

Matter 2: Duty to Cooperate

Issue-Whether the Council has complied with the duty to co-operate in the preparation of the Local Plan?

General

2.1 What strategic, cross-border matters have arisen through the preparation of the Local Plan?

2.1.1 Whilst the Local Plan evidence identifies Copeland as a self-contained housing market (SHMA: EB4 and EB5) and functional economic market area (EDNA: EB15) a number of cross-border matters have been identified. These are discussed in the Duty to Cooperate Statement (DTC1) and the Statements of Common Ground with neighbouring authorities and the Lake District National Park Authority (DTC2-DTC6) and include:

- A requirement for a cross boundary approach to nutrient neutrality mitigation (given this is considered on a catchment area basis) and potentially biodiversity net gain if there are insufficient suitable sites within Copeland.
- A requirement for proposals within Copeland to not result in likely significant effects on National Site Network Sites in neighbouring boroughs. This issue has been addressed through the HRA process.
- A requirement to ensure the setting of the Lake District National Park World Heritage Site is properly considered taking into account the National Parks and Access to the Countryside Act 1949 and the CROW Act 2000. This issue is addressed through Policy N6.
- A requirement for cross-boundary support for improvements to the strategic road and rail networks that links adjoining authorities. This issue is addressed through policies CO2 and CO3.
- An acknowledgement that residents in the south of the Borough rely on some services (e.g. leisure facilities) in South Lakeland and Barrow. This issue is considered in the Council's Built Facilities Study¹ and Playing Pitch Strategy (EB32 and EB33).

Overall housing provision

2.2 Who has the Council engaged with in terms of overall housing provision and what form has this taken?

2.2.1 The Council has engaged with Allerdale Borough Council, South Lakeland District Council, the Lake District National Park Authority and Barrow Borough Council through the duty-to-cooperate process. This has involved regular meetings with those authorities. Further details can be found in the Duty to Cooperate Statement (DTC1).

2.2.2 The Council has also sought comments from Cumbria Local Economic Partnership (CLEP), the development industry and other interested parties through the consultations on the Local Plan Issues and Options Draft (PLP01), Preferred Options Draft (PLP02) and Publication Draft (CD1).

¹ https://www.copeland.gov.uk/sites/default/files/attachments/copeland_ifs_0.pdf

- 2.2.3 Comments on the draft SHMA² were also sought from Allerdale BC, Barrow BC, South Lakeland DC, LDNPA and Cumbria County Council by email in April 2018. The outcome of this engagement is discussed in the response to Q2.6 below.
- 2.2.4 The Council also engaged with town and parish councils through the production of the Housing Needs Survey (EB6).
- 2.2.5 The methodology for producing and assessing sites in the Strategic Housing Land Availability Assessment (SHLAA) was finalised following a workshop attended by developers, planning consultants and neighbouring authorities in September 2019. This is outlined paragraph 3.1.2 of the SHLAA (EB7).

2.3 What are the inter-relationships with other authorities in terms of migration, commuting and housing markets?

Housing Markets

- 2.3.1 The SHMA 2019 (EB4) and 2021 Update (EB5) identify that Copeland is a self-contained housing market area.

Migration

- 2.3.2 The SHMA 2019 (EB4) (Figure 2.2) shows the location of internal migrants moving to and from Copeland at the time of the 2011 Census. Gross migration flows between Copeland and adjacent authorities are only modest; the greatest number of moves to and from Copeland were with neighbouring Allerdale. The SHMA also shows that a slightly more people moved out of Copeland that year than moved in (giving a net migration total of -165 people).
- 2.3.3 In terms of migration trends, the SHMA Update 2021 (EB5), paragraph 3.27 notes that *“Internal migration has been quite variable – negative in all years from 2007-19 but interestingly showing a small net in-migration in the last year for which data is available; the last five years for which data is available shows an average of about 160 people (net) moving from the area to other parts of the United Kingdom. International migration is also variable but generally quite modest in scale; over the past five years international migration has averaged about 30 people per annum (net).”*

Commuting

- 2.3.4 The SHMA 2019 (EB4) (Figure 2.3) shows travel to work patterns in Copeland in 2011. Just over 8,000 people commuted into the borough that year, with just over 6,000 commuting out. Figure 2.4 shows the locations where people in Copeland live and work. The vast majority of in-commuters working in Copeland live in the Allerdale area (5,468). The majority of out commuters living in Copeland work in Allerdale (3,473). The commuting ratio identified is 0.947.
- 2.3.5 The EDNA (EB15) paragraph 3.26 states that *“there is a high proportion of people living and working in Copeland suggesting self containment. Whilst there are moderate commuting flows to/from Allerdale, the self containment rate of Copeland is still higher than that of Copeland and Allerdale combined.”*

² <https://www.copeland.gov.uk/attachments/strategic-housing-market-assessment-shma-2019>

2.4 How have these been taken into account in preparing the Local Plan and specifically in terms of the housing requirement?

- 2.4.1 As Copeland is a self-contained housing market and neighbouring authorities are able to meet their own housing needs, Copeland can meet their own needs and there is no requirement to uplift the housing requirement to help meet needs outside the borough.
- 2.4.2 In terms of commuting, the SHMA 2019 (EB4) notes that *“It is arguable that some changes to the commuting ratio could be modelled, for example the net in-commuting to the Borough is largely driven by people working at Sellafield but living elsewhere; hence any baseline forecast that does not include additional growth at Sellafield would arguably not see the pattern of net in-commuting. On the other hand, additional jobs at Sellafield could see more people commuting into the Borough from elsewhere (and hence the ratio would drop further)”*. On this basis, no adjustments have been made to the commuting ratio when calculating jobs-led housing need and a commuting ratio of 0.94 has been used.
- 2.4.3 When calculating trend based demographic projections, the Council considered a range of migration trends (5, 10 and 15 year trends) along with adjustments for unattributable population change (UPC). Further information can be found in the SHMA 2019 document and 2021 update. The SHMA Update (EB5) found that the longer term trends resulted in a greater need for housing in the borough – paragraph 5.7.2 notes that *“the analysis identifies a demographic based need for up to 138 dwellings per annum; this figure being based on long-term (15-year) migration trends and a further adjustment to take account of UPC.”*
- 2.4.4 When calculating housing need the Council has however used a jobs-led rather than a demographic based scenario. This is because the figure above, which is the highest of the demographic scenarios and is based on 15 year migration rates adjusted for UPC, would result in a loss of almost 500 people from the borough’s workforce (SHMA, Table 5.6, page 94).
- 2.4.5 The SHMA Update, paragraph 4.21 notes the following in relation to the jobs-led scenario: *“Within the modelling, migration assumptions have been changed so that across the Borough the increase in the economically active population matches the increase in the resident workforce required. The method is similar to that developing a projection linked to the Standard Method, with changes to migration being applied on a proportionate basis. Once the level of economically active population matches the job growth forecast, the population (and its age structure) is modelled against the HRRs in the SNHP (including the 16-44 uplift) to see what level of housing provision that might imply”*

2.5 Does the overall provision being planned in the Local Plan have any implications for other authorities? If so, what are they and how are these being addressed?

- 2.5.1 Copeland and the adjoining boroughs are all self-contained housing market areas therefore the overall provision of housing planned will have no implications on other authorities. There may be localised impacts as a result of the distribution of housing through the settlement hierarchy as some settlements are close to or cross over into the boundary with the Lake District National Park. The addition of housing in those areas may increase the numbers of users of services that fall within the National Park Local Plan area, although the impacts are unlikely to be significant. For example:

- Seascale: close proximity to Gosforth (approx. 1.8 miles) which falls within the LDNP planning area. Seascale is a Local Service Centre so is relatively self contained in terms of services and only two housing allocations are proposed within the village.
- Calderbridge: Identified as a Rural Village in the Local Plan with no housing allocations proposed. Parts of the village fall under the planning jurisdiction of the Lake District National Park Authority.
- Ennerdale Bridge: Identified as a Sustainable Rural Village in the Local Plan with no housing allocations proposed. Parts of the village fall under the planning jurisdiction of the Lake District National Park Authority.

2.5.2 Neighbouring authorities have stated during the Duty to Cooperate process that the planned level of provision does not have any additional implications (see DTC1-6)

2.6 What is the position of other authorities in Cumbria and elsewhere in terms of the planned level of housing in Copeland?

- 2.6.1 No objections have been raised to the planned level of housing in Copeland by other authorities in Cumbria and elsewhere, other than by Cumbria County Council.
- 2.6.2 During the consultation on the draft SHMA in 2018 only the National Park and the County Council responded with the National Park's comments being limited to noting the estimated housing need in their area.
- 2.6.3 The County Council meanwhile did provide a detailed response. In this it was noted that there were '*no fundamental issues with the methodology used*' and it was noted that the conclusions of the report were a need for between 140 and 200 dwellings per annum in the Planning Authority area. It was 'welcomed' that the analysis was suggesting a higher level of need than set out in the Government's Standard Method.
- 2.6.4 The County Council did however go on to suggest that the Council should be setting a policy aiming for 170 dwellings per annum as a minimum – this figure being chosen to reflect the opportunities and potential within Copeland, in particular in relation to economic growth.
- 2.6.5 Cumbria County Council reiterated their recommendation for 170 dwellings per annum during consultations on the Preferred Options draft of the Local Plan. Copeland BC and the consultants who produced the SHMA felt that the suggested figure of 170 dwellings per annum was not based on a robust methodology nor was supported by evidence; therefore the recommendation was not taken forward.

2.7 In overall terms, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of housing provision?

- 2.7.1 The Council has engaged with relevant bodies and authorities from an early stage in the Local Plan process on an ongoing basis. We have considered the representations made during the various consultations on the Local Plan but feel that the approach being taken is the most appropriate, deliverable and robust.

Overall Employment Land Provision

2.8 In determining the need for different types of employment land over the plan period, how have inter-relationships with other local authorities, particularly within the Cumbria Local Enterprise Partnership (LEP), in terms of economic growth and employment land provision been taken into

account? How does this take into account the availability of employment land elsewhere in the LEP area?

- 2.8.1 The Cumbria Nuclear Prospectus 2020, which focusses on the Energy Coast was produced by the Cumbria LEP in partnership with the Council and others, and introduces the Cumbria Clean Energy Park at Moorside. The Council's Growth Strategy was produced at the same time to support the delivery of key elements within the borough and consulted with bodies including the LEP at each stage.
- 2.8.2 In economic matters, the Copeland Local Plan has been primarily informed through the EDNA and ELAS, which considered the Cumbria Nuclear Prospectus 2020 within the growth scenario projects. The EDNA (page 6) considers commuting flows from Copeland to neighbouring boroughs and highlights that a high proportion of employment within Copeland is self-contained. The primary economic modelling for growth and employment land is derived from the assumption of a self-contained Functional Economic Modelling Area.
- 2.8.3 The only other realistic option was to consider a shared FEMA between Copeland and Allerdale, however the degree of economic interconnection is not sufficient to warrant this approach to economic forecasting.
- 2.8.4 As such, the availability of employment land beyond Copeland does not play a substantive role within the consideration of employment land requirements over the Copeland Local Plan period

2.9 In overall terms, has the Council engaged constructively, actively and on an ongoing basis in maximising the effectiveness of the preparation of the Local Plan? What has been the outcome of co-operation and how has this addressed the issue of employment land provision?

- 2.9.1 Yes, the Council has historically produced evidence jointly with Allerdale, such as the West Cumbria Retail, Town Centres and Leisure Study, and consulted with neighbouring authorities and the LEP for the EDNA.
- 2.9.2 Regular Duty to Cooperate, as well as informal meetings with neighbouring authorities and Cumbria County Council throughout the Local Plan's production have ensured that any matters could be considered early. These are outlined in the Duty to Cooperate Statement (DTC1) and Statements of Common Ground (DTC2-12)

Habitat Protection and Mitigation

2.10 Who has the Council engaged with in terms of habitat protection and mitigation for the protected habitats of Copeland?

- 2.10.1 The Council has engaged with Allerdale Borough Council, South Lakeland District Council, the Lake District National Park Authority and Barrow Borough Council through the duty-to-cooperate process. This involved regular meetings with those authorities. Further details can be found in the Duty to Cooperate Statement (DTC1).
- 2.10.2 The Council has also sought comments from environmental bodies, such as the Environment Agency and other interested parties through the consultations on the Local Plan Issues and Options Draft (PLP01), Preferred Options Draft (PLP02) and Publication Draft (CD1).

2.10.3 The Council has engaged with Natural England through the Habitats Regulations process; Natural England were consulted at every stage of the HRA process and their input helped shape the latest Habitats Regulations Assessment (CD19).

2.10.4 The Council has also been part of the steering group which developed the Cumbria pilot Local Strategic Nature Recovery Strategy³ and involved all Cumbrian authorities.

2.11 Which cross-boundary issues have been identified and how have these been addressed?

Nature Designations

2.11.1 A number of designated areas extend beyond borough boundaries including National Site Network sites and SSSIs. The impact upon these areas has been considered through the Habitats Regulations Assessment process.

Local Nature Recovery Network/Strategy

2.11.2 The Local Nature Recovery Strategy area also crosses borough boundaries and covers the whole of Cumbria. The Council has addressed this issue by including a policy within the Local Plan which relates to LNRNs and will continue to work with neighbouring authorities in the production of the new Local Nature Recovery Strategy.

Nutrient Neutrality

2.11.3 Nutrient neutrality is dealt with on a catchment area basis. The Derwent and Bassenthwaite Lake SAC catchment area, which has been identified as a National Site Network area currently affected by nutrient pollution, crosses into the Lake District National Park and Allerdale. The Local Plan contains a policy relating to nutrient neutrality (N5) and the Council will continue to work with neighbouring authorities to identify the most appropriate areas that could provide mitigation. The Council has also pooled funding with other Cumbrian authorities to deliver catchment level nutrient neutrality in Cumbria.

2.12 In overall terms has the Council engaged constructively. What has been the outcome of co-operation and how has this addressed the issue?

2.12.1 Yes, and this is evidenced in the Duty to Cooperate Statement (DTC1) and Statements of Common Ground (DTC2-DTC12).

2.12.2 Also, the Council has been grateful for advice from other bodies and agencies when developing the Local Plan, in particular Natural England whose advice has resulted in the addition of an Air Quality Policy (DS11), updates to other policies such as N1 to reflect national guidance and legislation and updates to Policy N5 (water resources) to reflect the recent additional issue of nutrient neutrality. We have also welcomed their advice regarding the additional work required to the HRA supporting the Local Plan in relation to air quality.

Other strategic matters

2.13 What are the other strategic matters?

³ <https://www.cumbria.gov.uk/planning-environment/lhrs/default.asp>

2.13.1 Aside from the matters listed in the paragraphs above, the Local Plan also considers strategic matters such as the impact of development on the strategic road network, rail network and flood and sewer infrastructure both of which extend beyond the borough's boundaries.

2.14 Who has the Council engaged with? When did this engagement begin, has it been active and ongoing and what form has it taken?

2.14.1 The Council has engaged with National Highways and United Utilities with regards to the other strategic matters listed above. Engagement began at Issues and Options stage and has been in the form of formal consultations and meetings.

2.14.2 The Council's Strategic Planning team worked closely with National Highways as the Whitehaven Relief Road was being developed to Stage 1 (Options Identification) which it was hoped would take place in 2020 as the Relief Road was expected to be a scheme in Road Investment Strategy 2. Unfortunately the scheme is not included in RIS2⁴ but the document does highlight it on page 113 as part of the pipeline for RIS 3 (covering 2025-2030). Following this news the Council continued to support National Highways as they produced a study that considered options for the junctions on the A595 between Whitehaven and Egremont. This may enable some smaller improvements to take place in advance of the Whitehaven Relief Road and meet some of the Council's priorities in Policy CO2PU.

2.14.3 A Statement of Common Ground (SoCG) has been signed by both the Council and National Highways (DTC8). Unfortunately, whilst a Statement was produced which set out how the council has engaged with United Utilities, this has not yet been agreed by both parties.

2.14.4 A response was received from United Utilities to the Preferred Options Draft, Publication Draft and Addendum document. The Council met with United Utilities prior to the submission of the Local Plan in order to discuss potential modifications to the Local Plan to address UU concerns. An amended draft SoCG was produced in light of the discussions and shared with UU for review/agreement, however no response was received. The draft SoCG can be found in Appendix A.

2.15 In overall terms has the Council engaged constructively. What has been the outcome of co-operation and how has this addressed the issue?

2.15.1 The Council has engaged constructively and in line with the Statement of Community Involvement (CD22).

2.15.2 Engagement with National Highways has resulted in the production of evidence supporting the Local Plan namely the IDP, Copeland Transport Improvements Study and Site Access Assessments. The latter two documents identify mitigation that is required to ensure that the site allocations result in no adverse impacts on the strategic road network.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/951100/road-investment-strategy-2-2020-2025.pdf

2.15.3 Engagement with United Utilities has resulted in a number of suggested main and minor modifications to the Local Plan. These are listed in the table within Appendix A below.

Appendix A

Copeland Local Plan 2021-2038

Statement of Common Ground between Copeland Borough Council and United Utilities

Introduction

This Statement of Common Ground has been prepared jointly between Copeland Borough Council (CBC) and United Utilities (UU). UU are responsible for water and wastewater services in the North West of England.

The purpose of a Statement of Common Ground is to set out the confirmed agreements and disagreements with regard to strategic cross- boundary issues surrounding the Copeland Local Plan. This is the result of early, meaningful and continuous engagement between the Local Planning Authority and statutory consultees and key stakeholders in the Local Plan process.

The statement is intended to assist the Inspectors during the examination of the Copeland Local Plan to show where effective co-operation and agreement on key issues has taken place. For more information on how Copeland Borough Council has engaged with key stakeholders throughout the Local Plan preparation process, please see the Duty to Co-operate statement.

Appendix A provides a full breakdown of United Utilities response to the Copeland Local Plan Publication Draft consultation and CBC's response to this. This approach has been agreed by the two organisations. Where we have been unable to reach an agreement this is set out in Appendix A.

Copeland Borough Council and United Utilities agree the following:

1. Consultation and engagement has been undertaken in accordance with the Statement of Community Involvement and has provided adequate opportunity for United Utilities to get involved with the development of the Plan at each key stage.
2. Early engagement is required following the submission of planning applications where they may have an impact on utilities infrastructure or groundwater protection zones. Where necessary, mitigation measures will be put into place to ensure no detrimental impacts on utilities assets.
3. Improvements to drainage infrastructure in Millom will be required before development can commence at the Moor Farm site which is allocated for housing in the Local Plan. The organisations will continue to work with the Lead Local Flood Authority to ensure a drainage solution is agreed and implemented in a timely manner.

Signed on behalf of Copeland Borough Council

Name and Position: Chris Hoban, Strategic Planning Manager

Signature:

Date:

Signed on behalf of United Utilities

Name and Position:

Signature:

Date:

Appendix A: CBC response to UU Publication Draft Comments

Please note that whilst CBC can put forward suggested main and minor modifications to policies and sites in the Local Plan Publication Draft at the time it is submitted to the Planning Inspectorate, these may or may not be taken forward by the Inspector. If they are taken forward, they will be subject to a public consultation during the Examination in Public.

Key: Proposed additional wording in bold, proposed deletion in ~~strike through~~, notes in *italics*

Policy/ paragraph	Site ref	UU Comments	CBC response	UU position November 2022
DS6PU		<p>With respect to Local Plan Policy DS6PU (Design and Development Standards), we wish to recommend that the policy includes a requirement for new development to be built to the optional water efficiency standard prescribed in Building Regulations. A tighter water efficiency standard in new development has multiple benefits including a reduction in water and energy use, as well as helping to reduce customer bills. Building Regulations includes a requirement for all new dwellings to achieve a water efficiency standard of 125 litres of water per person per day (l/p/d).</p> <p>In 2015 an ‘optional’ requirement of 110 l/p/day for new residential development was introduced, which can be implemented through local planning policy where there is a clear need based on evidence. We have enclosed evidence prepared by Water Resources West to justify this approach. As you will see from the evidence, we believe that the optional standard can be achieved at minimal cost. We therefore recommend the following additional wording shown in blue as part of Policy DS6PU:</p> <p>New dwellings will be required to meet the higher National Housing Standard for water consumption of 110 litres per</p>	<p><i>Suggested Main Modification MA-LP14 (DS2PU, new criterion after bullet 5):</i></p> <p>Incorporate the higher National Housing Standard for water consumption of 110 litres per person per day in new housing developments and achieve a BREEAM rating of excellent in new non-domestic buildings.</p>	

		<p>person per day. Non-domestic buildings will be expected to achieve a BREEAM rating of 'Excellent'.</p>		
DS8PU		<p>Surface water should be managed as close to its source as possible. There are opportunities such as rainwater recycling, green roofs and water butts and we would encourage the LPA to embrace all water efficiency measures. Modern design techniques can promote measures for water recycling to reduce the impact on infrastructure requirements.</p> <p>With respect to Policy DS8PU (Reducing Flood Risk) we would highlight the need for the identification of flood risk to include dialogue with the relevant wastewater undertaker for the area so that any flood risk from public sewers can be identified and thereafter considered appropriately in accordance with national planning policy and guidance. Paragraph 16 of the National Planning Policy Framework is clear that: 'All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property.' This is reflective of the need to have regard to the most up to date information and the fact that detailed information on sewer flood risk is not available in the public domain.</p> <p>When considering new development sites, it will be important to identify where there are existing public sewers within or near to the site, which are predicted to be at risk from flooding and/or sites where there is a record of</p>	<p><i>Suggested Main Modification MA-LP36: Additional criterion added to DS6PU:</i></p> <p>Include water efficiency measures such as rainwater recycling measures, green roofs and water butts where possible and appropriate</p> <p><i>The policy relates to all types of flood risk, with the exception of criterion f. No change therefore to the policy itself. Suggested Minor Modifications MI-LP93 and MI-LP94: New paragraph and sub-title after 6.6.4:</i></p> <p>Waste Water</p> <p>Flooding can also occur when the public sewer network reaches capacity. When identifying flood risk prior to submitting a planning application, developers are encouraged to engage in early dialogue with the relevant wastewater undertaker for the area to identify whether there are any existing public sewers on or near the site which are at a risk of</p>	

		<p>previous flooding from the public sewer through consultation with the sewerage undertaker. This flood risk should be avoided in accordance with national planning policy as outlined above.</p> <p>We would therefore highlight the need for the policy to reference all forms of flood risk to be included in addition to the already cited tidal and fluvial flooding. In respect of sewer flood risk and existing incidents of flooding from the public sewer, we have provided detailed comments and recommendations in respect of various draft allocations below under the heading of ‘Site Specific Allocations’. These are critical comments for you to consider to manage sewer flood risk at the draft site allocations.</p>	<p>flooding and/or whether there is a record of previous flooding from public sewers on or near the site. This information will then be considered appropriately during the application process in accordance with national policy and guidance.</p>	
DS8PU		<p>As noted above, we wish to recommend that flood risk and surface water management is considered as early as possible in the design process. We therefore request that the Local Plan is clear that future applicants should provide details of a foul and surface water management strategy. Thereafter, we recommend that reserved matters and applications for full planning permission should provide details on the approach to foul and surface water drainage including details of finished floor and ground levels as well as levels of the proposed drainage system. We believe that this is critical information so that the resilience of a site to climate change can be assessed early. For example, we would highlight that 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. This helps assess and manage sewer flood risk and can only be considered if detailed information is provided</p>	<p><i>Suggested Minor Modification MI-LP96: New paragraph after 6.6.6</i></p> <p>Where appropriate reserved matters and applications for full planning permission should provide details on the approach to foul and surface water drainage by submitting a Foul and Surface Water Management Strategy which includes details of finished floor and ground levels as well as levels of the proposed drainage system. The Council’s validation list sets out where this is required.</p> <p>Applicants will be expected to include details of how the approach to drainage on any phase of the</p>	

			<p>development has regard to interconnecting phases within a larger site, for example, to avoid a proliferation of pumping stations.</p>	
<p>DS9PU</p>		<p>It is important to explain that existing drainage systems in the district are often dominated by combined sewers. This method of sewer infrastructure is a result of the time it was constructed, with combined sewers taking both foul and surface water. If there is a consistent approach to surface water management as part of new development, it will help to manage and reduce surface water entering the sewer network, decreasing the likelihood of flooding from sewers, the impact on residents and businesses, and the impact on the environment.</p> <p>With respect to Policy DS9PU (Sustainable Drainage) new development should manage foul and surface water in a sustainable way in accordance with national planning policy. We wish to emphasise the importance of any future policy setting out the need to follow the hierarchy of drainage options for surface water in national planning practice guidance which clearly identifies the public combined sewer as the least preferable option for the discharge of surface water.</p> <p>Paragraph 167 of the National Planning Policy Framework (NPPF) outlines that ‘When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment’. Noting that not all applications are required to submit a flood risk assessment, United Utilities wishes to</p>	<p><i>This issue is already covered in Policy DS9 (which has been formed through previous consultation with UU and CCC), which includes a surface water hierarchy. The policy also requires a Drainage Strategy to show how foul and surface water will be effectively managed and maintained. This will also be supported by the additional test above. There are also requirements, as recognised by UU’s comments, set out in national planning policy and guidance.</i></p> <p><i>Given this, the proposed policy wording recommended by UU is considered by the Council to be unnecessary and overly long and detailed. Such detailed information could form part of any future SPD should the Council produce one.</i></p>	

	<p>outline that policy should set an expectation that all applications will be required to submit clear evidence that the hierarchy for surface water management has been fully investigated to ensure that flood risk is not increased elsewhere. We wish to recommend that the policy requires applicants to submit a foul and surface water drainage strategy that fully investigates the surface water hierarchy to minimise the risk of flooding and ensures that future development sites are drained in the most sustainable way whilst being resilient to the challenges of climate change. We wish to recommend the following additional policy wording shown in blue as part of Policy DS9PU:</p> <p>‘All applicants will be expected to design sustainable drainage in accordance with the four pillars of sustainable drainage. These are water quantity, water quality, amenity and biodiversity. As such, landscaping and biodiversity proposals will be expected to be integrated with the strategy for surface water management. This can include hard and soft landscaping to reduce the volume and rate of surface water discharge (for example permeable surfaces and bioretention areas). Applicants will be expected to incorporate site drainage as part of a high quality green and blue environment with multifunctional spaces.</p> <p>Unless a below ground infiltration system is proposed for the management of surface water, applicants will be expected to manage surface water through sustainable drainage features with multi-functional benefits as opposed to a reliance on underground conventional piped and tanked storage systems. Any sustainable drainage system should be designed in accordance with ‘Ciria C753 The SuDS Manual’ or any subsequent replacement guidance.</p> <p>All applications should be supported by strategies for foul</p>		
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	<p>and surface water. On greenfield sites, applicants will be expected to demonstrate that the current natural discharge solution from a site is mimicked. On previously-developed land, applicants will be expected to follow the surface water hierarchy. Thereafter, any proposal based on a proposed reduction in surface water discharge from a previously-developed site should be in accordance with the non-statutory technical standards for sustainable drainage produced by DEFRA (or any replacement national standards) which target a reduction to greenfield run-off rate. Thereafter a minimum reduction will be required of 30% on previously developed sites and 50% on previously developed sites in any critical drainage area identified through the SFRA. In order to demonstrate any reduction in the rate of surface water discharge, applicants should include clear evidence of existing operational connections from the site with associated calculations on rates of discharge.</p> <p>Applications for new development and proposals for public realm improvements will be required to be supported by a foul and surface water management strategy to protect water resources. The hierarchy for the management of surface water should be followed and surface water will only be allowed to discharge to the public sewer as a last resort. The approach to drainage for new development proposals and as a result of public realm improvements should be informed by a comprehensive strategy for drainage for the area which identifies linkage opportunities between development proposals and public realm improvements. Drainage will be required to be considered early in the design process and linked to any strategy for landscaping, biodiversity and public realm improvements.</p>		
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CBC Response to Matters, Issues and Questions: Matter 2

	<p>Applicants should consider site topography, any naturally occurring flow paths and any low lying areas where water will naturally accumulate. Resultant layouts should take account of such existing circumstances to ensure the most sustainable drainage and flood resilient solution is achieved.</p> <p>Applications for detailed approval will be expected to be supplemented by appropriate maintenance and management regimes for the lifetime of any drainage schemes. Applications should also be supported by foul water drainage strategies. At the detailed stage, this should include details of ground levels and finished floor levels so that the resilience of a site layout to flood risk can be assessed. For any development proposal which is part of a wider development site, it will be necessary to ensure foul and surface water drainage proposals are part of a wider, holistic strategy which coordinates the approach to drainage between phases, between developers, and over a number of years of construction.</p> <p>Applicants will be expected to include details of how the approach to drainage on any phase of development has regard to interconnecting phases within a larger site. A comprehensive, site-wide infrastructure strategy shall be submitted as part of any planning application for any strategic allocation.</p> <p>Infrastructure should be sized having regard to interconnecting phases and demonstrate how the site delivers sustainable drainage as part of interconnecting phases. Drainage strategies should ensure a proliferation of pumping stations is avoided on a phased development.</p>		
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		<p>When necessary, the infrastructure strategy must be updated to reflect any changing circumstances between each phase(s). The strategy shall demonstrate communication with infrastructure providers and outline how each phase interacts with other phases.</p>		
DS11PU		<p>With respect to Policy DS11PU (Protecting Air Quality), new development should provide appropriate mitigation in accordance with national planning policy for all potential emissions within and surrounding future development. We wish to emphasise the importance of any future policy setting out the need to consider surrounding existing development and all potential emissions, not just air quality.</p> <p>Paragraph 187 of the NPPF outlines that ‘Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or ‘agent of change’) should be required to provide suitable mitigation before the development has been completed’</p> <p>With respect to Policy DS11PU (Protecting Air Quality), we welcome the inclusion of this policy however request that the following additional wording shown in blue is included as part of Policy DS11PU:</p> <p>“Development proposals will only be granted planning</p>	<p><i>The Council disagrees with the suggested wording which lacks clarity and is unnecessary as the Local Plan already contains to ensure other harmful effects are mitigated. Also requiring a masterplan for all proposals would be an excessive requirement which does not align with national planning policy. No change therefore proposed.</i></p>	

		<p>permission where there will be suitable mitigation included as part of a masterplan to respond to surrounding development which may already be an existing source of emissions including but not limited to noise and odour.”</p>		
E5PU	ES3	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site. Existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site. If a decision is taken to allocate the site, the existence of any flood risk from the public sewer may limit the capacity of the development site. We would request that policy requires the applicant to engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of sewer flooding. Applicants should consider site topography and any exceedance flow paths.</p> <p>Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward.</p>	<p><i>Comments noted, the Local Plan encourages early engagement with developers (see paragraphs 5.2.4 and 13.9.5).</i></p> <p><i>Suggested Minor Modification MI-LP115 (new paragraph 7.8.7):</i></p> <p>Early engagement with United Utilities will be required prior to the submission of a planning application to determine where there might be a public sewer or utilities infrastructure present on the site</p> <p><i>Given the above, and the fact that any development on the site will need to comply with relevant policies in the plan relating to flooding and drainage (e.g. Ds8 and DS9), the Council does not feel it is necessary to make any amendments to Policy E5. Should the existence of any flooding limit the capacity for development on the site this will not affect the soundness of the Plan as there are sufficient alternative</i></p>	

			<i>employment sites available to meet identified needs.</i>	
E5PU	ES14	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p> <p>United Utilities notes that there are flood incidents from the public sewer in the wider area. If a decision is taken to allocate the site, the position of United Utilities is that applicants will be required to engage with United Utilities prior to any masterplanning process and consider (amongst other things) site topography and any exceedance flow paths. Resultant layouts and levels should take account of existing circumstances to ensure the most flood resilient solution is achieved. The circumstances of the area could affect the detailed design of the site and result in the need to incorporate appropriate mitigating measures in the design of the proposal. Careful consideration will need to be given to the approach to drainage namely the point of connection to the public sewer; whether the proposal will be gravity or pumped; and the proposed finished floor and ground levels.</p> <p>Any full submission should therefore include details of finished floor and ground levels alongside a drainage strategy. In accordance with the hierarchy for surface water management, alternative options to the public sewer for the management of surface water should be fully investigated. The applicant will be required to liaise with United Utilities to investigate opportunities for the removal of surface water from the public sewer as a result of the development.</p>	<p><i>Comments noted, the Local Plan encourages early engagement with developers (see paragraphs 5.2.4 and 13.9.5).</i></p> <p><i>Suggested Minor Modification MI-LP115 (new paragraph 7.8.7):</i></p> <p>Early engagement with United Utilities will be required prior to the submission of a planning application to determine where there might be a public sewer or utilities infrastructure present on the site</p> <p><i>Given the above, and the fact that any development on the site will need to comply with relevant policies in the plan relating to flooding and drainage (e.g. Ds8 and DS9), the Council does not feel it is necessary to make any amendments to Policy E5. Should the existence of any flooding limit the capacity for development on the site this will not affect the soundness of the Plan as there are sufficient alternative employment sites available to meet identified needs.</i></p>	

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E5PU	ES12	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<i>Comments noted – see response above</i>	
E5PU	ELA2	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<i>Comments noted – see response above</i>	
E5PU	E13	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site. Early dialogue with United Utilities will be required prior to the submission of a planning application due to the proximity to Millom Wastewater Treatment Works which is a 24 hour waste management facility.</p> <p>The nature of any uses brought forward at the site will need very careful consideration and may need to be informed by appropriate impact assessments (e.g. noise and odour) due to the proximity to the treatment works. These may be required to ensure the proposed development can secure an acceptable level of amenity for potential future users / occupiers of the site</p>	<p><i>Comments noted – see response above.</i></p> <p><i>The site is being taken forward as an Employment Site. The requirement for additional assessments can be addressed at planning application and pre-application stage.</i></p>	
E5PU	ES7	Early dialogue with United Utilities will be required prior to the preparation of a masterplan and submission of a planning application due to the presence of utilities infrastructure and land interests, including easements and rights of way, within the site. Existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site. If a decision is taken to allocate the site, the existence of any flood risk from the public sewer may limit the capacity of the development site. We would request that policy requires the applicant to engage with United Utilities prior to any	<i>Comments noted – see response above.</i>	

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		<p>masterplanning process to ensure development is not located in an area at risk of sewer flooding. Applicants should consider site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward</p>		
E5PU	ES9	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p>	<i>Comments noted – see response above</i>	
E5PU	ES5	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p>	<i>Comments noted – see response above</i>	
E5PU	ES4	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p>	<i>Comments noted – see response above</i>	
E5PU	ES1a	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p> <p>Existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site. If a decision is taken to allocate the site, the existence of any flood risk from the public sewer may limit the capacity of the development site. We would request that policy requires the applicant to engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of sewer</p>	<i>Comments noted – see response above</i>	

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		<p>flooding. Applicants should consider site topography and any exceedance flow paths.</p> <p>Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward</p>		
E5PU	ES6	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<i>Comments noted – see response above</i>	
E5PU	ES11	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<i>Comments noted -see response above</i>	
E5PU	ES1B, ES1C	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within the site.	<i>Comments noted – see response above</i>	
E5PU	ES2a	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<i>Comments noted – see response above</i>	
E5PU	ES2b	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site. Existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site. If a decision is taken to allocate the site, the existence of any flood risk from the public sewer may limit the capacity of the development site. We would request that policy requires the applicant to engage with United Utilities prior to any	<i>Comments noted – see response above</i>	

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		<p>masterplanning process to ensure development is not located in an area at risk of sewer flooding. Applicants should consider site topography and any exceedance flow paths.</p> <p>Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward.</p>		
E6PU	OEG01	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p>	<i>Comments noted – see response above</i>	
E6PU	OWH02	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p> <p>United Utilities notes that there are flood incidents from the public sewer in the wider area. If a decision is taken to allocate the site, the position of United Utilities is that applicants will be required to engage with United Utilities prior to any masterplanning process and consider (amongst other things) site topography and any exceedance flow paths. Resultant layouts and levels should take account of existing circumstances to ensure the most flood resilient solution is achieved. The circumstances of the area could affect the detailed design of the site and result in the need to incorporate appropriate mitigating measures in the design of the proposal. Careful consideration will need to be given to the approach to drainage namely the point of connection to the public sewer; whether the proposal will be gravity or</p>	<i>Comments noted – see response above</i>	

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		<p>pumped; and the proposed finished floor and ground levels. Any full submission should therefore include details of finished floor and ground levels alongside a drainage strategy. In accordance with the hierarchy for surface water management, alternative options to the public sewer for the management of surface water should be fully investigated. The applicant will be required to liaise with United Utilities to investigate opportunities for the removal of surface water from the public sewer as a result of the development</p>		
E6PU	OWH03	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p>	<i>Comments noted -see response above</i>	
E6PU	OWH05	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p> <p>United Utilities notes that there are flood incidents from the public sewer in the wider area. Applicants will be required to engage with United Utilities prior to any masterplanning process. The circumstances of the area could affect the detailed design of the site and result in the need to incorporate appropriate mitigating measures in the design of the proposal. Careful consideration will need to be given to the approach to drainage namely the point of connection to the public sewer; whether the proposal will be gravity or pumped; and the proposed finished floor and ground levels.</p> <p>Any full submission should therefore include details of finished floor and ground levels alongside a drainage strategy. In accordance with the hierarchy for surface water management, alternative options to the public sewer for the management of surface water should be fully investigated. The applicant will be required to liaise with United Utilities to</p>	<i>Comments noted – see response above</i>	

		<p>investigate opportunities for the removal of surface water from the public sewer as a result of the development. In addition, existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site.</p> <p>The existence of any flood risk from the public sewer may limit the capacity of the development site. We would request that policy requires the applicant to engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of sewer flooding.</p> <p>Applicants should consider (amongst other things) site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward</p>		
E6PU	OWH06	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within and near to the site. Operational land owned by United Utilities is adjacent to the site. This should be afforded any necessary offset distance agreed in liaison with United Utilities. United Utilities notes that there are flood incidents from the public sewer at this site and in the wider area. Applicants will be required to engage with United Utilities prior to any masterplanning</p>	<p><i>Comments noted – see response above</i></p>	

	<p>process. The circumstances of the area could affect the detailed design of the site and result in the need to incorporate appropriate mitigating measures in the design of the proposal. Careful consideration will need to be given to the approach to drainage namely the point of connection to the public sewer; whether the proposal will be gravity or pumped; and the proposed finished floor and ground levels.</p> <p>Any full submission should therefore include details of finished floor and ground levels alongside a drainage strategy. In accordance with the hierarchy for surface water management, alternative options to the public sewer for the management of surface water should be fully investigated. The applicant will be required to liaise with United Utilities to investigate opportunities for the removal of surface water from the public sewer as a result of the development. In addition, existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site. The existence of any flood risk from the public sewer may limit the capacity of the development site. We would request that policy requires the applicant to engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of sewer flooding.</p> <p>Applicants should consider (amongst other things) site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such</p>		
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		proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward		
E6PU	OWH08	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within the site. United Utilities notes that there are flood incidents from the public sewer in the wider area. Applicants will be required to engage with United Utilities prior to any masterplanning process. The circumstances of the area could affect the detailed design of the site and result in the need to incorporate appropriate mitigating measures in the design of the proposal. Careful consideration will need to be given to the approach to drainage namely the point of connection to the public sewer; whether the proposal will be gravity or pumped; and the proposed finished floor and ground levels.</p> <p>Any full submission should therefore include details of finished floor and ground levels alongside a drainage strategy. In accordance with the hierarchy for surface water management, alternative options to the public sewer for the management of surface water should be fully investigated. The applicant will be required to liaise with United Utilities to investigate opportunities for the removal of surface water from the public sewer as a result of the development. In addition, existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site.</p> <p>The existence of any flood risk from the public sewer may limit the capacity of the development site. We would request</p>	<i>Comments noted – see response above</i>	

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		<p>that policy requires the applicant to engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of sewer flooding.</p> <p>Applicants should consider (amongst other things) site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward</p>		
E6PU	OWH09	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within the site.</p>	<i>Comments noted – see response above</i>	
E6PU	OWH11	<p>United Utilities notes that there are flood incidents from the public sewer in the wider area. If a decision is taken to allocate the site, the position of United Utilities is that applicants will be required to engage with United Utilities prior to any masterplanning process and consider (amongst other things) site topography and any exceedance flow paths.</p> <p>Resultant layouts and levels should take account of existing circumstances to ensure the most flood resilient solution is achieved. The circumstances of the area could affect the detailed design of the site and result in the need to incorporate appropriate mitigating measures in the design of the proposal. Careful consideration will need to be given to the approach to drainage namely the point of connection to</p>	<i>Comments noted -see response above</i>	

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		<p>the public sewer; whether the proposal will be gravity or pumped; and the proposed finished floor and ground levels. Any full submission should therefore include details of finished floor and ground levels alongside a drainage strategy. In accordance with the hierarchy for surface water management, alternative options to the public sewer for the management of surface water should be fully investigated. The applicant will be required to liaise with United Utilities to investigate opportunities for the removal of surface water from the public sewer as a result of the development</p>		
E6PU	OWH13	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within / near to the site. It is noted that this site is the location for a potential coal mine. Early dialogue will be required with the water and sewerage undertaker to understand any water and wastewater needs.</p>	<i>Comments noted – see response above</i>	
E6PU	OEG03	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p> <p>United Utilities notes that there are flood incidents from the public sewer in the wider area. If a decision is taken to allocate the site, the position of United Utilities is that applicants will be required to engage with United Utilities prior to any masterplanning process and consider (amongst other things) site topography and any exceedance flow paths. Resultant layouts and levels should take account of existing circumstances to ensure the most flood resilient solution is achieved. The circumstances of the area could affect the detailed design of the site and result in the need to incorporate appropriate mitigating measures in the design of the proposal. Careful consideration will need to be given to</p>	<i>Comments noted – see response above</i>	

		<p>the approach to drainage namely the point of connection to the public sewer; whether the proposal will be gravity or pumped; and the proposed finished floor and ground levels.</p> <p>Any full submission should therefore include details of finished floor and ground levels alongside a drainage strategy. In accordance with the hierarchy for surface water management, alternative options to the public sewer for the management of surface water should be fully investigated. The applicant will be required to liaise with United Utilities to investigate opportunities for the removal of surface water from the public sewer as a result of the development.</p>		
E6PU	OCL01	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p> <p>United Utilities notes that there are flood incidents from the public sewer in the wider area. Applicants will be required to engage with United Utilities prior to any masterplanning process. The circumstances of the area could affect the detailed design of the site and result in the need to incorporate appropriate mitigating measures in the design of the proposal. Careful consideration will need to be given to the approach to drainage namely the point of connection to the public sewer; whether the proposal will be gravity or pumped; and the proposed finished floor and ground levels.</p> <p>Any full submission should therefore include details of finished floor and ground levels alongside a drainage strategy. In accordance with the hierarchy for surface water management, alternative options to the public sewer for the management of surface water should be fully investigated. The applicant will be required to liaise with United Utilities to</p>	<p><i>Comments noted – see response above</i></p>	

		<p>investigate opportunities for the removal of surface water from the public sewer as a result of the development. In addition, existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site.</p> <p>The existence of any flood risk from the public sewer may limit the capacity of the development site. We would request that policy requires the applicant to engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of sewer flooding. Applicants should consider (amongst other things) site topography and any exceedance flow paths. Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward</p>		
E6PU	OMI01	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the proximity to Millom Wastewater Treatment Works which is a 24 hour waste management facility.</p> <p>The nature of any uses brought forward at the site will need very careful consideration and will need to be informed by appropriate impact assessments, including odour and noise impact assessments. These will be required prior to the submission of a planning application as part of any masterplanning exercise to ensure the proposed</p>	<p><i>Comments noted – see response above.</i></p> <p><i>The site is being taken forward as an Opportunity Site – the end use is therefore uncertain at this point in time. The requirement for additional assessments can be addressed at planning application and pre-application stage.</i></p>	

		development can secure an acceptable level of amenity for potential future users/occupiers of the site		
E6PU	OWN01	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within / near to the site.	<i>Comments noted – see response above.</i>	
CC2PU		<p>we also recommend the following amendments to Policy CC2PU: Wind Energy Developments. (Bullet Point) • Water resources and water quality (including catchment land for public water supply purposes)</p> <p>In cases of wind energy proposals on catchment land used for public water supply purposes, the applicant should seek to locate development so that the impact on public water supply is minimised through the location of the development and through the undertaking of appropriate risk assessments and inclusion of mitigation measures in the design and construction process in accordance with Policy N5PU. New wind turbines on water catchment land which is also deep peat should be avoided.</p>	<p><i>Suggested Main Modification to Policy CC1PU, MA-LP64, additional bulletpoint:</i></p> <p>Water resources and water quality (including catchment land for public water supply purposes)</p> <p><i>Suggested Main Modification, MA-LP47, amendment to bullet 4, Policy DS10PU – Soils, Contamination and Land Stability:</i></p> <p>Avoid development that results in the loss of best and most versatile agricultural land or areas of deep peat where possible</p> <p><i>The impact of development on water supply is already covered in Policy N5PU.</i></p>	
Nuclear Chapter		United Utilities notes the references to the potential for a nuclear power station and large scale energy generation at Moorside within the Draft Local Plan. United Utilities is primarily responsible for water supply, waste water and sewer management issues across Copeland and as such, it	<i>Comments noted.</i>	

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		will be critical to include United Utilities in any future discussions at the earliest time if any development progresses at the Moorside Cumbria Clean Energy Park (as identified on the Draft Proposals Map). This is to ensure appropriate infrastructure for water and waste water can be carefully co-ordinated with any such nationally significant infrastructure.		
R1PU		<p>With respect to Policy R1PU (Vitality and Viability of Town Centres and villages within the Hierarchy), we request that the policy gives further consideration to the proposed approach to landscaping and public realm improvements with stronger reference to the need for landscaping and any public realm improvements to be integrated with sustainable surface water management design objectives.</p> <p>The evaluation of surface water management opportunities should be undertaken early in the design process. It is imperative that the brief for any public realm improvements is intrinsically linked to opportunities for surface water management improvements. As part of any public realm improvements within R1PU, we request that the Council and applicants consider opportunities for source control and slowing the flow of surface water. This could also be achieved through swales, permeable surfacing and bioretention tree pits/rain gardens for example.</p>	<i>No change proposed, the matter is already addressed under Policy DS9PU.</i>	
H5PU		United Utilities has concerns regarding any large site allocations which are in multiple land ownerships. The experience of United Utilities is that where sites are in multiple ownership, the achievement of sustainable development can be compromised by developers/applicants working independently. We therefore encourage you to make early contact with all landowners/site promoters and challenge those landowners on how they intend to work	<i>Comments noted: the majority of the allocated sites are in single ownership</i>	

		together, preferably as part of a legally binding framework or masterplan. We believe that raising this point at this early stage is in the best interests of achieving challenging delivery targets from allocated sites in the most sustainable and co-ordinated manner		
H5PU		<p>United Utilities acknowledges that the Draft Plan identifies significant development areas across various settlements within Copeland. As a result, it is likely that there will be a need to respond with investment in our infrastructure and it may be necessary to co-ordinate the delivery of development with the delivery of new infrastructure. United Utilities wishes to highlight that we wish to continue the constructive communication we have had with the Council to ensure a co-ordinated approach to the delivery of allocations. All United Utilities’ assets and associated easements will need to be afforded due regard in the masterplanning process as they may impact on deliverability dependent on the location within the site. We therefore request continued involvement in any masterplanning process for each site. We ask any future developers to contact United Utilities to explore options for addressing the above as early as possible. Enquiries are encouraged via the contact details above and plans of our assets are available from a range of providers including our Property Searches team who can be contacted at https://www.unitedutilities.com/property-searches/</p>	<p><i>Comments noted – the Local Plan recommends developers carry out early pre-application discussions with the Council and key stakeholders.</i></p> <p><i>Suggested Minor Modification, MI-LP115, reiterates this point:</i></p> <p>Early engagement with United Utilities will be required prior to the submission of a planning application to determine where there might be a public sewer or utilities infrastructure present on the site</p> <p><i>There are also a number of modifications proposed to identify where utilities infrastructure is on site; MI-APP6-16, 18 and 19.</i></p>	
H5PU	HCM1	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.</p>	<p><i>Suggested Minor Modification to Site Profiles document, MI-APP8:</i></p> <p>Utilities infrastructure present on site. CBC will carry out ongoing</p>	

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			engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision	
H5PU	HWH1	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<p><i>Suggested Minor Modification MI-APP6:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure present on site. CBC will carry out ongoing engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision</p>	
H5PU	HD12	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<p><i>Suggested Minor Modification MI-APP15:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure present on site. CBC will carry out ongoing engagement, including at planning application</p>	

			stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision	
H5PU	HWH2	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site. A comprehensive strategy for foul and surface water drainage infrastructure at this site shall be required. Any proposals must have full regard to the topographical and hydrogeological conditions of this steeply sloping site. Such steeply sloping sites can suffer from sub-soil drainage issues. These steeply inclined sites have existing ground water problems due to underground springs. Such issues must be considered when designing a proposed surface water system. There is a risk that groundwater / overland flow could overload the drainage system that is designed as a result of illegal connections being made as an afterthought by individual residents if their plots are not drained effectively. Therefore careful consideration will need to be given to land drainage to ensure there are no future misconnections to the public sewer	<i>No change considered necessary – a planning application has been submitted on the site that contains drainage details. UU have been engaged in the application process.</i>	
H5PU	HCM3	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<i>Suggested Minor Modification MI-APP9:</i> No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure present on site. CBC will carry out ongoing engagement,	

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			including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision	
H5PU	HAR01	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within and near to the site. This includes a right of way on the northern boundary which must be maintained for access to key utility infrastructure.	<p><i>Suggested Minor Modification MI-APP14:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure and land interests present on site. CBC will carry out ongoing engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision.</p>	
H5PU	HCM4	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within the site.	<p><i>Suggested Minor Modification MI-APP10:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure and land interests present on site. CBC will carry out</p>	

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			ongoing engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision	
H5PU	HTH1	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<p><i>Suggested Minor Modification MI-APP17:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure present on site. CBC will carry out ongoing engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision</p>	
H5PU	HMI2	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<p><i>Suggested Minor Modification MI-APP13:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure present on site. CBC will carry out ongoing engagement, including at planning application</p>	

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			stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision	
H5PU	HSB3	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site which is identified as not in use. The status of this asset will require confirmation with United Utilities.	<p><i>Suggested Minor Modification MI-APP16:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure present on site which are not currently in use. CBC will carry out ongoing engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision</p>	
H5PU	HWHS	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure within the site.	<p><i>Suggested Minor Modification MI-APP7:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure present on site. CBC will carry out ongoing engagement,</p>	

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			including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision	
H5PU	HEG3	Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within the site.	<p><i>Suggested Minor Modification MI-APP12:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure and land interests present on site. CBC will carry out ongoing engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision</p>	
H5PU	HEG2	Suggested amendment to existing text. Located in groundwater source protection zones (SPZ) (1, 2 and 3). Partially located in groundwater Source Protection Zone (SPZ) 1 immediately adjacent to Gulley Flats Borehole. Given this, a quantitative and qualitative 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 the source-pathway-receptor	<p><i>Suggested Minor Modification, additional consideration MI-APP12:</i></p> <p>Located in groundwater source protection zones (SPZ) (1, 2 and 3). Partially located in groundwater Source Protection Zone (SPZ) 1 immediately adjacent to Gulley Flats Borehole. Please seek further</p>	

		<p>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. The mitigation measures shall include the highest specification design for the new foul and surface water sewerage systems (pipework, trenches, manholes, pumping stations and attenuation features). A 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. Within and adjacent to Source Protection Zone SPZ 1, and in any other locations identified by the aforementioned risk assessment, pipework and site design will be required to adhere to a high specification to ensure that leakage from sewerage systems is avoided. Careful masterplanning will be required to mitigate the risk of pollution to public water supply and the water environment. For example, open space can be located so that it is closest to the boreholes in order to minimise the potential impact on groundwater. In addition, an appropriate management regime will be required for open space features in a SPZ</p>	<p>guidance from the Planning Authority and United Utilities at pre-application stage.</p>	
H5PU	HMR2	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within the site. Existing public sewers pass through this site which modelling data identifies as being at higher risk of sewer surcharge. These represent a higher risk of public sewer flooding that affects part of the site. If a decision is taken to allocate the site, the existence of any flood risk from the public sewer may limit the capacity of the development site. We would</p>	<p><i>Suggested Minor Modification MI-APP19:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Early engagement with United utilities required due to utilities</p>	

		<p>request that policy requires the applicant to engage with United Utilities prior to any masterplanning process to ensure development is not located in an area at risk of sewer flooding. Applicants should consider site topography and any exceedance flow paths.</p> <p>Resultant layouts and levels should take account of such existing circumstances to ensure the most flood resilient solution is achieved. Given the existence of flood risk, applicants should not assume that changes in levels or any proposed diversion of the public sewerage system will be acceptable as such proposals could increase flood risk. It may be necessary to apply the sequential approach as outlined in national policy subject to the detail of the proposal that is brought forward</p>	<p>infrastructure, including existing public sewers present on site. CBC will carry out ongoing engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision</p>	
H5PU	HMR1	<p>Early dialogue with United Utilities will be required prior to the submission of a planning application due to the presence of utilities infrastructure and land interests within the site.</p>	<p><i>Suggested Minor Modification MI-APP18:</i></p> <p>No utility issues have been highlighted in relation to this site through consultation with utility providers. However, Utilities infrastructure and land interests present on site. CBC will carry out ongoing engagement, including at planning application stage, with United Utilities, Electricity North West, Northern Gas and Cadent Gas to ensure that future development does not have an adverse impact on utility provision</p>	

<p>N3PU</p>		<p>United Utilities welcomes policy N3PU (Biodiversity Net Gain). As part of our response to the Environment Act and in preparation for the future delivery of biodiversity net gain (BNG), we are currently reaching out to local authorities to ensure we develop a BNG strategy that, wherever possible, supports local biodiversity and nature recovery needs. As part of the preparation of your new local plan, we would welcome the opportunity to further discuss your approach to the delivery of BNG and the identification of strategic opportunities to support local nature recovery. We are keen to ensure that BNG is delivered in the most appropriate locations and without restricting the potential future expansion and operation of key operational infrastructure which is often very geographically restricted and critical to meeting future growth and environmental drivers. It important that any approach to the delivery of BNG considers the context of the development and what is best for biodiversity. We recommend that policy N3PU includes flexibility to allow a balanced decision based on the circumstances of a proposal and a site. It is important to recognise that the location of land for infrastructure is often restricted and cannot be easily relocated. Therefore, the land that is within and adjacent to a site used for infrastructure is at a premium. We would not wish to see a BNG policy which includes a spatial hierarchy that inflexibly prioritises on-site BNG on key infrastructure sites as this could be detrimental to the availability of that land for infrastructure investment to support future environmental drivers and growth needs.</p>	<p><i>No change proposed, the policy accepts that on site net gain is not always appropriate and these matters can be discussed in more detail at planning application stage.</i></p>	
<p>N5PU</p>		<p>The Environment Agency has defined Groundwater Source Protection Zones (SPZs) for groundwater sources, which are often used for public drinking water supply purposes. The prevention of pollution to drinking water supplies is critical. The SPZs signify where there may be a particular risk from</p>	<p>Suggested Minor Modification, additional paragraphs after 15.12.6 MI-LP238:</p>	

	<p>activities on or below the land surface. Such activities include construction. The details of SPZs can be viewed on the website of the Environment Agency.</p> <p>We wish to highlight that new development sites are more appropriately located away from locations which are identified as sensitive groundwater protection areas especially land within and adjacent to Groundwater Source Protection Zone 1 (SPZ1) which is closest to the water abstraction point and the most sensitive. This is of relevance given the presence of SPZs in Copeland.</p> <p>With respect to Policy N5PU (Protection of Water Resources), we welcome the inclusion of this policy however request that the following wording shown in blue is included as part of Policy N5PU: ‘In consultation with the council and relevant statutory bodies, applicants will be required to consider the potential impacts on water quality resulting from the design, construction and operation of proposed development. Where necessary, development proposals should include measures to reduce any risk to the water environment and aim to protect and improve water quality.</p> <p>Development proposals within Groundwater Source Protection Zones must accord with the latest national guidance on Groundwater Protection. New development within Groundwater Source Protection Zones will be expected to conform to the following.</p> <p>i) RISK ASSESSMENT - a quantitative and qualitative 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</p>	<p>The Environment Agency has defined Groundwater Source Protection Zones (SPZs) for groundwater sources, which are often used for public drinking water supply purposes. The prevention of pollution to drinking water supplies is critical. The SPZs signify where there may be a particular risk from activities on or below the land surface. Such activities include construction.</p> <p>There is one Groundwater Source Protection Zone in the Copeland Local Plan area. Where possible, new development sites should be appropriately located away from locations which are identified as sensitive groundwater protection areas especially land within and adjacent to Groundwater Source Protection Zone 1 (SPZ1) which is closest to the water abstraction point and the most sensitive.</p> <p>Where development within a Groundwater protection zone is unavoidable, development must accord with the latest national guidance on groundwater protection and developers will be expected to submit a risk</p>	
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	<p>environment. The risk assessment should be based on 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. Subject to the outcome of the risk assessment, the mitigation measures may include the highest specification design for the new foul and surface water sewerage systems (pipework, trenches, manholes, pumping stations and attenuation features).</p> <p>ii) MASTERPLANNING – careful masterplanning is required to mitigate the risk of pollution to public water supply and the water environment. For example, open space can be located so that it is closest to the boreholes in order to minimise the potential impact on groundwater. In addition, an appropriate management regime will be required for open space features in a groundwater source protection zone.</p> <p>iii) 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>-- Water Catchment Land</p> <p>United Utilities notes the plan in Appendix D which identifies land potentially suitable for wind energy.</p> <p>United Utilities wishes to note that this area includes land used as catchment land for public water supply purposes. Development proposals on water catchment land can have an impact on water supply resources and therefore we recommend that you expand your Policy N5PU: Protection of Water</p>	<p>assessment, masterplan to mitigate any risk to the public water supply and water environment and construction management plan.</p>	
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		<p>Resources in accordance with the following additional paragraph.</p> <p>Development proposals on land used for public water supply catchment purposes will be required to consult with the relevant water undertaker. The first preference will be for proposals to be located away from land used for public water supply purposes. Where proposals are located on catchment land used for public water supply, careful consideration must be given to the location of the proposed development and a risk assessment of the impact on public water supply may be required with the identification and implementation of any required mitigation measures.</p>		
Other		<p>United Utilities notes the references to the importance of mining within Copeland historically and currently. United Utilities is primarily responsible for water supply, waste water and sewer management across Copeland and as such, it will be critical to include United Utilities in any future discussions at the earliest time if any mining developments progress to ensure appropriate infrastructure for water and waste water can be planned into any potential proposals for a site</p>	<i>Comments noted.</i>	