

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2330/0F1	
2.	Proposed Development:	CREATION OF A HANDLING SYSTEM	
3.	Location:	LAND OFF SHORE ROAD, DRIGG	
4.	Parish:	Drigg and Carleton	
5.	Constraints:	ASC;Adverts - ASC;Adverts, Coal - Off Coalfield - Data Subject To Change, Key Species - Known Sites for Natterjack Toads, DEPZ Zone - DEPZ Zone, Outer Consultation Zone - Drigg 3KM, Outer Consultation Zone - Sellafield 10KM	
6.	Publicity Representations & Policy	Neighbour Notification Letter	Yes
		Site Notice	Yes
		Press Notice	No
		Consultation Responses	See Report
		Relevant Policies	See Report
7.	Report: Site and Location	This application relates to land off Shore Road, located to the south west of the village of Drigg. The application site is located to the south west of Drigg Low Level Waste Disposal Site, and the uninhabited residential dwelling known as Sandy Acre. The site comprises of	

0.3 hectares of agricultural land.

Relevant Planning History

4/24/2293/0N1 – Prior notification of agricultural development – creation of handling pens – Withdrawn.

Proposal

This application seeks planning permission for the erection of a handling system to allow safe handling of livestock when they are on the shore fields. The proposal is to be grant aided under the stewardship scheme to remove poaching and aid in pollution control. As part of the management of the designated land which is required by Natural England the land is conservation grazed. As the livestock are on the designated land, they need to be managed which includes regular handling to administer the relevant medications etc. This proposal would allow the livestock to remain on the land and satisfy the conservation grazing required. Currently temporary pens are created to allow management of the livestock which is placed on the ground and therefore results in excessive poaching/damage of the land.

The concrete area which forms the base of the handling systems would be laid with a slope towards the northeast from the road to ensure water does not enter the highway. An underground tank is proposed to be located at the northeastern edge of the handling system. A drain cover is located over the underground tank which is opened when the handling systems are in use to catch any dirty water from the handling system. This is then emptied and disposed as part of the farm manure disposal. Any manure created whilst the livestock are in the handling system is collected after use and taken off site to the farm manure handling system.

The proposed handling system will be located approximately 145m from the curtilage of the nearest residential dwelling and will be separated into areas to handle sheep and cows separately. The handling system will have an overall length of 39.418m and an overall width of 10.591m.

Consultation Responses

Drigg & Carleton Parish Council

Drigg & Carleton Parish Council support this application.

Cumberland Council – Highway Authority & Lead Local Flood Authority

Cumberland Council as the Local Highway Authority (LHA) and Lead Local Flood Authority (LLFA) has reviewed the above planning reference 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.

Environment Agency



Cumberland Council

No objections to the development as proposed, however we do wish to include an informative in relation to uncontaminated surface water from roof and paved areas.

Cumberland Council – Environmental Health

There are no objections to this proposal from Environmental Health.

Given that there are construction ground works required and a residential dwelling is in relatively close proximity, it may be helpful to limit working hours to avoid any possible undue noise disturbance during the construction phase. This location would ordinarily have a quiet acoustic environment. A condition to limit construction hours is therefore required.

Public Representation

This application has been advertised by way of a site notice, and neighbour notification letters issued to six properties. No comments have been received in relation to the statutory notification procedure.

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 2021 - 2039 (LP):

Cumberland Council continued the preparation of the LP as commenced by Copeland Borough Council.

The LP was adopted by Cumberland Council on the 5th of November 2024 replacing the Copeland Local Plan 2013-2028 and the saved policies of the Copeland Local Plan 2021-2016.

The following policies are relevant to this application:-

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Policy RE1: Agricultural Buildings

Strategic Policy N1: Conserving and Enhancing Biodiversity and Geodiversity Strategic

Policy N2: Local Nature Recovery Networks

Strategic Policy N3: Biodiversity Net Gain

Strategic Policy N6: Landscape Protection

Strategic Policy CO4: Sustainable Travel

Policy CO5: Transport Hierarchy Strategic

Other Material Planning Considerations

National Planning Policy Framework (2023)

National Planning Practice Guidance (NPPG)

Cumbria Development Design Guide

Cumbria Landscape Character Guidance and Toolkit (CLCGT)

Assessment

This application raises issues of the principle of the development; siting, scale and design, landscape and visual amenity; access and highway safety; flood risk and drainage; and biodiversity and impact on ecology.

Principle of Development

Under Strategic Policy DS1 of the Copeland Local Plan the application site is located outside of any designated settlement boundary for the Borough and is therefore located within the open countryside.

Strategic Policy DS2 of the Copeland Local Plan states that development within the designated settlement boundaries will be supported in principle where it accords with the Development Plan unless material considerations indicate otherwise. However, the policy also states that to ensure the delivery of allocated sites is not prejudiced, development outside the settlement boundaries will only be accepted in the following cases: the proposal is for one of the following types of development and a proven need for an open countryside location has been demonstrated to the satisfaction of the Council; nuclear related developments, renewable energy proposals, including wind farms, essential infrastructure to support energy developments and other infrastructure, appropriate rural developments such as agricultural, forestry, farm diversification or tourism proposals which are dependent on such a location.

Section 6 of the NPPF states that planning policies and decisions should enable the

development and diversification of agricultural and other land-based rural businesses and should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport.

Policy RE1 of the Copeland Local Plan states that new agricultural buildings requiring planning permission will be supported where: a clear need for the building in relation to the functional operations of the agricultural business is demonstrated; the building is located within or adjacent to the existing farm complex unless justification for an alternative location is demonstrated; the building is of a scale, form and design which is appropriate to the location and will not result in adverse visual impacts or unacceptable harm to the landscape character or heritage assets; the building will not adversely impact upon the amenity of nearby residential properties; and the building implements measures to reduce ammonia emissions arising from farming practices where possible.

The proposal seeks to create a handling system to allow the safe handling of livestock when they are on the shore fields. Whilst the handling system will be located on land detached from the main farmstead, the proposal is required by Natural England to manage the designated land to ensure livestock can remain on the land and satisfy the conservation grazing requirements.

On this basis the works are considered to be an appropriate form of development in the open countryside in accordance with Policies DS1, DS2, and RE1 of the Copeland Local Plan and the provisions of the NPPF.

Siting, Scale and Design

The application site is located to the south west of the village of Drigg. The site is located approximately 145m from the nearest residential property and is also sited to the south west of the Drigg Low Level Waste Disposal Site.

Whilst the handling system is located on land detached from the main farmstead, the development is required in order to create a permanent solution to livestock management and is required by Natural England to manage the designated land to ensure livestock can remain on the land and satisfy the conservation grazing requirements. Currently temporary pens are created to allow management of the livestock which is placed on the ground and therefore results in excessive poaching/damage of the land.

The development will include the installation of a concrete hardstanding which will form the base of the handling system, creating an area of 39.418m x 10.591m. The handling system will be installed on top of this hardstanding and will be formed from a number of fences creating septate areas for the handling of sheep and cows. The development is therefore considered consistent with agricultural developments seen in rural areas. The development is located a significant distances from the nearby residential property and will be screened by the properties existing boundary fencing. Environmental Health have offered no objections to the proposal, however they have requested the inclusion of a condition to limit construction

hours to reduce the noise impact on the nearby residential property.

On the basis of the above, the siting, scale and design of the proposal is considered to be appropriate with regard to the existing site and is unlikely to cause any demonstrable harm in accordance with Policy RE1 of the Copeland Local Plan and the provisions of the NPPF.

Landscape and Visual Impact

Policy N6 of the Copeland Local Plan states that the Borough's landscapes will be protected and enhance by: supporting proposals which enhance the value of Copeland's landscapes; protecting all landscapes from inappropriate change by ensuring that development conserves and enhances the distinctive characteristics of that particular area in a manner commensurate with their statutory status and value; ensuring development proposals demonstrate that their location, scale, design and materials will conserve and where possible enhance the natural beauty, wildlife and cultural heritage of the Lake District National Park and Heritage; and Requiring a Landscape Appraisal, and where appropriate a Landscape and Visual Impact Assessment, to be submitted where development has the potential to impact upon landscape character or a protected landscape. Where harm is identified the development will only be permitted where the benefits of the development outweigh any potential harm and mitigation and compensation measures must be provided. This policy further states that development proposals must be informed by the Council's Landscape Character Assessment, Settlement Landscape Character Assessment the Cumbria Landscape Character Guidance and Toolkit and where appropriate, the Lake District National Park Landscape Character Assessment¹⁰⁸ from the earliest stage.

The Cumbria Landscape Character Guidance and Toolkit (CLCGT) identifies the site as being within Sub Type 2a: Coastal Margin – Dunes and Beaches. The key characteristics of the land comprise: hummocky dunes and flat raised beaches; beaches of mud, sand, shingle and pebbles; semi-natural grassland dominates, isolated farms and linear stone villages; bounded by small roads leading to minor tracks and paths; and strong sense of tranquillity in some parts.

The Guidelines for development include: ensure large scale development does not cause significant harm to natural coastal processes and habitats; protect the periphery of dunes from the intrusion of large scale development within neighbouring landscape types; development should be sited and designed to maintain an open and undeveloped shoreline character; ensure that new facilities are carefully sited and designed to minimise their landscape and visual effects on this undeveloped and natural seascape; provide and replace vehicle restraints to a robust and consistent design sympathetic to the dune character.

Whilst the proposal is detached from the main farmstead, the site is located to the south west of an existing residential dwelling and the Drigg Low Level Waste Disposal Site. The development is considered consistent with agricultural developments seen in rural areas.

Whilst the proposed handling system will have some minor impacts on the overall landscape, the development will be viewed in the context of the adjacent industrial site. Based on this,



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the proposal is not considered to result in intrusion into open countryside or impact on the surrounding area.

The proposal is therefore considered to comply with policy Policy N6 of the Copeland Local Plan, and provision of the NPPF.

Access and Highway Safety

Strategic Policy CO4 requires that proposals must include safe and direct connections to routes that promote active travel, such as cycling and walking routes where appropriate. Support in principle is outlined for developments which encourage the use of sustainable modes of transport, in particular: proposals that have safe and direct connections to cycling and walking routes where appropriate and those that provide access to regular public transport services; proposals that make provision for electric vehicles; and proposals for the integration of electric vehicle charging infrastructure into new developments. It is required that developments that are likely to generate a large amount of movement secure an appropriate Travel Plan and be supported by a Transport Assessment.

The proposed site will be accessed by the existing field access. The Highway Authority have reviewed the application and have confirmed that they have no objections to the proposed development as it is not considered to have a material effect of existing highway conditions.

On this basis the proposal is considered to be compliant with the Policy CO4 of the Copeland Local Plan, and provisions of the NPPF.

Flood Risk and Drainage

Policy DS6 seeks that development will not be permitted where: there is an unacceptable risk of flooding and or, the development would increase the risk of flooding elsewhere.

Policy DS7 requires that surface water is managed in accordance with the national drainage hierarchy and includes Sustainable Drainage Systems where appropriate.

The application site is located within Flood Zone 1.

An underground tank is proposed as part of the handling system which will be used to catch any dirty water from the handling system, which will then be emptied and disposed as part of the farm manure disposal. Any manure created whilst the livestock are in the handling system is collected after use and taken off site to the farm manure handling system. Clean rainwater to be diverted from the tank onto the field as per the current situation.

The LLFA have reviewed the application and have confirmed no objections to the proposal as it is considered the development will not increase the flood risk on the site or elsewhere. The Environment Agency have also offered no objections to the proposal but have requested the inclusion of an informative relating to uncontaminated surface water from roof and paved areas.

On the basis that the development is considered to benefit from a satisfactory drainage scheme therefore the proposal is considered to achieve the requirement of Policies DS6 and

DS7 of the Copeland Local Plan, and the NPPF.

Biodiversity and Impact on Ecology

Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.

Policy N3 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, following the application of the mitigation hierarchy set out in Policy N1. This is in addition to any compensatory habitat provided under Policy N1. It is stated net gain should be delivered on site where possible and where on-site provision is not appropriate, provision must be made elsewhere in accordance with a defined order of preference.

In England, BNG is now mandatory under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021). Applications must now deliver a Biodiversity Net Gain of 10%, resulting in more or better-quality natural habitat than there was before the development.

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:

- (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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

The application is supported by a Biodiversity Net Gain Statement. A condition will therefore be included upon this decision notice to ensure the development is carried out in accordance with these approved details.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the Local Planning Authority. An appropriately worded planning condition will therefore be included to secure this information. Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

The submitted information for this application does not include a management plan. A condition will therefore also be included within any decision notice for this application to secure this detail.

Whilst the application site is identified as a known site for natterjack toads, due to the nature



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of the land as an agricultural grazing site, it is considered that it is unlikely to contain habitats suitable for the protected species. Furthermore, although the site is located outside, but in close proximity, to the Drigg Coast SSSI the scheme is an integral part of protecting the designated land and ensuring the land is conservation grazed benefiting the wider protected area. The proposed scheme is required by Natural England, who will have control over the impacts of the development.

Based on the inclusion of the above conditions, it is considered that the development complies with the requirements of paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and Policies N1 and N3 of the Copeland Local Plan and the provisions of the NPPF.

Planning Balance and Conclusion

The application seeks to create a handling system to allow the safe handling of livestock when they are on the shore fields. Whilst the handling system will be located on land detached from the main farmstead, the proposal is required by Natural England to manage the designated land to ensure livestock can remain on the land and satisfy the conservation grazing requirements.

The development is considered to be consistent with agricultural developments seen in rural areas and is located a significant distances from the nearby residential property and will be screened by the properties existing boundary fencing. Conditions will be utilised to limit construction hours and therefore noise impacts.

Whilst the proposed handling system will have some minor impacts on the overall landscape, the development will be viewed in the context of the adjacent industrial site.

No objections have been received from statutory consultees in terms of highway safety and drainage. The information submitted as part of the application in relation to BNG will be secured by condition, with additional information also required through the use of conditions. The proposal is therefore considered to be an acceptable form of sustainable development which is compliant with policies of the Copeland Local Plan and the provisions of the NPPF.

8.	Recommendation: Approve (commence within 3 years)
9.	Conditions: <u>Standard Conditions</u> 1. The development hereby permitted must be commenced before the expiration of three years from the date of this permission.

Reason

To comply with Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. Permission must relate to the following plans and documents as received on the respective dates and development must be carried out in accordance with them:
- Application Form, received by the Local Planning Authority on the 24th September 2024.
 - Location Plan, Scale 1:2500, Ref: PB1, received by the Local Planning Authority on the 24th September 2024.
 - Block Plan, Scale 1:2500, Ref: PB2, received by the Local Planning Authority on the 24th September 2024.
 - Plan View of Layout Showing Equipment Dimensions, Drawing No: SW-000639.2, Revision: -, received by the Local Planning Authority on the 24th September 2024.
 - Plan View of Layout Showing Post Ctr Dims, Drawing No: SW-000639.3, received by the Local Planning Authority on the 24th September 2024.
 - Elevation Views, Scale 1:75, Drawing No: SW-000639.4, Revision: -, received by the Local Planning Authority on the 24th September 2024.
 - Isometric View of Layout, Drawing No: SW-000639.1, received by the Local Planning Authority on the 24th September 2024.
 - Plan View of Layout Showing Sheep Area, Drawing No: SW-000639.5, Revision: -, received by the Local Planning Authority on the 24th September 2024.
 - Biodiversity Net Gain Statement, Prepared by Planning Branch Ltd August 2024, received by the Local Planning Authority on the 24th September 2024.
 - Design and Access Statement, Prepared by Planning Branch Ltd August 2024, received by the Local Planning Authority on the 24th September 2024.

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.

BNG Conditions:

3. The development hereby approved must be carried out in accordance with and

implement all the mitigation measures set out in the following approved documents:

- Biodiversity Net Gain Statement, Prepared by Planning Branch Ltd August 2024, received by the Local Planning Authority on the 24th September 2024.

The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

4. Prior to the commencement of the works hereby approved a Biodiversity Net Gain Plan must be submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with the approved document at all times thereafter.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

5. Prior to the commencement of development/the development must not commence until a Habitat Management and Monitoring Plan has been submitted to and approved in writing by the local planning authority.

The Habitat Management and Monitoring Plan must include the following:

- i. A detailed scheme of habitat creation and habitat enhancement works that demonstrate the delivery of a minimum 10% net gain in biodiversity value post development over a minimum period of 30 years.

Planned management activities including details of site-wide aims and objectives.

- ii. Details of the persons and organisation(s) responsible for delivery of the habitat creation and habitat enhancement works.
- iii. The habitat condition targets that form the basis of what the Habitat Management and Monitoring Plan is setting out to achieve.

iv. Details of monitoring methods and a monitoring reporting schedule.

v. Details of adaptive management approaches.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

6. The development hereby approved must not be operational until the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 5 have been completed in accordance with the approved details.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

7. Within 3 months of the completion of the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 5, a completion report, evidencing the completed habitat creation and habitat enhancements must be submitted to and approved in writing by the local planning authority.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

8. The habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 5 must be managed and maintained in accordance with the provisions of approved Habitat Management and Monitoring Plan secured by planning condition 5 for a minimum period of 30 years post completion of the habitat creation and habitat enhancement works.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

9. Monitoring reports demonstrating how the habitat creation and habitat enhancement works detailed in Habitat Management and Monitoring Plan secured by planning condition 5 is delivering on its site-wide aims and objectives and habitat condition targets

Monitoring reports must be submitted to the Council during years 2, 5, 7, 10, 20 and 25 posts completion of the habitat creation and habitat enhancement works detailed in the Habitat Management and Monitoring Plan secured by planning condition 5 unless otherwise stated in the Habitat Management and Monitoring Plan secured by planning condition 5.

Reason

In the interests of ensuring measurable net gains to biodiversity and in accordance with the provision of the National Planning Policy Framework and The Environment Act 2021.

Other Conditions:

10. Following approval of the development, construction activities that are audible at the site boundary must be carried out only between the following hours:

- Monday to Friday 08.00 – 18.00 and
- Saturday 08.00 – 13.00

There should be no construction activities on the site at any time on Sunday or Bank Holidays.

Deliveries to and removal of plant, equipment, machinery and waste from the site must only take place within the permitted hours detailed above unless otherwise agreed with the Local Planning Authority.

Reason

In the interests of the amenities of neighbouring occupiers during the construction of

the development.

Informatives:

1. 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:

- (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 require the approval of a biodiversity gain plan before development is begun because none of the statutory exemptions or transitional arrangements are considered to apply.

Before commencing development, a Biodiversity Gain Plan needs to be submitted and approved by the local planning authority.

Commencing development which is subject to the biodiversity gain condition without an approved Biodiversity Gain Plan could result in enforcement action for breach of planning control.

2. Only clean and uncontaminated surface water from roofs and paved areas should be discharged to any surface water soakaway.

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: C. Burns

Date : 19.11.2024

Authorising Officer: N.J. Hayhurst

Date : 19.11.2024



**Cumberland
Council**

Dedicated responses to:- N/A