

Report No: E1
Representation No:

Subject:

Chapter:

Policy:

Para: 5.1.1

Other:

No. of Objections: 767

No of Supporters:

ISSUES RAISED

Objectors

1. Cumbria Biodiversity Action Plan was produced by Cumbria Biodiversity Partnership not Cumbria Wildlife Trust

RESPONSE

1. Accepted

PROPOSED CHANGES

Replace “Cumbria Wildlife Trust” with “Cumbria Biodiversity Partnership”
paragraph 5.1.1 (1D)

Report No: E2
Representation No:

Subject:

Chapter:

Policy:

Para: 5.1.2

Other:

No. of Objections: 766

No of Supporters:

ISSUES RAISED

Objectors

1. Structure Plan policies ST1, E35 and L53 also relevant

RESPONSE

1. Accepted

PROPOSED CHANGES

Updated policy references added Refer to ST1-3, E34-40 and L57 in 5.1.2 (1D)

Report No: E3
Representation No:

Subject:

Chapter:

Policy:

Para: 5.1.5

Other:

No. of Objections: 805

No of Supporters:

ISSUES RAISED

Objectors

1. Re-word paragraph to make clear that it is under the Habitats Directive and Birds Directive together that the Natura Network is formed

RESPONSE

1. Accepted

PROPOSED CHANGES

1. “Along with the Birds Directive (Directive 79/409/EEC on the conservation of wild birds) “ added to para 5.1.5 (1D)

Report No: E4
Objections: 433, 665, 765, 806, 946
Support:

Subject: ENV1

Chapter: 5
Policy: ENV 1
Para:
Other:

ISSUES RAISED

1. Alternative wording might better convey the strength of Habitats Regulations: "Development proposals within or nearby a candidate Special Area of Conservation, Special Protection Area or Ramsar site will be subject to the most rigorous scrutiny. Planning permission will not be granted for any development which is unconnected with the management of the site and which would have a significant direct or indirect effect on the integrity of the particular features of special interest, giving rise to the designation. Only if there are both no alternative solutions and: (in the case of sites not hosting a priority habitat or species) imperative reasons of overriding public interest, will the grant of planning permission be considered. In such instances compensatory measures will have to be taken to preserve the overall coherence of the European wide network (i.e. Natura 2000) (433)(946)
2. Policy does not adequately reflect Government guidance contained in PPG9 / RPG ER5. Recommend :
Add "or selected proposed areas" after "international importance"
Add "a demonstrated" after "there is no" in criteria 2
Clarify in the text that if it is "major development", it must then be assessed against Policy DEV8: Major Development
Include reference to "settings" of Areas and features of International Importance (665)
3. Policy relates to the site rather than the interest or characteristics of the site as set out in Structure Plan Policy E31. Term 'may affect' is vague and doesn't qualify that the affect should be detrimental. Third paragraph needs clarified in accordance with C10 of PPG9. (765)
4. Policy does not mention that where there are permitted development rights, but there is likely to be a significant effect on a SAC or SPA then the developer must apply to the LPA so that they can assess if the development would affect site integrity. The proposals may then need full planning permission. Recommend that additional paragraph is added to ENV1. "Where development proposals would normally be classed as permitted development, consultation with the local planning authority will still be necessary

to assess whether the proposal will have an affect on the integrity of the site of international importance". (806)

RESPONSE

1. Term "may affect" provides slightly more protection and clarity than 'nearby'. Agreed that Policy should include term "will be subject to the most rigorous scrutiny". Greater clarity provided by existing policy than proposed replacement which has been modelled on sample policies contained in 'English Nature Report 484 – Evaluation of development plans to assess biological and geological policy issues'.
 2. Agreed "or proposed site" should be added to text to assist clarity. Insertion of "demonstrated" would not strengthen policy. Any major development will have to be assessed against policy DEV8, not just those with implications for sites covered by Policy ENV1. The Plan should be treated as a whole and therefore specific cross reference to DEV8 in relation to this specific policy is not necessary. Agreed that reference should be made to the setting of the sites.
 3. Policy relates to the site - PPG9 states that "local plans should include planning policies to be applied to nature conservation sites" para 25 – proposals maps indicate 'sites'. Referring to 'sites' therefore improves clarity. Agreed that term "may affect" is vague, suggested replace with "affects".
The Council believes that Policy is in accordance with para C10 of PPG9.
 4. Agreed that this point should be made but should be added to reasoned justification rather than Policy.
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PROPOSED CHANGES

Term "will be subject to the most rigorous scrutiny" added to policy

Term "or proposed site" added to policy

Change "may affect" to "affects"

Add "and the impact proposals would have on the setting of the site" to paragraph 5.1.8 (1D)

Add new paragraph to reasoned justification "Within Nature Conservation Sites of International Importance, where development proposals would normally be classed as permitted development, consultation with the local planning authority will still be necessary to assess whether the proposals will have an affect on the integrity of the site."

Report No: E5

Objections: 434, 764, 948

Support:

Subject: ENV2

Chapter: 5

Policy: ENV2

Para:

Other:

ISSUES RAISED

1. Policy should be strengthened in terms of the need for special scrutiny and need to consider enhancement rather than mitigation where appropriate, suggest the following wording “ Development in or likely to affect SSSI’s will be subject to special scrutiny. Where development may have an adverse affect, directly or indirectly on the special interest of the site it will not be permitted unless the reasons for the development clearly outweigh the nature conservation value of the site itself and the national policy to safeguard the national network of such sites. Where the development is permitted which would damage the nature conservation value of the site or feature, such damage the nature conservation value of the site or feature, such damage will be kept to a minimum. Where appropriate the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site’s nature and conservation interest. (434/948)
2. Policy E31 of the Structure Plan covers both sites of national and international nature conservation interest and affords such interests greater protection that Policy ENV2. Policy needs to take forward tests outlined in the Structure Plan (764)

RESPONSE

1. Agreed term ‘special scrutiny’ should be added. Use of phrase “such damage will be kept to a minimum” is vague and could potentially weaken policy by permitting damage. Agreed that policy should refer to protection and enhancement of site.
2. PPG 9 states that LPA’s should have regard to the relative significance of international, national , local and informal designations (para 18) and should have regard to relative

significance of different designations (para 25). Through having separate policies for international and national designations the Local Plan recognises this relative significance between designations.

PROPOSED CHANGES

Add “be subject to special scrutiny” to policy

Add “to ensure the protection and enhancement of the site” to policy

Report No: E6

Objections: 763

Support:

Subject: 5.1.13

Chapter: 5

Policy:

Para: 5.1.13

Other:

ISSUES RAISED

1. Replace 'preserve' with 'conserve'

RESPONSE

1. Agreed

PROPOSED CHANGES

'Preserved' replaced with 'conserved' paragraph 5.1.13

Report No: E7

Objections: 435,436, 762, 947, 950

Support: 437,438

Subject: ENV3

Chapter: 5

Policy: ENV3

Para:

Other:

ISSUES RAISED

Objection

1. Policy does not offer sufficient protection to environmental interests in context of current national, regional and local policies for biodiversity. Suggest add to policy “ Where the development is permitted which would damage the nature conservation value of the site or feature, such damage will be kept to a minimum. Where appropriate the authority will consider the use of conditions or planning obligations to ensure the protection and enhancement of the site’s nature conservation interest” (435, 950)
2. County Wildlife Sites and Regionally Important Geological Sites should be included on proposals maps (436, 947)
3. Policy protects a mixture of local and regionally important nature conservation interests and gives them all weight of protection afforded by Structure Plan Policy E32 – this means local interests are given more weight than accorded by strategic policy. Policy should be split into 2 policies and pick up a fuller range of interests and special interest. (762)

Support

1. Proposals to safeguard all important habitats and biodiversity welcomed. Look forward to Council’s Borough wide strategy for Nature Conservation. Use if S106 welcomed but need for opportunities for enhancement as well as mitigation (covered by 435 (Objection 1 above))(437)
2. Commitment to LNR’s welcomed, Council needs to ensure necessary staff and resources are allocated for managing site. (438)

RESPONSE

Objections

1. Felt that existing policy generally offers greater clarity than proposed alternative. Agree that policy should refer to protection and enhancement of sites nature conservation interest.
2. Listings and grid references for County Wildlife Sites and RIGS are provided in the Local Plan Appendices. Many of the sites lie outside of the key and local service centre inset maps and therefore would only be shown on the 1:50k map, where many would be unidentifiable.
3. It is not felt necessary in this case to distinguish the level of protection afforded to RIGS to those of locally important sites.

Support

1. Support noted
2. Support noted

PROPOSED CHANGES

Add "to ensure the protection and enhancement of the site will be considered" to policy.

Report No: E8

Objections: 761

Support:

Subject: 5.1.14

Chapter: 5

Policy:

Para: 5.1.14

Other:

ISSUES RAISED

1. Paragraph would benefit from a mention of the Habitat Regulations requirement for Local Authorities to provide protection to features of the landscape of major importance for wild flora and fauna (Reg 37). A reference to the need for reversal of habitat fragmentation and wildlife links and corridors would help explain purpose of the policy better.

RESPONSE

1. Agreed

PROPOSED CHANGES

Add sentence “ The Habitat Regulations require local authorities to provide protection to features of the landscape of major importance for flora and fauna” and “..wildlife links and corridors and prevent habitat fragmentation”

Report No: E9

Objections: 893, 760,439,666,722,807,949

Support:

Subject: ENV4

Chapter: 5

Policy: ENV4

Para:

Other:

ISSUES RAISED

1. Planning obligations are a matter for negotiation and the Council should not attempt to establish requirements. Policy should be reworded to reflect that Council will seek planning agreements, rather than require them (893)
2. Inconsistency in that more weight given to imposition of planning obligations than in ENV1 (760)
3. Policy does not recognise need to carry out enhancement where appropriate. Should be amended to read “ All development will seek to conserve and enhance the biodiversity value of the areas which they affect. Landscape features of major importance to wild fauna and flora will be retained, managed and enhanced. Where damage is unavoidable agreements will be sought to recreate features on or off site. The landscape features are estuary , sand dune, low land raised mire, hay meadows and nationally important areas of basin mires, unimproved and wet grasslands and flushes, tarns, woodlands and sea cliff, heath, hedgerow, stone walls, green lanes and river corridors. Local Plans will identify the key characteristics, rare and vulnerable habitats in their areas and include policies to protect and enhance these in accordance with the actions and targets set out in the UK or the Local Biodiversity Action Plan for Cumbria relevant BAP habitats and species in Copeland BC as annexed. (439/949)
4. Only specific number and type of landscape features identified. Policy ignores wider landscape. There is no general countryside / landscape policy to protect the undesignated countryside for its own sake. This is a major failing of the local plan. LPA must have separate all embracing landscape policy using landscape character tools, countryside design summaries, village design statements and Parish Plans. Lack of such a policy and reference to landscape character fails to accord with Draft JSP E31, E33 and RPG SD8, ER1 and ER2. Policy should refer to accepted landscape texts used throughout the county. Landscape policies make no reference

- to the setting of the Lake District National Park which abuts the borough – a major oversight of the Plan (666)
5. Policy should refer to Countryside Character Initiative and ‘net gain’ approach to development - looking first for solutions which bring social, environmental and economic benefits , and then for solutions where unavoidable adverse impacts are mitigated or compensated. (722)
 6. Policy should be extended to include “and other wildlife corridors linking sites of nature conservation importance” (807)
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RESPONSE

1. Agreed
 2. Agreed – changes made in response to Obj no.893
 3. DEV6 ensures that all development “avoids the loss of damage to important conservation interests, landscapes etc..”. It is beyond the scope of the plan to ensure that landscape features are managed and enhanced. The BAP is referred to in the reasoned justification. It is felt that the existing wording of policy is therefore more appropriate for 1st paragraph.
Agreed that landscape features amended to those advised.
 4. This policy is intended to address protection of landscape features and habitats. Policies to protect the countryside and wider landscape are provided by Policies DEV5, DEV6, ENV6, ENV9.
 5. Suggested that such an approach is already achieved through the potential imposition of planning conditions and obligations.
Assessment of landscape character will be introduced into decision making as approach is developed.
 6. Agreed
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PROPOSED CHANGES

Amend to read “will also be sought where appropriate” in reference to planning obligations.

Add additional advised landscape features.

Add “and other wildlife corridors linking sites of nature conservation importance” to policy.

Report No: E10

Objections: 759

Support:

Subject: 5.1.15

Chapter: 5

Policy:

Para: 5.1.15

Other:

ISSUES RAISED

1. A DEFRA licence is required for any development that is likely to harm a European protected site.

RESPONSE

1. Point noted

PROPOSED CHANGES

Add sentence to 5.1.15 "A DEFRA licence is required for any development that is likely to harm a European protected site"

Report No: E11

Objections: 333, 440

Support:

Subject: ENV5

Chapter: 5

Policy: ENV5

Para:

Other:

ISSUES RAISED

1. Facilitating survival of individual members of a species would prevent an impossible task to any future development on a large scale in the area. Species in area have survived and some enhanced by previous actions and developments. No boundaries shown on the plan. (333)
2. Add “and their habitats” to the first sentence

RESPONSE

1. It is felt that this is an appropriate policy to protect species protected by law. It is not feasible to suggest that locations of protected species be shown on the proposals maps.
2. Agreed

PROPOSED CHANGES

Add “and their habitats” to first sentence.

Report No: E12

Objections: 226, 312, 519, 441, 667, 723, 757, 758

Support:

Subject: ENV6

Chapter: 5

Policy: ENV6

Para:

Other:

ISSUES RAISED

1. Designations face prospect of receiving little weight in future based upon current advice on local designations. It would be appropriate to recognise the move to Landscape Character Assessment in accordance with the more recent advice Countryside Agency 2002 and propose that the landscape character of the borough will be assessed in accordance with this best practice. Until that assessment has been undertaken it remains appropriate to give full consideration to the areas covered by Policy ENV6. It is suggested that this work could be progressed as SPG and Policy ENV6 and accompanying text are added accordingly. (226)
2. County Landscape boundary at Lamplugh has altered incorrectly (312,519,667)
3. Not confident that correct weight will be given to nature conservation unless it is cross-referenced to DEV6 and ENV4. DEV6 requires to be amended to our satisfaction. (441)
4. Policy lacks reference to 'landscape character' or to measuring impact. LPA must include reference in policy or text to deal with measuring effects of all development in Landscapes of County Importance, which embodies use of landscape character tools, countryside design summaries, villages design and Parish Plans as a means to measure landscape and visual impacts. Such a policy should refer to accepted landscape texts. (667) **see SLDC Alteration
5. PPS7 states government does not believe local countryside designations are necessary - should instead adopt criteria based policies for location and design of rural development. Recommend plan makes reference to the countryside Character Area covering the West Cumbria Coastal Plain. The Landscape Character Assessment approach emerging from this initiative can be a useful tool to help guide future development (723)
6. Policy should provide greater clarity on what is inappropriate change. Policy E33 of the Structure Plan sets out that change

- detrimental to the distinctive character of Landscapes of County Importance will not be permitted (757)
7. Plan fails to take forward Landscape Character part of Structure Plan Policy E33. Either separate policy or cross reference to Structure Plan is required to ensure character based approach to development control decisions. (758)
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RESPONSE

1. Agreed that reference should be made to emerging best practice.
 2. County Landscape as presented is correct. An error was made in the Copeland Local Plan 2001 in representing this boundary.
 3. Plan should be read as a whole therefore cross referencing kept to minimum in 2nd deposit version of the Plan. Objections and proposed changes to DEV6 are contained in Report no. ?
 4. Agreed reference to be made to landscape character and relevant tools
 5. Agreed reference to be made to emerging landscape character approach. At present LOCI approach still relevant.
 6. Landscapes of County Importance cover large and varied areas. "Inappropriate change" allows that discretion can be applied such that the specific characteristics of a site can be taken into account for every development proposal.
 7. Agreed reference be inserted to Structure Plan policy.
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PROPOSED CHANGES

Add new paragraph to reasoned justification to follow 5.2.1 (1D)
"It should be noted that there are currently proposals to produce a Landscape Character Assessment of the Borough to replace the existing LOCI approach. This approach will be taken into consideration in measuring the impact of proposed development in accordance with Structure Plan Policy E37 as it becomes available. Other recognised landscape character tools including countryside design summaries, village design statements and parish plans will also be taken into account. ."

Report No: E13

Objections:

Support: 442

Subject: St Bees Coast Management Plan

Chapter: 5

Policy:

Para: 5.2.2

Other:

ISSUES RAISED

1. Support need for an environmental statement to accompany proposals for development within or in the vicinity of the Heritage Coast. We welcome the Council's intention to prepare a St Bees Heritage Coast Management Plan

RESPONSE

1. Support noted

PROPOSED CHANGES

No change

Report No: E14

Objections: 443, 668

Support:

Subject: ENV7

Chapter: 5

Policy: ENV7

Para:

Other:

ISSUES RAISED

1. Not confident that correct weight will be given to nature conservation unless it is cross referenced to DEV6 and ENV4. DEV6 requires amendment to our satisfaction (443)
2. Should be reference to the use of 'Shoreline Management Plans" within the Heritage Coast. Furthermore there should be reference to landscape character tools as required in RPG13 (have further look at) (668)

RESPONSE

1. The plan should be treated as a whole and therefore additional cross referencing is not necessary. Objections and amendments to DEV6 covered by Report ??
2. Reference to Shoreline Management Plans (SMP's) in Section 5.4 (1D). It is not felt necessary to add further reference to SMP's in relation to the Heritage Coast.

PROPOSED CHANGES

No change

Report No: E15

Objections: 227, 670

Support:

Subject: ENV8

Chapter: 5

Policy: ENV8

Para:

Other:

ISSUES RAISED

1. Views to as well as from Heritage Coast are important and it is requested that words "to and" are added to both Policy title and wording. (227)
2. Reference should be made to 'landscape character' tools (670)

RESPONSE

1. Agreed
2. Reference to landscape character and landscape character tools inserted elsewhere in the plan as a result of amendments to ENV6 (Report..)

PROPOSED CHANGES

"and to" added to title and wording of Policy ENV8 (1D)

Report No: E16

Objections: 444,673,724

Support:

Subject: ENV9

Chapter: 5

Policy: ENV9

Para:

Other:

ISSUES RAISED

1. Recommend opportunity to include County Wildlife Sites as Areas of Local Importance be explored which may have community uses for protection and their contribution to visual amenity, townscape or village character and for wildlife habitat (444)
2. Policy lacks reference to 'landscape character' (673)
3. PPS7 states government does not believe local countryside designations are necessary - should instead adopt criteria based policies for location and design of rural development. Recommend plan makes reference to the countryside Character Area covering the West Cumbria Coastal Plain. The Landscape Character Assessment approach emerging from this initiative can be a useful tool to help guide future development (724)

RESPONSE

1. County Wildlife Sites are already afforded a greater level of protection that offered by ENV9 and ENV3 (1D)
2. Reference to landscape character and landscape character tools inserted elsewhere in the plan as a result of amendments to ENV6 (Report..)
3. PPS7 covers countryside designations. Land protected under this policy is protecting urban greenspaces.

PROPOSED CHANGES

No change

Report No: E17

Objections: 838,338,294,791, 1151, 1152
Support:

Subject: ENV9 – Individual sites

Chapter:
Policy:
Para:
Other:

ISSUES RAISED

1. Significance of land at Midgey Wood is overstated. PPS7 suggests removing existing designations. Policy approach pre dates advice about adopting a sequential approach (838)
2. Site of Landscape Importance adjacent to HA7 should be undesignated as only possible route into the site is from The Ginns to Kells Road. Lower part of the land designated for landscape importance should be redesignated for housing as it will also provide vehicular access to the rear of the terraced housing fronting onto Low Meadow View Road (338)
3. Land at Highfields protected under ENV9 and SVC17 is not accessible to the public and has never been used in connection with adjoining play area / open space and has previously had planning permission for housing development. This area could be allocated for housing development (294)
4. Objection to land at Springfield Avenue as landscape merit relates directly to land adjoining Snebro Beck rather than periphery land which relates to residential area.(791)
5. Golf links and lesser heads at St Bees should be protected under ENV9/SVC17 – it is both a leisure asset and of considerable landscape value, being the old glacial moraines (1151)
6. Valley bottom St Bees should be protected under Policy ENV9, because of necessity to preserve the natural aspect of the valley floor in this highly visible area (1152)

RESPONSE

1. Site contributes significantly to landscape value of urban area. PPS7 relates to rural landscapes.

2. Site contributes significantly to landscape value. Proposed housing allocation HA7 has been removed from 2nd deposit version of the Plan (see Report ?)
 3. Site contributes significantly to landscape value of built up area. Previous planning application for site (4/84/0274/002) was refused.
 4. Site contributes significantly to landscape value of urban area.
 5. ENV9 is intended to protect landscape amenity within urban areas. The area in question is protected by ENV6 - Landscape of County Importance. The area also suffers from coastal erosion which is being addressed by the Shoreline Management Plan.
 6. ENV9 is intended to protect landscape amenity within urban areas. The area in question is protected by ENV6 - Landscape of County Importance
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PROPOSED CHANGES

No change

Report No: E18

Objections: 340
Support:

Subject: ENV10

Chapter: 5
Policy: ENV10
Para:
Other:

ISSUES RAISED

1. TPO adjacent to HA6 has been introduced without taking into account the poor condition of these trees.

RESPONSE

1. TPO designation is covered by separate legislation to that under which the Local Plan is prepared.

PROPOSED CHANGES

No change

Report No: E19

Objections: 445
Support:

Subject: 5.2.8

Chapter: 5

Policy:

Para: 5.2.8

Other:

ISSUES RAISED

1. Where areas of degraded / derelict land are proposed for future woodland planting, an environmental assessment should be carried out beforehand to ensure that existing habitats such as unimproved grassland of benefit to BAP ground nesting birds and areas providing foraging habitat for a protected species such as bats, natterjack toads and barn owls, remain unplanted

RESPONSE

1. Points noted

PROPOSED CHANGES

Add "those which will not detrimentally affect existing habitats" to paragraph 5.2.8

Report No: E20

Objections: 446
Support:

Subject: 5.2.9

Chapter: 5

Policy:

Para: 5.2.9

Other:

ISSUES RAISED

1. English Nature should be included in the list of organisations consulted over new planting schemes so that any implications for protected species outside designated sites can be considered.

RESPONSE

1. Agreed

PROPOSED CHANGES

“English Nature” added to paragraph 5.2.9

Report No: E21

Objections: 447

Support:

Subject: ENV11

Chapter: 5

Policy:

Para: ENV11

Other:

ISSUES RAISED

1. Policy does not offer sufficient protection to nature conservation in the context of current national, regional and local policies for biodiversity. Policy should support tree planting subject to the constraints of DEV6 and ENV4 and with objectives wherever possible of contributing to the achievement of BAP targets

RESPONSE

1. It is felt that the policy does off sufficient protection. Plan should be treated as a whole and therefore all relevant policies apply.

PROPOSED CHANGES

No change

Report No: E22

Objections: 593

Support:

Subject: ENV11

Chapter: 5

Policy: ENV11

Para:

Other:

ISSUES RAISED

1. May not be possible / desirable to continue to plant native species in any new scheme especially on development sites adjacent to the railway – small leaved trees can cause problems in autumn for the reliability and performance of trains. Request ENV11 extended to “...of any scheme respecting the existing landform and, where appropriate, adjacent land uses.”

RESPONSE

1. Agreed

PROPOSED CHANGES

Add “...and where appropriate, adjacent land uses” to ENV11 (1D)

Add “Where new planting is proposed, consideration should be given to adjoining land uses as, for example, small leaved trees can cause problems in autumn for the performance of trains when located next to railway lines.” To paragraph 5.2.9 (1D)

Report No: E23

Objections: 448

Support:

Subject:

Chapter: 5

Policy:

Para: 5.2.10

Other:

ISSUES RAISED

1. Where landscaping is needed to integrate development proposals into their surroundings we recommend use of native rather than ornamental species of trees and shrubs to increase the environmental and biodiversity benefits. Support cross reference to DEV6 and suggest cross references to ENV4 would also be appropriate. Where dead or damaged trees are of a veteran age their wildlife value should be assessed before they are felled and replaced.

RESPONSE

1. ENV11 (1D) makes reference to native species. Other points agreed.

PROPOSED CHANGES

Add reference to ENV4 to 5.2.10 (1D).

Add to paragraph 5.2.6 (1D) "Where dead or damaged trees are of a veteran age their wildlife value should be assessed before they are felled and replaced."

Report No: E24

Objections: 449, 674, 894

Support:

Subject:

Chapter: 5

Policy: ENV12

Para:

Other:

ISSUES RAISED

1. Cannot be confident that the correct weight will be given to nature conservation unless it is cross-referenced to DEV6 and ENV4. DEV 6 requires amendment. (449)
2. Landscaping proposals should favour use of indigenous species to ensure continuation of local character of the Cumbrian landscape (674)
3. Policy could prove too onerous for some forms of new development such as conversions of buildings in some built up areas. Reasoned justification should qualify policy to show Council will take into account type of new development proposed when considering proposals against this. (894)

RESPONSE

1. The plan should be read as a whole and therefore cross references are not necessary. Objections and amendments to DEV6 are covered by Report...
2. Agreed. Policy already states that landscaping should reflect existing landscape features and reflect local landscape character.
3. Agreed

PROPOSED CHANGES

“will” amended to “may” in Policy ENV12

Amend 5.2.10 to read “the Council may require landscaping schemes in the more sensitive locations”

Report No: E25

Objections: 515,603,228,450,725

Support:

Subject: 5.3 – Access to countryside

Chapter: 5

Policy:

Para: 5.3

Other:

ISSUES RAISED

Objection

1. Lack of bridleways is acknowledged in 5.3.1 – nowhere in the Plan is this addressed – would like to see proposals to improve the network for the riders (515)
2. Would like to see horse riders represented on the ‘greenway’ committee and for the plan to acknowledge the importance of multi user paths to enhance the network and safety of all users. (603)
3. Not confident correct weight will be given to nature conservation unless it is cross referenced to DEV6. DEV6 requires amendment. (450)
4. Support for policy but Council have set policy within context of promoting tourism in Copeland. Would add that all proposals should also be considered in light of contribution could make to meeting local needs. (725)

Support

1. Policy fully supported as it is important to tourism potential of the area and to meet the recreational needs of the Boroughs residents (228)

RESPONSE

Objection

1. Policy ENV 13 (1D) protects all existing rights of way from development. It is beyond the scope of the plan to designate new bridleways.
2. Agreed that paragraph 5.3.2 should also refer to bridleways
3. Plan should be treated as a whole therefore no cross references. DEV6 covered by report....
4. Disagree that policy is just set within context of tourism.

Support

1. Support noted
-

PROPOSED CHANGES

Add "bridleways" to paragraph 5.3.2 (1D)

Report No: E26
Representation No:

Subject: Floodplains

Chapter: 5

Policy:

Para: 5.4.5

Other:

No. of Objections: 808

No of Supporters: Appendix 9

ISSUES RAISED

Objectors

1. Extent of Floodplain Maps likely to change over the life of the Local Plan and Maps are “indicative” only and do not show areas of localised flooding, therefore Appendix 9 is incomplete and will become less accurate with time. Indicative floodplain maps now replaced by Flood Zone Maps – showing all 3 flood zones. Best way of ensuring flood risk information is to produce Flood Risk SPG in which reference can be made to the Agency’s latest Flood Zone maps. Recommended that 5.4.5 is amended to read. “for details of areas at risk of tidal flooding and for flood risk advice reference should be made to the Council’s Flood Risk Supplementary Planning Guidance”

RESPONSE

1. The Flood Zone Maps and data supplied by the Environment Agency are continually evolving and being updated. For those reason it is suggested that the Indicative Flood Plain Areas / Flood Zone Maps should not be shown as an Appendix to the Local Plan or on the proposals map. Similarly it would not be appropriate to contain the information in SPG as again it will be outdated very quickly. Reasoned justification should be amended to refer to the Flood Zone Maps.

PROPOSED CHANGES

- Delete Appendix 9 (1D)
- Paragraph 5.4.5 (1D) amended to read “Areas at risk from tidal flooding are shown by the Flood Zone Maps supplied by the Environment Agency. The

most up to date data on these areas is available from the Council or the Environment Agency

Report No: E27
Representation No:

Subject:

Chapter:

Policy:

Para: 5.4.4

Other:

No. of Objections: 451 (1)

No of Supporters:

ISSUES RAISED

Objectors

1. If Copeland BC is the Coastal Protection Authority for the section of coast for which LDNPA is the Planning Authority, then it would be helpful to clarify this on the proposals map and insert a reference to this responsibility after para 5.4.4

RESPONSE

1. It is not necessary; and would lead to confusion if the proposals map identified the extent of the Councils coastal protection responsibilities. The Lake District National Park is outside the scope of the Copeland Local Plan.

PROPOSED CHANGES

No Change

Report No: E28

Objections: 229, 669, 671, 756, 809

Support:

Subject: ENV14 – Coastal Zone

Chapter: 5

Policy: ENV14

Para:

Other:

ISSUES RAISED

1. Coast south of Whitehaven to St Bees Head is undeveloped albeit that there are developed sites further inland. Much of the land is farmland and elsewhere there are important archaeological remains. Need for a more significant buffer to the SSSI and views to and from the Heritage Coast. Proposals map should be amended to show the coastal area south of Whitehaven as undeveloped coast (229)
2. Should be reference to the use of ‘Shoreline Management Plans’ (SMPs) within the Heritage Coast. Furthermore there should be reference to landscape character tools as required in RPG13 (have further look at) (669, 671) –also see 689
3. Policy requires all development in the coastal zone to require a coastal location. This is in conflict with JSP C37 and Local Plan ENV15. Boundaries of ‘coastal zone’ need to be drawn more appropriately. ‘Developed’ should include developed coast – currently drawn too tightly to enable sequential test ENV16 / JSP C37. Draft Cumbria Coastal Statement should be used to inform location of boundaries as this is based on landscape rather than physical boundaries. (756)
4. Needs additional supporting text that makes reference to PPG25 and need to apply sequential test for planning applications within tidal floodplain areas (809)

RESPONSE

1. The areas concerned falls within the Whitehaven Development Boundary. Other plan policies provide protection should any proposals potentially impact upon the Heritage Coast, nature conservation or archaeological interests.

2. SMPs already referenced in 5.4.4 (1D) and apply to other sections of coast within the Borough as well as St Bees. Heritage Coast is in any event covered by other policies. Also impact of any proposals on landscape character will be taken into account in accordance with other plan policies.
 3. Agreed that policy should not require all development in the coastal zone to require a coastal location. Disagree that boundaries drawn too tightly. Development would also obviously be permitted within development boundaries of coastal settlements in accordance with aims of Development Strategy. Do not agree with the widely drawn definition of “coastal” area in JSP which includes extensive areas of lowland (eg around Haile, Cleator Moor, Moresby and Lamplugh) which by any other definition would be seen as “countryside” and therefore protected by an existing range of policies.
 4. Policy ENV16 (1D) sets out the sequential approach to flood risk.
-

PROPOSED CHANGES

Delete from policy “Development in the coastal zone must require a coastal location”.

Add the following to text in rj:

The County Council has identified large areas of the Borough as falling within its definition of a Coastal Landscape Zone and an Immediate Coastal Zone (fig 9 and paras 7.5/6 in the JSP). This has largely been based on its Landscape Classification (JSP Technical Paper 5). Whilst there is some value in this work the Council does not feel it is necessarily appropriate to include all lowland areas west of the Lakeland hills and its upland margins as “coastal”. Further consultation on this issue is required and this must also be informed by the results of the JSP’s Examination. In the interim the Council will maintain its definition of a coastal zone and this is shown on the proposals map.

Report No: E29

Objections: 230, 452, 672

Support:

Subject: ENV15

Chapter: 5

Policy: ENV15

Para:

Other:

ISSUES RAISED

Objection

1. Object to omission of policies for undeveloped coast. Environment policies 1,2,3,4,5 and 6 for the developed coast apply equally to undeveloped coast. Cannot be confident that correct weight will be given to nature conservation unless any permitted development is clearly subject to DEV6 and ENV. DEV6 requires amendment. (452)
2. Criteria 2 – replace ‘maintains’ with ‘conserves’ (672)

Support

1. National Trust fully support approach set out in policy (230)

RESPONSE

1. The undeveloped coast falls within the Coastal Zone and therefore the criteria as set out within Policy ENV14 (1D) would also apply to any proposals within the undeveloped coast.
2. Agreed

Support

1. Support noted

PROPOSED CHANGES

Replace “maintains” with “conserves” Policy ENV15 (1D)

Report No: E30
Representation No:

Subject: Flooding

Chapter: 5

Policy:

Para: 5.5

Other:

No. of Objections: 833

No of Supporters:

ISSUES RAISED

Objectors

1. The latest guidance on flooding, as contained in PPG25, suggests that a sequential approach to the use of land should be taken based on the risk of flooding (see DEV6). The Environment Agency supply the Council with Indicative Floodplain/Flood Zone Maps which identify areas of fluvial and tidal flooding (Flood Zones) to which reference is made in Table 1 of PPG25. However these maps and supporting information are regularly updated by the Agency and the Council. Therefore, to ensure that the most up to date information is used the Council has carried out a strategic flood risk assessment and produced Flood Risk Supplementary Guidance.
2. Development has the ability to increase the risk of flooding elsewhere by increase the risk of flooding elsewhere by increasing surface water run-off or reducing the floodplain storage capacity. The Council will require, where appropriate, the use of Sustainable Drainage Systems (SuDS) in new developments in order to reduce flood risk, erosion and water quality. Pre-application discussions with the Council and Environment Agency are recommended and where a developer states that a SuDS scheme is not feasible, the Council will require evidence to show that the use of SuDS has been thoroughly explored before alternative, more conventional, forms of drainage are accepted. Also confirmation, from other relevant authorities, as to the acceptability of the proposed form of drainage will be required eg United Utilities if the proposal is to drain to public sewer. (see Policy DEV6 perhaps 2.9.10 and 7.2.2 and Appendix E of PPG25 for further reference to SuDS.
3. Where proposed development is likely to be a risk of flooding or cause flooding elsewhere, a flood risk assessment of the site and/or area, as prescribed by Appendix F of PPG25 will be required. This should be of a scale and nature appropriate to the development. For example where the proposed development has the potential to contribute to existing surface water flooding problem within a catchment, a fully detailed drainage

strategy must be submitted including full design details of the proposed means of disposal of surface water and confirmation of liaison between the applicant and other relevant statutory bodies such as the Council's Drainage department, United Utilities and the Highway Authority.

4. Delete existing wording as it has been included in 5.5.3
5. New paragraph
Any development within 8 metres of the banks of a watercourse should be discussed prior to submitting any planning application with the local planning authority. Where the watercourse in question is designated as a "main" river the prior written Consent of the Environment Agency is required for any works within 8 metres of the top of the banks and is unlikely to be granted for any works which restrict the Environment Agency's statutory right of access to all main rivers. If the watercourse is designated as a "non main" river the statutory responsibility rests with the local authority who may also impose development restrictions adjacent to a watercourse. Therefore, where a development site may impact/affect any watercourse pre-application consultation is required with the relevant authority to ascertain any development restrictions imposed. The term watercourse includes all open, bridged, culverted or piped rivers, streams, ditches, drains, cuts, dykes, sluices and passages through which water flows"

RESPONSE

1. Agreed the reference should be made to Flood Zone Maps. The Council has not carried out a Strategic Flood Risk Assessment. It is not intended to publish SPG on Flood Risk alongside this plan
 2. Agreed that reference should be made to SuDS but lengthy additional paragraph as proposed not necessary
 3. Agreed should apply to development that can cause flooding elsewhere and refer to scale and nature of development. Not felt necessary to lengthen text over and above this.
 4. Agreed
 5. Concerns of objection covered by 5.5.3/4 and other SVC polices. Not felt necessary to add lengthy text, most of which is outside of planning legislation
-

PROPOSED CHANGES

Add “Areas at risk from flooding are shown on Flood Zone Maps supplied by the Environment Agency. The most up to date data on these areas is available from the Council or the Environment Agency” to paragraph 5.5.2 (1D)

Add “The Council will require, where appropriate, the use of Sustainable Drainage Systems (SuDS) in new developments in order to reduce local risk, erosion and water quality” to paragraph 5.5.3 (1D)

Add “or cause flooding elsewhere” and “The FRA should be of a scale and nature appropriate to development” to paragraph 5.5.4 (1D)

5.5.5 (1D) deleted

Report No: E31
Representation No:

Subject: Flooding

Chapter: 5

Policy:

Para: 5.5.5

Other:

No. of Objections:

No of Supporters: 453

ISSUES RAISED

Support

1. Support reference to DEV6 in support of ENV16

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: E32
Representation No:

Subject: Flooding

Chapter: 5
Policy: ENV16
Para:
Other:

No. of Objections: 810
No of Supporters:

ISSUES RAISED

Objectors

1. Policy should be expanded to read. "Where a proposed development is expected to be at risk from flooding or increase the risk of flooding elsewhere, the Council will require a Flood Risk Assessment (FRA) to be submitted as part of the planning application. The FRA should investigate the use, adoption and maintenance of sustainable drainage systems and such systems should be used unless evidence has been produced which precludes their use"

RESPONSE

1. Suggested that proposed additional text should be added to reasoned justification

PROPOSED CHANGES

"The FRA should investigate the use, adoption and maintenance of sustainable drainage systems and such systems should be used unless evidence has been produced which precludes their use" added to paragraph 5.5.4 (1D)

Report No: E33
Representation No:

Subject: Derelict land

Chapter: 5
Policy: ENV17
Para:
Other:

No. of Objections: 454
No of Supporters:

ISSUES RAISED

Objectors

1. Protection afforded to any nature conservation site on derelict land sites welcomed. Would prefer policy strengthened to read “.. to protect and where possible enhance any nature conservation...”

RESPONSE

1. Agreed
-

PROPOSED CHANGES

Add “and where possible enhance..” to Policy ENV17 (1D)

Report No: E34

Representation No:

Subject: Remediation of contaminated land

Chapter: 5

Policy: ENV17

Para: 5.6.5

Other:

No. of Objections: 542 813 (2)

No of Supporters:

ISSUES RAISED

Objectors

1. Transfer of contaminated run off to foul and surface water sewer is not appropriate unless made with consent of sewerage undertaker. Suggested wording added “..or be discharged to public sewer without agreement from the statutory sewerage undertaker” (542)
2. Revise “assessment” to read “risk assessment”. Wise to ensure all risk assessments/investigations undertaken in accordance with current guidelines/protocols. No specific reference made to landfill gas and requirement for LPA to consult (813)

RESPONSE

1. Agreed
2. Points noted. Consultation procedures covered by GDPO (1995) as stated and therefore do not need repeated in Local Plan

PROPOSED CHANGES

- “ or be discharged to public sewers without the agreement from the statutory sewerage undertaker” added to paragraph 5.6.5 (1D)
- Amend “Assessment” to read “risk assessment”
- Add “in accordance with relevant and current guidelines and protocols”
- Reference made to landfill sites in para 5.7.4 (1D) and requirement to consult inserted

Report No: E35

Objections: 811, 812

Support:

Subject: Derelict and contaminated land

Chapter: 5

Policy:

Para: 5.6.3 / 4

Other:

ISSUES RAISED

1. Reference to contaminated land should be revised and reworded – there is a legal definition of ‘contaminated land’ in the Environmental Protection Act 1990 Part IIA. There is only one site determined as contaminated land as a “Special Site”. Drigg and Sellafield have not been determined as contaminated land under Part IIA and may be more appropriate to use other legislation to remediate land and control reclamation. Make reference to potential contaminated sites. (811)
2. Publicised inspection strategy states how local authority will identify contaminated land which will result in prioritisation of sites for inspection. Reference to a register of contaminated land is misleading. The Council will maintain a public register of regulatory action rather than a list that blights the land.(812)

RESPONSE

1. Agreed that paragraphs 5.6.3 /4 (1D) should be amended.

PROPOSED CHANGES

Existing paragraph 5.6.3/4 (1D) deleted. Replaced with “Industry in Copeland has brought about many advantages to the area, but in some cases, a legacy of contamination has remained on and around industrial sites. In an effort to deal with this legacy, the Council is following the Government’s ‘Contaminated Land Regulations’ which aim to: identify land causing unacceptable risk to human health or the wider environment; bring damaged land back into beneficial use and; ensure remediation costs are proportionate and economically sustainable. The Council’s published

Inspection Strategy outlines how the Council will identify Contaminated Land, and a detailed Prioritisation Procedure, prioritises sites for inspection based on a methodological risk assessment.”

Report No: E36
Representation No:

Subject: Contaminated Land

Chapter: 5
Policy: ENV18
Para:
Other:

No. of Objections: 814
No of Supporters:

ISSUES RAISED

Objectors

1. Policy should be amended in light of Part 11A to read “to ensure that all appropriate remedial measures are taken” PPG23 and Circular 11/95 draw distinction between land which is known to be and suspected of being contaminated. Where known, site investigatory works/remediation strategies are submitted before planning application is determined. Where suspected acceptable to impose a planning condition requiring there details to be submitted before development commences. Policy ENV18 and 5.6.5 need to be amended to reflect this
-

RESPONSE

1. Agreed
-

PROPOSED CHANGES

Second paragraph of policy amended to read “Where a proposed development is located on land known to be contaminated, site investigation works and remediation strategies must be submitted as part of the planning application. Where land is suspected to be contaminated, planning conditions will be imposed to ensure that all appropriate remedial measures are taken”

para 5.6.5 amended to read

“... Where proposals are acceptable in principle on contaminated land a site investigation and risk assessment in accordance with relevant and current guidelines and protocols will be required before the application is determined. Where land is suspected to be contaminated planning permission will be granted

subject to conditions requiring a site investigation and risk assessment prior to development proceeding. In both scenarios development will be required to include all necessary remedial measures.....”

Report No: E37
Representation No:

Subject:

Chapter: 5
Policy: 5.7.2
Para:
Other:

No. of Objections: 815
No of Supporters:

ISSUES RAISED

Objectors

1. Stating government targets helps set the scene in terms of scale of the problem. Suggest all targets are specified, not just 2020 target in relation to Landfill Directive. Should also refer to Government National Waste Strategy 2000 targets

RESPONSE

1. It is not felt necessary to repeat all targets as relevant Directive/Strategy is referred to - especially when trying to edit plan content.

Reference to 2015 National Waste Strategy 2000 target inserted for consultancy

PROPOSED CHANGES

“such that 33% of household waste should be recycled or composted by 2015”
added to paragraph 5.7.2 (ID)

Report No: E38

Representation No:

Subject: Waste Management responsibilities

Chapter: 5

Policy: 5.7.3

Para:

Other:

No. of Objections: 755 898 981

No of Supporters:

ISSUES RAISED

Objectors

1. Needs to provide greater clarity to the responsibilities for dealing with applications – suggest adding “The Council does not determine waste proposals other than its own facilities. All other waste management development is controlled by Cumbria County Council as waste planning authority (755)
2. Does not provide accurate summary of waste hierarchy – recycling above composting (898)
3. Seascale would welcome disposal units for cardboard and plastic/polythene (981)

RESPONSE

1. Agreed
2. Agreed
3. Comments noted

PROPOSED CHANGES

- Insert “The Council does not determine waste proposals other than its own facilities. All other waste management development is controlled by Cumbria County Council as waste planning authority”. to paragraph 5.7.3 (1D)
- Waste hierarchy amended to read “Waste minimisation – reuse – recovery (recycling/composting/energy) – disposal” paragraph 5.7.3 (1D)

Report No: E39
Representation No:

Subject: ENV19/20

Chapter: 5
Policy: ENV19/20
Para:
Other:

No. of Objections: 895 896 (2)
No of Supporters:

ISSUES RAISED

Objectors

1. Plan should not contain waste policies. Should be clear Statement that Cumbria County Council is waste planning authority. Text to indicate considerations for consultations. Scope to include policies on ensuring opportunities for incorporating re-use/recycling facilities in new developments, such as supermarkets and new housing developments (895/892)

RESPONSE

1. Agree policy should be deleted and text clarifying Councils position inserted

PROPOSED CHANGES

Policies ENV19 and 20 deleted.

Following text inserted 5.7.3 (1D)

“The Council does not determine waste proposals other than its own facilities. All other waste management development is controlled by Cumbria County Council as waste planning authority” and “as a consultee on waste disposal and recycling development, the Council will support the BPEO”.

Reference to opportunities for recycling facilities made in Housing and Regeneration chapters.

Report No: E40
Representation No:

Subject:

Chapter: 5
Policy:
Para: 5.7.5
Other:

No. of Objections: 816
No of Supporters:

ISSUES RAISED
Objectors

1. Should be expanded to read “These sites when properly managed give rise to a few pollution problems, but need to be located carefully to ensure adequate protection of the environment including groundwater.

RESPONSE

1. Agreed

PROPOSED CHANGES

Add “.. to ensure adequate protection of the environment including groundwater”
to para 5.7.5 (ID)

Report No: E41
Representation No:

Subject:

Chapter: 5
Policy: ENV21
Para:
Other:

No. of Objections: 817, 897
No of Supporters:

ISSUES RAISED

Objectors

1. Add paragraph supporting ENV21 : “In considering sites for the disposal of inert waste the Council will not accept proposals for disposal involving land susceptible to flooding and will have regard to the Environment Agency’s Landfill Location Policy” (817)
2. Plan should not contain waste policies. Should be clear statement that Cumbria County Council is Waste Planning Authority. Text to indicate considerations for consultations. (897)

RESPONSE

1. Council is only a consultee on waste disposal. Agreed that additional reference to land susceptible to flooding should be included in reasoned justifications. The Waste Planning Authority should give initial consideration to the Environment Agency’s Landfill Location Policy before developing proposals
2. Agreed policy should be deleted

PROPOSED CHANGES

- Insert “The Council does not determine waste proposals other than its own facilities. All other waste management development is controlled by Cumbria County Council as waste planning authority”. to paragraph 5.7.3 (1D)
- Policy moved to reasoned justification
- Add “or the land is susceptible to flooding” to reasoned justification

Report No: E42
Representation No:

Subject: Mineral Workings

Chapter: 5
Policy: 5.8.1
Para: Other:

No. of Objections: 754
No of Supporters:

ISSUES RAISED
Objectors

1. Reference to Minerals and Waste Local Plan does not give wider picture – Structure Plan & RPG also relevant. Remove reference and say “All such development is controlled by the County Council”

RESPONSE

1. Agreed

PROPOSED CHANGES

Delete “via its minerals and Waste Local Plan” from 5.8.1 (1D)

Report No: E43
Representation No:

Subject: 5.9.2

Chapter: 5
Policy: 5.9.2
Para:
Other:

No. of Objections: 544
No of Supporters:

ISSUES RAISED

Objectors

1. United Utilities Water plc is a statutory consultee for IPPC installations where there may be a release into a public sewer. Suggested wording to be added to 5.9.2 “The Environment Agency, the sewerage undertaker and the Council”

RESPONSE

1. Agreed

PROPOSED CHANGES

“the sewerage undertaker” added to paragraph 5.9.2 (1D)

Report No: E44
Representation No:

Subject: Pollution of the Environment

Chapter: 5
Policy: 5.9.6
Para:

Other:

No. of Objections: 818
No of Supporters:

ISSUES RAISED

Objectors

1. Implies that it is always possible to minimise harmful effect of discharges to an acceptable level – not always possible “in some cases development should not be permitted” should be replaced with “ The Council will use its statutory powers and appropriate liaison with the Environment Agency to prevent or minimise...”

.

RESPONSE

1. Agreed

PROPOSED CHANGES

Add “prevent or ...” to paragraph 5.9.6 (1D)

Report No: E45
Representation No:

Subject: Water and Sewerage Facilities

Chapter: 5
Policy: ENV23
Para:
Other:

No. of Objections: 922
No of Supporters: 545

ISSUES RAISED

Objectors

1. Words “water and sewerage” should be inserted before “facilities” in the first line of the policy for clarification (922)

Supporters

1. Policy supported (545)

RESPONSE

Objectors

1. Agreed

Supporters

1. Support noted
-

PROPOSED CHANGES

“Water and sewerage” inserted into Policy ENV23 (1D)

Report No: E46
Representation No:

Subject: Hazardous Installations

Chapter: 5

Policy:

Para: 5.10

Other:

No. of Objections: 005

No of Supporters:

ISSUES RAISED

Objectors

1. General comments from Hazardous Installations Directorate

RESPONSE

1. Comments noted

PROPOSED CHANGES

No change. Council will continue to consult on appropriate development proposals.

Report No: E47

Objections: 231, 923

Support: 455

Subject: ENV27

Chapter: 5

Policy: ENV27

Para:

Other:

ISSUES RAISED

Objections

1. Wording too liberal, suggest should say “ Proposals for the demolition of an unlisted building or structure in a Conservation Area will only be permitted where the building or structure makes no existing or potential future contribution to the character or appearance of the Conservation Area. Where a building does make little or no contribution to the character of the Conservation Area, proposals for demolition may be permitted but only provided that: a) satisfactory proposals have been submitted for the redevelopment of the site; and a condition is imposed to ensure that a contract for the redevelopment works is signed, before the building or structure is demolished” (231)
2. Change “there is no viable use” to “no viable use for the building can be found following adequate efforts” (923)

Support

1. Cross reference to DEV6 is welcomed (455)

RESPONSE

Objections

1. Felt that existing policy wording provides greater clarity.
2. Agreed

Support

1. Support noted, but cross references edited throughout the plan (see Report ..)

PROPOSED CHANGES

Replace “there is no viable use” with “no viable use for the building can be found following adequate efforts” ENV27 (1D)

Cross reference to DEV6 removed.

Report No: E48
Representation No:

Subject: ENV28

Chapter:

Policy: ENV28

Para:

Other:

No. of Objections: 091 232 456 (3)

No of Supporters:

ISSUES RAISED

Objectors

1. Policy and reasoned justification should be amended to include reference to setting and views of Conservation Areas (019 232)
2. Cannot be confident that the correct weight will be given to any nature conservation interest unless cross referenced to DEV6 – DEV6 requires amendment

RESPONSE

1. Agreed
2. Plan should be read as a whole therefore reference to DEV6 not necessary. Objections/proposed amendments to DEV6 covered by Report

PROPOSED CHANGES

Last sentence 5.12.2 amended to
“New development proposals should respect and enhance the character and setting of the Conservation Area and on views in and out of the designation

Amend ENV28 (1D)

“Development in and affecting Conservation Areas
Development within Conservation Areas or at which impact upon the setting of a Conservation Area will only be permitted where it preserves or enhances the character or appearance of the area and, if appropriate, views in and out of the area...”

Report No: E49
Representation No:

Subject:

Chapter:

Policy: ENV30

Para:

Other:

No. of Objections:

No of Supporters: 233

ISSUES RAISED

Objectors

1. Support policy as essential to utilise powers if the detailed significance and individuality of Conservation Areas is to be protected (233)

RESPONSE

1. Support noted

PROPOSED CHANGES

No change

Report No: E50
Representation No:

Subject:

Chapter:

Policy:

Para: 5.13.1

Other:

No. of Objections: 089

No of Supporters:

ISSUES RAISED

Objectors

1. Para 5.13.1 should be expanded to cover 4 specific buildings at risk and the actions the Council is undertaking. A target for removing buildings from the BAR register or reducing the degree of “at riskness” is suggested.

RESPONSE

1. Agreed that reference to BAR should be made but not detailed reference to actions Council is undertaking as would unnecessarily lengthen plan

PROPOSED CHANGES

Add to para 5.13.1

“There are also four buildings which currently appear on English Heritage’s Buildings at Risk (BAR) Register. The Council will endeavour to seek that these buildings are improved and removed from the BAR register”

Report No: E51

Representation No:

Subject:

Chapter:

Policy: ENV33

Para:

Other:

No. of Objections: 085 924

No of Supporters:

ISSUES RAISED

Objectors

1. PPG15 sets out number of considerations for total or substantial demolition of listed buildings. These requirements should be reflected in policy along with need for prior approval of detailed plans for redevelopment together with the letting of a contract for recording of features and storage of features or materials in the cases where exceptionally demolition is permitted (085)
2. Exceptional circumstances should be delivered in reasoned justification (924)

RESPONSE

1. Suggest it would be better to refer to PPG15 requirements in reasoned justification rather than policy. The redevelopment of the site of a listed building may not in many cases be suitable for redevelopment and would be subject to other policies in the plan.
2. Agreed

PROPOSED CHANGES

Agreed that policy should be extended to include a requirement for recording of features prior to demolition.

Add

“Demolition of listed buildings will only be permitted in the most exceptional circumstances and where all efforts to find viable or ownerships has failed or the

community benefits of the demolition would far outweigh the loss of the building. Where demolition is permitted the listed building should be recorded and appropriate the made or storage arranged for historic features and materials such as being re-used within the redevelopment scheme or stored / displayed elsewhere in the locality”

Add

“Where demolition is permitted conditions requiring the recording of features will be imposed on any consent” to Policy ENV33

Report No: E52
Representation No:

Subject:

Chapter:
Policy: ENV35
Para:
Other:

No. of Objections: 234
No of Supporters:

ISSUES RAISED

Objectors

1. Wording is not strong enough to protect the setting of listed buildings and specifically should include reference to proposals only being approved where they “preserve the setting and important views of the building”

RESPONSE

1. Agreed

PROPOSED CHANGES

Policy ENV35 (1D) amended to read

“Development affecting the setting and important views of listed buildings.
Applications for development affecting the setting or important views of a listed building”

Report No: E53
Representation No:

Subject: Additional Built Conservation Policy required

Chapter: 5
Policy:
Para:
Other:

No. of Objections: 092
No of Supporters:

ISSUES RAISED

Objectors

1. Additional policy required. A Local List Policy – lists of locally important building – should be included in the Plan

RESPONSE

1. The Council do not currently maintain a list of locally important buildings therefore it would be inappropriate to include a policy relating to such a list

PROPOSED CHANGES

No change

Report No: E54
Representation No:

Subject: Scheduled Monuments

Chapter:

Policy:

Para:

Other: Appendix 8

No. of Objections: 090

No of Supporters:

ISSUES RAISED

Objectors

1. Proposals Map and Appendix 8 omits scheduled monument, Whitehaven Old Fort

RESPONSE

1. Agreed

PROPOSED CHANGES

Proposals map and appendices amended

Report No: E55
Representation No:

Subject:

Chapter:
Policy: ENV37/38
Para:
Other:

No. of Objections: 899
No of Supporters:

ISSUES RAISED

Objectors

1. Criterion 3 of policy ENV38 relates to nationally important remains rather than sites of local importance and should be incorporated into ENV37

RESPONSE

1. ENV37 refers to nationally important remains already afforded protection. Policy ENV38. Criteria 3 advises that protection of additional sites will be sought if they are considered to be of national importance

PROPOSED CHANGES

No change

Report No: E56

Objections: 925
Support:

Subject: ENV39

Chapter: 5
Policy: ENV39
Para:
Other:

ISSUES RAISED

1. Reference to policy ENV390 should read ENV38

RESPONSE

1. Agreed

PROPOSED CHANGES

ENV39 (1D) references amended to ENV38

Report No: E57

Objections: 008
Support:

Subject: ENV40

Chapter: 5

Policy:

Para: ENV40

Other:

ISSUES RAISED

1. Suggest combining public art section with recreation and leisure and renaming it 'Culture'. Also no mention of creative industries.

RESPONSE

1. From the land use planning perspective of the Local Plan it is felt the Public Art has greater relevance in the 'Environment' Chapter. No reference made specifically to creative industries.

PROPOSED CHANGES

No change

Report No: E58

Representation No:

Subject:

Chapter:

Policy: ENV43

Para:

Other:

No. of Objections: 926 457 675 (3)

No of Supporters:

ISSUES RAISED

Objectors

1. Supporting text does not relate to policy. Information better placed within ENV4. Long term sustainability of agricultural industry lies outside the planning system. Diversification issues effectively caught within Policies RUR1 and RUR2 (926)
2. Lack of clarity in policy objectives. Support diversification that leads to more sustainable land use and protection and enhancement of nature conservation. Support traditional field boundaries but some occasions may conflict with another conservation priority (457)
3. Aims laudable but not convinced policy means anything (675)

RESPONSE

1. Points acknowledged
2. Agreed lack of clarity. Comments addressed by other policies in the Plan
3. Agreed

PROPOSED CHANGES

Policy deleted

Report No: E59

Objections: 235, 458, 676

Support:

Subject: ENV44

Chapter: 5

Policy: ENV44

Para:

Other:

ISSUES RAISED

1. Policy should make specific reference to DEV6 or at least acknowledge that in many rural locations there is potential for conflict with the visual qualities of valued landscapes and that scale, siting and appearance will need to be considered . (235)
2. References to HSG5 / 6 welcomed. Essential also to cross reference to DEV6 (458 / 676). Assume Policy 45 refers to Policy ENV43 instead.(676)

RESPONSE

1. Felt that existing reasoned justification and policy covers all of these issues other than specific reference to an appropriate scale.
2. The plan should be read as a whole and therefore a specific reference to DEV6 is not required.

PROPOSED CHANGES

Insert reference to 'scale' in Policy ENV44 (1D)

Report No: E60

Objections: 459, 677

Support:

Subject: 5.17.8

Chapter:

Policy:

Para: 5.17.8

Other:

ISSUES RAISED

1. Support policy subject to it being cross referenced to ENV4 (assume ENV47 is a misprint) and DEV 6 (amended). (459)
2. Should insert "or wetland sites" in second sentence of 15.7.8 as they can be adversely affected by nutrient enrichment from slurry application (459)
3. Assume reference to Policy 45 refers to Policy 43 rather than Policy 47. DEV6 inadequate to measure landscape merits. (677)

RESPONSE

- 1 & 3 Cross references removed from policy. Objections and amendments to DEV6 covered by report no....
2. Agreed

PROPOSED CHANGES

Add "or wetland sites" to paragraph 5.17.8 (1D)

Report No: E61

Objections: 236

Support:

Subject: ENV46

Chapter: 5

Policy: ENV46

Para:

Other:

ISSUES RAISED

1. Policy needs to pick up on the pollution issues referred to at 15.7.8 and also visual implications in accordance with DEV6

RESPONSE

1. The plan should be treated as a whole and therefore not necessary to refer to DEV6 or repeat reasoned justification in policy.

PROPOSED CHANGES

No change

Report No: E62

Objections: 664

Support:

Subject: Whole chapter

Chapter: 5

Policy:

Para:

Other:

ISSUES RAISED

1. Environment chapter should be located to front of the Plan as it forms basis of regeneration strategy
2. Little reference to setting of the National Park
3. No reference to landscape character

RESPONSE

1. All of these issues are dealt with by reports dealing with specific policies. (report refs..)

PROPOSED CHANGES

No change as a result of this objection.