

MINERALS AND WASTE DEVELOPMENT SCHEME (2009-2012) FOR THE CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK

[excluding the National Parks]



This scheme comes into effect on 6 March 2009



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Map of the MWDF plan area

Table 1 Cumbria MWDS: Revised MWDF Timetable January 2009

1. INTRODUCTION

- 1.1 Local authorities are statutorily required to prepare Local Development Documents (LDDs) which will comprise their Local Development Framework (LDF). In the case of the County Council this is the Cumbria Minerals and Waste Development Framework (MWDF) because the council is the local planning authority with respect to these types of developments. The district councils are preparing their Local Development Frameworks for other types of developments. The Minerals and Waste Local Development Documents will collectively deliver the minerals and waste spatial planning strategy for Cumbria outside the National Parks. They will guide the future provision of minerals and waste management facilities in the county for the period 2009-2020.
- 1.2 Some of these Local Development Documents will be Development Plan Documents and form part of the statutory development plan. The statutory development plan for Cumbria consists of the Regional Spatial Strategy prepared by the Regional Planning Body, the Development Plan Documents prepared by the District Councils and the two National Park authorities for their own Local Development Frameworks and the Minerals and Waste Development Plan Documents prepared by the County Council. Some of the policies of the Cumbria and Lake District Joint Structure Plan have been “saved” by the Regional Spatial Strategy until its next review or until they are superceded by Local Development Framework policies.
- 1.3 The principle of a plan-led system is well established nationally. It provides the essential framework for planning decisions. The Minerals and Waste Development Framework will be the starting point for the consideration of planning applications for the development or use of land for minerals and waste management activities.
- 1.4 The programme for preparing and monitoring the Local Development Documents is set out in this **Minerals and Waste Development Scheme (MWDS)**, which the Council is statutorily required to prepare and maintain. The MWDS also sets out how preparation of the Local Development Documents is being resourced and how the community has been able, and encouraged, to participate through the process of their preparation. The current MWDS came into effect in November 2007 and now needs to be revised to take account of the new procedures for preparing Local Development Frameworks that came into effect in June 2008. Timetable changes are also needed to reflect the implications of the date of receipt of the Inspector’s Report on the Examination of the Core Strategy and of the date of the County Council elections in 2009.
- 1.5 The County Council's final versions of the Core Strategy and Generic Development Control Policies were submitted to the Secretary of State in March 2008. The Examination of those documents, by the Planning Inspectorate, commenced when they were submitted and has included a Hearing in Public which was held from 11th to 21st November 2008. The Hearing sessions were in Kendal and Whitehaven.

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- 1.6 The map at the back of this report shows the plan area for the Minerals and Waste Development Framework which excludes the two National Parks. The Lake District and Yorkshire Dales National Park Authorities are producing Local Development Frameworks for the National Park areas, covering all development, including minerals and waste. There is ongoing liaison with the National Parks and other planning authorities in Cumbria to ensure policies are consistent where necessary.
 - 1.7 In preparing the Local Development Documents the County Council has had regard to relevant national, regional and local strategies and programmes. In addition to planning policy, these include the Community Strategies, the Joint Municipal Waste Management Strategy, aggregate minerals guidelines, and strategies for biodiversity, sustainability, recycling, economic development and environmental protection and Local Transport Plans.

2. THE CONTENT OF THE MINERALS AND WASTE DEVELOPMENT FRAMEWORK

- 2.1 The Minerals and Waste Development Framework acts as a folder that contains the various minerals and waste development documents. This Minerals and Waste Development Scheme is one of these documents. The Framework will also include the Core Strategy, Site Allocations Policies, Generic Development Control Policies and Proposals Map Development Plan Documents which are part of the statutory development plan, the Statement of Community Involvement, the Sustainability Appraisal and the Annual Monitoring Reports.
- 2.2 At the heart of the Framework is the **Core Strategy**. This sets out the spatial vision and strategic objectives, the policies to deliver these and a monitoring and implementation framework to help achieve delivery. For minerals it takes account of the need to ensure an adequate and steady supply of minerals at acceptable social, environmental and economic costs. For waste, the aim is to ensure the adequate provision of waste management facilities to drive waste up the waste hierarchy in accordance with sustainable waste management principles at acceptable social, environmental and economic costs. The Strategy also gives priority to policies relating to mitigating the impacts of minerals and waste management developments on climate change.
- 2.3 The Government emphasises the need for local development frameworks to identify land for minerals and waste management facilities. This is to provide more certainty for industry that the necessary number and range of sites will be granted planning permission and more certainty as to where they will be located. The identification of sites will need to be based on a robust assessment of the suitability, availability and accessibility of land for the proposed use. The policies relating to the specific sites will be set out in the **Site Allocation Policies** Development Plan Document.

- 2.4 The **Generic Development Control Policies** have already been submitted to the Secretary of State. They provide guidance about the issues that will be considered when planning applications for minerals and waste development are submitted. The policies relate to topics such traffic and transport, cumulative impacts and protecting communities and environmental assets.
- 2.5 The Minerals and Waste Development Framework must also include a **Proposals Map**, this will be a Development Plan Document but will not be subject to separate Examination. It will show on an Ordnance Survey map base how policies and proposals in the three development documents outlined in paragraphs 2.1 to 2.4 above apply to areas of land and specific sites in Cumbria. The Proposals Map will also identify areas of protection, for example nationally important landscapes and wildlife sites.
- 2.6 The four documents outlined in paragraphs 2.1 to 2.5 above, are the **four Development Plan Documents** that are being prepared for the MWDF. The Core Strategy and Generic Development Control Policies are currently in the process of independent Examination by the Planning Inspectorate on behalf of the Secretary of State. The Inspector's report on the Examination is programmed to be received at the end of February 2009. It will be legally binding on the County Council. Its recommendations have to be either accepted in full or the Development Plan Document withdrawn. The Site Allocations Policies are intended to be submitted for Examination in 2009.
- 2.7 The process of preparing the local development documents has allowed and encouraged all those with an interest to participate and, as appropriate, influence the strategy, policies and proposals. How the Council has involved the community in the preparation, alteration and review of the Local Development Documents and significant planning applications is set out in the **Statement of Community Involvement**. Whilst this is not a Development Plan Document, it was subject to independent Examination by the Planning Inspectorate before it was adopted in January 2006.
- 2.8 In the previous Minerals and Waste Development Scheme the Council identified a need to prepare two **Supplementary Planning Documents**. (SPDs) One of these would have been for Highway Design Standards and the other for Landscape Character assessment. It has subsequently been decided that these will take the form of Guidance and not SPDs.
- 2.9 The Sustainability Appraisal (SA) of the Core Strategy and Generic Development Control Policies was undertaken by consultants and was an integral part of their preparation. Sustainability Appraisal is needed in order to ensure the MWDF is based on sustainable development principles and to assess environmental, social and economic effects and alternative options. The Sustainability Appraisal for the Site Allocations Policies is being carried out by the County Council's Sustainability Team.
- 2.10 A Habitats Regulations Assessment of the Core Strategy and Generic Development Control Policies was carried out in accordance with the Habitats

Directive 92/43/EEC and the Habitats Regulations 1994. A further Assessment is being carried out for the Site Allocations Policies and is particularly relevant because of the very extensive European Wildlife Site designations within Cumbria.

- 2.11 The next section outlines in further detail the Local Development Documents that the Council is preparing, including a brief description of their characteristics, the timetable for further work on their preparation and how this will be resourced. Ongoing reviews and monitoring to assess the performance of policies will be reported in the Annual Monitoring Reports which have to be submitted to Government Office for the North West by the end of each year.

3. PROFILES OF LOCAL DEVELOPMENT DOCUMENTS

Core Strategy

<p>Document Details</p>	<ul style="list-style-type: none"> • A Development Plan Document (DPD) • Its 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 it. • It is in general conformity with, and seeks to implement, relevant policies of the Regional Spatial Strategy. It relates to the Cumbria Community Strategy, Local Community Strategies, Local Transport Plan and other strategies relevant to its spatial context and the use of land. • Sustainability Appraisal has been integrated with the preparation of the Document. • For minerals, it takes account of the need to contribute appropriately to national, regional and local requirements based on sustainable development principles • For waste, it sets out the overall planning strategy for the management of different waste streams. It takes account of the Council's Joint Municipal Waste Management Strategy and national, regional and Local Area Agreement targets. • It includes the safeguarding of mineral resources. • It covers the area of Cumbria outside the National Parks. • All other Local Development Documents must conform to the Core Strategy. • It provides the link between Regional Spatial Strategy and the other Development Plan Documents.
<p>Arrangements for Production</p>	<ul style="list-style-type: none"> • Work was undertaken mainly by staff in the Environment Unit Development Control team and Nuclear Issues team. • Administrative support from staff in Environment Unit Support Services • Political management via Member Steering Group, Cabinet and County Council as appropriate • Community and stakeholder involvement in accordance with the Statement of Community Involvement.

Generic Development Control Policies

Document Details	<ul style="list-style-type: none"> • A DPD • It sets out policies with criteria against which planning applications for minerals and waste development will be determined and conforms to the Core Strategy. Policies relate to various topics applied to the local context, for example traffic and transport and protecting communities and environmental assets. • Sustainability Appraisal was integrated with the preparation of the Document. • Covers the area of Cumbria outside the National Parks.
Arrangements for Production	<ul style="list-style-type: none"> • Work was undertaken mainly by staff in the Environment Unit Development Control team with input from transport policy, ecology, historic environment staff etc. • Administrative support from staff in Environment Unit Support Services • Political management via Member Steering Group, Cabinet and County Council as appropriate • Community and stakeholder involvement in accordance with the Statement of Community Involvement.

Site Allocations Policies

Document Details	<ul style="list-style-type: none"> • A DPD • Its purpose is to set out site specific policies and to identify sites for minerals and waste development where this is appropriate. • It will identify areas where there are constraints because of important amenity/environmental interests. • Sustainability Appraisal is being integrated with the preparation of the Document. • Covers all parts of Cumbria outside the National Parks • Will conform to the Core Strategy
Arrangements for Production	<ul style="list-style-type: none"> • Work is being undertaken mainly by staff in the Environment Unit Development Control teams and the Sustainability Team with liaison with staff working on Joint Municipal Waste Management Strategy and District Local Development Frameworks. • Administrative support from staff in Environment Unit Support Services • Political management via Member Steering Group, Cabinet and County Council as appropriate • Community and stakeholder involvement in accordance with the

	Statement of Community Involvement.
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Proposals Map

Document Details	<ul style="list-style-type: none"> • A DPD but will not be subject to examination separately from the Site Allocations Policies. • Its purpose is to show, on an Ordnance Survey base, the geographical areas to which development plan policies and proposals apply, including identified sites for minerals and waste management developments. • Inset maps will be included, where appropriate, to show parts of the proposals map in more detail • Covers the area of Cumbria outside the National Parks. • Will show Minerals Consultation Areas and Minerals Safeguarding Areas. • Will identify areas of protection, for example for their landscape or nature conservation importance. • Will conform to the Core Strategy and Site Allocations Policies.
Arrangements for Production	<ul style="list-style-type: none"> • As set out for the above DPDs

Timetable for preparing the Development Plan Documents

For all the DPDs	<ul style="list-style-type: none"> • <i>Key milestone (i)</i> Commenced preparation, June 2005. • Issues and Options Discussion Paper consultations June to September 2006. • <i>Key milestone (ii)</i> Preferred Options Pre-submission consultations, March to April 2007. Repeated Pre-submission consultations on the Changes to the Preferred Options Core Strategy November to December 2007.
Core Strategy and Generic Development Control Policies	<ul style="list-style-type: none"> • <i>Key milestone (ii)</i> These two documents were submitted to the Secretary of State in March 2008. • <i>Key milestone (iv)</i> A Pre-Hearing Meeting was held in September 2008. • <i>Key Milestone (v)</i> A Hearing in Public was held in November 2008.

<p>Site Allocation Policies and Proposals Map</p>	<ul style="list-style-type: none"> • The Inspector's Report is programmed to be received by the end of February 2009. • <i>Key milestone (vi)</i> Adoption by the County Council is programmed for April 2009. • Publication of the Preferred Options Site Allocations Policies and Maps for consultation is programmed for October 2009. • <i>Key milestone (iii)</i> submission of the DPDs to the Secretary of State is programmed for January 2010. • <i>Key milestone (iv)</i> the Pre-hearing meeting is programmed for April 2010. • <i>Key milestone (v)</i> the Hearing part of the Examination is programmed to commence June 2010. • Inspector's Report is programmed to be received September 2010. • <i>Key milestone (vi)</i> Adoption by the County Council is programmed for December 2010.
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4. EVIDENCE BASE

4.1 The preparation of the MWDF has been informed by a sound evidence base which is listed on the County Council website. The following are considered to be the most relevant parts of the evidence base:

- The “Background Information” sections of the Cumbria Minerals and Waste Development Framework Issues and Options Discussion Paper (June 2006).
- Environmental information and indicators, including the Sustainability Appraisal reports and appendices.
- National and regional planning policy including the Regional Spatial Strategy for the North West.
- Community Strategies.
- British Geological Survey maps and reports on minerals including “Mineral Resource Information for Development Plans – Cumbria and the Lake District : Resources and Constraints”.
- Reports and Statistics of the Environment Agency including data from waste returns for waste managed within Cumbria.
- Reports of the North West Regional Aggregates Working Party
- Reports of the Regional Technical Advisory Body on waste matters
- Surveys of commercial and industrial and construction and demolition waste commissioned with the other authorities in the North West
- Local Transport Plan
- The Joint Municipal Waste Management Strategy
- Published reports on government funded minerals and waste planning research
- Planning constraints (mapped on the council’s Geographic Information System)
- Reports on Nuclear Waste Management including the Managing Radioactive Waste Safely White Paper, the work of the Committee on Radioactive Waste Management (CoRWM), the DEFRA policy on Low Level Radioactive Waste management and the Nuclear Decommissioning Authority’s Strategy and Annual Reports.
- Detailed knowledge and information of existing sites in Cumbria and national, regional and local supply patterns.

4.2 Work has been undertaken to supplement current in-house extensive knowledge of operating sites and to identify sites for consideration in the MWDF. This has provided some of the detailed information that is needed of permitted minerals reserves, capacity at waste facilities, annual throughput/output capacities and assessments of need. The minerals and waste operators in the area have been invited to comment on the demand and supply of minerals and waste facilities for the period of the MWDF and beyond. Industry and those with an interest in specific areas of land plus other stakeholders have been consulted and invited to comment on the suitability, availability and accessibility of land for particular uses.

5. "SAVED" POLICIES AND THE TRANSITIONAL PERIOD

- 5.1 The Cumbria Minerals and Waste Local Plan has been the most relevant part of the Development Plan relating to minerals and waste matters. The policies of this Local Plan were automatically "saved" only until 27 September 2007. However, the Secretary of State issued a Direction that some of its policies are saved until the adoption of the relevant Development Plan Documents. These are listed in Appendix B.
- 5.2 Some of the policies of the Cumbria and the Lake District Joint Structure Plan have now been replaced by policies in the Regional Spatial Strategy. Other Structure Plan policies have been saved until a review of the Regional Spatial Strategy or until they are superceded by adopted Local Development Framework policies. These saved Structure Plan policies are listed in Appendix C.

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

- 6.1 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.
- 6.2 Community involvement in developing the Sustainability Appraisal framework and objectives has been a continuous process. The Sustainability Appraisal reports that have been prepared and their appendices have been published on the Council's website at each of the consultation stages. Sustainability information will need to be available and kept up to date on the website. Further statutory periods of public consultation will also be required for another Sustainability Appraisal report when the Site Allocations Policies and Proposals Map are published and then subsequently submitted to the Secretary of State for Examination.

7. RELATIONSHIP WITH COMMUNITY STRATEGIES

- 7.1 The Local Development Documents have regard to the Community Strategies of the five Local Strategic Partnerships in Cumbria and the strategy of the Cumbria Strategic Partnership. The opportunities for the MWDF to deliver and not conflict with their objectives and actions have been examined. In turn, the Community Strategies must have regard to the MWDF. There has been close liaison on the

Community Strategies through the County Council's Area Support Managers, the Cumbria Strategic Partnership Officer and the Council's Sustainability Team.

8. MONITORING

- 8.1 The Council is required to submit an Annual Monitoring Report [AMR] to the Secretary of State by the end of each year. These Reports assess whether the key milestones for delivering the MWDF are being met, how effective the policies are in implementing the vision and objectives set out in the Core Strategy and how they contribute to national and regional strategies and targets.
- 8.2 Monitoring for aggregate minerals sales and needs is undertaken through the research and surveys organised by the North West Regional Aggregates Working Party. For other minerals, monitoring will be undertaken primarily in conjunction with development control case officers and the site monitoring officer.
- 8.3 Monitoring of waste management progress is reported in the Regional Technical Advisory Body Annual Reports.
- 8.4 A high priority related to monitoring has been to improve the evidence base relating to biodiversity. A package of biodiversity data and information for all the local authorities in Cumbria has been produced by the Cumbria Biological Data Network.
- 8.5 Other changes that influence the future scale and pattern of minerals and waste development, such as national and regional policies, supply and demand, availability of new information and technology, are also monitored. Information will be given in the Annual Monitoring Reports on any policies that may need changing or replacing and how this will be achieved. The Annual Monitoring Reports also review the implementation of the MWDS against its target dates and milestones. They explain whether targets have been met and, if not, the reasons why and identify any need to amend the Scheme. The Annual Monitoring Reports can be seen on the Council's website www.cumbriacc.gov.uk under Environment and Planning, then Minerals and Waste Policy and Minerals and Waste Development Framework

9. RESOURCES

- 9.1 Preparing the MWDF is requiring significant staff resources, particularly because of the need to fully involve the community and stakeholders. The Environment Unit Development Control Team, which is undertaking and managing the work, currently comprises a Manager, a Minerals and Waste Planning Policy Officer, two Team Leaders, four Planning Officers, a Monitoring Officer and a Planning Technician. The team is responsible for all minerals, waste and County Council development control functions.

9.2 The following sets out an assessment of staff resources to be allocated for the remaining work on the MWDF. No calculation has been made for support staffing within the Environment Unit or for staffing from legal services. Neither have specific time calculations been made of staff resources required from the Area Support Teams to help implement the Statement of Community Involvement.

Post	% of Time
Existing Head of Environment	10%
Existing Development Control Manager	25%
Minerals and Waste Planning Policy Officer	90%
Existing Team Leaders (2)	10%
Existing Planning Officers (4)	10%
Existing Technician/Admin Support	30% of one person's time in total
Nuclear Issues Team (2)	50% of one person's time in total
Sustainability Team	25% of one person's time in total

9.3 Consultants have undertaken the Sustainability Appraisal of the Core Strategy and Generic Development Control Policies and the Strategic Flood Risk Assessment work. The expertise and resources of the six County Council Area Support Teams have helped implement the Statement of Community Involvement.

9.4 Planning Delivery Grant (PDG) has been used to assist the financing of the preparation of the MWDF, both to employ staff and appoint consultants. Resources have also been allocated for meeting e-government targets. e.g. for web site development. This has included an on-line consultation package. Funding for ongoing work on the plan and for the Examination of the Development Plan Documents will be provided for in the Council's budget.

10. SUMMARY OF THE PROGRAMME FOR PREPARING THE DEVELOPMENT FRAMEWORK

10.1 The MWDF process is scheduled to be completed by December 2010, The revised programme for preparing the documents is as follows:-

- a) The Inspector's Report on the Examination of the Core Strategy and Generic Development Control Policies is programmed to be received by the end of February 2009.

- b) The Core Strategy and Generic Development Control Policies are programmed to be reported to Full Council for adoption in April 2009.
- c) The Site Allocations Policies and Maps are programmed to be published in October 2009 with a six week consultation period.
- d) The Site Allocations Policies and the Proposals Map are programmed to be submitted to the Secretary of State in January 2010.
- e) The Hearing in Public part of the Examination of the Site Allocations is programmed for June 2010 with a Pre-Hearing Meeting in April 2010.
- f) The Inspector's Report is programmed to be received in September 2010.
- g) The Site Allocations Policies and Proposals Map will be reported to full County Council for adoption in December 2010.

11. RISK MANAGEMENT

- 11.1 The Council has taken a realistic view of the revised programme but delivery against the milestones continues to be a challenge because contributions are required from a range of consultees. The council is confident that the timescales realistically reflect the abilities and capacities of staff, partners and stakeholders to contribute to the process. The delivery of this programme also depends on Planning Inspectors being available to examine the Development Plan Documents and to report within the timescale proposed. This will be secured by entering into the necessary Service Level Agreements with the Planning Inspectorate. There has been liaison with the Inspectorate and Government Office for the North West on the programme for preparation. The Inspectorate anticipates that, as more experience is gained with the new types of plan, a shorter timetable will be needed after documents have been submitted.
- 11.2 To help ensure delivery a new post of an experienced dedicated officer was created. Use of the existing Area Support structure in the Council, with developed community engagement mechanisms, plus an experienced Sustainability Team has helped meet quality standards and deadlines.
- 11.3 Consultants have been used for work on the Sustainability Appraisal, Strategic Flood Risk Assessment, Biodiversity Evidence Base and, with other North West authorities, for surveys of the commercial and industrial and construction and demolition waste streams. There is provision within the budget for further work by consultants should this prove to be necessary, for example, for Habitats Regulations Assessment.

12. MEMBER INVOLVEMENT

- 12.1 The Minerals and Waste Development Scheme has been approved by Cabinet which aids political understanding of the function and importance of the MWDF. To help avoid delay a Steering Group of two Cabinet Members and two Members of Development Control and Regulation Committee was set up to oversee and endorse the development of the local development documents.
- 12.2 Key decision making stages in the process will still be considered by Cabinet or Full County Council. These stages are :-
- by Cabinet and Full County Council prior to publication and consultation on the Site Allocation Policies and Proposals Map.
 - By Cabinet prior to submission of the Site Allocation Policies and Proposals Map to the Secretary of State.
 - By full County Council for the adoption of the Core Strategy, Generic Development Control Policies, Site Allocation Policies and Proposals Map.
 - Annual Monitoring Reports will be approved by Cabinet before being submitted to the Secretary of State.

13. CONCLUSION

- 13.1 This Minerals and Waste Development Scheme (MWDS) outlines the revised programme of work which will be undertaken to produce the remaining stages of the Cumbria Minerals and Waste Development Framework. This work will be in accordance with the new Regulations that came into effect in June 2008. A combination of circumstances, including the date of the County Council elections in June 2009, has led to an unavoidable lengthening of the period for preparing the remaining development plan documents. The Scheme will be reviewed each year in the Annual Monitoring Reports.

14. CONTACT DETAILS

- 14.1 If you have any queries on the MWDS, please contact:
Minerals and Waste Planning Policy Officer
Cumbria County Council
Environment Unit
County Offices
Kendal
LA9 4RQ

Email: mwdf@cumbriacc.gov.uk

Tel: 01539 713425

- 14.2 You can view this MWDS and other information on the Minerals and Waste Development Framework on the Council's website at www.cumbriacc.gov.uk under Environment and Planning; Minerals and Waste Planning Policy and Minerals and Waste Development Framework.

APPENDIX A

GLOSSARY OF ABBREVIATIONS

AMR	Annual Monitoring Report – the annual review of the MWDS
DPD	Development Plan Document – a statutory LDD
LDD	Local Development Document – contained within the MWDF
MWDF	Minerals and Waste Development Framework
MWDS	Minerals and Waste Development Scheme – the programme for the MWDF
PDG	Planning Delivery Grant
RSS	Regional Spatial Strategy – the statutory regional plan with which the MWDF must conform
SA	Sustainability Appraisal – assessment of the environmental, social and economic impacts of LDDs against sustainability principles.
SCI	Statement of Community Involvement – the approach to involving stakeholders in the MWDF preparation
SEA	Strategic Environmental Assessment – a Government requirement for certain strategic plans
SPD	Supplementary Planning Document – a non-statutory LDD

Appendix B: Cumbria Minerals and Waste Local Plan policies that have been saved.

POLICY		COMMENTS
1	<p>Proposals for minerals and waste development which generate road traffic will only be permitted where:</p> <ul style="list-style-type: none"> i. the roads, junctions and site access are to the appropriate standard, or they can be upgraded without causing irreversible damage to the character of the road, so that the road network is capable of accommodating the type and volume of traffic without having an unacceptable impact on highway safety or the convenience of other road users; and ii. the increase in traffic would not have an unacceptable impact on local communities by reason of visual intrusion, fumes, dust, noise and vibration. Proposals for sites with good links to the strategic route network will be favoured. 	<p>Most minerals and waste developments generate significant volumes of traffic. This is one of their most significant environmental impacts. This policy is necessary, it accords with draft RSS policy DP1 but does not merely repeat it or national policy, the need for such a policy is stated in MPS 2.</p>
3	<p>Blasting will only be permitted where it will not cause unacceptable disturbance to surrounding land uses.</p>	<p>Quarry blasting has the potential to cause unacceptable levels of ground vibration and air over pressure. This policy is necessary to control such impacts and it does not merely repeat national or regional policy. The need for such a policy is stated in MPS 2.</p>
4	<p>Proposals for minerals and waste development will only be permitted where surrounding land uses can be adequately safeguarded from dust and odour.</p>	<p>Many operations associated with minerals and some waste management developments have the potential to generate dust and some waste streams can potentially cause odour problems. This policy is necessary to control such impacts and it does not merely repeat national or regional policy. In accordance with Annex 1 of MPS 2 a more detailed policy will be included in the MWDF.</p>

POLICY		COMMENTS
5	Proposals for minerals and waste development will only be permitted where any change in surface and groundwater levels and flows will not have an unacceptable impact on water abstractions or the future use of the water resource.	Quarrying can have the potential to affect the quantity and quality of waters in surface water courses and underground. Some waste operations have the potential to cause water pollution. This policy is necessary to control such impacts and a policy for safeguarding water resources is one of those that the Government has particular regard to. It does not merely repeat national or regional policy, the need for such a policy is stated in MPS 2.
6	Proposals for the extraction of minerals from watercourses or beaches will not be permitted	Watercourses and beaches are particularly sensitive environmental assets. This policy is necessary to control such developments and a policy for safeguarding water resources is one of those that the Government has particular regard to. The policy does not merely repeat national or regional policy.
7	Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.	Minerals and waste management often involve large scale developments which may be permanent or, where temporary, can be for relatively long periods of time. Visual impact can be a major material planning consideration and this policy is necessary to control such impacts. It does not merely repeat national or regional policy the need for such a policy is stated in MPS 2.
9	Proposals for minerals and waste development which would be detrimental to the distinctive character of a designated County Landscape will only be permitted where the detriment will be temporary.	National policy, as stated in PPS 7, is that such local landscape designations should only be needed in exceptional circumstances. However, in the interim period until the Landscape Character SPD and the relevant criteria based policies are adopted this policy is still necessary. It does not merely repeat regional policy. It is also relevant because of the temporary nature of some minerals and waste developments.

POLICY		COMMENTS
10	Proposals for minerals and waste development outside AONBs, the Heritage Coast and County Landscapes will be permitted provided there will not be unacceptable permanent harm to features of local landscape significance.	This policy will need to be reviewed in the context of the Landscape Character SPD and the relevant criteria based policies. In the interim period it is still necessary. It does not merely repeat national or regional policy. It is also relevant because of the temporary nature of some minerals and waste developments.
11	Proposals for minerals and waste development on the best and most versatile agricultural land will only be permitted where the site can be restored to a condition equivalent to at least the original quality of the agricultural land within five years from the completion of the restoration.	This policy is mainly relevant to sand and gravel extraction and high standards of restoration are included in the guiding principles of the plan. The policy is necessary to secure such restoration and it does not merely repeat national or regional policy, the need for such a policy is stated in MPS 2.
12	Proposals for minerals and waste development which would adversely affect a nationally important archaeological site or monument, whether scheduled or not, or its setting, will not be permitted unless the site can be preserved in situ	Minerals and waste developments often involve relatively large areas of land and can be in locations that are sensitive for the historic environment. This policy is necessary to control the potential impacts and is in accordance with PPG 15. Whilst there are separate statutory controls in respect of Scheduled Ancient Monuments the policy does not merely repeat national or regional policy. The need for such a policy is stated in MPS 2.
13	Proposals for minerals and waste development on sites where there is good reason to believe there are remains of archaeological importance will only be permitted where evaluation is carried out prior to determination. Proposals for minerals and waste development on other sites will require an evaluation and, where necessary, provision for an appropriate field investigation prior to the development commencing. In all cases an archaeological evaluation will comprise a documentary search and normally a detailed site inspection and/or systematic prospecting trenching, carried out by a suitably qualified and experienced person or organisation.	Minerals and waste developments often involve relatively large areas of land and can be in locations that are sensitive for the historic environment. This policy is necessary to control the potential impacts and is in accordance with PPG 15. The policy does not merely repeat national or regional policy. The need for such a policy is stated in MPS 2.

POLICY		COMMENTS
14	Proposals for minerals and waste development where there is evidence of archaeological remains, but which do not warrant preservation, will only be permitted if provision is made for an appropriate field investigation to be carried out. The type of archaeological field investigation required will be determined by the nature and importance of the remains and the type and impact of the proposed development.	Minerals and waste developments often involve relatively large areas of land and can be in locations that are sensitive for the historic environment. This policy is necessary to control the potential impacts and is in accordance with PPG 15. The policy does not merely repeat national or regional policy, the need for such a policy is stated in MPS 2.
19	Proposals for minerals and waste development which would affect a public right of way will only be permitted where: <ul style="list-style-type: none"> i. users of the route can be adequately protected from the adverse effects of the development through screening, segregation or other measures as appropriate; and iii in the event that the route would be lost, either temporarily or permanently, a satisfactory alternative can be established or can be shown to be unnecessary. 	Minerals and waste developments often involve relatively large areas of land and can affect the routes or settings of public rights of way. Restoration schemes can provide opportunities for reinstating and enhancing the network. The policy is necessary to secure such measures and does not merely repeat national or regional policy. It is in accordance with MPS 1.
20	The County Council will seek, where appropriate, the provision of public access including new public rights of way within restoration schemes.	Minerals and waste developments often involve relatively large areas of land and their restoration schemes can provide valuable opportunities for reinstating and enhancing the public rights of way network. This policy is necessary to achieve this and does not merely repeat national or regional policy. It is in accordance with MPS 1.
21	There will be a presumption in favour of restoring mineral and waste sites to agricultural, forestry and amenity (including nature conservation) after uses following temporary developments. Restoration to agriculture will be required where the loss of agricultural land would adversely affect the economic viability of the farm holding.	Minerals and waste developments often involve relatively large areas of land in countryside areas. These after-uses are usually the most appropriate ones and are the ones that can be tied to after-care management schemes. Their restoration schemes can reinstate land to its original use and provide valuable opportunities for enhancement. The policy is necessary to secure such measures and does not merely repeat national or regional policy. It is in accordance with MPS 1.

POLICY		COMMENTS
22	<p>The County Council will require a scheme of aftercare, for up to five years, for land being restored to amenity, forestry or agricultural afteruses. For proposals where a further period of management is considered to be necessary the County Council will need to be satisfied that this will be provided.</p>	<p>Virtually all restoration schemes require a period of after-care management to ensure that they are successful. This policy is necessary to secure such schemes and it does not merely repeat national or regional policy. It is in accordance with MPS 1.</p>
23	<p>In assessing the extent to which proposals for minerals and waste development meet the social and economic needs of the County's population and help maintain rural communities, the following will be taken into account:</p> <ul style="list-style-type: none"> i. the number, type and duration of direct and indirect jobs to be generated or maintained and how many will be or are occupied by local people; and ii. the opportunities for the development of skills of locally employed people; and iii. the level and nature of investment in the local economy from wages and use of local businesses; and iv. the impact on economic development initiatives and neighbouring businesses, including tourism. 	<p>Minerals and waste developments are often in rural areas where employment opportunities are limited. Consideration of these impacts is an essential part of sustainability appraisal. The policy provides the necessary context for considering planning applications and has regard to the community strategies. It does not merely repeat national or regional policy. The government has particular regard to such policies that support economic development and are for waste management</p>

POLICY		COMMENTS
24	Mineral resources will be safeguarded from sterilisation. The County Council will oppose development proposals within Mineral Consultation Areas which would prevent or prejudice potential future mineral extraction unless it is satisfied that the area affected does not contain a workable mineral deposit; or there is an overriding need for the development and the mineral cannot be extracted in advance.	Minerals are valuable resources which can be sterilised by other developments and can themselves prejudice the development of land for other purposes. The Mineral Consultation Areas are a valuable tool in two-tier planning authority areas for ensuring that consideration is given to these matters. Policy R46 in the Joint Structure Plan partly covers the aims of the policy but not in sufficient detail. A policy for mineral consultation and safeguarding areas will be included in the MWDF in accordance with MPS 1 and it is proposed that a Supplementary Planning Document should be prepared. In the transitional period this policy provides the necessary context for the consultations between the district and county councils.
25	Proposals for the extraction of minerals prior to development which would otherwise sterilise proven mineral deposits will be permitted except where prior extraction would prejudice the development of the land or would not take place within a reasonable timescale.	Minerals are valuable resources which can be sterilised by other developments. In some circumstances there can be opportunities to secure prudent use of resources by extracting the mineral prior to the main development. This policy is necessary to secure such schemes and it does not merely repeat national or regional policy
26	Proposals for the importation and processing of waste or low grade materials to produce mineral products will be permitted at active quarries for a temporary period not exceeding the permitted life of the quarry, where this can be accommodated without prejudicing the operation or restoration of the quarry.	One of the more tangible sustainable development measures that has been adopted is that alternative and secondary materials should be used where possible instead of primary aggregates. There is a target of meeting around 25% of aggregate sales with such materials. This policy sets the context for proposals which would enable such materials to be brought into and processed within quarries. The policy is necessary and does not merely repeat national or regional policy it is in accordance with MPS 1. The Government has particular regard for such policies for waste management.

POLICY		COMMENTS
27	<p>In assessing proposals for the extraction of minerals which are accompanied by an Environmental Statement or where there are material planning objections or where Local Plan Policies 29, 30, 31, 33, 34, 36 and 43 apply, the following will be taken into account in determining the need for the mineral to be worked:</p> <ul style="list-style-type: none"> i. national, regional and local need as appropriate; and ii. the location, amount, quality and type of existing permitted reserves and the rate at which they are likely to be worked; and iii. the availability of less damaging alternative sites or sources of supply. The particular needs of an individual mineral operator will not be taken into account unless it can be demonstrated that special considerations should apply. 	<p>This policy provides an approach for considering applications for different types of mineral extraction development and for different minerals – sand and gravel, crushed rock, high specification aggregates, high purity limestones and peat. The policy provides a necessary context for considering these applications, adequate supplies of minerals are needed to support economic development and the Government has particular regard to policies that support economic development. The policy does not merely repeat national or regional policy. It is in accordance with MPS 1.</p> <p>The minerals developments may help to provide the materials for economic regeneration initiatives in accordance with the community strategies.</p>
30	<p>In the West Cumbria production area proposals for the extraction of sand and gravel from land within the Aldoth area of search and the Bullgill and Cardewmires preferred areas will be permitted subject to there being a demonstrable need. Planning permission will not be granted elsewhere unless a need can be demonstrated which cannot be met from the area of search, the preferred areas or existing sites, or unless significant benefits would accrue to local communities or the environment.</p>	<p>The relevance of this production area is an issue for the Development Framework. The Secretary of State decided this was not a reason for not saving the policy for the time being particularly as it is referred to in saved policy 27. There would be problems in applying policy 27 if it was not saved.</p>
31	<p>Proposals for the extraction of sand and gravel in the North, East and South Cumbria production areas will only be permitted where there is a demonstrable need unless significant benefits would accrue to local communities or the environment.</p>	<p>The relevance of these production areas is an issue for the Development Framework. The Secretary of State decided this was not a reason for not saving the policy for the time being particularly as it is referred to in saved policy 27. There would be problems in applying policy 27 if it was not saved.</p>

POLICY		COMMENTS
32	Proposals for the development of new quarries for the extraction of general crushed rock aggregates will not be permitted, unless there is a demonstrable need and significant benefits would accrue to local communities or the environment.	There is a very extensive landbank of planning permissions for general crushed rock aggregates and it is difficult to anticipate how a proposal for a new quarry would be justified. This policy provides the necessary context for considering any such planning applications and securing prudent use of natural resources. It does not merely repeat national or regional policy. It is in accordance with MPS 1.
33	Proposals for quarry extensions to provide general crushed rock aggregates will not be permitted unless there is a demonstrable need or significant benefits would accrue to local communities or the environment.	There is a very extensive landbank of planning permissions for general crushed rock aggregates and there are limited circumstances in which proposed extensions to quarries could be justified. This policy provides the necessary context for considering any such planning applications and securing prudent use of natural resources. It does not merely repeat national or regional policy it is in accordance with MPS 1.
34	Proposals for the extraction of High Specification Aggregates will not be permitted unless there is a demonstrable national or regional need or significant benefits would accrue to local communities or the environment.	There are three quarries in Cumbria that supply these high skid resistance roadstones which have a national or regional market. One of these quarries is the only one in England that supplies stone with very high skid resistance properties. The policy provides the necessary context for considering planning applications. It does not merely repeat national or regional policy. MPS 1 states that specific provision may need to be made for such aggregates with high polished stone values, the policy helps to secure the national policy of encouraging such high quality materials to be used for appropriate purposes.

POLICY		COMMENTS
35	Proposals for the extraction of minerals from borrow pits will be permitted provided there are net environmental and economic benefits compared with supplying the minerals from existing quarries.	Borrow pits sited near to major development projects, such as road schemes, can help to mitigate the environmental impacts during construction by minimising lorry traffic journeys. The reduction of carbon emissions is in accordance with MPS 1. This policy provides the necessary context for securing such sustainable development in planning applications. It does not merely repeat national or regional policy. Borrow pits can supply minerals that are needed to support economic development, the Government has particular regard to such policies.
36	Proposals for the extraction of high purity limestone will only be permitted where there is a demonstrable national or regional need and it will be used primarily for non aggregate uses or where significant benefits would accrue to local communities or the environment.	These limestones are for industrial use, including limestone and burnt lime for the iron and steel industry. Several quarries in Cumbria supply these limestones and the policy provides the necessary context for considering planning applications. It does not merely repeat national or regional policy. Specific guidance for this mineral is not given in MPS 1 but the policy helps to achieve the national policy of encouraging high quality materials to be used for appropriate purposes, which represents prudent use of natural resources.

POLICY		COMMENTS
37	<p>Unless there would be significant benefits to local communities and the environment sufficient to outweigh any non-compliance with the following criteria, opencast coal extraction will only be permitted where:</p> <ul style="list-style-type: none"> (i) there would be no material adverse impact on local communities, including that arising from the cumulative impact from other permitted and previous opencast coal operations; and (ii) there would be no material adverse impact on a designated landscape; and (iii) it would not inhibit the ability of West Cumbria to attract inward investment, economic development and tourism; and (iv) the working life to the cessation of coaling has been minimised commensurate with the environmental and amenity impacts and the market place, and in any event should not exceed ten years. 	<p>National planning guidance for opencast coal is set out in MPG 3, most of which remains in force. National policies (the annexes to MPS 2) have only replaced those parts of the guidance that relate to specific environmental impacts. The policy is in accordance with MPG 3 and provides the necessary context for considering planning applications.</p>
38	<p>Planning permission will not be granted for opencast coal extraction in the Alston/Nenthead and East Fellside areas.</p>	<p>In these areas there are limited reserves of thin coal seams overlain by considerable overburden. The altitude and climate make the working and restoration of such sites difficult. This policy makes it clear that exceptions to PPS 7 policy for major development in the North Pennines AONB would not be acceptable. This policy is necessary it builds upon national and regional policies.</p>
40	<p>Proposals for the appraisal, drilling and testing of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the appraisal of the resource.</p>	<p>This policy is in accordance with Annex 4 of MPS1 but does not merely repeat it. The policy provides the necessary context for considering planning applications.</p>

POLICY		COMMENTS
41	Proposals for the commercial production, processing and transporting of oil or gas will be permitted provided the proposals are consistent with an overall scheme for the optimum development of the resource (and where appropriate any other adjoining oil or gas resources).	This policy is in accordance with Annex 4 of MPS1 but does not merely repeat it. The policy provides the necessary context for considering planning applications.
42	Planning permission will not be granted for minerals and waste development which would adversely affect peatlands of high nature conservation or archaeological value.	The remaining peat bog habitat in the UK is very limited and has high nature conservation value, some peat bogs have conserved important elements of the historic environment. This policy provides the necessary context for considering planning applications and is in accordance with PPS 7 and 9.
43	Proposals for peat extraction will only be permitted where: <ul style="list-style-type: none"> i. there is a demonstrable national requirement for the peat to be worked; and ii. where the site has already been significantly damaged by recent human activity and is of limited or no current nature conservation or archaeological value; and iii. the restoration scheme, wherever practicable, gives priority to wetland rehabilitation and to the enhancement of the nature conservation resource. 	The remaining peat bog habitat in the UK is very limited and has high nature conservation value, some peat bogs have conserved important elements of the historic environment. The importance of peat bogs as carbon sinks is also recognised. This policy provides the necessary context for considering planning applications and is in accordance with PPS 7 and 9.
44	Schemes of working, restoration and afteruse will be sought at existing peat working sites to safeguard areas of important nature conservation interest and to maximise the potential for restoration of the sites to appropriate nature conservation afteruses.	The remaining peat bog habitat in the UK is very limited and has high nature conservation value, there is potential for peat regenerating restoration of worked sites. The importance of peat bogs as carbon sinks is also recognised. This policy provides the necessary context for securing such schemes and is in accordance with PPS 7 and 9.

POLICY		COMMENTS
45	<p>Planning permission will only be granted for the extraction of gypsum from the Stamp Hill preferred area if it can be demonstrated that the supply of deosulphogypsum is insufficient to meet the production requirements of the Kirkby Thore works and the gypsum is:</p> <ul style="list-style-type: none"> i. only to be used at the Kirkby Thore Works; and ii. transported to the works by conveyor. 	<p>Whilst the County Council's Preferred Option is that this land should be identified as an Area of Search rather than a Preferred Area the purpose of the policy is still valid in the interim period. If supplies of desulphogypsum remain at their present levels it is anticipated that the Birkshead underground gypsum mine will be able to meet the needs of the Kirkby Thore works for around 15 years. Those are the last remaining gypsum resources in Cumbria that can be worked by underground methods. Stamphill and other identified gypsum resources would have to be worked by surface mining. Whilst it is unlikely that a new planning application for the Stamphill site will be submitted before the MWDF is adopted the policy provides the necessary context for any application that may be submitted. The policy is in accordance with MPS 1, the prudent use of resources and the use of alternative materials.</p>
48	<p>Proposals for new building stone quarries which raise significant planning objections may be permitted only where it can be demonstrated that the material cannot be adequately supplied from existing sources.</p>	<p>A wide range of building stones is available from a range of locations within the county. A few problems with supply have been identified and for some restoration projects stone from the exact original source may be needed. The policy provides the necessary context for considering planning applications and is in accordance with Annex 3 of MPS 1.</p>
52	<p>Proposals for Scrapyards, Vehicle Dismantlers, Materials Recovery Facilities, Transfer and Storage Facilities to facilitate materials re-use and recycling will be permitted on industrial sites provided that they do not have an adverse impact on surrounding landuses and do not prejudice the overall development of the area.</p>	<p>These types of developments are becoming an increasingly important part of the waste management infrastructure seeking to drive waste streams up the waste hierarchy. Modern facilities subject to modern environmental controls can often be appropriately sited on industrial sites. The policy provides the necessary context for considering planning applications and is in accordance with PPS 10. the Government has particular regard to such policies for waste management.</p>

POLICY		COMMENTS
53	Proposals for Construction and Demolition Waste Recycling Facilities will be permitted at active quarries and landfill sites for a temporary period not exceeding the permitted life of the quarry or landfill site, where they can be accommodated without prejudicing the operation or restoration of the site.	These types of facilities are increasingly important in efforts to achieve the target of providing around 25% of aggregate sales from secondary and recycled aggregates. The operations that are involved require similar environmental controls to those at quarries and at landfill sites. Such locations may be appropriate for these types of facilities and the policy is in accordance with MPS 1. The Government has particular regard to such policies for waste management.
54	Proposals for temporary Construction and Demolition Waste Recycling Facilities will be permitted, subject to the submission of a satisfactory scheme, at: Hespin Wood Landfill Site, Carlisle Todhills Landfill Site, Carlisle Tendley Quarry, Cockermouth Moota Quarry, Cockermouth Roose Sandpit, Barrow in Furness A proposal for a permanent Construction and Demolition Waste Recycling Facility at Blencowe Quarry, Penrith will be permitted subject to the submission of a satisfactory scheme and it not prejudicing the overall development of the area.	These types of facilities are increasingly important in efforts to achieve the target of providing around 25% of aggregate sales from secondary and recycled aggregates. The operations that are involved require similar environmental controls to those at quarries and at landfill sites. This policy which encourages the provision of these types of facilities is in accordance with MPS 1. The Government has particular regard to such policies for waste management.

POLICY		COMMENTS
55	<p>Proposals for Civic Amenity Sites will be permitted at industrial sites and non-inert landfill sites. At non-inert landfill sites they will only be permitted for a temporary period not exceeding the permitted life of the landfill site where this can be accommodated without prejudicing the operation or restoration of the site.</p>	<p>These sites are now usually called Household Waste Recycling Centres and they are an important part of the waste management infrastructure to drive waste up the waste hierarchy. Modern facilities with up to date environmental controls can be appropriately located on many industrial sites or landfills. The policy of limiting them to the life of the landfill is being reconsidered in the MWDF because these sites often have a semi-permanent nature because of the landfill gas and leachate management developments that will be needed for many years after landfilling ceases. In the interim the policy provides the necessary context for considering planning applications. It does not merely repeat national or regional policy and the Government has particular regard to such a policy for waste management.</p>
56	<p>Proposals for the composting of waste will be permitted where surrounding landuses can be adequately safeguarded from odours and emissions by one of the following methods:</p> <ul style="list-style-type: none"> i. the composting of appropriate types of waste; ii. an acceptable stand off distance; iii. enclosure of the composting within a building or other methods of enclosure; iv. the use of other techniques to control harmful or noxious emissions to atmosphere. 	<p>A high proportion of several waste streams comprises biodegradable material with potential for composting. Composting is valuable as a method of reducing the amount of waste that is landfilled. However, composting is likely to give off odours. The policy provides the necessary context for considering planning applications and is in accordance with PPS 10. The Government has particular regard to such a policy for waste management.</p>
57	<p>Proposals for the landspreading of waste will be permitted where there will be no significant degradation of land quality through the build up of contaminants.</p>	<p>Other controls on the nature of wastes that can be spread on land have been introduced. However, the policy provides the necessary context for considering planning applications and is in accordance with PPS 10. The Government has particular regard to such a policy for waste management.</p>

POLICY		COMMENTS
59	<p>Proposals for the physical, chemical or biological treatments of waste will be permitted where:</p> <ul style="list-style-type: none"> i they reduce the potential of waste to pollute the environment; and ii they are situated on an industrial site provided that they do not have an adverse impact on surrounding land uses and do not prejudice the overall development of the area; or iii at a non-inert landfill site where required for pre-treatment of waste or treatment of leachate, where they can be accommodated without prejudicing the operation or restoration of the site. 	<p>The need for new facilities to drive waste management up the waste hierarchy is involving new technologies and types of facilities for these types of treatment. The policy provides the necessary context for considering planning applications and is in accordance with PPS 10. The Government has particular regard to such a policy for waste management.</p>
60	<p>Planning permission will be granted for wastewater treatment facilities. Proposals which are likely to have significant adverse effects on the environment or communities will only be permitted where they represent the best practicable environmental option.</p>	<p>These facilities are an essential part of the utility and waste management infrastructure. Whilst sustainability appraisal is now used instead of best practicable environmental option the objective of the policy is still valid. The policy provides the necessary context for considering planning applications and is in accordance with PPS 10. The Government has particular regard to such policies for waste management and for safeguarding water resources.</p>

POLICY		COMMENTS
62	<p>Proposals for the disposal of waste by landfill will only be permitted where there is a demonstrable need for additional landfill capacity.</p> <p>In assessing whether there is a demonstrable need for landfill capacity the following will be taken into account:</p> <ol style="list-style-type: none"> 1. the availability of facilities to manage waste higher up the hierarchy of options (Local plan policy 50); and 2. how the proposal contributes to providing an integrated and adequate network of waste management facilities to cater for wastes arising in the County (Local Plan policy 51); and 3. whether the proposal would seriously prejudice the infill and restoration of existing sites and whether permitted landfill capacity comprises an adequate landfill capacity landbank. It will be necessary to show that permitted landfill capacity is only sufficient for seven years or less for non-inert waste or four years or less for inert waste, or in the case of proposals to dispose of inert waste arisings from major construction projects at designated sites that there are net environmental and economic benefits compared with disposing of the waste at existing sites. 	<p>Even with waste reduction, reuse, composting and recycling some residual wastes will need to be landfilled. Best use needs to be made of existing sites to ensure prudent use of resources and to avoid over – provision. The policy is being reviewed in the MWDF with regard to the statement in PPS 10 that it should demonstrate how capacity equivalent to at least ten years of the annual rates set out in the RSS could be provided. In the interim the policy provides the necessary clear context for considering planning applications. The Government has particular regard to such a policy for waste management.</p>
63	<p>Where there is a demonstrable need for additional landfill capacity, proposals which will satisfactorily restore mineral workings and other derelict land will be favoured.</p> <p>Proposals involving landraising will only be permitted where the landform to be created reflects the character and scale of the surrounding topography and on restoration will fit naturally into the landscape of the area.</p>	<p>Landfilling has made an important contribution to the restoration of mineral workings. The major operational “landfills” in Cumbria now all involve landraising. The policy provides the necessary context for considering planning applications and is in accordance with PPS 10. The Government has particular regard to such a policy for waste management.</p>

POLICY		COMMENTS
64	Proposals for the disposal of non-inert waste by landfill will only be permitted where surrounding landuses can be adequately safeguarded from potential nuisance and hazard. Proposals which do not include the provision of a standoff of 250 metres from residential properties and other sensitive receptors will require special justification.	Non-inert landfills have the potential to cause a number of environmental impacts and appropriate mitigation measures and controls are essential. The policy provides the necessary context for considering planning applications and is in accordance with PPS 10. The Government has particular regard to such a policy for waste management.
65	The County Council supports the extension of landfilling at Kendal Fell Quarry subject to appropriate safeguards to protect the environment and the amenity of local residents.	This is a matter that will be considered in the MWDF. The Secretary of State decided this was not a reason for not saving the policy for the time being.
66	Planning permission will be granted for the disposal of inert waste to landfill at Kendal Fell Quarry subject to the submission of a satisfactory scheme.	This is a matter that will be considered in the MWDF.
67	Planning permission will be granted for the disposal of inert waste to landfill at Roose Sand Pit and Mouzel Farm subject to the submission of a satisfactory scheme.	These are matters that will be considered in the MWDF.
69	Where it is not possible to achieve the necessary control through the use of planning conditions alone the County Council will, where appropriate, seek a planning obligation or other legal agreement.	Planning obligations are a valuable method of securing measures that can make a development acceptable but which cannot be secured by conditions on a permission. The policy provides the necessary context for securing such measures. It does not merely repeat national or regional policy

POLICY		COMMENTS
70	<p>The County Council will require applicants to demonstrate with their application what the likely financial and material budgets for restoration, aftercare and after-use will be, and how they propose to make provision for such work during the operational life of the site, including where appropriate, any necessary financial guarantees.</p> <p>Where the County Council considers that adequate provision has not been made to fulfil the proposed restoration and aftercare works, planning permission will be refused.</p>	<p>Minerals and waste developments often involve relatively large areas of land and can continue for many years. The proposals for after-use, restoration and after-care, together with confidence that they will be achieved, are often material considerations as to whether a development is acceptable or not. The policy provides the necessary context for securing the details and any necessary guarantees. The policy does not repeat national or regional policy and is in accordance with the guidance relating to financial provision that is set out in MPG 7 and its Annex D.</p>

Appendix C Cumbria and the Lake District Joint Structure Plan 2001 – 2016.

The Cumbria and the Lake District Joint Structure Plan 2001 – 2016 was adopted in April 2006. Thirty five of its policies have now been replaced by North West Regional Spatial Strategy (RSS) policies. The remaining Structure Plan policies have been extended and will continue to be saved until they are replaced by a future revision of the RSS.

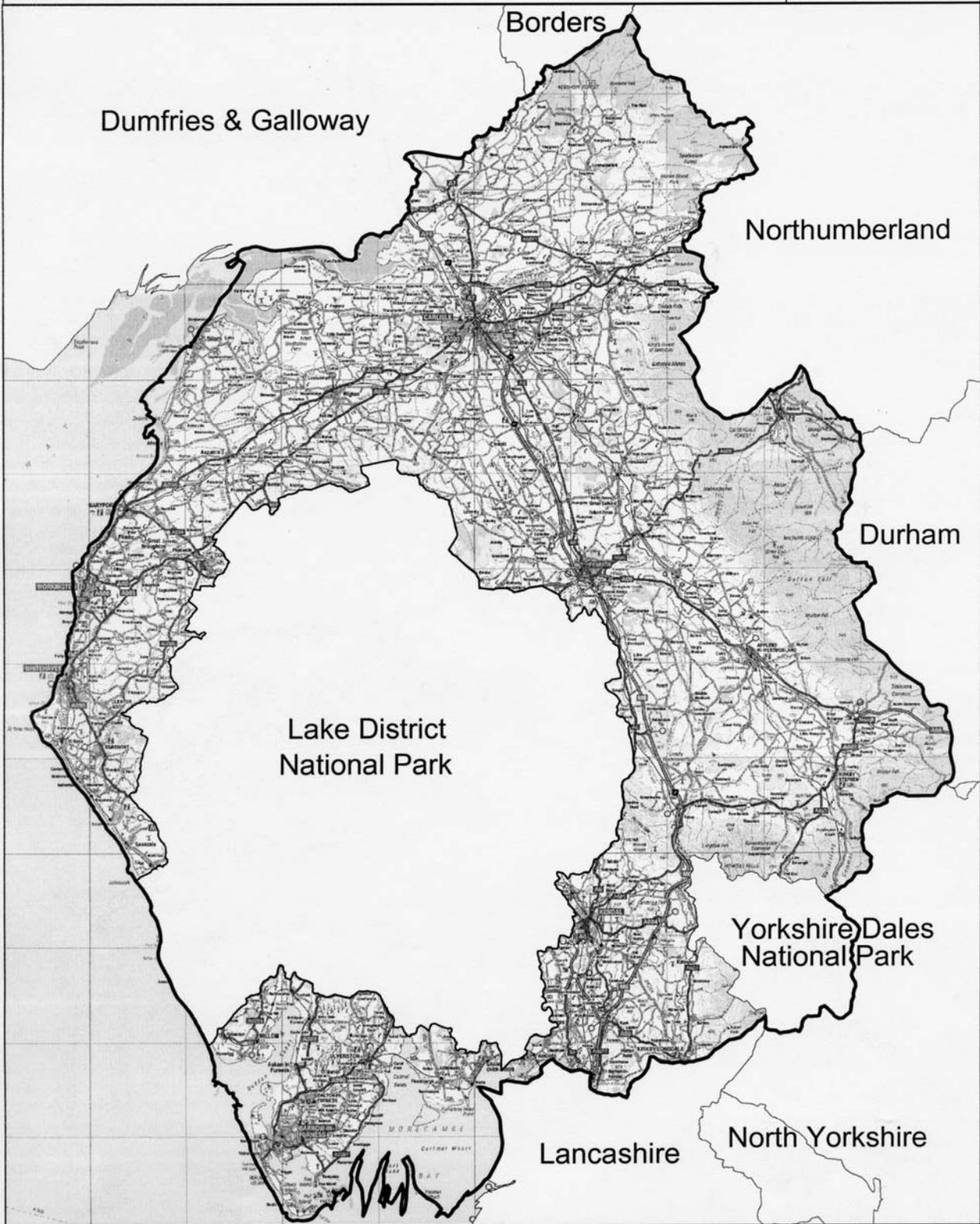
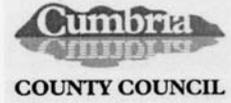
These saved policies are ST 4 and 5; EM 13, 14 and 16; H 19, 20, and 22; T 29, 30 and 31; E 35, 37 and 38 and R 44, 45 , 47, 48, 49, 50 and 51.

In accordance with paragraph 15.3 of the RSS, local authorities are encouraged to consider whether these saved Structure Plan policies can be expressed within the Local Development Frameworks. The most obvious Structure Plan policies that will need to be considered with regard to minerals and waste policies are ST 4; E, 35, 37 and 38; R 47, 48, 49, 50 and 51.

MWDF Plan Area

Cumbria Outside the National Parks

MAP 1



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