

REVIEW OF LOCAL PLAN POLICIES IN CONTEXT OF THE NATIONAL PLANNING POLICY FRAMEWORK

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Purpose of report:

To present an analysis of the policies of the Copeland Local Plan adopted in 2006, now that pre-2012 plan policies can only be given weight according to their conformity with the national Planning Policy Framework.

Recommendation: That the Panel note the attached review schedule as a guide to decision making pending the adoption of the Core Strategy and Development Management Policies Development Plan Document.

Resource Implications: None. The consequences for the Council relate to the way in which decisions are justified.

1.0 SUPPORTING INFORMATION

- 1.1 The National Planning Policy Framework came into effect on March 27 2012. It presents a much more concise national planning policy than the Planning Policy Statements and Guidance Notes it replaced.
- 1.2 The Government warned that plans adopted since 2004 could be given full weight in determining planning applications only for 12 months. After that, due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF – that is, the closer they are to what the NPPF says, the more weight can be given.
- 1.3 We have not been able to adopt the replacement Local Plan for Copeland (Core Strategy and Development Management Policies) to meet that deadline. The document is currently being examined by a Planning Inspector and the public hearing was delayed from February to April due to pressure of work on the appointed Inspector. We expect the Inspector's report to be received about mid-

July and, assuming the plan is found sound, its adoption should follow in late summer/early autumn. In the meantime the NPPF becomes critical to development management decisions and Local Plan policy can only be used where it is consistent with the national framework. (It should be noted, however, that the emerging Core Strategy and Development Management policies now carry considerable weight, though we would have to rely on experience to determine what that means in practice.)

- 1.4 Members may have noted a certain amount of comment in the national press as to opening floodgates to development all over the countryside. Accusations that a lot of this is scaremongering have some justification – after all, the NPPF has been in effect for a year now. The Government has claimed that the NPPF has provoked a rise in housing allocations, though most of that is in the south, and an increase in planning applications, which may be due to increasing market confidence. As far as Copeland is concerned, the evidence is that most of our Local Plan policies remain robust and relevant, and their replacement is advanced enough to give confidence that the Council will keep its grip on the sound planning of the Borough.
- 1.5 The Appendix – a review of the policies of the adopted Local Plan – gives a guide to their continued use in the short term, until the new policies are adopted.

Summary

- 1.6 We consider that about two thirds of the Local Plan policies are consistent with the NPPF and can continue to be used to give a locally centred interpretation of national policy. Of the remainder, some are partly consistent, but a total of twenty-eight policies are either not consistent with the Framework, are now out of date, or for other reasons not likely to be valid. Most of these relate to housing development or building conservation.
- 1.7 Policies which are recommended for continued use are marked in bold in the Appendix.

Appendix: Schedule assessing Local Plan policies against the NPPF.

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The National Planning Policy Framework was published on March 27 2012. Annex 1 of the NPPF states (paras. 214 and 215) that “For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. In other cases and **following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework** (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The table starting on page 3 contains an assessment of the degree of consistency of policies in the 2006 Copeland Local Plan, which will be replaced when the Core Strategy and development management Policies are adopted.

Note also overleaf, the lists of (1) policies which will be retained after Core Strategy adoption, until the Site Allocation DPD is approved, and (2) policies which are already defunct, having not been saved in 2009.

Note:

- (1) The following policies are retained as part of the Development Plan until superseded by future DPD (site allocations) and thus carry some weight as being explicitly retained in the Core Strategy and Development Management Policies, that DPD having reached the stage of being examined, and therefore being assumed to be sound unless found otherwise:

HSG1	Existing Planning Permissions	EMP3	Employment Opportunity Sites
HSG2	New Housing Allocations	TCN12	Town Centre Opportunity Development Sites
EMP1	Employment Land Allocation	TSP8	Parking Requirements
EMP2	Westlakes Science and Technology Park		

- (2) Policies not saved beyond June 2009 and expired on 6th June 2009, as follows, are not included:

ENV 11	Tree Planting	ENV42	Intensive agricultural development
ENV24	Hazardous Substances	ENV43	Agricultural slurry stores and lagoons
ENV30	Alterations and extensions to Listed Buildings	SVC1	Connections to public sewers
ENV33	Development affecting the setting and important views of Listed Buildings	SVC2	Non-mains sewerage/sewerage treatment
ENV34	Changes of use to Listed Buildings	SVC3	Standards of Completion
ENV35	Development affecting a Scheduled Ancient Monument	SVC4	Land drainage
ENV40	Advertisements	SVC5	Water supply/water resources
ENV41	New farm buildings	TSP1	Safeguarding the Parton-Lillyhall Improvement
		TSP3	Traffic management

Local Plan Policy	NPPF consistency	NPPF para.	To be replaced by	
			Core Strategy Policy(ies)	DM Policy(ies)
DEV1 Sustainable development and regeneration	DO NOT USE Replaced by the presumption in favour of sustainable development	14	Vision, Objectives, ST1	
DEV2 Key Service Centres	Consistent with NPPF which says “local planning authorities should ... recognise town centres as the heart of their communities” etc.	23	ST2	
DEV3 Local Centres	Consistent with NPPF – “To promote a strong rural economy, local and neighbourhood plans should ... promote the retention and development of local services and community facilities in villages ...”	28	ST2	
DEV4 Development boundaries	USE WITH CAUTION NPPF <u>does not support</u> the use of settlement boundaries to limit development. However, sections of paragraph 17 ‘core planning principles’ might support refusal for developments outwith settlement boundaries – ‘promoting the vitality of our main urban areas, ... recognising the intrinsic character and beauty of the countryside...’ and ‘focus significant development in locations which are or can be made sustainable’ (5 th and 11 th bullet points). Therefore DEV 4 alone may not be supportable as a reason for refusal.	17	ST2 (Para. 3.5.12 – 3.5.14)	
DEV5 Development in the countryside	Consistent with NPPF – above points in para 17 apply. However, beyond that the <u>NPPF does not explicitly protect the countryside</u> unless it falls under ‘conserving and enhancing the natural environment’ (para. 109). Note also para. 9 which supports economic growth in rural areas. Therefore DEV 5 alone may not be supportable as a reason for refusal.	17 109 (9)	ST2 (Para. 3.5.15 – 3.5.18)	
DEV6 Sustainability in Design	Generally consistent with NPPF, which requires good design (section 7), also provisions re. heritage (128/129), air quality (124), drainage (99.103), infrastructure capacity, flood risk (100-104) appear to be compatible.	Section 7	ST1, T1 ENV1	DM10
DEV7 Planning Conditions and Obligations	Consistent with NPPF as long as it is only used as far as consistent with the post-2012 reversion to the statutory tests (that contributions should be necessary, relevant and related in scale).	203-206	ST4	

Local Plan Policy	NPPF consistency	NPPF para.	To be replaced by	
			Core Strategy Policy(ies)	DM Policy(ies)
DEV8 Major development	DO NOT USE. Clearly out of date because Nationally Significant Infrastructure Project rules apply, but is anyway covered by other provisions (DEV6, NPPF 203-206).	203-206	ST2, ST3, ST4, ER1, ER2, ER3	
HSG1 Existing planning permissions	Only up-to-date as far as it refers to unimplemented planning permissions. The policy on <u>renewals</u> is out of date and SHOULD NOT BE USED. Applications for renewal of P.P., if in doubt, can be assessed against relevant NPPF policy, along with Core Strategy policy as a material consideration.		Not superseded – remains part of the Development Plan	
HSG2 New housing allocations	Arguably compatible with NPPF <u>insofar as DEV6 and HSG8 are compatible with national policy</u> (see above).		Not superseded – remains part of the Development Plan	
HSG3 Plan, monitor and manage	DO NOT USE Out of date and where necessary other policies can be used.		SS2	
HSG4 Housing within settlement development boundaries	DO NOT USE Other policies should be used to test whether housing development is acceptable.		Deleted; direct replacement not necessary	
HSG5 Housing outside settlement development boundaries	USE WITH CAUTION It would be preferable to determine applications which might fall foul of this policy by trying to use other relevant policies . In terms of NPPF, being outside a settlement boundary is <u>not in itself</u> a justification for refusal.		SS3B (Para. 5.4.7)	
HSG6 Temporary accommodation for new rural enterprises	The policy is essentially permissive and arguably consistent with NPPF ‘supporting a prosperous rural economy’	28	SS1 A(v)	
HSG7 Removal of occupancy conditions	It is arguable that to fetter ex-restricted occupancy dwellings with local occupancy restriction is consistent with paras. 54 and 55 (rural housing) – such a dwelling is in effect doing the same job as a rural exception’ proposal.	54/55		DM17

Local Plan Policy	NPPF consistency	NPPF para.	To be replaced by	
			Core Strategy Policy(ies)	DM Policy(ies)
HSG8 Housing design standards	Consistent with policy direction of requiring good design.	58	SS2	DM12
HSG9 Accommodating special needs	Dated and imprecise, but arguably consistent with para. 50 (first ‘bullet’ – “plan for a mix of housing based on current and future demographic trends” etc.)	50	SS3	
HSG10 Affordable housing in key service and local centres	Consistent with policy on meeting needs of different groups in the community (para. 50).	50	SS3 (Para. 5.4.5)	
HSG11 Affordable housing in rural areas	Consistent with policy on meeting rural housing need and protecting the countryside	54 17 (-5, -8)	SS3 (Para. 5.4.5 and 5.4.6)	
HSG12 Assisting housing renewal	Not inconsistent with NPPF but it is out of date and its use is unnecessary, as developments relevant to this policy would presumably be worthy to be approved regardless. NPPF says almost nothing about regeneration but various ‘core planning principles’ are relevant.	17 (-4, -6)	S2C	
HSG13 Loss of dwellings	DO NOT USE There is nothing in NPPF which would support it, and developments leading to loss of housing would be likely to be justifiable in other terms under the NPPF (e.g. contributing to economic growth), unless there are other reasons to refuse.		Deleted; replacement not necessary	
HSG14 Replacement of dwellings	Arguably consistent with NPPF by virtue of its being based on considerations of heritage and countryside protection.	17 (-5) 126, 131-133		DM16
HSG15 Conversion to dwelling in urban areas	Consistent with NPPF in principle (para 51 encourages conversion to residential use) and detail (Requiring good design, section 7).	51 56 ff.		DM13
HSG16 Conversion to multi-occupation	Consistent only where the issue is one of design (i.e. conversion works require planning consent) or to large HOMs; change of use to small HMO is now PD.	56ff. if applicable		DM14
HSG17 Conversion to dwellings in rural areas	Arguably consistent with NPPF where grounds of countryside protection or design standards apply. HSG17 (1) and (2) probably not consistent.	17 (-5) 56 ff.		DM15A

Local Plan Policy	NPPF consistency	NPPF para.	To be replaced by	
			Core Strategy Policy(ies)	DM Policy(ies)
HSG18 Residential institutions	Consistent with NPPF as a design issue .	56ff.		DM14
HSG19 Care in the community	Consistent with NPPF where large (over 6 occupants), otherwise consistent only on design grounds for conversion work requiring consent.	56ff. if applicable		DM14
HSG20 Domestic extensions and alterations	Consistent with Section 7 Requiring Good Design.	56ff.		DM18
HSG21 Replacing caravans by chalets	Circular 23/83 may apply, otherwise could be regarded as improving the quality of the housing supply.	47, 54, 55?		DM19
HSG22 Residential caravan sites	NPPF is silent on caravans. Circular 23/83 is still extant. Therefore should still be usable.	?		DM19A
HSG23 Individual caravans	Consistent with NPPF as regards supporting rural business and meeting rural housing need.	28, 55		DM19B
HSG24 Beach bungalows	Consistent with NPPF on countryside protection and (more strongly) flood risk grounds.	17 (·5) 100, 106		DM19C
HSG25 Non-residential development in housing areas	NPPF can be regarded as being implicitly in favour of business development wherever it might be. HSG25 is consistent with it by virtue of giving an amenity basis (Para. 17 'core planning principles' refers) for resisting unsuitable development.	17 (·4)	Deleted; replacement not necessary	
HSG26 Gypsy caravan sites	Consistent with Planning Policy for Traveller Sites 2012 – criteria-based policy to provide a basis for decisions.	(‘Traveller Sites’)		DM20
HSG27 Accommodating travelling showpeople	Consistent with Planning Policy for Traveller Sites 2012 – criteria-based policy to provide a basis for decisions.	(‘Traveller Sites’)		DM20
EMP1 Employment land allocation	Up-to-date as far as it refers to unimplemented planning permissions. Applications for renewal of P.P., if in doubt, can be assessed against relevant NPPF policy, along with Core Strategy policy as a material consideration.		Not superseded – remains part of the Development Plan	

Local Plan Policy	NPPF consistency	NPPF para.	To be replaced by	
			Core Strategy Policy(ies)	DM Policy(ies)
EMP2 Westlakes science and technology park	Consistent with NPPF, though appellants might cite the introduction to para. 21 (“Investment in business should not be over-burdened by the combined requirements of planning policy expectations”) in their support; so strategic case needs to be made.	20 21 (-1, -3, -4)	Not superseded – remains part of the Development Plan	
EMP3 Employment opportunity sites	A positive policy that can be used to support applications to develop the sites delineated on the Proposals Map (which are also covered, as sites of strategic importance, by the Core Strategy).	21	Not superseded – remains part of the Development Plan (though ST3B is relevant)	
EMP4 Extension of an existing employment use	Policy not necessary as we would presumably always approve proposals which would ‘meet the requirements of other plan policies’.		Deleted; replacement not necessary	
EMP5 Employment use in key service and local centres	Along with its reasoned justification, consistent with national policy on vitality of centres.	23	ST2 (Figure 3.2)	
EMP6 Bad neighbour development	NPPF can be regarded as being implicitly in favour of business development wherever it might be. EMP6 is consistent with it by virtue of giving an amenity basis (Para. 17 ‘core planning principles’ refers) for resisting unsuitable development.	-	Deleted; replacement not necessary	
EMP7 Alternative use of employment sites	USE WITH CAUTION. Arguably in conflict with NPPF’s promotion of economic development and suspicion of ‘surpluses’ of undeveloped employment land. So there needs to be broader justification for refusal.			DM3
TCN1 Promoting vitality and viability of town centres	Not inconsistent with NPPF, but dated as it doesn’t say what would be contrary to vitality and viability and says nothing about thresholds for impact assessment, therefore should be used alongside NPPF para. 26.	26	ST2, ER7	
TCN2 Town centre uses within key service centres	Compatible in principle with NPPF 25, again needing to be read against para. 26.	24-27	ST2 (Figure 3.2), ER7	

TCN3 Town centre improvements	Compatible with general NPPF policy on promoting competitive town centres.	23		DM10
TCN4 Town centre design	Compatible with Section 7 securing good design, and policy on open space (74/75) and biodiversity (118).	56ff. 74/75, 118		DM10
TCN5 Street markets	Arguably supporting intention of para. 23 though this policy says little to serve any constructive purpose.	23	ER7-9	
TCN6 Non retail uses in town centres	Compatible with para. 23 if we take the purpose of this policy as being to maintain a vibrant street scene.	23		DM6C
TCN7 Food and drink uses in town centres	Should be NPPF compliant on the principle that excessive hot food is inimical to street scene, though the argument is less secure when applied to cafes for which the principle of supporting business (para 21) might be applicable.	23 21 contra		DM7
TCN8 Amusement centres	Should be NPPF compliant on the principle that excessive representation is inimical to street scene	23		DM7
TCN9 Whitehaven town centre strategy	Compliant with general policy on promoting town centres.	23	ER8	
TCN10 Whitehaven town centre	Compliant with general policy on promoting town centres; identifies desired uses and allocations made elsewhere.	23	Deleted; replacement not necessary	
TCN11 Primary frontages	Compliant; protecting primary frontages is specifically referred to in para. 23.	23 (-3)		DM6A (Para. 10.2.21)
TCN12 Town centre opportunity development sites	Compliant with para. 23 (“allocate a range of suitable sites”).	23 (-6)	Not superseded – remains part of the Development Plan Partly covered by ST3 (but not yet defined as site allocations)	
TCN13 Local centres	Compliant with para. 23 and 11 th core planning principle (“focus significant development on locations which are or can be made sustainable”)	23 17(-11)	ER7D, ER9B	
TCN14 Village and neighbourhood planning	Compliant with para. 23 and 11 th core planning principle (“focus significant development on locations which are or can be made sustainable”)	23 17(-11)	ER7D, ER9B	

TSM1 Visitor attractions	Compatible with 21 (“support existing business sectors” and section 3 (supporting a prosperous rural economy)	21 (-3) 28	ER10	
TSM2 Tourism opportunity sites			ER10C	
TSM3 Serviced accommodation			ER10	DM9
TSM4 Holiday caravans chalets and camping				DM9
TSM5 Caravan storage	Compatible with principle of “recognising the intrinsic character and beauty of the countryside” (core principle).	17 (-5)		DM9, DM10
TSM6 Beach chalets	Compatible with NPPF on countryside value and flood risk because supports HSG26.	17 (-5) 100, 106		DM9
RUR1 Economic regeneration in rural areas	Compatible with NPPF on supporting a prosperous rural economy, in context of protecting the intrinsic value of the countryside.	17 (-5) 28	ST2	DM10, DM15B, DM30
ENV1 Nature conservation sites of international importance	Remains consistent with the relevant Directives and regulations and should therefore be compliant with NPPF (in fact NPPF para 118 is slightly stricter, but that is of no matter when decision making is guided by EU law). Note that the presumption in favour of sustainable development does not apply to Birds or Habitats Directive sites.	118, 119	ENV3	DM25
ENV2 Nature conservation sites of national importance	Consistent with NPPF.	118	ENV3	DM25
ENV3 Nature conservation sites of local importance	Appears to be consistent with NPPF though should be read against the last ‘bullet point’ of para. 118, which has a different emphasis.	118	ENV3	DM25
ENV4 Protection of landscape features and habitats	Appears to be consistent with NPPF though should be read against the last ‘bullet point’ of para. 118, which has a different emphasis.	118	ENV3, ENV5	
ENV5 Protected species	Probably consistent with NPPF (which does not have a focus on species) on the basis that damage to a species is detrimental to biodiversity.	118	ENV3	DM25

ENV6 Landscapes of county importance	Consistent with principle that “The planning system should contribute to and enhance the natural and local environment by ... protecting and enhancing valued landscapes, geological conservation interests and soils” (109); however, may be weakened by not being a criteria-based policy (113).	109 113	ENV5 (Para. 7.6.2)	DM26
ENV7 Heritage coast	Consistent with singling out of Heritage Coast as being worthy of protection in para. 114.	114	ENV2	
ENV8 Views to and from heritage coast	Arguably also consistent with para. 114, though NPPF does not mention protection of views from.	114	ENV2	
ENV9 Areas of local landscape importance	Consistent with principle that “The planning system should contribute to and enhance the natural and local environment by ... protecting and enhancing valued landscapes, geological conservation interests and soils” (109); however, may be weakened by not being a criteria-based policy (113).	109 113	ENV5	DM26
ENV10 Protection of trees	Policy generally consistent with promotion of biodiversity (117) while ‘bullet’ 5 of para. 118 specifically refers to Ancient Woodland.	117 118		DM28
ENV12 Landscaping	Consistent with NPPF specific stress given in ‘requiring good design’ (para 58).	58 (-6)		DM26
ENV13 Access to the countryside	Fits with NPPF’s support for protecting and enhancing RofW and access, in Section 8 ‘healthy communities.	75	ENV6	
ENV14 Development in the coastal zone	Fits reasonably well with “LPAs should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas” (para. 106) apart from the landscape (109) and heritage (128) criteria.	106 109 128	ENV2	
ENV15 Undeveloped coast	Consistent with NPPF’s “maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes”	114	ENV2 (Para. 7.3.5)	
ENV16 Flooding	DO NOT USE Arguably consistent in spirit with NPPF but makes no mention of sequential or exception test, therefore out of date. Use NPPF paras. 100-104 and Technical Guidance.	100-104 Technical Guidance		DM24
ENV17 Derelict land	There is a general statement supporting LPAs “remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (109) and re-using brownfield land (111). This policy is relevant to those, but either serves no purpose (first sentence) or cross-refers to other policies (second sentence) therefore no need to use it.	109 111	ST1C(v)	

ENV18 Contaminated land	Broadly consistent with NPPF para. 120 which does not explicitly encourage enforcing desk-based studies etc. but implies that there is a responsibility to take pollution risks into account.	120	ST1D(iv)	
ENV19 Air pollution	Not as pro-active as “sustain compliance with and contribute towards EU and limit values or national objectives for pollutants” but could be argued that to consult statutory bodies would have the same effect.	124	ST1C(vi)	
ENV20 Water, sewage treatment and sewerage facilities	This policy need not be used as it simply states that the Council will support United Utilities doing its job, which it has to do anyway.		Deleted; replacement not necessary	
ENV21 Noise pollution	Consistent with NPPF para. 123 especially “avoid noise from giving rise to significant adverse impacts on health and quality of life” (1 st ‘bullet’) etc.	123		DM10
ENV22 Light pollution	Different stress from NPPF which refers to good design limiting light pollution. If used in that way (ie schemes that don’t do that should be refused), should be consistent with NPPF.	125		DM10
ENV23 Safeguarding zone	Locally specific policy relating planning decisions to statutory regimes.		ST2E, (Para. 3.5.19 – 3.5.20)	
ENV25 Demolition in conservation areas	RECOMMENDED THAT POLICIES ENV25, 26, 27, 29, 31, 32, 36 AND 37 NOT BE USED. There is a shift of emphasis in NPPF and, whilst the new emphasis on ‘heritage assets’ may not be inconsistent with these policies, the language is different and applications should be judged against NPPF Section 12 (in particular, paras. 128-136 and 139-40).	128-39, 139-40		DM27
ENV26 Development in and affecting conservation areas				DM27C
ENV27 Trees in conservation areas				DM27C
ENV28 Article 4 Directions	NPPF paragraph 200 does not materially alter the law on the use of Article 4 Directions, but this policy, being a statement of intent, is not needed to justify a Direction.	200	Deleted; replacement not necessary	
ENV29 Shopfronts in conservation areas	RECOMMENDED THAT POLICIES ENV25, 26, 27, 29, 31, 32, 36 AND 37 NOT BE USED. There is a shift of emphasis in NPPF and, whilst the new emphasis on ‘heritage assets’ may not be inconsistent with these policies, the language is different and applications	128-39, 139-40		DM27C
ENV31 Demolition of listed buildings				DM27D
ENV32 Essential repairs to listed buildings			Deleted; replacement not necessary	

ENV36 Development affecting sites of local archaeological or historic importance	should be judged against NPPF Section 12 (in particular, paras. 128-136 and 139-40).			DM27E
ENV37 Site of potential archaeological importance				DM27E
ENV38 Public art in development schemes	Paragraph 7 ('cultural well-being'), 17 ('cultural facilities'), 23 (town centre vitality) and 58 (relating to good design) could all be used to justify this policy.	67		DM10
ENV39 Areas of special advertisement control	The policy does not appear to be inconsistent with NPPF para. 68, which is about consultation arrangements prior to declaration of an Area of Special Control rather than how it operates.	68		DM29
TSP2 New road building and improvements	Not incompatible with NPPF but dealing with matters generally beyond the Borough Council's remit and therefore unlikely to serve much purpose.	31		Deleted; replacement not necessary (Although some of the schemes in para. 7.2.6 are noted in T1)
TSP4 Measures to improve public transport	Compatible with NPPF, relevant as a planning policy if used to guide travel plans. Second paragraph compliant with national policy as long as contributions meet the conditions of the 2012 regulations.	32, 25	T1	DM22
TSP5 Cycleways, footpaths and bridleways	Partly relevant to, and consistent with, NPPF.	35	T1	DM22
TSP6 General development requirements	Appears to be consistent with NPPF on transport.	34, 35, 39	T1	DM22
TSP7 Transport assessments and travel plans	Consistent with NPPF	32	T1	DM22

TSP8 Parking requirements	Appears to be consistent with NPPF, which delegates the setting of car parking standards to local authorities.	39	Not superseded – remains part of the Development Plan	
TSP9 Rail freighting	Consistent with NPPF principles of supporting development promoting reductions in greenhouse emissions and promoting freight interchange (albeit in co-operation with other authorities).	30, 31	T1	
TSP10 Port development	Consistent with NPPF as this is a permissive policy imposing only the constraint of heritage.	33	Deleted; replacement not necessary	
SVC6 Underground services	Arguably relevant to Section 7 on good design, but it is difficult to see how it could be enforced.		Deleted; replacement not necessary (Although DM10 is relevant)	
SVC7 Large scale service infrastructure	No longer valid given that these proposals are likely to be Nationally Significant Infrastructure Projects outside local authority control.		ER3	
SVC8 Telecommunications	Appears to be consistent with NPPF section 5 ‘supporting high quality communications infrastructure’.	44-46		DM23
SVC9 Satellite dishes	Out of date since General Permitted Development Order 2008 revision.		Deleted; replacement not necessary (Although DM10 may be relevant)	
SVC10 LPG storage	Refers to another regulatory regime alongside design/amenity considerations, therefore probably not a legitimate policy to use.		Deleted; replacement not necessary	
SVC11 Education, training, health and other community facilities	Unnecessary policy as it is ‘subject to the requirements of other plan policies’.		SS4	
SVC12 Loss of facilities	Consistent with NPPF section 8 ‘promoting healthy communities’	70		DM21
SVC13 Protection of open space and facilities	Consistent with NPPF section 8 ‘promoting healthy communities’	74	SS5	
SVC14 Outdoor recreation and leisure facilities	Consistent with NPPF section 8 ‘promoting healthy communities’	74	Deleted; replacement not necessary	

SVC15 Leisure and sensitive areas of countryside	USE WITH CARE, OR AVOID USING. The policy is consistent with para. 109, 113 and 114 (see ENV 6-8) but arguably contradicts ENV2 by not giving enough weight to protection of SSSIs (though it might of course be used alongside ENV2 and NPPF para. 118).	109, 113, 114, 118	Deleted; replacement not necessary	
EGY1 Renewable energy	<u>Appears to be</u> compatible with NPPF <u>if</u> the criteria are regarded as reasonable as far as making impacts acceptable is concerned.	98		DM2
EGY2 Wind energy	The same applies to these policies which basically do no more than add specific criteria to the list in EGY1	98		DM2
EGY3 Solar energy				DM2
EGY4 Hydro electric schemes				DM2
EGY5 Tidal energy				DM2
EGY6 Waste and biofuels				DM2
EGY7 Energy conservation and efficiency	Appears to be compatible with NPPF especially if read against nationally adopted standards.	95		DM11
NUC1 Radioactive waste storage and disposal	NPPF not relevant as would be Nationally Significant Infrastructure Project and use of the policy is therefore now unlawful. Not within the Borough Council's planning jurisdiction.		ER1	
NUC2 Use of the Sellafield licensed site	NPPF doesn't apply, as PPS10 on waste management is still in force; but policy not likely to be used as the Borough Council has no jurisdiction over waste development.	PPS10	ER1	
NUC3 Relocation of non radioactive development	Valid insofar as the policies cross-referred to (DEV1-5) are NPPF compliant. Consistent with para 21 ("support existing sectors", "plan positively for ... knowledge driven, creative of high technology industries", "identify priority areas for economic enhancement")	21 (-3, -4, -5)	ER1	
NUC4 Drigg disposal site	Probably OK as NPPF is silent on waste and PPS10 still applies.	PPS10		DM5
NUC5 Transport of materials to Drigg disposal site	Probably OK as NPPF is silent on waste but not a planning policy.			

