allowing some market housing to facilitate the provision of significant additional affordable housing to meet local needs.</li> <li>• Consideration of the case for resisting inappropriate development of residential gardens (this is discretionary)(paragraph 53)</li> <li>• Examples of special circumstances to allow new isolated homes listed at paragraph 55.</li> </ul>	N/A
<b>7. Requiring good design (paras 56-68)</b>		
Develop robust and comprehensive policies that set out the quality of development that will be expected for the area (paragraph 58).	<ul style="list-style-type: none"> <li>• Inclusion of policy or policies that seek to increase the quality of development through the principles set out at paragraph 58 and approaches in paragraphs 59-61, linked to the vision for the area and specific local issues</li> </ul>	<p>The Spatial Vision and Objective 8 (pages 8-11) of the Submission Draft MWLP (<b>SD1, August 2016</b>) seek to ensure that Cumbria’s environmental assets are protected and enhanced by high standards of design.</p> <p>The MWLP places significant emphasis on securing good quality and well designed development; for example, through policy DC18-Landscape and visual impact (page 145) of the Submission Draft Plan</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p><b>(SD1, August 2016)</b>, which stipulates that proposals for minerals and waste development should ensure high quality design to try and minimise their impact and prevent any significant adverse impacts on the principal characteristics of the landscape.</p> <p>Policies SP15-Restoration and afteruse (page 103) and DC22-Restoration and afteruse (page 155) of the Submission Draft MWLP <b>(SD1, August 2016)</b> also ensure the consideration of integration of proposals after the closure of facilities.</p>
<p><b>8. Promoting healthy communities (paras 69-77)</b></p>		
<p>Policies should aim to design places that: promote community interaction, including through mixed-use development; are safe and accessible environments; and are accessible developments (paragraph 69).</p>	<ul style="list-style-type: none"> <li>• Inclusion of a policy or policies on inclusive communities.</li> <li>• Promotion of opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, which bring together those who work, live and play in the vicinity; safe and accessible environments where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion; and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas (paragraph 69)</li> </ul>	<p>Objective 11 (page11) of the Submission Draft MWLP <b>(SD1, August 2016)</b> ensures that there will be integral community and stakeholder involvement and ownership of initiatives and planning for sustainable minerals and waste developments.</p> <p>Policy SP14-Environmental assets (pages 100-102) of the Submission Draft MWLP <b>(SD1, August 2016)</b> seeks to protect, maintain and enhance people's overall quality of life.</p> <p>Policy SP14 also seeks to help create new green infrastructure and to conserve and manage it (where it is existing), and enhance its functionality, quality, connectivity and accessibility.</p>
<p>Policies should plan positively for the provision and use of shared space, community facilities and other local services (paragraph 70).</p>	<ul style="list-style-type: none"> <li>• Inclusion of a policy or policies addressing community facilities and local service.</li> <li>• Positive planning for the provision and integration of community facilities and other local services to enhance the sustainability of communities and residential</li> </ul>	<p>Policy SP16–Section 106 planning obligations (pages 104 and 105) of the Submission Draft MWLP <b>(SD1, August 2016)</b> identifies a list of potential provisions that may be included in a planning obligation. This includes the provision of facilities to compensate local communities for the loss of</p>



Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
	<p>environments; safeguard against the unnecessary loss of valued facilities and services; ensure that established shops, facilities and services are able to develop and modernise; and ensure that housing is developed in suitable locations that offer a range of community facilities and good access to key services and infrastructure.</p>	<p>amenity. Policy DC22-Restoration and afteruse (page 155) of the Submission Draft MWLP (<b>SD1, August 2016</b>) promotes the restoration of sites to maximise beneficial outcomes that may also contribute towards healthy communities and recreational opportunities.</p>
<p>Identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities; and set locally derived standards to provide these (paragraph 73).</p>	<ul style="list-style-type: none"> <li>• Identification of specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area (paragraph 73)</li> <li>• A policy protecting existing open space, sports and recreational buildings and land from development, with specific exceptions (paragraph 74)</li> <li>• Protection and enhancement of rights of way and access (paragraph 75)</li> </ul>	<p>N/A</p>
<p>Enable local communities, through local and neighbourhood plans, to identify special protection green areas of particular importance to them – ‘Local Green Space’ (paragraphs 76-78).</p>	<ul style="list-style-type: none"> <li>• Policy enabling the protection of Local Green Spaces. (Local Green Spaces should only be designated when a plan is prepared or reviewed, and be capable of enduring beyond the end of the plan period. The designation should only be used when it accords with the criteria in paragraph 77). Policy for managing development within a local green space should be consistent with policy for Green Belts (paragraph 78).</li> </ul>	<p>N/A</p>
<p><b>9. Protecting Green Belt land (paras 79-92)</b></p>		
<p>Local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for</p>	<ul style="list-style-type: none"> <li>• Where Green Belt policies are included, these should reflect the need to:                             <ul style="list-style-type: none"> <li>○ Enhance the beneficial use of the</li> </ul> </li> </ul>	<p>N/A</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p>opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land (paragraph 81).</p> <p>Local planning authorities with Green Belts in their area should establish Green Belt boundaries in their Local Plans, which set the framework for Green Belt and settlement policy (paragraph 83)</p> <p>When drawing up or reviewing Green Belt boundaries, local planning authorities should take account of the need to promote sustainable patterns of development (paragraph 84)</p> <p>Amongst other things, boundaries should be set using 'physical features likely to be permanent' (paragraph 85)</p>	<p>Green Belt (paragraph 81)</p> <ul style="list-style-type: none"> <li>○ Accord with criteria on boundary setting, and the need for clarity on the status of safeguarded land, in particular (paragraph 85)</li> <li>○ Specify that inappropriate development should not be approved except in very special circumstances (paragraph 87)</li> <li>○ Specify the exceptions to inappropriate development (paragraphs 89-90)</li> <li>○ Identify where very special circumstances might apply to renewable energy development (paragraph 91)</li> </ul>	
<p><b>10. Meeting the challenge of climate change, flooding and coastal change (paras 93-108)</b></p>		
<p>Adopt proactive strategies to mitigate and adapt to climate change taking full account of flood risk, coastal change and water supply and demand considerations (paragraph 94)</p>	<ul style="list-style-type: none"> <li>• Planning of new development in locations and ways that reduce greenhouse gas emissions.</li> <li>• Support for energy efficiency improvements to existing building.</li> <li>• Local requirements for a building's sustainability that are consistent with the Government's zero carbon buildings policy (paragraph 95))</li> </ul>	<p>Objective 1 (page 10) of the Submission Draft MWLP <b>(SD1, August 2016)</b> seeks to ensure that minerals and waste management developments will take account of the issues of climate change, in particular through sustainable energy use and transport.</p> <p>Flood risk/water supply is taken into account through Policies DC19-Flood risk and DC20-The water environment (pages 149 and 151) of the Submission Draft MWLP <b>(SD1, August 2016)</b>. A Strategic Flood Risk Assessment was undertaken for the MWLP preparation <b>(SD34, February 2015)</b>. In addition, all allocations were subject to flood risk assessment</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p>(sequential test) in the SFRA Addendum Report <b>(SD35, March 2016)</b>.</p> <p>The Submission Draft MWLP <b>(SD1, August 2016)</b> addresses climate change through Policy SP12-Climate change and adaptation (page 86).</p>
<p>Help increase the use and supply of renewable and low carbon energy through a strategy, policies maximising renewable and low carbon energy, and identification of key energy sources (paragraph 97)</p>	<ul style="list-style-type: none"> <li>• A strategy and policies to promote and maximise energy from renewable and low carbon sources</li> <li>• Identification of suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources (see also NPPF footnote 17)</li> <li>• Identification of where development can draw its energy supply from decentralised, renewable or low carbon supply systems and for co-locating potential heat customers and suppliers (paragraph 97)</li> </ul>	<p>The Submission Draft MWLP <b>(SD1, August 2016)</b> addresses renewable energy use and carbon reduction through Policy DC8-Renewable energy use and carbon reduction on existing minerals and waste sites (page 124). Any proposals that come forward will have to provide evidence to show how the proposal contributes to a carbon reduction strategy for either the site itself or for the operating company, and this should be based on the energy hierarchy.</p> <p>Policy DC7–Energy from waste (page 123) seeks to ensure that development that would generate energy from waste will be permitted if they demonstrate that...‘the location and design maximises opportunities for waste utilisation’.</p>
<p>Minimise vulnerability to climate change and manage the risk of flooding (paragraph 99)</p>	<ul style="list-style-type: none"> <li>• Account taken of the impacts of climate change (paragraph 99)</li> <li>• Allocate, and where necessary re-locate, development away from flood risk areas through a sequential test, based on an SFRA (paragraph 100)</li> <li>• Policies to manage risk, from a range of impacts, through suitable adaptation measures</li> </ul>	<p>Policy DC19-Flood risk and Policy DC20-The water environment (pages 149 and 151) of the Submission Draft MWLP <b>(SD1, August 2016)</b> require proposals to include mitigation measures in order that there would not be an increased risk of flooding, which includes measures to manage surface water runoff and not permit development in areas at risk of flooding, unless the sequential and exception tests are passed.</p> <p>Flood risk was also taken into account during site assessments; this process identified a number of sites as having a high risk of flooding. Therefore,</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		these sites were not pursued. The detailed assessments are set out within the Site Assessments Report <b>(SD16 – SD22, April 2016)</b> .
Take account of marine planning (paragraph 105)	<ul style="list-style-type: none"> <li>• Ensure early and close co-operation on relevant economic, social and environmental policies with the Marine Management Organisation</li> <li>• Review the aims and objectives of the Marine Policy Statement, including local potential for marine-related economic development</li> <li>• Integrate, as appropriate, marine policy objectives into emerging policy</li> <li>• Support of integrated coastal management (ICM) in coastal areas, in line with the requirements of the MPS</li> </ul>	<p>Policy SP9-Marine dredged aggregates (page 78) and Policy SP14–Environmental assets (pages 100-102) of the Submission Draft MWLP <b>(SD1, August 2016)</b> both seek to protect marine designations. The Local Aggregates Assessment Supporting Information <b>(LD309, October 2015)</b> also sets out the provision for marine dredged aggregates.</p> <p>Ongoing dialogue with the Marine Management Organisation is also taking place.</p>
Manage risk from coastal change (paragraph 106)	<ul style="list-style-type: none"> <li>• Identification of where the coast is likely to experience physical changes and identify Coastal Change Management Areas, and clarity on what development will be allowed in such areas.</li> <li>• Provision for development and infrastructure that needs to be re-located from such areas, based on SMPs and Marine Plans, where appropriate.</li> </ul>	<p>Chapter 4 – Radioactive Wastes (pages 34-48) of the Submission Draft MWLP <b>(SD1, August 2016)</b> seeks to ensure that proposals for the treatment, management, storage and/or disposal of Low Level radioactive waste should be accompanied by a strategy that demonstrates the long-term integrity of the site; this may include considerations such as ground stability or coastal erosion.</p> <p>Policy SP9-Marine dredged aggregates (page 78) of the Submission Draft MWLP <b>(SD1, August 2016)</b> states that planning permission will be granted for proposals if there are no unacceptable impacts and if they are in appropriate locations; where developments are on the coastal/beach margin, this would include consideration of the potential effect on coastal erosion.</p> <p>Policy DC19-Flood risk and Policy DC20-The water</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		environment (pages 149 and 151) of the Submission Draft MWLP <b>(SD1, August 2016)</b> both seek best available techniques to ensure that flood risk is not increased, including from coastal waters.
<b>11. Conserving and enhancing the natural environment (paras 109-125)</b>		
Protect valued landscapes (paragraph 109)	<ul style="list-style-type: none"> <li>• A strategy and policy or policies to create, protect, enhance and manage networks of biodiversity and green infrastructure.</li> <li>• Policy that seeks to minimise the loss of higher quality agricultural land and give great weight to protecting the landscape and scenic beauty of National Parks, the Broads and AONBs.</li> </ul>	<p>Objective 10 (page 11) of the Submission Draft MWLP <b>(SD1, August 2016)</b> seeks to protect the overall quality of Cumbria’s natural and historic environment, through policies SP14-Environmental assets and SP15–Restoration and afteruse (pages 100-103).</p> <p>Chapter 8 - Environmental Assets, paragraph 8.29 of the Submission Draft MWLP <b>(SD1, August 2016)</b> acknowledges that quarries and landfill sites can offer significant opportunities to deliver sustainability objectives. Paragraph 8.30 acknowledges that disused quarries are of great value as geological conservation sites. Local Geological Sites in Cumbria are situated in both working and disused quarries.</p> <p>Policy SP14 seeks to protect wildlife, geological, geomorphological, landscape and historic environment areas and features that are of particular importance for the county, or which make a contribution to biodiversity, geological, landscape and historic conservation, including National Parks and AONB’s.</p> <p>Policy DC18-Landscape and visual impact (page 145) also seeks to ensure that any development proposals are compatible with the distinctive characteristics and features of Cumbria’s</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p>landscapes.</p> <p>The Site Assessments Report (<b>SD16 – SD22, April 2016</b>) examines the impact upon landscape when assessing environmental designation. Visual and landscape impact were also assessed during the detailed site assessment.</p>
<p>Prevent unacceptable risks from pollution and land instability (paragraph 109)</p>	<ul style="list-style-type: none"> <li>Policy that seeks development which is appropriate for its location, having regard to the effects of pollution on health, the natural environment or general amenity.</li> </ul>	<p>There are explicit policies in the Submission draft MWLP (<b>SD1, August 2016</b>) preventing risks from pollution. Policy DC2-General criteria (page 117) covers specific, potential impacts on sensitive receptors. There are also specific policies dealing with noise and dust (Policies DC3 and DC5, pages 118 and 120 respectively).</p> <p>Policies DC20-The water environment (page 151) and DC21-Protection of soil resources (page 152) state that proposals will not be permitted if they have a significant adverse effect on the quality of water or soil resources.</p> <p>There are also policies that implicitly seek development that is appropriate for its location with regard to the effects of pollution, for example Policy DC18-Landscape and visual impact (page 145) and Policy DC19-Flood risk (page 149). Policy DC22-Restoration and aftercare (page 155) focuses on the need for proposals to provide details of the proposed landform, measures for the management of emissions and a programme of aftercare and monitoring of the site.</p>
<p>Planning policies should minimise impacts on biodiversity and geodiversity (paragraph 117)</p> <p>Planning policies should plan for</p>	<ul style="list-style-type: none"> <li>Identification and mapping of local ecological networks and geological conservation interests.</li> <li>Policies to promote the preservation,</li> </ul>	<p>The approach of the Submission Draft MWLP (<b>SD1, August 2016</b>) is to help increase the county's biodiversity resources, whilst ensuring that sustainable development can take place that</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p>biodiversity at a landscape-scale across local authority boundaries (paragraph 117)</p>	<p>restoration and re-creation of priority habitats, ecological networks and the recovery of priority species</p>	<p>contributes to the growth of Cumbria’s economy.</p> <p>Objective 10 (page 11) of the Submission Draft MWLP <b>(SD1, August 2016)</b> seeks to protect the overall quality of Cumbria’s natural and historic environment through policies SP14 and SP15 (pages 100-103).</p> <p>Policy SP14–Environmental assets (pages 100-103) of the Submission Draft MWLP <b>(SD1, August 2016)</b> seeks to protect wildlife, marine, geological, geomorphological, landscape and historic environment areas and features that are of particular importance for the county, or which make a contribution to biodiversity, geological, landscape and historic conservation, including the Cumbria Biodiversity Framework habitats and species and Cumbria Geodiversity Action Plan Sites.</p> <p>Policy DC16–Biodiversity and geodiversity (page 142) of the Submission Draft MWLP <b>(SD1, August 2016)</b> seeks to protect the natural and geological environment. Cumbria's list of Key Wildlife Species identifies those species that have the status of being specifically protected or are UK Priority and/or Cumbria Biodiversity Framework (Action Plan) species. Work has been undertaken to relate species to appropriate habitat types, functional ecological networks and to geographic areas of the county; within the Cumbria Biodiversity Action Plan <b>(LD23, 2001)</b>, Key Species and Priority Habitat Statements have been prepared, which provide further guidance for policy and for applicants.</p> <p>The Submission Draft MWLP <b>(SD1, August 2016)</b></p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p>also promotes biodiversity at a landscape scale through PolicyDC22–Restoration and afteruse (page 155).</p> <p>During the site appraisal process conducted to identify the site allocations (Site Assessments Report, <b>SD16 – SD22, April 2016</b>), all national, regional and local ecological networks and geological conservation interests were mapped and identified, to ensure the preservation, restoration and re-creation, as appropriate, of habitats and species.</p> <p>Further evidence is provided by the Cumbria Biodiversity Data Centre, which maps sightings of protected species across the county, as well as identifying areas of priority habitat that may have the potential to be home to such species.</p>
<p><b>12. Conserving and enhancing the historic environment (paras 126-141)</b></p>		
<p>Include a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk (paragraph 126)</p>	<ul style="list-style-type: none"> <li>• A strategy for the historic environment, based on a clear understanding of the cultural assets in the plan area, including assets most at risk.</li> <li>• A map/register of historic assets</li> <li>• A policy or policies that promote new development that will make a positive contribution to character and distinctiveness (paragraph 126)</li> </ul>	<p>Policy SP14–Environmental assets (pages 100-102) of the Submission Draft MWLP (<b>SD1, August 2016</b>) aims to protect, conserve and enhance the historic environment.</p> <p>Policy DC17-Historic Environment (page 143) of the Submission Draft MWLP (<b>SD1, August 2016</b>) requires development to conserve and enhance Cumbria’s historic environment. Proposals should also look to improve the integrity or setting of heritage assets.</p>
<p><b>13. Facilitating the sustainable use of minerals (paras 142-149)</b></p>		
<p>It is important that there is a sufficient supply of material to provide the infrastructure, buildings, energy and goods</p>	<p>Account taken of the matters raised in relation to paragraph 143 and 145, including matters in relation to land in national/international</p>	<p>Policies SP7 to SP11 (pages 77 and 78) of the Submission Draft MWLP (<b>SD1, August 2016</b>) set out the strategic requirements for aggregates and</p>



Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p>that the country needs. However, since minerals are a finite natural resource, and can only be worked where they are found, it is important to make best use of them to secure their long-term conservation (paragraph 142)</p> <p>Minerals planning authorities should plan for a steady and adequate supply of industrial materials (paragraph 146)</p>	<p>designations; landbanks; the defining of Minerals Safeguarding Areas; wider matters relating to safeguarding; approaches if non-mineral development is necessary within Minerals Safeguarding Areas; the setting of environmental criteria; development of noise limits; reclamation of land; plan for a steady and adequate supply of aggregates. This could include evidence of co-operation with neighbouring and more distant authorities.</p>	<p>other non-energy producing minerals, and for safeguarding these resources. Further provision is made by Preferred Areas or Areas of Search; these are set out in Site Allocations Policy SAP4 (page 170). The provisions made in the Plan were informed by the Local Aggregates Assessment Supporting Information (<b>LD309, October 2015</b>).</p> <p>Cumbria and the Lake District National Park are members of the North West Aggregates Working Party (NW AWP). The NW AWP publishes a regional Annual Monitoring Survey, and also sets an annual aggregate production apportionment for each sub-region, in order to maintain production of an adequate proportion of the region's aggregate needs. In preparing the LAA, consideration was given to the comments made by the NW AWP Secretariat and its wider membership.</p> <p>Policy DC15–Minerals safeguarding (page 140) of the Submission Draft MWLP (<b>SD1, August 2016</b>) seeks to safeguard mineral resources of national and local importance from surface development.</p>
<p><b>Justified:</b> <i>The plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence.</i></p> <p>To be 'justified' a DPD needs to be:</p> <ul style="list-style-type: none"> <li>• Founded on a robust and credible evidence base involving: research/fact finding, demonstrating how the choices made in the Plan are backed up by facts; and evidence of participation of the local community and others having a stake in the area.</li> <li>• The most appropriate strategy when considered against reasonable alternatives.</li> </ul>		
<p><i>Participation</i></p> <p>Has the consultation process allowed for effective engagement of all interested parties?</p>	<p>The consultation statement. This should set out what consultation was undertaken, when, with whom and how it has influenced the Plan. The statement should show that efforts have been made to consult hard to reach groups, key stakeholders, etc.</p>	<p>The County Council prepared a Statement of Community Involvement - January 2006 (<b>PPP31, formerly CSD13</b>) which sets out how the County Council will engage people in the preparation of the MWLP and in the consideration of planning applications. It also sets out what the Council will expect applicants to do to involve the community</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
		<p>before planning applications are submitted for significant developments. Any consultation that has been undertaken on the MWLP has been done in accordance with the guidance set out within the Statement of Community Involvement.</p> <p>An Addendum Report to the SCI (<b>SD44, August 2016</b>) has been prepared, which sets out how and why consultation has changed since 2006, in response to legislative and policy changes, as well as changes to the composition of the community, business and environmental groups in the county, regionally and nationally.</p> <p>A Statement of Consultation (<b>SD41, August 2016</b>) has been produced and provides an overview of the consultations that have been carried out, including a list of key stakeholders, and how they have influenced the Plan.</p>
<p><i>Research/fact finding</i></p> <p>Is the Plan justified by a sound and credible evidence base? What are the sources of evidence? How up to date, and how convincing is it?</p> <p>What assumptions were made in preparing the DPD? Were they reasonable and justified?</p>	<ul style="list-style-type: none"> <li>• The studies, reports and technical papers that provide the evidence for the policies set out in the DPD, the date of preparation and who they were produced by.</li> </ul> <p>AND</p> <ul style="list-style-type: none"> <li>• Sections of the DPD (at various stages of development) and SA Report, which illustrate how evidence supports the strategy, policies and proposals, including key assumptions.</li> </ul> <p>OR</p> <ul style="list-style-type: none"> <li>• A very brief statement of how the main findings of consultation support the policies, with reference to: reports to the Council on the issues raised during participation, covering both the front-</li> </ul>	<p>The Plan is supported by a comprehensive, robust and, what is considered to be, a proportionate evidence base.</p> <p>Key aspects that have directly informed policies are referenced within the supporting text of the Plan, and submitted as relevant supporting documentation. The evidence base has been made publically available throughout the evolution of the Plan.</p> <p>The Waste Needs Assessment (<b>LD300, December 2015</b>) has been updated throughout the process, to ensure that decisions have been made using the most up-to-date data and information.</p> <p>The Plan provision figure for minerals was primarily</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
	<p>loading and formulation phases; and any other information on community views and preferences.</p> <p>OR</p> <ul style="list-style-type: none"> <li>For each policy (or group of policies dealing with the same issue), a very brief statement of the evidence documents relied upon and how they support the policy (where this is not already clear in the reasoned justification in the DPD).</li> </ul>	<p>informed by the Local Aggregates Assessment 2015 (<b>LD309, October 2015</b>). Work on the 2016 LAA, for calendar year 2015, provided further information for consideration in preparation of the Submission Draft MWLP (<b>SD1, August 2016</b>), but the 2016 LAA is not yet finalised.</p> <p>The undertaking of the Sustainability Appraisal and Habitat Regulations Assessment has also involved fact finding, evidence gathering and analysis, with the overall process informing the Plan.</p>
<p><i>Alternatives</i></p> <p>Can it be shown that the LPA's chosen approach is the most appropriate given the reasonable alternatives? Have the reasonable alternatives been considered and is there a clear audit trail showing how and why the preferred approach was arrived at? Where a balance had to be struck in taking decisions between competing alternatives, is it clear how and why the decisions were taken?</p> <p>Does the Sustainability Appraisal show how the different options perform and is it clear that sustainability considerations informed the content of the DPD from the start?</p>	<ul style="list-style-type: none"> <li>Reports and consultation documents produced in the early stages, setting out how alternatives were developed and evaluated, and the reasons for selecting the preferred strategy, and reasons for rejecting the alternatives. This should include options covering not just the spatial strategy, but also the quantum of development, strategic policies and development management policies.</li> <li>An audit trail of how the evidence base, consultation and SA have influenced the Plan.</li> <li>Sections of the SA Report showing the assessment of options and alternatives.</li> <li>Reports on how decisions on the inclusion of policy were made.</li> <li>Sections of the consultation document demonstrating how options were developed and appraised.</li> <li>Any other documentation showing how alternatives were developed and evaluated, including a report on how sustainability appraisal has influenced the</li> </ul>	<p>The Sustainability Appraisal Report (<b>SD23, April/May 2016</b>) summarises the development and refining of alternatives, and assessing the effect of the options and draft policies. Appendix 6: Strategic Alternatives Table (<b>SD29, May 2016</b>) and Appendix 7: Audit Trail of Policy Options for the Core Strategy and Development Control Policies (<b>SD30, May 2016</b>) of the SA report, provide an audit trail of how the evidence base, consultation and SA have influenced the Plan.</p> <p>A number of alternative policy approaches with respect to aggregate provision, sub-regional apportionment, landbanks and safeguarding were considered as part of the Cumbria MWDF Core Strategy that was adopted in 2009, and these have been reconsidered in the light of the current policy context, and the updated and more robust evidence base provided by the Local Aggregates Assessment.</p> <p>The supporting Site Assessments Report (<b>SD16 – SD22, April 2016</b>) provides the matrices and appraisal reports for the sites identified in the Plan, together with alternative sites that were considered</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
	choice of strategy and the content of policies.	but not taken forward.  A Statement of Consultation ( <b>SD41, August 2016</b> ) has been produced, which sets out how the Sustainability Appraisal has influenced the choice of strategy and the content of policies.
<p><b>Effective:</b> the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities.</p> <p>To be 'effective' a DPD needs to:</p> <ul style="list-style-type: none"> <li>• be deliverable</li> <li>• demonstrate sound infrastructure delivery planning</li> <li>• have no regulatory or national planning barriers to its delivery</li> <li>• have delivery partners who are signed up to it</li> <li>• be coherent with the strategies of neighbouring authorities</li> <li>• demonstrate how the Duty to Co-operate has been fulfilled</li> <li>• be flexible</li> <li>• be able to be monitored</li> </ul>		
<p><i>Deliverable and Coherent</i></p> <ul style="list-style-type: none"> <li>• Is it clear how the policies will meet the Plan's vision and objectives? Are there any obvious gaps in the policies, having regard to the objectives of the DPD?</li> <li>• Are the policies internally consistent?</li> <li>• Are there realistic timescales related to the objectives?</li> <li>• Does the DPD explain how its key policy objectives will be achieved?</li> </ul>	<ul style="list-style-type: none"> <li>• Sections of the DPD that address delivery, the means of delivery and the timescales for key developments and initiatives.</li> <li>• Confirmation from the relevant agencies that they support the objectives and the identified means of delivery, such as evidence that the plans and programmes of other bodies have been taken into account (e.g. Water Resources Management Plans and Marine Plans).</li> <li>• Information in the local development scheme, or provided separately, about the scope and content (actual and intended) of each DPD, showing how they combine to provide a coherent policy structure.</li> <li>• Section in the DPD that shows the linkages between the objectives and the corresponding policies, and consistency</li> </ul>	<p>Chapter 17 - Monitoring and Implementation (page 156-159) of the Submission Draft MWLP (<b>SD1, August 2016</b>) identifies responsibilities for implementation of the Plan and provides an implementation and monitoring framework (Appendix 3).</p> <p>A Matrix of Internal Consistency (<b>SD36, April 2016</b>) has been prepared, to ensure that all policies are internally consistent.</p> <p>Realistic timescales to meet the objectives are outlined in the Implementation and Monitoring section. Not all objectives have specific timescales, as they are to cover the whole Plan period.</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p><i>Infrastructure Delivery</i></p> <ul style="list-style-type: none"> <li>• Have the infrastructure implications of the policies clearly been identified?</li> <li>• Are the delivery mechanisms and timescales for implementation of the policies clearly identified?</li> <li>• Is it clear who is going to deliver the required infrastructure and does the timing of the provision complement the timescale of the policies?</li> </ul>	<p>between policies (such as through a matrix).</p> <ul style="list-style-type: none"> <li>• A section or sections of the DPD where infrastructure needs are identified and the proposed solutions put forward.</li> <li>• A schedule setting out responsibilities for delivery, mechanisms and timescales, and related to a CIL schedule, where appropriate.</li> <li>• Confirmation from infrastructure providers that they support the solutions proposed and the identified means and timescales for their delivery, or a plan for resolving issues.</li> <li>• Demonstrable plan-wide viability, particularly in relation to the delivery of affordable housing and the role of a CIL schedule.</li> </ul>	<p>The Submission Draft MWLP (<b>SD1, August 2016</b>) is accompanied by an Assessment of Infrastructure Requirements and Deliverability (<b>SD33, May 2016</b>).</p> <p>Table 17.1 (pages 157-158) of the Submission Draft MWLP (<b>SD1, August 2016</b>) summarises the organisations/agencies involved in the implementation of the Plan and their associated roles and responsibilities.</p> <p>The matrices within the Site Assessments document (<b>SD16 – SD22, April 2016</b>), included criteria that assessed the accessibility to the transport networks, with existing or potential access to non-road (rail and waterway) transport given more weight.</p> <p>Infrastructure providers have been consulted throughout the Plan making process. Infrastructure providers have not raised any capacity-related issues regarding the sites proposed within the Plan.</p> <p>The responsibility for CIL lies with the District Councils and not with the County Council. It is anticipated that CIL will have limited direct application to most minerals and waste management developments. There may, however, be overlaps between the types of infrastructure to be funded by the Levy and those required in connection with minerals and waste developments. Chapter 10 of the Submission Draft MWLP (<b>SD1, August 2016</b>) deals with Planning Obligations and CIL (page 104).</p>
<p><i>Co-ordinated Planning</i></p> <p>Does the DPD reflect the concept of spatial</p>	<ul style="list-style-type: none"> <li>• Sections of the DPD that reflect the plans or strategies of the local authority and other</li> </ul>	<p>Chapter 2 - Overall Strategy (pages 5-12) of the Submission Draft MWLP (<b>SD1, August 2016</b>) provides a legislative and policy context for all</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p>planning? Does it go beyond traditional land use planning by bringing together and integrating policies for the development and use of land with other policies and programmes from a variety of agencies/organisations that influence the nature of places and how they function?</p>	<p>bodies</p> <ul style="list-style-type: none"> <li>• Policies that seek to pull together different policy objectives</li> <li>• Expressions of support/representations from bodies responsible for other strategies affecting the area</li> </ul>	<p>policies and programmes that have been considered.</p> <p>There has also been ongoing engagement with Local Planning Authorities and other Waste Planning Authorities, which is outlined in the Duty to Co-operate Compliance Statement <b>(SD40, July 2016)</b>.</p> <p>Consultation has been undertaken with statutory and non-statutory bodies at all stages of preparation of the Plan, and is reflected in the supporting evidence base documents.</p> <p>Both the Cumbria Local Aggregates Assessment <b>(LD309, October 2015)</b> and the Waste Needs Assessment <b>(LD300, December 2015)</b> are prepared jointly with the Lake District National Park Authority. Regard is paid to the strategies and policies within the LDNPA Core Strategy <b>(RD17, October 2010)</b>, and there has been close liaison on the review of that document, which is currently underway.</p>
<p><i>Flexibility</i></p> <ul style="list-style-type: none"> <li>• Is the DPD flexible enough to respond to a variety of, or unexpected changes in, circumstances?</li> <li>• Does the DPD include the remedial actions that will be taken if the policies need adjustment?</li> </ul>	<ul style="list-style-type: none"> <li>• Sections of the DPD setting out the assumptions of the Plan and identifying the circumstances when policies might need to be reviewed.</li> <li>• Sections of the Annual Monitoring Report and Sustainability Appraisal report describing how the council will monitor: <ul style="list-style-type: none"> <li>a. the effectiveness of policies and what evidence is being collected to undertake this</li> <li>b. changes affecting the baseline information and any information on trends on which the DPD is based</li> </ul> </li> <li>• Risk analysis of the strategy and policies to</li> </ul>	<p>The Submission Draft MWLP <b>(SD1, August 2016)</b> provides the framework for monitoring implementation of the Plan (chapter 17, page 156) and future Authority Monitoring Reports will enable progress to be evaluated.</p> <p>The Broad Areas identified for waste management developments (paragraph 3.75 of the MWLP) and the fact that the Plan is not technology specific, make the approach to planning flexible enough to respond to a variety of, or unexpected changes in, circumstances.</p> <p>Policy SP3-Waste capacity (page 31), Policy SP7-Minerals provision and safeguarding (page 77) and</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
	<p>demonstrate robustness and how the Plan could cope with changing circumstances</p> <ul style="list-style-type: none"> <li>Sections within the DPD dealing with possible change areas and how they would be dealt with, including mechanisms for the rate of development to be increased or slowed and how that would impact on other aspects of the strategy and on infrastructure provision</li> <li>Sections of the DPD identifying the key indicators of success of the strategy, and the remedial actions that will be taken if adjustment is required.</li> </ul>	<p>Policy SAP4-Areas for minerals, within the Submission Draft MWLP (<b>SD1, August 2016</b>), are flexible, and include the remedial actions that will be taken if the policies need adjustment.</p>
<p><i>Co-operation</i></p> <ul style="list-style-type: none"> <li>Is there sufficient evidence to demonstrate that the Duty to Co-operate has been undertaken appropriately for the Plan being examined?</li> <li>Is it clear who is intended to implement each part of the DPD? Where the actions required are outside the direct control of the LPA, is there evidence that there is the necessary commitment from the relevant organisation to the implementation of the policies?</li> </ul>	<ul style="list-style-type: none"> <li>A succinct Duty to Co-operate Statement, which flows from the strategic issues that have been addressed jointly. A 'tick box' approach or a collection of correspondence is not sufficient, and it needs to be shown (where appropriate) if joint plan-making arrangements have been considered, what decisions were reached and why.</li> <li>The Duty to Co-operate Statement could highlight: the sharing of ideas, evidence and pooling of resources; the practical policy outcomes of co-operation; how decisions were reached and why; and evidence of having effectively co-operated to plan for issues that need other organisations to deliver on; common objectives for elements of strategy and policy; a memorandum of understanding; aligned or joint core strategies; and liaison with other consultees, as appropriate.</li> </ul>	<p>As outlined in the Duty to Co-operate Statement of Compliance (<b>SD40, July 2016</b>), the Plan has been prepared with ongoing engagement with neighbouring waste planning authorities, local planning authorities and other key stakeholders. Ultimately this demonstrates that the Plan has evolved within the context of appropriate and effective co-operation.</p> <p>Chapter 17 - Implementation and Monitoring (page 156) of the Submission Draft MWLP (<b>SD1, August 2016</b>) highlights the delivery agencies required to implement the objectives. These bodies have been involved from the conception of the Plan, in order to ensure deliverability.</p>
<p><i>Monitoring</i></p> <ul style="list-style-type: none"> <li>Does the DPD contain targets, and milestones that relate to the delivery of the</li> </ul>	<ul style="list-style-type: none"> <li>Sections of the DPD setting out indicators, targets and milestones</li> <li>Sections of the current Annual Monitoring</li> </ul>	<p>The Submission Draft MWLP (<b>SD1, August 2016</b>) contains a Monitoring and Implementation chapter (chapter 17, page 156) and associated Monitoring</p>

Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
<p>policies, (including housing trajectories where the DPD contains housing allocations)?</p> <ul style="list-style-type: none"> <li>• Is it clear how targets are to be measured (by when, how and by whom) and are these linked to the production of the Annual Monitoring Report?</li> <li>• Is it clear how the significant effects identified in the Sustainability Appraisal report will be taken forward in the ongoing monitoring of the implementation of the Plan, through the Annual Monitoring Report?</li> </ul>	<p>Report, which report on indicators, targets, milestones and trajectories</p> <ul style="list-style-type: none"> <li>• Reference to any other reports or technical documents that contain information on the delivery of policies</li> <li>• Sections of the current Annual Monitoring Report and the Sustainability Appraisal report, setting out the framework for monitoring, including monitoring the effects of the DPD against the sustainability appraisal</li> </ul>	<p>Framework (Appendix 3, pages 213-236). The framework will monitor the MWLP and the significant effects of its implementation in line with SA/SEA requirements. Indicators have been developed to enable the periodic review of the evidence base, including through the LAA and the Cumbria Waste Needs Assessment, and assess whether changes to those policies, or additional site allocations should be considered through the vehicle of a partial review of the Local Plan. Consideration is also afforded to what circumstances may trigger a review of performance.</p> <p>The results of monitoring will be reported annually within the Council's Authority Monitoring Report (AMR), through which the need to review any policy or proposal within the Local Plan will be raised. The AMR will also be the process through which any significant effects on the SA objectives are reported.</p>
<p><b>Consistent with national policy:</b> <i>the plan should enable the delivery of sustainable development in accordance with the policies in the Framework.</i></p> <p>The DPD should not contradict or ignore national policy. Where there is a departure, there must be clear and convincing reasoning to justify the approach taken.</p>		
<ul style="list-style-type: none"> <li>• Does the DPD contain any policies or proposals that are not consistent with national policy and, if so, is there local justification?</li> <li>• Does the DPD contain policies that do not add anything to existing national guidance? If so, why have these been included?</li> </ul>	<ul style="list-style-type: none"> <li>• Sections of the DPD that explain where and how national policy has been elaborated upon and the reasons.</li> <li>• Studies forming evidence for the DPD or, where appropriate, other information that provides the rationale for departing from national policy.</li> <li>• Evidence provided from the Sustainability Appraisal (including reference to the sustainability report) and/or from the results of community involvement.</li> <li>• Where appropriate, evidence of consistency with national marine policy, as</li> </ul>	<p>The Submission Draft MWLP (<b>SD1, August 2016</b>) is not considered to contain any policies or proposals that constitute a departure from relevant national policy.</p> <p>The policies contained within the MWLP are considered justified, in that they add to or aid the implementation of national policies of relevance in local circumstances.</p>



Soundness Test and Key Requirements	Possible Evidence	Evidence Provided
	articulated in the UK Marine Policy Statement <ul style="list-style-type: none"> <li>• Reports or copies of correspondence as to how representations have been considered and dealt with.</li> </ul>	

### Planning policy for traveller sites

Planning Policy for Traveller Sites was published on 23 March 2012 and came into effect on 27 March 2012. Circular 01/06: Planning for Gypsy and Traveller Caravan Sites and Circular 04/07: Planning for Travelling Showpeople, have been cancelled. Planning Policy for Traveller Sites should be read in conjunction with the National Planning Policy Framework, including the implementation policies of that document.

The Government’s aim in relation to planning for traveller sites is:

‘To ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic life of travellers whilst respecting the interests of the settled community’.

Government’s aims in respect of traveller sites are:

- That local planning authorities (LPAs) make their own assessment of need for the purposes of planning
- That LPAs work collaboratively, develop fair and effective strategies to meet need through the identification of land for sites
- Plan for sites over a reasonable timescale
- Plan-making should protect green belt land from inappropriate development
- Promote more private traveller site provision whilst recognising that there will always be those travellers who cannot provide their own sites
- Aim to reduce the number of unauthorised developments and encampments and make enforcement more effective.

In addition, local planning authorities should:

- Include fair, realistic and inclusive policies
- Increase the number of traveller sites in appropriate locations with planning permission, to address under provision and maintain an appropriate level of supply
- Reduce tensions between settled and traveller communities in plan-making and decision-taking
- Enable provision of suitable accommodation from which travellers can access education, health, welfare and employment infrastructure
- Have due regard to protection of local amenity and local environment

Policy Expectations	Possible Evidence	Evidence Provided
<b>Policy A: Using evidence to plan positively and manage development (para 6)</b>		
Early and effective community engagement with both settled and traveller communities.	<ul style="list-style-type: none"> <li>• Early and effective engagement undertaken, including discussing travellers' accommodation needs with travellers themselves, their representative bodies and local support groups.</li> </ul>	N/A - considered to be a matter for District/Borough Council Local Plans.
Co-operate with travellers, their representative bodies and local support groups, other local authorities and relevant interest groups to prepare and maintain an up-to-date understanding of likely permanent and transit accommodation needs of their areas.	<ul style="list-style-type: none"> <li>• Demonstration of a clear understanding of the needs of the traveller community over the lifespan of your development Plan.</li> <li>• Collaborative working with neighbouring local planning authorities.</li> <li>• A robust evidence base to establish accommodation needs to inform the preparation of your local Plan and make planning decisions.</li> </ul>	N/A - considered to be a matter for District/Borough Council Local Plans.
<b>Policy B: Planning for traveller sites (paras 7-11)</b>		
<p>Set pitch targets for gypsies and travellers and plot targets for travelling showpeople, which address the likely permanent and transit site accommodation needs of travellers in your area, working collaboratively with neighbouring LPAs.</p> <p>Set criteria to guide land supply allocations where there is identified need.</p> <p>Ensure that traveller sites are sustainable economically, socially and environmentally.</p>	<ul style="list-style-type: none"> <li>• Identification, and annual update, of a supply of specific, deliverable sites sufficient to provide 5 years' worth of sites against locally set target. Identification of a supply of specific, developable sites or broad locations for growth for years 6-10, and, where possible, for years 11-15.</li> <li>• An assessment of the need for traveller sites, and where an unmet need has been demonstrated a supply of specific, deliverable sites been identified.</li> <li>• Policy that takes into account criteria a-h of paragraph 11.</li> </ul>	N/A - considered to be a matter for District/Borough Council Local Plans.
<b>Policy C: Sites in rural areas and the countryside (para 12)</b>		
When assessing the suitability of sites in rural or semi-rural settings, LPAs should ensure that the scale of such sites do not dominate the nearest settled community.		N/A - considered to be a matter for District/Borough Council Local Plans.
<b>Policy D: Rural exception sites (para 13)</b>		

Policy Expectations	Possible Evidence	Evidence Provided
<p>If there is a lack of affordable land to meet local traveller needs. LPAs in rural areas, where viable and practical, should consider allocating and releasing sites solely for affordable travellers' sites.</p>	<ul style="list-style-type: none"> <li>If a rural exception site policy is used, and if so, clarity that such sites shall be used for affordable traveller sites in perpetuity.</li> </ul>	<p>N/A - considered to be a matter for District/Borough Council Local Plans.</p>
<p><b>Policy E: Traveller sites in Green Belt (paras 14-15)</b></p>		
<p>Traveller sites (both permanent and temporary) in the Green Belt are inappropriate development. Exceptional limited alteration to the defined Green Belt boundary (which might be to accommodate a site inset within the Green Belt) to meet a specific, identified need for a traveller site, should be done only through the plan-making process.</p>	<ul style="list-style-type: none"> <li>Green Belt boundary revisions made in response to a specific identified need for a traveller site, undertaken through the Plan making process.</li> </ul>	<p>N/A - considered to be a matter for District/Borough Council Local Plans.</p>
<p><b>Policy F: Mixed planning use traveller sites (paras 16-18)</b></p>		
<p>Local planning authorities should consider, wherever possible, including traveller sites suitable for mixed residential and business uses, having regard to the safety and amenity of the occupants and neighbouring residents.</p>	<ul style="list-style-type: none"> <li>Consideration of the need for sites for mixed residential and business use (having regard to safety and amenity of the occupants and neighbouring residents), or separate sites in close proximity to one another.</li> <li>N.B. Mixed use should not be permitted on rural exception sites</li> </ul>	<p>N/A - considered to be a matter for District/Borough Council Local Plans.</p>
<p><b>Policy G: Major development projects (para 19)</b></p>		
<p>Local planning authorities should work with the planning applicant and the affected traveller community, to identify a site or sites suitable for relocation of the community if a major development proposal requires the permanent or temporary relocation of a traveller site.</p>	<ul style="list-style-type: none"> <li>Where a major development proposal requires the permanent or temporary relocation of a traveller site, the identification of a site or sites suitable for re-location of the community.</li> </ul>	<p>N/A - considered to be a matter for District/Borough Council Local Plans. No relocation of any traveller site is necessary in respect of implementing sites in MWLP.</p>

## Soundness Self-Assessment Checklist

### Integration of marine and terrestrial planning

As the UK marine area and marine plan area boundaries extend up to the level of mean high water spring tides, while terrestrial planning boundaries generally extend to mean low water spring tides (including estuaries), the marine plan area will physically overlap with that of some terrestrial plan. Local authorities with any tidal frontage, even if far inland and not conventionally regarded as coastal, must therefore take full account of the MMO, the MPS and marine plans under S.58 of the Marine and Coastal Access Act and the Duty to Co-operate in Section 110 of the Localism Act 2011. A full list of the local planning authorities whose areas overlap with the UK marine area appears in Appendix One.

Furthermore, the Duty to Co-Operate requires all local planning authorities, even if landlocked, to take account, where relevant, of the MMO's plans and activities when preparing their Local Plans. Finally, the NPPF requires LPAs to take the MPS into account under the tests of soundness (specifically, to test if an emerging DPD is consistent with national policy, which includes the MPS).

The Marine and Coastal Access Act 2009 (the Act) provided for the introduction of a marine planning system for England's inshore and offshore marine area, establishing the Secretary of State as the Marine Planning Authority for these areas. The Act also provided for the establishment of the Marine Management Organisation (MMO) and for the Secretary of State to delegate various planning functions. The planning functions including preparation and review were delegated to the MMO in 2010. The Act also provided for the adoption of the UK Marine Policy Statement (MPS). The MPS was adopted on 18 March 2011 and provides the policy framework for marine planning and for all decisions likely to affect the marine area.

There are eleven plan areas in English waters, for each of which a Marine Plan will be prepared by the MMO and adopted by the Secretary of State for the Environment, Food and Rural Affairs.

In practical terms, all activities undertaken in the marine area require land based infrastructure, without which our ability to benefit economically and socially from activities in the marine area would be extremely limited.

The UK Government's vision for the marine environment, as articulated in the MPS, is:

'clean, healthy, safe, productive and biologically diverse oceans and seas'.

In the absence of a marine plan prepared by the MMO and adopted by the Secretary of State, the MPS is the relevant marine policy document. Where a marine plan has been adopted, both the MPS and the Marine Plan are relevant marine policy documents for the marine plan area.

As articulated in the Marine and Coastal Act and the MPS, the Government aims for the MPS and marine planning systems to sit alongside and interact with existing planning regimes across the UK. Specifically, S.58 of the Marine and Coastal Access Act requires all<sup>1</sup> public bodies to:

---

<sup>1</sup> Like the Duty to Co-Operate, no distinction is made by the Marine and Coastal Access Act between public authorities with a tidal frontage and those without. Emphasis is placed on the likelihood of the decision being made affecting the marine area.

- take authorisation or enforcement decisions that affect or might affect the UK marine area in accordance with the MPS and relevant Marine Plans, unless relevant considerations indicate otherwise
- state their reasons where authorisation or enforcement decisions are not taken in accordance with the MPS and relevant Marine Plans
- have regard to the MPS and relevant Marine Plans when taking decisions that affect or might affect the UK marine area which are not authorisation or enforcement decisions<sup>2</sup>

In addition, the MPS seeks integration of marine planning and the terrestrial planning system through:

- Consistency between marine and terrestrial policy documents and guidance
- Liaison between respective responsible authorities for terrestrial and marine planning, including in Plan development, implementation and review stages
- Sharing the evidence base and data where relevant and appropriate so as to achieve consistency in the data used in Plan making and decisions

These aims are further supported by footnote 36 in the NPPF.

Policy Expectations	Possible Evidence	Evidence Provided
<b>Key requirements under the Duty to Co-Operate</b>		
Consistency between marine and terrestrial policy documents and guidance	<ul style="list-style-type: none"> <li>• Demonstration of consistency of aim between relevant local plan policies and marine policy documents (i.e. the MPS and any relevant adopted marine plans)</li> <li>• Proof of collaborative working with the MMO and that the MPS has been taken into account.</li> </ul>	The Marine Management Organisation has advised the County Council that until such time as a marine plan is in place for the North West, the County Council should refer to the Marine Policy Statement ( <b>ND183, March 2011</b> ) for guidance on any planning activity that includes a section of coastline or tidal river. This document forms part of the evidence base for the MWLP.
Liaison between respective authorities responsible for terrestrial and marine planning, including in Plan development, implementation and review stages	<ul style="list-style-type: none"> <li>• Early and effective policy development engagement undertaken, including discussions with the MMO</li> <li>• Evidence of iteration of policies and plans as a result of engagement with the MMO</li> </ul>	The MMO has been consulted at key stages in the preparation of the MWLP and their comments have been taken into consideration throughout the plan-making process. The Consultation Statement ( <b>SD41, August 2016</b> ) and Duty to Co-operate Statement of Compliance ( <b>SD40,</b>

<sup>2</sup> For example, decisions about what representations they should make as a consultee or about what action they should carry out themselves.

Policy Expectations	Possible Evidence	Evidence Provided
	<ul style="list-style-type: none"> <li>Evidence of engagement with the MMO in relation to monitoring, implementation and throughout the policy cycle</li> <li>Support of integrated coastal management (ICM) in coastal areas in line with the requirements of the MPS</li> </ul>	<p><b>July 2016)</b> both demonstrate consultation with the Marine Management Organisation.</p>
<p>Sharing the evidence base and data where relevant and appropriate, so as to achieve consistency in the data used in Plan making and decisions</p>	<ul style="list-style-type: none"> <li>Evidence that the LPA has shared or provided relevant data to the MMO that can help inform Marine Plans or MPS review</li> <li>Demonstration that Local Plan policy has been underpinned by data provided by the MMO or the MPS</li> <li>Explicit cross-referencing in Local Plan to MPS, the MMO, their roles, and relevant marine plans</li> </ul>	<p>The North West Marine Plan has not yet been prepared. The Marine Management Organisation has advised the County Council that until such time as a marine plan is in place for the NW, the County Council should refer to the Marine Policy Statement (<b>ND183, March 2011</b>) for guidance on any planning activity that includes a section of coastline or tidal river.</p> <p>Paragraph 12.7 (page 112) of the Submission Draft MWLP (<b>SD1, August 2016</b>) refers to the Standing Advice set out by the MMO when preparing a Local Plan. Policy SP14-Environmental assets (page 100 of the Submission Draft Plan), refers to the Marine and Coastal Access Act with regard to marine designations. Paragraph 5.30 (page 56 of the Submission Draft Plan), refers to the MMO’s regulatory role in marine dredged aggregates.</p>
<p><b>Marine Policy Statement- Chapter 2: General Principles for Decision-Making<sup>3</sup></b></p>		
<p><b>Sections 2.1 -2.2: The UK vision for the marine environment</b></p>		
<p>The UK vision for the marine environment (‘clean, healthy, safe, productive and biologically diverse oceans and seas’)</p>	<ul style="list-style-type: none"> <li>Reference in DPD where appropriate to UK vision for the marine environment</li> <li>Contribution to the vision through local plan</li> </ul>	<p>Policy SP14–Environmental assets (pages 100-102) of the Submission Draft MWLP (<b>SD1, August 2016</b>) seeks to ensure the protection of Marine Conservation Zones in accordance with paragraph 118 of the</p>

<sup>3</sup> As the Marine Policy Statement was not targeted specifically at terrestrial planning authorities, some of its sections are, in practice, relevant to marine planning authorities only and/or there is already a comprehensive policy framework governing terrestrial development (e.g. energy infrastructure). Where this is considered to be the case, i.e. where it is considered likely that a terrestrial planning DPD would be found sound without referencing that section, the section in question has been omitted from this checklist.

Policy Expectations	Possible Evidence	Evidence Provided
Achieving the vision through marine planning	policies and supporting text	National Planning Policy Framework.
<b>Section 2.4: Considering benefits and adverse effects in marine planning</b>		
Consider benefits and adverse effects of Plan policies	<ul style="list-style-type: none"> <li>• Consideration of benefits and adverse effects of policy on the marine area, as appropriate, within the DPD's Sustainability Appraisal</li> </ul>	<p>The Sustainability Appraisal Report (<b>SD23, April/May 2016</b>) objectives seek to minimise air and water pollution, and ensure that air and water quality are maintained or improved. They also seek to protect and enhance coastal areas.</p> <p>All the policies in the MWLP were assessed against these Sustainability Appraisal objectives.</p>
<b>Section 2.5: Economic, social and environmental considerations</b>		
Contribute to the objectives of relevant EU Directives (Marine Strategy Framework Directive and Water Framework Directive)	<ul style="list-style-type: none"> <li>• Reference to relevant EU Directives in DPD and Sustainability Appraisal</li> <li>• Consideration of contribution of DPD policies to the objectives of relevant EU Directives</li> </ul>	<p>Chapter 8 – Environmental Assets (pages 90-102) of the Submission Draft MWLP (<b>SD1, August 2016</b>) seeks to protect Cumbria's environmental assets, including the marine environment. Paragraph 8.7 makes specific reference to the relevant EU Directives.</p> <p>Paragraph 8.24 deals specifically with the marine environment and makes reference to the Marine and Coastal Access Act 2009 and the creation of Marine Conservation Zones (MCZs).</p> <p>Policy DC20-The water environment (page 151) of the Submission Draft MWLP (<b>SD1, August 2016</b>) seeks to protect, improve and make sustainable use of freshwater systems and coastal waters in line with the Water Framework Directive, which is made reference to, through requiring development proposals to demonstrate how water conservation measures will be incorporated in proposals and how demand for water will be minimised.</p>

Policy Expectations	Possible Evidence	Evidence Provided
<b>Marine Policy Statement- Chapter 3: Policy Objectives for Key Activities</b>		
<b>3.1 Marine Protected Areas</b>		
<p>Incorporate identified areas and features of importance for nature conservation</p> <p>Activities or developments that may result in adverse impacts on biodiversity should be designed or located to avoid such impacts</p>	<ul style="list-style-type: none"> <li>• Identification of relevant areas and features of importance for nature conservation within relevant marine plan area(s)</li> <li>• Consideration of impacts of policy and/or terrestrial development on those areas and features of importance</li> <li>• Measures to mitigate, monitor and manage negative impacts on those areas and features of importance</li> </ul>	<p>To date, three MCZ's have been designated for Cumbria - West of Walney (off Barrow), Allonby Bay (Allonby to Maryport) and Cumbria Coast (Whithaven to Drigg).</p> <p>Policy SP14-Environmental assets (pages 100-102) of the Submission Draft MWLP (<b>SD1, August 2016</b>) seeks to ensure the protection of the MCZ's in accordance with paragraph 118 of the National Planning Policy Framework.</p>
<b>3.4 Ports and shipping</b>		
<p>Take into account and seek to minimise any negative impacts on shipping activity, freedom of navigation and navigational safety</p> <p>Protect the efficiency and resilience of continuing port operations</p>	<ul style="list-style-type: none"> <li>• Evidence that policy with potential impact on ports and shipping minimises negative impacts on sector</li> <li>• Where relevant, evidence that economic, employment and transport policies are protective of ports and shipping sector</li> </ul>	N/A
<b>3.8 Fisheries</b>		
<p>Consider potential economic, social and environmental impacts of other developments on fishing activity</p>	<ul style="list-style-type: none"> <li>• Where relevant, evidence that other policies minimise negative impacts on fishing activity and/or aquaculture</li> </ul>	N/A
<b>3.9 Aquaculture</b>		
<p>Consider the benefits of encouraging the development of efficient, competitive and sustainable aquaculture industries</p>	<ul style="list-style-type: none"> <li>• Where relevant, evidence that the benefits of aquaculture industry development have been considered</li> </ul>	N/A



Policy Expectations	Possible Evidence	Evidence Provided
<b>3.10 Surface water management and waste water treatment and disposal</b>		
Maximise opportunities for co-existence of waste water infrastructure with other activities in the marine environment	<ul style="list-style-type: none"> <li>Reference to and consideration of the co-existence of waste water infrastructure with other marine activities, including the potential for waste water infrastructure to mitigate marine impacts through design or location</li> </ul>	Policy DC20-The water environment (page151) of the Submission Draft MWLP ( <b>SD1, August 2016</b> ) seeks to protect and improve the water environment, both within the application site and its surroundings, including surface waters.
<b>3.11 Tourism and recreation</b>		
Consider the potential for tourism and recreation in the marine environment and the benefits this will bring to the economy and local communities	<ul style="list-style-type: none"> <li>Where relevant, reference to marine tourism and recreation</li> <li>Evidence that the potential for marine tourism and recreation has been recognised in plan-making</li> </ul>	N/A

This is an alphabetical list of all local planning authorities in England whose area overlaps with the UK marine area.

Adur	East Cambridgeshire	Maidstone	South Somerset
Allerdale	East Devon	Maldon	South Tyneside
Arun	East Lindsey	Medway	Southend-on-Sea
Babergh	East Riding of Yorkshire	Middlesbrough	Southwark
Barking and Dagenham	Eastbourne	New Forest	Stockton-on-Tees
Barrow-in-Furness	Eastleigh	New Forest National Park	Stroud
Basildon	Exeter	Newark and Sherwood	Suffolk Coastal
Bassetlaw	Exmoor National Park	Newcastle upon Tyne	Sunderland
Bexley	Fareham	Newham	Swale
Blackpool	Fenland	North Devon	Taunton Deane
Boston	Fylde	North East Lincolnshire	Teignbridge
Bournemouth	Gateshead	North Lincolnshire	Tendring
Broadland	Gloucester	North Norfolk	Test Valley
Broads Authority	Gosport	North Somerset	Thanet
Canterbury	Gravesham	North Tyneside	Thurrock
Carlisle	Great Yarmouth	North York Moors National Park	Tonbridge and Malling
Castle Point	Greenwich	Northumberland	Torbay
Chelmsford	Halton	Norwich	Torridge
Cheshire West and Chester	Hambleton	Poole	Tower Hamlets
Chichester	Hammersmith and Fulham	Preston	Wandsworth
Chorley	Hartlepool	Purbeck	Warrington
Christchurch	Hastings	Redcar and Cleveland	Waveney
City of London	Havant	Richmond upon Thames	Wealden
City of Brighton and Hove	Havering	Rochford	West Devon
City of Bristol	Horsham	Rother	West Dorset
City of Kingston upon Hull	Hounslow	Scarborough	West Lancashire
City of Peterborough	Huntingdonshire	Sedgemoor	West Lindsey
City of Plymouth	Ipswich	Sefton	West Somerset
City of Portsmouth	Isle of Wight	Selby	Weymouth and Portland
City of Southampton	Isles of Scilly	Shepway	Winchester
City of Westminster	Kensington and Chelsea	South Cambridgeshire	Wirral
Colchester	King's Lynn and West Norfolk	South Downs National Park	Worthing
Copeland	Lake District National Park	South Gloucestershire	Wyre
Cornwall	Lambeth	South Hams	York
County Durham	Lancaster	South Holland	
Dartford	Lewes	South Lakeland	
Doncaster	Lewisham	South Norfolk	
Dover	Liverpool	South Ribble	