

TOWN AND COUNTRY PLANNING ACT 1990 (AS AMENDED) – SECTION 73

NOTICE OF GRANT OF PLANNING PERMISSION

Avison Young  
Central Square South  
Orchard Street  
Newcastle  
NE1 3AZ  
FAO: Mr Christopher Johnson

**APPLICATION No: 4/22/2394/0B1**

**VARIATION OF CONDITION 5 (TREE PROTECTION MEASURES) OF PLANNING APPLICATION 4/22/2161/0F1 - USE OF LAND AS STORAGE & DISTRIBUTION CENTRE (CLASS B8) FOR BOTTLED GAS TOGETHER WITH THE SITING OF TWO SINGLE STOREY PREFABRICATED CABINS FOR ADMINISTRATIVE USE  
LAND AT LECONFIELD INDUSTRIAL ESTATE, CLEATOR MOOR**

**Copeland Borough Council**

The above application dated 28/09/2022 has been considered by the Council in pursuance of its powers under the above mentioned Act and PLANNING PERMISSION HAS BEEN GRANTED subject to the following conditions:

**Conditions**

1. -
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

Design and Access Statement, by NORR, March 2022, ref. BOC D&A\_08-03-22.  
Planning Statement by Avison Young, dated March 2022.  
Arboricultural Impact Assessment, Report, by Barnes Associates Ltd, BA11303\_R  
CMIQ\_BOC Yard Leconfield industrial estate D, dated 26/09/2022.

Ecological Appraisal, by Tetra Tech, ref. B034202 CMIQ BOC Yard Summary Report V2 FINAL, dated March 2022.

### Plans and Drawings

Arboricultural Impact Assessment, by Barnes Associates Ltd. BA11303BY\_P CMIQ\_BOC Yard Leconfield Industrial Estate BOC Yard\_AIA\_G, dated 06/09/2022.

Tree Protection Plan by Barnes Associates Ltd, BA11303BY\_P CMIQ\_BOC Yard Leconfield Industrial Estate BOC Yard\_G-TPP, dated 06/09/2022.

Site- Proposed Landscape, by One-Environment, drawing no. N1045-ONE-ZZ-XX-DR-L-0201-P02\_PlantingPlan, scale 1:200, dated 2/03/2022.

Externals Plan, by bgp, drawing no. CMIQ-BGP-04-XX-DR-C-90.4-04110\_P01, scale 1:250, dated March 2022.

Drainage Plan, by bgp, drawing no. CMIQ-BGP-04-XX-DR-C-52.04130\_P02, scale 1:500, dated January 2022

Flood Exceedance Flow Path, by bgp, drawing no. CMIQ-BGP-04-XX-DR-C-52-04102\_P02, scale 1:1000, dated January 2022.

Impermeable Areas Plan, by bgp, drawing no. CMIQ-BGP-04-XX-DR-C-52-04101\_P02, scale 1:500, dated January 2022.

Elevation Layout,(portacabin), by Elliott, drawing no. C0109A-CA25 Cleator Moor - Elevation Layout Rev D. scale 1:50, dated 17.01.2022.

Consultants Coal Mining Report, by Wyg, Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part9

Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part8

Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part7

Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part6

Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part5

Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part4

Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part3

Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part2

Geo Environmental Desk Top Study, Appendix 1 - A114312 WYG Leconfield Industrial Estate DTS Report December 2019\_Part1

WYG Phase 2 site wide\_Part14

WYG Phase 2 site wide\_Part13

WYG Phase 2 site wide\_Part12

WYG Phase 2 site wide\_Part11

WYG Phase 2 site wide\_Part10  
WYG Phase 2 site wide\_Part9  
WYG Phase 2 site wide\_Part8  
WYG Phase 2 site wide\_Part7  
WYG Phase 2 site wide\_Part6  
WYG Phase 2 site wide\_Part5  
WYG Phase 2 site wide\_Part4  
WYG Phase 2 site wide\_Part3  
WYG Phase 2 site wide\_Part2  
WYG Phase 2 site wide\_Part1  
Unit drawings, by Elliott, 0711 32 x 10 Canteen Toilet, Rev A, scale 1:25.  
Unit drawings, by Elliott, 0711 32 x 10 2 office, scale 1:25  
Tank technical drawing  
Draft Phase 2: Site Investigation Site A, Leconfield Industrial Estate, Cleator Moor S220141, Solmek Ltd.  
Plot Plan BOC SELLAFIELD-Model  
Relocation Plan CMIQ-NOR-BOC-00-DR-A-90004 - RELOCATION PLAN\_P06, dated 21/12/2021  
Proposed Plan, CMIQ-NOR-BOC-00-DR-A-90002 - SITE - PROPOSED PLAN\_P07, dated 21/12/2021  
Existing Plan, CMIQ-NOR-BOC-00-DR-A-90001 - SITE - EXISTING PLAN\_P06, dated 21/12/2021  
Location Plan, CMIQ-NOR-BOC-00-DR-A-90000 - SITE - LOCATION PLAN\_P06, dated 21/12/2021  
SUDS Management Plan, CMIQ-BGP-04-XX-RP-C-SMP004\_002, dated 4/03/2022  
Flood Risk Assessment, CMIQ-BGP-04-XX-RP-C-FRA004\_002, dated 4/03/2022  
Drainage Philosophy, CMIQ-BGP-04-XX-RP-C-DP004\_002, dated 4/03/2022)

#### 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.

3. The development hereby approved shall be carried out in accordance with the highway design and drainage details required by condition 3 (above) of 4/22/2161/OF1 which have been approved and discharged via application ref 4/22/2385/DOC, itemised as follows:
  - CMIQ-BGP-04-XX-DR-C-52-04137\_P02 - Petrol Interceptor Details
  - CMIQ-BGP-04-XX-DR-C-52-04150\_P02 - Section through Nor Beck Culvert
  - CMIQ-BGP-04-XX-DR-C-90.4-04110\_P04 - Externals Plan
  - CMIQ-BGP-04-XX-DR-C-90.4-04111\_P02 - White Lining Plan

- CMIQ-BGP-04-XX-DR-C-90.4-04112\_P02 - Highway Longsections
- CMIQ-BGP-04-XX-DR-C-90.4-04115\_P02 - BOC - External Works Details
- CMIQ-BGP-04-XX-DR-C-90.4-04116\_P02 - BOC - External Works Details Sheet 2 of 2
- CMIQ-BGP-04-XX-DR-C-90.4-04120\_P02 - Externals Bottle Store Slab

Development shall be carried out in accordance with the approved details and maintained as such thereafter.

#### Reason

To ensure a minimum standard of construction in the interests of highway safety.

4. The development hereby approved shall be implemented in accordance with the requirements of the approved `Construction Traffic Management Plan` by Warden Construction Limited, dated August 2022 (including the General Arrangement Plan ref. CMIQ-NOR-BOC-00-DR-A-90002\_SITE - PROPOSED PLAN P08) submitted to comply with the above condition 4 of planning permission 4/22/2161/0F1 and discharged via application reference 4/22/2385/DOC for the duration of construction.

#### Reason

To ensure the undertaking of the development does not adversely impact upon the fabric or operation of the local highway network and in the interests of highway and pedestrian safe.

5. Before development commences all of the tree protection measures detailed in the: following report and plans shall be implemented in full and shall remain for the duration of construction until the development is complete:

- Arboricultural Impact Assessment, Report, by Barnes Associates Ltd, BA11303\_R CMIQ\_BOC Yard Leconfield industrial estate D, dated 26/09/2022.
- Arboricultural Impact Assessment, by Barnes Associates Ltd. BA11303BY\_P CMIQ\_BOC Yard Leconfield Industrial Estate BOC Yard\_AIA\_G, dated 06/09/2022.
- Tree Protection Plan by Barnes Associates Ltd, BA11303BY\_P CMIQ\_BOC Yard Leconfield Industrial Estate BOC Yard\_G-TPP, dated 06/09/2022.

#### Reason

To ensure all the remaining trees are adequately protected during construction

6. The development site shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason

To ensure a suitable standard of vehicular access in the interests of highway safety.

7. The development shall implement all of the landscaping proposals set out in the Site-Proposed Landscape, by One-Environment, drawing no. N1045-ONE-ZZ-XX-DR-L-0201-P02\_PlantingPlan, scale 1:200, dated 2/03/2022.

Reason

To ensure an adequate landscaping scheme is provided in the interests of general amenity.

8. The development shall implement all of the recommendations set out in the Ecological Appraisal by Tetra Tech, dated March 2022, and submitted as part of the planning application.

Reasons

To protect the ecological interests evident on the site.

9. Prior to occupation the drainage for the development hereby approved, shall be carried out in accordance with the principles set out in the submitted Foul & Surface Water Drainage Design Drawing CMIQ-BGP-04-XX-DR-C-52-04130, Rev P02, dated 04.03.2022. For the avoidance of doubt no surface water will be permitted to drain directly or indirectly into the public sewer. The drainage schemes shall be completed in accordance with the approved details and retained thereafter for the lifetime of the development.

Reason

To ensure a satisfactory form of development and to prevent an undue increase in surface water run-off and to reduce the risk of flooding.

10. The development shall be implemented in compliance with the approved SuDs Management Plan ref. CMIQ-BGP-04-XX-RP-C-SMP004 - 21T2034 – Cleator Moor Innovation Quarter - BOC Yard, submitted to satisfy the requirements of condition 10 (above) of 4/22/2161/0F1 and discharged via application ref. 4/22/2385/DOC.

#### Reason

To ensure that management arrangements are in place for the sustainable drainage system in order to manage the risk of flooding and pollution during the lifetime of the development.

11. In the event that contamination on the site is found, no development other than that required to be carried out as part of an approved scheme of remediation shall take place until the approved remediation scheme has been carried out in accordance with its terms. The Local Planning Authority must be given two weeks written notice of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced and be approved in writing by the Local Planning Authority.

#### Reason

To ensure that risks from land contamination both during the construction phase and to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Artificial lighting to the development must conform to requirements to meet the Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E2 within the Institute of Light Engineers Guidance Notes for the Reduction of Obtrusive Lighting GN01 dated 2005.

#### Reason

To safeguard the amenities of nearby residential occupiers.

### **Informative Notes**

#### **Environment Agency – Environmental Permitting**

The Environmental Permitting (England and Wales) Regulations 2016 require a permit or exemption to be obtained for any activities which will take place:

- on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal)

- involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert
- in a floodplain more than 8 metres from the river bank, culvert or flood defence structure (16 metres if it's a tidal main river) and you don't already have planning permission

For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits> or contact our National Customer Contact Centre on 03708 506 506 (Monday to Friday, 8am to 6pm) or by emailing [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk). The applicant/developer should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

### **HSE – Hazardous Substances Consent**

As this proposal involves the storage of LPG and nitrogen tanks that an application for Hazardous Substances Consent may be required by yourselves. Further information and guidance is available HSE: Land use planning - Hazardous substances consent

### **Highways – Access Gates**

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

### **Coal mining**

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](http://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

Please read the accompanying notice

15<sup>th</sup> December 2022

A handwritten signature in black ink, appearing to read "N. S. Hayhurst". The signature is fluid and cursive, with a prominent loop at the end.

Nick Hayhurst  
Head of Planning and Place



**APPROVALS**  
**(OUTLINE, FULL RESERVED MATTERS & HOUSEHOLDER)**

TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (ENGLAND)  
ORDER 2015

PART 2

TOWN AND COUNTRY PLANNING ACT 1990

**Appeals to the Secretary of State**

- If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.
- If you want to appeal against your local planning authority's decision then you must do so within 6 months of the date of this notice.
- Appeals can be made online at: <https://www.gov.uk/planning-inspectorate>.  
If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.
- The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. [Further details are on GOV.UK](#).

**Purchase Notices**

- If either the Local Planning Authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part V1 of the Town and Country Planning Act 1990.