

## Barrow Borough Local Plan Examination

### Schedule of Main Modifications from Hearing Sessions – Consultation September 2018

These main modifications are changes to the submitted Local Plan that the Inspector has indicated she considers necessary to make the submitted Plan ‘sound’.

These modifications are issued for consultation from 6<sup>th</sup> September to 19<sup>th</sup> October 2018.

Each modification has a unique reference number shown in the left hand column of the schedule which should be quoted in any response e.g. MAM1. The proposed modifications result in a number of changes to the Proposals Map which can be found in Part 2 – Appendices to the Schedule of Main Modifications August 2018.

Where amendments are proposed, text to be deleted is shown in ~~strikethrough~~ and new text is in **bold underlined**.

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
MAM1	New Paragraph 3.4.12	50	<p><b><u>For residential developments, a high standard of amenity should be provided for future occupiers in terms of outlook, amenity, privacy, ventilation, sunlight and daylight, whilst safeguarding those attributes of adjoining residential areas.</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Outlook: ensuring that the close proximity of another building or structure does not adversely affect accommodation by distinguishing the visual enjoyment of a dwellings immediate setting or resulting in an overbearing impact.</u></b></li> <li>• <b><u>Amenity: the provision of landscaped space or other outdoor amenity surrounding dwellings usually forming private amenity space (private realm) and the landscaped frontage of development (public realm).</u></b></li> <li>• <b><u>Privacy: the protection of habitable rooms from</u></b></li> </ul>	For clarification to provide further guidance to developers on how to achieve high standards of development and protect amenity. (Former MIN23 included in the Local Plan Submission Draft)	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p><b><u>being directly overlooked.</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Daylight and sunlight: the amount of natural daylight required to illuminate internal rooms and access to sunlight.</u></b></li> </ul>			
MAM2	New Paragraph 3.4.16	51	<p><b><u>Outlook from a principal window may also be affected where a dwelling is sited in close proximity to an incompatible feature, or treatment of the land which impairs visual amenity. Conversely outlook must be considered when siting new features or uses adjacent to existing dwellings, in order to ensure a satisfactory residential environment is achieved. Outlook onto areas such as those used for the storage of plant materials, commercial vehicles or similar potentially conflicting features is unlikely to be acceptable without the provision of a landscaped buffer zone of sufficient depth to screen them from view. Similarly it may be unacceptable to site grouped areas of residential parking immediately to the front of a dwellings principal elevation without the inclusion of a landscaped margin to provide a visual buffer.</u></b></p>	For clarification to provide further guidance to developers on how to achieve high standards of development and protect amenity. (Former MIN27 included in the Local Plan Submission Draft)	N	N
MAM3	Policy C1 (Flood Risk & Erosion)	65	<p>The Council will support natural defence measures to protect against <b><u>all sources of flooding, including coastal, fluvial and surface water flooding</u></b> and erosion in the Borough. However, where the implementation of natural defences is not feasible or viable, the Council will support new hard defence structures.</p> <p>All new defence measures will be subject to <b><u>expected to meet</u></b> the following criteria:</p>	For clarification. (Former MIN32 included in the Local Plan Submission Draft) To improve the effectiveness of the Policy and to ensure consistency with other references in the Plan.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>a) Measures are designed and incorporated to enhance biodiversity and be compliant with the Water Framework Directive;</p> <p>b) There will be no unacceptable harm to natural coastal processes, geodiversity and the historic environment;</p> <p>c) Opportunities are maximised to enhance the England Coast Path or other public rights of way, where the defences are situated on or adjacent to such a public right of way;</p> <p>d) The open character of the undeveloped coast is maintained, with the existing landscape character of the site respected and reinforced; and</p> <p>e) <del>Development must comply with Policy N3-</del> <b><u>The proposal complies with the relevant policies in the Development Plan.</u></b></p> <p>Developments proposed next to watercourses should be compliant with the Water Framework Directive and cause no deterioration in water body status but where possible look to improve the status to ‘good’. Development will not unacceptably encroach on or restrict access to a watercourse. Culverted watercourses should be restored to open channels to restore a more natural river environment unless there is an overriding reason not to do so, and no water course should be culverted unless there is an overriding need to do so.</p> <p>Vegetated buffer strips between watercourses and development will be required to protect and enhance</p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>habitat value and water quality, while ensuring access for flood defence purposes is retained. The width of the buffer will be dependent upon a number of factors, including the type of development proposed and the findings of any ecological surveys accompanying the application.</p> <p>Measures should be implemented that deter future development, including domestic gardens, extending into the buffer.</p>			
MAM4	Policy C3b (Groundwater Protection)		<p>Any proposals for new development within Groundwater Source Protection Zones (St Bees Sandstone Major Aquifer) must accord with Environment Agency guidance set out in its document titled 'Approach to Groundwater Protection: March 2017 Version 1.0', or any subsequent iteration of the guidance. Applicants with proposals in groundwater source protection zones should engage in early dialogue with United Utilities.</p> <p>New development within Groundwater Source Protection Zones will be expected to conform to the following <b><u>only be approved subject to the submission of all of the following to the satisfaction of the Local Planning Authority:</u></b></p> <p>a) Risk Assessment - a risk assessment and mitigation strategy with respect to groundwater protection will be required to manage the risk of pollution to public water supply and the water environment. The risk assessment should be based on</p>	For clarification to improve the effectiveness of the Policy.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>the source-pathway-receptor methodology. It shall identify all possible contaminant sources and pathways for the life of the development and provide details of measures required to mitigate any risks to groundwater and public water supply during all phases of the development.</p> <p>b) Masterplanning – careful masterplanning is required to mitigate the risk of pollution to public water supply and the water environment. For example, open space should be designed so it is closest to the boreholes so as to minimise the potential impact on groundwater. In addition, an appropriate management regime will be secured for open space features in the groundwater protection zone.</p> <p>c) Construction Management Plan - Construction Management Plans will be required to identify the potential impacts from all construction activities on both groundwater, public water supply and surface water and identify the appropriate mitigation measures necessary to protect and prevent pollution of these waters.</p> <p>For development proposals within Groundwater Source Protection Zone 1, the highest specification pipework and design in the new sewerage system (pipework, trenches, manholes, pumping stations and attenuation features) will be required in order to avoid pollution of public water supply and the groundwater environment.</p>			
MAM5	Policy C6 (Renewable and Low Carbon Energy	79	In order to contribute towards the achievement of national renewable energy targets the Council will support development of <del>new sources of</del> renewable energy provided that:	To ensure that the Policy encompasses existing renewable energy developments.	Y	Y

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
	Proposals)		<p>a) Measures are taken to avoid and where appropriate mitigate any unacceptable negative impacts of the effects on local amenity resulting from development, construction and operation of the renewable energy schemes;</p> <p>b) <del>The visual impact can be accommodated within the landscape</del> <b><u>The proposal on its own, or in combination with other development, will not unduly impact on the landscape or seascape</u></b> and the development would not give rise to an unacceptable adverse cumulative impact when considered in the context of other existing or consented installations;</p> <p><del>c) Proposals do not have an unacceptable adverse impact on biodiversity, flood risk, or heritage assets and their setting;</del></p> <p><del>d) The site is accessible by suitable routes for construction and maintenance and the development of supporting infrastructure does not in itself result in unacceptable adverse impacts, including upon other infrastructure providers;</del></p> <p><del>e) Developers have engaged with the community and local authority at an early stage prior to the formal submission of any proposals;</del></p> <p>f) <b><u>c) Large scale renewable energy developments (i.e. development that generates more than 10 MW), where appropriate</u></b> make provision for direct community benefits over the period of the development. <b><u>Such benefits will directly relate to the development;</u></b></p> <p><del>g) d) For proposals involving Wind Energy developments, the development is located in a 'suitable</del></p>	<p>Deletion of criterion d: This will be addressed in the update to the Suitable Areas for Wind Energy Technical Document.</p> <p>Deletion of criterion e: This criterion is considered to be onerous. Similar wording will be used in the text before the policy.</p> <p>Changes to criterion f: For clarification and to ensure that the criterion meets the statutory test for the use of S106.</p> <p>Deletion of criteria c and h and addition of new criteria e: For consistency with other references in the Plan.</p> <p>Additional text to criterion d: To provide a clearer link to the Suitable Areas for Wind Energy Technical Document.</p>		

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			area' (identified on the Proposals Map), <b><u>considers the issues set out in the Suitable Areas for Wind Energy Technical Document</u></b> and following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed; and <del>h)</del> <b><u>e) The proposal complies with the relevant policies in the Development Plan.</u></b>			
MAM6	Policy C7 (Light Pollution)	80	The Council will seek to minimise light pollution and applications which propose new external lighting will be expected to demonstrate <del>that</del> <b><u>each of the following:</u></b>  a) The proposed artificial light has no adverse impact on the locality or <del>b)</del> <b><u>Measures</u></b> will be taken to avoid, and where appropriate mitigate, any negative impacts of the effects of new lighting on local amenity resulting from the development; <del>e)</del> <b><u>b)</u></b> The proposal has no significant impact on a protected site or species e.g. located on, or adjacent to, a designated European site or where there are designated European protected species that may be affected; <del>d)</del> <b><u>c)</u></b> The proposal is not in or near a protected area of dark sky or an intrinsically dark landscape where it may be desirable to minimise new light sources; <del>and</del> <del>e)</del> <b><u>d)</u></b> The proposal has no impact on wildlife (e.g. white or ultraviolet light) when being proposed close to sensitive wildlife receptors or areas, including where the light shines on water.	For clarification to improve the effectiveness of the Policy.	N	N
MAM7	6.1.14-6.1.17	107	The Port of Barrow <b><u>and surrounding area</u></b> has been	To ensure that the supporting	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>identified as a primary regeneration opportunity within the Borough, but it is surrounded by large areas of vacant and underused land and a decaying built environment. <b><u>The area surrounding the Port of Barrow includes areas of vacant and underused land and decaying built environment.</u></b> In order to address this, the Council adopted the Barrow Port Area Action Plan (AAP) in 2010 to give the area a new focus and encourage economic development, infrastructure provision and environmental enhancement.</p> <p>Barrow's commercial port is 138 acres in size and is owned by Associated British Ports. It remains an important location for supporting shipbuilding, transporting nuclear fuels, bulk handling, natural gas extraction and other offshore activities including offshore wind farm assembly and maintenance. A number of leisure events such as National Grand Prix Powerboat Racing have also been held on the substantial enclosed dock system and the port features a berth which can accommodate vessels up to 160m in length. <b><u>The Port of Barrow, operated by Associated British Ports, comprises Buccleuch Dock, Cavendish Dock, Devonshire Dock and Ramsden Dock, as well as adjoining port land and facilities located primarily to the north and south of Ramsden Dock, extending to circa 56 ha, excluding the water area.</u></b></p> <p>The port handles approximately 350,000 tonnes each year, 60,000 tonnes of which is woodpulp. <b><u>The Port is occupied by ABP and a range of port related</u></b></p>	<p>text aligns with proposed new Policy P1.</p>		

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p><b><u>tenants. It is the home of BAE Systems' submarine design and manufacturing facility and plays a key role in serving the offshore energy industry that has seen this region described as Britain's 'Energy Coast'. The A590 connects the Port to the M6, with a direct connection to the national rail network also available at the Port.</u></b></p> <p>The Port of Barrow is key to the operation of both the advanced manufacturing and energy sectors. The role of the Port of Barrow as a short sea shipping port is expected to increase going forward. It is also expected to play an important role in delivering the new generation of Dreadnought Class submarines to carry the UK's independent nuclear deterrent, and £575m investment is taking place at the shipyard to deliver this programme. The Port is also expected to play an important role in delivering the proposed new Moorside Nuclear Power Station adjacent to Sellafield and <b><u>the importation of materials and equipment through the port anticipated in connection with</u></b> National Grid's North West Coast Connections Project to service the proposed new Moorside Nuclear Power Station. <b><u>The Port of Barrow handles around 300,000 tonnes each year and specialises in short sea shipping with a variety of specialist cargos and a range of bulk aggregates handled in recent years. More specifically, the main operations at the Port include the following:</u></b></p> <ul style="list-style-type: none"> <li>• <b><u>Dry bulks and forest products</u></b></li> <li>• <b><u>Liquid bulks</u></b></li> </ul>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<ul style="list-style-type: none"> <li>• <u>Offshore wind, oil, and gas energy</u></li> <li>• <u>Passengers and cruises</u></li> <li>• <u>Specialised facilities</u></li> </ul>			
MAM8	6.1.18	108	<p>Land at the Port of Barrow with existing, or the potential to create, direct deep water access to the Walney Channel is of increasing strategic importance, particularly in connection with offshore wind farm developments. Demand for the use and development of the land within the Port of Barrow for port and energy related uses is likely to remain high in the short, medium and potentially the longer term, particularly for the land fronting the Walney Channel. <u>The Port of Barrow is well placed to assist with the proposed significant future growth in renewable and low carbon energy technologies in West Cumbria. This could include facilitating the import of raw materials to be used for on shore energy generation (both within and outside the Port), as well as supporting off shore energy generation e.g. development of Operation and Maintenance and Construction bases for these at the Port.</u></p>	To ensure that the supporting text aligns with proposed new Policy P1.	N	N
MAM9	6.1.19	108	<p>Policy BP8 of the AAP supports the ongoing operation and development of the commercial port <u>Port of Barrow and the regeneration of the mixed use area surrounding it (identified as Port Area on the Proposals Map) is supported by Policy P1 below and other relevant policies in the Development Plan in order to ensure future development proposals</u> by ensuring that development proposals do not impede the operational requirements or prejudice the economic</p>	To ensure that the supporting text aligns with proposed new Policy P1.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			viability of the port <b>Port of Barrow</b> and <b>support the wider strategic objectives for the area surrounding it</b> by protecting current and future port operations by safeguarding port related employment land as identified on the AAP Proposals Map.			
MAM10	6.1.20 (formerly 6.1.21)	108	The AAP will be reviewed following the adoption of the Local Plan and an Action Plan Update will be produced. <b><u>The Council will aim to commence a review of the Barrow Port Area Action Plan within 12 months of the adoption of the Local Plan, working in partnership with ABP, Orsted and other public and private sector partners and an update will be produced.</u></b>	To ensure that the supporting text aligns with proposed new Policy P1.	N	N
MAM11	New Policy (Policy P1 – The Port of Barrow)	108	<b><u>Policy P1: The Port of Barrow</u></b>  <b><u>Within the Port Area identified on the Proposals Map, development proposals for port and port related use, including those linked to the ‘Energy Coast’, will be supported and where appropriate approved by the Council if the submitted scheme accords with other relevant policies in the Development Plan, and can pass the tests of the Habitat Regulations.</u></b> <b><u>Areas that benefit from existing or potential access from deep water will be protected for port and port related uses.</u></b>  <b><u>Any proposals for new development on land in close proximity to the Port Area will be required to fully assess the potential impact on the Port of the proposed use and where necessary, provide</u></b>	To protect the port area for development given its strategic role.	Y	Y

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N												
			<b><u>mitigation as part of the new development to ensure that there is no unacceptable impact on the Port.</u></b>															
MAM12	Policy EC1, Title	115	Waterfront Business Park Strategic Employment Opportunity Area <del>and the Port of Barrow</del> (see proposals map)	Proposed Policy P1 above now addresses proposals in the port area.	N	N												
MAM13	Policy EC1 (Waterfront Business Park Strategic Employment Opportunity Area)	115	The Waterfront Business Park, identified as part of the wider Barrow Waterfront regeneration area, is an employment site of regional significance suitable for advanced manufacturing and supply chain growth. <del>In addition, proposals seeking to expand the port and its role in supporting the development of the 'Energy Coast' will be supported subject to proposals meeting the criteria set out in the Barrow Port Action Area Plan Document (2010) as periodically reviewed.</del> <b><u>Development should contribute positively to a high quality employment location and will be assessed against other relevant policies in the Development Plan.</u></b>		N	N												
MAM14	Paragraph 6.3.14	115	<del>The Employment Land Review (November 2017) proposes that a minimum of 19.4 ha of new employment land is planned for between 2016 and 2031.</del> <b><u>The Employment Land Review (Nov 2017) proposes that a minimum of 19.4 ha of new employment land is planned for between 2016 and 2031.</u></b> The Study splits this requirement as follows.	Factual update. (Former MIN56 included in the Local Plan Submission Draft)	N	N												
MAM15	Table 5	116	<table border="1"> <thead> <tr> <th>Use Class</th> <th>Total Floorspace</th> <th>Total Area</th> </tr> </thead> <tbody> <tr> <td>B1, B2, B8</td> <td>80,002 sqm</td> <td>52,595 sqm</td> </tr> <tr> <td></td> <td></td> <td>41.2 ha</td> </tr> <tr> <td></td> <td></td> <td>7.4ha</td> </tr> </tbody> </table>	Use Class	Total Floorspace	Total Area	B1, B2, B8	80,002 sqm	52,595 sqm			41.2 ha			7.4ha	Factual update. (Former MIN58 included in the Local Plan Submission Draft)	N	N
Use Class	Total Floorspace	Total Area																
B1, B2, B8	80,002 sqm	52,595 sqm																
		41.2 ha																
		7.4ha																

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			Plus remaining part of Barrow Island Local Enterprise Zone 12 ha  Total <del>ha</del> <b>19.4ha</b>			
MAM16	New Paragraph 6.3.19	118	<b><u>There may be scope for the following types of uses where they meet the criteria of Policy EC3: Industrial / commercial training facilities, specialised leisure uses which cannot be accommodated centrally because of their scale or operational requirements / impacts and small scale ancillary facilities which support the functioning of the employment area, such as toilet facilities for drivers.</u></b>	This paragraph was formerly part of Policy EC3 but is now considered to be more suitable as part of the supporting text.	N	N
MAM17	Policy EC3 (Managing Development of Employment Land)		Proposals for new employment uses (classes B1, B2 and B8), or the extension of existing premises used for employment uses, will be approved subject to meeting all of the following criteria:  a) The site is located within or directly adjoining the <del>urban boundaries</del> <b>built up area</b> of Barrow or Dalton, or within the development cordons identified in the housing chapter; b) Site planning, layout and servicing arrangements are developed comprehensively; c) The use will not unduly impact upon the residential amenities of those living nearby due to noise, disturbance from traffic, hours of operation, external storage, light pollution, vibration or airborne emissions including odours; d) The site <del>site</del> <b>Traffic generated by the proposal</b> is	To ensure consistency with other Local Plan policies and to improve the effectiveness of the Policy.  Criterion a) The Policy as previously drafted was overly restrictive as it limited development to sites within or adjoining the <i>urban</i> boundaries and development cordons. To ensure consistency with the NPPF the revised policy also now allows development adjoining <i>suburban</i> areas where appropriate.	Y	Y

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>capable of being satisfactorily accommodated within the highway network, <del>with proposals for major sites (sites over 5000m<sup>2</sup>), schemes likely to generate in excess of 100 HGV movements daily, or any development that may impact on the Trunk Road network being informed by a Traffic Impact Assessment (TIA);</del>  <b>e) <u>A Traffic Impact Assessment (TIA) will be required for proposals for major sites (sites over 5,000 m<sup>2</sup>), schemes likely to generate in excess of 100 HGV movements daily, or any development that may impact on the Trunk Road network;</u></b>                      e) <b>f)</b> The site has been designed to promote user accessibility by walking, cycling and public transport;                      f) <b>g)</b> The layout of the site has suitable space for landscaping, parking (including for large vehicles where appropriate), loading and unloading and any other operational requirements, and responds to natural drainage flow patterns;                      g) <b>h)</b> <del>The proposals enhance actual or perceived community safety</del> <b><u>Development must create safe and secure environments that minimise opportunities for crime and promote community safety;</u></b>                      h) <b>i)</b> The development is sustainable in its energy usage, environmental impact, waste management, flood risk and transport implications;                      i) <b>j)</b> Adequate protection of groundwater from pollution from the storage, handling or use of chemicals can be demonstrated to the satisfaction of the <del>Environment Agency</del> <b><u>Local Planning Authority;</u></b> especially on sites within the St. Bees Sandstone Major Aquifer as shown on the Proposals Map;</p>	<p>Criterion j) For clarification as the LPA will be the deciding authority.</p> <p>Criterion k) To ensure consistency with national planning policy.</p>		

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>j) <b>k)</b> The proposal does not use the best and most versatile agricultural land (grades 3a and above), or <del>impact unduly on the viability or functionality of farms</del> <b>unless it is demonstrated that the loss is outweighed by other planning considerations;</b></p> <p><b>l) The proposal complies with the relevant policies in the Development Plan; and</b></p> <p>l) The proposal accords with the criteria set out in the policies within the Development Strategy Chapter, specifically those relating to sustainable development and design;</p> <p>m) The proposal does not cause unacceptable harm to heritage assets and their setting;</p> <p>m) <b>m)</b> The proposal should make effective use of previously developed land where possible.; and</p> <p>e) The development must comply with Policy N3.</p> <p>There may also be scope for the following types of uses to be accommodated where they meet the criteria above: Industrial/commercial training facilities, specialised leisure uses which cannot be accommodated centrally because of their scale or operational requirements/impacts and small scale ancillary facilities which support the functioning of the employment area, such as toilet facilities for drivers.</p> <p>Trade counters and retailing from employment premises will be restricted to those which are ancillary for the main operation of the B1/B2/B8 business.</p> <p>Where the settlement <b>development</b> cordon directly adjoins a neighbouring Local Planning Authority (LPA), the adjoining LPA's planning policies will apply on land</p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			within their boundary.			
MAM18	Policy EC4 (Loss of Employment Land and Allocated Employment Sites)	124	<p>In determining planning applications for non-employment uses which involve the loss of land and/or buildings which are either identified, currently used or were last used for industrial, business, office or other employment uses (B1, B2, B8), developers will be required to provide a statement to the satisfaction of the Local Planning Authority demonstrating that:</p> <p>a) There is no demand for land/buildings on the site for employment purposes, including commercial evidence as to how the site has been marketed over the previous 12 months;</p> <p>b) Interventions to improve the attractiveness of the site for employment uses are not feasible;</p> <p>c) <del>There is a relative need for the alternative proposed use in this locality; and</del></p> <p>d) <del>The proposed redevelopment would not compromise the primary employment function of the locality or the operations of neighbouring users.</del></p> <p>This policy does not apply to sites which are allocated for other uses in the Development Plan.</p>	Former criteria c and d are considered to be onerous and would be difficult to implement.	N	N
MAM19	Policy EC7 (Energy Uses Opportunity Area)	126	<p>The area identified on the Proposals Map around <b>and including</b> the North and South Morecambe Gas Terminal and former <b>Roosecote Power Station</b> is considered to have specific potential and suitability for uses related to <b>and supporting management of the exploration, production</b> generation and transmission of energy. <b>Existing</b> energy industry <b>and related</b></p>	In response to representation from Spirit Energy.	Y	Y

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>development will be <b>protected. New energy industry and related development will be</b> encouraged in this area subject to meeting the criteria in Policy EC3 and the requirements of any accompanying environmental assessments.</p>			
MAM20	Policy EC8 (Economic Diversification – Tourism)	128	<p>The Borough’s tourism offer will be developed in a sustainable and competitive manner, to enhance its role as a high quality tourism destination. The Local Plan supports the creation, enhancement and expansion of tourist attractions and tourist infrastructure, in order to attract new visitors from outside the area. Development should be of an appropriate scale located where the environment and infrastructure can accommodate the visitor impact, and should not result in unacceptable harm to environmental assets. This will be achieved by the following measures:</p> <p>a) Ensuring that development does not cause unacceptable levels of disturbance to nearby residents;</p> <p>b) <del>Ensuring that development does not cause unacceptable levels of disturbance or harm to sites designated for their natural or geological importance, other habitats and natural features;</del></p> <p>c) <del>Ensuring that suitable facilities are provided on site to accommodate all visitors including parking and public toilet provision;</del></p> <p>d) <del>Ensuring that developments are in locations capable of being accessible by means other than the private car unless it relies on a specific geographical resource. Contributions may be required from the developer to improve accessibility where</del></p>	<p>The requirements set out in former criteria b-e are not required as they replicate other policies elsewhere in the Development Plan.</p>	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>possible; and  <del>e) — Ensuring that development does not cause unacceptable levels of harm to heritage assets and their setting.</del>  <b>b) Ensuring the proposal complies with the relevant policies in the Development Plan.</b></p>			
MAM21	Policy EC9 (Caravan and Camping Sites)	129	<p>Touring caravan and camping sites and proposals for permanent caravan sites will be permitted provided that they meet all of the following criteria:</p> <p>a) Suitable access is available from primary or district distributor roads;</p> <p><del>b) The proposal would not result in harmful additional traffic generation or pose a threat to highway safety;</del></p> <p><del>c) — The landscape can absorb the proposal without detracting from its overall character;</del></p> <p><b>b)</b> The proposal would not result in unacceptable nuisance to sensitive neighbouring uses in terms of noise or traffic;</p> <p><del>d) — There would be no unacceptable harm to areas of importance for nature — conservation;</del></p> <p><del>f) — There would be no unacceptable harm to heritage assets or their setting;</del></p> <p><b>c)</b> Sites are connected to the mains foul sewer where practicable. Where it is demonstrated that this is not practicable then an appropriate non-mains drainage treatment system must be provided;</p> <p><b>d)</b> The area is not at risk of flooding;</p> <p><b>e)</b> Proposals for permanent caravan sites will be expected to include on-site facilities providing clean</p>	The requirements set out in former criteria b-c are not required as they replicate other policies in the Development Plan.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>water, a sanitary disposal unit and adequate fire protection equipment; <del>and</del></p> <p><b>f)</b> Any ancillary buildings, such as shower blocks, toilets or reception buildings are sensitively located within the site and are of an appropriate design, scale and materials; <del>and</del></p> <p><b>g) <u>The proposal complies with the relevant policies in the Development Plan</u></b></p>			
MAM22	Policy EC11 (Catering Holiday Accommodation)	130	<p>Proposals for new self catering holiday accommodation, or extensions of existing units, will be approved within the <del>urban boundaries</del> <b>built-up area</b> of Barrow and Dalton and the development cordons identified, providing the design, siting, layout and access are satisfactory. Conditions will be attached to any planning permission to ensure that letting is on a short term basis.</p> <p>In urban fringe or rural areas, proposals for the conversion of existing buildings to self catering accommodation will be approved where they meet all of the following criteria:</p> <p>a) The building is structurally sound and capable of conversion without major rebuilding, extension or modification to the existing structure;</p> <p>b) The building is served by a satisfactory access;</p> <p>c) Services are readily available on site;</p> <p>d) The buildings are well related to existing buildings or uses on the site where appropriate;</p> <p>e) The number of units is appropriate to its surroundings;</p>	<p>The Policy as previously drafted was overly restrictive as it limited development to sites within or adjoining the <i>urban</i> boundaries and development cordons.</p> <p>To ensure consistency with the NPPF the revised policy also now allows development adjoining <i>suburban</i> areas where appropriate.</p> <p>As the former criterion f replicates other policies in the Development Plan it is no longer required and the inclusion of criterion g ensures consistency with other references in the Plan.</p>	Y	Y

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p><del>f) The proposal will not result in unacceptable harm to landscape, nature conservation or heritage assets and their setting; and</del>  <b>f) The proposal will not have an adverse impact on local amenities by virtue of noise and disturbance; and</b>  <b>g) <u>The proposal complies with the relevant policies in the Development Plan</u></b></p> <p>New build self-catering holiday accommodation within urban fringe or rural areas will be accepted where it meets criteria b-g above.</p>			
MAM23	Policy EC12 (Farm Diversification)	131	<p>Farm diversification schemes that would create quiet recreation and small scale, sensitively designed visitor attractions and accommodation in the Borough's countryside will be encouraged where they meet all of the following criteria:</p> <p><del>a) They do not harm the character of the open countryside, and the existing landscape character of the site is respected and reinforced;</del>  <del>b) There is no unacceptable impact on either the natural or built environment;</del>  <del>c) There is no unacceptable harm to heritage assets and their setting;</del>  <del>d) There is sufficient infrastructure to accommodate them; and</del>  <b>a) <u>The proposal complies with the relevant policies in the Development Plan and</u></b>  <b>b) The proposal will not have an adverse impact on local amenities by virtue of noise and disturbance.</b></p>	Former criteria a-d are not required as they replicate other policies in the Development Plan.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			Developments which promote new walking and cycling routes including long-distance routes and linkages to national networks will be particularly welcomed, as will be those which make use of existing suitable buildings.			
MAM24	Figure 13	138	Updated in line with the Barrow Borough Local Plan Housing Trajectory 2018. See Appendix A.	Factual update. The Barrow Borough Local Plan Housing Trajectory 2018 was produced following the Local Plan Submission Draft and sets out anticipated housing delivery over the plan period.	N	N
MAM25	Policy H1 (Annual Housing Requirement)	140	<p>Planning permission will be granted for housing proposals that will deliver the housing allocations set out in this Plan and contribute to achieving an annual average Borough-wide housing target of at least 119 net additional dwellings per year over the Plan period 2016/17 to 2030/31. This equates to an overall housing requirement over the Plan period of at least <del>2264</del> <b>1785</b> net additional dwellings. Any unallocated sites which come forward for development which would prejudice the delivery of this strategy will be resisted. In bringing forward allocations, developers must comply with the policies within this Local Plan and must help deliver sustainable communities.</p> <p>When calculating the 5 year housing requirement, any shortfall against this figure since the start of the Plan period will be added, along with a <b>5% or</b> 20% buffer brought forward from later in the Plan period where appropriate as required by the NPPF.</p>	<p>Correct typographical error, previous figure brought forward from a previous draft of the Local Plan in error.</p> <p>To ensure the Policy accords with the NPPF which allows a 5% or 20% buffer depending on circumstances.</p>	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			Housing delivery will be monitored closely and if the number of houses built is not as expected, interventions will be sought, which may include bringing forward additional allocations (see Policy H10 and its supporting text).			
MAM26	Table 7	145	Delete site SHL013b and associated information from the table.	There are uncertainties regarding the deliverability of the site, particularly in terms of availability, therefore the site should not be included as a draft allocation. The site could however come forward as a windfall site in the future should these issues be overcome.	N	N
MAM27	Table 7	145	Delete site REC54 and associated information from the table.	There is insufficient evidence to demonstrate a surplus of pitches.	N	N
MAM28	Policy H5 (Residential Development in the Open Countryside)	151	New housing in the open countryside will only be permitted where the Council is satisfied that the proposal meets specific local needs, including provision for rural workers, replacement dwellings, temporary accommodation to support a new rural enterprise and conversions. Applications will require supporting evidence prepared by a suitably qualified person to justify the need for such housing. Development must accord with relevant Local Plan Policies regarding landscape and biodiversity and the principles set out in the Council's Green Infrastructure Strategy.  Rural Workers Dwellings	For clarification and to improve the effectiveness of the Policy.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>1) Proposals for new-build rural workers dwellings in the open countryside will only be permitted where the dwelling is required to meet the proven essential needs of a rural worker and the following criteria are met:</p> <p>a) The business requires the permanent attendance of a worker on site;</p> <p>b) The need cannot be met by any existing dwelling or other accommodation at the business or in the general locality;</p> <p>c) Audited accounts from the previous three years show that the business is financially sound and has an evidenced <b>a reasonable</b> prospect of remaining so;</p> <p>d) The size of the dwelling is appropriate to the need, the design is appropriate to the landscape, it is located adjacent to any existing buildings and uses the existing access; and</p> <p>e) A planning condition is attached to ensure that occupancy of the dwelling(s) is confined to rural workers.</p> <p>Replacement Dwellings</p> <p>2) <del>The replacement of existing dwellings in the countryside will only be permitted where the replacement dwelling will make a positive visual contribution to the rural environment. Replacement dwellings will not be permitted where:</del></p> <p>a) <del>The existing dwelling is a heritage asset, contributes to the setting of other heritage assets or makes a positive contribution to the character of the</del></p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p> <del>                     countryside; or                      b) The scale of the replacement dwelling does not match the dwelling that it is proposed to replace; or                      c) The existing dwelling is derelict (i.e. incapable of being re-inhabited without carrying out works requiring planning permission); or                      d) The existing dwelling is the habitat of wildlife species protected by law whereby expert advice must be sought to establish an appropriate course of action.                 </del> </p> <p> <b><u>2) The replacement of existing dwellings in the countryside will only be permitted where all of the following criteria are met:</u></b> </p> <ul style="list-style-type: none"> <li>a) <b><u>The replacement dwelling makes a positive visual contribution to the rural environment.</u></b></li> <li>b) <b><u>The scale of the replacement dwelling matches the existing dwelling.</u></b></li> <li>c) <b><u>The existing dwelling is not derelict (i.e. incapable of being re-inhabited without carrying out works requiring planning consent).</u></b></li> <li>d) <b><u>Expert advice has been sought and an appropriate course of action has been agreed in cases where the existing dwelling provides habitat to wildlife species protected by law.</u></b></li> </ul> <p> <b><u>The demolition and replacement of dwellings will not be permitted where the existing dwelling is a</u></b> </p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p><b><u>heritage asset, contributes to the setting of other heritage assets or makes a positive contribution to the character of the countryside even in cases where the criteria listed above can be met.</u></b></p> <p>Temporary Accommodation</p> <p>3) Accommodation that is required in relation to a new rural enterprise, such as a mobile home will only be approved on a temporary basis, subject to not causing an undue visual impact on the surrounding countryside or when viewed from a public right of way.</p> <p>Conversions</p> <p>4) Conversion of redundant or disused buildings will be permitted provided that <b><u>each of the following criteria is satisfied:</u></b></p> <p>a) The application is accompanied by evidence that the building is structurally sound and capable of conversion without substantial rebuilding work or extension;</p> <p>b) The development would lead to an enhancement of the immediate setting of the building;</p> <p>c) The development is of a high standard of design appropriate to the character of the host building and the open countryside location;</p> <p>d) The development would be able to access the road network without the need to construct access roads, the nature of which would have an unacceptable impact on the landscape;</p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>e) Any ancillary buildings are appropriate in scale, design, materials and siting and can be located within the curtilage of the site without encroaching into the open countryside; and</p> <p>f) Any external amenity space is appropriate in size, scale and character to serve the proposed dwelling and its landscaping and boundary treatments are appropriate to the rural setting.</p>			
MAM29	Policy H7 Title	154	Housing Development on Windfall Sites	To ensure the Policy is applicable to all types of housing development including those on allocated sites.	N	N
MAM30	Policy H7 (Housing Development)	154	<p>Applications for residential development on windfall sites (i.e. sites that are not allocated in the Local Plan) will be permitted where they satisfy all of the following criteria:</p> <p>a) The site is located within or adjoining an existing urban area <b>the built up areas of Barrow and Dalton</b> or within a <b>development</b> cordon village identified in Policy H4;</p> <p>b) Site planning, layout and servicing arrangements are developed comprehensively;</p> <p>c) Buildings are well designed in terms of siting, grouping, scale, orientation, detailing, external finishes, security and landscaping in response to the form, scale, character, environmental quality and appearance of the site and the surrounding area;</p> <p>d) An acceptable standard of amenity is created for future residents of the property in terms of</p>	<p>To ensure the policy to applies to all housing developments including those on allocated sites and to allow development adjoining suburban areas where appropriate in line with the NPPF.</p> <p>Wording changes to ensure consistency with other references in the Plan.</p>	Y	Y

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>sunlighting, daylighting, privacy, outlook, noise and ventilation;</p> <p>e) The site is served by a satisfactory access that would not impact unduly on the highway network;</p> <p>f) The site has been designed to promote accessibility by walking, cycling and public transport, as opposed to the private car;</p> <p>g) The development is sustainable in its energy usage, environmental impact, drainage, waste management, transport implications and is not at risk of flooding;</p> <p>h) The capacity of the current and proposed infrastructure to serve the development is adequate taking into account committed and planned housing development;</p> <p>i) Where spare infrastructure capacity is not available, the site has the ability to provide for the infrastructure requirements it generates, subject to criterion f);</p> <p>j) Within rural settlements the applicant will be expected to demonstrate how the development will enhance or maintain the vitality of the rural community where the housing is proposed;</p> <p>k) Where the site is located on the edge of Barrow and Dalton, the applicant will be required to demonstrate how the development integrates within existing landscape features and is physically linked to the settlement and does not lead to an unacceptable intrusion into the open countryside or would result in the visual or physical coalescence of settlements;</p> <p>l) The proposal will not harm the historic environment, heritage assets or their setting;</p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>m) There would be no unacceptable effects on the amenities and living conditions of surrounding properties from overlooking, loss of light, the overbearing nature of the proposal or an unacceptable increase in on-street parking; and</p> <p>n) The development must comply with Policy N3 and the design principles set out in the Development Strategy chapter should be followed.</p> <p>The site should make effective use of previously developed land where possible.</p>			
MAM31	Policy H9 (Housing Density)	157	<p>Developers can determine the most appropriate density on a site by site basis, providing that the scheme meets the design principles set out in this Plan and is appropriate to the character of the location of the development in negotiation with the planning authority. <del>Consideration should also be given to housing needs identified in the most up-to-date Strategic Housing Market Assessment when determining the appropriate density. This will allow a range of densities to be developed and applied to best suit the character and requirements of different parts of the Borough and ensure sites come forward in a timely manner.</del></p> <p><b><u>Variations in density will be supported on larger sites in order to create distinctive character areas.</u></b></p>	For clarification as the SHMA concerns housing need and mix rather than density and also in acknowledgement that variations in density are easier to achieve on larger sites.	N	N
MAM32	New paragraph 7.9.5	158	<b><u>Under performance in a single year is unlikely to require immediate intervention, whereas persistent</u></b>	To ensure that Local Plan policies are effectively	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<b><u>under-delivery would require a more comprehensive assessment, particularly where there are likely to be adverse implications for the 5 year supply of deliverable housing sites and/or the longer term delivery of the full housing requirement over the plan period. Table 11 of the Local Plan identifies the actions that will be taken (interventions) and the triggers for taking those actions.</u></b>	monitored and implemented.		
MAM33	Policy H10 (Housing Delivery)	158	<del>Policy H10: Housing Delivery Housing delivery will be monitored and if the number of houses built is not meeting the targets set, interventions will be sought including bringing forward additional allocations.</del>	The Policy is no longer required following the addition of the text above and proposed modifications to Local Plan Table 11.	Y	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
MAM34	New paragraphs 7.9.6-7.9.7 & Sub title	158	<p><b><u>Empty Homes</u></b></p> <p><b><u>Empty property can blight otherwise attractive neighbourhoods, and can attract anti-social behaviour, such as fly tipping and drug taking. Empty properties are also a wasted resource that could in other circumstances be providing homes for people who need them. Bringing empty homes back into use is a sustainable way of increasing the overall supply of housing and reducing blight on neighbourhoods.</u></b></p> <p><b><u>The production of an Empty Homes Strategy would set a clear direction for empty homes work in the Borough. The Council will explore mechanisms for increasing the number of empty homes being brought back into use, including maximising innovative funding opportunities; directing resources to multi-agency groups whose remit includes tackling empty properties; and utilising enforcement options.</u></b></p>	To support new Policy H10.	N	N
MAM35	New Policy H10 (Empty Homes)	158	<p><b><u>The Council will maximise the use of the existing housing stock by working with developers and partners through the production of an Empty Homes Strategy to increase the number of empty homes being brought back into use.</u></b></p>	Whilst empty homes are discussed in paragraphs 7.1.25-7.1.27, this policy sets out the Council's commitment to maximising the use of the existing housing stock.	Y	N
MAM36	Policy H14 (Affordable Housing)	164	Delivery of affordable housing, including Rent to Buy homes, will be supported where the proposal meets national and local policy. Proposals for housing development will be assessed according to how well	To reflect the fact that paragraph 2 of the policy accepts that there may be cases where 10% provision is	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>they meet the identified needs and aspirations of the Borough’s housing market area as set out in the most up-to-date Strategic Housing Market Assessment and/or any more recent evidence of need. <del>10% of dwellings on sites of 10 units or over must be affordable as defined by the NPPF (or any document which replaces it).</del> <b><u>It is expected that 10% of dwellings on sites of 10 units or over should be affordable (as defined by the NPPF (or any document which replaces it). Alternatively contributions to the provision of affordable units off-site will be considered where justified. On and off site provision will be secured through a Section 106 Agreement.</u></b> Tenure split must reflect that stated as required in the latest Strategic Housing Market Assessment where possible.</p> <p>A lower proportion of affordable housing, or an alternative tenure split, may be permitted where it can be clearly demonstrated by way of a financial appraisal that the development would not otherwise be financially viable <b><u>either due to this requirement or due to the cumulative impact of this requirement and other required contributions.</u></b> Early dialogue with the Council on this matter is essential. It is not acceptable to sub-divide a site and purposely design a scheme to avoid making affordable housing contributions.</p>	<p>unachievable and to clarify that the cumulative impact of contributions.</p>		
MAM37	Paragraph 7.13.4	165	<p>The Gypsy and Traveller Assessment highlights the difficulty of accessing the Schneider Road site (see note attached to Table 6.1, page 43 and paragraph 10.22 of the Assessment) and therefore the difficulty of</p>	<p>The Council acknowledges that the Gypsy &amp; Traveller Accommodation Assessment, upon which policy H15 is based,</p>	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>accurately assessing current levels of occupation of the site. This makes it difficult to assess the existing demand and future need in the Borough. The recommended pitch requirements, set out in the Gypsy and Traveller Assessment, are based on existing pitch occupation, as recorded in April/May 2013, for both authorised and unauthorised sites. <del>It is prudent to adopt a cautious approach to the recommendations. There are questions regarding the future availability of the site therefore alternative sites need to be identified.</del> <b><u>Given that there are uncertainties over the future availability of the Schneider Road site and the fact that the Assessment pre-dates current national guidance on gypsy and traveller accommodation, the Council intends to produce an updated Assessment within 12 months of the adoption of the Local Plan. The updated Assessment will inform a Gypsy and Traveller Supplementary Planning Document which will identify demand for pitches and list sites suitable for gypsy and traveller pitches to meet the identified demand. Applications for pitches on identified sites must meet the criteria listed in Policy H15.</u></b></p>	<p>is now out-of-date as it pre-dates the relevant national guidance. The Assessment also assumes that the existing caravan site at Schneider Road will remain in its current use throughout the plan period which may not be the case. The production of a Gypsy &amp; Traveller SPD, alongside a criteria based policy will ensure the Council are able to meet the needs of gypsy and travellers over the plan period.</p> <p>The proposed Gypsy &amp; Traveller site shown in Appendix H is unlikely to meet the full demand for pitches identified in the current Assessment, although it could come forward as a windfall site. A full assessment of potential sites will be carried out to inform the Gypsy &amp; Traveller SPD.</p>		
MAM38	Paragraph 7.13.5	165	<p><del>Further monitoring of the occupation of the Schneider Road site and the broader demand for permanent and transit pitches is considered sensible. Therefore, an interim policy committing the Council to ensuring that a site, sufficiently large enough to accommodate at least the first five year requirement identified by the assessment is proposed. This will allow the Council to address the identified need, as set out in the Gypsy and</del></p>	<p>This requirement replicates policies elsewhere in the Local Plan.</p>	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<del>Traveller Assessment, and monitor demand over the first five years of the Plan, with a view to reassessing the policy, through either an SPD document or a replacement policy, as necessary.</del> <b><u>Policy H15 also applies to applications for gypsy and traveller pitches, on unidentified sites, transit or temporary sites.</u></b>			
MAM39	Paragraph 7.13.6	166	The Council adheres to a Cumbria wide, 'unauthorised encampment protocol', which applies to all unauthorised encampments but focuses on the travelling community. The protocol was set up to ensure that Gypsy and Travellers were suitably accommodated and had equitable access to local services. <del>Ensuring that the Council have a suitable site available for Gypsy and Travellers travelling into the Borough will strengthen the approach set out in the protocol document and adds some certainty prior to the assessment of monitoring data in five years' time.</del> <b><u>The production of a Gypsy &amp; Traveller SPD will strengthen the approach set out in the protocol.</u></b>		N	N
MAM40	Policy H15 (Gypsy and Traveller Accommodation)	166	<del>The following site at Schneider Road, Barrow-in-Furness (shown in Appendix H) is allocated for and will provide 8 permanent pitches for the accommodation of gypsy and travellers.</del>  <del>Where an unallocated, transit or temporary site is proposed, the site must:</del> <b><u>Applications for gypsy and traveller accommodation, either permanent, transit or temporary pitches, must meet all of the following</u></b>		N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p><b><u>criteria:</u></b></p> <p>a) Be accessible to shops, schools, community and health facilities by public transport, on foot or by cycle;</p> <p>b) Offer safe and convenient pedestrian, vehicular access and parking without unacceptable impact on highway safety;</p> <p>c) Be capable of being provided with on-site services for water supply, power, drainage, sewage disposal and waste disposal facilities;</p> <p>d) Be well laid out and carefully designed;</p> <p>e) Not have unacceptable adverse impact upon the residential amenity of those on neighbouring sites by way of the loss of sunlight, daylight, outlook and privacy;</p> <p>f) Not unacceptably harm the visual amenities of the area and includes adequate planting and landscaping where necessary;</p> <p><del>g) Not cause harm to natural and/or heritage assets that cannot be mitigated and/or compensated; and</del></p> <p><b>g) Not be located in areas at high risk of flooding or unstable land; <u>and</u></b></p> <p><b><u>h) Comply with the relevant policies in the Development Plan.</u></b></p>			
MAM41	Vision for Dalton Town Centre	183	Dalton will develop its role as a secondary centre to Barrow by continuing to provide shops and services within the town centre <b><u>proportionate to its position in the Borough’s retail hierarchy, to serve</u></b> the town and the immediate rural catchment.	To reiterate Dalton’s role as a secondary retail destination to Barrow in the retail hierarchy.	N	N
MAM42	Paragraph 8.5.3	187	Where applicants can satisfactorily demonstrate that the use cannot be located in the primary shopping area,	These sentences are no longer required following the deletion	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			then edge of centre sites may be considered next. In terms of retail, the 'edge of centre' is defined in the NPPF as a location within 300 metres of the primary shopping area boundary. <del>The location of the identified edge of centre sites are shown in Appendix I. Note that this appendix shows all the edge of centre sites (i.e. including other main town centre uses), rather than solely the edge of centre retail sites.</del>	of the edge of centre sites from the Proposals Map.		
MAM43	Paragraph 8.6.6	191	<p>The sequential approach is also appropriate to Dalton. Sequential tests submitted as part of an application must accord with the NPPF Guidance on need, impact and the sequential approach or any guidance replacing it.</p> <p><b><u>When carrying out the sequential test in order to justify an out of centre location in Dalton, consideration must be given to whether there are sequentially preferable sites within neighbouring Barrow.</u></b></p>	<p>For clarification, to reiterate Dalton's role in the retail hierarchy in conjunction with amendments to Policy R7 below and to direct development to sequentially preferable sites in Barrow where no opportunities exist within Dalton Town Centre in line with the NPPF paragraph 86.</p> <p>To update this paragraph as a need test is no longer a requirement of the NPPF.</p>	N	N
MAM44	Policy R7 (Sequential Test for new Retail Developments in Dalton, including proposals which remove restrictive goods conditions on	191	<p>New retail development will be permitted in Dalton Town Centre. <del>An out of centre location will only be permitted where clear and detailed justification that a sequentially preferable location is unfeasible is provided by the applicant and accepted by the Local Authority.</del> Where development</p> <p>Where retail development cannot be accommodated within the <b>Dalton</b> town centre <b>an alternative location</b></p>	<p>The Council has reviewed the schedule of proposed Minor Amendments and considers this change to be a Major Modification. (Former MIN 69 included in the Local Plan Submission Draft).</p> <p>Additionally, the modification is</p>	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
	existing units)		<p><b><u>must be clearly justified through a detailed sequential test carried out by the applicant which conforms to national policy and guidance.</u></b>  <del>and planning applications for out of centre retail development are clearly justified, preference will be given to accessible sites that are well connected to the town centre.</del></p> <p><del>Proposals for retail uses in out of centre locations must meet a specific local need and must not prejudice the vitality and / or viability of the town centre as a whole.</del></p> <p><del>Proposals for retail uses must be situated in a location which is, or can be made accessible, by a range of means of transport other than the private car and which will not add excessively to the need to travel by private car.</del></p> <p><b><u>Through the sequential test, the following alternative locations should be considered in order of preference, taking into account the hierarchy of centres in the Borough:</u></b></p> <ul style="list-style-type: none"> <li>- <b><u>Barrow Primary Shopping Area</u></b></li> <li>- <b><u>Barrow Edge of Centre</u></b></li> <li>- <b><u>Out of Centre locations</u></b></li> </ul> <p><b><u>An out of centre location will only be acceptable if there are no sequentially preferable locations available, or likely to become available, providing that the proposal meets all other relevant Development Plan policies. Preference will be given</u></b></p>	<p>required to bring the policy in line with the NPPF which does not include a local need test.</p> <p>The policy as originally written would not require applicants to consider sequentially preferable sites within Barrow if no suitable location could be found in Dalton Town Centre. This could mean out of centre retail is approved when sequentially preferable sites in neighbouring Barrow may be available and suitable. The policy has been rewritten to make this requirement explicit in line with the NPPF, paragraph 86.</p>		

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p><b><u>to accessible sites which are well connected to the town centre and where appropriate the applicant will be required to enter into a suitable legal agreement, such as a Section 106 or 278 agreement to provide necessary access and linkages.</u></b></p> <p><b><u>Applications for the removal of existing goods restrictions on units outside Dalton town centre must also comply with this policy.</u></b></p>			
MAM45	Policy R9	192	<p>Applications for development which creates new retail floorspace over 500 sq.m gross (including conversions) and/or proposals to remove goods restrictions on units over that size outside the Town Centre must be accompanied by a Retail Impact Assessment <b><u>carried out to the standards set within national policy guidance.</u></b></p> <p>Applications will be refused if the development /alteration would prejudice the vitality and/or viability of the Town Centre as a whole <b><u>or the wider retail catchment, including other centres higher up in the retail hierarchy.</u></b></p>	For clarification, to align the policy with paragraph 89 of the NPPF and to ensure development does not harm the vitality or viability of Barrow town centre.	N	N
MAM46	Policy R13 (Taxi Offices)	197	<p>Planning applications for the use of non-residential premises for the control and administration of hackney carriages or private hire vehicles will be permitted providing:</p> <p>a) <del>The site is within close proximity to a town centre, local centre or major leisure facility;</del>  b) <b><u>a) The site is not within a wholly residential area and</u></b> the impact upon residential dwellings within the vicinity of the site is considered acceptable,</p>	<p>Former criterion a) is overly-prescriptive and is unnecessary following the amendment below.</p> <p>Amendments to the wording of former criterion b) to protect residential amenity.</p>	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>particularly in terms of noise and traffic;</p> <p>⇒ <b>b)</b> The local highway network can support the additional traffic which will be generated by the use; and</p> <p>d) There is adequate off-street parking available within close proximity to the site ensuring all vehicles can be operated from the base.</p>			
MAM47	Policy R15 (The Location of Hot Food Takeaways)	199	<p>Applications for hot food takeaways, including those which involve the relaxation of opening hours, will be permitted where:</p> <p>a) They are located within the urban boundaries of Barrow or Dalton or are within a <del>Cordon</del> <b>Village Development Cordon</b> identified in Policy H4;</p> <p>b) <del>There is no adjoining purely residential use including on upper floors of the property;</del></p> <p>⇒ <b>b)</b> The applicant submits evidence to the Council’s agreement to demonstrate that there will be no adverse impact upon <del>the</del> <b>the</b> local <del>environmental</del> environment and <b>residential</b> amenities by reason of noise, odour, litter, waste disposal, traffic and parking; and</p> <p>⇒ <b>c)</b> Full details are submitted at application stage of any extraction equipment in order that the visual implications can be fully assessed. This is of particular importance if any heritage assets or their setting are affected which may require additional detail.</p> <p>Grease traps will be required where necessary.</p>	This criterion is overly-prescriptive and is unnecessary as amenity will be protected through the other criteria in the policy.	N	N
MAM48	Policy HE3 (Listed	211	Proposals for works to listed buildings, including alterations, extensions or change of use and	To ensure consistency with the NPPF.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
	Buildings)		<p>development affecting setting should not cause unacceptable harm to its significance, including those elements which contribute to their special architectural or historic interest, and setting. Opportunities to enhance and better reveal their significance will be supported.</p> <p><b><u>Substantial harm to or loss of, a grade II listed building should be exceptional. Substantial harm to, or loss of, grade I and II* listed buildings should be wholly exceptional.</u></b></p> <p>Proposals which involve substantial harm to, or loss of, a listed building including to its setting, <del>will only be permitted in exceptional circumstances where it can be demonstrated that</del> <b><u>will be refused unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial benefits that outweigh that harm or loss, or all of the following apply:</u></b></p> <ul style="list-style-type: none"> <li>a) The nature of the heritage asset prevents all reasonable uses of the site;</li> <li>b) That no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;</li> <li>c) That conservation through grant-funding or some form of charitable or public ownership is demonstrably not possible; and</li> <li>d) The harm or loss is outweighed by the benefit of bringing the site back into use.</li> </ul>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<b><u>Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighted against the public benefits of the proposal, including securing its optimum viable use.</u></b>			
MAM49	Policy HE5 (Demolition in a Conservation Area)	213	<p>Proposals for the demolition of a building in a Conservation Area must demonstrate one of the following criteria:</p> <p>a) It is unrealistic for the building to continue in its existing use and a suitable alternative use cannot be found; or</p> <p>b) The building is in poor structural condition and the cost of repairing and maintaining it would be disproportionate to its importance and value; or</p> <p>c) The demolition would preserve or enhance the character or appearance of the Conservation Area.</p> <p>Proposals for the demolition or substantial loss of a building which makes a positive contribution to the special character and appearance of a conservation area will not be permitted. <del>Demolition of other</del> <del>substantial loss will only be permitted where</del> <b>unless</b> it can be demonstrated that the tests in national <b>planning</b> policy can be met.</p>	For clarification.	N	N
MAM50	Paragraph 10.3.9 (new paragraph)	223	<b><u>The inclusion of food growing opportunities in new developments however can extend beyond the conventional provision of gardens and allotments. It could include the creative use of roofs, walls and</u></b>	To provide additional guidance for developers implementing policy N2.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<b><u>balconies where external space is limited, and landscaping with productive plants that produce fruit, seeds or nuts rather than ornamental trees and shrubs. Green roofs, for example could accommodate both growing beds and greenhouses where structurally suitable. Where provided, the identified space for food growing may be secured through planning condition or a Section 106 agreement.</u></b>			
MAM51	Policy N2 (Safeguarding and Improving Soils)	223	<p>Where appropriate, new development will be expected to safeguard and improve soils that are situated on the site. <b>Where appropriate</b> applicants for new development will be required to submit a Soil Resource Survey which identifies the quality, characteristics and distribution of the soils on the site. This should be followed by a Soil Resource Plan which sets out how the soils will be managed sustainably during construction.</p> <p>Developers are encouraged to include areas within residential development that provide suitable conditions for food growing. Such areas should be integrated into the development, taking account of the need for a reliable water supply, shelter and adequate access, and should provide suitable soil quality and depth. Alternatively, proposals for improvements to nearby allotments will be considered.</p>	For clarification.	N	N
MAM52	Policy N3 (Protecting Biodiversity and	238	The Council will support development which maintains, protects and enhances biodiversity across the Borough. Proposals for new development should protect,	To ensure alignment with the NPPF and to direct developers to the most up-to-date	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
	Geodiversity)		<p>maintain and enhance the quality of biodiversity habitat and improve access to important biodiversity areas, and will be required to show full details of measures to achieve this in the form of a suitable Management Plan. Consideration must be given to <del>the relevant Supplementary Planning Guidance.</del> <b><u>the Council's Biodiversity and Development Supplementary Planning Document (SPD) and any other relevant guidance.</u></b></p> <p>Designated biodiversity and geodiversity sites</p> <p>There is a presumption in favour of the preservation and enhancement of sites of international and national importance. Development proposals that would cause a direct or indirect adverse effect on any site of international or national importance, including its qualifying habitats and species will only be permitted where the Council and relevant partner organisations are satisfied that:</p> <ul style="list-style-type: none"> <li>• <del>The development cannot be located on an alternative site with less harmful impacts and</del> <b><u>The adverse effect cannot be avoided (for example through locating the development on an alternative site); and</u></b></li> <li>• Any adverse impacts can be mitigated for example through appropriate habitat creation, restoration or enhancement on site or in another appropriate location, in agreement with the Council and relevant partner organisations, via planning conditions, agreements or obligations.</li> </ul>	<p>guidance.</p> <p>Paragraph relating to protected species moved to end of policy to ensure that it is clear that the other paragraphs within this section relate to all developments not just those relating to protected species.</p>		

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>Where mitigation is not possible or viable or where there would still be significant residual harm following mitigation, compensation measures should be made to provide an area of equivalent or greater biodiversity value. Compensation should be secured through planning conditions or planning obligations.</p> <p>Special compensation considerations apply in the case of Natura 2000 sites. If harm to such sites is allowed because the development meets the above criteria and imperative reasons of overriding public interest have been demonstrated, the European Habitats and Wild Birds Directive requires that all necessary compensatory measures are taken to ensure the overall coherence of the network of European Sites as a whole is protected.</p> <p>Local wildlife sites and geological designations such as County wildlife sites, wildlife corridors and Local Geological Sites (LGS) will be afforded a high degree of protection from potentially harmful development, unless a strong socio-economic need can be demonstrated and the development cannot be situated in a less sensitive location.</p> <p>Assessing the effects of development on biodiversity and geodiversity</p> <p><del>Proposals for new development on designated biodiversity and geodiversity sites should be accompanied by appropriate surveys identifying the</del></p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p><del>potential effects of the development upon the designated biodiversity and geodiversity sites.</del></p> <p><del>The surveys should be undertaken by a qualified person in order to provide a basis for decisions on:</del></p> <p><del>a) The development potential of the land</del>  <del>b) Any necessary appropriate mitigation</del>  <del>c) The means of working necessary to avoid harm to wildlife.</del></p> <p><b><u>Proposals for new development which may result in significant harm to biodiversity must be accompanied by appropriate surveys, undertaken by a suitably qualified person, to identify the potential effects of development. In such cases, it must be demonstrated that avoidance measures have been considered and justification for ruling these out must be given. Where significant harm is unavoidable, it should be adequately mitigated, or as a last resort, compensated for.</u></b></p> <p>Where mitigation is required in the form of species translocation, the Council will work with partners to identify suitable sites for translocation</p> <p>Where there is evidence to suspect the presence of protected species, the planning application should be accompanied by appropriate, up-to-date surveys carried out at the correct time of year for the particular species assessing their presence to ensure that the proposal is sympathetic to the ecological interests of</p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			the site.			
MAM53	Definition of Green Infrastructure box	242	<del>Green Infrastructure is a network of green spaces, water and other environmental features, urban and rural, which is multi-functional and capable of delivering a wide range of social, economic and environmental benefits (1) Cumbria Green Infrastructure Investment Strategy 2014.</del> <b><u>A network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.</u></b>	To ensure consistency with the NPPF	N	N
MAM54	Policy GI3 (Green Corridors)	250	<del>The location of related infrastructure within a Green Corridor will be acceptable providing that all of the following criteria are met:</del> <b><u>Where on site infrastructure is to be provided this should be located, where possible, within a Green Corridor. Applicants are required to identify Green Corridors as part of their proposal and conditions may be attached to any consent to ensure these are retained over the lifetime of the development. Green corridors must meet the following criteria:</u></b>  a) Proposals must demonstrate how existing vegetation and landform features both within and adjacent to the Green Corridor have informed the layout and design of infrastructure; b) An appropriate survey will be required to determine the nature and extent of ecology within the Green Corridor to ensure that any existing habitats or species are protected and enhanced and how the resulting environment is to be managed during and	For clarification to improve the effectiveness of the Policy.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<p>after the construction period;</p> <p>c) Landscaping proposals will need to demonstrate that only naturally occurring species are used encouraging durable, low-maintenance natural succession forms of planting that provide landscaping for infrastructure and continuity of movement and foraging for wildlife;</p> <p>d) Proposals must demonstrate how accessibility, activity, infrastructure and development frontage are interwoven together into a landscape-orientated layout design;</p> <p>e) Movement through the site layout must be designed clearly as a hierarchy. Connections between development areas must be legible in terms of siting, design and landscaping with sufficient variation in route direction, width and enclosure to manage cycle speeds;</p> <p>f) Incorporate water intercept and storage capacity sufficient to retain and discharge current and anticipated levels of surface water drainage appropriately to a suitable watercourse if required as an intrinsic part of layout and landscape design;</p> <p><del>g) Proposals for infrastructure, sports facilities or formal open space including children's play areas will be encouraged, providing that any structures relate closely with existing or proposed landscaping and are not in visually isolated or prominent positions; and</del></p> <p><del>h) g</del> Ensure that all routes and spaces are capable of being at least indirectly overlooked in contributing to community and personal safety.</p> <p><b><u>Proposals for infrastructure, sports facilities or formal open space including children's play areas</u></b></p>			

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
			<b><u>will be encouraged where possible, providing that any structures relate closely with existing or proposed landscaping and are not in visually isolated or prominent positions</u></b>			
MAM55	Policy GI7 (Open Countryside)	255	Proposals acceptable within the open countryside will be supported providing they accord with the principles of the Green Infrastructure Strategy to make sure the form and character of development and its landscaping complements the setting and appearance of the surrounding area. <b><u>Development within the open countryside which accords with the Development Plan will be supported providing that it accords with the principles of the Green Infrastructure Strategy and recognises and respects the intrinsic character and beauty of the countryside.</u></b>	To ensure consistency with the NPPF.	N	N
MAM56	Table 11	283-307	See Appendix B	To ensure the policies are effectively monitored and implemented.	N	N
MAM57	Appendix H	N/A	Delete Appendix H (Gypsy & Traveller Site)  See Appendix C.	The site is no longer being taken forward as a gypsy & traveller site through the Local Plan.	N	N
MAM58	Appendices A-C: Proposals Map	N/A	Identification of the Port of Barrow on Proposals Map (Policy P1).  See Appendix D.	Linked to new Policy P1	N	N
MAM59	Appendices A-C:	N/A	Amend the boundary of OPP3 Salthouse Mills (Policy DS4) as per Appendix A of Hearing Statement Matter 2.	At request of the landowner ABP. This section of the site is	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
	Proposals Map		See Appendix E.	no longer available for use as part of the wider Opportunity Area.		
MAM60	Appendices A-C: Proposals Map	N/A	Amend the boundary of site REC19b (Policy H3) following transfer of part site to Victoria Academy.  See Appendix F.	At request of the landowner CCC. This section of the site is no longer available as part of the wider housing site.	N	N
MAM61	Appendices A-C: Proposals Map	N/A	Delete Site SHL013b (Policy H3) from the Proposals Map.  See Appendix G.	There are uncertainties regarding the deliverability of the site, particularly in terms of availability. The site could come forward as a windfall site in the future should these issues be overcome.	N	N
MAM62	Appendices A-C: Proposals Map	N/A	Delete Site REC54 (Policy H3) from the Proposals Map.  See Appendix H.	There is insufficient evidence to demonstrate a surplus of pitches.	N	N
MAM63	Appendices A-C: Proposals Map	N/A	Amend the Primary Shopping Area (Policy R3) boundary on the Proposals Map to include the north side of Scott Street, Barrow.  See Appendix I.	This section of the street also contains clusters of retail uses and should therefore be included in the PSA.	N	N
MAM64	Appendices A-C: Proposals Map	N/A	Delete the Edge of Centre sites from the Proposals Map (Policy R4).	To future-proof the proposals map as sites may no longer be available once they are occupied and for clarity as the Edge of Centre area is wider than the identified sites.	N	N
MAM65	Appendices A-C: Proposals Map	N/A	Amend Barrow Town Centre boundary.  See Appendix J.	To align with the Residential Protection Areas and to better align with the Barrow Business Improvement District boundary.	N	N

Mod Ref	Policy/ Para No.	Page No.	Change	Reason	SA update Y/N	HRA update Y/N
MAM66	Appendices A-C: Proposals Map	N/A	Delete the shopping trolley icons and identify specific Neighbourhood Shopping Centres (Policy R19) on the Proposals Map.  See Appendix K1 – K13.	For clarification to improve the effectiveness of Policy R19.	N	N
MAM67	Appendices A-C: Proposals Map	N/A	Delete the small, non-strategic areas of Green Corridor within and around site REC25a (Policy GI3) identified on the Proposals Map.  See Appendix L.	Identifying such small areas is overly-prescriptive and would not allow for flexibility. These areas may also not be the most suitable locations for housing infrastructure as issues such as drainage, gradient etc. have not been taken into account when identifying them. Developers will be required to identify green corridors within the site as part of their planning applications.	N	N
MAM68	Appendices A-C: Proposals Map	N/A	Amend Proposals Map to show revised Suitable Areas for Wind Energy (Policy C6).  See Appendix M.	To update the proposals map in line with updated evidence in the Suitable Areas for Wind Energy Technical document.	Y	Y

**Please note:** Appendices (A to M) referred to in the modifications above can be found in the separate document – Part 2 – Appendices to Schedule of Main Modifications August 2018.