

MINERALS AND WASTE DEVELOPMENT SCHEME (2015-2017)
FOR THE CUMBRIA MINERALS AND WASTE LOCAL PLAN 2015 to
2030

[for Cumbria excluding the National Parks]

This scheme came into effect on 1 August 2016

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1. INTRODUCTION

- 1.1 A Development Scheme is required under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011). This must specify (amongst other matters) the documents which, when prepared, will comprise the Local Plan for the area. It must be made available publically and kept up-to-date. It is important that local communities and interested parties can keep track of progress. Local planning authorities should publish their Development Scheme on their website.
- 1.2 The spatial planning system in this country is plan-led. The development plan provides the starting point for the consideration of planning applications for the development or use of land.
- 1.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 came into effect on 6 April 2012. These replaced the Local Development Framework system, set out in the 2004 Regulations, with one of preparing Local Plans. These Local Plans have to include policies that are in accordance with the National Planning Policy Framework (NPPF), which was published on 27 March 2012. The implications, for local planning authorities, of the new national policies can be seen in NPPF paragraph 14 and from the wording of a model policy that all Local Plans are required to include in order to be “sound”. These are set out in Boxes 1 and 2, which follow on pages 6 and 7 respectively.
- 1.4 The County Council was nearing the end of the Minerals & Waste Development Framework (MWDF) preparation process when the new Local Plan system was introduced in 2012. The MWDF Core Strategy and Generic Development Control Policies had been adopted in April 2009, following their Examination in 2008 by the Planning Inspectorate, on behalf of the Secretary of State. The remaining documents in the MWDF suite, the Site Allocations Policies and Proposals Map, had been adopted in January 2011, but were then quashed by the High Court as a result of a successful legal challenge.
- 1.5 Following a further round of consultations, the Site Allocations Policies and Proposals Map were resubmitted to the Secretary of State and their examination process included Hearing in public sessions in April 2012. This was shortly after the new national policies were published and the Local Plan system was brought into effect. It became clear that further approval of Cabinet and Full County Council would be needed so that a necessary round of consultations could take place - this was required to give the opportunity for people to make representations on the Site Allocations Policies, which could take into account the new national policies.
- 1.6 At the same time, the Government had set a one-year transition period, ending on 27 March 2013, for Plans to have up to date and comprehensive policies that accorded with the NPPF. With the urgency that this imposed, the County Council decided to withdraw the Site Allocations Policies and Proposals Map from their examination process so that work could commence, without delay, on a Minerals and Waste Local Plan that integrated strategic, development control and site allocations policies.
- 1.7 The policies that are included in the suite of adopted MWDF documents, needed to be reviewed to see if they were in accordance with the current national policies and

the presumption in favour of sustainable development. In addition, the County Council was also aware that there was an urgent need for a review of the Core Strategy, as its context has changed so much in the five years since it was written. Those reviews are now part of the process of preparing a Minerals and Waste Local Plan, in several stages, towards eventual adoption of a sound Plan. This Plan will be for the area of Cumbria outside the National Parks and will be for the period 2015 to 2030.

1.8 It is clear that the Local Plan needs to take account of:-

- consistency with the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance;
- whether the loss of those national policies that were not included in the NPPF has left a policy vacuum, which now needs to be filled by Local Plan policies;
- whether the loss of regional policies in the NW of England Regional Spatial Strategy (RSS) has left a policy vacuum, which now needs to be filled by Local Plan policies;
- whether Structure Plan policies, which had been extended and saved by the Secretary of State when approving the RSS but are now revoked, need to be reflected in the Local Plan;
- the review of radioactive waste policies, which the County Council was required to make a commitment to in the adopted Core Strategy;
- the review of the Mineral Safeguarding Area for gypsum, which the County Council was required to make a commitment to in the Site Allocations Policies Examination;
- the inclusion of any additional Mineral Safeguarding Areas, including one for slate to which the County Council made a commitment to in the Site Allocations Policies Examination;
- updated information about waste arisings and the facilities for managing and disposing of them;
- updated forecasts of national, regional and sub-regional needs for construction aggregate minerals;
- the Local Aggregates Assessment, required by the NPPF.

1.9 This updated Minerals and Waste Development Scheme includes the programme for preparing the further stages of the Minerals and Waste Local Plan.

BOX 1 Paragraph 14 of the National Planning Policy Framework

At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.

For **plan-making** this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.¹

For **decision-taking** this means:²

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
 - specific policies in this Framework indicate development should be restricted.¹

1 For example, those policies relating to sites protected under the Birds and Habitats Directives (see NPPF paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion

2 Unless material considerations indicate otherwise

BOX 2 The model policy that now has to be included in plans

National Planning Policy Framework - Presumption in favour of sustainable development

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

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

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

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

2. THE CONTENT OF THE MINERALS AND WASTE LOCAL PLAN

- 2.1 The basic elements of the suite of documents that made up the Minerals and Waste Development Framework are integrated into the Local Plan. This single document, therefore, has three main sections: strategic policies, site allocations, and development control policies, plus the Policies Map. The supporting documents are the Statement of Community Involvement, the Sustainability Appraisal, the Habitats Regulations Assessment and the Authority Monitoring Reports.
- 2.2 The strategic policies are at the heart of the Plan. They set out the spatial vision and strategic objectives, the policies to deliver these and a monitoring and implementation framework to help achieve delivery. They take account of the need to ensure an adequate and steady supply of minerals and adequate provision of waste management facilities to drive waste up the waste hierarchy. These are at acceptable social, environmental and economic costs and relate to the need to mitigate the impacts of minerals and waste management developments on climate change. Other policies identify the sites that are needed to ensure the adequate supply of minerals and the appropriate network of waste management facilities, over the Plan period, and for safeguarding mineral resources for the long term.
- 2.3 The process of preparing the development plan allows and encourages all those with an interest to participate and, as appropriate, influence its policies and proposals. How the Council involves the community in the preparation, alteration

and review of the Local Plan and significant planning applications is set out in the **Statement of Community Involvement**. This was adopted in January 2006.

- 2.4 A **Sustainability Appraisal (SA)** is an integral part of preparation of the Local Plan. It is needed in order to ensure that the plan is based on sustainable development principles and to assess environmental, social and economic effects and alternative options. An SA of the Local Plan was carried out internally by members of the relevant specialist teams within the County Council.
- 2.5 An updated **Habitats Regulations Assessment** was also carried out internally to accompany the public consultations on the draft Local Plan. This is in accordance with the Habitats Directive 92/43/EEC and the Habitats Regulations 2010.

3. PROFILE OF THE LOCAL PLAN

Arrangements for production	<ul style="list-style-type: none"> • work will be undertaken by planning officers, supported by consultants; • work packages and inputs from, and internal dialogue with, specialist council officers, including Historic Environment, Waste Management, Highways and Property; • administrative support from staff in Business Support; • political management via Cabinet Member for the Environment, Cabinet and County Council, as appropriate; • community and stakeholder involvement in accordance with the Statement of Community Involvement.
Strategic policies	<ul style="list-style-type: none"> • their purpose is to set out the long term spatial vision and the strategic policies and proposals for minerals and waste development and how they will be monitored to deliver the Plan; • they will have to be consistent with the National Planning Policy Framework and associated Planning Practice Guidance, the National Planning Policy for Waste, and the Waste Management Plan for England; • they will relate to the Local Aggregates Assessment, Waste Needs Assessment, Cumbria Leadership Forum, the Cumbria sub-regional strategy, Local Transport Plan and other strategies relevant to the spatial context and the use of land; • Sustainability Appraisal will be integrated with the preparation of the policies; • for minerals, policies will take account of the need to contribute appropriately to national, regional and local requirements based on sustainable development principles and a Local Aggregates Assessment; • for waste, policies will set out the overall planning strategy for the management of different waste streams, taking account of the Council's Joint Municipal Waste Management Strategy, the Waste Needs Assessment and national and local targets; • policies will include the safeguarding of mineral resources; • all other policies will conform to the strategic ones.

Policies for sites	<ul style="list-style-type: none"> the sites needed for supplying and safeguarding minerals and for managing wastes in accordance with the strategic policies and locational criteria; the Mineral Consultation Area will be identified.
Development control policies	<ul style="list-style-type: none"> policies that will be used for considering planning applications in accordance with the strategic and sites policies.
Duty to Co-operate	<ul style="list-style-type: none"> it will be essential to demonstrate that the Council has complied with this duty; liaison meetings with adjacent, and other, Local Authorities and relevant bodies will play an important part, as will continued engagement through the North West Waste Network, Aggregates Working Party and Nuclear Legacy Advisory Forum (NuLeAF).

4. TIMETABLE FOR THE LOCAL PLAN

April 2013 to January 2015	Work on preparing the draft Plan following the public consultation in February to April 2013
February 2015	Report to Cabinet on contents of the draft Plan and for approval of Regulation 18 consultation version of Plan
March-May 2015	Regulation 18 publication and consultation on the draft Plan (8 weeks)
October – November 2015	Regulation 18 publication and consultation on supplementary sites (6 weeks)
March/April 2016	Report to Cabinet and Full County Council on the representations that were received and for approval of publication (Regulation 19) version of Plan
May – July 2016	Regulation 19 publication and consultation on the proposed submission version of Plan (6 weeks)
July/August 2016	Prepare table of proposed modifications to Plan, if required
July/August 2016	Authority Monitoring Report and Local Aggregates Assessment prepared Prepare final Duty to Co-operate Compliance Statement
July/August 2016	Submit all documents to the Secretary of State under Regulation 22
September 2016	Pre-Hearing meeting, if required
November 2016	Hearing in public sessions
December/January 2017	Receive Inspector's Report
February 2017	Report to Cabinet and Full County Council for adoption of the Local Plan
February/March 2017	Advertise adoption version of Local Plan (6 weeks)
April 2017	Adopt Cumbria Minerals & Waste Local Plan

5. STRATEGIC ENVIRONMENTAL ASSESSMENT (SEA) AND SUSTAINABILITY APPRAISAL (SA)

5.1 The Sustainability Appraisal incorporates Strategic Environmental Assessment together with assessments of social and economic impacts. It involves evaluating the plan against the five shared principles of sustainable development:–

- living within environmental limits;
- achieving a sustainable economy;
- promoting good governance;
- ensuring a strong, healthy and just society; and
- using sound science responsibly.

5.2 The Sustainability Appraisal reports that have been prepared to date, for the MWDF and the Local Plan, have all been published on the Council's website. The sustainability information will need to be kept up to date. The Sustainability Appraisal of the Local Plan is one of the documents that will be published for the further statutory periods of public consultation on the emerging Local Plan.

6. MONITORING

6.1 Authority Monitoring Reports, previously known as Annual Monitoring Reports, will assess whether the key milestones for delivering the Local Plan are being met, identify any need to amend the Development Scheme, look at how effective existing policies are and how they contribute to national strategies and targets.

6.2 Monitoring for aggregate minerals sales and needs is undertaken through the research and surveys organised by the Aggregates Working Party and also through the Cumbria Local Aggregates Assessment. For other minerals, monitoring will be undertaken primarily in conjunction with development control case officers and the site monitoring officer.

6.3 Monitoring of waste management will use reports published by the Environment Agency and any additional work that has been undertaken by the North West and North East local authorities' officers working groups, as well as preparation of a Waste Needs Assessment.

6.4 Other changes that influence the future scale and pattern of minerals and waste development will be monitored. These include national policies, supply and demand, availability of new information and technology.

6.5 For radioactive wastes, Member and officer engagement will be maintained with the Local Government Association's Nuclear Legacy Advisory Forum (NuLeAF), via its Radioactive Waste Planning Group and its Steering Group.

7 RESOURCES

7.1 Work on the Plan is to be led by a policy-dedicated Planning Officer, with support from the Lead Officer – Planning, and external consultants. Ad hoc technical and

administrative support is also supplied from the Planning and Business Support Teams.

- 7.2 Funding for this ongoing work on the Plan will be provided for in the Council's budget.

8 RISK MANAGEMENT

- 8.1 The timetable could be affected by the level of interest that is shown by consultees and the public and by requests for meetings - responding to these can prove to be very time consuming.

- 8.2 Financial resources are potentially a major risk, in particular the need to provide for the costs of the Examination process by the Planning Inspectorate. It is difficult to estimate these with confidence, but the 2008 Core Strategy and Development Control Policies Examination cost around £100,000. Funding is to be drawn from the Planning budget, which is dependent upon fees received from planning applications. This income stream is difficult to predict with any certainty. The inputs that will be required from specialist staff and from Members could also pose a risk to the programme.

- 8.3 The delivery of this programme after the Plan has been submitted to the Secretary of State depends on a Planning Inspector being available to examine it and to report within the timescale proposed. This will be secured by entering into the necessary Service Level Agreements with the Planning Inspectorate.

9 MEMBER INVOLVEMENT

- 9.1 To help avoid delay, it is intended that ongoing dialogue is maintained with the Cabinet Member for the Environment, through regular briefings, to oversee and endorse the continued preparation of Local Plan documents.

- 9.2 Key decision making stages in the process will still be considered by Cabinet and Full County Council.

10 CONCLUSION

- 10.1 This latest Minerals and Waste Development Scheme outlines the programme of work that will be undertaken to continue preparation of the Cumbria Minerals & Waste Local Plan. This work will be in accordance with the 2012 Regulations. The Scheme will be reviewed each year in the Authority Monitoring Reports.

11 CONTACT DETAILS

11.1 If you have any queries on the MWDS, please contact:

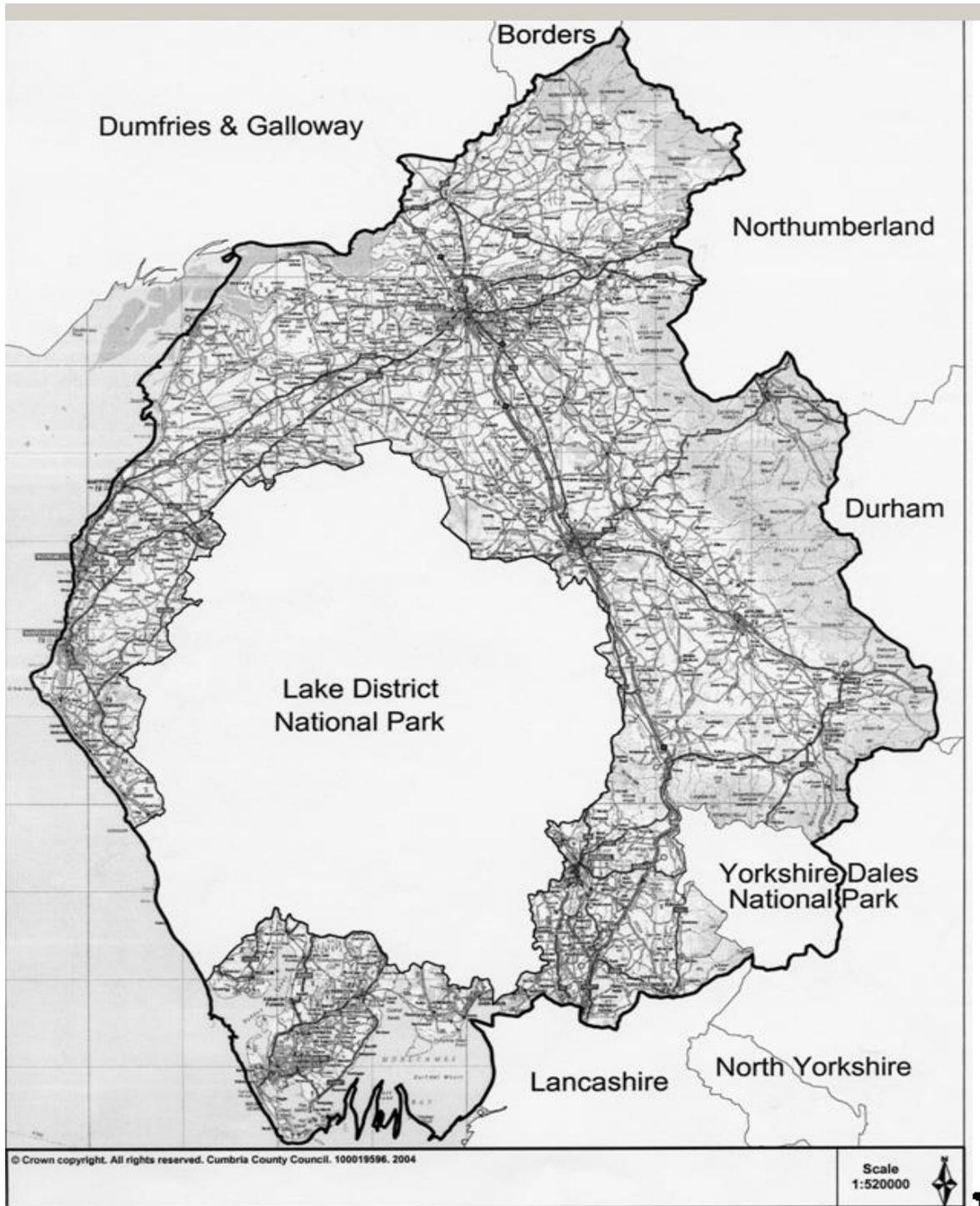
Minerals and Waste Planning Policy
Cumbria County Council
Planning and Sustainability
County Offices
Busher Walk
Kendal
LA9 4RQ

Email: mwlp@cumbria.gov.uk

Tel: 01539-713409

11.2 You can view this MWDS and other information on the Minerals and Waste Local Plan and earlier documents on the Council's website at www.cumbria.gov.uk under Environment and Planning, then The Minerals and Waste Local Plan.

**Minerals and Waste Local Plan area:-
Cumbria outside the boundaries of the National Parks**



TIMETABLE FOR PREPARING THE CUMBRIA MINERALS AND WASTE LOCAL PLAN																										
2015												2016										2017				
February	March	April	May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December	January	February	March	April
Cabinet/County Council approval of draft Plan for consultation																										
Regulation 18 consultation																										
Regulation 18 consultation (Supplementary Sites)																										
Cabinet/County Council approval of submission plan for consultation																										
Regulation 19 consultation																										
Regulation 22 Submission of documents																										
Pre-Hearing Meeting																										
Hearing sessions																										
Inspector's Report																										
Cabinet/County Council approval of Plan for adoption																										
Advertise the adopted Plan for 6 weeks																										
County Council adopts the Local Plan																										

Regulation 18 - consultation about the Local Plan that the Council intends to prepare
 Regulation 19 - consultation about the Local Plan that the Council intends to submit
 Regulation 22 – submission of documents to the Secretary of State