



Cumbria Minerals & Waste Local Plan 2015-2030

Sustainability Appraisal incorporating Strategic Environmental Assessment Adoption Statement

September 2017

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1. Sustainability Appraisal/Strategic Environmental Assessment Adoption Statement

- 1.1 Sustainability Appraisal (SA) and Strategic Environmental Assessment (SEA) involve a series of procedural steps that are designed to meet the requirements of the SEA Regulations¹. The final step in the process involves preparing a statement at the time of a Local Plan's adoption. The Sustainability Appraisal/Strategic Environmental Assessment Adoption Statement (the SA Adoption Statement) addresses the requirement to prepare a post-adoption statement under Part 4 of Regulation 16, of the SEA Regulations.
- 1.2 The SA Adoption Statement for the Cumbria Minerals & Waste Local Plan 2015–2030 (the Plan) has also been prepared in accordance with the following:
- The Planning and Compulsory Purchase Act 2004 (as amended)
 - The Town and Country Planning (Local Planning) (England) Regulations 2012
 - Paragraph 165 of the National Planning Policy Framework 2012
- 1.3 The SA Adoption Statement includes information on:
- how sustainability considerations have been integrated into the Plan;
 - how the SA has been taken into account;
 - how the results of public consultation have been taken into account;
 - the reasons for choosing the Plan as adopted, in light of the other reasonable alternatives considered;
 - how any significant sustainability effects of implementing the Plan will be monitored.
- 1.4 The Plan is the overarching planning document for the county, outside the two National Parks, identifying what minerals and waste related development should go where, why it should go there and how, by doing so, it can make other land use and infrastructure systems function better, including protection and enhancement of the environment. It considers the impact and design of new minerals and waste development, and focuses on how this development can best relate to the surrounding land use and link with the wider community.
- 1.5 The Plan has been prepared through a long and detailed process, with input from local residents, Councillors, interested bodies and statutory consultees, taking into account a wide range of issues and options.
- 1.6 The Planning Inspector's final report on the Plan, dated 29 June 2017, concluded that the Plan provides an appropriate basis for minerals and waste planning in the county, providing that a number of modifications were made to the Plan. These Main Modifications were all subject to the iterative SA process. The Local Plan, incorporating the modifications, was adopted on 6 September 2017.
- 1.7 The stages of the Local Plan and SA (incorporating SEA) are discussed in section 3 of this SA Adoption Statement.

¹ the Environmental Assessment of Plans and Programmes Regulations, 2004
<http://www.legislation.gov.uk/uksi/2004/1633/contents/made>

2. How sustainability considerations have been integrated into the Plan

- 2.1 As the Plan has evolved, it has been subject to SA (incorporating SEA) as a continuous and iterative process throughout. This systematic process has been used to assess the extent to which the Plan will help to achieve relevant social, environmental and economic objectives that reflect issues affecting the area where the Plan will have an effect.
- 2.2 As the Plan includes site allocations, proposals for sites were assessed using the same procedure and the SA has provided ways of avoiding or reducing negative impacts of development. The social, environmental and economic dimensions have been taken into account at every stage of Plan production, in order to ensure sustainable development.
- 2.3 The development and appraisal of the Plan's spatial strategy, which sets the overall direction of growth, has also been an iterative process, with the findings of the SA feeding into the selection and refinement of the Plan's spatial strategy and its policies. Each version of the Plan has been subject to an SA, which details the evolution of the process of testing the vision, strategic objectives, options and refined options/changes.
- 2.4 The results of the SA have directly influenced the Plan. It has assisted in choosing options for policies, has recommended changes and additions to policy wording, and set out mitigation and enhancement measures at each stage to improve the policy framework.

3. How the SA has been taken into account

- 3.1 The work undertaken on the SA for the Plan is outlined below. In summary, SA Reports (incorporating SEA) have been published for comment alongside each draft version of the Plan. As set out within the SA Reports, the process was undertaken to inform decision making rather than to make the decisions themselves. The outcome of each stage of public engagement and consultation has been taken into account as part of the preparation of the Plan.
- 3.2 In the same way that preparation of the Plan built upon previous work carried out for the Minerals and Waste Development Framework (MWDF) – the adopted Core Strategy and adopted Generic Development Control Policies (2009), and the withdrawn Site Allocations Policies (2012) - SA work for the Plan built upon the SA work undertaken during preparation of the MWDF. Table 3.1 details the SA work for the MWDF; all documents are available to view on the County Council's website.

Sustainability Appraisal Scoping Report	July 2006
Sustainability Appraisal Stage 1 Report and Appendices: Issues and Options	November 2006
Sustainability Appraisal Site Selection Criteria for Waste Management Facilities	November 2006
Sustainability Appraisal Stage 2 Report and Appendices: Preferred Options for Core Strategy, Site Allocations and Generic Development Control Policies	February 2007
Sustainability Appraisal Stage 2.1 Report: Changes to the Preferred Options for Core Strategy	October 2007
Sustainability Appraisal Report and Appendices: Submission Version for Core Strategy and Generic Development Control Policies	February 2008
Sustainability Appraisal Report: Regulation 30 Site Allocations Policies	April 2010
Sustainability Appraisal Report: Regulation 30 Resubmitted Site Allocations Policies	January 2012

Table 3.1: Sustainability Appraisal Reports for MWDF, 2006-2012

- 3.3 In March 2012, the Government published the National Planning Policy Framework (NPPF) and changed the development plan system. In view of the implications of this and the new system of Local Plans, the County Council withdrew the Site Allocations Policies and Proposals Map from examination and work commenced on the Cumbria Minerals & Waste Local Plan (MWLP). Table 3.2 details the SA work for the MWLP; all documents are available to view on the County Council's website.

Sustainability Appraisal Report: Regulation 18 draft Cumbria Minerals & Waste Local Plan (2013-2028)	February 2013
Sustainability Appraisal Report: Repeated Regulation 18 draft Cumbria Minerals & Waste Local Plan (2014-2029)	March 2015
Sustainability Appraisal Report: Regulation 18 Supplementary Sites	October 2015
Sustainability Appraisal Report: Regulation 19 Publication version draft Cumbria Minerals & Waste Local Plan (2015-2030)	April 2016
Sustainability Appraisal Update: to accompany the Proposed Main Modifications to the Regulation 19 Cumbria Minerals & Waste Local Plan (2015-2030)	March 2017

Table 3.2: Sustainability Appraisal Reports for MWLP, 2013-2017

SA Report: Regulation 18 draft Cumbria Minerals & Waste Local Plan (2013-2028)

- 3.4 A first draft Cumbria MWLP was prepared and consulted upon, from 25 February to 8 April 2013. This document was, to all intents and purposes, a partial review of the adopted Core Strategy and Development Control Policies documents, whilst building on the withdrawn draft Site Allocations Policies.
- 3.5 An SA Scoping Report had already been prepared for the MWDF in July 2006, establishing the baseline, key sustainability issues and the policy framework for the SA and, therefore, setting its context. It was considered that a new SA Scoping Report was unnecessary, as its scope and the key sustainability issues remained unchanged. However, given the time lapse since production of the Scoping Report and the iterative process of SA, some of the appendices were updated, to include both a review of more recent plans, programmes and policies, and an update of the baseline data.

SA Report: Repeated Regulation 18 draft Cumbria Minerals & Waste Local Plan (2014-2029)

- 3.6 Following the consultation on the 2013 draft MWLP, the County Council decided that further, and in some areas significant, changes were needed to be made to the proposed MWLP. This was driven by several factors, including the introduction of new or revised national guidance and legislation; the undertaking of research and the preparation of a more robust Evidence Base; factual updates; and the need to take account of and address comments received during the 2013 consultation. The County Council repeated the Regulation 18 consultation on the preferred approach to the Cumbria MWLP, from 10 March to 11 May 2015.
- 3.7 In the 2015 SA Report that supported the MWLP, a table was prepared that summarised the key sustainability issues and pressures that were identified in Cumbria in the original Scoping Report in July 2006, highlighting those that were recognised as most relevant to the MWLP. The table then summarised the changes identified in the review of policies, plans and programmes, and the local social, environmental and economic conditions identified. These issues and pressures facing Cumbria were reflected in the Strategic Objectives of the MWLP.

SA Report: Regulation 18 Supplementary Sites

- 3.8 In response to the MWLP Regulation 18 consultation held in spring 2015, a small number of additional sites were put forward for consideration, as well as revised information for some sites that had been included in that consultation. The County Council decided to undertake a Supplementary Sites consultation, to provide an opportunity for members of the public and other interested parties to offer their comments on the new or revised information; this was held from 12 October to 9 November 2015.
- 3.9 The accompanying SA considered only those additional and revised sites that had been put forward for inclusion in the MWLP. They were subject to the same rigorous assessment process, using the same sustainability criteria, as those sites considered in the February 2015 SA.

- 3.10 Whilst carrying out appraisal of the 10 sites under consideration, a set of mitigation measures were proposed, to address issues that had come to light. These were taken into account in preparing the Regulation 19 Publication version of the MWLP, alongside all comments received during the Regulation 18 consultation. None of the proposed changes sought to alter the purpose or implementation of the site allocation, but on the whole were matters of clarity and conformity with other policy, particularly at the national level. The SA process aided the Council's decision to take forward three of the 10 proposed sites into the next version of the MWLP.

SA Report: Regulation 19 Publication version draft Cumbria Minerals & Waste Local Plan (2015-2030)

- 3.11 Following consideration of responses received on both the draft Minerals and Waste Local Plan (Regulation 18) and the Supplementary Sites consultation, undertaken in 2015, the Publication version of the Local Plan (Regulation 19) was prepared and then consulted on, from 23 May to 4 July 2016.
- 3.12 The accompanying SA Report identified specific mitigation measures that were considered to improve the way that the strategic and development management policies addressed the sustainability issues identified in the appraisal framework. The County Council reviewed these measures and incorporated them into the final version of the policies, demonstrating that a transparent and robust approach had been undertaken during the SA process. The changes to the Plan did not result in any significant changes to the overall conclusions of the SA at this stage.

SA Update: to accompany the Proposed Main Modifications to the Regulation 19 Cumbria Minerals & Waste Local Plan (2015-2030)

- 3.13 In response to comments submitted during the Regulation 19 consultation (May to July 2016) on the draft MWLP, a number of modifications were proposed when the Plan was submitted to the Planning Inspectorate for examination. Following the Hearing sessions of the Plan's examination (November/December 2016), further modifications were proposed. These Main Modifications were the result of recommendations made by the Inspector during the Hearing sessions and in response to her Matters and Issues, in order to make the Plan sound and legally compliant. Consultation on the Main Modifications was held from 27 March to 5 May 2017
- 3.14 The Main Modifications were subject to SA, in so far as they may alter those impacts highlighted in the SA Report (April 2016) that accompanied the Regulation 19 consultation on the draft MWLP. The SA Update report screened the proposed Main Modifications, in order to consider whether any significant impacts could be identified. Any temporal, secondary, cumulative or synergistic impacts resulting from the Main Modifications would also be highlighted, should they be apparent.
- 3.15 It was assessed, after initial screening, that:
- for the majority of the Main Modifications, especially those related to the text that supports the policies, there would be no significant sustainability effects and, therefore, no changes required to the 2016 SA Report;
 - for the majority of the Main Modifications that related to additions, deletions and amendments of text within the Plan's policies, neither the implementation of

those policies nor the site allocations would be affected; therefore, there were no significant sustainability effects and no changes required to the 2016 SA Report;

- for a small number of Main Modifications, there would be no significant sustainability effects, but changes would be required to the 2016 SA Report, in terms of text explaining the split of policy SP7 into two policies, the addition of Broad Areas for waste to policy SAP2 and the clarification of the policy approach to site allocation CO32.

4. How the results of public consultation have been taken into account

- 4.1 As outlined above, each version of the SA (incorporating SEA) was subject to public consultation, alongside each version of the draft MWLP and also the Main Modifications. Consultees included those set out in the Town and Country Planning (Local Planning)(England) Regulations 2012, such as Specific, Duty to Co-operate and General, as well as a wide range of local communities, businesses and interested individuals. Comments from relevant consultees at all stages of the SA process were taken into account.
- 4.2 Consultation responses often had an indirect effect on the SA Reports, in that further information on site allocations was received or text in the MWLP needed to be added or amended. Very few representations were received on the SA Reports themselves. All representations, and the Council's response, can be found on the Council's website for each consultation stage.
- 4.3 The way that the Council responded to consultation responses from the February 2013 consultation on the Plan, were set out in the Strategic Policies Table of Modifications (February 2015). Only one comment was received on the supporting 2013 SA Report, which felt that all reasonable alternatives to a particular strategic policy had not been considered. As part of the significant work to bring the Plan up-to-date on legislation and national policy, as well as providing a more robust evidence base for the 2015 version of the Plan, significant changes were made in preparation of the 2015 SA Report, and all policies were reassessed. No representation was received on this topic in the 2015 and subsequent SA Reports.
- 4.4 The way that the Council took representations from the February 2015 consultation on the Plan, were set out in the Regulation 18 Consultation Outcomes Report (April 2016). Two comments were received on the supporting February 2015 SA Report. The comment from Natural England requested that geodiversity was specifically added to Sustainable Objective NR3, in order to make it clearer what the objective is trying to achieve. The Council amended the objective, to read "To restore and protect land, soil and geodiversity". The other comment required clarification on how the findings of the SA would be applied, rather than requiring any amendments to the SA Report.
- 4.5 For the Supplementary Sites consultation in October 2015, an Outcomes Report (January 2016) was published. One comment, from Natural England, was received on the supporting October 2015 SA Report. They wanted clarification on where constraints and opportunities with regard to soil protection, land quality issues and mitigation for biodiversity issues could be found. All constraints and opportunities are set out in the Site Assessments document, so that the findings of the SA, Habitats Regulations Assessment and the Strategic Flood Risk Assessment are all in one place. The Council undertook to add further detail to the SA Report, where applicable.
- 4.6 The Council's response to representations on the Regulation 19 Publication version of the Plan, consulted on in May 2016, was set out in the Regulation 19 Outcomes Report (July 2016). Two comments were received on the supporting April 2016 SA Report.

- 4.7 One representor had mistaken the date of the SA Report as 2014, thus assuming that assessments had been made on out of date information. The other representor had mistaken the review of relevant policies, plans and programmes to the Plan (set out in Appendix 1 to the February 2015 SA Report), as requiring change to the Plan itself, rather than simply highlighting what the various plans and programmes require the Local Plan to do.
- 4.8 There were no representations regarding the SA Update that was prepared for the consultation held in March 2017 on the Main Modifications to the Plan. However, the SA Update had identified changes required to the 2016 SA Report, if the Main Modifications were carried out. These changes are set out in Table 4.1.

Main Modification MM35 - split of Policy SP7 into two policies	<p>Updates required to:</p> <ul style="list-style-type: none"> • Table 4.2: Summary of assessment of the Strategic Policies • Table 4.3: Conclusion of the assessments of the Strategic Policies • Appendix 3: Strategic Policies Assessments (scoring matrix)
Main Modifications MM71 and MM72 – addition of identified Broad Areas to Policy SAP2 and supporting text	<p>Updates required to:</p> <ul style="list-style-type: none"> • Table 6.1: Summary of the assessments of the Site Allocation Policies SAP1, SAP2, SAP3 • Table 6.4: Conclusions of the site assessments • Table 8.2: Summary of mitigation proposals suggested for Site Allocations arising from SA process • Appendix 5: Site Assessments (scoring matrix)
Main Modifications MM73, MM74 and MM75 – clarification of policy approach to site CO32 in Policy SAP3 and supporting text	<p>Updates required to:</p> <ul style="list-style-type: none"> • Table 6.1: Summary of the assessments of the Site Allocation Policies SAP1, SAP2, SAP3 • Table 6.4: Conclusions of the site assessments • Table 8.2: Summary of mitigation proposals suggested for Site Allocations arising from SA process • Appendix 5: Site Assessments (scoring matrix)

Table 4.1: Amendments that were required to the 2016 SA Report arising from the Main Modifications to the Plan

5. The reasons for choosing the Plan, as adopted

- 5.1 The SA (incorporating SEA) has considered reasonable alternatives and, within each iteration of the SA, a clear audit trail has been provided of the preferred options taken forward within the Plan.
- 5.2 Through the SA process, a number of potential development options have been tested, including different development levels and distribution strategies, and this process has informed the Plan as it has developed. Potential development sites were also assessed in detail through this process, the conclusions of which were fully considered in the selection of allocated sites. The SA process identified constraints associated with individual sites and potential mitigation measures, which were considered in the development of criteria based policies for each of the site allocations.
- 5.3 Policies in the Plan have also been subject to comprehensive SA and they best achieve the dimensions of sustainable development in comparison to the reasonable alternative options. The SA has ensured that the refinement of policies has not given rise to significant effects. Appropriate mitigation measures have been integrated into the Plan to ensure that the policies chosen were the most sustainable option.

6. How any significant sustainability effects of implementing the Plan will be monitored

- 6.1 The Local Plan will be subject to an on-going programme of monitoring as part of the Councils' Authority Monitoring Report (AMR), which is undertaken every year. This will demonstrate the on-going suitability of the Plan's policies and site allocations, and enable any arising unforeseen effects to be identified. Monitoring will also provide information as to whether the predicted effects of the SA were accurate.
- 6.2 Monitoring plays an important role in assessing the actual effect of the Plan. This can feed into more accurate future predictions of effects, and can also help identify where changes need to be made, in order to promote more sustainable development within the county.
- 6.3 Chapters 4, 5, 6 and 7 of the 2017 SA Report that accompanies the adopted Plan, explain the potential significant effects that may arise from the Plan. The Council has integrated measures to prevent, reduce or offset these effects into the Plan, which is demonstrated in Chapter 8 of the SA Report.
- 6.4 A monitoring strategy is included within Chapter 9 of the SA Report. Guidance recommends that SA monitoring is incorporated into the Council's existing monitoring arrangements and, therefore, the proposed framework takes into account existing monitoring in the Authority Monitoring Report and proposed monitoring of the adopted Plan.
- 6.5 Appendix 3 of the adopted Plan sets out the proposed monitoring framework of significant effects on the policies in the Plan, whilst Table 17.2 sets out the schedule for monitoring non-policy events (i.e. contextual indicators).
- 6.6 The SA (incorporating SEA) process has continually assessed and identified predicted significant negative and positive effects of the Plan with mitigation and/or enhancement measures being integrated at appropriate stages in the evolution of the Plan. This has ensured that the Council is able to appropriately address these effects and monitor the potential for unforeseen adverse impacts.

7. Further information

- 7.1 A hard copy of the adopted Plan and the Sustainability Appraisal documents, including this SA Adoption Statement, can be viewed at:

County Offices
Busher Walk
Kendal
Cumbria LA9 4RQ

9.00am – 17:00 pm, Mon to Thurs
9.00am – 16:30pm, Fridays

- 7.2 In addition, all of the documents can be viewed online on the Council's website at:

http://www.cumbria.gov.uk/planning-environment/policy/minerals_waste/MWLP/Adopted.asp