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**TOWN AND COUNTRY PLANNING
(LOCAL PLANNING) (ENGLAND) REGULATIONS 2012**

REGULATION 18 CONSULTATION

**DRAFT CUMBRIA MINERALS AND WASTE LOCAL PLAN
2014-2029**

OPTIONS REPORT

MARCH 2015

Contents

1.	CONTEXT	4
2.	INTRODUCTION	5
3.	SPATIAL VISION, OVERALL STRATEGY AND STRATEGIC OBJECTIVES	6
4.	WASTE	7
	RADIOACTIVE WASTE	7
	Issue RAD 1: Criteria for proposals for any disposal facility for ILW and HLW within Cumbria 7	
	Issue RAD 2: Criteria for ILW and HLW storage (and management) facilities, including consideration of wastes from outside Cumbria	9
	Issue RAD 3: Criteria for Low Level radioactive wastes (LLW) facilities, including consideration of wastes from outside Cumbria	11
	OTHER WASTE.....	13
	Issue WAS 1: Overall approach to waste provision in Cumbria.....	13
	Issue WAS 2: Strategic approach to location of waste facilities.....	15
	Issue WAS 3: Household Waste Recycling Centres	17
	Issue WAS 4: Landfill Thresholds.....	18
5.	MINERALS	20
	NON- ENERGY MINERALS.....	20
	Issue MIN 1: Aggregate Provision, Sub-regional apportionment, landbanks and safeguarding20	
	Issue MIN 2: Areas to be specified in Minerals Provision and Safeguarding policies, and in Site Allocation Policies	23
	Issue MIN 3: Zinc Mining in the North Pennines AONB.....	35
	Issue MIN 4: Strategic location of minerals sites.....	36
	ENERGY MINERALS.....	37
	Issue HYD 1: Strategic policy for oil and gas.....	37
	Issue HYD 2: Shale Gas – see issue HYD 1 above.....	38
	Issue HYD 3: Coal, and in particular environmentally acceptable areas for Coal Extraction and disposal of colliery spoil	39
6.	SUSTAINABILITY.....	41
	Issue SUS 1: Climate change and sustainable location and design	41
	Issue SUS 2: Economic benefit and financial contributions to mitigate adverse impacts of development	43
7.	ENVIRONMENT	45
	Issue ENV 1: Environmental Assets	45
	Issue ENV 2: Historic Environment	46
	Issue ENV 3: Environment and Community	47

1. CONTEXT

- 1.1. This document is about the Draft Cumbria Minerals and Waste Local Plan (MWLP), which is being prepared as part of the development plan system that the Government brought into effect in April 2012. Cumbria's Minerals and Waste Local Plan will be for the period up until 2029 and is for those parts of Cumbria that are outside the Lake District and Yorkshire Dales National Parks. The Local Plan has to be prepared by the County Council because it is the local planning authority for minerals and waste management developments.
- 1.2. The MWLP incorporates much of the content, updated as necessary, of the adopted Cumbria Minerals and Waste Development Framework (MWDF) that was prepared under the previous development plan system. The MWLP also builds on the work that was being undertaken on the MWDF Site Allocations Policies and Proposals Map, but which was withdrawn from its Examination by the Planning Inspectorate, in 2012.
- 1.3. The County Council is required to consult on the MWLP at a number of stages, and the consultation on the first draft of the MWLP for Cumbria was undertaken in Spring 2013. The Council has considered the responses received from that consultation and has further developed its evidence base. A second consultation on the County Council's preferred options (Regulation 18) for the MWLP is being carried out in spring 2015.
- 1.4. Following closure of the consultation, the County Council will consider all responses received and update the draft MWLP as necessary. It is intended that the publication draft (Regulation 19) will be submitted to the Secretary of State towards the end of 2015.
- 1.5. Once the Minerals and Waste Local Plan has been examined by the Planning Inspectorate and formally adopted by the County Council, it will replace the Minerals and Waste Development Framework.

2. INTRODUCTION

- 2.1. This document highlights the options that were considered during the preparation of the Local Plan, and the main reasons for the choices made in developing the proposed policies. It is arranged under “issues” rather than policies so that the outcomes for strategic, development control and site allocation policies can be viewed together. The document should be viewed alongside the Local Plan itself, which includes detailed explanations based on the latest evidence for each policy proposed, and the full text of the proposed policies.
- 2.2. Many of the policies are the same or very similar to those in the Core Strategy¹ and Generic Development Control Policies² adopted by the County Council in April 2009 as the Minerals and Waste Development Framework (MWDF), because reconsideration of the options developed at that time showed that the policies are still relevant. Other proposed policies are significantly different from those in the MWDF, because changes in national planning policy and guidance, and consideration of the latest evidence, led to different conclusions on the relevant issues.
- 2.3. For each issue identified, this document refers to the key relevant policies in the current Development Plan, i.e. the two MWDF DPDs, and the options considered before they were adopted. It then highlights the reasons why change was considered, and the options that were assessed in either the February 2013 consultation draft or the February 2015 consultation draft. The proposed policies for each issue are then listed, followed by a summary of the reasons for the selected option.
- 2.4. The six key areas and the 19 issues identified in this document have been refined and shaped by consultation and sustainability appraisal since the start of the plan making process in 2005, soon after the introduction of the new planning system. They were first set out in the Issues and Options Report of June 2006 and have become clearer, and in some respects more detailed, at each stage of the process. However, it is also clear that many decisions taken during the MWDF process remain relevant, and the County Council considers it reasonable to build on the foundation established at that time.
- 2.5. Options for site allocations have also been considered over a long period, with some sites included in the Issues and Options document in June 2006. Alternative sites that were considered at various stages of plan preparation are listed in the detailed Site Assessment³ document.

¹ Cumbria Minerals and Waste Framework: Core Strategy (2009-2020)

² Cumbria Minerals and Waste Framework: Generic Development Control Policies

³ Site Assessments for Cumbria Minerals and Waste Local Plan; CCC Feb 2015

3. SPATIAL VISION, OVERALL STRATEGY AND STRATEGIC OBJECTIVES

- 3.1. The long term spatial vision and strategic objectives for the MWDF were derived through the same iterative process of consultation and sustainability appraisal as the policies for the MWDF. Minor changes to these were generated prior to the adoption of the MWDF Core Strategy, in order to strike a balance between the different sustainability objectives.
- 3.2. Only two further amendments to the spatial vision were proposed for the Local Plan. One incorporated the aim of contributing to the management of Low Level radioactive wastes from outside Cumbria that required specialist facilities but do not have adverse social and economic consequences; the second removes a specific reference to the high amount of household waste per head of population in Cumbria in relation to the UK average.
- 3.3. An Overall Strategy for the Local Plan was defined from previous text in the February 2013 consultation draft, and remains in the current draft, however, the strategy does not represent any change in direction or emphasis.

4. WASTE

RADIOACTIVE WASTE

Issue RAD 1: Criteria for proposals for any disposal facility for ILW and HLW within Cumbria

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 4.1. Adopted MWDF Core Strategy **Policy CS11 High and Intermediate Level radioactive waste geological disposal** set out information needs and assessment criteria for planning applications for any future Geological Disposal Facility (GDF) in Cumbria. These were specified for 3 phases: 1) surface based investigations including bore holes; 2) underground shafts, tunnels and laboratory; and 3) the disposal facility itself.
- 4.2. This was an interim position based on emerging Government policy as detailed in the 2008 White Paper on Managing Radioactive Waste Safely (MRWS).
- 4.3. The alternative option, of not having a policy, was considered and rejected, but was to be kept under review.

Alternatives considered for Local Plan

- 4.4. The 2009 Adopted MWDF policy was reassessed in the light of:
 - i. the County Council resolution not to participate in stage 4 of the MRWS process;
 - ii. the likely timescales for GDF, and
 - iii. consultation responses from the Nuclear Legacy Advisory Forum (NuLeAF) and the Nuclear Decommissioning Authority (NDA)
- 4.5. Options considered were:
 - A. no change, continue to include a policy;
 - B. not include a policy and rely on a partial review of the Plan if the need arose.

Proposed Policies

- 4.6. No policy relating to disposal of ILW or HLW is included in the 2015 draft Local Plan (i.e. Option B). The policy was omitted in the 2013 consultation draft Local Plan.

Reason for way forward

- 4.7. Following the resolution of the County Council not to continue participating in the MRWS process, the Department for Energy and Climate Change published further guidance⁴ in March 2013 and a new White Paper⁵ in July 2014. Any Geological Disposal Facility would be determined by the Secretary of State as a Nationally Significant Infrastructure Project, and no decision has been taken to host such a development in Cumbria. Furthermore, the timescales for the project are such that development is very unlikely to come forward within the Plan Period.
- 4.8. A representation from NuLeAF as part of the 2013 Local Plan consultation supported the flexibility afforded by omitting the previous policy. The NDA representation did not include any adverse comment on the revised approach.

⁴ <https://www.gov.uk/managing-radioactive-waste-safely-a-guide-for-communities> DEC March 2013

⁵ Implementing Geological Disposal Department of Energy & Climate Change July 2014

Issue RAD 2: Criteria for ILW and HLW storage (and management) facilities, including consideration of wastes from outside Cumbria

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 4.9. Adopted MWDF Core Strategy **Policy CS10 High and Intermediate level radioactive waste interim storage** addressed storage facilities which would be required pending provision of any long term disposal facility . The policy referred only to Sellafield and said nothing about proposals at any other site.
- 4.10. The alternative option, of not having a policy but relying instead on Cumbria and Lake District National Park Joint Structure Plan **Policy ST4 Major development proposals**, was considered but rejected at the time. The policy was temporarily saved by the North West Regional Spatial Strategy (NWRSS).

Alternatives considered for Local Plan

- 4.11. Alternatives to the adopted policy were considered in the light of:
- i. consultation responses from the NDA and Natural England;
 - ii. the revocation of the NWRSS;
 - iii. the mechanisms and regulatory powers available for implementation; and
 - iv. changes in national policy including clarification of the status of national policies such as the NDA Strategy April 2011.
- 4.12. Options considered were:
- A. no change, carry forward the MWDF policy unchanged,
 - B. clarify the position with respect to:
 1. ILW and HLW proposals on any OTHER site in Cumbria;
 2. rigorous assessment of alternative locations for all proposals to manage ILW from sites outside Cumbria;
 3. approach to adverse impacts and balance between benefit and detriment;
 4. scope of the policy including “treatment” and “management” as identified in the Local Plan Glossary;
 5. community needs and involvement during the development process.
 - C. consider addressing some issues in a separate policy – see Issue RAD 3 below.

Proposed Policies

4.13. **Policy SP6 High and Intermediate level radioactive waste treatment, management and storage** takes forward Option B 1-5, and makes it clear that:

- Sellafield is the only site in Cumbria where such proposals would be permitted; and
- involvement in, or benefits from, the proposal with, or for, local communities are not criteria for the assessment of planning applications. (Option B 5 is omitted).

4.14. **Policy SP4 Best Available Technique** is a new policy that also takes forward Option C, and applies four specific principles to these kinds of wastes.

Reason for way forward

4.15. A strong desire to avoid proliferation of such sites within Cumbria, and the unnecessary import of radioactive wastes arising at nuclear facilities elsewhere in the UK, was expressed in consultation responses. Policy SP6 is flexible enough to cater for imports of HLW from outside the UK that are reprocessed but then returned to the country of origin, and also for any operational waste that may arise within Cumbria in future, or any proposal for interim storage of ILW from elsewhere in the UK. Both proposed policies respect the other regulatory regimes involved in radioactive waste management and storage.

4.16. This is a key issue of relevance to Cumbria and deletion of the policy was not considered appropriate.

Issue RAD 3: Criteria for Low Level radioactive wastes (LLW) facilities, including consideration of wastes from outside Cumbria

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 4.17. MWDF **Policy CS12 Low Level radioactive waste** concerned only the Low Level Waste Repository near Drigg, and included a requirement to demonstrate that proposals were feasible in the light of sea level rise and coastal erosion, and within the site's radiological capacity.
- 4.18. The alternatives considered in earlier stages of the MWDF process were:
- not having a policy, initially because national policy was under development; or
 - policy that could reduce waste imports from outside Cumbria, particularly those wastes which could safely be disposed of at sites elsewhere, closer to their point of origin.
- 4.19. The option selected was to accept a National role, i.e. the import of LLW from elsewhere in the UK, conditional on measures to reduce the proportion of such waste assigned to the site. This attempted to ensure the "optimal use" of the highly engineered capacity at the Repository, and ensure development plans for the site were proportionate.
- 4.20. A key issue was also the very large amounts of VLLW predicted to arise from decommissioning of nuclear power station sites, and the lack of clear information about the "end state" of the sites, and whether some of this VLLW could be disposed of at or near the sites themselves. Without such plans, there was a perception that the LLWR would be expanded unnecessarily.
- 4.21. Although the search for other sites in the UK for LLW disposal was being promoted by the NDA from 2007, no specific policy limiting a second site in Cumbria was developed for the 2009 Adopted Plan, although the separate Site Allocations Policies document proposed a limited range of LLW sites, including Sellafield itself.

Alternatives considered for Local Plan

- 4.22. Alternatives to the adopted policy were considered in the light of:
- i. the mechanisms available for implementation;
 - ii. potential overlap with other regulatory regimes;
 - iii. changes in national policy including clarification of the status of national policies such as the NDA Strategy April 2011;
 - iv. consultation responses to the Feb 2013 draft; and
 - v. experience of dealing with an apparent proliferation of planning applications for additional LLW facilities within Cumbria.
- 4.23. Options considered were:

- A. in the Feb 2013 draft, two policies were proposed. One developed CS12 to apply only to the higher activity range of LLW and required proposals for further sites, in addition to the LLWR, to demonstrate that they were needed for wastes arising within Cumbria. The second policy was for lower activity LLW that did not need the level of radiological containment of the Repository, and applied to LLW arising at Sellafield as well as from outside Cumbria. This required a sequential approach with disposal on, or adjacent to, the site of waste arisings to be considered first.
- B. following the 2013 consultation, reverting to one policy for all LLW was considered, and
- C. an additional policy on general principles for all radioactive wastes proposals, e.g. waste hierarchy and proximity principles.

Proposed Policies

- 4.24. **Policy SP5 Development criteria for Low Level waste** would apply to all activity levels of low level waste, on any site, existing or new (i.e. Options B and C).
- 4.25. **Policy SP4 Best Available Technique** requires all proposals for additional radioactive waste facilities to demonstrate how the development complies with four basic principles, sustainable development, waste hierarchy, and the precautionary and proximity principles.
- 4.26. **Policy SAP3 Low Level radioactive wastes (LLW) treatment, management storage and disposal** safeguards four existing nuclear licensed sites, and specifies two other sites; land within Sellafield (CO36), and an area of land adjacent to it (CO32), where additional capacity could be provided. The LLWR near Drigg (CO35) is the only site allocated for higher activity LLW storage and disposal, and all three sites are allocated for lower activity storage or disposal.

Reason for way forward

- 4.27. The policies are consistent for all types of LLW proposals and conform to the NPPF, yet enable any proposed proliferation of LLW provision in Cumbria to be considered under the specific relevant material planning considerations.
- 4.28. Other material planning considerations would be addressed through a range of Development Control Policies dealing with environment and community matters.
- 4.29. The sites proposed were all assessed and subject to Sustainability Appraisal, and one alternative site, Keekle Head former opencast site, Pica, was considered and rejected via a planning application, which was refused by the County Council's Development Control and Regulation Committee. The decision was upheld on Appeal.

OTHER WASTE

Issue WAS 1: Overall approach to waste provision in Cumbria

Policies in the Adopted Cumbria MWDF – and alternatives considered.

- 4.31. The MWDF contained two Strategic Policies about provision of waste management facilities: **Policy CS8 Provision for waste** and **Policy CS9 Waste capacity**, and one about the location of waste facilities that is addressed in Issue WAS 2 below.
- 4.32. Policy CS8 committed to make provision for all of Cumbria's wastes, but accepted proposals for waste management of waste imports where local social and economic benefits outweigh other sustainability criteria, including the proximity principle. Policy CS9 specified the annual tonnages of wastes that would be provided for, and the type and number of sites, including landfill capacity, to be identified.
- 4.33. The policies were based on the concept of “net-self-sufficiency”, as a combination of two options considered earlier: to provide for more than Cumbria's wastes, or to provide for only Cumbria's wastes. CS8 also included a phrase making it clear that the policy did not apply to radioactive wastes.
- 4.34. A third option, to provide for less than Cumbria's wastes, was not considered reasonable and was not carried forward to the Adopted Plan.

Alternatives considered for Local Plan

- 4.35. The 2009 Adopted policy was re-assessed in the light of:
- i. national planning policy as amended, first in the NPPF, then PPG and its replacement of PPS10;
 - ii. an updated evidence base, i.e. the Cumbria Waste Needs Assessment 2014 (WNA); and
 - iii. the Duty to Co-operate.
- 4.36. The options identified were:
- A. to leave the intent and structure of the policies unchanged, and simply update the annual tonnages and numbers of sites required;
 - B. to revert to a different combination of the options previously considered, particularly in respect of “net self-sufficiency”; or
 - C. to update the policies without specifying annual tonnages, referring instead to capacity gaps to meet “objectively identified need”;
 - D. to clarify in the text, or the policy, that this overall approach does not apply to radioactive wastes.

Proposed Policies

- 4.37. **Policy SP3 Waste capacity** is an update of MWDF CS9, which takes forward Option C and:

- does not specify the annual tonnages of municipal and commercial and industrial wastes to be provided for;
 - commits to the provision of sites to meet predicted capacity gaps (i.e. as in the 2014 WNA), without specifying technologies; and
 - includes consideration of other sites where unanticipated opportunities arise, and a preference for well-located sites (e.g. proximity in relation to waste sources).
- 4.38. An additional, more significant, change between CS9 and SP3 with respect to landfill capacity is addressed separately under Issue WAS 4 below.
- 4.39. **Policy SP2 Provision for waste** is a minor revision of MWDF Policy CS8, maintaining the principle of net self-sufficiency, but with minor rewording to reflect the change to SP3, and to be consistent with other policies in the plan, The clarification about radioactive waste referred to in Option D has been inserted in the text rather than the policy.
- 4.40. **Policies SAP1** and **SAP2** allocate sites for household waste recycling centres and waste treatment and management facilities respectively. A policy specifying sites with potential for EfW plants, which had been included in previous consultation drafts for a Site Allocations and Policies Map DPD, was not carried forward into the draft Local Plan.

Reason for way forward

- 4.41. The WNA identified current waste arisings similar to those previously reflected in MWDF Policy CS9, but confirmed that most of the municipal waste management needs had been met by the current municipal waste contract, and that commercial and industrial waste arisings, and their likely management mix, were difficult to predict over the Plan period. The proposed policies should be more flexible in responding if updated WNA modelling, or other objectively identified needs assessment, demonstrates a need for an additional waste facility, including changes in landfill requirements.
- 4.42. The goal of “net self-sufficiency” in waste management was shown to remain reasonable and appropriate, although an exception with respect to hazardous waste was assessed in the WNA and is referenced in the Plan text.
- 4.43. The phrase related to environmental impacts duplicated other policies in the Plan, and its removal enables an approach more consistent with those detailed policies, and with national planning policy.

Issue WAS 2: Strategic approach to location of waste facilities

Policies in the Adopted Cumbria MWDF – and alternatives considered

4.44. The MWDF also contained **Policy CS7 Strategic areas for new development**, which covered the strategic approach to both minerals and waste facilities. Two options for waste were considered at Issues and Options:

- centralised provision of two large scale waste facilities located adjacent to rail network access points or major roads
- a decentralised network of waste facilities provided close to waste sources (e.g. urban areas, centres of industrial and commercial activity.)

4.45. The MWDF policy was largely based on the second option but also encouraged sites large enough to co-locate facilities to create synergies. The policy also gave a preference for new capacity on existing sites, and for new landfill requirement to be in the south of the County, because of the limited remaining capacity at Bennett Bank landfill site near Barrow.

Alternatives considered for Local Plan

4.46. Alternatives were assessed in two stages. The 2013 draft created separate policies for waste and minerals, and reassessed the approach for waste in the light of:

- i. the decision to locate the major infrastructure for LACW at Carlisle and Barrow; and
- ii. the revocation of the NW RSS which had imposed a high landfill void space prediction (see Waste issue 4 below);
- iii. a perceived need to address the location of radioactive wastes.

4.47. Following the 2013 consultation, and in the light of the emphasis on a sound evidence base, the following options were considered:

- A. a combined strategic locations policy for mineral and waste facilities as in 2009;
- B. a separate policy for waste locations as in the Feb 2013 consultation draft, but with revised locations in the light of the updated evidence base; or
- C. deletion of the policy, relying on other policies and text in the Plan, including the table of locational criteria for waste facilities.

Proposed Policies

4.48. Option C was selected, deleting the policy, but moving one phrase about location relative to waste sources to Policy SP3 (see issue WAS 1 above).

4.49. In addition a Site Allocations Policy on landfill which had been included in the 2013 consultation draft has not been carried forward into the draft Local Plan.

4.50. This is a significant revision that

- eliminates strategic locational restrictions on new landfill capacity or time extensions for landfill sites;
- removes any priority for new landfill capacity in the south of the county, relying on criteria in Policies SP3 and DC10 to address local shortage issues; and
- removes references to radioactive waste provision, or to a nuclear centre of excellence in West Cumbria.

Reason for way forward

- 4.51. Continuation of the previous policy was not justified by any empirical evidence that it would minimise traffic movements, especially as the WNA did not predict a need for additional landfill capacity. Mechanisms to implement the policy preferences were also unclear. Other policies are capable of addressing the material planning considerations included in the policy in a more consistent way (see issues RAD 2, RAD 3 and Policy SP3).

Issue WAS 3: Household Waste Recycling Centres

Policies in the Adopted Cumbria MWDF – and alternatives considered.

- 4.52. MWDF **Policy CS9 Waste capacity** proposed nine new or enlarged HWRC's. This was based on an option to pursue a target of 90% of households being within 5 miles of a HWRC, but an assumption that kerbside recycling would not increase.
- 4.53. The alternatives of reducing the target from 90% to 69%, or developing a different kind of target that did not require any additional HWRCs were considered but rejected at early stages of the MWDF process.

Alternatives considered for Local Plan

- 4.54. The 2013 draft (part of policy SP3) reassessed the approach for HWRCs in the light of:
- i. a reduced budget for new HWRCs, and
 - ii. a partial implementation of a replacement programme
- 4.55. The only option identified was a pragmatic approach to identify sites for known needs.

Proposed Policies

- 4.56. The HWRC element of **Policy SP3 Waste Capacity** now commits only to identify alternative sites for HWRC's that need replacement.
- 4.57. **Policy SAP1 Household Waste Recycling Centres (HWRC)** identifies two sites to replace existing HWRCs which have been identified by the Waste Planning Authority as needing replacement. A new site (AL37) at Lillyhall Industrial Estate would replace HWRCs at Clay Flatts and Frizington, and a site adjacent to Kendal Fell (SL1B) would replace the existing HWRC at Canal Head Kendal.

Reason for way forward

- 4.58. The Waste Planning Authority has developed its approach to HWRC provision in collaboration with the Waste Collection Authorities, who have increased kerbside recycling and "bring site" provision in order to increase recycling. The WNA showed that the overall approach has performed well in diverting household waste from landfill, and there are no policy gains to be made by allocating HWRC sites that are very unlikely to be developed.

Issue WAS 4: Landfill Thresholds

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 4.59. The landfill element of MWDF **Policy CS9 Waste capacity** was based on the NW RSS's 10 year estimate of landfill capacity, and committed to provide 2 million additional cu metres of landfill capacity over and above the 5.5 million cu m permitted at that time.
- 4.60. The MWDF process had also considered more restrictive "landfill capacity thresholds" that would have required less additional landfill capacity, but they would not have conformed to the NWRSS. MWDF Generic Development Control **Policy DC5 Criteria for landfill** contained practical criteria for landfill developments.

Alternatives considered for Local Plan

- 4.61. Alternatives were assessed in two stages. The 2009 adopted Policy was reassessed in 2013 in the light of:
- i. the revocation of NWRSS and therefore of its very high void space requirement;
 - ii. a prediction of significantly reduced non inert landfill void space requirement based on the new municipal waste contract; and
 - iii. the potential for similar measures for commercial and industrial waste.
- 4.62. Following the 2013 consultation, and in the light of the improved evidence base offered by the 2014 WNA, the following options were considered:
- A. revise the landfill capacity requirement to reflect the latest predictions; or
 - B. not prescribe any landfill capacity requirement, but seek to enable sufficient landfill capacity to meet needs identified through the WNA and ongoing monitoring.

Proposed Policies

- 4.63. The landfill element of **Policy SP3 Waste capacity** is based on Option B above, and sets criteria for time extensions of existing non-inert planning permissions, and additional inert or non-inert landfill capacity if proved necessary.
- 4.64. **Policy DC10 Criteria for landfill and landraise** has been revised to reflect the proposed Policy SP3.
- 4.65. With the omission of any strategic locational policy for waste (see paragraph 4.48 above), and of any landfill site allocations policy, no preferences for time extensions at particular existing landfill sites are incorporated into the draft Plan.

Reason for way forward

- 4.66. The 2014 WNA analysed the available data and predicted that between 2.0 and 3.0 m cu m of non-inert landfill capacity would be required in the Plan period. The available capacity was 3.3m cu m, but only if all landfill planning permissions due to expire within the Plan period were granted time extensions. The WNA also highlighted uncertainties about future commercial and industrial waste arisings, and management, and the future needs for inert landfill to dispose of potential inert arisings from major infrastructure projects.
- 4.67. The way forward was selected in order to provide sufficient landfill capacity for the Plan area, whilst maintaining flexibility to respond to future improvements in waste management practices that divert waste from landfill.

5. MINERALS

NON- ENERGY MINERALS

Issue MIN 1: Aggregate Provision, Sub-regional apportionment, landbanks and safeguarding

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.1. The Adopted MWDF Core Strategy contained **Policy CS13 Supply of minerals** and **Policy CS14 Minerals safeguarding**. MWDF **Policy CS7 Strategic areas for new developments** also contained sub-policies about minerals supply and is addressed in issue MIN 4 below.
- 5.2. **Policy CS13 Supply of minerals** was based on the North West Regional Spatial Strategy's (NWRSS) apportionment of 700,000 tonnes of sand and gravel per annum, and landbanks of permitted reserves of 7 years sales for sand and gravel and 10 years for crushed rock. The policy included commitments to: take account of quarries and supply areas, settlement pattern and transport routes, recognise resources of high and very high specification roadstone and brickmaking mudstones, and identify sites to enable 25% of aggregates used within Cumbria to be provided from secondary or recycled sources.
- 5.3. The MWDF Generic Development Control Policies DPD also contained **Policies DC6 Criteria for non-energy minerals** and **DC9 Minerals safeguarding**.
- 5.4. The following alternative options were rejected:
- provide for sand and gravel production at the 2000-2003 average of 900,000 tonnes per annum (tpa),
 - maintain a 15 year landbank for crushed rock as per the 1996-2006 MWLP.
 - continue to grant planning permissions for crushed rock quarrying irrespective of the size of the landbank.
 - seek to actively reduce the crushed rock landbank by revoking consents which could collectively have greatest environmental impacts.
- 5.5. **Policy CS14 Minerals safeguarding** committed to identifying Preferred Areas or Areas of Search for sand and gravel, very high specification roadstone, brickmaking mudstones, and gypsum to maintain landbanks at the required level. Specific areas were named for the last three minerals mentioned. The policy also committed to identify Minerals Safeguarding Areas for aggregates, coal and building stones, with Mineral Consultation Areas that added buffer zones to the above.

Alternatives considered for Local Plan

- 5.6. The Adopted MWDF policies were reassessed in the light of:
- i. the revocation of the NWRSS;
 - ii. the development of the Managed Aggregate Supply System (MASS) (now in PPG);
 - iii. the 2014 Local Aggregates Assessment and subsequent planning applications/consents;
 - iv. the 2014 Waste Needs Assessment;
 - v. responses to the 2013 consultation.
- 5.7. The options considered were:
- A. no change, carry forward the two MWDF strategic policies unchanged; or
 - B. combine and clarify the above policies;
 - C. change the landbank calculation to use the apportionments for Cumbria set by the NW Aggregate Working Party, instead of 10 year average sales as required by the NPPF;
 - D. remove the commitment to maintain landbanks at supply/production area level landbanks at County level;
 - E. remove commitment to identify locations for aggregate recycling.

Proposed Policies

- 5.8. **Policy SP7 Minerals provision and safeguarding** combines the two policies, and is based on the 10 year rolling sales averages established through the 2014 LAA (i.e. Option B). The commitment to local supply/production areas and new locations for aggregates recycling are not included in the new policy (i.e. Options D and E).
- 5.9. **Policies SAP4 Areas for minerals** and **SAP5 Safeguarding areas** specify the sites required to meet the strategic policy commitment. The changes for different minerals are addressed in issue MIN 2 below, which also addresses the addition of slate and High Specification Aggregates (as well as Very High Specification Aggregates) to Policy SP7.
- 5.10. The two DC Policies in the MWDF have been carried forward with very minor amendments as **Policy DC12 Criteria for non-energy minerals** and **Policy DC15 Mineral safeguarding**.

Reason for way forward

- 5.11. It was considered more reasonable to base the policy on actual sales in Cumbria to 2013, as detailed in the 2014 Cumbria LAA, than on the NW AWP 2005- 2020 apportionments for sand and gravel (880,000 tpa for sand and gravel), which were based on sales to 2003/4.

- 5.12. References in the policy to supply or production areas were deleted because there was no quantitative data on which to base: the boundaries of such areas; the size of the permitted reserves within them; or actual lorry movements between them. There had been an intention to compile an area based landbank, but it has proved impossible due to the small number of operators in Cumbria and their desire for confidentiality. Policy SP8 Strategic Areas for Mineral Development does, however, address local supply issues and is considered in issue MIN 3 below.
- 5.13. Identification of new areas for aggregate recycling was omitted from the policy because the 2014 WNA indicated that current provision of inert waste recycling facilities is adequate in relation to the waste arisings and no capacity gaps for such facilities were identified. The 2014 LAA also identified increased sales of recycled aggregates in the 3 years to the end of 2013, and this needs to be kept under review.

Issue MIN 2: Areas to be specified in Minerals Provision and Safeguarding policies, and in Site Allocation Policies

5.14. MWDF **Policy CS14 Minerals safeguarding** proposed specific areas of land for Very High Specification Aggregates (VHSA) brick making mudstones and gypsum, as well as Safeguarding Areas for aggregates, shallow coal and local building stones. Some of these were also included in MWDF **Policy CS7 Strategic areas for new developments**.

5.15. A significant number of representations have been received, either requesting allocation of additional sites, or commenting on the allocations made. The options considered are detailed below.

MIN 2A High Specification Aggregates

Policies in the Adopted Cumbria MWDF – and alternatives considered

5.16. MWDF **Policy CS14 Minerals safeguarding** proposed an area of land adjacent to Ghyll Scaur Quarry for Very High Specification Roadstones, now usually defined as Very High Specification Aggregates (VHSA).

5.17. The alternative, of not including the allocation, was rejected due to the importance of its use in skid resistant road surfacing, and the national significance of the resource.

Alternatives considered for Local Plan

5.18. The Adopted MWDF policies were reassessed in the light of:

- i. the 2014 Local Aggregates Assessment, which identified separate landbanks for VHSA and HSA;
- ii. the Duty to Co-operate, and concerns about whether HSA sources in the Yorkshire Dales National Park would continue to be worked;
- iii. assessments of proposed sites, including the limits on HGV movements at Holmescales Quarry;
- iv. Sustainability Appraisals of policies and sites;
- v. responses to the 2013 consultation.

5.19. The options considered were:

- A. carry forward the focus on VHSA but without areas specified as discussed in issue MIN 1
- B. remove the area for VHSA
- C. add areas for High Specification Aggregates (HSA) as well as VHSA.

Proposed Policies

- 5.20. **Policy SP7 Minerals provision and safeguarding** includes the provision of Preferred Areas or Areas of Search to enable continued quarrying of HSA and VHSA (Option C) .
- 5.21. **Policy SAP4 Areas for Minerals** allocates land, proposed by mineral operators, adjacent to Holmescales Quarry (M16), Ghyll Scaur Quarry (M17) and Roan Edge Quarry (M30).

Reason for way forward

- 5.22. The amendment to policy enables provision of adequate supplies of HSA, and therefore supports use of VHSA primarily where its special qualities are required. The Site Assessments for the 2015 Draft Local Plan includes comments and potential mitigation for all three of the sites.
- 5.23. The option balances the aims of meeting regional and national needs without disruption of supply, and of minimising environmental damage.

MIN 2B Secondary and Recycled Aggregates

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.24. The commitment in Adopted MWDF **Policy CS13 Supply of minerals** to identify sites to enable 25% of aggregate used in Cumbria to be met by secondary or recycled aggregates has been addressed in paragraph 5.13 above.
- 5.25. **Policy CS14 Minerals safeguarding** did not include a commitment to identify locations, but did refer to an intention to safeguard secondary aggregate resources in the Site Allocations DPD. This was a reference to the only alternative aggregate source identified in the Plan area, at Derwent Howe Slag Bank.

Alternatives considered for Local Plan

- 5.26. The 2009 Adopted policies were reassessed in the light of:
- i. the assessments and Sustainability Appraisal of sites;
 - ii. the 2014 LAA.
- 5.27. The options considered were:
- A. do nothing;
 - B. include a clear commitment in the amended strategic policy; or
 - C. include a Mineral Safeguarding Area in a site allocation policy.

Proposed Policies

- 5.28. **Policy SAP5 Mineral Safeguarding Areas** includes Derwent Howe Slag Bank (M24) which is the only such resource identified in the County.

Reason for way forward

- 5.29. Continued recovery of secondary aggregates from the Derwent Howe Slag Bank is not a high priority strategic issue, because there are alternative sources of secondary aggregates from recycling of construction and demolition waste. Indeed extraction from Derwent Howe appears to have significantly diminished in recent years, and sales of secondary aggregates in the county are healthy. It was, therefore, not appropriate to include a commitment to identifying such areas in the strategic policy.
- 5.30. The benefits and dis-benefits of the allocation are discussed in the Site Assessments and Sustainability Appraisal.

MIN 2C Brick making mudstones

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.31. Adopted MWDF **Policy CS14 Minerals safeguarding** proposed two areas of land adjacent to High Greenscoe Quarry as an Area of Search for additional Brick making mudstone extraction for use in the nearby brick works, which has a national market in providing matching bricks for certain heritage buildings.
- 5.32. The alternatives of allocating none or only part of this resource were considered, but rejected at earlier staged of the MWDF process.

Alternatives considered for Local Plan

- 5.33. The MWDF policies were reassessed in the light of:
- i. national policy, which has not been changed since 2009 and is now consolidated in NPPF;
 - ii. assessments of the two proposed areas;
 - iii. Sustainability Appraisal of the sites;
 - iv. responses to the 2013 consultation.

- 5.34. The options considered were:

- A. no change, carry forward the requirement of an Area of Search, and include the entirety of both areas of land in a site allocations policy;
- B. remove any requirement to allocate an area for future extraction;
- C. define the land as a Preferred Area, instead of an Area of Search;
- D. define a smaller Area of Search that is not likely to have significant adverse impacts on designated environmental assets.

Proposed Policies

- 5.35. **Policy SP7 Minerals provision and safeguarding** includes the provision of an Area of Search to enable continued working of brick making mudstones. **Policy SAP Areas for minerals** includes an area of land (M5) to the east of High Greenscoe Quarry, but excludes a large area to the south of the existing quarry that had previously been proposed (i.e. Option D).
- 5.36. The site name is also included in **Policy SP8 Strategic areas for new minerals development**, which is discussed in issue MIN 4 below.

Reason for way forward

- 5.37. The selected option would enable continued production of locally made bricks following the exhaustion of the existing quarry, and is consistent with NPPF paragraph 146, which encourages safeguarding of at least 25 years of mineral reserves to support any investment in brick clay plant, equipment and maintenance.

- 5.38. The omission of part of the proposed southern extension was considered, but the allocation still performed badly in Sustainability Appraisal. The removal of the whole of the proposed southern extension avoids loss of additional areas of County Wildlife Site, priority habitat and in particular an area of designated Ancient Woodland, which could not be compensated for.
- 5.39. Whilst the reduced area of the allocation may be less beneficial to the brick works, there is currently insufficient information available about the quantity or quality of the resource, the rate of depletion of the existing reserves, or the biodiversity assets within the area, to support the allocation of the entire site.

MIN 2D Gypsum and Anhydrite

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.40. Adopted MWDF **Policy CS14 Mineral safeguarding** proposed an Area of Search or Preferred Area for additional working of gypsum, and a Minerals Safeguarding Area (MSA) for the remaining gypsum resources around the resource near Birkshead Mine.
- 5.41. The alternative, of not proposing such areas, was considered but rejected due to the need for plaster and plasterboard in building.

Alternatives considered for Local Plan

- 5.42. The February 2013 consultation draft left this element of the Adopted MWDF policy unchanged, however, the extent of the Minerals Safeguarding Area was extended on the accompanying Policies Map.
- 5.43. This was in response to:
- i. the Inspector's report from the Examination of the 2010 Site Allocations Policies and Proposals Map DPD;
 - ii. a commitment to review the MSA made following the above;
 - iii. consultation responses to previous stages.
- 5.44. No other reasonable alternatives to allocating an area for future extraction, and the expanded Mineral Safeguarding Area were identified.

Proposed Policies

- 5.45. In addition to the Preferred Area or Areas of Search in **Policy SP7** to enable continued working of gypsum (which would be open cast), **Policy SAP4 Areas for minerals** allocates a site at Stamphill (M18) as a Preferred Area.
- 5.46. The proposed Policies Map also includes a large area of land as a Safeguarding Area for gypsum working, based on the extent of both the "A" and "B" bed gypsum resources.
- 5.47. The site name is also included in **Policy SP8 Strategic areas for new minerals development**, which is discussed in issue MIN 4 below.

Reason for way forward

- 5.48. This is considered to be a minor revision of the Adopted MWDF policies, with an anticipated positive effect because it addresses concerns of consultees living in the previously very restricted Mineral Safeguarding Area.

MIN 2E Building Stones including Slate

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.49. **Policy CS17 Building Stones** in the Adopted MWDF supported proposals that maintained “Cumbria’s distinctiveness”, and **Policy DC6 Criteria for non-energy minerals development**, supported the need for stone to match local vernacular buildings and the conservation and repair of historic buildings.
- 5.50. **Policy CS14 Mineral safeguarding** did not include any reference to slate, but proposed a Mineral Safeguarding Area (MSA) for local building stones.
- 5.51. The alternative option of positively promoting extraction of a greater range of local building stones to maximise exports was rejected earlier in the MWDF process due to the potential adverse environmental impacts.

Alternatives considered for Local Plan

- 5.52. The MWDF policies were reassessed in the light of:
- i. national policy on building stones quarries (NPPF para 144);
 - ii. consultation responses, including one asking for a Preferred Area or Area of Search as an extension to Kirkby Slate Quarry to be included;
 - iii. the need for a robust evidence base;
 - iv. site assessment and Sustainability Appraisal for the area proposed.
- 5.53. The options considered were:
- A. do nothing - carry forward all MWDF policies unchanged;
 - B. remove the strategic policy on Building Stones;
 - C. include areas for further slate extraction in the Minerals provision and safeguarding policy; and/or
 - D. remove the commitment to provide an MSA for building stone, and provide one only for slate.

Proposed Policies

- 5.54. **Policy DC12 Criteria for Non-energy minerals development** continues to support building stone quarries (i.e. Option B), but the previous strategic policy is deleted.
- 5.55. **Policy SP7 Minerals provision and safeguarding** commits to identify a Preferred Area or Area of Search to enable continued working of slate (without naming the area), and a Minerals Safeguarding Area for slate (i.e. Option C).
- 5.56. **SAP4 Areas for minerals** allocates an area of land adjacent to Kirkby Slate Quarry (M14) as an Area of Search, and an MSA for the Wray Castle slate resource around the quarry, which is defined in the **Policies Map**. No other building stone MSAs are defined (i.e. Option D).

Reason for way forward

- 5.57. The amendments have removed duplication in the plan without reducing support for ongoing working and potential new extraction at local building stone quarries. The DC policy has also been clarified with minor rewording.
- 5.58. Only one building stone MSA was incorporated in the previous draft Policy Map, and the evidence was not available to support a consistent and comprehensive MSA for all building stone quarries in the county.
- 5.59. The addition of the MSA for slate, and an area for potential further slate extraction was requested by the operator, and supports ongoing working of the only slate resources that are worked in the Plan area. Allocation as an Area of Search rather than a Preferred Area enables issues around environmental assets, and the extent of further extraction to be addressed; these are discussed in the Site Assessment and the Sustainability Appraisal.

MIN 2F Peat

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.60. There were no policies on peat extraction in the Adopted MWDF, although **Policy DC 16 Afteruse and Restoration** said that peat extraction sites should be restored to peat regeneration where ever possible. Text in the MWDF stated that there was no justification for new peat extraction sites given the limited remaining raised bog habitat in the UK.
- 5.61. The alternative, of inserting a policy allowing new areas of peat extraction in certain circumstances (as in the MWLP 1996- 2006), was rejected.

Alternatives considered for Local Plan

- 5.62. The 2009 Adopted policies were reassessed in the light of:
- i. national policy on peat (NPPF para 143);
 - ii. responses to the Feb 2013 consultation;
 - iii. the current status of peat planning permissions in Cumbria;
 - iv. the importance of carbon sequestered in existing peat bogs.
- 5.63. The options considered were:
- A. do nothing - carry forward all MWDF policies unchanged;
 - B. insert a policy on peat : conforming to national policy discouraging new or extended sites, but addressing potential time extensions on existing sites; and/or
 - C. include Solway Moss as either a Preferred Area or Area of Search for peat extraction.

Proposed Policies

- 5.64. New **Policy SP11 Peat** states that planning permission will not be granted for peat extraction from new or extended sites, but would enable time extensions at existing sites in limited circumstances (i.e. Option B). No areas for further peat extraction are included in **SP7 Minerals provision and safeguarding** or in any site allocations policy (i.e. Option C).

Reason for way forward

- 5.65. The proposed way forward conforms to national policy and provides greater clarity about the long term future of an existing peat working site. It should be noted that the current planning permission for peat does not expire until 2042, and no additional areas for working have been proposed to the County Council.

MIN 2G Marine dredged aggregates

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.66. MWDF **CS15 Marine Dredged Aggregates** supported proposals that enabled their increased use as a substitute for land won aggregates.
- 5.67. The alternative of omitting such a policy was rejected at an earlier stage of the MWDF process.
- 5.68. Safeguarding of existing wharves or railheads that might be used for this purpose was not included in the Adopted MWDF, as it was to be part of the separate Site Allocations Policy DPD.

Alternatives considered for Local Plan

- 5.69. The 2009 Adopted policies were reassessed in the light of:
 - i. responses to the Feb 2013 consultation;
 - ii. the 2014 LAA;
 - iii. currently proposed Preferred Areas and Areas of Search.
- 5.70. The options considered were:
 - A. do nothing - carry forward the MWDF policy unchanged;
 - B. make a minor amendment to clarify the policy;
 - C. insert a site allocations policy and Safeguarding Area.

Proposed Policies

- 5.71. **Policy SP9 Marine Dredged Aggregates** carries forward the previous policy with a minor amendment (i.e. Option B).
- 5.72. **Policy SP7 Minerals provision and safeguarding** refers to the need to safeguard existing wharves and railheads, and **SAP6 Safeguarding of existing and potential railheads and wharves** specifies 13 such sites.

Reason for way forward

- 5.73. The landbank for sand and gravel and the future provision in the Plan (including in the southwest of the county) are now considered to be adequate whether marine aggregates are landed in Cumbria or not. However, the proposed way forward maintains the possibility of a greater contribution from marine dredged aggregates, within the tonnages permitted by the appropriate licence, and ensures that existing wharves and railheads are safeguarded. It also enables proposals for additional on-shore facilities associated with marine dredging to be considered on a case by case basis.

MIN 2H High purity limestone

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.74. **Policy CS16 Industrial limestones** in the Adopted MWDF carried forward a previous policy in the 1996-2006 MWLP. The policy sought to safeguard resources by restricting planning permission for high purity limestone unless it was primarily for non-aggregate use.
- 5.75. The alternative of omitting such a policy was rejected as unsustainable and likely to lead to the limited resources of these high purity limestones being used inefficiently.

Alternatives considered for Local Plan

- 5.76. The 2009 Adopted policies were reassessed in the light of:
- i. national planning policy (paragraph 146 of NPPF);
 - ii. responses to the Feb 2013 consultation;
 - iii. the 2014 LAA.
- 5.77. The options considered were:
- A. do nothing - carry the policy forward; OR
 - B. Amend the policy to reflect NPPF.

Proposed Policies

- 5.78. **Policy SP10 Industrial Limestones** contains an amendment (i.e. Option B). acknowledging that low stocks of permitted reserve will be seen as an indicator of need for a related industrial facility.

Reason for way forward

- 5.79. This minor revision clarifies the policy, whilst still ensuring that suitable mineral resources remain available to plants serving the iron and steel and other industries. Flexibility to accommodate a variety of situations was required.

MIN 2I General aggregates

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.80. MWDF **Policy CS14 Mineral safeguarding** did not include any specific areas for additional extraction of sand and gravel or crushed rock, and **Policy CS7 Strategic areas for new developments** did not include any areas for general aggregates.
- 5.81. The alternative, naming potentially a large number of areas, was not considered because it would have been less flexible and too detailed for a strategic policy. The areas were to be named in the separate Site Allocations Policy DPD.

Alternatives considered for Local Plan

- 5.82. The 2009 Adopted policies were reassessed in the light of:
- i. responses to the Feb 2013 consultation;
 - ii. the 2014 LAA;
 - iii. currently proposed Preferred Areas and Areas of Search.
- 5.83. The options considered were:
- A. do nothing - carry forward the MWDF policy unchanged;
 - B. make a minor amendment to refer to crushed rock.

Proposed Policies

- 5.84. **Policy SP7 Minerals provision and safeguarding** carries forward this element of the previous policy unchanged (i.e. Option A).
- 5.85. **Policy SAP4 Areas for minerals** allocates areas of land: near Roosecote (M12) as a Preferred Area; and areas of land between Overby and High House Quarries (M6); adjacent to Cardewmires Quarry (M8); adjacent to Peel Place Quarry (M15) as Areas of Search.
- 5.86. **Policy SAP 4** also allocates land adjacent to Silvertop Quarry as an Area of Search for limestone extraction.

Reason for way forward

- 5.87. The landbank for crushed limestone for general aggregate use is well in excess of the 10 years required, and there is no strategic need for further provision in the Plan. However, a small area adjacent to Silvertop Quarry was proposed by the operator as potentially beneficial in several respects. The allocation in the site allocations policy, together with comments in the text, would enable the overall working plan for the quarry to be re-assessed.
- 5.88. All areas proposed for aggregate extraction have been considered in the Site Assessments and Sustainability Appraisal and any issues identified would be addressed at planning application stage.

Issue MIN 3: Zinc Mining in the North Pennines AONB

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.89. The Adopted MWDF did not include any policy on Zinc Mining in the North Pennines AONB.
- 5.90. The alternative of including a specific policy defining “exceptional circumstances” that may over-ride other generic policies was rejected at earlier stages of the MWDF process.

Alternatives considered for Local Plan

- 5.91. The 2009 Adopted policies were reassessed in the light of:
- i. national planning policy changes, including the withdrawal of PPS7;
 - ii. experience from the exploratory drilling already undertaken;
 - iii. responses to consultations.
- 5.92. The options considered were:
- A. no change, continue to have no specific policy; OR
 - B. include reference to the potential for development in the Site Allocations as shown in the Policies Map.

Proposed Policies

- 5.93. No specific policies, areas for development, or Mineral Safeguarding Areas related to zinc mining are included in the draft MWLP (i.e. Option A).
- 5.94. The text of the Plan does, however, include an inset map showing current planning permissions for underground zinc mining in the area around Nenthead.

Reason for way forward

- 5.95. The location of any surface development to support zinc extraction in the area is not yet known, and it is considered that other policies in the Plan, together with national planning policy, are the most appropriate considerations in determining any planning proposals that may be submitted.

Issue MIN 4: Strategic location of minerals sites

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.96. MWDF **Policy CS7 Strategic areas for new developments** identified strategic locations for both waste and minerals development, including further supplies of the three types of mineral identified in **Policy CS14 Minerals Safeguarding**.
- 5.97. The alternative, of not defining the strategic locational issue, or actively selecting those locations with minimal traffic or other environmental problems, were rejected at various stages in the MWDF process.

Alternatives considered for Local Plan

- 5.98. The Adopted MWDF policy was reassessed in the light of:
- i. the 2014 Local Aggregates Assessment and subsequent planning applications/consents;
 - ii. responses to the 2013 consultation;
 - iii. amended guidance on the Managed Aggregate Supply System in PPG.
- 5.99. The options considered were:
- A. no change, carry the minerals element of the policy forward;
 - B. delete the minerals element of the MWDF policy as well as the waste element (see issue WAS 2 above);
 - C. Carry forward the minerals element of the MWDF policy but with additional strategic areas;
 1. for HSA at Holmescales and Roan Edge Quarries;
 2. for slate near Kirkby Slate Quarry;
 3. for sand and gravel near Roosecote, and/or near Peel Place.

Proposed Policies

- 5.100. **Policy SP8 Strategic areas for new minerals development** names all four new locations considered (i.e. Option C), reflecting the revised **Policy SP7 Minerals provision and safeguarding**.
- 5.101. **Policy SAP4 Areas for minerals** includes the related Preferred Areas or Areas of Search, (see issue MIN 2 under the sub-headings for each mineral).

Reason for way forward

- 5.102. The policy addresses the need for sand and gravel in the south west of the county once the reserves at the two existing quarries at Roosecote and Peel Place are exhausted, and for other minerals which are scarce or of national or regional importance in the Plan area.

ENERGY MINERALS

Issue HYD 1: Strategic policy for oil and gas (incorporates Issue HYD 2: Shale Gas)

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.103. The Adopted Core Strategy **Policy CS18 Oil and gas and coal bed methane** supported such proposals subject to the locations being “appropriate”, and there being no unacceptable environmental impacts. The policy did not include any consideration of shale gas, because the process was not being considered in the UK at that time.
- 5.104. Generic development control **Policy DC7 Criteria for energy minerals** (i.e. hydrocarbon development including coal) required only appropriate appraisal of the oil or gas resource.
- 5.105. The alternative option, of carrying forward the two relevant policies in the 1996-2006 MWLP, was rejected at earlier stages of the MWDF process. One of these MWLP policies addressed exploration and appraisal phases, and the other addressed production, processing and transporting phases. The potential need for a more pro-active policy was to be kept under review.

Alternatives considered for Local Plan

- 5.106. The Adopted MWDF policy was reassessed in the light of:
- i. national energy policy;
 - i. the introduction of the NPPF and replacement of all Mineral Planning Policy Statements and Guidance with PPG, on hydrocarbon development;
 - ii. experience from several coal bed methane exploration and production planning permissions in Cumbria;
 - iii. updated information on oil and gas, including coal bed methane, shale gas and Underground Coal Gasification (UCG);
 - iv. consultation responses following the 2013 draft Plan.
- 5.107. Carrying both policies forward unchanged was not considered to be reasonable given the issues listed above. Policy addressing the two main phases of all oil and gas development was also essential, in order to conform to national guidance. The key options considered were:
- A. have both a strategic and a development control policy (to include all oil and gas technologies);
 - B. have a detailed development control policy, but no strategic policies on oil and gas of any type.
- 5.108. Below that level of decision, there were options as follows:
- C. a series of separate policies on different hydrocarbons;

- D. combined policies covering all oil and gas, including unconventional;
- E. as any option above, but including coal in the policies.

Proposed Policies

- 5.109. The draft Local Plan does not contain any strategic policies on energy minerals, and any proposals would be considered under development control **Policy DC13 Criteria for energy minerals** (i.e. Option B and D).
- 5.110. **Policy DC13** has four sub-policies, the first of which relates to the exploration and appraisal phases for oil and gas (including CBM, shale and UCG), and the second sub-policy to the commercial production phase of these developments.
- 5.111. The third sub-policy contains an additional requirement for development related to UCG; and the fourth to coal (i.e. Option E). Issue HYD 3 below covers both coal and UCG in more detail.

Reason for way forward

- 5.112. Having a strategic policy as well as a DC policy was considered to be unnecessary and inflexible because the direction for policy is set by national energy policy, which may change over the 15 year Plan period. It would also perpetuate duplication between policies within the Plan and potential lack of clarity.
- 5.113. The proposed policy includes practical elements that seek to identify and assess matters that are material land use planning considerations, including restoration and mitigation of potential adverse impacts. Such policy is more appropriate in the development control section of the Plan.
- 5.114. The policy reflects the developing understanding of issues around high pressure hydraulic fracturing (“fracking”) and the additional developments, such as water treatment and pipelines, which may be needed for development of unconventional gas fields.
- 5.115. The policy options which addressed all energy minerals together were preferred, because this overcame a potential lack of clarity in terminology.

Issue HYD 2: Shale Gas – see issue HYD 1 above

Issue HYD 3: Coal, and in particular environmentally acceptable areas for Coal Extraction and disposal of colliery spoil

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 5.117. The only policy referring to coal extraction in the 2009 Adopted MWDF is Generic Development Control **Policy DC7 Criteria for energy minerals**. The policy is positive to open cast coal extraction if local and community benefits would outweigh the likely impacts on the environment, inward investment, economic development and tourism, and if the working life was no longer than 10 years. There is no reference to underground coal mining.
- 5.118. Inclusion of an additional policy, ruling out opencast extraction in various areas, was rejected during the MWDF process. A further policy concerning subsidence damage from underground coal mines was also considered but not included. Both of these policies had been part of the previous Minerals and Waste Local Plan (1996-2006).
- 5.119. Inclusion of coal in a strategic policy together with oil and gas was also considered. A review of the 2009 policy was anticipated if changes in national energy policy were likely to result in new deep coal mines.
- 5.120. Underground Coal Gasification was not considered, as it was generally unknown at that time.

Alternatives considered for Local Plan

- 5.121. The Adopted MWDF policy was reassessed in the light of:
- i. national energy policy;
 - ii. the introduction of the NPPF with its requirement on mineral planning authorities to identify areas where coal extraction and the disposal of colliery spoil may be acceptable;
 - iii. consultation responses including renewed interest by the Coal Authority in safeguarding and promoting coal; and
 - iv. granting of offshore UCG exploration licences where development could rely on on-shore surface development in Cumbria.
- 5.122. The options of either deleting the policy, or carrying it forward unchanged, were not considered to be reasonable given the issues listed above. The key options considered were:
- A. have both a strategic and a development control policy;
 - B. have a detailed development control policy, but no strategic policies on coal;
 - C. consider all energy minerals together, whether in strategic or development control policies;
 - D. have a separate policy for coal, either with or without UCG.

5.123. Two further options were considered as follows:

- E. identify acceptable locations for coal extraction and disposal of colliery spoil; OR
- F. not identify locations for the above.

Proposed Policies

5.124. The draft Local Plan does not contain any strategic policies on coal, and any proposals would be considered under development control **Policy DC13 Criteria for energy minerals** (i.e. Option B and C).

5.125. The first and second sub-policies in **Policy DC13** relate to UCG as well as other oil and gas developments, and the third sub-policy contains an additional requirement relating to onshore development to support UCG. The fourth sub-policy is specific to coal extraction, and contains general criteria and specific issues that would be material to underground development.

5.126. **Policy DC15 Minerals safeguarding** is supportive of prior extraction of coal where resources might be sterilised by development, and **Policy SAP5 Minerals safeguarding areas** defines the safeguarding areas for coal resources, which are also shown on the **Policies Map**.

5.127. No areas for open cast coal extraction or disposal of colliery spoil are identified under **Policy SAP4 Areas for minerals** (i.e. Option E).

Reason for way forward

5.128. Having a strategic policy as well as a development control policy was considered to be unnecessary and inflexible because the policy direction is set by national energy policy, which may change over the 15 year Plan period. It would also perpetuate duplication between policies within the Plan and potential lack of clarity.

5.129. The policy options which addressed all energy minerals together were preferred, because this overcame a potential lack of clarity in terminology.

5.130. Identification of acceptable locations for coal extraction or disposal of colliery spoil, in the absence of detailed proposals, was considered inappropriate given the potential for adverse impacts on Cumbria's extensive environmental assets. An Area of Search for coal was proposed on a large brownfield site at Broughton Moor in Allerdale, but the site was not deliverable because the regeneration plan agreed in December 2011 by Allerdale and Cumbria County Council (the site owners) excluded prior extraction of the coal as an option.

5.131. The text of the Plan, however, does include information about deep and shallow coal resources, and current Coal Authority Licences.

6. SUSTAINABILITY

Issue SUS 1: Climate change and sustainable location and design

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 6.1. Adopted MWDF **Policy CS1 Sustainable location and design** sought to minimise the energy use and carbon emissions from minerals and waste development, and included requirements for 10% of energy used to be from decentralised, and renewable or low carbon supplies, and life-cycle analysis of product and process carbon emissions.
- 6.2. The alternatives of omitting the renewable energy requirement, or requiring a different percentage, were rejected during the MWDF process because it would not have been consistent with NW RSS policy.
- 6.3. **Policy CS7 Strategic locations for new developments** also sought to encourage a pattern of waste facilities that would result in fewer “waste road miles”, and **Policy DC1 Traffic and Transport** included similar criteria.

Alternatives considered for Local Plan

- 6.4. The Adopted MWDF Adopted Policy was reassessed in the light of:
 - i. revocation of the NW RSS;
 - ii. revised national planning policy (NPPF);
 - iii. responses to the 2013 consultation;
 - iv. deliverability and clarity of terminology.
- 6.5. A new policy on the presumption in favour of sustainable development was required in order to conform to NPPF, and this was included as **Policy SP1**. The alternative approaches to MWDF policy CS1 were considered to be:
 - A. carry the MWDF policy forward unchanged **in addition to** the new sustainable development policy required by national policy;
 - B. rename the previous policy and focus on climate change effects from minerals and waste developments, potentially ;
 1. removing the low carbon renewable energy generation target, and the requirement to consider life-cycle analysis;
 2. supporting low carbon renewable energy development;
 3. including the issues of water use and protection of peat bog;
 4. clarifying the potential for mitigation and adaptation benefits in restoration;
 - C. create separate policies on energy from waste and other renewable energy generation.

Proposed Policies

- 6.6. **Policy SP1 Presumption in favour of sustainable development** reflects NPPF paragraph 14. It was introduced in the 2013 draft, with a minor change in 2015 draft.
- 6.7. **Policy SP14 Climate change mitigation and adaptation** focuses on specific carbon reduction measures that may be achievable in minerals and waste developments (i.e. Option B 1, 2 and 3).
- 6.8. **Policy DC7 Energy from Waste** is a new policy, (i.e. Option C) which sets out criteria for the assessment of such proposals (which are no longer in Policy DC2 General criteria).
- 6.9. **Policy DC8 Renewable energy generation on minerals and waste sites** is a new policy aiming to encourage such development without adversely affecting the operations or restoration of the sites (also Option C).
- 6.10. **Policy DC1 Traffic and Transport** retains the criteria that seek to reduce “minerals and waste miles”, and a table of locational criteria in the Plan text is revised to be more consistent with these policies.
- 6.11. **Policy SP11 Peat** has been discussed in issue MIN 2 F above, but also has a strong role in preventing further release of greenhouse gases from extraction of peat.

Reason for way forward

- 6.12. These changes are intended to provide clearer and more deliverable policies to support sustainable development. Policy SP14 is a pragmatic response to representations from the minerals and waste industry, addressing opportunities to minimise greenhouse gas emissions from minerals and waste developments, and to sequester carbon and provide flood storage capacity through restoration schemes. Use of clean water and generation of waste water are included in the policy due to the emissions generated during water treatment, and the potential for water shortages due to unpredictable climate effects.
- 6.13. Policies DC7 and 8 address the types of proposal that are becoming more common, and which were not clearly and unambiguously covered by previous policy.
- 6.14. Policy DC1 is consistent with the criteria in Policy SP14, but provides focused policy on “road miles” and sustainable transport, supporting highway safety, amenity and maintenance, as well as climate change objectives.

Issue SUS 2: Economic benefit and financial contributions to mitigate adverse impacts of development

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 6.15. **Policy CS2 Economic Benefit** aimed to realise the potential for economic benefit, for example jobs and support to other industries, from minerals and waste development. The policy also sought to avoid prejudicing other regeneration and development initiatives.
- 6.16. **Policy CS3 Community Benefits** sought packages of community benefits to accompany large national or regional waste facilities, particularly for the nuclear industry.
- 6.17. **Policy CS6 Planning Obligations** addressed financial contributions from developers for infrastructure, management of environmental resources, restoration, and to support sustainable communities. Detailed criteria were in **DC17 Planning Obligations**.
- 6.18. Alternative approaches to these policies were considered early in the MWDF process, and the option of maximising economic benefit regardless of protecting the environment and community was rejected. The alternative of having no Community Benefits policy was rejected because it was believed that this would not acknowledge the impact of major nuclear waste facilities on Cumbria.

Alternatives considered for Local Plan

- 6.19. The Adopted MWDF Adopted Policies were reassessed in the light of:
- i. revised national planning policy (NPPF and CIL);
 - ii. responses to the 2013 consultation;
 - iii. the Annual Monitoring Report (AMR); and
 - iv. legal advice.
- 6.20. The options considered were:
- A. no change, carry forward the MWDF policies unchanged;
 - B. amend, delete or combine the policies.

Proposed Policies

- 6.21. There is no community benefits policy in the draft Local Plan, but **SP13 Economic Benefit** is an amendment to MWDF Policy CS2. (i.e. Option B.)
- 6.22. **Policy SP16 Section 106 Planning Obligations** combines the previous strategic and development control policies.

Reason for way forward

- 6.23. The previous policy on community benefits, which are no longer associated only with nuclear developments, was deleted because these are a voluntary contribution, and not a material planning consideration.
- 6.24. The minor amendment to **Policy SP13** clarifies that impacts on regeneration or development initiatives would be weighed against the economic benefits of the proposal. The policy conforms with national planning policy more closely than the previous wording,
- 6.25. The combined planning obligations policy reduces duplication in the text of the Plan.

7. ENVIRONMENT

Issue ENV 1: Environmental Assets

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 7.1. **Policy CS4 Environmental Assets** in the Adopted MWDF was intended to provide the appropriate measure of protection to Cumbria's environmental assets in accordance with international, European, national or regional policies.
- 7.2. It was considered that there were no reasonable alternatives to this policy, as the protections were founded on legislation. However the options that considered whether to maximise the economic benefit from minerals and waste development, or to balance it with protection of environment and community were relevant to the SA.

Alternatives considered for Local Plan

- 7.3. The Adopted MWDF Policy was reassessed in the light of:
- i. revocation of the NW RSS, with the loss of policies EM1 and EM3;
 - ii. revised national planning policy (NPPF) and guidance (PPG);
 - iii. responses to the 2013 consultation;
 - iv. factual changes to designated sites.
- 7.4. Deletion of the policy was not considered reasonable because it would weaken the protection of Cumbria's environmental assets and negatively affect the balance within the strategic objectives of the Plan. The other options considered were:
- A. carry forward the MWDF policy unchanged;
 - B. update the policy.

Proposed Policies

- 7.5. **Policy SP14 Environmental Assets** has been expanded to include AONBs, Ramsar and European Wildlife Sites, and Sites of Special Scientific Interest (SSSIs), and **Boxes 8.1** and **8.2** have been updated (Option B). The policy also clarifies that the definition of minerals and waste management developments includes restoration and aftercare.

Reason for way forward

- 7.6. Many of the matters added were previously included in regional and national policy documents that have now been withdrawn. The policy conforms to international, European and revised national policy, and includes the requirement to consider the wider benefits of ecosystems services.

Issue ENV 2: Historic Environment

Policies in the Adopted Cumbria MWDF – and alternatives considered

7.7. **Policy DC14 Historic environment** in the Adopted MWDF was intended to provide the appropriate measure of protection to Cumbria's historic assets.

7.8. No alternatives to this policy were assessed.

Alternatives considered for Local Plan

7.9. The MWDF Adopted Policy was reassessed in the light of:

- i. Revised national planning policy (NPPF paragraphs 126 to 141);
- ii. responses to the 2013 consultation.

7.10. The only reasonable option was to amend the policy.

Proposed Policies

7.11. **Policy DC17 Historic environment** has been entirely re-written.

Reason for way forward

7.12. The changes could be considered to be a significant revision of the Adopted MWDF but were essential in order to conform to national policy. The revised policy incorporates the Cumbrian context, and has been designed to provide useful guidance to both developers and the public.

Issue ENV 3: Environment and Community

ENV 3A Monitoring and Enforcing Planning Control

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 7.13. The Adopted MWDF did not include a policy on monitoring and enforcing planning control.
- 7.14. The alternative of having a policy was not considered at the time.

Alternatives considered for Local Plan

- 7.15. The lack of policy was reassessed in the light of:
- i. development control and enforcement experience;
 - ii. responses to the 2013 consultation.
- 7.16. The options considered were:
- A. no change, continue without a policy;
 - B. add a policy.

Proposed Policies

- 7.17. **SP17 Monitoring and enforcing planning control** commits the County Council as Mineral Planning Authority (MPA) to take practicable immediate action against breaches in planning control where serious or irreparable harm is being caused, but in other cases seek to resolve problems in a reasonable timescale (i.e. Option B).

Reason for way forward

- 7.18. The desirability of the policy arose from practical experience of breaches of planning control. It is essentially a restatement of the legal obligations of the MPA, but makes this more accessible and understood by the general public and those undertaking development.
- 7.19. Minor amendments suggested in representations following the 2013 consultation add clarity to the policy.

ENV 3B Noise, C Quarry Blasting and D Dust

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 7.20. The Adopted MWDF did not include policies on noise, quarry blasting or dust, because national policy and guidance were set out in some detail in Minerals Planning Statements and Guidance. The alternative of having such policies was not considered at the time.

Alternatives considered for Local Plan

- 7.21. The lack of these policies was reassessed in the light of:
- i. development control and enforcement experience;
 - ii. replacement of previous detailed minerals policy guidance by NPPF and PPG;
 - iii. responses to the 2013 consultation.
- 7.22. The options considered were:
- A. no change, continue without these policies;
 - B. add policies (this was done in the Feb 2013 consultation);
 - C. carry forward the 2013 draft policies with amendments.

Proposed Policies on Noise Quarry Blasting and Dust

- 7.23. **Policy DC3 Noise** relates to technical requirements with respect to noise, and indicates that noise assessments will be required in appropriate circumstances.
- 7.24. **Policy DC4 Quarry blasting** also relates to technical requirements, and includes the need for ongoing monitoring.
- 7.25. **Policy DC5 Dust** also relates to technical requirements, and indicates that dust assessments will be required in appropriate circumstances.

Reason for way forward

- 7.26. The three new policies explain the position of the MPA on these topics, which used to be covered by Mineral Planning Statements and Guidance.
- 7.27. Minor amendments suggested in representations to the February 2013 consultation have been implemented where appropriate.

ENV 3E Inert waste for agricultural improvement

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 7.28. The Adopted MWDF did not include a policy on the use of inert waste for agricultural improvement.
- 7.29. The alternative of having a policy was not considered at the time.

Alternatives considered for Local Plan

- 7.30. The lack of this policy was reassessed in the light of:
- i. development control and enforcement experience;
 - ii. policy development on landfill and inert waste recycling.
- 7.31. The options considered were:
- A. no change, continue without this policy;
 - B. add policy.

Proposed Policies

- 7.32. **Policy DC 11 Inert waste for agricultural improvement** states that inert waste that cannot be recycled, should be directed to schemes where such material is needed. The policy requires applicants to demonstrate that using inert waste will lead to agricultural improvements, will not cause flooding outside the site or reduce the necessary inert waste required for quarry restoration or for non-inert landfill engineering.

Reason for way forward

- 7.33. Inert waste of suitable quality, including top soils and subsoils, is required in schemes such as landfill engineering works, restoration of mineral workings, or derelict land reclamation. Inert waste that is not suitable for such uses should be disposed of in an appropriate landfill.
- 7.34. The new policy meets a need identified in the Annual Monitoring Report and is designed to address situations where inert waste is deposited without any appropriate planning consent in the view that it constitutes an agricultural improvement. Such instances are sometimes related to the avoidance of landfill tax.

ENV 3F Flood risk

Policies in the Adopted Cumbria MWDF – and alternatives considered

- 7.35. MWDF Generic Development Control **Policy DC13 Flood Risk** was based on Planning Policy Statement 25: Development and flood risk, with reference to the types of development that were thought to be relevant.
- 7.36. No reasonable alternatives were identified.

Alternatives considered for Local Plan

- 7.37. The lack of this policy was reassessed in the light of:
- i. replacement of previous planning guidance with PPG chapter 10;
 - ii. response from United Utilities to February 2013 consultation;
 - iii. development control experience.
- 7.38. The options considered were:
- A. no change, continue with this policy unchanged;
 - B. amend policy to cover all potential development types, and areas with critical drainage problems;
 - C. amend policy to include specific advice from statutory undertaker and encourage sustainable drainage.

Proposed Policies

- 7.39. **Policy DC 19 Flood Risk** addresses the location of minerals and waste developments and changes of use with respect to their flood vulnerability, and the requirement for site specific flood risk assessment (i.e. Option B).

Reason for way forward

- 7.40. The amendments to the previous MWDF policy are minor, and aim to clarify the relative vulnerability of all relevant types of development or changes of use, and refer to new planning guidance in the PPG.
- 7.41. More detailed criteria relating to surface water run-off from development sites, connections to foul or combined sewers, or sustainable drainage were not included in the policy because it was felt that these were included in standing advice from the statutory undertaker or national standards⁶ published by Defra.

⁶ National Standards for sustainable drainage systems - Defra December 2011
www.gov.uk/government/uploads/system/uploads/attachment_data/file/82421/suds-consult-annex-national-standards-111221.pdf

ENV 3G Continuation of, or minor improvements to, other MWDF policies

7.42. The following Adopted MWDF policies have not been referred to in any of the issues above:

Adopted MWDF Policies		Proposed in the draft MWLP	
DC2	General criteria	DC2	General criteria
DC3	Cumulative environmental impacts	DC6	Cumulative environmental impacts
DC4	Criteria for waste management facilities	DC9	Criteria for waste management facilities
DC8	Applications for new conditions	DC14	Review of mineral permissions
DC10	Biodiversity and geodiversity	DC16	Biodiversity and geodiversity
DC12	Landscape	DC18	Landscape and visual impact
DC14	The water environment	DC20	The water environment
DC15	Protection of soil resources	DC21	Protection of soil resources
CS5	Afteruse and Restoration	SP15	Restoration and Afteruse
DC16	Afteruse and Restoration	DC22	Restoration and Afteruse

7.43. These policies were reassessed in the light of :

- i. cancellation of MPG and MPS documents;
- ii. revised national planning policy (NPPF and PPG);
- iii. responses to the 2013 consultation;
- iv. development control and enforcement experience.

7.44. The options considered were:

- A. carry the policies forward unchanged;
- B. make minor amendments to the policies.

Reason for way forward

7.45. The policies have either been left unchanged, or amended in minor or inconsequential ways as updates or clarifications.