



Copeland Local Plan 2021-2038: Publication Draft – Addendum

Amendments to
Policy H9: Allocated Site
for Gypsies and
Travellers and
Policy N5: Protection of
Water Resources

Regulation 19
Consultation Paper

July 2022

Contents

1. Introduction	3
2. Gypsy and Traveller site allocation	4
Background	4
Previous consultation	4
Proposed changes to Policy H9 and its supporting text	5
3. Nutrient Neutrality.....	9
Background	9
Proposed changes to Policy N5 and its supporting text	9
4. Focus of the consultation and how to respond	14
Appendix A: Summary of responses and evidence received in relation to sites GTW3 and GTW5 .	15
Appendix B: Local Plan Publication Draft Addendum – Replacement Policy and Supporting Text for Policies H9 and N5	24

1. Introduction

- 1.1 This document is to complete the Copeland Local Plan 2021-2038 by updating Policy H9PU and its supporting text in the Publication Draft to include a Gypsy and Traveller site allocation. It also makes amendments to Policy N5PU: Water Resources, to address the issue of Nutrient Neutrality.
- 1.2 The Council has carried out an assessment to identify potentially suitable sites to take forward as a Gypsy and Traveller allocation through the Local Plan. Two sites were subject to public consultation between the 21st March and 3rd May 2022. This, alongside additional evidence base, technical reports and assessments (including Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA)), has resulted in one site being identified as preferable for allocation. Following advice from the Planning Inspectorate, it is necessary to carry out an additional public consultation into revised Policy H9PU with the preferred site allocation included.
- 1.3 In addition to this, The Council are proposing amendments to Policy N5PU: Protection of Water Resources and its supporting text, to address the issue of Nutrient Neutrality. New Government guidance has been released since the production of the Publication Draft, which requires development to take account of nutrient impacts on habitats sites and ensuring nutrient neutrality is secured as part of a proposal before planning permission is granted.
- 1.4 Chapter 2 of this consultation paper identifies the preferred Gypsy and Traveller Site Allocation and update to Policy H9PU, while chapter 3 outlines the proposed additional text within Policy N5PU: Protection of Water Resources to ensure nutrient neutrality from development. The final proposed wording for policies H9 and N5 that will be submitted in the Addendum can be found in Appendix B.
- 1.5 The proposed amendments to Policies H9PU and N5PU and their supporting text will be subject to an additional six week consultation under Regulation 19 of the *Town and County Planning (Local Planning) (England) Regulations 2012*. This will run between **Wednesday 13th July and Wednesday 24th August 2022**.
- 1.6 Following this, the updated Local Plan Publication Draft, including the two amended policies and supporting text, will be submitted to the Secretary of State for Public Examination. It is then anticipated that the Local Plan will be adopted in Summer 2023.
- 1.7 If you wish to make any comments on updated Policies H9PU and N5PU, the proposed Gypsy and Traveller site allocation or the supporting text, please do so using the accompanying representation form by **no later than Wednesday 24th August 2022**.

2. Gypsy and Traveller site allocation

Background

- 2.1 The Council has a responsibility to meet the housing needs of all its residents including those who identify as Gypsies, Travellers and Travelling Showpeople under the Housing and Planning Act 2016.
- 2.2 At the time the *Copeland Local Plan 2021-2038 Publication Draft* was produced, the evidence identifying the need for Gypsy and Traveller pitches was incomplete. Since then, the Cumbria Gypsy and Traveller Accommodation Assessment has been completed, which identified a need for 12 residential Gypsy and Traveller pitches in Copeland.
- 2.3 In order to meet this need, the Strategic Planning team carried out a public consultation into two proposed sites to gain public views and stakeholder comments to determine the most suitable site for use as a Gypsy and Traveller site allocation. Additional evidence base documents have now also been produced which have led to a preferred site being selected.
- 2.4 It was anticipated that following the consultation, the preferred site would be added to the Local Plan as a site allocation. However, the Strategic Planning Team attended an Advisory Meeting on the 29th March 2022 with a Planning Inspector to discuss the Local Plan submission process. They advised that the Council carried out an additional consultation into the preferred site, accompanied by the HRA, SA and additional evidence and assessments that have been undertaken. This is because it will result in a quicker and more streamlined examination process if only one site is submitted as part of the Local Plan. Also, without this additional consultation, there is a risk that both sites could be allocated in the Local Plan, which would be above the required provision and is not the intention of the Council.
- 2.5 Following this consultation, the preferred site will be included as a Gypsy and Traveller site allocation under Policy H9PU and will form part of the Submission draft of the Copeland Local Plan. This will be submitted to the Secretary of State and will be subject to a public examination. It is anticipated that the Local Plan will then be adopted in Summer 2023.

Previous consultation

- 2.6 A public consultation into the two proposed sites for Gypsy and Traveller accommodation took place between 21st March and 3rd May 2022. The two potential sites were as follows:
 - GTW3: Land north of Greenbank, Whitehaven
 - GTW5: Land at Sneckyeat Industrial Estate, Whitehaven
- 2.7 The purpose of the consultation was to gain opinions on the two sites, and to receive additional evidence surrounding the suitability of each site for allocation.

- 2.8 A total of 194 consultation responses were received, with 123 people commenting on GTW3 and 68 commenting on GTW5. The majority of these responses consisted of objections to the sites. An additional 17 responses consisted of general comments surrounding the concept of allocating land for this purpose.
- 2.9 In addition to this, a petition was submitted to the Council which objected to both sites on the grounds that they felt “not enough consideration has been given to more suitable areas to host the site within Copeland”. The purpose of the site is to meet an identified need and a full assessment has been carried out on both pieces of land to determine their suitability. The reason for limited sites being considered was due to the lack of availability of land, resulting in the Council using their own landholdings for this purpose.
- 2.10 The majority of the evidence indicates that GTW5 would be the preferable site for allocation, with more site constraints being present on GTW3. This includes evidence from Ecology, Landscape and Access Assessments, Habitats Regulations Assessment, Sustainability Appraisal and Heritage Impact Assessments, as well as consultation responses received from statutory consultees, including the Coal Authority, United Utilities, Historic England, the Environment Agency and Sport England. A summary of the evidence and responses received can be seen in Appendix A.
- 2.11 In light of this, the Council are proposing site GTW5 as the preferred site to be included as an allocation under Policy H9PU.

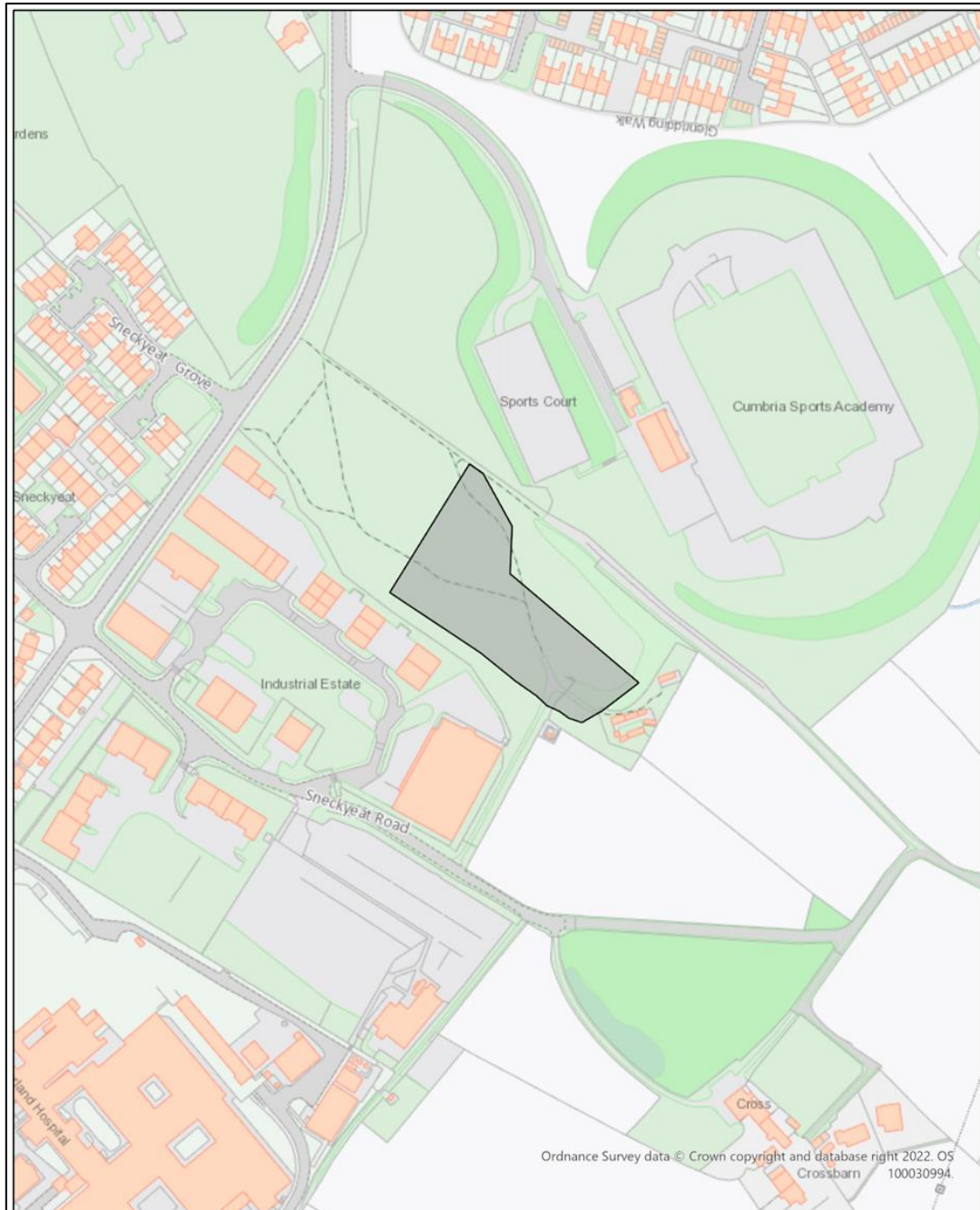
Proposed changes to Policy H9 and its supporting text

- 2.12 The Council is proposing to make some amendments to Section 13.12 and Policy H9 of the Copeland local Plan Publication draft to reflect the preferred site for allocation. The proposed changes are identified below. For ease of reference:
- Text proposed for deletion is shown as strikethrough
 - Text to be added is shown in bold blue text
- 2.13 No changes are being proposed for Policy H10PU.

13.12 Gypsy and Traveller Accommodation Sites

- 13.12.1 The Council has a responsibility to meet the housing needs of all its residents including those who identify as Gypsies, Travellers and Travelling Showpeople under the Housing and Planning Act 2016. We also have a duty under the Planning Policy for Traveller Sites 2015 to ensure a rolling five-year supply of deliverable sites for travellers.
- 13.12.2 A Cumbria wide Gypsy and Traveller Study ~~was is currently being produced in 2022 that identified a need for 12 Gypsy and Traveller pitches to~~ The initial findings indicate identify a need for between 1 and 12 Gypsy and Traveller pitches in the borough to accommodate a Copeland resident currently living in bricks and mortar housing and their extended family.
- 13.12.3 A call for sites was carried out in 2021, however no sites were put forward for consideration. The Council ~~will~~ **has** therefore reviewed ~~its own land assets against the criteria in Policy H10PU below~~ **and identified two potentially suitable sites in Whitehaven; land at Sneckyeat Industrial Estate (GTW5 and Land at Greenbank (GTW3). Please see the Gypsy and Traveller Site Assessment Paper for further details regarding site selection.**
- 13.12.4 ~~The Council is currently assessing a number of its own sites against the criteria in Policy H10PU below and is seeking views from the Lead Local Flood Authority and Highways Authority. Potential suitable sites will be were subject to a 6 week public consultation in April/May early 2022. The site taken forward will then be identified in Policy H9PU below.~~ **Both sites were subject to a 6 week public consultation throughout March/April 2022 and were subject to Habitats Regulations Assessment and Sustainability Appraisal. Additional assessments, including ecology assessments and site access assessments were also carried out to determine which was the most appropriate site to take forward as an allocation. After full consideration of the issues, the Council on 6th July 2022 , agreed to allocate site GTW5 (land at Sneckyeat). This site was then subject to a public consultation under Regulation 19.**

Figure 9: Gypsy and Traveller Site Allocation, Land at Sneekyeat, Whitehaven



- 13.12.5 Before development can commence on the site, planning permission will need to be sought, alongside a Construction Environmental Management Plan and a Drainage Strategy. The landowner will also have to identify a suitable replacement area of open space to meet the requirements of Policy N11.**
- 13.12.6** Should a need for any additional or short term/transient pitches arise following the Plan's adoption, applications will be dealt with in accordance with Policy H10PU below.

Strategic Policy H9PU: Allocated Site for Gypsies, and Travellers and Travelling Showpeople



The following site is allocated for **12** pitches for Gypsy, traveller or travelling show-people mobile homes:

Site GTW5: Land at Sneckyeat, Whitehaven

~~*Site to be identified through a separate consultation in early 2022 once the need for pitches has been confirmed*~~

The site must be retained for this purpose and the site must be designed in accordance with criteria b-g of Policy H10PU.

3. Nutrient Neutrality

Background

- 3.1 Since the production of the Publication Draft, the Government has produced new guidance relating to nutrient neutrality. This requires development to take account of nutrient impacts on habitats sites and ensuring nutrient neutrality is secured as part of a proposal before planning permission is granted.
- 3.2 In April 2022 an area of Copeland was identified to be affected by nutrient pollution, in the catchment area for the Derwent and Bassenthwaite Lake SAC. The affected area is limited to parts of the parishes of Lamplugh, Arlecdon and Rowrah and Distington and does not affect any of the proposed allocations within the emerging Local Plan.
- 3.3 However to comply with the guidance, Council officers are proposing to make amendments to Policy N5: Protection of Water Resources, to address the issue which may affect future windfall developments. Additional information about the issue of nutrient neutrality, the affected areas, and what this means for the Development Management process, can be found on the CBC website¹.

Proposed changes to Policy N5 and its supporting text

- 3.4 The Council is proposing to make some amendments to section 15.12 and Policy N5 of the Publication Draft to reflect the Government guidance surrounding nutrient neutrality. The proposed changes are set out below. For ease of reference:

- Text proposed for deletion is shown as strikethrough
- Text to be added is shown in bold blue text

15.12 Water Resources

15.12.1 A high quality water environment supports wildlife, provides quality of life benefits, and can support local economies, boosting land and property values, agriculture, tourism and recreation. Where it is not properly planned for, new development can increase pressure on the water environment. Planned development can provide opportunities to protect and enhance the water quality. Pressures on the water environment arise from point sources such as discharges from wastewater treatment, and from diffuse sources such as urban and rural water run-off. Development should ensure there is adequate waste water treatment infrastructure to ensure no deterioration in water quality.

¹ <https://www.copeland.gov.uk/nutrient-neutrality>

15.12.2 The current River Basin Management Plan (the North West River Basin Management Plan) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Any development should safeguard these important water resources and protect and improve water quality with an overall aim of getting water bodies to 'good' status as defined by the Water Framework Directive.

15.12.3 Copeland has 4 designated Bathing Water beaches at Haverigg, Silecroft, Seascale and St Bees and all comply with the standards outlined in the Bathing Water Directive.

15.12.4 Silecroft and St Bees are both classed as excellent water quality, Seascale is Good and Haverigg is Sufficient. Further investment to improve water quality in the Copeland Local Plan Publication Draft 2021 202 Duddon catchment is required to protect Haverigg from the risk of failing future assessment.

15.12.5 Copeland has 2 designated Shellfish Waters on the Duddon estuary and at Ravenglass, and microbial water quality has improved to enable them to achieve the Water Framework Directive requirement for Shellfish Water Protected Areas.

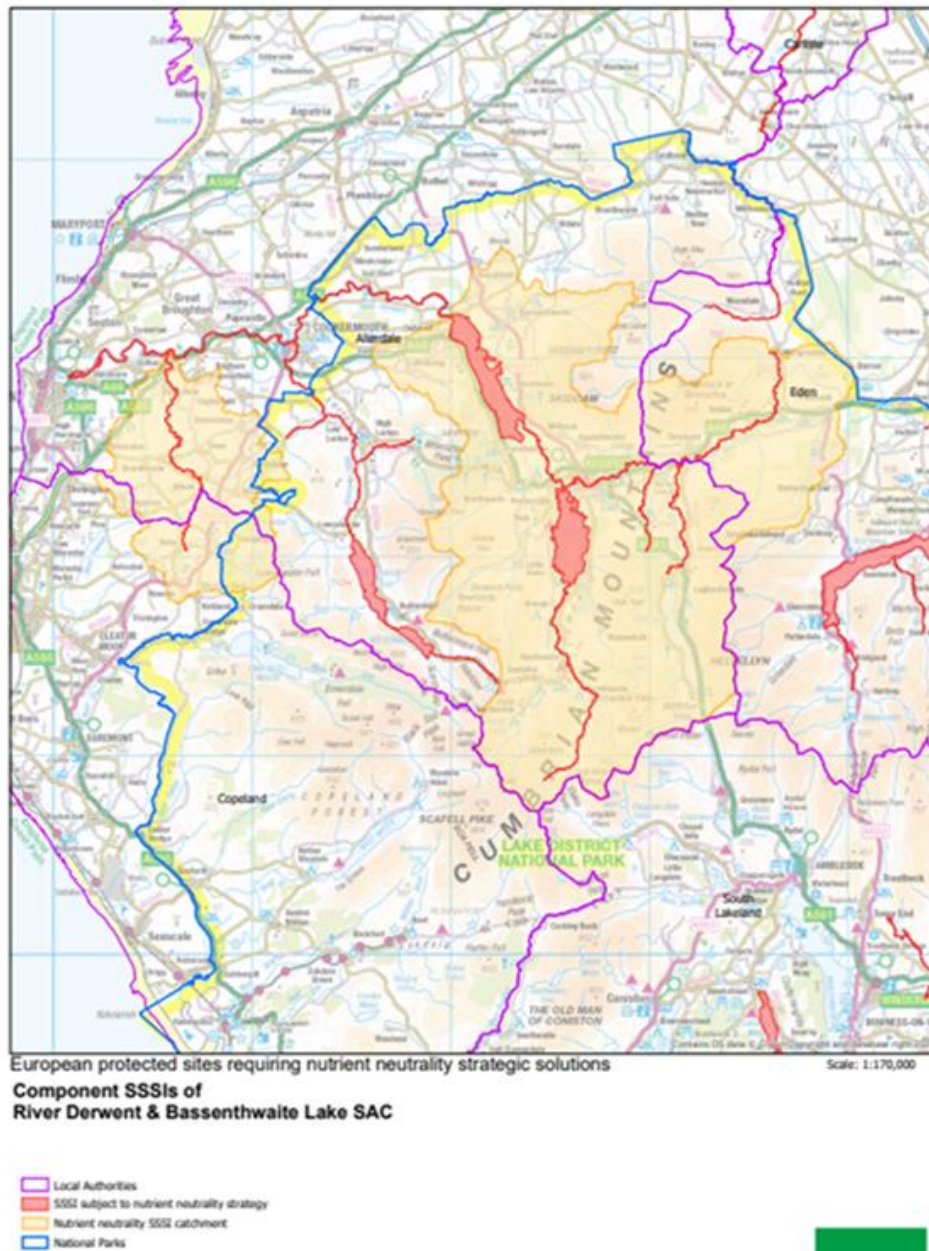
15.12.6 There are 30 river waterbodies designated under the Water Framework Directive in the area covered by the Plan. The 2019 classification results showed that, of these 13 are currently achieving 'Good'; 13 are achieving 'Moderate' and 4 are classified as 'Poor' ecological status/potential.

Nutrient Neutrality

15.12.7 Nutrient pollution is harming our water environment, particularly in many of the country's freshwater habitats and estuaries. Pollution comes from a number of sources including waste-water from development and certain agricultural practices. It has an adverse effect on biodiversity by increasing the growth of invasive plants which disrupts the natural cycle by reducing the amount of oxygen in the water and therefore water quality.

15.12.8 The Derwent and Bassenthwaite Lake SAC is a protected Habitat Site under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) which supports a number of habitats and species. Part of the SAC catchment area is located within the north of the borough and covers around 3.6% of the Copeland Local Plan area. The Conservation Objectives for the SAC states there is a need to 'restore stable nutrient levels appropriate for lake type' and that 'the natural nutrient regime of the river should be protected, with any anthropogenic enrichment above natural/background concentrations should be limited to levels at which adverse effects on characteristic biodiversity are unlikely'. Nitrogen and phosphorus levels are a particular problem within the catchment area.

Figure 12: River Derwent and Bassenthwaite Lake SAC Catchment Area



Produced by Defra Spatial Data Science
© Defra 2021, reproduced with the permission of Natural England, <http://www.naturalengland.org.uk/copyright>.
© Crown Copyright and database rights 2021. Ordnance Survey licence number 100022021.



15.12.9 Guidance was produced by the Government in March 2022 relating to nutrient neutrality. The guidance requires that local planning authorities carefully consider the nutrient impacts of any new plans or projects on Habitats Sites through the Habitats Regulations process. Where adverse impacts on the integrity of a Habitats Site are identified then mitigation must be considered. Nutrient neutrality is the term used for the desired outcome either prior to or following for such mitigation.

15.12.10 Before granting any new planning permissions, the Council² will need to be confident that the development in question does not require nutrient neutrality to be acceptable under the regulations or that nutrient neutrality is secured, as part of the proposal.

15.12.11 Developers will therefore be required to submit a Habitats Regulations Assessment which assesses the impact of nutrient pollution caused by particular developments³ that would potentially generate additional nutrient inputs within the catchment area of the Derwent and Bassenthwaite Lake SAC. The HRA Screening stage will need to identify whether the development will have adverse effects upon the integrity of the Habitat Site through the use of a nutrient budget calculator. If adverse effects are identified an Appropriate Assessment will be required to identify the most appropriate solutions to ensure there are no residual effects following mitigation. This would also apply if additional catchments are identified as being affected by nutrient neutrality in the future.

15.12.12 As the issue of nutrient neutrality is new to the Copeland area, at present there are no strategic mitigation solutions in place or readily available and in order to demonstrate nutrient neutrality a number of different solutions may be appropriate. This could include nature-based solutions such as new wetlands, woodlands or riparian buffer strips. Appropriate mitigation needs to be upstream of where the nutrients are discharged and also within the nutrient neutrality catchment. In many cases a combination of both hard and nature-based solutions will be required and these will usually be secured through a Section 106 or unilateral agreement with the developer. We appreciate that it may take time for applicants to secure mitigation, particularly where additional land outside the application site needs to be sourced. Mitigation will however need to be secured and delivered before housing and overnight accommodation can be occupied.

15.12.13 The Council has updated its validation list to help developers navigate the process by setting out what information will be required to support a planning application. We will also work with partners and developers to identify the most appropriate solutions.

15.12.14 DEFRA have published a policy paper on the subject which can be found here: [Nutrient pollution: reducing the impact on protected sites - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/nutrient-pollution-reducing-the-impact-on-protected-sites)

15.12.15 Policy N5 relates to “affected developments”. At present, this means all development that creates overnight accommodation within the catchment area. The Government have stated that nutrient neutrality is only an interim solution and further developments such as industrial developments may also be required to follow the same procedure in the future. The Policy will therefore also relate to any such development that is referred to within the Government’s nutrient neutrality policy.

15.12.16 ~~15.12.7 Policy N5PU below~~ **The policy also** aims to protect watercourses from further decline. Any new discharge into a watercourse (or work with it) may require consent from Cumbria County Council as the Lead Local Flood Authority or the Environment Agency depending on whether it is a main river or not.

² Taking into consideration advice from Natural England

³ Those that create additional overnight accommodation such as housing developments etc.

Policy N5PU: Protection of Water Resources



New development must seek to protect or improve the quality of surface and groundwater water resources, including designated coastal Bathing Waters and Shellfish Waters downstream. Proposals should follow the hierarchy for wastewater treatment with foul drainage connected to mains sewer wherever possible. New development should not be operational or occupied until such time as adequate waste water infrastructure has been provided.

Where an affected development within the catchment of the Derwent and Bassenthwaite Lake SAC (or any other catchment identified by the Government as being affected by nutrient neutrality in the future) this must not result in adverse impacts on the integrity of the SAC through the creation of nutrient pollution, unless suitable solutions are identified through an Appropriate Assessment to ensure no residual harm remains following mitigation. Mitigation will need to be deliverable, certain and provided in perpetuity.

The possibility of contamination from former uses on any application site and its effects on the water environment and human health needs to be considered and remediated where it is present.

Proposals will be required to support the objectives of the Water Framework Directive, including the objectives for Protected Areas (such as Bathing Waters and Shellfish Waters) as set out in the North West River Basin Management Plan.

New development should ensure there is sufficient water resource available to meet current and future needs, without putting the environment at risk. Wherever possible development should include water efficiency and saving measures.

4. Focus of the consultation and how to respond

- 4.1 The Council wishes to seek the views of key stakeholders and interested members of the public regarding the suitability of the proposed Gypsy and Traveller allocation set out in Policy H9 and the proposed amendments to policy N5: Protection of Water Resources. Views are also sought on changes to the supporting text surrounding both policies. The policy and supporting text wording is that which will appear in the Submission draft of the Local Plan, which will be sent to the Secretary of State for public examination. The text that will be submitted in the Addendum, without tracked changes, can be found in Appendix B.
- 4.2 The public consultation will run for a total of six weeks from **Wednesday 13th July until Wednesday 24th August**. Any response received after this date will not be taken into consideration.
- 4.3 Responses must be made using the relevant Representation Form sent to localplanconsultation@copeland.gov.uk and must clearly set out reasons for support/objection. Any comments received will be made publicly available (personal details will be omitted) and will be reproduced in a future Consultation Responses document.
- 4.4 Responses can also be submitted by post to the following address:
- Strategic Planning
Copeland Borough Council
Market Hall
Market Place
Whitehaven
Cumbria
CA28 7JG
- 4.5 Should you require any further information please contact the Strategic Planning Team on 01946 598300 or at the email address above.

Appendix A: Summary of responses and evidence received in relation to sites GTW3 and GTW5

The following appendix provides a summary of the comments received during the public consultation and the Council's response to those, if they are a matter that the Local Plan can consider. Following this are the conclusions from the evidence base assessments that were carried out for both sites.

Responses to the Gypsy and Traveller consultation

Total number of responses: 194

Responses to GTW3: 123

Comment summary	Strategic Planning Matter?
Community concerns e.g. noise, disturbance, anti- social behaviour, reduction in property values (this made up the vast majority of responses)	No, but amenity and impact on neighbours will be considered at the planning application stage if a planning application is ever submitted by a prospective developer.
Concerns around road infrastructure, road safety and access suitability	Yes- access has been demonstrated through a site access assessment
Environmental concerns- loss of habitats	Yes- impact is shown through the SA, HRA and Ecology Assessments and will be mitigated accordingly
Infrastructure provision- in particular impact on local school places	Yes- infrastructure requirements will be outlined through an update to the IDP
Land suitability surrounding previous use of quarry	Yes

Responses to GTW5: 68

Comment Summary	Strategic Planning Matter?
Issue of site being identified through OSA and how we will mitigate the loss	Yes
Amenity impacts surrounding location in close proximity to Hospital, Industrial estate and Pigeon Lofts. Impacts on local businesses	Yes, although impacts on amenities will be dealt with through a planning application
Concerns around road infrastructure, road safety and access suitability	Yes, this has been considered in the Site Access Study and any impacts will be dealt with through a planning application.
Infrastructure provision- impact on local school places and services	Yes-will be dealt with through an update to the IDP

Comment Summary	Strategic Planning Matter?
Community concerns- including antisocial behaviour	No, although measures to design out crime can be considered through a future planning application.
Drainage issues and excess surface water which would be exacerbated by proposal	Yes, drainage issues will be dealt with through a planning application
Potential for contamination to nearby beck	Yes. Dealt with through HRA and ecology assessments
Site is adjacent to a Grade II listed building	Yes. HIA outlines the site as having low mitigated harm to the listed buildings
Concerns around contamination- site is on a former tip	Yes. Discussions have been held with the environmental health team and this will be dealt with through a planning application.
Concerns around landscape impacts	Yes. Has been considered through the Landscape assessment
Concerns around ecological and habitat impacts	Yes. Outlined through SA, HRA and ecology assessment and will be mitigated accordingly.

General responses: 17 (Full responses to these and others will be set out in FAQ sheet)

Comment summary	Strategic Planning matter?
No information on how site will be managed	No. Will be dealt with through a planning application
Will residents pay Council tax?	Not a strategic planning matter
Some misinformation in places, for example some residents are under the belief that the site will be for 24 pitches	No. Site will be allocated for 12 residential pitches
Why have CBC not considered sites south of Egremont	Yes. No appropriate sites were available in that location
Engagement- concerns that no public meetings were held with CBC	Yes- All consultation was held in accordance with the SCI. Public meetings were not held due to the number of non- planning related issues that were raised through the consultation responses.
Questions around the definition of Gypsy/ traveller and whether there is a genuine need for the site	Yes. Need has been outlined through the GTAA which was carried out by experts in the field
Ask for more rural locations to be considered for site	Yes, but sustainable development principles and the need for that community to access services focussed the scope for sites around settlements and CBC owned land in those locations.
Why aren't sites in neighbouring authorities or the LDNPA being considered	Yes. The National Park is its own planning authority with its own identified need in the GTAA.

In addition to this, a petition was submitted to the Council which objected to both sites on the grounds that they felt “not enough consideration has been given to more suitable areas to host the site within Copeland”.

The purpose of the site allocation is to meet an identified need and a full assessment has been carried out on both pieces of land to determine their suitability. The reason for limited sites being considered was due to the lack of availability of land, resulting in the Council using their own landholdings for this purpose.

Statutory consultee and Parish/County Council responses

Consultee	GTW3	GTW5
Historic England	Agree no Heritage impact	Agree no heritage impacts
Environment Agency	No objection- mains sewerage can be achieved	No objection- mains sewerage can be achieved
Coal Authority	Our records indicate that on this site there is a recorded mine entry for which we hold no treatment details. It is recorded in the north western corner of the site but its recorded position may be subject to significant departure from its actual location. The site is also in an area of coal outcrops which may have been subject to unrecorded coal workings at shallow depth. These features pose a potential risk to surface stability and public safety. The mine entry poses a significant risk to public safety and we would expect its location to be established .and any development, including the siting of structures and mobile homes to avoid this feature and its associated zone of influence. If development is proposed within the site with the mine entry this feature should be located and either treated (stabilised and capped) or fenced to avoid any risks being posed to occupiers and users of the site. The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:	This site lies within the Development Low Risk Area and there are no coal mining features recorded as being present at surface and shallow depth in this area.
Sport England	No Comments	No comments
National Grid	No comments	No comments

Consultee	GTW3	GTW5
United Utilities	<p>Site Reference GTW3 CBC Land Lying to the West of Greenbank Avenue</p> <p>An existing public sewer and water main pass through this site. United Utilities will not allow building over or in close proximity to a water main. United Utilities may not allow building over or in close proximity to a public sewer.</p> <p>Any surface water should discharge to the most sustainable option in accordance with the hierarchy for the management of surface water outlined in the national planning practice guidance. If an infiltration system is not feasible, surface water should discharge to the watercourse to the east of the site.</p> <p>There are significant changes in levels at the site and therefore if this site is allocated, any development will need to give careful consideration to the site layout and levels to allow for safe overland flow routes within and through the development, and, to minimise any associated flood risk from overland flows that may arise from existing drainage systems or as a result of a drainage system failure. Careful consideration must be given to the point of connection to the public sewer. We wish to note that where the ground level of the site is below the ground level at the point where the drainage connects to the public sewer, care must be taken to ensure that the proposed development is not at an increased risk of sewer surcharge. It is good practice for the finished floor levels and manhole cover levels (including those that serve private drainage runs) to be higher than the manhole cover level at the point of connection to the receiving sewer</p>	<p>A water main passes through this site. United Utilities will not allow building over or in close proximity to a water main. Any surface water should discharge to the most sustainable option in accordance with the hierarchy for the management of surface water outlined in the national planning practice guidance. From a review of our mapping records, it is not clear whether this site has readily available alternatives to the public sewer for the management of surface water. This should be investigated further to understand what options may exist. We recommend that these investigations take place as soon as possible.</p>

Consultee	GTW3	GTW5
Homes England	No Comment	No comment
County Council	Land north of Greenbank Whitehaven Existing access to the site from Woodhouse Road is appropriate. Access roads into the site will be steep and will need careful design to comply with Design Guide maximum gradients. Pedestrian access paths to existing footways from site boundaries to west and north on Woodhouse Road and Low Road should be provided. No known surface water or flooding issues. Would expect to see infiltration strategy explored for surface water but site is steep so needs careful design to prevent lateral seepage. There is a surface water sewer in Low Road which could be utilised if infiltration is proved non-viable. United Utilities (UU) combined sewer runs through the site meaning that the Foul Strategy for the site should be straightforward. Acceptable in principle.	GTW5a Land at Sneckyeat Industrial Estate Whitehaven Access would be acceptable from Sneckyeat Road but will need upgrading. However, the site now shown appears to be land locked and access should form part of the site allocation boundary and shown on the allocation plan. There is a Public Rights of Way (PRoW) on the northern boundary of site which must remain unfettered. To be acceptable access will need to be demonstrated prior to submission. There are no apparent watercourses or receptors for surface water on the site but there are no known surface water or flooding issues on the site either. An understanding of the existing drainage mechanism is required and an Infiltration Strategy should be explored. There is no apparent foul sewer on site, at Sneckyeat Industrial Estate or at Homewood Road meaning that a Foul Strategy needs to be explored early on with United Utilities. Acceptable in principle subject to the site boundary being amended to allow for suitable access.
Weddicar Parish Council	No comment	Object
Whitehaven Town Council	Object	Object
West Cumberland Hospital	No comment	Object

Evidence base findings

Evidence base	GTW3	GTW5
Site Access Assessments	Access can be achieved subject to a number of considerations in the site proforma	Access can be achieved subject to a number of considerations in the site proforma
Sustainability Appraisal	Significant negative impacts on biodiversity Negative impacts on landscape/ heritage- can be mitigated	Negative impacts on biodiversity and landscape/ heritage- can be mitigated
HRA	(conclusion) This shadow HRA has been able to determine that as a result of the proposed site allocations GTW3 and GTW5, in relation to recreational pressure and disturbance, reduced water quality, hydrological changes, reduced air quality, and loss of supporting habitat there will be no likely significant effect on designated Natura 2000 sites, either as a result of the allocation alone, or in combination with any other plans or projects.	(conclusion) This shadow HRA has been able to determine that as a result of the proposed site allocations GTW3 and GTW5, in relation to recreational pressure and disturbance, reduced water quality, hydrological changes, reduced air quality, and loss of supporting habitat there will be no likely significant effect on designated Natura 2000 sites, either as a result of the allocation alone, or in combination with any other plans or projects.
Ecology Assessments	<p><u>SURVEY RECOMMENDATIONS</u></p> <p>The following ecological surveys are recommended to enable a more detailed assessment of ecological constraints and /or opportunities should this land be proposed for development, to accompany the planning application:</p> <ul style="list-style-type: none"> Extended Phase 1 Habitat survey of the whole site including production of a habitat map during the optimal survey period from April to September – this will form the basis for any more detailed survey work. <p>The following lists surveys which may be required following more detailed extended Phase 1 survey. Please note that other surveys may be identified during the more detailed Phase 1 survey:</p> <ul style="list-style-type: none"> Bat Roost Potential and potential further presence / likely absence surveys for buildings and trees on site; Bat activity surveys; 	<p><u>SURVEY RECOMMENDATIONS</u></p> <p>The following ecological surveys are recommended to enable a more detailed assessment of ecological constraints and /or opportunities should this land be proposed for development, to accompany the planning application:</p> <ul style="list-style-type: none"> Extended Phase 1 Habitat survey of the whole site including production of a habitat map during the optimal survey period from April to September – this will form the basis for any more detailed survey work. <p>The following lists surveys which may be required following more detailed extended Phase 1 survey. Please note that other surveys may be identified during the more detailed Phase 1 survey:</p> <ul style="list-style-type: none"> Bat Roost Potential for trees on site and activity surveys to determine foraging and commuting use; Reptile presence/likely absence survey;

Evidence base	GTW3	GTW5
	<ul style="list-style-type: none"> • Reptile presence/likely absence survey; • Breeding bird survey; • Invasive plants <p><u>Pre-construction checks</u></p> <ul style="list-style-type: none"> • Construction should ideally be undertaken outside the bird breeding season which extends from March to September. If works are undertaken within the breeding season, any trees and scrub should be checked for active birds nesting immediately prior to any works. • Depending on further survey results, there may be a requirement to avoid vegetation clearance and construction within the reptile and amphibian hibernation period (October 1st - March 31st inclusive). • Pre-construction/pre-clearance check of scrub areas for badger, amphibians, red squirrel and reptiles. • Hedgehogs may be present on the site within the continuous scrub, and broadleaved woodland; pre-construction check recommended before site is cleared. • Key avoidance measures for reptiles and amphibians. • This list is not exhaustive and recommendations generated from further survey work should be followed. <p><u>Summary of Main Ecological Constraints to Development</u></p> <p>Habitats suitable for breeding birds.</p> <p>Habitats suitable for roosting and foraging bats.</p> <p>Habitats suitable for foraging badger and sett building.</p>	<ul style="list-style-type: none"> • Breeding bird survey; • Invasive plants; <p><u>Pre-construction checks</u></p> <ul style="list-style-type: none"> • Construction should ideally be undertaken outside the bird breeding season which extends from March to September. If works are undertaken within the breeding season, any trees and scrub should be checked for active birds nesting immediately prior to any works. • Depending on further survey results, there may be a requirement to avoid vegetation clearance and construction within the reptile and amphibian hibernation period (October 1st - March 31st inclusive). • Pre-construction/pre-clearance check of scrub areas for badger, amphibians, red squirrel and reptiles. • Hedgehogs may be present on the site within the continuous scrub, and broadleaved woodland; pre-construction check recommended before site is cleared. • Key avoidance measures for reptiles and amphibians. • This list is not exhaustive and recommendations generated from further survey work should be followed. <p><u>Summary of Main Ecological Constraints to Development</u></p> <p>Habitats suitable for breeding birds.</p> <p>Habitats suitable for roosting and foraging bats.</p>

Evidence base	GTW3	GTW5
	<p>Habitats suitable for reptiles.</p> <p>Potential foraging, breeding and commuting habitat for red squirrel.</p> <p>Invasive species requiring control/management.</p> <p><u>Opportunities for Biodiversity Enhancement</u></p> <p>The site is being considered as a gypsy and traveller site. Therefore, it is assumed that no permanent structures or dwellings will be erected.</p> <p>The trees, woodland, scrub and hedgerows on site provide good foraging and nesting habitat for wild birds and foraging and commuting bats. These features should be ideally retained wherever possible and disturbance to these areas should be limited. In addition, dark corridors on foraging areas or commuting features such as scrub and woodland margins and pockets of grassland and tall ruderal vegetation should be maintained wherever possible.</p> <p>The site could be enhanced through provision of bird and bat boxes within the woodland or on scattered trees.</p>	<p>Habitats suitable for foraging badger and sett building.</p> <p>Habitats suitable for reptiles.</p> <p>Potential foraging, breeding and commuting habitat for red squirrel.</p> <p>Invasive species requiring control/management.</p> <p><u>Opportunities for Biodiversity Enhancement</u></p> <p>The site is being considered as a gypsy and traveller site. Therefore, it is assumed that no permanent structures or dwellings will be erected.</p> <p>The trees, woodland, scrub and hedgerows on site provide good foraging and nesting habitat for wild birds and foraging and commuting bats. Ideally, disturbance to these areas should be limited and dark corridors on any commuting features such as hedgerows and scrub should be maintained.</p> <p>Any species-rich areas of grassland should be identified in summer and protected to avoid trampling and siting of vehicles. Caravans or other temporary dwellings should be sited on grassland areas suffering from existing compaction or trampling and any species-poor areas of grassland.</p> <p>The site could be enhanced by removing litter and fly-tipping debris and possibly planting of scrub or hedgerow along the southern boundary to connect the roadside woodland to the wider site and to provide further nectar sources for invertebrates and native berry-bearing shrubs for birds and as a screening feature from the adjacent industrial estate.</p>
Landscape assessments	(Taken from summary) Gypsy and traveller development at site GTW3 would result in the loss of approximately 0.5ha of woodland and require significant reprofiling of the site to accommodate level	(Taken from summary) Gypsy and traveller development within the eastern portion of site GTW5 however would cause limited harm to the current landscape and presents the opportunity to

Evidence base	GTW3	GTW5
	<p>plots and vehicle access, causing a Substantial adverse effect on the site landscape, and Moderate adverse effect on the local landscape character. The loss of woodland would be partially mitigated over time as proposed planting establishes, however the reprofiled landform, mobile homes and vehicles within the upper parts of the site would continue to be noticeable over planting lower down the slope and the residual effect on the local landscape character difficult to mitigate.</p> <p>Gypsy and traveller development on the GTW3 site would adversely affect the views of a considerable number of people including motorists at a relatively prominent sloping location on the southern approach into the centre of Whitehaven, as well as the views of nearby residents from dwellings with windows which face the site, and to a lesser extent and greater distance, views from footpaths, roads and properties on the west facing slopes of the opposite side of the Pow Beck valley.</p>	<p>enhance the existing landscape with tree and hedgerow planting to provide significant landscape structure and connectivity with retained existing vegetation.</p> <p>Gypsy and traveller development within the eastern portion of site GTW5 would be partially contained by existing development and is likely to be visible by fewer people at public vantage points than similar development at site GTW3. However, development within the eastern portion of site GTW5 would be visible at close range from the public footpath which runs along the northern site boundary, the users of which have greater sensitivity than motorists or private residents.</p>
HIA	Low mitigated harm	Low mitigated harm

Appendix B: Local Plan Publication Draft Addendum – Replacement Policy and Supporting Text for Policies H9 and N5

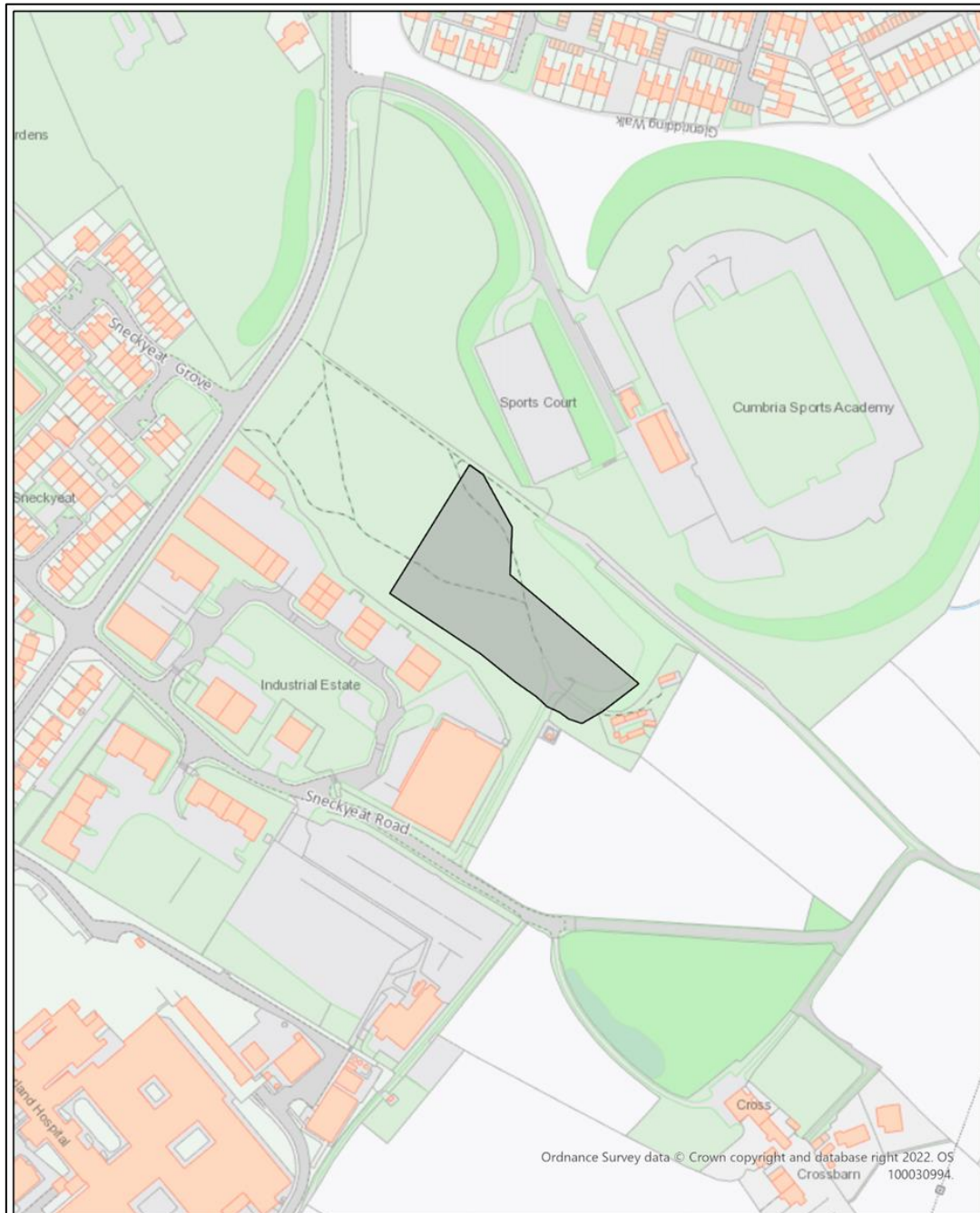
This appendix contains the Addendum to the Copeland Local Plan 2021-2038: Publication Draft (January 2022). It shows the proposed final wording for Policies H9 and N5 and their supporting text that will replace the wording currently in the Publication Draft.

Proposed final wording for Policy H9 and Supporting Text

13.12 Gypsy and Traveller Sites

- 13.12.1 The Council has a responsibility to meet the housing needs of all its residents including those who identify as Gypsies, Travellers and Travelling Showpeople under the Housing and Planning Act 2016. We also have a duty under the Planning Policy for Traveller Sites 2015 to ensure a rolling five-year supply of deliverable sites for travellers.
- 13.12.2 A Cumbria wide Gypsy and Traveller Study was produced in 2022 that identified a need for 12 Gypsy and Traveller pitches to accommodate a Copeland resident currently living in bricks and mortar housing and their extended family.
- 13.12.3 A call for sites was carried out in 2021, however no sites were put forward for consideration. The Council has therefore reviewed its own land assets against the criteria in Policy H10 below and identified two potentially suitable sites in Whitehaven; land at Sneckyeat Industrial Estate (GTW5 and Land at Greenbank (GTW3). Please see the Gypsy and Traveller Site Assessment Paper for further details regarding site selection.
- 13.12.4 Both sites were subject to a 6 week public consultation throughout March/April 2022 and were subject to Habitats Regulations Assessment and Sustainability Appraisal. Additional assessments, including ecology assessments and site access assessments were also carried out to determine which was the most appropriate site to take forward as an allocation. After full consideration of the issues, the Council on 6th July 2022 , agreed to allocate site GTW5 (land at Sneckyeat). This site was then subject to a public consultation under Regulation 19.

Figure 9: Gypsy and Traveller Site Allocation, Land at Sneckyeat, Whitehaven



- 13.12.5 Before development can commence on the site, planning permission will need to be sought, alongside a Construction Environmental Management Plan and a Drainage Strategy. The landowner will also have to identify a suitable replacement area of open space to meet the requirements of Policy N11.
- 13.12.6 Should a need for any additional or short term/transient pitches arise following the Plan's adoption, applications will be dealt with in accordance with Policy H10PU below.

Strategic Policy H9: Allocated Site for Gypsies, and Travellers



The following site is allocated for 12 pitches for Gypsy, traveller or travelling show-people mobile homes:

Site GTW5: Land at Sneckyeat, Whitehaven

The site must be retained for this purpose and the site must be designed in accordance with criteria b-g of Policy H10PU.

Proposed final wording for Policy N5 and Supporting Text

15.12 Water Resources

- 15.12.1 A high quality water environment supports wildlife, provides quality of life benefits, and can support local economies, boosting land and property values, agriculture, tourism and recreation. Where it is not properly planned for, new development can increase pressure on the water environment. Planned development can provide opportunities to protect and enhance the water quality. Pressures on the water environment arise from point sources such as discharges from wastewater treatment, and from diffuse sources such as urban and rural water run-off. Development should ensure there is adequate waste water treatment infrastructure to ensure no deterioration in water quality.
- 15.12.2 The current River Basin Management Plan (the North West River Basin Management Plan) requires the restoration and enhancement of water bodies to prevent deterioration and promote recovery of water bodies. Any development should safeguard these important water resources and protect and improve water quality with an overall aim of getting water bodies to 'good' status as defined by the Water Framework Directive.
- 15.12.3 Copeland has 4 designated Bathing Water beaches at Haverigg, Silecroft, Seascale and St Bees and all comply with the standards outlined in the Bathing Water Directive.
- 15.12.4 Silecroft and St Bees are both classed as excellent water quality, Seascale is Good and Haverigg is Sufficient. Further investment to improve water quality in the Copeland Local Plan Publication Draft 2021 202 Duddon catchment is required to protect Haverigg from the risk of failing future assessment.

15.12.5 Copeland has 2 designated Shellfish Waters on the Duddon estuary and at Ravenglass, and microbial water quality has improved to enable them to achieve the Water Framework Directive requirement for Shellfish Water Protected Areas.

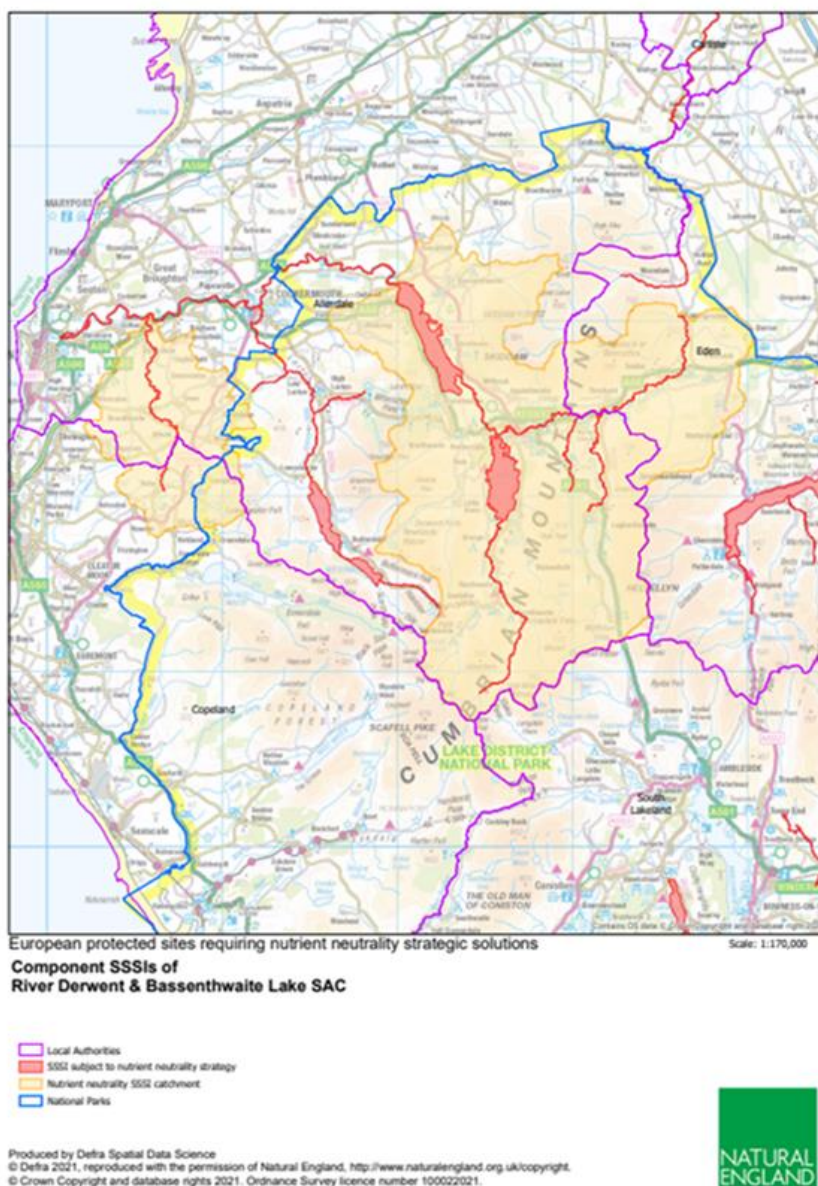
15.12.6 There are 30 river waterbodies designated under the Water Framework Directive in the area covered by the Plan. The 2019 classification results showed that, of these 13 are currently achieving 'Good'; 13 are achieving 'Moderate' and 4 are classified as 'Poor' ecological status/potential.

Nutrient Neutrality

15.12.7 Nutrient pollution is harming our water environment, particularly in many of the country's freshwater habitats and estuaries. Pollution comes from a number of sources including waste-water from development and certain agricultural practices. It has an adverse effect on biodiversity by increasing the growth of invasive plants which disrupts the natural cycle by reducing the amount of oxygen in the water and therefore water quality.

15.12.8 The Derwent and Bassenthwaite Lake SAC is a protected Habitat Site under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) which supports a number of habitats and species. Part of the SAC catchment area is located within the north of the borough and covers around 3.6% of the Copeland Local Plan area. The Conservation Objectives for the SAC states there is a need to 'restore stable nutrient levels appropriate for lake type' and that 'the natural nutrient regime of the river should be protected, with any anthropogenic enrichment above natural/background concentrations should be limited to levels at which adverse effects on characteristic biodiversity are unlikely'. Nitrogen and phosphorus levels are a particular problem within the catchment area.

Figure 12: River Derwent and Bassenthwaite Lake SAC Catchment Area



15.12.9 Guidance was produced by the Government in March 2022 relating to nutrient neutrality. The guidance requires that local planning authorities carefully consider the nutrient impacts of any new plans or projects on Habitat Sites through the Habitats Regulations process. Where adverse impacts on the integrity of a Habitats Site are identified then mitigation must be considered. Nutrient neutrality is the term used for the desired outcome either prior to or following for such mitigation.

15.12.10 Before granting any new planning permissions, the Council⁴ will need to be confident that the development in question does not require nutrient neutrality

⁴ Taking into consideration advice from Natural England

to be acceptable under the regulations or that nutrient neutrality is secured, as part of the proposal.

- 15.12.11 Developers will therefore be required to submit a Habitats Regulations Assessment which assesses the impact of nutrient pollution caused by particular developments⁵ that would potentially generate additional nutrient inputs within the catchment area of the Derwent and Bassenthwaite Lake SAC. The HRA Screening stage will need to identify whether the development will have adverse effects upon the integrity of the Habitat Site through the use of a nutrient budget calculator. If adverse effects are identified an Appropriate Assessment will be required to identify the most appropriate solutions to ensure there are no residual effects following mitigation. This would also apply if additional catchments are identified as being affected by nutrient neutrality in the future.
- 15.12.12 As the issue of nutrient neutrality is new to the Copeland area, at present there are no strategic mitigation solutions in place or readily available and in order to demonstrate nutrient neutrality a number of different solutions may be appropriate. This could include nature-based solutions such as new wetlands, woodlands or riparian buffer strips. Appropriate mitigation needs to be upstream of where the nutrients are discharged and also within the nutrient neutrality catchment. In many cases a combination of both hard and nature-based solutions will be required and these will usually be secured through a Section 106 or unilateral agreement with the developer. We appreciate that it may take time for applicants to secure mitigation, particularly where additional land outside the application site needs to be sourced. Mitigation will however need to be secured and delivered before housing and overnight accommodation can be occupied.
- 15.12.13 The Council has updated its validation list to help developers navigate the process by setting out what information will be required to support a planning application. We will also work with partners and developers to identify the most appropriate solutions.
- 15.12.14 DEFRA have published a policy paper on the subject which can be found here: [Nutrient pollution: reducing the impact on protected sites - GOV.UK](https://www.gov.uk/government/policies/nutrient-pollution-reducing-the-impact-on-protected-sites) (www.gov.uk)
- 15.12.15 Policy N5 relates to “affected developments”. At present, this means all development that creates overnight accommodation within the catchment area. The Government have stated that nutrient neutrality is only an interim solution and further developments such as industrial developments may also be required to follow the same procedure in the future. The Policy will therefore also relate to any such development that is referred to within the Government’s nutrient neutrality policy.

⁵ Those that create additional overnight accommodation such as housing developments etc.

15.12.16 The policy also aims to protect watercourses from further decline. Any new discharge into a watercourse (or work with it) may require consent from Cumbria County Council as the Lead Local Flood Authority or the Environment Agency depending on whether it is a main river or not.

Policy N5PU: Protection of Water Resources



New development must seek to protect or improve the quality of surface and groundwater water resources, including designated coastal Bathing Waters and Shellfish Waters downstream. Proposals should follow the hierarchy for wastewater treatment with foul drainage connected to mains sewer wherever possible. New development should not be operational or occupied until such time as adequate waste water infrastructure has been provided.

Where an affected development within the catchment of the Derwent and Bassenthwaite Lake SAC (or any other catchment identified by the Government as being affected by nutrient neutrality in the future) this must not result in adverse impacts on the integrity of the SAC through the creation of nutrient pollution, unless suitable solutions are identified through an Appropriate Assessment to ensure no residual harm remains following mitigation. Mitigation will need to be deliverable, certain and provided in perpetuity.

The possibility of contamination from former uses on any application site and its effects on the water environment and human health needs to be considered and remediated where it is present.

Proposals will be required to support the objectives of the Water Framework Directive, including the objectives for Protected Areas (such as Bathing Waters and Shellfish Waters) as set out in the North West River Basin Management Plan.

New development should ensure there is sufficient water resource available to meet current and future needs, without putting the environment at risk. Wherever possible development should include water efficiency and saving measures.