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21<sup>st</sup> of February 2022

Dear Copeland Borough Council Planning team,

### **MMO Marine Planning response to Copeland Local Plan 2021-2038 Publication Draft**

Thank you for giving us the opportunity to comment on the Regulation 14 Consultation of the Carnforth neighbourhood plan. The comments provided within this letter refer to the document entitled Copeland Local Plan 2021-2038 Publication Draft.

As the marine planning authority for England, the MMO is responsible for preparing marine plans for English inshore and offshore waters. At its landward extent the Marine Plan boundaries extend from the mean high water spring tides mark (which includes the tidal extent of any rivers and estuary) to the inshore (up to 12nm) and offshore (12 to 200nm or the Exclusive Economic Zone) waters; there is an overlap with terrestrial plans which generally extend from the mean low water springs mark.

Marine plans will inform and guide decision makers on development in marine and coastal areas. Planning documents for areas with a coastal influence may wish to make reference to the MMO's licensing requirements and any relevant marine plans to ensure the necessary considerations are included. In the case of the document stated above, the [North West Marine Plan](#) is of relevance. The North West Marine Plan covers the area from the Solway Firth to the River Dee, including the tidal extent of any rivers within this area.

All public authorities taking authorisation or enforcement decisions that affect or might affect the UK marine area must do so in accordance with the [Marine and Coastal Access Act 2009](#) and any relevant adopted Marine Plan, in this case the [North West Marine Plan](#), or [UK Marine Policy Statement \(MPS\)](#), unless relevant considerations indicate otherwise. Local authorities may also wish to refer to our [online guidance](#), [Explore Marine Plans](#) and the [Planning Advisory Service soundness self-assessment checklist](#).

## Marine Licensing

The Marine and Coastal Access Act 2009 states that a marine licence is required for certain activities carried out within the [UK marine area](#). The MMO is responsible for marine licensing in English waters and for Northern Ireland offshore waters.

The marine licensing team are responsible for consenting and regulating any activity that occurs "below mean high water springs" level that would require a marine licence. These activities can range from mooring private jetties to nuclear power plants and offshore windfarms.

## Summary notes

Please see below suggested policies from the [North West Marine Plan](#) that we feel are most relevant to your local plan. We recommend considering reference to these policy areas within the supporting policy text.

These suggested policies have been identified based on the activities and content within the document entitled above. They are provided only as a recommendation and we would suggest your own interpretation of the [North West Marine Plan](#) is completed.

- Water Quality, Infrastructure, renewables, employment, climate change resilience and adaptation, landscape and seascape, marine protected areas (including geodiversity), biodiversity, heritage assets, tourism and recreation.

## Further points to note

Within the document out for consultation we welcome the inclusion of Policy N4PU: Marine Planning and reference to the North West Marine Plan. We also welcome the advice that applicants may also require an appropriate license from the Marine Management Organisation.

In section 15.11.6 where you mention the area that the marine plan covers, the inshore north west marine plan area extends to 12nm and the offshore marine plan area to the maritime borders with Scotland, Wales, and the Isle of Man. We would recommend making this distinction within the above-mentioned section.

Strategic policy N8PU: The Undeveloped Coast could benefit from the inclusion of the MMO's Seascape policy NW-SCP-1. This policy aims to manage significant adverse impacts on the seascape and landscape of the north west inshore and offshore marine plan areas and aligns well with the above-mentioned policy in your consultation document.

As previously stated, these are recommendations and we suggest that your own interpretation of the North West Marine Plan is completed. We would also recommend you consult [Explore Marine Plans](#), our marine planning portal, for further information.

Once again, thank you for providing the opportunity to comment.

Yours sincerely,

  
Marine Planner (North West)

Telephone: 

E-mail: 







By Email: [Localplanconsultation@copeland.gov.uk](mailto:Localplanconsultation@copeland.gov.uk) Our ref: PL000189763  
Your ref:  
Date 8 March 2022

Dear Sir/Madam

**Consultation: Copeland Local Plan 2021-2038 Publication Draft**

Thank you for consulting Historic England on the above.

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media, and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

The table (attached to this letter) provides detailed comments on the Plan. We recognise that Historic England has provided previous advice on many areas of the Plan and therefore, we have focused our comments on other sections and policies as well as the site allocations and heritage impact assessment. Our comments on the revised plan therefore reflect this, to summarise:

- Some of the policies lack reference to heritage assets/historic environment
- The HIAs do not provide a robust assessment of the historic environment
- The content of the HIAs is not embedded within the local plan.
- Employment and opportunity sites do not include site profiles to guide development of the sites (and thus reducing impact on the historic environment).

We have also provided a response to the Sustainability Appraisal (see letter reference PL766382), which should be read in conjunction with this letter.

Yours sincerely,

[Redacted]

[Redacted]

Historic Environment Planning Adviser (North West)  
Development Advice  
Historic England

E-mail: [Redacted]

## Table of Historic England's comments on the Copeland Local Plan Publication Draft

March 2022

Page	Section	Sound/ Unsound	Comments	Suggested Change
1	1.1.1	Unsound	This paragraph provides an overarching position on the area yet fails to refer to its historic environment and its unique identity and character. This contributes to making it one of the attractive places that the document identifies. Therefore, in line with the NPPF with regards a positive strategy for the historic environment, reference to this should be included here. This would also, ensure that in providing a robust context – it sets the scene for the rest of the Plan (including that contained in the vision).	Insert reference to the distinctive historic environment
15	Vision	Sound	We support the vision which seeks to enhance and promote the cultural heritage of Copeland.	None
17	Strategic Objectives - Landscapes and Built Heritage	Sound subject to minor amendments	We welcome the proposed objective support the objective which provides a clear intention for the conservation and enhancement of Copeland's built heritage. However, the historic environment is not just 'built assets' and it is suggested to ensure that all elements are covered that built be deleted and just include heritage in the title and supporting text	The title be amended to read 'Landscapes and heritage' Line one to delete reference to 'built'
19	4 Spatial Portrait	Unsound	There is no mention of the historic environment within the spatial portrait. The historic environment makes an important contribution to the area, and reference should be included within this part of the plan, so that it is treated equally with all other matters, as required in the NPPF.	The spatial portrait should be amended to include some information on the historic environment.
29	Strategic Policy	Sound	We welcome reference within the policy on the sustainable reuse of resources. In addition, we also support the need for	None

Page	Section	Sound/ Unsound	Comments	Suggested Change
	DS2PU: Reducing the impacts of development on climate change		proposals to make efficient use of land and encouraging the reuse and refurbishment of existing buildings and previously developed land.	
39	Strategic Policy DS3PO Settlement Boundaries	Unsound	The NPPF requires plans to put forward a positive strategy for the historic environment. Development beyond established settlement boundaries can harm the historic environment and also settlement character and the wider landscape. The policy as drafted does not include reference to this, and therefore, there is a risk that these proposals may cause harm. It is recommended that an additional bullet be inserted.	An additional bullet be inserted:  <i>d) There is no harm to the historic environment, landscape and settlement character.</i>
47	6.4.7 Protecting Heritage	Unsound	We welcome recognition that heritage is an important element of Copeland's built environment. It is unclear why only reference to conservation area design guides is included when this is only a small part of the historic environment. It is suggested that this be expanded given it represents a summary of the standards expected on new developments.	The paragraph should be expanded to make it clear that it is not just conservation area design guides that need to be considered in proposals for new development.
47	6.4.9 Reuse of buildings	Sound	We welcome the promotion of the reuse of buildings and the need to ensure that they are suitably adapted in line with their design and construction.	None
48	Policy DS6PU: Development and Design Standards	Sound	We welcome the content of the policy including particular reference to ensuring new development creates and enhances locally distinctive places.	None

Page	Section	Sound/ Unsound	Comments	Suggested Change
67	Policy E2PU Location of Employment	Unsound	<p>The NPPF expects that development proposals should avoid harm to the historic environment, where this is not possible it is expected that proposals include mitigation measures and/or opportunities for enhancement.</p> <p>The policy as drafted includes a list of impacts which will require mitigation measures. The proposed list excludes reference to the historic environment/heritage assets. The historic environment is given equal weight in the NPPF as other matters and therefore, the policy should be amended to include an additional bullet point in the list.</p> <p>This amendment will ensure that the historic environment is considered in any mitigation measures put forward and also ensure it is in accordance with the requirements of the NPPF.</p> <p>The NPPF makes it clear that the significance of heritage assets can be harmed through development including within their setting.</p>	<p>An additional bullet be included to say: <i>Impact on the historic environment and heritage assets.</i></p>
75	Policy E5PU Employment Sites and Allocations		<p>The policy itself contains a list of employment allocations. Some of these allocations have the potential to harm the historic environment. The Council have produced a series of heritage impact assessments to accompany their inclusion. These can be found in the supporting evidence base. We have provided specific comments on their content for individual sites within this policy (see below). Appendix F of the Plan contains the housing allocation profiles but the Appendix contains no profiles for employment allocations.</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
75	ES5 Haig Business Park, Whitehaven	Unsound	<p>In terms of Policy E5PU Employment Sites and Allocations, the policy does little to guide developers as to what is required in order to develop individual sites that form part of this policy. We would expect the policy to highlight that development needs to be in accordance with the requirements contained within the Site Allocation Profiles of Appendix F. Yet there does not appear to be any profiles for employment sites. It is important to note that some of the content of the HIA's should be embedded within the profiles to ensure compliance with any mitigation measures. Therefore, without any profiles, any proposed mitigation measures and design requirements to reduce the harm to heritage assets are not a requirement for the site allocation and development.</p> <p>Without this, the Policy and the individual sites included within the Policy are unable to demonstrate that they can be developed without harm to the historic environment and therefore, without this the Plan does not put forward a positive strategy for the historic environment as required by the NPPF.</p> <p>The site allocation has the potential to affect a number of heritage assets including a scheduled monument.</p> <p>The NPPF considers Scheduled Monuments to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p>	See comments for amendments

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 27) does not provide a robust assessment of the significance of the heritage assets. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>The Appendix does not include any profiles of employment sites to guide the development of them. The Plan in including such sites is setting the principle of development and they should be</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p>	
76	Policy E6PU: Opportunity Sites	Unsound	<p>Appendix C contains a list of opportunity sites related to this policy. We have provided a response to some sites (see relevant section of this table).</p> <p>In terms of Policy H6PU Opportunity Sites, the policy does not guide developers as to what is required in order to develop individual sites that form part of this policy. In the absence of site profiles for these sites, we would expect the policy to highlight that development needs to be in accordance with the requirements contained within the HIA. However, it is important to note that we are concerned with the assessment contained within the HIAs (see site specific comments).</p> <p>Without this site profiles, incomplete HIAs and the content of the policy the Plan is unable to demonstrate that the sites can be developed without harm to the historic environment and therefore, without this the Plan does not put forward a positive strategy for the historic environment as required by the NPPF.</p>	See comments for suggested amendments.



<b>Page</b>	<b>Section</b>	<b>Sound/ Unsound</b>	<b>Comments</b>	<b>Suggested Change</b>
80	RE1PU Agricultural Buildings	Unsound	<p>The NPPF requires that proposals for development should sustain and enhance heritage assets and any harm to their significance including setting should be avoided.</p> <p>The policy as drafted refers to a wide variety of considerations and not heritage assets. New agricultural buildings can impact on the setting of heritage assets and therefore, reference should be included within Bullet C.</p> <p>This will ensure that the Plan puts forward a positive strategy for the conservation and enhancement of the historic environment.</p>	<p>Bullet c be amended to include reference to: Heritage assets</p>
81	Policy RE2PU Equestrian Related Developme nt	Unsound	<p>The NPPF requires that proposals for development should sustain and enhance heritage assets and any harm to their significance including setting should be avoided.</p> <p>The policy as drafted refers to a wide variety of considerations and not heritage assets. New equestrian related development can impact on the significance of heritage assets and therefore, reference should be included within second to last paragraph of the policy.</p> <p>This will ensure that the Plan puts forward a positive strategy for the conservation and enhancement of the historic environment.</p>	<p>Second to last paragraph should be amended to include reference to: Heritage assets</p>
85	Policy CC1PU: Large Scale Energy	Sound	<p>Historic England supports the Policy.</p>	None

Page	Section	Sound/ Unsound	Comments	Suggested Change
	Developments,			
87	Policy CC2PU: Wind Energy Developments	Unsound	The NPPF requires that Plans put forward a positive strategy for the conservation and enhancement of the historic environment. Wind Energy developments can have substantial impacts on heritage assets that are not just in a local area. Whilst the policy refers to heritage assets and their setting, additional text needs to be inserted to ensure the Outstanding Universal Value of the two World Heritage Sites within the borough is adequately protected. Whilst the plan area lies beyond the boundary of the English Lake District World Heritage Site, structures such as wind turbines are capable of substantial harm to its setting, particularly from cumulative impacts.	Add additional bullet point:  The Outstanding Universal Value of the English Lake District World Heritage Site and the Frontiers of the Roman Empire (Hadrian's Wall) World Heritage Site.
109	Policy R3PU: Whitehaven Town Centre	Sound	Historic England supports this policy.	None
114	Policy R4PU The Key Service Centres	Sound	Historic England supports this policy	None
115	RS5PU Retail and Service provision in rural areas	Unsound	The NPPF requires that proposals for development should sustain and enhance heritage assets and any harm to their significance including setting should be avoided.	Open Countryside Bullet B be amended to include:  Heritage assets

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>The policy as drafted refers to a number of considerations in the section on open countryside but not heritage assets. Farm diversification and retail and leisure schemes can harm heritage assets and therefore, reference should be included within Bullet B.</p> <p>This will ensure that the Plan puts forward a positive strategy for the conservation and enhancement of the historic environment.</p>	
127	Policy T1PU Tourism development	Unsound	<p>The NPPF requires that proposals for development should sustain and enhance heritage assets and any harm to their significance including setting should be avoided.</p> <p>The policy (paragraph 2) fails to refer to heritage assets. Tourism development can impact on heritage assets and therefore, reference should be included the last line of the policy</p> <p>This will ensure that the Plan put forward a positive strategy for the conservation and enhancement of the historic environment.</p>	Paragraph 2 should be amended to include reference to heritage assets.
128	Policy T2PU Coastal Development	Unsound	<p>The NPPF requires that proposals for development should sustain and enhance heritage assets and any harm to their significance including setting should be avoided.</p> <p>The policy (paragraph 2) fails to refer to heritage assets. Coastal development can impact on heritage assets and therefore, reference should be included the third line of the policy</p>	Paragraph 2 should be amended to include reference to heritage assets.

Page	Section	Sound/ Unsound	Comments	Suggested Change
129	Policy T3PU Caravans and Camping Sites for short-term letting	Unsound	<p>This will ensure that the Plan puts forward a positive strategy for the conservation and enhancement of the historic environment.</p> <p>The NPPF requires that proposals for development should sustain and enhance heritage assets and any harm to their significance including setting should be avoided.</p> <p>The policy (paragraph 2) fails to refer to heritage assets but includes a wide variety of other considerations. Caravans and camping sites can impact on heritage assets and therefore, reference should be included within the different parts of the policy.</p> <p>This will ensure that the Plan puts forward a positive strategy for the conservation and enhancement of the historic environment.</p>	The policy should be amended to include reference to heritage assets.
145	Policy H5PU: Housing Allocations	Unsound	<p>For site allocations please see our individual site comments.</p> <p>The NPPF makes it clear that the significance of heritage assets can be harmed through development including within their setting.</p> <p>There is a requirement in the 1990 Act that 'special regard' should be had to the desirability of preserving listed buildings, their setting and or any features of special architectural or historic interest which they possess.</p>	The policy be amended to include reference to development must be in accordance with the requirements of (an amended) Housing Allocation profiles in Appendix F.

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>Therefore, before allocating any site there will need to be an evaluation of the impact the development of the site might have upon those elements that contribute to the significance of heritage assets including their setting. This provides evidence for the local plan as in their suitability as an allocation, the impact on the historic environment and any mitigation measures to minimise harm.</p> <p>Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>The policy itself contains a list of housing allocations. Some of these allocations have the potential to harm the historic environment. The Council have produced a series of heritage impact assessments to accompany their inclusion. These can be found in the supporting evidence base. We have provided specific comments on their content for individual sites within this policy (see below). Appendix F of the Plan contains the housing allocation profiles and we have provided a separate response to these within this table.</p> <p>In terms of Policy H5PU Housing Allocations, the policy does little to guide developers as to what is required in order to develop individual sites that form part of this policy. We would</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
144	Site HEG3 Land to the South of Daleview Gardens, Egremont	Unsound	<p>expect the policy to highlight that development needs to be in accordance with the requirements contained within the Site Allocation Profiles of Appendix F. It is important to note that the content of the HIA's have not been embedded within the profiles nor do the HIAs provide a robust assessment.</p> <p>Without this the Policy and the individual sites included within the Policy and the Appendices are unable to demonstrate that they can be developed without harm to the historic environment and therefore, without this the Plan does not put forward a positive strategy for the historic environment as required by the NPPF.</p> <p>The site allocation has the potential to affect the setting of Egremont Castle (GI/SM).</p> <p>The NPPF considers Scheduled Monuments to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the</p>	See comments for amendments

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 13) does not identify Egremont Castle nor does it make an assessment of it. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>Appendix F includes the site allocation profile for site HEG3. Whilst we welcome the inclusion of the profiles within the local plan and the section on the heritage impact assessment, we would expect the mitigation measures and/or the HIA to be better embedded within the Plan to ensure that these are requirements in the development of the site. (In this instance, any required mitigation measures, if needed for the scheduled monument)</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
143	HSB1 Land adjacent to Abbots Court, St Bees	Unsound	<p>The site allocation has the potential to affect a large number of heritage assets including the following highly graded ones:</p> <p>The Church St Mary and St Bega (GI)  St Bees Priory and former Chancel to priory church of St Mary and St Bega (Old College Hall) (GI)  Pow Bridge (GI1*)</p> <p>As well as St Bees Conservation Area.</p> <p>The NPPF considers Grade I and Grade II* heritage assets to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p> <p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p>	See comments for required changes.



Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 16) does not identify all the potential heritage assets mentioned above nor does it make an assessment of their significance. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>In the HIA the identified contribution of the site to those assets identified are identical – despite the fact that the significance of each asset type will vary. In addition, the proposed mitigation measures are identical for each asset despite there being the potential for different types of harm. The mitigation measures proposed do not relate to the harm identified which is landscape, yet the mitigation measures are building design.</p> <p>Appendix F includes the site allocation profile for HSB1. Whilst we welcome the inclusion of the profiles within the local plan and</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
167	Policy H15PU Rural Exception Sites	Unsound	<p>the section on the heritage impact assessment, we would expect the mitigation measures and/or the HIA to be better embedded within the Plan to ensure that these are requirements in the development of the site.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p>	Paragraph 3 should be amended to include reference to heritage assets.
173	Policy H21PU Residential Caravans	Unsound	<p>The NPPF requires that proposals for development should sustain and enhance heritage assets and any harm to their significance including setting should be avoided.</p> <p>The policy (paragraph 3) fails to refer to heritage assets. Rural exception site development can impact on heritage assets and therefore, reference should be included within this paragraph.</p> <p>This will ensure that the Plan puts forward a positive strategy for the conservation and enhancement of the historic environment.</p>	The policy should be amended to include reference to heritage assets.
			<p>The NPPF requires that proposals for development should sustain and enhance heritage assets and any harm to their significance including setting should be avoided.</p> <p>The policy fails to refer to heritage assets. The siting of residential caravans can impact on heritage assets and therefore, reference should be included within the policy</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
219	BE1PU Heritage Assets	Unsound	<p>This will ensure that the Plan puts forward a positive strategy for the conservation and enhancement of the historic environment.</p> <p>The NPPF requires that Plans put forward a positive strategy for the conservation and enhancement of the historic environment. This includes ensuring that policies are locally specific to the area it covers.</p> <p>Therefore, we would expect that the overarching policy on heritage assets, should include details of Copeland's historic environment, which is unique, and which would be a priority for safeguarding and enhancing throughout the Plan period and beyond. At the moment the bulleted list doesn't not contain anything which would specifically identify Copeland's historic environment.</p> <p>It is advised that the policy be expanded at the beginning to set out the particular elements that contribute to make the area distinctive. This might include:</p> <ul style="list-style-type: none"> <li>• Evidence of Roman and Viking activity;</li> <li>• Remnants of Copeland's industrial heritage related to the mining of coal and iron ore;</li> <li>• The Georgian architecture of Whitehaven's town centre and the maritime architecture of its quay</li> <li>• The former track beds of the wagonways</li> <li>• The historic farm buildings and rural villages and hamlets,</li> </ul>	<p>Insert new paragraph:</p> <p>Particular attention will be paid to the conservation of those elements which contribute most to the district's distinctive character and sense of place, which includes:</p> <p><i>(for example)</i></p> <ul style="list-style-type: none"> <li>• Evidence of Roman and Viking activity;</li> <li>• Remnants of Copeland's industrial heritage related to the mining of coal and iron ore;</li> <li>• The Georgian architecture of Whitehaven's town centre and the maritime architecture of its quay</li> <li>• The former track beds of the wagonways</li> <li>• The historic farm buildings and rural villages and hamlets,</li> </ul>

Page	Section	Sound/ Unsound	Comments	Suggested Change
42	Appendix c OEG01 Chapel Street Egremont	Unsound	<p>The site is adjacent to Egremont Conservation Area.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a positive contribution should be treated as less than substantial or substantial harm as appropriate.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the</p>	<p>See comments for required changes.</p> <ul style="list-style-type: none"> <li>• The important churches and places of worship including that of the Priory at St Bees</li> <li>• Key cultural assets encompassing parklands, woodlands, landscapes, and riversides, museums, libraries, art galleries, public art, food and drink, customs and traditions.</li> </ul>

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>conservation area including its setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 56) does not include any detail/assessment to understand the contribution the site makes to the significance of the conservation area. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>In the HIA, given there is no information on the site and the contribution it makes to the conservation area, it is unclear how the decision on the impact and also why the proposed enhancement measures are defined as good design and improving connections to the conservation area. These need to flow from an understanding of significance and the site's contribution to that, which is not undertaken in the HIA. The mitigation measures proposed do not relate to any identified harm (if any).</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
42	Appendix C OEG02 Former Red Lion Public House	Unsound	<p>development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles, we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p> <p>The site allocation is within Egremont Conservation Area and has the potential to affect a number of other assets including Egremont Castle (SM).</p> <p>The NPPF considers Scheduled Monuments, Grade I and Grade II* heritage assets to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p> <p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a positive contribution should be treated as less than substantial or substantial harm as appropriate.</p>	See comments for required changes.

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 57) does not provide a robust assessment of the significance of the heritage assets. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>In the HIA the identified contribution of the site to those assets identified are identical – despite the fact that the significance of</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>each asset type will vary. In addition, the proposed mitigation measures are identical for each asset despite there being the potential for different types of harm.</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p>	
30	Appendix C OW/H01 Former Dawnfresh Factory	Unsound	<p>The site allocation affects a number of highly graded assets including scheduled monuments, Grade I buildings as well as a wide range of Grade II. In addition, it may impact on Whitehaven Conservation Area.</p> <p>The NPPF considers Scheduled Monuments, Grade I and Grade II* heritage assets to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p>	See comments for required changes.



Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a positive contribution should be treated as less than substantial or substantial harm as appropriate.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 30) does not provide a robust assessment of the significance of the heritage assets. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>In the HIA the identified contribution of the site to those assets identified are identical – despite the fact that the significance of each asset type will vary. In addition, the proposed mitigation measures are identical for each asset despite there being the potential for different types of harm.</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p>	

<b>Page</b>	<b>Section</b>	<b>Sound/ Unsound</b>	<b>Comments</b>	<b>Suggested Change</b>
30	Appendix C OWH02 Jackson's Timber Yard	Unsound	<p>The site allocation affects a number of Grade II heritage assets. In addition, it may impact on the setting of Whitehaven Conservation Area.</p> <p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a positive contribution should be treated as less than substantial or substantial harm as appropriate.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the</p>	See comments for required changes.

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			<p>historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 32) does not provide a robust assessment of the significance of the heritage assets including the conservation area. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>In the HIA the identified contribution of the site to those assets identified are identical – despite the fact that the significance of each asset type will vary.</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
30	Appendix C OWH07 Marlborough n Street	Unsound	<p>as it is contrary to the requirements of the NPPF in terms of the historic environment.</p> <p>The site allocation has the potential to affect a number of highly graded assets including scheduled monuments, Grade I buildings as well as a wide range of Grade II. In addition, it may impact on Whitehaven Conservation Area.</p> <p>The NPPF considers Scheduled Monuments, Grade I and Grade II* heritage assets to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p> <p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a positive contribution should be treated as less than substantial or substantial harm as appropriate.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p>	See comments for required changes.

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			<p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 34) does not provide a robust assessment of the significance of the heritage assets. Some of the identified harm and mitigation measures don't refer to the significance of the asset or the site and many are identical in their recommendations. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of</p>	

Page	Section	Sound/ Unsound	Comments	Suggested Change
30	Appendix C OWH09 Car Park Quay Street East	Unsound	<p>development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p> <p>The site allocation has the potential to affect a number of highly graded assets including scheduled monuments, Grade I buildings as well as a wide range of Grade II. In addition, it may impact on Whitehaven Conservation Area.</p> <p>The NPPF considers Scheduled Monuments, Grade I and Grade II* heritage assets to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p> <p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a</p>	See comments for required changes.

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			<p>positive contribution should be treated as less than substantial or substantial harm as appropriate.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 34) does not provide a robust assessment of the significance of the heritage assets, and they do not include all potential assets including highly graded ones. Without this assessment, the Plan cannot demonstrate that the principle of</p>	



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30	Appendix C OWH10 Quay Street West	Unsound	<p>development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p> <p>The site allocation has the potential to affect a number of highly graded assets including scheduled monuments, Grade I buildings as well as a wide range of Grade II. In addition, it may impact on Whitehaven Conservation Area.</p> <p>The NPPF considers Scheduled Monuments, Grade I and Grade II* heritage assets to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p>	See comments for required changes.

Page	Section	Sound/ Unsound	Comments	Suggested Change
			<p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a positive contribution should be treated as less than substantial or substantial harm as appropriate.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic</p>	

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			<p>environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 34) does not provide a robust assessment of the significance of the heritage assets and there appears to be a lot of repetition in terms of assessment which may not relate to the significance of the heritage asset. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p>	
30	Appendix C OW/H11 Mark House	Unsound	<p>The site allocation has the potential to affect highly graded assets including scheduled monuments, as well as a wide range of other designated heritage assets. In addition, it may impact on Whitehaven Conservation Area.</p>	See comments for required changes.

Page	Section	Sound/ Unsound	Comments	Suggested Change
	and Park Nightclub		<p>The NPPF considers Scheduled Monuments, Grade I and Grade II* heritage assets to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p> <p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a positive contribution should be treated as less than substantial or substantial harm as appropriate.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the</p>	

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			<p>heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 34) does not provide a robust assessment of the significance of the heritage assets, and it does not include all potential assets including highly graded ones. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p>	

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	Appendix C OWH12 Former Bus Garage Bransty Row	Unsound	<p>The site allocation has the potential to affect a number of highly graded assets including scheduled monuments, Grade I buildings as well as a wide range of Grade II. In addition, it may impact on Whitehaven Conservation Area.</p> <p>The NPPF considers Scheduled Monuments, Grade I and Grade II* heritage assets to be of the highest significance and any substantial harm to or loss of these designated assets (including setting) should be wholly exceptional.</p> <p>The NPPF considers that any substantial harm to the significance or loss of a Grade II listed heritage asset (including setting) should be exceptional.</p> <p>The NPPF requires that development within or affecting the setting of a conservation areas, should enhance or better reveal their significance. The loss of any element which makes a positive contribution should be treated as less than substantial or substantial harm as appropriate.</p> <p>The Council also has a statutory duty under the provisions of the 1990 Act to pay special attention to the desirability of preserving or enhancing the character or appearance of its conservation areas.</p> <p>There is a requirement in the Town and Country Planning Act 1990 that "special regard" should be had to the desirability to</p>	See comments for required changes.

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			<p>preserving listed buildings and their setting or any features of special architectural or historic interest which they possess.</p> <p>Therefore, before allocating the site there will need to be some evaluation of the impact the development of the site might have upon those elements that contribute to the significance of the heritage assets including their setting. The assessment of the historic environment should be undertaken for all sites prior to their inclusion in the Plan to inform their suitability as an allocation, to provide evidence of the impact on the historic environment and put forward mitigation measures to minimise harm.</p> <p>The HIA (Page 34) does not provide a robust assessment of the significance of the heritage assets. The contribution the site makes, and the identified mitigation/enhancement are identical for most assets. Without this assessment, the Plan cannot demonstrate that the principle of development and the quantum (numbers) can be achieved on the site without harm to the historic environment.</p> <p>Appendix F does not include any of the opportunity sites and therefore there is no profile to guide the development of these sites. The Plan in including such sites is setting the principle of development and they should be treated in the same way as other sites. Without this detail, the Plan does not provide any</p>	

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			<p>guidance to develop the site and embed any mitigation/enhancement measures for the historic environment.</p> <p>In view of our comments on the site allocation, HIA and profiles we object to the proposed allocation and consider it unsound as it is contrary to the requirements of the NPPF in terms of the historic environment.</p>	





By Email: [Localplanconsultation@copeland.gov.uk](mailto:Localplanconsultation@copeland.gov.uk)

Our ref: PL000189763

Your ref:

Date

08 March 2022

Dear Sir/Madam

### **Sustainability appraisal – Copeland Local Plan Publication Draft**

Thank you for consulting Historic England on the above.

Historic England is the Government's statutory adviser on all matters relating to the historic environment in England. We are a non-departmental public body established under the National Heritage Act 1983 and sponsored by the Department for Culture, Media and Sport (DCMS). We champion and protect England's historic places, providing expert advice to local planning authorities, developers, owners and communities to help ensure our historic environment is properly understood, enjoyed and cared for.

The table (attached to this letter) provides our response to the Sustainability Appraisal. We have provided a separate response to the Local Plan consultation (see letter reference: PL0001897).

If you have any queries about the content of this letter, please do not hesitate to contact me. Historic England would be happy to provide support in relation to these comments.

Yours sincerely,

[Redacted signature]

[Redacted signature]

Historic Environment Planning Adviser (Northwest)

Historic England

Telephone: [Redacted]

E-mail: [Redacted]



Historic England, Suite 3.3, Canada House, 3 Chepstow Street, Manchester M1 5FW  
Telephone 0161 242 1416 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available.



**Historic England response to the Copeland Local Plan Publication Draft Sustainability Appraisal**  
**March 2022**

Policy	Comments
Policy DS3PO Settlement Boundaries	In view of our comments on local plan policy DS3PO, we disagree with the SA score, that it will have a positive impact (+) on landscape and heritage. We consider as drafted it will have a negative effect (-).
Policy E2PU Location of Employment	In view of our comments on local plan policy E2PU, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Policy E5PU Employment sites and allocations	In view of our comments on local plan policy E5PU, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Policy E6PU Opportunity sites	In view of our comments on local plan policy E6PU, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Policy RE1PU Agricultural Buildings	In view of our comments on local plan policy RE1PU, we disagree with the SA score, that it will have a neutral (~) impact on the SA objective on landscape and heritage. We consider as drafted it will have a negative effect (-).
Policy RE2PU Equestrian Related Development	In view of our comments on local plan policy RE2PU, we disagree with the SA score, that it will have a neutral (~) impact on the SA objective on landscape and heritage. We consider as drafted it will have a negative effect (-).
Policy CC2PU Wind Energy Development	In view of our comments on local plan policy CC2PU, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Policy R5PU Retail and Service Provision	In view of our comments on local plan policy R5PU, we disagree with the SA score, that it will have a neutral (~) impact on the SA objective on landscape and heritage. We consider as drafted it will have a negative effect (-).
Policy T1PU Tourism Development	In view of our comments on local plan policy T1PU, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a negative effect (-).

**Historic England response to the Copeland Local Plan Publication Draft Sustainability Appraisal**  
**March 2022**

Policy T2PU Coastal Development Along the Coast	In view of our comments on local plan policy T2PU, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a negative effect (-).
Policy T3PU Caravans and Camping Sites for Short Term Letting	In view of our comments on local plan policy T3PU, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a negative effect (-).
Policy BE1PU Heritage Assets	In view of our comments on local plan policy BE1PU, we disagree with the SA score, that it will have a significant positive impact (++) on the SA objective on landscape and heritage. We consider as drafted it will have a negative effect (-).
Allocation ES5 Haig Business Park	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Allocation HEG3	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Allocation HSB1	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Allocation OEG01	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will have a neutral (~) impact on SA objective on landscape and heritage. We consider as drafted it will have a significant negative effect (--).
Allocation OEG02	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).

**Historic England response to the Copeland Local Plan Publication Draft Sustainability Appraisal**  
**March 2022**

Allocation OWH01	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Allocation OWH02	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will have a neutral (~) impact on SA objective on landscape and heritage. We consider as drafted it will have a significant negative effect (--).
Allocation OWH07	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Allocation OWH09	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will have a neutral (~) impact on SA objective on landscape and heritage. We consider as drafted it will have a significant negative effect (--).
Allocation OWH10	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Allocation OWH11	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).
Allocation OWH12	In view of our comments on the site allocation and HIA, we disagree with the SA score, that it will conflict (*) with the SA objective on landscape and heritage but that this can be mitigated. We consider as drafted it will have a significant negative effect (--).



# Copeland Local Plan 2021- 2038

## Publication Draft Consultation Response Form

### For internal use:

Resp. No. ....  
Rep. No. ....  
Date Rec. ....

This Representation Form provides the opportunity to comment on the Publication Draft of the Copeland Local Plan which can be viewed at: <https://www.copeland.gov.uk/content/local-plan-2021-2038-publication-draft-consultation>. This consultation is a requirement under the Town and Country Planning (Local Planning) Regulations 2012 Regulation 19.

The Publication Draft represents the Council's final draft of the Local Plan that we wish to submit to the Secretary of State for Public Examination by a Planning Inspector. Completed forms will be sent to the Planning Inspectorate for their consideration through the Examination in Public process.

Comments **not** submitted on the standard response form will only be considered at the Inspector's discretion

It should be noted that representations will be made available to the Planning Inspectorate and to the Inspector appointed by the Secretary of State to conduct the Examination. Representations will be also be 'made available' in line with the Town and Country Planning (Local Planning) (England) Regulations 2012 (Regulations 20, 22 and 35). This includes publication on the Council's website.

### Privacy Notice

A copy of the Council's privacy statement can be viewed at [https://www.copeland.gov.uk/sites/default/files/attachments/privacy\\_notice1.pdf](https://www.copeland.gov.uk/sites/default/files/attachments/privacy_notice1.pdf). Further information is also available by contacting the council's Data Protection Officer at [info@copeland.gov.uk](mailto:info@copeland.gov.uk) or by calling 01946 598300 and asking to speak to the Data Protection Officer.

Please complete a separate sheet for each representation you wish to make and return this form **no later than 4.30pm on Monday 21<sup>st</sup> February 2022** to:

Strategic Planning  
Copeland Borough Council  
Market Hall  
Market Place  
Whitehaven  
CA28 7JG

Or email: [localplanconsultation@copeland.gov.uk](mailto:localplanconsultation@copeland.gov.uk)

## Part A: Your Details

Please provide your details below. This information will be added into our database so we can contact you about the Submission, Examination and Adoption of the Local Plan as well as future Local Plan consultations.

All information in the following table will be used solely for this purpose and no identifying information will be used in any future stages of the Local Plan process. Age and gender data will be used to monitor engagement in the Local Plan consultation process.

If you **do not** wish for your details to be held in our consultation database, please tick here:

If an agent is appointed you must complete details for both parties, but we will use the agent details as our primary contact.

	Your Details	Agent's Details (if applicable)
<b>Name</b>	[REDACTED]	
<b>Position</b>	Assistant Planning Adviser	
<b>Organisation</b>	National Trust	
<b>Address</b>	North Region Consultancy Hub, The Hollens, Grasmere, Ambleside,	
<b>Postcode</b>	LA22 9QZ	
<b>Telephone</b>	[REDACTED]	
<b>Email</b>	[REDACTED]	

**Gender (Please circle)**

Male	Female	Prefer not to say
------	--------	-------------------

**Age (Please circle)**

18- 25	26- 35	36-45	46-55	56-65	66-75	76+	Prefer not to say
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## Part B: Your Representation

### 1. To which part of the Local Plan does this representation relate?

Paragraph  Policy  Policies Map

### 2. Is the nature of your representation to provide support for or to object to the Policy or Proposal?

Support  Object

### 3. Do you consider the Local Plan is legally compliant? (Please tick as appropriate)

Yes  No

### 4. Do you consider the Local Plan is sound? (Please tick as appropriate)

Yes  No

### 5. Do you consider the Local Plan complies with the Duty to Co-operate? (Please tick as appropriate)

Yes  No

### 6. Please give details of why you consider the Local Plan is not legally compliant, is unsound, fails to comply with the Duty to Co-operate, or if you wish to support it.

The National Trust strongly supports Policy N7PU – St Bees and Whitehaven Heritage Coast.

The National Trust has undertaken a significant amount of work over many years, in partnership with Copeland Borough Council and Natural England, in the promotion, management and extension of this valuable asset. We are therefore extremely pleased that the new policy encompasses the extension area agreed in 2019 and requires that any new development conserves, protects and enhances the full extent of the Heritage Coast and its setting.

(Continue on a separate sheet /expand box if necessary)

7. Please set out the modification(s) you consider necessary to make the Local Plan legally compliant and sound, in respect of any legal compliance or soundness matters you have identified at 6 above.

(Continue on a separate sheet /expand box if necessary)

**Please note:** In your representation you should provide succinctly all the evidence and supporting information necessary to support your representation and your suggested modification(s). You should not assume that you will have a further opportunity to make submissions. **After this stage, further submissions may only be made if invited by the Inspector, based on the matters and issues he or she identifies for examination.**

8. If your representation is seeking a modification to the plan, do you consider it necessary to participate in the Examination hearing session(s)?

Yes, I wish to participate in the hearing session(s)

No, I do not wish to participate in the hearing session(s)

9. If you wish to participate in the hearing session(s), please outline why you consider this to be necessary:

Signature:



Date:

28.02.22

Please use a separate form for each site you wish to comment on and return this form **no later than 4.30pm on Monday 21<sup>st</sup> February 2022**. We are unable to consider any responses received after this date.

*Thank you for completing this form*



Copeland Borough Council  
Strategic Planning  
Copeland Borough Council  
Market Hall  
Whitehaven  
Cumbria  
CA28 7JG

**Our ref:** NO/2015/107685/CS-  
04/PO1-L01  
**Your ref:** Copeland Local Plan 2021-  
2038  
**Date:** 16 March 2022

Dear Sir/Madam

### **Copeland Local Plan 2021-2038 Publication Draft Consultation**

Thank you for consulting us on the above.

#### **Environment Agency position**

We are pleased to have been involved throughout the development of the Copeland Local Plan. We are satisfied that our comments have been taken into consideration as the Plan has developed through to this Draft Publication document.

We are satisfied that the Local Plan is both legally compliant and sound and do not wish to make any further representation.

Yours faithfully

  
**Sustainable Places Officer**

Environment Agency  
Lutra House Walton Summit, Bamber Bridge, Preston, PR5 8BX.  
Customer services line: 03708 506 506  
[www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)

End



The Coal  
Authority

## Copeland Borough Council - Local Plan 2021-2038 Publication Draft Consultation

### Contact Details

Planning and Development Team

The Coal Authority

200 Lichfield Lane

Berry Hill

MANSFIELD

Nottinghamshire

NG18 4RG

Planning Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Planning Enquiries: 01623 637 119

### Date

17<sup>th</sup> March 2022

Dear Strategic Policy Team

### **Local Plan 2021-2038 Publication Draft Consultation**

Thank you for your notification received on the 10<sup>th</sup> January 2022 in respect of the above consultation.

The Coal Authority is a non-departmental public body sponsored by the Department of Business, Energy & Industrial Strategy. As a statutory consultee, The Coal Authority has a duty to respond to planning applications and development plans in order to protect the public and the environment in mining areas.

Our records indicate that within the Copeland Borough area there are recorded coal mining features present at surface and shallow depth including; mine entries, shallow coal workings and reported surface hazards. All of the recorded coal mining features present pose a potential risk to surface stability and public safety.

The Coal Authority's records also indicate that surface coal resource is present on the site, although this should not be taken to imply that mineral extraction would be economically viable, technically feasible or environmentally acceptable. As you will be aware those authorities with responsibility for minerals planning and safeguarding will have identified where they consider minerals of national importance are present in your area and related

policy considerations. As part of the planning process consideration should be given to such advice in respect of the indicated surface coal resource.

We are pleased to see the inclusion within the draft Local Plan of Policy DS10PU: Soils, Contamination and Land Stability. We have suggested some amendments and additions to the policy wording, which we have set out below, in order to ensure that the issue of land stability is clearly identified within the text. The suggested additions and amendments are underlined for clarity.

### ***Policy DS10PU: Soils, Contamination and Land Stability***

#### ***Soils***

*In order to reduce soil degradation and surface water run-off developers are required to:*

- *• Use sustainable construction measures as set out in the Construction Code of Practice for Sustainable Use of Soils on Construction Sites;*
- *• Submit a Soil Resource Plan with applications for major development on greenfield sites;*
- *• Provide details of how any adverse impacts on the soil resource can be avoided or mitigated; and*
- *• Avoid development that results in the loss of best and most versatile agricultural land where possible.*

#### ***Contamination and Land Stability***

*The Council will proactively work with developers and other partners to identify opportunities to remediate contaminated and unstable sites.*

*Development sites likely to have caused detriment to land quality will need to be risk assessed. Some sites will be more sensitive due to the location of sensitive environmental and human health receptors e.g. flood risk areas, surface waters, vulnerable aquifers, housing, schools, hospitals, children's play areas.*

*It is the developer's responsibility to secure safe development and provide the necessary information at the time of the application. The minimum information that should be provided by an applicant is the report of a Preliminary Investigation (desk study, site reconnaissance and preliminary risk assessment) or Coal Mining Risk Assessment, where necessary. The findings of this assessment should determine if further investigation is needed.*

*Where contamination and/or land stability issues are identified, development proposals should incorporate appropriate remediation and subsequent management measures to remove unacceptable risks. The full implementation of approved remediation measures will normally be required prior to the commencement of, or the occupation of, the proposed development of any phase.*

I hope this is helpful but please do not hesitate to contact me should you wish to discuss this further.

Yours faithfully

A thick, horizontal red bar used to redact a signature.A thick, horizontal red bar used to redact a name.

**Development Team Leader (Planning)**



Central Square South  
Orchard Street  
Newcastle upon Tyne  
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Our Ref: MV/ 15B901605

18 March 2022

Copeland Borough Council  
[localplanconsultation@copeland.gov.uk](mailto:localplanconsultation@copeland.gov.uk)  
**via email only**



Dear Sir / Madam

**Copeland Local Plan 2021-2038 Publication Draft Consultation  
January – March 2022  
Representations on behalf of National Grid**

National Grid has appointed Avison Young to review and respond to local planning authority Development Plan Document consultations on its behalf. We are instructed by our client to submit the following representation with regard to the current consultation on the above document.

**About National Grid**

National Grid Electricity Transmission plc (NGET) owns and maintains the electricity transmission system in England and Wales. The energy is then distributed to the electricity distribution network operators, so it can reach homes and businesses.

National Grid Gas plc (NGG) owns and operates the high-pressure gas transmission system across the UK. In the UK, gas leaves the transmission system and enters the UK's four gas distribution networks where pressure is reduced for public use.

National Grid Ventures (NGV) is separate from National Grid's core regulated businesses. NGV develop, operate and invest in energy projects, technologies, and partnerships to help accelerate the development of a clean energy future for consumers across the UK, Europe and the United States.

**Utilities Design Guidance**

The increasing pressure for development is leading to more development sites being brought forward through the planning process on land that is crossed by National Grid infrastructure.

National Grid advocates the high standards of design and sustainable development forms promoted through national planning policy and understands that contemporary planning and urban design agenda require a creative approach to new development around high voltage overhead lines, underground gas transmission pipelines, and other National Grid assets.

Therefore, to ensure that Design Policy DS6PU is consistent with national policy we would request the inclusion of a policy strand such as:

*"x. taking a comprehensive and co-ordinated approach to development including respecting existing site constraints including utilities situated within sites."*

**Further Advice**

National Grid is happy to provide advice and guidance to the Council concerning their networks.

Please see attached information outlining further guidance on development close to National Grid assets.

If we can be of any assistance to you in providing informal comments in confidence during your policy development, please do not hesitate to contact us.

To help ensure the continued safe operation of existing sites and equipment and to facilitate future infrastructure investment, National Grid wishes to be involved in the preparation, alteration and review of plans and strategies which may affect their assets. Please remember to consult National Grid on any Development Plan Document (DPD) or site-specific proposals that could affect National Grid's assets.

We would be grateful if you could add our details shown below to your consultation database, if they are not already included:

 **Director**

[nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com)

Avison Young  
Central Square South  
Orchard Street  
Newcastle upon Tyne  
NE1 3AZ

 **Town Planner**

[box.landandacquisitions@nationalgrid.com](mailto:box.landandacquisitions@nationalgrid.com)

National Grid  
National Grid House  
Warwick Technology Park  
Gallows Hill  
Warwick, CV34 6DA

If you require any further information in respect of this letter, then please contact us.

Yours faithfully,



**Director**


**For and on behalf of Avison Young**

National Grid is able to provide advice and guidance to the Council concerning their networks and encourages high quality and well-planned development in the vicinity of its assets.

#### Electricity assets

Developers of sites crossed or in close proximity to National Grid assets should be aware that it is National Grid policy to retain existing overhead lines in-situ, though it recognises that there may be exceptional circumstances that would justify the request where, for example, the proposal is of regional or national importance.

National Grid's '*Guidelines for Development near pylons and high voltage overhead power lines*' promote the successful development of sites crossed by existing overhead lines and the creation of well-designed places. The guidelines demonstrate that a creative design approach can minimise the impact of overhead lines whilst promoting a quality environment. The guidelines can be downloaded here: <https://www.nationalgridet.com/document/130626/download>

The statutory safety clearances between overhead lines, the ground, and built structures must not be infringed. Where changes are proposed to ground levels beneath an existing line then it is important that changes in ground levels do not result in safety clearances being infringed. National Grid can, on request, provide to developers detailed line profile drawings that detail the height of conductors, above ordnance datum, at a specific site.

National Grid's statutory safety clearances are detailed in their '*Guidelines when working near National Grid Electricity Transmission assets*', which can be downloaded here: [www.nationalgridet.com/network-and-assets/working-near-our-assets](http://www.nationalgridet.com/network-and-assets/working-near-our-assets)

#### Gas assets

High-Pressure Gas Pipelines form an essential part of the national gas transmission system and National Grid's approach is always to seek to leave their existing transmission pipelines in situ. Contact should be made with the Health and Safety Executive (HSE) in respect of sites affected by High-Pressure Gas Pipelines.

National Grid have land rights for each asset which prevents the erection of permanent/temporary buildings, or structures, changes to existing ground levels, storage of materials etc. Additionally, written permission will be required before any works commence within the National Grid's 12.2m building proximity distance, and a deed of consent is required for any crossing of the easement.

National Grid's '*Guidelines when working near National Grid Gas assets*' can be downloaded here: [www.nationalgridgas.com/land-and-assets/working-near-our-assets](http://www.nationalgridgas.com/land-and-assets/working-near-our-assets)

#### How to contact National Grid

If you require any further information in relation to the above and/or if you would like to check if National Grid's transmission networks may be affected by a proposed development, please visit the website: <https://lsbud.co.uk/>

For local planning policy queries, please contact: [nationalgrid.uk@avisonyoung.com](mailto:nationalgrid.uk@avisonyoung.com)



# WATER EFFICIENCY IN NEW HOMES

## Evidence to support adoption of the Building Regulations Optional Requirement for local authorities in North West England and the Midlands

### Background

Water is essential for life - yet here in the UK (as in many regions across the world) the future availability of water is a concern. The area covered by Water Resources West is an area the Environment Agency has described as having ‘moderate water stress’; water scarcity/stress occurs when demand is high compared to the water that is available<sup>1</sup>.

Population growth, climate change and environmental protection measures all put pressure on water resources and contribute to water stress in our region. On top of this, housing shortages mean that lots more housing is needed today and in the future. Hence, planning policy is a vital tool to help ensure long term sustainable management of water supplies, as well as helping protect our local rivers and wildlife. Achieving a balance between these conflicting demands is a challenge for us all.

### Water Efficiency Standards for New Homes

The Code for Sustainable Homes was launched in 2006 to help reduce UK carbon emissions and create more sustainable homes; it was the national standard for use in the design and construction of new homes in the UK and is still referred to in older Local Plans. In 2015 it was withdrawn and some of its standards were consolidated into Building Regulations including the requirement for all new dwellings to achieve a water efficiency standard of 125 litres of water per person per day (l/p/d). In the same year, the Government updated Building Regulations Part G, introducing an ‘optional’ requirement of 110 l/p/day for new residential development, which should be implemented through local policy where there is a clear need based on evidence. (See [Appendix 1](#)).

In 2018, Welsh Government amended building regulations so that new builds are built to a standard of 110 l/p/d<sup>2</sup>. In England however the standard of 110 l/p/d needs to be adopted as a local policy by each planning authority in its local plan before it can take effect.

In 2020, the government published a White Paper on future planning<sup>3</sup> in England. The focus is on clear requirements and standard approaches. It clear that water will remain an important consideration and that “sustainable development” will be a key test.

### The Need for Water Efficiency in New Homes

The Water Framework Directive (WFD) was adopted into UK Law in 2003. It was designed to change water management for the better by putting aquatic ecology at the heart of all management decisions. One of the most important features of the WFD is that it encourages public consultation, meaning everyone can have a say in what is needed to protect our water resources. It also takes into account the environmental, economic and social implications of any such investment/decisions.

Delivery of the WFD objectives in our region is set out in River Basin Management Plans for the Solway Tweed, North West, Dee, Severn and Humber River Basins. These documents highlight a number of issues that are affecting the achievement of the WFD objectives, one of these is the pressures from water supply. Thus, there are a variety of reasons why water efficiency is important for Local Authorities.

<sup>1</sup> [Water stressed areas – final classification](#), Environment Agency and Natural Resources Wales, July 2013

<sup>2</sup> [The Building \(Amendment\) \(Wales\) Regulations 2018](#)

<sup>3</sup> [Planning for the future](#), Ministry of Housing, Communities and Local Government, August 2020



Local Authorities have a duty of care for communities and the environment and the reduction in water use can help to minimise the quantity of water taken from the environment as well as helping to control customer bills. There are some important factors to consider in this regard:

- The general Duty to Co-operate<sup>4</sup> can also apply to water efficiency and, across the region, there are several examples of exemplar project partnerships between Local Authorities and water companies.
- The National Planning Policy Framework<sup>5</sup> Section 2 requires strategic policies to make sufficient provision for water supplies. Section 14 of the NPPF concerns “Meeting the challenge of climate change, flooding and coastal change” and paragraph 149 make specific reference to water supply within this context. Paragraph 170 goes on to set out that planning policies and decisions should contribute to and enhance the natural and local environment including water. For reference we have included specific government guidance in relation to the optional standard in [Appendix 2](#).
- Local Authorities must “have regard to the River Basin Management Plans and any supplementary plans in exercising their functions” and this includes taking action on water efficiency.
- The production of mains water requires significant energy and chemical inputs and hence reducing demand for water can contribute significantly to reducing carbon emissions, especially where those savings are of hot water.

### Why do we need to save water?

The areas covered by Water Resources West are classed as an area under ‘water stress’ by the Environment Agency (Table 1). While local planning authorities are encouraged to draw on this existing evidence to establish the need for possible action government makes clear that this should not be the only consideration<sup>6</sup> – not least because current maps were not developed to establish areas where additional controls were required on new homes. A requirement for a higher water efficiency standard within a local plan should also follow on from consultation with the local water supplier and the Environment Agency. Additional reasons for the local need for action highlighted by the Environment Agency and the local water suppliers are set out below.

Table 1. Water Stress Classification for current and future scenarios<sup>1</sup> (L=low stress; M=moderate stress; S=serious stress). The four scenarios represent the range of pressures on water resources from climate change and future demands.

Water company area	Current Stress	Future Scenario 1	Future Scenario 2	Future Scenario 3	Future Scenario 4
Dwr Cymru Welsh Water	M	M	M	M	M
Severn Trent	M	M	M	M	M
South Staffs Water	M	M	M	M	M
United Utilities	M	M	M	M	M

<sup>4</sup> [Section 110 of the Localism Act](#) sets out the ‘Duty to Co-operate’. It requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for strategic matters in Local Plans. Even if the formal duty is removed in future legislation, the August 2020 White Paper<sup>3</sup> makes it clear that strategic, cross-boundary issues should still be considered in the context of sustainable development.

<sup>5</sup> [National Planning Policy Framework](#), Ministry of Housing, Communities & Local Government, February 2019

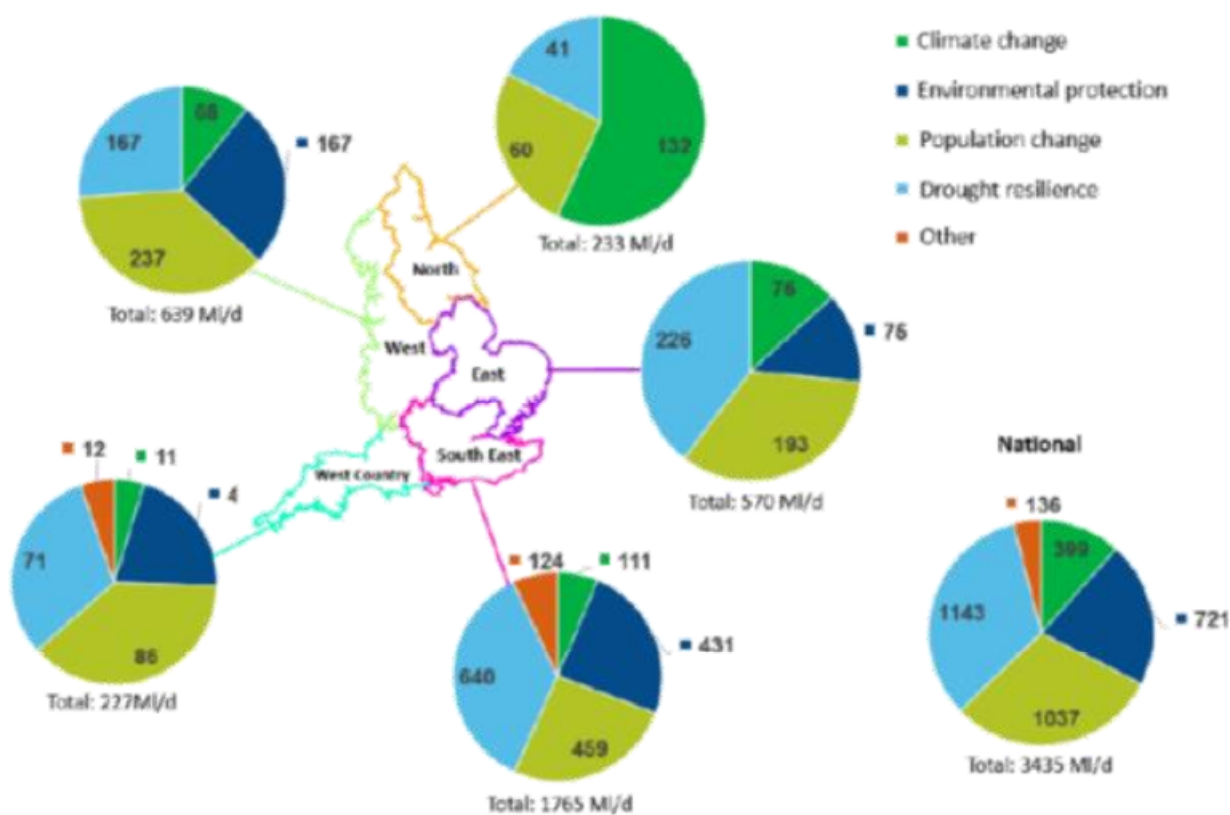
<sup>6</sup> [Housing Standards Review Consultation](#), Department for Communities and Local Government, August 2013

In March 2020, the Environment Agency published the National Framework for Water Resources<sup>7</sup>. This identifies strategic water needs for England and its regions across all sectors up to and beyond 2050. The National Framework identifies that our region faces the second highest pressures on Water Resources. Significantly, the National Framework identifies that increased consumption, driven by population increases, is the largest driver of additional water need in the region. Increased public water supply drought resilience, increased protection for the environment and the impact of climate change reducing water availability of existing supplies also have impacts on water availability (Figure 1).

Based on the best available evidence the National Framework adopted a planning assumption of reducing average per capita consumption (PCC) to 110 l/p/d by 2050 nationally. Water Resources West’s projections are broadly consistent with that, with average per capita consumption reducing to 111 l/p/d by 2050<sup>8</sup>. These projections are based on forecasts made for the water companies’ 2019 WRMPs.

Even with these reductions in consumption, parts of our region will need new water resources to be developed<sup>8</sup>. If the planned reductions are not achieved then more significant and more costly water resources will need to be developed. It is therefore important the measures are taken across the region to support the achievement of the lower per capita consumption.

Figure 1. Extract from the National Framework<sup>7</sup> showing how population growth results in Water Resources West having the second highest pressure on water resources in England. Numbers in the pie charts show the additional water needed by 2050 due to different drivers (in Ml/d).



<sup>7</sup> [Meeting our future water needs: a national framework for water resources](#), Environment Agency, March 2020

<sup>8</sup> [Initial Resource Position](#), Water Resources West, March 2020

Public concern also highlights the need to support water saving. Surveys<sup>9</sup> of water users in North West England and the Midlands have shown that, while there is little general awareness of the issues, once informed 70% are concerned about water scarcity. In addition to running out of water, customers are worried about the potential impact on water bills, restrictions and wastage

Water Framework Directive requirements are set out in River Basin Management Plans. Water efficiency measures have a direct effect in reducing the abstraction from water bodies assessed in those plans. Abstraction in turn affects the hydrological regime of those water bodies. River Basin Management Plans for the Solway Tweed, North West, Dee, Severn and Humber River Basins identify that there are waterbodies within all those areas for which the hydrological regime does not support good status. In turn the hydrological regime can affect water quality, species and habitats.

Changes to the natural flow and level of water is identified as a significant water management issue. Reduced flow and water levels in rivers and groundwater caused by human activity (such as abstraction) can mean that there is not enough water for people to use and wildlife might not be able to survive. Reduced flow affects the health of fish and exaggerates the impacts of barriers such as weirs.

Table 2. WFD classification of waterbodies in 2015 River Basin Management Plans

River Basin District	Percentage of surface water bodies <b>not</b> achieving good ecological status or potential	Percentage of groundwater bodies <b>not</b> achieved good quantitative status
<b>Solway Tweed<sup>10</sup></b>	54% (305 out of 560)	28% (18 out of 64)
<b>North West<sup>11</sup></b>	78% (480 out of 613)	11% (2 out of 18)
<b>Humber<sup>12</sup></b>	86% (839 out of 987)	25% (13 out of 51)
<b>Severn<sup>13</sup></b>	80% (604 out of 755)	21% (9 out of 42)
<b>Dee<sup>14</sup></b>	73% (68 out of 93)	0% (0 out of 5)

### Summary of evidence on the need for the optional water efficiency standard

As we have seen above, there is a range of evidence on the water stress across the North West and the Midlands. This means there is a clear need for the 110 l/p/d water efficiency standard.

For inclusion in a local plan a local planning authority must be able to demonstrate at examination of the plan that the standard is required to address a clear need and as part of an approach to water efficiency that is consistent with a wider approach to water efficiency as set out in the local water undertaker’s water resources management plan. We recommend that the following evidence is cited:

- The classification of moderate water stress for the water supplier in your area (Table 1)<sup>1</sup>.
- The National Framework for water resources noting that Water Resources West faces the second highest pressures on water resources in England due largely to population growth<sup>7</sup>.
- The National Framework for water resources planning assumption of 110 l/p/d<sup>7</sup>.
- The consistency between these planned reductions in consumption between the National Framework, Water Resources West’s plans and your water supplier’s WRMP<sup>8</sup>.

<sup>9</sup> [Customer Survey for Severn Trent, Thames Water and United Utilities](#), Verve, July 2018

<sup>10</sup> [River basin management plan for the Solway Tweed river basin district: 2015 update](#), Environment Agency and Natural Scotland, 21 December 2015

<sup>11</sup> [River basin management plan, Part 1: North West river basin district](#), Environment Agency, December 2015

<sup>12</sup> [River basin management plan, Part 1: Humber river basin district](#), Environment Agency, December 2015

<sup>13</sup> [River basin management plan, Part 1: Severn river basin district](#), Environment Agency, December

<sup>14</sup> [Dee River Basin Management Plan 2015 – 2021, Proposed Summary](#), Natural Resources Wales and Environment Agency, October 2015



- High levels of public concern (70%) in the region, when informed about issues of water scarcity<sup>9</sup>.
- Reference to the WFD ecological status of water bodies in your River Basin District, with changes to flow and level recognised as a significant water management issue in the River Basin Management Plan (Table 2).

## Water Companies

A consequence of the population and housing growth in our region has meant that water companies have been asked to accommodate the new growth, yet at the same time their abstraction licenses are being reduced. Therefore it is vital that water companies support and are supported in initiatives to help get 110 l/p/d in planning policies across local authorities in the region, to help meet their requirement to supply their customers. The water companies in Water Resources West are Dwr Cymru Welsh Water, Severn Trent, South Staffs and United Utilities.

In preparing your local plan you should consult with your local water supply company on specific local issues.

## New Homes

The scale of new development that is needed across our region is immense - the Government aiming for delivery of 300,000 new homes a year across England<sup>15</sup>. Within Water Resources West's region we estimate that there will be 1.6 million new properties by 2050. Yet at the same time there is need to share the already scarce water resources - therefore the need for implementing at least 110 l/p/d into local plans and policies is apparent.

## Impact on viability

The cost of installing water-efficient fittings to target a per capita consumption of 110l/d has been estimated as a one-off cost of £9 for a four bedroom house<sup>16</sup>. Research undertaken for the Welsh Government indicated potential annual savings on water and energy bills for householders of £24 per year as a result of such water efficiency measures<sup>17</sup>.

The Consumer Council for Water notes that the discretionary, tighter (building) standard of 110 l/p/d is something that should be pursued, also bearing in mind that saving water is not the only a driver of water efficiency<sup>18</sup>. This is because water efficiency could also have a positive effect on reducing energy bills, water bills of metered customers and carbon emissions.

The Greater London Authority carried out a survey of developers to test the viability of the 110 l/p/d standard. The results of this survey<sup>19</sup> made it clear that those associated with the development industry did not consider that the proposed changes would have any impact on building.

Viability is also evidenced by the examples from other local authorities who have adopted the standard. South Worcestershire adopted the 110 l/p/d standard in its February 2016 local plan. The standard remains the preferred option for next local plan. See the case study below. Bromsgrove and Redditch councils cooperated to require the 110 l/p/d standard for certain developments in their plans which were adopted in January 2017. Another example is Nottingham City Council who adopted the 110 l/p/d standard for all new dwellings in January 2020.

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<sup>15</sup> [Planning for the Future](#), Ministry of Housing, Communities and Local Government, March 2020

<sup>16</sup> [Housing Standards Review Cost Impacts](#), Department for Communities and Local Government, September 2014

<sup>17</sup> [Advice on water efficient new homes for England](#), Waterwise, September 2018

<sup>18</sup> [Response to Defra consultation on measures to reduce personal water use](#), Consumer Council for Water, October 2019

<sup>19</sup> [Greater London Authority Housing Standards Review: Evidence Of Need](#), David Lock Associates, May 2015

Water efficiency is therefore not only viable but of positive economic benefit to both private homeowners and tenants.

### Water Calculator

The Water Calculator was developed to help provide a working example of the calculator used for part G of the building regulations. It uses the method set out in the ‘Water Efficiency Calculator for New Dwellings’<sup>20</sup>. The Water Calculator contains information on water consumption for hundreds of products, enabling quick and easy specification, without the hassle of gathering data from several product manufacturers. To access the water calculator visit: [www.thewatercalculator.org.uk](http://www.thewatercalculator.org.uk)

### Case study

South Worcestershire’s current local plan was adopted, following examination, in February 2016<sup>21</sup>. It is a major sub-regional land use plan, prepared jointly by the three South Worcestershire Councils; Malvern Hills, Worcester City and Wychavon working together. Within the local plan, policy SWDP30c states that “for housing proposals, it must be demonstrated that the daily non-recycled water use per person will not exceed 110 l/p/d”. The reasoned justification for this policy highlights the following factors:

- This policy is central to the council’s response to the Framework, which advocates that local plans incorporate strategies to mitigate and adapt to climate change, in line with the objectives and provisions of the Climate Change Act 2008 over the longer term. This includes factors such as flood risk, water supply and changes to biodiversity.
- Without effective local planning and risk management, the consequences of climate change may also have a significant detrimental impact on budgets and service delivery. It may also compromise the Government’s ability to meet the statutory requirements under the Climate Change Act 2008.
- Local planning authorities have a general responsibility not to compromise the achievement of United Kingdom compliance with the Water Framework Directive (WFD(68)) (Directive 2000/60/EC). More specifically, the local plan has to take into account the River Severn Basin Management Plan, which in itself is a requirement of the WFD. All surface water bodies need to achieve “good ecological status” by 2015.
- The Localism Act 2011 enables the UK government to require local authorities to pay if their inaction results in a failure to meet WFD requirements.
- The Localism Act 2011 also requires local planning authorities to co-operate on strategic cross-boundary matters, for example the provision of water supply infrastructure, water quality, water supply and enhancement of the natural environment. Consequently, there is a need for developers to engage positively with the local water supplier to ensure that all the necessary infrastructure is secured, so as to ensure that there is no deterioration in the quality or quantity of water of the receiving water body(ies) and to avoid delays in the delivery of development.
- The 2006 Natural Environment and Rural Communities (NERC) Act imposes a duty on local planning authorities to have regard to conserving biodiversity in carrying out all of their functions.
- The South Worcestershire Water Cycle Study looks at the level of planned growth and the ability of the infrastructure (i.e. water supply and waste water treatment) to accommodate it without adversely affecting the natural water cycle. It identifies an overall shortage in future water supplies that necessitates the delivery of minimum water efficiency targets.
- The effective management of water is considered critical in the pursuit of sustainable development and communities. It reduces the impact flooding can have on the community, maintains water quality and quantity and helps to enhance local amenity / property value and biodiversity through the provision of Green Infrastructure. Effective water management also reduces the movement of water and sewage, thereby reducing energy requirements. Development proposals incorporating grey

<sup>20</sup> Appendix A of [Approved Document G, The Building Regulations 2010](#), HM Government 2015 edition with 2016 amendments

<sup>21</sup> [South Worcestershire Development Plan, Adopted](#), February 2016.

water recycling will therefore be supported and opportunities for the retrofitting of water efficiency measures will be encouraged.

The South Worcestershire Councils are currently preparing the next local plan. Following consultation its Preferred Options report<sup>22</sup> was published in November 2019. In relation to water efficiency the preferred option is to require new dwellings to meet the tighter Building Regulations optional requirement of 110 l/p/d as per the adopted policy.

## Recommendations

There is firm evidence in across the North West and the Midlands that clearly justifies the need for more stringent water efficiency targets for new residential development. Local Authorities should consider all the factors in their local plans and we strongly recommend they adopt 110 l/p/d for water efficiency using the suggested wording below:

**All new residential development must achieve as a minimum the optional requirement set through Building Regulations for water efficiency that requires an estimated water use of no more than 110 litres per person per day.**

Past experience has shown that successful adoption of 110l/p/d in local plans requires the following:

1. Significant engagement and consultation is required in developing local plans, including engagement with key stakeholders and public sector partners, responsible for delivering a range of services and infrastructure.
2. Recommend local plans are subject to public consultations (many people are concerned about water) and that where appropriate, comments from the public help shape the contents of this plan and helps with public buy-in.
3. Local plans should actively encourage the design of new buildings that minimise the need for energy and water consumption, use renewable energy sources, provide for sustainable drainage, support water re-use and incorporate facilities to recycling of waste and resources.
4. Local plans should have a positive approach to the adaptation of climate change –
  - o by avoiding development in areas at greatest risk of flooding, and
  - o promoting sustainable drainage, and
  - o challenging water efficiency standards.

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<sup>22</sup>[South Worcestershire Development Plan Review, Preferred Options Consultation](#), November 2019.



## Appendix 1. Extract from Part G of the Building Regulations

### Extract from Part G of Building Regulations

#### Optional requirement

**2.8** The optional requirement only applies where a condition that the dwelling should meet the optional requirement is imposed as part of the process of granting planning permission. Where it applies, the estimated consumption of wholesome water calculated in accordance with the methodology in the water efficiency calculator, should not exceed 110 litres/person/day.

**2.9** The person carrying out the work must inform the **BCB** where the optional requirement applies.

**2.10** As an alternative to calculating the water consumption (as paragraph 2.8), a fittings approach that is based on the water efficiency calculator methodology may be used.

**2.11** Where the fittings approach is used, the water consumption of the fittings provided must not exceed the values in Table 2.2. If they do, the water efficiency calculator must be completed to demonstrate compliance. Similarly, where a shower is not to be provided or where a waste disposal unit, a water softener or water re-use is to be provided the water efficiency calculator must be completed.

**2.12** Where the fittings approach is used, the notice given under regulation 37 should state "Less than 110 litres/person/day using fittings approach".

**Table 2.2 Maximum fittings consumption optional requirement level**

Water fitting	Maximum consumption
WC	4/2.6 litres dual flush
Shower	8 l/min
Bath	170 litres
Basin taps	5 l/min
Sink taps	6 l/min
Dishwasher	1.25 l/place setting
Washing machine	8.17 l/kilogram



## Appendix 2 NPPF Planning Practice Guidance

### Housing: optional technical standards, Water efficiency standards<sup>23</sup>

#### Can local planning authorities require a tighter water efficiency standard in new dwellings?

In setting out how the planning system should contribute to the achievement of sustainable development, the National Planning Policy Framework and guidance makes clear this includes planning to provide the high quality housing required to meet the needs of present and future generations, and helping to use natural resources prudently. The Framework's policies expect local planning authorities to adopt proactive strategies to adapt to climate change that take full account of water supply and demand considerations. Early engagement between local planning authorities and water companies can help ensure the necessary water infrastructure is put in place to support new development. See [water supply guidance](#). The local planning authority may also consider whether a tighter water efficiency requirement for new homes is justified to help manage demand.

Paragraph: 013 Reference ID: 56-013-20150327

Revision date: 27 03 2015

#### What standard should be applied to new homes?

All new homes already have to meet the mandatory national standard set out in the Building Regulations (of 125 litres/person/day). Where there is a clear local need, local planning authorities can set out [Local Plan](#) policies requiring new dwellings to meet the tighter Building Regulations optional requirement of 110 litres/person/day.

Paragraph: 014 Reference ID: 56-014-20150327

Revision date: 27 03 2015

#### How should local planning authorities establish a clear need?

It will be for a local planning authority to establish a clear need based on:

- existing sources of evidence.
- consultations with the local water and sewerage company, the Environment Agency and catchment partnerships. See [paragraph 003 of the water supply guidance](#)
- consideration of the impact on viability and housing supply of such a requirement.

Paragraph: 015 Reference ID: 56-015-20150327

Revision date: 27 03 2015

#### What are the existing sources of evidence?

Primary sources of evidence which might support a tighter water efficiency standard for new dwellings are:

- The Environment Agency [Water Stressed Areas Classification \(2013\)](#) which identifies areas of serious water stress where household demand for water is (or is likely to be) a high proportion of the current effective rainfall available to meet that demand.
- Water resource management plans produced by water companies.
- [River Basin Management Plans](#) which describe the river basin district and the pressure that the water environment faces. These include information on where water resources are contributing to a water body

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<sup>23</sup> <https://www.gov.uk/guidance/housing-optional-technical-standards#water-efficiency-standards>



being classified as 'at risk' or 'probably at risk' of failing to achieve good ecological status, due to low flows or reduced water availability.

In addition to these primary data sources, locally specific evidence may also be available, for example collaborative 'water cycle studies' may have been carried out in areas of high growth.

Paragraph: 016 Reference ID: 56-016-20150327

Revision date: 27 03 2015

**Where can I find out more about the water efficiency standard?**

See further information on the [water efficiency standard](#).

Paragraph: 017 Reference ID: 56-017-20150327

Revision date: 27 03 2015



**United Utilities Water Limited**  
 Grasmere House  
 Lingley Mere Business Park  
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 Great Sankey  
 Warrington WA5 3LP

[unitedutilities.com](http://unitedutilities.com)

[Planning.Liaison@uuplc.co.uk](mailto:Planning.Liaison@uuplc.co.uk)

**By email:** [Localplanconsultation@copeland.gov.uk](mailto:Localplanconsultation@copeland.gov.uk)

Strategic Planning Team  
 Copeland Borough Council  
 The Market Hall  
 Market Place  
 Whitehaven  
 Cumbria  
 CA28 7JG

**Your ref:**  
**Our ref:**  
**Date:** 18-MAR-22

Dear Sir / Madam

## **COPELAND BOROUGH COUNCIL PUBLICATION LOCAL PLAN CONSULTATION**

Thank you for your consultation seeking the views of United Utilities as part of the Local Plan process for Copeland. United Utilities wishes to build a strong partnership with all local planning authorities (LPAs) to aid sustainable development and growth within its area of operation. We aim to proactively identify future development needs and share our information. This helps:

- ensure a strong connection between development and infrastructure planning;
- deliver sound planning strategies; and
- inform our future infrastructure investment submissions for determination by our regulator.

We encourage you to direct future developers to our free pre-application service to discuss their schemes and highlight any potential issues by contacting:

Developer Services – Wastewater  
 Tel: 03456 723 723  
 Email: [WastewaterDeveloperServices@uuplc.co.uk](mailto:WastewaterDeveloperServices@uuplc.co.uk)

Developer Services – Water  
 Tel: 0345 072 6067  
 Email: [DeveloperServicesWater@uuplc.co.uk](mailto:DeveloperServicesWater@uuplc.co.uk)

## **Our Assets**

In addition to maintaining access to watercourses and flood defences, it is important to outline to the LPA the need for our assets to be fully considered in development proposals. We will not normally permit development over or in close proximity to our assets. All United Utilities' assets will need to be afforded due regard in the masterplanning process for a site. This should include careful consideration of

landscaping proposals in the vicinity of our assets and any changes in levels. We strongly recommend that the LPA advises future applicants of the importance of fully understanding site constraints as soon as possible, ideally before any land transaction is negotiated, so that the implications of our assets on development can be fully understood. Where our assets exist on a site, we ask site promoters to contact United Utilities to understand any implications using the above contact details.

## **Policy Recommendations & General Comments**

United Utilities would wish to highlight its support for policies on sustainable water management. Sustainable surface water management and the efficient use of water should be critical elements of the design and development process. As the LPA will be aware, green infrastructure can help to mitigate the impacts of high temperatures, combat emissions, maintain or enhance biodiversity and reduce flood risk. Green / blue infrastructure and landscape provision play an important role in managing water close to its source. If the necessary link between green/blue infrastructure, surface water management, landscape design and biodiversity is outlined as part of the strategic objectives for the plan, it will help ensure that sustainable surface water management is at the forefront of the design process.

### **Design and Development Standards**

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).

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:

*New dwellings will be required to meet the higher National Housing Standard for water consumption of 110 litres per person per day. Non-domestic buildings will be expected to achieve a BREEAM rating of 'Excellent'.*

### **The Sewerage Network in Copeland**

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.

### **Reducing Flood Risk**

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.

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. 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 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. 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.

### **Sustainable Drainage**

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.

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 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:

*'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.'*



*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.*

*All applications should be supported by strategies for foul 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.*

*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.*

*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. 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. 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. 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. 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.'*

## Protection of Water Resources

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. The details of SPZs can be viewed on the website of the Environment Agency.

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. 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.'*

*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.*

*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 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).*

*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.*

*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."*

## Protecting Air Quality

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.

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’*

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:

*“Development proposals will only be granted planning 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.”*

### **Vitality and Viability of Town Centres and Villages within the Hierarchy**

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.

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.

### **Appendix D Suitable Areas for Wind Energy Map**

#### **Water Catchment Land**

United Utilities notes the plan in Appendix D which identifies land potentially suitable for wind energy. 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 NSPU: Protection of Water Resources in accordance with the following additional paragraph.

*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.*

Similarly, we also recommend the following amendments to Policy CC2PU: Wind Energy Developments



## **Policy CC2PU: Wind Energy Developments**

### **Large Turbines**

*Wind turbines 50m in height or over must be located in an Area Suitable for Wind Energy as shown on the Local Plan Proposals Map, unless the proposal is for the repowering of existing turbines or windfarms or is for a proposal to extend the life of an existing turbine.*

#### *All Turbines*

*The following impacts, caused by siting, scale or design, should be avoided where possible and should be considered individually and cumulatively:*

- *Landscape character including Historic landscape character*
- *Residential amenity*
- *Visual amenity and sensitive views*
- *Biodiversity*
- *Geodiversity*
- *Flood risk*
- *Water resources and water quality (including catchment land for public water supply purposes)*
- *Townscape*
- *Coastal change*
- *Heritage assets and their setting*
- *Highway safety*
- *Aviation and defence navigation systems/communication*
- *The amenities of sensitive neighbouring uses (including by virtue of noise, dust, odour, shadow flicker, air quality, traffic, visual impact or glare).*

*Where proposals would result in significant adverse effects, proposals will only be accepted where this is outweighed by the wider environmental, economic, social and community benefits and in the case of the historic environment balanced against public benefit as per national policy. Where harm is unavoidable, the planning application must include details of mitigation measures proposed in order to overcome or reduce such harm.*

*Proposals will only be considered suitable where it can be demonstrated that the planning impacts identified by local communities during consultation have been fully addressed.*

*Where turbines become non-operational for a period in excess of 6 months, the facility must be removed and the site will be fully restored to its original condition within 12 months. A detailed plan that sets out how any impacts will be managed during construction and restoration must be submitted to the satisfaction of the Council. Proposals for the re-powering of turbines in areas which are identified as unsuitable in principle could potentially be permitted where the impacts of such development, including cumulative effect, are considered acceptable. This will be assessed on a case-by-case basis.*

*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 NSPU. New wind turbines on water catchment land which is also deep peat should be avoided.*

## **Biodiversity Net Gain**

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 is 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.

## **Co-ordinated Infrastructure Provision**

The achievement of sustainable development can be compromised by developers/applicants working independently. We believe that raising this point at this stage in the preparation of the development plan is in the best interest of achieving challenging housing delivery targets from allocated sites in the most sustainable and co-ordinated manner.

Any growth needs to be carefully planned to ensure new infrastructure provision does not cause any unexpected delays to development delivery. At the current time, the full detail of the development proposals are not yet known. For example, the detail of the drainage proposals, including points of connection, the water supply requirements or the nature of any employment occupier. Once more information is available with respect to specific development sites, which is often only at the planning application stage, we will be able to better understand the potential impacts of development on infrastructure.

It is also important to acknowledge that the development plan will cover the period up to 2038. This contrasts with our 5 yearly investment periods. Our current investment period covers the period 2020-2025. Any infrastructure investment response will therefore be brought forward over a number of the 5 yearly investment periods of a water and sewerage company.

In the absence of more detail, we cannot fully conclude the impact on our infrastructure over a number of 5 year investment periods and therefore as more information becomes available, it may be necessary to co-ordinate the timing for the delivery of development with the timing for the delivery of infrastructure improvements.

As more details for the site allocations emerge, we request continual involvement in any masterplanning processes. This is to ensure the developments will consider United Utilities assets and associated

easements, the location of a site in relation to any groundwater source protection zones or Waste Water Treatment Works (WwTW), and the existence of any flood risk from the public sewer. These matters have been considered in detail below under the heading of 'Site Specific Allocations'.

### **Future Potential Mining Development**

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.

### **Large Sites in Multiple Ownership**

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 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.

### **Masterplanning Site Allocations**

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/>.

### **Moorside/Cumbria Clean Energy Park**

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 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.

## Outline, Reserved Matters and Planning Conditions

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.

## Site Specific Allocations

### Employment Allocations

United Utilities notes there are no employment allocation profiles as per the housing allocations profiles in the appendices to the publication draft local plan. We recommend that employment allocations are similarly covered by allocation profiles. In this regard, we recommend the following important wording shown in red. Please note this wording covers a range of important site considerations including public sewer flood risk which could be material to development of any site and your choice of sites for allocation.

### Whitehaven Commercial Park

*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. 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.*

### Seascales Rural Workshops

*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.*

*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. 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.*

#### **Mainsgate Road Expansion Site**

*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.*

#### **Furnace Row**

*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.*

#### **Devonshire Road**

*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. 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.*

#### **Bridge End**

*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 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.*

#### **Frizington Road**

*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.*

### **Haig Enterprise Park**

*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.*

### **Sneckyeat Industrial**

*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.*

### **Westlakes Science Park**

*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. 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.*

### **Red Lonning**

*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.*

### **Haverigg Industrial Estate**

*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.*

### **Westlakes Science Park Extension**

*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.*

### **Leconfield Industrial Estate**

*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.*

### **Leconfield Industrial Estate Extension**

*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. 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.*

### **Housing Allocations**

With respect to the housing allocation area profiles in the appendices to the publication draft local plan, we recommend the following additional text / amendments. New text is shown in red. Existing text is shown in blue. Please note this wording covers a range of important site considerations including public sewer flood risk which could be material to development of any site and your choice of sites for allocation.

#### **HCM1 Site at Jacktrees Road**

*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.*

#### **HWH1 Garage Site Rutland Avenue**

*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.*

#### **HDI2 Land South West of Rectory Place, Distington**

*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.*

#### **HWH2 Red Lonning and Harras Moor Stage 3**

*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.*

#### **HCM3 Former Ehenside School, Cleator Moor**

*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.*

**HAR01 Land East of Arlecdon Road**

*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.*

**HCM4 Land at Mill Hill**

*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.*

**HTH1 Land to the South of Thornhill**

*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.*

**HMI2 Moor Farm**

*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.*

**HSB3 Land Adjacent to Fairladies**

*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.*

**HWH5 North of Former Marchon Site**

*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.*

**HEG3 Adjacent Daleview Gardens, Uldale View**

*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.*

**HEG2 Gulley Flatts East, Queens Drive**

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 Flatts 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 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.*

### **HMR2 Adjoining Scalgill Road**

*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 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. 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.*

### **HMR1 Rear of Social Club**

*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.*

### **Opportunity Sites Allocations**

United Utilities notes there are no opportunity sites allocation profiles as per the housing allocations profiles in the appendices to the publication draft local plan. We recommend that the opportunity site allocations are similarly covered by allocation profiles. In this regard, we recommend the following wording shown in red. Please note this wording covers a range of important site considerations including public sewer flood risk which could be material to development of any site and your choice of sites for allocation.

### **OWH08 Pow Beck**

*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. 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. 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.*

#### **OWH09 Car Park Quay Street East**

*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.*

#### **OEG01 Chapel Street, Egremont**

*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.*

#### **OWN01 Old Dawnfresch Factory Site**

*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.*

#### **OWH03 Preston Street Garage**

*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.*

#### **OWH05 Land at Ginns**

*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.*

*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. 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. 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.*

#### **OWH06 Land at Coach Road**

*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 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. 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. 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.*

#### **OWH11 Mark House and Park Nightclub**

*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. 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.*

#### **OWH02 Jacksons Timber Yard**

*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.*

*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. 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.*

#### **OCL01 Cleator Mills**

*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.*

*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. 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. 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.*

#### **OMI01 Millom Pier**

*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. 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 development can secure an acceptable level of amenity for potential future users/occupiers of the site.*

#### **OEG03 East Road Garage**

*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.*

*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. 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.*


#### **OWH13 Former Marchon**

*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.*

#### **Summary**

Moving forward, we respectfully request that the council continues to consult with United Utilities for all future planning documents. In the meantime, if you have any queries or would like to discuss this representation, please do not hesitate to contact me.

Yours faithfully

  
Planning, Landscape and Ecology  
United Utilities Water Limited

Encl; Water Resources West Evidence

Date: 18 March 2022  
 Our ref: Copeland Local Plan 2021 – 2038: Publication Draft  
 Your ref: 379714.



localplanconsultation@copeland.gov.uk

**BY EMAIL ONLY**

Hornbeam House  
 Crewe Business Park  
 Electra Way  
 Crewe  
 Cheshire  
 CW1 6GJ

T 0300 060 3900

Dear [REDACTED]

Thank you for your consultation on the above dated and received by Natural England on 4 February 2022.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

Natural England welcomes the opportunity to comment on the Local Plan and its associated documents. We have provided comments on specific sections below including Development and Strategic Policies, the Habitat Regulations Assessment and Marine Conservation Assessment.

Local Plan	
<b>6.8 DS11PU</b>	<p>Natural England support the Council's ambition improve air quality across the borough. In order to strengthen the policy further could the council strive to implement green infrastructure as mitigation in areas that are struggling with poor air quality either for residents or the designated sites in the area.</p> <p>For example, the recommendations set out in paragraph 6.8.4 deal with specifically new development, could these be brought formally into policy DS11PU to strengthen the wording and then also be applied to existing developments across Copeland.</p>
<b>7.9.6 E6PU</b>	<p>Natural England would support the removal of the opportunity site OCL01 within Cleator Mills, due to the flood risk and due to the River Ehen SSSI and SAC next to the site. This site will require escalating to Appropriate Assessment stage at both project level and plan level HRA.</p>
<b>15.3.5</b>	<p>The HRA AA will need to ensure that it can conclude no LSE and no AEOI, at the moment it relies on individual developments having project level HRA's without giving the specific potential impacts and mitigation, ensuring they are deliverable at plan level.</p> <p>To ensure that the local plan can conclude no Likely Significant Effects and no Adverse Effects on Integrity of the Site, we have provided advise below on the Habitats Regulations Assessment.</p>

15.6.1	<p>Impact of Development upon Former Natura 2000 sites</p> <p>Natural England welcome the inclusion of this section and the necessity for developers to be aware that carrying out HRA screening assessment is required.</p>
15.7.1	<p>Construction Environmental Management Plans</p> <p>Natural England welcome the inclusion of the CEMP section in the Local Plan. Noted here is the need for larger residential and commercial development projects to include CEMPs with their planning application. It may be useful to ensure that this is reiterated in the Housing / Site Allocation policies.</p>
15.8.4 N1PU	<p>Natural England supports the use of the mitigation hierarchy within this policy and the need for the National Sites Network to be protected.</p>
15.9 N2PU	<p>Natural England support the inclusion of the LNRS policy within the Local Plan. It may be beneficial to highlight the use of the LNRS mapping to help aid developers in selecting areas for habitat management, enhancement, restoration or creation and how development can contribute to nature recovery.</p>
15.10 N3PU	<p>Natural England support the Biodiversity Net Gain policy and the council's ambition of achieve a minimum of 10% net gain with the encouragement of developers exceeding this.</p> <p>The policy could be strengthened by acknowledging the Irreplaceable Habitats section of the BNG legislation and the development of the Net Gain Register. The secondary legislation consultation is out at the moment and will help to develop a further understanding of BNG.</p> <p>The small sites metric is also a useful tool for developers/ residential applicants to be aware of, to encourage a net gain within the boundary of some of the smaller sites.</p> <p>Natural England welcome the emphasis on onsite delivery as a priority for developers and then moving to off-site local delivery. The Local Plan could assist with ensuring there is available net gain sites in the local area to be used by developers when developing the site allocations put forward in this local plan. These net gain sites in the local area will allow developers to select a pre-approved net gain site that will aid habitat creation and enhancement within the Copeland Borough.</p>
15.12.7 N5PU	<p>Natural England support the Protection of Water Resources policy.</p> <p>In light of the recent release of Nutrient Neutrality, the Environmental Section of the local plan should include a policy explaining the necessity to protect water quality and the principles of how Nutrient Neutrality can help to mitigate any potential impacts.</p> <p>Within the Copeland BC border the River Derwent and Bassenthwaite Lake SAC is now within the NN scheme. We have included advice on how to assess the potential impacts of housing for NN in relation to the River Derwent SAC in the HRA section of this letter.</p> <p>The policy should include a brief description of what NN is, its implications for housing apps within the boundary of the catchment, including the use of the calculator to create a nutrient budget. The policy should also cover how</p>



	<p>developers will have to secure mitigation as part of their development within the NN catchment. For further information about NN please see the letter and supporting documents there were sent out on the 16<sup>th</sup> of March, as well as the section on NN in the HRA section of this letter.</p>
<p><b>15.13.11 N7PU</b></p>	<p>St Bees and Whitehaven Heritage Coast</p> <p>Natural England support the policy which aims to 'conserve, protect and enhance' the Heritage Coast but note that as the extension has not been defined the heritage coast in Copeland is still called the St Bees Heritage Coast.</p>
<p><b>15.14.3 N8PU</b></p>	<p>Natural England support the Undeveloped Coast policy, it could also be possible for sections of this land to be used as Biodiversity net gain sites, which would restore the habitat there to a better condition than it is in now.</p>
<p><b>15.15.5 N9PU</b></p>	<p>Natural England support all of the Green Infrastructure policies and are encouraged by the Council's production of a Green Infrastructure Strategy.</p> <p>Biodiversity Net Gain investment from off-site net gain sites can also help to fund green infrastructure implementation and wider GI outcomes across the borough.</p> <p>Natural England has produced the GI Standards, which can help to produce a certain set of objectives and help towards producing design codes for the borough.</p>

## **Habitats Regulation Assessment**

Natural England welcomes the production of the HRA and the opportunity to comment, we have included overall comments and specific comments about the Air Quality and Water Quality sections.

Natural England recommend that a Habitat Regulations Assessment follow a specific structure that we have set out below, this will allow a complete Screening Assessment to be carried out and allow the appropriate designated sites and policies to be progressed to the Appropriate Assessment stage.

We suggest that the report is re-structured under the following principle headings to clearly demonstrate that the steps of the Habitats Regulations have been undertaken:

### **1 - Likely Significant Effect (LSE) test (Screening stage)**

To clarify, where there is LSE alone, these sites and/or policies need to be taken to Appropriate Assessment alone. Where there is no LSE alone, these sites need to be assessed in-combination with other plans or projects to establish if, together, they result in a likely significant effect that needs to be considered at Appropriate Assessment, taken into account other plans and projects.

### **2 - In-combination assessment of likely significant effects ruled out alone.**

This assessment should come before the Appropriate Assessment. Consideration will need to be given to the *Wealden District Council v. Secretary of State for Communities and Local Government, Lewes District Council and South Downs National Park Authority* [2017] EWHC 351 in terms of in-combination effects relating to air pollution.

The in-combination assessment needs to be explained and justify which plans have been assessed and which plans have been left out from the surrounding areas.

### **3 - Appropriate Assessment (AA)**

This stage needs to assess the identified likely significant effects in detail on the features of the European site, considering the site's conservation objectives.

First, the AA must look at the potentially damaging aspects of each site allocation and/or policy and the potential effects on the site features and conservation objectives and characterise the impacts in terms of their likelihood, nature, scale, severity and duration to determine whether they have an Adverse Effect on Integrity of the site. This assessment needs to include a consideration of the impacts on;

- The extent and distribution of qualifying habitats and species,
- The abundance and spatial distribution of qualifying species or assemblages,
- The structure of the qualifying habitat, which should not be affected in terms of abundance and diversity,
- The physical, chemical and biological processes that support the qualifying habitat to ensure these are not affected.

The AA must then look at any potential mitigation measures, to determine if they can reduce the likelihood, nature, scale, and duration of the effect to a lower level. The appropriate assessment should seek mitigation measures that are capable of implementation and will reduce the impact to



the lowest level possible. Any residual effects after applying mitigation should also be considered alone and in-combination.

### **Mitigation Measures in an Appropriate Assessment**

Mitigation can only be accepted in the AA stage of a HRA if it is specific and measurable, it is not possible to accept soft measures as mitigation in a HRA due to the lack of certainty regarding their measurability. If mitigation is required then it has to be effective, reliable, timely and guaranteed to be delivered. For every mitigation measure that is required Copeland should be understand:

- What the measure is, the scientific basis of the evidence, and how it would avoid or reduce effects on site.
- How it would be implemented and by whom.
- The degree of confidence in its success.
- The timescale over which it will be implemented, maintained and managed.
- How the measures will be secured, monitored and enforced.
- If the measure failed, how the failure will be rectified.

Therefore, if mitigation is required due to the evidence presented in the HRA then specific mitigation measures need to be brought forward. The current mitigation used throughout the HRA is a reliance on the Local Plan policies, as these are good practice policies they can not be used as mitigation for the specific issues raised in the HRA and are an example of the soft measures explained above.

### **Air Quality Appropriate Assessment**

Table 6.1. for the sites that have been screened out, Natural England recommends including supporting evidence and justification for why they have been screened out. For example, for the River Ehen SAC, it is possible for the rivers designated features to be sensitive to air pollution, as listed on APIS. The justification for the River Derwent and Bassenthwaite Lake SAC needs further explanation to explain how the conclusions have been reached – for example is there evidence that the river is suffering from nitrogen deposition due to its aquatic environment compared to air pollution? With regards to the River Derwent and the close proximity to the A66, which has been used in the traffic modelling assessment, further justification is needed to understand why it has been screened out.

Section 6.4.4: further explanation is needed here to explain why the AADT has declined along the A591 due to local plan growth strategies. Evidence should be provided here to explain how this conclusion has been reached or if it is referred to in the Appendix this section should summarise the findings.

Section 6.4.5: see comments above for 6.4.4, the slight decrease in AADT along the A66 during considering the local plan growth needs to be explained.

Table 6.4 and Table 6.5: These tables are screening assessments for exceedance over 1%, these assessments highlight breaches of 1% that need to be carried forward to Appropriate Assessment stage.

For the green boxes, where there are no breaches of the 1% critical load, these need to be examined in combination, against other plans or projects that have been identified and assessed. The in-combination assessment needs to set out which plans and projects it has considered and provide evidence for why they have been deemed not relevant to include.

For the orange boxes, where they do exceed the 1% threshold, further assessment and information is needed. For example, they need to be specific about how far over the 1% threshold they are and where the breaches are likely to occur. There would need to be a detailed assessment that considered the location of the sensitive species and how much of an impact there may be (e.g., loss of species over how much of the site). Once the impact has been determined and explained the assessment needs to address whether this would be considered an Adverse Effect on Integrity of the site and whether there is a need to propose specific mitigation that can deal or offset the impacts.

Section 6.5.3: Policy N1PU (Conserving and Enhancing Biodiversity and Geodiversity) is an integral part of the plan and ensures compliance with national policy to protect and enhance the natural environment. It's not required as a mitigation measure (e.g., a measure to reduce an ecological impact to an acceptable level where it is no longer deemed to risk an adverse effect on site integrity). It is not sufficient for a HRA to conclude no likely significant effect because it contains a policy to protect internationally designated sites. Any policy introduced to avoid or reduce effects should specifically deal with the issue that it is causing an effect.

Natural England have produced guidance for competent authorities on how to assess road traffic emissions under the Habitats Regulations – NEA001 and is accessible [here](#).

Section 6.5.11: In this paragraph clarification is needed about what the sufficient mitigation is.

Section 6.8: Conclusion: Natural England recommend that it is not possible to conclude no Adverse Effect on Integrity of the protected sites without carrying out the further assessments described above.

#### **Water Quality Appropriate assessment**

Section 7.2.3, 7.2.5, 7.2.6 and 7.2.7: these sections should confirm whether United Utilities have been recently consulted to assess whether the waste-water treatment works have capacity since these sections state an assessment was carried for the Copland Core Strategy which was produced in 2012.

7.4 Mitigation: Please see section above regarding mitigation measures and the inability to use soft measures (Local Plan policies) as appropriate mitigation.

7.4.6. Natural England advises that to be able conclude that the housing and other site allocations will need a project level HRA, further assessment in the plan level HRA is needed, as the local plan needs to ensure these sites are deliverable. As the sites are specifically located it should be possible to determine what the potential impacts to designated sites might be, this will allow the local plan to ensure it is selecting deliverable sites with in built mitigation if necessary.

For example, if construction dust is a concern, then this can be addressed at plan level by recommending that a Construction Environmental Management Plan is required for this specific allocation / policy. The HRA AA can concluded that further assessment is needed, once detail is available a project level, but it does need to list the potential impacts of development to the designated sites and list what potential mitigation might be needed, so that we can ensure the site is deliverable and there is no adverse effect on the integrity of the site.

7.5.2 the site allocations within the Cleator Moor wastewater infrastructure treatment zone should be assessed to see whether they are deliverable within the capacity of the wastewater treatment works, this is due to concern for the water quality of the River Ehen SAC and SSSI.

7.6 In-combination Effects: similarly, to the Air Quality AA and the rest of the HRA, the in-combination assessment for Water Quality needs to clearly state which plans and projects were assessed and why they were deemed irrelevant.

7.7 Conclusion: Natural England recommend that it is not possible to conclude no Adverse Effect on Integrity of the protected sites without carrying out the further assessments described above.

### Water Quality Appropriate Assessment Additional Comments

Given the recent launch of Natural England's advice (issued on 16<sup>th</sup> March 2022) on water quality and Nutrient Neutrality (NN) and the presence of the River Derwent and Bassenthwaite Lake SAC within the Copeland District Council Borough, Natural England advises that the HRA screens in and carry's forward the River Derwent SAC to appropriate assessment stage in the HRA for water quality. The River Derwent SAC has a specific NN catchment within the Copeland Borough, these catchment maps were sent to Copeland on the 16<sup>th</sup> of March, along with a Methodology, catchment specific calculator and advice on how to mitigate the potential impacts. The calculator can work out a nutrient budget associated with a housing development for phosphorus, which is the nutrient currently causing the site to be unfavourable. The housing allocation/s that are within the NN catchment area need to be assessed as part of the HRA. Nutrient Neutrality is a potential mitigation measure which can be used to address nutrient impacts. The NN calculator identifies the level of mitigation required to cancel out the additional nutrient pollution from the housing allocation. From our understanding of the local plan housing allocations the only allocation to be affected is HAR01 (37 houses), but please do include any other relevant allocations within the NN catchment in the assessment as well.

### Marine Conservation Assessment

<b>General</b>	Natural England agrees that proposals will need to be assessed on an individual basis. With regards to MCZ assessments, the MMO will consult Natural England to determine if there will be a likely significant effect on the integrity of any MCZ.
<b>Section 1.2.4</b>	Please note, the MCZ assessment process for marine licensing has already been introduced by the Marine Management Organisation (MMO) and is actively used by the MMO in marine licence decision making. Therefore the information in this paragraph should be updated accordingly.
<b>Section 3.2.1</b>	It would be useful to outline the policies that are being proposed as mitigation measures here. Additionally, it should be clear which potential impacts they are mitigating for in Table 4.1.

#### Appendix 2, Cumbria Coast MCZ

We note the advice on operations page on Natural England's designated sites viewer has not been updated for the Cumbrian Coast MCZ yet. However, the Razorbill (Alca torda) entry in this table could be populated based on advice on operations from another protected site which has breeding razorbill as a feature, example [here](#).

#### Appendix 2, Allonby Bay MCZ

Please note, the conservation advice package for Allonby Bay MCZ has now been published and is available on Natural England's designated sites viewer [here](#)

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to specific advice in this letter only, please contact [REDACTED] at [REDACTED]. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely,

[REDACTED]  
Sustainable Development Lead Advisor