



CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK

APPENDICES FOR THE CORE STRATEGY AND GENERIC DEVELOPMENT CONTROL POLICIES

*This Development Plan Document was formally adopted by
Cumbria County Council on 23 April 2009*

PREFACE

The Cumbria Minerals and Waste Development Framework is part of a development plan system that was introduced in 2004. When complete it will replace the Cumbria Minerals and Waste Local Plan. The Framework comprises a folder of different documents, Core Strategy, Generic Development Control Policy, Site Allocations and Proposals Map.

This document contains detailed information to support the final draft version of the Core Strategy and Generic Development Control Policy documents. These documents were both submitted to the Secretary of State in March 2008, following a formal consultation period from 21st April to 30th May 2008.

Post- submission change

Appendix H

As part of the Development Plan Documents the County Council is required to submit a statement about which of the current development plan policies would be superseded by the Minerals and Waste Development Framework's Core Strategy and Generic Development Control Policies. This Statement is now included as Appendix H.

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APPENDIX A: THE CHARACTERISTICS OF CUMBRIA

CUMBRIA STRATEGIC PARTNERSHIP.

Extracts from Sustainable Cumbria 2004 to 2024 - A Strategy for growth and progress for Cumbria.

At first glance, Cumbria presents: a high quality natural environment, the iconic brand and image of the Lake District and a false perception of wealth. To that can be added relatively low unemployment rates in the M6 corridor. Together, these mask and confuse the reality of the enduring problems confronted in what is a county undergoing rapid change and dramatic declines in its relative wealth.

It is experiencing economic and social decline on a scale unique in the UK and amongst the worst in Europe.

CUMBRIA COUNTY COUNCIL CORPORATE STRATEGY

Extracts from the Council Plan 2007-2010.

Theme - Improving Council Services

- Cumbria is the second largest county in England with the third highest level of population sparsity.
- More than 50% of people live in rural communities; under 2-3% of people are from black or minority ethnic groups; and 13% have a long term illness or disability.
- The county is made up of 6 district/borough councils and over 270 town/parish councils. Cumbria Strategic Partnership is the local strategic partnership for the county.
- 41% of Cumbrian residents are very/fairly satisfied that their council keeps them informed about the services and benefits it provides.
- Quality of Life Survey 2006 - Key points:
 - 9 in 10 Cumbrian residents (88%) are satisfied with their local area as a place to live.
 - Key improvements to their local area include improving activities for teenagers, affordable decent housing and road/pavement repairs.

Theme - Making Cumbria more prosperous.

- A higher than average proportion of people are in employment in the county, but 12 wards fall into the 10% most deprived in the country.
- The growth rate of Cumbria's economy between 2003-2004 was 6.5%. This was faster than the UK economy, which was 5.9%, and 8th fastest of any sub-region in the UK. However, this growth should be tempered by the fact that between 1995 and 2002, Cumbria's economy experienced relative decline, with the slowest growth rate of all UK sub-regions.
- Average earnings are significantly below the national average.

A THE CHARACTERISTICS OF CUMBRIA

- Cumbria's environment and heritage makes a vital contribution to the economy.
- 'Local job prospects' is the third most common response when residents are asked their views about what most needs improving in their area.
- Sparsity and distance from major population centres impact on journey times.
- West Cumbria faces severe economic challenges in the form of major job losses resulting from the future decommissioning of Sellafield

Theme - Improving the health and well-being of adults.

- Cumbria has a significantly ageing population. By 2029, over 1 in 3 people will be of retirement age, a 64% increase since 2004.
- Cumbria has pockets of poor health in areas of deprivation.
- Just over 1 in 10 people in the county has a long term illness or disability and of these, three quarters are not in employment.
- Almost half of people aged over 65 rank health services as the most important factor in making somewhere a good place to live.

Theme - Improving the life chances and wellbeing of children and young people.

- There are approximately 114,000 children and young people aged 0 -19 years in Cumbria.
- Approximately 400 pupils in Cumbrian schools do not speak English as a first language and about 150 pupils come from Gypsy/Traveller communities.
- At the end of 2006, there were 463 looked after children and 490 children on the Child Protection registers.

Theme - Creating safe and secure communities.

- Cumbria has a relatively low crime rate but 45% people surveyed feel that crime is getting worse. Almost half of residents say that a low crime rate is an important aspect of a good place to live. This was the most common response.
- The number of people killed or seriously injured in road traffic accidents in the county has fallen from 482 in 2002 to 427 in 2005.
- Cumbria Fire and Rescue Service were called out to 441 accidental house fires and 363 road traffic collisions in 2005.

Theme - Creating and protecting a high quality environment for all

- 30% of household waste produced in the county is now recycled or composted. However the total amount of waste produced has decreased over the last 18 months and has leveled out.
- There are 7,700km highways, 1,300 bridges, 5450km of footpaths and 1884km of bridleways in the county.

THE CHARACTERISTICS OF CUMBRIA

A

- 40% of people in the county say that they use parks and open spaces at least once a fortnight. Two thirds of people are satisfied with them.
- 100% of the UK's high level, and 63% intermediate level, nuclear waste is stored in Cumbria. The Low Level Waste Repository near Drigg has taken much of the UK's low level radioactive waste over the past 50 years. Decommissioning of nuclear facilities will increase the amount of waste generated.
- Few counties can boast Cumbria's number or range of species and habitats, one quarter of the 400 species identified in the UK Biodiversity Plan can be found in Cumbria.
- A bid is being prepared with partners, to obtain World Heritage Site status for the Lake District. Hadrian's Wall is a World Heritage Site.

CUMBRIA'S SUB-REGIONAL SPATIAL STRATEGY

APPENDIX B: CUMBRIA'S SUB-REGIONAL SPATIAL STRATEGY

"DEVELOPING SUSTAINABLE CUMBRIA 2004 to 2024"

Summary Of Key Spatial Issues Facing Cumbria Sub Region

Cumbria is geographically isolated and distant from regional, national and European markets. This isolation is further accentuated in Cumbria's remoter rural areas and is a contributing factor to the difficulties in attracting investment into the County. Put another way Cumbria is relatively self contained with some relationships with North Lancashire and South West Scotland.

The County's settlement pattern results in a dispersed population with distinct problems of sparsity with many smaller towns not being sufficiently large to provide all the facilities required for modern living. Facilities and services are more costly to provide and difficult to access and the limited size of the markets make it less attractive to invest in such services. As a result people need to travel longer distances to satisfy their needs.

However despite the need to travel the transport infrastructure is out of date and requires major investment. The lack of quality networks is seen to inhibit inward investment and further reinforces the sense of remoteness

The location and quality of employment sites do not marry with the objective to reverse the trend of relative poor economic growth and the need to diversify the economy and to provide worthwhile jobs where they are needed. This is further exacerbated by the need for more modern housing and, in much of rural Cumbria, more affordable housing to support economic growth and also to address the loss of young people

Within the North West, Cumbria is unique with a high proportion of the County covered by national and international designations which recognise and seek to protect its landscape and other environmental assets. This brings with it pressures of high demand particularly evidenced in the housing and tourism markets. In contrast urban development in Cumbria has left a legacy of relatively small and remote towns, most of them in coastal locations, often requiring regeneration, renewal and improvement to the public realm.

This strategy and consequent development plans need to be closely monitored and reviewed so that development necessary to meet the economic and social objectives is not inhibited by the relevant plans being out of date.

The spatial issues should be seen in the context of:

The enduring problems of:

- Rapid change and dramatic decline in Cumbria's relative wealth
- Poor health and problems of social exclusion
- Lack of the necessary types of housing and the need for affordable housing
- Outward migration of young people and an ageing population
- Inadequate road and rail infrastructure and transport services.

And the thematic priorities of:

- A diversified economy
- Improved communications

CUMBRIA'S SUB-REGIONAL SPATIAL STRATEGY

B

- Rural regeneration
- High quality tourism
- Balanced housing markets

C COMMUNITY STRATEGIES

APPENDIX C: COMMUNITY STRATEGIES

There are six Strategic Partnerships in the county, one for the whole of Cumbria and five for the Local Strategic Partnerships for district council areas (Allerdale and Copeland are included as West Cumbria). There are clear and direct links between these Community Strategies and the Minerals and Waste Development Framework, particularly with regard to waste. This is not surprising bearing in mind the common focus on sustainable development.

Cumbria Sustainable Community Strategy

The county -wide Community Strategy 2004-2024- Sustainable Cumbria is being revised, taking as it's starting point the priorities of the five other Strategies.

As part of this process the over-riding priorities for Cumbria will be agreed, and a number of specific targets selected that will help the whole County work together to achieve progress. The consultation period for the revised Strategy was from 10th September to 30th November 2007, and the Strategy is expected to be completed in February 2008.

The Cumbria Community Strategy is also linked to the Local Area Agreement (LAA) "The Cumbria Agreement" . Currently the targets and indicators directly relevant to the MWDF relate to household waste and not commercial waste. However the MWDF could contribute to a number of the other outcomes that have been developed in cross county collaboration on the LAA. These matters will be discussed with the Strategic Partnership.

Carlisle And Eden Community Strategy

The Strategic Partnership has split into separate ones for each district. The Eden section of the Carlisle and Eden Strategy has not been superseded See below.

Community Plan for Carlisle 2007

The Carlisle strategy has been revised as a high level document expressing broad areas of aspiration. It includes a target to be in the lowest quartile in the UK for carbon emissions, to reduce waste and create a cleaner and greener environment. Delivery and detailed outcomes are expected to be delivered by partners in the process, and the MWDF is accepted as one of those partners. Collaborative work will therefore be ongoing as the Community plan is updated.

Eden Action Plan

Eden LSP moved directly to a series of Action Plans, rather than revising the Community Strategy. The Action Plan includes waste minimisation as part of resource efficiency, proposes to support business and community waste initiatives and also has a priority to "enable people to take care of their environment". An Eden Climate Change Action Plan has been developed.

Comments on the relevant Action Plans have been made to the LSP suggesting ways in which the MWDF could contribute to their priorities. These are expected to be used in the implementation phase.

Furness Partnership

This partnership is responsible for the Barrow Community Plan which is currently being revised. It focuses strongly on tackling deprivation in the area. Key measures were developed during 2007, and some inputs have also been made to the LAA. The following extracts from a recent draft indicate the priorities and values of the plan.

" while delivering the Community Plan's priorities, we will always try to:

- make the best possible use of natural resources;
- avoid damaging the local environment, and enhance it where we can
- make a positive contribution to meeting global environmental challenges, including taking steps to minimise waste, pollution and greenhouse gas emissions"

"The Partnership believes that the majority of the Borough's requirements for housing and commercial development opportunities can be met from brown-field sites and is committed to supporting the use of sustainable construction techniques, incorporating energy efficient design and protecting and enhancing biodiversity in the urban renewal process".

South Lakeland

The 2004 strategy is being revised, and consultation on the new one ended in July 2007. Task groups are already developing actions and targets. Priorities of the two that relate most directly to the MWDF are listed below.

- Jobs, skills and Regeneration Task Group priorities are: improved economic infrastructure -increased supply of high quality employment sites – major regeneration projects (business parks, leisure and housing).
- Environment Task Group priorities are: reduce waste to landfill , sustainable transport plans: carbon reduction management plans; reduced noise.

Comments on the Action Plans of both task groups have been made to the LSP: a) informing them of the need for essential waste infrastructure to be integrated into regeneration projects and employment sites; and b) suggesting ways in which the MWDF could contribute to their priorities. There will also be an input to the Sustainability Appraisal.

West Cumbria Partnership

The "Strategy for Sustainable Communities in West Cumbria 2007-2020" covers Allerdale and Copeland Districts and has recently been revised.

The key priorities are: make West Cumbria a better, prosperous, place; raise aspirations; bring about a coastal renaissance, as high quality as that of the hinterland, develop new ways of working to minimise waste of resources; clear post industrial dereliction, but respect habitats that have evolved there. There is also a vision to create a "Low carbon use and resource extensive society", which includes minimising and tackling climate change.-

The Task Groups most relevant to the MWDF are Living Environment and Economic Development and Enterprise. The West Cumbria Spatial Masterplan is also highly relevant, and is quoted at length in the Strategy. The Masterplan envisages the development of centres of excellence on energy and environmental technologies and sees the challenge of decommissioning and radioactive waste disposal as a contribution to global sustainability.

D KEY SPECIES FOR THE MWDF

APPENDIX D: KEY SPECIES FOR THE MINERALS AND WASTE DEVELOPMENT FRAMEWORK

A list of 138 Priority species has been initially agreed as part of the MWDF evidence gathering and stakeholder engagement process. This list has been shared with all the Local Planning Authorities in Cumbria, with each LPA making a further assessment of which of these species could be at risk from development in their area. The County Ecologist has suggested that 22 of the 138 species could be particularly relevant to Minerals and Waste development within the plan area.

Table D.1 Key Species for Cumbria MWDF

Key Species which could be at greatest risk from M&W development in Cumbria (including UK BAP, Cumbria BAP, protected species, species on Annex II of the EC Habitats Directive and Annex I of EC Birds Directive)							
Common name	Scientific name	UK Protection	Habitats Regulations 1994	EC Habitats Directive	EC Birds Directive	UK BAP	Cumbria BAP
Pillwort	<i>Pilularia globulifera</i>					UK BAP Priority Species	Cumbria BAP
Northern Brown Argus	<i>Aricia artaxerxes</i>	W&C Act Schedule 5 (Sale only)				UK BAP Priority Species	
Pearl Bordered Fritillary	<i>Boloria euphrosyne</i>	W&C Act Schedule 5 (Sale only)				UK BAP Priority Species	Cumbria BAP
High Brown Fritillary	<i>Argynnis adippe</i>	W&C Act Schedule 5				UK BAP Priority Species	Cumbria BAP
Marsh Fritillary	<i>Eurodryas aurinia</i>	W&C Act Schedule 5		Annex II species		UK BAP Priority Species	Cumbria BAP
Warty Newt	<i>Triturus cristatus</i>	W&C Act Schedule 5	European Protected Species	Annex II species		UK BAP Priority Species	Cumbria BAP
Natterjack Toad	<i>Bufo calamita</i>	W&C Act Schedule 5	European Protected Species			UK BAP Priority Species	Cumbria BAP
Hen Harrier	<i>Circus cyaneus</i>	W&C Act Schedule 1			Annex I species		
Lesser Horseshoe Bat	<i>Rhinolophus hipposideros</i>	W&C Act Schedule 5	European Protected Species	Annex II species		UK BAP Priority Species	
Whiskered Bat	<i>Myotis mystacinus</i>	W&C Act Schedule 5	European Protected Species				Cumbria BAP
Brandt's Bat	<i>Myotis brandti</i>	W&C Act Schedule 5	European Protected Species				Cumbria BAP
Natterer's Bat	<i>Myotis nattereri</i>	W&C Act Schedule 5	European Protected Species				Cumbria BAP
Daubenton's Bat	<i>Myotis daubentoni</i>	W&C Act Schedule 5	European Protected Species				Cumbria BAP
Noctule	<i>Nyctalus noctula</i>	W&C Act Schedule 5	European Protected Species				Cumbria BAP
Common Pipistrelle	<i>Pipistrellus pipistrellus</i>	W&C Act Schedule 5	European Protected Species			UK BAP Priority Species	Cumbria BAP

KEY SPECIES FOR THE MWDF

D

Key Species which could be at greatest risk from M&W development in Cumbria (including UK BAP, Cumbria BAP, protected species, species on Annex II of the EC Habitats Directive and Annex I of EC Birds Directive)							
Common name	Scientific name	UK Protection	Habitats Regulations 1994	EC Habitats Directive	EC Birds Directive	UK BAP	Cumbria BAP
Soprano Pipistrelle	Pipistrellus pygmaeus	W&C Act Schedule 5	European Protected Species			UK BAP Priority Species	Cumbria BAP
Brown Long-eared Bat	Plecotus auritus	W&C Act Schedule 5	European Protected Species				Cumbria BAP
Brown Hare	Lepus capensis					UK BAP Priority Species	
Red Squirrel	Sciurus vulgaris	W&C Act Schedule 5				UK BAP Priority Species	Cumbria BAP
Water Vole	Arvicola terrestris	W&C Act Schedule 5 (Damage/destruction of place of shelter/protection and disturbance while in a place of shelter only)				UK BAP Priority Species	Cumbria BAP
Hazel Dormouse	Muscardinus avellanarius	W&C Act Schedule 5	European Protected Species			UK BAP Priority Species	Cumbria BAP
Badger	Meles meles	Protection of Badgers Act 1992					
Otter	Lutra lutra	W&C Act Schedule 5	European Protected Species	Annex II species		UK BAP Priority Species	

The small blue butterfly is not yet on key species list but is likely to be added to Cumbria BAP at the next review.

Other species at risk will be dealt with through protected site measures - notably species related to the river Special Areas of Conservation and the coastal and moorland Special Protection Areas and Ramsar sites. These species will be protected as Site 'features' and, for some, also because they are on Annexes I of the Birds Directive and II of the Habitats Directive. It needs to be remembered that these 'site protection measures' will include protection of these species and their habitats when they are not on the site (off site impacts).

E SUSTAINABILITY INDICATORS

APPENDIX E: SUSTAINABILITY INDICATORS – as in Scoping Report for Sustainability Appraisal

Table E.1 Sustainability Indicators

Draft Sustainability Objectives (SEA Topic)		Baseline Data	Suggested indicators	Trend, impact overview and targets	Data Source
To increase the level of participation in democratic processes (SEA: Population)	SP1	Population data for the LD Plan area (Cumbria's population minus the LDNP and YDNP populations).	No general indicators on population suggested.	Cumbria's population is unlikely to be significantly affected by the MWDF policies.	
		To be collected.	Number of local liaison committees in operation	To be determined.	CCC M&W Unit, Kendal.
		To be collected.	Estimated % of adult Cumbrians who submit a written response to MWDF consultations.	To be determined.	CCC M&W Unit, Kendal..
To improve access to services, facilities, the countryside and open spaces (SEA: Population)	SP2	To be collected.	Consideration could be given to developing an access indicator on the open countryside. This would reflect the number of restored sites open to the public.	To be determined.	Cumbria MW Unit, Kendal.
		To be collected.	Measuring access to recycling bring sites. The likely indicator could measure distance to travel to a recycling point.	To be determined.	CCC M&W Unit, Kendal.
		Baseline data already held.	Tonnage recycled at household waste recycling centres.	To be analysed.	CCC Client Services
To improve the level of skills, education and training (SEA: Population)	SP4	To be collected.	Number of environmental education programmes in operation at Cumbria M&W sites.	To be determined.	CCC M&W Unit, Kendal.
To improve the health and sense of well-being of people (SEA: Human health)	SP5	To be collected.	% of nuisance complaints received relating to MW sites.	To be determined.	CCC M&W Unit, Kendal.
			Number of restored sites used by public for active recreation.		
To protect and enhance biodiversity (SEA: Biodiversity, flora and fauna)	EN1	To be collected.	Number of Cumbria BAP species and area of BAP habitat displaced by M&W development.	To be determined.	CCC M&W Unit, Kendal.

SUSTAINABILITY INDICATORS

E

Draft Sustainability Objectives (SEA Topic)	Baseline Data	Suggested indicators	Trend, impact overview and targets	Data Source	
		Number or area of new Cumbria BAP habitats created by restoration of existing MW sites.	To be determined.		
To preserve, enhance and manage landscape quality and character for future generations (SEA: Landscape)	EN2	To be collected.	Number of minerals and waste developments located within designated landscape areas. In the future, Landscape Character Assessments	To be determined.	CCC M&W Unit, Kendal.
To improve the quality of the built environment (SEA: Cultural heritage)	EN3	To be collected.	% of local stone supplied % of local slate supplied	To be determined.	CCC M&W Unit, Kendal.
To improve local air quality and reduce greenhouse gas emissions (SEA: Air) (SEA: Climatic factors)	NR1	To be collected.	Tonnes methane emitted from landfill sites Estimated emissions CO ₂ (tonnes) from transport of waste Estimated emissions (tonnes) CO ₂ from transport of minerals	To be determined.	CCC M&W Unit, Kendal.
To improve water quality and water resources (SEA: Water)	NR2	To be determined.	Number of water pollution incidents caused by minerals and waste development Number of M&W sites located within groundwater protection zones	To be determined.	CCC M&W Unit, Kendal.
To restore and protect land and soil (SEA: Soil)	NR3	To be collected.	% of minerals schemes covered by progressive restoration schemes. % M&W developments located on brownfield land	To be determined.	CCC M&W Unit, Kendal.
To manage mineral resources sustainably and minimise waste	NR4		% of primary aggregates imported into the M&W Plan area Annual production rates of primary aggregates as % of permitted reserves Sales of secondary aggregates as % of total primary aggregates sold in Plan area		

E SUSTAINABILITY INDICATORS

Draft Sustainability Objectives (SEA Topic)		Baseline Data	Suggested indicators	Trend, impact overview and targets	Data Source
			% municipal waste landfilled/recycled		
			% industrial & commercial waste landfilled/recycled		
			LATS fines		
			% all waste from which value is recovered		
To retain existing jobs and create new employment opportunities (SEA: population)	EC1	To be collected.	No of jobs in the minerals and waste sectors	To be determined.	
			No's of new or extended M&W developments		
To improve access to jobs (SEA: Population)	EC2	To be collected.	Number of minerals and waste sites operating in high areas of unemployment	To be determined.	
To diversify and strengthen the local economy (SEA: Material assets)	EC3	To be collected	Annual investment in waste management facilities	To be determined.	
			Value recovered from waste		
			Annual sales of minerals		

APPENDIX F: NATIONAL POLICIES

The Minerals and Waste Development Framework cannot repeat national policies. For convenience, the most relevant ones are set out below.

1. NATIONAL POLICIES RELATING TO ENVIRONMENTAL ASSETS

Extract From Planning Policy Statement 7: Sustainable Development In Rural Areas

Areas of Outstanding Natural Beauty (AONBs)

Paragraph 21.

"Nationally designated areas comprising National Parks, the Broads, the New Forest Heritage Area and Areas of Outstanding Natural Beauty (AONB), have been confirmed by the Government as having the highest status of protection in relation to landscape and scenic beauty. The conservation of the natural beauty of the landscape and countryside should therefore be given great weight in planning policies and development control decisions in these areas. The conservation of wildlife and the cultural heritage are important considerations in all these areas. They are a specific purpose for National Parks, where they should also be given great weight in planning policies and development control decisions. As well as reflecting these priorities, planning policies in LDDs and where appropriate, RSS, should also support suitably located and designed development necessary to facilitate the economic and social well-being of these designated areas and their communities, including the provision of adequate housing to meet identified local needs."

Paragraph 22.

"Major developments should not take place in these designated areas, except in exceptional circumstances. This policy includes major development proposals that raise issues of national significance. Because of the serious impact that major developments may have on these areas of natural beauty, and taking account of the recreational opportunities that they provide, applications for all such developments should be subject to the most rigorous examination. Major development proposals should be demonstrated to be in the public interest before being allowed to proceed. Consideration of such applications should therefore include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;

NATIONAL POLICIES

- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated."

Extracts From Planning Policy Statement 9: Biodiversity And Geological Conservation

International Sites

Paragraph 6.

"The most important sites for biodiversity are those identified through international conventions and European Directives. Local planning authorities should identify these sites on proposals maps and may need to cross-refer to the statutory protection given to these sites in the explanatory texts in local development documents. Since they enjoy statutory protection specific policies in respect of these sites should not be included in local development documents (see also Part I of ODPM/Defra Circular ODPM 06/2005, Defra 01/2005). Listed Ramsar sites, also as a matter of policy, should receive the same protection as designated SPAs and SACs."

Sites Of Special Scientific Interest (SSSIs)

Paragraph 7

"Many SSSIs are also designated as sites of international importance and will be protected accordingly. Those that are not, or those features of SSSIs not covered by an international designation, should be given a high degree of protection under the planning system (see also Part II of ODPM/Defra Circular ODPM 06/2005, Defra 01/2005) through appropriate policies in plans."

Paragraph 8

"Where a proposed development on land within or outside a SSSI is likely to have an adverse effect on an SSSI (either individually or in combination with other developments), planning permission should not normally be granted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of SSSIs. Local authorities should use conditions and/or planning obligations to mitigate the harmful aspects of the development and where possible, to ensure the conservation and enhancement of the site's biodiversity or geological interest."

Species Protection

Paragraph 15.

"Many individual wildlife species receive statutory protection under a range of legislative provisions and specific policies in respect of these species should not be included in local development documents."

and Note 7: "Certain plant and animal species including all wild birds are protected under the Wildlife and Countryside Act 1981; European plant and animal species are protected under the Conservation (Natural Habitats &c) Regulations 1994. Some other animals are protected under their own legislation, for example Protection of Badgers Act 1992."

2. MINERALS PLANNING GUIDANCE NOTES (MPG)

Minerals Planning Guidance Notes (MPGs) and their replacements, Minerals Policy Statements (MPSs), set out the government's policy on minerals and planning issues and provide advice and guidance to local authorities and the minerals industry on policies and the operation of the planning system with regard to minerals.

Mineral planning authorities must take their contents into account in preparing their development plans. The guidance may also be material to decisions on individual planning applications and appeals. Some of the key documents are listed below.

Minerals Policy Statement 1: Planning and Minerals sets out national policies on many aspects of minerals development from exploration, through survey and safeguarding, to restoration. It includes detailed policy on environmental protection, efficient use, protection of heritage and countryside, managing the supply and transportation.

Minerals Policy Statement 2: Planning and Minerals Controlling and mitigating the environmental effects of mineral extraction in England, with its annexes on noise and dust, provides detailed policy that has informed the MWDF policies but is also applied by the County Council to relevant planning applications.

3. NATIONAL POLICIES RELATING TO SUSTAINABILITY

Planning Policy Statement 1: Delivering Sustainable Development, requires the Local Planning Authority to include a number of principles and policies into its development plans or proposals. They have been incorporated into the Minerals and Waste Development Framework but are listed below.

Key Principles - paragraph 1

- i. "Decisions on development proposals should be based on sustainable development principles, ensuring an integrated approach to the consideration of:
 - social inclusion, recognising the needs of everyone;
 - effective protection and enhancement of the environment;
 - prudent use of natural resources; and
 - maintaining high and stable levels of economic growth and employment.
- ii. Good quality, carefully-sited accessible development within existing towns and villages should be allowed where it benefits the local economy and/or community (eg affordable housing for identified local needs); maintains or enhances the local environment; and does not conflict with other planning policies.

NATIONAL POLICIES

- iii. Accessibility should be a key consideration in all development decisions. Most developments which are likely to generate large numbers of trips should be located in or next to towns or other service centres that are accessible by public transport, walking and cycling, in line with the policies set out in PPG13, Transport. Decisions on the location of other developments in rural areas should, where possible, give people the greatest opportunity to access them by public transport, walking and cycling, consistent with achieving the primary purpose of the development.
- iv. New building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled; the Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.
- v. Priority should be given to the re-use of previously-developed ('brownfield') sites in preference to the development of greenfield sites, except in cases where there are no brownfield sites available, or these brownfield sites perform so poorly in terms of sustainability considerations (for example, in their remoteness from settlements and services) in comparison with greenfield sites.
- vi. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness."

PPS1 - Supplement: Planning and Climate Change In developing their core strategy and supporting local development documents, planning authorities should provide a framework that promotes and encourages renewable and low carbon energy generation. Policies should be designed to promote and not restrict renewable and low-carbon energy and supporting infrastructure.

Planning Policy Statement 10: Planning for Sustainable Waste Management requires the Local Planning Authority to include a number of principles and policies into its development plans or proposals,

Planning Policy Statement 23: Planning and Pollution Control provides the policy framework for the consideration of minerals or waste proposals that could potentially cause pollution. Pollution control can be the responsibility of the Environment Agency and the environmental health departments of local authorities. Paragraph 2 advises that:

- "any consideration of the quality of land, air or water and potential impacts arising from development, possibly leading to impacts on health, is capable of being a material planning consideration, in so far as it arises or may arise from or may affect any land use;
- the planning system plays a key role in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution;
- the controls under the planning and pollution control regimes should complement rather than duplicate each other;
- the presence of contamination in land can present risks to human health and the environment, which adversely affect or restrict the beneficial use of land but development presents an opportunity to deal with these risks successfully;
- contamination is not restricted to land with previous industrial uses, it can occur on greenfield as well as previously developed land and it can arise from natural sources as well as from human activities;

- where pollution issues are likely to arise, intending developers should hold informal pre-application discussions with the LPA, the relevant pollution control authority and/or the environmental health departments of local authorities (LAs), and other authorities and stakeholders with a legitimate interest; and
- where it will save time and money, consideration should be given to submitting applications for planning permission and pollution control permits in parallel and co-ordinating their consideration by the relevant authorities."

Planning Policy Statement 25: Development and Flood Risk sets out detailed policy on flood risk, including the sequential approach highlighted in DC13.

REGIONAL POLICY CONTEXT

APPENDIX G: REGIONAL POLICY CONTEXT

The adopted North West Regional Spatial Strategy (RSS) was published in September 2008 and expresses Regional Policy during the period of the new Minerals and Waste Development Framework. The RSS supersedes the Cumbria and Lake District Joint Structure Plan but saves some of its policies.

The following sections list the policies that are most relevant to the Cumbria Minerals and Waste Development Framework. Other policies might also be relevant to particular policies or developments, for example: RDF4 - The Coast; RT4 Ports; and RT5 Freight Transport.

DP1: Regional Development Principles

The following principles underpin RSS (incorporating RTS).

Other regional, sub-regional and local plans and strategies and all individual proposals, schemes and investment decisions should adhere to these principles. All may be applicable to development control in particular circumstances:

- Promote sustainable communities;
- Promote sustainable economic development;
- Make the best use of existing resources and infrastructure;
- Manage travel demand, reduce the need to travel, and increase accessibility;
- Marry opportunity and need;
- Promote environmental quality;
- Mainstreaming rural areas;
- Reduce emissions and adapt to climate change.

The 8 Policies DP2-9 amplify these principles and should be taken together as the spatial principles underlying the Strategy. They are not in order of priority. The whole of the RSS should be read together and these principles should be applied alongside the other policies which follow.

DP4: Make the Best Use of Existing Resources and Infrastructure;

Priority should be given to developments in locations consistent with the regional and sub-regional spatial frameworks as set out in Chapter 5 (notably policy RDF1) and sub regional policies in Chapters 10-13 which:

- Build upon existing concentrations of activities and existing infrastructure;
- Do not require major investment in new infrastructure, including transport, water supply and sewerage. Where this is unavoidable development should be appropriately phased to coincide with new infrastructure provision.

Development should accord with the following sequential approach:

- first, using existing buildings (including conversion) within settlements, and previously developed land within settlements;
- second, using other suitable infill opportunities within settlements, where compatible with other RSS policies;
- third, the development of other land where this is well located in relation to housing, jobs, other services and infrastructure and complies with the other principles in DP1-9.

Natural and man-made resources should be managed prudently and efficiently. Sustainable construction and efficiency in resource use (including reuse and recycling of materials) should be promoted.

DP6: Marry Opportunity and Need;

Priority should be given, in locational choices and investment decisions, to linking area of economic opportunity with areas in greatest need of economic, social and physical restructuring and regeneration. Proximity to, and access via public transport from, such areas will be important considerations in the choice of employment locations and sites.

DP7: Promote Environmental Quality;

Environmental quality (including air, coastal and inland waters), should be protected and enhanced, especially by:

- Understanding and respecting the character and distinctiveness of places and landscapes;
- The protection and enhancement of the historic environment;
- Promoting good quality design in new development and ensuring that development respects its setting taking into account relevant design requirements, the NW Design Guide and other best practice;
- Reclaiming derelict land and remediating contaminated land for end-uses to improve the image of the region and use land resources efficiently;
- Maximising opportunities for the regeneration of derelict or dilapidated areas;
- Assessing the potential impacts of managing traffic growth and mitigating the impacts of road traffic on air quality, noise and health;
- Promoting policies relating to green infrastructure and the greening of towns and cities;
- Maintaining and enhancing the tranquillity of open countryside and rural areas;
- Maintaining and enhancing the quantity and quality of biodiversity and habitat;
- Ensuring that plans, strategies and proposals which alone or in combination could have a significant effect on the integrity and conservation objectives of sites of international importance for nature conservation are subject to assessment, this includes assessment and amelioration of the potential impacts of development (and associated traffic) on air quality, water quality and water levels.

DP8: Mainstreaming Rural Issues;

The rural areas of the North West should be considered in a way which is integrated with other decision making, and not seen as a separate topic.

The problems of rural communities (such as housing affordability, economic diversification, and access to jobs and services), especially in Cumbria, have particular causes and require particular solutions - different in sparsely populated area from those closer to large settlements. Plans and strategies should acknowledge this and respond to spatial variations in rural need and opportunities. The positive interaction between rural and urban areas should be promoted when appropriate.

DP9: Reduce Emissions and Adapt to Climate Change;

As an urgent regional priority, plans, strategies, proposals, schemes and investment decisions should:

REGIONAL POLICY CONTEXT

- Contribute to reductions in the Region's carbon dioxide emissions from all sources, including energy generation and supply, buildings and transport in line with national targets to reduce emissions to 60% below 1990 levels by 2050; in particular, for residential and commercial development, by developing trajectories or other yardsticks for identifying trends in carbon performance;
- Take into account future changes to national targets for carbon dioxide and other greenhouse gas emissions;
- Identify, assess and apply measures to ensure effective adaptation to likely environmental, social and economic impacts of climate change.

Measures to reduce emissions might include as examples:

- Increasing urban density;
- Encouraging better built homes and energy efficiency, eco-friendly and adaptable buildings, with good thermal insulation, green roofs and microgeneration;
- Reducing traffic growth, promoting walking, cycling and public transport;
- Facilitating effective waste management;
- Increasing renewable energy capacity;
- Focusing substantial new development on locations where energy can be gained from decentralised supply systems;
- The improved management and rewetting of the regions blanket and raised bog resource.

Adaptation measures might include, for example:

- Minimising threats from, and the impact of, increased coastal erosion, increased storminess and flood risk, habitat disturbance, fragmentation and increased pressure on water supply and drainage systems;
- Protection of the most versatile agricultural land;
- Sustainable Urban Drainage.

Policy makers should use the North West Integrated Appraisal Toolkit as a basis to assess and strengthen the climate change mitigation and adaptation elements of their plans and strategies. Exceptionally, other comparable and robust methodologies might be used.

Applicants and local planning authorities should ensure that all developments meet at least the minimum standards set out in the North West Sustainability Checklist for Developments, and should apply 'good' or 'best practice' standards wherever practicable.

Policy RDF2:

Rural Areas

Plans and strategies for the Region's rural areas should support the priorities of the Regional Rural Delivery Framework and:

- Maximise the economic potential of the Region's rural areas;
- Support sustainable farming and food;
- Improve access to affordable rural housing;
- Ensure fair access to services for rural communities;
- Empower rural communities and address rural social exclusion;
- Enhance the value of our rural environmental inheritance;

Key Service Centres

Plans and Strategies should identify a subset of towns and villages as Key Services Centres which:

- act as service centres for surrounding areas, providing a range of services including retail, leisure, community, civic, health and education facilities and financial and professional services; and
- have good public transport links to surrounding towns and villages, or the potential for their development and enhancement.

Development in rural areas should be concentrated these Key Service Centres and should be of a scale and nature appropriate to fulfil the needs of local communities for housing, employment and services, and to enhance the quality of rural life.

Local Service Centres

Small scale development to help sustain local services, meet local needs, or support local businesses will be permitted in towns and villages defined as Local Service Centres in Local Development Documents which already provide a more limited range of services to the local community.

Outside Key and Local Service Centres

In remoter rural areas particularly the 'sparse' rural areas of the region, more innovative and flexible solutions to meet their particular development needs should be implemented and targeted towards achieving:

- More equitable access to housing, services, education, healthcare and employment; and
- A more diverse economic base, whilst maintaining support for agriculture and tourism.

Exceptionally, new development will be permitted in the open countryside where it:

- has an essential requirement for a rural location, which cannot be accommodated elsewhere (such as mineral extraction);
- is needed to sustain existing businesses;
- provides for exceptional needs for affordable housing;
- is an extension of an existing building; or
- involves the appropriate change of use of an existing building.

LDDs should set out criteria for permitting the re use of buildings in the countryside in line with PPS7.

Policy EM1 –Integrated Enhancement and Protection of the Region's Environmental Assets

The Region's environmental assets should be identified, protected, enhanced and managed.

Plans, strategies, proposals and schemes should deliver an integrated approach to conserving and enhancing the landscape, natural environment, historic environment and woodlands of the region.

REGIONAL POLICY CONTEXT

Plans and strategies should define spatial objectives and priorities for conservation, restoration and enhancement as appropriate, and provide area-based guidelines to direct decisions and target resources. These will be founded on a sound understanding of the diversity, distinctiveness, significance and sensitivity of the region's environmental assets, and informed by sub-regional environmental frameworks. Special consideration will be given to the impacts of climate change and adaptation measures.

Priority should be given to conserving and enhancing areas, sites, features and species of international, national, regional and local landscape, natural environment and historic environment importance.

Where proposals and schemes affect the region's landscape, natural or historic environment or woodland assets, prospective developers and/or local authorities should first avoid loss of or damage to the assets, then mitigate any unavoidable damage and compensate for loss or damage through offsetting actions with a foundation of no net loss in resources as a minimum requirement.

With regard to specific elements of this integrated approach, the following should be taken into account:

EM1 (A) Landscape

Plans, strategies, proposals and schemes should identify, protect, maintain and enhance natural, historic and other distinctive features that contribute to the character of landscapes and places within the North West.

They should be informed by and recognise the importance of:

- Detailed landscape character assessments and strategies, which local authorities should produce, set in the context of the North West Joint Character Area Map. These will be used to identify priority areas for the maintenance, enhancement and/or restoration of that character and will under-pin and act as key components of criteria-based policies in LDFs;
- The special qualities of the environment associated with the nationally designated areas of the Lake District National Park, the Yorkshire Dales National Park, the Peak District National Park, the Forest of Bowland Area of Outstanding Natural Beauty (AONB), the Arnsdale and Silverdale AONB, the North Pennines AONB and Solway Coast AONB and their settings;
- The characteristics and setting of World Heritage Sites.

EM1 (B) Natural Environment

Plans, strategies, proposals and schemes should secure a 'step-change' increase in the region's biodiversity resources by contributing to the delivery of national, regional and local biodiversity objectives and targets for maintaining extent, achieving condition, restoring and expanding habitats and species populations. This should be done through protecting, enhancing, expanding and linking areas for wildlife within and between the locations of highest biodiversity resources, including statutory and local wildlife sites, and encouraging the conservation and expansion of the ecological fabric elsewhere.

Broad locations where there are greatest opportunities for delivering the biodiversity targets are shown on the Indicative Biodiversity Resource and Opportunity Diagram (see Diagram 9.1). More specific locations will be informed by sub-regional biodiversity maps and frameworks of statutory and local wildlife sites.

Local authorities should: ·

REGIONAL POLICY CONTEXT

- Develop a more detailed representation of this spatial information for use in their Local Development Frameworks; and
- Develop functional ecological frameworks that will address habitat fragmentation and species isolation, identifying and targeting opportunities for habitat expansion and reconnection. Active arrangements will be needed to address ecological cross-boundary issues within areas such as the Pennines, Solway Firth, the Mersey Estuary, the Lune Estuary, the River Dee Estuary and the Cheshire Meres and Mosses, as well as including biodiversity policies in any developing Marine Spatial Planning System in the Irish Sea.

Plans, strategies, proposals and schemes should protect and enhance the region's geological and geomorphological resources including statutory and local sites by contributing to the delivery of national, regional and local geodiversity objectives and targets.

EM1 (C) Historic Environment

Plans, strategies, proposals and schemes should protect, conserve and enhance the historic environment supporting conservation-led regeneration in areas rich in historic interest, and in particular exploiting the regeneration potential of:

- The maritime heritage of the North West coast including docks and waterspaces, and coastal resorts and piers;
- The Pennine textile mill-town heritage that exists in East Lancashire and Greater Manchester; and the textile milltown heritage of East Cheshire;
- Victorian and Edwardian commercial developments in Liverpool and Manchester city centres;
- The traditional architecture of rural villages and market towns of Cumbria, Cheshire and Lancashire;
- The historic Cities of Carlisle, Chester and Lancaster; and
- The Lake District Cultural Landscape.

EM1 (D) Trees, woodlands and forests

Plans, strategies, proposals and schemes should:

- Support the aims and priorities of the North West Regional Forestry Framework and sub-regional forestry strategies;
- Encourage a steady targeted expansion of tree and woodland cover and promote sustainable management of existing woodland resources to enable the delivery of multiple benefits to society;
- Support the continued role of community forestry;
- Identify and protect ancient semi-natural woodland and veteran trees.

Policy EM2 – Remediating Contaminated Land

Plans, strategies, proposals and schemes should encourage the adoption of sustainable remediation technologies. Where soft end uses (including green infrastructure, natural habitat or landscape creation) are to be provided on previously developed sites, appropriate remediation technologies should be considered which reduce or render harmless any contamination that may be present

REGIONAL POLICY CONTEXT

Policy EM3 – Green Infrastructure

Plans, strategies, proposals and schemes should aim to deliver wider spatial outcomes that incorporate environmental and socio-economic benefits by:

- conserving and managing existing green infrastructure;
- creating new green infrastructure;
- enhancing its functionality, quality, connectivity and accessibility.

Local authorities should work with partners to:

- identify partnerships at an appropriate scale to take forward green infrastructure planning, in the context of relevant environmental and socio-economic objectives. Green infrastructure should include the identification, development and management of new areas of open space. This should be complemented by the retention, enhancement and adaptation of existing sites;
- ensure that a key aim of green infrastructure is the maintenance and improvement of biodiversity;
- protect the integrity of sites of national and international importance including the historic environment;
- use existing strategies and frameworks to develop consensus on green infrastructure priorities and associated data needs;
- promote physical and mental health benefits through access to and usage of open spaces by disadvantaged groups and communities;
- set out the significant green infrastructure needs across the spectrum of economic, environmental and social objectives;
- identify and secure opportunities for delivery and put in place implementation plans;
- integrate proposals to improve green infrastructure in the delivery of new developments, particularly through area based regeneration initiatives and major proposals and schemes;
- maximize the role of green infrastructure in mitigating and adapting to climate change;
- provide new areas of appropriate greenspace where development would otherwise cause unacceptable recreational pressure on sites of international ecological importance, for example where new housing is proposed close to such sites.

Local Delivery of Green Infrastructure Plans should seek first to make use of existing delivery mechanisms supplemented by bespoke delivery mechanisms where necessary.

A Green Infrastructure Guide for the North West has been produced which provides more detailed guidance and will assist the way this policy is put into practice.

Policy EM5 Integrated Water Management

In achieving integrated water management and delivery of the EU Water Framework Directive, plans and strategies should have regard to River Basin Management Plans, Water Company Asset Management Plans, Catchment Flood Management Plans, and the Regional Flood Risk Appraisal.

Local planning authorities and developers should protect the quantity and quality of surface, ground and coastal waters, and manage flood risk, by:

- Working with the Water Companies and the Environment Agency when planning the location and phasing of development. Development should be located where there is spare capacity

in the existing water supply and waste water treatment, sewer and strategic surface water mains capacity, insofar as this would be consistent with other planning objectives. Where this is not possible development must be phased so that new infrastructure capacity can be provided without environmental harm;

- Producing sub-regional or district level strategic flood risk assessments, guided by the Regional Flood Risk Appraisal. Allocations of land for development should comply with the sequential test in PPS25. Departures from this should only be proposed in exceptional cases where suitable land at lower risk of flooding is not available and the benefits of development outweigh the risks from flooding;
- Designing appropriate mitigation measures into the scheme, for any development which, exceptionally, must take place in current or future flood risk areas, to ensure it is protected to appropriate standards, provides suitable emergency access under flood conditions, and does not increase the risk of flooding elsewhere;
- Requiring new development, including residential, commercial and transport development, to incorporate sustainable drainage systems and water conservation and efficiency measures to the highest contemporary standard;
- Encouraging retrofitting of sustainable drainage systems and water efficiency within existing developments;
- Raising people's awareness of flood risks (particularly for vulnerable groups) and the impacts of their behaviours and lifestyles on water consumption.

Policy EM7 – Minerals Extraction

Plans and strategies should make provision for a steady and adequate supply of a range of minerals to meet the region's apportionments of land-won aggregates and requirements of national planning guidance. This will take into account:

- The national significance of the Region's reserves of salt, silica sand, gypsum, peat and clay (including fireclay);
- The need to maintain land banks of permitted reserves of certain minerals as identified in relevant government guidance including silica sand and materials for the cement industry;
- The contribution that substitute, secondary or recycled sources, or imports from outside the Region, should make;
- The potential supply of marine dredged aggregate in contributing towards overall regional aggregate needs, applying the principles of sustainable development alluded to in relevant government guidance and reflect any future Marine Spatial Planning arrangements.

Minerals extraction forms an exception to the sequential approach set out in the Core Development Principles.

Plans and strategies should:

- Include criteria-based policies to indicate the circumstances under which extraction might or might not be permitted;
- Include opportunities for the transportation of minerals by pipeline, rail or water, including the maintenance of existing wharves and railhead facilities, the provision of new ones, and of facilities for on-shore processing and distribution of hydrocarbons;
- Safeguard mineral resources from other forms of development and, where appropriate, reserve highest quality minerals for applications that require such grades;

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- Identify and protect sources of building stone for use in repairing and maintaining historic buildings and public realm improvements; and
- Ensure sensitive environmental restoration and aftercare of sites including improved public access where they are of amenity value.

Policy EM8 - Land-won Aggregates

Mineral Planning Authorities should continue to work together to make provision for the agreed regional apportionment of land-won aggregate requirements to 2016 on the basis of the revision to Minerals Planning Guidance Note 6 (MPG6) and the sub-regional apportionment set out in Table 9.2.

Policy EM10 – A Regional Approach to Waste Management

Plans, strategies, proposals and schemes, should promote and require the provision of sustainable new waste management infrastructure, facilities and systems that contribute to the development of the North West by reducing harm to the environment (including reducing impacts on climate change), improving the efficiency of resources, stimulating investment and maximising economic opportunities.

Plans and strategies should reflect the principles set out in the Waste Strategy for England 2007 and PPS10. They should seek to achieve the following regional waste targets, and to exceed them where practicable:

- growth in municipal waste to be reduced to zero by 2014;
- 40% of household waste to be reused, recycled or composted by 2010; 45% by 2015; and 55% by 2020;
- value to be recovered from 53% of municipal solid waste by 2010 (including recycling/composting); and 67% by 2015 and 75% by 2020;
- zero future growth in commercial and industrial wastes;
- recycle 35% of all commercial and industrial wastes by 2020;
- value to be recovered from at least 70% of commercial and industrial wastes by 2020 (including recycling/composting).

Policy EM11 Waste Management Principles

Every effort should be made to minimise waste, maximise re-use, and maximise opportunities for the use of recycled material. Such residual waste as does arise should be managed at the highest practicable level in the Government's waste hierarchy. The following sequence of initiatives should be followed, and appropriate facilities provided:

- first, waste minimisation; then
- maximise the re-use of waste for the same or a different purpose; then
- composting or recycling (for instance through streamed “kerbside” collections, “bring” banks, civic amenity sites, and centralised recycling facilities); then
- intermediate treatment of wastes that cannot readily be composted or recycled (through anaerobic digestion or mechanical biological treatment (MBT)); or
- treatment to deal with hazardous materials; then
- production of refuse derived fuels from waste; then

- recovery of energy from residual waste and refuse derived fuels (by a range of thermal treatments); and finally
- disposal of residual wastes by land-filling (or landraising), including the recovery of energy from landfill gas where practicable.

Policy EM12 Locational Principles

Waste planning and disposal authorities should provide for communities to take more responsibility for their own waste. The final residue, following treatment, of municipal, commercial and industrial waste should be disposed of in one of the nearest appropriate installations. Local authorities should ensure that waste management facilities are sited in such a way as to avoid the unnecessary carriage of waste over long distances. In considering the location of new waste management facilities, they should take account of the availability of transport infrastructure that will support the sustainable movement of waste, seeking when practicable to use rail or water transport. They should also take account of the environmental impact of the proposed development.

Policy EM13 – Provision of Nationally, Regionally and Sub-Regionally Significant Waste Management Facilities

Plans, strategies, proposals and schemes should provide for an appropriate type, size and mix of development opportunities to support, bring forward and safeguard sites for waste management facilities that will deliver the capacity to deal with the indicative volumes of non-hazardous, commercial and industrial waste, hazardous waste and municipal waste in each sub-region, as set out in Tables 9.3, 9.4, and 9.5 respectively.

Plans and Strategies should identify locations for waste management facilities and allocate suitable sites for the provision of facilities up 2020. When identifying these sites, account should be taken of the scope for co-location of complementary activities, such as resource recovery parks, to support the provision of adequate reprocessing and re-manufacturing capacity.

In considering proposals for waste management facilities (including additional landfill capacity) the ability of existing established sites to meet the needs of the region / sub region should be fully explored. Wherever possible, such sites should be used in preference to other sites where waste management activities have not previously been located, provided proposals for the development of waste management facilities satisfy general planning and licensing conditions, including the likely cumulative impact on the environment, landscape, cultural heritage, groundwater, the amenity and health of the neighbourhood and residents, the traffic impact; available transport links; the prevention and control of pollution and any specific technical issues.

For both the municipal, and the commercial and industrial waste streams, primary reception, treatment and transfer facilities should be located near to the sources of arisings. Secondary treatment and disposal facilities may be located on a sub-regional strategic basis, to serve a wider catchment area. Regionally significant facilities may be needed to serve the Mersey Belt, which includes the Manchester and Liverpool conurbations. The provision of nationally significant waste management facilities may be appropriate where the region offers a particular waste management advantage on a national scale.

Where it is appropriate at the sub-regional level, waste planning, disposal and collection authorities should work together to produce joint waste management strategies in partnership with the Environment Agency, the waste management industry, Regional Planning Body and other stakeholders.

REGIONAL POLICY CONTEXT

Policy EM14 – Radioactive Waste

Plans and strategies should continue to support the North West as a centre of national and international expertise in the fields of nuclear fuel fabrication, reprocessing, radioactive waste management and decommissioning.

National and regional partners should work together to promote an agreed solution to the safe long-term management of radioactive waste, based on consultation with all relevant interests. This should incorporate a long-term commitment to the reduction of radioactive discharges and to radioactive waste minimisation, management and safe storage techniques.

Policy EM15 – A Framework For Sustainable Energy In The North West

Plans and strategies should promote sustainable energy production and consumption in accordance with the principles of the Energy Hierarchy set out in Figure 9.2 and within the Sustainable Energy Strategy. In line with the North West Sustainable Energy Strategy the North West aims to double its installed Combined Heat and Power (CHP) capacity by 2010 from 866 MWe to 1.5 GW, if economic conditions are feasible.

All public authorities should in their own proposals and schemes (including refurbishment) lead by example to emphasise their commitment to reducing the annual consumption of energy and the potential for sustainable energy generation, and facilitate the adoption of good practice by the widest range of local stakeholders.

Policy EM16 – Energy Conservation & Efficiency

Local authorities, energy suppliers, construction companies, developers, transport providers and other organisations should ensure that their approach to energy is based on minimising consumption and demand, promoting maximum efficiency and minimum waste in all aspects of local planning, development and energy consumption. To support this, Distribution Network Operators and Local Planning Authorities should make effective provision for required energy network upgrades in terms of distribution connections and substations.

Plans and Strategies should actively facilitate reductions in energy requirements and improvements in energy efficiency by incorporating robust policies which support the delivery of the national timetable for reducing emissions from domestic and non-domestic buildings.

Policy EM18 – Decentralised Energy Supply

Plans and strategies should encourage the use of decentralised and renewable or low-carbon energy in new development in order to contribute to the achievement of the targets set out in Table 9.6 and 9.7. In particular, local authorities should, in their Development Plan Documents, set out:

- targets for the energy to be used in new development to come from decentralised and renewable or low-carbon energy sources, based on appropriate evidence and viability assessments; and
- the type and size of development to which the target will be applied.

In advance of local targets being set, new non residential developments above a threshold of 1,000m² and all residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable.

Policy CNL1 – Overall Spatial Policy for Cumbria

Plans and strategies in Cumbria should:

- Focus major developments within Barrow-in-Furness and Whitehaven, and Workington and in the City of Carlisle in line with policy RDF1 and spatial principles DP1-9;
- Provide for development in the key service centres and local service centres in line with RDF2
- Provide a portfolio of employment sites in accordance with RDF1 and the criteria in Policies W2 and W3;
- Support the restructuring of housing markets in West Cumbria and Furness;
- Improve Cumbria's internal and external transport links in line with the priorities for transport investment and management set out in Policy RT10;
- Develop the role of Carlisle as a regional public transport gateway to the region in line with Policy RT1 and harness its potential for economic growth in sustainable ways;
- Ensure that network management measures are utilised to make best and most appropriate use of available highway infrastructure and to improve road safety and journey time reliability, with priority given to improving the operation of routes linking Furness and West Cumbria to the M6;
- Give priority to improving access to employment, services and education/training facilities on foot, by cycle and by public transport, in Carlisle, Workington/Whitehaven and Barrow-in-Furness, and in Key Service Centres, especially Kendal.
- Support the development of sustainable tourism in Cumbria; and
- Support the development of higher value knowledge based and specialist industry based employment opportunities.

Proposals and schemes will be directed primarily towards locations where they can contribute to these priorities.

STATEMENT OF DEVELOPMENT PLAN POLICIES TO BE SUPERCEDED

The Town and Country Planning (Local Development) (England) Regulations 2004**CUMBRIA MINERALS AND WASTE DEVELOPMENT FRAMEWORK****Regulation 13 (5) Statement of saved development plan policies that would be superceded by the submission draft Core Strategy and Generic Development Control policies**

The Minerals and Waste Development Framework (MWDF) will be a direct replacement for the Minerals and Waste Local Plan 1996 to 2006 (MWLP) which was adopted in May 2000. Most of its policies have been “saved” until the adoption of the MWDF and these are set out in the following list. The following table sets out the MWDF policies that would supercede saved MWLP policies.

The Cumbria and the Lake District Joint Structure Plan 2001 – 2016 was adopted in April 2006. Thirty five of its policies have been replaced by North West Regional Spatial Strategy policies. The remaining Structure Plan policies have been extended and will continue to be saved until they are replaced by a future revision of the RSS. These saved policies are ST 4 and 5; EM 13, 14 and 16; H 19, 20, 21 and 22; T 29, 30, 31 and 33; E 35, 37 and 38 and R 44, 45, 47, 48, 49, 50 and 51.

In accordance with paragraph 15.3 of the RSS local authorities are encouraged to consider whether these saved Structure Plan policies can be expressed within the Local Development Frameworks. The most obvious Structure Plan policies that will need to be considered with regard to minerals and waste policies are ST 4; E 35, 37 and 38; R 47, 48, 49, 50 and 51.

STATEMENT OF DEVELOPMENT PLAN POLICIES TO BE SUPERCEDED

M&W Local Plan Policies	MWDF Core Strategy	MWDF Generic Development Control Policies	M&W Local Plan Policies	MWDF Core Strategy	MWDF Generic Development Control Policies
Policy 1		DC1 & 3	Policy 35	CSP2,5 &5	DC6
Policy 2		DC2 & 3	Policy 36	CSP16	DC6
Policy 3		DC3 & 3	Policy 37		DC7
Policy 4		DC2 & 3	Policy 38	CSP4	DC7
Policy 5	CSP4	DC3 & 14	Policy 39 not saved		
Policy 6	CSP4	DC2, 6, 12 & 14	Policy 40	CSP18	DC7
Policy 7	CSP4	DC2 & 12	Policy 41	CSP18	DC7
Policy 8 not saved			Policy 42	CSP4	
Policy 9	CSP4	DC2, 3 & 12	Policy 43	CSP4	
Policy 10	CSP4	DC2, 3 & 12	Policy 44	CSP4 & 5	DC6 &16
Policy 11	CSP4 & 5	DC15 & 16	Policy 45	CSP4, 7, 13 &14	
Policy 12	CSP4	DC11	Policy 46 not saved		
Policy 13	CSP4	DC11	Policy 47 not saved		
Policy 14	CSP4	DC11	Policy 48	CSP4 & 17	
Policy 15 not saved			Policy 49 not saved		
Policy 16 not saved			Policy 50 not saved		
Policy 17 not saved			Policy 51 not saved		
Policy 18 not saved			Policy 52		DC4
Policy 19	CSP4	DC2	Policy 53	CSP13	DC4
Policy 20	CSP5	DC2 & 16	Policy 54	CSP14	DC4
Policy 21	CSP5	DC2 & 26	Policy 55	CSP9	DC4
Policy 22	CSP5	DC16 & 17	Policy 56		DC2 & 4
Policy 23	CSP2 & 3	DC2, 3 & 16	Policy 57		DC2 , 3
Policy 24	CSP14	DC9	Policy 58		
Policy 25		DC9	Policy 59	CSP4	DC2 & 4
Policy 26	CSP13	DC4	Policy 60	CSP4	DC2 & 4
Policy 27	CSP4 & 13	DC6, 7, 10, 11, 12 & 13	Policy 61 not saved		
Policy 28 not saved			Policy 62	CSP4, 8 & 9	DC3
Policy 29 not saved			Policy 63	CSP4 & 5	DC2,3 & 5
Policy 30	CSP13 & 14	DC6	Policy 64	CSP4	DC2,3 & 5
Policy 31	CSP13 & 14	DC6	Policy 65	CSP 4 & 9	
Policy 32	CSP13	DC6	Policy 66	CSP4	DC2,3 & 5
Policy 33	CSP13	DC6	Policy 67	CSP4 & 5	DC2,3 & 5
Policy 34	CSP4 & 13	DC6	Policy 68 not saved		
			Policy 69	CSP6	DC17
			Policy 70	CSP5 7 6	DC17

STATEMENT OF DEVELOPMENT PLAN POLICIES TO BE SUPERCEDED

CUMBRIA MINERALS AND WASTE LOCAL PLAN POLICIES

Policies not listed below expired on 27th September 2007.

POLICY 1

Proposals for minerals and waste development which generate road traffic will only be permitted where:

- i. the roads, junctions and site access are to the appropriate standard, or they can be upgraded without causing irreversible damage to the character of the road, so that the road network is capable of accommodating the type and volume of traffic without having an unacceptable impact on highway safety or the convenience of other road users; and
- ii. the increase in traffic would not have an unacceptable impact on local communities by reason of visual intrusion, fumes, dust, noise and vibration.

Proposals for sites with good links to the strategic route network will be favoured.

POLICY 2

Proposals for minerals and waste development will only be permitted where they will not subject surrounding land uses to unacceptable noise.

POLICY 3

Blasting will only be permitted where it will not cause unacceptable disturbance to surrounding land uses.

POLICY 4

Proposals for minerals and waste development will only be permitted where surrounding land uses can be adequately safeguarded from dust and odour.

POLICY 5

Proposals for minerals and waste development will only be permitted where any change in surface and groundwater levels and flows will not have an unacceptable impact on water abstractions or the future use of the water resource.

POLICY 6

Proposals for the extraction of minerals from watercourses or beaches will not be permitted.

POLICY 7

Proposals for minerals and waste development will only be permitted where any visual impact can be reduced to an acceptable level through sensitive siting and design including phasing of operations, progressive restoration, screening or other measures.

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POLICY 9

Proposals for minerals and waste development which would be detrimental to the distinctive character of a designated County Landscape will only be permitted where the detriment will be temporary.

POLICY 10

Proposals for minerals and waste development outside AONBs, the Heritage Coast and County Landscapes will be permitted provided there will not be unacceptable permanent harm to features of local landscape significance.

POLICY 11

Proposals for minerals and waste development on the best and most versatile agricultural land will only be permitted where the site can be restored to a condition equivalent to at least the original quality of the agricultural land within five years from the completion of the restoration.

POLICY 12

Proposals for minerals and waste development which would adversely affect a nationally important archaeological site or monument, whether scheduled or not, or its setting, will not be permitted unless the site can be preserved in situ.

POLICY 13

Proposals for minerals and waste development on sites where there is good reason to believe there are remains of archaeological importance will only be permitted where evaluation is carried out prior to determination.

Proposals for minerals and waste development on other sites will require an evaluation and, where necessary, provision for an appropriate field investigation prior to the development commencing.

In all cases an archaeological evaluation will comprise a documentary search and normally a detailed site inspection and/or systematic prospecting trenching, carried out by a suitably qualified and experienced person or organisation.

POLICY 14

Proposals for minerals and waste development where there is evidence of archaeological remains, but which do not warrant preservation, will only be permitted if provision is made for an appropriate field investigation to be carried out.

The type of archaeological field investigation required will be determined by the nature and importance of the remains and the type and impact of the proposed development.

POLICY 19

Proposals for minerals and waste development which would affect a public right of way will only be permitted where:

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- i. users of the route can be adequately protected from the adverse effects of the development through screening, segregation or other measures as appropriate; and
- ii. in the event that the route would be lost, either temporarily or permanently, a satisfactory alternative can be established or can be shown to be unnecessary.

POLICY 20

The County Council will seek, where appropriate, the provision of public access including new public rights of way within restoration schemes.

POLICY 21

There will be a presumption in favour of restoring mineral and waste sites to agricultural, forestry and amenity (including nature conservation) afteruses following temporary developments. Restoration to agriculture will be required where the loss of agricultural land would adversely affect the economic viability of the farm holding.

POLICY 22

The County Council will require a scheme of aftercare, for up to five years, for land being restored to amenity, forestry or agricultural afteruses. For proposals where a further period of management is considered to be necessary the County Council will need to be satisfied that this will be provided.

POLICY 23

In assessing the extent to which proposals for minerals and waste development meet the social and economic needs of the County's population and help maintain rural communities, the following will be taken into account:

- i. the number, type and duration of direct and indirect jobs to be generated or maintained and how many will be or are occupied by local people; and
- ii. the opportunities for the development of skills of locally employed people; and
- iii. the level and nature of investment in the local economy from wages and use of local businesses; and
- iv. the impact on economic development initiatives and neighbouring businesses, including tourism.

POLICY 24

Mineral resources will be safeguarded from sterilisation. The County Council will oppose development proposals within Mineral Consultation Areas which would prevent or prejudice potential future mineral extraction unless it is satisfied that the area affected does not contain a workable mineral deposit; or there is an overriding need for the development and the mineral cannot be extracted in advance.

POLICY 25

Proposals for the extraction of minerals prior to development which would otherwise sterilise proven mineral deposits will be permitted except where prior extraction would prejudice the development of the land or would not take place within a reasonable timescale.

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POLICY 26

Proposals for the importation and processing of waste or low grade materials to produce mineral products will be permitted at active quarries for a temporary period not exceeding the permitted life of the quarry, where this can be accommodated without prejudicing the operation or restoration of the quarry.

POLICY 27

In assessing proposals for the extraction of minerals which are accompanied by an Environmental Statement or where there are material planning objections or where Local Plan Policies 29, 30, 31, 33, 34, 36 and 43 apply, the following will be taken into account in determining the need for the mineral to be worked:

- i. national, regional and local need as appropriate; and
- ii. the location, amount, quality and type of existing permitted reserves and the rate at which they are likely to be worked; and
- iii. the availability of less damaging alternative sites or sources of supply.

The particular needs of an individual mineral operator will not be taken into account unless it can be demonstrated that special considerations should apply.

POLICY 30

In the West Cumbria production area proposals for the extraction of sand and gravel from land within the Aldoth area of search and the Bullgill and Cardewmires preferred areas will be permitted subject to there being a demonstrable need. Planning permission will not be granted elsewhere unless a need can be demonstrated which cannot be met from the area of search, the preferred areas or existing sites, or unless significant benefits would accrue to local communities or the environment.

POLICY 31

Proposals for the extraction of sand and gravel in the North, East and South Cumbria production areas will only be permitted where there is a demonstrable need unless significant benefits would accrue to local communities or the environment.

POLICY 32

Proposals for the development of new quarries for the extraction of general crushed rock aggregates will not be permitted unless there is a demonstrable need and significant benefits would accrue to local communities or the environment.

POLICY 33

Proposals for quarry extensions to provide general crushed rock aggregates will not be permitted unless there is a demonstrable need or significant benefits would accrue to local communities or the environment.

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POLICY 34

Proposals for the extraction of High Specification Aggregates will not be permitted unless there is a demonstrable national or regional need or significant benefits would accrue to local communities or the environment

POLICY 35

Proposals for the extraction of minerals from borrow pits will be permitted provided there are net environmental and economic benefits compared with supplying the minerals from existing quarries.

POLICY 36

Proposals for the extraction of high purity limestone will only be permitted where there is a demonstrable national or regional need and it will be used primarily for non aggregate uses or where significant benefits would accrue to local communities or the environment.

POLICY 37

Unless there would be significant benefits to local communities and the environment sufficient to outweigh any non-compliance with the following criteria, opencast coal extraction will only be permitted where:

- i. there would be no material adverse impact on local communities, including that arising from the cumulative impact from other permitted and previous opencast coal operations; and
- ii. there would be no material adverse impact on a designated landscape; and
- iii. it would not inhibit the ability of West Cumbria to attract inward investment, economic development and tourism; and
- iv. the working life to the cessation of coaling has been minimised commensurate with the environmental and amenity impacts and the market place, and in any event should not exceed ten years.

POLICY 38

Planning permission will not be granted for opencast coal extraction in the Alston/Nenthead and East Fellside areas.

POLICY 40

Proposals for the appraisal, drilling and testing of oil and gas will be permitted provided the proposals are consistent with an overall scheme for the appraisal of the resource.

POLICY 41

Proposals for the commercial production, processing and transporting of oil or gas will be permitted provided the proposals are consistent with an overall scheme for the optimum development of the resource (and where appropriate any other adjoining oil or gas resources).

POLICY 42

Planning permission will not be granted for minerals and waste development which would adversely affect peatlands of high nature conservation or archaeological value.

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POLICY 43

Proposals for peat extraction will only be permitted where:

- i. there is a demonstrable national requirement for the peat to be worked; and
- ii. where the site has already been significantly damaged by recent human activity and is of limited or no current nature conservation or archaeological value; and
- iii. the restoration scheme, wherever practicable, gives priority to wetland rehabilitation and to the enhancement of the nature conservation resource.

POLICY 44

Schemes of working, restoration and afteruse will be sought at existing peat working sites to safeguard areas of important nature conservation interest and to maximise the potential for restoration of the sites to appropriate nature conservation afteruses.

POLICY 45

Planning permission will only be granted for the extraction of gypsum from the Stamp Hill preferred area if it can be demonstrated that the supply of desulphogypsum is insufficient to meet the production requirements of the Kirkby Thore works and the gypsum is:

- i. only to be used at the Kirkby Thore Works; and
- ii. transported to the works by conveyor.

POLICY 48

Proposals for new building stone quarries which raise significant planning objections may be permitted only where it can be demonstrated that the material cannot be adequately supplied from existing sources.

POLICY 52

Proposals for Scrapyards, Vehicle Dismantlers, Materials Recovery Facilities, Transfer and Storage Facilities to facilitate materials re-use and recycling will be permitted on industrial sites provided that they do not have an adverse impact on surrounding landuses and do not prejudice the overall development of the area.

POLICY 53

Proposals for Construction and Demolition Waste Recycling Facilities will be permitted at active quarries and landfill sites for a temporary period not exceeding the permitted life of the quarry or landfill site, where they can be accommodated without prejudicing the operation or restoration of the site.

POLICY 54

Proposals for temporary Construction and Demolition Waste Recycling Facilities will be permitted, subject to the submission of a satisfactory scheme, at:

Hespin Wood Landfill Site, Carlisle

Todhills Landfill Site, Carlisle

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Tendley Quarry, Cockermouth

Moota Quarry, Cockermouth

Roose Sandpit, Barrow in Furness

A proposal for a permanent Construction and Demolition Waste Recycling Facility at Blencowe Quarry, Penrith will be permitted subject to the submission of a satisfactory scheme and it not prejudicing the overall development of the area.

POLICY 55

Proposals for Civic Amenity Sites will be permitted at industrial sites and non-inert landfill sites.

At non-inert landfill sites they will only be permitted for a temporary period not exceeding the permitted life of the landfill site where this can be accommodated without prejudicing the operation or restoration of the site.

POLICY 56

Proposals for the composting of waste will be permitted where surrounding landuses can be adequately safeguarded from odours and emissions by one of the following methods:

- i. the composting of appropriate types of waste;
- ii. an acceptable stand off distance;
- iii. enclosure of the composting within a building or other methods of enclosure;
- iv. the use of other techniques to control harmful or noxious emissions to atmosphere.

POLICY 57

Proposals for the landspreading of waste will be permitted where there will be no significant degradation of land quality through the build up of contaminants.

POLICY 59

Proposals for the physical, chemical or biological treatments of waste will be permitted where:

- i. they reduce the potential of waste to pollute the environment; and
- ii. they are situated on an industrial site provided that they do not have an adverse impact on surrounding land uses and do not prejudice the overall development of the area; or
- iii. at a non-inert landfill site where required for pre-treatment of waste or treatment of leachate, where they can be accommodated without prejudicing the operation or restoration of the site.

POLICY 60

Planning permission will be granted for wastewater treatment facilities. Proposals which are likely to have significant adverse effects on the environment or communities will only be permitted where they represent the best practicable environmental option.

STATEMENT OF DEVELOPMENT PLAN POLICIES TO BE SUPERCEDED

POLICY 62

Proposals for the disposal of waste by landfill will only be permitted where there is a demonstrable need for additional landfill capacity.

In assessing whether there is a demonstrable need for additional landfill capacity the following will be taken into account:

- i. the availability of facilities to manage the waste higher up the hierarchy of options (Local Plan Policy 50); and
- ii. how the proposal contributes to providing an integrated and adequate network of waste management facilities to cater for wastes arising in the County (Local Plan Policy 51); and
- iii. whether the proposal would seriously prejudice the infill and restoration of existing sites (Structure Plan Policy 60) and whether permitted landfill capacity comprises an adequate landfill capacity bank. It will be necessary to show that permitted landfill capacity is only sufficient for seven years or less for non-inert waste or four years or less for inert waste, or in the case of proposals to dispose of inert waste arisings from major construction projects at dedicated sites that there are net environmental and economic benefits compared with disposing of the waste at existing sites.

POLICY 63

Where there is a demonstrable need for additional landfill capacity, proposals which will satisfactorily restore mineral workings and other derelict land will be favoured.

Proposals involving landraising will only be permitted where the landform to be created reflects the character and scale of the surrounding topography and on restoration will fit naturally into the landscape of the area.

POLICY 64

Proposals for the disposal of non-inert waste by landfill will only be permitted where surrounding landuses can be adequately safeguarded from potential nuisance and hazard. Proposals which do not include the provision of a standoff of 250 metres from residential properties and other sensitive receptors will require special justification.

POLICY 65

The County Council supports the extension of landfilling at Kendal Fell Quarry subject to appropriate safeguards to protect the environment and the amenity of local residents.

POLICY 66

Planning permission will be granted for the disposal of inert waste to landfill at Kendal Fell Quarry subject to the submission of a satisfactory scheme.

POLICY 67

Planning permission will be granted for the disposal of inert waste to landfill at Roose Sand Pit and Mouzel Farm subject to the submission of a satisfactory scheme

STATEMENT OF DEVELOPMENT PLAN POLICIES TO BE SUPERCEDED

POLICY 69

Where it is not possible to achieve the necessary control through the use of planning conditions alone the County Council will, where appropriate, seek a planning obligation or other legal agreement.

POLICY 70

The County Council will require applicants to demonstrate with their application what the likely financial and material budgets for restoration, aftercare and after-use will be, and how they propose to make provision for such work during the operational life of the site, including where appropriate, any necessary financial guarantees.

Where the County Council considers that adequate provision has not been made to fulfil the proposed restoration and aftercare works, planning permission will be refused.