

**COPELAND CORE STRATEGY AND
DEVELOPMENT MANAGEMENT POLICIES**

PUBLIC EXAMINATION

**SCHEDULE OF
MINOR MODIFICATIONS**

17th October 2012

Core Strategy and Development Management Policies: schedule of suggested minor modifications to the 'pre-submission draft' version of the Development Plan Document.

The following schedule describes the proposed amendments to the Core Strategy and Development Management Policies in light of representations made when the document was published for comment on May 31 2012.

148 representations were made, of which 35 were in support, 55 commenting on particular aspects, and 58 objecting on grounds of soundness.

The Council proposes a total of 48 minor modifications. In this context, 'minor' means that they are considered to improve the accuracy or clarity of the plan, but do not change the sense or the intent of any policy or other aspect of it and therefore do not, in the Council's view, require further public consultation.

The changes fall into four broad categories.

Firstly, some objections have been made that the document does not conform to the National Planning Policy Framework adopted late in 2011, when the document was at a late stage of preparation. The Council does not accept this; in particular, we do not accept that the plan contradicts the presumption in favour of sustainable development. However, the experience of other plans submitted since the NPPF was adopted persuades us that it is sensible to make explicit reference to the presumption, and to make it clear that applications which are consistent with the plan will be approved without undue delay.

Other objections have suggested that particular policies are inconsistent with national policy. Again, the Council generally does not accept this, but there are instances where we are persuaded that it would be useful to explain how the submitted local policy is consistent with, or will be implemented in line with, national policy.

The published plan, because its production was under way before the NPPF was adopted, has been the subject of an informal 'diagnostic' appraisal by the Planning Inspectorate to check its conformity with national planning policy. These changes are labelled 'Informal Inspectorate advice'. **Their inclusion does not commit the examining Inspector to accept them, or preclude further modifications being recommended.**

Finally (and in the largest number of cases), the changes introduce textual corrections making the intent of the plan clearer or updating references which were out of date.

In line with the regulations, the submitted document is that which was published in May (with an updated introduction). In the interest of clarity a version of the text incorporating the suggested changes is available on the Examination pages of the Council's web site.

Change ref.	ID/Rep. no.	Representor	Policy/text	Suggested change	Justification
1	n/a	n/a	Pages 6, 13, 29, 36, 126, 176	Replacement of 'Major Infrastructure Planning Unit' by 'National Infrastructure Directorate'	Updating to reflect name change since the Directorate became operational.
2	37/S030	Sainsbury's	Page 14.	<p>New paragraph 3.3.19 Copeland needs development to modernise and diversify the economy and to provide a better range of housing and a better quality of life for our people, whilst respecting and nurturing our exceptional environment. The Borough Council believes in taking a positive approach and working proactively with applicants to enable development to be approved which will achieve this. This plan is pro-development and should be read as supporting the presumption in favour of sustainable development contained in the National Planning Policy Framework. Delete second sentence from former 3.3.19 (now 3.3.20) to avoid repetition.</p>	<p>Insertion of adaptation of PINS 'model' wording, to clarify explicitly that the plan supports the presumption in favour of sustainable development.</p> <p><i>Although we reviewed the Plan against the NPPF before it was published, and concluded that, as a pro-development plan, it met the NPPF including the 'presumption in favour of sustainable development', this was before the 'model wording' was published by the Planning Inspectorate. The suggested changes 2, 3 and 4 represent our adaptation of those words to the format and style of the plan. They refer to adopted national policy and therefore we consider that they can be regarded as minor modifications, not material additions in policy terms. As they state how the plan as a whole reflects national policy, there is no need to express them as a local policy.</i></p> <p><i>Rather than inserting the wording suggested by PINS as a 'model policy', we consider it more fitting to incorporate them at relevant points in the plan, reflecting its narrative flow; thus there is a general statement here in the general section, about general support for the presumption in favour of sustainable development.</i></p> <p>See also the following two proposed changes.</p>

Change ref.	ID/Rep. no.	Representor	Policy/text	Suggested change	Justification
3	37/S030	Sainsbury's	Policy ST1, page 19	Add at end of policy: Planning applications that accord with these principles and relevant Development Management policies, and do not undermine the Spatial Development Strategy, will be approved without unnecessary delay, unless material considerations indicate otherwise.	Insertion of adaptation of PINS 'model' wording, to affirm consistency with the NPPF. <i>Statement reflecting the elements of the wording suggested by PINS that are relevant for incorporation against the Strategic development Principles. Inclusion in policy is here appropriate as it explains how the policy will be applied.</i>
4	37/S030	Sainsbury's	Page 137	New paragraph 10.1.2 Where there are no policies relevant to an application, or relevant policies are out of date at the time of making the decision, the application will be assessed against national planning policy contained in the National Planning Policy Framework. The Council will grant permission unless the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, or other material considerations (including policies in the Framework) indicate that development should be restricted.	Insertion of adaptation of PINS 'model' wording, to clarify explicitly that the NPPF will be used in decision making on matters where the plan is silent. <i>Statement confirming how applications will be dealt with where policy coverage is lacking. Appropriate to be inserted at this point as it relates to development management specifically.</i>
5	37/S033	Sainsbury's	Page 19 para 3.4.3 Page 35 para 4.3.1 Page 66 para 7.2.3	Removal of relic references to PPSs which were missed when the plan was reviewed against NPPF	Updating.
6		Informal Inspectorate advice	Table 3.3 page 24	(1) Alter totals to make clear that the individual figures do not add up to the Borough-wide sums; (2) Amend table footnote as follows: figures may not exactly equal the total due to rounding. do not exactly equal the total. This	To give clearer explanation. The figures themselves are not altered.

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				<u>reflects the town allowances not being ceilings, and there being no allowance for 'windfall' (which would include, for example, rural 'exception' sites).</u>	
7		Informal Inspectorate advice	Para 3.5.14 Page 25	Change as follows: <u>As decisions are taken during the site allocation process, it will become clear whether any settlement boundaries need to be changed.</u> The Council will review these boundaries. The outcome <u>of any review will thus</u> be subject to public consultation as part of the preparation of the Site Allocation Plan Development Plan Document. The review will take into consideration the following factors	Clarification of what is meant by 'review' of settlement boundaries
8		Informal Inspectorate advice	Para 3.5.15 Page 25	Change as follows: - At present the Council considers, based on the location of sites identified in the SHLAA as being appropriate to be considered for allocation for house building, delete 'concludes' and add 'maps' to the end of the sentence.	Clarification of the basis for reviewing settlement boundaries, and replacement of the word 'concludes' which is misleading as no conclusion as to the extent or content of any review has been reached.
9		Informal Inspectorate advice	Page 27 Policy ST3 supporting text	Add new paragraph 3.6.2: - The sites in Whitehaven are carried forward from the 2006 Local Plan. Their retention as priorities is consistent with objectives of the West Cumbria Economic Blueprint, notably 'A Commercial Kick Start Project' (the proposed offices at Albion Square) and 'A Harbour and Coastal Development Programme'. These are taken forward in more detail in the Whitehaven Town Centre and Harbourside SPD. The Coastal Fringe, predominantly the site of the former Marchon works, will be taken forward in the West Whitehaven SPD. The South Whitehaven area will also be taken forward via a SPD, which	Added justification for and clarification of the identification of these development opportunities as 'strategic'.

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				will include a development brief for major new housing development between Wilson Pit and St Bees Roads. And additional 'bullet point' to reference box: - West Cumbria Economic Blueprint 'Sites and Premises'	
10	45/S051	Sport England	ST4A page 28	Add: and has the capacity to meet the additional demand,	Clarification <i>Although it could be argued that this is implicit, we agree that the sense of the policy is improved by this addition. As the intent of the policy is not altered, we consider this to be appropriate as a minor modification.</i>
11		Cumbria County Council	ST4B page 28	Deletion of 'mitigatory'	Clarification <i>The County Council has correctly pointed out that contributions might legitimately be sought that went beyond being merely 'mitigatory'. The Developer Contributions SPD will take the clarification further.</i>
12		n/a	Section 4.4 onwards; paragraph numbering	Insert above policy ER4 "4.4 – Support Infrastructure". Renumber Para. 4.3.11 as 4.4.1 and alter subsequent paragraphs accordingly.	Typographical correction.
13		n/a	Para. 4.3.10	Insert 'contributor' in final sentence.	Typographical correction – word omitted.
14		n/a	Paras. 4.4.3, 4.4.7, 4.4.9	Replace 'Spatial Implications' with 'Employment Land Review Update – ELR – 2012' in 4.4.3 and 'ELR' subsequently.	Updating; title of document changed during production.
15		Informal Inspectorate advice	Para. 4.4.4 Page 38	Add 'land with particular potential for uses important to the achievement of the spatial development strategy' and add hectarge to each 'bulleted' site reference.	Additional explanation of the intent of the policy with regard to the surplus of supply over current demand.
16		Informal Inspectorate advice	Para. 4.4.7 Page 39	Add to end of paragraph; 'However, this situation will be kept under review; it will be re-	Response to advice that the plan should explain what will be done if the policy proves to be

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				examined in the site allocation process and, if anticipated major developments do not come forward, the supply will be re-examined in an early review of the strategy. '	undeliverable and employment land is in 'over supply'.
17		Informal Inspectorate advice	Para. 4.6.7 page 42	Insert '(in Allerdale but serving northern Copeland)'	To make clear the level of relevance of Lillyhall to this policy' prescription regarding Westlakes Science and Technology Park.
18	37/S031	Sainsbury's	ER7 page 43	Add to para 4.7.4: However, it may be that there will be proposals for development of retail and other town centre uses not in an existing centre. Such applications will be dealt with in accordance with national planning policy (NPPF paragraphs 24-27); that is, applying the sequential test allowing out-of-centre development only when preferable centre or edge-of-centre sites are not available, and requiring impact assessments on developments over the default threshold of 2,500 m ² .	To clarify explicitly that, the policy being silent on the matter, decisions on out-of-centre proposals will be dealt with according to the 'default' in NPPF. <i>The approach here reflects the local circumstance that there is no perceptible demand for development of a size that could not be accommodated within town centres or anticipated boundary extensions. (The 2006 Local Plan likewise did not incorporate a sequential test in policy, and up to now no representor has suggested that this is an issue.) However, this objection leads us to conclude that it would be sensible to make the position clear, and that this can be done in the text to avoid the policy being made repetitive of national policy. Note that <u>NPPF does not require that there be a local policy on sequential test and impact assessment thresholds</u>. As this is a text reference to adopted national policy, we consider the modification is minor and not material in policy terms.</i>
19	21/SO58	Tesco Stores	Policy ER9A (i) page 45	'meet the needs of local residents' replaced by 'serve local communities'.	To avoid the implication that a 'needs test' is being applied surreptitiously. <i>The modification does not alter the intent, and is unlikely to alter the effect, of the policy.</i>

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20	37/S034 28/S085 27/S093	Sainsbury's Cleator Moor and District Chamber of Trade RW & E Mulholland	ER9 page 45	Add at end of policy: Retail and service development which promotes the vitality and viability of rural settlements, while not damaging their environment or amenity, will be supported.	Clarification that the intent of the policy is not restrictive. <i>This policy was not intended to be read as being unresponsive of new retail or service development in villages. However, we would also not wish it to be read as allowing development which might be out of scale with those villages or lead to the competitiveness of larger centres being undermined. So, rather than use the simple words 'enhance' or 'improve' as suggested, we propose the additional sentence. This is in our view legitimate as a minor modification, as it does not alter the sense of the policy – note that it is consistent with the interpretation of settlement hierarchy in ST2/Fig. 3.2.</i>
21	n/a	n/a	Text box page 46	Add: and Retail Assessment Addendum Report (2011)	Insertion of evidence base document previously omitted from information on policy background.
22	39/S013	National Trust	ER10C, page 47	Add: character of allocated Tourism Opportunity Sites, the area surrounding them of the surrounding area or public access thereto, Delete: on allocated Tourism Opportunity Sites	Amendment to improve the sense of the policy. <i>The Trust correctly points out that the policy as drafted implied that it was concerned about the character of the surroundings of the sites and not the sites themselves. This was not its intention.</i>
23	8/S126	Cumbria Tourism	ER10F, pages 47/48	Change 'Tourist Board' to 'Tourism' in ER10F and add the Tourism Strategy to the evidence box	Updating amendment.
24		Informal Inspectorate advice	Para. 5.3.6 Page 53	Add to end of 5.3.6: - However, in accordance with national planning policy, we will also ensure that an additional 20% is available in the first five years to allow	To clarify that the intention is to fulfil that aspect of NPPF guidance (see housing trajectory, Appendix 5).

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				the housing market to make up for its so-called 'underperformance' in recent years. Thus the supply will allow for up to 276 homes per annum.	
25	29/S100	Theatres Trust	Para 5.5.2 Policy SS4, pp. 57/58; DM21 page 157.	Add 'theatres' to list in 5.5.2 5 th bullet point Add 'and cultural' in two relevant places in SS4 (title and SS4D). Delete 'community' in SS4C (to make the reference comprehensive)	To make it clear that the policy covers cultural facilities. <i>In our view 'community' encompasses 'cultural'. However, we are persuaded that it makes sense to make it explicit that the policy does cover cultural facilities. This reflects NPPF para. 70, and since it makes the policy more consistent with the NPPF and does not add to the policy's intent, we consider it is an appropriate minor modification.</i>
26	45/S052	Sport England	Para 5.5.2 page 57	Typographical correction to 7 th bullet point	Typographical correction
27	45/S051	Sport England	Para 5.5.7 page 58	Add: For open space, sports and recreational buildings and land, including school playing fields, the criteria of NPPF paragraph 74 will apply: <ul style="list-style-type: none"> an assessment must be undertaken to show that they are surplus to requirements; or the loss would be replaced by equivalent or better provision in a suitable location; or the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss. 	To make it clear that there are special criteria to be brought into play when sports facilities might be lost. <i>We are persuaded that this addition is sensible, to make sure that the policy does not intend to dilute the provisions of para. 74. As this addition reflects the NPPF and does not alter the policy's intent, we consider it appropriate as a minor modification.</i>
28		Informal Inspectorate advice	Para. 5.6.6	Add new second sentence: - The policy covers any relevant facility referred to in the audit.	To avoid doubt over the coverage of the policy
29		Informal Inspectorate	Para 5.6.6	Insert in second sentence 'endeavour to	

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		advice	page 60	preserve and enhance the Borough's green infrastructure as far as budgets permit, and' Add 'This will be achieved via the negotiation of planning obligations or use of Community Infrastructure Levy if adopted.'	
30	38/S143	Cumbria County Council	Policy T1B page 62	Alteration to bullet point in T1: A595 capacity improvements <u>to the A595</u>	In the interest of accuracy. <i>The County Council points out that the improvements proposed go beyond capacity improvements</i>
31	16/S063	Allerdale Borough Council	Policy T1C page 62	Refer to Port of Workington. Response: add (to be more precise) 'employment zones in and Port of' before the name of the town.	Agreed that this point should be more specific as referring to employment/infrastructure assets in Workington, rather than the town as a whole.
32	38/S143	Cumbria County Council	Para 6.2.6 page 63	Delete 'mitigatory', insert 'appropriate'	Clarification <i>The County Council points out that, as Highway Authority, it might legitimately seek contributions for works which are not solely mitigatory. The Developer Contributions SPD will take the clarification further.</i>
33	38/S145	Cumbria County Council	Policy ENV3 page 68	Insert 'UK and' before 'Cumbria' in first sentence; Insert 'and enhance' and delete 'and build on' in ENV3B; Add 'and stepping stones' to ENV3E.	To express more accurately the intent and coverage of the policy.
34	28/S086 27/S094	Cleator Moor Chamber RW&E Mulholland	Table 6.1, page 69	Add River Ehen (Ennerdale Water) to Keekle confluence to list of SSSIs	Correction of omission
35	n/a	Internally generated	Table 6.1, page 69	Delete 'of', insert 'for'	Correction
36	38?S145	Cumbria County Council	Table 6.1, page 72	Add reference to Cumbria Biodiversity Evidence Base	To assist the reader in search of fuller information.
37		Informal Inspectorate advice	Para. 7.6.3 page 74	Add 'It is expected that this work will be completed in 2013. The characterisation will be	To provide greater certainty.

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				depicted on the Proposals Map as revised following adoption of the site allocation document. '	
38	88/S131	Seascale Parish Council	Paras. 8.5.18/8.6. 13 pp. 110/116	Move reference to Seascale Community Plan from 8.5.18 to 8.6.13	Correction.
39	65/SO01	Haile and Wilton Parish Council	Para. 8.5.18	Correct date of Parish Plan to 2011	Updating.
40	88/S136	Seascale Parish Council	Paragraph 8.6.8 page 113	Insert Drigg and Sellafeld stations.	Correction.
41	38/S145	Cumbria County Council	Policy DM25 page 161	Alterations to policy to make it clear that it applies to priority as well as statutorily protected species	In the interest of accuracy and clarity.
42	38/S145	Cumbria County Council	Para. 10.5.6 page 162	Delete word 'occasionally'	Accepted that this might be misleading as such occurrences could be frequent in some areas.
43	79/SO48	REG Windpower	Policy DM27 page 164	Insert 'significant' before 'adverse effect'	To better align the policy with NPPF
44	82/SO55	The Woodland Trust	Policy DM28 page 165	Insert reference to protection of ancient woodland and veteran trees	To correct an omission in the policy bringing it more in line with the NPPF (para 118).
45	n/a	Cumbria County Council	Glossary	Insert definition of green infrastructure	Amendment accepted in previous ('preferred options') consultation but omitted in error from published document.
46	38/S145	Cumbria County Council	Glossary pp. 173- 182	Add 'greenspace' to definition of infrastructure and definition of 'stepping stones'	(1) For greater consistency with definitions elsewhere. (2) Reference to term inserted in ENV3.
47	38/S143	Cumbria County Council	Appendix 3 page 184	Delete 'TSP7' and insert 'T1 and DM22'. Various changes to thresholds for development subject to Transport Assessment and Travel	To update and to be consistent with national guidance thresholds and other advice. <i>The County Council has advised that Appendix 3</i>

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				<p>Plans, so that they conform more closely to current national standards.</p> <p>Add to end of Appendix: - And for other types of development in accordance with national guidance.</p> <p>The Borough Council will expect Transport Assessments and Travel Plans to be consistent with national guidance, currently <i>Guidance on Transport Assessment and Good Practice Guidelines: Delivering Travel Plans through the Planning Process</i>.</p>	<p><i>as it stands, which was taken forward from the Local Plan, is not consistent with the thresholds in national guidance (published in 2007, the year after the Local Plan was adopted). There is no evidential justification for departing from the thresholds. As the purpose of this modification is to adjust the appendix to make it more compatible with current national policy, we do not consider the change to be material.</i></p>
48		n/a	New Appendix 5 at end of plan	Insert Housing Trajectory (and add cross reference at paragraph 3.5.10)	<p>The trajectory is a requirement laid down nationally.</p> <p><i>Being merely descriptive of the quantity of house building proposed to be provided for in Figure 3.3 and paragraphs 5.3.2 to 5.3.6, this inclusion does not alter the meaning of the relevant policies and justification..</i></p>

