

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/23/2301/0F1	
2.	Proposed Development:	PRIOR NOTIFICATION OF PROPOSED DEMOLITION OF FARMHOUSE AND ATTACHED BARN; OLD STONE BARN AND ATTACHED COTTAGE; CUBICLE SHED; SILAGE BARN; PORTAL STORE	
3.	Location:	MID TARN FARM, SEASCALE	
4.	Parish:	Beckermest with Thornhill	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Off Coalfield - Data Subject To Change, Key Species - Potential areas for Natterjack Toads, DEPZ Zone - DEPZ Zone, Preferred Route Corridor - Within Preferred Route Corridor, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter	No
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report

7.

Report:

Site and Location

This application relates to Mid Tarn Farm, located to the north west of Seascale and to the west of Sellafield. The property comprises of a main farmhouse and attached barn, old stone barn and attached cottage, cubicle shed, silage barn, and portal store.

The site is access via an unnamed road that adjoins Sellafield Main Gate to the A595, and is located within open countryside.

Relevant Planning History

No relevant planning history.

Proposal

This application gives prior notification of the demolition of the farmhouse and attached barn, old stone barn and attached cottage, cubicle shed, silage barn, and portal store. A structural assessment has been submitted in support of the application which concludes that the buildings forming the farm are generally in a poor condition, unused or derelict. The old stone barn and attached cottage are structurally inadequate and require demolition as soon as possible. The various concrete and steel framed barns are of no use and require removal. The assessment concludes that the main farmhouse is in need of total refurbishment and modernisation, therefore it would be more cost effective to demolish this building.

In terms of method of demolition, it is proposed that residual parts of the building will be taken down by mechanical means and loaded into wagons or equivalent for removal from the site. Best practice methods will be followed with regards to noise, dust control, etc. All waste from the site will be removed and recycled wherever possible. Road sweeping will be carried out on a reactive basis where required. The buildings and all external infrastructure will be demolished with all floor slabs and footings down to a minimum of 300mm below ground level. All drainage and ancillary items to include any septic tanks will be pumped out excavated and removed. The site will then be graded with existing topography and seeded.

Consultation Responses

Subject to Part 11 Class B paragraph (b)(v) of the Town and County Planning (General Permitted Development) Order 2015, the applicant must display a site notice on or near the land on which the building to be demolished is sited, and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority. The applicant has confirmed that this site notice has been erected. No comment have been received in relation to this



Cumberland Council

notification period.

Beckermeth with Thornhill Parish Council

No comments/observations.

Cumberland Council – Environmental Health

The Environmental Health team have no objections to this proposal, subject to the following comments.

Mid Tarn Farm appears on an OS Map of 1860, adjacent to the wooded area marked as Sellafeld Tarn.

Sellafeld Tarn has been designated as a Non-Statutory County Wildlife Site, “identified and selected locally for their nature conservation value based on important, distinctive and threatened habitats and species...”

A public right of way runs east adjacent to the farm and through the northern end of the farm.

Suitable care should therefore be taken by workers undertaking the demolition.

The age and construction of the property should lend itself to straightforward demolition, notwithstanding the asbestos survey, and footings of the buildings are likely to be shallow. A level of at least 300mm clean soil cover, and up to 600mm clean soil cover, should suffice on the footprints of the buildings, depending on any evidence of ground contamination and the future end use of the plot.

If the plot is to be left vacant and disused, a shallower 300mm clean soil cover is adequate.

The foul drainage arrangement of the farm house is unknown, though likely to be a septic tank / cess tank in the grassed area immediately east of the farm house.

Its outlet is also unknown; it may have outlet to Sellafeld Tarn.

This should be confirmed prior to any demolition works commencing.

The decommissioning of a small sewage treatment tank is regulated by Rule 14 of the General Binding Rules, see the attached web link:

<https://www.gov.uk/guidance/general-binding-rules-small-sewage-discharge-to-the-ground>

Such tank should be emptied and decommissioned by a properly licenced contractor.

It is advisable to keep a record of the position of any former tanks below ground level.

If the surrounding sub soil is contaminated by leaks, overspills etc it should be removed to the appropriate waste stream.

A 600mm clean soil cover would be recommended over this area.

There is a small modern rectangular brickwork construction (tank?) on the bank behind the farm house.

This should be investigated and decommissioned as appropriate if its use was associated

with the farm and will become redundant.

There may be a shallow below ground slurry drain system on the farm, that may need emptying prior to its demolition.

Contaminated sub soil should be sent for disposal via an appropriate waste stream.

A final clean soil cover of between 300 – 600mm would suffice, dependant on the end use of the site.

The detached structure on the northern boundary of the farm (silage barn) is sited on an old farm ('High Sellafield') marked on the 1860 OS map.

Care should be taken that any unknown sub surface tanks may be in situ.

Across the unmarked track at this point, a well was marked on the 1860 OS map.

This would suggest an underground aquifer and, again, appropriate care should accordingly be taken during the demolition process.

Natural England

No objections. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

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

On 1st April 2023, Copeland Borough Council ceased to exist and was replaced by Cumberland Council as part of the Local Government Reorganisation of Cumbria.

Cumberland Council inherited the local development plan documents of each of the sovereign Councils including Copeland Borough Council, which combine to form a Consolidated Planning Policy Framework for Cumberland.

The inherited the local development plan documents continue to apply to the geographic area of their sovereign Councils only.

The Consolidated Planning Policy Framework for Cumberland comprises the Development Plan for Cumberland Council until replaced by a new Cumberland Local Plan.

Copeland Local Plan 2013 – 2028 (Adopted December 2013)

Core Strategy

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV3 – Biodiversity and Geodiversity

Development Management Policies (DMP)

Policy DM10 – Achieving Quality of Place

Emerging Copeland Local Plan 2021 – 2038 (ELP):

Cumberland Council are continuing the preparation and progression to adoption of the emerging Copeland Local Plan 2017-2038.

The emerging Copeland Local Plan 2017-2038 comprising the Publication Draft (January 2022) and Addendum (July 2022) have recently been examined by the Planning Inspector and their report on the soundness of the plan currently remains awaited.

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.

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy N1PU: Conserving and Enhancing Biodiversity and Geodiversity

Other Material Planning Considerations

National Planning Policy Framework (2023)

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

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

Assessment

Demolition is classed as permitted development under Schedule 2 Part 11 Class B of The Town and Country Planning (General Permitted Development) (England) Order 2015. This order sets out certain conditions for the prior approval of demolition, which requires the submission of a method of demolition and details of the proposed restoration of the site.

Under this schedule, the applicant is only required to give prior notification of the demolition. This does not permit the Local Planning Authority to object to the removal of the buildings but does ensure that the method of demolition is satisfactory, and the site is restored

appropriately. The submitted details for this application are considered adequate for the purpose of this prior notification application.

Method of Demolition

A demolition method statement has been submitted to support this application. The statement provides details of the site set up, the removal of debris, asbestos removal, the method of demolition, site finishes, and removal of materials from the site. The measures are appropriate and proportionate to the scale and location of the proposed demolition.

Proposed Restoration of the Application Site

It is proposed to demolish with all floor slabs and footings down to a minimum of 300mm below ground level. All drainage and ancillary items to include any septic tanks will be pumped out excavated and removed. The site will then be graded with existing topography and seeded. The proposed finish is acceptable given the location of the application site.

Ecology

All bat species are designated and protected as European protected species (EPS). EPS are protected under the Conservation of Habitats and Species Regulations 2017 (CHSR). Regulation 9(1) states that a competent authority must exercise the functions which are relevant to nature conservation, so as to secure compliance with the requirements of the Habitats Directive.

This application is supported by an Ecological Constraints Study which concludes and recommends the following:

- Nine non-statutorily designated sites are present within 2km of the site. Taking into account the nature of the proposed works, no effects to these locally designated sites are predicted, assuming all works strictly follow pollution prevention best practice.
- No evidence of roosting bats was identified within the Farmhouse, Pigsty or Barn 1 during the surveys and bat activity in the general area was relatively low. No further survey work is required prior to demolition works.
- In the apparently unlikely event that bats are encountered during the works to these buildings, all works must cease and the advice of a Suitably Qualified Ecologist (SQE) obtained.
- In barn 2 one roost access point has been found but the specific roost site has could not be determined.
- The proposed works will result in the loss of the roost.
- The confirmation of a roosting bat within Barn 2 means that a licence from Natural England will be required to enable the proposed works to proceed lawfully. Given the identified roost is of low conservation status, the site can be registered under the Bat

Mitigation Class Licence (BMCL) scheme through a Registered Consultant (RC). Following submission of appropriate forms, the application takes up to ten working days to be assessed by Natural England.

- Any works that could destroy/modify a bat roost/access point or disturb roosting bat/s will require a Natural England licence to enable the works to be completed legally.
- There are no restrictions with regards to when (e.g. certain months of the year) works can take place, although it would be best practice to avoid low winter temperatures when bats may be in torpor (pipistrelles can use the same roosts year-round).
- To inform the BMCL application surveys must have been completed during the most recent bat active season. Consequently, if works do not occur before May 2024 at least one update survey will be required.
- Prior to demolition, when safe access to the interior is achievable, survey of the interior will be needed to try and ascertain the roost location.
- Works in the area of the roost will need to be supervised by an RC (or accredited agent). Prior to works commencing, the RC would provide a 'toolbox talk' to those contractors on site in which details of e.g. best working practices and what to do in the event of discovering a bat would be discussed.
- During supervised works to the area of the roost the RC would capture any bats that do not fly away and move them to a temporary bat box (erected on a nearby tree/structure prior to works commencing).
- Although there is no requirement for any compensatory roosting features to be installed under the BMCL scheme (favourable conservation status is maintained without any compensation), it is recommended that two Schwegler 2F11 bat boxes with double front panels are installed on trees around the periphery of the site.
- None of the habitats identified on-site were considered to be of significant ecological value and are not considered to represent a constraint to the proposed works.
- Retained trees on/near site should be protected in line with BS 5837:20126 . Where vegetation clearance is required, vegetation should be reinstated on at least a like-for-like basis. Standard pollution control measures should be implemented during construction to protect all habitats.
- As some limited vegetation clearance is likely to be required on site, the works have the potential to cause disturbance, killing and injury of reptiles and/or common amphibians. Further surveys are not necessary given the scale/nature of the habitats affected, but careful vegetation clearance to temporarily displace animals should be implemented.
- Vegetation clearance should be undertaken over winter (November-February). Alternatively, if carried out outside of this period, a two-stage clearance should be

implemented, subject to an ecological watching brief by a SQE, with vegetation cut to 150 mm and then to ground level.

- No Badger setts were present within the site or adjacent accessible areas. Nevertheless, the occasional presence of foraging Badgers is considered possible; it would therefore be prudent to consider Badgers during renovation works, including covering trenches and capping of open pipes.
- The potential presence of breeding Barn Owl within the site has been identified, although no internal access to buildings where possible evidence was identified was possible. However, no Barn Owl were observed during nocturnal bat surveys and it is therefore considered highly unlikely that this species nested within the site during the survey periods. The internal inspection of the Barn will be required prior to demolition works.
- If possible, any vegetation clearance/building works should be completed outside the nesting bird season (1 March to 31 August).
- If any protected species are encountered during the works, all works in the vicinity should stop immediately and a SQE contacted for advice on how to proceed.
- Japanese Knotweed *Reynoutria japonica* is present along the access track. An invasive plant species management plan should be included within the contractor's risk assessment method statement document, containing site-specific methods to ensure that all site activities are controlled and are in accordance with best practice procedures if works are within 7 m of invasive species. Remediation of the identified stand of Japanese Knotweed by a specialist contractor should be completed.

The report also sets out opportunities for enhancements for the site which include the following:

- The creation of habitat areas through landscape planting using native, locally sourced plants/trees.
- The planting of native fruiting species to provide a food source for invertebrates, birds and mammals.
- The installation of bird and bat boxes on retained tree/s. S41 priority species such as the House Sparrow (which were noted in the area) and Barn Owl *Tyto alba* could potentially benefit from the provision of appropriate boxes.
- Pond creation.

The mitigation and enhancement measures set out within the Ecological Constraints Study will be secured as part of any decision notice for this application.

In accordance with the CHSR, it is necessary to consider the likelihood of a license being granted by Natural England and in doing so engage with the three derogation tests. The

	<p>rigour and stringency with which the tests are applied increase with the importance and significance of the roost.</p> <p><i>Is the proposed development necessary for imperative reasons of overriding public interest?</i></p> <p>The proposed works are a permitted development. For these reasons it is considered that the test is passed.</p> <p><i>Is there a satisfactory alternative?</i></p> <p>Given the low conservation significant of the building as a bat roosting site, the level of consideration of alternatives should be correspondingly low. It is unlikely that the development could proceed in such a way as to avoid the licensable activities.</p> <p>In conclusion there is no satisfactory alternative.</p> <p><i>Will the favourable conservation status of the species be maintained within its natural range?</i></p> <p>Taking into account the use of the site by bats, together with the potential mitigation and compensation measure to be secured as part of the licencing application the favourable conservation status of the species will be maintained within its natural range.</p> <p>It is therefore considered that the three tests are met and a licence would be likely to be granted by Natural England.</p> <p><u>Conclusion</u></p> <p>The method of demolition and proposed restoration of the application site as submitted are appropriate. The proposed scheme of mitigation in relation to the presence of bats and other protected species is acceptable.</p> <p>It is recommended that prior approval is required and be approved subject to the imposition of planning conditions securing completion of the works in accordance with the submitted details and specifications.</p>
8.	<p>Recommendation:</p> <p>Prior notification required – Approved.</p>

9.	<p>Conditions:</p> <p>1. The demolition/works must be carried out within a period of 5 years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Part 11 Class B.2 (b) (ix) (aa) of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).</p> <p>2. This permission relates to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:-</p> <ul style="list-style-type: none"> - Application Form (Amended), received by the Local Planning Authority on the 8th November 2023. - Covering Letter, received by the Local Planning Authority on the 27th October 2023. - Location Plan, Scale 1:1250, received by the Local Planning Authority on the 27th October 2023. - Statement of display of site notice, received by the Local Planning Authority on the 27th October 2023. - Demolition Method Statement, received by the Local Planning Authority on the 27th October 2023. - Visual Structural Inspection, Prepared by WDS Ltd October 2019, Reference: WDS/05/6133/REP03, received by the Local Planning Authority on the 27th October 2023. - Ecological Constraints Study, Prepared by BiOME Consulting August 2023, Version 2, received by the Local Planning Authority on the 27th October 2023. <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><u>Other Conditions:</u></p> <p>3. Demolition must be carried out in strict accordance with the approved document 'Demolition Method Statement, received by the Local Planning Authority on the 27th October 2023'.</p> <p>Reason</p>
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	<p>To ensure a satisfactory standard of demolition.</p> <p>4. Demolition must be carried out in strict accordance with and implement all of the mitigation and compensation/enhancement measures set out in the approved document 'Ecological Constraints Study, Prepared by BiOME Consulting August 2023, Version 2, received by the Local Planning Authority on the 27th October 2023'.</p> <p>Reasons</p> <p>To protect the ecological interests evident on the site.</p> <p>Informative:</p> <p>During construction if any bats or evidence of bats is found within this structure the application should contact the National Bat Helpline on 0345 1300 2288 for advice on how to do works lawfully.</p>
Case Officer: C. Burns	Date : 17.11.2023
Authorising Officer: N.J. Hayhurst	Date : 24.11.2023
Dedicated responses to:- N/A	