

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2165/0F1
2.	Proposed Development:	DRILLING OF SIX TEMPORARY BOREHOLES TO SUPPORT THE SELECTION OF AN IN-GROUND TESTING AREA
3.	Location:	MID TOWN FARM/TARN HEAD FARM, SEASCALE TO SELLAFIELD ROAD, BECKERMET
4.	Parish:	Ponsonby, 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 - 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>There are two locations forming this site, each situated on a former farmstead, adjacent to the existing farm building group to the west of the Sellafield main site. Tarn Head Farm is approximately 250m west of the Sellafield site boundary and Mid Tarn Farm some 200m west. The total area of the two locations, including access is 0.97ha.</p> <p>Proposal</p> <p>It is proposed to install six temporary groundwater monitoring wells, three at each of the</p>	

aforementioned locations. These wells will be used to collect groundwater samples and levels for ground investigation works. This will support the identification of a suitable test site for in-ground trials to support ground remediation works on the main Sellafield site. The boreholes are placed in a triangular shape to allow for calculations of groundwater flow and have been chosen to gain groundwater and soil data over a good coverage of the site.

The development will involve the creation of a working area around each borehole location measuring some 5m x 10m. which will be surrounded by 2m high temporary galvanised steel fencing. Each borehole will be drilled to a maximum depth of 30m and be 200mm in diameter. Each will then be installed with a 90mm plastic pipe. At the surface the plastic pipe will be protected by a metal cover which will be no more than 300mm in height and 200mm in diameter. This cover will then be protected by a small wooden fence that is no more than 0.5m in width and 1.5m in height. During the drilling works track matting will be placed down to protect the ground from damage. The protective matting, drill rig and working area will all be removed once the drilling works are completed. Drilling works are anticipated to take 3-5 days at each location. It is noted that the boreholes have been placed to avoid existing buildings, sensitive habitats, sensitive receptors and to allow access to working areas for the drill rig and for future monitoring works.

A maximum of 2 years permission is sought to allow adequate sampling of the groundwater from the boreholes to be undertaken. The boreholes will then be decommissioned. Given the small scale of the works involved it is not anticipated that any restoration measures will be required.

Access

Construction

Vehicular access will be via the existing farm road which will be used to deliver the drilling rig by low loader (lorry) to each borehole location. The drill rig is a tracked machine which will be moved between borehole locations on each site by remote control. Track matting will be placed down when then drill rig is moved to prevent damage to any surface. It is likely that up to 5 vehicles will regularly be required to access the site during the drilling works. These site vehicles will likely be small vans or Hilux type 4x4 vehicles.

Operation

Once construction / drilling works are complete sampling works will be undertaken. The personnel who will take the samples will access the farm sites with a small van that will be parked at the farm sites on hard standing. The boreholes will then be accessed by foot.

Consultation Responses

Gosforth Parish Council

No concerns.



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ONR

Do not advise against the development as it does not present a significant external hazard to the safety of the Sellafield nuclear site.

Environment Agency

No objections but make the following comments: - We have no concerns in regard to long term impacts upon the groundwater environment. It should be noted that a groundwater investigation consent is unlikely to be required based on the proposals, as there is no mention of abstracting from the boreholes. However, if there is a plan to abstract greater than 20 cubic metres per day, an abstraction license and/or a groundwater investigation consent may be needed.

Environmental Health (EH)

No objections, initially requested confirmation of when the demolition works for each of the farmhouses will be undertaken. It has subsequently been confirmed that the drilling works will be carried out before the demolition of the farmhouses. The project team managing the demolition are aware of the septic tanks and their removal forms part of the scope of the demolition works. This satisfies EH concerns.

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

Relevant policies comprise:

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy DM5 – Nuclear Sector Development at Sellafield and LLWR.

Policy DM10 – Achieving Quality of Place

Policy DM11 – Sustainable Development Standards

Policy ENV1 Flood risk and risk management

Emerging Copeland Local Plan 2021-2038

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 and identified a number of 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 subsequent 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) 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



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Other Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

Assessment

Ecology including BNG

An ecological assessment accompanies the application (walkover and desk study) and identified possible impacts as a result of construction and proposes mitigation/ avoidance measures. There will inevitably be some habitat loss from drilling rigs and boreholes and disturbance from noise/ vibration, but it is acknowledged this will only be temporary. This may affect nesting/breeding birds, foraging and roosting bats in the vicinity and there is also potential for injury to protected species (amphibians and reptiles) as a result of the actual boreholes. On the whole though, it concludes there is unlikely to be any significant impacts.

The scheme is exempt from BNG as it is below the minimum size threshold.

Noise

If there are likely to be any significant noise impacts these will arise during the construction period. However, noise impacts outside of the development area are considered to be relatively minimal. Hours of working will be restricted to between 7am and 5pm with no works to be carried out at the weekend and drilling of the boreholes will only be carried out for 3-5 days at each location. A noise assessment has been carried out by the manufacturer of the drill equipment, who states that when operating in an outdoor environment, hearing protection is not required at 10m from the drill rig, based on the Health and Safety Executive (HSE) guidelines. It is therefore not anticipated that any significant noise impacts will be experienced outside of the development site.

Flood Risk and Drainage

As the site is in Flood Zone 1 there is a low risk of flooding to the site from rivers and the sea, and the risk of groundwater flooding is also identified as low. The proposed works will not impact upon the existing drainage arrangements. Due to the small-scale nature of the works and the existing drainage system, it is considered that there will be no increase to flood risk outside the site.

Contamination

Ground Investigation reports have been undertaken for both Tarn Head Farm and Mid Tarn Farm and accompany the application. Both conclude that there is no unacceptable risk of land contamination impacts and that the sites are suitable for the proposed use in accordance with the National Planning Policy Framework (NPPF).

	<p><u>Access/ Transport</u></p> <p>This is covered in the Proposal section of this report and does not raise any issues given the small-scale nature of the project.</p> <p><u>Design and scale</u></p> <p>As the resultant development will be relatively small scale, comprising six boreholes each 90mm in diameter with a cover on top, protruding no higher than 300mm above ground level and protected by a surrounding wooden fence of a maximum 1.5m in height, it is unlikely to result in any significant adverse visual impact. Each borehole location is immediately adjacent to the existing farm building group which will help minimise its visual impact. And as the works are only temporary for a maximum of two years there will be no permanent visual and physical changes to the landscape.</p> <p><u>Restoration</u></p> <p>It is proposed that decommissioning of the site will take place within two years once the collection of the groundwater sampling has been completed. All that restoration will involve will be the removal of the borehole pipes, filling in of the boreholes and reinstating the surface and removing the surrounding wooden fence. Given the small-scale nature of the works, it is not anticipated that this will be problematic.</p> <p>Planning Balance and Conclusion</p> <p>The application for the drilling and operation of 6 temporary sampling boreholes at the two farm sites raises no material issues from a planning perspective.</p> <p>It has been demonstrated that the proposed development will not cause any undue harm to the environment in terms of ecology, noise, flooding, contamination, access. design and scale and restoration. Although there are unlikely to be any significant impacts on ecology, where mitigation measures are required, they can be addressed by appropriate avoidance and mitigation measures to reduce any risk to a minimal level.</p> <p>In terms of benefits the development will support vital ground investigation work by Sellafield Ltd.</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</p>



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9.	<p>Conditions:</p> <ol style="list-style-type: none">1. The boreholes and associated development hereby permitted shall be removed by 31 July 2026 and the land restored to its former condition on or before this date in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority. <p>Reason</p> <p>The use hereby approved is not considered appropriate as a permanent form of development in order to safeguard the amenities of the locality.</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 Sellafield Ltd ref. PLC/BCC/2219, dated 25 April 2024</p> <p>Planning, Design and Access Statement, by Sellafield Ltd,</p> <p>Preliminary Risk Assessment Mid Tarn Farm Ground Investigation Desk Study, by Atkins Realis, dated 12/04/2024.</p> <p>Preliminary Risk Assessment Tarn Head Farm Ground Investigation Desk Study, by Atkins Realis, dated 12/04/2024.</p> <p>Ecological Impact Assessment, by Atkins Realis, dated April 2024.</p> <p>Plans</p> <p>Site Location Plan, BE3159599 Rev A. scale 1:2500.</p> <p>Mid Tarn Farm Block Plan, BE3159611 Rev A. scale 1:500</p> <p>Tarn Head Farm Block Plan, BE3159610 Rev A. scale 1:500</p> <p>Topographic Plan, BE3159601 Rev A. scale 1:2500.</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>Ecology</p> <ol style="list-style-type: none">3. All of the ecological mitigation measures as set out in Section 5 of the Ecological
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	<p>Impact Assessment by Atkins Realis, dated April 2024 shall be implemented in full as part of the development.</p> <p>Reason</p> <p>To safeguard the ecological Interests of the site and the immediate vicinity.</p> <p>Statement</p> <p>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.</p>	
Case Officer: H.S. Morrison		Date : 26/06/2024
Authorising Officer: N.J. Hayhurst		Date : 27/06/2024
Dedicated responses to:- N/A		