

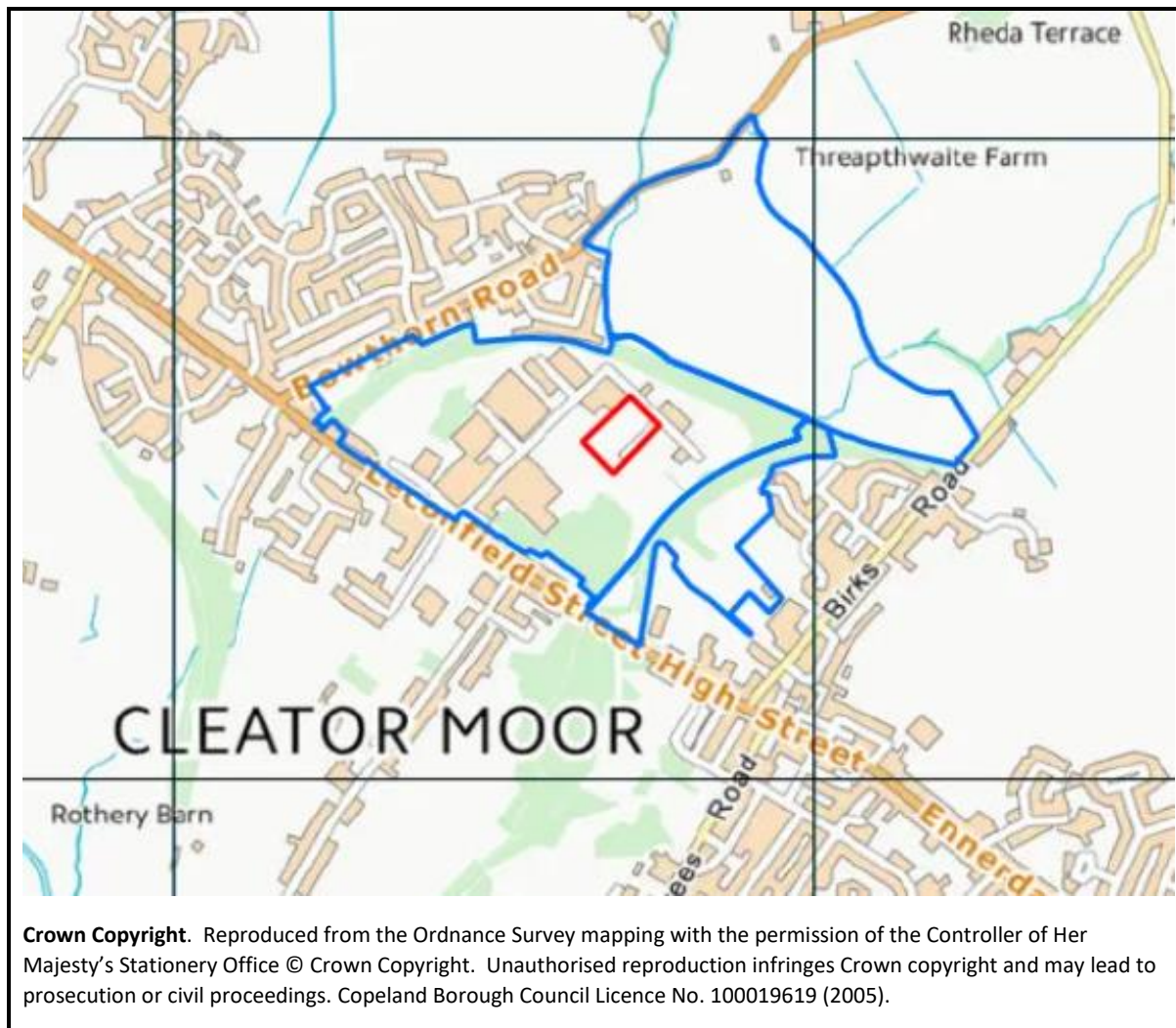


To: PLANNING PANEL

Development Management Section

Date of Meeting: 31/08/2022

Application Number:	4/22/2256/0F1
Application Type:	Full : CBC
Applicant:	ADAPT (Atkins and Doosan Babcock)
Application Address:	19 LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR
Proposal	TEMPORARY CONSTRUCTION, TESTING AND DEMOLITION OF A MOCK CHIMNEY STRUCTURE, ERECTION OF A DEMOLITION PLATFORM AND ASSOCIATED WORKS
Parish:	Cleator Moor
Recommendation Summary:	Approve



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Reason for Determination by Planning Panel

This application is brought for consideration by Members of the Planning Panel as the proposal relates to land which is under the ownership of the Council. This is a requirement of both the Council's Constitution and also under Regulation 3 of the Town and Country Planning General Regulations 1992.

Site and Location

The application site is located within Leconfield, an established industrial estate which is located in Cleator Moor, some 600m to the north-west of the town centre. Accessed via a mini roundabout off the B5295 /Leconfield Street this forms the main part of the southern boundary, with the C2C cycle route forming the boundary to the North. To the west and east the estate is flanked by predominantly residential areas and community uses.

The estate currently accommodates some 20 industrial and warehouse units of varying sizes of standard commercial construction, including brick, profiled metal cladding and prefabricated steel frames, a number of which are vacant. There are also a number of

vacant / cleared plots. This established industrial estate has been in use since the 1940`s and more recently suffered from a period of decline.

The site, the subject of this application, is large and relatively level measuring some 0.7ha. It is centrally located within the industrial estate and is currently vacant and laid to concrete slab. There are two vehicular accesses off the central estate spine road serving the plot. To the northwest it is bounded by existing tenanted industrial workshops with vacant plots to the southeast and west. A childrens nursery and offices are sited opposite (to the northeast) facing the plot across the estate access road.

The Proposal

The proposal involves using Plot 19 for trialling the erection and use of a specialist prototype hydraulic access platform to assist in the decommissioning work on the Sellafield site and specifically in the demolition of the Pile 1 Chimney. This will be for a temporary period of up to 24 months.

The work will involve:

- Erection of a temporary 7.5m tall, 15m diameter concrete replica (mock-up) of the Pile 1 chimney barrel.
- The construction of a foundation
- Erection of a concrete ring as a mock-up/ replica of the existing chimney shape and configuration.
- Erection of a specialist demolition platform (SPIDA), hydraulically operated, which will be delivered to the site in parts to be assembled and trialled in operation on the mock-up of the Chimney. This is the platform that the demolition team will work from when carrying out the demolition of the Pile 1 chimney at Sellafield.
- The trials will include the assembly and commissioning of the SPIDA platform suspended from the mock-up and the demonstration of its operation to Sellafield personnel.
- Work on site will also include concrete cutting operations using low noise diamond-wire saws and a mobile crane for lifting off the cut sections of the mock-up.
- On completion of the trails the mock-up chimney will be demolished back to the existing ground slab and all material recycled.
- Associated development on site will comprise:
 - Erection of a 2.4m high galvanised green v-mesh steel fence around the barrel / chimney mock up.
 - Creation of a parking area adjacent and provision of pedestrian access based on the existing access to the north-east.
 - Use of the secondary access to the north-eastern edge of the plot for delivery wagons / larger vehicular use.
 - Use of the area to the southeast as an equipment laydown area – this will also benefit from 2.4m high galvanised grey steel perimeter security fencing.

Timescale and phasing of the work is estimated as follows:

- a) Construct concrete mock-up – approx. 6 weeks
- b) SPIDA assembly, testing and trialling – 3 to 6 months
- c) Trialling of concrete cutting operations – 3 to 6 months
- d) SPIDA disassembly and removal – approx. 3 months
- e) Site clearance – 4 weeks

Other Key Points

- The hours of operation proposed are 07.00 – 18.30 Monday to Friday and, 08.00 – 16.00 Saturdays if required.
- The site working areas will be safely secured with security fencing at all times to prevent unauthorised access. This fencing will remain in place until the site has been cleared and returned to its original state.
- For the duration of the use of plot 19, welfare facilities will be provided in the Forth Engineering building located adjacent to plot 19.
- All waste materials will be segregated and taken off site for correct disposal, including recycling where possible.

The application is accompanied by the following documents:

- Planning Statement
- Noise Assessment
- Contamination Report
- Ecological Appraisal
- Geo Environmental Desk Study
- Transport Form
- Drainage Details

Consultation Responses

Cleator Moor Town Council

No comments received.

Environment Agency

No objection.

Natural England

No objection.

CCC Highway and Local Lead Flood Authority

No objection subject to appropriate conditions governing surface water discharge and highway works.

Flood and Coastal Defence Engineer

No objections following receipt of additional information relating to surface water drainage.

Environmental Health

No objections subject to a condition requiring the provision of a Construction Environmental Management Plan which will also control any potential for noise/ vibration/dust and light disturbance emanating from the site.

Public Representation

This application has been advertised by way of a site notice and neighbour notification by letter. No comments have been received as a result of this consultation process.

Planning Policy

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

Development Plan

Copeland Local Plan 2013-2028 (adopted December 2013) (CLP):

Core Strategy

- Policy ST1 Strategic Development Principles – sets out the fundamental principles to guide development in the Borough.
- Policy ST2 Spatial Development Strategy - directs development to the most sustainable locations – the main settlements including Cleator Moor which is a key service centre
- Policy ST3 Strategic Development Priorities
- Policy ER4: Land and Premises for Economic Development
- Policy ER5 Improving the Quality of Employment Space
- Policy ER6: Location of Employment – supports employment development in the main settlements
- Policy ENV1 Flood Risk and Risk Management
- Policy ENV3 Biodiversity and Geodiversity
- Policy T1 – Improving Accessible Developments

Development Management

- Policy DM10 Achieving Quality of Place
- Policy DM11 Sustainable Development Standards
- Policy DM22 Accessible Developments
- Policy DM24 Development Proposals and Flood Risk
- Policy DM25 Protecting Nature Conservation Sites, Habitats and Species

- Policy DM26 Landscaping Policy
- Policy DM28 Protection of Trees

Copeland Local Plan 2001-2016 (LP):

Saved Policy EMP1 of the Copeland Local Plan (2001-2016) designates Leconfield Industrial Estate as an employment site where development for employment and industry uses (Class B1 Office and Business, B2 General Industrial and B8 Storage and Distribution Uses) will be permitted.

Emerging Local Plan (ECLP)

The emerging Copeland Local Plan has recently been the subject of a Publication Draft Consultation. The Publication Draft Consultation builds upon the previously completed Issues and Options and Preferred Options consultations. Given the stage of preparation of the Copeland Local Plan 2017-2035 some weight can be attached to policies within the Publication Draft where no objections have been received. The Publication Draft provides an indication of the direction of travel of the emerging planning policies, which themselves have been developed in accordance with the provisions of the National Planning Policy Framework.

The following ECLP policies are relevant to this proposal:

- Strategic Policy DS1PU: Presumption in favour of Sustainable Development
- Strategic Policy DS2PU: Reducing the impacts of development on Climate Change
- Strategic Policy DS6PU: Design and Development Standards
- Strategic Policy DS7PU: Hard and Soft Landscaping
- Strategic Policy DS8PU: Reducing Flood Risk
- Strategic Policy DS9PU: Sustainable Drainage
- Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity
- Strategic Policy E1PU Economic Growth
- Strategic Policy E2PU Location of Employment
- Strategic Policy E4PU of the emerging Copeland Local Plan (2021-2038) allocates Leconfield Industrial Estate and adjacent land to accommodate the Cleator Moor Innovation Quarter business cluster. The primary uses on the Cleator Moor Innovation Quarter development will be limited to Use Class B2, Use Class B8 and Use Class E(g) only.

However, it should be noted that the CLP currently carries the primary weight in relation to decision making.

Other Material Considerations

- National Planning Policy Framework (2021)
- National Planning Policy Guidance
- National Design Guide
- The Conservation of Habitats and Species Regulations 2017 (CHSR).
- Cumbria Development Design Guide (CDDG).

Assessment

The main issues relevant to the determination of this application are the principle of development, drainage, environmental impacts, ecology, transport and trees.

Principle of Development

The principle of development is already established on the application site which, although currently vacant, is an approved plot on a long-established industrial estate. It qualifies as previously developed 'brownfield' land given that it previously accommodated industrial buildings, the footprint of which are evident on site. In this respect the proposal to redevelop a brown field plot within an industrial estate in the centre of Cleator Moor which is designated as a key service centre in the LP is considered to accord with CLP Policies ST1 Strategic Development Principles, ST2 Spatial Development Strategy and ST3 Strategic Development Priorities which seek to ensure development is directed to the most sustainable locations. It also complies with the CLP Employment Policies ER5 and ER6 which support such employment development in key service centres.

Drainage

In terms of drainage details the site is largely covered by an impermeable surface and it is envisaged that there will be no change to the existing in terms of site run-off from rainwater. Water supplies will be provided by bowser and bunds will be used to capture the water during the cutting process and the water pumped into 'SiltBusters' and storage tanks for disposal at approved locations off-site in line with recognised procedures approved by the Environment Agency.

Our Coastal and Flood Defence Engineer is satisfied that following the provision of additional information subsequent to the above that the development will not create any additional surface water run-off and that any water used for cooling the diamond wire cutting will be collected and disposed of via licenced means. The Environment Agency also raise no issues and similarly the LLFA subject to surface water drainage conditions to protect the adjacent highway. In this respect the proposal is in compliance with CLP Policies ENV1 and DM24.

Environmental Impacts - Noise/ vibration/ dust/ lighting

This is one of the key issues arising from this proposal. A noise assessment has been submitted with the application which informs of the likely noise levels.

In terms of noise generation, the applicant assures that noise is to be kept to a minimum so as not to cause distress to local building tenants or residents. In particular electrical power requirements for the trialling and construction operations will be provided through the use of hushed generators. They also confirm that generators will not be required at night and will only be used during the hours of operation.

As construction and demolition works will be undertaken out in the open and there is the presence of a children`s nursery directly opposite as well as other offices/ light industry in the vicinity on the estate there is the potential for noise/ vibration and dust disturbance and light pollution to arise.

The Environmental Health Officer raises no objections to the proposal and accepts the site is on a working industrial estate where some noise has to be expected. However, he is aware of the potential for noise/ vibration /dust and lighting disturbance from the works and requests in respect of noise that the proposed hours of operation be amended to include the implementation of a 2 hours on/off daily working regime where noisy / percussive works are being carried out which are likely to seriously impact other neighbouring premises (in particular the nursery) and the noise dose of on-site staff. He advises there is no need for a separate noise condition and that this and the other issues can be adequately addressed by the implementation of a Site-Specific Construction Environmental Management Plan for the development governed by an appropriate planning condition.

Ecology

The application is supported by an Ecological Appraisal. This has identified that the margins/ periphery of the site supports a variety of species and habitats that require protection.

In particular there are areas of grassland and scrub on the periphery/ margins of the site that may contain suitable habitats for a range of species including invertebrates such as palmate newts, smooth newts and common frogs and toads. It is important that these areas are protected from disturbance such as materials storage and compaction by Heras fencing or similar.

As regards bats the proposed plan for the site indicates that the majority of habitats with value for bats will not be impacted by the development. However, commuting and foraging bats in the area are highly sensitive to light spill and light pollution, so a suitable and sensitive lighting strategy is advised.

The site is also considered unlikely to support hibernating reptiles but might provide suitability for foraging and basking reptiles during the reptile active season so reasonable avoidance measures (RAMS) as detailed in the appraisal are advised.

Parts of the habitat onsite and within the surrounding area appear suitable for badgers and it is recommended that a pre-works badger survey of the proposed development area is undertaken at least three months prior to work.

In terms of nesting birds- the site is suitable for oyster catchers. It is suggested that works commence in the winter period (October – February), outside the bird nesting period, as this will avoid potential delays and disruption to the works due to nesting birds.

In view of the above and the range of measures advised to protect these habitats and species it is recommended that all of the mitigation measures set out in the appraisal are complied with which can adequately be controlled by an appropriate condition. These measures will protect and enhance the site's ecological interests and are considered acceptable in line with Policy ENV3 and DM25 of the CLP.

Transport

It is anticipated that the development will have minimal impact on the existing highway network. The site is within a current industrial estate which by its nature already receives regular visits by commercial vehicles and the increase on transport for this development is considered overall to be minimal.

The Transport Form submitted with the application informs that only a small number of operatives will be working on the site daily which will involve only some 8 traffic movements. However, this is expected to peak to 18-20 per day to account for deliveries of concrete over a period of 2 days. Freight movement however will be kept to a minimum to reduce travel to and from the site; this is expected to be circa 1 per day which will not be every day (with the exception of the concrete pour for 2 days).

The Highway Authority have raised no objection to the proposal subject to appropriate conditions covering highway drainage and safety. The proposal is considered to accord with the requirements of CLP Policies T1 and DM22 which set out the strategic principles for improving transport and requires development to be accessible to all users.

Trees

There are no trees affected by this development as this is essentially a cleared site. Whilst there are four ash trees growing on the grassed verge adjacent to the existing central access these will remain and the Consultant Arborist advises that these are, in any case, poor quality and should not constrain the development of the site. This aligns with CLP policies DM26 and DM28 regarding landscaping and protection of trees on the site.

Planning Balance and Conclusion

This application proposes the temporary use of a large vacant brownfield plot on the existing Leconfield Industrial Estate for an innovative project related to the nuclear sector – the trialling of a 'Spida' hydraulic access platform on a mock up 'Pile 1' Chimney.

The principle of development is accepted as the site is an allocated employment site in the key service centre of Cleator Moor and has previously been used for industrial/employment purposes. There are no issues in relation to drainage as it has been demonstrated that surface water will not increase as a result of the development and the risk of flooding as a result is minimal.

Whilst there will inevitably be some impacts arising from the industrial activities to be carried out on the site particularly in terms of noise, dust etc. it has been demonstrated that these can be adequately controlled by appropriate mitigation in the form of a CEMP.

It has been identified that the periphery of the site does have some ecological value as a habitat and for foraging purposes for a variety of species. The mitigation proposed will

ensure these areas are protected during construction and operation. There are no issues in relation to trees and transport can be addressed via conditions.

Taking this and the above into account, it is considered that the proposed development is compliant with the Local Plan and national guidance, and particularly the overarching objective of the NPPF to deliver sustainable development. On balance that the proposed development will not raise any adverse material planning issues that will cause any demonstrable harm and outweigh the benefits of the proposal. It is hoped that this innovative industrial project will act as a catalyst and help facilitate the wider redevelopment of Leconfield Industrial Estate and ultimately the delivery of the Cleator Moor Innovation Quarter and the regeneration of Cleator Moor.

Recommendation:-

Approve subject to the following conditions:

Conditions

Temporary Permission

1. The use hereby permitted shall be for a limited period of 2 years (24 months) from the date of this decision. At the end of this period the use shall cease, all materials and equipment brought onto the land in connection with the use shall be removed and the land restored in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority.

Reason

The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.

Plans and Documents

2. 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: -

Documents

Planning Statement by Adapt, ref. PP-11217456, dated 25 May 2022.

Ecological Appraisal, by Tetra Tech Ltd, ref. 784-B038542, dated 6 May 2022.

Geo-Environmental Desk Study, by Tetra Tech Ltd, ref. B038542, Version 1, May 2022.

Transport Form, by Paul Terry, Adapt, ref. PP-11217456, dated 24.05.2022.

Leconfield Noise Assessment Note for the Record, by Adapt, ref. DDP00571-LOT1-ADAPTCTM13540-4510446080-PILE 1 BARREL SPIDA MANUFACTURE, dated 23.05.2022.

Plans

Site Location Plan, ref. Figure1_SiteLoc_Planning_20220226_A, dated 26 May 2022.

Site Location Plan, ref. Figure1_SiteLoc_Planning_20220226_B, dated 26 May 2022.

Site/Block Plan, ref. 5164448-ADT-XX-XX-DDRW-C-000001 -Rev A, scale 1:500.

Plan and Elevation, ref. 5164448-ADT-XX-XX-DDRW-C-000002 – Mod P1.

Topographical Survey, scale 1:200, WYG_007_A - Sheet 7 of 9.

Manhole Record Card, by Environmental Drainage Solutions Ltd, ref. JS7959 LECONFIELD SW MH CARDS, dated 26.10.2021.

Manhole Record Card, by Environmental Drainage Solutions Ltd, ref. JS7959 LECONFIELD FOUL MH CARDS, dated 26.10.2021.

Reason

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

Highways

3. Access gates, if provided, shall be hung to open inwards only away from the highway.

Reason

In the interests of highway safety.

4. Before development commences details of all measures to be taken to prevent surface water and construction water discharging onto or off the highway shall be submitted in writing to and approved by the Local Planning Authority. Any approved works shall be implemented prior to the development being completed and shall be maintained operational thereafter.

Reason

In the interests of highway safety and environmental management.

5. Before development commences the highway drain shall be protected at all access points within the site in accordance with details which shall be submitted in writing to the Local Planning Authority for approval. The works to protect the drain shall be in accordance with a specification approved by the Local Planning Authority.

Reason

In the interests of highway safety and environmental protection.

Environmental Impacts

6. Development shall not commence until a site-specific Construction Environmental Management Plan has been submitted to and approved in writing by the Council. The plan shall demonstrate the adoption and use of best practicable means to reduce the effects of noise, vibration, dust and site lighting the details and scope of which shall be agreed.

Reason

In the interests of the amenities of surrounding occupiers during the operation of the development.

Ecology

7. The development shall implement all of the recommendations and mitigation measures set out in the Ecological Appraisal reference 784-B038542, prepared by Tetra Tech, dated 6 May 2022, and submitted as part of the planning application.

Reasons

To protect the ecological interests evident on the site.

Informative – Coal

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received, and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development as set out in the National Planning Policy Framework.