

**MINERALS AND WASTE DEVELOPMENT SCHEME (2018-2022)**

**FOR THE REVIEW OF THE  
CUMBRIA MINERALS AND WASTE LOCAL PLAN 2015 to 2030**

**[for Cumbria excluding the National Parks]**

*This scheme came into effect on 20-July 2018*



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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 with progress on the preparation or review of the local plan. 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 – this is usually referred to as the Local Development Scheme.
- 1.2 This Minerals and Waste Development Scheme is the local development scheme prepared by Cumbria County Council as minerals and waste planning authority to report on progress of the Cumbria Minerals and Waste Local Plan.
- 1.3 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.
- 1.4 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.
- 1.5 In March 2018 government consulted on a new draft NPPF (and updated planning practice guidance) which proposes a number of changes to plan-making policy, building on the changes in law introduced through the Neighbourhood Planning Act 2017. The consultation draft reinforces the importance of strategic planning; proposes amendments to the tests for a “sound” plan to make clear it should set out ‘an’ appropriate strategy rather than ‘the most’ appropriate strategy; and seeks to introduce a new requirement for authorities to review plan policies every five years following the date of adoption, with updates, if necessary, to reflect changing circumstances.
- 1.6 The consultation draft also places more emphasis on effective joint working, to be evidenced by the Statement of Common Ground which enables authorities to record where agreements have and have not been reached.
- 1.7 Changes to the Town and Country Planning (Local Planning) (England) Regulations 2012 which came into force on 6 April 2018 require local planning authorities to review their local plans and Statements of Community Involvement at least once every five years from adoption. Under the Neighbourhood Planning Act 2017, local planning authorities must consider whether to revise the document following such a review, and publish their reasons if they decide not to do so. Any decision not to revise the local plan following this review must be published within five years of the date of the adoption of the plan.

- 1.8 The review process is a method to ensure that a plan remains appropriate, maintaining its weight. Plans may be found sound subject to a revision in whole or in part, within five years of the date of the adoption. If a local planning authority can justify not updating their policies, they can continue to have full weight.
- 1.9 Following Examination by the Planning Inspectorate, the Cumbria Minerals and Waste Local Plan (CMWLP) was considered to be sound and legally compliant, subject to the Inspector's main modifications, pursuant to Section 23 of the Planning and Compensation Act 2004. The plan was adopted by the council on 6 September 2017 and incorporates all of the main modifications required by the Inspector.
- 1.10 The local plan review will need to take account of:-
- any changes to the National Planning Policy Framework (NPPF) and its associated Planning Practice Guidance;
  - 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 annual Local Aggregates Assessment, required by the NPPF.
- 1.11 As of May 2018 there have been no substantive changes to the NPPF (including the proposed changes mentioned in para.1.5 above which are likely to come into force later this year), or in any case law, that indicate any policies in the plan will need to be revised at the present time.
- 1.12 This Minerals and Waste Development Scheme (MWDS) outlines the work that will be undertaken to monitor and review the adopted CMWLP. A decision on whether or not to revise the plan, following such a review, will need to be made and formally published before 6 September 2022. A review of the Statement of Community Involvement should also be completed by this time.

## **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.<sup>1</sup>

For **decision-taking** this means:<sup>2</sup>

- 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.<sup>1</sup>

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 adopted CMWLP comprises three main sections - Part 1 Strategic Policies; Part 2 Development Control Policies; Part 3 Site Allocations Policies - plus the Policies Map. The supporting documents are the Statement of Community Involvement, the Sustainability Appraisal, the Habitats Regulations Assessment and the annual 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 (SCI).** This was adopted in July 2017 and should therefore be reviewed by July 2022.

- 2.4 From 31<sup>st</sup> July 2018 authorities are expected to set out in their SCI how they will engage communities on the preliminary stages of plan-making, specifically survey stage and Local Development Scheme. For example, this may involve publishing documents forming part of the evidence as they are completed on their website, in an accessible format, rather than waiting until options are published or a local plan is published for representation.
- 2.5 Local authorities must review their SCI every five years from the adoption date. An authority may review and revise their SCI at the same time as reviewing and revising a local plan to reflect what action is taken to involve the community in any change to the plan.
- 2.6 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 CMWLP was carried out internally by members of the Spatial Planning and the Minerals and Waste Planning Policy teams, ready for the public consultation on the first draft in February 2013.
- 2.7 An updated **Habitats Regulations Assessment** was also carried out internally to accompany the public consultation 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"> <li>• work will be undertaken by Planning Officers, supported by consultants.;</li> <li>• work packages and inputs from, and internal dialogue with, Historic Environment, Waste Management, Highways and Property;</li> <li>• administrative support from staff in Business Support;</li> <li>• political management via Cabinet Member for the Environment, Cabinet and County Council, as appropriate;</li> <li>• community and stakeholder involvement in accordance with the Statement of Community Involvement.</li> </ul>
Strategic policies	<ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> <li>• 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;</li> <li>• Sustainability Appraisal will be integrated with the preparation of the policies;</li> </ul>

	<ul style="list-style-type: none"> <li>• for minerals, policies will take account of the need to contribute appropriately to national, regional and local requirements based on sustainable development principles and the annual Local Aggregates Assessment;</li> <li>• 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 and national and local targets;</li> <li>• policies will include the safeguarding of mineral resources;</li> <li>• all other policies will conform to the strategic policies</li> </ul>
Site allocation policies	<ul style="list-style-type: none"> <li>• the sites needed for supplying and safeguarding minerals and for managing wastes in accordance with the strategic policies and locational criteria;</li> <li>• the Minerals Consultation Areas will be identified.</li> </ul>
Development management policies	<ul style="list-style-type: none"> <li>• policies that will be used for considering planning applications in accordance with the strategic and site allocation policies.</li> </ul>
Duty to Co-operate	<ul style="list-style-type: none"> <li>• 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).</li> </ul>

#### 4. TIMESCALE FOR THE LOCAL PLAN REVIEW

4.1 Local authorities are required to review their local plans at least once every five years from the date of adoption. On completing its review a local authority must decide either:

- that the policies do not need revising, and publish their reasons for this decision; and/or,
- that one or more policies do need revising and update their Local Development Scheme to set out the timetable for this revision.

4.2 The outcome of the review is a decision on whether or not any revision needs to be made to the plan. A local planning authority will not necessarily need to revise their entire plan in whole and may publish a list of which policies they will update and which policies they consider do not need updating.

4.3 This decision has to be made and published within five years of the date of adoption, which for the adopted CMWLP would be 6 September 2022. Therefore the review process needs to start before this date, allowing sufficient time for a decision to be made.

4.4 The annual Authority Monitoring Report (AMR) - see section 6 below - reviews the performance of the local plan each year. The AMR will therefore be the main tool

for carrying out the formal review of the adopted CMWLP and informing the decision as to whether or not the plan needs to be revised.

- 4.5 The AMR is normally published around July each year, reporting on the previous calendar year. Given that a formal decision on whether not to revise the adopted plan would need to be made and published before 6 September 2022, waiting until the 2022 AMR is published will not allow sufficient time for the decision making process, as this will need to be reported to Cabinet.
- 4.6 It is therefore suggested that the AMR published in July 2021 should be the trigger point for deciding whether or not formal revision of the adopted CMWLP is required. This will allow a period of 12 months for officers to carry out any additional research, consultations etc. that may be required to inform that decision, and also for briefing of Members and reporting to Cabinet. A formal decision should therefore be made by July 2022. It will also be necessary to review and revise the SCI at the same time.
- 4.7 If through preparing the AMR each year officers think there is need to consider revising the adopted plan sooner (for example, due to a material change in national planning policy or local circumstances) this will be reported to Cabinet earlier.
- 4.8 It is the decision on whether or not to revise the local plan that has to be made within five years of the adoption date; the revision process itself does not have to start within that five year timescale. If a decision is made not to review the adopted CMWLP then it will continue to be monitored in accordance with the procedures set out in this MWDS. If a decision is made to revise the plan –either in whole or in part – then the MWDS will need to be updated to incorporate a timetable for starting work on formal revision of the adopted plan. Revision of the plan, or certain policies within it, must follow the plan-making procedure, including preparation, publication and examination by the Planning Inspectorate.
- 4.9 As this MWDS relates to the process of ongoing review and monitoring, there is no formal timetable of programmed works included in this document.

## **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 for the adopted CMWLP have all been published on the council's website. The sustainability information will need to be kept up to date.

- 5.3 If a decision is made to review the CMWLP, the Sustainability Appraisal is one of the key documents that will be published for statutory public consultation.

## **6. MONITORING**

- 6.1 Authority Monitoring Reports - previously known as Annual Monitoring Reports – will review the performance of the adopted CMWLP each year by analysing minerals and waste planning applications to see how effective the policies have been in achieving their desired outcome. A Monitoring Matrix is set out in Appendix 5 of the CMWLP which lists all the policies relevant to each Strategic Objective, together with the indicators for monitoring their effectiveness and suggested triggers for review of that policy.
- 6.2 The AMR also assesses the position each year on matters such as minerals supply and waste capacity. It will also reflect on any changes to national planning policy and guidance or local site circumstances which may affect performance of adopted policy. The AMR is produced annually – usually around July – based on data from the previous calendar year.
- 6.3 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 (LAA). The LAA is also produced annually – usually around October- based on data from the previous calendar year. For other minerals, monitoring will be undertaken primarily in conjunction with development management case officers and the site monitoring officer.
- 6.4 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 the Cumbria Waste Needs Assessment. The 2015 Waste Needs Assessment is scheduled for review and update in 2018.
- 6.5 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.
- 6.6 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 CMWLP is 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 Development Management and Business Support Teams.
- 7.2 Funding for this ongoing work on the local plan will be provided for in the council's budget.

## **8 RISK MANAGEMENT**

- 8.1 If the adopted CWMLP is not formally reviewed, and a decision published as to whether or not the plan is to be revised, within five years of the adoption date then the policies within the adopted plan could be subject to challenge.
- 8.2 The main tools for triggering a review are monitoring activities which the council is already required to carry out. If staff resources are constrained for any reason and production of the various monitoring reports is not carried out effectively, this could impact on the ability to properly review the plan and make an informed decision as to whether or not the plan should be revised.
- 8.3 Financial resources are potentially a major risk with regards to production of a revised local plan, in particular the need to provide for the costs of the Examination process by the Planning Inspectorate. 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 of works required to produce a revised local plan.

## **9 MEMBER INVOLVEMENT**

- 9.1 A decision on whether or not to revise the adopted CMWLP will need to be approved by Cabinet. The AMR will indicate whether there are trends emerging that would be likely to trigger the need for the plan to be revised; officers will keep the Cabinet Member for the Environment informed of the outcome of the AMR each year.
- 9.2 If a decision is made to revise the adopted CMWLP, key decision making stages in that process will be considered by Cabinet and Full County Council.

## 10 CONCLUSION

- 10.1 This new Minerals and Waste Development Scheme outlines the programme of work that will be undertaken to monitor the adopted CMWLP in order to make an informed decision before September 2022 as to whether a formal revision of the adopted plan is required.
- 10.2 The MWDS will be reviewed each year in the AMR as the analysis in these reports will be the main trigger for a revision of the adopted plan.
- 10.3 The AMR published in July 2021 will trigger the decision on whether or not the adopted plan should be revised, unless there is a significant change in national policy or local circumstances that would make an earlier decision necessary.
- 10.4 If a decision is made to start work on a revised local plan the MWDS will need to be updated to incorporate a timetable for producing the revised documents, including provision for statutory public consultation periods.
- 10.5 The SCI will also be reviewed at the same time and , if necessary, updated to incorporate any measures for engagement relating to revision of the local plan.

## 11 CONTACT DETAILS

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

Minerals and Waste Planning Policy  
Environment and Regulatory Services  
Cumbria County Council  
County Offices  
Busher Walk  
Kendal  
LA9 4RQ

Email: [mwlp@cumbria.gov.uk](mailto:mwlp@cumbria.gov.uk)

Tel: 01539 713548

- 11.2 You can view this MWDS and other information on the Minerals and Waste Local Plan and supporting documents on the Council's website at [www.cumbria.gov.uk](http://www.cumbria.gov.uk) under Environment and Planning, then Minerals and Waste Local Plan.

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



