

## CUMBERLAND COUNCIL DELEGATED PLANNING DECISION

1.	<b>Reference No:</b>	4/24/2407/0F1
2.	<b>Proposed Development:</b>	TWO STOREY MODULAR BUILDING
3.	<b>Location:</b>	SELLAFIELD, SEASCALE
4.	<b>Parish:</b>	Ponsonby, Beckermest with Thornhill
5.	<b>Constraints:</b>	<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>Outer Consultation Zone - Sellafield 10KM</p>
6.	<b>Publicity Representations &amp;Policy</b>	See Report
7.	<p><b>Report:</b></p> <p><b>Site and Location</b></p> <p>The site for this development is located to the north west of Calder Hall, an area within the main Sellafield nuclear site.</p> <p><b>Relevant Planning History</b></p> <p>A previous application for the same building but in a different location, to the east of Calder Hall, was approved in May last year, 4/24/2107/0F1 refers. It transpires that the site was too physically constrained for the development to take place.</p>	

## **Proposal**

It is now proposed to erect the same building as previously approved, a two storey modular building, on a new more suitable level site some covering an area of approximately 2000m<sup>2</sup>. 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 Condition 11 Emergency Arrangements. The building will also provide office and welfare space for use during normal working hours.

The modular building will consist of 28 modules in total and be rectangular in form. It will have a total external floorspace of 826m<sup>2</sup> across 2 levels. There will be a one degree pitch warm roof system with a galvanised freestanding weighted 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.

A rainwater harvesting system will also be installed.

## **Consultation Responses**

### Ponsonby and Calderbridge

No objections.

### Beckermeth with Thornhill

No comments/ 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.

### Joint Emergency Management and Resilience Team

There are no comments in relation to the proposed works.

### ONR

Does not advise against this development.

### Environment Agency

Have no objections to the proposed development and make the following comments: -

The proposal is sited on the footprint of an existing concrete plinth from the previous building. The re-use of the existing ground structure provides a sustainable construction methodology

which we support.

There are no foreseeable contaminated land issues with this development apart from development of trenches for infrastructure. Testing of excavated materials for appropriate disposal will be required for these minor works.

They also request that an informative be provided on any decision notice covering waste on site.

### **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 (CLP)**

Cumberland Council continued the preparation of the CLP as commenced by Copeland Borough Council. The new CLP 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 of the new CLP are considered relevant to this proposal:

Policy DS1 Settlement Hierarchy

Policy DS2 Settlement Boundaries

Policy DS4 Design and Development Standards

Policy DS6 Reducing Flood Risk

Policy DS7 Sustainable Drainage

Policy DS8 Soils, Contamination and Land Stability

Policy DS9 Protecting Air Quality

Policy NU4 Nuclear and associated development at Sellafield

Strategic Policy N1 Conserving and enhancing biodiversity and geodiversity

Strategic Policy N3 BNG

### **Other Material Planning Considerations**

National Planning Policy Framework (NPPF).

Planning Practice Guidance (PPG).

National Design Guide (NDG).

### **Assessment**

#### Principle of Development / Policy

The proposed building will be erected on an existing brownfield site within the main Sellafield site complex. This is an industrial site comprising a mix of some 200 buildings. The principle of erecting such a building is considered acceptable and aligns with Policies DS1, DS2 and NU4 of the CLP which support associated nuclear development within the Sellafield site.

#### Design and Layout

Policy DS4 of the Copeland Local Plan requires all new development to meet high-quality standards of design. This includes creating and enhancing locally distinctive places, the use of good quality materials that reflect the local character, including high quality and useful open spaces, providing high levels of residential amenity, adopting active travel principles, creating opportunities for social interaction, and effective use of land whilst maintaining amenity and maximising solar gain

Given the modular design of the building, its low profile at 2 storeys in height and its industrial location within the Sellafield 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.

#### 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 site is situated in Flood Zone 1 and at low risk of flooding from rivers and the sea. The risk of groundwater flooding is also identified as low.

The building will be located on the site of a former warehouse building, that was constructed



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circa 1989, and that would have originally contributed to rainfall discharges into the existing 'below ground' surface water network. There are no combined water systems and hence it is considered that the footprint of the SEAP building, being smaller than that of the original warehouse building footprint, will contribute no greater rainfall discharge than the original warehouse.

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 offset increases in climate change from the 1989 design load against the reduction in building footprint and subsequently not increase the load on the existing surface water drainage infrastructure, nor will it generate additional overland flow from within the red line boundary. Hence, 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.

### Air Quality Assessment

As the proposal will not result in an increase car usage on the Sellafield site and all transport movements will be in line with the Sellafield Ltd Travel Plan an air quality assessment will not be required.

Aerial discharges from the SEAP building will be limited to general building ventilation. Space for backup emergency generation will be provided should the loss of power occur. This would result in low levels of emissions of combustion products for the recovery period.

During construction, emissions from construction plant may be expected, these will be at a low level and in line with normal activities on the Sellafield site. However, given that the build is modular, and units are assembled in the factory, construction timescales will be reduced.

Excavation and vehicle movements during dry weather may give rise to potential dust emissions which will be managed through normal construction management measures such as the application of damping sprays.

Given the nature of the development, including its location, an air quality assessment is not considered to be required.

### Access, Transport, Construction and Waste

Limited parking provision will be provided in the form of 3 car spaces and 1 accessible space. Access will be via the internal road network. There will also be a dedicated loading bay at the front of the building. Separated footpaths will be provided around the perimeter of the building.

A Construction Statement, Transport and Waste Plan accompanies the application

Construction is expected to take a maximum of 4 weeks. As regards numbers of personnel during construction – these will be from existing staff on site and not expected to be more than 15 with 7 support staff, correspondingly the number of vehicles on the highway is not

expected to change. Similarly once the building becomes operational personnel will be relocated from elsewhere on site.

Material arising from excavation will be characterised to determine its classification and where it is to be sent. The waste hierarchy will be applied, and it is estimated that there will be some 23 wagon loads of material to be removed off site which is not considered significant.

#### Material Deliveries

It is estimated that a total of 28 lorry journeys will be required to transport the 28 modular units to the Sellafield site via the A595 (from the north). These transportations will be planned to ensure that they do not occur at peak traffic times to ensure minimal impact on the local roads. In addition, it is estimated that a total of 11 vehicle movements (22 round trips in total) will be required to provide the raw materials for the concrete required.

Based on the limited number of movements and construction period any cumulative impact is assessed as being negligible.

#### 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 Sellafield site perimeter.

#### Ecology

A Phase 1 Habitat Survey and BNG Assessment accompanies this application. This informs that the proposed works will not impact on any designated sites. It has been identified that whilst there is potential for nesting birds, especially ground nesting there are appropriate mitigation measures that can be undertaken to limit any impact. These include operative briefings, protocol if a nest is found and assessing scope for re-inspection prior to commencement of works.

#### BNG

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



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	<p>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>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. Some developments are however except from these BNG requirements.</p> <p>It is accepted that the site falls under the small sites metric as floorspace is less than 1,000sqm and the site is under 1ha.</p> <p>The assessment informs that the pre-development (baseline) score for the development site has been determined, (using the Small Sites Metric), to be zero.</p> <p>The development does not impact a priority habitat.</p> <p>Less than 25 square metres (5m by 5m) of on-site habitat is affected: zero habitat is affected.</p> <p>Less than 5 metres of on-site linear habitats such as hedgerows is affected: zero linear habitat is affected.</p> <p>As such the proposed development is considered exempt from the requirements of the biodiversity gain condition set out in Schedule 7A Town &amp; Country Planning Act 1990 by virtue of Regulation 4 of The Biodiversity Gain Requirements (Exemptions) Regulations 2024, (de minimis exemption), a view with which we concur.</p> <p><b>Conclusion and Planning Balance</b></p> <p>This re- application for a replacement Site Emergency Assembly Point (SEAP) building on a new site, 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 and transport. And that the potential ecological constraints identified can be acceptably 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 newly adopted Copeland Local Plan as well as national policies and guidance.</p>
8.	<p><b>Recommendation:</b></p> <p>APPROVE – commence within 3 years</p>
9.	<p><b>Conditions:</b></p> <ol style="list-style-type: none"><li>1. The development hereby permitted shall be commenced before the expiration of three years from the date of this permission.</li></ol> <p>Reason</p>

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 shall relate to the following plans and documents as received on the respective dates and development shall be carried out in accordance with them:

**Documents**

- Combined Planning and Design and Access Statement, by Sellafeld Ltd, V2, dated 9/12/2024.
- Construction Waste and Transport Plan, by Sellafeld Ltd, September 2024.
- Covering Letter, by Sellafeld Ltd, 26 November 2024.
- Phase 1 Habitat Survey and Biodiversity Net Gain Assessment, by Sellafeld Ltd.
- Small Sites Metric (The Statutory Biodiversity Metric)
- Contaminated Land Risk Assessment

**Plans**

- BE 3108840 Site Location Plan – Public
- BE 3108841 Site Location Plan – OFFICIAL
- BE 3138662 Site Plan
- BE 3138663 Ground floor plan
- BE 3138664 First floor plan
- BE 3138665 Roof Plan
- BE 3138666 Elevations
- BE 3138667 Sections
- BE 3138668 Topographical Survey

**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.

**Informative – Environment Agency**

**Land Contamination and Waste**

Aspects of contaminated land investigation and risk assessment are likely to be endorsed for any future change of use or demolition that exposes soils underlying the concrete plinth forming the foundation of this application.



#### Waste on-site

The CL:AIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works is waste or has End 2 ceased to be waste.

Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be reused on-site providing they are treated to a standard such that they are fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on-site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

We recommend that developers should refer to:

- the position statement on the Definition of Waste: Development Industry Code of Practice
- The waste management page on GOV.UK

#### Waste to be taken off-site

Contaminated soil that is (or must be) disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes:

- Duty of Care Regulations 1991 • Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2016
- The Waste (England and Wales) Regulations 2011

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste

- Sampling of Waste Materials
- Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear.

If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

If you receive (or reject) any hazardous waste, you must send a report to the Environment Agency. These are known as 'returns'. If you dispose of hazardous waste at the premises where it's produced you may also need to send returns. You should follow the guidance

	<p>provided here: Hazardous waste: consignee returns guidance GOV.UK</p> <p><b>Statement</b></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>	
<b>Case Officer: H.S. Morrison</b>		<b>Date : 14/02/2025</b>
<b>Authorising Officer: N.J. Hayhurst</b>		<b>Date : 14/02/2025</b>
<b>Dedicated responses to:- N/A</b>		