

Report No: 2E1
Objections:
Support: 2198
Subject: Birds Directive
Chapter: 6
Policy:
Para: 6.1.5
Other:

ISSUES RAISED

Support

1. Support reference to the Birds Directive.
-

RESPONSE

Support

1. Support noted
-

PROPOSED CHANGES

No change

Report No: 2E2

Objections:

Support: 2199

Subject:

Chapter: 6

Policy:

Para: 6.1.11

Other:

ISSUES RAISED

Support

1. Support paragraph

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E3
Objections: 2098
Support: 2200
Subject: ENV1: Nature Conservation Sites of International Importance
Chapter: 6
Policy: ENV1
Para:
Other:

ISSUES RAISED

Objection

1. Amendment of policy text weakens the statutory commitment to rigorous scrutiny to determine whether development may significantly effect the interest of sites designates for their nature conservation importance. Re insert the word “may” in line 1 of Policy text.(2098)

Support

1. Support proposed changes (2200)
-

RESPONSE

Objection

1. Amendment gives policy greater clarity. It does not weaken statutory commitment to rigorous scrutiny.

Support

1. Support noted
-

PROPOSED CHANGES

No change

Report No: 2E4
Objections: 2201
Support:
Subject: ENV2: Nature Conservation Sites of National Importance
Chapter: 6
Policy: ENV2
Para:
Other:

ISSUES RAISED

Objection

1. Inclusion of the words 'will be considered' at the end of the policy, significantly weaken its objective. Also the word 'will' is missing at the beginning of the second sentence. The sentence should read "Development proposals will not be permitted unless...."
-

RESPONSE

Objection

1. The term "will be considered" does not alter the meaning of the policy from the 1st Deposit Version which included the term "the Council will consider". The policy has simply been rephrased to delete reference to "the Council" in line with good practice guidance. It would be inappropriate to use any other term that "consider" in reference to the imposition of planning conditions and obligations.
Agreed that "will" is missing from beginning of second sentence. This is a typing error which will be rectified at modifications stage.
-

PROPOSED CHANGES

Insert word "will" into policy such that second sentence reads "Development proposals 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 such sites."

Report No: 2E5

Objections:

Support: 2202

Subject: ENV3: Nature Conservation Sites of Local Importance

Chapter: 6

Policy: ENV3

Para:

Other:

ISSUES RAISED

Support

1. Support proposed changes to this policy

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E6

Objections:

Support: 2099, 2203

Subject: ENV4: Protection of Landscape Features and Habitats

Chapter: 6

Policy:

Para: 6.1.15

Other:

ISSUES RAISED

Support

1. Support text amendment which improves explanation of the policy (2099).
2. Support proposed changes (2203)

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E7

Objections: 2204

Support:

Subject: ENV4: Protection of Landscape Features and Habitats

Chapter: 6

Policy:

Para:

Other:

ISSUES RAISED

1. Support proposed changes - but for clarity “and habitats” should be included at the beginning of the second paragraph.

RESPONSE

Objection

1. Agreed

PROPOSED CHANGES

Add to Policy ENV4 “...and habitats”

Report No: 2E8
Objections: 2205
Support: 2100, 2206
Subject: ENV 5: Protected species
Chapter: 6
Policy: ENV5
Para: 6.1.15
Other:

ISSUES RAISED

Objection

1. Although support proposed changes recommend that the word 'harm' should be replaced by 'adversely affect' (2205).

Support

1. Support proposed changes to policy (2100, 2206).
-

RESPONSE

Objection

1. Agree

Support

1. Support noted
-

PROPOSED CHANGES

Amend last sentence, paragraph 6.1.16 to read:

"A DEFRA licence is also required for any development that is likely to adversely affect a European protected species".

Report No: 2E9
Objections: 2080, 2299
Support:
Subject: Landscape
Chapter: 6
Policy:
Para: 6.2.2
Other:

ISSUES RAISED

Objection

1. New text suggests that Landscape Character Assessment will replace Landscapes of County Importance rather than run alongside it which is the intention of the Structure Plan (2080).
 2. It is important that any landscape strategy / policy for the Borough recognises the historic dimension to the landscape. This paragraph should include reference to the Cumbria Historic Landscape Characterisation project (2299).
-

RESPONSE

Objection

1. Agreed
 2. As yet the Council does not use this project as part of the decision making process. It is therefore inappropriate at this stage to include reference to this project.
-

PROPOSED CHANGES

Paragraph 6.2.2 - delete "replace" and insert "run alongside" - to read:
"It should be noted that there are currently proposals to produce a Landscape Character Assessment of the borough to run alongside the existing LOCI approach..."

Report No: 2E10
Objections:
Support: 2101
Subject: Landscaping
Chapter: 6
Policy:
Para: 6.2.10
Other:

ISSUES RAISED

Support

1. Support changes

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E11
Objections:
Support: 2102
Subject: Tree Planting
Chapter: 6
Policy:
Para:
Other:

ISSUES RAISED

Support

1. Support changes

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E12
Objections: 2207
Support:
Subject: Flood Maps
Chapter: 6
Policy:
Para: 6.4.5
Other:

ISSUES RAISED

Objection

1. Proposed wording goes some way to meeting the Agency's objection that was lodged in response to the 1st Deposit Version however it is no substitute for the Council producing its own SPD on Flood Risk. If the Council is not prepared to produce a Flood Risk SPD the following alternative wording is suggested:
"Areas at risk from tidal folding are shown on the Environment Agency's Flood Map. This information is regularly updated by both the Agency and the Council and the most up to date information is available on the Agency's website www.environment-agency.gov.uk or by contacting the Council or the Agency".
-

RESPONSE

Objection

1. Agree
-

PROPOSED CHANGES

Replace paragraph 6.4.5 with the following:

"Areas at risk from tidal folding are shown on the Environment Agency's Flood Map. This information is regularly updated by both the Agency and the Council and the most up to date information is available on the Agency's website www.environment-agency.gov.uk or by contacting the Council or the Agency"

Report No: 2E13
Objections: 2208
Support:
Subject: Flood Maps
Chapter: 6
Policy:
Para: 6.5.2
Other:

ISSUES RAISED

Objection

1. The proposed changes to this paragraph do not meet the Agency's objection to the 1st deposit Version. The following alternative wording is recommended to the second sentence of this paragraph. "Areas at risk from flooding (flood zones) are shown of Flood Maps supplied by the Environment Agency. These are regularly updates from information supplied by the Council and the Agency and the latest versions can be viewed on the Agency's website at www.environment-agency.gov.uk or inspected at the Council or Agency's office."

RESPONSE

Objection

1. Agree

PROPOSED CHANGES

Replace second sentence, paragraph 6.5.2 with the following text:
"Areas at risk from flooding (flood zones) are shown of Flood Maps supplied by the Environment Agency. These are regularly updates from information supplied by the Council and the Agency and the latest versions can be viewed on the Agency's website at www.environment-agency.gov.uk or inspected at the Council or Agency's office."

Report No: 2E14
Objections: 2209
Support:
Subject: Sustainable Drainage Systems
Chapter: 6
Policy:
Para: 6.5.3
Other:

ISSUES RAISED

Objection

1. The proposed changes to this paragraph do not meet the Agency's objection to the 1st deposit Version. The following alternative wording is recommended to the second sentence of this paragraph, together with the third sentence. "The Council will require, where appropriate the use of Sustainable Drainage Systems (SuDS) in new development – see Policy DEV7 (6). In addition to reducing flood risk such systems can also prevent pollution, assist groundwater re-charge, enhance biodiversity and provide valuable amenity space (2209)"
-

RESPONSE

Objection

1. Agree
-

PROPOSED CHANGES

Replace second sentence, paragraph 6.5.3 with the following:

“The Council will require, where appropriate the use of Sustainable Drainage Systems (SuDS) in new development – see Policy DEV7 (6). In addition to reducing flood risk such systems can also prevent pollution, assist groundwater re-charge, enhance biodiversity and provide valuable amenity space.”

Report No: 2E15
Objections: 2072, 2210
Support:
Subject: Flooding
Chapter: 6
Policy:
Para: 6.5.4
Other:

ISSUES RAISED

Objection

1. Whilst United Utilities supports the principle of SuDS our policy is not to adopt any SuDS structure including ??? permeable pavements and ponds as they would represent a substantial maintenance liability. United Utilities will only consider adoption of surface water sewers draining to a balancing pond if the Local Authority has agreed to maintain the pond and legal agreements are in place. We would suggest the wording of this paragraph should warn developers of this issue (2072).
2. This proposed changes to this paragraph satisfy the Agency's objection lodged in our response to the 1st Deposit Version. However, additional supporting text is required to substantiate Policy ENV16 (3). The following additional paragraph is suggested: "Where development is proposed near to main rivers or ordinary watercourses, restrictions will be imposed by either the Council or Environment Agency to ensure that access to the river or watercourse is protected to allow essential maintenance works to take place. (2210)

RESPONSE

Objection

1. Wording states that FRA would investigate use, adoption and maintenance of SUDs – details of adoption and maintenance would therefore be considered at this time.
 2. Concerns addressed by SVC policies – not felt necessary to add further text which mainly falls outside of planning legislation.
-

PROPOSED CHANGES

No change

Report No: 2E16
Objections:
Support: 2211
Subject: ENV16: Flooding
Chapter: 6
Policy: ENV16
Para:
Other:

ISSUES RAISED

Support

1. Support proposed changes.

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E17
Objections:
Support: 2103, 2212
Subject: ENV17: Derelict Land
Chapter: 6
Policy: ENV17
Para:
Other:

ISSUES RAISED

Support

1. Support proposed changes.

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E18
Objections: 2213
Support: 2073
Subject: Derelict Land
Chapter: 6
Policy:
Para: 6.6.5
Other:

ISSUES RAISED

Objection

1. Proposed change to end of paragraph does not read correctly. Alternative wording suggested: "Any treatment of the land should not endanger public health or the environment and the agreement of the statutory sewerage undertaker shall be obtained before any discharge is made to the public sewer (2213)

Support

1. Support proposed changes.
-

RESPONSE

Objection

1. Agree

Support

1. Support noted
-

PROPOSED CHANGES

Replace last sentence, paragraph 6.6.5 with the following:

"Any treatment of the land should not endanger public health or the environment and the agreement of the statutory sewerage undertaker shall be obtained before any discharge is made to the public sewer".

Report No: 2E19
Objections: 2214
Support:
Subject: ENV 18: Contaminated Land
Chapter: 6
Policy: ENV18
Para:
Other:

ISSUES RAISED

Objection

1. Proposed wording is an improvement on 1st Deposit but alternative wording is recommended “Where proposed development is located on land known to be contaminated, site investigatory studies / works, risk assessments and remediation proposals / strategies must be submitted as part of the planning application. Where, because of previous uses, land is only suspected on being contaminated, the above requirements will be secured through the imposition of planning conditions.

RESPONSE

Objection

1. The Council does not believe that the suggested rewording would improve the policy. Additional text would result in a lengthier and more complex policy for no change in its meaning or any resulting implementation.

PROPOSED CHANGES

No change

Report No: 2E20

Objections:

Support: 2215

Subject: Household waste disposal and recycling targets

Chapter: 6

Policy:

Para: 6.7.2

Other:

ISSUES RAISED

Support

1. Support – proposed wording satisfies objection to 1st Deposit Version.

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E21
Objections: 2216
Support:
Subject: Landfill sites
Chapter: 6
Policy:
Para: 6.7.4
Other:

ISSUES RAISED

Objection

1. Although final sentence refers to landfill gas, this requirement merits further expansion and would be better addressed by a new paragraph as follows: “The Council keeps a record of existing landfill sites and, in accordance with Article 10x of the General Development Procedures Order 1995, will consult the appropriate bodies regarding development proposals within 250m of such sites (2216)

RESPONSE

Objection

1. Agree that reference to Environment Agency should be amended to “appropriate bodies” but felt that additional paragraph and reference to GDPO complicates text unnecessarily.

PROPOSED CHANGES

Last sentence, paragraph 6.7.4 replace “Environment Agency” with “appropriate bodies”.

Report No: 2E22
Objections: 2217
Support:
Subject: Disposal of inert waste
Chapter: 6
Policy:
Para: 6.7.6
Other:

ISSUES RAISED

Objection

1. Recommend that 'consulted' be replaced by the word 'determining'

RESPONSE

Objection

1. The Council does not determine waste proposals other than its own facilities.

PROPOSED CHANGES

No change

Report No: 2E23

Objections:

Support: 2074

Subject: Pollution of the environment

Chapter: 6

Policy:

Para: 6.9.1

Other:

ISSUES RAISED

Support

1. Support - wording reflects sewerage undertakers role within the legislation.

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E24
Objections:
Support: 2218
Subject: Water and sewerage facilities
Chapter: 6
Policy:
Para: 6.9.6
Other:

ISSUES RAISED

Support

1. Support inclusion of the words 'prevent or'.
-

RESPONSE

Support

1. Support noted
-

PROPOSED CHANGES

No change

Report No: 2E25
Objections: 2219
Support: 2075
Subject: ENV20:Water and sewerage facilities
Chapter: 6
Policy: ENV20
Para:
Other:

ISSUES RAISED

Objection

1. Proposed changes fail to make reference to sewage treatment facilities. Also further clarification of the term 'water' is required. Following changes are recommended: "Development proposals for the supply and treatment of water, sewage treatment and sewerage facilities which are necessary..."(2219)

Support

1. Support
-

RESPONSE

Objection

1. Agree

Support

1. Support noted
-

PROPOSED CHANGES

Amend policy title to read:

"ENV20: Water, sewage treatment and sewerage facilities"

Amend policy ENV20 to read:

"Development proposals for the supply and treatment of water, sewage treatment and sewerage facilities which are necessary either for the implementation of the development policies of the plan or which are necessary to enable water and sewerage undertakers to meet statutory obligations and environmental standards as established by the Government and the European Commission will be supported"

Report No: 2E26
Objections:
Support: 2001, 2322
Subject: ENV22: Light Pollution
Chapter: 6
Policy: ENV22
Para:
Other:

ISSUES RAISED

Support

1. Support additional policy.

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E27

Objections:

Support: 2220

Subject: ENV42: Intensive Agricultural Development

Chapter: 6

Policy: ENV42

Para:

Other:

ISSUES RAISED

Support

1. Support inclusion of wording 'subject to other policies in the Plan'.

RESPONSE

Support

1. Support noted

PROPOSED CHANGES

No change

Report No: 2E28
Objections:
Support: 2221
Subject: Agricultural Slurry and Lagoons
Chapter: 6
Policy:
Para: 6.17.8
Other:

ISSUES RAISED

Support

1. Support inclusion of words 'wetland sites'.
-

RESPONSE

Support

1. Support noted
-

PROPOSED CHANGES

No change