



**Planning and Compulsory Purchase Act 2004
Town and Country Planning (Local Planning) (England) Regulations 2012**

**Draft Cumbria Minerals and Waste Local Plan
2014 to 2029**

**TABLE OF MODIFICATIONS
DEVELOPMENT CONTROL POLICIES**

REGULATION 18 CONSULTATION

FEBRUARY 2015

Development Control Policy evolution

MWDF 2009	MWLP 2013	Title	MWLP 2015	Title
DC1	DC1	Traffic and transport	DC1	Traffic and transport
DC2	DC2	General criteria	DC2	General criteria
DC3	DC6	Cumulative environmental impacts	DC6	Cumulative environmental impacts
DC4	DC7	Criteria for waste management facilities	DC9	Criteria for waste management facilities
DC5	DC8	Criteria for landfill	DC10	Criteria for landfill and landraise
DC6	DC9	Criteria for non-energy minerals development	DC12	Criteria for non-energy minerals development
DC7	DC10	Criteria for energy minerals	DC13	Criteria for energy minerals
DC8	DC11	Applications for new conditions	DC14	Review of mineral permissions
DC9	DC12	Minerals safeguarding	DC15	Minerals safeguarding
DC10	DC13	Biodiversity and geodiversity	DC16	Biodiversity and geodiversity
DC11	DC14	Historic environment	DC17	Historic environment
DC12	DC15	Landscape	DC18	Landscape and visual impact
DC13	DC16	Flood risk	DC19	Flood risk
DC14	DC17	The water environment	DC20	The water environment
DC15	DC18	Protection of soil resources	DC21	Protection of soil resources
DC16	DC19	Restoration and afteruse	DC22	Restoration and afteruse
DC17	DC20	Planning obligations	-	MERGED into Strategic Policy
-	DC3	Noise	DC3	Noise
-	DC4	Quarry blasting	DC4	Quarry blasting
-	DC5	Dust	DC5	Dust
-	-		DC7	Energy from Waste
-	-		DC8	Renewable energy use on minerals and waste sites
-	-		DC11	Inert waste for agricultural improvement

Cumbria Minerals & Waste Local Plan – DC Policies

Regulation 19 Consultation Responses – policy/section/paragraph order

MWDF 2009	MWLP Feb 2013	Comments – changes made to DC Policies in MWLP Policies	MWLP representations	Recommended changes
DC1	DC1	Identical. Policy DC1 in draft MWLP February 2015	Rep. 12: concerned that underground coal extraction is tied to criterion of rail transport in DC10; this criterion would be better in DC1.	Agreed - bullet point b. in DC1 covers this already.
			Rep. 58: the bullet points regarding mineral development away from the strategic road framework should factor in the environment.	It is considered that this would be covered in other DC policies. An application would be considered against all relevant Local Plan policies.
DC2	DC2	Points a. to e. have been expanded and improved. First bullet point expanded to include tranquillity. Policy DC2 in draft MWLP February 2015	Rep. 17: the policy does not appreciate the additional function that some public rights of way or concessionary paths have.	When an application is submitted, this would be considered on a case by case basis.
			Rep. 37: <ul style="list-style-type: none"> ○ under 'section a', please insert 'and quality' before 'of surface and ground water' ○ the following should also be included in the 'considerations' section: <ul style="list-style-type: none"> ▪ sources of water supply and abstraction; and ▪ increased surface water run-off as a result of site stripping and exposure to bedrock. 	The list has been removed from the policy but para 13.11 will be changed to reflect this. Both of these would be considered, as appropriate, in the non-exhaustive list in para 13.11.
			Rep. 44: is bullet point a) necessary, as it is a recapitulation of Environmental Impact Assessment requirements?	The list has been removed from the policy, but is included as a non-exhaustive list in para 13.11.
			Rep. 52: <ul style="list-style-type: none"> ○ the details included in this policy will normally be properly and methodically catered for 	The list has been removed from the policy, but is included as a non-exhaustive list in para 13.11.

			<p>through EIA practice.</p> <ul style="list-style-type: none"> ○ it is recommended that there be a requirement in the policy for suitable and appropriate assessments, rather than the absolute agreement of the authority. ○ this policy would make compulsory what would normally be undertaken as a scoping exercise in the preparation of an EIA – this would appear to be regulation for regulation sake and should be removed. ○ it should be noted that not all development is EIA development and this policy would appear to act as a catchall. 	
			Rep. 58: the policy should make reference to 'habitats', as well as species, as a sensitive receptor.	Agreed – the text will be changed to reflect this.
			Rep. 49: in paragraph 14.7, it is considered that 'people undertaking leisure and recreation activities' should be considered as a sensitive receptor.	Agreed – neither the policy nor the text in para 13.9 precludes them.
-	DC3	<p>New policy on noise.</p> <p>Policy DC3 in draft MWLP February 2015</p>	<p>Rep. 37:</p> <ul style="list-style-type: none"> ○ applications should be accompanied by a noise emission assessment, in line with the requirements of paragraph 29 of the NPPF ○ noise levels should be quoted as 'equivalent continuous noise level' ○ weekday evening noise levels – would not wish to see a maximum 1 hour LAeq of 55dB(A) at this time of day, the figure of 55 should be replaced with 42 between the hours of 1900 to 2200 	<p>The text in para 13.11 explains that proposals will need to be accompanied by relevant assessments</p> <p>Noise levels have been amended to reflect Planning Practice Guidance.</p>

			<ul style="list-style-type: none"> ○ the following should be added to the end of the weekend working paragraph: “and should be lower than 55 dB(A) LAeq 1 hour (free field) at noise sensitive properties between the hours of 0700 and 13.00 on Saturdays and 42 dB(A) LAeq 1 hour (free field) from 13.00 on Saturdays and on Sundays and Public or Bank Holidays” - the weekday night time noise level of 42 dB(A) LAeq 1 hour (free field) should also apply for night time working at weekends ○ applications proposing weekend and night time working should be accompanied by a justification for this requirement ○ assessment of noise from road traffic should make use of BS5228. 	<p>Requirements have been taken from PPG</p> <p>Noted</p>
			Rep. 44: this policy should remove any duplication of the guidance of national documents, particularly the NPPF Technical Guidance, and should only cover things that national guidance is silent on or cover aspects only relevant to Cumbria.	Not agreed - the policy is aimed at reminding applicants of the requirements and standards they must meet
			Rep. 52: “does this fully reflect paragraph 30 on setting noise limits where low background levels would difficulties.”	The policy has been amended to reflect Planning Practice Guidance.
-	DC4	New policy on quarry blasting.	Rep. 17: the policy does not specify the full British Standard.	Not agreed - there is no requirement in the NPPF to specify the full British Standard
		Policy DC4 in draft MWLP February 2015	Rep. 37: the proposed limit on ground vibration is more stringent than that used on existing consents; the standard condition for ground	Noted

			<p>vibration currently being used (derived from BS7385) is a peak particle velocity of 6mm/second for 95% of blasts measured over any period of 6 months and no individual blast exceeding 12mm/second - these are set at a level below which damage to property is unlikely. While the Group would support a blanket limit of 6mm/second, we are not aware of any justification for this; if this new limit would also be applied to existing sites undergoing Environment Act Reviews, it could be contested.</p>	
			<p>Rep. 44: this policy should remove any duplication of the guidance of national documents, particularly the NPPF Technical Guidance, and should only cover things that national guidance is silent on or cover aspects only relevant to Cumbria.</p>	<p>Not agreed - the policy is aimed at reminding applicants of the requirements and standards they must meet</p>
			<p>Rep. 48: United Utilities should be kept informed of any development and/or planning application that plans to undertake quarry blasting within 500m of a Large Diameter Trunk Main, as prior consent will be required from United Utilities before granting approval - this information should be included in any future planning policy.</p>	<p>Noted. This Standing Advice will be taken into account in the planning process</p>
-	DC5	<p>New policy on dust. Policy DC5 in draft MWLP February 2015</p>	<p>Rep. 44: this policy should remove any duplication of the guidance of national documents, particularly the NPPF Technical Guidance, and should only cover things that national guidance is silent on or cover aspects only relevant to Cumbria.</p>	<p>Not agreed - the policy is aimed at reminding applicants of the requirements and standards they must meet</p>
			<p>Rep. 52: the wording of this policy may be onerous in distinguishing between a reasonable and appropriate assessment of dust in line with</p>	<p>Not agreed - it is considered that the Policy does not place onerous requirements upon applicants and</p>

			best practice versus the provision of “evidence”.	would be in line with the PPG
DC3	DC6	Minor amendments to criteria. Policy DC6 in draft MWLP February 2015	Rep. 28: there is no reference to protection of land designated as common land.	Agreed - development on common land is not necessarily prohibited in planning policy, but it is recognised that there are sensitivities relating to development upon it. It is encompassed within amended criteria f. of this policy
			Rep. 49: the approach set out here is supported.	Noted – no changes required.
			Rep. 102: the representor would expect an additional point about the cumulative effect on the transport system to be included in this policy.	Agreed - bullet point d. will be amended to read: “...and potential impacts on the <i>transport</i> network...”.
DC4	DC7	Policy streamlined to make it easier to cross reference facility types, locations and criteria. Policy DC9 in draft MWLP February 2015	Rep. 33: support this policy.	Noted – no changes required.
			Rep. 40: an objection is raised to this proposed policy, as there should not be a blanket presumption of approval; the policy should take account of individual and local circumstances in different areas.	Not agreed - the NPPF requires Local Plans to follow the approach of a presumption in favour of sustainable development, and for Local Planning Authorities to positively seek opportunities to meet the development needs of their area. It is considered that the policy properly reflects the NPPF
DC5	DC8	Amendments for clarity. Policy DC10 in draft MWLP February 2015	Rep. 17: should the reference to ‘non-inert’ landfill in the third paragraph actually be a reference to ‘inert’ landfill?	Not agreed – inert waste is needed for various uses, such as layering within non-inert landfills
			Rep. 48: <ul style="list-style-type: none"> ○ supplies of potable water to the future minerals and waste facilities from United Utilities’ network, whether they be temporary or permanent, need to be discussed with United Utilities so that proposals can be incorporated into future business plans. This will also allow for an assessment on the 	Liaison with United Utilities over supplies of potable water into future business plans is achieved through consultation on planning applications.

			<p>potential impact on wastewater treatment works and sewerage infrastructure assets in the area.</p> <ul style="list-style-type: none"> ○ United Utilities expects to place a greater emphasis on groundwater sources, beginning with boreholes currently being sunk in the Egremont area. ○ the construction of minerals and waste facilities may generate large volumes of groundwater, the disposal of which may require United Utilities to be involved. ○ UU should be engaged and consulted on all minerals and waste projects, including the investigation process, design, construction phase, operation and maintenance of the permanent/temporary facilities. 	<p>Noted – no change required to policy</p> <p>Noted</p> <p>As a matter of course, United Utilities are consulted on the majority of minerals and waste planning applications – no change necessary to the Policy</p> <p>As above.</p>
			<p>Rep. 49: the approach set out here is supported; in the context of sites such as Bennett Bank, a sensitive receptor would include people undertaking leisure and recreation activities, such as visitors to Sandscale Haws.</p>	<p>Noted – no change required.</p>
DC6	DC9	<p>Amendment to provide a non-exhaustive list of criteria to be considered</p> <p>Policy DC12 in draft MWLP February 2015</p>	<p>Rep. 21: this policy could refer to unconventional gas resources to allow for any interest in shale gas to be considered.</p> <p>Rep. 26: a definition of ‘non energy materials’ should be provided within the glossary.</p>	<p>Not agreed – this Policy relates to non-energy minerals development, and shale gas would be termed as an energy minerals development as set out in Planning Practice Guidance. See policy DC13 for energy minerals.</p> <p>Agreed - the Glossary will include the following definition for Non Energy Materials – “Minerals that do not have the capability of producing energy, which include aggregates, industrial</p>

				<p>minerals and building stones". Paragraph 5.3 explains further what aggregates, industrial minerals and building stones encompass, whilst paragraph 5.2 explains why the MWLP regards peat as an industrial mineral.</p>
			<p>Rep. 44:</p> <ul style="list-style-type: none"> ○ this policy requires substantial amendment. ○ the first paragraph is tautological, as it is a legal principle that the Plan must be read as a whole document; it should be obvious that even an allocation cannot be guaranteed success if a proposal is contrary to the Plan as a whole. ○ the second paragraph is misapplied to all non-energy minerals when it is only applicable to aggregates; another paragraph is needed to deal with industrial materials and to limit this paragraph to aggregates. ○ do not accept the interpretation of landbank in criterion a) as an absolute measure of whether a proposal merits or demerits consent; the MASS Guidance covers the circumstances where further reserves might be justified. ○ whilst national policy specifies a minimum landbank, CCC should be careful not to specify a maximum landbank, which this criterion implies. 	<p>The policy has been amended to provide a non-exhaustive list of criteria to be considered Not everyone reads the Plan as a whole, so this sentence is a reminder that all aspects are considered.</p> <p>The policy has been amended to provide a non-exhaustive list of criteria to be considered</p> <p>Agreed – list has been amended</p> <p>Agreed – this is discussed in more detail in the LAAs for years 2011 to 2013.</p>

			<ul style="list-style-type: none"> ○ there needs to be more flexibility built into the policy to allow minerals to be permitted in justifiable circumstances. ○ the third paragraph introduces a ranking of sustainability that is not present in national policy – it is considered that this phraseology should be removed. ○ although national policy emphasises the need for building stone resources for the historic repair market, it does not limit it to that market; this criterion is misconceived and should be deleted, then building stone should be included with the policy on industrial minerals and new or expanded workings should be encouraged. ○ the note at the end of the policy is misguided and unfair to those operators whose operation has run out of time; this should be deleted and flexibility built into the policy to allow extensions of time without need arguments being required. 	<p>The policy has been amended to provide a non-exhaustive list of criteria to be considered This is not intended.</p> <p>Not agreed – the policy does not limit opportunities for building stone to the historic repair market, but merely highlights that favourable consideration will be given to it</p> <p>The Note at the end of the policy has been removed.</p>
			<p>Rep. 49: there appears to be confusion with the various terminologies used in the supporting text and the Policy itself, it is especially unclear what constitutes a 'Preferred Area' as referred to in the Policy and where they are illustrated; the definition in the Glossary is unclear and does not advise where more detail can be found and a cross reference to Policy SAP6 would be useful - this matter is not assisted by the lack of a legend relating to defined areas on maps, such as Policy Map – Part 2.</p>	<p>The definition of 'Preferred areas' and 'Areas of Search' are made clear in paragraph 5.78 under the Strategic Policies and within the Glossary. Cross reference to policy SAP4 is made in para 5.82. There is a legend for all of the Parts of the Policies maps – these are so detailed that a legend on each map would cover up too much information.</p>

			<p>Rep. 52:</p> <ul style="list-style-type: none"> ○ this policy seems to be based on the incorrect premise that planning consents will only be granted where there is a shortfall in the landbank and does not recognise that the landbank is not a cap to development but a minimum requirement; consideration of landbank should only be relevant where a development is finely balanced on sustainability or environmental grounds. ○ paragraph 20.27 appears to state that Preferred Areas and Areas of Search are yet to be identified. ○ clarification is sought on how the policy statement of “favourable consideration may also be given” relates to the text “proposals will only be permitted if...”, which is also in the policy. ○ the policy appears unduly restrictive for both physical and time extensions to existing sites when these can have many advantages; if there is doubt, this can be reviewed through EIA or other analysis, but the scope for continuing should not be thwarted by policy - it does not sit well with the presumptions regarding positive decisions and sustainable proposals within the NPPF. ○ how would this policy interact with Areas of Search and strategic areas for new mineral developments? 	<p>Not agreed – the reference to use of the landbank is intended as a minimum, and therefore it would not act as an upper cap. The Policy is intended to ensure that development can be supported where there is a need outside of the defined Preferred Areas on the grounds of sustainability</p> <p>Policy SAP4 sets out these allocations</p> <p>The policy has been amended to provide a non-exhaustive list of criteria to be considered</p> <p>Not agreed – it is considered that the Policy provides sufficient flexibility, focusing on existing quarries for sound sustainability reasons</p> <p>It is considered that the proposed Areas of Search would be mostly located in proximity to existing sites as set out in Policy SP7 and SP8, and Policy DC12 relates principally to those locations</p>
--	--	--	--	---

DC7	DC10	<p>Following publication of Planning Practice Guidance, this policy has been extensively amended.</p> <p>Policy DC13 in draft MWLP February 2015.</p>	<p>Rep. 12: concerned that underground coal extraction is tied to criterion of rail transport in this policy; this criterion would be better in DC1.</p> <p>Rep. 46:</p> <ul style="list-style-type: none"> ○ the criterion of the policy dealing with coal reflects national policy advice and is supported. ○ the policy refers back to the Strategic Policies and requires proposals to conform to such policies - this emphasises the absence of a policy dealing with future extraction of coal. ○ paragraph 16.3 (the explanatory text for this policy) should be amended to reflect the fact that coal extracted from either surface or deep mining methods within the UK has historically supplied more than just the energy market; the policy should include wording to acknowledge the fact of the coal requirements of the nation's heavy industries. 	<p>Agreed - bullet point b. in DC1 covers this already.</p> <p>Noted – no change required.</p> <p>There are now no Strategic Policies on energy minerals as explained in the text (para 5.99). Policy DC13 is intended to deal with extraction of coal, and other hydrocarbon developments. Applications will be considered on their individual merits against this policy. This matter is now covered in the text of Chapter 5 (e.g. para 5.89)</p>
DC8	DC11	<p>Title of policy changed to clarify</p> <p>Policy DC14 in draft MWLP February 2015.</p>	<p>Rep. 26: Reviews of Mineral Permission (ROMP) are not planning applications and, therefore, cannot be determined against the provisions of the Local Plan; this policy and its associated text in paragraph 16.4 are unnecessary.</p>	<p>Not agreed – it is considered that Policy DC11 (now DC14) is compliant with the law, and summarises what the M&W Planning Authority is required to carry out in dealing with initial and periodic reviews to comply with the Environment Act 1995, and reiterates national guidance (set out in the Planning Practice Guidance – PPG) for dealing with initial and periodic reviews. The respondent states that ROMPs are not planning applications, and therefore cannot be</p>

				<p>determined against the provisions of the Local Plan. It is the case that an application for the determination of new conditions (i.e. ROMPs) is different from a planning application in that the principle of development is not under review of the planning permissions already exist and therefore cannot be 'refused' in this sense. The purpose of a ROMP is to effectively update the conditions attached to that permission. In doing so, the Local Planning Authority is required to include any conditions that may be imposed on the grant of planning permission and may be additional to or in substitution for any existing conditions. The conditions imposed must meet several tests in PPG, and the LPA is required to justify any new conditions on the basis of compliance with the development plan.</p> <p>Agree to amend text (now paras 15.18 – 15.20) to make clear that it is the planning conditions that are considered in the context of Local Plan Policy, and not the principle of the permission.</p>
			Rep. 33: support this policy.	Noted – no change required.
			Rep. 49: the approach set out here is supported.	Noted – no change required.
			Rep. 52: this policy appears to replicate statute and guidance.	The policy is to aid decision making.

DC9	DC12	Identical. Policy DC15 in draft MWLP February 2015.	Rep. 12: object that paragraph 16.6 suggests that urban areas and sites allocated in District Local Plans are exempt from the need to consider mineral sterilisation.	Paragraph 15.25 provides some clarity on this point. Any issues arising from District Local Plan/Land Allocation Policies would be dealt with through the normal Local Plan consultation process, with the County Council as a statutory consultee
			Rep. 25: <ul style="list-style-type: none"> ○ CCC should seek, through a separate policy, to ensure the safeguarding of existing and potential 'added-value' operation; policy should also ensure that inappropriate development does not encroach towards the boundaries of the types of operations identified in this response - there should also be a stand off distance included along the boundaries. ○ CCC should seek to obtain up-to-date plans for shallow coal deposits from the Coal Authority. 	Not agreed – the criteria in the Policy, and the continued liaison with the other Local Authorities in Cumbria, are considered sufficiently robust Regular liaison with the Coal Authority ensures up-to-date data is added to our GIS system.
			Rep 44: the policy does not mention how non mineral development in an MSA, which conflicts with the mineral interest, will be determined; further criteria are needed about the redesigning of the development to accommodate mineral safeguarding, or temporary development, or whether the need for the development overrides the mineral interest.	Determination of proposals for non-mineral development is not a County matter, and polices on these detailed issues would be inappropriate. Add explanation to text of the Local Plan (paras 15.21 -15.25).
			Rep. 46: <ul style="list-style-type: none"> ○ disagree with the wording and its supporting text; it is considered that it does not fully comply with paragraph 143 of the NPPF or fully reflect the nature of prior extraction of 	Amend supporting text for clarification (paras 15.21 to 15.25).

			<p>coal.</p> <ul style="list-style-type: none"> ○ prior extraction is considered a suitable solution to enabling non-mineral development on shallow coal reserves to proceed, in line with paragraph 143 of the NPPF; it is suggested that the policy should be reworded to read as follows: “Where a development site overlies or would sterilise mineral resources, their prior extraction will be permitted as long as a) it can be achieved without unreasonably prejudicing the development and b) it can be completed within a reasonable timescale and c) it is environmentally feasible”. ○ considers that the supporting text to the policy should reflect the specific circumstances that apply to coal, as set out elsewhere in the consultation response. ○ considers that consideration of prior extraction of minerals should be undertaken as part of the development planning process; this will allow extraction to be programmed to ensure that it dovetails with construction programmes - unless this process has already been through, in consultation with the industry, then the exclusion of allocated sites appears to be unreasonable. 	<p>Not agreed – the added use of the proposed words “unreasonable” in criteria a) would increase the degree of certainty as to how the policy would be interpreted and implemented. The use of the proposed words in criteria c) are not considered adequate, and the NPPF also uses the words “do not have unacceptable adverse impacts on the natural and historic environment”</p> <p>Coal is identified as an MSA, so will be considered in the same way as any other mineral.</p> <p>Issues can only be resolved as each District takes forward their Local Plan preparation, which cannot be pre-programmed</p>
DC10	DC13	Identical. Policy DC16 in draft MWLP February 2015.	<p>Rep. 17: the policy should clearly include effects of the development on the biodiversity of the surrounding area.</p> <p>Rep. 49: the approach set out here is supported.</p>	<p>Policy DC16 works in tandem with policy SP14 and it is considered that they, and the other relevant policies in this Plan, address this issue.</p> <p>Noted – no change required.</p>

DC11	DC14	<p>Rewritten to be in conformity with the NPPF and Planning Practice Guidance.</p> <p>Policy DC17 in draft MWLP February 2015.</p>	<p>Rep. 18: the requirement for mineral developments to preserve nationally important archaeological sites in situ (except for over-riding reason of national importance) is excessive.</p>	<p>Policy DC17 has been rewritten to be in conformity with the NPPF and Planning Practice Guidance.</p>
			<p>Rep. 25: the second part of the policy (begins with 'proposals that...') exceed the requirements of the NPPF - there needs to be some flexibility built into the policy.</p>	<p>Policy DC17 has been rewritten to be in conformity with the NPPF and Planning Practice Guidance.</p>
			<p>Rep. 49: generally, the intended approach is supported, but it is suggested that references to 'Registered Historic Parks and Gardens' and 'buildings on a local list' in parts a) and c) and the related text be changed to 'heritage assets and their settings' in line with wording in the NPPF.</p>	<p>Policy DC17 has been rewritten to be in conformity with the NPPF and Planning Practice Guidance.</p>
DC12	DC15	<p>The title has been changed to ensure that visual impact is also considered.</p> <p>Policy DC18 in draft MWLP February 2015.</p>	<p>Rep. 17: the policy would benefit from examples of what would be classified as 'significant' adverse impacts.</p>	<p>This is not considered necessary as each case needs to be treated on its individual merits and, therefore, examples could be misleading.</p>
			<p>Rep. 25: the reference to 'the capacity of the landscapes to accept development' should be deleted; this far exceeds the requirements of the NPPF and the lack of definition makes the policy unsound and open to interpretation.</p>	<p>It is good practice when considering the landscape and visual impact of new development using the GLVIA as a model approach to consider the capacity of a landscape to accommodate new development.</p>
			<p>Rep. 28: this section should be more robust, especially in connection with public rights of way; in general, there is very little in the document about existing rights of way and a statement that these should be preserved would be helpful.</p>	<p>It is good practice to consider the effects of new development on key visual receptor points, which will include Public Rights of Way</p>
			<p>Rep. 49: the approach set out here is supported.</p>	<p>Noted – no change required.</p>
DC13	DC16	<p>Better reference made to requirements of NPPF and PPG.</p>	<p>Rep. 44: this policy should remove any duplication of the guidance of national documents, particularly the NPPF Technical Guidance; it</p>	<p>Not agreed - this policy helps to define what is acceptable/not acceptable in terms of minerals and waste workings,</p>

		<p>Policy DC19 in draft MWLP February 2015.</p>	<p>should only cover things that national guidance is silent on or cover aspects only relevant to Cumbria.</p>	<p>and consolidates the relevant parts of PPG</p>
			<p>Rep. 48:</p> <ul style="list-style-type: none"> ○ site drainage, ground conditions, local flooding issues, development layout, design and planning policies should be major considerations when selecting possible development sites. ○ the treatment and processing of surface water (storm water; rainwater) is a not a sustainable solution; the sites' current natural discharge solution should be continued and/or mimicked - if the existing surface water does not have an existing or a historical natural solution, we would question the development of a flooded site. ○ surface water should be managed at source and not transferred; if not, this will only transfer the issue to another location, generally to a single pinch point, generating further problems in that location. ○ developments must drain on a separate sewerage system, with only foul drainage connected into the foul sewerage network. ○ every option should be investigated before discharging surface water into a public sewerage network. ○ connecting surface water to the public sewerage network is not a sustainable solution and CCC should discourage this practice. ○ the representor provided a list of the priority 	<p>Noted - the Policy will be amended to require assessment of flood risk where there are critical drainage problems, and to include risk of increasing flood risk outside the development site. Other points raised in the representation relate to sewerage and are covered through standing advice from United Utilities that are taken account of when considering planning applications.</p>

			<p>options for the management of surface water discharges.</p> <ul style="list-style-type: none"> ○ development on greenfield sites shall not discharge water into the public combined sewerage network and shall not increase the rate of run off into the public surface water network; this will be alongside the priority options for the management of surface water discharges. ○ on previously developed land, a reduction of at least 30% will be sought, rising to a minimum of 50% in critical drainage areas – will be alongside the priority options for the management of surface water discharges. ○ any discharge to the public sewerage system must be via approved SUDs and will require an approved discharge rate; CCC should refer to case studies included at: www.susdrain.org. ○ a discharge to groundwater or watercourse may require the consent of the Environment Agency. 	
DC14	DC17	Policy amended to be more positive.	Rep. 17: the policy should include the water environment in the surrounding area.	Agreed - Policy DC20 will be amended to include “ <i>both within the application site and its surroundings,...</i> ”.
		Policy DC20 in draft MWLP February 2015.	Rep. 49: the approach set out here is supported.	Noted – no change required.
DC15	DC18	Policy expanded to reference BMV. Policy DC21 in draft MWLP February 2015.	Rep. 58: <ul style="list-style-type: none"> ○ this policy should go further to protect the Best and Most Versatile soil as a resource; decisions about minerals and waste developments should take full account of the impact on soils, their intrinsic character and 	Agreed – insert additional new paragraph at “ <i>a. the long-term potential of best and most versatile agricultural land will be safeguarded</i> ”

			<p>the sustainability of the ecosystem services they deliver.</p> <ul style="list-style-type: none"> ○ the paper 'The Natural Choice: securing the value of nature' (Defra, June 2011) identifies the importance of natural resource protection, including the conservation and sustainable management of soils; this conservation and sustainable management is also included within the NPPF (paragraphs 109, 112 and 143). ○ part of Cumbria contains Best and Most Versatile Agricultural Land; it should be protected from inappropriate development. 	<p>Amend paragraph b. to replace "protected" with "conserved"</p> <p>Change the existing paragraph labelling a, & b. to b. and c. respectively</p> <p>Noted</p>
DC16	DC19	<p>Minor amendments.</p> <p>Policy DC22 in draft MWLP February 2015.</p>	Rep. 12: sound policy.	Noted – no change required.
			Rep. 17: full support for this policy, but it could contain a statement that says that where no other afteruse is identified, redundant quarries should be infilled with surrounding spoil heaps.	It is considered that the Policy seeks to adequately ensure restoration and afteruse, but it is considered that infilling redundant quarries with spoil heaps may not always be an appropriate solution – each case should be considered on its own merits.
			Rep. 25: equal emphasis should be placed on restoring agricultural land back to use as food production.	It is considered that the Policy has this flexibility – agricultural afteruse encompasses agricultural use for food production
			Rep. 26: in comparison with the requirements for restoration of BMV land, the automatic presumption in this policy, that peat workings be restored to peat regeneration is unjustified; the ultimate sentence should be deleted.	Not agreed – Policy DC18 (now DC21) has been amended to refer to BMV agricultural land. The final sentence of policy DC19 (now DC22) has been amended to read "Once peat workings have

				become non-operational, they should be restored to peat regeneration wherever possible”. This is in line with the County Council’s Strategic Objective 1, to minimise the impacts of climate change on people and the environment (see Table 17.1). See also the discussion regarding peat acting as a carbon sink in paragraph 6.19.
			Rep. 49: no specific comments to make, other than to note the potential for, and importance of securing, the phased restoration of large sites.	Noted – no change required.
			Rep. 58: this policy can be improved by reference to green infrastructure when dealing with restoration and enhancement measures for minerals and waste development schemes - the representor encourages the inclusion of green infrastructure into the Plan and in any proposed development.	Agreed – insert <i>“including by establishing coherent ecological networks that are more resilient to current and future pressures”</i> .
			Rep. 103: it is considered that bullet point a) should include a specific reference to nature conservation after-use, as this use is the most likely matter to require more than 5 years of aftercare.	Agreed –insert <i>“nature conservation”</i>
DC17	DC20	Policy deleted – detail has been merged into Strategic Policy SP16	Rep. 17: full support for this policy.	Noted – but the policy is deleted and the provision incorporated into policy SP16
			Rep. 18: why is there a provision for item ‘e’; if this is to remain, it needs to be qualified.	The policy has been merged with SP16, but point ‘e.’ is deleted.
			Rep. 25: part e needs further explanation – without it, it should be deleted.	The policy has been merged with SP16, but point ‘e.’ is deleted.

		Rep. 49: no specific comments to make, other than to note the potential for, and importance of securing, the phased restoration of large sites.	Noted – but see above
		Rep. 102: this policy should include the following text: “ <i>monetary provision for any additional road maintenance due to the additional HGV usage of the transport system</i> ”.	Policy deleted – detail has been merged into Strategic Policy SP16
General Comments			
Planning permission conditions		Rep. 37: in paragraph 14.5, upgrading of planning permission conditions to modern standards should also take place during Environment Act Reviews of existing sites.	Point noted. This is expanded upon in paras 15.18 to 15.20
		Rep. 52: <ul style="list-style-type: none"> ○ in paragraph 14.4, care is needed, particularly in relation to time extensions; there is concern that applications for time extensions will be re-assessed against latest policies which could lead to nonsensical technicalities about how the site can fit in with new policies. The effects of such proposals can be properly considered through an EIA. ○ would a partly worked mineral reserve become effectively sterilised if it were not worked as part of the current operation? If it would, this would be contrary to the principle of sustainable mineral extraction. 	Point noted. This is expanded upon in paras 15.18 to 15.20 If a site has been abandoned, but an applicant wishes to re-open it, they are open to submit a planning application to be considered on its individual merits, in accordance with the NPPF and the Local Plan
Noise		Rep. 52: in paragraph 14.7, the controls needed on noise are recognised, but some compromise must be sought as there will be inevitable noise sources that will occur during daytime hours. This paragraph appears to repeat the NPPF Technical Guidance – is it necessary to include this within	Noted – no change required as it is considered that the paragraph is text only and is intended to give context for Policy DC2

	the Plan?	
Tranquil areas	Rep. 52: in paragraph 14.9, the reference to CPRE Tranquil Areas should be deleted as it is significantly outdated and would appear not to have been based on any objective scientific criteria.	It is considered that the reference to the CPRE Map of Tranquillity remains a useful tool to demonstrating the value of tranquil areas.
Sustainable development	Rep.52: paragraph 13.5 should recognise that it is not only Cumbria's requirements that need to be met; it is also Cumbria's contribution to the North West.	Whilst it is accepted that there are wider effects of Cumbria minerals and waste policies, the Local Plan affects Cumbria specifically, and for this reason there would be no policy benefit in making the wider reference to the North West in this context
Cumulative impact	Rep. 44: <ul style="list-style-type: none"> • in paragraph 14.11, the Plan should follow the advice and guidance found in the European Union's (EC DG XI) <i>Guidelines for the Assessment of Indirect and Cumulative Impacts as well as Impact Interactions</i> • the Plan should make it clear that sites which have been worked and restored should not be considered in any assessment of cumulative impact as they have been returned to an environmentally acceptable condition. 	Noted Noted – no change required as the point is an obvious one, and is not considered relevant to the purpose of Policy DC6, which is to consider worked sites where cumulative effects are most likely to arise.
Peat	Rep. 26: <ul style="list-style-type: none"> ○ the table on page 95 states that peat workings should be restored to peat generating vegetation wherever possible – this is not consistent with other parts of the draft Local Plan; 	Not agreed – the intention of the reference in Table 17.1 is to reflect the aim to restore peat workings to natural peat, given that national policy requires that minerals planning authorities make no further provision for peat workings. It is consistent with

	<ul style="list-style-type: none"> ○ there is no definition of 'Carbon Capture Capability' in the glossary or any explanation as to how it is calculated/quantified. 	<p>Local Plan policies SP7, SP8, SP11 and SP14</p> <p>Where the land use and vegetation of a site indicate that it provides significant carbon sequestration as an ecosystem service, and this is likely to be significantly affected by a proposed development such as peat extraction, it is likely that estimated values will be adequate to demonstrate the relative scale of the pre and post development carbon sequestration by the site. See also the discussion regarding peat acting as a carbon sink in paragraph 6.19.</p>
LLW	Rep. 27: in paragraph 15.5, 'LALLW' may or may not have hazardous properties; however, as radioactive waste, the Landfill Directive does not apply.	Noted – no change required
Restoration	Rep. 52: paragraph 17.35 does not follow the advice in the NPPF paragraphs 49 and 50; restoration bonds are not appropriate where a developer can demonstrate the total restoration liability and how this will be accounted for or where the developer is a member of the MPA - this should be re-written to comply with the NPPF.	It is considered that paragraph 16.35 is clear about the exceptional circumstances where a financial guarantee to cover restoration may be sought. It is considered that there is no incompatibility with NPPF
Monitoring	Rep. 52: in paragraph 18.1, an ongoing annual review of policies can create uncertainty in the operation of the Plan; CCC should explain how consultation will be undertaken and the process for altering policies.	Not agreed – Regulation 34(2) of the Town and Country Planning (Local Planning) (England) Regulations 2012 requires Local Planning Authorities to regularly monitor and review their Local Plan planning policies, and to identify steps to implement them. It is

		<p>not considered necessary at this stage to explain in detail how that process will be undertaken. It is considered that the commitment in paragraph 18.1 is sufficient for the purposes of the Local Plan document itself.</p> <p>This chapter has been rewritten and provides greater clarity on the next steps in the process.</p>
--	--	--