

**COPELAND LOCAL PLAN
(CORE STRATEGY AND DEVELOPMENT
MANAGEMENT POLICIES)
PUBLIC EXAMINATION**

**MAIN
MODIFICATIONS**

April 2013



Core Strategy and Development Management Policies: Main Modifications

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Core Strategy and Development Management Policies: schedule of proposed 'MAIN MODIFICATIONS' to the document.

The following schedule contains proposed changes ('Main Modifications') which result from discussion with the Inspector and representors as to what is needed to make the plan sound.

They thus represent changes of sufficient significance to merit their being advertised for public comment.

Some of the modifications were originally suggested by the Borough Council as 'Minor Modifications' in the document of that name submitted with the plan on October 31 2012. They have, therefore, been available for public comment since November 2012¹.

For ease of reading alongside the submitted plan, the modifications are listed together in an order reflecting the text of the submitted document.

Main modifications arising from discussion at the hearing are highlighted in red.

Main modifications originally put forward at submission are highlighted in blue.

Following their advertisement now and any comments that are made, the Borough Council intends to submit them to the Inspector with a request that he consider recommending their inclusion in the final version of the plan. If for any reason the Borough Council is unable to accept recommendations made by the Inspector in his report, the plan cannot be adopted and may have to be withdrawn either in whole or in part so that a new, sound plan can be produced.

Representations on these modifications should be sent to the

**Planning Policy Unit, Copeland Borough Council, The Copeland Centre, Catherine Street,
Whitehaven CA28 7SJ**

or by e-mail to ldf@copeland.gov.uk

by 4.00 pm on Friday June 7 2013.

Comments should relate only to the matters contained in this document, and should quote the relevant Main Modification number(s).

¹ *The remaining minor modifications are published on the Borough Council's web site as Additional Modifications, and will be incorporated in the adopted plan. They have already been approved by the Council and have been available for inspection throughout the examination period. They comprise factual corrections, updating amendments and clarifications which do not alter the intent or effect of the policies of the plan, and there is thus no need or requirement to submit them for further public comment.*

Change ref.	Policy/text	Proposed Modifications Modifications arising from discussion at Examination Hearing shown in red (Modifications proposed at Submission, now advertised as Main Modifications, shown in blue)	Reason for the modification
MM1	<p>Page 14. New paragraph</p> <p>Policy ST1, page 19</p> <p>Page 137 (preface to Development Management policies)</p>	<p>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.</p> <p>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.</p> <p>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.</p>	<p>To demonstrate explicitly, in accordance with Government advice, that the plan is in conformity with the Presumption in Favour of Sustainable Development set out in the National Planning Policy Framework.</p>

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MM2	Objective 10	<p><i>Support the increased sustainability of communities, including measures to diversify and otherwise improve the viability of farming, in rural environments varying from former mining settlements in the north and south, to the villages of mid Copeland.</i></p>	To show more explicitly that the Borough Council will support farm diversification as a means of improving the vitality of the countryside..
MM3	Policy ST2C (ii)	<p>C Restricting development outside the defined settlement boundaries to that which has a proven requirement for such a location, including:</p> <ul style="list-style-type: none"> i) Energy - nuclear: support for the development of new nuclear generating capacity at Moorside, and a willingness to discuss a potential Geological Disposal Facility for higher level radioactive waste in the Borough ii) Energy - renewable: support for renewable energy generating capacity proposals at sites which best maximise renewable resources and which minimise environmental and amenity impacts iii) Essential infrastructure to support energy development and other infrastructure that requires locating outside settlement limits iv) Existing major employment locations, especially Westlakes Science and Technology Park, and the completion of defined allocated or safeguarded employment sites 	<p>To make it clear that decisions concerning renewable energy development will be made in a manner consistent with national planning policy (paragraph 98) – to meet the soundness test of lawfulness.</p> <p>This modification is related also to modifications to Policy DM2 (see below).</p>

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	Policy ER2 and preface (paragraph 4.3.1).	<div style="background-color: #d9ead3; padding: 5px;"> <p>v) Land uses characteristically located outside settlements, such as agriculture or forestry, farm diversification schemes or tourism activities requiring location in the countryside, or prisons</p> <p>vi) Housing that meets proven specific and local needs including provision for agricultural workers, replacement dwellings, replacement of residential caravans, affordable housing and the conversion of rural buildings to residential use</p> </div> <p>4.3.1 The Government has set a target to supply 15% of the UK's energy from renewable energy by 2020 (as set out in the 2009 Renewable Energy Directive). One way local authorities can help achieve this is by providing positive planning policies for renewable energy. In addition, national planning policy requires local plans guidance, in the form of the current PPS22 and its likely replacement in the National Planning Policy Framework, also require Local Development Frameworks to include policies that support renewable energy. <u>Policy ER2, read with Policy DM2, defines how applicants can demonstrate that the impacts of renewable energy developments are or can be made acceptable.</u></p> <div style="background-color: #d9ead3; padding: 5px;"> <p><i>Policy ER2 – Planning for the Renewable Energy Sector</i></p> <p>The Council will seek to support and facilitate new renewable energy generation <u>proposals</u> at locations which best maximise renewable resources and minimise environmental and amenity impacts. <u>The</u></p> </div>	

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		<p><u>Council in determining applications will have regard to targets agreed with partners, based on up-to-date research taking into account local circumstances.</u> Criteria on renewable energy development / generation are set out in Policy DM2.</p>	
MM4	<p>Para 3.5.14 Page 25</p> <p>Para 3.5.15 Page 25</p>	<p>3.5.14 <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</p> <p>3.5.15 At present the Council considers <u>Sites identified in the SHLAA as being suitable for housing purposes suggest</u> that the following areas should be considered for boundary reviews: Whitehaven (north and south), Egremont (to the south and south west), Millom (to the south west) Cleator (north side), Moor Row (west and south), and small changes at Arlecdon, Beckermest, Bigrigg, Ennerdale Bridge and Seascale. The land which may be involved is identified in the SHLAA <u>maps</u>.</p>	<p>To make this section of the plan effective and justified by clarifying what is meant by settlement boundary review, and how it will be carried out.</p>
MM5	<p>Page 27 Policy ST3 supporting text</p>	<p>Add new paragraph 3.6.2: - <u>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</u></p>	<p>This paragraph makes an important clarification of the intent of policy ST3, its significance merits being treated as a main modification, since its absence would leave an ambiguity raising a question mark about the soundness (on the grounds of 'effectiveness' of the plan.</p>

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		<p><u>West Whitehaven SPD. The South Whitehaven area will also be taken forward via a SPD, which will include a development brief for major new housing development between Wilson Pit and St Bees Roads.</u></p> <p>Renumber paras. 3.6.2 – 3.6.4 to 3.6.3 – 3.6.5.</p>	
MM6	Policy ST4C	<p>C The Council will, until a Community Infrastructure Levy is adopted, apply the following principles in securing developer contributions:</p> <p> i) Development proposals should provide, or contribute to the provision of facilities, infrastructure, services, and other environmental and social requirements either on or off site, as is reasonable and necessary to support and mitigate the impact of the development</p> <p> ii) The nature and scale of any planning requirements sought for this purpose should be related to the type of development, its potential impact upon the surrounding area and, in the case of residential proposals, the need for developer contributions to the provision of affordable housing (see Policy SS3). <u>The Council will not seek contributions which would prejudice the viability of a development, beyond those which would be necessary to make it acceptable.</u></p> <p> iii) Contributions for the initial running costs of services and facilities to secure their medium and long-term viability will be agreed through appropriate conditions or obligations, where such costs cannot be sustained in</p>	<p>It is important that the imposition of planning contributions does not jeopardise the viability of proposed developments (National Planning Policy Framework paragraph205), and it would not be lawful to do so. The policy as modified makes it clear that this plan does not advocate that.</p>

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		<p align="center">the short term</p>	
	Policy ER2 and preface (paragraph 4.3.1).	See MM3, page 6-7 above.	
MM7	Para. 4.4.4 Page 38	<p>4.5.4 Although this still represents an apparent ‘surplus’ of about 40 ha. the supply is dominated by land with particular potential for uses important to the achievement of the spatial development strategy :</p> <ul style="list-style-type: none"> • Westlakes Science and Technology Park (27.96 ha. available), which is a strategic site as indicated in Policy ER6 and elsewhere; • Whitehaven Commercial Park (12.45 ha. available), which should be reserved as a valuable resource for local businesses as other industrial estates become fully developed; and • a group of sites in Whitehaven (previously identified in the Local Plan, almost 9 ha. in total) representing the town’s best opportunities for developing an office market, for which there is latent demand from the nuclear sector (although other suitable uses, particularly tourism-related including hotels, would be supported, particularly on harbourside sites). 	To give adequate clarity as to the nature of the Borough’s employment land supply, so that the policy is properly justified.
MM8	Para. 4.4.7 Page 39	<p>4.5.7 The ELR Spatial Implications study confirms that this approach remains valid. Copeland needs to be able to respond to the needs of major infrastructure projects, especially the proposed nuclear power station and its associated development. We also need to make allowance for businesses that are likely to grow, or move into Copeland, as a result of nuclear-related development; and for the supply additionally to cater for other businesses diversifying the economy, as well as the needs of other local businesses. Thus maintaining an</p>	To demonstrate the effectiveness (in terms of flexibility) of the strategy by describing how the Council will react to changing circumstances.

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		<p>apparent surplus is important to retain capacity to accommodate extra demand. <u>However, this situation will be kept under review; it will be re-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.</u></p>	
MM9	Para. 4.7.4 page 43	<p>4.8.4 No major change to the retail structure within the Borough is proposed in order to meet the existing and future need. Rather, the emphasis is on maintaining and enhancing the viability and vitality of the existing retail centres. Whitehaven has therefore retained its status as the Principal Town Centre, and Millom, Egremont and Cleator Moor continue as Key Service Centres. <u>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 m².</u></p>	To inform users of the plan how relevant retail applications will be dealt with, bearing in mind that it has not been deemed necessary to develop thresholds specific to Copeland, thus properly justifying the policy.
MM10	Policy ER9A (i) page 45 ER9 page 45	<p><i>Policy ER9 – The Key Service Centres, Local Centres and other smaller centres</i></p> <p><u>Retail and service development which promotes the vitality and viability of Key Service Centres, Local Centres and other smaller centres, and is consistent with the spatial development strategy as defined in Policy ST2 and Figure 3.2, will be supported.</u></p> <p>A In Key Service Centres (Cleator Moor, Egremont and Millom):</p> <p>i) Appropriate retail and service sector provision will be</p>	To confirm that the policy is intended to provide a positive framework for retail development across Copeland, which is consistent with national planning policy.

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		<p>actively encouraged within the defined boundaries of each Key Service Centre <u>to serve local communities to meet the needs of local residents</u> and to facilitate small scale tourism. Evening entertainment and leisure uses will also be acceptable if they meet the criteria as set out in ER7 E above.</p> <p>ii) The town centre boundaries of the Key Service Centres will be reviewed and may be redrawn to reflect current circumstances</p> <p>iii) Further physical improvements in association with town centre management initiatives will be considered to attract more visitors and to reduce levels of vacancy</p> <p>iv) Development should also accord with Policies DM6 and DM7</p> <p>B In the Local Centres and smaller centres:</p> <p>The provision of shops and services will be maintained to ensure they continue to serve their small catchment areas with basic goods and services. <u>Retail and service development which promotes the vitality and viability of rural settlements, without damaging their environment or amenity, will be supported.</u></p>	
MM11	ER10C, page 47	<p>Support appropriate tourism development which accords with the principles of sustainable development and does not compromise the special qualities and character <u>of allocated Tourism Opportunity Sites, the area surrounding them</u> of the surrounding area or public access thereto, on allocated tourism opportunity sites in the following locations:</p>	<p>This change is intended as a clarification to remove a drafting anomaly, but although it changes the policy to say what it is meant to say, that introduces a policy change which therefore merits the opportunity for public comment.</p>

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		<ul style="list-style-type: none"> i) Hodbarrow ii) Ehen / Keekle Valleys iii) Whitehaven Coastal Fringe iv) Lowca Coastal Area 	
MM12	<p>Insert housing trajectory (text taken from original Appendix 5 in proposed minor modifications October 2012)</p>	<p><u><i>Housing Trajectory</i></u></p> <p><u>Figure 5.1 illustrates the need for emerging housing site allocations over the Plan period.</u></p> <p><u>5.3.3 The 'base scenario' set by Policy SS2 and reflecting evidence summarised below, is for an average 230 dwellings per year, or 3450 over the plan period.</u></p> <p><u>5.3.4 The Government requires that a 'buffer' of an additional 20% over the basic allowance of 230 homes per annum be brought forward to 'frontload' the supply in the first five years, leading to a reduction of 10% below the allowance for the remaining 10 years.</u></p> <p><u>5.3.5 Allowance also needs to be made for 'market uplift' of seventy dwellings per year in years 6 to 15 of the plan period, to respond to the demand that would arise from the anticipated construction of a nuclear power station. Thus the total amount of house building for which land will be made available including 'market uplift' is would be at 230 per year for 5 years, and 300 per year for 10 years – a total of 4150.</u></p> <p><u>5.3.6 A more detailed comparison of the resulting alternative trajectory is provided in Appendix 5.</u></p> <p><u>Figure 5.1 Housing Trajectory; guide for allocations and phasing</u></p>	<p>It is recommended that to justify the policy properly, the trajectory should be in the body of the document and not in an appendix.</p>

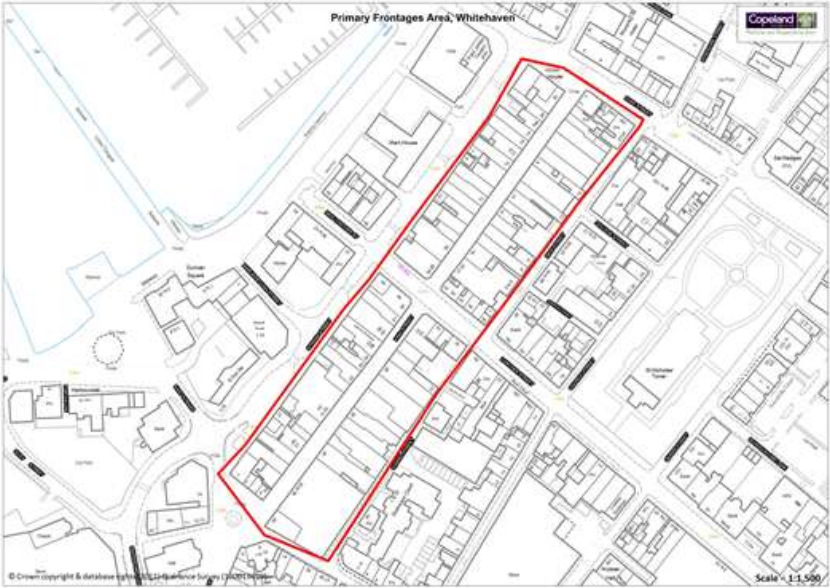
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		<table border="1"> <caption>Estimated Housing Allowance Data (Homes per annum)</caption> <thead> <tr> <th>Year</th> <th>Base Allowance</th> <th>Buffer</th> <th>Allowance for Market Uplift (Nuclear New Build)</th> <th>Allowance for Market Uplift</th> <th>Total</th> </tr> </thead> <tbody> <tr><td>2013/14</td><td>230</td><td>45</td><td>0</td><td>0</td><td>275</td></tr> <tr><td>2014/15</td><td>230</td><td>45</td><td>0</td><td>0</td><td>275</td></tr> <tr><td>2015/16</td><td>230</td><td>45</td><td>0</td><td>0</td><td>275</td></tr> <tr><td>2016/17</td><td>230</td><td>45</td><td>0</td><td>0</td><td>275</td></tr> <tr><td>2017/18</td><td>230</td><td>45</td><td>0</td><td>0</td><td>275</td></tr> <tr><td>2018/19</td><td>230</td><td>45</td><td>0</td><td>0</td><td>275</td></tr> <tr><td>2019/20</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2020/21</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2021/22</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2022/23</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2023/24</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2024/25</td><td>205</td><td>0</td><td>0</td><td>75</td><td>280</td></tr> <tr><td>2025/26</td><td>205</td><td>0</td><td>0</td><td>75</td><td>280</td></tr> <tr><td>2026/27</td><td>205</td><td>0</td><td>0</td><td>75</td><td>280</td></tr> <tr><td>2027/28</td><td>205</td><td>0</td><td>0</td><td>75</td><td>280</td></tr> </tbody> </table>	Year	Base Allowance	Buffer	Allowance for Market Uplift (Nuclear New Build)	Allowance for Market Uplift	Total	2013/14	230	45	0	0	275	2014/15	230	45	0	0	275	2015/16	230	45	0	0	275	2016/17	230	45	0	0	275	2017/18	230	45	0	0	275	2018/19	230	45	0	0	275	2019/20	230	0	70	0	300	2020/21	230	0	70	0	300	2021/22	230	0	70	0	300	2022/23	230	0	70	0	300	2023/24	230	0	70	0	300	2024/25	205	0	0	75	280	2025/26	205	0	0	75	280	2026/27	205	0	0	75	280	2027/28	205	0	0	75	280	
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MM13	Para. 5.3.6 Page 53	<p>5.3.6 However, current market conditions and infrastructure considerations (in particular, drainage and water supply) mean that allowance for such growth will have to be phased into the later stages of the Plan period. This will be considered in greater detail in the Site Allocations Development Plan Document. The current assumption is that, for at least the first five years of the Plan period, 230 per annum is the most that it is realistic to provide for. <u>However, in accordance with national planning policy, we will also ensure that an additional 20% is available in the first five years to allow the housing market to make good the deficiency in housing provision in recent years. Thus the supply will allow for up to 276 homes per annum.</u></p>	<p>This modification introduces a change to the manner in which the housing land supply will be managed. It is necessary to meet a requirement of the National Planning Policy Framework (paragraph 47).</p>																																																																																																

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MM14	Para 5.5.7 page 58	<p>5.5.7 Protection of Community Facilities and Services: There has been wide support for the principle of protecting socially useful facilities, in all locations, from development pressures. In particular, land or buildings belonging to or providing community facilities should be protected from pressure from competing uses unless there is no demand, or sufficient alternative provision exists.</p> <p><u>For open space, sports and recreational buildings and land, including school playing fields, the criteria of NPPF paragraph 74 will apply:</u></p> <ul style="list-style-type: none"> <u>• an assessment must be undertaken to show that they are surplus to requirements; or</u> <u>• the loss would be replaced by equivalent or better provision in a suitable location; or</u> <u>• the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.</u> 	This change was introduced to respond to an objection that the policy would be more effective if this addition, which repeats national policy, were made. Introducing these criteria is a change sufficiently material to justify its being advertised as a main modification.
MM15	Para. 5.6.6	<p>5.6.6 Policy SS5 will support the protection of existing facilities such as sports pitches, parks, play areas and allotments, which will be designated in the Site Allocations DPD and Proposals Map. <u>The policy covers any relevant facility referred to in the audit. The Council will endeavour to preserve and enhance the Borough's green infrastructure as far as budgets permit, and will</u> expect that new development plays its part in improving the extent, quality and accessibility of green space. This approach is complementary to that relating to other community facilities in Policy SS4. The Council's proposed requirements for open space and landscaping are set out in Policy DM12 and DM26 respectively. <u>This will be achieved via the negotiation of planning obligations or use of Community Infrastructure Levy if adopted.</u></p>	To make the policy effective by clarifying its coverage and demonstrating how it can be implemented.

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MM16	Policy ENV2F	<p><i>Policy ENV2 – Coastal Management</i></p> <p>F Work with partners to manage the risks associated with coastal erosion and flooding and ensure that all new development is located outside areas identified as being at risk either now or in future phases of the Shoreline Management Plan.</p>	To make the plan effective by closing a loophole whereby development might be considered allowable in areas where there will be a known increase in flood risk in 20 years.
MM17	Policy DM2	<p><i>Policy DM2 – Renewable Energy Development in the Borough</i></p> <p>Proposals for renewable energy development in the Borough will be supported where they must satisfy the following criteria:</p> <p>A Proposals should be developed with the Borough’s community and key stakeholders in accordance with the Council’s current adopted approach to stakeholder involvement</p> <p>B There would be no unacceptable significant adverse visual effects</p> <p>C There would be no unacceptable significant adverse effects on landscape or townscape character and distinctiveness</p> <p>D There would be no unacceptable impacts on biodiversity or geodiversity</p> <p>E The proposals would not cause an unacceptable harm to features of nature or heritage conservation importance</p> <p>F There are no unacceptable impacts of noise, odour, dust, fumes, light or other nuisance that is likely to affect residents</p>	Required to demonstrate that the plan meets the soundness test of lawfulness by demonstrating that the policy is consistent with the National Planning Policy Framework (paragraph 98). See also MM3 (pages 6-7).

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		<p>and other adjoining land users</p> <p>G Any waste arising as a result of the development will be minimised and managed appropriately</p> <p>H Provision is made in proposals for the removal and site restoration at the end of the operating life of the installation</p> <p>Adequate mitigation measures would be secured to minimise the potential impacts of any renewable energy development proposals and to deliver significant benefits to the community where the scheme is to be sited wherever possible. If necessary such measures would be secured through Planning Obligations.</p>	
MM18	NEW POLICY DM6B	<p><u>Policy DM6B – Primary Retail Frontages</u> <u>King Street in Whitehaven is designated as Primary Frontage Area consisting of four separate frontage lengths (that is, the north west and south east sides of King Street, on each side of Lowther Street), including corner properties facing respectively the Market Place, Lowther Street or Duke Street. Each frontage length is regarded as a distinct Primary Retail Frontage where retail (Class A1) should be the predominant use, and where continuous retail frontages will be supported.</u> <u>Where a unit has been vacant and evidence can be provided showing that it has been marketed for A1 retail use at reasonable price and for at least 6 months, the Council will consider permitting change of use to financial and professional services (Class A2) or restaurants and cafes (Class A3). No more than two consecutive non-retail uses will be permitted within any Primary Retail Frontage and non-retail ground floor frontages will not be permitted to exceed 25% of the length of any Primary Retail Frontage. Special consideration will also be given to minimising the impact on the character of the street of waste storage</u></p>	To make the plan effective by ensuring that the intention expressed here is given the status of development plan policy.

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		<p>and ventilation systems associated with A3 uses.</p> <p>10.2.20 Whitehaven and the Key Service Centres of Cleator Moor, Egremont and Millom all contain defined town centres which are the focus for retail development for both convenience and comparison shopping.</p> <p>10.2.21 Whitehaven contains a defined Primary Frontages Area, covering the most intensive area of shopping along King Street, between Market Place and Duke Street. <u>The Primary Frontages Area is shown on the Policies Map (see extract below).</u> The concentration of continuous shopping frontages is a major attraction to shoppers in Whitehaven and the Council will generally seek to maintain this provision by resisting non-retail development at ground floor level of these premises. At the same time, however, it is clear that the economics of retailing have been changing rapidly in recent years with increasing vacancies apparent on town centre “pitches”. Understandably these have begun to cause concern amongst local business and community groups as well as with the Council. Accordingly, the Council is prepared to relax its policy stance and to allow a certain amount of non-retail, town-centre related uses into the Primary Frontages Area but subject to certain safeguards. These relate to types of use and minimising the potential cumulative impact of change over time. In this way, where a unit has been vacant and evidence can be provided showing that it has been marketed for A1 retail use at reasonable price and for at least 6 months, the Council will consider permitting change of use to financial and professional services (Class</p>	

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		<p>A2) or restaurants and cafes (Class A3). The Council would expect that no more than two consecutive non-retail uses are permitted within this Primary Frontages area and that non-retail uses make up no more than 25% of the frontage lengths of King Street in each of its two lengths, either side of Lowther Street. Special consideration will also be given to minimising the impact of the waste storage and ventilation systems associated with A3 uses on the character of King Street.</p>  <p>10.2.22 The approach otherwise is to protect and enhance the role of all the town centres by ensuring that services and</p>	

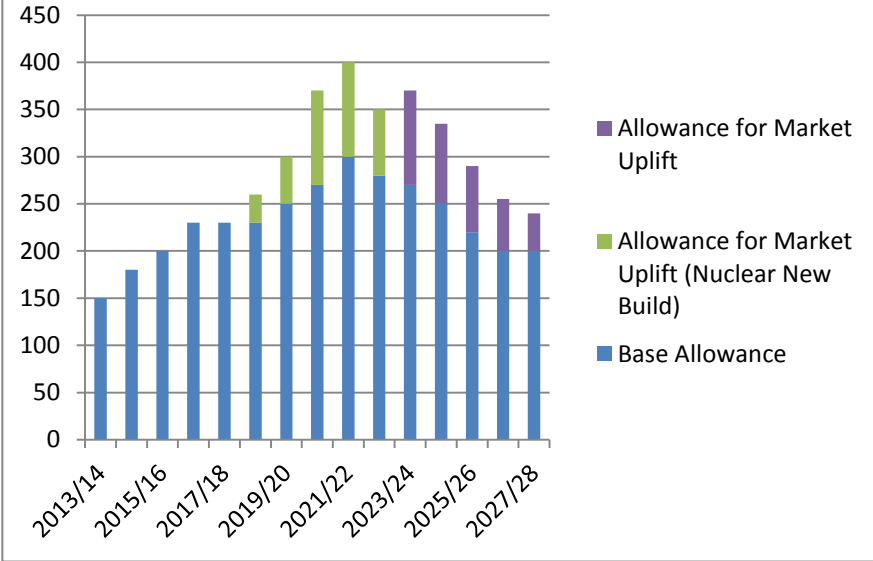
Change ref.	Policy/text	Proposed Modifications Modifications arising from discussion at Examination Hearing shown in red (Modifications proposed at Submission, now advertised as Main Modifications, shown in blue)	Reason for the modification
		<p>10.2.23 facilities are concentrated within town centre boundaries. All town centres should provide a diverse offer, and this must be balanced to ensure that vitality and viability are protected. Therefore the policy seeks to regulate non-retail uses in defined town centres, whilst recognising the important role that leisure and food and drink activities have in the tourism and night time economies. The test of 'over concentration' will generally be when three consecutive premises or more are likely to fall into non-retail use.</p>	
MM19	Policy DM27 page 164	<p>B Development proposals which adversely affect have a significant adverse effect on a Scheduled Ancient Monument or its wider site or setting will not be permitted</p> <p>D Development which affects Listed Buildings or their setting will only be permitted where it:</p> <ul style="list-style-type: none"> i) Respects the architectural and historic character of the building ii) Avoids any substantial or total demolition, or any demolition that is not related to proposed development affecting the building iii) Does not have an significant adverse effect on the setting or important views of the building iv) Involves a change of use to all or part of the listed building which contributes to the conservation and overall economic viability of the building, and where 	Introduced to respond to an objection that to prevent any adverse effect, even if not significant, is unreasonable, and presented as a policy change needed to make the policy effective and lawful. Change to DM27D (iii) added for consistency.

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		<p align="center">the use can be implemented without any adverse alterations to the building</p>	
MM20	Policy DM28 page 165	<p>B Any proposed works to Trees within Conservation Areas, or protected with Tree Preservation Orders, will be required to include an arboricultural survey to justify why works are necessary and that the works proposed will, where possible, not adversely affect the amenity value of the area. <u>Applicants for development that will result in the loss or deterioration of ancient woodland or veteran trees outside woodland should demonstrate that the need for and benefits of the development will clearly outweigh the loss.</u></p>	Inserted to conform with national policy (NPPF para. 118)
MM21	Appendix 3 page 184	<p>a) Transport Assessments</p> <p>Transport Assessments are required by virtue of <u>Policies T1 and DM22</u> TSP7 in relation to the following:</p> <ol style="list-style-type: none"> 1. residential development in excess of 100 80 units, or 2. employment uses in excess of 5,000 4,000 sq. m. gross floorspace (<u>5,000 sq. m. in the case of Class B8 development</u>), or 3. hotel developments in excess of 100 bedrooms, or 4. caravan or similar holiday sites in excess of 100 units, or 5. any development that either generates in excess of 100 <u>two-way</u> heavy goods vehicles per day or <u>30 two-way</u> 400 vehicle movements in any hour or 6. any development that materially adds to local congestion or, 7. any development that may impact on the trunk road network <p>b) Travel Plans</p>	Although the changes here describe changes to a higher level policy which has already been adopted to put that policy in line with national policy, this modification changes how planning decisions may be made and therefore merits being treated as a main modification.

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		<p>Also in accordance with Policies T1 and DM22 Policy TSP-7 Travel Plans will be required for:</p> <ol style="list-style-type: none"> 1. retail development in excess of 800 sq. m. (food) and 1500 sq. m. (non-food) and 2. indoor leisure facilities in excess of 1,500 1000 sq. m. gross 3.2. office, employment, education health and services development in excess of 2500 sq. m. gross 3. new and expanded school facilities 4. development that would otherwise generate local traffic problems as identified through a transport assessment or an evaluation of a proposal. <p>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 Guidance on Transport Assessment and Good Practice Guidelines: Delivering Travel Plans through the Planning Process.</p>	
MM22	New Appendix 5 at end of plan	<p>Construction of a housing trajectory is complicated both by the macroeconomic situation and factors specific to Copeland;</p> <p>the housing market generally is depressed;</p> <p>in Copeland there is a further challenge caused by factors making it difficult to attract development (geographical peripherality and an image not encouraging to inward investment);</p> <p>potential future developments which should make a major</p>	<p>It is a requirement that there be a housing trajectory in the plan. There are two trajectories to reflect two possible scenarios for future development in the Borough, depending on whether Moorside power station is built. Trajectory 1 is the main trajectory and has been included in the main text of the plan (MM13) to fulfil the soundness criteria of demonstrating that the plan is justified and will be effective; this appendix additionally demonstrates that the plan will be</p>

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		<p><u>difference, but which have not yet been confirmed.</u></p> <p><u>Trajectory 1 (see also the main body of the plan at paragraph 5.3.3) illustrates the need for emerging housing allocations over the Plan period.</u></p> <p><u>The 'base scenario' is for an average 230 dwellings per year, or 3450 over the plan period.</u></p> <p><u>The Government requires that a 'buffer' of an additional 20% over the basic allowance of 230 homes per annum be brought forward to 'frontload' the supply in the first five years, leading to a reduction of 10% below the allowance for the remaining 10 years.</u></p> <p><u>The trajectory also makes allowance for 'market uplift' of seventy dwellings per year in years 6 to 15 of the plan period. Years 6 to 10 coincide with the expected construction of a nuclear power station. The allowance of a total of 350 dwellings is expected to be enough to accommodate the proportion of the workforce (construction and permanent) who will be moving into the area and will seek permanent homes, and within that, the proportion who will seek housing within the Borough. In years 10 to 15 'uplift' will relate to other anticipated developments in the nuclear sector, along with supply chain and potentially other energy-related sectors.</u></p> <p><u>The total amount of house building for which land will be made available including 'market uplift' is thus at 230 per year for 5 years, and 300 per year for 10 years – a total of 4150.</u></p>	<p>effective by virtue of being flexible.</p>

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		<p><u>Trajectory 1; guide for allocations and phasing</u></p> <table border="1"> <caption>Estimated data for Trajectory 1 chart</caption> <thead> <tr> <th>Year</th> <th>Base Allowance</th> <th>Buffer</th> <th>Allowance for Market Uplift (Nuclear New Build)</th> <th>Allowance for Market Uplift</th> <th>Total</th> </tr> </thead> <tbody> <tr><td>2013/14</td><td>230</td><td>40</td><td>0</td><td>0</td><td>270</td></tr> <tr><td>2014/15</td><td>230</td><td>40</td><td>0</td><td>0</td><td>270</td></tr> <tr><td>2015/16</td><td>230</td><td>40</td><td>0</td><td>0</td><td>270</td></tr> <tr><td>2016/17</td><td>230</td><td>40</td><td>0</td><td>0</td><td>270</td></tr> <tr><td>2017/18</td><td>230</td><td>40</td><td>0</td><td>0</td><td>270</td></tr> <tr><td>2018/19</td><td>230</td><td>0</td><td>0</td><td>0</td><td>230</td></tr> <tr><td>2019/20</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2020/21</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2021/22</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2022/23</td><td>230</td><td>0</td><td>70</td><td>0</td><td>300</td></tr> <tr><td>2023/24</td><td>230</td><td>0</td><td>0</td><td>50</td><td>280</td></tr> <tr><td>2024/25</td><td>230</td><td>0</td><td>0</td><td>50</td><td>280</td></tr> <tr><td>2025/26</td><td>230</td><td>0</td><td>0</td><td>50</td><td>280</td></tr> <tr><td>2026/27</td><td>230</td><td>0</td><td>0</td><td>50</td><td>280</td></tr> <tr><td>2027/28</td><td>230</td><td>0</td><td>0</td><td>50</td><td>280</td></tr> </tbody> </table> <p><u>Trajectory 2. Forecast house building performance</u></p>	Year	Base Allowance	Buffer	Allowance for Market Uplift (Nuclear New Build)	Allowance for Market Uplift	Total	2013/14	230	40	0	0	270	2014/15	230	40	0	0	270	2015/16	230	40	0	0	270	2016/17	230	40	0	0	270	2017/18	230	40	0	0	270	2018/19	230	0	0	0	230	2019/20	230	0	70	0	300	2020/21	230	0	70	0	300	2021/22	230	0	70	0	300	2022/23	230	0	70	0	300	2023/24	230	0	0	50	280	2024/25	230	0	0	50	280	2025/26	230	0	0	50	280	2026/27	230	0	0	50	280	2027/28	230	0	0	50	280	
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		 <p><i>NB the house building which would take place on land included in the 'buffer' allowance- that is, allocations brought forward into the first five years - in trajectory 1 is distributed within the base allowance in trajectory 2. This is because inclusion of a site in the 'buffer' is not considered likely to have an effect on the speed at which housing is delivered.</i></p> <p><u>Trajectory 2 is a forecast of market performance in building homes during the plan period. It is based on the following assumptions.</u></p> <ul style="list-style-type: none"> <u>Performance will gradually pick up from a relatively low figure in 2013/14 (gross delivery in 2011/12 was 150 dwellings).</u> 	

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		<ul style="list-style-type: none"> • <u>Starting in the later years of this decade, and peaking in the early 2020s, there will be a Moorside-related boost (green on the graph) as construction gathers pace, with some longer term staff buying homes in the Borough (or renting 'buy-to-let' dwellings) and the power station staff increasing in number as commissioning approaches. 'Base' demand (blue) will also continue to increase as the local economy grows.</u> • <u>Post 2023, other new developments, primarily nuclear-related, will come on stream.</u> 	

Sustainability Appraisal and Strategic Environmental Assessment

The Core Strategy and Development Management Policies have been the subject of a Sustainability Appraisal which also fulfils the requirements of the European Commission's Directive on Strategic Environmental Assessment.

The Sustainability Appraisal is now published on the Borough Council's web site as a composite document including the final report, the appraisal of alternatives carried out during production of the 'Preferred Options' report and published in May 2010, and the Scoping Report published in May 2009 (each of which relate to SEA requirements).

The proposed Main Modifications comprise

1. additions to wording of policy or supporting text to make it clear that the plan, respective passages within it, are consistent with national planning policy including the presumption in favour of sustainable development; and
2. textual clarifications intended to rectify textual ambiguities or omissions.

None of the changes proposed will have a significant environmental effect, and further Strategic Environmental Assessment is therefore not required.

In terms of the Sustainability Appraisal, none of the proposed modifications will introduce a change necessitating further appraisal, for the following reasons.

MM1	Change needed to express that the plan is based on and reflects the presumption in favour of sustainable development. As each policy in the plan does so (with modification suggested below, where appropriate), this does not introduce a change significant enough to warrant further appraisal.
MM2	Changes Objective 10 solely to make explicit what is already implicit in policies ST2C and DM15B – no appraisal needed.
MM3	Rephrases policy regarding renewable energy to make it clear that the plan is consistent with national policy. The intent and likely effect of the policies is not changed.
MM4	Clarification of the plan's intent as regards the potential review of settlement boundaries. The list of settlements where review will be considered is not changed.
MM5	A clearer and more positive identification of sites referred to in Policy ST3. All of these sites are already allocated for development in the 2006 Local Plan (and identified in the Localities section) and there is therefore no change to the effects of the plan.
MM6	Change to express clearly that the policy is consistent with national policy. As the Council could not in any event impose obligations threatening development viability, there is in effect no change.
MM6	The modification enters into the plan text information that is already published in the evidence base, therefore there is no change in effect.
MM8	An explanation of what will happen if circumstances change, that is, a plan review whose effects would be subject to appraisal at that time.
MM9	An addition, for clarification, of supporting text which quotes national requirements and therefore does not change the intent or effect of the policy.
MM10	Clarification of the positive intent of the policy which supports the spatial development strategy and therefore does not change the intent or effect of the policy.

- MM11 Removal of a textual ambiguity. Even if there is a change resulting from eliminating the very small risk that inappropriate developments might have been approved, the removal of this risk supports the sustainability appraisal framework objectives and thus makes the plan more compliant with them.
- MM12 Insertion of an illustrative feature which demonstrates the plan's effectiveness but does not change the effect of any policy.
- MM13 Insertion of a national government requirement whose only potential effect is to bring forward the allocation of some housing land, which would not introduce any significantly different effect.
- MM14 An addition, for clarification, of supporting text which quotes national requirements and therefore does not change the intent or effect of the policy.
- MM15 Textual clarifications which do not change the intent or effect of the policy.
- MM16 Removal of a loophole which might potentially have rendered inappropriate development permissible, therefore its effect, if any, would be minor but beneficial in terms of sustainability objectives.
- MM17 Rephrases policy regarding renewable energy to make it clear that the plan is consistent with national policy. The intent and likely effect of the policies is not changed.
- MM18 Re-statement as policy of a measure that is already in the supporting text and has therefore already been taken into account.
- MM19 Qualification to soften a policy reference that was held to be unreasonable and in any event probably unenforceable.
- MM20 Inserted to conform with national policy, which would in fact apply whether the policy mentions it or not, therefore no change in effect.
- MM21 Modification reflecting changes in national guidance, whose effect is not significant enough to warrant further appraisal.
- MM22 Insertion of an illustrative feature which demonstrates the plan's effectiveness but does not change the effect of any policy.

