

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2255/0F1
2.	Proposed Development:	INSTALLATION OF GAS PIPELINE PIG TRAP INFRASTRUCTURE AND ASSOCIATED FENCED COMPOUND
3.	Location:	LAND OPPOSITE EXISTING GAS FACILITY, OFF LOW HALL FARM LANE, MIREHOUSE
4.	Parish:	Egremont
5.	Constraints:	ASC;Adverts - ASC;Adverts, Safeguard Zone - Safeguard Zone, Coal - Standing Advice - Data Subject To Change, Preferred Route Corridor - Within Preferred Route Corridor
6.	Publicity Representations & Policy	See report.
7.	Report: Site and Location: <p>The Application Site comprises a parcel of agricultural land and an existing access track located to the West of the existing Northern Gas Networks (NGN) above ground installation at Low Hall Farm, Mirehouse Road, Whitehaven.</p> <p>The Application Site extends to 1498m² in area.</p> <p>A NGN high pressure gas pipeline runs through part of the Application Site.</p> <p>Access to the Application Site is via the existing Low Hall Farm Road that connects to Mirehouse Road (public highway) to the North.</p> <p>The Application Site is located within Flood Zone 1 and is not identified as being at risk from surface water flooding.</p> <p>PRoW are located 300m+ to the south of the Application Site.</p>	

Directly Relevant Planning History:

None.

Proposal:

This application seeks Full Planning Permission for the installation of a new inline inspection facility - "Pig Trap Compound".

The development comprises a new 300mm diameter and 150mm diameter section of steel pipeline that terminate above ground, supported on several reinforced concrete bases and pipe supports. The above ground pipework will be used for future inline inspection operations via the use of a temporary trap launcher/receiver.

The associated stone surfaced area is proposed to allow a long-reach HIAB to lift a trap launcher/receiver into position.

The development is enclosed by a 2.4m high palisade security fence with timber access gates and two personnel emergency exit gates.

External to the main compound fence, an additional 1.1m high timber stock fence and lockable access gate are to be provided around the extents of the proposal.

The land within the compound is to be reprofiled to accommodate the development.

Land drainage is proposed surrounding the inline inspection equipment which is to discharge to the adjacent watercourse.

The access will provide a parking area for at least two work vans.

The development has been commenced. The earthworks, reinforced concrete bases and pipe supports and hardstanding have been completed.

Consultee:	Nature of Response:
Egremont Town Council	No objection. No comments on amended description.
Whitehaven Town Council	No negative objections or comments.
Cumberland Council –	Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference



Cumberland Council

Highways and LLFA

and I can confirm that we have 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.

Neighbour Responses:

The application has been advertised by way of a planning application site notice and letters sent to four neighbouring properties.

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 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 (CS):

Policy ST1 – Strategic Development Principles

Policy ST2 – Spatial Development Strategy

Policy ENV1 – Flood Risk and Risk Management

Policy ENV3 – Biodiversity and Geodiversity

Policy ENV5 – Protecting and Enhancing the Boroughs Landscapes

Development Management Policies (DMP):

Policy DM10 – Achieving Quality of Place

Policy DM24 – Development Proposals and Flood

Policy DM25 – Protecting Nature Conservation Sites, Habitats and Species

Policy DM26 – Landscaping

Copeland Local Plan 2001-2016 (LP) Saved Policies:
Policy TSP8 – Parking Requirements

Emerging Copeland Local Plan 2017 - 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 their post hearing letter in June 2023, which identified the next steps for the examination.

The appointed Planning Inspector has now considered all representations and the discussions that took place during the Local Plan Examination Hearing Sessions in 2023 and has 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 six week public consultation seeking views on the proposed modifications to the ELP commenced on Wednesday 14th February 2024 and closed on the 28th March 2024.

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.

The Report on the Examination of the ELP was received on the 23rd September 2024. Given the advanced stage of preparation and with adoption pending, full weight can be attached to the policies of the ELP.

Policy DS1PU - Presumption in favour of Sustainable Development
Policy DS2PU - Reducing the impacts of development on Climate Change
Policy DS3PU - Settlement Hierarchy
Policy DS4PU - Settlement Boundaries
Policy DS6PU - Design and Development Standards
Policy DS7PU - Hard and Soft Landscaping
Policy DS8PU - Reducing Flood Risk
Policy DS9PU - Sustainable Drainage
Policy DS10PU - Soils, Contamination and Land Stability
Policy N1PU - Conserving and Enhancing Biodiversity and Geodiversity
Policy N3PU - Biodiversity Net Gain
Policy N6PU - Landscape Protection
Policy CO7PU - Parking Standards and Electric Vehicle Charging Infrastructure



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Other Key Material Planning Considerations

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

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

Cumbria Development Design Guide (CDDG).

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

[Environment Act 2021](#) and associated legislation.

Assessment:

Principle of Development

Policy ST2 of the CS identifies Whitehaven as the *Principal Service Centre*.

Policy ST2 of the CS states that the Principal Service Centre will comprise the focus for the largest scale development, regeneration and important development opportunities.

The Enquiry Site is located beyond the defined settlement boundary of Whitehaven as identified in Policy ST2 of the CS.

Policy ST2 of the CS seeks to restrict development outside the defined settlement boundaries to that which has a proven requirement for such a location, including essential infrastructure to support energy development and other infrastructure that requires locating outside settlement limits.

Policy DS3PU of the ELP continues to identify Whitehaven as the *Principal Town*.

Policy DS4PU of the ELP defines the settlement boundaries for all settlements within the hierarchy and states that *development within these boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise*.

The Enquiry Site is located beyond the defined settlement boundary of Whitehaven as identified in Policy DS4PU of the ELP.

Policy DS4PU of the ELP states that development outside the settlement boundaries will be accepted for essential infrastructure to support energy developments and other infrastructure where a proven need for an open countryside location has been demonstrated to the satisfaction of the council.

The proposed development comprises part of planned works by NGN to take offline two existing high-pressure gas sites within Whitehaven (Marchon 1 & Marchon 2) that form part of

the existing Derwent Park/Marchon high-pressure pipeline system. It is proposed that the existing high-pressure pipeline is cut close to NGNs Low Hall Farm above ground installation. Due to the removal of the existing high-pressure gas sites downstream, NGN require to install a new inline inspection facility "Pig Trap Compound". The compound will be used for inline inspection procedures in order to check for any defects within the pipeline system. Without this new installation, NGN will not have the ability to check the integrity of this section of HP pipeline.

The proposed development comprises essential infrastructure to support the energy distribution works undertaken by NGN; therefore, the principle of the development is supported.

The development would comprise permitted development under the provisions of the GPDO if the land was in the ownership of NGN. This Full Planning Application has been made solely due to the land not yet being within the ownership of NGN.

Landscape and Visual Impact

The Application Site is located adjacent to the existing NGN Low Hall Farm above ground installation.

The Application Site is located in a discrete location within the wider landscape due to the surrounding topography, with very limited visibility from surrounding public vantage points and dwellings/premises.

The proposed development comprising low level infrastructure and surrounding enclosures will not be prominent and will not be widely visible.

Any available views of the proposed development will be in the context of the existing NGN Low Hall Farm above ground installation.

A native hedgerow is proposed to the boundaries of the installation, which will provide some screening and softening of the development where views exist.

Flood Risk and Drainage

The Application Site is located in Flood Zone 1.

The development includes land drainage surrounding the inline inspection equipment which is to discharge to the adjacent watercourse. Given the nature of the development, it will not result in increased flood risk at the Application Site or on surrounding land.

Ecology

The Application Site comprises part modified grassland and part unsealed access; therefore,



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the habitat value is low and the potential for the presence of protected or priority species on site is limited.

Strategic Policy N3PU of the ELP requires that all development, with the exception of that listed in the Environment Act must provide a minimum of 10% biodiversity net gain over and above existing site levels.

The development has been commenced. The earthworks, reinforced concrete bases and pipe supports and hardstanding have been completed. The planning application therefore falls for determination under the provisions of Section 73A of the Town and Country Planning Act 1990 (as amended).

Under the provisions of the Environment Act 2021 (Commencement No. 8 and Transitional Provisions) Regulations 2024, planning applications determined under the provisions of Section 73A of the Town and Country Planning Act 1990 (as amended) are not the subject of the biodiversity net gain as a condition of planning permission.

The development is not therefore required to deliver biodiversity net gain.

The development will result in the loss of some areas of modified grassland; however, the development will deliver additional native hedgerows, which will increase the overall biodiversity value of the site.

Residential Amenity

Given the scale, form and layout of the development no adverse impacts upon existing or approved dwellings would result through loss of light, overshadowing or overbearing.

The operation of the infrastructure will result in some noise; however, given the location of the Application Site, the noise associated with the surrounding highways etc. and distance to protected dwellings, the impacts are likely to be limited and given the proposed use short in duration.

A planning condition is proposed in relation to construction working to prevent unacceptable impacts upon nearby occupied dwellings during the construction period.

Highways

The development will result in a small number of additional vehicle movement when the infrastructure is used; however, the number of movements will not have a material impact upon the operation and safety of the public highway network.

The development includes two off highway spaces for the parking of two vans and a hiab crane for use when the infrastructure is in use.

	<p>Cumberland Council Highways has confirmed no objections.</p> <p><i>Ground Conditions</i></p> <p>The Application Site is not located in an area with know risk of land contamination and is not located in High Risk Area in relation to coal mining.</p> <p>A NGN high pressure gas pipeline runs through part of the Application Site; however, given that the works are being completed by NGN mitigation and controls etc. in relation to this matter is not deemed necessary.</p> <p>Planning Balance:</p> <p>The principle of the development is acceptable.</p> <p>No unacceptable impacts will result from the development in relation to landscape, amenity, highway, ecology, flood risk and drainage subject to the planning conditions imposed.</p> <p>The development is in accordance with the provisions of the development plan.</p>
8.	<p>Recommendation:</p> <p>Approve</p>
9.	<p>Conditions:</p> <p>1. The development hereby permitted shall begin not later than three years from the date of this decision.</p> <p>Reason</p> <p>To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.</p> <p>2. The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <p>Planning Application Form Site Location Plan – Drawing No. GGP-50389-1001 P01 Existing Block Plan – Drawing No. GGP-50389-1002 P01 Proposed Block Plan – Drawing No. GGP-50389-1003 P01 Existing Elevation - A, B - B & C – C – Drawing No. GGP-50389-1002-1 P01 Proposed Elevations - A - A, B - B & C – C – Drawing No. GGP-50389-1003-1 P01 Proposed Swept Parth Analysis: Compound Access – Drawing No. GGP-50389-1003-2 P01</p>

Landscaping Plan Hedgerows - Low Hall Farm, Whitehaven, Cumbria - Produced 11th Oct 2024, Rev 1.

Reason

For the avoidance of doubt and in the interests of proper planning.

Landscaping

3. All hard and soft landscape works shall be carried out in accordance with the approved details.

The works shall be completed in the first planting season following the substantial completion of the development.

The hedgerows shall be planted at a minimum density of three plants per linear meter if planted in a single row and five plants per linear meter if planted in a double row.

Any specimens which are removed, die, become severely damaged or diseased within five years of their planting shall be replaced in the next planting season with trees / shrubs of similar size and species to those originally required to be planted.

Reason

To safeguard and enhance the character of the area and secure high quality landscaping in accordance with the requirements of Policy DM26 of the Copeland Local Plan 2013-2028 (Adopted December 2013).

Highways

4. No development hereby approved shall be brought into use until the approved parking and loading areas have been constructed and made available for use.

The parking and loading areas shall be retained for the lifetime of the development.

Reason

To ensure a minimum standard of parking provision and in the interests of highway safety in accordance with the provisions of Policy T1 of the Copeland Local Plan 2013-2021.

5. There shall be no vehicular access to or egress from the site other than via the approved access.

Reason

To avoid vehicles entering or leaving the site by an unsatisfactory access or route, in the interests of road safety in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Construction Management

6. No construction work associated with the development hereby approved shall be carried out outside of the hours of 07.30 hours -18.00 hours Monday-Saturday, nor at any time on Sundays and bank holidays.

Reason

In the interests of neighbouring residential amenity in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Ground Conditions

7. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing within 14 days to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination, development must be halted on that part of the site.

An assessment must be undertaken and where remediation is necessary a remediation scheme, together with a timetable for its implementation, must be submitted to and approved in writing by the Local Planning Authority.

The measures in the approved remediation scheme must then be implemented in accordance with the approved timetable. Following completion of measures identified in the approved remediation scheme a validation report must be submitted to and approved in writing by the Local Planning Authority.

Reason

To prevent harm to human health and the environment in accordance with the provisions of Policy ST1 of the Copeland Local Plan 2013-2028.

Informative - Biodiversity Net Gain

The effect of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 is that planning permission granted for the development of land in England is deemed to have been granted subject to the condition “(the biodiversity gain condition”) that development may not begin unless:



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- (a) a Biodiversity Gain Plan has been submitted to the local planning authority,
and
(b) the local planning authority has approved the plan.

The planning authority, for the purposes of the Biodiversity Gain Plan is Cumberland Council.

Based on the information available this permission is considered to be one which will not require the approval of a biodiversity gain plan before development is begun because one or more of the statutory exemptions or transitional arrangements is/are considered to apply.

Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and negotiating with the applicants acceptable amendments to address them. As a result the Local Planning Authority has been able to grant planning permission for an acceptable proposal in accordance with Copeland Local Plan policies and the presumption in favour of sustainable development as set out in the National Planning Policy Framework.

Case Officer: Chris Harrison

Date : 22.10.2024

Authorising Officer: N.J. Hayhurst

Date : 28/10/2024

Dedicated responses to:- N/A