



PLANNING AND COMPULSORY PURCHASE ACT 2004

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

REGULATION 18 CONSULTATION

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

FEBRUARY 2015

Preface

This is a consultation about the Cumbria Minerals and Waste Local Plan. This Plan has to identify what minerals developments and waste management facilities Cumbria will need by 2029 and to indicate appropriate locations for them. It includes strategic policies, policies for assessing planning application proposals, it identifies sites and it includes a Policies Map.

The Local Plan strategic policies should cover all of the significant and relevant strategic issues that face Cumbria and state what the Local Plan aims to do. It also has to demonstrate that it accords with national policies.

The Local Plan applies to those parts of Cumbria that are outside of the Lake District and Yorkshire Dales National Parks.

Comments are being invited on this draft of the Local Plan and should relate to whether it is considered to be “sound”.

The National Planning Policy Framework’s definition of soundness (paragraph 182) is that the Local Plan is:-

- **Positively prepared** – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the National Planning Policy Framework.

Having taken account of comments that are received during this consultation period, the Council will decide whether to submit the draft Plan to the Secretary of State or to amend it. If it is amended, there will have to be another round of consultations before it can be submitted. Plans that are submitted to the Secretary of State are examined by an independent Inspector. That examination process usually includes hearing in public sessions at which objectors can make their points directly to the Inspector.

Comments are invited on the draft Local Plan and should be sent in by **Monday 11 May 2015**. Please send comments by email to mwlp@cumbria.gov.uk or by post to the Minerals & Waste Planning Policy Team, County Offices, Kendal LA9 4RQ.

Our phone numbers for further information are 01539-713409 or 01539-713425.

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1. INTRODUCTION

- 1.1 This consultation is about the Cumbria Minerals and Waste Local Plan policies. The County Council is the local planning authority for mineral working and waste management developments. In this role, it is responsible for determining planning applications and also for preparing planning policy for those types of development.
- 1.2 Without the right waste management facilities and adequate supplies of minerals, other sectors of the economy could not function properly. They are essential for the county's development and regeneration initiatives, its low carbon agenda and for maintaining and improving the basic infrastructure of roads, buildings and other facilities. The minerals and waste industries also provide important direct local economic benefits, including jobs.
- 1.3 The potential locations of mineral workings are largely determined by geology and, because of this, other parts of the North West, and of the country, rely on Cumbria for supplies of some minerals.
- 1.4 Until 2012, the County Council's minerals and waste planning policies were set out in the Cumbria Minerals and Waste Development Framework documents. These comprised the Core Strategy and Generic Development Control Policies, which were adopted in April 2009, and the draft Site Allocations Policies and Proposals Map, upon which there were consultations in 2009 to 2011.
- 1.5 The latter two documents were adopted by the Council in January 2011, but they were subsequently quashed by the High Court. They were resubmitted to the Secretary of State early in 2012 and were nearing the end of their preparation process when the Government published new national planning policies and changed the development plan system.
- 1.6 In view of the implications of the new national policies and the new system of Local Plans, the Council withdrew the Site Allocations Policies and Proposals Map from their Examination by the Planning Inspectorate. This was to enable work to commence without delay on the Cumbria Minerals and Waste Local Plan (MWLP).
- 1.7 The National Planning Policy Framework (NPPF) was published in March 2012 and requires Local Plans to be prepared with the objective of contributing to the achievement of sustainable development. They have to be consistent with the principles and policies set out in the NPPF, including the presumption in favour of sustainable development.
- 1.8 For plan making, this presumption in favour of sustainable development is stated, in NPPF paragraph 14, to mean that:-
 - Local planning authorities should positively seek opportunities to meet the development needs of their area;
 - Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF, taken as a whole; or
- specific policies in the Framework indicate development should be restricted.¹

- 1.9 That paragraph goes on to state that, for decision taking, where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless the two criteria set out above apply.
- 1.10 The NPPF provided a 12-month transition period, from the date of its publication, for Local Authorities to revise their development plan documents to take account of the policies in the NPPF, either through a partial review or by preparing a new plan². The first draft of the Cumbria MWLP in 2013 was, to all intents and purposes, a partial review of the adopted Core Strategy and Development Control Policies documents, whilst it also built on the withdrawn draft Site Allocations Policies. This was in order to comply with the 12 month deadline and to provide an emerging Local Plan whose policies were more consistent with the NPPF. However, the 2013 draft MWLP has only limited weight in planning terms.
- 1.11 This current draft of the Cumbria MWLP has, in some topic areas, changed significantly from the February 2013 draft and/or from the adopted MWDF documents. The main areas of change arise from: the introduction of new or revised national guidance and legislation; the undertaking of research and the preparation of a more robust Evidence Base; factual updates; and incorporation of comments received during the 2013 consultation. Therefore, this is a repeated Regulation 18 consultation on the updated preferred options of Cumbria County Council.
- 1.12 Whilst the Minerals and Waste Development Framework (MWDF) comprised a folder of documents, the Local Plan is a single document. It has three sections – strategic policies, development control policies and site allocations policies, together with a Policies Map. The work on the Local Plan is a natural progression of the earlier work, which has been taken into account and updated as necessary.
- 1.13 One of the main priorities is to update the policies relating to lower activity level radioactive wastes. The MWDF Core Strategy was prepared between 2005 and 2008; this was a time when national policy and the strategy relating to these wastes was evolving, and it was difficult to formulate local policy during this period of change and uncertainty.
- 1.14 The wider strategic context of the Plan as a whole has also changed significantly. There is not only the need to be consistent with NPPF's new national policies, but also the need to assess whether earlier national policies,

¹ For example, those policies relating to sites protected under the Birds and Habitats Directives (see NPPF paragraph 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion

² NPPF paragraph 213

which have now lost that status, and regional policies, which the Government has now revoked, need to be reflected in local development plans.

- 1.15 The NPPF does not contain specific waste policies because, at the time of its publication in 2012, national waste policy was contained in Planning Policy Statement 10 – Planning for sustainable waste management. This document was replaced by National Planning Policy for Waste, published October 2014, and updated planning guidance in paragraphs 1 to 56 of the waste chapter of Planning Practice Guidance.
- 1.16 The challenge for this Minerals and Waste Local Plan is to provide for the sustainable minerals and waste management developments that will be needed in Cumbria by 2029 and beyond, whilst helping to achieve sustainable consumption and production, living within environmental limits, protecting the quality of life of present and future generations, and ensuring the prudent use of natural resources.

