

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2107/0F1
2.	Proposed Development:	TWO STOREY MODULAR BUILDING
3.	Location:	SELLAFIELD, SEASCALE
4.	Parish:	Ponsonby, Seascale, Beckermest 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,</p> <p>Key Species - Potential areas for Natterjack Toads,</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.	<p>Report:</p> <p>Site and Location</p> <p>The site to which this proposal relates is located to the east of Calder Hall, an area within the main Sellafield nuclear site and covers an area of some 1300 square metres.</p>	

Proposal

It is proposed to erect of a two-storey modular building on the site. This will provide a 24-hour assembly point in the event of a site emergency and be known as the Calder Site Emergency Assembly Point (SEAP). Its provision is a requirement of the Site Licence Conditions. During normal working hours it will be used as office and welfare space.

In terms of footprint, the building will measure approximately 36 m x 16 m and be rectangular in form. It will provide a total floorspace of some 790m² over 2 floors. There will be a one-degree pitch warm roof system with a galvanised guardrail system.

As regards external finishes the building walls will be clad in steel micro rib and flat cladding panels in a light grey colour. Doors and windows are to be powder coated aluminium, window frames, columns, skirting, fascia and plinths will all be in dark grey. Guttering and PVC downpipes will be black.

The development will involve some engineering earthworks as part of the site comprises an embankment for which support works will be required.

The building will also incorporate photovoltaic panels on the roof. These will be at an angle of 15 degrees facing southeast and 176 degrees from the north. In addition, they will be coated in an anti-reflective finish to minimise any potential glint and glare impacts.

Consultations

Seascale PC

No objections.

Gosforth PC

No objections

Ponsonby and Calderbridge

No objections.

Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA)

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.

Environment Agency

No objection in principle to the proposed development but request that any subsequent approval is conditioned to provide and implement a remediation strategy should further contamination be found.



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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.

Adopted Copeland Local Plan 2013-2028 (CLP)

Relevant policies comprise:

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

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

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy ENV1 Flood risk and risk management

Emerging Copeland Local Plan 2021-2038 (ELP)

Cumberland Council are continuing the preparation and progression to adoption of the ELP.

The Local Plan Examination Hearing Sessions were completed in March 2023.

The appointed Planning Inspector issued the post hearing letter in June 2023, which identified the next steps for the examination.

The Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and identified several amendments or 'modifications' that are required in order to ensure the ELP is sound i.e. positively prepared, justified, effective and consistent with national planning policy.

A six-week public consultation seeking views on the proposed modifications to the ELP closed on the 28th March 2024. The Planning Inspectors Report is awaited.

As set out in 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 advanced stage of preparation of the ELP it is considered that full weight can now be attached to policies where no objections have been received or objections have been resolved. Especially as the consultation on the main modifications to the ELP is now complete and just awaiting confirmation, also significant weight can now be afforded to the policies of the ELP where modifications are proposed.

The following ECLP policies (to which there have been no objections, so it excludes nuclear policies) are relevant to this proposal:

Strategic Policy DS1PU: Presumption in favour of Sustainable Development

Strategic Policy DS6PU - Design and Development Standard

Strategic Policy DS2PU - Reducing the impacts of development on Climate Change

Strategic Policy DS7PU: Hard and Soft Landscaping

Strategic Policy DS8PU - Reducing Flood Risk

Strategic Policy DS9PU: Sustainable Drainage

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG)

Wildlife and Countryside Act 1981

Assessment

Design and Layout

Given the modular design of the building, its low profile at 2 storeys in height and its industrial location within the Sellafeld site, as well as its setting amidst other industrial buildings of similar and larger scale, it is not envisaged that the building will result in any significant adverse visual impact. In addition, all the external finishes are fairly bland and will help minimise the visual impact of the building.

Solar panels will be installed on the roof of the building with the exact number yet to be confirmed, however it will not exceed 50. The impact of these is considered below.

Flood Risk and Drainage

The site is in Flood Zone 1 and at low risk of flooding from rivers and the sea. The risk of



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groundwater flooding is also identified as low. The proposed surface water drainage system is designed to accommodate and manage the rainfall associated with a 100-year return period, plus 50% climate change event. The development will therefore not increase the load on the existing surface water drainage infrastructure, nor will it generate additional overland flow from within the red line boundary. There will be no increase to flood risk outside of the proposed site or outside of the wider Sellafield site because of the drainage systems associated with the proposed development. A separate Drainage Impact Assessment report has been produced and issued as part of this application. The Drainage Impact Assessment concludes there will be no negative impact on site flooding or groundwater flooding.

Air Quality Assessment

As the proposal will not result in an increase in car usage on the Sellafield site and all transport movements will be in line with the Sellafield Ltd Travel Plan 2022, an air quality assessment will not be required. Aerial discharges from the main building will also be kept to a minimum. During construction, emissions from construction plant may arise, these will be at a low level and commensurate with normal activities on the Sellafield site. However, given that the build is modular, construction timescales will be reduced. Excavation and vehicle movements during dry weather may give rise to potential dust emissions; these will be managed through normal construction management measures such as the application of damping sprays.

Solar Panels

It is proposed that the building will incorporate photovoltaic panels on the roof to contribute towards Sellafield's sustainability objectives. These will be positioned at an angle of 15 degrees facing southeast and 176 degrees from the north and will be coated in an anti-reflective coating to minimise any potential glint and glare.

The impact of the photovoltaic panels in the context of the Sellafield site has been considered. The panels will be approximately 9.7m from street level. The height to the top of the adjacent bank is 7.6m from street level and the height to the top of the nearby trees is approx. 12m from street level. The solar panels will be screened from view to the east by the Combined Heat and Power Plant screening mound. The building will not be visible to the south and west as they will be screened by existing buildings on the Sellafield Ltd site. The angle of the panels means they will be facing away from the Lake District National Park and therefore will not be visible from the fells. As a result, the solar panels will not be visible from any point outside of the site boundary and it is contended that a full glint and glare assessment is not required with which we concur.

Noise

The site is located within the Sellafield site, far away from sensitive environmental receptors. Noise generated from the site during construction and operation is unlikely to be discernible above the background noise at the Sellafield site boundary.

Lighting

Lighting from the project during construction and operation will be commensurate with the existing lighting regime to facilitate safe and secure operations. Lighting from this development will not increase the overall levels of light at the site perimeter or cause any light spill.

Transport

There will not be an increase to the number of cars coming onto site as the personnel using the proposed building will already be based on the Sellafield site. Personnel will be travelling to/from the site in accordance with Sellafield Ltd.'s Travel Plan January 2022. No transport impacts are envisaged as a result of the operation of the building,

During construction however there will inevitably be some transport impacts arising because of freight movements to and from the site. The modular units will be manufactured off-site and brought to site via road transportation along the A66 and A595 to the Sellafield Main Gate. They will then be installed on site. The excavated volumes are estimated to be approximately 3,000 Tonnes. The material types that are expected to be excavated are soil, clay, tarmac and concrete. All deliveries will be managed via the Delivery Management System (DMS). Concrete will be provided by the on-site batching plant.

Contractor travel demands will vary during the construction project. Personnel required to attend site during construction will travel to/from the site in accordance with Sellafield Ltd's Travel Plan (January 2022) i.e. by bus, train, car-sharing, motorcycle or bicycle. Changes to the number of vehicles on the local highway are likely to be insignificant.

The application is supported by a Construction, Waste and Transport Plan which informs that the proposed development which is for a modest-sized modular building will be constructed over a relatively short timescale, requiring a small number of road transports. And construction activities are anticipated to have a minimal adverse effect on the local road network.

Contaminated Land Assessment

The Contaminated Land Assessment concludes that the proposal site has been subject to limited development as part of the overall development of the Sellafield facility and therefore contaminated land and groundwater impacts are unlikely.

Ecology

A Phase 1 Habitat Survey accompanies this application. It was undertaken in 2021 and an addendum confirms it is still valid. It reveals that the potential ecological constraints are nesting birds and reptiles. The adjacent embankment in particular has potential as a favourable habitat for reptiles. However, there was no evidence of protected species during the survey. A number of mitigation measures are recommended to keep any possible disturbance to a minimum and includes beginning the ground works between 1st August and 28th February (outside the bird nesting season; reduce the potential habitat for nesting birds and reptiles, areas of amenity grassland, long grass/ruderal vegetation and scrub by cutting



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	<p>to low levels and maintained with regular mowing/strimming until the works are due to commence; equipment etc. should be stored on hard-standing away from the vegetated areas to minimise the risk of reptiles taking shelter; operatives tool box talks and a pre works commencement inspection by an ecologist.</p> <p>Planning Balance and Conclusion</p> <p>This application for a Site Emergency Assembly Point (SEAP) building raises no material issues from a planning perspective. It has been demonstrated that it will not cause any undue harm to the environment in terms of design, visual amenity, flood risk and drainage, air quality, noise, lighting, transport and contamination.</p> <p>It is considered that any potential ecological constraints identified can acceptably be mitigated.</p> <p>On balance therefore, taking the above assessment into account, it is considered that the proposal constitutes an acceptable form of development in accordance with the relevant policies of the existing adopted Copeland Local Plan and the emerging Copeland Local Plan as well as national policies and guidance.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>
9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission. <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> <ol style="list-style-type: none">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: <p>Documents</p> <p>Covering Letter by SL Ltd, ref PLC/BCC/2044, 21 December 2023.</p> <p>Combined Planning and Design and Access Statement, by SL Ltd.</p>

Construction Statement, Transport and Waste Plan by SL Ltd.

Drainage Impact Assessment by SL Ltd.

Phase I habitat Survey by SL Ltd, 2021

Ecology Addendum by SL Ltd, 12 September 2023.

Contaminated Land Assessment, by Tetra Tech, August 2023, ref 784-BO29

Location Plan, drawing no. 1 BE 3108832 Mod A, scale 1:5000.

Official Location Plan, drawing no. 1 BE 3032305 Mod A, scale 1:5000.

Drawings

Site Plan drawing no. 0 BE 3138539 Mod C. scale 1:200.

Topographical Survey drawing no.0 BE 3138540 Mod C. scale 1:200.

Roof Plan, drawing no. 0 BE 3138541 Mod C, scale 1:50.

Elevations, drawing no. 0 BE 3138542 Mod C, scale 1:50.

General Sections drawing no. 0 BE 3138543 Mod C, scale 1:100.

Plan Layout Ground floor, drawing no. 0 BE 3138544 Mod C, scale 1:50.

Plan Layout First floor, drawing no. 0 BE 3138545 Mod C, scale 1:50.

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.

Land Contamination

3. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to, and approved in writing by, the local planning authority. The remediation strategy shall be implemented as approved.

Reason

To ensure that the development does not contribute to and is not put at unacceptable risk from or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site. This is in line



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with paragraph 180 of the National Planning Policy Framework.

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.

Case Officer: H.S. Morrison

Date : 30/05/2024

Authorising Officer: N.J. Hayhurst

Date : 31/05/2024

Dedicated responses to:- N/A