



Central Square
Orchard Street
Newcastle upon Tyne
NE1 3AZ

T: +44 (0)191 269 0065
M: +44 (0)7802 985407

avisonyoung.co.uk



Our Ref: 15C100104
Your Ref: 4/24/2328/0F1

6 December 2024

Cumberland Council (Copeland Area)
The Market Hall
Market Place
Whitehaven
CA28 7JG

Dear Sir / Madam,

FULL APPLICATION FOR THE INSTALLATION OF DRAINAGE INFRASTRUCTURE IN RELATION TO ADJACENT NEW BUILD OFFICE, RESEARCH AND DEVELOPMENT SCHEME, INCLUDING FULL RESTORATION OF SITE, TO THE REAR OF UNITS 20A & 20B LECONFIELD INDUSTRIAL ESTATE.

Overview

Planning application 4/24/2328/0F1 was submitted and validated by the LPA on 2 October 2024. The description of development is set out above. This letter is prepared to support a request for further information from the Council in relation to the need for the development, how it will be constructed, and demonstration of why the development is exempt from the Environment Act mandatory 10% BNG requirements.

Construction Information

Further information has been provided by both the project civil engineers and the appointed main contractor for the development to address questions raised by the LPA during determination of this application.

Submitted plan CMIQ-BGP-05-XX-DR-C-52-05140 illustrates the proposal for foul water to discharge indirectly (i.e., via FW01) to existing Infrastructure. The cover level of FW01 will equal existing ground level. Invert level is indicated as 82.110. As such, depth to invert will be 690mm. It is proposed that surface water discharge indirectly (i.e., via SW07) to existing Infrastructure. The cover level of SW07 will also equal existing ground level. Invert level is indicated as 80.825. As such, depth to invert will be 1.975mm.

Construction of the Permanent Works will require Temporary Works including, for example, Trench Boxes. The contractor has provided the following example of typical methodology, see [here](#).

It is reasonable to expect that the programme will be circa 10 Weeks. However, this is dependent upon a number of factors outside of our direct control, including for example, isolation of the existing Gas Supply by NGN who are the Statutory Undertaker.

Need for the Development

Proposed Foul Water

The proposed foul water flows from the new hub development are to be drained via pump to an existing foul water sewer within the Leconfield site. This ultimately discharges to a United Utilities combined sewer to the wider extent of site.

A connection outside the hub application site boundary is required to ensure the outfall to public sewers from the point of connection is via gravity. A number of existing units local the new hub development are served by private pumping stations.

Proposed Surface Water Drainage

It is not feasible to drain the sites surface water flows to existing drains within the site boundary due to them being too shallow and too small a diameter to utilise, in terms of capacity and depth.

To enable a surface water gravity solution a connection has been determined outside of the site boundary that permits both the design flows and gravity solution as requested by the Lead Local Flood Authority.

Biodiversity Net Gain Requirements

The Biodiversity Gain Requirements (Exemptions) Regulations [2024] provide exemptions from the biodiversity gain planning condition for certain developments in England. These exemptions aim to balance biodiversity conservation with development needs, particularly for small-scale projects and specific types of developments. Of relevance to this project, is the 'De-minimis Exemption'. The De-minimis Exemption is designed to ensure that very small-scale developments, which have negligible or no impact on habitat value, are not subject to the biodiversity net gain planning condition. It applies to the following situations:

- The development must not impact any onsite priority habitats as listed under Section 41 of the Natural Environmental and Rural Communities Act 2007.
- The de-minimis threshold applies to the area or length of habitat impacted within a development, and is considered:
 - 25 square metres (5m by 5m) of on-site habitat
 - 5 metres of on-site linear habitats such as hedgerows

Additionally, the metric User guide (DEFRA, 2024a) outlines specific details for recording temporary impacts, whereby:

'You do not need to record a habitat as lost when there are temporary impacts to a habitat and the area can be restored to both:

- baseline habitat type within two years of the initial impact; and
- baseline condition within two years of the initial impact'

The applicant has instructed a qualified ecologist to undertake a review of the proposals and this *Biodiversity Net Gain: Statement of Exemption* has been provided to the Council. It concludes that the proposed development will result in the temporary loss of other neutral grassland. This was assessed as being of Poor condition, in line with the Statutory Condition Assessment Sheets. On

this basis, it is of a composition that can be readily restored to baseline distinctiveness and condition, and the proposed works are not considered to cause loss or degradation to the habitat. This therefore qualifies the proposed works for exemption from biodiversity planning conditions, in line with the Exemptions Regulation 2024.

Forms and Documents

To assist in your formal consideration of this application, the following documentation has been submitted to the Council electronically via the Planning Portal:

- Biodiversity Net Gain: Statement of Exemption (784-B029668) prepared by Tetra Tech
- Covering Letter

Next Stages and Contact

We look forward to discussing the details of this application further with the Council, following our payment of the associated application fee via BACS transfer and submission of the application via the Planning Portal.

Yours Sincerely

Chris Johnson MRTPI
Associate Planner

For and on behalf of Avison Young (UK) Limited