

## **APPENDIX 2**

### **CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK RECOMMENDED POST SUBMISSION CHANGES TO THE GENERIC DEVELOPMENT CONTROL POLICIES**

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## GENERIC DEVELOPMENT CONTROL POLICIES

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## CHAPTER 1: INTRODUCTION

- 1.1** This document sets out the Generic Development Control Policies of the Cumbria Minerals and Waste Development Framework. These are the policies that are used when planning applications are considered. Cumbria County Council has submitted the document to the Secretary of State for examination together with the Core Strategy. The Core Strategy sets out what the Framework will do. The Development Control Policies must conform to the Core Strategy and help to deliver its policies and strategic objectives. Progress towards this will be reviewed in the Annual Monitoring Reports, using the targets and indicators in the Cumbria Local Area Agreement and the Core Strategy monitoring matrix, which is included in Chapter 6.
- 1.2** Both documents are being published for an extended consultation period until **30 May 2008** but any representations that are received during the first weeks will be taken as having been submitted between **21st April and 30th May** because the statutory consultation period can only be six weeks long.
- 1.3** A web-based version of this document is available on the web site [www.cumbria.gov.uk](http://www.cumbria.gov.uk) where you can make representations directly on-line. Comments can also be made by email to [mwdf@cumbriacc.gov.uk](mailto:mwdf@cumbriacc.gov.uk) or can be posted to The Environment Unit, Cumbria County Council, County Offices, Kendal LA9 4RQ. For help or advice please phone 01539 773425 or 773548.

## PURPOSE

- 1.4** The purpose of this Generic Development Control Policies document is to provide guidance to the public, and to mineral and waste operators, about the issues that will be considered when planning applications for mineral working and waste management developments are submitted. They provide the detailed criteria needed to control and manage minerals and waste developments, for example, relating to individual environmental impacts and standards of design and environmental performance.
- 1.5** Planning applications should be determined in accordance with the development plan. This will comprise the Regional Spatial Strategy, the Minerals and Waste Development Framework and the District Council Local Development Frameworks once they have been formally adopted. In addition to the development plan, national policies in the form of Planning Policy Statements (PPS), and Minerals Policy Statements (MPS) are also material considerations for any planning applications or proposals. These policies are not repeated in the Minerals and Waste Development Framework or the Regional Spatial Strategy. The key national and regional policies are listed in the separate Appendices for the Submission Draft Core Strategy and Generic Development Control Policies document .
- 1.6** The overarching strategic context has, to date, been provided by the Cumbria and Lake District Joint Structure Plan 2001- 2016, which was adopted April 2006. This will be superseded when the North West Regional Spatial Strategy is adopted. Its Examination in Public concluded in February 2007. The regional policies that are in the separate Appendices document include the amendments recommended by the Panel. Government Office has not yet (February 2008) published the proposed changes to the draft RSS.

## INTRODUCTION

### CONFORMING TO THE CORE STRATEGY

- 1.7** The Generic Development Control Policies conform to the policies in the Core Strategy, and provide additional detailed criteria to enable the Core Strategy policies to be implemented. For most subjects or issues, broad generic policies are all that is required. For others, for example, Environmental Assets, more detailed criteria based policies which are specific to the subject, are needed in this document in addition to the higher level policy in the Core Strategy.
- 1.8** Sustainable development requires that the needs of the economy are taken into account as well as the environmental impacts of development. This balance is required to ensure that Cumbria's waste management and and minerals needs are met, to support economic activity in appropriate locations and circumstances. These should maintain the viability of local enterprises and minimise impacts on climate change. The Core Strategy policy on economic benefit has no direct development control policy counterpart, but is reflected in the wording of several policies.

## CHAPTER 2: ENVIRONMENT AND COMMUNITIES

- 2.1** Cumbria is unique within the North West, with a high proportion of the County covered by national and international environmental designations. These recognise, and seek to protect, its landscape and other environmental assets. At the same time urban development has left a legacy of towns, many in remote or coastal locations, that require regeneration and renewal. These include communities which have been based, in the past, on primary industries. They are now planning for regeneration and improved environments, with diversification of employment to include high value businesses and tourism. Minerals extraction is required to provide aggregates for new construction and to maintain basic infrastructure and modern waste management facilities are an essential pre-requisite for sustainable development of all kinds.
- 2.2** This chapter sets out the policies for protecting the environment and communities whilst enabling appropriate and essential minerals and waste management developments where these are needed. The criteria are set out that will be used to decide when planning consent for different types of waste management or minerals developments should be granted, including the most suitable types of location. It also contains guidance on what information might be required with a planning application, what conditions or limitations may be placed on a planning consent, and where additional guidance can be found.

### PROTECTING COMMUNITIES

- 2.3** Most minerals developments, and some waste management developments, are temporary but may be there for many years. Whilst these developments are essential for the community as whole, local communities close to them, or to their lorry routes, need to be protected from unacceptable impacts. Applications to extend the working area or the working life of existing sites will be considered against the latest policies. It may be that the original planning application was considered acceptable because of its short term nature, or because it was granted when different criteria or environmental standards were applied. Where extensions of long standing developments are granted, conditions will be upgraded to modern standards. Environmental impacts are integrated into a number of policies, traffic and transport impacts are set out separately as they are usually relevant for any minerals or waste management proposal.

### TRAFFIC AND TRANSPORT

- 2.4** The public are generally more aware of traffic than any other aspect of minerals and waste management developments. In Cumbria lorries often have to use local roads before reaching the strategic road network. Representations have been received about the need to reduce lorry traffic and, particularly, its impacts on communities and on climate change. With regard to the latter point Core Strategy Policy 1 requires that all proposals for minerals and waste management developments demonstrate that they minimise "minerals or waste miles".

## ENVIRONMENT AND COMMUNITIES

### DEVELOPMENT CONTROL POLICIES DC 1

#### TRAFFIC AND TRANSPORT

Proposals for minerals and waste developments should be located where they :

- a. are well related to the strategic route network as defined in the Local Transport Plan, and/or
- b. have potential for rail or sea transport and sustainable travel to work, and
- c. are located to minimise operational "minerals and waste road miles".

Mineral developments that are not located as above may be permitted if:

- they do not have unacceptable impacts on highway safety and fabric, the convenience of other road users and on community amenity,
- where an appropriate standard of access and traffic routing can be provided, and
- appropriate mitigation measures for unavoidable impacts are provided.

#### GENERAL CRITERIA

- 2.5** Certain issues are common to both minerals and waste developments, and although development may have beneficial effects by providing jobs, essential minerals or managing the community's waste, development will only be permitted when it can be demonstrated that it would not cause unacceptable impacts. The following policy covers specific potential impacts on sensitive receptors. These could include homes, schools, businesses, and individuals. Sensitivity to impacts can vary in different situations, for example, people may be particularly sensitive to extraneous noise when enjoying quiet areas of the countryside. The timing or duration of impacts may be important.
- 2.6** The criteria will be used to assess planning applications, and suitable conditions will be used to secure mitigation of impacts where necessary. In some cases a development may only have been acceptable because of its short term nature and over the life of a development accepted environmental standards may change. Proposals to extend the operational life, or the area of a development, will be considered against current environmental standards and development plan policies. Operators are encouraged to engage with local communities, through site liaison committees, about issues that may arise from any operations. The County Council's Senior Monitoring and Enforcement Officer monitors sites and their planning permission conditions on a regular basis
- 2.7** A particular issue for some Cumbria quarries is that they are producing increased amounts of mineral waste. This is because the processes of blasting, crushing and screening stone inevitably produce materials that do not meet product specification. These were previously sold as "scalpings", "hardcore" or as general fill materials, but there have been difficulties in finding markets for them due to their increased price caused by the Aggregates Levy. Proposals will be required to show how such wastes will be managed.

## DEVELOPMENT CONTROL POLICIES DC 2

### GENERAL CRITERIA

Minerals and Waste proposals must, where appropriate, demonstrate that:

- a. noise levels, blast vibration and air over-pressure levels would be within acceptable limits,
- b. there will be no significant degradation of air quality (from dust and emissions),
- c. public rights of way or concessionary paths are not adversely affected, or if this is not possible, either temporary or permanent alternative provision is made, and
- d. carbon emissions from buildings, plant and transport have been minimised.

Considerations will include:

- the proximity of sensitive receptors, including impacts on surrounding land uses, and protected species,
- how residual and/or mineral wastes will be managed
- the extent to which adverse effects can be controlled through sensitive siting and design, or visual or acoustic screening,
- the use of appropriate and well maintained and managed equipment,
- phasing and duration of working,
- progressive restoration,
- hours of operations, and
- appropriate routes and volumes of traffic
- other mitigation measures

**2.8** Information about the impacts of noise and dust and how they can be measured and monitored can be found in Minerals Policy Statement 2 and its Annexes 1 and 2. The Council for the Protection of Rural England has produced maps showing relative areas of tranquility, and reference to these may assist in the assessment of proposals.

**2.9** Core Strategy Policy 1 Sustainable Location and Design, requires that minerals and waste management developments demonstrate carbon reduction measures. and that a proportion of the energy they use is supplied by renewable or low-carbon supplies where this is viable. In the early part of the plan period it is anticipated that the focus will be on the carbon reduction strategies, particularly for mineral developments. Advice and support on establishing carbon footprints and developing carbon reduction strategies can be obtained from the Carbon Trust.

## CUMULATIVE ENVIRONMENTAL IMPACTS

**2.10** In some cases, a proposed development may have environmental impacts that would be acceptable on their own but which may exacerbate impacts caused by other developments. Such cumulative environmental impacts can derive either from a number of developments with similar impacts being operational at the same time in an area, or from a number of concurrent developments in an area with different impacts or from a succession of similar developments over time. They can include the impacts of noise or traffic, and impacts on the landscape, water resources or wildlife habitats. Minerals Policy Statement 2 (paragraph 12) requires policies to take account of the extent of the impacts which a particular site,

## ENVIRONMENT AND COMMUNITIES

locality, community, environment or wider area can reasonably be expected to tolerate. This may involve mitigation of impacts or the timing of permissions and phasing of operations to make a proposal acceptable.

### **DEVELOPMENT CONTROL POLICIES DC 3**

#### **CUMULATIVE ENVIRONMENTAL IMPACTS**

Cumulative impacts of minerals and waste development proposals will be assessed in the light of other land-uses in the area. Considerations will include:

- a. impacts on local communities,
- b. all environmental aspects including habitats and species, landscape character, cultural heritage, air quality, ground and surface water resources and quality, agricultural resources and flood risk,
- c. the impact of processing and other plant,
- d. the type, size and numbers of vehicles generated, from site preparation to final restoration and potential impacts on the highway network, safety and the environment,
- e. impacts on the wider economy and regeneration,
- f. impacts on local amenity, community health and recreation facilities and opportunities.

## CHAPTER 3: WASTE MANAGEMENT DEVELOPMENT

- 3.1** The policy of the Core Strategy is that provision should be made for managing all of Cumbria's wastes as high up the waste hierarchy as possible. It includes estimates of the range of volumes of wastes that this net self-sufficiency involves, of the capacities of new facilities that will be needed and the number of sites that need to be identified (Core Strategy Policies 8 and 9). Sites will be identified in the Site Allocations Policies and Proposals Map Development Plan Documents, which are programmed for consultation towards the end of 2008. The following Development Control Policies provide detailed criteria for the development of any sites, not only ones that are identified in the Site Allocations Policies. They also indicate the type of locations that are considered to be suitable for different types of waste management facilities.
- 3.2** Proposals for waste management facilities that contribute to an adequate network of provision, and do not have an unacceptable adverse impact on surrounding land uses or prejudice the overall development of an area will be encouraged. Proposals on sites identified for that purpose in the Site Allocations Policies should be acceptable in principle. That is because the assessment of those sites will have included consideration of likely impacts, of opportunities for enhancement, and of how they could contribute to the integrated network of facilities that is required. However, sustainable design will still have to be demonstrated and Environmental Impact Assessments and Habitats Regulations Assessments may still be required. Prospective applicants should seek early advice about these matters. Proposals for sites that have not been identified in this Framework will also be assessed against the relevant Core Strategy Policies relating to need, sustainable location, economic benefit and environmental assets.
- 3.3** Different processes, and different waste streams, can have very different environmental impacts and, therefore, require different types of location. Many modern facilities, for managing waste higher up the waste hierarchy and for diverting waste from landfill, are likely to be enclosed within a purpose designed building which is designed and landscaped to be suitable on an urban industrial site. However, at the same time as such sites need to be found, the available land on industrial estates has decreased, regeneration aspirations have emphasised business parks and high value employment areas, and residential development has been permitted in close proximity to industrial / commercial developments. All these changes have sharply reduced the number of sites considered acceptable for waste management developments and will need to be addressed in the Site Allocations Policies. There is also a need to more closely integrate provision for waste segregation and recovery into both residential and commercial developments.

### DEVELOPMENT CONTROL POLICIES DC 4

#### CRITERIA FOR WASTE MANAGEMENT FACILITIES

Waste management facilities that accord with Core Strategy Policies 2, 8 and 9, and which do not have adverse environmental impacts, will be permitted if they conform to the locational and other criteria below.

- a. Proposals for scrapyards, vehicle dismantlers, materials recovery facilities, or transfer and storage facilities to facilitate materials re-use and recycling, including household

## WASTE MANAGEMENT DEVELOPMENT

waste recycling centres, will be permitted on existing or planned industrial estates or at existing waste management sites,

- b. Developments of facilities involving processing, storage or transfer of non-inert waste in proximity to housing, business uses, or other sensitive industries will only be permitted if enclosed within a building, and adverse emissions controlled through appropriate and well managed equipment,
- c. Facilities for physical, chemical or biological treatments of waste will be permitted if they reduce the potential of waste to pollute the environment; and are:
  - i. on industrial estates, or
  - ii. at non-inert landfill sites where they are needed for pre-treatment, or for treatment of leachate, and will not prejudice good operational standards or the restoration scheme,
- d. Open windrow green waste composting will be permitted, where adequate stand off distances can be established to safeguard other land uses from odours and emissions, and development is on:
  - i. farms or open countryside locations, or
  - ii. isolated industrial estates or waste management sites,
- e. Other facilities for composting waste will only be permitted where odours and emissions to atmosphere are controlled by effective enclosure and other techniques,
- f. Waste water treatment facilities will be permitted in appropriate locations if proposals have minimised any adverse environmental impacts,
- g. In considering energy from waste proposals preference will be given to combined heat and power providers. Proposals located on an industrial site or premises where the waste arises or heat can be used will be favoured,
- h. Proposals for recycling facilities for construction and demolition waste, mineral and other wastes will be permitted at active quarries and landfill sites, and on suitable industrial estates. Proposals for facilities for periods longer than the active life of a quarry or landfill will require to be justified as sustainable development.

- 3.4** The policy balances the objectives of this plan, and conforms with emerging regional policy. If it is successful, high quality integrated waste management facilities will be developed, and recycling rates should continue to increase. Core Output indicators 6a and b will measure progress in connection with municipal waste.

### Hazardous waste

- 3.5** Capacity for managing hazardous waste has been authorised within Cumbria. Provision for these wastes needs to be considered in a national and regional context and no requirements for additional capacity in Cumbria have been identified for this Framework. No development control policies specific to hazardous waste are proposed.

### Radioactive wastes

- 3.6** The Core Strategy includes detailed policies for High, Intermediate and Low Level Radioactive Waste. No additional development control policies specific to these wastes are proposed.

## LANDFILL

- 3.7** Waste minimisation measures and diversionary technologies will reduce the amounts of non- inert (i.e. biodegradable) going into landfill, but the Core Strategy identifies the need for 2 million cubic metres of landfill capacity in addition to that in existing permitted sites. Proposals to provide capacity in excess of this will be discouraged as they could discourage initiatives for more sustainable waste management.
- 3.8** The disposal of inert waste to landfill should, as a first priority, be directed to mineral workings or derelict land requiring fill for agreed restoration schemes.

### DEVELOPMENT CONTROL POLICIES DC 5

#### CRITERIA FOR LANDFILL

Proposals for additional non-inert landfill capacity will only be permitted if they are required to meet the need identified in the Core Strategy, and will be required to have comprehensive landfill gas management systems including electricity generation where viable.

All such proposals will be also assessed against environmental and community policies in this plan and, in addition, their proximity to sensitive receptors, including aerodromes. Proposals involving landraising should comply with policy DC 12.

Proposals for new or extended inert waste landfill will need to demonstrate that they will not undermine the availability of such waste material for agreed restoration schemes at mineral workings.

## MINERALS DEVELOPMENT

**CHAPTER 4: MINERALS DEVELOPMENT**

- 4.1** The Core Strategy considers the need for a sustainable supply of minerals and includes policies for the most significant minerals extracted within the County. In order to deliver the vision and objectives of the Core Strategy the Framework also needs to set out clear and appropriate development control policies which protect resources and make them available to meet the needs of the economy.

**NON ENERGY MINERALS**

- 4.2** The Core Strategy includes policies that set out the requirements for aggregates, building stones and other minerals including brickmaking mudstones and gypsum and for safeguarding the resources of these. This safeguarding will be achieved by identifying Preferred Areas, Areas of Search, Mineral Safeguarding Areas and Mineral Consultation Areas in the Site Allocations Policies and on the Proposals Map. This development control policy relates to aggregates, building stones and other non-energy minerals.

**DEVELOPMENT CONTROL POLICIES DC 6****CRITERIA FOR NON - ENERGY MINERALS DEVELOPMENT**

Proposals for non- energy minerals development inside the identified Preferred Areas will be permitted if they conform to all relevant **do not conflict with other** policies in this plan.

Proposals for non- energy minerals development outside the Preferred Areas will only be permitted if :

- a. the landbank of reserves with planning permission is below the required level, and there is a need for the proposal to meet the levels of supply identified in the Core Strategy, and
- b. they conform to other policies in this plan and to any relevant locational or site specific policies, and
- c. where relevant, there are adequate safeguards for land stability.

Favourable consideration may also be given to proposals that can be demonstrated to be more sustainable than any available alternative, including:

- borrow pits to meet a specific demand not easily met from elsewhere,
- building stone quarries to meet the need for stone to match local vernacular building, and the conservation and repair of historic buildings.
- areas already subject to minerals extraction where the additional working will enable comprehensive exploitation of the reserves, or where the proposal achieves a more sustainable afteruse or a better restoration of the area.

**ENERGY MINERALS**

- 4.3** The development of Cumbria's energy minerals resources could become important for both the national and local economy. National energy policy and the need to work these resources, including deep-mined coal, will be kept under review. The following policy relates to these minerals. Locational aspects are covered by national policies, such as

those for Areas of Outstanding Natural Beauty, and environmental impacts are covered by other policies in this Framework. **Core Strategy Policy 5 and its supporting text relate to the afteruse and restoration of sites.**

## DEVELOPMENT CONTROL POLICIES DC 7

### CRITERIA FOR ENERGY MINERALS

Planning permission will be granted for energy minerals developments that conform to the Core Strategy where proposals:

- a. for appraisal, drilling and testing or for development of oil and gas or coal bed methane are consistent with an appropriate scheme for the appraisal of the resource,
- b. for open cast coal extraction where:
  - local and community benefits outweigh the likely impacts on the environment or inward investment, economic development or tourism, and
  - working life is minimised commensurate with the environmental and community impacts, and in any events will not exceed 10 years.

- 4.4** This policy may need to be reviewed if national energy policy is likely to result in proposals for new deep coal mines.

## APPLICATIONS FOR NEW CONDITIONS

- 4.5** Applications for the review of mineral planning permissions under the Environment Act 1995 will be considered against the policies of the Development Plan that are current at the time of the application. **This is subject to the provisions of the Act, and in guidance, that the asset value and viability of the site should not be unduly affected.**

## DEVELOPMENT CONTROL POLICIES DC 8

### APPLICATIONS FOR NEW CONDITIONS

In all initial or periodic reviews of minerals developments, standards of operation consistent with present day standards must be achieved, which minimise impacts on, and achieve significant enhancements for, the environment and communities.

## MINERALS SAFEGUARDING

- 4.6** It is a requirement of national policy for two tier planning authorities that Minerals Consultation Areas are established, and that resources are not sterilised. It is an option to also establish Minerals Safeguarding Areas around such resources, so that sensitive development such as houses, are not built in areas close to existing mineral workings or potentially useful mineral resources.

## 4 MINERALS DEVELOPMENT

**DEVELOPMENT CONTROL POLICIES DC 9****MINERALS SAFEGUARDING**

District Councils should consult the County Council on any planning applications they receive for non-minerals development which fall within the boundary of a Minerals Consultation Area, and which would be likely to affect the winning and working of minerals. **Where a development site overlies or would sterilise mineral resources** ~~Extraction of minerals before developments which would otherwise sterilise mineral resources~~ **their prior extraction** will be permitted as long as it can be achieved:

- a. without prejudicing the development, and
- b. completed within a reasonable timescale, and
- c. without unacceptable environmental impacts.

- 4.7** This would include housing or sensitive development where future extraction of workable minerals deposits would be prevented without significant adverse effects on future occupiers of such development. Householder developments, developments within existing built up areas, or developments that are allocated in current development plans would not be subject to this policy.
- 4.8** Minerals Consultation Areas were originally established in 1981 based on geological information. Minor amendments based on updated geological evidence have been undertaken, but a full review will be undertaken as part of the Site Allocations Policies. **The Coal Authority is now proposing to reintroduce a consultation area for shallow coal resources. The details of this will be taken into account in the Site Allocation Policies.**

## CHAPTER 5: CUMBRIA'S ENVIRONMENTAL ASSETS

- 5.1** The Minerals and Waste Development Framework Core Strategy recognises and describes the unique importance of the natural assets and historic environment of Cumbria. These underpin the tourism industry, attract business and investment and contribute to the quality of life. The health of the eco-system is vital for everyone. The assets include, but are not confined to, the nationally and internationally designated areas and their settings. There are also local designations and additional areas within the area of this plan where the historic environment, wildlife habitats, species and landscape character are highly valued. Bearing in mind the relatively small scale of the developments that are likely to be proposed in Cumbria, it is considered that the Framework's focus can, in most cases, be on enhancement and not just protection of the assets. It is also important that development is compatible with the characteristics and features of Cumbria. Many waste management developments are fairly flexible with regard to their precise location and should be able to avoid the more sensitive locations. In contrast, minerals can only be worked where they occur.
- 5.2** Core Strategy Policy 4 provides for protection and enhancement of all Cumbria's environmental assets, including, habitats, species, and geological assets as well as the historic environment, landscape and water resources. Each of these aspects is considered in more detail in the following sections. Matters relating to quality of life and amenity are covered in the previous chapters.

### BIODIVERSITY & GEODIVERSITY

- 5.3** Draft Regional Spatial Strategy (RSS) Policy EM1(B) seeks a "step-change" increase in the region's biodiversity resources. This will involve protecting, enhancing, expanding and linking habitats using the functional ecological and green infrastructure networks that are proposed in the draft RSS and its Indicative Biodiversity Resource and Opportunities Diagram. These include the networks of natural habitats which are essential for migration, dispersal, genetic exchange and the general ecological fabric.
- 5.4** The diagram shows the broad locations of greatest opportunity. In Cumbria the main rivers are shown as Strategic River Corridors and most of the plan area is shown as a Biodiversity Enhancement Area either for "Expansion and Reconnection" or for "Expansion and Buffers". This means that developments in these areas can contribute to local and regional green infrastructure networks, protect the health of the ecosystem in general, and its ability to adapt to climate change. It is also important that developments do not impede wildlife corridors. A more detailed representation of the spatial information on the natural environment will be developed for use in Local Development Frameworks, in accordance with regional policy. This work, to improve the evidence base, will need to be undertaken jointly with Natural England, all the Cumbria planning authorities and other stakeholders.
- 5.5** Work is progressing on developing a more detailed representation of what is meant by Cumbria's biodiversity. As part of this process a list has been drawn up of Cumbria's Key Wildlife Species. These are species that have the status of being specifically protected or are UK Priority and/or Cumbria Biodiversity Action Plan species. Further work is being undertaken to relate species to appropriate habitat types, functional ecological networks and to geographic areas of the county. Key Species and Priority Habitat Statements are being prepared which will provide further guidance for policy and for applicants. Twenty

## CUMBRIA'S ENVIRONMENTAL ASSETS

three of the species could, potentially, be the ones that are most likely to be at risk from minerals and waste developments within the Plan area, the list of these is included in the separate Appendices document<sup>(i)</sup>.

- 5.6** Defra's (July 2007) performance indicators for local authorities include an indicator for Improved Local Biodiversity. This relates to "local sites in active conservation management" and measures the proportion of Local Sites where a positive biodiversity outcome is delivered against targeted actions within the Biodiversity Action Plan. This indicator will be monitored and published in the Annual Monitoring Reports.
- 5.7** The aim of planning decisions will be not only to prevent harm to biodiversity and geological conservation interests but to seek enhancements. In addition to national policies, Core Strategy Policy 4 sets out that where granting planning permission would result in significant harm to those interests, local planning authorities will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, local planning authorities should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where a planning decision would result in significant harm to biodiversity and geological interests which cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.<sup>(ii)</sup>
- 5.8** Core Strategy Policy 4 makes it clear that the development control process will ensure that proposals demonstrate compliance with the statutory protection for internationally and nationally protected features, and will seek to protect and enhance all environmental assets. More detailed policy criteria for regional and local biodiversity and geodiversity resources, including County Wildlife Sites, Local Nature Reserves and Ancient Woodlands are set out below. The assets are listed in the Core Strategy.

## DEVELOPMENT CONTROL POLICIES DC 10

### BIODIVERSITY AND GEODIVERSITY

Proposals for minerals and waste developments that would have impacts on locally important biodiversity and geological conservation assets, as defined in the Core Strategy, will be required to identify their likely impacts on, and also their potential to enhance, restore or add to these resources, and to functional ecological and green infrastructure networks. Enhancement measures should contribute to national, regional and local biodiversity and geodiversity objectives and targets, and to functional ecological and green infrastructure networks.

Proposals for developments within, or affecting the features or settings of such resources, should demonstrate that:

- a. the need for, and benefits of, the development and the reasons for locating the development in its proposed location and that alternatives have been considered.
- b. appropriate measures to mitigate any adverse effects (direct, indirect and cumulative) have been identified and secured, and advantage has been taken of opportunities to incorporate beneficial biodiversity and geological conservation features, or
- c. where adverse impacts cannot be avoided or mitigated for, that appropriate compensatory measures have been identified and secured, and
- d. that all mitigation, enhancement or compensatory measures are compatible with the characteristics of, and features within, Cumbria.

- 5.9** The policy **derives from Core Strategy Policy 4 and its supporting text.** It highlights the need not only to avoid significant harm to assets but to enhance them where possible. This is reflected in the order in which criteria will be considered. Where harm cannot be avoided or mitigated for, compensatory measures should be provided, and these will need to be well considered and designed, with provision for long term management where appropriate.
- 5.10** Other legislation requires Habitat Regulations Assessment for any proposals which may impact upon a European site, or features associated with it. This is to determine whether the proposal would be likely to have significant adverse effects on the integrity of the European site. Any developments that are unable to demonstrate no adverse effect will not be supported.
- 5.11** Developers are advised that ecological surveys are usually needed to establish whether protected species are present on prospective minerals and waste sites. Early attention needs to be given to these. Some of these surveys can only be done effectively at certain times of the year. Planning applications may not be able to be considered without the survey information and a criminal offence may be involved if harm is caused to the species or their habitat.

## CUMBRIA'S ENVIRONMENTAL ASSETS

## HISTORIC ENVIRONMENT

- 5.12** Core Strategy Policy 4 aims to protect, conserve and enhance the historic environment and the the key elements of the historic environment are listed in its supporting text. The policy below contains more detailed advice and criteria that will be applied to relevant proposals. The policy relating to cumulative impacts may also be relevant for some proposed developments.

**DEVELOPMENT CONTROL POLICIES DC 11****HISTORIC ENVIRONMENT**

Proposals for waste management developments that would adversely affect a nationally important archaeological site monument or historic asset, whether scheduled or not, or its setting, will not be permitted unless the site and setting can be preserved in situ.

Proposals for mineral developments that would adversely affect a nationally important archaeological site monument or historic asset, whether scheduled or not, or its setting, will not be permitted unless there is an over-riding reason of national importance for the development to proceed, or the site and setting can be preserved in situ.

~~Proposals should be accompanied by an assessment of any impacts on the historic environment, including an appropriate level of field investigation if necessary.~~

Proposals that:

- a. fail to preserve or enhance the character or appearance of Conservation Areas; or
- b. damage, obscure or remove important archaeological sites or other historic features; or
- c. are detrimental to the character or setting of a listed building;

will not be permitted unless it is demonstrated that the need for and benefits of the development decisively outweigh these interests.

**Proposals should be accompanied by an assessment of any impacts on the historic environment, including an appropriate level of field investigation if necessary.**

- 5.13** The County Council's Historic Environment Section provides advice about recorded historic environment interests and whether a development would be likely to affect a site or its setting. Issues that should be considered are listed in the box below. Planning applications will need to include sufficient information about such interests and may be required to include the findings of preliminary site investigations, or other information relevant to a design statement. Advice about the appropriate level of field investigation can be found in Planning Policy Guidance Note 16 Archaeology and Planning. Applicants are advised to contact the Council's Historic Environment Section Unit at an early stage for advice.

**Issues that should be considered when assessing the significance of impacts upon the historic environment .**

## CUMBRIA'S ENVIRONMENTAL ASSETS

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- a. The rarity of the historic asset and any trends;
- b. The historic environment is an irreplaceable and finite resource and hence, impacts are unlikely to be reversible;
- c. The critical importance of a thorough understanding of the historic environment and a robust baseline so that significant adverse impacts can be avoided or reduced and potential benefits maximised;
- d. The inextricable link between the historic and natural environment and the character of the landscape;
- e. The potential for cumulative impacts: When considering impacts on the historic environment, care must be taken before concluding that impacts on individual heritage assets are not significant. This is because:
  - individual assets can have regional or national significance through scarcity or associations with similar assets, e.g. a particular building type or earthwork, ridge and furrow;
  - cumulative minor impacts on a range of individual assets can become significant;
  - the effect of small impacts, or loss of features, which are not significant individually may become significant, e.g. loss of character of a conservation area.

**5.14** The term "historic asset" includes the World Heritage Site, Registered Historic Battlefield and Registered Parks and Gardens of Historic Interest. Cumbria's principal historic characteristics and features are currently being recorded and defined as part of the "Historic Landscape Characterisation Programme". Development should be compatible with such historic characteristics and features. The Supplementary Planning Document on Landscape Character will include advice on applying the Cumbria Landscape Character Assessment.

**5.15** In any exceptional case of over-riding national importance, where a Scheduled Monument would be affected, Scheduled Monument Consent under other legislation is required as well as planning consent.

## LANDSCAPE & DESIGN

**5.16** National policies provide for the protection of National Parks and Areas of Outstanding Natural Beauty. These are set out in Planning Policy Statement 7 and, for ease of reference, are included in the Appendices for the Submission Draft Core Strategy and Generic Development Control Policies. The protection of other landscapes from unacceptable adverse effects of developments has, in the past, been based on defined Areas of County Landscape Importance (Structure Plan Policy E 36 and Minerals and Waste Local Plan Policy 9), and on policies for areas of open countryside. National policy now states that local landscape designations are only needed where it can be clearly shown that criteria based policies cannot provide the necessary protection. These criteria based policies should utilise tools such as landscape character assessment that recognises that all landscape has value in the local context. The Joint Structure Plan (Policy E 37) and the draft Regional Spatial Strategy Policy EM1 (A) build on this concept.

**5.17** The Landscape Character Supplementary Planning Document will provide detailed advice on applying the Cumbria Landscape Characterisation Assessment. It will enable the distinctive characteristics of a landscape to be assessed, its sensitivity to development to be evaluated and its "capacity" to accept development to be determined. Development proposals will be considered against these findings and will be expected to be compatible with landscape character and distinctive features.

## DEVELOPMENT CONTROL POLICIES DC 12

### LANDSCAPE

Proposals for development should be compatible with the distinctive characteristics and features of Cumbria's landscapes and should:

- a. avoid significant adverse impacts on the natural and historic landscape,
- b. use Landscape Character Assessment to assess the capacity of landscapes to accept development, to inform the appropriate scale and character of such development, and guide restoration where development is permitted,
- c. in appropriate cases use the Guidelines for Landscape and Visual Impact Assessment <sup>(iii)</sup> to assess and integrate these issues into the development process,
- d. ensure that development proposals consider the effects on: locally distinctive natural or built features; scale in relation to landscape features; public access and community value of the landscape; historic patterns and attributes; and openness, remoteness and tranquility,
- e. ensure high quality design of modern waste facilities to minimise their impact on the landscape, or views from sensitive areas, and to contribute to the built environment,
- f. direct minerals and waste developments to less sensitive locations, wherever this is possible, and ensure that sensitive siting and high quality design prevent significant adverse impacts on the principal local characteristics of the landscape including views from, and the setting of, Areas of Outstanding Natural Beauty, the Heritage Coast or National Parks.

**5.18** The radical changes in waste management that are necessary will require the development of modern new waste management facilities. These need to be in sustainable locations, to reduce "waste miles" and ensure that impacts on climate change and the environment are minimised. These modern facilities will almost all be within buildings and should be located where possible on brownfield or industrial land. In Cumbria, such land is often highly visible from high quality or sensitive landscapes or coasts. The policy requires high quality of design, and sensitive siting, to ensure that adverse effects are minimised.

## FLOOD RISK AND WATER RESOURCES

**5.19** The river systems, lakes and groundwater resources of Cumbria, form a unique resource, and contribute significantly to the character and perceptions of the county. Many of them are internationally and nationally important for wildlife and are protected as Special Areas of Conservation, Special Protection Areas or Sites of Special Scientific Interest. These aspects of the water environment are covered under the biodiversity policies in this document and the Core Strategy. The following policies relate to flood risk and to the prudent use of water resources.

**5.20** With regard to flooding, national policy is set out in Planning Policy Statement 25 : Development and flood risk. The aim of this is to steer new development to areas with the lowest probability of flooding and it includes a sequential approach for determining appropriate locations. This approach is based on the indicative Flood Maps prepared by

the Environment Agency. A Strategic Flood Risk Assessment has been carried out to inform the preparation of the Minerals and Waste Development Framework. For planning applications in identified areas of flood risk the Sequential Test and, where appropriate the Exception Test, will need to be carried out together with site specific Flood Risk Assessments to demonstrate that the development will be safe. Advice and guidance is given on [www.pipernetworking.com](http://www.pipernetworking.com).

## DEVELOPMENT CONTROL POLICIES DC 13

### FLOOD RISK

All proposed minerals and waste management developments should be located using the sequential tests in Planning Policy Statement 25 : Development and flood risk. Developments should be located, wherever possible, in areas with the lowest probability of flooding (Zone 1). Where there is no reasonably available site in Flood Zone 1 a flood risk assessment will be required and account must be taken of the flood vulnerability of the development :-

- sand and gravel workings are water-compatible development and may be appropriate in the functional flood plain (Zone 3b).
- sewage transmission infrastructure and pumping stations are water-compatible development and may be appropriate in the functional flood plain (Zone 3b).
- other mineral workings and processing may be appropriate in areas of high probability (Zone 3a).
- waste treatment facilities (except landfill and for hazardous wastes) may be appropriate in areas of high probability.
- sewage treatment plants may be appropriate in areas of high probability (if adequate pollution control measures are in place)
- landfills and sites used for hazardous waste management facilities may be appropriate in areas of medium probability (Zone 2).

Exceptions to the policy will only be permitted if :-

- a. it is demonstrated that the wider sustainability benefits of the development outweigh the flood risk and contribute to sustainability development, or
- b. development is on developable brownfield land or there are no reasonable alternative sites on developable brownfield land; and,
- c. flood risk assessment demonstrates the development will be safe, without increasing flood risk elsewhere and, where possible, will reduce flood risk overall.

- 5.21** The Environment Agency is consulted on all minerals and waste management planning applications and provides advice on the protection of surface and groundwater resources. The identified groundwater protection zones in Cumbria cover only a small proportion of the groundwater resources that are used for water supplies. Proposals will, therefore, be required to demonstrate that they do not have unacceptable adverse impacts on water resources. Any adverse impact should be avoided or, if unavoidable, suitable mitigation measures should be proposed.

## CUMBRIA'S ENVIRONMENTAL ASSETS

**DEVELOPMENT CONTROL POLICIES DC 14****THE WATER ENVIRONMENT**

Planning permission will only be granted for developments that would have no unacceptable quantitative or qualitative adverse effects on the water environment, including ~~water courses~~ **surface waters** and groundwater resources. Proposals that minimise water use, and include sustainable water management will be favoured.

**LAND QUALITY AND SOIL RESOURCES****Protection and Management of Soil Resources**

- 5.22** Soils are a vital natural resource that form the foundation of much of the County's landscape, land use and wildlife interests and serve a wide range of essential functions. Soils are also a "carbon sink" that can either sequester or emit carbon, depending on their condition and temperature. <sup>(iv)</sup>The First Soil Action Plan for England (2004-2006)<sup>(v)</sup> sets out an ambitious programme of actions to improve the protection and sustainable use of soils (irrespective of their Agricultural Land Classification grading). These cover cross-cutting issues relating to the different function of soils, protecting soils through the planning system and minimising contamination.
- 5.23** Some types of development have not always appreciated the need to protect soil resources, and they are under threat from a number of processes including: climate change, compaction, erosion, loss of biodiversity, loss of organic matter, contamination, and the sealing that occurs when impermeable materials such as concrete and asphalt are superimposed on valuable soil .
- 5.24** Soils may overlies valuable mineral resources, particularly sand and gravel. Even in the case of valuable agricultural land, this may not prevent development as long as the soil resources are protected, and restoration is to the highest standards. The waste developments expected over the period of the plan are less likely to involve valuable soil resources if the Core Strategy's site selection criteria are used which favour the use of brownfield sites.
- 5.25** National policy requires Mineral Planning Authorities to "safeguard the long-term capability of best and most versatile agricultural land, and conserve soil resources in a sustainable way"<sup>(vi)</sup>. The County Council has secured the management and protection of soil resources on minerals and waste development through conditions on planning consents, and agreed operations programmes, in accordance with Structure Plan and Minerals and Waste Local Plan policies. Typically planning permissions require topsoil and subsoil to be stripped and stored separately in grassed mounds of appropriate height and shape before a site is developed or traversed by heavy vehicles or machinery. The soils have to be retained for use in the restoration schemes that are required to be submitted with planning applications. These can specify details of soil handling and replacement and secure land forms that avoid soil erosion and enable after-care management operations to be carried out.

iv Reduction of the carbon content of soils with a possible link to climate change - [www.defra.gov.uk/environment/land/soil/sap](http://www.defra.gov.uk/environment/land/soil/sap)  
v [www.defra.gov.uk/environment/land/soil/sap/index.htm](http://www.defra.gov.uk/environment/land/soil/sap/index.htm)  
vi Minerals Policy Statement 2, Para 4

## CUMBRIA'S ENVIRONMENTAL ASSETS

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- 5.26** Returning organic matter to soil, such as agricultural wastes and sewage sludge, is considered to be advantageous in some circumstances but is managed under other regulatory regimes.

**Best and Most Versatile Agricultural Land**

- 5.27** “Best and Most Versatile” (BMV) agricultural land is defined as that in Grades 1, 2 and 3a under the Defra system of Agricultural Land Classification. Minerals Planning Guidance Note 7 (paragraphs 12 to 15) states that:-

- Where minerals underlie the best and most versatile agricultural land it is particularly important that restoration and aftercare preserve the long-term potential of the land as a national, high quality, agricultural resource;
- Where alternatives (such as forestry and some forms of amenity including nature conservation) are proposed on the best and most versatile agricultural land, the methods used in restoration and aftercare should enable the land to retain its longer-term capability to be farmed to its land classification potential, thus remaining a high quality agricultural resource for the future; and
- Reclamation to non-agricultural uses does not mean that there can be any lessened commitment to high standards in the reclamation and such reclamations require equal commitment by mineral operators, mineral planning authorities and any other parties involved to achieve high standards of implementation.)

**DEVELOPMENT CONTROL POLICIES DC 15****PROTECTION OF SOIL RESOURCES**

Proposals for minerals and waste development will be required to demonstrate that:

- a. soil resources are protected and maintained in viable condition to be used in restoration of the site, or
- b. where developments are permanent and restoration is not envisaged, that soil resources are used effectively on undeveloped areas of the site, or used appropriately on other suitable sites.

- 5.28** This policy will apply particularly to greenfield sites, especially where the site includes Best and Most Versatile agricultural land. Soils and land quality surveys may be required to provide a definitive record of the soil quality prior to the proposals. Planning application proposals would need to demonstrate that soil would be protected and include a soil handling and replacement strategy, to demonstrate that a satisfactory standard of reclamation would be achieved for the proposed afteruses. Afteruse and restoration are covered more broadly in the following section.

## CUMBRIA'S ENVIRONMENTAL ASSETS

### AFTERUSE & RESTORATION

- 5.29** It is particularly important that sites of temporary developments are properly restored and that restoration is appropriate to the character of the area. In the past this did not always happen. If high standards of restoration are not achieved, the trust necessary for further developments is undermined. Problems may arise from technical failure more often than financial failure<sup>(vii)</sup>, and the risk of problems may be significantly reduced when restoration is progressive, i.e. is phased during the working life of the development.
- 5.30** The Core Strategy Policy 5 affirms that restoration of sites should take full advantage of opportunities to deliver sustainability objectives relating to the environment and the economy of the county. It is essential that planning applications establish an appropriate afteruse for mineral working and temporary waste management sites and ensure that resources are secured for that afteruse to be successfully established once restoration is complete. All afteruses will be considered in the light of realistic assumptions about the availability of restoration materials, particularly inert waste. Aftercare can only be required for agricultural, forestry or amenity afteruses and most sites have been restored for these. There has been a presumption that agricultural after use should be required where the loss of land would adversely affect the economic viability of an agricultural holding.
- 5.31** Whilst sites on the best and most versatile agricultural land should usually be restored to a similar standard, other uses will be encouraged that contribute to the "step-change" in biodiversity required by the draft Regional policy. They should restore wildlife habitats that may have declined as a consequence of development at the site or within the local area, strengthen regional and functional ecological and green infrastructure networks, and contribute to UK and Cumbria Biodiversity Action Plan targets. Schemes that are designed with an appropriate habitat for the prevailing conditions, and demonstrated to be both technically and economically feasible, will be favoured. This is because they are more likely to create self sustaining habitats and require minimum intervention and long term management. On large sites a mix of compatible uses may provide the best balance for the future, for example low intensity agricultural use, tourism and nature conservation. Some restored sites can also be designed to fulfill a role as educational assets. The previous section has set out requirements relating to soil resources and restoration schemes.
- 5.32** The success of reclamation schemes based on landscape, recreation and nature conservation enhancement will however sometimes depend not only on a well-funded and effective 5-year scheme of aftercare being implemented but also provision for the longer-term management of the land. Non-profit generating afteruses (e.g. leisure, amenity, nature conservation etc) may require applications to provide long-term management proposals to demonstrate how such uses will be sustainable in the longer-term. Prospective developers may demonstrate how they propose to make provision for the proper reclamation of their sites either through membership of a established and properly funded industry guarantee scheme, or by the provision of a bond or other financial guarantee, prior to the commencement of development.<sup>(viii)</sup>. The exceptional circumstances where financial contributions or agreements may be required are referred to in paragraph 6.7. The table below suggests how specific strategic objectives could be met by different afteruses, in locations where they are compatible with other development plan policies, including District Councils' Local Development Frameworks.

vii MPG7 Para 87 and 88

viii MPG3 Para 65

CUMBRIA'S ENVIRONMENTAL ASSETS

Objectives	Afteruse options
Optimise local economic benefit	Enhance and preserve the economic viability of agricultural undertakings where land has been temporarily used for minerals or waste development: - afteruses should either be agricultural, farm diversification activities or employment land. Other opportunities may be available, particularly where waste facilities were on brownfield sites.
To minimise the impacts of climate change on people and the environment:	Peat workings should be restored to peat generating vegetation wherever possible. Long - lived woodland species could planted on other suitable sites. A minimum standard could be to replace the carbon capture capability of the site before development.
To protect and enhance natural environmental assets (including the historic environment)	Enhance bio-diversity through nature conservation after-uses that protect and enhance species and habitats that either pre-existed on minerals and waste sites, or for which the site has potential. Provide for enhancement of the historic environment, including industrial archaeology; and/or select an after-use that contributes to the local landscape character. Aftercare programmes that are properly financed may be essential to achieve and sustain high quality restoration.
To reduce the proportion of development on greenfield sites	Built development can deliver social and economic benefits on former minerals and waste sites if the local highways network is suitable for the traffic generated.
To support the economic aims of the sub-regional economic strategy	Tourism related development, including amenity uses, could be encouraged on minerals and waste sites well related to the coastal fringes, or in other areas where tourism and recreation, including outdoor activities, would benefit the economy.

**DEVELOPMENT CONTROL POLICIES DC 16**

**AFTERUSE AND RESTORATION**

Proposals for minerals extraction, or for temporary waste facilities such as landfill, should be accompanied by detailed proposals for restoration including proposals for appropriate afteruse, financial provision and long term management where necessary. Restoration and enhancement measures should maximise their contributions to national, regional and local biodiversity objectives and targets.

After-uses that enhance biodiversity and the environment, conserve soil resources, conserve and enhance the historic environment, increase public access, minimise the impacts of global warming, and are appropriate for the landscape character of the area will be encouraged. These could include: nature conservation, agriculture, leisure and recreation, and woodland,

Where sites accord with other policies, an alternative or mixed afteruse that would support long term management, farm diversification, renewable energy schemes, tourism, or employment land may be acceptable.

All proposals must demonstrate that:

## CUMBRIA'S ENVIRONMENTAL ASSETS

- a. for agricultural, forestry and amenity afteruses there is an aftercare management programme of at least 5 years, but longer where required to ensure that the restoration scheme is established,
- b. the restoration is appropriate for the landscape character and wildlife interest of the area, and measures to protect, restore and enhance biodiversity and geodiversity conservation features are practical, of a high quality appropriate to the area and secure their long term safeguarding and maintenance,
- c. restoration will be completed within a reasonable timescale and is progressive as far as practicable,
- d. provision for the likely financial and material budgets for the agreed restoration, aftercare and afteruse will be made during the operational life of the site.
- e. **restoration will be undertaken using industry best practice and, where appropriate, will minimise any public safety hazards that can arise from the legacy of mineral workings.**

Peat workings should be restored to peat regeneration wherever possible.

## CHAPTER 6. IMPLEMENTATION

- 6.1** The Minerals and Waste Development Framework sets clear objectives, with targets and monitoring indicators where possible. The Annual Monitoring Reports will highlight any implementation problems, and the need for policies to be reviewed.

### PLANNING APPLICATION PROCESS

- 6.2** Depending on the nature of the proposal, a significant amount of information can be needed in order that a planning application can be properly considered. The decision making process is quicker and more efficient if all the relevant information is included when the planning application is submitted. It is helpful for applicants if the information requirements are set out clearly.
- 6.3** A new standard electronic application form for applications for planning permission will become mandatory from 6 April 2008. The Government believes that the planning process will be greatly improved by the introduction of this Standard Application Form whether the planning application is made electronically through the internet or on paper. Until now there has been a wide variation in the information which planning authorities have sought from applicants. A separate form for mineral proposals has been developed.
- 6.4** New criteria are also being introduced for the validation of planning applications by local planning authorities. Until now the lack of essential details in a planning application has not meant that it is invalid and has led to long delays between the submission of the application and its eventual determination. The new rules will overcome this problem by ensuring that all the necessary information is provided from the start. The County Council is likely to consult, in 2008, on its proposals for a local list of the information that will be required for minerals and waste proposals. This will be based on the national list that has been published. It will then be clear what information is needed before a planning application will be accepted as valid. The information required will be proportionate to the type and scale of application being made. Whilst the local list has not yet been produced it will include, where appropriate, air quality assessment; biodiversity survey and report; flood risk assessment; heritage statement; land contamination statement; noise impact assessment; transport assessment and statement of community involvement.

### AGREEMENTS & OBLIGATIONS

- 6.5** Core Strategy Policy 6 sets out that planning obligations may be needed when it is not possible to secure measures through the use of conditions on a planning permission. Such obligations would have to be in place before a planning permission is issued. **Each proposal will be judged on its merits and** Circular 5/2005 sets out advice on five tests for S.106 obligations that the local planning authority should have regard to in assessing their acceptability in policy terms. These tests are that the obligation is relevant to planning; necessary to make the development acceptable in planning terms; directly related to the proposed development; fairly and reasonably related in scale and kind to the proposed development reasonable in all other respects. **For aggregate quarries, provisions in the Aggregates Levy Sustainability Fund relate to amenity impacts.** The following development control policy lists some of the measures that may need to be included in obligations.

## DEVELOPMENT CONTROL POLICIES DC 17

### PLANNING OBLIGATIONS

Where planning obligations or legal agreements are required in order to achieve the necessary control of a development, provision for the following may be included:

- a. the undertaking of landscaping, road improvement or other works;
- b. the implementation of long term monitoring, mitigation and enhancement measures for **environmental assets** before, during and after the development;
- c. the long term restoration and afteruse of sites;
- d. the long term management of and public access to, sites restored for amenity purposes;
- e. the revocation without compensation of a planning permission;
- f. the provision and maintenance of rights of way;
- g. the off site monitoring of water courses, groundwater levels and water supply abstractions;  
or
- h. the provision of facilities to compensate local communities for the loss of amenity.

**6.6** Amenity purposes may include leisure and recreation uses and the conservation and enhancement of biodiversity, geodiversity or the historic environment **in accordance with Core Strategy Policy 4.**

**6.7** Restoration schemes will not normally require planning obligations except to secure long term after care management beyond the five-year period that can be required by planning condition. This may include financial contributions by the developer towards the management of the land (MPG 7<sup>(ix)</sup> paragraphs 94 and 95). In such cases the funding requirement would not arise from fears of restoration failure, but because it is an acceptable provision to enable the development to proceed. In exceptional cases it may also be reasonable for the County Council to seek a financial guarantee to cover all restoration costs, through a voluntary agreement/planning obligation at the time a planning permission is given. Examples of such situations may be:

- i. for very long-term new projects where progressive reclamation is not practicable, where incremental payments into a secure fund may be made as the site develops;
- ii. where a novel approach or technique is to be used, but the County Council considers it is justifiable to give permission for the development;
- iii. where there is reliable evidence of the likelihood of either financial or technical failure, but these concerns are not such as to justify refusal of permission.

**6.8** It is not anticipated that such obligations will be needed where an operator is a member of an established mutual funding scheme, such as the Quarry Products Association Restoration Guarantee Fund.

## MONITORING

- 6.9** The policies in this document, together with those in the Core Strategy, are designed to achieve the Core Strategy objectives. The Annual Monitoring Reports will assess how well they achieve those objectives, and identify any need for them to be reviewed, amended or updated.
- 6.10** Chapter 11 of the Core Strategy explains the measures that will be used to assess the performance of the plan, including milestones and targets that need to be achieved. The monitoring matrix, table 6.9 below shows what the Annual Monitoring Report will record, how that relates to the Generic Development Control policies and the major milestones or targets.
- 6.11** Indicators such as flytipping incidents will be monitored as a watching brief, with any increases investigated to ensure that it is not as a result of inadequate waste infrastructure in the locality. Others, such as the non-inert landfill void space available and the success of waste minimisation and diversion from landfill are crucial for the plan. If Commercial and Industrial waste growth is checked, and if treatment, re-use and recycling, does succeed in reducing the landfill requirement, then the overall landfill requirement for the plan period will be re-assessed. Further information will be available through the North West Regional Technical Advisory Body over the period of the plan.
- 6.12** The Mechanical and Biological Treatment plants for municipal waste treatment need to be operational by 2011 if the Landfill Allowance Trading Scheme targets are to be met for diverting biodegradable municipal waste from landfill.
- 6.13** The need for minerals extraction, and whether the plan has facilitated sufficient permitted reserves, will be assessed against sub-regional apportionments, which may be amended during the plan period. Such changes will be recorded in Annual Monitoring Reports of the Regional Aggregates Working Party and of this Framework.

## IMPLEMENTATION

Table 6.1 Monitoring matrix

Theme	Objectives	Core Strategy policies	Generic D C Policies	Subject	Indicators	Data Source	Baseline	Target or milestones	Target source
Climate Change	1	1	DC1,DC2	Carbon emission reduction. Renewable energy generation	Renewable energy installed <b>CO19</b>	planning applications	0	none set	PPS12
					Carbon reduction strategies, incl. road miles.		0	none set	MWDF
Waste management	2	8, 9, 10, 11, 12	DC4, DC5	Household waste	CO2 emissions / Cumbria	NWRA	5,828,282 tonnes -2004	30% reduction of 1990 level by 2020	NWRA
					residual - Kg/head <b>NI 191</b>	Municipal Waste Management Partnership	392tonnes/year 2006/7	none set yet	LAA
	3			Municipal waste	% recycled or composted <b>NI 192</b>	Municipal Waste Management Partnership	34.2% - 2006/7	60% by 2012	MWMS
					annual tonnage <b>NI 193</b>		345, 698t - 2006/07	n/a <sup>10</sup> e. footnote	
					recovery of value		34.2% - 2006/07	53% by 2010 67% by 2015 75% by 2020	Waste Strategy 2007
				Bio degradable municipal waste	Tonnes landfilled		239,822t 2006/7	110,331 -2010 73,488 - 2015 35,282 -2020	LATS
				C&I waste	Tonnes landfilled	Environment Agency	291,500t - 2004/05	233,200 - 2010 (80% of 2004)	Waste Strategy 2007
				C D & E waste	Tonnes landfilled		227,741t- 2006/07	113,871 - 2012 (50% of 2006)	Waste Strategy 2007
				Hazardous waste	Waste managed Waste landfilled		24,811t <sup>(xi)</sup> 3,711t		
				Landfill	Non-inert void space		5.5m cu m - end 2005		
			Flytipping	Incidents	Defra -	3,791	none set		
			M & W capacity	Clearance costs		£181,102			
				Meeting national policy	planning applications	NDA - strategy and plans			MWDF

x A target for reducing municipal waste is not appropriate as it is possible that more commercial waste will be managed by the WPA's in future

xi Hazardous waste figures provided by Environment Agency to Local Planning Authorities for Strategic Environmental Assessment. (The Agency produces two sets of figures for waste managed and for waste consigned).

IMPLEMENTATION

				Capacity consented (by type) <b>COI 6b</b>							Major municipal waste treatment facilities by 2011 see policy 7			
Minerals	4	13, 14, 15, 16, 17, 18	DC6, DC7, DC9	Land won aggregate production <b>COI 5a</b>	sand & gravel	RAWP	0.79 MT - 2006	0.7 MT	RSS					
	5												crushed rock	4.1 MT
	6												HSA	0.69 MT - 2006
Economic and community benefits	7 10	2, 5, 6	DC16, DC17	Landbanks	additional reserves consented	planning applications	n/a		MWDF					
					sand & gravel		13.1 years	maintain 7 yr	MPS1					
					crushed rock		38.2 years	maintain 10yr	MPS1					
					HSA			maintain 15yr	MWDF					
					C, D & E waste landfilled <sup>(xiii)</sup>			see above	maintain recycling capacity	MWDF				
					Municipal waste management facilities Strategic mineral resources		Direct notification	Municipal waste management facilities identified	2 MBT plants operational by April 2011	LATS				
Environment	8	3, 4	DC13, DC14,	Secondary aggregates	planning obligations agreed	planning applications	1 <sup>(xiii)</sup>		MWDF					
					Jobs created		no baseline	MWDF						
					PP granted contrary to EA advice <b>COI 7</b>		0	PPS25						
				Flood risk and water quality	Change in priority habitat on plan apps with EIA <sup>(xiv)</sup>	planning applications	n/a	n/a	PPS9					

xii Construction and Demolition and Excavation waste landfilled is a proxy indicator for Core Output Indicator 5b, production of secondary and recycled aggregates which has been impossible to ascertain with any accuracy. No annual target is appropriate as it will fluctuate with development cycles. A watching brief will be kept and any increase in the landfill figure will be investigated. A reduction could indicate increased use of recycled aggregates.

xiii The Section 106 unilateral undertaking for the LLWR near Drigg

xiv This is a proxy indicator for Core Output Indicators 8a and b, which are expected to be changed. The replacement for 8a and b is not specific to sites for minerals and waste developments and is likely to be reported by Natural England and/or in the Regional Spatial Strategy's Annual Monitoring Report: footnote Contribution to BAP targets