

CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	Reference No:	4/24/2374/0F1
2.	Proposed Development:	INSTALLATION OF THREE TOTEM POLES TO BE INSTALLED ON THE RIVER TRAIL
3.	Location:	VARIOUS LOCATIONS TO THE EAST OF THE RIVER EHEN, EGREMONT
4.	Parish:	Egremont, Lowside Quarter
5.	Constraints:	<p>ASC;Adverts - ASC;Adverts,</p> <p>Flood Area - Flood Zone 2, Flood Area - Flood Zone 3,</p> <p>Coal - Off Coalfield - Data Subject To Change,</p> <p>DEPZ Zone - DEPZ Zone,</p> <p>Outer Consultation Zone - Sellafield 10KM,</p> <p>PROWs - Public Right of Way</p>
6.	Publicity Representations &Policy	<p>Neighbour Notification Letter: NO</p> <p>Site Notice: YES</p> <p>Press Notice: NO</p> <p>Consultation Responses: See report</p> <p>Relevant Planning Policies: See report</p>
7.	Report: Site and Location <p>This application relates to three points along the River Ehen at Egremont. The locations are:</p> <p>1. Adjacent to the Rugby and Football Club, Bleach Green, Egremont;</p>	

2. Adjacent to Wodow Road, Thornhill;
3. Adjacent to Catgill Wood, Egremont.

Relevant Planning Application History

There are no previous applications in these locations.

Proposal

Planning permission is sought for the installation of three decorative totem poles to be installed on the River Trail of the River Ehen south of Egremont.

The totem poles are to be 157.5 cm tall and comprise of six timber sections separated by thrust needle roller bearings allowing each section to spin independently on a central spindle.

Each totem will be fixed to the ground on a 40cm concrete slab.

The proposal is subject to funding from the Copeland Community Fund and is part of a series of riverside walks that are designed to combine health benefits with increased access to and understanding of the river environment.

The totem poles are part of an art project in conjunction with Florence Arts encouraging the exploration of the River Ehen.

Consultation Responses

Lowside Quarter Parish Council

No response received.

Egremont Town Council

No response received.

Environment Agency

1st Response

We have reviewed the application details in so far as it relates to our remit, and we are not satisfied with the failure to acknowledge flood risk.

Section 12 of the application form 'Assessment of Flood Risk' has marked 'no' in relation reference to Flood Map for Planning and Flood Zones 2 and 3. The Project Outline document (prepared by West Cumbria Rivers Trust) includes no reference or acknowledgment to flooding and policy requirements have not been addressed.

It has not therefore been demonstrated that the development would be safe without exacerbating flood risk elsewhere.

Environment Agency position

In the absence of a flood risk assessment (FRA), we have no option but to object to this application and recommend that planning permission is refused.

2nd Response

We withdraw our objection to the proposed development and we wish to make the following comments:-

We have reviewed the revised FRA in so far as it relates to our remit, and we are satisfied that the points raised in our previous response have now been addressed and as such, the development would be safe without exacerbating flood risk elsewhere.

We are therefore removing our flood risk objection to the development as proposed. As a result of the FRA, the applicant will be aware of the potential flood risk and frequency. The applicant should be satisfied that the impact of any flooding will not adversely affect their proposals.

Natural England

No objections.

Countryside Access Officer

No response received.

Highways and Local Lead Flood Authority

1st Response

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.

Informative

The Environment Agency (EA) surface water maps indicate that the site is in flood zone 2 but is also very close to an area shown as Flood Zone 3. The planner may wish to consider if they need to contact the Environment Agency regarding a flood risk assessment.

Due to the close proximity of the River Ehen the applicant should also check with the EA if

any permit is also required with it being EA main river.

Check if your activity is regulated.

You may need to apply for permission to do any of the following regulated flood risk activities:

- any activity within 8 metres of the bank of a main river, or 16 metres if it is a tidal main river

Although the land is private land you will need the landowners permission to access the land to install the totem poles as the access details of how to get to the totem pole locations were not shown on the plan / application for provided.

2nd Response

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.

Public Representation

The application has been advertised by way of 3x site notices.

No responses were received as part of these advertisements.

Planning Policies

Planning law requires 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)



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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 policies relevant to this proposal are:

Strategic Policy DS1: Settlement Hierarchy

Strategic Policy DS2: Settlement Boundaries

Policy DS4: Design and Development Standards

Strategic Policy DS6: Reducing Flood Risk

Policy DS7: Sustainable Drainage

Strategic Policy SC1: Health and Wellbeing

Policy SC2: Sporting, Leisure and cultural Facilities (excluding playing pitches)

Policy SC5: Community and Cultural Facilities

Strategic Policy N3: Biodiversity Net Gain

Other Material Planning Considerations

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

National Design Guide (NDG).

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

Cumbria Development Design Guide (CDDG).

Assessment

Principle of Development

The areas for the totem pole sitings are identified in Strategic Policy DS1 as being outside of any settlement boundaries and are therefore defined as Open Countryside. Policy DS2 defines the exceptions for development outside settlement boundaries with a proven need for an open countryside location such as a rural development such as agricultural, forestry, farm diversification or tourism that depend on such a location.

Policy SC1 promotes health and well-being by supporting a range of development types including new sports, cultural and community facilities,

Policy SC2 seeks to protect and enhance existing sports and leisure facilities.

Policy SC5 seeks to protect existing community and cultural facilities.

Policy DS6 of the LP seeks to achieve a high standard of design and supports health and wellbeing.

The Application Sites are located outside any defined settlement boundaries.

This application for an art installation to provide a community facility in an appropriate location. The proposed totem poles will enhance the existing river walk and draw both local users and tourism.

The principle of development is considered to be acceptable as it will provide health and cultural benefits to its users.

Scale and Design

Policy DS6 outlines the requirement for new development to meet high-quality standards of design, including measures such as: creation and enhancement of locally distinctive places sympathetic to surrounding context; use good quality building materials that reflects local character and vernacular, sourced locally where possible; support good health and well-being by incorporating high quality, inclusive and useful open spaces and providing high levels of residential amenity; create layouts that encourage walking and cycling; provision of safe and accessible pedestrian routes; create opportunities that encourage social interaction; be of flexible and adaptable design; maximise solar gain; and, address land contamination and land stability.

The development is modest with three small poles being positioned within an existing walking route. In accordance with Policy DS6 the development supports health and wellbeing.

On balance and given the existing characteristics, appearance and constraints of the Application Site, it is considered that in design terms, the development is acceptable in its context.

Flood Risk and Drainage

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

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.

The Application Site is situated within Flood Zone 3, therefore being at significant risk of flooding.

As a result, the Environment Agency initially objected to the proposal as a Flood Risk Assessment had not been submitted. On receipt of this information, which detailed that there will not be a material change to the existing situation, the objection was lifted and no further comments were offered.

The LLFA have confirmed no objections to the flood risk assessment and consider that there



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	<p>is unlikely to be a material effect on site or elsewhere due to the development.</p> <p>Overall, the development will not increase flood risk in accordance with Policies DS6 and DS7 of the Copeland Local Plan.</p> <p><u>Biodiversity Net Gain and Ecology</u></p> <p>Policy N1 of the ELP seeks to ensure that new development will protect and enhance biodiversity and geodiversity and defines a mitigation hierarchy.</p> <p>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.</p> <p>Biodiversity Net Gain became mandatory for small sites in the UK on 01st April 2024.</p> <p>This development will impact less than 25 square metres and is therefore considered to be exempt from BNG requirements.</p> <p>The Planning Balance</p> <p>The Application Site is located outside of any settlement boundary within designated open countryside. This development requires a rural location and will enhance users enjoyment of the existing walking route which is considered to comply with the exceptions outlined in Policy DS2. This is given great weight.</p> <p>This project will promote health and well being and will encourage a cultural use to the area. This is given great weight.</p> <p>Given the existing characteristics, appearance and constraints of the Application Site, it is considered that in design terms, the development is acceptable in its context. It has been designed to be modest and limit the impact on public viewpoints. This is given moderate weight.</p> <p>In accordance with Policies DS6 and DS7, there is unlikely to be any adverse impact on the existing situation in relation to flood risk. This is given moderate weight.</p> <p>In overall terms, the development is considered to represent a sustainable form of development which is in conformity with the requirements of the development plan.</p>
8.	<p>Recommendation:</p> <p>Approve (commence within 3 years)</p>

9.	<p>Conditions:</p> <ol style="list-style-type: none"> <p>The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</p> <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> <p>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> <p>Application form, received 30th October 2024;</p> <p>Site Location Plan, received 30th October 2024;</p> <p>Project Outline, received 30th October 2024;</p> <p>Totem Locations, received 30th October 2024;</p> <p>Totem Design Specifications, received 30th October 2024;</p> <p>Flood Risk Assessment, received 4th December 2024.</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>Informative</p> <p>The Environmental Permitting (England and Wales) Regulations 2016 require a permit to be obtained for any activities which will take place:</p> <ul style="list-style-type: none"> • on or within 8 metres of a main river (16 metres if tidal) • on or within 8 metres of a flood defence structure or culverted main river (16 metres if tidal) • on or within 16 metres of a sea defence • involving quarrying or excavation within 16 metres of any main river, flood defence (including a remote defence) or culvert • in the floodplain of a main river if the activity could affect flood flow or storage and potential impacts are not controlled by a planning permission
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For further guidance please visit <https://www.gov.uk/guidance/flood-risk-activitiesenvironmental-permits> or contact our National Customer Contact Centre on 03708 506 506. The applicant should not assume that a permit will automatically be forthcoming once planning permission has been granted, and we advise them to consult with us at the earliest opportunity.

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: Sarah Papaleo

Date : 18/12/2024

Authorising Officer: N.J. Hayhurst

Date : 23/12/2024

Dedicated responses to:- N/A