

COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2052/OF1
2.	Proposed Development:	ENABLING WORKS TO FACILITATE THE RE-OPENING OF EXISTING ACCESS 'RBLA GATE'
3.	Location:	SELLAFIELD SITE, SEASCALE
4.	Parish:	Ponsonby, Seascale, Beckermeth with Thornhill
5.	Constraints:	<p>ASC; Adverts - ASC; Adverts, Flood Area - Flood Zone 2, Flood Area - Flood Zone 3, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads, Key Species - Potential areas for Natterjack Toads, Gas Pipeline - Northern Gas Pipeline - 135m buffer, DEPZ Zone - DEPZ Zone, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations & Policy	See Report
7.	<p>Report:</p> <p>Site and Location</p> <p>Sellafield is an existing licensed nuclear site situated to the north of Seascale. It is highly industrialised covering an area of approximately 6km square and accommodating over 1300 buildings of varying sizes. Vehicular access is via the A595T at Blackbeck, Calderbridge and Seascale.</p> <p>Whilst the site does not benefit from any sensitive designations it is situated circa 3km away from the boundary of the Lake District National Park to the east which is a UNESCO World Heritage site.</p> <p>The application site lies on the boundary of the north eastern quadrant of the Sellafield site adjacent to Calder Gate.</p> <p>Proposal</p> <p>Full planning permission is sought for enabling works to facilitate the re-opening of an existing access</p>	

to the Sellafield Site, commonly referred to as 'RBLA Gate', which is located on the site's eastern boundary. This is an existing vehicular access which is gated and has not been used for a number of years. It is situated within the boundary fence line adjacent to an existing car park just outside Calder Gate. Sellafield Ltd intends to re-open this access /gate to bring it back into use in association with on-site activities, specifically the transportation of spoil arising from land preparation / construction activities (mainly Development Platform) taking place within the site boundary to Landscape Mound Area D1.

In terms of physical enabling works the proposal will involve:

- Construction of one retaining wall, varying height (0.5 metres to 1.5 metres) – this will be located to the south-west of RBLA Gate within the site boundary. It will be constructed of modular mass gravity type wall founded on a compacted granular base. To accommodate the change in land levels a handrail is required and will comprise a 1.10m high proprietary steel tube post and rail type fence which will be embedded into the wall.
- Erection of two prefabricated GRP shelters (each 1.55 metres x 1.66 metres x 2.56 metres) as security posts. These will be light grey in colour and capable of accommodating one person.
- One vehicle inspection area - comprising hatched road markings will be located adjacent to the proposed inspection platform. This will provide temporary parking for construction vehicles whilst they are being inspected. The area will be formed by breaking out the existing upstand kerbs at the junction radius and extending to provide a new area of surfacing.
- An elevated inspection platform – this will comprise a steel / aluminium grey inspection platform with integral steps used to inspect incoming HGV's before they re-enter the Sellafield site. Maximum dimensions shall not exceed 1.2m x 5m x 2.5m. This unit shall also incorporate full height handrails (1.10m). And the platform deck shall be a minimum of 1.40m from ground level as to achieve satisfactory visibility into the construction vehicle.
- A new 0.8m wide bituminous footway - is proposed to the rear of the proposed search area and security post unit.
- Installation of five lighting columns (each 8 metres high) - these are required to achieve the required lux levels across site. The lighting columns shall comprise route mounted raise and lower type columns such as Abacus TT087RLH or similar and will be switched off when the gate is not in use.

The re-opening of the RBLA Gate will also require modifications to the adopted public highway (Calder Road) in the vicinity to ensure its safe and efficient operation for all road users while spoil movements are ongoing. Due to the volume of excavated material to be transported through the gate the works will require the installation of 4-way semi-permanent traffic signals, associated signage and road markings, and minor realignment of the kerbside at the Calder Road / Fellside T-junction to accommodate HGV movements.

Consultations

Ponsonby Parish Council – no comments received.

Beckermeth with Thornhill Parish Council – no objections.

Gosforth Parish Council – no objections.

Seascale Parish Council – concerned because of the impact it will have on the surrounding parishes. It is understood there will be up to 100 HGV a day for approximately 18 months, which will obviously create a high level of traffic disruption and have a negative impact on the quality of life of the residents living in the parishes that will be directly and indirectly affected by this. Part of the reason for this concern is based on experience when previous Sellafield actions have taken little account of the direct and negative impact its decisions have outside its gates. When Sellafield removed most of its onsite parking, it failed to consider and continues to fail to address and deal proactively with the problems this has created in the surrounding parishes, in terms of inconsiderate parking, increased traffic, noise and speeding from 6.00am to 8.00pm.

They request the following conditions:

- Operations to be in line with the working day, Monday to Friday 8am till 5pm and Saturday 8am till 12am, no Sundays or overtime
- 4-way traffic lights will back traffic up the Calder Gate Road, so in muster and out times to be avoided
- Noise to be monitored, especially reverse beepers
- Dust to be managed and monitored

CCC Highways & LFRA - no objection to the proposed development as it is considered that it will not have a material effect on existing highway conditions nor will it increase the flood risk on the site or elsewhere.

They inform that the proposed footway behind the inspection bay at 0.8m in width is too narrow and does not comply with the design guide standard and advise that Sellafield Ltd consider increasing it to 2 metres. As this is outside the highway limits on Sellafield's own land this is an advisory note only and is not required.

In response Sellafield Ltd point out that the footpath would only be used to allow the guards safe access to the security hut and access platform. It is not meant as a formal footpath as Sellafield Ltd would want to deter any pedestrians from using the route which does not follow all the way to Calder Road and there is no safe crossing at the junction. As such, it is not deemed appropriate to increase the width of the footway given the circumstances of its intended use and purpose.

Planning Policy

Copeland Local Plan 2013 – 2028 (CLP) (Adopted December 2013)

The relevant Copeland Local Plan policies are identified below.

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ER1 – Planning for the Nuclear Sector.

Development Management Policies

Policy DM5 – Nuclear Sector Development at Sellafield and the LLWR at Drigg

Other Material Planning Considerations

National Planning Policy Framework (2019)

Planning Policy Guidance (NPPG)

The aforementioned policies and guidance generally support proposals related to the development of energy/ nuclear related infrastructure on the Sellafield site.

Emerging Copeland Local Plan (ELP):

The emerging Copeland Local Plan 2017-2035 was recently the subject of a Preferred Options Consultation which ended on 30 November 2020. The Preferred Options Consultation builds upon the completed Issues and Options Consultation, which finished in January 2020. Given the stage of preparation, the emerging Copeland Local Plan 2017-2035 has only limited weight in decision making, but provides an indication of the direction of travel of the emerging planning policies, which have been developed in accordance with the provisions of the National Planning Policy Framework.

Assessment

Relevant issues the application raises that warrant further consideration include traffic impacts and noise and disturbance as well as ecology.

Principle of development

In terms of context it should be noted that planning permission is not actually required for the RBLA gate /access per se as this is already in existence. And that the use of the RBLA Gate in connection with the transportation of spoil to Area D1 has already been established through the grant of planning permission by Cumbria County Council (CCC) (ref: 4/20/9005) for “Land preparation for future waste development, including bulk excavation and re-profiling (otherwise known as the Development Platform)”. The scale of waste arising, the transport route, number of HGV movements and associated impacts such as noise and disturbance have already been considered as part of this process and approved in the Construction Waste and Transport Plan for the Project and is therefore not material or relevant to this application. In this respect the principle of using the route for HGV’s carrying spoil from the construction project on site to Area D1 has already been established.

What does require permission, and is the subject of this application, is the associated enabling/

improvement works to bring the access/ gate back into safe and efficient operation for accommodating the HGV traffic travelling to D1. These works will enable a short, direct and accessible route, across the Calder road (by Calder Gate) to be provided for HGVs transporting spoil arising from on-site construction projects, straight to the disposal facility - Landscape Mound Area D1 opposite.

On the basis of the above, the principle of this development proposal, which will facilitate the use of the transport route is therefore considered to accord with adopted Copeland Local Plan nuclear Policies ST1, ST2, ER1 and DM5 as well as NPPF.

Traffic Impacts

The potential for adverse traffic impacts to arise as a result of both the construction and operation of the enabling works is considered to be negligible.

Due to the limited amount of physical construction work involved in delivering the enabling works additional traffic likely to be created will be minimal.

In respect of operation, due to the nature of the proposal in providing what is in effect a 'short cut' for HGV traffic carrying spoil from construction activity on site to Area D1 it is anticipated that the proposal will not give rise to additional traffic on the wider local road network from either personnel or goods.

There is recognised benefit in reinstating the RBLA Gate/ access for transporting spoil and associated enabling works. It will vastly reduce HGV travel distances and prevent their need to travel on the public highway, thus reducing potential traffic impact on the local highway network. Otherwise HGVs would be required to exit the site via Sellafield's Main Gate and travel several miles along the A595 / Seascale Road (B5344) / Calder Road (U4465) to access Landscape Mound Area D1 which would have far greater environmental impact. As such, the current proposal is considered to present the best transport solution for the spoil arising from the construction projects. It will remove the necessity for HGVs transporting spoil to travel on the local road network thereby minimising traffic disruption and reducing carbon emissions by allowing a much shorter direct route for HGVs. Using this route will also help keep noise and disturbance to local residents to a minimum.

Response to Seascale Parish Council Concerns

In terms of the frequency of HGV movements raised by the Parish Council, the transportation of spoil to Landscape Mound Area D1 is estimated to generate 138 two-way vehicle movements per day. These movements will take place during the site's normal working hours – 7:00 to 19:00 hours Mondays to Fridays, 7:00 to 13:00 hours Saturdays and no working on Sundays or Bank Holidays. This is already controlled by hours of working conditions attached to earlier planning consents granted by CCC, specifically Landscape Mound Area D1 (ref: 4/16/9012) and Development Platform (ref: 4/20/9005). It would not be appropriate to attach a planning condition to the current proposal given that permission is simply concerned with enabling works required to ensure the efficient operation of the gate/ access only.

As regards the 4-way traffic signals, these will operate on a part-time basis to coincide with spoil movements. During muster times, priority will be given to traffic on the Calder Road (U4465)

entering or exiting the main site via Calder Gate. Outside of these times, priority will be given to HGVs entering and exiting the site via RBLA Gate during the prescribed hours of working. The signals will either revert to priority being given to Calder Road or temporarily turned off when RBLA Gate is not in active use i.e. outside of working hours. This will be covered and controlled by way of a legal agreement (under Section 278 of the Highways Act 1980) with Cumbria County Council (CCC) subject to the grant of planning permission.

In respect of the monitoring and management of noise and dust, it should be noted that the CCC planning consents for Landscape Mound Area D1 (ref: 4/16/9012) and LSS1 land preparations (ref: 4/20/9005) already impose suitable control measures via the use of planning conditions in which any HGVs transporting spoil to/from Area D1 would need to adhere. Again, it is neither reasonable nor necessary for these conditions to be attached to the current proposal which relates to enabling works only and would not be directly relevant to the development being permitted.

Noise and Disturbance

Due to the small scale nature of the proposed enabling works it is considered they are unlikely to give rise to any significant noise and disturbance.

The concerns raised by the Seascale Parish in this respect relate to the proposed use of the gate for transporting excavation material to Area D1 which already has the benefit of planning permission as discussed above and is not material to this application. If there are any issues that transpire relating to noise and disturbance these can be dealt with under separate environmental protection legislation.

Ecology

The application is accompanied by an Extended Phase 1 Habitat Survey

The Survey Area predominantly comprises an existing road, fencing and access gates with areas of grassland and scrub running parallel to the road. To the south and north of the Survey Area are two watercourses which for the purposes of this report have been named Waterbodies 1 (WB1) and 2 (WB2). There are also areas of dense scrub and two buildings, Buildings 1 (B1) and 2 (B2).

The survey work undertaken concludes that the application site is of limited ecological value, although it may potentially support populations of reptiles, breeding birds, terrestrial invertebrates, badgers and common and widespread species of bats and thus provide a biodiversity benefit for the immediate locality.

As a result it is considered that ecology is unlikely to be an issue.

Conclusion

For the reasons cited above, the development comprising the enabling works to facilitate the reopening of the RBLA Gate / access adjacent to Calder Gate, on the eastern boundary of the Sellafeld site as demonstrated will not result in any significant adverse material planning impacts. The principle and form of development is therefore considered acceptable and compliant with Copeland Local Plan nuclear policies ST1, ST2, ER1 and DM5 As well as national planning policy and

	guidance.
8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <ol style="list-style-type: none"> The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. Reason To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004. Permission shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them: - Site Location Plan, drawing no: 1BE 3032307, scale 1:5000@A1, received 26 January 2022 Site Location Plan – OFFICIAL, drawing no. 1BE 3032307 A, received 26 January 2022 Existing Site Layout, drawing no: 1BE 3101217 A, scale 1:500@A1 received 26 January 2022 Proposed Development, drawing no: 1BE 3101216 A, scale 1:500@A1 received 26 January 2022 Retaining Wall Details, drawing no: 1BE 3101215 A, scale 1:20@A1, received 26 January 2022 Retaining Wall Long Section, drawing no: 1BE 3101233 A, scale 1:50@A1, received 26 January 2022 Design and Access Statement, by Sellafeld Ltd, dated 12 January 2022, received on 26 January 2022, as amended by email from Helen Stocks of Sellafeld Ltd received on 24 February 2022 regarding the dimensions for the two proposed GRP shelters. Ecological Impact Assessment, Non-technical Summary, by Atkins, dated 8 December 2021, received 26 January 2021. Ecological Impact Assessment, by Atkins, dated 21 December 2021, received 26 January 2021. Manufacturer Specifications: <ul style="list-style-type: none"> - 'Genesis K1515' (2no. prefabricated shelters) - 'Safesmart Access' (1no. elevated inspection platform) - 'Abacus Lighting Columns: Heavy Duty' and 'Thorn CiviTEQ LED lighting' (5no. lighting columns). Reason

To conform to the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

Informative – Highways

Any works within the public highway (CCC Network) will require a Street works Permit. These can be obtained at streetworks.west@cumbria.gov.uk

Statement

The Local Planning Authority has acted positively and proactively in determining this application. As a result the Local Planning Authority has been able to grant planning permission for the development in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: H.S. Morrison

Date : 22/03/2022

Authorising Officer: N.J. Hayhurst

Date : 23/03/2022

Dedicated responses to:- N/A