

**MINERALS AND WASTE DEVELOPMENT SCHEME (2012-2013)**  
**FOR THE CUMBRIA MINERALS AND WASTE LOCAL PLAN 2012 to**  
**2028**

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

This scheme comes into effect on 26 September 2012



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## 1. INTRODUCTION

- 1.1 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. Up until now, the statutory development plan which the County Council had to prepare was the Minerals and Waste Development Framework (MWDF).
- 1.2 The Town and Country Planning (Local Planning) (England) Regulations 2012 came into effect on 6 April 2012. These replace the 2004 Regulations' Local Development Framework system 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 from 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.
- 1.3 The County Council was nearing the end of the MWDF preparation process when the new Local Plan system was introduced. The MWDF Core Strategy and Generic Development Control Policies had been adopted in April 2009, following their Examination the previous year by the Planning Inspectorate, on behalf of the Secretary of State. The Site Allocations Policies and Proposals Map had been adopted in January 2011, but were then quashed by the High Court as a result of a successful legal challenge.
- 1.4 Following a further round of consultations, the Site Allocations Policies and Proposals Map were resubmitted to the Secretary of State and their Examination process included Hearing in public sessions on 24<sup>th</sup> to 26<sup>th</sup> April 2012. This was shortly after the new national policies were published and the Local Plan system was brought into effect. It became clear that further approval of Cabinet and Full County Council would be needed before another round of consultations could take pace. This was required to give the opportunity for people to make representations, which could take into account the new national policies.
- 1.5 At the same time, the Government had set a one-year transition period, ending on 27<sup>th</sup> March 2013, for plans to have up to date and comprehensive policies that accorded with the NPPF. With the urgency that this imposes the County Council decided to withdraw the Site Allocations Policies and Proposals map from their examination process so that work could commence on the Minerals and Waste Local plan without delay.
- 1.6 The policies that are included in the suite of MWDF documents need to be reviewed to see if they are in accordance with the new national ones and the presumption in favour of sustainable development. In addition, the County Council was also aware that there was an urgent need for a review of the Core Strategy. This is because its context has changed so much in the four years since it was written. That review will now be part of the process of preparing the Minerals and Waste Local Plan. This plan will be for the area of Cumbria outside the National Parks and will be for the period 2012 to 2028.
- 1.7 It is clear that the Local plan will need to take account of:-
  - Consistency with the National Planning Policy Framework (NPPF).
  - Whether the loss of those national policies that are not included in the NPPF has left a policy vacuum, which now needs to be filled by Local Plan policies.

- Whether the imminent loss of policies in the NW Regional Spatial Strategy (RSS) will leave a policy vacuum, which now needs to be filled by Local Plan policies.
- Whether Structure Plan policies, which had been extended by the Secretary of State when approving the RSS, need to be reflected in the Local Plan.
- The review of radioactive waste policies, which the County Council was required to make a commitment to in the Core Strategy.
- The review of the Mineral Safeguarding Area for gypsum, which the County Council was required to make a commitment to in the Site Allocations Policies.
- The inclusion of additional Mineral Safeguarding Areas, including one for slate to which the County Council made a commitment to in the Site Allocations Policies.
- Updated information about waste arisings and the facilities for managing and disposing of them.
- Updated forecasts of national, regional and sub-regional needs for construction aggregate minerals.
- The Local Aggregates Assessment required by the NPPF.

1.8 This revised Minerals and Waste Development Scheme includes the programme for preparing the Minerals and Waste Local Plan.

## **BOX 1 Paragraph 14 of the National Planning Policy Framework**

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

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

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.<sup>9</sup>

For **decision-taking** this means:<sup>10</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>9</sup>

<sup>9</sup> For example, those policies relating to sites protected under the Birds and Habitats Directives (see 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.

<sup>10</sup> 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 It is intended that the basic elements of the suite of documents that make up the Minerals and Waste Development Framework will be incorporated into the Local Plan. This single document will, therefore, have three main sections strategic policies, site allocations, and development control policies plus the Proposals Map. The supporting documents will be the Statement of Community Involvement, the Sustainability Appraisal, Habitats Regulations Assessment and the Annual Reports.
- 2.2 The strategic policies will be at the heart of the plan. They will set out the spatial vision and strategic objectives, the policies to deliver these and a monitoring and implementation framework to help achieve delivery. They will 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 will be 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 will identify the sites that are needed to ensure an adequate supply of minerals and an appropriate network of waste management facilities over the plan period and for safeguarding mineral resources for the long term.
- 2.3 The process of preparing the development plan allows and encourages all those with an interest to participate and, as appropriate, influence its policies and proposals. How the Council involves the community in the preparation, alteration and review of the Local Plan

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

- 2.4 A Sustainability Appraisal (SA) will be an integral part of preparation of the Local Plan. Sustainability Appraisal is needed in order to ensure the plan is based on sustainable development principles and to assess environmental, social and economic effects and alternative options. It is intended that the SA will be carried out internally by the sustainability and minerals and waste policy teams , although consultant support may be needed..
- 2.5 A revised Habitats Regulations Assessment will also be needed for the 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 mainly by the Minerals and Waste Policy Team with a seconded planner from the Spatial Planning Team,</li> <li>• inputs from and internal dialogue with the Development Control Team, Historic and Natural Environment teams, waste disposal, sustainability, highways and property.</li> <li>• Administrative support from staff in Planning Services Support.</li> <li>• Political management via Member Steering Group, 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 it.</li> <li>• They will have to be consistent with the National Planning Policy Framework and Planning Policy Statement 10 and the subsequent National Waste Plan.</li> <li>• They will relate to the Local Aggregates 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> <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 a Local Aggregates Assessment.</li> <li>• For waste, policies will set out the overall planning strategy for the management of different waste streams. They will take 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 ones.</li> </ul>
Policies for sites	<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</li> </ul>

	criteria. The Mineral Consultation Areas will be identified..
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 sites policies.</li> </ul>
Duty to Cooperate	<ul style="list-style-type: none"> <li>• It will be essential to demonstrate that the Council has complied with this new duty. Liaison meetings with adjacent, and other, local authorities and the relevant bodies will play an important part as will continued engagement through the Aggregates Working Party and Nuclear Legacy Advisory Forum (NuLeAF).</li> </ul>

#### 4. TIMETABLE FOR THE LOCAL PLAN

25 June to 8 August 2012	Regulation 18 consultations about the content of the Plan.
June – October 2012	Work on preparing the draft plan.
November 2012	Report draft plan to Cabinet and Full County Council.
November 2012 to January 2013	Regulation 19 publication and consultations on the document the Council intends to submit to the Secretary of State.
December 2012	Annual Report.
February 2013	Report to Cabinet and Full County Council on the representations that have been received and for approval of submission documents.
March 2013	Submit documents to the Secretary of State.
	The following dates are provisional and subject to a programme that can be agreed with the Planning Inspectorate.
April 2013	Pre-Hearing meeting
May 2013	Hearing in public sessions.
August 2013	Receive Inspector's Report.
October 2013	Report to Cabinet and Full County Council for adoption of the Local Plan.
December 2013	Annual Report

- 4.1 In addition to the Local Plan, further work also needs to be undertaken on a protocol, to be agreed with the district councils and adjacent authorities, on the implementation of the Mineral Consultation Area procedures. This work is programmed over the period June to December 2012.

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

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

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

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

## **6. RELATIONSHIP WITH COMMUNITY STRATEGIES**

6.1 The former Local Strategic Partnerships (LSP) at the district level were restructured during 2011 or, in some cases, were replaced with Local Area Partnerships. The over-arching Cumbria Strategic Partnership has evolved into the Cumbria Leadership Forum, but is still responsible for the Cumbria Sustainable Community Strategy. The district councils are also still committed to their respective Sustainable Community Strategies. The Local Plan will have regard to these Community Strategies. The opportunities for it to deliver, and not conflict with, their objectives and actions will be examined.

## **7. MONITORING**

7.1 Annual reports will assess whether the key milestones for delivering the Local Plan are being met, identify any need to amend this Development Scheme, how effective existing policies are and how they contribute to national strategies and targets.

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

7.3 Monitoring of waste management will use reports published by the Environment Agency and any additional work that has been undertaken by the North West and North East local authorities officers working groups.

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

- 7.5 For radioactive wastes member and officer engagement will be maintained with the Local Government Association's Nuclear Legacy Advisory Forum (NuLeAF) Radioactive Waste planning Group and Steering Group

## 8 RESOURCES

- 8.1 The Minerals and Waste Policy team comprises a Team Leader and a Senior Planning Officer with technical and administrative support from members of the Development Management team. A member of the Spatial Planning Team has been seconded to help with work on the Local Plan.
- 8.2 The following sets out an assessment of staff resources to be allocated for the work on the MWLP. No calculation has been made for support staffing within the Directorate or for staffing from legal services and others. Neither have specific time calculations been made of staff resources required from the Area Support Teams to help implement the Statement of Community Involvement.

<b>Post</b>	<b>% of Time</b>
Planning Services Manager	10%
Minerals and Waste Team Leader	90%
Senior Planning Officer	95%
Planning Officer	50%
Technician/Admin Support	25% of one person's time in total
Development Control Team	10% of one person's time in total.
Nuclear Issues Team	10% of one person's time in total
Sustainability Team	5% of one person's time in total
Historic and Natural Environment Teams	5% of one person's time in total

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

## 9 RISK MANAGEMENT

- 9.1 The Council has taken a realistic view of the programme. The transition period imposed by the National Planning Policy Framework presents a major challenge, but delivery against the March 2013 milestone should be achievable with cooperation from a range of consultees and stakeholders.
- 9.2 The timetable could be affected by the level of interest that is shown by consultees and the public and by requests for meetings, responding to these can prove to be very time consuming.
- 9.3 Resources are potentially a major risk to the programme, in particular the need to provide for the costs of the Examination process by the Planning Inspectorate. It is difficult to

estimate these with confidence but the 2008 Core Strategy and Development Control Policies Examination cost around £100,000. The inputs that will be required from specialist staff and from Members could also pose a risk to the programme.

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

## **10 MEMBER INVOLVEMENT**

- 10.1 The Minerals and Waste Development Scheme has been approved by Cabinet, which aids political understanding of the function and importance of the Local Plan. To help avoid delay, a Steering Group of two Cabinet Members and two Members of Development Control and Regulation Committee oversees and endorses the preparation of Local Plan documents.

- 10.2 Key decision making stages in the process will still be considered by Cabinet and Full County Council. These stages are:-

- by Cabinet and Full County Council, on 8<sup>th</sup> and 15<sup>th</sup> November 2012 respectively, for approval to consult on the draft version of the Local Plan that it is intended to submit to the Secretary of State; in accordance with Regulation 19;
- by Cabinet and Full County Council, on 7<sup>th</sup> and 14<sup>th</sup> February 2013 respectively, to consider the representations that have been received and to approve the Local Plan for submission to the Secretary of State, in accordance with Regulation 22;
- by Cabinet and Full County Council for the adoption of the Local Plan; this is likely to be at meetings in October 2013, but the dates of those meetings have not yet been programmed.

## **11 CONCLUSION**

- 11.1 This Minerals and Waste Development Scheme (MWDS) outlines the programme of work which will be undertaken to prepare the Local Plan. This work will be in accordance with the 2012 Regulations. The Scheme will be reviewed each year in the annual reports.

## **12 CONTACT DETAILS**

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

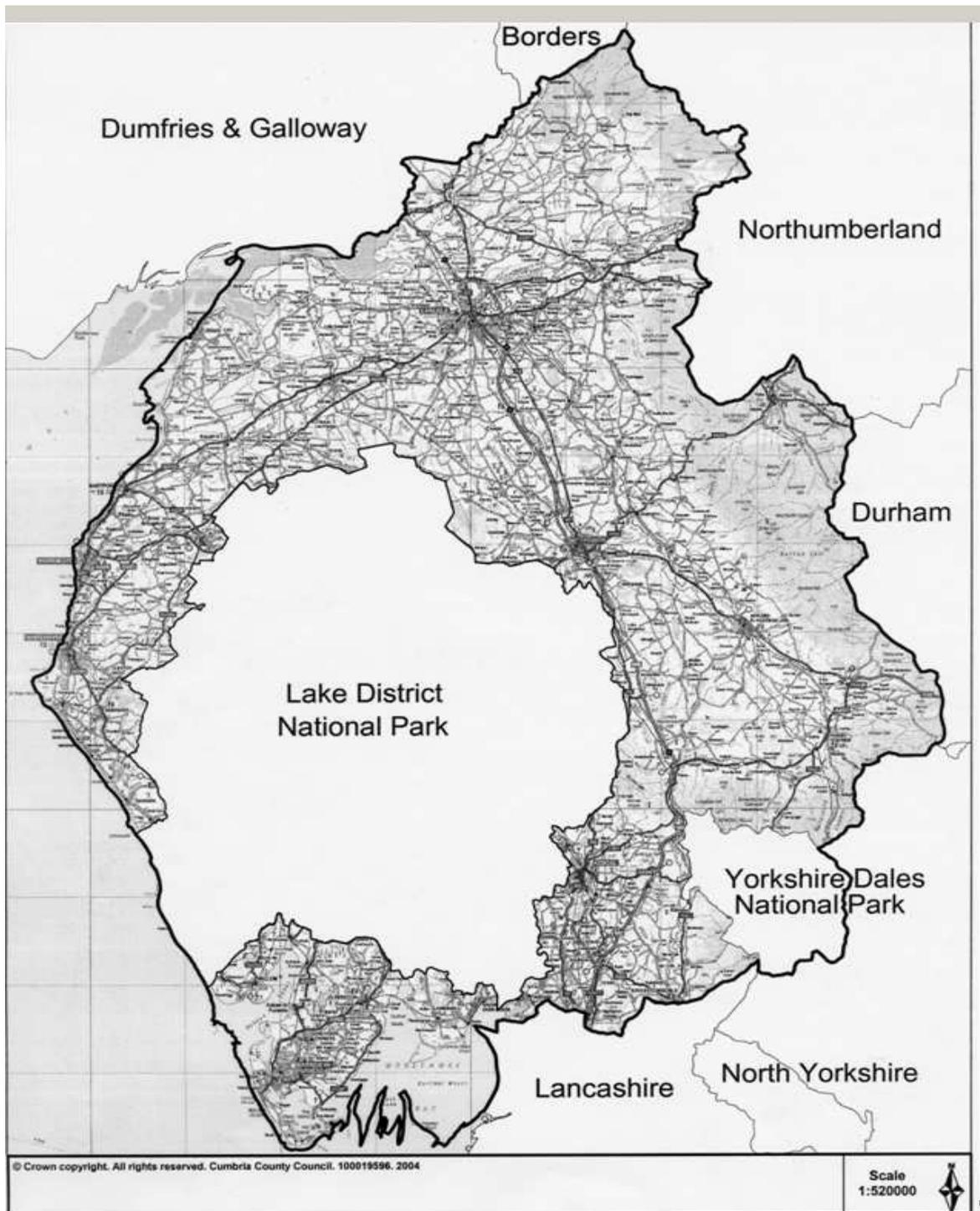
Minerals and Waste Team r  
Cumbria County Council  
Planning and Sustainability  
County Offices  
Kendal  
LA9 4RQ

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

Tel: 01539 713425 or 713409

- 12.2 You can view this MWDS and other information on the Minerals and Waste Development Framework and the Local Plan on the Council's website at [www.cumbriacc.gov.uk](http://www.cumbriacc.gov.uk) under Environment and Planning; and Minerals and Waste Development Framework and Minerals and Waste Local Plan.

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



TIMETABLE FOR PREPARING THE CUMBRIA MINERALS AND WASTE LOCAL PLAN																			
2012									2013										
May	June	July	August	September	October	November	December	January	February	March	April	May	June	July	August	September	October	November	December
	Regulation 18 consultations					Cabinet/County Council approval of draft documents	Regulation 19 consultations		Cabinet/County Council approval of submission documents	Regulation 22 Submission of documents		Hearing sessions			Inspector's Report		County Council adopts the Local Plan		Annual Report

Regulation 18 – consultations about what the Local Plan should contain

Regulation 19 - consultations about the Local Plan that the Council intends to submit