

**Minerals
and Waste
Development
Scheme**

**For the Review
of the Cumbria
Minerals and Waste
Local Plan 2015
to 2030**

(for Cumbria excluding the National Parks)

October 2022

1. Introduction

- 1.1 This Minerals and Waste Development Scheme (MWDS) replaces the previous MWDS published in May 2018. It has been updated to reflect completion of a review of the adopted Cumbria Minerals and Waste Local Plan (CMWLP) and to take account of the implications of Local Government Reorganisation (LGR) on any future work to review and update the CMWLP, with Cumbria County Council being replaced by two new unitary authorities (Cumberland Council and Westmorland and Furness Council) as of 1st April 2023.
- 1.2 Under Section 15 of the Planning and Compulsory Purchase Act 2004 (as amended by the Localism Act 2011) local planning authorities are required to produce a Local Development Scheme, specifying the documents which, when prepared, will comprise the Local Plan for their area. This is to be kept up-to-date with progress on the preparation or review of the local plan. The Minerals and Waste Development Scheme (MWDS) is the local development scheme prepared by Cumbria County Council as minerals and waste planning authority to report on progress of the Cumbria Minerals and Waste Local Plan.
- 1.3 It is anticipated that each new authority will prepare its own Local Development Scheme, incorporating all the existing Local Plans produced by the constituent district council local planning authorities (including the Cumbria Minerals and Waste Local Plan). This version of the MWDS provides an interim update on the current position regarding the CMWLP.
- 1.4 The National Planning Policy Framework (NPPF - 2021) requires policies in local plans and spatial development strategies to be reviewed to assess whether they need updating at least once every 5 years and should then be updated as necessary. The CMWLP was adopted on 6th September 2017 so a review was undertaken in September 2022.

2. Content of the Minerals and Waste Local Plan

- 2.1 The adopted CMWLP comprises three main sections - Part 1 Strategic Policies; Part 2 Development Control Policies; Part 3 Site Allocations Policies - plus the Policies Map. The supporting documents are the Statement of Community Involvement, the Sustainability Appraisal, the Habitats Regulations Assessment and the annual Authority Monitoring Reports.
- 2.2 The administrative area of the adopted CMWLP is the whole of the county of Cumbria, excluding the boundaries of the Lake District National Park and the Yorkshire Dales National Park.
- 2.3 It deals solely with planning policy for minerals and waste development proposals in Cumbria and is prepared by Cumbria County Council in its role as minerals and waste planning authority in the current two-tier local government structure. The six district councils in Cumbria are the local planning authorities for other development. The national park authorities have responsibility for development, including minerals and waste planning, within their own areas.

3. Monitoring and Evidence Base

- 3.1 The adopted CMWLP contains a Monitoring Matrix which sets out indicators that can be used to assess how the policies are being implemented, and also suggests what circumstances might trigger the need to review a particular policy. Annual monitoring and review of the CWMLP policies is done through the Authority Monitoring Reports (AMR) produced each year to review how effectively the policies are being implemented, and whether any trigger points from the Monitoring Matrix have been identified. Authority Monitoring Reports can be found on the county council website here – **Annual Monitoring Reports regarding Minerals and Waste Planning Policy | Cumbria County Council**
- 3.2 Two key elements of the evidence base to assist in producing the AMRs are the Local Aggregates Assessment (LAA) and the Waste Needs Assessment (WNA). The LAA is produced annually to assess the level of permitted reserves and anticipated demand for aggregates within the county to establish whether there is sufficient reserve to maintain at least a 7-year land bank for sand and gravel and 10-year land bank for crushed rock throughout the Plan period.
- 3.3 The WNA is produced every 2-3 years to assess the amount of waste arisings and waste management capacity within the county, and to predict the requirements for waste management facilities throughout the Plan period, taking into account future population growth and targets for recycling and diversion from landfill.
- 3.4 The most recent published LAA and WNA can be found on the county council website here - **Minerals and Waste Local Plan - updated research and evidence | Cumbria County Council**

4. Local Plan Review – September 2022

- 4.1 A review of the adopted CMWLP was undertaken in September 2022. It set out to identify if any of the policies required an update. There are a number of instances where updating a policy might be desirable, perhaps to reflect the wording in more recent versions of the NPPF or newer legislation and government guidance, but where a policy was not contrary to that legislation or national policy/guidance, it was still considered sound. Whilst such changes are likely to be recommended in the event of the CMWLP being updated, they were not considered significant enough in their own right to justify a formal update of the CMWLP.
- 4.2 The key considerations in determining whether a formal update of the CMWLP is required at this time are considered to be –
- i) Has monitoring of the CMWLP identified any triggers for review of policy as set out in the Monitoring Matrix which forms part of the adopted CMWLP?
 - ii) Are any of the policies now contrary to national policy and guidance and therefore currently failing to deliver appropriate policy objectives?
 - iii) Is there an absence of policy on a particular topic that means the plan is currently failing to deliver appropriate policy objectives?
- 4.3 The review that has been undertaken comprised a high-level Red Amber Green (RAG) assessment of the current policies to consider whether any policies were in need of an update. This was done with reference to the annual AMRs and the latest LAA and WNA. It identified where any trigger from the Monitoring Matrix had been identified and where there had been any changes to national planning policy and/or legislation that needed to be taken into account. Observations were then made as to whether that issue was considered significant enough to require the policy to be updated.

- 4.4 The RAG assessment ranked the policies as follows – RED for those policies considered in need of an update in order for the Plan to be considered sound; AMBER for those policies where an update would be justified but the issue was not so significant on its own to justify an update of the Plan (i.e. the Plan could still be considered sound without that change being made now); GREEN for those policies where no current need for an update has been identified. The RAG assessment table is attached.
- 4.5 None of the policies in the adopted CMWLP were considered to be contrary to national planning policy and guidance at this time. However, officers identified a number of policies where an update to the policy is recommended. Primarily in light of measures in the Environment Act 2021, relating to biodiversity net gain but also to address monitoring issues highlighted in the Authority Monitoring Reports regarding sand and gravel reserves and provision of suitably located Household Waste Recycling Centres (HWRC) sites across the county.
- 4.6 The review has identified the following policies that should be updated

SP15	Environmental Assets
DC16	Biodiversity and Geodiversity
SAP1	HWRC Site Allocations
SAP4	Areas for Minerals
SP13	Climate Change Mitigation and Adaptation
DC15	Minerals Safeguarding
SAP2	Site Allocations for Waste Treatment and Management Facilities
SAP5	Safeguarding of existing and potential railheads and wharves

5. Programme of Future Work

- 5.1 Two new unitary authorities (Cumberland Council and Westmorland & Furness Council) will be formed on 1st April 2023. This is not in itself a reason to put off undertaking a review of current adopted Plans. The Local Government (Structural Changes) (General) (Amendment) Regulations 2018 confirm that, following reorganisation, any existing plans will remain in place for the areas set out in the plan.
- 5.2 Whilst each district council has their own Local Plan to bring forward, minerals and waste planning policy has been prepared solely by the county council as minerals and waste planning authority for the whole of Cumbria. Following Local Government Reorganisation (LGR), each unitary authority will have responsibility for minerals and waste planning within their own administrative area. A decision will have to be taken by each authority on how they intend to develop their minerals and waste planning policies going forward.
- 5.3 Advice from DLUHC confirms that, should the need for an update to the CMWLP be identified, it would be appropriate for work to be programmed to take account of the timescales of LGR, given that is just a few months down the line. Whilst work on evidence-gathering could be commenced in the meantime, any work progressed under the Regulations by Cumbria County Council prior to April 2023 (e.g. formal consultation on draft updated policies) risks having to be aborted should the plan-making decisions of the new authorities require a different approach.
- 5.4 Accordingly, the county council will continue to monitor the CMWLP and update the evidence base as appropriate. This will include production of a further Authority Monitoring Report (reporting on the calendar year 2022) and continued preparation of the annual Local Aggregates Assessment.
- 5.5 In light of the Monitoring Matrix triggers identified in the review just undertaken, officers will liaise with the waste team regarding the need for and appropriate location of replacement HWRC facilities across the county and will investigate the potential for further sand and gravel reserves to be brought forward.

6. Statement of Community Involvement

- 6.1 Local planning authorities are expected to set out in their Statement of Community involvement (SCI) how they will engage communities in plan-making. The SCI also includes details on how planning authorities will engage with the public during determination of planning applications. SCIs are to be reviewed every 5 years from the adoption date and may be reviewed at the same time as reviewing a Local Plan to reflect what action is taken to involve the community in any change to the plan.
- 6.2 Cumbria County Council's SCI was published in July 2017 and is now due for review. Producing an updated SCI is also impacted by LGR. As it is intended that each new authority will produce a single SCI going forward after 1st April 2023 no further revisions will be made to the current SCI at this time.

Contact details

If you have any queries on the MWDS, please contact:

Minerals and Waste Planning Policy
Environment and Regulatory Services
Cumbria County Council
County Offices
Busher Walk
Kendal LA9 4RQ

Email: mwlp@cumbria.gov.uk
Tel: 01539 713548

You can view this MWDS and other information on the Minerals and Waste Local Plan and supporting documents on the county councils website here - **Cumbria Minerals and Waste Local Plan (MWLP) | Cumbria County Council**

Policy	Monitoring Matrix triggers	Changes to national policy and/or legislation	Observations	Update required
STRATEGIC POLICIES				
SP1 – Presumption in Favour of sustainable development		<p>Rewording of sustainable development in the NPPF (2021) para 11a) “ all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;”</p>	<p>Whilst some refreshing of wording could be incorporated within the policy and/or the supporting text, the fundamental principle of the policy remains sound. This is not considered in isolation to trigger the need for an update to this Policy.</p> <p>It is noted that other policies within the Plan also accord with the updated wording of this section of the NPPF.</p>	No
SP2 – Provision for Waste	Waste capacity in the Plan area increases/ decreases in comparison with waste arisings for each relevant waste stream.	<p>Waste Management Plan for England (2021) – updated version compared to the one referenced in the Plan. However, the principle of the waste hierarchy remains unchanged.</p> <p>Resource and Waste Strategy 2018 – sets targets including zero food waste to landfill by 2030 and eliminating avoidable waste of all kinds by 2050.</p> <p>Environment Act (2021) – introduces requirements for separate collection of food waste and of dry recyclables Applies to non-residential properties also so will affect commercial and industrial waste collections as well as LACW. This could impact on the type and capacity of waste management facilities required in the future.</p>	<p>The recently commissioned Waste Needs Assessment 2022 predicts a capacity gap shortfall for residual non-inert waste – a predicted shortfall in non-inert landfill capacity beginning in 2025 and running out completely by 2028 (within the current Plan period) and a shortfall in ‘other recovery’ capacity (i.e. facilities for processing waste in addition to recycling/composting) in 2037/38 following forecast closure of the two MBT plants in 2034 (this will occur within the next Plan period).</p> <p>Policy SP2 states that provision will be made for the management of all Cumbria’s waste within the county – to be achieved by allocating sufficient sites to meet objectively identified needs for additional facilities. The policy does not set specific</p>	No

		<p>Secondary legislation is required to implement these measures.</p>	<p>targets or requirements so will continue to support the provision of sufficient waste management facilities without further changes to policy required.</p> <p>Whilst some refreshing of wording within the supporting text could reference the most recent Waste Management Plan the principles underpinning strategic waste policies in the CMWLP remain sound.</p> <p>Acknowledging the likely change in waste management requirements coming from the Resources and Waste Strategy (2018) and Environment Act 2021 would provide useful context but until the exact requirements for Cumbria are known there is no evidence for a different approach to policy. The current policy approach in the plan – including DC9 - is sufficiently flexible to allow proposals for different waste management facilities to be considered on their own merits.</p>	
<p>SP3 – Waste Capacity</p>	<p>Site allocations not coming forward for development and a significant number of non- allocated sites are developed</p>		<p>Site allocations are not coming forward for development. This is particularly an issue for the HWRC facilities where there is a need for replacement facilities to be developed and no alternative sites (including the SAP1 Site Allocations) are coming forward.</p> <p>Policy SP3 does refer to a number of sites being identified to meet predicted waste management requirements during the Plan</p>	<p>No</p>

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			<p>period but does not reference specific sites or precise waste management requirements.</p> <p>This policy could be amended to reflect any more up-to-date waste management requirements identified in future WNAs and/or to reflect any future Site Allocations made. However, the matter of identifying specific site allocations is dealt with in Policies SAP1 and SAP2 and in its current form Policy SP3 does not prevent additional site allocations being made.</p>	
SP4 – Transparent decision making			<p>No evidence from monitoring that this policy is ineffective or requires any update.</p> <p>However, consider whether it is necessary as a separate strategic policy in any future Local Plan? It is intended to apply solely to proposals for radioactive waste so these general assessment requirements could be incorporated into the relevant strategic policies for radioactive waste (SP5 and SP6).</p>	No
SP5 – Development criteria for low level radioactive waste sites			<p>National policy is expected to change in the near future to include options for in-situ disposal of LLW. Current wording of SP5 would not preclude this as it refers to national policies and strategies. Some changes to wording might be appropriate (e.g. to include reference to ‘proposals’ and not just new facilities) but it would be</p>	No

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			premature to do so until revised national policy is published.	
SP6 – Higher activity radioactive wastes treatment, management and storage		The siting process for a Geological Disposal Facility (GDF) progressed in 2020. There are 3 Areas of Search identified in Cumbria (2 in Copeland and 1 in Allerdale) as well as other locations in the UK. During 2022 Community Partnerships have been formed in Mid-Copeland, South Copeland and Allerdale to investigate options further.	Whilst the supporting text could be updated to reflect the latest position regarding GDF siting this does not impact on the wording of the policy itself. Due to the long term nature of the GDF siting process (finding a suitable site is expected to take 15 – 20 years), until such a time as a preferred location for a GDF facility has been confirmed it will not be necessary to include policy wording to assess such a proposal.	No
SP7 – Minerals Provision	Landbank for sand and gravel consistently below minimum 7 years supply	NPPF (2018) ara.203 (now para.209 in NPPF 2021) - “It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.” Clearer expression of the direct link between minerals supply and delivery of planned infrastructure, development and energy/products. Previously had just been expressed as ‘essential to support sustainable economic growth’	The landbank for sand and gravel has consistently fallen below the required minimum of 7 years. Looking back over the last three years’ available data (2018 – 2020), the 2021 Local Aggregates Assessment predicts that the current available landbank for sand and gravel will run out completely in 2028/2029 (within the current Plan period), starting to fall below the required 7 year minimum in 2023. This means there is an urgent need for additional sand and gravel reserves to come on stream now, with at least 6.5Mt additional reserve required to maintain a 7 year landbank throughout the current Plan period (i.e. to provide enough to last up until 2037).	No

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			<p>Provision is made within the Plan through Site Allocations for additional sand and gravel reserve, however it is not certain how much additional reserve will be provided.</p> <p>Alternative Site Allocations for provision of sand and gravel may need to be investigated to ensure an adequate supply can be provided across the county within the Plan period. This would be addressed through Policy SAP4.</p> <p>No change to the wording of Policy SP7 is required to achieve this.</p> <p>SP7 already consistent with the latest NPPF recognition that sufficient supply of minerals is essential for UK development and infrastructure requirements.</p>	
SP8 – Minerals Safeguarding		NPPF (2021) para 210 – makes a specific reference to define Minerals Safeguarding Areas and Mineral Consultation Areas (previous versions only stated Mineral Safeguarding Areas). Footnote states MCAs is primarily in two-tier areas.	<p>CMWLP already defines Mineral Consultation Areas to cover the resources in the Minerals Safeguarding Areas.</p> <p>No evidence from monitoring that this policy is ineffective or requires any update.</p>	No
SP9 – Strategic Areas for new mineral developments			This policy could be updated to include additional strategic areas if needed to plan for adequate supply. However, this would be considered in conjunction with any update of SAP4 Site Allocations so this policy in isolation would not trigger the need for an update of the CMWLP.	No

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SP10 – Marine dredged aggregates		North West Marine Plan is now a material consideration in plan-making.	The objective of SP10, to support the extraction of marine dredged aggregates in appropriate locations where they do not have unacceptable environmental impacts, is in accordance with the NW Marine Plan. Whilst reference to the NW Marine Plan could now be incorporated in the supporting text, no change to the wording of SP10 is required in order for the NW Marine Plan to be taken into account.	No
SP11 – Industrial Limestones			No evidence from monitoring that this policy is ineffective or requires any update.	No
SP12 – Peat		<p>Ongoing climate change and nature recovery considerations - the need to protect peatland habitat from degradation, including by extraction.</p> <p>England Peat Action Plan (May 2021) – wants to ensure further steps are taken through national planning policy and guidance to protect peatlands, including those which are damaged but recoverable, from potentially damaging development that would hinder restoration and recovery of the habitats and species.</p>	<p>Any changes to national planning policy will be taken into account when reviewing this policy in the future. At the current time no such changes have been introduced.</p> <p>Consider whether it is appropriate to include a policy that allows time extension for peat extraction in any circumstances due to climate change implications. However, the only operating peat site in Cumbria has an extant planning permission until 2042 so there will be no application for time extensions anticipated within the current plan period to 2030.</p>	No
SP13 – Climate change mitigation and adaptation		June 2019 – Climate Change Act 2008(2050 Amendment) Commitment to net zero by 2050. Updates to NPPF (2019) – clearer emphasis on the need to support renewable /low carbon energy sources. Requirement to take into	No change to overall policy objective required. It would be helpful to refer to a local framework for carbon/greenhouse gas reduction in the context of achieving zero carbon emissions. We could consider whether setting targets for % of renewable/low carbon energy is appropriate and/or whether more detailed	Yes

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		<p>account risk of overheating from rising temperatures.</p> <p>More recent UK government strategies, including: Climate Change – 2nd National Adaptation Programme 2018 – 2023 (July 2018); Clean Growth Strategy (October 2017); Industrial Strategy 2017 (November 2017) and 25 Year Environment Plan(January 2018)</p> <p>Environment Act 2021 – powers to set new targets for air quality, water, biodiversity, and waste reduction.</p>	<p>policy guidance would be helpful to assess minerals and waste development proposals.</p> <p>Wording of future policy could be amended to more closely match that of the latest NPPF and refer to the more recent UK government strategies/legislation in the supporting text/Evidence Base.</p> <p>The current wording in SP13 is clear that applicants should demonstrate how energy management, carbon reduction and resource efficiency have been taken into account as part of the proposal design. So this policy allows current climate change mitigation and adaptation objectives to be taken into account and is therefore considered sound without any changes being made.</p> <p>However, there is potential to make changes to the detail of this policy to reflect any local frameworks for carbon reduction.</p>	
SP14 – Economic Benefit			No evidence from monitoring that this policy is ineffective or requires any update.	No
SP15 - Environmental assets		<p>25 Year Environment Plan</p> <p>Updates to NPPF (2019; 2021) – more emphasis on providing net gains for biodiversity and establishing coherent ecological networks</p>	<p>Policy SP15 does include a requirement to ‘help to secure movement from net loss of biodiversity towards achievement of net gains in biodiversity’.</p> <p>In conjunction with the statutory requirements of the Environment Act the policy as it stands will deliver BNG at the</p>	Yes

		<p>Environment Act 2021- mandatory requirement for planning permissions to deliver 10% biodiversity net gain (BNG) from November 2023.</p> <p>EA 2021 also introduces requirement for local authorities to produce a Local Nature Recovery Strategy (LNRS).</p> <p>July 2022 - New requirements from Natural England to achieve 'nutrient neutrality' by mitigating for the potential nutrient pollution impact of new development on watercourses within designated catchments – in Cumbria River Derwent & Bassenthwaite SAC; River Derwent & Tributaries SSSI; River Eden SAC; River Kent SAC and River Kent & Tributaries SSSI; Esthwaite Water RAMSAR.</p>	<p>required rate. The policy would be more robust if it was updated to reflect the new requirements of the Environment Bill, including the setting of a minimum 10% target. However, it should be noted that until November 2023 an achievement of 10% BNG would not be mandatory in law.</p> <p>Whilst minimum 10% BNG will be mandatory in law regardless of the wording in Policy SP15, given the known timescales for introduction of mandatory BNG - with the legislation already in place - it is recommended Policy SP15 be identified as needing an update to reflect this.</p> <p>It is understood that nutrient neutrality considerations are more for development that will be occupied (i.e. housing, care homes etc). Whilst this may impact on some county council developments (e.g. care homes) it will not be a matter to address directly through the policies in the Minerals and Waste Local Plan.</p>	
SP16 – Restoration and Aftercare			No evidence from monitoring that this policy is ineffective or requires any update.	No
SP17 – Section 106 Planning Obligations			No evidence from monitoring that this policy is ineffective or requires any update.	No
SP18 – Monitoring and enforcing planning control			No evidence from monitoring that this policy is ineffective or requires any update.	No

DEVELOPMENT CONTROL POLICIES				
DC1 – Traffic and Transport			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC2 – General Criteria			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC3- Noise			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC4 – Quarry Blasting			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC5 – Dust			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC6 – Cumulative environmental impacts			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC7 – Energy from Waste			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC8 – Renewable energy use and carbon reduction on existing minerals and waste sites			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC9 – Criteria for waste management facilities		<p>Resource and Waste Strategy 2018 – sets targets including zero food waste to landfill by 2030 and eliminating avoidable waste of all kinds by 2050.</p> <p>Environment Act (2021) – introduces requirements for separate collection of food waste and of dry recyclables Applies to non-residential properties also so will affect commercial and industrial waste collections as well as LACW. This could impact on the type</p>	<p>No evidence from monitoring that this policy is ineffective or requires any update.</p> <p>Acknowledging the likely change in waste management requirements coming from the Resources and Waste Strategy (2018) and Environment Act 2021 would provide useful context but until the exact requirements for Cumbria are known there is no evidence for a different approach to policy. The current policy approach in the plan – including DC9 - is sufficiently flexible to allow proposals for different</p>	No

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		and capacity of waste management facilities required in the future.	waste management facilities to be considered on their own merits.	
DC10 – Criteria for landfill and landraise			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC11 – Inert waste for agricultural improvement			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC12 – Criteria for non-energy minerals development		NPPF (2021) removes reference to 'small-scale' in relation to extraction of building stone. Implying a less restrictive approach towards extraction of building stone.	No evidence from monitoring that this policy is ineffective or requires any update. Current wording does not restrict extraction of building stone to small-scale only.	No
DC13 – Criteria for non-energy minerals development		The Written Ministerial Statement (WMS) on Energy Policy made in May 2018, stated that development of shale gas was of national importance and that mineral plans should not place restrictions on its exploration or extraction. Further WMS in November 2019 - Following seismic activity at the Cuadrilla site in Lancashire, government imposed a moratorium on proposals for 'fracking' until such a time as scientific evidence can be provided to address concerns around seismic activity. WMS 22 nd September 2022- latest government position (to address the challenge of energy supply to the UK)	The moratorium on proposals for shale gas extraction has now been lifted (as of September 2022). Even with the moratorium in place there was still government support in principle for shale gas exploration and extraction. An appropriate policy to determine such proposals is required in accordance with the NPPF. It is understood there are currently no licences in place for Underground Coal Classification (UCG) within Cumbria or anywhere else in the UK. Current national planning policy requires there to be an appropriate policy in place for determining such proposals.	No

		<p>is to lift the moratorium on shale gas extractions, meaning applications for shale gas drilling (Hydraulic Fracturing Consent) will be considered, taking into account the domestic and global need for gas, and local support for developments.</p> <p>It also notes that more exploratory sites are needed in order to gather better data to improve the scientific evidence base around seismic events.</p> <p>Changes to the NPPF have reflected the changing debate on shale gas:</p> <p>NPPF (2018) para 209 – introduces requirement at criterion a) for mineral planning authorities to “recognise the benefits of on-shore oil and gas, including unconventional hydrocarbons, for the security of energy supplies and supporting the transition to a low-carbon economy, and put in place policies to facilitate their exploration and extraction;” Adds the requirement in criterion b) with regard to policies for on-shore oil and gas and recognising the three phases of development to “plan positively” for them.</p> <p>NPPF (2021) para 209- former criterion a) on recognising benefits</p>	<p>Policy DC13 in its current form meets the requirement to assess any proposals for extraction/exploration of coal, oil and gas, as well as the ‘unconventional hydrocarbons’ such as shale gas.</p> <p>Future amendments to the government Energy Policy, in relation to the position on shale gas or coal in particular, may lead to changes being required to the relevant Local Plan policies.</p> <p>At the current time, however, there is no basis for updating this policy.</p>	
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		now removed. Criterion on planning for different phases of development still retains the need to “plan positively” for them.		
DC14 – Review of Minerals Permission			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC15 – Minerals safeguarding			Monitoring of this policy suggests that further additions could be made to Table 15.1 which lists the types of development that should be exempt from the need for consultation with the minerals planning authority. Examples include development within existing farmyards, and variation of condition applications relating to matters of design/external appearance. This is not considered in isolation to trigger the need for an update to this Policy.	Yes
DC16- Biodiversity and geodiversity		25 Year Environment Plan Updates to NPPF (2019; 2021) – more emphasis on providing net gains for biodiversity and establishing coherent ecological networks Environment Act 2021- mandatory requirement for planning permissions to deliver 10% biodiversity net gain (BNG) from November 2023.	Policy DC16 does not specifically refer to biodiversity net gain, whereas strategic policy SP15 does. Read in conjunction with SP15, and the statutory requirements of the Environment Act the policy as it stands will help to deliver BNG. However, as the detailed policy focussing specifically on Biodiversity and Geodiversity (compared to SP15 which covers a much broader range of environmental assets) it is recommended that Policy DC16 be updated to reflect the	Yes

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		EA 2021 also introduces requirement for local authorities to produce a Local Nature Recovery Strategy (LNRS).	<p>latest guidance on BNG and also to cross-reference the emerging Local Nature Recovery Strategies.</p> <p>However, it should be noted that until November 2023 an achievement of 10% BNG would not be mandatory in law.</p> <p>Whilst minimum 10% BNG will be mandatory in law regardless of the wording in Local Plan policies , given the known timescales for introduction of mandatory BNG – with the legislation already in place- it is recommended Policy DC16 be identified as needing an update to reflect this.</p>	
DC17 – Historic environment			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC18 – Landscape and visual impact			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC19 – Flood Risk		<p>September 2022- Updated Planning Practice Guidance on Flood Risk and Coastal Change. Elaboration of hierarchical approach to flood risk of assess, avoid, control, mitigate and manage – to be followed when allocating land for development. More emphasis that flood risk policy should be based on up-to-date strategic flood risk assessment and/or site-specific flood risk assessment. Greater detail on purpose and application of Sequential Test and Exception Test. Encouraging use of SuDS.</p>	<p>Whilst supporting text could be updated to reflect latest guidance no change to policy required – DC19 already requires site-specific flood risk assessments and for SuDS to be incorporated.</p> <p>No evidence from monitoring that this policy is ineffective or requires any update</p>	No

DC20 – The water environment		See above comments under SP15 re nutrient neutrality which relate to the water environment within designated areas (SAC, SSSI, RAMSAR)	It is understood that nutrient neutrality considerations are more for development that will be occupied (i.e. housing, care homes etc). Whilst this may impact on some county council developments (e.g. care homes) it will not be a matter to address directly through the policies in the Minerals and Waste Local Plan.	No
DC21 – Protection of soil resources			No evidence from monitoring that this policy is ineffective or requires any update.	No
DC22 – Restoration and aftercare			No evidence from monitoring that this policy is ineffective or requires any update.	No
SITE ALLOCATIONS				
SAP1 – Household Waste Recycling Centres (HWRCs)	Any planning application for HWRCs not located on the sites identified in policy SAP1.		<p>Site Allocations in SAP1 are required to provide replacement facilities in Kendal and Workington. To date no proposal has come forward for the site in Kendal and the planning permission for a new facility at Workington has expired with no funding committed to develop a facility there. Facilities at Frizington and Millom require an upgrade to allow for the provision of modern, efficient facilities but temporary permissions have been extended to ensure capacity remains throughout the Plan period.</p> <p>A further temporary permission was granted in 2020 for Kendal HWRC at Canal Head to continue operating until 2025 but this site is not suitable in the long term. This latest permission expires well before the end of the current Plan period.</p>	Yes

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			It is likely that alternative Site Allocations will need to be considered in order to make adequate provision for HWRC sites across the county.	
SAP2 – Waste treatment and management facilities	Any planning application for waste treatment and management facilities not located on the sites identified in Policy SAP2.		<p>The Site Allocations within SAP2 are identified to ensure adequate provision of waste management facilities across the county but are not intended to be applied exclusively.</p> <p>MRF and WTS facilities have been approved on other suitable sites in accordance with Policy DC9.</p> <p>The recently commissioned Waste Needs Assessment 2022 predicts a capacity gap shortfall for residual non-inert waste – a predicted shortfall in non-inert landfill capacity beginning in 2025 and running out completely by 2028 (within the current Plan period) and a shortfall in ‘other recovery’ capacity (i.e. facilities for processing waste in addition to recycling/composting) in 2037/38 following forecast closure of the two MBT plants in 2034 (this will occur within the next Plan period).</p> <p>It may be necessary to consider some additional/alternative Site Allocations to meet this shortfall in ‘other recovery’ but this will be beyond the current Plan period.</p> <p>Suitable alternative sites for such provision on non-allocated sites can continue to be</p>	Yes

			<p>assessed on their own merits under Policy DC9.</p> <p>The specific concern regarding HWRC provision is addressed under Policy SAP1.</p> <p>It may be necessary to allocate sites to provide additional non-inert landfill capacity. This situation will be kept under review through dialogue with the relevant host authorities and future WNA reporting.</p> <p>There is no immediate need to update Policy SAP2. However, the purpose of including Broad Areas within this policy is simply to confirm policy support for the siting of waste management facilities in appropriate locations within the identified industrial estates. Unlike Site Allocations- where a specific parcel of land has been identified as suitable for particular waste management facilities- the Broad Areas are identified as having potential to support further waste management provision, subject to consideration of the type and scale of the estate and whether they conform to other relevant policies in the Plan.</p> <p>Given the clear direction that Policy SAP2 is not to be applied exclusively and that proposals on any other suitable non-allocated site (including industrial estates) are supported with reference to the criteria in Policy DC9, specific reference to</p>	
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			<p>identified Broad Areas could be deleted from Policy SAP2.</p> <p>Consideration should also be given to whether Policy SAP2 should in the future include safeguarding of existing key waste management facilities (in order to maintain adequate provision as set out in relevant Waste Needs Assessments), in the same way that Policy SAP3 safeguards existing radioactive waste management facilities.</p> <p>This is not considered in isolation to trigger the need for an update to this Policy.</p>	
SAP3 – Radioactive wastes treatment, management, storage and disposal			<p>No evidence from monitoring that this policy is ineffective or requires any update.</p>	No
SAP4 – Areas for Minerals	<p>Any planning application for minerals development that falls outside of the Preferred Areas or Areas of Search identified in policy SAP4.</p>		<p>Planning permission for a lateral extension at Silvertop Quarry (for an additional 0.6Mt of Limestone) was approved in 2021. This extension was not within the AoS M10 identified on land adjacent Silvertop Quarry. Site investigations have established this area does not have any winnable reserve.</p> <p>Site Allocation M10 should therefore be deleted from Policy SAP4 in the event of the Plan being updated. This is not considered in isolation to trigger the need for an update to this Policy.</p>	Yes

			<p>It may be necessary to consider an alternative Site Allocation for further limestone reserve in the future. However, according to the 2021 LAA, the current permitted reserve will provide the required 10-year minimum landbank up until 2052.</p> <p>M24 (Derwent Howe Slag Bank). Currently safeguarded for its resource of secondary aggregate. Owned by CCC. However, now unlikely to be considered suitable for further extraction due its longstanding use for recreational purposes by the local residents, including being part of the England Coastal Path, and the fact it hosts a significant colony of the Small Blue Butterfly. This site could be deleted but the issue is not considered in isolation to be a trigger for updating this policy.</p> <p>As demonstrated in the 2021 LAA, there is an urgent need for additional sand and gravel reserves to come on stream now, with at least 6.5Mt additional reserve required to maintain a 7 year landbank throughout the current Plan period (i.e. to provide enough to last up until 2037).</p> <p>Provision is made within the Plan through Site Allocations in SAP4 for additional sand and gravel reserve, however it is not certain how much additional reserve will be provided, especially within the Areas of</p>	
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			<p>Search where knowledge of the reserve is even less certain.</p> <p>Further assessment of the current Site Allocations for sand and gravel is recommended , and alternative Site Allocations for provision of sand and gravel may need to be investigated to ensure an adequate supply can be provided across the county within the Plan period.</p>	
SAP5 – Safeguarding of existing and potential railheads and wharves			<p>A rail loading facility has now been approved at Cavendish Dock, Barrow (6/17/9010) and had some use for transportation of aggregates.</p> <p>This site should be added to SAP5 for safeguarding purposes but the issue is not considered in isolation to be a trigger for updating this policy.</p>	Yes

