



COPELAND BOROUGH COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/22/2473/OF1
2.	Proposed Development:	RETENTION OF A TEMPORARY WELFARE/OFFICE BUILDING AND ERECTION OF AN ADDITIONAL MODULAR BUILDING FOR A TEMPORARY PERIOD UNTIL 2032
3.	Location:	SELLAFIELD, SEASCALE
4.	Parish:	Ponsonby, Seascale, Beckermeth with Thornhill
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Flood Area - Flood Zone 2, Flood Area - Flood Zone 3,</p> <p>Safeguard Zone - Safeguard Zone,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>Key Species - Known Sites for Natterjack Toads, Key Species - Potential areas for Natterjack Toads,</p> <p>Gas Pipeline - Northern Gas Pipeline - 135m buffer,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Preferred Route Corridor - Within Preferred Route Corridor,</p> <p>Outer Consultation Zone - Sellafield 10KM</p>
6.	Publicity Representations &Policy	See report
7.	Report:	<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 within the north-eastern quadrant of the Sellafield site known as Fellside,</p>

adjacent to Calder Gate which is part of the operational Sellafield site. It will be accessed via the existing road serving Spoil Mound D1 and there is an existing dedicated car park located in front of the facility.

Proposal

Background

Full planning permission is sought for the retention of a temporary welfare/office building and the erection of an additional smaller temporary modular building alongside, on the approach road to the Spoil Mound Area D1, adjacent to the CHP Plant. It was originally erected as accommodation for support staff in association with the building of the New Steam Generation Plant under permitted development rights. As this project has now been cancelled and the CHP plant is expected to continue functioning, albeit at a reduced capacity, until 2030, it is proposed that the facility be retained and used instead for CHP operational staff. It transpires that CHP staff need to be relocated out of their current facilities for safety reasons and reusing this facility seems to present an ideal sustainable solution.

The new modular building is required to serve as a mess area for subcontractors.

It is the intention when the CHP reaches the end of its operating life it will be decommissioned and the set of temporary modular buildings, which are the subject of this planning application, will be demolished. Hence only a temporary period until the end of 2032 is being sought.

Parking will be as existing which comprises 41 space car park immediately adjacent to the existing facility and the car park currently serving the sub-contractors a short walk away at Fellside.

Need for the Facility

The electricity and steam requirements for the Sellafield site are provided by the Combined Heat and Power Plant (CHP) which is operated and maintained by a specialist contractor who needs ready access at all times. It should be noted that the Fellside area of the site is managed separately from the Sellafield Site. As such CHP staff do not have ready access to the main site and thus need welfare accommodation immediately adjacent. The former CHP welfare/ office building is ideal for this purpose.

Building Details

The existing welfare/office building has a footprint of approximately 24.1m x 12.2m x 6.5m in height (2 storeys). This will provide 25 - 35 personnel with changerooms, toilets, a mess area, an open plan office space and meeting rooms plus space for additional personnel to use the building as a shelter in the event of an emergency.

The proposed new modular building which will be sited alongside to the south will measure 6.8m x 9.8m x 7.0m in height and will also be 2 storeys. It will be sited on the existing compacted hardcore. This will accommodate some 36 subcontractors who currently use 4 x 4 stacked cabins located in a small car park opposite the Fellside Lodge which are falling into disrepair. The new facility will provide mess rooms, a locker room and a drying room. The old cabins opposite the Fellside Lodge

will be removed once the new cabin building has been built.

In terms of appearance, the new building will be of standard modular construction which will complement the existing facility and be light grey with dark grey doors and corners. No new external lighting is proposed.

As regards landscaping most of the site comprises compacted hard standing. No soft landscaping is proposed due to the industrial nature of the site. Some tree planting will be carried out adjacent to the site to strengthen the existing screening between the car park and Calder Road.

Consultation Responses

Ponsonby Parish Council

Raised an initial objection regarding safety management on the CHP site, including the location of the CHP workforce and potential impact on neighbours. Consider a review should be carried out particularly as Sellafield is now an upper tier COMAH site. They accept the need to relocate workforce facilities for safety reasons and reuse existing facilities rather than build new but requested further information on this issue and SL's commitment to a timescale for review of the matter. They also query why additional new mess facilities need be constructed as well and feel further justification of the need to construct a new cabin should be provided (i.e. can the workforce be accommodated adequately within the existing envelope).

Ponsonby PC have confirmed that the response below addresses their concerns but advise that this information would have been helpful had it been included in the original application.

Sellafield Ltd's Response to Ponsonby Parish Council

In response, SL Ltd wish to offer reassurances regarding the application. They confirm that all the assessments required under the COMAH regulations were undertaken prior to the change to the storage of fuel oil. Due to the decreased volume and the provision of new tanks, the hazard was reduced significantly. The change to fuel oil storage arrangements is completely unrelated to this application. The issue with the emergency arrangements for the workforce at CHP/ Fellside was introduced when the main Sellafield site altered its arrangements for its response to a chemical emergency and required Fellside to follow suit which it is unable to do without the provision of an indoor shelter which is located at a safe distance from the plant.

Whilst the emergency assembly point in the car park is not ideal, it was not wholly unacceptable until a suitable alternative option could be found. As the welfare/office building (which is the subject of this application) has been vacated by the New Steam Generation Project (NSGP), its availability has changed the balance of the argument as to what is "reasonably practicable" (in accordance with Section 2 of the Health and Safety at Work etc. Act 1974). Therefore, as it is now reasonably practicable to reduce risks further by moving the emergency assembly point to a better location, then we are duty bound to use this opportunity.

COMAH places a requirement for continual improvement and searching for opportunities to reduce

risks to levels that are as low as is reasonably practicable, balancing time, cost and effort versus the improvements delivered in risk reduction terms. The fact that the welfare/office building is now available provides an opportunity to make a reasonably practicable improvement.

The requirement for an indoor shelter is driven by Sellafield Ltd aligning the response to a radiological and chemical event to a single alarm and response and is not as a result of the COMAH tier change. The hazards have not changed but there is now a requirement to shelter indoors for a chemical emergency no matter what the nature of it is. Hence, we have updated our emergency arrangements at Fellside/CHP accordingly.

This application seeks to improve the safety of the arrangements for the Fellside workforce. It should not be inferred that there are any deficiencies in the arrangements which would have an impact on our neighbouring Parish residents.

Since becoming an upper tier COMAH site, Sellafield Ltd has implemented a site-wide assurance programme. The Fellside/CHP site has been reviewed twice and will be revisited again in 2023 as part of the assurance programme. These reviews also include regular reviews of the Major Accident Hazard and Major Accident to the Environment assessments. The Office for Nuclear Regulation (ONR) actively regulates and monitors Sellafield Ltd's operations and would take the necessary actions if any operations were considered to be unsafe.

SL Ltd therefore consider that a review of the management of safety at CHP is not required and that in accordance with Paragraph 183 of the National Planning Policy Framework¹ should not be a condition of the planning approval.

The welfare/office building that has recently become available is not large enough to accommodate all of the personnel that need to work on the Fellside/CHP site and be accommodated in the unlikely event of an emergency situation. Therefore, another small cabin is needed.

Gosforth Parish Council – no objections, consider it would have no impact on the residents of Gosforth Parish.

Beckermeth with Thornhill Parish Council

no objections.

Cumbria County Council Resilience Unit

no objections.

ONR

does not advise against this development.

Planning Policy

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

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

Emerging Copeland Local Plan (ECLP)

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been submitted for examination by the Planning Inspector. As set out at Paragraph 48 of the National Planning Policy Framework (NPPF), Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan; the extent to which objections to relevant policies have been resolved; and the degree to which emerging policies are consistent with the NPPF. Given the stage of preparation of the emerging Copeland Local Plan 2017-2038 some weight can be attached to policies where no objections have been received or objections have been resolved. The Publication Draft (January 2022) and Addendum (July 2022) 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 NPPF.

However as there have been objections to the nuclear policies these cannot be considered to currently carry any weight in decision making.

The CLP currently carries the primary weight in relation to decision making.

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 DS8PU: Reducing Flood Risk

Strategic Policy DS9PU: Sustainable Drainage

Strategic Policy NU1PU Supporting Development of the Nuclear Sector

Strategic Policy NU4PU Nuclear Development at Sellafield

Other Material Considerations

National Planning Policy Framework (2021)

National Planning Policy Guidance

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

The Conservation of Habitats and Species Regulations 2017 (CHSR).

Assessment

Principle of development

Although the site is outside the Sellafield licensed boundary it is within the existing operational site and is brownfield forming part of the existing industrial complex. As such the principle of development is accepted.

The proposal is considered to conform with relevant policies as set out in the Copeland Local Plan 2013-2028. It meets environmental sustainability requirements as set out in ST1 B iv) by re-using previously developed land. It is not in a flood risk area and therefore meets the requirements in Policy ENV1. It also aligns with nuclear Policies ER1 and DM 5.

As regards the emerging Copeland Local Plan, whilst the proposal is considered to conform to the relevant policies there are objections to the nuclear policies and as such these currently are considered to carry little weight in the assessment and decision-making process. Strategic Policy DS2PU, however, supports the proposal and encourages the reuse and refurbishment of the existing building stock and previously developed land. Also, Policy DS6PU which requires development to make effective use of land.

Design

The existing and proposed buildings are standard fit-for-purpose modular cabins. The colour scheme of matt light and dark grey is compliant with the colour scheme for the Sellafield site and raises no issues furthermore it will blend into the industrial nature and setting of the Fellside site.

Given the predominantly industrial location and setting, it is not anticipated that the retention of the existing building and the proposed new modular building would result in any significant negative landscape or visual impact. It is proposed that additional tree planting will take place adjacent to the boundary to strengthen screening, along the south side of the car park.

Traffic

Construction

It is estimated that the erection of the new modular building should take approximately three weeks during which time there will be approximately five HGV deliveries, and one crane will be used. Less than 10 people will work on the construction and they will travel to/from the site in a minimal number of vans.

Operational

The majority of routine vehicle movements to the development site, including personnel and deliveries, will be made via the B5344, U4465 and Area D1 access roads. There should be no change in the number and type of vehicle movements as a consequence of this development because the personnel will be relocating from existing cabins on the Fellside site and no additional materials/equipment deliveries are anticipated.

There should be minimal impact on the local road network during the construction and operational phases of the development due to the small-scale nature of the development, particularly as it connects into the Fellside site via an internal road which is not part of the adopted highway and is part of the operational Sellafeld site.

Ecology

In support of this proposal, an ecological walk over was undertaken by a Sellafeld Ltd Environmental Advisor, to assess if there are any potential ecological impacts from the proposed development.

The wider development site comprises a fenced compound engineered car park and other hard standing.

The location identified for placement of the new modular building does not displace any habitat, but being located on hard standing, there is potential for ground nesting birds to utilise the area. Similarly, nesting birds could occupy the immature hedgerow and could be vulnerable to disturbance during the construction works.

If the works were to occur between August and February inclusive it is considered that there would be negligible ecological risk. The months of March through to July inclusive are considered bird nesting season, so a pre-works walk down by an ecologically competent person is recommended if the construction works are to be undertaken at this time to ensure there is no risk of disturbance to nesting birds and they will advise on mitigations accordingly.

Impact on Neighbours

There are no nearby residential properties likely to be affected by the proposal the nearest being situated the other side of Spoil Mound D1 some 100 m distant.

	<p>Planning Balance and Conclusion</p> <p>Taking account of the above, it has been demonstrated that the proposal to reuse an existing 2 storey contractors building and erect a smaller additional facility alongside to accommodate CHP staff for a temporary period until 2032, raises no adverse material planning impacts.</p> <p>The principle and form of development is therefore considered acceptable and compliant with Copeland Local Plan core and nuclear policies ST1, ST2, ER1 and DM5 As well as national planning policy and guidance.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <p>Reason</p> <p>To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p> <p>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: -</p> <p>Location Plan, drawing no. 1 BE 3108828 A, scale 1:5000 Block Plan, drawing no. 1 BE 3108829 A, scale 1:500. Covering letter, from Martin Chown, Chief Executive Officer, Sellafield Ltd, dated 5 December 2022. Planning Design and Access Statement, by Sellafield Ltd, ref. PLC_BCC_2098 Revision: 1 dated: 05/12/2022 Elevations, drawing no. S160388-301C, scale 1:100. First Floor Plan, drawing no. S160388-102D, scale 1:50. Ground Floor Plan, drawing no. S160388-101F, scale 1:50 Ultima Modular Building, drawing no. HD12889_01 2 on 2 UK 093, scale 1:50 & 1:100</p> <p>Reason</p> <p>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.</p>

	<p>3. This permission shall expire on 31 December 2032. The portacabins shall be removed from the site on or before this date and the land restored to its former condition.</p> <p>Reason</p> <p>The use hereby approved is not considered suitable as a permanent form of development in order to safeguard the amenities of the locality.</p> <p>Statement</p> <p>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.</p>	
<p>Case Officer: H.S. Morrison</p>		<p>Date : 09/02/2023</p>
<p>Authorising Officer: N.J. Hayhurst</p>		<p>Date : 09/02/2023</p>
<p>Dedicated responses to:- N/A</p>		